# Agenda

# GRAND COUNTY
## Planning Commission

**March 9, 2016**
**6:00 P.M. Regular Meeting**
**Grand County Courthouse**
**Council Chambers**
**125 E Center, Moab, Utah**

| | |
|---|---|
| **Type of Meeting:** | Regular Meeting |
| **Facilitator:** | Dave Tubbs, Chair |
| **Attendees:** | Planning Commissioners, interested citizens, and staff |

| **6:00 PM** | | |
|---|---|---|
| | Citizens to be heard | *Chair* |
| **Public Hearing and Possible Action Items** | **Public Hearing** – A proposed Rezone of property from General Business (GB) to Highway Commercial (HC). The property is located at 1991 So. Highway 191 (former Sportsman's Restaurant) | *Chair* |
| **Workshop** | Review and discussion of Land Use Code Amendments.<br>• Sec. 3.3.2B Accessory Dwelling Units<br>• Sec. 4.4 Planned Unit Development<br>• Sec. 6.14 Affordable Housing | *Staff* |
| **Action Item** | Approval of February 10, 2016 Meeting Minutes | *Chair* |
| | Future Considerations | *Chair* |
| | Community Development Department Update | *Staff* |
| | County Council Update – Mary McGann | *Council Liaison* |
| | **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.

***Administrative act*** = action taken by the Planning Commission, County Council or staff interpreting ordinances and regulations, conditional uses, approving subdivision, site plans, issuing building permits; an administrative decision must satisfy the requirements prescribed under state law or the County Land Use Code, whichever is stricter.

Citizens wanting to submit information to the Planning Commission for inclusion in the Planning Commission record regarding any application will need to provide 10 complete copies to the Grand County Community Development Department by 5:00 PM the Thursday before the Planning Commission meeting. All documents, including electronically transmitted material, shall be submitted directly to the Planning office. Materials sent to individual commission members will not be considered.

# S T A F F  R E P O R T

| | |
|---|---|
| **MEETING DATE:** | March 9, 2016, Public Hearing |
| **TO:** | Grand County Planning Commission |
| **FROM:** | Planning Staff |
| **SUBJECT:** | **Application to rezone 9.26 acres of property located at 1991 South Highway 191 from General Business to Highway Commercial** |

## STATED MOTION:

"I move to forward a favorable recommendation to the County Council to approve a rezone of 9.26 acres of property located at 1991 South Highway 191 from General Business to Highway Commercial."

## STAFF RECOMMENDATION:

Due to the location of the subject parcels, limited changes in permitted and conditionally permitted uses, and relative consistency with the Future Land Use Plan, Staff recommends approval of the rezone request. The applicant has **voluntarily** offered to attach a covenant to the property that will run with the land and prohibit any improvements constructed on the property from being used for short-term rentals of less than a month (attached).

## POSSIBLE COURSES OF ACTION

The decision to rezone is both a discretionary and a legislative action. When making a motion and stating reasons for recommending approval or denial the Commission should reference findings for Sec. 9.2.7 of the Land Use Code, Issues for Consideration, and consistency with the Future Land Use Plan.

Possible courses of action the Commission may elect to follow:

1. The Commission may forward a recommendation to County Council to approve the rezone, stating reasons for approval.

2. The Commission may forward a recommendation to County Council to deny the rezone, stating reasons for denial.

3. The Commission may table the application for additional comment and review.

## BACKGROUND

### Introduction

This application is submitted by Heather Unger (Applicant), representative for property owner Buescher Family Limited Partnership. The Applicant is seeking a rezone of four parcels totaling 9.26 acres located at 1991 South US Highway 191 from General Business (GB) to Highway Commercial (HC). Adjacent properties to the southeast and northwest are zoned GB and HC. Property to the north is zoned Large Lot Residential (LLR), but it is separated by a large arroyo that provides a natural buffer for the residential properties on Plateau Dr.

### History

The subject parcels were changed from the A-1 to C-2 zone by the adoption of Ordinance No. 139 on May 21, 1979. The C-2 zone eventually became the GB zone of today. Prior uses of the parcels have included a gas station and bar/restaurant. The parcels have been unused for several years.

## ZONING STANDARDS

### Uses

Article 3 of the land use code establishes uses permitted within each zone district. A change from GB to HC would change the permitted, conditionally permitted, and prohibited uses on the subject parcels in the following ways:

*All uses not identified below are equivalently regulated in both zone districts.

