



**GRAND COUNTY COMMISSION
WORKSHOP 2:30 PM
SPECIAL MEETING 4:00 PM**

**Grand County Commission Chambers
Hybrid virtual participation on Zoom
Moab, Utah**

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**MINUTES
November 1, 2022**

The Grand County Commission met in a Workshop 2:30 pm Special Meeting 4:00 pm on November 1, 2022. The meeting was held in-person in the Grand County Commission Chambers, with hybrid virtual participation also available via Zoom. It was also broadcast and saved on YouTube. Attending the meeting in-person was Commission Chair Jacques Hadler, Commission Vice-Chair Mary McGann, and Commissioners Trisha Hedin, Sarah Stock, Evan Clapper and Kevin Walker. Also attending in-person were Commission Administrator Mallory Nassau, Associate Commission Administrator Quinn Hall, Strategic Development Director Chris Baird, County Attorney Christina Sloan, and Clerk/Auditor Gabriel Woytek.

Zoom And Youtube Information

1. Times In This Agenda Are Approximate. Commission Meetings Allow For Both In-Person Or Virtual Attendance. Remote Participation Is Through [Zoom](#) And Meetings Can Be Viewed Live On [Youtube](#). To Call The Meeting Dial: (669) 900 – 6833 Use Meeting ID: 851 7082 0571 #Password (If Needed): 214317. To Unmute Press *6.
[Zoom Meeting](#)
[Youtube](#) (Please Note That We Do Not Take Public Comments On Youtube, Due To The Delay In The Video Feed.)
To Make A Public Comment Please Do So In Person Or Go Through The Zoom Link.

Workshop 2:30 Pm

House Bill 180, OHV Laws

Chair Hadler Opened The Workshop At 2:33 P.M.

Chris Nelson, Representative From Utah State Parks, Gave A Presentation On House Bill 180, Action Passed By The State Legislature In The 2021 General Session, Which Affects The Off-Highway Vehicle Act. Overview Given Of Concerns Regarding Ohvs, Including Safety, Trespassing, Environmental And Private Property Damage, Neighborhood Nuisance, Crowded Use And Education. Overview Of Provisions Included In HB 180. Details Given Regarding New OHV Education Course Requirements As Well As Key Components Of The Course. Description And Display Of New OHV Plate To Be Issued With New Registration. Education Is The Primary Point Of Emphasis From The Perspective Of The State Park Rangers In Order To Spread The Word About Implementation Of The New Programming And Receive Any Feedback.

Questions Posed From Moab Information Center Staff Regarding Out Of State Ohvs Entering The Local Jurisdiction. Clarification Given That These Regulations Do Not Apply To Street-Legal Vehicles, Only Ohvs.

Additional Question Regarding How To Verify Course Completion When Issuing OHV Permits. Clarification Given That A Certificate Will Be Made Available To Applicants To Display At The Time They Secure A Permit. December/January Timeline Is The Current Goal For Making The Education Certificate Website Live To The Public.

Discussion Amongst The Commission Regarding The Applicability Of This Legislation To The On-The-Ground Realities In Grand County, As There Are No Specific OHV Trails And Most Traffic Is Made Up Of Street-Legal Vehicles, Which Are Not Affected By The New Regulations. Clarification Made By Nelson That Upcoming Update To Language In The 2023 Legislative Session Will Make This Language Clear. Discussion Regarding The Importance Of Working With The Drafters Of The Bill So That Grand County's Concerns May Be Addressed Before Such Changes Are Made. Comment Made By Scott Macfarland That Education And Certification Is Important For All Users In Order To Increase Respectful Public Land Use. Lori Macfarland Offered Feedback Regarding The Contents Of The Test. Concern Raised Regarding The Possibility Of Cheating On An Online Test.

Chair Hadler Called A Recess To The Meeting At 3:37 P.M.

