



OCTOBER 10, 2019  
PLANNING COMMISSION WORKSHOP 5:00 P.M.

City Council Chambers  
217 East Center Street  
Moab, Utah 84532

1. 5:00 P.M. Call To Order
2. Citizens To Be Heard
3. Approval Of Minutes
- 3.1. Minutes: May 9, 2019

Documents:

[PC-MIN-2019-05-09 - DRAFT.PDF](#)

- 3.1.1. Minutes: May 23, 2019 Joint City Council/Planning Commission Meeting

Documents:

[PC-MIN-2019-05-23-2019 DRAFT.PDF](#)

- 3.1.1.1 Minutes: July 11, 2019

Documents:

[071119 PC - DRAFT.PDF](#)

- 3.1.1.2 Minutes: August 13, 2019

Documents:

[PC-MIN-2019-08-13.PDF](#)

4. Planning Commission Workshop - Continued Discussion On Development Standards For Overnight Accommodations

Documents:

[OA DEV STANDARDS 10.7.2017 AGENDA REPORT.PDF](#)  
[OA STANDARDS EXCEL TABLE\\_10.8.19.PDF](#)

5. Future Agenda Items

6. Adjournment

**MOAB CITY PLANNING COMMISSION MINUTES--DRAFT  
REGULAR PLANNING COMMISSION MEETING  
May 9, 2019**

The Moab Planning Commission held its regular meeting on the above date in the Council Chambers at the Moab City Center, located at 217 East Center Street.

***Regular Meeting—Call to Order and Attendance:***

Planning Commission Chair Allison Brown called the meeting to order at 6:01 PM. In attendance were Planning Commission Members Brian Ballard, Marianne Becnel, Kya Marienfeld, Jeanette Kopell, Cory Shurtleff and Becky Wells. Also in attendance were Planning Director Nora Shepard, City Recorder Sommar Johnson, and Deputy Recorder Jamie Hulce. No members of the press and public were present. No members of the public and media were present. An audio recording is archived at: <https://www.utah.gov/pmn/files/507391.mp3> and a video recording is archived at: <https://www.youtube.com/watch?v=5NFa40BhgTg&t=33s>

***Citizens to be Heard:***

There were no citizens to be heard.

***Approval of Minutes:***

Planning Commission Member Becnel moved to approve the minutes of the February 28, 2019, March 14, 2019, and March 28, 2019. Planning Commission Member Marienfeld seconded the motion. The motion carried 6-0 aye.

***Action Item - Planning Resolution 11-2019:***

***A resolution recommending to City Council approval of the Wild Goat Subdivision, a minor subdivision of property located at 450 Millcreek Drive in the R-2, Single-household and Two-household residential zoning district***

Commissioner Wells disclosed that the applicant was a former client but she does not have any current agency agreements with him.

***Motion and Vote:*** Planning Commission Member Kopell moved to approve **Planning Resolution 11-2019:** A resolution recommending to City Council approval of the Wild Goat two-lot minor subdivision at 450 Millcreek Drive with the following requirement:

1. All engineering comments shall be addressed to the satisfaction of the City Engineer prior to review by City Council.

Planning Commission Member Becnel seconded the motion. The motion passed 6-0 aye.

***Public Hearing – Proposed Ordinance 2019-13:***

**An ordinance amending the City of Moab Municipal Code, 17.06 Definitions, 17.09 Supplementary Requirements Applicable within Zones, 17.12 General Provisions, 17.20 C-1 Commercial-Residential Zone, 17.24 C-3 Central Commercial Zone, 17.31 RC Resort Commercial Zone, 17.42 R-1 Single-Family Residential Zone, 17.45 Single-Family and Two-Family Residential Zone, 17.48 R-3 Multi-Family Residential Zone, 17.51 R-4 Manufactured Housing Residential Zone, 17.72 Administration and Enforcement, 17.90 Historic Preservation; and changing all references from family to household in titles 6, 9, 12, 13 and 17; and changing all references from duplex to two-household in titles 13, 15 and 17**

It was explained that this ordinance is a clean up of various sections of the code that have undergone revisions and creates consistency with updated terms and references. In the review of the ordinance it was noted that “Appeals Authority” was updated and should refer to “hearing officer”.

Planning Commission Chair Brown opened the public hearing at 6:16 pm.  
No public comment was made.  
Planning Commission Chair Brown closed the public hearing at 6:17 pm.

***Planning Resolution 12-2019:***

***A Resolution Recommending to City Council Approval Of Ordinance 2019-13 Amending Various Sections of The Moab Municipal Code***

***Motion and Vote:*** Planning Commission Member Kopell moved to approve **Planning Resolution 12-2019** and send Ordinance 2019-13 to City Council with a positive recommendation with a revision changing “appeal authority” to “hearing officer”. Planning Commission Member Becnel seconded the motion. The motion passed 6-0 aye.

***Future Agenda Items:***

Planning Director Shepard provided the Commission with an update regarding the land use changes that Landmark Design has been working on and informed them that their website lists five different alternatives that they have put together based on public feedback. She indicated that Landmark would be developing language for an overlay zone that may or may not be placed anywhere at this point but the Commission should start looking at the map to decide where overnight accommodations would make sense. She explained that there was discussion regarding community nodes that would allow different types of small commercial uses that would provide benefits to the residents. She stated the next meeting would include a work session for the land use plan, the overlay, and the overnight accommodations.

***Adjournment:***

Commission Chair Brown adjourned the meeting at 6:28 PM.

**MOAB CITY PLANNING COMMISSION MINUTES**  
**JOINT MOAB CITY COUNCIL/PLANNING COMMISSION MEETING**  
**May 23, 2019**

The Moab Planning Commission held a joint City Council/Planning Commission workshop on the above date in the Council Chambers at the Moab City Center, located at 217 East Center Street.

