GRAND COUNTY COUNCIL
SPECIAL MEETING

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

AGENDA
Friday, July 12, 2019

1:00 p.m.

☐ Call to Order
☐ Presentations (none)
☐ Discussion Items:
  A. Discussion and workshop on proposed ordinance amending/removing use rights from all zones and/or the overnight accommodations overlay for new/additional overnight accommodations developments, including Table 3.1 (Uses), Section 3.2 Use-Specific Standards, and Section 4.6 Overnight Accommodations Overlay District (Zacharia Levine, Community and Economic Development Director)

☐ Action Items – Discussion and Consideration of (none)
☐ Public Hearing (none)
☐ Future Considerations
☐ Closed Session(s) (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.
GRAND COUNTY, UTAH
ORDINANCE ______ (2019)

AN ORDINANCE REVISING OVERNIGHT ACCOMMODATIONS USE RIGHTS IN USE TABLE 3.1.D AND SECTION 4.6 OVERNIGHT ACCOMMODATIONS OVERLAY DISTRICTS IN THE GRAND COUNTY LAND USE CODE AND THE GRAND COUNTY ZONING MAP

WHEREAS, Title 17 Chapter 27a of the Utah Code authorizes Grand County to enact ordinances, resolutions, and rules and to enter into other forms of land use controls and development agreements that the County considers necessary or appropriate for the use and development of land within the unincorporated area of Grand County, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing: uses; density; open spaces; structures; buildings; energy-efficiency; light and air; air quality; transportation and public or alternative transportation; infrastructure; street and building orientation and width requirements; public facilities; fundamental fairness in land use regulation; and considerations of surrounding land uses to balance the foregoing purposes with a landowner's private property interests and associated statutory and constitutional protections.

WHEREAS, Title 17 Chapter 27a of the Utah Code requires Grand County to provide for the health, safety, and welfare of its residents; improve the peace and good order, comfort, convenience, and aesthetics of the County; protect the tax base; foster the state’s agricultural and other industries; promote the orderly development of urban and nonurban development; provide fundamental fairness in land use regulation; and facilitate orderly growth and allow growth in a variety of housing types.

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 (LUC) on January 4, 1999 with Ordinance No. 299, adopted significant amendments to it on February 19, 2008 with Ordinance No. 468, and has since amended it with additional ordinances for the purpose of regulating land use, subdivision and development in Grand County in accordance with the General Plan;

WHEREAS, from time to time the County adopts ordinances to modify its LUC and zoning map to improve the quality and order of land development and align the LUC with changing community conditions, state law, and contemporary planning concepts;

WHEREAS, while the General Plan acknowledges the important contribution of tourism to the local economy, it also states that growth in new business sectors should be balanced with tourism to achieve year-round economic diversification with higher-paying jobs;
WHEREAS, to date, Grand County has allowed hotels/motels, campground and RV parks, condominiums and townhomes used for overnight accommodations, and bed and breakfasts (collectively, Overnight Accommodations) in certain base zone districts within the County, as specified in Chapter 3.1 and Chapter 4.6 of the Land Use Code;

WHEREAS, the rapid, ongoing, and future growth of Overnight Accommodations contributes to increased tourism and visitation in the region, recreational assets that help to attract visitors have become crowded and heavily utilized. Between 2010 and 2018 visitation to Arches National Park and Canyonlands National Park increased 60.1% and 58.9%, respectively, with Arches NP and Canyonlands NP reporting 1,663,557 and 739,449 recreational visits, respectively, for a total of 2,403,006 recreational visits in 2018\(^1\);

WHEREAS, in recent years, Grand County has received 48 permit applications for new construction of Overnight Accommodations developments and 5 permit applications for new construction of other commercial uses amounting to a ratio of 9.6 to 1;

WHEREAS, a Nexus Analysis study by BAE Urban Economics verified and quantified the nexus between new lodging related development and increased demand for below market rate housing;

WHEREAS, market conditions and an increasing dependence on tourism have resulted in Overnight Accommodations being developed to the detriment of the development of other necessary uses, including retail, commercial, office, and housing uses;

WHEREAS, Grand County has more Overnight Accommodations units (4,525) than it does primary residential units (3,240);

