



GRAND COUNTY COMMISSION REGULAR MEETING

Held virtually on Zoom
Moab, Utah

See below for instructions to give public comment via Zoom

Dial: (669) 900 - 6833 Meeting ID: 867 1625 2356 # Password (if needed): 279317

Link: <https://us02web.zoom.us/j/86716252356?pwd=UDd0dDF0bTdjODQ5UmNoWjNjU1Vadz09>

WATCH ON YOUTUBE - search for: "GRAND COUNTY UTAH GOVERNMENT"
<https://www.youtube.com/c/GrandCountyUtahGovernment>

AGENDA

Tuesday, March 2, 2021

4:00 p.m.

- ☐ **Call to Order**
- ☐ **Presentations**
 - A. Presentation and update from South Eastern Utah Health Department (SEUHD) on COVID-19 and vaccination efforts in Grand County (Brady Bradford, SEUHD Health Director)
- ☐ **General Business- Action Item- Discussion and Consideration of:**
 - B. Extending the state of local emergency and public health order, to expire on June 15, 2021 (Christina Sloan, County Attorney and Brady Bradford, SEUHD Health Director)
- ☐ **Citizens to Be Heard** (and again at approximately 6:00 pm)
We are receiving public comments by phone and online through Zoom.
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Please note that when joining the meeting, you will be placed in a waiting room and will be added to the meeting by the moderator. Your comments will be recorded and on YouTube.
(Unmute for public comment: *6)
- ☐ **Approval of Minutes** (Quinn Hall, Clerk/Auditor)
 - C. February 16, 2021 (Regular County Commission Meeting)
- ☐ **Ratification of Payment of Bills**
- ☐ **Commission Member Disclosures**
- ☐ **General Commission Reports and Future Considerations**
- ☐ **Elected Official Reports**
- ☐ **Commission Administrator Report**
- ☐ **Department Reports**
 - D. Report on Canyonlands Regional Airport (Andy Solsvig, Airport Director)
- ☐ **General Business- Action Items- Discussion and Consideration of:**
 - E. Adopting Resolution amending the Bylaws of the Planning Commission (Chris Baird, Commission Administrator)
 - F. Approving Revised High Density Housing Overlay Rules & Regulations (Christina Sloan, County Attorney)
 - G. Adopting Resolution approving Sky Retreat Minor Record Survey in the Westwater Area (Parcel No. 04-0025-0089) (Christina Sloan, County Attorney)
 - H. Consideration for adoption of a Resolution authorizing the issuance and sale of not more than \$57,000,000 aggregate principal amount of the County's hospital revenue and refunding bonds, series 2021 to refund certain outstanding obligations and to finance the acquisition, construction and equipping of improvements to Moab Regional Hospital and the

adjacent medical office building and related improvements; and related matters (Chris Baird, Commission Administrator)

I. Amending Ordinance no. 617 and Chapter 1.16 of the general Grand County Ordinances to establish consistency with County timeframes and procedures for Administrative Hearings (Christina Sloan, County Attorney)

J. Adopting Ordinance repealing and replacing Ordinance Nos. 38, 43, 146, 210, 251, 265, 294, 329, and 359 to update Title 5 of the Grand County General Ordinances (Business Licenses and Alcohol Regulations) (Christina Sloan, County Attorney)

❑ **Consent Agenda- Action Items**

K. Ratifying the Chair's signature on Standard Forms 424 (SF 424) for Airport Coronavirus Response Grant Program applications for Canyonlands Regional Airport

❑ **Discussion Items**

L. Legislative Update (Christina Sloan, County Attorney)

M. Discussion on noise enforcement (Christina Sloan, County Attorney and Commissioner Walker)

N. Calendar items and special events (Mallory Nassau, Associate Commission Administrator)

❑ **Public Hearings- Possible Action Items**

❑ **Closed Session(s)** (if necessary)

1. Character, Professional Competence or Physical or Mental Health of an Individual

❑ **Adjourn**

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS. In compliance with the Americans with Disabilities Act, individuals with special needs requests wishing to attend County Commission meetings are encouraged to contact the County two (2) business days in advance of these events. Specific accommodations necessary to allow participation of disabled persons will be provided to the maximum extent possible. T.D.D. (Telecommunication Device for the Deaf) calls can be answered at: (435) 259-1346. Individuals with speech and/or hearing impairments may also call the Relay Utah by dialing 711. Spanish Relay Utah: 1 (888) 346-3162

It is hereby the policy of Grand County that elected and appointed representatives, staff and members of Grand County Commission may participate in meetings through electronic means. Any form of telecommunication may be used, as long as it allows for real time interaction in the way of discussions, questions and answers, and voting.

At the Grand County Commission meetings/hearings any citizen, property owner, or public official may be heard on any agenda subject. The number of persons heard and the time allowed for each individual may be limited at the sole discretion of the Chair. On matters set for public hearings there is a three-minute time limit per person to allow maximum public participation. Upon being recognized by the Chair, please advance to the microphone, state your full name and address, whom you represent, and the subject matter. No person shall interrupt legislative proceedings.

Requests for inclusion on an agenda and supporting documentation must be received by 5:00 PM on the Wednesday prior to a regular Commission Meeting and forty-eight (48) hours prior to any Special Commission Meeting. Information relative to these meetings/hearings may be obtained at the Grand County Commission's Office, 125 East Center Street, Moab, Utah; (435) 259-1346.

AGENDA SUMMARY
GRAND COUNTY COMMISSION MEETING
MARCH 2, 2021
Agenda Item: B

TITLE:	Extending the state of local emergency and public health order, to expire on June 15, 2021
FISCAL IMPACT:	n/a
PRESENTER(S):	Christina Sloan, County Attorney, and Brady Bradford, SEUHD Public Health Officer

Prepared By:

Christina Sloan,
County Attorney

FOR OFFICE USE ONLY:

Attorney Review:

Complete

RECOMMENDATION:

I move to approve the Executive Order extending the State of Local Emergency and the Joint Public Health Order 2021-01GC.

BACKGROUND:

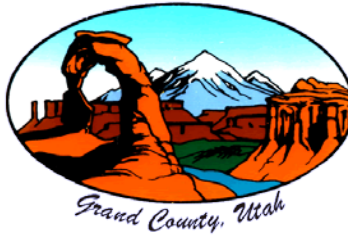
The proposed Order extends the mask mandate (which is currently still in effect state-wide) and eliminates the special events regulations (since those are now integrated into our special events ordinance).

The extension of the State of Local Emergency is necessary to maintain COVID related policy and to establish the authority used in the Joint Public Health Order.

The proposed effective date is through June 15, 2021 given that we are still in the high risk level and our busy tourist season will begin soon.

ATTACHMENT(S):

1. Proposed Health Order
2. Executive Order - Extension of State of Emergency



Grand County

EXECUTIVE ORDER

Extending a State of Local Emergency Due to Infectious Disease COVID-19 Novel Coronavirus and Rising Case Counts Causing a Shortage of Hospital Beds

WHEREAS, on January 21, 2020, the Utah Department of Health activated its Department Operations Center in response to the evolving global outbreak of novel coronavirus;

WHEREAS, the Utah Department of Health recognizes COVID-19 as a threat to the health and safety of the residents of Utah;

WHEREAS, the Utah Department of Health, local health departments, and health and medical partners have activated response plans and protocols to prepare for the likely arrival of the virus in Utah;

WHEREAS, these partners have also worked to identify, contact, and test individuals in the State of Utah who have been potentially exposed to COVID-19 in coordination with the United States Centers for Disease Control and Prevention (CDC);

WHEREAS, proactively implementing mitigation measures to slow the spread of the virus is in the best interests of the state of Utah and its people;

WHEREAS, COVID-19, a respiratory disease that can result in serious illness or death, is caused by the SARS-Co V-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and is easily transmissible from person to person;

WHEREAS, the CDC identifies the potential public health threat posed by COVID-19 both globally and in the United States as "high," and has advised that person-to-person transmission of COVID-19 will continue to occur globally, including within the United States;

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19, beginning on January 27, 2020;

WHEREAS, on February 28, 2020, the State Emergency Operations Center raised its activation level to Level 3 - Elevated Action and the Utah Division of Emergency

Management and Department of Health activated a Joint Information System for public information;

WHEREAS, on March 6, 2020, Utah Governor Gary Herbert issued the State's first Declaration of State Emergency for the state of Utah due to the COVID-19 novel pandemic, which state of emergency was extended by the Utah Legislature until it expired on August 20, 2020;

WHEREAS, on March 10, 2020, Grand County's chief executive officer declared a State of Local Emergency due to COVID-19 under the Utah Disaster Response and Recovery Act;

WHEREAS, on March 16, 2020, Utah Governor Gary Herbert established a "Utah Leads Together Plan," which Plan outlines an "urgent" planning phase beginning March 16 and continuing for 8-12 weeks;

WHEREAS, on October 12, 2020, due to increasing COVID-19 case counts, the State of Utah replaced the "red, orange, yellow, green" phased-guideline system, with the COVID-19 Transmission Index to assess individual county transmission levels (High Moderate, or Low), updated weekly based on three criteria: 14-day case rate by county, 7-day percent positivity by county, and 7-day statewide ICU utilization;

WHEREAS, on October 21, 2020, Grand County was placed in the High Transmission Level and has remained in this level at present time;

WHEREAS, on November 8, 2020, Utah Governor Gary Herbert issued the State's second Declaration of State Emergency for the state of Utah for Rising COVID-19 Case Counts Resulting in a Shortage of Hospital Beds, which state of emergency expired on December 8, 2020;

WHEREAS, on the same day, Utah Governor Gary Herbert announced a statewide mask mandate, citing a large spike in COVID-19 cases; and

WHEREAS, on November 9, 2020, the Utah Labor Division issued an emergency rule requiring mask mandate compliance for businesses and establishing an on-line compliance process for reporting alleged safety/health hazards, effective until at least March 9, 2021;

WHEREAS, on November 17, 2020, Grand County and the Southeast Utah Health Department issued Joint Amended Public Health Order 2020-09GC to limit social gatherings and extend the local mask mandate, effective until at least March 2, 2021;

WHEREAS, on December 10, 2020, the Urban Referral Status Update for Utah hospitals reported HCA as High Stress Level with ICU capacity at 126%, UUH as High-Severe Stress Level with ICU and COVID-19 capacity at 180%, Intermountain as Severe Stress Level with ICU and COVID-19 capacity at 100% , and Steward as High-Severe Stress Level with ICU capacity over 95%;

WHEREAS, on February 26th, 2021, SEUHD confirmed two thousand nine hundred and four (2,904) positive cases of COVID-19 in within its boundaries, including ninety five (95) hospitalizations and twenty two (22) deaths;

WHEREAS, as of February 26th, 2021, CDC data indicates there are over 369,000 confirmed cases of COVID-19, and 1,890 related deaths in the State of Utah;

WHEREAS, the Utah Department of Public Safety, Division of Emergency Management, State Emergency Operations Center, is coordinating resources across state government to support the Utah Department of Health and local officials in alleviating the impacts to people, property, and infrastructure, and is assessing the magnitude and long-term effects of the incident with the Utah Department of Health;

WHEREAS, the State of Utah has implemented the Utah COVID-19 Community Task Force to coordinate the response to the incident throughout the entire state and among all levels of government;

WHEREAS, Moab Regional Hospital has limited resources to treat severe or serious cases in the event of sustained community transmission of COVID-19 in Moab, Utah;

WHEREAS, Moab Regional Hospital and the Canyonlands Care Center, Moab's only senior care facility, are located within the same facility, thereby increasing risk of illness or death for Grand County's most vulnerable population;

WHEREAS, Grand County's four Urban Referral hospitals are at high and/or severe stress levels jeopardizing availability of intensive care transfer options;

WHEREAS, more than three (3) million visitors, national and international, travel to Grand County each year, increasing the risk of a local COVID-19 outbreak;

WHEREAS, the circumstances of a local COVID-19 outbreak may exceed the capacity of the services, personnel, equipment, supplies and facilities of Grand County, and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS, the State of Utah has designated Grand County as being in a "High" Transmission Level, which requires extreme caution and significant mitigation measures;

WHEREAS, these conditions do create a continuing "Local State of Emergency" within the intent of the Disaster Response and Recovery Act found in Title 53, Chapter 2a of the Utah Code Annotated 1953, as amended; and

NOW, THEREFORE, the Grand County Commission, and its Chief Executive Officer, Mary Mullen McGann, hereby renew Grand County's "Local State of Emergency" until June 15th, 2021, at which time it shall be reviewed.

IN WITNESS WHEREOF, we have hereunto set my hand and caused to be affixed the Seal of Grand County, Utah on this the 2nd day of March, 2021 in the City of Moab, Grand County, Utah.

Mary Mullen McGann
Chief Executive Officer and
Chair, Grand County Commission

ATTEST:

Quinn Hall
Grand County Clerk-Auditor

**BOARD OF HEALTH
IN AND FOR SOUTHEAST UTAH HEALTH DEPARTMENT
(CARBON COUNTY, EMERY COUNTY, GRAND COUNTY), STATE OF UTAH
AND
GRAND COUNTY COMMISSION
IN AND FOR GRAND COUNTY, UTAH**

In the matter of:

COVID-19 Pandemic within Utah

**JOINT PUBLIC
HEALTH ORDER**

Order No.: SEUHD 2021-01GC

Date: March 2, 2021

Legal Authority: Utah Code §26A-1-114
Utah Code §53-2A-209

Utah Code § 26A-1-106(2) provides that “[r]egulations or standards relating to public health or environmental health services adopted or established by a local health department may not be less restrictive than [State Department of Health orders].”

COVID-19 is a contagion that spreads easily from person to person and can cause serious illness or death.

The Center for Disease Control (“CDC”) has called on Americans to wear face coverings, with the CDC Director stating that “cloth face coverings are one of the most powerful weapons we have to slow and stop the spread of the virus - particularly when used universally within a community setting.”

Published scientific data relied upon by the State of Utah has shown that the probability of transmission during exposure between a person with COVID-19 to an uninfected person is 17.4% if face coverings are not worn and 3.1% if face coverings are worn.

The Health Officer for Southeast Utah recognizes the need for the public to continue to work cooperatively and proactively to slow the spread of COVID-19, and prevent and control the rapidly changing consequences of COVID-19. The Health Officer and the Grand County Commission find that this need is especially present in Grand County.

The Health Officer finds COVID-19 poses a continuing and immediate threat to the public health of Grand County residents and visitors.

This is a critical moment in Grand County and the State of Utah, and all County residents, businesses, community organizations, visitors, and government must do their respective parts to slow, prevent, and control the transmission of COVID-19, enhance and improve the ability of our healthcare system to meet this mounting challenge, restore consumer confidence, and reduce the economic impact of this global healthcare crisis.

THEREFORE, pursuant to the authority granted to Bradon C. Bradford, MSPH, MPA, REHS, Southeast Utah Health Officer by Utah Code §26A-1-114(2)(a) and to the Grand County Commission under Utah Code §53-2A-209, they hereby jointly ORDER the following for GRAND COUNTY, UTAH:

Section 1. Purpose. The intent of this Public Health Order is to ensure a coordinated implementation of practices which slow, prevent, and control the transmission of COVID-19 by providing Grand County residents, businesses, community organizations, visitors, and government with access to the information needed to implement those practices.

Section 2. Guidelines. All Grand County residents, businesses, visitors, and community organizations shall comply with the guidelines for Grand County set forth in the Utah Transmission Index Guidelines issued on October 14, 2020 (“Guidelines”) and any subsequent modification to the Guidelines and assigned risk phase (High, Moderate, Low) released by the Utah Department of Health and assigned by the Governor during the effective period of this Public Health Order. The Guidelines can be found at: <https://coronavirus.utah.gov/>.

Section 3. Definitions.

- a. “COVID-19” means the Novel Coronavirus Disease 2019 caused by Severe Acute Respiratory Syndrome Coronavirus 2, also known as SARS-CoV-2;
- b. “Face Mask” means a mask that completely covers the nose and mouth, is made of synthetic or natural fabrics, and fits snugly against the nose and sides of the face and under the chin. Face Mask does not include a mask with holes, openings, lace or mesh, or similar weblike construction or material.
- c. “Face Shield” means a shield that covers the entire face, including the eyes, nostrils, and mouth, which is made of clear plastic or similar nonpermeable transparent material.
- d. “Household” means an individual or groups of individuals who reside in the same residence.
- e. “Ingress and egress” shall include walkways and parking lots on private property.
- f. “Person” means the same as that defined in Utah Statute § 68-3-12.5(18).

Section 4. Restrictions. The following restrictions apply countywide:

- a. Individuals. An individual:
 - i. shall wear a face mask while within six feet (6') of any individual from a separate household; and
 - ii. may not eat or drink within six feet (6') of an individual from a separate household while at a bar or restaurant or special event.
- b. Businesses. Each business, including a bar or restaurant, whether or not acting as an event host, shall:
 - i. require each employee and contractor to wear a face mask while at work;
 - ii. require each patron that enters the premises of the business to wear a face mask, including in an area of ingress and egress;
 - iii. require at least six feet (6') of physical distancing, including in an area of ingress and egress, between each:
 - 1. separate household group at a business other than a bar or restaurant, or
 - 2. separate party at a bar or restaurant; and
 - iv. post conspicuous signage at each entrance/exit to the business that:
 - 1. lists COVID-19 symptoms;
 - 2. asks employees and customers experiencing COVID-19 symptoms to stay home; and
 - 3. provides notice that face masks are required.

Section 5. Face Mask Exceptions. Notwithstanding any other provision of this Order, an individual who is otherwise required by this Order to wear a face mask may remove the face masks in the following situations:

- a. while the sole occupant of a room, cubicle, or similar enclosure;
- b. while communicating with an individual who is deaf or hard of hearing if communication cannot be achieved through other means and the speaker wears a face shield or is located behind a plexiglass barrier;
- c. while obtaining or providing a service that requires the temporary removal of the face mask, such as dental service or speech therapy services;
- d. while sleeping;
- e. while exercising or recreating while:
 - i. outdoors;
 - ii. indoors if at least six feet (6') of distance is maintained from any individual from a separate household;
 - iii. swimming or on duty as a lifeguard; or
 - iv. actively performing as an athlete at an organized and authorized athletic event;
- f. while engaging in work where wearing a face mask would create a risk to the individual, as determined by government safety guidelines; d
- g. when necessary to confirm the individual's identity and if removal is temporary; and
- h. While giving a presentation or performance for an audience, if at least six feet (6') of distance is maintained between the speaker and the nearest individual from a separate household.

Section 6. Face Mask Exemptions. The following individuals are exempt from the Face Mask Requires in Section 4:

- a. a child who is younger than three (3) years old;
- b. an individual who is unconscious, incapacitated, or otherwise unable to remove the face mask without assistance;
- c. an individual with a medical condition, mental health condition, or intellectual or developmental disability that prevents the individual from safely wearing a face mask; provided, however, that businesses may deny entry or service to a patron who qualifies for an exemption under this Section 6(c) or may request proof of medical condition, mental health condition, or intellectual or developmental disability prior to permitting entry or service; and
- d. an individual who is incarcerated.

Section 7. This Joint Public Health Order takes immediate effect and supersedes and replaces Joint Public Health Order 2020-09GC. This Joint Public Health Order will expire at 11:59 p.m. on June 15, 2021, unless extended, rescinded, superseded, or amended in writing, and shall be re-evaluated as warranted.

BY ORDER OF THE SOUTHEAST UTAH HEALTH DEPARTMENT HEALTH OFFICER AND THE GRAND COUNTY COMMISSION

Bradon C. Bradford, MSPH, MPA, REHS - SEUHD Health Officer

ATTEST:

Mary McGann - Grand County Commission Chair Quinn Hall, Grand County Clerk/Auditor

APPROVED AS TO FORM:

Christian Bryner, Attorney for SEUHD

Christina Sloan, Attorney for Grand County



GRAND COUNTY COMMISSION SPECIAL MEETING

Grand County Commission Chambers
Held virtually on Zoom
Moab, Utah

WATCH ON YOUTUBE - search for: "GRAND COUNTY UTAH GOVERNMENT"

MINUTES 16 FEBRUARY, 2021

The Grand County Commission met in a regular meeting on 16 February, 2021. The meeting was streamed/attended electronically. It was also broadcast and saved on YouTube. Commissioners in attendance were Evan Clapper, Jacques Hadler, Trish Hedin, Mary McGann, Sarah Stock, Kevin Walker, Gabriel Woytek. Also present were County Commission Administrator Chris Baird, Associate County Commission Administrator Mallory Nassau, County Attorney Christina Sloan, and Clerk/Auditor Quinn Hall.

4:01 p.m. Thompson Springs Special Service Fire District Board Meeting (see separate agenda/minutes)

4:08 p.m.

Call to Order

Chair McGann called the meeting to order at 4:08 pm.

Public Hearing- Possible Action Items

- A. Public Hearing to receive public comment regarding an amendment to Ordinance 623 (Special Events) regarding sizes of groups at special events, and possible action by repealing Chapter 8.16 (Special Events), and adopting Chapter 8.16 (Special Events) (Christina Sloan, County Attorney, and Chris Baird, Commission Administrator)

Presentation

Chris described the amendment to the Ordinance. Action would alter special event participant numbers to reflect participants spread out over an area or by timeframe. Changes the way event participation numbers are calculated. Essential staff and crew would be exempted from total participant count. Vendors are considered participants.

Public Hearing (none at this time)

Motion by Evan Clapper to suspend the Grand County Policies and Procedures to allow the Commission to vote and take action on the proposed Ordinance tonight.

Motion seconded by Jacques Hadler

Discussion

Kevin noted this was approving the amendment to the rules – not the permitting of Easter Jeep Safari.

Evan noted the distance and time spacing component would be helpful.

Kevin expressed support for the amendment, noting the ability to distance physically and over time.

Motion passes 7-0

Motion by Kevin Walker to repeal Ordinance No. 623 and Chapter 8.16 (Special Events) of the Grand County General Ordinances and adopt new Chapter 8.16 (Special Events), as set forth in the attached Ordinance and its Exhibit A.

Motion seconded by Evan Clapper

Discussion (none at this time)

Motion passes 7-0

Citizens to Be Heard

Jess Billis commented he's a business owner in Moab. Jess suggested they struggle to find housing for employees. Jess suggested the High Density Housing Overlay (HDHO) clarifications would potentially hurt the local housing market. Is of the opinion current projects will adequately address the housing shortage.

Steve Evers (Murphy Flat Development) commented the rules of the HDHO could change to the detriment of locals and developers alike. Steve suggested his understanding was that the ordinance was created to allow owners that were not occupants. Steve expressed opposition to proposed HDHO clarifications.

Christy Williams commented about the County Art trails. She noted vandals had destroyed 3 works of art. The program will continue. Christy offered the vandals a message – they remain undaunted. They will respond with more art and more beauty. Christy said they've seen a lot of care and concern from the community. There's a \$6000.00 reward for information leading to solving the vandalism crime. Christy thanked the commission for support of the arts. She requested the commission show support with a public response.

Michael Skarda commented about the small area plan and the implementation of Dark Sky areas. Michael suggested the entire county should participate more fully. Michael would like to see future policy be applied more broadly.

Janelle Bauer (representing the Murphy Flat development) submitted written comments over the weekend. Janelle suggested there was a lack of clarity in the HDHO regulation. Her understanding was the only requirements were occupancy. Janelle suggested the County shouldn't change the rules after the fact. Is of the opinion that the only way to amend the HDHO ordinance is through a proper amendment.

David Hirschi commented as legal counsel for Peak View development. Dave echoed the previous comments. Dave suggested altering the HDHO Ordinance may be a breach of the development agreement. Dave offered his opinion that there is no basis in law or fact for changing or clarifying the HDHO ordinance. David suggested any changes or clarifications should not have the potential retroactively affect developers.

Kaitlyn Myers commented. She opposes HDHO clarifications the way they are currently written. Kaitlyn suggested the rules and regulations may not meet the original intentions of planning and zoning staff. Kaitlyn suggested her understanding was that the HDHO was created to make housing for occupants, not necessarily owners. In Kaitlyn's opinion businesses should be allowed to own units. Kaitlyn suggested she foresees potential problems with some of the definitions. Kaitlyn suggested definitions could perhaps be better regarding transfer of ownership. Kaitlyn agrees with the comments and opinions of other developers that the County should not alter definitions of the ordinance.

Lukasz Wojciechowski has made a down payment on Murphy Flat condo. Lukasz suggested this could have the potential to be an investment vehicle for locals. Lukasz opined that the cost of entry seems reasonable. Lukasz is of the opinion potential owners should not be forced to sell if they have to move.

Jessica Manderfield suggested opposition to any HDHO changes. Jessica suggested there could have potentially been more advance notice of the proposed changes. Jessica echoed other developer's comments.

Glen Lent (developer) commented that under his current business model his intent was to maintain ownership of HDHO units.

David Morey (developer) indicated he's read the original commission guidelines for HDHO and his understanding is that it was intended to create locally owned housing. David suggested that making it economically feasible for locals could potentially mean it wouldn't be competitive on a nationwide basis.

Terrill Johnston suggested his opposition to any HDHO changes. He indicated current interest levels in their development was high. Terrill shared his opinion that proposed changes could potentially hinder further development.

LuDean Merritt offered her opinion that the County is potentially missing out on a future tax base by altering the HDHO definitions.

Approval of Minutes (Quinn Hall, Clerk/Auditor)

B. January 19, 2021 (Regular County Commission meeting, postponed from Feb. 2, 2021)

C. February 2, 2021 (Regular County Commission Meeting)

Motion by Kevin Walker to approve the minutes from 19 January 2021 and 2 February, 2021.

Motion seconded by Jacques Hadler

Discussion (none at this time)

Motion passes 7-0

Ratification of Payment of Bills

Motion by Gabriel Woytek to ratify payment of bills for February 16th, 2021, in the amount of \$416,959.34 and payroll in the amount of \$257,852.74 for a combined total of \$674,812.08.

Motion seconded by Kevin Walker

Discussion (none at this time)

Motion passes 7-0

Commission Member Disclosures (none at this time)

General Commission Reports and Future Considerations

Kevin Walker

- Legislation committee meetings

- Audit committee meetings
- Met with Travel Council and discussed the new dashboard
- Demonstration of noise measurement
- Future consideration – There are Dark Sky regulations in place county-wide. There was a 5-year compliance deadline. The commission needs to consider ways to encourage compliance before the deadline.