Joint City Council/Planning Commission Workshop for a Future Land Use Plan Update: Allison Brown convened the workshop at 5:00 PM. In attendance were Mayor Emily Niehaus, Councilmembers Karen Guzman-Newton, Kalen Jones, Rani Derasary and Tawny Knuteson-Boyd at 5:34 PM. Planning Commission members in attendance included, Kya Marienfield, and Marianne Becnel, Jeanette Kopell, Cory Shurtleff and Becky Wells were present. Brian Ballard arrived at 5:27 p.m. Staff in attendance included Planning Director Nora Shepard, City Manager Joel Linares, Recorder Sommar Johnson, Assistant Engineer Eric Johanson and Recorder/Project Specialist Eve Tallman. Thirty-three members of the public and media were present. A video recording of the workshop is archived at: <https://www.youtube.com/watch?v=JDOIYs5&t=4184>. An audio recording is archived at: <https://www.utah.gov/pmn/files/507387.mp3>

The workshop began with Allison Brown turning the meeting over to Planning Director Nora Shepard who provided a power-point presentation. The focus of the workshop was a joint City Council and City Planning Commission meeting on the Future Land Use Plan and Overnight Accommodations. The presentation included where we are in the process, and a request for the City Council and City Planning Commission to have discussion on the information and options provided by Landmark and to provide direction for Landmark to proceed.

Items on the list for discussion on this date included six topics needing direction as requested at the May 7, 2019 City/County Council meeting. Those options include: New overnight lodging is removed from all zones as a principal use; City Council will consider the creation of an overlay district in the North US 191 Corridor and in downtown Moab; City and County Councils will consider how to address existing overnight lodging uses; The County Council will need to decide if it is open to any forms of new overnight lodging in the Areas of US 191 and SR 313, Crescent Junction, Thompson Springs or Cisco; The City and County Councils Are Supportive of the Community Concept.

Planning Director's presentation included the number of existing units, number of units that are already vested, number of units under construction (or almost), and conclusions and recommendations for directions for Landmark to proceed. The directions to Landmark were to include: 1. Policy Direction-Agree or Disagree? 2. Overlay Districts-yes or no, and if so, where? 3. Direction on Existing Overnight Accommodations.

Councilmember, Jones requested clarification on the down-town edge. Is it considered part of the down-town overlay or a different overlay? Planning Director Shepard answered that there is only one overlay that is proposed right now and that the Edge might be one of those topics for follow-up to see if the zone might need to be adjusted. Jones commented that it sounds like they might need clarification. Councilmember Derasary asked Planning Director Shepard if she had a breakdown of the existing 3,800 or so overnight units. Planning Director Shepard said that the City has not gone through the exercise of calculating what they have.

Mayor Niehaus requested clarification on two points of the presentation. The first was regarding language used by Landmark in reference to future licensing versus future permit to build, and what the differences might be. Planning Director Shepard stated that licensing is connected to existing units and permits are for those that are being built or that are in the pipeline to be built. She further explained that those units that have already been built would be required to have what would essentially be a business license. The second was regarding the overlay. The whole point of the overlay is for the City to have it available if/when they were to consider allowing new overnight rental use in a particular area, and if they are not going to consider it, the overlay doesn't matter.

Commission Chair Brown stated that she thought that one of the decisions that the City Council would need to come to first, is whether the Council wants to eliminate new overnight rentals from our City Code as a permitted use. Then to decide whether they want to "open the back door" to overnight accommodation in overlay districts. Planning Director Shepard stated that they could decide to enact those changes to code now or wait and see before applying them. They could create the overlay districts so that they have them in the future.

Commission member, Becky Wells stated that she thinks it is also very important to address existing overnight rentals before the end of the moratorium. Discussion followed Wells wanted to make sure that existing overnight rentals would not be jeopardized and talked about people who had invested in properties that they are planning to turn into overnight rentals in the future. It was stated that getting a business license before the moratorium ends, and maintaining it, would protect those properties so that they would be "grandfathered in" and be able to use them as overnight rentals when/if they are ready. Commission member Marienfeld stated that the intent of the public is, "we don't want any more new overnight accommodations than we have now, period." Commission Chair Brown said that she thinks that there are two different classes of people in this. Those who have overnight rentals and are using them as such, and those who have a property that they think they may or may not want to turn into overnight rentals. It's the second group that will add to the number of overnight rentals, not the first group. Marienfeld said that is the purview of regulators.

Councilmember Darasay brought the meeting back to Brown's initial question. Which of Landmark's suggestions the City is interested in. She said that she would be in favor of "option 5" because she feels that as a representative of the bulk of the input that she has received from the community, after looking at the list of vested projects and the amount of projects coming at them that they didn't have the opportunity to mold it in a different direction. There are issues that people have raised in terms of water, traffic and housing. She thinks it would be beneficial for the Council and Commission to have a bit of a breather and use the time after the break of the moratorium deadline to work on some of the other issues.

A decision was made to address the options individually.

### **Direction from May 7th City/County Council Meeting:**

#### **Option 1 – New Overnight Lodging is Removed from all Zone Districts as a Principal Use**

Brown suggested that they start with item 1 and asked the Councilmembers to indicate with at thumbs up or thumbs down to see if it should be sent on to the City Council for a decision. All Councilmembers gave a "thumbs up" with some further discussion and item 1: New Overnight

Lodging is Removed from all Zone Districts as a Principal Use will be sent to the City Council for formal approval.

Councilmember Knuteson-Boyd state that she agreed with Darasary. She has heard the same sentiment from the community. Her concern is that if the Council removes new overnight rentals a use by right, where does the Council's power end?

Councilmember Jones state that he is in favor of Option 5, but as the foundation for more nuance and additional development of Option 4. He is still interested in working on Option 4, particularly with a downtown element.

After comments form the City Council, Commission Chair Brown said that she thinks that the first priority is to have the City staff and the Planning Commission begin to remove it from the current city codes. From there, once they no longer need to worry about the moratorium, they can work on all of the other things that they feel will come from that. Councilmember Knuteson-Boyd said that she would like Landmark to assist with setting standards so that the Council can have something to go back to.

Mayor Niehaus stated that they still needed to discuss some nuance that is outlined in the direction document such s existing development/redevelopment.

Commission member Marienfeld requested that, in consideration of the make-up of their audience, Option number 3 should be discussed before Option number 2, as it addresses the existing overnight rentals.

Councilmember Derasary intervened with a caveat about the need for options once the moratorium ends and property owners want options once they can no longer start nightly rentals. Commission Chair Brown said that is certainly something that the Planning Commission can start reviewing with City staff.

