



DATE: September 13, 2022

TO: Grand County Commission

SUBJECT: Consider an Ordinance to Amend Article 4, Special Purpose Overlay Districts to establish an “Alternative Dwelling Overlay District” Pilot Program

RESPECTFULLY SUBMITTED: Elissa Martin, Planner

SUMMARY: The proposed Alternative Dwelling Overlay (ADO) pilot program is intended to designate areas for long-term or seasonal occupancy in non-traditional housing, for local workforce, while respecting the character of existing neighborhoods and residential zones. The ADO District standards ensure that Alternative Dwelling developments are designed in a manner that addresses the impacts and the increased service needs they generate while also providing much needed designated workforce housing, which in turn, supports local businesses and the local economy.

This initiative is only one small piece of the puzzle to provide opportunities for housing across the entire continuum of housing affordability. It is not meant to serve the segment of the community that would benefit from multifamily, apartment style living -- that type of housing will be addressed with the Future Land Use Map which will designate locations appropriate for multifamily development.

Key standards include: 0.5 acre minimum lot size, minimum 4 units to be considered an ADO, utility hookups required (including impact fees), max dwelling site square footage: 1200 sf

STAFF RECOMMENDATION: Review the Draft Code and the below “items to consider”, especially items #1-3 to make revisions or accept suggested changes to the draft code, and either approve the ordinance with conditions (to revise the draft code as determined in the public meeting), or deny the ordinance.

BACKGROUND: (See Agenda Summary for full history of ordinance development and public engagement) As soaring housing prices in the Moab area continue to impact the availability of housing for our local residents, long term and seasonal employees, many folks resort to living out of their RV’s or trailers, or camping in their cars in and around Moab, often in less than stable situations and causing impacts to neighborhoods, public spaces such as local parks, and civic centers, etc. . Employer’s inquire often about wanting to provide housing, in the form of tiny homes or even simply an array of parking spaces for long term camping (with proper services). Out of these circumstances, the idea of an overlay district for “Alternative Dwelling Communities” or long term camp parks was born.

Discussions at Planning Commission meetings in the winter of 2021 were initiated when PC members and members of the public expressed concern with the lack of available rentals and

the overall high cost of rent, as well as the anticipation of the usual influx of seasonal workers needing a place to “park their home”. The ADO use standards were developed over several open-to-the-public Planning Commission meetings in the weeks between April 2022 – July 2022. A public housing forum was held on August 3rd 2022 to solicit feedback on the draft ordinance. Subsequently, a public hearing at the Planning Commission meeting on August 8, 2022 was held and remained open until August 18th to receive additional comments. Public comments were considered and incorporated into the revised draft language as appropriate prior to and during the Planning Commission meeting.

PLANNING COMMISSION RECOMMENDATION: On August 22, 2022 at a regular Planning Commission meeting, the Planning Commission voted unanimously to send a favorable recommendation to the County Commission to approve the Ordinance.

ITEMS TO CONSIDER: To understand the conversations had at Planning Commission and how certain use standards were decided upon, the below list provides several topics to consider.

1. PILOT PROGRAM TERMS: Specific language to describe the terms of the pilot program have been included in Section 4.9.2 Applicability, in the Draft Code, as well as in the Ordinance. The Planning Commission recommended approval of the draft code with the pilot program set to allow a maximum of 300 units or with a sunset date of one year of adoption of the code (whichever comes first). The Attorney and one Commissioner and a few public comments have recommended to drop this number to as low as 50. Staff’s recommendation is to set the cap at 150. Currently we estimate there are at least 50 illegal residential situations on property within Grand County, there are 50 people on the waitlist with HASU for their affordable apartment complexes, and there are over 100 people estimated to be at risk for homelessness.
2. ALLOWING WELLS AND SEPTIC

While the Planning Commission recommended approval of the ADO draft code with the allowance of wells and septic systems to support an ADO development, the Attorney and a Commissioner have expressed concern with this. The Commission should make a final determination whether or not this should be allowed. Some background on wells and septic systems provided by Orion:

- The property would have to apply for and receive the appropriate water rights. The well driller needs to apply for the appropriate permits and needs to do a drawdown pump test to determine that the well has adequate source capacity. Generally the areas where water is going to be available are known and the reliability of that water is also known.
 - Note that the County Attorney has pointed out that DWR has noticed the public that it will begin a public process to consider closing the basin to new water rights applications once the adjudication is closed by the Moab District Court.
- ***IF*** the proposed project will house more than 25 people more than 60 days out of the year, the water system serving the project will need to meet the requirements of a public drinking water system.

- There are lots of requirements for septic but it should not be discounted. There are a lot of newer technologies that can treat effluent very well but it is expensive. In some situations conventional systems would be appropriate, however in others, advanced systems that provide treatment would be appropriate.
 - There are technologies already in place that treat water to a standard that far exceeds the water quality of the Colorado River, Pack Creek and Mill Creek.
 - Each situation will be unique and whether or not the ability to use septic will be determined when the project is proposed to DRT. The first and foremost consideration will be the protection of our groundwater drinking water sources.
 - **IF** the estimated wastewater flow exceeds 5000 gallons per day the system will be designated as a Large Underground Wastewater Disposal System (LUWDS). LUWDS are regulated by the Division of Water Quality however SEUHD has the right to review all plans that are submitted. All LUWDS are required to treat their effluent. Examples include Ballard RV park in Thompson Springs, which uses a packed bed media system; the proposed system at the Desert Moon will use bioreactor technology with subsurface drip irrigation of the landscaping. There are some older LUWDS that do not treat their effluent but they are slowly converting to including treatment systems.
3. OCCUPANCY REQUIREMENT: ADOs shall be occupied for a period of 60 consecutive days or more. We originally included a caveat for seasonal employees who may only need an AD site for 2-4 weeks at a time in between guide gigs, but this was omitted at the recommendation of the Attorney to keep the pilot program streamlined and simple, and to not increase the burden of code enforcement.
 4. DEED RESTRICTION: At the Planning Commission meetings, the general consensus was that ADOs need not be deed restricted. That determination was made based on the thought that ADOs act like apartment developments, where each unit is a rental unit, and is not meant for ownership. ADOs will be strictly monitored for illegal nightly rental activity through our new monitoring/ enforcement software. We wouldn't want to deed restrict the property for ownership by a local resident, as that would limit the potential of these types of developments being viable.
 5. ELIGIBILITY MAP or RESTRICTED AREA MAP: The general consensus from the Planning Commission discussions was that because the decision-making process requires two public hearings and the discretion of both bodies to approve or deny an ADO application, a map would not be needed, but the "Items for Consideration" to make findings related to the proposed project would be critical to ensure fairness and accountability in the decision-making process.

