GRAND COUNTY COUNCIL
REGULAR MEETING

Grand County Council Chambers
125 East Center Street, Moab, Utah

AGENDA
Tuesday, May 3, 2016

2:00 p.m.

- **Joint County Council – County Planning Commission Workshop**
  A. Housing Workshop (Zacharia Levine, Community Development Director)

3:45 p.m.

- **Recess**

4:00 p.m.

- **Call to Order**
- **Pledge of Allegiance**
- **Approval of Minutes** (Diana Carroll, Clerk/Auditor)
  B. April 5, 2016 (County Council Meeting), postponed from April 19, 2016

  C. April 19, 2016 (County Council Meeting)
- **Ratification of Payment of Bills**
- **Elected Official Reports**
- **Council Administrator Report**
- **Department Reports**
  D. 2015 Uranium Mill Tailings Remedial Action (UMTRA) Report (Lee Shenton, UMTRA Liaison)
- **Agency Reports**
- **Citizens to Be Heard**
- **Presentations** (none)
- **Discussion Items**
  E. Discussion on recommended revisions to the Policies and Procedures of the Governing Body: Section F "The County Clerk," Section G "The County Attorney," Section H "Study Committee," Section I "Council Meetings," and Section J "Workshops" (allow 30 minutes)

  F. Discussion on calendar items and public notices (Bryony Chamberlain, Council Office Coordinator)
- **General Business- Action Items- Discussion and Consideration of:**
  G. Approving proposed Request for Proposals (RFP) and associated selection team to complete a County Resource Management Plan (CRMP) (Zacharia Levine, Community Development Director)

  H. Adopting proposed Resolution for a Combined Preliminary and Final Plat for Sheffer Subdivision (Community Development Department Staff)
- **Consent Agenda- Action Items**
  I. Approving proposed amendment to the Forestry, Fire & State Lands Cooperative Grant Agreement for Noxious Weed Management along the Colorado and Green Rivers for fiscal year 2016
- **Public Hearings- Possible Action Items**

J. Public Hearing to solicit public comment on proposed amendments to Sections 3.1 and 3.2.2 of the Grand County Land Use Code (LUC) to permit a heliport at the Emergency Operations Center (EOC) (Zacharia Levine, Community Development Director)

K. Public Hearing to solicit public comment on proposed amendments to Section 3.2.4G of the Grand County Land Use Code (LUC) to permit the acceptance of formation water at local disposal facilities and improve their regulation (Zacharia Levine, Community Development Director)

L. Public Hearing to solicit public comment on a proposed amendment to Section 3.3.2 of the Grand County Land Use Code (LUC) to encourage additional construction of Accessory Dwelling Units (ADUs) (Zacharia Levine, Community Development Director)

M. Public Hearing to solicit public comment on a proposed amendment to Section 4.4.10 of the Grand County Land Use Code (LUC) to remove open space requirements for a Planned Unit Developments (PUD) (Zacharia Levine, Community Development Director)

N. Public Hearing to solicit public comment on a proposed amendment to Section 6.14 of the Grand County Land Use Code (LUC) to incorporate a definition of affordable housing (Zacharia Levine, Community Development Director)

O. Public Hearing to solicit public comment on a proposed amendment to Article 9 of the Grand County Land Use Code (LUC) to improve and streamline the administration of land use applications (Zacharia Levine, Community Development Director)

- **General Council Reports and Future Considerations**
- **Closed Session(s)** (if necessary)
- **Adjourn**

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS. In compliance with the Americans with Disabilities Act, individuals with special needs requests wishing to attend County Council meetings are encouraged to contact the County two (2) business days in advance of these events. Specific accommodations necessary to allow participation of disabled persons will be provided to the maximum extent possible. T.D.D. (Telecommunication Device for the Deaf) calls can be answered at: (435) 259-1346. Individuals with speech and/or hearing impairments may also call the Relay Utah by dialing 711. Spanish Relay Utah: 1 (888) 346-3162

It is hereby the policy of Grand County that elected and appointed representatives, staff and members of Grand County Council may participate in meetings through electronic means. Any form of telecommunication may be used, as long as it allows for real time interaction in the way of discussions, questions and answers, and voting.

At the Grand County Council meetings/hearings any citizen, property owner, or public official may be heard on any agenda subject. The number of persons heard and the time allowed for each individual may be limited at the sole discretion of the Chair. On matters set for public hearings there is a three-minute time limit per person to allow maximum public participation. Upon being recognized by the Chair, please advance to the microphone, state your full name and address, whom you represent, and the subject matter. No person shall interrupt legislative proceedings.

Requests for inclusion on an agenda and supporting documentation must be received by 5:00 PM on the Wednesday prior to a regular Council Meeting and forty-eight (48) hours prior to any Special Council Meeting. Information relative to these meetings/hearings may be obtained at the Grand County Council's Office**,** 125 East Center Street, Moab, Utah**; (**435**)** 259-1346**.**

A Council agenda packet is available at the local Library, 257 East Center St., Moab, Utah, (435) 259-1111 at least 24 hours in advance of the meeting.

AGENDA SUMMARY

GRAND COUNTY COUNCIL MEETING

MAY 3, 2016

Agenda Item: A

TITLE:	Housing Workshop
FISCAL IMPACT:	N/A
PRESENTER(S):	Zacharia Levine, Community Development Director

Prepared By:

Bryony Chamberlain
Council Office
Coordinator
435-259-1346

FOR OFFICE USE ONLY:

Attorney Review:

N/A

BACKGROUND:

The Grand County Council has been addressing housing affordability in a series of workshops beginning 2:00 pm ahead of each regular scheduled County Council Meeting.

This meeting will be a recap of prior Housing Workshops as well as discussion on what the next steps might involve.

ATTACHMENT(S):

1. To be provided.

AGENDA SUMMARY

GRAND COUNTY COUNCIL MEETING

MAY 3, 2016

Agenda Item: D

TITLE:	2015 Uranium Mill Tailings Remedial Action (UMTRA) Report
FISCAL IMPACT:	
PRESENTER(S):	Lee Shenton, UMTRA Liaison

Prepared By:

Bryony Chamberlain
Council Office
Coordinator
(435) 259-1346

FOR OFFICE USE ONLY:

Attorney Review:

N/A

BACKGROUND:

2015 UMTRA Report

ATTACHMENT(S):

1. PowerPoint Presentation

Moab UMTRA Project

April, 2016

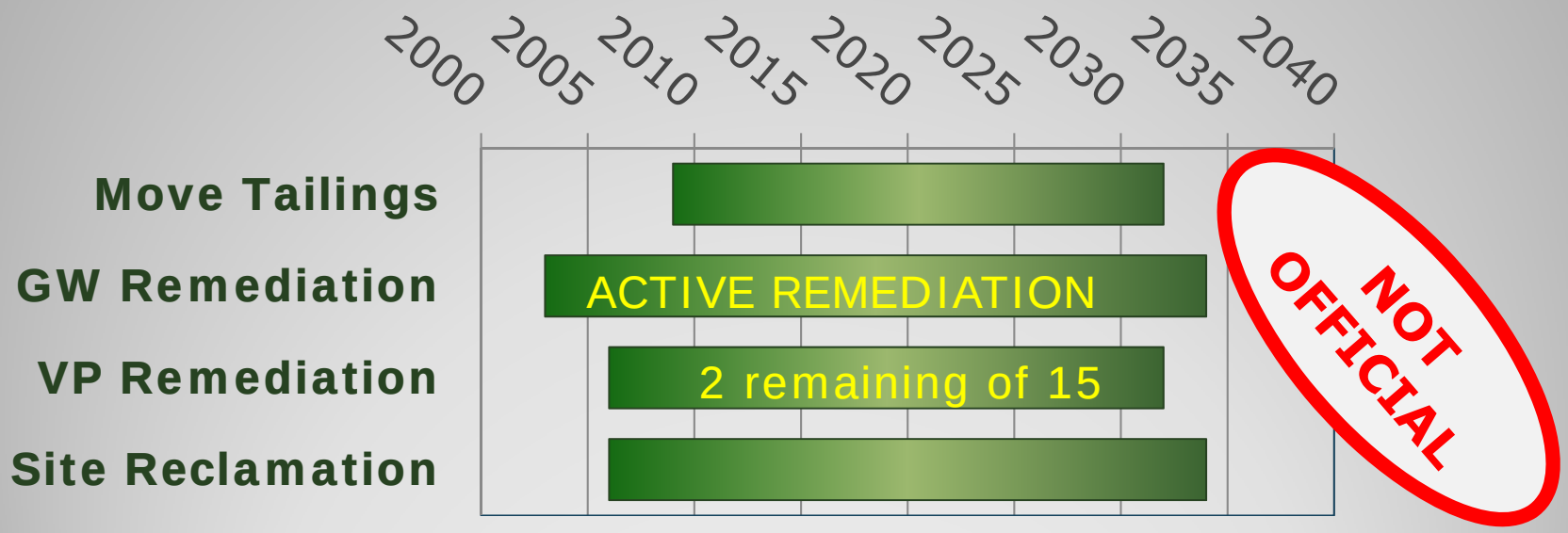
Photo looking NE
April, 2014
Courtesy of DOE

Uranium Mill Tailings Remedial Action

A Grand County Perspective by Lee Shenton, UMTRA Liaison

Main Project Goals

- Move tailings away from Colorado River
- Protect river by intercepting ground water contaminants
- Remediate vicinity properties
- Reclaim project sites at Moab and Crescent Junction



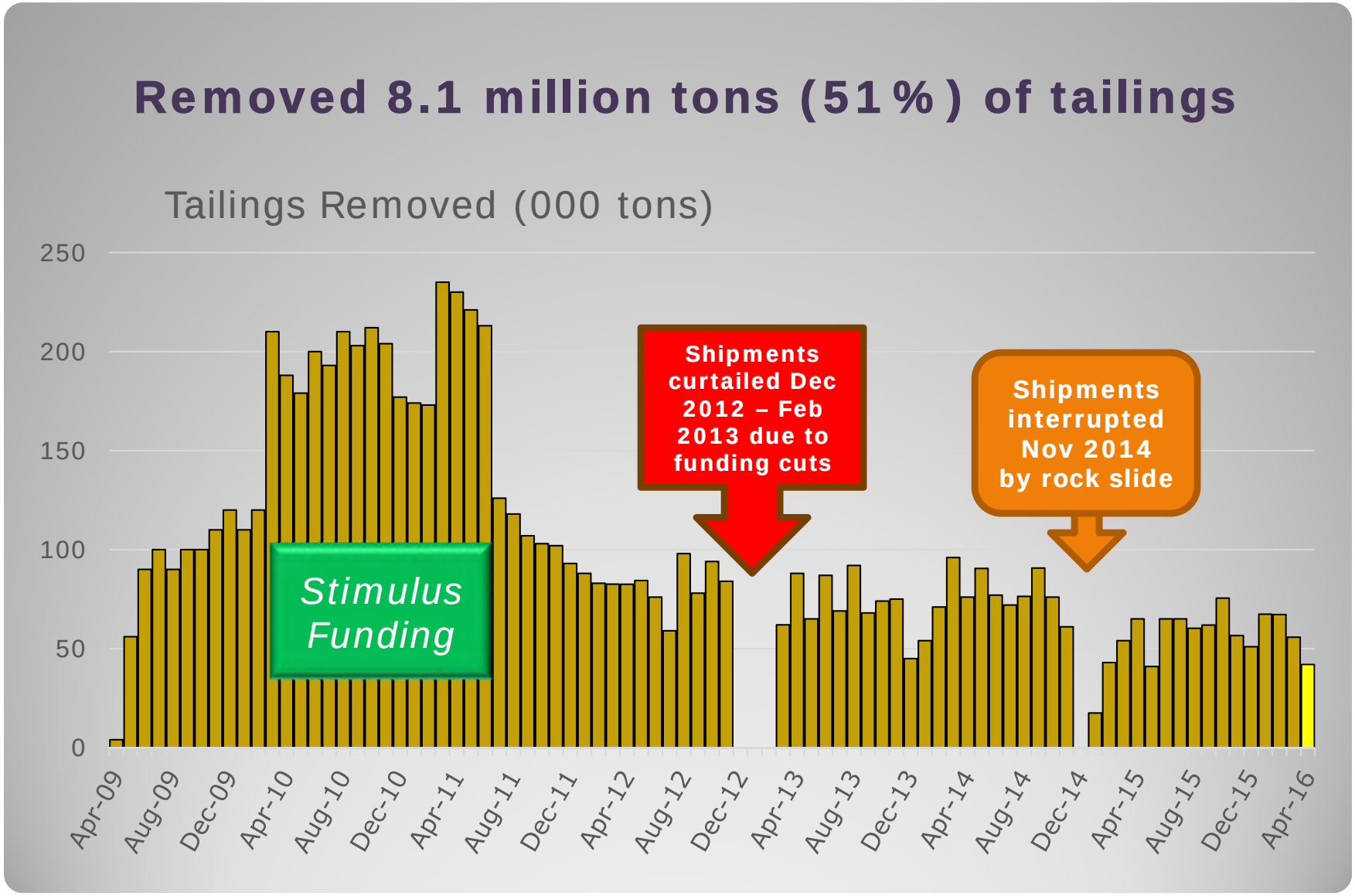
Total project costs are estimated at about $1 billion

"Completion About 2034, depends on annual funding" - FLShenton

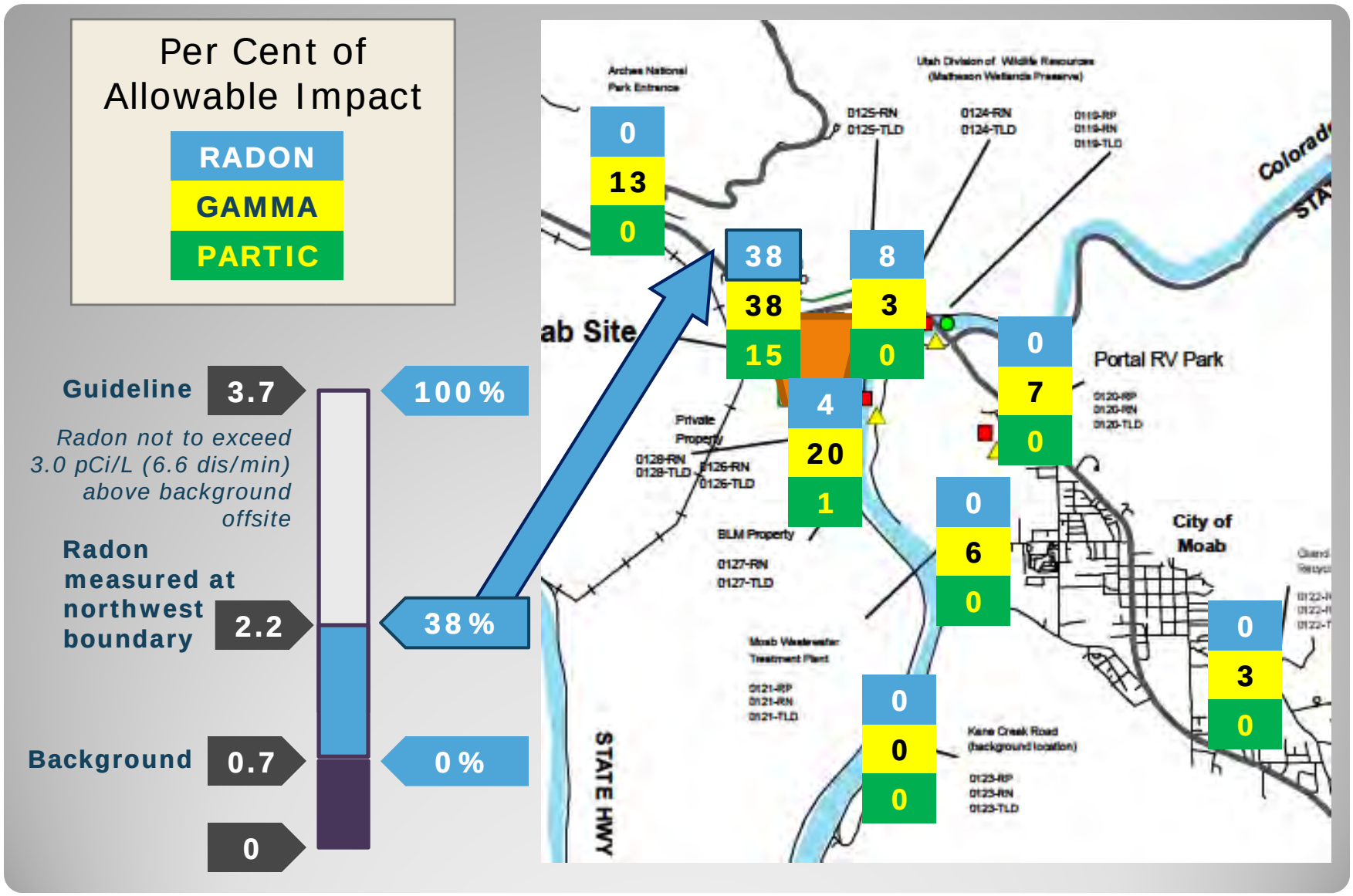
Operations Status

- **51% of tailings moved**
  - 8.1 million tons shipped
  - 2 trains per work week
  - 25% of crew released this month
    - Expected to avoid repeated annual shipping curtailments
  - FY16 funding $38.6 million
    - FY17 funding $34.7 million, per President's Budget Request
- **Ground Water Remediation**
  - Well field operations resumed
  - Pile-top pond now out of service

Removed 8.1 million tons (51%) of tailings

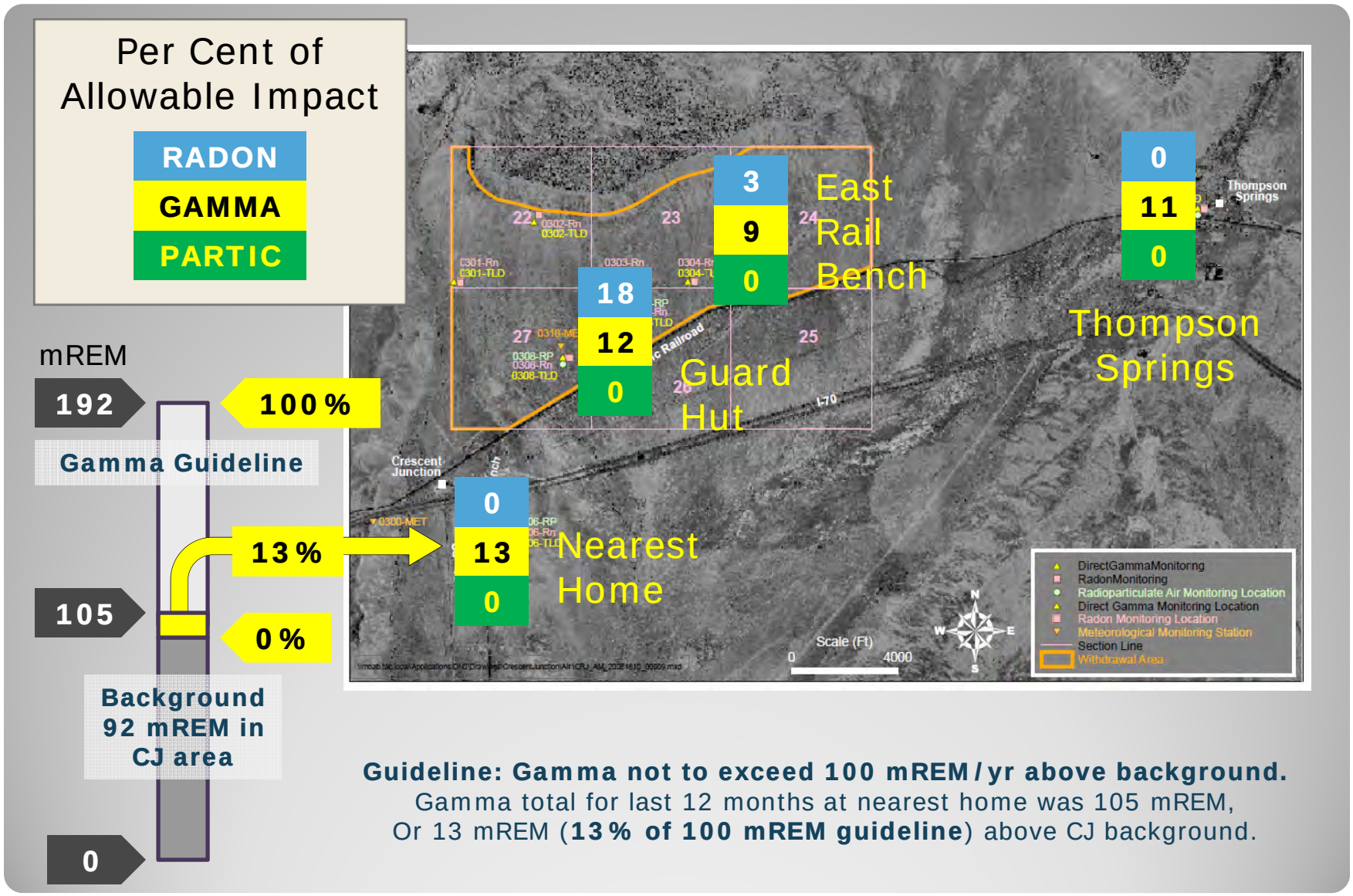


Tailings shipments reduced to 40,000 tons per month, April, 2016



Impacts Around Moab: 4th Qtr 2015

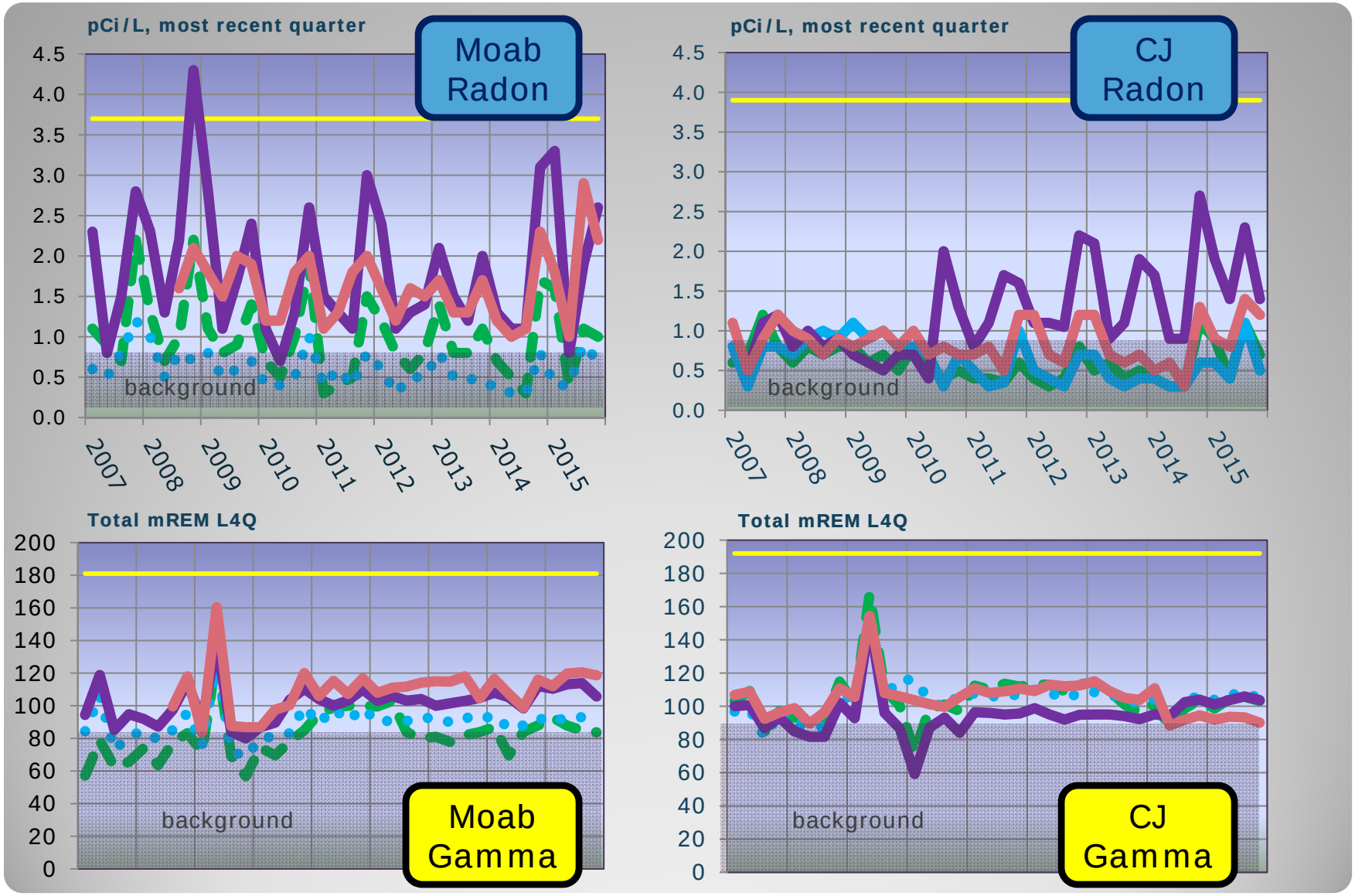
pCi/L = picoCuries per Liter, radiation from Radon gas in the air



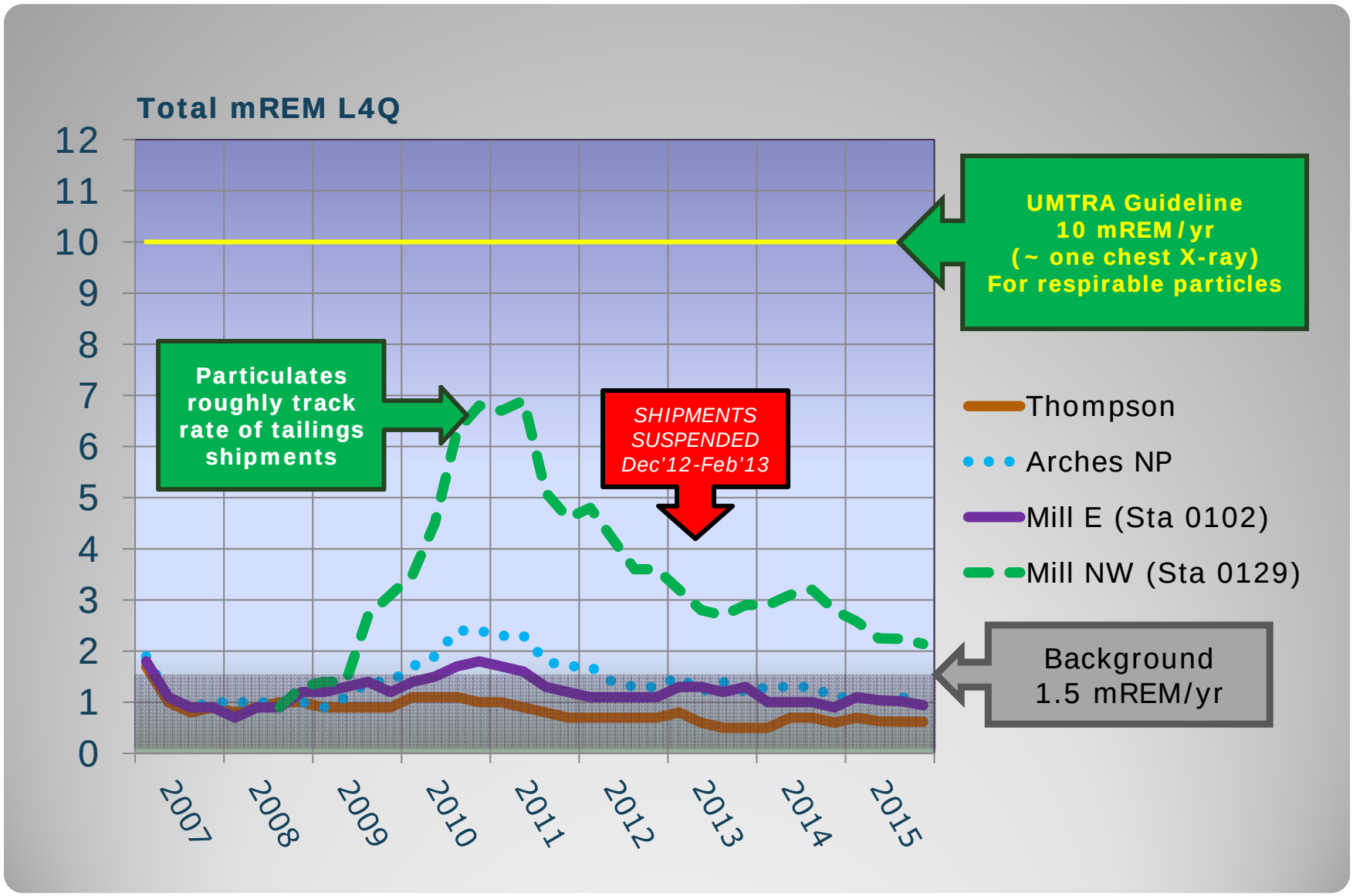
Guideline: Gamma not to exceed 100 mREM/yr above background.
Gamma total for last 12 months at nearest home was 105 mREM,
Or 13 mREM (**13% of 100 mREM guideline**) above CJ background.