### **3-The City and County Councils will consider how to address existing overnight lodging uses, including hotels/motels, condos/townhomes, bed & breakfasts and campgrounds. There are three options to be worked out with each entity's Planning Commission and Council**

Mayor Niehaus asked Planning Director Shepard for clarification on "Grandfathering", with an example of someone owning a property that was used for overnight rentals, but the building burns down, can they rebuild it? City Manager Linares joined Planning Director Shepard to answer this question. He stated that "vested protected use would be allowed to be rebuilt in that scenario, as long as they don't expand it. Any time there is a vested grandfathered protected right, it would be allowed to continue in that scenario, so long as the footprint wasn't expanded. As long they brought back the exact same use, legally, it would be completely protected."

The discussion of requiring a business license for all overnight rentals came back around and Commission Chair Brown asked for the City Council to, by giving a "thumbs up or thumbs down", express what they thought of the idea of requiring a business license. Commission member Becnel stated that they could still have floating districts on these C-2 zones, such as an overlay, and "one of the conditions of getting those can be that they have an existing business license, which was purchased before the moratorium is over. The benefit of that, for tax revenue for the City, would be that as a condition of applying the overlay district to their property, in an

instance like where they would want to sell it and increase the value, so they want that floating zone.

Commission member Brown requested a show of thumbs up or thumbs down by the City Council on the idea of requiring a business license. Thumbs up Councilmembers Guzman-Newton, Derasary and Jones. Councilmember Derasary did so with a statement that she wanted a little more time to think about it. Jones said that he would like the staff to advise them on what the best mechanism would be to achieve this. Planning Director Shepard said that was a good idea and that there are different ways to do it. They will gob ad and look at ways that it can be done.

Councilmember Guzman-Newton mentioned the tax break that is offered by the County if a long-term rental has a business license. Derasary addressed Planning Director Shepard and Linares and asked them to think through the scenario of the pros and cons of a long-term rental changing to a nightly rental and what incentives could be offered to people for the long-term option.

**2. The City Council will consider the creation of an overlay district in the north US 191 corridor and in downtown Moab. The overlay boundaries will dictate which properties are eligible to have the overlay applied in order to have the right to develop new overnight lodging.**

- The County Council could decide to extend this overlay, if created, to include the parcels just north of the Colorado River (e.g. between the Springhill Suites and DOE UMTRA site).
- Landmark will draft preliminary standards for the development of new overnight lodging in these potential overlay districts (if applied to eligible properties), including mandatory mixed-use, water and energy efficiency, and size/scale/form-based elements. These preliminary standards can be shared with the County as well. While there seems to be consensus that no new overnight lodging should be allowed until the community has reestablished a sense of balance, there may be some areas/nodes in the southern US 191 corridor that could actually be appropriate for new lodging units if integrated as part of missed use developments that meet the new standards.

Planning Director Shepard asked if the Council and Commission wanted to create overlays at, if they do, do they want to apply them anywhere? Commission Chair Brown said that was her question also. With the amount of money they are spending on Landmark they might as well have them make the overlays. Mayor Niehaus said that she would like to have drafted overlays for consideration. Council Chair Brown asked, if they have an overlay district, how do they say no if those applying meet all the criteria? Planning Director Shepard said the Council would have to decide whether want to allow it to be applied to specific piece of property. They would have to come up with some findings in order to make that decision. When the project gets to the Planning Commission, it becomes administrative if they meet all the performance criteria set. Mayor Niehaus suggested that what they should consider is to potentially have an overlay that would be administrative. There was discussion of the legality involved with that and Planning Director Shepard said that the Council would have to set the zone legislatively but once an overlay zone is set, anywhere within it, a person can apply for overnight accommodations under the conditions that are outlined in the overlay area. That would skip the second legislative action. Niehaus said that is what she is recommending. There was some confusion and Planning Director Shepard was asked if she could explain/clarify what was being proposed. Planning Director Shepard said, “what we have been talking about is, on the map, we’d have these overlay

zones and in the direction we have been going, individual parcels would have to come in to the City Council and say, I'm in the overlay and I want it specifically applied to my parcel. Legislative action, like a re-zone would be required. If the Council approved it, then the parcel owner would go through the administrative process with the Planning Commission for the project itself. There is another way to do it, which is the way most overlays work. It is basically just an additional layer of rules that apply to overlay areas". Councilmember Marienfeld said that it seems that the one that Landmark is proposing is the former and Mayor Niehaus said that she is suggesting that they go with the latter. Commission Chair Brown said that is why she would like Landmark to make them and then just not apply them, at least not at this time. Councilmember Jones asked a question about the 3 step process that was outlined in the ordinance draft. He said, step 2 sounds like contract zoning which is illegal in Utah. Planning Director Shepard said that she couldn't call it contract zoning, but it can be using an overlay and requiring an extra legislative step. Councilmember Marienfeld said that is what the County is doing with their High-density overlay. So, there is a precedent for it here in Grand County. Mayor Niehaus asked for the group to clarify that if they have Landmark draft the overlays, does anyone see using them right away, or taking a break? There was further discussion, but the majority agreed that they wanted to take a break. Councilmember Derasary wanted to know if Landmark could make the overlay zone more flexible, to include housing and other things. Commission member Marienfeld said that overlays prepared by Landmark could be used as a framework tool to be used by the Council at a later date. Further discussion followed.

The discussion moved to overlays with mixed use and housing zones. Do they really want changes in the RC, or someplace else that shouldn't be an overlay district code change? Planning Director Shepard said that you can change what's allowed in the RC zone. One that has different mixed-use zones that anticipates overnight accommodation and one that doesn't. Brown said that she thinks the Commission needs direction from Council regarding changes to the RC zones. More discussion ensued regarding what is allowed in each zone. Brown would like to see what Council would like to see in the overlays, if and when, they decide to use them. She would also like to know what the Council would like to see a code change in current zones that do not apply to overnight rentals. Further discussion followed regarding mixed use with a possible overlay to allow some overnight rentals. Councilmember Guzman-Newton said that she is still concerned with the RC zone being drawn down to where it is right now. She would like to see it go back to where it was before. The group decided that they would like to direct Landmark to extend the proposed Downtown overlay zone up to where the RC zone currently is in the City's official zoning.

Commission Chair Brown said that maybe Council could come up with a wish list of things that they would like to see in the overlay zone for the three areas. Commission member Marienfeld said that they don't want it to be rejected when it goes to City Council, so they would like a recommendation to come from the Planning Commission. Commission Chair Brown reminded everyone, that it is just a wish list of things that they would like to see in the overlay zone so that Landmark can develop it so that those ideas are mixed in to start.

