

GRAND COUNTY
Planning Commission
Monday, October 12th, 2020
4:00 P.M. Regular Meeting
VIRTUAL MEETING

****PLEASE NOTE: THIS MEETING WILL BE HELD REMOTELY****

Join via Zoom with Meeting ID: **868 8278 5633** Password: **280863**
 Or call in to meeting: **253 215 8782** and when prompted, enter meeting ID and password.
 Send written comment to planning@grandcountytah.net or call 435-259-1368.

Type of Meeting:	Regular Meeting	
Facilitator:	Emily Campbell, Chair	
Attendees:	Planning Commissioners, interested citizens, and staff	
4:00 PM		
	Regular Meeting	<i>Chair</i>
	Citizens to be Heard – public comment opportunity for any item not listed as a public hearing	<i>Chair</i>
	Ex Parte Communications and Disclosures	<i>Chair</i>
Action Item	Approval of Meeting Minutes from Sept 28th, 2020	<i>Staff</i>
Discussion Item	Overnight Accommodations <ul style="list-style-type: none"> • Environmental Education Centers • B&Bs 	<i>Chair/Staff</i>
	(*around 5:00pm) Citizens to be Heard – public comment opportunity for any item not listed as a public hearing	<i>Chair</i>
Action Item	Walking Horse Subdivision Preliminary Plat. Todd Beeman. 4329 Sunny Acres Lane. 4 lot subdivision.	
Action Item	Murphy Flats Preliminary Plat. Courtney Kizer. High Density Housing Overlay approved. 1185, 1187, 1189 Murphy Lane. 34 condo units, 27 deed restricted.	
	Future Considerations	<i>Staff</i>
	Recent Building Permit Review	<i>Staff</i>
	County Commission Action Items Report	<i>Staff</i>
	County Commission Update – Jaylyn Hawks	<i>Council Liaison</i>
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.

REGULAR PLANNING COMMISSION MEETING MINUTES
September 28, 2020

The Grand County Planning Commission held its regular meeting on the above date with all attendees participating remotely via Zoom.

YouTube recording of the meeting can be viewed at

<https://www.youtube.com/watch?v=tWzOQsdjAJY>

Recordings archived at www.grandcountyutah.net/AgendaCenter

In attendance: Planning Commissioners Emily Campbell, Bryon Walston, Robert O'Brien, Josie Kovash, Kevin Walker and Gerrish Willis. County Commission Liaison Jaylyn Hawks. Grand County Staff Mila Dunbar-Irwin and Olivia Holmes.

Commissioner Campbell officially calls the meeting to order at 4:02 pm

Citizens to be heard:

None.

Ex Parte Communications and Conflict of Interest Disclosures:

No ex parte communications or disclosures from any Commissioners.

Approval of Meeting Minutes from September 14, 2020 Regular Meeting Minutes - Approved (8 min)

Discussion:

None

Motion and Vote: Commissioner O'Brien moved to approve the minutes from the September 14, 2020 Planning Commission meeting. Commissioner Walker seconds. Motion passed 4-0 with Commissioners Kovash, Walker, O'Brien, and Campbell voting aye. Commissioner Walston, Nelson, and Willis in abstention.

Discussion: (12 min) Small Area Plan 313/191

Discussion led by Commissioner Campbell and Staff

- Viewshed Standards
 - Staff outlines the development standards for the Overnight Accommodation Overlay and PC discusses what will be applied as viewshed standards. Additional standards to include are also determined and refined. Revisions to the standards are:
 - Turf grass was removed.
 - Off-street parking requirement to mitigate impact was removed.
 - Exceptions to design standards may be made for public art and solar usage.
 - Solar-stabilized materials was removed.

- Zones specified in Ridgeline Standards shall be removed.
- Locating development as far as feasible from the highway shall be included in Site Configuration.
- Removal of native vegetation must be minimized shall be added.
- Approved dust control measures shall be added and a list of these measures will be provided.
- Staff will confirm that “non-reflective materials” are the correct language when addressing lighting glare.
- The color requirements shall be changed from “complimentary” to “blend in.”
- “No building shall exceed 15 feet in height” shall be added.
Commissioners Kovash, Walker, Willis support this language.
- Roof colors and materials shall be specified in development standards.
- Boundaries (53 min)
 - The boundary shall include the two SITLA parcels for legal review and further discussion.
- Resort Special Use Table and Vision Statement will be discussed after the public hearings.

Citizens to be heard:

(1 hr 5 min) Reed Pendleton asks that native vegetation is further clarified in the development standards. He also states that “office use” does not need to be removed from the use table. Screening and development far from the property are contradictory. There is no language favoring campgrounds and RV parks which was previously mentioned by PC. Commissioner Campbell clarifies that this statement was made to gather citizen input.

Public Hearing: Dalton Rezone. 1490 S Highway 191. Rezone RR portion of property to HC.

Discussion: (1 hr 10 min) See staff report for details.

The lot currently has an empty structure and is for sale.

Applicant Statement: (1 hr 15 min) Mary Hofhine. The back parcel is divided diagonally between two zones. The only access to the parcel is from the highway.

Public Hearing: (1 hr 19 min) Matt and Lisa Cenicerros and Kay and Judy Tangreen state that the parcel is not adjacent to the school, but next to a road owned by the state of Utah. They are concerned about the rezone occurring in the middle of a sale, not knowing what will be built on the property. With the need for housing in Grand County, it does not make sense to change the zone from Rural Residential (RR) to Highway Commercial (HC).

Motion and Vote: (1 hr 27 min) Commissioner O’Brien moved to send a favorable recommendation to the County Commission to rezone on the property located at 1490 S Highway 191 shown in the boundary survey dated 5/2020 to HC . Motion seconded by Commissioner Willis.

Discussion: The current zoning of this property likely makes it difficult to sell. There is concern about expanding commercial uses into residential areas. The property has previously been used

commercially. OAO is not a use by right and would not apply to this zone. This property is currently included on the City's annexation map. Approving this rezone has the potential to set a precedence for future applications.

Vote: (1 hr 39 min) Motion passed 3-2 with Commissioners Walston, O'Brien, and Campbell voting aye. Commissioners Willis and Walker voting naye. Commissioners Kovash and Nelson abstain.

Public Hearing: Creekside PUD Amendment. 3373 S Creekside Lane. Change minimum lot size from 1 acre to 0.3 acres.

Discussion: (1 hr 36 min) See staff report for details.

The County does not general enforce CC&Rs and also does not typically approve applications that are in opposition to CC&R's. The CC&R's appear to only specify lots 1-6. This PUD amendment does not change any setbacks listed in the code. A PUD does not allow for an increase in density, it permits clustering developments. This application does not qualify for the affordable housing bonus or the open space bonus. The County Attorney will have to determine whether the setbacks in the CC&R or the plat will govern this PUD.

Applicant Statement: (1 hr 59 min) Larry White. The current CC&R's do not apply to the proposed lots, according to a previous legal briefing. There is no public open space that will result from this PUD, only a larger lot. The intention is to keep Creekside Road private. Creekside Road will become public, only if and when East Bench Road becomes a public right of way.

Public Hearing: (2 hr 6 min)

- (2 hr 7 min) Marian Boardley is the president of the Homeowners Association stating that they did not receive ample notice of this proposal. Speaking as a citizen, she states that the proposed setbacks are being changed from what is required in RR. The cluster development does not benefit the neighborhood and is not following standards.
- (2 hr 12 min) Brian Parkin comments that the final plat of Creekside Estates clearly states that the minimum lot size is one unit per one acre. The setbacks on the proposed preliminary plat have all been reduced by five feet. Proper notice of this public hearing was not given.
- (2 hr 12 min) Scot Andersen states that the community is not opposed to one acre developments. There should be a deferment on this hearing as there is a lot of misinformation. Staff needs more assistance to be available to the public and the public needs more time to contact staff before hearings.
- (2 hr 21 min) Todd and Cathy Beeman state that this development does not provide public open space.
- (2 hr 22 min) Jack and Christina Winager did not receive any notice of this hearing and would like the hearing to be postponed.

Applicant Statement: (2 hr 24 min) All posting requirements were fulfilled. The PUD amendment will change the minimum lot size. There will be no more subdivisions of the lot after these 6 lots are platted. Setbacks are not relevant to this PUD amendment and setbacks do not need to be discussed, as stated by Staff.

Public Hearing: (2 hr 27 min) Rick Davidson states the cluster design does not fit with the character of the neighborhood. There is concern over the precedents this will set. Due to improper noticing, he requests that this meeting be postponed so that he may have time to do his due diligence.

Discussion: (2 hr 30 min) Open Space is generally considered to have public access and there is not public access in this development. This PUD does preserve agricultural space on lot six. There would be no subdivision of lot six permitted in the future. Without knowing the configuration of the development, PC is hesitant to favor this amendment. Conversation ensues around the need to review a plat, maintaining setback standards for a PUD, and the most appropriate way to recommend this application to the County Commission. The mailed notices were not sent as certified mail and are not required to be sent certified.

Motion: (3 hr 4 min) Commissioner Walker moved to send a favorable recommendation to the County Commission for the PUD amendment located at 3373 S. Creekside Lane subject to the condition that the plat included in the September 28th, 2020 packet becomes the master plan for the PUD and the setbacks on the southern boundary match the setbacks stated in the CC&R for the HOA. Seconded by Commissioner O'Brien.

Discussion: The PC is not in favor of any configuration of .3 lots and is only recommending the plan currently being presented. It is important to understand how this will impact neighbors and the setbacks should be reviewed to help minimize impact on the development.

Motion: (3 hr 10 min) Commissioner Kovash moved to amend the motion to require all external setbacks match the 25 foot Rural Residential setback requirement. Seconded by commissioner Willis.

Vote: (3 hr 12 min) Motion to amend the condition that the southern boundary setbacks match the HOA setbacks and all external setbacks match the 25 foot RR setback requirement passed 6-0 with Commissioners Walston, Kovash, Walker, O'Brien, Willis and Campbell voting aye. Commissioner Nelson in abstention.

(3 hr 20 min) Motion to forward a favorable recommendation to the County Commission to change the minimum lot size for Phase II of the Creekside PUD located at 3373 S Creekside Lane, Parcel number 02-OCRK-0008 to .3 acres subject to the following two conditions: the plat included in the PC packet on September 28, 2020 be considered the master plan for the PUD and that the setbacks along the southern boundary match the setbacks stated in the HOA adopted in 1997 and renewed in 2019 and that all external setbacks are 25 feet as subject to RR1 in the land use code. Motion passed 5-1 with Commissioners Walston, Campbell, Walker, Kovash, and O'Brien voting aye. Commissioner Willis voted naye. Commissioner Nelson in abstention.

Discussion: Small Area Plan 313/191 (3 hr 27 min)

Discussion led by Commissioner Campbell and Staff

- Resort Special Use Table: PC discusses what will be included in the Resort Special Use Table. Any additional standards added to uses will classify those uses as a conditional use. Changes to the use table are as follows:
 - Household living, two-family duplex, and multi-family dwelling was added.
 - General daycare was removed, limited daycare was added.

- College or university was removed, field research centers and environmental education centers were added.
- All other government facilities was added as a conditional use.
- Bus station and train passenger terminal was added.
- Places of worship was removed as a conditional use.
- Telecommunication tower and facility on an existing tower or structure was added.
- Utility substation and transmission station is a conditional use.
- Major utilities was removed.
- Bar or lounge was added.
- Theatre was added.
- All other outdoor recreational use was removed.
- All uses for office was removed.
- Personal service oriented uses was removed.
- Fuel service was removed.
- Barn, coral, pen, coop, or machinery shed and farm, orchid, vineyard, or truck garden will be removed.
- Fruit or vegetable stand and grazing was added.

There is no use by right and this use table does not change anything that is currently in place in the County.

- Vision Statement (3 hr 38 min)
 - PC finalizes the vision statement and reaches a consensus on adopting the vision statement for the draft plan.
- The draft plan will go to legal review. The earliest that the public hearing will be noticed is October 12th. The earliest that the public hearing and recommendation will occur is October 26th.

Future Considerations: (3 hr 53 min)

- B&B residential zone.
- Continue review of land use code.
- Examine uses of overnight rentals for educational purposes.
- Create general language to further specifying conditional uses.

Discussion: (3 hr 59 min) Retail and Highway Commercial Update

- The County Attorney will be reviewing this before the next PC meeting.

Recent Building Permit Review (3 hr 54 min)

- 1 mixed use addition and remodel
- 1 residential construction without a permit
- 1 commercial floodplain permit
- 5 manufactured homes
- 3 new residential construction

County Commission Update - Jaylyn Hawks (4 hr)

- CC is working on plans that reflect public input on the Book Cliffs Highway.
- Tax revenue for July of 2020 was over 100% compared to tax revenue in July 2019.

County Commission Action Items Report (4 hr 4 min)

- The Willow Spring RV Park was tabled indefinitely.
- Code amendments previously discussed were adapted.

Adjournment: (4 hr 5 min) Commissioner Walker moved to adjourn the meeting. Commissioner O'Brien seconded. Motion passed 6-0 with Commissioners Walston, Walker, O'Brien, Willis and Campbell voting aye. Commissioner Nelson in abstention. Meeting adjourned at 8:03pm.

Agenda Summary
GRAND COUNTY PLANNING COMMISSION
October 12, 2020

TITLE:	Walking Horse Subdivision Preliminary Plat
FISCAL IMPACT:	N/A
PRESENTER(S):	Mila Dunbar-Irwin, Planning and Zoning Administrator

Prepared By:
MILA DUNBAR-IRWIN
GRAND COUNTY
PLANNING & ZONING
ADMINISTRATOR

FOR OFFICE USE ONLY:
Attorney Review:

N/A

STATED MOTION :
 I move to approve the preliminary plat for the Walking Horse Subdivision at 4329 Sunny Acres Lane.

STAFF RECOMMENDATION: APPROVE
 This preliminary plat meets all the requirements for a subdivision at this stage.

BACKGROUND:
 Current residential property.

- ATTACHMENT(S):**
- Staff Report
 - Preliminary Plat



STAFF REPORT

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT
GRAND COUNTY, UTAH

DATE: Monday, October 12, 2020

TO: Grand County Planning Commission

SUBJECT: Walking Horse Preliminary Plat

PROPERTY OWNER: Todd and Cathleen Beeman Family Revocable Trust

PROP. OWNER REP: Tye Shumway

ENGINEER: SET

PROPERTY ADDRESS: 4329 Sunny Acres Lane

SIZE OF PROPERTY: 4.35 acres

EXISTING ZONE: RR

EXISTING LAND USE: Residential

ADJACENT ZONING AND LAND USE(S): RR, residential

APPLICATION TYPE

Preliminary Plat

STAFF RECOMMENDATION: Approve

Comments (optional):

APPLICATION PROCEDURE

Decision Type: Administrative

Public Notices: Public Meeting at:

Planning Commission

County Council

Public Hearing at:

Planning Commission

County Council

Attachments:

Approval Letters

Site Plan

Landscape Plan

Vicinity Map

Legal Notice

Legal Description

Public Comments

Agency Comments

Response to Standards

Other: Click or tap here to enter text.

SUMMARY OF REQUEST

The applicant is requesting a four lot subdivision on a 4.35 acre property zoned Rural Residential (allowed density of 1 acre lots). One lot has an existing house which will remain. Two lots will be flag lots and all will take access off Moffit Lane, which will be improved and paved to half width. Necessary right of way will be dedicated. All utility easements and services are noted on the plat. The Development Review Team has reviewed the application and sees no need for conditions at this stage.

SITE IMPROVEMENTS / ADDITIONS / CHANGES

Moffit Lane will be paved to 12.5' half-width and 3' of ROW will be dedicated. All water and sewer infrastructure will be installed including a fire hydrant. Detention ponds will be used for drainage requirements

CONSIDERATIONS FOR APPROVAL, DENIAL, AND/OR POSTPONEMENT

Staff comments in red.

9.4.4 Issues for Consideration

The Planning Commission shall, in its action on the preliminary plat, consider Article 7, Subdivision Standards, the physical arrangement of the subdivision, and determine the adequacy of street right-of-way and alignment, the street standards of Grand County, the existing street pattern in the area and with all applicable provisions of the General Plan. The Planning Commission shall also ascertain that adequate easements for proposed or future utility service and surface drainage are provided, and that the lot size and area are adequate to comply with the minimum requirements for the underlying zone district and for the type of sanitary sewage disposal proposed. [Ord. 546, 2016.]

Article 7 Subdivision Standards

7.1 Scope and Applicability

7.1.1 Applicability

All plats and subdivision of land within the unincorporated portion of Grand County shall conform to the following rules and regulations.

7.1.2 Creation of Building Site

No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract or building lot has been created by compliance with one (1) of the following conditions:

- A. The lot or tract and is part of a plat of record, properly approved by the Grand County Council and filed in the plat records of Grand County, Utah, in which event a Building Permit for only one (1) principal use conforming to all the requirements of this LUC; or
- B. The parcel, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of the original subdivision regulations of Grand County in which event a Building Permit for only one (1) principal use conforming to all the requirements of this LUC may be issued on each such original separately-owned parcel without first complying with Section [7.1.2](#).

N/A; checked at building permit

7.2 Building lots

7.2.1 Lot Configuration

The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall not be less than those specified as minimum standards by the zoning district. In addition, such lot configuration shall be in accordance with the General Site Planning Standards of Section [6.9](#). The depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

This application conforms to these standards.

7.2.2 Side Lot Lines

Side lot lines shall be substantially at right angles to street lines unless otherwise approved by the Planning Commission.

This standard has been met.

7.2.3 Street Frontage Required

Each lot or building tract shall front upon a public street.

There are two flag lots by necessity, and their flag handles are on Moffit Lane. The other two lots front the street.

7.2.4 Double Frontage Lots

Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic or to overcome specific disadvantages of topography and orientation.

There are no double frontage lots in this development.

7.2.5 Flag Lots

Notwithstanding other provisions of this LUC to the contrary, flag shaped or panhandle shaped lots may be created in any zone if all of the following requirements are met:

- A. The lot has at least 20 feet of frontage on a dedicated public street, which frontage served as access only to the subject lot or parcel.
- B. The "handle" portion of the lot is at least 20 feet in width, and not more than 250 feet in length.
- C. The body of the lot meets the lot area and lot width requirements of the applicable zone.

The flag handles of the lots are 20' in width and the handles are approximately 200' long. The body of the lots meet requirements.

7.2.6 Large Lots

Where the area is divided into larger lots than for normal County building sites and, in the opinion of the Planning Commission, any or all of the tracts are susceptible of being resubdivided, the original subdivision shall be such that the alignment of future street dedications may conform to the general street layout in the surrounding area and so that the larger tracts may be later subdivided in conformance with the requirements of this LUC and the minimum standards specified by the zoning district.

Lots are not large enough to be re-subdivided according to current zoning.

7.3 Streets

7.3.1 Applicability

On and after the passage of these regulations, all developers shall be required to construct asphalt or bituminous asphalt (chip and seal) streets in accordance with requirements of the Grand County Construction Standards. Other materials may be substituted if approved by the County Engineer and Road Supervisor.

Applicant will comply with this standard.

