



**GRAND COUNTY COMMISSION
WORKSHOPS AND REGULAR MEETING**

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

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**MINUTES
17 January 2023**

The Grand County Commission met in a regular meeting on January 17th, 2023. 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 and Commissioners Mary McGann, Trisha Hedin, Evan Clapper, Bill Winfield and Mike McCurdy. Also attending in-person were Associate Commission Administrator Quinn Hall, Strategic Development Director Chris Baird, County Attorney Stephen Stocks and Clerk/Auditor Gabriel Woytek. Attending the meeting virtually was Commission Administrator Mallory Nassau. Commission Vice-Chair Kevin Walker entered the meeting virtually at 5:32 p.m.

2:04 p.m. Special Event Intent to Apply Workshop

Old Spanish Trail Arena Director Angela Book and Special Events Coordinator Mackenzie Daniels provided an overview of basic details included in the Intent to Apply applications for quarter three (July-August-September) special events. Applications reviewed included the Pioneer Day Celebration, Moab Music Festival, Ute 100, Live at Red Cliffs, Red Rock 4 Wheelers Labor Day Campout, Blazer Bash, Ladies Network Convention, COTAH Rally, Mother Of All Boogies, Moab Century Tour, Moab Race – UHSCL, Moab Overland Expo, Outerbike.

Commissioner Hadler shared a statement prepared by Commissioner Walker regarding the intent to apply review:

The Grand County Special Event Ordinance lays out considerations for approval in sections 8.16.010 and 8.16.100.B.ii. In particular there's 8.16.010.B: Offer a diversity of Special Events and opportunities for residents and visitors alike.

We also have an informal, unwritten policy of continuing to approve established events which have not caused problems in the past. Finally, as we saw at the last ITA approval round, our list of established events is dominated by foot races, bicycle events, and ORV events.

It follows that if we want to increase the diversity of types of events that we host, the large majority of new, non-yet-established events will need to be things other than foot races, bicycle events, and ORV events. Or, turning it around, we should only approve NEW foot race, bicycle and ORV events if the proposed new event offers something really exceptional. Typical events of these types don't make the cut.

A large fraction of the ITAs in this round are new or newish foot race, bike or ORV events: Ute 100 foot race (started 2018), Blazer Bash, new, not locally sponsored, Ladies Network Expo, new (to Moab), ORV expo and trail rides, COTAH, newish (3rd year), but relatively small and mostly in the hinterlands, Moab Century Tour, new (but locally sponsored and proceeds go to charity), High school Bike race, newish (2nd year?), very large (1500 participants).

None of these events is (in my opinion) super-objectionable, but if we keep adding ever more of these types of events to our calendar, then we will never achieve the event diversity we desire. A special event permit is a privilege, not a right. Instead of “approve all new event ITAs unless there is a strong reason not to”, I think our stance should be “approve new event ITAs only if they offer something very positive to our community”.

Commissioner Hedin sought clarification as to whether the Blazer Bash was a new event. Book clarified that this event has been run informally for ‘many years’ but was only permitted starting in 2022.

Commissioner McGann commented that the Ladies Network Convention would offer an element of diversity to the special event calendar. Commissioner Hedin sought clarification that the event would not conflict with the Blazer Bash in its use of the OSTA facility, which Book stated that it would not.

Commissioner Hedin sought clarification regarding demands on law enforcement and EMS created by the Mother Of All Boogies event. Commissioner Winfield stated that he spoke with Sheriff Wiggins to confirm that he had no concerns with any of the events under consideration at this meeting.

Commissioner Hadler clarified that the Moab Century Tour was a long running event in Grand County of at least 15 years, and also that the Moab Race – UHSCL was a long running and well-established event. Commissioner Clapper emphasized the importance of having a ‘home’ race for youth mountain biking athletes in Southeastern Utah.

Commissioner McGann stated that none of the events raised a red flag for her. Commissioner Hedin expressed concern with the Blazer Bash and its potential conflict with other events, as well as the Mother Of All Boogies event and demands that might be placed by activities and parties accompanying that event. Further discussion regarding process for further review of ITA applications, as well as compliance of the Blazer Bash event with requirements imposed by referral agencies. Events may still be asked to offer further details before final approval.

Commissioner Clapper agreed with the statement prepared by Commissioner Walker, highlighting that new events should offer something positive for the community, and stated that the Ladies Network Convention was the only truly new event, which offered an element of diversity and made limited use of trail networks, such that it justified approval. Charlene Bower, organizer of the Ladies Network Convention, gave further background regarding the ‘Tread Lightly’ certification process and the potential for future training certification for event hosts. Commissioner Winfield stated that the currently contemplated events offer activity during relatively slow periods in the year for Grand County businesses. Commissioner McCurdy reiterated this point.