#### **4. City and County Councils need to determine how to address redevelopment of existing uses:**

Discussion ensued on that constitutes vested properties and re-development projects that may want to increase the number of units involved. It was decided that redevelopment of vested properties that would increase the number overnight rental units involved, would go against the decision not to allow any new overnight rentals. It may be that they will want to allow that as some sort of incentive for property owners/developers to provide "mixed use" housing in the

future and will have Landmark see if that could be included in the overlay zones. For now, however, there will be no new overnight rentals allowed

**5. The County Council will need to decide if it is open to any forms of new overnight lodging in the areas of US 191 and SR313, Crescent Junction, Thompson Springs or Cisco.**

Councilmember Derasary said that the impression that she got from the County Council's meeting was that they had opted to so to being open to any forms of new overnight rentals. The County Council also took public input and that input was in favor of no new overnight rentals, at least for a while.

**6. The City and County Councils are supportive of the community node concept (neighborhood scale mixed use development). Landmark will provide a map and description of the potential community node locations for consideration and action as a follow-up task.**

Community nodes incorporating the neighborhood commercial uses was mentioned as being farther out on the timeline with no overnight accommodations allowed. Mayor Niehaus asked if an existing commercial campground could be developed as a hotel and the answer was no. More discussion regarding the development rights of new campgrounds followed. Commission member Becnel brought up the purchase or transfer of development rights. Councilmember Jones asked about the list of new units exempt from the moratorium and Planning Director Shepard confirmed that they could be 6,200 overnight accommodations at buildout. Dialogue arose about the implications of the General Plan regarding a vision for the future of tourism impacts, such as noise and crowding. Councilmember Derasary suggested participation of federal agencies regarding campground development.

**Adjournment:** Commission member Marienfeld moved to adjourn the meeting. Commission member Becnel seconded the motion. The carried 7-0. Mayor Niehaus adjourned the meeting at 7:06 pm.

**MOAB CITY PLANNING COMMISSION MINUTES--DRAFT  
REGULAR PLANNING COMMISSION MEETING  
July 11, 2019**

The Moab Planning Commission held its regular meeting on the above date in the Council Chambers at the Moab City Center, located at 217 East Center Street.

***Regular Meeting—Call to Order and Attendance:***

Planning Commission Chair Allison Brown called the meeting to order at 6:00 PM. In attendance were Planning Commission Members Brian Ballard, Kya Marienfeld, Jeanette Kopell and Becky Wells. Also in attendance were Planning Director Nora Shepard, Assistant City Manager Joel Linares, and City Recorder Sommar Johnson. No members of the public and media were present. An audio recording is archived at: <http://www.utah.gov/pmnn/index.html> and a video recording is archived at: <https://www.youtube.com/watch?v=tHhw46thBs4&t=2332s>

***Citizens to be Heard:***

There were no citizens to be heard.

***Discussion Item: Discussion on Moving Forward with Zoning for Overnight Accommodations***

Planning Commission members held a discussion regarding moving forward with zoning for overnight accommodations. Planning Director Nora Shepard briefed the Commission on the status of ordinance 2019-18. She explained that City Council reviewed the recommendation from the Planning Commission and they had a few housekeeping changes they wanted to incorporate into the ordinance. Planning Director Shepard also spoke with the Commission regarding Mayor Niehaus's request to incorporate the living building standards into the Moab Municipal Code. She mentioned that International Living Future Institute (ILFI) does certifications and has offered to come down and do some workshops. Commissioner Wells asked Planning Director Shepard which parts she felt would be good or realistic to do. Planning Director Shepard responded that plumbing for grey water for landscaping as well as waterwise landscaping and rainwater collection could be used. She explained that the second parameter of the living building challenge is place and it includes transportation, fitting in with the natural and built environment, and discussion about urban agriculture, habitat exchange, and human powered living. She indicated the next one was energy which is mostly solar panels. She explained that the next one is health and happiness which talks about indoor environment, civil environment, and biophilia, and this one might be a little more difficult to make objective. Commissioner Brown stated respectfully that she hopes the Mayor understands that implementing very many of the living building challenge properties would be extremely expensive and very restrictive. Commissioner Kopell stated she tend to be pessimistic about these living building challenges because of the cost and because it benefits someone else's pocket. She explained that once you are certified to be a green builder you can charge whatever you want to be building and that does not really help people that need housing because it is super expensive. Commission Chair Brown concluded the conversation about the living building challenge for this workshop until further direction is given by City Council and requested to move on with the discussion for this meeting.

Commission Chair Brown previously asked the Commission to come with their list of ideas that they would like to see in the downtown and north and south overlay areas. Commissioner Wells began her list with the C-3 zone and the idea of splitting it into two zones: C-3 and C-3(M) or Main. She explained that C-3(M) would run along Main Street with a requirement to have retail

on the ground floor and parking behind the building. She stated C-3, which includes all the other C-3 zoning, would be restricted to two-stories high but could potentially be three-stories if long-term housing was included as one of the stories. She also included a possible scale of units at six per quarter acre or small studio sized units for development. She explained that her approach was to modify each zone to protect what we are looking for. She stated that a new zone should be created for areas around 500 West and 400 North in order to make it more of a community node and remove it from the C-2 zone. She also discussed the scale of units at six per quarter acre and one space per bedroom for required parking in the zone. Commissioner Wells stated she lumped C-4 and Resort Commercial together that would allow camp parks, hotels, long-term housing and mixed use and possible require a certain amount of the ground floor to be retail or restaurant since the parcels are typically big. She included requiring oversized trailer parking and limiting the height of the building to two-story unless long-term housing was provided and potentially restricting the housing to people that live and work in the community. Commissioner Wells included in her list for the area potential grey water systems, design criteria that include colors and styles for the entrance in to Moab, as well as transportation from the north area into town by requiring electric bike rentals on site or a shuttle system to reduce traffic coming into downtown. Commissioner Brown commented that a shuttle system for employees was on her list as well.

Commissioner Ballard expressed concern about being too restrictive in the C-3 zone. He questioned why housing should not be allowed on the ground floor and why we are requiring a commercial activity if there is a housing need. He explained that he knows someone with C-3 property and they have not developed it because they do not feel there is a need for the bottom floor to be commercial. Commissioner Ballard asked why we continue to pass things that make it more difficult.

