



## GRAND COUNTY COUNCIL REGULAR MEETING

Grand County Council Chambers  
125 East Center Street, Moab, Utah

### AGENDA

Tuesday, July 2, 2019

4:00 p.m.

- ☐ **Call to Order**
- ☐ **Pledge of Allegiance**
- ☐ **Approval of Minutes** (Chris Baird, Clerk/Auditor)
  - A. April 16, 2019 (County Council Meeting), Postponed from May 7, 2019
  - B. May 7, 2019 (Joint City-County Council Special Meeting), Postponed from May 21, 2019
  - C. May 7, 2019 (County Council Meeting), Postponed from May 21, 2019
  - D. May 21, 2019 (County Council Meeting), Postponed from June 4, 2019
  - E. June 4, 2019 (County Council Meeting), Postponed from June 18, 2019
  - F. June 10 (Joint County Council Meeting with San Juan County Commissions and SITLA), Postponed from June 18, 2019
  - G. June 11, 2019 (Special County Council Meeting), Postponed from June 18, 2019
  - H. June 18, 2019 (County Council Meeting)
- ☐ **Ratification of Payment of Bills**
- ☐ **General Council Reports and Future Considerations**
- ☐ **Elected Official Reports**
- ☐ **Council Administrator Report**
- ☐ **Department Reports**
  - I. 2018 Canyonlands Field Airport Report (Judd Hill, Airport Director)
- ☐ **Agency Reports**
- ☐ **Citizens to Be Heard**
- ☐ **Presentations** (none)
- ☐ **General Business- Action Items- Discussion and Consideration of:**
  - J. Reaffirming Resolution No. 3146 to respect our Neighbors' Rights and the Rule of Law Regarding the Use of Legal Fireworks (Council Member McGann)
  - K. Approving proposed contract for the printing and mailing of election ballots (Chris Baird, Clerk/Auditor)
  - L. Adopting proposed ordinance to apply the High Density Housing Overlay 10 District (HDHO-10) to Sandstone Cottages, located at 3058 and 3060 Spanish Valley Drive (Zacharia Levine, Community and Economic Development Director)
  - M. Approving a business nominee as Grand County's candidate for "Business of the Year" award for Rural Business Summit (Zacharia Levine, Community and Economic Development Director)
- ☐ **Consent Agenda- Action Items**
  - N. Ratifying the Chair's signature on a grant agreement with the Governor's Office of Economic Development (GOED) for Moab Urban Biking Skills Trail in the amount of \$63,683.00

- O. Ratifying the Chair's Signature on an Interagency Coordination and Sub-Recipient Contract Agreement with Southeastern Utah Association of Local Governments, Area Agency on Aging and Grand County for Human Services Programs for the Grand Center in the Amount of \$89,258.00 for FY2020
- P. Ratifying the Chair's Signature on a Contract Agreement with Southeastern Utah Association of Local Governments, Area Agency on Aging and Grand County for Senior Service Programs in the Amount of \$2,000.00 for FY2020
- Q. Ratifying the Chair's Signature on a Contract Agreement with Southeastern Utah Association of Local Governments, Area Agency on Aging and Grand County in the Amount of \$4,000.00 for FY2020
- R. Ratifying the Chair's signature on FY2020 Beer Tax Plan
- S. Ratifying the Chair's signature on SITLA License Agreement, Right of Entry No. 6373, for the purpose of conducting a Fourth of July Fireworks display on SITLA property near Lionsback
- T. Acknowledging memo received from Grand County Special Events Coordinating Committee regarding Rally on the Rocks special event
- ❑ **Discussion Items**
  - U. Discussion on calendar items and public notices (Bryony Hill, Council Office Coordinator)
- ❑ **Public Hearings- Possible Action Items**
  - V. Public Hearing to hear public comment on a proposed ordinance to apply the High Density Housing Overlay District 5 (HDHO-5) to a lot located at 1991 Starbuck Lane (Zacharia Levine, Community and Economic Development Director)
  - W. Public Hearing to hear public comment on a Conditional Use Permit (CUP) located at 13542 North Highway 191 (Seven Mile Flat) (Zacharia Levine, Community and Economic Development Director)
  - X. Public Hearing to hear public comment on proposed ordinance amending/removing use rights from all zones and/or the overnight accommodations overlay for new/additional overnight accommodations developments, including Table 3.1 (Uses), Section 3.2 Use-Specific Standards, and Section 4.6 Overnight Accommodations Overlay District (Zacharia Levine, Community and Economic Development Director)
- ❑ **Closed Session(s)** (if necessary)
- ❑ **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 Council 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 Council 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 Council 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 Council Meeting and forty-eight (48) hours prior to any Special Council Meeting.** Information relative to these meetings/hearings may be obtained at the Grand County Council's Office, 125 East Center Street, Moab, Utah; (435) 259-1346.

**A Council agenda packet is available at the local Library, 257 East Center St., Moab, Utah, (435) 259-1111 at least 24 hours in advance of the meeting.**

**AGENDA SUMMARY**  
**GRAND COUNTY COUNCIL MEETING**  
**JULY 2, 2019**

Agenda Item: I

<b>TITLE:</b>	2018 Canyonlands Field Airport Report
<b>FISCAL IMPACT:</b>	
<b>PRESENTER(S):</b>	Judd Hill, Airport Director

**Prepared By:**

Bryony Hill  
435-259-1346  
bchamberlain@grandcount  
yutah.net

**FOR OFFICE USE ONLY:**

**Attorney Review:**

N/A

**BACKGROUND:**

PowerPoint to be provided

**RESOLUTION NO. 3146**

**RESOLUTION TO RESPECT OUR NEIGHBORS' RIGHTS  
AND THE RULE OF LAW REGARDING USE OF FIREWORKS  
ON AND AROUND THE 4<sup>TH</sup> OF JULY CELEBRATION**

**WHEREAS**, current and forecasted prolonged drought, coupled with extremely dry vegetation throughout southeastern Utah, have created hazardous fire conditions demanding extreme caution; and

**WHEREAS**, as a result, on June 15, 2018, all Bureau of Land Management, United States Forest Service, National Park Service, State of Utah, and **unincorporated private lands** in Grand County and surrounding counties are under fire restrictions, increased from May 25, 2018, with **prohibited acts of discharging or using any kind of fireworks or other pyrotechnic devices including exploding targets**; and

**WHEREAS**, ignited fireworks are known to be a cause of wildfire; and

**WHEREAS**, minimizing the threat of wildfire in Grand County is critical to maintaining public health, safety, welfare and economic well-being for Grand County citizens; and

**WHEREAS**, recent fire events show the devastating result to Grand County citizens of fire hazard; and

**WHEREAS**, the 4<sup>th</sup> of July celebrates the founding of America, a nation bound by the rule of law; and

**WHEREAS**, in past years illegal fireworks have been discharged without respect to laws and with disregard to other citizens' rights, safety, and welfare; and

**WHEREAS**, Moab City adopted Resolution No. 2018-13 on June 12, 2018 imposing a temporary ban on the discharge of fireworks within the City.

**NOW, THEREFORE, BE IT RESOLVED** by the Grand County Council that it does hereby respectfully implore the citizens to respect our neighbors' rights and the rule of law, including discharging, or using any kind of fireworks on public or unincorporated private lands, regarding use of legal fireworks on and around the 4<sup>th</sup> of July celebration.

**APPROVED** by the Grand County Council in open session this 19<sup>th</sup> day of June 2018, by the following vote:

*Those voting aye: Halliday, Hawks, McGann, Paxman, Trim, Wells*

*Those voting nay*

*Those absent: Clapper*

**ATTEST:**

**Grand County Council**



Diana Carroll, Clerk/Auditor



Mary McGann, Chair



**AGENDA SUMMARY**  
**GRAND COUNTY COUNCIL MEETING**  
**JULY 2, 2019**

<b>TITLE:</b>	Approving Contract For Election Ballot Printing and Mailing Services
<b>FISCAL IMPACT:</b>	Approximately \$5,000 - \$9,000 per election
<b>PRESENTER(S):</b>	Chris Baird – Budget Officer

**Prepared By:**

Chris Baird  
Clerk-Auditor

**FOR OFFICE USE ONLY:**

**Attorney Review:**

N/A

**SUGGESTED MOTION:**

I move to approve the attached contract for elections ballot and printing services with Runbeck Elections Services for a term of 4 years and authorize the chair to sign all associated documents.

**BACKGROUND:**

Grand County has been and is currently using Elections Systems and Software (ES&S) for both voting machine and ballot printing and mailing services.

Clerk-Auditor Chris Baird solicited quotes for ballot printing and mailing services from other service providers.

Due to the low quantity of active voters in Grand County many ballot printing and mailing companies are not eager or willing to accept Grand County as a new client.

Runbeck Elections Services has however recently built a new facility that specializes in lower quantity production runs.

According to the pricing chart in the attached contract a municipal election would cost approximately \$5,000, and a county-wide election \$9,000.

This is a savings of approximately \$2,800 and \$6,400 respectively, per election.

If approved this contract would begin with the upcoming general municipal election. The primary election is being covered by ES&S.

**ATTACHMENT(S):**

1. Runbeck Elections Services Contract

**Agenda Summary**  
**GRAND COUNTY COUNCIL MEETING**  
**July 2, 2019**

<b>TITLE:</b>	Adopting proposed ordinance to apply the High Density Housing Overlay 10 District (HDHO-10) to Sandstone Cottages, located at 3058 and 3060 Spanish Valley Drive
<b>FISCAL IMPACT:</b>	N/A
<b>PRESENTER(S):</b>	Community and Economic Development Staff

**Prepared By:**  
**KENNY GORDON**  
**GRAND COUNTY**  
**PLANNING & ZONING**  
**ADMINISTRATOR**

**FOR OFFICE USE ONLY:**  
**Attorney Review:**

N/A

**STATED MOTION :**

Move to adopt proposed ordinance to apply the High Density Housing Overlay 10 District (HDHO-10) to Sandstone Cottages, located at 3058 and 3060 Spanish Valley Drive, and authorize the Chair to sign all associated documents.

**STAFF RECOMMENDATION:**

Staff recommends a favorable recommendation for the HDH 10 Overlay to be applied to the subject parcels.

**BACKGROUND:**

See staff report attached and below.

Following a public hearing on May 14, 2019, the planning commission voted 6-0 to forward a favorable recommendation to apply the HDHO-10 District to the subject parcels. The planning commission also voted 6-0 to conditionally approve the Sandstone Cottages preliminary plat (an HDHO Development), contingent upon:

1. County Attorney and Council approval of the development agreement committing developer to the deed restriction requirements of Section 4.7;
2. The developer meets all engineering design and easement requirements for drainage and roads, including on-street parking and the developer's portion of the multi-use pathway along Spanish Valley Drive, prior to final plat approval; and,
3. The developer meets all design and easement requirements imposed by GWSSA, the Fire Department, and Rocky Mountain Power prior to final plat approval.
4. The developer's final plat and building design standards comply with all other requirements of Section 4.7 – High Density Housing Overlay.
5. Construction of a 6' tall privacy fence around the perimeter of the development, which the Developer voluntarily agreed to provide based on a public comment provided during the public hearing.

**ATTACHMENT(S):**

1. Draft Ordinance
    - a. Exhibit A Development Agreement
    - b. Exhibit B Preliminary Plat with deed restricted lots shown
  2. Staff Report
  3. High Density Housing Application
  4. Applicant Statement
  5. Preliminary Plat
  6. Public Hearing notification letter sent to adjacent property owners
  7. Public Comments
-

# GRAND COUNTY, UTAH

## ORDINANCE \_\_\_\_\_ (2019)

### APPROVING APPLICATION OF THE HIGH DENSITY HOUSING OVERLAY DISTRICT 10 (HDHO-10) TO 3058 AND 3060 SPANISH VALLEY DRIVE IN CONJUNCTION WITH THE SANDSTONE COTTAGES HIGH DENSITY HOUSING OVERLAY DEVELOPMENT

**WHEREAS**, Glen Lent is the authorized Applicant and Developer, and Verd M. Byrnes and Kathy R. Byrnes, Trustees of the VK BYRNES TRUST dated December 21, 2004 are the owners of record of approximately (4.35) acres of real property in (Section 22, Township 26 South, Range 22 East) Grand County, Utah, more specifically described as follows;

Parcel #02-022-0049 – Bk. 637 P. 345 Entry No. 465710

Beginning 381.9 feet S # 247 ft E of W ¼ corner Section 22 T26S R22E, N 51°02' E 693.2 ft, S 38°58' E 254.1 ft, S 51°02' W 539.8 ft, N 38°53' W 116.9 ft, S 51°02' W 118.4 ft, N 53°23' W 141.5 ft to Beg.

Also: Beginning at a point which bears S 556.84 ft & E 482.35 ft from W ¼ corner Sections 22 T26S R22E, thence N 53°23' W 31 ft, N 51°02' E 627.9 ft, S 38°58' E 30 ft, S 51°02' W 620.2 ft to point of beginning 4.07 Acres.

Parcel #02-022-0050 – Bk. 637 P. 344 Entry No. 465709

Beginning 466.3 ft S & 360.6 ft E of W ¼ corner Section 22 T26S R22E thence N 51°02' E 118.4 ft, S 38°58' E 116.9 ft, S 51°02' W 881.1 ft, N 53°23' W 120.7 ft to beginning .28 Acres.

**WHEREAS**, the Applicant has submitted an application requesting the High Density Housing Overlay District 10 (HDHO-10) as defined by the Grand County Land Use Code (LUC);

**WHEREAS**, the *Grand County Land Use Code* was adopted by the Grand County Council on January 4, 1999 with Ordinance No. 299, Series 1999, and codified with Resolution 468 on April 15, 2008 and as amended to date, for the purpose of regulating land use, subdivision and development in Grand County in accordance with the *General Plan*;

**WHEREAS**, the Grand County Council adopted Ordinance 584 - High Density Housing Overlay Districts on January 15, 2019 and amended it further on June 25, 2019;

**WHEREAS**, in a public hearing on May 14, 2019 the Grand County Planning Commission considered all evidence and testimony presented with respect to the subject application and forwarded a favorable recommendation to the Grand County Council;

**WHEREAS**, in a public meeting on May 14, 2019 the Grand County Planning Commission provided a conditional approval of the Sandstone Cottages Preliminary Plat contingent upon the County Council taking action to apply the HDHO-10 District to the subject parcels;

**WHEREAS**, the Applicant has submitted and the County Attorney has approved a Development Agreement committing the Developer to the deed restriction requirements of Section 4.7, which states that at least 80 percent (80%) of the Lots created by the Sandstone Cottages Subdivision shall be deed restricted to primary residents who are actively employed within Grand County (See Exhibit A);

**WHEREAS**, the Applicant has submitted a Preliminary Plat for the Sandstone Cottages Subdivision and designated which Lots would be deed restricted according to the provisions of Section 4.7 (See Exhibit B);

**WHEREAS**, due notice was given that the Grand County Council would meet to hear and consider the proposed HDHO-10 application in a public hearing on June 25, 2019;

**WHEREAS**, the County Council has heard and considered all evidence and testimony presented with respect to the subject application and has determined that the adoption of this ordinance is in the best interests of the citizens of Grand County, Utah;

**NOW, THEREFORE, BE IT ORDAINED** by the County Council that it does hereby approve the HDHO-10 application for 3058 and 3060 Spanish Valley Dr.

**PASSED, ADOPTED, AND APPROVED** by the Grand County Council in open session this 2<sup>nd</sup> day of July, 2019 by the following vote:

*Those voting aye:* \_\_\_\_\_

*Those voting nay:* \_\_\_\_\_

*Those absent:* \_\_\_\_\_

**ATTEST:**

**Grand County Council**

\_\_\_\_\_  
Chris Baird, Clerk/Auditor

\_\_\_\_\_  
Evan Clapper, Chair

**NOTICE TO TITLE COMPANY:**  
SECTION 4 HEREIN REQUIRES  
EACH DEED OF CONVEYANCE  
INCLUDE THE DEED RESTRICTION  
SET FORTH IN SECTION 4.2

**DEVELOPMENT AGREEMENT  
AND DEED RESTRICTION  
HIGH DENSITY HOUSING OVERLAY DISTRICT**  
*Pursuant to Grand County Code Section 4.7*

This DEVELOPMENT AGREEMENT AND DEED RESTRICTION (this “**Agreement**”) is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, 2019 (the “**Effective Date**”) by and between \_\_\_\_\_, a Utah limited liability company with its principal place of business located at \_\_\_\_\_ (“**Owner/Developer**”), and Grand County, a political subdivision of the State of Utah (“**County**”).

**Recitals**

- A. WHEREAS, Owner/Developer owns that certain property situated in Grand County, Utah, as more particularly described in Exhibit A (the “Property”), which is attached hereto and incorporated herein by this reference.
- B. WHEREAS, Owner/Developer has requested Grand County to apply the High Density Housing Overlay District (the “HDHO District Application”) to the Property to take advantage of the Development Standards and other Development Incentives set forth in Section 4.7 of the Grand County Land Use Code (“Section 4.7”).
- C. WHEREAS, the Grand County Council has, in the exercise of its legislative discretion and following all required public hearings, approved the application of the HDHO District to the Property pursuant to the terms and conditions herein and provided that no fewer than eighty percent (80%) of the units developed on the Property are deed restricted for Primary Residential Housing for Actively Employed Households, as defined in Section 4.7.3 of the Grand County Code (the “Code”).
- D. WHEREAS, pursuant to the authority of Utah Code §17-27A-102(1)(b) and Section 4.7, as amended, the Parties desire to enter into this Agreement for the purpose of formalizing certain obligations of Owner/Developer with respect to the Property, and such other matters as the County and the Owner/Developer have agreed as particularly set forth below.

**AGREEMENT**

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, including approval of the application of the HDHO District to the Property, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:



1. **DEFINITIONS.** Unless otherwise defined herein, all capitalized terms used in this Agreement shall have those meanings assigned in Section 4.7 of the Grand County Code.
2. **COVENANT TO COMPLY WITH SECTION 4.7.** In consideration of the application of the HDHO District to the Property, and specifically the Development Standards set forth in Code Section 4.7.5, Owner/Developer hereby covenants and agrees to strictly comply with the provisions, duties, and obligations of Section 4.7 of the Code, which provisions, duties, and obligations are integrated herein by this reference.
3. **ADDITIONAL TERMS AND CONDITIONS.** Reserved.
4. **DEED RESTRICTION.**
  - 4.1. At least eighty percent (80%) of all Lots or Units developed on the Property (each a “HDHO Lot or Unit”), shall be deed restricted for Primary Residential Occupancy for Actively Employed Households consistent with Section 4.7 of the Code, as amended .
  - 4.2. Each deed of conveyance for an HDHO Lot or Unit shall include the following Deed Restriction:

The Property shall be used for Primary Residential Housing for Actively Employed Households as required by Grand County Land Use Code, Section 4.7, High Density Overlay Districts Overlay, as amended, in perpetuity. The Property is further subject to the Development Agreement recorded in the real property records of Grand County, Utah on \_\_\_\_\_ (Date) at Entry No. \_\_\_\_\_.

Grand County reserves the right to revoke, deny or suspend any permit, including a land development permit, conditional use permit, building permit, certificate of occupancy, or discretionary approval upon a violation or breach of this Deed Restriction by a record owner of any HDHO Lot or Unit.
  - 4.3. Each HDHO Lot or Unit is required to have and maintain those minimum standards of physical condition set forth in Exhibit B, Minimum Standards, to Section 4.7 of the Code, which Minimum Standards are integrated herein by this reference. Grand County reserves the right to revoke, deny or suspend any permit, including a land development permit, conditional use permit, building permit, certificate of occupancy, or discretionary approval upon a violation or breach of this Section by a record owner of any HDHO Lot or Unit in Grand County.
  - 4.4. Owner/Developer shall include the deed restriction contained in Section 4.2 of this Agreement, above, in each and every deed of original conveyance of an HDHO Lot, and each deed of conveyance thereafter shall include the same.

- 4.5. Owner/Developer shall include the deed restriction contained in Sections 4.2 and 4.3 of this Agreement, above, in each and every deed of original conveyance of an HDHO Lot or Unit, and each deed of conveyance thereafter shall include the same.

## **5. DEFAULT.**

- 5.1. Violation or breach of any provision of this Agreement, or Section 4.7 of the Code, as amended, shall constitute an Event of Default. Upon the occurrence of any Event of Default, the County shall provide written notice by certified mail, postage prepaid, to the defaulting owner at the address on file with the Grand County Assessor's office, which notice shall be effective as of the date of deposit in the United States Mail. The defaulting owner shall have thirty (30) days to remedy the Event of Default, after which time the County may enforce all remedies available to it under this Agreement, Section 4.7 of the Code, or Utah law including specific performance and monetary fines pursuant to Section 5.2 herein.
- 5.2. Unless otherwise provided for in Section 4.7 of the Code, as amended, in the event an Event of Default is not cured under Section 5.1 above, fines in the amount of \$50 per day shall accrue until the Event of Default is cured. The County reserves the right to seek judicial enforcement of these fines, including a judgment lien and foreclosure.

## **6. MISCELLANEOUS.**

- 6.1. Owner/Developer hereby waives any defenses, rights or remedies that it might otherwise assert against the County in connection with: (i) the application of the rule against perpetuities to this Agreement; or (ii) any claim that the covenants in this Agreement recorded against the HDHO Lots and Units are not covenants running with the land upon the Property. This waiver shall be binding upon and inure to the benefit of the successor and assigns of the Owner/Developer and the County.
- 6.2. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be valid under applicable law. If any provision of any of the foregoing Agreement shall be invalid or prohibited under applicable law, such provisions shall be ineffective to the extent of such invalidity or prohibition without invalidating the remaining provisions in this Agreement.
- 6.3. If any party shall take or defend against any action for any relief against another party arising out of this Agreement, the prevailing party in such action or defense shall be entitled to reimbursement by the other party for all costs including, but not limited to, reasonable attorneys' fees and court costs incurred by the prevailing party in such action or defense and/or enforcing any judgment granted therein, all of which costs shall be deemed to have accrued upon the commencement of such action and/or defense and shall be paid whether or not such action or defense is prosecuted to judgment. Any judgment or order entered in such action or defense shall contain a specific provision providing for the recovery of attorneys' fees and costs incurred in enforcing such judgment.

- 6.4. This Agreement shall be governed by and construed under Utah law.
- 6.5. Except as otherwise provided herein, the provisions and covenants contained herein shall inure to and be binding upon the heirs, successors, and assigns of the parties.
- 6.6. Paragraph or section headings within this Agreement are inserted solely for convenience of reference and are not intended to, and shall not, govern, limit or aid in the construction of any terms or provisions contained herein. Further, whenever the context so requires herein, the neuter and gender shall include any or all genders and vice versa and the use of the singular shall include the plural and vice versa.
- 6.7. Except for legislative changes of Section 4.7 of the Code which are incorporated herein, this Agreement may be amended only upon written amendment executed by both Parties, recorded in the real property records of Grand County, Utah; provided, however, that all material terms and provisions, including the percentage of HDHO Lots or Units, may not be amended or modified without reapplication to the County.
- 6.8. This Agreement shall be recorded by Owner/Developer prior to recordation of a final plat or issuance of a building permit for any unit within a site plan approved hereunder, as required by Section 4.7 of the Code.

IN WITNESS WHEREOF, this Agreement is effective as of the date first written above.

COUNTY: Grand County  
A political subdivision of the State of Utah

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Chair, Grand County Council

ATTEST:

\_\_\_\_\_  
County Clerk

Owner/Developer:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF UTAH                    )  
  ) ss  
COUNTY OF GRAND            )

On \_\_\_\_\_, 2019, \_\_\_\_\_ (name), as \_\_\_\_\_ (title) of \_\_\_\_\_ (entity name), a Utah \_\_\_\_\_ (entity type), appeared before me and acknowledged and swore to me that the foregoing Agreement was signed on behalf of \_\_\_\_\_ (entity name) by authority of its Articles of Organization [OR Incorporation] and Operating Agreement [OR Bylaws].

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NOTARY PUBLIC

**Exhibit A**

**Real Property  
Legal Description**

**RES - DEED  
RESTRICTED  
LOCAL  
HOUSING**



TOTAL SUBDIVISION AREA:  
~4.3 ACRES

PROPOSED USE:  
SINGLE FAMILY RESIDENTIAL  
9.3 UNITS/ACRE



# STAFF REPORT

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT  
GRAND COUNTY, UTAH

**DATE:** Tuesday, July 02, 2019

**TO:** Grand County Planning Commission

**SUBJECT:** Sandstone Cottages High Density Housing Overlay (HDHO – 10) and Preliminary Plat

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**PROPERTY OWNER:** Vk Byrnes Trust, Verd M. Byrnes & Kathy R. Byrnes

**PROP. OWNER REP:** Glen Lent – Alpine Development

**ENGINEER:** City Consultants – Greg Day, P.E.

**PROPERTY ADDRESS:** 3058 & 3060 Spanish Valley Drive

**SIZE OF PROPERTY:** 4.28 acres

**EXISTING ZONE:** Rural Residential (RR), HDH10

**EXISTING LAND USE:** N/A (Vacant Lot)

**ADJACENT ZONING AND LAND USE(S):** Rural Residential (RR). The subject parcel is located within the HDH10 area.

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## APPLICATION TYPE

High Density Housing Overlay (HDH 10 Application) Preliminary Plat (HDH)

**STAFF RECOMMENDATION:** Approve with Conditions

*Comments (optional):* Conditional to the County Council granting the HDH10 Overlay.

## APPLICATION PROCEDURE

*Decision Type:* Legislative

*Public Notices:* ☐ Public Meeting at:

☐ Planning Commission

☐ County Council

☒ Public Hearing at:

☒ Planning Commission

☒ County Council

*Attachments:*

☐ Approval Letters

☒ Site Plan

☐ Landscape Plan

☒ Vicinity Map

☒ Legal Notice

☒ Legal Description

☒ Public Comments

☒ Agency Comments

☐ Response to Standards

☐ Other:

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## SUMMARY OF REQUEST

The subject property is made up of two (2) lots totaling 4.28 acres located in the Rural Residential (RR) zone. 3058 Spanish Valley Dr. is a 4.00 acre lot and 3060 Spanish Valley Dr. is a 0.28 acre lot. The developer is requesting application of the HDH 10 overlay to their parcels. If granted, the developer proposes a subdivision comprised of 40 new lots ranging from 1,960 SF to 3,517 SF, and 33,998.5 SF of open space. In effect, the developer is requesting to combine the legislative and administrative components of the HDH Overlay process, which is allowable by code and acceptable to staff.

## SITE IMPROVEMENTS / ADDITIONS / CHANGES

The subdivision would extend power, water, and sewer services to each lot. The proposed road on the perimeter of the property will be 24' of surface width. The County Engineer, Road Supervisor, and Community and Economic Development



Director will work with the developer to dedicate the appropriate amount of road right of way based on the final classification determined before final plat approval. The aforementioned staff also note that a traffic study will need to be conducted prior to final design approval to determine the need for right- and left-hand turn lanes on Spanish Valley Dr. The developer will utilize a bioswale/bioretention design in the open space area to manage stormwater runoff. This area will also serve as a gathering and recreational space for residents.

## **CONSIDERATIONS FOR APPROVAL, DENIAL, AND/OR POSTPONEMENT**

### **Article 4.7 HIGH DENSITY HOUSING (HDH) OVERLAY DISTRICT**

#### **4.7.1 Purpose.**

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A. Grand County has established a High Density Housing Overlay (HDHO) district to facilitate the provision of new housing units used for primary residential occupancy by actively employed households. The HDHO districts (See Map- Exhibit A) are intended to provide the opportunity and means for the County to meet its estimate of additional residential and workforce housing needs, to achieve the goals of the housing element of the County's General Plan, and to implement the policies and goals of the housing element of the County's General Plan.

B. These regulations are intended to encourage the development of new housing units by assisting both the public and private sector in making the provision of these units economically viable, while providing assurances to the County that these units will maintain a high degree of quality and will remain financially accessible to residents and local area workers.

C. These regulations are further intended to encourage the provision of primary residential housing through the combination of the HDHO districts with multiple-family and single-family residential zoning districts within the County where the residential housing projects are determined to be feasible and are consistent with the County's General Plan.

D. The HDHO is intended to:

1. Provide a means of directing and simplifying the process for creating and maintaining primary residential housing.
2. Provide a means of directing and simplifying the process for creating and maintaining affordable housing constructed to meet the Assured Housing requirements of Section 6.15.
3. Provide incentives to developers, whether in new or rehabilitated housing, to maintain primary residential rental and ownership units in perpetuity.

*Staff believes the developer's narrative and proposed preliminary plat meet the legislative intent of the High Density Housing Overlay. Staff recommends planning commission forward a favorable recommendation of the HDH Overlay application and a preliminary plat approval conditioned upon the comments below (and specified in the stated motion of the Agenda Summary).*

#### **4.7.5(C)**

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C. Property Development Standards. The following development standards shall apply to HDHO units in the HDHO districts.

1. General Design Standards. The development shall be designed and developed in a manner compatible with and complementary to existing and potential development in the immediate vicinity of the development site. Site planning on the perimeter shall provide for protection of the property from adverse surrounding influences and shall protect surrounding areas from potentially adverse influences from the property. To the greatest extent possible, the design of the development shall promote privacy for residents and neighbors, security, and use of passive solar heating and cooling through proper placement of walls, windows, and landscaping.

*The developer is proposing a 24' road on the exterior perimeter of the subject parcels in order to accommodate the Average Daily Trips (ADTs) projected from the subdivision, to allow emergency vehicle access, to enable on-street, parallel parking for visitors, and to provide larger buffers between the proposed subdivision lots and adjacent properties.*

2. Minimum Design Standards. Minimum design standards are included to ensure a high degree of quality in the development of HDHO units. Unless modified by the County Council, the following design standards shall apply to a

development that utilizes the density increases allowed by this Article.

*Staff has reviewed the proposed preliminary plat for compliance with the following.*

a. Sidewalks shall be installed along all street frontages where otherwise required by this LUC.

*The developer is not proposing sidewalks on the interior of the road, but rather linear pathways on the interior of the development, which is an allowable alternative to sidewalks specified in Sec. 7.4.1.*

b. Screening Requirements

*The developer is not proposing outdoor storage, parking lots, or parking islands.*

- i. Outdoor Storage Screening. All outdoor storage areas for materials, trash, mechanical equipment, vehicles, or other similar items shall follow the standards outlined in Section 6.4.3.
- ii. Parking Lot Screening. Parking lot screening must be provided between those portions of an off-street parking area containing six (6) or more parking spaces and a different zoning district or a public street and shall be designed according to the following:
  - a. Parking lot screening must be provided within ten feet (10') of the perimeter of the parking lot to be screened, except for parking lots adjacent to rain gardens/bio-retention systems, other landscape features, or where screening may negatively impact the traffic sight distance (as defined by the American Association of State Highway and Transportation Officials (AASHTO) and verified by the County Engineer)
  - b. Parking lot screening shall be not less than eighty percent (80%) opaque and be a minimum of three feet (3') in height as measured from the highest finished adjacent grade of the parking area. When shrubs are used to provide the screen, such shrubs must be at least two feet (2') tall at planting and anticipated to grow to at least three feet (3') tall at maturity.
  - c. No landscaping or screening shall interfere with driver or pedestrian visibility for vehicles entering or exiting the premises.
  - d. Screening for a parking lot may be comprised of plants found in Section 6.4.3.F.
  - e. Content: Parking lot screening must consist of at least two (2) of the following:
    - i. A compact hedge of evergreen or densely twigged deciduous shrubs spaced to ensure closure into a solid hedge at maturity;
    - ii. A berm with plantings as described above;
    - iii. Transit shelters, benches, bicycle racks, and similar features may be integrated as a part of the screen;
    - iv. Fencing may be integrated as part of the screen. All wood fencing shall be stained and sealed with a weatherproof product.
- iii. Parking Island Design. Off-street parking areas with at least twenty-five (25) parking stalls shall contain interior landscaped islands. Such islands shall be bounded by a raised concrete curb, pervious curbing, or an approved equivalent and shall contain mulch to retain soil moisture. This provision shall not apply to parking structures. The standards for landscaped islands are as follows:

- a. Landscaped parking lot islands shall be required at the beginning and end of each parking row and shall contain a minimum of one hundred eighty (180) square feet and a minimum width of nine feet (9').
- b. A minimum of one tree shall be provided for each island.
- c. Shrubs, perennials or ornamental grass shall be incorporated in each landscaped island that does not contain a tree.
- d. Islands shall be prepared with topsoil to a depth of two feet (2') and improved to ensure adequate drainage, nutrient, and moisture retention levels for the establishment of plantings.
- e. All perimeter and interior landscaped areas in parking lots shall be equipped with an irrigation system adequate for establishing and maintaining the plant materials within it.

c. Building Exterior Façade Standards.

*These standards are to be reviewed at the time a building permit is requested. They are administrative requirements for development within an HDH Overlay. The developer has submitted draft architectural renderings (shown to the planning commission at time of Sketch Plan review) that meet the standards below.*

- i. Exterior finishes may be of wood, masonry, stone, stucco, HDO board or other high quality material permitted by the building code, but shall not utilize vinyl siding; cedar or wood shakes; highly reflective, shiny, or mirror-like materials; or exposed plywood or particle board.
- ii. Buildings shall utilize at least two (2) of the following design features to provide visual relief along the front of the residence:
  - a. Projections, recessions, or reveals such as, but not limited to, columns, pilasters, cornices, and bay windows
  - b. Dormers.
  - c. Gables.
  - d. Recessed entries, a minimum of three (3) feet deep.
  - e. Covered front porches.
  - f. Cupolas.
  - g. Architectural Pillars or Posts.
  - h. Quoins.
  - i. Corbeling on wall.
  - j. Decorative lintel.
  - k. Incorporation of brick or stone on at least 25% of front surface area
- iii. Planning staff shall have the authority to waive this requirement when the building is not visible from adjacent properties or the public right-of-way.
- d. Where HDHO units may be placed on the same lot as current or future temporary or short-term accommodations, dedicated HDHO units shall be clustered together so as to minimize the exposure of residents to temporary guests. In all other developments, where temporary or short-term accommodations units do not exist and cannot exist due to zoning restrictions, dedicated HDHO units shall be dispersed throughout the residential development.
- e. Where there is a combination of commercial and residential uses, the commercial uses shall front along the highest road designation. Residential development shall be located behind commercial development or on upper floors above commercial development.
- f. The County Council may waive, or modify, any, or all, of these requirements when the Council finds it is infeasible to comply due to physical or other constraints on the lot.

3. Minimum Building Site Area and Lot Width. There shall be no minimum building site area, minimum lot width, or maximum lot coverage requirements for individual lots or individual dwelling sites in a HDHO district development. However, the building site area lot widths, and lot coverage percentages shall be designated on a site plan pursuant to Section 9.17 or preliminary plat pursuant to Section 9.4 approved by the Planning Commission.

*Provided by applicant on the sketch plan. 40 new lots ranging from 1,960 SF to 3,517 SF are proposed.*

4. Density. Overall density of site development within an HDHO district shall not exceed the limits established in Section 6.14.040.

*The proposed density of 9.3 units per acre is within the limits allowed by the HDH 10 district.*

5. Building Height.

*These standards are to be reviewed at the time a building permit is requested. Based on the draft architectural renderings submitted, staff does not anticipate any challenges in meeting these standards.*

- a. Maximum building heights shall not exceed the limits defined in the underlying zone district except that buildings constructed in the HDHO 35b district shall not exceed four (4) stories or forty-two (42) feet in height.
- b. To the maximum extent possible, building heights and locations shall minimize shading and interruption of solar access to adjacent properties with existing residential structures or commercial agricultural operations.
- c. All structures shall conform to the Ridgeline Standards of Section 6.9.8.
- d. Structures built under the HDHO must comply with the setback and buffer requirements of the underlying zone. The maximum height of the building at the exterior wall shall be the greater of:
  - i. 20 feet
  - ii. The building's setback at that point
- e. From the exterior wall, the building's height may increase to its maximum height at a rate not greater than a 45° angle from the maximum allowable height of the exterior wall.

6. Setbacks. The minimum setbacks from the lot line of the development shall be determined by the buffer requirements of Section 5.4.1.B and the compatibility standards of Section 6.10.

*The proposed buffer of 30 feet (plus setbacks from the proposed lot lines facing the street) exceeds the required 20 foot buffer called for in Section 5.4.1.B. The preliminary plat will need to comply with all standards of Section 6.10.*

7. Parking.

*The developer proposes two (2) parking spaces for each lot via garage, plus on-street, parallel parking for visitors. The width of the on-street, parallel parking spaces will be finalized prior to final plat approval based on the final right-of-way width.*

- i. Number of spaces required
  - a. For every single-family or two-family dwelling, there shall be provided at least two (2) off-street parking spaces for each unit. Parking spaces provided in a garage or carport may count towards the minimum requirement.

- b. For every attached multifamily dwelling, off-street parking spaces shall be provided in accordance with Section 6.1.4:

Multi-family dwellings	Efficiency and one-bedroom	1.5 per dwelling unit
	Two-bedroom	1.75 per dwelling unit
	Three-bedroom and Larger	2.0 per dwelling unit

ii. Parking design requirements

- c. Parking areas for single-family or two-family dwellings need not be paved.
- d. Parking areas for attached multifamily dwellings shall be subject to the off-street requirements outlined in Section 6.1.7.
- e. Uncovered surface parking may be permitted in the rear and side setbacks but is not permitted in the front or street-side setback.
- f. Garages, carports, and individual locking storage units are subject to the setback standards outlined in Section 5.4.1.
- g. Required spaces for multifamily developments equal to or greater than five units shall be covered in a carport or a garage except that for multifamily dwellings with four or fewer units, parking spaces can be uncovered.

8. Minimum Standards of Physical Condition. A HDHO unit is required to have and maintain those minimum standards of physical conditions set forth in Exhibit B - Minimum Standards.

*These standards are to be reviewed at the time a building permit is requested, and included in the deed restrictions attached to each lot's title.*

9. Streets. All public streets within or abutting the proposed planned development shall be dedicated and improved to County specifications for the particular classification of street; all private streets shall meet fire code and access standards.

*The proposed road on the perimeter of the property will be 24' of surface width. The County Engineer, Road Supervisor, Fire Department, and Community and Economic Development Director will work with the developer to dedicate the appropriate amount of road right of way based on the final classification determined before final plat approval. The aforementioned staff also note that a traffic study will need to be conducted prior to final design approval to determine the need for right- and left-hand turn lanes on Spanish Valley Dr.*

10. Signs. Signs shall be permitted only to the extent allowed under Section 6.5, Signs, and must be approved by the Planning and Zoning Administrator.

*The developer has not proposed signage to date.*

11. Construction Timing. The HDHO units shall be ready for occupancy no later than the date of the initial or temporary occupancy of any unrestricted units within the development or applicable phase thereof. If the unrestricted units are developed in phases, then the HDHO units may be developed in proportion to the phasing of the unrestricted units. For example, in an approved development that includes 100 units built in two 50-unit phases the first phase must include at least 40 HDHO units.

*The developer has not designated which lots will be deed restricted in accordance with Section 4.7 at this stage of preliminary plat review, but will need to at the time of final plat review, approval, and recordation.*

## Article 7 Subdivision Standards

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*Staff has reviewed the preliminary plat application for subdivision standards not specified within the HDH Overlay or addressed above. The following findings are pertinent to planning commission's review of the preliminary plat.*

*Lighting: The developer has not submitted a street lighting plan, or exterior lighting plans for the individual structures. The street lighting plan will be required prior to final plat approval and the exterior lighting plans for individual structures will be required at the time building permit applications are reviewed.*

*Utility Easements: The developer will need to designate acceptable public utility easements on the final plat as per the requirements of GWSSA and Rocky Mountain Power.*

*Drainage and Drainage Easements: The developer will need to designate the drainage easement on the final plat as per final specifications from the County Engineer.*

*Fire Protection: The Fire Department has provided initial feedback on the plan and supports the general subdivision layout. It will require between three (3) and five (5) fire hydrants spread throughout the subdivision. Turning radii on the proposed street will also be verified prior to final plat review and approval.*

*Water and Sewer: See GWSSA will-serve letter. Final design specifications will occur prior to final plat review.*

### **COMPATABILITY WITH GENERAL PLAN**

The proposed subdivision is not explicitly supported by the general plan, but it is supported by the HDH Overlay ordinance adopted by the County Council in January 2019. Inasmuch as Council anticipates adding the HDH Overlay to the General Plan as an amendment or complement to the Future Land Use Plan, the proposed subdivision is supported.

### **COMPATABILITY WITH LAND USE CODE (ZONING)**

The subject property is zoned Rural Residential (RR), and is in the HDH10 Overlay zone. Staff has conducted only sketch plan level of review at this stage. Sketch plan approval is recommended on the basis that the developer is seeking legislative approval of the High Density Housing Overlay being applied to the subject parcels. Once the HDH overlay is applied, the proposed preliminary plat will need to comply with all standards in Sections 4.7 and Articles 5, 6, 7, and 9.

### **LAND USE CODE REFERENCE SECTIONS**

Section 3.1 Use Table



Principal Uses by Zoning District															
Use Category	Specific Use	RESIDENTIAL					NONRESIDENTIAL						Use-Specific Standards		
		SLR	LLR	RR	MFR	RG	NC	GB	RC	RS	HC	LI		HI	
Key: P = Permitted by right C = Conditional Use Permit Required ____ Not Permitted (Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively)															
Residential Uses (Section 3.4.7)															
Household Living	Dwelling, single-family	P	P	P	P	P				P	P				
	Zero lot line house	P	P	P	P	P					P			3.2.1K	
	Alley-loaded house	P	P	P	P	P					P			3.2.1A	
	Dwelling, two-family (duplex)	P	P	P	P	P			P		P			3.2.1D	
	Townhouse	P	P	P	P	P			P		P			3.2.1G	
	Dwelling, multi-family				P				P		P			3.2.1C	
	Manufactured home	P	P	P	P	P				P	P			3.2.1H	
	Manufactured home community	C									C			3.2.1I	
	Upper-story residential						P	P	P	P	P	P		3.2.1J	
	All other household living uses				P										
Group Living	Group home	P	P	P	P	P					P			3.2.1E	
	All other group living	C	C	C	C	C		P			P			3.2.1F	

#### 4.7.4A

High Density Housing (HDH) District	Maximum Density
HDH 35a	35 units per acre
HDH 35b	35 units per acre
HDH 25	25 units per acre
HDH 15	15 units per acre
HDH 10	10 units per acre
HDH 5	5 units per acre

#### 4.7.6 Assurance of primary residency and occupancy.

HDHO units developed under this Article shall remain available to persons and families who live and work in Grand County according to the standards set forth in Section 4.7 in perpetuity. The developer shall be required to enter into a development agreement with the County to ensure primary residential occupancy by actively employed households is maintained prior to recordation of final plat or issuance of a building permit for the applicable development. Each housing unit designated for primary restricted residential occupancy by an actively employed household (an HDHO unit) shall also include a deed restriction attached to its title in accordance with the standards set forth in this section. Grand County reserves the right to revoke, deny or suspend any permit, including a land development permit, conditional use permit, building permit, certificate of occupancy, or discretionary approval if the standards of this section are not met.

*The developer has submitted a development agreement to the County, which is currently under review by the County Attorney. Application of the HDH-10 Overlay to the subject parcels is contingent upon the County Attorney's and Council's*

*approval of the development agreement. Because a preliminary plat approval is contingent upon application of the HDH-10 Overlay, the development agreement will be part of the County Council's review, and approval or denial. If the HDH-10 Overlay is approved and the Applicant is permitted to develop under the HDHO standards (as per the preliminary plat), each deed restricted lot shall be designated on the plat prior to final plat approval and recordation. Further, each deed restricted lot shall include such restriction on its chain of title in perpetuity.*

## **PROPERTY HISTORY**

Each subject parcel currently includes one residence and one garage accessory structure.



## HIGH DENSITY HOUSING (HDH) OVERLAY APPLICATION

Grand County Courthouse: 125 E. Center St. Moab, UT 84532; Phone: (435) 259-1343

### FOR OFFICE USE ONLY

Date of Submittal: 3/27 Application Processing Fees: \$500.00

Submittal Received by: UM Amount Paid: \$500 Fees Received by: UM

APPLICANTS ARE STRONGLY ENCOURAGED TO READ THROUGH SECTION 4.7 OF THE GRAND COUNTY LAND USE CODE AND MEET WITH STAFF PRIOR TO SUBMITTING AN APPLICATION TO RECEIVE THE HIGH DENSITY HOUSING (HDH) OVERLAY. APPROVAL OF AN HDH OVERLAY APPLICATION DOES NOT CONSTITUTE A PRELIMINARY PLAT, FINAL PLAT, OR SITE PLAN APPROVAL.

### CONTACT INFORMATION

Property owner: VK Byrnes Trust

Address: [REDACTED]

Phone: [REDACTED] cell: [REDACTED] fax: [REDACTED]

Email address: [REDACTED]

Engineer (if applicable): City Consultants - Greg Dag, PE

Address: 1812 Doral Dr., Syracuse, UT 84075

Phone: 801-814-1778 cell: [REDACTED] fax: [REDACTED]

Email address: greg@cityconsultantsco.com

Property owner representative (if applicable): Glen Kent - Alpine Development, LLC

Address: [REDACTED]

Phone: [REDACTED] cell: [REDACTED] fax: [REDACTED]

Email address: [REDACTED]

### PROJECT INFORMATION

Project name: Sandstone Cottages

General location of the property: 3058 & 3060 Spanish Valley Drive

Underlying Zoning: Rural Residential district

Surrounding land uses: South side - KOA (commercial), West side - residential ag,

Size of property: 4.28 acres North - Spanish Valley Drive, East -

Number of lots/units proposed: 40 (for sale) 0 (for rent) Residential

Number of deed restricted HDHO units proposed: 32 (for sale) 0 (for rent)

**REQUIRED** – Each of the following agencies will review for their ability to serve the proposed development through adequate existing and future easements, or provide a letter with detailed requirements for the proposed development. Applicants are encouraged to consult each of the following agencies prior to submitting a development application. Grand County Community and Economic Development staff will request approval letters or signatures from each agency after a complete application is submitted.

Moab Valley Fire Department  
Grand County Road Supervisor  
Grand Water and Sewer Service Agency  
Rocky Mountain Power  
FEMA Floodplain Administrator

### **SUPPORTING MATERIALS**

Approvals of the High Density Housing (HDDH) Overlay are considered legislative, discretionary decisions. They are reviewed in public hearings by the Planning Commission and County Council, with the County Council serving as the final land use authority (i.e. final decision-making authority). Approval of an HDDH Overlay application **DOES NOT** constitute a preliminary plat, final plat, or site plan approval. HDDH Overlay applications shall contain, at a minimum, the following supporting materials through the approval process according to the following submittal schedule:

☒ **Survey.** The applicant shall submit a certified survey of land area to be rezoned. Such survey map shall require at a minimum the following information:

1. Subject land area acreage
2. Adjacent uses and predominant uses in the vicinity
3. Existing zoning designation of the subject property and surrounding properties.
4. A vicinity map.

☒ **Applicant Statement.** A statement by the Applicant explaining how the proposed High Density Housing Development meets the legislative intent and established standards of Section 4.7 of the Grand County LUC. In making its determination, the County Council shall consider the recommendation of the Planning Commission, staff reports, and the written and oral testimony presented.

☐ **Development Agreement.** The Applicant shall provide and enter into a development agreement with the County establishing the proposed means for assuring the continuing existence, maintenance and operation of the HDDH development in compliance with standards set forth in Section 4.7 of the Grand County LUC.

☒ **Title Report.** A preliminary title report from a licensed title company listing or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property, and of the preliminary plat.

☒ **Covenants, Conditions, Restrictions.** Draft of any protective covenants where the developer/subdivider proposes to regulate land use or development standards in the subdivision.

☒ **Taxes.** A statement from the County treasurer showing the status of all current taxes due on the parcel.

☒ **Surrounding Property Owners.** A list of surrounding property owners and their legal mailing addresses within 100 feet of the exterior boundary of the parcel proposed to be rezoned.

☐ **Posting.** The Applicant is responsible for posting a sign noticing the public hearings. The Community and Economic Development Department will provide the physical signs. The Applicant is responsible for wind and water proofing the sign as well as placing it in a prominent place within the front setback of each street to which the proposed subdivision fronts. The public hearing notices shall be posted at least 10 days prior to the public hearings and remain in place until the public hearing is completed.

☐ **Application Fee.** The process / filing fee of \$500.00 shall be paid in full.

#### APPLICANT CERTIFICATION

I certify under penalty of perjury that this application and all information submitted as a part of this application are true, complete and accurate to the best of my knowledge. I certify that I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me with respect to this application. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Grand County may rescind any approval, or take any other legal or appropriate action. I also acknowledge that I have reviewed the applicable sections of the Grand County Land Use Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses. Additionally, I have reviewed and understand the section from the Consolidated Fee Schedule and hereby agree to comply with this resolution. I also agree to allow the Staff, or County appointed agent(s) of the County to enter the subject property to make any necessary inspections thereof.

Property Owner's Signature: \_\_\_\_\_

*Vend M Byrnes, Trustee of the VK Byrnes Trust*  
*Kathy R Byrnes, Trustee of the VK Byrnes Trust*

Date: 3-27-2019

State of Utah       )  
                              ) SS  
County of Grand    )

SUBSCRIBED AND SWORN to and before me this 27 day of March 20 19

*Dan Renae Eddy*

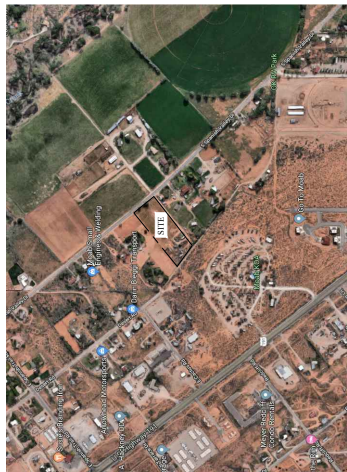


## SANDSTONE COTTAGES Applicant Statement

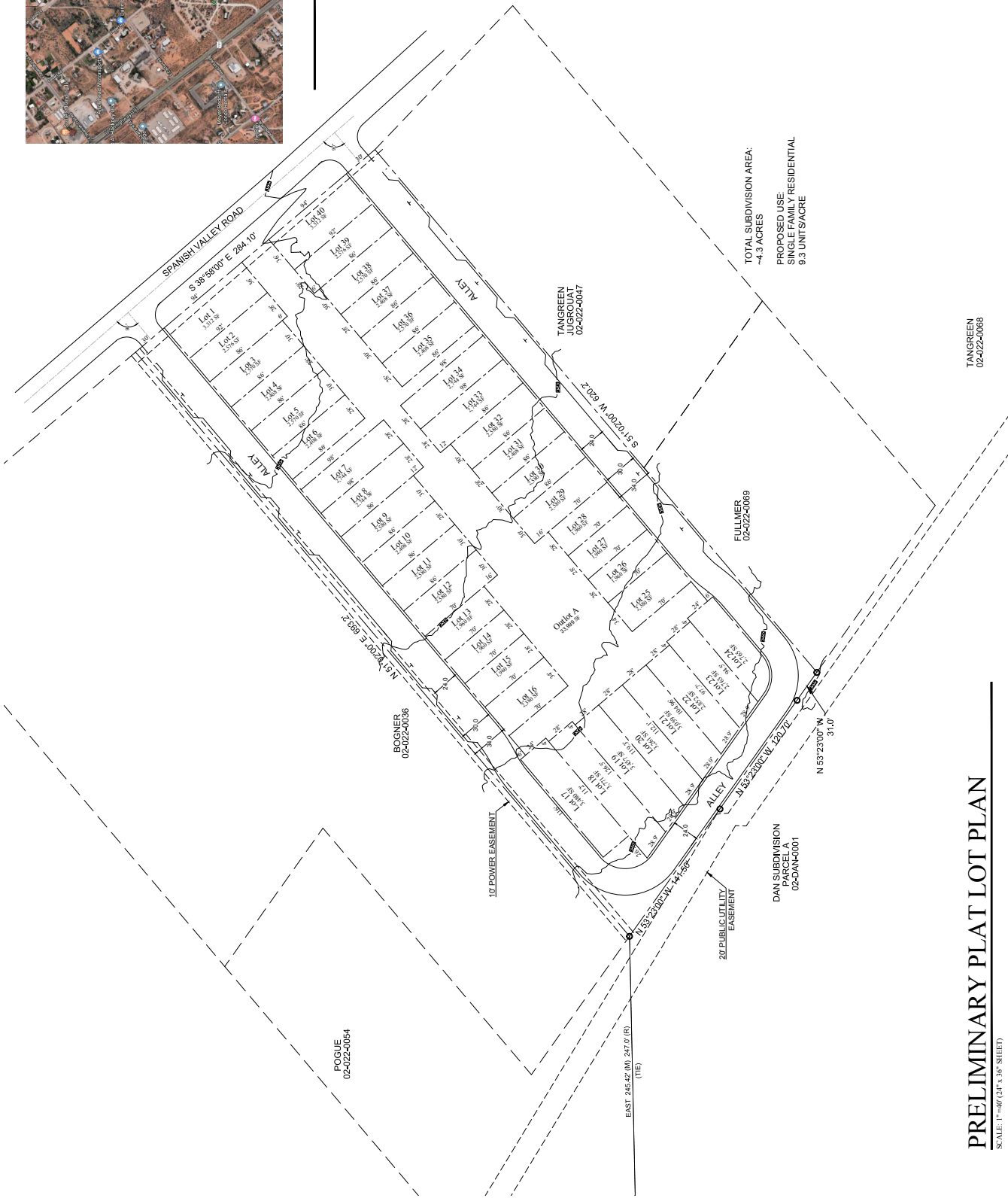
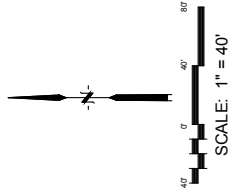
The primary intent of the High Density Housing Overlay (HDHO) is to facilitate the creation of new housing units used for primary residential occupancy by actively employed households. Sandstone Cottages (Sandstone) shall meet the intent and standards outlined in the HDHO ordinance. Some examples include the following:

- Sandstone will be primarily designed for local housing and shall meet the 80% requirement as outlined in the HDHO ordinance.
- Sandstone intends to ensure compliance with these requirements.
- All homes in Sandstone are detached single family. This product seems appropriate given the surrounding uses of both commercial and residential.
- The intent is to provide for an underserved demographic that prefers a strong community setting that create a sense of place in both public and private spaces. Although the lots may be smaller than typical lots in the Spanish Valley area, homeowners will be entitled to private areas and most will have a fenced in back yard. In addition, all homes will front a private green court giving homeowners the opportunity to meet their neighbors. Thoughtful uses of porches and indoor/outdoor spaces will be provided.
- The homes are intended to be affordable and the use of additional density will facilitate this goal.
- Homeowner demographics may be first time homeowners, families, those wishing to downsize from larger homes, or simply those looking to live a simpler sustainable life.
- Sandstone will participate in the creation of a regional trail system along Spanish Valley Drive.
- Housing setbacks and alleyways have been designed to lessen the impacts to surrounding neighbors.
- Every home will include a 2-car garage and additional parking throughout the community will be provided. There are no parking lots.
- Exterior finishes of the building facades shall be of those allowed in the ordinance. Appropriate designed standards shall be implemented to accommodate a pleasing and consistent look throughout the community.
- It is the intent of the developer to build the homes and not sell off individual lots.
- It is the intent to meet the minimum standards for Physical Conditions as outlined in Exhibit B of the Overlay District.





VICINITY MAP  
N.T.S. FOR REFERENCE ONLY



PRELIMINARY PLAT LOT PLAN

SCALE: 1"=40' (24"X 36" SHEET)



COMMUNITY & ECONOMIC DEVELOPMENT  
PLANNING, ENGINEERING & ECONOMIC DEVELOPMENT

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**Public Hearing Notice**  
**Land Use Development Application in Your Neighborhood**

Project Title: Sandstone Cottages

Project Address: 3058 & 306 Spanish Valley Dr., Moab, UT 84532

Project Description: Preliminary Plat & High Density Housing Overlay development

Project Applicant: Glen Lent - Alpine Development

**Public Hearing Information**  
**Planning Commission / County Council**

**Date:** May 14, 2019

**Time:** 5:00 pm

**Location:** 125 E. Center St., Moab, UT 84532

For more information contact the  
Grand County Community & Economic Development Department  
125 E. Center St.  
Moab, Utah 84532  
435-259-1343

You are receiving this notice because of your proximity to the above referenced project.

A public hearing is a statutory requirement for some land use decisions. At a public hearing, members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

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## **Proposed Project & Information Provided by Applicant**

Applicant Statement: The primary intent of the High Density Housing Overlay (HDHO) is to facilitate the creation of new housing units used for primary residential occupancy by actively employed households. Sandstone Cottages (Sandstone) shall meet the intent and standards outlined in the HDHO ordinance. Some examples include the following:

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- It is the intent to meet the minimum standards for Physical Conditions as outlined in Exhibit B of the Overlay District.

Property Owner Representative:  
Glen Lent – Alpine Development  
514 Craftsman Way  
Midway, Utah 84049  
[glen@alpine-development.com](mailto:glen@alpine-development.com)  
801-403-9660



April 29, 2019

RE: Public Hearing Sandstone Cottages

Dear Sirs:

Thank you for sending us a written notice about the Public Hearing concerning the Sandstone Cottages Development. We contacted Kenny Gordon earlier today as we won't be able to attend the meeting due to a prior medical appointment in Salt Lake City, UT. Mr. Gordon asked us to submit a letter listing the concerns and questions about the development.

- We feel the land parcel is not large enough for such a large amount of housing units.
- We are concerned about possible increases in noise levels. We are already dealing with increased noise from tourism traffic and the KOA campground. At times, the noise is unacceptable.
- Will there be a substantial barrier/privacy fence placed around the development? Our current fence keeps our dogs and grandchildren in and other animals and people out. However, it does not act as a noise barrier.
- We feel increasing affordable housing in Moab is a necessity, but we strongly feel it should be built closer to town where jobs are located.
- We worry about the increased congestion caused from more people and auto traffic.
- Will Spanish Valley Dr. be improved to accommodate the already increased congestion?
- What types of requests or restrictions will affect our home and property? We have lived on the same property for over forty years. We understand change is mostly unavoidable, but we would like to be informed as to what will be expected of us as property owners and neighbors.

Thank you for your time and consideration. Please keep us in the communication loop. We are concerned about the fast rate of growth in the Moab valley. Also, thank you Kenny for being so accommodating and pleasant about our visit to your office.

Sam and Cynthia Tangreen  
3066 Spanish Vly. Dr.  
Moab, UT  
435-210-0722

**AGENDA SUMMARY**  
**GRAND COUNTY COUNCIL MEETING**  
**July 2, 2019**

Agenda Item: M

<b>TITLE:</b>	Approving a business nominee as Grand County's candidate for "Business of the Year" award for Rural Business Summit
<b>FISCAL IMPACT:</b>	N/A
<b>PRESENTER(S):</b>	Zacharia Levine, Community Development Director

**Prepared By:**  
**BRYONY HILL**  
**COUNCIL OFFICE**  
**COORDINATOR**

**FOR OFFICE USE ONLY:**

**Attorney Review:**

N/A

**STATED MOTION :**

Move to select \_\_\_\_\_ as the Grand County Rural Business of the Year for 2019 and authorize the Chair to sign all associated documents.

**BACKGROUND:**

Rural Business Summit will take place September 6<sup>th</sup> in Price, Utah. They are looking for another recipient for the Congressional Rural Business of the Year award. Last year, Grand County selected Moab Brewery. Below you will find a list of businesses highlighting their product, service, etc. The invitation and criteria are attached.

Deadline for submission is August 1, 2019.

Eddyline Welding - Young venture in the outdoor products design and (light) manufacturing space. Represents an innovative approach to leveraging Moab's recreation and tourism economy, and represents a form of cluster development.

Business Resolutions (Zax, The Spoke, Mill Creek Apartments, The HooDoo Hotel, Hyatt, etc.) - Large employer with diversified business assets and an emerging workforce housing developer.

Gearheads Outdoor Store - Higher paying retail business in Moab.

The Happenings - Community and visitor information resource, with its roots in the 1960s (?).

Moab Adventure Center - Large, diversified tourism operator with significant employment numbers.

Moab Lodging (Red Cliffs Lodge, Castle Creek Winery, etc.) - Large employer with multiple business ventures in the recreation, tourism, and lodging industries. Contributes to many community non-profits and events.

Moab Regional Hospital – Not a for-profit business, but an anchor institution in the Moab Area. Healthcare represents one of the faster growing employment sectors (in terms of percentage increases) and tends to pay higher than average

wages.

The Moab Sun News/Moab Real Estate Guide – Free, local news publication and free, local real estate guide.

Poison Spider Bicycle Shop – Longtime retail business that was central to the development of the mountain biking industry in Moab.

Redtail Aviation- Provides commercial passenger and cargo transport. Provides discounts to locals and businesses active in the Chamber.

Rim Cyclery - Longtime retail business that was central to the development of the mountain biking industry in Moab.

The Synergy Company – Organic nutrition and supplement company with international customer base. One of the larger employers in the Moab Area. Recent recipients of the World Trade Center - Utah's Vanguard Award.

Utah State University – Not a for-profit business, but an anchor institution in the community. Central to future economic development efforts in the Moab Area.

**ATTACHMENT(S):**

1. Invitation and criteria for Rural Business Summit Business of the Year award
-



REP. JOHN CURTIS'

# RURAL BUSINESS SUMMIT



Want a booth at the event? Apply at  
[rural.curtisevents.com](http://rural.curtisevents.com)

**SEPTEMBER 6, 2019**

**8:00 AM - 2:30 PM**

**CARBON COUNTY SENIOR CENTER**

**PRICE, UTAH**

## WHO SHOULD ATTEND

- ✓ Employers who need workers
- ✓ Businesses who want to expand
- ✓ Entrepreneurs who need direction
- ✓ Local leaders who want to help their community

## WHAT TO EXPECT

- ✓ Training Breakout Sessions
- ✓ Business Resources Panels
- ✓ Business Exhibit Booths
- ✓ Food Truck Roundup & Live Band

REGISTER AT [RURAL.CURTISEVENTS.COM](http://RURAL.CURTISEVENTS.COM)



**From:** "Fowlke, Lorie" <[Lorie.Fowlke@mail.house.gov](mailto:Lorie.Fowlke@mail.house.gov)>

**Date:** June 18, 2019 at 3:40:29 PM MDT

**To:** Rita Vigor <[rita.vigor@carbon.utah.gov](mailto:rita.vigor@carbon.utah.gov)>, Natalie Gochnour <[natalie.gochnour@eccles.utah.edu](mailto:natalie.gochnour@eccles.utah.edu)>, Geri Gamber <[ggamber@seualg.utah.gov](mailto:ggamber@seualg.utah.gov)>, "[zlevine@grandcountyutah.net](mailto:zlevine@grandcountyutah.net)" <[zlevine@grandcountyutah.net](mailto:zlevine@grandcountyutah.net)>

**Cc:** Tony Martines <[tony.martines@carbon.utah.gov](mailto:tony.martines@carbon.utah.gov)>, Larry Jensen <[larry.jensen@carbon.utah.gov](mailto:larry.jensen@carbon.utah.gov)>, Casey Hopes <[casey.hopes@carbon.utah.gov](mailto:casey.hopes@carbon.utah.gov)>, Lynn Sitterud <[LynnS@emery.utah.gov](mailto:LynnS@emery.utah.gov)>, "[gilc@emery.utah.gov](mailto:gilc@emery.utah.gov)" <[gilc@emery.utah.gov](mailto:gilc@emery.utah.gov)>, Kent Wilson <[kentw@emery.utah.gov](mailto:kentw@emery.utah.gov)>, Ruth Dillon <[rdillon@grandcountyutah.net](mailto:rdillon@grandcountyutah.net)>, "Randall, Natalie" <[nrandall@sanjuancounty.org](mailto:nrandall@sanjuancounty.org)>, "E-mail:" <[bbadams@sanjuancounty.org](mailto:bbadams@sanjuancounty.org)>, "[williegrayeyes@sanjuancounty.org](mailto:williegrayeyes@sanjuancounty.org)" <[williegrayeyes@sanjuancounty.org](mailto:williegrayeyes@sanjuancounty.org)>, "[kenneth.maryboy@sanjuancounty.org](mailto:kenneth.maryboy@sanjuancounty.org)" <[kenneth.maryboy@sanjuancounty.org](mailto:kenneth.maryboy@sanjuancounty.org)>, Emily Niehaus <[emily@moabcity.org](mailto:emily@moabcity.org)>

**Subject:** Congressman John Curtis' Rural Business Summit Business of the Year Award

Ladies and Gentlemen:

As most of you know, Rep. John Curtis is holding his annual Rural Business Summit on September 6<sup>th</sup> in Price, Utah. (Flyer attached). We are looking for another recipient for the Congressional Rural Business of the Year award. Last year we selected Castleview Hospital. I invite all of you to submit three names from each county, based on the criteria below. The deadline for submission is August 1, 2019. Please feel free to contact me with any questions.

Warm regards,

Lorie Fowlke

#### CONGRESSIONAL RURAL BUSINESS OF THE YEAR AWARD

- As part of this conference we wanted **recognize a company** here for its **efforts to better the lives of the people in rural Utah**.
- We want this company **to be a beacon and an example** of the idea of **working together to make a better place and better community**
- **We** decided to **come up with a list of criteria** that would **exemplify this idea**.

#### Criteria:

- Originated or expanded into one of the rural counties of Congressional District Three
- Good Corporate citizen – supports good causes
- Engages with community partners
- Continues to grow and expand as a company
- Employees like to work there
- Invested in rural Utah
- Provides an essential or necessary service for the community
- Has a vision

**LORIE D. FOWLKE**

District Director

Congressman John Curtis

U.S. House of Representatives (UT-03)

[Lorie.Fowlke@mail.house.gov](mailto:Lorie.Fowlke@mail.house.gov)

3549 North University Ave.

Yorktown Building Suite #275

Provo, UT 84604

Office: 801-922-5400

Cell: 801-960-7172

# **CONSENT AGENDA SUMMARY** **GRAND COUNTY COUNCIL MEETING**

Consent Agenda Item: N-T

<b>TITLE:</b>	<p>N. Ratifying the Chair's signature on a grant agreement with the Governor's Office of Economic Development (GOED) for Moab Urban Biking Skills Trail in the amount of \$63,683.00</p> <p>O. Ratifying the Chair's Signature on an Interagency Coordination and Sub-Recipient Contract Agreement with Southeastern Utah Association of Local Governments, Area Agency on Aging and Grand County for Human Services Programs for the Grand Center in the Amount of \$89,258.00 for FY2020</p> <p>P. Ratifying the Chair's Signature on a Contract Agreement with Southeastern Utah Association of Local Governments, Area Agency on Aging and Grand County for Senior Service Programs in the Amount of \$2,000.00 for FY2020</p> <p>Q. Ratifying the Chair's Signature on a Contract Agreement with Southeastern Utah Association of Local Governments, Area Agency on Aging and Grand County in the Amount of \$4,000.00 for FY2020</p> <p>R. Ratifying the Chair's signature on FY2020 Beer Tax Plan</p> <p>S. Ratifying the Chair's signature on SITLA License Agreement, Right of Entry No. 6373, for the purpose of conducting a Fourth of July Fireworks display on SITLA property near Lionsback</p> <p>T. Acknowledging memo received from Grand County Special Events Coordinating Committee regarding Rally on the Rocks special event</p>
<b>FISCAL IMPACT:</b>	See Corresponding Agenda Summary, if any
<b>PRESENTER(S):</b>	None

**Prepared By:**

Bryony Hill  
Council Office Coordinator  
435-259-1346  
bchamberlain@grandcountyutah.net

**RECOMMENDATION:**

I move to adopt the consent agenda as presented and authorize the Chair to sign all associated documents.

**BACKGROUND:**

See corresponding agenda summary, if any, and related attachments.

**ATTACHMENT(S):**

See corresponding agenda summary, if any, and related attachments.

**FOR OFFICE USE ONLY:**

**Attorney Review:**  
N/A



# Utah Governor's Office of Economic Development

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## CONTRACT ROUTING SLIP

**CONTRACT #:** 190631181

**AGENCY:** GOED

**DEPT:** 063

**DIVISION/PROGRAM:** Outdoor Recreation Infrastructure Contract

**PROJECT NAME:** Moab Urban Biking Skills Trail: Station 1

**CONTRACTOR NAME:** Grand County Economic Development

**VENDOR #:** 04363HB

**AUTHORIZED AMOUNT:** \$ 63,683

**CONTRACT EFFECTIVE DATE:** May 13, 2019

**TERMINATION DATE:** May 13, 2021

**APPROPRIATION:** 2306

**COMMODITY CODE:** 99999

**FUND:** 2306

**UNIT:** 6272

### SIGNATURES IN THE SEQUENCE SHOWN

1. GOED FINANCE DIRECTOR \_\_\_\_\_

Approval Date \_\_\_\_\_

2. OTHER (OPTIONAL) \_\_\_\_\_

Approval Date \_\_\_\_\_





## INFRASTRUCTURE GRANT AGREEMENT

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1. **CONTRACTING PARTIES:** This agreement is between the State of Utah, Governor's Office of Economic Development, referred to as STATE, and

**Evan Clapper**  
**Grand County Economic Development**  
**125 E. Center Street**  
**Moab, UT 84532**

**Referred to as CONTRACTOR**  
**Federal Tax ID: 87-6000304**

**Legal Status of Contractor**  
**Governmental Agency**

2. **PROJECT DESCRIPTION FOR Moab Urban Biking Skills Trail: Station 1**

CONTRACTOR agrees to the following project description and will only receive grant dollars for costs associated with the following description:

The "Moab Urban Biking Skills Trail: Station 1" grant application requests funding for the first phase of an urban biking skills trail. This project is part of a multi-phase initiative to create a world-class biking skills trail and jump park within a city famous for its challenging mountain bike trails. The project focuses on accessibility and inclusion of youth and marginalized groups.

Mill Creek Parkway is the primary non-motorized pathway that runs through the heart of Moab. This shaded, paved path along the creek is popular for commuting, exercise, and enjoying the scenery and connects residential neighborhoods to Moab's downtown commercial district.

The proposed Biking Skills Trail will integrate into this popular route and create new opportunity for athletic challenge. At different points along the Parkway, a secondary single-track trail will break off the paved path. Riders can follow the new single-track to ramps and features that test balance and coordination, and then reconnect back with the main pathway. Each skills trail section is a stand-alone attraction, and combined, the trails transform the Parkway into an urban technical bike trail.

Station 1 of the biking skills trail is located at a wooded site adjacent to Mill Creek Parkway and accessible from parking on 100 E Street. The Station's design will integrate with the Parkway and existing natural elements. An open-loop trail design and delineating fencing allows users to meander

Recreation Project: Moab Urban Biking Skills Trail: Station 1

Page 2 of 13



Governor's Office of  
Economic Development  
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from the main Parkway to ride one lap of the skills course, or to practice many circuits before continuing down the path. The skills trail winds through large cottonwood trees and includes both specialized wood-and-steel ramps and obstacles made from sandstone boulders that replicate the type of features users would see on the region's many mountain bike trails. Elevated skinny "log ride" ramps and roller ramps teach riders steering precision, body positioning, and weight shifting. A stepped "podium box" allows riders to practice front and rear wheel lifts and a "teeter totter" feature is the ultimate balance challenge. Multi-lingual wayfinding and informational signage orient and welcome users to the Station, and shaded park benches and a restroom create a comfortable environment for a longer stay.

A City project to improve active transportation infrastructure and parking adjacent to Station 1 is in the final planning stages (see "City Street Improvement Project" document). This project will construct a cul-de-sac and delineate parking areas where 100 E Street terminates at the site for Station 1. This entry point will also be enhanced with trailhead features and landscaping. New sidewalks, pedestrian bumps-outs, and bikes lanes will calm traffic and improve access to Station 1.

Station 1 is a pivotal project because it is located at the primary access point between residential and business areas along the Mill Creek Parkway. The site has high potential for recreation opportunities but is currently used primarily for illegal activities such as public drinking and camping. Developing this site would not only create a new recreational opportunity along the Parkway, it would also improve existing use by making it a safer, better-managed area. This site is also a priority because it fits into the City street improvement plan for this area; the City will begin construction in fall 2019, and heavy equipment operation costs for the skills trail will be minimized if the two projects occur simultaneously.

#### **Future Project Phases:**

There are three trail segments, or Stations, planned along the Parkway (depicted on the "Skill Area Location" map). Station 1 is at a main junction located in the middle of the Parkway. Station 2 is adjacent to the High School. Station 3 is by the eastern end of the Parkway, near Rotary Park. The western end of the Parkway is Anonymous Park, a bike jump park, which will serve as either a launch point or destination for the Skills Trail, depending on the user's direction.

**Future phases to create a world-class urban biking skills development network include:**

- Construction of Stations 2 and 3 of the biking skills trail.
- Redesign and rebuild of Anonymous Park: this volunteer-built jump park that has grown into a popular attraction, but currently has significant safety issues due to the lack of organization between biking and pedestrian zones.
- Extension of the Mill Creek Parkway from Anonymous Park to the Scott M. Matheson Wetland Preserve trails: the first portion of this trail will be open to biking, and pedestrian trails will continue and additional 3.3 miles to the Lion's Park Transit Hub and the Boulder Park.

3. **GENERAL PURPOSE OF CONTRACT:** To provide funding for the purpose of facilitating a outdoor recreation infrastructure compliant with all the purposes listing in Utah Code 63N-9-201 et. seq.
4. **PROCUREMENT:** This contract is entered into as the result of the Governor's Office of Economic Development Board approving a Utah Outdoor Recreation as created in 63N-9-201 et. seq. and the

Governor's Office of Economic Development to provide funding to support the Moab Urban Biking Skills Trail: Station 1, further described in Attachment B subsection D ("Project").

5. **CONTRACT PERIOD:** This contract is effective May 13, 2019. and will terminate on May 13, 2021., unless extended by mutual agreement of both parties.
6. **CONTRACT:** CONTRACTOR will be paid a maximum of \$ 63,683 to be distributed during the contract period on 50/50 matching basis in reimbursement form. Grand County Economic Development will subsequently provide invoices to the Governor's Office of Economic Development for back-up documentation in showing how the grant was spent and that all other sponsors have contributed their funding first. A minimum of 25% of the total project costs must be a cash match from the applicant and/or partners with the remaining 25% match also being cash or other eligible expenses in the form of an in-kind match. All matching resources must be eligible costs. Participant shall only be compensated for costs accepted and deemed eligible by the Office of Outdoor Recreation in accordance with terms outlined in the Contractor's Utah Outdoor Recreation Grant Application and 2019 UORG Program Guide.
7. **ATTACHMENTS INCLUDED AS PART OF THIS CONTRACT:**  
Attachment A - Standard Terms & Conditions  
Attachment B - Special Provisions & Project Description
8. **DOCUMENTS INCORPORATED INTO THIS CONTRACT BY REFERENCE BUT NOT ATTACHED HERETO:**  
**All other governmental laws, regulations, or actions of the State of Utah applicable to services provided herein.**
9. **POST PERFORMANCE AUDIT:**  
**AUDIT INFORMATION:** GOED compliance team, 60 East South Temple, Third Floor, Salt Lake City, Utah 84111 (801) 538-8868, is the STATE staff person responsible for the contract audit.

**GRANT AGREEMENT, CONTINUED**

**BY SIGNING THIS AGREEMENT, GRANTEE HEREBY ACKNOWLEDGES THAT GRANTEE HAS READ, UNDERSTOOD, AND AGREES TO THE CONDITIONS OF THIS AGREEMENT.**

THE STATE OF UTAH

By: \_\_\_\_\_

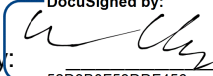
Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Governor's Office of Economic Development

Grand County Economic Development

DocuSigned by:  
By:   
52D3B0F53DDF456...

Name Evan Clapper

Title: grand county council chair

Date: 6/26/2019 | 15:02 PDT

Contract Number: 190631181

UTAH DIVISION OF FINANCE

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Utah Division of Finance  
350 North State Street  
Salt Lake City, UT 84114



**ATTACHMENT A: Standard Terms and Conditions for Grants between Government Entities****1. DEFINITIONS:** The following terms shall have the meanings set forth below:

1. “**Contract**” means these terms and conditions, the cover pages, and all other attachments and documents incorporated by reference.
  2. “**Grant Money**” means money derived from State fees or tax revenues that are owned, held, or administered by the State.
  3. “**Grantee**” means the individual or entity which is the recipient of Grant Money from the State. The term “Grantee” includes Grantee’s agents, officers, employees, and partners.
  4. “**Non-Public Information**” means information that is deemed private, protected, controlled, or exempt from disclosure under the Government Records Access and Management Act (GRAMA) or as non-public under other applicable State and federal laws. Non-public information includes those records the State determines are protected after having properly received a written claim of business confidentiality as described in Utah Code § 63G-2-309. The State reserves the right to identify additional information that must be kept non-public under federal and State laws.
  5. “**State**” means the State of Utah Department, Division, Office, Bureau, Agency, or other State entity identified on the Contract providing the Grant Money.
  6. “**SubGrantees**” means persons or entities under the direct or indirect control or responsibility of Grantee, including, but not limited to, Grantee’s agents, consultants, employees, authorized resellers, or anyone else for whom Grantee may be liable at any tier, including a person or entity providing or performing this Contract, including Grantee’s manufacturers, distributors, and suppliers.
2. **GOVERNING LAW AND VENUE:** This Contract shall be governed by the laws, rules, and regulations of the State of Utah. Any action or proceeding arising from this Contract shall be brought in a court of competent jurisdiction in the State of Utah. Venue shall be in Salt Lake City, in the Third Judicial District Court for Salt Lake County.
3. **LAWS AND REGULATIONS:** At all times during this Contract, Grantee and all acts performed under this Contract will comply with all applicable federal and State constitutions, laws, rules, codes, orders, and regulations, including applicable licensure and certification requirements.
4. **RECORDS ADMINISTRATION:** Grantee shall maintain or supervise the maintenance of all records, receipts and any other documentation necessary to properly account for payments made by the State to Grantee under this Contract, Grantee’s performance of the Contract terms and milestones, and outcomes reported to the State by Grantee. These records shall be retained by Grantee for at least six (6) years after final payment, or until all audits initiated within the six (6) years have been completed, whichever is later. Grantee agrees to allow, at no additional cost, State of Utah and federal auditors, State staff, and/or a party hired by the State, access to all records necessary to account for all Grant Money received by Grantee as a result of this Contract and to verify that Grantee’s use of the Grant Money is appropriate and has been properly reported.
5. **INDEPENDENT CAPACITY:** Grantee and SubGrantees, in the performance of this Contract, shall act in an independent capacity and not as officers or employees or agents of the State of

Utah agency effectuating this Contract.

6. **INDEMNITY:** Both parties to this Contract are governmental entities as defined in the Utah Governmental Immunity Act (Utah Code Ann. 63G-7-101 et. seq.). Nothing in this Contract shall be construed as a waiver by either or both parties of any rights, limits, protections or defenses provided by the Act. Nor shall this Contract be construed, with respect to third parties, as a waiver of any governmental immunity to which a party to this Contract is otherwise entitled. Subject to and consistent with the Act, each party will be responsible for its own actions or negligence and will defend against any claims or lawsuit brought against it. There are no indemnity obligations between these parties.
7. **EMPLOYMENT PRACTICES:** Grantee agrees to abide by federal and State employment laws, including: (i) Title VI and VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e) which prohibits discrimination against any employee or applicant for employment or any applicant or recipient of services, on the basis of race, religion, color, or national origin; (ii) Executive Order No. 11246, as amended, which prohibits discrimination on the basis of sex; (iii) 45 CFR 90 which prohibits discrimination on the basis of age; (iv) Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990 which prohibits discrimination on the basis of disabilities; and (v) Utah's Executive Order, dated December 13, 2006, which prohibits unlawful harassment in the workplace. Grantee further agrees to abide by any other laws, regulations, or orders that prohibit the discrimination of any kind by any of Grantee's employees.
8. **AMENDMENTS:** This Contract may only be amended by the mutual written agreement of the parties, which amendment will be attached to this Contract. Automatic renewals will not apply to this Contract even if listed elsewhere in this Contract.
9. **TERMINATION:** Unless otherwise stated in this Contract, this Contract may be terminated, with cause by either party, in advance of the specified termination date, upon written notice being given by the other party. Any material violation of the terms of the program or Contract may give rise to for-cause termination.
10. **NONAPPROPRIATION OF FUNDS, REDUCTION OF FUNDS, OR CHANGES IN LAW:** Upon thirty (30) days written notice delivered to Grantee, this Contract may be terminated in whole or in part at the sole discretion of the State, if the State reasonably determines that: (i) a change in Federal or State legislation or applicable laws materially affects the ability of either party to perform under the terms of this Contract; or (ii) that a change in available funds affects the State's ability to pay under this Contract. A change of available funds as used in this paragraph, includes, but is not limited to, a change in Federal or State funding, whether as a result of a legislative act or by order of the President or the Governor.
11. **WORKERS COMPENSATION INSURANCE:** Grantee shall maintain during the term of this Contract, workers' compensation insurance for all its employees, as well as any SubGrantees as required by law.
12. **PUBLIC INFORMATION:** Grantee agrees that this Contract and invoices will be public records in accordance with the State of Utah's Government Records Access and Management Act (GRAMA). Grantee gives the State express permission to make copies of this Contract, related documents, and invoices in accordance with GRAMA. Except for sections identified in writing by Grantee and expressly approved by the State of Utah Division of Purchasing and General Services, all of which must be in accordance with GRAMA, Grantee also agrees that non-protected portions of Grantee's Application will be a public document, and copies may be given to the public as permitted under GRAMA. The State is not obligated to inform Grantee of any GRAMA requests for disclosure of this Contract, related documents, or invoices.

13. **PAYMENT:** The acceptance by Grantee of final Grant Money payment, without a written protest filed with the State within ten (10) business days of receipt of final payment, shall release the State from all claims and all liability to Grantee. No State payment is to be construed to prejudice any claims that the State may have against Grantee. State may withhold, adjust payment amount, or require repayment of any Grant Money under this Contract that is: provided in reliance on an inaccurate or incomplete representation, unsupported by sufficient invoices or other documentation, not used by Grantee for the project identified, used for any purpose in violation of the terms of this Contract or in violation of the law, or paid in excess of what is actually owed.
14. **REVIEWS:** The State reserves the right to perform reviews, and/or comment upon Grantee's use of the Grant Money. Such reviews do not waive the requirement of Grantee to meet all of the terms and conditions of this Contract.
15. **ASSIGNMENT:** Grantee may not assign, sell, transfer, subcontract or sublet rights, or delegate any right or obligation under this Contract, in whole or in part, without the prior written approval of the State.
16. **NON-PUBLIC INFORMATION:** If Non-Public Information is disclosed to Grantee, Grantee shall: (i) advise its agents, officers, employees, partners, and SubGrantees of the obligations set forth in this Contract; (ii) keep all Non-Public Information strictly confidential; and (iii) not disclose any Non-Public Information received by it to any third parties. Grantee will promptly notify the State of any potential or actual misuse or misappropriation of Non-Public Information. Grantee shall be responsible for any breach of this duty of confidentiality, including any required remedies and/or notifications under applicable law. Upon termination or expiration of this Contract and upon request by the State, Grantee will return all copies of Non-Public Information to the State or certify, in writing, that the Non-Public Information has been destroyed. This duty of confidentiality shall be ongoing and survive the termination or expiration of this Contract.
17. **PUBLICITY:** Grantee shall submit to the State for written approval all advertising and publicity matters relating to this Contract. It is within the State's sole discretion whether to provide approval, which must be done in writing.
18. **INDEMNIFICATION RELATING TO INTELLECTUAL PROPERTY:** Grantee will indemnify and hold the State harmless from and against any and all damages, expenses (including reasonable attorneys' fees), claims, judgments, liabilities, and costs in any action or claim brought against the State for infringement of a third party's copyright, trademark, trade secret, or other proprietary right. The parties agree that if there are any limitations of Grantee's liability, such limitations of liability will not apply to this section.
19. **OWNERSHIP IN INTELLECTUAL PROPERTY:** The State and Grantee each recognize that they have no right, title, interest, proprietary or otherwise in the intellectual property owned or licensed by the other, unless otherwise agreed upon by the parties in writing.
20. **WAIVER:** A waiver of any right, power, or privilege shall not be construed as a waiver of any subsequent right, power, or privilege.
21. **ORDER OF PRECEDENCE:** In the event of any conflict in the terms and conditions in this Contract, the order of precedence shall be: (i) this Attachment A; (ii) Contract signature page(s); (iii) the State's additional terms and conditions, if any; (iv) any other document listed or referenced in Contract; and (v) Grantee's terms and conditions that are attached to this Contract, if any. Any provision attempting to limit the liability of Grantee or limits the rights of the State must be in writing and attached to this Contract or it is rendered null and void.

22. **SURVIVAL OF TERMS:** Termination or expiration of this Contract shall not extinguish or prejudice the State Entity's right to enforce this Contract with respect to any default or defect in the Services that has not been cured.
23. **SEVERABILITY:** The invalidity or unenforceability of any provision, term, or condition of this Contract shall not affect the validity or enforceability of any other provision, term, or condition of this Contract, which shall remain in full force and effect.
24. **ENTIRE AGREEMENT:** This Contract constitutes the entire agreement between the parties and supersedes any and all other prior and contemporaneous agreements and understandings between the parties, whether oral or written.

(Revision date: 21 March 2019)



**ATTACHMENT B**  
**SPECIAL PROVISIONS & PROJECT DESCRIPTION**

**A. General Provisions**

1. The OFFICE shall reimburse the CONTRACTOR up to a total of \$ 63,683 from funds made available through the grant application approval process upon receipt of satisfactory documentation of total project expenditures and certification that the project has been completed as proposed in the project application, which application is incorporated by reference in this agreement. The project shall commence within one hundred eighty (180) calendar days from May 13, 2019 and be completed on or before May 13, 2021.
2. The CONTRACTOR shall comply with all applicable Federal and State Statutes and regulations and will be responsible for obtaining any necessary permits and approvals prior to commencement of the project
3. The CONTRACTOR, shall indemnify the State of Utah and its officers, agents, and employees against and hold the same free and harmless from any and all claims, demands, losses, costs, and/or expenses of liability due to, or arising from, either in whole or in part, whether directly or indirectly, and relative to, the execution of this project, subject to and in accordance with the provisions and limitations contained within the Utah Governmental Immunity Act and the Utah Public Employees Indemnification Act.
4. The CONTRACTOR agrees that the project area acquired, developed or improved pursuant to this agreement shall not be converted to other than public recreational use without written notice and approval from the Director of the Utah Office of Outdoor Recreation. Furthermore, if the infrastructure developed with the Utah Outdoor Recreation Grant program funds is converted to other use, the other use must be of comparable value and may not be converted until both parties agree in writing to the converted use. The converted use must be in the same general location and will be provided by the CONTRACTOR.
5. The CONTRACTOR shall only be compensated for costs accepted and deemed eligible by the OFFICE in accordance with the terms written and contained within the Utah Outdoor Recreation Grant Application that Contractor submitted to the OFFICE.
6. Statement of Responsibility; The CONTRACTOR shall maintain or ensure appropriate maintenance as determined by the OFFICE of all facilities and property covered by this agreement in a safe, usable, and attractive condition. The project area shall be kept reasonably open, accessible and safe for public use. Structures, trail and trail infrastructure should be kept maintained throughout their estimated lifetime to prevent undue deterioration and to encourage public use. The OFFICE makes no claims to ownership nor management interests of facilities constructed pursuant to this agreement on lands legally owned by the CONTRACTOR.
7. The CONTRACTOR shall provide suitable permanent public acknowledgment of State participation (Utah Outdoor Recreation grant) at the completed project site. Such acknowledgment shall at least be the display of a sign, the design of which to be made by mutual agreement of the parties.
8. The CONTRACTOR shall provide evidence that the infrastructure project has county, city or tribal approval and endorsement. An agreement must be signed with the party who will maintain the recreational infrastructure for at least the next 10 years. Evidence supplied in Contractor's application may fulfill this requirement. The OFFICE reserves the right to request updated documentation and proof on continued support and maintenance agreements at any time. The Contractor shall give the OFFICE reasonable notice of any



change in the agreement or endorsement status. Loss of endorsement or maintenance agreement may constitute an event of default and result in a recapture of the grant funds.

9. **Public Lands:** If the project is located on public lands, Contractor must have approval from the appropriate public entity. If project is on federal lands, the Contractor shall request approval from the agency that will follow the National Environmental Policy Act (NEPA) process. Loss of approval from or any violation of federal regulations shall constitute an event of default and result in the recapture of the grant funds. Contractor shall give the OFFICE reasonable notice in the event that approval for the appropriate public entity has been rescinded or denied. Proof of approval shall be provided and updated as requested by the OFFICE.

10. **Property Ownership:** All property on which Utah Outdoor Recreation Grant infrastructure funded projects are located must be owned by or under the control of the Contractor (e.g. local government or conservancy.) If the project crosses private property, as in the case of a trail, an agreement must be reached with the property owners to allow the general public right-of-way. This should be documented with a Grant of Easement and Right-of-Way. Proof of ownership and all relevant agreements shall be provided to the OFFICE before completion of the project. Lack of proof shall constitute an event of default and may result in the recapture of the grant funds.

11. **Economic Development or the designated Local Tourism Office Endorsement:** The infrastructure project must have an endorsement from the local economic development office or designated local tourism office stating that the project will have the ability to attract growth and retention in the community/area and/or have the potential for increased visitation to the area. The project shall meet the qualifications of Utah Section 63N-3-109. This requirement can be fulfilled by the endorsement provided in Contractor's Application. If the status of the endorsement changes the Contractor may provide reasonable notice in writing of such change to the OFFICE. The OFFICE reserves the right to recapture all grant funds if the endorsement is rescinded and it is determined by the OFFICE that the project has no or little economic impact.

12. **Sensitive Wildlife Areas:** Contractor must check with the Utah Department of Wildlife Resources (DWR) to ensure the project is not in a special management area for endangered species such as the Sage Grouse. If the project is in or close to a special management area it must first secure written approval from the DWR. DWR may continually add or remove species from the list of species requiring a special management area. Contractor is responsible for maintaining the project in a way that is current with all DWR regulations and requirements. If the project is found to be in violation of any regulation regarding the management of species within the project, it shall constitute an event of default and may result in the recapture of the grant funds.

13. **Public Access:** Contractor agrees to make the project accessible to the general public including appropriate ADA requirements. No fees or other restrictions shall be prohibitive to the extent that portions of the public at large will not be able to access the project. All fees charged by the Contractor or others in granting access to the project shall be disclosed to the OFFICE in writing. The OFFICE reserves the right to determine if such fees are considered prohibitive and thus a violation of this paragraph. If a fee is found to be prohibitive to public access the Contractor shall have 30 days to change the fee to be reasonable or this will constitute an event of default and the OFFICE may recapture the grant funds.

14. **Utah Outdoor Recreation Grant Application:** All other requirements listed in the application and program guide for eligibility and required attachments are incorporated here by reference.

## **B. Completion of Project**

1. The CONTRACTOR, upon written notice to the OFFICE and by refunding all monies received pursuant to this agreement, may unilaterally rescind this agreement prior to the commencement of the project. After project commencement, this agreement may be rescinded, modified, or amended only by mutual agreement. The project shall be deemed commenced when the CONTRACTOR makes any expenditure of funds provided in this agreement or incurs any financial obligation with respect to the project.
2. The CONTRACTOR shall, at no cost to the OFFICE, execute, complete, operate and maintain the approved Project in accordance with the approved Project Proposal and applicable plans and specifications, which documents are incorporated by reference to this agreement. Failure to render satisfactory progress or to complete the Project may be cause for the suspension of all obligations of the OFFICE under this agreement and are deemed an event of default. In the event this agreement is terminated under the provisions of this paragraph and in the event the Project has not been brought up to a useful stage as determined by the OFFICE at the time of such termination, the CONTRACTOR shall reimburse to the OFFICE all payments, which have been received by the CONTRACTOR under this agreement.
3. Final funding will be contingent upon the inspection of the completed project by the director of the OFFICE or an appropriate designee from OFFICE staff.
4. The CONTRACTOR shall, at no cost to the OFFICE, provide a selection of high resolution photos or video that show the completed project used by people within 30 days of the public opening of the outdoor recreation Project.
5. The CONTRACTOR shall notify the OFFICE of the public opening date.
6. Upon the public opening of the Project, the CONTRACTOR shall make every effort to make the public aware of the Project's existence with appropriate publicity and marketing. Such publicity can include but is not limited to, a grand opening ceremony, press release to the local media or social media outlets to appropriately promote the public use of the Project.
7. Failure by the CONTRACTOR to comply with the terms of this agreement, if not corrected within 30 days after written notice from the OFFICE, shall be cause for suspension of all obligations of the OFFICE hereunder and may result in a declaration by the OFFICE that the CONTRACTOR is ineligible for participation in any current or future OFFICE sponsored grant programs.

## C. FINANCIAL RECORDS

1. The CONTRACTOR shall conform to generally accepted accounting principles and shall maintain its fiscal accounts in a manner that provides an audit trail of payments adequate to establish that such funds have been used in accordance with this agreement.
2. In order to receive final reimbursement, the CONTRACTOR shall provide to the OFFICE a fiscal report within 60 days after completion of the project, or within 60 days of the contract expiration date on forms to be provided by the OFFICE. Said report shall include an accounting of project expenditures and assurances that all monies paid to the CONTRACTOR by the OFFICE under this agreement were used for the planning, construction, or improvement as described in subsection D below "Project Description." Said report shall also include a summary list of all personnel, supplies, materials, and construction costs, including all invoices showing expenditures paid, associated with this project in a manner prescribed by the OFFICE. Furthermore, as the CONTRACTOR may use an in-Kind match, they must keep records of all in-kind contributions for the project, including the donation of labor and supplies in the manner designated by the OFFICE.
3. The OFFICE, upon reasonable notice, shall have access to and the right to examine such books, documents, papers or records as the OFFICE may reasonably require.
4. The CONTRACTOR agrees to make immediate monetary restitution for any disallowances of costs or expenditures determined through audit or inspection by the OFFICE.

5. FURTHER, the CONTRACTOR shall prosecute all phases and aspects of the project in a timely manner and shall in all respects comply with the terms, conditions, covenants and other obligations of this agreement. It is understood and agreed that the CONTRACTOR shall have the basic responsibility for all phases and aspects of the project and that all phases of the project are subject to review and acceptance by the OFFICE.



# GRAND COUNTY COUNTY COUNCIL MEETING

Agenda Item: O-Q

<b>TITLE:</b>	<p>O. Ratifying the Chair's Signature on an Interagency Coordination and Sub-Recipient Contract Agreement with Southeastern Utah Association of Local Governments, Area Agency on Aging and Grand County for Human Services Programs for the Grand Center in the Amount of \$89,258.00 for FY2020</p> <p>P. Ratifying the Chair's Signature on a Contract Agreement with Southeastern Utah Association of Local Governments, Area Agency on Aging and Grand County for Senior Service Programs in the Amount of \$2,000.00 for FY2020</p> <p>Q. Chair's Signature on a Contract Agreement with Southeastern Utah Association of Local Governments , Area Agency on Aging and Grand County in the Amount of \$4,000.00 for FY2020</p>
<b>FISCAL IMPACT:</b>	<p>Max \$89,258 Revenue: Various Services Grant</p> <p>Max \$2,000 of Revenue: Medicare Counseling Grant (SHIP)</p> <p>Max \$4,000 of Revenue: Long Term Care Ombudsman</p>
<b>PRESENTER(S):</b>	None (Consent Agenda Item)

**Prepared By:**

Verleen Striblen  
Grand Center  
Program Director

**RECOMMENDATION:**

I move to approve the proposed state fiscal year 2020 contracts between Southeastern Utah Association of Local Governments (SEUALG) Area Agency on Aging and Grand County and authorize the Chair to sign all associated documents.

**BACKGROUND:**

**Various Services Grant:** This contract authorizes Grand County to administer the Socialization portion of the Aging Program, and authorizes the Area Agency on Aging to administer the Nutrition portion of the Aging Program for Grand County.

**Medicare Counseling Grant (SHIP).** The Medicare Counseling Grant gives \$2,000 to the Senior Services program to train staff and volunteers on Medicare issues and office supplies. The staff and volunteers then answer questions and assist seniors on Medicare issues.

**Long Term Ombudsman Care Grant:** The LTC Ombudsman Grant is to receive, investigate, and resolve complaints made by or on behalf of residents of long-term care facilities. To provide community education regarding long-term care. To facilitate the use of volunteers and to represent the interests of long-term care facility residents.

**ATTACHMENT(S):**

Interagency Cooperation and Sub-Recipient Contract Agreement (for Various Services Related to Aging and Nutrition  
SHIP Contract Agreement (Medicare Counseling Grant)  
Long Term Care Ombudsman Contract

**FOR OFFICE USE ONLY:**

**Attorney Review:**

Since these are State contracts received annually, the current agreements were updated from the Attorney memo on June 27, 2013

## AGENDA ITEM: O

### INTERAGENCY COORDINATION AND SUB-RECIPIENT CONTRACT AGREEMENT

GRAND COUNTY

FY 2019-2020

DATE: As of July 1, 2019  
CONTRACT #: 14-0192  
COUNTY: Grand

INTERAGENCY COORDINATION AND SUB-RECIPIENT CONTRACT AGREEMENT

1. **CONTRACTING PARTIES:** This agreement is between the Southeastern Utah Association of Local Governments, Area Agency on Aging, hereinafter, referred to as ALG AAA, and Grand County, Utah, a body politic and corporation, hereinafter, referred to as SERVICE PROVIDER.
2. **CONTRACT PERIOD:** Effective July 1, 2019, and terminates on June 30, 2020, unless terminated sooner, in accordance with the terms and conditions of this contract.
3. **RECITALS:**
  - a. ALG AAA receives certain federal and state funds from the Utah Department of Human Service ("DHS"), Division of Aging and Adult Services (referred to in this Contract as "DHS/DAAS") which it then distributes to local governments for human services programs in the areas served by the local governmental entities; and
  - b. ALG AAA is a local governmental entity that is authorized to receive public funds for the human services programs in its area; and SERVICE PROVIDER is also a local governmental entity that desires to contract with the ALG AAA to administer the programs funded through the DHS; and
  - c. ALG AAA is statutorily authorized to provide the SERVICE PROVIDER with direction on the use of such public funds and to enter into contracts that specify how the SERVICE PROVIDER will use the funds in its human services programs; and
  - d. ALG AAA works cooperatively with the SERVICE PROVIDER to ensure that these public funds are used appropriately and that DHS/DAAS' and ALG AAA's directives to the SERVICE PROVIDER are not duplicative or conflicting; and
  - e. The SERVICE PROVIDER is accountable to DHS/DAAS and ALG AAA for using public funds obtained through this Contract appropriately in its human service programs, and for complying with all applicable state and federal laws, policies, audit requirements, contract requirements and ALG AAA directives; and
  - f. ALG AAA is authorized to monitor the SERVICE PROVIDER'S use and management of these public funds; to oversee its governance for the human services programs in the SERVICE PROVIDER'S area; and to review the SERVICE PROVIDER'S compliance with laws, policies, audit requirements, contract requirements and ALG AAA directives; and
4. **CONTRACT COST:** SERVICE PROVIDER shall be reimbursed by ALG AAA not more than \$89,258\* for services provided in accordance with the terms and conditions of this contract. The SERVICE PROVIDER shall be reimbursed within 60 days of receipt of itemized billings submitted in accordance with paragraph 1 of Attachment "A". The sources of funds for this contract are:

Nutrition Funding	
Federal/State	\$ 44,056*
Cash-in-Lieu	\$ 18,293*
SSBG	\$ 7,827*
Project Income (estimate)	\$ 46,000
Local Cash	\$ 89,000
Sub Total:	\$205,176

Socialization and Recreation Funding	
Federal/State	\$ 19,082*
Project Income (estimate)	\$ 2,000
Local Cash	\$187,183
Sub Total:	\$208,265

Total: \$413,441

**Match money \$4,435**

5. PURPOSE OF THIS CONTRACT: The purpose of this contract is to provide payment for the following types of services: Transportation, Outreach, Information and Referral, Telephone Reassurance, Legal, Recreation, Health Screening, Congregate Meals, Home Delivered Meals.
6. DOCUMENTS INCORPORATED INTO THIS CONTRACT BY REFERENCE BUT NOT ATTACHED: This Contract incorporates the following documents by reference:
  - a. All documents specified in this Contract and its attachments;
  - b. The Utah Department of Human Services [DHS] Pass Through Contract with Local Agency (DHS Contract). SERVICE PROVIDER is a sub-contractor under the DHS Contract and is required to comply with all provisions of the DHS Contract, including the state procurement requirements (or the equally-stringent county procurement requirements), insurance requirements and the fiscal and program requirements.
  - c. All statutes, regulations, or governmental policies that apply to the Local Agency or to the services performed under this Contract, including any applicable laws relating to fair labor standards, the safety of the Local SERVICE PROVIDER'S employees and others, zoning, business permits, taxes, licenses, and incorporation or partnership, and any laws mentioned in the DHS Contract Part I Section C, (Local Agency's Compliance with Applicable Laws) or in any other attachments to this Contract. The SERVICE PROVIDER acknowledges that it is responsible for familiarizing itself with these laws and complying with them.
7. INCLUDED AS PART OF THIS CONTRACT:
  - Attachment A: *Standard Terms & Conditions*
  - Attachment B: *Additional Terms & Conditions*
  - Attachment C: *Service Objectives,*
  - Attachment D: *Units of Service*

Attachment E: *Dept. of Human Services, Policies & Procedures/Provider Code of Conduct*  
Attachment F: *Dept. of Human Services Code of Conduct Poster*  
Attachment G: *Dept. of Human Services Provider Code of Conduct Certificate of Understanding and Compliance*

IN WITNESS WHEREOF, the parties sign and cause this contract agreement to be effective for the period first mentioned above.

				
_____ SEUALG EXECUTIVE DIRECTOR Date Geri Gamber		_____ COUNTY COUNCIL CHAIR Date Evan Clapper		

_____ SEUALG AAA DIRECTOR Date Shawna Horrocks	_____ COUNTY ATTORNEY Date Christina Sloan
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**ATTACHMENT A**  
**STANDARD TERMS AND CONDITIONS**

1. **METHOD AND SOURCE OF SERVICE PROVIDER PAYMENT:**

The ALG AAA agrees to reimburse the SERVICE PROVIDER in accordance with Contract Costs, upon receipt of itemized billing for authorized services. Itemized billings to be submitted to ALG AAA at least quarterly, that is: 1<sup>st</sup> Quarter, October 5; 2<sup>nd</sup> Quarter, January 5; 3<sup>rd</sup> Quarter, April 5; but the 4<sup>th</sup> and final billing by July 7, 2019. Itemized billings may be submitted monthly, on or by the 5<sup>th</sup> of the month. Final billing is to be submitted on or prior to July 7, 2019.

2. **AUTHORITY:**

Provisions of this contract are pursuant to the authority granted in Utah Code Annotated, 62A.3.101 ET. Seq. and related statutes which permit ALG AAA to purchase certain specified services, and any other relevant Federal regulations and any relevant provisions of the ALG AAA.

3. **ADMINISTRATIVE AND REPORTING REQUIREMENTS:**

SERVICE PROVIDER shall comply with all record-keeping and reporting requirements of this Contract, including the requirements set out in all the attachments including the DHS Contract: Part I, Section D: (Compliance Monitoring and Record Keeping Responsibilities) of this Contract. In addition, the SERVICE PROVIDER shall maintain or supervise the maintenance of records necessary for the proper and efficient operation of the programs covered by this Contract, including records regarding applications, determination of clients' eligibility (when applicable), the provision of services, and administration cost; and statistical, fiscal and other records necessary for complying with the reporting and accountability requirements of this Contract.

The SERVICE PROVIDER shall retain such records for at least six years after last payment has been made on this contract, or until six years after the completion of any audits initiated within this six-year period, whichever period is longer.

The SERVICE PROVIDER shall retain all records relating to clients under 18 years old for at least six (6) years after the last payment is made on this Contract, or six (6) years after the completion of any audits initiated within this six-year period, or until the child client reaches the age of twenty-two (22), whichever period is longest. Permission for Early Destruction of Records may be obtained according to the terms of The DHS Contract Part I Section D 3. c. (Protecting DHS' Continuing Access Rights to Contract-Related Records).

4. **ACCESS TO PROGRAM RECORDS:**

SERVICE PROVIDER acknowledges that ALG AAA, and DHS/DAAS is entitled to have ready access to all records relating to this Contract. SERVICE PROVIDER shall not do anything to limit or interfere with ALG AAA or DHS/DAAS' access rights, except as expressly provided by law. All parties acknowledge, however, that entities other than ALG AAA and DHS/DAAS may also have access rights to the records, especially if those entities provided part of the funding for the programs or services covered by this Contract. SERVICE PROVIDER shall allow independent, state and federal auditors or contract reviewers to have access to its records for audit and inspections on request.

5. PROTECTING THE CONFIDENTIALITY OF CLIENT RECORDS:

To preserve the integrity and confidentiality of client records, the SERVICE PROVIDER shall maintain all client records in locked rooms or cases. Except with the express written consent of the client, the SERVICE PROVIDER shall not use any client information for purposes not directly connected with the responsibilities or services under this Contract, and the SERVICE PROVIDER may disclose client information only as provided by this Contract, as authorized by the client in writing, or as required by law. The SERVICE PROVIDER'S staff shall have access only to those portions of the records directly related to their work assignments.

6. MONITORING OF PERFORMANCE:

DHS and DHS/DAAS shall have the right to monitor the performance of all services purchased under this Contract, including expenditure of public funds. Monitoring of performance shall be at the complete discretion of DHS and DHS/DAAS, who will rely on the criteria set forth in The DHS Contract: Part I, Section D: (Compliance Monitoring and Record Keeping Responsibilities). Performance monitoring may include both announced and unannounced visits.

7. EQUAL OPPORTUNITY CLAUSE:

The SERVICE PROVIDER agrees to abide by provisions of Title VI of the Civil Rights Act of 1964 (42 USC 2000e) which prohibits discrimination against any employee or applicant for employment of any applicant or recipient of services, on the basis of race, religion, color, or national origin; and further agrees to abide by Executive Order No. 11246, as amended, which prohibits discrimination on the basis of sex; 45 CFR 90 which prohibits discrimination on the basis of age; and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicap.

8. RESTRICTIONS ON CONFLICTS OF INTEREST:

SERVICE PROVIDER agrees to follow all terms of The DHS Contract: Part I, Section C: 5(sic) 8. (Restrictions on Conflicts of Interest). SERVICE PROVIDER must disclose all existing, potential, and contemplated Conflicts of Interest. The SERVICE PROVIDER shall also regularly review any disclosures and its own operations to reasonably assure ALG AAA that the SERVICE PROVIDER avoids prohibited Conflicts of Interest.

9. SERVICE PROVIDER, AND INDEPENDENT CONTRACTOR:

SERVICE PROVIDER shall be an independent contractor, and as such, shall have no authorization, express or implied, to bind the ALG AAA or any state agency to any agreements, settlements, liability, or understanding whatsoever, and agrees not to perform any acts as agent for the ALG AAA, except as herein expressly set forth. However, nothing in this Contract shall be construed to limit the SERVICE PROVIDER'S authority to bind itself to agreements, settlements or liability, as long as such agreements, settlements or liability affect only itself and not ALG AAA or any state agency. The compensation provided for herein shall be the total compensation payable hereunder by the ALG AAA and the SERVICE PROVIDER is responsible for any and all tax liabilities incurred as a result of the compensation received. Persons employed by the ALG AAA and acting under direction of the ALG AAA shall not be deemed to be employees or agents of the SERVICE PROVIDER. Likewise, persons employed by the SERVICE PROVIDER and acting under the direction of the



SERVICE PROVIDER shall not be deemed to be employees or agents of the ALG AAA.

10. AUDITS:

This Contract shall be subject to independent audit to be made in accordance with generally accepted auditing standards and the U.S. General Accounting Office publication "Standards or Audit of Governmental Organization Programs." Activities and Functions (OMB Circular A-102, Attachment P). These audits shall be arranged for by the SERVICE PROVIDER and will usually be conducted annually but at least every two years. SERVICE PROVIDER shall submit draft and 2 copies of final audit reports to Division of Aging and Adult Services. Expenditures under this contract determined by audit to be ineligible for reimbursement because they were not authorized by the terms and conditions of the contract, and for which payment has been made to the SERVICE PROVIDER, will be refunded to the ALG AAA by the SERVICE PROVIDER. See The DHS Contract: Part IV: 8-9.

11. RENEGOTIATIONS OR MODIFICATIONS - ADDITIONAL SERVICES:

This contract may be amended, modified, or supplemented only by written contract, executed by the parties hereto, and attached to the original signed copy of this agreement. No claim for services furnished by SERVICE PROVIDER, not specifically authorized by this Agreement, will be allowed by the ALG AAA.

12. CLEAN AIR AND WATER ACTS:

SERVICE PROVIDER agrees to comply with all applicable standards, orders, or regulations pursuant to the Clean Air Act as amended (42 W.S.C. 1857 et. seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et. seq.). (Applicable to contracts over \$100,000 only).

13. REDUCTION OF FUNDS:

If an order or action by the Legislature or the Governor, or a federal or state law reduced the amount of funding to ALG AAA, ALG AAA may terminate this Contract or may proportionately reduce the services required by this Contract and the amounts to be paid by ALG AAA to the SERVICE PROVIDER for such services. In addition, if the SERVICE PROVIDER defaults in any manner in the performance of any obligation under this Contract, or if ALG AAA determines that the SERVICE PROVIDER is significantly underutilizing funds, ALG AAA may at its option, either adjust the amount of payment or withhold payment until satisfactory resolution of the default or underutilization of funds. ALG AAA shall give the SERVICE PROVIDER thirty (30) days' notice of any such reduction or termination. Notwithstanding the foregoing, ALG AAA shall reimburse the Local Agency in accordance with the original provisions of this Contract for all services performed before the effective date of the reduction or termination.

This is a "Fixed Amount" contract, and if ALG AAA reduces the payments under this Contract, the SERVICE PROVIDER may make a proportionate reduction in the amount of services performed or in the number of clients served under this Contract. Before implementing any such reductions in services or client numbers, however, the SERVICE PROVIDER shall notify ALG AAA in writing no less than thirty (30) working days after receiving ALG AAA's notice of reduction or termination.

14. TERMINATION:

This contract may be terminated for any reason in advance of the specific expiration date, by either party, upon 30 days prior written notice being given to the other party. On termination of the contract, all accounts and payments will be processed according to financial and accounting arrangements set forth herein for services rendered to date of



termination. In addition the SERVICE PROVIDER shall comply with the provisions of this Contract relating to the record-keeping responsibilities, and shall ensure that the SERVICE PROVIDER'S staff properly maintains all records (including financial records and any client treatment records).

ALG AAA may terminate this Contract immediately if the SERVICE PROVIDER'S violation of this Contract creates or is likely to create a risk of harm to the clients served under this Contract, or if any other provision of this Contract (including any provision in the attachments) allows ALG AAA to terminate the Contract immediately for a violation of that provision.

If either party elects to terminate this Contract, both parties will use their best efforts to provide for uninterrupted client services.

If any party seeks to enforce this Contract upon a breach by the other party, or if one party seeks to defend itself against liability arising from the negligence of the other party, the prevailing party shall receive from the unsuccessful party all court costs and its reasonable attorneys' fees, regardless of whether such fees are incurred in connection with litigation.

15. **CONTRACT JURISDICTION:**

The provisions of this contract shall be governed by the laws of the State of Utah.

16. **INTERLOCAL AGREEMENT AND COUNTY APPROVAL OF CONTRACT AGREEMENT:**

Pursuant to UCA §11-13-202.5 the Service Provider's Legislative Body has passed an ordinance or resolution adopting and approving this Agreement. This Agreement is effective as of the date above. This Agreement does not create an interlocal entity. Pursuant to §11-13-207 UCA this Agreement shall be administered by the board of the South Eastern Utah Association of Local Governments which is a joint board comprised of representatives from the SERVICE PROVIDER and ALG AAA. Under this Agreement there shall be no joint ownership of real property.

**ATTACHMENT B**  
**ADDITIONAL TERMS AND CONDITIONS**

1. ALG AAA AGREES TO:
  - A. Monitor services provided and funding expended on the basis of this contract as evidenced by regular reports generated by SERVICE PROVIDER.
  - B. Evaluate compliance performance of SERVICE PROVIDER at least once during the contact period on the basis of program standards as set forth in this contract, applicable Federal laws and regulations, applicable State law, and DHS/DOA/AS Policy and Procedure statements.
  - C. Provide Technical Assistance to the SERVICE PROVIDER as indicated or requested to assure satisfactory performance in providing effective and quality service, and maintaining compliance with applicable laws and regulations.
  - D. Provide a hearing to recipients in the event a grievance is filed by a program recipient.
  
2. SERVICE PROVIDER AGREES TO:
  - A. Comply with all provision of the DHS Pass Through Contract with Local Agency, including the state procurement requirements (or the equally-stringent county procurement requirements), insurance requirements and the fiscal and program requirements.
  - B. SERVICE PROVIDER shall familiarize itself with the federal and state laws identified in this Contract including The DHS Contract specifically Part I, Section C, "Local Agency's Compliance with Applicable Laws"; Part IV, "Contract Costs, Billing and Payment Information"; Part V, "Cost Accounting Principles and Financial Reports"; and Part VII, "Summary of Some Commonly-Applicable Laws and Policies"), as well as other laws and contract provisions identified in 45 C.F.R. § 92.36(i), "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments".
  - C. Meet all applicable licensing or other standards and other requirements required by Federal or State laws or regulations and ordinances of the city and county in which the services and/or care is provided for the duration of this contract period. If the SERVICE PROVIDER fails to do so, ALG AAA may terminate this Contract immediately.
  - D. Establish a system through which recipients of the services may present grievances about the operation of the program as it pertains to and affects said recipient. SERVICE PROVIDER shall notify each client and applicant in writing that:
    - (a) Clients and applicants have the right to present the ALG AAA with their grievances about: (1) denial of services covered by this Contract (2) exclusion from a program covered by this Contract; or (3) inadequacies or inequities in the programs and services provided under this Contract; and
    - (b) If the ALG AAA denies a grievance request about the services provided under this Contract or if the ALG AAA fails to respond to a grievance in a timely fashion, the client or applicant may contact in writing, DHS/DAAS' Representative Clark Staley at 195 North 1950 West, Salt Lake City, UT 84116. The Representative will attempt to resolve the grievance. If the client or applicant is dissatisfied with the Representative's response, the client or applicant may file a written appeal to the Director of DHS/DAAS,

and the Director shall respond to the appeal in writing within 30 working days. If the applicant or client is dissatisfied with the Director's decision, the client or applicant may request a hearing before the DHS Office of Administrative Hearings ("OAH"). This hearing request must be filed with OAH within ten (10) working days of receiving the DHS/DAAS Director's written decision. If OAH finds that the client or applicant's request is supported by applicable law, OAH may order the Local Agency or DHS to remedy the problem addressed in the grievance.

