



GRAND COUNTY COMMISSION REGULAR MEETING

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

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MINUTES 2 May 2023

The Grand County Commission met in a regular meeting on May 2nd, 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, Commission Vice-Chair Kevin Walker, and Commissioners Mary McGann, Trisha Hedin, Evan Clapper, Bill Winfield and Mike McCurdy. Also attending in-person were Commission Administrator Mallory Nassau, Strategic Development Director Chris Baird, County Attorney Stephen Stocks, and Clerk/Auditor Gabriel Woytek. Commissioner Kevin Walker entered the meeting at 4:13 p.m.

4:02 p.m. Chair Hadler called the Meeting to Order

Pledge of Allegiance

4:00 p.m. Citizens to Be Heard (1:38)

Grand County resident and County Planning Commission member Aaron Lindberg emphasized the importance of the democratic process which governs whether upzoning is granted. Stated that the housing issues that Grand County faces are mirrored in California, and that the subsidization of housing puts a downward pressure on wages, which requires a balance when considering housing policy.

Presentations

Moab Museum (5:30) (Moab Museum Executive Director Forrest Rodgers)

Rodgers gave a presentation regarding the current state of the Moab Museum. Overview given of museum efforts including collections storage facility, highlights of special exhibits and programming, conservation efforts for items in collection, history programs interpretation (walking tours every Thursday at 10am through October), cleaning and repair of the Urbanek map (set to launch a \$20,000 funding initiative for a new display case). 73% of the Museum's budget comes from the annual County appropriation, approximately \$112,000 in 2023. Current efforts are focused on increasing museum memberships as a sustainable funding source. Rodgers presented to the County a check for \$17, which accounts for the \$1 in rent due to the County for the past seventeen years.

Department Reports (none scheduled)

Approval of Minutes (Gabriel Woytek, Clerk/Auditor)

Approval of minutes for April 18th, 2023 (Regular Meeting of the Grand County Commission) and April 24th, 2023 (Joint Workshop of the Grand County Commission and Grand County Planning Commission)

Motion by Commissioner Clapper to approve the minutes from April 18th and April 24th, 2023

Motion Seconded by Commissioner Hedin

Discussion (none at this time)

Motion Passes 7-0

Ratification of Payment of Bills

Motion by Commissioner McGann to approve and ratify payment of bills in the amount of \$1,425,677.41 and payroll in the amount of \$389,913.05 for a combined total of \$1,815,590.46.

Motion Seconded by Commissioner Walker

Discussion (none at this time)

Motion passes 7-0

Commission Member Disclosures

Commissioner McGann disclosed that her husband is a member of the Moab Valley Fire Commission, which is subject to discussion and action in item two of the agenda.

General Commission Reports and Future Considerations (25:00)

Jacques Hadler

- Thompson Water District Meeting, twenty Equivalent Residential Units (ERUs) allocated
- Upcoming Moab Facelift event May 5 and 6, registration at yosemiteclimbing.org/moabfacelift

Trisha Hedin

- HDHO joint workshop and future land use planning meeting
- Economic Development Advisory Board, discussion regarding use of economic diversification TRT funds
- Mosquito Abatement Board meeting, fully staffed, traps and testing begun, anticipation of heavy mosquito year

Bill Winfield

- Airport update, clarification given that the community is not losing air service, issued a response to negative responses to losing Denver and Salt Lake City, stressed the importance of the 10,000 enplanement threshold that is needed to maintain quality at the airport which might not be met with 8 passenger prop plane service, has reached out to congressional staff seeking help with Essential Air Services (EAS) issues
- HDHO joint workshop
- Moab City workshop on the subject of water
- UAC Board of Directors meeting and Legislative Management Conference, potential UAC dues increase, discussion regarding grant opportunities

Mary McGann

- Economic Development Advisory Board meeting
- Canyon Country Partnership, BLM extending grazing permits in the area due to snowy conditions, meeting with Kane Creek Development company regarding access through public lands, Lisbon Valley Copper mine proposal includes open pit mining which would require an EIS, increased lithium exploration activity in the area, details regarding response to pipeline leak, Dead Horse Point State Park director retiring, long-term strategic planning underway for state parks, antler shed moratorium lifted May 1, deer and elk hunting permits likely to be limited due to challenging weather conditions for herds, future consideration regarding potential SITLA parcel lease in Castle Valley
- UMTRA meeting, tailings removal is 83.7% complete, old mill refuse was safely removed after months of planning
- Future consideration: additional discussion needed regarding fine tuning of HDHO program, particularly its applicability to middle-income residents
- 48 million requests for State homeless grants, 23 million given, 2/3 of requests originating from Grand County were accepted

