



STAFF REPORT

PLANNING & ZONING DEPARTMENT

GRAND COUNTY, UTAH

DATE: August 22, 2022

TO: Grand County Commission

SUBJECT: Conditional Use Permit Application: Outfitter, guide service and facility (non-ATV outfitter, guide service and rental businesses) with retail

PROPERTY OWNER: Tracy Balsley

PROP. OWNER REP: KaLeigh Welch

PROPERTY ADDRESS: 1040 Hwy. 191, Parcel No. 02-0SWE-0009

SIZE OF PROPERTY: .50 acre

EXISTING ZONE: General Business (GB)

EXISTING LAND USE: Retail

ADJACENT ZONING AND LAND USE(S): Zones: General Business (GB), Highway Commercial (HC)

Uses: Residential, Commercial Auto parts retail, Fitness Facility

APPLICATION TYPE

Conditional Use Permit (CUP)

APPLICATION PROCEDURE

Decision Type: Legislative

Public Notices: Public Meeting at:

Planning Commission

County Commission

Public Hearing at:

Planning Commission

County Commission

Attachments:

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

SUMMARY OF REQUEST

The Applicant is seeking approval of a Conditional Use Permit for the purposes of operating an Outfitter, guide service and facility (non-ATV outfitter, guide service and rental businesses) with retail.

Approval of the Conditional Use would permit the applicant to conduct their business operations at the subject property which will include motorcycle and e-bike rentals, guide services, and retail sales associated with such business.

The property is located in the General Business (GB) zoning district, where an Outfitter, guide service and non-ATV rental business use requires a Conditional Use Permit.

The applicant meets the requirements of LUC Sections 3.2.3 (K.1) Use-Specific Standards for General Outfitter, Guide Services and Facilities and LUC Section 9.10 Conditional Use Permits.

PROPERTY HISTORY

The property has existed as many commercial uses over the years including Vernon Rocky's E& E Motorcycle sport shop, Sears Roebuck Appliance sales, Southeastern appliance store, Canyonland Auto, and most recently Gear Heads. The front unit of the property is currently occupied by a Trade Shop retail business.

The property is oriented on the southeast corner of Highway 191 and Jackson Street and contains an existing 5650 sq. ft. structure with three units plus associated parking area.

Unit A of the structure, fronting Hwy 191, is currently occupied by one retail business (2710 sq. ft.); Trading Post).

Unit B of the structure is a 1470 sq. ft. space currently proposed for use by Ride Moab Industries.

Unit C is currently unoccupied storage space utilized by the property owner.

SITE IMPROVEMENTS / ADDITIONS / CHANGES

A site visit was conducted by the Building Official and the Planning and Zoning office and it was determined that the only site improvement required is the addition of Unit identification lettering for addressing purposes. This can be achieved with the addition of adding A, B, and C addresses to the side of the structure. This addressing measure has been verified and finalized in the Recorders' office.

Grand County Roads Supervisor requested a dedicated ingress/egress along Jackson Street, accomplished with a temporary measure at this time until the scheduled Spring 2023 Right-of-way drainage work along Jackson Street is complete. After the completion of that work, a more permanent measure shall be discussed with the Roads Supervisor. Site Plan approval will include an Improvements Agreement, which will address future improvements to the dedicated access.

CONSIDERATIONS FOR APPROVAL, DENIAL OR POSTPONEMENT

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.

FINDINGS OF FACT:

Project Description

1. **FINDING:** The application is for a Conditional Use Permit for an Outfitter, guide service and facility. At the time of application, the LUC listed this use under “Outfitter, guide service and facility (non-ATV outfitter, guide service and rental businesses)”, per section 3.1 Use Table. **Upcoming changes to Section 3.1 and 3.2.3 of the LUC, will categorize this use under new terms, and as such the use will be identified according to Section 3.1 Use Table, revised.**
2. **FINDING:** The subject property is 0.5 acre and currently zoned General Business (GB). accommodates an existing 5650 sq. ft. structure consisting of three units: an existing and operational 2710 sq. ft. retail business and storefront (Unit A), a vacant 1470 sq. ft. space with a garage door opening and associated side entrance door (Unit B), and a 1470 sq. ft. space (Unit C) currently utilized by the property owner for storage.
3. **FINDING:** The location of the proposed business will be Unit B of the structure. This unit will require no renovation or updates for the proposed use per the International Building Code.

