GRAND COUNTY COUNCIL
SPECIAL MEETING
JOINT MEETING WITH
GRAND COUNTY PLANNING COMMISSION

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

AGENDA
Wednesday, October 2, 2019

2:00 p.m.

☐ Call to Order

☐ Discussion Items

   A. Discussion on new development standards for overnight accommodations

☐ Future considerations

☐ Adjourn

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

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

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

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

A Council agenda packet is available at the local Library, 257 East Center St., Moab, Utah, (435) 259-1111 at least 24 hours in advance of the meeting.
AGENDA SUMMARY
JOINT MEETING: GRAND COUNTY COUNCIL AND PLANNING COMMISSION
October 2, 2019
Agenda Item: A

<table>
<thead>
<tr>
<th>TITLE:</th>
<th>Workshop and discussion on new overnight accommodations development standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>FISCAL IMPACT:</td>
<td>N/A</td>
</tr>
<tr>
<td>PRESENTER(S):</td>
<td>Zacharia Levine, Community and Economic Development Director</td>
</tr>
</tbody>
</table>

**POSSIBLE MOTION:**

Council directs Staff and the Planning Commission to meet the legislative intents of Ordinance 595 and Resolution 3180 by researching the following ______________ and amending the proposed new overnight accommodations standards as follows: ________________.

**STAFF RECOMMENDATION:**

Staff requests that the County Council provide clear direction to Staff and the Planning Commission on new overnight accommodations development standards through formal yet non-binding votes/directives.

Based on feedback received over the last six months, staff recommends prioritizing the following categories/types of use-specific standards.

- Energy Efficiency/Emissions
- Water Use/Reuse
- Transportation Infrastructure/Multimodal Opportunities
- Design/Aesthetics
- Mixed-Use

Staff anticipates that many development standards explored in this process can apply to both overnight accommodations and new developments writ large.

The attached document includes the standards reviewed by the Planning Commission to date.

*Staff also encourages CC and PC members to read the highlighted general notes in the attached summary of findings as of September 20, 2019.*

**BACKGROUND:**

The Grand County Council adopted Ordinance 595 on July 18, 2019, which restricted overnight accommodations to the newly created use-specific overnight accommodations overlay zones.

Immediately after adopting Ordinance 595, the County Council adopted Resolution 3180, which notifies developers of overnight accommodations of the County’s intent to adopt new standards related to mixed use, design, and
operational performance within the following 180 days. As such, any overnight accommodations development applications submitted within the 180-day period following July 18, 2019 will be subject to the new standards.

The 180-day period ends January 14, 2020.

**ATTACHMENT(s):**

1. Draft OA standards developed to date.
2. Letter from Gerrish Willis, PC Chair, and Kevin Walker, PC Member
3. Ordinance 595
4. Resolution 3180
5. Landmark Design DRAFT OAO eligibility boundaries
CED Staff Recommendations as of September 20, 2019
New Overnight Accommodations Development Standards
Note: Some standards could/should apply to all new development, not just OAs

CED Staff have reviewed land use codes for energy, water, and transportation related standards from several jurisdictions in the western US (e.g. Carbondale, CO; Sedona, AZ; Aspen, CO; Los Angele, CA; Park City, UT; and others). The City of Moab’s Planning Department has recommended a number of standards related to form/aesthetics and mixed-use. County Staff has reviewed the recommended standards and included them with some modification.

Based on our findings, we recommend integrating the following administrative, use-specific standards into Section 3.2.2 of Grand County’s Land Use Code. Because hotels and motels do not currently have any use-specific standards beyond the general development standards of Section 6, we propose a new subsection of 3.2.2 for that use category. Some existing standards in the Grand County LUC cover the items in the table below. They should be reviewed for consistency with any proposed standards. With all the proposed standards, it is our goal to strike a balance between improved development outcomes and staff resources/capacity. We also acknowledge the need to refine the standards presented below even further.