WHEREAS, vested Overnight Accommodations development projects, if completely built-out, will produce an additional 1,600 Overnight Accommodations units resulting in a 38% increase in the total number of Overnight Accommodations units;

WHEREAS, the median sales price for all housing unit types in Grand County increased $115,000 (51%) between 2013 and 2018\(^2\), at least in part, because of demand for residential units used as Overnight Accommodations whereas average wages only increased $3,204 per year (11%) over the same time period\(^3\);

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

\(^1\) National Park Service  
\(^2\) Utah Association of Realtors  
\(^3\) Department of Workforce Services
WHEREAS, Grand County budgets for law enforcement, search and rescue, and emergency medical services, increased forty-six percent (46%) between 2015 and 2019, fifteen (15%) between 2014 and 2018, and one hundred thirty percent (130%) between 2014 and 2018, respectively, as a result, at least in part, of increased tourism impacts;

WHEREAS, non-residents have accounted for an average of 43% of calls to the Emergency Medical Services agency since 2012, and non-residents account for a disproportionate share of financial losses to the EMS agency due to unremitted bills (In 2017, calls from non-resident patients resulted in $317,118 of loss, not including employee wages, benefits or liability insurance)4;

WHEREAS, the local office of the Department of Workforce Services has reported a significant increase in the number of private sector service jobs remaining unfilled because of the increase in Overnight Accommodations and tourism without a proportional increase in affordable housing in Grand County. In February 2019, 328 jobs (5.6% of total employment) remain unfilled with more than 100 job advertisements remaining unfilled for at least six months or longer3;

WHEREAS, Overnight Accommodations developments significantly increase the service population in Grand County, meaning the number of people utilizing infrastructure and public services;

WHEREAS, significant increases in service population creates undue stress on Grand County’s infrastructure and public service systems;

WHEREAS, the City of Moab recently constructed a roughly $10 million regional wastewater treatment facility in order to handle the increased loading and effluent mix resulting from increased Overnight Accommodations, service populations, and pit toilets in campgrounds;

WHEREAS, a recent transportation study found that during a typical Friday in the month of May roughly 2,300 vehicles pass through downtown Moab during a peak hour (8:00 a.m. to 9:00 a.m. or 4:00 p.m. to 5:00 p.m.), and projections for the year 2030 suggest that number will increase to 2,750 vehicles per peak hour5. The current and projected traffic volumes have resulted in lower levels of service, longer travel times through Spanish Valley, safety concerns for different user groups, and a diminished experience of downtown Moab for pedestrians and drivers;

WHEREAS, Grand County has received an increase in the number of complaints regarding the impacts of overnight accommodations developments on the County’s infrastructure, public

---

4 Grand County EMS
5 Fehr and Peers 2018
WHEREAS, in response to these issues and impacts, the County Council adopted a temporary land use restriction prohibiting the review and approval of new Overnight Accommodations on February 5, 2019 with Ordinance No. 586;

WHEREAS, following the passage of Ordinance No. 586, the County conducted additional research and hosted numerous public meetings, open houses, and public hearings to understand the issues and impacts related to Overnight Accommodations as well as market trends, implications of current zoning standards, community impacts, infrastructure and public service impacts, and resident support for new approvals of overnight accommodations;

WHEREAS, the Grand County Planning Commission, which is statutorily responsible for making recommendations to the County Council regarding text and map amendments to the LUC and accompanying zoning map, held a public hearing on June 11, 2019 to solicit public comment on draft changes to the use overnight accommodations use rights in Use Table 3.1, Section 4.6 Overnight Accommodations Overlay standards, and associated Overnight Accommodations Overlay District map(s), and recommended approval to the County Council;

WHEREAS, during this planning process the County Council considered these factors along with their own experience and knowledge regarding the essence and character of the greater Moab community; concentration of Overnight Accommodations over other commercial businesses in the County; road conditions and traffic circulation problems which have become increasingly congested in recent years due to historically high short-term visitation and the lack of public or alternative transportation; utility and infrastructure capacity which has not adequately expanded with the growth in Overnight Accommodations; excessive noise and air pollution which may not be cured with local regulation; and housing prices which have escalated in comparison to wages;

