



GRAND COUNTY COMMISSION REGULAR MEETING

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

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MINUTES 4 June 2024

The Grand County Commission met in a regular meeting on June 4th, 2024. The meeting was held in-person in the Grand County Commission Chambers, with hybrid virtual participation available via Zoom. It was also broadcast and saved on YouTube. Attending the meeting in person were Commission Chair Jacques Hadler, Commission Vice Chair Kevin Walker, and Commissioners Bill Winfield, Mary McGann, Trisha Hedin, Evan Clapper, and Mike McCurdy. Also attending in person were County Attorney Stephen Stocks, Commission Administrator Mallory Nassau and Clerk/Auditor Gabriel Woytek.

2:00 p.m. Joint Planning and County Commission Workshop (0:00)

Planning Commissioners Jerry Klaes, Mary Hofhine, Aaron Lindberg, Tony Mancuso, Steve Evers, and Bob O'Brien (virtual) were in attendance.

Planning and Zoning Director Elissa Martin opened the workshop and described its purpose, which was to review a list of potential Land Use Code revisions that have been compiled over the previous two years, and identify which updates should be prioritized to be accomplished within the 180-day moratorium period, which was opened by Commission action on February 20, 2024.

Martin explained the current process underway for the Future Land Use Plan, which promises to reconsider areas of adjustment for commercial uses, particularly as the South Highway 191 corridor undergoes planned changes by UDOT. Explanation given for the difference between General Business and Highway Commercial zones. The General Business designation is slated to be significantly modified as part of the Future Land Use Plan process. Clarification given that this planning process will not expressly result in any given zone change. Commissioners Clapper and McCurdy suggested that these planning efforts also include the north corridor, particularly north of the Colorado River as well as the Crescent Junction node.

Potential LUC updates presented, with accompanying discussion:

- 1. Remove CUPs in multiple places within the Use Table and either make those uses Permitted or not Permitted. (Article 3).**
 - a. CUPs should only be in place when there may be a need to require additional mitigation measures, beyond the use-standards that already regulate the use - generally they are used for high intensity uses, like industrial or mining activity.**
 - b. Consider tying approval of CUPs to whether or not they are consistent with the General Plan.**

Discussion regarding the application of an overlay within which a CUP might be granted. Staff explained that the purpose of CUPs was to protect the surrounding neighborhood where one might be granted, through standards and guidelines that might be imposed administratively. Any conditions imposed upon CUPs would need to be articulated into code, and the ways that uses could be implemented in the future can be hard to

anticipate. Planning Commissioner Mancuso stated that parking and freight access were critical considerations as it relates to granting commercial uses in residential zones. Planning Commissioner O'Brien suggested that the lowest hanging fruit be addressed first as part of the process of determining qualifying CUP types across the use table.

2. Reduce residential density allowed in Highway Commercial from 18 du/acre to 5 du/acre or even disallow residential use altogether, except for 'accessory employee housing'. (Article 5)

Staff has identified the current allowed residential density as inappropriate, as currently written. 5 du/acre is what is currently allowed in General Business. Commissioner Winfield stated that he disagreed with what he sees as an effort to potentially restrict housing availability, and that there would be increased density in other areas as a result. Commissioner Walker stated that any areas allowing high density should include assurances for workforce housing. Commissioner McCurdy stated that he is not in favor of restricting housing density along the highway. Planning Commissioner Evers requested that any trading of allowable densities across zones in the planning process should be clearly quantified in order to facilitate proper evaluation of the net result.

3. Increase the minimum lot size for Range and Grazing to 20 acres, possibly create a new zone for RG-40 for areas where properties are over 200 acres. (Article 5)

This would constitute a quick fix change to lot design standards for minimum lot size and density to be more appropriate for outlying areas. A new 'Country Residential' zone might eventually be proposed to displace R+G. A minimum lot size of 20 or even 40 acres might be better aligned with levels of service available to outlying areas. Commissioner Winfield cautioned against adding restrictions where there is no need to do so.

