

GRAND COUNTY
Planning Commission
Monday, June 27, 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, interested citizens, and staff

4:30 PM

Regular Meeting

- Call to Order
- Citizens to be Heard – public comment opportunity for any item not listed as a public hearing *Chair*
- Ex Parte Communications and Disclosures

Action Items:
 (Administrative) 1) Approval of Meeting Minutes from June 13, 2022 *Chair*

Discussion Items: **Discussion** *County Commission Liaison*

2) County Commission Update

a) Commission meeting action items update

3) Economic Development Board – PC representative *Chair*

- 4) Temporary Dwelling Permit – status
- 5) Other Article 3 code updates – status
- 6) OAO current & future build out map & policy statement *Staff*
- 7) Deed restriction for local housing Rules & Regs

Future Considerations: 8) Future Land Use DRAFT Maps for review at next PC mtg *Staff*

5:30 PM

Citizens to be Heard – public comment opportunity for any item not listed as a public hearing *Chair*

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, June 13th, 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_aqSMIIn2w Recordings archived at www.grandcountyutah.net/AgendaCenter.

In attendance:

Commission Chair Emily Campbell, Commissioner Makeda Barkley, Commissioner Bob O'Brien, Commissioner Steve Evers, Commissioner Rick York, Commissioner Aaron Lindberg, County Commission Liaison Trisha Hedin, Planning Director John Guenther, Associate Planner Elissa Martin, Planner Jenna Gorney
Commissioner Tony Mancuso, absent

Commission Chair Campbell calls the meeting to order at 4:30pm

Citizens to be Heard (outside of scheduled public hearings)

- None

Ex Parte Communication and Conflicts of Interest - None

Action Items:

1. Approval of meeting minutes from May 23rd, 2022

Commissioner O'Brien moves to approve the minutes.

Commissioner Barkley seconds

All in favor - all

Approved

2. Arroyo Crossing Amended PUD Master Plan (7:12)

Associate Planner, Elissa Martin presented.

Please see YouTube and agenda packet for full report

Applicant statement:

Sheri Griffith, Chair, Moab Area Community Land Trust

Kaitlin Myers, Executive Director, Moab Area Community Land Trust

- Sherri gave update of current activity
- Over 100 units over the next few years. 300 units in total (about ½ in rentals)
- Changes that prompted the application: Townhome setbacks did not exist, Housing typologies not clear

4:42 Public Hearing Opened (12:02)

Public Comments Heard:

Karen Feary

To address Karen's question Sheri Griffith briefed the Master Plan Changes by explaining that existing setbacks made the buildable envelope of several lots challengingly small. Housing typologies were clarified regarding duplexes/townhomes. The density is not changing with these changes.

5:52pm Public Hearing Closed

Motion by Commissioner Barkley to send favorable recommendation to County Commission to adopt the ordinance approving the Amended Planned Unit Development (PUD) Master Plan for Real Property within the Arroyo Crossing PUD, which will clarify housing types within the development and also add setback requirements for the townhome housing type.

Seconded by Commissioner O'Brien

Commissioner Discussion

Commissioner O'Brien - the application appears to be a minor clarification of things. This is an improvement

All in favor - All

Motion passes with one absence

Discussion items:

3. County Commission update (19:11) Commission Liaison Trisha Hedin

- State Fire & Lands and River to Rim Restoration meeting
- Chris Kaufman report on tax collection rate - 97% of taxes that should be paid were
- Engineering on the Bike path has begun: to begin construction in the fall - Spanish Valley Bike Path 10' bike path with 5' buffer
- Appointed Aaron Lindberg to Planning Commission
- Public Hearing - Tin Roof - OAO Application discussion - decision at next meeting
- Public Hearing - Thompson Springs Saina Carey Rezone Application discussion - decision at next meeting - water discussion
- Public Hearing - Kane Springs -Preservation and Development, petition for a Special Service District

4. Future Land Use Descriptions - Drafted by SCJ Alliance (28:31)

(See YouTube video for full discussion)

Elissa Martin: These descriptions are meant to be applied to the future land use map and their corresponding zoning district. They are used in consideration of Land Development projects/requests

John Guenther: Map is currently missing that will accompany this. Also a graphic will accompany these to show what development will look like. Levels of Service (LOS) maps will show what exists on the ground currently and what the future may look like in 20 years. These items together are intended to provide a long range development pattern that would potentially extend services in the future.

Final set of maps would include several layers:

Existing levels of service: sewer, water, stormwater management, streets, etc.

