



GRAND COUNTY COMMISSION SPECIAL MEETING

Held virtually on Zoom
Moab, Utah

See below for instructions to give public comment via Zoom

Dial: (669) 900 - 6833 Meeting ID: 859 7009 1224 # Password (if needed): 056567

Link: <https://us02web.zoom.us/j/85970091224?pwd=THBlanVKOE9RbnNSbjV3ajlxTGNgdz09>

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

<https://www.youtube.com/c/GrandCountyUtahGovernment>

AGENDA

Thursday, April 15, 2021

Mary McGann, Chair

8:30 a.m.

- Call to Order**
- Citizens to Be Heard**

We are receiving public comments by phone and online through Zoom.

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Please note that when joining the meeting, you will be placed in a waiting room and will be added to the meeting by the moderator. Your comments will be recorded and on YouTube.

*(Unmute for public comment: *6)*

- Commission Member Disclosures**
- General Business- Action Items- Discussion and Consideration of:**
 - A. Adopting Ordinance approving amendments to the Land Use Code (LUC) Sections 3.1 (Use Table), 3.2.3 (Commercial Use Standards), 3.4.9.H (Vehicle Sales and Service), and 10.2 (Definitions) (Christina Sloan, County Attorney)
 - B. Repealing Title 11 (Noise) of the Grand County General Ordinances and related Ordinance No. 602, and adopting new Title 11 (Noise Pollution) (Christina Sloan, County Attorney)
 - C. Repealing Title 5 (Business Licenses and Regulations) of the Grand County General Ordinances and related Ordinance No. 629 and adopting new Title 5 (Business Licenses) in conjunction with the proposed amendments to the Land Use Code (Christina Sloan, County Attorney)
- 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 Commission meetings are encouraged to contact the County two (2) business days in advance of these events. Specific accommodations necessary to allow participation of disabled persons will be provided to the maximum extent possible. T.D.D. (Telecommunication Device for the Deaf) calls can be answered at: (435) 259-1346. Individuals with speech and/or hearing impairments may also call the Relay Utah by dialing 711. Spanish Relay Utah: 1 (888) 346-3162

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

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

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

AGENDA SUMMARY
GRAND COUNTY COMMISSION SPECIAL MEETING

APRIL 15, 2021

Agenda Item: A

TITLE:	AMENDMENTS TO LAND USE CODE SECTIONS 3.1 (USE TABLE) 3.2.3 (COMMERCIAL USE STANDARDS), 3.4.9.H (VEHICLES SALES AND SERVICE), AND 10.2 (DEFINITIONS)
FISCAL IMPACT:	N/A
PRESENTER(S):	Christina Sloan, County Attorney

Prepared By:

Christina Sloan,
County Attorney

FOR OFFICE USE ONLY:

Attorney Review:

Complete

SUGGESTED MOTION:

I move to approve the proposed amendments to Land Use Code Sections 3.1, 3.2.3, 3.4.9.H, and 10.2.

BACKGROUND:

The noise impacts caused by street-legal ATVs, and the community’s concern about the same, need no introduction. On October 20, 2020, the County Commission formally initiated proceedings to amend the LUC related to vehicle sales, rentals and leasing and outfitter, guide services and facilities and passed a moratorium on all new ATV business licenses in the County. The statutory deadline to amend the LUC is April 18, 2021; there is no statutory deadline to amend Title 5 (Business Licenses) of the Grand County General Ordinances.

The County’s ability to limit the maximum sound pressure levels of ATVs is constrained to some extent by state law; however, the County is also working on an extensive overhaul of its noise Ordinance to aid enforcement.

By contrast, Grand County has broad authority to regulate business within the county. Currently, the County only has five ATV Businesses with 67 total ATV units, with the largest fleet being 26 units.

On March 22, 2021, the Planning Commission held a public hearing on the proposed LUC updates. Two public comments were made, one (citizen) in favor and one (developer and owner of an RV Park), at least partially, in opposition. The Planning Commission unanimously voted favorably to recommend the proposed amendments to Land Use Code with the accompanying proposed updates to Title 5 (Business Licenses). They also voted unanimously to encourage the County Commission to set the maximum sound pressure level for ATV Fleets owned by ATV Businesses as low as possible, as determined by the County Attorney and our noise expert.

It is important to read these LUC updates together with proposed updates to Title 5 (see agenda). Note that the County Attorney had removed the fleet inventory and caravan limitations in the Title 5 draft for the Planning

Commission based on a lack of consensus to date on those items. The Planning Commission felt strongly about these requirements and unanimously voted to add them.

ATTACHMENT(S):

1. Ordinance
2. Exhibit A, proposed LUC Amendments recommended by the Planning Commission, redlined against existing LUC

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

**APPROVING AMENDMENTS TO LAND USE CODE SECTIONS 3.1 (USE TABLE)
3.2.3 (COMMERCIAL USE STANDARDS), 3.4.9.H (VEHICLES SALES AND
SERVICE), AND 10.2 (DEFINITIONS)**

WHEREAS, Chapter 27a of Title 17 of the Utah Code authorizes Grand County to enact ordinances, resolutions, and rules and to enter into other forms of land use controls that the County consider necessary or appropriate for the use and development of land within the County, including ordinances, resolutions, rules, and restrictive covenants governing uses; density; open spaces; structures; buildings; energy-efficiency; light and air; air quality; transportation and public or alternative transportation; infrastructure; street and building orientation and width requirements; public facilities;

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

WHEREAS, the previously-named 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 (“LUC”) 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 Planning Commission is statutorily responsible for making recommendations to the County Council regarding textual amendments to the LUC;

WHEREAS, the Grand County Commission (the “Commission”) desires to amend LUC Sections 3.1, 3.2.3, 3.4.9.H, and 10.2 to establish new use categories in certain zones and related regulations;

WHEREAS, following a Public Hearing held on March 22, 2021, the Grand County Planning Commission voted to forward a favorable recommendation for amending said sections;

WHEREAS, the Commission held a public hearing on April 6, 2021 to solicit public comment on the proposed amendments and voted to approve the same.

NOW, THEREFORE BE IT ORDAINED, that the Grand County Commission hereby amends Sections Sections 3.1, 3.2.3, 3.4.9.H, and 10.2 of the Grand County Land Use Code, in part, in the form stated in the attached *Exhibit A*.

To immediately preserve the peace and health of the County, its inhabitants, and its visitors, this Ordinance shall take effect immediately upon publication in the *Times Independent* pursuant to Utah Statute § 17-53-208.

PASSED by Grand County Commission in a regular public meeting on April ____, 2021 by the following vote:

Those voting aye: _____

Those voting nay: _____

Those absent: _____

GRAND COUNTY COMMISSION

ATTEST:

Mary McGann, Chair

Quinn Hall, Clerk\Auditor

MAKE ATV BUSINESSES A CONDITIONAL USE IN COMMERCIAL ZONES WITH SPECIFIED CONDITIONS, SUBJECT TO A PERMIT CAP IN TITLE 5 OF THE GENERAL COUNTY ORDINANCES: (IN RED)

Use Table Section 3.1 (relevant selection)

Principal Uses by Zoning District														
Use Category	Specific Use	RESIDENTIAL					NONRESIDENTIAL					Use-Specific Standards		
		S L R	L L R	R R	M F R	R G	N C	G B	R C	R S	H C		L I	H I
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)														
Commercial Uses (Section 3.4.9)														
Retail Sales and Service	Outfitter, guide service and facility (non-ATV outfitter, guide service and rental businesses)			C				C	C	C	C			3.2.3K.1
	ATV outfitter, guide service and rentals							C	C		C			3.2.3K.2
	All personal service-oriented uses						P	P	P	C	P	P		
	Building materials, sales and yard							P			P	P		
	Greenhouse or nursery, wholesale or retail										P			
	All other sales-oriented uses						P	P	P					
	Repair services, general										P	P		
	Repair services, limited						P	P			P	P		
	All other repair-oriented uses													
Vehicle Sales and Service	Auto repair garage							C			P	P	P	3.2.3B
	Car wash							P			P	P	P	3.2.3G
	Fuel Service						C	C	P	P	P	P	P	3.2.3H
	Limited vehicle service										P	P	P	
	Vehicle sales, rental or leasing facility (non-ATV sales)							P			P	P		
	ATV sales							C	C		C			3.2.3K.T
	All other vehicle sales & service uses													

Land Use Code Section 3.2.3

K. Outfitters, Guide Services and Facilities

1. General Outfitters, Guide Services and Facilities

- a. **General** outfitters, guide services and facilities shall:
 - 1. Screen all outdoor storage from view off-site with an 8 foot sight obscuring fence;
 - 2. **Be prohibited from using ATVs in their Business Activity.**

2. ATV Outfitters, Guide Services and Rentals

a. All outfitters, guide services, and rental companies who rent, drive, or otherwise use ATVs as part of the outfitting and guide service provided by the Business shall be deemed an ATV Outfitter, Guide Service, or Rental Company and subject to the regulations set forth in this Section;

b. ATV outfitter, guide service, and rental businesses may be permitted as conditional uses in the zones identified in LUC Section 3.1 (Use Table) only if the maximum number of permits for ATV Businesses allowed in the County are not met as set forth in Chapter 5.02 of the Grand County General Ordinances, as amended.

c. All ATV outfitter, guide service, and rental businesses shall comply with the ATV Business Regulations set forth in Section 5.02.020 of the Grand County General Ordinances, as amended, which regulations shall constitute conditions of the conditional use permit.

d. ATV outfitter, guide service, and rental businesses may sell used ATVs as part of maintenance of their ATV Fleet without being classified as “ATV sales” and without being subject to LUC Section 3.2.3.T.

T. ATV Sales

Option 1: Electric Only

1. ATV sales may be permitted as conditional uses in the zones identified in LUC Section 3.1 (Use Table) subject to the following condition:

- a. All ATVs marketed or sold shall be electric models.

Option 2: Compliance with Future DBA

1. ATV sales may be permitted as conditional uses in the zones identified in LUC Section 3.1 (Use Table) subject to the following condition:

- b. All ATVs marketed or sold shall be electric models or meet the maximum sound pressure level of 88 db(A) under the Stationary/Equipment Test set forth in Table 1, Chapter 11.05 of the Grand County General Ordinances.

Option 3: Compliance with Current Noise Ord

1. ATV sales may be permitted as conditional uses in the zones identified in LUC Section 3.1 (Use Table) subject to the following condition:

- c. All ATVs marketed or sold shall be electric models or meet the maximum sound pressure levels set forth in Table 1, Chapter 11.05 of the Grand County General Ordinances.

Option 4: No regulation - delete 3.2.3T and all references to non-ATV sales and ATV sales in the Use Table

Land Use Code Section 3.4.9 H

H. Vehicle Sales and Service

Characteristics: Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles.		
Examples	Accessory Uses	Uses not included

<p>Alignment shop Auto body shop Auto detailing Auto service facilities Auto upholstery shop Boat and recreational vehicle sales Car washes Full-service, mini-service, and self-service fuel stations Limited vehicle service Manufactured home sales Repair and service of RVs, boats, and light and medium trucks Tire sales and mounting Towing service Vehicle sales, rental, or leasing facilities (including passenger vehicles, motorcycles, light and medium trucks, boats, and other recreational vehicles)</p>	<p>Associated offices Sales of parts Towing Vehicle fueling Vehicle storage</p>	<p>Refueling facilities for fleet vehicles that belong to a specific use (See Accessory Use) Retail sales of farm equipment and machinery and earth moving and heavy construction equipment (See Heavy industrial) Vehicle parts sales as a principal use (See Retail Sales and Service) ATV sales</p>
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Land Use Code Section 10.2

DEFINITIONS	
Term	Definition
ATV	An all-terrain street-legal vehicle as defined under the Utah Traffic Code, including Utah Code § 41-6a-1509.
ATV Business	A business that sells, rents, or guides ATVs or otherwise provides a client experience involving an ATV, including ATV sales and ATV outfitter, guide service, and rental businesses.
Clustering Development Pattern	A development design technique that concentrates buildings or lots in specific areas on a site to allow the remaining land to be used for recreation, open space, and agricultural uses, or a more efficient use of land and public streets, utilities, and governmental services.
Overnight Accommodations	Except as defined and applied in Section 6.15, short-term accommodations or short-term rentals for a period of less than 30 days. Short-Term Accommodations and Overnight Accommodations may be used interchangeably throughout the Land Use Code.

Short Term
Accommodations

Except as defined and applied in Section 6.15, short-term accommodations or short-term rentals for a period of less than 30 days. Short-Term Accommodations and Overnight Accommodations may be used interchangeably throughout the Land Use Code.

Public comments about proposed amendments to the Land Use Code and Title 11 - Noise - considered before, at, and after the Public Hearings held at the Grand County Commission meeting on 4-6-2021.

Comments are from 3-25-2021 (date of publication in the T-I of the public hearing to be held 4-6-2021) through 4-14-2021 (close of public comment period), including verbal comments made at the 4-6-2021 public hearings.

Those in favor of OHV regulations & Noise restrictions / sick of the noise / want more law enforcement, are in blue.

Those opposed to LUC & Title 11 Noise revisions / in favor of OHV's allowed on streets / No restrictions / more law enforcement, are in black.

Neutral or somewhere in between blue and black positions are in purple.