Residential Uses

- HC accommodates several more residential use types than GB. Only upper-story residential and “all other group living” are permitted uses in the GB district.

Public and Civic Uses

- County or state shop/storage yards are permitted in HC, but prohibited in GB.

Commercial Uses

- Theaters are permitted in GB, but prohibited in HC.
- Flea Markets and all other outdoor recreational uses are conditionally permitted in HC, but prohibited in GB.
- Bed & Breakfasts are permitted in HC, but prohibited in GB.
- RV Parks/Campgrounds are conditionally permitted in HC, but prohibited in GB.
- Greenhouses/nurseries and repair services (general) are permitted in HC, but prohibited in GB.
- RV and boat storage are permitted in HC, but prohibited in GB.
- Auto repair garages and fuel services are permitted in HC, but conditionally permitted in GB.

Industrial Uses

- Impound lots are conditionally permitted in HC, but prohibited in GB.
- Manufacturing and production are permitted in HC, but conditionally permitted in GB.
- Commercial warehouses are permitted in HC, but prohibited in GB.

Other Uses

- Wineries are conditionally permitted in HC, but prohibited in GB.

### Density and Lot Dimension

Article 5 establishes densities by zone district. Current zoning of the subject parcel allows for 5 dwelling units per acre, upper-story only. Any development including residential uses would have to include commercial uses on the ground floor. The requested zone change to HC will allow up to 18 units per acre by right, without the upper-story residential requirement. Staff has not calculated the amount of undevelopable land across the four subject parcels, which total 9.26 acres. This calculation will be part of the final density potential of the proposed rezone area because lands that are designated “sensitive development areas” only contribute half (1/2) their development potential. See Table 1 below.

Lot dimensional standards are more relaxed in GB than HC. There are no setback requirements for residential uses in the GB district; Front, side, and rear setbacks for residential uses in the HC district are 20 ft., 10 ft., and 20 ft., respectively. Setbacks for non-residential uses in the GB zone are 10 ft. all around, and the same as residential setbacks in the HC zone.

The GB and HC zones are designed to accommodate very similar mixes of uses with easy road access and street frontage. The requested zone change is not an up- or down-zone per se.

**Table 1:** A rezone to HC will allow for the development of many more dwelling units. The table below assumes just 6 acres of the property are developable.

| Zone District | Project Acreage | Units Per Acre | Total Allowed Density | Zone Change |
|---|---|---|---|---|
| Existing GB | 9.26 | 6 x 5 units/acre<br>3.26 x 2.5 units/acre | 38 units | ~100 unit change (subject to change) |
| Proposed HC | 9.26 | 6 x 18 units/acre<br>3.26 x 9 units/acre | 137 units | |

**NOTE: the total allowed density will change based on the amount of land our County Engineer deems undevelopable due to steep slopes and drainage. The applicant is proposing 156 essential housing units.**

### Traffic

US Highway 191 is a major north-south corridor for travel within and beyond the Moab Area. UDOT maintains the highway and right-of-way. An encroachment permit will be required. UDOT may require upgrades, such as turn lanes, depending on the size and scope of development proposed. Grand County Road Supervisor will need to approve any changes or improvements made to Skyline Drive, which separates the subject parcels from businesses to the northwest.

## GENERAL PLAN

Through the adoption of the 2012 General Plan Update, Grand County adopted a Future Land Use Plan (FLUP) for the first time. The FLUP was the result of numerous public workshops and serves as an important long range planning tool for Grand County, Moab City, SITLA, and special service districts. Adherence to such documents helps enable local entities to ensure adequate availability of public services (e.g. law enforcement, fire, emergency services) and public facilities (e.g. water supply, sewer, roads, drainage). When considering an application to rezone the Commission should consider consistency with the FLUP. The FLUP is a guide, not a mandate.

The FLUP designates specific areas within Grand County as appropriate for certain uses and growth. The subject parcels are designated for business and commercial use, although they are designated as General Business. Staff does not feel the requested zone change from GB to HC results in substantial differences in non-residential permitted and conditionally permitted uses. The increased residential density associated with HC, however, could provide a great benefit to Grand County's housing stock.

