



GRAND COUNTY COUNCIL SPECIAL MEETING

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

AGENDA Tuesday, June 12, 2018

10:00 a.m.

- Call to Order
- General Business- Action Items- Discussion and Consideration of
 - A. Approving proposed thank you letter to U.S. Congressman John Curtis for his role in supporting a House Bill resulting in a proposed increase of \$4 million over last year's funding to the Moab Uranium Mill Tailings Remedial Action (UMTRA) project, for a total of \$42 million proposed for federal FY2019 (Chairwoman McGann)
 - B. Adopting proposed resolution, pending legal review, to inform land developers of potential future changes to the Grand County Land Use Code (Council Member Halliday)
- Future Considerations
- Closed session (if necessary)
- Adjourn

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS. In compliance with the Americans with Disabilities Act, individuals with special needs requests wishing to attend County Council meetings are encouraged to contact the County two (2) business days in advance of these events. Specific accommodations necessary to allow participation of disabled persons will be provided to the maximum extent possible. T.D.D. (Telecommunication Device for the Deaf) calls can be answered at: (435) 259-1346. Individuals with speech and/or hearing impairments may also call the Relay Utah by dialing 711. Spanish Relay Utah: 1 (888) 346-3162

It is hereby the policy of Grand County that elected and appointed representatives, staff and members of Grand County Council may participate in meetings through electronic means. Any form of telecommunication may be used, as long as it allows for real time interaction in the way of discussions, questions and answers, and voting.

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

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

A Council agenda packet is available at the local Library, 257 East Center St., Moab, Utah, (435) 259-1111 at least 24 hours in advance of the meeting.

AGENDA SUMMARY
GRAND COUNTY COUNCIL MEETING

JUNE 12, 2018

Agenda Item: A

TITLE:	Approving proposed thank you letter to U.S. Congressman John Curtis for his role in supporting a House Bill resulting in a proposed increase of \$4 million over last year's funding to the Moab Uranium Mill Tailings Remedial Action (UMTRA) project, for a total of \$42 million proposed for federal FY2019
FISCAL IMPACT:	None
PRESENTER(S):	Council Member Mary McGann

Prepared By:

Mary McGann

FOR OFFICE USE ONLY:

Attorney Review:

N/A

RECOMMENDATION:

I move to approve the proposed thank you letter to U.S. Congressman Curtis for his role in potentially increasing the proposed funding for the Moab Uranium Mill Tailings Remedial Action (UMTRA) project, for a total of \$42 million proposed for federal FY2019

BACKGROUND:

On Friday June 8th Congressman John Curtis supported the adoption of the Energy Water and Appropriation Bill which would increase the funding for the UMTRA project to \$42 million. The passing of this bill by Congress is a great step forward making us closest we been to adequate funding. The project has not had adequate funding since 2011. The bill still needs to pass the Senate before it is guaranteed.

ATTACHMENT(S):

PROPOSED LETTER



GRAND COUNTY COUNCIL MEMBERS
Mary McGann (Chair) · Curtis Wells (Vice Chair)
Evan Clapper · Greg Halliday · Jaylyn Hawks
Rory Paxman · Patrick Trim

June 12, 2018

Via email: Jake.Bornstein@mail.house.gov

Congressman John R. Curtis
3rd District, Utah

Attention: Jake Bornstein, Senior Legislative Assistant

Dear Honorable Representative John Curtis,

The Grand County Council wishes to you for your role in potentially increasing the funding for the Uranium Mill Tailings Remediation Action (UMTRA) to \$42 million. It was a pleasure to meet with you and your staff. As you may know, the UMTRA project has not had this much funding since the American Recovery and Reinvestment Act; since 2011 the funding has been below \$38 million. This added funding, if confirmed by the Senate, will enable the project to be completed at a much faster rate. We believe that there continues to be an urgency to expeditiously remove these uranium tailings from the banks of the Colorado River—the lifeblood of 40 million downstream water users—as well as for the health, safety and welfare of the citizens and guests of Grand County.

Once again thank you for your support of our efforts. We look forward to ongoing meetings to ensure the appropriate funding continues until this project is efficiently completed.