Date	Area where from	Comment
4-4-2021	Moab	<p>Dear County Commissioners,</p> <p>We've been Moab city residents for 20 years and our home life in the last 5 years has been increasingly dominated by loud noise from UTVs driving through our neighborhoods at all hours of day and night. It is past time to solve this worsening problem so here are our thoughts:</p> <p>Rental UTVs are a significant part of the problem so should be trailered to trail heads instead of having to drive through neighborhoods.</p> <p>We support the proposed cap on the current number of UTV rental businesses (5) and fleet size of 12 machines per business which is reasonable.</p> <p>All non-quiet UTVs should be trailered to the trail heads starting July 1, 2021.</p> <p>UTVs should not be louder than passenger cars so let's set a motor vehicle noise level low enough (and enforceable enough) to avoid negative impacts on residents, community and visitors.</p> <p>Thank you all so much for your continued attention to this very serious problem. We dearly miss our peaceful, quiet life in Moab and together we can solve this problem!</p> <p>Sincerely,</p> <p>Robin Straub Phil Wagner</p>
4-5-2021		<p>Noise Pollution Problem:</p> <p>Too many ATVs have meant too much noise. thank you for your help with this ongoing and increasing problem.</p>

		Leslie Thomas
4-5-2021	Moab	<p>Hearings on UTV noise:</p> <p>Dear Commission members,</p> <p>I am unable to call into the meeting on Tuesday, but I wanted to express that something needs to be done about the UTV noise in town immediately. We are way past the tipping point, and the health of our community is at stake (this is not an understatement)!</p> <p>The April Fools Moab Sun article about baby check points to gauge the loudness of UTVs was on the nose. We know that the vehicles are louder than most-you can feel the noise reverberate in your body as a caravan of them goes by. But we can also test their noise levels to prove it scientifically. They need to be quieter (electric versions. Different mufflers...however it needs to happen), or they need to get out of our neighborhoods.</p> <p>It doesn't seem like an overbearing task to test the volume of UTVs that are coming from rental fleets in town. And, if a tourist comes to town with their own...well then, they already have a trailer for them. That same trailer can get them to the trails (like in the old days).</p> <p>The noise coming from UTVs is overwhelming, and destroying our quality of life in this amazing town. Yes, other vehicles can be that loud-or louder-,but we aren't inundated with multiple numbers of them driving past us pretty much all day every day for the bulk of the year. It's to a point where, no matter which neighborhood you live in, you just can't escape the noise in Moab anymore. And it's not just locals complaining. Let's not forget that we are driving away tourists, too!!! In my time as a business owner, I heard tourists griping all the time. They suggested that the wouldn't be coming back to Moab ever again....it was just too loud and unenjoyable. This is a shame.</p> <p>It's unfortunate that Utah legislation won't allow us to pass a super reasonable UTV noise curfew for ourselves, but that can't be the end of the conversation for us to save our town. We can set an acceptable motor vehicle noise level right away (this wouldn't be specific to any one user group). We can demand that any rental fleet that doesn't meet those standards be trailered through town. We can put a cap on more UTV rentals.</p> <p>What is clear is that the noise locals and tourists have to suffer generated from these specific machines has got to be curbed. I don't have the right to come into your neighborhood and play deafening music outside your house all day every day. Nor should any particular vehicle and/or user group have the right to disturb the peace so frequently, and all across town, all through the day and into the night for the better part of the year. There is a reason that loud noise is used as a torture device.I'm pretty sure UTV users will still have great fun if the vehicle they are driving is quieter. This isn't about getting an user group out of town-it's simply about excessive noise and quality of life.</p> <p>No one expects it to be as quiet as it was last spring when Covid shut the town down, but it's time to make the important decisions to reclaim our sanity.</p> <p>Thank you so much for your consideration and your work for this incredible place we call home.</p> <p>Sincerely, Sarah Barstow, Moab</p>
4-5-2021	Moab	Dear County Commissioners,

		<p>Thank you for standing up for Grand County residents' health, safety and welfare by enacting noise ordinances and regulating UTV rental businesses. I fully support a strong, enforceable motor vehicle noise ordinance as an essential first step, and it should apply to all noisy vehicles, not just UTVs. There are plenty of souped-up vehicles and dirt bikes contributing to the problem. A few tickets could go a long way toward improving the situation.</p> <p>A cap on the number of UTV rental businesses and fleet sizes seems reasonable, as does the requirement to trailer noisy machines to trailheads. I urge you to resist pressure from out-of-town UTV users to water down regulations to the point of ineffectiveness.</p> <p>I appreciate your hard work and willingness to grapple with this problem, and I look forward to the day when Moab is a quieter place for both residents and visitors who come here to enjoy peace and quiet.</p> <p>Sincerely, Thea Nordling Highland Drive, Moab UT</p>
4-5-2021	Moab	<p>Dear Grand County Commission,</p> <p>I hear you are doing a hearing where you are taking comments from residents on UTV noise.</p> <p>Here is my comment:</p> <p>UTV businesses are fucking bullshit. Go watch any movie about a motorcycle gang terrorizing a small town. Is the heroes the motorcycle gang? Is the heroes the people who figure out how to rent even more motorcycles to visitors to better terrorize the town? Hell no. The heroes are the people who stand up to the people making all the noise pollution and kick them out of the town. That is what we need to do.</p> <p>I live at 436 Minor CT. So I hear, through the interior walls, the same constant noise that everyone else is hearing. I hear it in my backyard too. This creates elevated stress and blood pressure levels and it means that the homes we've worked so hard to be able to afford and live in and improve are now no longer pleasant places to hang out. So what the hell is the point of that? Does this town exist -- and does your job exist -- for the benefit of people who live here or for tourists (or for people making money off tourists?) Did tourists elect you and are you responsible to them? Or did the people who live in this county elect you and are you responsible to us? UTV owners are tiny, marginal, parasitic minority. Let's put it to a vote whether we want to allow them destroying our quality of life or not.</p> <p>Do we need the money from UTV rentals? Hell no we don't. There are enough other people here spending money on this town.</p>

Do we need the UTV rentals to create jobs? Of course not. There are 'help wanted' signs in every business, and as you know there is no affordable housing for working class people in this town. We need less jobs, not more, to correct this imbalance. If jobs aren't offering to pay enough wages to attract enough staff they should pay higher wage or go out of business. We don't need more poverty creating jobs that force people work multiple jobs just to get their bills paid and of course never have any free time to hang out with their families or enjoy their lives.

Last spring a new UTV business opened in the vacant lot across from Bittle Lane from my backyard. They store their UTVs inside at night in these zircon trailer things and then they like to wash them a lot after they are used, like late at night. So I get to hear UTV noise now often before 7:00AM when they are getting ready for the day. And I get to hear UTV noise sometimes later than 10:00pm when they are moving their cars around to wash them. And then the lights of the UTVs moving around also shine in my windows and in my backyard. I recently erected a few privacy shade structures to protect myself somewhat from this imposition. That cost me like, oh maybe, \$600 or so for the shade structures, the hardware, the concrete, the wood, and probably more than that if you factor in the labor this cost me. Are you going to pay me back for that? Is "Epic ATV?"

Next winter I am probably going to have to add whisper clips, resilience channels, green glue noiseproofing compound, and two layers of 5/8th inch drywall to at least two of the upstairs interior rooms of my house, just so I can sleep at night. That will be a few thousand dollars. I make like 25 thousand dollars a year. Surely there's other stuff I could be spending my money on instead. Are you going to pay me to do this, so I can enjoy the same quality of life I enjoyed a few years ago when there were as many UTVs driving around?

Of course not. In both cases it's like any other imposition that any other polluter in history has done. The uranium mines gave their workers cancer and then the taxpayers now has to pay for ex uranium miners' healthcare. Charlie Steen got rich milling uranium but then the taxpayers are having to pay hundreds of millions of dollars to clean up his mess. There's no difference between a UTV business filling our town with noise pollution and like, a smelter or something opening up and filling their air with toxins or dumping carcinogens into the stream. In both cases, the quality of life and the health of the local residents are sacrificed for the greed of the few.

There is only one solution here. Get UTVs off the street. A town has a right to determine what kind of for profit disturbances it allows. I can't sell meth or crack to children outside the high school because the people in this town think that will negatively affect its quality of life. So I've decided not to become a predatory drug dealer and I've found more healthy and legal ways to make a living. The people who own UTV businesses can do the same. They can live here and find something else to do that not everyone hates. Or they can take their noise polluting devices somewhere else to some other town and see if they can sell them on the idea.

This noise pollution is unacceptable to most residents. That is a known fact. It's fucked up our whole region. Been out to Kane Creek lately? That place is a wasteland of constant noise. It's super beautiful and it's been sacrificed completely. Or go hang out right now at the low water beaches that are out on both the Kane Creek road and the Potash road by "The Portal" area of the river. Those are great quiet unknown to tourist places to play with your dog or kid by the river. But it's

constant UTV noise, all day long.

Go up to the Gemini Bridges area, where as of a few years ago there were still signs saying, "please don't disturb the bighorn sheep lambing areas." Now it's constant UTV noise up there with UTV parking lots everywhere. Go ask Bill Sloane, the sheep biologist from the NPS, what this has meant for the bighorn sheep.

This whole region has gone to absolute hell because of those things. Maybe you can't control the whole region. But here where we live in our homes and neighborhoods it's not BLM policies we need to change. We just need to be able to decide as a town what kind of a quality of life we want to have.

I've seen from you guys, a positive sense that you want to do something on this issue, but I haven't seen any real solutions yet. The LAST thing we need is more *studying*. If you guys decide to waste more money sending someone out there with some kind of a noise sound studying machine to measure noise levels that is a total god damned waste of time. We all already KNOW what that the noise is unacceptable. You don't need "data" to prove this. The kind of people who love to say "we need more data to make our case" are often cowards who are just afraid of confrontations. Go watch Back to the Future if you need to be convinced that confrontations are necessary and not to be hidden from.

Other "solutions" haven't worked. The lowered speed limit thing was maybe clever to raise the sailence of the issue so we could talk about it more, or possibly to annoy UTV people enough so they will leave, but in neither case has it been sufficiently effective. Even trailering UTVs to trailheads (they could make a staging area by the dump up by Sand Flats), which sounds like a great solution, is not enough of a solution because people like me who live near UTV businesses (that opened after we bought our homes) are still going to have to hear them loading and unloading their vehicles before and after hours. If that happens, UTV businesses should have to relocate way far away from residential neighborhoods, like way south down 191 or something.

There is ONE, perfect, wonderful solution here that no one will chew you out and vote you out for trying. That is, we need to vote on this. We are supposedly a democracy right? Can't people vote on stuff? So let's have a referrendum, in like a month, where everyone in the city, or the county, or however you want to structure it gets to vote. Don't make it sound all complicated and confusing and stupid like most ballot referrendums. The question is, "Should UTVs be allowed to drive through the city of Moab?" Yes or No. Let's see what the result of that is. If it's no, well then it is your job, not mine, to tell the UTV businesses how long they have to pack it up and leave.

People can talk "laws" and "street legal" or whatever all they want and no one living here gives a crap about that. There were not as many UTVs existing in the past when the present laws were created and the problems were not as big. Do laws exist for the benefit of previous generations of people, who might today mostly be dead? Or do laws exist for the benefit of the living? Slavery was legal and that was a law. Women not being able to vote was the law. Laws change as the needs and intelligence of societies evolves. It is time to change the laws.

Sincerely,

		<p>Christian Wright Minor CT, Moab, UT</p>
4-5-2021	Moab	<p>Commission Members,</p> <p>Please do all you possibly can to control the boisterous invasion of our town and backcountry. You have my full support in strongly regulating the use of off-road vehicles in Grand County.</p> <p>Between hour-long traffic jams and the inability to be at peace anywhere here now, many people no longer come to Moab. We're never going to get both the quiet and the loud people to come here. If we have to settle for one or the other, let's attract the quiet ones.</p> <p>One more thing...putting a moratorium on new ORV rental businesses while allowing existing ones to expand their fleets, will solve nothing.</p> <p>I'm tired of living in an amusement park.</p> <p>Thanks for what you've done so far, John Gould, Grand County</p>
4-5-2021	Moab	<p>UTV noise:</p> <p>I agree with all of the points below. Either prohibit utvs on the street or enact the following measures.</p> <p>Let's set a motor vehicle noise level low enough to actually solve our noise problem - not just solve 10-20% of the noise problem; Residents' health, safety and welfare should be protected; loud UTVs negatively impact residents, our community and other visitors;</p> <p>Rental UTVs are a significant part of the problem — approximately 1/2 of the UTVs entering Sand Flats Recreation Area are rental UTVs;</p> <p>Rental UTVs use our residential streets, so it's reasonable that rental UTVs should not be significantly louder than passenger cars;</p> <p>UTV rental businesses should not impact residents more than other local businesses;</p> <p>We shouldn't allow MORE rental UTVs on our streets going forward; the proposed cap on the current number of UTV rental businesses (5) and fleet size of 12 machines per business is reasonable;</p>

		<p>Requiring rental UTVs to be “quiet machines”or trailered to trailheads by Jan. 2022 is too lenient; let's require non-quiet UTVs to be trailered to the trailhead starting July 1, 2021;</p> <p>Brian Rudd</p>
4-5-2021	Moab	<p>Yes to all of the mentioned:</p> <ul style="list-style-type: none"> • Rental UTVs are a significant part of the problem — approximately 1/2 of the UTVs entering Sand Flats Recreation Area are rental UTVs; • Rental UTVs use our residential streets, so it’s reasonable that rental UTVs should not be significantly louder than passenger cars; • UTV rental businesses should not impact residents more than other local businesses; • We shouldn't allow MORE rental UTVs on our streets going forward; the proposed cap on the current number of UTV rental businesses (5) and fleet size of 12 machines per business is reasonable; • Requiring rental UTVs to be “quiet machines”or trailered to trailheads by Jan. 2022 is too lenient; let's require non-quiet UTVs to be trailered to the trailhead starting July 1, 2021; • Yes to ALL OF THESE POINTS <p>MORE OF OUR LOCALS ARE TALKING AND MAKING PLANS TO MOVE AWAY.! How many of our community do we need to lose before something significant is done to stop this unbearable noise and pollution. I live in the county and the speed, the noise, the aggressive behavior is intolerable. I've lived here since the late 70's and I'm a property owner, pay taxes, work in the community and I would like some immediately results. More enforcement (by that I mean TICKETS and vehicles being pulled over). I want these machines trailered to the trailheads. I WANT MY VOICE TO BE HEARD!!!</p> <p>Candace</p>
4-5-2021	Moab	<p>A number of years ago I retired to a place I have loved for years. Now I am thinking about where I might go to avoid noise and nonsense that is beginning to define Moab. I realize people must make a living BUT, if only a few make a profit and the rest of us pay for it, something is off. A living was made before the invasion of UTVs, How many of the owners are local folks?? How many of the protesters to a sane compromise are local folks??</p> <p>The worst riders are first time riders, they don’t care about noise, staying on designated routes,; because they are probably not coming back.</p> <p>Anyway, I hope sanity prevails, and I appreciate what the commission is trying to do—</p> <p>jeff foott</p>
4-5-2021	Moab	<p>Please do everything in your power to rein in UTV use, noise & impact on both the peace for residents in Moab & Spanish Valley and the destruction of our larger landscape. If they could be outlawed it would be terrific, but short of that please do all you possibly can to lessen their impact on our community. Thank you,</p> <p>Marcia Tendick</p>

