

Agenda

GRAND COUNTY Planning Commission

Tuesday, August 28, 2018
5:00 P.M. Regular Meeting
Grand County Courthouse
Council Chambers
125 E. Center St., Moab, Utah

Type of Meeting:	Regular Meeting
Facilitator:	Gerrish Willis, Chair
Attendees:	Planning Commissioners, interested citizens, and staff

5:00 PM	Citizens to be heard	<i>Chair</i>
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Discussion	Review and consideration of comments submitted in relation to the High Density Housing (HDH) Overlay proposal	<i>Staff</i>
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Discussion	Review Draft Assured Housing Ordinance	<i>Staff</i>
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Discussion	Review Final Plat Procedures	<i>Staff</i>
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Action Item	Approval of August 14, 2018 Meeting Minutes	<i>Chair</i>
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	Future Considerations	<i>Chair</i>
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Staff

	County Council Update – Mary McGann	<i>Council Liaison</i>
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ADJOURN

DEFINITIONS:

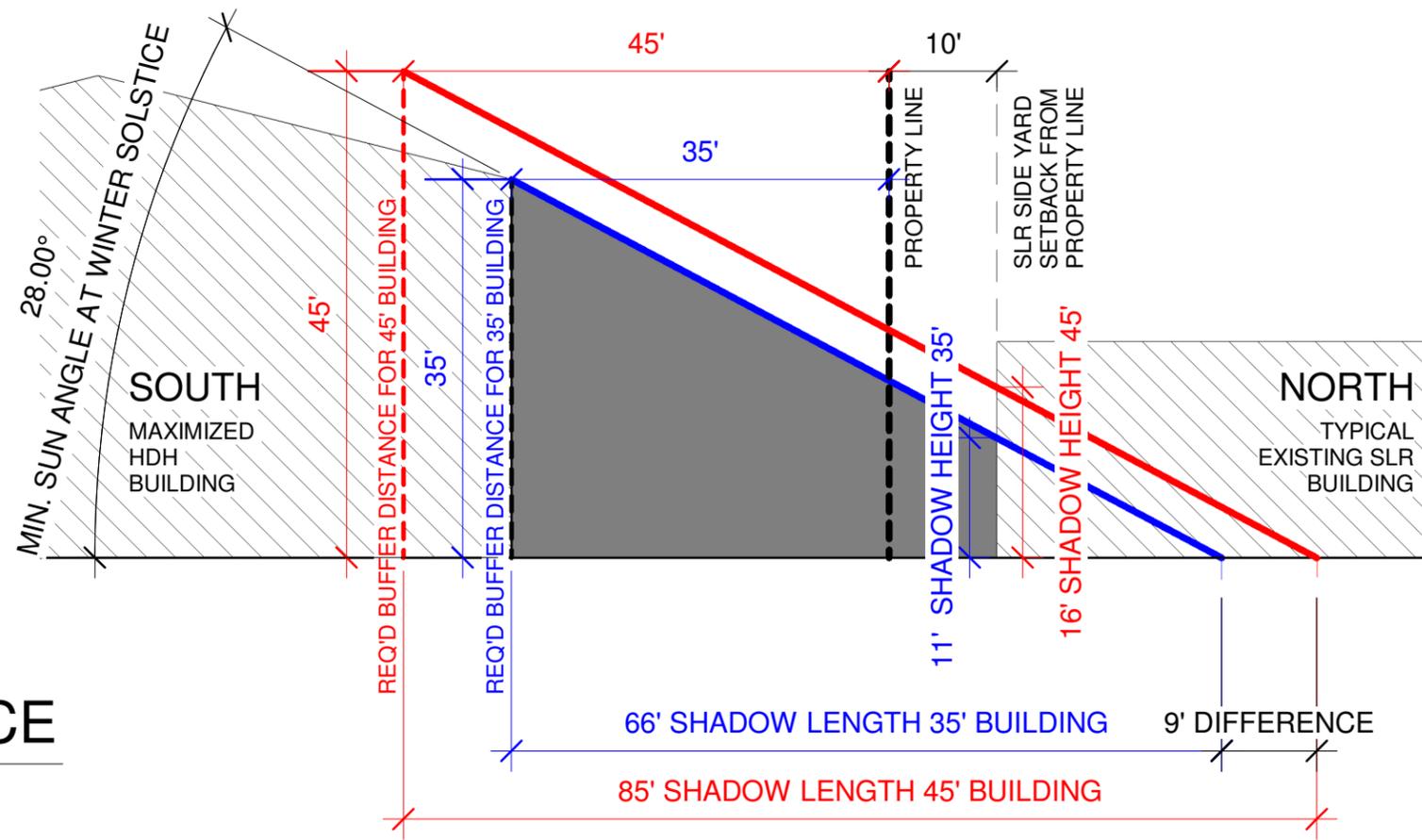
Public hearing = a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

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.