Call To Order

The Special Meeting was called to order by Chair Hadler at 4:02 p.m. (1:06:10)

Pledge Of Allegiance

Citizens To Be Heard

We are receiving public comments by phone and online through Zoom. Dial: (669) 900 - 6833 Meeting ID: 851 7082 0571 #

Password (if needed): 214317

Link: <https://us02web.zoom.us/j/85170820571?pwd=M24yQjRlZlElCeJUXtUjFeXFoZHNQQT09>

When joining the meeting, you will be placed in a waiting room and be added to the meeting by the moderator. Your comments will be recorded and on YouTube. (Unmute for public comment: *6)

Saina Carey, resident of Thompson Springs, spoke regarding rules and regulations regarding water availability in Thompson Springs. Stated that a courtesy water turn off occurred at the property that she acquired, rather than it being legally turned off. Wishes for water service to be turned back on at her property. (2:00)

Presentations (15 Min)

Grand County Election Security

Clerk/Auditor Woytek Gave A Brief Overview Of Election Security Measures In Place In Grand County And Across The State Of Utah, With Details Included In The Packet. (5:20)

Department Reports (15 Min)

Staff Report On Future Land Use Plan Public Engagement And Next Steps.

Elissa Martin Gave A Report On The Future Land Use Planning Process For Implementing Zoning Changes And Land Use Planning Updates, As Shown In The Packet. Overview Given Of Completed Public Engagement Efforts. Overview Of Currently Contemplated Future Land Use Designations, With More Revisions And Discussion To Come. Overview Of Other Steps In The Process Needed To Be Completed In Developing The Future Land Use Plan, With A Timeline Presented For Specific Future Action Steps, With Public Hearings For Adoption Slated For May Of 2023.

Commissioner Clapper Asked For Clarification Of Uses In Commercial Zones. Martin Explained That In The Upcoming Planning Commission Meetings, Future Land Use Designations Will Be Compared With Current Use Tables As A Way Of Starting This Conversation.

(26:55)

Airport Report

Director Tammy Howland Gave The Department Report. Overview Given Of The Breadth Of Stakeholders At The Canyonlands Regional Airport, Including Passengers, Ground Transportation Companies, Businesses Operating Out Of The Airport, Hangar Owners And Renters, General Aviation Users (Fuel Stops), Military, Medical, BLM, FAA And First Responders. Overview Of Staffing Given; Seven Full-Time And One Part-Time Grand County Employees. Summary Given Of Projects Accomplished And New Equipment Acquired In 2022, And Projects Slated To Be Completed In The Next Year.

Commissioner Walker Sought Clarification On The Definition Of An Enplanement, Which Is When Someone Departs From The Airport. Howland Gave An Update Regarding Skywest's Plan To Upgrade To 70 Passenger Jets By The End Of 2023, Which Would Trigger FAA Requirements For Security Processes. Grand County Currently Qualifies For A Waiver In Terms Of Law Enforcement Response Requirements. Commissioner Walker Requested Clarification Regarding Recent Use Of Aircraft Hired By Dominion Energy In The Moab Valley For Reading Gas Meters, Which Practice Has Been Compliant With FAA Standards, But Has Recently Been The Subject Of Citizen Complaints. (36:55)

Grand County Public Library Report

Valdes Gave A Brief Summary Of The Last Two Years Of Activity At The Library. Overview Given Of New Grant Funded Programs Available, Including 150 Mobile Hot Spots, 40 Chromebooks, 25 Windows-Based Laptops, 25 Circulating Ipad, About A Dozen E-Readers. New Technology Updates To The Main Meeting Room, Hydroponic Garden, Outdoor Movie System, Replacement Of Kid's Room Computers, Wifi Printing, STEM Based Activity Programming. Wifi Now Only Available From 8Am-8Pm. Library Patron Use Approaching Pre-Pandemic Rates. Brief Discussion Regarding Imminent Maintenance Needs For The Library Facility, Which Is Now 17 Years Old. (1:10:00)

Agency Reports (15 Min)

Approval Of Meeting Minutes

Approval Of Minutes For October 18, 2022 Grand County Commission Workshop And Regular Meeting

Motion By Grand County Commissioner McGann To Approve

Motion Seconded By Grand County Commissioner Hedin

Discussion (None At This Time)

Motion Passes 7-0

Ratification Of Bills And General Reports

Ratification Of Payment Of Bills

a. Grand County Bill Report

Commission Member Disclosures

Josie Kovash Disclosed That She Is Employed By The Moab Music Festival. Mary McGann Disclosed That She Maintains A Close Family Relationship With A Potential STAR Grant Recipient.