Chair Hadler called a recess at 2:41 p.m.

3:00 p.m. Alternative Dwelling Overlay (ADO) Intent to Apply Workshop (47:28)

Planning and Zoning Director Elissa Martin gave a brief summary of the ADO Pilot Program and its accompanying application process. Commissioner Hadler clarified that approval of the ITA was only the beginning of the process for any application to gain final approval. Commissioner McGann stated that by her firsthand observation of the proposed application sites, some groundwork and development had already started at some of them. Martin stated that in particular, one applicant had been issued a violation for unpermitted work done.

Chair Hadler shared the following statement prepared by Commissioner Walker into the record:

As we were drafting the new ADO policy, we received quite a bit of public input asking us to not allow ADO developments in the middle of existing lower density residential housing. Many people asked specifically that the Rural Residential zone be taken off the table. We did not take RR off the table, but we did assure the public that we would use our discretion to not approve ADO applications in the middle of low-density residential areas. We now have the opportunity to follow through on that promise.

ITAs 2,3,5 and 7 are relatively small RR parcels in the middle of existing low-density neighborhoods. For the reasons given above, I am not in favor of approving these four ITAs. If the remaining four larger ADO ITAs were approved, this would amount to $110/142 = 77\%$ of the proposed ADO sites.

Commissioner Hedin stated that the Commission should be intentional in the way that it forwards an invitation to proceed to applicants at this stage, so that applicants do not continue with an arduous and costly process only to be denied. Commissioner Hedin also stated that it was important to be aware that residents of Rural Residential zones showed fierce opposition to applications that would affect their zone when the pilot program was being crafted.

Navtec employee Brian Martinez offered details regarding his employer's proposed ADO application (#6, at 400 W 1089 N) which proposes a development in the floodplain, and will require the requisite planning and design for flood conditions if application proceeds.

Commissioner Clapper inquired whether applications numbered in the staff report as 1, 4, 6 and 8 had consensus approval, such that more vigorous discussion could be reserved for the remaining applications. Commissioner Hedin sought clarification on property tax ramifications associated with the proposed new ADO use, particularly in regards to the residential exemption applying to portions of commercial zones.

Commissioner Winfield stated that better clarification is needed in crafting Land Use Revisions such as the one creating the ADO, because in cases like the High Density Housing Overlay, clarity is lacking for builders and developers to be able to reasonably create more badly needed housing. Winfield stated that if the Commission plans to deny all applications in the Rural Residential zone, then that simply should have been written into the code.

In reference to application #2 (3380 Redcliff Rd.), discussion was had regarding infrastructure that the applicant has already put in without permitting, and the steps that would need to be taken to remediate that violation and come into compliance. Commissioner Clapper stated sensitivity to current surrounding uses and this application's location which is embedded within a low-density neighborhood. Commissioner Hedin referenced the impacts that this neighborhood already experiences with regards to access to popular nearby trailheads. Chair Hadler expressed that this particular lot was on a dead-end road and did feel somewhat isolated, and with that he is on the fence as to its fitness for the ADO.

In reference to application #3 (3211 Roberts Rd.), Clapper stated that the proposed development butts up to highway commercial and fills in more of a buffer area between Highway Commercial and Rural Residential that has already been identified for revision on the land use map. Clapper stated that the property has only two neighbors, with easy direct access to Highway 191. Applicant Matthew Niesen stated that he has not spoken to the neighbors, but wonders what the threshold would be for acceptable impact to the surrounding neighborhood in order to be confident with Commission approval. Commissioner Hedin expressed concerns specifically in regards to traffic impacts associated with the proposed development. Commissioner McCurdy stated that there is a camper rental property near his own place of residence and does not see substantial impact to traffic, and that the upkeep committed to by the property owner has a strong bearing on a development's impact to its neighborhood. Niesen stated that this development would be occupied roughly 60% by employees of his own businesses.

In reference to application #5 (2890 Spanish Valley Dr.), Martin noted that this location has been identified by recent planning efforts as a future commercial node and mixed-use area. Commissioner Hadler sought clarification on details of the site plan and surrounding properties. Commissioner Clapper stated that he was on the fence regarding this application and was unwilling to provide a clear favorable recommendation, acknowledging its close proximity to a likely future development node. Discussion regarding whether community comments had been received to date regarding any of the applications, which none have. Public hearings would be held for any rezone request as any application proceeds.

In reference to application #7 (2012 Murphy Ln.), applicant Lonnie Campbell clarified the proposed site plan and stated that his family owned adjoining property on either side, and that he has been in contact with his neighbors. Discussion regarding nearby upcoming developments being introduced in this area and that a precedent has already been set for higher density.