Impacts Around CJ: 4th Qtr 2015

mREM = milli-Roentgen Equivalents in Man, a radiation biological dose equivalent.



Air Monitoring Trends



Airborne Radioparticulates

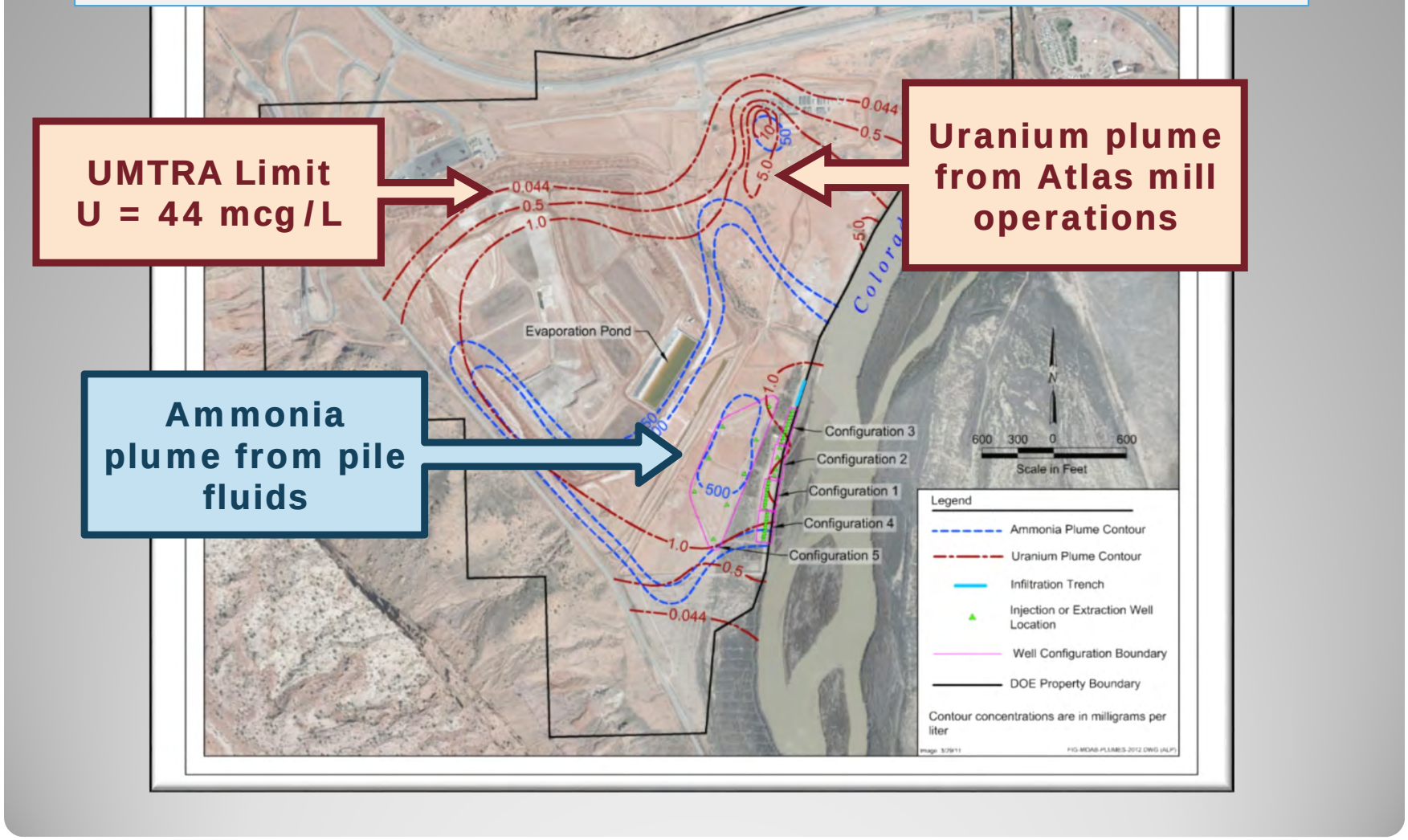
Radioparticulate data for 16Q1 not yet available

Ground Water Remediation

- Well fields between pile and river
- Extraction as needed to protect river
- Fresh water injection when river is low
- Seasonal habitat protection

➢ Could continue 1-2 years after pile removed

Ground Water Conditions



Colorado River background Uranium level ~8 micrograms (mcg)/L at Moab. Groundwater is subsurface water that migrates slowly towards the river.

To Learn More

- **Online**
  - gjem.energy.gov/moab
  - GrandCountyUtah.net (search for “UMTRA”)
- **Public meetings**
  - *Moab Tailings Project Steering Committee, quarterly (4th Tuesday of Jan, Apr, July and Oct)*
  - *Site Futures Committee, 2013 and 2018*
- **UMTRA Reading Room (Library)**
- **Chat with Grand County’s Liaison**
  - 259-1795 (Tue, Thu), 719-2811 (Wed)
  - lshenton@grandcountyutah.net

AGENDA SUMMARY

GRAND COUNTY COUNCIL MEETING

MAY 3, 2016

Agenda Item: E

TITLE:	Discussion on recommended revisions to the Policies and Procedures of the Governing Body: Section F "The County Clerk," Section G "The County Attorney," Section H "Study Committee," Section I "Council Meetings," and Section J "Workshops" (allow 30 minutes)
FISCAL IMPACT:	N/A
PRESENTER(S):	Ruth Dillon, Council Administrator and Council Study Committee Members Tubbs, Hawks, and McGann

Prepared By:

Ruth Dillon
Council Administrator
(435) 259-1347
rdillon@grandcountyutah.net

FOR OFFICE USE ONLY:

Attorney Review:

To be requested after all sections are discussed

BACKGROUND:

On April 19th, the Council completed discussions of Section D of the Policies and Procedures of the Governing Body. The Council requested that a portion of Section E, "The Council Administrator," be brought back for further discussion (which will occur at a future Council meeting, allowing time for research).

The next topics for tonight's discussion are:

- The County Clerk
- The County Attorney
- Study Committee
- Council Meetings
- Workshops

The Study Committee's redlined suggestions are provided for each of these sections.

ATTACHMENT(S):

1. Council Study Committee redlined suggested changes

and the Policies and Procedures of the Governing Body. Bylaws of County Boards, Commissions, and Committees and Policies and Procedures of County ~~Departments, shall~~Departments shall be available upon request.

~~9. Minutes: Minutes shall be posted on the County website once approved.~~

9~~10~~. Written Comments: Any written comments from the public regarding Council action or public hearings shall be compiled by the Council Administrator's Office and forwarded to the Clerk/Auditor's Office once the hearing is ~~is being~~ closed and action taken by the Council.

F. The County Clerk

1. Attends Meetings: The Clerk or deputy shall attend *meetings of the Governing Body* and shall attest all instruments signed by the Chair, particularly resolutions and ordinances.~~.~~

2. Notices: In collaboration with the Council Administrator *shall ensure that all* required notices are ~~sent out~~posted ~~and~~ or published required by the Open and Public Meetings Act and that all notices include the date, time and name or initials of the person posting the notice.

3. Minutes: The Clerk or deputy ~~S~~shall prepare and maintain minutes and recordings of the proceedings, including closed sessions, and such journals and records as required. Minutes shall be prepared consistent with UCA 52-4-203 and shall conform to all state requirements. Minutes shall be posted on the County website once approved.

4. Completeness of Documents Signed: The text of all ordinances, resolutions and other documents shall be complete and shall not lack any information before vote thereon.

G. The County Attorney

1. Meeting Attendance: When requested by the Council *or Council Administrator* the County *Attorney or designated representative* shall provide best efforts to attend regular, ~~or~~ special, emergency ~~-~~meetings of the Governing Body.

2. Legal Counsel: ~~Shall p~~Provides legal counsel as to all matters including lawful procedure to *the County Council*.

3. Grand County Attorney Records Classified as Protected, Privileged and Confidential: Generally, all documents and records created by the government are public documents, and subject to open disclosure to the public under the Government Records Access and Management Act ("GRAMA"), found in UCA 63G-1-101 et. seq. However, GRAMA allows an exception for records and/or

communications between a governmental entity and an attorney. In adopting GRAMA, the Utah Legislature has classified those records as "Protected" and "Privileged", not subject to public disclosure. Those documents, communications and records that qualify for exemption from GRAMA and public disclosure may be summarized in the following categories, including, but not limited to, records that are:

- related to pending law enforcement proceedings where disclosure would be harmful, UCA 63G2-305(9).
- created solely in anticipation of litigation, UCA 63G-2-305(16).
- attorney work ~~produce~~product, mental impressions, and legal theories concerning litigation, UCA 63G-2-305(17).
- communications between a County attorney, or an attorney retained by the County, and County officials or employees, UCA 63G-2-305(18). This category could include letters, emails, phone messages, memoranda, text messages, photos, videos, notes, ~~et~~etc.; and also may include other documents or records (such ~~as, statistics~~as statistics, diagrams, data compilations), that are provided by a government official or employee to the County Attorney at the request of the County Attorney—even though those documents may not appear to contain protected, privileged or confidential information.
- Settlement negotiations, UCA 63G-2-305(33).

It shall be a rebuttable presumption that all records that could possibly fall into one of the categories above (records either sent to, or received from, the County Attorney's office), shall be treated as "Protected" and "Privileged" under GRAMA. Such documents shall not be disclosed without prior review and approval from the County Attorney's office. If there is any reasonable doubt as to whether or not a record is "Protected" or "Privileged", then, prior to disclosure, that record shall be submitted to the County Attorney's office for legal review.

Pursuant to UCA 63G-2-306, there is no requirement for the County or the County Attorney to mark all County Attorney records with a "Protected" stamp in order for those communications to be considered protected under the statute because, as cited above, those communications by their nature are already classified as "Protected" under State law.

Under UCA 63G-2-801, any "public employee or other person who has lawful access to any private, controlled, or protected record under this chapter, and who intentionally discloses, provides a copy of, or improperly uses a private, controlled, or protected record knowing that the disclosure or use is prohibited under this chapter, is guilty of a class B misdemeanor."

H. Study Committee

1. Establishment of a Study Committee: From time to time, the Council may choose to appoint a committee of its Members for the purpose of researching, reviewing and recommending to the Governing Body action on particular issues, problems, and areas of interest. Committees are not executive bodies, and the Committee Chair has no executive authority. The Governing Body may however, from time to time, authorize the committees to undertake specific tasks ~~and make specific agreements~~. While other Council Members are not obligated to vote according to committee recommendations, the work of the committees shall be respected.

2. Study Committee Representation: Committees shall not consist of more than three (3) Members. In addition to the three Members, the Council Administrator shall attend and participate in Study Committee Meetings unless excused by the Council-. See also Section D, "Duties of the Chair."

I. Council Meetings

1. Open and Public Meetings Act: All Council Meetings shall be in compliance with the Open and Public Meetings Act. UCA Title 52 Chapter 4. All Council Meetings will be open to the public. Any closed ~~executive~~ sessions shall be in accordance with UCA 52-4-204.

2. Approval of Annual Schedule of Meetings: The Council shall approve its annual meeting schedule during the December scheduled meeting and publish the approved schedule in accordance with UCA 52-4-202.

3. Council Meeting Dates and Times: The Council shall hold regular meetings the first and third Tuesday of each month. In those months when the holidays or elections fall on the first or third Tuesday, the meeting shall be held the following day. To the extent practicable and if so required as determined by the Chair, County Council Meetings will begin at 4:00PM for one session per meeting. Public hearings to adopt or change a budget or to consider matters related to taxes or fees shall begin at 6:00PM or later, as well as any other Public Hearings. .

4. ~~4.~~ Special Meetings: The Chair, or upon request by any Council Member shall call special meetings, or emergency meetings in accordance with the UCA Open and Public Meetings Act as becomes necessary.
5. Emergency Meetings: The Council may call an emergency meeting to discuss an urgent matter due to unforeseen circumstances. When an emergency meeting is deemed necessary, the following is required:
   - Give the best notice practicable of the time, location and topics to be considered.
   - Attempt to contact all Council Members.
   - A majority of the Council Members must approve the meeting (UCA 52-4-02(5))

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J. Workshops

1. Workshops: Workshops are Special Meetings and may be required from time to time and scheduled as needed, and to the extent possible, attended by all Council Members. The purpose of these meetings shall be to discuss and consider items pending on the Council Agenda or other items that require the attention of the Council, such as Administrative or Budget Workshops, so as to receive in-depth updates and information prior to a future, formal vote. The Council may provide direction to the staff concerning those same issues. Unless it is so noted on the agenda, action will not be taken at w Workshops.

2. Joint Workshops: The Council may from time to time or on a regular schedule conduct joint workshops with other local government bodies and staff as deemed necessary for the purpose of working together on administrative and informational updates on issues that have impacts on the entities. There shall be no formal action taken during these workshops.

K. Agenda

1. Order of Business: The Council Administrator shall prepare, and the Chair shall *approve, a written agenda for each meeting including, as necessary, the agenda* for the Municipal Building Authority. In general, each regular meeting shall consist of an afternoon administrative session, and an evening public business session.

   The Municipal Building Authority and Council session matters shall be considered, as far as practicable, in the following order:

   Municipal Building Authority
   - Call to Order
   - Pledge of Allegiance
   - Approval of Minutes
   - *Ratification of Payment of Bills*
   - Action Items
   - Discussion Items
   - General Business – Action Items
   - Public Hearings – Possible Action Items
   - Closed Session(s) if necessary
   - Adjourn

   Council Afternoon SessionMeeting
   - Call to Order
   - Pledge of Allegiance
   - Approval of Minutes
   - Ratification of Payment of Bills

May 2016

April 2016						
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June 2016						
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 ● 1:00PM Affordable Housing Task Force (Chambers) ● 5:00PM Airport Board (Chambers)	3 ● 8:30AM Safety & Accident Review Committee (Chambers) ● 2:00PM Housing Workshop (Chambers) ● 4:00PM County Council Meeting (Chambers)	4	5 ● 8:30AM CIB Review Mtg with Transportation District on the La Sal Loop rd application (SLC Multi agency office Building) ● 5:30PM Mosquito Abatement District (District Office) ● 7:00PM Grand Water & Sewer Service Agency (District Office)	6	7
8	9 ● 12:30PM Council on Aging (Grand Center) ● 7:00PM Conservation District (Youth Garden Project)	10 ● 12:00PM Trail Mix Committee (Grand Center) ● 3:00PM Travel Council Advisory Board (Chambers) ● 5:30PM OSTA Advisory Committee (OSTA) ● 6:00PM Cemetery Maintenance District (Sunset Memorial) ● 6:00PM Transportation SSD (Road Shed)	11 ● 12:00PM Area Sector Analysis Process (ASAP) Steering Committee Meeting (USU Moab-Room R) ● 5:00PM Agenda Summaries Due ● 6:00PM Planning Commission (Chambers)	12 ● 4:00PM Solid Waste Management SSD (District Office) ● 5:30PM Library Board (Library) ● 6:00PM Thompson Springs Fire District (Thompson) ● 7:00PM Thompson Springs Water SSD (Thompson)	13 ● 10:00AM Historical Preservation Commission (Grand Center)	14
15	16	17 ● 12:00PM Chamber of Commerce (Zions Bank) ● 2:00PM Housing Workshop (Chambers) ● 4:00PM County Council Meeting (Chambers)	18 **Biz Summit ♦ Price** ● 1:00PM Moab Area Watershed Partnership (Water District Office) ● 6:00PM Recreation SSD (City Chambers)	19 ● 12:00PM Housing Authority Board (City Chambers) ● 4:00PM Arches SSD (Fairfield Inn & Suites) ● 7:00PM Grand Water & Sewer Service Agency (District Office)	20	21
22	23	24 **Governor's Utah Energy Devel... ♦ SLC** ● 2:45PM Mental Health Board (Green River) ● 5:00PM Public Health Board (Green River)	25 **Western Interstate Region Conference ♦ Jackson, WY** ● 6:00PM Planning Commission (Chambers)	26 ● 1:00PM Association of Local Government (ALG) (Price) ● 5:30PM Canyonlands Healthcare SSD (Moab Regional Hospital)	27 ● 10:00AM BLM Coordination Meeting (Chambers)	28
29	30 **Memorial Day** ● 8:00AM County Offices Closed	31	1 ● 5:00PM Agenda Summaries Due	2 ● 5:30PM Mosquito Abatement District (District Office) ● 7:00PM Grand Water & Sewer Service Agency (District Office)	3	4

June 2016

May 2016						
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July 2016						
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31						

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30 8:00AM - 5:00PM County Offices Closed	31	1 5:00PM - 5:30PM Agenda Summaries Due	2 5:30PM - 5:30PM Mosquito Abatement District (District Office) 7:00PM - 7:00PM Grand Water & Sewer Service Agency (District Office)	3	4
5	6 5:00PM - 5:00PM Airport Board (Chambers)	7 8:30AM - 8:30AM Safety & Accident Review Committee (Chambers) 2:00PM - 3:45PM Housing Workshop (Chambers) 4:00PM - 4:00PM County Council Meeting (Chambers)	8 6:00PM - 6:00PM Planning Commission (Chambers)	9 10:30AM - 3:00PM Open & Public Meetings Act Training (Grand Center) 3:30PM - 3:30PM Sand Flats Stewardship Committee (Chambers) 4:00PM - 4:00PM Solid Waste Management SSD (District Office) 6:00PM - 6:00PM Thompson Springs Fire District (Thompson) 7:00PM - 7:00PM Thompson Springs Water SSD (Thompson)	10	11
12	13 12:30PM - 12:30PM Council on Aging (Grand Center) 7:00PM - 7:00PM Conservation District (Youth Garden Project)	14 12:00PM - 12:00PM Trail Mix Committee (Grand Center) 3:00PM - 3:00PM Travel Council Advisory Board (Chambers) 5:30PM - 5:30PM OSTA Advisory Committee (OSTA) 6:00PM - 6:01PM Cemetery Maintenance District (Sunset Memorial) 6:00PM - 6:00PM Transportation SSD (Road Shed)	15 5:00PM - 5:00PM Agenda Summaries Due 6:00PM - 6:00PM Recreation SSD (City Chambers)	16 12:00PM - 12:00PM Housing Authority Board (City Chambers) 4:00PM - 4:00PM Arches SSD (Fairfield Inn & Suites)	17	18
19	20	21 12:00PM - 12:30PM Chamber of Commerce (Zions Bank) 2:00PM - 3:45PM Housing Workshop (Chambers) 4:00PM - 4:00PM County Council Meeting (Chambers)	22 1:00PM - 1:00PM Homeless Coordinating Commitee (Zions Bank) 6:00PM - 6:00PM Planning Commission (Chambers)	23 9:00AM - 9:00AM Canyon Country Partnership (DNR Building, Price) 11:30AM - 11:30AM Local Emergency Planning Committee (Fire Dept) 1:00PM - 1:00PM Association of Local Government (ALG) (Price) 5:30PM - 5:30PM Canyonlands Healthcare SSD (Moab Regional Hospital)	24 7:00PM - 7:00PM Grand Water & Sewer Service Agency (District Office)	25
26	27	28	29 5:00PM - 5:00PM Agenda summaries Due	30	1	2

▼

Employment Opportunities

Aircraft Rescue Fire Fighter/Airport Operations Technician (Part-Time)

Posted April 21, 2016 | Closes May 6, 2016 5:00 PM

Under the direct supervision of the Airport Manager, this is a part-time position with Grand County's Airport, Canyonlands Field. The primary purpose of the position... Full Description

Apply Online

Airport Operations Specialist

Posted April 21, 2016 | Closes May 6, 2016 5:00 PM

Under the supervision and direction of the Airport Manager, this is a full-time position with Grand County's Airport, Canyonlands Field, maintaining all aspects of... Full Description

Apply Online

Emergency Medical Technician - Basic

Posted March 15, 2016 8:00 AM | Closes September 30, 2016 3:00 PM

Job Summary Under the supervision of the Director of Emergency Medical services , this position requires current Utah Emergency Medical ... Full Description

Apply Online

GCSO - Assistant Food Service Manager in Jail

Posted February 19, 2016 | Closes June 30, 2016 3:00 PM

Apply Online Job Summary Under the supervision of the Food Service Manager, assists in planning menus, ordering supplies, and preparing meals for persons... Full Description

Library Clerk (Part time)

Posted April 18, 2016 2:00 PM | Closes July 1, 2016

Job Summary Under the direction of the Head of Adult Services, the Library Clerk performs duties relevant to the daily operations of the Library. The Library Clerk will... Full Description

Apply Online

Noxious Weed Control Technician (Seasonal)

Posted April 18, 2016 8:00 AM | Closes May 16, 2016

Job Summary Under the direction of the Weed Supervisor the Weed Technician performs a variety of work associated with grant funding which may include collection of data... Full Description

Apply Online

AGENDA SUMMARY GRAND COUNTY COUNCIL MEETING **May 3, 2016** Agenda Item: G	
TITLE:	Approving proposed Request for Proposals (RFP) and associated selection team to complete a County Resource Management Plan (CRMP)
FISCAL IMPACT:	None
PRESENTER(S):	Zacharia Levine, Community Development Director

Prepared By:
ZACHARIA LEVINE
GRAND COUNTY COMMUNITY DEVELOPMENT DIRECTOR

FOR OFFICE USE ONLY:

Attorney Review:

N/A

STATED MOTION :

I move to approve the proposed Request for Proposals (RFP) ("as written/as amended"), authorize the Community Development Director to announce it on May 9, 2016, and authorize the Chair to sign all associated documents.

PLANNING COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Approval as written

BACKGROUND:

House Bill 219 (2016) specified the timing, content, and funding requirements associated with the State's mandate that each county complete a county resource management plan (CRMP).

With financial support from the Southeastern Utah Association of Local Governments (SEU-ALG), Grand County is one of four counties currently participating in a data management effort coordinated by Jones & DeMille and BIO-WEST. These firms are identifying, cataloging, and hosting a comprehensive collection of datasets related to the 28 resource areas identified in HB 219. This data management effort is expected to conclude in June or July 2016.

The next step towards compliance is to incorporate the above findings into a public process oriented towards the creation of a CRMP deliverable. Altogether, the CRMP shall include findings relative to each resource area, goals and objectives, management policies, and monitoring procedures. Staff recommends soliciting the guidance and leadership of an outside consultant who will facilitate the remainder of the CRMP process.

The State will pay for consultation services up to $50,000. Staff recommends that Council approve the following 5-person selection team, and appoint individuals as necessary:

1. Community Development Director
2. County Council Administrator
3. 1 County Councilperson (TBD)
4. 1 County Planning Commissioner (TBD)
5. 1 County Citizen (TBD)

ATTACHMENT(S):

1. Draft Request for Proposals (RFP)

GRAND COUNTY

REQUEST FOR PROPOSALS (RFP)

COUNTY RESOURCE MANAGEMENT PLAN (CRMP)

RESPONSES DUE: JUNE 1, 2016

CONTACTS

The primary contacts for questions regarding this RFP will be Zacharia Levine, Community Development Director (zlevine@grandcountyutah.net). The secondary contacts for questions regarding this RFP will be Ruth Dillon, County Council Administrator (rdillon@grandcountyutah.net) and Diana Carroll, County Clerk-Auditor (dcarroll@grandcountyutah.net).

The County Courthouse is located at 125 E. Center St., Moab, UT, 84532. The URL for the County's website is www.grandcountyutah.net.

This Request for Proposals is intended to solicit competitive responses for integrating scientific, technical, and qualitative information necessary to assist in local management of natural and other resources.

All applicants are encouraged to thoroughly review this solicitation prior to submitting.

INTRODUCTION

Grand County, which includes the City of Moab and Town of Castle Valley, is seeking a consultant to prepare a high-quality and comprehensive County Resource Management Plan (CRMP). It is expected that the selected firm will prepare a CRMP that complies with the content and timeline requirements of House Bill 219.

The Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) create Land and Resource Management Plans (LRMPs) as the basis for nearly all natural resource management policy and decision-making for federal lands. The Federal Land Policy and Management Act (FLPMA) mandates that LRMPs are consistent with state and local plans "to the maximum extent… consistent with federal Law…". FLPMA specifically states that:

1. Local governments must be given prior notice of agency activities;
2. Agencies must keep apprised of local plans;
3. Agencies must consider local plans;
4. Local governments must be meaningfully involved; and,
5. Agencies must make their plans consistent with local plans.

In light of these coordinating requirements, the Grand County CRMP shall identify and communicate local knowledge, goals and objectives, and management policies related to local resources, landscapes, and uses. The selected consultant will be one that has demonstrated experience in the preparation of resource management plans, environmental consulting, National Environmental Policy Act (NEPA) compliance, public facilitation, and multiple-uses on public lands.

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The Grand County CRMP is intended to amend the general plan and, therefore, must follow the appropriate legal procedure. A complete CRMP shall be submitted to the Grand County planning commission for review and recommendation during a public hearing no later than **May 1, 2017**, and adopted by the county council during a public hearing no later than **August 1, 2017**. Following adoption at the local level, Grand County's CRMP will be submitted to the State of Utah Public Lands Policy Coordinating Office (PLPCO). PLPCO will review the CRMP, provide comments, and incorporate it into a statewide resource management plan. The selected firm will be expected to assist Grand County in earning PLPCO approval.

ABOUT GRAND COUNTY

Grand County is known for its iconic red rock landscapes, abundant outdoor recreational opportunities and high quality of life. It is home to Arches and Canyonlands National Parks, Deadhorse Point State Park, and the Manti-La Sal National Forest. The Colorado River flows northeast to southwest through Grand County, and the Book Cliffs serve as a northern boundary line.

Altogether, the County encompasses 2,355,743 acres. Eighty-seven percent of the land is publically owned, and is managed by state and federal agencies. Tribal and private lands cover 8.4 percent and 4.3 percent, respectively, of the land area in the county. The BLM is the largest land manager in the county, holding 1,554,471 acres (66% of total). Other federal ownership includes the NPS at 87,741, acres (3.7% of total), and the Forest Service at 57,211 acres (2.4% of total). State lands (343,695 acres, 14.6% of total) consist mainly of school and institutional trust lands, state parks, wildlife reserves, and recreational areas. A portion of the Uintah and Ouray Indian Reservation, managed by the Ute tribe, extends into the northwest portion of the county.

Public lands play an essential role in Grand County's economy, reputation, and cultural heritage. Although Grand County has a full-time population of around 10,000, it hosts more than three million visitors from around the world each year. Tourism and recreation are the primary economic drivers, accounting for roughly 70% of all employment. Mining and minerals extraction has had a continuous presence in Grand County since the 1920s. In recent years, the construction of a new regional hospital, several community buildings, and fiber optic telecommunications infrastructure has fueled growth in the professional and technical services industries. With the promise of a four-year university campus (USU Moab) coming online in the near future, Grand County is poised to continue diversifying its economic profile.

RELATED PROJECTS

In preparation for the CRMP process, Grand County compiled a matrix of existing resource management plans and documentation related to the 28 resource areas identified in HB 219. The matrix is included as Addendum A in this RFP.

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With financial support from the Southeastern Utah Association of Local Governments (SEU-ALG), Grand County is one of four counties currently participating in a data management effort coordinated by Jones & DeMille and BIO-WEST. These firms are identifying, cataloging, and hosting a comprehensive collection of datasets related to the 28 resource areas identified in HB 219. Grand County has requested particular emphasis on the following ten areas: Air Quality; Water Quality & Hydrology; Economic Considerations; Riparian Areas; Water Rights; Recreation & Tourism; Energy; Mining & Mineral Resources; Wilderness; Livestock & Grazing; Cultural, Historical, Geological, and Paleontological Resources. This data management effort is expected to conclude in June or July 2016. All catalogued datasets will be available to the selected firm.

Several federal, state, and local planning processes within Grand County are ongoing, and will continue in parallel with the CRMP process. For example, the BLM is creating a new Master Leasing Plan (MLP), the USFS will begin work on a new Land and Resource Management Plan (LRMP), and the USGS in collaboration with others is currently working on a groundwater study. The selected firm will be expected to integrate all past, current, and near-future related projects into Grand County's CRMP process and final deliverable.

