GRAND COUNTY COUNCIL
SPECIAL MEETING
JOINT MEETING WITH MOAB CITY

Grand County Council Chambers
125 East Center Street, Moab, Utah

AGENDA
Tuesday, May 7, 2019

2:00 p.m.

- Call to Order

- Discussion Items
  A. Discussion regarding Arches National Park congestion and future studies to address a short-term plan (County Council Member Wells and Representatives from Arches National Park, UDOT Region IV, and Moab Transit Authority Study Committee), postponed from April 16, 2019 County Council meeting
  B. Update on the ongoing Land Use Code amendment process to address the City and County moratoriums prohibiting new land use applications or permits for overnight accommodations (Zacharia Levine, County Community and Economic Development Director and Steering Committee Members)

- Future considerations

- Adjourn

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At the Grand County Council meetings/hearings any citizen, property owner, or public official may be heard on any agenda subject. The number of persons heard and the time allowed for each individual may be limited at the sole discretion of the Chair. On matters set for public hearings there is a three-minute time limit per person to allow maximum public participation. Upon being recognized by the Chair, please advance to the microphone, state your full name and address, whom you represent, and the subject matter. No person shall interrupt legislative proceedings.

Requests for inclusion on an agenda and supporting documentation must be received by 5:00 PM on the Wednesday prior to a regular Council Meeting and forty-eight (48) hours prior to any Special Council Meeting. Information relative to these meetings/hearings may be obtained at the Grand County Council’s Office, 125 East Center Street, Moab, Utah; (435) 259-1346.

A Council agenda packet is available at the local Library, 257 East Center St., Moab, Utah, (435) 259-1111 at least 24 hours in advance of the meeting.
AGENDA SUMMARY
GRAND COUNTY COUNCIL MEETING
May 7, 2019

<table>
<thead>
<tr>
<th>TITLE:</th>
<th>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).</th>
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</thead>
<tbody>
<tr>
<td>FISCAL IMPACT:</td>
<td>Unknown</td>
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<tr>
<td>PRESENTER(s):</td>
<td>Zacharia Levine, Community &amp; Economic Development Director; Members of the TLUR Advisory Committee; Mark Vlasic and Jenny Hale, Landmark Design</td>
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<tr>
<td>PREPARED BY:</td>
<td>Zacharia Levine, Community &amp; Economic Development Director</td>
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**STATED MOTION:**

N/A – Discussion only

**STAFF RECOMMENDATION:**

The purpose of holding a joint City-County meeting on May 7, 2019 is to clarify the core policy components Landmark Design will integrate into a draft ordinance, which will ultimately be presented to each jurisdiction’s planning commission and the public in the next phase of moratorium-related planning.

**BACKGROUND:**

Follow this planning effort at [www.moabarealanduse.com](http://www.moabarealanduse.com).

*Note: The following section will serve as a running catalog of formal meeting discussions about the referenced Temporary Land Use Regulation (TLUR). It is provided in reverse chronological order so planning commissioners and members of the public can review the discussion as it evolves.*

May 1, 2019:

Landmark Design, in coordination with Zacharia Levine, hosted a meeting of the advisory committee on May 1, 2019 following the previous night’s public open house/workshop. Most committee members attended the previous night’s meeting as well, so the group discussed primary takeaways regarding core policy and planning area concepts developed to date. The feedback generated from the public on April 30th and the advisory committee on May 1st will inform the discussions taking place on May 7, 2019 between the city and county councils. Following the May 7th meeting, Landmark Design will begin drafting ordinance language for the city and county to review and consider.

April 30, 2019:

Landmark Design, in coordination with the City, County, and sub-consultant LYRB, hosted a public open house/workshop. Materials for this meeting can be found on the project website: [www.moabarealanduse.com](http://www.moabarealanduse.com). Between 80 and 100 individuals attended the meeting to learn about the planning efforts conducted to date, current findings related to public sentiment, initial policy concepts and planning areas, and to provide feedback for Landmark Design, City, and County officials. Landmark Design will use the feedback generated in this open house/workshop to present a narrower scope of potential policy concepts to the City and County councils on May 7, 2019.
Landmark Design presented to the City planning commission and council. Although the County planning commission intended to participate in this presentation, scheduling conflicts prevented it. As a result, Zacharia presented the same PowerPoint slides to the County planning commission in their own meeting.

Landmark design presented their initial conception of different “policy packages” and generalized planning areas (e.g. “downtown,” “south of downtown,” and “north of downtown”). Planning commissioners discussed these initial policy concepts and directed staff to provide their feedback to Landmark Design. That feedback is provided below. Landmark used the feedback from City and County planning commissioners and City council members to update materials for the upcoming April 30, 2019 public meeting/workshop.

County planning commission feedback on Landmark Design’s initial policy package “spectrum”:

- In general, the County planning commission (PC) felt like the initial conception of a spectrum of packages is on the right track and reflects public sentiment.
- PC members (and staff) acknowledge that the boundaries of what constitutes “downtown,” “north of downtown” and “south of downtown” need to be fleshed out further. It may be the case that each of these areas needs further differentiation within them as well. Generally, the areas seem appropriate for differentiating development patterns and associated impacts/issues, but the City and County will need to work on the boundaries and respective policies in the mapping exercises coming up soon.
- The “extreme/strict regulations” actually could achieve the “no new overnight rental (ONR)” position many have advocated for as one end of the “spectrum” if overlay boundaries were drawn around existing developments only. More, some existing developments could be left out and turned into legal non-conforming uses.
  - On a related note, the PC and staff recommend changing the title of this package to exclude “extreme” as it communicates the wrong message. No new growth is also misleading because the growth limitations would be placed on new ONRs only. Growth in other forms/uses would still be allowed, and potentially even incentivized.
- The PC discussed the benefits of having tiers of the proposed ONR overlay that would allow for varying levels of development/redevelopment (like the County’s recently adopted HDHO districts). Some could allow for redevelopment of the same size or smaller, others the addition of co-located services (like new retail or restaurant space), some could allow for additional units, some could stricter form-based standards, etc.)
- Questions were raised as to whether or not packages 2 and 3 were different enough to effectively generate public feedback on their nuanced differences.
- These packages don’t explicitly address the area near Hwy 313 and US 191, Hwy 128, or Kane Creek Blvd. **The areas need to be addressed.** The County PC would like to prevent additional sprawl in lodging development in those areas, or at least significantly improve the regulations governing development in those areas.
- PC members (and staff) would like to see additional nuance in the commercial zoning that does not include ONRs. **We need to zone for the economic diversification and development goals we have.** There is interest in further incentivizing some commercial activities such that some incentives could make their way into the proposed ordinances, and some could/should be developed in separate but related policy conversations.
- The majority of PC members really want to see water related ordinances (water-efficient landscaping, LID/GI, and greywater ready buildings) included in all policy packages. There is a desire to see these ordinances apply to all new development, and not just new ONRs.
- PC members really support the notion of neighborhood scale, mixed use development areas (i.e. “community nodes”), but agree that the associated standards need to be addressed in follow-up
planning efforts. Small area plans are needed for each “community node” because substantial work (and community engagement/public participation) is needed to get them right.

- PC members really want to see the lessons and insights gleaned from case studies (in accessible/bite-size language).
  - In addition to some comparable communities already identified, Zacharia noted Aspen’s integrated transportation and land use regulations and Tahoe’s regional cap on vehicle miles traveled (VMT). Zacharia also noted The Sonoran Institute and Lincoln Policy Institute have great resources/examples on integrated land use and water planning.

**April 15 – 22, 2019:**

Landmark Design spoke with individual City council members to receive direct feedback on individual’s concerns and the planning process. Findings from these conversations would help to inform initial policy development.

**April 16, 2019:**

Zacharia provided an update to the County Council on the moratorium process, initial findings related to the “zoning toolbox,” and upcoming steps (see text below). No substantive conversation followed regarding initial policy development.

Landmark Design, on behalf of the City and County, will host a public workshop on April 30, 2019 from 5-7pm at The Grand Center. The purpose of this workshop is to present the results of some case study analysis, findings from LYRB’s economic analyses (LYRB is a sub-consultant.), and preliminary ordinance concepts. A follow-up public workshop is tentatively planned for May 21, 2019.

Within the next week, Landmark will add to the project website at [www.moabarealanduse.com](http://www.moabarealanduse.com) the summary of public comments provided during the March 26 and 27 scoping meetings, Zacharia’s summary of comments from additional focus group meetings, any additional advisory committee meeting minutes, case study analyses, preliminary policy concepts, and other relevant material.

On April 23, 2019, CED staff will continue its presentation of potential zoning changes to the planning commission. Zacharia will also attend the City Council meeting to ensure coordination between the City and County occurs as desired.

**April 8-12, 2019:**

Zacharia facilitated four focus group meetings with multiple stakeholders representing a mix of local businesses: retail, restaurant, outfitters, professional services, real estate brokers, hotel developers/owners, high school students, and middle school students. Zacharia is in the process of summarizing the comments and perspectives shared during these focus group meetings.

