

MOAB CITY PLANNING COMMISSION MINUTES
September 14, 2023

The Moab City Planning Commission held its regular meeting on the above date in Council chambers. Audio is archived at www.utah.gov/pmn and video is at www.youtube.com/watch?v=ySodTjSlZKQ.

Call to Order: Planning Commission Chair Kya Marienfeld called the meeting to order at 6:06 p.m. Commission Members Jill Tatton, Machael Layton and Carolyn Conant attended. City Planning Director Cory Shurtleff, Planning Administrator Anna Anglin, Assistant Planner Bryce Rogers and City Council liaison Luke Wojciechowski also attended, as well as three members of the public.

Public Comments: There were no public comments.

Public Hearing Regarding Industrial Zone:

Planning Director Shurtleff introduced the purpose of the public hearing and stated the proposed ordinance was initiated by an applicant and Shurtleff described proposed changes to the Industrial Zone, the staff review process and staff recommendations. He said the Planning Commission, after the public hearing, was asked to forward a recommendation to City Council regarding the requested amendments to allowed uses in the Industrial Zone. Commission Chair Marienfeld opened the public hearing at 6:14 p.m. regarding **Ordinance 2023-13**: an ordinance amending the text of the Moab Municipal Code (MMC), Section 17.36.020, to amend the permitted uses and regulations in the (I-1) Industrial Zoning District, to relax the zoning requirements for self-storage warehouse developments and add the permitted use for kennels (indoor/outdoor). Shurtleff indicated staff did not recommend inclusion of the kennel language in the proposed amendment.

There were no members of the public in the audience to speak at the public hearing. Commission Chair Marienfeld read two letters from concerned citizens, as follows:

Susie Harrington: I request you forward a negative recommendation on the ordinance. The proposed changes fail to meet text amendment approval criteria D, E, G, and H, and some interpretations of C. The City and County zoning maps reflect the development on the ground at the time they were adopted, which was not always a rational management of land use compatibility. In this case, a small block of parcels with allowed uses, some of which have immitigable offsite impacts are adjacent to a much larger area of residential and agricultural zoned and used lands, and a nature conserve. The trend in the neighborhood is towards higher density residential development, which is a desperate need. The County, and hopefully the City soon, are engaged in a holistic future land use planning process. Please consider the request in the context of land use in the valley, and do not expand the uses of this zone. In fact, the City General Plan, Economic Development, Goal 1 Policy 8e advises just that: "Coordinate and cooperate with Grand County on the zoning for light industry, business parks, and other desirable commercial land uses for which suitable sites may not be readily located in one or the other jurisdiction." The County HC zone allows self-storage and is very underdeveloped. Hence, the self-storage modification fails to meet criteria G, providing options in terms of economic development. [Harrington cited p. 44 of the Moab City General Plan.] Some of these parcels already fail action A. And on B., if the buffering requirements for higher impact uses is inadequate, I do not think that is really a good basis for an argument that lower impact use buffering should be weakened. Rather, that the allowed uses in the zone may need to be changed or buffering overall strengthened. This ordinance achieves neither of these. On the Kennels, and Criteria D, does it create adverse impacts on neighboring properties, and E, is it in the public interest? [Harrington cited General Plan p. 39.] Noise is a major issue here. I live within earshot of this zone. I hear the gentle hum of the WWTP. I have lived in rural areas where people kept dogs outside which would bay for hours at all times of day and night. Outdoor kennels would not be "in the public interest" to say the least. Please do not ruin my ability to enjoy the quiet that we have left. I do not think there is anywhere in the City, and possibly Spanish Valley, where the impacts of an outside

kennel justify the public good relative to inside kennels. This ordinance fails to advance good land use planning, positive economic development, or the public good. Please vote no. Thank you for your service and consideration.

Casey Montandon: Regarding zone changes and permitted uses in Industrial zoning, I would like to discourage any change of the current code, mainly on the subject of indoor and outdoor kennels. I am the property manager of the land adjacent to 1053 w 400 N, and my wife and I both reside on property. This end of town, also next to the wetlands, is one of the last few quiet areas in Moab. This zoning change could drastically change the neighborhood if there were to be any boarding or outdoor kennels allowed. While the intentions may be good, the sounds of multiple dogs barking throughout the day/night in a residential neighborhood would change and affect the quality of living in this area for everyone. Regarding the storage units, it would also increase traffic on a road that people already tend to speed, and has multiple people walking to and from the wetlands area. Both humans and animals near the wetlands would appreciate that there be no change to the zoning ordinances. Thank you.

Commission Chair Marienfeld closed the public hearing.