SCOPE OF WORK

Grand County seeks the support and leadership of a team capable of developing a CRMP, in parallel with other community and economic development activities, through research, analysis, trend forecasting, and defined community outreach as described below. The consultant's overall responsibility and scope of work is to prepare a County Resource Management Plan containing findings, goals and objectives, and implementation measures. Emphasis must be placed on plan creation, compliance with House Bill 219, and PLPCO approval. The consultant will also provide meeting facilitation services during the public outreach process as necessary. The consultant shall provide professional services to support the following tasks:

A. Develop a project management plan that includes a refined scope, schedule, budget, quality control, and invoicing protocol.

B. Develop a project coordination plan that describes how the selected firm will ensure a coordinated approach among and between Grand County, local jurisdictions, and state and federal agencies including the Public Lands Policy Coordinating Office, and other persons or agencies as needed. Consider creating countywide advisory groups to assist in the creation of a CRMP.

C. Review and analyze existing resource management plans, resource datasets, past, present, and near-future related projects.

D. Prepare key trends and forecasts related to local resources and resource utilization, social factors, economic factors, and financial indicators for inclusion into the CRMP.

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E. Provide understanding and develop consensus of the County's primary strengths, weaknesses, opportunities, and threats (SWOT analysis) that directly impact resource management and coordination with federal land management agencies.

F. Prepare a final CRMP deliverable containing findings, goals and objectives, implementation measures, and monitoring procedures. The CRMP shall take the form of a .pdf document and easily navigable website, and serve as the basis for coordination and cooperation between federal, state, and local stakeholders.

G. Meetings:
    a. The consultant will be expected to regularly interface with staff (in-person meetings and conference calls) concerning the process and tasks throughout the project. The consultant should have frequent interaction with staff to ensure that the County's desired objectives are met and that Grand County's unique concerns are addressed. The consultant will also be expected to consult with the County's elected officials, including its legal counsel, Indian Tribal leadership within or adjacent to County boundaries, and several non-governmental local stakeholders.

    b. Preparation and facilitation of up to four (4) Community workshops with local resource managers, user groups, business and community leaders, and interested citizens.

    c. Briefing with the countywide advisory groups.

    d. Attendance of at least three (3) meetings and/or study sessions with the Grand County planning commission and council to discuss findings and present the draft and/or final CRMP.

BUDGET

The proposed budget for this project is $50,000. All costs associated with this project and any related activities such as interviews are the sole responsibility of the selected firm. Grand County assumes no liability for any costs incurred by the selected firm throughout the entire selection process. The selected firm assumes any and all costs that exceed the proposed budget of $50,000.

PROPOSAL AND PROJECT TIMELINE

RFP Issued	May 9, 2016

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Deadline for Proposed Submission	June 1, 2016
Consultants Selected for Interviews	June 2016
Interviews Conducted	June 2016
Consultant Selected & Contracted	July 5, 2016
Development of Tasks & Deliverables	July 2016 – April 2017
Final Draft Deliverables Submitted to the Grand County Planning Commission for Review, Public Comment, and Recommendation	May 1, 2017
Final Draft Deliverables Submitted to the Grand County Planning Commission for Review, Public Comment, and Adoption	August 1, 2017
Final Deliverables Submitted to PLPCO	September 2017

PREPARATION AND SUBMITTAL OF PROPOSALS

A. Pre-Submittal Meeting

The RFP Selection Team will hold one pre-submittal question and answer meeting for interested firm leaders to learn more about the project prior to submission of the proposal. The meeting will be held on Monday, May 16, 2016 from 10:00am until 11:30am. All are invited to participate by phone – dial 435-259-4138, press 1 for the conference line and press 123456 for the conference pin. Contact Zacharia Levine (435-259-1371/zlevine@grandcountyutah.net) if you have questions.

B. Copies of Proposal

Proposers are to provide five (5) hard copies of their proposal in written format and one (1) copy in electronic format, marked clearly on the outside "RFP for Grand County CRMP."

C. Submittal Procedure

The packaged proposal that includes all hard and electronic copies shall be labeled "RFP for Grand County CRMP." Proposals must be received by Zacharia Levine at Grand County Community Development, 125 E. Center St., Moab, UT, 84532 by close of business on June 1, 2016.

Proposals must contain the following:

a. Cover Letter

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Limited to one page, create a cover letter that succinctly explains the firm's interest and qualifications for the project and contain the name, address, phone, and email of the principal contact person.

b. Qualifications of Firm
Describe the firm's qualifications and relevant or related experience. One overall team should be proposed even when separate contractors/firms are proposed.

c. Name and Qualifications of Project Team
Include identification and resumes of personnel to be directly involved in the project, including principal planners, project managers, and any other staff that may have interaction with the stakeholders or that may be used in the collection of data, maps, information, or creation of materials. When firms list personnel to be used on this project, the firm agrees to make the personnel available to complete the work at whatever level the project requires.

d. Strategy and Implementation Plan
Describe your interpretation of the objectives with regard to this RFP. Describe your proposed strategy and/or plan for achieving the objectives of this RFP. Firms may utilize a written narrative or any other visual technique to demonstrate the ability to satisfy the scope of services. The narrative should describe a logical progression of tasks and efforts starting with the initial steps or tasks to be accomplished and continuing until all proposed tasks are fully described and the RFP objectives and deliverables are accomplished.

*Include a time schedule for completion of your firm's implementation plan.

e. References
Provide at least three (3) references for projects of similar size and scope, including at least two (2) references for project completed during the past five years. Include the name of the organization, a brief summary of the work, the cost of the project, and the name and telephone and/or email address of a responsible contact person.

f. Outside Consultants
List any outside consultants or firms who might perform services for this project. Describe what services each outside consultant would provide and at least three previous projects demonstrating the firm's capability to perform the services.

g. Statement of Project Understanding

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Provide a one-page statement outlining the philosophy of the team in approaching this project and the team's grasp of the issues and goals to address this project.

D. Selection Team
The RFP Selection Team members will receive copies of each Proposal submitted. Each Contractor's Proposal will be reviewed, scored, and ranked by the Selection Team based on the Selection Criteria. As needed, the Team may conduct interviews.

E. Selection Criteria
Proposals will be evaluated based on how well they meet the Scope of Work identified in this RFP. Proposals are not to exceed 15 pages. Grand County reserves the right to solicit additional information from the Proposer or their references.

A maximum total of 100 points is available.

a. Capability of the Contractor (Maximum 20 points)
The selection team will evaluate the firm's capability to perform the work based on unique qualifications, internal quality and cost control measures, experience with this type of work, location of firm and team, team's current workload, and performance record.

b. Project Team (Maximum 30 points)
The selection team will consider how well the qualifications and experience of the proposed team members relate to this project based on qualifications, experience, and availability.

c. Approach to the Project (Maximum 40 points)
The selection team will evaluate how well the firm has planned a basic course of action, approaches, and provisions based on how well the firm's course of action will meet the project goals, tasks, and deliverables, how well milestones are planned for and how well potential impacts, impediments, and conflicts or potential mitigation efforts are identified.

d. Statement of Project Understanding (Maximum 10 points)
The selection team will evaluate how well the firm conveys their understanding and philosophy of this project.

ADMINISTRATIVE INFORMATION

A. Issuing Office

DRAFT

Grand County, 125 E. Center St., Moab, UT, 84532

B. Purpose
Obtain competitive proposals from qualified individuals or firms interested in gathering, aggregating, analyzing, and summarizing scientific, technical, and other data necessary to assist in coordinated regional planning and county management of natural and other resources.

C. Proposal Deadline
Proposals are due by close of business on June 1, 2016 to Zacharia Levine (435-259-1371/zlevine@grandcountyutah.net) at Grand County Community Development, 125 E. Center St., Moab, UT, 84532.

D. Altering Proposals
Proposals cannot be altered or amended after the submission deadline.

E. Acceptance of Proposal Content
The contents of the proposal of the selected firm shall become contractual obligations if acquisition action ensues. Failure of the selected firm to accept these obligations in a contract shall result in cancellation of the award and such vendor may be removed from future solicitations.

F. Exclusion
No oral, telegraphic, or telephone proposals shall be considered.

G. Addenda
Any interpretations, corrections, and changes to this RFP or extensions to the opening/receipt date shall be made by a written Addendum to the RFP by Grand County. Firms shall acknowledge receipt of all addenda in their proposal.

H. Exceptions and Substitutions
All proposals meeting the intent of this RFP shall be considered for award. Firms taking exception to the specifications shall do so at their own risk. Grand County reserves the right to accept or reject any or all substitutions or alternatives. When offering substitutions and/or alternatives, the firm must state these exceptions in the section pertaining to that area. The exception/ substitution, if accepted, must meet or exceed the stated intent and/or specifications. The absence of such a list shall indicate that the firm has not taken exceptions, and if awarded a contract, shall hold the firm responsible to perform in strict accordance with the specifications or scope of services contained herein.

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I. Confidential Material

All materials submitted in response to this RFP shall ultimately become public record and shall be subject to inspection after contract award. “Proprietary or confidential information” is defined as any information that is not generally known to competitors and which provides a competitive advantage. Unrestricted disclosure of proprietary information places it in the public domain. Only submittal information clearly identified with the words “Confidential Disclosure” and placed in a separate envelope shall establish a confidential, proprietary relationship. Any material to be treated as confidential or proprietary in nature must include a justification for the request. If denied, the firm shall have the opportunity to withdraw its entire proposal, or to remove the confidential or proprietary restrictions. Neither cost nor pricing information nor the total proposal shall be considered confidential or proprietary.

J. Material Ownership

All proposals and related materials become the property of the Grand County upon receipt and shall only be returned to the firm at Grand County’s option. Selection or rejection of the proposal shall not affect this right. Grand County shall have the right to use all ideas or adaptations of the ideas contained in any proposal received in response to this RFP, subject to limitations outlined in the section titled “Confidential Material”. Disqualification of a proposal does not eliminate this right.

K. Open Records

All proposals shall be open for public inspection after the contract is awarded. Trade secrets and confidential information contained in the proposal so identified by offer as such shall be treated as confidential information to the extent under the Government Records Access and Management Act.

L. Right to Cancel

Grand County reserves the right to cancel the RFP at any time when it is in the best interest of Grand County. Grand County also reserves the right to accept or reject any and all submitted responses to the RFP.

M. Applicable Federal and State Requirements

The Contractor shall conform to all applicable state and federal regulations.

N. Authorization to Begin Work

Notice to proceed will be given to the selected firm as soon as the contract is approved and signed by all parties and returned to Grand County.

DRAFT

AGENDA SUMMARY **GRAND COUNTY COUNCIL MEETING** MAY 3, 2016 Agenda Item: H	
TITLE:	Adopting proposed Resolution for a Combined Preliminary and Final Plat for Sheffer Subdivision
FISCAL IMPACT:	none
PRESENTER(S):	Community Development Department Staff

Prepared By:

Mary Hofhine

Community Development Department

FOR OFFICE REVIEW ONLY:

Attorney Review:

N/A

RECOMMENDATION:

Move to approve the proposed Combined Preliminary and Final Plat of the Sheffer Subdivision as submitted and recommend the Chair sign the final plat and associated documents.

PLANNING COMMISSION RECOMMENDATION:
Approval

STAFF RECOMMENDATION:
Approval

BACKGROUND:
See Staff Report and DRAFT Resolution

ACCESS
This plat will dedicate to the County a proposed future alignment of Spanish Valley Drive and Mill Creek Drive for geometric improvements. See attached Horrocks plan.

ATTACHMENT(S):
Staff Report
Draft Resolution
Final Plat
Horrocks proposed plan for realignment of Spanish Valley Drive
Horrocks approval of drainage waiver dated April 13, 2016
Signature page with required signatures

S T A F F R E P O R T

MEETING DATE: May 3, 2016

TO: Grand County Council

FROM: Planning Staff

SUBJECT: Sheffer, Combined Preliminary and Final Plat

Planning Commission Recommendation

The Grand County Planning Commission reviewed the referenced application in a public hearing on April 14, 2016 and forwarded a favorable recommendation to the County Council without conditions.

BACKGROUND

Introduction
This application is submitted by Randy Day, agent for the property owner, Connie Sheffer. The Applicant is requesting combined preliminary and final plat approval to subdivide 1.39 acres into a two (2) lots. Proposed lot one (1) has six manufactured homes, and lot two (2) has a single family home with accessory uses.

The property is located within the HC zone district. Current uses include a single family home and six mobile home sites. The applicant is seeking subdivision in order to separate the manufactured home sites from the single family site. At this time the applicant is not anticipating a change in use, just ownership.

Location and Zoning
The property is located on the southeast corner of Spanish Valley Drive and Mill Creek Drive. The HC zone district is designed for high density housing and commercial activities. The applicant will dedicate the right of way needed to accomplish the future alignment of Spanish Valley Drive and associated right of way dedications. (Attached future road alignment plan provided by Horrocks Engineer)

PRELIMINARY & FINAL PLAT:

All plats and subdivisions of land shall conform to *Article 7 Subdivision Standards*. The Land Use code allows for the processing of two or more applications on one submittal, *Section 9.1.12 of the LUC*, at the option of Department staff. Staff has found the expeditious processing of the preliminary and final plat acceptable for this subdivision.

Building Lots
The applicant proposes two lots. Both proposed lots have existing uses that will remain in place following subdivision approval. Parcel two (2) has a single family home, Parcel one (1) has six manufactured homes on the site.

Access
Vehicular access for Parcel one (1) will exist on Spanish Valley Drive, and parcel two (2) will from Mill Creek Drive. The Grand County Transportation Plan has recommendations for Spanish Valley Drive and Mill Creek Drive for geometric improvements. The proposed plat reflects the future alignment of Spanish Valley Drive and associated right of way dedications that will be required, which is forty feet (40') from centerline and amounts to 0.16 acres. The following individuals and entities have reviewed and approved the proposed plat with respect to access and roads: Grand County Road Supervisor, County Engineer, Rocky Mountain Power, City Engineer, and Community Development staff.

Drainage
The County Engineer has approved the request for a drainage waiver based on Sec. 2.E of the Construction Standards. (Attached letter)

Utilities
The applicant has provided utility commitment signatures from Rocky Mountain Power and Grand Water and Sewer Service Agency (GWSSA) for sewer and water.

Fire Protection
The Fire Department has reviewed the application and finds the proposed subdivision plans acceptable.

Administrative and Engineering Fees
The applicant has paid all administrative fees and will be responsible for the cost of engineering reviews and site visits.

Public Notices
The public notice for preliminary 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 the County website – http://grandcountyutah.net , the Utah Public Meeting Notice Website at http://pmn.utah.gov/, and posted on site.

Conclusion
Staff finds that the combined preliminary and final plat submittal for the Sheffer Subdivision meets the requirements for both processes. The Applicant has provided a complete application for review. The County Engineer has approved the drainage waiver, see letter dated April 13, 2016.

Attachments:
Plat
Utility approvals
Moab Valley Fire Department approval
Horrocks plan for future alignment of Spanish Valley Drive
Horrocks approval letter dated April 13, 2016

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RESOLUTION _____ 2016

RESOLUTION OF THE GRAND COUNTY COUNCIL APPROVING SHEFFER SUBDIVISION COMBINED PRELIMINARY AND FINAL PLAT

WHEREAS, Connie Sheffer, (Applicant) is the owner of record of 1.08 acres of real property located within Section 8, T26S, R22E, SLM, Grand County, Utah, and more specifically described as the follows:

> BEGINNING AT a point North 89° 50' West 1980.0 feet along the section line and North 317.19 feet from the south Quarter corner of Section 8 Township 26 South, Range 22 East, Salt Lake Base and Meridian, and running thence North 79° 51' 00" West 222.80 feet; thence South 0°30'00" West 35.00 feet; thence North 79°51'00" West 89.40 feet; thence North 11°44'00" West 331.90 feet; thence South 53°53'00" East 464.30 feet; thence South 71.30 feet to the point of beginning. Contains 1.39 acres

WHEREAS, Dedication of a future alignment of Spanish Valley Drive, and associated right of way as defined on the proposed Sheffer Subdivision plat and more specifically described as follows:

<u>Portion dedicated as part of Spanish Valley Drive</u>

> BEGINNNG AT a point North 89°50' West 1980.0 feet along the section line and North 388.49 feet and North 53°53'00" West 14.45 feet from the South Quarter corner of Section 8, Township 26 South, Range 22 East, Salt Lake Base and Meridian, and running thence 180.93 feet along a 1055.00 foot radius curve to the right with a central angle of 9°49'33" (chord bears North 60°10'50" West 180.70 feet); thence 108.64 feet along a 940.00 foot radius curve to the right with a central angle of 6°37'18" (chord bears North 51°54'09" West 108.58 feet); thence 33.96 feet along a 1815.00 foot radius curve to the right with a central angle of 1°04'20" (chord bears North 48°03'21"West 33.96 feet); thence 97.05 feet along a 160.00 foot radius curve to the left with a central angle of 34°45'18" (chord bears North 64°53'50" West 95.57 feet); thence North 11°44'00" West 46.01 feet; thence South 53°53'00" East 449.85 feet to the point of beginning. Contains 6,894 sq. ft. OR 0.16 acres, more or less.

WHEREAS, the Grand County General Plan (General Plan) was adopted by the Grand County Council on April 6, 2004, with Resolution #2654 and updated February 7, 2012, with Resolution #2976;

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

WHEREAS, the subject property is zoned Highway Commercial (HC) as more specifically described in the Grand County Land Use Code;

WHEREAS, Connie Sheffer, (Applicant) submitted an application for Sheffer Combined Preliminary and Final Plat;

WHEREAS, the Grand County LUC, Sec. 9.1.12, allows the simultaneous processing of applications at the option of the Zoning Administrator and at the applicant's risk. The processing of Sheffer as a combined preliminary and final plat was endorsed by staff and the combined process would minimize the public process;

WHEREAS, the Grand County Planning Commission, following a public hearing on April 13, 2016, recommended approval of the Sheffer Combined Preliminary and Final Plat;

WHEREAS, due notice was given that the County Council would meet to hear and consider the proposed combined Preliminary and Final Plat in a public hearing on May 3, 2016; and

WHEREAS, the County Council has considered all evidence and testimony presented with respect to the subject application.

NOW, THEREFORE, BE RESOLVED by the Grand County Council that it does hereby approve Sheffer Combined Preliminary and Final Plat, as submitted.

PASSED, ADOPTED, AND APPROVED by the Grand County Council in a regular public meeting on _____, 2016 by the following vote:

Those voting aye: _____
Those voting nay: _____
Those absent: _____

ATTEST:

_____
Diana Carroll, Clerk\Auditor

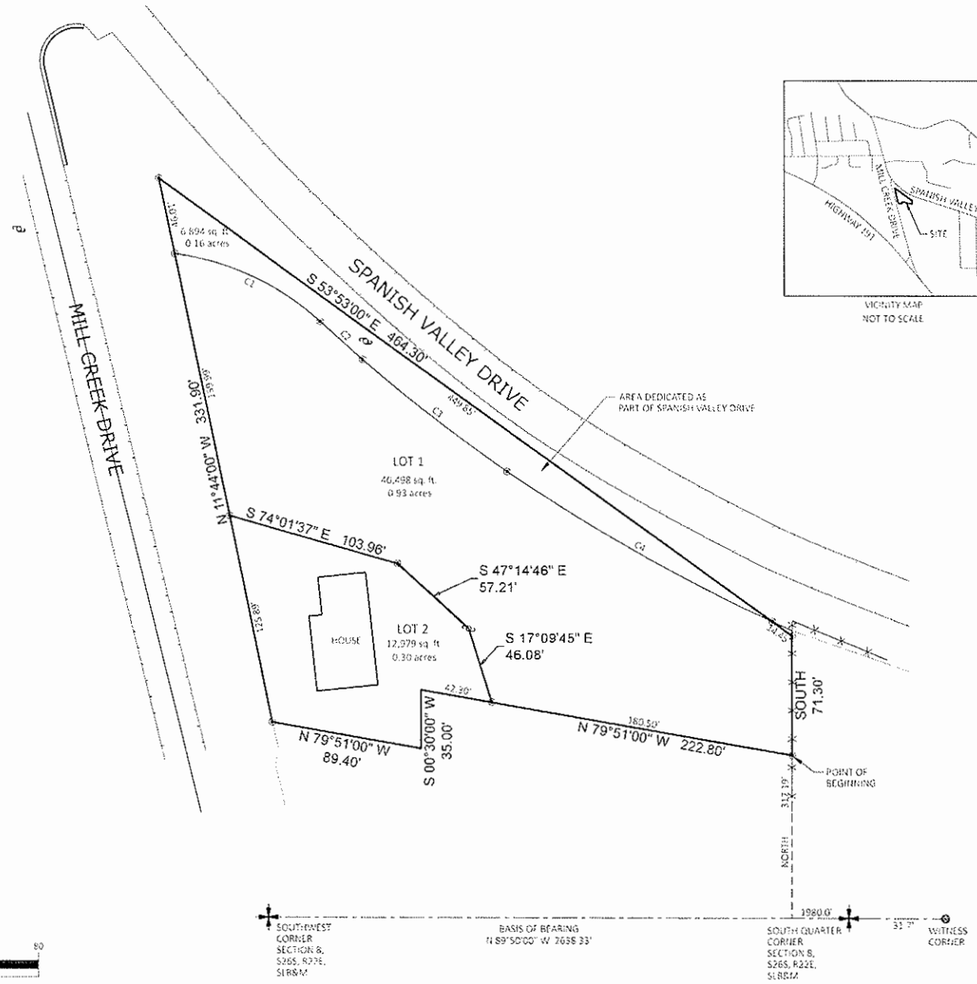
GRAND COUNTY COUNCIL

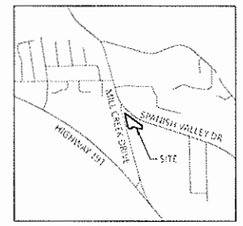
_____
Elizabeth Tubbs, Chair

PRELIMINARY & FINAL PLAT OF

SHEFFER SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER OF
SECTION 8,
TOWNSHIP 26 SOUTH, RANGE 22 EAST,
SALT LAKE BASE AND MERIDIAN
MOAB, GRAND COUNTY, UTAH





VICINITY MAP
NOT TO SCALE

N

GRAPHIC SCALE

40 0 20 40 80

1" (INCH) = 40' (FEET)

LEGEND

- Fence Line
- Edge Of Asphalt
- Section Corner Monument
- Property Corner

Curve Table					
Curve #	Radius	Length	Delta	Chord	Ch. length
C1	160.00'	97.05'	34°45'18"	N 64°53'50" W	95.57'
C2	1815.00'	33.96'	1°04'20"	S 48°03'21" E	33.96'
C3	940.00'	108.64'	6°37'18"	S 51°54'09" E	108.58'
C4	1055.00'	180.93'	9°49'33"	S 60°10'50" E	180.70'

Surveyor's Certi cate

I, Lucas Blake, certify that I am a Professional Land Surveyor as prescribed under the laws of the state of Utah and that I hold license no. 7540504. I further certify that a land survey was made of the property described below, and have subdivided said tract of land into lots and streets hereafter to be known as SHEFFER SUBDIVISION and that same has been correctly surveyed and staked on the ground as shown on this plat.

Boundary Description

Beginning at a point North 89°50' West 1980.0 feet along the section line and North 317 19 feet from the South Quarter corner of Section 8, Township 26 South, Range 22 East, Salt Lake Base and Meridian, and running thence North 79°51'00" West 222.80 feet; thence South 0°30'00" West 35.00 feet; thence North 79°51'00" West 89.40 feet; thence North 11°44'00" West 331.90 feet; thence South 53°53'00" East 464.30 feet; thence South 71.30 feet to the point of beginning.

Contains 60,371 sq ft. 1.39 acres.

Portion dedicated as part of Spanish Valley Drive

Beginning at a point North 89°50' West 1980.0 feet along the section line and North 388.49 feet and North 53°53'00" West 14.45 feet from the South Quarter corner of Section 8, Township 26 South, Range 22 East, Salt Lake Base and Meridian, and running thence 180.93 feet along a 1055.00 foot radius curve to the right with a central angle of 9°49'33" (chord bears North 60°10'50" West 180.70 feet); thence 108.64 feet along a 940.00 foot radius curve to the right with a central angle of 6°37'18" (chord bears North 51°54'09" West 108.58 feet); thence 33.96 feet along a 1815.00 foot radius curve to the right with a central angle of 1°04'20" (chord bears North 48°03'21"West 33.96 feet); thence 97.05 feet along a 160.00 foot radius curve to the left with a central angle of 34°45'18" (chord bears North 64°53'50" West 95.57 feet); thence North 11°44'00" West 46.01 feet; thence South 53°53'00" East 449.85 feet to the point of beginning.

Contains 6,894 sq. ft. OR 0.16 acres, more or less.

Date

Lucas Blake
License No 7540504

OWNER'S DEDICATION

Know all men by these presents that _____, the _____ undersigned owner( ) of the above described tract of land having caused same to be subdivided into lots and streets to be hereafter known as the

SHEFFER SUBDIVISION

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use

In witness whereof _____ have hereunto set _____ this _____ day of _____ A.D., 2016

ACKNOWLEDGMENT

ON THE _____ DAY OF _____, 2016 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF _____ IN SAID STATE OF UTAH, THE SIGNER(S) OF THE ABOVE OWNER'S DEDICATION, _____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC RESIDING IN _____

NOTE GRAND COUNTY WILL CONSTRUCT ROAD CURBING AND SIDEWALK ALONG MILL CREEK DRIVE AND SPANISH VALLEY DRIVE FRONTAGE WITHIN A TIME PERIOD OF SIX MONTHS AFTER SIGNING THIS DOCUMENT.

LOCATED IN THE SOUTHWEST QUARTER OF
SECTION 8,
TOWNSHIP 26 SOUTH, RANGE 22 EAST
SALT LAKE BASE AND MERIDIAN
1881 SPANISH VALLEY DRIVE

RED DESERT
Land Surveying
4269 Zion Lemon Lane
Moab, UT 84532
435-260-0707

Project	101-15
Date	3/17/16
Sheet	1 of 1

COUNTY ENGINEERS APPROVAL

APPROVED BY THE GRAND COUNTY ENGINEER THIS

_____ DAY OF _____, 2016

GRAND COUNTY COUNCIL APPROVAL

PRESENTED TO THE GRAND COUNTY COUNCIL THIS

_____ DAY OF _____, 2016.

SUBDIVISION APPROVED

CLERK CHAIRMAN

COUNTY RECORDER NO.

STATE OF UTAH, GRAND COUNTY, RECORDED AT THE REQUEST OF

_____

DATE _____ BOOK _____ PAGE _____ FEE _____

COUNTY RECORDER

REV	DATE	BY	DESCRIPTION

REVISIONS

SCALE
HORIZONTAL 1" = 50'
VERTICAL 1" = 10'

WARNING
0 1/2 1
IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE

HORROCKS ENGINEERS
2162 West Grove Parkway
Suite 400
Pleasant Grove, UT
84062
(801) 763-5100

US-191 & MILL CREEK DR.

CONCEPT PLAN FOR IMPROVEMENTS

SHEET 11 OF 13

2/26/2016 3:38:15 PM JustinB O:\2014\PG-010-1405 Moab City General Engineering\Task 5 - Mill Creek Corridor Concept\Sheet Files\PG-010-1405 tsk5-11.dgn

2162 West Grove Parkway
Suite #400
Pleasant Grove, Utah 84062
www.horrocks.com

HORROCKS
ENGINEERS

Tel: 801.763.5100
Salt Lake line: 532.1545
Fax: 801.763.5101
In state toll free: 800.662.1644

April 13, 2016

Mary Hofhine, Development Coordinator
Grand County
125 E. Center
Moab, Utah 84532

Subject: Scheffer Subdivision – Request for Drainage Plan Waiver – Approval

Dear Mary:

I have reviewed the drainage waiver request dated January 4, 2016 and the final plat boundaries incorporating the dedication along Spanish Valley Drive. Per Grand County Construction Standards Section 2.E requirements for a Waiver of Drainage Study and information submitted is listed below:

Sec. 2.E. Waiver of a drainage study requirements

1. A waiver of the drainage Study requirements will be considered when the following conditions exist:
   a. The amount of impervious surface will not be increased to more than 15 percent of the lot area and is less than 7,000 square feet. – Response: The submitted response indicates that at this time no additional improvements or impervious area will be made to either parcel. This condition ~~is~~ has been met.

