

**MOAB CITY PLANNING COMMISSION MEETING  
REGULAR PLANNING COMMISSION MEETING MINUTES  
April 23, 2020**

The Moab Planning Commission held its regular meeting on the above date in the Council Chambers via Zoom. An audio recording of the evening meeting is archived at: <https://www.utah.gov/pmn/index.html> and a video recording is archived at: <https://www.youtube.com/watch?v=UxVQzq4Kap0>

The Moab Planning Commission Chair Kya Marienfeld called the meeting to order at 6:05 PM. In attendance were Planning Commission Chair Kya Marienfeld, Commission members Jessica O’Leary, Ruben Villalpando-Salas, Luke Wojciechowski, Marianne Becnel, and Becky Wells were present. Commission Members Brian Ballard was absent. Staff in attendance included City Planner Nora Shepard, Assistant Planner Cory Shurtleff and City Recorder Sommar Johnson. One member of the public was present.

***Citizens to Be Heard:***

There were no citizens to be heard.

***Approval of Minutes:***

There were no minutes to be approved.

***Planning Director’s Report:***

City Planner, Nora Shepard, stated that she had recently sent the Moab City Planning Commission Bylaws to all Planning Commission Members. Shepard pointed out the attendance requirement in the bylaws. She explained that this requirement is on hold due to COVID-19 and technology limitations that could potentially exclude members. Shepard made the Planning Commission members aware of Mayor Niehaus’ interest in the Planning Commission meeting attendance records and the importance of attendance. She also asked that if a member is unable to attend a meeting to let her know. There were no questions following this report.

***Public Hearing and Recommendation to City Council on Ordinance #2020-12 - Approving A Zoning Map Amendment for Property Located At 191 Walnut Lane Moab, UT 84532, Amending the Split Zoned Parcel From R-2 Single-Household and Two-Household Residential Zone And R-4 Manufactured Housing Residential Zone, To Only R-4Manufactured Housing Residential Zone; And Amending the City of Moab Official Zoning Map***

***Discussion:***

Assistant City Planner, Cory Shurtleff, asked if anyone was present for public comments. No one was present, although there was one public comment that was provided via email to the Planning Commissioners. City Planner, Nora Shepard, stated that this comment was opposed to the amendment. Shurtleff presented information regarding the property of 191Walnut Lane, including an address discrepancy between the physical address and the tax id address. He explained that the amendment would be to rezone 0.35 acres of the 1.04 acre split zoned parcel to a singular zone. Issues regarding the current plat were mentioned. These issues includes the parcel extending into the right of way at Walnut Lane as well as a section of the parcel that has an unknown parcel id number. On some maps this section is included in the parcel directly to the west, owned by Moab Valley Health Care. On others there are parcel lines for this section

that create an island. Shurtleff stated that this is most likely a surveying error that the applicant is following up to correct it. Shepard asked the members if there is any additional information that they would like to see. Commission member O'Leary asked if there is currently a structure on the section of parcel with the unknown parcel id number. Shurtleff confirmed that there is currently a structure/mobile home unit that is part of the Nelson Trailer Court on this section. There was a discussion on the possibility of this section being an easement and surveying errors around this particular area of Moab. The public comment was briefly discussed. The recommendation from the Planning Staff was that the Planning Commission hold the Public Hearing and continue this discussion to a future meeting.

***Public Hearing:***

Commission Chair Marienfeld opened the Public Hearing at 6:30 pm. There was one email comment and no one was present to speak. Commission Chair Marienfeld closed the Public Hearing at 6:30 pm.

***Motion and vote:***

Commission Chair Marienfeld motioned to continue action item 5.1 Public Hearing And Recommendation To City Council On Ordinance #2020-12 - Approving A Zoning Map Amendment For Property Located At 191 Walnut Lane Moab UT 84532, Amending The Split Zoned Parcel From R-2 Single-Household And Two-Household Residential Zone And R-4 Manufactured Housing Residential Zone, To Only R-4 Manufactured Housing Residential Zone; And Amending The City Of Moab Official Zoning Map to the next Planning Commission Meeting. Commission member Becnel seconded the motion. The motion passed 6-0 with Commission members Marienfeld, Becnel, Wells, Villalpando-Salas, O'Leary, and Wojciechowski voting aye.