General Commission Reports And Future Considerations

Trish Hedin

- Southeastern Utah Association Of Local Governments Building Committee Regarding New Facility In Price
- Recreation Special Service District Meeting, Discussion Regarding Quinceaneras Hosted At OSTA, New Playground Proposal Submitted, Potential For New Archery Range, Discussion Regarding Other Facility Needs At OSTA

Mary McGann

- Solid Waste Special Service District Meeting, Inflation And High Gas Prices Creating Many Challenges And As A Result Fees May Need To Be Raised
- Canyon Country Partnership Meeting In Orangeville, Freshwater Jellyfish In Lake Powell
- Utah Raptor Park Design Completed, With Opening Slated For May 2023, Entrance Designs Being Contemplated
- Budget Advisory Board Meeting
- Steering Committee For Uranium Tailings Removal Action Project, 3 Million Tons Of Tailings Remaining For Removal
- Meeting Regarding Zoning For UTV And Other Noisy Businesses
- Meeting With Public Lands Policy Coordinating Office And Utah Office Of Tourism Regarding The Arches Timed Entry Pilot

Evan Clapper

- Arches Special Service District Meeting Cancelled
- Visit With Congressman John Curtis
- Meeting With Public Lands Policy Coordinating Office And Utah Office Of Tourism Regarding The Arches Timed Entry Pilot

Josie Kovash

- Special Events Advisory Committee, Post-Event Review Discussion
- Four Corners Behavioral Health Board Meeting, December 7Th Open House And Ribbon Cutting Of New Moab Facility
- Visit With Congressman John Curtis

Kevin Walker

- Meeting With Planning Staff From County And City To Discuss Dark Sky Ordinance And How To Comply By The 5-Year Deadline, Must Prioritize Enforcement In Order To Ensure Compliance, Especially To Address More Serious Violations
- Visit With Congressman John Curtis

Sarah Stock

- Meeting With Planning Staff Of City And County Regarding Alignment Of Sustainable Tourism Goals, Future Funding Opportunities Through The Federal Inflation Reduction Act

Jacques Hadler

- Museum Of Moab Board Meeting, New Board Chair To Be Nominated, Barb Webb's Term Expiring
- Emergency Manager Interview Panel With The Sheriff's Office
- Chamber Of Commerce Board Meeting, Discussion Regarding Future Increased Collaboration With City And County On Community Events, Discussion Regarding Arches Timed Entry Pilot
- Meeting Regarding Zoning For UTV And Other Noisy Businesses
- Visit With Congressman John Curtis

Elected Official Reports

Grand County Attorney Christina Sloan

- The Utah Homicide Survivors, A Non-Profit Organization Advocating For Justice For Victims, Recently Awarded Colleen Magee, The Chief Deputy County Attorney, The Lisa Williams Justice Award. The Lisa Williams Justice Award Is Presented To A Prosecutor, Victim Advocate, Or Law Enforcement Officer Who Has Gone Above And Beyond The Call Of Duty To Help Families Of Homicide Victims. The Utah Homicide Survivors Chose Colleen Magee For This Award To Recognize Her Trauma-Informed Approach To Prosecution. This Is The First Time Such An Award Has Been Given To A Prosecutor In Grand County

Commission Administrator Report

Commission Coordinator Alishia Oliver

- Introduction And Demonstration Of The New Grand County Agenda Center For Coordination And Access To County Board Meeting Agendas And Information

Citizens To Be Heard - 6:00 PM

None at this time

General Business - Action Items - Discussion And Consideration Of Approval

2. Lease Agreement Between The Grand County Public Library And The Moab Free Health Clinic

Carrie Valdes Gave Reasoning And Justification For New Teen Programming Effort. More Teens At The Library Create Challenges At The Main Library Facility. Lease Would Begin In February, Lease Has Been Reviewed By The County Attorney. Liability Insurance Fees Still To Be Determined. STEM Activities And Maker Space Activities Would Potentially Be Relocated To This Space, As Well As A Teaching Kitchen.