Future Levels of Service

Existing land uses on the ground

Constraints map

Zoning Map

Future land use map

Commissioner Campbell - we need to be clear on the implementation of the future land use map to avoid misconceptions about implementation as opposed to focusing the conversation around visioning

...Additional Discussion ensued (38:00 - 1:02:22)

...Discussion regarding tradeoffs in allowing zoning changes (1:02:22 - 1:08:40)

5:41pm: Citizens to be Heard (public comment opportunity for any item not listed as a public hearing) (1:10:55)

- Sam Van Wetter (Guide) - Item 5 - permitting for temporary housing

5. Article 3 Code Amendments (1:14:35)

a) ADU Code Draft Language

Status Update: Elissa Martin: Currently in legal review.

- Key Issues needing feedback: do we have to allow an internal ADU if there is already an external existing ADU on the property. Or we could limit external ADU if an internal one already exists. Ideally: you can have an internal or an external, but not both
- Commissioner Barkley- is there anything preventing someone build an external first, then have them build the internal after as they are permitted to do.
Currently, based on actual State language we do need to allow this
- Discussion regarding lot, yard, height and other potential requirements occurred
- Proposed Public Hearing on these changes at the next PC meeting

b) Temporary Use Draft Language (1:44:39)

Please see agenda packet for Full Code Draft

- Would not be included in the Permitted use table because they are temporary and not entitled
- Clarification between what would be a temporary use and what would be a special event

- Will include Temporary Dwelling permit, Film Production, Batch Plants, Field Office, Food Trucks, Popups, etc.
- Would like to have a workshop, then a Public Hearing at next meeting - that would need to be noticed this Friday June 17th

(1:57:28)

6. Unified Transportation Master Plan - COMMENT PERIOD open

- June 23rd Open house at Grand Center 4-6pm

7. Boat Ramp Grant Application - John Guenther

- Currently in process of applying for Grant for Engineering costs

8. General Plan Implementation Strategy - John Guenther

- Presentation will be coming forward after internal review with Department heads

9. Unified Development Code - John Guenther

- Combined Code that would include roads, zoning, building, fire, sewer, water, signs, etc.

10. Next PC Meeting: (Elissa Martin)

- a) OAO current and future build out map & policy
- b) HDHO Deed Restriction rules & Regs
 - Workforce and Actively employed housing definitions clarified for ease

Adjournment 6:40pm

Motioned by Commissioner Evers

Seconded by Commissioner O'Brien

All in favor - all

Van/Truck, or tent camping is a suitable temporary situation until permitted long term camparks can be established.

- Can this simply be accomplished by extending a voluntary compliance agreement? Josh says yes, we can extend the VCA's out for as long as we need.
 - New tact: work to get the Long Term Campark codified ASAP so properties can begin the permit and development process to establish long term Campark.
3. During construction of a permanent dwelling, property owners may seek a temporary dwelling permit until their permanent dwelling is constructed. The temporary dwelling must be decommissioned no later than 30 days after the occupancy of a permanent dwelling on the lot.
 - Apparently, through building permit, this is already allowed for up to one year, but not explicit in LUC. Again, section 3.1.1 is conflicting.
 4. Temporary Accessory Dwellings for Medical Purposes (TAD): Property owners may seek a TAD permit for family members who have been certified as incapable of caring for themselves. Such a dwelling can also be used for caregivers of such family members. TAD permits are valid for two (2) years and must be renewed on a bi-annual basis.
 - This seems important to offer as an option, but must require validation of the need for caretaker (doctor's authorization).

NEXT STEPS:

1. Modify current Employee Housing section in LUC ([Section 3.3.2 \(D\)](#)) in order to allow more than 5 employee housing units where the parcel size can accommodate that. Tie number of employee housing units to the size of the parcel /minimum lot coverage. This is for on-site employee housing in non-residential zones.
2. Resurrect the Long Term Campark code update and work towards getting that adopted ASAP.
3. Finalize the ADU and Temp Use sections of the Article 3 code update.

Placeholder for OAO Build Out Map

**AMENDED AND RESTATED
RULES and REGULATIONS
for
HIGH DENSITY HOUSING OVERLAY
DEVELOPMENTS
*Effective November 16, 2021***

WHEREAS, the legislative body of Grand County has approved the application of the High Density Housing Overlay (“HDHO”) to those HDHO developments approved pursuant to Grand County Ordinance No. 591 (2019) as codified in the Grand County Land Use Code (“LUC”) in Section 4.7;

WHEREAS, Grand County created the HDHO to provide decent, safe and affordable housing in Grand County, Utah for local residents contributing to the workforce;

WHEREAS, as a condition of approval and subject to LUC Section 4.7.6(B), HDHO Lots and Units are deed restricted for Primary Residential Housing for Actively Employed Households in perpetuity;