      Note: When additional development is proposed for this lot a drainage report will be required addressing drainage requirements for these lots.

   b. The site is not characterized by unusual topography of drainage patterns. – Response: A map with contours showing the existing drainage patterns has been submitted. No unusual topographic or drainage patterns exist.

   c. The site does not lie within the boundaries of the 100 year floodplain or other significant floodplain or floodway. – Response: Review the FIRM 100 flood zone mapping indicates that the property does not lay within the 100 year floodplain.

Upon review of the submitted documents and submitted information the request for waiver of the drainage report conditions have been meet and is approved.

This review was for the waiver of drainage report and does not include a review of any other code requirement as they were not part of the information submitted.

The applicant has worked with the county on the future alignment of Spanish Valley Drive and Mill Creek Drive and is deeding the right-of-way frontage of 40 feet half width along Spanish Valley Drive for future improvements. The county recorder will need to verify the property boundary properly closes

Please contact me if you have questions or need additional information.

Sincerely,
HORROCKS ENGINEERS

David Dillman, P.E.
Principal

cc:
File

Combined Prelim & Final

COMMUNITY DEVELOPMENT
ENGINEERING & PLANNING

~~MINOR RECORD~~ SURVEY APPLICATION

Grand County Courthouse: 125 E. Center St. Moab, UT 84532; Phone: (435)259-1343

FOR OFFICE USE ONLY

Date of Submittal: ~~[illegible]~~ 1/20/16 Minor Subdivision Processing Fees: **$550.00**

Submittal Received by: 1/20/16 Amount Paid: 550.00 Fees Received by: MK

CONTACT INFORMATION

Property owner: Connie Shaffer / Randy Dass

Address: [illegible]

Phone: [illegible] 259-9938

Email add[illegible]

Engineer

Address: [illegible]

Phone: [illegible]

Email add[illegible]

Property

Address: [illegible]

Phone: [illegible]

Email add[illegible]

PROJECT

Project name: 3-Way Park

General location of the property: intersection of Spanish Valley Dr. & Mill Creek

Size of the subject property: 1.08 acres Number of lots: one

Surrounding land uses: commerical and residential

Current Zoning: HWY COM district

REQUIRED SIGNATURES (or attach letter of approval by the agency)

Agency will review for ability to serve the lots and adequate existing and future easements.

Moab Valley Fire Department [signature]

Grand County Road Supervisor [signature]

Grand Water and Sewer Service Agency Lisa Ceniceros - existing service

Rocky Mountain Power Gary Lawley - Gary L. Lawley - ESTIMATOR

AGENDA SUMMARY

GRAND COUNTY COUNCIL MEETING

MAY 3, 2016

Agenda Item: I

TITLE:	Approving proposed amendment to the Forestry, Fire & State Lands Cooperative Grant agreement for Noxious Weed Management along the Colorado and Green Rivers for fiscal year 2016
FISCAL IMPACT:	This $6,000 in additional funding will help pay for seasonal employees
PRESENTER(S):	Tim Higgs, Grand County Weed Supervisor

Prepared By:

Tim Higgs, Grand County Weed Supervisor
435-259-1369
twhiggs@grandcountyutah.net

FOR OFFICE USE ONLY:

Attorney Review:

RECOMMENDATION:

I move to approve the proposed amendment to the Forestry, Fire & State Lands Cooperative Grant Agreement for Noxious Weed Management along the Colorado and Green Rivers, and for the Chair to sign or initial any associated documents.

BACKGROUND:

With the amount of noxious weeds that were located and worked on last year we would have run out of the funding to work along the rivers on the state land soon so we asked for extra funds to complete the work during the fiscal year of 2016 which ends on the end of June 2016. We are working with Eli Tomes to do another grant agreement for their fiscal year of 2017. Without the amended agreement we would run out of funding to work on their land the first part of May.

ATTACHMENT(S):

Proposed amended Grant Agreement

Cooperative Grant Agreement For Noxious Weed Management
Between The
Utah Division of Forestry, Fire & State Lands
And
Grand County Weed Department

This Cooperative Grant Agreement made and entered into by and between the Utah Division of Forestry, Fire & State Lands. hereinafter referred to as the DFFSL. and Grand County Weed Department, hereinafter referred to as GC Weed Dept is entered into under provision 65A-9-3.

PURPOSE:

The DFFSL and GC Weed Dept have entered into a Cooperative Grant Agreement to provide noxious weed prevention, detection and control within the areas of jurisdiction. Noxious weeds are those weeds listed as such by the State of Utah Department of Agriculture and GC Weed Dept.

The DFFSL and GC Weed Dept desire to facilitate cooperation and coordination of noxious weed prevention, detection and control efforts in order to increase effectiveness and improve efficiency of each party's program.

The DFFSL and GC Weed Dept agree to use an integrated approach to control noxious weeds under this agreement, which may include biocontrol, herbicides and/or mechanical methods.

The DFFSL, in cooperation with the GC Weed Dept, wish to support an Interagency Weed Control Task Force in Grand County.

The DFFSL and GC Weed Dept agree to work with the Middle Colorado River Watershed Cooperative Weed Management Area to increase effectiveness on the Colorado and Utah border.

STATEMENT OF MUTUAL BENEFITS AND INTEREST:

It is to the mutual benefit of the parties of this agreement to cooperate in the prevention, detection and control of noxious weeds within their jurisdictional areas.

It is to the mutual benefit of the participating parties of this agreement to prevent, detect and control noxious weeds on intermingled or adjacent state sovereign, county, federal and privately owned lands in Grand County.

It is to the mutual benefit of the parties to this agreement to cooperate and coordinate efforts to prevent, detect and control noxious weeds to protect critical watersheds, reduce

soil erosion, maintain and/or restore plant and wildlife diversity and reduce adverse impacts to outdoor recreation.

In consideration of the above purposes and benefits, the parties hereto agree to the following:

1. **The DFFSL shall:**

    a. Provide funding in the amount of $12,650.00 to the GC Weed Dept for the prevention, detection and control of noxious weeds on sovereign lands along the Colorado River from the Utah state line to the northern boundary of Canyonlands National Park, along the Grand County side of the Green River from the Swasey's Boat Ramp to the northern boundary of Canyonlands National Park and within the Moab Sovereign Exchange Lands. The amount is obligated for performance of this agreement beginning July 1st, 2015 through June 30th, 2016.

    b. Provide technical and project assistance to GC Weed Dept in efforts to prevent, detect and control noxious weeds on sovereign lands along the Sovereign Lands as indicated in "section a" above.

    c. Reimburse GC Weed Dept for invoiced costs not to exceed $12,650.00. This is based annually for the state fiscal year, following receipt of billing from GC Weed Dept.

    d. Cooperate with and coordinate prevention, detection and control efforts of noxious weeds on sovereign lands with GC Weed Dept.

2. **The GC Weed Dept shall:**

    a. Prevent, detect and take control actions on noxious weeds along the Colorado River on sovereign lands from the Utah state line to the northern boundary of Canyonlands National Park in Grand County. If environmental conditions are favorable conduct noxious weeds control actions along the Grand County side of the Green River from the Swasey's Boat Ramp to the northern boundary of Canyonlands National Park in Grand County. Additionally, GC Weed Dept shall prevent, detect and take control actions on noxious weeds within the Moab Sovereign Exchange Lands located north of Moab.

    b. Bill the DFFSL, at the end of the state fiscal year for their share of actual costs incurred. The GC Weed Dept will bill the DFFSL at the end of the state fiscal year for an amount equal to or less than $12,650.00 and will not exceed this amount.

c. Use science-based, best integrated control methods for the noxious weed control actions taken under this agreement.

d. Provide data to provide evidence of weed control in the form of GIS data through EDDMapS or another means able to be imported into ArcGIS versions 10.2 or later.

IT IS MUTUALLY AGREED AND UNDERSTOOD BY AND BETWEEN THE SAID PARTIES THAT:

1. The Annual Program of Work (APW) and financial plan will be prepared cooperatively and approved by all parties to the agreement by June 1st of each year. The APW will identify and prioritize the annual work plan of GC Weed Dept (See Attachment A).

2. Any of the parties, in writing, may terminate this agreement in whole, or in part, at any time before the date of expiration. No party shall incur any new obligations for the terminated portion of the agreement after the effective date and shall cancel as many obligations as is possible. Full credit shall be given for each party's expenses and all non-cancelable obligations properly incurred up to the effective date of termination.

3. Nothing herein shall be considered as obligating the parties to this agreement to expend money in excess of funding approved and made available for payment under this instrument and modification thereto.

4. Modifications within the scope of the agreement shall be made by mutual consent to the parties, in writing, signed and dated by all parties, prior to any changes being performed. No party to the agreement to obligate to fund any changes not properly approved in advance.

5. The State auditor or DFFSL personnel and GC Weed Dept auditor, through any authorized representative, shall have the right to examine all records of the other parties related to this agreement during normal business hours. As used in this clause, "records" includes books, documents, accounting procedures and practices, and other data regardless of whether such items are in written form, in the form of computer data, or any other form.

6. This agreement is executed as the last date of signature and unless terminated, is effective through June 30th, 2016 at which time it will expire unless renewed.

7. Principal contact for this agreement are:
   Grand County Weed Department – Weed Supervisor
   Division of Forestry, Fire and State Lands – SE Area Manager

8. The recipient/cooperator has the legal authority to enter into this agreement and the institutional, managerial and financial capability to ensure proper planning, implementation and management to fulfill the purposes of this agreement.

9. The agreement in no way restricts the parties from participating in similar activities with other public or private agencies, organizations and individuals.

10. The DFFSL and the GC Weed Dept by written modification to the agreement may extend to the term for subsequent performance periods not to exceed a total duration of five years from the execution date, including the subsequent performance periods.

11. Any partner contributions made under this agreement do not by direct reference or implication convey DFFSL endorsement of the partner's product or activities.

IN WITNESS WHERE OF. the parties hereto have executed this agreement as of the date written below:

Utah Division of Forestry,
Fire and State Lands

By: [signature]
Title: Area Manager
Date: 8/3/2015

Grand County

By: [signature]
Title: Chair
Date: 8/20/15

Approved as to Form:
Attorney General

[signature]

ATTACHMENT A: FY 2016 ANNUAL PROGRAM OF WORK

The scope of work outlined in this document is set forth and agreed upon by Grand County Weed Department and Forestry, Fire and State Lands and may be subject to change due to unforeseen circumstances. Modifications to the scope of work will be cooperatively discussed and mutually agreed upon by both parties. Changes will be reflected in an attachment to this document.

Proposed Scope of Work

The following projects are outlined in the 2015 FFSL Annual Weed Plan of Work. The amounts below outline the funding for Grand County Weed Department. The total project cost is higher in most cases to include in-kind contributions from Grand County Weed Department.

$ 9,000.00	Colorado River Noxious Weeds
$ 700.00	Dalton Wells Tamarisk Research Project
$ 1,600.00	Bill's Site Noxious Weeds
$ 1,000.00	Jackson Bottom Noxious Weed Treatment
$ 350.00	Lion's Park Russian Olive
$12,650.00	Total Allocation for FY2016

ATTACHMENT B: FY 2016 ADDITIONAL FUNDING REQUEST

The scope of work outlined in this document is set forth and agreed upon by Grand County Weed Department and Forestry, Fire and State Lands and may be subject to change due to unforeseen circumstances. Modifications to the scope of work will be cooperatively discussed and mutually agreed upon by both parties. Changes will be reflected in an attachment to this document.

Proposed Scope of Work

The following projects are outlined in the 2015 FFSL Annual Weed Plan of Work. The amounts below outline the funding for Grand County Weed Department. The total project cost is higher in most cases to include in-kind contributions from Grand County Weed Department.

$ 9,000.00	Colorado River Noxious Weeds
$ 700.00	Dalton Wells Tamarisk Research Project
$ 1,600.00	Bill's Site Noxious Weeds
$ 1,000.00	Jackson Bottom Noxious Weed Treatment
$ 350.00	Lion's Park Russian Olive
~~$12,650.00~~	~~Total Allocation for FY2016~~

ADDITIONAL FUNDING REQUESTED

$ 6,000.00	Colorado and Green River Noxious Weeds Spring Treatments
$18,650.00	**Total Allocation for FY2016**

Grand County has requested additional funds due expenses associated with the number of river trips completed throughout the summer of 2016.

Eli Tome, the DFFSL Southeast Sovereign Lands Coordinator has worked with Tim Higgs from Grand County Weed to establish additional funds in the amount of $6,000 to ensure spring treatments on the river can be completed. Grand County may invoice DFFSL for an additional $6,000 to support Colorado and Green River noxious weed treatments through June 30th 2016.

IN WITNESS WHERE OF, the parties hereto have executed this agreement as of the date written below:

Utah Division of Forestry,
Fire and State Lands

By: _____
Title: _____
Date: _____

Grand County

By: _____
Title: _____
Date: _____

Approved as to Form:
Attorney General

_____

AGENDA SUMMARY GRAND COUNTY COUNCIL MEETING **May 3, 2016** Agenda Item: J	
TITLE:	Public Hearing to solicit public comment on proposed amendments to Sections 3.1 and 3.2.2 of the Grand County Land Use Code (LUC) to permit a heliport at the Emergency Operations Center (EOC)
FISCAL IMPACT:	N/A
PRESENTER(S):	Zacharia Levine, Community Development Director

Prepared By:
ZACHARIA LEVINE
GRAND COUNTY COMMUNITY DEVELOPMENT DIRECTOR

FOR OFFICE USE ONLY:

Attorney Review:

N/A

STATED MOTION :

Move to approve the proposed amendments to Sections 3.1 and 3.2.2 of the Grand County Land Use Code (LUC) to permit a heliport at the Emergency Operations Center (EOC) and authorize the Chair to sign all associated documents.

PLANNING COMMISSION RECOMMENDATION:

Approval

STAFF RECOMMENDATION:

Approval

BACKGROUND:

The Grand County Council directed staff to initiate an amendment to the LUC in order to clarify use permissions of a heliport located at the EOC. Planning Commission, with guidance from the Community Development Department, amended the use regulations for heliports as directed. In a public hearing held April 13, 2016, the planning commission voted to forward a favorable recommendation of the referenced amendment, which permits a heliport at the EOC without permitting heliports at all government facilities carte blanche.

ATTACHMENT(S):

1. (Redline) Sections 3.1 Use Table and 3.2.2 Public and Civic Use Standards

Section 3.1 Use Table

Principal Uses by Zoning District														
		RESIDENTIAL					NONRESIDENTIAL							
Use Category	Specific Use	SLR	LLR	RR	MFR	RG	NC	GB	RC	RS	HC	LI	HI	Use-Specific Standards
Key: P = Permitted by right C = Conditional Use Permit Required ___ Not Permitted (Use-specific Standards and descriptions of Use Categories are provided in Error! Reference source not found. and Error! Re														
	Airport and heliport, emergency operations										P			3.2.2A
Passenger Terminals	Airport and heliport, private					C								3.2.2B
	Airport and heliport, public													Error! Reference source not found.
	Bus station or terminal							P			P	P	P	
	Train Passenger Terminal					C								3.2.4N
	All other passenger terminals													

3.2.2 Public and Civic Use Standards

A. Airport and Heliport, Emergency Operations

A heliport associated with the Grand County Emergency Operations Center (EOC) shall be a permitted use in the Highway Commercial (HC) zone district. The EOC heliport shall be used strictly for life safety related emergency operations. Aircraft takeoffs and landings shall NOT be permitted if helicopter takeoffs or landings are conducted in any part for commercial travel aviation or "scenic flight" purposes.

B. Airport and Heliport, Private

All private airports and heliports shall comply with the standards of this section:

1. Aircraft takeoffs and landings shall be limited to the following activities:

    a. Aviation activities conducted by or on behalf of governmental entities;

    b. Medical, search-and-rescue, or other emergency aviation activities;

    c. Aviation activities for agricultural purposes (farming or ranching);

    d. Aviation activities for the purpose of seismic or other oil, gas or mineral exploration;

    e. Aviation activities for the purpose of reaching an aircraft maintenance or repair facility that is in use, and has historically been in use, at the time this section becomes effective;

    f. Aviation activities for the purpose of maintaining and repairing public utility facilities;

    g. Aviation activities for commercial filming purposes; or

    h. Aviation activities in support of permitted construction activities.

2. Aircraft takeoffs and landings for commercial filming activities shall:

a. Be conducted at an airport or heliport that is currently in use, and has historically been in use for such activities;

b. Are not materially higher in volume or intensity than the highest level of such activity during 1993; and

c. Do not cause unreasonably frequent or continuous disturbances or other unreasonable negative impacts on the area or its inhabitants or on permitted uses within the area.

3. Aircraft takeoffs and landings at private heliports shall NOT be permitted if helicopter takeoffs or landings are conducted in any part for commercial travel aviation or “scenic flight" purposes.

AGENDA SUMMARY GRAND COUNTY COUNCIL MEETING **May 3, 2016** Agenda Item: K	
TITLE:	Public Hearing to solicit public comment on proposed amendments to Section 3.2.4G of the Grand County Land Use Code (LUC) to permit the acceptance of formation water at local disposal facilities and improve their regulation
FISCAL IMPACT:	N/A
PRESENTER(S):	Zacharia Levine, Community Development Director

Prepared By:
Lee Shenton,
Technical Inspector,
Community
Development
Department,
259-1795

FOR OFFICE USE ONLY:

Attorney Review:

N/A

STATED MOTION :

Move to approve the proposed amendments to Section 3.2.4G of the Grand County Land Use Code (LUC) to permit the acceptance of formation water at local disposal facilities and improve their regulation and authorize the Chair to sign all associated documents.

PLANNING COMMISSION RECOMMENDATION:

Approval

STAFF RECOMMENDATION:

Approval

BACKGROUND:

Ordinance 528-2014 amended the Subsection 3.2.4.G of the LUC by revising and augmenting conditions for operation of commercial production water disposal and recycling facilities. Revisions to Ordinance 528 that would allow processing of "formation water" (briny waste water from wells NOT used for oil or gas production) at these facilities were discussed at a public hearing during the April 13, 2016 session of the Planning Commission (PC). Immediately following that hearing, PC voted unanimously to forward the proposed updated ordinance to Council for approval.

The current Ordinance 528 allows processing and disposal only of the waste water from oil and gas wells. Due to the negligible hydrocarbon content, allowing processing and disposal of formation water reduces potential air emissions, enables business opportunities not subject to energy industry "boom-bust" cycles and would increase revenues for Grand County from volume-based monitoring fees.

Proposed revisions to LUC Subsection 3.2.4.G are as follows:

- Added references to "formation water" and replaced "production water facility" with the more general term "disposal facility" where appropriate.

- 1.c(1) Specified state agencies whose permits would be required.
- 1.c(3), 3.a-f added language recognizing limits on use of injection wells for this purpose.
- 1.g added reference to accumulated solids in Waste Management Plan.
- 1.j added reference to Division of Waste Management and Radiation Control under Referral Agency.
- 1.n added requirement to suspend commercial operations and notify Grand County in the event the BACT emission control system fails to operate properly for more than sixty minutes.
- 1.p(2) clarified billing procedure.
- 1.u, 2.c(8) and 2.e specified reporting and compliance requirements for radionuclide and heavy metal content.
- 2.a required proper operation of emission control equipment.
- 2.d(6) required separate receiving and distribution systems for "formation water."
- 2.d(14) clarified procedures when pond-specific leak is detected.
- LUC Article 10, Definitions revised related definitions

ATTACHMENT(S):

1. (Redline) Sections 3.2.4G Commercial Production Water and Formation Water Disposal and Recycling Facilities ("Disposal Facilities")

3.2.4.H Commercial Production Water and Formation Water Disposal and Recycling Facilities ("Disposal Facilities")

1. **General Requirements**

~~Commercial production water~~ Disposal ~~and recycling~~ facilities may be approved by Conditional Use Permit pursuant to Sec. 9.11, Conditional Use. Drilling muds and tank bottom waste shall not be accepted. Land Farms, as defined in Article 10, are not permitted~~. Commercial production water~~ Disposal ~~and recycling~~ facilities shall comply with the following requirements:

a. Site Plan

A site plan shall be prepared in accordance with Section 9.17.

b. Transportation Plan

Selected transportation routes shall not result in a significant degradation of the level of service; "significant" shall be defined as a change in letter grade of the level of service. Where the level of service is unknown the applicant shall be responsible for the cost of traffic studies performed by a Utah-licensed engineer to establish such information. Traffic studies shall include an analysis of the traffic mix. Route selection to and from facilities shall consider the following:

(1) Methods by which production water and formation water will be transported,

(2) Road types, design, and service capacity, including future maintenance needs and costs,

(3) Extent to which weather renders such roads and/or highways hazardous,

(4) Load capacities, including during saturated inclement weather conditions,

(5) Accident rates, to determine if proposed transportation routes are more or less hazardous than the average for similar types of roads and/or highways- the applicant shall mitigate any increased risk to such roads and/or highways, the traveling public, and any increased future maintenance and repairs costs to Grand County or the State of Utah,

(6) Number and proximity of residences, schools, hospitals, and pedestrian routes,

(7) Noise and traffic disruption,

(8) Number and frequency of intersections per linear mile, or other measure as determined by Grand County during the application process, between the entrance of a facility and the nearest federal, state or county highway or road,

(9) Where roads are inadequate, as determined by Grand County, to support the additional proposed traffic, road and/or highway improvements shall be provided at the applicant's expense, consistent with applicable County, state, and/or federal standards,

(10) A Road Maintenance Agreement accepted and signed by the County Road Department and approved by the County Council,

(11) Additional bonding may be required to adequately cover road maintenance costs during operation, and

(12) A UDOT highway access permit shall be approved for each facility with direct access to a state highway. Turn lanes, frontage road(s), and curb and gutter shall be provided by the applicant if required by UDOT.

c. Operation

(1) ~~Sites~~ Disposal facilities shall be fully operational and have all applicable county, state, and federal permits prior to accepting production water or formation water. At a minimum, appropriate permits are required from Utah Division of Air Quality, Utah Division of Water Quality, Utah Division of Oil, Gas and Mining, and Utah Division of Waste Management and Radiation Control.

An operational certification letter shall be issued by the Community Development Department prior to receiving any production water or formation water. This operational certification letter must document the appropriate state agency permits.

(2) An operator shall be on site during commercial operations.

(3) Sites shall be used solely for production water or formation water disposal, condensate holding and hydrocarbon recovery tanks, and related structures. Injection or dumping into an injection well of any class, or holding at the site, of any other substance, waste or chemical is strictly prohibited without the necessary permits and prior approval of Federal, State, and County entities.

(3) Federal, state, and county officials shall be allowed on the premises for the purpose of conducting site visits without prior notification.

(4) Federal, state, and county documents shall be maintained on site and made available for federal, state, and county review.

(5) Signs providing emergency contact information shall be provided at the facility entrance and receiving areas.

(6) The applicant shall submit information regarding the proposed facility, wildlife protection measures, and type and height of perimeter fencing to the Utah Division of Wildlife Resources. The applicant's letter and agency response shall be provided to the County.

(7) Perimeter fencing shall be installed to keep wildlife and agriculture stock off the premises.

d. Water Supply, Sewage Disposal, and Fire Protection

Prior to approval the applicant shall demonstrate water supply, sewage disposal, and fire protection that is sufficient in terms of quality, quantity, and dependability for the proposed facility.

e. Drainage Plan

A drainage report and drainage plan, prepared by a Utah-licensed engineer, shall demonstrate compliance with Sec. 6.7, Drainage, with consideration of natural drainage and drainage during construction.

f. Surface Discharge

No ~~application of~~ production water or formation water shall be discharged to ~~used on~~ the ground for any purpose including construction, dust control, or agricultural use without prior written approval from the Utah Division of Oil, Gas, and Mining, the Division of Water Quality, and Grand County. No other fluids from such facilities shall ~~at no time~~ be discharged onto the ground, sold for off-site use, nor allowed to contaminate waters of the U.S. without prior written consent from all applicable local, state, and federal authorities. The applicant shall provide written copies of all approvals to the County prior to commencing any such activity.

g. Waste Management Plan

A detailed waste management plan shall describe the plans for handling and disposal of the expected wastes to be generated as a part of facility operations. This includes such items as hydrocarbons, concentrated brine, accumulated solids, treatment chemicals, and treatment media.

h. Reclamation Plan

A detailed reclamation plan shall demonstrate that upon cessation of operations restoration of the site shall be completed to a condition as natural as practical, or to the site's original or other beneficial condition as approved by the County Council and consistent with Sec. 6.9.9F, Restoration. At a minimum the reclamation plan shall include the following:

(1) Removal of structures,

(2) Removal and disposal of remaining waste including contaminated soils and liners,

(3) Re-grading of the site to the approximate original contour or approved beneficial condition,

(4) Erosion control and re-vegetation of disturbed areas, and

(5) Conformance with state reclamation requirements.

i. Bonding

The applicant shall be financially capable of constructing, operating, and properly closing the site, including reclamation and any required post-closure monitoring to the satisfaction of the County. Final reclamation shall be accomplished within one year of the cessation of operations.

Each applicant shall post sufficient security based on a cost estimate to be prepared by a licensed engineer and approved by the Community Development Department. The cost estimate shall include all costs associated with facility closure and site remediation. The method of security shall be approved by the County Clerk, County Attorney, and County Council prior to the issuance of a Conditional Use Permit. Such Security shall be in accordance with state requirements found in Utah Administrative Code R649-9 Waste Management Disposal. Estimates shall be recalculated every 5 years and shall account for the value of bonds held by the State of Utah for a particular facility.

j. Referral Agency

Applications shall be referred to such agencies and persons as the Zoning Administrator deems appropriate, including, but not limited to, the Utah Department of Environmental Quality (Division of Air Quality, Division of Waste Management and Radiation Control, and Division of Water Quality) and the Utah Department of Natural Resources (Division of Oil, Gas, and Mining and Division of Wildlife Resources) for review and comment.

k. Notification

The applicant shall supply a list of all property owners within a one-half mile radius of the proposed project site and an affidavit certifying that a copy of the application has been made available to said property owners.

l. Operational Status

Grand County shall be notified in writing at least 30 days prior to any change in ownership or operator status. Grand County shall be notified of any permit revisions, equipment upgrades or downgrades, and/or process changes integral to the operation of the facility.

m. Technical Review

If County staff does not have the technical expertise or the practical ability to devote the necessary time and effort for technical review, as determined by the County Council, the County may engage such additional expertise and/or consultants to assist the County and/or to provide technical review of an application under this section, including assessing the accuracy of technical reports and studies. The applicant shall reimburse the County for the cost of such assistance prior to approval of applicable County permits and before commencement of the activity. The County shall require that the applicant provide cash or equivalent security to guarantee that the costs of such consultants and expertise are borne by the applicant.

n. Best Available Control Technology (BACT)

Applicants shall install and operate emission control technology according to requirements of all applicable permits and orders issued by the State of Utah.

Applicants that are required by the State of Utah to provide best available control technology documentation to the Department of Air Quality shall furnish a copy of the proposed best control technology documentation to the County.

Commercial operations shall be suspended and Grand County notified within four hours any time the BACT equipment fails to operate properly for longer than one hour. In such cases, commercial operations shall not resume until the BACT equipment is operating properly.

o. Existing Facilities

Existing facilities shall not be deemed to be in noncompliance due to actions taken by adjacent landowners.

p. Fees

In addition to application fees, the applicant shall pay fees in accordance with the Grand County fee schedule as updated annually.

(1) Each ~~production water~~ disposal facility shall submit to the Office of the County Clerk a monthly summary report of barrels received by the 5th business day of the following month. Billing invoices for the monitoring fee shall be subject to a standard 30 day payment term.

(2) If the monthly summary report is not received by the Office of the County Clerk within thirty days of the due date, the Clerk shall bill the owners of the disposal facility based on the average of the twelve most-recently submitted monthly reports,

(3) Accrued Late Fees of 1.5% per month for past due balances will be billed upon receipt of the Annual Statement from the ~~production water~~ disposal facility OR on the due date of the Annual Statement, whichever is earliest.

(4) If the total barrels reported in the Annual Statement shows that less fees were due than were billed, the Office of the County Clerk will calculate the difference and issue a credit against future monitoring fees. If the total annual barrels reported in the Annual Statement shows that more fees were due than were billed, the Office of the County Clerk will bill the facility for any additional fees due, including any additional Late Fees due.

