

**GRAND COUNTY, UTAH**  
**ORDINANCE \_\_\_\_\_ (2020)**

**AMENDING SECTIONS 3.2.3 AND 4.6 OF THE GRAND COUNTY LAND USE CODE  
TO REVISE OVERNIGHT ACCOMMODATIONS DEVELOPMENT STANDARDS**

**WHEREAS**, Title 17 Chapter 27a of the Utah Code authorizes Grand County to enact ordinances, resolutions, and rules and to enter into other 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 Grand County, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing: uses; density; open spaces; structures; buildings; energy-efficiency; light and air; air quality; transportation and public or alternative transportation; infrastructure; street and building orientation and width requirements; public facilities; fundamental fairness in land use regulation; and considerations of surrounding land uses to balance the foregoing purposes with a landowner's private property interests and associated statutory and constitutional protections;

**WHEREAS**, Title 17 Chapter 27a of the Utah Code requires Grand County to provide for the health, safety, and welfare of its residents; improve the peace and good order, comfort, convenience, and aesthetics of the County; protect the tax base; foster the state's agricultural and other industries; promote the orderly development of urban and nonurban development; provide fundamental fairness in land use regulation; and facilitate orderly growth and allow growth in a variety of housing types;

**WHEREAS**, the Grand County Council (County Council) adopted the Grand County General Plan Update (General Plan) on February 7, 2012 with Resolution No. 2976;

**WHEREAS**, the County Council adopted the Grand County Land Use Code (LUC) on January 4, 1999 with Ordinance No. 299, adopted significant amendments to it on February 19, 2008 with Ordinance No. 468, and has since amended it with additional ordinances 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, state law, and contemporary planning concepts;

**WHEREAS**, while the General Plan acknowledges the important contribution of tourism to the local economy, it also states that growth in new business sectors should be balanced with tourism to achieve year-round economic diversification with higher-paying jobs;

**WHEREAS**, the County Council adopted Ordinance 595 on July 18, 2019 and ratified the same on August 6, 2019, which modified the use rights and approval procedures associated with new

Overnight Accommodations developments;

**WHEREAS**, the County Council adopted a Resolution 3180 on July 18, 2019, which notified the public of a pending ordinance that would modify the use and design standards for Overnight Accommodations developments within 180 days (before January 14, 2020);

**WHEREAS**, the County Council adopted Resolution 3197 on December 3, 2019, which stated its desire and goal of achieving 100% net-renewable energy consumption in Grand County by 2030;

**WHEREAS**, the United States Geological Survey recently published a report of its findings from a multiyear groundwater study of the Moab Area Watershed, which states that: a) safe yield<sup>1</sup> for the Area is less than previously estimated; b) the amount and location of return flows into Mill Creek, Pack Creek, and the Colorado River must be studied more; and c) data is lacking on actual diversion volumes for private springs, private wells, and Pack Creek surface diversions, which findings demonstrate the need for additional water study and a multi-agency, intergovernmental groundwater management plan that includes a variety of water conservation policies;

**WHEREAS**, a recent transportation study found that during a typical Friday in the month of May roughly 2,300 vehicles pass through downtown Moab during a peak hour (8:00 a.m. to 9:00 a.m. or 4:00 p.m. to 5:00 p.m.), and projections for the year 2030 suggest that number will increase to 2,750 vehicles per peak hour,<sup>2</sup> which traffic volumes have resulted in lower levels of service, longer travel times through Spanish Valley, safety concerns for different user groups, and a diminished experience of downtown Moab for pedestrians and drivers;

**WHEREAS**, the General Plan makes clear that residents and tourists alike value and appreciate the unobstructed and iconic views of the Moab Rim and other landscape features in the Moab Area;

**WHEREAS**, the Grand County Council and Planning Commission see the need for thoughtful, aesthetically pleasing, efficient and sustainable building design to preserve and enhance the character of Grand County in keeping with the Vision, Goals, and Strategies of the General Plan;

**WHEREAS**, the Grand County Planning Commission held a public hearing on December 10, 2019 to solicit written and oral comment from the public regarding the amendments to overnight accommodations development standards proposed in this Ordinance and unanimously voted to send a favorable recommendation to the County Council;

**WHEREAS**, the County Council held a public hearing on December 17, 2019 to solicit written and oral comment from the public regarding the amendments to overnight accommodations development standards proposed in this Ordinance;

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<sup>1</sup> The amount of water that can be withdrawn each year without risking harm to the aquifer.