## LAND USE CODE

Rezoning is a discretionary decision, meaning the County may reasonably decide the request either way. In addition to the policies outlined in the General Plan and Future Land Use Plan, the Land Use Code offers further guidance in Sec 9.2.7, Issues for Consideration. The Applicant's response to each issue is provided in attached materials. *Staff comments are provided below.*

A positive finding with respect to each issue is not required.

**Sec. 9.2.7 Issues for Consideration**

**1. Was the existing zone for the property adopted in error?** *No.*

**2. Has there been a change of character in the area (e.g. installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.)?** *Commercial development within the South US Highway 191 corridor has changed and evolved significantly since the GB zone designation was applied to the subject parcels in 1979.*

**3. Is there a need for the proposed use(s) within the area or community?** *The proposed use is a high density development for long-term residential use. Although state law expressly prohibits contract zoning, the applicant has **voluntarily** offered to record a covenant that will run with the land prohibiting the use of constructed improvements on the property from being used for short term accommodations of less than a month.*

**4. Will there be benefits derived by the community or area by granting the proposed rezoning?** *Benefits derived from the proposed up-zone include: additional housing stock, increased development rights for the applicant, and possible increased property taxes for Grand County. Increased density at this location could complement the USU Moab campus development.*

**5. Is the proposal in conformance with the policies, intents and requirements of Grand County General Plan, specifically the Plan's zoning map amendment guidelines?** *The proposed rezone is relatively consistent with the Future Land Use Plan and the vision, goals, and strategies identified in the General Plan.*

*The applicant's statement explains the proposed development on the subject parcels, which includes an affordable housing component. The applicant's willingness to record a covenant prohibiting short term rentals is included.*

**6. Should the development be annexed to a City?** *Staff believes the answer is negative.*

**7. Is the proposed density and intensity of use permitted in the proposed zoning district?** *The proposed residential density potential will be calculated once the final assessment of developable versus undevelopable land is complete.*

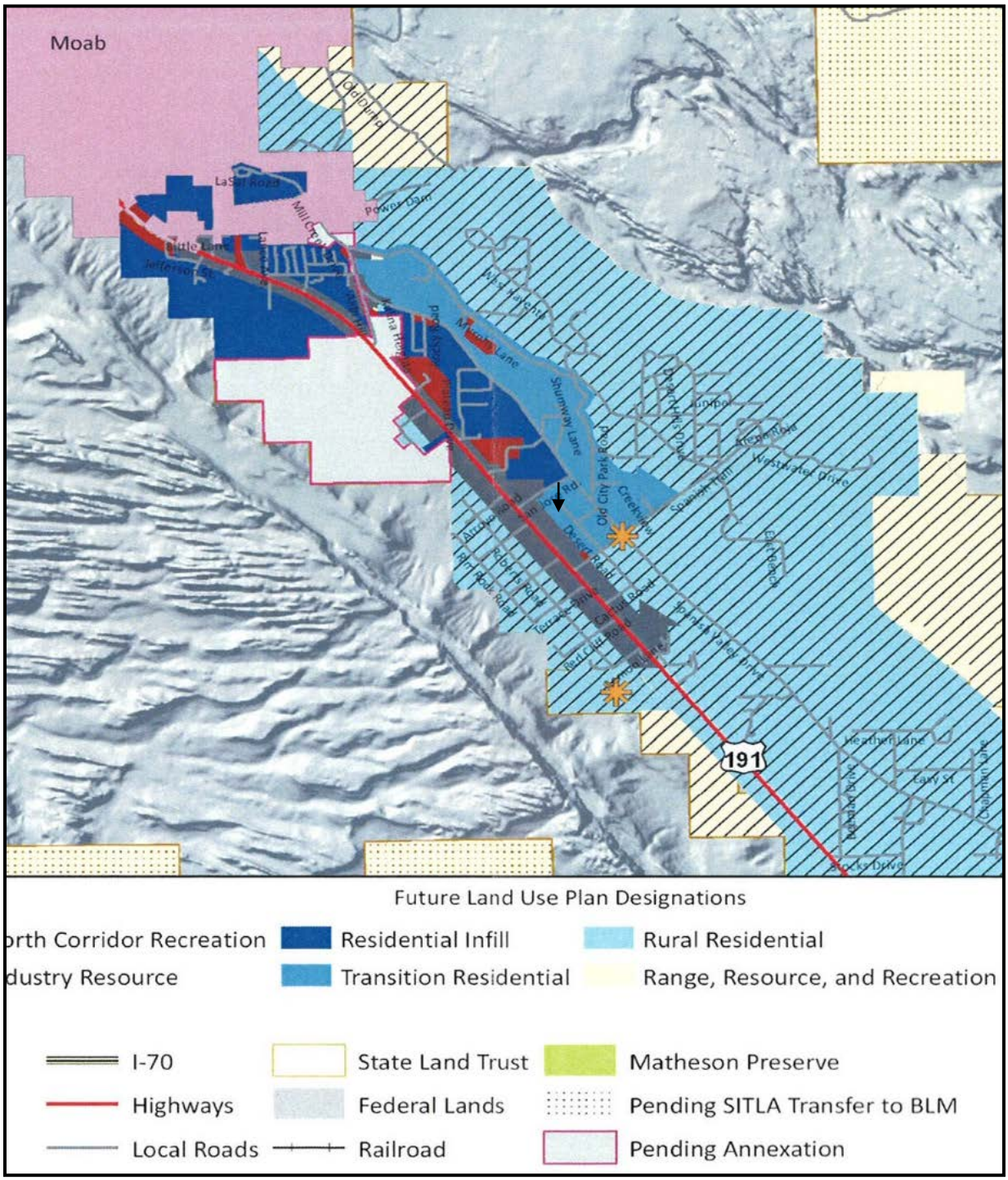
**8. Is the site suitable for rezoning based on a consideration of environmental and scenic quality impacts?** *The proposed rezone will not represent a significant change from current zoning.*

