

GRAND COUNTY
Planning Commission
Monday, September 12, 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

- 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 August 22, 2022 *Chair*

Discussion Items:
County Commission Update *County Commission Liaison*
 2) Commission meeting action items update

Staff Updates

- 3) Jenna is our new Associate Planner! We are hiring Planner I
- 4) August 20th flood event – lessons learned and actions being taken (see Agenda Summary) *Staff*
- 5) Other P&Z efforts and projects underway (see Agenda Summary)

Action Item:
 (Legislative) **Public Hearing** *Chair*
 6) Ordinance to Amend Article 3 and Article 10 of the Land Use Code (see Agenda Summary) *Staff*

5:30 PM

Citizens to be Heard – public comment opportunity for any item not listed as a public hearing	<i>Chair</i>
Future Considerations	
7) New timeline for LUC Steering Comm and Public workshops on FLUM	<i>Staff</i>
8) Mountain Towns 2030 Climate Solutions Summit – Noelle attending	
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 22th, 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://www.youtube.com/watch?v=v-aEO5kGc6g> Recordings archived at www.grandcountyutah.net/AgendaCenter.

In attendance:

Commission Chair Emily Campbell, Commissioner Aaron Lindberg, Commissioner Bob O'Brien, Commissioner Steve Evers, Commissioner Makeda Barkley, Commissioner Rick York, County Commission Liaison Trisha Hedin Planning Director Elissa Martin, Associate Planner Jenna Gorney, VISTA Planning Technician Noelle Gignoux

Absent

Commissioner Tony Mancuso

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

Citizens to be Heard

1. Helena Rohr- in support however the proposals include a lot of hurdles, she proposes a temporary solution for immediate camping until the campsites are established.
2. Brian Martinez - question on max density. Will the river guide property, under the new code, allow the current residents to stay at the property based on the density allowances proposed? Questions on the timeline - We are just trying to provide an immediate solution for our current residents. Concerned about the timeline required.
3. Anthony Ricco- in support of ADO Draft. Concerned with impact fees setup. Is this an individual impact fee per unit? Greywater re-use standards could be problematic to implement.

Ex Parte Communication and Disclosures - None

Action Items (Administrative):

1. Approval of meeting minutes from August 8th, 2022 (12:10)

Commissioner O'Brien moves to approve the minutes

Commission Evers seconds

All in favor - all

Approved

2. Alternative Dwelling Overlay District Proposed Ordinance (14:25)

Planning Director Elissa Martin presented Staff Report

Please see Youtube and agenda packet for staff report, draft code language and Ordinance.

It was stressed that if there are public opinions and comments, it is important to carefully review the draft language and submit your written comments to County Commission via the public comment portal.

County Commission Liaison Trisha Hedin discussed the concerns and issues that have been relayed to her in an effort to communicate possible items within the Draft language that could be hurdles in the path of approval. These topics included concerns over perpetuating RV living in a haphazard way, in individual backyards, the need to assess impact fees, deed restrictions, fire and EMS consultation, penalties for ADO and Land Use Code violations, and ADO enforcement.

5:33pm - Citizens to be Heard (1:02:55)

1. Michael Skarda - discussion of a potential subgroup to the overnight accommodations overlay to allow for owner-occupied four-plex rental units so that overnight rental capital appreciations can benefit local residents.

Further discussion of ADO District Proposed Ordinance ensued regarding potential additions and deletions to the draft language and ordinance. **(1:06:50)**

Concerns listed above were addressed point by point.

Dana Van Horn from the Grand Water & Sewer Service Agency was consulted to discuss agency concerns over impact fees and logistics.

Deed restrictions were discussed, and generally agreed that they should not be included. Pilot timeline was discussed.

The redlined draft was reviewed line by line for acceptance of tracked changes or additional suggestions to include.

(2:19:20)

Commissioner Evers moves 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 as an Overlay District with the following condition that the revisions made during this meeting of the Grand County Planning Commission on August 22, 2022 are accepted.

Seconded by Commissioner O'Brien

All in favor - All

Opposed - None

Discussion items:

3. Tabling Public Hearing for Article 3, 5, and 10 updates until next meeting (2:24:30)

- Drafting changes to Manufactured Housing section of the code
- Adding a use of Events or Conference Center to Highway/Commercial in the Land Use Code

4. County Commission Update (2:27:40)

- Emergency Meeting regarding flood events - please pass on that it is important to stay clear of roadways in order to allow emergency response to mobilize
- UDOT will come to inspect all vehicular bridges
- Mill Creek Parkway is shut down
- Landfill is open and free for debris removal
- If residential or businesses have flood damage please contact County and City building departments so they can document that for FEMA purposes to qualify for funding

5. Housing Study Contract awarded to BAE Urban Economics (2:32:20)

- At the last County Commission meeting, the contract with BAE Urban Economics for the Housing Nexus Study was brought forth and was approved.
- Kick-off meeting will be held sometime next week

