# GRAND COUNTY Planning Commission

**Tuesday, May 28, 2019**  
**5:00 P.M. Regular Meeting**  
Grand County Courthouse  
Council Chambers  
125 E. Center St., Moab, Utah

<table>
<thead>
<tr>
<th>Type of Meeting:</th>
<th>Regular Meeting</th>
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</thead>
<tbody>
<tr>
<td>Facilitator:</td>
<td>Gerrish Willis, Chair</td>
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<tr>
<td>Attendees:</td>
<td>Planning Commissioners, interested citizens, and staff</td>
</tr>
</tbody>
</table>

## Regular Meeting

<table>
<thead>
<tr>
<th>Time</th>
<th>Item Description</th>
<th>Participant(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5:00 PM</td>
<td>Approval of the May 14, 2019 Meeting Minutes</td>
<td>Chair</td>
</tr>
<tr>
<td></td>
<td>Citizens to be heard</td>
<td>Chair</td>
</tr>
<tr>
<td></td>
<td>Ex Parte Communications</td>
<td>Chair</td>
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<tr>
<td></td>
<td>Viewgate Terrace High Density Housing (HDH) Overlay application</td>
<td>Staff</td>
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<td></td>
<td>Noticing Procedures</td>
<td>Staff</td>
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<td></td>
<td>Review Bylaws</td>
<td>Chair</td>
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<td></td>
<td>Review the recently adopted temporary land use regulation prohibiting new overnight accommodations developments in unincorporated Grand County for a period of six (6) months.</td>
<td>Staff</td>
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<td>Future considerations</td>
<td>Chair &amp; Staff</td>
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<tr>
<td></td>
<td>County Council Update – Terry Morse</td>
<td>Council Liaison</td>
</tr>
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## ADJOURN

### DEFINITIONS:

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

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

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

- **Administrative act** = action taken by the Planning Commission, County Council or staff interpreting ordinances and regulations, conditional uses, approving subdivision, site plans, issuing building permits; an administrative decision must satisfy the requirements prescribed under state law or the County Land Use Code, whichever is stricter.
A regular meeting of the Grand County Planning Commission convened on the above date at the Grand County Courthouse, 125 E. Center St., Moab, UT 84532

Members Present: Chair Gerrish Willis, Vice Chair Abby Scott, Robert O’Brien, Kevin Walker, Emily Campbell, and Rachel Nelson.

Members Absent: Christine “Cricket” Green

Staff Present: Zacharia Levine and Kenny Gordon

Council Liaison:

Meeting was called to order at 5:03 pm by Chair Gerrish Willis.

Citizens to be heard: None

Ex Parte Communication: None

Action Items:

Review and consider application materials provided to the planning commission related to the proposed subdivision of the Sandstone Cottages. Staff recommends approval of the Preliminary Plat, contingent upon the High Density Housing (HDH) Approval from the Grand County Council. Approval of the Preliminary Plat plan does not constitute legislative action applying the HDH overlay to the subject parcels. The applicant will be required to seek legislative approval of the High Density Housing (HDH) overlay in subsequent phases.

Glen Lent, applicant, feels like project meet the intent of the High Density Housing Overlay. Single family unit development. Confident with what is being proposed. Visited with the Tangreen family to find some common ground with the issues that were brought up in a letter submitted regarding the development.

Public Comment:
Loraine Fullmer, has some concerns with neighbors who have animals. Concerns about fence and applicant providing a fence.
Gary Drake, Manager KOA, concerns about buffer, separation and safety.

Gerrish Willis, question about additional off street parking provided.

Abby Scott, are the units intended to be sold?

Glen Lent, majority are intended to be sold.

Gerrish Willis closes the public hearing, and entertains motion.

Motion 1
Abby Scott, Move to send a favorable recommendation to the County Council for applying the High Density Housing Overlay (HDHO – 10) to the parcels at 3058 and 3060 Spanish Valley Dr. Seconded by Emily Campbell. Discussion, none. Vote for 6, against 0, motion carries.

Motion 2
Robert O’Brien, Move to approve the proposed preliminary plat for Sandstone Cottages HDHO Development contingent upon the following:

a) The County Council approves the development agreement committing developer to the deed restriction requirements of Section 4.7 and applies the HDHO-10 to the subject parcels;

b) The developer meets all engineering design and easement requirements for drainage and roads, including on-street parking, prior to final plat approval; and,

c) The developer meets all design and easement requirements imposed by GWSSA, the Fire Department, and Rocky Mountain Power prior to final plat approval.

d) The developer’s final plat and building design standards comply with all other requirements of Section 4.7 – High Density Housing Overlay.
Seconded by Abby Scott. Discussion. Kevin Walker thinks that the addition of a fence would be beneficial. Glen Lent said that the development would be favorable to the addition of a fence. Gerrish Willis asked about the improvements on Spanish Valley Drive. Zacharia Levine improvements for frontage would be required.

Kevin Walker, Moves to amend the original motion to approve the proposed preliminary plat for Sandstone Cottages HDHO Development contingent upon the following:

a) The County Council approves the development agreement committing developer to the deed restriction requirements of Section 4.7 and applies the HDHO-10 to the subject parcels;
b) The developer meets all engineering design and easement requirements for drainage and roads, including on-street parking, prior to final plat approval; and,
c) The developer meets all design and easement requirements imposed by GWSSA, the Fire Department, and Rocky Mountain Power prior to final plat approval.
d) The developer’s final plat and building design standards comply with all other requirements of Section 4.7 – High Density Housing Overlay.
e) Requiring a 6’ tall privacy fence around perimeter of the development.

Seconded by Emily Campbell. Discussion. Vote amended motion, for 6, against 0. Amended motion carries. Vote main motion, for 6, against 0. Main motion carries.

Discussion Items:

Review Bylaws.
Robert O’Brien, IV.2 “During the interview process Commissioners are encouraged to ask questions which verify a candidate’s experience and eligibility to meeting requirements of service, Commissioners shall ask the same questions of each candidate.”

Abby Scott sees value in initial questions being the same but sees some benefit to additional questions.
Gerrish Willis ask the same questions but be allowed to ask follow up questions.
Gerrish Willis will present redline changes at the next meeting.
Robert O’Brien, V.15 Can a person vote when participating in real time communications?
Robert O’Brien, V.3, add “or the online equivalent” to this section.

Gerrish Willis, III.3b. Chair would be happy to work with staff in setting the agenda.
Gerrish Willis, V.6, “Friday before the Planning Commission meeting” Do we want to move this to Thursday?
Zacharia Levine would prefer to keep this Friday.
Agreed to leave as is.

Gerrish Willis, V.7, Change “Thursday” to “Wednesday.”
Kenny Gordon, comments required for packet material due by Wednesday would be beneficial.
Gerrish Willis will present redline changes at the next meeting.

TLUR Discussion
Zacharia Levine provided updates from Landmark Design and the latest information on the TLUR discussion.

Review, Article 9.1 Common Procedure, from the Grand County Land Use Code.
Postponed to next meeting.

Approval of Minutes: April 23, 2019: Emily Campbell, motion approve the April 23, 2019 meeting minutes.
Seconded by Robert O’Brien. Vote, 6 for and 0 against.

Future Considerations:

Community Development Department Update: None.

County Council Liaison report: None.

Adjournment: Motion to adjourn meeting, all were unanimous. Adjourned at 8:45 pm.
POSSIBLE MOTIONS:

Option 1:
Move to send a (favorable or unfavorable) recommendation to the County Council for applying the High Density Housing Overlay (HDH35b) to the parcel located at 1248 S. Hwy. 191.

Option 2 (Staff Recommendation):
Move to postpone action on the Viewgate Terrace High Density Housing Overlay – HDH35b application until the applicant has addressed the development issues/questions raised by the County’s Development Review Team.

STAFF RECOMMENDATION:

Review and consider application materials provided to the planning commission related to the application of the HDH35b overlay to the subject parcel.

Staff agrees with other Development Review Team members that it is premature to send a favorable recommendation for the HDH35b overlay. Multiple questions have arisen regarding the capacity of the subject parcel to accommodate the level of development contemplated and made possible by an HDH35b overlay. With that in mind, Staff believes the subject parcel is in an appropriate location to accommodate higher density multi-family residential development—it is near the commercial core of Moab City and the proposed USU Moab campus, and it offers immediate access to US 191.

BACKGROUND:

See staff report attached and below.

The applicant is seeking a High Density Housing Overlay (HDH35b) approval of the subject parcel from the County. A planning commission recommendation should be made as to the legislative application of the HDH35b to the subject parcel.

The applicant continues to work with Grand County to resolve the issue of surfacing ground water at this site. No solution has been reached at this time. Planning commission may want to consider postponing action on this request until this issue is resolved. Development review team members also raised
concerns about drainage in general, road access through the hotel site under construction (it was not sized adequately to accommodate a high volume of vehicle trips in and out of the back portion of the lot), and easements.

ATTACHMENT(s):
- High Density Housing Application
- Applicant Statement
- Conceptual plan
- Survey
- Title Report
- Development Agreement
- Application Fee
DATE: Tuesday, May 28, 2019
TO: Grand County Planning Commission
SUBJECT: Viewgate Terrace High Density Housing Overlay (HDH35b)

PROPERTY OWNER: Viewgate Development LLC
PROP. OWNER REP: William Hansen
ENGINEER: Click or tap here to enter text.
PROPERTY ADDRESS: 1248 S. Hwy. 191
SIZE OF PROPERTY: 19.75 acres
EXISTING ZONE: Rural Residential (RR). Property is located in the boundary establishing eligibility for the HDHO35B
EXISTING LAND USE: Highway Commercial (Hotel under construction) / Rural Residential (vacant)
ADJACENT ZONING AND LAND USE(S): Rural Residential (RR) & Highway Commercial (HC). The subject parcel is located within the HDH35b area.

APPLICATION TYPE
High Density Housing Overlay (HDH35b)

STAFF RECOMMENDATION: Approve
Comments (optional): Click or tap here to enter text.

APPLICATION PROCEDURE
Decision Type: Legislative

Public Notices: ☐ Public Meeting at:
☐ Planning Commission
☐ County Council
☒ Public Hearing at:
☐ Planning Commission
☒ County Council

Attachments:
☐ Approval Letters
☒ Site Plan
☐ Landscape Plan
☒ Vicinity Map
☒ Legal Notice

SUMMARY OF REQUEST
The subject property is a 19.75 acre lot located in the Rural Residential (RR) & Highway Commercial (HC) zones at 1248 S. Hwy. 191. The developer is requesting application of the HDH35b overlay to their parcel.

SITE IMPROVEMENTS / ADDITIONS / CHANGES
A Wyndham Wingate Hotel is currently under construction on the 2.8 acre portion of the subject parcel zoned Highway Commercial. Application of the HDH35b overlay would enable higher density development on the remaining, undeveloped portion of the parcel, which is 16.7 acres and currently zoned Rural Residential.
CONSIDERATIONS FOR APPROVAL, DENIAL, AND/OR POSTPONEMENT

Article 4.7 HIGH DENSITY HOUSING (HDH) OVERLAY DISTRICT

4.7.1 Purpose.

A. Grand County has established a High Density Housing Overlay (HDHO) district to facilitate the provision of new housing units used for primary residential occupancy by actively employed households. The HDHO districts (See Map- Exhibit A) are intended to provide the opportunity and means for the County to meet its estimate of additional residential and workforce housing needs, to achieve the goals of the housing element of the County’s General Plan, and to implement the policies and goals of the housing element of the County’s General Plan.

B. These regulations are intended to encourage the development of new housing units by assisting both the public and private sector in making the provision of these units economically viable, while providing assurances to the County that these units will maintain a high degree of quality and will remain financially accessible to residents and local area workers.

C. These regulations are further intended to encourage the provision of primary residential housing through the combination of the HDHO districts with multiple-family and single-family residential zoning districts within the County where the residential housing projects are determined to be feasible and are consistent with the County’s General Plan.

D. The HDHO is intended to:
   1. Provide a means of directing and simplifying the process for creating and maintaining primary residential housing.
   2. Provide a means of directing and simplifying the process for creating and maintaining affordable housing constructed to meet the Assured Housing requirements of Section 6.15.
   3. Provide incentives to developers, whether in new or rehabilitated housing, to maintain primary residential rental and ownership units in perpetuity.

Staff believes the developer’s narrative and proposed preliminary plat meet the legislative intent of the High Density Housing Overlay. Staff recommends planning commission forward a favorable recommendation of the HDH Overlay application IF AND ONLY IF the County’s Development Review Team provide letters of support and confidence that the subject parcel could actually accommodate the development contemplated and made possible by a HDHO35b designation.

4.7.5(C)

C. Property Development Standards. The following development standards shall apply to HDHO units in the HDHO districts.

The Applicant is not requesting preliminary plat approval, so any development plans submitted in conjunction with their HDHO application are for context and suggestion only. They may give the planning commission a sense of what the Developer is contemplating, but the Developer would not be subject to such plans if the overlay is attached. With that in mind, Staff has provided limited commentary on the items below.

1. General Design Standards. The development shall be designed and developed in a manner compatible with and complementary to existing and potential development in the immediate vicinity of the development site. Site planning on the perimeter shall provide for protection of the property from adverse surrounding influences and shall protect surrounding areas from potentially adverse influences from the property. To the greatest extent possible, the design of the development shall promote privacy for residents and neighbors, security, and use of passive solar heating and cooling through proper placement of walls, windows, and landscaping.

   The design of the development will be further evaluated at the time of Preliminary and Final Plat approval.

2. Minimum Design Standards. Minimum design standards are included to ensure a high degree of quality in the development of HDHO units. Unless modified by the County Council, the following design standards shall apply to a development that utilizes the density increases allowed by this Article.

   These design standards will be evaluated at the time of granting a building permit, and at Preliminary and Final Plat approval.
a. Sidewalks shall be installed along all street frontages where otherwise required by this LUC.

*This design standard will be evaluated at the time of Preliminary and Final Plat approval.*

b. Screening Requirements

*This design standard will be evaluated at the time of Preliminary and Final Plat approval.*

i. Outdoor Storage Screening. All outdoor storage areas for materials, trash, mechanical equipment, vehicles, or other similar items shall follow the standards outlined in Section 6.4.3.

ii. Parking Lot Screening. Parking lot screening must be provided between those portions of an off-street parking area containing six (6) or more parking spaces and a different zoning district or a public street and shall be designed according to the following:

   a. Parking lot screening must be provided within ten feet (10’) of the perimeter of the parking lot to be screened, except for parking lots adjacent to rain gardens/bio-retention systems, other landscape features, or where screening may negatively impact the traffic sight distance (as defined by the American Association of State Highway and Transportation Officials (AASHTO) and verified by the County Engineer)

   b. Parking lot screening shall be not less than eighty percent (80%) opaque and be a minimum of three feet (3’) in height as measured from the highest finished adjacent grade of the parking area. When shrubs are used to provide the screen, such shrubs must be at least two feet (2’) tall at planting and anticipated to grow to at least three feet (3’) tall at maturity.

   c. No landscaping or screening shall interfere with driver or pedestrian visibility for vehicles entering or exiting the premises.

   d. Screening for a parking lot may be comprised of plants found in Section 6.4.3.F.

   e. Content: Parking lot screening must consist of at least two (2) of the following:

      i. A compact hedge of evergreen or densely twigged deciduous shrubs spaced to ensure closure into a solid hedge at maturity;

      ii. A berm with plantings as described above;

      iii. Transit shelters, benches, bicycle racks, and similar features may be integrated as a part of the screen;

      iv. Fencing may be integrated as part of the screen. All wood fencing shall be stained and sealed with a weatherproof product.

iii. Parking Island Design. Off-street parking areas with at least twenty-five (25) parking stalls shall contain interior landscaped islands. Such islands shall be bounded by a raised concrete curb, pervious curbing, or an approved equivalent and shall contain mulch to retain soil moisture. This provision shall not apply to parking structures. The standards for landscaped islands are as follows:

   a. Landscaped parking lot islands shall be required at the beginning and end of each parking row and shall contain a minimum of one hundred eighty (180) square feet and a minimum width of nine feet (9’).

   b. A minimum of one tree shall be provided for each island.
c. Shrubs, perennials or ornamental grass shall be incorporated in each landscaped island that does not contain a tree.

d. Islands shall be prepared with topsoil to a depth of two feet (2') and improved to ensure adequate drainage, nutrient, and moisture retention levels for the establishment of plantings.

e. All perimeter and interior landscaped areas in parking lots shall be equipped with an irrigation system adequate for establishing and maintaining the plant materials within it.

c. Building Exterior Façade Standards.

