

GRAND COUNTY
Planning Commission
Monday, August 22, 2022
4:30 P.M. Regular Meeting

****PLEASE NOTE: THIS MEETING WILL BE HELD IN PERSON & VIRTUALLY****

REGULAR PC MEETING:

IN PERSON: County Commission Chambers 125 E. Center St. Moab, UT

VIRTUAL: Join via Zoom <https://us02web.zoom.us/j/84930753400>

Meeting ID: 849 3075 3400

Or call in to meeting: **(669) 900-6833** and when prompted, enter meeting ID

Send written comment to planning@grandcountyutah.net or call 435-259-1368.

Type of Meeting:	Regular PC Meeting	
Facilitator:	Chair Emily Campbell	
Attendees:	Planning Commissioners, County Commission liaison, Planning & Zoning staff, interested citizens	
4:30 PM		
	Regular Meeting	
	<ul style="list-style-type: none"> ● Call to Order ● Citizens to be Heard – public comment opportunity for any item not listed as a public hearing ● Ex Parte Communications and Disclosures 	<i>Chair</i>
Action Items:	1) Approval of Meeting Minutes from August 8, 2022	<i>Chair</i>
(Administrative)		
(Legislative)	Public Hearing	
	2) Alternative Dwelling Overlay District Draft Ordinance – staff report	<i>Staff</i>
Discussion Items:	Discussion	
	3) Tabling public hearing for Article 3, 5, and 10 LUC updates until next meeting	<i>Staff</i>
	4) County Commission Update	<i>County Commission</i>
	a) Commission meeting action items update	<i>Liaison</i>
5:30 PM		
	Citizens to be Heard – public comment opportunity for any item not listed as a public hearing	<i>Chair</i>
Discussion Items:	Staff Updates	
	5) Housing study contract awarded to BAE Urban Economics	<i>Staff</i>

6) Review proposed Article 3, Article 5, and Article 10 LUC updates	
Future Considerations	
7) Future Land Use – Land Use Descriptions sent to Bill for revisions to FLUM, waiting to get final deliverables.	
8) Land Use Steering Comm mtg set for 8/31 to begin reviewing FLUM, then	<i>Staff</i>
9) Updated Timeline for workshops and code updates Deed restricted housing – definition	
6:30 PM	
Citizens to be Heard – public comment opportunity for any item not listed as a public hearing	<i>Chair</i>
ADJOURN	

DEFINITIONS:

Public hearing = a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

Public meeting= a meeting required to be open to the public pursuant to the requirements of Title 52, Chapter 4, Open and Public Meetings; the public may or may not be invited to participate.

Legislative act = action taken by the County Council or Planning Commission; amending ordinances, adopting general plan, Annexations, zoning and rezoning; a reasonable debatable action that could promote the general welfare of the community.

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

REGULAR PLANNING COMMISSION MEETING MINUTES
Monday, August 8th, 2022 at 4:30pm

The Grand County Planning Commission held its regular meeting on the above date, with attendees participating in person and remotely via Zoom
<https://us02web.zoom.us/j/84930753400> Meeting ID: 849 3075 3400

YouTube recording of the meeting can be viewed at https://youtu.be/D_aqSMIn2w Recordings archived at www.grandcountyutah.net/AgendaCenter.

In attendance:

Commission Chair Emily Campbell, Commissioner Aaron Lindberg, Commissioner Bob O'Brien, Commissioner Steve Evers, Commissioner Tony Mancuso, Planning Director Elissa Martin, Planner Jenna Gorney

Absent

Commissioner Makeda Barkley, Commissioner Rick York, County Commission Liaison Trisha Hedin

Commission Chair Emily Campbell calls the meeting to order at 4:32pm

Citizens to be Heard (outside of scheduled public hearings)

- Mark Horowitz - interested in hearing about water source and delivery protections

Ex Parte Communication and Conflicts of Interest - None

Action Items (Administrative):

1. Approval of meeting minutes from July 11th, 2022

Commissioner O'Brien moves to approve the minutes with corrections

Commissioner Mancuso seconds

All in favor - all

Approved

Public Hearings

2. Alternative Dwelling Communities Draft Ordinance (08:30)

Planning Director Elissa Martin presented Staff Report

Please see Youtube and agenda packet for draft code language and Ordinance

4:44pm Public Hearing Opened

Public Comments Heard:

1. Brian Martinez (Navtec Expeditions) - please be mindful of language defining van camping - not all have converted vans, some sleep in vehicles and tents. Urgency is key

2. Mark Horowitz - single story development is not the best solution for housing with so little buildable land. Please be mindful of allocating water usage now to high density developments, as it will affect those property owners with land entitlements which have yet to be developed.
3. Dan Stott - in favor of ordinance. Urgency is important. Consider expanding the number of RVs allowed on a permitted commercial property if there is acreage that permits it. Some can accommodate more than 5. Try to implement incentives for non-commercial properties wanting to offer employee housing
4. Sam VanWetter - assuring citizenry and stability for residents is so important. In favor of moving this to County Commission quickly to gain more feedback
5. Reed Pendleton - agree in concept. Had some concerns regarding implementation. Please more clearly define "modular homes". Modular homes can be huge. Potentially limit the square footage allowed by dwelling types in order to avoid back door development loopholes. Reconsider lot/site size to accommodate larger vehicles pulling the campers etc.

Clarification questions presented (32:50)

Commissioner Mancuso - is there anything that would prohibit a developer from allowing a family unit from having 2 sites?