Trish Hedin

- Met with Grand Water and Sewer
- Met with planning commission - discussions about HDHO overlay
- Attended homeless committee meeting
- Working with Thompson Springs – potential clean up at the beginning of April
- Suggested further investigation for Dark Skies

Sarah Stock

- Attended meeting with Moab Area Mosquito Abatement District (MMAD)
- MMAD is looking for a director
- Internal Audit committee meeting
- Western Energy Alliance challenged the pause on public leasing for oil and gas

Evan Clapper

- Met with cemetery board
- Met with Emergency Medical Service (EMS)

Gabriel Woytek

- Update from South Eastern Utah Health Department
- Vaccine administration is going well
- Vaccine distribution will be changing in the future as access to vaccines increases
- Attended Canyonlands Healthcare Special Service District meeting
- 4 Corners Behavioral Health is interviewing for a position

Jacques Hadler

- Attended ATV/UTV noise compliance meeting
- Attended Trail Mix meeting
- Toured Museum of Moab
- Met with the Film Commission
- Attended Motorized Trail Committee meeting
- Attended Old Spanish Trail Arena (OSTA) meeting – positions open

Mary McGann

- The committee meeting to decide about Utahraptor State Park will be Thursday
- Cinema Court is 100% occupied
- MAPS is 100% occupied
- Virginian is 100% occupied
- There are 6 households waiting on certificates of occupancy
- Dr. Pries received a 4 million grant for staffing
- Heroin use is on the rise in Grand County
- Met with Larry Ellertson from Rep Curtis' office
- Met with Audit committee
- Met with USU regarding Streetlight data research
- Meeting with USU Advisory board

Elected Official Reports

Commission Administrator Report

Chris discussed working on Transient Room Tax (TRT) reform. There's a substitute going to the floor. Working with hospital on an expansion project with the municipal bonding process.

Mallory noted work on the Community Impact Fund Board (CIB) list. Suggested going to the airport to familiarize with airport operations/personnel.

Department Reports

Presentations

- D. Presentation on Grand County School District (GCSD) updates (Amanda Knill, GCSD Community Coordinator)

Amanda Knill discussed the School District. New Principal at the Middle School and Helen M Knight Elementary school. School district has about 223 total employees – largest employer in the County. 1300 students enrolled this year. 80% of staff is vaccinated. Middle school close to opening.

General Business- Action Items- Discussion and Consideration of:

- E. Approving Easter Jeep Safari 2021 Special Event Permit (Angela Book, Old Spanish Trail Arena Director and Elaine Gizler, Economic Development Director)

Presentation

Elaine discussed the documents and permit for Easter Jeep Safari.

Trish asked if the goal was to keep individual events at 250 participants. Elaine suggested there are no vendors participating in the event. At the arena there will be registration only. Permits allow up to 50 on some trails – but most are limited to 20-35.

Motion by Kevin Walker to approve the Easter Jeep Safari 2021 Special Event Permit.

Motion seconded by Jacques Hadler

Discussion (none at this time)

Motion passes 7-0

- F. Approving volunteer appointments to the Economic Diversification Advisory Council (Chris Baird, Commission Administrator and Elaine Gizler, Economic Development Director)

Presentation

Kevin suggested Laici Shumway and Daniel Loveridge. Trish suggested Laici Shumway and and Brandon Bartosh. Sarah suggested Laici Shumway and Rachel Pollock. Evan Clapper suggested Laici Shumway. Jacques suggested Laici Shumway and Brandon Bartosh. Gabriel concurred, offered as a second choice Rachel Pollock. Mary suggested Brandon Bartosh is uniquely qualified.

Motion by Kevin Walker to approve the appointment of Lacie Shumway as a citizen representative to serve on the Economic Diversification Advisory Council with term expiring on December 31, 2021.

Seconded by Evan Clapper

Motion Passes 7-0

Motion by Jacques Hadler to appoint Brandon Bartosh to as a citizen representative to serve on the Economic Diversification Advisory Council with term expiring on December 31, 2021.

Motion Seconded by Trish Hadler

Motion Passes 5-2 Stock and Woytek opposed

Motion by Gabriel Woytek to appoint Carly Castle and Leanna Etchberger as representatives from the public sector or economic development relevant organizations to serve on the Economic Diversification Advisory Council with terms expiring on December 31, 2021.

Motion Seconded by Kevin Walker

Motion Passes 7-0

G. Approving front end loader two-year lease for the Road Department (Cody E. McKinney, Fleet Manager and Bill Jackson, Road Department Supervisor)

Presentation

Cody discussed the agreement – a 2-year lease for a front end loader.

Motion by Evan Clapper to approve the 2-year lease of a John Deere 544P front end loader from Honnen Equipment for a total of \$14,507.58 in 2021 and \$14,507.58 in 2022 within budget.

Motion seconded by Sarah Stock

Discussion (none at this time)

Motion passes 7-0

H. Approving Interlocal Agreement between Moab City and Grand County for Transportation Planning (Bill Jackson, Roads Supervisor)

Presentation

Bill described the agreement between Moab City and Grand County. Facilitates Moab City's match money to pay expenses for transportation master plan. Scope of work has been approved. Assembling Request for Proposals (RFP) now. This ties the Moab City and Grand County master plans together. Chris noted the RFP is not drafted yet – this begins the process. There will be a negotiation period for the plan. Chris noted the ultimate goal is to have a unified transportation plan. Kevin expressed hesitation about language saying "will" versus "may" and suggested the County would not want to be locked into accepting something they didn't concur or agree with. Chris noted there would likely be room to adjust the plan to best suit the county's needs.

Motion by Evan Clapper to approve the Interlocal Agreement between the City of Moab and Grand County, pertaining to cooperation between the entities with respect to joint planning and for funding of the Technical Planning Assistance Program Funds Cooperative Agreement.

Motion seconded by Jacques Hadler

Discussion (none at this time)

Motion passes 7-0

6:03 Citizens to be Heard (none at this time)

- I. Approving updated Capital Improvement Projects List for government entities within Grand County as a prerequisite to applying for funding by the Permanent Community Impact Fund Board (CIB) (Mallory Nassau, Associate Commission Administrator)

Presentation

Mallory described the list of the CIB projects. The commission needs to rank the projects. Evan noted rankings are not set in stone. Projects must be on the list to be considered. Chris ran down the list and described the potential projects. Commission appended dates for short and medium term projects.

Motion by Evan Clapper to approve the updated Capital Improvement Projects List as amended for government entities within Grand County as a prerequisite to applying for funding by the Permanent Community Impact Fund Board (CIB), to be ranked and submitted to ALG.

Motion seconded by Sarah Stocks

Discussion (none at this time)

Motion passes 7-0

- J. Ratifying Chair's signature on letter of support to the Department of Transportation for SkyWest Airlines request to modify the Essential Air Service Agreement (Andy Solsvig, Airport Director)

Presentation

Andy described the modification of the essential air service agreement. This would create the possibility of a Salt Lake to Moab service. This would potentially create 1 flight to Denver and 1 to Salt Lake City, but Skywest could adjust the schedule according to demand. Flights would be dependent on FAA approval.

Motion by Evan Clapper to ratify the Chair's signature on letter of support to the Department of Transportation for Skywest Airlines to modify the Essential Air Service Agreement.

Motion seconded by Kevin Walker

Discussion (none at this time)

Motion passes 7-0

- K. Approving Assignment of Lease from William and Whitney Hawley to the WHAWLEYX2 Trust for Hangars 128 and 136 (Andy Solsvig, Airport Director)

Presentation

Andy discussed the reassignment of the hangar lease. Transfer of ownership to a trust.

Motion by Kevin Walker to approve the Assignment of Lease for Hangars #128 and #136 from William and Whitney Hawley to the Whawleyx2 Trust at the Canyonlands Regional Airport.

Motion seconded by Evan Clapper

Discussion (none at this time)

Motion passes 7-0

- L. Approving Compliance Officer (Non Law-Enforcement) job description at a Grade 9 and approving recruitment and hiring (Renee Baker, Personnel Services Director)

Presentation

Renee described the job noting the person would attend special events and enforce compliance in conjunction with other code enforcement issues. Full-time with benefits. Renee noted the County would likely change the position to fit the situation once COVID-19 is over. There is work to be done outside of the COVID-19 compliance issues – TRT compliance, etc.

Motion by Kevin Walker to approve the full time Compliance Officer (Non- Law Enforcement) job description, at a Grade 9 and authorize the recruitment and hiring effective 2/17/2021.

Motion seconded by Trish Hedin

Discussion (none at this time)

Motion passes 7-0

- M. Approving High Density Housing Overlay Rules & Regulations, and presentation on the HDHO Program History (Christina Sloan, County Attorney and Emily Campbell, Planning Commission Chair)

Presentation

Christina discussed the rules and regulations, and offered a history of the HDHO overlay. Christina noted this is not legislative but administrative. These clarifications were asked for by developers. This clarifies provisions in the code. Christina noted the Housing Authority of Southeastern Utah (HASU) was expected to be involved from the beginning. Christina ran through the provisions. Christina went through the history of the HDHO.

Emily briefly described the process and the history of the Planning and Zoning committee and the HDHO program.

Kevin asked if someone from out of town could create and maintain ownership of HDHO units, and Christina noted that while she wasn't prepared to fully answer, she had analyzed that local developers could potentially keep the HDHO units/lots. Christina further clarified that a local resident who previously qualified can keep their HDHO lots/units under the plain language of the HDHO once they move as long as they continually rent it to qualified households.

Sarah asked for some clarification regarding provisions of the rules and regulations. Christina explained that a local resident who previously qualified can keep their HDHO lots/unit if their status changes as long as they continually rent it to qualified households, but they would have their qualification suspended if they violated the rules and regulations provisions such as not renting the unit or renting it short-term. Sarah then asked for clarifying language to that point in the R&Rs.

Kevin relayed his experience on the planning commission. Noted he agreed with the intent of the clarifications. Kevin noted the possibility of outside investors was not addressed in planning and zoning meetings because that was clearly not the intent. Noted the potential of an enforcement issue.

Emily further discussed the intent and noted the desire to be progressive and adapt over time.

Mary noted surprise at recent interpretations of the ordinance. Noted hesitation to add clarifying language that would potentially contradict other interpretations. Suggested more time to deliberate.

Christina emphasized that the rules and regulations were not a change to the LUC, but that tabling the item was fine too as we drafted the R&Rs at the request of developers and their realtors and to answer questions from potential local buyers and build confidence in the administration of the HDHO program.

Sarah noted several questions raised have been clarified tonight.

Gabriel agreed – would like to see a bit more clarification in the language.

Evan noted there's general consensus that the intent was never to accommodate outside developers, but that more review may be necessary.

Motion by Evan Clapper to postpone item “M” until the next regularly scheduled meeting.

Motion seconded by Jacques Hadler

Discussion

Kevin noted support for postponing, but comfort with the clarifications.

Trish noted support for the clarifications. Noted that at some point the commission has to step up to provide housing.

Motion passes 7-0

N. Statement of Opposition to House Bill 75 (Municipal Alternative Voting Methods Pilot Project) and Senate Bills 164 (Utah Housing Affordability) and 176 (Mineral Lease Fund Amendments), Support for House Bill 281 (County Development Activity) and Senate Bill 168 (ATV Curfew), and Position of Neutrality on HB 82 (ADUs) - and Legislative Update (Christina Sloan, County Attorney)

Presentation

Christina discussed and explained the bills.

Motion by Kevin Walker to oppose House Bill 75 and Senate Bills 164 and 176, support House Bill 281 and Senate Bill 168, and take position of neutrality regarding HB 82 (ADUs) and authorize the Chair to sign any necessary letters of opposition or support to Utah legislators deemed necessary by the County Commission Administrator or County Attorney.

Motion seconded by Sarah Stock

Discussion

Gabriel noted HB 168 looks like it may have changed the hours for curfews.

Chris noted the TRT Reform bill had passed the house.

Kevin offered thanks to Chris and the other members of the legislative committee.

Motion passes 7-0

O. Approving letter of support for extension and expansion of Radiation Exposure Compensation Act (Chair McGann)

Presentation

Mary discussed the letter and noted support.

Motion by Kevin Walker approve the letter to the Utah Legislature, Governor Cox, and state Rep. Doug Owens, supporting extension and expansion of the Radiation Exposure Compensation Act (RECA) as expressed in Rep. Doug Owen's Concurrent House Resolution, H.C.R. 18.

Motion seconded by Jacques Hadler

Discussion (none at this time)

Motion passes 7-0

P. Approving letter to School and Institutional Trust Lands Administration (SITLA) Director, David Ure, expressing desire for support of Utahraptor State Park and affordable housing (Chair, McGann)

Presentation

Mary discussed the letter supporting the State Park and affordable housing.

Motion by Kevin Walker to approve the letter to Scholl and Institutional Trust Lands Administration (SITLA) Director, David TZ, expressing desire for support of Utahraptor State Park and affordable housing.

Motion seconded by Evan Clapper

Discussion (none at this time)

Motion passes 7-0

Consent Agenda- Action Items

Q. Approving Granicus Host Compliance services agreement amendment

Presentation

Motion by Kevin Walker to adopt the consent agenda as presented.

Motion seconded by Evan Clapper

Discussion (none at this time)

Motion passes 7-0

Discussion Items

R. Calendar items and special events (Mallory Nassau, Associate Commission Administrator)

Mallory discussed the special events calendar – March events. Some events pending approval.

Christina discussed setting a date for interpretation of land use code. There is an administrative appeal of the land use code interpretation. The appellant has requested March 10th at 9:00 am. General consensus.

Motion by Kevin Walker to enter closed session to discuss a real estate offer and pending litigation.

Motion seconded by Gabriel Woytek

Motion passes 7-0

Commission entered closed session at 8:24

Commission exited closed session at 8:40

Chair McGann adjourned the meeting at 8:41

Closed Session(s) (if necessary)

Adjourn

DRAFT

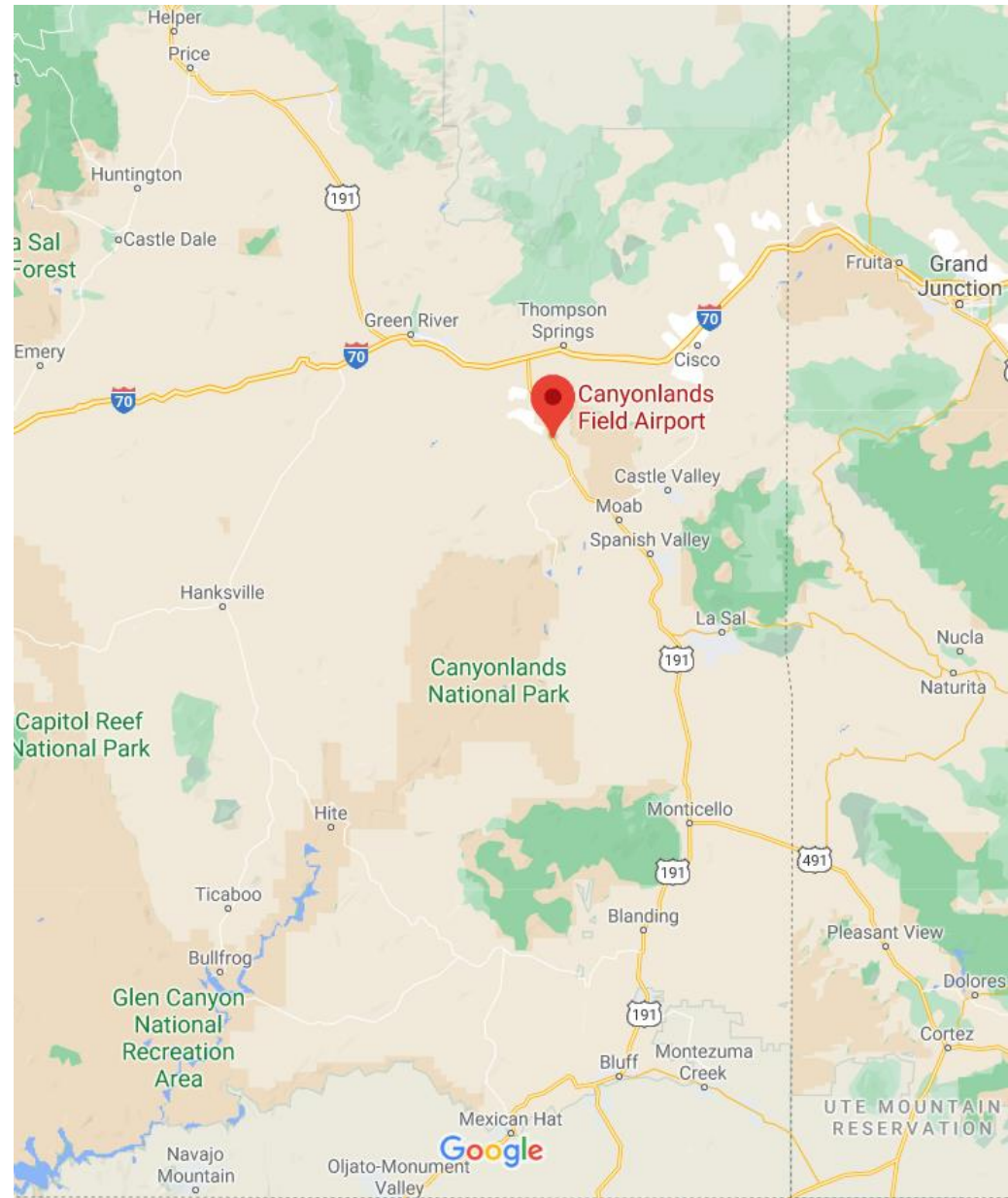


Grand County Airport Department Update 2021

Andy Solsvig, C.M.
Airport Director

CANYONLANDS REGIONAL AIRPORT

- In essence, this is a map of the catchment area.
- Southeast Utah



Who are CNY Stakeholders?

- Customers / Passengers
- Regional Communities
- Operators
- Hangar owners and renters
- General Aviation users
- Military, Medical, BLM, FAA, First Responders
- Cargo / Mail
- Tourism



Red Rock
Ballooning



CANYONLANDS JEEP
AND CAR RENTALS



Knowing Your Airport Staff

Administrative

- Airport Director
 - Andy Solsvig
- Airport Operations Manager
 - Tammy Howland

Support Staff

- Airside Operations / ARFF
 - Mark Marcum
 - Mason Tranter
- Landside Operations
 - Tracy Davis
 - Barb Tucker
- Part-Time
 - Gary Springer
 - Brandon McGaffee
 - Landside (Vacant)



2020 PROJECTS

- Taxiway A & Apron Project
 - Design & Construction
 - \$9.352M
 - Completed ahead of schedule and under budget
- Historic Property Treatment Plan
 - Archaeology study to determine artifacts in the runway safety area
 - \$180,000
 - Allows to move forward with remaining runway project.
- Terminal Heating Units
 - \$17,000 budgeted
 - Installed heating units on existing HVAC to improve heating efficiency in building



OTHER 2020 PROJECTS

- Airfield & Facilities Maintenance
 - Crosswind Runway Work – Help from Road & Bridge
 - Car Rental Parking Lot Improvements – R & B
 - FAA Certification Compliance
 - Weed & Wildlife Control
 - Updating all Plans
 - Water Pump System Controls
 - Took over vending machine contract
 - Fixed terminal building drains



OTHER 2020 PROJECTS

Continued...

- MISC:
 - Approved Airport name change to Canyonlands Regional
 - Approved Critical Documents
 - Rules & Regulations
 - Minimum Standards
 - Lease Template
 - FAA Stimulus CARES Act. Grant Funding
 - Reimbursement Requests
 - Lease Agreement Reconciliation
 - Budget analysis
 - Operations Truck purchase
 - Emergency Exercise Planning Tabletop



CNY End of Year 2020 Budget

- Revenues (2020)

- \$221,854 + Tax support
- Actual: \$255,718
 - +\$427,482 General Fund Reimbursed by Cares Act.
 - 1.0% Fuel Tax
 - 62% General Fund - Reimbursable
 - 11% Airport Fees
 - 26% Leases
- Balance:
 - \$683,200 Break Even
 - FAA Cares Act Fund reimbursable filled gap

- Expenses (2020)

- \$696,430 Operating Budgeted
- Actual: \$683,200 Operating
- Additional funds for CIP
- Debt Service: \$83,000
- Airport Projects: \$9,549,000
 - Includes Payments for:
 - \$9.352M Taxiway A and Apron
 - \$180,00 HPTP
 - \$17,000 Terminal Heaters
 - 95% funded by FAA for Taxiway A and Apron project.
 - Local Match is loaned



CNY 2021 Budget

- Revenues (2021)
 - Operating Revenues
 - Budget Amendment coming
 - FAA Grant Funding will support O&M, Debt Service through stimulus funding \$1M
 - New Airline and Car Rental Agreements
- Expenses (2021)
 - \$720,507 Budget
 - Need additional \$35K for SRE
 - Debt Service is \$83K
- Capital Purchases Budgeted
 - New vehicle entrance gate mechanism
 - Riding paint sprayer
 - Additional security cameras
 - Fixing terminal building awning, stucco, and stone



Passenger Activity

CNY ENPLANEMENTS

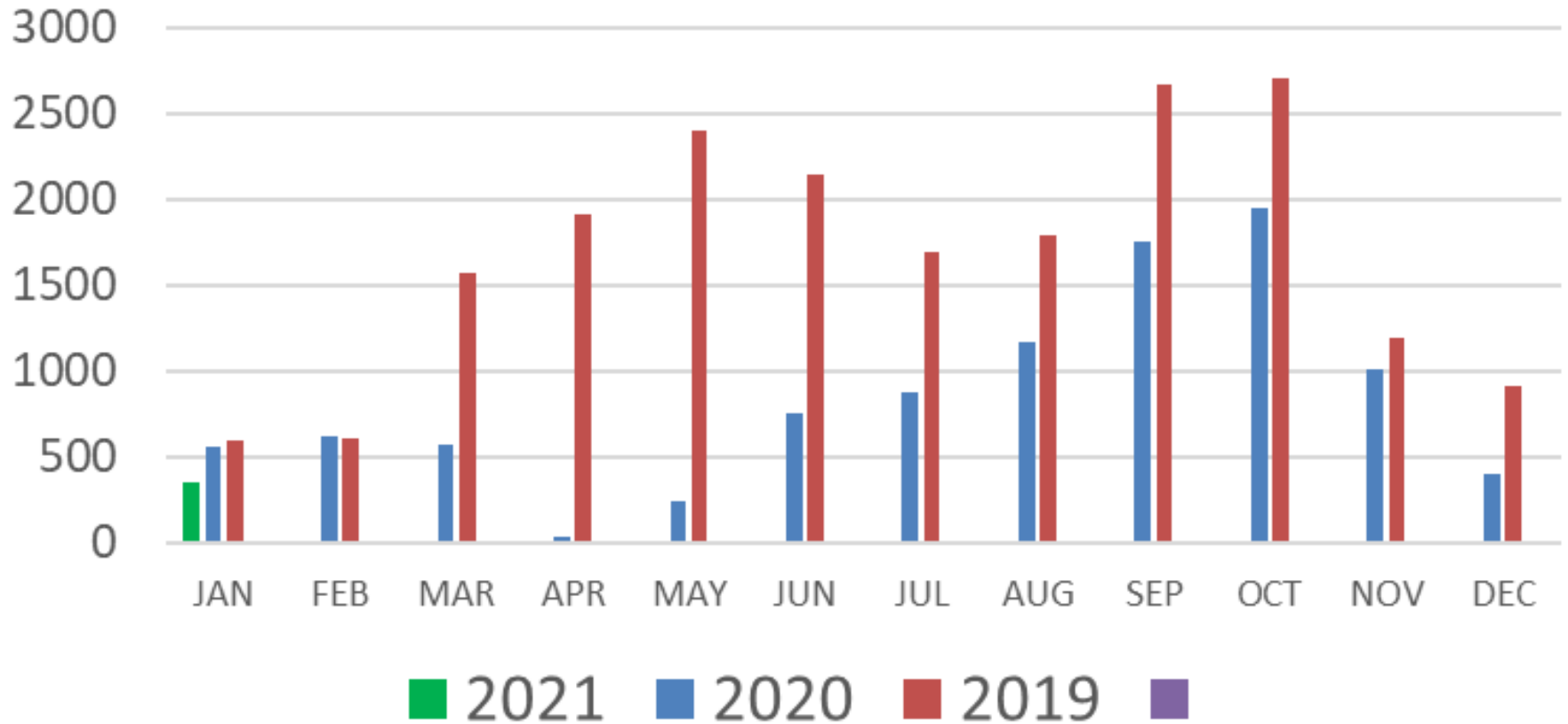
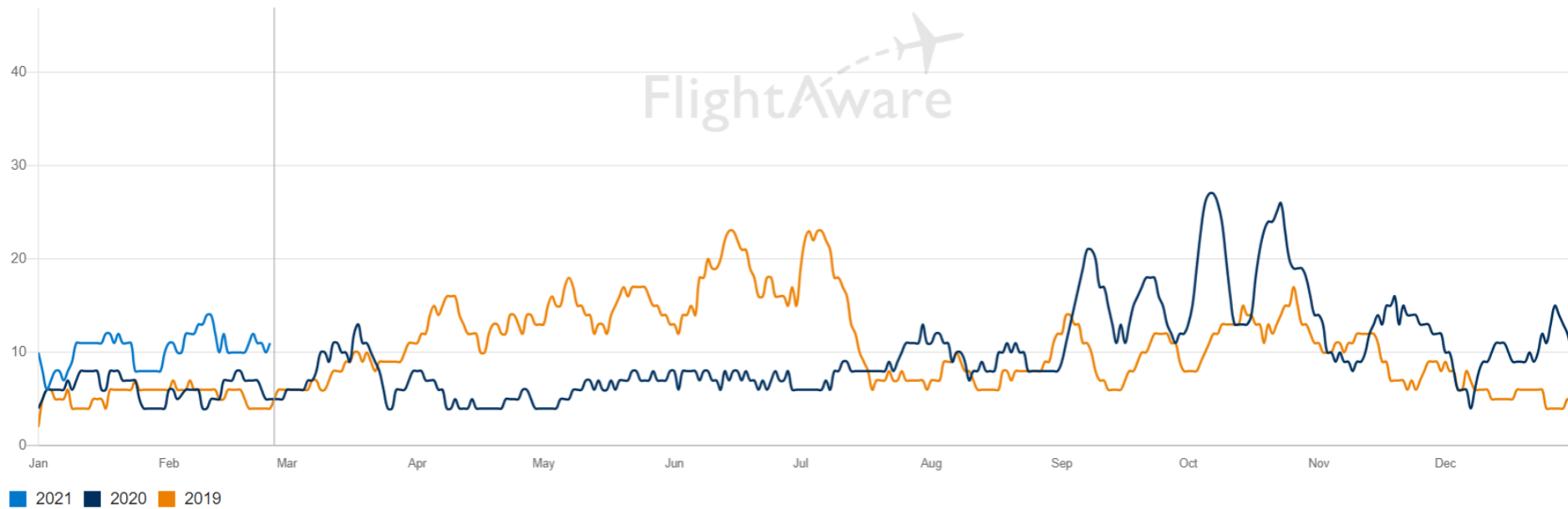
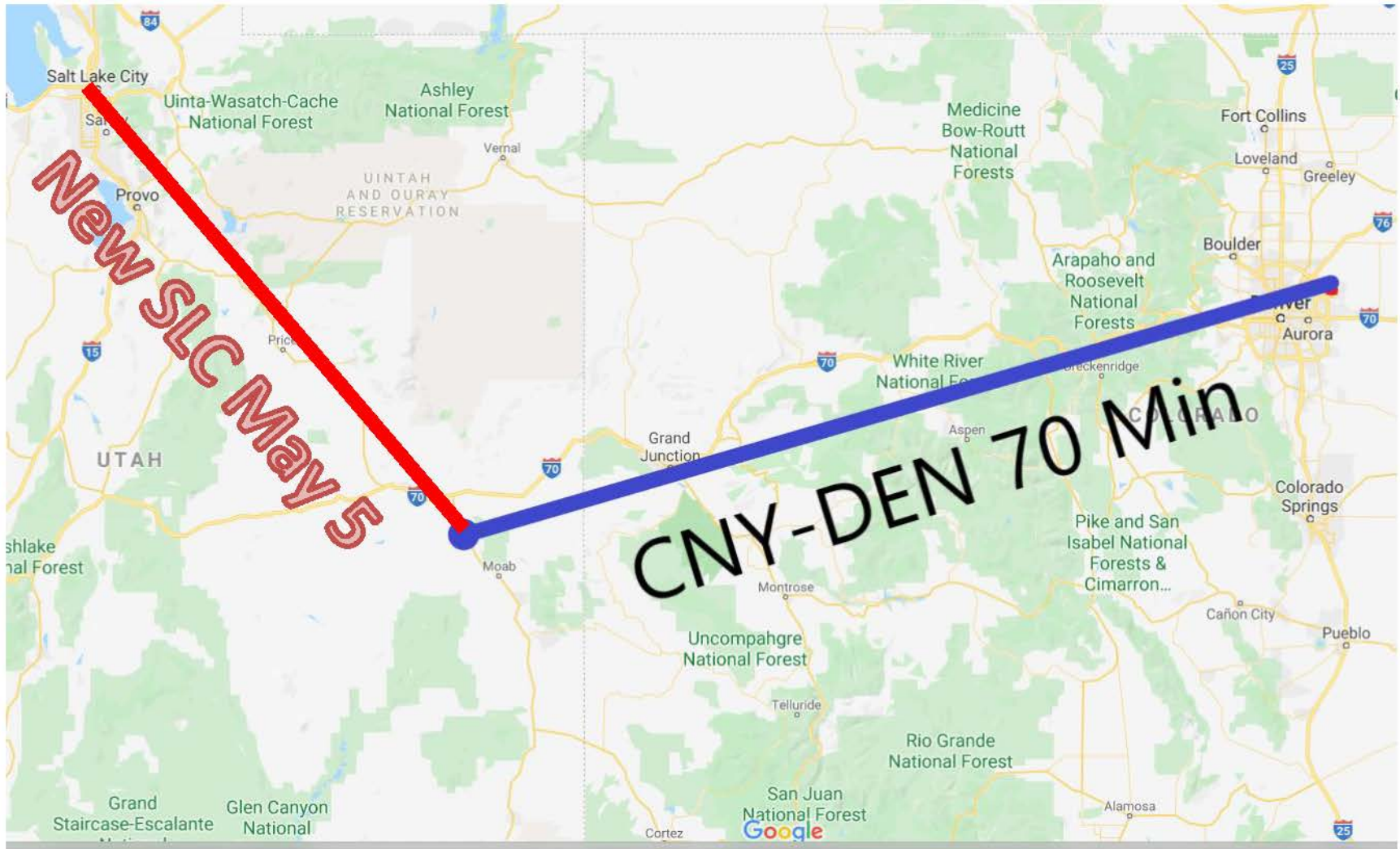