WHEREAS, Grand County has delegated management of the HDHO program to the Housing Authority of Southeastern Utah (“HASU”), a non-profit organization incorporated in 1994 to administer affordable housing programs for Grand County and San Juan County (as used herein, Grand County shall include its designee, HASU);

WHEREAS, the Grand County Commission adopted Rules and Regulations for High Density Housing Overlay Developments on March 2, 2021 to implement LUC Section 4.7, help guide HASU when approving HDHO applications, and build local confidence in administration of the HDHO program (the “Rules and Regulations”);

WHEREAS, as a result of administrative appeals filed by HDHO Developers in response to the County’s adoption of the Rules and Regulations, the County’s Hearing Officer struck down two provisions of the Rules and Regulations, which subsections are deleted herefrom; and

WHEREAS, Grand County wishes to amend the Rules to expressly allow for financial institutions providing financing for an HDHO development to exercise any rights related to foreclosure and enforcement of remedies under the applicable financing documents.

SECTION 1. PURPOSE

A. Rules and Regulations. These Rules and Regulations shall provide instructions and guidance to the County and HASU when applying the provisions of LUC Section 4.7 to HDHO Developments. All terms shall have the meaning assigned them in LUC Section 4.7.

B. Qualified Ownership Required. LUC Section 4.7, and specifically 4.7.11, requires all HDHO Lots and Units to be sold to Households who qualify thereunder. Temporary lapses in local employment or leaves of absence shall be addressed pursuant to the provisions in Section 3 below.

C. Purpose. Subject to LUC Section 4.7 and these Rules and Regulations, the purpose of the HDHO is to facilitate housing for local residents working in Grand County who maintain their primary residence in Grand County. These Rules and Regulations shall be applied to HDHO Developments in a manner which supports this purpose.

SECTION 2. QUALIFIED HOUSEHOLD

A. Qualified Household. The ownership, use, and occupancy of HDHO Lots and Units shall be limited to qualified Actively Employed Households (herein “Qualified Household”), as set forth in LUC Section 4.7 and herein.

1. *Household, defined.* The definition of Actively Employed Households shall not be construed to prohibit a familial financial partner who co-signs a loan with an adult who meets the criteria set forth in LUC Section 4.7.3.

2. *Continuing Obligation.* Once an Owner is approved as a Qualified Household, as required by LUC Section 4.7.11, the occupants of the HDHO Lot or Unit shall satisfy the definition of a Qualified Household at all times as required by LUC Section 4.7 and these Rules and Regulations.

3. *Duty of Notification.* Each Owner and renter shall notify the County prior to any change in ownership and occupancy of their HDHO Lot or Unit, which change shall be pre-approved by the County pursuant to Section 3 herein. Any failure to pre-qualify a new owner or occupant shall be the sole liability of the owner or renter.

4. *Ownership by Grand County.* Grand County may purchase and own the HDHO Lot and/or Unit.

5. *Foreclosure Exemption.* A sale prohibited by LUC Section 4.7.11(a) does not include a foreclosure sale or related foreclosure process initiated by a financial institution authorized and regulated under the laws of this state, another state, or the United States (“Financial Institution”), specifically including with limitation acquisition of real property by a Financial Institution via: a) redemption in a trustee sale conducted in accordance with Utah Code §§ 57-1-23 through 57-1-32, b) judicial foreclosure, or c) a deed in lieu of foreclosure (any of the foregoing, a “Foreclosure Sale”). Accordingly, a Financial Institution that obtains title to an HDHO Lot or Unit by Foreclosure Sale need not be a Qualified Household or Actively Employed Household; provided, however, that: 1) if a Financial Institution obtains title to an HDHO Lot and/or Unit, the occupancy of the HDHO Lot and/or Unit shall be limited to Qualified Households, and any subsequent sale of the HDHO Property shall be in accordance with LUC Section 4.7 and these Rules and Regulations; and 2) any other person or entity that

obtains title to an HDHO Lot or Unit by Foreclosure Sale shall be a Qualified Household under LUC Section 4.7.3 and shall within thirty (30) days following acquisition of an HDHO Lot and/or Unit submit evidence to HASU demonstrating that it is a Qualified Household or is leasing the HDHO Property to a Qualified Household. This exemption shall not apply to private lenders that are not subject to the jurisdiction of Title 7, Utah Code (Financial Institutions Act) or other similar state or federal laws.

SECTION 3. APPLICATION PROCEDURE

A. Application Required. Each Owner and renter of an HDHO Lot or Unit shall apply for approval as a Qualified Household on written applications, kept on file with HASU, at least thirty (30) days prior to sale or lease of an HDHO Lot or Unit.

