GRAND COUNTY COUNCIL
SPECIAL MEETING

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

AGENDA
Thursday, July 18, 2019

2:00 p.m.

☐ Call to Order
☐ Presentations (none)
☐ Discussion Items (none)
☐ Action Items – Discussion and Consideration of:

A. Adopting 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 (Chairman Clapper)

B. Adopting proposed resolution to initiate proceedings to amend section 4.6 of the Grand
County Land Use Code to integrate mixed use and design standards applicable to
overnight accommodations developments, postponed from July 17, 2019 (Christina Sloan,
County Attorney)

C. Adopting proposed ordinance approving land use regulation prohibiting new land use
applications or permits for overnight accommodations, including hotels/motels,
campgrounds, bed and breakfasts, condominiums and townhomes used for overnight
accommodations, or any other uses associated with overnight accommodations for a
period of six (6) months (Chairman Clapper)

☐ 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 SECTIONS 3.1.D AND 4.6 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 Section 3.1.D and Section 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 2018¹;

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 currently has forty percent (40%) 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 at least an additional 1,600 Overnight Accommodations units resulting in a 38% increase for a total number of Overnight Accommodations units of 6,245 units, which is nearly double the number of primary residential units;

WHEREAS, the median sales price for all housing unit types in Grand County increased $115,000 (51%) between 2013 and 2018², 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 period³;

WHEREAS, the United States Geological Survey is finalizing a draft report of a recent multiyear groundwater study of the Moab Area Watershed, which draft report finds that: a) safe yield⁴ for the Area is less than previously estimated (11-13,000 acre-feet (AF) per year rather than 18-22,000 AF per year); b) in 2017, water users in Grand County diverted 14,504 AF; c) the amount and location of return flows into Mill Creek, Pack Creek, and the Colorado River must be studied more; and d) data is lacking on actual diversion volumes for private

¹ National Park Service
² Utah Association of Realtors
³ Department of Workforce Services
⁴ The amount of water that can be withdrawn each year without risking harm to the aquifer.
springs, private wells, and Pack Creek surface diversions. Given these findings, Grand County acknowledges that additional water study is necessary and anticipates the need for a multi-agency, intergovernmental groundwater management plan;

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;

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 longer;

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 hour. 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

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5 Grand County EMS  
6 Fehr and Peers 2018
services, housing market, economy, general quality of life, and environment, including but not limited to two separate citizen petitions with roughly 100 and 600 signatures, respectively;

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:

Chris Baird, Clerk\Auditor

GRAND COUNTY COUNCIL

Evan Clapper, Chair
Table 3.1.D Uses by Zoning District

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Specific Use</th>
<th>Residential</th>
<th>Nonresidential</th>
<th>Use-Specific Standards</th>
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</thead>
<tbody>
<tr>
<td>Commercial</td>
<td></td>
<td>MFR</td>
<td>RR</td>
<td>DSF</td>
</tr>
<tr>
<td>Overnight Accommodations</td>
<td>Bed and breakfast</td>
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<td>Not allowed</td>
<td>Not allowed</td>
</tr>
<tr>
<td></td>
<td>Dude ranch or destination resort</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td>Not allowed</td>
</tr>
<tr>
<td></td>
<td>Hotel or motel</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td>Not allowed</td>
</tr>
<tr>
<td></td>
<td>Recreational vehicle parks and campgrounds</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td>Not allowed</td>
</tr>
<tr>
<td></td>
<td>Residential units used for overnight accommodation</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td>Not allowed</td>
</tr>
<tr>
<td></td>
<td>All other overnight accommodation uses</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td>Not allowed</td>
</tr>
</tbody>
</table>

Key: P = Permitted by right  C = Conditional Use Permit Required  ___ = Not Permitted

(Use-specific standards and descriptions of Use Categories are provided in 3.1 and 3.4, respectively)
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 OAO 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. 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.