4-5-2021	Moab	<p>Council members,</p> <p>First off, please excuse any typos as i am sending this via iphone. I do not envy your job, just as others do not envy my house location in Moab. I live on 4th east, the second mainstreet and a major thoroughfare of utvs to and fro. To be short, UTVs, mostly the noise but the sheer preponderance if them in town, has been the worst thing that has happened to Moab, since i have been here. And i have been in the same house for 30 years now. Aside from the seemingly unchecked development of the tourist infrastructure in Moab, UTVs have made me seriously contemplate moving from, not just this house, but moab. The Utah legislature single handedly ruined Moab. Hyperbole, true, but opinion is truth in the minds of those holding them, no?</p> <p>Since the State refuses to help with a problem they have ultimately created and subsequently marketed, we must act locally. I applaud the speed limit move. Even if it ultimately does not work, or causes more issues, management-proactive and reactive—requires educated experimentation. I think similar efforts should be looked at to help tackle the noise problem in Moab. While i speak more with the focus of 4th east in mind rather than main street, Main street would be so much more pleasant without UTVs zipping by with their droning motors. Bypass aside, and that was a moot issue when it failed back in the 90s, requiring utvs to be trailered to trailheads should be considered. Granted the state says no, so be creative about enforcement so long as it can be enforced by the law enforcement. The law enforcement need not buy in to these policies as it is their job to enforce the law not decide what the law/regualtions mean or if they want to enforce it. Save that for the judicial branch.</p> <p>Set limits on number of rental companies as well as the number of units they can rent. Limiting businesses at 5 with an unlimited fleet will do nothing. Please do not map out certain routes through the city that UTVs are allowed. That will concentrate the noise issues and may be seen as sacrificing certain roads, neighborhoods and residents for the benefit of the rest if the town. If we strive to fix the problem, we fix it for all.</p> <p>Tax breaks for electric side by sides? Tax breaks for muffled utvs? Higher taxes on rental companies that do not comply. Also, this is outside of the noise issue but as a resource concern, make rental companies have very large and legible numbers on all rented utvs, so it is easier to identify rented utvs that may be breaking any laws. If i saw a large 37 number on a razor that was driving off trail or erratically in town, I could call Law enforcement and they could find out that #37 was rented out by company A, by So and So, and with some photo proof, a violation. A little bit of accountability might slow down and give pause to utv drivers.</p> <p>Like i said, i do not envy your jobs, but am looking forward to what comes out of this. There is no other user group that singularly and negatively affects Moab. I can and do live with UTVs where they belong, on legal trails, but not on roads with children, and pets and pedestrians and bikers even if they are going 15 miles an hour. Something has to be done, or something has to give. Its not a culture war thing, its not political, its not user group versus user group issue, its a noise issue. This issue can be dealt with using some common sense, experimental regulation, compassion, empathy, and more than just another education campaign. I hate to leave my home, moab, but when i cannot even find respite in my own house, it may be time to move from Moab and a state where the legislature doesn't truly care for its residents.</p> <p>Thank you, and again I apologize for any typos and the longer than intended rant.</p> <p>Zachary Lowe</p>
4-5-2021	Moab	Hello again, and thank you for listening.

		<p>I am a grand county resident and wanted to take the time to voice my anguish over the UTV noise in town and on our trails. It has been a hideous development in this town and its surrounding wilderness.</p> <p>I am hoping you all will vote and make the restrictions on noise levels as strict as possible for all vehicles, and since half of UTVs on at least the popular Sand Flats trails are from local rental companies, it seems fair to restrict these businesses to small fleets and mufflers to reduce noise. If these businesses worry that this will effect their livelihood, then they should get creative and design solar powered electric silent vehicles with no emissions/pollution and increase their new fleet that way. And add education to their rental agreements.</p> <p>Moab has grown exponentially in the last few years, and waiting until January of 2022 for quieter machines or trailering to trail heads is way too long an amount of time. Now is the time. Seize the day. The billboards on the highway approaches to Moab are now highlighting respect for the nature and beauty of this area, to wait to place noise restrictions and other improvements is to lose momentum and send the wrong message to UTVers. Please require non-quiet UTVs to be trailered to all trailheads by July 1st, 2021 so we can look forward to a more peaceful fall.</p> <p>Thank you again, Sue Sternberg</p>
4-5-2021	Moab	<p>Hello,</p> <p>I've commented on this issue several times . I just wanted to re-iterate that something needs to be done to make our neighborhoods quieter.</p> <ul style="list-style-type: none"> • Rental UTVs are a significant part of the problem — approximately 1/2 of the UTVs entering Sand Flats Recreation Area are rental UTVs; • Rental UTVs use our residential streets, so it's reasonable that rental UTVs should not be significantly louder than passenger cars; • UTV rental businesses should not impact residents more than other local businesses; • We shouldn't allow MORE rental UTVs on our streets going forward; the proposed cap on the current number of UTV rental businesses (5) and fleet size of 12 machines per business is reasonable; • Requiring rental UTVs to be “quiet machines”or trailered to trailheads by Jan. 2022 is too lenient; let's require non-quiet UTVs to be trailered to the trailhead starting July 1, 2021; • Let's set a motor vehicle noise level low enough to actually solve our noise problem - not just solve 10-20% of the noise problem; • Residents' health, safety and welfare should be protected; loud UTVs negatively impact residents, our community and other visitors <p>Thank you,Allison VanLonkhuyzen</p>
4-5-2021	Moab	<p>Hello Commissioners,</p>

		<p>I've expressed my concerns in an earlier email about UTV noise and their presence on the roads so I'll keep this brief. UTV noise reminds me of the noise of chainsaws. The difference is- I don't run through neighborhoods revving my chainsaw at all hours of the day with a dozen of my friends following suit. Wouldn't that be really disrespectful and disturbing to the people and animals that live there?</p> <p>Please help and thank you,</p> <p>Maggie Nielsen</p>
4-5-2021	Moab	<p>You will be hearing from locals and you will be hearing from tourists; UTV users and non-UTV users. All are part of the culture and economy of Grand County, Utah. All should be heard from. The question is: should one voice be weighted more than the other voice...I'm a local and a nonUTV user. Well, tourists come and tourists go. Locals are here today and still here tomorrow. Whether we are UTV users or not, we should respect one another. If you are on the noisy UTV, you are having a different experience than someone who is at home or walking, so we should respect the experience for both. UTVs were made to enjoy off road. They don't NEED to be used on city streets. Bicyclists who trail ride, often have to transport their bikes to the trailhead. UTV users can do the same. Yes, they are heavier and bulkier, but we all choose our hobbies and must weigh the pros and cons. Since the State of Utah has restricted what local governments can do to deal with noisy UTVS, it is imperative that the County ACT NOW to mitigate this situation. Moabites don't deserve another season of uncontrolled UTV use on city streets. (1) initiate the rule to trailer UTVs that exceed the maximum noise level to the trailhead by July 1, 2021, not January 1, 2022. (2) Select a maximum noise level that is low enough to actually make a difference. Otherwise, it's a waste of time. (3) Place a moratorium on any new UTV rental businesses (or restrict their number to no more than currently here) until this problem has been successfully resolved. Remember, you are not banning UTVs, just regulating them. UTVs out there; tolerable living conditions maintained in town and neighborhoods.</p> <p>Signed: Faylene Roth, Bailey Lane Castle Valley, Utah</p>
4-5-2021	Moab	<p>I just want to say that I love our recreational culture here in Moab. I really don't want to see the motorized community diminished in any way except for the loud noise that is perpetuated within the town and in the major paved canyon roads. Namely—Kane Creek Road all the way out, River Road, and Potash Road all the way out. I don't think trailers are an awesome solution, but they might be an OK compromise. What I really really wish is that Can-Am, Polaris, Rhino, and the other makers could make these machines more quiet. That alone would completely eliminate the issue! I'm not sure why this is so hard to achieve and I'd like someone to explain it to me. And BTW I can't stand the disrespect of Harley Davidson. I will always emphasis that I very much enjoy the pleasure of dirt road adventure as a motorbike rider and occasional UTV driver. But the noise is inexcusable and unacceptable.</p> <p>Thank you,</p> <p>~Shannon Meredith</p>
4-5-2021	Moab	<p>Hi, I'd like to thank the city and county for their work in trying to solve this problem.</p>

		<p>I've been a half time resident of Moab for 18 years, before that I was a regular visitor. I purchased a unit at Rim Village in 2003. At that time renters at Rim Village were mostly bikers, jeepers and hikers. Weekend visitors were relatively quiet then. As the years progressed and UTVs gained popularity the quietness went away. Now, tourist season is year round, Rim Village occupants have to put up with UTVs racing through our neighborhood, sometimes at all hours of the day and night. The noise from the loud exhaust systems, aggressive off-road tires and skidding around corners is awful. As you can imagine safety is also a concern. Any tenant or owner should have the right to quiet enjoyment but, we don't. I can't enjoy my property like I used to. I'm sure my property value has been affected in a negative way. When the UTVer's leave they go home to peace and quiet we, on the other hand have another batch of noisemakers come into town to terrorize us. It's an endless cycle. The state did not do us any favors by passing the law that allows UTVs to be ridden on our residential streets.</p> <p>My opinion is that Moab doesn't need the UTV business to survive, Moab would be better off without it.</p> <p>Please do something - it's overdue!</p> <p>The following are your suggestions with some modifications.</p> <ul style="list-style-type: none"> • Set a motor vehicle noise level low enough to actually solve our noise problem; • ALL UTVs should not be significantly louder than passenger cars; • Put a cap on the current number of UTV rental businesses (5) and fleet size of 12 machines per business; • Require ALL UTVs to be trailered to trailheads by starting July 1, 2021; <p>I am very frustrated with the UTV problem.</p> <p>Don Winsor Rim Village</p>
4-6-2021	Moab	<p>I am writing to express my ongoing concern for the level of noise in Moab, primarily caused by UTVs. It seems that regardless of the hour, the constant roar of the machines can be heard in the background as one engages in any variety of activities here. It is excessively disruptive. There are already far too many of them on our streets, assaulting our ears. The number of business renting UTVs has increased dramatically over the past year and it only exacerbates the issue. One only need to visit Sand Flats to see the number of rental UTVs backed up at the pay booth. The impact of these vehicles & the businesses renting them is disproportionate to that caused by any other business in town. There needs to be a limit. Year-round residents are fed up! Moab has become less desirable as a year-round residence and the UTVs detract from visitor experience as well. I might notice the number of hikers in Arches if I were there in the park as well. Unfortunately, I'm highly aware of the UTVs regardless of where I am in town, including my own home. In the interest of fairness, I believe a motor vehicle noise limit needs to be set & enforced to resolve the noise issue. I also believe that the current number of UTV businesses (5) and maximum fleet size of 12 is reasonable and should absolutely not be increased.</p> <p>Ultimately, the quality of life for those who live here should always take precedence over what others want to do in our town. We are certainly not hurting for business here...quite the opposite. Moab has become oppressively busy and locals need to be assured that our community leaders are looking out for our health, safety, and wellbeing. I have been disheartened, dismayed, & disappointed by many of the choices made regarding the</p>

		<p>ongoing development of our beautiful town. We have a valuable resource that must be managed as such or it will lose that value. Do not make choices based on the possibility of short-term gains. Rather, consider the quality of life for those who live here & treasure this special place. Things are out of control. Let's proceed with caution & care.</p> <p>I greatly appreciate your consideration.</p> <p>Best, Jen Evers</p>
4-6-2021	Moab	<p>Dear Grand County Commissioners:</p> <p>I am writing to express my support for the County to adopt strict ordinances to reduce excessive UTV noise in Moab. Please develop the strongest measures possible to:</p> <p>1) <u>Regulate UTV rental businesses</u> - As I sit in front of our house typing this email on Sunday evening, caravans of 5 or more <u>rental</u> UTV groups are driving by on their way to the Sand Flats Recreation Area. The motor noise while they pass is too much to carry on a conversation. Few if any other vehicles going by generate the same level of noise. Until the rental companies can lower the noise levels on their UTVs to at least the same as other motor vehicles, they should be limited on the number of rentals they put onto our residential streets, and</p> <p>2) Enact and enforce a <u>motor vehicle noise ordinance</u> - UTVs were not manufactured to be street legal, but the manufacturers and our State legislature have heaped on the citizens of Moab the seemingly impossible and expensive task of reducing their noise while they drive by our homes. Please set the noise limit at a level that makes this effort to reduce the noise a resounding success.</p> <p>In addition, please consider the following:</p> <p>3) <u>Cap the number of UTVs allowed in Sand Flats Recreation Area</u> - The number of UTVs in the Sand Flats ruins the experience of visiting there and provides the attraction for the caravans of UTVs that pass through residential neighborhoods to get there. If the number of UTVs allowed in the Sand Flats was limited (similar to the cutoff enforced at Arches NP), then the area could see a drop in the number of UTVs entering via the neighborhoods. Please consider a proposal to cap the number of UTVs allowed to enter the Sand Flats.</p> <p>Respectfully submitted, Jeff Hennier 400 E. Moab</p>
4-6-2021	Moab	<p>Again, please carefully consider the value of a quiet neighborhood and downtown when debating what regulations to instigate this afternoon.</p> <p>Moab residents must come first or the town will become a shadow of what it is with a mostly transient tourist population and low paid workers having to commute from Green River.</p>

