



**GRAND COUNTY
COMMISSION REGULAR MEETING**

**Grand County Commission Chambers
Held virtually on Zoom
Moab, Utah**

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**MINUTES
15 February, 2022**

The Grand County Commission met in a regular meeting on February 15th, 2022. The meeting was streamed/attended electronically. It was also broadcast and saved on YouTube. Attending the meeting were Grand County Commissioners Clapper, Hadler, Hedin, McGann, Stock, Walker. For the joint Planning Commission portion of the meeting Grand County Planning Commission members Campbell, O'Brien, Evers, Barkley and Makeda attended. Also present were Grand County Commission Administrator Mallory Nassau and Clerk/Auditor Quinn Hall.

2:00 pm Call to Order

Chair Woytek called the meeting to order at 2:02 pm

Joint Workshop with Grand County Planning Commission

General Business- Action Items- Discussion and Consideration of:

Land Use Scenario Planning:

- 1) Timetable and deliverables (John Guenther, Planning & Zoning Director)
- 2) Presentation on scenarios and decision points (Bill Grimes, SCJ Alliance)
- 3) Section breakdown and roundtable discussion
- 4) Closing and summary (John Guenther, Planning & Zoning Director and Bill Grimes, SCJ Alliance)

Commission Chair Woytek turned the time over to John Guenther from planning and zoning. John discussed the timetable and deliverables, noting the anticipated completion dates of various aspects of the plan.

Bill Grimes discussed the Grand County General Plan. Bill discussed the planning process and explained different strategies. Bill addressed the importance of a shared vision and well-defined goals. Bill explained the difference between vision based planning and scenario based planning. Bill discussed events that may or may not influence the planning process. Bill discussed some different scenarios that may influence future planning efforts, and potential responses addressed through proper planning.

Bill discussed the importance of defining direction and adjusting responses to address unexpected changes in direction. Bill discussed the public workshop and explained how it should play out, expected responses, and potential responses and planning goals.

Bill and John discussed the goal of becoming familiar with the planning process and potential scenarios so commissioners are comfortable with the process. Bill reiterated the three scenarios and suggested the commissioners attempt to match up the scenarios to the planning process.

John discussed levels of service and infrastructure and the importance of fleshing out those ideas and ideals in the land use code. John noted the purpose is to get the land use code to support the general plan and create consistency and a clear path to the future.

Bill discussed the best methods for attempting to decipher the future and participating in the planning process. John asked the commission to weigh in and offer and suggestions or comments.

Mary suggested she'd like some help drilling down into the details of the process.

Evan noted the collective bodies may be suffering from analysis paralysis and noted he'd like to potentially see the process move more quickly. Evan suggested planning and zoning and the commission could take some decisive, immediate actions to alleviate perceived roadblocks in the planning process.

Bob suggested potentially combining some of the areas to ease the process.

Emily suggested putting the video and process on Grand County Connects so the planning commission can direct citizens there for engagement.

Gabe offered thanks for all the efforts and adjourned the meeting at 3:25 pm.

Thompson Springs Special Service Fire District Board Meeting (see separate minutes)

Grand County Commission Meeting 4:06 pm – all commissioners present

Citizens to Be Heard (and again at approximately 6:00 pm)

(none at this time)

Department Reports (approximately 15 minutes per report) (none at this time)

Agency Reports (approximately 15 minutes per report) (none at this time)

Approval of Minutes (Quinn Hall, Clerk/Auditor)

- A. February 1, 2022 (Regular County Commission Meeting)
- B. February 8, 2022 (Grand County Commission, Moab City Council & San Juan County Commission Special Joint Workshop)

Motion by Mary McGann to approve the minutes form 1 February and 8 February, 2022.

Motion seconded by Jacques Hadler

Discussion (none at this time)

Motion passes 7-0

Ratification of Payment of Bills

Motion by Kevin Walker to approve and ratify bills in the amount of \$597,137.43 and payroll in the amount of \$294,937.22 for a combined total of \$892,074.65

Motion seconded by Jacques Hadler

Discussion (none at this time)

Motion passes 7-0

Commission Member Disclosures (none at this time)

General Commission Reports and Future Considerations

Trish Hedin

- Grand Water and Sewer meeting
- Joint Meeting with Grand County, Moab City, and San Juan County
- Conservation meeting
- Meeting at Old Spanish Trail Arena (OSTA)
- Local Homeless Council meeting
- Planning Commission meeting