Discussion regarding the potential for gathering public comment from direct neighbors of applicants in anticipation of the Intent to Apply stage. Commissioner Clapper stated that neighbor comments are important but that consideration of overall neighborhood character and avoidance of spot zoning is most important for the Commission to consider. Agreement that applicants may reapply with an Intent to Apply application, with updated materials. Commissioner Hedin reiterated the importance of compatibility with existing community character, and the inevitable impact that these developments will have on their surrounding neighborhoods. Sticking to specific criteria such as Highway Commercial or existing historic use will reduce these impacts and provide more clarity for potential developments. Commissioner Winfield clarified that the Commission should not be in a position to tell a developer whether to invest in the application process or not, that this should be their risk to decide to take. Commissioner McGann reiterated that the Commission did agree that it would be very careful in altering or affecting Rural Residential zones when it created the ADO pilot.

Chair Hadler adjourned the workshop and called a recess at 3:53 p.m.

4:02 p.m. Thompson Springs Special Service Fire District Board Meeting (see separate agenda) (1:58:45)

4:08 Call to Order Regular Commission Meeting (2:04:55)

Pledge of Allegiance

4pm Citizens to Be Heard (2:05:30)

Thompson Springs resident and business owner Saina Carey spoke in regards to her property having its water turned off as a courtesy to the previous (now deceased) owner, and challenges associated with turning the water service back on due to the water hookup moratorium in Thompson Springs. Carey requested assistance from the Commission in getting water back to her business.

Doug Nichols, Grand County resident, advocated for property and business owners who might still be interested in the limited amount of ADO sites available in the pilot program, but haven't yet had time to apply for the first round. Nichols stated that there are potential applicants that the Commission will see in the pipeline that will not present the same challenges to neighborhood character that some of the current round of applications do.

Marc Horwitz, Grand County resident, asked the Commission whether any price controls would be placed on rental rates for ADO sites, and expressed a desire for the Commission to take this detail into consideration.

Department Reports (none scheduled)

Presentations

Presentation on Upper Colorado River Basin System 2023 Conservation Pilot Program (Lily Bosworth, Staff Engineer, Colorado River Authority of Utah) (2:12:00)

Bosworth gave an overview of the role of the Upper Colorado River Commission and its effort to comply with the 1922 Colorado River Compact. Historic hydrologic context given for Upper Colorado River Basin, noting that water supply below the median is common, and that conservation to support system resiliency during drought is needed. System Conservation Pilot Program (SCPP) is an opportunity for temporary, voluntary, and compensated consumptive water use reduction in the Upper Colorado River Basin, and is not a 'buy and dry' or 'demand management' program that involves water shepherding. Water rights will not be subject to abandonment with participation of water users in the conservation program. Overview of funding and administration mechanisms for SCPP. Overview of proposal process for water users wishing to participate. Commissioner Hedin asked for elaboration regarding the median floor price of \$150/acre foot and how that is ultimately set in a given individual proposal. Update on current program status, with proposal applications due on February 1st, 2023. Commissioner Clapper sought clarification that Government agencies such as Special Service Districts are eligible to participate.

Presentation on Integrated Public Alert System (IPAWS) and Alert Sense (Cora Phillips, Grand County Emergency Management Director) (2:25:50)

Phillips gave a presentation regarding the Emergency Management program, current efforts and immediate goals, an overview of the Alert Sense Public Interface and the myAlert app, and upcoming events. Commissioner Clapper asked about the current functionality of the alert system. Phillips clarified that it is tested on a monthly basis and that she is properly trained to issue an alert through the system. Commissioner Hedin sought clarification as to how the public might learn how to best access stream gauge information in emergency circumstances, which will be covered at upcoming library informational session, with public outreach for that program to come soon.

Financial Update (Strategic Development Director Chris Baird) (2:35:20)

Baird gave an overview of graphs showing actual and projected data for the following taxes collected and/or distributed by Grand County:

- Transient Room Tax (TRT) with 2022 at 12.58% above the projected growth trend.
- Transportation Tax, with 2022 actuals at 7.87% below the projected growth trend
- County Optional Sales Tax, with 2022 actuals at 26.67% above projected growth trend
- Rural Healthcare Sales Tax, with 2022 actuals at 3.16% above projected growth trend
- Restaurant Tax, with 2022 actuals at 10.34% above projected growth trend
- General Sales Tax, with 2022 actuals at 39.31% above projected growth trend
- Car Rental Sales Tax, with 2022 actuals at 36.23% above projected growth trend
- Overview of all taxes combined, with 2022 actuals at 13.9% above projected growth trends and 0.27% above 2021, to date

Presentation of table showing TRT revenues across top generating counties in Utah from 2020-2022, with Grand County ranking number 3 in average annual growth.

