



GRAND COUNTY COMMISSION WORKSHOPS AND SPECIAL MEETING

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

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MINUTES 28 November 2023

The Grand County Commission met in a regular meeting on November 28th, 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, Vice-Chair Kevin Walker and Commissioners Mary McGann, Evan Clapper, Bill Winfield, Trisha Hedin and Mike McCurdy. Also attending in-person were Commission Administrator Mallory Nassau, Clerk/Auditor Gabriel Woytek and County Attorney Stephen Stocks.

1:02 p.m. Workshop: Regional Flood Hazard Mitigation Project Alternatives Discussion (Floodplain Supervisor Bill Hulse and County Engineer Dan Stenta)

Hulse gave a brief summary of the Pack Creek BRIC Grant alternatives and the currently contemplated project which involves a large detention basin in San Juan County and would drop any excess flows down to a 100-year event contained within the channel. Many property owners willing to collaborate and grant easements so long as their properties are protected. Hulse estimates that the total project cost will come in under the engineer's opinion of probable cost. 25% local match for a 35 million project, or around 8 million dollars. Commissioner Walker sought more clarification regarding the range of alternatives, of which there were six identified.

Stenta clarified that the Commission at this time would need to make a commitment to the local match amount in order to move forward with the BRIC grant, which is a competitive federal grant with 2 or more billion dollars available. 2 relatively modest projects in Utah received this funding in 2023. Grand County's application has passed an initial round of scrutiny regarding the cost benefit analysis of the potential project. Discussion regarding the high cost to the County for the project, and potential for incorporating other sources of funding, such as from the NRCS, which could be considered as much as a long shot as the BRIC grant itself. Commissioner Clapper asked whether the proposed detention basin would make significant contributions to aquifer recharge. Any major ongoing impact of that nature would be minimal, as the system would only serve such a purpose if flooding were frequent enough. SITLA appraisal could be completed by the end of year. Commissioner Winfield made reference to the potential for a contribution to Moab City for the project. Stenta explained that within the City boundaries, benefits to properties would be reduced as flows would rise back to approximately 3,000 cubic feet per second.

Application to be finalized and prepared by December 15th to be forwarded to the state for review. San Juan County has indicated that they would be willing to take care of ongoing maintenance of work to be done. Commissioner Winfield asked whether the grant could be turned down at the time of award, if that were to come. No contractual obligation would exist with grant application submission and potential award. Winfield stated that it would only make good sense to move forward with an application that had such a great benefit to so many properties in the County. Commissioner Walker asked if other communities had had similar such

basins constructed. Millcreek, Utah had a similar proposed project, but Stenta or Hulse were unaware of such a large detention basin that existed to serve the protection of vulnerable private property.

1:41 p.m. Budget Workshop (41:05)

Clerk/Auditor Woytek presented the following topics for Commission review and discussion, with associated documents included in the agenda packet and discussion displayed on the recording (YouTube timestamp on heading):

- Consideration of Proposed New Positions, Reclassifications and Cost of Living Adjustment for 2024
- 2024 Tentative Budget Update and Remaining Decision Points
- Fund Balance Update
- 2024 Revenue Projections

4:38 p.m. Citizens to be Heard (3:38:05)

Grand County resident Kent Dalton and La Sal Mountain property owner spoke in opposition to the Forest Plan Letter. Dalton stated that the Commission can't make choices that strongly affected landowners like him, and stated that he is seriously worried about cutting off access to the mountain. Motorized users are being unfairly targeted, and he feels that actions of the Commission serve to close off access to these users. County Commission should be subject to the same public comment period as members of the general public, and that more general dialogue is needed before any decision-making proceeds.

Grand County resident Jason Taylor spoke to the dramatic decrease in areas available for snowmobile recreation with Alternative D of the Management Plan, and that any new limitations in dispersed camping should also be considered a great concern.

Grand County resident Lewis Bayo, a representative of Madbro Powersports, spoke to the proposed Forest Management Plan, specifically the economic aspects which allow businesses like his to thrive, which creates the opportunity for his shop to service specialized essential off-road equipment, compensate his employees fairly, and serve the community. Bayo stated that he would like to see an economic study done to be able to appropriately measure the economic impact of a more restrictive management plan as proposed in alternative D.