<sup>2</sup> Fehr and Peers 2018

**NOW, THEREFORE, BE IT ORDAINED** that the Grand County Council hereby amends and modifies Section 3.2.3 and Sections 4.6.1, 4.6.5, 4.6.6 of the LUC as follows:

*See Exhibit A.*

**PASSED, ADOPTED, AND APPROVED** by the Grand County Council in a public meeting on January 7, 2020 by the following vote:

*Those voting aye:* \_\_\_\_\_

*Those voting nay:* \_\_\_\_\_

*Those absent:* \_\_\_\_\_

**ATTEST:**

**GRAND COUNTY COUNCIL**

\_\_\_\_\_

\_\_\_\_\_

Chris Baird, Clerk\Auditor

Evan Clapper, Chair

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## **Exhibit A**

### **Section 3.2.3 Commercial Use Standards**

**D. Bed and Breakfast. See Section 4.6, Overnight Accommodations Overlay**

**F. Dude Ranch or Destination Resort. See Section 4.6, Overnight Accommodations Overlay.**

**L. Recreational Vehicle/Travel Trailer Park. See Section 4.6, Overnight Accommodations Overlay**

**M. Residential Units Used for Overnight Accommodations. See Section 4.6, Overnight Accommodations Overlay.**

### **Section 4.6.1 Purpose**

The -OAO, Overnight Accommodations Overlay Districts are overlay districts intended to designate subdivisions and developments within which overnight accommodations are permitted. Overnight accommodations, while part of the Grand County economy and tradition, are not appropriate in all zone districts and parts of the County. -OAO Districts should be applied only to parcel(s) planned or historically used primarily for such use and activity, accessible directly by an arterial or collector street, and where appropriate and compatible with adjacent land uses and neighborhoods.

The -OAO Districts ensure that overnight accommodations are designed and developed in a manner that addresses the impacts and the increased service needs they generate, including but not limited to traffic, employee housing, natural resources (e.g., land and water), sewerage, law enforcement, and emergency medical services. The -OAO Districts also ensure that Grand County maintains a healthy amount of developable commercial land and mix of commercial uses that support a diverse economy. The -OAO Districts should be applied to ensure that new and redeveloped projects result in tangible community benefits through the application of creative design, the incorporation and support for mixed uses both on site and elsewhere in the community, and through the provision and support for public uses and spaces to provide a balanced community structure.

### **Section 4.6.2 Applicability**

The regulations set forth in this Section may be applied to real property located within the OAO Boundaries shown on Exhibit A upon application to and approval by the County Council pursuant to the provisions herein.

When approving or denying an -OAO District Application, the Council shall consider and make findings related to the impact of the proposed development on:

- A. Grand County's effort to achieve or maintain a balanced ratio of mixed uses in the County, including residential, lodging, and commercial uses; and
  - 1. In determining what constitutes a balanced ratio of mixed uses, the County Council shall consider the following factors:
    - a. Grand County's early 2019 development ratio of 1.4 overnight accommodation units to 1 primary residential unit;
    - b. Carrying capacity analyses or additional studies specific to Grand County; and
    - c. The considerations of interest in Section 4.6.7(C)(2)(g)(1).

Upon approval, and subject to all applicable zoning regulations, the -Development Agreement and Master Plan shall control development of the applicable real property.

#### **Section 4.6.5 Design Standards in -OAO Districts**

Unless otherwise specified below, all development in an -OAO District shall comply with the design standards of the underlying zoning district and this Section 4.6, as amended.