General Notes:

- The planning commission sees the need to create OAO eligible districts to designate where legislative application of a use-specific OAO is appropriate and allowable. These would have a similar effect as designating the HDHO Districts.
- The county council has not yet directed staff to proceed down this pathway. The county council and planning commission should spend some of their time together on October 2, 2019 discussing this possible add-on to the recently adopted OAO District standards. Discussions should include possible boundaries as well.
- For discussion purposes, the DRAFT/hypothetical OAO eligibility boundaries initially discussed during the six-month moratorium leading up to Ordinance 595 were roughly the following (from south to north):
  - San Juan-Grand County line north to the Moab City Limit (along US-191 only)
  - Node around the future USU Moab campus
  - Downtown Moab
  - Edge of downtown Moab north to the Colorado River (along US-191 only)
  - Colorado River north to either SR 313, Airport, or I-70 (along US-191 only)
- The county council and planning commission need to view each of the following standards through the lens of new development vs. redevelopment/expansion. In general, most communities allow redevelopment by applying the standards for new development to any expansion and a relaxed set of standards to the existing/redeveloped portion.
- To increase the long-term effectiveness of some proposed standards, the County may need to require monitoring of performance standards. Some states and jurisdictions require periodic audits at the expense of the developer. Current staffing levels would prohibit monitoring conducted by staff.
<table>
<thead>
<tr>
<th>Development Standard Category</th>
<th>Standard</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy</td>
<td>Net Zero Building, Leed Silver, or LBC certified</td>
<td>There are trade-offs between referencing the standards within an existing framework (e.g. LEED) vs. requiring certification through the organization establishing the standard. Namely staff time vs. cost to applicant.</td>
</tr>
<tr>
<td>Water</td>
<td>Rainwater catchment required</td>
<td>State Code: 73-3-1.5 Capture and storage of precipitation. Each parcel is allowed to capture/use 100 gallons (in 1 or 2 containers) without State registration or 2,500 gallons (in 1 container) with State registration.</td>
</tr>
<tr>
<td></td>
<td>Waterwise landscaping and only 20% of landscaped area can be turf</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bio-retention and bio-infiltration storm water systems</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pools shall be indoors or shaded/covered to reduce evaporation</td>
<td>As per 9/10/19 discussion, planning commission suggests removing this standard.</td>
</tr>
<tr>
<td>Transportation</td>
<td>Create two lists: A) Required improvements B) Multiple options available</td>
<td>Developments could be required to implement all improvements in &quot;List A&quot; and some number of improvements in &quot;List B.&quot; Examples for each list are included in this Transportation Section.</td>
</tr>
<tr>
<td></td>
<td>Free Bicycle Storage/bike racks for guests</td>
<td>Bicycle storage should be secure. Base requirement as a ratio to the number of units. Could be varied based on location.</td>
</tr>
<tr>
<td></td>
<td>Free Shuttle</td>
<td>Nearby lodging establishments should be allowed to provide shared shuttle services based on a ratio to the number of units.</td>
</tr>
<tr>
<td></td>
<td>Bus Pull out or shuttle stop</td>
<td>To be part of a larger community-wide transit system</td>
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<tr>
<td></td>
<td>Payment in lieu that will support the development and maintenance of non-motorized trail infrastructure in the County</td>
