

**ORDINANCE 473**

**AN ORDINANCE OF THE GRAND COUNTY COUNCIL APPROVING THE "CANYON VILLAGE REZONE AND MASTER PLAN", INCLUDING A REZONE OF PARCEL NUMBERS: 02-0017-0174, 02-0017-0175, and 02-0017-0176 FROM HIGHWAY COMMERCIAL AND LARGE LOT RESIDENTIAL TO MULTI-FAMILY 14.**

WHEREAS, Millcreek Moab LLC, (Applicant) is the owner of record of approximately 22.44 acres of real property within NW ¼ NW ¼ Section 17, T26S, R22E (SLM) Grand County, Utah, more specifically described as follows:

*BEGINNING AT THE NE CORNER OF GOVERNMENT LOT 41 OF SECTION 17, T26S, R22E (SLM) AND PROCEEDING THENCE WITH THE EAST LINE OF THE NW1/4 NW1/4 SAID SECTION 17 S00°00'30"W 1307.12 FT. TO THE NW1/16 CORNER TO SAID SECTION 17, THENCE WITH THE SOUTH LINE OF THE NW1/4 NW1/4 SAID SECTION 17 S89°40'01"W 329.89 FT. TO THE EASTERLY RIGHT OF WAY OF U.S. HIGHWAY 191, THENCE WITH SAID RIGHT OF WAY N37°59'26"W 665.82 FT. TO A CORNER, THENCE WITH SAID RIGHT OF WAY ALONG THE ARC OF A 7210.92 FT. RADIUS CURVE TO THE LEFT 139.84 FT. (SAID CURVE HAS A CHORD WHICH BEARS N38°32'46"W 139.84 FT.) TO A CORNER, THENCE WITH A FENCE LINE N13°46'00"W 697.28 FT. TO A CORNER, THENCE WITH THE NORTH LINE OF SECTION 17 S89°52' 00"E 992.97 FT. TO THE POINT OF BEGINNING AND CONTAINING 22.52 ACRES, MORE OR LESS. CORNERS ARE MONUMENTED AS SPECIFIED ON THE ATTACHED EXHIBITS. BEARINGS ARE BASED ON THE RECORD BLM BEARING ALONG THE WEST LINE NW1/4 OF SECTION 17 (BEARING=N 00°01'00"W);*

WHEREAS, the Grand County Council (Council) adopted the Grand County Land Use Code (LUC) with Ordinance 299 on January 4, 1999 and codified with Resolution 468 on April 15, 2008;

WHEREAS, the Applicant seeks to rezone the subject property from Large Lot Residential (LLR) and Highway Commercial (HC), to Multi-Family Residential 14 (MFR-14) as identified in the LUC;

WHEREAS, the subject property is located within MFR overlay map as identified in the LUC;

WHEREAS, the purpose of the MFR district is to promote infill development and affordable housing and identify appropriate locations for medium to high-density residential neighborhoods;

WHEREAS, Council adopted the Grand County General Plan (General Plan) by Resolution 2301 on August 5, 1996 and amended by Resolution 2654 on April 6 2004;

WHEREAS, the General Plan supports, "infill development within the existing urbanized area, such as close-in along Highway 191 south and adjacent to the City of Moab, to allow workers to live close to where they work" (General Plan p.59);

WHEREAS, the General Plan encourages zone changes as necessary to accommodate the construction of affordable housing (General Plan p. 60);

WHEREAS, the General Plan prioritizes providing a mix of affordable housing opportunities for low to moderate income households (General Plan p.59);

WHEREAS, the Grand County Planning Commission reviewed the application in a public hearing on May 14, 2008 and continued on June 11, 2008 and unanimously voted to recommend approval of the proposed rezone with conditions, finding the application in conformance with the policies, intents, and requirements of the LUC and General Plan;

Ent 490882 Bk 745 Pg 283-287  
Date: 09-MAR-2009 4:45PM  
Fee: None  
Filed By: PL  
MERLENE MOSHER DALTON, Recorder  
GRAND COUNTY CORPORATION  
For: GRAND COUNTY

**WHEREAS**, due notice was given that Council would meet to hear and consider the proposed rezone in a public hearing on August 5, 2008 and continued on August 12, 2008;

**WHEREAS**, the proposed rezone has been reviewed and commented upon by interested citizens, public officials, and public agencies, including the City of Moab in compliance with Utah Annotated Code Section 10-2-402;

**WHEREAS**, the Council has heard and considered all evidence and testimony presented with respect to the proposed rezone and has determined that the approval of the rezone and adoption of this Ordinance is in the best interests of the citizens of Grand County, Utah.