7.3.2 Street Layout

Unless otherwise approved by the Planning Commission, provisions shall be made for the extension of streets and in accordance with the requirements of the Grand County Transportation Plan and Grand County Construction Standards. All streets shall bear a logical relationship to the topography and to the location of existing or planned streets on adjacent properties. Adequate local streets shall be provided to accommodate the subdivision and provide access to lots. Where the layout of streets is not shown in the Grand County Transportation Plan, the arrangement of streets in a subdivision shall either:

- A. Provide for the continuation or appropriate projection to existing principal streets in surrounding areas; or
- B. Conform to a plan for a neighborhood or planned unit development approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or where neighborhood design makes a varied plan appropriate.

There are no streets planned in this subdivision.

7.3.3 Street Connections

The system of streets designated for the subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivision; and where no adjacent connections are platted, must in general be the reasonable projection of streets in the nearest subdivided tracts, and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith. Reserve strips of land controlling access to or egress from other property or to or from any street or alley or having the effect of restricting or damaging the adjoining property for subdivision purposes shall not be permitted in any subdivision unless such reserve strips are conveyed to the County in fee simple.

No other subdivisions will connect to this property.

7.3.4 Half Right-of-Way (R.O.W.)

Half Streets shall be prohibited except where essential to the reasonable development of the subdivision and where the Planning and Zoning Commission finds it will be practicable to require the dedication for the other half of a street when adjoining property is subdivided.

Half-width ROW has been dedicated on Moffit Lane.

7.3.5 Street Intersections

More than 2 streets intersecting at a point shall be avoided, except where it is impractical to secure a proper street system otherwise and all intersections shall be as near 90 degrees as possible and in no case shall the intersection angle being less than 60 degrees.

N/A - there are no streets

7.3.6 Street Jogs

Non-intersecting streets with centerline offset of less than 125 feet shall not be approved.

N/A – there are no street jogs

7.3.7 Dead-End Streets

Dead-end streets, except for cul-de-sacs, shall be prohibited unless they are designed to connect with future streets on adjacent lands that have not been platted. In cases where these types of dead-end streets are allowed, a temporary turnaround with a minimum radius of 50 feet shall be constructed.

There are no streets.

7.3.8 CulDeSacs

Culdesacs shall not exceed 1000 feet in length or serve more than 20 dwelling units and shall have a turnaround diameter of 100 feet, subject to the limitations of the Grand Construction Standards. Ordinarily, cul-de-sacs are discouraged as they do not result in a continuation or conformance to existing streets or streets pattern, and may be used only where unusual drainage or land ownership configurations exist that make other designs impractical.

N/A – no culdesacs

7.3.9 Alleys

1. No new alleys shall be accepted into the County’s maintained road system.
2. Alleys are to be privately maintained.
3. Alleys shall be as follows:
 - a. Right of way shall be a minimum of 20 feet and a maximum of 30 feet in width.
 - b. The intersection of an existing alley with a road shall provide adequate sight distance.
 - c. Alleys shall not intersect.
 - d. Pavement width shall be the full width of the right-of-way, except at intersections of roads, where curb returns with radii equal to the curb-to-property line dimension shall be constructed.

N/A – no alleyways

7.3.10 Highway Access Permit

A Highway Access Permit must be approved by UDOT for each new subdivision with direct access to a state highway. Turn lanes, frontage road(s), curb and gutter may be required along the entire highway frontage if required by UDOT.

N/A – no state highway is accessed by the subdivision

7.3.11 Street Design Standards

Street and alley widths, curves, grades design speed and centerline radius shall meet the Grand Construction Standards, which is summarized, in part, as follows:

STREET DESIGN STANDARDS								
Design Features	Major Collector	Minor Collector	Local Type 1	Local Type II	Public Lane	Private Lane	Private Access Tract	Alley
Number of lanes	4	2	2	2	2	2	2	2

Lane width (ft.)	12'	12'	11'	11'	11'	11'	8'	10'
Surface width (ft.)	60'	50'	34'	24'	24'	24'	16'	20-30
Rights-of-way width (ft.)	80'	66'	56'	56'	56'	44'	24'	20-30
Design speed (mph)	35	35	25-30	20-30	20-30	20-30	10-15	10-15
Maximum grade (%)	8%	8%	10%	12%	12%	12%	12%	12%
Min. centerline radius (ft.)	450'	450'	250'	150	150'	150'	75'	

B. Street Grade and Curves

Streets may have a maximum grade of 8 to 12 percent, as specified in this subsection, above. The applicant shall provide justification for all proposed grades in excess of six percent. All grades in excess of six percent require approval of the County Engineer and Road Superintendent. Centerline grade changes with an algebraic difference of more than 1 percent shall be connected with vertical curves of sufficient length to provide a minimum 200 feet of sight distance. No vertical curve shall be less than 200 feet in length.

C. Street Curve Radii

All collectors shall have a minimum horizontal radius per the Grand county Construction Standards. The applicant shall provide justification for all propose substandard curvature. All design exceptions require approval of the County Engineer and the Road Superintendent.

D. Construction and Dedication of Internal Streets

Streets shall be constructed by the developer and dedicated to the County, along with all necessary rights-of-way, with no pro-rata share from the County.

E. Turn By-Passes and Turn Lanes

Right-turn by-passes or left-turn lanes may be required at the intersection of collector streets if traffic conditions indicated they are needed. Sufficient rights-of-way shall be dedicated to accommodate such lanes when they are required.

F. Street Names and Numbers

All street names shall be as established subject to approval of the Planning Commission. When streets are in alignment with existing streets, any new streets shall be named according to the streets with which they correspond. Streets which do not fit into an established street-naming pattern shall be named in a manner which will not duplicate or be confused with existing streets within the County or its environs. Street numbers shall be assigned by the County Recorder.

N/A – There are no streets.

7.4 Sidewalks and Trails 

7.4.1 Applicability

A. This section is intended to ensure adequate pedestrian access is available to serve uses that need and benefit from such access. Subdividers shall be required to build sidewalks along both sides of all streets adjacent to building sites in the NB, GB, and HC districts and adjacent to building sites in all residential zone districts and in the NB, Neighborhood Business District, and the GB, General Business District, except where the average lot size is more than ½ acre. In addition, subdividers shall be required to build sidewalks along both sides of Highway 191 in the HC, Highway Commercial District within one (1) mile of Moab City limits. Alternatively, the Planning and Zoning Commission may require trails in lieu of sidewalk requirements, where trails are more appropriate to serve the proposed use and site.

B. A one-time expansion of the floor area of buildings on a lot or building tract not exceeding 25 percent of the existing floor area shall not be subject to the requirements of this section.

C. If a builder or property owner believes that a proposed use does not need or benefit from pedestrian access, a written request for interpretation per Section [9.2.8](#), Interpretations of Text and Zoning Map, may be submitted to the Zoning Administrator describing the use and explaining why pedestrian access should not be required as a condition of the building permit for the proposed use.

No sidewalks are required on Moffit lane due to its width and rural nature.

7.4.2 Sidewalks

Sidewalks shall be 5 feet in width in the NB, Neighborhood Business District and in the GB, General Business District; or 6 feet in width if installed adjacent to a curb. Sidewalks built in all other districts shall be 4 feet in width. The construction specification of all sidewalks will conform to the Grand Construction Standards (maintained in the office of the Grand County Road Superintendent).

N/A – no sidewalks required

7.4.3 Trails

Trails in Grand County shall be designed as multi-use trails and shall conform to the following standards:

TRAIL DESIGN STANDARDS									
	X-Slope Range	Tread Width	R.O.W. Width	Clearing		Surface Materials			
				horizontal	vertical	natural	gravel	asphalt	concrete
Multi-use Trails	0-10%	8'	15'	+3'	10'	Pref.	Pref.	No	No

No trails are planned in this subdivision.

7.5 Street lighting

The developer shall pay the costs of purchasing and installing all street lighting equipment. Street lighting design plans shall be subject to the approval of the County. The type of equipment, method of installation and location of the wiring and light poles shall meet the minimum standards and requirements of the electric company from which electricity is to be purchased. All street lighting shall be shielded and directed toward the ground so as to minimize horizontal view and visibility of the light source. All intersection with a major collector street shall have at least one street light.

No streetlights are required or planned; there are no public streets in this development.

7.6 Easements

7.6.1 Utility Easements Required

Utility easements shall be provided in all residential areas unless otherwise approved by the Planning Commission and in commercial and industrial districts, except that the Planning Commission may waive the requirement where other definite and assured provision is made for service access consistent with and adequate for the uses proposed.

Utility easements have been dedicated. PUE is shown.

7.6.2 Minimum Width

The minimum rights-of-way width of each utility easement shall be 10 feet.

This has been satisfied.

7.6.3 Utility Easements

Utility easements shall be provided of 10 feet in width on each side of all rear lot lines and 5 feet in width on each side of side lot lines. Where the rear or side lot lines abut property outside of the subdivision on which there are no rear or side lot line easements at least 5 feet in width, the easements on the rear and side lot lines in the subdivision shall be 10 feet in width.

Utility easements are sufficient dimensions.

7.6.4 Potable Water and Sewer Easements

Water and sewer easements shall be a minimum of 20 feet in width.

None needed. There is a recorded water and sewer easement to serve the property through Estrella Estates.

7.6.5 T-Intersections and Cul-De-Sacs

Easements 20 feet in width shall be provided in T-intersections and cul-de-sacs for the continuation of utilities or drainage improvements, if necessary.

N/A – none necessary

7.6.6 Fire Lanes and Emergency Access Easements

Fire lanes and emergency access easements 20 feet in width shall be provided where required by the Fire Chief.

Fire Chief has approved access.

7.6.7 Drainage Easements

When a proposed subdivision is traversed by an irrigation ditch or channel, natural creek or stream or a proposed drainage easement, an easement shall be provided sufficient for drainage and to allow for maintenance of the ditch.

None needed.

7.6.8 Trail Easements

When a proposed subdivision is traversed by a public trail shown on an adopted plan or when the Planning Commission finds that a trail easement can better serve the proposed development than a sidewalk, a 15 feet wide easement shall be provided sufficient for public trail construction, maintenance and access purposes in accordance with the provisions of Section 7.4.

N/A – no trails

7.6.9 Adjoining Areas

When easements in areas adjoining proposed subdivisions are necessary to provide adequate drainage thereof or to serve such subdivisions with utilities, the developer shall obtain such easements.

The developer has obtained the required easement for GWSSA service.

7.7 Drainage

7.7.1 Applicability

A subdivider shall provide, at his expense, drainage structures in accordance with the requirements of the Grand Construction Standards, which will become integral parts of the existing street or roadway drainage system. The dimensions of all drainage structures must be approved by the County Engineer prior to installation. Design shall be based on environmentally sound site planning and engineering techniques. It is especially critical that storm water management systems be designed for an entire drainage basin rather than just for specific sites. If improvements are identified and necessary in the Grand County Storm Drainage Master Plan downstream of the proposed development to Pack or Mill Creek and no approved capital improvement plan exists to address the necessary improvement the developer shall be required to demonstrate that such existing drainage features are adequate to serve the anticipated development and to protect the public health, safety, and general welfare at full build out under existing zoning. Where such demonstration is not made, the developer shall be required to install the necessary improvements as identified in the Grand County Storm Drainage Master Plan.

Applicant has shown drainage ponds on civil site plans.

7.7.2 Minimum Standards

A. Natural and Historic Drainage Ways

1. All historic flood and drainage ways as outlined in the Spanish Valley Master Storm Water Management Plan shall be protected from alteration such that their primary function as storm water facilities shall be upheld.
2. Each subdivider shall agree on behalf of himself and his successors, assigns to pay his pro rata share of costs for the protection and upgrading of the Storm Water Management System at such time as said system shall be extended to service the structure or development for which the plat approval is sought.

B. 100-Year Storm

All drainage and flood control facilities shall be designed in accordance with the Grand County Storm Drain Master Plan as amended and at a minimum to handle the calculated difference between historic flows and the anticipated post-development 100-year frequency storms for maximum period of intensity over the entire drainage basin which the subdivision serves, and they shall be made in accordance with the approved improvement plan. The “100- year storm” referred to herein shall mean that storm run-off is calculated on the basis of a fully developed watershed.

C. Exception

Outside the Spanish Valley and the drainage basins that are tributary to Pack Creek or flow directly into the Spanish Valley, all drainage and flood control shall be based on a 100-year frequency storm.

D. Erosion

Where free fall of water occurs, satisfactory means shall be provided to prevent erosion of soil. Culverts 48 inches and larger shall have concrete head walls and wing walls.

E. Catch Basins

Catch basins shall be constructed in accordance with the Grand County Construction Standards.

F. Engineered Design

All drainage shall be designed by a Utah registered engineer.

These standards have been met.

7.8 Water Supply

7.8.1 General

New development shall provide water supply that is sufficient in terms of quality, quantity and dependability for the proposed development. [Where private water systems are proposed, water rights information and water system design and capacity should be provided.] In making its determination as to whether the proposed water supply meets this standard, the decision-making body shall give substantial weight to the recommendations of the Grand County Health Department; the State Engineer; the Department of Environmental Quality, Southeast Utah Division; service provider(s); the County Engineer and other County staff. All water systems in the unincorporated portion of Spanish Valley shall be provided by or through the Grand Water and Sewer Service Agency and meet all applicable requirements of the Grand Construction Standards.

Applicants have a will-serve from GWSSA and will use the easement for service.

7.8.2 Culinary Water Authority

The Grand Water and Sewer Service Agency is hereby designated as the Culinary Water Authority. The written approval of the Culinary Water Authority shall be required prior to the approval of any subdivision plat within the Grand Water and Sewer Service Agencies service area.

Applicants have a will-serve from GWSSA.

7.8.3 Municipal and District Water Systems

If all or part of a proposed development is within 1320 feet of an approved public water system, then the applicant must obtain a written certification from the public water service provider stating that it is able to provide an adequate supply of drinking water with adequate quantity, quality and sufficient pressure to meet the needs of the proposed development based on the projected water usage of the development. Individual or common wells or other private water systems shall be permitted only when the subdivision boundary is more than 1320 feet from the nearest approved public water system able to serve the development.

Applicants have a will-serve from GWSSA.

7.9 Fire Protection

7.9.1 General

All subdivisions (except Minor Record Surveys), planned unit developments, commercial developments and industrial developments shall comply with the fire protection standards of this section. New development shall provide fire protection that is sufficient in terms of quality, quantity and dependability for the proposed development. In making its determination as to whether the proposed fire protection system meets this standard, the decision-making body shall give substantial weight to the recommendations of the Local Fire District, service provider(s), the County Engineer and other County staff.

A. In The Moab Valley Fire Protection District

All potable water lines, fire hydrants and appurtenances shall be designed and constructed to meet the Grand Construction Standards. Fire hydrants shall be provided to serve new subdivisions in the Moab Valley Fire Protection District sufficient to maintain a Class 5, or current, fire rating by the Insurance Service Office ("ISO").

B. Outside the Moab Fire Protection District

Whenever installation of fire hydrants is not practical, as determined by the Grand County Fire Warden, the applicant shall agree to an alternate fire protection plan. An alternate fire protection plan (i.e., plans other than fire hydrants and fire protection district service) shall be subject to the approval of Grand County and the Grand County Fire Warden. The County may approve an alternate fire protection plan that is comprised of an adequate combination of fire prevention, notification and suppression measures including, but not limited to, the following:

1. A mutual aid agreement with a nearby fire district;
2. Special service districts;
3. Plat note warnings to consumers; e.g., "fire protection may not be available";
4. Class A or B roof coverings;
5. Non-combustible or fire-resistant siding materials;
6. Shall provide adequate water supply pursuant to the current adopted Utah Wildland-Urban Interface Code, Section 404.5 Adequate Water Supply.,
7. Fire sprinklers in all living areas, garages and mechanical (furnace) rooms;
8. Fire extinguishers and equipment;
9. Spark arrests (12 gauge welded or woven wire mesh up to ½" wire mesh) on chimneys and flues;
10. Local fire fighting forces; and/or,
11. Clustered development, surrounded by a clear zone (fuel break) of at least 100 feet.

Applicant has complied with all fire department requirements applicable to this stage and will comply with the rest on building permit.

7.10 Sewage Disposal

7.10.1 General

New development shall provide sanitary sewage disposal that is sufficient in terms of quality, quantity and dependability for the proposed development. In making its determination as to whether the proposed sewage disposal plan meets this standard, the decision-making body shall give substantial weight to the recommendations of the Grand County Health Department, service provider(s), County Engineer, and other County staff.

GWSSA approves of this plan.

7.10.2 Sanitary Sewer Authority

The Grand Water and Sewer Service Agency is hereby designated as the Sanitary Sewer Authority. The written approval of the Sanitary Sewer Authority shall be required prior to the approval of any subdivision plat within the Grand Water and Sewer Service Agencies service area.

Applicant has obtained a will-serve from GWSSA.

7.10.3 Municipal and District Sewer Systems

If all or part of a proposed development is within 1320 feet of an approved public sewer system, then the applicant must obtain a written certification from the public sewer service provider stating that it is able to provide sewer service to meet the needs of the proposed development. Individual septic tank systems, or other private sewage systems, shall be permitted only when the nearest point of the subdivision boundary is more than 1320 feet from an existing approved sanitary sewer system, except that no septic systems shall be permitted within the boundaries of the Valley Aquifer Impact Zone. All sanitary sewer service and facilities in the Spanish Valley provided by or through a sewer improvement district or a municipal system shall comply with all applicable requirements of the Grand Construction Standards or municipal service requirements, as appropriate.

No septic systems are required.

7.11 Underground utilities

All utilities shall be placed underground, except transformers, switching boxes, and terminal boxes

Utilities will be underground on this parcel.

COMPATABILITY WITH GENERAL PLAN

Staff believes the proposed subdivision is supported by the General Plan.

COMPATABILITY WITH LAND USE CODE (ZONING)

The subject property is zoned Rural Residential (RR). The proposed density would comply with the density limits of the Grand County LUC.

LAND USE CODE REFERENCE SECTIONS

Article 5.4.1 Residential Development Standards, Article 7 Subdivision Standards, Article 9.9 Replats

PROPERTY HISTORY

There is an existing residence which will remain on one of the newly created lots.

Ent 538067 Bk 901 Pg 28-30
Date: 20-JUL-2020 1:19:03PM
Fee: \$40.00 Check Filed By: SMS
JOHN ALAN CORTES, Recorder
GRAND COUNTY CORPORATION
For: RED DESERT LAND SURVEYING

WHEN RECORDED, PLEASE RETURN TO:

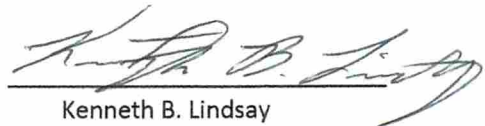
UTILITY EASEMENT

Kenneth B. Lindsay and Chantel Lindsay as Joint Tenants, Grantors of Moab, County of Grand, State of Utah, hereby grants and conveys *Todd Beeman and Cathleen Beeman, Trustees of the Todd and Cathleen Beeman Family Revocable Trust, dated April 17, 1996*, Grantees of Moab, County of Grand, State of Utah, a certain perpetual easement hereinafter described.

A 5.0' utility easement (to amend an existing 15' utility easement, to a new 20' width) being more particularly described in attached

Exhibit A and as illustrated Exhibit B:

[See Exhibit A & B]

By, 
Kenneth B. Lindsay

By, 
Chantel Lindsay

STATE OF Utah)

:SS

COUNTY OF Grand)

On this 20 day of JULY, 2020, personally appeared before me a notary Public in and for the state of Utah personally appeared as personally know to me to be the persons whose names are *Kenneth B. Lindsay and Chantel Lindsay as Joint Tenants*, subscribed to the within instrument, and acknowledge to me that he executed the same in his authorized capacity, and that by his signature on the instrument the persons, or the entities upon behalf of which the persons acted, executed instrument.