##### *A. Energy.*

- 1. OAO Developments in the OAO-Hotel/Motel District and Residential Units used for overnight accommodations in the OAO-Residential District and all structures owned or managed by OAO Developments in the OAO-RV/Campground District shall produce eighty percent (80%) of their energy needs on-site through solar, geothermal, or other renewable energy sources.
- 2. OAO Developments are encouraged to purchase their remaining energy needs through renewable energy programs and credits.
- 3. OAO Developments may meet these energy requirements by submitting a certification through the Green Building Council (LEED Zero or better), Living Building Challenge, Net Zero Building Certification, or other established industry standard.
- 4. OAO Developments shall submit an annual report demonstrating compliance with the above standards by notarized affidavit to the County on or before January 31 each year. Failure to comply with this requirement could result in the loss of a business license.

##### *B. Water*

- 1. OAO Developments shall install the largest feasible rainwater catchment system based on rooftop size, layout, and an analysis of average storm events, as demonstrated by a stamped engineering plan; provided, however, that Developers shall not be required to install systems that would generate more water than is needed to satisfy a development's outdoor water/landscaping irrigation needs.
  - a. OAO Developments shall use the water for beneficial on-site uses such as reducing the use of culinary water for landscaping irrigation. Unless

exempt, Developers shall register their capture and storage of precipitation with the State of Utah Division of Water Rights prior to placing the water to beneficial use.

2. OAO Developments shall include greywater reuse systems for all shared or group shower or laundry facilities and use the greywater for beneficial on-site uses such as reducing the use of culinary water for landscaping irrigation.
3. OAO Developments shall utilize drought-resistant, water-wise, and xeriscape landscaping design principles. Turf grass may not exceed 10% of the landscaped area or 3,000 square feet, whichever is less.
4. To the maximum extent possible, OAO Developments shall utilize bio-retention and bio-infiltration systems to manage storm water runoff.

#### *C. Transportation*

1. OAO Developments shall incorporate into their subdivision plat or site plan the following transportation infrastructure:
  - a. Space to accommodate a transit or shuttle stop.
  - b. OAO Hotel/Motel Developments shall provide covered, lockable bike storage at a rate of 1 space per 2 lodging units.
  - c. Active transportation and non-motorized trail easements dedicated to the public where identified in the Grand County Non-Motorized Trails Master Plan.
  - d. Electric vehicle charging stations at the rate of rate of 2 stations per the first 25 units, with one being ADA accessible, and 1 station per additional 25 units.
2. OAO Developments shall incorporate into their subdivision plat or site plan transportation solutions that will aim to reduce projected vehicle trips below the ITE Trip Generation Manual by 20%.

#### *D. Mixed Use*

1. OAO Developments must comply with the Assured Housing Requirements of Section 6.15.

#### *E. Open Space*

1. OAO Developments shall incorporate into their subdivision plat or site plan the following usable, functional open space together with a public access easement at the following levels based on the size of all parcels included in the Development:
  - a. 0-1 acre: 5%; All contiguous.
  - b. 1-2 acre: 10%; At least half contiguous.
  - c. 2-5 acre: 15%; Minimum 7,500 sq. ft. of contiguous.
  - d. 5+ acre: 25%; Minimum 7,500 sq. ft. of contiguous.

#### *F. Height*

1. OAO Developments shall be required to provide a viewshed analysis as part of their OAO application, which analyzes the impact of the proposed height and citing of structures on the visibility of surrounding landscape features.
2. Potential viewshed impacts, as determined by the viewshed analysis, shall be reasonably mitigated, which may include height and citing restrictions.

3. OAO Developments may be constructed to the maximum height allowed by the underlying zone district only if the viewshed analysis is determined to show no detrimental impacts on the visibility of surrounding landscape features.
4. OAO Developments shall be subject to the Ridgeline Standards in Section 6.9.8 of the Grand County Land Use Code

*G. Density & Scale*

1. Hotel/motel and residential developments used for overnight accommodations shall have a maximum building size of 15,000 sq ft and 35 bedrooms.
2. Hotel/motel and residential developments used for overnight accommodations shall have a maximum project size of 50,000 sq ft and 60 bedrooms.
3. RV/Campground developments shall be limited to a maximum of 60 spaces.