**9. Are the proposed uses compatible with the surrounding area or uses; will there be adverse impacts; and/or can any adverse impacts be adequately mitigated?** *High density development – residential or commercial – is appropriate within the South US Highway 191 corridor.*

**10. Are adequate public facilities and services available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended? Is the applicant willing to pay for the extension of public facilities and services necessary to serve the proposed development?** *Staff anticipates all public facilities and services necessary to serve the development will be available.*

**11. Does the proposed change constitute spot zoning?**
*The best way to defend against spot zoning is to make rezoning decisions based on the FLUP. Staff feels this zone change is not a departure from good planning practice.*

**Public Notices**
The public notice for rezone review was posted in the newspaper of general circulation *U.C.A. 17-27a-205* and *Land Use Code Sec. 9.1.8 B.2.*, posted on site, and the Utah Public Meeting Notice Website at http://pmn.utah.gov/, as required for public hearing.


Moab
Old Dump
LaSal Road
Power Dam
Mill Creek
Little Lane
Jefferson St
West Hayette
Shumway Lane
Old City Park Road
Creekview
Spanish Trail
Westwater Drive
Arroyo Road
Roberts Road
Rim Rock Road
Terrace Drive
Cactus Road
Red Cliff Road
Spanish Valley Drive
Heather Lane
Easy St
Chapman Lane
Stocks Drive
191
Future Land Use Plan Designations
orth Corridor Recreation
dustry Resource
Residential Infill
Transition Residential
Rural Residential
Range, Resource, and Recreation
I-70
Highways
Local Roads
State Land Trust
Federal Lands
Railroad
Matheson Preserve
Pending SITLA Transfer to BLM
Pending Annexation

# DECLARATION OF RESTRICTIONS

This Declaration of Restrictions (the "Declaration") is executed by Buescher Family Limited Partnership, a Colorado limited partnership, herein referred to as the "Owner."

Background:

A. The Owner is the owner of the following property located in Grand County, Utah (the "Property"):

Lots Ten (10), Eleven (11), Fourteen (14) and Fifteen (15), Section Seventeen (17), T26S, SLBM in Grand County, Utah.

B. The Owner has applied to Grand County to rezone the Property as Highway Commercial zoning, and the Owner has offered to restrict the Property to prevent any improvements constructed on the Property from being used for short-term rentals of less than a month.

NOW, THEREFORE, in consideration of the agreement of Grand County to rezone the Property as Highway Commercial zoning, the Owner agrees as follows:

1. Restriction Against Short Term Rental. The improvements constructed on the Property may not be used for short term rentals of less than a month.

2. Binding on Successors. This Declaration shall be a covenant running with the land and shall bind and inure to the benefit of the Owner and Grand County and their respective successors, assigns, heirs, executors and administrators and all future owners of the Property.