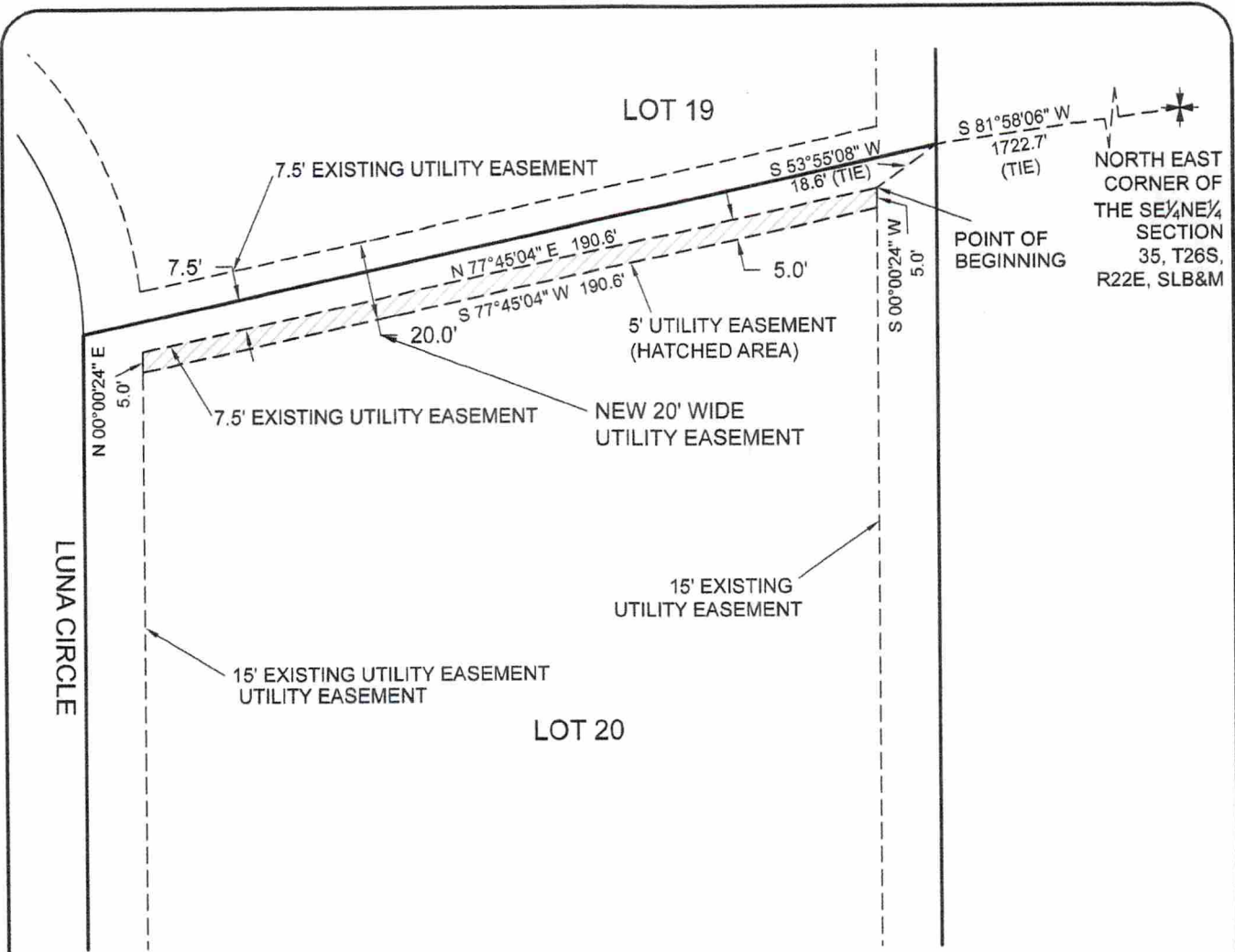
NOTARY PUBLIC 
Residing in Grand County, Utah



Exhibit A

A 5.0' utility easement (to amend an existing 15' utility easement, to a new 20' width) being more particularly described as:

Commencing with the Northeast Corner of the SE ¼ NE ¼ Section 35, T26S, R22 E, SLM, thence South 81°58'06" West 1722.7 feet to the Northeast corner of Lot 20, Estrella Estates, thence South 53°55'08" West 18.6 feet to a point on an existing 15' utility easement being the point of beginning, and proceeding with said Easement South 00°00'24" West 5.0 feet; thence South 77°45'04" West 190.6 feet; thence North 00°00'24" East 5.0 feet; thence North 77°45'04" East 190.6 feet to point of beginning.



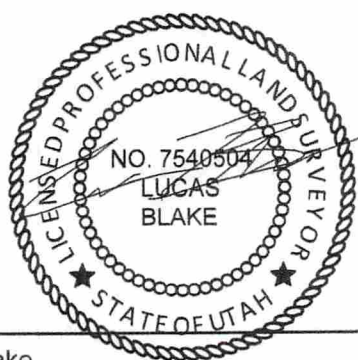
LUNA CIRCLE

LOT 19

LOT 20

NORTH EAST
CORNER OF
THE SE 1/4 NE 1/4
SECTION
35, T26S,
R22E, SLB&M

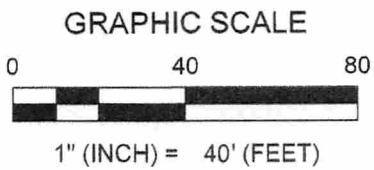
POINT OF
BEGINNING



~~Ent 538067 BK 0901 Pg 0000~~

Lucas Blake
License No. 7540504

RED DESERT
Land Surveying
30 South 100 East
Moab, UT 84532
435.259.8171



5' WIDE UTILITY EASEMENT
TO MAKE 20' TOTAL UTILITY
EASEMENT
EXHIBIT B

Project 057-20
Date 6/17/20
Sheet 1 of 1

~~Ent 538067 BK 0901 Pg 0030~~
Ent 538067 BK 901 Pg 30

Recorder of Grand County

\$40.00

No. 96401

GRAND COUNTY RECORDING RECEIPT

JOHN ALAN CORTES, RECORDER
Moab, Utah

Received of _____

JUL 20, 2020 1:19:03PM
Req By: RED DESERT LAND SURVEYING
Filed By: SMS

For CK# 5147

Entry Range Book Page(s)
538067 - 538067 0901 0028-0030

DOLLARS

Total: \$40.00

Document Count: 1
County Recorder

Agenda Summary
GRAND COUNTY PLANNING COMMISSION
October 12, 2020

TITLE:	Murphy Flats Preliminary Plat
FISCAL IMPACT:	N/A
PRESENTER(S):	Mila Dunbar-Irwin, Planning and Zoning Administrator

Prepared By:
MILA DUNBAR-IRWIN
GRAND COUNTY
PLANNING & ZONING
ADMINISTRATOR

FOR OFFICE USE ONLY:

Attorney Review:

N/A

STATED MOTION :

I move to approve the preliminary plat for Murphy Flats Subdivision located at 1185, 1187 and 1189 Murphy Lane.

STAFF RECOMMENDATION: APPROVE

BACKGROUND:

This property has a current High Density Housing Overlay approval for the HDHO-15. The lot is 2.48 acres and the applicant has proposed 34 condominium units, which is within the allowed density (37 units).

ATTACHMENT(S):

- Staff Report
- Preliminary Plat
- Draft CCRs
- Civil Site Plan
- HDHO Ordinance
- HDHO Master Plan



STAFF REPORT

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT
GRAND COUNTY, UTAH

DATE: Monday, October 12, 2020

TO: Grand County Planning Commission

SUBJECT: Murphy Flats Preliminary Plat

PROPERTY OWNER: 1187 S Murphy Lane LLC (Courtney Kizer and Steve Evers)

PROP. OWNER REP: Courtney Kizer

ENGINEER: SET

PROPERTY ADDRESS: 1185, 1187, 1189 Murphy Lane

SIZE OF PROPERTY: 2.48 acres

EXISTING ZONE: HDHO-15

EXISTING LAND USE: residential and vacant

ADJACENT ZONING AND LAND USE(S): RR, LLR and residential

APPLICATION TYPE

Preliminary Plat

STAFF RECOMMENDATION: Approve

Comments (optional): There are a few items left to work out with County Engineering prior to final plat in regards to drainage plans; however, staff does not feel these warrant conditions or prevent approval and are appropriate for final plat.

APPLICATION PROCEDURE

Decision Type: Choose an item.

Public Notices: Public Meeting at:

- Planning Commission
- County Council

Public Hearing at:

- Planning Commission
- County Council

Attachments:

- | | |
|---|--|
| <input type="checkbox"/> Approval Letters | <input type="checkbox"/> Legal Description |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Public Comments |
| <input type="checkbox"/> Landscape Plan | <input type="checkbox"/> Agency Comments |
| <input type="checkbox"/> Vicinity Map | <input type="checkbox"/> Response to Standards |
| <input type="checkbox"/> Legal Notice | <input type="checkbox"/> Other: Click or tap here to enter text. |

SUMMARY OF REQUEST

Applicant is asking for approval for the preliminary plat of the Murphy Flats High Density Housing Development. These 34 units will be condominiumized and separately owned. There are 2 single residences, 8 duplexes, 4 quad building, and 33 storage units planned for the site. 27 will be deed restricted. There are 58 total parking spaces. The proposed preliminary plat is in substantial conformance with the master plan and has been reviewed by the Development Review Team for any outstanding issues – these have been identified and resolved sufficiently for a preliminary plat approval.

SITE IMPROVEMENTS / ADDITIONS / CHANGES

Murphy Lane will be widened by 8' on the west side of the road; improvements will be made to remedy sight distance issues and address pedestrian safety. Applicant will extend water, sewer, and power to the proposed units. Drainage ponds will be required and built.

CONSIDERATIONS FOR APPROVAL, DENIAL, AND/OR POSTPONEMENT

Staff comments in red.

4.7.5 Development Standards Revised 11/19

A. Eligibility. In order to reduce costs associated with the development and construction of primary residential housing, the property development standards set forth in subsection B of this section are established for and shall apply to all HDHO developments within the HDHO Districts upon approval of a site plan or preliminary plat approval.

B. Property Development Standards. The following development standards shall apply to HDHO developments within the HDHO Districts:

1. General Design Standards. The development shall be designed and developed in a manner compatible with and complementary to existing and potential development in the immediate vicinity of the development site. Site planning on the perimeter shall provide for protection of the property from adverse surrounding influences and shall protect surrounding areas from potentially adverse influences from the property. To the greatest extent possible, the design of the development shall promote privacy for residents and neighbors, security, and use of passive solar heating and cooling through proper placement of walls, windows, and landscaping.

2. Minimum Design Standards. Minimum design standards are included to ensure a high degree of quality in the development of HDHO lots and units. The following design standards shall apply to a development that utilizes the density increases allowed by this section:

a. Sidewalks shall be installed along all street frontages where otherwise required by this LUC.

No sidewalks are required on Murphy Lane, and this development has interior pathways to connect parking.

b. **Screening Requirements.**

(1) Outdoor Storage Screening. All outdoor storage areas for materials, trash, mechanical equipment, vehicles, or other similar items shall follow the standards outlined in Section [6.4.3](#).

These standards will be met at building permit. No permanent screening is required at this time.

(2) Parking Lot Screening. Parking lot screening must be provided between an off-street parking area containing six or more parking spaces and either 1) a different zoning district or 2) a public street, and shall:

i. Be provided within 10 feet of the perimeter of the parking lot to be screened, except for parking lots adjacent to rain gardens/bioretenion systems, other landscape features, or where screening may negatively impact the traffic sight distance (as defined by the American Association of State Highway and Transportation Officials (AASHTO) and verified by the County Engineer);

ii. Be not less than 80 percent opaque and be a minimum of three feet in height as measured from the highest finished adjacent grade of the parking area. When shrubs are used to provide the screen, such shrubs must be at least two feet tall at planting and anticipated to grow to at least three feet tall at maturity;

iii. Not interfere with driver or pedestrian visibility for vehicles entering or exiting the premises;

iv. Utilize plants found in Section [6.4.3F](#), where required;

v. Consist of at least two of the following:

(A) A compact hedge of evergreen or densely twigged deciduous shrubs spaced to ensure closure into a solid hedge at maturity.

(B) A berm with plantings as described above.

(C) Transit shelters, benches, bicycle racks, and similar features may be integrated as a part of the screen.

(D) Fencing may be integrated as part of the screen. All wood fencing shall be stained and sealed with a weatherproof product;

vi. Be equipped with an irrigation system adequate for establishing and maintaining the plant materials within it.

No parking lots qualify for screening.

c. Parking Island Design. Off-street parking areas with at least 25 parking stalls shall contain interior landscaped islands. Such islands shall be bounded by a raised concrete curb, pervious curbing, or an approved equivalent and shall contain mulch to retain soil moisture. This provision shall not apply to parking structures. Landscaped parking lot islands shall:

(1) Be located at the beginning and end of each parking row and shall contain a minimum of 180 square feet and a minimum width of nine feet;

(2) Include at least one tree per island;

(3) Incorporate shrubs, perennials, and ornamental grasses, where required;

(4) Be prepared with topsoil to a depth of two feet and improved to ensure adequate drainage, nutrient, and moisture retention levels for the establishment of plantings; and

(5) Be equipped with an irrigation system adequate for establishing and maintaining the plant materials within it.

No parking islands are necessary.

d. Building Exterior Facade Standards.

(1) Exterior finishes may be of wood, masonry, stone, stucco, HDO board or other high quality material permitted by the building code, but shall not utilize vinyl siding; cedar or wood shakes; highly reflective, shiny, or mirror-like materials; or exposed plywood or particle board.

This will be evaluated at building permit.

(2) Buildings shall utilize at least two of the following design features to provide visual relief along the front of the residence:

i. Projections, recessions, or reveals such as, but not limited to, columns, pilasters, cornices, and bay windows.

ii. Dormers.

iii. Gables.

iv. Recessed entries, a minimum of three feet deep.

v. Covered front porches.

vi. Cupolas.

vii. Architectural pillars or posts.

viii. Quoins.

ix. Corbeling on wall.

x. Decorative lintel.

xi. Incorporation of brick or stone on at least 25 percent of front surface area.

Evaluated at building permit.

e. Where HDHO units may be placed on the same lot as current or future temporary or short-term accommodations, dedicated HDHO units shall be clustered together so as to minimize the exposure of residents to temporary guests. In all other developments, where temporary or short-term accommodations units do not exist and cannot exist due to zoning restrictions, dedicated HDHO units shall be dispersed throughout the residential development.

There are no short-term rentals on the property. HDHO units are throughout the property.

f. Where there is a combination of commercial and residential uses, the commercial uses shall front along the highest road designation. Residential development shall be located behind commercial development or on upper floors above commercial development.

No commercial uses are planned at this time.

g. The County Council may waive, or modify, any, or all, of these requirements when the Council finds it is infeasible to comply due to physical or other constraints on the lot.

3. Minimum Building Site Area and Lot Width. There shall be no minimum building site area, minimum lot width, or maximum lot coverage requirements for individual lots or individual dwelling sites in a HDHO development. However, the building site area lot widths and lot coverage percentages shall be designated on a preliminary plat or site plan pursuant to Section [4.7.9](#).

4. Density. Overall density of site development within an HDHO District shall not exceed the limits established in Section [4.7.4](#).

This development proposes 34 units out of an allowed 37 according to approved density.

5. Building Height.

a. Maximum building heights shall not exceed the limits defined in the underlying zone district except that buildings constructed in the HDHO 35b District shall not exceed four stories or 42 feet in height.

b. To the maximum extent possible, building heights and locations shall minimize shading and interruption of solar access to adjacent properties with existing residential structures or commercial agricultural operations.

c. All structures shall conform to the ridgeline standards of Section [6.9.8](#).

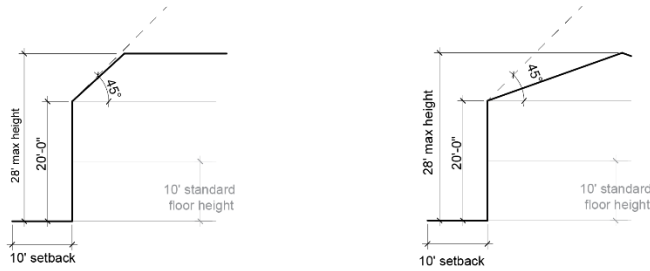
d. Structures built within an HDHO development must comply with the setback and buffer requirements of the underlying zone. The maximum height of the building at the exterior wall shall be the greater of:

(1) Twenty feet.

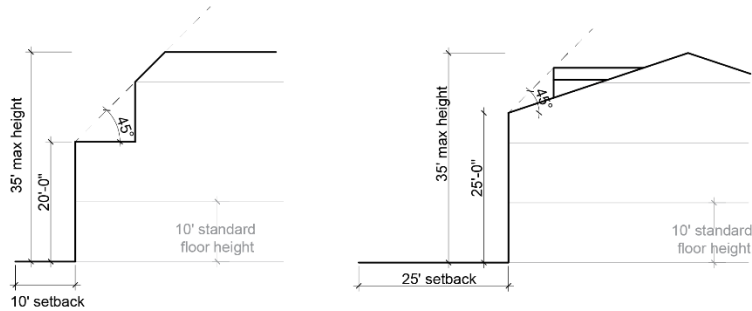
(2) The building's setback at that point.

e. From the exterior wall, the building's height may increase to its maximum height at a rate not greater than a 45 degree angle from the maximum allowable height of the exterior wall.

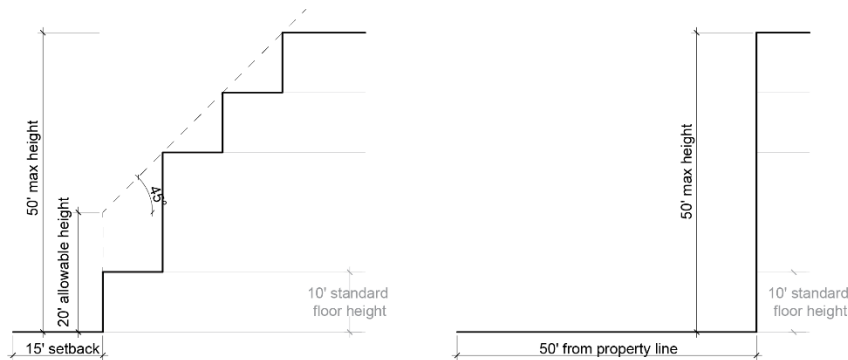
Examples of HDH Height-Compliant Structures



28' Max. Height Examples



35' Max. Height Examples



50' Max. Height Examples

Standards shall be evaluated at building permit.

6. Setbacks. The minimum setbacks from the lot line of the development shall be determined by the buffer requirements of Section [5.4.1B](#) and the compatibility standards of Section [6.10](#).

The current plan does not quite meet the buffer requirement, however, this can be adjusted prior to final plat.

7. Parking.

a. Number of Spaces Required.

(1) For every single-family or two-family dwelling, there shall be provided at least two off-street parking spaces for each unit. Parking spaces provided in a garage or carport may count towards the minimum requirement.