4. Water Source Protection Overlay - expand this area to include any US EPA sole source aquifer recharge area OR approved by the Utah Division of Drinking Water. The way this is worded currently, it would exclude the sole source aquifers around Castle Valley and other critical areas. (Article 4)

Separate standards of development could be written in order to protect the Castle Valley aquifer, at the urging of Castle Valley residents. Commissioner Winfield stated that any measures to protect the Castle Valley aquifer should be limited to that geographical area and not extend to any area far outside its boundary. Planning Commissioner O'Brien stated that some level of protection for its sole source aquifer is needed, and the County should elevate their protection to meet the standards offered by the BLM and Forest Service. WSPO offered to Moab watershed is not currently extended to the Castle Valley watershed by the State Division of Environmental Water Quality.

5. Fix Section 6.8 Floodplains, bring this up to date with the new County Ord No. 598

Staff explained that Commissioners would need to reach consensus on whether Section 6.8 or Ordinance 598 is the overriding guiding document in regards to floodplain management. Ordinance 598 has been treated as such with the present floodplain administrator, with the Land Use Code section written more strictly and potentially needing review if it is to be treated as the new guiding standard. Staff will undergo this review and solicit further discussion.

6. Update multiple sections in the code pertaining to trail easements for new development.

Section in the Minor Subdivision Code and in other areas presents a disjointed vision as it relates to trail easements. Clear guidance and process is needed for staff to implement. Grand County presents unique challenges as it relates to accessing public lands through private property. Discussion ensued regarding appropriate process for collaborating with private property owners in identifying and securing easements.

7. Establish an application expiration, where there is more than 6 months of lack of active due diligence from the applicant. (Article 9)

Staff explained this discrepancy with inactive applications.

8. Require public improvements deemed necessary by Road Supervisor or County Engineer for Site Plan review of Commercial or multifamily developments, with appropriate bonding, recordation, etc.

Staff explained that there was no way of requiring the dedication of public rights of way and other critical improvements for many larger developments.

9. Update Article 10 Definitions

Review is needed so that sections of code are appropriately linked to language in the definitions.

10. Establish better standards and a permit process for grading (article 6 and 9)

Currently no process in place, which has caused repeated issues.

Staff explained that the currently opened 180-day moratorium period ends in August. Commissioner requested an implementation schedule of any newly proposed regulation.

Chair Hadler closed the workshop at 3:56 p.m.

4:06 p.m. Chair Hadler called to order the Regular Meeting (2:04:10)

Pledge of Allegiance

4 p.m. Citizens to be Heard (2:05:10)

McKay Edwards, Manager of Moab Springs Ranch, gave the Commission a status update on the appeal hearing that was held for the valuation of the bungalows at the property he manages and partly owns. Decision on appeal will not be ruled until after another year of what he describes as inflated property taxes based on the current valuation being appealed. Good faith settlement negotiations were solicited with the contracted appraiser, which had been engaged by Mr. Edwards with no apparent response, and this negotiation is being requested now directly to the Board of Equalization.

Cliff Koontz, representing Ride with Respect, spoke in reference to the Bears Ears Draft plan comment letter (action item 3). The area being planned for includes the iconic Chicken Corners trail and Koontz suggested that the current maps contain inaccurate representations for motorized trails currently in use. Koontz stated that clear parameters must be set for planning and that protecting cultural landscapes is hard to manage. Koontz asked that more express language be added to extend to motorized recreation and that the terms 'low impact' and 'high impact' are not purely a function of the mode of trail but rather contingent on user behavior and how it is managed. Koontz added that the level of impact of a given use is directly related to the priority given to its effective management, and that motorized recreation is integral to engaging with the monument resources.