Future Considerations (2:33:10)

- Emergency measures for housing to address an immediate need in the face of the fall season
- Land Use Code updates to include water conservation measures and development standards
- Planning Atlas to make the Land Use Code more accessible to the public

7. Future Land Use - Land Descriptions sent to Bill for revisions to FLUMs. Waiting to get final deliverables

This item was not addressed due to time constraints

8. Land Use Steering Committee mtg set for 8/31 to begin reviewing FLUM

This item was not addressed due to time constraints

9. Updated timeline for workshops and code updates Deed Restricted housing - definitions.

This item was not addressed due to time constraints

Adjournment 7:07 pm (2:36:50)

Motioned by Commissioner O'Brian

Seconded by Commissioner Barkley

All in favor - All

Agenda Summary
GRAND COUNTY PLANNING COMMISSION
September 12, 2022

TITLE:	Informational update re: August 20th flood event, lessons learned and actions being taken
FISCAL IMPACT:	N/A
PRESENTER(S):	Elissa, Planning & Zoning Staff

Prepared By:
ELISSA MARTIN
**GRAND COUNTY
 PLANNING &
 ZONING**

FOR OFFICE USE ONLY:

**Attorney
 Review:**

N/A

SUMMARY: P&Z staff have been playing a supportive role to the Building Dept, Roads supervisor, County Engineer and County Attorney, in coordinating responses and strategizing around improvements that are needed related to public education, our LUC and internal development inspection protocols.

1. Property owners who submitted official claims through code enforcement portal regarding failed drainages – County engineer performed inspections over the last couple of weeks and is to draft letters to prop owners with actions they can take to fix their respective drainage systems.
2. Develop a PSA to all Grand County prop owners outlining their responsibilities for maintenance of drainage systems, instructions on how to obtain a copy of their drainage plan and explanation of plat notes pertaining to drainage.
3. Update LUC to establish new protocol /requirement to submit GIS shapefiles of "as-built" improvements for all infrastructure including roads, utilities, drainage, prior to P&Z signing off on Site Plan approval or C of O (or prior to bond release).
4. Evaluate the need for revisions to other LUC sections pertaining to drainage improvements at time of development (Development Standards Section 6.7 and Subdivision Standards Section 7.7).
5. Adopt ordinance requiring property owners to comply with the drainage maintenance duties as prescribed in plat notes. This being needed in order for Josh to issue code violation letters to property owners failing to maintain their drainages.
6. Eventual partial update to Storm Drain Master Plan to focus on two or three problem areas (TBD).

Agenda Summary
GRAND COUNTY PLANNING COMMISSION
September 12, 2022

TITLE:	Informational update re: P&Z current efforts and projects underway
FISCAL IMPACT:	N/A
PRESENTER(S):	Elissa, Planning & Zoning Staff

Prepared By:
ELISSA MARTIN
**GRAND COUNTY
 PLANNING &
 ZONING**

FOR OFFICE USE ONLY:

**Attorney
 Review:**

N/A

SUMMARY: P&Z staff have been busy with several efforts and projects, which the Planning Commission should be aware of.

1. 8/20 Flood damage mitigation
2. **HOUSING FRONT**
 - a. Housing Study – Kick off meeting went well, discussed the study area
 - baseline data collection for BAE
 - Rolling out the employer survey to capture larger pool of responders (re: housing needs)
 - b. Housing Task Force
 - planning for Housing Fair in December, will continue as a series
 - New energy on Moab Area Affordable Housing Plan update (Noelle is taking on a lead role). Update to General Plan’s Housing Element early 2023.
 - Kalen reporting on mountain towns conference, Housing nexus studies based on impact of STR’s and secondary housing market.
 - c. ADO ordinance
 - Many public comments have been submitted, both in favor and not in favor – some of those warranted responses from staff.
 - Draft code is through legal review, revisions are in the works, to be finalized by this Wednesday’s agenda deadline for 9/20 CC public hearing.
3. **TRANSPORTATION**
 - a. UTMP is now up on the County’s webpages (Roads & P&Z)
 - b. SS4A grant request has been submitted (GC is primary applicant, City is joint applicant)

4. Other LUC Updates in the works

- a. “noisy businesses” new mitigation measures
- b. Kennels – redefining use standards

5. Thompson Replat – an uptick in inquiries from residents, P&Z intends to pick this back up and move it forward

6. 2023 Budget Request – Budget Advisory Board presentations are due at the end of October. P&Z schedule BAB meeting is 9/30.

7. Current Planning – A number of current development applications are in progress (Jenna?), many of which have been very time consuming. Our office in general is in dire need of Planner I support.