<td></td>
</tr>
<tr>
<td>Mixed Use</td>
<td>20% of gross square footage for first floor commercial</td>
<td>The amount of acceptable commercial would depend on the location of lodging establishment. Some parameters should be established.</td>
</tr>
<tr>
<td></td>
<td>Ground stories must be occupied by uses other than overnight accommodations that serve the guests of the development</td>
<td>The amount and type of acceptable commercial would depend on the location of lodging establishment. Some parameters should be established.</td>
</tr>
<tr>
<td></td>
<td>Ground stories must be occupied by uses that provide a service to the community and are open to the public</td>
<td>The type of acceptable community benefit would depend on the location of lodging establishment. Some parameters should be established.</td>
</tr>
<tr>
<td></td>
<td>Employee housing (on- or off-site)</td>
<td>The Assured Housing Ordinance regulates this. OAO regs should simply reference the AH standards.</td>
</tr>
<tr>
<td>Civic Space</td>
<td>At least 5% of gross square footage devoted to Civic Uses</td>
<td>Will need to define various acceptable Civic Uses</td>
</tr>
<tr>
<td></td>
<td>Development of parcels over 5 acres are required to provide a minimum of 5% total lot size as publicly-accessible civic open space.</td>
<td></td>
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<tr>
<td></td>
<td>Developer shall work with County to determine the appropriate location of proposed open spaces.</td>
<td></td>
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<tr>
<td></td>
<td>Participation in existing or planned civic uses</td>
<td>Will have to develop list of community-wide civic uses</td>
</tr>
<tr>
<td></td>
<td>Fee in lieu</td>
<td>Need to come up with fee</td>
</tr>
<tr>
<td>Open Space (Also, See existing building and lot design standards in the RC and RS zone districts of Article 2)</td>
<td>Minimum Usable Open Space on site of 25 or 30%</td>
<td>Will have to define &quot;usable open space&quot; as well as maintenance standards. RS and RC zone districts currently require 25% open space.</td>
</tr>
<tr>
<td></td>
<td>Minimum Usable Open Space of 15% plus participation in Open Space in the vicinity</td>
<td>Will have to define &quot;usable open space&quot; as well as maintenance standards. RS and RC zone districts currently require 25% open space, but no connection to surrounding open space contemplated.</td>
</tr>
<tr>
<td>Height</td>
<td>Limit to current height standards in base zone district, or limit further?</td>
<td>Needs a definition of what is truly meant and accepted/desired.</td>
</tr>
<tr>
<td></td>
<td>Pedestrian scale stepping required for upper floors</td>
<td>Show examples, come up with minimum step backs and elements to provide pedestrian scale - reference step back requirements in High Density Housing Overlay (HDHO)</td>
</tr>
<tr>
<td></td>
<td>Ridgeline standards - Maintain views of the Moab Rim from US 191</td>
<td>Currently, the County’s Ridgeline Standards DO NOT APPLY to commercial zone districts.</td>
</tr>
<tr>
<td></td>
<td>Hinterland Open Space/Viewshed standards</td>
<td>Several rezone requests have been submitted for the areas north of Arches NP. Some have been approved, others denied. In each case, viewshed impacts have been raised as a significant concern.</td>
</tr>
<tr>
<td>Density, Scale</td>
<td>No 1 building larger than xx,000 sf</td>
<td>Max building size.</td>
</tr>
<tr>
<td></td>
<td>Total project square footage not to exceed xx,000sf</td>
<td>Max total project size.</td>
</tr>
<tr>
<td></td>
<td>Total number of accommodations not to exceed _____ units or _____ bedrooms</td>
<td>Max total project size.</td>
</tr>
<tr>
<td>Site Configuration</td>
<td>Primary uses must face the fronting roadway</td>
<td></td>
</tr>
</tbody>
</table>
### Building Design

