

REGULAR PLANNING COMMISSION MEETING MINUTES
Monday, November 28th, 2022 at 4:30pm

The Grand County Planning Commission held its regular meeting on the above date, with
attendees participating in person and remotely via Zoom
<https://us02web.zoom.us/j/84930753400> Meeting ID: 849 3075 3400

YouTube recording of the meeting can be viewed at <https://www.youtube.com/watch?v=zUAxIII-dQs> Recordings archived at www.grandcountyutah.net/AgendaCenter.

In attendance:

Commission Chair Emily Campbell, Commissioner Aaron Lindberg, Commissioner Bob O'Brien, Commissioner Steve Evers, County Commission Liaison Trisha Hedin, Planning Director Elissa Martin, Associate Planner Jenna Gorney

Absent

Commissioner Makeda Barkley, Commissioner Rick York , Commissioner Tony Mancuso

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

Citizens to Be Heard (4:32)

- None

Action Items (Administrative)

Presentations

Review of Atlas and Tailings Site (6:25)

Russel Von Koch presented a review of the history of the site and current efforts to move the Vision Plan forward. The Vision Plan is required to be updated every 5 years. Previous update occurred in 2018. Residents can fill out the Comment Submission Form on www.Grandcountyconnects.com

Approval of meeting minutes from October 10th, 2022 (18:45)

Commissioner O'Brien moves to approve the minutes

Commissioner Lindberg seconds

All in favor - all

Approved

County Commission Update (19:30)

- Commission approved budget for in-house Engineer
- Rancho Nuevo subdivision public comments received regarding stormwater
- Alternative Dwelling Overlay (ADO) Ordinance was passed 6-0

General Business

1. County Action Plan: Moab Area Affordable Housing Master Plan & Housing Fair (23:30)

Laura Harris and Kaitlin Meyers presented

- Monday December 5th Housing Fair at the MARC
- Housing options, challenges, successes
- Action Plan available for Community to provide feedback
- County and City staff will discuss recent housing efforts
- 1st part of a 3 part series
- Affordable Housing Plan is currently being updated, which includes the Action Plan – a prioritized list of actionable strategies
- Request to the Commission to share priorities from the County and possible action steps

Discussion of items the Commission would like to see on the task list table:

Trisha Hedin - work to incentivize housing efforts

Bob O'Brien - Steve Evers' Murphy Flats project was great - more density and smaller houses. It's important to get real affordable housing. Try to provide regular monitoring for various market brackets.

Steve Evers - reassess the status column. Also be sure to gather stakeholders to have them review the Action Steps list.

Aaron Lindberg - work to streamline the list in order to make it easy to consume for all

Elissa Martin - Highlight the items that have been achieved

Emily Campbell - look to categorize what we have done that seems to be working. What would we like to revisit? What programs need adjusted and updated. How have these efforts made an impact in the County?

Re-evaluate the short, medium and long term goals.

Additional thoughts: Evaluate possible incentives, artificial constraints, water resources, and financing

Elissa Martin – Include looking at adding new MFR zoning designations through the future land use map

2. The Home Building Journey Map

We had a previous workshop planned but it was canceled

- This will be a Future Consideration item for the next meeting

Public Hearings (54:10)

3. Consider an Ordinance to Amend Article 3, 4, and 6 to establish noise mitigation measures and an overlay district for Outfitter Guide Services and Facilities (Outfitter B)

Planning Director Elissa Martin presented Staff Report

Please see YouTube and agenda packet for draft Code Language and Ordinance and staff presentation

Clarifying Questions

As a County Ordinance and not City so how would this apply in relation to those boundaries?

Elissa Martin - Presented a map of the Valley area with the overlaid 200 ft buffer where parcels would be affected. Existing Businesses would not be affected by this unless you conduct substantial improvement or expansion that would require development permits. This change would mainly affect new development as opposed to existing. If a business is located outside the 200 ft buffer no sound barrier needs to be built.

5:37pm Public Hearing Opened (1:05:06)

Public Comments Heard: (see Youtube for full comment details)

1. Lori McFarland - please work together to evaluate effects on the community and existing uses. How are we identifying a business as “noisy”
2. Shon Walter - Moab Tourism Center - (next to McDonalds) requested clarification for existing U-Drive businesses driving through Residential areas. Would we not be able to drive through residential locations?

Elissa Martin - No, this is for new businesses. Also that kind of change would be a change of County General Code. This doesn't change the access to public roads. The goal is to locate future business to mitigate the impact

Try to create a partnership with these businesses

Question: How will this affect the annual business license renewal?

Jenna Gorney, Associate Planner - It will not. Those are renewed through the Clerk's office and don't require all new signatures each year. Business licenses are a separate process, completely – nothing to do with Land Use development applications.

3. Randy Day - many details have not been worked out - this an encroachment on private property rights and costs.

Planning Staff - Article 10 accompanying definitions are included in a separate LUC update to be finalized and acted on at a separate Public Hearing.

4. Brenner Parriott - would like to know in advance of these changes or proposals so that we have time to provide meaningful input in changes that will have a huge impact on our business. Please keep in mind that many of these business owners are renters of the land and often have to move locations. In those cases we would have to abide by the new requirements.

Emily Campbell - As a recommending body it is the Planning Commission's job to review proposed Land Use Code updates requested by the Commission, and make a recommendation to County Commission. Ultimately the County Commission takes action on those items, and the PC makes recommendations. Two more public meetings would occur before the County Commission takes action. Nothing is decided in this meeting.