These standards are to be reviewed at the time a building permit is requested. They are administrative requirements for development within an HDH Overlay.

i. Exterior finishes may be of wood, masonry, stone, stucco, HDO board or other high quality material permitted by the building code, but shall not utilize vinyl siding; cedar or wood shakes; highly reflective, shiny, or mirror-like materials; or exposed plywood or particle board.

ii. Buildings shall utilize at least two (2) of the following design features to provide visual relief along the front of the residence:
   a. Projections, recessions, or reveals such as, but not limited to, columns, pilasters, cornices, and bay windows
   b. Dormers.
   c. Gables.
   d. Recessed entries, a minimum of three (3) feet deep.
   e. Covered front porches.
   f. Cupolas.
   g. Architectural Pillars or Posts.
   h. Quoins.
   i. Corbeling on wall.
   j. Decorative lintel.
   k. Incorporation of brick or stone on at least 25% of front surface area

iii. Planning staff shall have the authority to waive this requirement when the building is not visible from adjacent properties or the public right-of-way.

d. Where HDHO units may be placed on the same lot as current or future temporary or short-term accommodations, dedicated HDHO units shall be clustered together so as to minimize the exposure of residents to temporary guests. In all other developments, where temporary or short-term accommodations units do not exist and cannot exist due to zoning restrictions, dedicated HDHO units shall be dispersed throughout the residential development.

e. Where there is a combination of commercial and residential uses, the commercial uses shall front along the highest road designation. Residential development shall be located behind commercial development or on upper floors above commercial development.

f. The County Council may waive, or modify, any, or all, of these requirements when the Council finds it is infeasible to comply due to physical or other constraints on the lot.

3. Minimum Building Site Area and Lot Width. There shall be no minimum building site area, minimum lot width, or maximum lot coverage requirements for individual lots or individual dwelling sites in a HDHO district development. However, the building site area lot widths, and lot coverage percentages shall be designated on a site plan pursuant to Section 9.17 or preliminary plat pursuant to Section 9.4 approved by the Planning Commission.

This design standard will be evaluated at the time of Preliminary and Final Plat approval.

   *This will be evaluated at the time of Preliminary Plat. It is anticipated that this will not be an issue.*

5. Building Height.

   *These standards are to be reviewed at the time a building permit is requested. Because the developable portion of the subject parcel is currently zoned Rural Residential, any new development would be subject to the County’s Ridgeline Standards, which would limit the height of structures.*

   a. Maximum building heights shall not exceed the limits defined in the underlying zone district except that buildings constructed in the HDHO 35b district shall not exceed four (4) stories or forty-two (42) feet in height.

   b. To the maximum extent possible, building heights and locations shall minimize shading and interruption of solar access to adjacent properties with existing residential structures or commercial agricultural operations.

   c. All structures shall conform to the Ridgeline Standards of Section 6.9.8.

   d. Structures built under the HDHO must comply with the setback and buffer requirements of the underlying zone. The maximum height of the building at the exterior wall shall be the greater of:

      i. 20 feet

      ii. The building’s setback at that point

   e. From the exterior wall, the building’s height may increase to its maximum height at a rate not greater than a 45° angle from the maximum allowable height of the exterior wall.

6. Setbacks. The minimum setbacks from the lot line of the development shall be determined by the buffer requirements of Section 5.4.1.B and the compatibility standards of Section 6.10.

   *A buffer area will be required on a portion of the east boundary between the Highway Commercial zone. The rest of the surrounding property is of the same zone. At the time of Preliminary Plat these standards will be further evaluated.*

7. Parking.

   *This will be determined at the time of Preliminary Plat.*

   i. Number of spaces required

      a. For every single-family or two-family dwelling, there shall be provided at least two (2) off-street parking spaces for each unit. Parking spaces provided in a garage or carport may count towards the minimum requirement.

      b. For every attached multifamily dwelling, off-street parking spaces shall be provided in accordance with Section 6.1.4:

<table>
<thead>
<tr>
<th>Multi-family dwellings</th>
<th>Efficiency and one-bedroom</th>
<th>1.5 per dwelling unit</th>
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<tbody>
<tr>
<td></td>
<td>Two-bedroom</td>
<td>1.75 per dwelling unit</td>
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<tr>
<td></td>
<td>Three-bedroom and Larger</td>
<td>2.0 per dwelling unit</td>
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</tbody>
</table>
ii. Parking design requirements

c. Parking areas for single-family or two-family dwellings need not be paved.

d. Parking areas for attached multifamily dwellings shall be subject to the off-street requirements outlined in Section 6.1.7.

e. Uncovered surface parking may be permitted in the rear and side setbacks but is not permitted in the front or street-side setback.

f. Garages, carports, and individual locking storage units are subject to the setback standards outlined in Section 5.4.1.

g. Required spaces for multifamily developments equal to or greater than five units shall be covered in a carport or a garage except that for multifamily dwellings with four or fewer units, parking spaces can be uncovered.

8. Minimum Standards of Physical Condition. A HDHO unit is required to have and maintain those minimum standards of physical conditions set forth in Exhibit B - Minimum Standards.

These standards are to be reviewed at the time a building permit is requested, and included in the deed restrictions attached to each lot’s title.

9. Streets. All public streets within or abutting the proposed planned development shall be dedicated and improved to County specifications for the particular classification of street; all private streets shall meet fire code and access standards.

This standard will need to be meet with the Preliminary Plat application. Developer will need to work with County Engineer, Roads Department, and Fire Department to ensure that these standards are meet.

10. Signs. Signs shall be permitted only to the extent allowed under Section 6.5, Signs, and must be approved by the Planning and Zoning Administrator.

The developer has not proposed signage to date.

11. Construction Timing. The HDHO units shall be ready for occupancy no later than the date of the initial or temporary occupancy of any unrestricted units within the development or applicable phase thereof. If the unrestricted units are developed in phases, then the HDHO units may be developed in proportion to the phasing of the unrestricted units. For example, in an approved development that includes 100 units built in two 50-unit phases the first phase must include at least 40 HDHO units.

The developer has not designated which lots will be deed restricted in accordance with Section 4.7 at this stage of review, but will need to at the time of preliminary plat review, approval, and recordation.

Article 7 Subdivision Standards

Staff has reviewed the development concept plan submitted to date for subdivision standards not specified within the HDH Overlay or addressed above.

Lighting: The developer has not submitted a street lighting plan, or exterior lighting plans for the individual structures. The street lighting plan will be required prior to final plat approval and the exterior lighting plans for individual structures will be required at the time building permit applications are reviewed.
Utility Easements: The developer will need to designate acceptable public utility easements on the final plat as per the requirements of GWSSA and Rocky Mountain Power.

Drainage and Drainage Easements: The developer will need to designate the drainage easement on the final plat as per final specifications from the County Engineer. The County Engineer, Road Supervisor, and CED Director have expressed concerns about drainage on the property, and the hotel development under construction has not yet entirely resolved the issue of surface spring flow created by the development.

Fire Protection: The Fire Department has not provided specific comments on the development concept plan submitted to date, but has expressed concerns about fire protection capabilities due to water availability and water pressure.

Water and Sewer: GWSSA has expressed concerns about their ability to serve additional development on this parcel under current infrastructure availability and capacity.

COMPATABILITY WITH GENERAL PLAN
The proposed subdivision is not explicitly supported by the general plan, but it is supported by the HDH Overlay ordinance adopted by the County Council in January 2019. Inasmuch as Council anticipates adding the HDH Overlay to the General Plan as an amendment or complement to the Future Land Use Plan, the proposed subdivision is supported.

COMPATABILITY WITH LAND USE CODE (ZONING)
The subject property is zoned Rural Residential (RR) and Highway Commercial (HC), and is in the HDH35b Overlay zone. The developer is seeking legislative approval of the High Density Housing Overlay being applied to the subject parcel. Once the HDH overlay is applied, the applicant will need to apply for preliminary plat and final plat approvals that comply with all standards in Sections 4.7 and Articles 5, 6, 7, and 9.

LAND USE CODE REFERENCE SECTIONS
Section 3.1 Use Table
4.7.4A

<table>
<thead>
<tr>
<th>High Density Housing (HDH) District</th>
<th>Maximum Density</th>
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<tr>
<td>HDH 35a</td>
<td>35 units per acre</td>
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<tr>
<td>HDH 35b</td>
<td>35 units per acre</td>
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<tr>
<td>HDH 25</td>
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<tr>
<td>HDH 10</td>
<td>10 units per acre</td>
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<tr>
<td>HDH 5</td>
<td>5 units per acre</td>
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4.7.6 Assurance of primary residency and occupancy.

HDHO units developed under this Article shall remain available to persons and families who live and work in Grand County according to the standards set forth in Section 4.7 in perpetuity. The developer shall be required to enter into a development agreement with the County to ensure primary residential occupancy by actively employed households is maintained prior to recordation of final plat or issuance of a building permit for the applicable development. Each housing unit designated for primary restricted residential occupancy by an actively employed household (an HDHO unit) shall also include a deed restriction attached to its title in accordance with the standards set forth in this section. Grand County reserves the right to revoke, deny or suspend any permit, including a land development permit, conditional use permit, building permit, certificate of occupancy, or discretionary approval if the standards of this section are not met.
approved and the Applicant is permitted to develop under the HDHO standards, each deed restricted lot or unit shall be designated on the plat prior to preliminary plat approval. Further, each deed restricted lot or unit shall include such restriction on its chain of title in perpetuity.

PROPERTY HISTORY
The parcel currently includes one hotel (under construction) and two residences.
HIGH DENSITY HOUSING (HDH) OVERLAY APPLICATION
Grand County Courthouse: 125 E. Center St. Moab, UT 84532; Phone: (435) 259-1343

FOR OFFICE USE ONLY
Date of Submittal: Application Processing Fees: $500.00
Submittal Received by: Amount Paid: Fees Received by:

APPLICANTS ARE STRONGLY ENCOURAGED TO READ THROUGH SECTION 4.7 OF THE GRAND COUNTY LAND USE CODE AND MEET WITH STAFF PRIOR TO SUBMITTING AN APPLICATION TO RECEIVE THE HIGH DENSITY HOUSING (HDH) OVERLAY. APPROVAL OF AN HDH OVERLAY APPLICATION DOES NOT CONSTITUTE A PRELIMINARY PLAT, FINAL PLAT, OR SITE PLAN APPROVAL.

CONTACT INFORMATION
Property owner: Viewgate Development LLC
Address: 1248 S Hwy 191, Moab UT 84532
Phone: 2088609370 cell: fax:
Email address: williamahansen87@gmail.com

Engineer (if applicable):  
Address:  
Phone: cell: fax:  
Email address:  

Property owner representative (if applicable): William Hansen
Address: see above
Phone: cell: fax:  
Email address:  

PROJECT INFORMATION
Project name: Viewgate Terrace
General location of the property: South of Moab
Underlying Zoning: Rural Residential district
Surrounding land uses: Rural Residential, Commercial
Size of property: 16.7 acres
Number of lots/units proposed: (for sale) 168 (for rent)
Number of deed restricted HDHO units proposed: (for sale) 135 (for rent)
REQUIRED – Each of the following agencies will review for their ability to serve the proposed development through adequate existing and future easements, or provide a letter with detailed requirements for the proposed development. Applicants are encouraged to consult each of the following agencies prior to submitting a development application. Grand County Community and Economic Development staff will request approval letters or signatures from each agency after a complete application is submitted.

Moab Valley Fire Department
Grand County Road Supervisor
Grand Water and Sewer Service Agency
Rocky Mountain Power
FEMA Floodplain Administrator

SUPPORTING MATERIALS
Approvals of the High Density Housing (HDH) Overlay are considered legislative, discretionary decisions. They are reviewed in public hearings by the Planning Commission and County Council, with the County Council serving as the final land use authority (i.e., final decision-making authority). Approval of an HDH Overlay application DOES NOT constitute a preliminary plat, final plat, or site plan approval. HDH Overlay applications shall contain, at a minimum, the following supporting materials through the approval process according to the following submittal schedule:

☑ Survey. The applicant shall submit a certified survey of land area to be rezoned. Such survey map shall require at a minimum the following information:
   1. Subject land area acreage
   2. Adjacent uses and predominant uses in the vicinity
   3. Existing zoning designation of the subject property and surrounding properties.
   4. A vicinity map.

☑ Applicant Statement. A statement by the Applicant explaining how the proposed High Density Housing Development meets the legislative intent and established standards of Section 4.7 of the Grand County LUC. In making its determination, the County Council shall consider the recommendation of the Planning Commission, staff reports, and the written and oral testimony presented.

☑ Development Agreement. The Applicant shall provide and enter into a development agreement with the County establishing the proposed means for assuring the continuing existence, maintenance and operation of the HDH development in compliance with standards set forth in Section 4.7 of the Grand County LUC.

☐ Title Report. A preliminary title report from a licensed title company listing or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property, and of the preliminary plat.

☐ Covenants, Conditions, Restrictions. Draft of any protective covenants where the developer/subdivider proposes to regulate land use or development standards in the subdivision.
☐ Taxes. A statement from the County treasurer showing the status of all current taxes due on the parcel.

☐ Surrounding Property Owners. A list of surrounding property owners and their legal mailing addresses within 100 feet of the exterior boundary of the parcel proposed to be rezoned.

☐ Posting. The Applicant is responsible for posting a sign noticing the public hearings. The Community and Economic Development Department will provide the physical signs. The Applicant is responsible for wind and water proofing the sign as well as placing it in a prominent place within the front setback of each street to which the proposed subdivision fronts. The public hearing notices shall be posted at least 10 days prior to the public hearings and remain in place until the public hearing is completed.

☐ Application Fee. The process / filing fee of $500.00 shall be paid in full.

APPLICANT CERTIFICATION
I certify under penalty of perjury that this application and all information submitted as a part of this application are true, complete and accurate to the best of my knowledge. I certify that I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me with respect to this application. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Grand County may rescind any approval, or take any other legal or appropriate action. I also acknowledge that I have reviewed the applicable sections of the Grand County Land Use Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses. Additionally, I have reviewed and understand the section from the Consolidated Fee Schedule and hereby agree to comply with this resolution. I also agree to allow the Staff, or County appointed agent(s) of the County to enter the subject property to make any necessary inspections thereof.

Property Owner’s Signature: William Hansen Date: 4-24-19

State of Utah )
County of Grand ) SS

SUBSCRIBED AND SWORN to and before me this _________________ day of __________, 20_________
High Density Housing Application Statement

Viewgate Development Property (Parcel 02-007-0090)

This application is being submitted for a High-Density Housing approval of approximately 16.7 acres located at 1248 S Hwy 191 in Moab Utah. The current zoning for this property consists of approximately 2.8 acres of Highway Commercial, with the remaining property zoned Rural Residential. It is the intent to have the HDH approval applied to the current Rural Residential zoning.

It has been extensively noted by multiple parties that the current housing situation in Grand County is difficult due to the majority of residential building focusing on either secondary residence, or overnight lodging. The study done by Grand County Planning and Zoning notes the unavailability of moderate to low income housing due to the cost of long term housing; both single and multiple family dwellings.

Additionally, it has been noted there are plans for Utah State University to construct a campus approximately 1 mile south of this parcel’s location. It is anticipated the population of this campus to be around 3500 students, many of which will need housing. The location of this parcel is ideal in that it will provide non highway access for some students who would choose to walk or bike the trails behind the parcel.