3. Amendment. This Declaration may be amended, modified or terminated only by the mutual, written consent of Grand County and Owner or its successors or assigns in ownership of the Property at the time of such amendment, modification or termination.

4. Enforcement. If any person, corporation or entity of any type shall violate or attempt to violate any provision of this Declaration, this Declaration may be enforced by Grand County or any future owner of the Property by proceeding at law, in equity, or both. The failure at any time to enforce this Declaration, whether violations are known or not, shall not constitute a waiver or estoppel of the right to do so.

5. Partial Validity. If any part or provision of this Declaration shall be declared invalid, by judgment or court order, the same shall not affect any other provisions of this Declaration and such remaining portions of this Declaration shall remain in full force and effect.

Executed to be effective the _____ day of February, 2016.

BUESCHER FAMILY LIMITED PARTNERSHIP, a Colorado limited partnership

By: _____, a _____,
General Partner

By: _____
_____, _____

STATE OF _____§
§
COUNTY OF _____§

This instrument was acknowledged before me on this _____ day of February, 2016, by __ _____, _____ of _____ , a _____, General Partner of Buescher Family Limited Partnership, a Colorado limited partnership, on behalf of said _____ and limited partnership.

_____
Notary Public in and for
the State of _____

_____
(type or print name)

My Commission Expires:_____

Sec. 9.2.7 Issues for Consideration

1. **Was the existing zone for the property adopted in error?**
   No it is not believed the existing zoning was adopted in error.

2. **Has there been a change of character in the area (e.g. installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.)?**
   Highway 191 is a historically commercial area with the proposed Utah State University campus in close proximity to the location of this property. Public facilities are currently available on the property.

3. **Is there a need for the proposed use(s) within the area or community?**
   Grand County/Moab has a shortage of essential housing. Apartment complexes have waiting lists for residents and families relocating to the area struggle to find adequate housing. The proposed zoning change will allow for high-density residential use. The then proposed essential housing development, which will have deed restrictions, will enable people to afford to live and work in Grand County/Moab.

4. **Will there be benefits derived by the community or area by granting the proposed rezoning?**
   The proposed essential housing development will provide housing for individuals and families in various employment sectors; law enforcement, education, healthcare, city/county, light manufacturing and the tourism industry. The proposed development will enable people to move to, and be able to live in the area. This will help employers maintain their workforce as well as attract more qualified individuals to the Grand County/Moab area.

5. **Is the proposal in conformance with the policies, intents and requirements of Grand County General Plan, specifically the Plan's zoning map amendment guidelines?**
   Yes.

6. **Should the development be annexed to a City?**
   No.

7. **Is the proposed density and intensity of use permitted in the proposed zoning district?**
   Yes the proposed density is permitted in the zoning change. Highway Commercial is designed for traffic oriented business and high density housing.

8. **Is the site suitable for rezoning based on a consideration of environmental and scenic quality impacts?**

Yes.

9. **Are the proposed uses compatible with the surrounding area or uses; will there be adverse impacts; and/or can any adverse impacts be adequately mitigated?**

   To the North of the property a road separates this site from other businesses, to the south and east there is an arroyo, which separates this property from the surrounding properties. Directly to the South is a parcel which is currently zoned with a combination of General business and Highway Commercial. Any development on the land will require additional review by the County and the development impacts will be addressed at that point.

10. **Are adequate public facilities and services available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended? Is the applicant willing to pay for the extension of public facilities and services necessary to serve the proposed development?**

    GWSSA currently services this property as well as Rocky Mountain Power. All public facilities and services necessary to serve the development are available.

11. **Does the proposed change constitute a spot zoning?**

    No. This property is currently zoned as General Business with a portion along the western border zoned as Highway Commercial.