Presentations (none scheduled)

Department Reports

Grand County Active Trails and Transportation (Director Madeline Logowitz) (2:17:00)

Logowitz gave her department's annual report, including an overview of the focus areas contained within the Trail Ambassador program. Physical props were distributed to the Commission to illustrate the hands-on education experience offered by the Trail Ambassador program. Summary given of 2023 trail program outcomes and accomplishments, including trail maintenance hours, trail construction hours (including completion of 'Raptor Route' alternate Whole Enchilada ending), Mud Springs Trail system design in collaboration with San Juan County and BLM, Responsible Recreation Program accomplishments including first leave no trace gold certification in Utah, 41,612 trail users educated, 18,959 pounds of human waste redirected into the mainstream trash collection, and a USU study supporting the effectiveness of the Trail Ambassador program. Overview given of Volunteer Events and Outreach, including grand total of volunteer hours utilized, staff trainings completed, awarded grants and program funding. 2024 information presented, including new happenings for Spring 2024, trail maintenance hours completed, Moab 'Spring Spruce Up' volunteer event, volunteer hours to date, training completed, and upcoming projects planned for Summer and Fall.

Commissioner Winfield stated that there is concern regarding delays for construction on the Mud Springs Trail system. Logowitz explained that the contract is in the process of being transferred to the BLM from San Juan County, which has lost their project manager, creating unexpected delays.

Agency Reports (none scheduled)

Commission Member Disclosures

Commissioner Clapper disclosed that he holds a special recreation permit for doing business in the Bears Ears Monument area.

General Commission Reports and Future Considerations (2:43:40)

Jacques Hadler

- Attended Trail to Tomorrow steering committee meeting
- Attended Moab Chamber golf fundraising event for High School seniors
- Expressed gratitude to Personnel Services Director Renee Baker for her service to the County

Evan Clapper

- Statewide EMS recognition week just concluded, new medical advisor for the EMSSSD

Bill Winfield

- Attended Better Destinations workshop and steering committee
- Attended Community Development Policy Steering Committee with UAC
- Attended SERDA meeting, which recently hired a grant writer to be available to partner counties
- Attended Southeast Colorado River Watershed Council Meeting
- Attended Airport Board meeting, some legal questions regarding insurance requirements
- Future consideration: Meeting needed for Spanish Valley Drive Pathway
- Update requested for Thompson Springs replat effort

Mary McGann

- Attended Mental Health Board meeting, receiving center to open in 2025 in Price for those in substance abuse crisis, a facility which will be available to Grand County. Workforce housing being sought in Moab for Four Corners Behavioral Health
- Attended Public Health Board meeting, discussion regarding the difficulty in enforcing safe housing standards amidst the housing availability crisis
- Attended Economic Development Advisory Board meeting, update given on student success program, exploration of idea to seek grant in order to convert a hotel into efficient housing

Trisha Hedin

- Attended Planning Commission meeting, P+Z now has development applications portal, countywide housing survey now open
- Attended Local Watershed Council meeting
- Attended Mosquito Abatement District meeting, upcoming acquisition of drone to assist in spraying for abatement purposes
- Attended Canyonlands PRCA Rodeo, recognition of OSTA Director Angie Book and her staff for successful sold-out event

Mike McCurdy

- Attended Canyonlands PRCA Rodeo, recognition of OSTA Director Angie Book and her staff for successful sold-out event, all sponsorship openings filled, with waiting list

Kevin Walker

- No reports at this time

Elected Official and Staff Reports

Clerk/Auditor Woytek

- Election Update:
 - o 2112 ballots will be sent tomorrow, 6/5, from SLC to voters registered Republican. Ballots expected to hit mailboxes on Thursday and Friday.
 - o Those newly registered or registered unaffiliated may still register/affiliate Republican and receive a ballot for this republican-only primary
 - o Follow-up mailing of ballots from the printer on Monday, June 10th, after which time newly registered/affiliated voters will be directed to cast their ballots in-person at the Courthouse during the early voting period
 - o Early voting at the County Courthouse will begin on June 11th and go until June 24th, June 25th is Election Day. Early voting is open from 9am to 4pm, voting on Election Day is open from 7am to 8pm
 - o New ballot drop box in the Courthouse lobby
 - o June 14th is the last day to register to vote via regular ballot (not provisional)
 - o Public Logic and Accuracy Test scheduled to take place at the Clerk/Auditor's Office on Monday June 10 at 9am
- Busy fulfilling a high volume of GRAMA requests
- Working with the Tax Commission, Assessor and Treasurer to enter values and derive a tax rate, which will be considered for certification at the second meeting in June, as is custom
- First round of BOE appeal hearings will be June 17th and 18th, second round scheduled in early July