C. 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.

D. 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.

E. 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.

F. 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.

G. Conflict. In the event of conflict between the provisions of Section 9.2 and this Section 4.6.6, this Section shall control.
4.6.3 Overnight Accommodations Overlay Map - As of July 18, 2019

Legend
- Parcels
- OAO_Hotel/Motel
- OAO_RV/Campground
- OAO_Residential Used for OA
### Agenda Summary

**Grand County Council Meeting**  
(July 16, 2019)  
(July 18, 2019)

<table>
<thead>
<tr>
<th>Agenda Item:</th>
<th>B</th>
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</thead>
<tbody>
<tr>
<td><strong>Title:</strong></td>
<td>A Resolution to Initiate Proceedings to Amend Section 4.6 of the Grand County Land Use Code to Integrate Mixed Use and Design Standards Applicable to OA Developments</td>
</tr>
<tr>
<td><strong>Fiscal Impact:</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Presenter(s):</strong></td>
<td>Christina Sloan, County Attorney</td>
</tr>
</tbody>
</table>

**Recommended Action:**  
I move to adopt the proposed Resolution to Initiate Proceedings to Amend Section 4.6 of the Grand County Land Use Code to Integrate Mixed Use and Design Standards Applicable to OA Developments and authorize the Chair to sign all associated documents.

**Background:**  
Utah Code §17-27a-508(1) permits Grand County to deny approval of a land use application submitted within one hundred and eighty (180) days of initiation of proceedings to amend applicable land use regulations.

Grand County is studying mixed use and design (form and performance-based) standards applicable to new OA developments and expansions/redevelopments of existing OA developments (the “Standards”) to integrate into Section 4.6 of the LUC, which standards Grand County was unable to finalize prior to adoption of the recent ordinance to revise OA use rights in Section 3.1 and 4.6.

This Resolution initiates proceedings to amend Section 4.6 of the LUC to integrate mixed use and design (form and performance-based) standards applicable to new OA developments and expansions/redevelopments of existing OA developments.

**Attachment(s):**  
Proposed Resolution
§ 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 - Estimating upon submission of development plan and schedule.

Utah Statutes
Title 17. Counties
Chapter 27a. County Land Use, Development, and Management Act
Part 5. Land Use Regulations
Current through Chapter 510 of the 2019 General Session

§ 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 - Estimating 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 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) Except as provided in Subsection (1)(h), 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.

(h) A county may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter,
unless:

(i) the applicant and the county have agreed in a written document to the withholding of a certificate of occupancy; or

(ii) the applicant has not provided a financial assurance for required and uncompleted landscaping or infrastructure improvements in accordance with an applicable ordinance that the legislative body adopts under this chapter.

(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.
GRAND COUNTY, UTAH
RESOLUTION NO. ________, SERIES 2019

A RESOLUTION TO INITIATE PROCEEDINGS TO AMEND SECTION 4.6 OF THE GRAND COUNTY LAND USE CODE TO INTEGRATE MIXED USE AND DESIGN STANDARDS APPLICABLE TO OA DEVELOPMENTS

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;

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, as amended;

WHEREAS, the County Council adopted Ordinance No. ____ on July 16, 2019 which revised Overnight Accommodations (“OA”) use rights in Sections 3.1.D and 4.6 of the LUC to address certain community issues and impacts caused or exacerbated by OA developments as stated in the Recitals of the Ordinance, which Recitals are integrated herein through this reference;

WHEREAS, Grand County is studying mixed use and design (form and performance-based) standards applicable to new OA developments and expansions/redevelopments of existing OA developments (the “Standards”) to integrate into Section 4.6 of the LUC, which standards Grand County was unable to finalize prior to adoption of Ordinance No. ____;

WHEREAS, Utah Code § 17-27a-508(1) permits Grand County to deny approval of a land use application submitted within one hundred and eighty (180) days of initiation of proceedings to amend applicable land use regulations; and

WHEREAS, Grand County finds that compelling, countervailing public interests, as set forth in the Recitals of Ordinance No. ____ , prohibit the approval of new OA developments or expansions/redevelopments of existing OA developments prior to adoption of the Standards.

NOW, THEREFORE BE IT RESOLVED that Grand County does hereby:

Initiate proceedings to amend Section 4.6 of the LUC to integrate mixed use and design (form and performance-based) standards applicable to new OA developments and expansions/redevelopments of existing OA developments.
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