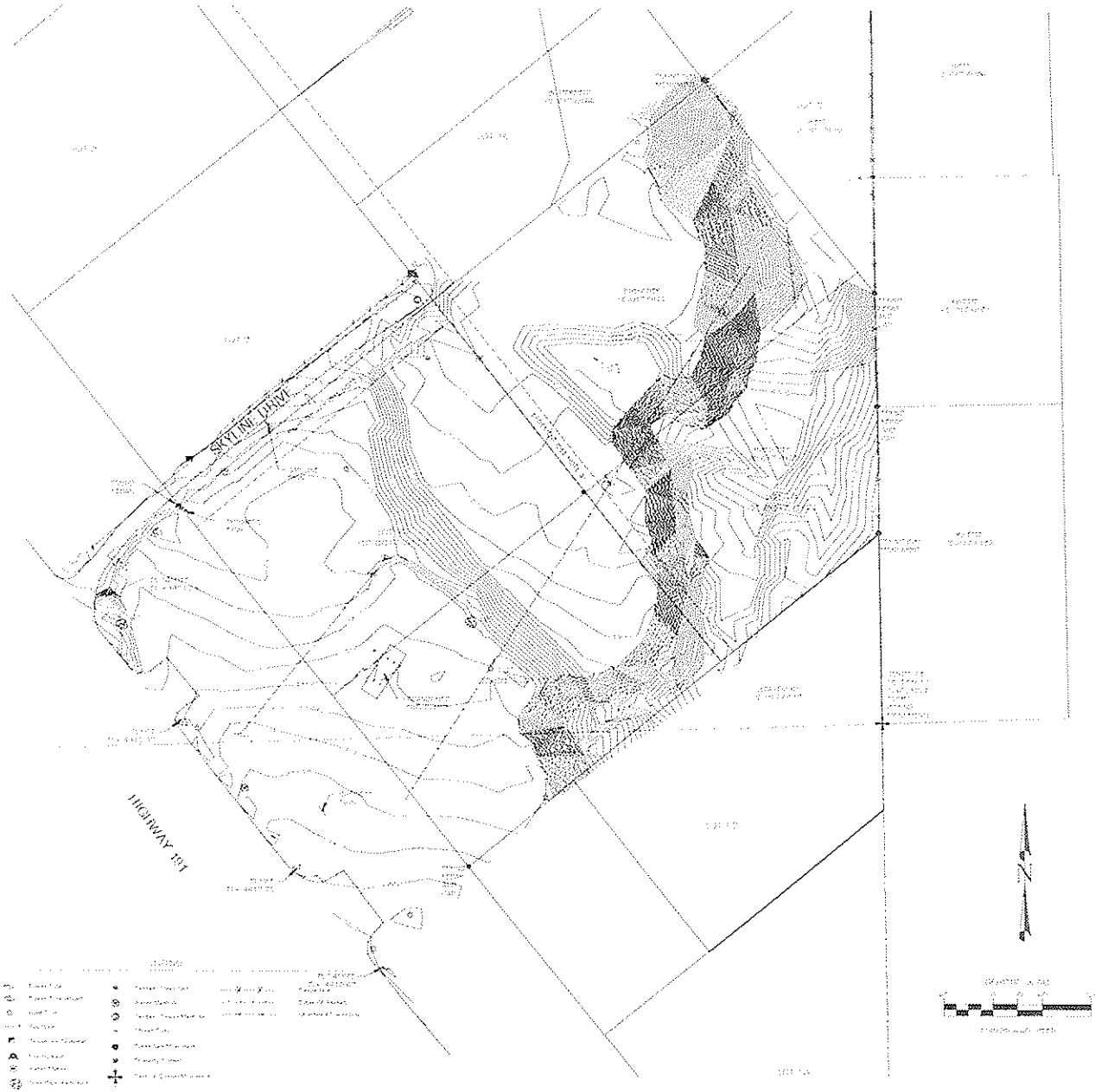
**Request for zone change of property located at 1991 South Highway 191 from General Business (GB) to Highway Commercial (HC)**

The applicant intends to build 156 essential housing units (see attached sketch plan) and requires HC zoning to meet the higher density.

Applicant also plans a deed restriction that would ensure that these units could not be used as nightly rentals (see attached draft deed restriction).

These units will be long term rentals aimed at "essential service employees", health care, law enforcement, education, city and county, light manufacturing, and tourism.

Neighboring property to the west and south is zoned HC. There is a large arroyo separating the properties to the east.
There is a road to the north/west that separates this property from other businesses.