Mike McCurdy

- HDHO joint workshop
- CNHA meeting, critical need for workforce housing amongst all public land agency partners

Evan Clapper

- No reports at this time

Kevin Walker

- Future Land Use planning meeting and HDHO Joint Workshop

Elected Official and Staff Reports

County Sheriff Jamison Wiggins

- Busy month of March – 1,894 calls into dispatch, 783 '911' Calls, deputies responded to 802 calls for service, extra emphasis on speed enforcement resulted in 473 traffic stops, 4 search and rescue calls, school shooting hoax call and debriefs with all responding agencies, full-time School Resource Officer needed in the school, currently only a part-time position
- Well head incident with Rose Petroleum, presented difficult timing coinciding with Jeep Safari, State Department of Public Safety provided helicopter, Rose Petroleum reimbursed the Sheriff's Office for staff time needed for response
- Emergency manager preparing for potential flooding in the County, residents should check to make sure enrollment information is correct with Alert Sense, an opt-in alert system
- Gratitude and appreciation expressed towards busy dispatch staff. 1,044 '911' calls received out of over 4,700 total; phone tree implemented as a way to help relieve stress for dispatchers with and implement best practices
- April – deputies responded to 1,072 calls, 361 traffic stops, 19 Search and Rescue calls
- Drug enforcement task force activity led to seizure of 432 pounds of meth, 37.5 pounds of cocaine and 23 pounds of fentanyl

County Attorney Stephen Stocks

- Utah Prosecution Council Meeting in SLC
- Attended Thompson Water meeting
- Attended Planning Commission Meeting, prompt to Commission to dig deeper into HDHO wording and the need for further refinement and participation

County Clerk/Auditor Gabriel Woytek

- UAC Legislative Management Conference
- Single-Point Audit visit completed by Larson & Co

Commission Administrator Mallory Nassau

- Special Event Ordinance amendment
- Indigent Defense Commission, grant funding opportunity available to fund an independent staffperson to manage the program as well as defense resource funding for expert witnesses and assessments.
- Potential follow-up meeting regarding the HDHO, potential to combine with next round of ADO Intent to Apply review
- Open and Public Meeting Act training to be given at Star Hall on May 23rd, alternative to online training

General Business - Action Items, Discussion and Consideration of:

1. 2023 Moab Summer Marketing Campaign (Economic Development Director August Granath)
(1:04:20)

Presentation

Granath gave an overview of the currently contemplated campaign. Commission opted to have this campaign be brought before them for approval, rather than inclusion on pre-authorized approval list. Summer campaign crafted in response to recommendations given by Travel Council Advisory Board, due to relatively tepid summer visitation trends in 2022. Mark Stevenett from Love Communications provided further detail regarding the summer campaign strategy, including display ads and long form content focused on drive markets, as well as select fly market campaigns. Stevenett gave description of currently active Timed Entry educational campaign, with accompanying executive summary. Commissioner Walker asked about display ads shown in the packet and how they promote responsible recreation component. Click path on display ads goes through discover Moab website, which reference these components. Commissioner McGann suggested that a message such as 'recreate responsibly' could be included in all display ads. Granath clarified that some of these ads did include this call to action, but not all. Commissioner Winfield stated that much of the advertising based on responsible recreation, particularly area billboards, is not inviting enough and takes a combative approach too focused on policing people's behavior. Baird clarified the responsible recreation policy, which includes education as an approach, and agreed that responsible recreation can be done in a way that isn't off-putting and communicates best practices in an engaging and welcoming way. Further examples given regarding the approach taken by Love Communications in promoting responsible recreation. McGann stated that she didn't feel like these ads were hitting people over the head but that this emphasis was very important. Commissioner Walker stated that visitation remains very strong and that there is still a very high priority in promoting responsible recreation. Chair Hadler spoke to the slow early spring visitation season and the need to promote summer visitation in a way that will make up for that slow period. Travel Council Advisory Board recommended an additional \$100,000 for this campaign. Granath advised that increasing budget for the summer period when businesses are fully staffed would be an advantageous action to take in order to maintain revenue totals for the 2023 season. Development of visitor education programs within the County Trails Department will eventually be complemented by promotional campaigns. The Commission will continue to have opportunities for feedback and approval of paid media moving forward. Commissioner Clapper clarified that the currently contemplated campaign includes emphasis on the fly market. Large majority of the fly market doesn't fly into CNY, thus changes in EAS may have little effect on this market. International fly market not expected to rebound until 2026. Commissioner Walker requested a presentation that includes an overall responsible recreation and education strategy as part of future promotional spend proposals. Chair Hadler clarified the current action item, which approves \$100,000 as proposed.