E. Safeguard any information concerning any recipients of service under this Contract from use or disclosure for any purpose not directly connected with the administration of ALG AAA or the SERVICE PROVIDER responsibilities with respect to services under this contract, except on written consent of the recipient, his attorney, or responsible guardian.

F. Follow and enforce the Department of Human Services Code of Conduct. The SERVICE PROVIDER will assure that each employee or volunteer receives a current copy of the Code of Conduct (Attachment E). The SERVICE PROVIDER shall retain in each employee or volunteer's file a signed and dated statement (Attachment G) in which that person certifies that he or she has read and understood the Code of Conduct and will comply with it. Annually the SERVICE PROVIDER shall obtain a copy of the current DHS Provider Code of Conduct poster (Attachment F). The SERVICE PROVIDER shall prominently display the poster where its employees and volunteers can see it.

G. 1. ALG AAA and SERVICE PROVIDER are governmental entities of the State of Utah, and subject to the Utah Governmental Immunity Act, therefore no indemnification is required, and ALG AAA, SERVICE PROVIDER, and DHS shall each be responsible for their own actions and defense of any claims or suits to the extent required by the Act. Nothing in this Contract shall be construed as a waiver by any party to this Contract of any rights, limits, protections or defenses provided by the Act nor shall this Contract be construed, with respect to third parties, as a waiver of any governmental immunity to which a party of this Contract is entitled.

2. The SERVICE PROVIDER shall comply with the Utah Workers' Compensation Act to provide workers' compensation coverage for their employees.

3. The SERVICE PROVIDER has no right of subrogation or contribution from the State, DHS, or ALG AAA, for any judgment rendered against the SERVICE PROVIDER.

H. Impose no fees upon any qualified program participant (as defined in this contract and all its attachments) given services under this contract.

I. Submit, as part of this contract, a comprehensive line item budget to include all anticipated expenditures, sources and amounts of revenue pertaining to programmatic area(s) of this contract. Assure that the following minimum percentages of Fed/State dollars under Soc & Rec are spent: 8% Access Services (transportation, outreach, information, and referral), 8% In-Home services (homemaker and home health aide, visiting and telephone reassurance, and chore services, and maintenance and support services), and 2% Legal assistance.

J. Maintain a Fiscal Management System, including books of account, records, documents and other evidence, along with accounting procedures sufficient to manage all income and expenditures and properly reflect all allowable costs of whatever nature claimed for the performance of this contract. This fiscal management system will assure that multiple funding sources will not be billed in excess of the established costs of services for a client or group of clients.

K. Provide at least \$ 4,435.00 in cash or in allowable in-kind to Match Federal and/or State funds.

L. Make every reasonable effort to locate, solicit, and obtain local, client fees and/or contributions, third party and other fiscal resources.

M. Computer Compliance and Business Continuity Plan: The SERVICE PROVIDER acknowledges that they have developed a "business continuity plan" in the event that any emergency impacts their operations, including but not limited to, failures in their systems or systems for which they have no control. Business Continuity Plan: The business continuity plan, as used in this part, means a plan in which the primary goal is to protect the safety and health of clients who are receiving services through the SERVICE PROVIDER. The secondary goal of the business continuity plan is to continue to operate the SERVICE PROVIDERS critical functions/processes during or following the emergency once the SERVICE PROVIDER has provided for the health and safety of its clients. SERVICE PROVIDER will comply with all plan requirements found in The DHS Contract: Part I. Section B: 3. Emergency Management and Business Continuity Plan

N. Performance Measures and Client Outcomes: The SERVICE PROVIDER agrees to cooperate with all of the ALG AAA; DHS and DHS/DAAS-initiated client or customer feedback activities described in The DHS Contract: Part III.

3. MUTUALLY AGREED THAT:

- A. The total amount of funds in this contract are subject to review and possible adjustment (depending upon funding source(s) anytime after the close of the first quarter).

**ATTACHMENT C**  
**SERVICE OBJECTIVES**

**Scope of Work and Special Conditions**

1. **Eligibility Categories:** The clients served under this Contract are in the following eligibility categories: Category: Area Agency Pass Thru                      Code: AA
2. **Eligibility Determination:** The SERVICE PROVIDER (County) will determine the clients eligibility for the services provided under this Contract.
3. **Description of the Services or Supports to be Provided Under this Contract:**  
The SERVICE PROVIDER will provide the services identified in the Southeastern Utah FY 2012 Area Agency on Aging Plan, the terms of which are incorporated herein by reference. This plan is maintained by Southeastern Utah Area Agency on Aging, Box 1106, Price, UT 84501.
4. **Population to be Served:**  
For Older Americans Act Programs: Individuals 60 years of age and older (including spouse of any age) with social or economic need, targeting low income minorities.  
For United States Department of Agriculture Cash-In-Lieu: Individuals 60 years of age and older (including spouse of any age).  
The Home and Community-Based/Alternatives Services Program: Individuals 18 years of age and older who meet income/asset tests are provided an array of services which enable them to live in their own homes. Individual's expenses should not exceed \$750.00 per month unless a waiver is submitted and approved.  
The Respite Care Program: Caregivers of individuals who are suffering chronic long-term illnesses or conditions are provided intermittent and time-limited relief from caregiving responsibilities.
5. **Treatment of Service Requirements:**  
The SERVICE PROVIDER shall provide personal assistance, standby assistance, supervision or cues for persons having difficulties with one or more of the following activities of daily living:
  - a. Persons having difficulty with preparing meals, shopping for personal items, managing money, using the telephone or doing light housework.
  - b. Provide a means of transportation for a person who requires help in going from one location to another.
  - c. Provide a program to promote better health by providing accurate and culturally sensitive nutrition and physical fitness programs.
  - d. Persons having difficulty eating, dressing, bathing, toileting and transferring in and out of bed.
  - e. Provide personal care for dependent individuals in a supervised protective, congregate setting during some portion of a 24-hour day.
  - f. Provide eligible clients at a nutrition site, senior center or other congregate setting a meal that complies with the Dietary Guidelines for Americans.
  - g. Provide eligible clients, at the client's place of residence, a meal which complies with the Dietary Guidelines of Older Americans Act.
6. **SERVICE PROVIDER Qualifications:** The SERVICE PROVIDER shall establish and maintain



(either directly or by contract) programs licensed under Utah Code Annotated Title 62A, Chapter 2, Licensure of Programs and Facilities. All programs shall comply with Utah Administrative Code Rule R501, Human Services, Administration, Administrative Services, and Licensing.

7. **Documentation Requirements:** On a monthly, quarterly, and annual basis the SERVICE PROVIDER shall provide Outcome System Data information and Information System Data to Southeastern Utah AAA. The SERVICE PROVIDER shall also cooperate with any Southeastern Utah AAA requests for special studies or research requested. The SERVICE PROVIDER shall maintain records consisting of the individual's name, services provided, the names of the service providers that provided each service and the amount charged for each service.
8. **Home Care Programs:**
  - a. Monies allocated by the ALG AAA from State general funds for the In-Home/Alternatives will be spent only for costs incurred in the State-supported home care programs, including administration, case management, and service costs. Up to 25% of total program expenditures for the fiscal year will be allowable for administrative costs for each program. Reallocated dollars must be used for service costs which include case management.
  - b. Ten percent (10%) of the fees/collections received during the contract year may be carried over into the next contract year, but must be expended during the first quarter of the new contract year for individuals receiving in-home support services. All fees/collections must be reported as a separate line item on the Quarterly reports; all such income will be considered as program revenue.
9. **Minimum Percentage:** The SERVICE PROVIDER will assure that the required minimum percentage of the Title IIIB and State Service funds will be expended for the delivery of each of the following categories of service: eight percent (8%) for access services (transportation, outreach, and information and referral), eight percent (8%) for in-home services (homemaker and home health aide, visiting, telephone reassurance, chore maintenance, supportive services for families of frail elderly people including victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction and their families), and two percent (2%) for legal assistance.
10. **Waiver of Minimum Percentage:** The SERVICE PROVIDER may apply for a waiver of the expenditure of the required minimum percentage for the delivery of each of the categories of service specified above. If the SERVICE PROVIDER does not expend the required minimum percentage by the end of the Fiscal Year, these expended funds will be reallocated to the agencies who did meet the expenditure level. These funds will be distributed in the next Fiscal Year, utilizing the funding formula and must be expended in the category they were originally designated.

**ATTACHMENT D**  
**UNITS OF SERVICE TO BE PROVIDED**  
1 July 2019 to 30 June 2020

COUNTY:	Grand		
I.	ACCESS:		Units:
	A. Transportation		3,000
	B. Outreach		150
	C. Information/Referral	2,000	
	D. Escort		250
II.	IN-HOME:		
	A. Friendly Visitor		9,500
	B. Telephone Reassurance		300
III.	LEGAL:		25
IV.	SUPPORTIVE SERVICES:		
	A. Assessment/Screening		1,500
	B. Education		225
	C. Recreation		2,600
	D. Shopping		150
V.	VOLUNTEER ACTIVITIES:		
	A. Volunteers		35
	B. Volunteer Hours		2,000
VI.	CONGREGATE MEALS:		
	A. Meals Served	14,500	
VII.	HOME DELIVERED MEALS:		
	A. Meals Served	21,500	

## **Attachment E**

### **R495. Human Services, Administration.**

#### **R495-876. Provider Code of Conduct.**

##### **R495-876-1. Authority.**

**As in effect on August 1, 2014**

The Department of Human Services promulgates this rule pursuant to the rulemaking authority granted in Section 62A-1-111.

##### **R495-876-2. Statement of Purpose.**

(1) The Department of Human Services ("DHS") adopts this Code of Conduct to:

(a) Protect its clients from abuse, neglect, maltreatment and exploitation; and

(b) Clarify the expectation of conduct for DHS Providers and their employees and volunteers who interact in any way with DHS clients, DHS staff and the public.

(2) The Provider shall distribute a copy of this Code of Conduct to each employee and volunteer, regardless of whether the employees or volunteers provide direct care to clients, indirect care, administrative services or support services. The Provider shall require each employee and volunteer to read the Code of Conduct and sign a copy of the attached "Certification of Understanding" before having any contact with DHS clients. The Provider shall file a copy of the signed Certificate of Understanding in each employee and volunteer's personnel file. The Provider shall also maintain a written policy that adequately addresses the appropriate treatment of clients and that prohibits the abuse, neglect, maltreatment or exploitation of clients. This policy shall also require the Provider's employees and volunteers to deal with DHS staff and the public with courtesy and professionalism.

(3) This Code of Conduct supplements various statutes, policies and rules that govern the delivery of services to DHS clients. The Providers and the DHS Divisions or Offices may not adopt or enforce policies that are less-stringent than this Code of Conduct unless those policies have first been approved in writing by the Office of Licensing and the Executive Director of the Utah Department of Human Services. Nothing in this Code of Conduct shall be interpreted to mean that clients are not accountable for their own misbehavior or inappropriate behavior, or that Providers are restricted from imposing appropriate sanctions for such behavior.

##### **R495-876-3. Abuse, Neglect, Exploitation, and Maltreatment Prohibited.**

Providers shall not abuse, neglect, exploit or maltreat clients in any way, whether through acts or omissions or by encouraging others to act or by failing to deter others from acting.

##### **R495-876-4. General Definitions.**

(1) "Client" means anyone who receives services from DHS or from a Provider pursuant to an agreement with DHS or funding from DHS.

(2) "DHS" means the Utah Department of Human Services or any of its divisions, offices or agencies.

(3) "Domestic-violence-related child abuse" means any domestic violence or a violent physical or verbal interaction between cohabitants in the physical presence of a child or having knowledge that a child is present and may see or hear an act of domestic violence.



(4) "Emotional maltreatment" means conduct that subjects the client to psychologically destructive behavior, and includes conduct such as making demeaning comments, threatening harm, terrorizing the client or engaging in a systematic process of alienating the client.

(5) "Provider" means any individual or business entity that contracts with DHS or with a DHS contractor to provide services to DHS clients. The term "Provider" also includes licensed or certified individuals who provide services to DHS clients under the supervision or direction of a Provider. Where this Code of Conduct states (as in Sections III-VII) that the "Provider" shall comply with certain requirements and not engage in various forms of abuse, neglect, exploitation or maltreatment, the term "Provider" also refers to the Provider's employees, volunteers and subcontractors, and others who act on the Provider's behalf or under the Provider's control or supervision.

(6) "Restraint" means the use of physical force or a mechanical device to restrict an individual's freedom of movement or an individual's normal access to his or her body. "Restraint" also includes the use of a drug that is not standard treatment for the individual and that is used to control the individual's behavior or to restrict the individual's freedom of movement.

(7) "Seclusion" means the involuntary confinement of the individual in a room or an area where the individual is physically prevented from leaving.

(8) "Written agency policy" means written policy established by the Provider. If a written agency policy contains provisions that are more lenient than the provisions of this Code of Conduct, those provisions must be approved in writing by the DHS Executive Director and the Office of Licensing.

#### **R495-876-5. Definitions of Prohibited Abuse, Neglect, Exploitation, and Maltreatment.**

(1) "Abuse" includes, but is not limited to:

(a) Harm or threatened harm, to the physical or emotional health and welfare of a client.

(b) Unlawful confinement.

(c) Deprivation of life-sustaining treatment.

(d) Physical injury, such as contusion of the skin, laceration, malnutrition, burn, fracture of any bone, subdural hematoma, injury to any internal organ, any injury causing bleeding, or any physical condition which imperils a client's health or welfare.

(e) Any type of unlawful hitting or corporal punishment.

(f) Domestic-violence-related child abuse.

(g) Any Sexual abuse and sexual exploitation including but not be limited to:

(i) Engaging in sexual intercourse with any client.

(ii) Touching the anus or any part of the genitals or otherwise taking indecent liberties with a client, or causing an individual to take indecent liberties with a client, with the intent to arouse or gratify the sexual desire of any person.

(iii) Employing, using, persuading, inducing, enticing, or coercing a client to pose in the nude.

(iv) Engaging a client as an observer or participation in sexual acts.

(v) Employing, using, persuading, inducing, enticing or coercing a client to engage in any sexual or simulated sexual conduct for the purpose of photographing, filming, recording, or displaying in any way the sexual or simulated sexual conduct. This includes displaying, distributing, possessing for the purpose of distribution, or selling material depicting nudity, or

engaging in sexual or simulated sexual conduct with a client.

(vi) Committing or attempting to commit acts of sodomy or molestation with a client.

(2) "Neglect" includes but is not limited to:

(a) Denial of sufficient nutrition.

(b) Denial of sufficient sleep.

(c) Denial of sufficient clothing, or bedding.

(d) Failure to provide adequate client supervision; including situations where the Provider's employee or volunteer is a sleep or ill on the job, or is impaired due to the use of alcohol or drugs.

(e) Failure to provide care and treatment as prescribed by the client's services, program or treatment plan, including the failure to arrange for medical or dental care or treatment as prescribed or as instructed by the client's physician or dentist, unless the client or the Provider obtains a second opinion from another physician or dentist, indicating that the originally-prescribed medical or dental care or treatment is unnecessary.

(f) Denial of sufficient shelter, where shelter is part of the services the Provider is responsible for providing to the client.

(g) Educational neglect (i.e. willful failure or refusal to make a good faith effort to ensure that a child in the Provider's care or custody receives an appropriate education).

(3) "Exploitation" will includes but is not limited to:

(a) Using a client's property without the client's consent or using a client's property in a way that is contrary to the client's best interests, such as expending a client's funds for the benefit of another.

(b) Making unjust or improper use of clients or their resources.

(c) Accepting gifts in exchange for preferential treatment of a client or in exchange for services that the Provider is already obliged to provide to the client.

(d) Using the labor of a client for personal gain.

(e) Using the labor of a client without paying the client a fair wage or without providing the client with just or equivalent non-monetary compensation, except where such use is consistent with standard therapeutic practices and is authorized by DHS policy or the Provider's contract with DHS.

(i) Examples:

(A) It is not "exploitation" for a foster parent to assign an extra chore to a foster child who has broken a household rule, because the extra chore is reasonable discipline and teaches the child to obey the household rules.

(B) It is not "exploitation" to require clients to help serve a meal at a senior center where they receive free meals and are encouraged to socialize with other clients. The meal is a non-monetary compensation, and the interaction with other clients may serve the clients' therapeutic needs.

(C) It is usually "exploitation" to require a client to provide extensive janitorial or household services without pay, unless the services are actually an integral part of the therapeutic program, such as in "clubhouse" type programs that have been approved by DHS.

(4) "Maltreatment" includes but is not limited to:

(a) Physical exercises, such as running laps or performing pushups, except where such exercises are consistent with an individual's service plan and written agency policy and with the

individual's health and abilities.

(b) Any form of Restraint or Seclusion used by the Provider for reasons of convenience or to coerce, discipline or retaliate against a client. The Provider may use a Restraint or Seclusion only in emergency situations where such use is necessary to ensure the safety of the client or others and where less restrictive interventions would be ineffective, and only if the use is authorized by the client's service plan and administered by trained authorized personnel. Any use of Restraint or Seclusion must end immediately once the emergency safety situation is resolved. The Provider shall comply with all applicable laws about Restraints or Seclusions, including all federal and state statutes, regulations, rules and policies.

(c) Assignment of unduly physically strenuous or harsh work.

(d) Requiring or forcing the individual to take an uncomfortable position, such as squatting or bending, or requiring or forcing the individual to repeat physical movements as a means of punishment.

(e) Group punishments for misbehaviors of individuals.

(f) Emotional maltreatment, bullying, teasing, provoking or otherwise verbally or physically intimidating or agitating a client.

(g) Denial of any essential program service solely for disciplinary purposes.

(h) Denial of visiting or communication privileges with family or significant others solely for disciplinary purposes.

(i) Requiring the individual to remain silent for long periods of time for the purpose of punishment.

(j) Extensive withholding of emotional response or stimulation.

(k) Denying a current client from entering the client's residence, where such denial is for disciplinary or retaliatory purposes or for any purpose unrelated to the safety of clients or others.

#### **R495-876-6. Provider's Compliance with Conduct Requirements Imposed by Law, Contract or Other Policies.**

In addition to complying with this Code of Conduct, the Provider shall comply with all applicable laws (such as statutes, rules and court decisions) and all policies adopted by the DHS Office of Licensing, by the DHS Divisions or Offices whose clients the Provider serves, and by other state and federal agencies that regulate or oversee the Provider's programs. Where the Office of Licensing or another DHS entity has adopted a policy that is more specific or restrictive than this Code of Conduct, that policy shall control. If a statute, rule or policy defines abuse, neglect, exploitation or maltreatment as including conduct that is not expressly included in this Code of Conduct, such conduct shall also constitute a violation of this Code of Conduct. See, e.g., Title 62A, Chapter 3 of the Utah Code (definition of adult abuse) and Title 78A, Chapter 6 and Title 76, Chapter 5 of the Utah Code (definitions of child abuse).

#### **R495-876-7. The Provider's Interactions with DHS Personnel and the Public.**

In carrying out all DHS-related business, the Provider shall conduct itself with professionalism and shall treat DHS personnel, the members of the Provider's staff and members of the public courteously and fairly. The Provider shall not engage in criminal conduct or in any fraud or other financial misconduct.

#### **R495-876-8. Sanctions for Non-compliance.**

If a Provider or its employee or volunteer fail to comply with this Code of Conduct, DHS may impose appropriate sanctions (such as corrective action, probation, suspension, disbarment from State contracts, and termination of the Provider's license or certification) and may avail itself of all legal and equitable remedies (such as money damages and termination of the Provider's contract). In imposing such sanctions and remedies, DHS shall comply with the Utah Administrative Procedures Act and applicable DHS rules. In appropriate circumstances, DHS shall also report the Provider's misconduct to law enforcement and to the Provider's clients and their families or legal representatives (e.g., a legal guardian). In all cases, DHS shall also report the Provider's misconduct to the licensing authorities, including the DHS Office of Licensing.

#### **R495-876-9. Providers' Duty to Help DHS Protect Clients.**

(1) **Duty to Protect Clients' Health and Safety.** If the Provider becomes aware that a client has been subjected to any abuse, neglect, exploitation or maltreatment, the Provider's first duty is to protect the client's health and safety.

(2) **Duty to Report Problems and Cooperate with Investigations.** Providers shall document and report any abuse, neglect, exploitation or maltreatment and exploitation as outlined in this Code of Conduct, and they shall cooperate fully in any investigation conducted by DHS, law enforcement or other regulatory or monitoring agencies.

(a) Except as provided in subsection(b) below, Providers shall immediately report abuse, neglect, exploitation or maltreatment by contacting the local Regional Office of the appropriate DHS Division or Office. During weekends and on holidays, Providers shall make such reports to the on-call worker of that Regional Office.

(i) Providers shall report any abuse or neglect of disabled or elder adults to the Adult Protective Services intake office of the Division of Aging and Adult Services.

(ii) The Provider shall make all reports and documentation about abuse, neglect, exploitation, and maltreatment available to appropriate DHS personnel and law enforcement upon request.

(b) Providers shall document any client injury (explained or unexplained) that occurs on the Providers' premises or while the client is under the Provider's care and supervision, and the Provider shall report any such injury to supervisory personnel immediately. Providers shall cooperate fully in any investigation conducted by DHS, law enforcement or other regulatory or monitoring agencies. If the client's injury is extremely minimal, the Provider has 12 hours to report the injury. The term "extremely minimal" refers to injuries that obviously do not require medical attention (beyond washing a minor wound and applying a band-aid, for example) and which cannot reasonably be expected to benefit from advice or consultation from the supervisory personnel or medical practitioners.

(i) Example: If a foster child falls off a swing and skins her knee slightly, the foster parent shall document the injury and report to the foster care worker within 12 hours.

(ii) Example: If a foster child falls off a swing and sprains or twists her ankle, the foster parent shall document the injury and report it immediately to supervisory personnel because the supervisor may want the child's ankle X-rayed or examined by a physician.

(3) **Duty to Report Fatalities and Cooperate in Investigations and Fatality Reviews.** If a DHS client dies while receiving services from the Provider, the Provider shall notify the



supervising DHS Division or Office immediately and shall cooperate with any investigation into the client's death. In addition, some Providers are subject to the Department of Human Services' Fatality Review Policy. (See the "Eligibility" section of DHS Policy No. 05-02 for a description of the entities subject to the fatality review requirements. A copy of the policy is available at the DHS web site at: <http://www.hspolicy.utah.gov>) If the Provider is subject to the Fatality Review Policy, it shall comply with that policy (including all reporting requirements) and the Provider shall cooperate fully with any fatality reviews and investigations concerning a client death.

(4) Duty to Display DHS Poster. The Provider shall prominently display in each facility a DHS poster that notifies employees of their responsibilities to report violations of this Provider Code of Conduct, and that gives phone numbers for the Regional Office or Intake Office of the relevant DHS Division(s). Notwithstanding the foregoing, if the Provider provides its services in a private home and if the Provider has fewer than three employees or volunteers, the Provider shall maintain this information in a readily-accessible place but it need not actually display the DHS poster. DHS shall annually provide the Provider with a copy of the current DHS poster or it shall make the poster available on the DHS web site:

[http://www.hspolicy.utah.gov/pdf/poster\\_provider\\_code\\_of\\_conduct.pdf](http://www.hspolicy.utah.gov/pdf/poster_provider_code_of_conduct.pdf).

**KEY: social services, provider conduct\***

**Date of Enactment or Last Substantive Amendment: August 26, 2008**

**Notice of Continuation: August 10, 2011**

**Authorizing, and Implemented or Interpreted Law: 62A-1-110; 62A-1-111**

**DISTRICT VII-A, AREA AGENCY ON AGING  
SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS**

**July 1, 2019 – June 30, 2020**

**GRAND COUNTY SENIOR SERVICES PROGRAM**

**CONTRACT AGREEMENT**

**Contracting Parties**

This agreement is between the District VII-A Area Agency on Aging of the Southeastern Utah Association of Local Governments, herein referred to as “Area Agency,” and the Grand County Senior Services Program, of Grand County, Utah, herein referred to as “GCSSP.”

**Term of Contract**

This contract shall be effective July 1, 2019, or the date approved by the Area Agency, and shall terminate on June 30, 2020, unless terminated sooner in accordance with the terms and conditions of this contract.

**Purpose**

To provide volunteer counselors, training, staff support, provision of service, and administer the State Health Insurance Information Program for the Area Agency in Grand County.

**Documents Incorporated into this Contract by Reference but not Attached Hereto:**

- a. All documents specified in any attachment to this contract.
- b. All other governmental laws, regulations, or actions applicable to services provided herein.
- c. Older Americans Act of 1965 as amended, title VII-B
- d. All terms of the SHIP Grant as designated by HCFA.
- e. Department of Human Services Cost Principles.
- f. Department of Human Services Code of Conduct.
- g. Southeastern Utah Area Agency on Aging – Area Plan.

## GENERAL PROVISIONS

### Area Agency agrees to:

1. Reimburse GCSSP not more than \$2,000.00 during the contract term, said \$2,000.00 being subject to final disposition of funding by AOA, and State Division of Aging. Reimbursement will be processed in the normal course of business upon receipt of detailed claims from GCSSP for expenditures made in accordance with the contract.

Detailed claims to be submitted to AAA Quarterly, that is: 1<sup>st</sup> Quarter – October 5; 2<sup>nd</sup> Quarter – January 5; 3<sup>rd</sup> Quarter – April 5; 4<sup>th</sup> Quarter and final billing by **July 5, 2020.** Detailed claims may be submitted monthly, on or by the 5<sup>th</sup> of the month. Final billing to be submitted on or prior to **July 5 2020.**

2. Consult with GCSSP and monitor services provided herein on an ongoing basis.
3. Reimburse GCSSP for reasonable costs, including travel and training for the SHIP counselors, and backup. These amounts shall be subject to the limitation contained in paragraph No. 1 above, and the terms following immediately hereafter.

### GCSSP agrees to:

1. Provide the Sate SHIP with full reports in accordance with project guidelines and State of Utah SHIP project rules. Provide the Area Agency with information as requested. Provide Information Counselor services in Grand County. This is to include detailed reporting of expenditures to accompany reimbursement claims.
2. Provide SHIP Program services including all the following activities and assurances:
  - A. Counseling and assistance to Medicare beneficiaries in need of health insurance information including:
    - a. Medicare Eligibility, Benefits, and Claims filling: et al.
    - b. Medicaid Eligibility, Benefits and Claims filling: et al.
    - c. Medicare Supplemental Insurance Comparison Information and Claims filling: et al . Ongoing assistance with Medicare Part D prescription Drug program.
    - d. Long Term Care Insurance Information: et al.
    - e. Other types of Health Insurance Benefits: et al.
  - B. Outreach programs are to provide health insurance information, counseling, and assistance to Medicare beneficiaries. These activities can be implemented through a variety of methods, including:
    - a. Distribution of printed information.

- b. Linkage with government, community, neighborhood, and other volunteer organizations to assure that their personnel are aware of the SHIP program and how to refer people to it.
    - c. Provision of speakers to senior citizens meetings.
    - d. Visits by counselors to beneficiaries at home.
    - e. Efforts to identify high risk, hard to reach, or other types of potential eligible clients who can benefit from SHIP services.
  - C. Systems of referral to appropriate Federal or State departments of agencies for assistance with problems related to health insurance coverage (including legal problems).
  - D. Establishing a sufficient number of staff positions (including volunteers) necessary to provide the services of SHIP.
  - E. Assuring that staff members (including volunteers) of SHIP have no conflict of interest in providing SHIP services.
3. GCSSP to provide written reports on all aspects of the SHIP Program activities undertaken by staff. These reports to be identified by the State SHIP coordinator.
  4. GCSSP to have all counselors who have or will be giving any client services, have the client sign the State Health Insurance Information Program (SHIP) Client Agreement before rendering services, and maintain a file of said agreements. These files will be available for audit and inspection, by those authorized to perform same, at all times.
  5. GCSSP agrees to utilize the SHIPTALK.ORG NPR program to provide reporting requirements for the State. Two times per year, a Resource Report to be submitted to the Division of Aging. This reporting instrument is identified by the State SHIP Coordinator. Grand County Senior Services Program agrees to provide all quarterly reports as required by the State of Utah SHIP Program.
  6. Grand County Senior Services Program agrees to abide by all provisions of the Provider Code of Conduct of the Utah Department of Human Services.
  7. GCSSP agrees to provide Southeastern Utah Area Agency a copy of their independent auditor report for the reporting period just ended. This report to conform to all Federal Fiscal Auditing requirements.

**It is mutually agreed that:**

1. All information regarding recipients of services under this contract shall be confidential, except as otherwise provided herein. Publication of any information that would identify a particular recipient of service is prohibited.



## REIMBURSEMENT REQUEST

### Grand County Senior Services Program Health Insurance Information Program

Month: \_\_\_\_\_

### REIMBURSEMENT REQUEST AND EXPENDITURES REPORT

#### Reimburse Federal Ship Grant

##### Personnel Costs:

Salaries and Wages \$ \_\_\_\_\_

Fringe \$ \_\_\_\_\_

**TOTAL:** \$ \_\_\_\_\_

Capital Outlay: \$ \_\_\_\_\_

##### Travel Costs:

In-State \$ \_\_\_\_\_

**TOTAL:** \$ \_\_\_\_\_

##### Current Expenses:

Advertising \$ \_\_\_\_\_

Communications \$ \_\_\_\_\_

Postage & Mailing \$ \_\_\_\_\_

Indirect Cost \$ \_\_\_\_\_

Office Supplies \$ \_\_\_\_\_

Copy Expense \$ \_\_\_\_\_

Training/Meetings \$ \_\_\_\_\_

Membership Dues \$ \_\_\_\_\_

Unclassified - Other \$ \_\_\_\_\_

**TOTAL:** \$ \_\_\_\_\_

**GRAND TOTAL:** \$ \_\_\_\_\_

## EXECUTION OF CONTRACT

### ON BEHALF OF SOUTHEASTERN UTAH AREA AGENCY ON AGING

WE, GERI GAMBER and SHAWNA HORROCKS hereby declare that we are authorized to execute this contract between Southeastern Utah Area Agency on Aging and Grand County Senior Service Program, Grand County, Utah, on behalf of Southeastern Utah Association of Local Governments, and that we do hereby execute the same.

\_\_\_\_\_  
GERI GAMBER, Exec. Director  
Southeastern Utah Association of Local Governments

\_\_\_\_\_  
Date


\_\_\_\_\_  
SHAWNA HORROCKS, Director  
Southeastern Utah Area on Aging

\_\_\_\_\_  
Date

### ON BEHALF OF GRAND COUNTY SERVICES PROGRAM, GRAND COUNTY

I, EVAN CLAPPER hereby declare that I am authorized to execute this contract between Grand County Senior Services, Grand County, Utah and Southeastern Utah Association of Local Governments, and that I do hereby execute the same.

FOR GRAND COUNTY

  
\_\_\_\_\_  
Evan Clapper, Chair

6/26/19  
\_\_\_\_\_  
Date



## AGENDA ITEM: Q

### DISTRICT VI-C, GRAND COUNTY AREA AGENCY ON AGING

July 1, 2019– June 30, 2020

#### Contracting Parties:

This agreement is between the Southeastern Utah Association of Local Governments; Area Agency on Aging Program, herein referred to as "Area Agency", and Grand County.

#### Term of Contract:

This contract shall be effective July 1, 2019 or the date approved by the Area Agency, and shall terminate on June 30, 2020 unless terminated sooner in accordance with the terms and conditions of this contract.

#### Purpose:

To receive, investigate, and resolve complaints made by or on behalf of residents of long-term care facilities. To provide community education regarding long-term care. To facilitate the use of volunteers and to represent the interests of long-term care facility residents.

#### Documents Incorporated into this Contract by Reference but not Attached Hereto:

- a. All document specified in any attachment to this contract.
- b. All other governmental laws, regulations, or actions applicable to services provided herein.
- c. Older Americans Act of 1965 as amended, Title VII-B.
- d. Long-Term Care Ombudsman Program Policy, 1993.
- e. Department of Social Services Cost Principles.
- f. Department of Social Services Code of Conduct.

GENERAL PROVISIONS

Area Agency agrees to:

1. Reimburse Grand County not more than \$4,000.00 during the contract term, said \$4,000.00 being subject to final disposition of funding by AOA, and State Division of Aging. Reimbursement will be processed in the normal course of business upon receipt of detailed claims from Grand County for expenditures made in accordance with the contract. No more than 1/2 of the total contract amount may be requested each month.
2. Consult with Grand County and monitor services provided herein on an ongoing basis.
3. Reimburse Grand County for reasonable costs, including travel and training for the LTC Ombudsman, and backup. These amounts shall be subject to the limitation contained in paragraph No. 1 above, and the terms following immediately hereafter.

Grand County agrees to:

1. Provide the Area Agency with LTC Ombudsman services in Grand County. This to include detailed reporting of expenditures to accompany reimbursement claims.
2. Provide LTC Ombudsman services including complaint intake and investigation of complaints, complaint resolution made by or on behalf of residents of long-term care facilities.
3. Provide Community education regarding long-term care. To facilitate the use of volunteers and to represent the interests of long-term care facility residents.
4. Grand County to provide written reports on all aspects of the LTC Ombudsman activities undertaken by staff to the State LTC Ombudsman. These reports to be identified by the State Ombudsman.
5. Grand County to maintain confidential client case files on the project which indicate clients served, complaints and disposition, or resolution, clients needing service, expenditures for purposes of the contract, and other pertinent information as indicated by the State Ombudsman. These files will be available for audit and inspection, by those authorized to perform same, at all times.
6. Grand County agrees to provide at the end of the program year a Program Progress report to be submitted to the Division of Aging. This reporting instrument to be identified by the State LTC Ombudsman.
7. Grand County agrees to abide by all provisions of the Provider Code of Conduct of the Utah Department of Human Services.
8. Grand County agrees to provide the Southeastern Utah Association of Local Governments: Area Agency on Aging a copy of their independent auditor report for the reporting period just ended. This report to conform to all Federal Fiscal Auditing requirements.

It is mutually agreed that:

1. All information regarding recipients of services under this contract shall be confidential, except as otherwise provided herein. Publication of any information that would identify a particular recipient of service is prohibited.
2. Any funds remaining after final reimbursement and accounting shall be the sole property of the Area Agency.

3. This agreement may be terminated upon thirty (30) days written notice by either party. This agreement may be altered, changed, or redrafted by mutual agreement of Area Agency and Grand County, provided however, that alterations or changes shall not become effective and enforceable until such alterations or changes are reduced to writing and signed by the respective parties.
4. Grand County is an independent contractor and does not assume the rights, responsibilities or duties of an Area Agency employee. The Area Agency has no responsibility for claims arising from the performance by Grand County of the terms of this contract.
5. Grand County agrees to abide by all federal statutes and regulations regarding the performance of this contract and, specifically, the terms and conditions provided in the Older Americans Act and regulations promulgated there under. Area Agency agrees to abide by same.


CONTRACTOR

\_\_\_\_\_  
Geri Gamber, Executive Director  
Southeastern Utah Association of Local Governments

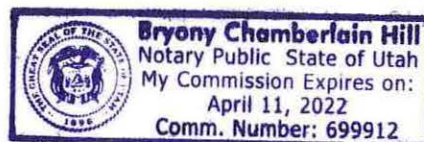
\_\_\_\_\_  
Shawna Horrocks, AAA Director  
Southeastern Utah Area Agency on Aging

In the County of Carbon, State of Utah, on this \_\_\_\_\_ day of \_\_\_\_\_, 2019 before me the undersigned notary, personally appeared GERI GAMBER AND SHAWNA HORROCKS who are personally known by me or who proved to me their identities through documentary evidence to be the person(s) whose name(s) are/is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose.

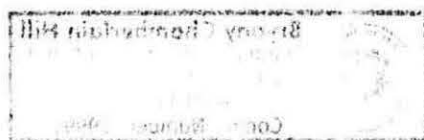
\_\_\_\_\_  
Notary Public

  
\_\_\_\_\_  
Evan Clapper  
County Council Chair

In the County of Grand, State of Utah, on this 26<sup>th</sup> day of June, 2019 before me the undersigned notary, personally appeared Evan Clapper who is personally known by me or who proved to me her identity through documentary evidence to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose.



  
\_\_\_\_\_  
Notary Public



**GRAND COUNTY**  
**COUNTY COUNCIL MEETING**  
**July 2, 2019**

<b>TITLE:</b>	<b>Ratification of FY 2020 Beer Tax Plan</b>
<b>FISCAL IMPACT:</b>	
<b>PRESENTER(S):</b>	<b>Chris Baird</b>

**Prepared By:**

Chris Baird  
Grand County  
Clerk/Auditor

**FOR OFFICE USE ONLY:**

**Attorney Review:**

n/a

**RECOMMENDATION:**

*MOTION: To ratify the FY2020 Beer Tax Plan and Chair's signature.*

**BACKGROUND:**

The Alcoholic Beverage Enforcement and Treatment Restricted Account provides millions of dollars in new beer tax funds annually to municipalities and counties to be utilized for alcohol-related prevention, treatment, law enforcement, prosecution and confinement programs.

The first 25% of the entire appropriation for each fiscal year is distributed to the counties only, based on population, and *must be used* for confinement and treatment purposes for persons arrested for or convicted of offenses in which alcohol or other drugs are a contributing factor. The balance of funds distributed to the counties may be utilized for the treatment and confinement as well as the other identified categories. To be eligible to receive the funds we must approve a plan explaining how the funds will be used.

**Attachment(s)**

FY 2020 Beer Tax Plan



# STATE FISCAL YEAR 2020 BEER TAX FUNDS PLAN



State Fiscal Year 2020 \*\*\*Reporting Period: July 1, 2019 through June 30, 2020\*\*\*

Recipients will receive an approval from the USAAV+ Council if the plan is accepted.

**FY 2020 Plans are DUE no later than Friday, June 14, 2019.**

Please refer to the latest Beer Tax Guidelines located on the USAAV+ web page:

Name of Municipality: (Leave blank if County)

Name of County: (required)

Grand County

Name of Contact Person:

Chris Baird

Title of Contact Person:

Clerk-Auditor

Mailing Address: (street, city, zip code)

125 E Center St., Moab, UT, 84532

Contact Person Phone Number:

435-259-1322

Contact Person Email Address:

cbaird@grandcountyutah.net

## SUMMARY OF PROPOSED BEER TAX FUND EXPENDITURES

### Instructions:

- Complete only the categories where beer tax funds will be applied.
- Be detailed in your description of how the funds will be used, i.e. what equipment will be purchased, what training will be taken, etc. If you mark "other," give details. (use ADDITIONAL NARRATIVE tab if needed).
- Be sure to only include evidence based/evidence informed programs (link to guidelines provided in tab titled GUIDELINES & OTHER INFO).
- For Counties: at least 25% of funds MUST be spent in treatment and/or confinement categories.

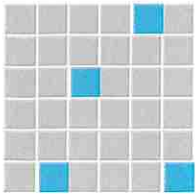
1	<b>PREVENTION programs</b> <input checked="" type="checkbox"/> <b>N/A</b> (if n/a, move to next section) <i>(programs must be evidence-based or evidence-informed, see Guidelines for additional information)</i>
	<p>Are you coordinating with the Local Substance Abuse Authority (LSAA) in your area? <input type="checkbox"/> Yes <input type="checkbox"/> No          (LSAAs are listed at the end of the Guidelines)</p> <p> <input type="checkbox"/> Keepin' It Real      <input type="checkbox"/> Guiding Good Choices      <input type="checkbox"/> Communities that Care (CTC)  <input type="checkbox"/> Prime for Life      <input type="checkbox"/> Life Skills Training      <input type="checkbox"/> Too Good For Drugs  <input type="checkbox"/> Parenting Wisely      <input type="checkbox"/> Other evidence based/evidence informed program(s): (name and description)         </p>
	<p>Detailed description of how funds will be used to support the above PREVENTION program(s):</p> <p>(Required if prevention program(s) will be part of your plan. Skip if N/A is marked above)</p>
2	<b>TREATMENT of offenders with alcohol and/or substance abuse problems</b> <input type="checkbox"/> <b>N/A</b> (if n/a, move to next section) <i>(25% of funding to counties MUST be spent in Treatment and/or Confinement categories)</i>
	<p>Are you coordinating with the Local Substance Abuse Authority (LSAA) in your area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No          (LSAAs are listed at the end of the Guidelines)</p> <p> <input checked="" type="checkbox"/> Recovery support services (e.g., Alcoholics Anonymous)      <input type="checkbox"/> Jail-Based Treatment  <input checked="" type="checkbox"/> Medication for alcohol or substance abuse dependency      <input checked="" type="checkbox"/> Outpatient programs  <input type="checkbox"/> Residential programs      <input checked="" type="checkbox"/> Screening and assessment programs      <input type="checkbox"/> Other(s): (name and description)         </p>
	<p>Detailed description of how funds will be used to support the above TREATMENT program(s):</p> <p>Beer tax funds are utilized to provide treatment for persons arrested for or convicted of offenses when alcohol or substance abuse is a contributing factor. Services are coordinated with Four Corners behavior Health for screening, assessment and necessary treatment. Medication is provided as determined by medical professionals.</p> <p>(Required if treatment program(s) will be part of your plan. Skip if N/A is marked above)</p>



<b>3</b>	<p><b>LAW ENFORCEMENT</b> related to Alcohol and/or Substance Abuse <input type="checkbox"/> N/A <i>(if n/a, move to next section)</i></p> <p> <input checked="" type="checkbox"/> Overtime DUI shifts, checkpoints, saturation patrols         <input checked="" type="checkbox"/> K-9 Purchase and/or K-9 training       </p> <p> <input checked="" type="checkbox"/> Alcohol and/or Substance Abuse related equipment (e.g., Body Cameras, breathelyzers, etc.)       </p> <p> <input checked="" type="checkbox"/> Alcohol and/or Substance Abuse training (not to include Taskforce training)         <input type="checkbox"/> Other(s): (name and description)       </p>
<b>3</b>	<p>Detailed description of how funds will be used to support the above LAW ENFORCEMENT selection(s):</p> <p>Grand County Sheriffs Office utilizes beer tax funds to provide detection and control of substance abuse and alcohol related offenses. Special DUI over-time shifts are periodically performed, specialized equipment is purchased and training is provided on the use of the equipment, K-9 unit with certified training, and drug specific investigations and enforcement activities are conducted.</p> <p style="text-align: right; color: red;"><i>(Required if law enforcement will be part of your plan. Skip if N/A is marked above)</i></p>
<b>4</b>	<p><b>PROSECUTION:</b> <input checked="" type="checkbox"/> N/A <i>(if n/a, move to next section)</i></p> <p> <input type="checkbox"/> Prosecution of offenders who have committed Alcohol and/or Substance Abuse related offenses.         <input type="checkbox"/> Other(s): (name and description) _____       </p>
<b>4</b>	<p>Detailed description of how funds will be used to support the above PROSECUTION selection(s):</p> <p style="text-align: right; color: red;"><i>(Required if prosecution will be part of your plan. Skip if N/A is marked above)</i></p>
<b>5</b>	<p><b>CONFINEMENT:</b> <input type="checkbox"/> N/A <i>(if n/a, move to next section)</i></p> <p><i>(25% of funding to counties MUST be spent in Treatment and/or Confinement categories)</i></p> <p> <input checked="" type="checkbox"/> Confinement costs for Alcohol and/or Substance Abuse offenders         <input type="checkbox"/> Other(s): (name and description) _____       </p>
<b>5</b>	<p>Detailed description of how funds will be used to support the above CONFINEMENT selection(s):</p> <p>Beer tax funds are used for confinement and treatment for persons arrested or convicted of offenses in which alcohol or other drugs are a contributing factor. Please see attached report regarding total offenses in Grand County.</p> <p style="text-align: right; color: red;"><i>(Required if confinement will be part of your plan. Skip if N/A is marked above)</i></p>

Chief Executive Officer Information (authorized representative)	
<div style="border: 1px solid black; padding: 2px; text-align: center;">Evan Clapper</div> <small>CEO printed name</small>	<div style="border: 1px solid black; padding: 2px; text-align: center;">eclapper@grandcountyutah.net</div> <small>CEO email address</small>
<div style="border: 1px solid black; padding: 2px; text-align: center;">Council Chair</div> <small>CEO title</small>	<div style="border: 1px solid black; padding: 2px; text-align: center;">435-259-1342</div> <small>CEO phone number</small>
<p>As chief executive officer, I do hereby attest the Beer Tax Funds will be spent according to the Plan details listed above and accounting for these monies will be separate from other funds (separate account/code, restricted line item, etc.). Additionally, the Beer Tax Funds will not be used to supplant any current funding for alcohol and/or substance abuse-related projects or programs.</p>	
<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div> <small>CEO Signature</small>	<div style="border: 1px solid black; padding: 2px; text-align: center;">6/26/2018</div> <small>Date</small>
<p style="color: red;">Type the name/title of your entity's CEO. Provide the telephone number and email address.</p> <p style="color: red;">Please note that the CEO is a Commissioner, Council Member, Mayor, City/County Manager or Executive, etc.</p> <p style="color: red;">CEO must return the completed Beer Tax Funds Plan via email to cclitchard@utah.gov with the above attestation.</p>	

This section for USAAV+ Council Use only.



State of Utah  
School & Institutional  
Trust Lands Administration

SOUTHEASTERN AREA OFFICE  
217 East Center Street, Suite 230  
Moab, UT 84532  
435-259-7417  
435-259-7473 (Fax)  
www.trustlands.utah.gov

Gary R. Herbert  
Governor

Spencer J. Cox  
Lieutenant Governor

David Ure  
Director

**LICENSE AGREEMENT**

(Right of Entry No. 6737)

**This License Agreement (“License”)** is made effective as of June 6, 2019 (“**Effective Date**”) by and between State of Utah, acting by and through the School and Institutional Trust Lands Administration and LB Moab Land, LLC, a Colorado limited liability company (collectively “**Licensor**”) and Grand County, Utah (“**Licensee**”). In consideration of the mutual covenants and condition herein expressed, the Parties agree as follows:

1. **Grant of License.** Licensor hereby grants to Licensee the revocable and nonexclusive license and permission to use certain areas of Licensor’s real property situated in Grand County, Utah and commonly referred to as “Lionsback” (“**Property**”). The Parties, in entering into Agreement and granting and accepting this License, hereto desire to avail themselves of the maximum immunities, benefits and protections which may be available to each of them pursuant to any and all public recreational use statutes.

2. **No Monetary Consideration.** This license is granted to Licensee as an accommodation to Licensee, and shall be without monetary consideration. Licensor hereby acknowledges the title of Licensor to the Property, and agrees never to assail, resist or deny such title, including making any claims to prescriptive rights to any portion of the Property.

3. **Term of License and Termination.** This License shall commence on July 1, 2019 at 8 AM and shall automatically terminate without notice to Licensee on July 15, 2019 at 5 PM.

4. **Scope of License.** The permission granted under this License is strictly limited as follows:

a. Licensee’s activities on the Property are strictly limited to using the Property to prepare and conduct a Fourth of July Fireworks display undertaken on a portion of the Property mutually agreed upon by Licensor and Licensee (“**Permitted Uses**”). The Permitted Uses are strictly confined to existing roads and trails currently on the Property. Licensee shall consult with Licensor if Licensee has questions about the location of existing roads. Licensor may require other limitations as deemed necessary. Licensee and its employees and customers shall at all times strictly comply with all terms of this License.

b. Neither Licensee nor its contractors, etc., may disturb any vegetation.

c. Licensee shall not permit any unlawful activity to occur on said Property.

d. Licensee shall prepare the Property for the permitted uses at its cost and expense.



Licensee shall not materially change or alter the conditions of the Property without consent of Licensor. Licensee shall not permit any mechanic's or materialmen's liens.

e. Licensee shall be responsible for obtaining any and all consents and approvals that may be necessary to conduct the Permitted Uses, if any, by all regulatory agencies claiming jurisdiction.

f. Licensee shall promptly clean up the Property removing all unexploded shells and material remnants of exploded shells.

5. **Compliance with Law.** Licensee shall at all times comply with all applicable laws, regulations, and ordinances and shall obtain and maintain in full force and effect all permits and approvals which may be required to engage in the Permitted Uses on the Property.

6. **Personal License Only.** Licensee's privileges under this License are personal in nature to Licensee and shall not be assignable in whole or in part.

7. **Assumption of Risk.** Licensee shall be solely responsible for the conduct and safety of all persons potentially hurt, injured or otherwise affected by its undertaking of the Authorized Uses while using the Property. Licensee on behalf of itself, its employee, agents and customers hereby acknowledges that it is familiar with the condition of the Property and acknowledges all such conditions. Licensee hereby expressly assumes all risks of every kind and nature whatsoever that Licensee may encounter on the property, including, with limitation, the risks associated with the foregoing hazards. Licensee shall at all times obey, adhere to, and comply with all hazard notices and all other warning signs or notices that may be posted on the Property. The absence of hazard notices, warning signs, or other notices shall not limit in any way Licensee's assumption of risk in its activities under this License.

8. **Liability Insurance.** Throughout the entire term of this License, Licensee shall maintain in full force and effect, at Licensee's sole expense, a policy of general liability insurance policy insuring Licensee and Licensor against any damage, claim, action, or suit resulting from personal injury or property damage sustained, or alleged to have been sustained, in connection with Licensee's use of the Property. Licensee shall furnish a copy of such insurance policy to Licensor before the commencement date of this agreement and thereafter upon request of Licensor. Licensee shall maintain at its sole cost and expense adequate insurance to protect Licensee and Licensor from claims under worker's compensation, disability benefits and other similar employee benefit laws and regulations.

9. **Indemnification.** Licensee shall indemnify and save harmless Licensor from any and all claims, losses, liabilities, damages, or expenses of any kind and nature whatsoever including attorney fees for damage to property or injury or death to persons whomsoever arising in connection with or on account of the use of the Property by Licensee or Licensee's member, guests, invitees, customers, representatives, employees, contractors, or other similarly situated persons.

10. **Attorney Fees, Costs and Governing Law.** In the event that either the Licensor or the Licensee files any action in relation to this License, the unsuccessful Party to the action shall pay to the successful Party, in addition to all other sums that either Party incurred by the unsuccessful Party, reasonable attorney fees and costs by the successful Party. This License shall be governed by and construed in accordance with the laws of the State of Utah.

11. **License Not Exclusive.** The permission granted under this License is not exclusive to Licensee, and Licensee expressly acknowledges that Licensor may grant other persons or entities the right, privilege, and permission to use the Property.

12. **Modification of License.** Any modification of this License shall be binding only if evidenced in writing signed by each Party or an authorized representative of each Party.

13. **Termination of License.** Licensor may terminate this License at any time by written notice to Licensee if Licensor concludes, in its sole discretion that any activity on the Property violates any law, regulation or this Agreement or threatens harm to the Property, surrounding property or the peace and enjoyment by neighbors of their properties.

14. **Entire Agreement.** This License shall constitute the entire agreement between the parties and any prior or representation of any kind preceding the date of this License shall not be binding upon either Party except to the extent expressly incorporated in this License.

15. **Notices.** Any notice concerning this License shall be in writing and shall be deemed sufficiently given when sent by certified or registered mail as set forth below.

**If to Licensor:**

Utah School and Institutional Trust Lands Administration  
675 East 500 South, Suite 500  
Salt Lake City, Utah 84102-2818  
Attention: Assistant Director – Development

LB Moab Land, LLC  
PO Box 967  
Moab, UT 84532

**If to Licensee:**

Grand County Council  
125 East Center Street  
Moab, UT 85432

16. **Interpretations, Counterparts and Facsimiles.** This License may be executed in multiple counterparts or by legible facsimile copy, each of which shall constitute an original, but all of which, taken together, shall constitute one and the same instrument. The facsimile transmission of a signed copy hereof or of any notice to be given to the other Party or his or her agent, shall be considered valid and constitute a signed original. A signed “hard copy” of the document shall not be necessary, but may be executed by the parties.

IN WITNESS WHEREOF, Licensors and Licensee have executed this License as of Effective Date.

**LICENSOR:**

**THE STATE OF UTAH, by and through the SCHOOL and  
INSTITUTIONAL TRUST LANDS ADMINISTRATION**

By: Tamra S. Colyar  
Tamra Colyar, Trust Lands Administration

Date: 6-26-19

**LB MOAB LAND, LLC,  
a Colorado limited liability company**

By: Michael H. Badger  
Michael H. Badger, Manager

Date: 6/21/19

**LICENSEE:**

Grand County Council  
125 East Center Street  
Moab, UT 84532

By: Evan Clapper  
Printed Name: EVAN CLAPPER  
Title: Council Chair

Date: 6/12/19



## AGENDA ITEM: T

To: Grand County Council  
From: Ruth Dillon, County Council Administrator  
On behalf of the Grand County Special Events Coordinating Committee  
Date: June 26, 2019  
Subj: Permitting of the Discount Tires Rally on the Rocks UTV Special Event

Summary: The Grand County Special Events Coordinating Committee thoroughly reviewed the 2019 Rally on the Rocks UTV special event, including After-Action, citizen, and business comments. At an open, public meeting held June 20, 2019, the Committee unanimously supported a recommendation to you, the County Council, that the Committee continue permitting the special event. The Committee found no grounds for permit denial that could be directly linked to the five-day trails event across BLM lands. Clearly, the event brings hundreds of noisy, street-legal UTVs to the community (approximately 600 specifically for the event) – and many individuals who may not be participating in the trail events – facts that are beyond the purview of the County's Special Events Coordinating Committee when considering compliance with special event requirements and recommendations for future permitting.

Citizen Comments: The County's Special Events Coordinating Committee is in receipt of all citizen comments addressed to the County Council – in many cases urging the County to discontinue permitting the Rally on the Rocks event held each May. Citizens cited unacceptable noise, public safety issues, and unacceptable disruptions.

Tourism-related Business Comments: Recently the Travel Council reached out by email to local restaurants, hotels, and guides & outfitters with a brief survey inquiring whether/how this special event may support their business; input about the event (positive or negative); and opinions for improving the event. Results from 14 businesses were mixed, with many stating that the event is good for business, and others expressing concerns about unacceptable noise, public safety issues, and unacceptable disruptions. However, a few business representatives wanted to understand why this special event would be singled out from other high-volume special events.

Committee Process: The Committee was established via the County's 2013 special events ordinance (attached), and it is authorized to allow or deny special event permits as stated in the ordinance. Soon after a permitted special event is over, the Committee Chair sends out the After-Action form to all voting members and stakeholders associated with the event (except for the event organizer) for feedback about and possible corrections for future events.

The Committee typically meets every other month to review After-Action reports and determine if any action is required of the event organizer for the following year's event. The Committee held their regularly scheduled, open and public meeting on June 20, 2019 at 10:00 a.m. in the Council Chambers to

review this particular event at length and in the presence of myself as well as the invited event organizers.

Attending:

Building Inspection - Jeff Whitney

Moab Valley Fire Department – Brandon McGuffee

Sheriff's Office – Darrel Mecham & Curt Brewer

UHP – Kyle Curtis

Community & Economic Development – Zacharia Levine (by phone, unable to vote) & Kenny Gordon

Travel Council – Elaine Gizler & Keri Frandsen

Southeast Utah Health Department – Orion Rogers & Brittany Garff

UDOT – Kurt McFarland

BLM – Jennifer Jones & Todd Murdock

OSTA – Angie Book

Absent:

Road Department representative

Emergency Medical Services representative

Clerk/Auditor representative

On June 20, 2019 the Committee discussed the following:

Sheriff's Office staffing: The Sheriff's Office is in charge of daily escorts from the Old Spanish Trail Arena to and from the trailheads, utilizing assistance from Search & Rescue, Moab City Police Department, San Juan County Sheriff's Office, and Utah Highway Patrol. Although the escorts are not required for street-legal UTV's, the event organizer determined to continue the escort practice as a control measure. The County is reimbursed by the event organizer for the twice-daily escort and intersection traffic control services of five off-duty Grand County Sheriff deputies; the reimbursement revenues to the Sheriff's Office total approximately \$14,000 for the five-day event. Following complaints raised by Moab City Police (see attached After-Action report) and UHP regarding an apparent lack of reimbursement, it was determined that Moab City and UHP (and any other outside organization) are expected to request reimbursement directly from the event organizer for their services; the event organizer stated that they will pay.

Staffing occurs by both on-duty and off-duty staff. Off-duty deputies are not on duty for a patrol schedule but are on duty for the special event. On-duty deputies would be pulled off of the special event if an emergency arose.

Unregistered UTVs: After the daily escorts, the Sheriff's Office stops UTV drivers, who may or may not be associated directly with the event, whenever they see them on the streets. The event organizer stated that the event is represented by about 35 states, and some states do not plate UTVs as they are strictly an off-road vehicle in their state. In the last two or three years, the State of Utah began requiring the license plate. Therefore, UTVs from those non-plating states cannot become street legal in Utah and thus require escorts to participate in the event. The event organizer stated that approximately 90% of the UTV's with the event are street legal. UHP reported having a conflict in supporting an event with unregistered vehicles and may abstain from supporting the event until this can be worked out.



Unacceptable noise: The Sheriff's Office reported that the County Attorney is working on enforceable noise regulations in the unincorporated, inhabited county. A disorderly conduct ordinance is in place. The Committee agrees that the UTVs are noisy, and particularly in groups. Although there were many comments on the noise in and around town at all hours, the Committee could not directly link the noise to the permitted event itself. The Sheriff's Office has a controlled environment when escorting UTVs to and from the Arena, maintaining low speeds and minimum UTV noise. For noise mitigation, the Sheriff's Office now avoids North Spanish Valley Drive and neighborhoods as much as possible when escorting for the event. South Spanish Valley Drive near Ken's Lake is an escort route, however, as well as Millcreek "a little bit."

The UDOT representative commented that it may be challenging to have a noise curfew in the unincorporated county on street-legal machines.

The Sheriff's Office reported that most noise complaints received were in the evening and not necessarily with the event. "You can't put all the blame on Rally on the Rocks." Some Committee Members thought that the tourists renting UTVs in town could be at issue.

A BLM representative reported that they received some complaints, generally about noise, "but not necessarily regarding this specific event." "I commend Lance on the efforts. They are great to work with. We have a few issues, and we'll meet later today.... It is a very well run event. It's not them causing any problems."

A Health Department representative read a definition of "extreme noise" from a Salt Lake County regulation with a curfew of 10pm to 7am which included some exemptions, noting that temporary permits may be obtained from the Salt Lake County Health Department. Grand County does not have a noise ordinance, although Moab City does.

Unacceptable Disruptions: The Sheriff's Office received complaints the first day after a Sheriff Deputy admittedly allowed too many UTVs to go through an intersection at one time, which required a longer general public waiting period at the intersection; the Sheriff's Office corrected this by limiting the number of UTVs to 35 to go through an intersection at one time taking a maximum of approximately two minutes.

Sand Flats, via email, reported issues associated with noise in the campgrounds at late hours. The Sheriff's Office reported that a lot of people like the night rides with the lights, and this alone cannot be stopped. However, Fins and Things 4x4 trail is day-use only and can be enforced.

The Arena reported no issues with the event and that requests were made by event participants for temporary registration of vehicles; however, temporary license plates apparently do not exist.

A Community & Economic Development representative brought up the cost to the county of infrastructure, public services, and "extraordinary impacts on the community with the noise" versus the benefits to the community; a request for an economic analysis was made, given the contention around the event, with the question, with this event, "is there a net benefit or a net burden to the community?"

Public Safety: The Sheriff's Office reported that this was a good event, controlled, and with limited issues on the trails; the Sheriff's Office reported a couple of calls involving turnovers, stating that no drugs or alcohol were involved.

The Fire Department reported no issues with the event.

UDOT reported no issues with the event.

San Juan County Sheriff's Office supported the escorts and reported no issues.

Moab City Police Department reportedly has issues with an intersection in town being blocked.

From the Sheriff's Office: "This is one of the best events to work with; they work together; they're willing to work with everybody."

Impact on the Economy: Hotels reported that they get repeat customers from this event. OSTA reported that they had about 80 campers per night and that brought in about \$10,000 in revenue for the County. The event reimburses \$14,000 to the Sheriff's Office.

The event organizer donates to Grand County Search & Rescue; this year they donated a UTV worth \$50,000.

During the meeting, the Committee reviewed a draft After-Action report which consisted of a complaint by Moab City Police for lack of reimbursement. Committee members had the opportunity to add to the draft After-Action report yet no additions were made; the final report is attached.

As a final note, any special event allowed in the County is a privilege as opposed to a right.

cc: Special Events Coordinating Committee Members

Attachments: Citizen comments; tourism-business comments; Ordinance No. 521 (2013); Committee After-Action Report

Rally On the Rocks Comments

**From:** Danette Johnson <[DanetteinMoab@aol.com](mailto:DanetteinMoab@aol.com)>

**Sent:** Tuesday, May 14, 2019 9:20 PM

**To:** Grand County Council <[council@grandcountyutah.net](mailto:council@grandcountyutah.net)>

**Cc:** Danette Johnson <[danetteinmoab@aol.com](mailto:danetteinmoab@aol.com)>; Christina Sloan <[sloan@thesloanlawfirm.com](mailto:sloan@thesloanlawfirm.com)>

**Subject:** Rally on the Rocks and general UTV/ATV/SxS noise

I reside at 2895 S. Hwy 191 just to the north of the Branding Iron restaurant.

I have lived here for 25 years. My family and I participate in both motorized and non motorized activities and events here in Moab and we fully support what these events bring to the Moab economy.

Rally on the Rocks doesn't begin until today but last night from 8:30 until approximately 10:15 I could hear nothing but UTV/ATV/SxS vehicles and the like. And so it begins again this evening. The noise was/is much louder than it should be and is very disturbing. I called the Sheriff's department last night and was told by dispatch that they were "probably just leaving the arena" and did I want "an officer to call me". I'm uncertain why an officer calling me would be helpful. Perhaps there needs to be more law enforcement in the vicinity during this event or at least when they are "leaving the arena". Are these vehicles street legal or licensed to drive on highway 191 or public roads? Are they driving on the UDOT right of way along the highway that is clearly marked prohibiting motorized vehicles? (No and yes respectively for many of them). While I didn't get out of bed last night to look, if I had to guess I would say some vehicles were in the South Shell parking lot revving their engines and doing burnouts.

While driving home today, I was behind a UTV that was not street legal but drove from the Millcreek intersection all the way up Spanish Valley Drive to the stop sign at Spanish Trail and the continued south (I turned at Spanish Trail).

I remember the uproar when Classic Helicopter wanted space at the EOC. I can barely distinguish Classic from a semi truck braking.

I regularly hear trucks braking coming as they come in to town and kids going "all out" while heading south on 191.

But based on personal experience, it seems to me we are more lenient on visitors when their license plates aren't visible because of bicycles, their vehicles are not street legal/licensed or they are driving in areas where they shouldn't be. Instead of sitting on Kane Creek Blvd near the intersection of 500 West (TI letter to the editor a few weeks ago with which I wholeheartedly agreed), perhaps law enforcement could be better utilized by the arena, Hwy 191, Spanish Valley Drive and Spanish Trail during this event.

It's late and I need to go to bed. But I can't sleep with this noise....

Again, I completely support and am involved with various motorized events in Moab but this group is particularly noisy and obnoxious and law enforcement needs to step it up drastically.

Respectfully,

Danette Johnson

2895 South Hwy 191

**From:** Sarah Barstow <theravenimage@yahoo.com>  
**Sent:** Saturday, May 18, 2019 11:42 AM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Cc:** emily@moabcity.org  
**Subject:** Rally on the Rocks

Dear Council Members,

I am writing to beg you to cease future permitting for the Rally on the Rocks event . This event, year after year, has an indisputable negative affect on the citizens of this town (AND on the tourists who aren't here specifically for the event).

Noise is the obvious contender for what troubles people so much about this particular event. In my store the last couple of days, the great majority of tourists (who are not here for the event) are complaining about the noise. I'm hearing reports of hotels giving out ear plugs when you check in. Campers who can not sleep at all, because there are UTVs/ATVs ripping through the area as late as 1 am and as early as 4am. And then, of course, every local person I am in contact with (personally or via social media) is complaining, as well. People are leaving town (either for this particular event...or for good). The noise of engines revving loudly bounces off of our canyon walls and echoes through our small valley. It is seemingly inescapable.

Grand Co. Ordinance 521 (2013), Special Event Permitting, states that "Grand County recognizes the value of . . . quality of life experienced in the community" and "Grand County has an important and compelling governmental interest in regulating the . . . impacts associated with special events in order to protect property, public health, safety and welfare and provide for . . . personal privacy, noise and litter control."

It doesn't seem too much to ask for our locals and our visitors to be able to sleep at night. Do we really need an event in town that requires earplugs??? And I do recognize that we have other events in town that have loud vehicles. But it's not all day for the entirety of the event!!! It's too much.

And that's just to speak of noise. I have seen so many UTVs ripping through streets, neighborhoods...

there is also a safety issue. Do the police focus on speeding, unregistered vehicles, or backed up traffic? We just don't have enough police force to regulate this event. Honestly, there is no amount of staff that could keep everyone in check. It feels like Mad Max out there. More enforcement doesn't seem possible, nor is it the answer.

It's time to start thinking about the quality of life for residents here, as well as the experience we are providing for our tourists. I am hearing this sentiment from all different kinds of residents. It is not a partisan issue, or a socio economic issue, or a matter of your age. This is about protecting the "public health, safety and welfare" of our incredible town and it's residents. I implore you to stop permitting this UTV rally on the rocks.

Thank you for your time, Sarah (business owner & resident of 22 years)

Sarah Barstow-owner

The Rave'N Image

59 S. Main St.#5

Moab, Utah 84532

435.259.4968

**From:** Janet Buckingham <moabjanet@gmail.com>

**Sent:** Monday, May 20, 2019 1:12 PM

**To:** Grand County Council <council@grandcountyutah.net>

**Subject:** Moab Tourism and Events

Dear Grand County Council:

These days no matter where you go -- City Market, the doctor's office, the post office, a hiking trail, you name it -- there is one thing people are talking about: How do we survive the crush of tourism in Moab? I seldom run into old friends and acquaintances who have lived here longer than 10 years who are not considering moving out of Moab and Grand County. We have lost everything we loved about Moab: a slow, QUIET lifestyle, uncrowded hiking trails, sweet chats at the post office, stopping to catch up with old friends at the supermarket, a chat on a downtown sidewalk, the ability to go have dinner at our favorite restaurant, the ability to sit in our yards or sleep with our windows open. Everyone will have a different notion of what they've lost, but to be sure, we've all lost something dear to us.

And it isn't just that there are more people coming to Moab as a result of over-promotion and social media. It's the TYPE of tourism we are embracing that has made their numbers so onerous and so severely impacted our quality of life. Specifically, I'm talking about motorized recreation and within that noisy subset, the scourge of UTVs/side-by-side, "go anywhere you please" vehicles. Those machines and the people who drive them have absolutely ruined Moab. Grand County should have jumped on the State of Utah 10 years ago when the legislature first passed the legal use of those machines on any road, highway or trail in the state (except, of course, Salt Lake and Provo). We should have spoken out loudly and clearly at that time that we did not want them in Moab. What we did instead was to permit special events just for them and provide them with law enforcement escorts and warm fuzzies. The result: A scene from Mad Max and a miserable local population in Grand County.

I realize how difficult, if not impossible, it is to deal with the state legislature in terms of giving local government control over their own communities; the state tries to stop that at every turn. But we should be fighting them back at every turn. Demand that WE decide what is best for our community, not them.

What we DO have control over is what events are permitted in Moab. When that horrific Motos in Moab event came to town, they were not welcomed. One way or the other they heard that they were not wanted in this community and they crawled back under the rock they came from. It's time to send the same message to the UTV events. Stop giving them a permit. Stop giving them a warm welcome. Stop giving them law enforcement escorts and endorsements. Stop allowing illegal machines on our roads and highways. Stop allowing them to clog our streets and neighborhoods with their rigs. Stop letting them believe that there are no rules in Moab and stop letting them believe we are lucky to have their money. We're not. We shouldn't want their attitudes and we shouldn't care that much about their money that we ruin the quality of life of the majority of people in Moab and Grand County.

Thank you for listening. Please be proactive in stopping the Rally on the Rocks event from returning to Moab. Please.

Janet Buckingham

4136 Spanish Valley Dr

Moab, UT

**From:** Guy Agee <guyagee@gmail.com>  
**Sent:** Monday, May 20, 2019 10:44 AM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Cc:** emily@moabcity.org  
**Subject:** Rally on the Rocks disaster event

To all concerned,

Rally on the Rock event was an absolute disaster for our town of Moab this weekend. My house sits across Rotary Park and I witnessed the most ill behaved groups of side by side drivers over the 3 day event. It started Thursday with dozens of unlicensed and some licensed side by side drivers actually passing cars driving the speed limit in front of the park (kids playing of course). I phoned 2 complaints into dispatch got a little response that day (portable speed limit sign was moved to above the park) and was assured Friday and Saturday would be different. It was different for sure but it was much worse. It is my understanding that the portable speed box records data and that needs to be made available to the public.

The noise partly from the speeding side by sides was an abuse to our community and was none stop. They even had a night ride that night and were speeding by the house after midnight. Absolutely the worst behavior of ANY group that has visited our town in the 10 years here as a business owner.

As Moab residents, we need to have a better plan if this event is to ever happen again. Even if it doesn't, we need to do better just to handle the day to day side by side traffic thru our town especially the hot zones like Rotary Park, Kane Springs and Poison Spider.

Let's get together on this and feel free to contact, email is best for now.

Thank You,

Guy Agee  
Lonestar Boot Store  
Owner  
435 259-5663

**From:** Neal Clark <nealrclark@gmail.com>  
**Sent:** Monday, May 20, 2019 4:01 PM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Subject:** Rally on the Rocks- Deja Vu Every Year

Councilmembers and Special Event Permit Committee,

I've included an email I wrote to the council in June 2017 regarding the Rally on the Rocks event (see below). Unfortunately, and not surprisingly, the letter resonates as much today as it did two years ago. Literally nothing has changed regarding noise and impacts to quality of life. If anything, the event has grown even larger. I highly encourage you to read the past email and reflect on it. You have full authority to determine whether this event occurs again.

It's hard to fathom why the county would continue permitting an event that involves such invasive motorized use throughout town, especially during one of busiest times of year. Town would be packed full of tourists regardless of the Rally on the Rocks event, which only serves to increase noise and chaos. Based on the continued permitting of this event-- and between Jeep Safari, the car show, and Rally on the Rocks--it appears that the expectation is that your

constituents will just deal with the omnipresent noise almost every weekend throughout the spring (arguably the nicest time of year in our valley). Rally on the Rocks is particularly egregious, significantly impacts quality of life for residents, and fails to protect the welfare of citizens. It's simply unreasonable to continue to ask citizens to endure the constant noise and impact that results from this event. And what for? So out-of-town event promoters can make a buck? I'm sure St. George or Cedar City would gladly open their arms for this event.

Enough is enough. I encourage you to deny all future permits for this or similar UTV events.

Sincerely,

Neal Clark

433 Huntridge Dr.

June 2, 2017

Grand County Councilmembers (and Permit Committee),

I am writing in regard to the permitted Rally on the Rocks UTV event that took place May 16-20, 2017. This event, year after year, continues to have an inequitable impact on the quality of life for Grand County residents. This impact, from both excessive noise and congestion, is the result of both permitted groups being escorted through Moab and Grand County as well as the influx of UTVs drawn to town by the event driving through the area during the week of the event at all hours of the day and night.

I've attached a link to a video that I shot on May 22, 2017 at 10:20am. The video is taken from inside my house, towards Kane Creek, and shows the difference in noise levels between baseline (any given morning during tourist season) and during the Rally on the Rocks event.

The videos were taken minutes apart. Please, turn up the volume for full effect. Even better, play it through a proper stereo (I wouldn't want you to miss all of that nice low end).

<https://drive.google.com/open?id=0B8Xm7EUbJpsTSG5mVjRfNFNEN2c>

Grand Co. Ordinance 521 (2013), Special Event Permitting, states that "Grand County recognizes the value of . . . quality of life experienced in the community" and "Grand County has an important and compelling governmental interest in regulating the . . . impacts associated with special events in order to protect property, public health, safety and welfare and provide for . . . personal privacy, noise and litter control."

Grand County Code, Chapter 8.16 Special Events, states that the purpose and intent of the regulation is "to regulate assemblage of large numbers of people . . . in order that the health, safety, and welfare of all persons in Grand County . . . may be protected." Furthermore, the Code states that grounds for permit denial include events that pose "a significant . . . threat to public health, welfare, or safety, or which may result in an unreasonable inconvenience or cost to the public," or that include "site-specific impacts . . . which render it incompatible with neighboring uses."

"Welfare," as defined by Merriam-Webster, is "the state of doing well especially in respect to good fortune, happiness, well-being, or prosperity."

I submit to you that the Rally on the Rocks UTV event both poses a significant threat to public welfare; includes impacts that render it incompatible with neighboring uses, to wit, residential quality of life and well-being; and is inconsistent with the policy goal of protecting the health, safety, and welfare of Grand County citizens.

At a time when our community is trying to determine the best approaches to dealing with the exponential increase in UTVs and the disproportionate impact that this activity has on residents' quality of life, the last thing our elected representatives and associated committees should be doing is permitting events that promote Grand County as a UTV destination and bring excessive numbers of UTV riders into the area. This makes little sense, which is only



compounded by the realization that there isn't a hotel room, campsite, or restaurant reservation that would go unfilled if this event were not permitted. But, remarkably, our elected leaders instead choose to burden the residents of this community--substantially impacting their quality of life--so that out-of-town promoters with seemingly little ties with, or responsibility to, the community can hold a commercial event.

The citizens of Grand County didn't vote to live in Beyond Thunderdome, and to expect that from us is both unreasonable and contrary to the purpose and intent of the county's special event permitting code. I don't believe it's unreasonable to expect that I should be able to sleep with my windows open (which I can't do during this event) or relax in my backyard without the drone of UTV engines. Thankfully, I don't have to work the night shift, and can only imagine how difficult it's becoming for those members of our community who are trying to catch much needed sleep during the day.

This is not a partisan issue, this is a quality of life issue. I implore you all, as elected officials and committee members, to stand up for the community's well-being and stop permitting the Rally on the Rocks UTV event.

Thank you,

Neal Clark

433 Huntridge Dr.

**From: Kyle Bailey [mailto:kdbailey@citlink.net]**

**Sent: Monday, May 20, 2019 9:51 AM**

**To: Ruth Dillon**

**Subject: Rally on the Rocks**

Please forward this message to the County Council

This past week's Rally on the Rocks was seriously disturbing for many of the citizens of Grand County. The noise, traffic, irresponsible driving, lack of curfews and respect when riding through residential areas, and the over-all lack of respect for the community was intense, unhealthy, ....and sad. I'm sure events of this nature are important economic boosts for some, but the organizers and sponsors are not based in our community, and don't have to experience the disruption it has on our homes and neighborhoods. The health and well-being of our community is reaching a point where changes have to take place..

This quote from a friend:

"There's also absolutely no reason that the county needs to continue issuing a permit for this event. They have clear grounds to deny it, and people should remind them of that. Grand County Code, Chapter 8.16 Special Events, states that the purpose and intent of the regulation is "to regulate assemblage of large numbers of people . . . in order that the health, safety, and welfare of all persons in Grand County . . . may be protected." The Code goes on to state that grounds for permit denial include events that pose "a significant . . . threat to public health, welfare, or safety, or which may result in an unreasonable inconvenience or cost to the public," or that include "site-specific impacts . . . which render it incompatible with neighboring uses." I'd say they check a number of those boxes."

Please consider the welfare of the community when renewing the permit for this event.

Thank you.

Carrie Bailey

46 South 200 East

Moab

**From:** Kyle Bailey <kdbailey@citlink.net>  
**Sent:** Monday, May 20, 2019 4:29 PM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Subject:** Reconsider permitting Event "Rally On the Rocks"

To the Council:

The traffic and noise was difficult to endure over the last weekend. Rally on the Rocks is too big and hard to control. I saw some reckless situations going on downtown and along residential areas. These small vehicles are hard to see. The trailers pulling the rigs are noisy. I support the smaller supervised tours in our area. The closure of streets was backing up traffic too. I hope we can fix some things. The jeep Safari was quite quiet going to their destinations in contrast.

Thank you for listening.

Marsha Marshall  
668 North 500 West  
Moab Utah

**From:** Samantha Zimmerman <smzimme@gmail.com>  
**Sent:** Tuesday, May 21, 2019 8:27 AM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Subject:** Rally on the Rocks

Dear Council Members,

I'm writing you to ask that the Rally on the Rocks event be reconsidered. I live in Spanish Valley and for the last week and a half it's sounded like I'm living on the side of the Indy 500 Speedway. Even at midnight. I've been sleeping with earplugs in. At the very least it should be mandatory to install mufflers on UTVs and other off-road vehicles allowed in Moab. The Moab Valley's acoustics amplify off-road vehicle noise and it's getting ridiculous. I've lived here since 2011 and have never felt with this level of disturbance from any other motorized event, even Easter Jeep week.

Thank you for your time.

Best, ~Samantha Zim

**From:** "Pete Gross" <orcabay@sisna.com>  
**To:** "jhawks" <jhawks@grandcountyutah.net>, "tmorse" <tmorse@grandcountyutah.net>, "mmcgann" <mmcgann@grandcountyutah.net>, "ghalliday" <ghalliday@grandcountyutah.net>, "cwalls" <cwalls@grandcountyutah.net>, "eclapper" <eclapper@grandcountyutah.net>, "rpaxman" <rpaxman@grandcountyutah.net>  
**Sent:** Wednesday, May 22, 2019 1:22:58 PM  
**Subject:** Rally on the Rocks

"Off-road vehicles can be hazardous to operate and are not intended for on-road use." This "Rally Fact" from the Rally on the Rocks website perfectly summarizes the event and UTV's in particular. The website should also recommend hearing protection as many UTV occupants know from experience. During this year's Rally, at least one motel offered complimentary ear plugs to its guests because, as the receptionist explained, they're located on Main Street.

The Rally aggravated ever neighbor I spoke with about the event. Several times, the ear-splitting racket from UTV's roaring up and down Mill Creek Drive awakened me and some of my

neighbors from sound sleep during the night. Granted, caravanning up and down Mill Creek Dr and Sand Flats Rd all hours of the night is not part of the event. However, that is the kind of activity it attracts to Moab. The noise was even worse during the day.

UTV operators may have the right to enjoy public space as much as anyone, but they don't have the right to subject everyone within earshot to their noise. Within earshot can easily mean a mile away. From the Powerline Rd, I routinely hear the noise from an individual UTV cruising Main St over the sound of all other traffic including semi-trucks. We don't expect people to wear a breathing apparatus to protect themselves from second hand tobacco smoke. Neither should we expect people to require ear plugs or earmuffs to protect themselves from the racket generated by UTV's.

Remember the racket all over town at all hours of the day and night from all these other events throughout the year listed in the Moab Happenings?

Arches Ultra (footrace) Winterlude concert (Moab Music Festival) Puttin' on the Ritz Fundraiser Moab's Red Hot 55K/33K Trashion Show recycling benefit Moab Spring 1k Swim Moab Off-Road Triathlon-Duathlon Moab Int'l Film Festival Quilting in the Red Rocks Spring Trail Run - 8k or Half Marathon Poison Spider Spring Thaw (MTB) Skinny Tire Festival (Road Bike) Canyonlands Half Marathon & 5 Mile Run Behind the Rocks Ultra Trail Race Moab Rocks (MTB Race) Fallen Peace Officers OHV Trail Ride Moab Art Walk Amasa Run Trail Race Moab Photography Symposium Science for Guides 6th Annual Gran Fondo Scott Enduro Cup (MTB race) Moab Art Walk Back of Beyond SUP Race Moab Arts Festival Canyonlands PRCA Rodeo Dawg Days of Summer Thelma & Louise ½ Marathon Vision Relay (foot race) Moab Art Walk Utah Friends of Paleontology Meeting Moab Free Concert Series UTE 100 Mile Race Moab Music Festival (classical) Moab Artists Studio Tour Dancing with the Moab Stars Moab Artists Studio Tour Moab Art Walk Moab Skydive Festival Moab Century Tour (Road Bike) Moab Pride Festival NICA High School MTB race Outerbike Fall (MTB Expo) Red Rock Arts Festival Banff Mountain Film Festival Rock, Gem & Mineral Show Moab 240 Endurance Run Moab Art Walk Arches Half Marathon Moab Senior Games Moab Ho-Down Mtn Bike Festival Moab Craggin' Classic (Rock Climbing) Moab Folk Camp MVMC Day of the Day Halloween Trunk or Treat Moab Folk Festival Moab Celtic Festival "Scots on the Rocks" Moab Trail Marathon, 1/2 Marathon & 5K Moab Art Walk Dead Horse Ultra (Footrace) Christmas Tree Lighting MARC Holiday Art & Craft Fair Winter Sun Run 10K Electric Light Parade

Me, neither.

We don't need to cater to activities and events that disproportionately disrupt, annoy, and endanger our community in relation to what they contribute in order to have a vibrant tourism based economy.

Thank you for considering my concerns.

Sincerely,  
Pete Gross

**From: Andrea Brand**  
**Sent: Wednesday, May 15, 2019 3:46 PM**  
**To: tmurdock@blm.gov**  
**Subject: Rally on the Rocks follow up**

Todd,

Hello, sorry just getting to this. I spoke to Lance since we spoke. The issues I mentioned to you relayed to me from long time outfitters' drivers are:

Robert from Dan Mick's tours said that a group of about 15 UTVs from the second group today on Hell's had an intersection blocked. Robert was coming up from the Abyss with 5 vehicles or so behind him from different groups. The Rally on the Rocks had 15 vehicles waiting to climb up Big Hill #2. Rally on the Rocks could have backed some of the vehicles up here. They did not get out of the way even though it was obvious a group was waiting. Robert ended up passing very close to them off to the side. Robert said they need to "Share the trail."

Mike Wiler of Moab Adventure Center said he didn't witness any issues.

Now the first report I got from my folks at the booth was from Duran at Moab Tourism Center. I don't know him. He said he saw private vehicles passing the long line of Rally on the Rocks participants and going across "the cryptos." He also said Rally on the Rocks was not allowing people to pass.

My employees said the groups for Fins and Hell's had flags on the lead and the tail vehicles and this was very helpful. Hell's did not have this and the 2 groups were only 20-25 minutes apart. I spoke with Lance after you and I spoke about the above issues. He said that tomorrow he was planning to have one police escort bring up one group for Hell's, Fins and Porcupine. And then a second escort bring up the other Fins and Hell's groups.

Thank you,

Andrea Brand

Director

Sand Flats Recreation Area/Grand County

125 East Center St.

Moab, Utah 84532

Phone (435) 259-1386

Email [abrand@grandcountyutah.net](mailto:abrand@grandcountyutah.net)

**From: Jones, Jennifer [jljones@blm.gov]**  
**Sent: Friday, May 17, 2019 9:42 AM**  
**To: Andrea Brand**  
**Cc: tmurdock@blm.gov; kstevens@blm.gov**  
**Subject: Re: [EXTERNAL] Rally on the Rocks today**

Thank you Andrea -

This is great feed back and I really appreciate you making the time to share your observations, experiences and thoughts. We will be setting up an event debrief with Lanse Chournos, the permittee. Would you like to participate in that debrief?

On Thu, May 16, 2019 at 5:43 PM Andrea Brand <[ABrand@grandcountyutah.net](mailto:ABrand@grandcountyutah.net)> wrote:

Todd,

Hello, I was in the booth when all Rally on the Rocks groups went through this morning. First group was Hell's and they had a nice leader and tail and we liked the orange flags identifying each. The leader told me his number of vehicles and I counted and it was correct. However, a few minutes later 4 more UTVs arrived saying they were with the first Hell's group. Porcupine Rim group leader stopped and told us what trail but did not know how many were in his group but described the tail to us.

I don't recall any problems with Fins and Things groups.

Second Hell's group came up and told us number of vehicles and tail. But then 2 UTVs ran the booth and I stopped 3 more that said they were with the second Hell's group.

This stuff doesn't happen with Jeep Safari and Rally on the Rocks has been doing this long enough that I don't think it should be happening now. The leader should know the numbers in his group that he is responsible for. Additional vehicles should not be coming up after group has gone through and that the leader is not aware of.

Outside of the actual trail rides I got complaints from 2 different camping parties, one group in D and the other in E. They said UTVs were going up and down the Sand Flats road after 11 pm till past 1 am. I know personally I woke up at 2 am and could hear UTVs in town and maybe going up the Sand Flats road. Sonja got a complaint yesterday and today at the booth from campers about vehicles driving road late at night too.

I will be in there tomorrow too. Good to meet Liz Cresto and that she was out on the trail today monitoring the event. Thanks!

I saw Robert from Dan Mick Tours again today and he said Rally on the Rocks groups were being courteous and not blocking trail today. So maybe we got through to them yesterday.

Thank you,

Andrea Brand

Director

Sand Flats Recreation Area/Grand County

125 East Center St.

Moab, Utah 84532

Phone (435) 259-1386

Email [abrand@grandcountyutah.net](mailto:abrand@grandcountyutah.net)

--

Jennifer Jones, Moab Field Office

Asst. Field Manager, Recreation Division

82 E. Dogwood Moab, UT 84532

office: 435-259-2110

cell: 435-210-1425

email: [jljones@blm.gov](mailto:jljones@blm.gov)

**From Erin Groves**

**Thursday 5/23/2019 04:47pm**

Dear Grand County Council event managers,

I am forwarding to you the email I recently sent to the Grand County and Moab City Councils. Please include my feedback in your post-event evaluations for Rally on the Rocks.

Many thanks,

Erin Groves, Moab resident

To Moab's City and County Councils,

I'm writing as a frustrated and concerned Moab home owner and full-time resident to ask that you PLEASE prohibit Rally on the Rocks, or any similar ATV-centered event, from taking place anywhere in Grand County in future.

While the razor noise pollution during Rally on the Rocks was especially disruptive this year, my husband and I have been woken up by trains of razors coming back into town at 1-4am every single year this event has taken place. Enough is enough. We understand the after-hours activities are not necessarily sponsored by the Rally on the Rocks organizers themselves. But events like this encourage a large influx of this type of vehicle and have serious impacts outside the organized event with after-hours activities, which interfere with residents' peaceful enjoyment of their private property, especially from 6pm to 8am. Late night activity of this nature also raises the question of driver sobriety. With so many razors on the roads and trails in the middle of the night, it seems our local law enforcement lacks the resources to properly patrol these participants and keep our roads safe as well as quiet.

I understand that this is a county event and doesn't require a city permit. But these vehicles traverse city streets to get to trail heads and cause significant noise disruption in the process, most especially along Main Street, 300 South, and Mill Creek Drive. I can speak to this firsthand as both a resident of Mulberry Grove, and employee of a non-profit on 300 South. In response to this event, I spoke with a wide number of neighbors, as well as fellow residents and business owners and not a single person that I spoke with had a positive experience with this event this year, either due to the noise or the hostility experienced when addressing these issues with participants directly. It's not only affecting locals, but other visitors as well. I'm curious if you know how many locals participate in this event? It seems to primarily benefit non-residents, and a concentrated number and type of business owner with no notable benefit to the community at large.

One suggestion I would like both councils to consider in addition to prohibiting these types of events is a general curfew for these types of vehicles. The noise is especially disruptive after 10pm. Families are trying to get kids to bed, often with the windows open in spring and fall. No matter where you are in town or out in Spanish Valley, the noise from razors echos off the canyon walls and creates a disruption and is especially noticeable in the evenings. Any vehicle that requires ear protection should be considered too noisy to be driven on public roads during quiet hours. This is especially bad on Mill Creek Drive as razors increase speed to go uphill, and on Hwy 191 where vehicles are traveling upwards of 55 mph. We don't allow engine break use close to town - why would we allow this type of noise disruption either?

Thank you for taking the time to hear my concerns. I sincerely hope my fellow citizens have joined me in writing in so you know how widely affected we've been by this type of activity.

Most appreciatively,

Erin E. C. Groves

Cell: (505) 490-9511

**From Beth Logan**

**Thursday 5/23/2019 5:26 pm**

By far the most annoying week of my Moab life. High level of noise, smell of fuel fumes, lack of regard for those around. The high-pitched sound of the vehicles is painful. For some reason there was a lot more noise between 10 PM and 2 am then I experience with other tourists.

On a positive note, I appreciated the police escort to and from trails; I personally was confused when I saw the flashing emergency lights thinking I should pull over because it was a true emergency not just a group of people going somewhere.

Please choose to not permit this group again. At the very least require mufflers or something that allows the pristine nature of our valley to be preserved.

Thank you,

Beth Logan

Grand County Resident

**From: Quincy Masur <education@moabmc.org>**

**Sent: Wednesday, May 22, 2019 3:06 PM**

**To: Grand County Council <council@grandcountyutah.net>**

**Subject: Noise permit**

Please stop issuing the permit for Rally on the Rocks.

With gratitude,

Quincy Masur

Education Coordinator

Moab Valley Multicultural Center

435-259-5444

**From: Emily Stock <mole.stock@gmail.com>**

**Sent: Friday, May 31, 2019 8:49 AM**

**To: Grand County Council <council@grandcountyutah.net>**

**Subject: Rally on the Rocks Event**

Dear County Council,

I'm writing in concern about the Rally on the Rocks Event. This event is extremely disruptive; not only to our local community but also to the other visitors in town at an already busy time of year. I was shocked to read in the Moab Sun News about how most hotels were giving out complimentary ear plugs to their guests that week! In the Mountain View neighborhood, there is a constant stream of loud motors at all hours, regardless of noise time restrictions. It adds stress and an element of chaos to our homes.

When our town is already at capacity, I don't think we need to be catering to groups of people that have little to contribute and cause so much angst in our community.

I would implore the council to not permit this even any further. This could be a much celebrated fix that would inspire some positivity in light of the fast pace of development that locals have been worried about. Thanks for your consideration.

Emily Stock

433 Huntridge Dr.



**From: Barbara M Hicks <barbmhicks@gmail.com>**  
**Sent: Sunday, June 02, 2019 2:42 PM**  
**To: Grand County Council <council@grandcountyutah.net>**  
**Subject: Noise complaint**

Dear Council,

I was quite dismayed when I read in the paper that law enforcement only received one complaint about the noise during the recent Rally on the Rocks event.

Everyone I know was talking about the loud and obnoxious noise both in the City limits as well as County residents. Honestly, it never occurred to me to complain to law enforcement.

I live in town on Locust Lane and the noise was deafening at all hours of the day and night. It felt like a total assault on our rural town.

Please help to preserve what is left of our rural community.

Not all events are good for our delicate desert environment or our quality of life. Please do not issue a permit for this event in 2020.

Thanking you,

Barbara Hicks

514 Locust LN

**From: Deb Truman <moabdebwa@gmail.com>**  
**Sent: Monday, June 03, 2019 1:37 PM**  
**To: Grand County Council <council@grandcountyutah.net>**  
**Subject: Is Moab too Noisy?**

DEB TRUMAN  
PO BOX 465  
MOAB, UTAH 84532

Dear Councilman,

"Is Moab Too Noisy? Motel guests offered EARPLUGS." Moab Sun News 5-23-2019

-What about the residents of Moab and Grand County? Do we get a case when we pay our property taxes?

-What about the patients lying in bed at Moab Regional Hospital or Canyonlands Care Center?

-What about our pedestrians?

-What about my dog?

How about passing EARPLUGS out at the river bridge or the Hole in the Rock?

Moab has long set a precedence that noise is OK. I remember when the car show started in 1991. I was trying to get to sleep after midnight on Friday and Saturday nights. Before the Maverik or the traffic light at 4th east, the Hot Rodders would turn around at that intersection and peel back out to drag Main street. I finally called Law Enforcement and was told there was nothing they could do. I should write a Letter to the Editor or call Rod Petty.

In 2012, I heard my first UTV rumbling and vibrating past my house. I was so startled, I went outside to see what it was. Now more and more are allowed in our neighborhoods, city and county streets. There have been countless news articles and Letters to the Editor, a Throttle Down in Town campaign, lowering of speed limits to 25mph on 4th East, 5th West, 3rd South and 1st West. Let's face it...it has not helped the noise.

Just because a UTV is "street legal" doesn't make it any less noisy. A refrigerator produces a noise of about 50db, a sewing machine 60db, a coffee grinder 70db. The mufflers of UTV's can

be modified to bring the sound "down" to 91-100db. Some UTV muffler manufacturers advertise they offer a "deep aggressive exhaust system with streamline aesthetics". Extra noise makes them feel faster and more powerful.

Moab City Ordinance 9.16.020 addresses noise as "disturbing the peace". I could find zero ordinances for Grand County.

I'm at my wit's end!!! The Moab Sun article said the Moab Police had only one noise complaint during the Rally on the Rocks event. Do the citizens of Moab need to be bombarding Law Enforcement when we cannot sit in our back yards or get to sleep because of the noise? I have left town during Jeep Safari for years. Now with these escalating events every year like Rally on the Rocks, Moto Moab and the other events that are not posted on the Moab Event Calendar, are earplugs our only hope for peace and quiet?

HELP !!!!!

Deb Truman  
435-260-7319

**From:** Audrey Graham <graham4grand@yahoo.com>  
**Sent:** Tuesday, June 04, 2019 10:48 AM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Subject:** UTVs

To the County Council:

Please, it is simply too much now. The UTV event, as well as UTVs all over our streets throughout the spring and fall is out of control.

PLEASE don't approve the annual UTV event to continue. Or at least, bring some state legislators here to experience the chaos next spring, and then work with them to get these noisy polluters off our streets and highways.

I work in an office adjoining the highway, and the noise of semi trucks is not nearly as loud as that of the UTVs! How can that be?

Is there a way to allow only UTVs with mufflers to attend the annual event, or be on the roads at all?

Thank you for your attention to this matter and for your service to our community in public office.

Audrey Graham  
435-220-0185

**From:** John Hartley <juan.bolle@gmail.com>  
**Sent:** Monday, June 03, 2019 5:41 PM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Subject:** Noise and events

The police report said only one noise complaint was received during The Rally on the Rocks weekend. Well who calls the PD for traffic noise? Oh yeah no one. Who thinks to call regarding noise on the street it is already so noisy the BOWEN MOTEL hands out ear plugs to its guests.

I think the noise levels are way too high. I heard those mini 4x4s road warrior wannabes at all hours.

I understand the events draw business to Main St. I also see a town that is filled to overflowing. If the mini 4x4 rally is applied for next year I believe they should be turned down until the builders of these toys make them quieter. Turning down the group based on noise would send a message.

There is a possibility of a 35% increase in overnight rentals by next year no business is gonna be hurt by tightening the rules for using MOAB and surrounding area as a playground.

I know the issue is discussed at social gatherings and the consensus is the Rally shouldn't be welcomed back.

JohnHartley

-----Original Message-----

**From:** John <over1@frontiernet.net>  
**Sent:** Tuesday, June 04, 2019 11:23 AM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Subject:** Rally On The Rocks ,OHV use.

In regards to this issue, I personally had 2 encounters during this event that were troubling. In one, a tailgating OHV passed me, speeding, over a double yellow line near Daves Corner Market. The other involved an OHV passing another on a curve with oncoming traffic [in a convoy that was being escorted front and back by LE]. This was on Spanish Valley Drive on the curve north of Powerhouse.

If OHVs are used on the street, how about requiring them to have REAL mufflers and license plates that can be read. One of the reasons people don't file reports is that they can't identify the vehicle.

Thanks for listening  
John Covey

**From:** Lisa Paterson <lpater1@hotmail.com>  
**Date:** Tue, Jun 4, 2019 at 7:04 PM  
**Subject:** Rally on the Rocks  
**To:** city-council@moabcity.org <city-council@moabcity.org>

Dear City Council Member,

Noise! Noise! That's all that I experienced during the weeklong Rally on the Rocks. These razor convoys create noise that extends well beyond where they drive or are idling. I couldn't figure out what the roar was at the beginning of the week until I was informed that the razors all lineup at the arena waiting to go on their tours. I could hear this noise, loud offensive noise, even though I live near Old City Park.

When even one single razor drives to their overnight rentals east of Spanish Trail Road I hear the razor, not just for a moment but for the entire time that it travels up Spanish Valley Highway or Highway 191, turns off onto Spanish Trail Road, and then finally the noise ends when it parks at the overnight accommodation near the golf course. It doesn't matter whether the razor is traveling at 20 miles an hour or 40: the noise is the same. I slept with ear plugs during the entire event.

Please do not renew the Rally on the Rocks permit for next year.

There must be some way of enforcing our noise ordinance to force these razors to have mufflers as required on all other vehicles. What can be done?

For the sake of the quality of life in Grand County, please do not renew Rally on the Rocks' permit for the year 2020 and beyond.

Sincerely,

Lisa Paterson

Lisa Paterson Coaching

Gently Held, Deeply Seen

-----Original Message-----

**From:** catherine Leathers <cathleathers@gmail.com>  
**Sent:** Tuesday, June 04, 2019 6:53 PM  
**To:** Grand County Council <council@grandcountyutah.net>; city-council@moabcity.org  
**Subject:** Rally On the rocks

Dear Grand County Council and Moab City Council Members,

The recent event of ATVs during Rally on the rocks brought unprecedented noise and congestion to our valley. For several nights during that weekend we listened to the sound of razors buzzing until The wee hours on 191 disturbing neighborhoods. Not to mention the long parades in and out the Moab Valley with police escorts. The fact that these were made street legal I really don't understand. If they're really street legal then why do they need police escorts?

Please consider putting this event on hold, Sent from my iPhone

**-----Original Message-----**

**From:** Jean and Mike Binyon <binyon@frontiernet.net>  
**Sent:** Wednesday, June 05, 2019 5:55 PM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Cc:** "Moab BLM blm\_ut\_mb\_mail"@blm.gov; city-council@moabcity.org  
**Subject:** Please no more: Rally on the Rocks

Does Grand County really need to attract those who own or rent UTV's to converge on the County on an annual basis? Do our citizens really want the noise and congestion that Rally on the Rocks engenders?

As our public bodies determine which permits to grant for which events, we urge you to consider whether the economic benefits each event provides is worth the cost to our quality of life.

Until UTV manufacturers develop quieter machines or until the City and County are capable of constraining where and when these machines are allowed, we suggest withholding permits for Rally on the Rocks.

Thank you for your attention.

Mike & Jean Binyon  
3057 E. Coyote Court, Moab

**Original Message-----**

**From:** orrxylla@gmail.com <orrxylla@gmail.com>  
**Sent:** Saturday, June 08, 2019 9:03 AM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Cc:** blm\_ut\_mb\_mail@blm.gov; city-council@moabcity.org  
**Subject:** Rally on the Rocks permitting

Dear council:

Rally on the Rocks seems to draw noisy party crowds who view the Moab area as a playground that someone else will tidy up after they leave. Must we continue to suffer such disrespect?

Surely there are other equally lucrative events that attract a less-impactful crowd. Please consider hitting the "pause" button for a while on permits for Rally on the Rocks.

Regards,

~Nancy Orr  
435.210.1770

**-----Original Message-----**

**From:** Darcey Brown <darcey@frontiernet.net>  
**Sent:** Saturday, June 08, 2019 9:46 AM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Cc:** city-council@moabcity.org; blm\_ut\_mb\_mail@blm.gov  
**Subject:** Deny Rally on the Rocks permit

Please deny Rally on the Rocks a permit. We live miles away from the arena and hwy 191 and could hear the roar day and night. I recently put up for sale a rental I have which is one house off Mill Creek Dr because the noise was so deafening at all hours that I was afraid if I didn't sell it soon it would lose its value. My long term renter slept with the windows shut and recently moved. Good luck to the new owners dealing with the noise!

Darcey Brown  
2931 E. Bench Rd  
Moab, UT 84532  
435-259-6118  
435-260-2373

**From:** Mary Moran <marymoran3333@gmail.com>  
**Sent:** Saturday, June 08, 2019 3:31 PM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Subject:** reject the rally

Dear Grand County Council,  
Please do not permit Rally on the Rocks or any UTV events in Grand County in the future. The vehicles are just too loud. The Grand County ordinance governing special events permitting specifies grounds for denial that includes denial when an event "may result in an unreasonable inconvenience or cost to the public". Needing to leave town because you can't stand the noise level is certainly an inconvenience.  
Thanks again for all of your work.  
Mary Moran  
1991 Highland Drive  
Moab, UT 84532



To answer your questions in order they are asked.

Not really. Minimal at most

The noise is an issue. also I find this user group more prone to reckless behavior, not staying on trail, driving at high speeds.

Retrofit these types of vehicles with electric engines? Much higher law enforcement for offenders, both in town or on public lands. Educating users on the best practices for this user group.

The main issue is excessive noise by these machines which is overwhelming, particularly in the access neighborhoods but also on shared public land areas.

**Howard Trenholme**

**Red Rock Bakery & Cafe**

Did not affect us much at all

May do two separate events so people are not so stuffed in the area

**Charleen Radley**

**Castle Creek Winery Manager**

**435-259-3332**

Hey Kari,

Rally on the Rocks brings us great business! No issues with this event! We love it!!! J

Thank You,

**Brittni Adams**

**Group Sales and Marketing Manager**

**[groups@aarchwayinn.com](mailto:groups@aarchwayinn.com)**

**Aarchway Inn**

**1551 North Riverview Dr.**

**Moab, Utah 84532**

Hi Keri,

This event does support our business and we do not have any issues with it. They are respectful and we have had no problems. Thanks Britnie

**Britnie Ellis**

**Big Horn Lodge**

**550 South Main Street**

**Moab, Utah 84532**

**(435) 259-6171 F (435) 259-6144**

**[www.moabbighorn.com](http://www.moabbighorn.com)**

**email: [britnie@moabbighorn.com](mailto:britnie@moabbighorn.com)**

*How does this event support your business? Rally on the rocks doesn't support our business in any way but rather detracts from our guests' experience due to the noise, dust and unsafe conditions on any trails or roads where the UTV's may be. We have a multi-day tour where we mountain bike through the Lockhart Basin Rd. and usually ride all the way into Moab. When this event is happening we have to drive a shuttle out to the bottom of the Hurrah Pass and drive our guests into town because the speed of the traffic and disregard for anyone that's not in a UTV is appalling.*

*Do you have any issues with this event? the noise generated from this amount of UTV's in town at one time is extremely disruptive to everyday life in Moab. From being unable to carry on a conversation in a car when a bunch of these vehicles drive by to the noise reverberating all around town well into the evening from the constant stream of traffic coming down Sand Flats Rd, I can't see any benefit to our community from the event.*

*What is your opinion on improving this event in the future? Don't allow it to happen but if it continues implement a mandatory education awareness for participants of common courtesy on trails and roads plus addressing right of way policy for non-motorized users among other issues. Also, bring in a ton of law enforcement I(as we've done for jeep safari in the past) and enforce speed on all roads and dirt roads around Moab.*

*If you have any issues, please explain good or bad. See above*

**Kirstin Peterson**  
**Rim Mountain Bike Tours**  
**1233 S. Hwy 191**  
**Moab, UT 84532**  
**[www.rimtours.com](http://www.rimtours.com)**  
**[kirstin@rimtours.com](mailto:kirstin@rimtours.com)**  
**435-259-5223 office**  
**435-260-0042 mobile**

Hello

They have brought us a lot of business to the area not only while the event happening but repeat guest over the years.

No issues with them in the past. Very respectful people.

The Event could be grown into a bigger event. All events have rules and regulations that need to be followed as we all know. I do not feel this event should be singled out because of they are an off-road business.

No issues at all.

**Kali Bisco**  
**The Gonzo Inn**  
**General Manager**  
**100 West 200 S Moab UT, 84532**  
**(o) 435.259.2515**  
**(c) 435.260.9906**

**(e) gonzoinn@gonzoinn.com**

Hello Keri,

Here is the information I got from QuintStar's 5 hotels GM's.

**Best Western Plus Green Well Inn**

How does this event support your business? It supports our business by bringing people to our area in turn bringing revenue.

Do you have any issues with this event? No I have not had any issues with this event.

What is your opinion on improving this event in the future? Only opinion I have is maybe hosting the event in a slower month of the season...as to spread the revenue throughout the year. I feel May and September are the busiest months of the season and would maintain that without the event.

**Hotel Moab Downtown**

How does this event support your business? It increases revenue and ensures our employees have jobs

Do you have any issues with this event? We have not experienced any issues with Rally on the Rocks

What is your opinion on improving this event in the future? I do not have an opinion on improvements

**Super 8, Moab UT**

How does this event support your business? Week long event that is a great revenue source for the hotels and business

Do you have any issues with this event? We have not experienced any issues

What is your opinion on improving this event in the future? It is a great event and we are happy to have them, it would be nice to have it on a slower month.

**Motel 6, Moab UT**

How does this event support your business? It's a great event that brings a lot of room revenue

Do you have any issues with this event? No issues

What is your opinion on improving this event in the future? Keep allowing the event to come to Moab it is good for business.

**River Canyon Lodge**

How does this event support your business?

Rally on the rocks is a great source of revenue during the week they are here.

Do you have any issues with this event?

We have had no particular issue with this event. Like any event, there is noise with the additional people in the area. However, car show creates a lot of noise while they are here as well. So that is a very minor gripe.

What is your opinion on improving this event in the future?

Maybe later start times to the events. But nothing that is an inconvenience to the hotel or other guests.

If you have any issues, please explain good or bad.

Overall we see Rally on the Rocks as a benefit to our area and we look forward to hosting guests that are participating in the event!.

**Austena Fugit**

**Group & FIT Sales,**

**Quintstar Lodging, Moab**

**Email: [LodgingSales@aol.com](mailto:LodgingSales@aol.com)**

**Phone: 435.259.6869 (Office @ QuintStar Management, INC)**

**FAX: 435.259.8989**

**From: KENT GREEN <[moabcowboykg@gmail.com](mailto:moabcowboykg@gmail.com)>**

**Sent: Friday, June 14, 2019 6:55 PM**

**To: Grand County Council <[council@grandcountyutah.net](mailto:council@grandcountyutah.net)>**

**Subject: Rally on the rocks**

I am very disappointed in some of you who are trying to get rid of rally on the rocks. For you to not allow them to have a permit is ludicrous you are targeting one industry who brings in a lot of revenue to our area . There a lot of business people who depend on advanced like this to keep and survive in the Moab area to make a great living. You are effecting my business and a lot of other businesses instead of suppressing Moab you should be using open arms to bring in more revenue for our community to ensure that our People who are employed have decent wages so they can afford to live here. You are discriminating against one industry What about all the other events are you going to deny their permits to?s for example the rodeo, the car show, Jeep safari common that tire festival, half marathon, Bronco fest, land rover fest, The music festival, the art show common all the bike events. These are examples I think you get the idea. You're only representing a few and not the entire community I know that some county council members are retired and even have bed and breakfast is as a business and so you don't worry about your income there a lot of us here who do worry about our income so we can survive through the Winter. On another note for you to the dunaigh advertising money from the state of Utah of \$260000 plus you didn't ask me if I wanted to stop advertising instead you took it upon yourself to not accept that funding how dare you represent me and other business people taking it upon yourself to deny free money how Stupid can you be. That advertising money could have been used and different and various ways but you choose the close your mind and not listen to the majority only the

few selective. You need to remember you work for the people not just yourself and your few selective cronies.

This is an event that brings in a lot of money to our Moab community. The event is a boost from my business because I get a lot of people who have their own rigs it gives us opportunity to educate people how to respect neighborhoods and also respect Our environment on the trails. It allows me to make a great deal of money to be able to further my business throughout the year and get through the Winter. It is great during this event to see all the motels and the restaurants and the campgrounds flourishing because of this event spending a great deal amount of money in our community. Without this event in my business it would be very difficult to make it through the year it helps us out Financially so I can survive in Moab.  
Kent Green

Keri,

I thought the Rally on the Rocks went very well. We didn't have much problems with them, a few medical calls. This is a good group of people. Yes I did read that we did have complaints more towards the evening time but as far as the escorts went that I was in charge of I thought it went well.

We do need to look at using officers that are on duty vs using off duty officers. We can't guarantee we can provide traffic control each day due to using on duty officers. The Rally on the Rocks does pay for 5 off duty officers each day that totals around 14,000 dollars for LEO. But we do have a concern about using on duty officers just because we can't guarantee the intersection will be controlled. We also provide 7 to 8 Search and Rescue personal for intersection traffic control each day.

The rally has around 600 side by sides registered not counting the additional side by side machines not affiliated with the event and your going to have complaints. I think the rally on the Rocks gets pointed at when a lot of the complaints may not be affiliated with the group.

You could have three Harley Davidson's and three side by sides drive down the road and your going to get the complaints on the side by sides.

One of the options that I spoke to Lanse about is having the side by side machines meet each morning at their trail head and start from there with their trail leader. That would reduce the noise and the impact each morning by not having the escorts. I did time several of the escorts and the amount of time we had San Jose and 191 closed was roughly a minute and a half and we released traffic.

Keri I will continue this email later but I wanted to get you something before the meeting. I will get back to you and conclude my thoughts.

**Thanks**  
**Curt Brewer**

Good Morning,

I believe Steve has already responded to this email but The Rally on the Rocks event went smooth on our end. They are a great group of individuals. The people who came in for the event were all so nice and had the best stories to tell. Great times and memories were made during the event J Everyone was helpful and strategized together. Payments were all made promptly! Let me know if you have any other questions.

Fun Regards,  
Angie Book  
Old Spanish Trail Arena  
Physical Address:  
3641 S. Highway 191  
Moab Utah 84532  
Mailing Address:  
125 E. Center Street  
Moab Utah 84532  
(435) 259-1311  
(707) 980-3082 cell  
abook@grandcountyutah.net

All went very well. We had a perfectly smooth event with quiet campers and prompt payment to the County.  
Steve Swift  
Get Outlook for Android

On Thu, Jun 13, 2019 at 2:17 PM -0600, "Keri Frandsen" <events@discovermoab.com> wrote:

Good Afternoon,

I am trying to compile information About the Rally on The Rocks Event for the Special events meeting on the 20th.

Did you have any issues with this event?

Did everything go smooth?

Anything go wrong?

Is there anything that needs to be changed?

What are your thoughts on this event?

Any input that you can give would be greatly appreciated.

Best regards,

Keri Frandsen  
Information/Special Events Facilitator  
Moab Area Travel Council  
PO Box 550  
Moab, Utah 84532  
435-259-1340



Keri, please see the answers below in red.

Thanks, Lanse

Has the event grown? The rally has fluctuated over the years with 2016 being our biggest year and we were close to those numbers in 2019.

If so, do you have the number of participants (at least as far as the applications) to show a growth trend when comparing applications? Here is a breakdown of our yearly attendance with people and machines.

	cars	people
2012		491
2013	384	780
2014	541	936
2015	538	960
2016	661	1135
2017	572	954
2018	529	900
2019	588	1075

Has the Event improved in recent years? we feel it has improved as we make adjustments every year, some at the request of the council some as the request of the Sheriffs office.

Has the event followed previous After Action requests? Absolutley, just this year we made a change on our Sand Flat escorts to put more of a gap in between the trails as well as altering our escorted route numbers. Most of the requests in the past have had to do with our escorts and we now pay over \$11,000 for escort fees.

----- Original Message -----

Subject: FW: Special events meeting

From: Keri Frandsen <events@discovermoab.com>

Date: Thu, June 13, 2019 11:36 am

To: "lanse@rallyontherocks.com" <lanse@rallyontherocks.com>

## **ORDINANCE NO. 521 (2013)**

### **AN ORDINANCE REPEALING GRAND COUNTY CODE CHAPTER 8.16 PUBLIC ASSEMBLIES, SECTIONS 8.16.010 TO 8.16.110 AND ENACTING A NEW CHAPTER 8.16, SECTIONS 8.16.010 TO 8.16.140 GOVERNING THE PERMITTING OF SPECIAL EVENTS.**

**WHEREAS**, Grand County recognizes the value of special events to the economy, tourism, and quality of life experienced in the community; and

**WHEREAS**, Grand County has an important and compelling governmental interest in regulating the needs and impacts associated with special events in order to protect property, public health, safety, and welfare and provide for orderly crowd movement and traffic safety, personal privacy, noise and litter control; and

**WHEREAS**, Grand County desires to establish reasonable and uniform time, place and manner regulations governing the permitting and operation of special events in order to establish clear rules and an efficient process for event sponsors and county administration; and

**WHEREAS**, Grand County recognizes and supports the public's right to assembly and free speech and this ordinance is not intended to, and does not restrict speech on the basis of its content, viewpoint or message. To the extent any provision of this ordinance is ambiguous, the term shall be interpreted to not regulate on the basis of speech content, and the interpretation resulting in the least restriction on the content of speech shall prevail; and

**WHEREAS**, Grand County recognizes that uniform procedures promote and protect the rights of those organizing special events, those participating in them, and those living and working nearby; and

**WHEREAS**, Grand County desires to provide a reasonable level of service in support of special events and to charge a reasonable fee to recover the costs associated with providing such services in order to ensure special events do not place an unreasonable burden on the fiscal well being of the County; and

**WHEREAS**, due notice was given that the Grand County Council would meet to hear and consider this amendment in a public hearing on August 20<sup>th</sup>; and

**WHEREAS**, the Grand County Council previously enacted Grand County Code Chapter 8.16, Public Assemblies, Sections 8.16.010 through 8.16.110 governing the permitting requirements for special events held in Grand County;

**WHEREAS**, the Grand County Council has reviewed the previous ordinance, has heard and considered all evidence and testimony presented with respect to the repeal of the previous ordinance, and has determined that it is in the best interests of the citizens of Grand County to

repeal the previous ordinance and enact a new ordinance governing the permitting requirements for special events held in Grand County.

**NOW, THEREFORE**, the County Legislative Body of Grand County, UT ordains that the Grand County Code is hereby amended by the repeal of Chapter 8.16, Public Assemblies, Sections 8.16.010 to 8.16.110 and the enactment of a new Chapter 8.16, Special Events, Sections 8.16.010 through 8.16.140 to read as follows:

## **Chapter 8.16 Special Events**

### **Sections:**

**8.16.010 Purpose and Intent**

**8.16.020 Severability**

**8.16.030 Definitions**

**8.16.040 License Required**

**8.16.050 Exceptions**

**8.16.060 Business License and Sales Tax**

**8.16.070 Cost Recovery Surcharge**

**8.16.080 Application Materials**

**8.16.090 Submission Timeline**

**8.16.100 Special Events Coordinating Committee**

**8.16.110 Allowable Conditions**

**8.16.120 County Council**

**8.16.130 Grounds for Denial**

**8.16.140 Enforcement**

**8.16.150 Remedies and Penalties**

### **8.16.010 Purpose and Intent**

It is the purpose of Grand County, state of Utah, to regulate assemblage of large numbers of people in excess of those normally needing the public services provided by Grand County in order that the health, safety and welfare of all persons in Grand County, residents and visitors alike, may be protected.

### **8.16.020 Severability**

If a provision, clause, sentence, or paragraph of this chapter or application thereof to any person or circumstances shall be ruled invalid, such ruling shall not affect the other provisions or applications of this chapter, and to this end the provisions of this chapter are severable.