**April 9, 2019:**

As part of its standing agenda item discussion, the planning commission talked about the TLUR and suggested preliminary ideas for regulatory changes. Planning commissioners raised the following questions and requests for research/analysis:

- How can/should the City and County differentiate between higher density and lower density lodging, hotels/motels and condominiums and campgrounds, and other scale dimensions?
• Where are neighborhood-scale commercial and mixed-use development nodes feasible? Where do they belong?
• There is support for the concept of performance-based zoning related to water use, energy efficiency, and indicators of need/benefit/capacity.
• There is support for public policies and budgetary expenditures that emphasize residents, community infrastructure, and quality of life (both related and unrelated to zoning regulations).
• The County should establish different regulations for lodging development in the peripheries of the Moab Valley. In some areas (Thompson, Cisco, etc.), lodging development is warranted. In others (north US-191 between Arches NP and Crescent Junction), lodging development may not be warranted.
• Two county council members in attendance suggested the County should, “start with the most restrictive regulations possible, and then work from there.”
• Planning commissioners acknowledge that many relevant planning efforts need to occur that require more time than is offered by the 180-day moratorium, and may not be zoning related changes, but that these efforts and ideas should be recorded. For example, transportation planning and elements of state and federal policies that influence the local economy.
• Some planning commissioners requested that Landmark Design include in their preliminary set of solutions the following elements: A new or modified version of the Overnight Accommodations Overlay; restriction of new lodging to the “north US 191 corridor; prohibition of new lodging elsewhere in the City and County; enhanced form-based standards that would regulate any new lodging development.

April 2, 2019:

Grand County hosted a joint planning commission-county council meeting on April 2, 2019 for three reasons. The first objective was to ensure members of each body were aware of where the County was at within the 180-day TLUR/moratorium timeline, what had occurred to date, and where the process would go next. The second objective was to ensure the planning commission and county council agreed upon next steps, staff activities, and information requests to Landmark Design and its sub-consultants. The third objective was to provide planning commissioners and council members an opportunity to float initial ideas for regulatory changes that could make their way into draft ordinances.

Highlights from the joint meeting included:

• Future meetings for the public should occur at neutral locations to avoid any resident confusion about which entity hosts the event.
• PC and CC members want to know what the regulatory boundaries are for changes to the LUC.
• PC and CC members have an interest in best practices gleaned from similar communities, in and out of Utah.
• PC and CC members agreed that different regulatory tools could and should be applied to different geographic areas.
• PC and CC members in attendance reached consensus that the “north US 191 corridor” (i.e. the north edge of downtown Moab to Arches NP) should be treated differently than the “south US 191 corridor” (i.e. the south edge of downtown Moab to the Grand-San Juan border). A planning commissioner suggested that new lodging establishments, if allowed, might be appropriate in the north corridor whereas more diverse, non-lodging commercial activities oriented more towards residents were more appropriate in the south corridor. The logic behind this recommendation was that little residential development currently exists in the north corridor and increasing levels of residential development is occurring in the southern reaches of Spanish Valley.
• Those in attendance expressed support for mixed-use development and the underlying principles of form-based codes, although there was concern about where mixed use development would be feasible, the time needed to develop form-based codes, and uncertainty in what they would look like.
- Conservation districts were identified as a way to protect certain areas from undesirable change or to preserve certain characteristics.
- PC and CC members in attendance seemed to reach consensus on the use of an overlay for accommodations developments, which would give the City and County more legislative discretion in approving or denying development applications. A planning commissioner recommended making development approvals contingent upon broader indicators of the need for and capacity to handle new lodging developments, especially for the edification of future legislative bodies.
- Special assessment taxing areas were identified as a possible mechanism for extracting more community benefits or value from lodging developments, although more research would be needed.
- Multiple PC and CC members noted the potential benefit of supporting nodes of neighborhood scale commercial development. More retail, office space, and small business development opportunities are needed.

March 26-27, 2019:

Landmark Design, the City, and the County hosted two open house sessions to generate citizen comments regarding accommodations-based development and land use planning in general within the Moab Valley. Landmark Design and CED Staff are currently in the process of collating and organizing the comments. Once finalized, the public will have an opportunity to comment on their accuracy, comprehensiveness, and any gaps.

March 19, 2019:

Zacharia Levine provided a brief update to the county council on work related to the TLUR/moratorium and invited council members and the public to attend the open houses scheduled for March 26 (5-7pm) and March 27 (11:30am-1:30pm), both at City Hall.

March 13, 2019:

Landmark Design facilitated the first meeting of an advisory committee for the land use planning and moratorium work. The meeting agenda and minutes are attached.

March 12, 2019:

Zacharia Levine presented to the planning commission a “zoning toolbox” to expand and frame the conversation around potential changes to Grand County’s regulatory environment for accommodations-based developments. The presentation is attached.

Representatives from multiple water stakeholder groups presented information to the planning commission regarding their groups’ position on water availability, quality, and distribution. The resources provided to the planning commission are attached. The objective of these presentations was to develop additional clarity on what is known and not known about the safe yield for annual water withdrawals from the Glen Canyon Aquifer, and where various groups have agreement or disagreement on estimates. The goal was not to generate consensus about the effective role of water in Grand County’s land use regulations at this time.

March 11, 2019:

The county council reviewed and approved the attached scope of work for utilizing Landmark Design to conduct land use planning and ordinance development related to accommodations-based development at a not-to-exceed amount of $19,000.

March 5, 2019:
A brief update was provided to the county council on how the planning commission and staff intend to proceed with the moratorium planning work. Council members were informed of the tentative schedule outlined below.

Council was also briefed on the potential to coordinate land use planning efforts with the City of Moab through a shared or complimentary contract with Landmark Design. The City of Moab had already contracted with Landmark to assist in the creation of a future land use element to be added to the City’s recently adopted general plan. As the City of Moab also passed a moratorium on new accommodations-based developments in early February, the City and County need to proceed along similar timelines. Council agreed in principal to the concept of coordinating planning efforts with the City with the idea that Zacharia Levine, the County’s Community and Economic Development Director, would serve as the primary staff liaison for both jurisdictions. Because the final scope of work was not ready for review prior to the March 5, 2019 meeting, a special meeting was called for March 11, 2019 where the Council could review and take action on the proposed scope of work with Landmark Design.

February 26, 2019:

The planning commission agreed to the following tentative timeline:

March 12: PC meeting, Start at 4pm
- Request the following individuals provide reports on their agency’s or non-profit’s current knowledge of the availability, usage, quality, and distribution of water in the Moab Valley. Their reports should be five pages or less. Ideally, each individual will present their report highlights in about 5 minutes, and PC members will engage in Q&A to ensure clarity on what is known/not known and where there is agreement/disagreement.
- Staff will present to the PC a first pass at the County’s “zoning toolbox” as it pertains to accommodations-based uses

March 26: PC meeting, Start at 4pm, end at 5:30pm; 1st public scoping meeting, Start at 5:30pm
- Public scoping meeting will be used to query the public for ideas on updating the County’s plans/codes

April 2: Joint PC-CC workshop. 12-3pm.
- Report on PC’s initial positions/ideas
- Report on findings from public scoping meeting
- Ensure PC and CC are on the same page still

April to early May: work on zoning tools/solutions/packages

May 14: 2nd public scoping meeting: Start at 5:30pm
- Present zoning preliminary alternatives to the public and generate feedback

June 11: Planning Commission Public Hearing for draft ordinance

June 18: Recommended ordinance presented to County Council as a discussion item

July 2: County Council first reading of draft ordinance in a public hearing

July 16: County Council votes on ordinance

**Note the public hearing dates at planning commission and county council represent the very last dates of regularly scheduled meetings to adopt changes to the land use code prior to the moratorium expiring.**
February 19, 2019:

The county council reviewed the questions and comments noted in the section dated February 15, 2019 below, and provided the following response (in no particular order):

- Pay particular attention to the whereas statements in the adopted ordinance, as these serve as the foundation for the TLUR and the issues Grand County needs to address.
- Segment the geographic areas under consideration to north of the Colorado River and south of Moab City Limits. While Thompson Springs, Crescent Junction, and Elgin (Green River) are of interest and import to the County, primary consideration shall be given to the areas south of I-70.
- Consider establishing a citizen working group to assist with the research, analysis, and recommendation process.
- Consider identifying the full range of zoning tools available to the County in its regulation of accommodations-based developments. For example, the County could permit accommodations-based developments through an overlay (like the HDH overlay), implement stricter form-based, implement higher energy efficiency or environmental performance standards, require collocation of uses (i.e. mixed-use), create new zone districts, or use a host of other tools.
- Consider the Council’s desire to provide for a mix of commercial uses available to both residents and visitors, and give particular consideration to the needs of small businesses serving residents and entrepreneurs furthering industry diversification in the area.
- While coordination with the City is desired, proceed with the analysis and recommendation process as directed by the county council. County staff will consult with City staff and, when and where appropriate, advise the Councils on needed areas for coordination and collaboration.
- The Council is interested in co-hosting open house and public participation events with the City of Moab when and where appropriate.

February 15, 2019:

As of February 15, 2019, staff and planning commissioners collectively developed the following list of questions and considerations. The intended use of this list is to gain additional clarity from the county council on desired next steps and pertinent issues related to the TLUR.