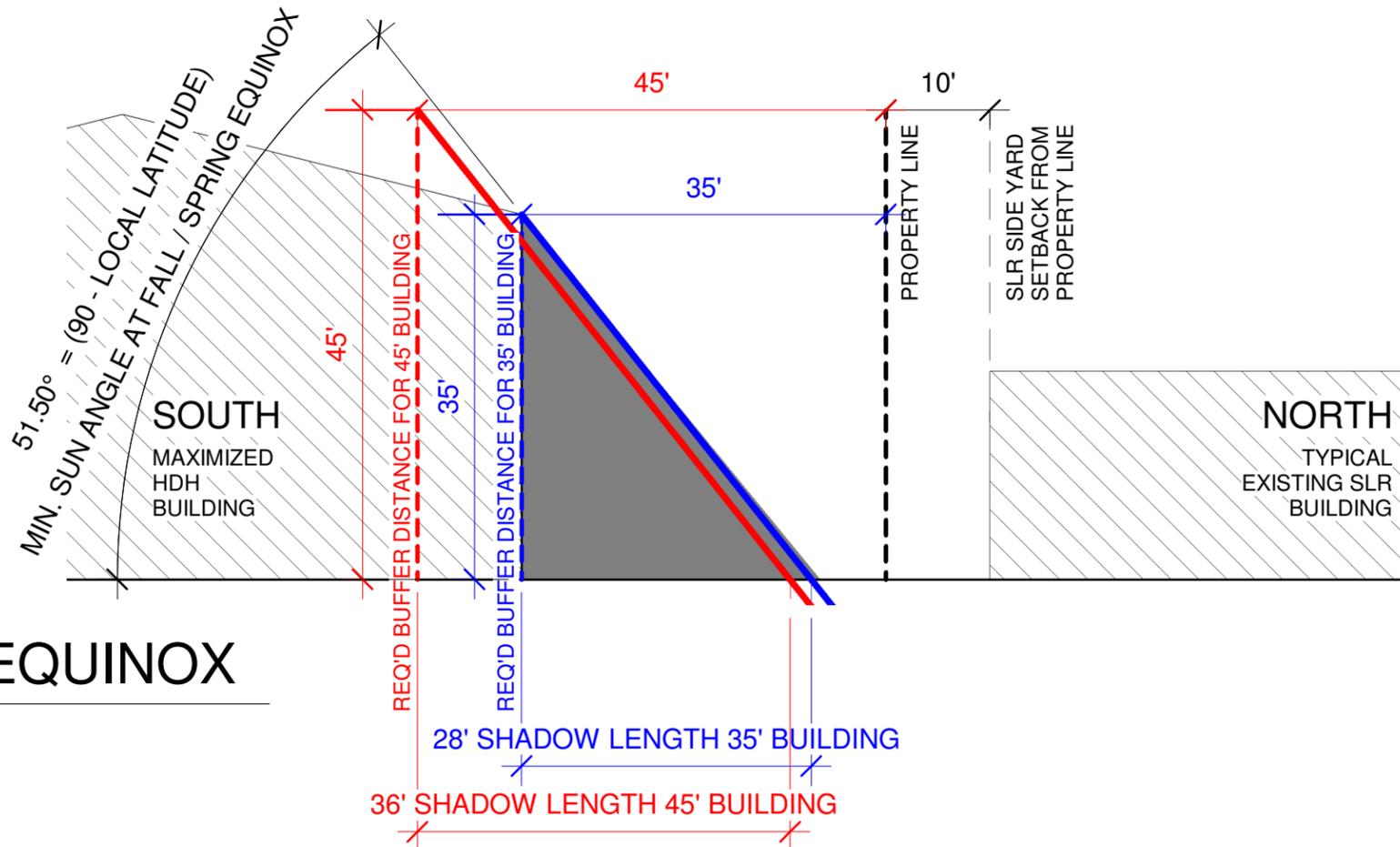
Legislative act = action taken by the County Council or Planning Commission; amending ordinances, adopting general plan, Annexations, zoning and rezoning; a reasonable debatable action that could promote the general welfare of the community.

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.

MAXIMUM SOLAR ANGLES IN MOAB, UTAH



1 WINTER SOLSTICE
1/16" = 1'-0"



2 SPRING / FALL EQUINOX
1/16" = 1'-0"

DRAFTED FOR DISCUSSION

WHEREAS, the purpose of this ordinance is to:

- A. Encourage the development and availability of housing that is affordable to a broad range of households with varying income levels within the County;
- B. Promote the County’s goal to add affordable housing units to the County’s housing stock in proportion to the overall increase in new jobs and housing units;
- C. Offset the demand on housing that is created by new development, local economic conditions, and high external market demand;
- D. Promote jobs-housing balance and reduce the demands placed on transportation infrastructure in the region;
- E. Actualize the affordable housing goals and policies identified in the Grand County General Plan, which includes an Affordable Housing Plan;

WHEREAS, the County Council finds and determines:

- A. The Moab Area, which includes the City of Moab, Town of Castle Valley, and unincorporated areas of Grand County, faces a serious housing problem that threatens its economic security, quality of life, and environment. The extreme lack of access to affordable housing has a direct impact upon the health, safety, and welfare of residents of the County. While no single housing program will solve all of the Area’s needs, an assured housing policy has been identified as one solution among a broader set of solutions;
- B. Population in the Moab Area has increased rapidly, reflecting overall trends in the State of Utah. Between 2000 and 2017, the population in Grand County rose from 9,225 to 10,292, equivalent to a 11.6 percent increase, and similar to the Utah growth rate of 12.6 percent¹. This rapid population increase is expected to continue, driving demand for housing. The fastest growing demographic is the population over the age of 65, followed by young adults between the ages of 18 to 24;
- C. More homeownership and rental housing will be needed to accommodate future growth. Between 2010 and 2017, the number of family and non-family households expanded, although non-family households experienced a somewhat higher rate of increase. This pace is expected to continue, which means more homeownership and rental housing will be needed;
- D. Real estate prices have escalated across all residential product types. In 2017, the median sales price for a single-family home was \$325,000, \$352,000 for a townhouse, and \$275,000 for a condominium. Between 2014 and 2017, the median price increased by 30 percent for townhomes, and 42 percent for single-family homes and condominiums;

¹ US Census Bureau 2010; ESRI 2017

- E. Despite a high proportion of renter households (35 percent in Grand County²), there is a limited inventory of multifamily apartments. Higher density workforce housing products that could be more affordable to the workforce, such as apartments and condominiums, must compete with visitor accommodations, such as hotels and nightly rental units, for land. The economics of visitor accommodations allow them to pay more for land, making it difficult to build housing affordable to the workforce;
- F. The area's rapidly appreciating home prices has made housing out-of-reach for many working families. Housing costs have increased rapidly, substantially outpacing increases in household incomes. In general, no homes sold in 2017 were affordable to households earning up to 80 percent of Area Median Income, which is equivalent to a family of four earning \$54,150 annually. Households at 100 percent of median income (\$67,700 for a family of four) had limited homeownership options. Rental housing may be priced such that it is more within reach of moderate-income households, although there is a shortage of units available for rent.
- G. Tourism-related industries are the fastest growing employment sector in Grand County, accounting for approximately 43% of all employment³. Employment in accommodation and food services account for one out of every three jobs in Grand County. The next largest industries are retail and arts, entertainment, and recreation;
- H. Jobs in tourism-related industries tend to be relatively low-paying, with some positions offering only seasonal or part-time employment with limited wage growth. The 2017 median household income in Grand County (\$46,070) was lower than the statewide median of \$62,902⁴;
- I. Because affordable housing is in short supply within the Moab Area, lower-income households may be forced to live in less than adequate housing, pay a disproportionate share of their incomes to live in adequate housing, or commute ever-increasing distances to their jobs from housing located outside the Moab Area. These circumstances harm the County's ability to provide high levels of service, attain goals articulated in the General Plan, and preserve a high quality of life for residents;
- J. State and federal funds for the construction of new affordable housing are insufficient to fully address the current and projected shortages of affordable housing within the County. While the County has repeatedly amended its Land Use Code (LUC) to spur additional housing development, the private market has not provided adequate housing opportunities to very low-, low-, and moderate-income households;
- K. A 2018 Feasibility Analysis report shows that accommodations-based developments can support paying a fee for workforce housing to offset the demands such development creates for affordable housing while still creating a reasonable rate of return for developers. The Council also finds that in certain limited circumstances, a developer may also meet the intent of this ordinance through other alternatives as further described below;
- L. A 2018 Nexus Analysis report shows that accommodations-based developments do indeed create demand for additional affordable housing;

² Grand County Assured Housing Feasibility Study completed by BAE Urban Economics in 2018.