		<p>Induce a strict noise ordinance with ability to write tickets, do not allow any more UTV rental businesses in Moab or Grand County, mandate trailering of rental UTVs to trail heads, strongly encourage the transition to electric rental vehicles.</p> <p>Excessive noise has degraded the quality of life in Moab and adds to the stress of living in a tourist town. Please do all you can to mitigate this nusiance.</p> <p>Leigh Grench</p>
4-6-2021	Moab	<p>At this point, my comments may seem repetitious or obvious, but I want to get my voice heard. I am a long-time Moab resident and I've witnessed myself the shocking increase in noise and the declining quality of life. Regulating these machines, and any noisy vehicles, should be a no-brainer. Use any tool at your disposal to solve this problem. There is no reason to allow more UTV rentals to open and no reason to allow an increase in fleet size. Greed should NOT be given priority over quality of life. And the quality of visitors' experience should also be considered. The noisy minority drives away tourists from around the world who come to Moab to experience beauty and the ambience of the area. The ONLY people who benefit from lenient UTV laws are the UTVers themselves and a tiny number of business owners. Don't let Moab become "Gas Town" from the Mad Max movies.</p> <p>Bruce Condie</p>
4-6-2021	Moab	<p>Yes, it is currently out of control.</p> <p>The businesses around town need to be better regulated. No new noisy machines even if they are trailered out of town. As rental ATVs are replaced they need to be ones with quieter engines. I support a cap on the number of ATVs that a company can rent and NO new permits for ATV rental businesses, city or county.</p> <p>Respectfully, Sue deVall</p>
4-6-2021	Moab	<p>Dear County Commissioners,</p> <p>First I would like to thank you for your continued dedication to our town and county. Thank you. I am writing to let you know that I would really like to encourage you to continue on with the noise issue. I am disappointed that the curfew times did not pass the legislature. Over this past weekend the noise heading up the Sand Flats road well past 11 PM was disturbing. I seriously could not get to sleep. Please Please Please act for US, the people who live here and keep our mental health and safety in mind. There are so many residents who are fed up with all the noise from the UTVs. Yes there are some businesses that are benefiting but why should we all have to live with their profits buzzing and droning all around the town and county?</p> <p>Please do everything you can to mitigate this situation. We need a strong noise ordinance. And one that is not based just on decibels as it is often the drone in the distance that is just as annoying to hear at night. It needs to be a strong enough ordinance, with enough enforcement to make it work. And a reading of a part of a point being the difference between meeting the regulation and not, doesn't make it any quieter. We need to have the tested as they are actually driving because they get louder and louder as they go uphill. There are times when I am at work and have to ask the person on the phone to wait for a moment as I can't hear them. Here are some suggestions:</p> <ul style="list-style-type: none"> • DO NOT allow any more UTV rental businesses in town or the county.

		<ul style="list-style-type: none"> • Demand that the UTVs are not louder than cars as they are all over our residential streets at all hours of the day and night • Set a very stringent motor vehicle noise limit (there are also street race cars racing around late at night) • Require that if UTVs are not quiet and meet noise levels that they MUST be trailered to the trail head as soon as possible • No other business in Moab impacts the community like the UTV rental business. Make them get quieter machines. <p>The rental businesses need to trailer the super loud machines out of town. There is a huge number of the UTVs heading to the Sand Flats Road that are rentals. So please don't allow any more rental businesses in town. We as a town need to be able to determine what is going to happen. The legislators voting against helping our noise problem have not been wakened up, had times when they can't sit in their yard or have to avoid visiting places we love because the sound of the UTVs is too much to bear.</p> <p>Thank you for your work on this issue and the opportunity to comment.</p> <p>Anne Clare Erickson Moab, Utah Resident of 35 years</p>
4-6-2021	Not a local	<p>Hello, my name is Dena, and my family has been visiting Moab for the past 20 years. Every time we visit, we ride motorcycles and UTVs on all the 4x4 routes around town. Sometimes we rent them and sometimes we bring our own. Our son and daughter-in-law live in Moab now, so we visit frequently. Even as a UTV rider, I can't believe how noisy the town has gotten. We can't even enjoy a meal outside with our family anymore.</p> <p>Now, I'm a little embarrassed to say that sometimes we have been a part of the problem. Sometimes we drive our own RZR on the streets since it is legal there. We have our own trailer though and will be happy to use it in the future. We would also be more than happy to pay for the rental businesses to rent us trailers (which we have done in the past), or to deliver the UTVs to the trailheads for us. It's silly that the town is letting these off-road vehicles run around, making noise all over town. Please make some changes to make things quieter in town. We will be happy to follow the rules on our next visit.</p> <p>Dena Miller Kansas City, Missouri</p>
4-6-2021	Moab	<p>Your attention to this issue is working. UTV users are becoming aware that our community will stand up for itself and protect our quality of life, and the quality of our visitor economy. Thanks for all the work you are doing. Here are some points to consider as you move ahead:</p> <ul style="list-style-type: none"> • Let's set a motor vehicle noise level low enough to actually solve our noise problem - not just solve 10-20% of the noise problem; •

		<ul style="list-style-type: none"> • Residents’ health, safety and welfare should be protected; loud UTVs negatively impact residents, our community and other visitors; • Rental UTVs are a significant part of the problem — approximately 1/2 of the UTVs entering Sand Flats Recreation Area are rental UTVs; • • Rental UTVs use our residential streets, so it’s reasonable that rental UTVs should not be significantly louder than passenger cars; • • UTV rental businesses should not impact residents more than other local businesses; • • We shouldn't allow MORE rental UTVs on our streets going forward; the proposed cap on the current number of UTV rental businesses (5) and fleet size of 12 machines per business is reasonable; • • Requiring rental UTVs to be “quiet machines”or trailered to trailheads by Jan. 2022 is too lenient; let's require non-quiet UTVs to be trailered to the trailhead starting July 1, 2021; <p>Thank you.</p> <p>Carrrie Bailey 200 East, Moab Utah</p>
4-6-2021	Moab	<p>Dear Commission members,</p> <p>As a property owner in Grand County and Moab I believe it is time now to impose stringent and enforced noise and driving limits on UTV style vehicles in residential areas. It is also important that such vehicles be trailered to approved driving trails rather than let drive through residential areas. It is appropriate also to impose regulations on UTV rental businesses that create quieter fleets, and which require trailering from the rental site to the trailhead. I see the UTV noise and driving behaviour problem as an existential threat to residential life in Moab area communities. These vehicles are a new phenomenon, they are not grandfathered in to the culture of Moab, and they have such a negative effect on citizens that restrictions are needed.</p> <p>Sincerely, Greg Child</p>
4-6-2021	Moab	<p>Good morning,</p> <p>I would like to see the Commission aggressively enforce the noise ordinance to deal with the UTV noise issue. I would like to see out of town UTV user’s be required to trailer to trailheads. Grand County should make a permanent cap on anymore businesses renting UTVs. The noise ordinance should be enforced as soon as possible in the event it does not work and the issue can be presented at the next state legislative session.</p> <p>Thank you Brian Quigley</p>
4-6-2021	Moab	<p>Dear County Commissioners,</p>

		<p>Ok, it's not JUST the UTV's that are exceeding acceptable noise levels on our streets, but they are the most annoying due to their high-pitched whine, and the reality that they tend to travel in packs which sustains the high decibel level for an extended time, and there are SO MANY OF THEM!!</p> <p>If the owners of these machines cannot make them as quiet as a car, then they have no place on our streets. When you think about it, it's actually pretty ridiculous that our town has evolved into a motorhead free-for-all. These noisy machines are chasing off the kinds of tourists we love - people who come here to escape the noise of cities and who appreciate the peacefulness of nature.</p> <ol style="list-style-type: none"> 1) Enforce a noise ordinance - I don't care how it happens, you can even raise taxes to employ more traffic officers if you need to. Petition the state to pitch in since they are reaping tons of tourist \$\$ from us. We need more traffic police to hand out tickets to offenders. 2) Do not allow new UTV rental businesses to set up shop in Grand County. That would defeat any hope for reducing the numbers of these annoying machines on the streets. 3) Do not allow existing businesses to expand their fleet. And require the current rental machines to be as quiet as a car. <p>Please do not bow to pressure from a few local businesses and a lot of out-of-towners while ignoring the needs of your community and your constituents. Make Moab quiet again. This is not an impossible dream.</p> <p>Sarah Topp Moab, Utah</p>
4-6-2021	Moab	<p>Today (4/6) the Grand County Commission is holding hearings to consider additional regulations on UTV's and other noisy vehicles. I am in favor of limiting UTV noise using whatever ordinances are possible. Grand County needs to reduce noise pollution so that residents can lead healthy and sane lives. The almost constant noise makes our day-to-day lives challenging and makes it very difficult to welcome and be gracious to tourists. The impact of noise is exponential so minor reductions (10-20%) are not very helpful. The motor vehicle noise ordinance needs to be meaningful (provide for major noise reduction), multifaceted (use multiple measures and apply across vehicles), stringent (maximum penalties), and strongly enforced.</p> <p>UTV rental businesses are an integral part of Grand County's economy but they should not be the dominant force particularly if the impact of the vehicles they rent causes harm to other businesses (hikers, bikers, birders don't want to come to Grand County because of the noise, chaos, and environmental degradation caused by UTV's) and causes harm to citizens (again, noise, chaos, pollution, destruction of natural resources). Because rental UTVs account for about 1/2 of the vehicles entering Sand Flats, regulation is crucial. Rental UTV's use public streets, they should be no louder than properly tuned private vehicles. The current number of UTV rental businesses should remain at 5 and no additional vehicle rental businesses should be "grandfathered" in to allow for UTVs. Fleet size should be limited to a maximum of 12 vehicles and all UTV's should be "quiet machines" as of 7/1/2021 whether or not they are trailered to trailheads. <u>The roar of a UTV on the trail is no less detrimental to health and well being than the roar of a UTV on a county road.</u></p>

		<p>Again, thank you for your consideration and your leadership on this very important issue.</p> <p>Nan Marquardt, Pueblo Ct. Moab</p>
4-6-2021	Moab	<p>Dear Commissioners:</p> <p>Thank you for tackling the noise problem in Moab. While there are many sources of noise, the most noticeable source is from UTVs. Please take all of the steps you can to reduce their impact on our neighborhoods. These steps include:</p> <p>Limiting the number of rental businesses and their fleet size - the proposed cap on the current number of rental businesses and a fleet size of a dozen should be sufficient. These businesses have a large impact on the wellbeing of our residents, and should be controlled. All rental UTVs should have clearly readable company insignias for easy identification.</p> <p>Enforcing current noise ordinances on ALL vehicles.</p> <p>Require trailering to the trailheads, and “quiet” machines.</p> <p>Give priority to the needs of residents over the desires of the tourists who view our town as their party playground. While each tourist has a time-limited impact, there is a never-ending stream of them diminishing our quality of life.</p> <p>We deserve to have safe refuge in our own homes to escape the constant noise of these machines. We should not have to leave our homes to seek silence.</p> <p>Thank you for considering my input.</p> <p>Regards, ~Nancy Orr 400 N., Moab</p>
4-6-2021	Moab	<p>Hello Commission,</p> <p>I am a Moab resident who lives on Juan Court, near 500 West. I'm writing to voice my continued concerns about excessive UTV noise and reckless driving by UTV users on our city streets.</p> <p>500 West continues to be a road where UTV drivers like to play with their toys, seeing how quickly (and loudly) they can accelerate. I hear them in the evenings and worry about the danger caused. This past week while on Potash Road, I saw two UTVs across the river on Kane Creek Blvd literally drag racing past homes. These are homes where young children live. The noise carried over the river and reminded me of the noise I also hear at home.</p>

		<p>The speed limits are not working. Without enforcement, they are meaningless. I'm asking you to consider action to limit the number of UTV rental locations and reduce fleet sizes in Moab, promote or require quieter UTVs at rental locations, and further promote or require trailering of UTVs through residential areas.</p> <p>Thank you for your service and time, Adam Fleming Juan Ct., Moab, UT</p>
4-6-2021	Moab	<p>First of all, I want to extend an appreciation to the Commission for addressing this difficult issue and working towards a quieter, more liveable community. Residents are desperate for some swift and meaningful change. Thank you for acknowledging this.</p> <p>In regard to the currently proposed ordinances, it is imperative that the Commission implement <u>both</u> the stronger motor vehicle noise ordinance as well as regulating UTV rental businesses. Given the limited authority afforded to the County to regulate this issue, we need to be using all available tools to make meaningful change toward a quieter Moab.</p> <p>When considering the noise ordinance, please consider those of us who live on or near some of the main UTV routes through town. It is perfectly reasonable to require these vehicles to be no louder than passenger vehicles. A limit of 60 decibels, as discussed at last month's workshop is sensible here.</p> <p>The same decibel limit ought to be applied when considering regulation of UTV rentals. We also need to recognize that these rentals make up a great deal of the UTVs on the road. Forgive the anecdotal evidence, but I often ride my mountain bike up Sand Flats Road and down Kane Creek to get to the trails there and at least half, if not more of the UTV traffic I encounter is from rentals. I notice the same trend just viewing from my neighborhood (Tusher St.). Despite having only a half-dozen rental companies in town with a dozen or vehicles each, these rentals have managed to overrun our town's capacity for noise.</p> <p>We certainly shouldn't allow any more rentals and we should cap current fleets at 10 or 12 vehicles. And we should do this fast! Waiting until next year is far too lenient. These businesses have been taking advantage of our relaxed regulations for years now to the detriment of the whole community. They knew this was coming - it is time that they step up and take responsibility for their impacts.</p> <p>Thank you for your time,</p> <p>Jared Trader Moab</p>
4-6-2021	Moab	<p>Dear County Council Members:</p> <p>I am writing regarding the Councils consideration of County Codes/Policies for UTV's. I am one off your constituents who supported a total ban of UTV's on our city/county roads and highways. Shy of that I was then a proponent of a curfew</p>

