

Agenda

GRAND COUNTY Planning Commission

Tuesday, February 12, 2019
5:00 P.M. Regular Meeting
Grand County Courthouse
Council Chambers
125 E. Center St., Moab, Utah

Type of Meeting: Regular Meeting
Facilitator: Gerrish Willis, Chair
Attendees: Planning Commissioners, interested citizens, and staff

5:00 PM	Citizens to be heard	<i>Chair</i>
Discussion Item	Review the recently adopted temporary land use regulation prohibiting new overnight accommodations developments in unincorporated Grand County for a period of six (6) months.	<i>Staff</i>
Action Item	Approval of January 22, 2019 Meeting Minutes	<i>Chair</i>
	Future Considerations	<i>Chair</i>
	County Council Update – Terry Morse	<i>Council Liaison</i>
	ADJOURN	

DEFINITIONS:

Public hearing = a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the

Public meeting= a meeting required to be open to the public pursuant to the requirements of Title 52, Chapter 4, Open and Public Meetings; the public may or may not be invited to participate.

Legislative act = action taken by the County Council or Planning Commission; amending ordinances, adopting general plan, Annexations, zoning and rezoning; a reasonable debatable action that could promote the general welfare of the community.

Administrative act = action taken by the Planning Commission, County Council or staff interpreting ordinances and regulations, conditional uses, approving subdivision, site plans, issuing building permits; an administrative decision must satisfy the requirements prescribed under state law or the County Land Use Code, whichever is stricter.

**AGENDA SUMMARY
GRAND COUNTY COUNCIL MEETING
February 12, 2019**

TITLE:	Discussing approved temporary land use regulation prohibiting new overnight accommodations developments in unincorporated Grand County for a period of six (6) months (as passed by CC of February 5, 2019).
FISCAL IMPACT:	Unknown
PRESENTER(S):	Community & Economic Development Staff

Prepared By:
Community &
Economic
Development Staff

FOR OFFICE USE ONLY:
Attorney Review:

N/A

STATED MOTION :

On February 5, 2019 County Council passed an ordinance enacting a temporary land use regulation prohibiting new land use permits for any land use associated with overnight accommodations, including hotels/motels, campgrounds, bed and breakfasts, condominiums and townhomes used for overnight accommodations, or any other land use associated with overnight accommodations. This temporary land use regulation does not apply to existing structures or vested development projects.

PLANNING COMMISSION RECOMMENDATION:

N/A – Discussion only

STAFF RECOMMENDATION:

Staff intends to review the adopted temporary land use regulation with planning commissioners as well as the questions and considerations provided by the Council. Staff intends for this to be a preliminary discussion regarding the process planning commission will follow in order to eventually provide recommendations to the County Council on changes to the land use code, if deemed necessary.

BACKGROUND:

Utah Code 17-27a-504.1(a) states:

“A county legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the county if:

- (i) the legislative body makes a finding of compelling, countervailing public interest; “

This ordinance is being proposed for the reasons stated in the preamble of the attached ordinance (i.e. all of the ‘whereas’ statements).

Through this temporary land use regulation, the County Council will direct the planning commission and staff to initiate a review of the Land Use Code

concerning overnight accommodations in all zone districts. The results of this review will likely include proposed amendments requiring public hearings at both the planning commission and the county council.

This ordinance shall afford county staff, the planning commission, and the council sufficient time to evaluate the provisions of the Land Use Code while responding to an obvious countervailing public interest as demonstrated by the attached correspondence.

Temporary land use regulations are limited to 6 months in duration. This ordinance will overnight accommodations permits in all County zone districts.

From the County Council:

DIRECTIVE AND GUIDE FOR COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT AND THE PLANNING AND ZONING COMMISSION

This document will serve to direct and guide the Community and Economic Development Department and the Planning and Zoning Commission in deliberations on the planning and regulation of future development in Grand County by locating and proposing appropriate zoning and/or rezoning of new development of the following Land Uses:

- All overnight rental accommodations, including but not limited to hotels, motels, condominiums, bed and breakfasts, apartments and bunk houses
- General retail and wholesale businesses
- Restaurants
- Light industry
- Automobile related businesses including ATV's and OHV's
- Other businesses which are appropriate for the economic benefit of the community

This should include considerations of:

- Where the respective uses should be located in the county
- A map of the placement of the uses that can be used to create the necessary zoning to ensure the intent of this moratorium is adhered to
- Attention given to a balance of services in locations that will serve the beneficial needs of the community
- Economic diversification
- Current essential needs

It is anticipated this study will result in legislative action being taken by the County Council on the recommendations of both the Community and Economic Development Department and the Planning and Zoning Commission once they have completed their evaluations and have put forth their conclusions.

