

**CITY OF MOAB  
PLANNING COMMISSION  
PUBLIC HEARING  
PROPOSED ORDINANCE 2021-05**

The City of Moab Planning Commission will hold a Public Hearing on Thursday, March 11, 2021 at approximately 6:15 p.m. Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Ann. § 54-2-207(4), the Moab City Planning Commission Chair has issued written determinations supporting the decision to convene electronic meetings of the Planning Commission without a physical anchor location. Due to the health and safety risks related to the ongoing COVID-19 pandemic and considering public health orders limiting in-person gatherings, the Moab Planning Commission will continue to hold meetings by electronic means. The public is invited and encouraged to view and participate in the Council's electronic meetings by viewing the City's YouTube channel: <https://www.youtube.com/MoabCityGovernment>

The purpose of this Public Hearing is to solicit public input on proposed Ordinance 2021-05, A Text Amendment adding a section to Title 17 Zoning of the Moab Municipal Code (MMC) to define what the City of Moab determines to be the initiation of proceedings to amend an ordinance pursuant to Section 10-9A-509 (1)(a)(ii)(B).

The proposed ordinance is available for public review at the Moab City Planning website at [www.moabcity.org](http://www.moabcity.org). Written public comment may be directed to the Planning Department at [Planning-Commission@moabcity.org](mailto:Planning-Commission@moabcity.org). Call-in information to make comments during the meeting can be found on the agenda at: <https://moabcity.org/AgendaCenter/Planning-Commission-2>.

To ensure that the Planning Commission has the opportunity to review written comments prior to the meeting, written comments will only be accepted until 5 pm the day prior to the public hearing (March 10, 2021).

Nora Shepard  
Planning Director

Published in the Times Independent, February 25, 2021 and March 4, 2021.

**CITY OF MOAB, UTAH  
ORDINANCE NO. 2021-05**

**AN ORDINANCE DEFINING THE POINT IN TIME AT WHICH THE CITY OF MOAB  
FORMALLY INITIATES PROCEEDINGS TO AMEND ITS LAND USE  
REGULATIONS**

**WHEREAS**, state law requires a local government to review an applicant’s land use application under the local ordinance in existence at the time the applicant submits a complete application, unless the local government can show that an exception to the rule applies. (Utah Code Annotated §10-9a-509);

**WHEREAS**, this rule is known as the “vested rights” rule. *See Western Land Equities v. Logan City*, 617 P.2d 388 (Utah 1980) (“[A]n applicant is entitled to [land use application approval] if his proposed development meets the zoning requirements in existence at the time of his application...”).

**WHEREAS**, Utah Code §10-9a-509 permits a municipality to deny approval of a complete land use application submitted within a 180-day period after a municipality formally initiates proceedings to amend applicable land use regulations in a manner that would prohibit approval of the application as submitted;

**WHEREAS**, Utah Code §10-9a-509 specifically states:

**10-9a-509. Applicant's entitlement to land use application approval -- Municipality's requirements and limitations -- Vesting upon submission of development plan and schedule.**

- (1) (a) (i) An applicant who has submitted a complete land use application as described in Subsection (1)(c), including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:
  - (A) in effect on the date that the application is complete; and
  - (B) applicable to the application or to the information shown on the application.
- (ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays application fees, unless:
  - (A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or
  - (B) in the manner provided by local ordinance and before the applicant submits the application, the municipality formally initiates proceedings to amend the

municipality's land use regulations in a manner that would prohibit approval of the application as submitted.

- (b) The municipality shall process an application without regard to proceedings the municipality initiated to amend the municipality's ordinances as described in Subsection (1)(a)(ii)(B) if:
  - (i) 180 days have passed since the municipality initiated the proceedings; and
  - (ii) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted.
- (c) A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.

**WHEREAS**, a public hearing was held by Planning Commission on the proposed text amendment on March 11, 2021 which was duly noticed and included public notice being published in the February 25, 2021 and March 4, 2021 issues of the Times Independent.

**WHEREAS**, the City of Moab desires, as permitted by §10-9a-509(1)(a)(ii)(B) above to define, by ordinance, the point in time at which the City formally initiates proceedings to amend its land use regulations.

**NOW, THEREFORE BE IT ORDAINED** by the Moab City Council that

1. Section 1- Add a definition to Section 17.06.020 as follows:

“Formally Initiation” as set forth by Utah Code 10-91-509 means the earliest of:

- a) Publication of a City Planning Commission or City Council agenda in which the amendment to the land use regulations is the subject of an agenda item, and/or public hearing, or
- b) The effective date of a resolution by the City Council stating that the City has formally initiated an amendment to the land use regulations and the proposed language of the amendment(s);

2. Section 2 - Add Moab Municipal Code Section 17.12.190 as follows:  
is amended to include the following language:

Formally Initiation as set forth by Utah Code 10-91-509 means the earliest of:

- b) Publication of a City Planning Commission or City Council agenda in which the amendment to the land use regulations is the subject of an agenda item, and/or public hearing, or

- b) The effective date of a resolution by the City Council stating that the City has formally initiated an amendment to the land use regulations and the proposed language of the amendment(s);

**PASSED** by the City Council in a public meeting on \_\_\_\_\_ by the following vote:

**MOAB CITY COUNCIL:**

*Those voting aye:* \_\_\_\_\_

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

*Those abstaining:* \_\_\_\_\_

*Those absent:* \_\_\_\_\_

\_\_\_\_\_  
Emily Niehaus, Mayor

**ATTEST:**

\_\_\_\_\_  
Sommar Johnson, Clerk/Recorder