Sincerely,

Mary McGann
Grand County Council Chair
mmcgann@grandcountyutah.net
435-260-8348



Item: A

GRAND COUNTY COUNCIL MEMBERS
Mary McGann (Chair) · Curtis Wells (Vice Chair)
Evan Clapper · Greg Halliday · Jaylyn Hawks
Rory Paxman · Patrick Trim

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Grand County Council Chair
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Sincerely,

Mary McGann
Grand County Council Chair
mmcgann@grandcountyutah.net
435-260-8348

AGENDA SUMMARY
GRAND COUNTY COUNCIL MEETING

JUNE 12, 2018

Agenda Item: B

TITLE:	Adopting proposed resolution, pending legal review, to inform land developers of potential future changes to the Grand County Land Use Code
FISCAL IMPACT:	None
PRESENTER(S):	Council Member Halliday

Prepared By:
JAYLYN HAWKS/
ZACHARIA LEVINE

FOR OFFICE USE ONLY:

Attorney Review:
IN PROCESS

RECOMMENDATION:

I move to adopt the proposed Resolution to Inform Land Developers of Potential Future Changes to the Grand County Land Use Code, effective immediately upon passage and authorize the Chair to sign all associated documents.

BACKGROUND:

IN 2017 THE COUNTY COUNCIL ADOPTED THE MOAB AREA AFFORDABLE HOUSING PLAN WHICH INCLUDED TWO PROVISIONS:

1. A QUANTITATIVE ASSESSMENT OF THE HOUSING MARKET IN GRAND COUNTY AND NEEDS PROJECTION FOR HOUSING THAT IS AFFORDABLE TO VERY LOW, LOW, AND MODERATE INCOME HOUSEHOLDS
2. EVALUATION AND POSSIBLE ADOPTION OF AN ASSURED HOUSING POLICY AS A PRIMARY ACTION ITEM

PROVISION 1 HAS BEEN COMPLETED AND THE RESULTS ARE SCHEDULED TO BE PRESENTED BY THE CONSULTANTS WHO CONDUCTED THE STUDY AT THE JUNE 19TH COUNCIL MEETING. PENDING EVALUATION OF THE RESULTS, PROVISION 2 COULD CLOSELY FOLLOW IN THE NEAR FUTURE.

PER UTAH CODE 17-27A-507(1)(B)(I), THE COUNTY CAN CONTINUE TO ACCEPT AND REVIEW LAND USE APPLICATIONS FOR 180 DAYS FOLLOWING THE INITIATION OF AN ORDINANCE CHANGE WHEREBY THE OWNERS/DEVELOPERS WHO SUBMIT DURING THAT TIME PERIOD WILL BE SUBJECT TO ANY ORDINANCE CHANGES ADOPTED DURING THAT 180 DAY PERIOD. THIS RESOLUTION WOULD SERVE AS NOTICE TO THE PUBLIC AND TO OWNERS/ DEVELOPERS.

ATTACHMENT(S):

1. Proposed Resolution
2. Relevant State Code

GRAND COUNTY, UTAH
RESOLUTION NO. _____, SERIES 2018

**RESOLUTION TO INFORM LAND DEVELOPERS OF POTENTIAL
FUTURE CHANGES TO THE GRAND COUNTY LAND USE CODE**

WHEREAS, the Grand County Council (County Council) adopted the *Grand County General Plan Update* (General Plan) on February 7, 2012 with Resolution No. 2976;

WHEREAS, the County Council adopted the *Grand County Land Use Code* (Land Use Code) on January 4, 1999 with Ordinance No. 299 and amended it February 19, 2008 with Ordinance No. 468 for the purpose of regulating land use, subdivision and development in Grand County in accordance with the General Plan;

WHEREAS, the County Council adopted the Moab Area Affordable Housing Plan (Housing Plan) on April 18, 2017 with Resolution No. 3108, which includes:

- a) A quantitative assessment of the housing market in Grand County and needs projection for housing affordable to very low, low, and moderate income households, and
- b) Evaluation and adoption of an assured housing policy as a primary action item.

WHEREAS, Grand County has experienced a significant increase in lodging-related development and expects additional applications for lodging-related development approvals in the future;

WHEREAS, the median sales price for all housing types in Grand County increased \$90,000 between 2013 and 2017 up to \$329,000 during which time the household area median family income increased by just \$100 to \$56,700 per year (sources: Utah Association of Realtors and HUD, respectively);

WHEREAS, residentially zoned land and residential structures in Grand County are increasingly consumed by short-term rentals, second homes, and lodging-related uses;

WHEREAS, workers in Moab are experiencing increasing challenges securing adequate and affordable housing due to the gap between wages and housing costs;

WHEREAS, a recently completed assured housing feasibility study completed for Grand County found that zero percent (0%) of the available housing in Grand County is affordable to persons earning wages typical in the lodging/hospitality industry;

WHEREAS, a recently completed assured housing nexus analysis completed for Grand County found that lodging-related development has a bona fide connection to the increase in demand for affordable, below-market rate housing;

WHEREAS, the lack of affordable housing can result in crowding, undesirable and unacceptable living conditions, a decrease in quality of life for Grand County workers and their families, and detrimental environmental impacts;