Motion by Commissioner Winfield to approve the 2023 summer marketing campaign

Motion seconded by Commissioner Walker

Discussion (none at this time)

Motion passes 7-0

2. Appointment of a County Fire Protection Committee (Strategic Development Director Chris Baird and Shea Walker of the Moab Valley Fire Protection District) (1:45:10)

Presentation

Baird gave an overview of his efforts working with the Moab Valley Fire Protection District in developing an annexation process for Grand County, with the hopes of completion in 2023 so that property taxes may be collected in 2024, as advised by the Utah State Tax Commission. As detailed in the packet, the annexation process would involve several agreements and a 3-year transition plan with increased contributions from Grand County over that time. Commissioner Walker clarified that the entire County would be covered through the annexation, with the exception of Castle Valley. Fire Protection Districts are taxing entities that can levy property taxes for maintenance and operations, which Special Service Districts are limited in doing. Revenue stream needed for county wide fire protection. Folks currently outside of the fire district are subsidized by taxpayers that reside within the district. Commissioner Winfield volunteered for one of the three appointments. Commissioner Hedin asked a question regarding San Juan County emergency services as they continue to develop on the south end of Spanish Valley. MOU exists with San Juan County just as with Grand. Commissioner McGann asked whether annexation could include the San Juan County portion of the Spanish Valley. This offer has been put on the table for San Juan County. Commissioner Winfield stated that based on conversations he's had with Mack McDonald and Bruce Adams, San Juan County is interested in continuing service with Moab Valley Fire District. Commissioners Walker and Hedin volunteered for the appointment. Commissioner McCurdy asked why we wouldn't annex Castle Valley as well. Offer of annexation was declined by Castle Valley Fire District.

Motion by Commissioner McGann to appoint Commissioners Winfield, Walker, Hedin, & Strategic Development Director Chris Baird to a County Fire Protection Committee.

Motion Seconded by Commissioner McCurdy

Discussion (none at this time)

Motion passes 7-0

3. Ordinance approving a request to rezone Parcel No. 02-0017-0070 (1574 Murphy Lane Moab, Utah) to designate the Alternative Dwelling Overlay (ADO) District (Associate Planner Jenna Gorney) (1:55:00)

Presentation

Gorney gave an overview of the ADO pilot program, its purpose, and the accompanying processes which have brought the current applications to final approval. 6 ITAs with 75 total units already received for next round of application review. Overview given of application associated with the current action item. Overview of high number of public comments received relative to other ADO requests being considered at this

meeting. Overview given of proposed site plan. Clarification given that 20 units at 5 units per acre would be allowable under the current Small Lot Residential zoning.

Motion by Commissioner Hedin to deny the Alternative Dwelling Overlay (ADO) to Grand County Parcel No. 02-0017-0070 at 1574 Murphy Lane

Motion Seconded by Commissioner Winfield

Discussion

Commissioner Hedin spoke to the public comment received in opposition, and her own site visit at the proposed ADO. Hedin referenced the activity and disruption already caused by the existing campground, and expressed concern with a lack of oversight at the proposed facility. Highlighted that the owner lives in Connecticut, the on-site manager has been purported to be unresponsive to neighbor concerns, the mobile home park and campground has had compliance issues in the past, traffic on Murphy Lane is already close to or at capacity, that ITAs yet to come are likely to involve less disruption to an established residential neighborhood, and that the already existing underlying SLR zoning enables a considerable amount of residences to be developed. Commissioner Walker pointed out that the ADO is designed to serve workforce housing, while development under existing zoning would not be required to serve that purpose. Commissioner Winfield spoke to his own involvement in helping to develop neighboring residences with the Housing Authority and their troubles historically with management of existing campground, and stated an unwillingness to approve this development given the history of poor management. Chair Hadler spoke to additional ITAs to come that are sure to be better fits. Commissioner Walker spoke to alternatives approvals available, such as limiting overall units approved as well as express limitation of uses such as generators and campgrounds. Walker stated that he could be willing to pass some units in this case with the ADO, given possibilities available with the underlying zoning. Commissioner Clapper spoke to drainage improvements which would be required with final approval, and responded to concerns regarding generators and campgrounds which are addressed in this application and its accompanying application process. Clapper stated that there is an inherent tradeoff in approving ADOs which inevitably includes impacts to existing neighborhoods, and the housing crisis that we are facing. McCurdy stressed that we are in a housing crisis and that we need more inventory, but that the current applicant has not been a good neighbor. Commissioner Walker mentioned that quality management is critical in these projects being successful and that this applicant doesn't have a stellar record, and that the least impactful applications should be approved first. Gorney added that there are two additional ITA periods forthcoming. County Attorney Stocks clarified whether there was a reference to actual legal violations included with the application. Clarification given that there are no current code violations.