**NOW, THEREFORE, BE IT RESOLVED** by the Grand County Council that it does hereby approve a rezone of the subject property from LLR and HC to MFR-14 subject to the conditions of the master plan (attached hereto as Exhibit A) and site plan (attached hereto as Exhibit B) as follows:

1. **MASTER PLAN.** The master plan and site plan shall be recorded and filed in conjunction with this Ordinance. The master plan shall be updated to include the affordable housing requirements summarized in condition 3 below.
2. **VESTED RIGHTS.** Vested rights as to configuration shall occur at the time of preliminary plat approval.
3. **AFFORDABLE HOUSING.** The applicant shall partner with a legally established affordable housing agency or 501c(3) nonprofit subject to Council approval. The project shall adhere to the requirements of LUC Section 6.14, which read as follows:
  - A. Occupancy of such units shall be restricted to a minimum of 30 days.
  - B. Such units shall be deed restricted as to use and occupancy, based on criteria to be defined by the County Council and as amended from time to time. At a minimum, such use and occupancy restriction shall limit occupancy to persons who are employed within the boundaries of Grand County or, if retired, were previously employed in the County for at least 3 years; earn or earned (applicable only to retired persons) at least 80 percent of their household income from employment within Grand County during those three years; and occupy the unit as their primary residence.
  - C. The County Council may impose additional restrictions, such as limitations on income relative to area median income (AMI) for Grand County, and household net worth as necessary to achieve the purposes of this district. For purposes of this section, such net worth shall not exceed 150 percent of Grand County's average household income.
  - D. The County Council, or its designee, shall approve or otherwise qualify all occupants prior to any employee unit sales, rental or occupancy.
  - E. The County Council, or its designee, shall approve the deed restriction prior to any unit sales, rental or occupancy.

Provided, however, affordable housing units shall be defined, at a minimum, as:

- units occupied or reserved for occupancy by households with a gross household income equal to or less than 50% of the area median income of Grand County for households of the same size for 20% of the required units, and
- units occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the area median income of Grand County for households of the same size for the remaining 80% of the required units.

4. **AFFORDABLE HOUSING AGREEMENT.** The applicant and partnering affordable housing group shall sign an affordable housing agreement identifying the target income ranges and the number and timing of affordable units. The affordable housing agreement shall be subject to Council approval.
5. **AFFORDABLE HOUSING AGREEMENT TIMING.** The affordable housing agreement shall be subject to review by the Planning Commission and Council approval prior to being scheduled for preliminary plat review;
6. **AFFORDABLE HOUSING AGREEMENT PROVISIONS.** The affordable housing agreement shall include provisions for Grand County oversight and enforcement authority transferable to the City of Moab in the event of future annexation.
7. **PARKING LOT.** The applicant shall continue to work with staff to address main parking lot design issues prior to preliminary plat approval.

APPROVED THIS 12<sup>th</sup> DAY OF AUGUST, 2008, by the following vote:

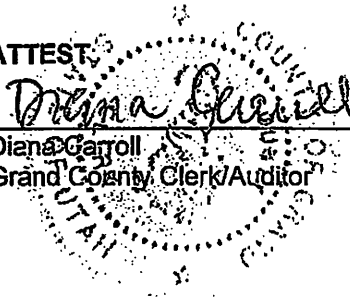
Those voting aye: Ciarus, McNeely, Greenberg, Lewis, Graham