Planning Director Shepard stated that the discussion needs to focus on overnight accommodations. She agreed that we need more long-term rentals and perhaps the Commission can look at loosening the regulations for housing in the C-3 zone but that doesn't address whether new overnight accommodations should be allowed in the C-3.

Commissioner Ballard recommended reviewing the parking requirements and start making it so it is not so restrictive. He indicated that parking requirements for residential are very restrictive and asked why they are not changing those things.

Planning Director Shepard stated she understood Commissioner Ballard's concerns but explained that does not address the overnight accommodation question. She said the overnight accommodation question has to do with overnight accommodation and nothing to do with long term rentals or places where people live full-time.

Commissioner Wells commented that maybe in C-3 not on Main Street that they look to allow residential on all floors. Commissioner Wells indicated that down the road they need to discuss the parking requirements for apartments and residential development.

Commissioner Marienfeld stated if the Commission is going to propose code changes rather than an overlay then it might be easier to clean up the C-3 ground floor concerns at the same time but not with an overlay.

Commissioner Kopell indicated she was pessimistic as to whether the Commission can make any changes in a timely manner. She stated as far as overnight rentals are concerned there are many problems within the commercial developments in general that haven't been worked on that she

did not have anything to include. She believes there are other things to worry about right now as opposed to something down the road.

Commissioner Ballard commented that instead of shutting down overnight accommodations that we should be encouraging something else to go with it.

Commission Chair Brown indicated that the proposed overlay zone language states that thirty percent of the development must be mixed-use.

Commissioner Marienfeld agreed with Commissioner Wells and Brown that shuttles should be incorporated especially if the idea is to concentrate the overnight accommodations to the north end of town. She believed the idea is that the area would be more self-sustaining where people could stay and play, go to a restaurant and souvenir shop. She believes those that live and work in the downtown area should have priority for parking and transportation infrastructure. She explained that she hoped there would be more market forces for someone to choose to do something other than overnight accommodations. She indicated possibly incentivizing multi-family housing on land that could be an overnight accommodation should be part of the discussion. Commissioner Kopell commented that there should be something that the City could do to encourage more multi-family housing development.

Commissioner Marienfeld stated that her multi-family housing ideas were completely separate from new overnight accommodations because the information received from Landmark Design was that any new overnight accommodation will require some portion of the land to be housing but she would like to find a way to make multi-family housing financially feasible for someone that owns a ton of property to make a little profit and feel good for providing housing to the community.

Commissioner Marienfeld also believes that ground floor retail or office space is a no-brainer for a complex over a certain number of rooms. She questioned what distinctions the Commission wanted to make for overnight accommodations. She explained that she did not see a distinction between a large hotel or smaller individual units contributing to the problem because they both take up land but there was a distinction in the resources required. She wondered if there was an incentive that could be tacked on to the assured housing policy that says if housing is built on-site then the housing policy requirement is satisfied within the overlay district.

Planning Director Shepard informed the Commission that some developments subject to the workforce housing ordinance have utilized the fee in lieu of construction and others have developed housing onsite.

Commissioner Wells commented that she thinks it would be cleaner to not do overlays and change the zone and the code. She said her experience is that overlays are confusing and people often don't understand the process for the overlay zone. She believes it is more straightforward to let people know what they can and cannot do in their zone.

Commissioner Marienfeld stated she would like specific direction from City Council because she has heard that the intent of the use-by-right is gone and not coming back and they want a path for new overnight accommodations but that it is not guaranteed.

Planning Director Shepard agreed with Commissioners Marienfeld and Wells and her preference would be to not have the second legislative step with creating the overlay zone, applying it somewhere, and requiring someone to come in and ask for a legislative action to

apply to their specific property. She indicated her preference would be to get the regulations in the zones and become permitted uses under a bunch of conditions. She stated it was a good discussion for the Commission to have with Council.

Commissioner Brown stated she was scared of the overlays because they are walking down the path of subjective decisions, similar to the conditional uses that we had. She likes the idea of having the regulations in code.

Commissioner Wells stated that people want to know what they can and cannot do and it needs to be clear. Planning Director Shepard agreed that it is the uncertainty that people hate. Commissioner Marienfeld agreed and feels the Commission is on the same page but they will have to see what the City Council wants in that regard.

Commissioner Marienfeld believes it makes sense to err on the side of a little stronger regulations because the overlay is more subjective which means there would be more opportunities along the way to say no if some unforeseen thing came up.

Commissioner Brown started her list with campgrounds stating that long-term housing for employees should be onsite. She stated that, in general, oversized trailer parking should be required at some sort of percentage of the spaces required for the building.

Commissioners Ballard and Kopell agreed that oversized parking needs to be required. Commissioner Kopell expressed her concerns about requiring oversized trailer parking with all new developments.

Commissioner Brown stated she would like any overnight accommodations limited to two stories or a building height of no more than twenty-five feet, unless one of the stories is used for affordable or employee housing. She indicated downtown should be two stories, no exceptions. She said in the north it could be three stories as long as one of the stories is long-term or affordable housing. She asked if additional parking would be required if the ground floor is office or retail space.

Planning Director Shepard stated we have off-street parking requirements for different types of uses but it is possible that we could change the ratios if you are trying to get people to build a better product that is not just a sea of parking.

Commissioner Brown hoped that some pressure could be put on developments in the north area to provide some sort of employee and visitor shuttle to designated pick up spots downtown. She stated two or three hotels could put the shuttle together to help with parking congestion downtown and help employees get to their jobs.

Commissioner Wells did not think that was an unreasonable demand and she believes that would be a natural demand for the business owner to want to provide that service for people.

Commissioner Brown also questioned whether a definition should be included of what mixed uses are and what civic uses are. She did not feel it was very clear in the information that Landmark provided. Commissioner Brown referred to the information provided by Landmark regarding general open space requiring the development of parcels over five acres to provide a minimum of five percent open space as publicly accessible civic open space. She would like to see if that can be increased to ten percent with the possibility of waiving it if it were employee housing. In addition, the requirement proposed by Landmark that thirty percent of the

development must be dedicated to mixed uses, she would the ability to waive the requirement if that percentage is used as affordable or employee housing. She explained that the development could dedicate the percentage to mixed use or dedicate the percentage to affordable housing, but it would be in addition to the workforce assured housing policy requirements.