(Also, See existing building and lot design standards in the RC and RS zone districts of Article 2)

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

For uses located on the ground floor facing the primary fronting street, 60% Minimum Ground Story Transparency is required, measured floor to floor. Transparency is any glass in windows and/or doors, including any mullions, that is highly transparent with low reflectance.

Blank wall limitations are required on all facades facing the primary street. No rectangular area greater than 30% of a story’s facade, as measured from floor to floor may be windowless, and no horizontal segment of a story’s facade greater than 15 feet in width may be windowless, unless otherwise approved.

A mix of entrance types may be utilized, aligned with the overarching architectural theme or concept. All buildings must have an easily-discernable Principal Entrance located on the primary street side of the principal building or buildings.

The treatment of roofs should be thoughtful and consistent. Air conditioning units and similar mechanical requirements should be avoided on rooftop locations, and fully-screened from view when unavoidable. Parking shall be located to the side or rear of buildings.

### Materials and Colors

(Also, See existing building and lot design standards in the RC and RS zone districts of Article 2)

- Primary Facade Materials. 80% of each facade shall be constructed of primary materials. For facades over 100 square feet, more than one material shall be used to meet the 80% requirement.

Permitted primary building materials will include high quality, durable, natural materials such as stone, brick and adobe-type materials; wood lap siding; fiber cement board lapped, shingled, or panel; metal siding; glass. Other high quality synthetic materials may be approved as part of a unified theme or design concept.

Secondary Facade Materials are limited to details and accents. Examples include gypsum reinforced fiber concrete for trim and cornice elements; metal for beams, lintels, trim; and exterior architectural metal panels and cladding. Exterior Insulation and Finishing Systems (EIFS) is permitted for trim only.

Acceptable Roof Materials include 300 pound or better, dimensional asphalt composite shingles, metal tiles or standing seam, slate, and ceramic tile. Other roof materials may be considered for approval.

Color. Main building colors shall be complementary to existing buildings in the area, the surrounding landscape and visual backdrops. Need better definitions

### Window, Awnings, Shutters

- Windows - all upper story windows of overnight accommodation, mixed use and associated buildings shall be recessed and double hung.

Plastic or vinyl awnings are not permitted. Awning types and colors for each building face shall be coordinated.

If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood.

### Balconies

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

We are writing, in advance of the joint GCC/PC meeting on 10/2, to draw your attention to some issues which have been much discussed in recent Planning Commission meetings, but which have received less emphasis in various staff summaries. (We believe that this lack of emphasis is inadvertent rather than deliberate -- planning staff has quite a lot on their plate, and it's not possible for them to give every issue the attention it deserves. Also, we are not writing on behalf of the PC.)

(1) Overlay eligibility districts. In early discussions of OA zoning, the main options were "Option 3" (allow new OA developments, with restrictions, throughout most of Spanish Valley, both north and south of downtown) and "Option 4" (allow new OA developments, with restrictions, north of downtown, and emphasize non-lodging businesses south of town). Public sentiment against ANY new OA developments lead the GCC to adopt Option 5, at least for the short term. We suspect that the GCC would like to create a pathway to eventual new OA developments, and for this reason we think Option 4 should be back on the table. Option 4 is similar to the current HDHO policy -- only parcels within certain large polygons are eligible to apply for the overlay zoning. We think it is wise to not let new OA developments occupy even more land south of town. If Grand County wants a diverse economy, the first step is to make sure that land is available, at economically viable prices, for new non-tourist businesses to be established.

(2) Hard standards for applying OA overlay zones. We think it might be useful to have one or more objective criteria to guide future councils on when to approve applications of OA overlay zones. One possibility is the ratio of the number of OA units to residential housing units. This ratio was included in the recitals for the GCC's recent ordinance on OA zoning:

WHEREAS, Grand County currently has forty percent (40%) more Overnight Accommodations units (4,525) than it does primary residential units (3,240);

Perhaps in the future applications of OA overlay zones should be allowed only if they would not cause this ratio to be larger than it was in early 2019. (Or perhaps the threshold should be set lower than 2019 levels, since most Grand County residents did not like the 2019 levels.) This would insure that we are not building hotels faster than we are building houses and apartment buildings.

(3) Soft standards for applying OA overlay zones. The current OA regulations require applicants for overlay zones to provide

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.

We think this is a good start, but that we should add specifics on the type of community benefits (compared to no overlay zone application) the county has in mind.

The recitals of the recent OA ordinance list several problems caused by imbalanced OA development. We think it would be a good idea for future councils to apply the overlay zone only if doing so improved the problems listed in the recitals, or at least did not make them worse. The following list of criteria is taken directly from the recitals:

* effect on economic diversification, balance of tourism with other business sectors
* higher paying jobs (compared to no overlay)
* effect on crowding on national parks and other nearby public lands
* balance of new construction on OA vs other commercial projects
* effect on demand (as compared to supply) for housing
* ratio of OA units to residential units
* housing prices
* use of our limited groundwater resources
* effects on county infrastructure and resources (e.g. EMS)
* effects on traffic

We look forward to discussing this further on Wednesday.