Elissa Martin - right now the code language is set up to have a 16ft separation between dwellings

Commissioner Evers - the properties cannot be subdivided but if condominiumized they could be sold off?

Elissa Martin - Correct

Commissioner Lindberg - would an individual Residential property owner be able to add this to their property?

Elissa Martin - it would have to meet the lot and yard requirements in Article 5. Some space will naturally be preserved

Motion by Commissioner Evers to send a favorable recommendation to the County Commission to approve the proposed ordinance to amend Article 4 of the Land Use Code to establish a pilot program for Alternative Dwelling Communities and Long-Term Camp Parks with no conditions.

Seconded by Commissioner Lindberg

Commissioner Discussion

Commissioner Evers - Rationale - Likes the ordinance as it is as a jumping off point as a matter of urgency.

Commissioner Lindberg - Rationale - This appears to be the more rapid option.

Commissioner O'Brien - I would like a map. The public appears to be concerned about where this will be placed. Within the Whereas', please provide evidence for affordable rentals "at an all time low". Pay attention to site size and what you can fit on a property

Dan Stott (Resident) provided some spatial reference from his own RV park as the discussion circled around site size minimum and maximum.

Commissioner Mancuso - Curious about the design requirement that states that the "site shall implement design features that create an appealing and active interface with the fronting roadway". This statement might not apply to what we are doing here.

Commissioner Campbell -

In looking at the "Purpose": we mention modular but not manufactured. Manufactured housing is more popular. We should include. We need to write the purpose so that it is inclusive to serve long term and temporary housing needs. The hope is that this is Transitional Housing but should serve both.

Employers have mentioned employees throwing down a tent. We don't need to list the specific uses ..but instead focus on the purpose and impact to the community. Listing specific uses may exclude a dwelling type in some way

In looking at the findings that the County Commission should consider when determining impact of these developments: Traffic, noise, relative benefit or impact on supply of workforce housing, and appropriate location. I believe we need to be more specific by identifying a ratio related to impact on workforce housing. For example, # of available units in this cost point compared to the demand of the local economy over the past year.

Elissa Martin - the Vista will be coming next week and tracking these types of things will be one of her duties (Start a database to track rentals and workforce housing).

Occupancy Requirements per the ordinance: deed restriction and requiring that these units be used by workforce housing. Can violation of this requirement include revocation or fine? Should this use be tied to a Business license in order to achieve compliance measures?

Concerns that a deed restriction requirement would also be applied to any other use on the property such as a commercial use or other Primary Dwelling unit.

Commissioner Evers - legal opinion would be great here (for the above comments)

Commissioner Mancuso - if we enforce revocation and dissolution of ADO district due to non-compliance based on one person dwelling there that is part of the workforce...what happens to the rest of the people there? Would they be displaced?

Commissioner Campbell - it is key that we re-evaluate the definition of "workforce housing". This is currently being evaluated by County staff and Attorney

Commissioner O'Brien - if this is a pilot program do we have a cap? Also is it explicitly stated in the Ordinance that this is a Pilot Program?

Commissioner Campbell - If there is a cap on the number of units that will be permitted, it certainly should not be a number less than what is currently documented as without homes in the County. That number is currently 65 adults and 98 children

Commissioner Campbell - I have heard that one deterrent from developing workforce housing is the cost of impact fees. Is there any reduced fee schedule for workforce housing?

Elissa Martin - Reduced impact fees exist for RV hookups- \$1400 less than single family dwellings. Still expensive

We could put together a proposal to coordinate Grand County with GWSSA for reduced impact fees for these types of developments

Commissioner Evers - Are there grants available?

Elissa Martin - there is grant money through Economic Development. Yes. However, this year the grants are accounted for.

Commissioner Campbell (staff directive) - before this reaches Commission include in the packet an estimate of the costs to residents to hookup to utilities and comment from GWSSA what they may or may not be willing to do to offset that cost

Commissioner Campbell - clarify definition of "Dwelling site". Instead of Minimum lot size I would prefer to see a requirement for undeveloped land on the lot "open space"? Use the PUD definition for this.

Elissa Martin - Minimum lot sizes and max lot coverage are already included in the lot design requirements and the applicant would have to adhere to that. Maximum density already exists for the primary structure. That would have to remain.

Commissioner Campbell - Master plan submittal requirement for this use: This could be cost prohibitive as it is costly.

Reed Pendleton (public comment) - Conundrum with requiring hookups or not building a bathhouse - good and bad for both. Not requiring a bathhouse would exclude many renters. It can be assumed that there are developers that would never build that bathhouse in an effort to save money and this would mean any RV or alternative dwelling users except for a fully contained unit, would have nowhere to park/live. Not requiring a bath house would require constant monitoring.

Commissioner Mancuso - could the employer provide the bathroom/shower accommodations by what is already on site. There are 2 types of uses here...existing commercial sites that want to

add this use and new Alternative Community Development that would be installing new infrastructure

Commissioner Lindberg - it could be more explicit that commercial facilities that have bathrooms/showers available should be able to provide that in lieu of bath houses or hookups.

Brian Martinez - (public comment) communal kitchen issue: this is a requirement that I don't see being used. This requirement could be limiting.

Elissa Martin - This communal kitchen could be as simple as an outdoor space with a wash basin and a grill. The idea is to provide a space with potable water

Commissioner Campbell - I would like to see this requirement (of a communal kitchen) be taken out.