***Review And Possible Approval Of Planning Commission Resolution 03-2020– A Resolution Approving The Condominium Conversion Of The Bungalows At 200 North Located At 53 East 200 North, 55 East 200 North, 57 East 200 North, 59 East 200 North.***

***Discussion:***

The applicant, John Knight, joined the meeting at this time.

Commission member Wells recused herself at this time.

City Planner, Nora Shepard, gave a presentation on the specifics and history of the property, she cited that this property recently went through a process to be approved as court apartments. Briefly she explained what it means to be approved as court apartments. Shepard stated that applicant would like to convert the property to condominiums and what this process entails. She clarified why this would need to be approved by the Planning Commission. Citing specific section of the code, Shepard went over the requirements for a condominium conversion. One of the requirements states that a notice must be sent to each tenant and they are to be given 60 days to comment. This requirement has been completed and the Moab City Planning Staff has not received any comments. Shepard went over the prepared resolution and asked for questions.

John Knight pointed out that the resolution shows the owner as “John Knight” and that technically the owner is “Rose Tree Properties LLC”. Shepard stated that she would “make that change before Kya signed the resolution.”

Commission Member O’Leary asked Knight if it was correct that he has not heard from the current tenants. Knight answered “So the city hasn’t. We have. I have spoken, so, one of the tenants the missionaries for the Church of Jesus Christ, so that comes from Salt Lake, a bank account, they’re not going to buy it. That’s on the duplex, on the back. And the other tenant there is an employee of the school district. So I have talked to them and I am waiting to have further discussions with them until after this meeting, assuming that we are approved. Um, one of the units is vacant right now but it becomes leased on May 1<sup>st</sup>. And those are to two federal employees. And we’ve talked to them initially when we signed the lease saying this is what’s happening and they’re interested in pursuing an option. And then the third unit we have not talked to, excuse me, the fourth unit we have not talked to the tenants about it and we haven’t heard anything about it.” Commission Chair Marienfeld clarified with Knight that notice was provided to the fourth unit but he had not heard from them. Knight confirmed this. Marienfeld asked which tenants were offered the purchase option. Knight clarified that it “wasn’t a technical purchase option.” Marienfeld restated asking which tenants received notice that “potentially you would work with them to purchase.” John said that “the three of them, outside of the Church of Jesus Christ, we talked to them about that. And I’ve just said to all of them that we are going to wait until after the approval to have those detailed discussions.” Shepard added that a letter was sent to the church and a copy of the letter should be in the packets provided.

Shepard asked for other questions and stated that “We have not received any public input on this to date.” Commissioner Villalpando-Salas asked how many buildings there are. Knight answered, “There’s three buildings, I was actually just going to state that. The aerial here is an old image from probably right before I purchased the property. So what we wound doing is the home on the back there, we wound up moving that basically forty-five degrees so it abuts up against the east side of the property. And then we brought in a duplex and put it on a permanent foundation and put it on the far north end of the property.” Villalpando-Salas asked to see the layout that was described, and he was able to see this on the plat.

Villalpando-Salas asked if John had a set price in mind. Knight answered that he hopes to have it at a “price point that is slightly less than what they would be paying for rent right now.” He continued that this should be at a price point that would give them instant equity given the current median sale price of units in Moab. Knight stated, “The price point that I am thinking is where they put in ninety-seven percent loan through FHA loan or something like that.”

Wojciechowski asked Knight about difference in the emails that were sent to the tenants. He stated that “one of the units was actually like directly offered to discuss purchasing the property and the other emails just kind of indicate that they can eventually be individually owned.” Knight confirmed that the other two tenants were “talked to verbally about it.” Shepard stated that all the email satisfy the basic requirement of notice.

Commission Chair Marienfeld over the action item options for this resolution; motion to approve, motion to approve with amendments or caveats, or motion to deny. Shepard reminded that if it is denied that it is important that findings are given.

***Motion and vote:***

Commission Member Villalpando-Salas moved to approve the resolution 03-2020– A Resolution Approving The Condominium Conversion Of The Bungalows At 200 North Located At 53 East 200 North, 55 East 200 North, 57 East 200 North, and 59 East 200 North with the change that the applicant is Rose Tree Properties. Commission member O’Leary seconded the

motion. The motion passed 5-0 with Commission members O'Leary, Wojciechowski, Villalpando-Salas, Marienfeld, and Becnel voting aye. Commission member Wells did not vote.