While the property is bordered to the west by a single parcel zoned rural residential, there is a substantial distance between dwellings and the parcel boundary. On the east boundary, there is a mix of highway commercial and rural residential bordering the current rural residential portion. The High-Density Housing would have minimal impact on surrounding properties.

The owners of the property are currently working with PEPG engineering in looking at plausible scenarios for utilizing the property in a both efficient and aesthetic manner. Likewise, PEPG engineering will be discussing and evaluating public service impact with the necessary entities.

In facilitating the High Density Housing use, it provides the opportunity to explore how the property might be utilized for both mixed use and mixed income scenarios according to overlay and HDH regulations. It is the intent of the developers to work closely with Grand County Planning and Zoning and Grand County Commission to facilitate a mutually beneficial project.
ALTA OWNER’S POLICY OF TITLE INSURANCE

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Any notice of claim and any other notice or statement in writing required to be given to the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS, STEWART TITLE GUARANTY COMPANY, a Texas corporation, (the “Company”) insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien on the Title. This Covered Risk includes but is not limited to insurance against loss from:
   (a) A defect in the Title caused by:
      (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
      (ii) failure of any person or Entity to have authorized a transfer or conveyance;
      (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
      (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
      (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
      (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
      (vii) a defective judicial or administrative proceeding.
   (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
   (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term “encroachment” includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to:
   (a) the occupancy, use, or enjoyment of the Land;
   (b) the character, dimensions, or location of any improvement erected on the Land;
   (c) the subdivision of land;
   (d) environmental protection.
   If a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.
6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.

Countersigned by:

[Signature]

Authorized Countersignature

Anderson-Oliver Title Insurance Agency, Inc.
94 E. Grand Ave.
Moab, UT 84532
(435) 259-3000
Agent ID: 440308

Matt Morris
President and CEO

Denise Carraux
Secretary

For coverage information or assistance resolving a complaint, call (800) 729-1902 or visit www.stewart.com. To make a claim, furnish written notice in accordance with Section 3 of the Conditions. For purposes of this form the “Stewart Title” logo featured above is the represented logo for the underwriter Stewart Title Guaranty Company.

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File No. 10080
ALTA Owner’s Policy 05-17-08
Page 1 of 4 of Policy Serial No.: O-0000-748272516
9. If the Title is being issued other than as stated in Schedule A or being defective
   (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, at a transfer of all or any part of the Title to or any interest in the Land occurring prior to the
   transaction vesting Title as shown in Schedule A because that
   prior transfer constituted a fraudulent or preferential transfer
   under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
   (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records.

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this
policy and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of
1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions, or location of any improvement
      erected on the Land;
   (iii) the subdivision of land;
   (iv) environmental protection;
   or the effect of any violation of those laws, ordinances, or governmental
   regulations. This Exclusion 1(a) does not modify or limit the coverage
   provided under Covered Risk 3.
   (b) Any governmental policy or act. This Exclusion 1(b) does not
      modify or limit the coverage provided under Covered Risk 3.

2. Rights of eminent domain. This Exclusion does not modify or limit
   the coverage provided under Covered Risk 7 or 8.

3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured
   Claimant.

4. Any claim, by reason of the operation of federal bankruptcy state
   insolvency, or similar creditors' rights laws, that the transaction
   vesting the Title as shown in Schedule A is
   (a) a fraudulent conveyance or fraudulent transfer; or
   (b) a preferential transfer for any reason not stated in Covered Risk
      9 of this policy.

5. Any lien on the Title for real estate taxes or assessments imposed
   by governmental authority and created or attaching between Date of
   Policy and the date of recording of the deed or other instrument of
   transfer in the Public Records that vests Title as shown in Schedule A.

CONDITIONS

Insured named in Schedule A for estate planning purposes.

(i) With regard to (A), (B), and (C) and (D) hereof, however, all
   rights and defenses are to any successor that the Company
   would have had against any predecessor Insured.

(ii) "Insured Claimant": An Insured claiming loss or damage.

(iii) "Knowledge" or "Known": Actual knowledge, not constructive
    knowledge or notice that may be imputed to an Insured by
    reason of the Public Records or any other records that impart
    constructive notice of matters affecting the Title.

(iv) "Land": The land described in Schedule A, and all
    improvements that by law constitute real property. The term
    "Land" does not include any property beyond the lines of the
    area described in Schedule A, or any right, title, interest, estate,
    or easement in streets, roads, avenues, alleys, lanes, ways,
    or waterways, but this does not modify or limit the extent that
    a right of access to and from the Land is insured by this
    policy.

(v) "Mortgage": Mortgage, deed of trust, trust deed, or other
    security instrument, including one evidenced by electronic
    means authorized by law.

(vi) "Public Records": Records established under state statutes at
    Date of Policy for the purpose of inspecting constructive notice
    of matters relating to real property to purchasers for value and
    without Knowledge. With respect to Covered Risks 9(1), "Public
    Records" shall also include environmental protection liens filed
    in the records of the clerk of the United States District Court for
    the district where the Land is located.

(vii) "Title": The estate or interest described in Schedule A.

(viii) "Unmarketable Title": Title affected by an alleged or apparent
    matter that would permit a prospective purchaser or lessee of the
    Title or lessor on the Title to be released from the obligation to
    purchase, lease, or lend if there is a contractual condition
    requiring the delivery of marketable title.
2. CONTINUATION OF INSURANCE
The coverage of the policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money mortgage from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money mortgage given to the Insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT
The insured shall notify the Company promptly in writing in any case of any claim alleged to be covered by the policy. (a) In case knowledge shall come to your insured of any claim or estate or interest that is adverse to the Title as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (b) if the Title as insured is disputed at or before the time the insured claimant makes prompt notice, the Company shall be liable only to the extent of the prejudice.

4. PROOF OF LOSS
In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require, as a condition of payment, that the Insured Claimant furnish a verified proof of loss. The proof of loss must describe the defect, loss, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

5. DEFENSE AND PROSECUTION OF ACTIONS
(a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company will, at its own cost and without unreasonable delay, provide for the defense of an action of trespass at which any third party asserts a claim covered by this policy adverse to the insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object to unreasonable counsel) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of actions that allege matters not insured against by this policy.
(b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding to determine or settle any right in its discretion may be necessary or advisable to establish the Title as insured or to prevent or prevent loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The Company reserves the right to do so diligently.
(c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation as a litigant in any court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE
(a) In all cases where this policy permits or requires the Company to institute or prosecute for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or process defense to the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, or (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the Company with the information or the documents required under this policy, the Company is entitled to recover from the Insured any loss sustained because the Insured failed to provide the information or the documents required under this policy.
(b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, films, diaries, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless in the reasonable judgment of the Company, it is necessary in the administration of the claims by the Company to investigate the Insured Claimant's asset or claim or to examine, inspect, and copy the records, that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless in the reasonable judgment of the Company, it is necessary to investigate the Insured Claimant's asset or claim or to examine, inspect, and copy the records, that reasonably pertain to the loss or damage.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS: TERMINATION OF LIABILITY
In the event of a claim under this policy, the Company shall have the following additional options.
(a) To Pay or Tenders Payment of the Amount of Insurance. To pay or tender payment of the Amount of Insurance under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay. Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required by this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.
(b) To Pay or Otherwise Settle Without Payment the Insured Claimant's Loss or Damage. To pay or otherwise settle with the Insured Claimant's loss or damage, with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay, or to make any payment or other action with the Insured Claimant's loss or damage, with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay, or to make any payment or other action with the Insured Claimant's loss or damage, with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay, or to make any payment or other action with the Insured Claimant's loss or damage, with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay, or to make any payment or other action with the Insured Claimant's loss or damage, with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.
8. DETERMINATION AND EXTENT OF LIABILITY
This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matured insurance against this policy.

(a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of:

(i) the Amount of Insurance,

(ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.

(b) If the Company satisfies its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured:

(i) the Amount of Insurance shall be increased by 10%, and

(ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant as of the date it is settled and paid.

(c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 6 and 7 of these Conditions.

9. LIMITATION OF LIABILITY
(a) If the Company establishes the Title or rescues the alleged default, lien, or encumbrance, or cancels the right of a mortgagee to foreclose on the Title, or issues the claim of the subservient Title, all as Indins, in a reasonably diligent manner by any method, including litigation and the completion of any proceedings, shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.

(b) In the event of any litigation, including the bringing by the Company, or with the Company's consent, the Company shall have no liability for loss or damage until there is a final determination by a court of competent jurisdiction and disposition of all appeals adverse to the Title, as insured.

(c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE: REDUCTION OR TERMINATION OF LIABILITY
All payments under this policy except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of this payment.

11. LIABILITY NON-CUMULATIVE
The Amount of Insurance shall be reduced by any amount the Company pays under any policy, including a Mortgage, to which exception is made in Schedule B or to which the insured has agreed, assumed or taken subject, or which is evidenced by an Insured, prior to the Date of Policy and which is a change or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS
When liability and the extent of loss or damage have been finally fixed in accordance with these Conditions, the payment shall be made within 30 days.

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT
Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in this behalf, and all rights, interests and defenses in respect to the claim that the Insured Claimant has against any person for property to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute all necessary documents to evidence the transfer to the Company of all rights and interests. The Insured Claimant shall permit the Company to use, in any court, in its name, the Insured Claimant, and if the Insured Claimant shall, in any transaction, or litigation, exercise these rights and interests.

14. ARBITRATION
Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no further or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claims between the Company and the Insured arising out of or relating to the Company, any service in connection with its assurance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is $50,000 or less shall be submitted to the Insured or either the Company or the Insured. All arbitrable matters when the Amount of Insurance is in excess of $50,000 shall be submitted only upon agreement by and the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator may be entered in any court of competent jurisdiction.

15. LIABILITY LIMITED TO THIS POLICY: POLICY ENGINE.

16. SEVERABILITY
In the event any provision of this policy is declared by a court in whole or in part, to be invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or part of the policy. The remainder of the policy shall remain in full force and effect.

17. CHOICE OF LAW AND FORUM
(a) Choice of Law. The Insured acknowledges the Company has undertaken the risks covered by this policy and determined the premium charged thereon in reliance upon the law affecting interests in real property and applicable to the insuring, rights, remedies, or enforcement of such interests in the jurisdiction of the jurisdiction where the Land is located. Therefore, the court or an arbitrator shall apply the laws of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to determine the rights and remedies that are available to the Company under this policy.

(b) Choice of Forum. Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States or its territories having appropriate jurisdiction.

18. NOTICES, WHERE SENT
Any notice of claim or any other notice or statement is hereby required to be given to the Company at its main office at the address as set forth in the Policy. Any notice of claim or other notice or statement is hereby required to be given to the Company at the address as set forth in the Policy.
Schedule A

Name and Address of Title Insurance Company:
Stewart Title Guaranty Company
P.O. Box 2020, Houston, TX 77252
Policy No.: 0-0000-746272548

File No.: 10902

Address Reference: 1248 - 1248 South Highway 181, Moab, UT 84532
(For Company Reference Purposes Only)

Amount of Insurance: $2,500,900.00

Date of Policy: February 15, 2018 at 1:09:45 PM

1. Name of Insured:

View Gate Development, LLC, a Utah limited liability company

2. The estate or interest in the Land that is insured by this policy is:

Fee Simple

3. Title is vested in:

View Gate Development, LLC, a Utah limited liability company

4. The Land referred to in this policy is described as follows:

Grand County, Utah:

Beginning at the South Quarter corner Section 7, T26S, R22E, SLM, thence West along said Section line 680.0 feet; thence Northealy to a point 1301.39 feet North and 1950.55 feet East of the Southwest corner Section 7, T26S, R22E, SLM, thence North 88°41' East 91.32 feet; thence North 89°45' East 177 feet; thence North 53°54' East 22.62 feet; thence North 63.05 feet to the South line of U.S. Highway 191 right-of-way; thence South 65°39' East along said Right-of-way to the East line of the Southeast 1/4 Southwest 1/4 Section 7, T26S, R22E, SLM, thence South along said 40 acre line to the point of beginning. (Parcel No. 06-0007-0000)
SCHEDULE B

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records,

2. Any facts, rights, interests, or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof,

3. Easements, liens, or encumbrances, or claims thereof, which are not shown by the Public Records

4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records,

5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, ditch rights; (d) minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand, and gravel and other hydrocarbons in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities related thereto, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the Public Records. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

6. Any lien or right to a lien for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records,

7. Taxes for the year 2018 are accruing as a lien; not yet due and payable. Taxes for the year 2017 were paid in the amount of $3,996.22,

8. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand, and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities related thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.


10. Pipeline Easement dated September 7, 1984 between Albert Dan Holyoak and Laura Jean Holyoak, as Grantors and Spanish Valley Water and Sewer, as Grantees and recorded as Entry No. 405126 in Book 365 at page 34.

11. Storm Drainage Easement between A. Dan Holyoak and Jean F. Holyoak Family Trust as Grantors and Grand County, as Grantee, an easement of Utility for Storm Drainage recorded April 23, 2001 as Entry No. 453792 in Book 561 at page 45.

12. Deed Restriction by Jean F. Holyoak, dated September 15, 2014 and recorded September 15, 2014 as Entry No. 507083 in Book 811 at page 120.
SCHEDULE B


14. TRUST DEED, ASSIGNMENT OF RENTS, SECURITY AGREEMENT AND FINANCING STATEMENT:
   Dated: February 14, 2018
   Amount: $13,286,667.00
   Trustor: View Gate Development LLC
   Trustee: Cottonwood Title Insurance Agency, Inc.
   Beneficiary: Sundance Debt Partners, LLC
   Recorded: February 15, 2018
   Entry No.: 528581
   Book/Page: 885/246

15. TRUST DEED:
   Dated: February 14, 2018
   Trustor: View Gate Development, LLC
   Trustee: Cottonwood Title Insurance Agency, Inc.
   Amount: $105,000.00
   Beneficiary: Anasazi Realty, Inc.
   Recorded: February 15, 2018
   Entry No.: 528582
   Book/Page: 885/262

16. TRUST DEED:
   Dated: February 14, 2018
   Trustor: View Gate Development, LLC
   Trustee: Cottonwood Title Insurance Agency, Inc.
   Amount: $350,000.00
   Beneficiary: Danview Holding, LLC
   Recorded: February 15, 2018
   Entry No.: 528583
   Book/Page: 885/267

17. SUBORDINATION AGREEMENT:
   Dated: February 14, 2018
   Debtor: View Gate Development LLC
   Creditor: Danview Holding, LLC and Anasazi Realty, Inc.
   Recorded: February 15, 2018
   Entry No.: 528584
   Book/Page: 885/270

End of Exceptions
NOTICE TO TITLE COMPANY:
SECTION 3 HEREIN REQUIRES
EACH DEED OF CONVEYANCE
INCLUDE THE DEED RESTRICTION
SET FORTH IN SECTION 3.2

_This FORM is provided as a courtesy only, may not be suitable for a particular parcel of
property or development, and may not be approved by the Grand County Council._

_Developer or Subdivider is responsible for creating and finalizing a Development Agreement
pursuant to Grand County Code Section 4.7.8_

**DEVELOPMENT AGREEMENT
AND DEED RESTRICTION
HIGH DENSITY HOUSING OVERLAY DISTRICT
Pursuant to Grand County Code Section 4.7**

This DEVELOPMENT AGREEMENT AND DEED RESTRICTION (this
"Agreement") is made and entered into as of this **26** day of **April** **2019** (the
"Effective Date") by and between **Viewgate Development**, a Utah limited liability company
with its principal place of business located at **1248 S Hwy 191, Moab UT** ("Owner/Developer"), and
Grand County, a political subdivision of the State of Utah ("County").

**Recitals**

A. WHEREAS, Owner/Developer owns that certain property situated in Grand County,
Utah, as more particularly described in Exhibit A (the "Property"), which is attached
hereto and incorporated herein by this reference.

B. WHEREAS, Owner/Developer has petitioned Grand County to apply the High Density
Housing Overlay District (the "HDHO District Petition") to the Property to take
advantage of the Development Standards and other Development Incentives set forth in
Section 4.7 of the Grand County Land Use Code ("Section 4.7").