Commissioner O'Brien - Should we have an eligibility map during the comment phase? The public would feel better knowing where these developments could be located. As an overlay application it would give the Commission the discretion to decide if the location is appropriate.

Commissioner Evers - the map - Producing a map that shows locations where these developments might go could potentially heighten concern for those neighborhoods when we may actually never have an application for that location. Instead, consider setting criteria for properties and locations where you would want to see this instead of creating a whole map.

Commissioner Lindberg - Eligibility - Consider open eligibility as to avoid the "Not in my backyard (NIMBY)" syndrome.

Commissioner Mancuso - because it's legislative - because there is a public hearing and opportunity for public comment for all applications that allows us to forgo the map. In lieu of this, we should provide a clear list of eligibility requirements. Potentially do an exclusionary map instead. We want to ensure that the property owners who have already expressed interest in developing this use...are able to do it. We wouldn't want a map to exclude those locations.

Commissioner Campbell - Criteria is on page 1 conditions of approval - what does the County Commission need to consider when evaluating an application?

Traffic

Noise and nuisance to adjacent properties - potentially subjective

Location to work centers and relative commute time

Relative impact on supply of workforce housing - we will need an indicator

I would like to add:

Appropriateness of the Master Plans as it affects the underlying community?

Should anything else be on this list for qualifications?

Commissioner Evers - we should add something less subjective to the added statement, "Consideration of the Appropriateness of the Master Plans as it affects the underlying community".

Commissioner Campbell - Evaluate the proposed developed land as opposed to density proposed (as a consideration). Some projects will have communal space and some will not. Each would be appropriate in a different location.

Anticipated water usage should be a consideration and finding of fact

Commissioner Lindberg - Reword "public water supply" to allow for a well situation. Should we be concerned about the statement "relative location to work centers". Some work centers are outside of the valley

Elissa Martin - yes... the statement as written allows the Commission to evaluate the workforce housing in the local area as well, such as those needing housing for National Parks etc. not within the immediate valley area.

Limits to the pilot:

Commissioner O'Brien - The limits should at least be mentioned in the document and if it is a "pilot" it should be stated explicitly in the Ordinance

Commissioner Mancuso - Whatever The limit is to the pilot, the number should not be less than the "Whereas". 98 Children and 65 adults.

Substitute motion:

Motion by Commissioner O'Brien moves that we table the discussion on Alternative Dwelling Communities & Long Term Campark but leave the public hearing open to solicit feedback on the Alternative Dwelling Communities and Long-Term Camp Parks ordinance for a period of 10 days, with a closing date of August 18th, 2022

Seconded by Commissioner Mancuso

All in favor - All. None opposed
Motion passes with two absences

Public Comment: Reed Pendleton - Add development time (buildout timeframe) limit in order to see short term benefits. Add definition of tiny homes

Citizens to be heard 6:18pm - None (1:48:00)

Commissioner Evers - What is the earliest date we could have this ordinance passed.

Elissa Martin - Aug 26th- post public notice for County Commission meeting September 6th (this would be the first public hearing). They would wait to act until the next meeting on September 20th, 2022

Commissioner O'Brien - Is looking at Emergency measures something we could also do?

Elissa Martin - Yes. The OSTA Property Facilitator has reached out to offer to set up there. There has also been a hesitancy for the Government in creating that. Potentially OSTA could propose. This conversation has been discussed at a low level at this point.

3. Unified Transportation Master Plan - General Plan Amendment (1:53:00)

Planning Director Elissa Martin presented Staff Report

Please see Youtube and Agenda packet for full details

6:27 Public Hearing Opened

Public Comments Heard:

1. Mark Horowitz- intersection on 191 and East 400 a concern regarding noise. The plan fails to address noise. Mainly by semi's using Jake brakes as well as acceleration. Suggested solution - let there be a roundabout. Suggest to reduce the speed limit prior to this intersection. Also to replace the "No Engine Brake" sign. No Federal money should be spent on the Kane Springs project.

6:31pm Public Hearing Closed

Motion by Commissioner Lindberg to send a favorable recommendation to the County Commission to approve the proposed resolution to amend the 2022 General Plan and adopt the Grand County and City of Moab Unified Transportation Master Plan as an appendix to the Transportation Element of the General Plan

Seconded by Commissioner Mancuso

All in favor - All

Motion passes with two absences

Presentation

Mark Stilson - Water Source Protection

- (item canceled)
- His presentation is available on Youtube during the most recent County Commission meeting.

Discussion items:

5. Housing Nexus Study Status (2:05:00)

- Housing Study RFP closed last week - One proposal by BAE received
- We are ensuring cooperation with the City on this to ensure no detrimental effects from any of our actions on projects they are working on
- Reevaluation of scope of work

6. Future Land Use Descriptions - Review (2:07:00)

- Currently in editing. PC comments are being compiled within the document to present back. I would like to recirculate that one more time via google docs to the PC for final editing

5:30pm - Citizens to be Heard

Future Considerations

7. Future Land Use Maps (FLUM) Next Meeting (2:07:31)

- As soon as the Land Use Descriptions are finalized the consultants will finalize the FLUMs based on final versions of the Land Use Descriptions
- Discussions on the maps is proposed for the next PC meeting

Revised Timeline for Public Workshops and Town Halls (2:08:25)

- 9/14/2022 Public Workshop on Future Land Use (North Valley/Grand Center)
- 9/15/2022 Public Workshop for Future Land Use (Spanish Valley/GWSSA)
- 9/16/2022 Public Workshop for Future Land Use (Thompson/Cisco)
Tentative - Potentially 13th, 14th and 15th as to avoid a Friday when folks may go out of town.