(5) Grand County may file a lien against the ~~production water~~ disposal facility for unpaid fees that are still past due on April 30th of the following year.

q. Permit Review

The applicant shall provide an annual statement of compliance to be reviewed by the County Council. Such statements shall include a detailed and specific report on steps taken in the prior year to comply with applicable local, state, and federal requirements and laws. This statement shall be due to the County by January 31st of each year.

r. Permit Expiration

If the facility has not been in operation within one year of obtaining the conditional use permit and a request for extension has not been received and approved by the County Council the conditional use permit shall expire. Additionally, if the facility shuts down at any time for a period of one year and a request for extension has not been received and approved by the County Council, the conditional use permit shall expire and site restoration shall be completed by the owner of the property or bond holder.

s. Liability and Mitigation

The permittee and property owner are legally liable for all environmental damage, including but not limited to health hazards, resulting from the construction, operation, use, and maintenance of any ~~water~~ disposal ~~and recycling~~ facility. If such damage occurs, the county, in addition to pursuing all other remedies available to it, may summarily require the permittee and property owner to develop and implement with due diligence a mitigation plan, including requirements of

state and federal agencies, to remedy all such damage. Implementation of the plan will be required regardless of whether the county also revokes the permit.

t. Contingency Plan
The applicant shall provide a contingency plan, including material safety data sheets, to be maintained on-site and at the appropriate offices of the emergency service providers listed below for the purpose of describing what actions shall be taken in the event of unintentional release and/or exposure. The plan shall provide, at a minimum, communications protocol, including emergency responder notification. Copies shall be provided to the following service providers: Sheriff's department, fire department(s), local hospital(s), and Emergency Medical Services (EMS).

u. Compliance with State and Federal Requirements
The operator shall assure through appropriate sampling, testing and controls as required by applicable permits and regulations that all conditions in state and federal permits are met. The operator shall report to Grand County Community Development within 48 hours of discovery any exceedance of the pertinent state and federal limits (as defined by EPA) for radionuclide or heavy metal content

2. Commercial Evaporation Pond Facilities

In addition to complying with the general requirements of Sec. 3.2.4.H.1, commercial evaporation pond facilities for production water and/or formation water disposal shall comply with the following:

a. Control of Air Emissions
Facilities that do not meet the "de minimis" air quality standards, as defined by the Utah Department of Environmental Quality (Division of Air Quality), shall be required to install and operate emission control technology as specified in all applicable permits and orders issued by the State of Utah.

b. Location
~~Commercial evaporation pond~~ Disposal facilities ~~for production water disposal~~ shall only be considered on sites identified on the attached map entitled "Evaporation Pond Facilities Overlay Map". In addition the following shall apply:

(1) Sites shall be a minimum of 40-acres in size;

(2) No site shall be located within a mile of: an existing residence, RR, SLR, LLR, or MFR zone district, irrigated farm land, or national or state park;

(3) No site shall be located within one-half mile of a perennial or intermittent stream, as identified by USGS, surface waters, or regulatory wetlands;

(4) No site shall be located within a Sole Source Aquifer designated area;

(5) No site shall be located within sight of scenic by-way Highway 128;

(6) All ponds shall be located a minimum of 500 feet from the down gradient property line to allow additional monitoring wells to be placed on the site if deemed necessary by the Community Development Department; and

(7) Site soil and subsurface permeability shall be less than 1×10^{-5} centimeters per second, to a depth sufficient to span a ten year saturation period.

c. Baseline Data
The applicant shall collect and submit baseline data to be approved by the Community Development Department prior to the issuance of a zoning development permit and /or building permit. Baseline air and water quality sampling plans shall be completed by an independent and state certified lab and, at a minimum, include:

(1) Depth to groundwater,

(2) Groundwater flow rates,

(3) Direction of flow,

(4) Soil and subsurface permeability to a sampling depth sufficient to span a ten year saturation period,

(5) Wind patterns reflecting diurnal and seasonal changes,

(6) Location of abandoned and/or active wells and surface water within a one-half mile radius of the proposed site,

(7) Air quality sampling for sulfur containing compounds, Volatile Organic Compounds (VOCs), and hazardous air pollutants,

(8) Water quality sampling for sulfur containing compounds, VOCs, total extractable petroleum hydrocarbons, pH, conductivity, Total Dissolved Solids (TDS), Total Suspended Solids (TSS), radionuclides and heavy metals.

d. Operation and Safety

(1) Any measurable or visible layer of hydrocarbons that accumulates on the surface of an un-netted evaporation pond shall be removed daily, weather permitting.

(2) Spray evaporation systems shall be operated such that all spray-borne suspended or dissolved solids remain within the perimeter of a pond's lined area.

(3) Smoking shall be allowed in designated areas only and appropriate signs shall be maintained.

(4) Signs providing emergency contact information, stating non-potable water, and warning of potential drowning hazards shall be posted adjacent to all ponds.

(5) Ropes, ladders, and/or other means of escape shall be provided along the perimeter of the ponds to allow a person to climb out of a pond in the event of an accident.

(6) Ponds permitted for formation water shall have separate receiving and distribution systems and shall not be used for produced water from oil and gas production.

(7) Pits or ponds intended to have hydrocarbon products on the surface shall be netted to prevent wildlife access. Netting structures shall be constructed so that the netting is prevented from sagging into the pit fluids and perimeter netting shall extend to the ground to prevent wildlife entry. Netting shall be monitored by the onsite operator to ensure proper working order. Hydrocarbon accumulation on the surface of any netted pond shall be removed at least once each month, weather permitting.

(8) A wildlife deterrent device, such as a “hazing canon”, shall be placed on site at strategic locations to keep wildlife away from open ponds.

(9) All ponds shall have a 2-feet minimum freeboard.

(10) The applicant shall provide calculations demonstrating adequate on-site pond volume for emergency emptying of any pond. Facilities shall provide a written emergency repair plan that clearly indicates the procedure for emptying a pond.

(11) The applicant shall provide for prevention of loss of any production water or formation water from the ponds via wave action.

(12) All holding tanks for materials associated with operations shall be constructed completely above ground and within a curbed or bermed containment area to provide a volume equal to 1.5 times the largest tank volume. No open top tanks shall be permitted.

(13) Ponds shall be double lined in accordance with state regulations. Additionally, the top liner shall be synthetic and a minimum of 60 mils thick.

(14) If a pond specific leak is detected, the water level in that pond shall be lowered ~~emptied~~ immediately below the level of the leak and the source of the leak repaired.

(15) If contaminants are found to exceed permissible levels in perimeter monitoring wells or allowed volumes in any area of the facility are exceeded, the facility shall cease accepting new waste immediately and direct customers to another regional/state approved facility.

The Community Development Department shall be notified within one working day of the occurrence and the cause shall be corrected to the satisfaction of the Community Development Department and applicable state agencies prior to resuming operations.

~~(16) Hydrocarbon accumulation on the surface of any netted pit or pond shall be removed at least once a month, weather permitting.~~

e. On-going Monitoring

The applicant shall conduct air and water monitoring as required by all applicable State of Utah permits and orders. Monitoring shall include testing for the presence and level of radionuclides.

3. Commercial ~~Class II~~ Injection Wells

In addition to complying with the general requirements of Sec. 3.2.4.H.1, commercial injection wells for production water or formation water disposal shall comply with the following:

a. Location

Commercial injection wells shall not be permitted within the boundaries of the Valley Aquifer impact zone as defined in the LUC Sec. 7.10.3 (Valley Aquifer Impact Zone map) or within any sole source aquifer zone. Injection wells shall be located to ensure that Underground Sources of Drinking Water (USDWs) and surface waters are not being endangered.

b. Underground Injection Control Permit

The applicant shall submit copies of Underground Injection Control (UIC) permit application materials in order that the County may participate through written comment in the Utah Division of Oil, Gas, and Mining (UDOGM) permitting process.

c. Operation and Safety

Injection wells shall be completed, equipped, operated, and maintained in a manner that will prevent pollution and damage to any Underground Source of Drinking Water (USDW), or other resources and will confine injected fluids to the target injection zone approved by UDOGM.

d. Monitoring

A sampling port shall be provided post-treatment, prior to injection. The applicant shall provide continuous read Total Dissolved Solids (TDS) monitoring during pumping operations in 15 minute minimum intervals (with digital record copies of output) for each well in conjunction with daily manual water samples for purposes of comparison. The applicant shall submit quarterly reports providing TDS raw data and averages for each well displayed in a graphic format with a text summary. Access to the sampling port and the entire facility shall be provided to all regulatory agencies without prior notification.

e. Injection Well Disposal of Formation Water

Only permitted Class I injection wells may be used for disposal of formation water, and only with prior approval by Division of Oil, Gas and Mining. Class I injection wells may not be used for production water. A copy of such approval shall be provided to Grand County prior to beginning commercial disposal of formation water in the injection well.

f. Injection Well Disposal of Production Water

Only permitted Class II injection wells may be used for disposal of production water, and only with prior approval by Division of Oil, Gas and Mining. Class II injection wells may not be used for formation water. A copy of such approval shall be provided to Grand County prior to beginning commercial disposal of formation water in the injection well.

BE IT FINALLY ORDAINED BY THE COUNTY COUNCIL that LUC Article 10, Definitions is hereby amended by the adoption of the following definitions.

Term	Definition
Formation Water	Brines brought to the surface from subsurface geologic formations during operations NOT associated with commercial extraction of oil or gas.
Class I Injection Well	Wells defined in Rule 317-7-3 which are used to dispose wastes beneath the lowermost formation containing, within two miles of the well bore, an underground source of drinking water.
Class II Injection Well	A well used to inject brines and other fluids associated with the production of oil and natural gas as defined by the State of Utah.
~~Commercial Water~~ Disposal ~~and Recycling~~ Facility	For this ordinance, a centralized facility accepting production water and/or formation water and related fluids *not generated on site, for disposal and/or recycling*
Evaporation Pond	Surface impoundment used for the purpose of containing, treating and evaporation of production or formation water.
Hazardous Air Pollutants	As defined in the federal Clean Air Act, Section 112.
Land Farming	The controlled and repeated application of drilling mud, sludge, or any other wet non-water materials from reserve pits or the drilling process to the soil surface.
Produced ("production") Water	The brines brought up from the hydrocarbon bearing strata during the extraction of oil and gas, and can include formation water, injection water, and any chemicals added down hole or during the oil/water separation process.

AGENDA SUMMARY GRAND COUNTY COUNCIL MEETING **May 3, 2016** Agenda Item: L	
TITLE:	Public Hearing to solicit public comment on a proposed amendment to Section 3.3.2 of the Grand County Land Use Code (LUC) to encourage additional construction of Accessory Dwelling Units (ADUs)
FISCAL IMPACT:	N/A
PRESENTER(S):	Zacharia Levine, Community Development Director

Prepared By:
ZACHARIA LEVINE
GRAND COUNTY COMMUNITY DEVELOPMENT DIRECTOR

FOR OFFICE USE ONLY:

Attorney Review:

N/A

STATED MOTION :

Move to approve the proposed amendment to Section 3.3.2 of the Grand County Land Use Code (LUC) to encourage additional construction of accessory dwelling units (ADUs) and authorize the Chair to sign all associated documents.

PLANNING COMMISSION RECOMMENDATION:

Approval

STAFF RECOMMENDATION:

Approval

BACKGROUND:

The Grand County Planning Commission, with guidance from the Community Development Department, has identified several barriers to affordable housing in the LUC. Accessory Dwelling Units (ADUs) provide one solution to the housing affordability challenge. By encouraging infill development and efficient land use, regulations that accommodate ADUs reduce the burden of high land costs. ADUs can provide lower-cost rental options while reducing ownership costs. They can also inhibit sprawl development patterns that lead to increased traffic and infrastructure maintenance costs. The proposed amendments aim to preserve neighborhood integrity while facilitating more ADU construction. In a public hearing held April 13, 2016, the planning commission voted to forward a favorable recommendation of the referenced amendment, which aims to relax the regulations governing accessory dwelling units (ADUs) and encourage their use as an affordable housing solution.

ATTACHMENT(S):

1. (Redline) Section 3.3.2 Use-Specific Standards for Accessory Uses
2. Citizen comments

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:

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 ~~9,000~~ 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 ~~eight hundred~~ 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 ~~accessory dwelling unit~~ ADU shall be a permanent structure that meets the currently adopted standards of the International Residential Code (IRC). 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. ~~The owner of the property shall occupy eith the primary structure or the accessory dwelling as his/her primary residence.~~

DRAFT

b. ~~Accessory dwelling units shall not be condominiumized or sold separately, and shall~~ Where an ADU exists, neither the primary nor the secondary dwelling unit shall be rented ~~not be rented to guests~~ 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.

DRAFT

To whom it may concern

I would like to lend my support for the following changes to Grand county zoning.

1. Reducing the minimum lot size permitted to accommodate an ADU from 9,000 sq. ft. to 5,000 sq. ft.
2. Increasing the maximum size of an ADU from 800 sq. to 1000 sq. ft.
3. Removing the requirement that the property owner must reside in either the primary or secondary dwelling unit.
4. Changing the maximum height of an ADU from 28 ft. to the maximum height of the underlying zone district.

I believe these changes will go a long way to help solve our housing shortage. As a landlord in Moab I can attest to the shortage of housing that our valley needs. As I firefighter I feel this code change is needed to help prevent occupancy overload of existing dwellings. These changes put the power to solve our housing situation in the hands of the residents and landowners of grand county.

Sincerely,

Mathew Niesen
11 year Grand county resident

Grand County Council

April 27, 2016

RE: Proposed Changes to Accessory Dwelling Unit Code 3.3.2 Use-Specific Standards for Accessory Uses B. Accessory Dwelling Unit (ADU)

To the Members of the Grand County Council,

In regards to the proposed changes to the Accessory Dwelling Unit, Code 3.3.2, etc., I would respectfully request your brief consideration of my comments. My husband and I own a home at 1936 Desert Hills Drive, with a parcel size of 1.25 acres. We are long supporters of ADU's, and hope to build a modest ADU on our property within the next 3-8 years if possible. I have three specific concerns with the proposed changes that I am appreciative of the chance to share with you:

1. Increase in size to 1,000 Square Feet. I believe this increase, while seemingly small, transforms the nature of the ADU from a secondary rental housing unit into essentially, two houses on each lot. I have long understood the concept of an Accessory Dwelling Unit to be of the nature of an apartment over the garage, a small detached home or studio, etc. Allowing a full-sized house drastically changes the concept from an ADU, to simply allowing two homes on any lot over the minimum square footage allowed.
2. I believe it is important that the requirements of dedicated off-street parking for the Accessory Dwelling Unit be clearly spelled out within the language of the Code. This concern is raised in specific response to the proposed changes regarding the increase in size (800 SF/2-3 people with cars, to 1,000 SF/4-6 or more people with cars), and removal of the property owner's "eyes on the ground" who might otherwise be assumed to help maintain off-street parking behaviors.
3. Removal of the requirement for the property owner to live in one of the two units. I truly respect and support efforts to increase our options for quality long-term housing in Moab. In this instance, however, I believe this would be an unfortunate change. It removes the incentive for current residents to improve their property and help be part of the solution. Rather, it encourages out-of-town buyers to purchase properties, construct ADU's, and in many instances rent them out for the required 30 day minimums only. If they are truly long-term rentals for our workforce, this would be a wonderful thing! However, with the ever-increasing obsession with tapping into Moab's short-term rental market that we see on a daily basis, I am highly alarmed about the ability of a non-resident to construct extra rental units on just about any property in the County. Renting properties on a 30 day basis is certainly not uncommon, and would only be allowed to increase through this change. I think working to incentivize somehow current residents' ability to construct ADU's would be an excellent alternative approach to the removal of this requirement.

I thank you very much for your time, and am grateful for the chance to share my comments with you for your consideration.

Respectfully,

Jennifer Hancewicz
1936 Desert Hills Drive

AGENDA SUMMARY GRAND COUNTY COUNCIL MEETING **May 3, 2016** Agenda Item: M	
TITLE:	Public Hearing to solicit public comment on a proposed amendment to Section 4.4.10 of the Grand County Land Use Code (LUC) to remove open space requirements for a Planned Unit Developments (PUD)
FISCAL IMPACT:	N/A
PRESENTER(S):	Zacharia Levine, Community Development Director

Prepared By:
ZACHARIA LEVINE
GRAND COUNTY COMMUNITY DEVELOPMENT DIRECTOR

FOR OFFICE USE ONLY:

Attorney Review:

N/A

STATED MOTION :

Move to approve the proposed amendment to Section 4.4.10 of the Grand County Land Use Code (LUC) to remove open space requirements for a Planned Unit Developments (PUD) and authorize the Chair to sign all associated documents.

PLANNING COMMISSION RECOMMENDATION:

Approval

STAFF RECOMMENDATION:

Approval

BACKGROUND:

The Grand County Planning Commission, with guidance from the Community Development Department, has identified several barriers to affordable housing in the LUC. The Planned Unit Development (-PUD) "overlay district" permits variation from standard lot configuration patterns in order to reduce disturbance of sensitive lands, promote land use compatibility, open space, affordable housing, and facilitate creative site planning. Since the adoption of the –PUD overlay district ordinance, several developers have utilized it to create more flexible, unique, and efficient subdivisions. However, staff has also found that the open space requirements have failed to produce any meaningful, functional, or aesthetically pleasing open space areas. In most instances, the required open spaces have turned into weed fields. More importantly, the open space requirements have inhibited the use of affordable housing density bonuses, which are also included in the –PUD ordinance, because the open space dedications counteract the increased land use efficiency associated with increased density. By removing the open space requirement, it is likely that more developers will utilize the –PUD overlay district and associated affordable housing bonus densities. In a public hearing held April 13, 2016, the planning commission voted to forward a favorable recommendation of the referenced amendment, which removes the open space requirement associated with –PUDs.

*The amended –PUD ordinance still provides for planning commission discretion in granting bonus density to developers voluntarily providing more than 20% open space.

*Planning commission and staff feel strongly that Grand County should create a parks and trails plan, funded through impact fees and other sources, in order to ensure residents have good access to parks, open spaces, and active transportation infrastructure.

*Staff also recommends a close review and possible modification (increase) to the affordable housing density bonuses to further encourage the development of affordable housing.

ATTACHMENT(S):

1. (Redline) Section 4.4 –PUD, Planned Unit Development

Section 4.4 -PUD, Planned Unit Development

4.4.1 Purpose and intent

The -PUD, Planned Unit Development is an overlay district designed to provide for modification of the otherwise applicable dimensional and density standards of the underlying base district as specified in Article 5, Lot Design Standards, in order to accomplish one or more of the following purposes:

A. Promote flexibility in the siting of structures so as to preserve and take advantage of the site's unique, natural, resource or scenic features and to avoid or mitigate any hazardous area;

Commentary:
The -PUD "overlay district" permits variation from standard lot configuration patterns in order to reduce disturbance of sensitive lands, promote land use compatibility, open space, affordable housing, and facilitate creative site planning.
In the -PUD district, the underlying base district standards may be modified consistent with the purposes for -PUD. However, allowed uses and maximum density must be determined by the underlying base district.

B. Provide density bonus incentives in the interest of creating affordable housing and beneficial open space;

C. Encourage more efficient use of land and public streets, utilities, and governmental services;

D. Promote a clustering development pattern in the interest of preserving rural character;

E. Preserve open space for the benefit of residents of developments and the community;

F. Achieve a compatible land use relationship with surrounding areas; and

G. Promote greater variety in the type and design of buildings and thereby improving the character and quality of new development.

4.4.2 Applicability

Upon approval, the underlying base zoning district as modified by the approved -PUD master plan shall control development within a -PUD district. –PUD district master plans may be approved for properties in single ownership or in contiguous (multiple) ownership or control.

4.4.3 Approval Procedures

-PUD district developments shall be reviewed and approved in accordance with the procedures of Section 9.2, Text and Zoning Map Amendments (Rezonings), and shall be considered to be a zoning map amendment.

4.4.4 Identification on Zoning Maps

Approved -PUD district developments shall be indicated on the official Zoning Map.

4.4.5 Allowed Uses

Any use or combination of uses allowed by the underlying base district(s) are permitted in a Planned Unit Development; provided, however, that non-residential uses shall be those of the underlying zoning district.

4.4.6 Lot Design Standards

In order to achieve the purpose and intent of these -PUD regulations, variation may be permitted relative to underlying base district standards with respect to the minimum lot area, setbacks, and lot width.

4.4.7 Density

Maximum density shall be no greater than that permitted in the underlying zone district prior to -PUD approval, unless the project meets the requirements for affordable housing density bonus incentives (in accordance with Section 4.4.8) or opens space density bonus incentives (in accordance with Section 4.4.11).

4.4.8 Affordable Housing, Density Bonus Incentives

Maximum residential density may be increased at the option of the developer in the MFR, SLR, and LLR base zoning districts in accordance with the requirements of this subsection, provided that at least 50 percent of the bonus dwelling units provided in "Density Incentive 1" and 70 percent of the bonus dwelling units provided in "Density Incentive 2" shall be affordable housing restricted in accordance with the requirements of Section 6.14. Maximum allowed density by district shall be as follows:

Maximum Density by District (Units per Gross Acre)			
	Conventional	Affordable Housing	
Qualifying Zone Districts		Density Incentive 1	Density Incentive 2
MFR, Multi-family Residential	8	14	18
SLR, Small Lot Residential	5	6.5	7.5
LLR, Large Lot Residential	2	2.6	3

NOTE:

A minimum of 50 percent of the bonus dwelling units in "Density Incentive 1" and a minimum of 70 percent of the bonus dwelling units in "Density Incentive 2" must be affordable housing restricted in accordance with the requirements of Section 6.14.

4.4.9 Road Design Standards

Variation from otherwise required road design standards may be approved where the applicant demonstrates to the satisfaction of the County that such exception will not be detrimental to the public health, safety and general welfare, and where private road maintenance is provided by a Homeowners' Association or other similar entity.

~~**4.4.10 Minimum Open Space and Common Area**~~

~~All land area not used for lots shall be designated as common area or open space in accordance with Section 6.11, Open Space and Common Area, and the following requirements:~~

~~**A.** Open space shall be set aside in accordance with the requirements of Section 6.11, and at least 20 percent of each -PUD shall be set aside as open space; and~~

~~**B.** Where a -PUD development will occur in stages or a series of filings, the first filing or phase shall include all lands to be dedicated as open space or common area.~~

4.4.11 Open Space, Density Bonus Incentives

A density bonus of up to 20 percent may be approved at the discretion of Planning Commission for projects providing ~~more than the minimum 20 percent required~~ 20 percent or more open space.

~~Additional b~~Beneficial open space eligible for the density bonus shall provide the following:

A. Open space that promotes the preservation of productive agricultural land (see Section 10.2).

B. Open space that promotes access to public lands, connections to existing or planned trails, and riparian and historic trail corridors. Such open space shall be freely accessible to the general public, and clearly identified by on-site signage. Trails shall be constructed in accordance with Section 7.4 and maintained by the mandatory homeowners association in accordance with Section 9.6.

4.4.12 Master Plan Requirement

In approving a -PUD district development in accordance with this section, the County Council shall require a master plan of the development. A comparison of the proposed development with the standards of underlying zoning district and a statement by the applicant describing how the proposed development provides greater benefits to the County than would a development carried out in accordance with otherwise applicable zoning and development regulations;

A. A statement by the applicant describing how the proposed development provides greater benefits to the County than would a development carried out in accordance with otherwise applicable zoning and development regulations;

B. Identification of lands that include public drinking water supply watersheds (recharge areas for the aquifer in the Glen Canyon formation); floodplains and riparian habitats; slopes in excess of 30 percent, and significant geological, biological, and archeological sites (not all of these will apply to every parcel);

C. Identification of site planning features designed to ensure compatibility between on-site residential and nonresidential uses, and with the surrounding neighborhood and land uses;

D. A narrative addressing the proposed development explaining and tabulating the land uses by gross acre, number of dwelling units by housing type, residential density and/or square footage of non-residential uses per gross acre, common area and open space acreage, potential traffic generation, overall character and architectural style, the relationship of the proposed development to existing development in the area and other related development features;

E. A site plan prepared in accordance with the requirements of Section 9.17 shall be approved and filed with the findings of fact as part of the approval; including but not limited to, major roads, trails and trail connections, major utilities, existing and proposed land uses, common area, open space, landscaping plan, a conceptual drainage plan and entrance locations on existing roads;

F. Dimensional standards to be modified within the -PUD district relative to the underlying base district standards;

G. A statement of how the proposed development is consistent with the General Plan; and

H. Other relevant information as may be requested by the Zoning Administrator.

4.4.13 Public Land Dedications

In addition to land required for public rights-of-way and easements, the County shall require the dedication to the County of:

A. Land for public facilities pursuant to the provisions of Section 6.13.7, Extraordinary Impact; including but not limited to, public schools, fire stations, water storage, well fields, public parks and trails that are necessary to serve the development;

B. Easements for scenic corridors or preservation that benefit the general public;

C. Rights-of-way for non-mechanized trails shall be dedicated as necessary to maintain historic access to public lands and trail connections to surrounding area and as part of the Grand County Master Plan for Non-Motorized Trails (Trail Mix); such dedications shall also include documented or verifiable historic trails perhaps not included in the Trail Mix; and

Commentary:
The General Plan encourages a clustered development pattern, with development located in the most appropriate part of the property. Small clusters of 5-10 dwellings each, separated by common area or open space tends to be most effective in preserving rural character.

D. Historic sites and buildings.

4.4.14 Architectural Review

The Planning and Zoning Commission may require an architectural site plan to review for the purpose of promoting the preservation of the visual character of the neighborhood, the stability of land values, the public safety, and the general welfare by preventing the erection of structures or additions or alterations, which are not properly related to their sites or to prevent the indiscriminate clearing of property, excessive grading, and the destruction of trees and shrubbery. In carrying out the purpose of this section with respect to the external design of the buildings, approval shall be considered in accordance with the following objectives:

A. Reducing the adverse visual impacts of structures which, because of size, scale, color or location, are out of harmony with the neighborhood in which they are to be constructed.

B. Minimizing disturbances to the natural terrain and existing significant vegetation; enhancing drainage; reducing soil erosion; and otherwise maximizing compatibility with the regulations of this LUC.

C. It is the intent of this section that the County shall exercise the minimum control necessary to achieve the overall objectives thereof.

4.4.15 Additional Conditions

The County shall impose such other conditions as are deemed necessary to accomplish the purposes of this section, this LUC and the General Plan.

4.4.16 Minor Amendments

A. The following minor amendments to -PUD master plans shall be reviewed and, if appropriate, approved by the Zoning Administrator:

1. Changes that result in a decrease in assigned density or intensity for a specific parcel, either residential or nonresidential.

2. Change in land use designation from multi-family to single-family or a change from any other use to common area or open space.

3. Change in major infrastructure features (e.g. roads/access, sewer, water, storm drainage) of the master plan area, which are beneficial to the residents of the master plan area.

4. Change in land use designation from single-family to multi-family with no increase in permitted site-specific density.

B. The applicant requesting such change shall notify the property owners' association, at least 15 days prior to any decision, that would be affected by the change of the request and ask that all comments be directed to the Zoning Administrator. Proof of such notification shall be provided to the Zoning Administrator. If the Zoning Administrator determines that the change does not have the support of the affected property owners, the request will be referred to the Planning Commission for review.

4.4.17 Major Amendments

All other proposed amendments to a listed master plan or master plan text not specifically addressed above shall be considered major amendments and must be processed in accordance with the procedures and requirements of Section 9.2, Text and Zoning Map Amendments (Rezonings).

Commentary:
Where property has been previously platted, a plat amendment is necessary in addition to any -PUD master plan amendment, which might be approved under this section.

4.4.18 Effect on Other Code Standards

Except as expressly authorized by the regulations of this section and approved as a part of a -PUD master plan in accordance with the procedures of Section 9.2, Text and Zoning Map Amendments (Rezonings), the standards of this LUC shall apply to development within a –PUD.

AGENDA SUMMARY GRAND COUNTY COUNCIL MEETING **May 3, 2016** Agenda Item: N	
TITLE:	Public Hearing to solicit public comment on a proposed amendment to Section 6.14 of the Grand County Land Use Code (LUC) to incorporate a definition of affordable housing
FISCAL IMPACT:	N/A
PRESENTER(S):	Zacharia Levine, Community Development Director

Prepared By:
ZACHARIA LEVINE
GRAND COUNTY COMMUNITY DEVELOPMENT DIRECTOR

FOR OFFICE USE ONLY:

Attorney Review:

N/A

STATED MOTION :

Move to approve the proposed amendment to Section 6.14 of the Grand County Land Use Code (LUC) to incorporate a definition of affordable housing and authorize the Chair to sign all associated documents.

PLANNING COMMISSION RECOMMENDATION:

Approval

STAFF RECOMMENDATION:

Approval

BACKGROUND:

The Grand County Planning Commission, with guidance from the Community Development Department, has identified several barriers to affordable housing in the LUC. A shared understanding and agreed upon definition of affordable housing is central to all future code changes and program implementation. In a public hearing held April 13, 2016, the planning commission voted to forward a favorable recommendation of the referenced amendment, which aims to provide such a definition.