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

Absent: Holyoak, Langianese

ATTEST

Diana Carroll  
 Diana Carroll  
 Grand County Clerk/Auditor



Gene Ciarus  
 Gene Ciarus  
 Grand County Council Chairman

# EXHIBIT A

## CANYON VILLAGE MASTER PLAN

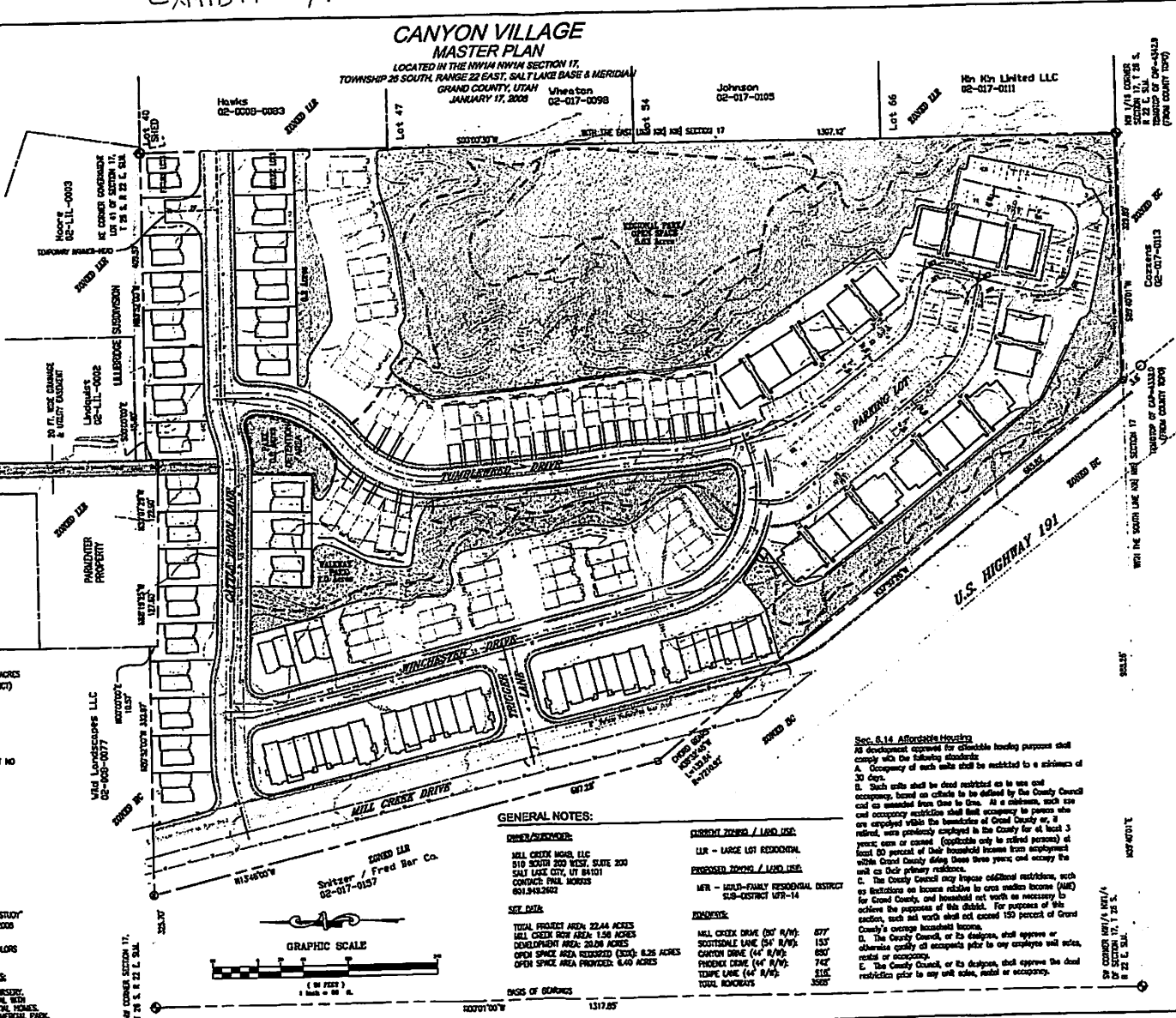
LOCATED IN THE NW1/4 NW1/4 SECTION 17,  
TOWNSHIP 26 SOUTH, RANGE 22 EAST, 64TH L&M BASE & MERIDIAN  
GRAND COUNTY, UTAH  
JANUARY 17, 2008