### **8.16.030 Definition**

A "special event" shall be defined as an event where entrance fees are charged, retail sales are conducted, vendors offer goods or services, races, concerts, dances, exhibitions, lectures or a public assembly, such as a parade, rally, or celebration, whether open to the public or not, where daily total attendance may exceed one hundred persons, or that have quantifiable impacts to county services or the health, welfare, or safety of citizens. Special events also include any event available to the public that requires the full or partial closure of a public right of way or use of public

property. Special events are of limited duration and shall not exceed fourteen consecutive days, unless otherwise approved.

#### **8.16.040 License Required**

Unless otherwise provided herein, no person, entity, organization, business, firm or other establishment may conduct, organize, establish, institute, operate or sponsor a special event in unincorporated Grand County without first obtaining a valid written Special Event License issued by Grand County.

#### **8.16.050 Exceptions**

Weddings, family reunions, neighborhood block parties, garage sales, conferences, and similar events held in a regular, established permanent facility not exceeding the facility's occupancy and design standards nor creating additional impacts to county services or citizens shall not require a Special Event License.

Special events held at the Old Spanish Trail Arena (OSTA) multi-purpose recreation complex and Old City Park shall not require a Special Event License provided the event sponsor follows all other licensing requirements, adheres to the facility's established policies and fees, and no additional impacts to county services or citizens are anticipated.

The Special Events Coordinating Committee, as defined in Section 8.16.100, may require a special event license for an event to be held at OSTA or Old City Park when the event: (i) significantly impacts county services, such as an increased demand for litter control, traffic control or the presence of law enforcement; (ii) presents a considerable risk to the health, safety or welfare of citizens, including overcrowding, personal privacy, or noise; (iii) presents unbudgeted fiscal impacts upon the County in terms of staff time, public resources, or the like.

#### **8.16.060 Business License and Sales Tax**

Special events sponsored by an existing, licensed business shall pay the special event license fee. Special events sponsored by a person or organization without a business license shall obtain a temporary business license in addition to the special event license.

All vendors participating in special events are required to obtain a Temporary Sales Tax License from the Utah Tax Commission. Temporary licenses are issued to each individual participant of a special event, or the promoter of a special event may receive a number of temporary licenses for the vendors participating in the event. Each Special Event Licensee is responsible for ensuring compliance with Utah State Tax Commission requirements.

#### **8.16.070 Cost Recovery Surcharge**

Events subject to County Council approval will be subject to a cost recovery surcharge, which shall be defined as a project specific fee to recover costs incurred by Grand County for event related public safety, utilities, traffic control, and parking, and which may also include or incorporate charges which would otherwise apply for land use permits, building permit fees, temporary structure permits, or other applicable charges. To the extent possible, the cost recovery surcharge

will be proportionate to impacts and costs generated by the event and shall be calculated to reimburse Grand County for unbudgeted expenses for excess public services, staff time, or the like.

#### **8.16.080 Application Materials**

All applicants shall provide the following information:

1. Name, address, telephone number, and email address of event sponsor;
2. The proposed dates and times of operation;
3. Description of event, including description of all the anticipated elements such as signage, lighting types of merchandise, types of food being prepared/sold, alcohol sales, types of live entertainment, sound systems, temporary power, amusement rides, inflatable devices, and/or fireworks;
4. The proposed location and premises to be used;
5. The name, address, telephone number, and email address of property owner(s);
6. Notarized property owner(s) signature(s) authorizing the special event on the property;
7. Anticipated number of event participants –max number during a two hour peak;
8. Anticipated number of event staff and spectators;
9. A Site Plan/ Detailed Course Map:
  - An outline of the entire event venue including the names of all streets or areas that are part of the venue and the surrounding area. If the event involves a moving route of any kind, indicate the direction of travel and all street or lane closures. No permanent paint shall be applied to public property for marking course routes.
  - Location, type, number, and description of all temporary structures to be used in the event, including: stages, platforms, scaffolding, bleachers, grandstands, canopies, tents, booths, vehicles, and trailers.
  - Location, type, and provider of solid waste containers
  - Location, type, and provider of restroom facilities
  - Location of operator's headquarters at the gathering;
  - Location of all beer gardens and cooking areas.
  - The location, size, and type of proposed audio, lighting, visual equipment, open fires or pyrotechnics,
  - Parking areas and overflow parking areas,
  - Shuttle plan,
  - Entrance and exits,
  - Vendor stations,
  - Generator locations and/or source of electricity,
  - First aid and water stations.
10. Sanitation service commitments, including the following minimum requirements: daily garbage pick-up, daily restroom hauling and cleaning, and a recycling plan;
11. Proof of liability insurance and indemnification agreement;
12. Applicant's sales tax identification number;
13. Information concerning all admission fee charges, booth fees, rental charges, or similar information relating to fees generated by the event;
14. Single point of contact for the day of event;

15. A description of the number and type of vendors planned for the event;
16. Any pertinent information requested by staff concerning impacts generated by the event including traffic control, security, emergency medical services, or other similar information;
17. Pertinent coordination information such as required permits and approvals from Utah Department Of Transportation, Utah Highway Patrol, local Health Department, Alcohol Control Board, Moab City, federal and state land management agencies, and other agencies as may be deemed appropriate;
18. If the special event occurs in the public right of way, a detailed plan identifying the anticipated route, street names, start/finish points, start/finish times, traffic control plans, traffic fixture locations, and anticipated street crossings;
19. If the special event involves Utah Department of Transportation ("UDOT") managed rights of way, a copy of the UDOT permit.

#### **8.16.090 Submission Timeline**

Applications shall be submitted a minimum of 45 days in advance of the proposed event. This timeline may be waived by the Special Events Coordinating Committee if a complete application is received and minimal impacts are anticipated. The Committee may require additional time if questions or concerns arise. A permit authorized by this section shall be valid for the dates specified not to exceed twelve months from the date of issuance.

#### **8.16.100 Special Events Coordinating Committee**

A Special Events Coordinating Committee ("Committee") made up of County staff shall meet as needed. The Committee shall have the authority to develop an application form and a compliance checklist consistent with this ordinance, and to review and issue a special event license, with or without conditions. Applications shall be subject to review by the following County departments: roads, building, fire, law enforcement, EMS, travel council, planning and zoning, and others as required for the special event.

#### **8.16.110 Allowable Conditions**

Permissible conditions may include, but are not limited to:

- payment of a special event license application fee and temporary business license application fee,
- payment of fees for land use permits, building permits, temporary structure permits, or other applicable charges,
- security requirements,
- liability insurance,
- damage deposit or surety bonds,
- cost recovery surcharge,
- indemnification or liability waivers. Applicant shall agree in writing to indemnify the county and its officials, employees and agents and to hold them harmless from and against any and all claims, liability, damage, loss or expense of any kind (including attorneys fees and costs) arising or resulting in any way from the activities of the licensee on County property, including, but not limited to, streets, sidewalks, or other public rights of way.
- limits upon days or hours operation,



- limits on numbers of participants,
- limits on size and type of lighting, audio or visual equipment,
- Emergency Medical Services,
- Law Enforcement,
- Acreage limits,
- Additional parking and/or traffic control,
- Sanitation,
- Fire protection services,
- Other similar requirements to promote public health, safety, and welfare, including traffic control, crowd control, litter disposal, noise control and privacy concerns.

#### **8.16.120 County Council**

The Committee may elect to refer complete applications to the County Council for review where the following criteria apply:

1. The planned event may significantly impact County services or present a considerable risk to the health, safety, or welfare of citizens.
2. The event involves the full or partial closure of a public right of way or use of a County owned facility not exempted in Section 8.16.050.
3. The event requires issuance of additional licenses or permits which require County Council approval, or
4. The event is likely to draw in excess of three hundred people per day of operation, or
5. The event is likely to generate unbudgeted fiscal impacts upon the County in terms of staff time, public safety, or the like.

The County Council may set event cost recovery surcharges based upon recommendations of the Committee.

#### **8.16.130 Grounds for Denial**

The Committee may deny an application for a Special Event License on the following grounds:

1. Submission of incorrect, incomplete, or false information.
2. The proposed event poses a significant danger or threat to the public health, welfare or safety, or which may result in an unreasonable inconvenience or cost to the public;
3. The zoning of the proposed event site does not permit the use contemplated by the applicant;
4. Refusal or failure of the applicant to pay required fees or to comply with license or permit conditions; or
5. The existence of site-specific impacts of the proposed license which render it incompatible with neighboring uses.

In instances where two or more applications have been submitted to the County and the events associated with those applications place unreasonable competing demands on County resources and/or conflict in proposed date(s), time and location, the Committee shall give precedence to the event that is in good standing, is reoccurring and/or has an established annual date or season.

The applicant may submit a written appeal of a denied permit to the County Council.

**8.16.140 Enforcement**

The Sheriff's Office or other assigned county department or office may conduct inspections before, during, and after a special event to ensure compliance with this ordinance, approved plans, and conditions of approval. The event sponsor shall provide access to all areas of the gathering the County deems necessary and provide the number of access credentials requested.

The County may stop an event which has not been issued a license and/or may issue citations where event staff or participants violate state statutes, County ordinance, or conditions of approval. Expedited judicial remedies are expressly authorized where violations of this ordinance present an imminent risk to public health, safety, or welfare.

**8.16.150 Remedies and Penalties**

Persons conducting special events without the licenses required by this chapter or who fail to comply with license conditions or the provisions of this chapter may be subject to license revocation as well as civil and criminal remedies and penalties.

In addition to other penalties imposed, such persons shall be liable for all expenses incurred by the County for such services as law enforcement, fire protection, emergency medical services, utilities, traffic control, parking, or for removing or abating any nuisance.

**ADOPTED by the Grand County Council** in open session this 1<sup>st</sup> day of October 2013 by the following votes:

Those voting aye: Ciarus, Holyoak, Paxman, Jackson, Tubbs, Ballantyne, Nyland

Those voting nay: \_\_\_\_\_

Absent: \_\_\_\_\_

*Grand County Council*

**ATTEST:**

Diana Carroll  
Diana Carroll, Grand County Clerk/Auditor

Gene Ciarus  
Gene Ciarus, Grand County Council Chairman

# **AFTER ACTION REPORT/IMPROVEMENT PLAN**

## **POST EVENT EVALUATION**

**In order to encourage special event holders to be in compliance with their permit as well as providing a successful event year after year, a post event evaluation shall be conducted by the Special Events Coordinating Committee. The evaluation may include information from affected residents/businesses, complaints/kudos received by the County, standards to be met by the Special Events Coordinating Committee, and/or a meeting with the applicant/sponsor. The post event evaluation includes, but is not limited to:**

1. Completion of an After Action Report and Improvement Plan
2. Review of possible complaints from members of the community/event participants
3. Meeting with facility/park/property managers to ensure that nothing was damaged or stolen at the event site
4. Reconciliation of event expenses ensuring that the County has received payment/reimbursement for services provided
5. Coordination of a final evaluation meeting for all interested parties (possibly by email)

COUNTY OFFICE/DEPARTMENT: Moab City Police Department

## **SECTION 1: EVENT OVERVIEW**

### **Event Details**

**Event Name**

Rally On The Rocks

**Type of Event**

UTV Event

**Event Start Date**

05/14/2019

**Event End Date**

05/18/2019

**Duration**

5 Days

**Location**

OSTA, BLM permitted Jeep Safari Trails, Travel through Moab City

### **Participating Organizations**

- Rally on the Rocks
- Moab City Police Department
- 
-

After Action Report/Improvement Plan (AAR/IP)

**SIGNIFICANT ISSUES LOG:** Please provide information on any significant Issues.

[illegible]

## SECTION 2: IMPROVEMENT PLAN (SEE PG 4 FOR EXAMPLES OF IMPROVEMENTS)

Throughout the event, several opportunities for improvement were identified. The primary areas for improvement, including recommendations, are as follows:

### Recommendations:

1. I believe it would be more efficient to either require that all event participants be driving registered Street Legal vehicles and that they assemble at the trail heads or that the event organizers consider funding the necessary resources to hold the event in a safe and efficient manner that provides for a reasonable travel plan without extra disruption to the Moab community.

2. Require a written traffic control plan with intersections that need to be controlled if continued escorts are requested.

## **Examples of Possible Improvements:**

- **Traffic control plan, Traffic Mitigation / suggested revisions for next year**
- **Safety Plan / suggested revisions for next year**
- **EMS Plan / suggested revisions for next year**
- **Site Plan / suggested revisions for next year**
- **Measurable differences between proposed event and actual event (e.g. more attendees, fewer volunteers present, use of unlicensed emergency personnel, etc.)**
- **Quality of event management**
- **Trash/debris management**
- **Impacts on trails (where applicable) and post-event mitigation**
- **Noise Mitigation Plan / suggested revisions for next year**
- **Communication with the County and applicable departments (e.g. EMS, Sheriffs, Roads): before, during, and after event**

# July 2019

June 2019							August 2019						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1					1	2	3
2	3	4	5	6	7	8	4	5	6	7	8	9	10
9	10	11	12	13	14	15	11	12	13	14	15	16	17
16	17	18	19	20	21	22	18	19	20	21	22	23	24
23	24	25	26	27	28	29	25	26	27	28	29	30	31
30													

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30	<ul style="list-style-type: none"> <li>4:00PM Noxious Weed Control (Grand Center)</li> <li>5:00PM Airport Board Meeting (Chambers)</li> <li>5:30PM Mosquito Abatement District (District Office)</li> </ul> 1	<ul style="list-style-type: none"> <li>4:00PM County Council Meeting (Chambers)</li> </ul> 2	3	<b>Independence Day</b> <ul style="list-style-type: none"> <li>8:00AM County Offices Closed</li> </ul> 4	5	6
7	8	<ul style="list-style-type: none"> <li>11:00AM Trail Mix (Grand Center)</li> <li>2:00PM Conservation District (Hospital)</li> <li>3:00PM Travel Council Advisory (Chambers)</li> <li>5:00PM Planning Commission (Chambers)</li> <li>5:30PM OSTA Advisory Committee (OSTA Conf. Room)</li> <li>6:00PM Cemetery Maintenance (District Office)</li> <li>6:00PM Transportation Special Service District (GC Road Shed)</li> </ul> 9	<ul style="list-style-type: none"> <li>1:00PM Homeless Coordinating Committee Meeting (Zions Bank)</li> <li>6:30PM Thompson Water District Board (Thompson Fire Station)</li> </ul> 10	<ul style="list-style-type: none"> <li>5:30PM CHC SSD (Hospital)</li> <li>5:30PM Library Board (Library)</li> </ul> 11	<b>NACo Annual Conferen... ♦ Clark County,</b> <ul style="list-style-type: none"> <li>10:00AM Historical Preservation Commission (Grand Center)</li> </ul> 12	13
<b>NACo Annual Conferen... ♦ Clark County,</b>	<ul style="list-style-type: none"> <li>9:00AM EMS SSD (EMS Training Center)</li> </ul> 15	<ul style="list-style-type: none"> <li>4:00PM Thompson Springs Special Service Fire District Mtg (Chambers)</li> <li>4:05PM County Council Meeting (Chambers)</li> </ul> 16	<ul style="list-style-type: none"> <li>1:00PM Watershed Partnership (Grand Center)</li> <li>5:30PM Museum of Moab (Grand Center)</li> <li>7:00PM Recreation SSD (City Chambers)</li> </ul> 17	<ul style="list-style-type: none"> <li>12:00PM Housing Authority of Southeastern Utah (City Chambers)</li> <li>4:00PM Arches Special Service District (Fairfield Inn &amp; Suites - 1863 N. Highway 191)</li> </ul> 18	<ul style="list-style-type: none"> <li>12:00PM Change in Form of Gov't - Study Committee (Chambers)</li> </ul> 19	20
21	22	<ul style="list-style-type: none"> <li>2:45PM Mental Health Board (Four Corners) (Green River)</li> <li>3:00PM Moab Tailings Project Steering Committee (Chambers)</li> <li>5:00PM Health Board Meeting (Green River)</li> <li>5:00PM Planning Commission (Chambers)</li> </ul> 23	<b>Pioneer Day</b> <ul style="list-style-type: none"> <li>8:00AM County Offices Closed</li> </ul> 24	25	<ul style="list-style-type: none"> <li>12:00PM Change in Form of Gov't - Study Committee (Chambers)</li> </ul> 26	27
28	29	30	<ul style="list-style-type: none"> <li>8:30AM Chamber of Commerce (Zions Bank)</li> </ul> 31	<ul style="list-style-type: none"> <li>11:00AM Housing Task Force (Library)</li> <li>1:30PM BLM/Grand County Coordination Mtg (Moab Field Office)</li> <li>5:30PM CHC SSD (Hospital)</li> </ul> 1	<ul style="list-style-type: none"> <li>12:00PM Change in Form of Gov't - Study Committee (Chambers)</li> </ul> 2	3



# August 2019

July 2019							September 2019						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6	1	2	3	4	5	6	7
7	8	9	10	11	12	13	8	9	10	11	12	13	14
14	15	16	17	18	19	20	15	16	17	18	19	20	21
21	22	23	24	25	26	27	22	23	24	25	26	27	28
28	29	30	31				29	30					

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30	31 ● 8:30AM Chamber of Commerce (Zions Bank)	1 ● 11:00AM Housing Task Force (Library) ● 1:30PM BLM/Grand County Coordination Mtg (Moab Field Office) ● 5:30PM CHC SSD (Hospital)	2 ● 12:00PM Change in Form of Gov't - Study Committee (Chambers)	3
4	5 ● 9:00AM EMS SSD (EMS Training Center) ● 5:00PM Airport Board Meeting (Chambers) ● 5:30PM Mosquito Abatement District (District Office)	6 ● 4:00PM County Council Meeting (Chambers)	7	8 ● 4:00PM Solid Waste Special Service District (District Office) ● 5:30PM Library Board (Library)	9 ● 12:00PM Change in Form of Gov't - Study Committee (Chambers)	10
11	12 ● 12:30PM Council on Aging (Grand Center)	13 ● 11:00AM Trail Mix (Grand Center) ● 2:00PM Conservation District (Hospital) ● 3:00PM Travel Council Advisory (Chambers) ● 5:00PM Planning Commission (Chambers) ● 5:30PM OSTA Advisory Committee (OSTA Conf. Room) ● 6:00PM Cemetery Maintenance (District Office) ● 6:00PM Transportation Special Service District (GC Road Shed)	14 ● 1:00PM Homeless Coordinating Committee Meeting (Zions Bank) ● 6:30PM Thompson Water District Board (Thompson Fire Station)	15 ● 12:00PM Housing Authority of Southeastern Utah (City Chambers) ● 4:00PM Arches Special Service District (Fairfield Inn & Suites - 1863 N. Highway 191)	16	17
18	19	20 ● 4:00PM Thompson Springs Special Service Fire District Mtg (Chambers) ● 4:05PM County Council Meeting (Chambers)	21 ● 5:30PM Museum of Moab (Grand Center) ● 7:00PM Recreation SSD (City Chambers)	22 ● 9:00AM Canyon Country Partnership (CCP) (Hideout Community Center, Monticello)	23	24
25	26	27 ● 5:00PM Planning Commission (Chambers)	28 ● 8:30AM Chamber of Commerce (Zions Bank)	29	30	31

## Employment Opportunities

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### **GCSO Corrections Officer**

Posted August 1, 2017 8:00 AM | Closes July 31, 2019 5:00 PM

Must Complete Sheriff's Office Application Click Here to Download Job Summary Under the supervision of the Assistant Jail Commander the Corrections Officer is a... [Full Description](#)

### **GCSO Patrol Deputy**

Posted August 1, 2017 8:00 AM | Closes July 31, 2019 5:00 PM

Must Complete Sheriff's Office Application Click Here to Download Job Summary Under the direct supervision of the Patrol Supervisor the Deputy Sheriff... [Full Description](#)

### **GCSO-Communications/Dispatch**

Posted January 26, 2018 8:00 AM | Closes July 31, 2019 5:00 PM

Must Complete Sheriff's Office Application Click Here to Download Job Summary Under the direct supervision of the Jail Commander the... [Full Description](#)

### **GCSO-Food Services Asst. Mgr.**

Posted January 30, 2019 8:00 AM | Closes July 31, 2019 5:00 PM

Must Complete Sheriff's Office Application Click Here to Download GENERAL PURPOSE Performs a variety of duties assisting with the day-to-day supervisory... [Full Description](#)

# ***MAKE A DIFFERENCE IN YOUR COMMUNITY***

## **Become a Grand County Board or District Volunteer**

**Due Date: OPEN UNTIL FILLED**

<b>COUNTY BOARD, COMMISSION AND COMMITTEE</b> The following Boards, Commissions & committees currently have vacancies. Applicants must live in Grand County unless otherwise indicated, have the appropriate expertise when required by law, and agree to abide by the County's Conflict of Interest Ordinance.	<b>VACANCIES</b>	<b>TERM EXPIRATION</b>
<b>Budget Advisory Board</b> (must be registered voter in Grand County with a demonstrated interest in, or professional knowledge of budgeting and finance)	1	12/31/2020
<b>Historical Preservation Commission</b> (May reside in Grand, Emery or San Juan County; Must have a demonstrated interest or knowledge in historical preservation )	1	12/31/2022
<b>Housing Authority of Southeastern Utah</b> (may reside in Grand or San Juan County)	1	12/31/2023
<b>Noxious Weed Control Board</b>	1	12/31/2021

\*\*\*\*\*

<b>DISTRICT BOARD</b> The following District Boards currently have vacancies. Applicants must reside in Grand County, must be a registered voter within the District, and may not be an employee of the District.	<b>VACANCIES</b>	<b>TERM EXPIRATION</b>
<b>Arches Special Service District</b> (Must reside within the District)	2	12/31/2022
<b>Canyonlands Health Care Special Service District</b>	1	12/31/2020
<b>Thompson Springs Special Service Fire District</b> (must reside within the District)	3	12/31/2023
<b>Transportation Special Service District</b> (must reside in unincorporated Grand County)	1 1	12/31/2022 12/31/2019

Interested applicants shall complete the "Board, Commission, and Committee Certification and Application Form" available at [www.grandcountyutah.net/pdf/BoardAppForm.pdf](http://www.grandcountyutah.net/pdf/BoardAppForm.pdf), or at the County Council's Office. Completed applications may be emailed to [council@grandcountyutah.net](mailto:council@grandcountyutah.net), or delivered to 125 E. Center Street. All new qualified applicants will be interviewed. The County Council will making appointments at a Regular Council Meeting upon a recommendation from Board, Commission, Committee or District Board. Board member responsibilities can be found at <https://www.grandcountyutah.net/194/Boards-Commissions-Committees>. For more information, please contact Bryony Hill at (435) 259-1346.

		SPECIAL EVENTS	
Date		Event Name	Permit Status
JULY			
		NONE	
AUGUST			
	8/26-9/12	Moab Music Festival	Pending

**Agenda Summary**  
**GRAND COUNTY COUNCIL**  
**July 2, 2019**

<b>TITLE:</b>	Public Hearing to hear public comment on a proposed ordinance to apply the High Density Housing Overlay District 5 (HDHO-5) to a lot located at 1991 Starbuck Lane
<b>FISCAL IMPACT:</b>	N/A
<b>PRESENTER(S):</b>	Community and Economic Development Staff

**Prepared By:**  
**KENNY GORDON**  
**GRAND COUNTY**  
**PLANNING & ZONING**  
**ADMINISTRATOR**

**FOR OFFICE USE ONLY:**

**Attorney Review:**

N/A

**STATED MOTION :**

Move to apply the High Density Housing Overlay (HDHO – 5) to the parcel at 1991 Starbuck Lane.

**STAFF RECOMMENDATION:**

Review and consider application materials provided to the council related to the proposed Starbuck subdivision. Staff recommends a favorable recommendation for the HDH 5 Overlay to be applied to the subject parcel. The applicant is seeking legislative approval of the High Density Housing (HDH) overlay.

**BACKGROUND:**

See staff report attached and below.

The applicant is seeking the High Density Housing (HDH) Approval from the Grand County Council.

**ATTACHMENT(S):**

- Staff Report
- Draft Ordinance
  - Exhibit A Development Agreement
  - Exhibit B Preliminary Plat with deed restricted lots shown
- High Density Housing Application
- Applicant Statement
- Drainage Plan
- Agency Approval Letters
- Survey
- Title Report
- Application Fee
- Public Hearing Flyer
- Public Hearing Posting Pictures



# STAFF REPORT

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT  
GRAND COUNTY, UTAH

**DATE:** Tuesday, July 02, 2019

**TO:** Grand County Council

**SUBJECT:** Starbuck subdivision High Density Housing Overlay (HDH35b)

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**PROPERTY OWNER:** Route 46, LLC – Tim Keogh

**PROP. OWNER REP:** Tim Keogh

**ENGINEER:** Richardson Engineering, Glen Richardson

**PROPERTY ADDRESS:** 1991 E. Starbuck Lane

**SIZE OF PROPERTY:** 0.52 acres

**EXISTING ZONE:** Large Lot Residential (LLR), HDH5

**EXISTING LAND USE:** Residential (vacant)

**ADJACENT ZONING AND LAND USE(S):** Large Lot Residential (LLR). The subject parcel is located within the HDH5 area.

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## APPLICATION TYPE

High Density Housing Overlay (HDH5)

**STAFF RECOMMENDATION:** Approve

*Comments (optional):* Click or tap here to enter text.

## APPLICATION PROCEDURE

*Decision Type:* Legislative

*Public Notices:* ☐ Public Meeting at:

- ☐ Planning Commission
- ☐ County Council

☒ Public Hearing at:

- ☐ Planning Commission
- ☒ County Council

*Attachments:*

- |  |   |
|--|---|
| <input type="checkbox"/> Approval Letters        | <input checked="" type="checkbox"/> Legal Description |
| <input checked="" type="checkbox"/> Site Plan    | <input checked="" type="checkbox"/> Public Comments   |
| <input type="checkbox"/> Landscape Plan          | <input checked="" type="checkbox"/> Agency Comments   |
| <input checked="" type="checkbox"/> Vicinity Map | <input type="checkbox"/> Response to Standards        |
| <input checked="" type="checkbox"/> Legal Notice | <input type="checkbox"/> Other:                       |
- 

## SUMMARY OF REQUEST

The subject property is a 0.52 acre lot located in the Large Lot Residential (LLR) zone at 1991 E. Starbuck Lane. The developer is requesting application of the HDH5 overlay to their parcel. If granted, the developer proposes a subdivision comprised of 2 new lots ranging from 10,102 SF to 12,330 SF. In effect, the developer is requesting to combine the legislative and administrative components of the HDH Overlay process, which is allowed by code and acceptable to staff.

## SITE IMPROVEMENTS / ADDITIONS / CHANGES

The subdivision would extend power, water, and sewer service to each lot.

## CONSIDERATIONS FOR APPROVAL, DENIAL, AND/OR POSTPONEMENT

### Article 4.7 HIGH DENSITY HOUSING (HDH) OVERLAY DISTRICT

#### 4.7.1 Purpose.

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A. Grand County has established a High Density Housing Overlay (HDHO) district to facilitate the provision of new housing units used for primary residential occupancy by actively employed households. The HDHO districts (See Map- Exhibit A) are intended to provide the opportunity and means for the County to meet its estimate of additional residential and workforce housing needs, to achieve the goals of the housing element of the County's General Plan, and to implement the policies and goals of the housing element of the County's General Plan.

B. These regulations are intended to encourage the development of new housing units by assisting both the public and private sector in making the provision of these units economically viable, while providing assurances to the County that these units will maintain a high degree of quality and will remain financially accessible to residents and local area workers.

C. These regulations are further intended to encourage the provision of primary residential housing through the combination of the HDHO districts with multiple-family and single-family residential zoning districts within the County where the residential housing projects are determined to be feasible and are consistent with the County's General Plan.

D. The HDHO is intended to:

1. Provide a means of directing and simplifying the process for creating and maintaining primary residential housing.
2. Provide a means of directing and simplifying the process for creating and maintaining affordable housing constructed to meet the Assured Housing requirements of Section 6.15.
3. Provide incentives to developers, whether in new or rehabilitated housing, to maintain primary residential rental and ownership units in perpetuity.

*Staff believes the developer's narrative and proposed preliminary plat meet the legislative intent of the High Density Housing Overlay. Staff recommends planning commission forward a favorable recommendation of the HDH Overlay application and preliminary plat approval conditioned upon the comments below (and specified in the stated motion of the Agenda Summary).*

#### 4.7.5(C)

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C. Property Development Standards. The following development standards shall apply to HDHO units in the HDHO districts.

1. General Design Standards. The development shall be designed and developed in a manner compatible with and complementary to existing and potential development in the immediate vicinity of the development site. Site planning on the perimeter shall provide for protection of the property from adverse surrounding influences and shall protect surrounding areas from potentially adverse influences from the property. To the greatest extent possible, the design of the development shall promote privacy for residents and neighbors, security, and use of passive solar heating and cooling through proper placement of walls, windows, and landscaping.

*Staff believes that the general design of the subdivision meets the above standards.*

2. Minimum Design Standards. Minimum design standards are included to ensure a high degree of quality in the development of HDHO units. Unless modified by the County Council, the following design standards shall apply to a development that utilizes the density increases allowed by this Article.

*Staff has reviewed the proposed preliminary plat for compliance with the following.*

- a. Sidewalks shall be installed along all street frontages where otherwise required by this LUC.

*There currently is no sidewalk along Starbuck Lane and no sidewalk is required else where.*

- b. Screening Requirements



*The developer is not proposing anything that would require screening.*

- i. Outdoor Storage Screening. All outdoor storage areas for materials, trash, mechanical equipment, vehicles, or other similar items shall follow the standards outlined in Section 6.4.3.
- ii. Parking Lot Screening. Parking lot screening must be provided between those portions of an off-street parking area containing six (6) or more parking spaces and a different zoning district or a public street and shall be designed according to the following:
  - a. Parking lot screening must be provided within ten feet (10') of the perimeter of the parking lot to be screened, except for parking lots adjacent to rain gardens/bio-retention systems, other landscape features, or where screening may negatively impact the traffic sight distance (as defined by the American Association of State Highway and Transportation Officials (AASHTO) and verified by the County Engineer)
  - b. Parking lot screening shall be not less than eighty percent (80%) opaque and be a minimum of three feet (3') in height as measured from the highest finished adjacent grade of the parking area. When shrubs are used to provide the screen, such shrubs must be at least two feet (2') tall at planting and anticipated to grow to at least three feet (3') tall at maturity.
  - c. No landscaping or screening shall interfere with driver or pedestrian visibility for vehicles entering or exiting the premises.
  - d. Screening for a parking lot may be comprised of plants found in Section 6.4.3.F.
  - e. Content: Parking lot screening must consist of at least two (2) of the following:
    - i. A compact hedge of evergreen or densely twigged deciduous shrubs spaced to ensure closure into a solid hedge at maturity;
    - ii. A berm with plantings as described above;
    - iii. Transit shelters, benches, bicycle racks, and similar features may be integrated as a part of the screen;
    - iv. Fencing may be integrated as part of the screen. All wood fencing shall be stained and sealed with a weatherproof product.
- iii. Parking Island Design. Off-street parking areas with at least twenty-five (25) parking stalls shall contain interior landscaped islands. Such islands shall be bounded by a raised concrete curb, pervious curbing, or an approved equivalent and shall contain mulch to retain soil moisture. This provision shall not apply to parking structures. The standards for landscaped islands are as follows:
  - a. Landscaped parking lot islands shall be required at the beginning and end of each parking row and shall contain a minimum of one hundred eighty (180) square feet and a minimum width of nine feet (9').
  - b. A minimum of one tree shall be provided for each island.
  - c. Shrubs, perennials or ornamental grass shall be incorporated in each landscaped island that does not contain a tree.
  - d. Islands shall be prepared with topsoil to a depth of two feet (2') and improved to ensure adequate drainage, nutrient, and moisture retention levels for the establishment of plantings.

- e. All perimeter and interior landscaped areas in parking lots shall be equipped with an irrigation system adequate for establishing and maintaining the plant materials within it.

c. Building Exterior Façade Standards.

*These standards are to be reviewed at the time a building permit is requested. They are administrative requirements for development within an HDH Overlay.*

- i. Exterior finishes may be of wood, masonry, stone, stucco, HDO board or other high quality material permitted by the building code, but shall not utilize vinyl siding; cedar or wood shakes; highly reflective, shiny, or mirror-like materials; or exposed plywood or particle board.
- ii. Buildings shall utilize at least two (2) of the following design features to provide visual relief along the front of the residence:
  - a. Projections, recessions, or reveals such as, but not limited to, columns, pilasters, cornices, and bay windows
  - b. Dormers.
  - c. Gables.
  - d. Recessed entries, a minimum of three (3) feet deep.
  - e. Covered front porches.
  - f. Cupolas.
  - g. Architectural Pillars or Posts.
  - h. Quoins.
  - i. Corbeling on wall.
  - j. Decorative lintel.
  - k. Incorporation of brick or stone on at least 25% of front surface area
- iii. Planning staff shall have the authority to waive this requirement when the building is not visible from adjacent properties or the public right-of-way.
- d. Where HDHO units may be placed on the same lot as current or future temporary or short-term accommodations, dedicated HDHO units shall be clustered together so as to minimize the exposure of residents to temporary guests. In all other developments, where temporary or short-term accommodations units do not exist and cannot exist due to zoning restrictions, dedicated HDHO units shall be dispersed throughout the residential development.
- e. Where there is a combination of commercial and residential uses, the commercial uses shall front along the highest road designation. Residential development shall be located behind commercial development or on upper floors above commercial development.
- f. The County Council may waive, or modify, any, or all, of these requirements when the Council finds it is infeasible to comply due to physical or other constraints on the lot.

3. Minimum Building Site Area and Lot Width. There shall be no minimum building site area, minimum lot width, or maximum lot coverage requirements for individual lots or individual dwelling sites in a HDHO district development. However, the building site area lot widths, and lot coverage percentages shall be designated on a site plan pursuant to Section 9.17 or preliminary plat pursuant to Section 9.4 approved by the Planning Commission.

*Two (2) new lots one, 10,102 SF and the other 12,330 SF, are proposed.*

4. Density. Overall density of site development within an HDHO district shall not exceed the limits established in Section 6.14.040.

*The proposed two units are within the limits allowed by the HDH 5 district.*

5. Building Height.

*These standards are to be reviewed at the time a building permit is requested.*

- a. Maximum building heights shall not exceed the limits defined in the underlying zone district except that buildings constructed in the HDHO 35b district shall not exceed four (4) stories or forty-two (42) feet in height.
- b. To the maximum extent possible, building heights and locations shall minimize shading and interruption of solar access to adjacent properties with existing residential structures or commercial agricultural operations.
- c. All structures shall conform to the Ridgeline Standards of Section 6.9.8.
- d. Structures built under the HDHO must comply with the setback and buffer requirements of the underlying zone. The maximum height of the building at the exterior wall shall be the greater of:
  - i. 20 feet
  - ii. The building's setback at that point
- e. From the exterior wall, the building's height may increase to its maximum height at a rate not greater than a 45° angle from the maximum allowable height of the exterior wall.

6. Setbacks. The minimum setbacks from the lot line of the development shall be determined by the buffer requirements of Section 5.4.1.B and the compatibility standards of Section 6.10.

*The preliminary plat complies with all standards of Section 6.10.*

7. Parking.

*The proposed lot sizes will require a minimum of two (2) parking spaces for each lot.*

- i. Number of spaces required
  - a. For every single-family or two-family dwelling, there shall be provided at least two (2) off-street parking spaces for each unit. Parking spaces provided in a garage or carport may count towards the minimum requirement.
  - b. For every attached multifamily dwelling, off-street parking spaces shall be provided in accordance with Section 6.1.4:

Multi-family dwellings	Efficiency and one-bedroom	1.5 per dwelling unit
	Two-bedroom	1.75 per dwelling unit
	Three-bedroom and Larger	2.0 per dwelling unit

ii. Parking design requirements

- c. Parking areas for single-family or two-family dwellings need not be paved.
- d. Parking areas for attached multifamily dwellings shall be subject to the off-street requirements outlined in Section 6.1.7.
- e. Uncovered surface parking may be permitted in the rear and side setbacks but is not permitted in the front or street-side setback.

- f. Garages, carports, and individual locking storage units are subject to the setback standards outlined in Section 5.4.1.
- g. Required spaces for multifamily developments equal to or greater than five units shall be covered in a carport or a garage except that for multifamily dwellings with four or fewer units, parking spaces can be uncovered.

8. Minimum Standards of Physical Condition. A HDHO unit is required to have and maintain those minimum standards of physical conditions set forth in Exhibit B - Minimum Standards.

*These standards are to be reviewed at the time a building permit is requested, and included in the deed restrictions attached to each lot's title.*

9. Streets. All public streets within or abutting the proposed planned development shall be dedicated and improved to County specifications for the particular classification of street; all private streets shall meet fire code and access standards.

*Starbuck Lane is a County owned and maintained road with adequate right-of-way width.*

10. Signs. Signs shall be permitted only to the extent allowed under Section 6.5, Signs, and must be approved by the Planning and Zoning Administrator.

*The developer has not proposed signage to date.*

11. Construction Timing. The HDHO units shall be ready for occupancy no later than the date of the initial or temporary occupancy of any unrestricted units within the development or applicable phase thereof. If the unrestricted units are developed in phases, then the HDHO units may be developed in proportion to the phasing of the unrestricted units. For example, in an approved development that includes 100 units built in two 50-unit phases the first phase must include at least 40 HDHO units.

*Due to there only being two (2) lots proposed both will need to be deed restricted in accordance with Section 4.7.*

#### **Article 7 Subdivision Standards**

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*Staff has reviewed the preliminary plat application for subdivision standards not specified within the HDH Overlay or addressed above. The following findings are pertinent to planning commission's review of the preliminary plat.*

*Lighting: The developer has not submitted a street lighting plan, or exterior lighting plans for the individual structures. The street lighting plan will be required prior to final plat approval and the exterior lighting plans for individual structures will be required at the time building permit applications are reviewed.*

*Utility Easements: The developer will need to designate acceptable public utility easements on the final plat.*

*Fire Protection: The Fire Department has provided initial feedback on the plan and supports the general subdivision layout.*

*Water and Sewer: See GWSSA will-serve letter. Final design specifications will occur prior to final plat review.*

#### **COMPATABILITY WITH GENERAL PLAN**

The proposed subdivision is not explicitly supported by the general plan, but it is supported by the HDH Overlay ordinance adopted by the County Council in January 2019. Inasmuch as Council anticipates adding the HDH Overlay to the General Plan as an amendment or complement to the Future Land Use Plan, the proposed subdivision is supported.

#### **COMPATABILITY WITH LAND USE CODE (ZONING)**

The subject property is zoned Large Lot Residential (LLR), and is in the HDH5 Overlay zone. The developer is seeking legislative approval of the High Density Housing Overlay being applied to the subject parcel. Once the HDH overlay is

applied, the proposed preliminary plat will need to comply with all standards in Sections 4.7 and Articles 5, 6, 7, and 9.

## LAND USE CODE REFERENCE SECTIONS

### Section 3.1 Use Table

Principal Uses by Zoning District															
Use Category	Specific Use	RESIDENTIAL					NONRESIDENTIAL							Use-Specific Standards	
		SLR	LLR	RR	MFR	RG	NC	GB	RC	RS	HC	LI	HI		
Key: P = Permitted by right C = Conditional Use Permit Required ____ Not Permitted (Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively)															
Residential Uses (Section 3.4.7)															
Household Living	Dwelling, single-family	P	P	P	P	P					P	P			
	Zero lot line house	P	P	P	P	P					P				3.2.1K
	Alley-loaded house	P	P	P	P	P					P				3.2.1A
	Dwelling, two-family (duplex)	P	P	P	P	P			P		P				3.2.1D
	Townhouse	P	P	P	P	P			P		P				3.2.1G
	Dwelling, multi-family				P				P		P				3.2.1C
	Manufactured home	P	P	P	P	P				P	P				3.2.1H
	Manufactured home community	C									C				3.2.1I
	Upper-story residential							P	P	P	P	P	P		3.2.1J
	All other household living uses					P									
Group Living	Group home	P	P	P	P	P					P				3.2.1E
	All other group living	C	C	C	C	C		P			P				3.2.1F

#### 4.7.4A

High Density Housing (HDH) District	Maximum Density
HDH 35a	35 units per acre
HDH 35b	35 units per acre
HDH 25	25 units per acre
HDH 15	15 units per acre
HDH 10	10 units per acre
HDH 5	5 units per acre

#### 4.7.6 Assurance of primary residency and occupancy.

HDHO units developed under this Article shall remain available to persons and families who live and work in Grand County according to the standards set forth in Section 4.7 in perpetuity. The developer shall be required to enter into a development agreement with the County to ensure primary residential occupancy by actively employed households is maintained prior to recordation of final plat or issuance of a building permit for the applicable development. Each housing unit designated for primary restricted residential occupancy by an actively employed household (an HDHO unit) shall also include a deed restriction attached to its title in accordance with the standards set forth in this section. Grand County reserves the right to revoke, deny or suspend any permit, including a land development permit, conditional use permit,

building permit, certificate of occupancy, or discretionary approval if the standards of this section are not met.

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*The developer has submitted a development agreement to the County, which is currently under review by the County Attorney. Application of the HDH-5 Overlay to the subject parcel is contingent upon the County Attorney's and Council's approval of the development agreement. Because a preliminary plat approval is contingent upon application of the HDH-5 Overlay, the development agreement will be part of the County Council's review, and approval or denial. If the HDH-5 Overlay is approved and the Applicant is permitted to develop under the HDHO standards (as per the preliminary plat), each deed restricted lot shall be designated on the plat prior to final plat approval and recordation. Further, each deed restricted lot shall include such restriction on its chain of title in perpetuity.*

*In order to meet the minimum 80% deed restriction ratio, both of the proposed lots will need to be restricted HDHO lots.*

## **PROPERTY HISTORY**

The parcel is undeveloped.

# GRAND COUNTY, UTAH

## ORDINANCE \_\_\_\_\_ (2019)

### APPROVING APPLICATION OF THE HIGH DENSITY HOUSING OVERLAY DISTRICT 5 (HDHO-5) TO 1991 E. STARBUCK LANE IN CONJUNCTION WITH THE STARBUCK SUBDIVISION HIGH DENSITY HOUSING OVERLAY DEVELOPMENT

**WHEREAS**, Tim Keogh is the authorized Applicant and Developer, and Route 46 LLC is the owner of record of approximately (0.52) acres of real property in (SE1/4 of Section 17, Township 26 South, Range 22 East) Grand County, Utah, more specifically described as follows;

BEGINNING AT A POINT WHICH BEARS N 89°20'E 693.5 FT. FROM THE CENTER ¼ CORNER OF SEC. 17, T 26 S, R 22 E, SLM, AND PROCEEDING THENCE N 89°20'E 107.25 FT., THENCE SOUTH 209.0 FT., THENCE S 89°20'W (RECORD=S 89°52'w) 107.25 FT., THENCE NORTH 209.0 FT. TO THE POINT OF BEGINNING AND CONTAINING 0.515 ACRES, MORE OR LESS.

**WHEREAS**, the Applicant has submitted an application requesting the High Density Housing Overlay District 5 (HDHO-5) as defined by the Grand County Land Use Code (LUC);

**WHEREAS**, the *Grand County Land Use Code* was adopted by the Grand County Council on January 4, 1999 with Ordinance No. 299, Series 1999, and codified with Resolution 468 on April 15, 2008 and as amended to date, for the purpose of regulating land use, subdivision and development in Grand County in accordance with the *General Plan*;

**WHEREAS**, the Grand County Council adopted Ordinance 584 - High Density Housing Overlay Districts on January 15, 2019 and amended it further on June 25, 2019;

**WHEREAS**, in a public hearing on June 11, 2019 the Grand County Planning Commission considered all evidence and testimony presented with respect to the subject application and forwarded a favorable recommendation to the Grand County Council;

**WHEREAS**, in a public meeting on June 11, 2019 the Grand County Planning Commission provided a conditional approval of the Starbuck Subdivision Preliminary Plat contingent upon the County Council taking action to apply the HDHO-5 District to the subject parcels;

**WHEREAS**, the Applicant has submitted and the County Attorney has approved a Development Agreement committing the Developer to the deed restriction requirements of Section 4.7, which states that both lots created by the Starbuck Subdivision shall be deed restricted to primary residents who are actively employed within Grand County;

**WHEREAS**, the Applicant has submitted a Preliminary Plat for the Starbuck Subdivision and designated both lots would be deed restricted according to the provisions of Section 4.7;

**WHEREAS**, due notice was given that the Grand County Council would meet to hear and consider the proposed HDHO-5 application in a public hearing on July 2, 2019;

**WHEREAS**, the County Council has heard and considered all evidence and testimony presented with respect to the subject application and has determined that the adoption of this ordinance is in the best interests of the citizens of Grand County, Utah;

**NOW, THEREFORE, BE IT ORDAINED** by the County Council that it does hereby approve the HDHO-5 application for 1991 E. Starbuck Lane.

**PASSED, ADOPTED, AND APPROVED** by the Grand County Council in open session this 16<sup>th</sup> day of July, 2019  
by the following vote:

*Those voting aye:* \_\_\_\_\_

*Those voting nay:* \_\_\_\_\_

*Those absent:* \_\_\_\_\_

**ATTEST:**

**Grand County Council**

\_\_\_\_\_  
Chris Baird, Clerk/Auditor

\_\_\_\_\_  
Evan Clapper, Chair



**NOTICE TO TITLE COMPANY:**  
SECTION 3 HEREIN REQUIRES  
EACH DEED OF CONVEYANCE  
INCLUDE THE DEED RESTRICTION  
SET FORTH IN SECTION 3.2

**STARBUCK SUBDIVISION DEVELOPMENT AGREEMENT  
AND DEED RESTRICTION  
HIGH DENSITY HOUSING OVERLAY DISTRICT**  
*Pursuant to Grand County Code Section 4.7*

This DEVELOPMENT AGREEMENT AND DEED RESTRICTION (this “**Agreement**”) is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_ 2019 (the “**Effective Date**”) by and between Route 46, LLC, a Utah limited liability company with its principal place of business located at PO Box 116, Moab, UT, (“**Owner/Developer**”), and Grand County, a political subdivision of the State of Utah (“**County**”).

**Recitals**

- A. WHEREAS, Owner/Developer owns that certain property situated in Grand County, Utah, as more particularly described in Exhibit A (the “Property”), which is described below and incorporated herein by this reference.

**EXHIBIT A**

DESCRIPTION OF A PARCEL OF LAND IN SEC. 17, T26S,R22E, SLM, GRAND COUNTY, UTAH, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point which bears N 89 20’E 693.5 ft. From the Center 1/4 Corner Sec. 17, T 26 S, R 22E, SLM, and proceeding thence N 89 20’ E 107.25 ft., thence South 209.0 ft., thence S 89 20’W (record=S 89 52’W) 107.25 ft., thence North 209.0 ft. To the point of beginning.

- B. WHEREAS, Owner/Developer has petitioned Grand County to apply the High Density Housing Overlay District (the “HDHO District Petition”) to the Property to take advantage of the Development Standards and other Development Incentives set forth in Section 4.7 of the Grand County Land Use Code (“Section 4.7”).
- C. WHEREAS, the Grand County Council has, in the exercise of its legislative discretion and following all required public hearings, approved the application of the HDHO District to the Property, provided that no fewer than eighty percent (80%) of the units developed on the Property are deed restricted for Primary Residential Housing for Actively Employed Households, as defined in Section 4.7.3 of the Grand County Code (the “Code”).
- D. WHEREAS, pursuant to the authority of Utah Code §17-27A-102(1)(b) and Section 4.7, as amended, the Parties desire to enter into this Agreement for the purpose of formalizing certain obligations of Owner/Developer with respect to the Property, and such other matters as the County and the Owner/Developer have agreed.

## **Agreement**

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **DEFINITIONS.** All terms herein shall have those meanings assigned in Section 4.7.
2. **COVENANT TO COMPLY WITH SECTION 4.7.** In consideration of the application of the HDHO District to the Property, and specifically the Development Standards set forth in Code Section 4.7.5, Owner/Developer hereby covenants and agrees to strictly comply with the provisions, duties, and obligations of Section 4.7, which provisions, duties, and obligations are integrated herein by this reference.
3. **DEED RESTRICTION.**
  - 3.1. Both Lots or Units developed on the Property shall be deed restricted for Primary Residential Occupancy for Actively Employed Households, as designated on the Final Plat or Site Plan.
  - 3.2. Each deed of conveyance for an HDHO Lot or Unit shall include the following Deed Restriction:

The Property shall be used for Primary Residential Housing for Actively Employed Households as required by Grand County Land Use Code, Section 4.7, High Density Overlay Districts Overlay, in perpetuity. The Property is further subject to the Development Agreement recorded in the real property records of Grand County, Utah on \_\_\_\_\_ (Date) at Entry No. \_\_\_\_\_.

Grand County reserves the right to revoke, deny or suspend any permit, including a land development permit, conditional use permit, building permit, certificate of occupancy, or discretionary approval upon a violation or breach of this Deed Restriction by a record owner of any HDHO Lot or Unit.
  - 3.3. Each HDHO Unit is required to have and maintain those minimum standards of physical condition set forth in Exhibit B, Minimum Standards, to Section 4.7, which Minimum Standards are integrated herein by this reference. Grand County reserves the right to revoke, deny or suspend any permit, including a land development permit, conditional use permit, building permit, certificate of occupancy, or discretionary approval upon a violation or breach of this Section 3.3 by a record owner of any HDHO Unit in Grand County.

- 3.4. Owner/Developer shall include the deed restriction contained in Section 3.2 above in each and every deed of original conveyance of an HDHO Lot, and each deed of conveyance thereafter shall include the same.
- 3.5. Owner/Developer shall include the deed restriction contained in Sections 3.2 and 3.3 above in each and every deed of original conveyance of an HDHO Unit, and each deed of conveyance thereafter shall include the same.

#### **4. DEFAULT.**

- 4.1. Violation or breach of any provision hereunder, or Section 4.7, shall constitute an Event of Default. Upon the occurrence of any Event of Default, the County shall provide written notice by certified mail, postage prepaid, to the defaulting owner at the address on file with the Grand County Assessor's office, which notice shall be effective as of the date of deposit in the United States Mail. The defaulting owner shall have thirty (30) days to remedy the Event of Default, after which time the County may enforce all remedies available to it under this Agreement, Section 4.7, or Utah law including specific performance and monetary fines pursuant to Section 4.2.
- 4.2. In the event an Event of Default is not cured under Section 4.1, fines in the amount of \$50 per day shall accrue until the Event of Default is cured. The County reserves the right to seek judicial enforcement of these fines, including a judgment lien and foreclosure.

#### **5. MISCELLANEOUS.**

- 5.1. Owner/Developer hereby waives any defenses, rights or remedies that it might otherwise assert against the County in connection with: (i) the application of the rule against perpetuities to this Agreement; or (ii) any claim that the covenants in this Agreement recorded against the HDHO Lots and Units are not covenants running with the land upon the Property. This waiver shall be binding upon and inure to the benefit of the successor and assigns of the Owner/Developer and the County.
- 5.2. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be valid under applicable law. If any provision of any of the foregoing Agreement shall be invalid or prohibited under applicable law, such provisions shall be ineffective to the extent of such invalidity or prohibition without invalidating the remaining provisions in this Agreement.
- 5.3. A any party shall take or defend against any action for any relief against another party arising out of this Agreement, the prevailing party in such action or defense shall be entitled to reimbursement by the other party for all costs including, but not limited to, reasonable attorneys' fees and court costs incurred by the prevailing party in such action or defense and/or enforcing any judgment granted therein, all of which costs shall be deemed to have accrued upon the commencement of such action and/or defense and shall be paid whether or not such action or defense is prosecuted to

judgment. Any judgment or order entered in such action or defense shall contain a specific provision providing for the recovery of attorneys' fees and costs incurred in enforcing such judgment.

- 5.4. This Agreement shall be governed by and construed under Utah law.
- 5.5. Except as otherwise provided herein, the provisions and covenants contained herein shall inure to and be binding upon the heirs, successors, and assigns of the parties.
- 5.6. Paragraph or section headings within this Agreement are inserted solely for convenience of reference and are not intended to, and shall not, govern, limit or aid in the construction of any terms or provisions contained herein. Further, whenever the context so requires herein, the neuter and gender shall include any or all genders and vice versa and the use of the singular shall include the plural and vice versa.
- 5.7. This Agreement may be amended only upon written amendment executed by both Parties, recorded in the real property records of Grand County, Utah; provided, however, that all material terms and provisions, including the percentage of HDHO Lots or Units, may not be amended or modified without reapplication to the County.
- 5.8. This Agreement shall be recorded by Owner/Developer prior to recordation of a final plat or issuance of a building permit for any unit within a site plan approved hereunder, as required by Section 4.7.

IN WITNESS WHEREOF, this Agreement is effective as of the date first written above.

COUNTY: Grand County  
A political subdivision of the State of Utah

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Chair, Grand County Council

ATTEST:

\_\_\_\_\_  
County Clerk

Owner/Developer:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF UTAH                    )  
  ) ss  
COUNTY OF GRAND            )

On \_\_\_\_\_, 2019, Timothy M. Keogh and William W. Winfield as owners of Route 46, LLC, a Utah limited liability company, appeared before me and acknowledged and swore to me that the foregoing Agreement was signed on behalf of Route 46, LLC, by authority of its Articles of Organization and Operating Agreement.

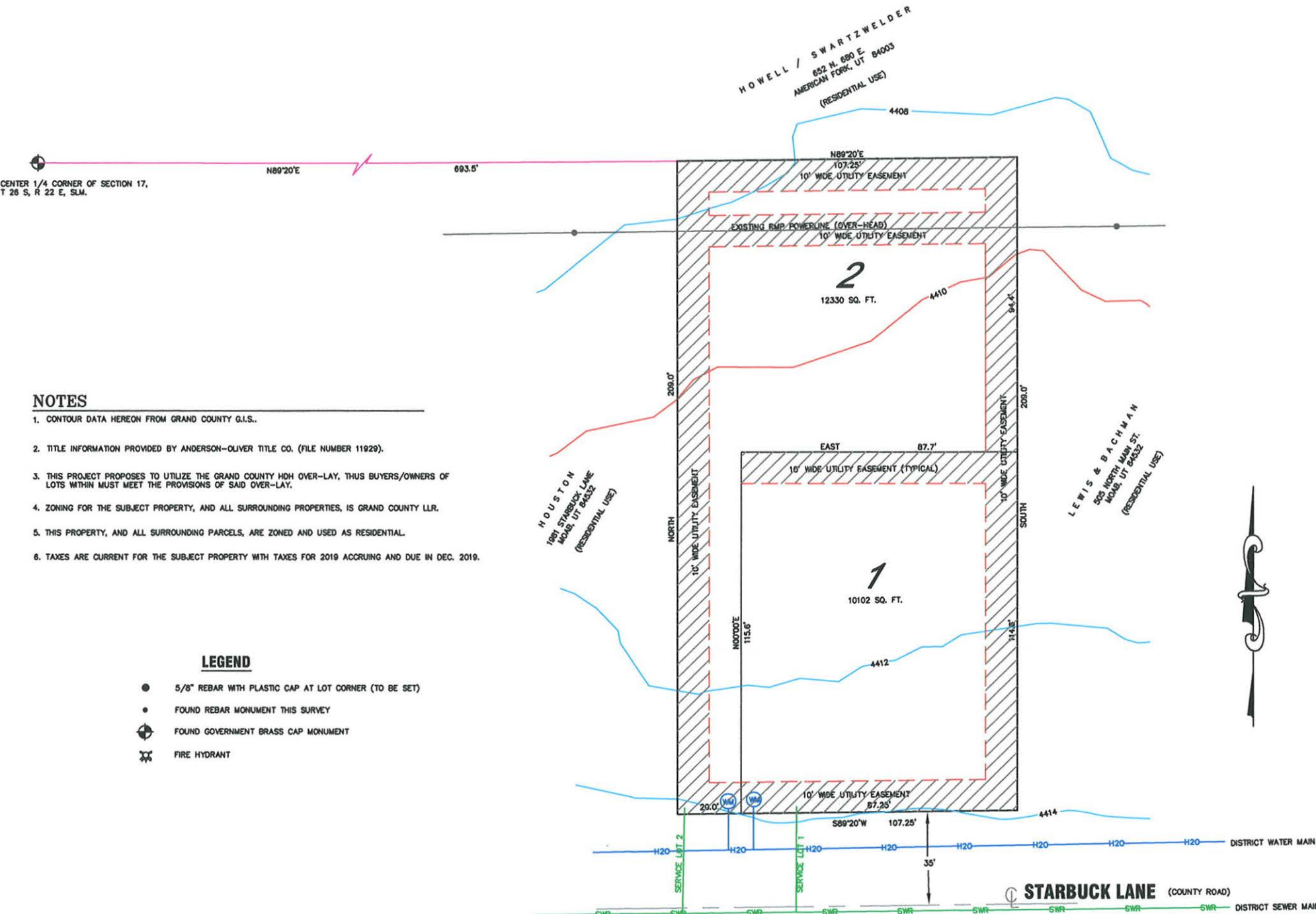
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NOTARY PUBLIC



A PRELIMINARY PLAT OF  
**STARBUCK SUBDIVISION**

IN THE SE1/4 SECTION 17, T 26 S, R 22 E, SLM, GRAND COUNTY, UTAH



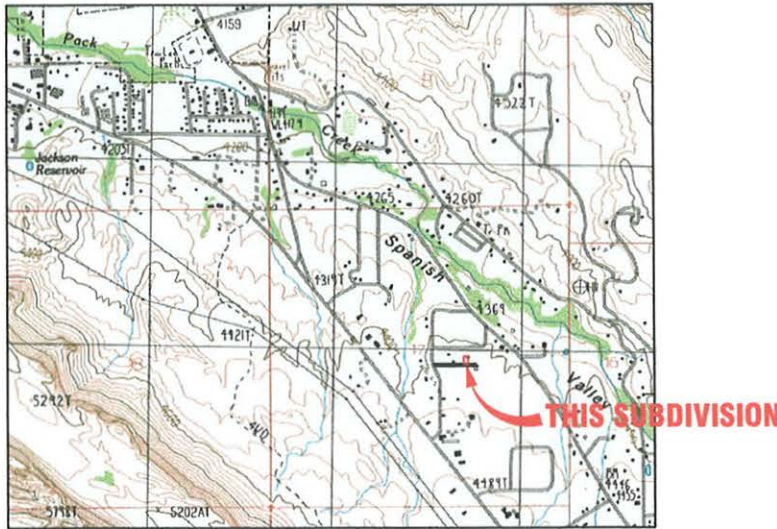
**NOTES**

1. CONTOUR DATA HEREON FROM GRAND COUNTY G.I.S..
2. TITLE INFORMATION PROVIDED BY ANDERSON-OLIVER TITLE CO. (FILE NUMBER 11929).
3. THIS PROJECT PROPOSES TO UTILIZE THE GRAND COUNTY HDH OVER-LAY, THUS BUYERS/OWNERS OF LOTS WITHIN MUST MEET THE PROVISIONS OF SAID OVER-LAY.
4. ZONING FOR THE SUBJECT PROPERTY, AND ALL SURROUNDING PROPERTIES, IS GRAND COUNTY LLR.
5. THIS PROPERTY, AND ALL SURROUNDING PARCELS, ARE ZONED AND USED AS RESIDENTIAL.
6. TAXES ARE CURRENT FOR THE SUBJECT PROPERTY WITH TAXES FOR 2019 ACCRUING AND DUE IN DEC. 2019.

**LEGEND**

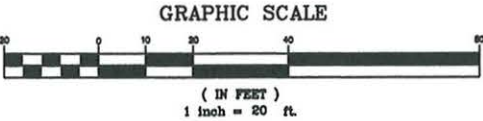
- 5/8" REBAR WITH PLASTIC CAP AT LOT CORNER (TO BE SET)
- FOUND REBAR MONUMENT THIS SURVEY
- ⊕ FOUND GOVERNMENT BRASS CAP MONUMENT
- ⛑ FIRE HYDRANT

**VICINITY MAP**



**LEGAL DESCRIPTION**

DESCRIPTION OF A PARCEL OF LAND WITHIN THE SE1/4 OF SECTION 17, T 26 S, R 22 E, SLM, GRAND COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT WHICH BEARS N 89° 20'E 693.5 FT. FROM THE CENTER 1/4 CORNER OF SEC. 17, T 26 S, R 22 E, SLM, AND PROCEEDING THENCE N 89° 20'E 107.25 FT., THENCE SOUTH 209.0 FT., THENCE S 89° 20'W (RECORD=S 89° 52'W) 107.25 FT., THENCE NORTH 209.0 FT. TO THE POINT OF BEGINNING AND CONTAINING 0.515 ACRES, MORE OR LESS.



A PRELIMINARY PLAT OF  
**STARBUCK SUBDIVISION**

IN THE SE1/4 SECTION 17, T 26 S, R 22 E, SLM, GRAND COUNTY, UTAH,  
LOCATED AT 1991 STARBUCK LANE, MOAB, UTAH  
ROUTE 46, L.L.C., OWNER & DEVELOPER

PREPARED BY  
DRAWN BY: TMK MAY 22, 2019  
P.O. BOX 116  
MOAB, UTAH, 84532  
SCALE: 1"=20'

PRELIMINARY PLAT FOR INSPECTION PURPOSES ONLY AND IN NO WAY  
OFFICIAL OR APPROVED FOR RECORD PURPOSES





## HIGH DENSITY HOUSING (HDH) OVERLAY APPLICATION

Grand County Courthouse: 125 E. Center St. Moab, UT 84532; Phone: (435) 259-1343

### FOR OFFICE USE ONLY

Date of Submittal: \_\_\_\_\_ Application Processing Fees: **\$500.00**

Submittal Received by: \_\_\_\_\_ Amount Paid: \_\_\_\_\_ Fees Received by: \_\_\_\_\_

**APPLICANTS ARE STRONGLY ENCOURAGED TO READ THROUGH SECTION 4.7 OF THE GRAND COUNTY LAND USE CODE AND MEET WITH STAFF PRIOR TO SUBMITTING AN APPLICATION TO RECEIVE THE HIGH DENSITY HOUSING (HDH) OVERLAY. APPROVAL OF AN HDH OVERLAY APPLICATION DOES NOT CONSTITUTE A PRELIMINARY PLAT, FINAL PLAT, OR SITE PLAN APPROVAL.**

### CONTACT INFORMATION

Property owner: Route 46, LLC - Tim Keagh  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ cell: \_\_\_\_\_ fax: \_\_\_\_\_  
Email address: \_\_\_\_\_

Engineer (if applicable): Richardson Eng., Glen Richardson  
Address: 6765 W. Red Hawk Place, Moab, AZ 85658  
Phone: \_\_\_\_\_ cell: 435-260-1789 fax: \_\_\_\_\_  
Email address: gerengr@gmail.com

Property owner representative (if applicable): Tim Keagh  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ cell: \_\_\_\_\_ fax: \_\_\_\_\_  
Email address: \_\_\_\_\_

### PROJECT INFORMATION

Project name: Starbuck Minor Subd.  
General location of the property: 1991 East Starbuck Lane  
Underlying Zoning: LLR district  
Surrounding land uses: Residential  
Size of property: 0.52 acres  
Number of lots/units proposed: 2 (for sale) \_\_\_\_\_ (for rent)  
Number of deed restricted HDHO units proposed: 2 (for sale) \_\_\_\_\_ (for rent)



**REQUIRED** – Each of the following agencies will review for their ability to serve the proposed development through adequate existing and future easements, or provide a letter with detailed requirements for the proposed development. Applicants are encouraged to consult each of the following agencies prior to submitting a development application. Grand County Community and Economic Development staff will request approval letters or signatures from each agency after a complete application is submitted.

Moab Valley Fire Department  
Grand County Road Supervisor  
Grand Water and Sewer Service Agency  
Rocky Mountain Power  
FEMA Floodplain Administrator

### **SUPPORTING MATERIALS**

Approvals of the High Density Housing (HDH) Overlay are considered legislative, discretionary decisions. They are reviewed in public hearings by the Planning Commission and County Council, with the County Council serving as the final land use authority (i.e. final decision-making authority). Approval of an HDH Overlay application **DOES NOT** constitute a preliminary plat, final plat, or site plan approval. HDH Overlay applications shall contain, at a minimum, the following supporting materials through the approval process according to the following submittal schedule:

☐ **Survey.** The applicant shall submit a certified survey of land area to be rezoned. Such survey map shall require at a minimum the following information:

- 1. Subject land area acreage
- 2. Adjacent uses and predominant uses in the vicinity
- 3. Existing zoning designation of the subject property and surrounding properties.
- 4. A vicinity map.

☐ **Applicant Statement.** A statement by the Applicant explaining how the proposed High Density Housing Development meets the legislative intent and established standards of Section 4.7 of the Grand County LUC. In making its determination, the County Council shall consider the recommendation of the Planning Commission, staff reports, and the written and oral testimony presented.

☐ **Development Agreement.** The Applicant shall provide and enter into a development agreement with the County establishing the proposed means for assuring the continuing existence, maintenance and operation of the HDH development in compliance with standards set forth in Section 4.7 of the Grand County LUC.

☐ **Title Report.** A preliminary title report from a licensed title company listing or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property, and of the preliminary plat.

☐ **Covenants, Conditions, Restrictions.** Draft of any protective covenants where the developer/subdivider proposes to regulate land use or development standards in the subdivision.

☐ **Taxes.** A statement from the County treasurer showing the status of all current taxes due on the parcel.

☐ **Surrounding Property Owners.** A list of surrounding property owners and their legal mailing addresses within 100 feet of the exterior boundary of the parcel proposed to be rezoned.

☐ **Posting.** The Applicant is responsible for posting a sign noticing the public hearings. The Community and Economic Development Department will provide the physical signs. The Applicant is responsible for wind and water proofing the sign as well as placing it in a prominent place within the front setback of each street to which the proposed subdivision fronts. The public hearing notices shall be posted at least 10 days prior to the public hearings and remain in place until the public hearing is completed.

☐ **Application Fee.** The process / filing fee of \$500.00 shall be paid in full.

#### **APPLICANT CERTIFICATION**

I certify under penalty of perjury that this application and all information submitted as a part of this application are true, complete and accurate to the best of my knowledge. I certify that I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me with respect to this application. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Grand County may rescind any approval, or take any other legal or appropriate action. I also acknowledge that I have reviewed the applicable sections of the Grand County Land Use Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses. Additionally, I have reviewed and understand the section from the Consolidated Fee Schedule and hereby agree to comply with this resolution. I also agree to allow the Staff, or County appointed agent(s) of the County to enter the subject property to make any necessary inspections thereof.

Property Owner's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

State of Utah )

) SS

County of Grand )

SUBSCRIBED AND SWORN to and before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Route 46, LLC  
P.O. Box 116  
Moab, UT. 84532  
435-220-1135

April 30, 2019

Mr. Kenny Gordon  
Grand County P & Z Administrator  
125 East Center St.  
Moab, UT 84532

RE: Starbuck Subd pre plat

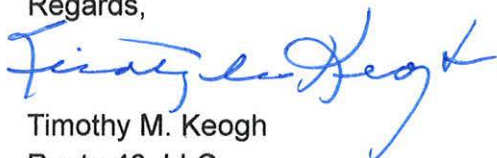
Dear Kenny,

Herewith please find the submittal for our subdivision of 1991 Starbuck Lane, a 0.52 acre vacant parcel, which we propose dividing into the two lots as depicted on the attached preliminary plat(s).

Our proposed subdivision will use the recently adopted High Density Housing overlay to accomplish two residential lots that will be restricted to buyers living and working in Moab, all as prescribed in the plan. The subject property lies within an area specified in the plan as up to five units per acre. Our parcel, slightly above ½ acres, thus qualifies for two units when rounded down from 2.5.

We are pleased to be able to assist in providing housing to workers here in Moab, both in the near term and for years into the future. Please make us aware of any additional information you may be in need of.

Regards,



Timothy M. Keogh  
Route 46, LLC

## ***Richardson Engineering Service***

Glen E. Richardson, P.E.

6765 W Red Hawk Place, Marana, Az 85658

435-260-1789 [gerengr@gmail.com](mailto:gerengr@gmail.com)

4-23-19

### **Preliminary Drainage Analysis Starbuck Subdivision**

#### **Scope of Project:**

This document is presented as the Preliminary Drainage Analysis for a .52 acre property in Spanish Valley that is to be split into two lots. The subject property and the two proposed lots are illustrated on the attached drawing titled "Starbuck Minor Subdivision". The lots are identified as Lot 1 & Lot 2.

#### **Project Narrative:**

The drainage analysis for each lot was done with Hydrocad software using the standards set by the "Grand County Design Criteria for Drainage Studies Within Spanish Valley".

- 100 year rainfall of 2.82" for 24 hours per the standard
- Runoff for the improved lots limited to .3 cfs per acre per the standard
  - equates to .07 cfs for Lot 1
  - equates to .08 cfs for Lot 2
- Runoff coefficient of .98 for impervious surfaces
- Runoff coefficient of .74 for grass area
- Lot sizes as noted on the subdivision drawing
- Anticipated impervious improvements of 3,000 sq. ft. for each lot

#### **Results – Lot 1**

A nine page Hydrocad report for Lot 1 follows this page.

Page number 7 of the report documents that the peak runoff occurs at 11.96 hours into the storm with a peak runoff of .49 cfs if not detained.

Page 8 documents that the rate of runoff can be reduced to .03 cfs via the creation of a detention basin having an 8' x 10' base, sloping sides with a 3 to 1 slope, a maximum pool depth of 2', and a 1" diameter outflow pipe. The .03 output is below the required maximum of .07 cfs for Lot 1.

The basin design presented is for illustration only to show the approximate size of basin required. It can be modified as desired to fit the lot terrain and the location of the improvement on the property.

## Results – Lot 2

A nine page Hydrocad report for Lot 2 follows the Lot 1 report..

Page number 7 of the report documents that the peak runoff occurs at 11.96 hours into the storm with a peak runoff of .56 cfs if not detained.

Page 8 documents that the rate of runoff can be reduced to .03 cfs via the creation of a detention basin having an 10' x 10' base, sloping sides with a 3 to 1 slope, a maximum pool depth of 2', and a 1" diameter outflow pipe. The .03 output is below the required maximum of .08 cfs for Lot 2.

The basin design presented is for illustration only to show the approximate size of basin required. It can be modified as desired to fit the lot terrain and the location of the improvement on the property.



**Certified by:** Glen E. Richardson, P.E., Utah License 7976426-2202

Attachments:

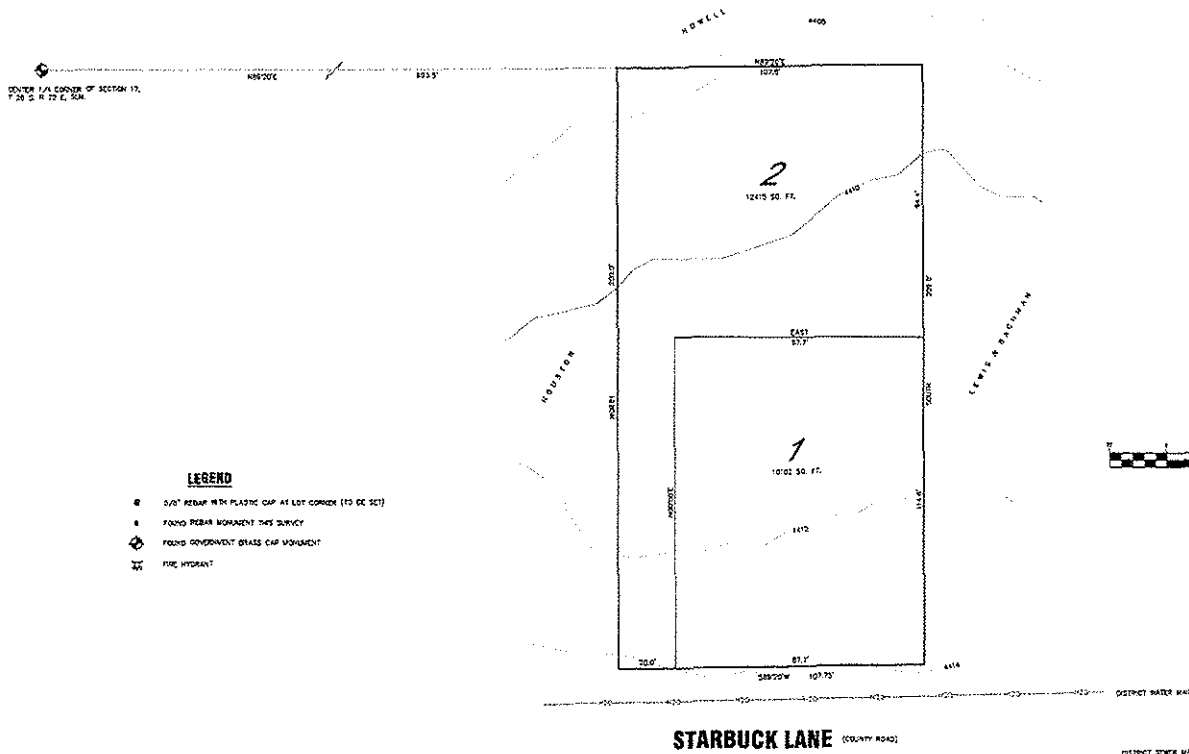
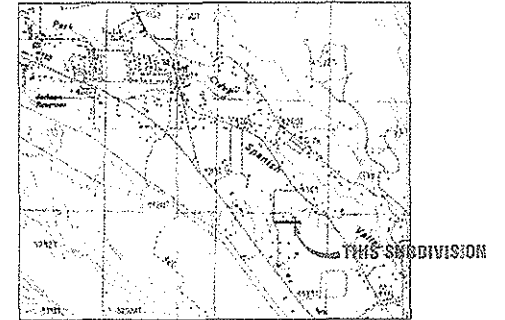
1. Starbuck Minor Subdivision drawing
2. Hydrocad analysis report for Lot 1
3. Hydrocad analysis report for Lot 2
4. Spanish Valley Average Precipitation Intensity/Duration/Frequency data



A PRELIMINARY PLAT OF  
**STARBUCK MINOR SUBDIVISION**

IN THE SE1/4 SECTION 17, T 26 S, R 22 E, SLM, GRAND COUNTY, UTAH

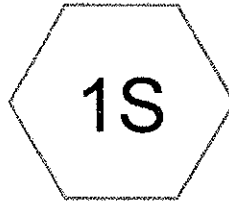
**VICINITY MAP**



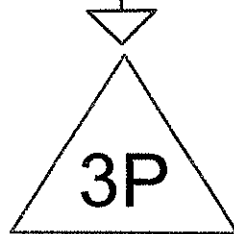
**STARBUCK MINOR SUBDIVISION**

IN THE SE1/4 SECTION 17, T 26 S, R 22 E, SLM, GRAND COUNTY, UTAH,  
 LOCATED AT 1991 STARBUCK LANE, MOAB, UTAH  
 ROUTE 40, L.L.C., OWNER & DEVELOPER

PREPARED BY  
 DRAWN BY: DEX, APRIL 15, 2019  
 P.O. BOX 116  
 MOAB, UTAH, 84532  
 SCALE: 1"=20'



Starbuck Lot 1



(new Pond)



**Routing Diagram for Starbuck Lot 1**

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HydroCAD® 10.00-24 s/n 10768 © 2018 HydroCAD Software Solutions LLC

## Starbuck Lot 1

Prepared by {enter your company name here}

Printed 4/23/2019

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Page 2

### Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
0.163	74	>75% Grass cover, Good, HSG C (1S)
0.069	98	Impervious roof & paving (1S)
<b>0.232</b>	<b>81</b>	<b>TOTAL AREA</b>



## Starbuck Lot 1

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Page 3

### Soil Listing (all nodes)

Area (acres)	Soil Group	Subcatchment Numbers
0.000	HSG A	
0.000	HSG B	
0.163	HSG C	1S
0.000	HSG D	
0.069	Other	1S
<b>0.232</b>		<b>TOTAL AREA</b>

**Starbuck Lot 1**

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Page 4

**Ground Covers (all nodes)**

HSG-A (acres)	HSG-B (acres)	HSG-C (acres)	HSG-D (acres)	Other (acres)	Total (acres)	Ground Cover	Subcatchment Numbers
0.000	0.000	0.163	0.000	0.000	0.163	>75% Grass cover, Good	1S
0.000	0.000	0.000	0.000	0.069	0.069	Impervious roof & paving	1S
<b>0.000</b>	<b>0.000</b>	<b>0.163</b>	<b>0.000</b>	<b>0.069</b>	<b>0.232</b>	<b>TOTAL AREA</b>	

**Starbuck Lot 1**

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Page 5

**Pipe Listing (all nodes)**

Line#	Node Number	In-Invert (feet)	Out-Invert (feet)	Length (feet)	Slope (ft/ft)	n	Diam/Width (inches)	Height (inches)	Inside-Fill (inches)
1	3P	100.00	99.50	5.0	0.1000	0.011	1.0	0.0	0.0

**Starbuck Lot 1***Type II 24-hr Rainfall=2.82"*

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Page 6

Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

**Subcatchment 1S: Starbuck Lot 1**

Runoff Area=10,102 sf 29.70% Impervious Runoff Depth&gt;1.07"

Tc=5.0 min CN=81 Runoff=0.49 cfs 0.021 af

**Pond 3P: (new Pond)**

Peak Elev=101.94' Storage=445 cf Inflow=0.49 cfs 0.021 af

1.0" Round Culvert n=0.011 L=5.0' S=0.1000 '/' Outflow=0.03 cfs 0.019 af

**Total Runoff Area = 0.232 ac   Runoff Volume = 0.021 af   Average Runoff Depth = 1.07"**  
**70.30% Pervious = 0.163 ac   29.70% Impervious = 0.069 ac**

**Starbuck Lot 1**

Type II 24-hr Rainfall=2.82"

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Page 7

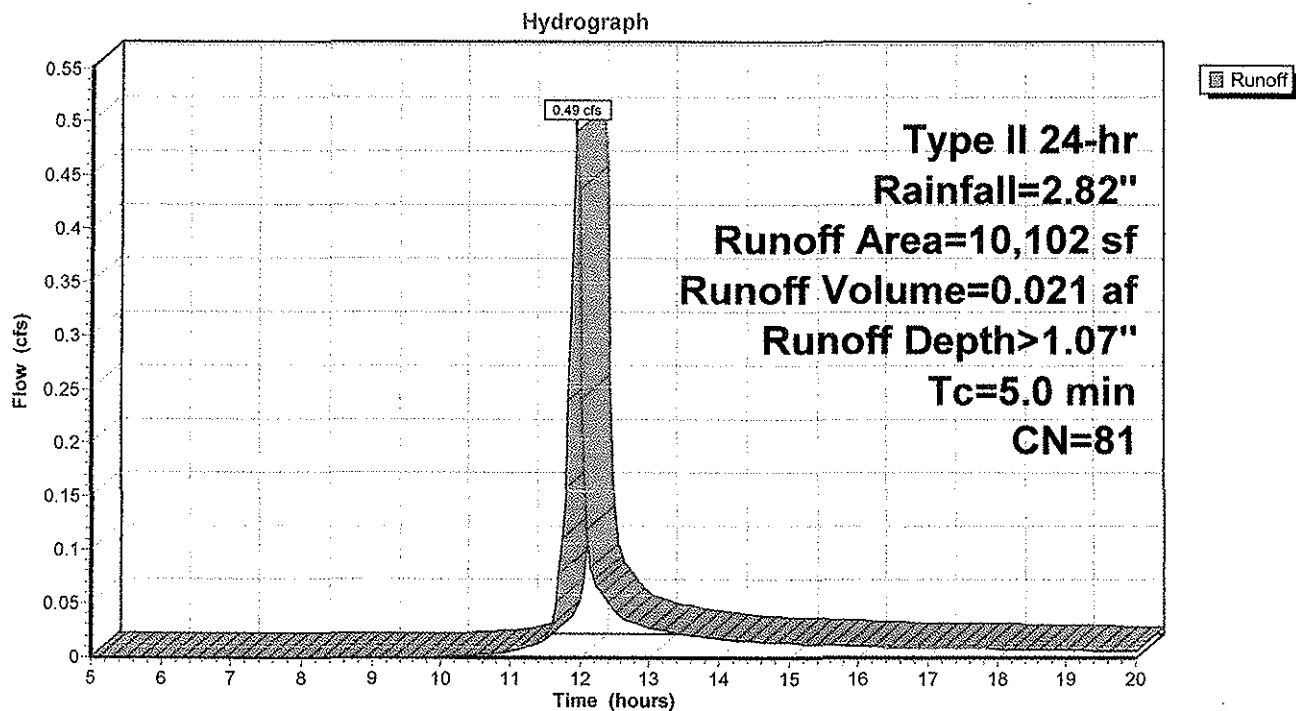
**Summary for Subcatchment 1S: Starbuck Lot 1**[49] Hint:  $T_c < 2dt$  may require smaller  $dt$ 

Runoff = 0.49 cfs @ 11.96 hrs, Volume= 0.021 af, Depth&gt; 1.07"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs,  $dt=0.05$  hrs  
Type II 24-hr Rainfall=2.82"

Area (sf)	CN	Description
7,102	74	>75% Grass cover, Good, HSG C
* 3,000	98	Impervious roof & paving
10,102	81	Weighted Average
7,102		70.30% Pervious Area
3,000		29.70% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

**Subcatchment 1S: Starbuck Lot 1**

## Starbuck Lot 1

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Type II 24-hr Rainfall=2.82"

Printed 4/23/2019

Page 8

### Summary for Pond 3P: (new Pond)

Inflow Area = 0.232 ac, 29.70% Impervious, Inflow Depth > 1.07"  
Inflow = 0.49 cfs @ 11.96 hrs, Volume= 0.021 af  
Outflow = 0.03 cfs @ 12.89 hrs, Volume= 0.019 af, Atten= 94%, Lag= 55.9 min  
Primary = 0.03 cfs @ 12.89 hrs, Volume= 0.019 af

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs  
Peak Elev= 101.94' @ 12.89 hrs Surf.Area= 424 sf Storage= 445 cf

Plug-Flow detention time= 164.7 min calculated for 0.019 af (91% of inflow)  
Center-of-Mass det. time= 133.7 min ( 930.1 - 796.4 )

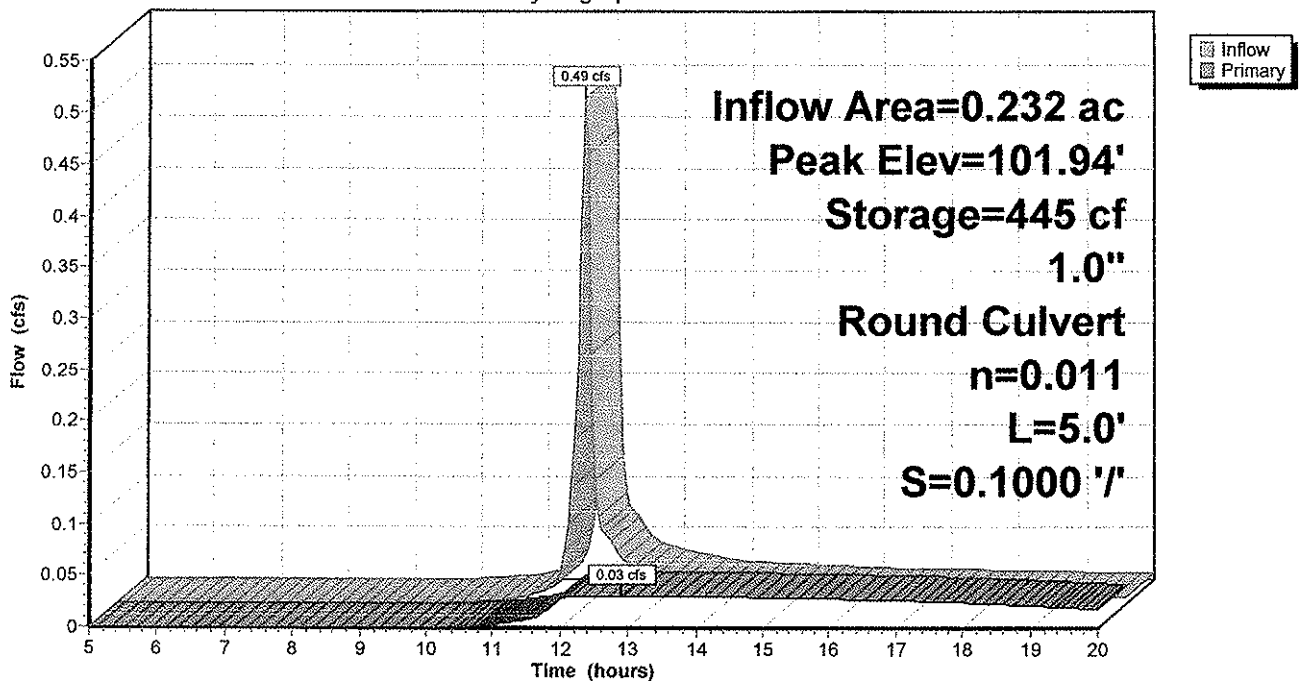
Volume	Invert	Avail.Storage	Storage Description
#1	100.00'	472 cf	8.00'W x 10.00'L x 2.00'H Prismaoid Z=3.0

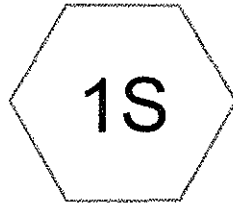
Device	Routing	Invert	Outlet Devices
#1	Primary	100.00'	1.0" Round Culvert L= 5.0' Ke= 0.700 Inlet / Outlet Invert= 100.00' / 99.50' S= 0.1000 '/' Cc= 0.900 n= 0.011, Flow Area= 0.01 sf

Primary OutFlow Max=0.03 cfs @ 12.89 hrs HW=101.94' (Free Discharge)  
1=Culvert (Barrel Controls 0.03 cfs @ 5.63 fps)

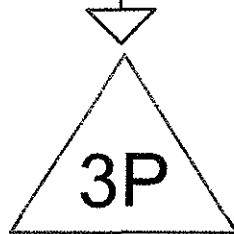
### Pond 3P: (new Pond)

Hydrograph





Starbuck Lot 2



(new Pond)



**Routing Diagram for Starbuck Lot 2**

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**Starbuck Lot 2**

Prepared by {enter your company name here}

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Page 2

**Area Listing (all nodes)**

Area (acres)	CN	Description (subcatchment-numbers)
0.210	74	>75% Grass cover, Good, HSG C (1S)
0.069	98	Impervious roof & paving (1S)
<b>0.279</b>	<b>80</b>	<b>TOTAL AREA</b>



**Starbuck Lot 2**

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Page 3

**Soil Listing (all nodes)**

Area (acres)	Soil Group	Subcatchment Numbers
0.000	HSG A	
0.000	HSG B	
0.210	HSG C	1S
0.000	HSG D	
0.069	Other	1S
<b>0.279</b>		<b>TOTAL AREA</b>

**Starbuck Lot 2**

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Page 4

**Ground Covers (all nodes)**

HSG-A (acres)	HSG-B (acres)	HSG-C (acres)	HSG-D (acres)	Other (acres)	Total (acres)	Ground Cover	Subcatchment Numbers
0.000	0.000	0.210	0.000	0.000	0.210	>75% Grass cover, Good	1S
0.000	0.000	0.000	0.000	0.069	0.069	Impervious roof & paving	1S
<b>0.000</b>	<b>0.000</b>	<b>0.210</b>	<b>0.000</b>	<b>0.069</b>	<b>0.279</b>	<b>TOTAL AREA</b>	

**Starbuck Lot 2**

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**Pipe Listing (all nodes)**

Line#	Node Number	In-Invert (feet)	Out-Invert (feet)	Length (feet)	Slope (ft/ft)	n	Diam/Width (inches)	Height (inches)	Inside-Fill (inches)
1	3P	100.00	99.50	5.0	0.1000	0.011	1.0	0.0	0.0

**Starbuck Lot 2**

Type II 24-hr Rainfall=2.82"

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Page 6

Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

**Subcatchment 1S: Starbuck Lot 2**

Runoff Area=12,145 sf 24.70% Impervious Runoff Depth&gt;1.02"

Tc=5.0 min CN=80 Runoff=0.56 cfs 0.024 af

**Pond 3P: (new Pond)**

Peak Elev=101.97' Storage=523 cf Inflow=0.56 cfs 0.024 af

1.0" Round Culvert n=0.011 L=5.0' S=0.1000 '/' Outflow=0.03 cfs 0.020 af

**Total Runoff Area = 0.279 ac   Runoff Volume = 0.024 af   Average Runoff Depth = 1.02"**  
**75.30% Pervious = 0.210 ac   24.70% Impervious = 0.069 ac**

**Starbuck Lot 2**

Type II 24-hr Rainfall=2.82"

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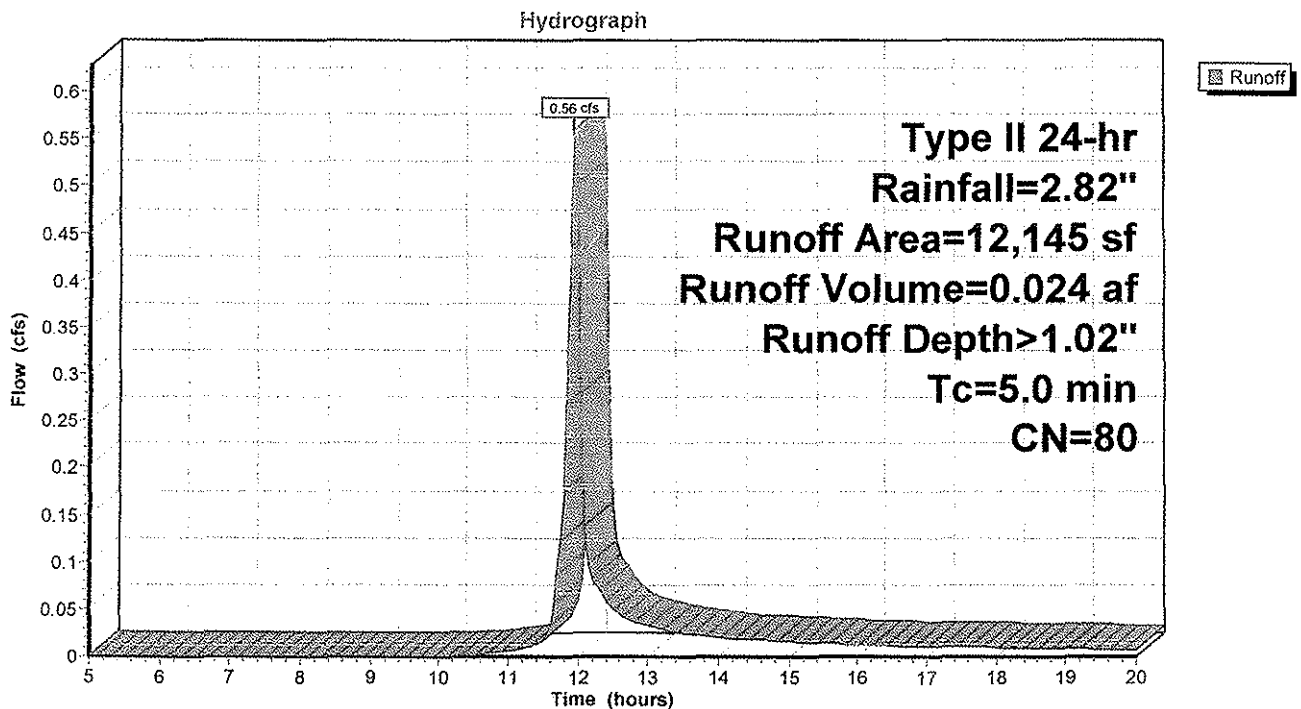
**Summary for Subcatchment 1S: Starbuck Lot 2**[49] Hint:  $T_c < 2dt$  may require smaller  $dt$ 

Runoff = 0.56 cfs @ 11.96 hrs, Volume= 0.024 af, Depth&gt; 1.02"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs,  $dt=0.05$  hrs  
Type II 24-hr Rainfall=2.82"

Area (sf)	CN	Description
9,145	74	>75% Grass cover, Good, HSG C
* 3,000	98	Impervious roof & paving
12,145	80	Weighted Average
9,145		75.30% Pervious Area
3,000		24.70% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

**Subcatchment 1S: Starbuck Lot 2**

**Starbuck Lot 2**

Type II 24-hr Rainfall=2.82"

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Printed 4/23/2019

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**Summary for Pond 3P: (new Pond)**

Inflow Area = 0.279 ac, 24.70% Impervious, Inflow Depth > 1.02"  
Inflow = 0.56 cfs @ 11.96 hrs, Volume= 0.024 af  
Outflow = 0.03 cfs @ 13.10 hrs, Volume= 0.020 af, Atten= 94%, Lag= 68.1 min  
Primary = 0.03 cfs @ 13.10 hrs, Volume= 0.020 af

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs  
Peak Elev= 101.97' @ 13.10 hrs Surf.Area= 477 sf Storage= 523 cf

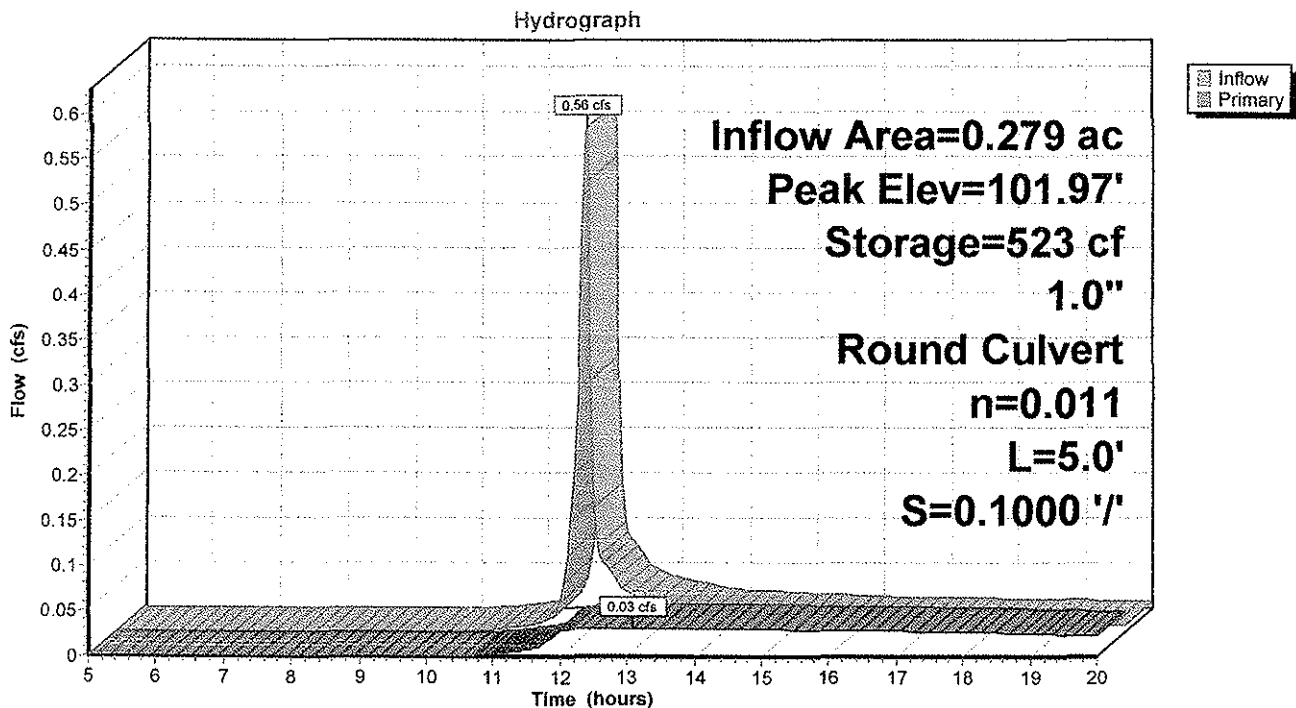
Plug-Flow detention time= 189.2 min calculated for 0.020 af (83% of inflow)  
Center-of-Mass det. time= 139.4 min ( 938.2 - 798.9 )

Volume	Invert	Avail.Storage	Storage Description
#1	100.00'	536 cf	10.00'W x 10.00'L x 2.00'H Prismatic Z=3.0

Device	Routing	Invert	Outlet Devices
#1	Primary	100.00'	1.0" Round Culvert L= 5.0' Ke= 0.700 Inlet / Outlet Invert= 100.00' / 99.50' S= 0.1000 '/' Cc= 0.900 n= 0.011, Flow Area= 0.01 sf

Primary OutFlow Max=0.03 cfs @ 13.10 hrs HW=101.97' (Free Discharge)

1=Culvert (Barrel Controls 0.03 cfs @ 5.67 fps)

**Pond 3P: (new Pond)**

December 2011

Table 2-2: Spanish Valley Average Precipitation Depth/Duration/Frequency.

ARI (years)	Precipitation Depth (inches)									
	5 min	10 min	15 min	30 min	60 min	2 hr	3 hr	6 hr	12 hr	24 hr
1	0.11	0.17	0.21	0.28	0.35	0.43	0.48	0.60	0.74	0.93
2	0.14	0.22	0.27	0.36	0.44	0.55	0.60	0.75	0.93	1.17
5	0.19	0.29	0.36	0.49	0.60	0.73	0.79	0.95	1.16	1.47
10	0.24	0.36	0.45	0.60	0.75	0.91	0.96	1.13	1.36	1.74
25	0.31	0.47	0.59	0.79	0.98	1.21	1.24	1.41	1.65	2.13
50	0.37	0.57	0.71	0.95	1.18	1.48	1.52	1.65	1.90	2.45
100	0.45	0.69	0.85	1.14	1.42	1.81	1.85	1.95	2.17	2.82

Table 2-3: Spanish Valley Average Precipitation Intensity/Duration/Frequency.

ARI (years)	Precipitation Intensity (inches/hour)									
	5 min	10 min	15 min	30 min	60 min	2 hr	3 hr	6 hr	12 hr	24 hr
1	1.34	1.01	0.83	0.57	0.35	0.22	0.16	0.10	0.06	0.04
2	1.71	1.29	1.07	0.72	0.44	0.27	0.20	0.12	0.08	0.05
5	2.30	1.74	1.44	0.97	0.60	0.37	0.26	0.16	0.10	0.06
10	2.82	2.16	1.79	1.21	0.75	0.45	0.32	0.19	0.11	0.07
25	3.72	2.83	2.34	1.58	0.98	0.60	0.41	0.24	0.14	0.09
50	4.47	3.41	2.82	1.90	1.18	0.74	0.51	0.28	0.16	0.10
100	5.40	4.12	3.40	2.29	1.42	0.90	0.62	0.32	0.18	0.12

#### 2.1.4 TIME OF CONCENTRATION

Several different methods and equations may be used to determine the time of concentration of a watershed. Some equations, such as the NRCS lag equation, are calibrated for the entire watershed; whereas, other methods include the summation of the travel time for sheet flow, shallow concentrated flow, and open channel flow along the principal flow path. The designer shall select the appropriate methods and equations for the flow path and design approach used.

When computing the travel time along natural channels, the channel shall be approximated as trapezoidal. Values of Manning's  $n$  to be used for natural channels and floodplains shall be obtained from *Hydraulic Design Series No. 3 – Design Charts for Open Channel Flow*. Note that the average slope for a natural stream shall exclude the influence of short drops or rapid flow sections. In natural alluvial streams, flow velocity does not exceed critical velocity except at control sections. These control sections are usually limited in extent and represented by riffles, cascades, and waterfalls. Within the Spanish Valley, these control sections can be identified by rock outcrops within the channels. After an initial analysis, it may be necessary to revise the Manning's  $n$  and channel slope along the natural channel flow path to reduce the velocity to a maximum of critical velocity. The NRCS lag equation is not influenced by



# Grand Water & Sewer Service Agency

3025 E Spanish Trail Rd. PO Box 1046 Moab, Utah 84532

435-259-8121 telephone 435-259-8122 fax

## Request for Culinary Water and/or Sewer Service

Date: May 14, 2019

Property Owner: Route 46, LLC

Mailing Address: 1127 Bonita

City: Moab State: Utah Zip: 84532

Telephone: (435) 220-1135

E-mail: timkeoghco@gmail.com

Contact Person (if different): \_\_\_\_\_

Contact Phone: \_\_\_\_\_

### GWSSA Use Only

Number of Pages:

Approved ☒ Yes

☐ No

Authorized Signature: \_\_\_\_\_

Date Paid: May 14, 2019

Amount Paid: \$80.00

Check #: 1652

Account #: 1335501

Letter Expiration Date:

May 14, 2020

Service Address: 1991 East Starbuck Ln.

Parcel Number: 020170163

Number of Units: 2

Expected Date of Completion: 11/1/2019

Requested Services: ☒ Water & Sewer

☐ Water Only

☐ Sewer Only

Project Type: ☒ Residential

☐ Commercial

☐ Industrial

Type of Business: \_\_\_\_\_

Meter Size Requested: ☒ 5/8" x 3/4"

☐ 1"

☐ 1.5"

☐ 2"

☐ Other

### Important Information:

- ~ Include Site Plan with request
- ~ Enclose fee per Agency Will Serve Policy.
- ~ All connections shall be made in accordance with Agency Connection Procedures.
- ~ See Agency Will Serve Policy for important expiration information and limitations.
- ~ See Agency Fee Schedule for applicable rates and fees

### Plan sketch if site plan is unavailable

We will be installing an  
8" line in Starbuck lane  
2019 - ~~Summer~~ fall.

Encroachment Permit Needed (circle one):

YES

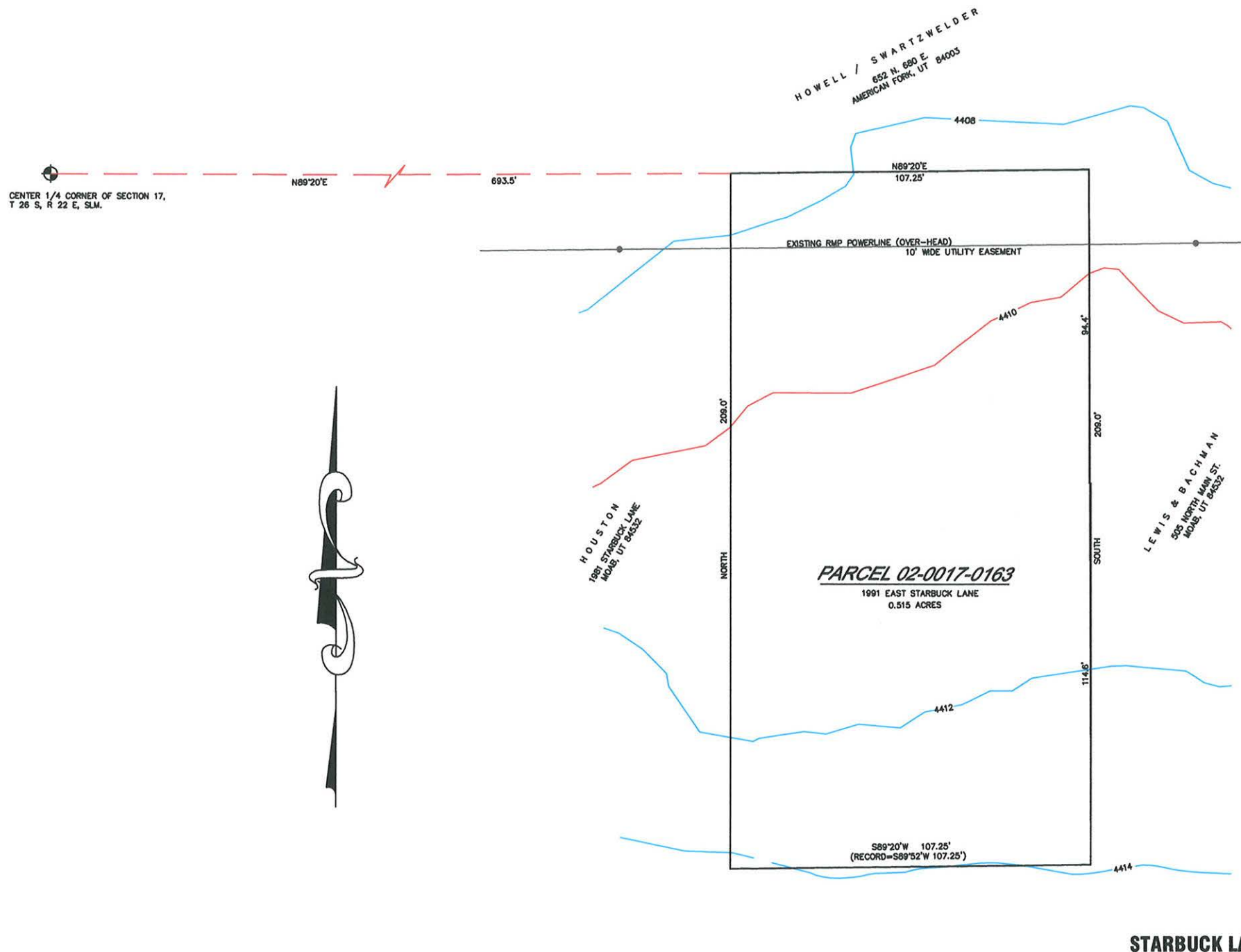
NO

Easement Survey Needed (circle one):

YES

NO





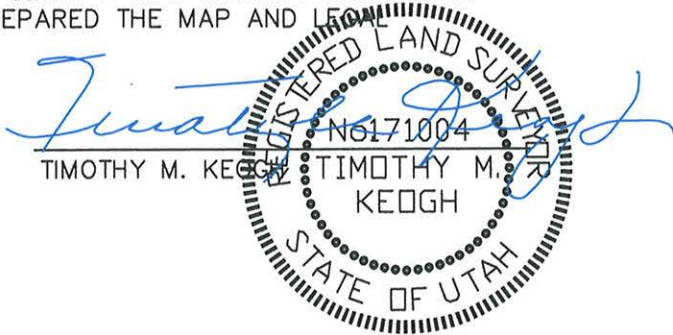
**LEGAL DESCRIPTION**

DESCRIPTION OF A PARCEL OF LAND WITHIN THE SE $\frac{1}{4}$  OF SECTION 17, T 26 S, R 22 E, SLM, GRAND COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT WHICH BEARS N 89° 20'E 693.5 FT. FROM THE CENTER  $\frac{1}{4}$  CORNER OF SEC. 17, T 26 S, R 22 E, SLM, AND PROCEEDING THENCE N 89° 20'E 107.25 FT., THENCE SOUTH 209.0 FT., THENCE S 89° 20'W (RECORD=S 89° 52'W) 107.25 FT., THENCE NORTH 209.0 FT. TO THE POINT OF BEGINNING AND CONTAINING 0.515 ACRES, MORE OR LESS.

**SURVEYORS CERTIFICATE**

I, TIMOTHY M. KEOGH, DO HEREBY CERTIFY THAT I AM A REGISTERED UTAH LAND SURVEYOR, HOLDING CERTIFICATE NO. 171004 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH, AND I FURTHER CERTIFY THAT UNDER AUTHORITY OF THE OWNER I HAVE PREPARED THE MAP AND LEGAL DESCRIPTION HEREON.

4-19-19  
DATE



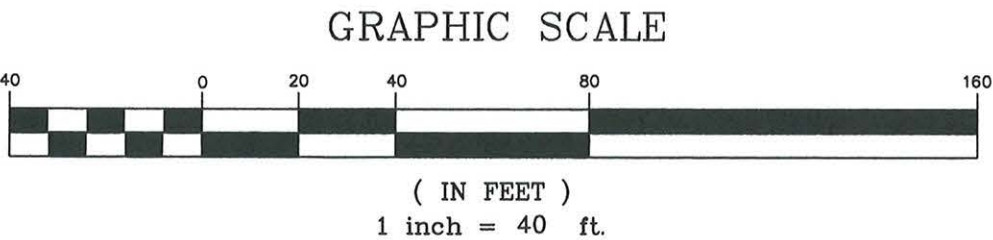
**KEOGH LAND SURVEYING**  
45 EAST CENTER STREET MOAB, UTAH, 84532

A PLAT OF  
**PARCEL 02-0017-0163**

1991 EAST STARBUCK LANE,  
IN THE SE $\frac{1}{4}$  SECTION 17, T 26 S, R 22 E, SLM,  
GRAND COUNTY, UTAH

PREPARED FOR  
**ROUTE 46, LLC.**

DATE: 4-19-19	DRAWN BY: TMK	CHECKED BY: TMK
SCALE: 1"=40'	F.B.# N/A	STARBUCK.DWG



## ***Anderson-Oliver Title Insurance Agency, Inc.***

---

email: [aotitle@frontiernet.net](mailto:aotitle@frontiernet.net)

94 East Grand Avenue  
Moab, Utah 84532  
Phone: 435-259-3000  
Fax: 435-259-2726

81 East 100 South  
PO Box 1165  
Monticello, Utah 84535  
Phone: 435-587-3344  
Fax: 435-587-2223

April 15, 2019

Lenore Beeson  
Byrd & Co.  
Via email: [Lenore@moabbbyrdco.com](mailto:Lenore@moabbbyrdco.com)  
Via email: [info@moabbbyrdco.com](mailto:info@moabbbyrdco.com)

Danette Johnson  
Moab Realty  
Via email: [Danetteinmoab@aol.com](mailto:Danetteinmoab@aol.com)

Re: File No. 11929  
Ross-Martinez and Martinez to Route 46 LLC  
1991 East Starbuck Lane, Moab, Utah 84532

Dear Folks:

In the above matter I attach the Commitment for Title Insurance that you requested. If you have any questions, or need additional copies of anything, please let us know. Renae will be the Escrow Officer for this file. She can be reached directly at the above Moab address or [Renae@aotitle.com](mailto:Renae@aotitle.com). We look forward to assisting you with your real estate transaction. Thanks for the order.

Very truly yours,

*GOliver*  
Glenna Oliver

Attachments



## ALTA COMMITMENT FOR TITLE INSURANCE

ISSUED BY  
STEWART TITLE GUARANTY COMPANY

### NOTICE

**IMPORTANT - READ CAREFULLY:** THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

### COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and the Commitment Conditions, STEWART TITLE GUARANTY COMPANY, a Texas corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

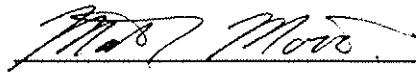
If all of the Schedule B, Part I - Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.


Countersigned by:

  
Authorized Countersignature

Anderson-Oliver Title Insurance Agency, Inc.  
94 E. Grand Ave.  
Moab, UT 84532  
(435) 259-3000



  
Matt Morris  
President and CEO

  
Denise Carraux  
Secretary

For purposes of this form the "Stewart Title" logo featured above is the represented logo for the underwriter, Stewart Title Guaranty Company.

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a countersignature by the Company or its issuing agent that may be in electronic form.*

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File No. 11929

ALTA Commitment For Title Insurance 8-1-16 (4-2-18)

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## COMMITMENT CONDITIONS

### 1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I - Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I - Requirements;
- (f) Schedule B, Part II - Exceptions; and
- (g) a countersignature by the Company or its issuing agent that may be in electronic form.

### 4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

### 5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  - (i) comply with the Schedule B, Part I - Requirements;
  - (ii) eliminate, with the Company's written consent, any Schedule B, Part II - Exceptions; or
  - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.

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File No. 11929

ALTA Commitment For Title Insurance 8-1-16 (4-2-18)

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- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I - Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

#### **6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT**

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II - Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

#### **7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

#### **8. PRO-FORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

#### **9. ARBITRATION**

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

### **STEWART TITLE GUARANTY COMPANY**

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at P.O. Box 2029, Houston, Texas 77252-2029.

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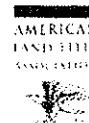
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File No. 11929

ALTA Commitment For Title Insurance 8-1-16 (4-2-18)

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# ALTA COMMITMENT FOR TITLE INSURANCE SCHEDULE A

ISSUED BY  
STEWART TITLE GUARANTY COMPANY

## Transaction Identification Data for reference only:

Issuing Agent: Anderson-Oliver Title Insurance Agency, Inc.  
Issuing Office: 94 E. Grand Ave., Moab, UT 84532  
Issuing Office's ALTA® Registry ID: N/A  
Loan ID Number:  
Commitment Number: 11929  
Issuing Office File Number: 11929  
Property Address: 1991 Starbuck Lane, Moab, UT 84532  
Revision Number:

1. **Commitment Date:** April 04, 2019 at 8:00 A.M.

2. <b>Policy to be issued:</b>	<b>Proposed Policy Amount</b>
(a) ALTA Owner's Policy      Standard	\$149,000.00 Premium: \$846.00

Proposed Insured:      Route 46, LLC, a Utah limited liability company

(b) ALTA Loan Policy      Standard

Proposed Insured:

3. **The estate or interest in the Land described or referred to in this Commitment is:**

Fee Simple

4. **The Title is, at the Commitment Date, vested in:**

Judy Martinez-Ross and    and Patrick Martinez, as joint tenants

5. **The Land is described as follows:**

*Grand County, Utah:*

*Beginning at a corner on the North Line of the Southeast Quarter of Section 17, Township 26 South, Range 22 East, Salt Lake Base and Meridian, which bears North 89°20' East 696.5 feet from the Center Quarter Corner, said Section 17, (record is 626.5 feet West of the Northeast Corner of the Northwest Quarter of the Southeast Quarter, Section 17), and proceeding thence North 89°20' East 104.25 feet to a corner, thence South 219.4 feet to a corner, thence South 89°52' West 104.25 feet to a corner, thence North 218.0 feet to the point of beginning.*

*ALSO beginning at a point which bears East 696.5 feet from the Center Quarter Corner, Section 17, Township 26 South, Range 22 East, Salt Lake Base and Meridian, and proceeding thence South 209 feet, thence West 3.0 feet, thence North 209 feet, thence East 3.0 feet to the point of beginning.*

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File No. 11929

ALTA Commitment For Title Insurance Schedule 8-1-16 (4-2-18)

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# ALTA COMMITMENT FOR TITLE INSURANCE

## SCHEDULE B PART I

ISSUED BY  
STEWART TITLE GUARANTY COMPANY

### Requirements

File No.: 11929

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

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File No. 11929

ALTA Commitment For Title Insurance Schedule 8-1-16 (4-2-18)

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# ALTA COMMITMENT FOR TITLE INSURANCE

## SCHEDULE B PART II

ISSUED BY  
STEWART TITLE GUARANTY COMPANY

### Exceptions

File No.: 11929

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
2. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
3. Any facts, rights, interests, or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
4. Easements, liens, or encumbrances, or claims thereof, which are not shown by the Public Records.
5. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
6. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water; ditch rights; (d) minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel and other hydrocarbons in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities related thereto, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the Public Records. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
7. Any lien or right to a lien for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
8. Taxes for the year 2019 are accruing as a lien; not yet due and payable. Taxes for the year 2018 were paid in the amount of \$859.41. NOTE: Land is currently being taxed as Vacant Land.
9. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may

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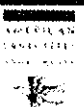
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File No. 11929

UT ALTA Commitment For Title Insurance Schedule 8-1-16 (4-2-18)

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**ALTA COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B PART II**

ISSUED BY  
STEWART TITLE GUARANTY COMPANY

**Exceptions**

be leases, grants, exceptions or reservations of interests that are not listed.