County Attorney Stephen Stocks

- Clarification given on public comment received regarding Moab Springs Ranch BOE appeal settlement negotiations

General Business - Action Items, Discussion and Consideration of Approval:

1. Revisions to Economic Development Advisory Board (EDAB) Bylaws and Resolution (Economic Development Director Ben Fredregill and EDAB Board Member Forrest Rodgers) (3:10:05)

Presentation

Rodgers explained that the currently proposed bylaw amendments are reflective of recent changes in state statute. State code now refers to this board as a County Economic Opportunity Advisory Board (EOAB), and the grants related to this board have been updated. Recommended changes have been suggested to simplify and clarify the purpose(s) of the board and additional changes were made to align the decision-making procedures and board membership terms with other county boards and to eliminate unclear language. Voting member from the Department of Workforce Services proposed to be amended due to excess workload, new member category to be identified with expertise or demonstrated experience in workforce development (but not necessarily DWS). Bylaws cleaned up to stipulate a majority of voting board members in order to approve an action item. Proposed action approved by the County Attorney.

Motion by Commissioner McGann to approve suggested revisions to EDAB Bylaws and Resolution as presented.

Motion seconded by Commissioner Winfield

Discussion (none at this time)

Motion passes 7-0

2. Ordinance approving the Amended Development Agreement for the Alternative Dwelling Overlay district located at 2231 S. Highway 191 (Planning and Zoning Director Elissa Martin) (3:44:10)

Presentation

Public hearing held at previous Commission meeting, no additions to information contained within the packet and presented at the opening of the public hearing. Commissioner Clapper offered the general background for the action, as it appears in the agenda packet. No public comment received during public hearing.

Motion by Commissioner Hedin to adopt the Ordinance approving the Amended Development Agreement for the ADO development located at 2231 S. Highway 191, allowing for a 6-month extension of the Site Plan approval and Certificate of Occupancy deadline conditioned upon the following:

1. The owner shall record the Amended Development Agreement in the real property records of Grand County Utah simultaneously with this Ordinance prior to issuance of Site Plan approval.

Motion seconded by Commissioner McCurdy

Discussion (none at this time)

Motion passes 7-0

3. Comment Letter on Bears Ears National Monument Resource Management Plan (Chair Hadler) (3:17:10)

Presentation

Hadler gave an overview of the proposed action. June 11 deadline for letter submission. Commissioner McCurdy stated that this constituted a comment outside of Grand County's boundaries and thus should be avoided. Hedin stated that Grand County is named as a Cooperating Agency, and agreed with comment by Cliff Koontz regarding reference to Ride with Respect's role in motorized travel in the monument. Walker stated that overall travel plan issues were not planned on being commented on by Grand County. Commissioner Clapper stated that language be expanded to mention the preservation of existing economic activity that takes place in the monument boundaries, preserving guiding opportunities in the face of increased visitation. Commissioner Winfield agreed with Koontz's comments, would like to remove language referring to 'low-impact' activities, and include the term 'motorized' among the litany of uses mentioned. Winfield stated that he would also like to include the Blue Ribbon Coalition as a representative of motorized uses, and clarified that he was not a member of BRC but that they were a part of the community. Winfield stated that he sees no indication in this letter that collaboration had been sought with San Juan County. In reference to comment in the letter regarding enforcement, Winfield stated he would like to strike the word 'appropriately' and replace it with 'enforce existing laws'. Winfield expressed dismay that the draft letter hadn't been circulated amongst all the Commissioners. Commissioner Hedin responded that ample invitation was given for collaboration.