Commissioner Marienfeld questioned what, if anything, could be done to make to incentivize a property owner to keep the rent for retail and office space affordable. Commissioner Wells believes the market will take care of that concern.

Planning Director Shepard stated that in Salt Lake they required all the new apartment buildings to have flex space on the first floor with the idea that it would begin as the sales office but could eventually morph into a different use.

Commissioner Wells felt that it should be specified that the ground floor retail or office space cannot be related to the hotel or overnight accommodation so is not used simply for their office space or gift shop. Planning Director Shepard clarified that it should not be support space for the overnight accommodation.

Commissioner Wells stated that she thinks overnight accommodations on Main Street should be allowed to be three stories. She said the lots are very small so they would need to go up. Planning Director Shepard explained that if you allow three story buildings on Main Street then it incentivizes the one-story building owners to sell. She explained that she did not want to see everything on Main Street demolished for bigger buildings.

Commissioner Brown expressed concern about making too many changes to overnight accommodations or the overlay zone until the Council gives clear direction to the Commission. Planning Director Shepard suggested having City Council attend the Planning Commission meeting during a workshop on July 25, 2019 instead of the Planning Commission attending the City Council meeting on July 23, 2019. Commissioner Brown suggested the Commission focus on the regulations for overnight accommodations downtown first and then expand from there. She also discussed starting in the north but expressed her desire to start in one place and work from there. Commissioner Brown also stated she would like City Council to review their maps and decide if they wanted to adjust the boundaries.

***Adjournment:***

Commission Chair Brown adjourned the meeting at 7:10 PM.

**JOINT MOAB CITY COUNCIL/PLANNING COMMISSION WORKSHOP  
AND MOAB CITY COUNCIL  
REGULAR CITY COUNCIL MEETING MINUTES--DRAFT  
AUGUST 13, 2019**

The Moab City Council held its regular meeting on the above date in the Council Chambers at the Moab City Center, located at 217 East Center Street.

***Joint City Council/Planning Commission Workshop:*** At 5:00 PM, Mayor Emily Niehaus called the workshop meeting to order. In attendance were Mayor Emily Niehaus, Councilmembers Tawny Knuteson-Boyd, Kalen Jones, Karen Guzman-Newton, Mike Duncan and Rani Derasary. Also in attendance were Planning Commission members Allison Brown (chair), Kya Marienfield, Marianne Becnel, Brian Ballard, Jeanette Kopell and Becky Wells. Staff in attendance included City Manager Joel Linares, Recorder Sommar Johnson, City Attorney Chris McAnany, Public Works Director Oscar Antillon, Finance Director Rachel Stenta, City Engineer Chuck Williams, Planner Nora Shepard, Sustainability Director Rosemarie Russo and Records Specialist Eve Tallman. An audio recording is archived at: [www.utah.gov/pmn/index.html](http://www.utah.gov/pmn/index.html). A video recording of the meeting is archived at: <https://www.youtube.com/watch?v=W0ztpJoJLmw>.

The Workshop considered progress on the overnight accommodations moratorium. Planner Shepard updated Council on next steps and timeframe for reintroducing some allowed uses in zones. Discussion focused on development standards, height restrictions, oversized vehicle parking, hotel shuttles, mixed use projects, and future allowed uses in the C-3 zone.

The Joint Workshop meeting recessed at 6:45 PM.

## Moab Planning Commission Agenda Item

Meeting Date: October 10, 2019

**Title:** Discussion on Development Standards for Overnight Accommodations

**Disposition:** Work Session only

**Staff Presenter:** Nora Shepard, Planning Director

**Attachment(s):**

Exhibit A: Revised draft Development Standards Table

Exhibit B: Supplementary Regulations for Large-Scale Development over Thirty Thousand Square Feet.

**Background/Summary:**

As the result of the adoption of Ordinance 2019-18, the City Staff and Planning Commission are tasked with drafting of Development Standards so that the City can, one again, accept applications for new Overnight Accommodations in the City. As discussed by the Planning Commission and City Council in a joint work session held on Tuesday, August 13, 2019, the Development Standards that need to be developed shall include:

- Energy Efficiency
- Density and Size
- Aesthetics
  - Height, bulk and scale
  - Façade Variation
  - Color and Materials
  - Viewshed
- Landscaping, buffering
- Mixed Use Requirements
- Water carrying capacity, existing infrastructure capacity
- Contribution to cumulative traffic, connectivity/contribution to non-motorized/micro vehicle transportation network

On September 12 and September 26, the Planning Commission discussed potential development standards. The County Planning Commission has also been reviewing the draft development standards. The City and County are working together to develop consistent Development Standards. In addition, the Grand County Council and Planning Commission held a work session on the proposed Development Standards. At that meeting, representatives from a hotel developer were present to add input to the discussion. The draft revised Development Standards includes changes based on that input.

The City and County staff met to discuss and revise the draft Development Standards Table and the input received by both Planning Commissions and the County Council. A new Development Standards matrix is attached as Exhibit A.

1 Draft Development Standards  
10.10.2019  
Nora Shepard

The Moab City Planning Commission and City Council are scheduled to have a joint work session later in the month. At that time, the goal will be to go over the draft Development Standards table. After that, the staff will draft changes to the Moab Municipal Code that reflect the Development Standards. The goal is to have a public hearing on the proposed code amendments at the November Planning Commission Meeting.

**Purpose of Work Session:**

At the work session on October 10, 2019, the Planning Staff is asking for the following guidance:

1. Review of revised draft Development Standards Table
2. Specific direction on mass and scale for new OA projects.

**Zoning Approach:**

Grand County - As we have previously discussed, the City and County have chosen similar but different approaches for regulating new Overnight Accommodations. The County has adopted Overnight Accommodation Overlays (OAO) for:

- Hotels and Motels
- RV Parks and Campgrounds
- Residential Overnight Accommodations

The ordinance adopting these OAOs is attached as Exhibit C.

At this time, the OAOs are being applied only to properties that have been operating and are recognized as approved Overnight Accommodation projects and parcels. Once the Development Standards are added to the Overlay Districts, the County will consider applying the OAO to specific parcels based on a legislative (or rezone) process. Once the OAO is attached to a parcel or parcels, an application can be filed for a specific project.