10. Rights of way for ditches or canals as reserved in the Patent dated June 10, 1914 and recorded November 2, 1914 as Entry No. 180918 in Book 3-B at Page 526.
11. Claims, if any, of any portion of the property by the County Road.

A judgment search was made in the following names and none were found of record except as noted above:

Judy Martinez-Ross  
Patrick Martinez  
Route 46, LLC, a Utah limited liability company

**CHAIN OF TITLE:**

According to the Official Records, there have been no documents conveying the land described herein within a period of 24 months prior to the date of this commitment, except as follows: NONE

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File No. 11929

UT ALTA Commitment For Title Insurance Schedule 8-1-16 (4-2-18)

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## STG Privacy Notice Stewart Title Companies

### WHAT DO THE STEWART TITLE COMPANIES DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of the Stewart Title Guaranty Company and its title affiliates (the Stewart Title Companies), pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as the Stewart Title Companies, need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information.	Do we share	Can you limit this sharing?
<b>For our everyday business purposes</b> — to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
<b>For our marketing purposes</b> — to offer our products and services to you.	Yes	No
<b>For joint marketing with other financial companies</b>	No	We don't share
<b>For our affiliates' everyday business purposes</b> — information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and non-financial companies. <i>Our affiliates may include companies with a Stewart name; financial companies, such as Stewart Title Company</i>	Yes	No
<b>For our affiliates' everyday business purposes</b> — information about your creditworthiness.	No	We don't share
<b>For our affiliates to market to you</b> — For your convenience, Stewart has developed a means for you to opt out from its affiliates marketing even though such mechanism is not legally required.	Yes	Yes, send your first and last name, the email address used in your transaction, your Stewart file number and the Stewart office location that is handling your transaction by email to <a href="mailto:optout@stewart.com">optout@stewart.com</a> or fax to 1-800-335-9591.
<b>For non-affiliates to market to you.</b> Non-affiliates are companies not related by common ownership or control. They can be financial and non-financial companies.	No	We don't share

We may disclose your personal information to our affiliates or to non-affiliates as permitted by law. If you request a transaction with a non-affiliate, such as a third party insurance company, we will disclose your personal information to that non-affiliate. [We do not control their subsequent use of information, and suggest you refer to their privacy notices.]

### SHARING PRACTICES

<b>How often do the Stewart Title Companies notify me about their practices?</b>	We must notify you about our sharing practices when you request a transaction.
<b>How do the Stewart Title Companies protect my personal information?</b>	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer, file, and building safeguards.
<b>How do the Stewart Title Companies collect my personal information?</b>	<p>We collect your personal information, for example, when you</p> <ul style="list-style-type: none"> <li>▪ request insurance-related services</li> <li>▪ provide such information to us</li> </ul> <p>We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.</p>
<b>What sharing can I limit?</b>	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

**Contact us:** If you have any questions about this privacy notice, please contact us at: Stewart Title Guaranty Company, 1980 Post Oak Blvd., Privacy Officer, Houston, Texas 77056

## STG Privacy Notice 2 (Rev 01/26/09) Independent Agencies and Unaffiliated Escrow Agents

### WHAT DO/DOES THE Anderson-Oliver Title Insurance Agency, Inc. DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of Anderson-Oliver Title Insurance Agency, Inc., and its affiliates ("N/A"), pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as Anderson-Oliver Title Insurance Agency, Inc., need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information	Do we share?	Can you limit this sharing?
<b>For our everyday business purposes</b> — to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
<b>For our marketing purposes</b> — to offer our products and services to you.	Yes	No
<b>For joint marketing with other financial companies</b>	No	We don't share
<b>For our affiliates' everyday business purposes</b> — information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and non-financial companies.	Yes	No
<b>For our affiliates' everyday business purposes</b> — information about your creditworthiness.	No	We don't share
<b>For our affiliates to market to you</b>	Yes	No
<b>For non-affiliates to market to you.</b> Non-affiliates are companies not related by common ownership or control. They can be financial and non-financial companies.	No	We don't share

We may disclose your personal information to our affiliates or to non-affiliates as permitted by law. If you request a transaction with a non-affiliate, such as a third party insurance company, we will disclose your personal information to that non-affiliate. [We do not control their subsequent use of information, and suggest you refer to their privacy notices.]

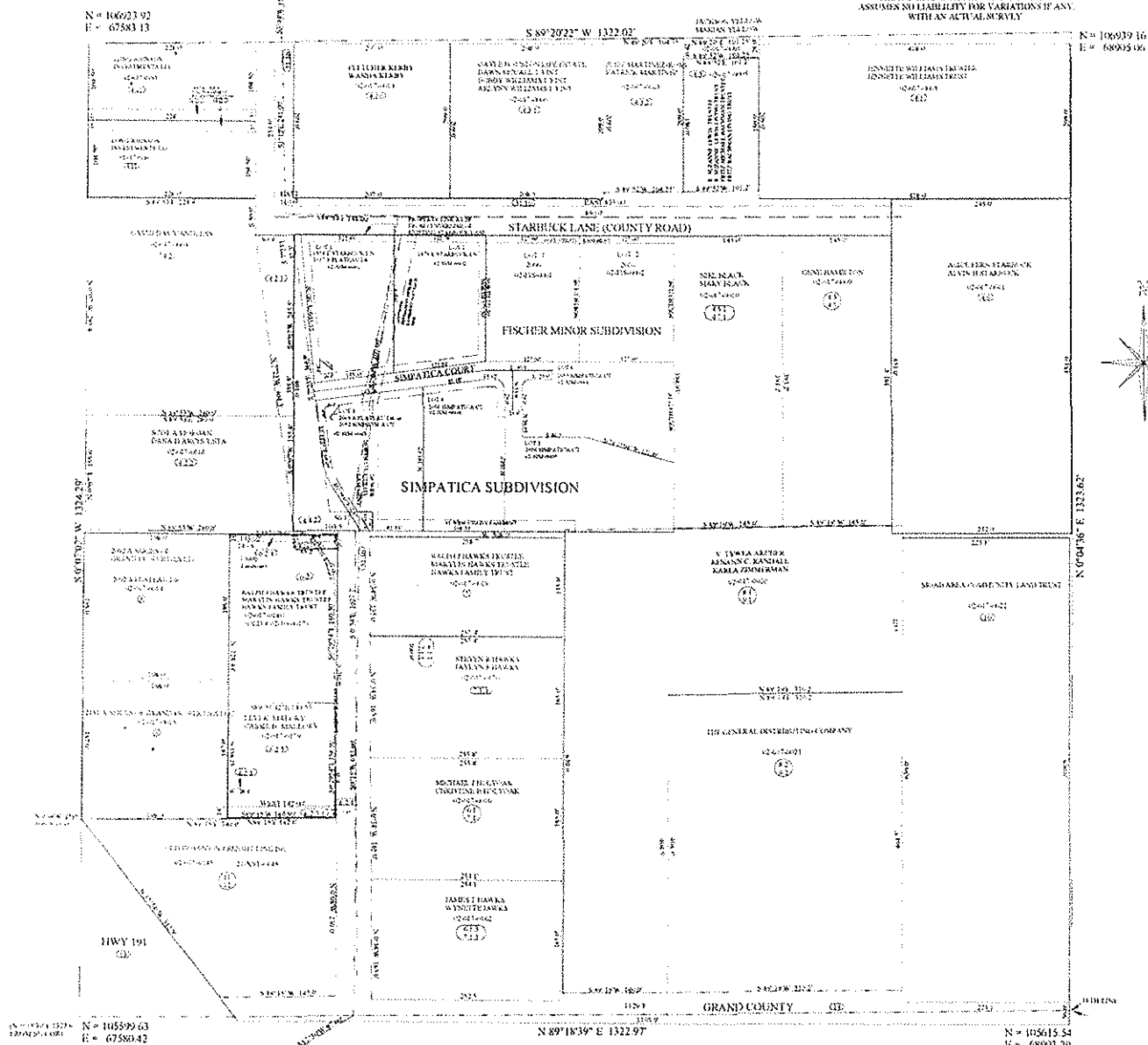
### Sharing practices

How often do/does Anderson-Oliver Title Insurance Agency, Inc. notify me about their practices?	We must notify you about our sharing practices when you request a transaction.
How do/does Anderson-Oliver Title Insurance Agency, Inc. protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal and state law. These measures include computer, file, and building safeguards.
How do/does Anderson-Oliver Title Insurance Agency, Inc. collect my personal information?	<p>We collect your personal information, for example, when you</p> <ul style="list-style-type: none"> <li>request insurance-related services</li> <li>provide such information to us</li> </ul> <p>We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.</p>
What sharing can I limit?	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

<b>Contact Us</b>	If you have any questions about this privacy notice, please contact us at: Anderson-Oliver Title Insurance Agency, Inc., 94 E. Grand Ave., Moab, UT 84532
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## NW ¼ SE¼ SECTION 17 T26S R22E SLBM

THIS PLAT IS MADE SOLELY FOR THE  
PURPOSES OF ASSISTING IN LOCATING  
THE LAND, AND THE RECORDER'S OFFICE  
ASSUMES NO LIABILITY FOR VARIATIONS IF ANY  
WITH AN ACTUAL SURVEY



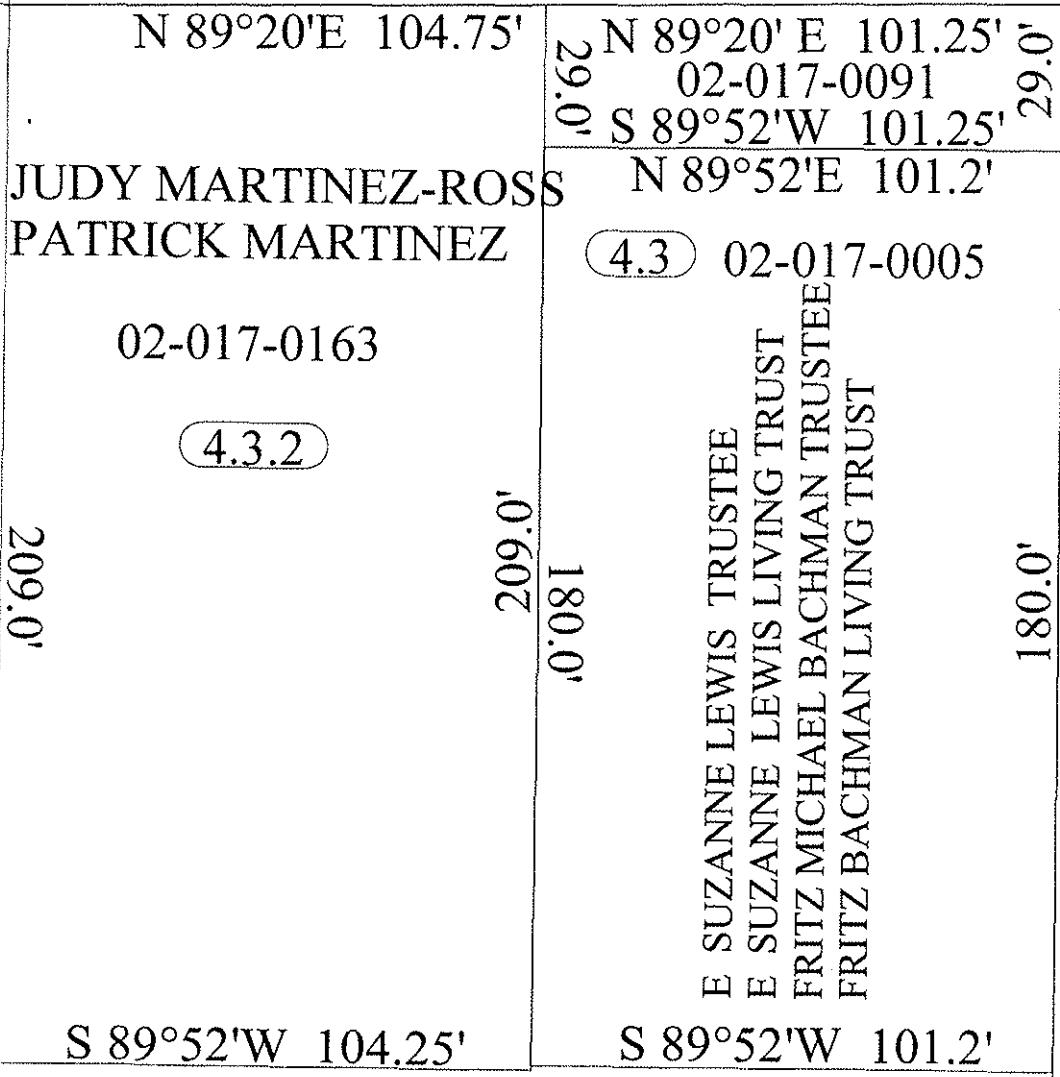
*Graphic Scale*

100'	0	50'	100'	200'
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°20'22" W 1322.02'

JACKSON YELLOW  
MARIAN YELLOW

IFE ESTATE  
INT  
1/3 INT  
5 1/3 INT  
5



EAST 835.00'

850.0'

UCK LANE (COUNTY ROAD)

Ent 530595 Bk 871 Pg 938 - 939  
Date: 09-AUG-2018 2:29:20PM  
Fee: \$13.00 Charge Filed By: GKW  
JOHN ALAN CORTES, Recorder  
GRAND COUNTY CORPORATION  
For: ANDERSON-OLIVER TITLE INSURANCE

Mail Tax Notice to: Judy Martinez-Ross  
Patrick Martinez  
375 South Main Street 247  
Moab, UT 84532

## WARRANTY DEED

File Number: 11523

Robert R J Mohler, GRANTOR(S), whose address is 810 Noble Springs Road, Houston, TX 77062 hereby CONVEY(S) AND WARRANT(S) to Judy Martinez-Ross and Patrick Martinez, as joint tenants, GRANTEE(S) whose address is 375 South Main Street 247, Moab, UT 84532 for the sum of (\$10.00) Ten Dollars and No Cents and other good and valuable considerations the following described tract of land in Grand County, State of Utah, to-wit:

Grand County, UTAH

*Beginning at a corner on the North Line of the Southeast Quarter of Section 17, Township 26 South, Range 22 East, Salt Lake Base and Meridian, which bears North 89°20' East 696.5 feet from the Center Quarter Corner, said Section 17, (record is 626.5 feet West of the Northeast Corner of the Northwest Quarter of the Southeast Quarter, Section 17), and proceeding thence North 89°20' East 104.25 feet to a corner, thence South 219.4 feet to a corner, thence South 89°52' West 104.25 feet to a corner, thence North 218.0 feet to the point of beginning.*

*ALSO beginning at a point which bears East 696.5 feet from the Center Quarter Corner, Section 17, Township 26 South, Range 22 East, Salt Lake Base and Meridian, and proceeding thence South 209 feet, thence West 3.0 feet, thence North 209 feet, thence East 3.0 feet to the point of beginning.*

*SUBJECT to all easements and rights-of-way however evidenced.*

Subject to easements, restrictions, and rights of way, however evidenced.

WITNESS the hand of said Grantor, this 8 day of August, 2018.

Robert R J Mohler  
Robert R J Mohler

State of Texas)

)ss.

County of ) Harris

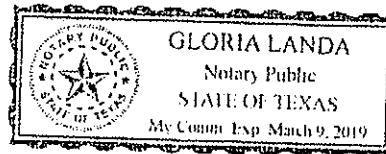
On the 8<sup>th</sup> day of August, 2018, personally appeared before me, Robert R J Mohler, the signer(s) of the foregoing Warranty Deed who duly acknowledged before me that he/she/they executed the same.

Gloria Landa

Notary Public

My commission expires:

Residing in: Houston, Tx.



Ent 530595 Bk 0871 Pg 0939



COMMUNITY & ECONOMIC DEVELOPMENT  
PLANNING, ENGINEERING & ECONOMIC DEVELOPMENT

---

**Public Hearing Notice**  
**Land Use Development Application in Your Neighborhood**

Project Title: \_\_\_\_\_

Project Address: \_\_\_\_\_

Project Description: \_\_\_\_\_

Project Applicant: \_\_\_\_\_

**Public Hearing Information**  
**Planning Commission / County Council**

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Location:** \_\_\_\_\_

For more information contact the  
Grand County Community & Economic Development Department  
125 E. Center St.  
Moab, Utah 84532  
435-259-1343

You are receiving this notice because of your proximity to the above referenced project.

A public hearing is a statutory requirement for some land use decisions. At a public hearing, members of the public are provided a reasonable opportunity to comment on the subject of the hearing.



Route 46, LLC  
P.O. Box 116  
Moab, UT. 84532  
435-220-1135

April 30, 2019

Mr. Kenny Gordon  
Grand County P & Z Administrator  
125 East Center St.  
Moab, UT 84532

RE: Starbuck Subd pre plat

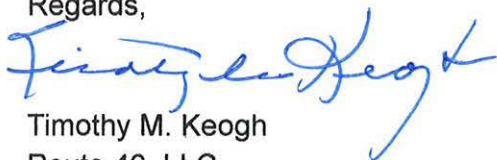
Dear Kenny,

Herewith please find the submittal for our subdivision of 1991 Starbuck Lane, a 0.52 acre vacant parcel, which we propose dividing into the two lots as depicted on the attached preliminary plat(s).

Our proposed subdivision will use the recently adopted High Density Housing overlay to accomplish two residential lots that will be restricted to buyers living and working in Moab, all as prescribed in the plan. The subject property lies within an area specified in the plan as up to five units per acre. Our parcel, slightly above ½ acres, thus qualifies for two units when rounded down from 2.5.

We are pleased to be able to assist in providing housing to workers here in Moab, both in the near term and for years into the future. Please make us aware of any additional information you may be in need of.

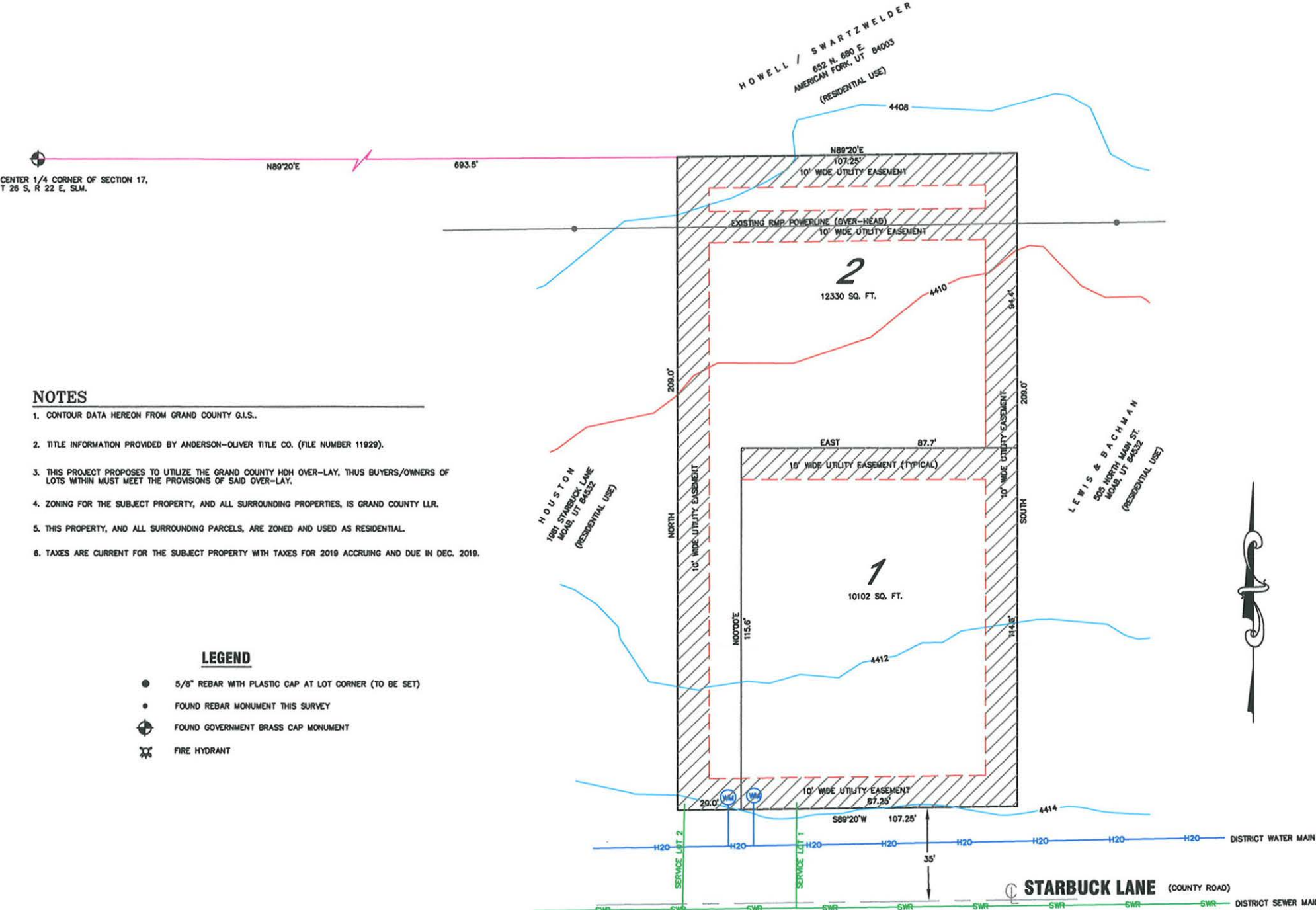
Regards,



Timothy M. Keogh  
Route 46, LLC

A PRELIMINARY PLAT OF  
**STARBUCK SUBDIVISION**

IN THE SE1/4 SECTION 17, T 26 S, R 22 E, SLM, GRAND COUNTY, UTAH



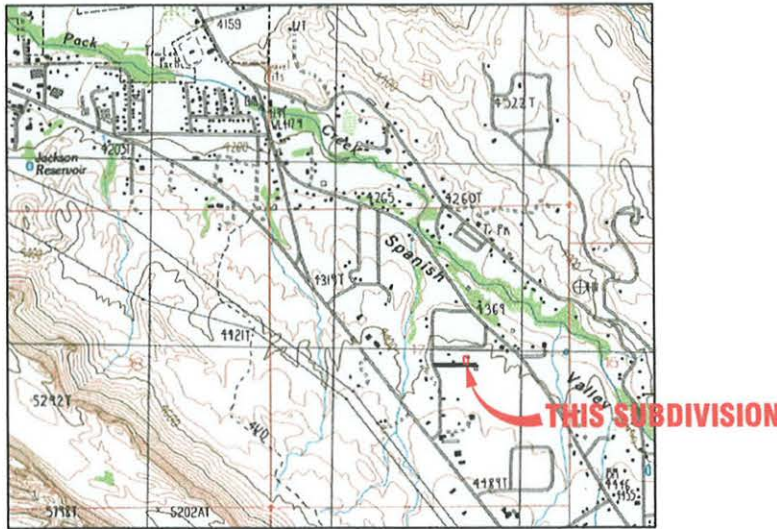
**NOTES**

1. CONTOUR DATA HEREON FROM GRAND COUNTY G.I.S..
2. TITLE INFORMATION PROVIDED BY ANDERSON-OLIVER TITLE CO. (FILE NUMBER 11929).
3. THIS PROJECT PROPOSES TO UTILIZE THE GRAND COUNTY HDH OVER-LAY, THUS BUYERS/OWNERS OF LOTS WITHIN MUST MEET THE PROVISIONS OF SAID OVER-LAY.
4. ZONING FOR THE SUBJECT PROPERTY, AND ALL SURROUNDING PROPERTIES, IS GRAND COUNTY LLR.
5. THIS PROPERTY, AND ALL SURROUNDING PARCELS, ARE ZONED AND USED AS RESIDENTIAL.
6. TAXES ARE CURRENT FOR THE SUBJECT PROPERTY WITH TAXES FOR 2019 ACCRUING AND DUE IN DEC. 2019.

**LEGEND**

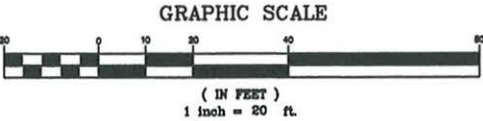
- 5/8" REBAR WITH PLASTIC CAP AT LOT CORNER (TO BE SET)
- FOUND REBAR MONUMENT THIS SURVEY
- ⊕ FOUND GOVERNMENT BRASS CAP MONUMENT
- ⛑ FIRE HYDRANT

**VICINITY MAP**



**LEGAL DESCRIPTION**

DESCRIPTION OF A PARCEL OF LAND WITHIN THE SE1/4 OF SECTION 17, T 26 S, R 22 E, SLM, GRAND COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT WHICH BEARS N 89° 20'E 693.5 FT. FROM THE CENTER 1/4 CORNER OF SEC. 17, T 26 S, R 22 E, SLM, AND PROCEEDING THENCE N 89° 20'E 107.25 FT., THENCE SOUTH 209.0 FT., THENCE S 89° 20'W (RECORD=S 89° 52'W) 107.25 FT., THENCE NORTH 209.0 FT. TO THE POINT OF BEGINNING AND CONTAINING 0.515 ACRES, MORE OR LESS.



A PRELIMINARY PLAT OF  
**STARBUCK SUBDIVISION**

IN THE SE1/4 SECTION 17, T 26 S, R 22 E, SLM, GRAND COUNTY, UTAH,  
LOCATED AT 1991 STARBUCK LANE, MOAB, UTAH  
ROUTE 46, L.L.C., OWNER & DEVELOPER

PREPARED BY  
DRAWN BY: TMK MAY 22, 2019  
P.O. BOX 116  
MOAB, UTAH, 84532  
SCALE: 1"=20'

PRELIMINARY PLAT FOR INSPECTION PURPOSES ONLY AND IN NO WAY  
OFFICIAL OR APPROVED FOR RECORD PURPOSES



**NOTICE OF  
PUBLIC HEARING**  
PROPOSAL FOR THIS PROPERTY:

APPLICANT: *ROBERT WELLS / Tim Brown*  
PROJECT NAME: *SPRINKLER SYSTEM / FARM IMPROVEMENT*

THIS ITEM WILL BE HEARD BEFORE THE GRAND COUNTY  
COUNCIL... ON *July 2, 2024* AT *5:00 PM*  
COUNTY COUNCIL CHAMBERS, 129 E CENTER STREET

ANY PERSON IN POSSESSION OF THIS NOTICE MAY OBTAIN COMPLETE INFORMATION BY  
CONTACTING THE GRAND COUNTY CLERK, 129 E. CENTER STREET, OR BY CALLING 800-666-1234



**Agenda Summary**  
**GRAND COUNTY COUNCIL**  
**July 2, 2019**

<b>TITLE:</b>	Public Hearing to hear public comment on a Conditional Use Permit (CUP) located at 13542 North Highway 191 (Seven Mile Park)
<b>FISCAL IMPACT:</b>	N/A
<b>PRESENTER(S):</b>	Community and Economic Development Staff

**Prepared By:**  
**KENNY GORDON**  
**GRAND COUNTY**  
**PLANNING & ZONING**  
**ADMINISTRATOR**

**FOR OFFICE USE ONLY:**

**Attorney Review:**

pending

**STATED MOTION :**

Move to approve the Seven Mile Park Conditional Use Permit.

**STAFF RECOMMENDATION:**

Review and consider application materials provided to the County Council related to the proposed Seven Mile Park campground. Staff recommends the County Council approve the Seven Mile Park Conditional Use Permit.

**BACKGROUND:**

See staff report attached.

**ATTACHMENT(S):**

- Staff Report
- Application & Applicant Statement
- Site Plan
- Title Report
- Department of Environmental Quality Approval Letter
- UDOT Approval Letter
- Posting on property



# STAFF REPORT

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT  
GRAND COUNTY, UTAH

**DATE:** Tuesday, July 02, 2019

**TO:** Grand County Council

**SUBJECT:** Conditional Use Permit

---

**PROPERTY OWNER:** Lily Ann Balsley & Tracy Balsley

**PROP. OWNER REP:** Tracy Balsley

**ENGINEER:** Anderson Engineering Inc.

**PROPERTY ADDRESS:** 2950 S. Hwy. 191

**SIZE OF PROPERTY:** 127 acres

**EXISTING ZONE:** Resort Special (RS)

**EXISTING LAND USE:** Residential and recreational parking

**ADJACENT ZONING AND LAND USE(S):** Range and Grazing

---

## APPLICATION TYPE

Conditional Use Permit

**STAFF RECOMMENDATION:** Approve with Conditions

*Comments (optional):* Click or tap here to enter text.

## APPLICATION PROCEDURE

*Decision Type:* Choose an item.

*Public Notices:* ☐ Public Meeting at:

☐ Planning Commission

☐ County Council

☒ Public Hearing at:

☐ Planning Commission

☒ County Council

*Attachments:*

☐ Approval Letters

☒ Site Plan

☐ Landscape Plan

☒ Vicinity Map

☐ Legal Notice

☐ Legal Description

☐ Public Comments

☐ Agency Comments

☐ Response to Standards

☐ Other: Click or tap here to enter text.

---

## SUMMARY OF REQUEST

The subject property is 127 acres located on the west side of N. Hwy. 191, just south of the Moab Giants Dinosaur Museum. The Seven Mile Park will be comprised of 60 RV sites located on roughly 12 acres.

## SITE IMPROVEMENTS / ADDITIONS / CHANGES

The County maintains the Gemini Bridges Road, and UDOT plans to add a deceleration lane to the southbound side of Hwy. 191 (right-turn into property) in approximately one to two years. Applicant will provide water and sewer facilities as per the Southeastern Utah Health Inspector's approval. The Applicant will improve road surfaces interior to the project and ensure emergency vehicle access. No electricity will be provided. In general, the proposed campground will formalize and improve long-standing unauthorized camping in the vicinity.

## CONSIDERATIONS FOR APPROVAL, DENIAL, AND/OR POSTPONEMENT

### 3.2.3 Commercial Use Standards L. Recreational Vehicle/Travel Trailer Park

Recreational vehicle/ travel trailer parks shall comply with the following standards

1. Each space may be occupied only by persons using travel trailers, truck campers, small cabins (traditional KOA-style), and tents for overnight, short duration, or seasonal camping;
2. Each space RV/travel trailer space shall be at least 1200 square feet in area;  
*Confirmed*
3. Each cabin or tent space shall be at least 800 square feet in area;  
*No cabin or tent spaces are confirmed*
4. Each space shall be at least 30 feet in width;  
*Confirmed*
5. Each park shall be served by public water and sewer facilities;  
*The public water and sewer system will include a series of portable toilets, RV dump stations, potable water tanks, and water taps. The Southeastern Utah Health Inspector has provided verbal approval of the public water and sewer system, in general. At the time of writing this report, two minor design changes were being processed by the project engineer for resubmission to the Health Inspector. Final, written approval of the water and sewer system will be provided prior to County Council approval.*
6. No space shall be located more than 200 feet from a water and sewage service building;  
*Confirmed*
7. The County may require landscaping and screening pursuant to the provisions of Section 6.4, Landscaping and screening; and  
*The Applicant is not proposing and Staff is not recommending any landscaping or screening. It is understood that the proposed campground is improving long-standing unauthorized uses in the vicinity and addressing a growing issue of visitor use management in the Gemini Bridges area. Staff has worked closely with the Applicant for nearly two years to establish a formalized campground that can accommodate recreational vehicles that, to date, have utilized the Applicants' property in informal manners. Staff suggests the proposed solution is a beneficial outcome for Grand County residents and visitors.*
8. One (1) tree of a species suitable for the area shall be provided for each 2 spaces, and shall be located in close proximity to those spaces. (Existing trees on the site may be used to satisfy this requirement.)  
*Staff is recommending planning commission ignore this requirement given the soil quality and inaccessibility of irrigation water in the vicinity.*

### 9.11.6 Conditional Use Permit Considerations

#### A. Effect on Environment

The location, size, design and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property, nor cause substantial or permanent interference with the right to peaceful enjoyment of property.

*Staff anticipates an improvement/reduction of visitor use effects in the area due to the formal campground.*

#### B. Compatible with Surrounding Area

The proposed site plan, circulation plan and schematic architectural designs shall be complementary with the character of the surrounding area with relationship to scale, height, landscaping and screening, building coverage, and density.

*The proposed campground fits with the character of the vicinity. It is nearby and partially located within the North Corridor Recreation area in the general plan and nearby a handful of other campgrounds and recreational facilities, as well as the Moab Giants Dinosaur Museum.*

#### C. External Impacts Minimized

The proposed use shall not have negative impacts on existing uses in the area and in the county through the creation of noise, glare, fumes and odors, dust, smoke, vibration, fire hazard, excessive light, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to these impacts.

*The proposed campground will not exacerbate existing impacts of recreational use in the area, and is likely to improve/reduce visitor use effects in the area. It should not increase any visitor related impacts on the County.*

#### D. Infrastructure Impacts Minimized

The proposed use shall not have negative impacts on existing uses in the area and in the county through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.

*The proposed campground will create some additional vehicular impacts on Gemini Bridges Road. The County Engineer and Road Supervisor have reviewed the proposed plans and estimated average daily trips (ADTs) resulting from the campground and believe the current road standards suffice. The RV dump stations and portable toilets will create some additional impacts on the City of Moab's recently constructed wastewater treatment plant, but such impacts are considered minimal. Potable water take-outs from the culinary water system will increase, and vehicular trips for water and sewer trucks between the City of Moab and the proposed development will increase.*

#### E. Consistent with LUC and General Plan

The proposed use will be consistent with the purposes of this LUC, the General Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses otherwise permitted in the zone in which it is located.

*See next text box.*

#### F. Parcel Size

The proposed use may be required to have additional land area, in excess of the lot area otherwise allowed by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district.

*The Seven Mile Park will be comprised of 60 RV sites located on roughly 12 acres. Additional land is not needed to accommodate the proposed use.*

### **COMPATABILITY WITH GENERAL PLAN**

Staff believes the proposed campground is supported by the General Plan. Specifically, the following elements of the General Plan are noted:

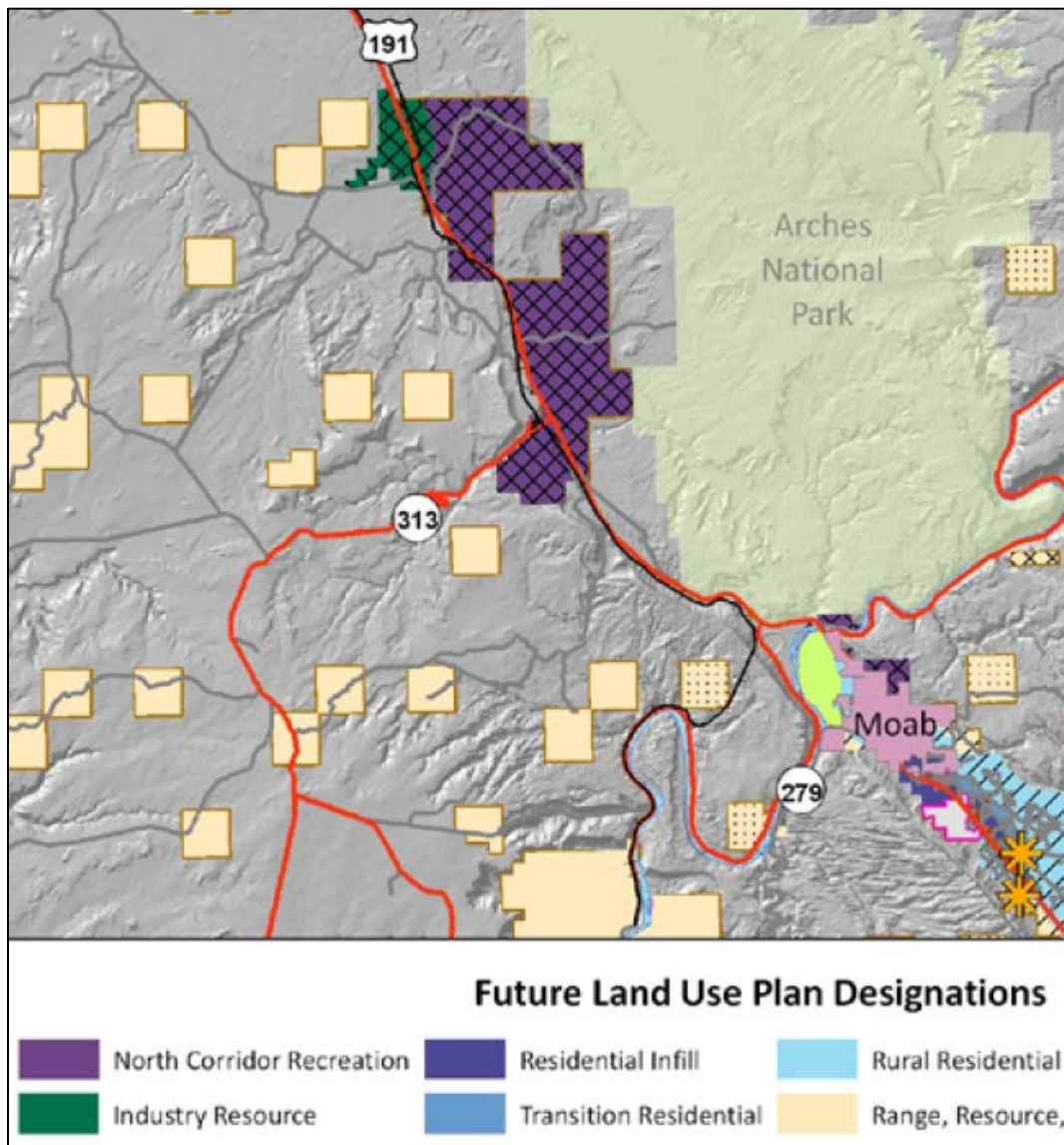
Chapter 3.2 (Vision: Recreation and Access), Goal 1, Strategy E - Encourage development proposals that include dedication of easements that maintain access through historic corridors and to public lands and connect to existing and planned trails.

Chapter 3.2 (Vision: Recreation and Access), Public Lands –

Campgrounds: Public Lands Policy 20. Encourage federal land agencies to continue to coordinate with the County on proposed campground development and expansion, specifically for areas within close proximity to Moab.

While the proposed campground isn't clearly or wholly located within the "North Corridor Recreation" polygon of the Future Land Use Map, it is very close and, in staff's opinion, clearly within a highly used recreation area. The Gemini Bridges road is a historic, public road that is heavily trafficked.





### COMPATABILITY WITH LAND USE CODE (ZONING)

The subject property was rezoned from Range and Grazing (RG) to Resort Special (RS) in 2017. Campgrounds are conditional uses within the RS zone. Staff has reviewed the subject application and finds it compliant with the pertinent Land Use Code.

### LAND USE CODE REFERENCE SECTIONS

Section 3.1 Use Table

Principal Uses by Zoning District														
Use Category	Specific Use	RESIDENTIAL					NONRESIDENTIAL							Use-Specific Standards
		SLR	LLR	RR	MFR	RG	NC	GB	RC	RS	HC	LI	HI	
Key: P = Permitted by right    C = Conditional Use Permit Required    ____ Not Permitted (Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively)														
Overnight Accommodations	Bed and breakfast					P		P	P	P	P			3.2.3D
	Dude ranch or destination resort					C								3.2.3F
	Hotel or motel						P	P	P	P	P			
	Recreational vehicle parks and campgrounds									C	C	C		3.2.3L
	Residential units used for overnight accommodation							P	P	P	P			3.2.3M
	All other overnight accommodation uses													4.6.4

Section 3.2.3L Recreational Vehicle Parks and Campgrounds (See Use Specific Standards Above)

Articles 5 and 6 related to Development Standards and Section 9.11 Conditional Use Permits.

The County Engineer and Road Supervisor have reviewed the proposed campground plans and find them in compliance with the County's standards. Stipulations related to road maintenance and emergency vehicle access have been incorporated into the site plans and operating policies. UDOT has provided approval for the project.

## PROPERTY HISTORY

The Gemini Bridges Road, which is a public right of way, crosses the subject property. This road is designated under a RS-2477 claim. The Road Supervisor has included stipulations indemnifying the County from making any improvements to Gemini Bridges Road as a result of the proposed development. The Applicant is maintaining a 44 foot wide ROW with a 24' surface width from Hwy. 191 to the connection with Gemini Bridges Rd. A Union Pacific railroad line also crosses the subject property. An easement granted by the property owner to Union Pacific governs the access and maintenance of this railroad line. The County's conditional use approval in no way addresses or modifies this easement, and the County will not be held liable for any legal issues that arise between the property owner and easement owner.

Exploration of a formal campground development emerged a couple years back when the Applicant was compelled to formalize parking and waste management at the Gemini Bridges Rd. turnoff. Visitor use was increasing exponentially, but the lack of a formal campground created challenging management issues for the property owners. Staff supports this application because it will clean-up and formalize long-standing unauthorized uses in the vicinity.



## CONDITIONAL USE APPLICATION

Grand County Courthouse: 125 E. Center St. Moab, UT 84532; Phone: (435)259-1343

### FOR OFFICE USE ONLY

Date of Submittal: \_\_\_\_\_ Conditional Use Processing Fees: **\$550.00**  
Submittal Received by: \_\_\_\_\_ Amount Paid: \_\_\_\_\_ Fees Received by: \_\_\_\_\_

### CONTACT INFORMATION

**Property owner:** Lily ANN Balsley and Tracy BALSLEY  
**Address:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_ **cell:** \_\_\_\_\_  
**fax:** \_\_\_\_\_  
**Email address:** Lily ANN. Balsley @ GMAIL.COM

**Engineer:** ANDERSON ENGINEERING INC.  
**Address:** 5520 SOURDOUGH RD. BOZEMAN, MT 59715  
**Phone:** 406.925.0590 **cell:** SAME **fax:** \_\_\_\_\_  
**Email address:** bill@ANDERSONMONTANA.COM

**Property owner representative:** TRACY BALSLEY  
**Address:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_ **cell:** \_\_\_\_\_ **fax:** \_\_\_\_\_  
**Email address:** \_\_\_\_\_

### PROJECT INFORMATION

**Project name:** SEVEN MILE PARK LLC  
**General location of the property:** MM 135.4 Hwy 191 MOAB, UT 84532  
**Size of the subject property:** 127 acres  
**Current Zoning:** RESORT SPECIAL district

### REQUIRED SIGNATURES (or attach letter of approval by the agency)

- Agency will review for ability to serve the lots and adequate existing and future easements.

✗ Moab Valley Fire Department \_\_\_\_\_  
✗ Grand County Road Supervisor or UDOT \_\_\_\_\_




Grand Water and Sewer Service Agency \_\_\_\_\_  
Rocky Mountain Power \_\_\_\_\_  
FEMA Floodplain Adm. \_\_\_\_\_ (provide map of site)

## SUBMITTAL REQUIREMENTS

Conditional Use Permit applications shall contain, at a minimum, the following supporting materials through the approval process according to the following submittal schedule:

1. **APPLICATION SUBMISSION.** Two complete sets of all supporting materials shall be submitted with this application. These complete sets should include one large (24" x 36") set as well as one electronic copy. If the plans are not approved as submitted, two corrected large sets of plans, one small set of plans, and one electronic copy of plans shall be submitted that comply with the Zoning Administrator's approval.
2. **PRIOR TO MEETING.** Revised sets of plans shall be submitted prior to the application being placed on a Planning Commission /County Council meeting. (Check with Planning Department)
3. **POST MEETING.** If the revised sets of plans are not approved as submitted two corrected sets of plans shall be submitted that comply with the Planning Commission's approval.

 **Site Plan (& Survey if applicable).** The applicant shall submit a site plan (and certified survey if applicable) of the proposed land area. The site plan shall require, at a minimum, the following information:

1. Subject land area acreage;
2. Adjacent uses and predominant uses in the vicinity;
3. Existing zoning designation within 100 feet of the exterior boundary of the parcel;
4. Drives, streets, and rights-of-way; (LUC Sec. 6.2)
5. Easements;
6. Landscaping and screening; (LUC Sec. 6.4)
7. Location and dimensions of structures and signs; (LUC sign regulation Sec. 6.5)
8. Typical elevations of such buildings;
9. Access ways, including points of ingress, egress;
10. Topography; and
11. Specific areas proposed for specific types of land use.

Additional Information required for Site Plan review if there is new construction or occupancy changes.

1. Parking; (LUC Sec. 6.1)
2. Sidewalks and trails;
3. Fences and walls; (LUC Sec. 6.3)
4. Location and type of lighting; (LUC Sec. 6.6)
5. Building elevations;
6. Any areas in a natural drainage or the 100 year floodplain; (\*LUC Sec. 6.7 and 6.8)
7. Any areas with slopes in excess of 30 percent;
8. Existing and proposed easements, areas proposed for public dedication.
9. Compatibility Standards (LUC Sec.6.10)

\*A drainage plan shall be required if proposing installation of more than 7,000 square feet of impervious area.



☒ **Applicant Statement.** A written statement by the Applicant explaining the rationale for the conditional use request relative to the Conditional Use Criteria imposed by Sec 9.11.6, Grand County LUC and the Use Specific standards for the proposed use. In making its determination, the County Council shall consider the recommendation of the Planning Commission, staff reports, and the written and oral testimony presented, and the following criteria:

**Sec. 9.11.6 Conditional Use Criteria:**

**A. Effect on Environment**

The location, size, design and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property, nor cause substantial or permanent interference with the right to peaceful enjoyment of property.

**B. Compatible with Surrounding Area**

The proposed site plan, circulation plan and schematic architectural designs shall be complementary with the character of the surrounding area with relationship to scale, height, landscaping and screening, building coverage, and density.

**C. External Impacts Minimized**

The proposed use shall not have negative impacts on existing uses in the area and in the county through the creation of noise, glare, fumes and odors, dust, smoke, vibration, fire hazard, excessive light, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to these impacts.

**D. Infrastructure Impacts Minimized**

The proposed use shall not have negative impacts on existing uses in the area and in the county through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.

**E. Consistent with LUC and General Plan**

The proposed use will be consistent with the purposes of this LUC, the General Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses otherwise permitted in the zone in which it is located.

**F. Parcel Size**

The proposed use may be required to have additional land area, in excess of the lot area otherwise allowed by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district.

☒ **Use-specific Standards.** Check with the Planning Office for information regarding the use specific standards required for the proposed use you are requesting.

☒ **Title Report.** A preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property, and of the preliminary plat.

☒ **Posting.** The applicant is responsible for posting a sign noticing the public hearings (please see attached for a reduced size template and requirements). The applicant is responsible for wind and water proofing the sign as well as placing it in a prominent place on the land area proposed for subdivision with a notice of the hearing at least 10 days prior to the public hearings.

☒ **Application Fee.** The process / filing fee of \$550.00 shall be paid in full – additional engineer fees may apply.

☒ **Operating Data & Evaluation.** Any and all information, operating data and expert evaluation necessary to clearly explain the location, function and characteristics of any building or use proposed;

**APPLICANT CERTIFICATION**

I certify under penalty of perjury that this application and all information submitted as a part of this application are true, complete and accurate to the best of my knowledge. I certify that if I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me with respect to this application. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Grand County may rescind any approval, or take any other legal or appropriate action. I also acknowledge that I have reviewed the applicable sections of the Grand County Land Use Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses. Additionally, I have reviewed and understand the section from the Consolidated Fee Schedule and hereby agree to comply with this resolution. I also agree to allow the Staff, or County appointed agent(s) of the County to enter the subject property to make any necessary inspections thereof.

Property Owner's Signature: Lyle Ann Baldrey / Tracy Baldrey Date: 9/28/18

# THE SLOAN LAW FIRM, PLLC

Christina R. Sloan  
sloan@thesloanlawfirm.com  
www.thesloanlawfirm.com  
\* licensed in UT and CO

76 S. Main Street, Ste. 1  
Moab, UT 84532  
435.259.9940

September 28, 2018

Zacharia Levine  
Community and Economic  
Development Director  
125 E. Center Street  
Moab, Utah 84532

## ***Re. RV Park CUP Application – Seven Mile Park (13543 N. Hwy 191, Moab)***

Dear Zacharia,

On behalf of my clients, the Balsley Family, please find enclosed a Conditional Use Application for a 60-site RV Park on 127 acres of real property zoned Resort Special and known as 13543 N. Highway 191, Moab, Utah 84532 (Parcel Nos. 04-0020-0045 and 04-0020-0064). The Application is comprised of the following:

1. Applicant Statement (below);
2. Application fee for \$550.00;
3. Conditional Use Application;
4. Legal descriptions of both subject properties;
5. Tax Parcel Records for both subject properties;
6. Title Report from AO Title for both subject properties;
7. Site Plan, Topo Map, and Engineering Plans from Anderson Engineering, Inc. (plus two 11x17" copies);
8. June 8, 2018 letter from Orion Rogers (Health Dept) re. soils testing;
9. December 20, 2017 email from Kurt McFarlane (UDOT) re. access approval;
10. September 24, 2018 Project Notification Form and Variance Request for the Seven Mile Park Water System, which system DDW assigned No. 10046; and
11. September 20, 1962 Railroad Easement.

The primary access into the Seven Mile Park will be on the existing dirt road known as Gemini Bridges Road, which crosses through the deeded Railroad Easement referenced above now owned by the Union Pacific Railroad ("RR"). Please note that because the access from Highway 191 is existing, no further UDOT access permits are required. Also, as we have discussed, the RR has recently declined to participate in discussions regarding how and if the RR wants or will upgrade the RR crossing located between Seven Mile Park and Highway 191 on Applicant's property. I have five unreturned emails and voicemails in to Lance Kippen on this matter.

Regardless, this issue should not delay County action on the CUP Application. Pursuant to the express terms of the RR Easement, as consideration of the original easement grant to the RR, the RR promised “permanent access” to Grantor and “other interested parties” across the RR Easement via a crossing to be provided by the RR. Under long-standing principles governing contract interpretation, we must give intent to this broad and expressly non-exclusive language in the RR Easement. By 1962, Gemini Bridges Road was already a primary route for travelers, jeepers, and miners. Thus, the Parties both intended to protect existing uses of the road at the time of conveyance as well as protect Grantors rights to develop their Property.

Of course, in the last 60 years, many millions of people have and do access the now-popular Gemini Bridges area for year-round recreation over and through the RR crossing. And, the Seven Mile Park has no real impact on traffic trips over the Gemini Bridges Road. In fact, the Seven Mile Park grew out of a need to control the dozens of people that were illegally camping on Applicant’s property, the surrounding private property, and BLM land every weekend in the busy seasons, on their way to the Gemini Bridges area. Thus, while this CUP Application may be a trigger for reviewing the crossing, the cost to improve it cannot be saddled on the Applicants. If the County were to deny the Seven Mile Park, it would not reduce the number of people driving across the RR crossing or using the Gemini Bridges Road.

**Applicant Statement:**

A. Effect on Environment. The subject property is 127 acres located on the west side of N. Hwy 191, just south of the Moab Giants Dinosaur Museum. The Seven Mile Park will disturb only a small area of the subject properties, and the visual impact to surrounding neighbors is minimal compared to the nearby Dinosaur Museum. In addition, Applicants have worked with the County and the Division of Drinking Water to minimize water waste by consolidating water supply to three central water taps and one central waste dump station. Thus, the proposed use will have little to no impact on the environment.

B. Compatibility with Surrounding Area. The Seven Mile Park will be comprised of 60 RV sites. Thus, there are no architectural, scale, or height concerns with the proposed use. In addition, most of the surrounding land on all sides is BLM land, which has been historically used for dispersed camping. Thus, the proposed use is compatible with the current and historical use and character of the surrounding area.

C. External Impacts. Not only will the Seven Mile Park not create external negative impacts, the Seven Mile Park grew out of a desire to address existing negative impacts occurring on Applicants’ property and adjacent lands: namely, illegal camping and dumping (of trash and human waste). By providing folks with a legal camping area, with water and sewage facilities, the Seven Mile Park will address current impacts associated with recreational use of this popular area.

D. Infrastructure Impacts. The County already maintains the Gemini Bridges Road, and UDOT plans to add a turning lane to Gemini Bridges Road in approximately one to two years. In addition, Applicants will provide water and sewage facilities. Thus, the Seven Mile Park will have no negative impacts on existing public infrastructure.



E. Consistency with the LUC and General Plan. The property is zoned Resort Special, which zoning supports the proposed use. In addition, the proposed use supports further development of the Northern Recreation Corridor along Highway 191, as envisioned by the General Plan. Thus, the proposed use is consistent with the LUC and General Plan.

F. Parcel Size. The subject properties total 127 acres in size, of which the Seven Mile Park will use and disturb only a small area, leaving sufficient property for parking, buffering, drainage, water storage, and drain fields.

Please let me know if you have any concerns or need additional documentation from the Balsley Family to move forward on this Application. Thank you for your consideration.

Sincerely,

THE SLOAN LAW FIRM, PLLC

A handwritten signature in dark ink, appearing to read 'Christina R. Sloan', written over a horizontal line.

Christina R. Sloan

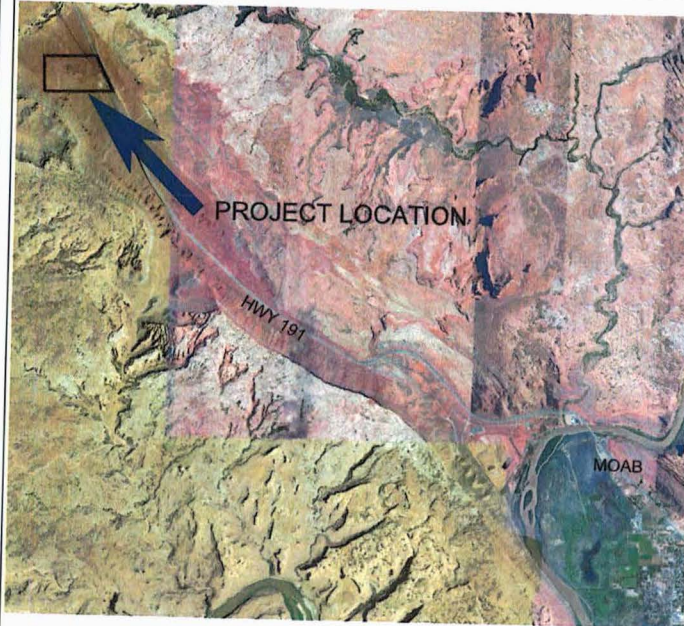
CRS/  
cc: Balsley Family  
Bill Anderson  
Enclosures

# Final Design Approval

## SEVEN MILE PARK MOAB, UTAH

SEUHD

6/10/19  
DATE



VICINITY MAP  
SCALE: NTS

### SHEET INDEX

COVER SHEET	C-001
LANDOWNERSHIP MAP	C-101
SITE PLAN	C-102
TOPOGRAPHY	C-103
WATER SUPPLY CISTERNS	C-104
RV DUMP STATION	C-105-107
DRAINFIELD, SEPTIC TANKS	C-108A & B

PWS #10046, File # 11318

#### GENERAL NOTES

1. ALL ITEMS LISTED IN THESE NOTES ARE INCIDENTAL TO THE PROJECT AND WILL NOT BE PAID FOR SEPARATELY UNLESS NOTED AND/OR A SPECIFIC ITEM IS LISTED IN THE BID TABULATION.
2. THE CONTRACTOR SHALL HAVE IN HIS POSSESSION AT ALL TIMES ONE (1) SIGNED COPY OF PLANS AND SPECIFICATIONS WHICH HAVE BEEN APPROVED BY THE APPROPRIATE AGENCIES.
3. ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE APPLICABLE STANDARDS (SEE LIST BELOW). THE CONTRACTOR MUST HAVE A COPY OF THESE DOCUMENTS ON SITE AT ALL TIMES. WHEN REQUIREMENTS IN THE DRAWINGS AND THE APPLICABLE STANDARDS CONFLICT THE MORE STRINGENT REQUIREMENT SHALL APPLY.
4. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS PRIOR TO THE COMMENCEMENT OF ANY WORK ON THE PROJECT AND/OR WORK IN THE PUBLIC RIGHT-OF-WAY.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE OWNER/DEVELOPER OF ANY PROBLEMS IN CONFORMING TO THE APPROVED PLANS FOR ANY ELEMENT OF THE PROPOSED IMPROVEMENTS PRIOR TO ITS CONSTRUCTION.
6. THE DEVELOPER SHALL BE RESPONSIBLE FOR RESOLVING CONSTRUCTION PROBLEMS THAT ARISE DURING CONSTRUCTION ACTIVITIES DUE TO CHANGED CONDITIONS OR DESIGN ERRORS ENCOUNTERED BY THE CONTRACTOR DURING THE PROGRESS OF ANY PORTION OF THE PROPOSED WORK. IF IN THE OPINION OF AN AGENCY INSPECTOR OR THE OWNER'S REPRESENTATIVES, THE MODIFICATIONS TO THE APPROVED PLANS PROPOSED BY THE DEVELOPER INVOLVE SIGNIFICANT CHANGES TO THE CHARACTER OF THE WORK OR TO FUTURE CONTIGUOUS PUBLIC OR PRIVATE IMPROVEMENTS, THE DEVELOPER SHALL BE RESPONSIBLE FOR SUBMITTING REVISED PLANS TO THE APPROPRIATE AGENCIES FOR APPROVAL PRIOR TO ANY FURTHER CONSTRUCTION RELATED TO THAT PORTION OF THE WORK.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PREPARING PROJECT "RECORD DRAWINGS" PER THE APPLICABLE STANDARDS (SEE LIST BELOW). THE CONTRACTOR SHALL ALSO PROVIDE ONE (1) COPY EACH TO THE OWNER, ENGINEER, AND ANY OTHER APPROPRIATE AGENCIES PRIOR TO FINAL ACCEPTANCE OF THE WORK.
8. THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS AT AND ADJACENT TO THE JOB SITE INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.
9. SURVEY INFORMATION IS PROVIDED BY RED DESERT LAND SURVEYING. THE VERTICAL DATUM IS STATE PLANE NAD 83. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL INFORMATION/LOCATIONS IDENTIFIED ON THESE PLANS PRIOR TO CONSTRUCTION.

#### INCIDENTAL DAMAGE

10. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY PUBLIC OR PRIVATE IMPROVEMENTS, IN KIND, THAT WERE REMOVED OR DAMAGED DURING CONSTRUCTION INCLUDING BUT NOT LIMITED TO: RESIDENTIAL SERVICES, SIGNS, WATER LINES, SEWER LINES, STORM DRAINS, ETC.
11. THE CONTRACTOR SHALL REPAIR OR REPLACE EXISTING LANDSCAPING, IN KIND, THAT WAS REMOVED OR DAMAGED DURING CONSTRUCTION. THE CONTRACTOR SHALL GUARANTEE SAID LANDSCAPING FOR ONE YEAR (1) AFTER THE FINAL ACCEPTANCE OF THE CONSTRUCTION.
12. THE CONTRACTOR SHALL RESET ALL SURVEY MONUMENTS DISTURBED DURING CONSTRUCTION WITHIN 60 DAYS OF PROJECT COMPLETION.
13. ANY CONSTRUCTION DEBRIS OR MUD TRACKING IN THE PUBLIC RIGHT-OF-WAY SHALL BE REMOVED IMMEDIATELY BY THE CONTRACTOR.
14. THE CONTRACTOR SHALL FIX ANY DAMAGE OR EXCESSIVE PAVEMENT FAILURES OUTSIDE OF THE PROJECT LIMITS CAUSED BY PROJECT CONSTRUCTION AND SHALL PROPERLY BARRICADE THE AFFECTED AREA UNTIL NECESSARY REPAIRS ARE COMPLETE. FAILURE BY THE CONTRACTOR TO CORRECT ANY OF THE ABOVE CONDITIONS WITHIN PUBLIC RIGHTS-OF-WAY WITHIN 48 HOURS OF WRITTEN NOTICE BY THE INSPECTING AGENCY SHALL CAUSE THE INSPECTING AGENCY TO ISSUE A STOP WORK ORDER. AT THIS TIME, THE AGENCY MAY PERFORM THE CORRECTIVE WORK AND MAKE A CLAIM AGAINST THE ESCROW BOND FOR ANY COST INCURRED BY THE AGENCY.

#### INSPECTIONS AND MATERIAL TESTING:

15. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH THE APPROVING AGENCIES, AGENCY INSPECTORS, AND OWNER'S REPRESENTATIVES REGARDING MATERIAL TESTING AND INSPECTION PROCEDURES. ANY REQUIRED RE-TESTING, RE-WORK, OR DELAYS RESULTING FROM THE FAILURE OF THE CONTRACTOR TO FOLLOW THE APPROPRIATE PROCEDURES SHALL BE AT THE CONTRACTOR'S EXPENSE.
16. THE DUTY OF THE AGENCY REPRESENTATIVES, OWNER, OR OWNER'S REPRESENTATIVES TO CONDUCT CONSTRUCTION REVIEW OF THE CONTRACTOR'S PERFORMANCE IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTOR'S SAFETY MEASURES IN, ON, OR NEAR THE CONSTRUCTION SITE.

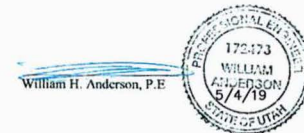
#### ROADWAY RECONSTRUCTION:

17. CONTRACTOR SHALL ADJUST RIMS OF ALL CLEANOUTS, MANHOLES, VALVE COVERS, AND SURVEY MONUMENTS TO FINISH GRADE PRIOR TO FINAL MATERIAL PLACEMENT.
18. THE CONTRACTOR SHALL PROVIDE ALL LIGHTS, SIGNS, BARRICADES, FLAGMEN OR OTHER DEVICES NECESSARY TO PROVED FOR PUBLIC SAFETY IN ACCORDANCE WITH THE CURRENT MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
19. A WATER TRUCK, IF CALLED FOR BY AN AGENCY INSPECTOR OR OWNER'S REPRESENTATIVE, WILL BE PROVIDED TO KEEP WIND EROSION IN CHECK.
20. ANY SETTLEMENT OR SOIL ACCUMULATION BEYOND THE PROPERTY LIMITS DUE TO GRADING OR EROSION SHALL BE REPAIRED IMMEDIATELY BY THE CONTRACTOR.

#### UTILITIES:

21. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH UTILITY PROVIDERS AND APPROVING AGENCIES FOR ANY PLANNED INTERRUPTION OF UTILITY SERVICES SUCH AS ELECTRICAL, TELEPHONE, WATER, SEWER, GAS, ETC.
22. THE CONTRACTOR SHALL PROVIDE TRENCH BACKFILL MATERIAL AND COMPACTION OF BACKFILL STANDARDS. IF IN THE OPINION OF THE AGENCY OR OWNER'S REPRESENTATIVE THE EXCAVATED MATERIAL IS NOT SATISFACTORY FOR USE AS BACKFILL. THE CONTRACTOR SHALL PROVIDE 1" AGGREGATE BASE COURSE (ABC) MATERIAL FOR TRENCH BACKFILL. THE CONTRACTOR SHALL PROVIDE A UNIT PRICE FOR CUBIC YARDS OF 1" ABC WITH THEIR BID.
23. CONTRACTOR SHALL CONTACT THE APPROPRIATE AGENCIES FOR THE LOCATION OF UNDERGROUND GAS, ELECTRIC, TELEPHONE, FIBER OPTIC, CABLE TV, AND ANY OTHER PUBLIC OR PRIVATE UTILITIES AT LEAST TWO (2) FULL BUSINESS DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
24. EXISTING UTILITY LOCATIONS AND DEPTHS SHOWN ON THESE PLANS ARE APPROXIMATE AND ALL EXISTING MAY NOT BE SHOWN. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING CROSSINGS AND DEPTHS PRIOR TO CONSTRUCTION.

APPROVING AGENCIES: Southeastern District Health, Utah DDW, and Utah DWQ  
 APPLICABLE STANDARDS: 2012 INTERNATIONAL BUILDING CODE, UTAH UNIFORM STANDARDS  
 SPECIFICATIONS AND DETAILS FOR PUBLIC WORKS CONSTRUCTION  
 INSPECTING AGENCIES: GRAND COUNTY BUILDING DEPARTMENT, DDW, SOUTHEASTERN HEALTH DEPARTMENT



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SHEET  
C-001



SEVEN MILE PARK  
GRAND COUNTY, UTAH  
SECTION 2, T25S, R20E  
COVER SHEET

Date: 08/08/18  
 Drawn By: MS  
 Checked By: WHA  
 Revisions:





# Final Design Approval

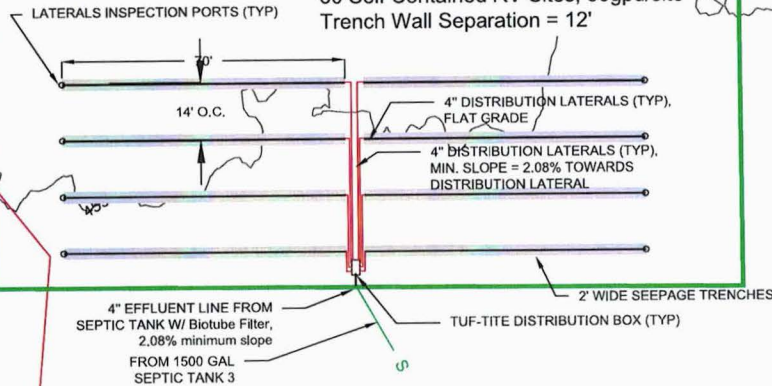
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DATE

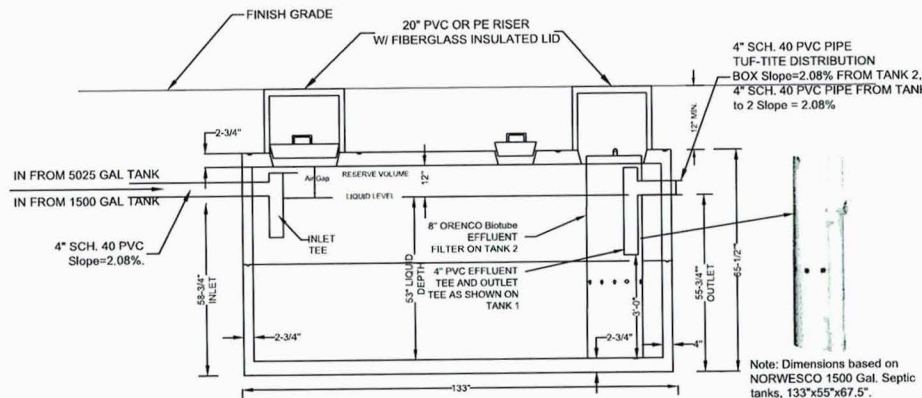
## DEEP WALL TRENCH:

Application Rate = 3000gpd  
Hydraulic Loading 0.7 gal/ft<sup>2</sup>/day  
4' Walls = 8'  
Number of 70' laterals = 8  
Volume of gravel materials = 210 C.Y.  
60 Self Contained RV Sites, 50gpd/site  
Trench Wall Separation = 12'

DRAINFIELD REPLACEMENT AREA



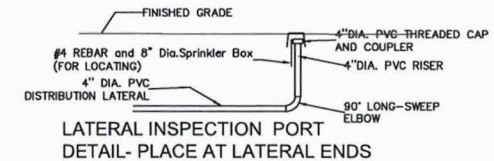
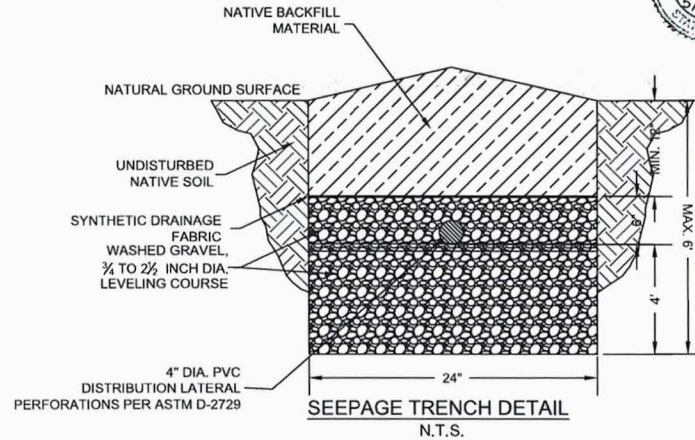
GRAVITY DISPOSAL AREA  
SCALE: 1"=30'



SEPTIC TANKS  
N.T.S.

Donald Butler, 00425-OSP-2  
1/27/2019

William H. Anderson, P.E.



## DISPOSAL AREA NOTES:

- ALL DRAINFIELD PIPING SHALL BE SCHEDULE 40 PVC.
- THE BOTTOM OF THE TRENCH SHALL BE UNIFORMLY GRADED FLAT.
- THERE SHALL BE AT LEAST 12 FEET OF UNDISTURBED SOIL BETWEEN TRENCHES.
- TRENCH EXCAVATION SHALL BE MADE WITH BUCKET EQUIPMENT HAVING SIDE CUTTERS OR RAKER TEETH.
- TUF-TITE DISTRIBUTION BOX IS TO BE SET ABOVE THE HIGHEST LATERAL ELEVATION. EACH LATERAL SHALL HAVE A TUF-TITE SPEED LEVELER TO ADJUST ADJUST EQUAL FLOW TO LATERALS.
- PROVIDE AT LEAST 4 FEET OF UNDISTURBED SOIL BETWEEN THE BOTTOM OF THE TRENCH AND THE SEASONAL HIGH GROUND WATER/BEDROCK.



Tuf-Tite, Inc.  
CONSTRUCTION PRODUCTS  
1200 FLEX COURT  
LAKE ZURICH, IL 60047  
800-382-7009  
847-550-1011  
847-550-8004  
[www.tuf.tite.com/d-boxes.html](http://www.tuf.tite.com/d-boxes.html)

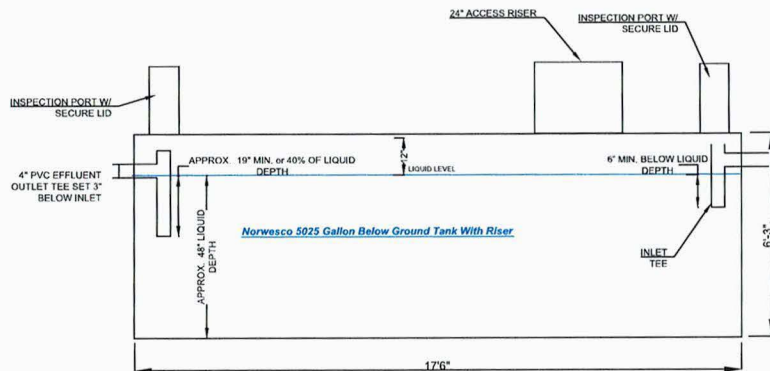
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C-108A

ANDERSON  
ENGINEERING, INC.  
5500 S. State Street, Suite 200, Salt Lake City, UT 84118  
(801) 487-1011

SEVEN MILE PARK  
GRAND COUNTY, UTAH  
SECTION 2, T25S, R20E  
DRAINFIELD

Date: 08/08/18  
Drawn By: MS  
Checked By: WHA  
Revisions:  
Seepage Trench  
Septic Tank Loc.

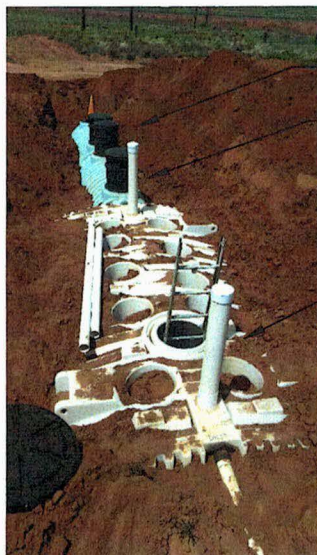




- Notes:
- 1) Inlet and outlet of all septic tanks shall be plainly marked as "IN" or "OUT" respectively. (see R317-4-14, Appendix A.1.2.A.3.)
  - 2) An inlet baffle or sanitary tee... is to penetrate at least 6 inches below the liquid level, but the penetration is not to be greater than that allowed for the outlet device" (see R317-4-14, Appendix A.1.3.C.1.); and
  - 3) Outlet baffles or sanitary tees shall extend below the liquid surface a distance equal to approximately 40% of the liquid depth" (see R317-4-14, Appendix A.1.3.C.2.).

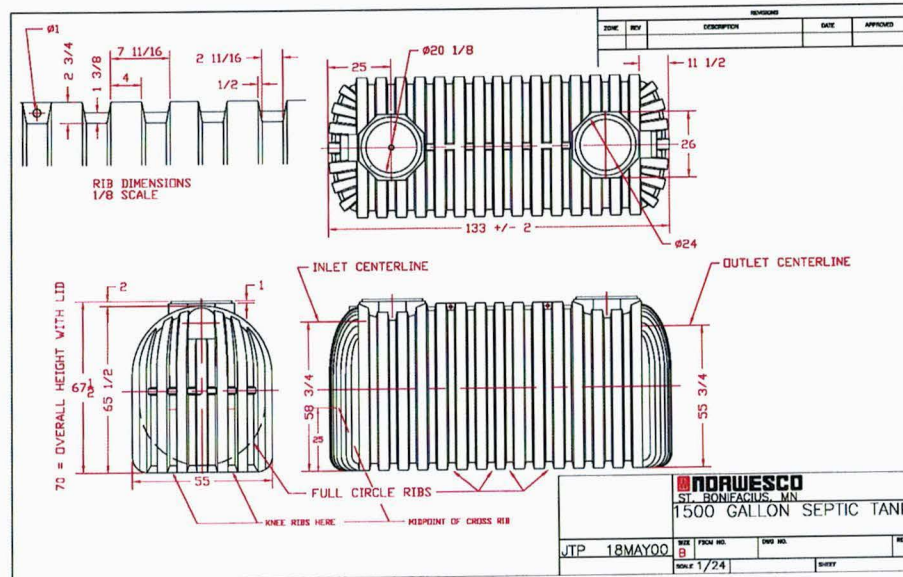


NORWESCO SEPTIC TANK SKETCH PLAN  
(NTS)



SEPTIC TANKS  
N.T.S.

Donald Butler, 00425-OSP-2  
5/4/2019



Final Design Approval

*[Signature]*  
SEUHD

6/10/19  
DATE

SHEET

C-108B



SEVEN MILE PARK  
GRAND COUNTY, UTAH  
SECTION 2, T25S, R20E  
DRAINFIELD

Date: 08/08/18  
Drawn By: MS  
Checked By: WHA  
Revisions:  
Seepage Trench  
Septic Tank Loc.

## Schedule A

File No.: 59,492-G

(PR ONLY \$450.00)

Reference File Number/Order Number:

1. Effective Date: June 2, 2017 @ 8:00 A.M.

2. Policy (or Policies) to be issued: N/A

Policy Amount

Policy Fee

a. ALTA Standard Owner's Policy of Title Insurance

\$TBD

\$TBD

Proposed Insured: N/A

b. ALTA Loan Policy of Title Insurance

\$TBD

\$TBD

Proposed Insured: N/A

c. Endorsements Alta 8.1-06, Alta 9-06, Alta 22-06

\$ N/A

3. Title to the fee simple surface estate or interest in the land is at the Effective Date vested in:

**Parcel 1**

**LILY ANN BALSLEY AND TRACY BALSLEY, as joint tenants**

**Parcel 2**

**LILY ANN BALSLEY, individually, as to an undivided 59.12%**

**LILY ANN BALSLEY, as Trustee of THE BALSLEY FAMILY TRUST, created under the  
Last Will and Testament of Thomas Howard Balsley aka Thomas H. Balsley, dated May 6, 2000,  
as to an undivided 40.88%**

4. The land referred to in this Commitment is situated in the State of Utah, County of Grand and is described as follows:

**SEE EXHIBIT "A"**



**EXHIBIT "A"**

**PARCEL 1:**

**NE1/4SW1/4, SECTION 2, T25S, R20E, SLBM, GRAND COUNTY, UTAH.**

**EXCEPTING** therefrom all coal and other minerals, that have been previously reserved or transferred in prior documents.

**TOGETHER WITH THE FOLLOWING EASEMENT ESTATE:**

**A perpetual right-of way from U.S. Highway No. 160, 50 feet in width over the existing right-of way, crossing the D&RGW Railroad right of way, thence due west to the 40 acres above conveyed, as disclosed in the Warranty Deed, recorded July 21, 2000 in Book 550 at page 427 as entry no. 451799.**

**ALSO: A right-of way for a railroad spur from the existing railroad to the land hereby conveyed 100 feet in width over the NW1/4SE1/4, Section 2, T25S, R20E, SLBM, which right-of-way shall be more accurately described as soon as the railroad agrees on its location.**

**PARCEL 2:**

**THE SOUTHERLY 1/2 OF LOTS 13 AND 14, THAT PORTION OF LOT 15 LYING EASTERLY OF UTAH DEPARTMENT OF TRANSPORTATION HIGHWAY 191 RIGHT OF WAY, THE NW1/4SE1/4, ALL IN SECTION 2, T25S, R20E, SLBM, GRAND COUNTY, UTAH.**

**LESS ANY PORTION WITHIN STATE HIGHWAY 191.**

**EXCEPTING** therefrom all coal and other minerals, that have been previously reserved or transferred in prior documents.

**TOGETHER WITH THE FOLLOWING EASEMENT ESTATE:**

**A non-exclusive right of way 20 feet in width for a water line, the centerline of which is the water line existing in place across the northerly and westerly sides of Lot 12 and the northerly 1/2 of Lot 13, Section 2, T25S, R20E, SLBM and for access to the Grantees' well situate on said Lot 12, including the right to access the same in order to maintain, repair and replace the water line and well, as disclosed in the Referees' Deed, recorded April 13, 2009 in Book 746 at page 638 as entry no. 491216.**

**ALSO: A non-exclusive easement 100 foot by 100 foot centered at and for Grantees' well in place on Lot 12, Section 2, T25S, R20E, SLBM, for the purpose of which shall be to permit Grantees' to maintain, repair and replace said well, and to exercise Grantees' water rights in connection with said well to the greatest extent permitted by law.**

# Schedule BI

File No.: 59,492-G

## REQUIREMENTS

The following requirements must be satisfied: N/A

1. Payment of the necessary consideration for the estate or interest to be insured.
2. Pay all premiums, fees and charges for the policy.
3. Documents creating the estate or interest to be insured, must be properly executed, delivered and recorded.
4. Payment of all taxes and/or assessments levied against the subject premises which are due and payable.
5. **The owner and any previous owners within the last 6 months are required to sign a statement that no recent construction has taken place. A physical inspection may also be required. If recent construction has taken place, additional requirements may be added.**
6. Release(s) or Reconveyance(s) of item(s):



# Schedule BII

File No.: 59,492-G

## EXCEPTIONS

The policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company: N/A

1. The Lien of Real Estate Taxes or assessments imposed on the title by a governmental authority that are not shown as existing Liens in the Records of any taxing authority that levies taxes or assessments on real property or in the Public Records.
2. Any facts, rights, interests, or claims that are not shown in the Public Records but that could be ascertained by an inspection of the Land or by making inquiry of persons in possession of the Land.
3. Easements, claims of easement or encumbrances that are not shown in the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the Land and not shown in the Public Records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien or right to a lien for services, labor or material theretofore or hereafter furnished, imposed by law and not shown in the Public Records.

**PARCEL 1:**

Taxes for the year 2017 now accumulating not yet due plus any other assessments including but not limited to Special Service Districts and Personal property taxes. Claim, right, title or interest to water or water rights whether or not shown by the public records. Taxes for the year 2016 were paid in the amount of \$101.29. The 2017 Personal Property taxes were paid in the amount of \$21.86 on tax # HT-04-0034.

Tax Parcel Number: **04-0020-0045**

7. Said land is located within the boundaries of Grand County and may be subject to taxes or assessments levied by said District.
8. Any rights, title or interests in coal, oil, gas and minerals of any kind, together with any associated rights to mine or remove said minerals. The Title Company does not purport to disclose documents of record pertaining to the above referenced rights however, the following was found of record: Any claim, right, title or interest under the Reservation of all coal and other minerals as reserved by the State of Utah in the Patent, recorded November 16, 1955 in Book 3H at page 251 as entry no. 272466. Title Company has not verified the vested current owner of this severed interest.
9. Ditches, canals, easements, rights of way or fence lines that may be established upon said land.
10. Access for ingress and egress for land in Section 2, T25S, R20E, SLBM, is subject to the terms and conditions of a Right of Way Contract, by and between Howard W. Balsley, Anna R. Rath, Rosemary Rath Carson, Beth Elaine Rath Bell, Nancy Carolyn Rath, August F. Rath and The Denver and Rio Grande Western Railroad Company, recorded September 20, 1962 in Book 112 at page 182 as entry no. 299330.
11. Terms and conditions of a Transmission Line Easement in favor of Utah Power & Light Company, recorded September 2, 1970 in Book 186 at page 236 as entry no. 335644.

**PARCEL 2:**

12. Taxes for the year 2017 now accumulating not yet due plus any other assessments including but not limited to Special Service Districts and Personal property taxes. Claim, right, title or interest to water or water rights whether or not shown by the public records. Taxes for the year 2016 were paid in the amount of \$145.92.

Tax Parcel Number: **04-0020-0064**

13. Said land is located within the boundaries of Grand County and may be subject to taxes or assessments levied by said District.
14. Any rights, title or interests in coal, oil, gas and minerals of any kind, together with any associated rights to mine or remove said minerals. The Title Company does not purport to disclose documents of record pertaining to the above referenced rights however, the following was found of record: Any claim, right, title or interest under the Reservation of all coal and other minerals as reserved by the State of Utah in the Patent, recorded November 16, 1955 in Book 3H at page 251 as entry no. 272466. Title Company has not verified the vested current owner of this severed interest.



15. Ditches, canals, easements, rights of way or fence lines that may be established upon said land.
16. Terms and conditions of a Pole Line Easement in favor of Utah Power & Light Company, recorded March 30, 1954 in Book 6M at page 560 as entry no. 222388 AND Terms and conditions of a Pole Line Easement in favor of Utah Power & Light Company, recorded July 8, 1955 in Book 6Q at page 132 as entry no. 267887.
17. Terms and conditions of a Pipe Line Easement in favor of Pacific Northwest Pipeline Corporation, recorded August 23, 1956 in Book 6-S at page 110 as entry no. 279621.
18. Terms and conditions for highway known as Project No. 013-2 situated in Lot 15 and NW1/4SE1/4 of Section 2, T25S, R20E, SLM, in favor of The State Road Commission of Utah as disclosed in the Warranty Deed, recorded May 29, 1956 in Book 3H at page 488 as entry no. 276087.
19. Terms, conditions and provisions of the Right Of Way Contract in favor of The Denver and Rio Grande Western Railroad Company, recorded September 20, 1962 in Book 112 at page 182 as entry no. 299330.
20. Terms and conditions of an Easement in favor of Utah Power & Light Company, recorded June 2, 1972 in Book 196 at page 559 as entry no. 339962.
21. Terms and conditions of a Grant of Easement in favor of MAPCO, Inc., recorded December 18, 1980 in Book 315 at page 529 as entry no. 388732.
22. Terms, conditions and provisions of the Referees' Deed regarding Case No. 0507-107 in the Seventh District Court, Moab, State of Utah, recorded April 13, 2009 in Book 746 at page 638 as entry no. 491216.

A judgment, federal tax lien, Utah State bankruptcy, and National SDN search was made in the following names.

Owners: **LILY ANN BALSLEY, individually and as Trustee, TRACY BALSLEY,  
THE BALSLEY FAMILY TRUST**

TITLE INQUIRIES concerning this Commitment can be directed to:  
Leanne Blackmon/Title Agent ~ [leanne@southeasttitle.com](mailto:leanne@southeasttitle.com)

EMAIL CLOSING DOCUMENTS TO:  
Chantyll Navarre/Escrow Agent ~ [chantyll@southeasttitle.com](mailto:chantyll@southeasttitle.com)

#### Chain of Title

According to the Official Records, as of the Effective Date, there have been no documents conveying the land described herein within a period of 24 months prior to the date of this commitment except as follows:

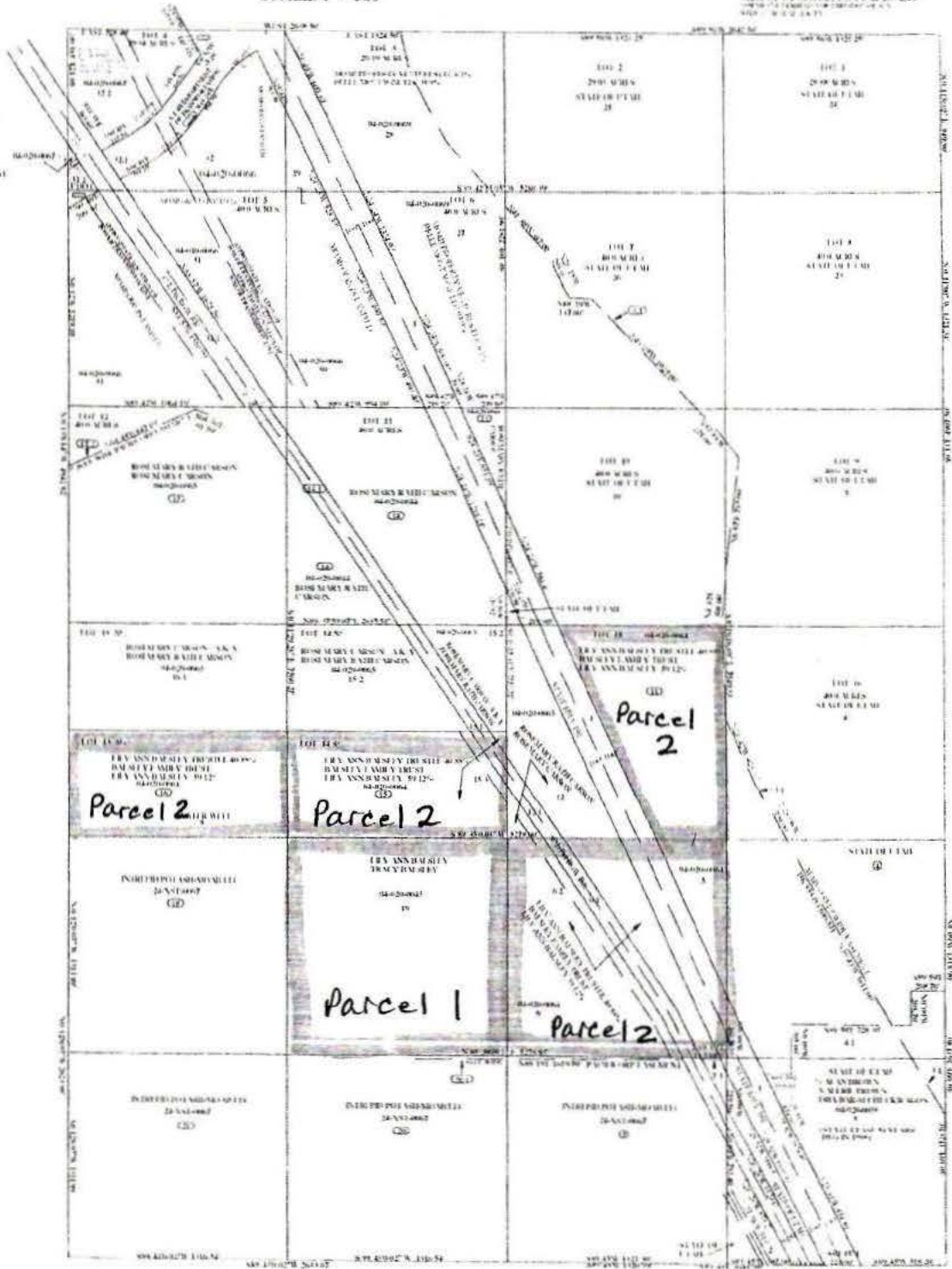
Doc	Grantor	Grantee	Rec Date	Entry No.	Book	Page
None were found recorded within the last 24 months						

"SOUTHEASTERN UTAH TITLE COMPANY"  
FURNISHES THIS PLAT SOLELY FOR THE  
PURPOSE OF ASSISTING IN LOCATING THE  
LAND. THE TITLE COMPANY ASSUMES NO  
LIABILITY FOR VARIATIONS WITH AN ACTUAL  
SURVEY OR DEED DESCRIPTION.

## SECTION 2 T25S R20E SLB&M

SCALE: 1" = 500'

EMERY IN A C/D  
THIS SECTION IS A PART  
OF THE EMERY IN A C/D  
AND IS NOT TO BE USED  
FOR ANY OTHER PURPOSE



THE INFORMATION CONTAINED HEREIN IS  
FOR INFORMATIONAL PURPOSES ONLY AND  
IS NOT TO BE USED FOR ANY OTHER  
PURPOSE.



State of Utah

GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

Department of  
Environmental Quality

Alan Matheson  
*Executive Director*

DIVISION OF DRINKING WATER  
Marie E. Owens, P.E.  
*Director*

June 14, 2019

Tracey Balsley  
Seven Mile RV Park  
2950 South Highway 191  
Moab, Utah 84532

Subject: **Plan Approval**, Distribution System, Storage Tanks, and Pump Station for a Hauled Water System (DS001, ST001, ST002, PF001); Seven Mile RV Park, System #10046, File #111318

Dear Mr. Balsley:

The Division of Drinking Water (the Division) received the plans and specifications for the proposed Seven Mile RV Park from your consultant, Anderson Engineering Inc. on January 28, 2019. Since that time written review comments have been provided, and the Division has received additional plan revisions, with the latest set of plans and specifications provided on May 15, 2019. Approval to haul water was issued on May 9, 2019.

Our understanding is that this project consists of the construction of infrastructure for a hauled water system, including two 5,000-gallon NORWESCO polyethylene storage tanks, a pump vault, and associated small diameter distribution system. These new facilities will be identified as ST001, ST002, PF001, and DS001 in the Division's database.

We further understand the installed pump will provide 7 gpm with a pressure of 40 psi at peak day demand, and 30 psi at peak instantaneous demand, and that the distribution system will be 1.25-inch diameter HDPE water pipe. We also understand that this hauled water system has not been designed to provide any firefighting capability and thus **will not provide any significant fire flow capacity**.

We have completed our review of the plans and specifications, stamped and signed by William H. Anderson, P.E., and dated May 8, 2019, and find they basically comply with the applicable portions of Utah's Administrative Rules for Public Drinking Water Systems in R309. On this basis, **the plans for the Seven Mile RV Park are hereby approved**.

Tracey Balsley  
Page 2 of 2  
June 14, 2019

This approval pertains to construction only. **An Operating Permit must be obtained from the Director before your facility may be put in service.** A checklist outlining the items required for operating permit issuance is enclosed for your information.

Approvals or permits from the local authority or the county may be necessary before beginning construction of this project. As the project proceeds, notice of any changes in the approved design, as well as any change affecting the quantity or quality of the delivered water, must be submitted to the Division. We may also conduct interim and final inspections of this project. Please notify us when actual construction begins so that these inspections can be scheduled.

This approval must be renewed if construction has not begun or if substantial equipment has not been ordered within one year of the date of this letter. If you have any questions regarding this plan approval, please contact Scott Hacking, DEQ District Engineer for Southeast Utah, at (435) 559-3825, or Nathan Lunstad, Engineering Manager, at (385) 239-5974.

Sincerely,



Nathan Lunstad, P.E.  
Engineering Manager

SDH/nl/mdb

Enclosure — Operating Permit Checklist

cc: Orion Rogers, E.H.S., Southeast Utah Health Department, [orogers@utah.gov](mailto:orogers@utah.gov)  
William H. Anderson, P.E., Anderson Engineering Inc., [bill@andersonmontana.com](mailto:bill@andersonmontana.com)  
Kenny Gordon, Grand County Planning & Zoning Administrator, [kgordon@grandcountyutah.net](mailto:kgordon@grandcountyutah.net)  
Zacharia Levine, Grand County Community & Economic Development Director, [zlevine@grandcountyutah.net](mailto:zlevine@grandcountyutah.net)  
Scott Hacking, DEQ District Engineer, Division of Drinking Water, [scotth@utah.gov](mailto:scotth@utah.gov)

DDW-2018-019364

## Utah Division of Drinking Water — Checklist for Issuing Operating Permits

Water System Name: \_\_\_\_\_ System Number: \_\_\_\_\_

Project Description: \_\_\_\_\_ File Number: \_\_\_\_\_

Items 1 through 8 below must be submitted to the Division and found to be acceptable prior to operating permit issuance (unless a water line project meets the requirements of R309-500-7 and is not required to obtain an Operating Permit).

Distribution lines (not including in-line booster pump stations) requiring Plan Approval may be placed into service prior to submitting all of the following items and receipt of Operating Permit if the water system has received items 1 and 4 below.

- ☐ 1. Certification of Rule Conformance by a professional engineer (P.E.) that all conditions of Plan Approval were accomplished, and if applicable, changes made during construction were in conformance with rules R309-500 through 550
- ☐ 2. As-built or record drawings incorporating all changes to approved plans and specifications (unless no changes were made to the previously approved plans during construction)
- ☐ 3. Confirmation that as-built or record drawings have been received by the water system
- ☐ 4. Satisfactory bacteriological samples as evidence of proper disinfection and flushing in accordance with the appropriate ANSI/AWWA standards:
  - ☐ ANSI/AWWA C651-14 AWWA Standard for Disinfecting Water Mains  
Two consecutive sample sets at least 16 hours apart, none positive (e.g., every 1,200 feet, end-of-line, each branch)
  - ☐ ANSI/AWWA C652-11 AWWA Standard for Disinfection of Water-Storage Facilities  
One or more samples, none positive
  - ☐ ANSI/AWWA C653-13 AWWA Standard for Disinfection of Water Treatment Plants  
Two consecutive samples per unit, none positive, no less than 30 minutes apart
  - ☐ ANSI/AWWA C654-13 AWWA Standard for Disinfection of Wells  
Two consecutive samples, none positive, no less than 30 minutes apart
- ☐ 5. Water quality data, where appropriate *[For example, include raw and finished water data that demonstrate satisfactory performance of the treatment facility; sample should be taken from a storage tank for residual volatile organic compounds after tank interior re-coating; etc.]*
- ☐ 6. If applicable, all other documentation that may have been required during the plan review process
- ☐ 7. If applicable, confirmation that the water system owner has received the O&M manual for the new facility
- ☐ 8. If applicable, location data of new storage tank, treatment facility, or source



**Shirley OKelly**

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**From:** Kurt McFarlane <[kmcfarlane@utah.gov](mailto:kmcfarlane@utah.gov)>  
**Sent:** Wednesday, December 20, 2017 8:03 AM  
**To:** Shirley OKelly  
**Subject:** Re: Seven Mile Park/Balsley

Shirley,

We have started working with the county for the turn lanes, we will see if it goes anywhere, but we are trying.

I do not have a good contact for the Railroad.

I will keep you posted on what happens for your property, it will take a while to get it moving. But we do not plan on holding up your project, as far as I know. My guess is the turn lanes will be a couple years out.

Thanks for meeting with us,

Kurt McFarlane  
UDOT - Permits  
[kmcfarlane@utah.gov](mailto:kmcfarlane@utah.gov)  
435-650-1156



Virus-free. [www.avg.com](http://www.avg.com)

**NOTICE OF  
PUBLIC HEARING**

**PROPOSAL FOR THIS PROPERTY:**  
*CONDOTIONAL USE PERMIT*

**APPLICANT:** *Tracy Davis*

**PROJECT NAME:** *Seven Mile RV Park*

THIS ITEM WILL BE HEARD BEFORE THE GRAND COUNTY  
COUNCIL *Seaside* ON *September 22* AT *10:00 AM*  
COUNTY COUNCIL CHAMBERS, 125 E CENTER STREET

ANY PERSON INTERESTED IN THIS MATTER MAY OBTAIN COMPLETE INFORMATION BY  
CONTACTING THE GRAND COUNTY ENGINEER, OR BY CALLING 438-208-1342

**CUSTOMER  
PARKING  
ONLY**  
NO OVERNIGHT  
STORAGE OF VEHICLES  
TOWED AWAY  
AT OWNER'S  
DISCRETION

→  
**3 Mile  
North**

Non-parking  
Patrons  
Please Donate





**NOTICE OF  
PUBLIC HEARING**  
PROPOSAL FOR THIS PROPERTY:  
*Coal Mine Site, Page 4*

APPLICANT: *David Dwyer*  
PROJECT NAME: *Coal Mine Site*

THIS ITEM WILL BE HEARD BEFORE THE GRAND COUNTY  
COUNTY COUNCIL, AT 10:00 AM, ON 10/10/2017, AT 10:00 AM,  
COUNTY COUNCIL CHAMBERS, 121 E. 100 N. STREET

LAST FIRST  
PARKING  
ONLY

**NO  
THRU  
TRAFFIC  
DEAD END**

**NOTICE OF  
PUBLIC HEARING**  
PROPOSAL FOR THIS PROPERTY:

**APPLICANT:** Theresa Bailey  
**PROJECT NAME:** Tractor Park 20 Acres

THIS ITEM WILL BE HEARD BEFORE THE GRAND COUNTY  
COUNCIL **ON** August 10, 2016 **AT**  
COUNTY COUNCIL CHAMBERS, 123 E CENTER STREET

ANY PERSON INTERESTED IN THIS MATTER MAY OBTAIN COMPLETE INFORMATION BY  
CONTACTING THE GRAND COUNTY COUNCIL, OR BY CALLING AND ASKING FOR

**AGENDA SUMMARY  
GRAND COUNTY COUNCIL MEETING  
July 2, 2019**

<b>TITLE:</b>	<b>Public Hearing:</b> Soliciting oral and written comment on a proposed ordinance to remove overnight accommodations use rights from Use Table 3.1; to establish use-specific overnight accommodations overlay districts as a replacement to existing Section 4.6 Overnight Accommodations Overlay District; and, to apply the newly created use-specific overnight accommodations overlay districts to existing and vested projects in unincorporated Grand County.
<b>FISCAL IMPACT:</b>	Unknown
<b>PRESENTER(S):</b>	Zacharia Levine, Community & Economic Development Director
<b>PREPARED BY:</b>	Zacharia Levine, Community & Economic Development Director

**STATED MOTION:**

Council policy is to vote on public hearing action items at the 2<sup>nd</sup> meeting they are presented.

**STAFF RECOMMENDATION:**

Staff believes the planning commission's recommended land use code amendments accurately reflect the majority position of the planning commission, council, and residents of Grand County. Staff also believes the proposed amendments follow the policy logic and legislative intent that led to Ordinance 586 (temporary land use restriction, or moratorium, on new overnight accommodations) as well as the findings discovered over the months that followed. Lastly, staff acknowledges the need for ongoing long-range land use planning in Grand County. Staff will continue to support and facilitate conversations regarding the appropriate time, location, and nature of overnight accommodations development as well as the ways in which it relates to other land use needs, priorities, and community goals. The planning process should not end with the passage of the proposed ordinance.

Staff also notes that, as of June 27, 2019, the County Attorney had not fully reviewed and approved the proposed/draft ordinance as to content and form.

**BACKGROUND:**

Follow this planning effort at [www.moabarealanduse.com](http://www.moabarealanduse.com).

*\*Note: The following section has served as a running catalog of formal meeting discussions about the referenced Temporary Land Use Regulation (TLUR). It is provided in reverse chronological order so planning commissioners and members of the public can review the discussion as it has evolved.*

**June 18, 2019:**

The county council reviewed and discussed the proposed ordinance recommended by the planning commission in advance of the scheduled July 2, 2019 public hearing. The main thrust of discussion centered on creating and attaching an additional overlay to existing bed and breakfast uses, and whether or not to include in said overlay the bed and breakfasts located in residential zone districts, as they became legal non-conforming uses in 2018.

**June 11, 2019:**

The planning commission held a public hearing on June 11, 2019 to solicit public comments on a draft ordinance that would limit use rights for owners of commercial properties in developing new overnight accommodations. Roughly two dozen individuals submitted verbal comments. The majority spoke in opposition to the proposed ordinance on the basis that it removed some of their property rights, which they had intended to exercise via development of overnight accommodations. A handful of individuals spoke in support of the proposed ordinance, referencing growth related concerns raised in prior meetings, such as resource availability (e.g. water), infrastructure capacity (e.g. roads), community impacts (e.g. noise, character, etc.), and economic issues (e.g. labor availability and the need to diversify). Planning commission voted 6-1 in favor of the proposed ordinance, which would essentially do the following:

- Repeal and replace Use Table 3.1
  - Remove overnight accommodations of all types as principal uses (aka “Uses by right”) in all zone districts within Use Table 3.1
- Repeal and replace Section 4.6 Overnight Accommodations Overlay District
  - Establish use-specific overnight accommodations overlay districts for hotels/motels, campgrounds, and residential units used for overnight accommodations (condos/townhouses/single-family residences) with associated approval procedures and development standards
  - Planning commission voted 6-1 on an amendment to the draft ordinance presented to them to cite existing use-specific development standards for each of the OA-districts (e.g. hotels/motels, campgrounds, residential units)
  - Planning commission voted 6-1 on an amendment to the draft ordinance presented to them to prohibit expansion of existing uses within OA districts.
- Repeal and replace the Overnight Accommodations Overlay District map
  - Apply the use-specific overnight accommodations overlay districts to existing and vested projects of each use-type as per the maps presented in the ordinance exhibit

#### June 4, 2019:

Councilmember Morse and CED Director Levine facilitated conversation regarding the current state of the moratorium planning process, including apparent policy decisions made to-date, remaining questions, and potential directives to Landmark. See Council packet dated June 4, 2019 for meeting materials (Councilmember Morse memo).

#### May 28, 2019:

CED Director Levine was not in attendance. P&Z Administrator Gordon and Chair Willis facilitated conversation in hopes of clarifying the following:

- Clarify that no new overnight accommodations of any type should be approved (or capable of being approved) in planning areas outside Spanish Valley, such as the US 191-SR 313 intersection, Elgin, Crescent Junction, Thompson Springs, or Cisco until residents of those communities ask the County to reconsider such a zoning change. In effect, this is accomplished by removing new Overnight Accommodations of any type from the zoning districts in those areas and not establishing any overlay districts that would establish eligibility for the right to conduct such uses.
- Clarify the redevelopment standards for existing and vested Overnight Accommodations developments.
  - Staff anticipates the County will extend/attach appropriate overlay designations to existing and vested OA developments in order to clearly indicate owners’ rights to operate as OAs.
  - Staff recommends the County establish distinct overlay districts to be applied to existing and vested projects by use type: OA – Hotels/Motels, OA – Campgrounds, and OA – Residential Structures (i.e. Condos/Townhomes).

- Planning commission has indicated a desire to prohibit any expansion of existing uses and limit conversions of campgrounds to Condos or Hotels. At a minimum, Staff suggests the County explicitly say redevelopment that brings in new, otherwise permitted commercial activities (restaurants, retail, office, etc.) is allowed. Staff would interpret code to allow this by default, but recommends it be explicitly articulated.
- Staff believes a small expansion of existing lodging should be permitted if new non-lodging uses are incorporated (ie. Mixed-use), higher standards of development are met, or other public benefits are derived. The planning commission can use the “South Moab OA Overlay District” standards provided by Landmark Design as a starting place, with the addition of a mandatory mixed use development requirement.

#### May 21, 2019:

The County Council discussed the current status of Grand County’s moratorium planning efforts and affirmed the course of policy direction depicted below (as per the May 7 and 14 notes.

#### May 14, 2019:

The County planning commission, at its regularly scheduled meeting, discussed items 3, 4, and 5 from the letter included below, in the May 7<sup>th</sup> joint City-County meeting re-cap.

Planning commissioners conducted straw poll votes on items 3, 4, and 5 in my e-mail following the May 7<sup>th</sup> joint meeting. The results of those straw poll votes are below. They directed me to ask that you include the policies they represent in your draft ordinance.

#### #3 (How to deal with existing uses, and in the case of condos/townhomes, the entire developments)

- Condos/Townhomes: Attach the County’s existing Overnight Accommodations Overlay to existing and vested condo developments known to be primarily overnight rental developments. The OAO map is already applied to Rim Village MFR units, Puesta Del Sol MFR units, Tierra Del Sol, and Coyote Run (Moab Springs Ranch is now in the City). This would ensure that any current or future owners maintain their full legal right to operate a nightly rental out of their unit. At a minimum, the County would need to add Sage Creek (under construction), Red Cliffs Condos, and Desert Wind. The County will need a process for adding condo/townhome developments missed unintentionally.
- Campgrounds: Campgrounds will become legal non-conforming uses. If the Council doesn’t accept that, the planning commission would like to see a Campground Accommodations Overlay attached to existing campgrounds with a strict provision that prohibits conversion from a campground to a hotel/motel. Redevelopment that maintains the current number of lodging units but integrates otherwise permitted commercial uses would be allowed.
- Hotels: Hotels will become legal non-conforming uses. Redevelopment that maintains the current number of lodging units but integrates otherwise permitted commercial uses would be allowed. .

#### #4 (How to regulate redevelopment)

- Planning commission only addressed this item to the extent it is covered above, in #3.

#### #5 (Should the County allow for any new ONRs, regardless of use type, in areas outside Spanish Valley?)

- No, or at least not until residents of those areas ask for such an allowance to be put back into the LUC.

#### May 7, 2019:

The purpose of holding a joint City-County meeting on May 7, 2019 is to clarify the core policy components Landmark Design will integrate into a draft ordinance, which will ultimately be presented to each jurisdiction’s



planning commission and the public in the next phase of moratorium-related planning. Following the meeting, CED Director Levine submitted the following message summarizing his takeaways and remaining questions. See note at bottom regarding discussion items the Planning Commission should consider on May 14, 2019. I believed the e-mail accurately reflected the majority position of planning commissioners, council members, and the overwhelming majority of citizens who have engaged in the moratorium process to date. The e-mail noted that corrections were welcomed. If planning commissioners see different evidence, believe I mischaracterized either the results of the May 7<sup>th</sup> joint meeting or public sentiment, and/or want to see Landmark pursue a different course of action at this stage, the County needs to provide additional guidance to Landmark as soon as possible.

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Hi Mark,

Thanks for participating in the joint City-County meeting yesterday. I thought it was productive. We were a bit rushed at the end, so I want to make sure we're all on the same page as to the core elements of your initial ordinance drafts. Anyone on this e-mail should respond if they think corrections are needed.

1. New overnight lodging is removed from all base zone districts as a principal use.
2. The City Council will consider the creation of an overlay district in the north US 191 corridor and in downtown Moab. The overlay boundaries will dictate which properties are eligible to have the overlay applied in order to have the right to develop new overnight lodging.
  - a. The County Council could decide to extend this overlay, if created, to include the parcels just north of the Colorado River (e.g. between the Springhill Suites and DOE UMTRA site)
  - b. Landmark will draft preliminary standards for the development of new overnight lodging in these potential overlay districts (if applied to eligible properties), including mandatory mixed-use, water and energy efficiency, and size/scale/form-based elements.
    - i. I heard from at least one County Council member today that they would like to see these preliminary standards shared with the County as well. While there seems to be consensus that no new overnight lodging should be allowed until our community has reestablished a sense of balance, there may be some areas/nodes in the southern US 191 corridor that could actually be appropriate for new lodging units if, and only if, integrated into a mixed use development that met these yet-to-be-determined standards. Since Landmark will be working on these preliminary standards for the City's potential overlay, the County will benefit from seeing them should the conversation come up in the future.
3. The City and County Councils will consider how to address existing overnight lodging uses, including hotels/motels, condos/townhomes, bed & breakfasts, and campgrounds.
  - a. As I see it, there are three options to be worked out with each entity's planning commission and council. Option 3 would be the least controversial, but it would likely ensure that such developments are sacrifice zones and, over time, completely convert to overnight lodging. Personally, I'm ok with that as it is pretty much the case already.
    - i. Option 1: No new ONR licenses are granted (new-builds or residential conversions). All existing uses become legal non-conforming uses.
    - ii. Option 2: No new ONR licenses granted as principal uses. Overlay districts are established that include known ONR developments such as Williams Way, Entrada, Red Cliffs Condos, etc. as eligible to have the overlay attached to their parcel. Existing uses become legal non-conforming uses. All property owners (of existing ONRs or future ONRs) are required to ask for the overlay to be applied to their properties in order to have the full legal right to have an ONR.

- iii. Option 3: Same as 2 except that the City and/or County create the overlay districts and apply them to all the lots/units in these known developments right out of the gate in order to establish certainty around the right to do overnight lodging now or in the future.
- 4. The City and County Councils need to determine how to address redevelopment of existing uses, whether they are in an overlay or not. If existing uses become legal non-conforming uses, the default limits on redevelopment is no expansion. Basically, redeveloped uses would be limited to what currently exists. However, I see a lot of value in allowing for redevelopment (with some expansion) as long as it meets some meaningful standards (like those being developed in item 2 above).
- 5. I'm adding this one because it really needs more explicit attention than it has been granted to date. The County Council will need to decide if it is open to any forms of new overnight lodging in the areas of US 191 and SR 313, Crescent Junction, Thompson Springs, or Cisco.
- 6. The City and County Councils are supportive of the community node concept (neighborhood scale mixed-use development). I would like to see a map that only shows the potential community node locations we have identified. However, most agree that we won't be able to establish the planning principles, plans, regulations, and even incentives that will guide and facilitate these community nodes. This is a follow-up task.

As for me, I plan to discuss items 3, 4, and 5 with the County Planning Commission beginning next week so we can provide feedback to the County Council and Landmark while the draft ordinances are being written.

Regards,

Zacharia Levine, AICP\*  
Community *and* Economic Development Director

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#### May 1, 2019:

Landmark Design, in coordination with CED Director, Zacharia Levine, hosted a meeting of the advisory committee on May 1, 2019 following the previous night's public open house/workshop. Most committee members attended the previous night's meeting as well, so the group discussed primary takeaways regarding core policy and planning area concepts developed to date. The feedback generated from the public on April 30<sup>th</sup> and the advisory committee on May 1<sup>st</sup> will inform the discussions taking place on May 7, 2019 between the city and county councils. Following the May 7<sup>th</sup> meeting, Landmark Design will begin drafting ordinance language for the city and county to review and consider.

#### April 30, 2019:

Landmark Design, in coordination with the City, County, and sub-consultant LYRB, hosted a public open house/workshop. Materials for this meeting can be found on the project website: [www.moabarealanduse.com](http://www.moabarealanduse.com). Between 80 and 100 individuals attended the meeting to learn about the planning efforts conducted to date, current findings related to public sentiment, initial policy concepts and planning areas, and to provide feedback for Landmark Design, City, and County officials. Landmark Design will use the feedback generated in this open house/workshop to present a narrower scope of potential policy concepts to the City and County councils on May 7, 2019.

#### April 23, 2019:

Landmark Design presented to the City planning commission and council. Although the County planning commission intended to participate in this presentation, scheduling conflicts prevented it. As a result, CED Director Levine presented the same PowerPoint slides to the County planning commission in their own meeting.

Landmark design presented their initial conception of different “policy packages” and generalized planning areas (e.g. “downtown,” “south of downtown,” and “north of downtown”). Planning commissioners discussed these initial policy concepts and directed staff to provide their feedback to Landmark Design. That feedback is provided below. Landmark used the feedback from City and County planning commissioners and City council members to update materials for the upcoming April 30, 2019 public meeting/workshop.

County planning commission feedback on Landmark Design’s initial policy package “spectrum”:

- In general, the County planning commission (PC) felt like the initial conception of a spectrum of packages is on the right track and reflects public sentiment.
- PC members (and staff) acknowledge that the boundaries of what constitutes “downtown,” “north of downtown” and “south of downtown” need to be fleshed out further. It may be the case that each of these areas needs further differentiation within them as well. Generally, the areas seem appropriate for differentiating development patterns and associated impacts/issues, but the City and County will need to work on the boundaries and respective policies in the mapping exercises coming up soon.
- The “extreme/strict regulations” actually could achieve the “no new overnight rental (ONR)” position many have advocated for as one end of the “spectrum” if overlay boundaries were drawn around existing developments only. More, some existing developments could be left out and turned into legal non-conforming uses.
  - On a related note, the PC and staff recommend changing the title of this package to exclude “extreme” as it communicates the wrong message. No new growth is also misleading because the growth limitations would be placed on new ONRs only. Growth in other forms/uses would still be allowed, and potentially even incentivized.
- The PC discussed the benefits of having tiers of the proposed ONR overlay that would allow for varying levels of development/redevelopment (like the County’s recently adopted HDHO districts). Some could allow for redevelopment of the same size or smaller, others the addition of co-located services (like new retail or restaurant space), some could allow for additional units, some could stricter form-based standards, etc.)
- Questions were raised as to whether or not packages 2 and 3 were different enough to effectively generate public feedback on their nuanced differences.
- These packages don’t explicitly address the area near Hwy 313 and US 191, Hwy 128, or Kane Creek Blvd. **The areas need to be addressed.** The County PC would like to prevent additional sprawl in lodging development in those areas, or at least significantly improve the regulations governing development in those areas.
- PC members (**and staff**) would like to see additional nuance in the commercial zoning that does not include ONRs. *We need to zone for the economic diversification and development goals we have.* There is interest in further incentivizing some commercial activities such that some incentives could make their way into the proposed ordinances, and some could/should be developed in separate but related policy conversations.
- The majority of PC members really want to see water related ordinances (water-efficient landscaping, LID/GI, and greywater ready buildings) included in all policy packages. There is a desire to see these ordinances apply to all new development, and not just new ONRs.
- PC members really support the notion of neighborhood scale, mixed use development areas (i.e. “community nodes”), but agree that the associated standards need to be addressed in follow-up planning efforts. Small area plans are needed for each “community node” because substantial work (and community engagement/public participation) is needed to get them right.

- PC members really want to see the lessons and insights gleaned from case studies (in accessible/bite-size language).
  - In addition to come comparable communities already identified, CED Director Levine noted Aspen's integrated transportation and land use regulations and Tahoe's regional cap on vehicle miles traveled (VMT). CED Director Levine also noted The Sonoran Institute and Lincoln Policy Institute have great resources/examples on integrated land use and water planning.

#### April 15 – 22, 2019:

Landmark Design spoke with individual City council members to receive direct feedback on individual's concerns and the planning process. Findings from these conversations would help to inform initial policy development.

#### April 16, 2019:

CED Director Levine provided an update to the County Council on the moratorium process, initial findings related to the "zoning toolbox," and upcoming steps (see text below). No substantive conversation followed regarding initial policy development.

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Landmark Design, on behalf of the City and County, will host a public workshop on April 30, 2019 from 5-7pm at The Grand Center. The purpose of this workshop is to present the results of some case study analysis, findings from LYRB's economic analyses (LYRB is a sub-consultant.), and preliminary ordinance concepts. A follow-up public workshop is tentatively planned for May 21, 2019.

Within the next week, Landmark will add to the project website at [www.moabarealanduse.com](http://www.moabarealanduse.com) the summary of public comments provided during the March 26 and 27 scoping meetings, CED Director Levine's summary of comments from additional focus group meetings, any additional advisory committee meeting minutes, case study analyses, preliminary policy concepts, and other relevant material.

On April 23, 2019, CED staff will continue its presentation of potential zoning changes to the planning commission. CED Director Levine will also attend the City Council meeting to ensure coordination between the City and County occurs as desired.

#### April 8-12, 2019:

CED Director Levine facilitated four focus group meetings with multiple stakeholders representing a mix of local businesses: retail, restaurant, outfitters, professional services, real estate brokers, hotel developers/owners, high school students, and middle school students. CED Director Levine is in the process of summarizing the comments and perspectives shared during these focus group meetings.