Commissioner Clapper asked Baird to explain why the Rural Healthcare Sales Tax performs differently than other sales and use taxes presented. Baird stated that it could be a reporting problem with businesses or a

failure to remit taxes appropriately. Commissioner Hedin asked about issue with TRT collections being remitted to the location of the property owner, even if they are non-local. The Tax Commission has stated that this issue has been resolved. Commissioner Winfield sought clarification on the average annual growth figures presented for TRT collections.

Approval of Minutes (Gabriel Woytek, Clerk/Auditor)

Approval of minutes for January 3rd, 2023 (Regular Meeting of the Grand County Commission) and January 3rd, 2023 (First Grand County Community Development Block Grant Public Hearing Minutes)

Motion by Commissioner McGann to approve the minutes from January 3rd, 2023

Motion Seconded by Commissioner Clapper

Discussion (none at this time)

Motion Passes 5-0, Hedin and Walker absent

Ratification of Payment of Bills

Motion by Commissioner McGann to approve and ratify payment of bills in the amount of \$1,133,223.44 and payroll in the amount of \$722,081.12 for a combined total of \$1,855,304.56.

Motion Seconded by Commissioner Winfield

Discussion

Attorney Stocks noted that \$690.00 (page 125 of agenda packet) in public defender fees paid by the County to the Stocks Law Firm was for services rendered prior to his taking office as the Grand County Attorney.

Motion passes 5-0, Hedin and Walker absent

Commission Member Disclosures

Bill Winfield disclosed that he is a member of the Chamber of Commerce, and in the past was a contractor for Matt Niesen, but does not currently have any contracts associated. Attorney Stocks disclosed that Redtail Aviation donated to his campaign.

General Commission Reports and Future Considerations (2:56:12)

Jacques Hadler

- Trail Mix meeting, board voted to add active transportation representative on the committee, seeking applicants with experience commuting by foot or bike for this new seat, 'Moab Facelift' event being planned, event which includes trail cleanup and trail projects of all kinds, tentatively set for 2nd weekend of May
- Thompson Springs SSD, discussion regarding Saina Carey water hookup, budget yet to be approved, one board member application received for one vacancy, public hearing set for potential sale of more ERUs in Thompson Springs
- Motorized Trails Committee meeting, presentation and solicitation of recommendations by Responsible Recreation Coordinator Anna Sprout
- Meeting with Representative Phil Lyman regarding draft bill related to TRT

- UMTRA lobbying effort meeting, visit to Washington D.C. by Grand County/Moab delegation planned for March 6-10

Trisha Hedin

- Planning Commission meeting, upcoming informational meeting at Moab Area Watershed Partnership meeting 1-3 p.m. at the MARC on 1/18, 2023 Planning Roadmap and workforce housing strategy, upcoming Housing Task Force informational meeting 1/24, focus on family housing, Grand County Middle School 6-8 p.m.
- Conservation District meeting, upcoming Small-Scale Agriculture workshop at Grand Center 10am-2pm on 2/23, discussion regarding national groundwater monitoring program
- Grand County Local Homeless Council meeting, 158 individuals seeking services on average over 2022, 82% situationally homeless, 3.6% increase from 2021
- National Groundwater Monitoring Program meeting, beginning phase two
- Future Consideration: discussion needed regarding high level water management leadership in the County

Bill Winfield

- Meeting with Representative Phil Lyman regarding draft bill related to TRT
- Future Consideration: review and update contract with Film Commission. Baird replied that scope of work currently being drafted and Economic Development Director August Granath confirmed that this was in process

Mary McGann

- County Leadership meeting
- Travel Council Advisory Board meeting, discussion on upcoming drive-in ad campaigns
- UMTRA lobbying effort meeting, visit to Washington D.C. by Grand County/Moab delegation planned for March 6-10
- Moab Area Housing Task Force meeting
- Meeting with Representative Phil Lyman regarding draft bill related to TRT

Mike McCurdy

- Old Spanish Trail Arena board meeting
- Special Events Advisory Committee, future consideration: create more purpose/discretion for this committee
- Volunteered to be on County Fair Committee

Evan Clapper

- EMS SSD meeting, year-in-review and housekeeping
- Sandflats Stewardship Committee meeting, submission of comments to BLM regarding quiet hours in Sand Flats
- Canyonlands Healthcare SSD meeting

Elected Official Reports (none at this time)

County Sheriff Jamison Wiggins

- Major Crimes Task Force, MOU with Department of Homeland Security for reimbursement, working with HR to create new Task Force Commander position
- Working with Moab City Police Chief Garcia on joint task force
- Currently fully staffed in Dispatch and one position short in Jail
- \$10,000 grant from State of Utah for new body cameras and portable breath test equipment
- December: 549 total calls for service, 221 traffic, 3 Search and Rescue

- Acknowledgment of two deputies who worked on double homicide case, Nathan Whitney and Joshua Honour