WHEREAS, Grand County is committed to supporting and encouraging the development of affordable housing;

WHEREAS, in furtherance of this commitment, Grand County is studying mechanisms to require that new lodging-related developments provide deed-restricted affordable housing or contribute fees in lieu to an affordable housing fund;

WHEREAS, Grand County possesses the authority, pursuant to U.C.A. § 17-27a-507508(1)(b)(i), to advise land use applicants that it has initiated proceedings to amend its ordinances; as provided by that provision, land use applicants submitting applications subsequent to the commencement of proceedings to amend an ordinance may be bound by subsequently enacted regulations;

WHEREAS, Grand County finds that there is a compelling public interest to enact this resolution due to the immediacy of lodging-related land use applications before the County, and the lack of affordable housing for persons who would work for those new lodging businesses or businesses in existence to serve the guests of such lodging-related developments;

WHEREAS, the County Council has heard and considered all evidence and testimony presented with respect to this resolution to initiate proceedings to amend County ordinances related to the enactment of an assured housing policy;

NOW, THEREFORE, BE IT RESOLVED by the Grand County Council that it does hereby:

Define lodging related development as hotels/motels, other short-term lodging provided to paying guests who rent rooms or units on a nightly or weekly basis, whether individual or part of a larger development, or campgrounds.

Direct staff to engage in further study and development of policy recommendations to the Grand County Council as to mechanisms that will require the construction of affordable housing or, alternatively, payment of a fee in lieu of same, in conjunction with the future development of lodging related development within Grand County.

Notify the public that persons who may submit a land use application to Grand County for approval to construct lodging related developments or convert existing structures not currently used for lodging related uses that their applications may be subject to an assured housing ordinance enacted subsequent to the effective date of this resolution. That ordinance may include requirements to construct affordable housing units or pay a fee in lieu thereof pursuant to criteria enacted by the County. County staff are directed to inform applicants of this Resolution.

Establish the effective date and duration of this resolution to be the date of its formal passage, regardless of the date of publication, and to remain in effect for up to one hundred eighty (180) days. If Grand County has not enacted an ordinance containing an assured housing policy within one hundred eighty (180) days of the effective date of this resolution, then otherwise complete applications submitted during the time between the effective date of this resolution and that 180 day deadline shall be processed without regard to any proceedings to enact such an ordinance. If an assured housing ordinance is enacted within that 180 day deadline, then applications submitted subsequent to the

ORDINANCE NO _____, SERIES 2018

effective date of this resolution shall be subject to, and bound by, the terms of the new ordinance.

APPROVED by the Grand County Council in open session this _____, day of _____ 2018, by the following vote:

Those voting aye: _____

Those voting nay: _____

Those absent: _____

ATTEST:

Grand County Council

Diana Carroll, Clerk/Auditor

Mary McGann, Chair

Effective 5/8/2018

17-27a-508 Applicant's entitlement to land use application approval -- Application relating to land in a high priority transportation corridor -- County's requirements and limitations -- Vesting upon submission of development plan and schedule.

(1)

(a)

- (i) An applicant who has submitted a complete land use application, including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:
 - (A) in effect on the date that the application is complete; and
 - (B) applicable to the application or to the information shown on the submitted application.
- (ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays all application fees, unless:
 - (A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or
 - (B) in the manner provided by local ordinance and before the applicant submits the application, the county formally initiates proceedings to amend the county's land use regulations in a manner that would prohibit approval of the application as submitted.
- (b) The county shall process an application without regard to proceedings the county initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:
 - (i) 180 days have passed since the county initiated the proceedings; and
 - (ii) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted.
- (c) A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.
- (d) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.
- (e) A county may not impose on an applicant who has submitted a complete application for preliminary subdivision approval a requirement that is not expressed:
 - (i) in this chapter;
 - (ii) in a county ordinance; or
 - (iii) in a county specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.
- (f) A county may not impose on a holder of an issued land use permit or a final, unexpired subdivision plat a requirement that is not expressed:
 - (i) in a land use permit;
 - (ii) on the subdivision plat;
 - (iii) in a document on which the land use permit or subdivision plat is based;
 - (iv) in the written record evidencing approval of the land use permit or subdivision plat;
 - (v) in this chapter; or
 - (vi) in a county ordinance.
- (g) A county may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:

- (i) in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the building permit or subdivision plat; or
 - (ii) in this chapter or the county's ordinances.
- (2) A county is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.
 - (3) A county may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.
 - (4) Upon a specified public agency's submission of a development plan and schedule as required in Subsection 17-27a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the county's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.

Amended by Chapter 339, 2018 General Session