C. WHEREAS, the Grand County Council has, in the exercise of its legislative discretion
and following all required public hearings, approved the application of the HDHO
District to the Property, provided that no fewer than eighty percent (80%) of the units
developed on the Property are deed restricted for Primary Residential Housing for
Actively Employed Households, as defined in Section 4.7.3 of the Grand County Code
(the "Code").

D. WHEREAS, pursuant to the authority of Utah Code §17-27A-102(1)(b) and Section 4.7,
as amended, the Parties desire to enter into this Agreement for the purpose of formalizing
certain obligations of Owner/Developer with respect to the Property, and such other
matters as the County and the Owner/Developer have agreed.
Agreement

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **DEFINITIONS.** All terms herein shall have those meanings assigned in Section 4.7.

2. **COVENANT TO COMPLY WITH SECTION 4.7.** In consideration of the application of the HDHO District to the Property, and specifically the Development Standards set forth in Code Section 4.7.5, Owner/Developer hereby covenants and agrees to strictly comply with the provisions, duties, and obligations of Section 4.7, which provisions, duties, and obligations are integrated herein by this reference.

3. **DEED RESTRICTION.**

3.1. At least eighty percent (80%) of all Lots or Units developed on the Property shall be deed restricted for Primary Residential Occupancy for Actively Employed Households, as designated on the Final Plat or Site Plan.

3.2. Each deed of conveyance for an HDHO Lot or Unit shall include the following Deed Restriction:

The Property shall be used for Primary Residential Housing for Actively Employed Households as required by Grand County Land Use Code, Section 4.7, High Density Overlay Districts Overlay, in perpetuity. The Property is further subject to the Development Agreement recorded in the real property records of Grand County, Utah on _______ (Date) at Entry No. ________.

Grand County reserves the right to revoke, deny or suspend any permit, including a land development permit, conditional use permit, building permit, certificate of occupancy, or discretionary approval upon a violation or breach of this Deed Restriction by a record owner of any HDHO Lot or Unit.

3.3. Each HDHO Unit is required to have and maintain those minimum standards of physical condition set forth in Exhibit B, Minimum Standards, to Section 4.7, which Minimum Standards are integrated herein by this reference. Grand County reserves the right to revoke, deny or suspend any permit, including a land development permit, conditional use permit, building permit, certificate of occupancy, or discretionary approval upon a violation or breach of this Section 3.3 by a record owner of any HDHO Unit in Grand County.

3.4. Owner/Developer shall include the deed restriction contained in Section 3.2 above in each and every deed of original conveyance of an HDHO Lot, and each deed of conveyance thereafter shall include the same.
3.5. Owner/Developer shall include the deed restriction contained in Sections 3.2 and 3.3 above in each and every deed of original conveyance of an HDHO Unit, and each deed of conveyance thereafter shall include the same.

4. DEFAULT.

4.1. Violation or breach of any provision hereunder, or Section 4.7, shall constitute an Event of Default. Upon the occurrence of any Event of Default, the County shall provide written notice by certified mail, postage prepaid, to the defaulting owner at the address on file with the Grand County Assessor’s office, which notice shall be effective as of the date of deposit in the United States Mail. The defaulting owner shall have thirty (30) days to remedy the Event of Default, after which time the County may enforce all remedies available to it under this Agreement, Section 4.7, or Utah law including specific performance and monetary fines pursuant to Section 4.2.

4.2. In the event an Event of Default is not cured under Section 4.1, fines in the amount of $50 per day shall accrue until the Event of Default is cured. The County reserves the right to seek judicial enforcement of these fines, including a judgment lien and foreclosure.

5. MISCELLANEOUS.

5.1. Owner/Developer hereby waives any defenses, rights or remedies that it might otherwise assert against the County in connection with: (i) the application of the rule against perpetuities to this Agreement; or (ii) any claim that the covenants in this Agreement recorded against the HDHO Lots and Units are not covenants running with the land upon the Property. This waiver shall be binding upon and inure to the benefit of the successor and assigns of the Owner/Developer and the County.

5.2. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be valid under applicable law. If any provision of any of the foregoing Agreement shall be invalid or prohibited under applicable law, such provisions shall be ineffective to the extent of such invalidity or prohibition without invalidating the remaining provisions in this Agreement.

5.3. If any party shall take or defend against any action for any relief against another party arising out of this Agreement, the prevailing party in such action or defense shall be entitled to reimbursement by the other party for all costs including, but not limited to, reasonable attorneys’ fees and court costs incurred by the prevailing party in such action or defense and/or enforcing any judgment granted therein, all of which costs shall be deemed to have accrued upon the commencement of such action and/or defense and shall be paid whether or not such action or defense is prosecuted to judgment. Any judgment or order entered in such action or defense shall contain a specific provision providing for the recovery of attorneys’ fees and costs incurred in enforcing such judgment.
5.4. This Agreement shall be governed by and construed under Utah law.

5.5. Except as otherwise provided herein, the provisions and covenants contained herein shall inure to and be binding upon the heirs, successors, and assigns of the parties.

5.6. Paragraph or section headings within this Agreement are inserted solely for convenience of reference and are not intended to, and shall not, govern, limit or aid in the construction of any terms or provisions contained herein. Further, whenever the context so requires herein, the neuter and gender shall include any or all genders and vice versa and the use of the singular shall include the plural and vice versa.

5.7. This Agreement may be amended only upon written amendment executed by both Parties, recorded in the real property records of Grand County, Utah; provided, however, that all material terms and provisions, including the percentage of HDHO Lots or Units, may not be amended or modified without reapplication to the County.

5.8. This Agreement shall be recorded by Owner/Developer prior to recordation of a final plat or issuance of a building permit for any unit within a site plan approved hereunder, as required by Section 4.7.

IN WITNESS WHEREOF, this Agreement is effective as of the date first written above.

COUNTY: Grand County
A political subdivision of the State of Utah

By: __________________________
Name: __________________________
Chair, Grand County Council

ATTEST:

County Clerk

Owner/Developer:

By: __________________________
Name: __________________________
Title: __________________________

STATE OF UTAH       )
         ) ss
COUNTY OF GRAND     )

On ______, 2019, __________________ (name), as __________________ (title) of __________________________ (entity name), a Utah ________ (entity type), appeared before me and acknowledged and swore to me that the foregoing Agreement was signed on behalf of __________________________ (entity name) by authority of its Articles of Organization [OR Incorporation] and Operating Agreement [OR Bylaws].

________________________________
NOTARY PUBLIC
Grand County  
125 East Center Street  
Moab UT 84532  
435-258-1321

Receipt No: 3001336  
Apr 29, 2019

Viewgate Development

<table>
<thead>
<tr>
<th>Previous Balance</th>
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<tbody>
<tr>
<td>Licenses &amp; Permits - Planning &amp; Z. Fees</td>
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<tr>
<td>10-3220-000-000 PLANNING &amp; Z.FEES</td>
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</tr>
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</table>

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<tr>
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<td>500.00</td>
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<thead>
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<th>Check</th>
<th>Check No: 140</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Applied:</td>
<td>500.00</td>
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</table>

<table>
<thead>
<tr>
<th>Change Tendered:</th>
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</thead>
<tbody>
<tr>
<td>.00</td>
</tr>
</tbody>
</table>

Duplicate Copy

04/29/2019 11:45 AM
### Agenda Summary

**GRAND COUNTY PLANNING COMMISSION**  
May 28, 2019

<table>
<thead>
<tr>
<th>TITLE:</th>
<th>Noticing Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>FISCAL IMPACT:</td>
<td>N/A</td>
</tr>
<tr>
<td>PRESENTER(s):</td>
<td>Community and Economic Development Staff</td>
</tr>
</tbody>
</table>

**STATED MOTION:**

N/A

**STAFF RECOMMENDATION:**

Review, Article 9.1 Common Procedure, from the Grand County Land Use Code.

**BACKGROUND:**

Planning Commissioners asked staff to begin examining the County’s noticing procedures for land use applications, resolutions, and ordinances. Questions about noticing procedures arose during the public hearing for amendments to the HDH ordinance, but they generally apply to noticing writ large.

**ATTACHMENT(s):**

- Grand County Land Use Code Article 9.1 Common Procedure
9.1 Common Procedure

9.1.1 Conformity with Land Use Code
Every official and employee of Grand County vested with the duty or authority to issue a permit or certificate shall not issue a permit or certificate for any use, building, or purpose that conflicts with any provision of this LUC. Any permit, approval, or certificate issued in conflict with the provisions of this LUC shall be null and void. [Ord. 546, 2016.]

9.1.2 Preapplication Conference
Prior to the submission of an application required by this LUC, a preapplication conference with the Zoning Administrator may be required as follows.

A. Preapplication Mandatory Conference
A mandatory preapplication conference with the Zoning Administrator to discuss procedures, standards, or regulations shall be required for:

1. Subdivision Sketch Plan;
2. Preliminary Plat;
3. Minor Subdivision Plat;
4. Recreational Subdivision; and
5. Conditional Use Permits;

B. Optional Conference
A preapplication conference is recommended for all other applications. Applicants are encouraged to attend an optional preapplication conference with the Zoning Administrator prior to submitting any application. (The preapplication conference provisions of this section do not apply where the application or action is initiated by the County Council or Commission.)

[Ord. 546, 2016.]
9.1.3 Minimum Submission Requirements
The following regulations shall apply to all applications.

A. Property Owner Endorsement
All applications shall include the name and signature of the current property owner of all property within the boundaries.

B. Preliminary Title Report
All applications required under this LUC shall include a preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property.

C. Forms and Content
Applications required under this LUC shall be submitted on forms, with any requested information and attachments and in such numbers as required by the Zoning Administrator. The Zoning Administrator shall have the authority to request any pertinent information required to ensure compliance with this LUC. Likewise, the Zoning Administrator may waive any submittal requirements deemed irrelevant in a given application.

D. Electronic Submission
Plats shall be prepared and submitted in digital format acceptable to the Zoning Administrator and compatible with the County’s geographic information system. Plats shall be submitted in the latest version of AutoCAD, or other format compatible with the County GIS as may be specified by the Zoning Administrator (currently preferred in State Plane Coordinates – Utah Central Zone or the Valley Coordinate System) with all measurements stated in feet.

E. Fees
1. Filing fees shall be established periodically by resolution of the County Council commensurate with the level of service. Such fees may include all costs occasioned to the County, including publication of notices, public hearing, and review costs, planning and engineering, legal, and other professional review and inspection costs.

2. All required fees shall be made payable to “Grand County.”

3. All required fees shall be nonrefundable.

F. Vicinity Map
A vicinity map [which may be a USGS one inch equals 2,000 feet scale] shall locate the property
relative to surrounding areas.

[Ord. 546, 2016.]

9.1.4 Application
All applications shall be completed and submitted to the Zoning Administrator at least 30 days prior to any desired agenda date. An application shall not be considered as officially submitted until it has been found to be complete in accordance with Section 9.1.6. [Ord. 546, 2016.]

9.1.5 Summary of Land Use Authority
Land use authority for the respective land use review procedures is described below:

<table>
<thead>
<tr>
<th>SUMMARY OF LAND USE AUTHORITY</th>
<th>Application Type</th>
<th>Land Use Authority</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interpretations of Text and Zoning Map</td>
<td>Zoning Administrator</td>
<td>Section 9.2.8</td>
<td></td>
</tr>
<tr>
<td>Zoning Map (Rezonings) and Text Amendments</td>
<td>County Council</td>
<td>Section 9.2</td>
<td></td>
</tr>
<tr>
<td>Sketch Plan</td>
<td>Planning Commission</td>
<td>Section 9.3</td>
<td></td>
</tr>
<tr>
<td>Preliminary Plat</td>
<td>Planning Commission</td>
<td>Section 9.4</td>
<td></td>
</tr>
<tr>
<td>Final Plat</td>
<td>County Council</td>
<td>Section 9.5</td>
<td></td>
</tr>
<tr>
<td>Minor Record Surveys</td>
<td>Zoning Administrator</td>
<td>Section 9.7</td>
<td></td>
</tr>
<tr>
<td>Recreational Subdivisions</td>
<td>County Council</td>
<td>Section 9.8</td>
<td></td>
</tr>
<tr>
<td>Replats and Exemption Plats</td>
<td>County Council</td>
<td>Section 9.9</td>
<td></td>
</tr>
<tr>
<td>Lot Line Adjustments</td>
<td>Zoning Administrator</td>
<td>Section 9.10</td>
<td></td>
</tr>
<tr>
<td>Conditional Use Permits</td>
<td>County Council</td>
<td>Section 9.11</td>
<td></td>
</tr>
<tr>
<td>Appeals of Administrative Decisions</td>
<td>Hearing Officer</td>
<td>Section 9.13</td>
<td></td>
</tr>
</tbody>
</table>

The Grand County Land Use Code is current through Ordinance 580, passed November 7, 2018.
9.1.6 Certification of Completeness
An application shall be considered submitted only after the Zoning Administrator certifies that it is complete, provided in the required form, includes all mandatory information and exhibits, and is accompanied by the applicable fee. A determination of application completeness shall be made by the official responsible for accepting the application within five working days of application filing. If an application is determined to be incomplete, the Zoning Administrator shall contact the applicant to explain the application’s deficiencies. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 15 days, the application shall be considered withdrawn. [Ord. 546, 2016.]

9.1.7 Vested Development Rights
Complete applications shall be considered complete when the requirements in place at the time have been met and certified by the Zoning Administrator. However, such application shall be subject to pending amendments to the LUC that are initiated prior to such certification. [Ord. 546, 2016.]
9.1.8 Required Public Notices

A. Summary of Notice Requirements

Notice shall be required for development review as shown in the table below.

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Published</th>
<th>Posted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeals of Administrative Decisions</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Conditional Use Permits</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Replats</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Text Amendments</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Zoning Map Amendments (Rezonings)</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Variances</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

B. Notice Requirements

All required public notices shall be accomplished in accordance with the following requirements:

1. Publication

   The County shall cause notice of the public hearing to be given by publication in a newspaper of general circulation (with distribution of the notice to all other local news media without any requirement for publication) in Grand County not less than 10 calendar days prior to the hearing for the purpose of notifying the public of the time and place of such public hearing.

2. Mailing

   As an alternative or complement to the above publication requirements, staff may mail notice of the public hearing not less than 10 days prior to the hearing to the recorded owner of each parcel within 500 feet in all directions of the property that is the subject of a land use application.

3. Posting

   a. The applicant shall post a sign, provided by the County, noticing the public hearing in a prominent and visible place within five feet of each property line with street frontage on the land area proposed for a rezoning, subdivision amendments, or conditional use with a
notice of the hearing at least 10 days prior to the hearing.

b. The County shall post notice on the official County and state public meeting notice websites.

C. Content of Notice

All published, posted, or mailed notices shall at a minimum state the time and place of such hearing and the nature of the subject to be considered, and the name, address, and phone number of the applicant.

[Ord. 546, 2016.]

9.1.9 Required Public Hearings

The following table summarizes the types of applications requiring public hearings and the review body responsible for conducting the hearing.

<table>
<thead>
<tr>
<th>REQUIRED PUBLIC HEARINGS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Type</td>
</tr>
<tr>
<td>--------------------------</td>
</tr>
<tr>
<td>Appeals of Administrative Decisions</td>
</tr>
<tr>
<td>Conditional Use Permits</td>
</tr>
<tr>
<td>Preliminary Plats</td>
</tr>
<tr>
<td>Zoning Map (Rezoning) and Text Amendments</td>
</tr>
<tr>
<td>Variances</td>
</tr>
<tr>
<td>Variances in conjunction with Subdivision Approval</td>
</tr>
</tbody>
</table>

[Ord. 546, 2016.]

9.1.10 Required Applicant Notices

A. Notice of Meetings and Hearings

1. The County shall provide written notice to each land use applicant of the date, time and place of each public meeting and public hearing at which the applicant’s application is to be considered.

