

Agenda Summary
GRAND COUNTY COMMISSION
September 20, 2022

AGENDA ITEM: _____

TITLE:	Adopting Resolution Approving a Conditional Use Permit (CUP) for Ride Moab, an outfitter, guide service and facility with retail located at 1040 S. Highway 191 in Moab, Utah, on Parcel No. 02-0SWE-0009.
FISCAL IMPACT:	N/A
PRESENTER(S):	Elissa Martin, Associate Planner

Prepared By:
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GRAND COUNTY
PLANNING &
ZONING

FOR OFFICE USE ONLY:

Attorney Review:

Complete
9.14.2022

POSSIBLE MOTION:

I move to adopt the Findings of Fact from the Staff Report dated August 22nd, 2022 and approve the Ride Moab Industry’s Outfitter guide service and facility Conditional Use Permit for Grand County Parcel No. 02-0SWE-0009 as illustrated on the Site Plan dated August 2nd, 2022, with the following conditions in order to mitigate reasonably anticipated detrimental effects of the proposed use and to ensure compliance with pending updates to the Land Use Code related to mitigating noise pollution:

- 1) Permittee/Owner agrees to comply with the Commercial Use Standards set forth for Outfitters and Guide Services (or similar category) in LUC Section 3.2.3, as amended through December 31, 2022;
- 2) CUP review is required each year for compliance, on the anniversary of approval, per LUC Section 9.10; and
- 3) A dedicated ingress/egress along Jackson street shall be required. This measure may be temporary in nature until after spring 2023 drainage work in the right-of-way is completed. At that time, Permittee/Owner or property owner shall discuss with the Grand County Roads Supervisor a permanent solution to block the open access along the entire property boundary with Jackson street, which creates a hazard.

BACKGROUND:

The property is currently zoned General Business (GB) and is located on the corner of Jackson Street and Highway 191. The property is located between two existing commercial properties: a fitness facility and a retail auto parts store (which are separated by Jackson street). Epic 4x4 sits across the street and the adjacent property to the rear is a residential dwelling. Like the subject parcel, this residential dwelling to the rear is also located in the GB zoning district.

The existing structure has been home to many commercial uses over the years, and the current request is an application for a Conditional Use Permit which would permit the operation of a Non-ATV Guide and Outfitter service

(motorcycles & e-bikes). Such business would operate within the currently vacant Unit B of the structure. A retail store currently exists within Unit A of the structure.

Ride Moab Industry has held a Grand County Business license since 2017 as a Motorcycle Guide and Online Retail Sales business and would like to establish a brick and mortar location for their established operations.

In August 2022, Grand County initiated a process, via committee, to update its LUC to regulate businesses which produce noise differently than businesses that do not produce noise. This process is driven by two factors: 1) Grand County's desire to remove the business cap limiting new ATV outfitters and guides in Title 5, and 2) the impact of noise on adjacent residential properties, which concern is driven by consistent complaints by neighbors/residents, including in particular complaints received by the County about the noise produced by Epic 4x4, across the street from the subject property. As drafted, the LUC update currently defines businesses producing noise to include motorized outfitters and guides, car repair shops, bars/clubs, kennels, etc.

STAFF RECOMMENDATION: NEUTRAL

The property is located in the GB zone, where the Outfitter, guide service and facility (non-ATV outfitter, guide service and rental businesses) use requires a Conditional Use Permit (CUP). Grand County Planning staff & Building Inspector conducted a site visit to observe the potential impacts the use may have in relation to LUC section 9.10.5 Conditional Use Criteria and Section 9.10.6 Conditions of Approval

It was determined that the potential impacts of the Outfitter, Guide and Rental Service include: some increase in noise that would be detectable to the neighboring residential use. This is expected to be mitigated with the unique way that the existing structure is situated on the property; with the side of the building extending nearly the length of the property line that abuts a residential use and acting as a buffer. Additional noise mitigating measures may be imposed with updates to the LUC prior to December 31, 2022.

Increased traffic on the property was discussed with the Roads Supervisor and determined that dedicated ingress and egress would alleviate the concern.

The applicant meets the requirements for the Outfitter, guide service and facility (non-ATV outfitter, guide service and rental businesses) use per LUC Section 3.3.2 (K.1.)

COUNTY ATTORNEY RECOMMENDATION: NEUTRAL

The County Attorney recommends the Grand County Commission review LUC Section 9.10, and specifically in LUC Section 9.10.6:

9.10.6 Conditions of Approval

A. The County may, in the interest of the public welfare and to assure compliance of this LUC, establish reasonable conditions to mitigate the

reasonably anticipated detrimental effects of the proposed use, such as conditions related to the operation, location, arrangement and construction of any use for which a permit is authorized. In authorizing the location of any use listed as a conditional use permit, the County may impose such development standards and safeguards as the conditions and location indicate important to the welfare and protection of adjacent property, the neighborhood and the County from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, traffic circulation or other undesirable or hazardous conditions. In addition, where conditional uses involve significant alteration of the landscape or pose potential threats to the scenic quality of the County, reclamation bonds may be required as deemed necessary to ensure reclamation of disturbed sites to their natural, original or other substantially beneficial condition consistent with local plans to the extent practicable, and to protect the County's recreation-base economy, as determined by the County Commission. Applicants may be required to post sufficient security, as deemed reasonably necessary by the County Commission, to guarantee that the final reclamation shall be accomplished within one year of the cessation of the permitted activity/facility; a surety bond approved by the County Attorney may be acceptable.

B. Conditional use permits may be denied if the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with the criteria of Section [9.10.5](#).

C. Conditions of approval may include a requirement that the applicant submit an annual statement of compliance detailing how the applicant has complied with terms of the permit, including a detailed and specific report on steps taken in the prior year to comply with other applicable local, state and federal requirements and laws. The Administrator shall review and approve such annual statement where the applicant is continuing to comply with the applicable requirements of the conditional use permit. Where the Administrator determines that the applicant is in violation of any requirement of this LUC or conditions of approval, the Administrator shall revoke said permit in accordance with the requirements of Section [9.10.7](#). Alternatively, and at the discretion of the Administrator, such permit may be referred to the County Commission for review.

ATTACHMENT(S):

1. Staff Report
2. Draft Resolution
3. Site Plan & Vicinity Map
4. Applicant Narrative
5. Tax Roll & Title (Upon Request)
6. Application (Upon Request)

Vicinity Map