Motion By Grand County Commissioner Walker To Approve

Motion Seconded By Grand County Commissioner Stock

Discussion (None At This Time)

Motion Passes 7-0

3. Approval Of Two Community Event Grants

Alter Gave An Overview Of The Proposed Grants. One Grant Would Be Applied Retroactively For An Event That Was Just Completed. Intention Is To Continue Program But Reformulate Moving Into The Next Year. Recommendation For Approval Forwarded By The Travel Council Advisory Board. Discussion Regarding Adjustments To The Application Process For Next Year, Which Is Currently Configured On A Rolling Basis. Hedin Requested Clarification On Event Schedule For One Of The Recipients. Granath Clarified That Total Pool Of Money Available For Community Event Grants In 2022 Was \$40,000 From The Rec/Film/Convention TRT Budget. (1:52:15)

Motion By Grand County Commissioner Walker To Approve

Motion Seconded By Grand County Commissioner Hedin

Discussion (None At This Time)

Motion Passes 7-0

4. Award Of Sustainable And Resilient (STAR) Business Grants - Second Cohort

Ben Alter Gave A Summary Of The Currently Contemplated Grant Cohort. Total 2022 Budget For The STAR Business Grant Program Is \$1,046,160. No Material Difference In The Nature Of These Applications From The First Cohort. Commissioner Stock Spoke To This Pool Of Money Coming From Monies To Be Associated With Economic Diversification, And How Further Clarification Is Needed For Qualification, Which Could Include Elimination Criteria In Addition To General Ranking. Further General Discussion Amongst The Commission Regarding The Experience Of Qualifying These Grants During This Year And The Potential For Improvement In Developing Qualification Criteria, Fine Tuning The Definition Of Diversification Within And Outside Of The Tourism Industry, And How Best To Offer These Programs Successfully Into The Future. (1:59:45)

Motion By Grand County Commissioner Walker To Approve

Motion Seconded By Grand County Commissioner Hedin

Discussion (None At This Time)

Motion Passes 6-0

5. Award Of Sustainable And Resilient (STAR) Business Grant To ABC Thompson LLC

Ben Alter Gave Background Regarding The Proposed Action And Referenced The Existing Challenges Associated With Water In Thompson Springs, Which Is Addressed In The Conditional Approval, Which Seeks To Acknowledge These Challenges And Thompson Springs As An Important Part Of Grand County's Future. Hedin Requested Further Clarification Regarding Award Amount Limits, And Acknowledged Serious Concerns About Water Availability In Thompson Springs. Further Discussion Regarding The Proposed Motion, And Setting A Time Limit For The Funds To Be Used With Regards To This Applicant. (2:11:15)

Motion By Grand County Commissioner McGann To Approve

Motion Seconded By Grand County Commissioner Clapper

Discussion (None At This Time)