Kevin Walker, Gerrish Willis
GRAND COUNTY, UTAH
ORDINANCE 595 (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

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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 special public
meeting on July 18, 2019 by the following vote:

Those voting aye: Clapper, Morse, Hawks, McGann, Halliday

Those voting nay: ____________________________________________

Those absent: Wells, Paxman

ATTEST:ruzedz

GRAND COUNTY COUNCIL

Chris Baird, Clerk\Auditor

Evan Clapper, Chair
<table>
<thead>
<tr>
<th>Use Category</th>
<th>Use Specific Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Uses (Section 3.4.9)</td>
<td>Use-Specific Standards</td>
</tr>
<tr>
<td>Over-night Accommodations</td>
<td>3.2.3D and 4.6 (OA-Residential)</td>
</tr>
<tr>
<td>Commercial Uses (As per Ordinance 555 (2019))</td>
<td>4.6 (OA-Hotel/Motel)</td>
</tr>
<tr>
<td>Over-night Accommodations permitted through zoning districts only</td>
<td>3.2.3L and 4.6 (OA-Campground)</td>
</tr>
<tr>
<td>All other overnight accommodation use</td>
<td>4.6.1600 (Districts)</td>
</tr>
</tbody>
</table>
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.

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.
Legend
- Parcels
- OAO_Hotel/Motel
- OAO_RV/Campground
- OAO_Residential Used for OA
4.6.3 Overnight Accommodations Overlay Map - Adopted July 18, 2019

Legend
- Parcels
- OAO_Hotel/Motel (Red)
- OAO_RV/Campground (Yellow)
- OAO_Residential Used for OA (Green)
GRAND COUNTY, UTAH
RESOLUTION NO. 3180, 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. 595 on July 18, 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. 595;

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. 595, 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 18, 2019 by the following vote:

Those voting aye: Halliday, McGann, Hawks, Morse, Clapper

Those voting nay: ____________________________

Those absent: Wells, Paxman

ATTEST:                        GRAND COUNTY COUNCIL

Chris Baird, Clerk/Auditor    Evan Clapper, Chair
STATUS QUO

LEGEND
Existing & Approved Overnight Accommodations
- Hotels
- B&Bs and short-term rentals
- RV parks and campgrounds

Current Zones Allowing Overnight Accommodations
- Hotels w/ 10 units or more
- Hotels w/ less than 10 units, B&Bs and short-term rentals

OPTION DESCRIPTION

INTENT: To provide a baseline comparison and illustrate the implications of growth, if things continue as they are.

DETAILS: A form of overnight accommodations are a “use by right” in all Commercial Zones.

GRAND COUNTY:
- Bed & Breakfast - Permitted use in RC, CB, RC, RS, HC Zones
- Hotel/motel - Permitted use in NC, CB, RC, RS, HC Zones
- Recreational Vehicle Parks and Campgrounds - Conditional use in RC, RS, HC Zones
- Residential Units as Overnight Accommodation - Permitted in CB, RC, RS, HC Zones

CITY OF MOAB:
- Bed & Breakfast - Permitted use in C-1, C-2 Zones
- Hotel/motel - Permitted use in C-2 (under 10 units), C-3, C-4, RC, SAR Zones
- Recreational Vehicle Parks and Campgrounds - Permitted use in C-4, RC Zones
- Residential Units as Overnight Accommodation - Permitted in C-1, C-2 Zones

REGULATORY TOOLS:
- Euclidian (Traditional) Zoning with Use Rights as Permitted, Conditional or Prohibited
- Overlay zoning for providing high-density housing (County only).
ALLOW GROWTH WITH INCREASED FORM & PERFORMANCE REQUIREMENTS

LEGEND

Existing & Approved
Overnight Accommodations

| Hotels       | B&Bs and short-term rentals | RV parks and campgrounds |

Overlay Zones

- North of Downtown
- Downtown Area
- South of Downtown
- Colorado River

OPTION DESCRIPTION

INTENT: Match the scale of overnight accommodations to the different, existing parts of the community.