ATTACHMENT(S):

1. (Redline) Section 6.14 Affordable Housing

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, 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 ~~area~~ median family income ~~(AMI)~~ (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.

DRAFT

AGENDA SUMMARY GRAND COUNTY COUNCIL MEETING **May 3, 2016** Agenda Item: O	
TITLE:	Public Hearing to solicit public comment on a proposed amendment to Article 9 of the Grand County Land Use Code (LUC) to improve and streamline the administration of land use applications
FISCAL IMPACT:	N/A
PRESENTER(S):	Zacharia Levine, Community Development Director

Prepared By:
ZACHARIA LEVINE
GRAND COUNTY COMMUNITY DEVELOPMENT DIRECTOR

FOR OFFICE USE ONLY:

Attorney Review:

N/A

STATED MOTION :

Move to approve the proposed amendment to Article 9 of the Grand County Land Use Code (LUC) to improve and streamline the administration of land use applications and authorize the Chair to sign all associated documents.

PLANNING COMMISSION RECOMMENDATION:

Approval

STAFF RECOMMENDATION:

Approval

BACKGROUND:

The Grand County Planning Commission, with guidance from the Community Development Department, has identified several barriers to affordable housing in the LUC. One such barrier to the development of all housing – market rate and affordable – is the development review process and associated timeline.

Planning commission and staff have identified several changes to Article 9 of the Grand County LUC to achieve the following objectives:

- Improve public noticing procedures
  - On-site posting requirements
- Decrease development review time
  - Removal of unnecessary public hearings and meetings from preliminary plat, final plat, and conditional use permit reviews
- Increase certainty and clarity in the development review process for landowners, developers, and builders
- Protect the County from making administrative land use decisions based on "public clamor"
  - "Public clamor," as per the Utah Code, may only influence legislative decisions

- Free up county council and planning commission time to focus on larger scale planning efforts
- Remove outdated application submission requirements
    - Submittals of application plats can now be sent and distributed electronically, and reproduced in the office as needed
- Comply with state code regarding subdivision warranty bonds
    - Reduction of guarantee period from two years to one year

In a public hearing held April 13, 2016, the planning commission voted to forward a favorable recommendation of the referenced amendment, which improves and streamlines the administration of land use applications in Grand County.

ATTACHMENT(S):

1. (Redline) Article 9, Administration and Procedures
2. Utah State Code References: Subdivision Warranty Bond
3. Citizen Comment

Article 9 Administration and Procedures

Section 9.1 Common Procedure

9.1.1 Conformity with Land Use Code

Every official and employee of Grand County vested with the duty or authority to issue a permit or certificate shall not issue a permit or certificate for any use, building, or purpose that conflicts with any provision of this LUC. Any permit, approval, or certificate issued in conflict with the provisions of this LUC shall be null and void.

9.1.2 Preapplication Conference

Prior to the submission of an application required by this LUC, a preapplication conference with the Zoning Administrator may be required as follows.

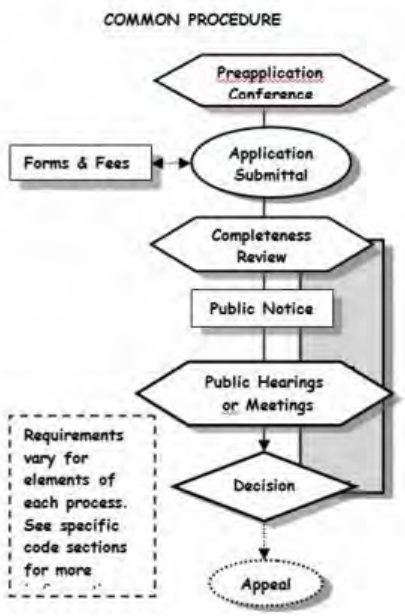
A. Preapplication Mandatory Conference

A mandatory Preapplication Conference with the Zoning Administrator to discuss procedures, standards, or regulations shall be required for:

1. **Subdivision Sketch Plan;**
2. **Preliminary Plat;**
3. **Minor Subdivision Plat;**
4. **Recreational Subdivision; and**
5. **Conditional Use Permits;**

B. Optional Conference

A preapplication conference is recommended for all other applications. Applicants are encouraged to attend an optional preapplication conference with the Zoning Administrator prior to submitting any application. (The preapplication conference provisions of this section do not apply where the application or action is initiated by the County Council or Commission.)



9.1.3 Minimum Submission Requirements

The following regulations shall apply to all applications.

A. Property Owner Endorsement

All applications shall include the name and signature of the current property owner of all property within the boundaries.

B. Preliminary Title Report

All applications required under this LUC shall include a preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property.

C. Forms and Content

Applications required under this LUC shall be submitted on forms, with any requested information and attachments and in such numbers as required by the Zoning Administrator. The Zoning Administrator shall have the authority to request any pertinent information required to ensure compliance with this LUC. Likewise, the Zoning Administrator may waive any submittal requirements deemed irrelevant in a given application.

D. Electronic Submission

Plats shall be prepared and submitted in digital format acceptable to the Zoning Administrator and compatible with the County's geographic information system. Plats shall be submitted in the latest version of AutoCAD, or other format compatible with the County GIS as may be specified by the Zoning Administrator (currently preferred in State Plane Coordinates - Utah Central Zone or the Valley Coordinate System) with all measurements stated in feet.

E. Fees

1. Filing fees shall be established periodically by resolution of the County Council commensurate with the level of service. Such fees may include all costs occasioned to the County, including publication of notices, public hearing, and review costs, planning and engineering, legal, and other professional review and inspection costs.

2. All required fees shall be made payable to "Grand County."

3. All required fees shall be non-refundable.

F. Vicinity Map

A vicinity map [which may be a USGS one inch equals 2000 feet scale] shall locate the property relative to surrounding areas.

9.1.4 Application

All applications shall be completed and submitted to the Zoning Administrator at least 30 days prior to any desired agenda date. An application shall not be considered as officially submitted until it has been found to be complete in accordance with Section 9.1.6.

9.1.5 Summary of Land Use Authority

Land use authority for the respective land use review procedures is described below

SUMMARY OF LAND USE AUTHORITY		
Application Type	**Land Use Authority**	**Reference**
Interpretations of Text and Zoning Map	Zoning Administrator	Section 9.2.8

Zoning Map (Rezonings) and Text Amendments	County Council	Section 9.2
Sketch Plan	Planning Commission	Section 9.3
Preliminary Plat	~~County Council~~ Planning Commission	Section 9.4
Final Plat	County Council	Section 9.5
Minor Record Surveys	Zoning Administrator	Section 9.7
Recreational Subdivisions	County Council	Section 9.8
Replats and Exemption Plats	County Council	Section 9.9
Lot Line Adjustments	Zoning Administrator	Section 9.10
Conditional Use Permits	County Council	Section 9.11
Appeals of Administrative Decisions	Hearing Officer	Section 9.13
Variances	Hearing Officer	Section 9.14
Variances (in conjunction with Subdivision Review)	County Council	Section 9.14
Sign Permits	Zoning Administrator	Section 9.15
Temporary Use Permits	Zoning Administrator	Section 9.16
Site Plan Reviews	Zoning Administrator	Section 9.17
Zoning Development Permits	Zoning Administrator	Section 9.18
Building Permits	Building Official	--
Certificates of Occupancy	Building Official	Section 9.19

9.1.6 Certification of Completeness

An application shall be considered submitted only after the Zoning Administrator certifies that it is complete, provided in the required form, includes all mandatory information and exhibits, and is accompanied by the applicable fee. A determination of application completeness shall be made by the official responsible for accepting the application within 5 working days of application filing. If an application is determined to be incomplete, the Zoning Administrator shall contact the applicant to explain the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 15 days, the application shall be considered withdrawn.

9.1.7 Vested Development Rights

Complete applications shall be considered complete when the requirements in place at the time have been met and certified by the Zoning Administrator. However, such application shall be subject to pending amendments to the LUC that are initiated prior to such certification.

9.1.8 Required Public Notices

A. Summary of Notice Requirements

Notice shall be required for development review as shown in the table below.

Application Type	Published	Posted
Appeals of Administrative Decisions	X	
Conditional Use Permits	X	X
~~Preliminary Plat~~	~~X~~	~~X~~
Replats	X	X
Text Amendments	X	
Zoning Map Amendments (Rezonings)	X	X
Variances	X	X

B. Notice Requirements

All required public notices shall be accomplished in accordance with the following requirements:

1. Publication

The County shall cause notice of the public hearing to be given by publication in a newspaper of general circulation (with distribution of the notice to all other local news media without any requirement for publication) in Grand County not less than 10 calendar days prior to the hearing for the purpose of notifying the public of the time and place of such public hearing:

2. Mailing

As an alternative or complement to the above publication requirements, ~~the County~~ staff may mail notice of the public hearing not less than ~~3~~ 10 days prior to the hearing to the recorded owner of each parcel within 500~~100~~ feet in all directions of the property that is the subject of a land use application.

3. Posting

a. The Applicant shall post a sign, provided by the County, noticing the public hearing in a prominent and visible place within five (5) feet of each property line with street frontage on the land area proposed for a rezoning, subdivision amendments, or conditional use with a notice of the hearing at least 10 days prior to the hearing.

b. The County shall post notice ~~in 3 public places or~~ on the official County and State public meeting notice websites.

C. Content of Notice

All published, posted, or mailed notices shall at a minimum state the time and place of such hearing and the nature of the subject to be considered, and the name, address, and phone number of the Applicant.

9.1.9 Required Public Hearings

The following table summarizes the types of applications requiring public hearings and the review body responsible for conducting the hearing.

REQUIRED PUBLIC HEARINGS			
Application Type	**Hearing Officer**	**Planning and Zoning Commission**	**County Council**
Appeals of Administrative Decisions	X		
Conditional Use Permits		~~X~~	X
Preliminary Plats		~~X~~	~~X~~
Zoning Map (Rezoning) and Text Amendments		X	X
Variances	X		
Variances in conjunction with Subdivision Approval			X

9.1.10 Required Applicant Notices

A. Notice of Meetings and Hearings

1. The County shall provide written notice to each land use applicant of the date, time and place of each public meeting and public hearing at which the applicant's application is to be considered.

2. All affected entities, including but not limited too; school districts, utilities, special districts, UDOT, and the AOG state planning coordinator shall be notified when considering the general plan or amendments to the general plan or multi-unit residential, commercial, industrial or subdivision approvals.

B. Notice of Decision

The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the final decision on each land use application.

9.1.11 Required Municipal Notice of Urban Development
Proposed residential development with more than 15 dwelling units and an average density greater than one residential unit per acre, or any proposed commercial development with a cost projection of greater than $750,000, that is in the municipality's proposed annexation area is subject to municipal review according to the requirements of this section:

A. The County shall provide written notice to the municipality of the proposed development; and

B. Within 90 days after the County's written notice of the proposed development, the municipality shall either:

1. Consent in writing to the development; or

2. Submit a written objection to the County's approval of the proposed development.

C. Where the municipality chooses to submit a written objection, within a reasonable time after receiving said objection, the County shall respond in writing to the municipality's objections and make a diligent attempt to reasonably reconcile said objections.

9.1.12 Simultaneous Processing of Applications
Whenever 2 or more forms of review and approval are required under this LUC, the applications for those development approvals may be processed simultaneously at the Zoning Administrator's option and with the approval of the applicant. The simultaneous processing of applications shall be at the applicant's risk.

Section 9.2 Text and Zoning Map Amendments (Rezonings)
9.2.1 General
Text and Zoning Map Amendments are discretionary legislative decisions. This is true even when a proposed map amendment otherwise conforms to the applicable requirements of this code

9.2.2 Initiation of text amendment
Any person having a proprietary interest in any property may submit an application to the County Council for a change or amendment to the provisions of this LUC, or the Planning Commission may on its own motion or on request from the County Council, institute study and proposal for changes and amendments in the public interest.

9.2.3 Application for Zoning Map Amendment
Any person having a proprietary interest in any property within Grand County, Utah, requesting a change or amendment to the zoning classification of such property shall ~~file 5 copies (neatly folded and ready for mailing) of the~~ submit an application for such change or amendment with the Zoning Administrator. The application shall be submitted at least 30 days prior to any desired agenda date and, at a minimum, shall include the following information:

A. The name, address, and telephone number of the Applicant shall be provided;

B. The application shall clearly state the requested change or amendment and describe the property to be affected by such request by metes and bounds or by other legal description;

C. The application shall be accompanied by a preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record that affect the title to the subject property;

D. A statement from the County Treasurer showing the status of all current taxes due on said parcel;

E. Certified boundary survey of land area to be rezoned, along with an indication of the existing zoning, predominant existing uses, and existing zoning designations within 100 feet in all directions of the boundary of the land area to be rezoned;

F. A list of surrounding property owners and their legal mailing addresses within 100 feet of the exterior boundary of the parcel proposed to be zoned or rezoned;

G. A statement by the Applicant explaining the rationale for the rezoning request relative to the issues for consideration imposed by Section 9.2.7, below; and

H. A filing fee shall be submitted to cover the cost of review and processing with every application in accordance with the fee schedule adopted by resolution of the County Council.

9.2.4 Review by Planning Commission

Before taking action on any proposed amendment, supplement or change, the County Council shall submit the same to the Planning Commission for its recommendation and report.

A. Public Hearing Required

The Planning Commission shall hold a public hearing on any proposed amendment permit prior to making its recommendation to the County Council.

B. Public Notification

Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public notices.

C. Notice of Decision

The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Commission's decision.

9.2.5 Action by County Council

The County Council shall act on the zoning map or text amendment in a public hearing within 30 days after the recommendation and report of the Planning Commission.

A. Public Hearing Required

The County Council shall hold a public hearing on any application for amendment or change prior to making its decision. If County Council approves the ordinance amendment on first reading in a public hearing, a second reading shall be held by the County Council before adopting any proposed amendment, supplement or change. Following the second reading, such amendments shall become effective upon the favorable vote of a majority of the quorum of the County Council present and voting.

B. Public Notification

Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public notices.

C. Exception

When the zoning district map in any way is to be changed or amended incidental to, or as a part of a general revision of this LUC, whether such revision be made by repeal of the existing zoning and/or land use regulations and enactment of a new zoning and/or land use regulations, or otherwise, posting of notice on the land area proposed for rezoning shall not be required.

9.2.6 Notification Requirements for Text Amendment

When any such amendment relates to a change of a regulation or to the text of this LUC not affecting specific property, the County shall cause notice of the public hearing of the County Council to be given in a newspaper of general circulation in Grand County. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than 10 days from the date of publication.

9.2.7 Issues for Consideration

In making its determination, the Planning Commission and the County Council shall consider the recommendation of the Planning Commission, staff reports, and the written and oral testimony presented, and the following criteria:

A. Was the existing zone for the property adopted in error?

B. 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.)?

C. Is there a need for the proposed use(s) within the area or community?

D. Will there be benefits derived by the community or area by granting the proposed rezoning?

E. Is the proposal in conformance with the policies, intents and requirements of Grand County General Plan, specifically the Plan's zoning map amendment guidelines (see pages 44-48 of the Grand County General Plan)?

F. Should the development be annexed to a city?

G. Is the proposed density and intensity of use permitted in the proposed zoning district?

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

I. 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?

J. 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?

K. Does the proposed change constitute "spot zoning"?

9.2.8 Interpretations of Text and Zoning Map

A. Authority

The Zoning Administrator shall have the authority to make all interpretations of the text of this LUC, and the boundaries of the Official Zoning Map.

B. Requests for Interpretation

An interpretation may be requested by any affected person, any resident or real property owner in Grand County, or any person having a contractual interest in real property in Grand County.

C. Procedures

1. Submission of Request for Interpretation

Before an interpretation shall be provided by the Zoning Administrator, a request for Interpretation shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator.

2. Determination of Completeness

Within a reasonable amount of time after a request for Interpretation has been received, the Zoning Administrator shall determine whether the request is complete. If the Zoning Administrator determines the request is not complete, he shall serve written notice on the Applicant specifying the deficiencies. The Zoning Administrator shall take no further action on the request for Interpretation until the deficiencies are remedied.

3. Rendering of Interpretation

After the Request for Interpretation has been determined complete, the Zoning Administrator shall render an interpretation within a reasonable amount of time. The Zoning Administrator may consult with the County Administrator and the County Attorney, review this LUC and the Official Zoning Map, whichever is applicable, before rendering an interpretation.

4. Form

The interpretation shall be in writing and shall be sent to the Applicant by certified mail.

5. Official Record

The Zoning Administrator shall maintain an official record of all interpretations in the County Hall, which shall be available for public inspection during normal business hours.

6. Appeal

Any person who has made a request for Interpretation may appeal interpretation of the Zoning Administrator to the County Council by filing an application within 30 days of the Zoning Administrator's decision. The date of the decision shall be the postmark date of the certified mail notifying the Applicant of the interpretation. The application shall be considered by the County Council within 30 days of its filing, and the interpretation of the Zoning Administrator affirmed or modified.

Section 9.3 Subdivision Sketch Plan

9.3.1 Preapplication Conference

Prior to the filing of a subdivision sketch plan, the subdivider shall meet with the Zoning Administrator or his or her designated agent to acquaint himself or herself with the requirements of the County and the relationship of the proposed subdivision to the General Plan. As such meeting, the application contents, referral agencies, review procedures, density standards, use and area standards, street requirements, utility service and the general character of the development may be discussed. At the preapplication conference, the subdivider may be represented by a land planner, engineer or surveyor.

9.3.2 Submittal Requirements

~~14 copies (neatly folded and ready for mailing) of the Subdivision Sketch Plan application submittal.~~ The subdivision sketch plan shall include conceptual plans for the entire parcel on two (2) 18 X 24 plats, two (2) 11 X 17 copies, and in an electronic file ready for printing. Such plan shall be accompanied by or show the following information:

A. A preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the property.

B. Conceptual drawing

C. A conceptual drawing of the lot and street layout drawn at a scale of not less than 1 inch = 200 feet and including the following:

D. Proposed number of lots and the approximate area of the individual lots;

E. Topographic contours at 5 foot intervals and all easements or rights-of-way necessary for drainage within or without the boundaries of the subdivision;

F. Significant natural features of the site including streams, lakes, natural drainage lines, vegetation type, and other similar features;

G. Man-made features such as existing buildings, irrigation ditches, utility lines and easements, bridges, culverts, drainage systems, mines or mine dumps;

H. Zone district boundaries;

I. General land use divisions into residential types, commercial, industrial, community facilities, and open space including proposed boundaries of public use or common areas; parking area, total number of dwelling units and total square footage of non-residential space;

J. Type and layout of water supply and sewage treatment system proposed;

K. Acreage of the entire tract and the area to the nearest one-half acres and percent of total area to be devoted to open space;

L. The name and location of a portion of adjoining subdivisions shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivisions in sufficient detail to show actually the existing streets and alleys and other features that may influence the layout and development of the proposed subdivisions; where adjacent land is not subdivided, the name of the owner of the adjacent tract shall be shown;

M. A vicinity-topography map (which may be a USGS one (1) inch equals 2000 feet scale) shall locate the property relative to surrounding areas; and

N. A filing fee shall be submitted to cover the cost of review and processing with every subdivision sketch plan in accordance with the fee schedule adopted by resolution of the County Council.

9.3.3 Application Review Procedures

A. Date of Filing

a. ~~14 copies (neatly folded and ready for mailing) of the Subdivision Sketch Plan application~~ All submittal requirements shall be submitted to the Zoning Administrator 30 days prior to the Planning Commission meeting at which consideration is desired. The Subdivision Sketch Plan shall be considered officially filed after application review fees which are established by resolution of the County Council have been paid and after it is examined and found to be in compliance with the general provisions of these regulations by the Zoning Administrator.

B. Distribution of Subdivision Sketch Plans

The Zoning Administrator shall distribute the Subdivision Sketch Plans immediately upon receipt to appropriate referral agencies which may include the following:

1. Zoning Administrator; ~~(2 copies);~~

2. Grand County Engineer; ~~(1 copy);~~

3. Grand Water and Sewer Service Agency; ~~(1 copy);~~

4. Moab Fire Protection District; ~~(1 copy);~~

5. Grand County Administrator; ~~(1 copy);~~

6. Grand County Recorder; ~~(1 copy)~~

7. Grand County Road Superintendent; ~~(1 copy);~~ and

8. ~~Remaining~~ Additional copies shall be provided to the Planning Commission prior to the Commission meeting at which the Subdivision Sketch Plan is considered.

C. Comments; Written Report

~~At least 10 days p~~Prior to the meeting of the Planning Commission at which the plat is to be considered, each agency listed above shall submit their written recommendations concerning the plat in question to the Zoning Administrator. The recommendations shall be given to the Planning Commission with the plat for their consideration. A written report shall be prepared by the Zoning Administrator and submitted to the Planning Commission at the next regular meeting. Such report should include comments relative to the proposed subdivision's compliance to these regulations, the General Plan or other master plans such as utility plans. The report may include comments from other County departments, county, or state agencies concerned with urban development.

D. Review by Commission

1. Action by Commission

Following review of the Subdivision Sketch Plan and other materials submitted for conformity thereof to these regulations, and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the Planning Commission shall act on the Subdivision Sketch Plan in a regular meeting within 30 days after the official filing date or within a reasonable time thereafter. If approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefore.

2. Items for Consideration by Commission

The Planning Commission shall, in its action on the Subdivision Sketch Plan, consider the physical arrangement of the subdivision, and determine the adequacy of street rights of way and alignment, the street standards of Grand County, the existing street pattern in the area and with all applicable provisions of the General Plan. The Planning Commission shall also ascertain that adequate easements for proposed or future utility service and surface drainage are provided, and that the lot size and area are adequate to comply with the minimum requirements for the underlying zone district and for the type of sanitary sewage disposal proposed.

Section 9.4 Preliminary Plat

9.4.1 Preapplication Conference

Prior to the filing of a preliminary plat, the subdivider shall meet with the Zoning Administrator or his or her designated agent to acquaint himself or herself with the requirements of the County and the relationship of the proposed subdivision to the General Plan. At such meeting, the application contents, referral agencies, review procedures, density standards, use and area standards, street requirements, utility service and the general character of the development may be discussed. At the preapplication conference, the subdivider may be represented by a land planner, engineer or surveyor.

9.4.2 Submittal Requirements

The subdivider or owner shall ~~file 14 copies (neatly folded and ready for mailing) of~~ submit an application requesting preliminary plat approval, a preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property, and ~~of~~ the preliminary plat on two (2) 18 X 24 plats, two (2) 11 X 17 copies, and in an electronic file ready for printing. The preliminary plat shall include plans for the entire parcel. The following notice shall be stamped on the face of each preliminary plat: "Preliminary Plat for inspection purposes only, and in no way official or approved for record purposes." Such plat shall be accompanied by or show the following information:

A. Boundary Lines and Bearings

Boundary lines, bearings, and distances sufficient to locate the exact area proposed for subdivision. At least one (1) subdivision corner shall be referenced to a survey (abstract) corner. The area, in acres, of the subdivision shall also be shown.

B. Adjacent Subdivisions

The name and location of a portion of adjoining subdivisions shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivisions in sufficient detail to show actually the existing lots, streets, alleys and other features that may influence the layout and development of the proposed subdivisions. Where

adjacent land is not subdivided, the name of the owner of the adjacent tract shall be shown.

C. Intersecting Streets

The angle of intersection of the centerline of all intersecting streets.

D. Proposed Streets, Alleys and Easements

The names, location and widths of all streets, alleys and easements proposed for the subdivision, and all known rightsofway and/or easements within or affecting the area to be subdivided.

E. Proposed Blocks, Lots and Parks

The subdivision shall show all proposed streets and alleys, easements, blocks, lots, parks, etc., with principal dimensions.

F. Contours

Existing topographic contours at 5 foot intervals and all easements or rights-of-way necessary for drainage within or without the boundaries of the addition.

G. Subdivision Title and Planner

The title under which the proposed subdivision is to be recorded, the name of the owner and the name of the engineer or land planner who prepared the plat.

H. Dedicated Parks, Playgrounds and Other Public Uses

Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.

I. Scale, North Point

1. Scale, north point, date and other pertinent data

2. The scale of the preliminary plat may be at one (1) inch equals 200 feet.

3. Name, address and telephone number

4. Property owner's name, address, and telephone number.

5. Proposed layout of utilities

6. A proposed preliminary layout of sanitary sewer and water lines to serve the subdivision.

J. Drainage Report

A general drainage report or drainage statement shall accompany the preliminary plat. This study or report shall show the acreage draining into the subdivision, points of runoff through and away from the subdivision.

K. Protective Covenants

Draft of any protective covenants where the subdivider proposes to regulate land use or development standards in the subdivision.

L. Proposed Land Uses

A designation of the proposed uses of land within the subdivision and any zoning amendments proposed to be requested.

M. Vicinity Map

A vicinity map on a smaller scale showing the proposed subdivision and its relationship to the surrounding area and County limits.

N. Application Fee

A filing fee shall be submitted to cover the cost of review and processing with every preliminary plat in accordance with the fee schedule adopted by resolution of the County Council.

O. Preliminary Master Plan

If the proposed subdivision is a portion of a tract that is later to be subdivided in its entirety, then a tentative master plan of the entire subdivision shall be submitted with the preliminary plat of the portion first to be subdivided. The master subdivision plan shall conform in all respects to the requirements of the preliminary plat; except, it may be on a scale of not more than one (1) inch to 100 feet, or other staff-approved scale.

P. Optional Architectural and Landscaping Plan

1. The County Planning Commission may require that an architectural and landscaping plan be submitted as part of a preliminary subdivision plat application. An architectural and landscaping plan may include:

a. An architectural plan depicting elevation drawings of the proposed development from public use area perspectives or as specified by the Planning and Zoning Commission; and

b. A landscaping plan depicting treatment of exterior spaces to include the species of vegetation, their size and siting.

9.4.3 Application Review Procedures

A. Date of Filing

~~14 copies (neatly folded and ready for mailing)~~ Two (2) 18 X 24 plats, two (2) 11 X 17 copies, and an electronic file ready for printing of the preliminary plat application ~~submittal (neatly folded and ready for mailing)~~ shall be submitted to the Zoning Administrator 30 days prior to the Planning Commission meeting at which consideration is desired. The preliminary plat shall be considered officially filed after application review fees which are established by resolution of the County Council have been paid and after it is examined and found to be in general compliance with the provisions of these regulations by the Zoning Administrator.

B. Conformance with Subdivision Sketch Plan

The preliminary plat shall conform substantially to the subdivision sketch plan as approved.

C. Distribution of Preliminary Plat

1. The Zoning Administrator shall distribute the preliminary plat immediately upon receipt to appropriate referral agencies which may include the following:

2. Zoning Administrator; ~~(2 copies);~~

3. Grand County Engineer; ~~(1 copy);~~

4. Grand County Water and Sewer Service Agency; ~~(1 copy);~~

5. Moab Fire Protection District; ~~(1 copy);~~

6. Grand County Administrator; ~~(1 copy);~~

7. Grand County Recorder; ~~(1 copy); and~~

8. Grand County Road Superintendent; and, ~~(1 copy).~~

9. ~~The remaining~~Additional copies shall be provided to the Planning Commission prior to the Commission meeting at which the preliminary plat is considered.

D. Comments; Written Report

~~At least 10 days p~~Prior to the meeting of the Planning Commission at which the plat is to be considered, each agency listed above shall submit their written recommendations concerning the plat in question to the Zoning Administrator. The recommendations shall be given to the Planning Commission with the plat for their consideration. A written report shall be prepared by the Zoning Administrator and submitted to the Planning Commission at the next regular meeting. Such report should include comments relative to the proposed subdivision's compliance to these regulations, the General Plan or other master plans such as utility plans. The report may include comments from other County departments, county, or state agencies concerned with urban development.

E. Review by Planning Commission

Before taking action on any proposed amendment, supplement or change, the County Council shall submit the same to the Planning Commission for its recommendation and report.

1. Public ~~Hearing~~ Meeting Required

The Planning Commission shall hold a public ~~hearing~~ meeting prior to approving a preliminary plat. ~~making its recommendation to the County Council.~~

2. Public Notification

Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public notices.

3. Action by Commission

Following review of the preliminary plat and other materials submitted for conformity thereof to these regulations, and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the Planning Commission shall, at the first regular meeting occurring at least 30 days after the official filing date, act thereon as submitted or modified, and if approved the Planning Commission shall express its approval as conditional

approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefore.

4. Notice of Decision

The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Commission's decision.