(2) For every attached multifamily dwelling, off-street parking spaces shall be provided in accordance with Section [6.1.4](#):

Multifamily dwellings	Efficiency and one-bedroom	1.5 per dwelling unit
	Two-bedroom	1.75 per dwelling unit

	Three-bedroom and larger	2.0 per dwelling unit
--	--------------------------	-----------------------

Applicant obtained a parking exception and has the required number of parking spaces for their project.

b. Parking Design Requirements.

- (1) Parking areas for single-family or two-family dwellings need not be paved.
- (2) Parking areas for attached multifamily dwellings shall be subject to the off-street requirements outlined in Section [6.1.7](#).
- (3) Uncovered surface parking may be permitted in the rear and side setbacks but is not permitted in the front or street-side setback.
- (4) Garages, carports, and individual locking storage units are subject to the setback standards outlined in Section [5.4.1](#).
- (5) Required spaces for multifamily developments equal to or greater than five units shall be covered in a carport or a garage except that for multifamily dwellings with four or fewer units, parking spaces can be uncovered.

Parking areas are designed to these standards.

8. Minimum Standards of Physical Condition. Each HDHO unit is required to have and maintain those minimum standards of physical conditions set forth in Exhibit B – Minimum Standards, attached to the ordinance codified in this section.

9. Streets. All public streets within or abutting the proposed planned development shall be dedicated and improved to County specifications for the particular classification of street.

No public streets are proposed.

10. Signs. Signs shall be permitted only to the extent allowed under Section [6.5](#), Signs, and must be approved by the Planning and Zoning Administrator.

No signs are proposed at this time.

11. Construction Timing. The HDHO units shall be ready for occupancy no later than the date of the initial or temporary occupancy of any unrestricted units within the development or applicable phase thereof. If the unrestricted units are developed in phases, then the HDHO units may be developed in proportion to the phasing of the unrestricted units. For example, for each unrestricted unit constructed at least four HDHO units shall be constructed.

Determined at building permit.

[Ord. 591, 2019.]

COMPATABILITY WITH GENERAL PLAN

The HDHO is not specifically mentioned in the General Plan, but insomuch as the County Commission (then Council) adopted the approving ordinance, it is assumed to be supported by a General Plan update.

COMPATABILITY WITH LAND USE CODE (ZONING)

This property has had the High Density Housing Overlay – 15 applied and is therefore compatible.

LAND USE CODE REFERENCE SECTIONS

4.7 High Density Housing Overlay

PROPERTY HISTORY

Residential



STAFF REPORT

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT
GRAND COUNTY, UTAH

DATE: Monday, October 12, 2020
TO: Grand County Planning Commission
SUBJECT: Murphy Flats Preliminary Plat

PROPERTY OWNER: 1187 S Murphy Lane LLC (Courtney Kizer and Steve Evers)
PROP. OWNER REP: Courtney Kizer
ENGINEER: SET
PROPERTY ADDRESS: 1185, 1187, 1189 Murphy Lane
SIZE OF PROPERTY: 2.48 acres
EXISTING ZONE: HDHO-15
EXISTING LAND USE: residential and vacant
ADJACENT ZONING AND LAND USE(S): RR, LLR and residential

APPLICATION TYPE
Preliminary Plat

STAFF RECOMMENDATION: Approve
Comments (optional): There are a few items left to work out with County Engineering prior to final plat in regards to drainage plans; however, staff does not feel these warrant conditions or prevent approval and are appropriate for final plat.

APPLICATION PROCEDURE
Decision Type: Choose an item.

Public Notices: Public Meeting at: Public Hearing at:
 Planning Commission Planning Commission
 County Council County Council

Attachments:

<input type="checkbox"/> Approval Letters	<input type="checkbox"/> Legal Description
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Public Comments
<input type="checkbox"/> Landscape Plan	<input type="checkbox"/> Agency Comments
<input type="checkbox"/> Vicinity Map	<input type="checkbox"/> Response to Standards
<input type="checkbox"/> Legal Notice	<input type="checkbox"/> Other: Click or tap here to enter text.

SUMMARY OF REQUEST
 Applicant is asking for approval for the preliminary plat of the Murphy Flats High Density Housing Development. These 34 units will be condominiumized and separately owned. There are 2 single residences, 8 duplexes, 4 quad building, and 33 storage units planned for the site. 27 will be deed restricted. There are 58 total parking spaces. The proposed preliminary plat is in substantial conformance with the master plan and has been reviewed by the Development Review Team for any outstanding issues – these have been identified and resolved sufficiently for a preliminary plat approval.

SITE IMPROVEMENTS / ADDITIONS / CHANGES

Murphy Lane will be widened by 8' on the west side of the road; improvements will be made to remedy sight distance issues and address pedestrian safety. Applicant will extend water, sewer, and power to the proposed units. Drainage ponds will be required and built.

CONSIDERATIONS FOR APPROVAL, DENIAL, AND/OR POSTPONEMENT

Staff comments in red.

4.7.5 Development Standards Revised 11/19

A. Eligibility. In order to reduce costs associated with the development and construction of primary residential housing, the property development standards set forth in subsection B of this section are established for and shall apply to all HDHO developments within the HDHO Districts upon approval of a site plan or preliminary plat approval.

B. Property Development Standards. The following development standards shall apply to HDHO developments within the HDHO Districts:

1. General Design Standards. The development shall be designed and developed in a manner compatible with and complementary to existing and potential development in the immediate vicinity of the development site. Site planning on the perimeter shall provide for protection of the property from adverse surrounding influences and shall protect surrounding areas from potentially adverse influences from the property. To the greatest extent possible, the design of the development shall promote privacy for residents and neighbors, security, and use of passive solar heating and cooling through proper placement of walls, windows, and landscaping.

2. Minimum Design Standards. Minimum design standards are included to ensure a high degree of quality in the development of HDHO lots and units. The following design standards shall apply to a development that utilizes the density increases allowed by this section:

a. Sidewalks shall be installed along all street frontages where otherwise required by this LUC.

No sidewalks are required on Murphy Lane, and this development has interior pathways to connect parking.

b. **Screening Requirements.**

(1) Outdoor Storage Screening. All outdoor storage areas for materials, trash, mechanical equipment, vehicles, or other similar items shall follow the standards outlined in Section [6.4.3](#).

These standards will be met at building permit. No permanent screening is required at this time.

(2) Parking Lot Screening. Parking lot screening must be provided between an off-street parking area containing six or more parking spaces and either 1) a different zoning district or 2) a public street, and shall:

i. Be provided within 10 feet of the perimeter of the parking lot to be screened, except for parking lots adjacent to rain gardens/bioretenion systems, other landscape features, or where screening may negatively impact the traffic sight distance (as defined by the American Association of State Highway and Transportation Officials (AASHTO) and verified by the County Engineer);

ii. Be not less than 80 percent opaque and be a minimum of three feet in height as measured from the highest finished adjacent grade of the parking area. When shrubs are used to provide the screen, such shrubs must be at least two feet tall at planting and anticipated to grow to at least three feet tall at maturity;

iii. Not interfere with driver or pedestrian visibility for vehicles entering or exiting the premises;

iv. Utilize plants found in Section [6.4.3F](#), where required;

v. Consist of at least two of the following:

(A) A compact hedge of evergreen or densely twigged deciduous shrubs spaced to ensure closure into a solid hedge at maturity.

(B) A berm with plantings as described above.

(C) Transit shelters, benches, bicycle racks, and similar features may be integrated as a part of the screen.

(D) Fencing may be integrated as part of the screen. All wood fencing shall be stained and sealed with a weatherproof product;

vi. Be equipped with an irrigation system adequate for establishing and maintaining the plant materials within it.

No parking lots qualify for screening.

c. Parking Island Design. Off-street parking areas with at least 25 parking stalls shall contain interior landscaped islands. Such islands shall be bounded by a raised concrete curb, pervious curbing, or an approved equivalent and shall contain mulch to retain soil moisture. This provision shall not apply to parking structures. Landscaped parking lot islands shall:

(1) Be located at the beginning and end of each parking row and shall contain a minimum of 180 square feet and a minimum width of nine feet;

(2) Include at least one tree per island;

(3) Incorporate shrubs, perennials, and ornamental grasses, where required;

(4) Be prepared with topsoil to a depth of two feet and improved to ensure adequate drainage, nutrient, and moisture retention levels for the establishment of plantings; and

(5) Be equipped with an irrigation system adequate for establishing and maintaining the plant materials within it.

No parking islands are necessary.

d. Building Exterior Facade Standards.

(1) Exterior finishes may be of wood, masonry, stone, stucco, HDO board or other high quality material permitted by the building code, but shall not utilize vinyl siding; cedar or wood shakes; highly reflective, shiny, or mirror-like materials; or exposed plywood or particle board.

This will be evaluated at building permit.

(2) Buildings shall utilize at least two of the following design features to provide visual relief along the front of the residence:

i. Projections, recessions, or reveals such as, but not limited to, columns, pilasters, cornices, and bay windows.

ii. Dormers.

iii. Gables.

iv. Recessed entries, a minimum of three feet deep.

v. Covered front porches.

vi. Cupolas.

vii. Architectural pillars or posts.

viii. Quoins.

ix. Corbeling on wall.

x. Decorative lintel.

xi. Incorporation of brick or stone on at least 25 percent of front surface area.

Evaluated at building permit.

e. Where HDHO units may be placed on the same lot as current or future temporary or short-term accommodations, dedicated HDHO units shall be clustered together so as to minimize the exposure of residents to temporary guests. In all other developments, where temporary or short-term accommodations units do not exist and cannot exist due to zoning restrictions, dedicated HDHO units shall be dispersed throughout the residential development.

There are no short-term rentals on the property. HDHO units are throughout the property.

f. Where there is a combination of commercial and residential uses, the commercial uses shall front along the highest road designation. Residential development shall be located behind commercial development or on upper floors above commercial development.

No commercial uses are planned at this time.

g. The County Council may waive, or modify, any, or all, of these requirements when the Council finds it is infeasible to comply due to physical or other constraints on the lot.

3. Minimum Building Site Area and Lot Width. There shall be no minimum building site area, minimum lot width, or maximum lot coverage requirements for individual lots or individual dwelling sites in a HDHO development. However, the building site area lot widths and lot coverage percentages shall be designated on a preliminary plat or site plan pursuant to Section [4.7.9](#).

4. Density. Overall density of site development within an HDHO District shall not exceed the limits established in Section [4.7.4](#).

This development proposes 34 units out of an allowed 37 according to approved density.

5. Building Height.

a. Maximum building heights shall not exceed the limits defined in the underlying zone district except that buildings constructed in the HDHO 35b District shall not exceed four stories or 42 feet in height.

b. To the maximum extent possible, building heights and locations shall minimize shading and interruption of solar access to adjacent properties with existing residential structures or commercial agricultural operations.

c. All structures shall conform to the ridgeline standards of Section [6.9.8](#).

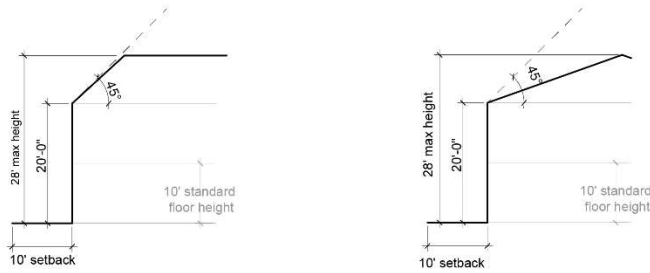
d. Structures built within an HDHO development must comply with the setback and buffer requirements of the underlying zone. The maximum height of the building at the exterior wall shall be the greater of:

(1) Twenty feet.

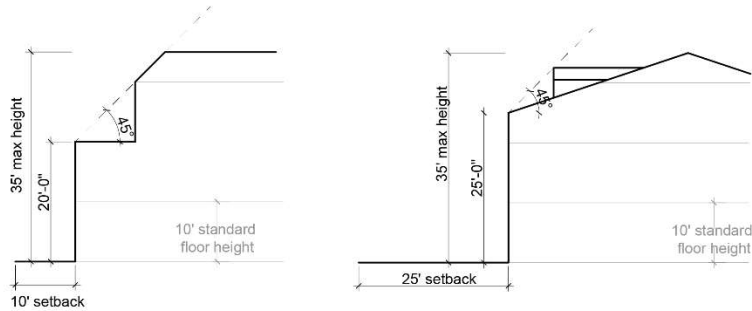
(2) The building's setback at that point.

e. From the exterior wall, the building's height may increase to its maximum height at a rate not greater than a 45 degree angle from the maximum allowable height of the exterior wall.

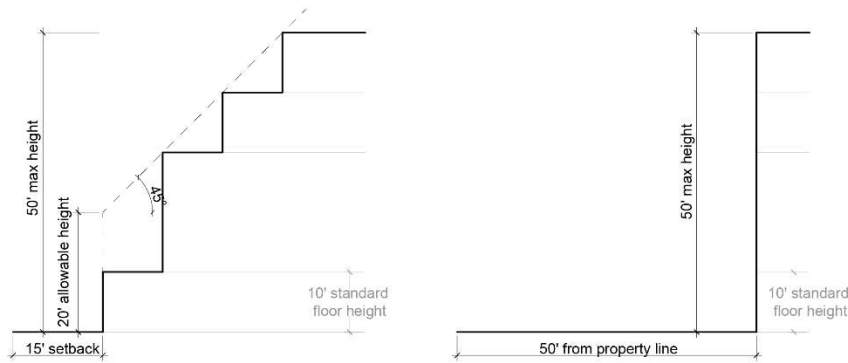
Examples of HDH Height-Compliant Structures



28' Max. Height Examples



35' Max. Height Examples



50' Max. Height Examples

Standards shall be evaluated at building permit.

6. Setbacks. The minimum setbacks from the lot line of the development shall be determined by the buffer requirements of Section 5.4.1B and the compatibility standards of Section 6.10.

The current plan does not quite meet the buffer requirement, however, this can be adjusted prior to final plat.

7. Parking.

a. Number of Spaces Required.

(1) For every single-family or two-family dwelling, there shall be provided at least two off-street parking spaces for each unit. Parking spaces provided in a garage or carport may count towards the minimum requirement.

(2) For every attached multifamily dwelling, off-street parking spaces shall be provided in accordance with Section 6.1.4:

Multifamily dwellings	Efficiency and one-bedroom	1.5 per dwelling unit
	Two-bedroom	1.75 per dwelling unit

	Three-bedroom and larger	2.0 per dwelling unit
--	--------------------------	-----------------------

Applicant obtained a parking exception and has the required number of parking spaces for their project.

b. Parking Design Requirements.

- (1) Parking areas for single-family or two-family dwellings need not be paved.
- (2) Parking areas for attached multifamily dwellings shall be subject to the off-street requirements outlined in Section [6.1.7](#).
- (3) Uncovered surface parking may be permitted in the rear and side setbacks but is not permitted in the front or street-side setback.
- (4) Garages, carports, and individual locking storage units are subject to the setback standards outlined in Section [5.4.1](#).
- (5) Required spaces for multifamily developments equal to or greater than five units shall be covered in a carport or a garage except that for multifamily dwellings with four or fewer units, parking spaces can be uncovered.

Parking areas are designed to these standards.

8. Minimum Standards of Physical Condition. Each HDHO unit is required to have and maintain those minimum standards of physical conditions set forth in Exhibit B – Minimum Standards, attached to the ordinance codified in this section.

9. Streets. All public streets within or abutting the proposed planned development shall be dedicated and improved to County specifications for the particular classification of street.

No public streets are proposed.

10. Signs. Signs shall be permitted only to the extent allowed under Section [6.5](#), Signs, and must be approved by the Planning and Zoning Administrator.

No signs are proposed at this time.

11. Construction Timing. The HDHO units shall be ready for occupancy no later than the date of the initial or temporary occupancy of any unrestricted units within the development or applicable phase thereof. If the unrestricted units are developed in phases, then the HDHO units may be developed in proportion to the phasing of the unrestricted units. For example, for each unrestricted unit constructed at least four HDHO units shall be constructed.

Determined at building permit.

[Ord. 591, 2019.]

COMPATABILITY WITH GENERAL PLAN

The HDHO is not specifically mentioned in the General Plan, but insomuch as the County Commission (then Council) adopted the approving ordinance, it is assumed to be supported by a General Plan update.

COMPATABILITY WITH LAND USE CODE (ZONING)

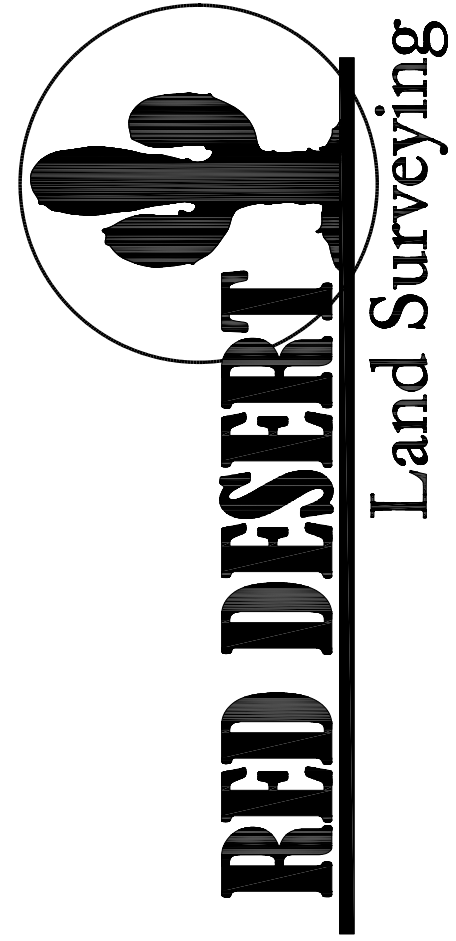
This property has had the High Density Housing Overlay – 15 applied and is therefore compatible.