Mary McGann

- Uranium Mill Tailings Remedial Action (UMTRA) moved 300,000 tons of tailings
- Met with Utah State University
- Airport board meeting
- Moab Area Housing Task Force meeting
- Met with new lobbyist

Jacques Hadler

- Met with Trail Mix
- Thompson Springs water district meeting
- Motorized Trail Committee meeting

Kevin Walker

- Met with legislation committee
- Joint meeting with San Juan County, Moab City, and Grand County

Evan Clapper

- Joint Planning Commission meeting
- Attended Boundary Commission meeting
- Cemetery Board meeting

Sarah Stock

- Community Renewable Energy Program meeting
- Met with new lobbyist
- Met with Moab Mosquito Abatement (MMAD)
- Joint City, County, San Juan County meeting

Gabriel Woytek

- Canyonlands Business Summit
- Canyonlands Healthcare Special Service District meeting
- Housing Task Force meeting

Elected Official Reports

Commission Administrator Report

Mallory announced that Quinn Hall had accepted the position of Associate Commission Administrator. The Clerk/Auditor position will be advertised this week.

Presentations (approximately 15 minutes per presentation)

- C. Presentation on the Department of Wildlife Resources (DWR) annual PILT payment and update on DWR's activities within the county (Chris Wood, DWR Regional Supervisor)

Chris Wood discussed the annual PILT payment, noting the check is in the mail for the Payment in Lieu of Taxes (PILT) payment. The DWR owns two parcels in the County, and pays the county in lieu of taxes. Chris discussed the role of the DWR and offered thanks to the county for a good working relationship.

Trish offered thanks. Mary offered thanks as well.

- D. Presentation on Regional Water Consortium and Working Group (John Guenther, Planning & Zoning Director)

John Guenther discussed the Regional Water Consortium, noting the importance of the group and explaining some of their efforts to identify available water resources and evaluation and protection of resources. Dana Van Horn (GWSSA) discussed the study and explained the purpose and end goal of the plan. Dana discussed the need for Grand County to be the legislative body. Dana discussed the MOU, noting it's only for the districts, but the County may be more involved in the future.

General Business- Action Items- Discussion and Consideration of:

- E. Approving contract agreement with Emery Telcom for six video segments for Responsible Recreation messaging (Andrea Brand, Sand Flats Recreation Area Director)

Presentation

Andrea discussed the agreement for the videos, noting this is an extension of the prior agreement and the inclusion of some edited videos with changes, including additions of biological soil crusts language and information.

Motion by Jacques Hadler approve the Emery Telcom Agreement for six video segments on ETV CHANNEL 6 and authorize the Chair to sign the Contract Agreement. The terms of this agreement include \$900 per month for six video segments on ETV CHANNEL 6 for the term of 10 months to run March 2022 through December 2022.

Motion seconded by Kevin Walker

Discussion

Kevin suggested support and noted the changes are improvements.

Motion passes 6-0-1 Stock abstains

- F. Approving the county as the "Responsible Entity" for the HUD Environmental Review for the Housing Authority of Southeastern Utah (HASU) SHOP grant project (Jenna Whetzel, HASU Program Manager)

Presentation

Mallory discussed the SHOP grant offered to HASU, but noted they need a HUD environmental review first. Grand County will need to be the lead entity to facilitate the review. The county would need to sign off on two letters stating there is no environmental impact that can't be successfully mitigated.

Motion by Trish Hedin to approve Grand County as the "Responsible Entity" for the HUD Environmental Review for the Housing Authority of Southeastern Utah SHOP grant project.

Motion seconded by Jacques Hadler

Discussion (none at this time)

Motion passes 7-0

- G. Adopting Resolution Approving the Final Condominium Plat and Subdivision Improvements Agreement for Murphy Flats, Phase II, an HDHO Development located at 1187 Murphy Lane, Parcel No. 02-0008-0097 (Planning & Zoning)

Presentation

Elissa Martin discussed the final plat for Murphy Flat, including deed restrictions, number of units and other details. Kevin asked about the widening of Murphy Lane, noting the new construction on the other side of the road. Courtney Kizer (developer) noted the hill would not be changed now.