Consistency with 2012 General Plan - because the Land Use Element has not been updated yet, the 2012 General Plan is being referenced.

1. **FINDING:** The proposed Guide Service and Rental Business is consistent with the 2012 General Plan Section 3.2, Vision, Goals and Strategy, (Goal 2, Strategy A). which states:

Goal 2 – Focus future development in centers where existing and planned infrastructure can accommodate it so that people can live close to where they work and obtain goods and services.

Strategy A – Encourage mixed residential and business development and redevelopment projects in the commercial zone districts in the highway 191 corridor.

EVIDENCE:

- a) The subject property already accommodates commercial business use. This has eliminated the potential for development requests away from the highway 191 commercial corridor and as such supports concentrated commercial cores near existing infrastructure.
2. **FINDING:** The proposed use is not consistent with the Residential Infill Future Land Use Plan Designation for this location which calls for Single Family residential: two units per acre base density and up to 3.2 dwelling units per acre with a 50% open space set-aside or fee-in-lieu.

Multi-family residential: up to 18 dwelling units per acre with a 50% open space set-aside or fee-in-lieu of open space and 25% affordable housing units or fee-in-lieu

EVIDENCE:

- a) The subject property is proposed for commercial use and does not include a residential component.

Conformance with Grand County Land Use Code (LUC)

4. **FINDING:** The application meets all of the requirements for current Land Use Code section 3.3.2.K.1 - Use Related Standards for the “Outfitter, guide service and facility” use. **Future revisions to Section 3.2.3 will apply to the property/use, per conditions of approval in the Resolution approving this CUP.**

K. Outfitters, Guide Services and Facilities

1. General Outfitters, Guide Services and Facilities

a. General outfitters, guide services and facilities shall:

- (1) Screen all outdoor storage from view off site with an eight-foot sight-obscuring fence;
- (2) Be prohibited from using ATVs in their business activity.

EVIDENCE:

- a) No outside storage is proposed on the property.
- b) Motorized bikes are being rented, but not ATV’s

5. **FINDING:** The Conditional Use Permit Application is in conformance with LUC Article 9.1.3 – Minimum Submission Requirements, and Article 9.10.3 – Conditional Use Permits, in the following ways:

EVIDENCE:

- a) An application was submitted by the property owner’s representative in accordance with provisions of the Grand County Land Use Code Articles 9.1.3 and 9.10 on August 1st, 2022.
- b) The application was reviewed by the zoning administrator and deemed a complete application on August 8th, 2022, per article 9.1.3 and 9.10.

6. **FINDING:** The Conditional Use Permit application is in conformance with LUC Article 6 – General Development Standards, related to parking requirements for the combined uses at the property.

EVIDENCE:

- a) The site plan for the project demonstrates 18 parking spaces available on the lot. Because the LUC does not have an exact parking specification for Outfitter, guide service and facility, per LUC section 6.1.3.A., the requirements may be interpreted as those of a similar use. In this case, the requirement for Rental Car Agencies was used (1 per 200 sq. ft.).
 - The retail Trading Post in the front of the building (Unit A) is 2710 sq. ft.
 - The total floor space for Unit B (proposed Non-ATV Business and associated retail space location) is 1470 sq. ft.
 - Unit C in the back of the building is used for storage by the property owner, a use that does not require parking. Upon a change of use for Unit C, if additional parking spaces

are required, those parking spaces may be accommodated in front of Unit C and along the North end of the building, and will be designated as part of a Site Plan Amendment.

- Unit B will operate as 1/3rd floor space for retail operations and 2/3rd floor space for outfitter and rental Business.