### LEGAL DESCRIPTION

A PARCEL OF LAND WITHIN THE NW1/4 AND SECTION 17, T. 26 S., R. 22 E., 64TH L&M BASE, GRAND COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NE CORNER OF CORNERING LOT 41 OF SECTION 17, T. 26 S., R. 22 E., 64TH L&M BASE, AND PROCEEDING THENCE WITH THE EAST LINE OF THE NW1/4 64TH L&M BASE SECTION 17, S. 02°07'30"W. 1307.19 FT. TO THE NW1/4 CORNER OF SAID SECTION 17, THENCE WITH THE SOUTH LINE OF THE NW1/4 64TH L&M BASE SECTION 17, S. 89°51'07"W. 323.65 FT. TO THE EASTERLY RIGHT OF WAY OF U.S. HIGHWAY 191, THENCE WITH SAID RIGHT OF WAY N. 37°30'00"W. 651.82 FT. TO A CORNER, THENCE WITH SAID RIGHT OF WAY ALONG THE ARC OF A 7210.82 FT. RADIUS CURVE TO THE LEFT 132.84 FT. (SAD CURVE HAS A CHORD BEARING N. 38°57'45"W. 133.84 FT.) TO A CORNER, THENCE WITH A FENCE LINE N. 17°46'02"W. 697.28 FT. TO A CORNER, THENCE WITH THE NORTH LINE OF SECTION 17 S. 89°51'07"W. 942.97 FT. TO THE POINT OF BEGINNING AND CORNERING. 22.55 ACRES, MORE OR LESS. CORNERS ARE MARKED AS SHOWN ON THE ATTACHED PLAN.  
DIMENSIONS ARE BASED ON THE RECORD BLM BEARING ALONG THE WEST LINE AND OF SECTION 17 (BEARING=N 02°00'00"W).

### DEVELOPMENT DATA:

**LAND USE BY NET ACRES:**  
EXISTING - LUR (LARGE LOT RESIDENTIAL) = 22.44 ACRES  
PROPOSED - MFR (MULTI-FAMILY RESIDENTIAL DISTRICT) SUB-DISTRICT MFR-14 = 22.44 ACRES  
**NUMBER OF DWELLING UNITS BY HOUSING TYPE:**  
DUPLIX UNITS: 80  
APARTMENT UNITS: 100  
TOWNHOUSE: 80  
TOTAL UNITS: 260  
(PROJECT WILL INCLUDE AT LEAST 238 UNITS NOT MORE THAN 14 UNITS PER ACRE)  
**HOUSING DENSITY COVERAGE BY HOUSING TYPE:**  
DUPLIX UNITS: 1.04 UNITS PER ACRE  
APARTMENT UNITS: 4.50 UNITS PER ACRE  
TOWNHOUSE: 3.56 UNITS PER ACRE  
**PROPOSED DENSITY PER NET ACRE:**  
TOTAL ACRES: 22.44  
NET ACRES: 20.66  
11.3 UNITS/NET ACRE  
**STANDARD AREA / OPEN SPACE AREAS:**  
8.40 ACRES  
**ADDITIONAL TRAFFIC GENERATOR:**  
REFERENCE "MILL CREEK LANDMARK TRAFFIC IMPACT STUDY" PREPARED BY WOLFE ENGINEERS, INC. DATED MAY, 2008  
**SPECIAL ARCHITECTURAL/DESIGN/CONSTRUCTION STYLE:**  
DESIGN: CONTEMPORARY ARCHITECTURAL STYLE WITH COLORS AND MATERIALS APPROPRIATE TO THE AREA  
**RELATIONSHIP TO EXISTING DEVELOPMENT / FEATURES:**  
WESTERN END OF THE PROJECT IS A LANDMARK MUSEUM, NORTH END TO THE EAST IS LARGE LOT RESIDENTIAL, WITH A MIX OF MANUFACTURED AND SPLIT LEVEL RESIDENTIAL, SOUTH OF THE PROJECT IS THE ROCK PLAZA COMMERCIAL PARK.



### GENERAL NOTES:

**OWNER/SUBDIVIDER:**  
MILL CREEK MOOR, LLC  
510 SOUTH 200 WEST, SUITE 200  
SALT LAKE CITY, UT 84101  
CONTACT: PAUL MORSE  
801.943.2822

**SEE DATA:**  
TOTAL PROJECT AREA: 22.44 ACRES  
MILL CREEK MOOR AREA: 1.58 ACRES  
DEVELOPMENT AREA: 20.86 ACRES  
OPEN SPACE AREA REDUCED (GRADE): 0.35 ACRES  
OPEN SPACE AREA PROVIDED: 0.40 ACRES