Key:
- ZL = Zacharia Levine, CED Director
- KG = Kenny Gordon, P&Z Administrator
- TM = Terry Morse, CC Liaison
- GW = Chair Gerrish Willis
- AS = Vice Chair Abby Scott
- RN = Rachel Nelson
- RO = Robert O’Brien
- EC = Emily Campbell
- CG = Cricket Green
- KW = Kevin Walker

ZL

1. How much lodging development does the County want and need?
2. Where should the County allow lodging development?
3. In what form should the County permit lodging development?
4. What is the role of lodging development within the larger Grand County economy?
5. What does the Planning Commission need from County Council (e.g. data, participation, direction, clarity, etc.)?
6. What role does the County Council want to play?
7. What can the County actually accomplish handle in six (6) months? What is a realistic scope of work/analysis?
8. How should the County PC, Council, and Staff coordinate with Moab City?
   1. Infrastructure: roads, water, sewer, etc.

KW:

ZL’s list of questions above looks great to me. Perhaps also

1. How does lodging development affect economic diversity in Grand County? (perhaps a sub question of ZL-Q4, above)

GW:

(I realize this is a long list and we need to spend some time winnowing down our issues and questions)

1. How will groundwater availability be affected by continued overnight accommodation construction if it continues at current rates of building and per capita use?
2. Are the economics of condo development such that if a permanent ban on overnight accommodations were enacted future condo construction demand would continue, but for long term occupancy instead of overnight rentals?
3. Are there sufficient land areas for light industrial and other commercial developments such as professional offices, stores, etc. outside the HC zone? I think this relates to Kevin’s bullet.
4. Are there examples of other resort communities that have banned or limited overnight accommodation development?
5. If it is decided that no use or zoning changes are warranted, how will this decision affect traffic congestion and wait lines in stores and restaurants? Is congestion quantifiable?
6. If it is decided that no use by right or zoning changes are necessary, what will be the effect of additional staffing needed to maintain and service future overnight accommodations on long-term housing affordability and availability?
7. I think Moab City might farm some of their analysis and data collection out to a consultant. Is there a consulting firm that the county could hire to assist with the analysis necessary to help the council decide on necessary zoning changes to address this issue? This relates to Z’s number 7.
8. Campgrounds are low density uses of land when compared to other overnight rentals. If a limit or ban of new overnight accommodations did not include new campgrounds, what effects would that have on land availability for long term housing and other commercial developments?
9. Some HC landowners expect to make windfall profits by developing or selling their property for overnight accommodations. How will a ban affect future land prices in the HC zone?
10. Would form based zoning improve diverse commercial development potential in the HC zone?
11. How appropriate and suitable are Cisco and Thompson for overnight accommodation development?

RN

- In regards to GW-Q2 above, is there a planning formula for determining how much commercial acreage (excluding overnight accommodations) should be allocated per capita (including seasonal visitors, whom I imagine would be counted as fraction of a full time resident)?
- In regards to GW-Q11 above, have there been any studies on water availability in Cisco and Thompson? Or is current data limited to the Moab Valley.
- In regards to GW-Q10 above, how would an application for development (including overnight accommodations) using form based codes play out from start to finish? For example we used increased
2. What part of your constituency wants more lodging development? What types of lodging? Does any part
of your constituency want more hotel development? Is the goal to restrict lodging (or just hotel/motels)
as much as possible?
3. Would the Council like to see greater conditions put on lodging in areas where it will be permitted?
What are the concerns that should be addressed with those conditions?
4. Does Council see a need to differentiate between types of lodging? For example, should campgrounds be
considered separately?
5. Would the Council like to see greater restrictions on other types of non-residential use such as
restaurants or automobile-related businesses?
6. Would the Council like to see greater restructuring of where non-residential zones exist and what is
permitted in those zones, or address lodging only and leave other zone boundaries and descriptions as
is?
7. What does the Council foresee as negative impacts from limiting hotels? Does the Council have any
specifics about which impacts are most important or which impacts are most in need of mitigating?
8. What is the Council doing to reach out to the new San Juan County Commission or Planning Commission
on this issue? Are there efforts at coordinating? Would the Council like to see meaningful involvement
from San Juan County, or meaningful attempts to reach out to San Juan County Commissioners and
Planning Commissioners? What type of coordination with San Juan County do we want to see, if any?
   1. Terry mentioned that there is will on the Council to be involved in this process and help the
Planning Commission. If the County Council would like to see meaningful involvement from San
Juan County, I think that this is an area where members of the County Council should take the
lead and make the first attempts at reaching out, if this hasn’t been done already. I understand
that historically, San Juan County has been resistant to coordinating with Grand County, but it
might be worth trying again.
9. How much should Planning Commission factor in the potential for increased traffic if lodging moves to
San Juan County?
10. Do you see a need for changes to the zoning in outlying areas such as Crescent Junction & Thompson?
Does it make sense to try to make those areas for attractive to hotel development? Has your
constituency in outlying areas expressed desire for lodging development?
11. What degree of public involvement do you see being most beneficial? What are the ways that the
County Council and Planning Commission should be reaching out to the public and encouraging public
involvement?
12. Are there communities that have limited lodging development that we should look to as a guide?

RO

Great questions (above). In terms of Issues I think that this moratorium would not be in place except for the
following:

1. The great pressure on housing for residents and affordable housing. Therefore we need to think about
how overnight accommodations affect that issue. It would be nice to have some analysis here though I
think we have some idea, we do not likely know the quantitative impact.
2. Crowding of everything is the second issue that people are likely to mention. Neighborhood streets and
even 191.through town and on the edge of town. Markets, stores, eating establishments, favorite hiking
places, and so on. This issue is certainly two pronged in terms of the tourist economy and the quality of
life (outside of the economics).
3. Water is an issue often brought up. How many people can we have in the Spanish Valley area with climate change being a factor not often discussed?
4. Those are what I think are the main drivers of the moratorium, but please mention others. I likely will keep them in mind as we address this problem.

February 12, 2019:

The planning commission reviewed the directive and guide provided by the county council to initiate their planning efforts related to the TLUR. Planning commissioners asked questions of staff regarding the process. General conversation about the motivation and potential outcome of the TLUR occurred. With encouragement from staff, the planning commission compiled a list of questions to be shared with the county council for additional clarity in how to proceed with their analysis and development of a recommendation. The list of questions is provided above.

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.

The County Council provided the following directive and guide to the Community and Economic Development staff and Planning Commission.

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):**

**Moab Land Use Presentation & Summary**
Purpose of the Project
Project Goals

• Address the 180-day moratorium on new overnight accommodations

• Address how overnight accommodations influence the Moab Area Affordable Housing Plan, infill housing development and redevelopment

• Create land use policies and tools that address these and other land use challenges
Project Timeline

• Ordinance recommendations are slated to be complete by the Landmark Design team in **early June**

• Policy changes and related ordinance changes must be adopted by Moab and Grand County by the conclusion of 180-day moratorium period for each (August 2019)

• Land Use Plan modifications are addressed concurrently, but will not be finalized until after the ordinances are adopted
1. Summary of Public Involvement & Outreach
Facts

- Two Public Open Houses were held at the Moab City Hall on Tuesday, March 26, 2019 and on Wednesday, March 27, 2019
  - 107 people attended/signed in
  - Detailed notes were taken and analyzed
  - 51 Written Comments Received through April 2nd with several more comments received since

- Additional outreach with Grand County Planning Commission, Moab City Council, Moab high school/junior high school students, local business owners, non-motorized trail users and federal land management agencies (April 8-12)
• There is general agreement that things are out of balance and change is needed to maintain Moab as a desirable and livable community

• There is also general agreement that a unified approach by Moab, Grand County and even San Juan County is needed for changes to be effective

• The comments included a wide-range of specific ideas, thoughts and concerns
Guiding Principles

Summary of general themes, ideas and directions received through the public scoping process
GUIDING PRINCIPLES
To following guiding principles were based on comments and feedback received from citizens at public meetings held in March and via email. Their purpose is to serve as a guide as options and solutions to Moab’s Overnight Accommodation issues are developed.

1. Create a socially, economically and environmentally balanced place where people want to stay and live and tourists want to return to.

2. Slow growth and advertising in the tourism sector in order to invest the time and resources in the residents of Moab and building/supporting good community character.

3. Seek to find solutions to housing affordability in order to create a range of options that will support a diverse, socioeconomic community.

4. Invest in multi-modal, region-wide transportation and transit solutions to solve congestion issues and make getting around the Moab area safer. Make the area safe to bike and walkable.

5. Preserve and invest in additional community-centered events and gathering spaces.

6. Recognize the limited resources (e.g., water, the landscape, night sky, etc.) and the value of the natural environment and plan in ways that protect those critical resources and environments.

7. Require new development to be “in step”, or in scale with, the local (natural and urban) environment.

8. Implement greater regulation and incentives to preserve or create desirable, community aspects including: viewsheds, history/place, open space & trails, sustainable architecture and other practices, peace & quiet, etc.

9. Develop a more cooperative, better planning relationship between the City of Moab and Grand County, and with San Juan County.

10. Promote diversity of business types and economy within the Moab area, including opportunities for locally-owned, small entrepreneurial/creative/non-profit businesses.