#### April 9, 2019:

As part of its standing agenda item discussion, the planning commission talked about the TLUR and suggested preliminary ideas for regulatory changes. Planning commissioners raised the following questions and requests for research/analysis:

- How can/should the City and County differentiate between higher density and lower density lodging, hotels/motels and condominiums and campgrounds, and other scale dimensions?
- Where are neighborhood-scale commercial and mixed-use development nodes feasible? Where do they belong?

- There is support for the concept of performance-based zoning related to water use, energy efficiency, and indicators of need/benefit/capacity.
- There is support for public policies and budgetary expenditures that emphasize residents, community infrastructure, and quality of life (both related and unrelated to zoning regulations).
- The County should establish different regulations for lodging development in the peripheries of the Moab Valley. In some areas (Thompson, Cisco, etc.), lodging development is warranted. In others (north US-191 between Arches NP and Crescent Junction), lodging development may not be warranted.
- Two county council members in attendance suggested the County should, “start with the most restrictive regulations possible, and then work from there.”
- Planning commissioners acknowledge that many relevant planning efforts need to occur that require more time than is offered by the 180-day moratorium, and may not be zoning related changes, but that these efforts and ideas should be recorded. For example, transportation planning and elements of state and federal policies that influence the local economy.
- Some planning commissioners requested that Landmark Design include in their preliminary set of solutions the following elements: A new or modified version of the Overnight Accommodations Overlay; restriction of new lodging to the “north US 191 corridor; prohibition of new lodging elsewhere in the City and County; enhanced form-based standards that would regulate any new lodging development.

#### April 2, 2019:

Grand County hosted a joint planning commission-county council meeting on April 2, 2019 for three reasons. The first objective was to ensure members of each body were aware of where the County was at within the 180-day TLUR/moratorium timeline, what had occurred to date, and where the process would go next. The second objective was to ensure the planning commission and county council agreed upon next steps, staff activities, and information requests to Landmark Design and its sub-consultants. The third objective was to provide planning commissioners and council members an opportunity to float initial ideas for regulatory changes that could make their way into draft ordinances.

Highlights from the joint meeting included:

- Future meetings for the public should occur at neutral locations to avoid any resident confusion about which entity hosts the event.
- PC and CC members want to know what the regulatory boundaries are for changes to the LUC.
- PC and CC members have an interest in best practices gleaned from similar communities, in and out of Utah.
- PC and CC members agreed that different regulatory tools could and should be applied to different geographic areas
- PC and CC members in attendance reached consensus that the “north US 191 corridor” (i.e. the north edge of downtown Moab to Arches NP) should be treated differently than the “south US 191 corridor” (i.e. the south edge of downtown Moab to the Grand-San Juan border). A planning commissioner suggested that new lodging establishments, if allowed, might be appropriate in the north corridor whereas more diverse, non-lodging commercial activities oriented more towards residents were more appropriate in the south corridor. The logic behind this recommendation was that little residential development currently exists in the north corridor and increasing levels of residential development is occurring in the southern reaches of Spanish Valley.
- Those in attendance expressed support for mixed-use development and the underlying principles of form-based codes, although there was concern about where mixed use development would be feasible, the time needed to develop form-based codes, and uncertainty in what they would look like.
- Conservation districts were identified as a way to protect certain areas from undesirable change or to preserve certain characteristics

- PC and CC members in attendance seemed to reach consensus on the use of an overlay for accommodations developments, which would give the City and County more legislative discretion in approving or denying development applications. A planning commissioner recommended making development approvals contingent upon broader indicators of the need for and capacity to handle new lodging developments, especially for the edification of future legislative bodies.
- Special assessment taxing areas were identified as a possible mechanism for extracting more community benefits or value from lodging developments, although more research would be needed.
- Multiple PC and CC members noted the potential benefit of supporting nodes of neighborhood scale commercial development. More retail, office space, and small business development opportunities are needed.

#### March 26-27, 2019:

Landmark Design, the City, and the County hosted two open house sessions to generate citizen comments regarding accommodations-based development and land use planning in general within the Moab Valley. Landmark Design and CED Staff are currently in the process of collating and organizing the comments. Once finalized, the public will have an opportunity to comment on their accuracy, comprehensiveness, and any gaps.

#### March 19, 2019:

CED Director Levine provided a brief update to the county council on work related to the TLUR/moratorium and invited council members and the public to attend the open houses scheduled for March 26 (5-7pm) and March 27 (11:30am-1:30pm), both at City Hall.

#### March 13, 2019:

Landmark Design facilitated the first meeting of an advisory committee for the land use planning and moratorium work. The meeting agenda and minutes are attached.

#### March 12, 2019:

CED Director Levine presented to the planning commission a “zoning toolbox” to expand and frame the conversation around potential changes to Grand County’s regulatory environment for accommodations-based developments. The presentation is attached.

Representatives from multiple water stakeholder groups presented information to the planning commission regarding their groups’ position on water availability, quality, and distribution. The resources provided to the planning commission are attached. The objective of these presentations was to develop additional clarity on what is known and not known about the safe yield for annual water withdrawals from the Glen Canyon Aquifer, and where various groups have agreement or disagreement on estimates. The goal was not to generate consensus about the effective role of water in Grand County’s land use regulations *at this time*.

#### March 11, 2019:

The county council reviewed and approved the attached scope of work for utilizing Landmark Design to conduct land use planning and ordinance development related to accommodations-based development at a not-to-exceed amount of \$19,000.

#### March 5, 2019:

A brief update was provided to the county council on how the planning commission and staff intend to proceed with the moratorium planning work. Council members were informed of the tentative schedule outlined below.

Council was also briefed on the potential to coordinate land use planning efforts with the City of Moab through a shared or complimentary contract with Landmark Design. The City of Moab had already contracted with Landmark to assist in the creation of a future land use element to be added to the City's recently adopted general plan. As the City of Moab also passed a moratorium on new accommodations-based developments in early February, the City and County need to proceed along similar timelines. Council agreed in principal to the concept of coordinating planning efforts with the City with the idea that CED Director Levine, the County's Community and Economic Development Director, would serve as the primary staff liaison for both jurisdictions. Because the final scope of work was not ready for review prior to the March 5, 2019 meeting, a special meeting was called for March 11, 2019 where the Council could review and take action on the proposed scope of work with Landmark Design.

#### February 26, 2019:

The planning commission agreed to the following tentative timeline:

March 12: PC meeting, Start at 4pm

- Request the following individuals provide reports on their agency's or non-profit's current knowledge of the availability, usage, quality, and distribution of water in the Moab Valley. Their reports should be five pages or less. Ideally, each individual will present their report highlights in about 5 minutes, and PC members will engage in Q&A to ensure clarity on what is known/not known and where there is agreement/disagreement.
- Staff will present to the PC a first pass at the County's "zoning toolbox" as it pertains to accommodations-based uses

March 26: PC meeting, Start at 4pm, end at 5:30pm; 1<sup>st</sup> public scoping meeting, Start at 5:30pm

- Public scoping meeting will be used to query the public for ideas on updating the County's plans/codes

April 2: Joint PC-CC workshop. 12-3pm.

- Report on PC's initial positions/ideas
- Report on findings from public scoping meeting
- Ensure PC and CC are on the same page still

April to early May: work on zoning tools/solutions/packages

May 14: 2<sup>nd</sup> public scoping meeting: Start at 5:30pm

- Present zoning preliminary alternatives to the public and generate feedback

June 11: Planning Commission Public Hearing for draft ordinance

June 18: Recommended ordinance presented to County Council as a discussion item

July 2: County Council first reading of draft ordinance in a public hearing

July 16: County Council votes on ordinance

**\*\*Note the public hearing dates at planning commission and county council represent the very last dates of regularly scheduled meetings to adopt changes to the land use code prior to the moratorium expiring.**

#### February 19, 2019:



The county council reviewed the questions and comments noted in the section dated February 15, 2019 below, and provided the following response (in no particular order):

- Pay particular attention to the whereas statements in the adopted ordinance, as these serve as the foundation for the TLUR and the issues Grand County needs to address.
- Segment the geographic areas under consideration to north of the Colorado River and south of Moab City Limits. While Thompson Springs, Crescent Junction, and Elgin (Green River) are of interest and import to the County, primary consideration shall be given to the areas south of I-70.
- Consider establishing a citizen working group to assist with the research, analysis, and recommendation process.
- Consider identifying the full range of zoning tools available to the County in its regulation of accommodations-based developments. For example, the County could permit accommodations-based developments through an overlay (like the HDH overlay), implement stricter form-based, implement higher energy efficiency or environmental performance standards, require collocation of uses (i.e. mixed-use), create new zone districts, or use a host of other tools.
- Consider the Council's desire to provide for a mix of commercial uses available to both residents and visitors, and give particular consideration to the needs of small businesses serving residents and entrepreneurs furthering industry diversification in the area.
- While coordination with the City is desired, proceed with the analysis and recommendation process as directed by the county council. County staff will consult with City staff and, when and where appropriate, advise the Councils on needed areas for coordination and collaboration.
- The Council is interested in co-hosting open house and public participation events with the City of Moab when and where appropriate.

#### February 15, 2019:

As of February 15, 2019, staff and planning commissioners collectively developed the following list of questions and considerations. The intended use of this list is to gain additional clarity from the county council on desired next steps and pertinent issues related to the TLUR.

#### Key:

ZL = Zacharia Levine, CED Director  
KG = Kenny Gordon, P&Z Administrator  
TM = Terry Morse, CC Liaison  
GW = Chair Gerrish Willis  
AS = Vice Chair Abby Scott

RN = Rachel Nelson  
RO = Robert O'Brien  
EC = Emily Campbell  
CG = Cricket Green  
KW = Kevin Walker

#### ZL

1. How much lodging development does the County want and need?
2. Where should the County allow lodging development?
3. In what form should the County permit lodging development?
4. What is the role of lodging development within the larger Grand County economy?
5. What does the Planning Commission need from County Council (e.g. data, participation, direction, clarity, etc.)?
6. What role does the County Council want to play?
7. What can the County actually accomplish handle in six (6) months? What is a realistic scope of work/analysis?
8. How should the County PC, Council, and Staff coordinate with Moab City?

1. Infrastructure: roads, water, sewer, etc.

KW:

ZL's list of questions above looks great to me. Perhaps also

1. How does lodging development affect economic diversity in Grand County? (perhaps a sub question of ZL-Q4, above)

GW:

(I realize this is a long list and we need to spend some time winnowing down our issues and questions)

1. How will groundwater availability be affected by continued overnight accommodation construction if it continues at current rates of building and per capita use?
2. Are the economics of condo development such that if a permanent ban on overnight accommodations were enacted future condo construction demand would continue, but for long term occupancy instead of overnight rentals?
3. Are there sufficient land areas for light industrial and other commercial developments such as professional offices, stores, etc. outside the HC zone? I think this relates to Kevin's bullet.
4. Are there examples of other resort communities that have banned or limited overnight accommodation development?
5. If it is decided that no use or zoning changes are warranted, how will this decision affect traffic congestion and wait lines in stores and restaurants? Is congestion quantifiable?
6. If it is decided that no use by right or zoning changes are necessary, what will be the effect of additional staffing needed to maintain and service future overnight accommodations on long-term housing affordability and availability?
7. I think Moab City might farm some of their analysis and data collection out to a consultant. Is there a consulting firm that the county could hire to assist with the analysis necessary to help the council decide on necessary zoning changes to address this issue? This relates to Z's number 7.
8. Campgrounds are low density uses of land when compared to other overnight rentals. If a limit or ban of new overnight accommodations did not include new campgrounds, what effects would that have on land availability for long term housing and other commercial developments?
9. Some HC landowners expect to make windfall profits by developing or selling their property for overnight accommodations. How will a ban affect future land prices in the HC zone?
10. Would form based zoning improve diverse commercial development potential in the HC zone?
11. How appropriate and suitable are Cisco and Thompson for overnight accommodation development?

RN

- In regards to GW-Q2 above, is there a planning formula for determining how much commercial acreage (excluding overnight accommodations) should be allocated per capita (including seasonal visitors, whom I imagine would be counted as fraction of a full time resident)?
- In regards to GW-Q11 above, have there been any studies on water availability in Cisco and Thompson? Or is current data limited to the Moab Valley.
- In regards to GW-Q10 above, how would an application for development (including overnight accommodations) using form based codes play out from start to finish? For example we used increased height allowances, density, etc. to encourage development in the HD overlay areas. Form based seems like the exact opposite of this technique....so how does it work and is it even adoptable and practical?

AS:

2. What part of your constituency wants more lodging development? What types of lodging? Does any part of your constituency want more hotel development? Is the goal to restrict lodging (or just hotel/motels) as much as possible?
3. Would the Council like to see greater conditions put on lodging in areas where it will be permitted? What are the concerns that should be addressed with those conditions?
4. Does Council see a need to differentiate between types of lodging? For example, should campgrounds be considered separately?
5. Would the Council like to see greater restrictions on other types of non-residential use such as restaurants or automobile-related businesses?
6. Would the Council like to see greater restructuring of where non-residential zones exist and what is permitted in those zones, or address lodging only and leave other zone boundaries and descriptions as is?
7. What does the Council foresee as negative impacts from limiting hotels? Does the Council have any specifics about which impacts are most important or which impacts are most in need of mitigating?
8. What is the Council doing to reach out to the new San Juan County Commission or Planning Commission on this issue? Are there efforts at coordinating? Would the Council like to see meaningful involvement from San Juan County, or meaningful attempts to reach out to San Juan County Commissioners and Planning Commissioners? What type of coordination with San Juan County do we want to see, if any?
  1. Terry mentioned that there is will on the Council to be involved in this process and help the Planning Commission. If the County Council would like to see meaningful involvement from San Juan County, I think that this is an area where members of the County Council should take the lead and make the first attempts at reaching out, if this hasn't been done already. I understand that historically, San Juan County has been resistant to coordinating with Grand County, but it might be worth trying again.
9. How much should Planning Commission factor in the potential for increased traffic if lodging moves to San Juan County?
10. Do you see a need for changes to the zoning in outlying areas such as Crescent Junction & Thompson? Does it make sense to try to make those areas for attractive to hotel development? Has your constituency in outlying areas expressed desire for lodging development?
11. What degree of public involvement do you see being most beneficial? What are the ways that the County Council and Planning Commission should be reaching out to the public and encouraging public involvement?
12. Are there communities that have limited lodging development that we should look to as a guide?

RO

Great questions (above). In terms of Issues I think that this moratorium would not be in place except for the following:

1. The great pressure on housing for residents and affordable housing. Therefore we need to think about how overnight accommodations affect that issue. It would be nice to have some analysis here though I think we have some idea, we do not likely know the quantitative impact.
2. Crowding of everything is the second issue that people are likely to mention. Neighborhood streets and even 191 through town and on the edge of town. Markets, stores, eating establishments, favorite hiking places, and so on. This issue is certainly two pronged in terms of the tourist economy and the quality of life (outside of the economics).
3. Water is an issue often brought up. How many people can we have in the Spanish Valley area with climate change being a factor not often discussed?
4. Those are what I think are the main drivers of the moratorium, but please mention others. I likely will keep them in mind as we address this problem.

February 12, 2019:

The planning commission reviewed the directive and guide provided by the county council to initiate their planning efforts related to the TLUR. Planning commissioners asked questions of staff regarding the process. General conversation about the motivation and potential outcome of the TLUR occurred. With encouragement from staff, the planning commission compiled a list of questions to be shared with the county council for additional clarity in how to proceed with their analysis and development of a recommendation. The list of questions is provided above.

February 5, 2019:

County Council passed an ordinance enacting a temporary land use regulation prohibiting new land use permits for any land use associated with overnight accommodations, including hotels/motels, campgrounds, bed and breakfasts, condominiums and townhomes used for overnight accommodations, or any other land use associated with overnight accommodations. This temporary land use regulation does not apply to existing structures or vested development projects.

The County Council provided the following directive and guide to the Community and Economic Development staff and Planning Commission.

From the County Council:

**DIRECTIVE AND GUIDE FOR COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT AND THE PLANNING AND ZONING COMMISSION**

This document will serve to direct and guide the Community and Economic Development Department and the Planning and Zoning Commission in deliberations on the planning and regulation of future development in Grand County by locating and proposing appropriate zoning and/or rezoning of new development of the following Land Uses:

- All overnight rental accommodations, including but not limited to hotels, motels, condominiums, bed and breakfasts, apartments and bunk houses
- General retail and wholesale businesses
- Restaurants
- Light industry
- Automobile related businesses including ATV's and OHV's
- Other businesses which are appropriate for the economic benefit of the community

This should include considerations of:

- Where the respective uses should be located in the county
- A map of the placement of the uses that can be used to create the necessary zoning to ensure the intent of this moratorium is adhered to
- Attention given to a balance of services in locations that will serve the beneficial needs of the community
- Economic diversification
- Current essential needs

It is anticipated this study will result in legislative action being taken by the County Council on the recommendations of both the Community and Economic Development Department and the Planning and Zoning Commission once they have completed their evaluations and have put forth their conclusions.

**GRAND COUNTY, UTAH**  
**ORDINANCE \_\_\_\_\_ (2019)**

**ORDINANCE REPEALING AND REPLACING OVERNIGHT ACCOMMODATIONS  
USE RIGHTS IN USE TABLE 3.1 AND SECTION 4.6 OVERNIGHT  
ACCOMMODATIONS OVERLAY DISTRICT IN THE GRAND COUNTY LAND USE  
CODE (AND REPEALING ORDINANCE \_\_\_\_\_)**

**WHEREAS**, the Grand County Council (County Council) adopted the Grand County General Plan Update (General Plan) on February 7, 2012 with Resolution No. 2976;

**WHEREAS**, the County Council adopted the Grand County Land Use Code (Land Use Code) on January 4, 1999 with Ordinance No. 299, adopted significant amendments to it on February 19, 2008 with Ordinance No. 468, and has since amended it with additional ordinances for the purpose of regulating land use, subdivision and development in Grand County in accordance with the General Plan;

**WHEREAS**, the County Council adopted a temporary land use restriction prohibiting the review and approval of new overnight accommodations developments on February 5, 2019 with Ordinance 586;

**WHEREAS**, following the passage of Ordinance 586, the County conducted an extensive research and public planning process to understand the issues and questions surrounding overnight accommodations development noted in Ordinance 586 as well as market trends, implications of current zoning standards, community impacts, infrastructure and public service impacts, and resident support for new approvals of overnight accommodations;

**WHEREAS**, the County's findings from the above planning process informed the land use code amendments to be implemented by this ordinance;

**WHEREAS**, the purpose of this ordinance is to support the health, safety, and welfare of Grand

County residents by appropriately regulating overnight accommodations developments in the County;

**WHEREAS**, the purpose of this ordinance is to remove all overnight accommodations use types from all base zoning districts, establish use-specific overnight accommodations overlays, and immediately apply the appropriate use-specific overnight accommodations overlays to existing and vested projects;

**WHEREAS**, the Planning Commission is statutorily responsible for making recommendations to the County Council regarding textual and mapping amendments to the LUC and accompanying zoning map;

**WHEREAS**, the Grand County Planning Commission held a public hearing on June 11, 2019 to solicit public comment on draft changes to the use overnight accommodations use rights in Use Table 3.1, Section 4.6 Overnight Accommodations Overlay standards, and associated Overnight Accommodations Overlay District map(s), and recommended approval to the County Council;

**WHEREAS**, the Grand County Council held a public hearing on July 2, 2019 to solicit public comment on Ordinance No. 584 and voted to approve the same;

**NOW, THEREFORE BE IT RESOLVED**, Sections 3.1 and 4.6 of the Grand County LUC shall read:

(See Exhibit A)

**PASSED, ADOPTED, AND APPROVED** by Grand County Council in a regular public meeting on July 16, 2019 by the following vote:

*Those voting aye:* \_\_\_\_\_

*Those voting nay:* \_\_\_\_\_

*Those absent:* \_\_\_\_\_

**ATTEST:**

**GRAND COUNTY COUNCIL**

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Chris Baird, Clerk\Auditor

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Evan Clapper, Chair

Insert Exhibits (Use Table 3.1; New Section 4.6 and Subsections: OA-Hotels/Motels; OA-Campgrounds; OA-Residential; OA-Bed and Breakfasts; and, Maps associated with each use-specific OA)

DRAFT



### Table 3.1 Uses by Zoning District

[illegible]

[illegible]

Staff used the code language provided by Landmark Design and the modifications recommended by the planning commission (by formal votes) to update the existing Section 4.6 –OAO Districts. Principally, the changes reflect the creation of use-specific OAO districts (OA-Hotels/motels; OA-RV/Campgrounds; OA-Residential). The original language provided by Landmark Design and presented to planning commission in their public hearing is also included in the packet. Council and the County Attorney should weigh-in on which format is most appropriate (what is presented below, or what was presented by Landmark Design).

## **4.6 -OAO, Overnight Accommodations Overlay Districts**

### **4.6.1 Purpose**

The -OAO, Overnight Accommodations Overlay ~~districts~~ are ~~is an~~ overlay districts intended to designate subdivisions and developments within which overnight accommodations are permitted. Overnight accommodations ~~use of residential dwelling units is~~ are an important part of the Grand County economy and tradition, but such use is not appropriate in all zone districts and parts of the county. ~~The~~ -OAO districts should be applied only to entire developments and subdivisions or to portions of such developments and subdivisions planned or historically used primarily for such use and activity, and where appropriate and compatible with adjacent land uses and neighborhoods. ~~The~~ -OAO districts ~~will not~~ may be applied to individual ~~units or lots~~ parcels where appropriate.

The purpose of establishing and applying -OAO districts is also to ensure that overnight accommodations are designed and developed in a manner that address the impacts and the increased service needs they generate. The -OAO districts should be applied to ensure that new and redeveloped projects result in tangible community benefits through the application of creative design, the incorporation and support for mixed uses both on-site and elsewhere in the community, and through the provision and support for public uses and spaces to provide a balanced community structure.

### **4.6.2 Allowed Uses**

Uses allowed in the -OAO district shall be as specified in the underlying base district; provided that use-specific overnight accommodations types may ~~residential dwelling units otherwise allowed may~~ be occupied for time periods of less than 30 days.

Existing overnight accommodations developments shall be allowed to incorporate new residential and commercial uses otherwise allowed by the underlying base district. Existing overnight accommodations developments shall not be allowed to expand the number of spaces, lots, or units for which they were originally approved to use as overnight accommodations.

### **4.6.3 Lot Design Standards**

All development in ~~an~~ the -OAO district shall comply with the Lot Design Standards of the underlying zoning district.

#### 4.6.4 District Standards

All principal and accessory structures shall comply with the following requirements:

A. Uses allowed in the -OAO district shall comply with the Use-Specific Standards of Article 3 and Development Standards of Articles 6 and 7.

BA. Occupancy of ~~dwelling units~~any space, room, or unit in ~~an~~the -OAO district may be less than 30 days in duration.

CB. An individual business license shall be required for each RV/campground, hotel/motel, or dwelling unit rented for time periods of less than 30 days. Each residential dwelling unit used for overnight accommodations shall require its own business license even when multiple units are owned or managed by one entity.

DE. Such units shall be managed by a Utah-licensed property management agent or company with a local, Grand County representative; properly licensed to conduct business in Grand County; and shall collect and pay all applicable taxes, including but not limited to, the TRT tax.

ED. Additional off-street parking may be required as necessary to mitigate impacts on adjacent land uses and neighborhoods.

FE. Current contact information for property owners or management agencies or companies shall be posted in an accessible location outside such units or project.

GF. Potential impacts upon affected public water sources shall be reasonably mitigated.

HG. Properties designated by ~~thane~~ -OAO district shall have direct access to an arterial or collector street.

IH. Property used for ~~such overnight accommodations within an -OAO district rentals~~ shall not be considered abandoned pursuant to Section 1.10.6 solely for reason of vacancy for a period of six months; provided, however, that such property shall not be considered abandoned so long as such property is rented at least once during each 12 consecutive months.

#### 4.6.5 Approval Procedures

A three-step planning and approval process is required as summarized in the following table:

<u>APPLICATION</u>	<u>IMPLEMENTATION</u>	<u>WHAT IS ADDRESSED?</u>	<u>APPROVAL LEVEL</u>
--------------------	-----------------------	---------------------------	-----------------------

<b><u>Overnight Accommodation (OA) Overlay District</u></b> <u>(Rezone)</u>	<u>As a modification to the official Zoning Map, indicating the area or areas where the specific overlay district applies</u>	<u>The physical location and extents of the proposed overlay zone</u>	<b><u>Legislative</u></b> <u>(Rezone and Zoning Map Change)</u> <ul style="list-style-type: none"> <li>• <u>Planning Commission (recommendation to council)</u></li> <li>• <u>Council (adoption)</u></li> </ul>
<b><u>Application for Attaching Overnight Accommodation (OA) Overlay to a Specific Site, Property or Development</u></b>	<u>As a modification to the official Zoning Map and Zoning Ordinance, indicating the specific location of the application site and the terms upon which it will be developed</u>	<u>Land area to be rezoned and general terms upon which it is approved, including but not limited to the following:</u> <ul style="list-style-type: none"> <li>▪ <u>Proposed primary uses</u></li> <li>▪ <u>Number of rooms/units</u></li> <li>▪ <u>Design and development conditions</u></li> <li>▪ <u>Special conditions and requirements</u></li> <li>▪ <u>Other uses and development requirements</u></li> </ul>	<b><u>Legislative</u></b> <u>(Rezone and Zoning Map Change)</u> <ul style="list-style-type: none"> <li>• <u>Planning Commission (recommendation to council)</u></li> <li>• <u>Council (adoption)</u></li> </ul>
<b><u>Development Agreement, Project Plan and/or Subdivision Plat</u></b>	<u>As specific submittals and approvals specified in the applicable ordinances</u>	<u>Specific project development requirements for development approval.</u>	<b><u>Administrative</u></b> <u>Staff and/or Planning Commission approval according to the specific terms and ordinance obligations</u>

#### **4.6.6 Identification on Zoning Maps**

Approved overnight accommodation overlay districts and developments shall be indicated on the official Zoning Map.

#### **4.6.7 Site Master Plan Required**

A Developer shall submit a site master plan at the time a request is made for application of an – OAO district to a specific site, property, or development. In approving an –OAO development, the County Council shall approve and the County shall record the site master plan. The master plan shall clearly indicate the purpose and details of the project, including technical facts and a clear description of how the proposed development provides benefits to the community as compared to development carried out in accordance with the otherwise applicable zoning and development regulations. More specifically, the master plan shall include at a minimum the following:

**A. A statement** by the applicant describing how the proposed development provides greater benefits to the County than would a development carried out in accordance with otherwise applicable zoning and development regulations.

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**B. A map and description of sensitive lands** within the or adjacent to the proposed development and how they will be addressed, including but not necessarily limited to the following:

- Public drinking water supply watersheds (recharge areas for the aquifer in the Glen Canyon formation);
- Floodplains and riparian habitats;
- Slopes in excess of 30 percent; and
- Significant geological, biological, and archeological sites.

**C. Identification of site planning features and a description of how they will be addressed** to promote seamless transition between on-site uses and the surrounding site conditions.

**D. A description of the beneficial public services and goods the project provides** to the community. This should include a community benefit concept description, and specific documentation of the proposed types, amounts, locations and relationships of compatible uses provided within the development that provide beneficial public services and goods to the community. Examples of such uses may include mixed uses, residential uses, office, commercial and civic uses, public open space, and indoor/outdoor gathering spaces.

**E. Documentation of the specific utilities and infrastructure** that are designed and installed to conserve limited natural resources such as water. Examples include preparation of a water use master plan for the project, the incorporation of gray-water re-use systems, implementation of water conserving landscapes, installation of real-time water monitoring systems, the incorporation of water-efficient fixtures and the incorporation of state-of-the art dark-sky friendly lighting systems.

**F. A narrative and graphic presentation of the development** documenting and presenting the proposed development and land uses by:

- Gross acreage;
- Total project density and/or square footage for all uses proposed for the project (including overnight accommodations) per gross acre;
- Total number of overnight accommodation units;
- Overnight accommodation unit density expressed as a per-acre ratio;
- Total number and type of on-site employee and affordable housing units;

- Common area and private open space acreage;
- Total number of parking spaces required and provided, including bicycle parking;
- Parking, service and loading area acreage/spaces;
- Project Floor Area Ratio (FAR);
- Public open space and similar publicly-accessible feature acreage;
- Descriptions and graphic representations suitable for conveying the overall development character and proposed architectural style of the proposed development; and
- The relationship of the proposed development to existing development in the area, along the highway and to significant natural and built features in the area.

**G. A Traffic Study** prepared by a licensed transportation planner or traffic engineer, documenting project traffic generation, impacts (including traffic noise) and proposed mitigations and modifications.

**H. A Site Plan** prepared in accordance with the requirements of the County and the Development Standards specific to this section shall be approved and filed with the findings of fact as part of the approval. The site plan shall indicate at a minimum all major roads, site access roads, parking and service areas, trails and trail connections, major utilities, existing and proposed land uses, common area, public open space, landscaping plan, a conceptual drainage plan and entrance locations on existing roads.

**I. A statement of how the proposed development is consistent with the General Plan,** including specific reference to Overnight Accommodation (OA) policies; and

**J. Other relevant information** that will support the application or as otherwise requested by Grand County staff.

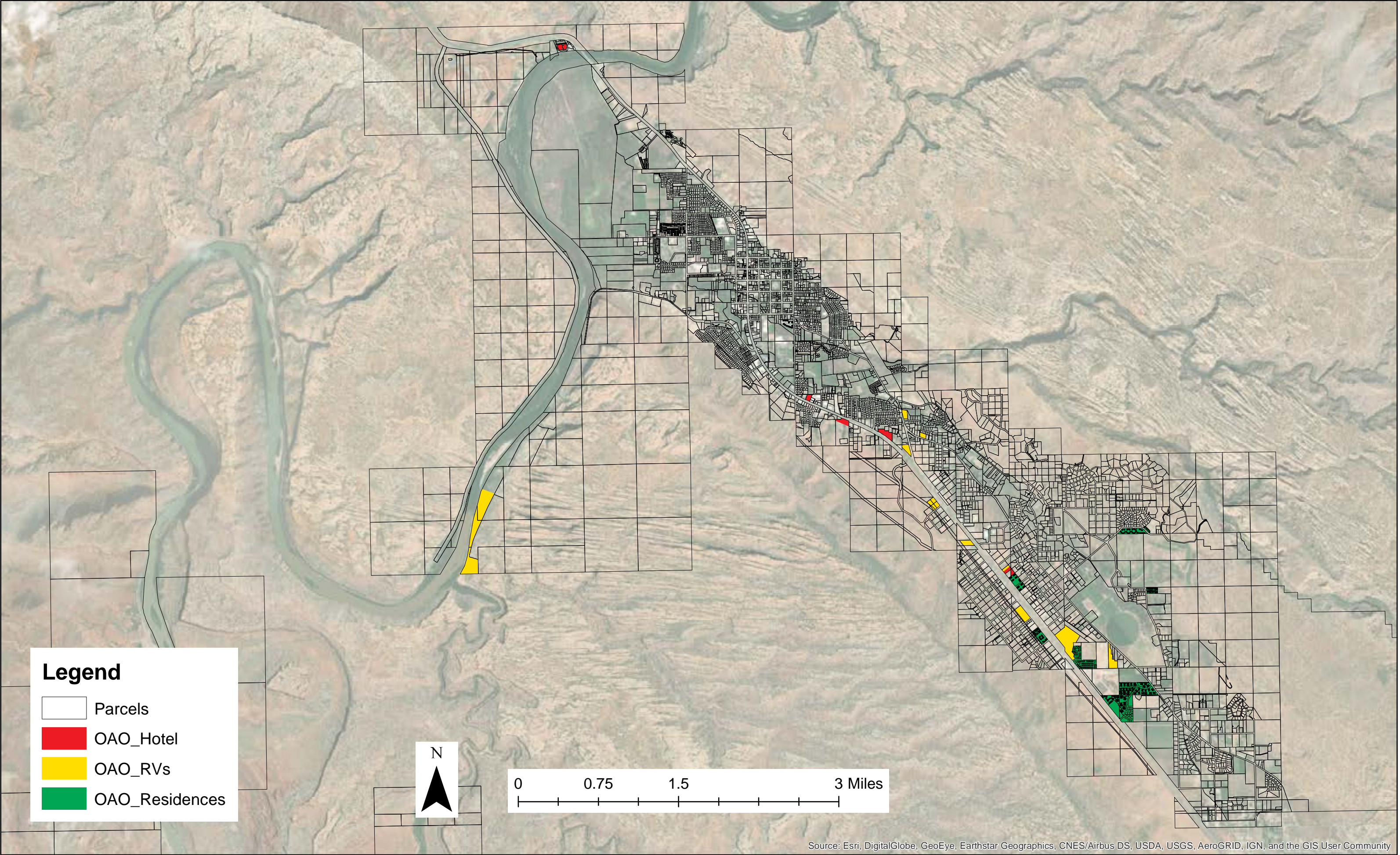
#### **4.6.8 –OAO Districts Map**

(See attached)

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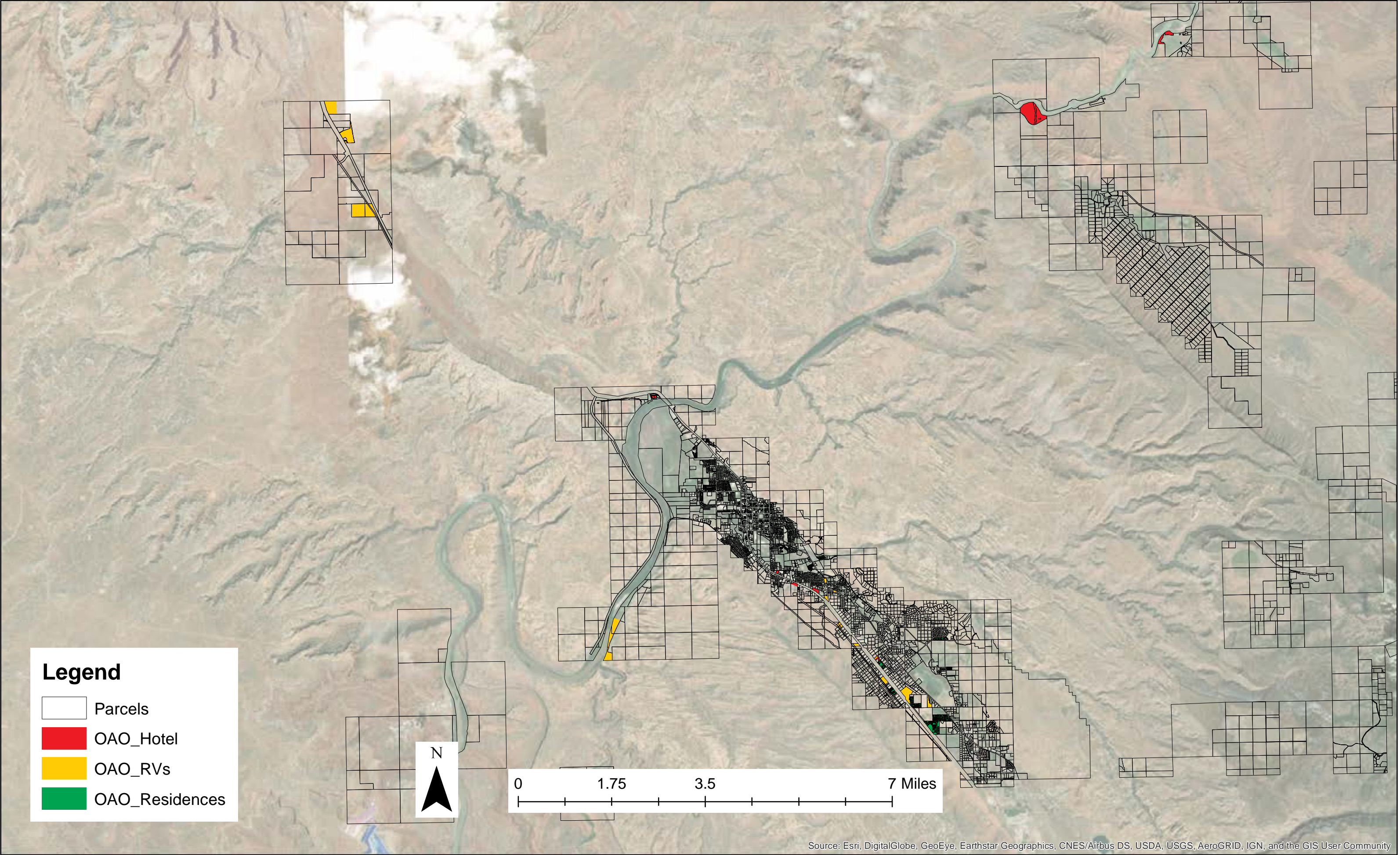


# New Overnight Accommodations Overlays



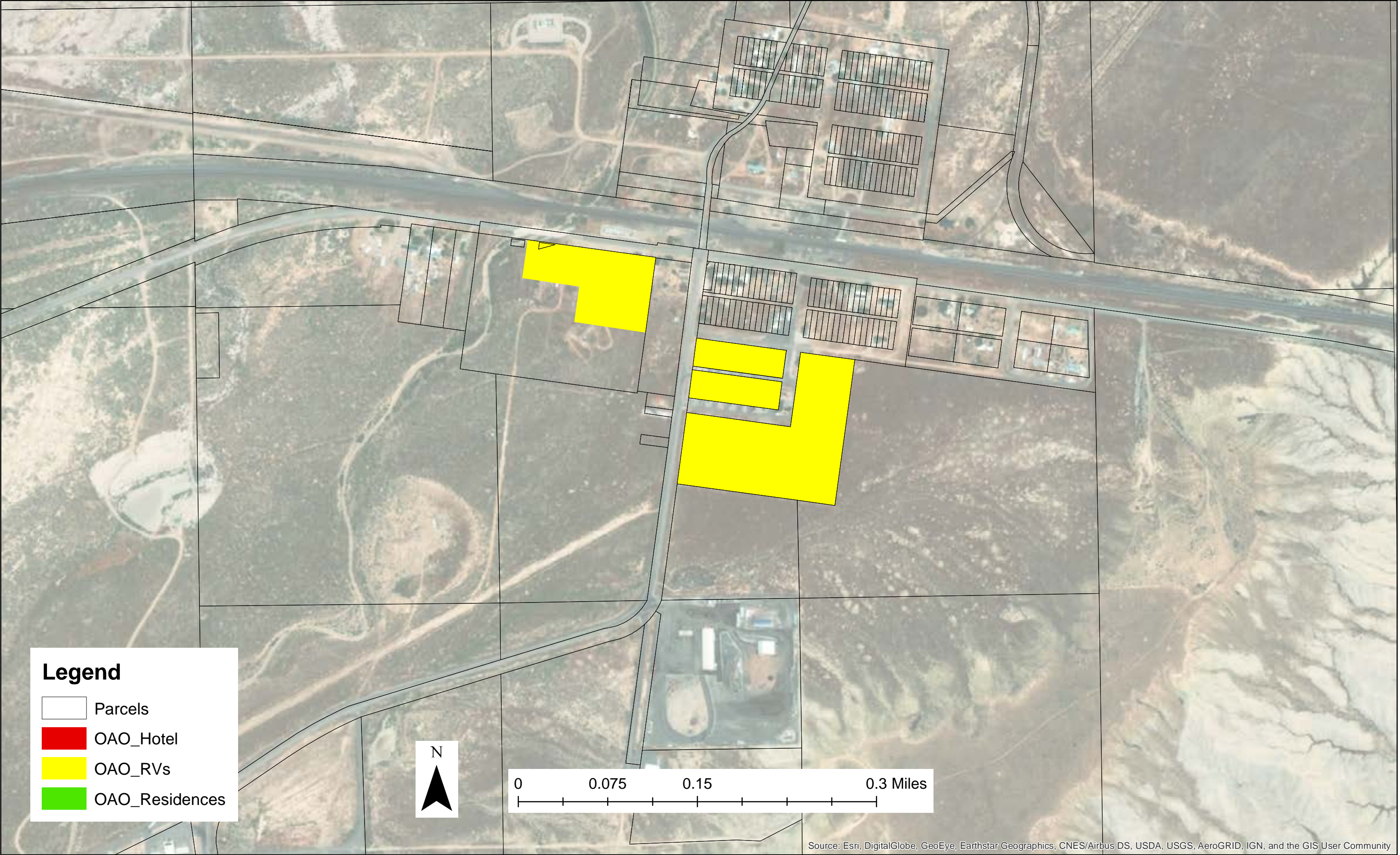


# New Overnight Accommodations Overlays





# New Overnight Accommodations Overlays





# GRAND COUNTY, UTAH ORDINANCE 586 (2019)

## APPROVING A TEMPORARY LAND USE REGULATION PROHIBITING NEW LAND USE APPLICATIONS OR PERMITS FOR OVERNIGHT ACCOMMODATIONS, INCLUDING HOTELS/MOTELS, CAMPGROUNDS, BED AND BREAKFASTS, CONDOMINIUMS AND TOWNHOMES USED FOR OVERNIGHT ACCOMMODATIONS, OR ANY OTHER USES ASSOCIATED WITH OVERNIGHT ACCOMMODATIONS FOR A PERIOD OF SIX (6) MONTHS

**WHEREAS**, the *Grand County Land Use Code* currently permits overnight accommodations in multiple zone districts and the Overnight Accommodations Overlay (OAO), as further described in Section 3.1 (below):

Principal Uses by Zoning District														
Use Category	Specific Use	RESIDENTIAL					NONRESIDENTIAL							Use-Specific Standards
		SLR	LLR	RR	MFR	RG	NC	GB	RC	RS	HC	LI	HI	
Key: P = Permitted by right    C = Conditional Use Permit Required    ____ Not Permitted (Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively)														
Overnight Accommodations	Bed and breakfast					P		P	P	P	P			3.2.3D
	Dude ranch or destination resort					C								3.2.3F
	Hotel or motel						P	P	P	P	P			
	Recreational vehicle parks and campgrounds								C	C	C			3.2.3L
	Residential units used for overnight accommodation							P	P	P	P			3.2.3M
	All other overnight accommodation uses													4.6.4

**WHEREAS**, Utah Code 17-27a-504(1)(a) states:

"A county legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the county if:

- (i) The legislative body makes a finding of compelling, countervailing public interest; or
- (ii) The area is unregulated."

**WHEREAS**, Grand County has, in recent years, received and approved a significant number of new permit applications for hotels/motels, campground and RV parks, condominiums and townhomes used for overnight accommodations, and bed and breakfasts;

**WHEREAS**, Grand County recently commissioned BAE Urban Economics to complete a Nexus Analysis in conjunction with its exploration of an Assured Housing Ordinance, and this study verified and quantified the nexus between new lodging related development and increased demand for below market rate housing;

**WHEREAS**, the median sales price for all housing unit types in Grand County increased \$115,000 (51%) between 2013 and 2018, at least in part, because of demand for residential units used as overnight accommodations whereas average wages only increased \$3,204 per year (11%) over the same time period;

**WHEREAS**, the United States Geological Survey is finalizing a report that includes findings from a recently completed multiyear groundwater study of the Moab Area Watershed, which found that safe yield for the Area is less than previously estimated (About 11-13,000 acre-feet per year rather than 18-22,000 acre-feet per year), and Grand County anticipates the need for a multi-agency, intergovernmental groundwater management plan;

**WHEREAS**, lodging related development results in water usage that greatly diminishes available and financially viable water resources for residents;

**WHEREAS**, Grand County budgets for law enforcement, search and rescue, and emergency medical services, increased forty-six percent (46%) between 2015 and 2019, fifteen (15%) between 2014 and 2018, and one hundred thirty percent (130%) between 2014 and 2018, respectively, as a result, at least in part, of increased tourism impacts;

**WHEREAS**, the local office of the Department of Workforce Services has reported a significant increase in the number of private sector service jobs remaining unfilled because of the increase in accommodations and tourism without a proportional increase in service workers who can find or afford housing in Grand County. The same office recently informed the County that 328 jobs across all sectors were currently posted and more than 250 had been posted for more than 30 days;

**WHEREAS**, the County is in the process of adopting and updating multiple planning documents and land use ordinances related to future land use and affordable housing, including a High Density Housing (HDH) Overlay and the housing element of its general plan, and processing permit applications for additional overnight accommodations undermines the purpose of the County's planning process;

**WHEREAS**, the County is in the process of evaluating current local economic conditions and opportunities for economic diversification, and processing permit applications for additional overnight accommodations undermines the purpose of the County's economic development efforts;

**WHEREAS**, overnight accommodations developments have the potential of significantly increasing the number of people utilizing the infrastructure and public services in Grand County;

**WHEREAS**, significant increases in the number of people utilizing Grand County's infrastructure and public service systems creates undue stress on these systems;

**WHEREAS**, Grand County has received an increase in the number of complaints regarding the impacts of overnight accommodations developments on the County's infrastructure, public services, housing market, economy, general quality of life, and environment;

**WHEREAS**, it is in the best interest of Grand County and its citizens if the County passes a temporary land use regulation which halts new permits for overnight accommodations;

**WHEREAS**, the Grand County Planning Commission and County Council need time to review and amend, if needed, overnight accommodations regulations prior to approving any new permits for overnight accommodations in any zone district;

**NOW, THEREFORE, THE COUNTY COUNCIL ENACTS THE FOLLOWING:**

1. **Temporary Land Use Regulation.** Except as expressly provided in Section 3, no new applications or permits for overnight accommodations, including hotels/motels, campgrounds, bed and breakfasts, condominiums and townhomes used for overnight accommodations, or any other land use associated with overnight accommodations, shall be approved in any zone district upon the Effective Date, as defined in Section 2.
2. **Effective Date and Duration.** This ordinance shall take effect immediately upon passage ("Effective Date") and shall continue for six (6) months, following which it shall automatically expire with no further action of the County Council.

3. **Exceptions.** The County acknowledges that a number of "persons," including entities, within Grand County have procured land use entitlements (including land use approvals and building permits) for the construction of overnight accommodations, including hotels/motels, campgrounds, bed and breakfasts, condominiums and townhomes used for overnight accommodations (which shall include condominiums and townhomes located in a district in which overnight accommodations is a permitted use by right), or submitted land use applications that have been deemed complete, as of the Effective Date. In an effort to avoid hardship to those who have relied in good faith upon existing County regulations, such persons described above who have procured land use entitlements or who have submitted land use applications deemed complete by the County shall be excluded from the applicability of this ordinance. In every case, such persons shall still be required to obtain land use permits and business licenses for said overnight accommodations before such use commences.
4. **Conflict.** This ordinance shall supersede and take precedence over any conflicting ordinances or policies of Grand County.
5. **Severability.** If any provision of this ordinance shall be found invalid by a court with jurisdiction, the provisions shall be severed and the remainder of the ordinance shall be enforced without the severed provision.

**PASSED, ADOPTED, AND APPROVED** by the Grand County Council in open session this February 5, 2019 by the following vote:


Those voting aye: Halliday, Hawks, McGann, Wells, Clapper, Morse

Those voting nay: \_\_\_\_\_

Those absent: Paxman

**ATTEST:**

**Grand County Council**



Chris Baird, Clerk/Auditor



Evan Clapper, Chair



## **COURTESY NOTICE TO PROPERTY OWNERS OF PROPERTY IN**

### **COMMERCIAL ZONES AND OVERNIGHT ACCOMMODATIONS OVERLAY DISTRICTS**

You are receiving this notice as the owner of record of a parcel in the unincorporated area of Grand County, Utah that is either commercially zoned or included in the Overnight Accommodations Overlay. It is being sent to you as a courtesy and to demonstrate Grand County's commitment to informing property owners of potential changes to their commercial use rights. The subject of this notice has been covered extensively in local periodicals and public advertisements, and all other required formal noticing steps have been followed.

Grand County is considering changes to its land use code that may limit your rights to develop *new* overnight accommodations. These changes may include removing overnight accommodations as a use by right, which will affect *new* overnight accommodations only. In such an event, existing and legally vested projects will be allowed to continue operating.

If you have not followed this policy conversation, you may visit [www.moabarealanduse.com](http://www.moabarealanduse.com) to see process and project related materials. You may also review past meeting packets for Grand County Planning Commission and Council meetings at [www.grandcountyutah.net](http://www.grandcountyutah.net). Please also note the upcoming meeting dates below.

Scheduled meetings as of June 1, 2019 are as follows (All meetings take place at 125 E. Center St, Moab, UT 84532):

**June 11, 2019 at 5:00 p.m.** (or later) – Public Hearing, Grand County Planning Commission. The Planning Commission will hear public comment and vote to forward a formal recommendation to the Council regarding proposed changes.

**June 18, 2019 at 4:00 p.m.** (or later) – Discussion, Grand County Council. The Council will review and discuss the Planning Commission's recommendation.

**July 2, 2019 at 4:00 p.m.** (or later) – Public Hearing, Grand County Council. The Council will hear public comment and discuss the Planning Commission's recommendation.

**July 16, 2019 at 4:00 p.m.** (or later) – Public Meeting, Grand County Council. The Council will vote on an ordinance amending overnight accommodations use rights in the County land use code.

\*Oral public comment will be accepted during each public hearing, and may be accepted during discussions. Written public comment may be submitted any time to [council@grandcountyutah.net](mailto:council@grandcountyutah.net).



# Catalog of Existing and Vested Overnight Accommodations Developments in Grand County

Development	Total Constructed Units	Constructed, ONR	Constructed, not yet ONR	Vested, not yet Constructed
Rim Village	208	144	64	115
Red Cliffs	72	48	24	
Desert Wind	20	8	12	
Southgate	28	18	10	
Tierra del Sol	42	26	16	
Coyote Run	16	11	5	
Solano Vallejo	48	33	15	
Castilo de las Rochas	18	10	8	
Puesta del Sol	8	6	2	
Unspecified STRs and BnBs	518	518		
Unspecified Campgrounds	1232	1232		
Unspecified Hotels	2471	2471		
Sage Creek				108
Wyndham Wingate Hotel				120
Seven Mile RV Park				60
Kane Creek Campground				32
Hotel adjacent to Dowd Flats RV Park				82
Radisson Hotel (at former Knutsons property)				100
Ballard RV Park expansion (Thompson Springs)				35
Prana/Radcliffe Hotel				38
Worldmark Wyndham				146
Element/Slickrock Hotel				121
Moab My Place Hotel				64
Klaes Rental Properties				4
Henry Shaw Hotel				222
Lion's Back Hotel				50
Lion's Back Casitas				188
Hoodoo				115
Totals	4681	4525	156	1600

\*84 units have not yet received final plat approval

38%

Maximum potential increase in ONRs without  
any new approvals

Table missing Moab City projects constructed and not yet ONR (eg. Units in Entrada, Cottonwood Condos not currently ONR)

Disclaimer - All data is accurate to the best knowledge of Grand County Community and Economic Development as of May 17, 2019.

June 27, 2019

Memo to: Grand County Council

cc: Grand County Planning Commission

cc: Grand County Planning, Zoning, Economic Development Staff

**Re: Reasoning for postponing decision regarding Bed and Breakfast Overnight Accommodations**

**This is the Planning Commission's position on this issue:**

- The Planning Commission is happy to revisit the BnB issue if directed to do so by the County Council.
- There is no urgency to revisit BnBs since no change to the status quo is being considered as part of the proposed Overnight Accommodations ordinance.
- There was great public interest in the BnB issue in the past. If the status quo is going to change we recommend that the public be involved again.
- If the Council desires to create an overlay to accommodate BnBs in residential zones, it should consider incorporating into that overlay zone the BnB regulations the Planning Commission drafted in 2017.

**Some background information:**

On June 11, 2019, a memo co-signed by Council-members Wells, Hawks, and Morse 're: Bed and Breakfast Accommodations' was received by the Planning Commission and read into the record.

On Dec 5, 2017, the County Council voted to remove overnight accommodations as a use by right from all residential zones. Bed and Breakfasts in residential zones are allowed to continue operating as legal non-conforming uses.

Following our June 11 public hearing, the Planning Commission considered the points raised in the memo and revisited our discussion of BnBs in relation to other types of overnight accommodations before forwarding our recommendation on the proposed Land Use Ordinance to amend use rights and apply Overnight Accommodation Overlay zones ("Ordinance").

Following a lengthy discussion at the June 25 Planning Commission meeting and with respect to comments raised by members of the County Council at the June 18 Council meeting, we decided to send this memo to clarify the policy-based reasoning behind our decision to

recommend that the County Council move to adopt the proposed Ordinance without changing the legal status of BnBs operating as legal non-conforming uses.

### **Exception for Bed and Breakfasts in ‘base’ commercial zones**

The discussion throughout this memo is specific to Bed and Breakfasts (‘BnBs’) operating as legal non-conforming uses on residential parcels where the ‘base’ zone district does not currently permit BnBs as a use by right.

For existing BnBs operating in non-residential zones, we recommend that the County Council apply the Overnight Accommodations Residential overlay to these parcels at the time of adopting the proposed ordinance, as we see a policy distinction between maintaining current non-conforming uses v. modifying current uses by right, as detailed below.

### **Public interest of considering Bed and Breakfast accommodations**

Based on comments by Grand County citizens, property and business owners, economic conditions, and the policy goals that the County Council has communicated to the Planning Commission, we believe there may be a legitimate public interest in addressing whether Bed and Breakfasts currently operating as legal non-conforming uses should continue as such, or whether Grand County is better served by revisiting the legislative decision adopted by the County Council in Dec 2017.

Potential applications of the *zoning toolbox* that have so far been discussed include:

- Establishing a new overlay zone for BnBs and applying it to these parcels
- Incorporating these parcels into one of the proposed overnight accommodation-based overlay zones
- Updating the use tables of an existing ‘base’ zone to address BnBs specifically and offset their potential impact
- Maintaining them as legal non-conforming uses

### **Reasons for postponement**

We have considered Bed and Breakfasts throughout this process, and determined to forward our recommendation with no change for BnBs currently operating as legal non-conforming uses for the following reasons:

1. *For Bed and Breakfasts operating as legal non-conforming uses, taking no action to include them in an overlay zones district would not represent a fundamental change to the status quo.*

For reasons summarized in the June 10 memo sent to the Planning Commission, our recommended action includes the creation of overlay zones that would be applied to parcels with existing businesses operating overnight accommodations **where such use is currently a use by right**. To fail to do so would result in a fundamental change to the parcel's status at the time of adoption.

BnBs operating as legal non-conforming uses in the county do not suffer a similar change if you do not include them in an overlay zone district, as Council's legislative decision in Dec 2017 removed that use by right. Any uncertainty and lending issues specific to those parcels would already have resulted from Council's previous actions.

Furthermore, changing the status of these parcels from legal non conforming uses to a use-by-right by applying an overlay zone *would* result in a fundamental change to the status quo.

2. *Given the public engagement surrounding the decision to revoke overnight rentals as a use by right in residential zones, and the recency of Council's decision on the matter in 2017, there is legitimate reason for addressing this issue independently.*

As demonstrated by the lengthy processes leading up to Council's Dec 2017 vote, the question of status for BnBs operating in residential zones is a complex issue. While it's true that many of these are small, owner-occupied businesses, there are outliers which operate more like motels.

Applying a blanket overlay zone to all BnBs operating in residential zones without considering the differences between the two could unduly burden the former through unnecessarily strict standards and restrictions, or fail to offset the public impact of the latter. Throughout the Fall of 2016 public process around this topic, we found the conflation between these two types of businesses to be one of the biggest challenges to generating an equitable and sufficient policy recommendation.

3. *We lack public input into whether creating an overlay zone specific to BnBs would serve the public interest*

While public input and discussion throughout the moratorium has not intentionally omitted the topic of BnBs, we have received little to no input specific to BnBs in residential zones (outside of general concerns about nightly rentals), including little to no direct comments from operators of such businesses (save for the June 10 Council

memo).

While this in of itself is not evidence of the lack of support for such a change, it does suggest that there is not significant interest in rescinding the legislative action taken by Council to remove BnBs from residential zones or extend the proposed overlays to BnBs in residential zones.

*4. Merits of protecting public interest through loss by attrition*

The question has been raised within the commission whether it serves the public interest to maintain existing BnBs as legal non-conforming uses with the policy goal that a reduction of this use would occur naturally overtime by attrition, returning homes, apartments, and rooms to the general housing pool for long-term residents or owners.

We have not had sufficient time to measure the merits of this question, but it serves to demonstrate the complexity of this issue and the need for addition time and input to consider it.

**Request for additional direction**

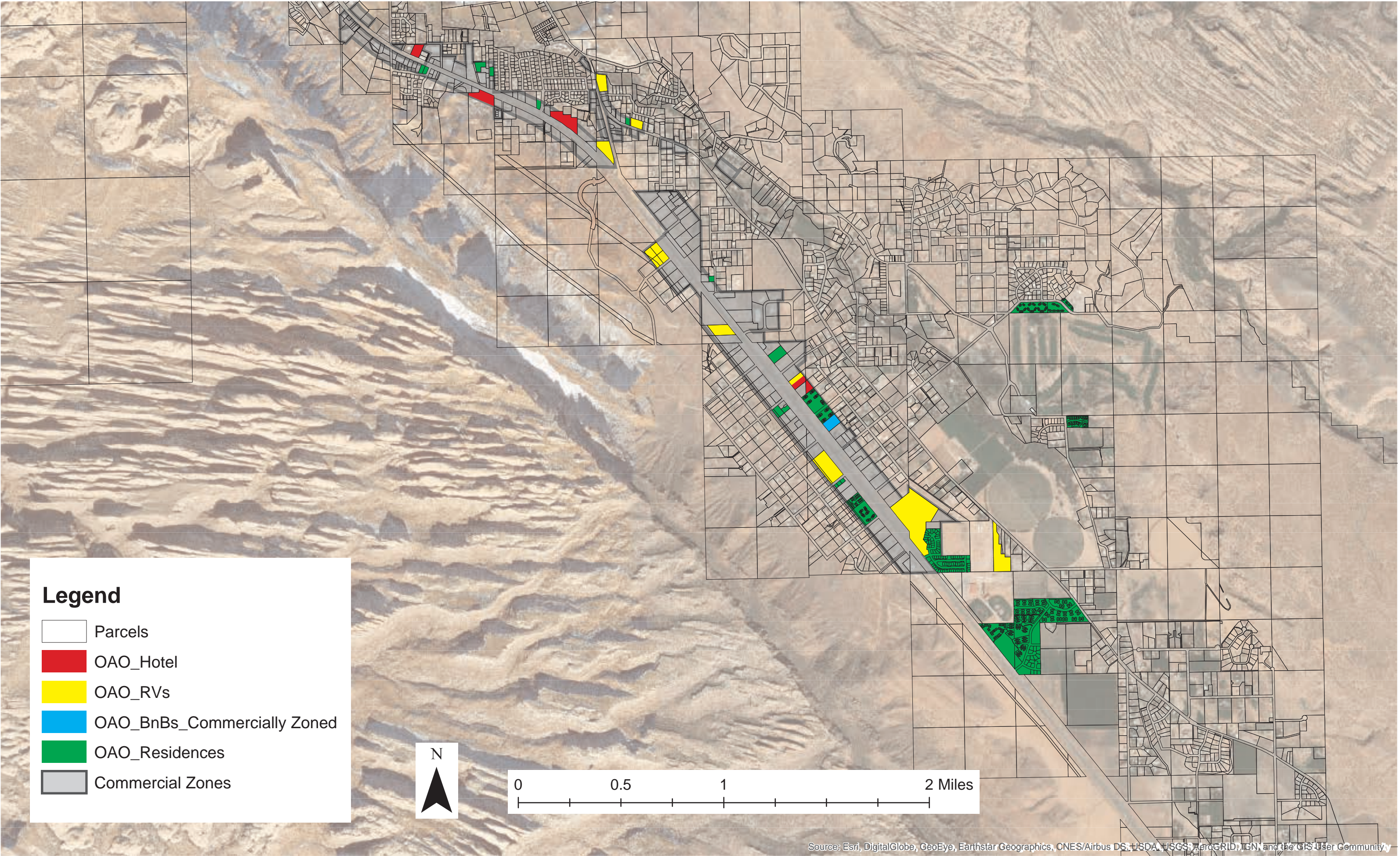
For the reasons outlined above, we believe there is limited interest in exploring how we might evolve the land use code to address BnBs in residential areas. We advise County Council to refrain from adopting these parcels into existing or proposed overlay zones during your consideration of the ordinance proposal the planning commission has forwarded.

Should the Council wish to revisit the decision to treat BnBs in residential zones as legal non-conforming uses, we request that council specifically direct us to do so, granting adequate time to solicit appropriate public feedback, weigh policy options, and generate a comprehensive recommendation.

Respectfully,  
Gerrish Willis, Chair  
Abby Scott, Vice-Chair  
Grand County Planning Commission



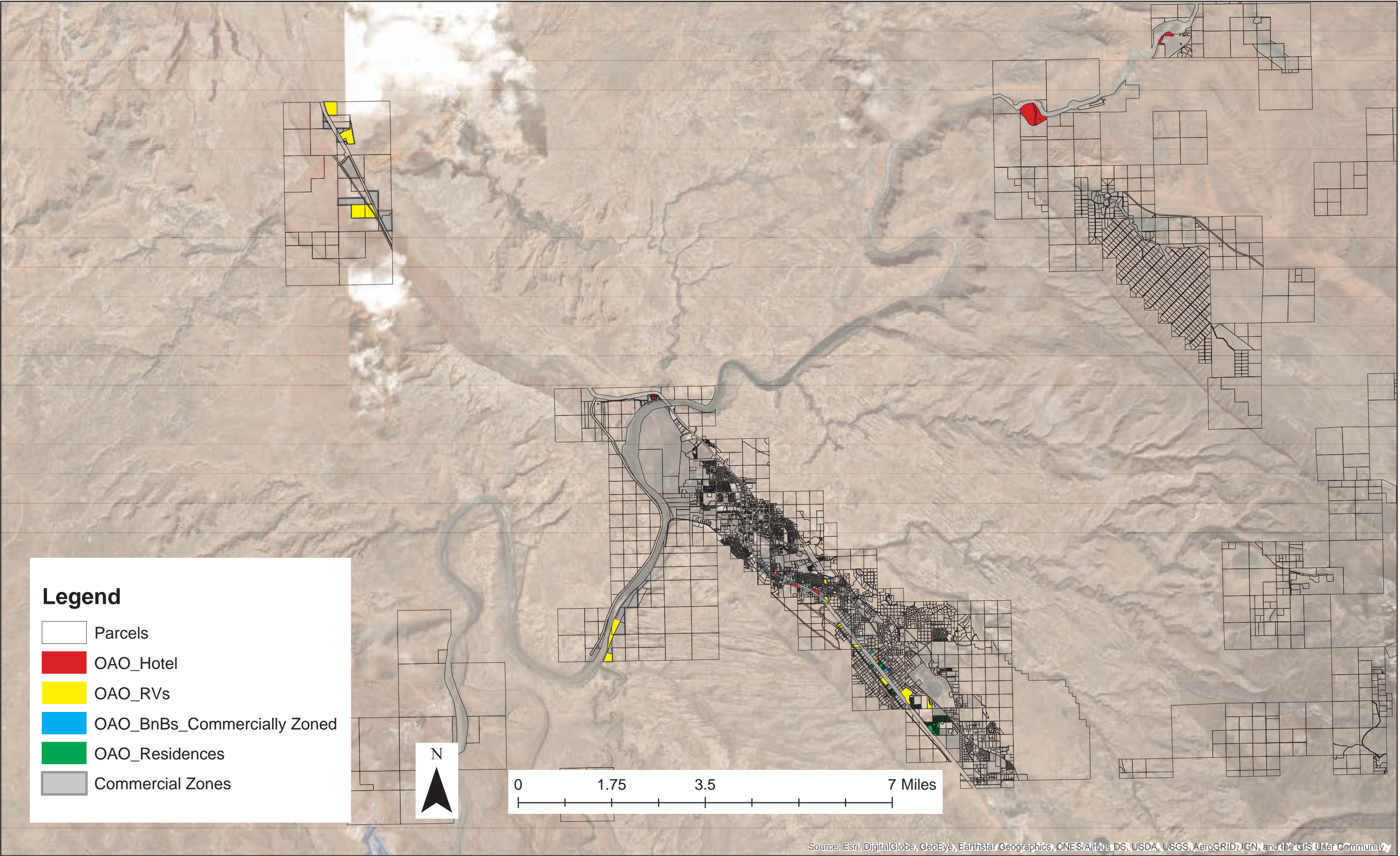
# Overnight Accommodations Overlays - July 2nd, 2019



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



# Overnight Accommodations Overlays - July 2nd, 2019





## MOAB AREA LAND USE

### PUBLIC COMMENTS RECEIVED VIA EMAIL SINCE WORKSHOP <sup>1</sup> AND IN PERSON DURING THE WORKSHOP

Hello,

I was unable to attend the open houses in March, but have some comments and concerns to share with your group.

1. When you talk about urban infill, does that include the R2 zone in Moab even though the City Council voted to remove the R2 zone from the PAD ordinance?
2. If the R2 zone is to be included in any urban infill discussion, will you notify all the residents of the R2 zone of this intent and will you take into consideration our comments and concerns about infrastructure, roads, parking, and code enforcement?
3. Are you aware of the comments made by city officials and others portraying residents of R2 as greedy and fearful of “the other” and of change?
4. Has the city provided you with existing written comments received by them over the past several months from residents of R2?
5. As you formulate your plan, will you be able to articulate why the R2 zone must be included in the PAD ordinance when there are other zones whose intent and infrastructure was designed specifically for higher density construction?
6. Do you have any examples of other cities like Moab who have used urban infill in their existing residential zones?
7. Have you driven through the R2 zone in Moab to see the variety of homes that make up our neighborhoods?

Thank you for the time and effort you are putting forth to help Moab and Grand County develop a land use plan that reflects the vision of Moab’s residents and meets the needs of our changing community.

Thank you,

--

I own a nightly rental unit in Moab Entrada.

I believe the rights with existing nightly rentals should be protected as owner paid a premium for those rights and they are a critical element of the value.

I do think that Moab residents’ concerns about the town are often legitimate. One thing I have seen that has degraded the experience in town and in the surrounding back country is the noise from side by side and atvs that a street licensed. Moab PD should enforce a noise ordinance as many of the vehicles have modified exhausts and exceed EPA standards and likely state or municipal noise standards. Citing vehicles and letting visitors know of the noise enforcement would improve the experience for non-motorized visitors and residents.

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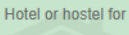

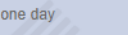


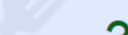
<sup>1</sup> Please note that these are the verbatim messages received since the workshop was held on April 30<sup>th</sup> through noon May 6<sup>th</sup>. It is anticipated that additional comments will be provided by the comment period deadline, which is end of the business day May 7<sup>th</sup>.

Also, residents should be told about the economic benefit of nightly rentals and the contributions to nightly rental taxes and consumer spending in local shops and restaurants. I'll send a spreadsheet separately.

[illegible]

Not secure | [www.budgetyourtrip.com/united-states-of-america/moab](http://www.budgetyourtrip.com/united-states-of-america/moab)

### How expensive is Moab?

<b>Accommodation<sup>1</sup></b> Hotel or hostel for one person	<b>Food<sup>2</sup></b> Meals for one day	<b>Local Transportation<sup>1</sup></b> Taxi, local buses, subway, etc.
 <b>\$82</b>	 <b>\$30</b>	 <b>\$14</b>
<b>Entertainment<sup>1</sup></b> Entrance tickets, shows, etc.	<b>Tips and Handouts<sup>1</sup></b> For guides or service providers	<b>Alcohol<sup>2</sup></b> Drinks for one day
 <b>\$2.50</b>	 <b>\$25</b>	 <b>\$53</b>

[About these numbers](#)

—

I am writing to support continued nightly rentals in the Cottonwoods development on Williams Way, in the C-2 Zone. I am a seven year owner of a Cottonwoods Unit and reside there several months each year. My family and I have been regular visitors to Moab for over 40 years and decided to make Moab our second home, and ultimately our retirement home. However, I rely on nightly rentals to be able to afford the mortgage and expenses for this unit. Without the ability to rent I would regrettably be forced to sell the unit. Moreover, without the nightly rental option, re-sale value would be greatly diminished causing me considerable financial hardship.

I support efforts to better regulate the booming growth of Moab. However, I suggest looking at regulation on development going forward rather than reverse regulations in place, causing undue hardship to existing owners. Cottonwoods has been eligible for nightly rentals since it was built and I believe is an attractive rental due to its proximity to downtown. I have to believe it has been a reliable contributor to the economy.

Thank you for your consideration.

--

I am unable to attend the meeting tomorrow night. It is my understanding that you still have a willingness to collect comments.

I have lived full-time in Moab since 2011, tourist since 1999. I own a home. I work in the Real Estate industry and have a UT license (though I do not work as a sales agent); I am required by law to disclose that.

The comments are entirely my own, they are not representative of any organization or profession.

DENSITY - increased density DOES NOT equate to affordability unless we are careful to require it to do so. We can change our zoning laws to allow for 4 homes in a space where we now only allow 1, but if someone builds 4, \$450,000 homes then we've accomplished nothing.

BUILD SMART - we have so very little private land - identify areas within the County and City that are suited to increased density (i.e., proximity to services, etc.) and focus on ways to "incentivize" affordable development on these sites. Example, the large acreage of flat, residentially-zoned private land along Powerhouse/Millcreek, owned by developers. How can we motivate those businessmen to develop affordable housing solutions here in a way that will be pleasing to the community?

LODGING MUST INCLUDE "OTHER" - hotels, motels, and nightly rental complexes should be required to also construct a square footage of area for retail, restaurant, or other. They are swallowing up all of the available land and making it such that nothing else can be built.

LODGING MUST INCLUDE HOUSING - hotels, motels, and nightly rental complexes should be required to construct, or pay into a fund (Land Trust), a set square footage of housing space per guest room/bedroom.

PARKING - we have grossly inadequate parking. Absurd that we allow flatbed trailers to clog residential neighborhoods. Vacation rentals, hotels/motels, RV parks - all must provide off-street parking for their guests including trailers. No trailer or RV parking on City streets.

OFF-ROAD - off road motorized vehicles which are not allowed to drive on I-70 should not be racing around on our streets. Trailer to the trail. Enough. They are noisy and dangerous.

LIMIT ZONES FOR LODGING - I can name 6-8 business ideas that are legitimate needs in Moab, to serve both locals and tourists alike. I cannot find ground to do any one of these things, it is too expensive because lodging development has driven the prices to absurd levels. Cut back the zones in which lodging development is allowed, to help ensure that some shred of our private lands will remain available for non-lodging development.

MAINTAIN OPEN LAND - developing every inch of ground is not the answer.

CONTINUE TO RESTRICT SHORT-TERM RENTALS - this needs to be done with utmost care, as a quick look at other States will show that if there's enough push-back, communities can lose their right to regulate this use. If any house could be a short-term rental, the vast majority of them WILL BE used for this. We'll lose our neighborhoods. We'll lose our rental housing for workers.

Thank you for your time,

--

To Whom it May Concern:

I am the owner of one of the Entrada townhomes and am writing in regard to the request for public comment regarding future land use and overnight accommodations in the Moab area. I live out of state so am unable to attend the planning meetings in person.

I decided in 2017 to purchase one of the Entrada townhomes because my family, friends and I love the Moab area so much. We had been visiting multiple times a year. The opportunity came up for me to own a beautiful home in an amazing place, and for my costs to be offset by rental income when not used by myself. I had researched the zoning rules at the time, and confirmed that the unit, in zone C2, would be eligible for short-term rentals.

I am obviously concerned about protecting the value of my investment as well as my ability to continue to offset the property/mortgage costs with rental income. I would estimate that, if short-term rentals were disallowed in the Entrada complex, the value of the property would almost immediately decrease by 30%. Such a change would be financially devastating to me and many others.

I have read through the community's concerns about rapid growth, the imbalance between long-term housing and short-term accommodations in the area, and affordable housing. My hope is that this can be addressed by limiting construction of new short-term units or restricting future applications for overnight lodging, thus grandfathering in existing homes that were purchased with the

expectation/understanding that short-term rentals would be allowed. This allowance should be made explicit in any legislation, and should be specific to a unit/property rather than a specific owner (such that if I made the decision to sell my home, a future owner would be able to continue short-term rentals on the unit).

I would also support using a portion of the taxes collected from overnight lodging to support affordable housing, rather than devoting these funds entirely to promotion of tourism.

I also believe any land-use planning should be done by the city of Moab and Grand County should be in coordination with San Juan County. Continuing to allow construction just south of town, in San Juan County, but restricting it in Moab, will continue to increase the problems associated with growth of visitation (traffic/noise/parking, etc.).

Thank you for your time and consideration.

Best regards,

--

Hello City Council,

As a member of this community, I want to express my concern about water use in Moab Valley as our small town continues to grow. Below are a few points for helping to ensure our community has access to clean water in the future:

- I am grateful for the moratorium on all new overnight accommodations. We must use this time to get an accurate and up-to-date water availability analysis of the valley in order to make sure we have sufficient supplies and do not create demand hardening.
- Before development continues, we need to create a specific number of remaining Equivalent Residential Connections (ERC's) in order to determine what amount of growth is best for our community based on the actual amount of water we have. This should include having a buffer capacity for climate change, which we know is here and already affecting the Southwest's water supply. The Order of the UT State Engineer approving the transfer of water rights into our watershed by the San Juan Spanish Valley Special Service District cites a study indicating the Colorado Plateau could experience up to a 30% reduction in runoff due to climate variability.
- "Adopt a green infrastructure ordinance for stormwater management to protect water quality, increase localized groundwater recharge and offset landscape irrigation through matching plantings with green infrastructure treatments." A direct quote from the Moab City General Plan – Goal 4 Water Quality, Policy 1, Action step h. I for one want to support the city in meeting this goal, which supports our watershed and community resilience.
- While we are in this moratorium, I would love to see us set high standards for integrated water efficient landscape design and performance for all new development (including residential), while also promoting conservation by existing users.

Thank you for taking the time to read this. As we are talking about housing and development, we must not forget water. Without proper effort to conserve and protect our water resources, we put our entire community at risk.

Sincerely,

--

Hello Moab and Landmark,

As the general manager of the largest property management company in Moab, Moab Property Management and Moab Property Group, I wanted to take the opportunity to express my thoughts on the land use policies currently being developed for Moab City and Grand County. We provide both long term housing and nightly rentals, in a near 50/50 mix, so we can provide a unique perspective into the growth of overnight rentals and the need for affordable housing. Finally, we have a full-service brokerage and can see how the decisions made on land use, specifically moratoriums and zoning changes, affect housing prices.

We have ~35 employees and fully understand the need for affordable housing for our staff. We are able to house our staff through a combination of apartments and houses with several roommates. As Moab continues to grow, we need to look at the models and examples set forth by cities that have already grown and figured out many of these issues. Simply put, Moab does not have enough apartments. So many of our workers that need affordable housing are stuck renting more expensive houses that have amenities that they don't need or want, or can't pay for. A great many of these workers are seasonal, and a house just doesn't make sense for them to rent. We rent the apartments we manage usually before the previous tenant even vacates. And we always have a waiting list for our apartments. When people move to a larger or more developed city, they usually look for an apartment. When was the last time you heard of someone moving to Aspen or Park City seasonally, and hoping to rent a home? Our apartments on average rent for half the price of a home, and are affordable to most anyone.

Another item to address is the push to develop affordable housing in downtown Moab. Downtown has the highest pricing and least land availability. To continue with the earlier theme, you wouldn't expect to rent an apartment in downtown Vail, or live on the strip in Las Vegas. Residents in these areas live in nearby Eagle Vail, or in the suburbs around Vegas. Property south of town, in the Spanish Valley area, is much more affordable and a much better place to develop affordable housing. I would suggest making it easier, and more advantageous for developers to put in apartments south of town. This could be done through incentives and partnerships. In fact, Moab Property Group would be interested in a project such as this.

One important item to note is that the recent attempts to curb overnight rentals and make housing more affordable, the sewer moratorium and the overnight rental moratorium, have had the exact opposite effect. As soon as those policies went into effect, we saw prices for existing homes go up immediately in value. As new supply was cut off, and demand continued to soar, the prices and values for anything existing shot up. Unless we are hit with a recession, or tourism to the area is greatly reduced, limiting new building will only drive up the cost of what is already built.

I would highly suggest a strategy of granting additional land rights to address the situation and staying away from stripping away property rights in the process. Stripping away property rights takes value away from land owners that had a reasonable expectation of use when they purchased the property, and opens up the city/county to expensive litigation. When the city made the move to remove overnight rentals from the C2 zone, which has since been rescinded, a very large group of land owners banded



together with the intention of filing a large lawsuit against the City. Thankfully this never came to fruition. We would all lose if these efforts all ended up being wasted on legal fees. When property owner's purchased land in Commercial, General Business, or Highway Commercial Zones, they often paid 2-4 times the value of the property because of the zoning. Stripping this away would be akin to telling a Moab resident that the home they paid \$350,000 for is now worth only \$200,000 because zoning has changed and families are no longer allowed to live in that neighborhood. Many people, as evidenced in the meeting about the C2 zoning change, invested their life savings or planned their retirement around properties or land in these areas. Don't take away rights and value; add it. Look at other zones and allow for the addition for apartments and affordable housing in appropriate areas. Look at the issue as a business would; a good investment. You wouldn't build apartments by the beach in San Diego. Don't build apartments/affordable housing in downtown Moab. Take advantage of the lower pricing and increasing growth in Spanish Valley.

Instead of looking to penalize types of growth that some may not like, ex. nightly rentals, I would look to incentivize types of growth that most can agree on. Taking a positive approach vs. a negative approach, like granting rights instead of stripping them, will win over more citizens, and make less enemies. If Grand county were to give incentives in the forms of tax credits, land grants, monetary contributions, etc. for the building of new apartments, that would greatly accelerate the development of affordable housing. I would suggest that funds for these incentives could be taken from TRT income. While those funds are currently locked to advertising, it appears that some changes may be coming to that. And, while controversial, I would support a reasonable amount of TRT be allocated to these programs/incentives. For citizens that see overnight rentals as a negative, that would be a direct benefit that they would see from the tourists coming to town. Again, Moab Property Group would be interested in participating in one of these programs should they become available.

I think it's also important to bring up the idea of a bypass for trucks coming through Moab. Much of the traffic, noise, etc. that people complain about is not due to tourists or overnight rentals. Moab's Main Street is a thoroughfare for trucking. Moab does not need, nor want, the business from the trucks coming through. And citizens and tourists don't want that either. We've all experienced having dinner at a Moab Main Street patio and having to pause your conversation every time a semi-truck breaks or accelerates. There isn't a single thing we could do to reduce traffic that would be more impactful than routing trucks outside of Main Street.

Finally, Moab is growing and we need to embrace and shape that. We have 'problems' that many other towns would love to have. MPM manages property in other states and participates quite a bit in the rental industry as a whole; and our problems are not unique. No matter where you go there is always a perceived housing crisis or shortage. We need to look at the positives that all the tourism and extra money they bring in provide to us, instead of looking at the downsides. We live in a beautiful area, and other many people want to share that with us. Not many places have that, and we are lucky to live here. We can find a balance between providing affordable housing in appropriate areas, not stripping away rights from our citizens, and allowing the town to grow and prosper organically.

Thank you,

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Any proposed land use regulation must consider that we need to have a liveable environment for the current residents. Traffic jams of the sort last Sunday are unacceptable. We do not have the infrastructure in place to accommodate such fast growth. Our surrounding public lands are being loved

to death, and consequently trashed. Noise and light pollution need to be curtailed. All of these outcomes are a consequence of too many people in too restricted an area.

--

Dear Mr. Vlasic,

After all the public forums you've attended, I'm sure you are aware of the wishes of this community. Most want to see the growth of tourist accommodation (including campgrounds and RV parks) halted. Most feel that we have reached or exceeded capacity already. We have certainly reached capacity with the current infrastructure and resources needed to assure a quality experience for tourists. We have certainly reached a level of tourism that compromises our residents' quality of life.

Our LUC needs to encourage the upgrading of infrastructure and the development of businesses that support our current level of tourism. Our roads need an upgrade and our downtown needs a by-pass. Our national parks need time to resolve overcrowding and access issues. We need more restaurants, more tour operators, more grocery stores, more housing for service workers, etc. Once we have dealt with these issues, and assured that visitors can have a safe, comfortable, quality experience, we can revisit the issue of more tourist accommodations.

No doubt many metropolitan citizens would not consider our community to be overly crowded, hectic, and noisy. However, the standard which needs to be applied in the Moab Area is not that of San Francisco, Denver, or even Salt Lake. This is a rural/small town community. Our citizens we are increasingly adamant about preserving the character of the Moab Area! We need to uphold the good planning principles of infill and compatibility. The current high-density overlay violates those principles.

The high-density overlay needs radical revision. There is little need for local densities that are more than double the housing densities of New York City! High density overlay use should be reserved for 100% affordable housing developments. Mid-rise and hi-rise buildings should be restricted to our future college campus.

Some will say that Grand County should build all the tourist lodging it can because San Juan County will build it if we don't. We cannot dictate to SJC, but we can negotiate and influence them to cooperate with us in controlling growth in our valley. So, Spanish Valley will continue to depend on Grand County for provision of essential services for some time to come. We are in this together. If our leaders are willing to undertake the task, we may see more homes and fewer tourist accommodations being built in SJC.

--

**My observations:**

It is especially important to avoid the pitfalls of segregating land use types. Creating monotypes of development can really create dead zones, which are not only unattractive, but also less safe. In addition, this approach can increase traffic problems. The movement for neo-traditional neighborhoods, also known as, New Urbanism, advocates promoting mixed land uses for maximum livability.

**My suggestions:**

Look at how other resort towns, such as, Telluride and Aspen and even Boulder (as a college town, it has some similar issues), manage their Venice problem and promote affordable housing.

From the toolbox, make use of an Inclusionary or Assured Housing Ordinance. Include how to manage Airbnbs along with hotels as you consider the tourism challenges.

Consider what we want to preserve, such as important view sheds and important landmarks, such as the scale of attractive streets. With regard to maintaining the look of our central streets, there is a notion of a reverse wedding cake approach to new development, i.e., place taller new development outside the smaller scale streets rather than permit tall developments on attractive streets with lower buildings.

Consider how we want things to look. That means bringing into use form-based codes (FBC), which are all about achieving this goal. With this zoning tool, you consider the scale and appearance of buildings in a district. While it is a fad/trend, this can also be a very helpful tool. As an example, Cincinnati has adopted form-based codes for its downtown.

My preferred option is a hybrid of Options 2 and 4 that slows the growth in overnight rentals, but still promotes mixed land uses.

Sincerely,

--

Hello -

I would like to provide input on the current moratorium and proposed changes to the Land Use Plan.

The City and County need to make changes very quickly, and very soon. The character and wonderful things about our town are being destroyed by too many tourists.

The land can't handle it and the town cannot manage it well. We have traffic jams most of the year now, and the B&B's, illegal rentals and very large out of town events encroach on our once quiet neighborhoods.

Housing is almost non-existent for the average person living here, and it is very frustrating to have so many out of town companies, corporations, and speculators taking over what little is left.

We need to put a stop to the out of control growth by extending the moratorium for a longer period of time - one, so we have more time to discuss and plan, and two, to prevent any more hotels and motels from building here.

There absolutely needs to be the option in the Land Use Plan that no more hotels or motels be built here. Monticello and Green River can take the overflow. The hotels are ruining this town and taking away precious land that could be used for local housing.

Most residents do not want to see any more hotels and motels going in. It is changing the character of the entire town, and benefits only the corporations that are building them. There is no benefit to the locals.

Enough is enough - this could have been prevented by careful planning a long time ago, so, it is crucial that this out of control development be stopped before this town loses its soul.

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Hi, I live at 4900 Sunny Acres Lane, which borders on the San Juan and Grand county line.

Obviously (to me) options 1 and 5 are out. Of the remaining options, I'm not sure where some of the tools mentioned in the community examples fall into. Specifically, the tool where development can be 'sent' or traded to another property. When selecting one of the more restrictive options limiting development (my preference), by adding in the trading of development options, you could help prevent the resentment from undeveloped/under-developed owners.

I would like to see that tool Incorporated. It sounds like a cap and trade market tool. Though the implementation would be complex, I'm hoping it might be a solution to help one of the more restrictive development options to be implemented. Also, in the example, it sounded like it was more for agencies to use. I would like to see something like that available for private lands owners. That way, developers like Randy Day could get behind a restrictive development option because they know they could essentially up-zone their projects by purchasing development rights from other Land owners. It's going to take a solution like that to get greedy developers to back a restrictive option, which would help everyone, I think.

Feel free to contact me.

--

I support the option of no new nightly rentals. We are already over capacity now in almost all respects.

Two close friends, one an ex council person and one a current one, have or are planning on moving from Moab or out of the city. We are losing the heart and soul of our community. I moved here 25 years ago from the Roaring Fork Valley. I watched as Aspen became a town with one empty neighborhood after another during off season and then so jammed with cars and people during the high season that it could take an hour to get into or out of town and then there was no parking, exorbitant prices, tight reservations at restaurants, and one family after another moving down valley. I was director of Leadership ASPEN and most of our program participants worked in Aspen but lived down valley including the fire chief, police chief, head of the hospital etc. Eventually it became Leadership Roaring Fork as so many leaders lived in Carbondale or Basalt. If Moab continues at this pace, we will have more and more people moving from the city center to the county and to Green River and LaSal further contributing to traffic issues. We need a stop to TRT advertising, an imposition of a 6-month minimum

lease restriction on all rentals, and a permanent moratorium on all new overnight accommodations.

--

Thank you for the public meetings you have hosted! Requests for our input gives us hope that our opinions are heard and might make a difference.

My personal leaning regarding the five options is more towards numbers four and five, with higher emphasis on five. No further growth would be ideal, in my opinion, as I feel that we have reached and exceeded tourist saturation. I know that many say that this option will just push the growth down into SJC, but I think SJC growth is going to happen regardless of what we do in Grand County. The same rumor blazed through about eight years ago when Walmart made rumblings about locating here, and many said that if we didn't snag them, they would just locate south of the county line. While that could be true, I don't think that a fear-based approach to city planning makes sense. Same thing regarding the fear of increased property taxes - we are paying, either way; it's a matter of what form our payments will take (more property tax, or further decrease in quality of life? Regret that the answer is likely "both.")

My main objection to option four is that it sacrifices the north corridor into Moab. We have enough hotels for the level of tourism that we should be seeking ~ the excessive continued promotion needs to be curtailed through local control of TRT funds, which I realize you have no influence over. Even with the proposed highway 191 widening project, we are still doomed to long lines of vehicles coming into town - it's just going to be four lanes of them instead of two; road widening doesn't cut down on numbers, it just alters the configuration of the congestion. I doubt that concentrating hotels at the north side of town is going to cut down on through-traffic congestion in town; they will still be coming in for groceries, restaurants, gas, etc, and people on longer trips prefer to continue on down to the south rather than backtracking to the interstate, lured onward by Cedar Mesa, Monument Valley and other iconic destinations. Maybe a few of the SLC weekenders will avoid coming into town by bringing their own groceries, but I doubt that their numbers are sufficient enough to make a difference in town congestion.

My other objection to option four is that the form-based codes requirement is not included (although it reappears in option five - was that an oversight?)

So to recap, put me down as a vote for option 5, NO FURTHER GROWTH. Enough, already. We also need to quit turning long term rentals into nightly accommodations; our lower income residents have been pushed out of their housing by the greed of those fortunate enough to be landlords. I suppose one might view Moab's economy as booming, based on the number of service-based job opportunities, but the workers cannot afford to live here. We are turning into a commuter town, with the bedroom communities 25 - 65 miles away.

If you haven't seen it already, please watch the YouTube video taken on 28 April showing the gridlock on 500 West / Kane Creek Blvd from the highway intersection almost back to McDonald's:

<https://www.youtube.com/watch?feature=youtu.be&v=xwG1TQyo9Ug&app=desktop>

Also of note is the recently released statistic that there are 2.4 visitors per resident on any day. How are we supposed to support that much influx? And where are they supposed to park their triple rigs? Utah state regs allow 65' commercial rigs, and apparently regs are relaxed for private rigs (according to the RZR forum, where one post mentions being OK'd by a UHP officer for his 79' double-trailer rig, as it was being pulled by an RV which does not get included in total rig length.) Since a city lot is only 65' wide, one tourist can manage to block two driveways by parking on the street. Please keep in mind that the majority of people who visit Moab are pulling trailers, so each tourist vehicle is taking up multiple parking spots.

Again, thanks for your efforts and requests for public input. Best of luck in meeting the moratorium deadline. Your recommendations greatly influence our future.

Regards,

--

Dear Grand County Council, Moab City Council, city and county planners, and Landmark Consultants,

Thank you so much for all of your work on the current Moab Area Land Use planning project. It is difficult but so important. I've attended the two planning events with Landmark. Following are my comments.

I fully support option 5, called "No Growth" in Landmark planning documents. I think this title is quite misleading, and scared some people away from supporting it at the April 30 planning workshop. It is actually an option for no new overnight rentals, other than the 1100 or so new rooms already permitted but not yet built. It does not impact other types of growth, and in fact encourages other commercial, residential and community services growth. This was unclear, especially as the voluminous information on the growth options was not available to read before the workshop. I don't think there were bad intentions, and I don't want to look backwards, but I think it might have really skewed the opinions stated in the workshop. Everyone I've talked to in town thinks there are too many hotels, and that is without those already permitted and not built (which many people are not aware of). Traffic is horrid. Water use may be depleting our groundwater supply, but not all the information is in. I urge the Councils to not permit even one more overnight rental, whether hotel, motel, condo, campground, air b&b, or bed and breakfast. (And we need to stop advertising, but that may be a later discussion.)

Water availability is vital. Just how much water is used by overnight rentals, with showers, toilets, and landscaping, as well as sheets and blankets washed daily? We need to pause to more fully understand this and other factors relating to our water supply.

The compromises to option 5 that I would find most palatable would be to potentially allow very limited new overnight rentals sometime in the future. Because of the recent (and upcoming) overbuilding, I think there should be some number of years of no new overnight rental permits, perhaps with review of that policy every x number of years. The review could look at visitation trends, water supply, tourist impacts, traffic, etc., before deciding whether they would potentially allow some permits in the following years, until the next review.



I'm a little concerned about putting all new potential hotels on the north end of town. I don't really understand that strategy. It does nothing to improve traffic where it is worst on the north end of town, all of those visitors in the hotels will drive to breakfast and dinner downtown anyway, and it makes an ugly entrance to town. This strategy will drive up land prices in that zone, so no one will start restaurants or any other business there, as overnight rentals are most lucrative.

If any future overnight rentals are eventually allowed, I would be in favor of prioritizing smaller campgrounds or motels with a limited number of units, which would encourage and support local ownership.

If option 5 is not adopted, at the least the current "use by right" must be eliminated, with any future overnight rental permits only allowed by vote of the city or county councils.

Thank you for considering my comments.

--

No growth is a loaded term but there are already too many overnight spaces in this town and not enough long term housing.

Nate Greenberg - Local zipline guide

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Thank you so much for all of your work on the current Moab Area Land Use planning project, I support Option 5.

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Thank you, Grand County Council, Economic Development Office staff and Grand County Planning Commission for your work in this process. Thank you, Moab City Council and the Mayor and your planning staff for your work in this process as well. Thank you, Landmark Design for professional consultation.

The April 30th workshop may have helped gain the public's perspective on future city/county overnight rental development. It may be biased considerably right now due to the heading on Option #5.

There are hundreds of additional rooms about to be started or completed soon. To me labeling option #5 as "No Growth" lead the public to perceive that option as rather radical and unreasonable. I don't think it is at all. I hope #5 option could be presented differently in the future.

I don't know how many overnight accommodation rooms will be completed soon or are already approved. However, I think when we are considering option #5 it should be clarified how many additional overnight accommodation rooms are already approved and how many residential and other commercial projects are approved.

I would hope in any newly adopted land use codes the city and county councils would be required to vote on any new overnight rental or hotel development proposal and the use by right in the commercial zone for hotels and overnight accommodations is changed.

If a version of option #4 were to be adopted the northern corridor commercial development could be limited to shops and restaurants, not new overnight accommodations. We could extend the walking traffic from the current downtown all the way to the river (wouldn't that be cool?), eliminate the overnight tractor trailer parking that occurs there now, and slow the traffic down immediately south of the Colorado River bridge. (A traffic bypass is being considered by UDOT for vehicles wishing to get around our slowed traffic through town; if this happens, we can be creative.)

As well, I hope the public will be made aware of the approximate additional water use that will occur with the current approved development (overnight accommodations and residential/commercial).

Thank you all very much. I am proud to have you as my representatives as staff, elected officials and commission members.

--

Dear Landmark,

I attended the meeting Tuesday night and will comment more on the meeting format below, but want to advocate clearly for adoption of Option 5.

Option 5 has been titled 'No Growth' which is a very inaccurate and misleading title. Option 5 will still allow a 20% increase in overnight rental/hotel rooms due to those projects approved prior to the moratorium but have not yet broken ground.

Option 5 **does** encourage residential, commercial, and public growth that is beneficial for our county. This "No Growth" option should have a title something like 'slower growth' or 'responsible growth'.

Following are reasons why I & most people I have spoken with have chosen Option 5.

**\*\*Jobs!** We have enough low paying, low skilled hotel and overnight rental jobs. We do not need any more of these types of employment. Allowing more hotels and overnight rentals to be constructed creates more of these low paying jobs and inflates the cost of land as these huge out of town corporations can afford to pay big bucks to buy up Grand County's land. We need a diversity of jobs that will only be created if we are encouraging and incentivizing new businesses and commercial ventures.

**\*\*Water, water, water!** We don't even know if we have enough water to sustainably support the growth currently occurring and the 20% increase in overnight rentals soon to hit Moab's market. Water studies are in the works and it's only responsible to delay any more growth until we know how much water we really have to **sustainably** use yearly. Overnight rentals/hotels use a tremendous amount of water. Our neighbor's B&B not only washes all sheets and towels after each visitor leaves, but they also wash all of the blankets. We need to quantify exactly how much water is used per hotel/B&B/overnight rental room and compare this with the available water. Again it's a matter of responsibility both for the environment and for all of us who already live here and are expecting to have clean, affordable water to

drink for the rest of our lives.

**\*\*Traffic and noise:** I'm sure you have seen the video that was taken of the exit last weekend. Traffic was backed up on 5th W. all the way to Saint Francis Church. At the same time, traffic on Main Street was backed up all the way to the south Maverick. And we want 20% more growth on top of that? And Options 1 through 4 allow even more overnight rental traffic on top of what's already too much? How is it that our little town with one main street and two side streets can handle this kind of traffic? We need to stop growth until we have a traffic plan. We need to stop growth until we have a parking plan.

With traffic comes noise and unfortunately we already have way too many Razor type vehicles zipping up and down our residential roads. The increase in noise is astounding already. I don't think we can tolerate much more without a significant degradation of quality of life.

If option 4.5 (as our small breakout group termed it) is chosen, it can only be chosen after clear restrictions on development in overlay zones are deeply discussed and approved. I strongly advocate that a 4.5 option would restrict all new not allow any new hotels/overnight rentals for a period of say five years. This allows time to determine the impacts of this yet to be seen/experienced 20% growth in new hotels/overnight rentals.

Again it would be responsible that Option 4.5 completely disallow any hotels/overnight rental growth until we have a water study completed and a clear understanding of how much water we have left that we want to allocate to more low income jobs. Growth must be limited until we have an idea of how to handle the increase in traffic. Growth must be limited until we have adequate parking to support all of the tourists visiting and allow for residents to access our downtown.

Restrictions for any new hotels/overnight rental construction will require a lot of discussion, research and foresight. We need time to create adequate new restrictions/zoning/incentivization Height restrictions and density need to be considered.

Housing for employees must be a part of any new overlay restriction.

Fees taxes, etc. must incentivize local ownership so that the money stays in our county. Projects should be favoring or only including small campgrounds and very small mom-and-pop hotels. Every time a huge corporation builds a big motel/overnight rental facility money goes out of our town and out of our state. We need to encourage local ownership for a strong local economy and community.

No matter what option is chosen **Use by Right** must be completely **eliminated**. All new overnight rental/hotels need to be subject to the review and approval of both city and county councils and planning commissions as appropriate.

Thank you for all of the effort and concern you are putting into this these decisions.  
I'm grateful for the opportunity to have a voice.

PS I will send an email later about the format and process of the meeting Tuesday night. But want to get these comments in the mail to you as soon as possible.

Sincerely,

--

A permanent moratorium to stop or slow down growth. Limit the number of overnight accommodation units allowed. NO MORE HUGE HOTELS!

What residents want? We want to be sustainable. We have concerns about WATER USAGE, this is #1 and still not addressed.

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Respectfully,

My husband and I have lived at 282 Riversands Dr. for about 12 years now. We've watched the slow and steady growth for Moab occur. These last few years have been way over the top. The traffic, the noise from all the ATV's, the inability to walk into City Market and get the groceries we need, the concern about water resources have all detracted from what used to be a really nice community to live in.

This growth has been reckless, for example look how long it took to get an updated water treatment system. And what is the capacity of the water treatment system. The other day, I was smelling foul smells from it again, which makes me think it's already above capacity as it had been.

What about WATER. We are crazy to think we can go on like this and won't run into a water crisis in the coming decades.

The ATV's aren't even required to have noise restrictions....It's crazy.

Please, I Urge you No More Development!!

Sincerely,

--

My vote would be for option 5 - no new overnight accommodations in or near Moab.

--

Thanks for having the public-input meetings. I would like to make a couple of further comments.

First, I hope that community interests can be balanced with (cash) economy growth. Perhaps an ideal percentage could be developed. (And in fact 'economy' is defined as how a COMMUNITY manages its resources.) Let's do that.

Say 30%-70%. Though percentages could be a bit tricky to determine. But just having the concept of a balance could be useful.

Next, the idea of concentrating any further overnight housing between the northern 'edge' of town and the river, makes sense to me on a number of levels. Of course there has been approval for a significant

amount of projects that have not broken ground yet. Where that development will happen is a great unknown to many of us. But you get the idea. Let's concentrate it where it least effects the community.

Thanks,

--

I appreciate the opportunity to comment on the land use planning options Landmark presented at the recent public workshop. Of these options, I prefer Option 5.

Despite being titled "No Growth," **Option 5 will still allow a 20% increase in overnight rental/hotel rooms** due to those projects approved prior to the moratorium. This option does in fact allow growth, limiting only **new** projects that are tourist accommodations. It would encourage a more diversified economy with better paying jobs by making commercial space more readily available for a variety of businesses. It would also slow the rapid inflation of real estate prices, making housing more affordable for our residents and workers.

We need to put the brakes on until we see the effects of this projected 20% growth in tourist accommodations. Do we really have enough water to sustain even that? Until we see the results of the water study it is premature to permit even more growth. And what about traffic? We can't even handle what we have (last Sunday's gridlock, which spilled over onto residential streets, was unbelievable and intolerable!) Why set ourselves up for even more of this?

We need to stop increased growth until we know our water budget and have a realistic traffic plan. It would be reasonable to not allow any additional new hotels or overnight rentals for a period of 4 -5 years to see the impacts of a 20% growth in tourist accommodations. During this period the city and county need to develop zoning regulations/overlays that assure employee housing, a critical need for our community.

No matter which option is chosen, Use by Right should be completely eliminated. All new overnight rental/hotels need to be subject to the review and approval of city or county councils and planning commissions.

Thank you for considering my concerns.

--

The other day, as I was waiting in a long line of cars to get into Arches, I thought back to the mid-1980s. Then, cows ran rampant in Arches – even though they were not supposed to. Sullen, slow-witted, and utterly un-charismatic, these silly animals shamelessly spoiled the scenery and brought in precious little financial gain. Such heartbreaking under-use of the land could not stand! As President of the Chamber of Phynance I felt it my sacred duty to transform this intolerable situation. So, the Chamber teamed up with various Ecomodernist groups to usher in a new era. Scenery – not grass – was to be consumed. Those pitiful bovines were sternly banished and replaced by an eager young Cash Cow. That Cash Cow has now grown and matured way beyond our wildest dreams. Visitation to Arches has beefed up beyond belief - and our bottom line has ballooned!!!

Now, tragically, there is talk of curtailing the perpetual augmentation of our profits by limiting visitation and development. Clearly, these proposals are guided by the outdated notion that our Cash Cow should graze on scenery in open pastures. What backward thinking! Arches National Park and Grand County

must evolve – must become a feed lot. Feed lots are far more efficient. Just go to Greely and see for yourself how far the science of cramming mammals together has advanced. Enlightened Ecomodernists now know we can keep cramming more and more tourists into the area, indefinitely, indefatigably, and they in turn will keep cramming more and more cash into our exalted coffers!

As I continued waiting to get into the park, I also contemplated with supreme self-satisfaction the Cash Calves to which our industrial-tourism Cash Cow has given birth; the real estate Cash Cow, the Construction Cash Cow, and now, thanks to Ecomodernist selective breeding, a sleek, new, Fat-Cat Cash Cow; a hybrid, *Feliobovinus dividendus*. Now, if only those pesky, less than affluent locals would go the way of the heifers; if they would just sell their properties and quietly depart. Then their land could be properly developed; the valley could be filled to capacity, and then some, with a handsome hybrid herd of Ecomodernist mansions. That way Moab could triumphantly come into its own; could realize its divine destiny, could become the Cash Cow Capitol of the west.

Visions of grandeur began so clouding my mind that when I finally reached the Entrance Station I forgot to thank the Ranger there for kicking the heifers out of the park back in 1989

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Dear council members, planning commission and Landmark planners:

First, thank you for wrestling with the difficult issues in developing an ordinance to address new overnight rentals in Moab (aka the hotel moratorium). I also appreciate you soliciting input from and listening to the ideas of Moab valley residents on these critical issues. I'm writing to express full support for "Option 5," aka "no growth," (which would be better named "no new overnight rentals," to avoid scaring off support from people who may mistake this option for no economic growth, or growth of Moab in other respects.)

Option 5 is the only option that will begin to address the myriad concerns that the quite vocal majority of Moab valley residents have about our "runaway tourism/ tourist economy." Allowing additional overnight rentals to be built at this time, ANYwhere in the Moab Valley (including north of town or south of town) is NOT going to help. The occupants of those rentals will still drive into town and overrun the Moab infrastructure, parks, and public lands. They will still take away resources for other future development that supports a more diverse and sustainable economy—quite literally in the case of land and water resources. It is the use of our limited water supply for development of overnight rentals that worries me most—bringing in more tourists using water, flushing toilets, more linens washed daily, etc. Is this how we want our precious water to be used up? Before we even understand how much we really have??

What I'm hearing regarding the five options proposed is that most residents (including many of you!) prefer Option 5 but are worried about potential litigation from the state. So, you believe a more "realistic" option is needed. REALLY?? So, we're willing to further sacrifice Moab and our community just in case we get sued? We're going to continue allowing runaway tourism growth so the almighty state can further pimp us out to make money?? C'mon Moab, take a stand! What will future generations of Moabites think of us if we don't? If we miss this one golden opportunity while we stand at this particular crossroad? Moab has never been afraid to be different in spite of the state it occupies. That's why we held on to our unique form of government for so long! That's why we passed a plastic bag ban, we're passing dark sky ordinances, etc. That's why I've been proud to live here! And I want to us to be able to



look at ourselves in the mirror and know we did everything we possibly could to change the trajectory of runaway tourism and improve the quality of life for Moab valley residents, before it's too late.

Council members, Planners, all: Please do what's best for our community—focus only on this—and figure out a way to make Option 5 as bullet proof as possible. Don't be influenced by the what if's, maybe's, and hypothetical reactions of our Great State of Utah. Moab Valley residents do not deserve to live with an option that is shaped by fear.

And obviously, Option 5 does not have to be forever—ordinances can be revisited and revised as times change. But if for whatever reason Option 5 is not selected, please at least put a ton more restrictions on the types of accommodations that can be built. For instance, buildings no greater than two stories, less than 100 rooms, etc. Or perhaps only allow development of overnight rentals by local residents (defined as those having lived here X years)? Just a crazy idea.

Again, thanks for your hard work on this, and for taking our ideas under consideration!

Sincerely,

P.S. If you haven't already seen this video taken last weekend of the "Sunday exodus," on Kane Creek backed up to the Aspen Road junction (near our house), please check it out—this video is worth a thousand words.

Enough (tourists) is enough!! We don't need to keep growing the tourist economy!

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Moab Area Land Use Team –

I want to start by saying you are off to an awesome start! What you have already compiled in such a short time is very impressive. Thank you for all of your hard work.

After the meeting last week, I do have a few comments of input:

1. **COMMUNITY COMMERCIAL DEVELOPMENT:** I am very pleased that everyone I spoke with seemed to be on the same page about development for our community: housing (of course), local commercial, professional office space, etc. I am so glad that even those against overnight rental development were still on board with this.
2. **OVERNIGHT DEVELOPMENT DISTRICTS:** However, part of the comments that people have been mentioning is the impact tourists are having on our natural landscape. We have only limited opportunities for camping which forces people who come here to go off into the desert and make their own paths for camping. I think the only way to combat this very concerning issue is to be sure that we are keeping up with legal means of overnight accommodations for the people who are coming here. We can't stop them from coming to our town, but we CAN help them to be responsible. As word continues to get out about how great it is to visit Moab, I worry that avoiding any future development will only exacerbate this issue.
3. **CAMPGROUNDS:** I DO think it is very important that we pinpoint particular areas for that kind of development. North of town seems like a very obvious choice that, when coupled with a public transportation option, could keep some number of tourist vehicles out of the city center. This does not, unfortunately, help with the camping issue. This may be a more palatable course of

overnight development for those against hotel growth. The area near the dinosaur museum seems like a good option for this type of overnight growth.

4. \*\*\*TINY HOME COMMUNITIES: Currently, these type of wheeled housing units, tiny homes, etc are only allowed in highway commercial / overnight zoning district. THIS is of the utmost importance. We must have the opportunity for small / tiny communities in residential districts. More so than anything else, I think this would be the most useful piece of change that could be made to our land use code. Also, adoption of IRC Appendix Q would greatly benefit this effort.<https://codes.iccsafe.org/content/IRC2018/appendix-q-tiny-houses>

I appreciate your help and thank you for including my thoughts in your analysis. Have a nice remainder of your weekend!

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In case my earlier comments were not specific enough... I prefer option 5- no new overnight rentals. I'm also in favor of curtailing special events, frankly. They seem to bring with them problems (already existing) on hyperdrive.

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Yesterday at 11:30 am I tried to get home from a hike in Seven Mile Canyon. I turned right at Denny's on 500 W and it. It was stop and go, backed up all the way back to Kane Creek Rd. I followed it south to Kane Creek Rd. and turned out toward Main St. but turned around when I got out there. Traffic on Main St. was backed up through town south thru the intersection. This is what has happened to the town I have chosen to make my home. There are three large hotels which will come on-stream in the next few months, and plans are approved for substantially more overnight occupancy.

We have received multiple notices asking us not to use our garbage disposal. Really? We are supposed to make further compromises on basic day-to-day home living stuff so that more business development can be done for hundreds more tourists who will take long showers each night. Really?

What are you people thinking?

During Jeep Safari, I was walking across the painted, protected, pedestrian crossway between the two stop signs in front of the store. I had to jump out of the way of a vehicle which did not stop for me. The driver got out and yelled at me "I had the right of way". When I pointed at the painted marks for the walkway, he got out of his vehicle and screamed at me "I'm going to kick your F\$%ing ass." I'm a small business owner, own three properties in Moab (none of them overnight rentals, am a USMC vet, and I don't deserve this in the town where I have made my home.

Moab is now a bad place to live. My wife and I were at a pot-luck last night with 14 other friends, some who grew up here. We all got into a conversation about where should we go. It was a serious discussion. This conversation happens all the time now. Haven't you heard it?

Local government has done an awful job considering how to manage the high level of growth in town. There is disfunction everywhere.

I can't believe you are even considering any level of growth until past problems are resolved; most important is the construction of a bypass route through town.

Option 5 will continue to compromise us all, but it is the least worst option on the table right now. Are you so caught up on the process not to see what has happened to the quality of life for people who live and pay taxes here in Grand County?

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I'm writing to support Option 5- No Growth for future overnight development in Grand County. The number of overnight rental units/beds currently exceeds the community's carrying capacity for infrastructure and quality of life. Bold action is necessary to begin to manage the out-of-control development and tourism influx that is plaguing this community in all respects. Furthermore, due to the pricing of available commercial property based on development as overnight rentals, we're experiencing a dire lack of commercial property for use by new business and manufacturing. Curbing new overnight rentals will hopefully decrease the costs of commercial property and encourage investment/development of those properties for other business uses.

Thanks,

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Hi,

I'd like to provide some follow up comments to the April 30th workshop. Some of these comments/suggestions come from other community members I've spoken to since the workshop.

- 1) Trailer parking - Provide trailer lots at the north and south ends of town and limit trailer parking and excess sized vehicles to these lots.
- 2) If any new hotels are allowed, require them to be locally-owned and provide restaurants, employee housing and adequate parking.
- 3) Implement a Moab area license, kind of like a fishing license, to utilize Moab trails and surrounding lands that would then pay for additional resource staff - e.g. trailhead greeters/rangers (similar to Duck Creek Recreation Area). These greeters/rangers would explain the trail systems and rules and also ticket people for infractions.
- 4) Need for a focus on Moab being a livable city. Currently traffic, noise, pollution, crime, trash, off-road/off-trail damage and speeding are out of control, and services (EMS, search and rescue and law enforcement) infrastructure (e.g. roads) are stretched beyond capacity. People I've spoken to are weary of the number of people descending on Moab. They're tired of the traffic, of the clueless drivers, of the disrespect and damage to our trails from illegal, off-road use, people parking their trucks and trailers in angled parking, speeding, noise, etc. It's all too much and making Moab unlivable for many.
- 5) Currently I'm in favor of Option 5, until Moab gets a handle on the current, compounded negative impacts from excessive tourism, with the possibility of transitioning to some version of Option 4 but

with smaller, dispersed overlay zones for overnight accommodations. Also with Option 4, any overnight accommodations should be small scale/scale appropriate, form-based, and locally owned.

6) Allow commercial on the bottom story and residential above in commercial zones.

7) Consider offering incentives such as property tax rebates to residents for building (long-term) rental housing on their land.

8) Require B&Bs to be owner occupied.

9) Require new overnight accommodations to have onsite/local managers (physically available to address impacts to residential neighbors).

10) I know some folks would like to be able to make additional income by renting out a room in their house on Airbnb. If considering allowing Airbnb, take a look at Fairbnb, and restrict the allowance to one room per house and require the house be owner occupied.

[https://www.theguardian.com/cities/2019/apr/30/sinking-city-how-venice-is-managing-europes-worst-tourism-crisis?utm\\_term=RWRpdG9yaWFsX0d1YXJkaWFuVG9kYXIVUy0xOTA0MzA%3D&utm\\_source=esp&utm\\_medium=Email&utm\\_campaign=GuardianTodayUS&CMP=GTUS\\_email](https://www.theguardian.com/cities/2019/apr/30/sinking-city-how-venice-is-managing-europes-worst-tourism-crisis?utm_term=RWRpdG9yaWFsX0d1YXJkaWFuVG9kYXIVUy0xOTA0MzA%3D&utm_source=esp&utm_medium=Email&utm_campaign=GuardianTodayUS&CMP=GTUS_email)

Thanks for your efforts.

#### **COMMENTS RECEIVED IN PERSON**

Option #5 – One disadvantage that needs to be listed is that you run the risk of the State of Utah removing your regulation on short-term rentals in its entirety. This would be devastating to all of our neighborhoods

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What is proposed for the Resort Special areas located at Highway 313/Highway 191

How does this affect city and county budgets? Because they need more funding for their budgets to maintain roads, bridges, parks, sidewalks, community centers, etc.

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Please allow overnight rentals outside of Moab Valley. I live outside of the mapped area. We have very different problems. My adjacent single-family homes are abandoned. They would be much nicer and occupied if they were vacation rentals. We have had problems with the vacant houses having starving horses and abandoned dogs as well as broken windows and hoarding. Outside of the Moab Valley needs overnight rentals.

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The title of the five options is misleading and has caused confusion, particularly Option 5. The five titles should be more clearly aligned with the intent of each. Very disappointed in this oversight.

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Greetings administrators and decision makers ~

Please accept and consider these comments regarding the matter of growth and planning, especially as related to the temporary moratoriums on new hotel construction. The issue is not simply one of overcrowding, but involves overstretched resources and irrational growth reaching well beyond measurable and observable carrying capacities of these resources and infrastructures, with associated, synergistic regional impacts, as noted herein:

1. Limited and decreasing water resources cannot sustain additional (even present) growth;
2. Traffic patterns are already at bottleneck conditions on 191 and through Moab, and 128 is becoming routinely, downright dangerous; the imperative need for a long-overdue Main Street bypass is implicated, with lesser-impact opportunities for such already foreclosed by the historic failure to act;
3. Regional congestion in parks, visitation and camping sites, the Colorado River, and the backcountry is rampant, adverse and even abhorrent and repulsive, as visitation levels continue to increase unabated;
4. Local and regional air pollution is increasing to unhealthy levels, despite Clean Air Act requirements respecting National Parks;
5. Noise pollution, especially in Moab, is extreme and unhealthy;
6. Local cost of living, associated with growth, continues to increase, and affordable employee housing cannot keep up with the need;
7. Overall quality of life for both residents and visitors is rapidly decreasing and becoming more stressful on many levels.

Moab City and Grand County have both the authority and obligation to to regulate growth as a legal matter of public health, safety and welfare, and as a practical matter of limited carrying capacities. I urge the councils to act affirmatively to take all legal and creative actions to limit , "stabilize," and even decrease growth rates and visitation levels, including actions to cap further development of hotels and rentals in the city and region. And closely related to this, stop funding the Moab Travel Council (or convert its message into an educational one), but increase (vastly) the TRT and find a way to direct those funds to mitigation of visitor and tourism impacts.

Indeed, there is no other choice for Moab to maintain any positive values and quality of life at all, than to seize this moment and creatively turn around the accelerating slide towards social, economic and environmental catastrophe.

Thank you for acting on the urgency of this matter.

Sincerely,

Robert Lippman  
HC 64 Box 3208  
Castle Valley, Ut

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Hello!

I will be out of town, therefore, unable to meet with you during the open houses you are holding this week. I just wanted to pass on my 2 cent's worth.

I have lived in Moab for the better part of 45 years. I grew up here, graduated from GCHS, and returned after finishing college. The Moab (and Grand County) are no longer the places I grew up with, that's for sure! And, that's not necessarily a bad thing! Those years in the 70s & 80s were hard, people were leaving; businesses dried up, Moab residents didn't have money to care for their properties and houses - it wasn't great. Then industrial tourism happened in the 90s, and happened with a bang! People were quite happy that people were buying their homes and lots, and renting rooms more than just on Jeep Safari weekend. However, very, very little planning went into this sudden economic change that Moab and surrounding areas were experiencing. And that's what has lead to the issues we face today ... many people "got rich" and no one wants to see the end of that gravy train.

And that is not what needs to happen, either. But Greed is not a planning tool, and it has reigned supreme in the last several decades. We cannot move forward by continuing down the path we are on. **We must slow growth enough that people still want to recreate here, as well as want to live here.** We have a multitude of issues, from lack of water to no affordable housing & everything in-between. None of these pressing and real issues can be dealt with if some side boards aren't created, and the sooner the better. I do not know the answer, only that what we were doing until this moratorium happened wasn't working.