Motion by Jacques Hadler to adopt the Findings of Fact set forth in the Staff Report dated December 14, 2021 and the proposed Resolution approving the Final Condominium Plat and Subdivision Improvements Agreement for Murphy Flats, Phase II, an HDHO Development with the following conditions:

1. Continued compliance with the County Engineer's requirements, Ordinance No. 648, HDHO-15 Master Plan and related Development Agreement, as amended;
2. The Owner shall record the SIA simultaneously with the Final Plat in the Recorder's Office; and
3. The Owner shall submit an acceptable completion assurance bond for the incomplete public improvements and infrastructure warranty bond for completed accepted public improvements as established in the SIA to the County in the amounts set forth in the SIA prior to recordation of the Final Plat.
4. The existing ADU must be demolished and the recorded deed restriction (August 14, 2015 as Entry No. 509461 in Book 821, Page 583-84) must be terminated prior to issuance of the first building permit in Phase II.

Motion seconded by Mary McGann

Discussion (none at this time)

Motion passes 7-0

- H. Adopting Ordinance approving the Entrada Overnight Accommodations Overlay- Campground rezone for Parcel No. 24-0XST-0067, located off SR 313 (Planning & Zoning)

Presentation

Elissa discussed the overnight accommodations overlay and noted one correction from the staff report, noting the development is for a luxury camping site with 16 tent sites and various amenities. Elissa noted the applicant's desire to create a conservation easement.

Trish noted the inability of the county to assure either a conservation agreement or employee housing.

Christina discussed the difference between a minor vs major agreement modification. Christina noted the only way to approve those stipulations is through a development agreement that goes through the public hearing process.

Trish suggested hesitancy to support without agreements in place to assure employee housing.

Kevin asked about the extent of the changes needed in the development agreement.

Mary noted the potential low impact of the project and noted the desire of the commission to find unique projects that help the community. Mary suggested support, but noted she'd like to see stipulations added or some form of guarantee for so the county is protected.

Kevin noted the motion could be modified slightly to include some changes.

Matt Kareus (developer) offered thanks to the commission and described the project, noting his desire to create a destination with minimal impact to both the landscape and county.

Christina noted that postponing it could dramatically increase the timeline.

Motion by Trish Hedin to deny the Overnight Accommodations Overlay–Campground rezone and associated Master Plan attached hereto as Exhibit A and OAO Development Agreement for Grand County Parcel No. 24-0XST-0067.

Motion seconded by Jacques Hadler

Discussion

Trish noted she'd be more likely to support a local developer with money coming into vs. leaving the community. Trish noted potential water usage concerns.

Kevin noted the ability, and support, to approve a modified version of the proposal if presented. Kevin discussed the small area plan that was created for the 191/313 area. Kevin suggested that some development in the area is likely inevitable, and a small camping area could be appropriate. Kevin noted the ability to develop the area with many more houses if the Range and Grazing zoning is left intact. Kevin suggested that a proposal with easements and guarantees could be seen as favorable. Kevin noted the county has dramatically slowed overnight accommodations in the last 3 years. Kevin discussed the historical applications for campgrounds in the area, but noted the different nature of the proposed campground. Kevin noted the approval is only for what is in the master plan, and not for increased density or construction. Kevin suggested a straw poll to gauge commission interest in approving a plan with easements included.

Christina noted the commission should consider and make findings regarding approval or denial.

Jacques Hadler suggested he agrees with Trish, but noted he'd reconsider if there were an assurance of employee housing and a conservation agreement.

Mary noted the potential for the parcel to developed to a degree that would be much more onerous to the county and citizens is likely high if this application is denied. Mary suggested support – if there are easements and assurances in place.

Evan noted he'd like to see the ratio of OAO and housing be more in line with the county's long term goals before any more OAO's are approved.

Sarah suggested that the development agreement needs to be clearer and the process should start over an incorporate those assurances before approving, but that if the assurance were in place, she may be supportive.

Trish reiterated the need for the ratio of housing to OA's to be kept stable.

Gabriel expressed concern over the OA's vs housing ratio. Gabriel suggested he's against approving any more OA's before more affordable housing.

Kevin discussed the likelihood of other developments coming in or perhaps the state legislature stepping in and forcing the county's hand to approve more developments in the face of Grand County's continued denials of overnight accommodations. Kevin suggested it could benefit the county to show some flexibility.

Mary noted support for Kevin's comments and suggested the development has the potential to protect a large area of land.

Trish noted the ratio is perhaps not the only component, but that public comment was overwhelmingly against the development.

Gabe noted Stock, Hadler, McGann, and Walker may be in favor of reworking the agreement and possible approval.

Motion to Amend the Motion by Kevin Walker by adding:

- a. Grand County's ratio of overnight accommodation units to one primary residential unit is currently at 1.7, which is higher than the 2019 baseline of 1.4 [if approving, justify need/desire for OA despite worsening housing crisis];
- b. A carrying capacity analysis or additional studies specific to Grand County's capacity to support further overnight accommodation has not been complete
- c. Findings discussed in commission deliberations.