Commissioner Clapper suggested the following comment be added to the letter: "We recommend that the plan support diverse recreation activities, and hope that the regulation of such activities not be overly cumbersome while supporting existing activity."

Commissioner Walker stressed that it is important in order to be influential in management decisions that pointed comment be made about the type of regulation that is desired, not just that no regulation should exist.

Commissioner Winfield stressed again that language must be more inclusive to all constituents across the County.

Motion by Commissioner Walker to approve the Comment Letter on Bears Ears National Monument Resource Management Plan with the following two additions: Commissioner Clapper's proposed addition and the inclusion of language regarding the existence of diverse user groups, along with removal of the phrase 'low-impact.'

Motion failed due to lack of a second

Chair Hadler stated that he was satisfied with the letter as written, agrees with the suggestion to include language regarding the value of outfitters, and stressed his desire to focus on the Grand County perspective and elements that directly affect Grand County. Hadler stated that adding a line referencing Ride with Respect and motorized recreation would also be satisfactory. Hadler stated that he would be OK with striking the last bullet point.

Commissioner Walker suggested that the purpose of the last bullet was to commend the process and build a good relationship. Chair Hadler stated that some language could be included that was expressly supportive of the protection already being proposed in the plan.

Motion by Commissioner Clapper to authorize the chair to refine the letter as discussed and sign

Motion seconded by Commissioner Hedin

Discussion

Final draft to be circulated amongst commission before finalization

Motion passes 6-1, McCurdy opposed

4. Consideration of County Response to Draft Communication from the Utah Office of the State Auditor (Chair Hadler) (3:47:15)

Presentation

Chair Hadler gave an overview of the action. Commissioner Walker stated that the contents of the Auditor's letter were discussed in closed session.

Motion by Commissioner McGann to approve the response to the draft communication received by the Utah Office of the State Auditor.

Motion seconded by Commissioner Walker

Discussion

Commissioner Walker described an audit that was executed by the State Auditor's Office, with this letter responding to a draft finding letter as a result of that audit. A final finding letter will be released to the public after Commission response. Emergency meeting held. All Commissioners reviewed draft.

Attorney Stocks explained the process and likely outcomes for the action.

Commissioner McCurdy stated that he has many talking points in disagreement with the current response letter.

Clapper stated that the letter should be an internal draft document not available to the public, expressed appreciation for the opportunity for the Commission to respond, stated that it was not appropriate to discuss content of the letter from the state at this stage.

Commissioner Winfield stated that this was an important opportunity to comment on the response letter out in the public. Winfield sought clarification regarding the need to amend the budget.

Commissioner McCurdy stated that TRT issues should be discussed in the open for those stakeholders that collect TRT, that said stakeholder should be involved in opinions regarding the questions being raised, and wants to reference the input of those TRT stakeholders who collect it.

Commissioner McGann stated that stakeholders have opportunity for input via the Travel Council Advisory Board, and that this letter will eventually become public after drafts are completed and shared.

Commissioner Walker stated that policy issues are continually discussed and raised. A findings letter might raise rules being broken or statute being followed, which wouldn't require public opinion to determine.

Commissioner McCurdy added that for finding 1, this money should have been spent since march 2022, and wondered if the discussion now should be centered around the immediate use of those funds for that purpose.

Commissioner Winfield stated that he is not happy with how this is being handled, which he sees as needlessly keeping the public in the dark, and a choice by the Commission to not use the opportunity to share with the public. Winfield added that these were serious findings and that he strongly disagrees with actions of leadership, which is in no position to dictate to the state auditor where they are wrong and the

County is right. Actions proposed to resolve issues have only been met with pushback, Grand County has an attitude problem, and needs to accept responsibility and move forward cleanly.

Commissioner Walker stated that this response is being accepted as a matter of course.

Commissioner Hedin stated that more public clarity was warranted in providing background and narrative regarding everything surrounding the draft findings. Hedin stated that there were Commissioners unsupportive of the response, yet no feedback was offered when the opportunity was available, and that making a statement right now about the response amounts to grandstanding.