8. Deed Restricted Housing - Criteria for qualifying (2:15:00)

- As long as we are enforcing our AOA ordinance we should be okay. We don't want to restrict housing for ADU too much because there are other demographics of people that do not fall under the definition of workforce housing but also are local and need housing.
- Because ADUs are under the same ownership of the primary property owner there is not concern that the ADU would fall into second homeownership
- Software for tracking illegal nightly rentals should be on the way.
- Laura Harris of HASU will be coming to an upcoming meeting to join the discussion of the workforce housing definition.

Elissa Martin - Legal opinion needed before moving forward on update to Workforce housing definition

9. Upcoming Neighborhood Planning Town Halls

- Revised Schedule for Town Halls (listed above)

Adjournment 6:53pm

Motioned by Commissioner Evers

Seconded by Commissioner O'Brien

All in favor - all

original camp parks were converted to nightly rentals in the era of the Airbnb boom.

The Alternative Dwelling Overlay District concept was developed over several open-to-the-public Planning Commission meetings in the weeks between April 2022 – August 2022. A public housing forum was held on August 3rd 2022 to solicit feedback on the draft ordinance. Subsequently, a public hearing at the Planning Commission meeting on August 8, 2022 was held and remained open until August 18th to receive additional comments. Public comments have been reviewed and incorporated into the revised draft language as appropriate.

STAFF RECOMMENDTION: Recommend approval of the proposed ordinance with conditions if warranted.

ATTACHMENT(S):

1. Proposed Ordinance
2. Draft Code



STAFF REPORT

PLANNING & ZONING DEPARTMENT

DATE: Monday, August 22, 2022

TO: Grand County Planning Commission

SUBJECT: Considering an Ordinance to Amend Article 4, Special Purpose Overlay Districts to include an "Alternative Dwelling Overlay District" Pilot Program

RESPECTFULLY SUBMITTED: Elissa Martin, Planner

SUMMARY: Staff has revised the ADO draft code based on feedback from PC members and members of the public who attended the August 3rd town hall and the August 8th Public Hearing, as well as other public comments submitted via email. The Draft Code is currently in a state that P&Z staff believe to be ready for adoption, with minimal to no additional revisions needed. This Staff Report provides a list of the main sticking points which have been discussed, researched and hopefully resolved.

BACKGROUND: (See Agenda Summary)

STAFF RECOMMENDATION: Review the items to consider below and make a determination whether to modify the current Draft Code or to send a recommendation to the County Commission without modifications.

ITEMS TO CONSIDER: The below topics were the main sticking points at our last public hearing on the ADO ordinance and draft code language.

DEED RESTRICTION: At our last meeting / public hearing, the general consensus was that ADOs will naturally be occupied by local residents, as the units will be leased on a long term or intermittent basis (seasonal employees), thus rendering them impractical for non-residents. They will be strictly monitored for illegal nightly rental activity through our new software.

- However, if a property owner so chooses, individual dwelling site could be condominiumized and sold separately, in which the owner would be required to record a restrictive covenant (deed restriction) to prohibit ownership and occupancy by a non-resident.

ELIGIBILITY MAP or RESTRICTED AREA MAP: The general consensus from the last meeting was that because the decision-making process requires two public hearings and the discretion of both bodies to approve or deny an ADO application, a map would not be needed, but the "Items for Consideration" to make findings related to the proposed project would be critical to ensure fairness and accountability in the decision-making process.

- The Draft Code includes revised “items of consideration” in section 4.9.2 Applicability, that provide five items to base the findings on.

PILOT PROGRAM TERMS: Specific language to describe the terms of the pilot program have been included in Section 4.9.2 Applicability, in the Draft Code, as well as in the Ordinance. Currently, the terms are: applications will be accepted up to one year of adoption of the code, or up to 300 units (whichever comes first)

EXPIRATION or LAPSE OF APPROVAL: ADO District approval shall expire and be void unless a site plan is approved for the development within 6 months of ADO District approval, and if certificate of occupancy is not issued within two years of ADO District approval.

DENSITY: In lieu of a max density requirement, we have decided to go with “Max Lot Coverage” of the underlying zoning district. The table indicating those percentages for each zoning district is below:

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

COMMUNAL KITCHEN: Public comment provided at the 8/8/22 public hearing suggested not requiring a communal kitchen when dwelling sites DO NOT have hookups. P&Z staff feel strongly that a bare minimum communal kitchen with potable water should be provided when hookups are not provided to individual dwelling site, to ensure dignity and quality of life. Folks may be living in temporary situations, but may still want the option to provide a meal for themselves and not solely rely on eating out. The ADO concept is meant to ensure basic needs while also being flexible enough to allow various types of dwellings to exist.

- At a bare minimum, a covered area (outdoor or indoor) with a sink basin with potable water, a washable surface to act as a countertop, and a gas grill or stove top can constitute a "communal kitchen".

ONE RESTROOM REQUIRED: Public comment suggested that at least one restroom should be required for all ADOs regardless of whether hookups are provided. Staff agrees with this, but further discussion is welcomed.