CHART OF FLIGHT PLAN TRAFFIC



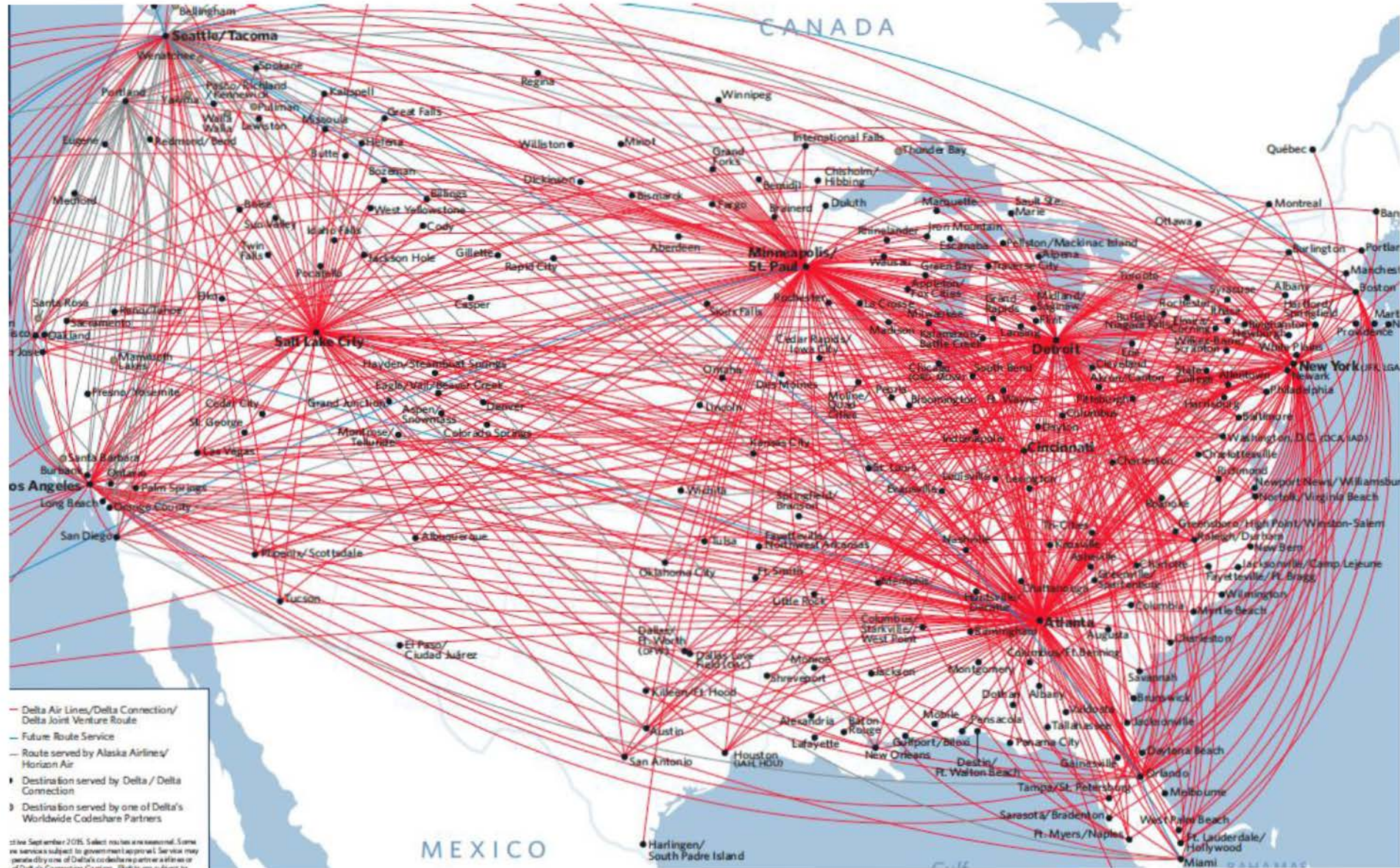
CNY ROUTES



UNITED CONNECTIVITY



DELTA CONNECTIVITY



Why do we do it?

Much more to aviation!

- Airplane tours
- Helicopter tours
- Skydiving
- Balloon tours
- Private aircraft
- Maintenance
- Military
- Life Flights



Why CNY? It's Awesome!



Website & Social Media

Check CNY out

- www.moabairport.com
- www.facebook.com/iflycny
- [https://twitter.com/CNYAirport Moab](https://twitter.com/CNYAirport_Moab)



QUESTIONS?



AGENDA SUMMARY
GRAND COUNTY COUNCIL MEETING
March 2, 2021
Agenda Item: E

TITLE:	Adopting Resolution amending the Bylaws of the Planning Commission
FISCAL IMPACT:	N/A
PRESENTER(S):	Chris Baird – Commission Administrator

Prepared By:
CHRIS BAIRD
COMMISSION
ADMINISTRATOR

FOR OFFICE USE ONLY:

Attorney Review:

N/A

RECOMMENDED MOTION :

I move to adopt the resolution amending the bylaws of the Grand County Planning Commission.

BACKGROUND

The Planning Commission voted unanimously to approve amendments to their bylaws at their regular meeting on January 11, 2021. These amendments included grammatical corrections, and changing the election of officers from the end of the first meeting of the year to the beginning of the meeting.

The Commission Administrator also make proposed amendments linking electronic meeting policy to the current policies of the Grand County Commission, and made clarifying amendments regarding ex parte communications.

ATTACHMENT(s):

1. Resolution
2. Red-Lined Bylaws

RESOLUTION ____ (2021)

**A RESOLUTION OF THE GRAND COUNTY COMMISSION, STATE
OF UTAH, AMENDING BYLAWS OF THE GRAND COUNTY PLANNING
COMMISSION**

WHEREAS, the Grand County Commission (County Commission) adopted Ordinance No. 472, dated June 6, 2008 establishing a process for the adoption of bylaws for Grand County Boards, Commissions and Committees; and

WHEREAS, pursuant to the provisions of 17-27a-301 and 17-27a-302 (renumbered from 17-27-2) Utah Code Annotated, 1953, as amended, the Board of County Commissioners were authorized and empowered to appointed an unpaid County Planning Commission; and

WHEREAS, the County Commission adopted a resolution on March 13, 1972 formally establishing the Grand County Planning Commission (Planning Commission); and

WHEREAS, the County Commission adopted the Land Use Code on January 4, 1999 via Ordinance No. 299 with Section 8.1 of the Land Use Code, "Planning and Zoning Commission;" and

WHEREAS, the County Commission adopted Ordinance Nos. 513 and 515 on February 19, 2013 amending Section 8.1 of the Land Use Code as well as Resolution No. 2998-2013 establishing bylaws; and

WHEREAS, the County Commission adopted Resolution 3206 on February 4, 2020 amending the Planning Commission Bylaws;

WHEREAS, the Planning Commission reviewed the subject bylaws in a public meeting on January 14, 2021 and forwarded a recommendation for approval of the minor amendments; and

WHEREAS, the Commission Administrator reviewed the proposed minor bylaws amendments of the Grand County Planning Commission, as required by Ordinance No. 472 to ensure that such bylaws do not conflict with Grand County ordinances or codes; and

WHEREAS, the Commission Administrator drafted further amendments to enable electronic meetings as per the Ordinances and Policies of the Grand County Commission, and to revise and clarify a prohibition on ex parte communications; and

WHEREAS, Ordinance No. 472 requires the Grand County Commission to approve bylaws by resolution to be maintained in the County Clerk's Office for purposes of historic recordkeeping and reference.

NOW THEREFORE, the Grand County Commission hereby resolves to formally approve, by resolution, the amended bylaws of the Grand County Planning Commission, attached as Exhibit A

APPROVED by the Grand County Commission in open session this 2nd day of March, 2021 by the following vote:

AYE: _____

NAY: _____

ABSTAIN : _____

ABSENT:

ATTEST:

APPROVE:

Quinn Hall
Grand County Clerk/Auditor

Mary McGann
Grand County Commission Chair

EXHIBIT A

AMENDED BYLAWS OF THE GRAND COUNTY PLANNING COMMISSION

GRAND COUNTY PLANNING COMMISSION BYLAWS

Grand County, Utah

ARTICLE I

Authority

The Grand County Planning Commission is authorized by the Utah Code Annotated 17-27a-301 and 17-27a-302 and by Grand County Ordinance 299 (1999), Section 8.1 of the Grand County Land Use Code. The Planning Commission exercises authority and assumes responsibilities delegated to it under these authorities.

ARTICLE II

General Provisions

II.1. Applicable State Statutes, County Ordinances, and Policies

The Grand County Planning Commission, hereinafter referred to as “the Commission,” shall be governed by State statutes and County ordinances and policies including the following:

- a. State statutes applying generally to public boards, members, and officials
- b. State statutes governing the activities of County Planning Commissions
- c. Grand County Ordinances and Resolutions
- d. The Grand County Land Use Code
- e. The bylaws of the Grand County Planning Commission as set forth herein. These bylaws are not adopted by Ordinance and do not have the force of law. They are advisory guidelines only. Consequently, should the Commission waive, suspend, or otherwise deviate from these bylaws during the course of a meeting, such deviation shall not be grounds for invalidating a hearing held during such meeting or any decisions made at such meeting.

II.2. Familiarity with State Statutes, County Ordinance and Resolutions, and Rules Affecting the Commission Upon taking office, all members of the Commission shall familiarize themselves with applicable statutes and rules, ordinances and resolutions, and while in office, shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of Commission affairs.

ARTICLE III

Officers and Election

III.1. Officers

The Officers of the Commission shall be a Chairperson and Vice-chairperson.

III.2. Election

- a. The Chairperson and Vice-chairperson shall be elected as the first item of business at the first meeting of the year after the County Council appoints vacant seats. They shall serve for a term of one year or until their successors are elected. Their term shall start the meeting following the election.
- b. If the office of the Chairperson or Vice-Chairperson becomes vacant, the Commission shall elect a successor from its membership who shall serve the unexpired term of the predecessor.
- c. Nominations shall be by oral motion. At the close of nominations, the Commission shall vote by voice vote upon the names nominated for the office. If requested by the Chair, written ballots may be used for voting purposes.

III.3. Chair

The Chairperson has the following duties:

- a. The Chairperson presides at all meetings of the Planning Commission maintaining order and decorum, and insures that the procedures prescribed in the Grand County Land Use Code, Utah state code, and policies stated herein are followed.
- b. The Chairperson sets the agenda.
- c. The Chairperson may call special meetings at any time and in accordance with applicable state and County codes.
- d. The Chairperson may appoint up to three Commission members to serve on a committee as needed.
- e. The Chairperson shall inquire regarding potential conflicts of interest and ex parte communication, regarding agenda items, at the beginning of a public meeting or hearing.

III.4. Vice-chair

The Vice-chair performs the duties of the Chairperson in the absence of the Chairperson, or duties as delegated by the Chairperson. In the event of temporary absence of the Chairperson and Vice-chairperson, the remaining members present shall elect an acting Chairperson for that meeting.

ARTICLE IV Vacancies, Interviews, and Voting

IV.1. Vacancies

County staff shall notify the current Commission of those members whose terms will expire at the end of the calendar year. In cases where a vacancy is created during the middle of a board member's term (mid-term vacancy), County staff shall notify the Commission as soon as practically possible. County staff shall post a notice of Board vacancies, including mid-term vacancies, in a local newspaper of record.

IV.2. Candidate Interviews

The Commission shall interview qualified candidates and provide a recommendation

to the County Commission. At the start of each interview, candidates will be given three minutes to briefly introduce themselves and to provide relevant information as to background and experience. During the interview process Commissioners are encourage to ask questions which verify a candidate's experience and eligibility of meeting requirements of service. Commissioners shall ask the same questions of each candidate. After responding to those questions, Commissioners may ask the applicant additional clarifying questions if necessary.

IV.3. Voting

The Commission shall vote upon the names of candidates in alphabetical order. Each Commissioner shall be entitled to one vote for each vacancy. Commissioners shall vote by voice or a raise of hands. If requested by the Chair, written ballots may be used for voting purposes.

Planning staff will tally the number of votes cast for each candidate and read this information back to the Commission. Planning Commission, by motion will forward this recommendation, including any findings, to the County Council for consideration.

IV.4. Recommendations to the County Commission

The Chairperson, or Planning staff as directed by the Chairperson, shall present the Commission's recommendation, including any findings, to the County Commission.

ARTICLE V Meetings and Organization

V.1. Open Meetings

All regular meetings, special meetings, workshops, and field trips of the Commission are open to the public and will be noticed in accordance with the requirements of The Open and Public Meetings Act.

V.2. Regular Meetings

Regular Commission meetings shall be twice a month unless there are mitigating circumstances, such as a lack of a quorum, lack of items to be discussed, holidays or other circumstances.

V.3. Annual Training

Commission members are required to attend an annual Open Meetings Training, as provided by Grand County or an online equivalent training. Commissioners are encouraged to attend the Citizen Planner Workshop, as conducted by the Utah League of Cities and Towns or other entity.

V.4. Special Meetings, Workshops, and Field Trips

Special meetings, workshops, and field trips for any purpose may be held at the call of the Chairperson or the Grand County Commission.

V.5. Agendas

Agendas shall be set at the direction of the Chairperson. Agendas for regular meetings shall be provided by staff to all members at least three days prior to the meeting.

V.6. Meeting Materials

Planning Department staff shall provide meeting materials to Commission members by 5:00PM the Friday before the Planning Commission meeting date unless extenuating circumstances exist. Meeting materials will be available for review by the public in the Planning Department at 125 East Center Street, Moab, UT 84532 and at the Grand County Library.

V.7. Written Citizen Comment

Any citizen wanting to submit written information to the Planning Commission for inclusion in the Planning Commission meeting materials packet shall provide written comments to the Planning Department by 5:00 PM the Wednesday before the Planning Commission meeting date. All documents, including electronically transmitted material, should be submitted directly to the Planning Department. Materials sent to individual Commission members will not be considered.

V.8. Minutes

The recording of minutes of all Commission meetings shall be the responsibility of Planning Department staff. In the event staff is absent from any meeting, the Planning Department may send a designee.

V.9. Rules of Order

In the event a question over procedures arises, Robert's Rules of Order shall prevail.

V.10. Voting

Commission members shall make a good faith effort to become knowledgeable on matters before the Commission. A quorum of the Commission shall consist of four members and the affirmative vote of at least four members in attendance shall be necessary to pass any motion.

V.11. Motion

All decisions of the Commission shall be made in a public meeting by motion, made and seconded, and by voice vote. Any Commissioner may make or second a motion. If there is any ambiguity on any vote or if the nature of the application or petition warrants, the Chairperson may conduct a roll call vote.

Motions should be supported by reason and include findings. The person making the motion is encouraged to state the reasons and finding(s) supporting the motion at the time the motion is made. Any conditions for approval must be stated in the motion. The motion may refer to the staff report for details of the conditions for approval if the person making the motion desires to do so.

V.12. Conduct During Public Meetings

During all meetings and hearings, persons providing testimony shall proceed without interruption except by members of the Commission at the discretion of the Chairperson. All comments, arguments, and pleadings shall be addressed to the Chairperson and there shall be no debate or argument between individuals in the audience. There shall be no debate or argument between individuals. The Chairperson shall maintain order and decorum, and, to that end may order removal of disorderly or disruptive persons.

Any member of the Commission, Counsel to the Commission, or the Commission staff, upon recognition by the Chairperson, may direct any questions to the applicant, witness, or any person speaking from the audience for the purpose of eliciting relevant facts. The Chairperson or Commission members may call for relevant facts from staff and make appropriate comments relevant to the matter.

V.13. Time Control

The Chairperson may control the time for debate on any issue. Care should be taken to insure fairness in the hearing process. Those speaking in support and opposed should have substantially equal time. The Chairperson may stop debate once he or she believes the issue has been adequately and fairly heard.

V.14. Citizen, Applicant, and Other Participation by Real-Time Telecommunication

Participation by Citizens, Applicants, and Others may be allowed by real-time telecommunication as per the current Ordinances and Policies established for such by the Grand County Commission.

V.15. Quorum: Means the minimum number of persons required to act as a body. A quorum requires 4 (four) Commission members whom must be present as per the current Ordinances and Policies established for such by the Grand County Commission.

V.16. Commissioner Participation by Real-Time Telecommunication

Planning Commissioner participation by real-time electronic means shall be permitted as per the current Ordinances and Policies established for such by the Grand County Commission.

V.17. Request to Withdraw or Amend Applications or Petitions

Upon request from the applicant, petitioner, or authorized agent, an application or petition may be withdrawn at any time before the Commission makes a decision on the same.

An applicant, petitioner or authorized agent may amend applications or petitions in any lawful manner on written request delivered to the Commission not less than 14 days prior to the scheduled public meeting. The purpose of this requirement is to assure that the amendment is properly evaluated and addressed in the staff report. In the event that an amendment to an application or petition is received less than 14 days before the public meeting addressing the same, the staff will orally report to the Commission at the public meeting the nature of the amendment. The Commission shall determine whether the nature of the amendment is such as to require reexamination by the County attorney or staff. If reexamination of the amendment is deemed necessary, the Commission may proceed with the hearing or may continue it to a future date until it has received sufficient information and analysis to make the appropriate findings and conclusions associated with the amended application or petition.

ARTICLE VI

Ethical Considerations

The following ethical principles shall guide the actions of the Commission and its members.

VI.1. Serve the Public Interest

The primary obligation of the Commission and each member is to serve the public interest.

VI.2. Support Citizen Participation in Planning

The Commission shall ensure a forum for meaningful citizen participation and expression in the planning process, and assist in the clarification of community goals, objectives and policies.

VI.3. Conflict of Interest

Planning Commission members shall adhere to Grand County policy as stated in Ordinance 462, or any subsequent amendment thereof, regarding conflicts of interest. A member with a conflict of interest shall be required to disclose such conflict prior to consideration of the matter by the Planning Commission. A member with a conflict of interest may not attempt to influence other members or appointed staff outside the meeting. A member with a conflict of interest shall be required to recuse herself or himself from participating in, commenting on, or voting on the matter in which such conflict exists.

VI.4. Ex Parte Communication / Ensure Full Disclosure at Public Meetings

A Planning Commissioner shall not have any ex parte discussions regarding any business before the Commission. For the purpose of the Planning Commission policy, ex parte discussions include any communication with interested parties of any issue coming before the Planning Commission outside of a public meeting, and prior to the Commission's final decision. Any ex parte communications or information shall be disclosed in a public meeting.

VI.5. Maintain Public Impartiality

Commission members may seek information from other Commission members, the counsel to the Commission, staff serving the Commission, or the staff of other departments or agencies advising the Commission. Each member of the Commission has an ethical duty to avoid making public statements for or against the merits of any application before the Commission hearing is concluded and a decision or recommendation has been rendered.

VI.6. Faithful Attendance and Performance

Should circumstances arise where a Planning Commission member is unable to attend a scheduled meeting, the member shall be responsible for notifying the Chair or Planning Department staff as soon as possible. If circumstances prevent faithful attendance and performance of Planning Commission member duties, the member should resign from the Planning Commission.

ARTICLE VII

Resignations and Removal of Membership

VII.1. Resignations

Any member of the Commission must submit a signed letter of resignation specifying the effective date on which the member's service will cease. The letter of resignation shall be submitted to the County Commission Office.

VII.2. Acceptance of Resignation

The County Commission shall accept resignation upon receipt thereof.

VII.3. Removal from Commission

Planning Commission may request the resignation of a member for reasons of attendance and/or ethical considerations. County Commission may remove a Commission member for cause prior to the expiration of the appointed term.

ARTICLE VIII

Adoption, Review, and Amendment of Bylaws

VIII.1. Annual Review and Amendment

The bylaws will be reviewed by the Commission at the beginning of each calendar year. Amendments will be recommended to the County Commission for approval as per County Ordinance 472 (2008).

VIII.2. Waiving or Suspending Rules

A rule of procedure may be suspended or waived at any meeting by unanimous vote of the Commission members present unless such rule is set by state law or County ordinance.

GRAND COUNTY PLANNING COMMISSION BYLAWS

Grand County, Utah

ARTICLE I

Authority

The Grand County Planning Commission is authorized by the Utah Code Annotated 17-27a-301 and 17-27a-302 and by Grand County Ordinance 299 (1999), Section 8.1 of the Grand County Land Use Code. The Planning Commission exercises authority and assumes responsibilities delegated to it under these authorities.

ARTICLE II

General Provisions

II.1. Applicable State Statutes, County Ordinances, and Policies

The Grand County Planning Commission, hereinafter referred to as “the Commission,” shall be governed by State statutes and County ordinances and policies including the following:

- a. State statutes applying generally to public boards, members, and officials
- b. State statutes governing the activities of County Planning Commissions
- c. Grand County Ordinances and Resolutions
- d. The Grand County Land Use Code
- e. The bylaws of the Grand County Planning Commission as set forth herein. These bylaws are not adopted by Ordinance and do not have the force of law. They are advisory guidelines only. Consequently, should the Commission waive, suspend, or otherwise deviate from these bylaws during the course of a meeting, such deviation shall not be grounds for invalidating a hearing held during such meeting or any decisions made at such meeting.

II.2. Familiarity with State Statutes, County Ordinance and Resolutions, and Rules Affecting the Commission Upon taking office, all members of the Commission shall familiarize themselves with applicable statutes and rules, ordinances and resolutions, and while in office, shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of Commission affairs.

ARTICLE III

Officers and Election

III.1. Officers

The Officers of the Commission shall be a Chairperson and Vice-chairperson.

III.2. Election

- a. The Chairperson and Vice-chairperson shall be elected as the ~~last~~first item of business at the first meeting of the year after the County Council appoints vacant seats. They shall serve for a term of one year or until their successors are elected. Their term shall start the meeting following the election.
- b. If the office of the Chairperson or Vice-Chairperson becomes vacant, the Commission shall elect a successor from its membership who shall serve the unexpired term of the predecessor.
- c. Nominations shall be by oral motion. At the close of nominations, the Commission shall vote by voice vote upon the names nominated for the office. If requested by the Chair, written ballots may be used for voting purposes.

III.3. Chair

The Chairperson has the following duties:

- a. The Chairperson presides at all meetings of the Planning Commission maintaining order and decorum, and insures that the procedures prescribed in the Grand County Land Use Code, Utah state code, and policies stated herein are followed.
- b. The Chairperson sets the agenda.
- c. The Chairperson may call special meetings at any time and in accordance with applicable state and County codes.
- d. The Chairperson may appoint up to three Commission members to serve on a committee as needed.
- e. The Chairperson shall inquire regarding potential conflicts of interest and ex parte communication, regarding agenda items, at the beginning of a public meeting or hearing.

III.4. Vice-chair

The Vice-chair performs the duties of the Chairperson in the absence of the Chairperson, or duties as delegated by the Chairperson. In the event of temporary absence of the Chairperson and Vice-chairperson, the remaining members present shall elect an acting Chairperson for that meeting.

ARTICLE IV

Vacancies, Interviews, and Voting

IV.1. Vacancies

County staff shall notify the current Commission of those members whose terms will expire at the end of the calendar year. In cases where a vacancy is created during the middle of a board member's term (mid-term vacancy), County staff shall notify the Commission as soon as practically possible. County staff shall post a notice of Board vacancies, including

mid-term vacancies, in a local newspaper of record.

IV.2. Candidate Interviews

The Commission shall interview qualified candidates and provide a recommendation to the County ~~Council~~Commission. At the start of each interview, candidates will be given three minutes to briefly introduce themselves and to provide relevant information as to background and experience. During the interview process Commissioners are encourage to ask questions which verify a candidate's experience and eligibility of meeting requirements of service. Commissioners shall ask the same questions of each candidate. After responding to those questions, Commissioners may ask the applicant additional clarifying questions if necessary.

IV.3. Voting

The Commission shall vote upon the names of candidates in alphabetical order. Each Commissioner shall be entitled to one vote for each vacancy. Commissioners shall vote by voice or a raise of hands. If requested by the Chair, written ballots may be used for voting purposes.

Planning staff will tally the number of votes cast for each candidate and read this information back to the Commission. Planning Commission, by motion will forward this recommendation, including any findings, to the County Council for consideration.

IV.4. Recommendations to the County ~~Council~~Commission

The Chairperson, or Planning staff as directed by the Chairperson, shall present the Commission's recommendation, including any findings, to the County ~~Council~~Commission.