Lexi Dalton, a resident and property owner in the La Sal Mountains, spoke to how her family utilizes her property and how a restrictive management plan could negatively affect the ability of her family to access their cabin and property.

Grand County resident Tyler Welch stated that his family owns a cabin in Willow Basin, wants to maintain access to public lands within reason, especially as it relates to reasonable access for motorized uses. Welch added that any reductions to access would negatively affect the vitality of his business and that he endorses the position of Cliff Koontz of the motorized trail committee.

Chair of the Grand County Motorized Trail Committee Cliff Koontz spoke to the proposed Forest Management Plan Letter of support, and stated that the current idea surrounding motorized uses is largely misunderstood because of how much of the current motorized zone is not actually useable for that purpose. Koontz added that motorized single track can be compatible with non-motorized uses and that more trails are needed, not more restrictions, in addition to a greater number of improvements. Refinement is what is needed.

Grand County resident Britney Ellis, La Sal Mountain property owner and avid snowmobiler, spoke to the need to preserve high elevation areas for snowmobile use and that it is important to consider all those affected and all the different lifestyles that exist in this community. Ellis is against alternative D because it is not the best plan for the community.

4:00 p.m. Board of Equalization (see separate agenda) (4:05:20)

5:09 p.m. Thompson Springs Special Service Fire District Board Meeting (see separate agenda) (4:08:45)

5:15 p.m. Chair Hadler Called to Order the Regular Meeting

Pledge of Allegiance

Presentations (4:15:40)

Bureau Of Land Management (BLM) Presentation on Lithium Mining in Grand County
(David Pals, Bureau of Land Management)

Pals gave a presentation regarding the recent uptick in Lithium exploration in Grand County, particularly at sites with abandoned oil and gas wells. Presentation given of Lithium proposals in Grand County dating back to 2017. Further details offered regarding the specific locations of Lithium proposals. Discussion regarding concurrence with BLM management plans relating to mineral extraction, and relationship to statutes and other regulations. Lithium is not characterized as a leasable mineral, such that specific regulations do apply. Proposal process described, including onsite inspections with an interdisciplinary team, archaeological resource assessment.

Commissioner Walker asked about the techniques for brine refinement needed to extract the Lithium. This would normally be done through a chemical process. A large amount of brine would be needed for economic viability. Evaporation ponds would be one option to isolate Lithium. Commissioner Winfield asked regarding the potential economic benefits to Lithium mining, Pals explained that it was a locatable mineral that would be taxed by the State of Utah, but currently not taxed by the federal government because it is not a leasable mineral. Commissioner Walker asked whether this activity would require a lot of water. Pals explained that wastewater would typically be recycled as part of the process. Commissioner Clapper asked whether recreation impacts are considered when reviewing exploration applications. Pals explained that visual resource management is first completed. Commissioner Walker asked about the likelihood for injection activity to actually occur, which hasn't yet due to lack of economic viability. This remains unclear; the mining exploration companies are very early on in the process.

Department Reports (none scheduled)

General Reports (4:42:20)

Commission Member Disclosures (none at this time)

Jacques Hadler

- Attended Chamber of Commerce meeting, discussion regarding board composition, business summit planning, upcoming Christmas tree lighting and light parade
- Attended Thompson Springs Special Service District meeting, visit with Tamara Dockstader regarding Community Development Block Grants, seeking more board members

- Attended Forest Service Plan Revision meeting
- Attended Motorized Trail Committee meeting
- Attended UAC conference
- Future Consideration: potential date change to January 2, 2024 Commission meeting.