³ Grand County Assured Housing Feasibility Study completed by BAE Urban Economics in 2018.

⁴ The 2017 median household income data is taken from ESRI. This is different from the HUD Area Median Family Income (HAMFI), which is based on a four-person family household and was \$56,700 in 2017. The median household income described here accounts for all households of all different sizes, including non-family households.

M. The need for an assured housing ordinance outweighs the potential impacts on the cost of market-rate housing. The County has determined that the community's best interests are served through the adoption of an assured housing ordinance;

WHEREAS, the Planning Commission is statutorily responsible for making recommendations to the County Council regarding textual amendments to the LUC;

WHEREAS, the Grand County Planning Commission held a public hearing on _____, 2018 to solicit public comment on a draft assured housing ordinance and recommended approval to the County Council; and,

WHEREAS, the Grand County Council held a public hearing on _____, 2018 to solicit public comment on a draft assured housing ordinance and voted to approve said ordinance;

NOW, THEREFORE BE IT RESOLVED, Section 6.15 of the Grand County LUC shall read:

Section 6.15 Assured Housing Standards

- A. The standards of this Section shall apply to:
1. Hotel, motel, condo, and any other Accommodations Development other than campgrounds, including conversions from residential to accommodations-based uses.
- B. As used in this Section, the following terms shall have the following meanings:
1. Accommodations Development = the construction or conversion of any project that includes accommodations-based activities where travelers, guests, or temporary occupants may legally inhabit an area for 30 days or less as provided by Section 3.2.3 for which a development application or building permit application was received after _____, 2018.
 2. Affordable Rent = Annual rental housing costs, including rent, utilities, and HOA fees where applicable, that amount to 30 percent (30%) or less of a household's combined gross annual income.
 3. Affordable Ownership = Annual housing ownership costs, including mortgage, taxes, utilities, and HOA fees where applicable, that amount to 30 percent (30%) or less of a household's combined gross annual income.
 4. Alternative Compliance Proposal = A proposal to comply with the requirements of this Section in lieu of the fees established by the Assured Housing Requirement, such as a proposal to build deed-restricted affordable housing units, a dedication of land, or other compliance option.
 5. Area Median Income (AMI) or Median Family Income (MFI) = Combined gross annual median household income as defined by the Department of Housing and Urban Development (HUD), which is based on household size.
 6. Assured Housing Agreement = A written agreement between the County and a Developer.
 7. Assured Housing Requirement = A statutory affordable housing requirement for a hotel, motel, condo, or other accommodations-based development, including conversions from residential to accommodations-based uses, submitted by a Developer.

Comment [ZL1]: We need to determine which benchmark will be used...ESRI or HUD. Speak with Matt at BAE about this.

8. County = Grand County.
9. County Council = Grand County Council, or its designee.
10. County Engineer = Grand County Engineer of Record.
11. Deed Restriction = A contract entered into between Grand County and the owner or purchaser of real property identifying the conditions or occupancy and resale.
12. Department of Housing and Urban Development or HUD = The United States government department responsible for setting income limits and maximum housing costs for affordable housing programs.
13. Developer = Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks County approvals for all or part of a use regulated by this Section.
14. Household = One person living alone, two (2) or more individuals related to each other by blood, marriage, or another legally recognized relationship, or a maximum of three (3) unrelated individuals residing in the same residence whose combined income is considered for affordable housing eligibility.
15. Household Income = Combined gross annual income of all individuals who will be occupying the unit regardless of legal status. Adjustments to the gross annual income for business expenses can be made for persons who are self-employed.
16. Housing Fund = The dedicated fund within Grand County's budget that is to be used for any of the following: land or building acquisition, land development, redevelopment, renovation, public-private partnerships or other means to create or preserve deed-restricted affordable housing available to very low- and low-income households.
17. Low-Income Household = A household whose combined gross annual income amounts to between 50 percent (50%) and 79.99 percent (79.99%) of area median income.
18. Very Low-Income Household = A household whose combined gross annual income is less than 50 percent (50%) of the area median income.

C. Exemptions

1. The following developments are exempt from the requirements of this section:
 - i. The reconstruction of any structures that have been destroyed by fire, flood, earthquake or other act of nature provided that the reconstruction of the site does not increase the number of residential units by more than six or increase the interior floor area of a non-residential structure by more than 4,999 square feet.

D. Assured Housing Requirements

1. The Developer shall be required to pay a fee that best aligns with their Accommodations Development in accordance with the Grand County Consolidated Fee Schedule, which is reproduced below:

Assured Housing Fee Schedule

Development Type	Dollars Per Square Foot (\$/Sq. Ft.) Fee
Hotel, motel, resort-style lodge, dude ranch, etc.	\$15.57
Condos or apartments with accommodations	\$5.18
Townhouse with accommodations	\$8.77

2. The Assured Housing Requirement shall apply to the square footage of all buildings constructed as part of the Accommodations Development.
3. If the Accommodations Development includes a combination of units restricted to residential housing for primary occupancy, be it ownership or rental, the Developer may elect to deed-restrict those residential units as such and remove the square footage associated with those units from the total square footage subject to the requirements of this Section.

E. Independent Feasibility and Nexus Analyses

1. An applicant may submit an independent calculation of the maximum feasible and justifiable fees associated with their Accommodations Development. If either of these independently calculated fees is lower than the Assured Housing Requirement set forth in the County's Consolidated Fee Schedule, the County shall consider applying the lower of the independently calculated fees. The independent calculation shall be subject to the provisions of this section. Should the independent calculation not be accepted, then the applicable calculation from the Consolidated Fee Schedule shall be applied. Any acceptance of an independent calculation shall be site- and use-specific, non-transferable, and be memorialized in an Assured Housing Agreement between the property owner and the County. Such Agreement shall be executed prior to the issuance of any building permit.