		<p>(8:00am to 8:00pm) and limiting UTV's to specific routes they can take to trailheads so they are not driving through our neighborhoods.</p> <p>Shy of these and in addition to my preferred options, for now I would like to encourage your support of as many restrictions as possible like the following</p> <p>for regulating Rental and Private UTV's wanting to operate in our community:</p> <ul style="list-style-type: none"> -Set a motor vehicle noise level low enough to actually solve our noise problem - not just solve 10-20% of the noise problem for al UTV's. -If rental (or private UTV's) use our residential streets, it's reasonable that said UTVs should not be significantly louder than passenger cars. -UTV rental businesses should not be allowed to impact residents more than other local businesses or visitors. -We shouldn't allow MORE rental UTVs on our streets going forward; the proposed cap on the current number of UTV rental businesses (5) and fleet size of 12 machines per business is reasonable. -Requiring rental UTVs to be "quiet machines"or trailered to trailheads by Jan. 2022 is too lenient; let's require non-quiet UTVs to be trailered to the trailhead starting July 1, 2021 and then all UTV's should be required to be "quiet" anywhere in the county by 2021. <p>Your residents' health, safety and welfare should be protected; loud UTVs negatively impact residents, our community and other visitors. I appreciate your willingness to continue too look at ways to mitigate their negative impact. Until we as a community have greater local power to eliminate these machines from our streets (Especially since they are not allowed this unbridled privilege in other communities in UT and UTV Manufacturers expressly state that they are "unsafe" to drive on roads and highways.) we need to do anything we can to mitigate any further harm to our community.</p> <p>Thank you for your time. Sincerely, Lisa Carter Moab Resident</p>
4-6-2021	Moab	<p>Dear County Commission,</p> <p>Thank you for engaging in the process of regulating noise and UTV use before it is too late and Moab is entirely unlivable. As a Moab City resident, I have written several letters on the subject to the city, county, travel council, Moab Sun Times, BLM, Sand Flats and Motorized Trails Committee.</p> <p>I want to reiterate the need for the commission to use all of the tools available to mitigate UTV impacts. We must get a handle on the problems of noise in town as well as destruction to our public lands.</p> <p>I encourage the commission to take a strong stance on health code noise ordinances and noise requirements for ALL vehicles in town. This includes our city police cracking down on late night street racers. Please consider capping UTV fleet sizes to 12 vehicles, continuing a hold on new UTV businesses and requiring noisy vehicles</p>

		<p>to be phased out within a reasonable time frame or trailered to trailheads. Incentivizing guided tours (with group size limits of 5 vehicles) would also help with accountability both in town and on the trails, while providing job growth in the guiding industry! Please take measures to grant street legal status only to locally registered OHVs in Grand County. Out of town OHVs came here on a trailer- they can stay on a trailer to the trailhead.</p> <p>The commission must consider the strongest possible action towards both rental UTV businesses and independent users for the sake of Moab's future residents, visitors and businesses. We cannot continue to be held hostage by a handful of businesses claiming hardship, while the health of our community and economy is at stake.</p> <p>Sincerely, Kristen Hayes Moab, UT</p>
4-6-2021	Moab	<p>Dear Grand County Commission,</p> <p>Thank you for your efforts to control out of control noise in Moab. I am writing in support of the strongest possible steps both in noise ordinance enforcement and land use code changes.</p> <p>The noise enforcement in particular could help address other out of control noisy vehicles such as illegally muffled "late night street racer" type cars, overly tuned diesel trucks and straight piped Harleys.</p> <p>I live in a neighborhood just off 400 East, which is a major corridor for outrageous noise pollution at all hours. I have lived in Moab since the mid nineties, built my own home here and really would love to stay, if our town can return to a livable state (other than only in mid-winter).</p> <p>I have noticed that not all UTVs are equally noisy. In particular the Honda and Kawasaki machines seem quieter. Requiring the handful of local businesses that thrive off the UTV boom to use the quietest machines possible until full-electric vehicles are available seems reasonable to me. Or requiring aftermarket enhanced mufflers.</p> <p>Measures like these, plus limits on fleet size of rental companies, mandatory trailering, refusing to permit street legal status for out of town machines etc should all be enacted ASAP.</p> <p>If all this requires recruiting and training numerous additional law enforcement personnel I am more than happy to pay my share of the cost, as the benefits to our town will be immeasurable.</p> <p>Thank You!</p> <p>Mike Bassett Nichols Ln., Moab</p>
4-6-2021	Moab	<p>I urge the council to address our town's UTV nuisance today! I live on Tusher St. near the intersection of Mill Creek and Sand Flats Road, and the frequent sound of loud off-road vehicles is approaching an unbearable</p>

		<p>limit. I was so proud to be able to purchase a home here three years ago and begin to really establish roots in our community. Now, although it hurts to entertain the idea, I have to seriously consider uprooting to another location if this issue is not resolved in a timely manner. Nowadays, I wake up most mornings to someone blasting through our once-peaceful and quiet street in their UTV, with apparently zero awareness or care about how they may be affecting the neighborhood through which they storm... We have to make it clear that our residents, our <i>town</i>, will not stand for this type of disrespectful behavior.</p> <p>The number of rental UTVs utilizing our 4x4 roads is a considerable problem that we can address. How? Cap the number of rental UTVs allowed to drive in town, require businesses to change their machines so that they are quieter, and provide incentives for businesses to offer trailer or shuttle services for rental UTVs. It does not make sense that passenger vehicles are expected to abide certain noise inspections while we UTVs get a pass, so set a reasonable noise level ordinance for all UTVs on the streets and enforce it. The negative impact of UTVs on our town's residents is far greater than any minimal negative impact rental business will experience as a result of these changes. Perhaps it will even boost their businesses with more folks that want to recreate responsibly!</p> <p>It's time to put our foot down together and draw the line.</p> <p>Kelsey Koprowski</p>
4-6-2021	Moab	<p>UTV noise problem:</p> <p>I would like to thank our officials for the posting of lower speed limit for off road UTV vehicles around our town. I support a limit of rental vehicles be available also because we can only sustain a certain amount on our community roads and maintain safe road conditions. We are experiencing a great increase of traffic and are a major trucking route for deliveries going north and south, which puts us in a different situation than many other small towns. I have been reading about other places having similar situations and one town had occasional check point stations to make sure those using these types of vehicles knew the guidelines and were in compliance. I hope we can have acceptable noise levels adopted and enforced. Our neighborhoods have been impacted and properties perhaps devalued. I would also like to know more about the activity of night riding and how this could impact our nights around town. I also thank those that have come and ride in a respectful manner. As a community we are and have been just trying to problem solve.</p> <p>Sincerely, Marsha Marshall</p>
4-6-2021	Moab	<p>Dear Grand County Council</p> <p>Please consider the following requests:</p> <p>Do what ever possible to minimize UTV's driving on Moab City and residential Grand County Streets. Do what ever possible to limit the establishment of new UTV rental businesses. Do what ever possible to keep existing rental business from increasing their fleet size. Require non-quiet machines to be trailered starting 01 July 2021. Set motor vehicle noise limits as low as legally possible.</p>

		<p>Include loud "street racer" type vehicles in the discussion of noise issues.</p> <p>Strongly encourage the BLM to establish a permit system for UTV's use, at Sand Flats and other high use areas in Grand County..</p> <p>Strongly encourage the BLM to establish a rigorous and long term analysis of motor vehicle impacts on federal public lands in Grand County.</p> <p>Thank you for your efforts, and your commitment to the residents of Grand County. Paul Frank Hillside Drive Moab, Utah</p>
4-6-2021	Moab	<p>Dear County Council Members,</p> <p>I am very grateful for the work that is being done to address the intensity of noise in our community. I am concerned both by the noise and number of UTVs and whole heartedly support your decisive actions to address them before it is an even larger problem. I would like to see an immediate moratorium on new UTV rentals or expansion of existing rental businesses, and a concise timeline (3 months) for current rental businesses to address the noise in their vehicles. I am also in favor of exploring measures to address the half of UTVs that are coming from elsewhere. Last, I would like to see more areas that are off limits to UTVs or off-limits for certain days so that non-motorized recreationists can enjoy nature.</p> <p>Thank you again for your work on this important issue,</p> <p>Sarah Heffron</p>
4-6-2021	Moab	<p>Dear commission members</p> <p>I have written many letters over the last few years regarding the issue of the noise and it impacts on our community. The onslaught of UTVs have completely changed Moab, the impacts from this one user group cannot be ignored. We need to enact stricter ordinances relating to noise as well as we need more enforcement for people speeding around town and for all types of noisy vehicles. It is also not safe downtown with people speeding and running red lights. Our community lacks an enjoyable space for people to sit outside and have dinner or walk around and shop. The vehicle noise on Main Street is deafening. This issue is only going to get worse and not better if we don't make the necessary changes.</p> <p>The other thing that I have observed firsthand is the amount of damage that the UTV user group has caused on trails around Moab as well as further north in Grand and Carbon County. I ride a dirt bike and encounter UTVs riding illegally on motorcycle single track. As a motorcycle user this is extremely aggravating and disappointing. The drivers that we encounter don't care and don't want to listen whenever we stop and tell them they are riding on trails where they aren't allowed. What we get in response is a a don't care attitude and usually some rude comments. This don't care attitude is rampant within this user group. One commentor who supports UTVs a few</p>

		<p>months ago stated that UTVs are being made out to be the boogeyman . I couldn't agree more with that description, the damage they are doing is astounding.</p> <p>Please do something to mitigate the noise and make Moab an enjoyable place for all of us to live in. I have lived here for 22 years and it is deeply disturbing and sad to me how much it has changed in the last several years. The noise has got to stop and there has to be limits to how many of these machines can be on our city streets. These vehicles have given people who have absolutely no skill the ability to get out on our trails. They lack trail etiquette and they have no care for the damage that they do not only to the desert but also to the peacefulness of our community.</p> <p>If they were completely banned from our streets that would be the real answer because I really doubt that any of the ordinances that we do pass are going to be enforced the way they should be.</p> <p>I'm tired of listening to the drone of them throughout the day as well as before daylight some mornings.</p> <p>Regards, Tracy Bentley Moab UT - resident and business owner</p>
4-6-2021		<p>PUBLIC COMMENTS MADE VERBALLY AT THE 4-6-2021 PUBLIC HEARINGS</p> <p>(from the Draft Minutes – not yet approved)</p> <p>Christina discussed and clarified the changes to Land Use Code, noting the provisions to regulating ATV businesses and the distinctions between some types of businesses. New ATV sales would be required to sell electric vehicles. Christina discussed the changes to the “clustering development” definition and Overnight Accommodations. Christina discussed the noticing requirements, and Grand County’s adherence to the requirements.</p> <p>Evan asked about fleet size caps. Christina noted that’s in Title 5.</p> <p>Kevin asked about zoning for sales of cars vs. ATV’s and the restriction of allowing only electric ATV sales.</p> <p>Evan asked for clarification about the outfitter/rancher/hunter uses of ATV’s, and about outdoor screening requirements.</p> <p>Kevin asked about Title 5 discussion and the ability to publicly comment.</p> <p>Gabriel asked about a citizen’s question regarding ATV use in outfitter and guiding uses.</p> <p>Christina described the Title 5 changes and the Planning Commission version vs. the existing version. The planning commission suggested the fleet cap of 12 ATV’s, and caravan group size of 6 total. Christina discussed the noise levels, and the ability to limit them.</p>

Evan asked about fleet caps and the potential for changing and growth. Christina discussed the caps of fleet sizes and businesses.

Neal Clark spoke in support of the commission with regard to decreasing noise and limiting fleet sizes and caps. Neal discussed the noise problems not just in the city, but in the larger county as well. Neal noted support for limits on noise and ATV use.

Jim King commented that they own several properties in Moab they use for foreign team members. Jim noted that often visitors that rent ATV's aren't able to trailer them to trailheads. Jim commented that often the tractor-trailer traffic is as loud as any ATV. Jim noted not everyone is able to hike or mountain bike.

Liz Thomas commented that half of the ATV's that go to Sand Flats are rentals. Liz suggested that having a business license in Grand County is a privilege, not a right. Users should be required to trailer machines to the trailhead.

Chris Tolman, VP for UTV Utah. Grand County Commission approved funding that comes from ATV's. If Grand County wants that money they should not try to force out the ATV crowd. Chris suggested restricting UTV use is damaging and un-American. Jim suggested the commission is changing the law to fit personal agendas.

Kent Green reminded the County Commission works for all the people – not just a few people in the county. Kent suggested the noise standards are unfair and biased. Kent suggested the commission only listens to other people and suggested the commission set caps on every other business in town. Kent noted he abides by regulations and laws.

Emily Stock commented about the detrimental effects of noise on the community. Emily suggested that her business is negatively impacted by motorized tourism. Emily noted government regulations are expected.

Anne Clare agrees with prior comments regarding regulation of noise.

Jason (Moab Side by Side) commented that he doesn't disagree with everything, but noted that semi-trucks are often just as loud as any of the ATV's. Jason noted most outfitters have stock machines and they help educate users. Jason commented that the harm has come from the County Commission, not the ATV's.

Jonathon (?) is looking for property to buy and build a mega RV park in Moab that caters to the UTV community. Jonathon suggested there is bias among the commission against UTV's. Jonathon suggested that instead of creating regulation that discriminates against UTV's the commission use money to build better trails.

