

Grand County Planning Commission

June 11, 2019

A regular meeting of the Grand County Planning Commission convened on the above date at the Grand County Courthouse, 125 E. Center St., Moab, UT 84532

Members Present: Chair Gerrish Willis, Vice Chair Abby Scott, Robert O'Brien, Christine "Cricket" Green, Kevin Walker, Emily Campbell, and Rachel Nelson.

Members Absent:

Staff Present: Zacharia Levine, and Kenny Gordon

Council Liaison: Terry Morse

Meeting was called to order at 5:00 pm by Chair Gerrish Willis.

Approval of Minutes: May 28, 2019: Robert O'Brien, motion to approve the May 28, 2019 meeting minutes with amendments. Seconded by Emily Campbell. Vote, 7 for and 0 against.

Citizens to be heard:

Marc Horwitz notification process, concerns about the HDHO process. Notify neighborhoods of HDHO applications.

Ex Parte Communication: None

Action Items:

Starbuck Subdivision:

Review and consider application materials provided to the planning commission related to the proposed Starbuck subdivision. Staff recommends a favorable recommendation for the HDH 5 Overlay to be applied to the subject parcel. Staff also recommends approval of the Preliminary Plat, contingent upon the statements included in Motion 2 above. Approval of the Preliminary Plat does not constitute legislative action applying the HDH overlay to the subject parcel. The applicant will be required to seek legislative approval of the High Density Housing (HDH) overlay in order for the conditional Preliminary Plat approval to be valid if it is granted by Planning Commission.

Tim Keogh could the design of the ponds be deferred to after the time of the Final Plat?

Zacharia Levine the plat would need to be amended because drainage facilities need to be shown on the plat.

Gerrish Willis calls for public comments. Close public hearing.

Robert O'Brien move to send a favorable recommendation to the County Council for applying the High Density Housing Overlay (HDHO – 5) to the parcel at 1991 Starbuck Lane.

Seconded by Christine Green. Vote 7 for and 0 against. Motion carries.

Robert O'Brien Move to approve the proposed preliminary plat for Starbuck subdivision HDHO Development contingent upon the following:

- a) The County Council approves the development agreement committing developer to the deed restriction requirements of Section 4.7 and applies the HDHO-5 to the subject parcels;
- b) The developer's final plat and building design standards comply with all other requirements of Section 4.7 – High Density Housing Overlay.

Seconded by Christine Green. Vote 7 for and 0 against. Motion carries.

Viewgate Terrace:

Review and consider application materials provided to the planning commission related to the application of the HDH35b overlay to the subject parcel.

Staff agrees with other Development Review Team members that it is premature to send a favorable recommendation for the HDH35b overlay. Multiple questions have arisen regarding the capacity of the subject parcel to accommodate

the level of development contemplated and made possible by an HDH35b overlay. With that in mind, Staff believes the subject parcel is in an appropriate location to accommodate higher density multi-family residential development—it is near the commercial core of Moab City and the proposed USU Moab campus, and it offers immediate access to US 191.

A proposed ordinance amending/removing use rights from all zones and/or overnight accommodations overlay for new/additional overnight accommodations developments, including Table 3.1 (Uses), Section 3.2 Use-Specific Standards, and Section 4.6 Overnight Accommodations Overlay District.

Christine Green moved to send a favorable recommendation to the County Council for applying the High Density Housing Overlay (HDH35b) to the parcel located at 1248 S. Hwy. 191. Seconded by Abby Scott. Discussion. Vote 7 for and 0 against. Motion carries.

Soliciting oral and written comments on a proposed ordinance to remove overnight accommodations use rights from Use Table 3.1; to establish use-specific overnight accommodations overlay districts as a replacement to existing Section 4.6 Overnight Accommodations Overlay District; and, to apply the newly created use-specific overnight accommodations overlay districts to existing and vested projects in unincorporated Grand County:

Staff believes the stated motion and proposed land use code amendments accurately reflect the majority position of the planning commission, council, and residents of Grand County. Staff also believes the proposed amendments follow the policy logic and legislative intent that led to Ordinance 586 (temporary land use restriction, or moratorium, on new overnight accommodations) as well as the findings discovered over the months that followed. Lastly, staff acknowledges the need for ongoing long-range land use planning in Grand County. Staff will continue to support and facilitate conversations regarding the appropriate time, location, and nature of overnight accommodations development as well as the ways in which it relates to other land use needs, priorities, and community goals. The planning process should not end with the passage of the proposed ordinance.

Staff also notes that, as of June 6, 2019, the County Attorney had not fully reviewed and approved the proposed/draft ordinance as to content and form.