Trisha Hedin

- Attended Planning Commission meeting, considering two applicants for one vacancy
- Discussion with MAWP regarding groundwater monitoring efforts

Bill Winfield

- Attended UAC Board of Directors meetings, Board is holding onto NaCo's 1% commission from LATCF funds until buy in from other states is achieved, discussion with Senator Bramble regarding Centrally Assessed legislation, SB174 compliance regarding Land Use Code
- Attended Utah Film Alliance meeting, bill started by Senator Winterton to extend rural film tax incentive and remove sunset clause
- Utah Film Commissioner asked if Grand County was interested in hosting the 100th year celebration gala

Mary McGann

- Attended open house at Arroyo Crossing
- Called internal audit meeting, future meetings to be open and public, internal audit committee resolution to be reviewed
- Attended meeting regarding water quality associated with the upcoming grading to commence at Kane Springs development site, and attended a site visit to observe indications of historical flood activity

Mike McCurdy

- Attended UAC conference, met with a variety of vendors serving Grand, discussion with County lobbyist, met with Attorney General's office regarding recent lawsuit brought against insulin manufacturers for price gouging, discussion regarding school safety officers

Evan Clapper

- budget blabla

Kevin Walker

- Attended Arroyo Crossing open house
- Bear's Ears management plan release date delayed, no current predicted date

Elected Official and Staff Reports

Grand County Clerk/Auditor Gabriel Woytek

- Municipal Election went smoothly, board of canvassers to meet on November 29

Grand County Attorney Stephen Stocks

- Attended UAC
- Legislative session coming right up, bills being drafted and Commission needs to provide feedback starting now, not when session is already open

Commission Administrator Mallory Nassau

- Public engagement: citizen request for open door time with Commissioners to allow for more dialogue than through citizens to be heard
- Planning and Zoning Department to work on public engagement regarding RAISE grant process. Attorney Stocks offered an opinion regarding individual Commissioners acting unilaterally without full Commission

approval before directing staff without a majority. Walker stated that the idea of garnering more public support had majority approval. Winfield stated that it was lack of professionalism for a commissioner to skirt the processes

Citizens to be Heard (5:25:15)

Grand County resident Jerick West, doesn't see the benefit in what he sees as an unfair forest management plan.

Grand County resident William Brineburg, mountain resident, sees no benefit in closing the mountain down and that the same rules should apply to everyone.

Grand County resident Kamani Mason, spoke to how important the mountain is to him which his only place to escape industrialized tourism.

Grand County resident Brian Martinez spoke to the snowmobile activity on the mountain, that there is no skiing on La Sal pass side so no user conflict exists, and that all types of access should be carefully considered.

Grand County resident Matt Hancock spoke to the need for the County to restate and refile its Financial Statements, which have a number of large misstatements. County should take responsibility for what is displayed its Financial Statements. Hancock spoke to frustration with what he saw as resistance to funding a new staffperson with a background in finance.

Grand County resident Reid Bakken, manager of Rim Mountain Biking Tours, spoke in opposition to option D because wilderness boundaries do not reflect recent work completed in the system, including mountain biking trails built by Grand County. E-bike activity will continue to increase. Restrictive alternatives in the management plan will not create desirable outcomes.

General Business - Action Items, Discussion and Consideration of:

Chair Hadler moved Item 2 up, without objection

2. BRIC/FMA Grant Fund Commitment Letter for Pack Creek Flood Control Basin And Channel Improvements (Floodplain Supervisor Bill Hulse, County Engineer Dan Stenta) (5:39:40)

Presentation

Commissioner Hedin discussed the local match, which could be \$6.2 to \$8.7 million, and would use a serious amount of what the County holds in reserve. Hedin stated that she does not want to build infrastructure for San Juan County so that it can recharge their own aquifer and gain more access to water rights for increased development. Commissioner Winfield stated that San Juan County is going to continue with its own application whether Grand County does or not, and that how San Juan County develops is their right and not what he sees as his business, and the project will proceed, including the detention basin, whether Grand County is participating or not. Commissioner Hedin stated that we are all drinking from the same straw as it relates to water use. Commissioner McGann stated that she is supportive of the effort but highly concerned about the sticker price. Other methods for deriving the funds necessary should be exhausted and explored. Commissioner Winfield stated that it would be an opportunity to request funds through the CIB. Commissioner Walker stated that the price seems very high, and that no project at this scale exists anywhere in the state, likely because they are very expensive and do not pass an ideal measure of cost to

benefit. Commissioner Winfield stated that flood mitigation is of the utmost priority as an overarching County goal. Commissioner McCurdy agreed that this type of system was warranted so that residents are prepared for the next flood. Commissioner McGann stated that no one questioning the cost is suggesting that flood mitigation measures are not needed, but that alternatives which are less financially demanding would constitute a better path. Commissioner Hedin reiterated that alternatives would be available. Commissioner Walker stated that even if he had 8 million dollars only to spend on flood mitigation, he is not sure this is the project that he would support.