ALTA SURVEY

1991 S HIGHWAY 191
MOAB, UT 84532

RED DESERT
Land Surveying

# GRAND COUNTY, UTAH
# ORDINANCE _____ (2016)

## APPROVING AMENDMENTS TO ACCESSORY DWELLING UNIT REGULATIONS

**WHEREAS**, the Grand County Council (County Council) adopted the *Grand County General Plan Update* (General Plan) on February 7, 2012 with Resolution No. 2976;

**WHEREAS**, the County Council adopted the *Grand County Land Use Code* (Land Use Code or LUC) on January 4, 1999 with Ordinance No. 299 and amended it February 19, 2008 with Ordinance No. 468 for the purpose of regulating land use, subdivision and development in Grand County in accordance with the General Plan;

**WHEREAS**, Grand County aims to provide safe, adequate, and attainable housing for its workforce and residents;

**WHEREAS**, accessory dwelling units (ADUs) provide the opportunity for efficient land use, infill development, lower overall construction costs, increased rental housing stock, and rental income for existing property owners;

**WHEREAS**, Grand County permitted the construction of ADUs through the adoption of Ordinance 495 on November 6, 2010;

**WHEREAS**, in a public hearing on March 23, 2016 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, in light of the affordable housing needs of the Moab Area community;

**WHEREAS,** due notice was given that the Grand County Council would meet to hear and consider public input on the proposed amendment in a public hearing on April 19, 2016;

**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 the LUC is amended by the repeal and re-enaction of Section 3.3.2B Accessory Dwelling Unit to read as follows:

3.3.2 Use-Specific Standards for Accessory Uses

B. Accessory Dwelling Unit (ADU)

The purpose of this section is to encourage accessory dwelling units (ADUs) as an affordable housing opportunity while protecting the neighborhood character and quality of life in residential zone districts. ADUs shall comply with the following standards:

DRAFT

1. Area, Setback, and Size Restrictions

a. An ADU may be permitted as an accessory use to an otherwise allowed residential dwelling unit that is the principal use on a lot or parcel of at least 5,000 square feet. Only one accessory dwelling unit shall be permitted per lot / parcel of record.

b. ADUs shall meet setback and building height requirements applicable to the principal structure in the underlying zone district.

c. The maximum square footage of the ADU shall not exceed one thousand (1,000) square feet.

2. Site Plan and Design Requirements

a. A site plan shall be required prior to issuance of a building permit. The site plan shall be drawn to scale and clearly show the location and dimensions of existing and proposed structures (including such items as building elevation, color, and materials), setbacks, parking, easements, and driveways.

b. An ADU shall be a permanent structure that meets the currently adopted standards of the International Building Code (IBC). No travel trailer, boat, or similar recreational vehicle shall be used as an accessory dwelling unit.

c. ADUs shall be designed to preserve or compliment the architectural design, style, and appearance of the primary single-family dwelling unit. Specifically, whether attached or detached, the roof pitch, siding materials, color, and window treatment of the ADU shall be the same as, similar to, or an improvement to, the appearance of the primary dwelling unit.

d. If a separate external entrance for the ADU is necessary it shall be screened from view of the street, and where possible, shall be located on the internal side or rear of the structure.

3. Occupancy Requirements

a. ADUs shall not be condominiumized or sold separately.

b. Where an ADU exists, neither the primary nor the secondary dwelling unit shall be rented for periods of less than 30 consecutive days. A restricted use covenant shall be signed and recorded by the owner prior to issuance of a building permit for the accessory dwelling unit.

**PASSED, ADOPTED, AND APPROVED** by the Grand County Council in open session this 3rd day of May 2016 by the following vote:

*Those voting aye:* _____

*Those voting nay:* _____

*Those absent:* _____



DRAFT

**ATTEST:**

_____
Diana Carroll, Clerk/Auditor

**Grand County Council**

_____
Elizabeth Tubbs, Chair

DRAFT

# GRAND COUNTY, UTAH
# ORDINANCE _____ (2016)

## APPROVING AMENDMENTS TO SECTION 6.14 AFFORDABLE HOUSING

**WHEREAS**, the Grand County Council (County Council) adopted the *Grand County General Plan Update* (General Plan) on February 7, 2012 with Resolution No. 2976;

**WHEREAS**, the County Council adopted the *Grand County Land Use Code* (Land Use Code or LUC) on January 4, 1999 with Ordinance No. 299 and amended it February 19, 2008 with Ordinance No. 468 for the purpose of regulating land use, subdivision and development in Grand County in accordance with the General Plan;

**WHEREAS**, Grand County aims to provide safe, adequate, and attainable housing for its workforce and residents;

**WHEREAS**, the County Council adopted the Grand County and Moab City Housing Study and Affordable Housing Plan by Resolution No. 2908 on November 4, 2009 as an amendment to the General Plan;