ATTACHMENT(S):

1. Draft Temporary Land Use Regulation
2. Utah State Code 17-27a-504

GRAND COUNTY, UTAH ORDINANCE _____ (2019)

APPROVING A TEMPORARY LAND USE REGULATION PROHIBITING NEW LAND USE APPLICATIONS OR PERMITS FOR OVERNIGHT ACCOMMODATIONS, INCLUDING HOTELS/MOTELS, CAMPGROUNDS, BED AND BREAKFASTS, CONDOMINIUMS AND TOWNHOMES USED FOR OVERNIGHT ACCOMMODATIONS, OR ANY OTHER USES ASSOCIATED WITH OVERNIGHT ACCOMMODATIONS FOR A PERIOD OF SIX (6) MONTHS

WHEREAS, the *Grand County Land Use Code* currently permits overnight accommodations in multiple zone districts and the Overnight Accommodations Overlay (OAO), as further described in Section 3.1 (below):

Principal Uses by Zoning District														
Use Category	Specific Use	RESIDENTIAL					NONRESIDENTIAL						Use-Specific Standards	
		SLR	LLR	RR	MFR	RG	NC	GB	RC	RS	HC	LI		HI
Key: P = Permitted by right C = Conditional Use Permit Required ___ Not Permitted (Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively)														
Overnight Accommodations	Bed and breakfast					P		P	P	P	P			3.2.3D
	Dude ranch or destination resort					C								3.2.3F
	Hotel or motel						P	P	P	P	P			
	Recreational vehicle parks and campgrounds								C	C	C			3.2.3L
	Residential units used for overnight accommodation							P	P	P	P			3.2.3M
	All other overnight accommodation uses													4.6.4

WHEREAS, Utah Code 17-27a-504(1)(a) states:

“A county legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the county if:

- (i) The legislative body makes a finding of compelling, countervailing public interest; or
- (ii) The area is unregulated.”

WHEREAS, Grand County has, in recent years, received and approved a significant number of new permit applications for hotels/motels, campground and RV parks, condominiums and townhomes used for overnight accommodations, and bed and breakfasts;

WHEREAS, Grand County recently commissioned BAE Urban Economics to complete a Nexus Analysis in conjunction with its exploration of an Assured Housing Ordinance, and this study verified and quantified the nexus between new lodging related development and increased demand for below market rate housing;

WHEREAS, the median sales price for all housing unit types in Grand County increased \$115,000 (51%) between 2013 and 2018, at least in part, because of demand for residential units used as overnight accommodations whereas average wages only increased \$3,204 per year (11%) over the same time period;

WHEREAS, the United States Geological Survey is finalizing a report that includes findings from a recently completed multiyear groundwater study of the Moab Area Watershed, which found that safe yield for the Area is less than previously estimated (About 11-13,000 acre-feet per year rather than 18-22,000 acre-feet per year), and Grand County anticipates the need for a multi-agency, intergovernmental groundwater management plan;

WHEREAS, lodging related development results in water usage that greatly diminishes available and financially viable water resources for residents;

WHEREAS, Grand County budgets for law enforcement, search and rescue, and emergency medical services, increased forty-six percent (46%) between 2015 and 2019, fifteen (15%) between 2014 and 2018, and one hundred thirty percent (130%) between 2014 and 2018, respectively, as a result, at least in part, of increased tourism impacts;

WHEREAS, the local office of the Department of Workforce Services has reported a significant increase in the number of private sector service jobs remaining unfilled because of the increase in accommodations and tourism without a proportional increase in service workers who can find or afford housing in Grand County. The same office recently informed the County that 328 jobs across all sectors were currently posted and more than 250 had been posted for more than 30 days;

WHEREAS, the County is in the process of adopting and updating multiple planning documents and land use ordinances related to future land use and affordable housing, including a High Density Housing (HDH) Overlay and the housing element of its general plan, and processing permit applications for additional overnight accommodations undermines the purpose of the County's planning process;

WHEREAS, the County is in the process of evaluating current local economic conditions and opportunities for economic diversification, and processing permit applications for additional overnight accommodations undermines the purpose of the County's economic development efforts;

WHEREAS, overnight accommodations developments have the potential of significantly increasing the number of people utilizing the infrastructure and public services in Grand County;