Motion Passes 6-1

6. Consider Resolution Approving The Tic Tac Tow Conditional Use Permit For An Impound Lot

Planning And Zoning Director Elissa Martin Presented The Proposed Permit Application, As Shown In The Packet. Use Not Aligned With Currently Contemplated Future Land Use Plan. Commissioner Walker Referenced The Potential For This Parcel In Uses That Are Complementary To The New Utah State University Campus. Proposed Conditional Use Likely Does Not Represent A Significant Change From The Current And Historic Uses. Current Fencing Not Compliant With Most Recent Screening Requirement Amendments. The Applicant Gave A Response To The Screening Requirements. County Attorney Sloan Offered Clarification Regarding Planning And Zoning Staff's Error In Directing The Applicant To Install An Opaque Fence Upgrade, Which Is Not Technically Compliant. Further Discussion Regarding The Potential Of Applying Updated Screening Requirements With This Application. Commissioner Stock Requested Clarification On The Noise Impacts Associated With The Proposed Conditional Use. Applicant Gave More Background Regarding The Need For An Impound Lot In The Area, Especially In The Interest Of Clearing Junk Cars. Further Discussion Regarding The Screening Requirements, Legal Considerations, And The On-The-Ground Realities Of Highway 191 And Compatibility Of The Existing Screening With Other Uses Up And Down The Highway.

Motion By Grand County Commissioner Walker To Approve

Motion Seconded By Grand County Commissioner Hedin

Discussion (None At This Time)

Motion Passes 6-1

Commissioner Clapper Mentioned The Importance Of Sticking To The Rules. Commissioner Walker References The Constant Battle Of Applying Laws Consistently And The Need To Be Flexible When Appropriate. (2:18:20)

7. Consider An Ordinance To Amend Article 4, Special Purpose Overlay Districts To Establish An "Alternative Dwelling Overlay District" Pilot Program

Martin Presented The Proposed Ordinance, With Staff Report Shown In Agenda Packet. Attorney Sloan Gave An Overview Of Some Of Her Own Recommendations To The Commission, Also Outlined In The Packet, With Her Main Concern Being Application Of The Overlay Over The Entire County Including Rural Residential Zones And The Inability Of This Ordinance In Addressing Compliance For Existing Non-Compliant Uses. Commissioners Hedin And Clapper Spoke To The Need For Applying The ADO To Existing Larger Scale Uses, But Less Enthusiasm For Introducing The Proposed Overlay Into Random Areas In Rural Residential Zones. Discussion Amongst The Commission Regarding The Appropriate Number For The Pilot Cap. Commissioner Clapper Raised Concern About The Investment And Resources Need To Bring Such Applications To The Commission, Such That Reliance On Commission Approval Or Denial Is A Strain On Resources. Commissioner Walker Spoke To The Challenges Regarding Mapping Exercises For Fine-Tuning Eligible Areas, And Spoke In Support Of A More Open-Ended Approach. Commissioner Clapper Suggested The Possibility Of Creating An Initial Preliminary Review Stage That Would Prevent Applicants And County Staff From Exerting Time And Resources On A Potential Project That Would Likely Be Denied. Such A Review Stage Could Be Easily Integrated With The Proposed Quarterly Review Process In The Ordinance. Commissioner Hedin Stated That She Is Unable To Support The Proposed Ordinance Given Its Impact On Rural Residential Zones. Attorney Sloan Advised That The Item Be Postponed And A New Subsection Be Added To The Proposed Ordinance, Rather Than Issuing An Approval At This Time With Conditions. Commissioner Walker Suggested That The Approval Could Include Express Language Discouraging Or Precluding Applications For Undesirable Locations. Commissioner Kovash Mentioned That Character Is Not

Consistent Throughout All Zones And That She Is Not Comfortable Excluding Entire Zones For Potential Applications, And She Is In Favor Of A Preliminary Review, Or Intent To Apply, Process. Commissioner Stock Spoke To The Urgent Need For This Pilot Program In Order To Support Demand For Workforce Housing, And That The Commission Can Use Its Discretion In Approving Applications With Negative Impacts To The Character Of Existing Neighborhoods. Commissioner Walker Referenced Some Language In The Proposed Ordinance That He Found Problematic, Including The Reference To Any ADO Needing To Be One Mile From A Commercial Node. Discussion And Clarification Regarding Recommendations And Requirements As They Are Presented In The Ordinance. Commissioner Kovash Spoke To The Need To Include As Much Specific Language As Possible In Providing Guidance To Applicants And Illustrate Legislative Intent. (2:45:20, Tabled)