ARTICLE V Meetings and Organization

V.1. Open Meetings

All regular meetings, special meetings, workshops, and field trips of the Commission are open to the public and will be noticed in accordance with the requirements of The Open and Public Meetings Act.

V.2. Regular Meetings

Regular Commission meetings shall be twice a month unless there are mitigating circumstances, such as a lack of a quorum, lack of items to be discussed, holidays or other circumstances.

V.3. Annual Training

Commission members are required to attend an annual Open Meetings Training, as provided by Grand County or an online equivalent training. Commissioners are encouraged

to attend the Citizen Planner Workshop, as conducted by the Utah League of Cities and Towns or other entity.

V.4. Special Meetings, Workshops, and Field Trips

Special meetings, workshops, and field trips for any purpose may be held at the call of the Chairperson or the Grand County ~~Council~~[Commission](#).

V.5. Agendas

Agendas shall be set at the direction of the Chairperson. Agendas for regular meetings shall be provided by staff to all members at least three days prior to the meeting.

V.6. Meeting Materials

Planning Department staff shall provide meeting materials to Commission members by 5:00PM the Friday before the Planning Commission meeting date unless extenuating circumstances exist. Meeting materials will be available for review by the public in the Planning Department at 125 East Center Street, Moab, UT 84532 and at the Grand County Library.

V.7. Written Citizen Comment

Any citizen wanting to submit written information to the Planning Commission for inclusion in the Planning Commission meeting materials packet shall provide written comments to the Planning Department by 5:00 PM the Wednesday before the Planning Commission meeting date. All documents, including electronically transmitted material, should be submitted directly to the Planning Department. Materials sent to individual Commission members will not be considered.

V.8. Minutes

The recording of minutes of all Commission meetings shall be the responsibility of Planning Department staff. In the event staff is absent from any meeting, the Planning Department may send a designee.

V.9. Rules of Order

In the event a question over procedures arises, Robert's Rules of Order shall prevail.

V.10. Voting

Commission members shall make a good faith effort to become knowledgeable on matters before the Commission. A quorum of the Commission shall consist of four members and the affirmative vote of at least four members in attendance shall be necessary to pass any motion.

V.11. Motion

All decisions of the Commission shall be made in a public meeting by motion, made and seconded, and by voice vote. Any Commissioner may make or second a motion. If there is any ambiguity on any vote or if the nature of the application or petition warrants, the

Chairperson may conduct a roll call vote.

Motions should be supported by reason and include findings. The person making the motion is encouraged to state the reasons and finding(s) supporting the motion at the time the motion is made. Any conditions for approval must be stated in the motion. The motion may refer to the staff report for details of the conditions for approval if the person making the motion desires to do so.

V.12. Conduct During Public Meetings

During all meetings and hearings, persons providing testimony shall proceed without interruption except by members of the Commission at the discretion of the Chairperson. All comments, arguments, and pleadings shall be addressed to the Chairperson and there shall be no debate or argument between individuals in the audience. There shall be no debate or argument between individuals. The Chairperson shall maintain order and decorum, and, to that end may order removal of disorderly or disruptive persons.

Any member of the Commission, Counsel to the Commission, or the Commission staff, upon recognition by the Chairperson, may direct any questions to the applicant, witness, or any person speaking from the audience for the purpose of eliciting relevant facts. The Chairperson or Commission members may call for relevant facts from staff and make appropriate comments relevant to the matter.

V.13. Time Control

The Chairperson may control the time for debate on any issue. Care should be taken to insure fairness in the hearing process. Those speaking in support and opposed should have substantially equal time. The Chairperson may stop debate once he or she believes the issue has been adequately and fairly heard.

V.14. Citizen, Applicant, and Other Participation by Real-Time Telecommunication

Participation by Citizens, Applicants, and Others may be allowed by real-time telecommunication ~~at the discretion of the Chairperson~~ as per the current Ordinances and Policies established for such by the Grand County Commission.

V.15. Quorum: Means the minimum number of persons required to act as a body. A quorum requires 4 (four) Commission members whom must be present ~~in person at the meeting. However absent Commissioners may participate fully by phone or other real time means and engage in debate, asking questions, making motions, voting on motions, and all other functions of the Commission as per the current Ordinances and Policies established for such by the Grand County Commission.~~

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V.16. Commissioner Participation by Real-Time Telecommunication

~~Commissioner participation by real time telecommunication shall be limited to discussion only. No Commission member shall vote on any matter unless such member is physically~~

~~present at the meeting when a vote is taken. Planning Commissioner participation by real-time electronic means shall be permitted as per the current Ordinances and Policies established for such by the Grand County Commission.~~

V.17. Request to Withdraw or Amend Applications or Petitions

Upon request from the applicant, petitioner, or authorized agent, an application or petition may be withdrawn at any time before the Commission makes a decision on the same.

An applicant, petitioner or authorized agent may amend applications or petitions in any lawful manner on written request delivered to the Commission not less than 14 days prior to the scheduled public meeting. The purpose of this requirement is to assure that the amendment is properly evaluated and addressed in the staff report. In the event that an amendment to an application or petition is received less than 14 days before the public meeting addressing the same, the staff will orally report to the Commission at the public meeting the nature of the amendment. The Commission shall determine whether the nature of the amendment is such as to require reexamination by the County attorney or staff. If reexamination of the amendment is deemed necessary, the Commission may proceed with the hearing or may continue it to a future date until it has received sufficient information and analysis to make the appropriate findings and conclusions associated with the amended application or petition.

**ARTICLE VI
Ethical Considerations**

The following ethical principles shall guide the actions of the Commission and its members.

VI.1. Serve the Public Interest

The primary obligation of the Commission and each member is to serve the public interest.

VI.2. Support Citizen Participation in Planning

The Commission shall ensure a forum for meaningful citizen participation and expression in the planning process, and assist in the clarification of community goals, objectives and policies.

VI.3. Conflict of Interest

Planning Commission members shall adhere to Grand County policy as stated in Ordinance 462, ~~or any subsequent amendment thereof~~, regarding conflicts of interest. A member with a conflict of interest shall be required to disclose such conflict prior to consideration of the matter by the Planning Commission. A member with a conflict of interest may not attempt to influence other members or appointed staff outside the meeting. A member with a conflict of interest shall be required to recuse herself or himself from participating in,

commenting on, or voting on the matter in which such conflict exists.

VI.4. Ex Parte Communication / Ensure Full Disclosure at Public Meetings

~~A Planning Commissioner shall not have any ex parte discussions regarding any business before the Commission. For the purpose of the Planning Commission policy, ex parte discussions include any communication with interested parties of any issue coming before the Planning Commission outside of a public meeting, and prior to the Commission's final decision. Any ex parte communications or information shall be disclosed in a public meeting.~~

~~Each case shall be decided on the basis of the evidence placed in the record in a public meeting. Ex parte information on any application received by a Commissioner, whether by mail, telephone, or other communication should be avoided. When such communication does occur it must be made part of the public record by the Commission member. The purpose of disclosing ex parte communication is to get all information on the record so it can then be addressed, confirmed or refuted, by evidence presented by the parties during a meeting.~~

VI.5. Maintain Public Impartiality

Commission members may seek information from other Commission members, the counsel to the Commission, staff serving the Commission, or the staff of other departments or agencies advising the Commission. Each member of the Commission has an ethical duty to avoid making public statements for or against the merits of any application before the Commission hearing is concluded and a decision or recommendation has been rendered.

VI.6. Faithful Attendance and Performance

Should circumstances arise where a Planning Commission member is unable to attend a scheduled meeting, the member shall be responsible for notifying the Chair or Planning Department staff as soon as possible. If circumstances prevent faithful attendance and performance of Planning Commission member duties, the member should resign from the Planning Commission.

ARTICLE VII Resignations and Removal of Membership

VII.1. Resignations

Any member of the Commission must submit a signed letter of resignation specifying the effective date on which the member's service will cease. The letter of resignation shall be submitted to the County Council Commission Office, ~~as per County Resolution _____ (2013).~~

VII.2. Acceptance of Resignation

The County Council Commission shall accept resignation upon receipt thereof.

VII.3. Removal from Commission

Planning Commission may request the resignation of a member for reasons of attendance and/or ethical considerations. County [Council-Commission](#) may remove a Commission member for cause prior to the expiration of the appointed term.

ARTICLE VIII

Adoption, Review, and Amendment of Bylaws

VIII.1. Annual Review and Amendment

The bylaws will be reviewed by the Commission at the beginning of each calendar year. Amendments will be recommended to the County [Council-Commission](#) for approval as per County Ordinance 472 (2008).

VIII.2. Waiving or Suspending Rules

A rule of procedure may be suspended or waived at any meeting by unanimous vote of the Commission members present unless such rule is set by state law or County ordinance.

AGENDA SUMMARY
GRAND COUNTY COMMISSION MEETING
March 2, 2021

Agenda Item: F

TITLE:	Approving Revised High Density Housing Overlay Rules & Regulations
FISCAL IMPACT:	N/A
PRESENTER(S):	Christina Sloan, County Attorney

Prepared By:
CHRIS BAIRD
COMMISSION
ADMINISTRATOR

FOR OFFICE USE ONLY:

Attorney Review:

Complete

STATED MOTION:

I move to approve the Rules and Regulations for the High Density Housing Overlay program administration, to be effective immediately.

BACKGROUND:

The High Density Housing Overlay was approved via Ordinance 591 on June 18, 2019 and codified in the Land Use Code as Section 4.7. The County has received and approved applications for eight projects under the HDHO, for a total of 278 units; however, only 3 projects with a total of 19 deed restricted units have currently received final plat approval.

The County has received complete applications for 5 more units that are not yet ready for Commission review, for a total of 283 units.

Only one unit has received a Certificate of Occupancy, and the County has received one request for owner qualification to date, as of February 3, 2021. Four of the lots were deeded over to qualified Households immediately upon final plat, and the County is working with these owners to qualify them.

The contract between Grand County and the Housing Authority of Southeastern Utah for enforcement and qualification of potential owners and renters was approved at the Commission meeting on Feb 3, 2021. HASU will now be able to qualify potential owners and renters as per the requirements of the LUC Section 4.7 for Actively Employed Households.

After beginning this process for the first time, developers and their realtors contacted the County with many questions about how the County will administer certain aspects of the HDHO program under LUC Section 4.7. In an effort to answer the developers' questions and build confidence and clarity in the HDHO program for local buyers, the County drafted the Rules and Regulations.

The Rules and Regulations do not amend LUC Section 4.7.

PLANNING COMMISSION RECOMMENDATION: APPROVE

The County Attorney presented the Rules and Regulations and a summary of two years of legislative intent and process regarding adoption of the HDHO program to the Planning Commission on 2/8. After the presentation, planning commission members who participated in the development and recommendation of the HDHO concurred with the County Attorney's determination that they intended the HDHO Ordinance to require ownership by qualified Households for primary occupancy or rental to another qualified Household. All voting members of the Planning Commission recommended approval with Steve Evers and Rick York abstaining.

STAFF RECOMMENDATION: APPROVE

Staff supports these Rules and Regulations as written to clarify and describe the process for administering and enforcing the requirements of High Density Housing Overlay developments. The Rules and Regulations contain essential details and clarifying language to assist the County in interpreting Section 4.7 of the LUC and to guide property owners and renters in understanding the process of qualification and restrictions on the property.

ATTACHMENT(S):

1. Rules and Regulations
-

GRAND COUNTY
RULES and REGULATIONS
for
HIGH DENSITY HOUSING OVERLAY DEVELOPMENTS
Effective February 16, 2021

WHEREAS, the legislative body of Grand County has approved the application of the High Density Housing Overlay (“HDHO”) to those HDHO developments approved pursuant to Grand County Ordinance No. 591 (2019) as codified in the Grand County Land Use Code (“LUC”) in Section 4.7;

WHEREAS, Grand County created the HDHO to provide decent, safe and affordable housing in Grand County, Utah for local residents contributing to the workforce;

WHEREAS, as a condition of approval and subject to LUC Section 4.7.6(B), the Lots and Units particularly described in the attached ***Exhibit A*** are deed restricted for Primary Residential Housing for Actively Employed Households in perpetuity;

WHEREAS, Grand County has delegated management of the HDHO program to the Housing Authority of Southeastern Utah (“HASU”), a non-profit organization incorporated in 1994 to administer affordable housing programs for Grand County and San Juan County (as used herein, Grand County shall include its designee, HASU).

SECTION 1. PURPOSE

A. Rules and Regulations. These Rules and Regulations shall provide instructions and guidance to the County and HASU when applying the provisions of LUC Section 4.7 to HDHO Developments. All terms not defined herein shall have the meaning assigned them in LUC Section 4.7.

B. Qualified Ownership Required. LUC Section 4.7, and specifically 4.7.11, requires all HDHO Lots and Units to be sold to Households who qualify thereunder. Temporary lapses in local employment or leaves of absence shall be addressed pursuant to the provisions in Section 3 below.

C. Purpose. Subject to LUC Section 4.7 and these Rules and Regulations, the purpose of the HDHO is to facilitate housing for local residents working in Grand County who maintain their primary residence in Grand County. These Rules and Regulations shall be applied to HDHO Developments in a manner which supports this purpose.

SECTION 2. QUALIFIED HOUSEHOLD

A. Qualified Household. The ownership, use, and occupancy of HDHO Lots and Units shall be limited to qualified Actively Employed Households (hereafter “Qualified Household”), as set forth in LUC Section 4.7 and herein.

1. *Household, defined.*

i. The definition of Actively Employed Households shall not be construed to prohibit a familial financial partner who co-signs a loan with an adult who meets the criteria set forth in LUC Section 4.7.3.

ii. So long as the owner of a business or entity with a primary place of business in Grand County is approved as a Qualified Household, pursuant to LUC Section 4.7.3(A)(2), either the owner or the business or entity may own the HDHO Lot or Unit.

iii. The definition of “owner’s representative” in LUC Section 4.7.3(A)(2) shall be construed to include Directors of a non-profit organization. Accordingly, so long as a majority of the Directors of a non-profit organization with a primary place of business in Grand County is approved as a Qualified Household, pursuant to LUC Section 4.7.3(A)(2), the non-profit organization may own the HDHO Lot or Unit.

2. *Continuing Obligation*. Once an Owner is approved as a Qualified Household, as required by LUC Section 4.7.11, the occupants of the HDHO Lot or Unit shall satisfy the definition of a Qualified Household at all times as required by LUC Section 4.7 **and these Rules and Regulations**.

3. *Duty of Notification*. Each Owner and renter shall notify the County prior to any change in ownership and occupancy of their HDHO Lot or Unit, which change shall be pre-approved by the County pursuant to Section 3 herein. Any failure to pre-qualify a new owner or occupant shall be the sole liability of the owner or renter.

4. *Ownership by Grand County*. Grand County may purchase and own the HDHO Lot and/or Unit.

SECTION 3. APPLICATION PROCEDURE

A. Application Required. Each Owner and renter of an HDHO Lot or Unit shall apply for approval as a Qualified Household on written applications, kept on file with HASU, at least thirty (30) days prior to purchase or lease of an HDHO Lot or Unit.

B. Application Approval. Once HASU determines eligibility, it shall provide written acknowledgement of the same.

C. Notifications Required. Each Owner and renter shall notify HASU prior to any change in ownership or occupancy of their HDHO Lot or Unit or their employment status, which change shall be pre-approved by HASU.

1. *Lapses of Employment.*

i. Temporary lapses of employment of three (3) months or less do not require notification to HASU and shall not affect an owner or renter's status as a Qualified Household.

ii. Lapses of employment lasting more than three (3) months shall be reported to HASU by the owner or renter and require HASU approval to ensure continuing eligibility of the occupant.

2. *Leaves of Absence.*

i. Temporary leaves of absence of three (3) months or less do not require notification to HASU and shall not affect an owner or renter's status as a Qualified Household.

ii. Extraordinary leaves of absence for specialized education, care-giving of a family member, religious or charitable work, or military service, lasting not more than two (2) years, where the owner or renter can demonstrate a commitment to returning to Grand County and otherwise complying with LUC Section 4.7.3(M), may be granted by HASU in advance. In the event of approval, the owner may rent the HDHO Lot or Unit to a Qualified Household during the extraordinary leave of absence.

D. Renewal. HASU will contact each owner and renter on an annual basis to re-qualify the Household. Each owner and renter shall submit a written affidavit that attests to their qualifications and any additional requested documentation required by HASU that proves the same.

E. Denials or Revocation. HASU may deny an Application or revoke a prior determination of eligibility if ~~an owner or~~ the occupant does not ~~qualify and~~ continue to qualify as a Qualified Householder under LUC Section 4.7.3 and these Rules and Regulations. If HASU denies or revokes an Application ~~or prior determination of eligibility~~, that determination shall be referred to the Grand County Planning and Zoning Director for Final Decision.

F. Change in Eligibility. Once an Owner is approved as a Qualified Household, a change in the owner's eligibility status shall not constitute a violation hereunder for the period of time the owner continues to own the HDHO Lot or Unit so long as the occupant continues to qualify as a Qualified Household.

SECTION 4. SALE OF UNITS

- A. Sale of Units, generally. An owner may sell an HDHO Lot or Unit For Sale By Owner or with a licensed Utah realtor. If an HDHO Lot or Unit is occupied during the Listing Period, the occupant must be a Qualified Household.
- B. Notification upon Listing. The owner shall notify the County when an HDHO Lot or Unit is listed for sale, when it goes under contract, and when it sells for the purposes of qualifying the potential or new owner.
- C. Prequalification of Owners. It is advisable for potential buyers of HDHO Lots and Units to request pre-approval as a Qualified Household pursuant to Section 3 above while a sale is pending, at least thirty (30) days and preferably sixty (60) days before closing.

SECTION 5. APPEAL AND ENFORCEMENT

- A. Conflict. In the event of conflict between these Rules and Regulations and LUC Section 4.7, LUC Section 4.7 shall control.
- B. Appeal. A person adversely affected by a denial or revocation of the Grand County Planning and Zoning Director may appeal such Final Decision within thirty (30) days of the County's written decision pursuant to the process set forth in Chapter 1.16 of Grand County's General Ordinances.
- C. Violation, Defined. Any default under LUC Section 4.7, the Deed Restrictions recorded against the HDHO Development, or these Rules and Regulations, including fraud or misrepresentation by an Owner of an HDHO Lot or Unit, shall constitute a violation of County Ordinance.
- D. Investigation and Enforcement. Grand County shall oversee enforcement of LUC Section 4.7 and these Rules and Regulations. Possible violations of the same shall be investigated and enforced under Chapter 1.16 of the General Grand County Ordinances.
- E. Grand County Remedies. An Owner shall cure a Violation or shall sell the HDHO Lot or Unit to a Qualified Household.

ADOPTED by the Grand County Commission on February 16, 2021 in open session of a public meeting.

GRAND COUNTY COMMISSION

ATTEST:

Mary McGann, Chair

Quinn Hall, Clerk/Auditor

Agenda Summary
GRAND COUNTY COMMISSION
March 2, 2021
Agenda Item: G

TITLE:	Approval of Sky Retreat Minor Record Survey in the Westwater Area (Parcel No. 04-0025-0089)
FISCAL IMPACT:	N/A
PRESENTER(S):	Planning & Zoning/GCAO

Prepared By:
CHRISTINA SLOAN
GRAND COUNTY
ATTORNEY

FOR OFFICE USE ONLY:

Attorney Review:

Complete

MOTION:

I move to approve the Minor Record Survey for the Sky Retreat Subdivision for Parcel No. 04-0025-0089 with the following condition:

1. The Road Easement and Quit Claim Deed shall be recorded in the real property records of Grand County, Utah at the same time the Minor Record Survey is filed as a record of survey.

STAFF RECOMMENDATION: APPROVE

Review and consider application materials provided, related to the proposed Sky Retreat Minor Record Survey.

BACKGROUND:

Sky Retreat at Westwater is a 160 acre lot that is an undeveloped private parcel zoned Range and Grazing. This proposal is for three large lots.

ATTACHMENT(S):

- Staff Report
- Resolution
- Minor Record Survey
- Road Easement
- Quit Claim Deeds



STAFF REPORT

DATE: Tuesday, March 2, 2021

TO: Grand County Commission

SUBJECT: Sky Retreat Minor Record Survey

PROPERTY OWNER: TBE LLC

PROP. OWNER REP: Andrew Fasig

PROPERTY ADDRESS: Westwater Area

SIZE OF PROPERTY: 160

EXISTING ZONE: Range and Grazing

EXISTING LAND USE: Vacant Undeveloped

ADJACENT ZONING AND LAND USE(S): R&G

APPLICATION TYPE

Minor Record Survey Application

STAFF RECOMMENDATION: Approve

This minor record survey separates divides 160 acres into three parcels in the Westwater Area. Staff has not identified any inconsistencies with the General Plan or development issues associated with the proposed future site use.

SUMMARY OF REQUEST

TBE LLC represented by Andrew Fasig, Applicant, is requesting approval of a 3-lot minor record survey, located in the Westwater area. The subject property consists of approximately 160 acres and is zoned Range and Grazing (RG). Parcel 1 is 70.66 acres, Parcel 2 is 40 acres, and Parcel 3 is 46.8 acres. The proposed Westwater Road Dedication matches the existing two track on the current survey and has been approved by the Roads Supervisor.

SITE IMPROVEMENTS / ADDITIONS / CHANGES

No site improvements, additions, or changes are proposed or required for this application. The proposed owners of the 160 acres, TBE LLC, intend to develop the Westwater site at a future time. That site plan will be reviewed and approved separately.

CONSIDERATIONS FOR APPROVAL, DENIAL, AND/OR POSTPONEMENT

9.7.1 Purpose

A. Minor record survey is intended to provide an expeditious, one-time only process for small, low impact developments no more than three lots, where all roads and utilities necessary to serve the subdivision are in place consistent with all applicable county standards at the time of application and the resulting lots are in compliance with the underlying zoning. Minor record survey also allows property to be subdivided where such property was lawfully and fully developed in accordance with previous County regulations. Upon approval of a minor record survey, applicants shall be authorized to sell lots within the subdivision that is the subject of the minor record survey by deed with metes and bounds description.

B. These procedures may be utilized only one time for each parcel of land, thereafter subdivision of such parcels shall be subject to preliminary and final plat review procedures.

[Ord. 546, 2016.]

Staff has evaluated the application and finds nothing lacking. The minor record survey should be approved.

COMPATIBILITY WITH GENERAL PLAN

The General Plan does not speak to this application and is not in conflict.

COMPATIBILITY WITH LAND USE CODE (ZONING)

The subject property is zoned Range and Grazing. The proposed minor record survey is not in conflict with the zoning.

LAND USE CODE REFERENCE SECTIONS

See above.

PROPERTY HISTORY

This lot is currently vacant.

APPLICATION PROCEDURE

Decision Type: Administrative

The Zoning Administrator shall be the land use authority for minor record surveys, subject to the requirements of this section. [Ord. 546, 2016.]

APPLICATION MATERIALS for APPROVAL

- MRS
- Quit Claim Deeds

**GRAND COUNTY, UTAH
RESOLUTION _____ (2021)**

**APPROVING THE SKY RETREAT MINOR RECORD SURVEY AND ASSOCIATED
ROAD EASEMENT AND QUIT CLAIM DEED**

WHEREAS, the previously named Grand County Council (“County Council”) adopted the Grand County General Plan (“General Plan”) on April 6, 2004, with Resolution No. 2654, as amended by Resolution No. 2976;

WHEREAS, the County Council adopted the Grand County Land Use Code (“LUC”) on January 4, 1999 with Ordinance No. 299, as amended, for the purpose of regulating land use, subdivision and development in Grand County in accordance with the General Plan;

WHEREAS, TBE, LLC (the “Applicant”) is the owner of record of a parcel of land located in the Range and Grazing District in Grand County, Utah, which parcel is more specifically described as the SE ¼, Section 16, T20S, R25E, SLB&M, comprised of 160 acres (Parcel No. 04-0025-0089) (the “Property”);

WHEREAS, the Applicant submitted an application for a Minor Record Survey to divide the Property into three separate parcels;

WHEREAS, the application is subject to the criteria established by LUC Section 9.7; minimum lots sizes in the Range and Grazing District are set forth in LUC Section 5.4 (21,780 SF);

WHEREAS, the Grand County Planning and Zoning Department has determined the application complies with the requirements of the LUC;

WHEREAS, the Grand County Commission has considered the application and supporting documents in a public meeting on March 2, 2021;

NOW, THEREFORE, BE IT RESOLVED that the Grand County Commission hereby grants approval of the Sky Retreat Minor Record Survey (“MRS”) subject to the following condition:

1. The Road Easement and Quit Claim Deed shall be recorded in the real property records of Grand County, Utah at the same time the MRS is filed as a record of survey.