LAND USE CODE REFERENCE SECTIONS

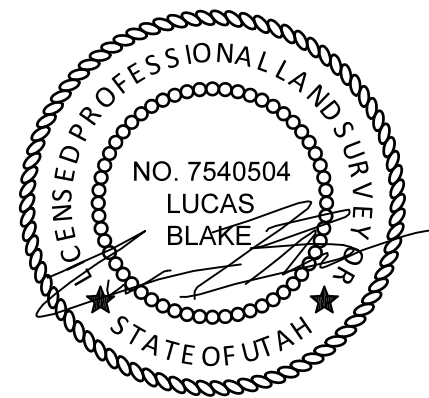
4.7 High Density Housing Overlay

PROPERTY HISTORY

Residential



30 South 100 East #2
Moab, UT 84532
435.259.8171



NOT VALID WITHOUT ORIGINAL SIGNATURE

STANDARD LEGEND

- POWERPOLE
- GUY WIRE
- SEWER MANHOLE
- SAN SEWER LINE
- WATER LINE
- PROF. CORNER FOUND
- PROP. CORNER SET
- MAG. NAIL SET
- BLOCK CORNER
- SECTION MONUMENT
- ELEC. TRANSFORMER
- TELEPHONE PEDESTAL
- CABLE PEDESTAL
- RECORD DATA
- MEASURED DATA
- CALCULATED DATA
- 4505 = CONTOURS

PROJECT TYPE:
PRELIMINARY SUBDIVISION SURVEY

PROJECT ADDRESS:
1185, 1187, 1189 Murphy Lane
MOAB, UTAH 84532

PROJECT LOCATION:
GRAND COUNTY, UTAH

PREPARED FOR:
Courtney Kizer

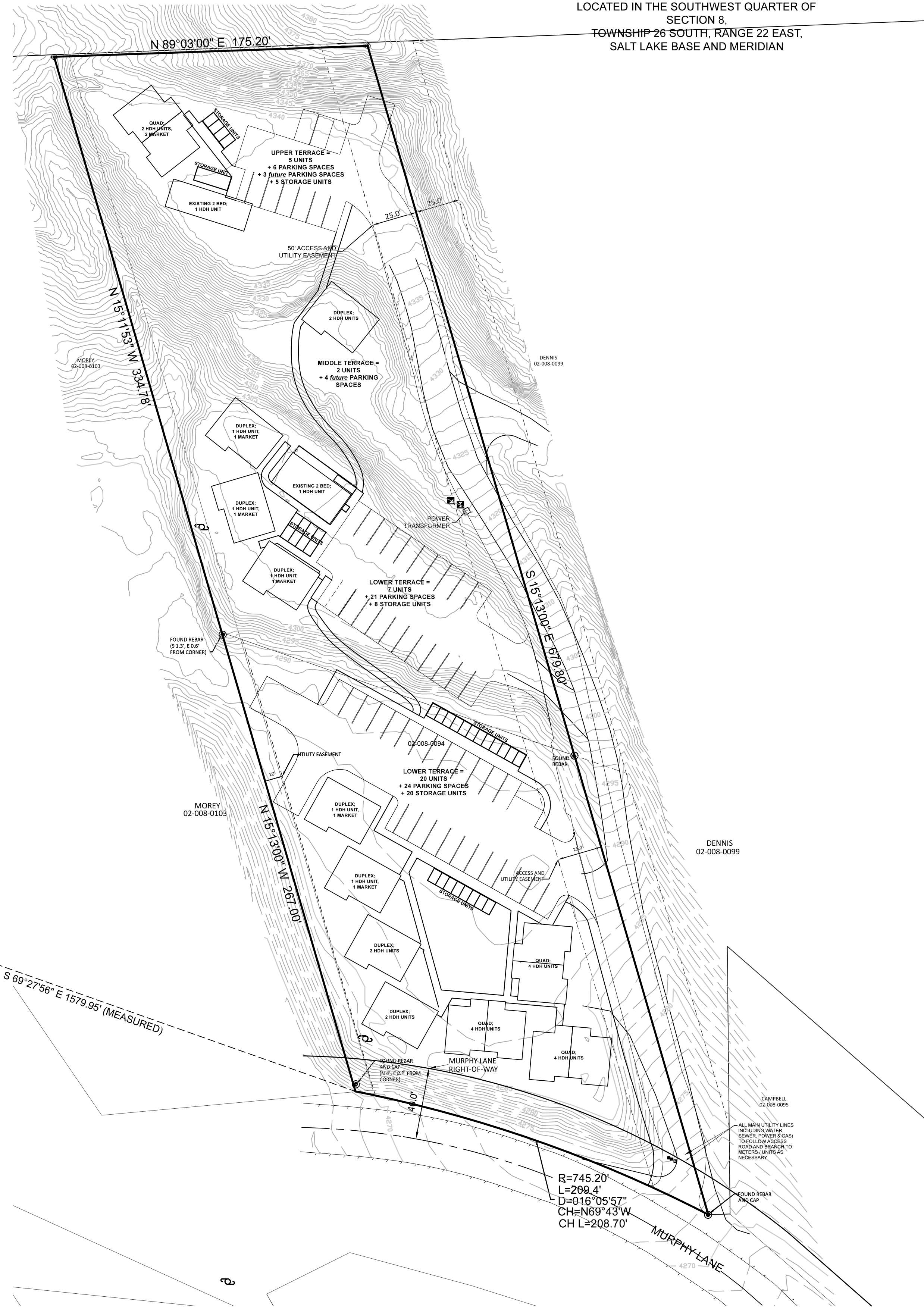
SHEET 1 OF 1

DATE:
7/20/20

JOB NUMBER:
115-20

**MURPHY FLATS
PRELIMINARY PLAT**

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8,
TOWNSHIP 26 SOUTH, RANGE 22 EAST,
SALT LAKE BASE AND MERIDIAN

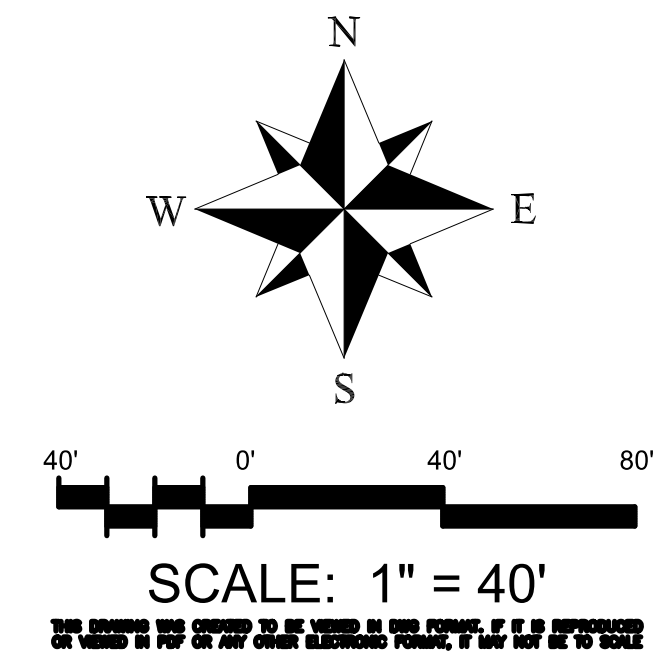


WEST 1/4 CORNER SECTION 8, T26S, R22E, SLB&M (FOUND GLO MON.)

SOUTHWEST CORNER SECTION 8, T26S, R22E, SLB&M (FOUND GLO MON.)

BASES OF BEARINGS
S 00°25'22" W

S 69°27'56" E 1579.95' (MEASURED)



VICINITY MAP
NOT TO SCALE

PRELIMINARY SUBDIVISION

SURVEYOR'S CERTIFICATION

I, Lucas Blake, certify that I am a Professional Land Surveyor as prescribed under the laws of the State of Utah and that I hold license no. 7540504. I further certify that an land survey was made of the property described below, and the findings of that survey are as shown hereon.

Lucas Blake
License No. 7540504

BOUNDARY DESCRIPTION

Commencing at the West Quarter corner of Section 8, Township 26 South, Range 22 East, Salt Lake Base and Meridian, thence South 69°27'56" East 1579.95 feet to the point of beginning, and running thence North 15°13'00" West 267.00 feet; thence North 15°11'53" West 334.78 feet to a point on the center section line; thence North 89°03'00" East 175.20 feet along the center section line; thence South 15°13'00" East 679.80 feet to a point on a 745.20 foot radius non-tangent curve to the left and a point on the northerly right of way line of Murphy Lane; thence 209.39 feet along the arc having a radius of 745.20 feet, the radius point being South 28°19'58" West, a delta angle of 16°05'57", and a chord bearing of North 69°43'00" West 208.70 feet to the point of beginning.

Contains 2.476 acres

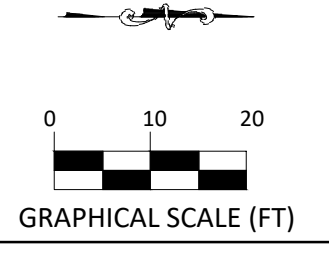
AREA (AC)	LAND USE
1.39	OPEN AREA
0.78	ROADWAY/PARKING
0.31	DUPLEX/QUAD/SINGLE BUILDINGS
TOTAL	2.48 ACRES

UNITS	
SINGLE BUILDINGS	2
DUPLEX BUILDINGS	8
QUAD BUILDINGS	4
STORAGE UNITS	33
PARKING	51
FUTURE PARKING	7
	58

SURVEYOR NOTES

The Basis of Bearings is S 00°25'22" W between the West corner and the Southwest corner of Section 8, Township 26 South, Range 22 East, Salt Lake Base and Meridian.

COORDINATE SYSTEM: UTAH STATE PLANE CENTRAL (NAD83, US SURVEY FEET)



REVISIONS:	#	DATE	DESCRIPTION

**MURPHY FLATS
CIVIL SITE PLAN
GRAND COUNTY, UTAH**

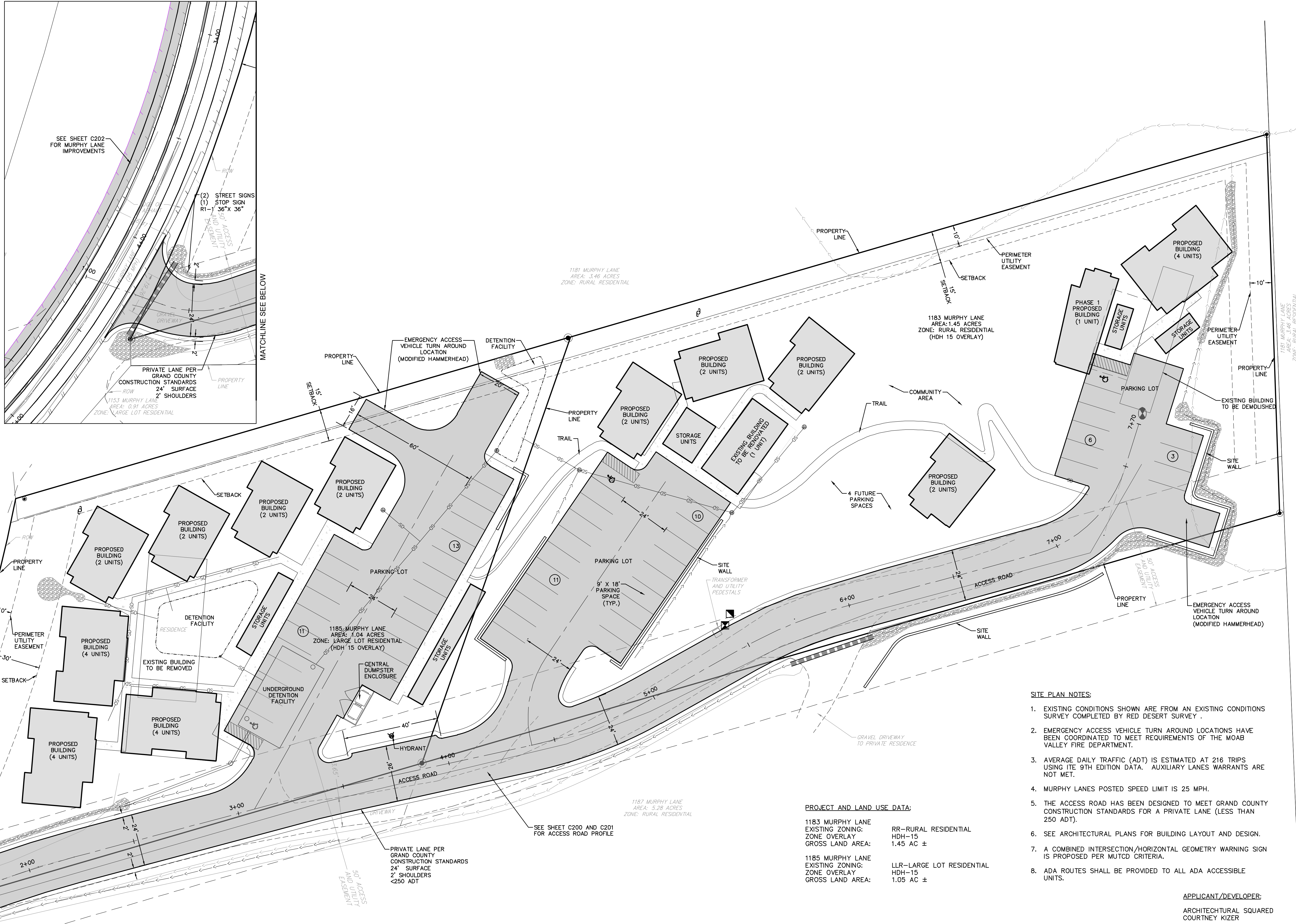


ENGINEERING LLC
150 Rock Point Drive
Suite F
Durango, CO 81301
970-403-5088

**PLAN NO.
C100**

Project:
Date: 09/22/2020
Drawn By: AR
Checked By:

**FOR REVIEW ONLY
NOT FOR
CONSTRUCTION**



PROJECT AND LAND USE DATA:

1183 MURPHY LANE
EXISTING ZONING: RR-RURAL RESIDENTIAL
ZONE OVERLAY: HDH-15
GROSS LAND AREA: 1.45 AC ±

1185 MURPHY LANE
EXISTING ZONING: LLR-LARGE LOT RESIDENTIAL
ZONE OVERLAY: HDH-15
GROSS LAND AREA: 1.05 AC ±

- SITE PLAN NOTES:**
- EXISTING CONDITIONS SHOWN ARE FROM AN EXISTING CONDITIONS SURVEY COMPLETED BY RED DESERT SURVEY .
 - EMERGENCY ACCESS VEHICLE TURN AROUND LOCATIONS HAVE BEEN COORDINATED TO MEET REQUIREMENTS OF THE MOAB VALLEY FIRE DEPARTMENT.
 - AVERAGE DAILY TRAFFIC (ADT) IS ESTIMATED AT 216 TRIPS USING ITE 9TH EDITION DATA. AUXILIARY LANES WARRANTS ARE NOT MET.
 - MURPHY LANES POSTED SPEED LIMIT IS 25 MPH.
 - THE ACCESS ROAD HAS BEEN DESIGNED TO MEET GRAND COUNTY CONSTRUCTION STANDARDS FOR A PRIVATE LANE (LESS THAN 250 ADT).
 - SEE ARCHITECTURAL PLANS FOR BUILDING LAYOUT AND DESIGN.
 - A COMBINED INTERSECTION/HORIZONTAL GEOMETRY WARNING SIGN IS PROPOSED PER MUTCD CRITERIA.
 - ADA ROUTES SHALL BE PROVIDED TO ALL ADA ACCESSIBLE UNITS.

APPLICANT/DEVELOPER:
ARCHITECTURAL SQUARED
COURTNEY KIZER

MATCHLINE SEE INSET THIS SHEET

MATCHLINE SEE BELOW

SEE SHEET C202 FOR MURPHY LANE IMPROVEMENTS

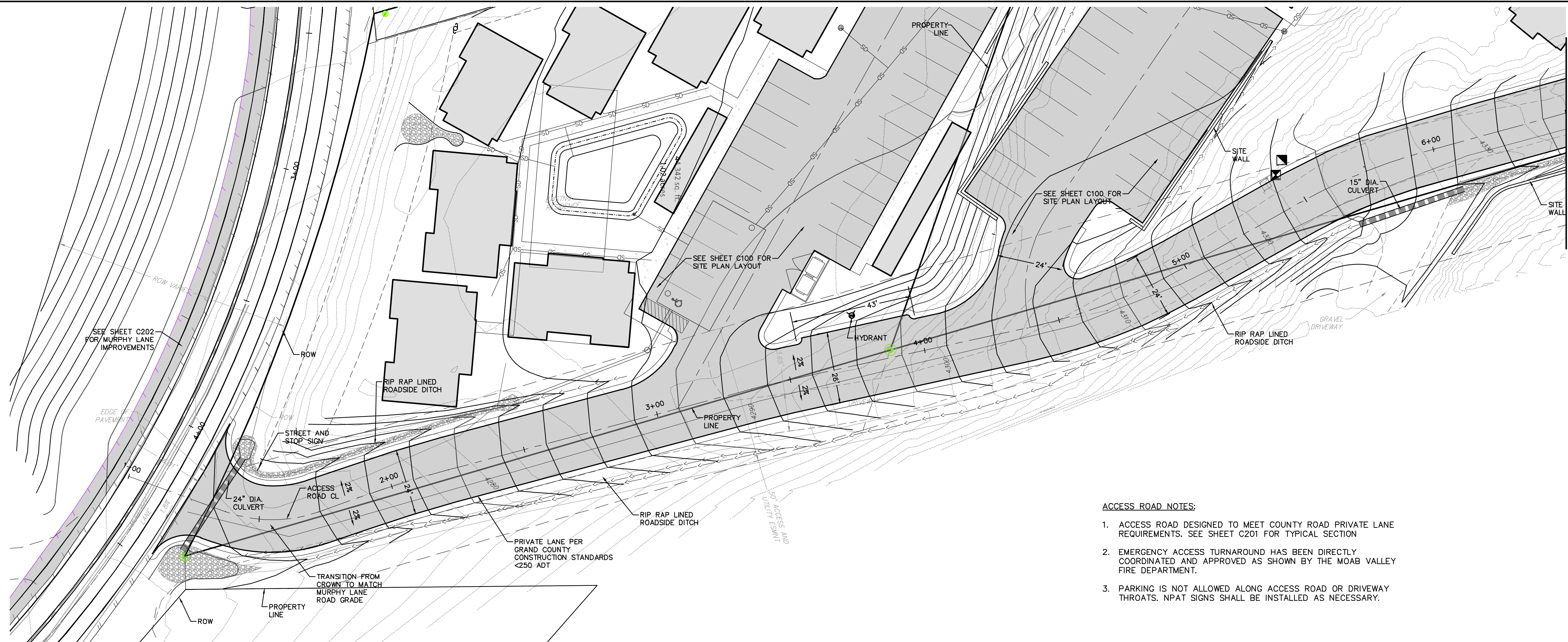
SEE SHEET C200 AND C201 FOR ACCESS ROAD PROFILE

PRIVATE LANE PER GRAND COUNTY CONSTRUCTION STANDARDS
24' SURFACE
2' SHOULDERS
≤250 ADT

PRIVATE LANE PER GRAND COUNTY CONSTRUCTION STANDARDS
24' SURFACE
2' SHOULDERS

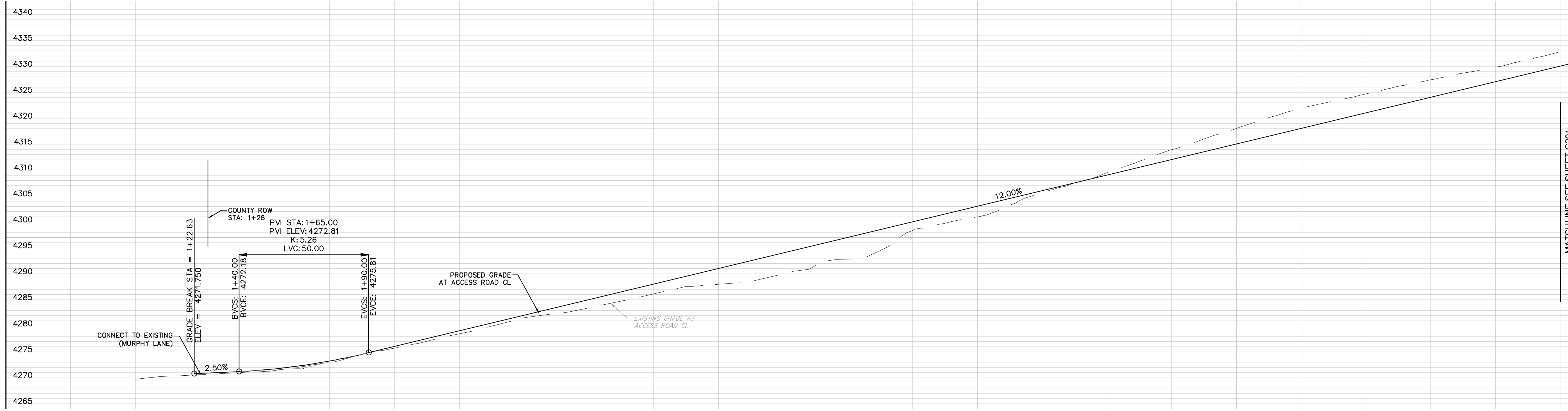
(2) STREET SIGNS
(1) STOP SIGN
R1-1 36" X 36"

MATCHLINE SEE INSET THIS SHEET

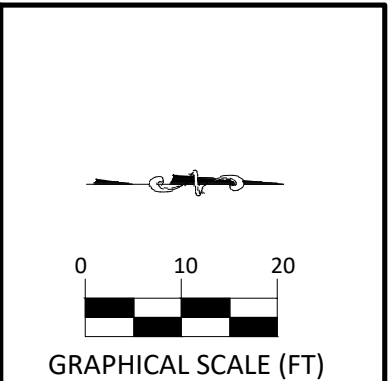


ACCESS ROAD NOTES:

1. ACCESS ROAD DESIGNED TO MEET COUNTY ROAD PRIVATE LANE REQUIREMENTS. SEE SHEET C201 FOR TYPICAL SECTION
2. EMERGENCY ACCESS TURNAROUND HAS BEEN DIRECTLY COORDINATED AND APPROVED AS SHOWN BY THE MOAB VALLEY FIRE DEPARTMENT.
3. PARKING IS NOT ALLOWED ALONG ACCESS ROAD OR DRIVEWAY THROATS. NPAT SIGNS SHALL BE INSTALLED AS NECESSARY.