Public comment:

- Katherine Holyoak property owner, believes it takes away my personal property rights.
- Richard McElhainey General Contractor, property owner, planned on putting overnight rentals on his property that overnight accommodations would be removed as a use by right.
- Bryan Walston stated that this would hurt property owners, I'm pro property rights. Please don't forward a favorable recommendation to council.
- Kevin Collins, urges to not remove overnight accommodations as a use by right.
- Michael Skarda owns land north of town, please don't apply generally to the entire County.
- Randy Day stated that there is too much legislation to develop, People will go elsewhere, please protect private property rights.
- Jim Nelson has had attorney advise him that it is removing his property rights.
- Wayne Aston prohibition when applied to one industry has been shown not to work. Force destroys prosperity and freedom. Cooperation needs to happen.
- John Knight limiting use is not the right way to approach this problem, creates investor uncertainty.
- Wayne Hoskisson limit overnight accommodations.
- Duane Stewart is a manager of existing overnight accommodations, stated that permit process is becoming difficult.
- Paul Morris commented about campgrounds, stated that it isn't fair to lump them in with hotels/motels. More campgrounds are needed. Improve roads, cooperation with BLM and other agencies to improve and create campgrounds.
- Paul Jones please don't forward a favorable recommendation of this ordinance. Delay this action and produce a path forward to develop.
- Jeff Adams supports removing overnight accommodations. Water resources to support development needs to be evaluated.
- Will Hansen stated that we are not going to go backward, and that we need to think about how to move forward. Need to protect property rights.
- Liz Ballenger supporting the ordinance.

- Greg Newman campgrounds should be treated differently than hotels/motels.
- Marc Horwitz where were developers when my property rights were be infringed, for a moratorium on overnight accommodations.

Gerrish Willis calls to close public hearing. Close public hearing.

Emily Campbell proposes to separate out the motion into three (3) different motions.

Emily Campbell moves to repeal and replace Use Table 3.1: Remove overnight accommodations of all types as principal uses in all zone districts within Use Table 3.1.

Seconded by Robert O'Brien. Discussion. Vote 6 for and 1 against (Christine Green). Motion carries.

Gerrish Willis did not call for votes in opposition.

Emily Campbell moves to repeal and replace Section 4.6 Overnight Accommodations Overlay District: Establish use-specific overnight accommodations overlay districts for hotels/motels, campgrounds, and residential units used for overnight accommodations (condos/townhouses/single-family residences) with associated approval procedures and development standards (e.g. OA – Hotels/Motels; OA – Campgrounds; OA – Residential).

Seconded by Kevin Walker. Discussion. Vote 6 for and 1 against (Christine Green). Motion carries.

Gerrish Willis did not call for votes in opposition.

Abby Scott had some concern about applying these same standards to campgrounds.

Robert O'Brien also shared similar concerns as Abby Scott.

Emily Campbell moves to amend original motion to forward a favorable recommendation on bullet point #2 to County Council to specifically state a favorable recommendation on items 1 – 5 for each of the proposed overlay zones and instead of using 6, refer to appropriate site specific development standards in the Land Use Code.

Seconded by Abby Scott. Discussion. Vote. 6 for and 1 against (Christine Green). Motion carries.

Kevin Walker has some concern about allowing existing uses to expand as outlined under 2 Purpose and intent of the OA overlay district.

Terry Morse read into record a memo from members of the County Council.

Kevin Walker motions to repeal and replace Section 4.6 Overnight Accommodations Overlay District; Establish use-specific overnight accommodations overlay districts for hotels/motels, campgrounds, and residential units used for overnight accommodations (condos/townhomes/single-family residences) with associated approval procedures and development standards (e.g. OA-Hotel/Motels; OA-Campgrounds; OA-Residential) that are in the draft be removed and that the existing standards in the land use code apply and that existing uses not be permitted to expand.

Seconded by Robert O'Brien. Discussion. Vote. 4 for and 2 against (Christine Green & Emily Campbell). Motion carries.

Emily Campbell moves to table #3 repeal and replace the Overnight Accommodations Overlay District map associated with existing Section 4.6 OAO Districts; Apply the use-specific overnight accommodations overlay districts to existing and vested projects of each use-type as per the maps presented in the ordinance exhibit. Until the June 25 planning commission meeting. Died for a lack of being seconded.

Kevin Walker moves to repeal and replace the Overnight Accommodations Overlay District map associated with existing Section 4.6 OAO Districts; Apply the use-specific overnight accommodations overlay districts to existing and vested projects of each use-type as per the maps presented in the ordinance exhibit. Seconded by Robert O'Brien. Discussion. Vote. 6 for and 1 against (Christine Green). Motion carries.

Discussion Items:

Development possibilities on Kane Creek Blvd.

Presentation and discussion by Craig Weston.

Future Considerations:

Community Development Department Update: None.

County Council Liaison report: Terry Morse

Adjournment: Motion to adjourn meeting, all were unanimous. Adjourned at 8:33 pm.