GRAND COUNTY, UTAH
ORDINANCE NO. _____(2022)

**AN ORDINANCE AMENDING THE GRAND COUNTY LAND USE CODE BY
AMENDING ARTICLE 4 (SPECIAL OVERLAY DISTRICTS) TO INCLUDE
AN ALTERNATIVE DWELLING OVERLAY DISTRICT PILOT PROGRAM**

WHEREAS, Utah Code § 17-27a-102 enables a county to enact all ordinances, resolutions, and rules and various forms of land use controls and development agreements that the county considers necessary or appropriate for the use and development of land within the unincorporated area of the county;

WHEREAS, the previously named Grand County Council adopted the Grand County Land Use Code (“LUC”) on January 4, 1999 with Ordinance No. 299, as amended, for the purpose of regulating land use, subdivision and development in Grand County in accordance with the General Plan;

WHEREAS, from time to time the County adopts ordinances to modify its LUC and zoning map to improve the quality and order of land development and align the LUC with changing community conditions, public review noticing procedures, state law, contemporary planning concepts and streamlining land use reviews and permits;

WHEREAS, the cost of housing in the Moab Area has become increasingly unaffordable, as the median home listing price was \$792,000 in June 2022, trending up 85.5% year-over-year¹, and the median home sales price as of May 2022 is \$694,000², which is unattainable by the annual household median income of \$52,000;

WHEREAS, out of 293 known rental units (excluding senior housing) in the Moab Valley, only seven (7) are currently available to rent, and out of those, five are 3-bedroom homes averaging a rental rate of \$4,000/month, and currently there are at least 50 residents on waitlists for various apartment complexes³;

WHEREAS, the Moab Valley Multicultural Center reports the number of people they serve who meet HUD homeless program definitions for homelessness diversion, emergency shelter,

¹ Utah Association of Realtors

² Utah Association of Realtors. Local Market Updates by County. (May 2022)

³ Moabhousing.com and Zillow

homelessness prevention, rapid re-housing, and drop-in services is 165 adults and 98 children YTD;

WHEREAS, the lack of attainable housing can result in homelessness, undesirable living conditions, lack of funds available for other basic needs, and a decrease in the quality of life for Grand County workers and their families;

WHEREAS, according to a survey conducted by the Grand County Economic Development Department in 2021, 82% of employers reported the lack of attainable housing limited their ability to fully staff their company, and 65% reported having lost employees due to the housing shortage⁴;

WHEREAS, many employers in Grand County are unable to hire and retain employees because of the lack of attainable workforce housing;

WHEREAS, the County desires to amend LUC Article 4 (Special Purpose Overlay Districts) to establish an Alternative Dwelling Overlay District as a pilot program for a period of one year from the date of adoption, or for up to 300 dwelling units, whichever comes first, in order to provide opportunities for workforce housing;

WHEREAS, on August 22, 2022, after a public hearing, the Planning Commission forwarded a _____ recommendation to amend LUC Article 4 with suggested changes;

WHEREAS, on _____, 2022, the County Commission held a public hearing to solicit public comment regarding the proposed amendments; and

WHEREAS, the Commission has determined it is in the best interests of the public to implement a pilot program for development of alternative dwelling communities;

⁴ Grand County Economic Development Department, Moab Area Employee Housing Survey (2021)

NOW, THEREFORE, BE IT ORDAINED that the Grand County Commission does hereby amend Article 4 of the Grand County Land Use Code as follows:

See Exhibit A

APPROVED by Grand County Commission in a regular public meeting on _____, 2022 by the following vote:

Those voting aye: _____

Those voting nay: _____

Those absent: _____

Grand County Commission:

ATTEST:

Jacques Hadler, Chair

Gabriel Woytek, Clerk/Auditor

EXHIBIT A

Disclaimer: This is a draft version of the LUC Code update to Article 4 (Special Purpose Overlay Districts) – public comment and further evaluation by Planning staff will likely warrant revisions to the language during the public hearing phase. A final version will be posted prior to the final recommendation by the Planning Commission.

4.9.1 Purpose

The Alternative Dwelling (ADO) Overlay District is intended to designate areas within which RV's, KOA-style cabins or tiny homes, modular homes, and camper vans are permitted for use as long-term housing or intermittent rentals for seasonal workers. Overnight rentals are not a permitted use within an approved ADO development. Alternative style dwellings, while part of the Grand County economy and tradition, are not appropriate in all zone districts and geographic areas of the County. ADO Districts should be applied only to parcel(s) where appropriate and compatible with adjacent land uses and neighborhoods.

The ADO District standards ensure that Alternative Dwelling developments are designed in a manner that addresses the impacts and the increased service needs they generate, including but not limited to traffic, noise, weed control, wastewater management, code and law enforcement, and emergency medical services. The ADO Districts will provide much needed designated workforce housing, which in turn, supports local businesses and the local economy. All ADO developments shall be deed restricted as local or seasonal workforce housing, and will be monitored with great care to prevent their use as overnight rentals.

4.9.2 Applicability

The regulations set forth in this section may be applied to real property located within the ADO eligible parcels map shown on Exhibit B to the ordinance, codified in this section upon application to and approval by the County Commission pursuant to the provisions herein.

When approving or denying an ADO District application, the Commission shall consider and make findings related to the proposed development on:

1. Traffic - ADO's should only be approved on parcels with frontage on a major collector street,
2. Noise and other nuisance impacts to adjacent properties and neighborhoods;
3. Relative benefit or impact on supply of workforce housing,
4. Appropriate location in relation to work centers and relative commute time.

Upon approval, and subject to all applicable zoning regulations, the development agreement and master plan shall control development of the applicable real property.

4.9.3 Identification on Zoning Maps

Approved ADO Districts and developments shall be indicated on the official Zoning Map.