~~**F. Action by County Council**~~

~~**1. Public Hearing Required**~~

~~The County Council shall hold a public hearing on any preliminary plat change prior to making its decision. Following the public hearing and the resolution of relevant issues such preliminary plan shall be approved upon the favorable vote of a majority of the quorum of the County Council present and voting.~~

~~**2. Public Notification**~~

~~Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public notices.~~

9.4.4 Issues for Consideration

The Planning Commission ~~and County Council~~ shall, in ~~their~~ its action on the preliminary plat, consider Article 7, Subdivision standards, the physical arrangement of the subdivision, and determine the adequacy of street rightsofway and alignment, the street standards of Grand County, the existing street pattern in the area and with all applicable provisions of the General Plan. The Planning Commission ~~and County Council~~ shall also ascertain that adequate easements for proposed or future utility service and surface drainage are provided, and that the lot size and area are adequate to comply with the minimum requirements for the underlying zone district and for the type of sanitary sewage disposal proposed.

9.4.5 Effect of Preliminary Plat Approval

A. Not Approval of Final Plat

Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat.

B. Lapse of Approval

Preliminary approval of the subdivision shall be valid for a period of 12 months from the date of approval and the general terms and conditions under which the preliminary approval was granted will not be changed. The preliminary approval of the subdivision shall be deemed voided unless a final plat is submitted within the 12 month period or unless the 12 month period is extended by the County Council at the request of the subdivider. Provided, however, that the approval of the preliminary plat for a multi-phase subdivision shall be deemed voided unless at least one (1) phase of the subdivision is submitted within 12 months following approval of the previous final plat for the subdivision, unless the 12 months period is extended by the County Council. The County Council may extend the approval period for one (1) or more times for good cause.

Section 9.5 Final Plat

9.5.1 Final Plat Submittal Requirements

The owner of land on which preliminary plat approval has been obtained shall prepare and submit: (a) a non-erasable Mylar copy, and (b) a digital copy of the final plat (including all lines, bearings, corners, and etc. necessary to describe the subject lot(s) or parcel(s), and all easements), in the latest version of AutoCAD, or other format compatible with the County GIS as may be specified by the Zoning Administrator (currently preferred in State Plane Coordinates - Utah Central Zone or the Valley Coordinate System) with all measurements stated in feet, and (c)~~ 14 hard copies (neatly folded and ready for mailing)~~ two (2) 24 x 36 copies, or more if specified by the Zoning Administrator. The plat shall be drawn to a scale of 100 feet to one (1) inch, or other scale approved by staff. ~~The hard copy drawing shall measure 24 inches by 36 inches.~~ When necessary the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in phases satisfactory to the ~~Planning Commission~~County Council. The final plat shall show or be accompanied by the following:

A. Control Points; Acres

The primary control points, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred shall be placed on the final plat. The area of the subdivision, in acres, shall be shown.

B. Boundary Lines and Bearings

Tract boundary line sufficient to locate the exact area proposed for subdivision, rights-of-way lines of streets, easements and other rightsofway, and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves shall be placed on the final plat.

C. Streets

Name and rights-of-way width of each street or other rights-of-way shall be placed on the final plat.

D. Easements

Location and dimensions of all easements shall be placed on the final plat.

E. Lot and Block Numbers

Number to identify each lot or site and each block, and the dimensions of lots and blocks, shall be placed on the final plat.

F. Purpose of Sites

The purpose for which sites, other than residential lots, are dedicated or reserved shall be indicated on the final plat.

G. Building Lines

Minimum building setback lines when required or approved by the Planning Commission shall be placed on the final plat.

H. Monuments

Location and description of monuments shall be placed on the final plat. Monuments shall include centerline monuments at all curve points and intersections.

I. Adjacent Land

References to recorded subdivision plats or adjoining platted land by record name shall be placed on the final plat.

J. Surveyors Certificate and Legal Description

A legal description and surveyor's certificate, to, in the following form, shall be placed on the final plat:

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I am a registered Utah Land Surveyor, and that I hold certificate No._____ as prescribed under the laws of the state of Utah, and I further certify that under the authority of the owners, I have made a survey of those lands as shown here on and described below, and that I have subdivided said tract of land into lots and streets, hereafter to be known as _____ and that same has been correctly surveyed and staked on the ground as shown on this plat.

_____

Signature

K. Approval Certification

Certification of approval by the Planning Commission and County Council, in the following form, shall be placed on the final plat.

APPROVED this _____ day of _____, 20___, by the Planning and Zoning Commission of Grand County, Utah

_____

Chairman

APPROVED this _____ day of _____, 20___, by the Grand County Council

_____

Chairman

_____

County Recorder

L. Title; Scale

A title, scale, and north point shall be placed on the final plat.

M. Street Intersections

The location of the point of intersection and points of tangency of street intersections, and the bearing and distance of each street rights-of-way center line shall be placed on the final plat.

N. Plat Identification

A positive reference and identification of the plat and date of plat shall be placed on the final plat.

O. Dedication Certificate

1. The property owner's certificate or deed of dedication shall be placed on the final plat. The dedication deed or certificate of dedication shall be executed by all persons, firms or corporations owning an interest in the property subdivided and platted, and shall be acknowledged in the manner prescribed by the laws for the State of Utah for conveyances of real property. In the case of surface lien holders, they may execute a subordination agreement subordinating their liens to all public streets, alleys, parks, school sites and any other public areas shown on the plat of such subdivision as being set aside for public uses and purposes. The dedication deed or certificate of dedication shall, in addition to the above requirements, contain the following:

2. An accurate description of the tract of land subdivided.

3. A statement and express representation that the parties joining in such dedication are the sole owners of such tract of land.

4. An express dedication without reservation to the public for public use; the streets, trails, rightsofway, school site and any other public areas shown on the attached plat.

5. A positive reference and identification of the plat of such subdivision, date of plat and surveyor or engineer responsible for the survey.

P. Tax Certificates

Tax certificates indicating that all taxes on the land being subdivided have been paid to the current year shall be submitted with the final plat.

Q. Construction Plans and Cost Estimate

Three sets of plans for required improvements and a set of reproducible transparent sheets, 24" x 36" in size along with all data and calculations related to utilities, drainage or other construction in the subdivision and a cost estimate shall be submitted with the final plat. The construction plans shall conform to all requirements of the current Construction Design Standards for Grand County. The cost estimate shall bare the signature and seal of the design engineer. Such plans shall also show all existing or proposed surface and subsurface improvements and obstruction.

R. Subdivision Improvements Agreement and Performance Guarantee

A subdivision improvements agreement and performance guarantee for all required public improvements in accordance with the requirements of Section 9.5.1A.

S. Title Report

An updated title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property shall be submitted within 15 days immediately prior to final review by the County Council.

T. Filing Fee

1. A filing fee to cover the cost of review in accordance with the fee schedule adopted by resolution of the County Council.

2. Additional submission requirements for condominium subdivisions. In addition to the above submission requirements, applications for condominium subdivisions shall be subject to the applicable provisions of Title 57-8-1 et seq., of the Utah Code.

9.5.2 Application Review Procedures

A. Date of Filing

After approval of the preliminary plat by the ~~County Council~~Planning Commission and within 12 months of the approval date unless extended for up to one (1) additional year by action of the County Council, the subdivider may submit for approval the final plat. The application, meeting all the requirements of subsection (1) above, shall be submitted to the Zoning Administrator at least 30 days prior to the meeting at which consideration is desired. The official filing date of the final plat shall be the date upon which the plat and construction drawings are found to be in full compliance with the provisions of the preliminary approval after examination by the Zoning Administrator and the review fees which are established by resolution of the County Council have been paid.

B. Conformance with Preliminary Plat

The final plat shall conform substantially to the preliminary plat as approved and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat that he or she proposes to record and develop at the time, provided however, that such portion conforms to all requirements of these regulations.

C. Review of Final Plat

After the presentation of the final plat application for a subdivision to the Zoning Administrator, the Zoning Administrator shall submit the application to the County Engineer, any district providing utility service for review and to any other appropriate referral agencies for review. The County Engineer and other referral agencies shall review the plans and submit comments to the Zoning Administrator for inclusion in the final plat presentation. The developer shall pay the reasonable cost of review of the construction plans before the final plat is presented to the County Council.

~~**D. Review by Commission**~~

~~**a. Action by Commission**~~

~~The final plat shall be presented to the Planning and Zoning Commission along with any appropriate recommendation by the Zoning Administrator. The Planning and Zoning Commission shall act on the final plat within 30 days after the official filing date, or within a reasonable time thereafter.~~

~~**b. Review in Stages**~~

~~An owner or subdivider, at his or her option, may obtain approval of a portion or a section of a subdivision provided he or she meets all the requirements of this LUC with reference to such portion or section in the same manner as is required for a complete subdivision. In the event a subdivision and the final plat thereof is approved by the Planning and Zoning Commission in sections, each final plat of each section is to carry the name of the entire subdivision, but is to bear a distinguishing letter, number or subtitle.~~

~~**c. Approval by Commission**~~

~~After the Planning and Zoning Commission has determined that the plat is in proper form, that the arrangement of the development proposed for the property being subdivided is consistent with zoning regulations and that the subdivision complies with the provisions of this LUC, it shall act to approve the plat, subject to action by the County Council.~~

~~**d. Disapproval by Commission**~~

~~Final plats that are disapproved by the Planning and Zoning Commission shall be returned to the subdivider by the Zoning Administrator with an attached statement of the reasons for such action.~~

~~**e. Notice of Decision**~~

~~The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Commission's decision.~~

E. Review by County Council

1. Action by County Council

The Zoning Administrator shall submit the final plat to the County Council, along with any preliminary plat conditions established by the Planning Commission, preliminary plat, and an appropriate recommendation. The County Council shall consider all proposals with respect to the dedication of rights-of-way for public use, the construction of utilities, streets, drainage, and other improvements, and when satisfied with the proposals, shall authorize the establishment of agreements for same. The County Council shall act on the final plat within 30 days after the Planning Commission makes a recommendation, or within a reasonable time thereafter.

2. Review in Stages

An owner or subdivider, at his or her option, may obtain approval of a portion or a section of a subdivision provided he or she meets all the requirements of this LUC with reference to such portion or section in the same manner as is required for a complete subdivision. In the event a subdivision and the final plat thereof is approved by the County Council in sections, each final plat of each section is to carry the name of the entire subdivision, but is to bear a distinguishing letter, number or subtitle.

~~2~~3. Approval by County Council

The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Commission's decision. After the County Council has determined that the plat is in proper form, that any conditions of the preliminary plat are satisfied, that the arrangement of the development proposed for the property being subdivided is consistent with zoning regulations, and that the subdivision complies with the provisions of this LUC, it shall act to approve the plat.

~~3~~4. Disapproval by County Council

The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Commission's decision. Final plats that are disapproved by the County Council shall be returned to the subdivider by the Zoning Administrator with an attached statement of the reasons for such action.

~~4~~5. Action Following Approval

a. Certification of Approval

(1) The County Council's approval and execution of the County Council certificate of approval on the final plat shall authorize the Chairman of the Planning Commission to execute the Planning Commission certificate of approval on the plat.

Commented [ZL1]: Modify this section as needed (given change in review process)

(2) In no case shall additions, corrections, or modifications of any kind be made to the preliminary plat other than signatures required after the preliminary plat has been approved by the ~~County Council~~Planning Commission.

b. Recordation of Plats

(1) The final plat for any subdivision located within Grand County shall then be caused to be filed of record by the subdivider in the plat records of Grand County, but only after the County Council has officially acted upon the final plat with reference to improvements, dedications and utilities and all fees (including recording and review fees) shall be paid by the developer.

(2) If for any reason the final plat has not been recorded within 15 days of County Council approval, the approving actions shall be deemed void.

9.5.3 Responsibility for Payment for Installation Costs

The subdivider shall provide for costs of materials, installation, and maintenance of all required improvements in accordance the Grand Construction Standard or the most recent County construction standards, and the following requirements:

A. Required Improvements

1. The subdivider shall pay all costs of materials and installation of the following:

2. Setting of survey monuments and markers

3. Streets and road construction for all street improvements including base, grading, curbs, gutters, sidewalks, pavement, street name signs, road regulatory signs, culverts, and bridges;

4. Water and sewer lines installations including fire hydrants and manholes;

5. Required storm water system and/or other drainage improvements;

6. All field density and related testing of base, sub-base and other compacted backfill, gradation tests, concrete cylinder tests, asphalt tests, and/or other related tests required to insure minimum standard requirements; and

7. Electric, gas, and other utilities.

B. Improvement Agreements and Guarantees

Prior to the recording of a final plat, a subdivider shall submit for approval to the Zoning Administrator an improvements agreement and financial guarantee for construction of any required improvements designated on the approved final plat or construction plans in accordance with the requirements of this Section.

1. Form of Agreement

All improvement agreements shall utilize the standard County template (guide) for the format and content of such Agreements. The template may be obtained from the Zoning Administrator.

2. Engineered Cost Estimate

The improvements agreement shall include a cost estimate for all required improvements prepared by a professional Utah-registered, professional engineer.

3. Financial Guarantees

The subdivider shall utilize one (1) of the following methods of posting security to cover to the cost of installing all required improvements; provided, however, that nothing in this section shall preclude the County Council from approving other forms of liquid financial security in a form approved by the County. No expiration of the guarantee shall be permitted.

a. Escrow Agreement

Place on deposit in an approved bank in the name of Grand County, a sum of money equal to 125 percent of the estimated cost (100 percent of cost plus 25 percent contingency) of all improvements required by this Section. Selection of the trustee shall be subject to approval by the County. The escrow agreement shall be approved as to form and legality in writing by the County Attorney. The escrow agreement shall state the name of the subdivision and shall list the improvements the subdivider is required to provide. The County Clerk shall certify in writing that the securities are a satisfactory guarantee for the County.

b. Performance Bond

File with the County Clerk a bond executed by a surety company holding a license to do business in the State of Utah, and acceptable to Grand County on a form approved by the County, in an amount of 125 percent of the estimated cost (100 percent of cost plus 25 percent contingency) of all improvements required by this Section. The Performance Bond shall be approved as to form and legality in writing by the County Attorney. The County Clerk shall certify in writing that the securities are a satisfactory guarantee for the County.

C. Engineering Inspection and Tests

1. Grand County Engineer, applicable service district, or other inspection agent designated by the Zoning Administrator, shall be notified 3 days before any construction is begun on such public improvements in order that proper supervision and inspection may be provided. All construction work, such as street grading, street paving, storm sewers, curb and/or gutter work, sanitary sewers or water mains performed by the owner, developer or contractor, shall be subject to inspection during construction by the proper authorities of the County and shall be constructed in accordance with the approved standards and specifications, and in accordance with the provisions of any other applicable ordinance of Grand County.

2. The County will charge fees for engineering inspection during construction and for final inspection commensurate to the value of services rendered or costs incurred; however, it is to be understood that the County will do no layout work or daily inspection. Where a special trip(s) to Grand County by the County Engineer are required, the subdivider shall reimburse the County for the costs of such trip(s).

3. The County may require compaction tests on embankments and flexible bases, and depth tests on flexible bases and pavements, and pressure tests on piping systems, before final inspection and approval.

9.5.4 Plat Approval and Dedication

Approval of the plat and acceptance of dedication on a final plat shall not be effective until the final plat is recorded in the office of the County Clerk. Approval of the plat and acceptance of a dedication by the County shall not imply the maintenance by the County of such dedication. Acceptance for maintenance of roads, parks, trails and other public dedications requires a separate action of the County Council in accordance with the requirements of Section 9.5.5D, Final Acceptance.

9.5.5 Acceptance of Subdivision Improvements

A. Time Frame for Completion

1. Plan Re-Submittal

If construction has not commenced within one (1) year after approval of the plans, the Zoning Administrator may require re-submittal of plans for meeting current standards and engineering requirements.

2. Expiration and Extension of Approval

If the public improvements for a subdivision have not been constructed and accepted by the County within 36 months of the recordation of the final plat, said final plat shall be null and void and shall conclusively be deemed to be withdrawn, without further action by the County. An approved, unexpired final subdivision plat may be extended once for a period not to exceed 36 months, pursuant to the following provisions:

a. The County Council may extend the approval of the final plat, for good cause shown by the Applicant, if there has been no significant change in development conditions affecting the subdivision plan and the plat continues to comply with all applicable standards and ordinances.

b. A request for an extension of time to complete final public improvements for a subdivision pursuant to these provisions shall be submitted to the Zoning

Administrator no later than the date the final subdivision plat expires. The request shall be in writing, and the application shall state the reason and justification for the requested extension.

B. Partial Acceptance and Reduction of Security

1. As public improvements are completed, a subdivider may apply from time-to-time to the Zoning Administrator for partial release of the collateral deposited with the County Clerk in accordance with the procedures of Section C, Release Procedure.

2. If the County Engineer and/or Zoning Administrator determine that any of the required improvements are not constructed in substantial compliance with approved standards and specifications, it shall furnish the Applicant a list of deficiencies and shall be entitled to withhold collateral sufficient to insure substantial compliance.

3. If the County Engineer and/or Zoning Administrator determines that the subdivider will not construct any or all of the improvements in accordance with all of the approved standards and specifications, the Zoning Administrator may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements in accordance with the approved standards and specifications.

4. The County Engineer shall independently inspect the construction of improvements while in progress, and, shall likewise inspect such improvements upon completion of construction. The design engineer shall certify that construction was completed to plan, and shall have approved any change(s) to the approved plan in consultation with the County Engineer. After final inspection, the County Engineer shall notify the subdivider and the Zoning Administrator in writing as to its acceptance or rejection. The Zoning Administrator shall reject such construction only if it fails to comply with the approved standards and specifications contained or referred to herein. If the Zoning Administrator rejects such construction, the Zoning Administrator shall advise the County Attorney and the County Attorney shall enforce the guarantees provided in this Section.

5. The design engineer for the subdivider shall submit to the Zoning Administrator a complete set of as-built drawings in "reproducible" hard copy and digital format showing all subdivision improvements, including utility locations (gas, water, sewer and telephone), paving and drainage improvements, and all changes made in the plans during construction. Each hard copy sheet shall contain an "As-Built" stamp bearing the signature of the engineer and the date. Digital information shall be provided in the latest version of AutoCAD, or other format compatible with the County GIS as may be specified by the Zoning Administrator with all measurements stated in feet.

6. The subdivider shall require his construction contractors, with whom he contracts for furnishing materials and for installation of the improvements required under this Section, and shall himself be required to furnish to the Zoning Administrator a written guarantee that all workmanship and materials shall be free of defects for a period of ~~2 years~~ one (1) year from the date of acceptance by the Zoning Administrator.

7. Prior to the final acceptance of a subdivision by the County Council, the subdivider shall furnish a good and sufficient, unconditional warranty bond, or

certified check payable to "Grand County", in the amount of 10 percent of the contract price with a reputable and solvent corporate surety in favor of the County, to indemnify the County or any applicable service district(s) against any repairs that may become necessary to any part of the construction work performed in connection with the subdivision arising from defective workmanship or materials used therein, for a full period of ~~2 years~~one (1) year from the date of final acceptance of the work being warranted.

C. Collateral Release Procedure

1. From time to time, as the improvements are completed, subdivider may apply in writing to the County for a partial or full release of the letter of credit or substitute collateral; and shall utilize the standard County-approved form for this purpose. Such release requests shall be complete at least 14 days prior to any desired release date; and must show, or include all of the following:

a. Dollar amount of commitment guarantee;

b. Improvements completed, including dollar value;

c. Improvements not completed, including dollar value;

d. Amount of previous releases;

e. Amount of commitment guarantee requested released;

f. Release or waivers of mechanics liens of all parties who have furnished work, services, or materials for the Improvements;

g. Certification by the design engineer that the improvements have been completed according to approved standards and specifications; and

h. Reasonable fee to cover the cost of administration and inspections.

2. Upon receipt of the application, the Zoning Administrator shall promptly refer the application to the County Engineer. The County Engineer shall inspect the required improvements, both those completed and those uncompleted, at his earliest convenience. If the County Engineer determines from the inspection that the required improvements shown on the application has been completed as provided herein, the County Engineer shall so advise the Zoning Administrator, and the Zoning Administrator shall release that portion of the collateral supporting the commitment guarantee relative to the completed improvements.

3. All collateral releases shall be made in writing signed by the Zoning Administrator. Such releases shall be made in all cases as soon as practical, following the submission of a complete request, as described above.

4. The County may release 115 percent of the amount of the collateral for the required improvements completed to date, less 125 percent of the costs of the required improvements not completed; thus retaining 10 percent of the amount of the collateral for the required improvements completed to date as identified by the approved cost estimate shall be retained pending satisfaction of the warranty bond requirements of Section 7. Alternatively, the amount to be released may be 125 percent of the amount of the collateral for the required improvements completed to

date, upon submission of a warranty bond in accordance with the requirements of Section 7.

D. Final Acceptance

Final acceptance of the required improvements and release of the warranty bond shall be made by resolution of the County Council in accordance with the requirements of this subsection.

E. Completion of Required Improvements

Completion of the required improvements shall be verified by the following findings:

1. Certification by the Design Engineer that the required improvements have been completed according to the approved standards and specifications;

2. Verification of the County Engineer that the required improvements have been completed according to the approved standards and specifications;

3. Presentation of signatures of final acceptance by any applicable service district(s); and

4. Submission of as-built drawings in "reproducible" hard copy and digital format in accordance with the requirements of Section 9.1.3D.

F. Maintenance of Improvements.

Upon final acceptance, maintenance of the completed improvements shall be assumed by one (1) of the following as determined by the County Council:

1. Grand County and/or other applicable service district(s); or

2. A homeowners' association formed in accordance with the requirements of Section 9.6, Mandatory Homeowners' Association.

G. Warranty Bond Release

Release of the warranty bond required by Section 9.5.5B.7, shall occur following final acceptance of the required improvements in accordance with the approved standards and specifications.

Section 9.6 Mandatory Homeowners' Association

9.6.1 Applicability

When a residential subdivision contains any physical facilities, structures, improvements, systems, areas or grounds held in common and necessary or desirable for the welfare of the area or subdivision, or that are of common use or benefit and that are not or cannot be satisfactorily maintained by the County or another public agency, the County may require the establishment and creation of a mandatory homeowners' association to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of such facilities, structures, improvements, systems, areas or grounds.

9.6.2. Approval

If the establishment and creation of a mandatory homeowners' association is required by the County, a copy of the agreements, covenants and restrictions establishing and creating the association must be approved by the Zoning Administrator and County Council prior to the approval of the final plat of the subdivision and must be filed of record with said final

plat in the Map and Plat Records of Grand County, Utah. Said final plat shall clearly identify all facilities, structures, improvements, systems, areas or grounds that are to be operated, maintained and/or supervised by said association.

9.6.3 Responsibilities

Such mandatory homeowners' associations shall be responsible for the continuous and perpetual operation, maintenance and/or supervision of landscape systems, features or elements located in parkways, common areas, between screening walls or living screens and adjacent curbs or street pavement edges, adjacent to drainage ways or drainage structures, or at subdivision entryways. Subdivision entryway treatments or features shall not be allowed unless a mandatory homeowners' association as required herein is established and created.

9.6.4 Dedications to Association

All facilities, structures, improvements, systems, areas or grounds that are to be operated, maintained and/or supervised by a mandatory homeowners' association, other than those located in public easements or rights-of-ways, shall be dedicated by easement or deeded in fee simple ownership interest to said association. Such easements or ownership shall be clearly identified on the final plat of the applicable subdivision.

9.6.5 Contents of Agreements

At a minimum, the agreements, covenants and restrictions establishing and creating a mandatory homeowners' association required herein shall contain and/or provide for the following:

A. Definitions of terms contained therein;

B. Provisions acceptable to the County for the establishment and organization of the mandatory homeowners' association and the adoption of bylaws for said association, including provisions requiring that the owner(s) of any lot or lots within the applicable subdivision and any successive buyer(s) shall automatically and mandatorily become a member of the association;

C. The initial term of the agreements, covenants and restrictions establishing and creating the association shall be for a 25 year period and shall automatically renew for successive 10 year periods, and the association may not be dissolved without the prior written consent of the County;

D. Provisions acceptable to the County to ensure the continuous and perpetual use, operation, maintenance, and/or supervision of all facilities, structures, improvements, systems, areas or grounds that are the responsibility of the association and to establish a reserve fund for such purposes;

E. Provisions prohibiting the amendment of any portion of the association's agreements, covenants or restrictions pertaining to the use, operation, maintenance and/or supervision of any facilities, structures, improvements, systems, areas or grounds that are the responsibility of the association without the prior written consent of the County;

F. The right and ability of the County or its lawful agents, after due notice to the association, to remove any landscape systems, features or elements that cease to be maintained by the association; to perform the responsibilities of the association if the association fails to do so in compliance with any provisions of the agreements, covenants or restrictions of the association or of any applicable County codes or

regulations; to assess the association for all costs incurred by the County in performing said responsibilities if the association fails to do so; and/or to avail itself of any other enforcement actions available to the County pursuant to state law or County codes or regulations;

G. Provisions indemnifying and holding the County harmless from any and all costs, expenses, suits, demands, liabilities or damages, including attorney's fees and costs of suit, incurred or resulting from the County's removal of any landscape systems, features or elements that cease to be maintained by the association or from the County's performance of the aforementioned operation, maintenance or supervision responsibilities of the association due to the association's failure to perform said responsibilities;

H. Provisions stating that the association shall indemnifying and holding the County harmless for claims based on the county's inaction, and

I. Provisions stating that Grand County shall have neither the right nor the responsibility to enforce private covenants except in accordance with the provisions of Section 9.6.1 above.

Section 9.7 Minor Record Survey

9.7.1 Purpose

A. Minor record survey is intended to provide an expeditious, one-time only process for small, low impact developments no more than 3 lots, where all roads and utilities necessary to serve the subdivision are in place consistent with all applicable county standards at the time of application and the resulting lots are in compliance with the underlying zoning. Minor record survey also allows property to be subdivided where such property was lawfully and fully developed in accordance with previous County regulations. Upon approval of a minor record survey, applicants shall be authorized to sell lots within the subdivision that is the subject of the minor record survey by deed with metes and bounds description.

B. These procedures may be utilized only one (1) time for each parcel of land, thereafter subdivision of such parcels shall be subject to preliminary and final plat review procedures.

9.7.2 Land Use Authority

The Zoning Administrator shall be the land use authority for minor record surveys, subject to the requirements of this section.

9.7.3 Application and Completeness Determination

Application must be made for minor record surveys in accordance with the requirements of Section 9.1.3, Minimum Submission Requirements. The Zoning Administrator is responsible for determining the completeness of an application submitted, pursuant to Section 9.1.6.

9.7.4 Review Process

The Zoning Administrator shall take final action to approve, approve with conditions or deny such applications.

A. Approval by Administrator

The Zoning Administrator shall prepare findings of fact on the minor record survey within 15 days or within a reasonable time thereafter. At that time, the Zoning Administrator may approve the application and authorize the Chairman of the County Council to sign the survey.

B. Disapproval by Administrator

Minor record surveys that are disapproved shall be returned to the developer by the Zoning Administrator with an attached statement of the reasons for such action.

C. Review by Planning Commission

In the event of a denial of a minor record survey by the Zoning Administrator, such application shall be placed on the next Planning Commission agenda, upon request of the applicant, for final review and action in accordance with the requirements of this section.

9.7.5 Items for Consideration

The Administrator shall, in taking action on the minor record survey, consider consistency with the criteria for approval of minor record surveys, consider the physical arrangement of the lots in the minor record survey, and determine the adequacy of street rights-of-way or easements, improvements and alignment relative to the street standards of Grand County, the existing street pattern in the area, the need for connections between neighborhoods and developments and with all applicable provisions of the General Plan. The Administrator shall also ascertain that adequate rights-of-way for future roads are provided, easements for proposed or future utility service and surface drainage are provided, and that the lot size and area are adequate to comply with the minimum requirements for the underlying zone district and for the type of sanitary sewage disposal proposed.

9.7.6 Criteria for Approval

Major subdivision review, including Preliminary and Final Plat, shall not be required where all of the following conditions exist:

A. Each minor record survey shall include no more than 3 lots, each for single-family residential use.

B. All roads and trails needed to serve the new lots are in place adjacent to the proposed lots, and either:

1. The property was fully developed in compliance with applicable County standards prior to the adoption of the LUC [January 4, 1999] and building permits were issued for a single-family dwelling on each lot, and access easements and driveways are in place that provide adequate access for residents and emergency vehicles; or

2. The property has frontage on a street or road that is either improved to County standards or accepted for County maintenance, and no new streets, roads or extensions need to be widened, dedicated or constructed.

C. Where sidewalk, curb and gutter are required, such improvements shall be installed by the applicant prior to Administrator's approval.

D. No utilities, other than individual service lines, need to be extended to serve the parcel and the necessary utilities are in place immediately adjacent to the parcel.