Industrial Zone Amendments Ordinance Recommendation—Approved

Discussion: Planning Administrator Anglin presented proposed changes including reduced setback requirements and eliminating minimum and maximum lot sizes, prescribed area of coverage, height limits, and restrictions on outdoor vehicle storage and mixed-use developments. She said the proposed amendments would add the use of storage units and kennels. Planning Director Shurtleff explained that staff had transformed the requested amendments into the language of the code for consideration by the Planning Commission. Anglin reiterated that staff did not recommend adding kennels as a permitted use at this time and anticipated a major overhaul of all City zones at a later date. Applicant Charlene Abbott, who seeks to sell her property in the I-1 industrial zone, stated there is a need for kennels. She cited the City sewer plant adjacent to her property and noted storage units and kennels were an ideal use, and said she had received multiple offers for buyers seeking to develop storage units. Realtor Rachel Moody described concerns regarding the permitted uses in the zone including Abbott's surprise at discovering her property was zoned Industrial, thereby rendering her residence a legal nonconforming use, which makes the sale of the home problematic regarding mortgage financing for a prospective buyer. Moody repeated the request for kennels and storage as allowed uses due to the pervasive smells and sound from the sewer plant. She said she did not want to disturb neighbors but there is a need for kennels and pointed out an existing indoor/outdoor animal shelter on City property in a residential area. Commission Chair Marienfeld stated she agreed with keeping kennels off the list of amendments. Ms. Moody stated the C-2 Commercial Zone allows indoor kennels, which is more impactful. Ms. Abbott stated there are already lots of barking dogs in the neighborhood at all hours. Commission Chair Marienfeld said she was in favor of the storage unit amendment. Planning Director Shurtleff said future code revisions might include variations within the Industrial zone. Commission Member Layton requested clarification regarding applicant-driven code amendments as well as what other uses would be allowed in a mixed-use development. Marienfeld noted kennels are allowed in certain zones when they are part of a veterinary clinic and Shurtleff stated the trigger that defines a kennel is more than four animals. Commission Member Tatton said she concurred that kennels should be omitted from the amendment due to the upcoming code revisions. Commission Member Conant stated she agreed with the amendment to include storage units as an allowed use and to postpone a decision on kennels until a code revision. Commission Member Layton asked about variances as understood in other jurisdictions. Planning Director Shurtleff explained the scope of a variance request is narrow and added that exceptions to zone requirement are another narrowly defined mechanism. Anglin concurred that variances are heavily restricted in Utah.

Commission Chair Marienfeld brought up reduced setbacks and buffers as well as height restrictions. She said City Council might have concerns about buffers. She also proposed a zone-wide height limit of 30 feet. Commission Member Layton stated she was feeling unfavorable due to limited public feedback.

Motion and Discussion: Commission Chair Marienfeld moved to approve a positive recommendation to City Council regarding adoption of **Ordinance 2023-13**: an ordinance amending the text of the Moab Municipal Code (MMC), Section 17.36.020, to amend the permitted uses and regulations in the (I-1) Industrial Zoning District, to relax the zoning requirements for self-storage warehouse developments, to exclude kennels as a proposed use, and to adopt a height restriction of 30 feet. Commission Member Tatton seconded the motion. Commission Member Tatton stated she was in favor of the change to a consistent height limit and noted the dearth in public comment was common.

Vote: The motion passed 3-1 aye with Commission Members Marienfeld, Tatton and Conant voting aye and Commission Member Layton voting nay.

Approval of Minutes: Commission Member Tatton moved to approve minutes for the August 21, 2023 Special Meeting. Commission Member Layton seconded the motion. The motion passed unanimously.

Dark Sky Standards Update—Discussion

Planning Director Shurtleff briefly explained the City’s process and status regarding its application for designation by the International Dark Sky Association. He said staff had analyzed deficiencies in the nascent code regarding directed versus direct illumination and levels of exemption. Shurtleff explained the areas of concern for dark sky compliance involved light temperature, shielded fixtures and lumen output. Bistro lighting (string lights with bare bulbs) was discussed as being very popular but currently prohibited. Discussion ensued regarding mitigation measures including restrictions on time of day, lumen output, and restrictions on illuminated areas.

Code Amendment Priorities—Discussion

Planning Director Shurtleff briefly listed areas of consideration for code amendments including parking requirements, driveways, open space requirements, planning application lapsing periods and fence heights. He said the City was in process to hire consultants to manage the code revision process and the process was planned for completion by the end of 2024.

Future Agenda Items:

Planning Director Shurtleff announced the City Council had approved revisions to the landscape ordinance with discussion surrounding water features. He introduced Bryce Rogers as the new Assistant Planner.

Adjournment: Commission Chair Marienfeld adjourned the meeting at 8:11 p.m.