Dave Helman(?) suggested the fleet size limits are too small and don't allow for growth. Dave suggested the limits are discriminatory. They only do guided tours and don't allow rentals. Dave disagrees with the fleet cap.

Scott Hayer commented the County should look at a designated UTV route that circumvents neighborhoods. Scott suggested fleet caps are not appropriate.

Mark Horowitz commented that he hates UTV's. Mark noted the town is nothing like it used to be. Mark commented he can hear the noise of the 191 all day. Mark commented the UTV use at Sand Flats is a travesty. Mark suggested that perhaps the world is going crazy and Moab is caught up in it.

Jared Trader commented that this is a public health hazard in addition to being annoying. Jared noted the importance of public health. Jared noted the WHO noise decibel limits. Jared suggested using all the tools at the County's disposal to limit the noise.

Brad Ferrell commented that Utah has street legal laws that allow ATV use on public streets. Brad noted he's apt to drive very slow. Brad suggested he doesn't feel welcome in Moab anymore. Brad likened the banning of UTV's to the banning of airline flights. Brad wondered if we should ban all talking because it exceeds appropriate decibel levels.

Nick Olsen commented that a maximum noise level of 55 dBA is far too low. Nick commented that he's disappointed with the County's lack of ability to work with outside groups. Nick suggested combative negotiation is rarely productive.

Jennifer (Epic 4X4 Adventures) commented that she provides legal services using legal equipment. Jennifer suggested she creates good paying jobs in the community. Jennifer noted that many people love the noise of the ATV's and come to Moab just to hear that sound. Jennifer noted she wants to be part of the solution. Jennifer suggested that limiting her fleet size won't fix the issue.

Shane agrees that machines can be noisy, but everything is noisy. Shane suggested that this issue is being approached the wrong way. Shane suggested the Commission is attempting to shut down the American Dream. Shane noted his frustration with the commission.

Christian appreciates the meetings being on Zoom. Christian noted the existence of other government regulations and noted that's the democratic process. Christian noted that semi-trucks do not drive through residential neighborhoods, but that ATV's do.

Brad Furner noted he's a responsible UTV owner. Brad noted the lack of parking for trailering ATV's. Suggested trailering would cause ATV's users to park in residential neighborhoods.

Zacharia Levine noted support for legislative action to limit ATV's. Zacharia noted the primary role of government is to protect the health and welfare of its citizens.

Cliff Koontz commented about the noise levels and noted the ability of units to be quieter. Cliff suggested a requirement for mandatory education, suggesting that other measures may work better than laws that limit use.

		<p>Cliff suggested that instead of the requirement of electric sales only, the commission consider rules that require that non-electric models meet noise requirements.</p> <p>Trish Hawkins thanked the commission for all the work on the noise issue. Trish urged the commission to take every action possible to limit the noise. Suggested support for fleet and business caps. Trish would like to see ATV's trailered to trailheads as soon as possible.</p> <p>Brett Stewart suggested the legislation drafted and presented at the state level used non-street legal language. Brett noted ATV's should comply with the same laws that regulate motorcycles. Brett noted that the speed limit signs are illegal per state law. Brett suggested the County implement recommended "quiet time" signs and "recommended route" signage.</p> <p>Christina discussed the noise ordinance [Title 11]. This has not gone through the planning commission. The noise prohibitions have been moved to the top. Certain noise is prohibited on public rights of way. Christina noted this is applicable to all vehicles. Christina discussed the different levels. Christina noted that several stock models of ATV are below 92 dBA. Christina noted similar standards are in place in other communities. Christina noted motorcycles are regulated federally, but ATV's are not.</p> <p>Chris discussed potential problems with exemptions and exposure level limitations. Chris suggested adding language about exposure levels and length of time.</p> <p>Kevin suggested approving necessary items for the future checkpoint quickly and dealing with other sections later. Chris noted most noise complaints are dogs and music at night.</p> <p>Mary opened the floor for public comment.</p> <p>Dave commented that capping fleet size won't affect noise levels.</p> <p>Kent Green encouraged the Commission to work with the outfitters before making any serious decisions. Kent suggested the commission help business - not hinder business.</p> <p>Cliff Koontz commented that the current version has improved, but Cliff still has concerns. Cliff feels the numbers are too low and even stock cars and trucks will fail the noise test. The stationary sound test should be higher than 88 dBA and that's likely too low and unlikely to be easily met. Cliff noted the EPA stamp on motorcycles is worthless.</p>
4-8-2021	Moab	<p>Is it possible to check for noise violations at the ORV rental businesses before these abominations are on our streets? Possibly right when they leave the rental lots? I do not need a reply.</p>

		Respectfully, Sue deVall
4-8-2021	Moab	County Commissioners, Just like UDOT has 'weigh stations' for commercial truck on major highways, why don't we have inspection stations on Hwy 191 to check for smog controls, excessive modifications which generate the noise and the chance to educate the drivers on appropriate driving behavior in Moab and Grand County.? Most of the ATVs are trailered in. We could require them to trailer to the trail heads instead of driving on local roads. Thanks for your considerations, Cindy Pickett, E. Lipizzan Jump, Moab.
4-8-2021	Moab	If a 10'-12' retaining wall was built along the sand flats road as it goes up the hill just above the recycling center and rounds the corner where the road cut was made, this would diffuse the amount of noise from vehicles and UTVs heading up to recreate. There is A LOT of noise created by vehicles having to use more horse power to get up that hill. The noise they make floats over that entire side of town. A retaining wall. let's make it happen, if we're talking about solutions, this is a great one. Tracy Bentley
4-8-2021	Moab	Dear Commissioners If a lion perched himself in front of your door, and your neighbors stopped coming around, you wouldn't say it was the free market correcting for the lack of lions in your neighborhood. And you certainly couldn't point to the decrease in demand for neighborly conversations as a good reason it should be allowed to stay. You would say you had a lion problem. We have a lion problem. The impact of ATVs on our county roads far exceeds the impact of any other recreational groups in the same areas. It has become an assault on the commons. Like the lion the very presence of these vehicles, at the scale to which they have been adopted, has driven away other groups (visitors and residents alike). Some members and fans of the industry use this trend to posture that the ATV community represents a dominant economic group whose interests should supersede those of other visitors and even of residents, lest we lose their economic base. Please. The reality is that this has created a massive inefficiency in our local tourism market. There is ample evidence from as recently as a few years ago that diversity in visitor types can sustain a thriving and growing local economy. County officials have also shared that the ATV community

		<p>spends LESS on average than other visitor types–this means that for every non-ATV visitor they drive away, we need MORE THAN ONE ATV visitor to make up the gap.</p> <p>Grand County residents, myself included, have separate complaints about overcrowding in general. But certainly no one could rationally suggest that biasing towards density in a less efficient and more impactful visitor group is sustainable.</p> <p>We must correct this inefficiency fast or we may reach a tipping point. Unfortunately, because our state representatives have abdicated their responsibility to our citizens and local government, the option before you is the only means of protecting local residents while putting the right incentives on the ATV industry. The onus <i>should</i> be on them–not bystanders–to produce and purchase quieter vehicles and to self-police their community. (I did find it both amusing and exhausting to hear so many ATV advocates Monday night arguing for the same common sense local enforcement that the State has thus far withheld. But I digress...)</p> <p>Adopting these comprehensive changes to the LUC is the right decision at the right time. It sends the signal that Grand County puts its residents' well being first; it puts necessary pressure on the ATV industry to self-regulate and self-select towards less impactful vehicles; and it appropriately counters state officials who are more interested in supporting private interest groups than policy.</p> <p>Finally, Grand County has a long history of mixed use recreation, and I hope that continues as part of a larger strategy towards a diverse and resilient economy. We are at the start of a long journey, one that will require sacrifice and compromise from all groups. In this particular moment, Grand County residents are unfairly burdened with the lion's share.</p> <p>I hope you'll act in their favor.</p> <p>Sincerely Louise Murphy</p>
4-11-2021	Moab	<p>Commissioners,</p> <p>I either listen to the Commission meetings or read the minutes so I feel like I have heard all the arguments/discussions to and from the Commission. I do not have a UTV rental business so I have no direct skin in the game. But as a lifelong citizen of this County I have to say this back door push on the UTV businesses is rather appalling. Using the Land Use Code to regulate UTV noise is back door regulation. I live at a corner along Spanish Valley Drive which has at least one UTV tour a day pass on both sides, often multiple tours a day by the same company and I can without hesitation say it is NOT the tour companies that are the noise problem. They are painfully traveling the 15mph, painful when you are behind them and can't pass. The noise issue is the private citizens with their \$50,000+ modified UTVs with screaming stereos and exhausts systems. Moreover, the nuisance is greater at 10pm, 12am, or 1am traveling far faster than 15mph and stereo blasting; as if the whole valley wants to listen to their stereo at midnight. The tour companies are NOT doing the screaming stereos nor have the super modified exhausts. Regulating the breath out of the tour companies is NOT</p>

		<p>going to touch the vast majority of noise going through the neighborhoods. The majority of UTVs running through the neighborhoods are folks traveling from B&Bs/overnight rentals to trails, the tour companies don't detour and drive through Walker subdivision for fun for example, they take the main routes which are also used by other recreationalists; hikers, bicyclists, jeepers, etc.</p> <p>The bottom line is each of the Commissioners doesn't like UTVs; you want their money but you don't want them. It is not your type of recreation so your prejudice is very evident in word, attitude and stance. Not once have I heard anyone on the Commission address the obnoxious noise of the extended VW "buses" used by the bicycle shuttle folks belching out smoke and nasty emissions, but to each of you, your type of recreation, they are exempted. How about all the "rice rockets" the usually teenage and younger adults like to modify their cars; I find them far more annoying than 20 UTVs. Or, the pickups with exhaust systems "for increased power" that are deafening, driving daily on our roads in the valley. As has been stated numerous times in Commission meetings, each of you were elected to represent ALL of us, not just the people who look, feel, and recreate like you. I personally find bicyclist more annoying peddling their bikes 2, 3, 4 abreast on a main roads, less than the speed limit, with absolutely no manners to single file for tax paying vehicles to pass but I am not whining to the Commission to get them off the road. You are in a snit because some are whining about the UTV noise and the State did not back your initial request so you are taking it out on the UTV rental companies and they are NOT the issue. To go down the road of limiting the companies to so many rental units while some that are above that number seems like a lawsuit waiting to happen not to mention the new buzz word of discriminating and once again WON'T address the privately owned machines.</p> <p>The idea of trailering has come up several times. Are the memories so short that folks have forgotten one of the reasons for street legalizing ATVs/UTVs/etc was trailheads statewide could not accommodate the vehicle traffic and environmentalists were screaming environment degradation? There are few parking lots like the one across from Bar M or across from Archview Campground or Sandflat that can accommodate so many vehicles. So require trailering and then the same whiners will be yelling about the vehicles parking everywhere killing the plants.</p> <p>Noise pollution is affecting their mental health; this coming from the same people who go to concerts, parties and participate in other loud activities. Bottom line, it is noise pollution affecting their mental health if they are not participating in it directly or an activity they enjoy. They are grasping at any idea they can to stop activities they don't deem acceptable. The same folks who preach tolerance yet are not tolerant themselves.</p> <p>In conclusion, strangling the UTV tour companies is not going to make a dent in the noise only hurt the business owner and their livelihood. The County wanted to be the recreation capital; well they got what they wanted and they will have to live with the consequences of thousands of visitors and all their noise.</p> <p>Thanks for the time— Petenia Pfnister</p>
4-12-2021	Not a local	<p>ATV noise impacted my visitor experience:</p> <p>Dear Commissioners, thank you for the opportunity to submit a letter regarding the ATV noise and its impact on Moab and the surrounding community. As a visitor from the Roaring Fork Valley of Colorado to the Moab area since the early 90s, I have seen the growth of Moab and increase in visitors, for both the good and bad. There was a time that finding a good restaurant in Moab was difficult, no longer the case. There was a time when finding a campsite in Moab was an easy task, no longer the case.</p>

		<p>I too come from an area where the tourist economy is a mainstay in our tax revenues and appreciate finding balance in catering to tourists while still maintaining a sense of community for locals. Unfortunately, the level of noise in the downtown core is incredibly off putting for all. In fact, my husband and I have historically said we want to buy a second home in Moab and eventually retire half the year in your community. Our last stay in March of 2021 had us questioning that game plan and we instead began to look at Monticello, Blanding and Bluff.</p> <p>The number one reason why we feel this way is the ATV impact. It's loud, it's unwelcoming and I do believe it's time you take action to protect both your community and your visitor experience.</p> <p>Please protect your small town and make a decision that allows all residents and visitors to feel at ease.</p> <p>I realize it's hard to make tough decisions however as elected officials, it's your job. Please vote to prevent those who love Moab from loving it to death.</p> <p>Thank your for your service.</p> <p>Ingrid Wussow Glenwood Springs, Co</p>
4-12-2021	Moab	<p>Good Morning Commissioners,</p> <p>I would like to provide public comments regarding the 3.1 LUC update to the use table. I would like to encourage you to allow ATV Businesses to be a conditional use in the Resort Special Zoning North of town. This area is heavily used for ATV's already so the business would fit easily. There are almost no residential units north of town as well so the noise wouldn't affect town or residents at home. Most people that stay in town or rent ATV's from an outfitter, trailer their machines to the trailheads north of town. The same can be said of visitors and businesses established north of town. These businesses would trailer their ATV's to the Kane Creek and Sand Flats areas thus not contributing noise congestion to the neighborhoods. That seems like a win win for everyone.</p> <p>I am also attaching some photos that I took the weekend before the Easter Jeep Safari this year (March 20, 2021 at 12:00 pm to be exact). The one photo shows the Gemini Bridges staging area where I drove through and counted 65 trailers in that parking lot (just the parking lot between the railroad tracks and the highway) that had unloaded to ride the local trails in the area. The other two photos are in front of my property located at the Cotter Mine Rd/Seven Mile Rd staging area on the UDOT ROW. This same morning there were 28 vehicles and 4 RV's staging in that parking lot to ride the trails. That is 97 units staging to ride the surrounding trails in one afternoon.</p> <p>I believe ATV Businesses would be a great fit for the Resort Special zoning north of town and the photos, research, and statements I have presented in this email are factual and help support the idea of these businesses fitting in well in that area and the surrounding uses. By not allowing ATV Businesses to have</p>