4.9.4 Allowed Uses and Occupancy Standards

Uses allowed in the ADO Districts shall be as specified in the underlying base district together with permissible Alternative Dwellings. Accordingly, Alternative Dwellings developments shall be allowed to incorporate new residential and commercial uses otherwise allowed by the underlying base district.

All ADO developments shall comply with the following occupancy requirements:

- A. Alternative Dwelling developments shall be occupied by Active Employed Households or local Grand County residents as defined in Article 10 for a period of 30 days or more, or
- B. Occupied by seasonally employed persons for less than 30 days with proof of employment from a local Grand County business.

4.9.5 Development Standards in ADO Districts

Unless otherwise specified below, all development in an ADO District shall comply with the development standards of the underlying zoning district.

A. Utilities, Water and Wastewater Management.

- 1. ADO developments shall be served by public water and sewer facilities. Each dwelling site shall have hookups to water, sewer, gas and electric, otherwise shared common facilities shall be provided.
 - a. Sites without utility hookups shall be served by shared common facilities that provide utility service for a communal kitchen and bathhouse(s) (with showers), per the minimum State Health code requirements.
 - c. A potable water supply shall be provided within 200 feet of dwelling sites.
- 2. ADO developments shall include greywater reuse systems for all shared or group shower or laundry facilities and use the greywater for beneficial on-site uses such as reducing the use of culinary water for landscaping irrigation.
- 3. ADO developments shall utilize drought-resistant, water-wise, and xeriscape landscaping design principles.
- 4. To the maximum extent possible, ADO developments shall utilize bioretention and biofiltration systems to manage stormwater runoff.

B. Common Space, Landscaping and Screening

- 1. ADO developments shall incorporate into their site plan usable, functional common open space such as a pocket park, community garden, playground, or other usable landscaped area accessible to the residents.
- 2. Either a sight-obscuring fence or a landscaped buffer shall be installed on all sides of the ADO project boundary.
- 3. Screening shall be provided for common area trash receptacles, or other equipment storage.
- 4. ADO's shall maintain a weed-free landscape to the greatest extent possible.
- 5. One tree of a species suitable for the area shall be provided for each dwelling site (Existing trees on the site may be used to satisfy this requirement.)
- 6. On-site trails and trail connections identified in the Grand County Non-Motorized Trails Master Plan shall be placed in a public easement.

C. Height, Density and Scale

1. The minimum lot size for an ADO development is 0.5 acre.
2. Up to 4 dwelling sites per every 0.5 acre are permitted in ADO's, up to 32 sites on 4 acres.
2. Dwelling sites required area:
 - a. Dwelling sites shall be a minimum of 600 sq. ft and no larger than 1,200 sq.ft.
 - b. Each dwelling site shall be at least 20 feet in width
4. There shall be a minimum of 16 feet between dwelling units, and a minimum of 10' distance from any other structure.
5. Dwellings may be constructed to the maximum height allowed by the underlying zone district.
6. ADO developments shall be subject to the ridgeline standards in Section [6.9.8](#).

D. Site Configuration, setbacks and parking

1. Dwelling sites shall be oriented south facing to the greatest extent possible, to maximize the energy saving benefits of passive solar design.
2. Communal buildings and dwellings shall maintain the setbacks of the underlying zone.
4. ADO developments shall implement design features that create an appealing and active interface with the fronting roadway.
5. All development must fit the topography of the property (building that steps with terrain). No mass grading or grading of a flat building envelope is permitted.
6. One off-street parking space per dwelling site is required to mitigate impacts on adjacent land uses and neighborhoods.

E. Internal Driveway & site pads

1. ADO developments that have more than 2 dwelling sites shall have an internal driveway not less than 20 feet wide. Each site shall be arranged so that all dwellings have access to the internal driveway. The interior driveway shall be properly drained; have a durable dust-free, all weather surface of gravel, asphalt, or chip and seal.
2. Each site designated for RV's, travel trailers, or camper vans shall provide a 4 inch concrete or gravel pad.

F. Dwelling Design

1. Air conditioning units and similar mechanical requirements should be avoided on rooftop locations, and fully screened from view.
2. Plastic or vinyl awnings are not permitted. Awnings must be of solar stabilized materials.
3. Structures on site shall be constructed of durable primary materials such as stone, brick and earth derived materials; wood lap siding; fiber cement board lapped, shingled, or panel; metal siding; glass; or engineered stone.

4. Aside from solar panels or other infrastructure related to energy efficiency and water use/reuse, ADO developments shall utilize non reflective materials.

4.9.7 ADO District Application

A. Procedure. An ADO District application shall be reviewed and approved in accordance with the procedures of Section [9.2](#), Text and Zoning Map Amendments (Rezoning), and shall be considered to be a Zoning Map amendment.

