

# GRAND COUNTY, UTAH ORDINANCE 586 (2019)

## APPROVING A TEMPORARY LAND USE REGULATION PROHIBITING NEW LAND USE APPLICATIONS OR PERMITS FOR OVERNIGHT ACCOMMODATIONS, INCLUDING HOTELS/MOTELS, CAMPGROUNDS, BED AND BREAKFASTS, CONDOMINIUMS AND TOWNHOMES USED FOR OVERNIGHT ACCOMMODATIONS, OR ANY OTHER USES ASSOCIATED WITH OVERNIGHT ACCOMMODATIONS FOR A PERIOD OF SIX (6) MONTHS

**WHEREAS**, the *Grand County Land Use Code* currently permits overnight accommodations in multiple zone districts and the Overnight Accommodations Overlay (OAO), as further described in Section 3.1 (below):

Principal Uses by Zoning District														
Use Category	Specific Use	RESIDENTIAL					NONRESIDENTIAL						Use-Specific Standards	
		SLR	LLR	RR	MFR	RG	NC	GB	RC	RS	HC	LI		HI
Key: P = Permitted by right    C = Conditional Use Permit Required    ___ Not Permitted (Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively)														
Overnight Accommodations	Bed and breakfast					P		P	P	P	P			3.2.3D
	Dude ranch or destination resort					C								3.2.3F
	Hotel or motel						P	P	P	P	P			
	Recreational vehicle parks and campgrounds								C	C	C			3.2.3L
	Residential units used for overnight accommodation							P	P	P	P			3.2.3M
	All other overnight accommodation uses													4.6.4

**WHEREAS**, Utah Code 17-27a-504(1)(a) states:

“A county legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the county if:

- (i) The legislative body makes a finding of compelling, countervailing public interest; or
- (ii) The area is unregulated.”

**WHEREAS**, Grand County has, in recent years, received and approved a significant number of new permit applications for hotels/motels, campground and RV parks, condominiums and townhomes used for overnight accommodations, and bed and breakfasts;

**WHEREAS**, Grand County recently commissioned BAE Urban Economics to complete a Nexus Analysis in conjunction with its exploration of an Assured Housing Ordinance, and this study verified and quantified the nexus between new lodging related development and increased demand for below market rate housing;

**WHEREAS**, the median sales price for all housing unit types in Grand County increased \$115,000 (51%) between 2013 and 2018, at least in part, because of demand for residential units used as overnight accommodations whereas average wages only increased \$3,204 per year (11%) over the same time period;

**WHEREAS**, the United States Geological Survey is finalizing a report that includes findings from a recently completed multiyear groundwater study of the Moab Area Watershed, which found that safe yield for the Area is less than previously estimated (About 11-13,000 acre-feet per year rather than 18-22,000 acre-feet per year), and Grand County anticipates the need for a multi-agency, intergovernmental groundwater management plan;

**WHEREAS**, lodging related development results in water usage that greatly diminishes available and financially viable water resources for residents;

**WHEREAS**, Grand County budgets for law enforcement, search and rescue, and emergency medical services, increased forty-six percent (46%) between 2015 and 2019, fifteen (15%) between 2014 and 2018, and one hundred thirty percent (130%) between 2014 and 2018, respectively, as a result, at least in part, of increased tourism impacts;

**WHEREAS**, the local office of the Department of Workforce Services has reported a significant increase in the number of private sector service jobs remaining unfilled because of the increase in accommodations and tourism without a proportional increase in service workers who can find or afford housing in Grand County. The same office recently informed the County that 328 jobs across all sectors were currently posted and more than 250 had been posted for more than 30 days;

**WHEREAS**, the County is in the process of adopting and updating multiple planning documents and land use ordinances related to future land use and affordable housing, including a High Density Housing (HDH) Overlay and the housing element of its general plan, and processing permit applications for additional overnight accommodations undermines the purpose of the County's planning process;

**WHEREAS**, the County is in the process of evaluating current local economic conditions and opportunities for economic diversification, and processing permit applications for additional overnight accommodations undermines the purpose of the County's economic development efforts;

**WHEREAS**, overnight accommodations developments have the potential of significantly increasing the number of people utilizing the infrastructure and public services in Grand County;

**WHEREAS**, significant increases in the number of people utilizing Grand County's infrastructure and public service systems creates undue stress on these systems;

**WHEREAS**, Grand County has received an increase in the number of complaints regarding the impacts of overnight accommodations developments on the County's infrastructure, public services, housing market, economy, general quality of life, and environment;

**WHEREAS**, it is in the best interest of Grand County and its citizens if the County passes a temporary land use regulation which halts new permits for overnight accommodations;

**WHEREAS**, the Grand County Planning Commission and County Council need time to review and amend, if needed, overnight accommodations regulations prior to approving any new permits for overnight accommodations in any zone district;

**NOW, THEREFORE, THE COUNTY COUNCIL ENACTS THE FOLLOWING:**

1. **Temporary Land Use Regulation.** Except as expressly provided in Section 3, no new applications or permits for overnight accommodations, including hotels/motels, campgrounds, bed and breakfasts, condominiums and townhomes used for overnight accommodations, or any other land use associated with overnight accommodations, shall be approved in any zone district upon the Effective Date, as defined in Section 2.
2. **Effective Date and Duration.** This ordinance shall take effect immediately upon passage ("Effective Date") and shall continue for six (6) months, following which it shall automatically expire with no further action of the County Council.

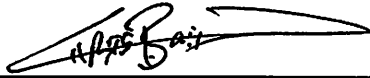
3. **Exceptions.** The County acknowledges that a number of "persons," including entities, within Grand County have procured land use entitlements (including land use approvals and building permits) for the construction of overnight accommodations, including hotels/motels, campgrounds, bed and breakfasts, condominiums and townhomes used for overnight accommodations (which shall include condominiums and townhomes located in a district in which overnight accommodations is a permitted use by right), or submitted land use applications that have been deemed complete, as of the Effective Date. In an effort to avoid hardship to those who have relied in good faith upon existing County regulations, such persons described above who have procured land use entitlements or who have submitted land use applications deemed complete by the County shall be excluded from the applicability of this ordinance. In every case, such persons shall still be required to obtain land use permits and business licenses for said overnight accommodations before such use commences.
4. **Conflict.** This ordinance shall supersede and take precedence over any conflicting ordinances or policies of Grand County.
5. **Severability.** If any provision of this ordinance shall be found invalid by a court with jurisdiction, the provisions shall be severed and the remainder of the ordinance shall be enforced without the severed provision.


**PASSED, ADOPTED, AND APPROVED** by the Grand County Council in open session this February 5, 2019 by the following vote:

Those voting aye: Halliday, Hawks, McGann, Wells, Clapper, Morse  
 Those voting nay: \_\_\_\_\_  
 Those absent: Paxman

**ATTEST:**

**Grand County Council**

  
 \_\_\_\_\_  
 Chris Baird, Clerk/Auditor

  
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 Evan Clapper, Chair