11. Require non-locally owned, tourism-related businesses to contribute and give back to the community. Investigate assessing additional fees for tourism-related impacts.
Updated Toolbox

Primary tools for addressing moratorium issues
REGULATORY TOOLS SUGGESTED IN THE OPTIONS

Overlay Zones

Suggested in options: 2, 3, 4

DESCRIPTION/OVERVIEW:
An overlay zone is a zoning district which is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for affected properties, in addition to the base standards of the underlying zoning district. Communities often use overlay zones to protect special features such as historic buildings, areas with limited land, and environmentally-sensitive areas such as wetlands and areas with steep slopes. In this case, an overlay zone would be applied to ensure the conditions for specific development projects are achieved (overnight accommodations as a mixed-used or to include affordable housing, for example).

BENEFITS:
- Overlay zones tailor regulations to specific properties and districts as part of meeting specific community goals.

CHALLENGES:
- Overlay zones can create inefficiencies and inequities by applying regulations/restrictions to some properties and not others.
- Additional regulations may increase time and expense both for developers and reviewers involved in the approval process.

EXAMPLE: Kanab, UT - Commercial Planned Development Overlay
The Commercial Planned Development Overlay was established to provide for the commercial and service needs of both local residents and visitors by requiring multiple uses within a unified development that is attractively designed and exceptionally functional.
For Moab: Kanab shares some similarities with Moab. It is a gateway community to nearby national, state and regional parks and recreational sites. The community has absorbed some of the impact of the rapid growth and development taking place in St. George. This overlay has been in place for over ten years, modified in 2013. As it reads, the zone provides limited incentives to encourage a range of services are provided.

Form-based Codes

Suggested in options: 2

DESCRIPTION/OVERVIEW:
A form-based code is a regulation adopted into city, town, or county law that offers a powerful alternative to conventional Euclidian zoning regulation. Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks rather than just land use. The regulations and standards in form-based codes are presented in both written text and descriptions and clearly drawn diagrams and visuals. These codes are key to a regulating plan that designates the appropriate form and scale (and therefore, character) of development.

BENEFITS:
- Encourages diversity of architecture, materials, uses and ownership.
- Are prescriptive (state what you want) and, therefore, achieve a more predictable, high-quality built environment.

CHALLENGES:
- It can be challenging to link form-based regulation with more traditional zoning control mechanisms.
- Implementation can be much more staff and time intensive.

EXAMPLE: Flagstaff, AZ - Hybrid Form-based/Euclidian Zoning
Flagstaff’s hybrid zoning code integrates form-based code elements with traditional zoning techniques. The form-based code covers large areas of the city’s core and historic neighborhoods, with incentives for application. Incentives were originally included to address resistance to the new planning tool. However, over time community members began to understand the benefits of using smart growth and form-based principles, which ultimately eliminated opposition.
For Moab: Form-based elements are being considered as part of the solution to the moratorium on Overnight Accommodations. However, the necessary public outreach and education requires time and effort beyond the timeframe of this study and will have to be used in conjunction with other tools and on a longer timeframe.

Performance Standards

Suggested in options: 2, 3, 4

DESCRIPTION/OVERVIEW:
Performance standards regulate development by setting the desired goals to be achieved, rather than how those community goals are met. Instead of restricting specific uses on a property, performance requirements allow any use that meets the set standard. For example, the ordinance might be modified to specify that all overnight accommodation projects include mixed use and similar uses that benefit the community, but not specify the specific mixes, uses and locations of the beneficial uses. Performance standards attempt to address the same goals as traditional zoning, but with a greater amount of flexibility.

BENEFITS:
- Are a rational way of codifying values and goals without being overly restrictive.
- Can be integrated into a conventional zoning structure.

CHALLENGES:
- The flexibility of the standards makes administration difficult, expensive, and adds an element of unpredictability.

EXAMPLE: Bucks County, PA
Performance zoning was focused on housing development. Some aspects of traditional zoning - such as zoning districts and certain use prescriptions - were retained, with each being governed by performance standards: an open space ratio, intensity factors such as building volume, trips generated, impervious coverage, and landscaping. Dense buffering was required between incompatible uses, and a site capacity calculation was used to limit development impacts on each parcel and its surroundings. Traffic impact analyses were used. Density transfers were allowed to prevent hardships, and bonus densities were allowed to encourage affordable housing.
For Moab: Despite its early promise and particular relevance in an environmentally-challenged communities, performance zoning has not gained wide acceptance and would require a level of analysis and review beyond the means of Moab or Grand County.

Mandatory Mixed-Use Development

Suggested in options: 2, 3

DESCRIPTION/OVERVIEW:
Mandatory mixed-use development requires the co-location of compatible uses, such as lodging, a restaurant, and retail OR lodging, office space, and residential. As with form-based standards, potential friction between adjacent land uses can be addressed through operational requirements, such as:
- Hours of operation
- Shared parking
- Noise restrictions
- Use restrictions on certain levels within

BENEFITS:
- Helps ensure that addition of other types of commercial uses, reducing the current under-provision of these other uses.
- Blends the line between the local community and tourism by adding local uses to typically tourist-centric locales.

CHALLENGES:
- Creating economically viable mixed use projects requires more research and time by the developer and more City/County oversight and review time.

EXAMPLE: San Diego, CA
San Diego recently established a new land use policy that will require developers to build mixed-use projects with a range of residential, commercial and community service uses. The goal is to encourage housing projects to be built near jobs in major transportation corridors, preferably ones with mass transit. The new zoning is most likely to be used in older, dilapidated neighborhoods with large surface parking lots and only one type of use, but would apply to the entire city and could be used in other areas.
For Moab: A similar tool could be applied as part of an overlay zone. It could also be developed as part of a form-based code in areas where new overnight accommodations are permitted.
OTHER REGULATORY TOOLS EXPLORED

INCENTIVE ZONING
Incentive zoning is a tool that allows development to occur in a manner that ordinarily would not be permitted, in exchange for a public benefit that would otherwise not be required. For example, a developer may provide schools, parks, open space, plazas, low-income housing, mixed-use space, or money, in exchange for permission to develop a hotel or other overnight accommodation project. In this case, the incentives would be directly tied to granting permission to build an overnight accommodation project.

Since incentive zoning is intended to produce specific public amenities and types of development, it can be an effective tool for communities wishing to accomplish goals in a specific neighborhood or outlined in the comprehensive plan. It also can help increase the number public goods available in the community.

UNEIFIED DEVELOPMENT ORDINANCE
A Unified Development Ordinance (UDO) is a policy instrument that combines traditional zoning and subdivision regulations with other desired city regulations, such as design guidelines, sign regulations, and traffic management. By combining all of these regulations into a single ordinance, a UDO streamlines and coordinates the development process of permits and approvals, making it easier for all parties (the developers, the public, and public entities) to understand the requirements. UDOS often use clear, consistent language and definitions, with many illustrations and tables.

A UDO can be beneficial for communities looking for a more comprehensive approach to land use regulation and economic development. It can also be helpful in accommodating mixed-use development, as it provides a more thorough and comprehensive approach to meeting goals such as environmental protection, mixed use and mixed-housing types.

TRADITIONAL ZONING: EXPAND OR CONTRACT ZONE BOUNDARIES
Increase or decrease the area and number of parcels where overnight accommodations developments are allowed.

TRADITIONAL ZONING: MODIFY ZONING DISTRICTS
• CREATE A NEW ZONE DISTRICT that allows many commercial uses except overnight accommodations.
• MODIFY AN UNDERUTILIZED ZONE DISTRICT (e.g. General Business or Neighborhood Commercial)
• CREATE A MORE EXPPLICIT “MIXED USE DEVELOPMENT” ZONE that only allows overnight accommodations as part of a mixed use development.

TRADITIONAL ZONING: ADJUST PERMITTED, CONDITIONAL, AND PROHIBITED USE RIGHTS
• Permit overnight accommodations by-right (permitted) or as a conditional use. It should be clear that conditional uses are permitted uses, but must meet some specific conditions for approval.
• Specifically prohibit overnight accommodations in zones where they are currently permitted.

ADEQUATE PUBLIC FACILITIES ORDINANCE
An adequate public facilities ordinance (APFO) is a growth management tool to help coordinate the timing and provision of public infrastructure with new development. An APFO allows the government to delay new development projects by prohibiting the issuance of development permits if existing government services, such as water, sewer, roads, schools, fire, police, etc., cannot support the development. Before developers can apply for development permits, they must be able to show that there are adequate resources currently available in the community. APFOs are not to be used as de facto moratoriums, but simply as a tool to help govern the pace of development. If the government denies the developer permits due to the unavailability of resources, the government’s capital improvement plan must show a good faith effort to make those resources, or infrastructure, available.

TRANSFER OF DEVELOPMENT RIGHTS (TDR)
A TDR is a market tool used to preserve land. The preservation is accomplished by allowing one landowner to sever their development rights in exchange for compensation from another landowner who wants her development rights to increase. TDR programs transfer the development rights of a predetermined lot — known as a sending area — to another lot, known as the receiving area. Thus, while the development rights are reduced or severed on the sending area, increased density and development is allowed on the receiving area. The sending sites are typically deed-restricted so that only appropriate uses are allowed from the rights sale onward.

The desire for a TDR program arises when the public recognizes the significance of a resource, such as open space, agriculture or historical buildings, and wishes to preserve it. Therefore, TDR programs are usually the most helpful in communities experiencing rapid greenfield development in relatively rural and pastoral areas. TDR programs give communities the ability to achieve open space preservation as well as compact, centered development.

TDRs also require a lot of time and planning to restructure the zoning, and an oversight agency to regulate the market, so the program can have higher administrative costs than traditional zoning.