The Draft Code includes six "items of consideration" in section 4.9.2 Applicability, to base findings on.

6. WATER AND SEWER HOOKUPS (and IMPACT FEES)

GWSSA defines an AD site as a commercial RV /campsite, which is calculated as being 0.79 ERC (Equivalent Residential Connection). According to current GWSSA impact fee rates, that would mean a \$5,505 total impact fee (see GWSSA fact sheet attached).

GWSSA does not have reliable, specific stats on water usage per AD type, or AD development. For example, a comparable long term camp park that exists in Grand County, has long-term camping, but they also have a commercial laundry. One commercial RV park has employee RV spots, but they also fill up water trucks for their business operations. Some of our other trailer parks are old and have leaks. Some have pools and most RV parks are required to provide one tree per site, which can take a lot of water in a large park.

- a. P&Z staff are researching this issue and upon adoption, we will provide better data to support the “Issue of Consideration” related to relative water resource impacts.
 - b. There have also been discussions with the Economic Development Department to develop a funding source through grants, to help small-scale business owners with the cost of impact fees, if they desire to develop an ADO for their employees.
7. DENSITY: A minimum unit count should be required to ensure that prop owners aren't applying for the ADO to provide for 1 or 2 RVs in their backyard. Currently, the minimum unit count is set at 4 sites. In lieu of a max density requirement, the number of units that can be placed on a parcel would be determined by “Max Lot Coverage” or Bldg Coverage of the underlying zoning district. The square feet of the dwelling site (not the vehicle or tiny home) would be used in the formula to determine max lot coverage. The table indicating those percentages for each zoning district is below:

<u>Residential Zoning Districts</u>					
<u>Development Standard</u>	<u>MFR</u>	<u>SLR</u>	<u>LLR</u>	<u>RR</u>	<u>RG</u>
<u>Max. Density (units/acre)</u>	<u>8</u>	<u>5</u>	<u>2</u>	<u>1</u>	<u>0.20</u>
<u>Min. Lot Size (acres)</u>	<u>0.125</u>	<u>0.20</u>	<u>0.50</u>	<u>1</u>	<u>5</u>
<u>Min. Project Boundary Buffer Parcel Size</u>	<u>5,445</u>	<u>8,712</u>	<u>21,780</u>	<u>21,780</u>	<u>21,780</u>
<u>Min. Front Yard and Street Side Yard</u>	<u>10'</u>	<u>20'</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>
<u>Min. Interior Side Yard*</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>15'</u>	<u>15'</u>
<u>Min. Rear Yard</u>	<u>10'</u>	<u>10'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>
<u>Min Lot Width*</u>	<u>80'</u>	<u>50'</u>	<u>100'</u>	<u>130'</u>	<u>130'</u>
<u>Bldg. Coverage Max.</u>	<u>55%</u>	<u>45%</u>	<u>25%</u>	<u>25%</u>	<u>25%</u>
<u>Max. Height Principal Structure</u>	<u>28'</u>	<u>28'</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>
<u>Max. Height Accessory Structure</u>	<u>28'</u>	<u>28'</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>
<u>*Side setback and min. lot width does not apply to townhome and multi-family shared walls.</u>					

8. COMMUNAL KITCHEN: Public comment provided at the 8/8/22 public hearing suggested not requiring a communal kitchen when dwelling sites DO NOT have hookups. P&Z staff feel strongly that a bare minimum communal kitchen with potable water should be provided when hookups are not provided to individual dwelling sites, to ensure dignity and quality of life. Folks may be living in temporary situations, but may still want the option to provide a meal for themselves and not solely rely on eating out. The ADO concept is meant to ensure basic needs while also being flexible enough to allow various types of dwellings to exist.
 - a. At a bare minimum, a covered area (outdoor or indoor) with a sink basin with potable water, a washable surface to act as a countertop, and a gas grill or stove top can constitute a "communal kitchen".
9. ONE RESTROOM REQUIRED: Public comment suggested that at least one restroom should be required for all ADOs regardless of whether individual site hookups are provided. Staff agrees with this, but one caveat has been added based on Commission member input – that for smaller ADO's where there are 5 or less dwelling sites and hookups are provided, a restroom would not be required.
10. EXPIRATION or LAPSE OF APPROVAL: ADO District approval shall expire and be void unless a site plan is approved for the development within 6 months of ADO District approval, and if certificate of occupancy is not issued within two years of ADO District approval. This seems like a reasonable amount of time, as no subdivision approval is required, only Site Plan, which is administrative.

Attachments:

1. ADO Ordinance
2. Draft Code
3. UTMP Map
4. GWSSA Fact Sheet
5. Public Comments