Motion to deny passes 5-1, Walker abstaining, Clapper opposed

4. Ordinance to approve a request to rezone Parcel No. 02-0020-0020 (2850 S. Highway 191 Moab, Utah) to designate the Alternative Dwelling Overlay District. (Associate Planner Jenna Gorney) (2:14:40)

Presentation

Gorney gave overview of the rezone request. Hadler and Walker spoke to the suitability of this site and limited impacts it would have on nearby residences.

Motion by Commissioner Hedin to approve the Alternative Dwelling Overlay (ADO) for Grand County Parcel No. 02-0020-0020 and associated Master Plan and Development Agreement with the following conditions:

1. Development is limited to thirty-six (36) ADO sites as designed on the approved Master Plan dated 02/15/2023;

2. The Owner shall record the Development Agreement in the real property records of Grand County simultaneously with the approved Ordinance and prior to application for further site plan, construction, or development approvals.

Motion seconded by Commissioner McGann

Discussion (none at this time)

Motion passes 7-0

6pm citizens to be heard (none at this time)

5. Ordinance to approve a request to rezone Parcel No. 03-0002-0087 (W 400, N 1089 Moab, Utah) to designate the Alternative Dwelling Overlay District (Associate Planner Jenna Gorney) (2:20:10)

Presentation

Gorney gave an overview of the proposed rezone request, as shown in the packet. Bath house and communal kitchen to be developed in coordination with the health inspector and the floodplain coordinator. Commissioner Hedin sought clarification that running potable water to the site does exist. Chair Hadler spoke in his own experience that the impacts associated with the existing uses haven't shown significant impacts. Clarification given that no future residences are likely to be built in the surrounding property, based on current uses and zoning.

Motion by Commissioner Hedin to approve the Alternative Dwelling Overlay (ADO) for Grand County Parcel No. 03-0002-0087 and associated Master Plan and Development Agreement with the following conditions:

1. Development is limited to twenty-eight (28) ADO dwelling sites as designed on the approved Master Plan dated 2-9-2023;
2. The Owner shall record the Development Agreement in the real property records of Grand County simultaneously with this Ordinance and prior to application for further site plan, construction, or development approvals.

Included in the motion, Hedin referenced the application's compatibility with existing community characteristics, existing density, or future land use designation as a finding in support of approval.

Seconded by Commissioner McGann

Discussion (none at this time)

Motion passes 7-0

6. Ordinance to approve a request to rezone Parcel No. 02-0017-0026 (2380 S. Hwy 191 Moab, Utah) to designate the Alternative Dwelling Overlay District. (Associate Planner Jenna Gorney) (2:26:06)

Presentation

Gorney gave an overview of the proposed rezone request, as shown in the packet.

Motion by Commissioner McGann to approve the Alternative Dwelling Overlay (ADO) for Grand County Parcel No. 02-0017-0026 and associated Master Plan and Development Agreement with the following conditions:

1. Development is limited to thirteen (13) ADO dwelling sites as designed on the approved Master Plan dated 02/24/2023
2. The Owner shall record the Development Agreement in the real property records of Grand County simultaneously with this Ordinance and prior to application for further site plan, construction, or development approvals.

Included in the motion, McGann referenced the application's compatibility with existing community characteristics, existing density, or future land use designation as a finding in support of approval.

Motion seconded by Commissioner McCurdy

Discussion

Commissioner Walker confirmed that long-term sites approved as part of this request could be swapped towards the back of the property, as the current site plan has long term sites near the highway and existing short-term sites in the back.

Gorney confirmed that following this approval, 73 sites would be remaining of those 150 allotted for the ADO pilot program.

Passes 7-0

7. Ordinance repealing and replacing Chapter 8.16 (Special Events) of the Grand County General Ordinances and related Ordinance No. 667 (Commission Administrator Mallory Nassau) (2:30:45)

Presentation

Nassau gave background and reasoning for the proposed amendment, which seeks to address some of the concerns raised while also maintaining the overarching philosophy desired by the majority of the commission. Overview given of specific revisions, including advisory committee makeup, adjustments to ITA questionnaire in determining impact, addition of question regarding known impacts to public safety resources, and fine tuning of ITA application to better account for relevance of individual questions to a given event, discretion introduced for Administrator in granting extensions to application deadlines under extenuating circumstances. Stocks added further clarification regarding the approval committee and potential for discretionary power within the proposed approval committee. The proposed amendment offers cleaner timeframes for all approval agencies, Attorney review complete.