Motion seconded by Mary McGann

Motion to amend passes 6-0-1. Trish, yes. Jacques, yes. Mary, yes, Kevin, yes. Sarah, yes. Gabe, yes. 6-0-1 Clapper absent.

Discussion

Kevin noted he hopes this comes back in modified form

Amended motion passes 5-1-1 Hedin, yes. Hadler, yes. McGann, nay. Walker, Yes, Stock, Yes. Gabe, yes. Clapper absent. McGann against, Clapper absent.

Citizens to be heard (6:00 pm) (none at this time)

- I. Adopting Ordinance approving the Amended and Restated Development Agreement for Viewgate Terrace Phase II Final Plat, an HDHO development (Planning & Zoning)

Presentation

Elissa discussed the extension and the development agreement.

Motion by Kevin Walker to adopt the ordinance approving the proposed Amended and Restated Development Agreement for Viewgate Terrace HDHO development with the following condition:

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

Motion seconded by Mary McGann

Discussion (none at this time)

Motion passes 6-0-1 Clapper absent

- J. Approving Memorandum of Understanding (MOU) between the County and City of Moab Planning Commissions (John Guenther, Planning & Zoning Director)

Presentation

John Guenther discussed the MOU, noting broad support to formalize an agreement to facilitate a better working relationship.

Motion by Mary McGann to approve the Memorandum of Understanding (MOU) regarding mutual regional planning between the City of Moab and Grand County.

Motion seconded by Kevin Walker

Discussion

Kevin offered his thanks and noted support for better collaboration going forward.

Motion passes 6-0-1 Clapper absent

- K. Approving Special Event Permit for the 2022 Jeep Safari at Old Spanish Trail Arena (OSTA) (Angie Book, OSTA Director)

Presentation

Angie Book discussed the 2022 Jeep Safari. Angie noted this would be the 56th year of the annual Jeep Safari.

Motion by Trish Hedin approve the 2022 Easter Jeep Safari Special Event Permit.

Motion seconded by Kevin Walker

Discussion (none at this time)

Motion passes 6-0-1 Clapper absent

- L. Approving Special Event Permit for Cruise Moab at Old Spanish Trail Arena (OSTA) (Angie Book, OSTA Director)

Presentation

Angie discussed the event for Toyota Land Cruisers, noting it's similar to Jeep Safari but smaller.

Motion by Trish Hedin to approve the 2022 Cruise Moab Special Event Permit.

Motion seconded by Jacques Hadler

Discussion (none at this time)

Motion passes 6-0-1 Clapper absent

- M. Approving the Special Event Advisory Committee as the Approval Authority for the 2022 Fallen Peace Officer Special Event Permit (Angie Book, OSTA Director)

Presentation

Angie discussed the appointment of the SEAC as the advisory committee. Angie noted this is a recurring event with a family dinner. Angie noted they would use ATV's/UTV's. Christina noted this would be illegal to approval – against the formerly adopted moratorium. Angie noted there have been some communications between the event sponsor but the arena, but they hadn't progressed recently.

Motion by Mary McGann to approve the Special Event Advisory Committee as the Approval Authority for the 2022 Fallen Peace Officer special event permit, with the understanding that full size vehicles shall be used in place of ATV's/UTV's

Motion seconded by Trish Hedin

Discussion

Kevin discussed alternate methods of approval, noting the moratorium would need to be lifted before approval. Mary noted support and approval of the event, but also support for the citizens of Grand County and the moratorium. Jacques asked about the Fallen Peace Officer trail, and Mary suggested it's likely suitable for full size vehicles.

Gabe suggested it's perhaps too late to impose restrictions on the event. Gabe suggested supporting this could go a long way to supporting the law enforcement community. Christina noted the organizer has likely known about the ATV moratorium for over a year. Christina noted upcoming legislation that would limit the ability of the county to permit and regulate ATV's, and any deviation could pose a legal conundrum to the county.

Sarah noted support for the moratorium, and the event.

Kevin asked about the potential to carve out exceptions, and the potential to harm the prior moratorium.

Mary suggested the potential to require a trailering stipulation to the special event permit. Angie noted the majority of ATV's/UTV's are likely trailered to the event.