City of Moab – Rather than using Overlay Zones, the City is proposing to include the new Development Standards as use specific requirements in each zone district where OAs will be allowed. This approach allows a property owner or applicant to be able to look at the Development Standards for Hotels and Motels (as an example) when they look up the zoning for a parcel. The Development Standards may be different for different zones, depending on the overall character of the zone.

The goal is that Development Standards will be adopted by the City and by the County separately, but that they as consistent as possible.

**Summary of the draft revised Development Standards:**

In reviewing and revising the Development Standards, the staff considered the following:

- 2 Draft Development Standards  
10.10.2019  
Nora Shepard

## Energy

- It is unlikely that a motel/hotel can practically meet net zero for their project. Net Zero means that the project generates as much energy as it uses. The Net Zero standard has been modified so that 80% of the energy needs are produced on site. The balance of the energy should be provided by purchasing renewable energy credits
- Alternately, if a developer chooses to use an energy certification program such as Leeds or Community Building/Living Challenge, they would be able to do so.

## Water

- A rainwater catchment system will be required and used on site for beneficial uses
- Restrictions on sod or turf have been changes to allow only 10%
- All new developments will have to use water-wise and/or xeriscape. In the future, the landscaping requirements in the MMC should be updated.
- Bioretention and bio-infiltration required (if the soil condition will allow it).
- Covering of pools at night to maintain temperature

## Transportation

As we discussed transportation, it became apparent that “one size fits all” is not possible. The proposal is that there would be some Development Standards that will be required and that other strategies would be listed, and the developers would have to pick some number from that list. At a minimum, projects will have to have bike storage, bikes or e-bikes on site for guest use and all projects should be designed to include an area that can be used as a shuttle stop. There has also been discussion about larger projects (over 100,000 square feet) having to provide a shuttle.

## Mixed Use and Civic Space Standards

After much discussion, it is suggested that we concentrate requiring first floor mixed use requirement in the “in town” zones (C-2, C-3). One of the primary issues that prompted the changes for OAs is that much of the development that has occurred recently in our Commercial Zones has been in the form of OAs and that many commercial uses that benefit the residents and visitors are not being provided currently in Moab. Requiring mixed use for “in-town” OAs would help this situation. In addition, Landmark Design is working on creating code that encourages “commercial nodes” in Moab. That work will move forward as soon as we complete the Development Standards for OAs.

The concept of civic space is difficult to define. Staff recommends the focus on open space standards to ensure that OA Developments provide usable/functional open space open to the public.

## Open Space

After discussion, it is suggested that the required open space should be functional and usable. Minimum open space requirements would vary with the size of the project parcel.

### Height

As discussed by the Planning Commission, height will vary by zone and location. Some of the properties on the west side of Hwy 191 should be allowed flexibility for additional height. The view of the Moab Rim is vital to maintain.

### Density and Scale

The Planning Commission has expressed an interest in limiting the size of individual buildings and total project square footage. This is an item where staff needs additional direction.

### Architectural Standards

The proposed standards are fairly common and are not generally difficult to achieve. The balance of getting good design vs cost must be considered. We want more aesthetically pleasing projects, but do not want to make the standards so onerous as to make it impossible for smaller businesses and local developers to move forward.

### **Supplementary Regulations for Large-Scale Development over Thirty Thousand Square Feet.**

Exhibit B is the current code regulations for Large-Scale Development over 30,000 square feet. These regulations will remain in place. The new OA standards will be in addition to, and not replace this section of code.

Development Standard Category	Standard
Energy	OA Developments shall produce eighty percent (80%) of their energy needs on-site through solar, geothermal, or other renewable energy sources. OA Developments are encouraged to purchase their remaining energy needs through renewable energy credits. Alternatively, OA Developments may meet this standard by submitting a certification through the Green Building Council (LEED Gold or better), Living Building Challenge, Net Zero Building Certification, or other established industry standard.
Water	OA developments shall install the maximum feasible rainwater catchment system and use the water for beneficial on-site uses, such as reducing the use of culinary water for landscaping irrigation.
	OA Developments shall have a maximum of 10% of their landscaped area covered in turf grass; OA Developments shall utilize water-wise and xeriscape landscaping design standards.
	To the maximum extent possible, OA Developments shall utilize bio-retention and bio-infiltration systems to manage storm water runoff.
	Pools shall be covered in the evening to prevent evaporation and to retain heat.
Transportation	OA Developments shall be required to implement ___ of transportation infrastructure improvements from "List A" and ___ of improvements from "List B."
Mixed Use	<i>CEC Staff recommends removing the proposed mixed-use requirement for OA Developments outside City Limits.</i>
	20% of gross square footage for first floor commercial
	Ground stories must be occupied by uses other than overnight accommodations that serve the guests of the development
	Ground stories must be occupied by uses that provide a service to the community and are open to the public
	Employee housing (on- or off-site)
Civic Space	<i>CEC Staff recommends removing these standards.</i>
	At least 5% of gross square footage devoted to Civic Uses
	Development of parcels over 5 acres are required to provide a minimum of 5% total lot size as publicly-accessible civic open space.
	Developer shall work with County to determine the appropriate location of proposed open spaces.
	Participation in existing or planned civic uses
Fee in lieu	
Open Space (Also, See existing building and lot design standards in the RC and RS zone districts of Article 2)	OA Developments shall provide usable, functional open space that is covered by a public access easement at the following levels:  OA Developments 0-1 acre: 5%; All contiguous " " " 1-2 acre: 10%; At least half contiguous " " " 2+ acre: 15%; Minimum 7,500 sq. ft. contiguous
Height	Limit to current height standards in base zone district, or limit further?
	Potential exception for architectural features not to exceed an additional 15% of height limit for no more than 10% of the building's front façade.
	Pedestrian scale stepping required for upper floors
	Ridgeline standards - Maintain views of the Moab Rim from US 191
	Hinterland Open Space/Viewshed standards