**DISTRICT ZONING / LAND USE:**  
LUR - LARGE LOT RESIDENTIAL  
PROPOSED ZONING / LAND USE:  
MFR - MULTI-FAMILY RESIDENTIAL DISTRICT  
SUB-DISTRICT MFR-14

**STREETS:**  
MILL CREEK DRIVE (50' R/W): 677'  
SCOTTSDALE LANE (54' R/W): 153'  
CHRYSTON DRIVE (44' R/W): 800'  
PARKVIEW DRIVE (44' R/W): 742'  
TOPICE LANE (44' R/W): 516'  
TOTAL ROADWAYS: 3588'

**DIST. OF BOUNDARY:**  
1317.05'



| NO. | REVISIONS | DATE |
|-----|-----------|------|
|     |           |      |
|     |           |      |
|     |           |      |
|     |           |      |

SCALE: HORIZONTAL 1" = 60'  
SCALE: VERTICAL 1" = 120'  
DATE: 01/17/08  
DRAWN BY: GSC  
CHECKED BY: GSC  
DATE: 01/17/08  
PROJECT NO.: 1935

4380 Harrison Blvd.  
Suite 100A  
South Ogden, Utah 84403  
Tel: 801-461-1497  
Fax: 801-461-1497



CANYON VILLAGE  
MASTER PLAN  
MOOR, UTAH

SHEET  
M-1

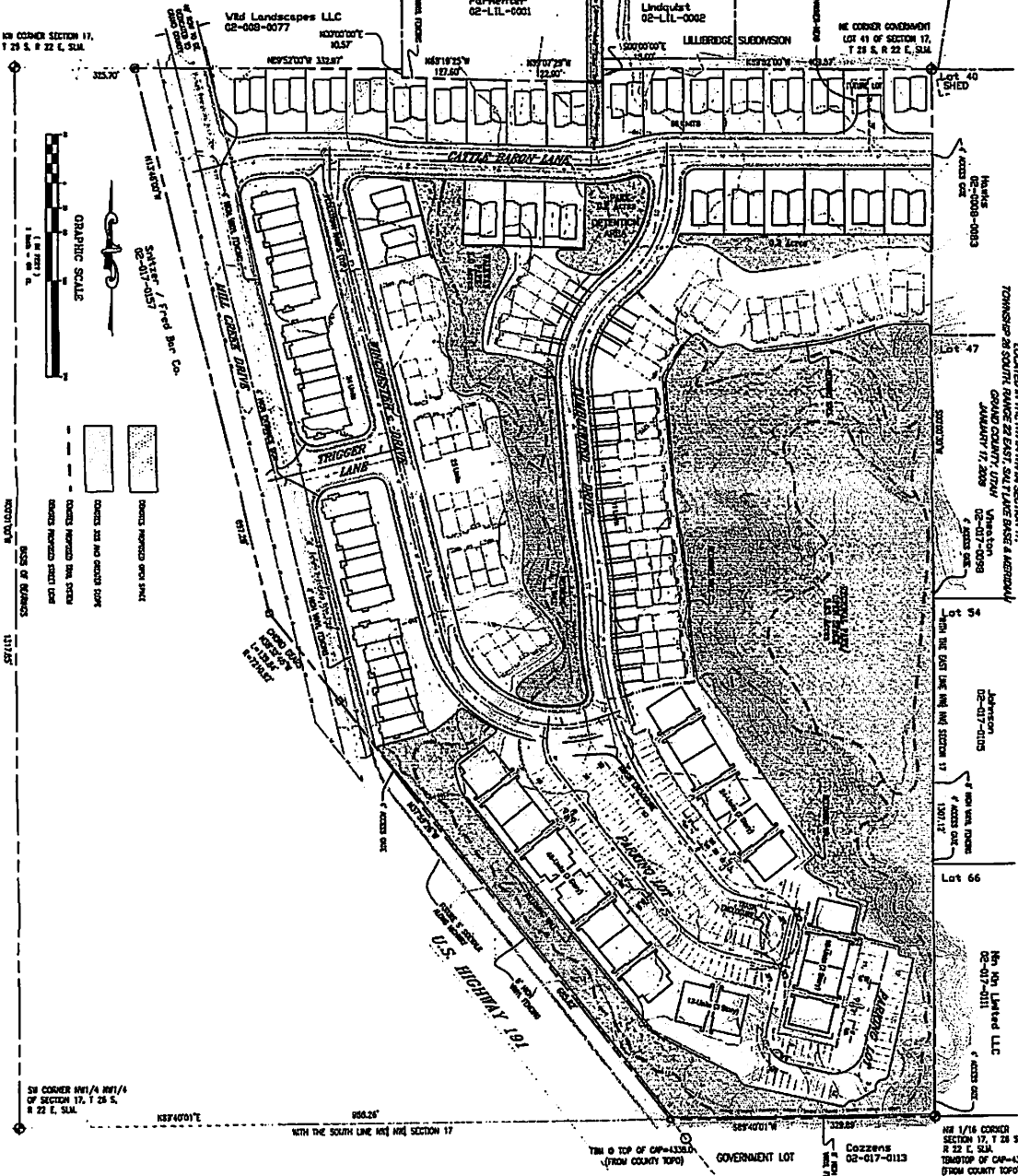
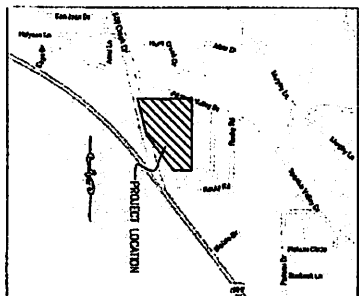
Est. 490862 Bk. 0745 Pl. 0286