2. All affected entities, including but not limited to school districts, utilities, special districts,
UDOT, and the AOG state planning coordinator shall be notified when considering the General Plan or amendments to the General Plan or multi-unit residential, commercial, industrial or subdivision approvals.

B. Notice of Decision

The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the final decision on each land use application.

[Ord. 546, 2016.]

9.1.11 Required Municipal Notice of Urban Development

Proposed residential development with more than 15 dwelling units and an average density greater than one residential unit per acre, or any proposed commercial development with a cost projection of greater than $750,000, that is in the municipality’s proposed annexation area is subject to municipal review according to the requirements of this section:

A. The County shall provide written notice to the municipality of the proposed development; and

B. Within 90 days after the County’s written notice of the proposed development, the municipality shall either:
   1. Consent in writing to the development; or
   2. Submit a written objection to the County’s approval of the proposed development.

C. Where the municipality chooses to submit a written objection, within a reasonable time after receiving said objection, the County shall respond in writing to the municipality’s objections and make a diligent attempt to reasonably reconcile said objections.

[Ord. 546, 2016.]

9.1.12 Simultaneous Processing of Applications

Whenever two or more forms of review and approval are required under this LUC, the applications for those development approvals may be processed simultaneously at the Zoning Administrator’s option and with the approval of the applicant. The simultaneous processing of applications shall be at the applicant’s risk. [Ord. 546, 2016.]
## Agenda Summary

**GRAND COUNTY PLANNING COMMISSION**

**May 28, 2019**

<table>
<thead>
<tr>
<th><strong>Title:</strong></th>
<th>Review Bylaws</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fiscal Impact:</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Presenter(s):</strong></td>
<td>Community and Economic Development Staff</td>
</tr>
</tbody>
</table>

### Stated Motion:

N/A

### Staff Recommendation:

Review, Bylaws.

### Background:

Planning Commissioners asked to review bylaws of the Grand County Planning Commission.

### Attachment(s):

- Grand County Planning Commission Bylaws with comments and changes
The Grand County Planning Commission is authorized by the Utah Code Annotated 17-27a-301 and 17-27a-302 and by Grand County Ordinance 299 (1999), Section 8.1 of the Grand County Land Use Code. The Planning Commission exercises authority and assumes responsibilities delegated to it under these authorities.

II.1. Applicable State Statues, County Ordinances, and Policies
The Grand County Planning Commission, hereinafter referred to as “the Commission,” shall be governed by State statues and County ordinances and policies including the following:

a. State statues applying generally to public boards, members, and officials
b. State statutes governing the activities of County Planning Commissions
c. Grand County Ordinances and Resolutions
d. The Grand County Land Use Code
e. The bylaws of the Grand County Planning Commission as set forth herein. These bylaws are not adopted by Ordinance and do not have the force of law. They are advisory guidelines only. Consequently, should the Commission waive, suspend, or otherwise deviate from these bylaws during the course of a meeting, such deviation shall not be grounds for invalidating a hearing held during such meeting or any decisions made at such meeting.

II.2. Familiarity with State Statutes, County Ordinance and Resolutions, and Rules Affecting the Commission
Upon taking office, all members of the Commission shall familiarize themselves with applicable statutes and rules, ordinances and resolutions, and while in office, shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of Commission affairs.

III.1. Officers
The Officers of the Commission shall be a Chairperson and Vice-chairperson.

III.2. Election

Grand County Planning Commission Bylaws, page 1
a. The Chairperson and Vice-chairperson shall be elected as the last item of business at 
the first meeting of the year after the County Council appoints vacant seats. They 
shall serve for a term of one year or until their successors are elected. Their term 
shall start the meeting following the election.
b. If the office of the Chairperson or Vice-Chairperson becomes vacant, the 
Commission shall elect a successor from its membership who shall serve the 
unexpired term of the predecessor.
c. Nominations shall be by oral motion. At the close of nominations, the Commission 
shall vote by voice vote upon the names nominated for the office. If requested by 
the Chair, written ballots may be used for voting purposes.

III.3. Chair
The Chairperson has the following duties:
   a. The Chairperson presides at all meetings of the Planning Commission maintaining 
      order and decorum, and insures that the procedures prescribed in the Grand County 
      Land Use Code, Utah state code, and policies stated herein are followed.
   b. The Chairperson sets the agenda.
   c. The Chairperson may call special meetings at any time and in accordance with 
      applicable state and County codes.
   d. The Chairperson may appoint up to three Commission members to serve on a 
      committee as needed.
   e. The Chairperson shall inquire regarding potential conflicts of interest and ex parte 
      communication, regarding agenda items, at the beginning of a public meeting or 
      hearing.

III.4. Vice-chair
The Vice-chair performs the duties of the Chairperson in the absence of the Chairperson, or 
duties as delegated by the Chairperson. In the event of temporary absence of the 
Chairperson and Vice-chairperson, the remaining members present shall elect an acting 
Chairperson for that meeting.

ARTICLE IV
Vacancies, Interviews, and Voting

IV.1. Vacancies
County staff shall notify the current Commission of those members whose terms will expire 
at the end of the calendar year. In cases where a vacancy is created during the middle of a 
board member’s term (mid-term vacancy), County staff shall notify the Commission as 
soon as practically possible. County staff shall post a notice of Board vacancies, including
mid-term vacancies, in a local newspaper of record.

IV.2. **Candidate Interviews**
The Commission shall interview qualified candidates and provide a recommendation to the County Council. At the start of each interview, candidates will be given three minutes to briefly introduce themselves and to provide relevant information as to background and experience. During the interview process Commissioners are encouraged to ask questions which verify a candidate’s experience and eligibility of meeting requirements of service. Commissioners shall ask the same questions of each candidate. After responding to those questions, Commissioners may ask the applicant additional clarifying questions if necessary.

IV.3. **Voting**
The Commission shall vote upon the names of candidates in alphabetical order. Each Commissioner shall be entitled to one vote for each vacancy. Commissioners shall vote by voice or a raise of hands. If requested by the Chair, written ballots may be used for voting purposes.

Planning staff will tally the number of votes cast for each candidate and read this information back to the Commission. Planning Commission, by motion will forward this recommendation, including any findings, to the County Council for consideration.

IV.4. **Recommendations to the County Council**
The Chairperson, or Planning staff as directed by the Chairperson, shall present the Commission’s recommendation, including any findings, to the County Council.

**ARTICLE V**
**Meetings and Organization**

V.1. **Open Meetings**
All regular meetings, special meetings, workshops, and field trips of the Commission are open to the public and will be noticed in accordance with the requirements of The Open and Public Meetings Act.

V.2. **Regular Meetings**
Regular Commission meetings shall be twice a month unless there are mitigating circumstances, such as a lack of a quorum, lack of items to be discussed, holidays or other circumstances.

V.3. **Annual Training**
Commission members are required to attend an annual Open Meetings Training, as provided by Grand County and or an online equivalent training. Commissioners are

Grand County Planning Commission Bylaws, page 3
encouraged to attend the Citizen Planner Workshop, as conducted by the Utah League of Cities and Towns or other entity.

V.4. Special Meetings, Workshops, and Field Trips
Special meetings, workshops, and field trips for any purpose may be held at the call of the Chairperson or the Grand County Council.

V.5. Agendas
Agendas shall be set at the direction of the Chairperson. Agendas for regular meetings shall be provided by staff to all members at least three days prior to the meeting.

V.6. Meeting Materials
Planning Department staff shall provide meeting materials to Commission members by 5:00 PM the Friday before the Planning Commission meeting date unless extenuating circumstances exist. Meeting materials will be available for review by the public in the Planning Department at 125 East Center Street, Moab, UT 84532 and at the Grand County Library.

V.7. Written Citizen Comment
Any citizen wanting to submit written information to the Planning Commission for inclusion in the Planning Commission meeting materials packet shall provide written comments to the Planning Department by 5:00 PM the Thursday before the Planning Commission meeting date. All documents, including electronically transmitted material, should be submitted directly to the Planning Department. Materials sent to individual Commission members will not be considered.

V.8. Minutes
The recording of minutes of all Commission meetings shall be the responsibility of Planning Department staff. In the event staff is absent from any meeting, the Planning Department may send a designee.

V.9. Rules of Order
In the event a question over procedures arises, Robert’s Rules of Order shall prevail.

V.10. Voting
Commission members shall make a good faith effort to become knowledgeable on matters before the Commission. A quorum of the Commission shall consist of four members and the affirmative vote of at least four members in attendance shall be necessary to pass any motion.

V.11. Motion
All decisions of the Commission shall be made in a public meeting by motion, made and seconded, and by voice vote. Any Commissioner may make or second a motion. If there is any ambiguity on any vote or if the nature of the application or petition warrants, the
Chairperson may conduct a roll call vote.

Motions should be supported by reason and include findings. The person making the motion is encouraged to state the reasons and finding(s) supporting the motion at the time the motion is made. Any conditions for approval must be stated in the motion. The motion may refer to the staff report for details of the conditions for approval if the person making the motion desires to do so.

V.12. Conduct During Public Meetings
During all meetings and hearings, persons providing testimony shall proceed without interruption except by members of the Commission at the discretion of the Chairperson. All comments, arguments, and pleadings shall be addressed to the Chairperson and there shall be no debate or argument between individuals in the audience. There shall be no debate or argument between individuals. The Chairperson shall maintain order and decorum, and, to that end may order removal of disorderly or disruptive persons.

Any member of the Commission, Counsel to the Commission, or the Commission staff, upon recognition by the Chairperson, may direct any questions to the applicant, witness, or any person speaking from the audience for the purpose of eliciting relevant facts. The Chairperson or Commission members may call for relevant facts from staff and make appropriate comments relevant to the matter.

V.13. Time Control
The Chairperson may control the time for debate on any issue. Care should be taken to insure fairness in the hearing process. Those speaking in support and opposed should have substantially equal time. The Chairperson may stop debate once he or she believes the issue has been adequately and fairly heard.

V.14. Citizen, Applicant, and Other Participation by Real-Time Telecommunication
Participation by Citizens, Applicants, and Others may be allowed by real-time telecommunication at the discretion of the Chairperson.

V.15. Quorum: Means the minimum number of persons required to act as a body. A quorum requires 4 (four) Commission members whom must be present in person at the meeting. However absent Commissioners may participate fully by phone or other real time means and engage in debate, asking questions, making motions, voting on motions, and all other functions of the Commission.

V.16. Commissioner Participation by Real-Time Telecommunication
Commissioner participation by real time telecommunication shall be limited to discussion only. No Commission member shall vote on any matter unless such member is physically present at the meeting when a vote is taken.
V.176. Request to Withdraw or Amend Applications or Petitions
Upon request from the applicant, petitioner, or authorized agent, an application or petition may be withdrawn at any time before the Commission makes a decision on the same.

An applicant, petitioner or authorized agent may amend applications or petitions in any lawful manner on written request delivered to the Commission not less than 14 days prior to the scheduled public meeting. The purpose of this requirement is to assure that the amendment is properly evaluated and addressed in the staff report. In the event that an amendment to an application or petition is received less than 14 days before the public meeting addressing the same, the staff will orally report to the Commission at the public meeting the nature of the amendment. The Commission shall determine whether the nature of the amendment is such as to require reexamination by the County attorney or staff. If reexamination of the amendment is deemed necessary, the Commission may proceed with the hearing or may continue it to a future date until it has received sufficient information and analysis to make the appropriate findings and conclusions associated with the amended application or petition.

ARTICLE VI
Ethical Considerations

The following ethical principles shall guide the actions of the Commission and its members.

VI.1. Serve the Public Interest
The primary obligation of the Commission and each member is to serve the public interest.

VI.2. Support Citizen Participation in Planning
The Commission shall ensure a forum for meaningful citizen participation and expression in the planning process, and assist in the clarification of community goals, objectives and policies.

VI.3. Conflict of Interest
Planning Commission members shall adhere to Grand County policy as stated in Ordinance 462 regarding conflicts of interest. A member with a conflict of interest shall be required to disclose such conflict prior to consideration of the matter by the Planning Commission. A member with a conflict of interest may not attempt to influence other members or appointed staff outside the meeting. A member with a conflict of interest shall be required to recuse herself or himself from participating in, commenting on, or voting on the matter in which such conflict exists.

VI.4. Ex Parte Communication / Ensure Full Disclosure at Public Meetings
Each case shall be decided on the basis of the evidence placed in the record in a public
meeting. Ex parte information on any application received by a Commissioner, whether by mail, telephone, or other communication should be avoided. When such communication does occur it must be made part of the public record by the Commission member. The purpose of disclosing ex parte communication is to get all information on the record so it can then be addressed, confirmed or refuted, by evidence presented by the parties during a meeting.

VI.5. Maintain Public Impartiality
Commission members may seek information from other Commission members, the counsel to the Commission, staff serving the Commission, or the staff of other departments or agencies advising the Commission. Each member of the Commission has an ethical duty to avoid making public statements for or against the merits of any application before the Commission hearing is concluded and a decision or recommendation has been rendered.

VI.6. Faithful Attendance and Performance
Should circumstances arise where a Planning Commission member is unable to attend a scheduled meeting, the member shall be responsible for notifying the Chair or Planning Department staff as soon as possible. If circumstances prevent faithful attendance and performance of Planning Commission member duties, the member should resign from the Planning Commission.

ARTICLE VII
Resignations and Removal of Membership

VII.1. Resignations
Any member of the Commission must submit a signed letter of resignation specifying the effective date on which the member’s service will cease. The letter of resignation shall be submitted to the County Council Office as per County Resolution (2013).

VII.2. Acceptance of Resignation
The County Council shall accept resignation upon receipt thereof.

VII.3. Removal from Commission
Planning Commission may request the resignation of a member for reasons of attendance and/or ethical considerations. County Council may remove a Commission member for cause prior to the expiration of the appointed term.

ARTICLE VIII
Adoption, Review, and Amendment of Bylaws

VIII.1. Annual Review and Amendment

Grand County Planning Commission Bylaws, page 7
The bylaws will be reviewed by the Commission at the beginning of each calendar year. Amendments will be recommended to the County Council for approval as per County Ordinance 472 (2008).

VIII.2. **Waiving or Suspending Rules**
A rule of procedure may be suspended or waived at any meeting by unanimous vote of the Commission members present unless such rule is set by state law or County ordinance.
GRAND COUNTY PLANNING COMMISSION BYLAWS
Grand County, Utah

ARTICLE I
Authority

The Grand County Planning Commission is authorized by the Utah Code Annotated 17-27a-301 and 17-27a-302 and by Grand County Ordinance 299 (1999), Section 8.1 of the Grand County Land Use Code. The Planning Commission exercises authority and assumes responsibilities delegated to it under these authorities.

ARTICLE II
General Provisions

II.1. Applicable State Statutes, County Ordinances, and Policies
The Grand County Planning Commission, hereinafter referred to as “the Commission,” shall be governed by State statues and County ordinances and policies including the following:

a. State statues applying generally to public boards, members, and officials
b. State statutes governing the activities of County Planning Commissions
c. Grand County Ordinances and Resolutions
d. The Grand County Land Use Code
e. The bylaws of the Grand County Planning Commission as set forth herein. These bylaws are not adopted by Ordinance and do not have the force of law. They are advisory guidelines only. Consequently, should the Commission waive, suspend, or otherwise deviate from these bylaws during the course of a meeting, such deviation shall not be grounds for invalidating a hearing held during such meeting or any decisions made at such meeting.

II.2. Familiarity with State Statutes, County Ordinance and Resolutions, and Rules Affecting the Commission
Upon taking office, all members of the Commission shall familiarize themselves with applicable statutes and rules, ordinances and resolutions, and while in office, shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of Commission affairs.

ARTICLE III
Officers and Election

III.1. Officers
The Officers of the Commission shall be a Chairperson and Vice-chairperson.