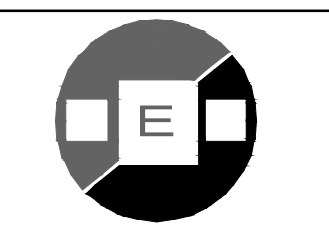


0+50	1+00	1+50	2+00	2+50	3+00	3+50	4+00	4+50	5+00	5+50	6+00	6+50
		4272.07 4272.529	4278.17 4277.010	4284.64 4285.011	4288.68 4289.012	4292.70 4295.013	4296.73 4301.014	4300.75 4307.016	4308.97 4313.017	4322.06 4319.018	4328.23 4325.019	4333.51 4331.020



Revisions:	#	DATE	DESCRIPTION

**MURPHY FLATS
PRIVATE ACCESS ROAD
PLAN AND PROFILE
GRAND COUNTY, UTAH**

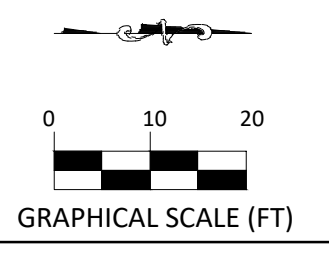
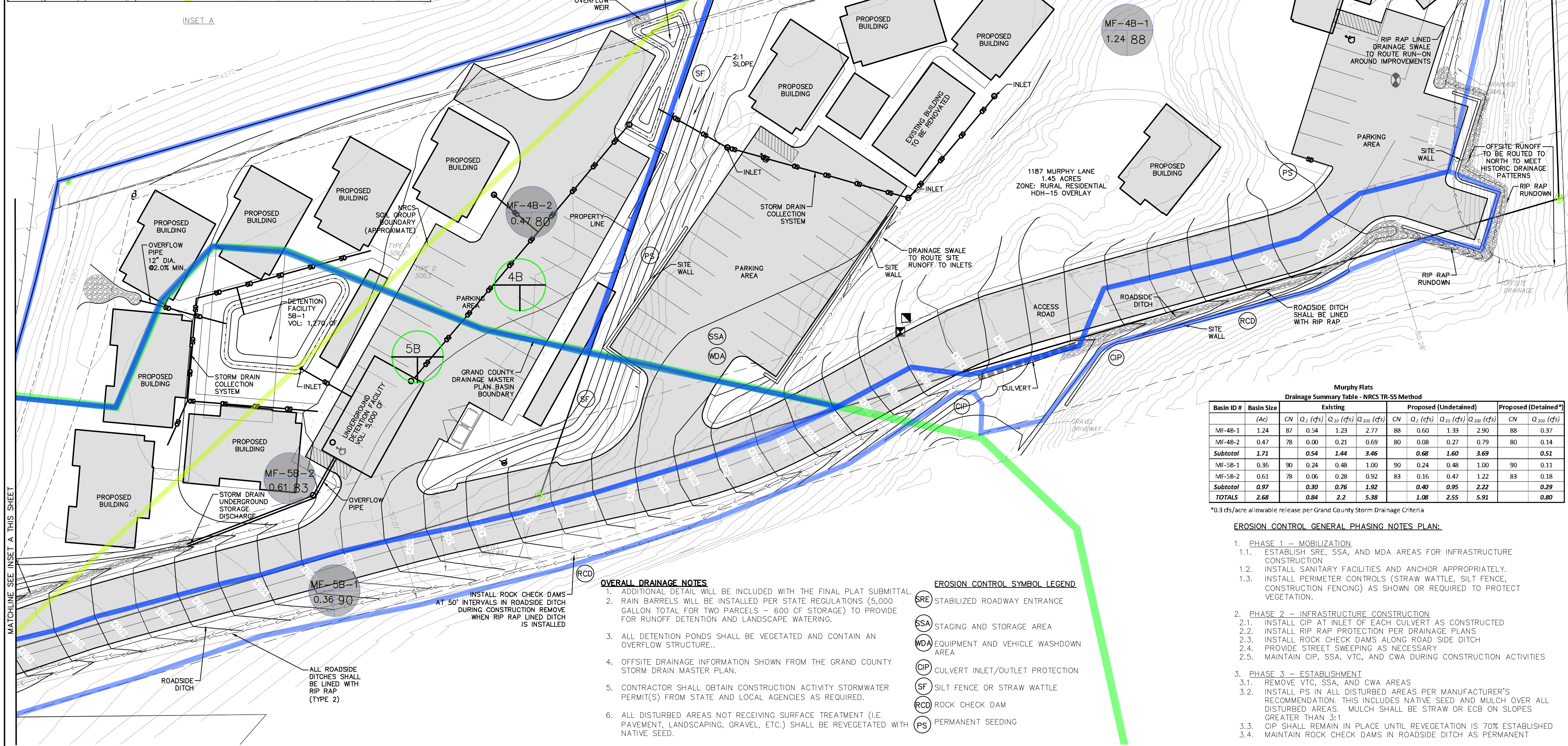
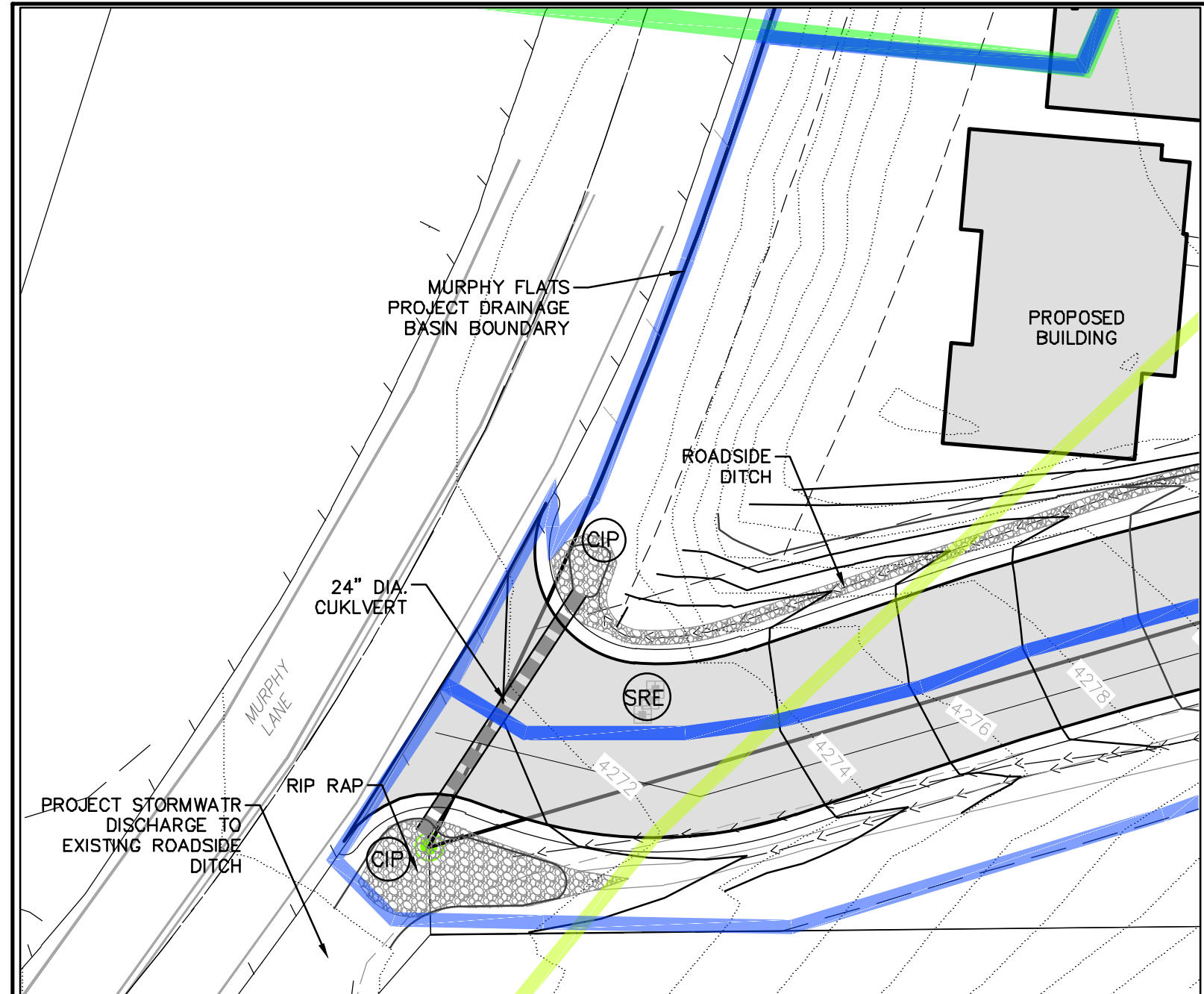


150 Rock Point Drive
Suite F
Durango, CO 81301
970-403-5088

**PLAN NO.
C200**

Project:
Date: 09/22/2020
Drawn By: AR
Checked By:

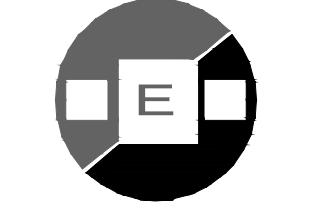
**FOR REVIEW ONLY
NOT FOR
CONSTRUCTION**



Know what's below.
Call 811 before you dig.
 BLUE STAKES OF UTAH
 801-467-3333
 www.bluestakes.org
 1-800-667-4111

REVISIONS:	#	DATE	DESCRIPTION

**MURPHY FLATS
 OVERALL GRADING, DRAINAGE, AND
 EROSION CONTROL PLAN
 GRAND COUNTY, UTAH**



150 Rock Point Drive
 Suite F
 Durango, CO 81301
 970-403-5088

**PLAN NO.
 C400**

Project:
 Date: 09/14/2020
 Drawn By: AR
 Checked By:

**FOR REVIEW ONLY
 NOT FOR
 CONSTRUCTION**

**Murphy Flats
 Drainage Summary Table - NRCS TR-55 Method**

Basin ID #	Basin Size (Ac)	Existing			Proposed (Undetained)			Proposed (Detained*)			
		CN	Q ₂ (cfs)	Q ₁₀₀ (cfs)	CN	Q ₂ (cfs)	Q ₁₀₀ (cfs)	CN	Q ₁₀₀ (cfs)		
MF-4B-1	1.24	87	0.54	1.23	2.77	88	0.60	1.33	2.90	88	0.37
MF-4B-2	0.47	78	0.00	0.21	0.69	80	0.08	0.27	0.79	80	0.14
Subtotal	1.71	0.54	1.44	3.46	0.68	1.60	3.69	0.51	0.51	0.51	0.51
MF-5B-1	0.36	90	0.24	0.48	1.00	90	0.24	0.48	1.00	90	0.11
MF-5B-2	0.61	78	0.06	0.28	0.92	83	0.16	0.47	1.22	83	0.18
Subtotal	0.97	0.30	0.76	1.92	0.40	0.95	2.22	0.29	0.29	0.29	0.29
TOTALS	2.68	0.84	2.2	5.38	1.08	2.55	5.91	0.80	0.80	0.80	0.80

*0.3 cfs/acre all lowable release per Grand County Storm Drainage Criteria

- EROSION CONTROL GENERAL PHASING NOTES PLAN:**
- PHASE 1 - MOBILIZATION**
 - ESTABLISH SRE, SSA, AND MDA AREAS FOR INFRASTRUCTURE CONSTRUCTION
 - INSTALL SANITARY FACILITIES AND ANCHOR APPROPRIATELY.
 - INSTALL PERIMETER CONTROLS (STRAW WATTLE, SILT FENCE, CONSTRUCTION FENCING) AS SHOWN OR REQUIRED TO PROTECT VEGETATION.
 - PHASE 2 - INFRASTRUCTURE CONSTRUCTION**
 - INSTALL CIP AT INLET OF EACH CULVERT AS CONSTRUCTED
 - INSTALL RIP RAP PROTECTION PER DRAINAGE PLANS
 - INSTALL ROCK CHECK DAMS ALONG ROAD SIDE DITCH
 - PROVIDE STREET SWEEPING AS NECESSARY
 - MAINTAIN CIP, SSA, VTC, AND CWA DURING CONSTRUCTION ACTIVITIES
 - PHASE 3 - ESTABLISHMENT**
 - REMOVE VTC, SSA, AND CWA AREAS
 - INSTALL PS IN ALL DISTURBED AREAS PER MANUFACTURER'S RECOMMENDATION. THIS INCLUDES NATIVE SEED AND MULCH OVER ALL DISTURBED AREAS. MULCH SHALL BE STRAW OR ECB ON SLOPES GREATER THAN 3:1
 - CIP SHALL REMAIN IN PLACE UNTIL REVEGETATION IS 70% ESTABLISHED
 - MAINTAIN ROCK CHECK DAMS IN ROADSIDE DITCH AS PERMANENT

- OVERALL DRAINAGE NOTES**
- ADDITIONAL DETAIL WILL BE INCLUDED WITH THE FINAL PLAT SUBMITTAL.
 - RAIN BARRELS WILL BE INSTALLED PER STATE REGULATIONS (5,000 GALLON TOTAL FOR TWO PARCELS - 600 CF STORAGE) TO PROVIDE FOR RUNOFF DETENTION AND LANDSCAPE WATERING.
 - ALL DETENTION PONDS SHALL BE VEGETATED AND CONTAIN AN OVERFLOW STRUCTURE.
 - OFFSITE DRAINAGE INFORMATION SHOWN FROM THE GRAND COUNTY STORM DRAIN MASTER PLAN.
 - CONTRACTOR SHALL OBTAIN CONSTRUCTION ACTIVITY STORMWATER PERMIT(S) FROM STATE AND LOCAL AGENCIES AS REQUIRED.
 - ALL DISTURBED AREAS NOT RECEIVING SURFACE TREATMENT (I.E. PAVEMENT, LANDSCAPING, GRAVEL, ETC.) SHALL BE REVEGETATED WITH NATIVE SEED.

- EROSION CONTROL SYMBOL LEGEND**
- (SRE) STABILIZED ROADWAY ENTRANCE
 - (SSA) STAGING AND STORAGE AREA
 - (WDA) EQUIPMENT AND VEHICLE WASHDOWN AREA
 - (CIP) CULVERT INLET/OUTLET PROTECTION
 - (SF) SILT FENCE OR STRAW WATTLE
 - (RCD) ROCK CHECK DAM
 - (PS) PERMANENT SEEDING

MATCHLINE SEE INSET A THIS SHEET

ALL ROADSIDE DITCHES SHALL BE LINED WITH RIP RAP (TYPE 2)

INSTALL ROCK CHECK DAMS AT 50' INTERVALS IN ROADSIDE DITCH DURING CONSTRUCTION REMOVE WHEN RIP RAP LINED DITCH IS INSTALLED

Murphy Flats
Murphy Flats Homeowners Association

DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, AND RESTRICTIONS
AFFECTING THE REAL PROPERTY OF MURPHY FLATS

1. Protective Covenants, Property, General Character, and Intent.

1.1. Protective Covenants Conditions and Restrictions Established.

1.1.1. THIS DECLARATION, made by 1187 Murphy Lane LLC, owner of the property (“Declarant”), witnesseth:

1.1.2. WHEREAS, Declarant is presently the owner of all the real property described in Section 1.2 and desires to subject said property to the protective covenants, restrictions, reservations, and servitudes set forth below, each and all of which is and are for the benefit of said property and of each present and future owner thereof, or any part thereof, and shall inure to the benefit and pass with said property and each and every part thereof, and shall apply to and bind every present and future owner of said property, or any part thereof, and each of their heirs, successors, or assigns,

1.1.3. NOW, THEREFORE, there are hereby created, declared, and established in the herein above described properties in Grand County, Utah, the following protective covenants, conditions, and restrictions upon the lands within said condominium development, which protective covenants, easements, conditions, and restrictions shall run with the land and remain in full force and effect in perpetuity.

1.2. Property Affected.

1.2.1. The real property which is and shall be held, transferred, sold, conveyed, used, and occupied subject to the covenants, conditions, restrictions, servitudes, and easements with respect to the various portions thereof set forth in the various paragraphs and subdivisions of this Declaration is located in the County of Grand, State of Utah, and is more particularly described as follows:

PARCEL 02-008-0097:

Description of that Parcel of Land Surveyed by UTA R.L.S> #1963 (dated 1/16/1970) in the West½ Section 8, Township 26 South, Range 22 East, SLM, Grand County Utah, more particularly described as follows:

Beginning at a corner which bears South 69°20' East 1582.6 feet; thence North 15°13' West 267 .0 feet from the West¼ Corner Section 8, Township 26 South, Range 22 East, SLM, and proceeding thence North 15°13' West 334.8 feet (record=340.0 feet) to a corner; thence North 89°03' East 175.2

feet (record=East 180.43 feet) to a corner; thence South 15° 13' East 412.8 feet (record=420.0 feet) to a corner; thence North 69°43' West 208.7 feet to the point of beginning.

Together with an access easement for ingress, egress and utilities over and across the Easterly 24 feet of the Johnson/Jones Property as reserved in the Warranty Deed recorded October 4, 1999 in Book 539 at Page 268, Entry No. 449419.

Together with a 25 foot wide access and utility easement dated April 17, 2001 and recorded as Entry No. 453809 in Book 561 at Page 68.

Together with a 25 foot wide access and utility easement dated April 17, 2001 and recorded as Entry No. 453809 in Book 561 at page 71.

Excepting therefrom an undivided ½ interest in all oil, gas, and minerals . Subject to all restrictions, easements, and rights-of-way, however evidenced.

PARCEL 02-008-0094:

Beginning at a corner which bears South 69°20' East 1582.6 feet from the West Quarter Corner of Section 8, Township 26 South, Range 22 East, Salt Lake Base and Meridian, and proceeding thence North 15°13' West 267.0 feet to a corner; thence South 69°43' East 208.7 feet to a corner; thence South 15°13' East 267.0 feet to a corner; thence along a 745.2 foot radius curve to the left 209.4 feet (said curve has a chord which bears North 69°43' West 208.7 feet) to the point of beginning.