**GENERAL NOTES CONT:**

- SEE PAGE 1
  - 100 FOOTING CURBS
  - 25 STAKE MARKS
  - 20 LITERATURES
  - 24 1/2" DIA. LIGHTS
  - 120 WATT BALL BALLAST & LIGHT
  - 120 WATT BALL NO. 1000000000
  - 14 UNITS PER ACRES
- CONCRETE SYSTEMS**
- ALL NEW WALK SURF SHALL BE CONCRETE
  - MINIMUM 6" THICK WITH 1" REINFORCING BARS
  - ALL NEW WALK SURF SHALL BE CONCRETE
  - MINIMUM 6" THICK WITH 1" REINFORCING BARS
  - ALL NEW WALK SURF SHALL BE CONCRETE
  - MINIMUM 6" THICK WITH 1" REINFORCING BARS

Exhibit "B"

**CANYON VILLAGE SITE PLAN**



SW CORNER SECTION 17,  
T 22 S, R 22 E, S 14

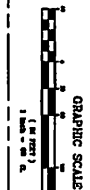
V&L Landscapes LLC  
02-008-0077

Parmenter  
02-LIL-0001

Lindquist  
02-LIL-0002

Moore  
02-LIL-0003

NE CORNER CORNER-SWIFT  
LOT 41 OF SECTION 17,  
T 22 S, R 22 E, S 14



GRAPHIC SCALE

- ✓ CHECKED AND APPROVED
- ✓ CHECKED AND APPROVED
- ✓ CHECKED AND APPROVED
- ✓ CHECKED AND APPROVED
- ✓ CHECKED AND APPROVED

SECTION 17

171/25

SW CORNER NW 1/4 NW 1/4  
OF SECTION 17, T 22 S,  
R 22 E, S 14

WITH THE SOUTH LINE NE 1/4 SECTION 17

TYP. @ TOP OF CP=4332.0'  
(FROM COUNTY TOP)

GOVERNMENT LOT

NE 1/4 CORNER  
SECTION 17, T 22 S,  
R 22 E, S 14  
TRIANGLE OF CP=1347.0'  
(FROM COUNTY TOP)

**CANYON VILLAGE SITE PLAN**  
MOAB, UTAH

S-1

**SYNERGY CONSULTANTS**  
4590 Harrison Blvd.  
Suite 100A  
South Ogden, Utah 84403  
Tel: 801-621-1577  
Fax: 801-621-1487

SCALE (HORIZ): 1" = 60'

SCALE (VERT): N/A

DESIGNED BY: SLD / DMC

DRAWN BY: SLD

CHECKED BY: DMC

DATE: AUGUST 6, 2000

PROJECT No. 1843

| No. | DESCRIPTION | BY | CHK |
|-----|-------------|----|-----|
|     |             |    |     |
|     |             |    |     |
|     |             |    |     |
|     |             |    |     |