Unbridled hotel growth (by "hotel growth", I mean overnight accommodations of whatever sort) pushes out other economic interests Moab and the county might be able to develop. Those new huge hotels are being built where other business opportunities might have had a chance. We can't have economic diversity if there's no place left to diversify! Also, I'm quite concerned about water usage in this valley -- think of all the toilets flushed, and showers taken and pools filled -- the aquifers can only store so much for us to use.

I'd like to see a major leveling off of growth, not flat-lined or decreasing, but something more sustainable. Moab needs to hold onto what makes Moab, well, Moab!

Thank you for the opportunity to express myself.

Sincerely,  
Aneth Wight

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To whom it may concern:

This is a letter of request that the area zoned R3 in Moab be considered to be an area that would allow short term rentals.

In 1989 I purchased a home in Moab and converted it into a bread and breakfast. It was called the Slickrock Inn. In 1991 I purchased a home on 300 South, next to Up the Creek Campground. I purchased the home because the area, was both business and residential and I wanted the option of being able to do short term rentals. For 12 years, one of our renters with a massage therapy license operated her massage business from our house. About 11 years ago we added on a small separate dwelling as an addition to the house, thinking we could now live in one unit and have short term rentals on the other side. We have not been able to move forward on this plan due to the current restrictions on this area, which now do not allow any overnight accommodations. Our plan had been to use that money to help with our children's college funds/expenses.

We are asking that this area be re-evaluated and considered amenable to allow short term rentals. This neighborhood is a mixed use area. Next to us is Up the Creek campground. They have had nightly rentals in their camping area for many, many years. Across the street from us is part of the commercial operation for what used to be Moab's trash and garbage business, owned by Bob Haks. One block down 200 East is Rancho Fandango Guest House. The Moab Charter School is at the east end of our block. We are located in a great spot to allow overnight rentals and right next to a business that has been doing this for a long time. This area appears to fit the definition of mixed use. Please take a look at the enclosed pictures.

Other options or ideas to consider would be to allow areas to do short term rentals for a certain amount of nights per year. For example one could be allowed to rent 3-4 times a year for no more than a week at a time, and one stay for 2 weeks per year. A community (Telluride) about 2.5 hours from Moab has these types of restrictions set up for their town. There are, of course taxes to be paid to the city and the county, and a notarized affidavit is completed by the property owner every year, certifying that they are complying with the rules.

We are hoping that the town of Moab will re-consider allowing short term rentals in the R3 zone. There can certainly be a compromise between the needs of a large hotel industry and the financial well being of individual long term property owners. We understand that the hotel industry lobbies heavily to restrict short term rentals. But hopefully there will be steps towards not continuing to be as restrictive as the rules currently are so everyone, including the town of Moab, can benefit.

Thank you,

Lissa Pack and Gordon Henriksen  
218 East 300 South Moab Utah 84532  
[lpgh@animas.net](mailto:lpgh@animas.net)







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To All Concerned:

I am unable to attend either of the Open Houses in order to speak on the important topics to be discussed. Hopefully there will be a large group that will be there sharing their desires for a means to slow and diversify growth in Moab and Grand County.

Growth at this breakaway pace will more than likely forever (not just the next year or five) change the lives in this region:

- 1) the quiet of nature (which a lot of local residents desire) is now and will be massively interrupted by the unchecked increase of motorized vehicles
- 2) city, county and backcountry roads and trails will be even more impacted than they are today
- 3) infrastructure (energy, water, sewer, garbage, etc) will be negatively impacted and require major improvements
- 4) lack of year-round residential housing (for year-round residents) does and will continue to deter a healthy and diversified population
- 5) lack of non-service industry employment contributes to #4
- 6) lack of benefitted, living wage positions contributes to #4
- 7) local schools, medical facilities, non-tourism related businesses and services will suffer from rising costs to live in Moab
- 8) air quality, water quality and quantity are issues to be seriously dealt with against the number of potential consumers in the valley
- 9) damage to the quality of life in areas that we cannot yet imagine (foresight) is on the horizon.
- 10) LACK OF BALANCE IS OUR DILEMMA

We as a community are heading in the wrong direction. As a tourist destination we are heading in the wrong direction. If unbridled growth is allowed to continue as it has in the last 5 years neither Moab nor Grand County will be a good place to live or recreate. We are allowing local and out of town/state corporations and developers tell us what we need, if not what WE MUST do. As hard as it will be to say "no", "no, not now" and "no, not ever", we as a community must begin to make choices that benefit more of the bottom line for all and not just the financial bottom line. I trust that all of you will weigh carefully the pros and cons of runaway growth in this tourist heavy economy under which we are saddled. No one wants the balloon to bust. Please decide on ways whereby the balloon can stay comfortably in the air and be appealing to all.

Carol Mayer  
444 Rosetree Ln  
Moab

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All,

I've lived and worked in Moab for 20 years. I came here for a job with the NPS and I'm now retired. I love living here and I don't mind sharing the beautiful redrock desert with tourists. However, the increase in numbers of tourists has skyrocketed in the past few years at an alarming rate. As long as the number of hotels and overnight rentals continue to increase, even more people will come.

Nothing about our community can accommodate unlimited growth of tourism. Water, sewer and land resources are being strained and impacted. Residential housing is either unaffordable or unavailable. Trailhead parking areas are not large enough for all the vehicles, so they line the highway. Many of them lack restrooms, and human waste and toilet paper litter the ground. Arches National Park is unable to deal with the thousands of cars trying to get in, find a place to park, and the hiking trails are so busy one might just as well be walking on a sidewalk in downtown New York City. The quality of outdoor experiences in and health of our beautiful landscape is diminished by the all the people, vehicles, noise, garbage, scars from off-trail use and increase in weeds brought in from far away places. Traffic jams are unavoidable. The roar from OHV's on residential streets makes it impossible to relax in one's own backyard. From this local's point of view, the situation is already beyond ridiculous. We don't need more people coming to Moab.

The counter reasoning is that Moab locals rely on tourism for their livelihood. For many businesses, this is true. But we already have too many tourists. Many businesses are overwhelmed. Restaurants are backed up for hours at dinnertime.

Unchecked growth has been compared to cancer for a good reason. The host – Moab residents, our quality of life and the health of public lands surrounding us are being sacrificed for greedy out-of-town interests. This must stop.

Please put a stop to hotel and overnight accommodation construction.

Additionally, the "pre-approved" method of zoning must be reversed, with each proposal looked at by the local government individually. We cannot have hotels in the midst of residential areas.

Respectfully,

Sarah Topp  
Moab, Utah

--

I'm writing concerning the moratorium on overnight rentals.

Moab is a small town. We've got, what, seven or eight thousand people here. We have the infrastructure for seven or eight thousand people.

We also have five to ten MILLION tourists here annually. We don't have the infrastructure for this flood of people. It doesn't take a rocket scientist to see something is wrong when there's an hour long wait to get in or out of town daily.

Or when there's a two hour waiting list at every restaurant in town. Or when City Market is consistently out of basic necessities on a daily basis. Or when we're asked to fund a bigger sewage treatment plant because the poop generated here has to be hauled to Grand Junction. Or when an army of ATV's races back and forth on residential streets on some important mission.

What the hell is going on here? Are people really so greedy as to be willing to sacrifice a fine quality of life for money? The town is full.

Open your eyes. This is not a desirable situation. I would be in favor of finding a way to REDUCE the number of people coming here. The greed for money in this town is disgusting.

Bruce Condie, 1449 Murphy Lane

--

Hello

I attended the open house yesterday at city hall. I did not speak up in the room, so I wanted to follow up with an email.

I would like to see Moab's overnight accommodation moratorium extended for 2 years. Personally I would like to see it permanent, but I know that will not work for a lot of people.

In 2 years, the community can take active steps to creating a plan, and implementing steps to creating more assured housing for Moab residents.

I and many of my fellow citizens are tired of seeing our beautiful community turn in to Disney World. Please stop issuing building permits for people who don't live here. It seems that there will never be

enough overnight accommodation for the hordes of tourists, but if people can't afford to live here, then who will work in the businesses who cater to the tourists?

Thank you

Jason Pronovost  
Nichols Ln

--

As I said before I support the moratorium on hotels, nightly rentals. We need to stop this runaway train, our way of life is being ruined we're at over capacity. It's insane what is happening to our community our home. It's reckless it's insane. Please stand strong on this please don't allow anymore and stand strong against Sitla they will ruin us if we let them. The county needs to reign in the trt revenues & take control of what you by right can.

Already town is insane & I am sad depressed heartbroken by what I'm experiencing. Enough is Enough.

Kiley Miller

--

Hello Mark and LDI staff,

Thank-you for the opportunity to comment as you proceed in advising the city and county officials Moab on land use issues that affect the citizens of this community.

I have attached the comment document that I submitted in person at the 3/27/19 Open House. I have also included, in a separate attachment, the public comment emailed to the Moab City Council and staff previously, regarding the PAD overlay on Moab's R2 zones, for your historical perspective. This was also a letter to the editor published in both local weekly newspapers.

Thank-you for your careful consideration of Moab's R2 neighborhood residents' concern with the high-density housing issue as you advise the Moab City Council on their future course of action.

As you can see, I have cc'd my husband, Scott Escott, Zacharia Levine and the Moab City Council.

Sincerely,  
Sharon Hogan  
598 Rosetree Lane  
Moab, UT 84532

Moab Area Land Use Open House Comments      March 27, 2019

My comment addresses the Landmark Design Project point #2: Multi-family housing, infill housing development, and redevelopment.

The Moab City Council publicly decided on March 12, 2019 to remove R2 zones from the Planned Affordable Development (PAD) proposal, which is high-density low-income housing developments

within Moab city limits, while testing the viability of the concept in an area of town already zoned for higher density. This was the correct decision for them to make as it abides by the #1 Housing Goal outlined in the City of Moab General Plan: "Implement a housing strategy that meets the needs of current residents, anticipates growth in housing demand, promotes a cohesive small-town environment and supports a high quality of life. Policy 1, Action Step a. Recognize the value and character of existing residential neighborhoods and encourage compatible development/redevelopment projects with existing neighborhoods and the underlying zoning."

My concern is that the Landmark Design Project description language stating "infill housing development" and specifically Landmark Design's current project titled "Moab Small Area Plans" are simply the use of different words to disguise the same concept of PAD in R2 neighborhoods. I am especially concerned that Landmark is moving ahead with the development of concepts and alternatives for their Small Area Plan on the end of East Center Street with meetings including East Center Street land owners, but excluding input from the adjoining property owners on Rosetree Lane, Hillside Drive, and 400 East, all of whom will be potentially affected by high-density development of this property. In fact, every concept/alternative published by Landmark after the exclusive meeting showed ingress/egress to this development from Rosetree Lane. The alleged first choice of Center Street landowners at this meeting was one of the concepts that did not use Center Street for access to this development. The impacts on the Rosetree Lane and Hillside residents would be far greater than the impact on the Center Street residents, due to both increased traffic and the location of the development abutting Rosetree Lane residential properties.

This should be a strong consideration by Landmark Design as part their involvement in determining Moab residents' future quality of life. R2 (zoned) residents and landowners have chosen these neighborhoods over the years and generations because they provide and preserve, via zoning laws, the characteristics of relatively low-density havens for living in a busy resort town. These characteristics include friendly neighborhoods on quiet, safe streets within walking and biking distance of the city center and workplaces, an eclectic mix of small and medium sized single family homes with room for sunny gardens, yards where kids may play, lots of green and open space, room to store our campers, river boats, ORVs and other toys off-street. This is what we chose when we bought in to these neighborhoods, and this is what we trusted the City of Moab to preserve long-term with zoning laws. Subsidized high-density low-income housing developments may be necessary for local businesses that don't pay their employees a living wage, but R2 neighborhoods are not the place for these. Those of us who have made the long-term commitment to own homes in Moab's R2 neighborhoods and have chosen a lifestyle that makes R2 neighborhoods affordable for us should be recognized and supported by Landmark Design and the Moab City government in all current and future land use considerations.

Sharon Hogan and Scott Escott  
598 Rosetree Lane, Moab

Editor,  
Not Acceptable

After attending the Town Hall Meeting held by the Moab City Council on 12/11/18 concerning the proposed Planned Affordable Development (PAD) Ordinance 2018-19, I would like to warn my friends and neighbors about the unacceptable impact the PAD ordinance could have on all neighborhoods in Moab.



The PAD attempts to provide a solution to the affordable housing shortage in Moab by allowing drastically increased density throughout R2 zoned residential neighborhoods, disregarding previous zoning restrictions and current residents' quality of life. I use the word drastically because the PAD would allow up to 40 units per acre to be built as affordable housing. This density means 40-160 people, 40-120 vehicles, and could easily quadruple the number of people living on a single street in the neighborhoods. The height of a building with 40 units is by itself hard to visualize when it is crammed on an acre lot considering the required parking spaces, ingress/egress roads and walkways would take up at least 1/3 of the available space. Current building height and setback restrictions would not apply.

Here is a very real example. There is a 3.5 acre lot between East Center Street and Rosetree Lane that is being considered for PAD. This could be developed into 140 units, housing 200 to 400 occupants, plus their guests, with 200 to 400 vehicles. The access to this lot would be near the east ends of these two narrow streets, adding 400 to 1000 trips daily in traffic to streets that now see 20 to 100 vehicle trips in a day. The building itself would be tall enough to eliminate views and block access to sunlight for gardens and solar panels during the day for current residents. The lights from the apartments and parking lots would dominate the night in these areas, eliminating darkness. Backyard and even indoor privacy in existing residences would be compromised or eliminated.

This large lot is an extreme example of the impact of a PAD on my neighborhood. But if PADs are approved for all R2 residential neighborhoods, as the ordinance intends, many current Moab residents could be facing a similar situation. Even if it is 10 units on a ¼ acre lot or 20 units on a ½ acre lot, the impacts are predictable and proportionate. Look around your neighborhood. How many lots could be absorbed into this project? How many tall apartment buildings and how much traffic would be added to your street?

Some would call those of us who already live in these neighborhoods elitist when we protest this so-called solution to the affordable housing shortage. First of all, I wouldn't wish life in that type of housing on anyone. How can 40 units per acre be a solution to the "crowded, undesirable living conditions" that lower income folks are supposedly living in currently? The people that assume lower wage earners are desperate enough to consider this more desirable are the true elitists. Secondly, when I purchased my home in an R2 zone, decades ago, jobs were scarce and pay was extremely low. We came here with no money and had to work hard to make it, even with lower house prices at the time. We committed for the love of the place, community and quality of life. We have seen many of our friends, co-workers and neighbors make the same commitment even as both wages and home prices rise. We got no government assistance and expected none. We have earned the right to defend this quality of life.

Very concerned,  
Scott Escott, Moab

--

Input for the Moab City-Grand County land development discussion:

Water is the number one issue in the Moab Valley with regard to development. It is not an infinite resource. If we do not pay attention in years to come we could be facing disaster. The results of the water studies must be taken into consideration as future development ramps up. Drainage is also an issue both in the city and the county.

San Juan County must be included in these discussions, given that the county line is hard and fast. Light pollution is a very real issue that will adversely impact every one who lives in the valley, including future San Juan County residents. I would like to see San Juan County encouraged to consider a Night Sky in conjunction with Grand County ordinance ASAP before it's too late.

I am encouraged that Moab City and Grand County are working together on land planning and future development. I would like to see the annexation of Grand County south of town to the county line into Moab City, or at the very least the creation of "greater Moab area city-county" as one entity. Soon enough we will be living in ONE metropolitan area. We are wasting time and money pursuing services for the citizens of this valley by taking a two-track approach to so many issues. Law Enforcement, Recreation, Water and Sewer, Transportation, Housing, etc. It is inefficient and expensive. I know this is far-reaching, but it can't hurt to voice this idea. How do we start this discussion?

I believe that light pollution is taking a toll on our world-renowned night skies. How many visitors have come to our community and upon looking up into the sky at night marveled at the stars we take for granted? Many people around the world have never seen the stars at night! This is a drawing card for many visitors, and future home and business-owners to our area. In the past 30+ years I have witnessed the lights throughout the valley increase exponentially. It would be appropriate to place some restrictions on that lighting. Light your home. Light your yard. Shield lights from the sky and from neighbors and roadways. This does not seem like an unreasonable request to put in an ordinance with stiff consequences for non-compliance. Again San Juan County should be invited to participate in these actions.

Air quality is also in jeopardy as development surges ahead unchecked, and visitation to the area continues to increase exponentially. Dust and vehicular emissions have increased with development. Again San Juan County is a critical player in this issue.

Transportation will always be a stumbling block to affordable housing in the Moab Valley. As long as there is no public transportation out to Spanish Valley we need to push high density housing within the city limits. I know change is difficult in ANY neighborhood, but this is the reality where we are now, and it must be imposed upon citizens if necessary. We have a responsibility to provide reasonable housing for Moab's working class. San Juan County's role??

Please add me to your email notification list. Thank you.

Respectfully submitted,

Marcy Till

435-260-2739

[moabmarcy@gmail.com](mailto:moabmarcy@gmail.com)

Also from Marcy Till:

Please keep the Spanish Valley Drive speed limit painfully low. This is one way we can preserve any semblance of neighborhoods and the rural character of the valley as more and more homes and businesses are built.

--

Dear Mark, Jennifer and others at Landmark Design,

My name is Mikenna Clokey and I attended the open house on 3/26/19 here in Moab. I had the opportunity to speak briefly at the meeting but figured my comments may be more concise via email.

I grew up in Moab, my family is here, I have lived here for decades and yet I find myself in the process of determining if this is a place I can remain for years into the future. I see this kind of planning as having direct bearing the direction Moab is headed and whether or not I continue to invest my life in this town.

When considering policy and developing a cohesive land use plan for Moab moving forward, there are several areas I want to express as important to me.

**1) Allocation of earned tourism dollars should include giving back to services and people that keep this town running, such as:**

- Affordable and available homes for Moab residents, with diversity in neighborhoods and opportunities for people to put down roots here.
- An outreach education program about environmental stewardship and protection of our resources aimed at visitors. This could include trail maintenance and monitoring during peak times of year in popular places.
- Adequate funding of essential services such as the hospital and EMS, our school system, law enforcement and infrastructure.
- Tourism dollars giving back to vulnerable populations within our community such as those served by our non-profit organizations

**2) Enforceable codes and standards for new development, both commercial and private, in the city and county, as well as working with San Juan county. This includes:**

- Water use restrictions - Hotels cannot be permitted to build waterpark style swimming pools in our dry climate. New development needs to be forced to take our limited water supply into account.
- Light Restrictions - it's important to protect our dark skies and regulate use of excessively bright and invasive lighting systems. I would love to see Moab become an official dark sky community in the future.
- Open spaces - while accounting for increased density in our city and county, it's important to include mandatory open and green spaces within developing areas
- Set backs and height restrictions to preserve viewsheds
- Requirements for large-scale development to give back to the community in the ways mentioned above

**3) Planning development in a way that allows Moab to remain accessible to a diversity of visitors and avoiding unintentionally elitist policy.**

- We should avoid fees or restrictions that discourage or prohibit certain populations from staying here, moving here or visiting. Ideally Moab can become *increasingly* accessible to a diversified population of citizens and less focused only on those with the most money to spend.

- Public Transportation - transportation throughout the valley as well as to national parks would alleviate traffic and open up outdoor experiences for those who may not have the opportunity otherwise.

Thank you for the opportunity to have input in this process. I'll be watching for next steps and will remain involved as they are presented.

Best,  
Mikenna Clokey  
Moab, UT

--

Hope it's ok. I'm going to just shoot you ideas as they come to me.

In agreement with the green community initiative

- encouraging social interactions
  - improving community health and decreasing healthcare costs
  - decreasing traffic
  - decreasing need for increased parking spaces
  - keeping Moab non-motorized commuter accessible
- (keeping me here as that is a HUGE reason we live here - being able to get around without a car)  
How about an ordinance (or whatever the correct policy) that requires all new development to provide easement of a path to connect with the major non-motorized paths. A big problem with trying to connect paths is the access. If all new development had to at least provide easement, when funds become available the land and access would be available.

Thank you  
Rita Rumrill

--

I attended a bit of a public meeting but all I heard was there must be a way to stop tourism, development, and this is not the place I want to live, no positive ideas on how to address what will not change and legally cannot change. The biggest issue in my opinion is nightly rentals in residential zones. This should have not have happened --- this must be limited to the ones approved. There should be rentals or hotels in commercial zones, highway 191 corridor etc., or new commercial zones. In my opinion, when the market is saturated investors will quit spending millions on new hotels, they do their homework and don't make these investments without a reason.

It is apparent that most open spaces left that are currently in ag will go away, money will drive sales of this land, farming \$100,000 + an acre land does not pan out if it is a real business, not a tax write off.

In filling and smaller lots are inevitable and make the water, sewer etc. more cost effective for all residents, although it will very soon not be a rural environment but a big subdivision in Spanish valley. Affordable housing is a big issue, but at some point we must realize not everyone who wants to live here will be able to afford it.

As with most resort towns near us people without means to live in \$400,000 and up home or pay high rents live in a nearby communities (Green River/ Monticello) with lower housing costs and public transportation is used to make commuting affordable.

Water is always an issue, but in the words of the State water engineer Mark Stilson, the valley will run out of land before water due the access to the Colorado River, which could provide drinking water or irrigation. Is this expensive, yes, not a drop in the bucket compared to what St George is proposing to pump Colorado River water.

Gary Wilson [Gary@wfcommunications.net](mailto:Gary@wfcommunications.net) 435 259 8240

--

I originally came to Moab 19 years ago because of the quietness of the town and the beauty of the surrounding area. That has changed and not in a good way. With the advertising of Moab as a vacation destination and the building of hotels, motels and townhouses, the town is now overcrowded with tourists. I am not against tourism as it can bring money to the economy, but the developers are not putting the money back into the community and only see \$ signs for their pockets.

With the masses of tourists and very little oversight of the backcountry, the land and the environment is being destroyed by Jeeps, ATV, Razors, etc. The trails are now being overused and the tourists with their lack of knowledge of the land are destroying them by not staying on established trails and multi-trailing which has destroyed the fragile vegetation.

As to building more hotels and multi-dwellings, we should say enough is enough. The cities infrastructure has not kept pace with the development and instead of using the money brought in by tourism, the city is putting the burden of costs on the existing taxpayers. We need to stop spending dollars on the tourism campaign and use the money to improve the city infrastructure and policing the backcountry.

I hope that the National Parks go to a reservation system as that may help reduce the overcrowding. The city should also help with reducing the overcrowding by limiting the amount of rooms available. As it is now, many of the hotels cannot staff their establishments, since service personnel cannot afford to live here. Homeowners are paying much more for basic services as well. The moratorium should be left in force.

Mark Curnutte

--

Hello folks, I am responding to the 180 day moratorium regarding the building of overnight rentals. I am in FULL support of this measure and believe it should be much longer. What we need is affordable housing for the people who live and work in this community. I fear that if

we do not address this issue as a number one priority we will end up with no work force, or one that is forced to commute large distances to get to work. That scenario has played out in other communities and the result creates a problem on an even larger scale.

I encourage you to stand strong against the proliferation of nightly rentals, and yes...even second homes at this point.

Thank you for your time and efforts.

Sincerely, Anne Duri

--

Thank you for the opportunity to express my concerns about Moab area land use planning.

Moab's ratio of tourist accommodations to homes for our actual residents and workers has grown seriously out of balance. Businesses and essential services (schools, police, teachers, nurses, etc.) have trouble hiring workers because housing is not available or affordable on the low wages offered by most service jobs. National hotel chains have jumped into the tourism boom and are building huge chain hotels that are irreparably altering the character of the Moab area and destroying the sense of community that we once enjoyed. Traffic jams, lack of parking and increased noise and air pollution plague downtown. Once quiet neighborhoods are threatened by the encroachment of overnight rentals. The amount of water available for this kind of continued growth is questionable.

Before the moratorium on new overnight accommodations expires, I hope a land use plan and zoning ordinances are put in place that will put more controls on new developments of this kind. This will not bring all growth to a halt, as there are several already permitted hotels being constructed. This can be done by removing the "use by right" from our current zoning, which gives a land owner pre-approval to build a hotel or other overnight accommodation. Instead, new overnight accommodations should require a vote by the city or county council.

We need to diversify our economy by encouraging business that are not tourism dependent (non-polluting ones – not more mining and drilling!) The proliferation of hotels and the escalating price of commercial real estate is making it hard for non-tourism businesses to find and afford space. The explosive growth of tourism is exacerbating the negative impacts on our surrounding public lands. There are long lines and crowding at our parks, and we are losing clean air, quiet, dark night skies, and wildlife habitat. Less aggressive advertising of the area and some limits on the numbers and types of special events permitted would help ease this pressure.

Please help us create a plan to rein in Grand County's uncontrolled tourism growth, diversify our economy, and keep the Moab area a desirable place to live.

Thea Nordling  
1996 Highland Drive  
Moab UT

--

The legal "use by right " needs to be eliminated. In general, all future overnight rentals should be eliminated. If this is arranged in such a way that there can be exceptions if approved by the City/County Council, that seems prudent.

Potential problems with the above, followed by possible solutions:

1) There are visitors coming who cannot find somewhere to stay. Quit permitting events during our busy season. Or only allow events smaller than a certain limit. Allow some existing events only if entry numbers are down-scaled. Encourage the Arches National Park reservation system, in case that actually does lower visitation numbers in Moab. Let the visitors learn that they need to reserve in advance or not come; give some motel/camping revenue to Green River/La Sal/ Monticello/Thompson Spring. Completely quit advertising Moab (we can always start advertising again if needed), and turn all marketing efforts to educating visitors in low-impact visitation. I realize this is difficult, but try to find a way to make this legal - Drop TRT taxes and call them something else?

2) Locals who have owned commercially zoned property in the Moab Valley for 100 years (or 2 years) and want to sell it for a hotel; they've been paying property taxes for 100 years (or 2 years) and give that as a reason that they should have this right. The property remains commercial property even without the possibility of building another hotel, and they can still sell it for other commercial interests. They do not have an automatic right to make the most amount of money possible, at the expense of the community whether they have lived here a long time or are an outside investor. If they've been paying property taxes for a long time, they have probably been using/benefiting from the property during that time, and likely have been using the benefits (schools, etc.) that property taxes incur.

3) Locals who own a home that they desire to convert to a bed and breakfast or overnight rental, for financial reasons. Homeowners do not have a right to do harm to their neighborhoods. One compromise legislated by some communities (for example, Austin, Texas) is to allow any homeowner to rent out their home short-term for up to two weeks per year. This can be quite lucrative if done during a big event, yet has relatively small impact on the neighborhood.

Miscellaneous visions of our community in future years:

There are noise requirements for all vehicles on our roads, so unless the technology has changed, there are no UTVs (razors) or noisy motorcycles on our streets.

There is at least one event-free weekend each month, including in the busy spring season.

The night-sky ordinance has successfully kept our night skies dark.

New construction always incorporates at least some aspects of passive solar construction, lowering energy consumption immensely. All contractors take this for granted, and have learned how much sense this makes. (There are no more new dwellings like the new twinhome on West Highland Drive with one tiny south window for two dwellings and lots of west windows to heat up both units.)

Before disturbing soils and vegetation over more than a minimal area, a restoration plan is required, to avoid increasing dust in the valley. These can be simple, or more complicated, depending on size.

Thank you for the opportunity to comment. I sincerely thank city and county council members and planning commissions for initiating the moratorium and this planning effort, and for all of their research and efforts to make this community a better place to live.

Mary Moran  
1991 Highland Drive  
Moab

--



The completion of the USGS Spanish Valley Water Study in 2018 requires the revision of the Spanish Valley Water and Sewer Master Plan completed in 2017. The USGS Water Study significantly reduces the underground water available for future Spanish Valley development. San Juan County will probably not receive any further allocations of Spanish Valley ground water and will need millions of additional funds to develop an alternate water source from either the Colorado River or Kane Creek before water is available for commercial development.

Water Right 09-2349 allows San Juan County to pump 500-acre feet of water from their current well. Utah's State Engineer stated in his approval of Water Right 09-2349 that future allocations were based on the assumption that 11,000-acre feet of water flowed underground from the Glen Canyon Aquifer through Spanish Valley into the Colorado River. The recently completed USGS Study found that there is almost no flow of underground water into the Colorado river.

In addition, the USGS study concluded that only approximately 6000-acre feet of water was available in the underground aquifer for future development by San Juan County, Grand County and Moab City. Since the Aquifer is over allocated by 200%, and Moab - Grand County have Water rights much older than San Juan County, the probability of San Juan county receiving additional water from the underground Glen Canyon Aquifer is very small. Utah is currently adjudicating all water rights in Spanish Valley and final ownership of the 6000 ac-ft of water will not be determined for up to 5 years.

Water Right 09-2349 has sufficient water from the Colorado River or Kane Creek to complete all Phases of development in Spanish Valley. However, developing culinary water from either the Colorado River or Kane Creek will require millions of dollars above the current funds of 5.1 Million.

The 500 ac-ft currently allocated to San Juan County will supply culinary water to the current residents and approximately 600 additional ERUs. The number of undeveloped residential lots currently approved by the County is unknown, but probably exceeds 600.

The current residents in San Juan County are paying for the sewer and water infrastructure and the residents are entitled to the 500 ac-ft of available water.

**A moratorium on commercial development in the Valley including Highway 191 is necessary until additional funds are available for development of the Colorado River or Kane Creek water. A moratorium is also necessary until the Utah Division of Water Rights determines who is entitled to the available underground water in the Glen Canyon Aquifer**

William Love  
48 Desert Solitaire Rd  
Moab, Utah 84532  
(San Juan County resident)

--

I am writing to urge both Councils to make the hotel moratorium permanent. By every measure, we have exceeded our capacity to accommodate more tourists;

- constant UTV and other traffic noise
- stop and go traffic in and out of Moab
- lines at Arches regularly extending to Hwy 191 with an hour to hour and a half wait

- inability to turn left or cross the street without a stop light
  - crowded grocery store aisles (made worse by displays impeding passing other shoppers)
  - long waits at restaurants (and poorly paid chefs so food quality is often sub standard)
  - inability to escape motorized noise in the back country (land, air, and water)
  - massive destruction of fragile soil crust and consequent dust storms
  - stores that cater to tourists which necessitates travel to GJ or SLC for many items
  - lack of pleasant outdoor restaurants due to high volume of traffic passing by
  - absence of bike lanes, public parking, and park shuttles to reduce the tourist impact
  - low wages partially caused by some hotel owners who bring in foreign workers
  - inability to attract workers due to the housing shortage made worse by each hotel built
  - infrastructure overload (water, sewer, trash, as well as police, EMS, medical)
  - "neighborhood" streets lined with trailers and overrun with vehicles of all sorts
  - tourists numbers double or triple local residents on many weekends
  - poor air quality
  - increased light pollution at night and its negative affect on parks, people, and wildlife.
- etc etc etc

Our Council members are well aware of all of these issues, and they need to be supported in their efforts to mitigate some of the damage to our community and to the psyche of its citizens. An open pipeline of more hotel tourists and overnight rentals will only hasten further destruction to our health, values, and lifestyles and make the job of the Councils that much harder.

Thank you.

Darcey Brown  
 2931 E. Bench Rd  
 Moab, UT 84532  
 435-259-6118  
 435-260-2373

--

A few people in business do not speak for the whole community. Not everybody looks at Moab and sees dollar signs. We people that live in the neighborhoods cannot go into town without having to put up with noise, long lines, etc.

I'm sure you've seen the complaints, no need to go into the impact of MILLIONS of tourists on the town. What could be even worse is what is happening to the desert. You cannot go much of anywhere without finding trash or new tracks from motorized vehicles owned by people who have no respect for the land and don't stay on designated routes. I've thought for some time that the "Powers That Be" could care less about what the people in the neighborhoods want or need, but if a well thought out plan or study, like this could be, was presented to the right people, perhaps something can be done to slow the degrading of the quality of life in this area. To this point, any of our elected officials have been unable to do so.

Respectfully,

Steve Brock

It's about Carrying Capacity of our area—restaurants, roads, trails, parking lots, etc. And we're past our carrying capacity.

--

I was lucky enough to be able to build my home here in Moab. I don't see the same opportunities available to my friends. Hotels, motels and overnight rentals are popping up everywhere but not housing for residents.

We need to slow growth in the town before it gets out of control. Every year it gets worse, More hotels and condos replacing homes.

Main St. is crowded and overrun.

--

Moab and Grand County has too many tourist accommodations in proportion to places to house its essential workers and permanent residents. Our zoning needs to bring this back into balance if we are to be a viable community.

Our whole infrastructure and condition of surrounding public lands is surely impacted by too much tourism. It is time to:

- Pull back on advertising (they will still come)
- Focus on the needs of residents and affordable housing
- Diversify the kinds of businesses that support our economy without damaging our environment (I am not advocating mining and drilling)

--

I think that climate change should sit heavy on our minds. UTVs and Jeeps produce air pollutions that damages lungs and perpetuates climate change. We Should put an end to UTVs and Jeeps until we can get them in the form of electric vehicles powered by community solar.

Dispersed housing development leads to a much higher per person carbon footprint. Lower density housing means more cars driving further to get places. More driving means more money spent on roads. Low density means more money spent on infrastructure development for utilities, including electric, water, and solid waste.

Children are less happy growing up in suburbia. The fast driving cars of suburbia result in more children being run over by cars than a dense, walkable city. We could run public transit to Spanish Valley, but it would be more expensive per capita than shorter routes with denser housing. Higher density in R-2 is the best answer, not affordable housing in Spanish Valley. Spanish Valley to Moab and back is not bicycle friendly; hardly anyone is going to bicycle 400 to 500 feet of elevation gain to get to Spanish Valley.

Part of why I wanted to live here is because of the lack of sprawl. Amidst a nation-wide expansion of suburbia and white flight, Moab was restricted by topography. I realize that it was the natural surroundings more than people's personalities that prevented sprawl here, but it gives us a golden opportunity to design and build a more pedestrian and bicycle friendly community.

My vision for the future:

- Either electric ATVs + Jeeps, or no ATVs or Jeeps
- Narrower Streets
- Safer Main Street for walking and bicycling
- Every restaurant composting
- Strawbale apartment buildings
- Denser housing near downtown
- Regenerate agriculture, and lots of permaculture/urban gardening
- More bike paths
- A public transit bus along 191 from Lazy Lizard to Arches, many stops along the way
- Public transit within Arches
- No sprawl into Spanish Valley
- Parking lots or garages at the ends of town where people's cars can be parked, with them not driving much into town

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Are there any slow-growth ordinances currently in use by communities in Utah? Are these under siege at the State level? When we instituted impact fees in the 1990s there was controversy and pushback at the State level.

In terms of enacting any slow growth mechanism at the local level, is a citizens' referendum allowable at the city level of government? A referendum would take pressure off the elected officials.

The State and resort city citizens view quality of life indicators differently.

The State views these as mainly economic and public safety period, with education also a consideration.

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- More green infrastructure is needed to mitigate flooding and overwhelming heat during summer months and provide biodiversity low/no water landscaping
- Employers taking responsibility for housing could alleviate some seasonal housing issues
- Code related to living in vans, RVs, etc. needs to be updated
- 4x4s on residential areas is a serious noise concern and disturbs residents; I'm not allowed to have roosters but 4x4s can go up and down the street from early morning until late at night!
- Safe, protected bike lanes for commuting in Moab; Moab to Spanish Valley, etc.
- Landlord abuses—absentee landlords in particular—affect too many people who work in the schools, non-profits, etc.
- Water limitations should inform development
- We need public transportation along Main Street, Mill Creek Dr., Spanish Valley Drive

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I think it's very important to build a good working relationship with San Juan County Council and other entities so that there is a shared smart plan and vision that is sensible and not driven by money to address growth.

We also really need dark sky protection with a really good lighting ordinance!

We do need limits! Quality of life issues!!

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Could you please review the following items from our current land use codes:

1. Height calculations: I think these should be revised to a more flexible standard.
2. Setbacks: These should be measured to exterior finish wall with additional dimensions for roof overhangs. These should relate to fire separation distances instead of current arbitrary, as currently written.
3. Hillside Development Regulations: Please review. Need to differentiate between man made grades and existing grades.
4. Tiny Homes: Please encourage adoption of a tiny home specific building code. We need the options to create tiny home long-term housing communities. Currently these would only be allowed in a commercial zone and deemed "campgrounds" by current zoning code.
5. Zoning Definitions Versus IBC/IRC/Building Code Definitions: Currently these have many places where they don't match up or are in contention. It creates issues in the permitting process.

I am a local architect and happy to help with your efforts however I can.

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As a short-term rental co-owner, I wanted to relay a common comment we hear from our clients: "What a great place you have here, but it's too busy, too many people everywhere; In the parks, in the restaurants, driving, etc."

Also, yesterday while collecting groceries at City Market for the Food Bank, an employee engaged me in conversation concerning about how much she worked. I asked why she worked so much. Her response was, "We are 29 employees short—and we can't fill the jobs because we can't find people who can make the financial numbers work. Wage vs. rent and/or buying a house."

--

Please proceed with the New Hotel-Overnight Rental Moratorium for the following reasons:

1. There never will be enough help to meet the needs of the hotels already built, and it is pointless to bring new people in to work when we do not have housing for them.
2. Our water supply is finite and to add these further accommodations will create a greater demand than we should be expected to accommodate.
3. It is not good for us to have more "rooms" committed to accommodations and second homes than permanent residents. We are rapidly losing our identity as a viable community.
4. It seems very likely that in the not-to-distant future, our country's economic status will experience a downturn. If and when that happens, a portion of the existing hotels will decide that staying in business is not in their best interests, leaving Moab with at least a few good-sized, empty buildings. That is demoralizing for any community, but especially one of our size.

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Stop all future building of overnight accommodations, including hotels. There are too many.

There are many negative effects from a too-rapid growth in overnight accommodations, including:

- Exacerbating our problems with lack of economic diversity
- Driving up prices of commercial real estate
- Using up scarce water resources
- Exacerbating our affordable housing problems
- Increasing the already-too-large impacts of visitors on our public lands
- Reducing the quality of life of Grand County residents (crowding, ORV noise, etc.) \

Under our current zoning, hotels, etc. are pre-approved in many zones (i.e. they are a “use by right”). This means that if a land owner wants to build a hotel and meets current planning and zoning requirement, there is no legal way for the county or city to say no. One of the crucial issues for the upcoming zoning revisions should be to completely remove this “pre-approved” method of zoning. Instead, new overnight accommodations should require a vote by the city or county council. (In more technical language, new hotels would be allowed only when an overnight accommodation overlay zone was applied, and the application of that overlay zone would be a legislative rather than administrative decision, meaning the city/county council is free to say yes or no without fear of being overruled by a court.)

Many people consider the above to be a sensible and moderate solution. Others think removing all use-by-right hotel zoning is too extreme, but an argument against that is that the current number of hotels (and visitors) is already making residents unhappy, and in the next year or so projects already under way or in the permitting process before the moratorium will lead to a roughly 10% increase in overnight accommodations. Does it make sense to claim that a proposal that would lead to a 10% increase in a number that most people think is already too high is somehow not allowing enough future hotels?

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I would like to see the city and county to use this moratorium time to create the Moab we want to see in 20 years time!!

Tourism is happening but we have a say in how it will be and what it will become. The feeling is a mish/mash and out of control. We can plan our future rather than we are victims to how it unfolds with no plan or foresight.

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I am in strong favor of making the moratorium on hotel construction permanent and forever! We have enough already built and more in the pipeline that going to be built so I say set a limit—which we have already met and make it a permanent moratorium.

I’ve lived here 15 years, have bought property in town and am here for the small town feeling so let’s stop more development for visiting tourists!

Thank you for listening—I hope we can stop the breakneck development that is happening.

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This is my 35<sup>th</sup> year moving from Boulder/Denver, Colorado and we have to act like somebody is thinking about the long range plan and master plan and dollars ~~xxx~~ the final answers.

Please, not visitors or residents feel like anyone is in charge.

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I am a Castle Valley resident of 26 years. There have been many positive changes that have improved the quality of life in this area. BUT I believe there is too many people building for the tourist only and not consider the people that live here. We need to stop building hotels and focus on our community. Please no more building hotels, B+B, nightly rentals.

Need to ban UTV driving thru town or anywhere.

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I am concerned with too much development. Enough is enough. I would like to say no more hotels.

I am concerned about carrying capacity. I miss the small community feel. It feels like we are catering to tourists, business and big money.

I am concerned with water and the fact that we are not being responsible. We need to make bold moves to stop UTV noise.

It seems that businesses and money tend to win. People are power. Moab has an amazing community of people. Enough is enough. No matter how long one has lived here we should think about the greater good: community water, open space, sustainability. Not greed and money!

Also, the deer and animals have lived the longest in this valley. What rights do they get? People think they are a nuisance. That's wrong.

If the city property owners have to recycle, it should be mandatory for hotels and commercial companies.

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The facilitator asked "What would you like Moab to be in 20 years?" My answer: Affordable; Livable; Diverse; Cooperative

I left a high-paying job in California because the quality of life (traffic, stress, long waits at restaurants) go worse each year. I chose to be somewhere rural in order to leave those problems behind. Yet now, from March through October, here they are.

I want us to no run out of water and not run out of patience with each other and with the tourists who fall in love with this place like we all did.

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- Is it possible to require hotels to include street level retail/restaurant space? Hotels Like Homewood Suite occupy hugely valuable Main St. street frontage without offering anything to Moab residents.

- I wish Main Street could be a more pedestrian-friendly space. Need more street crossings with signals like a City Market. 200 North and 400 North especially.
- Loosen up accessory dwelling unit rules to allow far more “low-hanging fruit” rental housing. A lot of residents are already doing this illegally, but it should be legalized and encouraged (within reason).
- Not sure how to mitigate residential impacts from tourist who haul enormous trailers into town and need to park them on residential streets. This seems to me to be an increasing trend and city regulations need to get ahead of it.
- Whether connected to the Arches capacity issues or not, Moab needs a free town shuttle bus running from Spanish Trail Road to Lions Park, at least. Can TRT money contribute to this sort of project?
- Those parking garages are definitely happening, right? I’m not thrilled about them, but hopefully they can raise money to support other useful city projects.

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- Extend the moratorium indefinitely
- Don’t allow hotels to tie into the Moab sewer system if the hotel will be built in San Juan County
- Try not to change the “feel” of existing neighborhoods
- In general, I feel like industrial-scale tourism is ruining the town. We are being pushed. I know I can move to Monticello for a step back in time, but I prefer to stay in Moab.

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I have several friends who have lived here for years and been very active in the community (council, nonprofits, small business owners, etc.), and they have recently sold their homes and moved out of state. UTV noise past one of their homes was the main reason one gave. Another felt Moab was no longer a small town and cited traffic and noise as a reason for moving.

I urge the City and County to make the moratorium on overnight accommodations permanent. I have lived here for 25 years and am saddened with all the changes; traffic, noise, pollution, destruction of soil crust, resource use, night sky light pollution, dust, poor air quality, long lines at restaurants, crowds at the City Market, on and on. It is not the same place and getting worse. Please – enough is enough!

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We are maxed out. We do not need any more overnight rentals. Please say no to additional hotels, AirBnb’s, etc.

We are losing our town and visitors are losing any quality of experience.

No more.

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The hotel developer in the Moab area have been allowed to build massive buildings which are out of character with our community. The profits from there business ventures do not stay in this community, rather they go back to investors in China, India, New York City, Salt Lake City and who knows where else. Yet these owners do not seem to care about the burden they are placing on the community, the lack of

adequate pay for their employees, the lack of their willingness to assist in creating affordable housing, and the seeming disregard they have for our resources. Enough is enough. We have enough overnight rental properties. The National Parks, rivers and landscape cannot support the number of visitors we have coming, let alone our quiet enjoyment of our community. Please create new zoning that drastically reduces any future overnight rentals in the greater Moab Valley.

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Thanks for this opportunity for public input. First of all, Michael and I applaud the City and County Councils' decision for a moratorium on hotels. We are not against growth (we have been business owners in Moab), however, we do not support growth that is unchecked and unsustainable. We need to move forward with a new plan to ensure that there will be the resources (mainly water) for future generations. We need to start thinking of ourselves as custodians of our community, not just users of this land. Michael and I believe at this point the balance between the full-time community and the visiting community is out of whack. We are not sure it is doable, but a permanent moratorium on hotels is one solution that we agree with.

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Legally what to do:

- **Tax** the hell out of the tourist rentals. Use the money to improve Moab.
- With increased numbers of hotels and housing tracts, **TRAFFIC** will become unsupportable. More and better roads and transportation are required.
- **Expansion** will happen – put a lid on the RATE (%) of development.

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I'm old enough to have watch many town and county governments in their process of making decisions. I address this to all of your elected officials.

At some point in your gathering of input, you must make some hard decisions. You must look at the overall well-being of your community.

1. Suggest that you research other communities with growth issues and assess what has worked and not worked.
2. Take a viewpoint of looking into the future and seeing how we will fare the road with the decision you are making.
3. We've elected you and until we un-elect you, we trust you to make hard decisions – don't be hesitant to take hard stands.

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Thank you for opening this up to residents. I feel that residents have been disregarded up to now with all of these issues. Our quality of life has been declining, alarmingly so in the past year or so. It's all about growth, tourism, and developers driving what is happening. More, more, more. There has been no discussion of what is enough. We have a small valley here and cannot continue to accommodate it all. We don't have space. Noise, which is increasing, just bounces off the canyon walls. There is not enough parking for existing businesses. And although studies have been done showing the limits of our

water, this has not been factored into this increasing development – including USU. Building taller structures is frightening, changing the viewshed and look of town entirely. New resorts are way out of scale for our town.

As a long-time resident, I am dismayed. Please SLOW DOWN development - let's get a handle on what we really want and what can actually be supported here before more is permitted. I fully support the moratoriums.

What happened to the idea of developers creating affordable housing needed to run their businesses? Why are residents of quiet residential neighborhoods being made responsible for shoehorning in high density housing – with no parking?? Not okay.

Rather than opening R2 to such development, why not try one or two in R3 which is already a higher density?

And finally – what about setting some limits on growth? We cannot support this level of growth for long. People come here for a particular experience and very soon all they will get is a noisy, overcrowded madhouse with gridlock and no parking.

And those of us who actually live here will lose the semi-rural feel we came here for.

## MOAB AREA LAND USE

### PUBLIC WORKSHOP

GRAND CENTER

April 30, 2019, 5:00-7:00pm

IN ATTENDANCE: 68 attendees signed-in. approximately 100 attended in total

#### WORKSHOP SUMMARY PRESENTATION

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1. **Purpose of the Project**– Landmark Design outlined the project purpose and goals as follows:
  - Address the 180-day moratorium on new overnight accommodations
  - Address how overnight accommodations influence the Moab Area Affordable Housing Plan, infill housing development and redevelopment
  - Create land use policies and tools that address these and other land use challenges
2. **Project Timeline** – Ordinance recommendations are slated to be complete by the Landmark Design team in early June. Policy changes and related ordinance changes must be adopted by Moab and Grand County by the conclusion of 180-day moratorium period for each (August 2019).
3. **Summary of Public Involvement & Outreach** – Two Public Open Houses were held at the Moab City Hall on March 26th and 27th. The meetings were well-attended with 107 people signing in. In addition to these meetings, 51 written comments were received through April 2nd with several more comments received since. Additional outreach included meetings with the Grand County Planning Commission, Moab City Council, Moab high school/junior high school students, local business owners, non-motorized trail users and federal land management agencies.
4. **Economic Analysis** – Preliminary results of an economic analysis was presented by Lewis, Young, Robertson & Burningham (LYRB).
5. **Public Workshop Introduction** – An overview of draft Guiding Principles for the project, an updated Regulatory Toolbox and five Planning Options were briefly presented. Attendees were then broken into six groups of 8-10 people to discuss each scenario in more detail. Summaries and detailed notes from each group follow.

#### SUMMARY OF INPUT BY WORKSHOP GROUPS

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Once the presentation was complete, attendees were divided into six small groups ranging from 12 -15 people. The purpose was to review the five options in order to settle on a preferred direction. As part of this process the groups were also asked to review the Guiding Principles in order to determine whether or not they were aligned with the five options were aligned. The following is a summary of the results for each group.

##### GROUP 1

- Eliminated Options #1 and #5, no consensus decision on the other options

- The group was split on the amount of regulation that was acceptable. Most favored strict performance standards and context-sensitive form-based codes while a minority wanted to reduce the regulatory burden
- There was broad consensus on:
  - Mixed-use development
  - The need for more neighborhood commercial
  - Community nodes as a land use model
  - Walkability, particularly downtown, in neighborhoods and around community nodes
  - Human scale development

## **GROUP 2**

- Eliminated Option #1
- Would support more lodging if there are greater limitations on scale, numbers of units and performance requirements; no consensus where lodging should be located.
- Need more specificity
- Option #5 – The “No Growth” title was confusing, as it was only meant to refer to overnight accommodations. This needs to be clarified so it is clear that the option would accommodate other types of commercial growth and development
- Support for form-based codes

## **GROUP 3**

- Eliminated Options #1 and #2
- Option #3 – Okay with more restrictions on number of overnight accommodations; some support for Option #4
- Employee housing—needs to mandate adequate parking conditions, upkeep and livable conditions
- Water requirements/restrictions and knowing how much water is available and used by overnight accommodations is extremely important
- Height and other form-based restrictions should be part of the solution
- Desire incentives for local, small businesses and higher impact fees to developers
- Feel like Option #5 opens up too much attention from the state and litigation

## **GROUP 4**

- Eliminated Option #1
- Mostly support Option #4; some support for Option #3
- Option #5 – concerned that state will step in if this is enacted, or that the demand will shift to San Juan County instead, resulting in no improvement related to congestion, etc.
- No development on Kane Creek
- Consideration of water needs is important/essential
- Broad support for mixed-use, especially in southern portions of Highway 191
- Scale of all commercial uses should be small – no big box development
- Increase environmental and aesthetic standards
- Mixed feelings about campgrounds/RV—feel like they are less invasive, but should still consider their impact to views, etc.

## GROUP 5

- Eliminated Options #1 and #2
- Would like to pull form-based code from Option #3 into Option #4
- Concerned about the over-concentration of overnight accommodations in the northern section of Highway 191 as indicated in Option #4
- Encourage small-scale bed and breakfasts and locally-owned hotel operations
- Affordable housing—don't want the need to provide affordable housing to get lost in this process

## GROUP 6

- Eliminated Option #1
- Majority supported Option #5, while ensuring that other commercial growth still occurs in the affect areas; want to swing the pendulum back the other way and make corrections in the future to balance, if needed
- Option #4—like limits, but not that it's concentrated
- Want more investment in downtown
- Individual overnight accommodation types should be addressed separately
- The top guiding principles are numbers 1, 2, 6, 8 – they are all focused on putting the community first

## VERBATIM WORKSHOP GROUP NOTES

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### GROUP 1

- Nightly rentals are basically weekend rentals, monthly rentals are essentially yearly rentals; Missing product is 1-3 months rentals (seasonal, etc.)
- For the last 35 years, Moab has been pushed toward tourism because mineral exploration went away
- Employee housing doesn't work in the real world, hard logistically and offers tenants little freedom (e.g. the company town)
- Need more information on the economic analysis
- Moab lacks 1000+ affordable housing units, this doesn't address that need directly
- Don't think we can stay at the status quo
- Need measured and controlled growth - entrepreneurial person can't move here and we need to keep the vacancy rates low
- Need spaces reserved for other types of businesses
- Growth needs to be controlled, too much focus on nightly rentals being the source of the problem when it's just a small part. What's the real problem to address to solve the issue?
- Reason for problems is extreme growth in popularity of outdoor activities that weren't always popular (mountain biking, ATVs, etc.)



- Participant likes Option #2 if downtown is developed smartly – Options #3 through #5 give existing hotels too much of an advantage
- Incentivize mixed use, enforce the existing rules (especially illegal overnight rentals) by increasing fines for violations, etc.
- Participant likes Option #2 with mixed use/form-based code requirement
- No one wanted Option #1
- Option #2 has strong support from real estate professionals
- Moab's historic western downtown will be destroyed with form-based codes to keep downtown/Main Street - character, historical preservation, walkable, human scale
- As it exists, we have a scrape-and-rebuild town so it is possible to see downtown become unfriendly and unwalkable
- Pedestrian safety an issue
- Concerned with cookie-cutter form-based codes that could make things more bland
  - Form-based codes can be done with much more nuance, but they require lots of work and investing the appropriate amount of money to produce a quality code
- One participant felt that Moab doesn't have a "cute" downtown with interesting buildings – not like little Colorado towns, for example
- Zoning on the north end of town is suburban in nature – it's unwalkable
- Downtown area should stay human scale and the form-based code should extend to north of town to make that area appropriately scaled as well
- Some feared becoming like Sedona with a cute downtown and horrific traffic and long slowdowns; Need a by-pass road to accomplish this
- Need mixed use in north corridor and Spanish Valley
- Concern about over-regulation and unreasonably telling people what they can do with their land. Regulations cost money that is ultimately passed on to the person buying the house.
  - Example: Over \$80,000 and 5 engineers/architects needed to address new regulations and the buildings still aren't ready to be built. 4 buildings with identical floor plans were built previously for \$30,000 less. The difference is passed on to the consumer. In the end, city and county regulations cost the consumer money.
- Discussion about development on the north vs. the south of downtown.
  - Competition between commercial uses is limiting development in San Juan County which is a good thing at this point
  - There are serious flaws with all hotels being located north of downtown with retail to the south. It is better to keep everything mixed use along the entire Highway 191 corridor.
- Options #3 and #4 make it really difficult for any downtown property owners
- Would like to see more continuity between Moab and Grand County
- Would like frontage roads to access businesses in Spanish Valley (similar to the plan adopted by San Juan County).
- Like the community nodes in Options #4 and #5.
- Lots of consensus on encouraging mixed use
- Overnight accommodations have already spread south to Spanish Valley
- There are certain times when the area experiences traffic extremes – Friday nights and Sundays

- How many more tourists can we accommodate without seeing drastic losses to quality of life?
- Discussion of Option #4:
  - We already regulate where overnight rentals can happen in residential zones, but we don't exclude lodging from commercial zones. Option #4 would allow commercial zones to grow into themselves without competition from hotels
  - What businesses other than hotels/motels would locate in commercial zones in Spanish Valley if Option #4 were adopted? Is it still too expensive even then?
  - To have more economic diversity, we need more commercial zoning especially neighborhood commercial in key areas adjacent to residential zones
- One participant expressed the desire for local government to look at ways to simplify zoning and codes to make it easier to develop housing and other needed products
- Many felt Moab needs more density; Strong support for the county's overlay related to this
- South corridor is already commercial 600'+ from the highway (KOA and rentals in Rim Village)
- Already 1,200 additional overnight accommodation units have been approved, but they haven't been built yet
- Many felt there should be size limitations and mixed use requirements on hotels above a certain size. Some expressed concern that the market may not be able to handle mixed use everywhere and such requirements would be overly burdensome
- Many agreed that less overnight accommodation development would force other commercial uses as the next "highest and best use"
- Everyone agreed: development should be properly scaled, contain a mix of uses and there is a immediate need for more neighborhood commercial

## GROUP 2

- Option #5 should be called "No Increased Overnight Rentals"
- Can growth be determined on a percentage basis? Percentage occupants, square footage, number of buildings would determine how much is allowed
- When discussing no additional overnight accommodations, there was concern about blending growth with existing neighborhoods; Want neighborhood preservation measures
- Participant asked what defines growth. Overnight rentals? Commercial? Housing?
- One participant was okay with neighborhood-scale commercial
- Some were okay with more hotels if assurances are made for community amenities (e.g. open space preservation)
- Participant stated that stress is coming from traffic, not hotels (Center Street and 100 South). No problem with having a business area as it exists currently – it's the traffic volume and speed.
- Overnight rentals should have transportation and other mitigating factor requirements. If these exist, participant is okay with overnight rentals
- Commercial property owners already own land north of town
  - "This was never a 'livable' community"
  - Tourists could park on the edges and be shuttled into town
- Participant stated that there is no residential north of town already – tourists are coming in from the north from the National Parks so it should be allowed if taxes and impact fees are paid

- Participant wants small scale overnight accommodation developments (10-20 units) in the future
  - Purchasing commercial land is speculative and Moab shouldn't be responsible for owners being able to use their land for whatever purpose they want
- Young people could afford to live here if they could operate limited overnight rentals to create income
  - Another participant agreed this could create affordable options
- Gradations of growth and no growth
  - All commercial development is competing with lodging development because of profitability. How do we allow this to happen?
- Commercial, existing land use could be used/allowed to build residential projects
- Majority of group agreed to eliminate Option #1, but there was one who felt the status quo was the fairest to property owners
- Participant asked if hotels are currently filling up. One data point says rentals decreased from 2017 to 2018. Hotel occupancy is anecdotally down.
- Discussion about Option #2
  - Is it legal to remove right to develop overnight rentals? We can make certain requirements to limit overnight accommodations with very restrictive regulations
- What do people like on the maps?
  - We expect more of future development
- Employees of hotels need places to live; This is already required of new hotels
- There was a consensus that more residential and neighborhood growth is desirable

### GROUP 3

- AirBnbs should be included as bed and breakfasts
- Questions about Cisco and Elgin – would like planning efforts there as well
- Concern that the process is too contentious and that the State of Utah will try to intervene
- #1 concern is water
  - Nearing or at capacity
  - Need estimation of accommodations or resources
  - Need to know environmental impact before choosing overlay
  - Research what hotels, etc. currently use
  - Grey water usage
  - Would like to see estimate for water usage each option
- Parking is a big issue for residents in existing neighborhoods
  - Requirements in overlay zones need to include off-street parking and upkeep of property
- There need to be requirements or incentives for use of solar
- Landscaping requirement need to include the use of grey water and native plants
- Option #2 is already out of scale and issues with “stay and live” gives it a lower rating
- Option #3 should include a form-based code

- Discussion ended discussing an “Option #3.5”, depending on restrictions and the facts those restrictions are based on (need more facts/data to make a decision)

#### GROUP 4

- Option #1 is out
- No franchise hotels
- Love the idea of “no more growth” but concerns about going to San Juan County and the resulting traffic; Transit-hubs could help alleviate some of this
- North of downtown – mixed use and transition into town
  - Environmental concerns about development along wetlands; Would protect existing neighborhoods all the way down
  - What would be the State’s reaction to no longer allowing overnight accommodations?
  - Need corridor and landscaping buffer standards
  - Preserve aesthetics and views
  - “Put it all underground”
  - Adobe construction, green roofs, porous pavement, grey water recycling, etc.
- Not a huge issue with RVs – up the creek and older established ones are decent
- Support for parking lots and other places to park and store trailers, etc.
- Encourage mixed use, but concerned about state involvement
- No more hotels in Colorado River overlay area, but RVs okay?
- “Match scale of development” sounds scary
- Mixed use, ratio of mixed use to overnight rentals
- No big box stores
- Desire for small – limit size for all commercial to support local businesses
- Ban franchises
- Group didn’t feel that discussing the Guiding Principles was as important as discussing the various planning options laid out
- Mandatory STR and LTR, mixed use – don’t like overnight rentals embedded in residential neighborhoods, however.
- Some desire for no campgrounds north of town
- Key points:
  - Focusing development on the north side
  - Mixed use – especially in southern portion of 191
  - Other standards – aesthetic, size/scale and environmental
  - No more overnight accommodations downtown
  - North of town, camping over hotels?
  - Serious restrictions
  - Majority of group favored Option #4 with some prefers Options #2 and #3
  - Limit development along Kane Creek
  - Support for “no growth” but concerns about overflow into San Juan County and/or the state intervening
  - Eliminated Option #1

## GROUP 5

- No more downtown
- Smaller, mixed use stuff
  - Match the scale of the neighborhood
  - Provide amenities to the neighborhood
- It really doesn't feel like a community – it's overrun
- No new hotels on northern section of Highway 191, open to it with an overlay
- If we stopped advertising, we wouldn't need hotels
- "I'd rather pay property taxes than deal with tourists"
  - We're paying for it one way or another
- If we don't allow it at all, people with drives from San Juan County to Arches
- "Do any of these suggest demolishing the river bridge?"
- In favor of townhouses for residents.
- Hate fear-based planning, staking counties against each other for Walmart, hotels, etc.
- Pro form-based code, but want more restriction than Option #2
- One participant doesn't like city's current approach to AirBnbs
- "If we still allow some growth, we can control it" vs. it occurring in San Juan County
- Don't agree with concentrating everything north of town - need to disperse more
- "Short-term rental allowance in residences is why we have our housing problem"
- All were pro-mandatory mixed use and performance standards.
- We're never going to have less than a million visitors, need to plan to address this
- Controlled growth, but more than just North Highway 191 – bad for safety, walkability, all along Highway 191
- Need long-term RV parks
- We want more dispersed than Option #4, but smaller, more focused areas than Option #3
- For form-based codes
- If we do Option #5, we want to try to use existing more efficiently
- "We can't be held hostage to the tourists"
- "People say tourists are paying their way, but they're not"
- Some growth, reluctantly, should be allowed
- Pro small bed and breakfasts
- More community-centric overnight accommodations
  - Local-owned hotels, rather corporate chains – discourage large scale
- Summary:
  - Heavy restrictions – form-based code, mixed use
  - Concern about over-concentration on North Highway 191 with Option #4
  - Encourage small-scale bed and breakfasts and locally-owned hotel operations
  - Struck Options #1 and #2, working between Options #3, #4 and #5

## GROUP 6

- No overnight accommodations downtown? But that creates transportation problems – keep shops downtown, add transportation options or mixed use
- Community node – some businesses now, could be more housing too; Group likes this approach
- Is “no growth” legal? Yes, can downzone a parcel.
- Concerns about water – carrying capacity means there are more limits than just space
- Sunset method for a period of “no” growth?
- Not fair to lump all overnight accommodations with hotels/millionaires
- Are hotels even at capacity?
- RV pads are maxed out, need more! Will drive costs up on the north end
- No hotels here, but campgrounds are okay in some areas; Same with bed and breakfast establishments
- Separate high-density accommodations from low density ones – split the small from the large
- RV parks – where people are living right now; Locals can’t expand businesses due to shortage of housing
- Gridlock already with 1,100 more in the pipeline
- Use-by-right vs. overlay? You can *apply* to build a hotel – more legislative
- Why only Moab Valley? Most urgent issue and there are other restrictions for the rest of the county like water/sewer/utilities
- We should not have these developments inadvertently
- 0 voted for Option #1
- 2 voted for Option #2
- 1 voted for Option #3
- 4 voted for Option #4 – hotels should be more diverse and the areas should be smaller and more of them, mixed use on the bottom floor
- 11 voted for Option #5
- Don’t like the wording of “No Growth”, prefer something like “No New Overnight Accommodations”
- Limit places for hotels, but spread those places out to the south too – small areas though

## Moab Area Land Use

### PUBLIC OPEN HOUSE + ADDITIONAL COMMENTS VIA EMAIL – SUMMARY OF COMMENTS

Moab City Center Building

Tuesday, March 26, 2019 5:00 to 7:00 p.m.

Wednesday, March 27, 2019 11:30 a.m. to 1:30 p.m.

**TOTAL IN ATTENDANCE** (those who signed in): **107** (57 on 3/26; 50 on 3/27)

**Total Written Comments Received at Meetings: 25**

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The purpose of the open houses was to get a sense of residents' current concerns and desires, particularly relating to the moratorium on overnight accommodations, as well as their concerns and desires for the future. The following summarizes key ideas heard at those meetings and input submitted via comment form and email (received as of April 2, 2019).

The purpose of this document is to capture the primary themes and sentiments expressed during the open house events. If you feel like there are any omissions or mischaracterizations of comments submitted to date, we encourage you to send or call us your feedback at [moab@ldi-ut.com](mailto:moab@ldi-ut.com) or 801.474.3300 (ask for Mark or Jenny).

## Quality of Life

### General:

- Moab has experienced significant growth in recent years, especially within the lodging and tourism sector. Many characterized this trend as too much, unwanted, and/or undesirable growth, and that it had fundamentally altered the community's character. Many suggested the Moab Area no longer feels like the place and community they valued, identified a lack of balance in the growth that has occurred, and noted different ways in which their quality of life has diminished, especially in the last three to five years. It was relayed that residents, friends, and neighbors have been moving away or making plans to do so, because of these changes.
- It was suggested that Moab and Grand County should take advantage of current opportunities to "creatively turn around the accelerating slide towards social, economic and environmental catastrophe."
- Strong desires to slow growth (in general, and in the lodging and tourism sector) to a level where people will still want to live and recreate here was expressed, with sustainable growth" and "smart growth" being used to describe this shift.

### Community Character:

- There is a great desire (and vision) for Moab to be a place that is "more than tourism" (See "What would you like Moab to be in 20 years?" section below)



- There is a desire for the Moab Area to be comprised of a diverse population; Some expressed concerns about fees/restrictions/economic conditions that might discourage or prohibit certain populations from visiting or living in the Moab Area.

#### Transit/Transportation:

- Traffic and congestion have increased dramatically with growth/increased tourism; specific problem areas cited by residents included:
  - The north end of town where US 191 changes from two lanes to four,
  - Recently signaled intersections,
  - Left turns in the downtown core, and
  - Parking.

These transportation trends, including infrastructure deficiencies, are seen as an impact to resident's quality of life and as a public safety issue.

- Regional transportation planning was identified as a need, with the following considerations being highlighted:
  - Bicycle- and pedestrian-friendly roadways
  - Curb cuts and dedicated lanes
  - Special attention to Spanish Valley Drive (particularly, its speed and impact to surrounding neighborhoods)
  - Carrying capacity and level of service studies
  - Public transportation and transit
  - Travel between the future USU Moab campus and downtown, as well as multi-family housing and employment issues
  - Future bedroom community development in nearby communities such as Monticello, Green River, and Thompson
- Parking was cited as a big concern. Specific circumstances described included:
  - Inadequate parking at homes where multiple people staying overnight or living, which often results in illegal parking or blockages of adjacent neighbors, and
  - Inadequate parking for different user groups (e.g. trucks and trailers).
- A need and desire for public transportation through the Valley and to the National Parks was communicated, particularly if significant amounts of residential development occurs in the southern reaches of the Valley; Public transportation may need to be considered from nearby communities such as Monticello and Green River, if rent/housing continues to become less affordable and workforce housing shifts to those areas.
- Some identified the need for more protected bike lanes as current bicycling conditions could be viewed as unsafe. Green infrastructure for stormwater management was cited as a potential use for establishing a buffer.
- The Moab Area has developed with relatively wide residential roads, and current standards also require wide roads to be constructed in new developments. Some recommended rethinking the road design standards and considering other beneficial uses in place of some roadway width and that development costs could be reduced by reducing road construction costs and land dedicated to roads instead of other uses.

#### Overcrowding:

- Many expressed the ratio of hotels, short-term rentals, and other overnight accommodations to permanent residences as severely unbalanced (too many overnight accommodations); They suggested that the current supply of accommodations is sufficient and wanted to see a limit put on building additional accommodations in favor of, or in addition to, putting more attention towards the needs of Moab residents.
- It was suggested that different overnight accommodations should be treated differently (e.g. hotels vs. RV campgrounds). One person mentioned there were not enough places to accommodate RVs in Moab. Others suggested that “out-of-town” owners/developers should be held to different development standards than “local” owners/developers. Yet another individual feels like City/County to treat nightly condos projects differently than hotel projects, citing that condos have greater opportunity to be more sustainable (use less water, hire local property management companies, etc).
- Multiple individuals reported anecdotes from tourists/visitors that overcrowding in Moab negatively impacted their experience and may not or will not return, with one of those individuals saying that a recent guest at their condo/rental said, “This is a great place you have here, but there are too many people. We may or may not come back.”
- A sentiment of special event fatigue was expressed. Many feel the number and size of events occurring in Moab has increased, and the season for events taking place has extended. They expressed a desire:
  - To see fewer events permitted,
  - Additional restrictions placed on events, and
  - Periods of time restricted from events, such as a certain number of no-event weekends even during peak seasons.
- The proposed Arches National Park reservation system was identified as a potentially beneficial change for slowing visitation.

#### Noise:

- Noise from UTVs and other motorized off-road vehicles was identified as another major concern. One resident stated, “City residents aren’t allowed to have roosters, yet UTVs are allowed at all hours of the day.”

### **Environmental Impacts**

#### Water:

- Many expressed concern about having adequate water, especially with the amount of development/growth occurring; They expressed a desire to see greater coordination with San Juan County over this issue.
- Water consumption by tourists was specifically raised as a concern; Possible solutions offered were using water tokens to set limitations on time/amount of water consumed and regulating the size of pools that hotels can build.
- Others expressed that development/current activities/land use practices (grazing) impact the water sources and should be considered when planning for the future (e.g. the “dust on snow”

phenomenon is changing the hydrology of the Colorado River); It was mentioned that these activities also impact the local soils and that soil is also a non-renewable resource.

#### Landscape:

- It was noted that dispersed camping is taking a toll on the environment. Commenters suggested that overuse of the landscape is occurring, and questioned what the carrying capacity of the land. It was suggested that conversations between the local government and state/federal entities need to happen to minimize these impacts and come up with a solution.
- A feeling was expressed that public lands also have a “carrying capacity” and can’t take the current amount of people/use. For example, adding a second access point into and out of Arches NP might address traffic and auto congestion, but it does not increase the land’s carrying capacity.
- UTVs and other motorized off-road vehicles were reported to have greatly increased and encroached in both natural and residential areas the last few years. Commenters noted that the desert is delicate, and expressed concerns that the level of disturbance occurring could cause about “dust bowl” conditions.

Air Quality: Some communicated their experiences with and concerns about worsening air quality caused by grazing, development, and touristic activities in the area. They suggested the City and County need to record/track/mitigate before it becomes a bigger problem.

Light Pollution: Residents communicated a strong desire to protect dark skies in the area. They expressed concern about the impacts of development in San Juan County to the night sky and desire to see coordination between Grand and San Juan counties on the effort.

Wildlife Habitat: Reminders were expressed regarding the need to think about the impacts of development/tourism on wildlife and wildlife habitat.

Visitor Education: Many brought up a need, and potential, for spending less money on marketing/advertising Moab as a destination and spending more money on visitor education (e.g. how to limit impacts on and provide care for the area’s unique environment).

### **Regulation/Local Government/Planning**

- Feelings were relayed that local government has not exercised enough will power in denying unwanted development or enforcing regulations on-the-books, and that up-zoning has occurred too often. The need to support local government officials as they make efforts to mitigate some of the “damage to our community” was also communicated.
- Many expressed a desire to see more regulation/controls put into place that would give elected officials far more discretion in determining which projects get approved and constructed, rather than “pre-approved” or “use by right” zoning that currently exists in commercial areas.
- Some observed that a lot of new construction has been/is out of scale for the town; In lieu of large hotels, commenters recommended only allowing smaller-scale hotels, inns or B&B’s and possibly requiring them to have street-level retail or restaurants and adjoining workforce housing.

- There was a desire by some to see zoning regulations in the City of Moab overhauled, specifically: consistency in height calculations, measuring setbacks and clarity in hillside development regulations.
- Some would like to see tiny homes allowed in residential housing areas, with a tiny home specific building code being instituted to make these a compatible use/viable housing option.
- There was a strong desire expressed for a permanent or lengthened moratorium to stop or slow down growth. Another common sentiment was the desire to limit the number of overnight accommodation units allowed.
- Many felt like development has happened without much thought to planning for the future or what residents want Moab to be. There was expressed that zoning could be a way to choose what you wanted. What is the end in mind? Do we want unlimited tourist growth or do we want to be sustainable? If you don't build it, they won't come. Zoning seems the best way to do that
- Many residents commented on the need for more regulation in the future. Specific concerns/ideas suggested included:
  - Design: Create design guidelines or other mechanisms to give new construction a direction that is cohesive and thoughtful.
  - Viewsheds: Look closely at implementing set backs and height restrictions to preserve valuable views of the canyon rims.
  - "Old Town": Create an overlay that helps preserve the sense of history and place of Moab.
  - Open Space: As the area densifies, acquire open/green space. There is currently a need for more pocket parks and community gathering spaces and open/green space could be mandated in new developments.
  - Trails: Require new developments to provide easements and connections for/to a non-motorized trails.
  - Sustainable Architecture: Require new construction to incorporate passive solar construction.
  - Sustainable Practices: Require low flush toilets and showers in all new and existing overnight accommodations; Require hotels and retail businesses to recycle.
  - Vegetation/Soil Disturbance: Require a restoration plan for the disturbance of any soils or vegetation.
  - Noise: Implement noise requirements on all roads and investigate implementing a no UTVs or noisy motorcycles policy on city streets.
  - Parking: Require adequate on-site parking for recreational vehicles/trailers for all overnight accommodations.
- There was a desire expressed to see incentives and more flexibility for desired uses and less incentives and flexibility for undesired uses (e.g. tourism-related businesses). It was suggested that new hotels could be required to include street-level retail or restaurant space.
- One individual expressed that County high density residential overlays don't work in agricultural and existing residential areas and that existing road infrastructure cannot handle the increase in population.
- Some feel like the State and locals define a good "quality of life" differently and expressed a concern that State laws could potentially limit options that might work best for the Moab area.

- One individual expressed a feeling that landlords in the area need to held more accountable; Conversely, another individual expressed a feeling that there are good landlords out there (nightly rental, specifically) and that these good landlords get “punished” with additional requirements and fees because of the actions of others.
- A concern was expressed that if stricter restrictions occur in Grand County, developers will shift their attention to San Juan County. The amount of potential growth in San Juan County frightens some, particularly because San Juan County currently relies on Grand County for its emergency and sanitation services, and there was a desire expressed to see cooperation/planning between the two counties. One individual suggested that certain requirements could be required if/when development San Juan County is allowed to be serviced by Grand County Water and Sewer services, for example: the implementation of dark sky ordinance, lot size/density restrictions, limitation on large scale development and other commercial enterprises that don’t match the Grand County’s vision.
- One individual expressed a desire for Grand County and Moab work together/function as one “greater Moab area city-county”. They suggested that Grand County annex into Moab (south of Moab to the County line).
- Several individuals articulated the likelihood that an economic slowdown is likely to come. One individual mentioned that the City/County should use any downturn to catch up and get significant planning completed.

#### Overnight Accommodations/Higher Density in Existing Residential Neighborhoods

Varied concerns and opinions were expressed regarding overnight accommodations in residential areas, including the following:

- Allow nightly rental and/or higher density developments in existing residential areas (R-2 zones) causes conflicts; Zoning has been too easily changed on a property by property basis in the past and they would like to zoning be used and enforced to protect existing residential neighborhoods.
- R-3 zones are already mixed-use zones; Overnight/short term rentals should be considered in those zones.
- Rather than outright ban, provide less restrictions on short-term rentals in residential areas; For example, consider limiting the number of weeks or times a year that a home can rented out (Telluride and Austin have both done that).

## **Economy**

- Many expressed a desire for greater local ownership or a direct benefit from tourism to the local community, rather than large corporate/“chain” businesses. Many feel like these large corporate businesses don’t offer fair wages or support the local community (e.g. donations of time/money) and that these large, national chain hotels are “irreparably altering” the physical character and sense of community in the Moab area. One individual expressed the desire to see any resident be able to open up a B&B with profits coming back into the community/to local residents rather than the profit to go to large chain hotels, and another suggested that permits to build new overnight accommodations only to be issued to people who live in the Moab area.

- There is a strong desire to diversify the types of businesses and economy in the Moab area, with a belief that this could help lower the area's vulnerability during an economic recession.
- There was also a strong feeling that making money/a profit currently seems more important than other pressing issues, such as overcrowding, caring for local/natural resources, etc.; Specifically, there was disappointment expressed that the decision to implement reservation system at Arches—that is anticipated to solve some of the overcrowding/overuse issues—was put on hold because of concerns about the impact to local revenue. One individual put it this way, "Greed is not a planning tool and has reigned supreme in the last several decades."
- Many feel like space for new commercial enterprises is very limited and that skyrocketing land prices have shut out desirable small entrepreneurial/creative/non-profit opportunities. With every hotel that comes in, they feel like valuable space for other needs disappears and, therefore, would like to see less hotels and more opportunities for other types of businesses.
- Several questions or ideas relating to assessing additional taxes/fees to control or manage unwanted overnight accommodations were expressed, including:
  - Can a local fee be assessed in addition to the state tourism tax?; Are there any additional taxes/impact fees to pay for the tourism-related impacts that could be used to improve conditions in community (for example, improve salaries for teachers, police officers, etc.)?
  - Do timeshares pay transient room tax?
  - Can hotel owners be assessed an additional fee/tax to mitigate for visitor/tourism impacts to infrastructure, EMS services, law enforcement, etc.? Can they be required to "give back" to the town in such ways as affordable housing, education/environmental stewardship programs, and assisting vulnerable populations?
- A few commenters talked of property taxes have increased dramatically for commercial properties. They feel that the increase to property taxes makes it harder to build a successful/profitable business.
- There was a strong desire for advertising of the area to either be stopped entirely or put on hold. One individual felt like advertising should at least be truthful/accurate and, in doing so, would say something like, "Come to Moab to wait in line and hear noise of Razors". Others expressed a desire to see funding from advertisements promoting tourism shift to educating visitors on how to recreate responsibly/take better care of the land.
- One local business owner felt like as tourism has increased and hotel prices have gone up, there doesn't seem to be a proportional increase in revenue for local retail businesses.
- Many feel that local businesses are overwhelmed by the amount of tourists, with specific examples including restaurants having long (2 hour) wait times at dinnertime and City Market not being able to keep the basic necessities stocked on their shelves.

## Housing

- There was some support for higher density expressed, if that density was used for housing local residents.
- One individual mentioned that they would rather see affordable housing dispersed around town, than the south end of town grow.

- Many recognized that affordable housing and limited growth can't happen without higher density. One individual mentioned that a conflict of desires exists in the area with many residents wanting to see more affordable housing, but not wanting that housing in their own "backyard".
- A desire was expressed for impact fees waived for affordable housing.
- Several individuals mentioned that they would like to see employers provide housing for their employees. They related that there are many people living out of cars to survive/make ends meet and then they get fined for doing it. There is a great desire for change and solutions to this issue/problem, with one individual suggesting the provision of safe places for temporary workers to park and camp if they unable to afford housing.
- There was optimism expressed regarding the housing that is planned adjacent to the future USU campus. They relayed that there will be both student housing as well as housing for the larger community.
- There was also a fear expressed that some affordable housing is being acquired and flipped (sold at market-rate prices) to make a profit; This situation was specifically linked to those getting help from the Self-Help Housing program, a federal assistance program.
- Some expressed a feeling that the lack of residential housing for year-round residents deters a healthy and diversified population.

## **Employment**

- There is an overwhelming agreement that tourism-related jobs do not pay enough for employees to find adequate housing in the area and many feel like their employers should be required to provide affordable housing options for their employees. One individual mentioned that they would like to see a minimum wage increase in Moab to help solve this issue.
- Many see the lack of affordable housing as a deterrent to attracting labor, high skill labor and essential services (teachers, police, nurses, etc.) in particular.
- There was an expression of not enough employees on multiple levels, with some feeling like the number of hotels are putting a strain on the overall available workforce in the area and others citing that employed people have to work long hours because there aren't enough employees.

## **Growth**

- There was expression by a fair amount of people that people live off of tourism in Moab. Some individuals felt like you can't stop growth from happening and others that believe that market will monitor itself (e.g. developers won't invest/build in an oversaturated market)
- A few individuals feel like a greater demand for hotels is a good sign and is much better than the lean times that used to exist with the feeling that that any new hotels should be allowed in the downtown and in commercial areas.
- One individual mentioned that Arches could open up the other end of the park to help facilitate the number of visitors they get, rather than limit/require reservations.



## Re: This Planning Process

- One individual expressed the desire for the City/County to invite developers and pro-development residents to the table and get their input on the moratorium.
- Another individual thought it was important for the project team to reach out to the younger people working here, specifically those who want to stay and live here, but are currently working multiple jobs
- One individual was overwhelmed by the amount of conflicting desires/needs in the community. When they asked “How are we going to solve it?” the Mayor of Moab responded that it wasn’t going to be solved from the top down, but that the community will solve it together.

## Examples to Consider

There was a strong desire to look for possible solutions—specifically, smart and slow growth strategies—both inside and outside of the State of Utah. Specific places mentioned include:

- Ashville, NC: Limited nightly rentals/hotels
- Telluride: Stopped development and the town still continued to thrive
- Gatlinburg, TN (Gateway to the Smoky Mountains): Engaged with state representatives to get things resolved
- Park City, Dot Creek (Cedar City) and Kayenta & Ivins (St. George area): Potential local examples to look at

## What would you like Moab to be in 20 years?

During one of the open house sessions the question “What would you like Moab to be in 20 years?” was asked. The following answers were vocalized in that meeting and comments received after.

- A walkable community
- A family-centered community with younger people/young families; One that isn’t dominated by tourists
- A place that is safe to bike
- A diverse economy; Employment opportunities for different skill sets
- More remote/tech employment opportunities
- Opportunities to build local businesses
- Improved internet/co-working spaces
- A constructed USU campus (more students and faculty)
- Well-funded schools and EM services; A hospital
- Improved road infrastructure
- Better law enforcement (enough to match the number tourists that come here)
- A place people want to live (not a strip of businesses like Las Vegas)
- Have a balance of hotel rooms with residential
- A focus on the natural world rather than restaurants, hotels, services, etc. (this may require charging more/would have an impact on affordability to the tourist)
- Parking lots or garages at both ends of town—to get people parked/out of their cars and create a more walking centered community

- Denser housing near downtown
- Narrower streets
- Permaculture/urban gardening opportunities; Restaurants that compost their food waste
- Public transit along Hwy 191 and to Arches; Also along Mill Creek Drive and Spanish Valley Drive
- More green infrastructure to mitigate flooding and overwhelming heat during the summer months
- Affordable; Livable; Diverse; Cooperative

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### Quality of Life

#### General:

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- Commenters suggested that Moab and Grand County should take advantage of current opportunities to~~Now is the time to seize the moment and~~ "creatively turn around the accelerating slide towards social, economic and environmental catastrophe."
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- Commenters identified ~~r~~Regional transportation planning is a need~~ed~~ and highlighted the following should be considered:
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something more be done with that space?; Things could be more affordable, just by reducing the space dedicated to roads/increasing space

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- The proposed Arches National Park reservation system was identified as a potentially beneficial change. Would like to see the reservations system at national parks

**Commented [ZL1]:** This comment is more about community character, identity and economic diversity...not overcrowding.

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- Water consumption by tourists is a concern in particular; Possible solutions offered were using water tokens to set limitations on time/amount of water consumed and regulating the size of pools that hotels can build

#### Landscape:

- Dispersed camping is taking a toll on the environment; There is an overuse on the land; conversations between the local government and state/federal entities need to happen to minimize these impacts/come up with a solution
- The public lands can't take the current amount of people/use; It has a "carrying capacity"; Putting a road through/opening up the other side of Arches won't solve this
- UTVs and other motorized off-road vehicles have greatly increased/encroached in both natural and residential areas the last few years; The desert is delicate and too much disturbance could cause "dust bowl" conditions

Air Quality: There is a lot of dust that is getting kicked up into the air by activities and overgrazing; Needs to be recorded/tracked/mitigated before it becomes a bigger problem

Light Pollution: A real issue and adversely impacts the valley; Would like to see a combined effort between Grand and San Juan counties to implement a night sky ordinance

Wildlife Habitat: Need to think about the impact of development/tourism on wildlife and wildlife habitat

Education: Need less money put toward advertising and more toward education (how to take care of this unique, environmentally rich place and recreate responsibly)

### **Regulation/Local Government/Planning**

- There is a feeling that there has been a "lack of will" by local government in the past (e.g. local government officials give up the fight against unwanted development and enforcement too easily); Upzoning has occurred too often; Residents need to support local government as they make efforts to mitigate some of the "damage to our community"
- Would like to see more regulation/controls to help determine what projects get constructed, rather than "pre-approved" or "use by right" method/situation that currently exists in commercial areas
- New construction is out of scale for the town; In lieu of large hotels, could only allow smaller-scale hotels or inns/b&b's if they have street-level retail or restaurants and adjoining workforce housing
- City of Moab zoning could use an overhaul, specifically: consistency in height calculations, measuring setbacks and clarity in hillside development regulations; Would like to see tiny homes allowed in residential housing areas (a tiny home specific building code could be instituted to make these a compatible use/viable housing option)
- A strong desire for a permanent or lengthened moratorium to stop or slow down growth; Perhaps a limit on the number of units allowed

- Feel like development has happened without much thought to what residents want Moab to be (planning for the future). What is the end in mind? Do we want unlimited tourist growth or do we want to be sustainable? If you don't build it, they won't come. Zoning seems the best way to do that
- Would like to see more regulation in the future. Specific concerns/ideas include:
  - Design: Derive design guidelines or other mechanisms to give new construction a direction that cohesive and thoughtful
  - Viewsheds: Look closely at implementing set backs and height restrictions to preserve valuable views of the canyon rims
  - "Old Town": Would like to see an overlay that helps preserve the sense of history and place of Moab
  - Open Space: As the area densifies, would like to see open/green space acquired; These could be mandated in new developments; There is already a need for more pocket parks; Parks/open space are community gathering spaces/help build community
  - Trails: Would like to see new development required to provide easements and connections for/to a non-motorized trails
  - Sustainable Architecture: Require new construction to incorporate passive solar construction
  - Sustainable Practices: Require low flush toilets and showers in all new and existing overnight accommodations; Require hotels and retail businesses to recycle
  - Vegetation/Soil Disturbance: Require a restoration plan for the disturbance of any soils or vegetation
  - Noise: Noise requirements on all roads. Look at implementing a no UTVs or noisy motorcycles policy on city streets
  - Parking: Require adequate on-site parking for recreational vehicles/trailers for all overnight accommodations.
- Would like to see incentives/more flexibility for desired uses (and less of those for undesired uses—e.g. tourism-related businesses); Could require hotels to include street-level retail or restaurant space
- County high density residential overlays don't work in agricultural and existing residential areas; Existing road infrastructure can't handle the increase in population
- Limitations at the State level are a concern; feel like the State and locals define a good "quality of life" differently
- Landlords: There is both a feeling that they need to be held more accountable and that there are good ones out there (nightly rental, specifically) that get "punished" with additional requirements and fees
- There is a concern that if stricter restrictions occur in Grand County, development will just move to San Juan County. The potential growth in San Juan County is frightening; Would like to see cooperation/planning between the two counties, particularly because San Juan County currently relies on Grand County for its emergency and sanitation services
- Would like to see Grand County annexed into Moab (south of Moab to the County line) or Grand County and Moab work together/function as one "greater Moab area city-county"



- Feels like certain requirements (e.g. implementation of dark sky ordinances, lot restrictions, limitation on large scale development, and other commercial enterprises that don't work in concert with the Grand County vision) should be required if San Juan County development is allowed to hook into the Grand County Water and Sewer services
- An economic slowdown is likely to come; The city/county should use that time to catch up/get significant planning completed

#### Overnight Accommodations/Higher Density in Existing Residential Neighborhoods:

- Nightly rental/higher density developments in existing residential areas (R-2 zones) cause conflicts/problems; Zoning has been too easily changed on a property by property basis in the past; Would like to zoning be used and enforced to protect existing residential neighborhoods
- Feel like R-3 zones are already mixed-use zones and that overnight/short term rentals should be considered in those zones
- Would like to see less restrictions on short-term rentals in residential areas. Rather than outright ban, would like to consider options like limiting the number of weeks or times a year that a home can rented out (Telluride and Austin were cited as examples)

#### **Economy**

- Would like to see greater local-ownership and direct benefit to the local community (rather than large corporate/"chain" businesses); Would rather see any resident be able to open up a B&B and that money come back into the community than it go to large chain hotels; Don't feel like these large corporate businesses offer fair wages or support the local community (donations of time/money); Would like building permits only to be issued to people who live in the Moab area; These large national chain hotels are "irreparably altering" the character and sense of community in the Moab area
- Need to diversify the types of businesses/economy in the Moab area; This could help lower the area's vulnerability during a recession
- Making money/a profit currently seems more important than other issues (overcrowding, caring for the natural resources, etc.); e.g. the Arches reservation system (solving overcrowding issues) was put on hold because of concerns about it impacting local revenue; "Greed is not a planning tool and has reigned supreme in the last several decades."
- Land prices have skyrocketed, shutting out small entrepreneurial/creative/non-profit opportunities; Space for new commercial is limited in general—Would like to see less hotels and more opportunities for these other types of businesses; Every hotel coming in feels like it is taking up valuable space for other needs
- Taxes/Fees:
  - Can a local fee be assessed in addition to the state tourism tax?; Would like to additional taxes/impact fees to pay for the impact to/go back into the local community (e.g. improve salaries for teachers, police officers, etc.)
  - Timeshares—Do they pay a transient room tax?
  - Would like hotel owners to pay their fair share and/or TRT taxes used to mitigate visitor/tourism impacts to infrastructure, EMS services, law enforcement, etc. Other

suggested ways to “giving back” to the town include: Affordable housing, education/environmental stewardship programs and assisting vulnerable populations.

- Regulation of land use often impacts property taxes making it harder for building a successful/profitting business; Property taxes have increased dramatically for commercial properties
- Advertising: Want it to stop OR to be truthful/accurate; e.g. “Come to Moab to wait in line and hear noise of Razors”; Would like to see funding shift from promoting tourism (e.g. Moab Travel Council) to educational efforts
- As hotel prices have gone up, there doesn’t seem to be a huge increase in revenue for local retail businesses
- Existing businesses are overwhelmed (e.g. restaurants are backed up at dinnertime; City Market can’t keep the basic necessities stocked on their shelves)

## Housing

- Support for higher density, if for local residents
- Would rather see affordable housing dispersed around town, than the south end of town grow
- There is a conflict: residents want to see more affordable housing, but don’t want it in their own backyard; Affordability and limited growth can’t happen without higher density
- Would like to see impact fees waived for affordable housing
- Would like to see employers provide housing for their employees—there are a lot of people living out of cars to survive (and then they get fined for doing it); something needs to change
- Housing is coming with the USU campus development—There will be some student housing, some housing for the larger community
- There is a fear that some affordable housing is being acquired and then being flipped (to make money); Specifically, by those getting help from the Self-Help Housing program (a federal program)
- Lack of residential housing for year-round residents deters a healthy and diversified population
- Safe places for temporary workers to park and camp if unable to afford housing

## Employment

- Tourism-related jobs are low paying; Housing costs are too high
- Would like to see a minimum wage increase in Moab
- Hotels are putting a strain on the overall available workforce; Would like to see these employers be required to provide affordable housing options for their employees
- Lack of affordable housing is a deterrent to attracting labor, high skill labor and essential services (teachers, police, nurses, etc.) in particular
- Employed people have to work long hours because there aren’t enough employees

## Growth

- People live off of tourism here; Growth will continue to happen and people will continue to make a living off of it
- The greater demand for hotels is a good sign; Much better than the lean times that used to exist
- Arches could open up the other end of the park, rather than limit/require reservations
- Where will the tourists go if overnight accommodations are not allowed to continue?; Additional hotels should be allowed downtown and in commercial areas
- Belief that the market will monitor itself; Developers won't invest/build in an oversaturated market
- Would like the City/County to treat nightly condos projects differently than hotel projects; Feels like condos have greater opportunity to be more sustainable (use less water, hire local property management companies, etc.)

### Re: This Planning Process

- Need to invite developers and pro-development residents to the table
- Would like the project team to reach out to the younger people working here—those who want to stay and live here but are currently working multiple jobs
- There are lots of conflicting desires/needs! How are we going to solve it? (Mayor Response: It isn't going to be solved from the top down. We will solve it together.)

### Examples to Consider

- Would like this study to explore both smart and slow growth strategies being used in-state as well as alternatives currently not allowed by State laws
- Ashville, NC: Limited nightly rentals/hotels
- Telluride: Stopped development and the town still continued to thrive
- Gatlinburg, TN (Gateway to the Smoky Mountains): Engaged with state representatives to get things resolved
- Park City, Dot Creek (Cedar City) and Kayenta & Ivins (St. George area): Potential local examples to look at

### What would you like Moab to be in 20 years?

- A walkable community
- A family-centered community with younger people/young families; One that isn't dominated by tourists
- A place that is safe to bike
- A diverse economy; Employment opportunities for different skill sets
- More remote/tech employment opportunities
- Opportunities to build local businesses
- Improved internet/co-working spaces
- A constructed USU campus (more students and faculty)
- Well-funded schools and EM services; A hospital
- Improved road infrastructure

- Better law enforcement (enough to match the number tourists that come here)
- A place people want to live (not a strip of businesses like Las Vegas)
- Have a balance of hotel rooms with residential
- A focus on the natural world rather than restaurants, hotels, services, etc. (this may require charging more/would have an impact on affordability to the tourist)
- Parking lots or garages at both ends of town—to get people parked/out of their cars and create a more walking centered community
- Denser housing near downtown
- Narrower streets
- Permaculture/urban gardening opportunities; Restaurants that compost their food waste
- Public transit along Hwy 191 and to Arches; Also along Mill Creek Drive and Spanish Valley Drive
- More green infrastructure to mitigate flooding and overwhelming heat during the summer months
- Affordable; Livable; Diverse; Cooperative

## Moab Area Land Use

### PUBLIC OPEN HOUSE – SUMMARY OF COMMENTS

#### Moab City Center Building

Tuesday, March 26, 2019 5:00 to 7:00 p.m.

Wednesday, March 27, 2019 11:30 a.m. to 1:30 p.m.

**TOTAL IN ATTENDANCE** (those who signed in): **107** (57 on 3/26; 50 on 3/27)

The purpose of the meetings was to get a sense of residents' current concerns/desires, particularly relating to the moratoriums, and their concerns/desires for the future. The following summarizes key ideas heard at those meetings **as well as comments submitted via comment form and email (THESE HAVE NOT YET BEEN ADDED, ARE TO COME).**

### Quality of Life

- Moab has become the place that people don't want to become (unwanted/undesirable growth); the character of the town has changed and quality of life has gone down; Residents/friends/neighbors are leaving or considering leaving because of these changes

#### Transit/Transportation

- Traffic congestion has increased dramatically with growth/ increased tourism; It bottle necks on the north end of town, is a public safety issue and a traffic study is needed
- Parking is a big concern; e.g. multiple people staying overnight or living in a central house without adequate parking—they often park illegally or block neighbors in; There isn't adequate parking of the right type (e.g. for truck/trailers)
- Need public transportation; Particularly if housing in Spanish Valley is going to be affordable
- Need more protected bike lanes; could use green infrastructure to create the buffer
- Need to rethink Moab's wide roads—Could something more be done with that space?; Things could be more affordable, just by reducing the space dedicated to roads/increasing space.

#### Overcrowding

- The amount of hotels/overnight accommodations to permanent residences is unbalanced; there are enough hotels, more attention needs to be put on Moab residents
- There is a great desire for Moab to be a place that is "more than tourism" (See "What would you like Moab to be in 20 years?" section below)
- There aren't enough places to accommodate RVs in Moab (not all overnight rentals are the same; need to be treated/looked at separately)
- Hearing from tourists: "This is a great place you have here, but there are too many people. We may or may not come back."
- Events: There are too many events in Moab; Restrictions on the number of events allowed should be considered

#### Noise

- Noise from UTVs is another major concern; Residents aren't allowed to have roosters, yet UTVs are allowed at all hours of the day

## Environmental Impacts

- Water:
  - There is a lot of concern about having adequate water especially with the amount of development/growth occurring; Residents would like to see greater coordination with San Juan County over this issue
  - Development/current activities/land use practices (grazing) impact the water sources and should be considered in plans for the future (e.g. dust is changing the hydrology of the Colorado River); Soil is also a non-renewable resource
  - Water consumption by tourists is a concern in particular; possible solutions offered were using water tokens to set limitations on time/amount of water consumed
- Landscape:
  - Dispersed camping is taking a toll on the environment; there is an overuse on the land; conversations between the local government and state/federal entities need to happen to minimize these impacts/come up with a solution
  - The public lands can't take the current amount of people/use; it has a "carrying capacity"; putting a road through/opening up the other side of Arches won't solve this
  - UTV's have greatly increased/encroached in both natural and residential areas the last few years
- Air Quality: There is a lot of dust that is getting kicked up into the air by activities and overgrazing; needs to be recorded/tracked/mitigated before it becomes a problem
- Education: Need less money put toward advertising and more toward education (how to take care of this unique, environmentally rich place)

## Regulation/Local Government/Planning

- There is a feeling that there has been a "lack of will" by local government in the past (e.g. local government officials give up the fight against unwanted development and enforcement too easily); Upzoning has occurred too often
- Would like to see the City Council take more of a role regulating/determining what projects are constructed
- Nightly rental/higher density developments in existing residential areas (R-2 zones) cause conflicts/problems; Zoning has been too easily changed on a property by property basis in the past; Would like to zoning be used and enforced to protect existing residential neighborhoods.
- Feel like development has happened without much thought to what people want Moab to be (planning for the future). What is the end in mind? Do we want unlimited tourist growth or do we want to be sustainable? If you don't build it, they won't come. Zoning seems the best way to do that.
- Would like to see more regulation of design in the future—to put Moab in a direction that cohesive and thoughtful.
- Would like to see incentives/more flexibility for desired uses (and less of those for undesired uses—e.g. tourism-related businesses).

- County high density residential overlays don't work in agricultural and existing residential areas; existing road infrastructure can't handle the increase in population
- Limitations at the State level are a concern; feel like the State and locals define a good "quality of life" differently
- Landlords—There is both a feeling that they need to be held more accountable and that there are good ones out there (nightly rental, specifically) that get "punished" with additional requirements and fees
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## Economy

- Would like to see greater local-ownership and direct benefit to the local community (rather than large corporate/"chain" businesses); Would rather see any resident be able to open up a B&B and that money come back into the community than it go to large chains; Don't feel like these large corporate businesses offer fair wages or support the local community (donations of time/money)
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## **Housing**

- Support for higher density, if for local residents
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## **Employment**

- Tourism-related jobs are low paying; housing costs are too high
- Lack of affordable housing is a deterrent to attracting labor, high skill labor in particular
- Employed people have to work long hours because there aren't enough employees
- Would like to see a minimum wage increase in Moab
- Hotels are putting a strain on the overall available workforce
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## **Growth**

- People live off of tourism here; Growth will continue to happen and people will continue to make a living off of it
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- Arches could open up the other end of the park, rather than limit/require reservations
- Where will the tourists go if overnight accommodations are not allowed to continue?; Additional hotels should be allowed downtown and in commercial areas.

## **Re: This Planning Process**

- Need to invite developers and pro-development residents to the table.
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## **Examples to Consider**

- Would like this study to explore both smart and slow growth strategies being used in-state as well as alternatives currently not allowed by State laws

- Asheville, NC: Limited nightly rentals/hotels
- Telluride: Stopped development and the town still continued to thrive
- Gatlinburg, TN (Gateway to the Smoky Mountains): Engaged with state representatives to get things resolved
- Dot Creek (Cedar City) and Ivins (near St. George): Potential good examples to look at

## **What would you like Moab to be in 20 years?**

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- Better law enforcement (enough to match the number tourists that come here)
- A place people want to live (not a strip of businesses like Las Vegas)
- Have a balance of hotel rooms with residential
- A focus on the natural world rather than restaurants, hotels, services, etc. (this may require charging more/would have an impact on affordability to the tourist)

## James D. McClanahan

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**From:** Kristen Hayes <kristenhayes25@gmail.com>  
**Sent:** Tuesday, May 07, 2019 10:16 PM  
**To:** moab@ldi-ut.com; Grand County Council; city-council@moabcity.org  
**Cc:** Bassett  
**Subject:** Moratorium on Overnight Rentals

Dear Landmark Design, Moab City Council, and Grand County Council,

I would like to give my input for the direction that the Land Use Plan takes during this much-needed moratorium (thank you!) We are Moab residents of 12 and 25 years and live and work in the community. My opinions are based on great love and pride for the heart of this community and a fierce desire to protect both our human community and our ecological community from getting completely drowned in unchecked development, which has already begun happening at a rate that is alarming to me.

I believe it is in the Moab Valley's best interest to draft a plan in the vision of option 5, the NO GROWTH option. Below I will outline my reasons:

1) "No Growth" is still growth! Even with this option, we will still see the momentum play out on already-slated projects, a roughly 20% additional increase of overnight lodging in Moab. More importantly, the "No Growth" option would transition the TYPE of growth promoted in Moab from accommodations, currently the most lucrative, to more needed development: restaurants, shops, small businesses, community development. By choosing this option, I believe we can continue to have economic growth which truly benefits the community and strengthens the core and quality of Moab, rather than just assist in getting higher visitation rates. We would begin to see much-needed economic diversity in non-lodging businesses, and can focus on creating incentives for small business owners who live and work in Moab.

2) Maybe we should take a cue from Venice. Existing rooms are filling up during the on-season. But perhaps, rather than indicating that we need more rooms, this is simply indicating that we are AT CAPACITY. There is only so much this town and this valley can accommodate, and as already stated, we can continue to economically grow in other aspects of our community, and strengthen the QUALITY of our tourist revenue rather than just focus on QUANTITY. In my experience working at a small restaurant in Moab, more visitors does not necessarily mean more money, just more stress. All over Moab, I see businesses, even City Market, maxed out on how many people they can provide service to. This creates an often miserable experience for visitors and a completely untenable experience for locals just trying to get through the day-to-day.

3) Our resources are finite! In addition to local businesses feeling at capacity, I have serious concerns about our natural resources being at capacity. We need to definitively and unequivocally understand the capacity of our watershed, and be completely confident that we have water to spare (and will continue to have water to spare!) before opening the possibility for more overnight accommodations. This too goes for air quality and wastestream management. More dollars coming in with increased visitation has many hidden costs of the immense impacts that people on vacation, even the most conscientious people, have on local resources and infrastructure.

4) Our roads are finite. About 4 years ago, it felt like someone flipped a switch in Moab. Suddenly springtime means traffic jams and the new normal for locals is to not even think about venturing north of town during peak hours unless you want a Bay Area-style traffic jam on your way home. We need to focus on traffic management solutions, increasing pedestrian and bike-friendly people spaces, and establishing public transportation before thinking about adding more rooms and therefore more cars to town.

5) Quality of Life. I remember when you could find quiet in Moab! But the current amplitude of visitation has brought with it a constant hum of motors and activity that is increasingly impossible to escape as a resident of this valley. I moved here to get away from the woes of the city, and I know many others who are of the same mindset. What good is economic growth if none of us are enjoying it? By shifting focus from number of beds in town to creating green spaces and strengthening neighborhood hubs, we can take agency in maintaining a robust quality of life for locals, and by doing these things I guarantee we will also have the ability to provide visitors with greater quality of experience.

6) Overnight accommodations development is increasingly only going to benefit the already-wealthy. With hotel development, I have seen a marked shift from locally owned modest hotels to large-scale corporate chains. For smaller overnight rentals, the increasing disparity between local wages and real estate prices (the worst in Utah, as discussed in a recent KZMU news feature) means that future development even on the smaller scale will likely be only accessible to outside money, those who already have money, and second homeowners. Let's redirect our development into small businesses that are more likely to be an option for working people in Moab, and make sure that commercial properties can be developed toward that potential, rather than bought up by the highest bidder, likely to be more corporate hotel chains. Small locally-owned businesses keep their money local. I am skeptical that revenue dollars from large hotel chains spend any time circulating in Moab before escaping this valley completely.

7) Finally, option 5 still holds potential for other options, but in choosing a less conservative option, we will never be able to revert to the "No Growth" option. This is simply the smartest approach at this point in time, and leaves room for the most available alternatives down the road. Moab can always crank things back to 11 in the future. But if we choose restraint at this crucial moment, we have the luxury to explore all the areas listed above, and take a full, measured look at all the realities of our valley. Sometimes a rapid is just to dicey to read-and-run while in motion. Sometimes the smartest thing to do is eddy out, get a still, long view at what lies ahead, and take the time to plot your course.

It is my hope that those guiding this process will have the prudence and courage to take this approach. I do believe the future of our community really hinges on what happens here.

Thank you for your time!

Mike Bassett and Kristen Hayes  
542 Nichols LN  
Moab, UT 84532

**James D. McClanahan**

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**From:** Carol Hilgenfeld <hticarol@gmail.com>  
**Sent:** Tuesday, May 07, 2019 10:14 PM  
**To:** moab@ldi-ut.com  
**Cc:** Grand County Council; city-council@moabcity.org  
**Subject:** No new overnight accommodations

To whom it may concern,

I would like to see no more new overnight accommodations until the infrastructure in this town has room for growth. Affordable housing like apartment complexes needs to be a priority. Not everyone wants to purchase a home.

There needs to be more places to eat, the road widened so traffic isn't backed up leaving town for hours on busy weekends!

Sincerely,

Carol Hilgenfeld

## James D. McClanahan

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**From:** Harris, Tracy S. <Tracy.Harris5@va.gov>  
**Sent:** Tuesday, May 07, 2019 2:12 PM  
**To:** Grand County Council  
**Subject:** Planning for future growth

Dear Sirs, I am writing in response to your options regarding growth in Moab. I support option 5 No Growth, at present. Until the highways, roads and other public infrastructure can meet our present needs, further growth will be nothing more than a blight on this community.

Presently traffic jams extending for miles routinely occur in this community, causing a headache for visitors as well as residents, and destroying the quality of life for both. Such traffic problems also cause a disruption of local businesses, as it is too difficult to get in and out of parking lots, and makes one inclined to avoid local businesses altogether. I have found that over the past twenty years, due to the increase in traffic, just getting to work in the morning is becoming progressively more difficult and occasionally dangerous.

Despite the findings of the recent study we do not have adequate parking for our local businesses. There is not much parking available on the main street, and the few off street public parking lots are inadequate. Frequently the parking lot is completely full in the Village Market in the evening. The City Market parking lot is also frequently full. Locals can accommodate by visiting these businesses early in the morning, but it affects quality of life for everyone, and again often local businesses are avoided due to lack of parking space.

I have talked to several individuals about the water supply in the valley and have received various opinions. Some individuals state that we have plenty of water and unimpeded growth is possible. Others state that we are nearing the maximum that our water supply can sustain. Until there is consensus on this issue it makes no sense to allow more growth. If we allow growth beyond that the water supply can sustain, the rationing that will occur will severely impact all residents and local businesses, and potentially create a catastrophe for this community.

Although this is outside of the purview of this committee, it is apparent that the local National Parks, etc. are being loved to death. The long line of cars attempting to get into the parks, the inability to find a parking space, once in the parks, and the hoards of people one meets in the park or at popular spots all are evidence of a rapidly declining experience for our visitors. If this continues our local tourist industry may eventually suffer due to the unmet expectations of our visitors. Until a plan can be established to address this issue, growth needs to be curtailed.

With all of the increase in population (permanent and transient) the city/county needs to ensure that there is adequate Fire, Public Safety, and EMS capabilities. To this end, more finances need to be directed to these departments.

To finance the improvements that we need for roads, water and other infrastructure the cost should be primarily borne by the companies that are profiting by it. Ergo taxes and fees on commercial enterprises should be commensurate with the impact that they have on our community, and not borne primarily by the residents in our community.

Thank you for your hard work to serve our community and your consideration of this message.

**James D. McClanahan**

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**From:** Robert Hollahan <robert.hollahan@gmail.com>  
**Sent:** Tuesday, May 07, 2019 10:33 PM  
**To:** moab@ldi-ut.com; Grand County Council; city-council@moabcity.org  
**Subject:** Support for "No Growth" option

Hello,

I am a Moab resident of the past four years, and want to express my support for the "No Growth" option in the current future land use planning process. I am not intrinsically opposed to new hotels and overnight rentals moving into town, but I don't think it would be responsible for growth to continue until tourism-related impacts to our quality of life are adequately addressed.

I currently rent a room in a house on 500 W, and I would submit as evidence this video of the traffic congestion in town from a couple of weekends ago: <https://www.youtube.com/watch?v=xwG1TQyo9Ug> While I don't necessarily agree with all of the comments by the video's narrator, I think the traffic congestion is an illustrative example of how we have allowed the tourism industry to run roughshod over our neighborhoods. Until we can improve our infrastructure capacity, and work to mitigate these tourism impacts, I think we need to continue the hotel moratorium.

Thank you for facilitating a community discussion on this vital issue.

Warm regards,

-Robert Hollahan  
567 N 500 W



**James D. McClanahan**

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**From:** Janet Holyoak <janetlee\_la@hotmail.com>  
**Sent:** Tuesday, May 07, 2019 10:16 PM  
**To:** moab@ldi-ut.com  
**Cc:** Grand County Council; city-council@moabcity.org  
**Subject:** Unified land use plan for Moab Valley

Please NO MORE NEW GROWTH! The resources in this town can't handle more overnight accommodations. Some Moab businesses can't even find enough employees to run day to day because employees can't find affordable places to live!

When it takes 3 hours of bumper to bumper traffic to leave town on a Sunday - we have too many people staying here.

Thanks,

Janet Holyoak

**James D. McClanahan**

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**From:** Carolyn Conant <carolynpc@gmail.com>  
**Sent:** Wednesday, May 08, 2019 7:49 AM  
**To:** moab@ldi-ut.com  
**Cc:** Grand County Council; city-council@moabcity.org  
**Subject:** Endorsement for No Growth option

Hello,

I am writing to express support for vision 5 for Moab, the No Growth option. I have lived in Moab for 5 years now and am worried that the city will not be able to sustain its current rate of under regulated growth.

Thank you,

Carolyn Conant

476 Juan Ct

**James D. McClanahan**

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**From:** Nancy Kurtz <nancystarjive@gmail.com>  
**Sent:** Tuesday, May 07, 2019 6:12 PM  
**To:** moab@ldi-ut.com  
**Cc:** city-council@moabcity.org; Grand County Council  
**Subject:** Hotel moratorium

Dear Landmark Designs and Councilmembers:

Thank you for engaging in this important process and for taking the time to slow things down and consider where we need to go at this point.

I think I have very little to add to points that have already been made to you, so I will be brief.

I am strongly for the, I believe it is the #5 option, which is to put a stop to new permitting save for those already grandfathered in - so I cast my vote for the most extreme measures to put a stop to the madness.

I am also for lengthening this process if need be. Our situation in Moab has reached a point that, I think most would agree, is so critical that any time spent holding up further development to work out the many ins and outs of the problem is very well spent. If there is any problem with extending or renewing the process, I encourage all involved to deal with that and make a strong case for giving it the time it needs.

I think that is crucial. Another thought that occurs to me is that there are other counties and cities in the state with similar problems. I think some cross-pollination is already occurring, and I would also encourage that. We are not the only ones dealing with the effects of too much advertising, too much growth, too much caving and kowtowing to corporate chains rather than supporting our own local business people and the like. I feel one of the solutions to this problem is to gear any plans Moab and Grand County make from here on in to what works best for local business people and citizens.

This process has only just begun. There is so much to take in.

Thank you for being willing - and go for the prize. No more overnight lodging granted until we get our #\$\$%& together!

Sincerely

Nancy Kurtz

139 Arches Drive  
Moab, Utah 84532

Nancy Kurtz  
[nancystarjive@gmail.com](mailto:nancystarjive@gmail.com)  
435-259-0734

“There is a crack in everything, that’s how the light gets in.” - Leonard Cohen

## James D. McClanahan

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**From:** Jess Reilly-Moman <jessica.reillymoman@gmail.com>  
**Sent:** Tuesday, May 07, 2019 11:45 PM  
**To:** moab@ldi-ut.com; city-council@moabcity.org; Grand County Council  
**Subject:** in support of Option 5, "no growth"

Greetings to the City Council, County Council, and Landmark Design,

My name is Jessica Reilly-Moman, and I'm writing to support the "No Growth" Option 5.

I have been a resident of Moab for 18 years, with a hiatus from 2012-2017 to earn my Masters degree and conduct my PhD research with Energy and Resources Group at UC Berkeley. With my nonprofit organization, Klima International, based in Moab, I support development projects in climate resilience and sustainable tourism. My husband Josh and I built our strawbale house here in 2017, and plan to raise our 19-month-old daughter Vela in Moab.

I support Option 5 for the following reasons:

1. **Economic diversification:** If Moab is a farm, we're a sea of corn. This is great for right now: there's a huge demand for corn, and corn prices are high. It's tempting to want to plant more corn. However, if there is any disruption--whether economic or the health of the soil and crop--then the entire farm takes an enormous hit.

I worked in tourism at the economic downturn in 2007-8, and I can still very palpably remember the fear, the quiet town, the struggle in the local economy, the struggle of individuals to make ends meet. Perhaps our unchecked hotel growth is an echo, a consequence, of these hard times. While I realize it's doubtful that Moab would experience that kind of downturn again in the near future, I would like to focus our efforts on the SOIL, or the PEOPLE in our community, and the entire farm, to support a more robust economy that can weather the next inevitable economic downturn.

Specifically, Moab could prioritize a business-friendly climate with strategies used by other medium-sized communities to attract small businesses, starting with investments in diversified and modern infrastructure and workspaces, innovative housing funding and developments, and community designed around walkability and livability. Moab and Grand County can incentivize for and market to locally-owned businesses, restaurants, farmers, renewable energy generation, and industries.

Back to the corn analogy: as a nation, we have tried monocropping. We've discovered that it requires heavy subsidies, toxic chemicals, and narrowing profit margins distributed to fewer and fewer people--and often those people are not the farmers themselves, but distant corporations. This land use has proved an extremely difficult situation from which to wrench free. Moab now has the opportunity to leave its historical precarious dance with an undiversified economy, from livestock to mining to tourism. Moab has this opportunity to be revolutionary in our thinking about development, and evolve from past lessons in boom or bust economies. Let's choose a diverse garden that can weather our weather.

2. **Water:** Moab's water comes from one place: the La Sal mountains, and specifically the snowpack. The La Sals have experienced a 60-80% reduction in snowpack in the last 50 years, with projected snowpack dwindling to levels of less than 10% of 1960 levels. Further development cannot take place without taking this into more serious consideration. Moab has recently discovered that it does not have as much water as previously

imagined--yet that message has not been marketed or distributed to the community. Moab has the opportunity to be proactive about our water and gain more time to develop more carefully with Option 5.

**3. Quality of tourism experience:** Our specific brand of tourism leans heavily on our landscape and keeping it pristine. We rely on that intangible feeling of openness, expansiveness, of the undiscovered when looking out across, or up from, a red canyon cradling an impossible green belly. Our viewscape, and even our soundscape, are arguably our most precious natural resources, and both of these have changed dramatically in the last 5 years. I would like to preserve these natural resources and the unique character of our visual and auditory experience not only for residents, but for the tourists who visit.

In addition, Moab can still capture some semblance of the quaint, small Western town character in and around our downtown area. We can use the Main street corridor to build out and emphasize this character, improving the experience for both visitors and residents. This is a win-win. However, additional hotels in this area are like a lose-lose: visitors and residents alike lose that character and charm that attracted both to spend time and money in our city's hub in the first place.