County Attorney Stephen Stocks

- Attended various meetings across the County to familiarize himself with its various operations
- Meeting with Sheriff Wiggins regarding Drug Task Force
- Working on development of standardized civil intake process for the Attorney's Office to replace informal and difficult to track current email process for county civil legal review

General Business - Action Items, Discussion and Consideration of:

3. Approving the Grand County Emergency Operations Plan (Grand County Emergency Manager Cora Phillips, Division of Emergency Management Liaison Whitney Coonrod) (3:23:25)

Presentation

Phillips gave a summary regarding the requirements associated with House Bill 96, creation of the Emergency Operations Plan. Commissioner McGann requested that 'chairperson' be used in place of 'chairman'. Commissioner Winfield sought clarification that this plan was new, Phillips stated that this was an update to the last one produced in 2012. Stocks referenced the statute regarding the named authority to issue alerts, Phillips confirmed that there is a policy in the Sheriff's Office, and that this list does exist.

Motion by Commissioner McGann to approve the Grand County Emergency Operations Plan

Motion seconded by Commissioner McCurdy

Commissioner Walker entered the meeting at 5:32 p.m.

Discussion

Commissioner Clapper referenced a variety of errors and incongruities in the presented plan document, including many which appear to refer to San Juan County. Phillips reiterated that this was a living document subject to more revision and improvement moving forward. Whitney Coonrod explained that this document was produced for the general Southeastern Utah AOG and that these inconsistencies reflect that, but that this is standard practice for this process and getting a currently updated and approved EOP is the most important step at this moment. Phillips confirmed that an updated document fully tailored to Grand County is in the works.

Substitute motion by Commissioner Clapper to postpone Item 3

Substitute motion seconded by Commissioner Hedin

Discussion

Commissioner McGann asked whether postponement would affect any deadlines. Grant deadline January 20th, currently out of compliance with statute. Further discussion regarding the plan for refinement and revision of the currently presented document.

Motion fails unanimously, 0-7

Chair Hadler called for a vote on the original motion

Original motion passes 6-1, Clapper opposed

4. Approving Succession Plan for the Emergency Manager and Chief Executive Officer
(Cora Phillips, Grand County Emergency Manager) (3:39:00)

Presentation

Phillips gave background on the proposed action, which is required by statute. Attorney Stocks clarified the named succession as designated in statute.

Motion by Commissioner Hedin to approve the succession plan for the Emergency Manager and Chief Executive Officer

Motion Seconded by Commissioner McGann

Discussion

Discussion regarding the inclusion of the title of the Dispatch Manager in the succession plan in order to promote consistency in future plans.

Motion passes 7-0

5. Approving Utah Association of Counties Voting Member (Chair Hadler) (3:44:30)

Presentation

Chair Hadler clarified the reasoning behind the proposed action. The Commission did not nominate a voting member for UAC at the time that it made board and committee nominations. Attorney Stocks sought clarification as to whether proxy voting was possible in the event that the nominated voting member was not present, Commissioner McGann stated that proxy voting was permissible with advance notice of substitute.

Motion by Commissioner Hedin to appoint Mary McGann as the voting member for the Utah Association of Counties.

Motion Seconded by Commissioner Clapper

Discussion

Commissioner McCurdy inquired about Commissioner McGann's experience attending UAC events, to which McGann responded. Commissioner Winfield stated that he has no problem with the present motion but pointed out that it felt like a political issue and expressed wonder about why the issue prompted so much discussion over email.

Motion passes 5-2, Winfield and McCurdy opposed

6. Approving Volunteer Appointments to the Emergency Medical Services Special Service District Board (Commissioner Clapper) (3:49:20)

Presentation

Commissioner Clapper gave an overview of the application and interview process. Three applicants for two vacancies, with particularly strong applicants demanding a robust selection process.

Motion by Commissioner Clapper to approve the re-appointment of Rani Derasary and the appointment of Taryn Kay to serve on the Emergency Medical Services Special Service District Board, with terms expiring 12/31/2026.

Motion Seconded by Commissioner Hedin

Discussion (none at this time)

Motion passes 6-1, Walker absent

7. Approving Voluntary Appointments to the Moab Area Travel Council Advisory Board (August Granath, Grand County Economic Development Director) (3:51:05)

Presentation

Commissioner McGann gave an overview of the applicant interview process.

Motion by Commissioner McGann to approve the appointment of Jenny Gleason (non-affiliated with TRCC/TRT collecting business) and Lori McFarland (affiliated with TRCC/TRT collecting business) to serve on the Travel Council Advisory Board, with terms expiring 12/31/2026.