Reserving an access easement for ingress and egress and utilities over and across the Easterly 24 feet of said land.

NARRATIVE

The Basis of Bearings is S 00°25'22" W between the West¾ corner and the Southwest corner of Section 8, Township 26 South, Range 22 East, Salt Lake Base and Meridian.

1.2.2. All units contained in the Plat of Murphy Flats Condominiums according to the Plat on file in the office of the Clerk of _____, in and for Grand County, Utah, in Plat Book _____, Pages _____ .

1.3. General Purpose of Protective Covenants, Conditions, and Restrictions.

1.3.1. The real property described in Section 1.2 hereof is subject to the protective covenants, restrictions, conditions, servitudes, and easements hereby declared to insure the following:

- to protect the owners of units against such improper use of surrounding units as will depreciate the value of their property;

- to maintain and control all common areas for the benefit and enjoyment of all residents; and
- in general, to provide adequately for a high type and quality of improvement in said property, and thereby enhance the value of investments made by purchasers of units therein.

1.4. General Character and Intent.

1.4.1. Murphy Flats is established as a community for individuals who enjoy outdoor recreation typical of the Moab area, while maintaining a casual atmosphere.

1.4.2. The development of roads, other improvements and common areas will be owned and maintained by MURPHY FLATS HOMEOWNERS ASSOCIATION, of which each unit owner will be a member. Use of this concept will help ensure the unit owners the utmost in security and continual beautification and upkeep of the community. In return, each owner will be expected to participate in their fair share of maintaining the community to these high standards.

1.5. Acceptance of Protective Covenants, Conditions, and Restrictions.

1.5.1. Every purchaser, lessee, or grantee of any interest in any property now or hereafter subject to this Declaration, by acceptance of a deed, lease, or other conveyance, accepts and agrees to abide by the protective covenants, conditions, and restrictions of this Declaration and any Supplemental Declaration.

2. Definition Of Terms.

2.1. Association.

2.1.1. The term "Association" wherever used in this Declaration means and refers to MURPHY FLATS HOMEOWNERS ASSOCIATION.

2.2. Board Of Directors.

2.2.1. The term "Board of Directors" wherever used in this Declaration means and refers to the Board of Directors of MURPHY FLATS HOMEOWNERS ASSOCIATION.

2.3. Common Area.

2.3.1. The term "Common Area" wherever used in this Declaration means and refers to all real property, personal property, and the total area dedicated to and maintained by the Association and other improvements. Common Area is shown on said plat.

2.4. Dwelling, Building, Outbuilding.

2.4.1. The words “Dwelling,” “Building,” and “Outbuilding” wherever used in this Declaration shall be deemed and construed to include both the main portion of such structure and all projections therefrom, including any garages, porches, stoops, porticoes, exterior chimneys and the like, incorporated in or forming a part thereof.

2.5. Nuisance.

2.5.1. Nuisance shall mean any noxious or offensive activity.

2.6. Said Plat.

2.6.1. The words “Said Plat” wherever used in this Declaration mean and refer to the Plat referred to in Section 1.2 hereof.

2.7. Said Property.

2.7.1. The words “Said Property” wherever used in this Declaration mean and refer to the property described in the aforesaid Section 1.2 hereof.

2.8. Setback.

2.8.1. The term “Setback” wherever used in this Declaration means the distance between dwellings or other structures and all easements and setbacks shown on said plat.

2.9. Street.

2.9.1. The term “Street” wherever used in this Declaration means and refers to any street, road, or other thoroughfare shown on said Plat, or contiguous to the real property designated on said Plat.

2.10. Units.

2.10.1. The word “Unit” wherever used in this Declaration mean and refer to one of the numbered units described in Section 1.2, as shown on the plat herein above. The numbers following the words “Unit” refer to the particular units as numbered on the aforesaid plat.

3. Property Owners Association.

3.1. Creation And Establishment.

3.1.1. There shall be created and established a non-profit Utah corporation known as the MURPHY FLATS HOMEOWNERS ASSOCIATION, hereinafter referred to as

“Association.” A copy of the Articles of Incorporation (will be) attached as Exhibit “A” and a copy of the Bylaws of the Association is attached as Exhibit “B,” and both are made a part of this Declaration.

3.2. Purposes of the Association.

3.2.1. The purpose of the Association shall be all of the purposes set forth in the Articles of Incorporation of the Association. The Association shall provide an entity for all execution, performance, administration, and enforcement of all the terms and conditions of this Declaration and specifically to provide for the care and maintenance of all the common areas.

3.3. Membership.

3.3.1. Each owner of a unit, as defined by this Declaration, by virtue of such ownership, shall be a member of the Association and by acceptance of a deed or instrument of conveyance for the acquisition of title in any manner, accepts such membership and acknowledges the authority of the Association to act as provided herein and as provided in the Articles and Bylaws of the Association.

3.4. Voting Rights.

3.4.1. Each owner of a unit shall be a member of the Association. Each unit shall be entitled to one vote regardless of the number of owners.

4. Common Areas Dedicated To The Association.

4.1. All roads and all other common areas as shown on said plat are to be dedicated to the Association.

4.2. Owner To Maintain His Property.

4.2.1. Each purchaser, his or her heirs or assigns, will maintain each unit owned by him or her in a clean and slightly condition at his or her own expense in such a manner as to conform with the maintenance of the surrounding units and established level of quality of improvement within the community. Appropriate action may be taken by the Association to protect homeowners where necessary. Common areas outside of individual units shall be maintained by the Association.

4.3. All Buildings To Be Properly Maintained.

4.3.1. All buildings, including storage units, must be kept painted and properly maintained and free of junk and other unsightly accumulations by the owner. All bikes must be stored in a storage unit, on the units covered porch, or on designated community bike racks.

4.4. Nuisances Prohibited.

4.4.1. Nuisances as defined in section 2.0 shall be prohibited and enforced as per Section 13.

4.5. Unsightly Materials Prohibited.

4.5.1. No rubbish, garbage, debris, junk, junk vehicles, or unsightly material shall be deposited outside any of the units or on Common Area at any time except building material during the course of approved construction on the site.

4.6. Annoying Activities Prohibited.

4.6.1. No noxious or offensive activities shall be carried on within any unit or on Common Area, nor shall anything be done thereon which may be or become an annoyance to the neighborhood. Outside toilets or privies are expressly prohibited, except where required for construction purposes.

4.7. Commercial Businesses.

4.7.1. The property is zoned HDHO-15 and is subject to the regulations and uses allowed in the Grand County Land Use Code in effect at the time these CC&R's are recorded.

4.8. Standard Domestic Pets Permitted; Farm Animals Prohibited.

4.8.1. Domestic family pets are permitted. Pets shall be controlled by the owner at all times. The owner is responsible for immediate removal of animal waste from common areas.

4.9. Unit Owners Bound By Common Area Insurance Policy Terms.

4.9.1. All unit owners agree to be bound by and to abide by the terms of any and all provisions of any insurance policies upon the common roads, easements, and other common areas.

4.10. Parking.

4.10.1. Each unit is allowed 1 unassigned parking space and will be given a permit and vehicle sticker. 1 additional parking space may be rented by each 2 bedroom unit. Pricing to be determined and reevaluated on an annual basis by the Association.

4.10.2. Guest parking spaces may be checked out through the Association Parking Manager for a maximum of 48 hours. No guest parking is allowed without a permit which must be displayed in the guest vehicle windshield.

- 4.10.3. Parking and keeping of travel trailers, boats or trailers, motor homes, large tractor trucks, side-by-sides, 4-wheelers other recreational vehicles, or other equipment of similar nature and use is **NOT** allowed to be parked on site, unless it is the primary vehicle of residence, does not require extra parking space, and is street legal.
- 4.10.4. Parking in emergency access is strictly prohibited any time and violators will be towed at the owner's expense.

- 4.11. Landscaping and Lawns.
 - 4.11.1. Each unit owner shall landscape and maintain his unit in a pleasant and attractive manner. All landscaping shall be approved by the Association. All landscaping to be climate adapted plantings and irrigated using low water use strategies such as drip irrigation.
 - 4.11.2. Non-climate adapted plantings such as fruit trees, are allowed only if they are supplementary watered using rainwater and or grey water.
 - 4.11.3. All common space landscaping to be installed and maintained by the Association.

- 4.12. Fences.
 - 4.12.1. In no case shall any fence or wall be constructed without the Association approval as provided in Section 5.5 of this Declaration.

- 4.13. Fuel Storage.
 - 4.13.1. No individual fuel storage tanks are permitted.

- 4.14. Outdoor Lighting.
 - 4.14.1. Any outdoor lighting shall be dark sky compliant and approved by the Association.

- 4.15. On-Site Disposal of Environmentally Sensitive Substances Prohibited.
 - 4.15.1. Disposal on the site of Murphy Flats Condominiums of any substances which may be considered toxic or environmentally sensitive is expressly prohibited. Disposal of any substances which may contaminate ground water of the surrounding area is prohibited. These substances include, but are not limited to, paints, solvents, cleaning fluids, paint strippers, fuel, and oil.

- 4.16. Recycling and Waste.
 - 4.16.1. Each unit shall recycle household recyclables accepted by and limited to Monument Waste Transfer Station's single stream recycling policy. Recycling and trash removal costs will be included in Association fees.

4.17. Community Garden.

4.17.1. The Association should form a Committee to oversee a community garden to suit the needs of the Owners & Residents. The Committee should decide the rules for how they want to garden. Organic practices are recommended but are to be determined and regulated by the Committee.

4.18. Storage Units.

4.18.1. Each unit is allocated 1 enclosed storage unit. All storage unit lights are to be on motion sensors. Storage Unit electrical costs will be averaged and included in Association fees.

4.19. Water Use.

4.19.1. Each unit is responsible for water and sewer costs for their unit.

4.19.2. Low water use plumbing fixtures are required.

4.19.3. Any landscape watering is to be administered via irrigation drip.

4.19.4. Irrigation costs for common areas, communal land and the community garden are to be included in Association fees.

4.20. Energy Use.

4.20.1. Each unit is responsible for energy costs for their unit.

4.20.2. All appliances to be energy star certified.

4.20.3. Lighting fixtures to be energy efficient LED.

4.20.4. Solar energy to be allocated as outlined in Section 4.22.

4.21. Grey Water.

4.21.1. All units will be grey water ready. If Declarant wishes to use grey water, they must adhere to all state and local greywater regulations. Design and design implementation and any costs associated will be the responsibility of the Owner.

4.22. Solar.

4.22.1. A solar panel system will be installed and maintained by the Association.

4.22.2. Energy will first be allocated to communal space energy use, then evenly divided to offset the costs of storage unit energy use, and finally divided evenly amongst the individual Units.

5. Approval Of Construction and Renovation Plans.

5.1. Structures.

5.1.1. All structures, renovations and landscaping erected, constructed, or maintained upon any of the units in the Murphy Flats Condominium shall be subject to the approved design guidelines of the Association. All approved structures and landscaping shall be completed within 24 months of building permit issuance.

5.2. Completion of Structures.

5.2.1. All approved structures, renovations and landscaping shall be completed within 24 months of building permit issuance.

5.3. Association Construction Approval Required.

5.3.1. No building, outbuilding, fence, wall, retaining wall, or other structure of any type shall be constructed, erected, placed, or permitted to remain on the premises hereby conveyed, nor shall construction or erection commence, unless the Association shall have approved in writing the detailed drawings, plans, specifications, exterior colors, materials, plat plan, layout, and landscaping plan of such proposed building or buildings and building site. Likewise, once a building has been constructed according to plans approved by the Association, no structure, alteration, or addition shall change the external elevations, design, or appearance of said building unless detailed plans and specifications for such structure, alteration, or addition have been approved in writing by the Association. The refusal by the Association to approve plans submitted hereunder may be based upon any grounds including purely aesthetic, which in the sole discretion of the Association may see sufficient provided, however, that said committee shall have a period of thirty (30) days after any plans and specifications have been last submitted under the terms of this declaration within which to examine such plans and specifications have been last submitted under the terms of this declaration within which to examine such plans and specifications within said thirty (30) day period then such approval shall not be required, provided that the proposed building may not violate any of the other restrictions set forth herein, or any provision of the building and zoning ordinances of (county name) County.

5.3.2. All interior renovation plans and specifications are required to be submitted to the Association for approval and confirmation of compliance with the standards in this document.

5.4. Preliminary Plans Approval To Facilitate Ultimate Final Approval.

5.4.1. In order to facilitate preparations and ultimate approval of the final plans and specifications hereunder, the Association shall review preliminary drawings, plot plans, elevations, materials, and specifications in advance of their submission for final approval and indicate its objections or recommendations. Thereafter, as more

detailed plans and specifications are developed, the Association may not refuse approval of same as long as the final product conforms substantially with the preliminary plans and specifications previously approved. No structural alterations in the exterior appearance of buildings or structure, whether existing or proposed, shall be made without approval.

5.5. Submission Materials.

5.5.1. One hard copy set and one digital set of complete plans and specifications for any building or structure planned on this condominium development shall be first submitted in writing for approval and approved in writing by the Association.

5.6. Association Shall Endorse Both Sets of Plans.

5.6.1. Approval of plans, specifications and location of buildings by the Association shall be endorsed on both sets of said plans and specifications, and one set shall forthwith be returned by the Association to the person submitting the same.

5.7. Association Approval Not Waiver of Features in Subsequent Plans.

5.7.1. The approval of the plans or specifications submitted for approval, as herein specified, shall not be deemed to be a waiver by the Association of the right to object to any of the features or elements embodied in such plans or specifications if and when the same features and elements are embodied in any subsequent plans and specifications submitted for approval for use on other units.

5.8. Structures Shall Be Erected in Accordance With Approved Plans.

5.8.1. After such plans and specifications and other data submitted have been approved by the Association, no building, outbuilding, fence, wall, retaining wall, renovation or other structure of any kind shall be erected, constructed, placed, altered or maintained upon said property unless the same shall be erected, constructed or altered in conformity with the plans and specifications and plot plans theretofore approved by the Association. If any building, outbuilding, fence, wall, retaining wall, or other structure of any kind shall be erected, constructed, placed, altered or maintained upon said property other than in accordance with the plans and specifications and plot plans theretofore approved by the Association, such erection, construction, placing, alteration and maintenance shall be deemed to have been undertaken without the approval of the Association ever having been obtained as required by this Declaration.

5.9. Compliance With Plans Approvals.

5.9.1. After the expiration of one year from the date of completion of any structure or alteration, such structure or alteration shall be deemed to comply with all of the provisions of Section 5.5 hereof unless notice to the contrary shall have been recorded or legal proceedings shall have been instituted to enforce such compliance.

5.10. Association Inspection Of Structure Under Construction.

5.10.1. The Association may at any reasonable time enter and inspect any building or property under construction or on or in which the Association may believe that a violation of the covenants, restrictions, reservations, servitudes or easements is occurring or has occurred.

6. Other Declarations and Restrictions

6.1. Access of Easements Reserved.

6.1.1. No dwelling house, garage, outbuilding, or other structure of any kind shall be built, erected or maintained upon any easements, reservations or rights-of-way, and easements, reservations or rights-of-way shall, at all times, be open and accessible to public and quasi-public utility corporations, and other persons erecting, constructing or servicing such utilities and quasi-public utilities, and to Owner, its successors and assigns, all of whom shall have the right of ingress and egress thereto, and therefrom, and the right and privilege of doing whatever may be necessary in, under and upon said locations for the carrying out of any of the purposes for which said easements, reservations and rights-of-way are reserved, or may hereafter be reserved.

6.2. Signs.

6.2.1. No signs or other advertising device of any character shall be erected, posted, pasted, displayed or permitted upon or about any part of said unit except as permitted herein: one sign of not more than three (3) feet square in area advertising the property for sale; the owner may display on his unit a name and address sign referring only to the premises on which displayed; nothing contained herein shall preclude Owner and/or the Association from erecting such signs as may be deemed necessary and proper incident to the utilization of the easements, nothing contained herein shall preclude the Owner and Developer from erecting signs and unit markers for the purposes of selling said units.

7. Fees, Dues, Charges and Assessments

- 7.1. The Declarant hereby covenants, creates and establishes, and each owner of any unit of the property described in Section 1.2 hereof, by acceptance of a deed or instrument of conveyance for the acquisition of title in any manner shall hereafter be deemed to have covenanted and agreed to pay to the Association the following:
 - 7.1.1. Any assessment or charge for the purpose of operating the Association and accomplishing any and all of its purposes. Such assessments shall be equal amounts against the owners of each individual unit.
 - 7.1.2. An annual, semi-annual or quarterly charge for the normal maintenance of the roads and other common areas. Such assessments shall be in equal amounts against the owners of each unit.
 - 7.1.3. Any special assessments for capital improvements, emergencies, or non-recurring expenses; such assessments shall be in equal amounts against the owners of each unit.
 - 7.1.4. Charges incurred in connection with the enforcement of any of the terms and conditions hereof.
 - 7.1.5. Fees or charges that may be established for the use of facilities or for any other purpose deemed appropriate by the Board of Directors of the Association.
 - 7.1.6. Assessments of any kind for the creation of reasonable reserves for any of the aforesaid purposes. Such assessments shall be equal amounts against the owners of each unit.

8. Procedures for the Establishment of Fees, Dues, Charges and Assessments.

- 8.1. The Board of Directors of the Association shall establish all sums which shall be payable by the members of the Association in accordance with the Articles of Incorporation/Organization and Bylaws of the Association and the following procedures:
 - 8.1.1. Assessments against the owners of all of the units shall be established after the adoption of an operating budget, and written notice of the amount and date of commencement thereof shall be given to each unit owner not less than thirty (30) days in advance of the date thereof. Assessments shall be payable at such time or times as the Board of Directors shall direct.
 - 8.1.2. Special Assessments against the owners of all of the units and all other fees, dues, and charges, including assessments for the creation of reasonable reserves, may be established by the Board of Directors at any regular or special meeting thereof, and shall be payable at such time or times as the Board of Directors shall direct, provided that any such assessment shall have the assent of 75% of the votes of all members who are voting in person or by proxy at a meeting duly called for this purpose.

8.1.3. The Board of Directors may, from time to time, establish by a resolution, rule or regulation, specific fees, dues or charges to be paid by specific owners of units for the use of facilities, or to reimburse the Association for expenses incurred in connection with the enforcement of any of the terms of this Declaration. Such sums shall be payable by the affected member at such time or times as shall be established by the resolution, rule or regulation of the Board of Directors.

8.1.4. The Association shall prepare a roster of the properties and assessments applicable thereto which shall be kept in the office of the Association and shall be open to inspection by any owner. The Association shall, upon demand, furnish an owner liable for said assessment, a certificate in writing signed by an officer of the Association, setting forth whether the assessment has been paid and/or the amount which is due as of any date. As to parties without knowledge of error, who rely thereon, such certificates shall be conclusive evidence of payment or partial payment of any assessment therein stated having been paid or partially paid.

9. Enforcement of All Assessments and Creation of Liens

9.1. The collection of all assessments and creation of liens shall be in accordance with the following provisions:

9.1.1. If fees, dues, charges or assessments of any kind are not paid upon the date when due, such sums shall then be and become delinquent and shall, together with interest thereon, attorneys' fees and all costs of collection, be and become a continuing lien and charge on the unit or units owned by the member of the Association. Such liens shall bind all such property in the hands of the unit owner, his heirs, devisees, personal representatives, successors and/or assigns.