*H. Site Configuration*

1. Primary uses must face the fronting roadway. Where parcel or site configurations create challenges for meeting this standard, OAO developers shall present alternative use and design features that create an appealing and active interface with the fronting roadway.
2. All development must fit the topography of the property. No mass grading or grading of a flat building envelope (building must step with terrain) is permitted.
3. Additional off-street parking may be required as necessary to mitigate impacts on adjacent land uses and neighborhoods as determined by the Zoning Administrator and County Engineer.

*I. Building Design*

1. No façade or building wall shall exceed 60 linear feet. More than 5 ft shift in vertical and horizontal façade is required for each 30 linear feet;
2. 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:
  - a. The proportion of recesses and projections;
  - b. The location of the entrance and window placement, unless storefronts are utilized;
  - c. Roof type, plane, or material, unless otherwise stated in the Building Type requirements.
3. No rectangular area greater than 30% of a building story's facade, as measured from floor to floor may be windowless, and no horizontal segment of a building story's facade greater than 15 feet in width may be windowless, unless otherwise approved. An exception may be considered if the wall area is to be used to display public art (not a sign).
4. Air conditioning units and similar mechanical requirements should be avoided on rooftop locations, and fully-screened from view when unavoidable. Rooftop parking shall be shielded from view and integrated into the overall building design.
5. Plastic or vinyl awnings are not permitted. Awning types and colors for each building face shall be coordinated. Awnings must be of solar stabilized materials.

6. 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 or other durable material.

J. *Materials and Colors*

1. OAO Developments shall be constructed of durable, primary materials such as stone, brick and adobe-type materials; wood lap siding; fiber cement board lapped, shingled, or panel; metal siding; glass, or engineered stone. Aside from solar panels or other infrastructure related to energy efficiency and water use/reuse, OA Developments shall utilize non-reflective materials.
2. OAO Developments shall utilize earth tone colors that are complementary to the surrounding landscape and visual backdrops. Exceptions shall be allowed for public art.

#### **4.6.6 Use and Occupancy Standards**

In addition to the requirements of Section 4.6.5 above, all principal and accessory structures in an OAO Development shall comply with the following use and occupancy standards requirements. An individual land use permit and business license shall be required for each RV/campground, hotel/motel, or dwelling unit rented for time periods of less than 30 days.

##### **A. Bed and Breakfasts**

Bed and breakfasts shall comply with the standards of this section:

1. Bed and breakfast facilities shall meet the minimum performance standards for off-street parking as specified in Section [6.1](#), including reasonably expected extraordinary parking demands.
  - a. On-street parking by bed and breakfast guests is expressly prohibited;
  - b. Driveways and other access ways to the principal structure do not satisfy the off-street parking requirements for bed and breakfast guests.
2. One sign shall be allowed, in accordance with the requirements of Section [6.5](#), Signs, of this LUC;
3. Information for emergencies must be made available to guests.
4. The zoning administrator may revoke a bed and breakfast permit if it is determined that:
  - a. The applicant has misrepresented any material fact on his or her application, or supporting materials;
  - b. The bed and breakfast fails or ceases to comply with applicable standards, conditions or criteria for issuance of a permit;
  - c. The operation of the bed and breakfast violates any statute, law, ordinance or regulation; and/or
  - d. The operation of the bed and breakfast constitutes a nuisance or poses a real or potential threat to the health, safety or welfare of the public. [Ord. 569, 2017; Ord. 548, 2016.]