F. Redevelopment: Additions and Conversions of Use

1. Redevelopment or remodeling in an existing use is exempt from the requirements of this Section, provided such activity does not increase the total square footage of an Accommodations Development. Only the uses and areas that existed prior to the redevelopment or remodeling shall be exempt from the requirements of this section. Any new area or unit or any change in use which creates additional square footage in association with accommodations-based activities shall be subject to this provisions of this section.

G. Final Assured Housing Requirement Calculations

1. The final calculations for the fees associated with the Assured Housing Requirement shall be made prior to the issuance of land use approvals or building permits for the applicable project.

H. Alternative Methods of Meeting Assured Housing Requirements

The County Council may approve an Alternative Compliance Proposal that includes one or more of the following options in lieu of fees.

1. Deed-restricted affordable housing units available to very low- and low-income households in accordance with Section 6.14 may be constructed on the site on which the Accommodations Development is proposed. The number, size, and value of such units shall be reasonably close to the number, size, and value of units that could otherwise be constructed using fees associated with the Assured Housing Requirement.

2. Deed-restricted affordable housing units available to very low- and low-income households in accordance with Section 6.14 may be constructed off-site, within the boundaries of the Spanish Valley zoning map, City of Moab, or Town of Castle Valley, provided such land, site or structure had not been previously deed-restricted as affordable housing. The number, size, and value of such units shall be reasonably close to the number, size, and value of units that could otherwise be constructed using fees associated with the Assured Housing Requirement.
 3. Dedication of existing units deed-restricted for very low- or low-income households provided such units have not been previously restricted to employee or affordable housing. Units shall be located within the boundaries of the Spanish Valley zoning map, City of Moab, or Town of Castle Valley unless otherwise approved by the County. Existing units must meet the minimum standards for physical condition as described in Exhibit A and be in move-in condition with appliances, windows, heating, plumbing, electrical systems, fixtures and equipment in good working condition. All units shall be inspected and shall meet applicable Grand County building codes and Utah state habitability standards, as applicable. A Developer shall bear the costs and expenses of any required upgrades to meet the above standards as well as any reports required to assess the suitability for occupancy and compliance with the standards of the proposed units.
 4. Conveyance of land within boundaries of the Spanish Valley zoning map, City of Moab, or Town of Castle Valley to the County or its designee, provided such land has not been previously restricted to employee or affordable housing. The land value shall be reasonably close to the value of land needed to develop the number, size, and value of deed-restricted affordable housing units enabled through the fees associated with the Assured Housing Requirements. Should the County Council later elect to sell the land, all proceeds from the sale of the land shall be placed in a dedicated Housing Fund.
- I. Periodic Review of Assured Housing Ordinance
1. The County Council shall review this Section at least biennially to ensure it is meeting the community and economic development needs of Grand County.
- J. Enforcement
1. Penalty for Violation
 - i. It shall be a misdemeanor to violate any provision of this section. Without limiting the generality of the foregoing, it shall also be a misdemeanor for any person to sell or rent to another person an affordable housing unit under this section at a price or rent exceeding the maximum allowed under this section or to sell or rent an affordable unit to a household not qualified under this section. It shall further be a misdemeanor for any person to provide false or materially incomplete information to the County or its designee or to a seller or lessor of an affordable housing unit to obtain occupancy of housing for which the person is not eligible.
 2. Legal Action
 - i. The County may institute any appropriate legal actions or proceedings necessary to ensure compliance with this section, including: (i) actions to revoke, deny or suspend any permit, including a land development permit, conditional use permit, building permit, certificate of occupancy, or discretionary approval; (ii) actions to recover from any violator of this section civil fines, restitution to prevent unjust enrichment from a violation of this section, and/or enforcement costs, including attorney fees; (iii) eviction or foreclosure; and (iv) any other appropriate action for injunctive relief or damages. Failure of any official or agency to fulfill the

requirements of this section shall not excuse any person, owner, household or other party from the requirements of this section.

Exhibit A
Minimum Standards for Physical Conditions of Affordable Housing Units

- Clean unit
- Carpets steam-cleaned two or three days prior to closing
- All scratches, holes, burned marks repaired in hardwood floors, linoleum, tile, and counter tops, etc.
- No broken or foggy windows
- All screens in windows (if screens were originally provided)
- All doors will be in working order with no holes
- All locks on doors will work
- All keys will be provided; e.g., door, mail box, garage
- All mechanical systems shall be in working order
- Walls paint ready
- Normal wear and tear on carpet; if carpet has holes, stains, etc., the carpet and padding shall be replaced or escrow funds at current market value per square foot for a comparable product shall be held at the time of closing to be used by the new buyer
- No leaks from plumbing fixtures
- Any safety hazard remedied prior to closing
- Satisfaction of radon issue if found at time of inspection
- All light fixtures shall be in working order
- All appliances that existed in the original Unit, remain and are in good working order and good condition

DEFINITIONS

- Clean Unit: All rooms will be cleaned as stated below:
- Kitchen:
 - Range - Inner and outer surfaces will be cleaned.
 - Range hood and Exhaust Fan
 - Refrigerator and Freezer - Inner and outer surfaces of refrigerator and freezer will be clean. Freezer will be defrosted.
 - Cabinets and Countertops - Exterior and interior surfaces of cabinets and drawers will be clean. Door and drawer handles, if provided, shall be clean and in place.
 - Sink and Garbage Disposal - Sink and plumbing fixtures will be clean. Garbage disposal must be in working order.
 - Dishwasher - Must be in working order and inner and outer surfaces shall be clean.
- Blinds, Windows, Screens:
 - Mini-blinds, Venetian Blinds, Vertical Blinds, and Pull Shades - Will be clean.
 - Windows - All window surfaces, inside and outside of the window glass, shall be clean.
 - Screens - Screens will be clean and in place with no holes or tears.
- Closets: Closets, including floors, walls, hanger rod, shelves and doors, shall be clean.
- Light Fixtures: Light fixtures will be clean and shall have functioning bulbs/florescent tubes.