WHEREAS, for the reasons cited above, the Grand County Council finds removing all overnight accommodations use types from the list of principal uses in all base zoning districts, establishing use-specific overnight accommodations overlays, and immediately applying the appropriate use-specific overnight accommodations overlays to existing and vested projects is necessary to achieve the purposes of Title 17, Chapter 27a of the Utah Code; and

WHEREAS, the Grand County Council held a public hearing on July 2, 2019 to solicit public comment on this Ordinance and voted to approve the same;

NOW, THEREFORE BE IT ORDAINED, that the Overnight Accommodations Use Table in Section 3.1.D of the LUC is hereby amended and modified to read as follows, and Section 4.6 of the LUC is hereby amended and modified in its entirety as follows:

See Exhibit A.

PASSED, ADOPTED, AND APPROVED by Grand County Council in a regular public
meeting on July 16, 2019 by the following vote:

*Those voting aye: ____________________________*

*Those voting nay: ____________________________*

*Those absent: ________________________________*

ATTEST:  

GRAND COUNTY COUNCIL

______________________________  ______________________________
Chris Baird, Clerk\Auditor          Evan Clapper, Chair

*Insert Exhibits (Use Table 3.1.D – Overnight Accommodations; New Section 4.6 and Subsections: OA-Hotels/Motels; OA-Campgrounds; OA-Residential; Maps associated with each use-specific OA)*
4.6 -OAO, Overnight Accommodations Overlay Districts

4.6.1 Purpose

The -OAO, Overnight Accommodations Overlay Districts are overlay districts intended to designate subdivisions and developments within which overnight accommodations are permitted. Overnight accommodations, while part of the Grand County economy and tradition, are not appropriate in all zone districts and parts of the county. -OAO Districts should be applied only to entire developments and subdivisions or to portions of such developments and subdivisions planned or historically used primarily for such use and activity, accessible directly by an arterial or collector street, and where appropriate and compatible with adjacent land uses and neighborhoods. -OAO Districts may be applied to individual parcels where appropriate.

The -OAO Districts ensure that overnight accommodations are designed and developed in a manner that address the impacts and the increased service needs they generate, including but not limited to traffic, employee housing, natural resources (e.g. land and water), sewerage, law enforcement, and emergency medical services. The -OAO Districts also ensure that Grand County maintains a healthy amount of developable commercial land and mix of commercial uses that support a diverse economy. The -OAO Districts should be applied to ensure that new and redeveloped projects result in tangible community benefits through the application of creative design, the incorporation and support for mixed uses both on-site and elsewhere in the community, and through the provision and support for public uses and spaces to provide a balanced community structure.

4.6.2 Applicability

The regulations set forth in this Section may be applied to real property located within the HDHO Boundaries, as shown in Exhibit A, upon application to and approval by the County Council pursuant to the provisions herein. Upon approval, the HDHO District zoning, Development Agreement, and Master Plan shall control development of the Property.

4.6.3 Identification on Zoning Maps

Approved -OAO Districts and developments shall be indicated on the official Zoning Map.

[Insert Maps Here]

4.6.4 Allowed Uses

Uses allowed in the -OAO Districts shall be as specified in the underlying base district together with permissible overnight accommodations occupied for time periods of less than 30 days. Accordingly, overnight accommodations developments shall be allowed to incorporate new residential and commercial uses otherwise allowed by the underlying base district.
Existing overnight accommodations developments shall not be allowed to expand the number of spaces, lots, or units for which they were originally approved to use as overnight accommodations.

4.6.5 Lot Design Standards

All development in an -OAO District shall comply with the Lot Design Standards of the underlying zoning district and this Section 4.6, as amended.

4.6.6 District Standards

All principal and accessory structures shall comply with the following requirements:

A. Uses allowed in the -OAO Districts shall comply with the Use-Specific Standards of Article 3 and Development Standards of Articles 6 and 7.

B. Occupancy of any space, room, or unit in an -OAO District may be less than 30 days in duration.

C. An individual land use permit and business license shall be required for each RV/campground, hotel/motel, or dwelling unit rented for time periods of less than 30 days. Each residential dwelling unit used for overnight accommodations shall require its own land use permit and business license even when multiple units are owned or managed by one entity.