Motion by Commissioner Walker to repeal Chapter 8.16 (Special Events) of the Grand County General Ordinances and related Ordinance No. 667 and adopt new Chapter 8.16 (Special Events), as set forth in the attached Ordinance and its Exhibit A.

Motion seconded by Commissioner Winfield

Discussion

Commissioner Clapper raised the possibility of further discretionary powers for the approval committee. Attorney Stocks added that the mechanism for impact designation would need to be tweaked to allow for this power. Commissioner Walker suggested that more thought be put towards such an amendment before any potential action.

Motion passes 7-0

8. Ordinance Repealing and Replacing Ordinance No. 472 and Establishing a Process for Adopting and Amending Bylaws (Commission Administrator Mallory Nassau) (2:43:37)

Presentation

Nassau gave an overview of the proposed action, previously postponed due to questions regarding Special Service Districts as well as the topic of board member compensation. Current item presented as before, without further revisions. Attorney Stocks clarified that this action would not affect unique public voting rights for appointed committees.

Motion by Commissioner Walker to approve the Ordinance Repealing and Replacing 472 Boards By-Laws Process

Seconded by Commissioner McGann

Discussion (none at this time)

Motion passes 7-0

9. Resolution Repealing and Replacing Resolution 3184 and Approving the Board Appointment Process and Requirements (Commission Administrator Mallory Nassau) (2:45:32)

Presentation

Nassau described updated redline draft removing references to Special Service Districts, which are governed by state code. Clarification given that Trail Mix was a committee, not an appointed board, and thus would not be affected by this action.

Motion by Commissioner McGann to approve the resolution repealing and replacing Resolution 3184 and adopting the Board Appointment Process and Requirements

Seconded by Commissioner McCurdy

Discussion (none at this time)

Motion passes 7-0

Consent Agenda – Action Items (2:47:46)

10. Approval of Consent Agenda Items

- A. Ratification of SB0003 State Funding for Flood Mitigation**
- B. Ratification of Chair's Signature on TC-62LG Sales Tax Data Request Forms**
- C. Grand County 2023 4th of July Fireworks Display - Independent Contractor Agreement**
- D. Contract for the 2023 Grand County Fair Band Joey Rowland**
- E. Contract for the 2023 Grand County Fair Band Sean Moon**
- F. Sandbar Lounge Tavern Liquor Permit - Local Consent**

G. Ratifying letter of support for Castle Valley 2023-2024 Groundwater Water Budget Study Non-Point Source Grant Application

H. Ratifying the Old Spanish Trail Arena Pickleball and Playground LWCF Grant Application

Chair Hadler clarified that Agenda items D and E were not ready to be considered at this time.

Motion by Commissioner Hedin to approve the consent agenda as presented, with items D and E postponed for a later date.

Motion seconded by Commissioner Winfield

Discussion (none at this time)

Motion passes 7-0

Discussion Items (none scheduled)

Public Hearing(s)

11. Community Development Block Grant (CDBG) Second Public Hearing Notice (2:50:00)

Chair Hadler stated that this hearing is being held to discuss the project determined to be applied for in the CDBG Small Cities Program in Program Year 2023 for the Arroyo Crossing – Tract E Townhome Water/Sewer Infrastructure, project manager the Housing Authority of Southeastern Utah. Arroyo Crossing was awarded \$337,063 from the State of Utah. Total project cost estimated to be \$419,063. Chair Hadler gave a brief description of project details.

At 6:53 p.m., Chair Hadler requested comments, questions, or concerns from the public in attendance at the meeting, physically and virtually.

No public comment was received

Chair Hadler adjourned the public hearing at 6:54 p.m. on May 2nd, 2023.

Closed Session(s)

Motion by Commissioner Clapper to enter closed session for a strategy session to discuss the purchase, exchange, or lease of real property

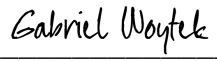
Motion seconded by Commissioner Winfield

Motion passes 7-0

Chair Hadler adjourned the meeting at 7:49 p.m.



Jacques Hadler
Chair, Grand County Commission



Gabriel Woytek
Grand County Clerk/Auditor