- Bathrooms:
 - Bathtub, Shower Walls, Sinks - Bathtubs, shower walls and sinks shall be clean.
 - Toilet and Water Closet - Water closets, toilet bowls and toilet seats will be clean. If the toilet seat is broken or peeling, the seat shall be replaced.
 - Tile - All tile and grout will be clean.
 - Mirrors and Medicine Cabinets - Mirrors and medicine cabinets shall be cleaned inside and out.
 - Shelves and/or Other Cabinetry - All other shelving or cabinetry shall be cleaned inside and out.
- Walls, Ceilings, Painted Doors and Baseboards: Painted surfaces must be cleaned with care to ensure the surface is clean without damaging the paint.
- Floors: Floor cleaning includes sweeping and mopping and could include stripping, waxing and buffing. Types of floor surfaces include bamboo and marmoleum.
- Interior Storage/Utility Rooms: Storage/utility rooms shall be cleaned. Properly cleaned storage/utility rooms will be free from odors, removable stains, grease marks or accumulations.
- Washer/Dryer- Must be in working order and inner and outer surfaces shall be clean
- Safety Hazard: Any item that provides a safety hazard shall be fixed. This would include, but is not limited to, exposed electrical wiring, satisfaction of any radon issue found, ventilation for gas hot water system, etc.
- Walls Paint-Ready: All holes shall be patched; all posters, pictures, etc., shall be removed from all walls; all nails, tacks, tape, etc., shall be removed from all walls; and all walls shall be clean and ready for the new buyer to paint. If wallpaper has been placed on the wall and in good condition, the wallpaper can remain; if the wallpaper is peeling off, the wallpaper must be removed.
- Windows: If a window is broken, including the locking mechanism, the window shall be replaced. If the window has a fog residue in the inside, it shall be replaced.

9.5 Final Plat

9.5.1 Final Plat Submittal Requirements

The owner of land on which preliminary plat approval has been obtained shall prepare and submit: (a) a non-erasable Mylar copy, and (b) a digital copy of the final plat (including all lines, bearings, corners, etc., necessary to describe the subject lot(s) or parcel(s), and all easements), 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, and (c) ~~two~~ **one** 24 x 36 copies, or more if specified by the Zoning Administrator. The plat shall be drawn to a scale of 100 feet to one inch, or other scale approved by staff. When necessary the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in phases satisfactory to the County Council. The final plat shall show or be accompanied by the following:

A. Control Points; Acres

The primary control points, or descriptions and “ties” to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred shall be placed on the final plat. The area of the subdivision, in acres, shall be shown.

B. Boundary Lines and Bearings

Tract boundary line sufficient to locate the exact area proposed for subdivision, rights-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves shall be placed on the final plat.

C. Streets

Name and rights-of-way width of each street or other rights-of-way shall be placed on the final plat.

D. Easements

Location and dimensions of all easements shall be placed on the final plat.

E. Lot and Block Numbers

Number to identify each lot or site and each block, and the dimensions of lots and blocks, shall be placed on the final plat.

F. Purpose of Sites

The purpose for which sites, other than residential lots, are dedicated or reserved shall be indicated on the final plat.

G. Building Lines

Minimum building setback lines when required or approved by the Planning Commission shall be placed on the final plat.

H. Monuments

Location and description of monuments shall be placed on the final plat. Monuments shall include centerline monuments at all curve points and intersections.

I. Adjacent Land

References to recorded subdivision plats or adjoining platted land by record name shall be placed on the final plat.

J. Surveyors Certificate and Legal Description

A legal description and surveyor’s certificate, in the following form, shall be placed on the final plat:

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I am a registered Utah Land Surveyor, and that I hold certificate No. _____ as prescribed under the laws of the state of Utah, and I further certify that under the authority of the owners, I have made a survey of those lands as shown here on and described below, and that I have subdivided said tract of land into lots and streets, hereafter to be known as _____ and that same has been correctly surveyed and staked on the ground as shown on this plat.

Signature

K. Approval Certification

Certification of approval by the Planning Commission and County Council, in the following form, shall be placed on the final plat.

APPROVED this _____ day of _____, 20____, by the Planning and Zoning Commission of Grand County, Utah

Chairman

APPROVED this _____ day of _____, 20____, by the Grand County Council

Chairman

County Recorder

L. Title; Scale

A title, scale, and north point shall be placed on the final plat.

M. Street Intersections

The location of the point of intersection and points of tangency of street intersections, and the bearing and distance of each street rights-of-way center line shall be placed on the final plat.

N. Plat Identification

A positive reference and identification of the plat and date of plat shall be placed on the final plat.

O. Dedication Certificate

1. The property owner's certificate or deed of dedication shall be placed on the final plat. The dedication deed or certificate of dedication shall be executed by all persons, firms or corporations owning an interest in the property subdivided and platted, and shall be acknowledged in the manner prescribed by the laws for the state of Utah for conveyances of real property. In the case of surface lien holders, they may execute a subordination agreement subordinating their liens to all public streets, alleys, parks, school sites and any other public areas shown on the plat of such subdivision as being set aside for public uses and purposes. The dedication deed or certificate of dedication shall, in addition to the above requirements, contain the following:
2. An accurate description of the tract of land subdivided.
3. A statement and express representation that the parties joining in such dedication are the sole owners of such tract of land.
4. An express dedication without reservation to the public for public use; the streets, trails, rights-of-way, school sites and any other public areas shown on the attached plat.
5. A positive reference and identification of the plat of such subdivision, date of plat and surveyor or engineer responsible for the survey.

P. Tax Certificates

Tax certificates indicating that all taxes on the land being subdivided have been paid to the current year shall be submitted with the final plat.

Q. Construction Plans and Cost Estimate

~~Three sets of~~ A digital copy and one 24-inch x 36-inch paper copy of the plans for required improvements and a set of reproducible transparent sheets, 24-inch x 36-inch in size along with all data and calculations related to utilities, drainage or other construction in the subdivision and a cost estimate shall be submitted with the final plat. The construction plans shall conform to all requirements of the current construction design standards for Grand County. The cost estimate shall bear the signature and seal of the design engineer. Such plans shall also show all existing or proposed surface and subsurface improvements and obstructions.

R. Subdivision Improvements Agreement ~~and Performance Guarantee~~

A subdivision improvements agreement ~~and performance guarantee~~ for all required public improvements in accordance with the requirements of ~~subsection A of~~ this section.

S. Title Report

An updated 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 shall be submitted within 15 days immediately prior to final review by the County Council.

T. Filing Fee

1. A filing fee to cover the cost of review in accordance with the fee schedule adopted by resolution of the County Council.

2. Additional submission requirements for condominium subdivisions. In addition to the above submission requirements, applications for condominium subdivisions shall be subject to the applicable provisions of Section 57-8-1 et seq., Utah Code Annotated 1953.

[Ord. 546, 2016.]

9.5.2 Application Review Procedures

A. Date of Filing

After approval of the preliminary plat by the Planning Commission and within 12 months of the approval date unless extended for up to one additional year by action of the County Council, the subdivider may submit for approval the final plat. The application, meeting all the requirements of Section 9.5.1, shall be submitted to the Zoning Administrator at least 30 days prior to the meeting at which consideration is desired. The official filing date of the final plat shall be the date upon which the plat and construction drawings are found to be in full compliance with the provisions of the preliminary approval after examination by the Zoning Administrator and the review fees which are established by resolution of the County Council have been paid.