III.2. Election

Grand County Planning Commission Bylaws, page 1
a. The Chairperson and Vice-chairperson shall be elected as the last item of business at the first meeting of the year after the County Council appoints vacant seats. They shall serve for a term of one year or until their successors are elected. Their term shall start the meeting following the election.

b. If the office of the Chairperson or Vice-Chairperson becomes vacant, the Commission shall elect a successor from its membership who shall serve the unexpired term of the predecessor.

c. Nominations shall be by oral motion. At the close of nominations, the Commission shall vote by voice vote upon the names nominated for the office. If requested by the Chair, written ballots may be used for voting purposes.

III.3. Chair
The Chairperson has the following duties:

  a. The Chairperson presides at all meetings of the Planning Commission maintaining order and decorum, and insures that the procedures prescribed in the Grand County Land Use Code, Utah state code, and policies stated herein are followed.

  b. The Chairperson sets the agenda.

  c. The Chairperson may call special meetings at any time and in accordance with applicable state and County codes.

  d. The Chairperson may appoint up to three Commission members to serve on a committee as needed.

  e. The Chairperson shall inquire regarding potential conflicts of interest and ex parte communication, regarding agenda items, at the beginning of a public meeting or hearing.

III.4. Vice-chair
The Vice-chair performs the duties of the Chairperson in the absence of the Chairperson, or duties as delegated by the Chairperson. In the event of temporary absence of the Chairperson and Vice-chairperson, the remaining members present shall elect an acting Chairperson for that meeting.

ARTICLE IV
Vacancies, Interviews, and Voting

IV.1. Vacancies
County staff shall notify the current Commission of those members whose terms will expire at the end of the calendar year. In cases where a vacancy is created during the middle of a board member’s term (mid-term vacancy), County staff shall notify the Commission as soon as practically possible. County staff shall post a notice of Board vacancies, including
mid-term vacancies, in a local newspaper of record.

IV.2. Candidate Interviews
The Commission shall interview qualified candidates and provide a recommendation to the County Council. At the start of each interview, candidates will be given three minutes to briefly introduce themselves and to provide relevant information as to background and experience. During the interview process Commissioners are encourage to ask questions which verify a candidate’s experience and eligibility of meeting requirements of service. Commissioners shall ask the same questions of each candidate.

IV.3. Voting
The Commission shall vote upon the names of candidates in alphabetical order. Each Commissioner shall be entitled to one vote for each vacancy. Commissioners shall vote by voice or a raise of hands. If requested by the Chair, written ballots may be used for voting purposes.

Planning staff will tally the number of votes cast for each candidate and read this information back to the Commission. Planning Commission, by motion will forward this recommendation, including any findings, to the County Council for consideration.

IV.4. Recommendations to the County Council
The Chairperson, or Planning staff as directed by the Chairperson, shall present the Commission’s recommendation, including any findings, to the County Council.

ARTICLE V
Meetings and Organization

V.1. Open Meetings
All regular meetings, special meetings, workshops, and field trips of the Commission are open to the public and will be noticed in accordance with the requirements of The Open and Public Meetings Act.

V.2. Regular Meetings
Regular Commission meetings shall be twice a month unless there are mitigating circumstances, such as a lack of a quorum, lack of items to be discussed, holidays or other circumstances.

V.3. Annual Training
Commission members are required to attend an annual Open Meetings Training, as provided by Grand County and encouraged to attend the Citizen Planner Workshop, as conducted by the Utah League of Cities and Towns or other entity.
V.4. **Special Meetings, Workshops, and Field Trips**
Special meetings, workshops, and field trips for any purpose may be held at the call of the Chairperson or the Grand County Council.

V.5. **Agendas**
Agendas shall be set at the direction of the Chairperson. Agendas for regular meetings shall be provided by staff to all members at least three days prior to the meeting.

V.6. **Meeting Materials**
Planning Department staff shall provide meeting materials to Commission members by 5:00PM the Friday before the Planning Commission meeting date unless extenuating circumstances exist. Meeting materials will be available for review by the public in the Planning Department at 125 East Center Street, Moab, UT 84532 and at the Grand County Library.

V.7. **Written Citizen Comment**
Any citizen wanting to submit written information to the Planning Commission for inclusion in the Planning Commission meeting materials packet shall provide written comments to the Planning Department by 5:00 PM the Thursday before the Planning Commission meeting date. All documents, including electronically transmitted material, should be submitted directly to the Planning Department. Materials sent to individual Commission members will not be considered.

V.8. **Minutes**
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meeting addressing the same, the staff will orally report to the Commission at the public meeting the nature of the amendment. The Commission shall determine whether the nature of the amendment is such as to require reexamination by the County attorney or staff. If reexamination of the amendment is deemed necessary, the Commission may proceed with the hearing or may continue it to a future date until it has received sufficient information and analysis to make the appropriate findings and conclusions associated with the amended application or petition.

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VII.1. Resignations
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ARTICLE VIII
Adoption, Review, and Amendment of Bylaws

VIII.1. Annual Review and Amendment
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A rule of procedure may be suspended or waived at any meeting by unanimous vote of the Commission members present unless such rule is set by state law or County ordinance.
**AGENDA SUMMARY**

**GRAND COUNTY PLANNING COMMISSION MEETING**  
May 28, 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>
</tr>
</thead>
<tbody>
<tr>
<td>FISCAL IMPACT:</td>
<td>Unknown</td>
</tr>
<tr>
<td>PRESENTER(S):</td>
<td>Zacharia Levine, Community &amp; Economic Development Director</td>
</tr>
<tr>
<td>PREPARED BY:</td>
<td>Zacharia Levine, Community &amp; Economic Development Director</td>
</tr>
</tbody>
</table>

**STATED MOTION:**

N/A – Discussion only

**STAFF RECOMMENDATION:**

Discussion only.

Discuss current ordinance material provided by Landmark Design and direct staff to share comments/requested changes with the consultant ahead of a scheduled June 11, 2019 public hearing. At that public hearing, the ordinance language should be in the County’s standard form and as close as possible to the ordinance planning commission wants to review and recommend.

In particular, Staff sees the need to clarify the following:

- Clarify that no new overnight accommodations of any type should be approved (or capable of being approved) in planning areas outside Spanish Valley, such as the US 191-SR 313 intersection, Elgin, Crescent Junction, Thompson Springs, or Cisco until residents of those communities ask the County to reconsider such a zoning change. In effect, this is accomplished by removing new Overnight Accommodations of any type from the zoning districts in those areas and not establishing any overlay districts that would establish eligibility for the right to conduct such uses.
- Clarify the redevelopment standards for existing and vested Overnight Accommodations developments.
  - Staff anticipates the County will extend/attach appropriate overlay designations to existing and vested OA developments in order to clearly indicate owners’ rights to operate as OAs.
  - Staff recommends the County establish distinct overlay districts to be applied to existing and vested projects by use type: OA – Hotels/Motels, OA – Campgrounds, and OA – Residential Structures (i.e. Condos/Townhomes).
    - Planning commission has indicated a desire to prohibit any expansion of existing uses and limit conversions of campgrounds to Condos or Hotels. At a minimum, Staff suggests the County explicitly say redevelopment that brings in new, otherwise permitted commercial activities (restaurants, retail, office, etc.) is allowed. Staff would interpret code to allow this by default, but recommends it be explicitly articulated.
    - Staff believes a small expansion of existing lodging should be permitted if new non-lodging uses are incorporated (ie. Mixed-use), higher standards of development are met, or other public benefits are derived. The planning commission can use the “South Moab OA Overlay District” standards provided by Landmark Design as a starting place, with the addition of a mandatory mixed use development requirement.
BACKGROUND:

Follow this planning effort at 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 21, 2019:

The County Council discussed the current status of Grand County’s moratorium planning efforts and affirmed the course of policy direction depicted below (as per the May 7 and 14 notes.

May 14, 2019:

The County planning commission, at its regularly scheduled meeting, discussed items 3, 4, and 5 from the letter included below, in the May 7th joint City-County meeting re-cap.

Planning commissioners conducted straw poll votes on items 3, 4, and 5 in my e-mail following the May 7th joint meeting. The results of those straw poll votes are below. They directed me to ask that you include the policies they represent in your draft ordinance.

#3 (How to deal with existing uses, and in the case of condos/townhomes, the entire developments)

- Condos/Townhomes: Attach the County’s existing Overnight Accommodations Overlay to existing and vested condo developments known to be primarily overnight rental developments. The OAO map is already applied to Rim Village MFR units, Puesta Del Sol MFR units, Tierra Del Sol, and Coyote Run (Moab Springs Ranch is now in the City). This would ensure that any current or future owners maintain their full legal right to operate a nightly rental out of their unit. At a minimum, the County would need to add Sage Creek (under construction), Red Cliffs Condos, and Desert Wind. The County will need a process for adding condo/townhome developments missed unintentionally.

- Campgrounds: Campgrounds will become legal non-conforming uses. If the Council doesn’t accept that, the planning commission would like to see a Campground Accommodations Overlay attached to existing campgrounds with a strict provision that prohibits conversion from a campground to a hotel/motel. Redevelopment that maintains the current number of lodging units but integrates otherwise permitted commercial uses would be allowed.

- Hotels: Hotels will become legal non-conforming uses. Redevelopment that maintains the current number of lodging units but integrates otherwise permitted commercial uses would be allowed.

#4 (How to regulate redevelopment)

- Planning commission only addressed this item to the extent it is covered above, in #3.

#5 (Should the County allow for any new ONRs, regardless of use type, in areas outside Spanish Valley?)

- No, or at least not until residents of those areas ask for such an allowance to be put back into the LUC.

May 7, 2019:

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. Following the meeting, Zacharia submitted the following message summarizing his takeaways and remaining questions. See note at bottom regarding discussion items the Planning Commission should consider on May 14, 2019. I believed the e-
mail accurately reflected the majority position of planning commissioners, council members, and the overwhelming majority of citizens who have engaged in the moratorium process to date. The e-mail noted that corrections were welcomed. If planning commissioners see different evidence, believe I mischaracterized either the results of the May 7th joint meeting or public sentiment, and/or want to see Landmark pursue a different course of action at this stage, the County needs to provide additional guidance to Landmark as soon as possible.

Hi Mark,

Thanks for participating in the joint City-County meeting yesterday. I thought it was productive. We were a bit rushed at the end, so I want to make sure we’re all on the same page as to the core elements of your initial ordinance drafts. Anyone on this e-mail should respond if they think corrections are needed.

1. New overnight lodging is removed from all base zone districts as a principal use.

2. The City Council will consider the creation of an overlay district in the north US 191 corridor and in downtown Moab. The overlay boundaries will dictate which properties are eligible to have the overlay applied in order to have the right to develop new overnight lodging.
   a. The County Council could decide to extend this overlay, if created, to include the parcels just north of the Colorado River (e.g. between the Springhill Suites and DOE UMTRA site)
   b. Landmark will draft preliminary standards for the development of new overnight lodging in these potential overlay districts (if applied to eligible properties), including mandatory mixed-use, water and energy efficiency, and size/scale/form-based elements.
      i. I heard from at least one County Council member today that they would like to see these preliminary standards shared with the County as well. While there seems to be consensus that no new overnight lodging should be allowed until our community has reestablished a sense of balance, there may be some areas/nodes in the southern US 191 corridor that could actually be appropriate for new lodging units if, and only if, integrated into a mixed use development that met these yet-to-be-determined standards. Since Landmark will be working on these preliminary standards for the City’s potential overlay, the County will benefit from seeing them should the conversation come up in the future.

3. The City and County Councils will consider how to address existing overnight lodging uses, including hotels/motels, condos/townhomes, bed & breakfasts, and campgrounds.
   a. As I see it, there are three options to be worked out with each entity’s planning commission and council. Option 3 would be the least controversial, but it would likely ensure that such developments are sacrifice zones and, over time, completely convert to overnight lodging. Personally, I’m ok with that as it is pretty much the case already.
      i. Option 1: No new ONR licenses are granted (new-builds or residential conversions). All existing uses become legal non-conforming uses.
      ii. Option 2: No new ONR licenses granted as principal uses. Overlay districts are established that include known ONR developments such as Williams Way, Entrada, Red Cliffs Condos, etc. as eligible to have the overlay attached to their parcel. Existing uses become legal non-conforming uses. All property owners (of existing ONRs or future ONRs) are required to ask for the overlay to be applied to their properties in order to have the full legal right to have an ONR.
      iii. Option 3: Same as 2 except that the City and/or County create the overlay districts and apply them to all the lots/units in these known developments right out of the gate in order to establish certainty around the right to do overnight lodging now or in the future.
4. The City and County Councils need to determine how to address redevelopment of existing uses, whether they are in an overlay or not. If existing uses become legal non-conforming uses, the default limits on redevelopment is no expansion. Basically, redeveloped uses would be limited to what currently exists. However, I see a lot of value in allowing for redevelopment (with some expansion) as long as it meets some meaningful standards (like those being developed in item 2 above).

5. I’m adding this one because it really needs more explicit attention than it has been granted to date. The County Council will need to decide if it is open to any forms of new overnight lodging in the areas of US 191 and SR 313, Crescent Junction, Thompson Springs, or Cisco.

6. The City and County Councils are supportive of the community node concept (neighborhood scale mixed-use development). I would like to see a map that only shows the potential community node locations we have identified. However, most agree that we won’t be able to establish the planning principles, plans, regulations, and even incentives that will guide and facilitate these community nodes. This is a follow-up task.

As for me, I plan to discuss items 3, 4, and 5 with the County Planning Commission beginning next week so we can provide feedback to the County Council and Landmark while the draft ordinances are being written.

Regards,

Zacharia Levine, AICP*
Community and Economic Development Director

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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. 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.

April 23, 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 come 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.

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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 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 height allowances, density, etc. to encourage development in the HD overlay areas. Form based seems like the exact opposite of this technique….so how does it work and is it even adoptable and practical?

AS:

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.
Draft ordinance language has been provided by Landmark Design. Staff has split it into two segments below.

The first segment includes language that appears to most closely reflect the current policy preferences of the County planning commission and council, and are likely to appear in draft ordinance form on June 11th in a scheduled public hearing. Some ongoing points of consideration are included.

The second segment includes draft language for development and performance standards that could be used to further support the overnight accommodations overlay districts contemplated in Segment 1. However, where the overlay districts established in Segment 1 are only likely to be attached to existing and vested projects in the near-term, the standards in Segment 2 might support inclusion of parcels that don’t currently have existing or vested developments. If the County pursues this approach, it could create a boundary that indicated which parcels would be eligible for seeking their desired and/or appropriate overlay through a legislative action.

**Segment 1**

1. **Remove Overnight Accommodation (OA) uses from all zone districts as a principal use**

   **ACTION:**

   The proposed ordinance will remove overnight accommodations in the Moab and Grand County Codes as permitted or conditional uses. This includes the following and all variations of the same:

   - Hotels or Motels
   - Bed & Breakfasts
   - Recreational Vehicle Parks & Campgrounds
   - Residential Units Used as Overnight Accommodations (Condos/Townhomes)

2. **Address how to deal with existing overnight accommodation uses, including hotels/motels, condos/townhomes, bed & breakfasts, and campgrounds**

   Grand County currently has an Overnight Accommodations Overlay (OAO) District, which is described in Section 4.6 of its Land Use Code (LUC) and attached to a handful of
subdivisions (See below). The proposed ordinance will update Section 4.6 to achieve the following actions.

**Current OAO Map**

![Current OAO Map](image)

**ACTION:**

**Three OAO Districts.** The proposed ordinance will create three different Overnight Accommodations Overlay Districts reflective of the different use types.

*Note: Through a straw poll vote on May 14, 2019, planning commissioners expressed a desire to designated existing and vested campgrounds and hotels/motels as legal, non-conforming uses. The OA District approach presented below reflects Staff’s and the County Attorney’s recommendation.

**Condos/Townhomes:** Update Section 4.6 and rename OA-Residential Units (OA-RU) overlay district. In addition to those developments already covered by the existing overlay, the County will attach the OA-RU overlay to existing and vested condo developments known to be primarily overnight rental developments such as Sage Creek, Red Cliffs Condos, Desert Wind, and [any others?]. This would ensure that any current
or future owners maintain their full legal right to operate a nightly rental out of their unit.