9.1.2. If the sums due are not paid within thirty (30) days after the delinquency date, such sums shall bear interest from the date of delinquency at the highest rate of interest which may be lawfully charged to individuals, and the Association may bring an action to foreclose the lien against the property in like manner as the foreclosure of a mortgage on real property, and there shall be added to the amount due in addition to the interest hereinabove set forth, all costs of collection and/or appeal, and all attorneys' fees incurred by the Association in connection with the collection and/or appeal. The judgment shall include all of said sums.

10. Subordination of Liens to Mortgages

10.1. The liens for all fees, dues, charges and assessments provided herein, shall be subordinate to the lien of any bona fide mortgage or mortgages, now or hereafter placed on any unit; provided, however, that such subordination shall apply only to the

sums which have become due and payable prior to a sale or transfer of such unit, pursuant to a decree of foreclosure or other proceeding in lieu of a foreclosure. No sale, transfer, or conveyance of any kind shall relieve any unit owner from the liability for any fees, dues, charges or assessments thereafter becoming due or the lien for any such sums.

11. Scope, Duration of Protective Covenants, Conditions, Restrictions, and Covenants.

11.1. All of the protective covenants, conditions, restrictions, and easements set forth in this Declaration are imposed upon said property for the direct benefit thereof and of the owners thereof as a part of the general plan of development, improvement, building, equipment and maintenance of said property. Each grantee or purchaser under a contract of sale or agreement of purchase, accepts the same subject to the protective covenants, conditions, restrictions, and easements set forth in this Declaration, and agrees to be bound by each such protective covenant, condition, restriction, and easement. Said protective covenants, conditions, restrictions, and easements shall run with the land and continue to be in full force and effect, except as hereinafter provided, in perpetuity. Said protective covenants, conditions, restrictions, and easements remain in perpetuity unless a written agreement executed by the then record owners of not less than seventy-five percent (75%) of the units in the property subject to this Declaration shall be placed on record in Grand County, Utah, in which agreement any of the protective covenants, conditions, restrictions, and easements may be changed, modified, waived or extinguished in whole or in part, as to all or any part of the property then subject thereto in the manner and to the extent therein provided.

11.2. In the event that any such written agreement of change or modification be fully executed and recorded, the original protective covenants, conditions, restrictions, and easements as therein modified shall continue in force in perpetuity, unless and until further changed, modified or extinguished in the manner herein provided.

11.3. Damages are hereby declared not to be adequate compensation for any breach of the protective covenants, conditions, restrictions, or easements of this Declaration, but such breach and the continuance thereof may be enjoined, abated and remedied by appropriate proceedings by the Declarant, the Association, or by an owner of any unit in said property.

12. Subordination of Protective Covenants, Conditions, Restrictions, and Easements.

12.1. All of the protective covenants, conditions, restrictions, and easements set forth in this Declaration shall be subject to and subordinate to any recorded mortgage or deed of trust in good faith and for value at any time heretofore or hereafter executed covering any part of said property, and the breach of any such protective covenants, conditions, restrictions and easements, shall not defeat the lien or encumbrance of any such mortgage or deed of trust; provided, however, that the purchaser at any foreclosure sale under any such mortgage or deed of trust, his or its successors and assigns, shall take and thereafter hold the title subject to all of the covenants, restrictions, reservations and easements set forth in this Declaration.

13. Violations of Protective Covenants, Conditions, Restrictions, and Easements.

13.1. A breach or violation of any of the protective covenants, conditions, restrictions, and easements shall give to the Association the right to immediate entry upon the property upon which such violation exists, and summarily to abate and remove, at the expense of the owner thereof, any erection, structure, building, thing or condition that may be or exist thereon contrary to this Declaration, and to the true intent and meaning of the provisions hereof, and the Association shall not be liable for any damages occasioned thereby. The result of every act of omission or commission or the violation of any protective covenant, condition, restriction, and easement hereof, whether such protective covenant, condition, restriction, and easement is violated in whole or in part, is hereby declared to be and to constitute a nuisance, and every remedy allowed by law or equity against any such owner of any unit, and may be prohibited and enjoined by injunction. Such remedy shall be deemed cumulative and not exclusive.

13.2. Where an action, suit or other judicial proceeding is instituted or brought for the enforcement of these protective covenants, conditions, restrictions, and easements, the losing party in such litigation shall pay all expenses, including a reasonable attorney's fees, incurred by the other party in such legal proceeding.

14. Right to Enforce.

14.1. The provisions contained in this Declaration shall bind and inure to the benefit of and be enforceable by the Association, or by the owner or owners of any portion of said property, their and each of their legal representatives, heirs, successors and assigns, and failure by the Association, or by the owner or owners of any portion of said property or their legal representatives, heirs, successors and assigns, to enforce any of such protective covenants, conditions, restrictions, and easements herein contained shall, in no event, be deemed a waiver of the right to do so thereafter, unless otherwise herein provided.

15. Assignment of Powers.

15.1. Any and all rights and powers and reservations of the Declarant herein contained may be deeded, conveyed or assigned to another corporation, co-partnership or individual and upon such corporation, co-partnership or individual evidencing its consent in writing to accept such assignment and to assume such duties and powers, it shall, to the extent of such deed, conveyance or assignment, have the same rights and powers, and be subject to the same obligations and duties as are given to and assumed by Declarant herein and thereupon Declarant shall be relieved of the performance of any further duty or obligation hereunder to the extent of such deed, conveyance or assignment. In the event Declarant shall convey all of its right, title and interest in and to the real property described in Section 1.2 hereof and shall assign all of its rights, powers and privileges under this Declaration to another corporation, co-partnership or individual and such assignee should, by instrument in writing duly executed, acknowledged and recorded in Grand County, Utah, accept such conveyance and assume and agree to be bound by each and all of the obligations and duties hereby imposed upon the Declarant, then and in that event the Declarant shall be relieved of the performance of any further duties or obligations hereunder, and such other corporation, co-partnership or individual shall succeed to all of the rights, powers, reservations, obligations and duties as though such other party had originally been named as Declarant instead of Declarant.

15.2. Developer-Appointed Board

15.2.1. The Board of Directors is the legal entity representing all of the owners.

15.2.2. Upon 75% completion of the development, a Board of Directors will be created.

The first complete Board of Directors will be created by the developer at the time that the condominium is created.

15.3. Owner-Controlled Board

15.3.1. The Board of Directors will assume total control upon 100% completion of the development.

15.3.2. Once total owner control is achieved, there are two methods for selecting and electing board members. The most common method is election by association members at an annual or special meeting. The election must be preceded by the qualification of candidates and noticing requirements – as described in the Election section in this manual – must be followed.

15.3.3. Alternatively, the second method of selection is by appointment to the board by the existing members of the board. The appointment may occur by the developer if the developer is still entitled to board representation or by the remaining board members when a vacancy on the board occurs between membership meetings.

15.4. Eligibility

15.4.1. Any unit owner who is age 18 or older is eligible to serve on the board. The only exception is if the person has been convicted of a felony in the United States and whose right to vote remains suspended. Any other restrictions to the statute must be contained in the governing documents.

15.5. Compensation

15.5.1. Members of the board serve without compensation.

16. Headings of Sections.

16.1. The headings as to the contents of particular sections are inserted only as a matter of convenience and for reference and in no way are, or are they intended to be, a part of this Declaration, or in any way define, limit or describe the scope or intent of that particular paragraph to which they refer.

17. The Various Parts of this Declaration are Severable.

17.1. In the event of any clause, subdivision, term, provision or part of this Declaration being adjudicated by final judgment of any court of competent jurisdiction to be invalid or unenforceable, then disregarding the paragraph, subdivision, term, provision or part of this Declaration as adjudicated to be invalid or unenforceable, the remainder of this Declaration, and each and all of its terms and provisions not so adjudicated to be invalid or unenforceable shall remain in full force and effect, and each and all of the paragraphs, subdivisions, terms, provisions or parts of this Declaration are hereby declared to be severable and independent of each other.

APPENDIX A - Articles of Incorporation MURPHY FLATS HOMEOWNERS ASSOCIATION

APPENDIX B - Bylaws of the Association

GRAND COUNTY, UTAH ORDINANCE _____ (2019)

APPROVING APPLICATION OF THE HIGH DENSITY HOUSING OVERLAY DISTRICT 15 (HDHO-15) TO 1187 AND 1189 MURPHY LN. (Murphy Flats HDHO Development)

WHEREAS, Courtney Kizer and Robert Kizer, (Applicants) are the owners of record of 1.46 acres of real property located at 1187 and 1189 Murphy Ln. in West ½ of Section 8, Township 26 South, Range 22 East, SLM, Grand County, Utah, more specifically described as follows;

Beginning at a corner which bears South 69° 20' East 1582.6 feet; thence North 15° 13' West 267.0 feet from the West 1/4 Corner Section 8, Township 26 South, Range 22 East, SLM, and proceeding thence North 15°13' West 334.8 feet (record=340.0 feet) to a corner; thence North 89°03' East 175.2 feet (record=East 180.43 feet) to a corner; thence South 15°13' East 412.8 feet (record=420.0 feet) to a corner; thence North 69°43' West 208.7 feet to the point of beginning. (Parcel No. 02-008-0097)

TOGETHER with an access easement for ingress, egress and utilities over and across the Easterly 24 feet of the Johnson/Jones Property as reserved in the Warranty Deed recorded October 4, 1999 in Book 539 at Page 268, Entry No. 449419.

TOGETHER with a 25 foot wide access and utility easement dated April 17, 2001 and recorded as Entry No. 453809 in Book 561 at Page 68.

TOGETHER with a 25 foot wide access and utility easement dated April 17, 2001 and recorded as Entry No. 453810 in Book 561 at Page 71.

WHEREAS, the *Grand County Land Use Code* was adopted by the Grand County Council on January 4, 1999 with Ordinance No. 299, Series 1999, and codified with Resolution 468 on April 15, 2008 and as amended to date, for the purpose of regulating land use, subdivision and development in Grand County in accordance with the *General Plan*;

WHEREAS, the High Density Housing Overlay was adopted on January 15, 2019 with Ordinance 584, and repealed and replaced on June 18, 2019 with Ordinance 591;

WHEREAS, the Applicants have submitted an application requesting designation of the High Density Housing Overlay District 15 (HDHO-15) to subject parcels and acreage as defined by the Grand County Land Use Code (LUC);

WHEREAS, the Applicants have submitted the Murphy Flats HDHO Development master plan (Exhibit A) and development agreement (Exhibit B) satisfying the legislative intents and statutory requirements of the Section 4.7 of the Grand County LUC (High Density Housing Overlay Districts);

WHEREAS, the Murphy Flats HDHO Development master plan and development agreement designate that eighty percent (80%) of the Lots or Units within proposed development shall be deed restricted in perpetuity for households that are primary residents who are actively employed within Grand County;

WHEREAS, in a public hearing on August 13, 2019 the Grand County Planning Commission considered all evidence and testimony presented with respect to the subject application and forwarded a favorable recommendation to the Grand County Council;

WHEREAS, due notice was given that the Grand County Council would meet to hear and consider the proposed HDHO-15 application in a public hearing on September 3, 2019;

WHEREAS, the County Council has heard and considered all evidence and testimony presented with respect to the subject application and has determined that the adoption of this ordinance is in the best interests of the citizens of Grand County, Utah;

NOW, THEREFORE, BE IT ORDAINED by the County Council that it does hereby apply the High Density Housing Overlay District 15 (HDHO-15) to the parcels and acreage at 1187 and 1189 Murphy Ln and approve for recordation the Murphy Flats Master Plan and HDHO Development Agreement.

PASSED, ADOPTED, AND APPROVED by the Grand County Council in open session this 17th day of September by the following vote:

Those voting aye: _____

Those voting nay: _____

Those absent: _____

ATTEST:

Grand County Council

Chris Baird, Clerk/Auditor

Evan Clapper, Chair

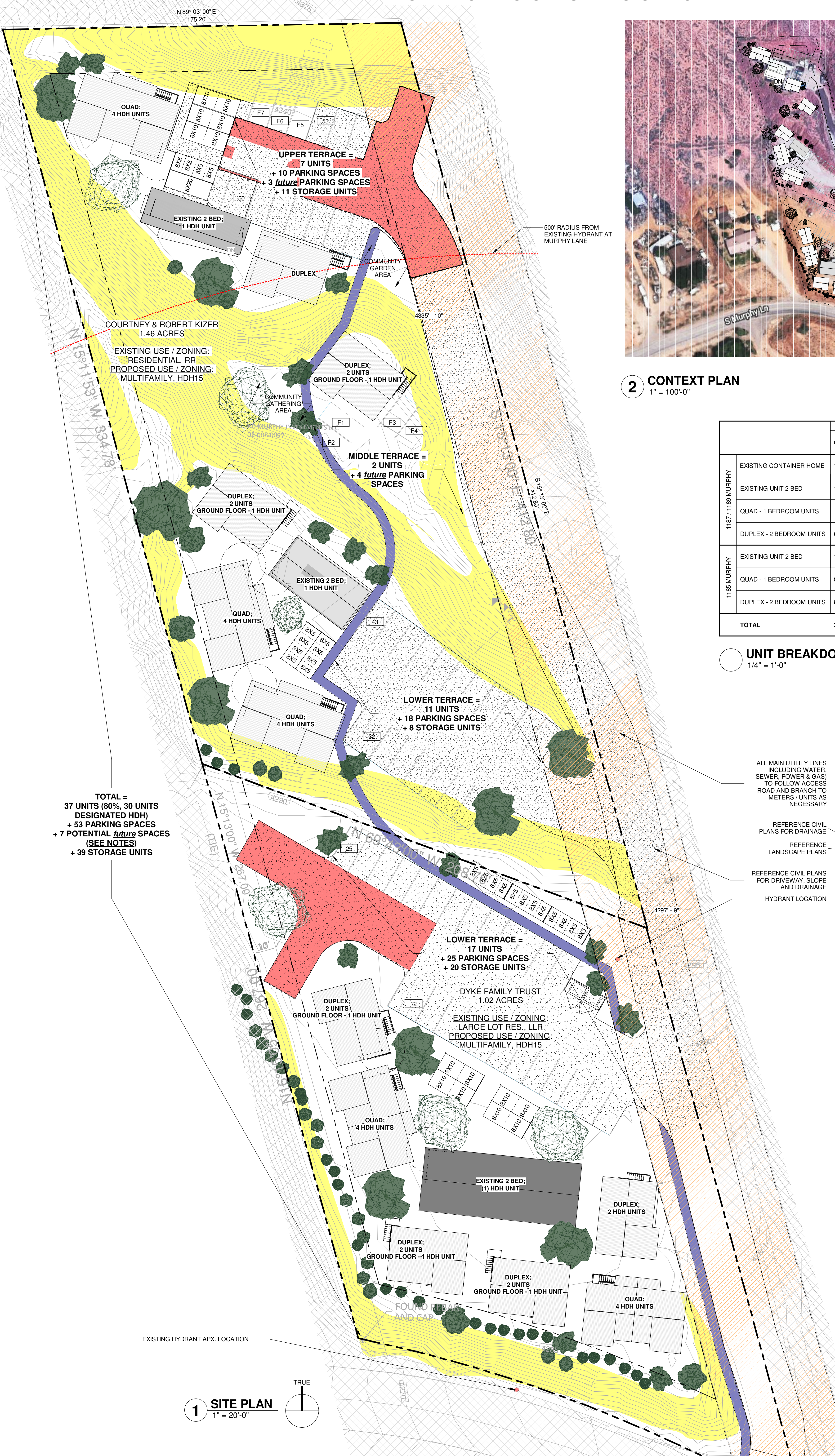
DRAFT

Exhibit A
Murphy Flats Master Plan

DRAFT

Exhibit B
Murphy Flats Development Agreement

DRAFT



2 CONTEXT PLAN
1" = 100'-0"

	CALCULATIONS			NOTES
	QUANTITY	SQUARE FOOTAGE / UNIT	SQUARE FOOTAGE / TYPE	
1187 / 1189 MURPHY				
EXISTING CONTAINER HOME	1	320	320	OWNER OCCUPIED, HDH
EXISTING UNIT 2 BED	1	800	800	EXISTING, NO CHANGES PROPOSED, HDH
QUAD - 1 BEDROOM UNITS	12	410 (AVG.)	4,920	ALL UNITS HDH
DUPLEX - 2 BEDROOM UNITS	6	540 (AVG.)	3,240	(4) MARKET, (2) HDH
1185 MURPHY				
EXISTING UNIT 2 BED	1	1730	1730	EXISTING, NO CHANGES PROPOSED, HDH
QUAD - 1 BEDROOM UNITS	8	410 (AVG.)	3,280	ALL UNITS HDH
DUPLEX - 2 BEDROOM UNITS	8	540 (AVG.)	4,320	(3) MARKET, (5) HDH
TOTAL	37		18,610 sf	(7) MARKET, (30) HDH

UNIT BREAKDOWN
1/4" = 1'-0"

NOTES:
- NO PERMANENT CONSTRUCTION IS TO TAKE PLACE IN AREAS DESIGNATED AS FUTURE PARKING SPACES
- DEVELOPER TO DETERMINE WITHIN (1) YEAR OF FULL PROJECT BUILD OUT IF SPACES ARE REQUIRED FOR THE SUCCESS OF THE PROJECT.

- EXISTING SLOPES > 30%
- ROOF EXTENTS; PROPOSED
- ROOF EXTENTS; EXISTING
- LANDSCAPING, SCREENING & VEGETATED DETENTION PONDS; DETAILS & SPECIES TBD
- ROAD AND PARKING PER CONSTRUCTION STANDARDS FOR "PRIVATE LANE"
- HAMMERHEAD FOR FIRE VEHICLE ACCESS AS PER CIVIL DRAWINGS
- 50' ACCESS EASEMENT SHARED WITH ADJACENT PROPERTY OWNERS
- FENCES & WALLS (TO SCREEN GARBAGE DUMPSTERS ONLY)
- NOT IN PROJECT SCOPE
- PEDESTRIAN PATH

SITE PLAN KEY
1/4" = 1'-0"

TOTAL =
37 UNITS (80%, 30 UNITS DESIGNATED HDH)
+ 53 PARKING SPACES
+ 7 POTENTIAL future SPACES (SEE NOTES)
+ 39 STORAGE UNITS

1 SITE PLAN
1" = 20'-0"

10/24/2019 2:38:35 PM

A100

SHEET NUMBER
Murphy Flats
HDHO
Development
Master Plan

MURPHY FLATS

1185, 1187 & 1189 MURPHY LANE
MOAB, UT 84532

R=745.20'
L=209.4'
D=016°05'57"
CH=N69°43'W
CH L=208.70'

2019.10.24 2:38:35 PM
PLAN - HDHO APPLICATION -
COMBINED
REVISIONS:

PO BOX 1153
MOAB, UTAH 84532
p 512-656-1745
courtnykizer@gmail.com

ARCHITECTURAL 2

Recent Building Permit Review

(*since September 24)

3 new construction (residential)

2 solar (residential)

County Commission Update for Planning Commission 10-12-20

- 1) DiscoPlex High Density Housing Overlay Public Hearing was cancelled by the applicant. They have decided to withdraw their application and will pursue sale of the property as is. County Commission made a motion to indefinitely postpone.