DEVELOPMENT EXACTIONS
An exaction is a required contribution to a governmental entity imposed as a condition of approval for a proposed land development. Exactions generally take the form of (1) dedication of land to the public; (2) construction of public improvements; (3) money paid in lieu of property dedication or construction; (4) connection fees, or (5) impact fees. See Utah Code §§ 10-9a-508 and 17-27a-507 for details.

Exactions are permitted, provided they meet legal standards established to protect constitutional rights. Exactions that do not satisfy those standards are not allowed. All local governments may impose exactions on a proposed development provided that it meets “rough proportionality” analysis, which is:
1. An essential link exists between the exaction and a legitimate governmental interest; and
2. Each exaction is roughly proportionate, both in nature and extent, to the impact of the development.

One type of development exaction is an Impact Fees (see below).

IMPACT FEES
Impact Fees are a one-time charge to mitigate the impact of new development on the local infrastructure. Local governments may charge impact fees, if they follow the terms of the Impact Fees Act, see Chapter 11-35a of the Utah Code. They may be used for permanent buildings and other physical facilities owned by the local government which have a life expectancy of more than 10 years. A local government may charge impact fees to fund the following public facilities:

- a. water systems and water rights
- b. roads
- c. wastewater systems
- d. stormwater control systems
- e. parks
- f. municipal power facilities
- g. public safety facilities (i.e., police and fire facilities)
Case Studies

How have other communities in Utah and elsewhere addressed similar concerns?
OTHER UTAH & REGIONAL EXAMPLES EXPLORED

TOWN OF ALTA—BASE FACILITIES ZONE

TOOL TYPE: Traditional Zoning that Limits Overnight Accommodations as a Function of Limited Water Resources

OVERVIEW: In order to protect the sensitive landscape and surrounding watershed, the zoning ordinance caps development to 132 total units, spread equally among the four private land holding areas located at the base of the ski area. The code also requires approval from the County and Salt Lake City which control sewer and water access (at present, water provided by SLC corresponds to meeting the total development potential of the 132 overnight units). Limiting the size of the units is intended to ensure the number of occupants matches the availability of water. Each project (existing and new) must provide on-site housing for one employee for every five (5) guestrooms.

For Moab: Although the Town of Alta is very different than Moab, it also has experienced significant demand for overnight accommodations. Limiting the number of units could be a tool in the Moab area in the future, once the State’s watershed report is complete and the limits of water resources are better known.

CEDAR CITY—MODIFIED TRADITIONAL ZONING

TOOL TYPE: Designated Zones for Overnight Accommodations & Other Uses

OVERVIEW: In order to address changing needs and changing land use needs, Cedar City repealed its General Commercial and Neighborhood Commercial Zones, replacing them with geographically-distinct zones for specific uses/character profiles (Central Commercial, Downtown Commercial, Highway Service and Mixed Use Zones). Most of these zones are determined by existing street layouts and networks.

For Moab: Implementing an approach similar to the Cedar City model would be relatively easy. However, it would probably need to include a greater level of detail and perhaps the use of other tools/design guidelines, form-based requirements to address the needs of the project.

IVINS—DESIGNATED ZONES & DESIGN GUIDELINES


OVERVIEW: Varying overnight accommodations are permitted in the General Commercial District, the Historic Commercial District and the Recreational Commercial District zones of the city, with large hotels only being allowed in the General Commercial District Zone. Each zone requires specific design/architectural guidelines and are further controlled through a design review process.

For Moab: Park City is significantly larger, has a discernible and an intact historic core, and shares strong relationships with nearby communities that share a focus on mountain recreation and alpine sports. However, like Moab, overnight accommodations are a critical element of the city’s economic structure. The delineation of specific zones for such uses has achieved many of the city’s goals and vigilant efforts have established a clear community character.

ASHEVILLE, NORTH CAROLINA

TOOL TYPE: Limits on Short-term Rentals (STRs)

OVERVIEW: Similar to recent changes in Moab and Grand County, Asheville restricted the rental of entire dwelling units (sometimes called “whole-house” STRs) to those zones that allow “lodging facilities,” like hotels and motels, in order to help curb an affordable housing crisis. The city allows home-sharing situations called “homestays.” A homestay allows the host to rent individual rooms within their residence for overnight lodging for a term not to exceed thirty days and requires the host to remain on-site during the homestay (e.g., no overnight travel allowed). Homestay regulations are subject to fines if violated, and the city uses an independent company to assess fines.

For Moab: A similar ordinance for the Moab area could help meet peak demand needs for overnight accommodations and reduce the need for constructing permanent overnight accommodation facilities. The application of this tool could likely be paired with limiting the development of permanent overnight facilities.

PARK CITY—DESIGNATED ZONES & DESIGN GUIDELINES

TOOL TYPE: Specific Zones for a Range of Overnight Accommodations, Architectural Guidelines, Historic District Design Guidelines

OVERVIEW: Varying overnight accommodations are permitted in the General Commercial District, the Historic Commercial District and the Recreational Commercial District zones of the city, with large hotels only being allowed in the General Commercial District Zone. Each zone requires specific design/architectural guidelines and are further controlled through a design review process.

For Moab: Park City is significantly larger, has a discernible and an intact historic core, and shares strong relationships with nearby communities that share a focus on mountain recreation and alpine sports. However, like Moab, overnight accommodations are a critical element of the city’s economic structure. The delineation of specific zones for such uses has achieved many of the city’s goals and vigilant efforts have established a clear community character.

DURANGO, COLORADO

TOOL TYPE: Relaxed Rules on Accessory Dwelling Units (ADUs) to Address Affordable Housing Shortage

OVERVIEW: Relaxing rules on “Accessory Dwelling Units” drastically increased affordable housing stock in the city of Durango. Zoning laws were recently modified to permit the construction of accessory dwelling units (ADUs) in order to provide more affordable housing. The change allows primary homeowners to build one additional housing unit up to 550 square feet as long as it is attached to the main house. The homeowners are not allowed to sell the addition or to move it out of the home, but they could rent the additional space. The change was facilitated to help make Durango a more affordable place to live, and to help meet the gap in affordable housing construction.

For Moab: While similar changes could help meet housing needs, it would have little impact on the overnight accommodation market unless the units were allowed to be rented on a short-term basis.

TELLURIDE, COLORADO

TOOL TYPE: Permits short-term rentals in residential areas for a limited number of visitors and nights per year

OVERVIEW: The municipal and Land Use Code regulate short-term rentals, including additional restrictions for homes located in Residential Zone Districts. Residential Zone rentals are restricted by the number of total occurrences and total number of days that a dwelling may be rented annually. These regulations apply in seven residential districts, most of which are concentrated in the north end of the town. Recent changes limit the total number of days that a property may be rented on a short-term basis in the residential zone districts to a cumulative of 29 days or fewer in a calendar year, which may occur for no more than three periods in a calendar year. For example, you may rent your property once for 15 days, once for 10 days and once for 4 days in a calendar year.

For Moab: A similar ordinance for the Moab area could help meet peak demand needs for overnight accommodations and reduce the need for permanent overnight accommodation facilities. The application of this tool could likely be paired with limiting the development of permanent overnight facilities.

PORTLAND, OREGON

TOOL TYPE: Urban Growth Boundaries

OVERVIEW: Under Oregon law, each of the state’s cities and metropolitan areas has created an urban growth boundary around its perimeter — a land use planning line to control urban expansion onto farm and forest lands. Land inside the urban growth boundary supports urban services such as roads, water and sewer systems, schools and fire and police protection. The boundary is one of the tools to protect farms and forests from urban sprawl and promote the efficient use of land, public facilities and services inside the boundary. The Portland area urban growth boundary was first drawn in 1970. In 2007, a system for designating urban and rural preserves was put in place, further honing criteria for bringing land into the boundary. Similar boundaries are mandated for urban communities in Idaho and Wyoming.

For Moab: Utah does not allow urban growth boundaries. This is not a viable tool without changes to State land use requirements.
Economic Analysis

Preliminary Results

Lewis, Young, Robertson & Burningham (LYRB)
OVERVIEW

- Work to Date
  - BAE
  - Moab City Econowest Analysis
  - County Studies

- LYRB Tasks
  - Funding limitations and strengths
  - Taxable sales buying power and supportable commercial SF
  - Supportable lodging analysis
  - Funding Recommendations
## TAXABLE SALES

<table>
<thead>
<tr>
<th>County</th>
<th>2017 Population</th>
<th>2017 Taxable Sales</th>
<th>Taxable Sales Per Capita</th>
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<tbody>
<tr>
<td>Grand</td>
<td>10,098</td>
<td>$425,143,778</td>
<td>$42,101</td>
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<tr>
<td>Emery</td>
<td>10,711</td>
<td>$129,991,013</td>
<td>$12,137</td>
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<td>Summit</td>
<td>40,740</td>
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<td>$49,159</td>
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<td>Garfield</td>
<td>5,273</td>
<td>$155,060,876</td>
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<td>Iron</td>
<td>51,782</td>
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<td>Morgan</td>
<td>12,005</td>
<td>$120,824,418</td>
<td>$10,064</td>
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### Methodology

- Gross taxable sales by NAICS category
- Per capita comparison to State of Utah average
- Population projection
- Grand County’s per capita spending to project future buying power
### SUPPORTABLE SF