<b>Density, Scale</b>	No 1 building larger than xx,000 sf
	Total project square footage not to exceed xx,000sf
	Total number of accommodations not to exceed _____ units or _____ bedrooms
<b>Site Configuration</b>	Primary uses must face the fronting roadway
<b>(Also, See existing building and lot design standards in the RC and RS zone districts of Article 2)</b>	All development must fit the property – no mass grading or grading of a flat building envelope (building must step with terrain)
<b>Building Design</b>	No façade to exceed 60 ft in length
	More than 5 ft shift in vertical and horizontal façade for each 30 linear feet
	Building design shall vary between vertical facade divisions and from adjacent buildings by the type of dominant material or color, scale, or orientation of that material and at least two of the following: ...The proportion of recesses and projections. ...The location of the entrance and window placement, unless storefronts are utilized. ...Roof type, plane, or material, unless otherwise stated in the Building Type requirements.
	For uses located on the ground floor facing the primary fronting street, 60% Minimum Ground Story Transparency is required, measured floor to floor. Transparency is any glass in windows and/or doors, including any mullions, that is highly transparent with low reflectance.
	Blank wall limitations are required on all facades facing the primary street. No rectangular area greater than 30% of a story's facade, as measured from floor to floor may be windowless, and no horizontal segment of a story's facade greater than 15 feet in width may be windowless, unless otherwise approved.
	A mix of entrance types may be utilized, aligned with the overarching architectural theme or concept. All buildings must have an easily-discernable Principal Entrance located on the primary street side of the principal building or buildings.
<b>Materials and Colors</b>	The treatment of roofs should be thoughtful and consistent. Air conditioning units and similar mechanical requirements should be avoided on rooftop locations, and fully-screened from view when unavoidable. Parking shall be located to the side or rear of buildings
	Primary Facade Materials. 80% of each facade shall be constructed of primary materials. For facades over 100 square feet, more than one material shall be used to meet the 80% requirement.
	Permitted primary building materials will include high quality, durable, natural materials such as stone, brick and adobe-type materials; wood lap siding; fiber cement board lapped, shingled, or panel; metal siding; glass. Other high quality synthetic materials may be approved as part of a unified theme or design concept.
	Secondary Facade Materials are limited to details and accents. Examples include gypsum reinforced fiber concrete for trim and cornice elements; metal for beams, lintels, trim; and exterior architectural metal panels and cladding. Exterior Insulation and Finishing Systems (EIFS) is permitted for trim only.
	Acceptable Roof Materials include 300 pound or better, dimensional asphalt composite shingles, metal tiles or standing seam, slate, and ceramic tile. Other roof materials may be considered for approval.
<b>Window, Awnings, Shutters</b>	Color. Main building colors shall be complementary to existing buildings in the area, the surrounding landscape and visual backdrops.
	Windows - all upper story windows of overnight accommodation, mixed use and associated buildings shall be recessed and double hung.
	Plastic or vinyl awnings are not permitted. Awning types and colors for each building face shall be coordinated.  If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood.
<b>Balconies</b>	...Balconies shall be a minimum of six feet deep and five feet wide. ...Balconies that are not integral to the facade shall be independently secured and unconnected to other balconies. ...A maximum of 40% of the front and corner side facades, as calculated separately, may be covered with balconies, including street-facing railing and balcony structure.

Comments
Standard updated as per 10/2/19 discussion.
State Code: 73-3-1.5 Capture and storage of precipitation. <u>Each parcel</u> is allowed to capture/use 100 gallons (in 1 or 2 containers) without State registration or 2,500 gallons (in 1 container) with State registration. "Rainwater put to beneficial on-site use" added as per 10/2/19 discussion.
"Xeriscape" added as per 10/2/19 discussion.
As per 10/2/19 discussion, CC suggested removing a requirement that pools be covered or indoors. However, one Council member suggested covers overnight to reduce heat loss and evaporation.
the hypothetical "List A" or "List B," potential improvements include: <ul style="list-style-type: none"> <li>-OA Developments with a total project size greater than 100,000 sq. ft. shall provide a free shuttle to guests, with the sq. ft. threshold to be discussed.</li> <li>-OA Developments are encouraged to program shuttle/transit stops into their site plans.</li> <li>-OA Developments shall provide free bicycles/e-bicycles to their guests for use, with the minimum requirement based on OA Development project size and location.</li> <li>-OA Developments shall provide bicycle storage areas, with the minimum requirement based on OA Development project size and location.</li> <li>-OA Developments shall have the right to pay a fee in-lieu to the County to support active transportation and trails</li> </ul>
<i>CED Staff discussed the proposed Civic Use standards with City Staff on 10/4/19. There are many challenges associated with legislating mixed-use requirements, which uses are most appropriately co-located with OA Developments, which uses will ultimately benefit or successfully operate adjacent to or within an OA Development, and OA Developers' capacity/expertise in the areas of non-lodging uses. Ultimately, Staff's current recommendation is now to support the City in mandating mixed-use for OA Developments within the core downtown area and drop the requirement from OA Developments in the unincorporated County. Still, CED Staff acknowledges the need for balanced development. It was noted that new OA approval procedures and development standards should alleviate some of the competition between OA Developments and other commercial uses. Additionally, the City and County still have a responsibility to support and facilitate economic diversification. OA Developments cannot, and should not, be held entirely responsible for that community objective.</i>
The amount of acceptable commercial would depend on the location of lodging establishment. Some parameters should be established.
The amount and type of acceptable commercial would depend on the location of lodging establishment. Some parameters should be established.
The type of acceptable community benefit would depend on the location of lodging establishment. Some parameters should be established.
The Assured Housing Ordinance regulates this. OAO regs should simply reference the AH standards.
<i>CED Staff discussed the proposed Civic Use standards with City Staff on 10/4/19. The concept of civic space is difficult to define. Staff recommends the County focus on open space standards to ensure that OA Developments provide usable/functional open space open to the public.</i>
Will need to define various acceptable Civic Uses
Will have to develop list of community-wide civic uses
Need to come up with fee
Will have to define "usable open space" as well as maintenance standards. RS and RC zone districts currently require 25% open space. Planning Commission shall discuss the tiered requirements proposed (to left) or the existing standards for RS and RC zone districts.
Needs a definition of what is truly meant and accepted/desired.
Show examples, come up with minimum step backs and elements to provide pedestrian scale --> reference step back requirements in High Density Housing Overlay (HDHO)
Currently, the County's Ridgeline Standards DO NOT APPLY to commercial zone districts.
Several rezoning requests have been submitted for the areas north of Arches NP. Some have been approved, others denied. In each case, viewshed impacts have been raised as a significant concern.