ADOPTED by the Grand County Commission in open session of a public meeting this 2nd day of March 2021 by the following vote:

Those voting aye: _____
Those voting nay: _____
Those absent: _____

Grand County Commission

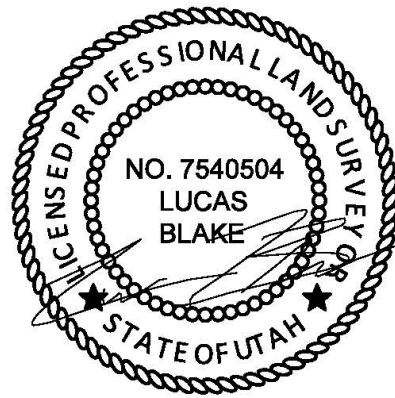
ATTEST:

Mary McGann, Chairman

Quinn Hall, Clerk/Auditor



88 EAST CENTER STREET
Moab, UT 84532
435.259.8171



NOT VALID WITHOUT
ORIGINAL SIGNATURE

STANDARD LEGEND

- FIG. CORNER FOUND MAG. NAIL SET
FIG. CORNER SET BLOCK CORNER
MAG. NAIL FOUND SECTION MONUMENT
(R) RECORD DATA (M) MEASURED DATA
(C) CALCULATED DATA

PROJECT TYPE:
MINOR RECORD
SURVEY

PROJECT ADDRESS:
WEST WATER

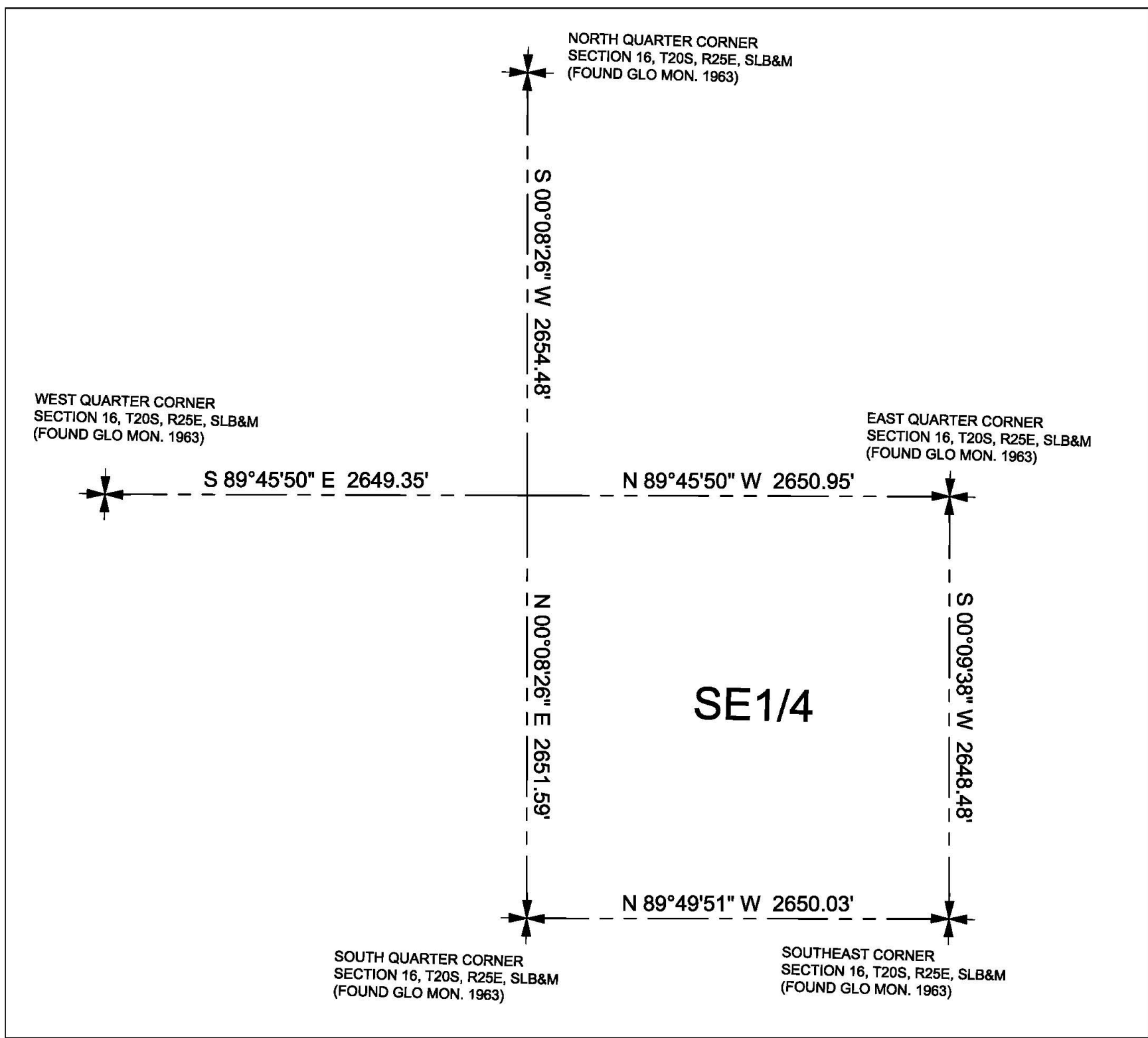
PROJECT LOCATION:
GRAND COUNTY, UTAH

PREPARED FOR:
ANDY FASIG

SHEET 1 OF 1

DATE:
02/11/2021

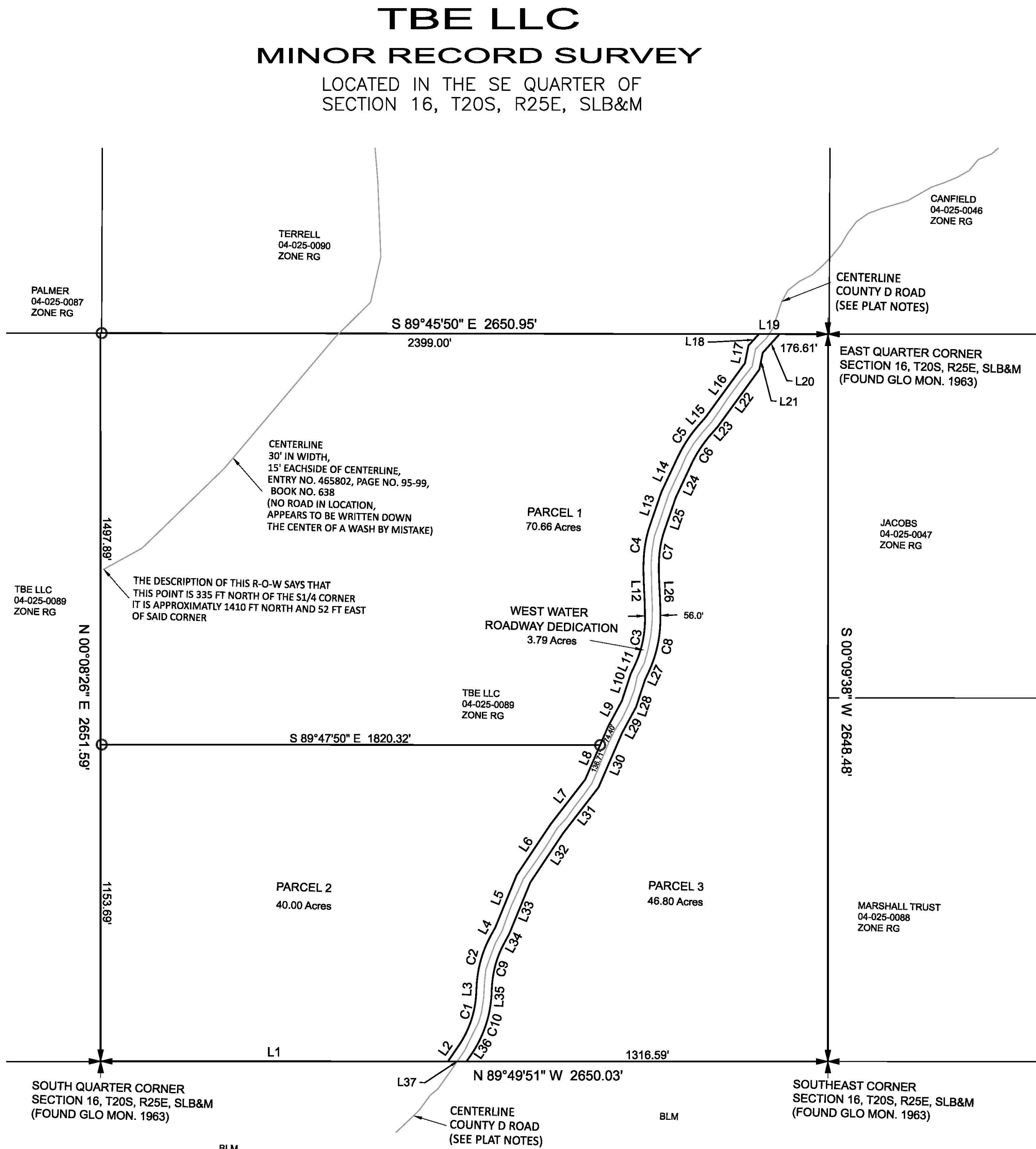
JOB NUMBER:
055-20



SECTION DIMENSION
(NOT TO SCALE)

LINE	BEARING	DISTANCE
L1	S 89°49'51" E	1265.56'
L2	N 34°35'16" E	67.86'
L3	N 03°12'44" E	29.66'
L4	N 28°55'57" E	32.43'
L5	N 22°22'45" E	206.24'
L6	N 33°53'01" E	224.20'
L7	N 37°52'24" E	204.67'
L8	N 23°33'18" E	211.11'
L9	N 28°27'57" E	104.91'
L10	N 18°17'17" E	103.55'
L11	N 25°15'51" E	33.89'
L12	N 01°31'31" W	171.64'
L13	N 19°05'11" E	126.85'
L14	N 25°12'37" E	133.68'
L15	N 41°21'17" E	34.51'
L16	N 36°14'35" E	243.86'
L17	N 11°24'36" E	65.39'
L18	N 42°13'24" E	56.47'
L19	S 89°45'50" E	75.34'
L20	S 42°13'24" W	91.44'
L21	S 11°24'36" W	62.29'
L22	S 36°14'35" W	258.68'
L23	S 41°21'17" W	37.01'
L24	S 25°12'37" W	130.68'
L25	S 19°05'11" W	123.86'
L26	S 01°31'31" E	171.64'
L27	S 25°15'51" W	30.48'
L28	S 18°17'17" W	105.12'
L29	S 28°27'57" W	107.49'
L30	S 23°33'18" W	215.75'
L31	S 37°52'24" W	209.75'
L32	S 33°53'01" W	216.61'
L33	S 22°22'45" W	203.80'
L34	S 28°55'57" W	35.64'
L35	S 03°12'44" W	29.66'
L36	S 34°35'16" W	29.49'
L37	N 89°49'51" W	67.88'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	372.00'	203.71'	201.17'	N 18°54'00" E
C2	428.00'	192.13'	190.52'	N 16°04'21" E
C3	397.00'	185.62'	183.94'	N 11°52'10" E
C4	453.00'	162.96'	162.09'	N 08°46'50" E
C5	528.00'	148.78'	148.28'	N 33°16'57" E
C6	472.00'	133.00'	132.56'	S 33°16'57" W
C7	397.00'	142.82'	142.05'	S 08°46'50" W
C8	453.00'	211.81'	209.88'	S 11°52'10" W
C9	372.00'	166.99'	165.59'	S 18°04'21" W
C10	428.00'	234.37'	231.46'	S 18°54'00" W



DEED RESTRICTIONS FROM PATENT NO. 19472
Book 638 Page No. 95-99 Entry No. 465802

- A. Ownership of all archaeological data, artifacts, specimens, structural remains, archaeological features and deposits, and natural features of ancillary archaeological importance, is reserved to and shall remain in the Trust Lands Administration.
- B. For all activities conducted within sites 42G/2576, 42G/2577, 42G/2578, 42G/2579, 42G/2580, and 42G/2581, Purchaser shall comply with the Utah Antiquities Act, Utah Code annotated § 9-8-201 et seq. and § 9-8-494 (1963), as amended, or any amending or replacing legislation, as if the Trust Lands Administration held title to sites 42G/2576, 42G/2577, 42G/2578, 42G/2579, 42G/2580, and 42G/2581, including but not limited to:
- 1) Prior to commencing any undertaking (as defined in Utah Administrative Code rule R650-60-200) within the limits of sites 42G/2576, 42G/2577, 42G/2578, 42G/2579, 42G/2580, and 42G/2581, or development or change in the use of said sites, Purchaser shall consult with the Trust Lands Administration and seek approval for the proposed undertaking, development or change in use of sites 42G/2576, 42G/2577, 42G/2578, 42G/2579, 42G/2580, and 42G/2581.
- 2) Approval shall be subject to the archaeological data, artifacts, specimens, structural remains, features and deposits contained in sites 42G/2576, 42G/2577, 42G/2578, 42G/2579, 42G/2580, and 42G/2581 being preserved, recovered, or otherwise treated in a manner satisfactory to the Trust Lands Administration.
- 3) Purchaser shall provide the Trust Lands Administration with all collections (i.e., specimens, unprocessed samples, notes and photographs) resulting from archaeological investigations at sites 42G/2576, 42G/2577, 42G/2578, 42G/2579, 42G/2580, and 42G/2581 and all subsequent data analysis and reports.
- C. The Trust Lands Administration may, at its discretion, release the restrictive covenants in part in their entirety in the event it determines, in consultation with the Utah Division of State History, that an appropriate level of data recovery has occurred.
- D. The restrictive covenants are for the benefit of the beneficiaries of the subject lands. The Trust Lands Administration or the Utah Division of State History may monitor compliance with, seek enforcement of, and be entitled to enjoin any violation of the restrictive covenants and to recover damages caused by the violation.
- E. The Trust Lands Administration reserves a right of access in perpetuity across the subject lands to sites 42G/2576, 42G/2577, 42G/2578, 42G/2579, 42G/2580 and 42G/2581 and all subsequent data analysis and reports.
- F. The Trust Lands Administration reserves the right, but does not covenant, to conduct archaeological investigations at sites 42G/2576, 42G/2577, 42G/2578, 42G/2579, 42G/2580 and 42G/2581, along with a right of access for the same, but does not covenant to cause any release of the restrictive covenants pursuant to paragraph C, above.

PLAT NOTES

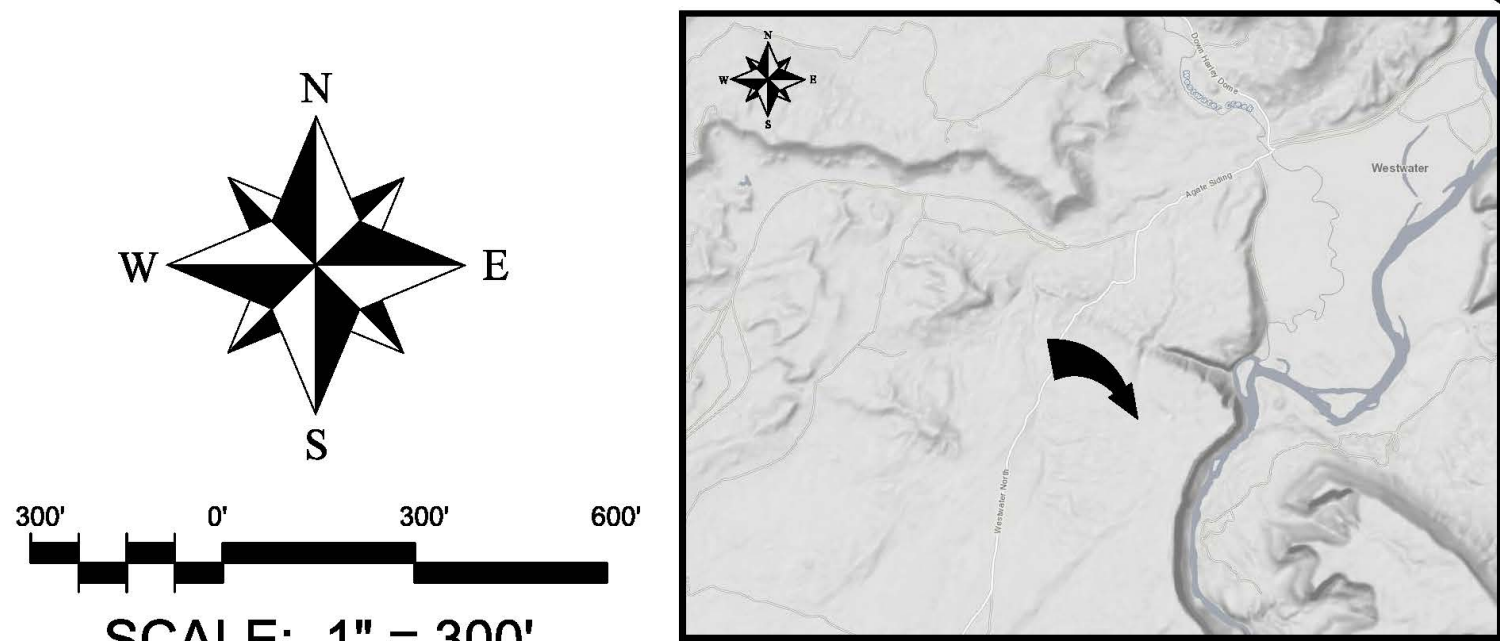
- A RESTRICTION OF IMPERVIOUS AREA NOT TO EXCEED 15 PERCENT OF THE LOT OR LESS THAN 7,000 SQUARE FEET PER LOT SHALL BE PERMITTED. IF A PERMIT IS APPLIED FOR THAT WILL EXCEED THE RESTRICTION, APPLICANT WILL PROVIDE A DRAINAGE PLAN FOR IMPROVEMENTS IN ACCORDANCE WITH THE REQUIREMENTS OF THE GRAND COUNTY LAND USE CODE SECTION 6.7, DRAINAGE, PRIOR TO ISSUANCE OF THE BUILDING PERMIT.
- THERE IS NO UTILITY INFRASTRUCTURE SERVING PARCELS 1,2 & 3. WATER, SEPTIC, AND POWER MUST BE PROVIDED BY THE OWNER.
- THE DEDICATED ROADWAY IS A COUNTY D ROAD, WHICH SHALL REMAIN UNMAINTAINED BY THE COUNTY. THE OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE ROADWAY. THE MAINTENANCE MAY OCCUR AT OWNER'S SOLE COST, ONLY WITH THE ADVANCED CONSENT OF THE ROADS SUPERVISOR.

SURVEYOR NOTES

THE BASIS OF BEARING IS N 89°49'51" W BETWEEN THE SE CORNER AND THE SOUTH QUARTER CORNER OF SECTION 16, TOWNSHIP 20 SOUTH, RANGE 25 EAST, SALT LAKE BASE AND MERIDIAN.

THE INTENT OF THE SURVEY IS TO MONUMENT OR LOCATE ORIGINAL PROPERTY CORNERS. THE SURVEY WAS PERFORMED USING BEST LEGAL EVIDENCE OF OCCUPATION IMPROVEMENTS LOCATED ON THE GROUND. OUR RESEARCH AND SITE WORK HAS DETERMINED NOTES OF IMPORTANCE AS FOLLOWS:

- LOCATED SECTION CORNER MONUMENTS IN PLACE.



VICINITY MAP
NOT TO SCALE

MINOR RECORD SURVEY

SURVEYOR'S CERTIFICATION

I, Lucas Blake, certify that I am a Professional Land Surveyor as prescribed under the laws of the State of Utah and that I hold license no. 7540504. I further certify that an land survey was made of the property described below, and the findings of that survey are as shown hereon.

Lucas Blake
License No. 7540504

LEGAL DESCRIPTION

Parcel 1

Beginning at a point being thence North 00°08'26" East 1153.69 feet from the South Quarter corner of Section 16, Township 20 South, Range 25 East, Salt Lake Base and Meridian, and proceeding thence North 00°08'26" East 1497.89 feet to the center of said Section 16; thence South 89°45'50" East 2399.00 feet; thence South 42°13'24" West 56.47 feet; thence South 11°24'36" West 65.39 feet; thence South 36°14'35" West 243.86 feet; thence South 41°21'17" West 34.51 feet; thence with a curve having a radius of 528.00 feet, to the left with an arc length of 148.78 feet, (a chord bearing of South 33°16'57" West 148.28 feet); thence South 25°12'37" West 133.68 feet; thence South 19°05'11" West 126.85 feet; thence with a curve having a radius of 453.00 feet, to the left with an arc length of 162.96 feet, (a chord bearing of South 08°46'50" West 162.09 feet); thence South 01°31'31" East 171.64 feet; thence with a curve having a radius of 397.00 feet, to the right with an arc length of 185.62 feet, (a chord bearing of South 11°52'10" West 183.94 feet); thence South 25°15'51" West 33.89 feet; thence South 18°17'17" West 103.55 feet; thence South 28°27'57" West 104.91 feet; thence South 23°33'18" West 74.40 feet; thence North 89°47'50" West 1820.32 feet to the point of beginning, having an area of 70.66 acres.

Parcel 2

Beginning at the South Quarter corner of Section 16, Township 20 South, Range 25 East, Salt Lake Base and Meridian, and proceeding thence North 00°08'26" East 1153.69 feet; thence South 89°47'50" East 1820.32 feet; thence South 23°33'18" West 136.72 feet; thence South 37°52'24" West 204.67 feet; thence South 33°53'01" West 224.20 feet; thence South 22°22'45" West 206.24 feet; thence South 28°55'57" West 32.43 feet; thence with a curve having a radius of 428.00 feet, to the left with an arc length of 192.13 feet, (a chord bearing of South 16°04'21" West 190.52 feet); thence South 03°12'44" West 29.66 feet; thence with a curve having a radius of 372.00 feet, to the right with an arc length of 203.71 feet, (a chord bearing of South 18°54'00" West 231.46 feet); thence South 34°35'16" West 67.86 feet; thence North 89°49'51" West 1265.56 feet to the point of beginning, having an area of 40.00 acres.

Parcel 3

Beginning at the East Quarter corner of Section 16, Township 20 South, Range 25 East, Salt Lake Base and Meridian, and proceeding with the center Section line thence South 00°09'38" West 2648.48 feet; thence North 89°49'51" West 1316.59 feet; thence North 34°35'16" East 29.49 feet; thence with a curve having a radius of 428.00 feet, to the left with an arc length of 234.37 feet, (a chord bearing of North 18°54'00" East 231.46 feet); thence North 03°12'44" East 29.66 feet; thence with a curve having a radius of 372.00 feet, to the right with an arc length of 166.99 feet, (a chord bearing of North 16°04'21" East 162.96 feet); thence North 22°22'45" East 203.80 feet; thence North 33°53'01" East 216.61 feet; thence North 37°52'24" East 209.75 feet; thence North 23°33'18" East 215.75 feet; thence North 28°27'57" East 107.49 feet; thence North 18°17'17" East 105.12 feet; thence North 25°15'51" East 30.48 feet; thence with a curve having a radius of 453.00 feet, to the left with an arc length of 211.81 feet, (a chord bearing of North 08°46'50" East 142.05 feet); thence North 19°05'11" East 123.86 feet; thence North 25°12'37" East 130.68 feet; thence with a curve having a radius of 472.00 feet, to the right with an arc length of 133.00 feet, (a chord bearing of North 33°16'57" East 132.56 feet); thence North 41°21'17" East 37.01 feet; thence North 36°14'35" East 258.68 feet; thence North 11°24'36" East 62.29 feet; thence North 42°13'24" East 91.44 feet; thence South 89°45'50" East 176.61 feet to the point of beginning, having an area of 46.80 acres.

West Water Roadway Dedication (Use is for Public Roadway)

Beginning at a point being along the south section line thence South 89°49'51" East 1265.56 feet from the South Quarter corner of Section 16, Township 20 South, Range 25 East, Salt Lake Base and Meridian, and proceeding thence North 34°35'16" East 67.88 feet; thence with a curve having a radius of 372.00 feet, to the left with an arc length of 203.71 feet, (a chord bearing of North 18°54'00" East 201.17 feet); thence North 03°12'44" East 29.66 feet; thence with a curve having a radius of 428.00 feet, to the right with an arc length of 192.13 feet, (a chord bearing of North 16°04'21" West 190.52 feet); thence North 28°55'57" East 32.43 feet; thence North 22°22'45" East 206.24 feet; thence North 33°53'01" East 224.20 feet; thence North 37°52'24" East 204.67 feet; thence North 23°33'18" East 211.11 feet; thence North 28°27'57" East 104.91 feet; thence North 18°17'17" East 103.55 feet; thence North 25°15'51" East 33.89 feet; thence with a curve having a radius of 397.00 feet, to the left with an arc length of 185.62 feet, (a chord bearing of North 11°52'10" East 183.94 feet); thence North 01°31'31" West 171.64 feet; thence with a curve having a radius of 453.00 feet, to the right with an arc length of 162.96 feet, (a chord bearing of North 08°46'50" East 162.09 feet); thence North 19°05'11" East 126.85 feet; thence North 25°12'37" East 133.68 feet; thence with a curve having a radius of 528.00 feet, to the right with an arc length of 148.78 feet, (a chord bearing of North 33°16'57" East 148.28 feet); thence North 41°21'17" East 34.51 feet; thence North 36°14'35" East 243.86 feet; thence North 11°24'36" East 65.39 feet; thence North 42°13'24" East 56.47 feet; thence South 89°45'50" East 75.34 feet; thence South 42°13'24" West 91.44 feet; thence South 11°24'36" West 62.29 feet; thence South 36°14'35" West 258.68 feet; thence South 41°21'17" West 37.01 feet; thence with a curve having a radius of 472.00 feet, to the left with an arc length of 133.00 feet, (a chord bearing of South 33°16'57" West 132.56 feet); thence South 25°12'37" West 130.68 feet; thence South 19°05'11" West 123.86 feet; thence with a curve having a radius of 397.00 feet, to the left with an arc length of 142.82 feet, (a chord bearing of South 08°46'50" West 142.05 feet); thence South 01°31'31" East 171.64 feet; thence with a curve having a radius of 453.00 feet, to the right with an arc length of 211.81 feet, (a chord bearing of South 11°52'10" West 209.88 feet); thence South 25°15'51" West 30.48 feet; thence South 18°17'17" West 105.12 feet; thence South 28°27'57" West 107.49 feet; thence South 23°33'18" West 215.75 feet; thence South 37°52'24" West 209.75 feet; thence South 33°53'01" West 216.61 feet; thence South 22°22'45" West 203.80 feet; thence South 28°55'57" West 35.64 feet; thence with a curve having a radius of 372.00 feet, to the left with an arc length of 166.99 feet, (a chord bearing of South 16°04'21" West 165.99 feet); thence South 03°12'44" West 29.66 feet; thence with a curve having a radius of 428.00 feet, to the right with an arc length of 234.37 feet, (a chord bearing of South 18°54'00" West 231.46 feet); thence South 34°35'16" West 29.49 feet; thence North 89°49'51" West 67.88 feet to the point of beginning, having an area of 3.79 acres.

COUNTY ZONING APPROVAL

APPROVED BY THE GRAND COUNTY ZONING ADMINISTRATOR
THIS _____ DAY OF _____, 20____.

ZONING ADMINISTRATOR

COUNTY COUNCIL APPROVAL

PRESENTED TO THE GRAND COUNTY COUNCIL THIS _____ DAY
OF _____, 20____. SUBDIVISION APPROVED.

COUNTY CLERK

CHAIRMAN, GRAND COUNTY COUNCIL

LOCATED IN THE SE QUARTER OF
SECTION 16, T20S, R25E, SLB&M

Road Easement

TBE LLC, a Utah Limited Liability Company, of Moab, Utah (“Grantor”) hereby grants and conveys to GRAND COUNTY, a Utah political subdivision at 125 E. Center Street, Moab, Utah 84532 (the “Grantee”), for the sum of TEN (\$10.00) Dollars, and other good and valuable consideration, for public road purposes and related roadway appurtenances the following described easement in Grand County, State of Utah, to-wit:

See Exhibit A

SUBJECT TO the following deed restriction: The dedicated roadway is a county D road and shall remain unmaintained by the Grantee. The Grantor shall be responsible for maintenance of the roadway. Such maintenance may occur at Grantor’s sole cost only with the advanced written consent of the County Road Supervisor.

TBE LLC, a Utah Limited Liability Company

Michael Toomey, Manager

STATE OF)
)ss
COUNTY OF)

On this _____ day of _____ 2021, personally appeared before me a notary Public in and for the state of _____, Michael Toomey, Manager, TBE LLC, a Utah Limited Liability Company, the signer of the within instrument, who are personally known to me or whose identities have been satisfactorily established, who duly acknowledged to me that they executed the same for its stated purpose.