<table>
<thead>
<tr>
<th>Grand County</th>
<th>Buying Power</th>
<th>Commercial Acreage</th>
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</thead>
<tbody>
<tr>
<td>2019 Existing Population</td>
<td>10,412</td>
<td>10,412</td>
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<td>2040 Population Projection</td>
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<td>Population Increase</td>
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<table>
<thead>
<tr>
<th>Grand County</th>
<th>Buying Power</th>
<th>Commercial Acreage</th>
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<tbody>
<tr>
<td>Sales Volume per SF</td>
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<tr>
<td>Grand County Buying Power</td>
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<td>Supportable SF</td>
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<td>General Commercial FAR</td>
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<td>Acres Supportable</td>
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<td>Developed Commercial Acreage</td>
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<tr>
<td>Commercial Per Capita</td>
<td>0.093</td>
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</table>

| Acres Supportable | 218 | |

- **Commercially Zones Vacant Land:** 310 Acres
- **Challenges**
  - Limiting overnight accommodation growth may not corelate
  - Changing development policies may stimulate mixed use prc
## CONSUMER SPENDING

<table>
<thead>
<tr>
<th>National Park Spending</th>
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<tr>
<td>Hotels</td>
<td>36%</td>
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<tr>
<td>Restaurants</td>
<td>18%</td>
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<td>Retail</td>
<td>12%</td>
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<td>Recreation</td>
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<td>$18,912,000</td>
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<tr>
<td>Gas</td>
<td>7%</td>
<td>$16,548,000</td>
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<tr>
<td>Transportation</td>
<td>8%</td>
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<tr>
<td>Groceries</td>
<td>8%</td>
<td>$18,912,000</td>
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<tr>
<td>Camping</td>
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<td>$7,092,000</td>
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<table>
<thead>
<tr>
<th>Local Spending</th>
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<tbody>
<tr>
<td>Accommodations</td>
<td>29%</td>
<td></td>
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<tr>
<td>Retail Food and Food Services</td>
<td>15%</td>
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<tr>
<td>Gas</td>
<td>11%</td>
<td></td>
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<tr>
<td>Retail</td>
<td>17%</td>
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Visitation

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<tbody>
<tr>
<td>Room Census</td>
<td>1,876</td>
<td>1,916</td>
<td>2,102</td>
<td>2,103</td>
<td>2,198</td>
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<td>Rooms Per Tourist</td>
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<td>0.00120</td>
<td>0.00125</td>
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## Visitation

<table>
<thead>
<tr>
<th>Variables</th>
<th>Average 2011-2018</th>
<th>2011 LOS</th>
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<tbody>
<tr>
<td>Average Room Per Tourist</td>
<td>0.00104</td>
<td>0.00120</td>
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<tr>
<td>Rooms to Accommodate Tourists</td>
<td>630</td>
<td>1,135</td>
</tr>
</tbody>
</table>

- **Variables**
  - VRBO, Airbnb
  - Level of Service
FUNDING OPTIONS

- Impact Fees
  - Charge all applicable and keep up to date
    - Transportation
    - Public Safety
    - Parks

- Community Reinvestment Area (CRA)
  - Designate uses allowed in Project Area Plan
  - Interlocal Agreements specify type of land use eligible for tax increment (contingent on taxing entity approval)

- Property Tax
  - Increase property tax for county or implement for city

- Special Service District
  - Tied to specific funding source – nexus between revenue and expense (transportation, recreation, public safety, etc.)

- Roadway User Fee
Purpose:
Work together to explore ideas and options that address the moratorium /overnight accommodations specifically and land use in more general terms.
Workshop

- Break into small groups (one member to take notes)
- Review Options (20 mins.)
- Discuss Pros and Cons (20 mins.)
- Rank how each options achieves Guiding Principles (20 mins.)
- Report back to main group (20 mins.)
**PROPOSED OVERNIGHT ACCOMMODATION OPTIONS**

**Status Quo**

**Allow Growth with Increased Form & Performance Requirements**

**Focused Growth, Determined by Area**

**Controlled Growth**

**No Growth**

**INTENT:** To provide a baseline comparison and illustrate the implications of growth, if things continue as they are.

**DETAILS:** A form of overnight accommodations are a "use by right" in all Commercial Zones.

**GRAND COUNTY:**
- Bed & Breakfast - Permitted use in RC, GB, RC, RS, HC Zones
- Hotel/Motel - Permitted use in NC, GB, RC, RS, HC Zones
- Recreational Vehicle Parks and Campgrounds - Conditional use in RC, RS, HC Zones
- Residential Units as Overnight Accommodation - Permitted in GB, RC, RS, HC Zones

**CITY OF MoAB:**
- Bed & Breakfast - Permitted use in C-1, C-2 Zones
- Hotel/Motel - Permitted use in C-2 (under 10 units), C-3, C-4, RC, S&I Zones
- Recreational Vehicle Parks and Campgrounds - Permitted use in C-4, RC Zones
- Residential Units as Overnight Accommodation - Permitted in C-1, C-2 Zones

**REGULATORY TOOLS:**
- Euclidean Zoning
- Overlay Zones
- Form-based Codes
- Mandatory Mixed-Use Development
- Performance Standards

**INTENT:** To match the scale of overnight accommodations to the different, existing parts of the community.

**DETAILS:** The scale and size of each project will be tailored to match the character of each overlay district.

**DOWNTOWN AREA:**
- Overnight accommodations limited by type (condos, townhomes, and bed & breakfasts) and scale in the downtown area through the use of "Overnight Accommodations Overlay Zones".

**NORTH OF DOWNTOWN (to the Colorado River):**
- All new overnight accommodations will be required to match the scale of existing development within designated "Overnight Accommodations Overlay Zones".

**SOUTH OF DOWNTOWN:**
- condominiums (used as overnight accommodations) and bed & breakfasts are allowed in designated "Overnight Accommodations Overlay Zones".

**NORTH OF THE COLORADO RIVER & KANE CREEK BOULEVARD :**
- Campgrounds/RV parks are allowed north of Colorado River to edge of Arches National Park at the intersection of Hwy 313 and US 191 and along Kane Creek Boulevard within designated "Overnight Accommodations Overlay Zones".

**INTENT:** Focus more intense overnight accommodations north of Downtown and community-focused development south of Downtown. Eliminate further development of overnight accommodations Downtown.

**DETAILS:**
- **DOWNTOWN AREA:** No new overnight accommodation uses to be allowed.
- **NORTH OF DOWNTOWN (to the Colorado River):** New hotels, motels and campgrounds/RV parks allowed in designated "Overnight Accommodations Overlay Zones".
- **SOUTH OF DOWNTOWN:** Hotels, motels and campgrounds/RV parks are not allowed. Condos & townhomes (used as overnight accommodations) and bed & breakfasts are allowed in designated "Overnight Accommodations Overlay Zones". But are evaluated with a criteria system that is structured for the promotion of development that benefits/focuses on the local community.
- **NORTH OF THE COLORADO RIVER, KANE CREEK BOULEVARD & THE HWY 128 CORRIDOR:** No new overnight accommodation uses to be allowed north of Colorado River to edge of Arches National Park at the intersection of Hwy 313 and US 191, along Kane Creek Boulevard or along the Hwy 128 Corridor.

**REGULATORY TOOLS:**
- Euclidean Zoning
- Overlay Zones
- Mandatory Mixed-Use Development
- Performance Standards

**INTENT:** Severely limit overnight accommodations north of Downtown and community-focused development south of Downtown. Eliminate further development of overnight accommodations Downtown.

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**REGULATORY TOOLS:**
- Euclidean Zoning
- Overlay Zones
- Performance Standards
- Form-based Codes

**OVERNIGHT ACCOMMODATIONS OVERLAY ZONES:**

All Overnight Accommodations Overlay Zones will require:
1) On-site mixed-use development and employee housing OR contributions to the development of the same in a designated mixed-use project area, AND
2) Performance standards for water (e.g. requirements for water efficient landscape, LID/CI, graywater infrastructure), noise, energy, transportation, etc.
## PROPOSED OPTIONS: PROS AND CONS

<table>
<thead>
<tr>
<th>Status Quo</th>
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<td>Matches the scale and type of overnight accommodations to the function and structure of the community.</td>
<td>Eliminates the development of additional overnight accommodations in Downtown Moab and encourages the development of other uses on limited available land in this district.</td>
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<td>Helps create a more balanced economic profile, stabilize community character, etc.</td>
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**CONS**
- Continues to create an unbalanced economic profile that ignores community character, local service needs, the local environment/carrying capacity, impacts of tourists, overdevelopment, etc.
- New development may or may not match the existing community structure.
- New development is not required to provide mixed use or affordable housing and these missing services and needs continue to grow.
- Tourist numbers may drop off due lack of good services and/or overdevelopment.
- Current residents may relocate to other towns or cities where there is greater balance and sense of community.

**OTHERS?**

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**CONS**
- Does not go far enough.
- How do you define Downtown Moab and other districts?
- May still send development down the road (to Spanish Valley).
- Requires the provision of missing services and affordable housing in exchange for development permission.
- Impacts on local economy unclear – may have different effect in Moab than in Grand County due to taxing structures, etc.
- Seen as unfair by property owners who have undeveloped/under-developed land and perceived to favor "those who already have theirs".