E. Drainage improvements required by Section 6.7, Drainage, are in place; or such required drainage improvements will be installed prior to the issuance of a Building Permit(s) for the subdivision lot(s), and the minor record survey includes the following note:

Note: No Building Permit(s) shall be issued for a structure(s) on any lot(s) approved by this resolution prior to the completion of drainage improvements in accordance with the requirements of Grand County Land Use Code, Section 6.7A, Drainage Detention Basin.

F. There are no other problems of public concern.

9.7.7 Recordation

If the Zoning Administrator has approved and signed a certificate of written approval on the minor record survey, the minor record survey becomes the instrument to be recorded in the office of the County Recorder when all requirements have been met. The subdivider shall pay the record filing fee. If for any reason the minor record survey has not been recorded within 90 days of the Zoning Administrator's signature, the approving actions shall be deemed void.

Section 9.8 Recreational Subdivisions

9.8.1 Purpose

The recreational subdivision procedure is intended to greater design flexibility for seasonal subdivision development with respect to otherwise applicable subdivision standards, where there is a reasonable expectation that the resulting lots will be occupied exclusively on a seasonal basis.

9.8.2 Preapplication Conference

Prior to the filing of a recreational subdivision plat application, the Applicant shall meet with the Zoning Administrator to acquaint himself or herself with the requirements of the County. At such meeting, the application contents, applicable referral agencies, criteria for approval of recreational subdivisions, review procedures, use and area standards, and the general character of the development may be discussed.

9.8.3 Submittal Requirements

The submittal requirements for a recreational subdivision shall be the same Sketch Plan, Preliminary Plat and preliminary plat submittal requirements as specified for other subdivisions in Section 9.3.2, Section 9.4.2 and Section 9.5.1.

9.8.4 Application Review Procedures

The review procedures for recreational subdivisions shall be the same Sketch Plan, Preliminary Plat and preliminary plat procedures as specified for other subdivisions in Section 9.3.3, Section 9.4.3, and Section 9.5.2.

9.8.5 Criteria for Approval

A. The resulting lots will not be occupied long-term, but rather they will be only be occupied on a seasonal basis; and year-round, vehicular access is not available;

B. The proposed subdivision is sufficiently removed from other areas served by public facilities and public road maintenance as to make the extension of such public facilities and maintenance unlikely in the foreseeable future;

C. The proposed subdivision shall conform with the subdivision standards of Article 7, of this LUC; provided, however, where appropriate and at the discretion of the Planning Commission:

D. A Private Access Tract may be permitted to serve up to 6 lots in a Recreational Subdivision; and

E. Water hauling or an on-site cistern may be allowed for a single recreational property with water storage capacity of at least 1,000 gallons in a tank that is approved for culinary water storage; and

F. Each dwelling unit shall be designed and sited in conformance with the wildfire standards of Section 6.9.6 of this LUC.

Section 9.9 Replats and Exemption Plats

9.9.1 Replats

Replats shall be subject to all requirements of this LUC regarding final plats. The County Council may, following a public hearing and recommendation of the Planning Commission, approve a replat that is for the purpose of vacation, alteration, or amendment of a subdivision plat, of any lot, street or alley contained in a plat, provided that the replat does not remove any covenants or restrictions or increase the number of lots. Replats that remove any covenants or restrictions or increase the number of lots shall be subject to all of the requirements of this LUC regarding preliminary plats and final plats.

9.9.2 Public Notification

Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public notices.

9.9.3 Exemption Plats

Exemption plats shall meet all requirements of this LUC for Final Plat, provided, however, that the County Council may approve such exemption plat without notice or hearing where the boundary or plat amendment is solely for one (1) or more of the following purposes and does not remove any covenants or restrictions or increase the number of lots.

A. The purpose is to correct an error in any course or distance shown on the prior plat.

B. The purpose is to add any course or distance that was omitted on the prior plat.

C. The purpose is to correct an error in the description of the real property shown on the prior plat.

D. The purpose is to indicate monuments set after death, disability, or retirement from practice of the engineer or surveyor responsible for setting the monuments.

E. The purpose is to show the proper location or character of any monument that has been changed in location or character or that originally was shown at the wrong location or incorrectly as to its character on the prior plat.

F. The purpose is to correct any other type of clerical error or omission in the previously approved plat.

G. The purpose is to correct an error in courses and distances of lot lines between 2 adjacent lots where both lot owners join in the application for amendment and neither lot is abolished, provided that such amendment does not have a material adverse effect on the property rights of the owners in the plat.

H. The purpose is to relocate a lot or boundary line in order to cure an inadvertent encroachment of a building or improvement on a lot or boundary line or on an easement.

Section 9.10 Lot Line Adjustments
Application to adjust lot lines between adjacent properties may be executed upon recordation of an appropriate deed if:

A. No new lot results from the lot line adjustment;

B. The adjoining property owners consent to the lot line adjustment;

C. The lot line adjustment does not result in a remnant of land that did not previously exist;

D. The adjustment does not result in a violation of applicable zoning requirements; and

E. The application has been reviewed and approved by the Zoning Administrator prior to recordation in Grand County Recorder's office.

Section 9.11 Conditional Use Permits
9.11.1 General
A conditional use is a use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that reasonably mitigate or eliminate the detrimental impacts. Pre-existing uses that are permitted as a Conditional Use pursuant to this LUC shall be deemed to have already received conditional use permit approval; provided, however, that any change or expansion of a conditional use, whether pre-existing or otherwise, shall require a new conditional use permit pursuant to the terms of this section.

9.11.2 Pre-Application Conference
Prior to the filing of a conditional use permit application, the Applicant shall meet with the Zoning Administrator or his or her designated agent to acquaint himself or herself with the requirements of the County. As such meeting, the application contents, referral agencies, review procedures, use and area standards, and the general character of the development may be discussed.

9.11.3 Procedure
A. Submittal Requirements

~~14 copies (neatly folded and ready for mailing) of the~~ A conditional use permit application shall be submitted to the Zoning Administrator 30 days prior to the Planning Commission meeting at which consideration is desired. The application shall be accompanied by or show the following information on two (2) 18 X 24 plats, two (2) 11 X 17 copies, and in an electronic file ready for printing:

1. The street address and legal description of the property affected;

2. A preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property;

3. A site plan drawn to a scale deemed necessary by the Zoning Administrator. The site plan shall include:

a. Drives, streets, and rights-of-way;

b. Easements;

c. Location and dimensions of structures and signs;

d. Typical elevations of such buildings;

e. Access ways, including points of ingress, egress;

f. Landscaping;

g. Topography; and

h. Specific areas proposed for specific types of land use.

4. Any and all information, operating data and expert evaluation necessary to clearly explain the location, function and characteristics of any building or use proposed;

5. A filing fee to cover the cost of review in accordance with the fee schedule adopted by resolution of the County Council.

B. Distribution of Conditional Use Applications

The Zoning Administrator shall distribute the conditional use application immediately upon receipt to appropriate referral agencies which may include the following:

1. Zoning Administrator; ~~(2 copies);~~

2. Grand County Engineer; ~~(1 copy);~~

3. Grand County Water Conservancy District or Spanish Valley Water and Sewer Improvement District; ~~(1 copy);~~

4. Moab Fire Protection District; ~~(1 copy);~~

5. Grand County Administrator; ~~(1 copy);~~

6. Grand County Recorder; ~~(1 copy); and~~

7. Grand County Road Superintendent; and, ~~(1 copy).~~

8. ~~The remaining~~Additional copies shall be provided to the Planning Commission prior to the Commission meeting at which the conditional use permit is considered.

9.11.4 Review by Planning Commission

Before taking action on any proposed conditional use permit, the County Council shall submit the same to the Planning Commission for its recommendation and report.

A. Public ~~Hearing~~ Meeting Required

The Planning Commission shall hold a public ~~hearing~~ meeting on any application for conditional use permit prior to making its recommendation to the County Council.

B. Public Notification

Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public notices.

9.11.5 Action by County Council

The County Council shall act on a conditional use permit within 30 days of the Planning Commission's recommendation or within a reasonable time thereafter.

A. Public Hearing Required

The County Council shall hold a public hearing on any application for conditional use permit prior to making its decision.

B. Public Notification

Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public notices.

9.11.6 Conditional Use Criteria

Conditional Use Permits shall be approved where the County determines that there will be no significant negative impact upon residents of surrounding property or upon the public. The following criteria shall be considered in the application review:

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.

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.

C. External Impacts Minimized

The proposed use shall not have negative impacts 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.

D. Infrastructure Impacts Minimized

The proposed use shall not have negative impacts 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.

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.

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.

9.11.7 Conditions of Approval

A. The County may, in the interest of the public welfare and to assure compliance of this LUC, establish conditions of 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 Council. Applicant's may be required to post sufficient security, as deemed reasonably necessary by the County Council, 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 9.11.6.

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 9.11.8. Alternatively, and at the discretion of the Administrator, such permit may be referred to the County Council for review.

9.11.8 Revocation

The Zoning Administrator may revoke a Conditional Use Permit if it is determined that:

A. The applicant has misrepresented any material fact on his or her application, or supporting materials;

B. The Conditional Use fails or ceases to comply with applicable standards, conditions or criteria for issuance of a permit;

C. The operation of the Conditional Use violates any statute, law, ordinance or regulation; and/or

D. The operation of the Conditional Use constitutes a nuisance or poses a real or potential threat to the health, safety or welfare of the public.

9.11.9 Records

Final action on Conditional Use Permits shall be documented by Resolution of the County Council and a file containing all documents relevant to the application and disposition of such Conditional Use Permits shall be maintained by the County Recorder.

9.11.10 Maximum Density

The maximum density allowed by Conditional Use Permit shall be no greater than that permitted in the underlying zone district, unless specifically authorized in this LUC.

Section 9.12 Constitutional Takings Review and Appeal

In order to promote the protection of private property rights and to prevent the physical taking or exaction of private property without just compensation, the County Council, the Planning Commission, and the Zoning Administrator shall adhere to the following before authorizing the seizure or exaction of property:

9.12.1 Appeal

Any owner of private property who believes that his/her property is proposed to be "taken" by an otherwise final action of the County Council, the Commission or the Zoning Administrator may appeal the decision to the Hearing Officer within 30 days after the decision is made. The appeal must be in filed in writing with the County Recorder. The Takings Appeal Board shall hear and approve and remand or reject the appeal within 14 days after the appeal is filed. The Hearing Officer, with advice from the County Attorney, shall review the appeal pursuant to the guidelines in Section 9.12.4. The decision of the Hearing Officer shall be in writing and a copy shall be given to the appellant and to the County Council, the Commission, or Zoning Administrator that took the initial action. The Hearing Officer's rejection of an appeal shall constitute final County action.

9.12.2 Submission Requirements

The Applicant shall file ~~4 copies (neatly folded and ready for mailing) of~~ two (2) hard copies and one (1) electronic copy of a petition requesting a constitutional takings review and of a preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property. The petition shall be accompanied by or show the following information:

A. The street address and legal description of the property affected;

B. A detailed description of the grounds for the claim that there has been a constitutional taking and of the property taken;

C. Evidence and documentation as to the value of the property, including the date and cost at the date the property was acquired, both before and after the alleged constitutional taking. This should include the name of the party from whom the property was purchased, including the relationship, if any, between the person requesting a review and the party from whom the property was acquired;

D. Nature of the prosecutable interest claimed to be affected, such as, but not limited to, fee simple ownership or leasehold interest;

E. Terms (including sale price) of any previous purchase or sale or a full or partial interest in the property in the 3 years prior to the date of application;

F. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the 3 years prior to the date of application;

G. The assessed value of ad valorem taxes on the property for the previous 3 years;

H. All information concerning current mortgage or other loans secured by the property, including the name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan or other significant provisions, including but not limited to, right of purchasers to assume the loan;

I. All listings of the property for sale or rent, price asked, and offers received, if any, within the previous 3 years;

J. For income producing property, an itemized income and expense statements from the property for the previous 3 years;

K. The County Council or their designee may request additional information reasonably necessary in their opinion, to arrive at a conclusion concerning whether there has been a constitutional taking; and

L. A filing fee to cover the cost of review in accordance with the fee schedule adopted by resolution of the County Council.

9.12.3 Takings Review Procedure

Prior to any proposed action to exact or seize property by the County Council, the Commission or the Zoning Administrator, the County Attorney shall review the proposed action to determine if a constitutional taking requiring "just compensation" would occur. The County Attorney shall review all such matters pursuant to the guidelines established in subsection (b) herein. Upon identifying a possible constitutional taking, the County Attorney shall, in a confidential, protected writing, inform the County Council, the Planning Commission, or the Zoning Administrator of the possible consequences of its action. This opinion shall be advisory only and no liability shall be attributed to the County for failure to follow the recommendation of the County Attorney.

9.12.4 Takings Guidelines

The County Attorney shall review whether the action constitutes a constitutional taking under the Fifth or Fourteenth Amendment to the Constitution of the United States, or under Article I, Section 22 of the Utah Constitution. The County Attorney shall determine whether the proposed action bears an essential nexus to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The County Attorney shall also determine whether the action deprives the private property owner of all reasonable use of the property. These guidelines are advisory only and shall not expand or limit the scope of the County's liability for a constitutional taking.

9.12.5 Annual Review

The County Attorney shall review these guidelines annually and recommend changes as warranted by the current status of the law. Nothing herein shall prevent the County Attorney from considering subsequent legal standards established by the legislature or case law after the adoption of this section.

Section 9.13 Appeals of Administrative Decisions

9.13.1 Authority of Hearing Officer

The Hearing Officer shall have powers and be subject to the limitations of 8.2 of this LUC.

9.13.2 Application for Appeal

Appeals to the Hearing Officer can be taken by any person aggrieved by any officer, department or board of the County or affected by the decision of the Zoning Administrator.

Such appeal shall be taken within 30 days after the decision has been rendered by the administrative officer, by filing with the officer from whom the appeal is taken and with the Hearing Officer, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Hearing Officer all the papers constituting the record upon which the action appealed from was taken.

9.13.3 Filing Fee
A filing fee shall be submitted to cover the cost of review and processing with every appeal in accordance with the fee schedule adopted by resolution of the County Council.

9.13.4 Stay of Proceedings
An appeal shall stay all proceedings of the action appealed from unless the officer from whom the appeal is taken certifies to the Hearing Officer after the notice of appeal shall have been filed with him or her that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise than by a restraining order that may be granted by the Hearing Officer or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

9.13.5 Hearing and Notice
The Hearing Officer shall fix a reasonable time for the hearing of an appeal, and give the public notice as follows.

9.13.6 Public Notification
Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public notices.

9.13.7 Appeals to Court
Every decision of the Hearing Officer shall be subject to review by Certiorari, as provided by Rule 106(a)(4) Utah Rules of Civil Procedure. Such appeal may be taken by any person aggrieved or by an officer, department, or board the County. Such appeal shall be taken within such time as provided by the Utah Rules of Civil Procedure. A notice of appeal, in writing, specifying the grounds for such an appeal, shall also be filed with the Hearing Officer within 30 days of the final written Hearing Officer decision.

Section 9.14 Variances
9.14.1 Purpose
Variances are deviations or modifications of dimensional standards of Article 5, Lot Design Standards, including front-, side- and rear-yard (setbacks), lot width, area, and height, of the applicable zone district where development is proposed that would not be contrary to the public interest and, due to special physical site conditions, a literal enforcement of the provisions of Article 5, would result in unnecessary hardship. Variance or modification of such dimensional standards may be permitted as may be necessary to secure appropriate development of a parcel of land that differs from other parcels in the district by being of such restricted area, shape or slope so that it cannot be appropriately developed without such variance or modification.

9.14.2 Authority
The Hearing Officer, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions or disapprove an application for a variance after receiving a recommendation from the Zoning Administrator.

9.14.3 County Council Approval of Variances

Alternatively and in conjunction with the review of subdivision applications, the County Council shall be authorized to grant variances subject to the requirements of this Section 9.14, Variances.

9.14.4 Procedure

A. Submittal Requirements

1. The Applicant shall file ~~3 copies (neatly folded and ready for mailing)~~ two (2) hard copies and one (1) electronic copy of an application, or more if specified by the Zoning Administrator, requesting a variance. The application shall be accompanied by or show the following:

2. The street address and legal description of the property affected;

3. A site plan and any and all other information necessary to clearly demonstrate eligibility for the requested variance based upon the required findings in Section 9.14.5. below; and

4. A filing fee to cover the cost of review in accordance with the fee schedule adopted by resolution of the County Council.

B. Notification Requirements

Notification requirements for variances shall be as follows:

1. Publication

The County shall cause notice of the public hearing to be given by publication in a newspaper of general circulation (with distribution of the notice to all other local news media without any requirement for publication) in Grand County. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than 15 days from the date of publication.

2. Posting

The Applicant shall post a sign, provided by the County, noticing the public hearing in a prominent place on the land area proposed for a variance with a notice of the hearing at least 15 days prior to the hearing. Such notice shall describe the change proposed; the time, date, and place of the public hearing; and the name, address, and phone number of the Applicant.

3. Public Hearing

A public hearing shall be held on an application for a variance. At the public hearing the Hearing Officer shall consider the application, the staff report, the relevant support materials and the public testimony given at the public hearing. After the close of the public hearing, the Hearing Officer shall vote to approve, approve with conditions or disapprove the application for a variance, pursuant to the requirements of Section 9.14.5.

4. Notice of Decision

The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the final decision.

9.14.5 Required Findings

In exercising its power to grant a variance in accordance with this LUC, the Hearing Officer shall make finding and show in its minutes that:

A. There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and zone district;

B. That a variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed under this LUC, by other properties in the vicinity and zone, but which rights are denied to the subject property;

C. That the granting of the variance on the specific property will not be inconsistent the General Plan of Grand County;

D. That the variance, if granted, will be no material detriment to the public welfare or injury to the use, enjoyment or value of property in the vicinity;

E. That such unnecessary hardship has not been created by the applicant; and

F. That the proposed use is a permitted use in the underlying zone district.

9.14.6 Conditions

The Zoning Administrator may recommend, and the Hearing Officer may impose, such conditions on a Variance Permit as are necessary to accomplish the purposes of this LUC, to prevent or minimize adverse impacts upon the public and neighborhoods and to ensure compatibility. These conditions may include but are not limited to limitations on size, bulk and location; standards for landscaping, buffering and screening, lighting and adequate ingress and egress; cash deposits, bonds and other guarantees of deposit; other on-site improvements; and limitations on the duration of the permit or hours of operation.

9.14.7 Effect of Variance Permit

A. General

Issuance of a Variance Permit shall authorize only the particular variation that is approved in the Variance Permit. A Variance Permit shall run with the land.

B. Time Limit

Unless otherwise specified in the variance approval, an application to commence construction of the improvements that were the subject of the variance request must be applied for and approved within 12 months of the date of the approval of the variance; otherwise the variance shall automatically become null and void. Permitted time frames do not change with successive owners. Upon written request, only one extension of the 12-month time frame may be granted by the Hearing Officer for a period not to exceed 12 months for good cause shown.

Section 9.15 Sign Permits

9.15.1 Permits

A. It shall be unlawful to erect, construct, reconstruct, alter, paint, or repaint, or change the use of any sign as defined in this section without first obtaining a sign

permit; however, a sign permit shall not be required to repaint a sign exactly as it was permitted for the purpose of maintenance.

B. A one-time sign permit fee according to the International Building Code Permit Fee schedule shall be charged for each sign.

9.15.2 Sign Permit Application
Application for a sign permit, where such permit is required by Section 6.5, Signs, shall be made upon forms provided by the Grand County and shall include the following information:

A. A drawing to scale of the proposed sign.

B. A drawing to scale of the site plan or building facade showing the proposed location of the sign.

C. Name, address and telephone number of the Applicant.

D. Name, address and telephone number of the owner.

E. Name, address and telephone number of the person or firm responsible for the erection of the sign.

F. Location of the building, structure or tract to which, or upon which, the sign is to be attached or erected.

9.15.3 Sign Permit Standards
Sign permits shall be approved upon determination that the proposed sign(s) will be consistent with the standards of Section 6.5, Signs.

Section 9.16 Temporary Use Permits
9.16.1 General
Temporary use permits shall be issued by the Planning Commission, subject to the following provisions.

9.16.2 Zoning
The use for which the permit is requested shall be authorized as a temporary use in the district in which the use is to be located.

9.16.3 Application
Application for a temporary use permit shall be made on forms provided by the zoning administrator.

9.16.4 Conditions
The Applicant shall meet all conditions for such temporary use permit set forth in this LUC.

9.16.5 Time Limit
A time limit for the discontinuance of the temporary use shall be specified on the temporary use permit.

Section 9.17 Site Plan Review
9.17.1 Applicability
Prior to the issuance of a zoning development permit or building permit for any commercial or multi-family development in any zone district, there shall be submitted to the Planning Commission for its approval a site plan.

9.17.2 Purpose

The purpose for Site Plan Review is to assist the building inspector with zoning review, which must be accomplished prior to the issuance of a zoning development permit and building permit. In this one-step review, the Planning Commission reviews proposed developments for conformance with the General Development Standards of Article 6, and applicable zoning requirements of this LUC.

9.17.3 Submission Requirements

The developer or owner shall submit the site plan drawn to an acceptable scale and with adequate copies. The scale and number of copies shall be that deemed necessary by the Zoning Administrator. The site plan shall include the following:

A. Parking, loading, and refuse areas;

B. Access ways, including points of ingress, egress;

C. Sidewalks and trails;

D. Fences and walls;

E. Location and dimensions of structures and signs;

F. Location and type of outdoor lighting;

G. Typical elevations of such buildings;

H. Landscaping and screening;

I. Topography;

J. Specific areas proposed for specific types of land use;

K. Lots or plots;

L. Any areas with slopes in excess of 30 percent;

M. Any areas in a natural drainage or the 100 year floodplain;

N. Existing and proposed easements, areas proposed for public dedication; and

O. Building footprint(s), water and sewer lines, easements and drainage improvements in Digital Format; if available. Digital information shall be provided in the latest version of AutoCAD, or other format compatible with the County GIS as may be specified by the Zoning Administrator (currently preferred in State Plane Coordinates - Utah Central Zone or the Valley Coordinate System) with all measurements stated in feet.

9.17.4 Action of Commission

A. The Planning Commission consideration shall include the General Development Standards of Article 6, the requirements of the underlying zone district, and other aspect deemed by the County Planning and Zoning Commission necessary to consider in the interest of promoting the purposes of this LUC.

B. In the approval or disapproval of the site plan, the Planning Commission shall not be authorized to waive or vary conditions and requirements contained in this LUC.

C. Building permits in conformance with site plan. It shall be unlawful to issue a building permit prior to the approval of the site plan by the Planning Commission. No building permit shall be issued except in conformity with the approved site plan or in accordance with authorized minor changes, including all conditions of approval applied by the Planning Commission.

9.17.5 Minor Changes

Subsequent to approval of a site plan, minor changes may be authorized by the Zoning Administrator when such minor changes will not cause any of the following to occur:

A. A change in the character of the development;

B. An increase in the intensity of use;

C. A reduction in the originally approved separations between buildings;

D. An increase in the external effects, including that of outdoor lighting, on adjacent property;

E. A reduction in the originally approved setbacks from property lines;

F. An increase in the problems of circulation, safety and utilities;

G. An increase in the height of such buildings;

H. An increase of more than 20 percent or a 1,000 square feet, whichever is less, in ground coverage by structures;

I. A reduction in the offstreet parking;

J. A change in the subject, size, lighting or orientation of originally approved signs; or

K. A decrease in the percentage of landscaping required.

Section 9.18 Zoning Development Permits

9.18.1 Applicability

A. No building permit may be issued and no person(s) may engage in any development (including grading) within the incorporated area of Grand County without obtaining an appropriate Zoning Development Permit. The Zoning Administrator shall require that every application for a development permit be accompanied by two (2) copies of a plan or plat showing the building, structure, or sign in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed construction, reconstruction or conversion, moving and/or alteration is in conformance with the provisions of the applicable zone district and this LUC.

B. No Zoning Development Permit shall be issued for a building or structure on a lot which abuts a street and located on the side thereof from which all dedication has not been made according to the street plans and standards as adopted from time to time by Grand County.

9.18.2 Revocation of Zoning Development Permits

Failure to comply with any condition(s) of approval, as determined by the County Council, shall result in inability to obtain any rights granted conditionally thereunder, and County

revocation of the Zoning Development Permit upon 30 day notice to the Developer and opportunity for hearing and County determination of non-compliance with conditions.

9.18.3 Denial of Zoning Development Permit

If an application for a Zoning Development Permit is not approved, the Zoning Administrator shall return the Zoning Development Permit to the applicant with a written statement detailing the reasons for such disapproval.

9.18.4 Conflict

Any zoning permit or building permit issued in conflict with the provisions of this LUC shall be null and void, and may not be construed as waiving any provision of this LUC.

Section 9.19 Certificates of Occupancy

9.19.1 Applicability

No building hereafter erected, converted or structurally altered shall be used or occupied and no land or nonresidential building may be changed in use unless or until a certificate of occupancy shall have been issued by the Building Official of Grand County stating that the building or proposed use of land or building complies with the provisions of this LUC and other building and health laws of Grand County.

9.19.2 Application

A certificate of occupancy shall be applied for coincident with the application for a Building Permit and will be issued within 10 days after the completion of the erection, alteration or conversion of such building or land provided such construction or change has been made in complete conformity to the provisions of this LUC.

9.19.3 Record

A record of all certificates of occupancy shall be kept on file in the office of the Building Official, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the land or building affected.

Utah State Code References: Subdivision Warranty Bond

17-27a-103(22) Improvement Warranty Period

"Improvement warranty period" means a period:

(a) no later than one year after a county's acceptance of required landscaping; or

(b) no later than one year after a county's acceptance of required infrastructure, unless the county:

(i) determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and

(ii) has substantial evidence, on record:

(A) of prior poor performance by the applicant; or

(B) that the area upon which the infrastructure will be constructed contains suspect soil and the county has not otherwise required the applicant to mitigate the suspect soil.

17-27a-604.5. Subdivision plat recording or development activity before required infrastructure is completed -- Infrastructure completion assurance -- Infrastructure warranty.

(1) A land use authority shall establish objective inspection standards for acceptance of a required landscaping or infrastructure improvement.

(2) (a) A land use authority shall require an applicant to complete a required landscaping or infrastructure improvement prior to any plat recordation or development activity.

(b) Subsection (2)(a) does not apply if:

(i) upon the applicant's request, the land use authority has authorized the applicant to post an improvement completion assurance in a manner that is consistent with local ordinance; and

(ii) the land use authority has established a system for the partial release of the improvement completion assurance as portions of required improvements are completed and accepted.

(3) At any time up to the land use authority's acceptance of a landscaping or infrastructure improvement, and for the duration of each improvement warranty period, the land use authority may require the developer to:

(a) execute an improvement warranty for the improvement warranty period; and

(b) post a cash deposit, surety bond, letter of credit, or other similar security, as required by the county, in the amount of up to 10% of the lesser of the:

(i) county engineer's original estimated cost of completion; or

(ii) applicant's reasonable proven cost of completion.

(4) The provisions of this section may not be interpreted to supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.

From: Bonita Kolb
To: Zacharia Levine
Subject: message from Bonita Kolb
Date: Thursday, April 7, 2016 12:34:51 PM

Hi, Zacharia,

We would like to share some concerns with you prior to your upcoming planning commission meeting on Wed.

Article 9.1.8 section B of the LUC is supposed to be on your agenda. It describes the Notice Requirements relating to zone change requests. We hope that the County will continue to inform citizens through a Public Notice in the Times Independent. We feel that this is the most reliable means of reaching concerned parties that might be effected by a zoning change.

Regarding the practice of mailing a notice to the residence of neighbors who's properties border the potential re-zone, we do not favor this as an alternative to a Public Notice listed in the paper. The current practice of mailed notices requires that a notice be mailed to any neighbors within 100feet of the parcel requesting a zone change. This is appropriate for a city residential area, but much less for a rural community. If this mailing is to be effective that distance should be expanded to no less than 1 mile. In our neighborhood in Spanish Valley, homes/properties are frequently seperated by large fields and acre+ lots. For instance the Carmichael property is fully one third mile from our door. However, our neighborhood will be significantly effected by the eventual developement of that property. There are a number of other large parcels in the area, that are far more than 100 feet from residential property lines. I'm sure our little neighborhood is not alone in this. Thanks for your time & attention!

We are following the consideration of Tiny Houses with great interest. We also hope that the county will eventually require developers to include affordable housing units or to contribute to affordable housing efforts thru fees.
Bonita & Ken Kolb