8. P&Z County webpage and Grandcountyconnects.com have been updated!

Agenda Summary
GRAND COUNTY PLANNING COMMISSION
September 12th, 2022

AGENDA ITEM:

TITLE:	Consider and solicit public feedback on an ordinance to amend the Grand County Land Use Code (LUC) Article 3 and Article 10
FISCAL IMPACT:	
PRESENTER(S):	Elissa Martin, Planner

Prepared By:
ELISSA MARTIN
GRAND COUNTY
PLANNING &
ZONING

FOR OFFICE USE
ONLY:

Attorney
Review:

Pending

POSSIBLE MOTION:

I move to:

Recommend approval of an ordinance to amend LUC Article 3, Article 5 and Article 10 based on the revisions made to the draft code in this meeting, for the purpose of addressing deficiencies related to land uses and use specific standards, conflicts related to uses allowed, as well as inconsistencies with state code.

SUMMARY:

The proposed ordinance would amend Article 3, Use 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.
- Establish a use category for “event/conference space” as a permitted use or a CUP in commercial zoning districts (use-specific standards still being developed.)
- Update [section 3.3 Accessory and Temporary Uses and Structures](#) to be consistent with Utah State law regarding Internal Accessory Dwelling Units (per HB 0082);
- Define additional Temporary Uses and establish related Use-Specific Standards, including Film Production
 - Note: **Section 9.15 may require a future update** to be consistent with approving authority, PC to advise on approving authority for each TUP;
- Allow for additional employee housing, accessory units on

non-residential properties by tying units allowed to parcel size (change to 6 employee units/parcel, up to 18);

- [Update Article 10 Definitions](#) to ensure consistency with the LUC as updated.

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, all of which have been discussed at previous open-to-the-public Planning Commission meetings since January 2022.

STAFF RECOMMENDATION: Review proposed changes to the LUC and suggest changes as a condition of approval.

ATTACHMENT(S):

1. DRAFT Ordinance
2. [DRAFT Code Article 3](#)
3. [DRAFT Code Article 10](#)

GRAND COUNTY, UTAH
ORDINANCE NO. _____(2022)

AN ORDINANCE AMENDING THE GRAND COUNTY LAND USE CODE (LUC) BY AMENDING ARTICLE 3 (USE REGULATIONS) TO ADDRESS INCONSISTENCIES WITH STATE CODE RELATED TO ACCESSORY DWELLINGS, AND DEFICIENCIES RELATED TO TEMPORARY USE SPECIFIC STANDARDS, AND AMENDING ARTICLE 10 (DEFINITIONS) TO BE CONSISTENT WITH EXISTING AND NEW LANGUAGE IN THE LUC

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 establish a use category for “event/conference space” as a permitted use in

nonresidential zoning districts;

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, and to tie the number of employee housing, accessory units to parcel size, and to establish Use-Specific Standards to temporary uses not currently identified in the LUC;

WHEREAS, on _____, 2022, after a public hearing, the Planning Commission forwarded a favorable recommendation to amend LUC Article 3 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 Regular Meeting to make recommendation on Alternative Dwelling Overlay (ADO) ordinance (unanimously sent favorable recommendation to CC)
- 8/31 - (morning) Housing Study Kick off meeting with BAE Urban Economics
- 9/1 - Notice for PC public hearing to consider ordinance to amend Article 3 and 10
- 9/9 - Notice for CC public hearing to consider ADO district Ordinance
- 9/12 - PC Public hearing to consider ordinance to amend Article 3 and 10 Regular PC meeting
- 9/16 - Land Use steering committee meeting to review FLUM and make revisions prior to public workshops
- 9/20 - CC Public hearing to consider ADO ordinance (tentative)
- 9/22 - Notice for CC public hearing to consider ordinance amending LUC Article 3 and 10 (tentative)
- 9/26 - NO PC meeting, due to three public workshops this week
- 9/27 - Public Workshop on Future Land Use #1 (Thompson, Fire Dept.)
- 9/28 - Public Workshop on Future Land Use #2 (North Valley / Lions Park Pavilion)
- 9/29 - Public Workshop on Future Land Use #3 (Spanish Valley / OSTA Pavilion)

10/4 - CC Regular meeting to approve or deny the ADO ordinance and public hearing to consider ordinance amending Article 3 and 10 (tentative)

10/10 - PC Regular Meeting, review FLUM and updated Land Use Element of the General Plan*

*(may opt for joint CC and PC workshop on FLUM for 10/18 Commission meeting date, which would push the following dates back two weeks)

*10/14 - Notice for PC public hearing on revised Land Use Element and FLUM

*10/24 - PC public hearing to vote on amending the General Plan with the revised Land Use Element and FLUM

*11/3 - Notice for CC public hearing on revised Land Use Element and FLUM

*11/15 - CC public hearing to consider resolution to amend General Plan with the revised Land Use Element and FLUM

Late November - hopefully wrapping up the Housing Nexus study focused on "Policy A" and drafting a code update to incorporate deed restricted local workforce housing requirement for new development.

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