**OTHERS?**

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<td>Sends overnight accommodations development down the road (to Spanish Valley).</td>
<td>Encourages the development of other uses on limited available land.</td>
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<td>No incentive to provide missing services or needs (restaurants, incubator space, community retail and services, affordable housing, etc.).</td>
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**CONS**
- Eliminates the development of additional overnight accommodations. But the demand remains and may not be met.
- Sends overnight accommodations development down the road (to Spanish Valley).
- No incentive to provide missing services or needs (restaurants, incubator space, community retail and services, affordable housing, etc.).
- Impacts on local economy are unclear. May have different effect in Moab than in Grand County due to taxing structures, etc.
- Seen as unfair by property owners who have undeveloped/under-developed land and perceived to favor "those who already have theirs", e.g. existing overnight accommodation owners.
- Potential legal challenges.

**OTHERS?**
INTENT: To provide a baseline comparison and illustrate the implications of growth, if things continue as they are.

DETAILS: A form of overnight accommodations are a "use by right" in all Commercial Zones.

GRAND COUNTY:
- Bed & Breakfast - Permitted use in RC, GB, RC, RS, HC Zones
- Hotel/motel - Permitted use in NC, GB, RC, RS, HC Zones
- Recreational Vehicle Parks and Campgrounds - Conditional use in RC, RS, HC Zones
- Residential Units as Overnight Accommodation - Permitted in GB, RC, RS, HC Zones

CITY OF MOAB:
- Bed & Breakfast - Permitted use in C-1, C-2 Zones
- Hotel/motel - Permitted use in C-2 (under 10 units), C-3, C-4, RC, SAR Zones
- Recreational Vehicle Parks and Campgrounds - Permitted use in C-4, RC Zones
- Residential Units as Overnight Accommodation - Permitted in C-1, C-2 Zones

REGULATORY TOOLS:
- Euclidian (Traditional) Zoning with Use Rights as Permitted, Conditional or Prohibited
- Overlay zoning for providing high-density housing (County only)
ALLOW GROWTH WITH INCREASED FORM & PERFORMANCE REQUIREMENTS

OPTION DESCRIPTION

INTENT: Match the scale of overnight accommodations to the different, existing parts of the community.

DETAILS: The scale and size of each project will be tailored to match the character of each overlay district.

DOWNTOWN AREA: Overnight accommodations limited by type (condos, townhomes, and bed & breakfasts) and scale in the downtown area through the use of "Overnight Accommodations Overlay Zones".

NORTH OF DOWNTOWN (to the Colorado River): All new overnight accommodations will be required to match the scale of existing development within designated "Overnight Accommodations Overlay Zones".

SOUTH OF DOWNTOWN: All new overnight accommodations will be required to match the scale of existing development in designated "Overnight Accommodations Overlay Zones".

NORTH OF THE COLORADO RIVER & KANE CREEK BOULEVARD: Campgrounds/RV parks are allowed north of Colorado River to edge of Arches National Park at the intersection of Hwy 313 and US 191 and along Kane Creek Boulevard within designated "Overnight Accommodations Overlay Zones".

REGULATORY TOOLS:
- Euclidean Zoning
- Overlay Zones
- Form-based Codes
- Mandatory Mixed-Use Development
- Performance Standards
FOCUSED GROWTH, DETERMINED BY AREA

LEGEND
Existing & Approved Overnight Accommodations
- Hotels
- B&Bs and short-term rentals
- RV parks and campgrounds

Overlay Zones
- North of Downtown
- South of Downtown

OPTION DESCRIPTION

INTENT: Focus more intense overnight accommodations north of Downtown and community-focused development south of Downtown. Eliminate further development of overnight accommodations Downtown.

DETAILS:
DOWNTOWN AREA: No new overnight accommodation uses to be allowed.

NORTH OF DOWNTOWN (to the Colorado River): New hotels, motels and campgrounds/RV parks allowed in designated "Overnight Accommodations Overlay Zones".

SOUTH OF DOWNTOWN: Hotels, motels and campgrounds/RV parks are not allowed. Condos & townhomes (used as overnight accommodations) and bed & breakfasts are allowed in designated "Overnight Accommodations Overlay Zones"., but are evaluated with a criteria system that is structured for the promotion of development that benefits/focuses on the local community.

NORTH OF THE COLORADO RIVER, KANE CREEK BOULEVARD & THE HWY 128 CORRIDOR: No new overnight accommodation uses to be allowed north of Colorado River to edge of Arches National Park at the intersection of Hwy 313 and US 191, along Kane Creek Boulevard or along the Hwy 128 Corridor.

REGULATORY TOOLS:
- Euclidean Zoning
- Overlay Zones
- Form-based Codes
- Mandatory Mixed-Use Development
- Performance Standards
INTENT: Severely limit overnight accommodations throughout the area to focus new growth to other commercial, residential and community services.

DETAILS:
- New overnight accommodations are allowed only within a smaller, designated "Overnight Accommodations Overlay Zone".
- Discourage overnight accommodation growth and promote growth in community-centric identified community nodes through the use of exactions, etc.

REGULATORY TOOLS:
- Euclidean Zoning
- Overlay Zones
- Mandatory Mixed-Use Development
- Performance Standards
No Growth

**Legend**
- Existing & Approved Overnight Accommodations
  - Hotels
  - B&Bs and short-term rentals
  - RV parks and campgrounds
- Overlay Zones
- Community Nodes

**Option Description**

**Intent:** Focus all new growth to other commercial, residential and community services.

**Details:**
- No new overnight accommodation uses to be allowed.
- All new commercial growth will focus on providing other commercial, residential and community services.

**Regulatory Tools:**
- Euclidean Zoning with Use Rights as Permitted
- Conditional or Prohibited Use Rights
- Performance Standards
- Form-based Codes
Next Steps:

- **May 1**  Planning Team meet with Advisory Committee to identify a Preferred Direction
- **May 7**  Additional Public Comment due
- **May 1-7**  Planning Team to develop preferred planning concept, preliminary policies and ordinances, etc.
- **May 7**  Workshop with Grand County and Moab planning commissions and councils
- **May 21**  Draft 1 Ordinances delivered for review
- **May 28**  Draft 2 delivered for review
- **June 4**  Revised Ordinances delivered to Grand County and Moab for adoption
- **August**  Ordinances revised and adopted by Grand County and Moab
GROUP 1

- Human scale
- Mixed-use
- Community nodes
- Walkable neighborhoods

GROUP 2

- Eliminated Option #1
- Support more lodging if there are greater limitations on scale, numbers of units and performance requirements; No consensus on where lodging should occur
- Need more specificity
- #5 – Needs to accommodate other types of commercial growth
- Support form-based codes

GROUP 3

- Eliminated #1 & #2
- #3 – Okay with more restrictions on #’s of overnight accommodations; Also some support for #4
- Employee housing—needs to mandate adequate parking conditions, upkeep and liveable conditions
- Water requirements/restrictions and knowing how much water is extremely important
- Height and other form-based restrictions should be part of the overlay
- Desire incentives for local, small businesses and higher impact fees to developers
- Feel like #5 opens up too much attention from the state and litigation

GROUP 4

- Eliminated #1
- Mostly support #4; Some support for #3
- #5 – Concerns that state will step-in or shift to San Juan County
- No development on Kane Creek
- Considering water is important
- Support for mixed-use
- Scale of all commercial uses should be small – No big box development
- Increase environmental and aesthetic standards
- Mixed feelings about campgrounds/RV—Feel like they are less invasive, but should still consider their impact to views

GROUP 5

- Eliminated #1 & #2
- Would like to pull form-based from #3 into #4
- Affordable housing—Don’t want the need for affordable housing to get lost in this process
GROUP 6
Eliminated #1
Majority supported #5—but want to make sure other commercial growth still occurs; Want to swing the pendulum back the other way (and then make corrections in the future to balance, if needed)
#4—Like limits, but not that it’s concentrated
Want more investment in downtown
Separate overnight accommodation types should be addressed separately
Top guiding principles--#1, 2, 6, 8 (all focused on putting community first)
Summary of Final Direction Provided

1. Eliminate overnight accommodations as a use by rights throughout the area
2. Consider overnight accommodations north of downtown as part of overlay zoning
3. Preserve downtown as is, with a focus on considering small overnight accommodation projects as part of overlay zoning
4. No additional overnight accommodations south of downtown
5. Grandfather existing uses as legal non-conforming uses and establish triggers for expansions and improvements to meet new policies.
6. Prevent downtown from being redeveloped in the short term until codes can be shored up
7. Consider the form, massing, scale, fit, mixed use, performance standards for water and infrastructure as part of the overlay zones.
8. Address Community Nodes as follow-up efforts once the moratoria are resolved.
9. Consider the application of form-based codes, unit caps, etc. as follow-up efforts once the moratoria are resolved.

Meeting Notes

The purpose of the meeting was to review input from the Public Meeting held the evening before, and for the Advisory Committee to develop recommendations for the City and County regarding a preferred direction for addressing overnight accommodations.

The meeting began with a summary of comments and ideas from the six workshop group sessions. Option 1 was eliminated outright, and Option 2 received little support. There was significant support for Option 5, but questions arose about its political feasibility. Most of the discussion focused on details and nuances of Options 3 and 4.