~~**Motion by Commissioner Hedin to deny the BRIC/FMA Grant Fund Commitment Letter for Pack Creek Flood Control Basin and Channel Improvements.**~~

~~**Motion Seconded by Commissioner McGann**~~

Discussion

Several Commissioners commented in favor of keeping open the conversation regarding any and all options available for flood mitigation projects.

Action Item 2 fails, due to lack of a motion

1. Tax Forgiveness for Parcel 01-0MWA-0115 (Assessor Debbie Swasey) (5:59:35)

Presentation:

Assessor Swasey explained that the applicant missed the deadline, received their July notice, and did not act. Swasey stated that approval of forgiveness would set a bad precedent.

Motion by Commissioner Hedin to deny tax forgiveness of \$1,765.97 for parcel 01-0MWA-0115.

Motion seconded by Commissioner Clapper

Discussion

Commissioner Walker sought clarification that this was indeed a primary residence, but that the property owner did indeed miss the deadline. Walker added that he is not convinced that forgiveness in this case would create such a terrible precedent and that flexibility is not such a bad thing. Assessor Swasey stated that she turns away other people who wish to apply for the primary residential exemption but simply missed the deadline.

Substitute motion by Clapper to postpone Item 1 for a future meeting

Substitute motion seconded by Winfield

Substitute motion passes 7-0

3. Interlocal Agreement for Dispatch Services (Sheriff Wiggins and Dispatch Supervisor Jenny Swenson) (6:12:30)

Presentation

Nassau explained that this agreement would require any entities using dispatch services to contribute a proportionate amount financially to dispatch services.

Motion by Commissioner Winfield to approve the Interlocal Agreement for dispatch service.

Motion Seconded by Commissioner McCurdy

Discussion

Swenson and Wiggins explained that the proposed rates are based on call volume, and would apply to EMS, Moab Valley Fire, NPS, BLM. Contract is structured exactly how it is with the other dispatch contractor that is located in Price. Commissioner Clapper stated that the timing was challenging for entities in the midst of budget preparation season, especially a late \$70,000 to EMS, which previously had never been charged. Sheriff Wiggins explained that Moab City forced Grand County's hand in preparing a new agreement with new rates. Commissioner McGann stated that because increased call volumes tend to be associated with tourism, that other types of revenues such as TRT could be used to offset the expense. New dispatch positions proposed were endorsed by EMS and Fire because they knew that this agreement was coming.

Motion passes 6-1, Clapper opposed

4. Ordinance: Rezone - 2560 Spanish Valley Drive - Parcel No. 02-0021-0001 (Associate Planner Jenna Gorney) (6:26:50)

Presentation

Gorney gave a brief background for the proposed rezone, as presented at the November 7th Commission meeting Public Hearing. Two public comments received, both showing support. Commissioner Clapper sought clarification that density bonuses aren't at this point associated with workforce housing requirements. Staff explained that no requirements were currently in place for any deed restrictions. Commissioner Hedin stated that she felt that no rezone should be considered until a land use code update is complete for this reason. Commissioner McCurdy stated that he has been told to look forward to the Future Land Use Plan for two years while the Commission is considering cutting budgetary expenses for that effort, while housing is desperately needed now.

Motion by Commissioner McCurdy to approve the Ordinance to rezone property located at 2560 Spanish Valley Drive on Grand County parcel No. 02-0021-0001 to the Small Lot Residential (SLR) zoning district based on one or more of following items of consideration; change of character in the area, need for the proposed use, density and intensity of nearby areas, location of public facilities and utilities. Approval is the following condition: applicant shall record the approving Ordinance in the real property records of Grand County prior to any further subdivision or development applications are processed.