NOTARY PUBLIC

Exhibit A
Legal Description

West Water Roadway Dedication

Beginning at a point being along the south section line thence South 89°49'51" East 1265.56 feet from the South Quarter corner of Section 16, Township 20 South, Range 25 East, Salt Lake Base and Meridian, and proceeding thence North 34°35'16" East 67.86 feet; thence with a curve having a radius of 372.00 feet, to the left with an arc length of 203.71 feet, (a chord bearing of North 18°54'00" East 201.17 feet); thence North 03°12'44" East 29.66 feet; thence with a curve having a radius of 428.00 feet, to the right with an arc length of 192.13 feet, (a chord bearing of North 16°04'21" East 190.52 feet); thence North 28°55'57" East 32.43 feet; thence North 22°22'45" East 206.24 feet; thence North 33°53'01" East 224.20 feet; thence North 37°52'24" East 204.67 feet; thence North 23°33'18" East 211.11 feet; thence North 28°27'57" East 104.91 feet; thence North 18°17'17" East 103.55 feet; thence North 25°15'51" East 33.89 feet; thence with a curve having a radius of 397.00 feet, to the left with an arc length of 185.62 feet, (a chord bearing of North 11°52'10" East 183.94 feet); thence North 01°31'31" West 171.64 feet; thence with a curve having a radius of 453.00 feet, to the right with an arc length of 162.96 feet, (a chord bearing of North 08°46'50" East 162.09 feet); thence North 19°05'11" East 126.85 feet; thence North 25°12'37" East 133.68 feet; thence with a curve having a radius of 528.00 feet, to the right with an arc length of 148.78 feet, (a chord bearing of North 33°16'57" East 148.28 feet); thence North 41°21'17" East 34.51 feet; thence North 36°14'35" East 243.86 feet; thence North 11°24'36" East 65.39 feet; thence North 42°13'24" East 56.47 feet; thence South 89°45'50" East 75.34 feet; thence South 42°13'24" West 91.44 feet; thence South 11°24'36" West 62.29 feet; thence South 36°14'35" West 258.68 feet; thence South 41°21'17" West 37.01 feet; thence with a curve having a radius of 472.00 feet, to the left with an arc length of 133.00 feet, (a chord bearing of South 33°16'57" West 132.56 feet); thence South 25°12'37" West 130.68 feet; thence South 19°05'11" West 123.86 feet; thence with a curve having a radius of 397.00 feet, to the left with an arc length of 142.82 feet, (a chord bearing of South 08°46'50" West 142.05 feet); thence South 01°31'31" East 171.64 feet; thence with a curve having a radius of 453.00 feet, to the right with an arc length of 211.81 feet, (a chord bearing of South 11°52'10" West 209.88 feet); thence South 25°15'51" West 30.48 feet; thence South 18°17'17" West 105.12 feet; thence South 28°27'57" West 107.49 feet; thence South 23°33'18" West 215.75 feet; thence South 37°52'24" West 209.75 feet; thence South 33°53'01" West 216.61 feet; thence South 22°22'45" West 203.80 feet; thence South 28°55'57" West 35.64 feet; thence with a curve having a radius of 372.00 feet, to the left with an arc length of 166.99 feet, (a chord bearing of South 16°04'21" West 165.59 feet); thence South 03°12'44" West 29.66 feet; thence with a curve having a radius of 428.00 feet, to the right with an arc length of 234.37 feet, (a chord bearing of South 18°54'00" West 231.46 feet); thence South 34°35'16" West 29.49 feet; thence North 89°49'51" West 67.88 feet to the point of beginning, having an area of 3.79 acres.

WHEN RECORDED, PLEASE RETURN TO:

TBE LLC
375 S Main Street
Suite 501
Moab, UT 84532

QUIT CLAIM DEED

TBE LLC, a Utah Limited Liability Company, Grantor, hereby Quit Claim to TBE LLC, a Utah Limited Liability Company, Grantee, at 375 S Main Street, Suite 501, Moab, UT 84532, for valuable consideration the receipt and sufficiency of which is hereby acknowledged, the following described tract of land in Grand County, State of Utah:

See Exhibit A (the "Property")

SUBJECT TO all easements, restrictions, and covenants of record, including the Plat Notes contained on the Minor Record Survey, attached hereto as ***Exhibit B***.

TBE LLC, a Utah Limited Liability Company

Michael Toomey, Manager

STATE OF _____)
)ss
COUNTY OF _____)

On this _____ day of _____ 2021, personally appeared before me a notary Public in and for the state of _____, Michael Toomey, Manager, TBE LLC, a Utah Limited Liability Company, the signer of the within instrument, who are personally known to me or whose identities have been satisfactorily established, who duly acknowledged to me that they executed the same for its stated purpose.

Exhibit A
Legal Description

Parcel 1

Beginning at a point being thence North 00°08'26" East 1153.69 feet from the South Quarter corner of Section 16, Township 20 South, Range 25 East, Salt Lake Base and Meridian, and proceeding thence North 00°08'26" East 1497.89 feet to the center of said Section 16; thence South 89°45'50" East 2399.00 feet; thence South 42°13'24" West 56.47 feet; thence South 11°24'36" West 65.39 feet; thence South 36°14'35" West 243.86 feet; thence South 41°21'17" West 34.51 feet; thence with a curve having a radius of 528.00 feet, to the left with an arc length of 148.78 feet, (a chord bearing of South 33°16'57" West 148.28 feet); thence South 25°12'37" West 133.68 feet; thence South 19°05'11" West 126.85 feet; thence with a curve having a radius of 453.00 feet, to the left with an arc length of 162.96 feet, (a chord bearing of South 08°46'50" West 162.09 feet); thence South 01°31'31" East 171.64 feet; thence with a curve having a radius of 397.00 feet, to the right with an arc length of 185.62 feet, (a chord bearing of South 11°52'10" West 183.94 feet); thence South 25°15'51" West 33.89 feet; thence South 18°17'17" West 103.55 feet; thence South 28°27'57" West 104.91 feet; thence South 23°33'18" West 74.40 feet; thence North 89°47'50" West 1820.32 feet to the point of beginning, having an area of 70.66 acres.

Parcel 2

Beginning at the South Quarter corner of Section 16, Township 20 South, Range 25 East, Salt Lake Base and Meridian, and proceeding thence North 00°08'26" East 1153.69 feet; thence South 89°47'50" East 1820.32 feet; thence South 23°33'18" West 136.72 feet; thence South 37°52'24" West 204.67 feet; thence South 33°53'01" West 224.20 feet; thence South 22°22'45" West 206.24 feet; thence South 28°55'57" West 32.43 feet; thence with a curve having a radius of 428.00 feet, to the left with an arc length of 192.13 feet, (a chord bearing of South 16°04'21" West 190.52 feet); thence South 03°12'44" West 29.66 feet; thence with a curve having a radius of 372.00 feet, to the right with an arc length of 203.71 feet, (a chord bearing of South 18°54'00" West 201.17 feet); thence South 34°35'16" West 67.86 feet; thence North 89°49'51" West 1265.56 feet to the point of beginning, having an area of 40.00 acres.

Parcel 3

Beginning at the East Quarter corner of Section 16, Township 20 South, Range 25 East, Salt Lake Base and Meridian, and proceeding with the center Section line thence South 00°09'38" West 2648.48 feet; thence North 89°49'51" West 1316.59 feet; thence North 34°35'16" East 29.49 feet;

thence with a curve having a radius of 428.00 feet, to the left with an arc length of 234.37 feet, (a chord bearing of North 18°54'00" East 231.46 feet); thence North 03°12'44" East 29.66 feet; thence with a curve having a radius of 372.00 feet, to the right with an arc length of 166.99 feet, (a chord bearing of North 16°04'21" East 165.59 feet); thence North 28°55'57" East 35.64 feet; thence North 22°22'45" East 203.80 feet; thence North 33°53'01" East 216.61 feet; thence North 37°52'24" East 209.75 feet; thence North 23°33'18" East 215.75 feet; thence North 28°27'57" East 107.49 feet; thence North 18°17'17" East 105.12 feet; thence North 25°15'51" East 30.48 feet; thence with a curve having a radius of 453.00 feet, to the left with an arc length of 211.81 feet, (a chord bearing of North 11°52'10" East 209.88 feet); thence North 01°31'31" West 171.64 feet; thence with a curve having a radius of 397.00 feet, to the right with an arc length of 142.82 feet, (a chord bearing of North 08°46'50" East 142.05 feet); thence North 19°05'11" East 123.86 feet; thence North 25°12'37" East 130.68 feet; thence with a curve having a radius of 472.00 feet, to the right with an arc length of 133.00 feet, (a chord bearing of North 33°16'57" East 132.56 feet); thence North 41°21'17" East 37.01 feet; thence North 36°14'35" East 258.68 feet; thence North 11°24'36" East 62.29 feet; thence North 42°13'24" East 91.44 feet; thence South 89°45'50" East 176.61 feet to the point of beginning, having an area of 46.80 acres.

DEED RESTRICTIONS FROM PATENT NO. 19747

Book 638 Page No. 95-99 Entry No. 465802

A. Ownership of all archaeological data, artifacts, specimens, structural remains, archaeological features and deposits, and natural features of ancillary archaeological importance, is reserved to and shall remain in the Trust Lands Administration.

B. For all activities conducted within site 42Gr2576, 42Gr2577, 42Gr2578, 42Gr2579, 42Gr2580, and 42Gr2581, Purchaser shall comply with the Utah Antiquities Act, Utah Code annotated § 9-8-201 et seq. and § 9-8-494 (1953), as amended, or any amending or replacing legislation, as if the Trust Lands Administration held title to sites 42Gr2576, 42Gr2577, 42Gr2578, 42Gr2579, 42Gr2580, and 42Gr2581, including but not limited to:

1) Prior to commencing any undertaking (as defined in Utah Administrative Code rule R850-60-200) within the limits of sites 42Gr2576, 42Gr2577, 42Gr2578, 42Gr2579, 42Gr2580, and 42Gr2581, or development or change in the use of said sites, Purchaser shall consult with the Trust Lands Administration and seek approval for the proposed undertaking, development or change in use of sites 42Gr2576, 42Gr2577, 42Gr2578, 42Gr2579, 42Gr2580, and 42Gr2581.

2) Approval shall be subject to the archaeological data, artifacts, specimens, structural remains, features and deposits contained in sites 42Gr2576, 42Gr2577, 42Gr2578, 42Gr2579, 42Gr2580, and 42Gr2581 being preserved, recovered, or otherwise treated in a manner satisfactory to the Trust Lands Administration.

3) Purchaser shall provide the Trust Lands Administration with all collections (i.e., specimens, unprocessed samples, notes and photographs) resulting from archaeological investigations at sites 42Gr2576, 42Gr2577, 42Gr2578, 42Gr2579, 42Gr2580, and 42Gr2581 and all subsequent data analyses and reports.

C. The Trust Lands Administration may, at its discretion, release the restrictive covenants in part in their entirety in the event it determines, in consultation with the Utah Division of State History, that an appropriate level of data recovery has occurred.

D. The restrictive covenants are for the benefit of the beneficiaries of the subject lands. The Trust Lands Administration or the Utah Division of State History may monitor compliance with, seek enforcement of, and be entitled to enjoin any violation of the restrictive covenants and to recover damages caused by the violation.

E. The Trust Lands Administration reserves a right of access in perpetuity across the subject lands to sites 42Gr2576, 42Gr2577, 42Gr2578, 42Gr2579, 42Gr2580 and 42Gr2581 and all subsequent data analyses and reports.

F. The Trust Lands Administration reserves the right, but does not covenant, to conduct archaeological investigations at sites and 42Gr2576, 42Gr2577, 42Gr2578, 42Gr2579, 42Gr2580 and 42Gr25 81, along with a right of access for the same, but does not covenant to cause any release of the restrictive covenants pursuant to paragraph C, above.

AGENDA SUMMARY
GRAND COUNTY COMMISSION MEETING
MARCH 2, 2021
Agenda Item: H

TITLE:	CONSIDERATION FOR ADOPTION OF A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$57,000,000 AGGREGATE PRINCIPAL AMOUNT OF THE COUNTY'S HOSPITAL REVENUE AND REFUNDING BONDS, SERIES 2021 TO REFUND CERTAIN OUTSTANDING OBLIGATIONS AND TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF IMPROVEMENTS TO MOAB REGIONAL HOSPITAL AND THE ADJACENT MEDICAL OFFICE BUILDING AND RELATED IMPROVEMENTS; AND RELATED MATTERS
FISCAL IMPACT:	None for Grand County
PRESENTER(S):	Chris Baird (Commission Administrator) - Randy Larsen (Gilmore & Bell); Jennifer Sadoff (Moab Regional Hospital, CEO)

Prepared By:

CHRIS BAIRD
COMMISSION
ADMINISTRATOR

FOR OFFICE USE ONLY:

Attorney Review:

Complete

SUGGESTED MOTION:

I move to adopt the resolution declaring intent to issue hospital revenue and refunding bonds in an aggregate principal amount not to exceed \$57,000,000 for the purposes of refunding certain outstanding obligations and to finance the acquisition, construction and equipping of improvements to Moab Regional Hospital, and to authorize notice of bonds to be issued.

BACKGROUND:

In August of 2009, the County authorized and issued its \$29,857,000 FHA Insured Mortgage Hospital Revenue Bonds, Series 2009 (Moab Regional Hospital Project) (the "Series 2009 Bonds") and loaned the proceeds thereof to Moab Valley Healthcare, Inc d/b/a Moab Regional Hospital (the "Borrower"). The Borrower used the proceeds of the Series 2009 Bonds to finance a portion of the acquisition, construction, equipping and furnishing of an approximately 56,000 square foot, 17-bed, new hospital facility for the Borrower. In 2010, the Borrower borrowed another \$1,500,000 pursuant to a Supplemental Mortgage Note (the "2010 Mortgage Note") to expand the useable space of the new construction project financed with proceeds of the Series 2009 Bonds.

The Borrower is now requesting that the County authorize and issue new bonds pursuant to the Utah Industrial Facilities and Development Act, Title 11, Chapter 17, Utah Code Annotated 1953, as amended, in the aggregate principal amount of \$57,000,000 for the purpose of loaning such amount to the Borrower. The Borrower will use the proceeds to (1) refinance the Series 2009 Bonds and the 2010 Mortgage Note, (2) finance the construction, improvement and renovation of the Borrower's facilities (including the addition of approximately 30,000 square feet of new space and the renovation of approximately 18,000 square feet of existing space), and (3) pay capitalized interest on the new bonds and certain costs of issuing the new bonds. The new bonds are currently expected to mature on or before December 31, 2024, at which point the Borrower will enter into one or more loans directly with or guaranteed by the United States Department of Agriculture to refinance the County bonds on a long-term basis.

The Borrower is a non-profit 501(c)(3) organization. As authorized under the Internal Revenue Code and Utah law, the Borrower may request that the County issue tax-exempt bonds on its behalf. The Borrower is requesting that the County issue the new bonds to reduce the interest costs related to the new bonds.

The new bonds will not be deemed to constitute or give rise to a general obligation or liability of the County or the State or any political subdivision thereof, or a pledge of or charge against the general credit or taxing power of the County or the State or any political subdivision thereof, but will be a special limited obligation of the County payable solely from the bond payments payable under the Loan Agreement by the Borrower, directly to the Lender, as assignee of the County and holder of the new bonds.

The Borrower will pay all reasonable expenses of County relating to the new bonds. Upon the occurrence of an event of default, Borrower agrees to pay all costs and expenses, including reasonable attorney fees and legal expenses, incurred by the County in enforcing, or exercising any remedies under, the bond documents, and any other rights and remedies. The bond documents also include standard indemnification protections for the County. The County is not liable to the Borrower or the lender under the Loan Agreement.

The County will be responsible for signing an IRS return (Form 8038) after the issuance of the new bonds and will be responsible for making payments on the bonds; however, the bond documents make it clear that the Borrower will make those payments directly to the lender on behalf of the County, and that the payment of the bonds is secured only by the bond payments payable by the Borrower. Accordingly, the County will have no material on-going responsibilities as issuer. The loan documents provide that the Borrower will act as bond registrar and paying agent for the new bonds.

The Borrower proposes that the County initially approve the transaction and the publication of a notice at its March 2 meeting. A public notice which satisfies the requirements of the Internal Revenue Code and Utah law will be published shortly after that meeting. On March 30, the County will then, upon receipt of substantially final documents, finally approve the bond issue and the loan of the proceeds of the new bond to the Borrower. Closing for the bonds and the execution of documents, certificates and other instruments related to the new bonds will take place after March 30. The County may also be required to execute certain documents and instruments in connection with the refinancing of the Series 2009 Bonds.

ATTACHMENT(S):

1. Inducement Resolution and Reimbursement Intent
2. Notice of Bonds to be Issued

Moab, Utah

March 2, 2021

The County Commission (the “Commission”) of Grand County, Utah, met in regular session by electronic means on March 2, 2021, at the hour of 4:00 p.m., with the following members of the Commission being present:

Mary McGann	Chair
Gabriel Woytek	Vice-Chair
Evan Clapper	Commission Member
Jacques Hadler	Commission Member
Trisha Hedin	Commission Member
Sarah Stock	Commission Member
Kevin Walker	Commission Member

Also present:

Quinn Hall	Clerk/Auditor
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Absent:

After the meeting had been duly called to order and after other matters not pertinent to this Resolution had been discussed, a Certificate of Compliance with Open Meeting Law with respect to this March 2, 2021 meeting was presented to the Commission, a copy of which is attached hereto.

The following resolution was then introduced in written form, was fully discussed, and pursuant to motion duly made by _____ and seconded by _____, was adopted by the following vote:

Aye:

Nay:

The Resolution is as follows:

RESOLUTION NO. _____

A RESOLUTION OF THE COUNTY COMMISSION OF GRAND COUNTY, UTAH (THE "COUNTY") AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$57,000,000 AGGREGATE PRINCIPAL AMOUNT OF THE COUNTY'S HOSPITAL REVENUE AND REFUNDING BONDS (MOAB REGIONAL HOSPITAL PROJECT), SERIES 2021 TO REFUND CERTAIN OUTSTANDING OBLIGATIONS AND TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF IMPROVEMENTS TO MOAB REGIONAL HOSPITAL AND THE ADJACENT MEDICAL OFFICE BUILDING AND RELATED IMPROVEMENTS (COLLECTIVELY, THE "PROJECT"); PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED AND A NOTICE OF PUBLIC HEARING; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

WHEREAS, the County is authorized by the Industrial Facilities and Development Act, Chapter 17, Title 11, Utah Code Annotated 1953, as amended, (the "Act") to issue revenue bonds for the purpose of defraying the cost of financing, acquiring, constructing, equipping and furnishing land, buildings, facilities and improvements which are suitable for use for any business purposes; and

WHEREAS, the Act provides that a municipality may issue revenue bonds for the purpose of using substantially all of the proceeds thereof to pay or to reimburse a company for the costs of the acquisition and construction of the facilities of a project and that title to or in such facilities may at all times remain in the company and in such case the bonds of the municipality shall be secured by a pledge of one or more notes, debentures, bonds or other secured or unsecured debt obligations of the company; and

WHEREAS, there has been presented to the County at this meeting a request from Moab Valley Healthcare, Inc. d/b/a Moab Regional Hospital, a Utah nonprofit corporation (the "Borrower") asking the County to adopt a resolution authorizing the issuance and sale of the County's Hospital Revenue and Refunding Bonds (Moab Regional Hospital Project), Series 2021 (the "Bonds"), with such other title or designation as may be determined, the proceeds of which will be used to (a) refund all or a portion of the County's outstanding FHA Insured Mortgage Hospital Revenue Bonds (Moab Regional Hospital Project), Series 2009 and the Supplemental Mortgage Note dated as of June 24, 2010, executed by the Borrower in favor of U.S. Bank National Association (collectively, the "Refunded Obligations") and (b) finance all or a portion of the costs of the acquisition, construction, reconstruction, remodeling, replacement, equipping and furnishing of (i) an approximately 8,500 square foot addition to the Moab Regional Hospital, (ii) an approximately 18,600 square foot addition to the office medical building adjacent to the Moab Regional Hospital (the "Moab Regional Hospital Complex"), (iii) an approximately 2,500 square foot new mental health and addiction medicine building including medication-assisted treatment on a site proximate or adjacent to the Moab Regional Hospital and the Moab Regional

Hospital Complex, (iv) approximately 2,600 square feet of existing space at the Moab Regional Hospital Complex, (v) approximately 15,000 square feet of existing space at the Moab Regional Hospital and (vi) related improvements to the Moab Regional Hospital and the Moab Regional Hospital Complex sites (collectively, the “Project”); and

WHEREAS, the Bonds shall be special limited obligations of the County payable solely from and secured by revenues, rights, interests and collections pledged by the Borrower and shall not constitute nor give rise to a general obligation or liability (legal or equitable) of the County or of the State of Utah or of any subdivision thereof or a charge against its general credit or taxing power; and

WHEREAS, the County has determined that it would be in furtherance of the purposes of the County and the Act to issue not more than \$57,000,000 of the Bonds, for the purpose of refunding the Refunded Obligations and financing the acquisition, construction, and equipping of the Project; and

WHEREAS, Section 11-17-16 of the Act provides for the publication of a Notice of Bonds to be Issued, and the County desires to publish such a notice at this time in compliance with the Act with respect to the Bonds and to give notice of a public hearing to be held by the County with respect to the Bonds;

THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF GRAND COUNTY, UTAH, AS FOLLOWS:

Section 1. All terms defined in the foregoing recitals hereto shall have the same meanings when used herein.

Section 2. All action heretofore taken (not inconsistent with the provisions of this Resolution), by the County and by the officers of the County directed toward the issuance of the Bonds are hereby ratified, approved and confirmed.

Section 3. In order to refund the Refunded Obligations and to finance the acquisition, construction and equipping of the Project with the resulting public benefits which will flow therefrom, the County hereby expresses its intent to issue the Bonds pursuant to the provisions of the Act in a principal amount presently estimated not to exceed \$57,000,000, subject to the County Commission adopting a final bond resolution approving documentation for such Bonds.

Section 4. The County will loan the proceeds of the Bonds to the Borrower pursuant to a loan agreement or other financing document between the County and the Borrower whereby such entity will be obligated, among other things, (i) to make payments to the County or the purchaser of the Bonds in amounts and at times sufficient to pay the principal of and premium, if any, and interest on all of the Bonds and (ii) to provide, or cause to be provided, collateral or other security to secure payment of the Bonds in such manner and in such amounts as the purchaser of the Bonds deems appropriate. The County has not authorized the pledge of its credit for the payment of the Bonds or the financing of the Project.

Section 5. The County hereby expresses the intent to reimburse the Borrower for costs of the Project determined to be qualified for reimbursement pursuant to the provisions of Treasury Regulation Section 1.150-2. Notwithstanding anything herein contained to the contrary, the County shall have no liability to the Borrower for any costs or funds advanced if the Bonds are not issued.

Section 6. The Commission hereby finds and determines that it is in the best interests of the County for the County to issue not more than \$57,00,000 aggregate principal amount of its Hospital Revenue and Refunding Bonds (Moab Regional Hospital Project), Series 2021 (with such other designation as may be determined by appropriate officers of the County) for the purpose of refunding the Refunded Obligations, financing the acquisition, construction, and equipping of the Project to be located in the County and paying related expenses.

Section 7. The County hereby authorizes and approves the issuance and sale of the Bonds pursuant to the provisions of this Resolution and a Final Bond Resolution to be adopted by the Commission authorizing and confirming the issuance and sale of the Bonds.

Section 8. In accordance with provisions of the Act and in order to comply with Section 147(f) of the Internal Revenue Code of 1986, as amended, the Commission hereby authorizes the Clerk/Auditor to publish a “Notice of Bonds to be Issued and of Public Hearing” (i) one time in the Times Independent, a newspaper of general circulation within the County, at least fourteen (14) days prior to March 30, 2021, the hearing date set forth in said Notice, (ii) on the Utah Public Notice Website created under Section 63F-1-701 Utah Code Annotated 1953, as amended, and (iii) on the Utah Legal Notices website (www.utahlegals.com) created under Section 45-1-101, Utah Code Annotated 1953, as amended, and the Commission will meet in public session on March 30, 2021 to receive public comment on the proposed issuance of the Bonds. The Clerk/Auditor shall also cause a copy of this Resolution to be kept on file in his/her office in Moab, Utah, for public examination during the regular business hours of the County until at least thirty (30) days from and after the date of publication thereof. The Notice of Bonds to be Issued and of Public Hearing is in substantially the following form:

NOTICE OF BONDS TO BE ISSUED
AND OF PUBLIC HEARING
COUNTY COMMISSION OF GRAND COUNTY, UTAH

WITH RESPECT TO
NOT TO EXCEED \$57,000,000
HOSPITAL REVENUE AND REFUNDING BONDS
(MOAB REGIONAL HOSPITAL PROJECT)
SERIES 2021

NOTICE IS HEREBY GIVEN that on March 2, 2021, the County Commission of Grand County, Utah (the “County”) adopted a resolution (the “Resolution”) declaring its intent to issue hospital revenue and refunding bonds in an aggregate principal amount not to exceed \$57,000,000 (the “Bonds”) and to mature on or prior to December 31, 2024, pursuant to the Utah Industrial Facilities and Development Act, Title 11, Chapter 17, Utah Code Annotated 1953, as amended (the “Act”). Pursuant to the Resolution, the County proposes to lend the proceeds of the Bonds to Moab Valley Healthcare, Inc. d/b/a Moab Regional Hospital, a Utah nonprofit corporation (the “Borrower”), pursuant to the terms of a loan agreement (the “Loan Agreement”), for the purpose of (1) refinancing all of the County’s outstanding FHA Insured Mortgage Hospital Revenue Bonds (Moab Regional Hospital Project), Series 2009, issued in the original principal amount of \$29,857,000 for the purpose of financing a portion of the acquisition, construction, equipping and furnishing of an approximately 56,000 square foot, 17-bed, new hospital facility for the Borrower (“MRH”) and related improvements, including but not limited to an approximately 12,000 square foot medical office building (“MRHC”) adjacent to MRH (collectively, the “2009 Improvements”); (2) refinancing all of the outstanding Supplemental Mortgage Note dated as of June 24, 2010, executed by the Borrower in favor of U.S. Bank National Association, issued in the original principal amount of \$1,500,000 for the purpose of financing the construction of additional useable square footage for MRHC (the “2010 Improvements”); (3) financing all or a portion of the acquisition, construction, reconstruction, remodeling, replacement, equipping and furnishing of (i) an approximately 8,500 square foot addition to MRH, (ii) an approximately 18,600 square foot addition to MRHC, (iii) an approximately 2,500 square foot new mental health and addiction medicine building including medication-assisted treatment (e.g. Methadone, suboxone, etc.) on a site proximate or adjacent to MRH and MRHC, (iv) approximately 2,600 square feet of existing space at MRHC, (v) approximately 15,000 square feet of existing space at MRH, and (vi) related improvements to the MRH and MRHC sites (collectively, the “2021 Improvements,” and together with the 2009 Improvements, and the 2010 Improvements, the “Improvements”); and (4) financing capitalized interest and costs of issuing the Bonds (such purposes, the “Project”). The Improvements are or will be located at 450 Williams Way, Moab, Utah, and sites proximate or adjacent thereto, and are or will be owned and operated by the Borrower.

The Bonds shall be issued pursuant to a resolution of the County and the Loan Agreement, and the principal amount, interest rate or rates, maturity and discount, if any, on the Bonds will not exceed the respective maximums authorized by the County. The

Bonds will be special obligations of the County payable solely from amounts provided by the Borrower. The Bonds and the interest thereon will not be a general obligation debt of the County, the State of Utah or any political subdivision thereof, and none of the County, the State of Utah or any political subdivision thereof will be liable thereon. The issuance of the Bonds shall not directly, indirectly or contingently, obligate the County, the State of Utah or any agency, instrumentality or political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Copies of the Resolution and the Loan Agreement are on file in the offices of the County, where they may be examined Monday through Friday (except on legal holidays) from 8:00 a.m. to 5:00 p.m. for a period of at least thirty (30) days from and after the date of publication of this notice.