**WHEREAS**, affordable housing appears in several places throughout the LUC but is not clearly defined;

**WHEREAS**, in a public hearing on March 23, 2016 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, in light of the affordable housing needs of the Moab Area community;

**WHEREAS,** due notice was given that the Grand County Council would meet to hear and consider public input on the proposed amendment in a public hearing on April 19, 2016;

**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 the LUC is amended by the repeal and re-enaction of Section 6.14 Affordable Housing to read as follows:

6.14 Affordable Housing

Housing is considered to be affordable when thirty percent (30%) or less of total household income is spent on all housing costs, including mortgage or rent, taxes, insurance, utilities, and HOA fees where applicable. Housing is also considered to be affordable when a household's residual income – what is left over after paying all housings costs – can cover essential non-housing expenditures, including food, clothing, transportation, healthcare,

DRAFT

and others. All development approved for affordable housing purposes shall comply with the following standards:

A. Occupancy of such units shall be restricted to a minimum of 30 days.

B. Such units shall be deed restricted as to use and occupancy, based on criteria to be defined by the County Council and as amended from time to time. At a minimum, such use and occupancy restriction shall limit occupancy to persons who are employed within the boundaries of Grand County or, if retired, were previously employed in the County for at least 3 years; earn or earned (applicable only to retired persons) at least 80 percent of their household income from employment within Grand County during those three years; and occupy the unit as their primary residence.

C. The County Council may impose additional restrictions, such as limitations on income relative to median family income (MFI) for Grand County as determined by the Department of Housing and Urban Development (HUD), Area Median Income (AMI) as defined by the Census, or Median Wage as defined by the Utah Department of Workforce Services, and household net worth as necessary to achieve the purposes of this district. For purposes of this section, such net worth shall not exceed 150 percent of Grand County's average household income.

D. The County Council, or its designee, shall approve or otherwise qualify all occupants prior to any employee unit sales, rental or occupancy.

E. The County Council, or its designee, shall approve the deed restriction prior to any unit sales, rental or occupancy.

**Commentary:**
This document may be amended following the pending completion and adoption of the Grand County Affordable Housing Plan.

**PASSED, ADOPTED, AND APPROVED** by the Grand County Council in open session this 3rd day of May 2016 by the following vote:

*Those voting aye:* _____

*Those voting nay:* _____

*Those absent:* _____

**ATTEST:**

_____
Diana Carroll, Clerk/Auditor

**Grand County Council**

_____
Elizabeth Tubbs, Chair

DRAFT

# GRAND COUNTY, UTAH
# ORDINANCE _____ (2016)

## REMOVING OPEN SPACE REQUIREMENTS FROM SECTION 4.4 PLANNED UNIT DEVELOPMENT (-PUD)

**WHEREAS**, the Grand County Council (County Council) adopted the *Grand County General Plan Update* (General Plan) on February 7, 2012 with Resolution No. 2976;

**WHEREAS**, the County Council adopted the *Grand County Land Use Code* (Land Use Code or LUC) on January 4, 1999 with Ordinance No. 299 and amended it February 19, 2008 with Ordinance No. 468 for the purpose of regulating land use, subdivision and development in Grand County in accordance with the General Plan;

**WHEREAS**, Grand County aims to provide safe, adequate, and attainable housing for its workforce and residents;

**WHEREAS**, Planned Unit Developments (PUDs) provide the opportunity for flexible subdivision design standards, efficient land use, lower overall infrastructure construction and maintenance costs, and affordable housing density bonuses;

**WHEREAS**, Grand County is made up of only four percent private land;

**WHEREAS**, in a public hearing on March 23, 2016 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, in light of the affordable housing needs of the Moab Area community;

**WHEREAS,** due notice was given that the Grand County Council would meet to hear and consider public input on the proposed amendment in a public hearing on April 19, 2016;

**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 the LUC is amended by the repeal of Section 4.4.10 Minimum Open Space and Common Area corresponding renumbering of remaining sections.

**PASSED, ADOPTED, AND APPROVED** by the Grand County Council in open session this 3rd day of May 2016 by the following vote:

*Those voting aye:* _____

*Those voting nay:* _____

*Those absent:* _____

DRAFT

**ATTEST:**

_____
Diana Carroll, Clerk/Auditor

**Grand County Council**

_____
Elizabeth Tubbs, Chair

DRAFT