Motion seconded by Commissioner Winfield

Discussion

Commissioner Walker stated that it is critical for the County to remain consistent in changing land uses as part of more broad and comprehensive efforts, and that density bonuses should not just be given away for free. Walker stated that there is a lot of housing being built in Grand County, most of which is very expensively priced, and this rezone wouldn't serve to create attainable housing. Commissioner Winfield stated that he struggles with the message of telling property owners to wait for land use code changes, that contractors or developers can't be forced to subsidize the building of houses, and that postponing judgment is stopping housing from happening. Commissioner Hedin stated that the owners bought a piece of property that is zoned for five units, and is simply asking for a rule change that is not warranted. Staff explained that the Future Land Use Plan process has only been in process for one year, and that any applicants are always fully informed of timelines associated with land use code changes that are in process.

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

Chair Hadler moved Item 8 up, without objection

8. Manti La-Sal National Forest Plan Letter of Comment (Jacques Hadler, Grand County Commission Chair)

Presentation

Chair Hadler explained that the Commission sent a letter during the scoping period in 2021. Last Forest Plan was updated in 1986. Motorized Trail Committee and Trail Mix Committee had extensive discussion regarding the proposed plan, which led to letter included in the packet. Letter of comment deadline had been passed at the request of the Motorized Trail Committee. Grand County is commenting as a Cooperating Agency, not a creator of the plan itself. Hadler added that the volume of passionate public comment received makes very clear how important and significant the La Sal Mountains are for the community.

Commissioner Walker clarified further that this is a federal action that we are simply weighing into and that he created the first draft of the proposed letter and hewed closely to the already existing letter, and attempted to support alternatives B and D and not make a clear strong endorsement of only one alternative. Walker added that decisions like these will rarely please everyone.

Commissioner Clapper expressed support for the recreation section of the plan, but stated that the winter plan is off the mark and that designations based on elevation bands and not drainages don't make sense for winter recreation.

Motion by Commissioner McGann to approve the letter to the U.S. Forest Service providing comments on the proposed Manti La-Sal National Forest plan, including all edits offered by Commissioner Clapper

Motion seconded by Commissioner Clapper

Discussion

Commissioner Winfield spoke to a misconception of the role of a Cooperating Agency and wondered what effort was made to communicate with San Juan County regarding this plan and letter. Winfield added that restrictions were being imposed where there isn't a problem, but that a problem is trying to be created. Commissioner Winfield stated that the letter is way too vague and needs to specify exactly what it wants, that Grand County taxpayer dollars are being used to establish trails in San Juan County, and that this action is wrong because there is no conflict to begin with, and shows clear influence by outside interest groups and organizations.

Chair Hadler stated that this process is just one of simply creating a plan. Commissioner Walker clarified that San Juan County had submitted a letter as a Cooperating Agency, and did not consult with Grand County in doing so. All other Cooperating Agencies are expressing a voice different than that expressed in this letter, which gives all the more reason for Grand to express a dissenting voice.

Commissioner Winfield stated that the majority of Grand County's letter references activity that lies within San Juan County.

Commissioner McCurdy stated that any restrictions imposed would disproportionately affect Grand County residents, that he has not received any comments in favor of this action and that his constituents have made quite clear their feelings against.

Motion passes 7-0

5. Adopting a Grand County Easement Acquisition Policy (Administrator Nassau) (3:00:07)

Presentation

Attorney Stocks worked together with County Administration to create the currently proposed policy. Policy was adjusted from an existing policy of another county.

Commissioner Walker expressed concerns with the stated conditions necessary for triggering an action of eminent domain, and there was consensus that the first bullet point in that section could be removed.

Motion by Commissioner Walker to approve the policy, striking the language in the current draft that states “the landowner becomes belligerent over time” in reference to eminent domain action.

Motion seconded by Commissioner McCurdy

Discussion (none at this time)

Motion passes 7-0

6. Transient Room Tax (TRT) Report to State of Utah (Clerk/Auditor Woytek)

Presentation

Woytek gave a brief summary for the action, as required by statute.