D. Such units shall be managed by the owner of the property or a Utah-licensed property management agent or company with a local, Grand County representative who shall properly license the overnight accommodations in Grand County and collect and pay all applicable taxes, including but not limited to, the TRT tax.

E. Additional off-street parking may be required as necessary to mitigate impacts on adjacent land uses and neighborhoods as determined by the Zoning Administrator and County Engineer.

F. Current contact information for the owner and applicable property owners or management agencies or companies shall be posted in an accessible location outside such units or project.

G. Potential impacts upon affected public water sources shall be reasonably mitigated as determined by the Zoning Administrator, County Engineer, and Grand Water and Sewer Service Agency.

4.6.7 –OAO District Application

A. Preapplication Conference. Prior to submission of an -OAO District Application, as defined in this Section, the Developer or Subdivider shall meet with the Community and
Economic Development Director or their designee(s), including other County staff deemed desirable or necessary by the Community and Economic Development Director, to discuss the procedures, standards, and regulations hereunder. Uses allowed in the -OAO Districts shall comply with the Use-Specific Standards of Article 3 and Development Standards of Articles 6 and 7.

B. Occupancy of any space, room, or unit in an -OAO District may be less than 30 days in duration.

C. Procedure. An -OAO District Application shall be reviewed and approved in accordance with the procedures of Section 9.2, Text and Zoning Map Amendments (Rezonings), and shall be considered to be a zoning map amendment.

D. Application. A Developer or Subdivider shall submit an -OAO District Application with the information contained in Section 9.2.3 together with a Development Agreement, Master Plan, and Conceptual Site Plan as follows:

1. The Development Agreement shall include the following information:
   a. Legal description of the Property;
   b. Narrative summarizing the proposed development of the Property by gross acre; number of Lots or Units, common area and open space acreage, overall character and architectural style, and other related development features as proposed by the Developer or requested by the County;
   c. All other required components of the Development Agreement outlined in Section 6.15 Assured Housing Requirements; and
   d. Method of compliance with Section 6.15 Assured Housing Requirements, which shall include a stated fee in lieu amount or number of units to be constructed.

2. The Master Plan shall include the following information:
   a. Legal description of the Property;
   b. Identification of all proposed land uses including accommodations and non-accommodations uses;
   c. Number and location of Lots or Units to be developed on the Property;
   d. Identification of site planning features designed to ensure compatibility and a seamless transition between proposed Overnight Accommodations Development and surrounding neighborhoods or site conditions;
   e. A map and description of sensitive lands within or adjacent to the proposed development and how they will be addressed, including but not necessarily limited to the following:
      1. Public drinking water supply watersheds (recharge areas for the aquifer in the Glen Canyon formation);
      2. Floodplains and riparian habitats;
      3. Slopes in excess of 30 percent; and
      4. Significant geological, biological, and archeological sites.
   f. Documentation of the specific utilities and infrastructure that are designed
and installed to conserve limited natural resources such as water. Examples (for water resources) 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, and the incorporation of water-efficient fixtures.

g. A narrative that includes:
   1. A clear statement of how the proposed development provides benefits to the community as compared to development carried out in accordance with the otherwise applicable zoning and development regulations.
   2. 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 uses, office, commercial and civic uses, public open space, and indoor/outdoor gathering spaces.

3. The Conceptual Site Plan shall include the information required under Section 9.17.3.A through N.

E. Recordation. The Developer or Subdivider shall record the Development Agreement and Master Plan in the real property records of Grand County, Utah prior to recordation of a final plat approved hereunder or issuance of a building permit for any unit within a site plan approved hereunder. Once approved, the Development Agreement and Master Plan may not be amended or modified without reapplication to the County.

F. Effect. Review and consideration of an -OAO District Application is a discretionary legislative decision. Further, approval of an -OAO District Application does not constitute site plan, preliminary plat, or final plat approval. Rather, such approval shall be deemed approval of permission to develop under the standards of this Section and the Master Plan.

G. Lapse of approval. The -OAO District approval shall automatically expire and be void unless the County approves and Developer records a site plan or final plat for the Overnight Accommodations Development in accordance with Section 9.5 or 9.17 within 24 months of the date of -OAO District approval.

H. Conflict. In the event of conflict between the provisions of Section 9.2 and this Section 4.6.6, this Section shall control.