NOTICE IS FURTHER GIVEN that the County will meet electronically on March 30, 2021, at 4:00 p.m., Mountain Standard Time, via Zoom to receive input from the public with respect to the issuance of the Bonds and the financing and refinancing of the Improvements and the Project. The public may participate by visiting <https://us02web.zoom.us/j/86716252356?pwd=UDd0dDF0bTdjODQ5UmNoWjNjU1Vadz09>, or calling 1-346-248-7799, meeting ID 867 1625 2356, passcode 279317. All members of the public are invited to attend virtually and participate in the public hearing described above. Written comments may be submitted to the County at 125 East Center, Moab, Utah, attention County Administrator. Written comments should be mailed in sufficient time to be received before the public hearing. Additional information can be obtained from the County at its office. Subsequent to the public hearing, the County Commission of the County will consider approving the issuance of the Bonds.

NOTICE IS FURTHER GIVEN that a period of thirty (30) days after the date of publication of this notice is provided by law during which any person in interest shall have the right to contest the legality of the Resolution, the Loan Agreement or the Bonds, or any provision made for the security and payment of the Bonds, and that after such time, no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause whatsoever.

Date: March 4, 2021

COUNTY COMMISSION OF
GRAND COUNTY, UTAH

/s/ Quinn Hall
Clerk/Auditor

Section 9. If any provisions of this resolution should be held invalid, the invalidity of such provision shall not affect the validity of any of the other provisions of this resolution.

Section 10. No member of the Commission of the County or employee of the County has any interest, direct or indirect, in the transactions contemplated by the County as described herein.

Section 11. The County hereby reserves the right to opt not to issue the Bonds for any reason.

Section 12. All resolutions of the County or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency.

Section 13. This resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED BY THE COUNTY COMMISSION OF GRAND COUNTY, UTAH THIS MARCH 2, 2021.

Chair

(SEAL)

ATTEST:

Clerk/Auditor

STATE OF UTAH)
 :ss.
COUNTY OF GRAND)

I, Quinn Hall, the undersigned duly appointed, qualified and acting Clerk/Auditor of Grand County, Utah (the “County”), do hereby certify:

1. The foregoing pages are a true, perfect and complete copy of a resolution duly adopted by the County Commission (the “Commission”) of the County during proceedings of the Commission, had and taken at a lawful regular meeting of said Commission held at the County offices in Moab, Utah, on March 2, 2021, commencing at the hour of 4:00 p.m., as recorded in the regular official book of the proceedings of the County kept in my office, and said proceedings were duly had and taken as therein shown, and the meeting therein shown was duly held, and the persons therein were present at said meeting as therein shown.

2. All members of said Commission of said County were duly notified of said meeting, pursuant to law.

3. I further certify that the Resolution, with all exhibits attached, was deposited in my office on March 2, 2021, and that pursuant to the Resolution, a Notice of Bonds to be Issued and of Public Hearing will be published:

(i) in the Times Independent, a newspaper having general circulation in the County, with said publication being no less than fourteen (14) days prior to said hearing, and with the affidavits of said publication, when available, attached hereto;

(ii) on the Utah Public Notice Website created under Section 63F-1-701 Utah Code Annotated 1953, as amended, no less than fourteen (14) days prior to said hearing; and

(iii) on the Utah Legal Notices website (www.utahlegals.com) created under Section 45-1-101, Utah Code Annotated 1953, as amended, no less than fourteen (14) days prior to said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County this March 2, 2021.

By: _____
Clerk/Auditor

(SEAL)

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Quinn Hall, the undersigned Clerk/Auditor of Grand County, Utah (the "County") do hereby certify, according to the records of the County in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the March 2, 2021, public meeting held by the County Commission as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the principal offices of the County on _____, 2021, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Times Independent, on _____, 2021; and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be published on the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the 2021 Notice of Annual Meeting Schedule for the County Commission, in the form attached hereto as Schedule 2, was given specifying the date, time and place of the regular meetings of said Commission to be held during the year, by causing said Notice to be (i) posted on _____, 2021 at the principal office of the Commission, (ii) provided to at least one newspaper of general circulation within the County on _____, 2021 and (iii) published on the Utah Public Notice Website (<http://pmn.utah.gov>) during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this March 2, 2021.

Clerk/Auditor

(SEAL)

SCHEDULE 1

NOTICE OF MEETING

SCHEDULE 2

ANNUAL MEETING SCHEDULE

NOTICE OF BONDS TO BE ISSUED
AND OF PUBLIC HEARING
COUNTY COMMISSION OF GRAND COUNTY, UTAH

WITH RESPECT TO
NOT TO EXCEED \$57,000,000
HOSPITAL REVENUE AND REFUNDING BONDS
(MOAB REGIONAL HOSPITAL PROJECT)
SERIES 2021

NOTICE IS HEREBY GIVEN that on March 2, 2021, the County Commission of Grand County, Utah (the “County”) adopted a resolution (the “Resolution”) declaring its intent to issue hospital revenue and refunding bonds in an aggregate principal amount not to exceed \$57,000,000 (the “Bonds”) and to mature on or prior to December 31, 2024, pursuant to the Utah Industrial Facilities and Development Act, Title 11, Chapter 17, Utah Code Annotated 1953, as amended (the “Act”). Pursuant to the Resolution, the County proposes to lend the proceeds of the Bonds to Moab Valley Healthcare, Inc. d/b/a Moab Regional Hospital, a Utah nonprofit corporation (the “Borrower”), pursuant to the terms of a loan agreement (the “Loan Agreement”), for the purpose of (1) refinancing all of the County’s outstanding FHA Insured Mortgage Hospital Revenue Bonds (Moab Regional Hospital Project), Series 2009, issued in the original principal amount of \$29,857,000 for the purpose of financing a portion of the acquisition, construction, equipping and furnishing of an approximately 56,000 square foot, 17-bed, new hospital facility for the Borrower (“MRH”) and related improvements, including but not limited to an approximately 12,000 square foot medical office building (“MRHC”) adjacent to MRH (collectively, the “2009 Improvements”); (2) refinancing all of the outstanding Supplemental Mortgage Note dated as of June 24, 2010, executed by the Borrower in favor of U.S. Bank National Association, issued in the original principal amount of \$1,500,000 for the purpose of financing the construction of additional useable square footage for MRHC (the “2010 Improvements”); (3) financing all or a portion of the acquisition, construction, reconstruction, remodeling, replacement, equipping and furnishing of (i) an approximately 8,500 square foot addition to MRH, (ii) an approximately 18,600 square foot addition to MRHC, (iii) an approximately 2,500 square foot new mental health and addiction medicine building including medication-assisted treatment (e.g. Methadone, suboxone, etc.) on a site proximate or adjacent to MRH and MRHC, (iv) approximately 2,600 square feet of existing space at MRHC, (v) approximately 15,000 square feet of existing space at MRH, and (vi) related improvements to the MRH and MRHC sites (collectively, the “2021 Improvements,” and together with the 2009 Improvements, and the 2010 Improvements, the “Improvements”); and (4) financing capitalized interest and costs of issuing the Bonds (such purposes, the “Project”). The Improvements are or will be located at 450 Williams Way, Moab, Utah, and sites proximate or adjacent thereto, and are or will be owned and operated by the Borrower.

The Bonds shall be issued pursuant to a resolution of the County and the Loan Agreement, and the principal amount, interest rate or rates, maturity and discount, if any,

on the Bonds will not exceed the respective maximums authorized by the County. The Bonds will be special obligations of the County payable solely from amounts provided by the Borrower. The Bonds and the interest thereon will not be a general obligation debt of the County, the State of Utah or any political subdivision thereof, and none of the County, the State of Utah or any political subdivision thereof will be liable thereon. The issuance of the Bonds shall not directly, indirectly or contingently, obligate the County, the State of Utah or any agency, instrumentality or political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Copies of the Resolution and the Loan Agreement are on file in the offices of the County, where they may be examined Monday through Friday (except on legal holidays) from 8:00 a.m. to 5:00 p.m. for a period of at least thirty (30) days from and after the date of publication of this notice.

NOTICE IS FURTHER GIVEN that the County will meet electronically on March 30, 2021, at 4:00 p.m., Mountain Standard Time, via Zoom to receive input from the public with respect to the issuance of the Bonds and the financing and refinancing of the Improvements and the Project. The public may participate by visiting <https://us02web.zoom.us/j/86716252356?pwd=UDd0dDF0bTdjODQ5UmNoWjNjU1VaZz09>, or calling 1-346-248-7799, meeting ID 867 1625 2356, passcode 279317. All members of the public are invited to attend virtually and participate in the public hearing described above. Written comments may be submitted to the County at 125 East Center, Moab, Utah, attention County Administrator. Written comments should be mailed in sufficient time to be received before the public hearing. Additional information can be obtained from the County at its office. Subsequent to the public hearing, the County Commission of the County will consider approving the issuance of the Bonds.

NOTICE IS FURTHER GIVEN that a period of thirty (30) days after the date of publication of this notice is provided by law during which any person in interest shall have the right to contest the legality of the Resolution, the Loan Agreement or the Bonds, or any provision made for the security and payment of the Bonds, and that after such time, no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause whatsoever.

Date: March 4, 2021

COUNTY COMMISSION OF
GRAND COUNTY, UTAH

/s/ Quinn Hall

Clerk/Auditor

AGENDA SUMMARY
GRAND COUNTY COMMISSION MEETING
MARCH 2, 2021
Agenda Item: I

TITLE:	AMENDING ORDINANCE NO. 617 AND CHAPTER 1.16 OF THE GENERAL GRAND COUNTY ORDINANCES TO ESTABLISH CONSISTENCY WITH COUNTY TIMEFRAMES AND PROCEDURES
FISCAL IMPACT:	None
PRESENTER(S):	Christina Sloan, County Attorney

Prepared By:

Christina Sloan,
County Attorney

FOR OFFICE USE ONLY:

Attorney Review:

Complete

RECOMMENDATION:

I move to amend Ordinance No. 617 and Chapter 1.16 of the General Grand County Ordinances pursuant to the proposed Ordinance.

BACKGROUND:

The Grand County Commission adopted Ordinance No. 617 in open session on November 17, 2020. This Ordinance amended section 1.04.010 and repealed and replaced Chapter 1.16 of the General Grand County Ordinances to update definitions, establish an administrative hearing process and provide for civil and criminal penalties.

The Grand County Land Use Code and General County Ordinances contain existing provisions regarding appellate process, including deadlines, that necessitate amending Ordinance 617 to maintain consistency.

ATTACHMENT(S):

Proposed ordinance

GRAND COUNTY, UTAH
ORDINANCE NO. ____ (2021)

**AMENDING ORDINANCE NO. 617 AND CHAPTER 1.16 OF THE GENERAL GRAND
COUNTY ORDINANCE TO ESTABLISH CONSISTENCY WITH TIMEFRAMES AND
PROCEDURES CONTAINED IN THE LAND USE CODE AND GENERAL COUNTY
ORDINANCES**

WHEREAS, Utah Statute § 17-53-228 formulates the process for counties to establish an administrative hearings and procedures process to review and decide matters relating to the violation, enforcement, or administration of the county’s civil ordinances, including its: building code; planning and zoning; animal control; licensing; health and safety; County employment; and sanitation;

WHEREAS, adopting an Administrative Hearing Process aids in enforcement of the Grand County General Ordinances, creates a process in which civil penalties for code violations can be reviewed, and establishes appropriate due process protections for the parties participating in an administrative hearing; and

WHEREAS, the Grand County Commission (the “Commission”) has determined that administrative enforcement of the duly adopted rules and regulations as well as the provisions of this Ordinance is in the best interests of the citizens of the County;

WHEREAS, the Commission previously adopted Ordinance No. 617 amending section 1.04.010 and repealing and replacing Chapter 1.16 of the General Grand County Ordinance;

WHEREAS, the Grand County Land Use Code (“LUC”) and General Grand County Ordinances contain existing provisions regarding appellate process, including deadlines;

WHEREAS, creating uniformity between the LUC, General Grand County Ordinances and Chapter 1.16 requires certain amendments to Ordinance No. 617;

NOW, THEREFORE, BE IT ORDAINED that the Grand County Commission hereby amends Ordinance No. 617 and Chapter 1.16 as follows:

See Exhibit A.

ADOPTED by the Commission in a public meeting on March 2, 2021 as follows:

Those voting aye:

Those voting nay:

Those absent:

Grand County Commission:

ATTEST:

Mary McGann, Chair

Quinn Hall, Clerk/Auditor

EXHIBIT A

Chapter 1.16

ADMINISTRATIVE ~~APPEALS AND HEARINGS~~ PROCESS (CODE ENFORCEMENT)

Sections:

1.16.010 Scope

1.16.020 Penalties

1.16.030 ~~Code Violations~~ Complaint; Investigation

~~1.16.040 Written Warning~~

~~1.16.050 Notice of Violation~~

1.16.040 ~~Appeal~~, Request for Administrative Hearing

1.16.050 Administrative Hearing

1.16.060 Civil Fines Constitute a Direct Charge; Political Subdivision Lien

1.16.010 Scope

The provisions of this Chapter may be applied to all violations of the County Ordinances and all Final Decisions of the County not otherwise governed by ~~provided, however, that appeal of a land use decision under the Grand County Land Use Code shall be governed by Article 9.13.~~ This Chapter does not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other resolutions, ordinances, or law except as expressly stated herein.

1.16.020 ~~Violation~~—Penalties

- A. It shall be unlawful for any Person to violate or otherwise fail to comply with the County Ordinances.
- B. Criminal Penalties. Any Person who violates or fails to comply with any part or provision of the County Ordinances within the County shall be guilty of a Class C misdemeanor and, upon conviction, shall be subject to fines and imprisonment set forth in Utah Statute § 76-3-204. Each day that such violation continues shall be considered a separate offense.
- C. Civil Penalties. ~~Subject to any limitations contained in Utah Statute § 17-53-223,~~ any Person who violates or fails to comply with any part or provision of the County Ordinances within the County shall be subject to Civil Fines, as defined in Chapter 1.04 above, in the amounts set forth in the ~~Grand County Consolidated~~ Fee Schedule ~~or the County Ordinances or, if none,~~ \$100 per violation per day, ~~whichever is greater.~~ Each day that such violation continues shall be considered a separate offense.

- D. The civil and criminal penalties provided herein shall be cumulative of other remedies provided by state law.

1.16.030 Code Violations

- A. Complaint; Investigation. Upon complaint of a violation or failure to comply with the County Ordinances, the County shall investigate the complaint within a reasonable amount of time and subject to County resources and staff availability, which investigation may include collection of evidence and written or oral communication with the complainant, witnesses, and the Responsible Person, as defined in Chapter 1.04 above.

B. Written Warning

1. At the conclusion of the initial investigation, the County shall provide to the Responsible Person a written warning that identifies:
 - i. the relevant County regulation or ordinance at issue;
 - ii. the violation of the relevant regulation or ordinance;
 - iii. the length of the Cure Period, as defined in Chapter 1.04 above;
and
 - iv. the amount of the Civil Fines assessed to the responsible Person, which shall begin to accrue on the date the County serves a Notice of Violation on the Responsible Person.
2. The written warning shall be deemed properly served by the County if a copy thereof is delivered to, posted on, or sent by registered or certified mail to the Responsible Person to the mailing address on file in the Grand County Assessor's Office or, if none, the last known address of the Responsible Person.

C. Notice of Violation

1. Upon the County's determination that there has been a violation of any part or provision of the County Ordinances which has not been cured during the Cure Period, the County shall provide to the Responsible Person a written Notice of Violation that identifies:
 - i. the relevant County regulation or ordinance at issue;
 - ii. the violation of the relevant regulation or ordinance;

- iii. ~~a recitation of Penalties from Section 1.16.020; the Civil Fines, which shall begin to accrue on the date the Notice of Violation is served;~~
- iv. that the Notice of Violation is a Final Decision of the County; and
- v. the right to appeal within thirty (30) days of ~~written notice service of the Notice of Violation.~~

- 2. The Notice of Violation shall be deemed properly served by the County if a copy thereof is delivered to, posted on, or sent by registered or certified mail to the Responsible Person to the mailing address on file in the Grand County Assessor's Office or, if none, the last known address of the Responsible Person.

1.16.040 ~~Appeal~~, Request for Administrative Hearing

- A. A Person aggrieved by a Notice of Violation or a Final Decision may appeal the same within thirty (30) days of ~~written decision service of the Notice~~ by ~~submission of a~~ written Request for Administrative Hearing made to the County Officer who ~~issued the~~ **Notice of Violation or** rendered the Final Decision, which request shall state with specificity the reasons for the appeal and provide an answer to the alleged violations.
- B. The Request for Administrative Hearing is incomplete until the appellant pays an Appeal ~~of Code Violation~~ Fee established by the Grand County Fee Schedule ~~or the Hearing Officer's fee, whichever is greater.~~
- C. Upon receipt of a Request for Administrative Hearing, the County Officer from whom the appeal is taken shall refer the matter to the Hearing Officer within ten (10) business days. Said County Officer shall forthwith transmit to the Hearing Officer all the documents constituting the record upon which the action appealed from was taken.
- D. Failure to request an Administrative Hearing as required in this Section shall constitute a waiver of the right to an Administrative Hearing and the right to an appeal.

1.16.050 Administrative Hearing

A. Authority of Hearing Officer

- i. The Hearing Officer shall have authority to hold an Administrative Hearing for violations of the County Ordinances and such other matters as specifically designated by ordinance or resolution.

- ii. At the request of any party to an Administrative Hearing, a Hearing Officer may sign subpoenas for witnesses, documents, and other evidence.
 - iii. A Hearing Officer has continuing jurisdiction over the subject matter for the purposes of: granting a continuance; ordering compliance by issuing an administrative order; ensuring compliance of that order; authorizing the County to enter upon private property to abate a violation; or where extraordinary circumstances exist, grant a new hearing.
 - iv. A Hearing Officer may require a responsible Person to post a performance bond to ensure compliance with an order if requested by the County Officer from whom the appeal is taken.
 - v. A Hearing Officer shall not make any order that would require or allow a person to violate state law or County ordinance.
- B. Stay of Proceedings. A Request for Administrative Hearing shall stay the action directed by the County in the Notice of Violation (but not the accrual of Civil Fines) unless the County Officer from whom the appeal is taken certifies to the Hearing Officer that a stay would cause imminent peril to life or property. In such event, the Hearing Officer shall timely consider the County's certification and issue a preliminary order approving or denying the stay, with or without a hearing as determined in the Hearing Officer's sole discretion. This Section shall not affect the right of the County to seek a temporary injunction in the Moab District Court.
- C. Hearing Date; Notice. The Hearing Officer shall fix a reasonable time for the hearing of an appeal, and give the appellant notice. The Person shall have the right to be represented by an attorney or other advocate. If an attorney will be representing a responsible Person at a hearing, notice of the attorney's name, address, and telephone number shall be given to the County Attorney at least one day prior to the hearing. If such notice is not given, the hearing may be continued at the County's request.
- D. Hearing and Decision
 - i. Hearing:
 - 1. Administrative Hearings are intended to be informal in nature. Formal rules of evidence and discovery shall not apply; however, ex parte communication with the Hearing Officer is prohibited. In addition, each party shall file with the Hearing Officer with a copy to the adverse party copies of all documents, photographs or other tangible evidence they expect to present, and their list of witnesses they intend to call, at the Hearing at least three (3) business days prior to the Hearing.

2. The County shall bear the burden of proof to establish the existence of a violation of published County ordinance or policies.
3. Such proof shall be established by preponderance of the evidence.
4. Each party shall have the opportunity to present evidence and cross-examine any witnesses that testify at the hearing in support of the case. Testimony may be given by telephone or other electronic means.
5. Administrative Hearings shall be held at the County administrative offices or virtually via video conferencing.

ii. Decision:

1. The Hearing Officer shall issue a written order within thirty (30) days of the Administrative Hearing.

E. Appeal to District Court. A party may appeal the order of the Hearing Officer by filing a petition for judicial review in the Moab District Court within thirty (30) days after the date that the order is issued.

1.16.060 Civil Fines Constitute a Direct Charge; Political Subdivision Lien

Upon the expiration of the right to appeal as provided in this Chapter and under the Political Subdivision Lien Authority as set forth in Utah Statute §11-60-101 *et seq.*, as amended, each Civil Fine assessed under this Chapter shall constitute a Direct Charge, as defined in Utah Statute § 11-60-102(1), for Code Violations. The County may collect the Civil Fines by filing a lien on real or personal property owned by the Person assessed hereunder pursuant to Utah Statute § 11-60-103.

AGENDA SUMMARY
GRAND COUNTY COMMISSION MEETING

MARCH 2, 2021

Agenda Item: J

TITLE:	REPEALING TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE GRAND COUNTY GENERAL ORDINANCES AND RELATED ORDINANCE NOS. 38, 43, 146, 210, 251, 265, 294, 329, AND 359 AND ADOPTING NEW TITLE 5 (BUSINESS LICENSES) OF THE GRAND COUNTY GENERAL ORDINANCES
FISCAL IMPACT:	Possible fiscal impact for enforcement
PRESENTER(S):	Christina Sloan, County Attorney

Prepared By:

Christina Sloan,
County Attorney

FOR OFFICE USE ONLY:

Attorney Review:

Complete

RECOMMENDATION:

I move to repeal Title 5 (Business Licenses and Regulations) of the Grand County General Ordinances and related Ordinance Nos. 38, 43, 146, 210, 251, 294, 329 and 359 and adopt new Title 5 (Business Licenses) of the Grand County General Ordinances.

BACKGROUND:

In light of the newly adopted Administrative Hearing Process, increased tourism, County growth and the recent COVID compliance issues, the County Attorney recommends updating Title 5 to more effectively regulate business licenses. This update will enable the County to better uphold local, state and federal laws related to business licensing.

This Ordinance will expand inspection capability, detail violations, and defer to the Administrative Hearing Process for those businesses found noncompliant.

Furthermore, this Ordinance simplifies the regulations related to Alcoholic Beverages, similar to action taken by the City of Moab last year.

ATTACHMENT(S):

1. Proposed Ordinance
2. Exhibit A

GRAND COUNTY, UTAH
ORDINANCE NO. _____ (2021)

**REPEALING TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE GRAND
COUNTY GENERAL ORDINANCES AND RELATED ORDINANCE NOS. 38, 43, 146,
210, 251, 265, 294, 329, AND 359 AND ADOPTING NEW TITLE 5 (BUSINESS
LICENSES) OF THE GRAND COUNTY GENERAL ORDINANCES**

WHEREAS, Chapter 27a of Title 17 of the Utah Code requires the County to provide for the health, safety, and welfare of its residents; to improve the peace and good order, comfort, convenience, and aesthetics of the County; protect the tax base; foster the state's agricultural and other industries; promote the orderly development of urban and nonurban development; and provide fundamental fairness in land use regulation;

WHEREAS, Utah Code § 17-53-216 permits the County's legislative body, by ordinance, to provide for the licensing of businesses for the purpose of regulation;

WHEREAS, as provided in Utah Code § 17-50-302, the County may exercise powers and perform functions that are reasonably related to the "safety, health, morals, and welfare of County inhabitants;"

WHEREAS, in further exercise of the County's general powers, as provided in Utah Code § 17-53-223, the county may "pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by this title, and as are necessary and proper to provide for the safety, and preserve the health, promote the prosperity, improve the morals, peace, and good order, comfort, and convenience of the county and its inhabitants, and for the protection of property in the county;"

WHEREAS, as provided in Utah Code § 17-53-216, the County may adopt ordinances which provide for the licensing of businesses defined as "any enterprise carried on for the purpose of gain or economic profit," within their jurisdictions for the purpose of regulation and includes the power to deny, revoke, or suspend such license;

WHEREAS, Chapter 32B of Utah Code (Alcoholic Beverage Control Act) regulates the permitting of businesses that sell alcoholic beverages and requires local governments to issue Local Consents to such businesses;

WHEREAS, Grand County has adopted its business licensing and alcohol regulations slowly through the years via Ordinance Nos. 38 (1934), 43 (1960), 146 (1980), 210 (1989), 251 (1994), 265 (1995), 294 (1998), 329 (2000), and 359 (2002), which are codified in Title 5 (Business Licenses and Regulations) of the Grand County General Ordinances;

WHEREAS, the County recognizes that the state code regulating the licensing of Alcoholic Beverages is comprehensive thereby rendering local licensing of Alcoholic Beverages redundant;

WHEREAS, in light of the newly adopted Administrative Hearing Process, increased tourism, County growth and the recent COVID compliance issues, the County desires to update Title 5 to more effectively regulate business licensing and better uphold local, state and federal laws; and

WHEREAS, upon consideration of this matter at a public meeting on March 2, 2021, the Grand County Commission (the “Commission”) has determined that this Ordinance is in the best interests of the public;

NOW, THEREFORE, BE IT ORDAINED that the Grand County Commission hereby:

1. Repeals Title 5 (Business Licenses and Regulations) to the Grand County General Ordinances and related Ordinance Nos. 38, 43, 146, 210, 251, 265, 294, 329, and 359; and
2. Adopts new Title 5 (Business Licenses) of the Grand County General Ordinances as follows:

See Exhibit A

ADOPTED by the Commission in a public meeting on March 2, 2021 as follows:

Those voting aye:

Those voting nay:

Those absent:

Grand County Commission:

ATTEST:

Mary McGann, Chair

Quinn Hall, Clerk/Auditor

EXHIBIT A

Title 5

BUSINESS LICENSES

Chapters:

- 5.041 General Regulations
- ~~5.02 Business Licenses, General~~
- ~~5.03~~2 Motor Vehicle Rentals
- 5.083 Alcoholic Beverages
- ~~5.05~~4 Penalties-Violations

Chapter 5.01

GENERAL REGULATIONS

Sections:

- 5.01.010 Purpose
- 5.01.020 Definitions
- 5.01.030 License required; Exemptions
- 5.01.040 Term; Renewal
- 5.01.050 License fees
- 5.01.060 License application
- 5.01.070 Contents of application
- 5.01.080 Display of license
- 5.01.090 Inspection
- 5.01.100 Compliance with law
- 5.01.110 License issuance or denial
- 5.01.120 Revocation
- 5.01.130 Appeal

5.01.010 Purpose

Pursuant to powers granted by the State of Utah as set forth in various provisions of the Utah Code, as amended, the County intends by this Title to regulate and license businesses and occupations within its unincorporated limits, to maintain a current index of licensed businesses and occupations, and to regulate licensed entities.

Where this Chapter imposes a greater restriction upon persons, premises or personal property than is imposed or required by such existing provisions of law, contract or deed, the provisions of this Title shall control. The amendment of this Title does not preclude enforcement of violations or collection of business license taxes and penalty fees under this chapter which existed at the time of taxation or violation prior to the implementation of any amendment.

5.01.020 Definitions

For the purposes of this Chapter, the following terms shall be defined as follows.

A. “Alcoholic Beverage” shall have the same meaning as that assigned in Utah Code § 32B-1-101, as amended.

B. “Business” means and includes all activities or any enterprise engaged in, carried on, or otherwise operated for the purpose of gain or economic profit regardless of whether profit is made, including Special Events, except that the acts of employees rendering services to employers are not included in this definition.