		<p>locations in the Resort Special Zoning, you are making them all stay here in town which leads the use to be steered to the more user friendly access trails like Sand Flats and Kane Creek.</p> <p>Thank you for your time.</p> <p>Reed Pendleton Moab Citizen and Business Owner</p>
4-13-2021	Moab	<p>Commissioners,</p> <p>After watching the special meeting yesterday with UTV business owners, I wanted to write to comment that I didn't hear one compelling argument that would justify reducing any of the Planning Commission's recommendations for noise or businesses.</p> <p>With regard to trailering, I think it's important to remember the context for why we're currently in a place where we have to enact strong regulations. That is, Grand County's inability to opt out of the state law allowing UTVs on our streets. At the end of the day, the real goal is to have the state legislature give us the ability to exempt ourselves from that law. If that was allowed tomorrow, the assumption is that Grand County and Moab City would avail themselves of that right, meaning that no UTVs would be allowed on the streets (regardless of how quiet they were) and UTV companies would be trailering to trailheads immediately. Walking backwards on that requirement, based on complaints that it's not feasible, ignores the reality of what the community really wants. It also ignores the fact that, prior to the passage of the original UTV law in 2008, <u>all</u> off-road vehicles had to be trailered to trailheads.</p> <p>I also encourage you to keep fleet limits at the levels recommended by the Planning Commission. It's futile to limit new rental companies while at the same time allowing existing companies to grow their fleets as large as they want. Just as we had to limit new overnight accommodations in order to protect the greater community good, we similarly need place limits on increased numbers of rental UTVs. It's unconscionable to me that half a dozen business owners think it's their right to impact the health and well-being of the entire community.</p> <p>Finally, a few additional points:</p> <ul style="list-style-type: none"> - Education is often cited as the real solution to the problem and as a reason why we should allow the rental companies to increase UTV numbers, yet one of the business owners yesterday clearly stated that they essentially have no control over what people do once they pull out of the parking lot. - Many of the business owners on the call yesterday are the same people that helped kill the curfew bill at the legislature this year. That's not working towards solutions, but rather working to water down or minimize any effort to get this situation under control. The meeting yesterday was another step in that effort, and it's unfortunate that they were essentially given the last word before your meeting today. <p>Neal Clark</p>
4-13-2021	Moab	<p>Dear Commissioners,</p> <p>After listening to your meeting yesterday with our local UTV business I would like to give you my feedback.</p>

		<p>This small number of businesses are creating a vast amount of noise in our community. Noise in the community is the number one complaint from county citizens and it is the responsibility of the Grand County Commission to solve this problem.</p> <p>The data from Sand Flats shows that 50% of UTV's using the trails there are from local rental companies, so it is NOT just the out of town UTV's that are causing the problem. It is the local UTV companies that drive their machines in convoys through our residential neighbourhoods.</p> <p>It is the duty of the Grand County Commission to enforce laws that curb this noise pollution.</p> <p>All rental UTV's need to be no louder than a passenger car. If this were the case, driving them through town would not be a problem and they would not need to be trailered to the trailhead.</p> <p>At yesterdays meeting all business owners agreed there was a problem and that they support a strong noise ordinance, however they were not willing to compromise on any of the proposed solutions such as fleet size, trailering or speed limits, so it comes across as hollow promises The commission needs to take the hardest line to combat this serious, pervasive noise pollution that is affecting ALL residence.</p> <p>It should be noted that none of the machines the City/County tested for noise last week came anywhere close to the lower decibels of a car. Something has to be done.</p> <p>The business owners were not in favour of the reduced speed limits, but from my experience living on Centre Street, so far this year the noise seems less obnoxious with the reduced speed. In my view it is working and the businesses should be thankful that one of the tactics is in part working, it's a start.</p> <p>Please do not fail our community and use every avenue you have to stop the noise.</p> <p>Thank you, Trish Hawkins</p>
4-13-2021	Not a local	<p>Hello Grand County,</p> <p>I am writing you to let you know that there are people outside of Moab that make regular trips there that would appreciate stronger rules in place to limit the loudness of ATV use in non-designated ATV areas. I respect different recreation activities and fully believe they have a place on the designated ATV trails but I feel the noise pollution on public streets and roads and non-designated ATV trails is a deterrent to the beauty and quiet that so many people come to Moab for. I think the large increase in ATV use around town and on public right-of-ways is a deterrent to visitors seeking a different experience due to the significant noise pollution created by ATVs that is much higher than cars.</p> <p>I support the proposed ordinances and think they strike a fair balance between diverse user groups.</p> <p>Thanks for listening to a frequent visitor to your beautiful county.</p>

		<p>Best,</p> <p>Miles Small (phone # w/ Colorado area code)</p>
4-14-2021	Moab	<p>Dear Council, Commission,</p> <p>Having written yesterday I need to add a comments about the April 12th meeting with UTV business owners and the Grand County Commission</p> <p>Our local business owners did not support any of the proposed measures to solve the problem their businesses and their recreational UTV's are causing our community. If they want to continue in business they need to support the solutions.</p> <p>One solution they did not support is the already enacted 15mph speed limit for UTV's on residential streets. I live on Centre Street where Kent Green and Cricket White also live, for many years they have courteously driven past our home at 15mph. It makes a difference! When I am in my kitchen at the back of the house with doors and windows closed I can still hear them going to work or coming home, but it is not a roar. When other UTV's drive up our street I know from the increased noise that it is not Kent or Cricket because they are going faster than 15mph. It does make a difference and our local businesses should be happy to drive slowly knowing they are causing less impact to their neighbours instead of complaining that it's too onerous. They must be willing to make compromises.</p> <p>Trish Hawkins</p>
4-14-2021	Moab	<p>Measuring UTV noise and noise ordinance:</p> <p>Dear Commissioners:</p> <p>I am writing you to try to convince you to pass a noise ordinance tomorrow that will effectively reduce vehicular noise. While a stationary 20 inch tailpipe measurement can give one an idea of engine noise exhaust noise produced, its ineffective for measuring total vehicle noise output. Engine exhaust is only one source of noise.</p> <p>Why are UTVs in particular so loud? Dirt Wheel Rider, a trade blog, wrote "ATVs are so loud because their engines rev at very high RPMs, they have shortened exhaust systems, have poorly insulated or non existent engine compartments...."</p> <p>UTV Ride summarized the issue with "Even when on idle, gas UTVs tend to be louder than a car. One of the reasons is that, unlike cars, they have less soundproofing and coverage around the engine parts.</p> <p>In other words, its not just engine exhaust that is the problem.</p> <p>The only effective way to measure the amount of actual noise produced is by doing drive-by noise measuring. There are mitigation measures UTV owners can take to make their machines quieter such as more effective mufflers, quieter tires,</p>

		<p>additional insulation and shielding of transmissions and engines, etc. But better muffling of engine exhaust is only a partial solution.</p> <p>The Planning Commission recommended dynamic (80 dB at 25') testing to get compliance with noise limits for good reason. Stationary exhaust tests are fine for testing non-movable engines but are ineffective in mitigating the noise these machines make as they are driven.</p> <p>I urge you to enact an effective noise ordinance for Grand County and this means dynamic test for total noise output.</p> <p>Thank you, Gerrish Willis</p>
4-14-2021	Moab	<p>Commission,</p> <p>Thank you again for taking up this difficult issue. We all appreciate the work you are putting in to reduce noise in town. As you vote on the proposed ordinances tomorrow, please consider the greater good of the community over the inconvenience of a few businesses. The most defensible decision is that which favors the wellbeing of the community as a whole.</p> <p>Please approve a strong noise ordinance that is likely to solve the whole noise problem, not just a portion of it. Now is the time for swift and meaningful action.</p> <p>Thank you again,</p> <p>Jared Trader Moab</p>
4-14-2021	Moab	<p>Dear Commissioners,</p> <p>Once again, I would add my voice to the many citizens of both Moab and Grand County to ask you to support and listen to residents and enact a meaningful noise ordinance. For months many citizens have joined together to support your actions to tame traffic and noise in the County. Dismissing the need for a healthier, livable quality of life for local residents would be so disheartening, and would result in more social splintering and disruption of our community. We need to build a vibrant community for our citizens, not easy convenient roads for off-road-vehicles/toys on our residential streets. Traffic noise has been more controlled since the Council and the Commission have considered and acted on some regulation for the UTVs, but as we have seen before, without serious attention through meaningful law enforcement, the situation can quickly return to a lack of respect for our community. The traffic noise has a negative effect on those of us living here, and the quality of the visitor's experience</p> <ul style="list-style-type: none"> • I Urge the Commissioners to approve a strong noise ordinance requiring all vehicles to be about as quiet as regular cars - otherwise, the noise issue will continue to get worse, not better. • The concerns and welfare of the majority of residents should be its first consideration, rather than trying to figure out the how to minimize the inconvenience and expense to a handful of businesses, that, in reality, are

		<p>negatively impacting the majority of our community and will eventually negatively impact the quality of our Tourist Economy.</p> <p>I understand how much work and pressure this issue has put on the City and County, and appreciate all the hard work. I have followed the process, but in the end, I expect that you will come up with a good ordinance, controlling decibel levels for vehicles, and organizing UTV use in the County, that will make Grand County return (because we DO have more disturbing noise than in the recent past) to commonsense limits on noise and traffic.. Our community will be better and stronger for it.</p> <p>Carrie Bailey 200 East , Moab</p>
4-14-2021	Moab	<p>Noise Ordinance:</p> <p>Dear Commissioners, Thank-you for maintaining our community Mask Ordinance! Now you have another opportunity to protect our residents. Please hold UTV riders accountable to manage their machines and their behavior! An effective noise ordinance must require these vehicles to produce noise levels no greater than other motor vehicles allowed on our residential streets.</p> <p>I believe these riders can and will change their behavior in order to have continued access to our canyon country. However, they will have to be sanctioned for failure to drive respectfully in order to achieve this change. Please stand strong and continue to protect our neighborhoods!</p> <p>Bonita & Kenneth Kolb Kerby Lane Spanish Valley</p>
4-14-2021	Moab	<p>UTV Noise Ordinance:</p> <p>Dear Commisioners,</p> <p>My husband I live in Moab, but often travel to SLC to visit family. I find that I have been looking forward to the SLC trips for peace and quiet. It's hard to believe, but SLC is so much quieter and calmer than Moab. This is because of all the UTV noise we have in Moab, which SLC does not have, because they are not street legal up there.</p> <p>I wish there wasn't a double standard for Moab, but since there is, we need to take action on a local level regarding the noise. I know you are considering a noise ordinance, however my understanding of the noise ordinance you are considering will be only slightly effective. PLEASE PLEASE PLEASE PLEASE PLEASE, pass a noise ordinance with real true meaning in which us residents will actually notice the difference and be able to live with the same level of peace and quiet as in SLC or better.</p> <p>Sincerely, Beth Malloy</p>

		Riversands Dr., Moab
4-14-2021	Moab	<p>Noise ordinance:</p> <p>Dear hard working members of the Grand County Commission,</p> <p>I respectfully ask that you vote to enact a noise ordinance in our community and give it some teeth by funding police efforts to enforce it. I commute to work on 191 and am affected by UTVs disrupting highway traffic and safety. Once I arrive at work, I am unable to hold a conversation at times because of the racket outside. Noise levels are distractingly audible INSIDE my office and often with the windows closed.</p> <p>Thanks for your kind consideration of this issue,</p> <p>Cassie Paup</p>
4-14-2021	Moab	<p>Dear Grand County Commissioners -</p> <p>Re: Noise Related Ordinances on your 4/15 agenda</p> <p>I am writing to you again to urge you to pass the strongest noise reduction ordinances; including that all vehicles have to be as quiet as regular cars. The noise pollution is not going away without your concerted effort to limit the impacts to all community members.</p> <p>You know all the cons about noise pollution and it's effect on a wide-range of human health issues. People, whether residents or visitors, are entitled to quiet soundscapes. I feel it is imperative on you to put health, safety and welfare of our citizens as the top priority.</p> <p>I am fortunate to live in Castle Valley, but have to let you know that I enjoy my trips to town less and less. I totally empathize with my friends and acquaintances that live and work in our community, Moab and beyond. Even the simplest pleasure of sharing lunch with a friend outdoors is thwarted because we can't find a quiet spot to settle.</p> <p>What particularly saddens me, is that I have friends who have moved already and others seriously considering moving away because the noise deprives them of the enjoyment of their home. And, more and more of our friends that have been regular and passionate visitors to our spectacular area, are staying away due to the crowded conditions and unbearable noise levels.</p> <p>So please follow through and do the best you can to make Moab quiet again.</p> <p>Thank you for your time and consideration.</p>