DETAILS: The scale and size of each project will be tailored to match the character of each overlay district.

DOWNTOWN AREA: Overnight accommodations limited by type (condos, townhomes, and bed & breakfasts) and scale in the downtown area through the use of “Overnight Accommodations Overlay Zones”.

NORTH OF DOWNTOWN (to the Colorado River): All new overnight accommodations will be required to match the scale of existing development within designated “Overnight Accommodations Overlay Zones”.

SOUTH OF DOWNTOWN: All new overnight accommodations will be required to match the scale of existing development within designated “Overnight Accommodations Overlay Zones”.

NORTH OF THE COLORADO RIVER & KANE CREEK BOULEVARD: Campgrounds/RV parks are allowed north of Colorado River to edge of Arches National Park at the intersection of Hwy 313 and US 191 and along Kane Creek Boulevard within designated “Overnight Accommodations Overlay Zones”.

REGULATORY TOOLS:

- Euclidean Zoning
- Overlay Zones
- Form-based Codes
- Mandatory Mixed-Use Development
- Performance Standards
FOCUSED GROWTH, DETERMINED BY AREA

LEGEND

Existing & Approved
Overnight Accommodations

Overlay Zones

- Hotels
- B&Bs and short-term rentals
- RV parks and campgrounds

Legends: North of Downtown
South of Downtown

OPTION DESCRIPTION

INTENT: Focus more intense overnight accommodations north of Downtown and community-focused development south of Downtown. Eliminate further development of overnight accommodations Downtown.

DETAILS:
- DOWNTOWN AREA: No new overnight accommodation uses to be allowed.
- NORTH OF DOWNTOWN: New hotels, motels, and campgrounds/RV parks allowed in designated “Overnight Accommodations Overlay Zones”.
- SOUTH OF DOWNTOWN: Hotels, motels, and campgrounds/RV parks not allowed. Condos & townhomes (used as overnight accommodations) and bed & breakfasts are allowed in designated “Overnight Accommodations Overlay Zones”, but are evaluated with a criteria system that is structured for the promotion of development that benefits focuses on the local community.
- NORTH OF THE COLORADO RIVER, KANE CREEK BOULEVARD & THE HWY 128 CORRIDOR: No new overnight accommodation uses to be allowed north of Colorado River to edge of Arches National Park at the intersection of Hwy 313 and US 191, along Kane Creek Boulevard or along the Hwy 128 Corridor.

REGULATORY TOOLS:
- Euclidean Zoning
- Overlay Zones
- Form-based Codes
- Mandatory Mixed-Use Development
- Performance Standards
4 CONTROLLED GROWTH

LEGEND
Existing & Approved Overnight Accommodations
- Hotels
- B&Bs and short-term rentals
- RV parks and campgrounds

Overlay Zones
- North of Downtown
- Community Nodes

OPTION DESCRIPTION

INTENT: Severely limit overnight accommodations throughout the area to focus new growth to other commercial, residential and community services.

DETAILS:
- New overnight accommodations are allowed only within a smaller, designated "Overnight Accommodations Overlay Zone".
- Discourage overnight accommodation growth and promote growth in community-centric identified community nodes through the use of exactions, etc.

REGULATORY TOOLS:
- Euclidean Zoning
- Overlay Zones
- Mandatory Mixed-Use Development
- Performance Standards
NO GROWTH

LEGEND

Existing & Approved
Overnight Accommodations

Overlay Zones

- Hotels
- B&Bs and short-term rentals
- RV parks and campgrounds
- Community Nodes

OPTION DESCRIPTION

INTENT: Focus all new growth to other commercial, residential and community services.

DETAILS:
- No new overnight accommodation uses to be allowed.
- All new commercial growth will focus on providing other commercial, residential and community services.

REGULATORY TOOLS:
- Euclidean Zoning with Use Rights as Permitted. Conditional or Prohibited
- Performance Standards
- Form-based Codes