C. “Engaging in Business” or “Carrying on Business” includes but is not limited to selling property at retail or wholesale, manufacturing goods or property, or rendering personal services for a consideration such as the practice of any profession, trade, craft, business occupation, or other calling. The rendering of personal services by an employee to an employer under any contract of personal employment shall not be considered as engaging in business.

D. “Home Business” or “Home Based Business” shall mean any Business which is conducted entirely within the principal residential building or within a permitted accessory structure and is clearly incidental, secondary and in addition to the use of the structure for residential dwelling purposes.

E. “License” a certificate or document issued by the county evidencing permission or authority of its named holder to carry on a particular business or to pursue a particular occupation.

F. “Licensee” means the person to whom a license has been issued pursuant to the provisions of this chapter or to whom a consent, permit or registration has been granted pursuant to the provisions of this chapter when the term “licensee” is used in a general sense of this definition.

G. “Local Consent” shall mean an authorization to sell, store, or otherwise lawfully use Alcoholic Beverages granted by the Grand County Commission under this Chapter and as required by the Utah Department of Alcoholic Beverage Control (“DABC”). As used herein, Local Consent shall include a Special Use Permit Local Consent for Special Events, as required by DABC.

H. “Motor Vehicle Rental Fleets” means motor vehicles that a company owns and that customers pay to use, with or without drivers.

I. “Person” means any individual, receiver, assignor, trustee in bankruptcy, trust, estate, firm, general or limited partnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, limited liability company, or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.

J. “Place of Business” means a location maintained or operated within the County at which a person engages in business and shall include taverns, cabarets, and any other place where the general public is invited or admitted for business purposes.

K. “Principal Office Address” means the main office or headquarters of the business, at which location business decisions are made.

L. “Retailer” means any person engaged in the sale or distribution of beer to the consumer.

M. “Special Events” shall have the meaning assigned in Section 8.16.030 of the Grand County General Ordinances.

N. “Owner” means any person or entity with an interest in and often dominion over the property, with exclusive use, control, or possession of property.

O. “Vehicle” or “Motor Vehicle” means any vehicle included within Utah Code § 41-1a-102.

P. “Wholesaler” means any person or persons other than a brewer engaged in the distribution of Alcoholic Beverages in wholesale or jobbing quantities, to retailers.

5.01.030 License required; Exemptions

A. It is unlawful for any Person to engage in, carry on, or operate any Business within the unincorporated area of Grand County, State of Utah outside the limits of incorporated cities and towns, without first obtaining the license required by this Chapter ~~Grand County for such business, trade or profession except as provided in Section 5.01.030.E. If a business is licensed in any incorporated city or town within Grand County, it may, under that license, do business in Grand County. Any other business must first obtain a business license from Grand County before engaging in business in Grand County. (Ord. 251 § 2, 1994)~~

B. Every Person desiring to engage in business in the unincorporated areas of Grand County on a temporary basis shall be required to obtain a temporary business license before commencing to engage in such business. Temporary business licenses shall be good for thirty-one (31) calendar days from the date of issue.

C. All Special Events require a general or temporary business license.

D. The following Businesses are exempt from the licensing requirements of this Chapter: i) a Business operated only occasionally by a Person under 18 years of age; and ii) a Business licensed by the City of Moab or the Town of Castle Valley, provided, however, that any Person doing Business in the unincorporated County shall provide to the office of the County Clerk a copy of its business license application within five (5) business days of submission to the City of Moab or Town of Castle Valley and a copy of its business license within five (5) business days of issuance by the City of Moab or Town of Castle Valley.

5.01.040 Term--Renewal

A. Licenses issued under this Chapter shall be valid upon approval until December 31 of the year of issuance. All license fees provided in this Chapter shall be paid annually in advance by the Licensee to the office of the County Clerk upon application and on or before January 31 of each year. ~~All annual business licenses shall commence January 1st and shall be effective through December 31st unless otherwise directed by action of the Grand County CouncilCommission. Annual business licenses not renewed by the last day of March of each year shall be subject to penalty of ten dollars (\$10.00) for each week that it is late with a maximum of fifty dollars (\$50.00) late penalty fee. Any annual license~~

~~not renewed by the last day of March of each year together with the penalty as herein provided, may be collected by civil action in any court of this state having jurisdiction. No license fee or any part thereof shall be refunded for any reason whatsoever after the license has been granted or issued. Any business, which begins operation without a license, shall be assessed a late penalty fee and is subject to the same civil action previously stipulated. All penalties and civil actions provided for in this section shall be in addition to the criminal penalties provided in Section 5.04.100. (Ord. 294 § 2, 1998; Ord. 265 § 2, 1995; Ord. 251 § 5, 1994)~~

B. On or before January 1 each year, the office of County Clerk shall send a renewal application to each Licensee which shall state the amount of the license fee imposed for the year. The renewal application shall be returned by the Licensee to the office of the County Clerk according to the renewal application directions.

C. Renewal of licenses is not of right and no claim of vested rights shall inure to a Licensee who has received licenses in past years.

5.01.050 License fees

License fees shall be established by the Grand County Consolidated Fee Schedule, prorated on a quarterly basis for applications submitted after Quarter 1 (January-March), and paid prior to issuance of any License by the County; provided, however, that Home Businesses, as defined hereunder, are exempt from the license fee pursuant to Utah Statute § 17-53-216, as amended.

5.01.060 License application

All applications for business licenses shall be ~~made in writing~~ submitted to the office of the County Clerk on forms provided for that purpose with the accompanying license fee ~~and the fee for the business license shall be paid in advance to the office of the County Clerk. Submission of an application does not constitute approval. The general business license required by this Title is in addition to all other approvals, licenses and permits required by other County ordinances, or state or federal law. No license issued or granted under provisions of this Title shall be transferable to any other Person, Business or location.~~

5.01.070 Contents of application

A. All applications for any type of business licenses shall ~~specify~~ include:

1. Name and contact information of the Person, ~~firm or corporation~~ to whom the license shall be issued,
2. ~~shall describe~~ Nature of the Business ~~trade or profession, and shall designate;~~
3. Principal Office Address;
4. Mailing address, if different;
5. Place of Business, if different;
6. Signatures of County officials and designees, including:
 - i. Building Inspector;
 - ii. Planning and Zoning;
 - iii. Fire Department; and
 - iv. Sanitarian/Health Department;
7. Fee(s) established by the Grand County Consolidated Fee Schedule, prorated on a quarterly basis for applications submitted after Quarter 1 (January-March); and
8. Additional documentation as the County may reasonably require.

5.01.080 Display of license

Every License granted under this Chapter shall be displayed in a prominent place and shall be available for inspection by any official or officer of Grand County. Every Licensee not having a fixed Place of Business shall carry such license, or a copy thereof, with them at all times while carrying on their Business and shall produce the License for inspection when requested to do so by any person.

5.01.090 Inspection

A. Prior to issuance of a new License required hereunder ~~to engage in a new business not heretofore licensed~~, the applicant shall permit inspections to be made of the prospective Principal Office and Place of Business, if different, by the appropriate department of the county or other governmental agency to ensure compliance with zoning, fire, health and safety codes. No license shall be granted without the approval of all such required inspections.

B. Licensed Places of Businesses may be inspected periodically by departments of the county for compliance with License conditions, law or policy, and/or zoning, fire, health and safety codes and orders.

C. Written notice of violation shall be given by the inspecting agent of the County to a Licensee upon the finding of any violation, which notice shall provide for a reasonable period not to exceed thirty (30) days in which to cure such violations. If a Licensee fails to cure such violations, the County may pursue all remedies available to it under law, including those civil and criminal penalties specifically set forth in Chapter 5.04.

5.01.100 Compliance with Law.

Every Licensee and other Person doing Business in Grand County shall be in compliance with all local, state, and federal law and regulations pertaining to licensure, including this Chapter. Non-compliance shall be a violation of this Chapter.

5.01.110 License issuance or denial

A. Within thirty (30) days of the County Clerk's receipt of a complete application that includes all of the items required by Section 5.01.070, the office of the County Clerk shall either a) issue the license requested, with or without conditions; or b) deny the license in writing. If the County Clerk determines the application is incomplete, the County Clerk shall provide written notice to the Licensee, and shall reconsider the complete application once submitted. Nothing herein shall limit the County Clerk from conferring with the Commission Administrator or County Attorney when reviewing applications.

B. No License granted under this Chapter may be assigned, transferred, or sold by the Licensee nor used for any purpose or Business other than that for which said License was issued. Furthermore, a License issued for a particular location may not be transferred for use to another location. Any License transferred or used in violation of this Section shall be deemed revoked.

C. A license may be denied if the applicant has:

1. Obtained a license by fraud, misrepresentation, or deceit;
2. Failed to pay personal property or real property taxes or other required taxes or fees imposed by the County, including prior licensing fees;
3. Violated the laws of the state of Utah, the United States, or Grand County;
4. Failed to comply with the conditions or requirements of a conditional use permit; or

5. Failed to comply with the terms of any agreement with the County, including a development agreement or approval.

5.01.120 Revocation

A. The County Clerk or County Commission may revoke a License issued hereunder if the Licensee has:

1. Obtained a license by fraud, misrepresentation, or deceit;
2. Failed to pay license fees or other fees imposed by the County within thirty (30) days of their due date;
3. Failed to pay personal or real property taxes or other required taxes imposed by the County, including prior licensing fees, within thirty (30) days of their due date;
4. Violated the laws of Grand County, the State of Utah, or the United States;
5. Failed to comply with the conditions or requirements of the License or a conditional use permit; or
6. Failed to comply with the terms of any agreement with the County, including a development agreement or approval.

5.01.130 Appeal

An applicant may appeal a revocation or denial of a License issued under this Chapter by submission of a written request for administrative hearing pursuant to Chapter 1.16 of the Grand County General Ordinances, as amended, within thirty (30) days of the County's written decision.

~~Chapter 5.02~~

~~BUSINESS LICENSES, GENERAL~~

~~Sections:~~

~~5.02.010 License application~~

~~5.02.020 Contents of application~~

~~5.02.030 License issuance or denial~~

Chapter 5.02

MOTOR VEHICLE RENTALS

Sections:

5.03.010 Inventory of Motor Vehicle Rental Fleets

5.03.010 Inventory of Motor Vehicle Rental Fleets

Applications involving the rental or lease of motor vehicles, with or without drivers, shall also include an inventory list identifying the make, model, and year of each Motor Vehicle included in the Motor Vehicle Rental Fleet. In addition, each business renting or leasing Vehicles, with or without drivers, shall file an inventory of Motor Vehicle Rental Fleet each January upon licensing renewal.

Chapter 5.03

ALCOHOLIC BEVERAGES

Sections:

5.03.010 Local Consent required

5.03.020 Compliance with Law

5.03.010 Local Consent required

It is unlawful for any Person to knowingly permit or allow customers, guests, or any other person to possess **Alcoholic Beverages** upon which the seal has been broken, or to consume **Alcoholic Beverages** at such Place of Business, **including a Special Event held in the unincorporated County**, without first obtaining **a Local Consent a license** under this Chapter on forms provided by the County Clerk and/or Utah Department of Alcoholic Beverage Control (“DABC”) for that purpose with the accompanying Local Consent fee, as applicable**article**.

5.03.020 Compliance with Law

Every Licensee and other Person doing Business in Grand County shall be in compliance with all local, state, and federal law and regulations pertaining to licensure relating to the sale, manufacture, possession, keeping, giving, storing and transporting of Alcoholic Beverages, as applicable, and any other relevant health and safety codes and orders. Non-compliance shall be a violation of this Chapter.

Chapter 5.04

PENALTIES-VIOLATIONS

Sections:

5.04.010 Civil and Criminal Penalties

5.04.020 Civil Fines - Administrative Review and Appeal

5.04.010 Penalties-Violation

Violations of any provision of this Title may be punishable by Civil Fines, as defined in Chapter 1.04 of the Grand County General Ordinances, as amended, in the amounts set forth in the Grand County Consolidated Fee Schedule or \$100 per violation per day, whichever is greater, and/or criminal citation of a class B misdemeanor upon conviction thereof. ~~(Ord. 251 § 10, 1994, Ord. 601-2020).~~

5.04.020 Civil Fines - Administrative Review and Appeal

All Civil Fines provided for in this section shall be in addition to the criminal penalties available to the County and shall be enforced as provided in Chapter 1.16 of the Grand County General Ordinances.

CONSENT AGENDA SUMMARY
GRAND COUNTY COMMISSION MEETING

March 2, 2021

Consent Agenda Item: K

TITLE:	K. Ratifying the Chair's signature on Standard Forms 424 (SF 424) for Airport Coronavirus Response Grant Program applications for Canyonlands Regional Airport
FISCAL IMPACT:	See Corresponding Agenda Summary, if any
PRESENTER(S):	None

Prepared By:

Mallory Nassau
Assoc. Commission Administrator

FOR OFFICE USE ONLY:

Attorney Review:
N/A

RECOMMENDATION:

I move to adopt the consent agenda as presented.

BACKGROUND:

The SF 424s are part of grant applications for funding through the Federal Aviation Administration, Airport Coronavirus Response Grant Program (ACRGP). Canyonlands Regional Airport is applying for two grants through the ACRGP. The first grant is for costs related to operations, personnel, cleaning, sanitization, combating the spread of pathogens and debt service payments (\$1,005,613). The second grant is for relief from rent and minimum annual guarantees to on-airport parking, on-airport car rental, and in-terminal airport concessions (\$3,539).

ATTACHMENT(S):

- Signed SF 424s.

Application for Federal Assistance SF-424

*1. Type of Submission:

☐ Preapplication☒ Application☐ Changed/Corrected Application

*2. Type of Application

☒ New☐ Continuation☐ Revision

* If Revision, select appropriate letter(s):

*Other (Specify)

*3. Date Received:

NA

4. Applicant Identifier:

CNY (Canyonlands Field) Moab, UT

*5b. Federal Entity Identifier:

49-0020

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: County of Grand

*b. Employer/Taxpayer Identification Number (EIN/TIN):

87-6000545

*c. Organizational DUNS:

05-015-7981

d. Address:

*Street 1: 125 E. Center

Street 2:

*City: MOAB

County/Parish:

*State: UT

Province:

*Country: USA: United States

*Zip / Postal Code 84532

e. Organizational Unit:

Department Name:

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Mr.

*First Name: Andy

Middle Name:

*Last Name: Solsvig

Suffix:

Title: Airport Director

Organizational Affiliation:

*Telephone Number: 435-259-4849

Fax Number:

*Email: asolsvig@grandcountyutah.net

Application for Federal Assistance SF-424

***9. Type of Applicant 1: Select Applicant Type:**

X. Airport Sponsor

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10. Name of Federal Agency:**

Federal Aviation Administration

11. Catalog of Federal Domestic Assistance Number:

20.106

CFDA Title:

Airport Improvement Program

***12. Funding Opportunity Number:**

NA

*Title:

NA

13. Competition Identification Number:

NA

Title:

NA

14. Areas Affected by Project (Cities, Counties, States, etc.):

***15. Descriptive Title of Applicant's Project:**

\$1,005,613 for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments.

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424**16. Congressional Districts Of:**

*a. Applicant: 2

*b. Program/Project: 3

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

*a. Start Date: NA

*b. End Date: NA

18. Estimated Funding (\$):

*a. Federal	\$1,005,613.
*b. Applicant	\$0
*c. State	\$0
*d. Local	\$0
*e. Other	\$0
*f. Program Income	\$0
*g. TOTAL	\$1,005,613.

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on ____.
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation in attachment.)**

☐ Yes ☒ No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: _____ *First Name: Mary

Middle Name: _____

*Last Name: McGann

Suffix: _____

*Title: Chair, Grand County Commission*Telephone Number: 435-259-1346

Fax Number: _____

* Email: mmcgann@grandcountyutah.net*Signature of Authorized Representative: *Date Signed: 02 / 20 / 2021

Application for Federal Assistance SF-424

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☐ Preapplication

☒ Application

☐ Changed/Corrected Application

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☐ Continuation

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Application for Federal Assistance SF-424

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\$3,539 To provide relief from rent and minimum annual guarantees to on-airport parking, on-airport car rental, and in-terminal airport concessions.

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Authorized Representative:

Prefix: _____ *First Name: Mary

Middle Name: _____

*Last Name: McGann

Suffix: _____

*Title: Chair, Grand County Commission*Telephone Number: 435-259-1346

Fax Number: _____

* Email: mmcgann@grandcountyutah.net*Signature of Authorized Representative: Mary McGann*Date Signed: 02 / 20 / 2021



Springing into a busy season!

Temporary Exhibit: Memories from the Quarantine / Memorias de la Cuarentena

We're excited to invite the community to the Museum **for appointment-only visits during the month of March**. This is a special opportunity to see a temporary exhibit presented in collaboration with the Moab Valley Multicultural Center, entitled *Memories from the Quarantine / Memorias de la Cuarentena*. This story collection, created by Moab resident Mónica Piñera is presented in English and Spanish and chronicles the impact of COVID-19 on individuals from both sides of the US-Mexico border. It is an evocative and timely exhibit, and the Museum is proud to partner with MVMC, which first displayed these stories at their Día de los Muertos event. We are accepting appointments from 11am-6pm Tuesday through Friday. To make an appointment, please call (435) 355-0918 or email info@moabmuseum.org. Measures to ensure compliance with local COVID-19 regulations and recommendations will be in place.



Upcoming virtual programs:

Back by popular demand, our online *Tuesdays with the Museum* programs continue this season with three events designed to take you behind the scenes at the Museum for an exciting look into some of our community's most important stories and objects. Events are free, held on both Zoom and Facebook Live and begin at 6:30 p.m. Join via moabmuseum.org.

- **February 23rd: Memories from the Quarantine / Memorias de la Cuarentena virtual exhibit opening.** Join the Moab Valley Multicultural Center and the Moab Museum online for a conversation (and celebration) about the launch of a bilingual temporary exhibit sharing stories COVID from both sides of the US-Mexico border.
- **March 2nd: Conserving the Urbanek Map:** Join Curatorial & Collections Manager Tara Beresh and professional conservator Kimberleigh Collins-Peynaud for a discussion and demonstration about the conservation of the beloved hand-carved balsa wood map. This will be a unique opportunity to learn about the hard work that goes on behind the scenes to care for the community's beloved objects, and a chance to see the process live.
- **March 30th: Tracing the story of William Grandstaff.** Recent research efforts have greatly expanded what we know about William Grandstaff, the Black cowboy who was one of the Moab region's first permanent non-Native residents. Join Nick Sheedy, Lead Genealogist of PBS's *Finding Your Roots with Henry Louis Gates Jr.* and Gerald Elias, a musician who commemorated Grandstaff's life in an opera, for a discussion about Grandstaff's story, and the research efforts undertaken recently to uncover more of it.

Join the Museum Family! Museum members not only support our ability to tell Big Stories, but also directly contribute to improved care of the community's collection of artifacts, specimens, and documents. If you are not yet a member of the Museum family, we invite you to join today at moabmuseum.org

Sun	Mon	Tue	Wed	Thu	Fri	Sat
28	1 First Day of 4pm - Weed Bd. Mtg 5pm - Airport Board 5pm - Airport Board 5:30pm - Mosquito	2 8:30am - SARC 4pm - County 4pm - Commission 4pm - Council	3 10am - DRT Mtg 5:30pm - Mosquito	4 11am - Housing 1:30pm - PIO 7pm - Water SSD &	5	6
7	8 4pm - GC PC 4pm - Planning	9 11am - Trail Mix- 11am - Trail Mix Mtg 2pm - Conservation 3pm - MATC Bd. Mtg 3pm - MATC Meeting 5:30pm - OSTA 9/8 5:30pm - OSTA Mtg 6pm - Cemetery Bd 6pm -	10 9am - Planning & 1pm - Homeless 6:30pm - Thompson	11 9am - Agenda 12:30pm - Motorized 3pm - Sand Flats 5pm - Library Bd. 5:30pm - Cany	12 10am - HPC Mtg	13
14 Daylight Saving	15	16 9am - EMS SSD Mtg 3pm - Moab Fire 4pm - County 4pm - Commission- 4pm - Council 4pm - TSSSFD Mtg	17 St. Patrick's Day 1pm - Watershed 1:30pm - Perf. Rvw. 5:30pm - Museum 7pm - Rec Board 7pm - Rec. SSD Bd.	18 CCP Mtg 12pm - HASU Bd. 1pm - LEPC Meeting 1:30pm - PIO 3pm - GCED @ https: 3pm - GCED 4pm - Arches SSD 4pm - Solid Waste 7pm - Water SSD &	19	20
21	22 4pm - Planning	23 2:45pm - 4 Corners 5pm - Public Health	24	25 9am - Agenda 1pm - SEUALG Mtg	26	27
28	29	30 4pm - Commission-	31 8:30am - Chamber	1 11am - Housing 7pm - Water SSD &	2	3

OSTA Calendar - Special Events- Pending Events 2021

Date	Size	Event Name	Location	Event Type
	-	Dog Agility	OSTA	Dog agility
	-	Team Rubicon	OSTA	special Training
March 27th-April 4th		Jeep Safari	OSTA/ Jeep Safari Trails	Jeep Event
		Cruise Moab	OSTA/Jeep safari trails	Toyota
April 27- May 1		Bronco Safari	OSTA/ Jeep safari trails	bronco event
		Gone Moab	OSTA	
May 10-15	600	Rally on the Rocks	OSTA/Jeep safari trails	UTV rally
	-	Canyolands PRCA Rodeo	OSTA	Rodeo
October 21-24	200	Jeep Jamboree	OSTA/Jeep safari trails	Jeep Event
		Moab Craggin	OSTA	Climbing event
	1000	Scots on The Rocks	OSTA	Celtic festival
March20-28	Postponed/Moved	-		Team Rubicon
		Barrel 4 Bucks\$	OSTA	Barrel Racing
		NAXJA	OSTA	
		Rock Gem and Mineral Show	OSTA	
		Western States Bucking Bull Accoc.	OSTA	
		Spanish Trail Classic	OSTA	
		Jordan World Circus	OSTA	
		Muley Deer	OSTA	
		Points and Pebbles Gem Show	OSTA	
		K9 Knows Work	OSTA	
		Rigging for Rescue	OSTA	
		Evoke Life	OSTA	
		Fallen Peach Officer	OSTA	
		Mandy Rush Barrel Race Clinic	OSTA	
		Dynatrac	OSTA	
		Winderess Adventures	OSTA	
		Solihul Society	OSTA	
		Frisbee Tournament	OSTA	
		Moab Fire W/UVU	OSTA	
		Moab 4X4 Expo	OSTA	

Date	Size	Event name	Location	Event type	DateVerified	Application in process
1/30/2021	1000	MM Arches Ultra	Seven Mile parking/ Bar M/ Klondike/ Klonzo	50 miles, 50k, Half, 9k foot race	YES	
		Moab Music Winterlude	Star Hall	Music festival		
2/13/2021	1350	MM Red Hot	Gemini Bridges/poison spider/gold Bar/ Seven Mile Parking	55k & 33kFoot race	Yes	
		Moab international film fest	Star Hall	Film festival		
		Quilting in the Red Rocks	Grand Center	Quilt show		
	400	Moab Thaw	Bar M area	Bike event/ vendor show		
3/20/2021	250	MM Canyonland Half Marathon	Hwy 128, lions park	foot race	Yes	
Week before Easter		March 28th - April 4th	Jeep Safari		Yes	
March 13-16	550	Skinny Tire Festival	Bike Path, hwy 191,313,279,128, ANP, DHPSP	Bike race	Yes	
March 26-29	200	Passover Seder Retreat	Gold Bar Campground	Retreat		
March 27th - April 4th	2500	Moab Jeep Safari	Osta/Jeep Safari Trails	Jeep Event	YES	
3/27/2021	250	MM Behind the Rocks Ultra	Behind the rocks, Amasa, Kane creek	running event	Yes	
April 10-12 2021	220	Trans Rockies Moab Rocks	Swanny Park/ Klondike /Porcupine Rim/ Mag 7	3 day bike race		
April 12 - 18 2021	400	Cruise Moab	Toyota Event	4 WD Event	YES	
	?	Full size Invasion	Moab Reservation Center/Jeep Safari Trails	Full size vehicle safari		
	300	Fallen Peace officer	Fallen peace officer trail	UTV poker run		
4/17/2021	300	MM Amasa Back	Amasa Back	running event	Yes	
April 22-25		Car Show	Swanny City	Car Show		
April 29 - May 4	700	Building Man	Jenkstar Ranch Green River		Yes	
May 1 - May 8	100	Jeep Wrangler TJ Fest		Jeep Event	Yes	
	500	Gran Fondo	Hwy 128, loop Rd, Spanish Valley	bike race		
22-May	450	Desert Gravel Race Co2Ut	Fruita to Moab	Cycling Event	YES	
		FMCA	Old Airport	RV		
		Back of Beyond SUP race	Colorado river/ Kens Lake?	Paddle board race		
Memorial Day Weekend		May 29th through May 31st				
		Moab Arts Festival	Swanny City	Art festival		
6/5/2021	500	MM Thelma and Louise Half	Dead horse	Half marathon/relay	Yes	
		Dawg Days of Summer	Old City Park	BBQ, Concert, Fundraiser		
8/7/2021	200	Vigilanties Car Show	OSTA	Car Show		
		Free Concert Series	Swanny City Park	Concert		
August 13-14		UTE 100	La Sal Mountains, Mount Peal inn	foot race	Yes	
September 17-19th	2000	Scots on the Rocks	Ball Field	Celtic Festival	YES	
	700	Moab Music Festival	Star Hall, RedCliffs,Sorrel, Westwater	Music Festival		
September 18-19	600	Moab Century Tour	Hwy 128, 313	Bike race	Yes	
September 24th- 25th	1200-1400	Utah High School Cycling League - South Region Race 3	Bar M area	Cycling Event	YES	
	200	Skydive boogie	CNY, Mineral bottom, Sorrel River	sky diving		
October 1-3 2021		Outerbike	Bar M area	Bike event/ vendor show	Yes	
		Banff Mountain Film	High School	Film Festival		
		Rock and Gem Show	OSTA	Rock Show		
	300	Moab 240	Starts/finishes Moab valley RV Hidden vally, Kane creek, Hurray pass, San Juan County, into La sals, Porcupine Rim, Hwy 128	240 mile race		
10/10/2021	700	MM Arches Half Marathon	Dewey bridge, Sorrel River Ranch	running event	Yes	
October 15-18	300	Trans Rockies Moab Rocks	Swanny Park/ Klondike /Porcupine Rim/ Mag 7	3 day bike race	YES	
October 21-23	200	Jeep Jamboree	OSTA/Jeep Safari Trails	Jeep Event	YES	
October 30-31		Desert Gravel Race Co2Ut	Fruita to Moab	Cycling Event	YES	
		HoDown	Amasa Back	Bike Race		
		Folk Festival	GCHS, Star Hall, Ball Fields	Music event		
	2000	Moab Trail Marathon	prichett Canyon, Hunter, Kane Creek, Amasa, Behind the Rocks	running event		
11/20/2021	1800	MM Deadhorse Ultra	Gemini Bridges/poison spider/gold Bar/ Seven Mile Parking	running event	Yes	
	700	GGYB Highline Gathering	Fruit Bowl	Slack line		
	380	MM Winter Sun 5k	Golf Course to High School	5k foot race		