*The County may want to update the development and redevelopment standards established by the existing Section 4.6 and Articles 5, 6, and 7 (general development standards. The draft language presented by Landmark Design in Segment 2

**Campgrounds:** Create Section 4.7 OA-Campground (OA-CG) overlay district. Attach the OA-CG overlay to existing and vested campground developments.

*The County will need to establish development and redevelopment standards for the OA-CG. Reference Section 3.2.3(L) for existing campground standards. At a minimum, planning commission has expressed a desire to prohibit conversions from campgrounds to hotels/motels.

**Hotels/motels:** Create an OA-Hotel/Motel (OA-HM) overlay district. Attach the OA-HM overlay to existing and vested hotel and motel developments.

*The County will need to establish development and redevelopment standards for the OA-HM. Current hotel/motel standards do not exist above and beyond generalized Site Plan requirements.

**Additional considerations:**

There is some concern the County may not fully address ALL existing and vested properties that belong in one of the above OA overlay districts. Specific language should describe the process for verifying an established OA use not protected by the proposed ordinance, and the requirements for modifying/updating the maps to include unmapped properties.

Planning commission has indicated a desire to prohibit any expansion of existing uses and limit conversions of campgrounds to condos or hotels. At a minimum, Staff suggests the County explicitly say redevelopment that brings in new, otherwise permitted commercial activities (restaurants, retail, office, etc.) is allowed. Staff would interpret code to allow this by default, but recommends it be explicitly articulated.

Staff believes a small expansion of existing lodging should be permitted if new non-lodging uses are incorporated (ie. Mixed-use), higher standards of development are met, or other public benefits are derived. The planning commission can use the “South Moab OA Overlay District” standards provided by Landmark Design as a starting place, with the addition of a mandatory mixed use development requirement.
3. Address the potential for new overnight lodging in the areas of US 191 and SR 313, Elgin, Crescent Junction, Thompson Springs, or Cisco.

**ACTION:**

The proposed ordinance will not establish any OA overlay districts in the above mentioned areas that would include lands not already in use as or vested for overnight accommodations. The County could revisit this policy if residents and landowners of said areas express such a desire.

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**Segment 2**

4. At the appropriate time, establish boundaries where properties that do not currently have an existing or vested overnight accommodations development can seek legislative approval to develop new accommodations under enhanced/improved development and performance standards.

**Action:**

Create hypothetical OA overlay districts such as a South Moab OA Overlay District, or attach the OA Districts created in Segment 1 to parcels that don’t currently have existing or vested developments.

Landmark Design has provided the following language as a starting place for standards that could govern approvals for new OA developments. Staff notes that the following standards do not include a mandatory mixed-use development requirement, which has been requested by the planning commission and council.

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2) Purpose and Intent of the Moab South Overnight Accommodation (OA) Overlay District
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7) Development Standards
   Part 1 General Requirements
   Part 2 Architecture, Density, Massing and Form
1) **Purpose of Overlay Districts**

Overlay Districts are established to provide standards addressing unique circumstances or conditions affecting single sites where the development of such sites is of special public concern. Upon approval of special purpose district zoning, the special purpose district replaces the previous base district. Overlay districts are established to provide for certain additional requirements for properties located in one or more base zoning districts.

In addition to the requirements of the underlying base zoning district, the provisions of the overlay district would also prevail in the areas so zoned.

In certain areas two or more overlay districts may apply. In any such instance where there are conflicting provisions, the more stringent requirements shall apply.

2) **Purpose and Intent of the Moab South Overnight Accommodation (OA) Overlay District**

The *Moab South Overnight Accommodation (OA) Overlay District* is an overlay district for designated developments where Overnight Accommodations (OAs) may be permitted. While Overnight accommodations are an important element of the existing community and local economy, an imbalance between such uses and other desired community exists. In order to ensure that future overnight accommodations are sited and developed to benefit the community and that other critical communities uses are given a chance for establishment, the *Moab South Overnight Accommodation (OA) Overlay District* should be applied to entire developments or portions of such developments primarily for Overnight Accommodation activities. In addition to these primary uses, all new overnight developments are expected to provide features and systems that address the impacts and service needs of such developments, provide tangible community benefits, incorporate a mix of other uses, and which are otherwise appropriate and compatible with adjacent land uses and neighborhoods and the community as a whole.

3) **Approval Procedures**

A three-step planning and approval process is required as summarized in the following table:

<table>
<thead>
<tr>
<th>APPLICATION</th>
<th>IMPLEMENTATION</th>
<th>WHAT IS ADDRESSED?</th>
<th>APPROVAL LEVEL</th>
</tr>
</thead>
</table>
| **Overnight Accommodation (OA) Overlay District** (Rezone) | As a modification to the official Zoning Map, indicating the area or areas where the specific overlay district applies | The physical location and extents of the proposed overlay zone | **Legislative** (Rezone and Zoning Map Change)  
- Planning Commission (recommendation to council)  
- Council ( adoption) |
| **Application for Attaching Overnight Accommodation (OA) Overlay to a Specific Site, Property or Development** | As a modification to the official Zoning Map and Zoning Ordinance, indicating the specific location of the application site and the terms upon which it will be developed | Land area to be rezoned and general terms upon which it is approved, including but not limited to the following:  
- Proposed primary uses  
- Number of rooms/units  
- Design and development conditions  
- Special conditions and requirements  
- Other uses and development requirements | **Legislative** (Rezone and Zoning Map Change)  
- Planning Commission (recommendation to council)  
- Council ( adoption) |
| **Development Agreement, Project Plan and/or Subdivision Plat** | As specific submittals and approvals specified in the applicable ordinances | Specific project development requirements for development approval. | **Administrative**  
Staff and/or Planning Commission approval according to the specific terms and ordinance obligations |

4) **Identification on Zoning Maps**  
Approved Overnight Accommodation (OA) districts and developments shall be indicated on the official Zoning Map.

5) **Permitted Uses**  
Any use or combination of the following uses allowed by the underlying base district(s) are permitted, in addition to any combination of the following as approved for each specific Overnight Accommodation development:

- Motels and Hotels;
- Bed & Breakfast;
- Residential Units as Overnight Accommodations/ Commercial Condominiums

6) **Site Master Plan Required**  
In approving an Overnight Accommodation development in accordance with this section, a site master plan shall be prepared and submitted for consideration by the council for approval. The master plan shall clearly indicate the purpose and details of the project, including technical
facts and a clear description of how the proposed development provides benefits to the greater Moab region in Grand County as compared to development carried out in accordance with the otherwise applicable zoning and development regulations. More specifically, the master plan shall include at a minimum the following:

a) **A statement** by the applicant describing how the proposed development provides greater benefits to the County than would a development carried out in accordance with otherwise applicable zoning and development regulations.

b) **A map and description of sensitive lands** within the or adjacent to the proposed development and how they will be addressed, including but not necessarily limited to the following:
   - Public drinking water supply watersheds (recharge areas for the aquifer in the Glen Canyon formation);
   - Floodplains and riparian habitats;
   - Slopes in excess of 30 percent; and
   - Significant geological, biological, and archeological sites.

c) Identification of **site planning features and a description of how they will be addressed** to promote seamless transition between on-site uses and the surrounding site conditions.

d) A description of the **beneficial public services and goods the project provides** to the community. This should include a community benefit concept description, and specific documentation of the proposed types, amounts, locations and relationships of compatible uses provided within the development that provide beneficial public services and goods to the community. Examples of such uses may include mixed uses, residential, office, commercial and civic uses, public open space, and indoor/outdoor gathering spaces.

e) Documentation of the **specific utilities and infrastructure** that are designed and installed to conserve limited natural resources such as water. Examples include preparation of a water use master plan for the project, the incorporation of gray-water re-use systems, implementation of water conserving landscapes, installation of real-time water monitoring systems, the incorporation of water-efficient fixtures and the incorporation of state-of-the art dark-sky friendly lighting systems.

f) A **narrative and graphic presentation of the development** documenting and presenting the proposed development and land uses by:
   - Gross acreage;
   - Total project density and/or square footage for all uses proposed for the project (including overnight accommodations) per gross acre;
   - Total number of overnight accommodation units;
   - Overnight accommodation unit density expressed as a per-acre ratio;
   - Total number and type of on-site employee and affordable housing units;
   - Common area and private open space acreage;
   - Total number of parking spaces required and provided, including bicycle parking;
   - Parking, service and loading area acreage/spaces;
   - Project Floor Area Ratio (FAR);
• Public open space and similar publicly-accessible feature acreage;
• Descriptions and graphic representations suitable for conveying the overall development character and proposed architectural style of the proposed development; and
• The relationship of the proposed development to existing development in the area, along the highway and to significant natural and built features in the area.
g) A Traffic Study prepared by a licensed transportation planner or traffic engineer, documenting project traffic generation, impacts (including traffic noise) and proposed mitigations and modifications.
h) A Site Plan prepared in accordance with the requirements of the County and the Development Standards specific to this section shall be approved and filed with the findings of fact as part of the approval. The site plan shall indicate at a minimum all major roads, site access roads, parking and service areas, trails and trail connections, major utilities, existing and proposed land uses, common area, open space, landscaping plan, a conceptual drainage plan and entrance locations on existing roads.
i) A statement of how the proposed development is consistent with the General Plan, including specific reference to Overnight Accommodation (OA) policies; and
j) Other relevant information that will support the application or as otherwise requested by County staff.

7) Development Standards

Part 1 General Requirements

1. Applicability
The following are general development standards applicable in the South Moab Overnight Accommodation (OA) District. The general development requirements of the underlying zone shall apply unless otherwise indicated.

2. Density and Heights
Maximum density and heights shall be no greater than that permitted in the underlying zone district prior to approval.

3. Affordable Housing
Required in accordance with the affordable housing requirements of the County.

4. Lots
• Typical Lot Dimensions. All lots of record shall be developed to meet established standards.
• Typical Lot Configuration. All lots shall front US-191 or other public streets unless otherwise approved.
• Lot Shape. To create regular, rectangular lots, side property lines shall be perpendicular to the vehicular right-of-way to the extent practical.
5. **Lot Configuration**
Primary uses should face the fronting roadway and configured in a fashion that responds to the urban context, including natural site conditions such as slope and topography. The intent is to carefully incorporate new development in a manner that fits with the established character and form of the downtown district. The result should be a unified appearance that does not draw unwarranted attention to the project. Pedestrian and cycling amenities such as sidewalks, trails, dedicated lands and similar features should be located on fronting roadway(s), providing safe and easy access and circulation opportunities for pedestrians and cyclists.

6. **Lot Access**
US-191 is a State Highway. The traffic and speed of vehicles on this roadway presents challenges for providing direct access to projects and for creating a walkable/bikeable street environment in the south downtown area. Since existing development patterns include a wide mix of commercial uses close to the highway and residential uses nearby, similar mixes and uses are encouraged utilizing smaller access roads, slip roads, alley and other appropriate access ways to the sides and rear of properties, thereby helping to create a discernible commercial district is created that is supported by a safe and comfortable pedestrian/cycling environment along the highway and into adjacent neighborhoods.

7. **General Open Space Requirements**
The following are requirements for provision of civic open space.
- Development of parcels over 5 acres are required to provide a minimum of 5% total lot size as publicly-accessible civic open space. Developer shall work with County to determine the appropriate location of proposed open spaces.
- For developments under 5 acres, impact fees and other funding will be used as mechanisms to ensure adequate open space is provided in the district.

8. **Streets and Access Roads**

General Requirements.
- Address all modes of travel, including pedestrian traffic, bicycle, transit and vehicular traffic.
- Address all features of the access road and public road right-of-way, including sidewalks, traffic lanes, bicycle lanes and medians.
- Provide adequate access to all developments for vehicles, pedestrians and cyclists.
- Create access roads that are appropriate for their context as part of a mixed-used district that encourages travel at appropriate volumes and speeds.
• Create streets and access roads that reduce storm water runoff quantity and improve the quality of storm water runoff.
• All street and private access standards shall follow specifications defined by Public Works.
• Variation from otherwise required road design standards may be approved where it is demonstrated that such exceptions will not be detrimental to the public health, safety and general welfare, and where private road maintenance is provided by the owner.

9. **Road Design Standards**
Variation from otherwise required road design standards may be approved where the applicant demonstrates that such exceptions will not be detrimental to the public health, safety and general welfare, and where private road maintenance is provided by the owner.

10. **Bicycle Facilities**
The following types of bicycle accommodations should be provided as determined by Public Works.
• Cycle Track - a separate on-road bicycle facility that is typically adjacent to, but physically separated from, vehicular traffic and parking by a barrier. A continuous cycle track is required on both sides of US-191.
• Dedicated Bicycle Lane - striped lanes accommodating cycle traffic within the paved road section. Required on all access roadways and primary entrances into specific developments.

11. **Storm Water Management**
Incorporation of storm water management best practices, including Low-impact Development (LID) techniques into the access road right-of-way design is encouraged. Examples include incorporating drainage swales, slotted curbs, sub-surface sumps and French drains, and the use of permeable paving in parking areas.

**Part 2  Architecture, Density, Massing and Form**

1. **General Conditions**
The following are general physical characteristics of overnight accommodations developments, including associated mixed uses, within the overlay district.
• Each building or structure can house a variety of uses depending on the design concept and functional requirements of each development.
• All buildings constructed shall be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise noted.
• Attached accessory structures are considered part of the principal structure.
• Detached accessory structures are permitted and shall comply with all setbacks except the following:
• Detached accessory structures are not permitted in the front yard.
• Detached accessory structures shall be located behind the principal structure in the rear yard.
• Detached accessory structures shall not exceed the height of the principal structure.

2. **Building Siting**
• More than one principal structure permitted on a lot.
• All setback areas not covered by a building or parking must contain either landscape, patio space, public open space, or a sidewalk/trail.

3. **Building Height**
• See existing zone for minimum and maximum height limitations and requirements.
• In order to assure compatibility of new construction with adjacent single-family neighborhoods, a 20-foot setback is required from the property line adjacent to a single family detached home property boundaries. Maximum building height within 20 and 30 feet of an adjacent single-family property is two stories or 24 feet.
• Ground stories uses facing the primary street must have a minimum interior height of 12’ and a maximum of 14’ to facilitate the incorporation of mixed uses.

4. **Building Layout and Configuration**
• Ground stories facing the primary street must be occupied by uses other than overnight accommodations. Examples include retail, recreation, commercial, office and civic uses.
• Parking may be located within a building or as part of a well-landscaped and buffered parking lots.

5. **Street View Requirements**
• For uses located on the ground floor facing the primary fronting street(s), 60% Minimum Ground Story Transparency is required, measured floor to floor. Transparency is any glass in windows and/or doors, including any mullions, that is highly transparent with low reflectance.
• Air conditioning units and similar mechanical requirements should be avoided on rooftop locations, and fully-screened from view when unavoidable.
• Blank Wall Limitations are required on all facades facing the primary street. No rectangular area greater than 30% of a story’s facade, as measured from floor to floor may be windowless, and no horizontal segment of a story’s facade greater than 10 feet in width may be windowless, unless otherwise approved.
• A mix of entrance types may be utilized, aligned with the overarching architectural theme or concept. All buildings must have an easily-discernable Principal Entrance located on the primary street side of the principal building.
• Street Entrances – the minimum number and maximum spacing between entrances on the ground floor building facade with street frontage to match a clear development design theme or concept are required.
• Vertical Facade Divisions - the use of a vertically oriented expression line or form to divide the facade into increments that enhance the design concept are required. Acceptable elements may include columns, pilasters, scoring lines and other continuous vertical features at least 1.5” in width.

• Horizontal Facade Divisions - the use of significant shifts in the façade every 45’ at minimum to divide portions of the façade into horizontal divisions. Major dividing elements should be integral to the architectural layout and form of the structure, with minor delineations encouraged through the uses of expressions lines in the form of cornices, belt courses, string courses, or other continuous horizontal divisions.