WHEREAS, significant increases in the number of people utilizing Grand County's infrastructure and public service systems creates undue stress on these systems;

WHEREAS, Grand County has received an increase in the number of complaints regarding the impacts of overnight accommodations developments on the County's infrastructure, public services, housing market, economy, general quality of life, and environment;

WHEREAS, it is in the best interest of Grand County and its citizens if the County passes a temporary land use regulation which halts new permits for overnight accommodations;

WHEREAS, the Grand County Planning Commission and County Council need time to review and amend, if needed, overnight accommodations regulations prior to approving any new permits for overnight accommodations in any zone district;

NOW, THEREFORE, THE COUNTY COUNCIL ENACTS THE FOLLOWING:

1. **Temporary Land Use Regulation.** Except as expressly provided in Section 3, no new applications or permits for overnight accommodations, including hotels/motels, campgrounds, bed and breakfasts, condominiums and townhomes used for overnight accommodations, or any other land use associated with overnight accommodations, shall be approved in any zone district upon the Effective Date, as defined in Section 2.
2. **Effective Date and Duration.** This ordinance shall take effect immediately upon passage ("Effective Date") and shall continue for six (6) months, following which it shall automatically expire with no further action of the County Council.

3. **Exceptions.** The County acknowledges that a number of “persons,” including entities, within Grand County have procured land use entitlements (including land use approvals and building permits) for the construction of overnight accommodations, including hotels/motels, campgrounds, bed and breakfasts, condominiums and townhomes used for overnight accommodations (which shall include condominiums and townhomes located in a district in which overnight accommodations is a permitted use by right), or submitted land use applications that have been deemed complete, as of the Effective Date. In an effort to avoid hardship to those who have relied in good faith upon existing County regulations, such persons described above who have procured land use entitlements or who have submitted land use applications deemed complete by the County shall be excluded from the applicability of this ordinance. In every case, such persons shall still be required to obtain land use permits and business licenses for said overnight accommodations before such use commences.
4. **Conflict.** This ordinance shall supersede and take precedence over any conflicting ordinances or policies of Grand County.
5. **Severability.** If any provision of this ordinance shall be found invalid by a court with jurisdiction, the provisions shall be severed and the remainder of the ordinance shall be enforced without the severed provision.

PASSED, ADOPTED, AND APPROVED by the Grand County Council in open session this February 5, 2019 by the following vote:

Those voting aye: _____
Those voting nay: _____
Those absent: _____

ATTEST:

Grand County Council

 Chris Baird, Clerk/Auditor

 Evan Clapper, Chair

[Audits](#)

[Bills](#)

[Budget](#)

[Code](#)

[Committees](#)

[503\)](#)

[XML](#)

[505\) >>](#)

[Index](#) [Utah Code](#)

[Title 17](#) [Counties](#)

[Chapter 27a](#) [County Land Use, Development, and Management Act](#)

[Part 5](#) [Land Use Regulations](#)

[Section 504](#) [Temporary land use regulations.](#)

17-27a-504. Temporary land use regulations.

- (1) (a) A county legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the county if:
 - (i) the legislative body makes a finding of compelling, countervailing public interest; or
 - (ii) the area is unregulated.
- (b) A temporary land use regulation under Subsection (1)(a) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
- (c) A temporary land use regulation under Subsection (1)(a) may not impose an impact fee or other financial requirement on building or development.
- (2) The legislative body shall establish a period of limited effect for the ordinance not to exceed six months.
- (3) (a) A legislative body may, without prior planning commission consideration or recommendation, enact an ordinance establishing a temporary land use regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor.
 - (b) A regulation under Subsection (3)(a):
 - (i) may not exceed six months in duration;
 - (ii) may be renewed, if requested by the Transportation Commission created under Section [72-1-301](#), for up to two additional six-month periods by ordinance enacted before the expiration of the previous regulation; and
 - (iii) notwithstanding Subsections (3)(b)(i) and (ii), is effective only as long as the Environmental Impact Statement or Major Investment Study is in progress.

<< [Previous Section \(17-27a-503\)](#) [Download Options PDF](#) | [RTF](#) [Next Section \(17-27a-505\)](#)
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State Senate

350 North State, Suite 320
PO Box 145115
Salt Lake City, Utah 84114
Telephone: (801) 538-1035
<https://senate.utah.gov>

House of Representatives

350 North State, Suite 350
PO Box 145030
Salt Lake City, Utah 84114
Telephone: (801) 538-1029
<https://house.utah.gov>

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