Some wondered whether overnight accommodations could be permitted in some areas in some form without sacrificing the community, residential areas and affordable commercial space. There was discussion on the need for more granular boundaries between the various zones, and several members sought clarification on how the overlays would impact existing overnight accommodations. Would existing overnight accommodations become legal non-conforming uses, or would the overlay zones be attached to parcels immediately making them active, principal uses?

Several committee members indicated that if overnight accommodations were removed wholly from the area, the uses would move to San Juan County and other areas to the south. It was felt that this would continue to increase traffic impacts through the City, as visitors would travel to Moab for services and to reach Arches, for example.

It was generally agreed that efforts should focus on solving the core problems related to overnight accommodations and the two moratoria, and that related concerns such as traffic, multi-modal
transportation and infrastructure will be addressed in ongoing and follow-up efforts once the moratoria had expired. It was agreed that the impacts of overnight accommodations on water and services would be addressed as part of the ordinances, and that they could be refined and enhanced once the new ordinances have been adopted. The group acknowledged that traffic, noise, and congestion must be addressed, and that discussions of future growth in overnight accommodations and tourism should be predicated upon adequately addressing the capacity of public infrastructure, services, and quality of life concerns.

Several members voiced support for concentrating development on the north end of the valley, as this would make sense for the vast majority of day trip visits to the recreation areas north of downtown, including Arches NP. It was also generally acknowledged that the pattern in this area was basically set, as much of the currently vacant land holdings have been approved for future projects.

It was expressed that future development or redevelopment of overnight accommodations in the downtown area, if allowed, should only be permitted as part of mixed-use projects and that there should be requirements that future projects should have a scale and form that fits in and protects community gateways and surrounding viewsheds. This would help make downtown a more dynamic, pedestrian-scaled and walkable place.

It was also felt that the identified Community Nodes should be mixed-use places that serve the surrounding neighborhoods and community as a whole. They should provide places that are locally owned and operated and include uses that would not otherwise be feasible near the expensive commercial core. Some wondered if a maximum size should be established for each node.

Many felt that they want Moab to be cool and funky – a community of surprises that can be explored. It was generally concluded that dealing with the community nodes will take additional time and resources beyond the scope of the moratoria and will need to be addressed as follow-up efforts.

It was noted that the overnight accommodation market has experienced a distinct shift in recent years - the existing “big fish” local hoteliers are being replaced by even “bigger fish” from outside of the area. Developers also want to see mixed-use places, as they help make Moab a more interesting and engaging place. Some expressed an interest in significantly reducing the maximum size of overnight accommodations in order to preserve the existing local operators; others felt it may be too late to stop this from happening.

The guiding principles were reviewed, and it was felt that Guiding Principles 1, 7, 8 and 10 are the most applicable to this effort. It was also stressed that water is a critical consideration and should always be considered as decisions are made.

Some concern was expressed about the ability to stop something if use-by-right conditions are met. It was also noted that exactions can be an effective tool but must be tied to impacts. There was much discussion about the mechanics of implementing overlay zones. It was also indicated that a significant swing away from the dominance of overnight accommodations was required to counter the current imbalance, with an understanding that corrections may be required in the future.

Straw Vote Results:
• Eliminate overnight accommodations as a principal use (“use-by-right”) in most, if not all, areas.
• Boundaries to be refined, limiting growth south of city boundary.
• Don’t only limit overnight accommodations to one area, but focus on scale of the building as a way of making them fit in.
• Scale of everything is an issue – not just hotels.
• RV parks are more accepted than hotels as they aren’t permanent, but there were concerns about effects on viewshed.
• Metering overnight accommodations through the use of caps was considered a good idea because it allows assessing the incremental impacts overtime. However, there was some concern that this would be difficult to implement and may backfire and end up as a “floor” rather than a cap.
• Full-support for performance based standards related to water and energy
• General support for form-based standards, particularly in downtown and future Community Nodes.

Node at intersection of SR-313/US-191 and other outlying areas:

One member likes to the idea of space for trailers and RV out of town, while members of the County Planning Commission feel that campgrounds are at their limit without affecting the viewshed, noting that protecting the sense of arrival and the community gateways is essential. They also noted that these areas lack water, which pose significant environmental concerns. If any new development is allowed in these areas, they will require careful study to make sure they protect the viewshed. Also, it was felt that we shouldn’t give people false impressions that something can be approved when it cannot or will not be approved.
OVERNIGHT ACCOMMODATION
PREFERRED ALTERNATIVE - DRAFT 05.03.19

LEGEND
Existing & Approved
Overnight
Accommodations
Planning Areas
- Hotels
- B&Bs and short-term rentals
- RV parks and campgrounds
- North of Downtown
- Downtown Center (C-3)
- Downtown Edge (C-1/C-2)
- South of Downtown
- Proposed Community Nodes

DESCRIPTION

INTENT:
Focus more intense overnight accommodations north of downtown, permit properly scaled overnight accommodations downtown, and eliminate overnight accommodation south of downtown.

DETAILS:
NORTH OF DOWNTOWN (to the Colorado River): Eliminate overnight accommodations as a use-by-right. Utilize overlay zones to establish higher performance standards addressing issues such as scale, massing, form, water and energy efficiency, and mixed use.

DOWNTOWN AREA: Eliminate overnight accommodations as a use-by-right in the Downtown Center. Existing use-by-rights to remain in the Downtown Edge areas. Utilize overlay zones to establish higher performance standards addressing issues such as scale, massing, form, water and energy efficiency, ground floor commercial, gathering areas and mixed use.

SOUTH OF DOWNTOWN: Eliminate overnight accommodations as a use-by-right.

NORTH OF THE COLORADO RIVER, KANE CREEK BOULEVARD & THE HWY 128 CORRIDOR: Eliminate overnight accommodations as a use-by-right anywhere they are currently allowed north of Colorado River to edge of Arches National Park at the intersection of Hwy 313 and US 191, along Kane Creek Boulevard and along the Hwy 128 Corridor.

COMMUNITY NODES: Develop small area plans to determine the use, scale, massing and form of distinct community destinations. These should be distinct small-scale destinations that support community services and functions.

REGULATORY TOOLS:
- Traditional Zoning
- Overlay Zones

As follow-up efforts once initial ordinance changes have been adopted:
- Form-based Codes
- Mandatory Mixed-Use Development
- Performance Standards
- Development Caps
Thoughts on New Overnight Accommodations Development in Grand County – Jaylyn Hawks

I appreciated the opportunity to sit around the table with a group of citizens at the recent Moab Area Land Use Public Workshop. Even though the group was diverse with many different viewpoints and life situations, the thoughts and sentiments expressed were surprisingly congruent. In addition to participating in public workshops I’ve connected with a large number of my constituents through email and I’ve questioned a fair number of multi-generational Moabites; throughout this process I’m hearing a very similar message – let’s step back, hit the pause button, and re-assess. With that in mind, the following points very closely reflect what I’m hearing throughout the valley and provide what I feel is an effective direction for our consulting group and planning commissions to pursue in addressing the new overnight accommodations issue:

- **Restrictive Parameters** – we are working on an extremely short timeline. With that in mind, it makes sense to begin with very restrictive parameters with the understanding that we have the ability adjust as new information and data support.

- **Too many bodies in a finite space** – this issue is three-fold:
  - Our current infrastructure in terms of water, storm drains, sewage, and roads, is insufficient to provide for the number of visitors that we currently host.
  - Our public lands and spaces are showing significant damage from all user groups.
  - Our available hospitality services for visitors is significantly lacking causing visitors to have hour long (or more) wait times at establishments that hope to provide a good experience to visitors as well as year-round residents.

- **Economic diversity** – this is one of the top priorities for Grand County. Encouraging more overnight accommodations development (a questionable policy given the above infrastructure issues) is effectively putting those other economic interests in direct competition with the overnight accommodations industry – not a healthy situation if we’re serious about economic diversity.

Given these overwhelmingly universal community sentiments and goals it makes the most sense for subsequent ordinances to be developed around these principles:

- **Option 4 Controlled Growth** – Center new land use ordinances around Option 4 as presented at the community land use workshop.
  - Option number 4’s stated intent is to “Severely limit overnight accommodation throughout the area to focus new growth to other commercial, residential and community services. To further clarify:
    - New overnight accommodations development as a “by right” use is eliminated
    - The Highway 191 corridor south of downtown is to be preserved for other commercial, residential, and community services.
    - The opportunity to develop new overnight accommodations could be considered in an overnight accommodations overlay zone (Highway 191 Corridor) north of the downtown area to approximately the Colorado River Bridge.
  - Legislative approval process would include stringent adherence to regulations:
    - Mandatory mixed use, e.g. commercial space on the main floor for enterprises such as coffee shop, bar, restaurant, equipment rental etc.
    - Size/height of buildings to preserve the feel of the landscape and viewscape (for example)
    - Water and energy efficiency
    - Other (to be determined)

Additional thoughts:

- There is a significant number of new overnight accommodations development already in the ‘pipeline’. Approval of additional developments should be delayed until those already in the pipeline come ‘on line’ and we have had a chance to step back and re-assess.

- A lot of attention has been given to ‘form-based’ approval of developments. While I agree with the concept, I have to go back to the reality that if there are too many bodies in a given area, ‘form-based’ design is not going to address the root of the issue.