Commissioner McCurdy stated that he sees the wording of the response as picking fights and lacking appropriate language needed to foster working together and moving forward with the State Auditor's Office.

Clapper suggested adding a statement to the effect of "thank you for your draft and for raising these issues, we think our arguments are reasonable and defensible."

Commissioner McGann stated that Grand has been questioned in the past by the State Auditor and Grand has responded in strong defense of itself, and that this constitutes an appropriate response.

Motion passes 5-2, Winfield and McCurdy opposed

6pm Citizens to be Heard (4:11:00)

Brittney Melton stated that she would appreciate increased transparency regarding Commission action, especially as it relates to the items that the Commission might be responding to which have been kept in the dark. Melton expressed concern about language suggesting deliberate abuse on the part of the County.

Consent Agenda – Action Items (4:12:47)

5. Approval of Consent Agenda Items

A. Ratification of Payment of Bills

B. Access and Storage agreement between Williams Pipeline and Grand County

C. Grand County and the State of Utah Annual Court Security Contract

D. Volunteer Appointment to the Grand County Public Library Board

E. Independent Contractor Agreement for the 2024 Grand County Fair for Austin Williams

F. Ratification of the License/Right of Entry for LB Moab Owner and Grand County

Motion by Commissioner Walker to approve the Consent Agenda as read by the Chair

Motion seconded by Commissioner McCurdy

Discussion (none at this time)

Motion passes 6-0, McGann absent

Discussion Items

Discussion regarding Senate Bill 258 (4:14:10)

Attorney Stocks gave an introduction regarding the recently enacted legislation, which was sponsored by Bramble and Dunigan, and allows for the creation of a preliminary municipality. Overview given of the requirements needed to be met in order to pursue the process for feasibility with the LG. An entity named as Kane Creek Preservation LLC and Larry Miller Holdings has applied and filed this request. Commissioner Walker summarized that it was a bill drawn that was targeted at Grand County in order for Kane Springs to create their own city and draw their own zoning.

Commissioner Hedin pointed out that the requirements for this new type of incorporation state that it has to have sufficient water, which she feels is up for debate.

Commissioner McCurdy stated that the County should have collaborated with the developers so that this measure wouldn't have to be taken which leaves Grand County completely circumvented.

Commissioner Walker questioned why Grand County was informed of the legislation at such a late stage when it has a hired lobbyist.

Chair Hadler spoke with lobbyist Cody Stewart and they admitted to missing it as being related to Grand.

Commissioner McGann stated that the UAC lobbyist knew that it targeted Grand County, but Grand was not informed, and McGann let UAC know that as due paying members it rightly should have been informed. McGann added that UAC needs to provide lobbyist activity for both rural and urban counties, and that a meeting should be requested with the authors of the bill for further clarification on its intent.

Commissioner Hedin stated that bills should not be written to cater to specific interests, and agreed with the expressed need for specific lobbyist representation.

Commissioner Winfield stated that according to his notes from UAC legislative meetings he didn't see the bill come up for relevant discussion, and stated that the real question for the lobbyist should be why this was so popular across the legislature? Winfield advocated for increased travel budgets for commissioners and a raising of expectations for building relationships and fostering collaboration.

Commissioner McCurdy stated that all Commissioners are voting members at UAC legislative meetings and encouraged participation from all.

Commissioner Winfield stated that he is reluctant to throw UAC under the bus, as UAC guidance has offered other great successes to Grand County, and added that a 7-member commission should have a leg up in representation at the legislature.

Clapper pointed out that the State Senate is made up by a majority of developers, but remains shocked that the governor continues to sign bills such as these.

Public Hearings (none scheduled)

Chair Hadler adjourned the meeting at 6:44 p.m.

Kevin Walker

Kevin Walker
Vice-Chair, Grand County Commission

Gabriel Woytek

Gabriel Woytek
Grand County Clerk/Auditor