These local resources frequently go unacknowledged, and Moab will not know they're gone until visitation and home sales start to falter. Moab should be wary of the cruise ship, mass tourism experience, which is low dollar and externalizes profits, and instead opt for the small, authentic, carefully curated adventure travel experience--which attracts, at a minimum, visitors who spend 30-50% more per experience. This is not only quality of experience, but the direction of tourism as a whole. Moab must be strategic to stay ahead of this global trend.

**4. First impressions are the only impression:** This real estate slogan rings true for communities. How many scores of friends have told me that they were less than impressed when driving in to Moab? Most are shocked by the visual assault of chain hotels. If we choose Option 4, we doom our town to a painful introduction with a lack of forethought and imagination.

Why not make this entry corridor a showcase of thoughtful community development, with a backdrop of Moab's characteristic natural beauty? Restaurants mixed with affordable housing and existing hotels and RV parks could showcase our commitment to an equitable quality of life. Tourists and residents alike can experience authentic interactions with each other and the natural world. There is so much we can do with this space, instead of sacrificing this opportunity to make at least one entrance to our town thoughtful and fundamentally appealing.

**5. Quality of life:** I am happy to share the Moab valley with many more residents as our natural resources allow. However, careful planning is crucial in development, and Moab has not had the time fully consider the factors above, nor the actual specific timeline and actions to support specific visions, goals, and developments that could make Moab not only a natural wonder, but one of visionary city planning. Quality takes time.

I can imagine a Moab that serves the world as an example of community planning, a diversified economy, careful natural resource management, and unparalleled physical beauty alongside a tourism experience that makes each tourist feel special--because local workers feel that they are cared FOR by their economy and their elected officials, and in turn reflect this quality of care back to tourists. In this vision, local profits are returned directly to the local economy. And the quality of the industries, whether tourism or otherwise, supersede the quantity. This also makes good economic sense.

**6. The unintended consequences of permitted use:** While I support the idea of the councils having more oversight, I can also imagine a council beholden to development interests for myriad reasons already on display in our political system. I am rightfully suspicious that, in the wrong hands, this feature can become a tool for campaign contributions and misuse of political power. If permitted use will exist, it must be beholden to a clear, transparent, and strict public process.

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Finally, as a professional consultant, writer, and editor, who shares your values for honest communication, I hope that we can change the name of the "No Growth" option to "Refocused" or "Diversified" Growth. "No growth" in this case is a misnomer. It implies that no new hotels equals no economic growth, when in fact the opposite is true: if Moab is able to carefully and thoughtfully devote more energy to diversified economic expansion and the promotion of careful community planning, Option 5 is our best chance for SUSTAINABLE, longterm economic and community growth--not to mention well-being.

Thank you to all parties emailed here for providing public opportunities for learning and involvement, and for soliciting feedback. I look forward to your future planning and development.

Warmest regards,  
Jessica Reilly-Moman

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**Jessica Reilly-Moman**

Klima International | Founder, Executive Director

[klimainternational.org](http://klimainternational.org)

[jessica@klimainternational.org](mailto:jessica@klimainternational.org)

+1 435.260.1511

**James D. McClanahan**

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**From:** Moab Made <moabmade@gmail.com>  
**Sent:** Wednesday, May 08, 2019 8:30 AM  
**To:** Grand County Council  
**Subject:** Land use proposals

Dear Council Members, Planning Commission and Landmark planners,

I'm writing in regards to the land use matter currently on high priority. Thank you for tackling this issue and providing thorough information on the proposals.

I would urge the vote for #5. As a citizen and business owner in the downtown corridor I firmly believe a complete halt on overnight development would be the healthiest decision for our city at this point. We are right on the verge of being completely inundated by the large box hotels. A chance for the rest of the areas of development and infrastructure to catch up would be not only greatly appreciated but also pertinent to the future sustainability of our city.

As someone who communicates with our visitors on a daily basis this feedback also comes from them. I am concerned that the over development of hotels in particular is going to turn around and cause more of a negative effect then good on our tourism industry. Visitors want to experience the authentic version of our town. They don't want the real Moab to be swallowed by nationwide hotel chains steralizing the culture that is unique to us. Thousands of visitors have commented on this very thing.

My hope is that thru this process we are able to hold strong to our Moab culture while developing with authenticity and prioritizing our communities way of life.

Thank you to each of you for your efforts and consideration.

--

Rebecca McAllister  
Moab Made  
801.440.6836



## James D. McClanahan

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**From:** daniel wright <moab.fun@hotmail.com>  
**Sent:** Tuesday, May 07, 2019 2:56 PM  
**To:** moab@ldi-ut.com  
**Cc:** Grand County Council; lolamcelhaney@yahoo.com  
**Subject:** Landmark plan

Hello all person's interested!

I am a single father and a longtime Moab resident. I work and have worked in this service industry for 20 or so years. I have concerns about the future of our community.

The area will continue to see growth, this is not even a question anymore. What I would like to have all person's consider is this:

When an individual comes here and spends \$400 a night at a Hilton or some other brand-name hotel, where did the actual profits go? A small portion stays, but where does the big chunk go?

If a person with a home in Moab is allowed to rent out a room or an area of their home to provide for this lodging need, then when we ask where did the money go, we actually know that it went right here! We could probably reconstruct where almost all of the dollars went..

The people of this town work the jobs that make all of this possible. We are the ones that are making huge profits possible for these businesses and large chains, and that is the free market and in most cases a beautiful thing.

But the actual people who ARE this town, the people who created and worked and loved this place for years are taking a backseat to this wonderful opportunity. We could be allowed to host more in our homes, we could be allowed to have a piece of this pie.

Not to the exclusion of the hotels, and not making every home a bed and breakfast. I would like to see an ability for some, possibly most home owners a chance to become business men and women, to become hosts, so people who come here meet a person and have an experience, instead of coming through on a sort of conveyor belt..

We deserve to realize some the profits made on providing of these needs! But when relegated to the roles of maid, server, cook, driver, guide, all the support services etc, we find ourselves supporting the furtherance of someone else's dream, maybe someone that doesn't even live here, or in Utah, maybe even not this country.

The local government many years ago elected to have a big-box ordinance, because the thought of a Walmart here would have changed the character of our community...

In the years since the inception of the big-box ordinance, we have slowly scene the proliferation of many big box hotels!

So county government, I have this question for you?

Would one Walmart anywhere in this town have changed the character more than the 30 or so hotels??

This town has been rampantly overbuilt by these big box hotels. Can we agree that a portion of the future growth, the future lodging needs that will have to be provided by this town, can and should be provided by the people who live in this town? Those people, who will then benefit will upgrade their homes or buy a new car,

they will invest in landscaping, they will spend some of that money right here, and to the extent they improve their lives or their land or their position in life, we will all benefit as a community...

Thank you!

Daniel Wright

**James D. McClanahan**

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**From:** Claire Core <claire.e.core@gmail.com>  
**Sent:** Tuesday, May 07, 2019 2:03 PM  
**To:** moab@ldi-ut.com  
**Cc:** city-council@moabcity.org; Grand County Council  
**Subject:** Land-Use Choice: Option 5

Dear Landmark Design, Moab City Council, and Grand County Council,

Moab is my chosen home. A beloved community nestled in a gorgeous valley at the foot of watergiving mountains. I have traveled all over the country and this is the place where I want to continue raising my family, volunteering, teaching, and growing.

These dreams are disturbed by over development, abuse of natural resources, and a cultural climate that is beginning to leak excellent people from our community because of these reasons and others.

Please help preserve our home. Option 5, No growth, is the best options for the Moab Valley.

We really should wait to make such big decisions until after the final USGS and independent water studies have been published. We are close to reaching water supply capacity and we need to proceed with extreme caution in permitting new large scale developments. With climate change, increasing water needs, and an unstable future, we must secure our water for the people who live in our community. Please make the wise choice to move towards a resilient community. Please choose option 5.

Thank you for your time and efforts for our community.

Best,

Claire Core

## James D. McClanahan

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**From:** xmission <christycalvin@xmission.com>  
**Sent:** Tuesday, May 07, 2019 5:56 PM  
**To:** Moab@ldi-it.com  
**Cc:** city-council@moabcity.org; Grand County Council  
**Subject:** Moab@ldi-it.com

Dear Landmark Design, Moab City Council, and Grand County Council,

I would like to give my input for the direction that the Land Use Plan takes during this much-needed moratorium (THANK YOU!!). I am a Moab resident of 12 years, work for a small, locally owned company, have two children in middle school, and live near Swanny Park.

I draft this letter on the final eve that comments are due and draw heavily from an email written by my friend Josie Kavash — thanks Josie!!

My opinions are based on great love and pride for the heart of this community and a fierce desire to protect both our human community and our ecological community from getting completely drowned in unchecked development, which has already begun happening at a rate that is alarming to me.

I believe it is in the Moab Valley's best interest to draft a plan in the vision of OPTION 5, the NO GROWTH option. Below I will outline my reasons:

1) "No Growth" is still growth! Even with this option, we will still see the momentum play out on already-slated projects, a roughly 20% additional increase of overnight lodging in Moab. More importantly, the "No Growth" option would transition the TYPE of growth promoted in Moab from accommodations, currently the most lucrative, to more needed development: restaurants, shops, small businesses, community development. By choosing this option, I believe we can continue to have economic growth which truly benefits the community and strengthens the core and quality of Moab, rather than just assist in getting higher visitation rates. We would begin to see much-needed economic diversity in non-lodging businesses, and can focus on creating incentives for small business owners who live and work in Moab.

2) Maybe we should take a cue from Venice. Existing rooms are filling up during the on-season. But perhaps, rather than indicating that we need more rooms, this is simply indicating that we are AT CAPACITY. There is only so much this town and this valley can accommodate, and as already stated, we can continue to economically grow in other aspects of our community, and strengthen the QUALITY of our tourist revenue rather than just focus on QUANTITY. In my experience living and working in Moab, more visitors don't necessarily bring more money, but they certainly bring more stress — for both residents and visitors. All over Moab, I see businesses, even City Market, maxed out on how many people they can provide service to. This creates an often miserable experience for visitors and a completely untenable experience for locals just trying to get through the day-to-day.

3) Our resources are finite! In addition to local businesses feeling at capacity, I have serious concerns about our natural resources being at capacity. We need to definitively and unequivocally understand the capacity of our watershed, and be completely confident that we have water to spare (and will continue to have water to spare!) before opening the possibility for more overnight accommodations. This too goes for air quality and wastestream management. More dollars coming in with increased visitation has many hidden costs of the immense impacts that people on vacation, even the most conscientious people, have on local resources and infrastructure.

4) Our roads are finite. About 4 years ago, it felt like someone flipped a switch in Moab. Suddenly springtime means traffic jams and the new normal for locals is to not even think about venturing north of town during peak hours unless

you want a Bay Area-style traffic jam on your way home. We need to focus on traffic management solutions, increasing pedestrian and bike-friendly people spaces, and establishing public transportation before thinking about adding more rooms and therefore more cars to town.

5) Quality of Life. I remember when you could find quiet in Moab! But the current amplitude of visitation has brought with it a constant hum of motors and activity that is increasingly impossible to escape as a resident of this valley. I moved here to get away from the woes of the city, and I know many others who are of the same mindset. What good is economic growth if none of us are enjoying it? By shifting focus from number of beds in town to creating green spaces and strengthening neighborhood hubs, we can take agency in maintaining a robust quality of life for locals, and by doing these things I guarantee we will also have the ability to provide visitors with greater quality of experience.

6) Overnight accommodations development is increasingly only going to benefit the already-wealthy. With hotel development, I have seen a marked shift from locally owned modest hotels to large-scale corporate chains. For smaller overnight rentals, the increasing disparity between local wages and real estate prices (the worst in Utah, as discussed in a recent KZMU news feature) means that future development even on the smaller scale will likely be only accessible to outside money, those who already have money, and second homeowners. Let's redirect our development into small businesses that are more likely to be an option for working people in Moab, and make sure that commercial properties can be developed toward that potential, rather than bought up by the highest bidder, likely to be more corporate hotel chains. Small locally-owned businesses keep their money local. I am skeptical that revenue dollars from large hotel chains spend any time circulating in Moab before escaping this valley completely.

7) Finally, OPTION 5 still holds potential for other options, but in choosing a less conservative option, we will never be able to revert to the "No Growth" option. This is simply the smartest approach at this point in time, and leaves room for the most available alternatives down the road. Moab can always choose more growth in the future. But if we choose restraint at this crucial moment, we have the luxury to explore all the areas listed above, and take a full, measured look at all the realities of our valley. Sometimes the smartest thing to do is to pause, get still, and look at the long view of what lies ahead, and take the time to conscientiously plan our future.

It is my hope that those guiding this process will have the prudence and courage to take this approach. I do believe the future of our community really hinges on what happens here.

Thank you for your time!

Christy Calvin  
187 Park Drive  
Moab, Utah 84532  
Sent from my iPhone

April 9th, 2019

Dear County Council,

I'm an artist living in the former ghost town of Cisco, Utah. I have been here for the past four years, slowly rehabilitating the town using found and salvaged materials. This past year, my two sisters and I have established a nonprofit artist in residency program, Home of the Brave. The goal is to host one artist in the fall, and one artist in the spring, every year. In addition to rebuilding the town, I have also been building an art studio for the resident to work out of.

In everything I build, I take care to honor the natural environment as well as the town's history. This means compostable toilets, utilizing rainwater, and repurposing materials that have littered the ghost town for years. It's important to me that I leave a small footprint and generate as little waste as possible.

My aim is to create something positive, unique, and beautiful that can be enjoyed by the surrounding communities and foster a shared pride in Utah's historical heritage. Since my primary task has been working on the town, I short-term rent out a few small structures on my property to help generate income. I don't make a lot of money on these, as there aren't any amenities for guests and the spaces are tiny. But people are drawn here for the history and an off the beaten path experience. I've made a lot of friends out of visitors over the past few years, who've been interested and supportive of my project. It's kept me going in more ways than one.

I'm writing to you as you're considering making changes to the nightly rental policy in Spanish Valley. I understand concerns relating to nightly rentals in commercial areas, but I'm hoping you'll consider how it will affect outlying areas like Cisco if the nightly rental policy is tightened.

Please understand that renting out these small structures on my property is the only thing that has allowed me to stay out here, and continue to work and live in the ghost town.

I would love to be a part of these continuing discussions going forward, as my livelihood and dreams of hosting artists in my town will be greatly affected by the decisions the County Council makes regarding nightly rentals.

Sincerely,

Eileen Muza  
[www.eileenmuza.org](http://www.eileenmuza.org)

**From:** [Lisa Paterson](#)  
**To:** [Zacharia Levine](#)  
**Subject:** Future hotel/overnight rental growth options  
**Date:** Friday, May 3, 2019 1:40:56 PM

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Dear Zacharia Levine,

I attended the meeting [Tuesday night](#) and will comment more on the meeting format below, but want to advocate clearly for adoption of Option 5.

Option 5 has been titled 'No Growth' which is a very inaccurate and misleading title. Option 5 will still allow a 20% increase in overnight rental/hotel rooms due to those projects approved prior to the moratorium but have not yet broken ground.

Option 5 **does** encourage residential, commercial, and public growth that is beneficial for our county. This "No Growth" option should have a title something like 'slower growth' or 'responsible growth'.

Following are reasons why I & most people I have spoken with have chosen Option 5.

**\*\*Jobs!** We have enough low paying, low skilled hotel and overnight rental jobs. We do not need any more of these types of employment. Allowing more hotels and overnight rentals to be constructed creates more of these low paying jobs and inflates the cost of land as these huge out of town corporations can afford to pay big bucks to buy up Grand County's land. We need a diversity of jobs that will only be created if we are encouraging and incentivizing new businesses and commercial ventures.

**\*\*Water, water, water!** We don't even know if we have enough water to sustainably support the growth currently occurring and the 20% increase in overnight rentals soon to hit Moab's market. Water studies are in the works and it's only responsible to delay any more growth until we know how much water we really have to **sustainably** use yearly. Overnight rentals/hotels use a tremendous amount of water. Our neighbor's B&B not only washes all sheets and towels after each visitor leaves, but they also wash all of the blankets. We need to quantify exactly how much water is used per hotel/B&B/overnight rental room and compare this with the available water. Again it's a matter of responsibility both for the environment and for all of us who already live here and are expecting to have clean, affordable water to drink for the rest of our lives.

**\*\*Traffic and noise:** I'm sure you have seen the video that was taken of the exit last weekend. Traffic was backed up on 5th W. all the way to Saint Francis Church. At the same time, traffic on Main Street was backed up all the way to the south Maverick. And we want 20% more growth on top of that? And Options 1 through 4 allow even more overnight rental traffic on top of what's already too much? How is it that our little town with one main street and two side streets can handle this kind of traffic?

We need to stop growth until we have a traffic plan. We need to stop growth until we have a parking plan.

With traffic comes noise and unfortunately we already have way too many Razor type vehicles zipping up and down our residential roads. The increase in noise is astounding already. I don't think we can tolerate much more without a significant degradation of quality of life.

If option 4.5 (as our small breakout group termed it) is chosen, it can only be chosen after clear restrictions on development in overlay zones are deeply discussed and approved. I



strongly advocate that a 4.5 option would **not allow any new** hotels/overnight rentals for a period of perhaps five years. This allows time to determine the impacts of this yet to be seen/experienced 20% growth in new hotels/overnight rentals.

Again it would be responsible that Option 4.5 completely disallow any hotels/overnight rental growth until we have a water study completed and a clear understanding of how much water we have left that we want to allocate to more low income jobs. Growth must be limited until we have an idea of how to handle the increase in traffic. Growth must be limited until we have adequate parking to support all of the tourists visiting and allow for residents to access our downtown.

Restrictions for any new hotels/overnight rental construction will require a lot of discussion, research and foresight. We need time to create adequate new restrictions/zoning/incentivization

Height restrictions and density need to be considered.

Housing for employees must be a part of any new overlay restriction.

Fees taxes, etc. must incentivize local ownership so that the money stays in our county.

Projects should be favoring or only including small campgrounds and very small mom-and-pop hotels. Every time a huge corporation builds a big motel/overnight rental facility money goes out of our town and out of our state. We need to encourage local ownership for a strong local economy and community.

\*\*\*\*No matter what option is chosen **Use by Right** must be completely **eliminated**. All new overnight rental/hotels need to be subject to the review and approval of both city and county councils and planning commissions as appropriate.

Thank you for all of the effort and concern you are putting into this these decisions.  
I'm grateful for the opportunity to have a voice.

Sincerely,  
Lisa Paterson

Lisa Paterson Coaching  
Gently Held, Deeply Seen

**From:** [Grand County Council](#)  
**To:** [Curtis Wells](#); [Evan Clapper](#); [Greg Halliday](#); [Jaylyn Hawks](#); [Mary McGann](#); [Rory Paxman](#); [Terry Morse](#)  
**Cc:** [Zacharia Levine](#); [Chris Baird](#); [Christina Sloan](#); [Ruth Dillon](#); [Tara Collins](#)  
**Subject:** FW: comments about land use in Moab  
**Date:** Tuesday, May 7, 2019 8:31:58 AM

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**From:** Brandy Bowmaster <brandyb@gmail.com>  
**Sent:** Tuesday, May 07, 2019 7:42 AM  
**To:** moab@ldi-ut.com  
**Cc:** city-council@moabcity.org; Grand County Council <council@grandcountyutah.net>  
**Subject:** comments about land use in Moab

I am writing in support of Option 5, no new overnight accommodations. Some are afraid of being too restrictive, but it makes sense to keep things as tight as we can while we have the chance. Once the floodgates have been opened again there is no going back. We can always loosen restrictions down the road as needed, but if we do nothing and applications for 10 more hotels come in as soon as the moratorium is lifted, what recourse will we have?

I would strongly argue that Option 5 is NOT a “no growth” option. This would allow for and incentivize growth of other aspects of the tourism economy besides accommodation (restaurants, gear stores, guiding businesses etc), and other parts of our economy that could serve the local community (daycares, office spaces, markets, etc). This would strengthen and diversify our local economy and help build a more diverse tax base that is less dependent on TRT revenue.

Currently the people who benefit the most from tourism dollars in Moab are the landowners, developers, investors (many from out of town) who already have the resources to build big hotels, but what about the rest of us who don't have these huge resources? If we remove the option to make building overnight rentals and hotels the “highest and best use”, we are providing an opportunity for MORE people in our community to get a slice of this pie. We should restrict the ability to build hotels on all commercial properties so that other locals can have a greater opportunity to build their own small businesses, whether tourism based or not.

Also you can hardly say that option 5 is a “no growth” option when you look at the projects already underway that will lead to a 25% increase in accommodations, that is definitely growth! Using the “no growth” phrasing is misleading and should be corrected. Also these numbers of how many new hotels and rooms that are already in the works (over 1,000 new rooms!) should be made public through this process. Our community deserves to know what's already coming, and this information is currently hard to find.

We have been told by local experts that we are maxing out our water resources. Why and to whom does it make sense in this case to build even more 100 room hotels?? How much water does one of these hotels use every day? And how does that compare to what other businesses might consume? What is our carrying capacity for this valley, and if we have reached it, why are we continuing to cram more people in?? These questions also apply to our other resources and infrastructure: roads, sewer, waste management, trails, etc.

Finally, many who choose to live here have chosen Moab for the quality of life our valley

provides: the landscape, the night sky, the small town feel, the well-loved institutions, the community. If we continue on a path of rampant “growth” we will be seriously undermining our own quality of life.

**From:** [Grand County Council](#)  
**To:** [Zacharia Levine](#); [Curtis Wells](#); [Evan Clapper](#); [Greg Halliday](#); [Jaylyn Hawks](#); [Mary McGann](#); [Rory Paxman](#); [Terry Morse](#)  
**Cc:** [Ruth Dillon](#)  
**Subject:** FW: Comments on Moab land use planning/ hotel moratorium  
**Date:** Monday, May 6, 2019 3:46:52 PM

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**From:** eballenger@juno.com <eballenger@juno.com>  
**Sent:** Sunday, May 05, 2019 5:23 PM  
**To:** moab@ldi-ut.com; city-council@moabcity.org; Grand County Council <council@grandcountyutah.net>  
**Subject:** Comments on Moab land use planning/ hotel moratorium

Dear council members, planning commission and Landmark planners:

First, thank you for wrestling with the difficult issues in developing an ordinance to address new overnight rentals in Moab (aka the hotel moratorium). I also appreciate you soliciting input from and listening to the ideas of Moab valley residents on these critical issues. I'm writing to express full support for "Option 5," aka "no growth," (which would be better named "no new overnight rentals," to avoid scaring off support from people who may mistake this option for no economic growth, or growth of Moab in other respects.)

Option 5 is the only option that will begin to address the myriad concerns that the quite vocal majority of Moab valley residents have about our "runaway tourism/ tourist economy." Allowing additional overnight rentals to be built at this time, ANYwhere in the Moab Valley (including north of town or south of town) is NOT going to help. The occupants of those rentals will still drive into town and overrun the Moab infrastructure, parks, and public lands. They will still take away resources for other future development that supports a more diverse and sustainable economy—quite literally in the case of land and water resources. It is the use of our limited water supply for development of overnight rentals that worries me most—bringing in more tourists using water, flushing toilets, more linens washed daily, etc. Is this how we want our precious water to be used up? Before we even understand how much we really have??

What I'm hearing regarding the five options proposed is that most residents (including many of you!) prefer Option 5 but are worried about potential litigation from the state. So you believe a more "realistic" option is needed. REALLY?? So we're willing to further sacrifice Moab and our community just in case we get sued? We're going to continue allowing runaway tourism growth so the almighty state can further pimp us out to make money?? C'mon Moab, take a stand! What will future generations of Moabites think of us if we don't? If we miss this one golden opportunity while we stand at this particular crossroad? Moab has never been afraid to be different in spite of the state it occupies. That's why we held on to our unique form of government for so long! That's why we passed a plastic bag ban, we're passing dark sky ordinances, etc. That's why I've been proud to live here! And I want to us to be able to look at ourselves in the mirror and know we did everything we possibly could to change the trajectory of runaway tourism and improve the quality of life for Moab valley residents, before it's too late.

Council members, Planners, all: Please do what's best for our community—focus only on this—and figure out a way to make Option 5 as bullet proof as possible. Don't be influenced by

the what if's, maybe's, and hypothetical reactions of our Great State of Utah. Moab Valley residents do not deserve to live with an option that is shaped by fear.

And obviously, Option 5 does not have to be forever—ordinances can be revisited and revised as times change. But if for whatever reason Option 5 is not selected, please at least put a ton more restrictions on the types of accommodations that can be built. For instance, buildings no greater than two stories, less than 100 rooms, etc. Or perhaps only allow development of overnight rentals by local residents (defined as those having lived here X years)? Just a crazy idea.

Again, thanks for your hard work on this, and for taking our ideas under consideration!

Sincerely,

Liz Ballenger

437 Huntridge Dr.

Moab, UT

P.S. If you haven't already seen this video taken last weekend of the "Sunday exodus," on Kane Creek backed up to the Aspen Road junction (near our house), please check it out—this video is worth a thousand words.

Enough (tourists) is enough!! We don't need to keep growing the tourist economy!

<https://www.youtube.com/watch?feature=youtu.be&v=xwG1TQyo9Ug&app=desktop>

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**[Drink This Before Bed, Watch Your Body Fat Melt Like Crazy](http://thirdpartyoffers.juno.com/TGL3142/5ccf706ca15d5706c27c3st03duc)**

[medjournal.com-publish.net](http://thirdpartyoffers.juno.com/TGL3142/5ccf706ca15d5706c27c3st03duc)

<http://thirdpartyoffers.juno.com/TGL3142/5ccf706ca15d5706c27c3st03duc>

|

**From:** [Grand County Council](#)  
**To:** [Zacharia Levine](#); [Curtis Wells](#); [Evan Clapper](#); [Greg Halliday](#); [Jaylyn Hawks](#); [Mary McGann](#); [Rory Paxman](#); [Terry Morse](#)  
**Cc:** [Ruth Dillon](#)  
**Subject:** FW: growth  
**Date:** Monday, May 6, 2019 3:51:28 PM

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**From:** Jeff Clapp <jefecclapp@gmail.com>  
**Sent:** Monday, May 06, 2019 6:57 AM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Subject:** growth

Yesterday at 11:30 am I tried to get home from a hike in Seven Mile Canyon. I turned right at Denny's on 500 W and it. It was stop and go, backed up all the way back to Kane Creek Rd. I followed it south to Kane Creek Rd. and turned out toward Main St. but turned around when I got out there. Traffic on Main St. was backed up through town south thru the intersection. This is what has happened to the town I have chosen to make my home. There are three large hotels which will come on-stream in the next few months, and plans are approved for substantially more overnight occupancy.

We have received multiple notices asking us not to use our garbage disposal. Really? We are supposed to make further compromises on basic day-to-day home living stuff so that more business development can be done for hundreds more tourists who will take long showers each night. Really?

What are you people thinking?

During Jeep Safari, I was walking across the painted, protected, pedestrian crossway between the two stop signs in front of the store. I had to jump out of the way of a vehicle which did not stop for me. The driver got out and yelled at me "I had the right of way". When I pointed at the painted marks for the walkway, he got out of his vehicle and screamed at me "I'm going to kick your F\$%ing ass." I'm a small business owner, own three properties in Moab (none of them overnight rentals, am a USMC vet, and I don't deserve this in the town where I have made my home.

Moab is now a bad place to live. My wife and I were at a pot-luck last night with 14 other friends, some who grew up here. We all got into a conversation about where should we go. It was a serious discussion. This conversation happens all the time now. Haven't you heard it?

Local government has done an awful job considering how to manage the high level of growth in town. There is disfunction everywhere. I can't believe you are even considering any level of growth until past problems are resolved; most important is the construction of a bypass route through town.

**From:** [Grand County Council](#)  
**To:** [Zacharia Levine](#); [Curtis Wells](#); [Evan Clapper](#); [Greg Halliday](#); [Jaylyn Hawks](#); [Mary McGann](#); [Rory Paxman](#); [Terry Morse](#)  
**Cc:** [Ruth Dillon](#)  
**Subject:** FW: Hotel Development  
**Date:** Monday, May 6, 2019 3:42:18 PM

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-----Original Message-----

From: Lou Irby <lou.irby@yahoo.com>  
Sent: Saturday, May 04, 2019 1:13 PM  
To: Grand County Council <council@grandcountyutah.net>  
Subject: Hotel Development

I am in favor of Option 5 limited growth of hotel development in Moab. While tourists are our business, we also need to preserve a quality of life for our locals.

Thank you,  
Lou Irby

Sent from my iPhone



**From:** [Ruth Dillon](#)  
**To:** [Zacharia Levine](#)  
**Cc:** [Tara Collins](#)  
**Subject:** FW: hotel moratorium- Landmark Design  
**Date:** Tuesday, April 2, 2019 8:28:59 AM

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-----Original Message-----

From: Grand County Council  
Sent: Monday, April 1, 2019 9:59 AM  
To: Curtis Wells; Evan Clapper; Greg Halliday; Jaylyn Hawks; Mary McGann; Rory Paxman; Terry Morse  
Cc: Ruth Dillon; Tara Collins  
Subject: FW: hotel moratorium- Landmark Design

-----Original Message-----

From: Darcey Brown <darceybbrown@gmail.com>  
Sent: Saturday, March 30, 2019 2:48 PM  
To: moab@ldi-ut.com  
Cc: Grand County Council <council@grandcountyutah.net>; city-council@moabcity.org  
Subject: hotel moratorium- Landmark Design

I am writing to urge both Councils to make the hotel moratorium permanent. By every measure, we have exceeded our capacity to accommodate more tourists;

- constant UTV and other traffic noise
  - stop and go traffic in and out of Moab
  - lines at Arches regularly extending to Hwy 191 with an hour to hour and a half wait
  - inability to turn left or cross the street without a stop light
  - crowded grocery store aisles (made worse by displays impeding passing other shoppers)
  - long waits at restaurants (and poorly paid chefs so food quality is often sub standard)
  - inability to escape motorized noise in the back country (land, air, and water)
  - massive destruction of fragile soil crust and consequent dust storms
  - stores that cater to tourists which necessitates travel to GJ or SLC for many items
  - lack of pleasant outdoor restaurants due to high volume of traffic passing by
  - absence of bike lanes, public parking, and park shuttles to reduce the tourist impact
  - low wages partially caused by some hotel owners who bring in foreign workers
  - inability to attract workers due to the housing shortage made worse by each hotel built
  - infrastructure overload (water, sewer, trash, as well as police, EMS, medical)
  - "neighborhood" streets lined with trailers and overrun with vehicles of all sorts
  - tourists numbers double or triple local residents on many weekends
  - poor air quality
  - increased light pollution at night and its negative affect on parks, people, and wildlife.
- etc etc etc

Our Council members are well aware of all of these issues, and they need to be supported in their efforts to mitigate some of the damage to our community and to the psyche of its citizens. An open pipeline of more hotel tourists and overnight rentals will only hasten further destruction to our health, values, and lifestyles and make the job of the Councils that much harder.

Thank you.

Darcey Brown  
2931 E. Bench Rd  
Moab, UT 84532

435-259-6118

435-260-2373

**From:** [Grand County Council](#)  
**To:** [Zacharia Levine](#); [Curtis Wells](#); [Evan Clapper](#); [Greg Halliday](#); [Jaylyn Hawks](#); [Mary McGann](#); [Rory Paxman](#); [Terry Morse](#)  
**Cc:** [Ruth Dillon](#)  
**Subject:** FW: Impact of Tourism and TRT  
**Date:** Monday, May 6, 2019 3:47:44 PM

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**From:** Barbara M Hicks <barbmhicks@gmail.com>  
**Sent:** Sunday, May 05, 2019 5:32 PM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Subject:** Impact of Tourism and TRT

Dear Council Members,

To say we have a problem in Moab, is an understatement. The traffic jam that occurred during Car show weekend was insane. The inconvenience is one thing but what about the inability of emergency vehicles to navigate the jam.

I left for SLC that Sunday headed for IHC hospital and got caught in the jam on 5th West. I was transporting a sick husband and it was alarming how long we sat in traffic. Once we got to the light On Hwy 191 traffic started to move again.

I can't imagine what our lives are going to be like when Hwy 191 is widened.

We do not need to advertise! Moab has been discovered and our quality of life is being impacted as well as our delicate desert environment. Please direct TRT to help mitigate the negatives created by the crowds of visitors. Bank TRT rather than spend it on more advertising.

Sincerely,  
Barbara Hicks  
514 Locust Ln  
moab  
435-260-1468

**From:** [Grand County Council](#)  
**To:** [Zacharia Levine](#); [Curtis Wells](#); [Evan Clapper](#); [Greg Halliday](#); [Jaylyn Hawks](#); [Mary McGann](#); [Rory Paxman](#); [Terry Morse](#)  
**Cc:** [Ruth Dillon](#)  
**Subject:** FW: Land Use Plan Options  
**Date:** Monday, May 6, 2019 3:44:36 PM

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**From:** Thea Nordling <theakn@frontiernet.net>  
**Sent:** Sunday, May 05, 2019 7:58 AM  
**To:** moab@ldi-ut.com; city-council@moabcity.org; Grand County Council  
<council@grandcountyutah.net>  
**Subject:** Land Use Plan Options

I appreciate the opportunity to comment on the land use planning options Landmark presented at the recent public workshop. Of these options, I prefer Option 5.

Despite being titled "No Growth," **Option 5 will still allow a 20% increase in overnight rental/hotel rooms** due to those projects approved prior to the moratorium. This option does in fact allow growth, limiting only **new** projects that are tourist accommodations. It would encourage a more diversified economy with better paying jobs by making commercial space more readily available for a variety of businesses. It would also slow the rapid inflation of real estate prices, making housing more affordable for our residents and workers.

We need to put the brakes on until we see the effects of this projected 20% growth in tourist accommodations. Do we really have enough water to sustain even that? Until we see the results of the water study it is premature to permit even more growth. And what about traffic? We can't even handle what we have (last Sunday's gridlock, which spilled over onto residential streets, was unbelievable and intolerable!) Why set ourselves up for even more of this?

We need to stop increased growth until we know our water budget and have a realistic traffic plan. It would be reasonable to not allow any additional new hotels or overnight rentals for a period of 4-5 years to see the impacts of a 20% growth in tourist accommodations. During this period the city and county need to develop zoning regulations/overlays that assure employee housing, a critical need for our community.

No matter which option is chosen, Use by Right should be completely eliminated. All new overnight rental/hotels need to be subject to the review and approval of city or county councils and planning commissions.

Thank you for considering my concerns.

Thea Nordling  
1996 Highland Drive  
Moab UT

**From:** [Grand County Council](#)  
**To:** [Curtis Wells](#); [Evan Clapper](#); [Greg Halliday](#); [Jaylyn Hawks](#); [Mary McGann](#); [Rory Paxman](#); [Terry Morse](#)  
**Cc:** [Ruth Dillon](#); [Christina Sloan](#); [Chris Baird](#); [Zacharia Levine](#)  
**Subject:** FW: land use planning comments  
**Date:** Tuesday, May 7, 2019 8:23:44 AM

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**From:** Ryan Steenson <r.stencil@gmail.com>  
**Sent:** Monday, May 06, 2019 7:52 PM  
**To:** moab@ldi-ut.com; city-council@moabcity.org; Grand County Council  
<council@grandcountyutah.net>  
**Subject:** land use planning comments

After attending the land use planning workshop last week I just wanted to express my thoughts on the matter. I've lived in Moab for the last 2.5 years and definitely feel that the current situation with tourists and overnight accommodations isn't working. My first big thought is why does Moab need more overnight accommodations? It seems so busy and full of people everywhere, City Market, restaurants, National Parks...wherever you go you will find a crowd during the busy time of year (which I'm sure people have noticed is getting to be a larger portion of the year). In the summarized comments I think this one says it all:

- Multiple individuals reported anecdotes from tourists/visitors that overcrowding in Moab negatively impacted their experience and may not or will not return, with one of those individuals saying that a recent guest at their condo/rental said, "This is a great place you have here, but there are too many people. We may or may not come back."

Adding more rooms doesn't add more infrastructure to handle more visitors. I also strongly agree with the idea of the land having a carrying capacity of visitation. Which in my opinion is reaching it's limits in certain high use areas. This topic is so nuanced and multifaceted I feel like I could write a novel about my concerns. Generally though I agreed with the majority of the ones already summarized and just want to highlight a few ideas:

1) I'm for having no growth in overnight accommodations (I realize this may not be feasible and seem to far a step to some, especially people making money in the tourist business) It's better for a smaller number of people to have a better visit to Moab than have a large number have a negative one...which is unavoidable if growth in tourism continues. Less is more.

2) As far as guiding principles go, the most important one to me by far is #6, To recognize limited resources available to the area. Whether that is land, water, delicate habitat to plants and animals or space to eat at Milt's. Determine whatever resource is most limited and plan growth around that. It is far easier to not do something than it is to undo it in the future.

3) An idea of how our typical ideas of economy are flawed from Bill McKibben's book *Deep Economy* that I think is worth thinking about: McKibben thinks we need another kind of bottom line that doesn't just measure profit, but also measures **fulfillment** and a sense of connection. He notes in his first chapter that two birds named More and Better used to roost together on the same tree branch. But these days, McKibben writes, Better has flown a few trees over to make her nest.

I don't know the history of what Moab has been like but it's certainly feels unbalanced now. It

is a great place to live and visit but I hope a plan to keep it that way (and fix some of our current issues) can be made. I look forward to hearing more about this topic in the future and especially hearing what the plan moving forward is.

Ryan Steenson

**From:** [Grand County Council](#)  
**To:** [Curtis Wells](#); [Evan Clapper](#); [Greg Halliday](#); [Jaylyn Hawks](#); [Mary McGann](#); [Rory Paxman](#); [Terry Morse](#)  
**Cc:** [Zacharia Levine](#); [Chris Baird](#); [Christina Sloan](#); [Ruth Dillon](#); [Tara Collins](#)  
**Subject:** FW: Land use/planning  
**Date:** Tuesday, May 7, 2019 8:31:37 AM

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**From:** Aneth Wight <anethrh@hotmail.com>  
**Sent:** Monday, May 06, 2019 10:43 PM  
**To:** moab@ldi-ut.com; City Council <city-council@moabcity.org>; Grand County Council <council@grandcountyutah.net>  
**Subject:** Land use/planning

Dear Council Members, Planning Commission and Landmark planners:

I am writing to express my thoughts about the moratorium and development of new ordinances/overlays for creating a more thoughtful approach to overnight accommodations in the Moab area.

First, I would like to commend all of you for taking on this issue! It's a difficult one, and has been put off so long that it's been made even more difficult to deal with. Since it hasn't been dealt with, the town is reeling from the consequences of a lack of planning and I'm happy to see steps being taken to remedy that.

I firmly believe that Option #5 is the only solution that works for what Moab is experiencing right now. There are so many reasons to institute Option 5, but primarily it's **water**. We are in a desert with limited water, so must permit building accordingly, and it seems to me that the last 20 years of uncontrolled growth in overnight lodging has been more than enough. We must be smart about water use, and reining in hotel growth will help.

I was also very disappointed that in every other option, all growth was concentrated in the north corridor. That seems like the first place to halt development! There has been no effort to make that a "community" or part of Moab. All those folks must get into town to eat, shop, have a cup of coffee etc., adding to the traffic and parking problems in town. It seems like the perfect place to have employee or other "affordable" housing options, with one/some of your "community nodes" there.

If some type of lodging growth must be accommodated, it must be very restrictive. No more large 3-story box hotels--they need to be small businesses (not corporations). All must go through not only the planning commission but appropriate councils as well. No more "use by right."

Thank you for considering my comments.

Aneth Wight  
544 Taylor Ave  
Moab



**From:** [Grand County Council](#)  
**To:** [Zacharia Levine](#); [Curtis Wells](#); [Evan Clapper](#); [Greg Halliday](#); [Jaylyn Hawks](#); [Mary McGann](#); [Rory Paxman](#); [Terry Morse](#)  
**Cc:** [Ruth Dillon](#)  
**Subject:** FW: land-use planning  
**Date:** Monday, May 6, 2019 3:43:22 PM

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**From:** Tatsy Guild <gtatsy@gmail.com>  
**Sent:** Saturday, May 04, 2019 7:26 PM  
**To:** city-council@moabcity.org; Grand County Council <council@grandcountyutah.net>; moab@ldi-ut.com  
**Subject:** land-use planning

Thanks for having the public-input meetings. I would like to make a couple of further comments.

First, I hope that community interests can be balanced with (cash) economy growth. Perhaps an ideal percentage could be developed. (And in fact 'economy' is defined as how a COMMUNITY manages its resources.) Let's do that.

Say 30%-70%. Though percentages could be a bit tricky to determine. But just having the concept of a balance could be useful.

Next, the idea of concentrating any further overnight housing between the northern 'edge' of town and the river, makes sense to me on a number of levels. Of course there has been approval for a significant amount of projects that have not broken ground yet. Where that development will happen is a great unknown to many of us. But you get the idea. Let's concentrate it where it least effects the community.

Thanks,  
Mary-Bartlett Tatsy Guild

**From:** [Grand County Council](#)  
**To:** [Curtis Wells](#); [Evan Clapper](#); [Greg Halliday](#); [Jaylyn Hawks](#); [Mary McGann](#); [Rory Paxman](#); [Terry Morse](#)  
**Cc:** [Ruth Dillon](#); [Christina Sloan](#); [Chris Baird](#); [Zacharia Levine](#)  
**Subject:** FW: Moab area land use  
**Date:** Thursday, March 28, 2019 2:26:41 PM

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**From:** Anne Duri <[anneduri@gmail.com](mailto:anneduri@gmail.com)>  
**Sent:** Thursday, March 28, 2019 9:01 AM  
**To:** Grand County Council <[council@grandcountyutah.net](mailto:council@grandcountyutah.net)>  
**Subject:** Moab area land use

Hello folks, I am responding to the 180 day moratorium regarding the building of overnight rentals. I am in FULL support of this measure and believe it should be much longer. What we need is affordable housing for the people who live and work in this community. I fear that if we do not address this issue as a number one priority we will end up with no work force, or one that is forced to commute large distances to get to work. That scenario has played out in other communities and the result creates a problem on an even larger scale.

I encourage you to stand strong against the proliferation of nightly rentals, and yes...even second homes at this point.

Thank you for your time and efforts.

Sincerely, Anne Duri

**From:** [Grand County Council](#)  
**To:** [Zacharia Levine](#); [Curtis Wells](#); [Evan Clapper](#); [Greg Halliday](#); [Jaylyn Hawks](#); [Mary McGann](#); [Rory Paxman](#); [Terry Morse](#)  
**Cc:** [Ruth Dillon](#)  
**Subject:** FW: Moab Land Use and Moratorium Issue  
**Date:** Monday, May 6, 2019 3:57:26 PM

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-----Original Message-----

From: karlajac@frontiernet.net <karlajac@frontiernet.net>  
Sent: Monday, May 06, 2019 3:54 PM  
To: Grand County Council <council@grandcountyutah.net>  
Subject: Moab Land Use and Moratorium Issue

To: Grand County Council, Moab City Council, City and County Planners, and Landmark Consultants.

I have attended the two main public meetings that were held to provide information about the “Hotel Moratorium” and would like to add my views to the many others you have received on this subject.

I appreciate the extensive work that Landmark Consultants has done and wish that the option descriptions and maps had been available well in advance of this last meeting. Most everyone I have talked with who attended that meeting felt that the maps, in particular, were incomplete (many B & B’s were not shown, for example—particular south of Moab and even in town) and most of us felt that the only options that really focused on Moab’s problems are Options 4 and 5. The time the planners spent on the other three was a wasted effort in my opinion—those didn’t address our concerns in any significant way.

I know that many who have or will offer responses to you have addressed the water and traffic concerns. Those are certainly of paramount importance. However, very few have brought up the real possibility that the high volume of visitors that Moab is currently experiencing will wane and we will wind up with some big, ugly, empty hotel buildings. Of course, the national parks will always be a draw, but unless the National Park Service is allowed to implement their proposed reservation plans for Arches NP, I am confident we will see a drop in their figures within just a few years. The concept of a shuttle system for Arches is neither practical nor desirable, and I think we are wasting our time studying its feasibility.

There is no way Moab needs even one more hotel, and our current system of approving B & B’s—even when the City KNOWS about them—is appalling. It is no wonder we have no affordable housing, when anyone (residents or out-of-town “entrepreneurs”) can buy up a modest home and turn it into a B & B. The old ordinance which required that B & B owners had to live on their property got tossed out along the way, as did the former requirement that home business (including B&B’s) had to provide a sheet with the approval of the six closest neighbors before getting a permit.

We have lost control of our city and county, and it will be an uphill battle to gain that back, but approving Option 5—with some appropriate modifications that aren’t designed to benefit the developers—would be a good start.

Respectfully,

Karla Hancock  
45+ year resident and former Moab City mayor.  
karlajac@frontiernet.net  
667 McCormick  
Moab, Utah 84532  
435-259-5749

**From:** [Ruth Dillon](#)  
**To:** [Zacharia Levine](#)  
**Cc:** [Tara Collins](#)  
**Subject:** FW: Moab Valley land use plan comments  
**Date:** Tuesday, April 2, 2019 8:28:11 AM

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Z, I'm copying you too since this is about land use/dark skies/moratorium.

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**From:** Grand County Council  
**Sent:** Monday, April 1, 2019 9:56 AM  
**To:** Curtis Wells; Evan Clapper; Greg Halliday; Jaylyn Hawks; Mary McGann; Rory Paxman; Terry Morse  
**Cc:** Ruth Dillon; Tara Collins  
**Subject:** FW: Moab Valley land use plan comments

**From:** Mary Moran <marymoran3333@gmail.com>  
**Sent:** Saturday, March 30, 2019 9:10 AM  
**To:** moab@ldi-ut.com  
**Cc:** city-council@moabcity.org; Grand County Council <council@grandcountyutah.net>  
**Subject:** Moab Valley land use plan comments

The legal "use by right " needs to be eliminated. In general, all future overnight rentals should be eliminated. If this is arranged in such a way that there can be exceptions if approved by the City/County Council, that seems prudent.

Potential problems with the above, followed by possible solutions:

1) There are visitors coming who cannot find somewhere to stay. Quit permitting events during our busy season. Or only allow events smaller than a certain limit. Allow some existing events only if entry numbers are down-scaled. Encourage the Arches National Park reservation system, in case that actually does lower visitation numbers in Moab. Let the visitors learn that they need to reserve in advance or not come; give some motel/camping revenue to Green River/La Sal/ Monticello/Thompson Spring. Completely quit advertising Moab (we can always start advertising again if needed), and turn all marketing efforts to educating visitors in low-impact visitation. I realize this is difficult, but try to find a way to make this legal - Drop TRT taxes and call them something else?

2) Locals who have owned commercially zoned property in the Moab Valley for 100 years (or 2 years) and want to sell it for a hotel; they've been paying property taxes for 100 years (or 2 years) and give that as a reason that they should have this right. The property remains commercial property even without the possibility of building another hotel, and they can still sell it for other commercial interests. They do not have an automatic right to make the most amount of money possible, at the expense of the community whether they have lived here a long time or are an outside investor. If they've been paying property taxes for a long time, they have probably been using/benefiting from the property during that time, and likely have been using the benefits (schools, etc.) that property taxes incur.

3) Locals who own a home that they desire to convert to a bed and breakfast or overnight rental, for financial reasons. Homeowners do not have a right to do harm to their neighborhoods. One compromise legislated by some communities (for example, Austin,

Texas) is to allow any homeowner to rent out their home short-term for up to two weeks per year. This can be quite lucrative if done during a big event, yet has relatively small impact on the neighborhood.

Miscellaneous visions of our community in future years:

There are noise requirements for all vehicles on our roads, so unless the technology has changed, there are no UTVs (razors) or noisy motorcycles on our streets.

There is at least one event-free weekend each month, including in the busy spring season.

The night-sky ordinance has successfully kept our night skies dark.

New construction always incorporates at least some aspects of passive solar construction, lowering energy consumption immensely. All contractors take this for granted, and have learned how much sense this makes. (There are no more new dwellings like the new twinhome on West Highland Drive with one tiny south window for two dwellings and lots of west windows to heat up both units.)

Before disturbing soils and vegetation over more than a minimal area, a restoration plan is required, to avoid increasing dust in the valley. These can be simple, or more complicated, depending on size.

Thank you for the opportunity to comment. I sincerely thank city and county council members and planning commissions for initiating the moratorium and this planning effort, and for all of their research and efforts to make this community a better place to live.

Mary Moran  
1991 Highland Drive  
Moab

**From:** [Grand County Council](#)  
**To:** [Zacharia Levine](#); [Curtis Wells](#); [Evan Clapper](#); [Greg Halliday](#); [Jaylyn Hawks](#); [Mary McGann](#); [Rory Paxman](#); [Terry Morse](#)  
**Cc:** [Ruth Dillon](#)  
**Subject:** FW: Moratorium on new overnight accommodations  
**Date:** Monday, May 6, 2019 3:53:59 PM

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**From:** tamsin@frontiernet.net <tamsin@frontiernet.net>  
**Sent:** Monday, May 06, 2019 2:33 PM  
**To:** moab@ldi-ut.com; city-council@moabcity.org; Grand County Council <council@grandcountyutah.net>  
**Subject:** Moratorium on new overnight accommodations

**Comments regarding Moab's Moratorium of new overnight accommodations:**

Moab is a community in crisis, with residents in an uproar over the overwhelming impacts of tourism. Escalation of this reaction from locals has really occurred within the last 2-3 years and the rate at which these reactions are intensifying is alarming. Many really long-term residents, even some of those born here are now feeling pressured to leave a community they once relished. This is not only sad; it is appalling. Issues that are impacting locals will also start to impact the best of our visitors (i.e. those contributing most to the community economically, behaving respectfully, etc.), and likely drive them away.

Issues that come with increased tourism such as noise, lower safety on roads, etc. need to be dealt with separately. In the meantime, the lack of resources and services to support significant growth of the overnight accommodations, a segment of the economy that serves just a few, must be addressed now with this moratorium. Limited resources include (a) water and (b) space for future development of services that will serve a greater portion of the community.

We don't yet know the level of impacts from future overnight accommodations that have already been approved and I would argue that for this reason, a complete moratorium (option 5) is in order, at least for 2-3 years, a period as long as it took for living in Moab to become barely tolerable. We can always revisit this decision at a future time, once we have a better idea of how much more growth we can allow.

My biggest concerns now include:

(a) traffic flow on the north end of town, south of the bridge,

(b) traffic safety on Hwy 191 on the south end of the County for residents in the high-density overlay zone on the west side of the highway

For both of these areas, I believe we need a frontage road, with traffic lights where the frontage road accesses Hwy 191. While I gather that UDOT is slated to start the widening project this summer, this may not be enough to prevent traffic backing up, particularly as people make left turns across traffic into the new developments. It may be too late to add the new timeshare complex under construction to the frontage road between Holiday Inn and Aarchway, but this would be a place to start.

In summary, although we may already have permanently impacted quality of life in Moab, we need to extend the moratorium (Option 5) and give us time to gain control over tourism impacts.

Thank you,

Tamsin McCormick

1841 S Highland Drive,

Moab UT 84532

**From:** [Grand County Council](#)  
**To:** [Zacharia Levine](#); [Curtis Wells](#); [Evan Clapper](#); [Greg Halliday](#); [Jaylyn Hawks](#); [Mary McGann](#); [Rory Paxman](#); [Terry Morse](#)  
**Cc:** [Ruth Dillon](#)  
**Subject:** FW: Please No More Development  
**Date:** Monday, May 6, 2019 3:31:36 PM

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**From:** Beth Malloy <beth2malloy@gmail.com>  
**Sent:** Saturday, May 04, 2019 9:28 AM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Subject:** Please No More Development

Respectfully,

My husband and I have lived at 282 Riversands Dr. for about 12 years now. We've watched the slow and steady growth for Moab occur. These last few years have been way over the top. The traffic, the noise from all the ATV's, the inability to walk into City Market and get the groceries we need, the concern about water resources have all detracted from what used to be a really nice community to live in.

This growth has been wreckless, for example look how long it took to get an updated water treatment system. And what is the capacity of the water treatment system. The other day, I was smelling foul smells from it again, which makes me think it's already above capacity as it had been.

What about WATER. We are crazy to think we can go on like this and won't run into a water crisis in the coming decades.

The ATV's aren't even required to have noise restrictions....It's crazy.

Please I Urg you No More Development!!

Sincerely,  
Beth Malloy



**From:** [Grand County Council](#)  
**To:** [Zacharia Levine](#); [Curtis Wells](#); [Evan Clapper](#); [Greg Halliday](#); [Jaylyn Hawks](#); [Mary McGann](#); [Rory Paxman](#); [Terry Morse](#)  
**Cc:** [Ruth Dillon](#)  
**Subject:** FW: TRT suggestions  
**Date:** Monday, May 6, 2019 3:41:01 PM

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**From:** Bonita Kolb <bogkolb@gmail.com>  
**Sent:** Saturday, May 04, 2019 12:31 PM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Subject:** TRT suggestions

Dear Council Members. I would like to formally request you look into the option of BANKING TRT FUNDS until such time as we can resolve our challenges with overwhelmed infrastructure.

If you haven't seen this video, please view it. I do not subscribe to the comments made by those filming this traffic jam. However, it is important documentation of a serious problem.

<https://www.youtube.com/watch?v=xwG1TQyo9Ug>

Thanks for your consideration of this suggestion.

Bo Kolb  
3649 Kerby Lane  
Spanish Valley

**From:** [Ruth Dillon](#)  
**To:** [Zacharia Levine](#)  
**Cc:** [Tara Collins](#)  
**Subject:** FW: Water is not Available for Commercial Development in SJC Spanish Valley  
**Date:** Tuesday, April 2, 2019 8:28:30 AM

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Z, your cc.

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**From:** Grand County Council  
**Sent:** Monday, April 1, 2019 9:57 AM  
**To:** Curtis Wells; Evan Clapper; Greg Halliday; Jaylyn Hawks; Mary McGann; Rory Paxman; Terry Morse  
**Cc:** Ruth Dillon; Tara Collins  
**Subject:** FW: Water is not Available for Commercial Development in SJC Spanish Valley

**From:** William Love <william.e.love75@gmail.com>  
**Sent:** Saturday, March 30, 2019 11:08 AM  
**To:** k Maryboy <kmaryboy@sanjuancounty.org>; williegrayeyes@sanjuancounty.org; bbadams <bbadams@sanjuancounty.org>; kpehrson@sanjuancounty.org; eliseerler@utah.gov; jenniferh@ldi-ut.com; walterbird@sanjuancounty.org  
**Cc:** Grand County Council <council@grandcountyutah.net>; Moab City <city-council@moabcity.org>  
**Subject:** Water is not Available for Commercial Development in SJC Spanish Valley

The completion of the USGS Spanish Valley Water Study in 2018 requires the revision of the Spanish Valley Water and Sewer Master Plan completed in 2017. The USGS Water Study significantly reduces the underground water available for future Spanish Valley development.

San Juan County will probably not receive any further allocations of Spanish Valley ground water and will need millions of addition funds to develop an alternate water source from either the Colorado River or Kane Creek before water is available for commercial development.

Water Right 09-2349 allows San Juan County to pump 500-acre feet of water from their current well. Utah's State Engineer stated in his approval of Water Right 09-2349 that future allocations were based on the assumption that 11,000-acre feet of water flowed under- ground from the Glen Canyon Aquifer through Spanish Valley into the Colorado River. The recently completed USGS Study found that there is almost no flow of underground water into the Colorado river.

In addition, the USGS study concluded that only approximately 6000-acre feet of water was available in the underground aquifer for future development by San Juan County, Grand County and Moab City. Since the Aquifer is over allocated by 200%, and Moab - Grand County have Water rights much older than San Juan County, the probability of San Juan county receiving additional water from the underground Glen Canyon Aquifer is very small. Utah is currently adjudication all water rights in Spanish Valley and final ownership of the 6000 ac-ft of water will not be determined for up to 5 years.

Water Right 09-2349 has sufficient water from the Colorado River or Kane Creek to complete all Phases of development in Spanish Valley. However, developing culinary water from either the Colorado River or Kane Creek will require millions of dollars above the current funds of

5.1 Million.

The 500 ac-ft currently allocated to San Juan County will supply culinary water to the current residents and approximately 600 additional ERUs. The number of undeveloped residential lots current approved by the County is unknown, but probably exceeds 600.

The current residents in San Juan County are paying for the sewer and water infrastructure and the residents are entitled to the 500 ac-ft of available water.

**A moratorium on commercial development in the Valley including Highway 191 is necessary until additional funds are available for development of the Colorado River or Kane Creek water. A moratorium is also necessary until the Utah Division of Water Rights determines who is entitled to the available underground water in the Glen Canyon Aquifer**

William love

48 desert Solitaire Rd

Moab, Utah 84532

**From:** [Grand County Council](#)  
**To:** [Curtis Wells](#); [Evan Clapper](#); [Greg Halliday](#); [Jaylyn Hawks](#); [Mary McGann](#); [Rory Paxman](#); [Terry Morse](#)  
**Cc:** [Zacharia Levine](#); [Ruth Dillon](#)  
**Subject:** FW: Water Use Concerns  
**Date:** Thursday, April 4, 2019 5:18:34 PM

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**From:** Cali Bulmash <cali.bulmash@gmail.com>  
**Sent:** Wednesday, April 03, 2019 10:23 PM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Subject:** Water Use Concerns

Hello Grand County Council members,

As a member of this community, I want to express my concern about water use in Grand County as our small town continues to grow. Below are a few points for helping to ensure our community has access to clean water in the future:

- I am grateful for the moratorium on all new overnight accommodations. We must use this time to get an accurate and up-to-date water availability analysis of the valley in order to make sure we have sufficient supplies and do not create demand hardening.
- Before development continues, we need to create a specific number of remaining Equivalent Residential Connections (ERC's) in order to determine what amount of growth is best for our community based on the actual amount of water we have. This should include having a buffer capacity for climate change, which we know is here and already affecting the southwest's water supply. *The Order of the UT State Engineer approving the transfer of water rights into our watershed by the San Juan Spanish Valley Special Service District cites a study indicating the Colorado Plateau could experience up to a 30% reduction in runoff due to climate variability.*
- “Adopt a green infrastructure ordinance for stormwater management to protect water quality, increase localized groundwater recharge and offset landscape irrigation through matching plantings with green infrastructure treatments.” A direct quote from the Moab City General Plan – Goal 4 Water Quality, Policy 1, Action step h. I would love to see something similar adopted by Grand County.
- While we are in this moratorium, I would love to see us set high standards for integrated water efficient landscape design and performance for all new development (including residential), while also promoting conservation by existing users.

Thank you for taking the time to read this and service. As we are talking about housing and development, we must not forget water. Without proper effort to conserve and protect our water resources, we put our entire community at risk.

Sincerely,  
Cali B.

--

Cali Bulmash  
201-923-7785  
[www.calibeerad.com](http://www.calibeerad.com)



moab@ldi-ut.com

city-council@moabcity.org

council@grandcountyutah.net

Dear Grand County Council, Moab City Council

I am writing about the “five options” presented by Landmark Design regarding overnight lodging. I support option 5. Moab should entirely stop new overnight lodging for a period of time. That time limit should be 2 or more years, and then reassessed. At the absolute minimum, **“use by right” and/or “permitted use” should absolutely be eliminated** in favor of some strict approval process regarding location, type of buildings, tourism growth rate, population, land availability, and affordable housing space. Also, Option 4 is a terrible idea to allow new overnight accommodations only in the north part of town which will result in a (more) hideous overbuilt area as the entrance to our town.

Thank you,

Jason Ramsdell

Moab Resident  
Huntridge Drive, Moab, Utah

# ROBERT W. HUGHES

## ATTORNEY AT LAW

438 EAST 200 SOUTH  
SALT LAKE CITY, UTAH 84111  
TELEPHONE: (801) 364-9075  
FAX: (801) 364-9081  
[rwhughes@rhughesattorney.com](mailto:rwhughes@rhughesattorney.com)

May 6, 2019

Mr. Mark Vlastic, AICP, ASLA, LEED Green Associate  
Landmark Design  
850 South 400 West, Studio 104  
Salt Lake City, Utah 84101

Delivery Via E-Mail  
and Regular Mail  
[markv@ldi-ut.com](mailto:markv@ldi-ut.com)

*RE: Moab Development*

Dear Mr. Vlastic:

I represent Mr. JJ Wang and his business organizations. I suspect that you are aware that Mr. Wang has been a long time resident and business owner in the Moab area and has made significant investments in Moab. Mr. Wang's development have greatly assisted in the development of Moab's infrastructure.

As a long time, resident Mr. Wang has sought to balance development so that the natural beauty and the lifestyle of the area residents are not adversely impacted. Mr. Wang has continually put the interests of the community in the forefront of his business endeavors. I am personally aware of occasions where Mr. Wang has forgone opportunities for development that he did not believe were in the best interest of the Moab area. I would be happy to ask Mr. Wang for permission to discuss these with you if you feel it would be helpful.

I am informed that you are associated with an Advisory Committee that will make recommendations concerning future development within Moab. The residents of Moab have an expectation that the current lifestyle and development opportunities of the area will be maintained. I suggest that Moab has a duty to the world community. Undoubtedly, Moab is an international destination, and Mr. Wang, along with other residents and business owners in Moab, want to make sure its unique beauty can be enjoyed by many.

The issue is balancing lifestyle with the obligation to make sure the area can be appreciated by people from around the world. Mr. Wang has rightfully concluded that a balance can be reached by responsibly addressing the highest and best economic use of the area which is accommodating tourism. Mr. Wang does not believe that this will be accomplished by a moratorium of tourist related development. Not only would this be a selfish effort, but it would economically harm Moab.

I will not propose a solution, but I will be so bold as to suggest that this issue should include long time, responsible residents and developers such as Mr. Wang.

Mr. Mark Vlastic

Page 2

May 6, 2019

Should you have any questions or concerns or require additional information, please contact me. Thank you.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'R' followed by a horizontal line and a small vertical stroke.

ROBERT W. HUGHES

RWH:jsc



**From:** [Bill Foreman](#)  
**To:** [Zacharia Levine](#); [Kenny Gordon](#); [Kaitlin Myers](#)  
**Subject:** land use/growth  
**Date:** Thursday, March 28, 2019 4:55:15 PM

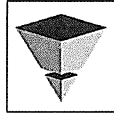
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I'm Bill Foreman. I've lived in the area for just about 30 years. I got to the open house a little late and didn't get up to comment, so I will now.

What I see is a lot of out of town investors planning to make money by encouraging more people to come to this place by building resorts, motels, RV parks, etc. They don't have to live with the consequences. We do.

When I notice the hoards of visitors in town and think that the numbers will only increase, I keep flashing on images I've seen of Japanese subways. Men are hired, wearing white gloves, to push as many people as possible into subway cars before the doors can close. A subway ride like that might be interesting, once, but we're looking at Moab being a subway car most of the year. That's not my idea of a quality experience for the visitors or us.

We need to stop hyping this place bringing in more people than can be accommodated already.



May 8, 2019

Mayor Emily Niehaus  
Moab City Council  
Grand County Council  
Mark Vlasic, Landmark Design  
Zacharia Levine, Grand County

RE: Moab Area Land Use Plan

Dear Mayor Niehaus et al.,

On April 30<sup>th</sup> we attended the open house on the five (5) Options being considered by the City and the County. We understood that written comments could be submitted through May 7, 2019. On May 7<sup>th</sup> a sixth option appeared on Landmark's website and there was a joint City/County Council meeting, all before the deadline date for comments was over. We own or manage properties in both the City and the County that will be affected by the options both Councils directed Landmark to draft ordinances for. We respectfully submit the following comments and observations based upon the results of the joint Council meeting.

As both residents of this community and commercial developers we continue to believe that there should be continued focus on the commercial downtown core as both a gathering place for the community and as the commercial center of Moab. We are in full support of UDOT's promise to study and work cooperatively to provide a truck bypass to remove large semi-trucks from Main Street Moab. When - not if - this is accomplished it will allow downtown to flourish and truly be a place for locals and tourists.

South of Downtown - USU Moab Campus - At the close of yesterday's joint meeting it appeared that both Councils are considering removing lodging as a use by right in all areas south of downtown. As owners of property adjacent to the new USU Moab campus, and across the highway, we feel it's important to consider overnight lodging in close vicinity to the campus so that professors, potential students and parents have a place to stay within walking distance of the campus. We hope that the Council's will consider allowing some form of overnight lodging in this area.

Downtown - It was unclear at the close of yesterday's joint meeting what the City Council is considering for downtown. We support an overlay downtown that will allow overnight accommodations with higher performance standards.

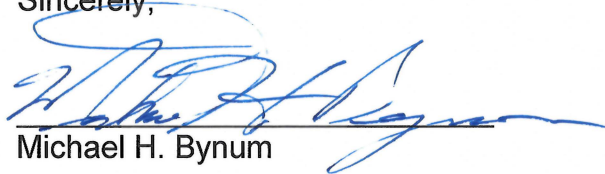
We would also like to request that the proposed commercial node for downtown include the property on the north east corner of 100 West and Center Street. At the moment the property is a dirt parking lot and commercial structures currently leased by Westside Tattoo, Forget Me Knot Flowers, and Atomic Hair. We have been in discussions with the City for a few years about doing a mixed-use commercial development with a community gathering space on this

property. We respectfully ask that the commercial node proposed at the terminus of Center Street be expanded to include this property. It is adjacent to the planned parking garage and will provide a natural extension of Main Street to 100 West.

North of Downtown – All properties with Hwy 191 frontage that are already commercially zoned should be included in the proposed overlay. There was some discussion that only the properties already zoned RC should be included but RC is not the only zone that currently allows lodging, C-2 and C-3 also allow lodging.

We know you care about this community and its future, and we appreciate the opportunity to comment.

Sincerely,



Michael H. Bynum

**From:** [Sharon Hogan](#)  
**To:** [markv@ldi-ut.com](mailto:markv@ldi-ut.com); [moab@ldi-ut.com](mailto:moab@ldi-ut.com); [Scott Escott](#); [City Council](#); [Zacharia Levine](#)  
**Subject:** Moab Area Land Use Public Comment  
**Date:** Thursday, March 28, 2019 8:33:41 AM  
**Attachments:** [Moab Area Land Use Open House Comments March 27 2019.docx](#)  
[Not Acceptable.docx](#)

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Hello Mark and LDI staff,

Thank-you for the opportunity to comment as you proceed in advising the city and county officials Moab on land use issues that affect the citizens of this community.

I have attached the comment document that I submitted in person at the 3/27/19 Open House. I have also included, in a separate attachment, the public comment emailed to the Moab City Council and staff previously, regarding the PAD overlay on Moab's R2 zones, for your historical perspective. This was also a letter to the editor published in both local weekly newspapers.

Thank-you for your careful consideration of Moab's R2 neighborhood residents' concern with the high-density housing issue as you advise the Moab City Council on their future course of action.

As you can see, I have cc'd my husband, Scott Escott, Zacharia Levine and the Moab City Council.

Sincerely,  
Sharon Hogan  
598 Rosetree Lane  
Moab, UT 84532

**From:** [Christina Sloan](#)  
**To:** [Zacharia Levine](#); [Kenny Gordon](#); [jlinares@moabcity.org](mailto:jlinares@moabcity.org); [mayor@moabcity.org](mailto:mayor@moabcity.org); [jenniferh@ldi-ut.com](mailto:jenniferh@ldi-ut.com)  
**Subject:** Moab Land Use - small business protection  
**Date:** Friday, April 12, 2019 2:19:48 PM

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Jenny,

I can't attend the next public open house on the Moab Land Use Plan, but I wanted to provide some additional comments that I don't see represented in what you have received so far.

Note that I am the Grand County Attorney, but these comments are my personal opinion and mine alone. I am not making these comments on behalf of the County.

I have been a small business owner in Moab since 2007; and, through my private law practice, I have represented other small business owners for those 12 years.

Small business has been pushed out of downtown for a while now because we can't compete with crazy land prices that are driven by overnight rentals. By small business, I both all of the following: 1) professional services like my own business that mostly cater to locals; 2) retail and restaurant businesses that provide services to both locals and tourists; and 3) small overnight lodging establishments that house tourists. All of these small businesses are locally owned, and they are also important to diversifying the economy in Moab.

For these reasons, I'd like to see this planning effort prioritize and protect small business growth in Moab. In my opinion, this mean we continue to keep small overnight lodging establishments in the Code as transitional buffer zones from general commercial to residential - although I think the size of those small overnight lodging establishments could be reduced from the current 10 units to 4-6 units.

I'm also interested in see a business enterprise overlay zone downtown that would prohibit all further overnight rentals so that small business may grow. The idea that I've been floating with business owners and the City (prior administrations) is that the overlay zone would be placed over the entirety of 100 S, Center Street, 100 N, and 400 E that would prohibit further overnight accommodations of any type. 100 W may be appropriate to include as well.

This would be controversial sure, and I'm one of those property owners on 100 W that would be affected, but it would be a giant leap forward for small business and local growth in Moab.

Thanks,  
Christina Sloan

**James D. McClanahan**

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**From:** Sarah Topp <scarletgilia@hotmail.com>  
**Sent:** Tuesday, March 26, 2019 6:12 PM  
**To:** moab@ldi-ut.com  
**Cc:** city-council@moabcity.org; Grand County Council  
**Subject:** Hotel Moratorium

All,

I've lived and worked in Moab for 20 years. I came here for a job with the NPS and I'm now retired. I love living here and I don't mind sharing the beautiful redrock desert with tourists. However, the increase in numbers of tourists has skyrocketed in the past few years at an alarming rate. As long as the number of hotels and overnight rentals continue to increase, even more people will come.

Nothing about our community can accommodate unlimited growth of tourism. Water, sewer and land resources are being strained and impacted. Residential housing is either unaffordable or unavailable. Trailhead parking areas are not large enough for all the vehicles, so they line the highway. Many of them lack restrooms, and human waste and toilet paper litter the ground. Arches National Park is unable to deal with the thousands of cars trying to get in, find a place to park, and the hiking trails are so busy one might just as well be walking on a sidewalk in downtown New York City. The quality of outdoor experiences in and health of our beautiful landscape is diminished by the all the people, vehicles, noise, garbage, scars from off-trail use and increase in weeds brought in from far away places. Traffic jams are unavoidable. The roar from OHV's on residential streets makes it impossible to relax in one's own backyard. From this local's point of view, the situation is already beyond ridiculous. We don't need more people coming to Moab.

The counter reasoning is that Moab locals rely on tourism for their livelihood. For many businesses, this is true. But we already have too many tourists. Many businesses are overwhelmed. Restaurants are backed up for hours at dinnertime.

Unchecked growth has been compared to cancer for a good reason. The host – Moab residents, our quality of life and the health of public lands surrounding us are being sacrificed for greedy out-of-town interests. This must stop.

Please put a stop to hotel and overnight accommodation construction.

Additionally, the "pre-approved" method of zoning must be reversed, with each proposal looked at by the local government individually. We cannot have hotels in the midst of residential areas.

Respectfully,

Sarah Topp  
Moab, Utah

## James D. McClanahan

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**From:** Moabkiley <moabkiley@gmail.com>  
**Sent:** Tuesday, March 26, 2019 5:41 PM  
**To:** MOab City Council; Grand County Council  
**Subject:** I support the moratorium

As I said before I support the moratorium on hotels, nightly rentals. We need to stop this runaway train, our way of life is being ruined we're at over capacity. It's insane what is happening to our community our home. It's reckless it's insane. Please stand strong on this please don't allow anymore and stand strong against Sitla they will ruin us if we let them. The county needs to reign in the trt revenues & take control of what you by right can. Already town is insane & I am sad depressed heartbroken by what I'm experiencing. Enough is Enough.

Kiley Miller



## James D. McClanahan

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**From:** Grand County Council  
**Sent:** Wednesday, May 15, 2019 3:04 PM  
**To:** Curtis Wells; Evan Clapper; Greg Halliday; Jaylyn Hawks; Mary McGann; Rory Paxman; Terry Morse  
**Cc:** Zacharia Levine; Chris Baird; Christina Sloan; Ruth Dillon; Tara Collins  
**Subject:** FW: over night rentals

-----Original Message-----

From: Kiley Miller <moabkiley@gmail.com>  
Sent: Wednesday, May 15, 2019 2:32 PM  
To: Grand County Council <council@grandcountyutah.net>  
Subject: over night rentals

I implore the council to pass the most restrictive over night rental policy. You've heard from the citizenry, we've been shouting from the roof tops NO MORE hotels, nightly rentals, campgrounds, b&b's. We've got to much as it is and we can't take anymore. I read that theres almost 900 rooms vested in the city that haven't even been built yet and almost 600 in the county, Enough! What the Hell, we are becoming a prostituted area thats willing to exploit the entire place for money.

What we've become is shameful and ugly. So no ONR use by right, no ONR overlay districts, campgrounds cannot convert to condos or hotels, small hotels can't convert into big hotels. My head is spinning with the shitshow this valley has become and the future looks bleak if we continue to allow all of this growth for tourism. It must stop, we are destroying our home and hugely impacting the lands surrounding us.

The county needs to reign in the TRT and use the advertising money to educate people and I don't mean fluff videos about utv's like the travel council created, I mean real education because our beautiful landscapes are being destroyed.

NO more No more, please. Our hearts are broken Enough is Enough.

Kiley Miller  
21+ year resident of this valley



**James D. McClanahan**

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**From:** Moab Munchkins <moabmunchkinsllc@gmail.com>  
**Sent:** Tuesday, May 07, 2019 12:22 PM  
**To:** moab@ldi-ut.com  
**Cc:** Grand County Council; city-council@moabcity.org  
**Subject:** Land use option

I would like to urge that you choose option number 5, no growth. This spring has proven that our infrastructure is sub par. Specifically the main road in and out of town. I would like to see a second highway or bypass put in that went around Moab. This would helpful for people passing through on business and not stopping to play here. Secondly, South of the river bridge just paythe light where 4 lanes choke down to 2 is the stupidest thing I've ever seen. Please make the whole stretch 4 lanes. Spanish valley drive could also use sidewalks for safer biking.

Thank you for your time and considering my request.

Jessica Dunn  
Long time resident of 33 years.

## James D. McClanahan

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**From:** Grand County Council  
**Sent:** Monday, May 20, 2019 10:58 AM  
**To:** Zacharia Levine; Curtis Wells; Evan Clapper; Greg Halliday; Jaylyn Hawks; Mary McGann; Rory Paxman; Terry Morse  
**Cc:** Ruth Dillon  
**Subject:** FW: Moab tourism / overnight accommodation building permits  
**Attachments:** Moab-1294.jpg

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**From:** Lori Ryerson <lori@focalocity.ca>  
**Sent:** Sunday, May 19, 2019 3:57 PM  
**To:** Ruth Dillon <rdillon@grandcountyutah.net>; Grand County Council <council@grandcountyutah.net>  
**Subject:** Moab tourism / overnight accommodation building permits

Dear Ms. Dillon: I have included "Council" on this email, but want to ensure that this email gets included before Tuesday's Grand County council meeting.

Dear Grand County Council:

In April of 2016, I came to Moab for the first time. As a travel and landscape photographer, Utah is high on the list of beautiful landscapes. I recall the long weekend lineups to get into Arches Park, lineups that often went all the way back into town. I was surprised to see so much car traffic, but it was still relatively manageable.

Fast Forward: April 26-May 3 in Moab, 2019: I arrived on the Friday afternoon of the vintage car show. As I came in from Grand Junction, I was astonished by the volume of traffic headed towards Moab. I had taken the 128 south to meet up with the 191 into town. It took me almost an hour to get from that light to the Moab Valley Inn at the south end of Moab. The traffic was horrible, and the noise – oh, my goodness, THE NOISE. This is Moab, this place is a gateway to several of nature's most stunning geological wonders, and you cannot hear yourself think. I felt like I wanted to cry, I felt like my ears were being assaulted by the noise of the traffic. Trying to go anywhere was impossible, and trying to get into any restaurant just for a single seat – almost impossible (I finally got something about 9 pm).

As I drove into town, I couldn't quite get my bearings. The place that I left 3 years ago bore no resemblance to this string of hotels down the main drag of Moab. What had happened? How had a place as beautiful as Moab ALLOWED this kind of overbuilding to be done?

Council members: every local Moab resident I spoke with during my week in your city told me how disturbed they were with these changes. Local people, without exception, told me about the high cost of living there, many talked about holding multiple jobs in order to pay their living expenses. Many told me about not even spending their money in town, that they prefer to drive to the Colorado border in order to be able to afford groceries, etc.

On the Friday morning, I went up to Corona Arch area. The picture I have attached shows you what I saw. And this was in no way unusual this time; every camping ground I passed all throughout my trip this year was overcrowded. The local Moab infrastructure is so overloaded that I fear for your town accepting any more contracts, I fear that the good intentions of increasing tourism will cause yet another beautiful place on this earth to be "loved to death". I have seen it in Joshua Tree, I have seen it in Iceland, it is starting to happen to Greenland, it is happening right here in my own home province of Ontario in Canada.

Please, Council, I implore you: put a moratorium on new contracts, until the town has had at least 3-5 years of working through the current massive levels of change. Take the time to assess the damage by tourism, by unbridled building and ensure that you protect the stunning gifts that your area has been given by the forces of Mother Nature.

Thank you for taking the time to read my concerns.

Respectfully yours,  
Lori Ryerson

*focalocity*

**Lori Ryerson**  
**Photographer**  
**416-488-0722**  
**Toronto, Canada**

**Website:** [www.focalocity.ca](http://www.focalocity.ca)  
**Facebook:** [www.facebook.com/focalocity](http://www.facebook.com/focalocity)  
**Instagram/Twitter:** @focalocity

### **UPCOMING EVENTS:**

<b>June 1-2</b>	<b>Riverdale Art Walk, <u>Jimmie Simpson Park</u>, Queen St. E., Toronto <b>BOOTH E-10</b></b>
<b>June 8-9</b>	<b>Rosedale Art Fair, Scrivener Square (Summerhill LCBO), Toronto</b>
<b>June 22</b>	<b>Junction Summer Solstice, Art Tour Collective Art Market, Dundas &amp; Keele, Toronto</b>
<b>July 12-14</b>	<b>Toronto Outdoor Art Fair, Nathan Phillips Square, Toronto City Hall <b>BOOTH 155, ZONE A</b></b>

**You can also find my work at:**

**Art Gallery of Hamilton Art Sales & Services** [www.artgalleryofhamilton.com](http://www.artgalleryofhamilton.com)  
**Partial Gallery (Toronto)** [www.partial.gallery](http://www.partial.gallery)  
**Petroff Gallery (Toronto)** [www.petroffgallery.com](http://www.petroffgallery.com)

**(Note: Outside of shows, viewings are available by appointment; feel free to call or email to set something up.)**

**Member, Ontario Society of Artists**



## James D. McClanahan

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**From:** Mary Moran <marymoran3333@gmail.com>  
**Sent:** Thursday, May 02, 2019 9:48 PM  
**To:** Grand County Council; city-council@moabcity.org; moab@ldi-ut.com  
**Subject:** Moab Area Land Use comments

May 2, 2019

Dear Grand County Council, Moab City Council, city and county planners, and Landmark Consultants,

Thank you so much for all of your work on the current Moab Area Land Use planning project. It is difficult but so important. I've attended the two planning events with Landmark. Following are my comments.

I fully support option 5, called "No Growth" in Landmark planning documents. I think this title is quite misleading, and scared some people away from supporting it at the April 30 planning workshop. It is actually an option for no new overnight rentals, other than the 1100 or so new rooms already permitted but not yet built. It does not impact other types of growth, and in fact encourages other commercial, residential and community services growth. This was unclear, especially as the voluminous information on the growth options was not available to read before the workshop. I don't think there were bad intentions, and I don't want to look backwards, but I think it might have really skewed the opinions stated in the workshop. Everyone I've talked to in town thinks there are too many hotels, and that is without those already permitted and not built (which many people are not aware of). Traffic is horrid. Water use may be depleting our groundwater supply, but not all the information is in. I urge the Councils to not permit even one more overnight rental, whether hotel, motel, condo, campground, air b&b, or bed and breakfast. (And we need to stop advertising, but that may be a later discussion.)

Water availability is vital. Just how much water is used by overnight rentals, with showers, toilets, and landscaping, as well as sheets and blankets washed daily? We need to pause to more fully understand this and other factors relating to our water supply.

The compromises to option 5 that I would find most palatable would be to potentially allow very limited new overnight rentals sometime in the future. Because of the recent (and upcoming) overbuilding, I think there should be some number of years of no new overnight rental permits, perhaps with review of that policy every x number of years. The review could look at visitation trends, water supply, tourist impacts, traffic, etc., before deciding whether they would potentially allow some permits in the following years, until the next review.

I'm a little concerned about putting all new potential hotels on the north end of town. I don't really understand that strategy. It does nothing to improve traffic where it is worst on the north end of town, all of those visitors in the hotels will drive to breakfast and dinner downtown anyway, and it makes an ugly entrance to town. This strategy will drive up land prices in that zone, so no one will start restaurants or any other business there, as overnight rentals are most lucrative.

If any future overnight rentals are eventually allowed, I would be in favor of prioritizing smaller campgrounds or motels with a limited number of units, which would encourage and support local ownership.

If option 5 is not adopted, at the least the current "use by right" must be eliminated, with any future overnight rental permits only allowed by vote of the city or county councils.

Thank you for considering my comments.

Mary Moran

Highland Drive, Moab

## James D. McClanahan

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**From:** Moabkiley <moabkiley@gmail.com>  
**Sent:** Friday, May 03, 2019 8:26 AM  
**To:** moab@ldi-ut.com; MOab City Council; Grand County Council  
**Subject:** Moab Area Land Use

Thank you so much for all of your work on the current Moab Area Land Use planning project, I support Option 5.

Kiley Miller



## James D. McClanahan

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**From:** Grand County Council  
**Sent:** Monday, May 20, 2019 10:51 AM  
**To:** Zacharia Levine; Curtis Wells; Evan Clapper; Greg Halliday; Jaylyn Hawks; Mary McGann; Rory Paxman; Terry Morse  
**Cc:** Ruth Dillon  
**Subject:** FW: Follow on to moratorium

-----Original Message-----

From: Robert Greenberg <bobgmoab@gmail.com>  
Sent: Saturday, May 18, 2019 7:06 PM  
To: Grand County Council <council@grandcountyutah.net>; city-council@moabcity.org  
Subject: Follow on to moratorium

Hi,

With almost 1200 more rooms in the pipeline, I believe that there is wide consensus that we are at our visitor maximum for now. I urge you to support removing hotels, b&bs and other short-term rentals from all zones when the moratorium expires, at least until our infrastructure catches-up with our success, we develop solutions for some of the pressing problems now facing us and our community catches its breath. It will always be possible to open the subject again and consider allowing new short-term rental development in selected areas. However, if we continue to allow such development in any zone, once a project has started the permitting process it cannot be stopped.

Thank you for your consideration.  
Bob Greenberg

## James D. McClanahan

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**From:** Grand County Council  
**Sent:** Tuesday, May 14, 2019 4:49 PM  
**To:** Curtis Wells; Evan Clapper; Greg Halliday; Jaylyn Hawks; Mary McGann; Rory Paxman; Terry Morse  
**Cc:** Zacharia Levine; Chris Baird; Christina Sloan; Ruth Dillon; Tara Collins  
**Subject:** FW: Moratorium...

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**From:** Brett Sutteer <bsutteer@yahoo.com>  
**Sent:** Tuesday, May 14, 2019 11:53 AM  
**To:** City-Council@moabcity.org; moab@ldi-ut.com; Grand County Council <council@grandcountyutah.net>  
**Subject:** Moratorium...

Dear Planning Commission Members, City & County Council Members and Landmark Design planners,

I would like to thank you all for participating in this process to understand the needs & desires of our community. As a long term resident and business owner in the tourism industry I strongly feel we need to extend the moratorium on the construction of nightly rentals. Ushering in ever larger and more expensive structures seemingly every few months has created a MASSIVE footprint on our town with many complex ramifications for everyone living and vacationing here. With each additional large project our community is on the hook to provide that business with numerous services and resources that are in finite supply. In the past couple of decades we needed these types of developments, these jobs, and the money it brought to the community. It allowed Moab to evolve into a great small city that I'm proud to be a part of. Yet I feel we're now past the point of diminishing returns. With lodging already being such a huge component of our local economy I see the trickle-down from any new large (or small) developments adding little benefit to our community while only adding more headaches. We have an infrastructure imbalance. If we don't act aggressively now the result we Moab residents will further experience are: higher living expenses, more chaos with traffic, pollution, noise, dust, and other stressors; and these negative qualities will also be seen and experienced to a more noticeable degree by the visitors.

Every time I drive north of town past the Motel 6 I acknowledge how nice it is to have an open field where my view to the portal has largely remained unchanged from my arrival to this area 34 years ago. I've begun to rely too heavily on the notion that it might not get turned into another big parking lot surrounding another shiny structure to further remove the landscape from those of us--locals and tourists alike--who came here to be IN that landscape. Maintaining a quality of life experience in this area requires protecting the rusty clues to Moab's historical character--boom & bust. Therefore I support Landmarks' Option 5 of No Growth until our community can better perceive how to manage the many problems I mentioned above. After that deep breath of air, an eventual segue towards other sensible options would follow as we steer our community away from allowing the reckless sprint to pave every last chunk of dirt in the Moab valley.

Again, thank you for your consideration,

Brett Sutteer  
Owner  
Moab Cliffs & Canyons, Inc.



## James D. McClanahan

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**From:** Ruth Dillon  
**Sent:** Monday, May 20, 2019 2:51 PM  
**To:** Curtis Wells; Evan Clapper; Greg Halliday; Jaylyn Hawks; Mary McGann; Rory Paxman; Terry Morse  
**Cc:** Zacharia Levine; Bryony Chamberlain; Tara Collins; Chris Baird; Christina Sloan  
**Subject:** FW: Letter to Moab City and County Councils,

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**From:** Bryon Walston [mailto:mbwalston@hotmail.com]  
**Sent:** Monday, May 20, 2019 1:33 PM  
**To:** Ruth Dillon; city-council@moabcity.org  
**Subject:** Letter to Moab City and County Councils,

To Whom it may concern,

I writing this in regards to the prospective changes the county and city are contemplating in restricting Overnight rental/ motel or growth in the area of development. I believe Moab has a huge issue with affordable housing. We all know that. Relaxing zoning rules and encouraging development of housing projects with maybe some additional incentives will help in that area. We do have some relief in the future but it take some time to build the units.

We should not take away vested property rights from property owners citizens of our community and state. Restricting right of overnight development does nothing for the affordable housing. Motel and overnight rental are not the bad guys here. Every Aspect of the tourism Industry from the Gas stations , grocery stores to the Tour companies and to the Parks, add to the housing crisis. Our community will end up in Law Suits and negative controversy if you pass the restriction on new Motels including overnight rental developments. This would cause a price increase of the existing built facilities and a price decrease or a taking, in the empty or vacant commercial land values. We live in a free market system or society. The basic principle of economic "The law of supply and demand " works well in our system. We need to encourage more housing by taking away some restrictive zoning standards and regulation and not add more rules and regulations. By putting a crunch on new Motels does not help the lower end of affordable housing developments. Moab has the reputation among most developers of being the hardest city in the state of Utah to develop. This has been stated to me many times over the last few years. I am against any restriction of property rights including any down zoning of rights. There is a conceptual view in the community of "us verse them" towards our elected county and city officials. This is caused by them ( the council people) not listening to all the people but only to those in their progressive circles. We have create this situation in which we are in now by advertising to the world " Come to Beautiful Moab and enjoy" . We are in a housing crisis. Let not make the situation worse by taking rights from the people and causing more strife in the lives of our people. There are many things that could be done to solve this crisis. I applaud the Overlay zone and the PAD ordinances. These are a good start. Projects like the 41 acres for development of the Arroyo Crossing will help with around 300 affordable homes. Help these projects go forth smoothly and in a efficient timely manner. Lets work with the developers not make them mad at us.

Bryon Walston Moab Premier Properties broker owner

## James D. McClanahan

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**From:** Grand County Council  
**Sent:** Monday, May 13, 2019 3:44 PM  
**To:** Ruth Dillon; Zacharia Levine; Curtis Wells; Evan Clapper; Greg Halliday; Jaylyn Hawks; Mary McGann; Rory Paxman; Terry Morse  
**Subject:** FW: No overnight rental growth

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**From:** Carol Mayer <mtwcarol440@gmail.com>  
**Sent:** Monday, May 13, 2019 7:59 AM  
**To:** editor@moabsunnews.com  
**Cc:** Grand County Council <council@grandcountyutah.net>; city-council@moabcity.org  
**Subject:** No overnight rental growth

In a recent National Public Radio KZMU story by Molly Marcello on TRT spending, she detailed the following statistics:

“Per a Legislative Audit there are 10,400 people living Grand County and 3 million visitors per year, equalling 2.4 tourists for every permanent resident.”

My unofficial research in February of this year showed the city and county have approximately 3900 units devoted to nightly rentals with another 1030 in various stages of construction from permit to near completion. An interesting fact never mentioned is that a “unit” can house an amazing amount of people...1-12 usually. Even if we average the capacity of a “unit” at five, the 3900 units that are already in business can house 19,500 visitors. Adding an average of five visitors to each of the future short term rental units, means an additional 5,150 folks that can visit the Grand County side of the valley for a total of 24,650 **PER NIGHT**. I have no idea how the current 3 million visitors are actually calculated but if we do not throw our weight behind Landmark’s Option 5 - **NO OVERNIGHT RENTAL GROWTH** to be presented to the city and county councils, we will, in the not too distant future, wish for the good ‘ole days of only 2.4 more visitors than each and every one of us living in this valley.

If we do not stop building overnight rentals, the hope of creating a balance between a tourist based economy and those services aimed at stabilizing a healthy financial system for local residents will never happen because:

- 1) Overnight rentals are a much bigger bang for the property owners’ and developers’ bucks than building commercial suites/buildings for dry cleaners, dentists, day care centers and other non-tourist aimed products and services.
- 2) Instead of concentrating our efforts on the creation of a) non-tourist centered jobs with living wages and b) affordable homes for those worker to buy or rent, we will continue just importing workers from outside the city, state and/or country to fill all the additional low wage jobs it will take to service the increased tourist load and providing them with “bunkhouse” style living to get the most workers into the least space.
- 3) Traffic, parking, crowded eateries and grocery stores, law enforcement shortages, National Park overcrowding, amusement park-like congestion on our famous trails, noise, pollution, etc., will make life not worth living here any more.

Carol Mayer  
444 Rosetree Ln

## James D. McClanahan

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**From:** Stephanie Danielle Hamborsky <steph.hamborsky@utexas.edu>  
**Sent:** Tuesday, May 07, 2019 12:28 PM  
**To:** moab@ldi-ut.com; Grand County Council; city-council@moabcity.org  
**Subject:** Comments for Moab Area Land Use

Hello all,

I believe the City of Moab and Grand County should adopt option #5, the no growth model with a focus on developing community nodes. We desperately need more community services, and we simply do not need more accommodations for tourists. Several hotels, the massive conference center in town, and the USU campus are already in the pipeline. Any additional growth would suffocate our City/County and further push locals away from the idea of establishing a sustainable, engaged community. We can adapt to tourism in different ways.

Our advertising through the Travel Council should be focused on reducing impact on our area and educating tourists about cryptobiotic soil, water scarcity, and other delicate aspects of our unique environment. Continuing to build any more accommodations, even if they are limited to a particular area, is not a priority for me as a 25 year old considering staying in Moab long term if the tourism doesn't continue to drown the character of our community.

Thank you for all of the hard work you all are doing! It warms my heart to know that the City and County do really care about the voices in our community.

Best,

--

**Stephanie D. Hamborsky**

2019 Red Rock Street Festival Coordinator  
Resiliency Hub Board Member  
Moab Pride Steering Committee Member

Call/text (281) 793-6688

## James D. McClanahan

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**From:** Wayne Y Hoskisson <wyh@xmission.com>  
**Sent:** Tuesday, May 07, 2019 12:49 PM  
**To:** Zacharia Levine; Kenny Gordon  
**Subject:** Comments on the Moab Area Land Use Plan

### Comments on the Moab Area Land Use Plan

Growth in Moab is deceptive. Our resident population is growing slowly but aspects of our economy do not follow that growth. We are experiencing a large rate of growth in short term rentals and this distorts our community in many ways. For background we need to keep in mind the Moab General Plan which states,

"While the City is growing, there is an increasing desire to keep our small-town atmosphere. The people that live here choose to reside here because of the amenities of the area. The character of Moab is also important to people looking to relocate in the area. Preserving small-town values is of the highest priority for many Moab residents, and anything that affects local neighborhoods or Moab's atmosphere has heightened importance to those who live in the community."

Additionally a goal of our General Plan states, "Maintain Moab's small town character." Moab also recognizes a the need for economic sustainability by stating the elements for a good general plan which includes, "Element 2 - Environmental Sustainability Outlines the role of the City in addressing impacts on the environment and the quality of life for current and future residents."

The presentation by Landmark Design noted that construction of overnight lodging continues because the demand continues to increase. Currently this is true but it is the result of a taxpayer funded drive to increase the number of visitors. Yet current experience also indicates that the growth negatively impacts our community. I have personally experienced this with stop-and-go traffic starting starting near the Potash Road when returning to Moab more than once this year. With my brother and his family we experienced a thirty minute wait time to enter Arches NP. I have exited US 191 at 500 West to avoid traffic jams on Main Street with varying levels of success.

As part of this land use plan we should also consider the relationship of Moab and Grand County with Arches NP. Both of our governments should be an active partner in helping Arches NP maintain its purposes. The Organic Act for the National Park Service gives the following direction to the NPS.

"The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

Anyone who has visited Arches NP multiple times over several decades cannot ignore the changes that have happened within the Park. Values such as solitude or even minimal presence of others has largely disappeared in the last twenty years. Yet we continue to advertise Delicate Arch with photographs showing no one there. Parking lots have increased in size yet parking can be difficult to find at times. Personally I would love to have kept my first experience at Arches around sixty years ago the same for current visitors. I feel we have in fact seen the opposite of "unimpaired for the

enjoyment of future generations." Perhaps we cannot return to the past but we have no good reason to continue the trend away from a natural landscape to an increasingly crowded landscape.

Visitors now experience traffic jams, long waiting lines to enter Arches, long wait times to get into restaurants, and crowded sidewalks.

In 1958 John Kenneth Galbraith published *The Affluent Society*. For this long we have known that our economic growth has not resulted from the meeting of needs for survival and wellbeing but rather the satisfaction of manufactured or created needs. In our unfortunate situation we have created the desire to visit the Mighty Five, our most prominent National Parks. Our success created problems many did not anticipate. In stead of damping the process of attracting visitors we doubled down on pushing for increased tourism. We have done this with tax dollars. We have a kind of socialized tourist industry. I sense in some a feeling of powerlessness in the face of this ever increasing and impactful industry. Our local newspapers headline the problems frequently. We do not deed to continue manufacturing an ever increasing level of visitation.

Our community needs to bring some control to our destiny. While cannot prohibit visitors we do not need to press for ever more visitors. We are distorting our community in a single direction which makes living here more expensive and more difficult.

In reviewing the options presented by Landmark Design the fifth option seems clearly the one that could stop the economic distortion towards what is likely unsustainable. The forth option with a small overlay zone on the north end of Moab could be helpful. Overlay zones are one tool that could be useful to keep visitation within reasonable bounds.

There are other tools available.

Size of overnight rentals could be restricted by height codes, number of rooms constructed, and restrictions on the number of rooms in a structure with requirements for open space and landscaping.

We also need to make sure our lighting code is adequate to retain our dark skies.

Our community should create event free weekends perhaps as often as each month. Preference should be given to locally organized events. Depending on the kind of event the number of participants may need to be restricted. Events with a long history of local organizing should be recognized and accommodated.

Please forward my comments to the Grand County Planning Commission.

Wayne Y Hoskisson  
PO Box 14  
Moab, UT 84532  
(435) 260-9045  
[wyh@xmission.com](mailto:wyh@xmission.com)

**James D. McClanahan**

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**From:** Dale Harris <dwy4me@yahoo.com>  
**Sent:** Friday, May 17, 2019 1:28 PM  
**To:** Zacharia Levine  
**Subject:** Moab/Grand County land use plan

To Whom It May Concern:

We are writing to express our concern about policy changes that are being considered regarding overnight accommodation options in Moab City and Grand County.

We strongly believe that Moab City policy must be different than the policy governing areas in Grand County that fall outside of Moab. While we recognize the need to amend existing policy in Moab, property within Grand County that is outside of Moab is significantly different in circumstance. Any changes in Grand County policy need to be evaluated and considered independent of Moab City.

As natives of this region, we appreciate the conservation efforts that have been and are being made in Grand County. With that said we believe the rights of property owners within Grand County must be protected to the greatest extent possible. We expect that any change in policy be done only to remedy existing problems. Certainly, policy that restricts property rights, regardless of degree, must not be made based on speculation of potential problems.

Overnight accommodation in Grand County, in general, benefits Grand County, chiefly Moab. Rather than aligning all of Grand County overnight accommodation with Moab City policy, perhaps we should consider policy that will encourage property owners outside of Moab to support overnight accommodation thus lessening the current negative impact taking place in Moab while ensuring the positive impact of tourism on Grand County continues.

Sincerely,

Dale and Linda Harris  
(435) 559-0536

## James D. McClanahan

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**From:** Grand County Council  
**Sent:** Monday, May 20, 2019 10:48 AM  
**To:** Zacharia Levine; Curtis Wells; Evan Clapper; Greg Halliday; Jaylyn Hawks; Mary McGann; Rory Paxman; Terry Morse  
**Cc:** Ruth Dillon  
**Subject:** FW: URGENT

-----Original Message-----

From: Dan Kent <earthnut6@gmail.com>  
Sent: Friday, May 17, 2019 5:15 PM  
To: Grand County Council <council@grandcountyutah.net>  
Subject: URGENT

Apologies for the hastiness here, because i so appreciate those of you willing to take action to defend our town from the onslaught of corporatized industrial tourism, if we can...

I work in the backcountry documenting threatened and endangered species (35 years now). It has never been a sadder time to live in Moab as i watch the expanding circle of impacts from ignorant and/or insensitive people destroying our fragile and beautiful canyons at an exponentially increasing rate. We need immediate triage, something even Curtis Wells was publicly recognizing before his chain got jerked by his filthy rich masters, or whatever... still time for you to do good, Curtis!

I agree we need to diversify the economy, which is why i got out of tourism back in 1989 when i saw what it would do to the canyons- not to mention our town, which is more of a corporate controlled, non-resident town servicing tourists and the rich with low-wage, undocumented labor.

A town of servants to the frolicking rich is what we are becoming. Last chance to be brave and bold and take serious action to STOP THE ADVERTISING AND MOTEL OWNER driven wasting of my home town!

YOU GUYS are who we've been waiting for! Now is the moment to take the heat from the State and the poser out of town rip-off artists like Colin Fryer and just say no to more tourists!!! Not that our economy will be free of them- just higher value, with a filter, please! People don't get to see the Sistine Chapel if they aren't willing to follow the rules and minimize their impact. No better way to do that then by

- stopping advertising by redirecting or refusing TRT's
- outlawing off-road rec vehicles from our town (and, ultimately, public lands!)
- CAPPING OVERNIGHT ACCOMODATIONS, the way option 5 spells out.

I personally want our small rural town back and want to go much more extreme, banning all renters and sellers of side by sides and keep them off our streets, as they are in most places, but anyone with a brain can see Moab has totally lost it in pursuit of tourist bucks.

MONEY IS THE PROBLEM. We have plenty of it, but thinly distributed in low wage jobs and siphoned off by Maverick, Hilton, et.al.

Please, keep Moab a real town, not a fake, over-run, corporate caricature of itself, like Park City, Springdale, Vail, Aspen, Telluride, Breckenridge. There is nothing like Moab. You must defend it if you want it to exist. I will be happy to see my tax dollars, lots of them, defending your decisions to defend our town. We are under assault, by the State, by SITLA, by Fryer and his ilk, by corporate accommodations and mororized recreation. Believe me, from a backcountry perspective, Moab's tourism plague is metastasizing. We have to be bold and fight those destroying and Disnifying the experience if we want a home worth living in!

Thank you for having vision and going big!

Dan Kent



## James D. McClanahan

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**From:** David Everitt <deveritt@moabcity.org>  
**Sent:** Tuesday, May 07, 2019 2:34 PM  
**To:** moab@ldi-ut.com  
**Cc:** Zacharia Levine  
**Subject:** Fwd: Option 5

Begin forwarded message:

**From:** "'dee gulledge' via City Council" <[city-council@moabcity.org](mailto:city-council@moabcity.org)>  
**Subject:** Option 5  
**Date:** May 7, 2019 at 1:33:08 PM MDT  
**To:** [city-council@moabcity.org](mailto:city-council@moabcity.org)  
**Reply-To:** dee gulledge <[deegull@icloud.com](mailto:deegull@icloud.com)>

I do not have anything enlightning to add to this educational process that has not already been said! Given the congestion of the last four weeks, I would like to encourage option number five. I Believe it is imperative that we develop a plan to improve our infrastructure before we commit to any more nightly rental accommodations of any classification. I am aware that option 5 may seem improbable and unconventional, but drastic times take drastic solutions . Make moab unconventional!

dee gulledge  
[1084 North Kayenta Dr.](#)  
[Moab](#)

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You received this message because you are subscribed to the Google Groups "City Council" group.

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To post to this group, send email to [city-council@moabcity.org](mailto:city-council@moabcity.org).

To view this discussion on the web visit <https://groups.google.com/a/moabcity.org/d/msgid/city-council/1CD218AD-0467-4923-B096-5B322D5A81AD%40icloud.com>.

## James D. McClanahan

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**From:** Dennis Silva <dennissilva99@gmail.com>  
**Sent:** Friday, May 03, 2019 8:46 AM  
**To:** moab@ldi-ut.com; Zacharia Levine; Grand County Council; city-council@moabcity.org  
**Subject:** Workshop Moab

Thank you Grand County Council, Economic Development Office staff and Grand County Planning Commission for your work in this process.

Thank you Moab City Council and the Mayor and your planning staff for your work in this process as well.

Thank you Landmark Design for professional consultation.

The April 30th workshop may have helped gain the public's perspective on future city/county overnight rental development. It may be biased considerably right now due to the heading on Option #5.

There are hundreds of additional rooms about to be started or completed soon. To me labeling option #5 as "No Growth" lead the public to perceive that option as rather radical and unreasonable. I don't think it is at all. I hope #5 option could be presented differently in the future.

I don't know how many overnight accommodation rooms will be completed soon or are already approved. However I think when we are considering option #5 it should be clarified how many additional overnight accommodation rooms are already approved and how many residential and other commercial projects are approved.

I would hope in any newly adopted land use codes the city and county councils would be required to vote on any new overnight rental or hotel development proposal and the use by right in the commercial zone for hotels and overnight accommodations is changed.

If a version of option #4 were to be adopted the northern corridor commercial development could be limited to shops and restaurants, not new overnight accommodations. We could extend the walking traffic from the current downtown all the way to the river (wouldn't that be cool?), eliminate the overnight tractor trailer parking that occurs there now, and slow the traffic down immediately south of the Colorado River bridge. (A traffic bypass is being considered by UDOT for vehicles wishing to get around our slowed traffic through town; if this happens, we can be creative.)

As well, I hope the public will be made aware of the approximate additional water use that will occur with the current approved development(overnight accommodations and residential/commercial).

Thank you all very much. I am proud to have you as my representatives as staff, elected officials and commission members.

Dennis Silva  
[dennissilva99@gmail.com](mailto:dennissilva99@gmail.com)

## James D. McClanahan

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**From:** Zacharia Levine  
**Sent:** Tuesday, May 07, 2019 2:26 PM  
**To:** Kenny Gordon  
**Subject:** FW: Online Form Submittal: E-mail Us - Planning

Can you put this into the comments folder?

Best,

Zacharia Levine  
[Community and Economic Development Director](#)  
Grand County, UT

435-259-1371  
[zlevine@grandcountyutah.net](mailto:zlevine@grandcountyutah.net)

125 E. Center St.  
Moab, UT 84532

**From:** Nora Shepard <nshepard@moabcity.org>  
**Sent:** Tuesday, May 7, 2019 1:23 PM  
**To:** Zacharia Levine <zlevine@grandcountyutah.net>; David Everitt <deveritt@moabcity.org>  
**Subject:** Fwd: Online Form Submittal: E-mail Us - Planning

I just got this today. Passing it along.

*Nora Shepard, AICP  
Planning Director  
City of Moab  
217 E. Center St.  
Moab, UT 84532  
(435) 259-5129*

----- Forwarded message -----

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com) <[noreply@civicplus.com](mailto:noreply@civicplus.com)>  
**Date:** Tue, May 7, 2019 at 12:56 PM  
**Subject:** Online Form Submittal: E-mail Us - Planning  
**To:** <[planner@moabcity.org](mailto:planner@moabcity.org)>, <[compliance@moabcity.org](mailto:compliance@moabcity.org)>, <[inspections@moabcity.org](mailto:inspections@moabcity.org)>

If you are having problems viewing this HTML email, click to view a [Text version](#).

### E-mail Us - Planning

Please type your question or comment here: Comments on the Moab Area Land Use Plan Growth in Moab is deceptive. Our resident population is growing slowly but aspects of our economy do not follow that growth. We are experiencing a large rate of growth in short term rentals and this distorts our community in

many ways. For background we need to keep in mind the Moab General Plan which states, "While the City is growing, there is an increasing desire to keep our small-town atmosphere. The people that live here choose to reside here because of the amenities of the area. The character of Moab is also important to people looking to relocate in the area. Preserving small-town values is of the highest priority for many Moab residents, and anything that affects local neighborhoods or Moab's atmosphere has heightened importance to those who live in the community." Additionally a goal of our General Plan states, "Maintain Moab's small town character." Moab also recognizes a the need for economic sustainability by stating the elements for a good general plan which includes, "Element 2 - Environmental Sustainability Outlines the role of the City in addressing impacts on the environment and the quality of life for current and future residents." The presentation by Landmark Design noted that construction of overnight lodging continues because the demand continues to increase. Currently this is true but it is the result of a taxpayer funded drive to increase the number of visitors. Yet current experience also indicates that the growth negatively impacts our community. I have personally experienced this with stop-and-go traffic starting starting near the Potash Road when returning to Moab more than once this year. With my brother and his family we experienced a thirty minute wait time to enter Arches NP. I have exited US 191 at 500 West to avoid traffic jams on Main Street with varying levels of success. As part of this land use plan we should also consider the relationship of Moab and Grand County with Arches NP. Both of our governments should be an active partner in helping Arches NP maintain its purposes. The Organic Act for the National Park Service gives the following direction to the NPS. "The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." Anyone who has visited Arches NP multiple times over several decades cannot ignore the changes that have happened within the Park. Values such as solitude or even minimal presence of others has largely disappeared in the last twenty years. Yet we continue to advertise Delicate Arch with photographs showing no one there. Parking lots have increased in size yet parking can be difficult to find at times. Personally I would love to have kept my first experience at Arches around sixty years ago the same for current visitors. I feel we have in fact seen the opposite of "unimpaired for the enjoyment of future generations." Perhaps we cannot return to the past but we have no good reason to continue the trend away from a natural landscape to an increasingly crowded landscape. Visitors now experience traffic jams, long waiting lines to enter Arches, long wait times to get into restaurants, and crowded sidewalks. In 1958 John Kenneth Galbraith published *The Affluent Society*. For this long we have known that our economic growth has not resulted from the meeting of needs for survival and wellbeing but rather the satisfaction of manufactured or created needs. In our unfortunate situation we have created the desire to visit the Mighty Five, our most prominent National Parks. Our success created problems many did not anticipate. In stead of damping the process of attracting visitors we doubled down on pushing for increased tourism. We have done this with tax dollars. We have a kind of socialized tourist industry. I sense in some a feeling of powerlessness in the face of this ever increasing and impactful industry. Our local newspapers headline the problems frequently. We do not deed to continue manufacturing an ever increasing level of visitation. Our community needs to bring some control to our destiny. While cannot prohibit visitors we do not need to press for ever more visitors. We are distorting our community in a single direction which makes living here more expensive and more difficult. In reviewing the options presented by Landmark Design the fifth option seems clearly the one that could stop the economic distortion towards what is likely unsustainable. The forth option with a small

overlay zone on the north end of Moab could be helpful. Overlay zones are one tool that could be useful to keep visitation within reasonable bounds. There are other tools available. Size of overnight rentals could be restricted by height codes, number of rooms constructed, and restrictions on the number of rooms in a structure with requirements for open space and landscaping. We also need to make sure our lighting code is adequate to retain our dark skies. Our community should create event free weekends perhaps as often as each month. Preference should be given to locally organized events. Depending on the kind of event the number of participants may need to be restricted. Events with a long history of local organizing should be recognized and accommodated. Comments on the Moab Area Land Use Plan Growth in Moab is deceptive. Our resident population is growing slowly but aspects of our economy do not follow that growth. We are experiencing a large rate of growth in short term rentals and this distorts our community in many ways. For background we need to keep in mind the Moab General Plan which states, "While the City is growing, there is an increasing desire to keep our small-town atmosphere. The people that live here choose to reside here because of the amenities of the area. The character of Moab is also important to people looking to relocate in the area. Preserving small-town values is of the highest priority for many Moab residents, and anything that affects local neighborhoods or Moab's atmosphere has heightened importance to those who live in the community." Additionally a goal of our General Plan states, "Maintain Moab's small town character." Moab also recognizes a the need for economic sustainability by stating the elements for a good general plan which includes, "Element 2 - Environmental Sustainability Outlines the role of the City in addressing impacts on the environment and the quality of life for current and future residents." The presentation by Landmark Design noted that construction of overnight lodging continues because the demand continues to increase. Currently this is true but it is the result of a taxpayer funded drive to increase the number of visitors. Yet current experience also indicates that the growth negatively impacts our community. I have personally experienced this with stop-and-go traffic starting starting near the Potash Road when returning to Moab more than once this year. With my brother and his family we experienced a thirty minute wait time to enter Arches NP. I have exited US 191 at 500 West to avoid traffic jams on Main Street with varying levels of success. As part of this land use plan we should also consider the relationship of Moab and Grand County with Arches NP. Both of our governments should be an active partner in helping Arches NP maintain its purposes. The Organic Act for the National Park Service gives the following direction to the NPS. "The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." Anyone who has visited Arches NP multiple times over several decades cannot ignore the changes that have happened within the Park. Values such as solitude or even minimal presence of others has largely disappeared in the last twenty years. Yet we continue to advertise Delicate Arch with photographs showing no one there. Parking lots have increased in size yet parking can be difficult to find at times. Personally I would love to have kept my first experience at Arches around sixty years ago the same for current visitors. I feel we have in fact seen the opposite of "unimpaired for the enjoyment of future generations." Perhaps we cannot return to the past but we have no good reason to continue the trend away from a natural landscape to an increasingly crowded landscape. Visitors now experience traffic jams, long waiting lines to enter Arches, long wait times to get into restaurants, and crowded sidewalks. In 1958 John Kenneth Galbraith published *The Affluent Society*. For this long we have known that our economic growth has not resulted from the meeting of needs for survival and wellbeing but rather the satisfaction of manufactured or created needs. In our unfortunate situation we have created the

Send an e-mail to: \* ☐ Mona Pompili ☒ Nora Shepard  
☐ Barry Ellison  
Please enter your [wyh@xmission.com](mailto:wyh@xmission.com) email address. \*

View any uploaded files by [signing in](#) and then proceeding to the link below:  
<http://moabcity.org/Admin/FormHistory.aspx?SID=833>

Please type your question or comment here::  
Comments on the Moab Area Land Use Plan

"While the City is growing, there is an increasing desire to keep our small-town atmosphere. The people that live here choose to reside here because of the amenities of the area. The character of Moab is also important to people looking to relocate in the area. Preserving small-town values is of the highest priority for many Moab residents, and anything that affects local neighborhoods or Moab's atmosphere has heightened importance to those who live in the community."

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In reviewing the options presented by Landmark Design the fifth option seems clearly the one that could stop the economic distortion towards what is likely unsustainable. The forth option with a small overlay zone on the north end of Moab could be helpful. Overlay zones are one tool that could be useful to keep visitation within reasonable bounds.

There are other tools available.

Size of overnight rentals could be restricted by height codes, number of rooms constructed, and restrictions on the number of rooms in a structure with requirements for open space and landscaping.

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## Comments on the Moab Area Land Use Plan

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I would like to send a copy of my comments on the Moab Area Land Use Plan to you and the Planning Commission. How can I do that?

Send an e-mail to: Nora Shepard

Please enter your email address.: [wyh@xmission.com](mailto:wyh@xmission.com)

Additional Information:

Form submitted on: 5/7/2019 12:56:53 PM

Submitted from IP Address: 74.213.205.163

Referrer Page: <https://moabcity.org/Directory.aspx?did=9>

Form Address: <http://moabcity.org/Forms.aspx?FID=69>

## James D. McClanahan

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**From:** Peter Panizzutti <1mtsclimb@gmail.com>  
**Sent:** Tuesday, May 07, 2019 2:59 PM  
**To:** Kenny Gordon  
**Subject:** Fwd: Moab land use and development

----- Forwarded message -----

From: **Peter Panizzutti** <[1mtsclimb@gmail.com](mailto:1mtsclimb@gmail.com)>  
Date: Tue, May 7, 2019 at 1:46 PM  
Subject: Moab land use and development  
To: <[moab@ldi-ut.com](mailto:moab@ldi-ut.com)>

Dear Moab Leaders,

My wife and I own a residential lot just north of Old City Park on Solar Terrace. Currently there is no structure on the property, but we hope to build our future home there within the next year or so. We plan to live in Moab year round, now that we are both retired. We've been visiting Moab for a number of decades ( myself, since 1978) and have seen how things have changed over the years. Unfortunately, we would have to agree that in general, the changes have not been positive. We thought we should express our feelings about the future course of the city, since we are planning on being future full-time residents and will have to live with the consequences of your impending decisions for the rest of our lives.

First, when you're in a hole, the first thing to do is to stop digging. The current situation that Moab finds itself in is the result of the overwhelming success of its advertising campaign. Stop advertising southern Utah! By this point, word of mouth will continue to bring in additional visitors. Advertising just turbo charges the influx. Stop it!

Second, there should not be anymore overnight residential accommodations. Right now there are three overnight residential accommodations within a quarter mile of our future home. And this area is supposed to be residential! If someone wants to rent out their home to others, it should not be for less than three months; better yet, six months. Something of this nature could conceivably alleviate some of the housing shortages that plague seasonal workers trying to find a place to stay.

Third, there should not be anymore new hotels, RV parks, or campgrounds built in Moab. We believe a more practical approach to house the ever-increasing number of visitors is have new hotels, motels, RV parks, and campgrounds built at Crescent Junction. There is plenty of land there to accommodate this growth, unlike in Moab. This solution is a win/win approach for everyone. These newly built accommodations would still fill with the tourists that visit Moab. They would also receive additional business from people who are just passing through on I-70. Crescent Junction is close enough that people can still drive into Moab. As an additional bonus, it's even closer to Green River, Utah. This could bring additional money and business to Green River, providing economic stimulus to that town. This would alleviate some of the congestion in Moab. With new accommodations at Crescent Junction, it's a good bet that restaurants would follow suit. Again alleviating some of the congestion in Moab at dining establishments

Furthermore, logistics might be practical that a shuttle service could be initiated between Crescent Junction and Moab, thus diminishing the necessity for visitors to drive into town. Once again, alleviating congestion.