Motion Seconded by Commissioner Hedin

(No vote made on original motion)

Discussion

Commissioner Winfield asked why the third applicant recommended by the TCAB was not included in the motion. Commissioner McGann clarified that third recommended applicant was not included in her motion due to their past disruption to the County while serving on this Board, and that any further discussion regarding this topic should be done in closed session. Attorney Stock clarified that statute does require one more representative from an individual affiliated with a TRCC/TRT collecting business on this board. Commissioner Walker sought clarification as to whether TCAB appointments have a strict term limit or if they remain on the board until replaced. Commissioner Winfield stated that the Commission should follow the recommendation of the Advisory Board or otherwise present a good reason not to. Further discussion regarding statutory requirements related to board composition. Commission agreed that a closed session after completing all other action items would be appropriate.

Motion by Commissioner McGann to table Item 7

Motion Seconded by Commissioner Hedin

Motion passes 6-0, Hedin absent

8. General Discussion and Possible Action on State Legislative Topics (Chair Hadler, Strategic Development Director Baird) (4:05:20)

Presentation

Baird discussed the current repeal of House Bill 247 being proposed by Representative Phil Lyman. Baird clarified that commissioners can bring any legislation of interest to the Commission meeting to gain full approval and support of the Commission at-large, otherwise support or opposition to any legislation must be done as an individual commissioner. Lyman interested in repealing H.B. 247, which pertains to TRT,

especially in regards to targeted provisions introduced in 2021. No draft released yet. 2021 shift from promotion to mitigation of 10% apparently being targeted, which represents about \$830,000 of Grand County's budget, with zero growth. These funds primarily go to law enforcement, Search and Rescue, Museum of Moab, and solid waste services. The airport is also eligible to receive funds from this mitigation side of TRT, which could become critical as TSA requirements may be triggered for sheriff deputy staffing at the airport. Baird explained that repeal of this provision would result in significant cuts to law enforcement and put on hold potential future airport expansion projects, and would ultimately make a property tax increase inevitable. Also being targeted is 1/3 of the 37% of TRT which is dedicated to promotion activity which can currently be used for diversification programming, funds a new Small Business Development Center in Grand County through USU, in addition to a variety of grant programs, and in the future a potential revolving loan fund and small business classes. Speculation by Representative Lyman that grant program award process was tainted with corruption and conflict of interest issues, which argument Baird stated has no merit. 1 million dollars that would be going to small business owners in Grand County would be redirected towards out of state or out of country tourism promotion efforts. Baird described a variety of ways that economic diversification is critical to Grand County's future, which would be threatened by the proposed legislative action. Economic Development Director Granath provided a detailed overview regarding the STAR grant award process and selection committee makeup, with complete 2022 timeline of grant process. Baird referenced the legislative audit and the unfounded claims of outside interest in Grand County government and of Grand County interference in San Juan County. Baird stated that the alleged legislative action is punitive in nature.

Attorney Stocks asked whether the potential repeal might actually pass. Representative Lyman has indicated that it was not a priority bill but that it had widespread support. Commissioner McCurdy sought clarification as to whether the TRT split would be renegotiated. Commissioner McGann confirmed that Lyman stated that it would likely be reset to where it had been previous to the 2021 amendment. Commissioner Winfield stated that it is clear that the repeal would cause negative impacts in Grand County, that Grand County based organizations had had involvement in San Juan County politics, but that maintaining appropriate diplomacy and respectful relations with our state legislators is of utmost importance. Baird stated that having a position is important and that discussing legislation is adversarial by nature, but concurred that it should remain professional.

Motion by Commissioner McGann to approve Grand County's opposition to repealing HB 247.

Seconded by Commissioner Hedin

Discussion

Commissioner Hedin reiterated that legislation such as this will have a negative effect on everyone in Grand County. Commissioner Hadler restated his intention to maintain open dialogue with Representative Lyman and all state legislators. Commissioner McCurdy stated that he does not want to show direct opposition and an adversarial stance but rather to clearly show an openness to negotiate. Commissioner Winfield spoke to the duty to the citizens that the Commission has as professionals.

Motion passes 6-1, McCurdy opposed

9. Approving Agreements between Redtail Jet Center, LLC and the Airport (Airport Director Tammy Howland) (4:58:00)

Presentation (none at this time)

Motion by Commissioner Clapper to postpone Item 9

Motion seconded by Commissioner McGann

Discussion

Chair Hadler explained that staff was not ultimately ready to bring this item before the Commission at this meeting.

Motion passes 7-0

Citizens to be Heard 6pm (4:59:00)

Thompson Springs resident Saina Carey described an unsafe situation at a public space in Thompson Springs where large landscape rocks being used as benches are at risk of tipping over. Carey also stated that the business that she wishes to open up would offer workforce opportunities for Thompson Springs residents. Carey offered clarification that her request for water to be turned back on is unique to other recent requests in that it has an existing building, existing meter and existing bill. She mentioned a variety of problems associated with other properties wishing to also get water hookups.