Part 3  Additional Design Requirements
The following outlines the district design guidelines that affect a building’s appearance and district cohesiveness. They improve the physical quality of buildings, enhance the pedestrian experience, and protect the character of the neighborhood.

1. Materials and Color
• Primary Facade Materials. 80% of each facade shall be constructed of primary materials. For facades over 100 square feet, more than one material shall be used to meet the 80% requirement.
• Permitted primary building materials will include high quality, durable, natural materials such as brick and stone; wood lap siding; fiber cement board lapped, shingled, or panel; metal siding; glass. Other high quality synthetic materials may be approved as part of a unified theme or design concept.
• Secondary Facade Materials are limited to details and accents. Examples include gypsum reinforced fiber concrete for trim and cornice elements; metal for beams, lintels, trim; and exterior architectural metal panels and cladding.
• Exterior Insulation and Finishing Systems (EIFS) is permitted for trim only or on upper floor facades only.
• Acceptable Roof Materials include 300 pound or better, dimensional asphalt composite shingles, metal tiles or standing seam, slate, and ceramic tile. Other roof materials may be considered for approval.
• Color - main building colors shall be complementary to existing buildings in the area, the surrounding landscape and visual backdrops.
• Appropriate Grade of Materials. Commercial quality doors, windows, and hardware shall be used throughout the district.

2. Windows, Awnings, and Shutters
• Windows - all upper story windows of overnight accommodation, mixed use and associated buildings shall be recessed and double hung.
• Plastic awnings are not permitted. Awning types and colors for each building face shall be coordinated.
• If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood.

3. **Balconies**
   • Balconies shall be a minimum of six feet deep and five feet wide.
   • Balconies that are not integral to the facade shall be independently secured and unconnected to other balconies.
   • A maximum of 40% of the front and corner side facades, as calculated separately, may be covered with balconies, including street-facing railing and balcony structure.

4. **Treatments at Terminal Vistas**
   • When a street terminates at a parcel, the front or corner side of a building or a significant landscape feature, whether fronting a Primary Street or not, shall terminate the view.

5. **Building Variety**
   Building design shall vary between vertical facade divisions, where required per the Building Types, and from adjacent buildings by the type of dominant material or color, scale, or orientation of that material and at least two of the following:
   • The proportion of recesses and projections.
   • The location of the entrance and window placement, unless storefronts are utilized.
   • Roof type, plane, or material, unless otherwise stated in the Building Type requirements.

6. **Drive-through Uses**
   • Drive-through structures and uses are not allowed.

**Part 4 Open Space**

To provide open space as an amenity that promotes physical and environmental health to project uses and the community, with a primary function of providing access to a variety of active and passive open space types.

1. **General Requirements**
   Developments over 5 acres are required to provide a minimum of 5% total lot size as publicly-accessible and usable civic open space. Developer shall work with Grand County to determine the best and most appropriate location of open space. For parcels under 5 acres, impact fees and other funding will be used as mechanisms to ensure adequate open space is provided.

   All open space provided shall comply with one of the Open Space Types that follow:
• Plaza – a formal, medium-scale (0.5 to 1.5 acre) gathering place for civic, social, and commercial purposes. May contain a greater amount of impervious coverage than other open space types. Special features, such as fountains and public art installations, are encouraged.
• Square - a medium-scale (1 to 2 acre) open space to gather for civic, social and commercial purposes. Squares are rectilinear in shape and are bordered on all sides by a vehicular right-of-way, which together with building facades creates its definition.
• Green – an informal, medium scale (0.25 to 2.0 acre) park with active or passive recreation amenities for neighborhood residents within walking distance; mainly fronted by streets.
• Pocket Park – a small-scale (.5 to 1.5 acre) open space, that is primarily designed to accommodate a range of active and passive recreation and gathering space uses, primarily local neighbors and residents within walking distance.
• Local and Neighborhood Parks – medium to large (3-acre to 10 acre) informal parks that accommodate both active and passive recreational amenities for local residents and the larger community. Parks have primarily natural plantings and are frequently formed around an existing natural feature such as a water body or stands of trees.
• Greenway – long and linear open spaces that serve to enhance connectivity between open space types and other uses. Greenways often follow a natural feature, such as a river, stream, ravine, or man-made feature, such as a vehicular right-of-way. A greenway may border other open space types.

Part 5  Landscape Standards
The landscape standards outlined in this section are designed to meet the following set of goals.
• To provide suitable outdoor settings;
• To increase the compatibility of adjacent uses and minimize the adverse impacts created by adjoining or neighboring uses.
• To provide responsible and environmentally-appropriate green spaces and infrastructure through the use of water efficient landscape design techniques, tools and standards.
• To shade large expanses of pavement and reduce the urban heat island effect.

1. Applicability
Landscapes, trees and buffers shall be installed as detailed in this section and detailed elsewhere in the Municipal Code.

2. Water Efficient Landscaping
Refer to specific Grand County landscape regulations regarding water efficient landscaping requirements.

3. General Installation Requirements
The installation of landscaping shall adhere to the following standards.
• National and Regional Standards. Best management practices and procedures according to the nationally and regionally accepted standards shall be practiced. All landscaping and trees shall be installed in conformance with the practices and procedures established by the most recent edition of the American Standard for Nursery Stock (ANSI Z60.1) as published by the American Association of Nurserymen.

• Maintenance and Protection - all landscaping and trees shall be maintained according to the most recent edition of the American National Standards Institute, including its provisions on pruning, fertilizing, support systems, lighting protection, and safety.

• Installation – landscaping shall be fully installed prior to the issuance of a certificate of completeness.

• Condition of Landscape Materials shall be:
  • Healthy and hardy with a good root system.
  • Chosen for its form, texture, color, fruit, pattern of growth, and suitability to local conditions.
  • Tolerant of the natural and man-made environment, including tolerant of drought, wind, salt, and pollution.
  • Appropriate for the conditions of the site, including slope, water table, and soil type.
  • Protected from damage by grates, pavers, or other measures.
  • Plants that will not cause a nuisance or have negative impacts on an adjacent property.
  • Species native or naturalized to Grand County region, whenever possible.
  • Minimal use or no use of lawns, turf and similar water-craving landscapes is required.

4. Irrigation Systems
   Permanent irrigation, beyond establishment, is required and shall adhere to the following standards.
   • All irrigation systems shall be designed to minimize the use of water, as detailed in the Grand County water-conserving landscape ordinance. The use of drip, emitter, bubbler and other water-conserving irrigation systems are required,

5. Landscape Maintenance
   All landscaping shall be maintained in good condition at all times to ensure a healthy and orderly appearance.
   • All required landscape shall be maintained to adhere to all requirements of this ordinance.
   • Replacing Unhealthy Landscaping. Unhealthy landscaping shall be replaced with healthy, live plants by the end of the next applicable growing season. This includes all plant material that shows dead branches over a minimum of 25% of the normal branching pattern.
   • Maintenance Responsibility. The owner is responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing required herein.
• Maintain Quality and Quantity. Maintenance shall preserve at least the same quantity, quality, and screening effectiveness as initially installed.
• Fences and Other Barriers. Fences, walls, and other barriers shall be maintained in good repair and free of rust, flaking paint, graffiti, and broken or damaged parts.
• Tree topping is not permitted.

6. Street Trees and Streetscape Design
The intent is to line all new streets with a consistent and appropriate planting of trees, pavement design, and identity to establish tree canopy for environmental benefit and a sense of identity for all new streets.

• Streetscape Design Submittal – a consistent streetscape design shall be submitted for approval for treatments along US-191/Main Street and all public streets within the development. At a minimum, the submittal shall include the following:
  o Street Trees meeting the minimum requirements shall be included in the streetscape design, with details related to tree pits, tree planting to meet landscape requirements.
  o Tree Locations indicated by type, size and general planting technique.
  o Sidewalk Pavement Design - paving materials and pattern shall be established for each street type.
  o Street Furnishings such as benches, seat walls, planters, fences, trash receptacles and bicycle racks shall be specified and quantities and locations listed for each street type.
  o Landscape Design – professionally-prepared landscape construction documents shall be provided for all landscape bed areas, planter areas, and tree wells.
  o Lighting - pedestrian and vehicular lighting shall be specified and locations and quantities noted. All lighting shall meet adopted night sky lighting requirements.
  o Identity Elements - other elements designed to establish the identity of each project, such as banners, pavement markers, artwork, or signage, shall be included in the streetscape design submittal.

7. Frontage, Side and Rear Buffers
The purpose of frontage buffers is to lessen the visual impact of vehicular areas visible from the street. Side and rear buffers minimize the impact that the Overnight Accommodation development may have on neighboring zones and districts. Should include a professionally-designed, water-efficient planting design that is engaging, beautiful and appropriate for the specific setting and context. Plants should include a range of perennials, decorative grasses and small shrubs as appropriate for reducing the visual impact of vehicular areas visible from the street while also meeting the Grand County Water Efficient Landscaping requirements.

8. Interior Parking Lot Landscape
The intent is to provide shade, minimize paving and associated storm water runoff, and improve the aesthetic look of parking lots. Internal areas not dedicated to parking or
drives shall be landscaped with a minimum of one medium or large shade tree for the first 150 square feet and one medium or large shade tree for every 650’ thereafter.

- Each parking space must be located within 50’ of a tree planted within parking lot interior. Minimum of 1 shade tree must be planted within parking lot interior or within 4’ of parking lot’s edge for every 3 parking spaces.
- Within 20 years of tree installation, 30% of the interior of the parking lot should be shaded by tree canopy. Shade Structure Requirements
- Shade structures should be considered an acceptable alternative for meeting the tree shade goal for up to 50% of the interior parking lot requirements.

Part 6 Parking Requirements
The parking standards outlined in this section are in addition to currently established standards for Moab South, and should meet the following goals:

- Ensure an appropriate level of vehicle parking, loading, and storage to support a variety of land uses.
- Provide appropriate site design standards to mitigate the impacts of parking lots on adjacent land uses and zoning subdistricts.
- Provide specifications for vehicular site access.

1. General Requirements
- Off-street parking spaces shall be provided in conformance with established site design requirements.
- Required Accessible Parking - parking facilities accessible for persons with disabilities shall be in compliance with or better than the standards detailed in the state Accessibility Code, including quantity, size, location, and accessibility. Required Bicycle Parking.
- Bicycle Parking areas required as described below.

2. Mixed-Use Parking Reductions
The following reductions may be applied depending on the amount and specific mix of uses.

- Shared Vehicular Parking - an arrangement in which two or more non-residential uses with different peak parking demands use the same off-street parking spaces to meet their off-street parking requirements. Through review of the site plan, up to 100% of the parking required may be waived.
- In order to approve a shared parking arrangement, it is must be proved that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.

3. Bicycle Parking Design
Bicycle parking shall be designed and located as follows.

- Required bicycle parking spaces shall have minimum dimensions of two feet in width and six feet in length.
• An aisle a minimum of five feet wide shall be provided behind bicycle parking facilities to allow for maneuvering.
• A minimum of two feet shall be provided beside each parked bicycle to allow access. This access may be shared by adjacent bicycles.
• Racks shall be installed a minimum of two feet from any wall or other obstruction. Bicycle parking should be located within 50 feet of the entrance of the use.
• Bicycle parking facilities shall be separated from vehicular parking areas to protect parked bicycles from damage. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
• Racks and Structures shall be provided for each unprotected parking space and shall be designed to accommodate both chain and U-shaped locking devices supporting the bicycle frame at two points.
Radisson Hotel (at former Knutsons property) – 100 rooms proposed (vested – site plan submitted but not yet approved)

Kane Creek Campground – 32 new RV sites (vested – application submitted)

Hotel adjacent to Dowd Flats RV Park – 82 rooms proposed (vested – site plan submitted but not yet approved)

Sage Creek Condos – 108 units (324 bedrooms) under construction

Rim Vista/Village – 48 unit (96 bedroom) phase in progress, 31 units have not yet been awarded C/Os

Red Cliffs Condos – An additional 12 unit (36 bedroom) building was recently completed and a C/O granted on each unit.

Wyndham Wingate Hotel – 120 rooms (under construction)

Ballard RV Park expansion (Thompson Springs) – 35 RV sites (approved, under construction)

Seven Mile RV Park – 60 new RV sites (vested – application submitted)

Seven Mile RV Park – 60 new RV sites (vested – application submitted)

The 597 vested units outside of city limits add up to 885 sleeping quarters* when accounting for individual bedrooms in condos

*Sleeping quarters defined as hotel rooms, commercial campsites, and bedrooms in condos

Legend

- Vested Developments - 1,545 units
- B&B's & Short Term Rentals - 822 units
- Hotel/Motel - 2,471 rooms
- Commercial Campsite/RV Park - 1,232 sites
- Overnight Accomodations Overlay
- Zoned for Overnight Accomodations
- Parcels
- GCGIS.DBO.SGIDGrandCoRoads

*Map shows overnight accommodations in unincorporated county alone; however, unit totals are combined city/county

Unit counts as of May 17, 2019

Overnight Accomodations in Unincorporated Grand County

Existing Condos in Overnight Accomodation Areas - 304 listed as short-term rentals, out of 460 existing, eligible units

84 units south of Red Valley Circle included in Rim Village Master Plan
Overnight Accomodations in Unincorporated Grand County

Legend

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*84 units have not yet received final plat approval

Table missing Moab City projects constructed and not yet ONR (eg. Units in Entrada, Cottonwood Condos not currently ONR)
Table 3.1 Uses by Zoning District

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(Use-specific Standards and descriptions of Use Categories are provided in 3.3 and 3.4, respectively.)

(Restricted Uses (Section 3.3.7))

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(Community Service: All community service uses are permitted by right.)

(All uses, general)

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(Educational Facilities)

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(Parks and Open Areas)

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(Passenger Terminals)

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(Note: P = Permitted by right, C = Conditional Use Permit Required, NC = Not Permitted.)

(Use-specific Standards and descriptions of Use Categories are provided in 3.3 and 3.4, respectively.)
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| Animal raising |     |     |     |     |     |     |     |     |     |     |     | 3.2.5E |
| Kennel |     |     |     |     |     |     |     |     |     |     |     | 3.2.5E |
| Animal feed lot |     |     |     |     |     |     |     |     |     |     |     | 3.2.5E |
| Barn, corral, pen, coop or machinery shed |     |     |     |     |     |     |     |     |     |     |     | 3.2.5E |
| Farm, orchard, vineyard or truck garden |     |     |     |     |     |     |     |     |     |     |     | 3.2.5E |
| Feed mill |     |     |     |     |     |     |     |     |     |     |     | 3.2.5E |
| Fruit and vegetable stand |     |     |     |     |     |     |     |     |     |     |     | 3.2.5E |
| Grazing |     |     |     |     |     |     |     |     |     |     |     | 3.2.5E |
| All other agricultural uses |     |     |     |     |     |     |     |     |     |     |     | 3.2.5E |
| Mining |     |     |     |     |     |     |     |     |     |     |     | 3.2.5E |
| Export |     |     |     |     |     |     |     |     |     |     |     | 3.2.5E |
| Import |     |     |     |     |     |     |     |     |     |     |     | 3.2.5E |
| Oil and gas drilling on private land |     |     |     |     |     |     |     |     |     |     |     | 3.2.5E |
| Oil and gas drilling on public land |     |     |     |     |     |     |     |     |     |     |     | 3.2.5E |
| All other resource extraction uses |     |     |     |     |     |     |     |     |     |     |     | 3.2.5E |
| Waste-related services |     |     |     |     |     |     |     |     |     |     |     | 3.2.5E |
| Waste-related services |     |     |     |     |     |     |     |     |     |     |     | 3.2.5E |
| Resource Extraction |     |     |     |     |     |     |     |     |     |     |     | 3.2.5E |
| Oil and gas drilling on private land |     |     |     |     |     |     |     |     |     |     |     | 3.2.5E |
| Oil and gas drilling on public land |     |     |     |     |     |     |     |     |     |     |     | 3.2.5E |
| All other resource extraction uses |     |     |     |     |     |     |     |     |     |     |     | 3.2.5E |