B. Conformance with Preliminary Plat

The final plat shall conform substantially to the preliminary plat as approved and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat that he or she proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.

C. Review of Final Plat

After the presentation of the final plat application for a subdivision to the Zoning Administrator, the Zoning Administrator shall submit the application to the County Engineer, any district providing utility service for review and to any other appropriate referral agencies for review. The County Engineer and other referral agencies shall review the plans and submit comments to the Zoning Administrator for inclusion in the final plat presentation. The developer shall pay the reasonable cost of review of the construction plans before the final plat is presented to the County Council.

D. Review by County Council

1. Action by County Council

The Zoning Administrator shall submit the final plat to the County Council, along with any preliminary plat conditions established by the Planning Commission, preliminary plat, and an appropriate recommendation. The County Council shall consider all proposals with respect to the dedication of rights-of-way for public use, the construction of utilities, streets, drainage, and other improvements, and when satisfied with the proposals, shall authorize the establishment of agreements for same. The County Council shall act on the final plat within 30 days after the Planning Commission makes a recommendation, or within a reasonable time thereafter.

2. Review in Stages

An owner or subdivider, at his or her option, may obtain approval of a portion or a section of a subdivision provided he or she meets all the requirements of this LUC with reference to such portion or section in the same manner as is required for a complete subdivision. In the event a subdivision and the final plat thereof is approved by the County Council in sections, each final plat of each section is to carry the name of the entire subdivision, but is to bear a distinguishing letter, number or subtitle.

3. Approval by County Council

The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Commission's decision. After the County Council has determined that the plat is in proper form, that any conditions of the preliminary plat are satisfied, that the arrangement of the development proposed for the property being subdivided is consistent with zoning regulations, and that the subdivision complies with the provisions of this LUC, it shall act to approve the plat.

4. Disapproval by County Council

The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Commission's decision. Final plats that are disapproved by the County Council shall be returned to the subdivider by the Zoning Administrator with an attached statement of the reasons for such action.

5. Action Following Approval

a. Certification of Approval

- (1) The County Council's approval shall serve as the certificate of approval on the final plat.
- (2) In no case shall additions, corrections, or modifications of any kind be made to the final plat other than signatures required after the final plat has been approved by the County Council.

b. Completion of Required Public Improvements or Submission of Completion Assurance

Before a developer conducts any development activity or records a plat, the applicant shall:

- (i) Complete any improvements included in the subdivision improvements agreement ;
or
- (ii) Post an improvement completion assurance for any required improvements included in the subdivision improvement agreement.

(a) If a developer elects to post an improvement completion assurance, the developer shall ensure that the assurance:

- (i) Provides for completion of 100% of the required improvements plus a 25% contingency fee; or
- (ii) If the County has inspected and accepted a portion of the required improvements, provides for completion of 100% of the unaccepted improvements plus a 25% contingency fee.

c. Recordation of Plats

- (1) The final plat for any subdivision located within Grand County shall then be caused to be filed of record by the subdivider in the plat records of Grand County, but only after the County Council has officially acted upon the final plat with reference to improvements, dedications and utilities. ~~and~~ and all fees (including recording and review fees) shall be paid by the developer, and the developer has completed required improvements or posted a completion assurance in compliance with Section b above. -

(2) If for any reason the final plat has not been recorded within ~~15-one (1) year days~~ of County Council approval, the approving actions shall be deemed void and a new application for Final Plat will need to be processed through the Council.

[Ord. 546, 2016.]

9.5.3 Responsibility for Payment for Installation Costs

The subdivider shall provide for costs of materials, installation, and maintenance of all required improvements in accordance with the Grand Construction Standard or the most recent County construction standards, and the following requirements:

A. Required Improvements

1. The subdivider shall pay all costs of materials and installation of the following:
2. Setting of survey monuments and markers;
3. Streets and road construction for all street improvements including base, grading, curbs, gutters, sidewalks, pavement, street name signs, road regulatory signs, culverts, and bridges;
4. Water and sewer lines installations including fire hydrants and manholes;
5. Required storm water system and/or other drainage improvements;
6. All field density and related testing of base, sub-base and other compacted backfill, gradation tests, concrete cylinder tests, asphalt tests, and/or other related tests required to insure minimum standard requirements; and
7. Electric, gas, and other utilities.

B. Improvement Agreements and Guarantees

Prior to the recording of a final plat, a subdivider shall submit for approval to the Zoning Administrator an improvements agreement and financial guarantee for construction of any required improvements designated on the approved final plat or construction plans in accordance with the requirements of this section.

1. Form of Agreement

All improvement agreements shall utilize the standard County template (guide) for the format and content of such agreements. The template may be obtained from the Zoning Administrator.

2. Engineered Cost Estimate

The improvements agreement shall include a cost estimate for all required improvements prepared by a Utah-registered, professional engineer.

3. Financial Guarantees

The subdivider shall utilize one of the following methods of posting security to cover to the cost of installing all required improvements; provided, however, that nothing in this section shall preclude the County Council from approving other forms of liquid financial security in a form approved by the County. No expiration of the guarantee shall be permitted.

a. Escrow Agreement

Place on deposit in an approved bank in the name of Grand County, a sum of money equal to 125 percent of the estimated cost (100 percent of cost plus 25 percent contingency) of all improvements required by this section. Selection of the trustee shall be subject to approval by the County. The escrow agreement shall be approved as to form and legality in writing by the County Attorney. The escrow agreement shall state the name of the subdivision and shall list the improvements the subdivider is required to provide. The County Clerk shall certify in writing that the securities are a satisfactory guarantee for the County.

b. Performance-Completion Bond

File with the County Clerk a bond executed by a surety company holding a license to do business in the State of Utah, and acceptable to Grand County on a form approved by the County, in an amount of 125 percent of the estimated cost (100 percent of cost plus 25 percent contingency) of all improvements required by this section. The performance-completion assurance bond shall be approved as to form and legality in writing by the County Attorney. The County Clerk shall certify in writing that the securities are a satisfactory guarantee for the County.