## **B. Dude Ranch or Destination Resort**

Dude ranches and destination resorts shall be permitted in the OAO-Hotel/Motel Districts. All dude ranches or destination resorts shall comply with the standards of this section:

1. Accessory facilities may include restaurants, gift shops, employee housing, equestrian facilities and health spas;
2. Provide adequate public facilities and services based on the type and scope of the development proposed; a private water and/or sewerage system may be required where the capacity of available public water system and/or sewage treatment system is insufficient to serve current zoned density;
3. Provide public trail and/or road rights-of-way dedications as necessary to maintain historic access to public lands;
4. Provide complete food service for all guests;
5. Provide a recreational amenity package suitable for the scale of the project.
6. Signs allowed on site shall comply with the requirements of Section [6.5](#), provided, however, that:
  - a. Maximum allowable signage, defined as the aggregate total square footage of signs on-site, shall be as determined by the Planning Commission up to a maximum of 192 square feet, provided that no individual sign shall be larger than 92 square feet; and
  - b. Signs that are not visible from off-site shall not be considered in the maximum allowable signage.
7. The density of accommodations units shall be limited to one (1) per 2.5 acres, and the average size of all accommodations units shall not exceed 600 square feet; provided, however, that the County may permit bonus density up to one (1) unit per acre and/or bonus average unit size, where the County specifically finds that a proposed development will provide significant and substantial public benefit, as compared to alternative uses for the subject property, by exceeding county standards with respect to:
  - a. Protection of sensitive lands on the site;
  - b. Dedication of view shed easements across the property from high public use areas;
  - c. Dedication of 80 percent or more of the site as open space;
  - d. Protection and enhancement of wildlife habitat; and
  - e. Diversification of the local economy.
8. Employee housing shall be provided and such housing shall be restricted in accordance with the requirements of Section [6.14](#).

## **C. Recreational Vehicle, Campground, and Travel Trailer Park**

Recreational vehicle, campground, and travel trailer parks shall comply with the following standards

1. Each space may be occupied only by persons using “park model” units, travel trailers, truck campers, small cabins (traditional KOA-style), and tents for overnight, short duration, or seasonal camping;

2. Each space RV/travel trailer space shall be at least 1200 square feet in area;
3. Each cabin or tent space shall be at least 800 square feet in area;
4. Each space shall be at least 30 feet in width;
5. Each park shall be served by public water and sewer facilities;
6. No space shall be located more than 200 feet from a water and sewage service building;
7. The County may require landscaping and screening pursuant to the provisions of Section [6.4](#), Landscaping and screening; and
8. One (1) tree of a species suitable for the area shall be provided for each 2 spaces, and shall be located in close proximity to those spaces. (Existing trees on the site may be used to satisfy this requirement.)

#### **D. Residential Units Used for Overnight Accommodations**

Residential units used for overnight accommodations shall comply with the following requirements:

1. Each residential dwelling unit used for overnight accommodations shall require its own land use permit and business license even when multiple units are owned or managed by one entity.
2. Such units shall be managed by Utah-licensed property management agents or companies with a local, Grand County representative, and shall collect and pay all applicable taxes, including but not limited to, the Transient Room Tax (TRT).
3. Additional off-street parking may be required as necessary to mitigate impacts on adjacent land uses and neighborhoods.
4. Properties used for overnight accommodations shall have direct access to an arterial or collector street.
5. Current contact information for property owners or management agencies or companies shall be posted in an accessible location outside such units or project.

#### **4.6.7 -OAO District Application**

##### **C.**

##### **2.**

g. A narrative that includes:

(1) A description, stated with specificity, of how the proposed development impacts or benefits the following considerations of interest to Grand County and how any such impact shall be addressed or mitigated:

- a. Economic diversification
- b. Job creation
- c. Increased wages
- d. Community aesthetics
- e. Civic and open space
- f. County infrastructure such as roads, water, sewer, and storm water
- g. Public services such as law enforcement and emergency medical services
- h. Traffic, in quantity and circulation

- i. Water resources, in quantity and quality
- j. Housing demand
- k. Crowding or congestion in national parks and other nearby public lands.

(2) A description, stated with specificity, of additional beneficial public services and goods the proposed development provides to the community.

(3) An analysis that compares the stated community benefit(s) with the proposed impact(s).

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