Motion By Grand County Commissioner McGann To Table

Motion Seconded By Grand County Commissioner Walker

Discussion (None At This Time)

Motion Passes 7-0

Martin Presented Proposed Changes To Draft Language, Per Commission Discussion, Including Revisions To 4.9.2.5, 4.9.6(A), 4.9.6(C)(1). Discussion Regarding More Specific Revisions That Need To Be Made For Consideration At The Next Commission Meeting, Which Include Refining Intent To Apply/Quarterly Review Language, Maintaining A Cap Size Of 150 And Language Regarding Exemptions To Allow Use In Rural Residential Zones, And Any Additional Clarity That Can Be Offered Without Losing Flexibility. (3:44:00)

Motion By Grand County Commissioner McGann To Postpone

Motion Seconded By Grand County Commissioner Hedin

Discussion (None At This Time)

Motion Passes 7-0

8. Adoption Of The 2023 Grand County Tentative Budget

Baird Presented The Proposed Tentative Budget, And Described The Current Step In The Process, As Outlined In The Agenda Summary In The Packet. Description Of Potential Actions That Could Be Comfortably Taken To Achieve A Proposed Balanced Budget. Future Joint Workshops With The Budget Advisory Board Will Serve To Clarify These Actions. Baird Offered That This Stage Of The Budgeting Process Is A High-Level Process Of Allocating Percentages Of The Budget To Various Categories, And Not An Appropriate Time To Make Granular Programmatic Decisions. This Proposed Action Is A Statutory Requirement, Non-Committal, Needed To Initiate The Public Budgeting Process. (3:24:15)

Motion By Grand County Commissioner Walker To Approve

Motion Seconded By Grand County Commissioner McGann

Discussion (None At This Time)

Motion Passes 7-0

Consent Agenda

9. Approval Of Consent Agenda Items

(3:41:30)

Motion By Grand County Commissioner Clapper To Approve

Motion Seconded By Grand County Commissioner Stock

Discussion (None At This Time)

Motion Passes 5-0, McGann Absent, Hedin Abstains

10. Interlocal Agreement Between Grand County Public Library And San Juan County Library

11. Memorandum Of Understanding Between The Grand County Public Library And The Grand County Public Library Friends

12. Voluntary Appointment To The Airport Board

13. Wildland Fire Program Support Budget Between Grand County And Utah Division Of Forestry, Fire, And State Lands For Calendar Year 2023.

14. Amendment To The Intent To Apply For Amasa Trail Race

Discussion Items

Public Hearings

15. Public Hearing On Petition To Vacate The Existing Western Portions Of Willow Springs And Dalton Wells Roads, County B Roads, Located Within The Utahraptor State Park Campground

Public Notice Requirements Not Met In Order To Hold The Public Hearing At This Time.

Motion By Grand County Commissioner Clapper To Postpone

Motion Seconded By Grand County Commissioner Hedin

Discussion (None At This Time)

Motion Passes 6-0

Closed Session(S) (If Necessary)

16. Purchase, Exchange, Lease, Or Sale Of Real Property, Including Any Form Of A Water Right Or Water Shares (UCA 52-4-205(1)(D) & (E))

Motion By Grand County Commissioner McGann To Enter Closed Session

Motion Seconded By Grand County Commissioner Clapper

Discussion (None At This Time)

Motion Passes 7-0

17. Discussion Of Pending Or Reasonably Imminent Litigation

Motion By Grand County Commissioner McGann To Enter Closed Session (Same Motion As Above)

Motion Seconded By Grand County Commissioner Clapper

Discussion (None At This Time)

Motion Passes 7-0

Motion By Grand County Commissioner McGann To Exit Closed Session

Motion Seconded By Grand County Commissioner Hedin

Discussion (None At This Time)

Motion Passes 7-0

Adjourn

Chair Hadler adjourned the meeting at 8:50.



Jacques Hadler
Chair, Grand County Commission



Gabriel Woytek
Grand County Clerk/Auditor