B. Application. A developer shall submit an ADO District application with the information contained in Section [9.2.3](#) together with a development agreement and master plan as follows:

1. The development agreement shall include the following information:
 - a. Legal description of the property;
 - b. A statement describing the proposed development of the property by gross acre; number of units, common area and open space acreage, and other related development features as proposed by the developer or requested by the County;
 - c. All other required components of the development agreement outlined in Section ___ local occupancy requirements; and
2. The master plan shall include the following information:
 - a. Legal description of the property;
 - b. Identification of all proposed land uses including dwelling types intended for each proposed site, and any non-residential uses;
 - c. Development envelope indicating compliance with underlying zone setbacks;
 - d. Location and dimensions of each dwelling site and corresponding parking spaces proposed on the property;
 - d. Location of common open space(s) and public easements for trail and trail connections if any;
 - e. Location of common facilities, such as bathhouses, communal kitchen or other accessory structures;
 - d. Identification of site planning features designed to ensure compatibility and a seamless transition between proposed Alternative Dwellings development and surrounding neighborhoods or site conditions;
 - e. Identification of sensitive lands within or adjacent to the proposed development and how the development's impacts will be mitigated, including but not necessarily limited to the following:
 - (1) Public drinking water supply watersheds (recharge areas for the aquifer in the Glen Canyon formation);
 - (2) Floodplains and riparian habitats;
 - (3) Slopes in excess of 30 percent; and

(4) Significant geological, biological, and archaeological sites;

f. Location of specific utilities and infrastructure that are designed and installed to conserve limited natural resources such as water. Examples include the incorporation of gray-water reuse systems, implementation of water conserving landscapes, installation of real-time water monitoring systems, and the incorporation of water-efficient fixtures, bioretention and biofiltration swales;

g. ADO notes (TBD)

C. Recordation. The developer shall record the development agreement and master plan in the real property records of Grand County, Utah, prior to issuance of a building permit for any unit within a site plan approved hereunder. Once approved, the development agreement and master plan may not be amended or modified without reapplication to the County.

D. Effect. Review and consideration of an ADO District application is a discretionary legislative decision. Further, approval of an ADO District application does not constitute site plan, preliminary plat, or final plat approval. Rather, such approval shall be deemed approval of permission to develop under the standards of this section and the master plan.

E. Lapse of Approval. The ADO District approval shall automatically expire and be void unless a site plan is approved for the development within 2 years of ADO District approval.

F. Conflict. In the event of conflict between the provisions of Section [9.2](#) and this Section [4.6.7](#), this section shall control.

Agenda Summary
GRAND COUNTY PLANNING COMMISSION
August 22nd, 2022

AGENDA ITEM:

TITLE:	Discussion item to introduce draft ordinance approving an amendment to the Grand County Land Use Code (LUC) Article 3, Article 5, and Article 10
FISCAL IMPACT:	
PRESENTER(S):	Elissa Martin, Associate Planner

Prepared By:
ELISSA MARTIN
GRAND COUNTY
PLANNING &
ZONING

FOR OFFICE USE ONLY:

Attorney Review:

Pending

SUMMARY:

The proposed ordinance is in draft form and proposes amendments to Article 3, Use Standards; Article 5, Lot Design Standards; and Article 10, Definitions, more specifically described as:

- Update the LUC to provide an exception to Section 3.1 (C), Uses Not Allowed, to clarify that camping on private property for no more than 30 days in the Range and Grazing district is allowed by property owners for purposes of grazing livestock, hunting, and personal recreation, but not permissible as overnight accommodations or long term rentals.
- Update Section 3.1 Use Table and 3.2 Use-Specific Standards to clarify uses already allowed in various zoning districts (retail is not explicitly allowed in HC, but is ultimately allowed via sub sections of the code which are difficult to find)
- Improve standards for residential and non-residential uses, (modify standards for Manufactured Homes and Manufactured Home Communities)
- Establish a use category for “event/conference space” as a permitted use in Commercial zoning districts.
- Update section 3.3 Accessory and Temporary Uses and Structures to be consistent with Utah State law regarding Internal Accessory Dwelling Units;
- Define additional Temporary Uses and establish related Use-Specific Standards;
- Allow for additional employee housing, accessory units on non-residential properties by tying units allowed to parcel size.
- Update Section 5.2.2 Housing Types, Section 5.4 Part I: Residential

Districts, and Section 5.5 Part II: Nonresidential Districts to be consistent with other sections in the code;

- Modify the residential density allowed in Highway Commercial and Multifamily Residential Districts by reducing the units in HC and increasing the units in MFR.

BACKGROUND:

House Bill 82 (2021) affected changes in Utah law pertaining to Internal Accessory Dwelling Units, which are not currently defined in the County's LUC. The temporary use categories in the County's LUC are limited and do not include temporary uses that currently occur in the County, unregulated. This amendment would provide additional temporary use categories such as Film Production, Flea Markets, etc.. Other proposed changes have been topics for discussion at recent Planning Commission meetings, including allowing additional accessory employee housing onsite for commercial properties and improving Manufactured Home standards to be more practical. The ADU and Temp Use Sections have been discussed at previous open-to-the-public Planning Commission meetings since January 2022.

STAFF RECOMMENDATION: Provide initial comments and suggestions regarding the proposed changes. Direct staff to either continue with the current list of amendments, with or without changes, OR add items or exclude items to be included in this next round of LUC updates.