Motion by Commissioner Walker to approve the 2022 TRT report be forwarded to Utah State as required by Utah State Code 17-31.5.5.

Motion seconded by Commissioner McGann

Discussion (none at this time)

Motion passes 7-0

7. Proposed Ordinance Establishing the 2024 Consolidated Fee Schedule and Repealing and Replacing Ordinance No. 669 (Commission Administration) (3:50:00)

Presentation

Alishia Oliver gave an overview of the proposed changes.

Motion by Commissioner Winfield to approve the ordinance to establish the 2024 Consolidated Fee Schedule and repeal and replace Ordinance 669 with Sand Flats Recreational Area fees conditional on the Bureau of Land Management’s approval

Motion seconded by Commissioner Hedin

Discussion (none at this time)

Motion passes 7-0

Consent Agenda – Action Items (3:04:00)

Approval of Consent Agenda Items

- A. Approval of Meeting Minutes for October 19 and November 2, 2023**
- B. Ratification of Payment of Bills**
- C. Ratification Of 2nd Amendment to The Better Destinations Independent Contractor Agreement**
- D. Ratification of Chair's Signature on UDOT Agreement**
- E. Ratification of The Letter of Comment Regarding the Mud Springs Trail System**

Motion by Commissioner McCurdy to approve the Consent Agenda as read by the Chair, with removal of item A, to be approved at a future meeting.

Seconded by Commissioner Walker

Discussion (none at this time)

Motion passes 7-0

Discussion Items (none scheduled)

Public Hearings

- 8. Public Hearing - Amended Development Agreement - ADO Extension Request, Parcel No. 02-0020-0020, 2850 S. Highway 191 Moab, Utah** (Jenna Gorney, Planning and Zoning)

Presentati

Gorney gave background for the proposed extension request. Request due to delays associated with traffic impact studies and drainage reporting mandated by UDOT.

Chair Hadler opened the Public Hearing at 8:41 p.m.

Chair Hadler left the Public Hearing open until 5pm on Wednesday, December 6th

- 9. Public Hearing - Amended Development Agreement - ADO Extension Request, Parcel No. 03-0002-0087, W 400, N 1089, Moab, Utah** (Jenna Gorney, Planning and Zoning)

Presentation

Gorney gave background for the proposed extension request. Request due to challenges associated with securing a contractor for drafting site plans. Planning Commission voted unanimously to support extension.

Motion by Commissioner McGann to suspend policy regarding public hearing duration requirements such that this item be voted on immediately

Motion seconded by Commissioner Winfield

Discussion

Commissioner Clapper stated that he does not like suspending policy unless absolutely necessary.

Motion passes 6-1, Clapper opposed

Chair Hadler opened the public hearing at 8:47 p.m., and subsequently closed it without any comment received.

Motion by Commissioner McGann to adopt the Ordinance approving the Amended Development Agreement for the Navtec Expeditions ADO development located at W 400, N 1089, allowing for a 6-month extension of the Site Plan approval and Certificate of Occupancy deadline conditioned upon the following: The owner shall record the Amended Development Agreement in the real property records of Grand County Utah simultaneously with this Ordinance and prior to application for Site Plan, or development approvals

Motion seconded by Hedin

Discussion (none at this time)

Motion passes 7-0

10. Public Hearing - Arroyo Crossing PUD Amended Master Plan (Jenna Gorney, Planning and Zoning)

Presentation

Gorney gave an overview for the proposed PUD Amended Master Plan. Several limiting requirements of the existing master plan caused the need for this amendment, including internal side yard setback adjustments. Planning Commissioner voted unanimously to forward a favorable recommendation.

Chair Hadler opened the public hearing at 8:58 p.m.

No public comment received at this time

Chair Hadler left open the public hearing until 5pm on Wednesday, December 6th

Closed Session(s) (none scheduled)

Chair Hadler adjourned the meeting at 8:59 p.m.



Jacques Hadler
Chair, Grand County Commission



Gabriel Woytek
Grand County Clerk/Auditor