5. Mark Moore - (Ultimate UTV Adventures) - Inquired as to why new codes would be passed if the County is currently in a lawsuit involving the same business owners. What is the benefit of creating a code that only affects future businesses? In the future, please keep the business owners involved

Staff Response - This would not affect Business licenses. The new requirements only apply to land use approval of development applications. This would only apply to new uses proposed or those uses who move to a new location or request significant changes to the land use (expansion). Such uses would then have to come into compliance with the new code.

6. Cricket Green - If you don't want outfitters to be upset and feel pinpointed then outfitters should not be named in the title of the document
7. Jennifer Johnson - (Epic 4x4 Adventures) It is great to know that we won't be immediately impacted but most of us don't own our properties and will be impacted by this at some point. If the code is requiring that these uses be located on a major arterial but also must be located adjacent to a trailhead, there is no way to be in compliance. We would like to find real answers as opposed to feeling like local government just wants to stop us from operating. I feel that this code is looking to indirectly do what you are not able to directly do which is keep my business off the road.
8. Dave Hellman - Question about outfitter type definitions (A, B, C, and D). Please consider the space and impact that trailering fleets to the trailhead with diesel trucks will have: consider the physical length of the fleet on the road as well as the amount of parking required for both the trucks and trailers, and for the personal vehicles that will be following behind as well. Is that impact less than the side-by-sides?

Staff Response - The outfitter definitions will be updated in the Land Use Code under Article 10.

Emily Campbell - The outfitter definitions are in draft form and there will be opportunity to change them before they go to a separate public hearing.

9. Kent Green - The new code will make it very difficult for new businesses to open. Have noise tests been conducted on all businesses? Concerns over HB 180, would like to see noise testing on all businesses along the corridor.

Emily Campbell - Noise by decibel level is what is being considered in the Land Use Code, not by any specific use.

10. Michael McCurdy - This seems to be stifling business, as they won't be able to afford to move locations and pay the added costs associated with coming up to code.
11. Jason Parriott - (Hair Salon owner, and Auto Repair) It seems as though there is a breakdown in communication on this issue. These changes seem to be attracting big businesses who can afford the updates rather than supporting smaller, local businesses.

Staff Comment - Regarding communication around public hearings; they must be noticed 10

days in advance of the meeting on the County website. In the Agenda Center, it is possible to sign up to receive public hearing notifications via email when they are posted. The agenda must come out 24 hours in advance of the meeting, but in general they are posted by end of day Friday or Saturday morning prior to the meeting.

12. Nick Oldham - How have we collaborated with the industries affected? Do we have a clear view of how this will work in the future without creating unintended consequences? Will there even be commercial land available near Sand Flats.
13. Trevor Arehart- Cliffhanger Jeep rental Owner - You are over-governing what does not need to be over-governed. This feels like an attack on business.
14. Brittney Melton - Communication and collaboration goes a long way. These decisions have a huge effect on businesses.
15. Bob Frayser - What categorizes noisy business and by what criteria? Have there been noise studies and what are the health impacts? Upper and lower noise standards and limits? These changes, as proposed, are excessively burdensome and untenable for local businesses.

Emily Campbell - There is a map provided that shows the buffers along highway commercial zones, strictly in unincorporated County areas. Road and highway designations are available in the Transportation Master Plan, which can be found on www.GrandCountyConnects.com.

6:42 Citizens to be Heard - (Not related to the Public Hearing) (2:17:45)

1. Steven Stocks - Grand County Attorney-Elect. Here to introduce himself before the transition in January, looking forward to working with everyone.

Public Hearing Continued

Questions: (2:18:50)

16. Marc Horowitz - Question from the chat: how will this create and affect non-conforming uses?

Staff response - Legally non-conforming businesses are regulated by Article 1 in the Land Use Code, however more consideration will be given to how this will apply.

17. Brittney Melton - Why are items struck out on the draft code language? What are the requirements for the annual business license updates?

Staff response - Strike-throughs indicate language that will be taken out of the existing code. In some instances, within this code update, some of the standards are addressed in other locations in the code, so they need to be removed here, so as to keep it clean and organized.

Staff response - Regarding business licenses, if it is an existing business and there are no significant changes to the LAND USE, the application will be approved without any new regulations being applied. Significant changes include a new site plan or land use application, which will incur the new regulations, but still has nothing to do with a business license. Simple business license renewals cannot require new standards.

Public Hearing closed 7:09pm (2:39:15)

Clarification questions for staff (2:39:30)

Aaron Lindberg - Why not require all businesses to have the buffer in order to protect residential areas from all noise. Additional discussion over the overlay district and map and where outfitters would be allowed.

Staff response - There are some unintended consequences of the way it is currently written regarding arterial highways, the purpose is to locate OHV businesses near trailheads.

Emily Campbell - Discussion of general code definitions and application of ordinance if the definitions have not yet been adopted. Recommend resolving this discontinuity before voting.

Bob O'Brien - Many great comments received tonight; we would like to consider those with any potential edits to the code.

Motion by Commissioner Lindberg to postpone to the next PC meeting
Seconded by Commissioner O'Brien

Commissioner Discussion (2:50:10)

Commissioner Lindberg - Appreciate all the comments received at the public hearing, also need to consider the number of people who have complained about noise - if this is postponed, please use the time to come forth with constructive comments and suggestions.

Emily Campbell - in support of postponing for the sake of encouraging public engagement.

All in favor - all

Those opposed - none

Motion passes

Future Considerations (2:52:50)

Confirm time and location of PC meetings for 2023

Workshop coming with full attendance

BAE Nexus Housing study - preliminary results received, report expected at the next PC meeting.

Aaron Lindberg - Regarding the noise ordinance, can we require all businesses in those locations to comply so as to mitigate discrimination?

Adjournment 7:33 pm (3:03:00)

Motioned by Commissioner Lindberg

Seconded by Commissioner O'Brien

All in favor - All