B. Application Approval. Once HASU determines eligibility, it shall provide written acknowledgement of the same.

C. Notifications Required. Each Owner and renter shall notify HASU prior to any change in ownership or occupancy of their HDHO Lot or Unit or their employment status, which change shall be pre-approved by HASU.

1. *Lapses of Employment.*

i. Temporary lapses of employment of three (3) months or less do not require notification to HASU and shall not affect an owner or renter's status as a Qualified Household.

ii. Lapses of employment lasting more than three (3) months shall be reported to HASU by the owner or renter and require HASU approval to ensure continuing eligibility of the occupant.

2. *Leaves of Absence.*

i. Temporary leaves of absence of three (3) months or less do not require notification to HASU and shall not affect an owner or renter's status as a Qualified Household.

ii. Extraordinary leaves of absence for specialized education, care-giving of a family member, religious or charitable work, or military service, lasting not more than two (2) years, where the owner or renter can demonstrate a commitment to returning to Grand County and otherwise complying with LUC Section 4.7.3(M), may be granted by HASU in advance. In the event of approval, the owner may rent the HDHO Lot or Unit to a Qualified Household during the extraordinary leave of absence.

D. Renewal. HASU will contact each owner and renter on an annual basis to re-qualify the Household. Each owner and renter shall submit a written affidavit that attests to their

qualifications and any additional requested documentation required by HASU that proves the same.

E. Denials or Revocation. HASU may deny an Application or revoke a prior determination of eligibility if the occupant does not continue to qualify as a Qualified Householder under LUC Section 4.7.3 and these Rules and Regulations. If HASU denies or revokes an Application or prior determination of eligibility, that determination shall be referred to the Grand County Planning and Zoning Director for Final Decision.

F. Change in Eligibility. Once an Owner is approved as a Qualified Household, a change in the owner's eligibility status shall not constitute a violation hereunder for the period of time the owner continues to own the HDHO Lot or Unit so long as the occupant continues to qualify as a Qualified Household.

G. Financial Institution Exception. If a Financial Institution acquires any HDHO Lot and/or Unit in accordance with Section 2(A)(5), it is exempt from the following requirements of this Section 3:

1. Notifying HASU prior to a change in ownership;
2. Obtaining any approval from HASU for a change in ownership; and
3. Submitting an annual written affidavit attesting to qualification.

SECTION 4. SALE OF UNITS

A. Sale of Units, generally. An owner may sell an HDHO Lot or Unit For Sale By Owner or with a licensed Utah realtor. If an HDHO Lot or Unit is occupied during the Listing Period, the occupant must be a Qualified Household.

B. Notification upon Listing. The owner shall notify the County when an HDHO Lot or Unit is listed for sale, when it goes under contract, and when it sells for the purposes of qualifying the potential new owner.

C. Prequalification of Owners. It is advisable for potential buyers of HDHO Lots and Units to request pre-approval as a Qualified Household pursuant to Section 3 above while a sale is pending, at least thirty (30) days and preferably sixty (60) days before closing.

D. Foreclosure Exception. Notwithstanding the requirements of this Section 4, the notification and prequalification requirements of this section shall not apply to Foreclosure Sales as defined in Section 2(A)(5) above.

SECTION 5. APPEAL AND ENFORCEMENT

A. Conflict. In the event of conflict between these Rules and Regulations and LUC Section 4.7, LUC Section 4.7 shall control.

- B. Appeal. A person adversely affected by a denial or revocation of the Grand County Planning and Zoning Director may appeal such Final Decision within thirty (30) days of the County's written decision pursuant to the process set forth in Chapter 1.16 of Grand County's General Ordinances.
- C. Violation, Defined. Any default under LUC Section 4.7, the Deed Restrictions recorded against the HDHO Development, or these Rules and Regulations, including fraud or misrepresentation by an Owner of an HDHO Lot or Unit, shall constitute a violation of County Ordinance.
- D. Investigation and Enforcement. Grand County shall oversee enforcement of LUC Section 4.7 and these Rules and Regulations. Possible violations of the same shall be investigated and enforced under Chapter 1.16 of the General Grand County Ordinances.
- E. Grand County Remedies. An Owner shall cure a Violation or shall sell the HDHO Lot or Unit to a Qualified Household.

ADOPTED by the Grand County Commission on November 16, 2021 in open session of a public meeting.

GRAND COUNTY COMMISSION

Mary McGann

Mary McGann, Chair

ATTEST:

QH

Quinn Hall, Clerk/Auditor