John Knight exited the meeting.

***Discussion Item - Overnight Accommodations Reboot:***

Shepard spoke about a joint working session with the Council that was held the previous week. She mentioned that there were only three Planning Commission Members present so they didn't have a quorum. She asked that if the Commission Members haven't already watched the recording that they please do. Shepard explained that she wanted to verify with the City Council that they are still interested or would consider allowing some new over-night accommodations in the recreation commercial zone and perhaps in other zones in the future. She stated that she is getting "quite varied" input from City Council Members. Shepard stated that the next version of the draft will attempt to incorporate both City Council and Planning Commission's previous comments. She added that time will be spent on clarifying a few individual standards including: open space, requirements for civic space and/or public art, refining the requirement for onsite energy regeneration, and require and further incentivize additional commercial space in any new over-night accommodations which could be used for local commercial type of uses or commercial uses that would serve the tourist economy. She emphasized the majority of City Council members felt this requirement for additional commercial space is important. She asked the members to "brush up" on the most recent version of the ordinance from January so at the next meeting work can begin on the criteria.

Commission member Villalpando-Salas asked Shepard to clarify the meaning of civic space. Shepard explained that it is an opportunity for a sitting or gathering area that the public or a broader audience could use. She mentioned that one thing that may be considered is a requirement that public art be placed onsite concurrent with construction or that payment be made to a fund that can be used for public art other places within the city. She said that this would make sense until the City had a RAPP (Recreation, Art, and Parks Program) tax. Villalpando-Salas asked if we could require public art and put details into it, like it has to be local and how that can be put into code. Shepard answered that this could probably be done.

Commission member O'Leary asked Shepard if she felt like permitting and other services in general are slowing down and if this will continue to slow down in the future. She added that possibly this might be less urgent because of the current economy. Shepard said that it is hard to predict, but mentioned that a lot of the current construction projects are continuing. She mentioned that one "fairly large" construction site had shut down but most are moving forward. She continued with saying that in the last year or two "there has been a dip in our transient room numbers, in other words our occupancy the last two years has gone down a little bit. That's probably from more rooms and not increasing tourist or not enough to keep up with the rooms. So it may be that the market may give us a little bit of a breather." She reiterated that it would be hard to predict and that the council did want to move forward to get something on the books that could possibly be "tweaked" at a later date.

Commission member Villalpando-Salas asked about the projects currently in the works. Shepard spoke about the current over-night accommodation projects including one particular project that has been tabled until the workforce housing requirements are "figured out." Villalpando-Salas asked about the workforce housing requirements. Shepard answered, saying that she has received some input from council members and that everybody agrees that some adjustment on unit size is needed to allow some smaller units. She added that what has been

being discussed is generating the square footage of the total number of employee housing units that is required so that there is more flexibility on the configuration. This would make it so that if smaller units are being done they would be required to do more of them. She explained that she would like it to be fairly simple and she is continuing to work on it. She said that the City Council will take action when she ready to take something back to them. Villalpando-Salas asked if there was a discussion on how it is calculated. Shepard spoke about the Economic Analysis and Market Study that was completed before the Workforce Assured Housing Ordinance (WAHO) was adopted. She said that the formulas came from this study and that the way the ordinance was drafted indicates that the smallest unit allowed would be a one bedroom, 1000 square feet unit. It doesn't allow smaller units. The numbers are established by the economic analysis but now it's a matter of interpreting them and putting them in the code. Villalpando-Salas asked about the fee in lieu. Shepard explained that it is based on the same study and said that this is if a developer did not want to build the units. She continued to explain that it is based on the affordability of the units as well meaning that the more affordable the units are the less unit are required. She said she would send this out for the Planning Commissioners to review. Commission member O'Leary asked about the ADU Ordinance and if there was a minimum square footage. Shepard explained that there was no minimum in the Accessory Dwelling Unit (ADU) ordinance but that there is a minimum of 275 square feet in the Planned Affordable Development (PAD) Ordinance. Shepard asked if there were any other questions.

Villalpando-Salas asked about an APA membership. Shepard gave the group information on the membership.

**Adjournment:** The meeting was adjourned at 7:06 PM.