Motion passes 5-1 Woytek opposed

- N. Approving the Special Event Advisory Committee as the Approval Authority for the 2022 Team Rubicon Special Event Permit (Angie Book, OSTA Director)

Presentation

Angie described the Team Rubicon event, noting this, again, would give the SEAC approval authority. Angie described the event and its components. Angie noted there are several different entities participating in the event. Angie noted this is not an ATV/UTV event.

Motion by Kevin Walker to approve the Special Event Advisory Committee as the Approval Authority for the 2022 Team Rubicon special event permit

Motion seconded by Mary McGann

Discussion

Mary noted she's excited to see this happen after prior postponements.

Motion passes 6-0-1 Clapper absent

- O. Approving the Commission's Community Impact Fund Board (CIB) prioritized project list for the Grand County local government prioritization process meeting (Mallory Nassau, Commission Administrator)

Presentation

Mallory discussed the CIB ranking list, noting this is just for the commissioner attending the meeting. The projects will actually be ranked again by the CIB after the meeting.

Motion by Trish Hedin to approve the Commission's Community Impact Fund Board (CIB) prioritized project list for the Grand County local government prioritization process meeting.

Motion seconded by Mary McGann

Discussion (none at this time)

Motion passes 6-0-1 Clapper absent

- P. State Legislative Updates (Christina Sloan, County Attorney)

Presentation

Christina discussed the House and Senate Bills. Christina discussed some efforts to limit a county's ability to regulate ATV's, eBike usage, overnight rentals being advertised online, elections bills, transportation measures, the death penalty, etc.

Gabriel discussed supporting housing funding letter and appropriations.

Motion by Mary McGann to oppose House Bills 323, 324 and 371 and Senate Bills 51 and 179 support House Bill 372, and support the appropriation of funding for affordable housing, and authorize the Chair to sign any necessary letters of opposition or support to Utah legislators deemed necessary by the County Legislative Committee or County Attorney.

Motion seconded by Jacques Hadler

Discussion (none at this time)

Motion passes 6-0-1 Clapper absent

- Q. Approving Tolling Agreement with Peak View Development, LLC for Moab District Court Case No. 210700044 (Christina Sloan, County Attorney)

Presentation

Christina discussed the settlement and explained the implications, noting it would be dismissed without prejudice. Christina noted this is not approval of an amended plan.

Motion by Kevin Walker to approve the Tolling Agreement with Peak View Development, LLC for Moab District Court Case No. 210700044.

Motion seconded by Jacques Hadler

Discussion (none at this time)

Motion passes 6-0-1 Clapper absent

- R. Approving Notice of Vacancy and Intent to Appoint a Replacement for the Clerk/Auditor (Christina Sloan, County Attorney)

Presentation

Christina discussed vacancy for the Clerk/Auditor position.

Motion by Mary McGann to approve the notice of vacancy and intent to appoint a replacement for the Clerk/Auditor.

Motion seconded by Trish Hedin

Discussion (none at this time)

Motion passes 7-0

Consent Agenda- Action Items

- S. Ratifying local consent for Red Cliffs Lodge's Package Agency, Off-Premise Beer, Banquet Liquor, and Full- Service Restaurant Liquor License applications through the Dept. of Alcohol and Beverage Commission
- T. Ratifying the Chair's signature on an Independent Contractor Agreement with NES, Inc. for lobbying activities
- U. Approving Chair's signature on a sign-on letter to the Manti-La Sal National Forest requesting a presentation to local governments and public regarding research on mountain goat impacts on the alpine area of the La Sal Mountains
- V. Approving Emergency Medical Dispatch Program Purchase
- W. Approving a purchase agreement with Sphere Plus Corporation for a touchless on-demand parking platform at the Canyonlands Regional Airport

X. Approving letter of support to the Utah Office of Outdoor Recreation Grant Program Pack Creek footbridge

Presentation

Motion by Jacques Hadler to adopt the consent agenda as presented.

Motion seconded by Kevin Walker

Discussion (none at this time)

Motion passes 7-0

Discussion Items

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

Mallory noted we're closed President's Day. Special Events are ramping up. Many are repeat events. Several running events, biking events, etc.

Public Hearings- Possible Action Items (none at this time)

Closed Session(s) (if necessary)

Motion by Jacques Hadler to enter closed session for the purposes of discussing the character, professional competence, or physical or mental health of an individual

Motion seconded by Trish Hedin

Motion passes 7-0

Commission entered closed session at 7:15 pm

Commission exited closed session at 8:07 pm

Chair Woytek adjourned the meeting at 8:08 pm.

Adjourn



Gabriel Woytek
Chair, Grand County Commission



Quinn Hall
Grand County Clerk/Auditor