ATTACHMENT(S):

1. DRAFT Ordinance

GRAND COUNTY, UTAH
ORDINANCE NO. _____(2022)

AN ORDINANCE AMENDING THE GRAND COUNTY LAND USE CODE (LUC) BY AMENDING ARTICLE 3 (USE REGULATIONS) AND ARTICLE 5 (LOT DESIGN STANDARDS) TO ADDRESS DEFICIENCIES RELATED TO LAND USES AND USE SPECIFIC STANDARDS, CONFLICTS RELATED TO USES ALLOWED, AS WELL AS INCONSISTENCIES WITH STATE CODE, AND AMENDING ARTICLE 10 (DEFINITIONS) TO BE CONSISTENT WITH EXISTING LANGUAGE IN THE LUC AS WELL AS RECENTLY UPDATED LANGUAGE

WHEREAS, Utah Code § 17-27a-102 enables a county to enact all ordinances, resolutions, and rules and various forms of land use controls and development agreements that the county considers necessary or appropriate for the use and development of land within the unincorporated area of the county;

WHEREAS, the previously named Grand County Council adopted the Grand County Land Use Code (“LUC”) on January 4, 1999 with Ordinance No. 299, as amended, for the purpose of regulating land use, subdivision and development in Grand County in accordance with the General Plan;

WHEREAS, from time to time the County adopts ordinances to modify its LUC and zoning map to improve the quality and order of land development and align the LUC with changing community conditions, public review noticing procedures, state law, contemporary planning concepts and streamlining land use reviews and permits;

WHEREAS, the County desires to amend the LUC Article 3 Use Regulations and Article 5 Lot Design Standards to address several deficiencies related to land use patterns, conflicts related to uses allowed, as well as inconsistencies with State code and to amend Article 10 Definitions to be consistent with existing language in the LUC and recently modified language;

WHEREAS, the County desires to provide an exception to Section 3.1 (C), Uses Not Allowed, to clarify that camping on private property for no more than 30 days in the Range and Grazing district is allowed by property owners for purposes of grazing livestock, hunting, and personal gatherings, but not permissible as overnight accommodations or long term rentals;

WHEREAS, the County desires to update Section 3.1 Use Table and 3.2 Use-Specific

Standards to clarify uses already allowed in various zoning districts, improve standards for residential and non-residential uses, and establish a use category for “event/conference space” as a permitted use in Highway Commercial zoning district;

WHEREAS, the County desires to update section 3.3 Accessory and Temporary Uses and Structures to be consistent with Utah State law regarding Internal Accessory Dwelling Units, to define Temporary Uses and establish Use-Specific Standards, to tie the number of employee housing, accessory units allowed on non-residential properties to parcel size;

WHEREAS, the County desires to update Section 5.2.2 Housing Types, Section 5.4 Part I: Residential Districts, and Section 5.5 Part II: Nonresidential Districts to be consistent with other sections in the code, and to modify the residential density allowed in Highway Commercial and Multifamily Zoning Districts;

WHEREAS, on _____, 2022, after a public hearing, the Planning Commission forwarded a favorable recommendation to amend LUC Article 3, Article 5 and Article 10 with suggested changes;

WHEREAS, on _____ 2022, the County Commission held a public hearing to solicit public comment regarding the proposed amendments; and

WHEREAS, the Commission has determined it is in the best interest of the public to bring the ADU and Temporary Use sections up to date with current Utah State Law and current temporary uses that occur in the County by updating the LUC

NOW, THEREFORE, BE IT ORDAINED that the Grand County Commission does hereby amend Article 3 of the Grand County Land Use Code as follows:

See Exhibit A

APPROVED by Grand County Commission in a regular public meeting on _____, 2022 by the following vote:

Those voting aye: _____

Those voting nay: _____

Those absent: _____

Grand County Commission:

ATTEST:

Jacques Hadler, Chair

Gabriel Woytek, Clerk/Auditor

Land Use Code Updates and public workshops timeline – Fall 2022

- 8/3 - Community Housing Forum town hall to solicit feedback from the public on a proposed ordinance to allow long-term camp parks / alternative dwelling communities.
- 8/8 - Public hearing on the Alternative Dwellings ordinance and public hearing on the amendment to the general plan to adopt the Unified Transportation Master Plan (UTMP).
- 8/16 - CC public hearing to adopt resolution to amend the general plan to adopt the Unified Transportation Master Plan (UTMP).
- 8/22 - PC public hearing to make recommendation on ADO ordinance
- 8/26 - Notice for CC public hearing on ADO ordinance
- 8/29-31 (TBD) Housing Study Kick off meeting with BAE Urban Economics
- 8/31- Land Use steering committee meeting on Future Land Use Map (FLUM)
- 9/1 - Notice for PC public hearing to consider ordinance to amend Article 3, 5, and 10
- 9/6 – CC public hearing opens to solicit input on ADO ordinance
- 9/12 - Public hearing to consider ordinance to amend Article 3, 5, and 10
Regular PC meeting to discuss FLUM and prep for public workshops
- 9/14 - Public Workshop on Future Land Use (North Valley / Grand Center)
- 9/15 - Public Workshop on Future Land Use #2 (Spanish Valley / GWSSA)
- 9/16 - Public Workshop on Future Land Use #3 (Thompson, Cisco)
- 9/20 - CC Public hearing to adopt ADO ordinance
- 9/23 - Notice for CC public hearing to adopt ordinance amending Article 3, 5, and 10
- 9/26 - Month of September - continue discussion on future land use maps
- 9/29 - Notice for PC public hearing to recommend decision to adopt FLUM
- 10/4 - CC public hearing to adopt ordinance amending Article 3, 5, and 10

10/10 - PC Public hearing to recommend approval of amending the General Plan with the revised Land Use Element and FLUM

11/2 - CC public hearing to adopt Land Use Element and FLUM

Alternate ending:

10/24 - PC public hearing on FLUM

11/15 - CC public hearing on FLUM

November - hopefully wrapping up the Housing Nexus study and drafting a code update to incorporate deed restricted local workforce housing into new development as well as incentivizing affordable housing through FLUM and potential rezones.

December - adopt ordinance to amend the LUC to put into effect the above