We believe that this solution is a good fit for the community of Moab, as well as that of Green River. It would free up some housing for the residents of Moab. It would increase the accommodations for the visitors (albeit, not in town) and it will alleviate some of the congestion by creating a new hub of activity by I-70.

We hope that you give our suggestions serious consideration. Moab is a beautiful place! We shouldn't allow it to get ruined by no holds barred development. Although we can't change the past, we do have the power to change the future. Please do the right thing. Thank you!

Sincerely,

Future residents of Moab,

Peter & Cathy Panizzutti

8103 Stone Road  
Independence, Ohio 44131

216 906-9304

[1mtsclimb@gmail.com](mailto:1mtsclimb@gmail.com)



Virus-free. [www.avast.com](http://www.avast.com)

## James D. McClanahan

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**From:** Carol Mayer <mtwcarol440@gmail.com>  
**Sent:** Tuesday, March 26, 2019 5:12 PM  
**To:** moab@ldi-ut.com  
**Cc:** city-council@moabcity.org; Grand County Council  
**Subject:** Hotel Moratorium and other topics

To All Concerned:

I am unable to attend either of the Open Houses in order to speak on the important topics to be discussed. Hopefully there will be a large group that will be there sharing their desires for a means to slow and diversify growth in Moab and Grand County.

Growth at this breakaway pace will more than likely forever (not just the next year or five) change the lives in this region:

- 1) the quiet of nature (which a lot of local residents desire) is now and will be massively interrupted by the unchecked increase of motorized vehicles
- 2) city, county and backcountry roads and trails will be even more impacted than they are today
- 3) infrastructure (energy, water, sewer, garbage, etc) will be negatively impacted and require major improvements
- 4) lack of year-round residential housing (for year-round residents) does and will continue to deter a healthy and diversified population
- 5) lack of non-service industry employment contributes to #4
- 6) lack of benefitted, living wage positions contributes to #4
- 7) local schools, medical facilities, non-tourism related businesses and services will suffer from rising costs to live in Moab
- 8) air quality, water quality and quantity are issues to be seriously dealt with against the number of potential consumers in the valley
- 9) damage to the quality of life in areas that we cannot yet imagine (foresight) is on the horizon.
- 10) LACK OF BALANCE IS OUR DILEMMA

We as a community are heading in the wrong direction. As a tourist destination we are heading in the wrong direction. If unbridled growth is allowed to continue as it has in the last 5 years neither Moab nor Grand County will be a good place to live or recreate. We are allowing local and out of town/state corporations and developers tell us what we need, if not what WE MUST do. As hard as it will be to say “no”, “no, not now” and “no, not ever”, we as a community must begin to make choices that benefit more of the bottom line for all and not just the financial bottom line. I trust that all of you will weigh carefully the pros and cons of runaway growth in this tourist heavy economy under which we are saddled. No one wants the balloon to bust. Please decide on ways whereby the balloon can stay comfortably in the air and be appealing to all.

Carol Mayer  
444 Rosetree Ln  
Moab

## James D. McClanahan

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**From:** Rachel Moody <rachel@moabreco.com>  
**Sent:** Tuesday, May 14, 2019 4:50 PM  
**To:** Zacharia Levine; Joel Linares; Becky Wells (Becky@MoabByrdCo.com)  
**Cc:** MV Workbook Pro; city-council@moabcity.org; nshepard@moabcity.org; Grand County Council  
**Subject:** RE: Approved Overnight Accommodations  
**Attachments:** SKM\_C30819051311592.pdf

Hello All,

I come to you as a strong advocate for affordable housing, housing solutions, protection of residential zones, as well as a fair minded business woman, an advocate for small business, a long term expert in Moab's commercial/downtown district - especially mixed use, entrepreneurial growth, and compromise. I thank you for taking the time to consider my comments.

Has the City, County and Landmark put together the existing and entitled/vested nightly lodging units onto a map? I believe this map is vital to the conversation and I would really like to see it in a map form. I have attached a map we use in my Real Estate brokerage to educate consumers on where nightly rentals are allowed. This map is covering the nightly rental townhome complexes, not the few small homes and few small complexes that are scattered and not typically represented in our sales market.

When Grand County removed nightly lodging from the residential zones in 2008, they created an overlay for the complexes that had a majority of rentals (versus full-time residences) - these rentals started in the late 1990's. These complexes include Rim Village, Coyote Run, Solano Vallejo, Puesta del Sol, etc. I understand the dire need to curb further lodging developments, but I find it fair compromise to allow these developments to continue with their historic zoning.

I would also like to personally encourage the allowance of the complexes in the City with current over-night lodging use (such as Moab Springs Ranch, Entrada, Cottonwoods at Williams Way, etc., in addition to the above) to have quiet enjoyment of the over-night lodging zoning as entire complexes, rather as spot-zones or grandfathered individual units. I believe the complexes should be equal rather than disparaging values from one unit to the next.

I have a personal interest in the Cottonwoods at Williams Way. My small rental business is incredibly important to me, my daughter and our future in Moab. The majority of these rental townhomes throughout the City and County are small businesses - for locals and second homeowners alike. There are so many human beings with financial plans and small businesses that would suffer from losing their businesses. I would like to remove the talk of sun-setting the grandfathered rentals from the conversation completely. It is not logical to assume that sun-setting the grandfathered units will create local housing, in reality, it will create a real estate market crash with a loss of a multitude of jobs, businesses and tax revenue.

Please make wise policy decisions that will not jeopardize our precious local control and regulation on short term rentals.

I request that this correspondence be forwarded to all City and County Planning Commission members.

With respect, Rachel Moody

**RACHEL MOODY**, Realtor, CRS, ABR, SRS  
PRINCIPAL BROKER/OWNER

**REAL ESTATE COMPANY OF MOAB**

*Committed to Your Future*

50 East Center Street

Moab, UT 84532

(435) 260-8245 Cellular

(435) 259-0150 Office

(435) 259-0152 Facsimile

[Rachel@MoabReCo.com](mailto:Rachel@MoabReCo.com)

[www.MoabReCo.com](http://www.MoabReCo.com)

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**From:** Zacharia Levine [mailto:[zlevine@grandcountyutah.net](mailto:zlevine@grandcountyutah.net)]

**Sent:** Friday, May 03, 2019 9:17 AM

**To:** Rachel Moody <[rachel@moabreco.com](mailto:rachel@moabreco.com)>

**Subject:** FW: Approved Overnight Accommodations

You asked for info on vested development projects in the lodging sector. Let me know if you have questions after looking at the below e-mail I sent to the economic sub-consultant.

Best,

Zacharia Levine, AICP\*

Community *and* Economic Development Director

Grand County, UT

435-259-1371

[zlevine@grandcountyutah.net](mailto:zlevine@grandcountyutah.net)

[www.grandcountyutah.net](http://www.grandcountyutah.net)

\*American Institute of Certified Planners (AICP)

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**From:** Zacharia Levine

**Sent:** Wednesday, May 1, 2019 5:26 PM

**To:** David Everitt <[deveritt@moabcity.org](mailto:deveritt@moabcity.org)>

**Subject:** Fwd: Approved Overnight Accommodations

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Zacharia Levine <[zlevine@grandcountyutah.net](mailto:zlevine@grandcountyutah.net)>

Date: 4/29/19 2:03 PM (GMT-07:00)

To: Teresa Pinkal <[teresa@lewisyoung.com](mailto:teresa@lewisyoung.com)>

Cc: JD McClanahan <[jdmccclanahan@grandcountyutah.net](mailto:jdmccclanahan@grandcountyutah.net)>, Kaitlin Myers <[kmyers@grandcountyutah.net](mailto:kmyers@grandcountyutah.net)>

Subject: RE: Approved Overnight Accommodations

Teresa –

Take a look at the below and let me know if you are clear on it. We can talk quickly this afternoon to ensure you're clear.

Here is the information from the Travel Council as of January 29, 2019 (inclusive of City and County, but not all vested but unfinished units):

Hotel rooms (**This figure includes the HooDoo, but none of the other vested hotels within City limits**) 2586

Overnight Rentals ( does not include Property Management) 127

Property Management ONR 350

Guest Houses 45

Private RV Spots 787

In addition to the above, the following is true for unincorporated Grand County. You will need to consult the City of Moab to get a current snapshot of development activity within City Limits (ie. Vested but unbuilt units)

- Red Cliffs Condos – An additional 12 unit building was recently completed and a C/O granted on each unit.
  - The CED office has not signed off on STR land use permits or business licenses yet, but the owner/developer has the paperwork in-hand as of this week.. It is unclear how many units will request approval and licensure for use as STRs, but almost all other RCC units are currently used as STRs.
- Sage Creek Condos – 108 units (under construction)
  - As with the above, it is unclear how many units will request approval and licensure for use as STRs, but the CED office expects the vast majority to submit requests.
- Rim Vista/Village – An additional 50 or so STRs will come online soon (vested, development approved and under construction in phases)
- Wyndham Wingate Hotel – 120 rooms (under construction)
- Seven Mile RV Park – 60 new RV sites (vested – application submitted)
- Kane Creek Campground – 32 new RV sites (vested – application submitted)
- Hotel adjacent to Dowd Flats RV Park – 82 rooms proposed (vested – site plan submitted but not yet approved)
- Radisson Hotel (at former Knutsons property) – 100 rooms proposed (vested – site plan submitted but not yet approved)
- Ballard RV Park expansion (Thompson Springs) – 35 RV sites (approved, under construction)

STR Helper shows that Grand County had 390 approved listings for overnight accommodations as of January 30, 2019.

This does not include listings within City Limits. Our office no longer has direct access to those numbers, and we haven't yet received a response from STR Helper or the City. **Note the 390 figure is not in addition to the figures Elaine provided, which do include lodging within City Limits.** You will need to speak with David Everitt, Sommar Johnston, and/or Mona Pompilli for the specific number of STRs on record within City Limits. Elaine's figures also provide a more granular look at what types of accommodations are offered. However, neither of us have provided the number of rooms (or beds, for that matter) in each of the non-hotel/motel accommodations. For instance, one AirBnB could have 4 bedrooms and accommodate 8-10 people.

Best,

Zacharia Levine, AICP\*

Community and Economic Development Director

Grand County, UT

435-259-1371

[zlevine@grandcountyutah.net](mailto:zlevine@grandcountyutah.net)



\*American Institute of Certified Planners (AICP)

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**From:** Teresa Pinkal [<mailto:teresa@lewisyoung.com>]

**Sent:** Monday, April 29, 2019 10:15 AM

**To:** Zacharia Levine <[zlevine@grandcountyutah.net](mailto:zlevine@grandcountyutah.net)>

**Subject:** Approved Overnight Accommodations

Zacharia,

I hope you are well. Can you provide the approximate number of hotel rooms that are currently approved or under construction? Also, you mentioned your software system tracks the overnight rental properties. Based on the business license data for the county, I see 231 licenses designated as short term rental, rental and overnight rental. Is this representative of the overnight accommodations that are not hotels, campsites and bed and breakfasts?

Thank you,

Teresa

**Teresa Pinkal**

ANALYST | **LEWIS YOUNG ROBERTSON & BURNINGHAM INC.**  
41 NORTH RIO GRANDE, SUITE 101, SALT LAKE CITY, UT 84101  
OFFICE 801.596.0700

## James D. McClanahan

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**From:** markv <markv@ldi-ut.com>  
**Sent:** Thursday, May 23, 2019 12:55 PM  
**To:** John Locke  
**Cc:** Zacharia Levine; nshepard@moabcity.org; Jennifer Hale  
**Subject:** Fwd: Feedback on Nightly Rental Zoning

Hi

Can you add this to the list and add a news item that it was updated today?

Mark

Sent from my iPhone

Begin forwarded message:

**From:** R Macfarlane <[robert.c.macfarlane@gmail.com](mailto:robert.c.macfarlane@gmail.com)>  
**Date:** May 23, 2019 at 12:34:49 MDT  
**To:** City Council <[city-council@moabcity.org](mailto:city-council@moabcity.org)>, [markv@ldi-ut.com](mailto:markv@ldi-ut.com), [mayor@moabcity.org](mailto:mayor@moabcity.org)  
**Subject:** Feedback on Nightly Rental Zoning

All,

Moab is struggling to find the right balance between tourism and townspeople and I feel your pain when I visit during peak season.

As an owner of a nightly rental in the C2 zone I want to share some perspective and encourage you to leave this downtown C2 zoning as is. The Entrada Complex on 400 North and ~600 West has been built over the past several year and was completed in 2018. The 45 units were built and marketed as units owner could enjoy and then rent out as nightly rentals. The land for the complex and the units were expensive on a per foot basis because of the rights for overnight rental that they came with.

I now want to share a true cautionary story about the state of Utah that I personally learned the last year. I am a resident of Draper and we have a terrible gravel pit that has been attempting to expand in a windy area of Draper right near hundreds of thousands of residents right in the fastest growing part of the state. Their dust is silica and is a known and well documented carcinogen and it contributes to overall poor air quality on the Wasatch Front. I worked with others residents to lobby our City Council to oppose mining expansion and to increase regulations. The City acted in 2018 and then in the latest legislative session the mining companies immediately struck back with HB288 which limited local oversight and put the power back to the state and to the mining companies. I personally fought HB288 and went to hearings and lobbied against it on health and science based reasons and we could not stop it. <https://www.ksl.com/article/46530019/infrastructure-bill-passes-prompts-concern-among-drapeer-residents> Draper City ended up in a weakened position because of their approach, even when facts justified their actions.

I would caution Moab to not over-reach on private property rights in C2. I think the recently built Entrada Complex is an area in particular where diminishing the zoning rights or moving it to legal non-conforming use would be readily challenged by the State. I would recommend that for the recently built Entrada complex, that you leave the C2 nightly rental rights as is.

I wish you luck in managing future growth and putting planning in place to allow Moab to grow into the current housing mix that has been created to date.

Regards,  
Bob Macfarlane  
801-319-0097

## James D. McClanahan

---

**From:** Sue Dalton <realestate.suedalton@gmail.com>  
**Sent:** Thursday, May 23, 2019 4:51 PM  
**To:** Zacharia Levine; jlinares@moabcity.org; city-council@moabcity.org; Grand County Council  
**Subject:** Overnight Accommodations

Please share this will all involved in the decision making process (City and County)  
Hello Everyone,

I am a concerned citizen and multiple small business owner in the Moab community. My husband and our family have been in the Moab valley for over 4 generations and we have seen a lot of change in this valley, mostly good, but some of the current proposed changes could be detrimental to citizens and small business in the future. My concern is the "taking" of private property rights. Some of the citizens of the community weren't here or don't remember when Moab was basically a drab ghost town when the uranium mines shut down. You couldn't even give away homes, business were closing and it was a pretty undesirable place. With the tourism industry, the town has flourished. The City and County benefit from the TRT and property tax and if the right to do nightly rentals is taken away, it will be a huge ding in the economy and in the tax revenue to our community. It seems like the citizens who want to stop all nightly rentals, tourism and to go back to the 1990's are people who have moved here in the last 10-15 years and now they want to shut the gates so no one else can come to Moab and build a future in a great community.

When nightly rentals were removed from the residential zones and put in commercial zone the County created an overlay for the complexes that had a majority of rentals versus full time residences. These include Rim Village, Rim Vistas, Coyote Run, Solano Vallejo, Puesta del Sol, Redcliff Condos, Southgate Villiage, Tierra Del Sol, Desert Wind, etc. in the County and Moab Springs Ranch, Entrada, Cottonwoods on Williams Way, etc in the City. I think it is only fair that these continue to be allowed to do nightly rentals along with those B&B's and current nightly rentals that are "Grandfathered" in. I am concerned about the talk of "sun-setting" the grandfathered rentals and those in complexes where nightly rentals are now allowed. People have invested in Moab with their hard earned cash. (I am not talking about the big money motels. These are individuals and families who have mortgages to pay. They bring money into the community through the TRT tax, property tax, and employing people to clean, do maintenance, electricians, plumbers, contractors, etc. I am a strong advocate for affordable housing, and housing solutions. I have 3 rentals that I lease at an affordable rate to try to help in a small way. You should not take away vested property rights from property owners and members of our community. We live in a free market society, which is one of the coveted principles that our country was founded upon. If you restrict and do away with nightly rentals I fear it will have economic impacts to our community that can not be reversed. Moab has been discovered! What is to stop people from investing in San Juan County. They will still have to go through Moab, impact traffic and our roads, use our services, but San Juan Co will get the tax benefits and the revenue. The market will correct itself. It always comes back to supply and demand...the basic economic principle. I would encourage you to tread carefully on private property rights. We don't want the state to come down and take over control of our community because you have pushed the boundary on taking away rights.

Respectfully yours,

**Sue Dalton**  
**435-260-8090, cell**

[realestate.suedalton@gmail.com](mailto:realestate.suedalton@gmail.com)

**Anasazi Realty**  
**755 N Main**  
**Moab, UT 84532**  
[www.anasazirealty.com](http://www.anasazirealty.com)

**James D. McClanahan**

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**From:** Grand County Council  
**Sent:** Tuesday, May 21, 2019 11:26 AM  
**To:** Curtis Wells; Evan Clapper; Greg Halliday; Jaylyn Hawks; Mary McGann; Rory Paxman; Terry Morse  
**Cc:** Zacharia Levine; Elaine Gizler; Chris Baird; Christina Sloan; Ruth Dillon; Tara Collins  
**Subject:** FW: Overnight rentals

**From:** Sue deVall <sdev.cv@gmail.com>  
**Sent:** Tuesday, May 21, 2019 9:33 AM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Subject:** Overnight rentals

NO to permitting any more overnight rentals!  
Tourist crowding in Moab and the surrounding country is ruining the quality of life for us that live here.  
Respectfully,  
Sue deVall  
259-3663

## James D. McClanahan

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**From:** Grand County Council  
**Sent:** Tuesday, April 23, 2019 12:59 PM  
**To:** Curtis Wells; Evan Clapper; Greg Halliday; Jaylyn Hawks; Mary McGann; Rory Paxman; Terry Morse  
**Cc:** Ruth Dillon; Chris Baird; Christina Sloan; Zacharia Levine  
**Subject:** FW: Thoughts on the PAD

**From:** Sylvia Bentley <sylviaabentley@gmail.com>  
**Sent:** Tuesday, April 23, 2019 12:28 AM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Subject:** Thoughts on the PAD

When I think about this community, I don't imagine it in 5 years or 10 years. I imagine it in 40 years and 50 years. That's the unique vision that that someone in my age range can share on an issue like affordable housing. Affordable housing is one of the greatest concerns for my generation--younger people facing wage stagnation in a booming economy. It is also vital in order to have a diverse, thriving, and vibrant population of local residents. Beyond that, it secures and establishes a base and a home for community-involved and driven citizens that will keep Moab thriving, not just five or even ten years down the line, but for decades to come.

When it comes down to it, residents in the R-2 zone have the place they want to live for the rest of their lives. They have the comfort and the stability to keep things "as is" without having to reckon with the uncertain future that most people my age are reckoning with. They bought their homes when it was affordable, or they've had the same home in their family for generations. All of that is changing, not just in Moab, but around the United States. Young people are facing a runaway housing market. Where our parents and grandparents could buy a home and get higher education with a reasonable income, we are stacked with piles of crippling student debt. We need an \$80,000 down payment just to get a foot in the door of a double wide trailer, and in the meantime, the income we earn for the labor we do hasn't budged. It is very clear that in a destination town like Moab, we can't rely on the free market to keep homes affordable. Affordable housing is not a welfare program for people below the poverty line. Affordable housing impacts the blue-collar working class trying to raise a family. It affects any resident in this town that is currently working three jobs and paying \$1,200 a month to rent a two bed, one bath.

Moab is a destination town, but we have the unique opportunity to make it a destination not just for recreational tourists, but also for a wide range of professionals. We can attract teachers, nurses, daycare workers, artists, scientists, volunteers, students, guides, and rangers. However, first and foremost, they must have a place they can live. If Moab continues on the path it is on, its current primary residences will be bought by people with the means and become 2<sup>nd</sup> and 3<sup>rd</sup> homes. As the economy continues to drive up the price of homes and properties, more locals will sell, and more out-of-towners will buy because no one that actually lives here can afford to. The very concept of "neighborhood" that we're all fighting to preserve will disappear. Only businesses that can afford to house their employees will have a steady workforce. And likely these employees will live "bunkhouse" style because their employers have no incentive or option to provide otherwise. These issues already exist in Moab, and doing nothing about it will also do nothing to solve it.

But, as a local born and raised in this little town, the thing that I foresee which saddens me most is the loss of community. As housing gets more and more difficult to obtain for the normal working class, the number of transient

workers will also increase. They can't afford to live here or invest here, so they won't. They'll work here seasonally, and leave, as many already do. These people may care for Moab, but the backbone of our community is the citizens that have decided to make Moab their home. Moab is not their 2<sup>nd</sup> or 3<sup>rd</sup> choice for a couple of months a year, but their 1<sup>st</sup> choice year round. These are the individuals that build community, and it is community that makes Moab resilient and a wonderful place to live. It's the community that fights for public lands, that works in non-profits, that educates our children, that starts new businesses, that enriches our lives. It is community that is intimately and fundamentally tied to a unique and remarkable place that must be protected now more than ever. Right now a large portion of that community lives in R-2 zones, but at the rate things are going, that will not always be the case.

So I urge you, if you are retired or comfortably own your home, to think about Moab in the decades to come. What will happen when your children sell your house and some Colorado Aspen neurosurgeon buys it to use a couple months a year? Will it matter then if there was a higher density overlay a few years back that built apartments—apartments that now house families and professionals? Change is inevitable. We have the opportunity to direct that change. People who love this town, who care about its future, and who are already intrinsically tied to the community, need the chance to be able to live here. Higher density is one of the ways they can be afforded that chance. They deserve the opportunity to make Moab their home just as you have done and my family did years ago. Moab has always appealed to the self-starters, the risk-takers, the prospectors, and the pioneers. But times have changed, and the people working hardest have no homestead to show for it. We have the chance to support and welcome the citizens who will make Moab their home, help stabilize a seasonal economy, and augment and foster community. But if we measure the wealth of that community by the average wealth of its citizens, we are merely selling our home to the highest bidder.

Kind Regards,

Sylvia Bentley



**James D. McClanahan**

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**From:** Sylvia Bentley <sylviaabentley@gmail.com>  
**Sent:** Tuesday, May 07, 2019 11:56 AM  
**To:** moab@ldi-ut.com; city-council@moabcity.org; Grand County Council  
**Subject:** Thoughts on overnight rental moratorium

To Landmark Designs,

I am a born and raised Moab local, and over the years I have watched my hometown change remarkably. Notably in the last few, the amount of hotels along the 191 corridor is particularly striking. I'm writing this email to express my concern about the unprecedented growth in overnight rentals which has been temporarily suspended by the moratorium, and to express support for the "no growth" option to continue, until a more sustainable, comprehensive, and diversified economic model can be adopted.

First, I don't feel that "no growth" is an accurate description. Primarily because over 1,000 more rooms are approved to be added to the nightly rental pool. This is over a 20% increase compared to what we already have, so it's not as if the growth in the lodging sector will be stopped cold. If the council chooses to adopt a no growth model for the time being, it will be much easier to permit growth again further down the line. At this point, it seems very unclear to me how many hotel rooms Moab actually needs, and letting the free market be the sole determiner of this number and letting it play out in that way seems short-sighted. As a community, we can see where we stand after the new rooms are built, and decide the needs of the town at that point.

I firmly believe that the quantity of services in this town needs to be diversified, not only to improve the quality of life for local residents, but also for tourists visiting a town that simply cannot keep up with the demands for food, entertainment and other services. I believe that local government policy can nudge the economy towards diversification by incentivising other types of businesses. I also believe that potential developers will consider other forms of businesses once nightly rentals are taken off the table because of the economic potential of the town. So "no growth" really is a misnomer; it's more like "diversified growth."

Thank you for taking the time to read my comments and concerns.

Sylvia Bentley

## James D. McClanahan

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**From:** jeffrey@terrasophia.com  
**Sent:** Tuesday, April 23, 2019 12:29 PM  
**To:** jenniferh@ldi-ut.com; mayor@moabcity.org; deveritt@moabcity.org; Jaylyn Hawks; Zacharia Levine; kmarienfeld@moabcity.org; bobrien1944@gmail.com; kguzman-newton@moabcity.org; cherie@actcampground.com; tmorse67@gmail.com; kevin@canyon23.net; ggwillis@yahoo.com; dave@moabrealty.com; Christina Sloan; kjones@moabcity.org; jlinares@moabcity.org; cwilliams@moabcity.org; becky@moabbyrdco.com; Kaitlin Myers; shik@bzzrez.com  
**Cc:** markv@ldi-ut.com  
**Subject:** Re: Moab Area Land Use - Project Update/Upcoming Meetings

Dear Advisory Committee,

I am out of town for work next week and unfortunately will not be able to attend the public workshop or advisory committee meetings.

I would like to recommend 3 water related ordinances that I hope the City and County will find useful and worth pursuing.

1. Water Efficient Landscape Ordinance. There is a model ordinance available as a starting point and San Juan County is considering adopting a version of the model for the southern Spanish valley. This model is a great start, and needs a few tweaks to ensure Performance in regards to water efficiency. I like that SJ has limited turf to 10% of landscaped area or 1,000 square feet and recommend this be included in Moab/Grand County ordinances. I am working on some additional language, based on similar ordinances in Colorado and California, that will help with making sure landscapes perform to the standard and achieve the desired outcome.
2. Low Impact Development (LID) Ordinance. LID, also known as green infrastructure (GI), uses a distributed approach to stormwater management and seeks to match sources of runoff with landscaped areas that can benefit from the water (off-setting some of the need for supplemental irrigation). The Moab General Plan contains a goal to pass such an ordinance and the City has installed a GI project at the MARC and is planning to include GI in the 100 South street improvement projects. There are many jurisdictions around the southwest and country that have this type of ordinance in place.
3. Graywater Ready Building Ordinance. All new construction should be plumbed for the option of re-using graywater for irrigation. The Southeast Utah Health Dept. has been successfully advocating for state-wide changes to the graywater code that will allow for simpler, gravity based systems to be installed. Moab City has this as a water strategy in the Sustainability Plan. There is a model ordinance from California that could be adapted to our needs.

I am available to help work on specific language for all/any of these, and am also happy to give a presentation of examples from other communities if that would be helpful. Please provide any guidance on how we may want to proceed with these.

I know water is just one of the many current issues to be discussed, and I hope that we can make some progress on this front.

Thank you,  
Jeff Adams

On Tue, 23 Apr 2019 10:51:10 -0600, Jenny Hale wrote:

Advisory Committee,

We would like to invite you attend the next Advisory Committee meeting on Wednesday, May 1st from 8:30-10:30 am in the County Courthouse/Council Chambers.

The meeting will follow the Public Workshop which will be held on Tuesday, April 30, 2019 from 5:00-7:00 p.m. at the Grand Center (182 North 500 West, Moab, Utah). In addition to reviewing the materials presented at the Public Workshop— 1) ordinance and zoning options, 2) local and national case studies, and 3) economic and market analyses for the local area, and 4) preliminary land use concepts (focused on overnight accommodations) for the public to provide input/feedback on—we will also be discussing what we heard from the public and seeking to determine a preferred direction.

We hope to see you all there!

Jenny

**Jennifer Hale, PLA, ASLA**

Landmark Design

850 South 400 West Studio 104

Salt Lake City, Utah 84101

801.474.3300

[www.lidi-ut.com](http://www.lidi-ut.com)

## James D. McClanahan

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**From:** Dennis Silva <dennissilva99@gmail.com>  
**Sent:** Friday, May 03, 2019 8:46 AM  
**To:** moab@ldi-ut.com; Zacharia Levine; Grand County Council; city-council@moabcity.org  
**Subject:** Workshop Moab

Thank you Grand County Council, Economic Development Office staff and Grand County Planning Commission for your work in this process.

Thank you Moab City Council and the Mayor and your planning staff for your work in this process as well.

Thank you Landmark Design for professional consultation.

The April 30th workshop may have helped gain the public's perspective on future city/county overnight rental development. It may be biased considerably right now due to the heading on Option #5.

There are hundreds of additional rooms about to be started or completed soon. To me labeling option #5 as "No Growth" lead the public to perceive that option as rather radical and unreasonable. I don't think it is at all. I hope #5 option could be presented differently in the future.

I don't know how many overnight accommodation rooms will be completed soon or are already approved. However I think when we are considering option #5 it should be clarified how many additional overnight accommodation rooms are already approved and how many residential and other commercial projects are approved.

I would hope in any newly adopted land use codes the city and county councils would be required to vote on any new overnight rental or hotel development proposal and the use by right in the commercial zone for hotels and overnight accommodations is changed.

If a version of option #4 were to be adopted the northern corridor commercial development could be limited to shops and restaurants, not new overnight accommodations. We could extend the walking traffic from the current downtown all the way to the river (wouldn't that be cool?), eliminate the overnight tractor trailer parking that occurs there now, and slow the traffic down immediately south of the Colorado River bridge. (A traffic bypass is being considered by UDOT for vehicles wishing to get around our slowed traffic through town; if this happens, we can be creative.)

As well, I hope the public will be made aware of the approximate additional water use that will occur with the current approved development(overnight accommodations and residential/commercial).

Thank you all very much. I am proud to have you as my representatives as staff, elected officials and commission members.

Dennis Silva  
[dennissilva99@gmail.com](mailto:dennissilva99@gmail.com)

**James D. McClanahan**

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**From:** Sarah Barstow <theravenimage@yahoo.com>  
**Sent:** Tuesday, May 07, 2019 12:43 PM  
**To:** moab@ldi-ut.com  
**Cc:** city-council@moabcity.org; Grand County Council  
**Subject:** Moab growth

Dear Landmark Design,

I am writing to emphasize my desire for no more growth in Moab!! We have hit a tipping point here, and the result is disastrous for locals, and often not so enjoyable for tourists, as well.

This is, in my opinion, the most beautiful spot in the world, and one could not expect it to stay untouched by tourism. But a threshold has been surpassed, and I am not alone in my cry for "enough is enough"!!

I have lived in Moab for over 22 years. I am raising my children here, and have been a local small business owner for 15. For most of this time, I have been madly in love with Moab and didn't want to be anywhere else. In the last year or two I have thought about leaving. The impact of the Mighty 5 campaign, the mega advertising with TRT monies & UTVs being street legal has changed the feel of this town (for most of the year).

I speak to a lot of people on a day to day basis at my boutique. People are grumbling..and it's not just locals. We have signs on the outskirts of town that say "Moab. Again and Again", but tourists are not going to return if they get stuck in traffic coming into town, pay over \$250/night to stay at a sub par hotel, wait for over an hour for a meal, get gridlocked going into Arches, and then stuck in traffic again trying to leave town! So many times this year already, I've had a tourist ask me "What is going on?" (and not during an event weekend). This winter I heard from many, many tourists that they will only come to Moab in the winter now. And I spoke to many, many locals who said they only shop downtown in the winter now because navigating downtown much of the year is a nightmare. Locals have joked about not taking left hand turns during the season for years...but now it's becoming dangerous.

There are enough places for people to stay here! We don't need any more! We don't need more people with more vehicles. It's taxing our infrastructure, our traffic, our water supply, our fragile desert.... The overcrowding of Moab produces an unenjoyable experience for tourists, and a major downturn in quality of life for residents. It's loud....almost everywhere...almost all of the time. It's crazy ( I liken Moab these days to Disney world meets Mad Max). It's hard to enjoy the natural beauty and amazing hiking, with the constant hum of motors.

In addition to no more hotels, I would say that we need to use our TRT monies differently. Can we save them for a time when they might be more helpful? (Moab and social media advertises itself. The word is out. We don't need more help with advertising!) Can we use them to teach tourists about our fragile ecosystem, and to encourage them that people actually live here (and we'd like to keep it nice)?

If we cap the growth at the rooms already available (plus the ones in the works), we will still get plenty of visitors. It's time to focus on the people who make up this community, while also providing a better quality experience for our guests. Packing more people and vehicles into this small community will not benefit anyone.

Thank you for your time & consideration.

~Sarah

**Sarah Barstow-owner**  
**The Rave'N Image**  
**59 S. Main St.#5**

**Moab, Utah 84532**  
**435.259.4968**

**[www.theravenimage.com](http://www.theravenimage.com)**  
**[www.pinterest.com/theravenimage](http://www.pinterest.com/theravenimage)**  
**[www.facebook.com/ravenimagemoab](http://www.facebook.com/ravenimagemoab)**

## James D. McClanahan

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**From:** Amy Tendick <amytendick@gmail.com>  
**Sent:** Tuesday, May 07, 2019 12:51 PM  
**To:** city-council@moabcity.org; Grand County Council; moab@ldi-ut.com  
**Subject:** Moab land use options

Dear Grand County Council, Moab City Council, and Landmark Consultants,

I so appreciate the job you all do and thank you for the moratorium and for engaging with the community to figure out how to best chart the course for Moab and Spanish Valley over the next few decades!

I am writing to say that I fully support option 5, called "No Growth" in the Landmark Planning documents. I believe we have reached our limit here in Moab for hotels and nightly rentals and the signs are all around us. Not only is our infrastructure overloaded, our public lands overrun, but we are gambling on an unknown water supply in the face of climate change and predictions of long-term drought. It is the use of our limited water supply for development of overnight rentals or hotels that worries me most and it is the WATER supply that should be the primary data point that you draw on when making your decision. Do we have the water now and into the future (in the face of depleted aquifers) to support X number of flushing toilets per day, X number of loads of linens and other laundry washed per day, X number of showers per day? It seems like poor planning to build first and then find out what we can support with our aquifers later.

After water, I think you should make your decision based on the quality of life for the majority of Moab residents. The majority of whom do not see their pay go up with the increased traffic but who do see their streets overcrowded, their favorite places overrun, their neighborhood character degraded, their grocery store shelves depleted, who can't find quiet in their own backyard or even inside their house with their windows open.

If option 5 is not adopted, at least the current "use by right" zoning must be eliminated, with any future overnight rental permits only allowed by vote of the city or county councils.

Thank you for considering my comments.

Sincerely,

Amy

**James D. McClanahan**

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**From:** amanda wilson <amandarose05@hotmail.com>  
**Sent:** Tuesday, May 07, 2019 12:50 PM  
**To:** moab@ldi-ut.com; Grand County Council; city-council@moabcity.org  
**Subject:** Moab Land Use-No Growth

I would prefer to not have much growth in Moab. I realize that is unrealistic however so very controlled growth with a focus on residents quality of life would be preferred.

Stop advertising our small town. We have enough growth without it.

Listen to your residents, not the money to be made by a few.

Amanda Wilson  
1379 Arnel Lane  
Moab, Ut 84532



## James D. McClanahan

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**From:** Bruce Condie <fastfossil@ureach.com>  
**Sent:** Tuesday, March 26, 2019 6:21 PM  
**To:** moab@ldi-ut.com  
**Cc:** city-council@moabcity.org; Grand County Council  
**Subject:** mORITORIUM ON OVERNIGHT RENTALS

I'm writing concerning the moratorium on overnight rentals.

Moab is a small town. We've got, what, seven or eight thousand people here. We have the infrastructure for seven or eight thousand people.

We also have five to ten MILLION tourists here annually. We don't have the infrastructure for this flood of people. It doesn't take a rocket scientist to see something is wrong when there's an hour long wait to get in or out of town daily. Or when there's a two hour waiting list at every restaurant in town. Or when City Market is consistently out of basic necessities on a daily basis. Or when we're asked to fund a bigger sewage treatment plant because the poop generated here has to be hauled to Grand Junction. Or when an army of ATV's races back and forth on residential streets on some important mission.

What the hell is going on here? Are people really so greedy as to be willing to sacrifice a fine quality of life for money? The town is full.

Open your eyes. This is not a desirable situation. I would be in favor of finding a way to REDUCE the number of people coming here. The greed for money in this town is disgusting.

Bruce Condie, 1449 Murphy Lane

**James D. McClanahan**

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**From:** Bill Watson <bWatson001@outlook.com>  
**Sent:** Sunday, April 28, 2019 4:51 PM  
**To:** Zacharia Levine  
**Subject:** just saw an advert for your open house

Mr. Levine:

Having visited your area numerous times in the past few years and having an outsiders perspective I thought I would offer you my observations:

First off Moab itself is a lovely small town with a unique vibe and friendly atmosphere that is worth trying to maintain, the surround area and amenities are outstanding for a wide variety of recreational types and my observation is that users generally respect each other and the natural environment and efforts should be rebouled to ensure this remains. I have noticed more unauthorized tracks and a significant number of nighttime users out in the sand flats area this year, you could use more enforcement mechanisms in this regard.

I have observed in resort towns there are a number of trends that you should try to curtail before they get too big a foothold, large corporate ownership; this trend tends to sanitize and remove locals from the culture except as food servers and "help" it also drives up prices and will ruin the character of your community. Rising prices -un-affordable accommodations, I see this beginning to happen already and has made big problems in a number of ski resort towns and perhaps you could get some ideas from those locals to avoid some of their mistakes, you may want to involve your planning and engineering staff.

I wish you the best of luck in balancing the needs of so many locals and visitors for the benefit of your community.

Bill Watson

**James D. McClanahan**

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**From:** dee gullledge <deegull@icloud.com>  
**Sent:** Tuesday, May 07, 2019 1:32 PM  
**To:** Grand County Council  
**Subject:** Option 5

I do not have anything enlightning to add to this educational process that has not already been said! Given the congestion of the last four weeks, I would like to encourage option number five. I Believe it is imperative that we develop a plan to improve our infrastructure before we commit to any more nightly rental accommodations of any classification. I am aware that option 5 may seem improbable and unconventional, but drastic times take drastic solutions . Make moab unconventional!

dee gullledge  
[1084 North Kayenta Dr.](#)  
[Moab](#)

## James D. McClanahan

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**From:** Grand County Council  
**Sent:** Tuesday, May 14, 2019 4:46 PM  
**To:** Curtis Wells; Evan Clapper; Greg Halliday; Jaylyn Hawks; Mary McGann; Rory Paxman; Terry Morse  
**Cc:** Zacharia Levine; Chris Baird; Christina Sloan; Ruth Dillon; Tara Collins  
**Subject:** FW: Land Use proposals

**From:** Pippa Thomas <pippathomas123@gmail.com>  
**Sent:** Tuesday, May 14, 2019 11:19 AM  
**To:** City-Council@moabcity.org; moab@ldi-ut.com; Grand County Council <council@grandcountyutah.net>  
**Subject:** Land Use proposals

Dear Council Members, Planning Commission, and Landmark Planners,

I am writing as an educator, parent, and professional who has long been involved in community health to ask you to vote for very strict controls on growth (#4) or no growth (#5). the number of businesses and amount of resources devoted to people who simply pass through this area has already diffused our community culture. A town center is healthy when it's a place we can go to socialize with friends from other neighborhoods, keep track of each other's kids, and provide friendship to our elderly. Sadly, it seems that Moab has been drowning under this tourist development ideation. Our conversations used to include the concept of diversification--let's leave room for other options. It's time to build quality over quantity.

Thank you for all of your hard work and genuine efforts.

Pippa Thomas  
Moab

My comment addresses the Landmark Design Project point #2: Multi-family housing, infill housing development, and redevelopment.

The Moab City Council publicly decided on March 12, 2019 to remove R2 zones from the Planned Affordable Development (PAD) proposal, which is high-density low-income housing developments within Moab city limits, while testing the viability of the concept in an area of town already zoned for higher density. This was the correct decision for them to make as it abides by the #1 Housing Goal outlined in the City of Moab General Plan:

“Implement a housing strategy that meets the needs of current residents, anticipates growth in housing demand, promotes a cohesive small-town environment and supports a high quality of life. Policy 1, Action Step a. Recognize the value and character of existing residential neighborhoods and encourage compatible development/redevelopment projects with existing neighborhoods and the underlying zoning.”

My concern is that the Landmark Design Project description language stating “infill housing development” and specifically Landmark Design’s current project titled “Moab Small Area Plans” are simply the use of different words to disguise the same concept of PAD in R2 neighborhoods. I am especially concerned that Landmark is moving ahead with the development of concepts and alternatives for their Small Area Plan on the end of East Center Street with meetings including East Center Street land owners, but excluding input from the adjoining property owners on Rosetree Lane, Hillside Drive, and 400 East, all of whom will be potentially affected by high-density development of this property. In fact, every concept/alternative published by Landmark after the exclusive meeting showed ingress/egress to this development from Rosetree Lane. The alleged first choice of Center Street landowners at this meeting was one of the concepts that did not use Center Street for access to this development. The impacts on the Rosetree Lane and Hillside residents would be far greater than the impact on the Center Street residents, due to both increased traffic and the location of the development abutting Rosetree Lane residential properties.

This should be a strong consideration by Landmark Design as part their involvement in determining Moab residents’ future quality of life. R2 (zoned) residents and landowners have chosen these neighborhoods over the years and generations because they provide and preserve, via zoning laws, the characteristics of relatively low-density havens for living in a busy resort town. These characteristics include friendly neighborhoods on quiet, safe streets within walking and biking distance of the city center and workplaces, an eclectic mix of small and medium sized single family homes with room for sunny gardens, yards where kids may play, lots of green and open space, room to store our campers, river boats, ORVs and other toys off-street. This is what we chose when we bought in to these neighborhoods, and this is what we trusted the City of Moab to preserve long-term with zoning laws. Subsidized high-density low-income housing developments may be necessary for local businesses that don’t pay their employees a living wage, but R2 neighborhoods are not the place for these. Those of us who have made the long-term commitment to own homes in Moab’s R2 neighborhoods and have chosen a lifestyle that makes R2 neighborhoods affordable for us should be recognized and supported by Landmark Design and the Moab City government in all current and future land use considerations.

Sharon Hogan and Scott Escott

598 Rosetree Lane, Moab



Editor,

Not Acceptable

After attending the Town Hall Meeting held by the Moab City Council on 12/11/18 concerning the proposed Planned Affordable Development (PAD) Ordinance 2018-19, I would like to warn my friends and neighbors about the unacceptable impact the PAD ordinance could have on all neighborhoods in Moab.

The PAD attempts to provide a solution to the affordable housing shortage in Moab by allowing drastically increased density throughout R2 zoned residential neighborhoods, disregarding previous zoning restrictions and current residents' quality of life. I use the word drastically because the PAD would allow up to 40 units per acre to be built as affordable housing. This density means 40-160 people, 40-120 vehicles, and could easily quadruple the number of people living on a single street in the neighborhoods. The height of a building with 40 units is by itself hard to visualize when it is crammed on an acre lot considering the required parking spaces, ingress/egress roads and walkways would take up at least 1/3 of the available space. Current building height and setback restrictions would not apply.

Here is a very real example. There is a 3.5 acre lot between East Center Street and Rosetree Lane that is being considered for PAD. This could be developed into 140 units, housing 200 to 400 occupants, plus their guests, with 200 to 400 vehicles. The access to this lot would be near the east ends of these two narrow streets, adding 400 to 1000 trips daily in traffic to streets that now see 20 to 100 vehicle trips in a day. The building itself would be tall enough to eliminate views and block access to sunlight for gardens and solar panels during the day for current residents. The lights from the apartments and parking lots would dominate the night in these areas, eliminating darkness. Backyard and even indoor privacy in existing residences would be compromised or eliminated.

This large lot is an extreme example of the impact of a PAD on my neighborhood. But if PADs are approved for all R2 residential neighborhoods, as the ordinance intends, many current Moab residents could be facing a similar situation. Even if it is 10 units on a ¼ acre lot or 20 units on a ½ acre lot, the impacts are predictable and proportionate. Look around your neighborhood. How many lots could be absorbed into this project? How many tall apartment buildings and how much traffic would be added to your street?

Some would call those of us who already live in these neighborhoods elitist when we protest this so-called solution to the affordable housing shortage. First of all, I wouldn't wish life in that type of housing on anyone. How can 40 units per acre be a solution to the "crowded, undesirable living conditions" that lower income folks are supposedly living in currently? The people that assume lower wage earners are desperate enough to consider this more desirable are the true elitists. Secondly, when I purchased my home in an R2 zone, decades ago, jobs were scarce and pay was extremely low. We came here with no money and had to work hard to make it, even with lower house prices at the time. We committed for the love of the place, community and quality of life. We have seen many of our friends, co-workers and neighbors make the same commitment even as both wages and home prices rise. We got no government assistance and expected none. We have earned the right to defend this quality of life.

Very concerned,

Scott Escott, Moab

Dear Grand County Council,

Please consider these suggestions on The Moratorium and County Growth in general. Grand County citizens want to see the growth in tourism stop and stabilize. Upgrades are needed to assure a quality experience for visitors and a quality of life for residents. Our roads need an upgrade and our downtown needs a by-pass. Our National Park Service needs time to resolve overcrowding and access issues. We need more businesses to service visitors (ex. restaurants). We need housing for service workers. Until these issues are resolved it would be foolhardy to continue to expedite tourist growth. We can tweak our LUC and let zoning do some of the work for us. However, without the support and commitment of this body, that effort will likely be inadequate. I want to ask for 5 specific forms of support:

1. Hold the Line: Do not allow an appeals process to become a “go-around” to obtain building permits for tourist accommodations.
2. Coordinate and Negotiate with San Juan County: Use Grand County’s leverage to convince SJC to build more residences and less tourist accommodation. We are all in this boat together. SJC depends on Grand County for many essential services. It behooves them to consider our requests!!
3. Start Building: Invest in “Social Housing”. Stop trying to incentivize commercial development of affordable housing. Use income from your Assured Housing ordinance, use or sell County Real Estate. Partner with other Govt. Agencies/ Non-Profits and build. Commercial developers will never have the commitment to the community that is required to harmonize high density affordable housing with existing neighborhoods.
4. Revise High Density Overlay: The average housing density of New York City is 18 units/ acre. San Francisco is 13/acre. Midvale, UT. (Greatest average density in Salt Lake County) is 4/acre. Our Overlay offers densities of 35units/acre; 25units/acre; 15units/acre; 10units/acre; and 5 units/acre. The sunset clause in this ordinance cites 300 units (“certified”). Since the Arroyo Crossing Project will satisfy that number, maybe it’s time for an early sundown. Metropolitan densities in this community should be restricted to affordable housing developments ONLY. Approving these densities for commercial housing developments (deed restricted or not) is a betrayal of the public trust and your responsibility to existing neighborhoods. We do need housing for our “essential workers”: teachers, law enforcement, nurses, etc. So let’s make them eligible for actual affordable housing. A waiver of the income requirements covering certain classes of workers would do the trick.
5. Move Back to Center: Social Justice applies to all. Balance your concerns for seasonal workers/ affordable housing with concern for existing neighborhoods and year round residents.

Maybe it’s time for an actual public referendum on the “urbanization of Grand County”. Put it on the ballot & let the people vote! Then when the special interest groups loudly protest against limits to growth, you will have a defense that cannot be shouted down.

Thank-you for your time & service to this community.

Bo & Ken Kolb

3649 Kerby Lane



## Moab Area Land Use

### PUBLIC OPEN HOUSE + ADDITIONAL COMMENTS VIA EMAIL – SUMMARY OF COMMENTS

Moab City Center Building

Tuesday, March 26, 2019 5:00 to 7:00 p.m.

Wednesday, March 27, 2019 11:30 a.m. to 1:30 p.m.

**TOTAL IN ATTENDANCE** (those who signed in): **107** (57 on 3/26; 50 on 3/27)

**Total Written Comments Received at Meetings: 25**

**Total Written Comments Received via Email (as of April 2, 2019): 26**

The purpose of the open houses was to get a sense of residents' current concerns and desires, particularly relating to the moratorium on overnight accommodations, as well as their concerns and desires for the future. The following summarizes key ideas heard at those meetings and input submitted via comment form and email (received as of April 2, 2019).

The purpose of this document is to capture the primary themes and sentiments expressed during the open house events. If you feel like there are any omissions or mischaracterizations of comments submitted to date, we encourage you to send or call us your feedback at [moab@ldi-ut.com](mailto:moab@ldi-ut.com) or 801.474.3300 (ask for Mark or Jenny).

## Quality of Life

### General:

- Moab has experienced significant growth in recent years, especially within the lodging and tourism sector. Many characterized this trend as too much, unwanted, and/or undesirable growth, and that it had fundamentally altered the community's character. Many suggested the Moab Area no longer feels like the place and community they valued, identified a lack of balance in the growth that has occurred, and noted different ways in which their quality of life has diminished, especially in the last three to five years. It was relayed that residents, friends, and neighbors have been moving away or making plans to do so, because of these changes.
- It was suggested that Moab and Grand County should take advantage of current opportunities to "creatively turn around the accelerating slide towards social, economic and environmental catastrophe."
- Strong desires to slow growth (in general, and in the lodging and tourism sector) to a level where people will still want to live and recreate here was expressed, with sustainable growth" and "smart growth" being used to describe this shift.

### Community Character:

- There is a great desire (and vision) for Moab to be a place that is "more than tourism" (See "What would you like Moab to be in 20 years?" section below)

- There is a desire for the Moab Area to be comprised of a diverse population; Some expressed concerns about fees/restrictions/economic conditions that might discourage or prohibit certain populations from visiting or living in the Moab Area.

#### Transit/Transportation:

- Traffic and congestion have increased dramatically with growth/increased tourism; specific problem areas cited by residents included:
  - The north end of town where US 191 changes from two lanes to four,
  - Recently signaled intersections,
  - Left turns in the downtown core, and
  - Parking.

These transportation trends, including infrastructure deficiencies, are seen as an impact to resident's quality of life and as a public safety issue.

- Regional transportation planning was identified as a need, with the following considerations being highlighted:
  - Bicycle- and pedestrian-friendly roadways
  - Curb cuts and dedicated lanes
  - Special attention to Spanish Valley Drive (particularly, its speed and impact to surrounding neighborhoods)
  - Carrying capacity and level of service studies
  - Public transportation and transit
  - Travel between the future USU Moab campus and downtown, as well as multi-family housing and employment issues
  - Future bedroom community development in nearby communities such as Monticello, Green River, and Thompson
- Parking was cited as a big concern. Specific circumstances described included:
  - Inadequate parking at homes where multiple people staying overnight or living, which often results in illegal parking or blockages of adjacent neighbors, and
  - Inadequate parking for different user groups (e.g. trucks and trailers).
- A need and desire for public transportation through the Valley and to the National Parks was communicated, particularly if significant amounts of residential development occurs in the southern reaches of the Valley; Public transportation may need to be considered from nearby communities such as Monticello and Green River, if rent/housing continues to become less affordable and workforce housing shifts to those areas.
- Some identified the need for more protected bike lanes as current bicycling conditions could be viewed as unsafe. Green infrastructure for stormwater management was cited as a potential use for establishing a buffer.
- The Moab Area has developed with relatively wide residential roads, and current standards also require wide roads to be constructed in new developments. Some recommended rethinking the road design standards and considering other beneficial uses in place of some roadway width and that development costs could be reduced by reducing road construction costs and land dedicated to roads instead of other uses.

#### Overcrowding:

- Many expressed the ratio of hotels, short-term rentals, and other overnight accommodations to permanent residences as severely unbalanced (too many overnight accommodations); They suggested that the current supply of accommodations is sufficient and wanted to see a limit put on building additional accommodations in favor of, or in addition to, putting more attention towards the needs of Moab residents.
- It was suggested that different overnight accommodations should be treated differently (e.g. hotels vs. RV campgrounds). One person mentioned there were not enough places to accommodate RVs in Moab. Others suggested that “out-of-town” owners/developers should be held to different development standards than “local” owners/developers. Yet another individual feels like City/County to treat nightly condos projects differently than hotel projects, citing that condos have greater opportunity to be more sustainable (use less water, hire local property management companies, etc).
- Multiple individuals reported anecdotes from tourists/visitors that overcrowding in Moab negatively impacted their experience and may not or will not return, with one of those individuals saying that a recent guest at their condo/rental said, “This is a great place you have here, but there are too many people. We may or may not come back.”
- A sentiment of special event fatigue was expressed. Many feel the number and size of events occurring in Moab has increased, and the season for events taking place has extended. They expressed a desire:
  - To see fewer events permitted,
  - Additional restrictions placed on events, and
  - Periods of time restricted from events, such as a certain number of no-event weekends even during peak seasons.
- The proposed Arches National Park reservation system was identified as a potentially beneficial change for slowing visitation.

#### Noise:

- Noise from UTVs and other motorized off-road vehicles was identified as another major concern. One resident stated, “City residents aren’t allowed to have roosters, yet UTVs are allowed at all hours of the day.”

### **Environmental Impacts**

#### Water:

- Many expressed concern about having adequate water, especially with the amount of development/growth occurring; They expressed a desire to see greater coordination with San Juan County over this issue.
- Water consumption by tourists was specifically raised as a concern; Possible solutions offered were using water tokens to set limitations on time/amount of water consumed and regulating the size of pools that hotels can build.
- Others expressed that development/current activities/land use practices (grazing) impact the water sources and should be considered when planning for the future (e.g. the “dust on snow”

phenomenon is changing the hydrology of the Colorado River); It was mentioned that these activities also impact the local soils and that soil is also a non-renewable resource.

#### Landscape:

- It was noted that dispersed camping is taking a toll on the environment. Commenters suggested that overuse of the landscape is occurring, and questioned what the carrying capacity of the land. It was suggested that conversations between the local government and state/federal entities need to happen to minimize these impacts and come up with a solution.
- A feeling was expressed that public lands also have a “carrying capacity” and can’t take the current amount of people/use. For example, adding a second access point into and out of Arches NP might address traffic and auto congestion, but it does not increase the land’s carrying capacity.
- UTVs and other motorized off-road vehicles were reported to have greatly increased and encroached in both natural and residential areas the last few years. Commenters noted that the desert is delicate, and expressed concerns that the level of disturbance occurring could cause about “dust bowl” conditions.

Air Quality: Some communicated their experiences with and concerns about worsening air quality caused by grazing, development, and touristic activities in the area. They suggested the City and County need to record/track/mitigate before it becomes a bigger problem.

Light Pollution: Residents communicated a strong desire to protect dark skies in the area. They expressed concern about the impacts of development in San Juan County to the night sky and desire to see coordination between Grand and San Juan counties on the effort.

Wildlife Habitat: Reminders were expressed regarding the need to think about the impacts of development/tourism on wildlife and wildlife habitat.

Visitor Education: Many brought up a need, and potential, for spending less money on marketing/advertising Moab as a destination and spending more money on visitor education (e.g. how to limit impacts on and provide care for the area’s unique environment).

### **Regulation/Local Government/Planning**

- Feelings were relayed that local government has not exercised enough will power in denying unwanted development or enforcing regulations on-the-books, and that up-zoning has occurred too often. The need to support local government officials as they make efforts to mitigate some of the “damage to our community” was also communicated.
- Many expressed a desire to see more regulation/controls put into place that would give elected officials far more discretion in determining which projects get approved and constructed, rather than “pre-approved” or “use by right” zoning that currently exists in commercial areas.
- Some observed that a lot of new construction has been/is out of scale for the town; In lieu of large hotels, commenters recommended only allowing smaller-scale hotels, inns or B&B’s and possibly requiring them to have street-level retail or restaurants and adjoining workforce housing.

- There was a desire by some to see zoning regulations in the City of Moab overhauled, specifically: consistency in height calculations, measuring setbacks and clarity in hillside development regulations.
- Some would like to see tiny homes allowed in residential housing areas, with a tiny home specific building code being instituted to make these a compatible use/viable housing option.
- There was a strong desire expressed for a permanent or lengthened moratorium to stop or slow down growth. Another common sentiment was the desire to limit the number of overnight accommodation units allowed.
- Many felt like development has happened without much thought to planning for the future or what residents want Moab to be. There was expressed that zoning could be a way to choose what you wanted. What is the end in mind? Do we want unlimited tourist growth or do we want to be sustainable? If you don't build it, they won't come. Zoning seems the best way to do that
- Many residents commented on the need for more regulation in the future. Specific concerns/ideas suggested included:
  - Design: Create design guidelines or other mechanisms to give new construction a direction that is cohesive and thoughtful.
  - Viewsheds: Look closely at implementing set backs and height restrictions to preserve valuable views of the canyon rims.
  - "Old Town": Create an overlay that helps preserve the sense of history and place of Moab.
  - Open Space: As the area densifies, acquire open/green space. There is currently a need for more pocket parks and community gathering spaces and open/green space could be mandated in new developments.
  - Trails: Require new developments to provide easements and connections for/to a non-motorized trails.
  - Sustainable Architecture: Require new construction to incorporate passive solar construction.
  - Sustainable Practices: Require low flush toilets and showers in all new and existing overnight accommodations; Require hotels and retail businesses to recycle.
  - Vegetation/Soil Disturbance: Require a restoration plan for the disturbance of any soils or vegetation.
  - Noise: Implement noise requirements on all roads and investigate implementing a no UTVs or noisy motorcycles policy on city streets.
  - Parking: Require adequate on-site parking for recreational vehicles/trailers for all overnight accommodations.
- There was a desire expressed to see incentives and more flexibility for desired uses and less incentives and flexibility for undesired uses (e.g. tourism-related businesses). It was suggested that new hotels could be required to include street-level retail or restaurant space.
- One individual expressed that County high density residential overlays don't work in agricultural and existing residential areas and that existing road infrastructure cannot handle the increase in population.
- Some feel like the State and locals define a good "quality of life" differently and expressed a concern that State laws could potentially limit options that might work best for the Moab area.

- One individual expressed a feeling that landlords in the area need to held more accountable; Conversely, another individual expressed a feeling that there are good landlords out there (nightly rental, specifically) and that these good landlords get “punished” with additional requirements and fees because of the actions of others.
- A concern was expressed that if stricter restrictions occur in Grand County, developers will shift their attention to San Juan County. The amount of potential growth in San Juan County frightens some, particularly because San Juan County currently relies on Grand County for its emergency and sanitation services, and there was a desire expressed to see cooperation/planning between the two counties. One individual suggested that certain requirements could be required if/when development San Juan County is allowed to be serviced by Grand County Water and Sewer services, for example: the implementation of dark sky ordinance, lot size/density restrictions, limitation on large scale development and other commercial enterprises that don’t match the Grand County’s vision.
- One individual expressed a desire for Grand County and Moab work together/function as one “greater Moab area city-county”. They suggested that Grand County annex into Moab (south of Moab to the County line).
- Several individuals articulated the likelihood that an economic slowdown is likely to come. One individual mentioned that the City/County should use any downturn to catch up and get significant planning completed.

#### Overnight Accommodations/Higher Density in Existing Residential Neighborhoods

Varied concerns and opinions were expressed regarding overnight accommodations in residential areas, including the following:

- Allow nightly rental and/or higher density developments in existing residential areas (R-2 zones) causes conflicts; Zoning has been too easily changed on a property by property basis in the past and they would like to zoning be used and enforced to protect existing residential neighborhoods.
- R-3 zones are already mixed-use zones; Overnight/short term rentals should be considered in those zones.
- Rather than outright ban, provide less restrictions on short-term rentals in residential areas; For example, consider limiting the number of weeks or times a year that a home can rented out (Telluride and Austin have both done that).

## **Economy**

- Many expressed a desire for greater local ownership or a direct benefit from tourism to the local community, rather than large corporate/“chain” businesses. Many feel like these large corporate businesses don’t offer fair wages or support the local community (e.g. donations of time/money) and that these large, national chain hotels are “irreparably altering” the physical character and sense of community in the Moab area. One individual expressed the desire to see any resident be able to open up a B&B with profits coming back into the community/to local residents rather than the profit to go to large chain hotels, and another suggested that permits to build new overnight accommodations only to be issued to people who live in the Moab area.

- There is a strong desire to diversify the types of businesses and economy in the Moab area, with a belief that this could help lower the area's vulnerability during an economic recession.
- There was also a strong feeling that making money/a profit currently seems more important than other pressing issues, such as overcrowding, caring for local/natural resources, etc.; Specifically, there was disappointment expressed that the decision to implement reservation system at Arches—that is anticipated to solve some of the overcrowding/overuse issues—was put on hold because of concerns about the impact to local revenue. One individual put it this way, "Greed is not a planning tool and has reigned supreme in the last several decades."
- Many feel like space for new commercial enterprises is very limited and that skyrocketing land prices have shut out desirable small entrepreneurial/creative/non-profit opportunities. With every hotel that comes in, they feel like valuable space for other needs disappears and, therefore, would like to see less hotels and more opportunities for other types of businesses.
- Several questions or ideas relating to assessing additional taxes/fees to control or manage unwanted overnight accommodations were expressed, including:
  - Can a local fee be assessed in addition to the state tourism tax?; Are there any additional taxes/impact fees to pay for the tourism-related impacts that could be used to improve conditions in community (for example, improve salaries for teachers, police officers, etc.)?
  - Do timeshares pay transient room tax?
  - Can hotel owners be assessed an additional fee/tax to mitigate for visitor/tourism impacts to infrastructure, EMS services, law enforcement, etc.? Can they be required to "give back" to the town in such ways as affordable housing, education/environmental stewardship programs, and assisting vulnerable populations?
- A few commenters talked of property taxes have increased dramatically for commercial properties. They feel that the increase to property taxes makes it harder to build a successful/profitable business.
- There was a strong desire for advertising of the area to either be stopped entirely or put on hold. One individual felt like advertising should at least be truthful/accurate and, in doing so, would say something like, "Come to Moab to wait in line and hear noise of Razors". Others expressed a desire to see funding from advertisements promoting tourism shift to educating visitors on how to recreate responsibly/take better care of the land.
- One local business owner felt like as tourism has increased and hotel prices have gone up, there doesn't seem to be a proportional increase in revenue for local retail businesses.
- Many feel that local businesses are overwhelmed by the amount of tourists, with specific examples including restaurants having long (2 hour) wait times at dinnertime and City Market not being able to keep the basic necessities stocked on their shelves.

## Housing

- There was some support for higher density expressed, if that density was used for housing local residents.
- One individual mentioned that they would rather see affordable housing dispersed around town, than the south end of town grow.

- Many recognized that affordable housing and limited growth can't happen without higher density. One individual mentioned that a conflict of desires exists in the area with many residents wanting to see more affordable housing, but not wanting that housing in their own "backyard".
- A desire was expressed for impact fees waived for affordable housing.
- Several individuals mentioned that they would like to see employers provide housing for their employees. They related that there are many people living out of cars to survive/make ends meet and then they get fined for doing it. There is a great desire for change and solutions to this issue/problem, with one individual suggesting the provision of safe places for temporary workers to park and camp if they unable to afford housing.
- There was optimism expressed regarding the housing that is planned adjacent to the future USU campus. They relayed that there will be both student housing as well as housing for the larger community.
- There was also a fear expressed that some affordable housing is being acquired and flipped (sold at market-rate prices) to make a profit; This situation was specifically linked to those getting help from the Self-Help Housing program, a federal assistance program.
- Some expressed a feeling that the lack of residential housing for year-round residents deters a healthy and diversified population.

## **Employment**

- There is an overwhelming agreement that tourism-related jobs do not pay enough for employees to find adequate housing in the area and many feel like their employers should be required to provide affordable housing options for their employees. One individual mentioned that they would like to see a minimum wage increase in Moab to help solve this issue.
- Many see the lack of affordable housing as a deterrent to attracting labor, high skill labor and essential services (teachers, police, nurses, etc.) in particular.
- There was an expression of not enough employees on multiple levels, with some feeling like the number of hotels are putting a strain on the overall available workforce in the area and others citing that employed people have to work long hours because there aren't enough employees.

## **Growth**

- There was expression by a fair amount of people that people live off of tourism in Moab. Some individuals felt like you can't stop growth from happening and others that believe that market will monitor itself (e.g. developers won't invest/build in an oversaturated market)
- A few individuals feel like a greater demand for hotels is a good sign and is much better than the lean times that used to exist with the feeling that that any new hotels should be allowed in the downtown and in commercial areas.
- One individual mentioned that Arches could open up the other end of the park to help facilitate the number of visitors they get, rather than limit/require reservations.



## Re: This Planning Process

- One individual expressed the desire for the City/County to invite developers and pro-development residents to the table and get their input on the moratorium.
- Another individual thought it was important for the project team to reach out to the younger people working here, specifically those who want to stay and live here, but are currently working multiple jobs
- One individual was overwhelmed by the amount of conflicting desires/needs in the community. When they asked “How are we going to solve it?” the Mayor of Moab responded that it wasn’t going to be solved from the top down, but that the community will solve it together.

## Examples to Consider

There was a strong desire to look for possible solutions—specifically, smart and slow growth strategies—both inside and outside of the State of Utah. Specific places mentioned include:

- Ashville, NC: Limited nightly rentals/hotels
- Telluride: Stopped development and the town still continued to thrive
- Gatlinburg, TN (Gateway to the Smoky Mountains): Engaged with state representatives to get things resolved
- Park City, Dot Creek (Cedar City) and Kayenta & Ivins (St. George area): Potential local examples to look at

## What would you like Moab to be in 20 years?

During one of the open house sessions the question “What would you like Moab to be in 20 years?” was asked. The following answers were vocalized in that meeting and comments received after.

- A walkable community
- A family-centered community with younger people/young families; One that isn’t dominated by tourists
- A place that is safe to bike
- A diverse economy; Employment opportunities for different skill sets
- More remote/tech employment opportunities
- Opportunities to build local businesses
- Improved internet/co-working spaces
- A constructed USU campus (more students and faculty)
- Well-funded schools and EM services; A hospital
- Improved road infrastructure
- Better law enforcement (enough to match the number tourists that come here)
- A place people want to live (not a strip of businesses like Las Vegas)
- Have a balance of hotel rooms with residential
- A focus on the natural world rather than restaurants, hotels, services, etc. (this may require charging more/would have an impact on affordability to the tourist)
- Parking lots or garages at both ends of town—to get people parked/out of their cars and create a more walking centered community

- Denser housing near downtown
- Narrower streets
- Permaculture/urban gardening opportunities; Restaurants that compost their food waste
- Public transit along Hwy 191 and to Arches; Also along Mill Creek Drive and Spanish Valley Drive
- More green infrastructure to mitigate flooding and overwhelming heat during the summer months
- Affordable; Livable; Diverse; Cooperative

Summary of Stakeholder Comments Provided in Focus Group Meetings Held April 8-11, April 30, and May 6, 2019

*Facilitator: Zacharia Levine, Grand County Community and Economic Development Director*

Comments provided by clients and staff of the Moab Valley Multicultural Center (MVMC): Service workers, business owners, staff

- “When I moved here 23 years ago, nothing was open November through March. It was hard if you didn’t save your money, but it was quiet.”
- “There are 10,000 people living here, but we all work two or more jobs; it is like we need a 20,000 person or larger community to fill the workforce needs. Our workers are stressed.”
- Moab needs more housing opportunities.
  - “Nothing is available, and it is very difficult for non-native speakers to be accepted in rental housing. I know so many families that are living four, even five, families in a single trailer.”
  - “Can the City and County incentivize more ADU development?”
- Overcrowding, due to the lack of supply (and perhaps even more than cost) of housing, is a huge and common problem. It leads to all sorts of other community challenges, and I am especially concerned about its effects on children.
  - Overcrowding negatively affects family life
  - Overcrowding leads to a loss in privacy, often times sanitation issues, and prevents children from having routines.
  - “It creates chaos in the household. Kids can’t thrive in chaos.”
  - “Because of crime, abuse, and natural disasters (e.g. fire) stemming from overcrowding, more and more of our ‘clients’ are living in their vehicles (or on people’s floors) for increasingly extended periods of time. It used to be a few weeks to a month; it is now, on average, six months.”
    - “This is severely affecting people’s kids. This is the most heartbreaking part of our housing crisis.”
    - “When a family is displaced and living in their car or on another family’s couch, where do the kids sleep? They don’t have beds.”
- The lack of housing in Moab is causing displacement of residents and preventing people who want to move and work here from staying.
  - “Moab has a lot of jobs. People from all over want to come here and work. But, they get here and cannot stay. I am about to lose two employees next week because they cannot find housing.”
  - “I know many people who are leaving Moab because they can’t find housing. These are good people who work hard.”
  - “We have too many jobs and not enough housing.”
  - Many Native American individuals and families have tried to come to Moab, live and work here, but have not been able to stay. Many struggle with the cultural differences, job challenges, and housing.

- Most people who leave go to larger employment markets with easier/cheaper housing, especially in Colorado. Only a small number move to surrounding areas in the region and commute.
  - “We don’t like to commute because it is a legal concern. Some people cannot drive due to their immigration status. Others are fearful even if they can drive.”
  - It was noted that if workforce housing is primarily built in the southern stretches of Spanish Valley, the City and County really need to have public transit because many service workers will not or cannot drive.
- Because of the jobs-housing imbalance and the competition among employers for a limited supply of employees, some service sector workers are making much higher wages now.
  - “Some housekeepers are now making \$20/hr. But, only the bigger companies can pay those wages, so it is negatively impacting the smaller, family-owned businesses.”
  - “Because the bigger hotels can pay higher wages, seasonal workers have much less loyalty to their employers. I have a huge problem because of seasonal employee turnover.”
    - There is tension between long-time residents/workers who care about their employers and their community and short-term/seasonal workers who have little loyalty or concern for Moab.
    - “I see work ethics going down because employees know they can find work with other employers if needed.”
  - “I like the higher wages, of course, but I prefer tranquility and comfortable working environments. I don’t want to chase the dollar. I want to work hard, have a comfortable life, and a peaceful neighborhood.”
- Landlord treatment of non-native speakers can be (and often is) terrible.
  - Simply getting information from landlords/property managers is challenging. They don’t return phone calls or respond to inquiries, even when MVMC staff is serving as the point of contact.
  - Basic transactions, including rental application processing, is super challenging.
  - For residents without immigration status, finding rental housing is nearly impossible.
    - Participants really like the Walnut Ln development idea being led by the City of Moab, but have concerns about documentation requirements
- When asked what the participants liked about Moab, the following qualities were identified
  - Small town feel
  - Relatively low crime rates
  - Acceptance of different cultures and languages
  - Relatively little emphasis on immigration status – a feeling of safety and acceptance
  - Easy to commute/not a lot of driving needed to get to work
- When asked about their general sentiments of growth and what they wanted to see in Moab, participants said:
  - “No more hotels!”
  - “We should not grow any further until our city systems can handle more growth.”
  - “I am most concerned about crime. If we grow, I don’t want Moab to have more crime. We need to work towards tranquility.”

- “Are we prepared to keep crime down as Moab’s visitation grows? Especially crime from tourists towards residents, and also tourists towards the environment.”
- “We need more child care in Moab. How can the City and County incentivize more child care, financially and otherwise?”
- “We need to help small businesses.”
- “Teenagers need safe spaces.”
- “Residents need more public spaces. Can the City help to make the land outside the MVMC more like a public plaza

Comments provided by citizens at the local Veterans Affairs: Six veterans who have lived in Moab for between 30 and 72 years

- “It is a shame that we did not, and are not, capping growth.”
- “I don’t have a problem with the number of people who are here...I think it’s great...but we should be screaming locally and at UDOT to get the traffic fixed. We have so many infrastructure issues that need to be solved given how many people are now living here and visiting.”
- “We don’t have nearly enough housing. Low-income, affordable housing. Every administration has talked about housing...housing, housing, housing...but they haven’t done anything about it.”
- “Rotary Park is amazing. I love it. Kudos to the City for taking care of Rotary Park.”
- “We don’t want to see any more hotels. We’re ok with more housing *if it is affordable*.”
- “We need more stores that sell what locals need. We all go to Grand Junction at least once a month. We buy everything we need, have a nice lunch, and fill up on gas. That’s it. This town used to have stores that sold stuff people need on a daily basis. Now, it’s all for tourists.”
- “Food prices here are a rip-off. Everyone in this town is chasing a buck. There is way too much greed.”
- “We need to invest in public services. We need a full-time fire department. New development should be paying more for our public services – they should be buying things like new fire trucks.”
- “Hotels need to pay more for infrastructure and services.”
- “We should incentivize small, locally-owned businesses, especially those focused on locals.”
- Should the City or County approve more hotels?
  - The unanimous answer was no. However, the group said this shouldn’t be the case forever. It is possible that in the future, with a more balanced community system, that additional lodging and visitation growth could be welcomed.
- Many participants criticized the prioritization of community projects and policies, especially within the municipal budget. References were made to excessive salaries and dollars going to things other than critical infrastructure needs.
- All participants expressed a strong interest in bringing back long-running community events such as the State Fair. A comment was made that the City should not evaluate long-running community parades such as the Homecoming Parade on the basis of cost when it allows other events oriented towards tourists to occur and create community impacts. Many participants lamented the loss of community events and the growth of events for tourists.

- “We need more focus on residents. The City and County commissioners need to stop focusing on the dollar. It’s greed. They need to focus on residents.”
- “New hotels should be required to have restaurants. I’m sick and tired of having to compete for a seat in our restaurants.”
- “I commend you for coming to talk with us. No one has ever done that before. We don’t go to public meetings because they are hard for us. Thank you for coming here. I hope someone does this again.”

Comments provided by high school students: 9<sup>th</sup> and 12<sup>th</sup> grade (~15 students selected by teacher/principal)

- Some students reported that they walk downtown because they don’t have cars and have few other options for leisure, although they reported mixed views of the business and attractiveness of downtown. Other students said they avoid downtown at all cost because the activity and traffic levels are too intense.
- Students expressed appreciation for Swanny City Park and Rotary Park
- Students suggested that restaurants were too busy and too expensive.
  - “Moab needs more restaurants. Tourists need to sleep, but they also need to eat.”
- Students expressed a desire for more night life activity for young adults and more free common areas, such as public plazas
- “There are too many hotels, and they keep building more. I don’t like it.”
- “Hotels are allowed to be built in the wrong places. For example, the new hotel downtown across from Arches Thai could have been housing and small shops for locals.”
- “We have to travel to Grand Junction for a lot of the things we need to buy because most of our shops are only for tourists.”
- The amount of water hotels use is crazy.”
- “The City and County need to invest in Main St. We need to prevent back-ups at Arches National Park. We need better infrastructure.”
- Students noted that hotels continue to be built but there aren’t enough people to work at them. The people who do work at them earn relatively low wages.
- Students reported a desire to see more locally owned shops because they support the Moab community (and larger corporate companies do not).
- Graduating seniors in the group indicated that they couldn’t stay in Moab long-term because there aren’t any higher paying jobs and it is expensive to live in Moab. The wages are too low and the only options are in tourism and service sectors.
- With respect to design or form-based elements of new hotel construction, students suggested the following:
  - No more big block and huge hotels (structural form and scale)
  - New hotels should blend in with landscape (structural form, materials, colors)
  - “Hotels shouldn’t be an eyesore, like the Wyndham hotel under construction”

- Hotels should be required to put in underground parking to keep the ground level better for people walking and biking
  - Hotels should have to invest in the Moab community
- Students suggested the City needs better biking infrastructure
- Students liked the idea of mixed-use development in the City, so long as adequate parking or minimal traffic was included. Students communicated the need for smaller living spaces for single people.
- Students talked a lot about “community vibe” or community character
  - Special events influence community vibe. Some events (e.g. car show, arts festival, music festival) enhance community vibe. Others detract from it (e.g. competitive sporting events).
    - Students expressed a desire to see the City and County exercise more discretion in special event approvals. “We should be much more selective.”
    - “How do we keep events that start out for locals geared towards locals, such as the summer concert series? It seems that over time events just become about tourists.”
  - Students expressed a desire to see more cultural and ethnic diversity in Moab and Moab’s special events, but noted that cost of living was a barrier to achieving this goal.
  - Hotels change the character of Moab. They privatize space and create a divide between visitors and residents.
    - “Hotels change the vibe of town because the space within them is not for anyone except their guests. The general public is not allowed. Each new hotel means more space that is unavailable to residents.”
  - “We feel disconnected from the town because our community and economy are so oriented towards tourists. As it grows...as more hotels are built and more tourists visit...Moab feels less like home and more like other people’s playground. We need to prioritize the feeling of home. People working 2-3 jobs don’t have the time, energy, or resources to attend local events or community gatherings even if they want to.”

Comments provided by middle school students: 7<sup>th</sup> grade (6 students selected by principal)

- When asked about their general perceptions of Moab, students said,
  - “There is not much to do in Moab for teenagers/young people because all the activities are for tourists. They are expensive and not for us.”
  - “We need public transportation so it is easier for us to get around. Traffic is so terrible that we can’t even complete our daily tasks. Parking is terrible.”
  - The students communicated that Moab’s scenery is beautiful, but it is not enough to satisfy their needs for extracurricular activities, or to balance out the cost of living in the area.
  - “Moab is for tourists. We need to fortify our town and invest in it for locals.”
  - “There aren’t enough workers because people are leaving Moab since it is a tourist town and too expensive.”
  - Students agreed there are not enough restaurants in Moab

- “We want more open space with shade. We love the Moab Parkway.”
  - “We need more hangout places.”
- The students expressed a desire to have the ability/option to work. Some wanted to work in order to have spending money, others wanted to be able to support their families.”
- Students communicated a desire to see dark skies protected.
- When asked about their opinions of increased density and development in the downtown area, student responses were:
  - “We’re not into seeing taller buildings if they block our views of the canyon walls.”
  - Students suggested that visitors come to Moab for the scenery and landscapes, so building a downtown that is similar to the urbanized areas from which people come diminished Moab’s attractiveness/uniqueness. They also suggested that Moab’s scenery is integral to its community character and identity.
    - “Scenery is Moab. If we take away the scenery, we take away Moab.”
- When asked about the ways Moab is changing over time and development trends in general, students said,
  - “Growth is good, but we need to dial it back because our small town cannot handle it. We don’t have enough people and our infrastructure is old.”
  - “We think Moab is too much for the tourists.”
  - Students suggested that Moab/Grand need to fix all the potholes around town if we are to grown.
  - “We just need to slow down.”
  - “Moab is expensive for visitors and residents, but visitors have so much more money than us.”
  - “The RV parks are low quality.”
  - “You can’t thrive, or even survive, in Moab. We want to work in order to save money so we can move elsewhere.”
  - “Moab is a trap. People can’t make enough money to live here, or enough to leave.”
  - “Growing up in a tourist town, you learn to hate it. I don’t want to live in a tourist town.”
  - “A lot of my friends have had to leave because it’s too expensive for their families to stay here.”
  - “Growing up in Moab, you become so aware of costs. Cost of housing, cost of food, and cost of clothing...everything. When I think of other places I might live someday, I mostly think about their costs of living.”
  - “We can’t stand what Moab is becoming. If you didn’t buy land a long time ago, or have land passed down from your grandparents, it’s impossible to live here.”
- Regarding downtown Moab and Main St., a student said, “We like Main St. because of all the small shops, especially the local shops. We like a small town feel.”
  - “We don’t want a Wal-Mart because that will destroy our small, local shops.”
  - “Everything here is low-quality and underdeveloped, but way over-priced.”
  - “We need more local shops. More services and shops for locals. Less corporate.”
    - “We like places like KZMU, Wabi Sabi, Moonflower, Wicked Brew, and The Rave’n Image.”
    - “We need more clothing and appliance stores that locals can afford.”



- Students had many recommendations for how Moab and Grand should prioritize policies and budgets (in addition to what was noted above)
  - In relation to their desires for space that is oriented to young people and the ability to work, students suggested the City and County support the creation of a “Kid-café,” which has comfortable seating/hang-out space, creative space, food/drink options, etc. The “Kid-café” should be within walking distance of the schools
  - “We need to capitalize on our small town, homey feel.”
  - “We should emphasize quality over quantity.”
    - Fewer and smaller hotels, and AirBnBs/Bed and Breakfasts, would do a better job of giving tourists a close-up look at local culture than big box hotels
  - Students’ top solutions included:
    - Affordable housing
    - Slowing down growth
    - Creating entertainment for kids
    - Improving roads
    - Allowing fewer hotels
    - Creating more and different job opportunities (esp. for young people)

Comments provided by local business owners: retail, restaurant, outfitter, professional services, real estate, hotel/hospitality, general development

#### Focus Group 1: Broker, Restaurateur, Hotel Owner

- There will be increased interest in developing hotels in Moab/Grand County because it is so easy to develop hotels here. The hotel development industry knows this – our zoning regulations are minimal and impact fees hardly reflect the real costs of impacts. Customer demand will increase, which may justify more hotel/motel rooms. However, occupancy rates will probably fall yet hotel developers will still try to build.
  - The City and County should require more from hotel developers in terms of form (not just finish).
- Participants communicated a willingness/acceptance of growth management policies, such as capping the amount of new lodging development that approved each year.
  - “Slower growth could be good in order to let us catch-up in areas like housing and infrastructure.”
  - “We can’t stop growth, but we need more control over it.”
- Growth is very much a function of marketing and advertising Moab, and that needs to be addressed
  - “We are at a point where maybe we do need to stop advertising. We can’t handle any more tourists. We’re at capacity, for now at least.”
- Moab does not have enough restaurants. When visitors come here and need to wait 1-2 hours for mid-grade restaurants, that negatively impacts their experience.
- Moab does not have enough retail space, restaurant space, medical office space, or places for mechanics shops that serve both residents and tourists, such as ATV/UTV/bike shops. One local

real estate broker indicated that small business entrepreneurs represent very little, if any, of their client base now because it is so difficult to find space for new start-ups.

- Entrepreneurs need space!
- Some areas that deserve attention as potential mixed-use development nodes include:
  - West end of Center St.
  - 400 North and 500 West
  - East Center St. and 400 East
  - Mill Creek Dr. and 400 East
  - Mill Creek Dr. and Powerhouse Ln.
  - 100 South and 100 East
- Many hotels are reporting flat or diminished occupancy and/or revenue in 2018 and a slow start to the 2019 season.
- Nightly rental owners have seen diminishing returns since 2016/'17
- Most, if not all, employers are struggling with employee attraction and retention. Employee housing is an area where the City and County need to continue focusing efforts.
  - A local broker suggested the County's housing policy efforts will begin to pay big dividends in the coming years.
    - *The news and early indicators (e.g. road construction) of USU Moab coming online is increasing interest in multi-family development because developers see a solution to having multiple months of vacancy that results from seasonal employment*
  - Employees are stressed out. As a result, they are more likely to provide poor customer service.
    - Some larger employers are paying better wages and even providing benefits, but that is not easy for most of the smaller employers in Moab
- The City and County need to invest in more alternative transportation infrastructure
- The County should protect the mixed-use development potential around Spanish Trail Rd and US 191 as well as Resource Blvd. and Spanish Valley Dr.

#### Focus Group 2: Retailers (tourist and non-tourist specific), Brokers, Restaurateurs, Professional Services; Outfitters

- Communities that Landmark should study: Jackons, WY; Stapleton, CO; Bentonville AR
- In the public domain, negative comments greatly outnumber positive comments regarding tourism development. Even though some people may support tourism development, they don't speak out as much.
- The nexus between housing availability/affordability and employee attraction/retention is resulting in significantly diminished customer service and customer experience
- Moab now has a nationwide reputation of what NOT to become...what to avoid
- Business representatives are interested in diverting a greater proportion of tourist dollars to quality of life infrastructure and amenities, including housing.
  - TRT conversation but also other sources.

- A lot of privately held land is undeveloped and/or underdeveloped. What can the City and County do to incentivized necessary and beneficial development on such lands.
- All participants strongly agreed that Moab/Grand County do not need additional lodging.
  - However, more commercial development is needed because the pressure on a limited number of businesses is resulting in poor customer service.
  - Some suggested that residents should be given more opportunity to do short-term rentals in their homes as a way of spreading tourism revenue to a larger number of people in Moab
- One business owner expressed frustration that increases in commercial property taxes are forcing them to consider profit generating activities that are not actually in their business or personal goals/interests in order to cover the increases in their property taxes.
- Multiple business owners reported that there are not enough incentives for building workforce housing
- Business owners communicated a desire for managed growth, increased investment in developing the downtown environment.
  - Some communicated the need for a bypass in order to support walkability and bike friendly streets
  - When one business owner suggested the creation of a “walking district,” others agreed
- There was a comment about the difference between unit counts and room/occupant counts. One hotel unit might accommodate 2-3 guests, but one condo or ONR unit might accommodate 10-15.
- There was discussion surrounding the appropriateness of building a downtown parking garage in the context of rapidly changing transportation technology and the need to shift focus from private automobiles to public transit
- Participants discussed the pros and cons of spreading the downtown experience beyond the existing CBD, but consensus did not emerge
- Business owners expressed a desire to see local legislators and state representatives change the TRT formula to allow for more money to go towards growth issues such as workforce housing
- It was suggested that new hotel approvals could/should be a function of workforce availability
- Multiple people complained about noise. Business owners, residents, and many visitors want peace and quiet.
- “It is just too easy to develop hotels here. And, there is a big disconnect between hotel developers’ evaluation of the development opportunity (i.e. profitability) and WHY visitors are coming to Moab.”
- “We need to re-establish our reputation from a place where anything goes to a place where excellence is expected. For instance, come to Moab and leave your car at your hotel...it is very easy.”
- There were a couple recommendations that Moab/Grand better accommodate non-traditional housing opportunities, like tiny home communities, long-term visitor areas, etc.
  - Examples provided were Washington, Texas, and Colorado (tiny home communities), and San Diego (camping is allowed constitutionally because the City isn’t doing enough to provide for affordable housing opportunities).

Comments provided during the April 9, 2019 Trail Mix Committee meeting: Representatives of different non-motorized trail user groups and federal land management agencies

- One member noted that three couples who are friends have moved away from Moab or are currently making plans to do so because of recent growth trends in visitation and motorized recreation activity in the Area.
- One member has observed that businesses all over town have “Help Wanted” signs due to the high costs of housing for employees. The member shared his experience from two years prior. After returning to Moab from a short time away, he could not find a room to rent for less than \$600 despite having grown up in the community and possessing a large network.
- Trail Mix members believed that high housing costs and increasing employment opportunities have contributed to a significant uptick in longer term camping on public lands near Moab. Many individuals cannot afford housing, so they live in various vehicle types in temporary locations on public lands and commute into town, adding to traffic, parking, and environmental degradation.
- One member suggested the biking community in its entirety, including shops, outfitters, and resident-users agreed that Moab has enough tourists, should not try to attract any more, and would benefit from fewer special events.
- Another member pointed out that many residents have made inaccurate statements, perhaps due to bias or misinformation, about the current level of trail damage throughout the county, noting that trail damage has decreased in many areas due to the efforts of Trail Mix and land management areas. Nevertheless, maintaining high quality trail networks requires more money and staffing.
- BLM and USFS representatives reported a significant uptick in the number of negative reviews and/or complaints received from visitors having poor experiences due to overcrowding on public lands. In particular, the Willow Springs area is generating a lot of complaints.
- The BLM representative suggested that visitor expectations have changed over the years, but they are not being satisfied.
- The USFS representative confirmed that workforce dispersion due to housing costs is affecting forest service lands in the La Sal Mountains. The USFS has had to put more resources to monitoring campers who try to stay beyond the 14-day limit.
- The group suggested that Grand County consider developing “Long-Term Visitor Areas (LTVAs)” similar to what Arizona has created. These areas could accommodate seasonal workers who are not capable of competing for limited traditional housing stock in Moab.
- An event organizer indicated that hotels have seen occupancy rates drop because event participants have reacted negatively to local hotels charging excessive rates or requiring two-night minimums. Some hotels have changed their rate offerings, eliminated minimum stay requirements, and collaborated with the organizer, and as a result, those hotels have reached full occupancy during event weekends.

## James D. McClanahan

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**From:** Grand County Council  
**Sent:** Wednesday, June 12, 2019 10:15 AM  
**To:** Curtis Wells; Evan Clapper; Greg Halliday; Jaylyn Hawks; Mary McGann; Rory Paxman; Terry Morse  
**Cc:** Zacharia Levine; Chris Baird; Christina Sloan; Ruth Dillon; Tara Collins  
**Subject:** FW: public hearing on overnight accommodations moratorium

**From:** Kirstin Peterson <kirstin.m.p@gmail.com>  
**Sent:** Tuesday, June 11, 2019 1:01 PM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Subject:** public hearing on overnight accommodations moratorium

Dear Council Members,

I cannot make your meeting tonight and want to add my support for the elimination of overnight accommodations from all county zones as a permitted right. Our community needs this to happen so that we can fully evaluate the cost that so many people staying in our community is exacting on our ability to provide a quality experience to these visitors and for the cost on our quality of life here. We need to take a broader view than just being able to put our visitors in beds.

We need to ensure there are restaurants to feed them and water to sustain and bathe them. We need to ensure our community can accommodate the workers needed to provide all the services that our visitors desire which includes cleaning their rooms, servicing the bikes, rafts and 4x4 rentals they want to utilize while here and providing government services such as safe roads, trails and the myriad of infrastructure needs that both visitors and residents deserve.

We need to work with Arches National Park more to address the over crowding there, not just invite a million more people a year and expect the park service to handle it.

We need to look inward at our community needs before we decide to build out for the world to visit all at once. Our community needs housing, our businesses need workers that can find a place to live. Every business I know of in this valley is short staffed.

I saw the article in the paper saying that a study shows our revenues will suffer if we don't continue to build more hotels and accommodations. I disagree.

Unfortunately for most people the prices will go up during the highest times of visitation if the supply is limited but actually there aren't that many times when the town is totally sold out.

We can do a lot more to encourage people to visit during the week and in our shoulder times when it's not so busy.

We can maximize our "busy" times for quite a while before we are truly "full" most of the time. This strategy can maintain our tax revenues and help our existing businesses be more successful.

Please continue to look at our community issues from a broad perspective and don't listen to the short sighted tales that bemoan that if we aren't "growing" we are "dying". There is so much opportunity for growth here that doesn't rely on a continual stream of more hotels.

Thank you for your time and efforts on this.

Kirstin Peterson

--

Rim Mountain Bike Tours

1233 S. Hwy 191

Moab, UT 84532

[www.rimtours.com](http://www.rimtours.com)

[kirstin@rimtours.com](mailto:kirstin@rimtours.com)

435-259-5223 office

435-260-0042 mobile

## James D. McClanahan

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**From:** Grand County Council  
**Sent:** Thursday, June 27, 2019 9:25 AM  
**To:** Curtis Wells; Evan Clapper; Greg Halliday; Jaylyn Hawks; Mary McGann; Rory Paxman; Terry Morse  
**Cc:** Zacharia Levine; Kenny Gordon; Chris Baird; Christina Sloan; Ruth Dillon; Tara Collins  
**Subject:** FW: New proposed ordinance concerning overnight accommodation zoning

**From:** Matt Kareus <kareus.matt@gmail.com>  
**Sent:** Wednesday, June 26, 2019 1:54 PM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Subject:** New proposed ordinance concerning overnight accommodation zoning

Dear Grand County Council:

I am writing you in reference to the planning commission's recommendation on a proposed ordinance to remove overnight accommodations use rights from Use Table 3.1; to establish use-specific overnight accommodations overlay districts as a replacement to existing Section 4.6 Overnight Accommodations Overlay District; and, to apply the newly created use-specific overnight accommodations overlay districts to existing and vested projects in unincorporated Grand County.

I have a particular affinity for the Moab area because I was born and raised just up the road near Fruita, Colorado and I have visited frequently since the 1970s. In recent years, I have seen firsthand how explosive tourism growth has adversely impacted your community. I commend Grand County and the City of Moab for taking steps to more carefully manage the development of new overnight accommodations and to ensure that tourism remains a positive force there.

That said, I am concerned that the proposed new ordinance is overly restrictive and will prevent the creation of new businesses that could provide real economic value to the community without contributing to or exacerbating the problems the new ordinance is intended to solve. To this end, I would like to formally request that the council create a mechanism for non-vested overnight accommodation projects to be considered for inclusion as overlay districts.

I believe I bring a unique perspective to this issue because I have spent the past 25 years promoting and advocating for sustainable tourism in nature-based destinations around the world in both for-profit and non-profit capacities. As such, I've seen firsthand that tourism, when managed carefully and thoughtfully, can be a powerful force for protecting our world's natural and cultural riches and for improving people's lives through sustainable economic development. In Africa, for example, where I have been involved in the photographic safari industry since 1996, tourism is one of the key drivers of wildlife and habitat conservation and has created jobs and other economic benefits that have lifted millions of people out of poverty. I believe that properly managed tourism development can continue to provide real benefits to the people of Moab and Grand County and can aid in the continued protection of the area's rich natural heritage.

I have been directly involved in one such project that I believe illustrates the potential benefits the right kind of non-vested overnight accommodation can deliver. For the past three years, my partners (who are among the pioneers of conservation-based tourism in southern Africa) and I have been working on a plan to build and

operate a world-class eco-lodge in Grand County. Our vision isn't simply to open a new hotel, but to introduce a new mode of sustainable, low impact, high value tourism to the American West. Unfortunately, in spite of spending three years and tens of thousands of dollars on this endeavor, it was not far enough along to have been approved by the county by the time the hotel moratorium went into effect in February.

Our vision is to build an all-inclusive luxury tented camp comprised of just 12 tents and a tented lodge 20 minutes from Moab in an area that is scarcely visible from a paved road. We were in the process of negotiating to purchase a 600-acre parcel, which is currently zoned as a Range Grazing district and allows for the development of a destination resort with a conditional use permit. Based on the county's conditional use permit criteria, we believed our project would have easily qualified. The total footprint of the lodge area would have been less than 20 acres, with the remaining 580+ acres left untouched and protected in perpetuity. Our high projected nightly rate (\$1500 per room) would have allowed us to contribute as much to the local and state tax base as a traditional hotel 10 or even 20 times our size. The business would have created a minimum of 25 full-time jobs and our model includes paying significantly above market salaries, with excellent benefits, including profit sharing, employee ownership opportunities and subsidized housing. We also planned on contributing a significant percentage of our revenue to local conservation initiatives.

Based on my 25 years of experience in sustainable tourism development, I believe this is exactly the type of tourism business that other over-touristed destinations around the world are clamoring for. It would have a negligible effect on overall visitor capacity yet would provide real value to the county and its residents while helping to protect the natural heritage that has made Grand County so justifiably popular with visitors from around the world.

For the past 10 years, I have been deeply involved with another destination that is facing many of the same issues that Grand County is currently attempting to deal with. The Galapagos Islands are famously fragile and are threatened by explosive tourism growth driven by a huge increase in the number of overnight accommodations there in the last decade. As the Executive Director of an internationally respected 501c3 non-profit dedicated to protecting the Galapagos Islands and promoting sustainable tourism, I have publicly and consistently called upon the government of Ecuador to more thoughtfully and carefully manage the islands' hotel industry.

I believe more thoughtful and careful regulation of the overnight accommodation industry is the answer for Grand County as well. Painting all new proposed overnight accommodations with the same broad brush is a recipe for creating a stagnant tourism industry, not a vibrant and dynamic one that will contribute to the vitality and long-term economic well-being of Moab and Grand County. Taking a more nuanced approach could allow for the development of new low impact, high value and sustainable overnight accommodations that provide real benefits to the county and its citizens without exacerbating the issues the proposed ordinance is intended to solve.

To this end, I humbly request that the Grand County Council create a mechanism to consider including non-vested tourism projects in the new overlay districts based on stringent, clear and reasonable criteria.

Sincerely,

Matt Kareus



## James D. McClanahan

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**From:** Grand County Council  
**Sent:** Tuesday, June 11, 2019 12:34 PM  
**To:** Curtis Wells; Evan Clapper; Greg Halliday; Jaylyn Hawks; Mary McGann; Rory Paxman; Terry Morse  
**Cc:** Elaine Gizler; Zacharia Levine; Chris Baird; Christina Sloan; Ruth Dillon; Tara Collins  
**Subject:** FW: Moab Land Use comment

**From:** Nancy Walther-Oneal <nancy.oneal.walther@gmail.com>  
**Sent:** Tuesday, June 11, 2019 11:56 AM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Subject:** Moab Land Use comment

Dear Council:

STOP THE OVER DEVELOPING of Moab now and FOREVER!! NO MORE LARGE hotels needed! Again, we do not have the infrastructure (WATER & SEWAGE) capacities for so many people who come BRIEFLY to Moab, while we live here year round and have to deal with their casualties.

STOP ADVERTISING! We are at capacity and any more busloads will break us. We are ALL FOR RESERVATIONS for Arches. It is NEEDED! Not to mention the FUMES from the miles of cars idling in front of the entrance will also be a health benefit.

STOP the NOISE! OUT OF CONTROL day & night! LOUD ATV'S & TRUCKS NEED TO BE MONITORED AND/OR REROUTED! Great for the 1950's era but in 21st century this air pollution/noise/congestion needs to stop. TOO many semi's are ruining the roads, the ambiance, the air. PLEASE someone DO SOMETHING.

MOST IMPORTANTLY, STOP mixing commercial and residential properties! Doesn't work unless business owners are considerate to their neighbors but mostly the owners don't even live here and don't even care unless you complain. Businesses nearby us are now housing their employees in RV's on their commercial lot, IN RESIDENTIAL AREA. Many start working VERY early and disturb neighbors, create dust and are usually loud, or have bright signage, NOISE. (I actually saw one of their workers taking a pee behind their warehouse! We know this is happening ALL OVER because of the overcrowding or no commodes for all. HEALTH issues! Is anything in place for e-coli outbreaks?)

GET these business owners and investors to actually do something in exchange for their obscene buildings that block our view and wreck our peace. Where are all the OPEN spaces and SAFE parks/community green spaces for every NEW HYATT/HILTON/MARRIOTT/MONSTROSITY NEXT TO OLE GEEZERS--??

USE monies for long term growth for long term residents. We would be more happy if monies were used for EDUCATION, or to GO GREEN and keeping Moab HEALTHY instead of color coordinating the new buildings. INVEST in your townspeople and those that contribute \$\$\$ to your town that LIVE & WORK in your town.. Everyone should be happy and we sure aren't.

We are wanting to move for first time in 11 years. :(

## James D. McClanahan

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**From:** Grand County Council  
**Sent:** Thursday, June 27, 2019 9:26 AM  
**To:** Curtis Wells; Evan Clapper; Greg Halliday; Jaylyn Hawks; Mary McGann; Rory Paxman; Terry Morse  
**Cc:** Zacharia Levine; Kenny Gordon; Chris Baird; Christina Sloan; Ruth Dillon; Tara Collins  
**Subject:** FW: Comments regarding overnight accommodations and general growth issues

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**From:** Robert P Lippman <Bob.Lippman@nau.edu>  
**Sent:** Wednesday, June 26, 2019 4:42 PM  
**To:** planning-commission@moabcity.org; city-council@moabcity.org; Grand County Council <council@grandcountyutah.net>  
**Subject:** Comments regarding overnight accommodations and general growth issues

To: Moab Planning Commission; Moab City Council; Grand County Council  
From: Robert Lippman  
Date: 6/26/19  
Re: Overnight accommodations, moratorium, and growth issues

Although long overdue, the Moab Planning Commission's present focus on the impacts of overnight accommodations and unbridled tourism is most appreciated by the community.

Despite both city and county planning efforts, growth in Moab and Grand County has on its face proceeded without any meaningful particular or holistic application of standards related to carrying capacities, long-term sustainability, and the long-term preservation of local quality of life and public health and well-being for residents. The boom in overnight accommodations is synergistically interconnected with the vast increases in locally-focused, industrial tourism, the intentional (and subsidized) promotional spending and activity, and the significantly negative impacts cascading through the community and region.

Virtually unbridled growth has negatively impacted and disrupted Moab and the region with:

- gridlock traffic and parking issues;
- unhealthy noise and emissions;
- decreased air quality and the attendant public health impacts;
- stress on limited and likely overdrawn water supplies;
- stress on community infrastructures, amenities, and affordable housing;
- overall deterioration of community quality of life for residents (and even quality of experience for visitors themselves);
- environmental and aesthetic impacts on public lands and resources adjacent to the community.

These problems will not be solved by temporary fixes or ad hoc reforms, but only through a change in mindset regarding the purposes and vectors of community planning, and a holistic approach backed by the application of measurable values to be preserved, resources to be protected, and implicate carrying capacities to be institutionalized and respected. Arguments regarding "economic development" benefits simply don't hold water anymore, in the absence of regulated carrying capacities, and the siphoning of such "benefits" to out-of-state corporations and investors.

Due to the measurable, clear and convincing evidence of overwhelmingly negative impacts on the community, resources and adjacent public lands, I urge the Planning Commission and City Council, in concert with Grand County, to act creatively, affirmatively and immediately to not only place an indefinite moratorium on overnight accommodations, but to take steps to reverse and mitigate the present situation and its impacts. All subsidies for promoting tourism should be ceased, and funding transferred to mitigation and educational programs

Thank you for your committed consideration of this matter, and for responding affirmatively to community sentiment and need.

Robert Lippman  
HC 64 Box 3208  
Castle Valley, UT 84532  
[robert.lippman@nau.edu](mailto:robert.lippman@nau.edu)

## James D. McClanahan

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**From:** Grand County Council  
**Sent:** Wednesday, June 12, 2019 10:17 AM  
**To:** Curtis Wells; Evan Clapper; Greg Halliday; Jaylyn Hawks; Mary McGann; Rory Paxman; Terry Morse  
**Cc:** Zacharia Levine; Chris Baird; Christina Sloan; Ruth Dillon; Tara Collins  
**Subject:** FW: Proposed changes to New Overnight Rentals.

**From:** Sam Sturman <moose1wy@gmail.com>  
**Sent:** Tuesday, June 11, 2019 4:56 PM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Subject:** Proposed changes to New Overnight Rentals.

- I would agree there needs to be a fair and impartial way to control the growth of overnight rentals in Moab, Grand, and hopefully San Juan County that abuts Grand County. This unchecked frenzy of growth has the potential to severely impact our public services and diminish the value of existing properties. Moab and the County need sane use plans. While there appears to be pent up demand for growth, at some point Moab will reach saturation and being overbuilt will hurt the value of all properties. You need to look no further than the boom / bust of the uranium industry in the area.
- Such land changes will protect my property and business investments of my licensed bed and breakfast. Such changes should increase the value of my business.
- I do support the elimination of illegal nightly rentals in neighborhoods where recreational vehicles, tents, etc. are being used as nightly rentals. I oppose individuals doing nightly rentals who do not have a business license.
- I would like to comment on nightly rentals in neighborhoods. There were many comments by county resident, Sharon Brussels, about huge parties, noise, and trailers lining the streets in her neighborhood. Her concerns are valid. When I applied for my BNB license I was instructed that an on property manager was required, there were to be no trailer parking on the street, and all vehicles of guests must be parked off the street. Such rules would drastically reduce the problems that some neighborhood residents have encountered. I would be in favor of implementing such provisions in the land-use code and still allow new neighborhood BNBs to exist.

Sincerely

Sam Sturman  
Owner: Samuel L Sturman Bed and Breakfast

## James D. McClanahan

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**From:** Grand County Council  
**Sent:** Tuesday, June 11, 2019 12:34 PM  
**To:** Curtis Wells; Evan Clapper; Greg Halliday; Jaylyn Hawks; Mary McGann; Rory Paxman; Terry Morse  
**Cc:** Zacharia Levine; Chris Baird; Christina Sloan; Ruth Dillon; Tara Collins  
**Subject:** FW: Moratorium

-----Original Message-----

From: brent <brentcc1949@hotmail.com>  
Sent: Tuesday, June 11, 2019 10:51 AM  
To: Grand County Council <council@grandcountyutah.net>  
Subject: Moratorium

If you stop all over night accommodations in the city and county people will be sleeping in their cars trucks motorhome trailers and they will be sleeping in your neighborhoods and parks they will be taking showers in your community centers gas stations and restaurants is this what is in our future. The county has spent tens of millions of dollars on advertising to bring the tourists to grand county is this an attempt to put a moratorium on tourism? I believe that all businesses large and small will suffer due to this moratorium gas stations hotels tour centers river runners bike shops all businesses. I hope that city and county council members will make a decision for all people not just a few thank you Sent from my iPhone

## James D. McClanahan

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**From:** Grand County Council  
**Sent:** Monday, June 10, 2019 4:07 PM  
**To:** Curtis Wells; Evan Clapper; Greg Halliday; Jaylyn Hawks; Mary McGann; Rory Paxman; Terry Morse  
**Cc:** Zacharia Levine; Ruth Dillon; Christina Sloan; Chris Baird  
**Subject:** FW: Commercial Zones and Overnight Accommodations Overlay District

**From:** John Knight <jlknight30@gmail.com>  
**Sent:** Monday, June 10, 2019 10:42 AM  
**To:** Grand County Council <council@grandcountyutah.net>  
**Subject:** Commercial Zones and Overnight Accommodations Overlay District

Dear Planning and County Commission -

My name is John Knight and I am an active investor in real estate throughout Moab and Grand County. In addition, I run the 6th largest renewable energy development company in the country, Strata Solar, based out of Durham, NC. While I reside in Moab, I commute to North Carolina on a monthly basis to properly run the business.

In Moab, we face many challenges that any growing community faces. These include, but are not limited to, infrastructure, housing, education, economic diversification, etc. However, I urge you to not disincentive one industry, to try to address another challenge. Instead, our community should leverage the strength that we have (tourism) to help address the other challenges we face. Our main source of funds for our community comes from the tourism industry, let's embrace that to assist in addressing our infrastructure, education and housing needs. This can be done in various ways, but by hampering existing uses we will only create a lack of investor confidence in our fragile market.

An example of spurring a new industry, out of an old one, is in the energy space. I have spent 15 years developing utility scale renewable energy projects around the world. Early on, the developers of renewable energy were doing it for the environmental benefits. But, we never tried to get incentives taken away, or tariffs charge, to the thermal energy providers. Instead, we received incentives for our industry. Now, renewable energy is the cheapest form of energy in the world, and the fastest growing, this process worked at a macro level and it can work in our micro-economy.

I would advocate charging a nominal nightly surcharge for lodging establishments, which funds go directly to incentive new industry and housing. Then, the community leaders should set incentive packages for other development opportunities that will drive the desired outcome. But, I fear that by removing a use by right in an existing zone is going to degrade value of current land, thus reducing the tax base, and hindering our economy.

I appreciate your time in reading this and would be happy to talk through my ideas at any time.

All the best,

John Knight  
(503) 860-8903

## James D. McClanahan

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**From:** Grand County Council  
**Sent:** Tuesday, June 18, 2019 2:18 PM  
**To:** Curtis Wells; Evan Clapper; Greg Halliday; Jaylyn Hawks; Mary McGann; Rory Paxman; Terry Morse  
**Cc:** Zacharia Levine; Chris Baird; Christina Sloan; Ruth Dillon; Tara Collins  
**Subject:** FW: Concerns & thoughts

-----Original Message-----

From: Moabkiley <moabkiley@gmail.com>  
Sent: Tuesday, June 18, 2019 7:42 AM  
To: Kiley Miller <moabkiley@gmail.com>  
Subject: Concerns & thoughts

Real estate is speculative it is a gamble, so use by right shouldn't be allowed. No special zones, we've got more than enough OA now. We need commercial districts that provide office space, small industry, restaurants not more beds. So please NO use by right!

Just say no to the travel councils request for funds. No More Advertising Moab! All I hear & read from the citizenry is stop with the promotion of Moab. If you want a good sense of this just look at the times independent Facebook page and the response to the recent articles about the city funding and OA's. Overwhelming sentiment is NO more promotion of Moab, educating tourists yes but stop selling us. Even SJC comm'ner Bruce Adams said at the joint meeting that he thought it ridiculous to keep promoting, lamenting about the traffic.

I'm against the high density overlays thats been created, the property at 3058 Spanish Valley Drive if approved will go from 4 acres to 40 lots! People bought property out there to be rural & have space not to have 40 house built next to them. The impacts on Spanish Valley Drive from traffic are gonna be so stupid, between all those larger lots like Sandstone Cottages & the awful Arroyo Crossing being developed, argh!

This valley, our home is being ruined. We need to stop accommodating the tourists, corporate interests and greedy real estate developers who only see this place as something to make money off of. The county & city need to take a stand against the state/church who are driving this madness and are willing to exploit every last inch of this place and others to make money. The state doesn't care about our quality of life they don't care about people they care about making money.

Thanks to the council for the letter to Loves & Sitla, thanks for hearing us.

Always liked the 7 person council, 7 people to carry the hefty load of managing such a big county seems to have been working well for decades and it's what the citizens have always voted for.

Kiley Miller





# HIRSCHI BAER & CLAYTON<sup>PLLC</sup>

## ATTORNEYS AT LAW

DAVID P. HIRSCHI, ESQ.  
dave@hbcfirm.com

A PRACTICE DIVISION OF:  
 Davis Miles  
McGuire Gardner

June 18, 2019

*Via Email & Registered U.S. Mail*

Grand County Council  
125 East Center St.  
Moab, UT 84532  
council@grandcountyutah.net

Re: Grand County Overnight Accommodations Zone Changes

Dear Grand County Council:

Our firm represents Carroll Drilling (“Carroll”), the owner of a property adjacent to the Colorado River and Courthouse Wash identified by County parcel numbers 11-027-001, 11-027-002 and 11-027-003 (the “Carroll Property”). As you know, the Carroll Property sits on the north bank of the Colorado River adjacent to the Marriott Hotel development. For the past several years Carroll has invested substantial time and money in pursuing entitlements to develop the Carroll Property for hotel use, some of this entitlement process the County has already approved or been substantially involved with. Notwithstanding, we have been made aware that the Planning Commission has submitted a recommendation to the County Council described as its Overnight Accommodation Preferred Alternative, which proposes a new overlay zone focusing future development of hotel use to the area north of downtown up to the river, but just short the existing Marriott developments and the Carroll Property. Carroll objects to any change in the current zoning due in large to the fact that such zoning change will completely eliminate Carroll’s ability to develop its property in accordance with the entitlements already obtained. The substantial work and costs associated with Carroll’s development, much of which was required by the County before a specific use proposal could be made, was done with reliance on the good faith of the County to retain the current zoning.

The specific code amendment intends only to allow developments with vested rights to complete their projects. Therefore, both the boundary delimitation and the vesting cut off seem uniquely pointed to injure our client’s property interests. Indeed, if Carroll is prevented from further pursuing his development he will incur substantial damages both in the time and expense he invested prior to the date of this change in reliance on the County’s representations, as well as future loss of the property’s value at its highest, best and most natural use given the lack of any surrounding private property other than the Marriott. Furthermore, given the particular



circumstances of this situation, we would consider such a zoning modification which stops just short of our client's property to be subject to legal challenges based on (1) spot zoning limitations, (2) equal protection concerns, and (3) zoning estoppel.

While Carroll objects to any zoning change affecting its property, in the alternative, if a zoning change should occur, Carroll respectfully requests that the Moab North Gateway Overnight Accommodation Overlay District be amended to include the Carroll Property. In this regard, we urge the Grand County Council to adopt a map amendment that would take into consideration those areas north of the Colorado River that are slated for development and are currently left out of the zoning overlay. Balancing the needs of the community is an important goal that is not mutually exclusive of the development which our client has been pursuing. If the County's goal is to limit downtown and southerly overnight accommodations, by focusing that growth to the north, then the County should seek to accommodate northern growth by extending the overlay zone across the river. Further, the development guidelines should be consistent and not more onerous than those imposed on any other existing development in the immediate vicinity of the Carroll Property.

Our client's primary objective is to develop its property in a way that accomplishes its highest and best use and which is consistent with the neighboring property development which has already been approved by the County. Your consideration of our client's objections and suggestions are greatly appreciated.

Very truly yours,

**HIRSCHI BAER & CLAYTON, PLLC**



David P. Hirschi

**From:** [Matt Kareus](#)  
**To:** [Grand County Council](#)  
**Subject:** New proposed ordinance concerning overnight accommodation zoning  
**Date:** Wednesday, June 26, 2019 1:54:27 PM

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Dear Grand County Council:

I am writing you in reference to the planning commission's recommendation on a proposed ordinance to remove overnight accommodations use rights from Use Table 3.1; to establish use-specific overnight accommodations overlay districts as a replacement to existing Section 4.6 Overnight Accommodations Overlay District; and, to apply the newly created use-specific overnight accommodations overlay districts to existing and vested projects in unincorporated Grand County.

I have a particular affinity for the Moab area because I was born and raised just up the road near Fruita, Colorado and I have visited frequently since the 1970s. In recent years, I have seen firsthand how explosive tourism growth has adversely impacted your community. I commend Grand County and the City of Moab for taking steps to more carefully manage the development of new overnight accommodations and to ensure that tourism remains a positive force there.

That said, I am concerned that the proposed new ordinance is overly restrictive and will prevent the creation of new businesses that could provide real economic value to the community without contributing to or exacerbating the problems the new ordinance is intended to solve. To this end, I would like to formally request that the council create a mechanism for non-vested overnight accommodation projects to be considered for inclusion as overlay districts.

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To this end, I humbly request that the Grand County Council create a mechanism to consider including non-vested tourism projects in the new overlay districts based on stringent, clear and reasonable criteria.

Sincerely,

Matt Kareus



**From:** [Robert P Lippman](#)  
**To:** [planning-commission@moabcity.org](mailto:planning-commission@moabcity.org); [city-council@moabcity.org](mailto:city-council@moabcity.org); [Grand County Council](#)  
**Subject:** Comments regarding overnight accommodations and general growth issues  
**Date:** Wednesday, June 26, 2019 4:42:29 PM

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To: Moab Planning Commission; Moab City Council; Grand County Council

From: Robert Lippman

Date: 6/26/19

Re: Overnight accommodations, moratorium, and growth issues

Although long overdue, the Moab Planning Commission's present focus on the impacts of overnight accommodations and unbridled tourism is most appreciated by the community. Despite both city and county planning efforts, growth in Moab and Grand County has on its face proceeded without any meaningful particular or holistic application of standards related to carrying capacities, long-term sustainability, and the long-term preservation of local quality of life and public health and well-being for residents. The boom in overnight accommodations is synergistically interconnected with the vast increases in locally-focused, industrial tourism, the intentional (and subsidized) promotional spending and activity, and the significantly negative impacts cascading through the community and region.

Virtually unbridled growth has negatively impacted and disrupted Moab and the region with:

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- unhealthy noise and emissions;
- decreased air quality and the attendant public health impacts;
- stress on limited and likely overdrawn water supplies;
- stress on community infrastructures, amenities, and affordable housing;
- overall deterioration of community quality of life for residents (and even quality of experience for visitors themselves);
- environmental and aesthetic impacts on public lands and resources adjacent to the community.

These problems will not be solved by temporary fixes or ad hoc reforms, but only through a change in mindset regarding the purposes and vectors of community planning, and a holistic approach backed by the application of measurable values to be preserved, resources to be protected, and implicate carrying capacities to be institutionalized and respected. Arguments regarding "economic development" benefits simply don't hold water anymore, in the absence of regulated carrying capacities, and the siphoning of such "benefits" to out-of-state corporations and investors.

Due to the measurable, clear and convincing evidence of overwhelmingly negative impacts on the community, resources and adjacent public lands, I urge the Planning Commission and City Council, in concert with Grand County, to act creatively, affirmatively and immediately to not only place an indefinite moratorium on overnight accommodations, but to take steps to reverse and mitigate the present situation and its impacts. All subsidies for promoting tourism

should be ceased, and funding transferred to mitigation and educational programs

Thank you for your committed consideration of this matter, and for responding affirmatively to community sentiment and need.

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