10. Approving 2023 Capital Procurement Pre-Authorization List (Commission Administrator Mallory Nassau) (5:03:50)

Presentation

Administrator Nassau solicited comments on any individual items proposed on the list. Clarification given that any items included on the list have been approved in the 2023 budget, procurement policy requires Commission approval for any items costing more than \$5,000. Commissioner Winfield expressed concern with the County spending a large amount of funds on Economic Development consultant contracts, totaling as much as 500K, when the County already has a robust and competent staff of people with an Economic Development emphasis as part of their job description. Commissioner Winfield sought clarification on business with Enterprise Fleet Management, Baird explained how contract with Enterprise works. Commissioner Clapper proposed removing any items associated with the Economic Development Department so that they would all have to come before the Commission. Further discussion regarding best process for moving forward. Agreement that segregated Capital Procurement Pre-Authorization List for the Economic Development Department should be brought to the Commission at the next meeting. Economic Development Director August Granath described the considerable staff time and effort required for bringing individual items to the Commission for approval and requested that pre-authorization be considered, if possible, for any appropriate items.

Motion by Commissioner McGann to approve the 2023 Capital Procurement Pre-Authorization List, excluding any items associated with the Economic Development Department, which are to be considered at the first meeting in February 2023.

Seconded by Commissioner McCurdy

Discussion

Commissioner Clapper emphasized that this action was contingent on all purchases being within the 2023 budget approved by the Commission.

Motion passes 7-0

Item 12 was moved ahead of Item 11 in the agenda

12. Approving Special Event Intent to Apply Submissions for Quarter 3 (Special Events Coordinator Mackenzie Daniels and Old Spanish Trail Arena Director Angie Book) (5:24:10)

Presentation

Staff presented the Intent To Apply (ITA) process, and referenced the applications as shown in the packet.

Commissioner Hedin expressed reticence to approve ITA submissions for the Mother Of All Boogies and Blazer Bash events at this time, and confirmed that if they were not approved at this time that they could still proceed with an application that would require future Commission approval.

Motion by Commissioner McGann to approve all Intent to Apply submissions for Quarter 3, with the exception of Mother Of All Boogies and Blazer Bash, which must be brought back to the Commission for final approval.

Seconded by Commissioner Hedin

Discussion

Commissioner Walker asked what the potential issues were with the two excluded events. Hedin referenced potential strain caused by accompanying activities associated with the Mother Of All Boogies event and would like to see their application present a more holistic view of all impacts. Concerns with Blazer Bash relate to previous actions by event organizers in securing their special event permit as well as issues relating to how they have worked with local businesses in securing required equipment stipulated by referral agencies. Commissioner Walker expressed concerns regarding the diversification of events in the overall event calendar and wholesale approval of similar style events. Attorney Stocks confirmed that in the workshop the Commission did consider this diversification.

Motion passes 6-0, Walker abstaining

11. Approving Alternative Dwelling Overlay Intent to Apply Submissions (Planning and Zoning Director Elissa Martin) (5:30:50)

Presentation

Martin presented the Intent to Apply process, and referenced the applications as shown in the packet. Staff explained that as a result of the 3pm workshop, consensus was reached by the Commission that applications numbered in the staff report as 1, 4, 6, and 8 met the intent of the ADO Ordinance and are compatible with the applicability criteria in Land Use Code section 4.9.2, and that applications 2, 3, 5, and 7 were only somewhat compatible and warranted further discussion. Staff clarified that state statute precludes regulations that would control rent amounts on proposed units, but that local resident occupancy restrictions would apply.

Motion by Commissioner McGann to approve the following ADO Intent to Apply Submissions and encourage such applicants to move forward with the rezone application: 1574 Murphy Lane, 2850 S Highway 191, 400 West 1089 North, and 2380 S Highway 191.

Seconded by Commissioner Winfield

Discussion (none at this time)

Motion passes 7-0

Chair Hadler led discussion on the remaining four applicants, clarifying that previous four approvals constituted 110 of the 150 units approved for the ADO pilot. Commissioner Hedin referenced public comment received suggesting that future applications in commercial zones that would not threaten Rural Residential zones would be forthcoming. Commissioner Clapper expressed comfort with raising the cap if more quality projects were to be presented.