Total Calculation

3200 sq. ft. of retail on the property (Unit A + B) requires 8 parking spaces.

980 sq. ft of outfitter and rental service space requires 5 parking spaces.

4. **FINDING:** Staff has reviewed the proposed use against the criteria in Section 9.10.5 Conditional Use Criteria and found that the detrimental effects can be mitigated and are similar to those expected from similar permitted commercial uses within the General business zoning district located along the Hwy. 191 corridor.

EVIDENCE:

- a) ***Effect on Environment.*** *The location, size, design and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property, nor cause substantial or permanent interference with the right to peaceful enjoyment of property.*
- The proposed Guide and Rental business will utilize an existing commercial structure located along Hwy 191. The applicant is not proposing any updates or changes to the property or structure.
 - The existing structure is oriented on the lot in such a way that will likely mitigate some of the noise impacts on the residential property use to the south.
- b) ***Compatible with Surrounding Area*** *The proposed site plan, circulation plan and schematic architectural designs shall be complementary with the character of the surrounding area with relationship to scale, height, landscaping and screening, building coverage, and density.*
- The proposed business is utilizing an existing commercial structure on the subject parcel, and is adjacent to a property that contains a residence.
 - Because the proposed business is not providing any outdoor storage related to the use, the 8' sight-obscuring fence required per the use specific standards described in Land Use Code section 3.2.3.K.a.(1) is not required.
- c) ***External Impacts Minimized*** *The proposed use shall not have detrimental effects which cannot be mitigated on existing uses in the area and in the County through the creation of noise, glare, fumes and odors, dust, smoke, vibration, fire hazard, excessive light, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to these impacts.*
- No proposed business activities will generate fumes or odors, smoke, vibration, fire hazard or excessive light.
 - Dust suppressant solutions shall be utilized to mitigate dust created from vehicular movement on the gravel parking lot.
 - **Noise related external impacts of the Guide and Rental Business will be mitigated per upcoming changes to Section 3.2.3 of the Land Use Code, which will require**

additional measures to prevent noise pollution. A condition of approval is included to require compliance of eventual updates to the LUC.

- Additional operations include retail sales which will be conducted on the interior of the structure. Effects related to that use are those commonly associated with retail uses, which include increased traffic, minimal to no noise as it relates to the retail use, and
 - Hours of operation for the proposed business will adhere to the restated allowable Hours of Operation per revised LUC Section 3.2.3.
- d) ***Infrastructure Impacts Minimized*** *The proposed use shall not have detrimental effects which cannot be mitigated on existing uses in the area and in the County through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.*
- The Utah Department of Transportation has confirmed that the addition of this use at the property would not require a Highway Occupancy permit as it is anticipated that most of the access to the property will occur via Jackson street. This Jackson Street access provides safer access to and from the property via the street light.
 - The ingress and egress on the property has been evaluated by the Grand County Roads Supervisor. The ingress/egress to the property from Jackson Street is required to be limited to a designated entrance/exit and the remaining open property line along Jackson Street be blocked from access (by rocks, blocks, curb, etc.). This can be achieved with temporary measures until the County's storm drain project along Jackson Street scheduled for Spring 2023 is complete (as any permanent measures taken at this time to limit access would likely be excavated during that work). After that storm drain work is completed, the property owner shall meet with the Roads Supervisor to discuss a more permanent solution to the dedicated access onto/off the property.
 - The proposed use does not anticipate extraordinary parking requirements or traffic outside of regular commercial use.
- e) ***Consistent with LUC and General Plan*** *The proposed use will be consistent with the purposes of this LUC, the General Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses otherwise permitted in the zone in which it is located.*
- (see Finding 1, 2, and 3 for consistency with General Plan and the remaining findings in this staff report for consistency with the Land Use Code)
- f) ***Parcel Size*** *The proposed use may be required to have additional land area, in excess of the lot area otherwise allowed by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district.*
- The existing lot is .50 acres. It is not anticipated that additional lot area will be needed for the proposed business. The lot as it exists provides adequate space for parking and flow onto and off the property.