C. Engineering Inspection and Tests

1. Grand County Engineer, applicable service district, or other inspection agent designated by the Zoning Administrator shall be notified three days before any construction is begun on such public improvements in order that proper supervision and inspection may be provided. All construction work, such as street grading, street paving, storm sewers, curb and/or gutter work, sanitary sewers or water mains performed by the owner, developer or contractor, shall be subject to inspection during construction by the proper authorities of the County and shall be constructed in accordance with the approved standards and specifications, and in accordance with the provisions of any other applicable ordinance of Grand County.
2. The County will charge fees for engineering inspection during construction and for final inspection commensurate to the value of services rendered or costs incurred; however, it is to be understood that the County will do no layout work or daily inspection. Where a special trip(s) to Grand County by the County Engineer is required, the subdivider shall reimburse the County for the costs of such trip(s).
3. The County may require compaction tests on embankments and flexible bases, and depth tests on flexible bases and pavements, and pressure tests on piping systems, before final inspection and approval.

[Ord. 546, 2016.]

9.5.4 Plat Approval and Dedication

Approval of the plat and acceptance of dedication on a final plat shall not be effective until the final plat is recorded in the office of the County Clerk. Approval of the plat and acceptance of a dedication by the County shall not imply the maintenance by the County of such dedication. Acceptance for maintenance of roads, parks, trails and other public dedications requires a separate action of the County Council in accordance with the requirements of Section 9.5.5D, Final Acceptance. [Ord. 546, 2016.]

9.5.5 Acceptance of Subdivision Improvements

A. Time Frame for Completion

1. Plan Resubmittal

If construction has not commenced within one year after approval of the plans, the Zoning Administrator may require resubmittal of plans for meeting current standards and engineering requirements.

2. Expiration and Extension of Approval

If the public improvements for a subdivision have not been constructed and accepted by the County within 36 months of the recordation of the final plat, said final plat shall be null and void and shall conclusively be deemed to be withdrawn, without further action by the County. An approved, unexpired final subdivision plat may be extended once for a period not to exceed 36 months, pursuant to the following provisions:

- a.** The County Council may extend the approval of the final plat, for good cause shown by the applicant, if there has been no significant change in development conditions affecting the subdivision plan and the plat continues to comply with all applicable standards and ordinances.
- b.** A request for an extension of time to complete final public improvements for a subdivision pursuant to these provisions shall be submitted to the Zoning Administrator no later than the date the final subdivision plat expires. The request shall be in writing, and the application shall state the reason and justification for the requested extension.

B. Partial Acceptance and Reduction of Security

- 1.** As public improvements are completed, a subdivider may apply from time to time to the Zoning Administrator for partial release of the collateral deposited with the County Clerk in accordance with the procedures of subsection C of this section, Collateral Release Procedure.
- 2.** If the County Engineer and/or Zoning Administrator determine that any of the required improvements are not constructed in substantial compliance with approved standards and specifications, it shall furnish the applicant a list of deficiencies and shall be entitled to withhold collateral sufficient to insure substantial compliance.
- 3.** If the County Engineer and/or Zoning Administrator determines that the subdivider will not construct any or all of the improvements in accordance with all of the approved standards and specifications, the Zoning Administrator may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements in accordance with the approved standards and specifications.
- 4.** The County Engineer shall independently inspect the construction of improvements while in progress, and, shall likewise inspect such improvements upon completion of construction. The design engineer shall certify that construction was completed to plan, and shall have approved any change(s) to the approved plan in consultation with the County Engineer. After final inspection, the County Engineer shall notify the subdivider and the Zoning Administrator in writing as to its acceptance or rejection. The Zoning Administrator shall reject such construction only if it fails to comply with the approved standards and specifications contained or referred to herein. If the Zoning Administrator rejects such construction, the Zoning Administrator shall advise the County Attorney and the County Attorney shall enforce the guarantees provided in this section.
- 5.** The design engineer for the subdivider shall submit to the Zoning Administrator a complete set of as-built drawings in “reproducible” hard copy and digital format showing all subdivision

improvements, including utility locations (gas, water, sewer and telephone), paving and drainage improvements, and all changes made in the plans during construction. Each hard copy sheet shall contain an “As-Built” stamp bearing the signature of the engineer and the date. Digital information shall be provided in the latest version of AutoCAD, or other format compatible with the County GIS as may be specified by the Zoning Administrator with all measurements stated in feet.

6. The subdivider shall require his construction contractors, with whom he contracts for furnishing materials and for installation of the improvements required under this section, and shall himself be required to furnish to the Zoning Administrator a written guarantee that all workmanship and materials shall be free of defects for a period of one year from the date of acceptance by the Zoning Administrator.

7. Prior to the final acceptance of a subdivision by the County Council, the subdivider shall furnish a good and sufficient, unconditional warranty bond, or certified check payable to “Grand County,” in the amount of 10 percent of the contract price with a reputable and solvent corporate surety in favor of the County, to indemnify the County or any applicable service district(s) against any repairs that may become necessary to any part of the construction work performed in connection with the subdivision arising from defective workmanship or materials used therein, for a full period of one year from the date of final acceptance of the work being warranted.

C. Collateral Release Procedure

1. From time to time, as the improvements are completed, subdivider may apply in writing to the County for a partial or full release of the letter of credit or substitute collateral; and shall utilize the standard County-approved form for this purpose. Such release requests shall be complete at least 14 days prior to any desired release date; and must show, or include all of the following:

- a.** Dollar amount of commitment guarantee;
- b.** Improvements completed, including dollar value;
- c.** Improvements not completed, including dollar value;
- d.** Amount of previous releases;
- e.** Amount of commitment guarantee requested released;
- f.** Release or waivers of mechanic’s liens of all parties who have furnished work, services, or materials for the improvements;
- g.** Certification by the design engineer that the improvements have been completed according to approved standards and specifications; and
- h.** Reasonable fee to cover the cost of administration and inspections.

2. Upon receipt of the application, the Zoning Administrator shall promptly refer the application to the County Engineer. The County Engineer shall inspect the required improvements, both those completed and those uncompleted, at his earliest convenience. If the County Engineer determines from the inspection that the required improvements shown on the application have been completed as provided herein, the County Engineer shall so advise the Zoning Administrator, and the Zoning Administrator shall release that portion of the collateral supporting the commitment guarantee relative to the completed improvements.

3. All collateral releases shall be made in writing signed by the Zoning Administrator. Such releases shall be made in all cases as soon as practical following the submission of a complete request, as described above.

4. The County may release 115 percent of the amount of the collateral for the required improvements completed to date, less 125 percent of the costs of the required improvements not completed; thus retaining 10 percent of the amount of the collateral for the required improvements completed to date as identified by the approved cost estimate shall be retained pending satisfaction of the warranty bond requirements of Section 7. Alternatively, the amount to be released may be 125 percent of the amount of the collateral for the required improvements completed to date, upon submission of a warranty bond in accordance with the requirements of Section 7.