Motion by Commissioner Clapper to approve ADO Intent to Apply submission for 3211 Roberts Road

Motion seconded by Commissioner McCurdy

Discussion

Commissioner Clapper gave reasoning for support the application, stating that the proposed location resides in a 'buffer zone' adjoining commercial property, with permitted uses likely to be revised in the future land use map. Location not far from a feeder road to Highway 191, and Commission could ask applicant to lessen number of units so that impact to neighborhood could be limited. Chair Hadler stated that he was not categorically opposed to any of the remaining four applications but acknowledged that they were located in less dense areas, and that this particular location did have a distinct surrounding neighborhood that could be open to impact. Commissioner Walker pointed out that transmission lines situated in the referenced 'buffer zone' preclude the applicant from developing units in a place that would be further away from neighbors. Clapper reiterated the conflict of having highest use zoning abutting lowest use zoning, as in this instance. Commissioner McGann agreed that more desirable applications would be received. Walker and Hedin stressed that this was a quiet and rural neighborhood. McGann expressed concerns regarding potential resident backlash. Commissioner McCurdy stressed that there is a critical housing shortage and that every opportunity should be taken to address that shortage. Commissioner Winfield reiterated that Rural Residential zones should have been left out of the ordinance, and since they were included, the commission should honor its consideration for rezoning. Chair Hadler clarified that inclusion of Rural Residential zones in the ordinance was a measure taken specifically to address the property at 400 West 1089 North. Hadler commended the effort of all applicants and expressed confidence that more desirable applications would be received in next round. Attorney Stocks asked about the timeline associated with bringing ADO units online and how soon they would help address housing needs. Commissioner Winfield suggested that it would be a relatively quick process that could have sites ready within 1-2 months after full approval.

Motion fails 3-4, Hadler, McGann, Hedin, Walker opposed

Motion by Commissioner Winfield to approve ADO Intent to Apply submission for 1574 Murphy Lane

Motion seconded by Commissioner McCurdy

Discussion

Commissioner Clapper stated that this application constituted a form of spot zoning and does not abut a commercial zone or node. Commissioner Walker stressed that the Commission just approved a large number of units and that more desirable applications were likely to come, such that it would be prudent to wait on questionable applications such as this one. Commissioner McCurdy stressed the urgency of the situation in bringing housing online in the County, relating his own experience and personal challenges in seeking housing options in this community. Hadler stressed that it is necessary to be prudent in recommending applications at this stage out of fairness to the community and its neighborhoods, and due to inevitable applications that will continue to be received.

Motion fails 2-5, Walker, Hadler, McGann, Hedin, Clapper opposed

Motion by Commissioner Winfield to approve ADO Intent to Apply submissions for 3380 Red Cliff Road and 2890 Spanish Valley Drive

Motion seconded by Commissioner McCurdy

Discussion

Commissioner Walker used to live near the proposed Red Cliff Road application and disclosed that he still owns property in the immediate area. Attorney Stocks spoke to the process that is to be established for applicants who may currently be out of compliance to come in to compliance. Commissioner Clapper stated that the Spanish Valley Drive application site does have proximity to a future commercial node identified in County planning processes and thus is an application that has more value.

Motion fails 2-5, Walker, Hadler, McGann, Hedin, Clapper opposed.

Consent Agenda – Action Items (6:02:30)

- a. Noxious Weed Board Member Recommendation for Sena Hauer
- b. Ratifying Purchase Order for Search and Rescue Radios
- c. Proposed Agreement between the Utah Department of Agriculture and Grand County, under the Invasive Species Mitigation Grant ‘Grand County Puncturevine’
- d. Right of Way Grant Amendment for County Road 138 (Blue Hills Road)
- e. Approval of Local Consent for a Single Event Liquor Permit for the Canyonlands PRCA Rodeo
- f. Board member recommendation for the Thompson Special Service District

Motion by Commissioner Hedin to approve the consent agenda as presented

Motion seconded by Commissioner McGann

Discussion (none at this time)

Motion passes 7-0

Motion by Commissioner McGann to enter closed session for the purposes of discussing the character, professional competence, or physical or mental health of an individual.

Motion seconded by Hedin

Motion passes 7-0

Discussion Items (none scheduled)

Public Hearings (none scheduled)

Motion by Commissioner Winfield to Uutable Item 7

Motion seconded by Commissioner McCurdy

Motion passes 7-0

7. Approving Voluntary Appointments to the Moab Area Travel Council Advisory Board (August Granath, Grand County Economic Development Director)

Presentation

Commissioner McGann withdrew her previous motion.

Motion by Commissioner McGann to approve the appointment of Jenny Gleason (non-affiliated with TRCC/TRT collecting business), Lori McFarland (affiliated with TRCC/TRT collecting business) and Rebecca Monceaux (affiliated with TRCC/TRT collecting business) to serve on the Travel Council Advisory Board, with terms expiring 12/31/2026.

Motion seconded by Commissioner Hedin

Discussion

Commissioner Winfield explained that the proposed motion was justified out of respect to County staff, and that holding a discussion in closed session was important out of respect to the individual in question.

Motion passes 6-0, McCurdy abstaining

Chair Hadler adjourned the meeting at 8:37 p.m.



Jacques Hadler
Chair, Grand County Commission



Gabriel Woytek
Grand County Clerk/Auditor