D. Final Acceptance

Final acceptance of the required improvements and release of the warranty bond shall be made by resolution of the County Council in accordance with the requirements of this subsection.

E. Completion of Required Improvements

Completion of the required improvements shall be verified by the following findings:

1. Certification by the Design Engineer that the required improvements have been completed according to the approved standards and specifications;
2. Verification of the County Engineer that the required improvements have been completed according to the approved standards and specifications;
3. Presentation of signatures of final acceptance by any applicable service district(s); and
4. Submission of as-built drawings in reproducible hard copy and digital format in accordance with the requirements of Section 9.1.3D.

F. Maintenance of Improvements

Upon final acceptance, maintenance of the completed improvements shall be assumed by one of the following as determined by the County Council:

1. Grand County and/or other applicable service district(s); or
2. A homeowners' association formed in accordance with the requirements of Section 9.6, Mandatory Homeowners' Association.

G. Warranty Bond Release

Release of the warranty bond required by Section 9.5.5B.7 shall occur following final acceptance of the required improvements in accordance with the approved standards and specifications.

[Ord. 546, 2016.]

Grand County Planning Commission

June 26, 2018

A regular meeting of the Grand County Planning Commission convened on the above date at the Grand Center, 182 North 5th West, Moab, UT 84532

Members Present: Chair Gerrish Willis, Vice Chair Robert O'Brien, Rachel Nelson, Christine "Cricket" Green, and Kevin Walker.

Members Absent: Emily Campbell and Abby Scott

Staff Present: Kaitlin Myers, JD McClanahan, and Zacharia Levine

Council Liaison: Mary McGann

Meeting was called to order at 5:00 PM by the Chair Gerrish Willis.

Citizens to be heard: none

Public Hearing: A proposed preliminary plat planned unit development (PUD) subdivision of property located on Chapman Lane.

The application is submitted by Craig Parks and represented by Ben Byrd. The property is 49.94 acres, zoned Rural Residential (RR), and maintains a residential use. The property owner proposes a division of the property into 34 residential lots with a PUD overlay.

All relevant agencies have reviewed the preliminary plans for required improvements and finds them acceptable. The applicant is requesting a road design exception for private roads because he plans to develop the property into a gated community. The Planning Commission will need to determine if the private road will be subject to standards outlined in the Grand Construction Standards, Section 1.A.(2) – Street Dedications.

Staff sees justifications for approval with conditions. At the time of report generation, Staff, including the County Engineer, felt the road terminating at the southeast corner of the property should include a dedicated right-of-way spur to the adjacent property given the likelihood of future development on that property. At the time of the meeting, the applicant representative, Ben Byrd, informed Staff and Commission that conversations with the adjacent property owner give Byrd reasonable belief that this proposed PUD will not connect to any potential development on the neighboring lot. Byrd presented an updated plat that replaces "Tract D" with a property lot line between lots 11 and 12. Staff notes the Commission will need to make a decision about whether this should be platted as a dedicated right-of-way or as a lot line.

Additionally, Staff explains that the property has steep slopes. Building envelopes will be required for final plat and are included in the updated plat presented at the meeting.

The Chair asked the applicant if they would like to speak on the subject.

Byrd stated that Staff explained the project well; he notes that he intends to build the subdivision as a quiet, gated community with a strict HOA and desires narrow, private roads. Planning Commission will need to determine if road connectivity will be required, as described above.

The Chair opened the public hearing.

Kathryn Yost, one of the current property owners in the proposed subdivision, asked a question about changes to her lot lines.

Stephanie Dahlstrom voices appreciation to the applicant for plans to maintain public access to trails through the subdivision. She inquires about the applicant's ability to develop on top of the mesa located on lot 8.

Commission discussion:

- Kevin Walker voices concern over protecting the viewshed of properties in relation to the currently proposed building envelopes. Walker asks Staff how the 30% threshold is calculated for constrained, steep-slope lands.
- Commission discusses concern over the proposed building envelope for lot 8, specifically about the upper eastern section on top of the mesa. Commission and Byrd have a brief conversation about how the definition of steep slopes is not the concern with this lot and that ridgeline standards are more applicable. Staff notes that the lot will be assessed when an applicant applies for a building permit on the associated lot. Chair Willis

explains that the addition of building envelopes on preliminary and final plats are new and the Commission cannot judge the appropriateness of the lot based on the proposed building envelope.

- Commission discusses the historic public trail accesses through and in proximity to the property and voices support of the applicant noting these trails on the final plat.
- Commission decides that the desire to maintain Tract D does not exist and can be removed, as is indicated on the updated plat.

The Chair called for a motion

Kevin Walker moves to send a favorable recommendation to the County Council, with the updated plat to show elimination of Tract D and additional dedication of the historic public, non-motorized trail using a plat note that states it will remain open to the public. Vice Chair O'Brien seconds.

Chair Willis makes an amended motion to add to Walker's motion that the updated plat shall also include the slope analysis for the rest of lot 8. Walker seconds.

The Chair closed the public hearing and opened the discussion on the motion.

No further discussion on the motion.

The Chair called for a vote on the motion.

Gerrish Willis, Robert O'Brien, Rachel Nelson, Cricket Green, and Kevin Walker voted in favor of the amended motion. Motion carries.

Gerrish Willis, Robert O'Brien, Rachel Nelson, Cricket Green, and Kevin Walker voted in favor of Walker's original motion. Motion carries.

WORKSHOP

Discussion - High Density Development overlay

Staff presented flyers for media and provided additional information on the public open houses for the HDDO.

Approval of Minutes: The June 12th, 2018 meeting minutes were approved as written.

Future Considerations:

Community Development Department Update:

The Dark Skies group is reviewing and developing a lighting ordinance to meet Dark Skies regulations and will return it to the Commission soon.

The second phase of the economic nexus study was reviewed and discussed at a joint City-County Council meeting on June 19. The results of the study and a draft of the associated assured housing policy will return to the Commission soon.

The City and County have both respectively passed a resolution to inform land developers of potential future changes to the Land Use Code.

Mary Hofhine is scheduled to retire on July 13. Kenny Gordon will replace her as the Zoning Administrator, starting on July 9.

County Council Liaison report:

The County Council and various County departments are working diligently to clean up the June 12 fire.

Adjournment - meeting adjourned at 6:45 pm.