		<p>Pam Hackley Castle Valley, UT 84532</p>
4-14-2021	Moab	<p><i>UTV Noise Ordinance:</i></p> <p><i>Dear Commissioners,</i></p> <p><i>THIS is the time to hold UTV riders accountable to manage their vehicles, attitude and their behavior! Unless we want to begin to KILL what's left of what once was a peaceful place to live we desperately need a noise ordinance that will REQUIRE UTV's to restrict their noise levels to nothing louder than other vehicles driving our streets. This is only fair and reasonable.</i></p> <p><i>Until a stringent law is set - and enforced - things will only get worse.</i></p> <p><i>I know you're trying, at least most of you are, to protect our community from being ruined by extreme noise pollution. Thank you so much and keep it up!!</i></p> <p><i>Elizabeth Gore East Lippizan Jump Moab UT</i></p>
4-14-2021	Moab	<p>Please Create a STRONG Noise Ordinance that Protects Residents:</p> <p>Dear Grand County Commission,</p> <p>I URGE you to approve a strong noise ordinance requiring all vehicles to be as quiet as regular cars (60-70 decibels) - otherwise, the noise issue from UTVs and other loud vehicles will continue to get worse.</p> <p>The concerns and welfare of the majority of residents should be the first consideration. Stop trying to figure out how to minimize the inconvenience and expense to a handful of businesses that are negatively impacting the majority of our community. Why should the residents pay with our quality of life for a small number of businesses? If Grand County doesn't stand up to bullies who wreck this place then it will just keep happening. New and terrible things will happen every year with the precedent that business comes before local residents.</p> <p>I know being on the front lines of this battle isn't fun and I really appreciate all that you do. Thank you! You can do it and your community is behind you!</p> <p>Kind Regards, Chloe Hedden</p>
4-14-2021	Moab	<p>UTV Noise – All Vehicle Noise Ordinance:</p> <p>Dear Commissioners,</p>

		<p>We believe the Commission's first consideration should be the concerns and welfare of the majority of Grand County residents. As Moab residents for 18 years we urge the Commission to approve a strong noise ordinance requiring all vehicles to be about as quiet as regular cars.</p> <p>Thank you for your attention to this very important issue,</p> <p>Robin Straub Phil Wagner</p>
4-14-2021	Moab	<p>Dear Commissioners-- PLEASE consider the creation of a noise ordinance so that residents and tourists can enjoy Moab more peacefully. There is no reason the mufflers need to be so loud! This incessant obnoxious buzzing not only keeps people from enjoying being outdoors on their properties, it diminishes the experience of hearing birds and the peaceful sounds of nature, and it traumatizes the wildlife on the trails. The goal should be to work out a way to recognize the concerns of all entities. Surely making mufflers adhere to a more peaceful standard would be a compromise that we all can live with. Thank you for making an effort to consider all points of view.</p> <p>Sincerely,</p> <p>Sarah LaBrec Spanish Valley Drive</p>
4-14-2021	Moab	<p>Dear Commissioners,</p> <p>It is a very busy time of year or I would want to comment in person.</p> <p>I feel very strongly that we need a noise ordinance to preserve the quality of life for Moab residents. This has been reinforced lately with the large volume of OHV/UTVs and other loud large vehicles in town that wake me up and disturb my work on a regular basis. I live in the Hecla neighborhood just across Mill Creek from Sand Flats road and the noise levels have sky rocketed with the spring tourism season.</p> <p>I have written before to you all about the litany of other impacts this user group has on our community, but the noise ordinance seems to be the route that is most feasible to implement. I encourage you to move forward with as stringent of regulations as possible for this.</p> <p>Best regards, Travis Nauman, PhD</p>
4-14-2021	Moab	<p>ATV Sales public comment:</p> <p>Good Afternoon Commissioners,</p>

		<p>I would like to make a public comment in regards to the ATV Sales category being limited to electric ATVs only. I am against this restriction. If you want to work with these ATV manufacturers and that industry to provide quieter machines, then why would you at the same time tell them that they are not welcome in Moab? Getting some of this industry established in Moab would have positive effects on the overall community and could be a great avenue for transitioning our own ATV business fleets to quieter aftermarket parts, as well as our visitors. It might become a great place for people to get their machines modified to become quieter. It could be a significant selling point to encourage the sale of modified machines that are quieter. Like I mentioned in the workshop yesterday, if there is only one electric ATV manufacturer, then there would be a monopoly on ATV sales in town and limit growth in that industry here.</p> <p>I also think that banning all of the non-electric ATV manufacturers from town is exactly opposite of what you all keep preaching each week about economic diversification here in town. These manufacturers are massive and if there was a way to work with them and create a hub here in Moab that would be known as the place to get quiet ATV's, then why wouldn't you want that. If you want to diversify our economy then stop regulating so much of it and let businesses and industries have a chance to establish and do good in our communities. Constantly telling industries and businesses "NO" does not look good for others that may want to come here either. You should not limit ATV sales to electric vehicles only.</p> <p>Thanks for your time.</p> <p>Reed Pendleton Moab Local and Business Owner</p>
4-14-2021	Moab	<p>Given the State's obstruction of the County's ability to advocate for its own citizens, I don't know the best solutions for controlling ATV disturbance (which goes well beyond noise).</p> <p>I encourage you to do all you can to mitigate any part of this irritant to the community. A stringent noise limitation would be a good start.</p> <p>Karen Robinson E Bench Rd</p>
4-14-2021	Moab	<p>Please do something about UTV noise!!</p> <p>I am sure you are getting a lot of squeaking from the wheels of the UTV businesses. However, I hope you are able to strongly consider the needs of the local community to deal with UTV noise and do what is best for the residents! Please help us keep this community liveable and QUIET!!</p> <p>Thank you, Marcia Tendick</p>
4-14-2021	Moab	<p>It should be the priority of the County Commission to stand up for the citizens of Grand Gounty. Please hold the line on maintaining peace and quiet as much as possible. Our town has changed so much in the past few years and not for the better in regards to the local residents. Please stand up for us.</p>

		<p>Thank you Bret Burgess</p>
<p>4-14-2021</p>	<p>Moab</p>	<p>Greetings Commissioners,</p> <p>I am writing to you today both as an affected private citizen living close to the entrance to Sand Flats, and as a member of the Grand County Planning Commission strongly recommending substantial changes to the Land Use Code and vehicular noise ordinance to help mitigate the ATV noise in our community that originates from both rentals and private users.</p> <p>First may I emphasize this strong belief: that even if Moab City and Grand County use every tool available to mitigate ATV noise, we will still be accomplishing only a fraction of the change Moab residents want to see. In order to truly tackle this problem as it is needed, I hope for a future in which the State of Utah ceases to hamstring local municipalities from being able to care for their citizenry. With that in mind, <i>it is crucial that the City and County use EVERY tool available to solve this problem, to its maximum potential, and do not water down measures or over-compromise for the benefit of a single recreational user group and the handful of businesses that serve it.</i></p> <p>Changes to the Land Use Code in regard to ATV rentals and a strong, enforceable, and enforced vehicular noise ordinance are two of the most important tools available to the County right now, and <i>I urge you to fully utilize both.</i></p> <p>ATVs are a special beast when it comes to noise. Not only do they fall in a sound frequency range much closer to that of lawnmowers and chainsaws than that of regular vehicles, they also generate immense noise from all points, not just the tailpipe, owing to a thinly protected engine compartment and general lack of sound insulation throughout. (It would seem in this design that they are clearly not intended for street use by the manufacturers!) Following this logic, and listening to the expertise of the sound expert assisting the County, it follows that <i>a 25' driveby test is a far better and more accurate tool than a 20" tailpipe test.</i> The driveby test also more aptly captures the experience of the listener, ie. the residents, as sound waves function differently at that distance than immediately at the tailpipe. There may be instances where a tailpipe test may serve useful in providing additional data points, but I don't think we should be relying exclusively on this metric.</p> <p>In my own experiments with low speed traffic on Locust Lane, passenger vehicles, including large trucks fall within a 60db to 75db range measured at 25'. The Planning Commission recommendation to cap rental ATVs at a maximum of 80db allows them to still be substantially louder than other vehicles (and I still encourage the County to set that number as close to passenger vehicles as possible in consideration of after-market sound dampening and muffling equipment available to rental fleets)--this stopgap does not reduce ORV sound as much as many would like, but <i>it is a very good start.</i> Couple this with an equally stringent cap on vehicle noise in our county noise ordinance, and I believe this Commission will actually be taking substantial steps to improve the lives of Grand County residents.</p> <p>Curfews and designated routes, as many pro-ATV voices have suggested, would be ineffective even if allowed by the state. I enjoy being in my home or garden during the day. My infant naps during the day. A curfew</p>

		<p>suggests that we only need quiet to sleep at night. I believe we deserve a peaceful home environment all of the time. Designated routes ignore the fact that most routes to motorized trails in Grand County are accessed through residential neighborhoods. Suggestions such as these only distract from the crux of the problem in need of a solution: there are TOO MANY ATVs on the streets of Grand County, and in turn each produces TOO MUCH NOISE. Only in using noise mitigation tools can we truly and effectively begin to solve this problem.</p> <p>I am aware that most ATV rentals are in the City and not the County. As the County must take action in the coming week before the moratorium on new ATV rentals lifts, it is important that the County Commission not only acts in the interest of its constituents, but also provides a strong template for the City to follow. This gives your decision-making powers even further reach this week.</p> <p>The Commission's primary duty at this moment is not to ask the question of what would be least onerous for ATV businesses, but to ask the question of what would be most beneficial to the citizens of Grand County. And I believe the majority of residents have spoken loud and clear, that they don't want to compromise on ATV noise in our neighborhoods. I encourage you to do whatever is within your means to serve the will of this community.</p> <p>Thank you for your time, Josie Kovash</p>
4-14-2021	Moab	<p>Good morning</p> <p>I thank you for getting our input on the UTV noise discussions. I, like most residents, feel that excess noise is unpleasant and unhealthy and I have no issue with enforcing noise ordinances. However, these should not be specifically applied to JUST UTVs. As you know, we have many motorcycles, trucks, (and even a few Vettes, you know who you are!) that are quite noisy as well. The noise restrictions should be applied equally across the board to all vehicles. In addition, Establishing limits on fleet sizes for local businesses is patently unfair. If their vehicles are compliant, they should be allowed to run their legal businesses as any one else would be able to.</p> <p>Thank you for your time Kim M. Brandau</p>
4-14-2021	Moab	<p>Dear County Commissioners,</p> <p>I suspect the reason why you have not heard from multitudes of citizens concerning this is that we have already written so many letters and we're tired and busy with all kinds of things! We are hoping we can rely on you to vote to vigorously support the movement for less noise in the neighborhoods!</p> <p>However, I have been urged to once again beg you not to give in on the issue of noise and other impacts of utv traffic in town. The noise problem is real. We need strong requirements for quieter vehicles holding to the same standards as the rest of us. But ultimately, as some have said, this is a difficult proposition and an interim move and we must look forward to having our streets free and clear of the proliferating recreational vehicles. They simply do not belong there. The details, I'm sure, can be worked out when the time comes.</p>

		<p>In the meanwhile, the strongest possible noise ordinance is needed - yes, a drive-by test is better than the tail pipe for all the reasons that have been noted - additionally, compromise ostensibly in support of local business on this is foolish. There is no reason not to limit fleet size and regulate this business. We all need to observe rules in business and why should this be any different? Strong curbs on utvs are warranted. Please use everything in your power to lessen the impact of this fad on the people who live here and set an example for the City government, which needs to do the same.</p> <p>Thank you, Sincerely,</p> <p>Nancy Kurtz Arches Drive</p>
4-14-2021	Moab	<p>OHV, UTV, and all loud vehicles</p> <p>Council Members</p> <p>As we all know, loud noise is irritating and harmful. Our friends in loud vehicles frequently wear hearing protection but refuse to protect others. As much as I hate new laws and rules, if people refuse to act reasonably, rules become necessary. OHV use has increased and the harm caused to people, our public land and wildlife has exceeded all reason! If we fail to protect ourselves and our land, we deserve what we get! Please stand up against special interest groups and harmful businesses.</p> <p>John Covey Moab Ut.</p>
4-14-2021	Moab	<p>Please vote to restrict the noise level of any vehicle to that of a well tuned automobile and restrict the current and future rental of off road vehicles.</p> <p>Nan Marquardt</p>
4-14-2021	Moab	<p>UTV noise levels in Moab:</p> <p>I'm writing to you as a 14-year resident of Moab who has experienced a dramatic impact from UTV noise.</p> <p>We all recognize that extremely rapid growth of tourist and use traffic has revealed some unplanned consequences. The explosion of non-jeep high-performance UTV vehicles that can do almost anything has overlapped this rapid growth.</p> <p>I want to be clear. I'm not against 4-wheel activity. I own two 4-wheel vehicles which I used in difficult terrain. The issue here is noise.</p> <p>UTV's are lightweight and were not designed with noise mitigation as a primary criteria for design. They operate at high RPM's, have short exhaust systems, and little baffling capability. Please protect those of us who make Moab home from late-night and in-neighborhood use by these vehicles and enact noise measurement standards and enforcement mechanisms which bring us back into better balance. I think in the long-run UTV</p>

		<p>manufacturers will have to address this issue as a customer-demand issue because of regulation in other areas, but for now, we rely on you for common-sense, meet-in-the-middle measures.</p> <p>Thank you for your time and service to our community.</p> <p>Jeff Clapp Moab, Utah</p>
4-14-2021	Moab	<p>Hello,</p> <p>I urge the Commission to address our town's UTV nuisance today! I live on Tusher St. near the intersection of Mill Creek and Sand Flats Road, and the frequent sound of loud off-road vehicles is approaching an unbearable limit. I was so proud to be able to purchase a home here three years ago and begin to really establish roots in our community. Now, although it hurts to entertain the idea, I have to seriously consider uprooting to another location if this issue is not resolved in a timely manner. Nowadays, I wake up most mornings to someone blasting through our once-peaceful and quiet street in their UTV, with apparently zero awareness or care about how they may be affecting the neighborhood through which they storm... We have to make it clear that our residents, our <i>town</i>, will not stand for this type of disrespectful behavior.</p> <p>The number of rental UTVs utilizing our 4x4 roads is a considerable problem that we can address. How? Cap the number of rental UTVs allowed to drive in town, require businesses to change their machines so that they are quieter, and provide incentives for businesses to offer trailer or shuttle services for rental UTVs. It does not make sense that passenger vehicles are expected to abide certain noise inspections while we UTVs get a pass, so set a reasonable noise level ordinance for all UTVs on the streets and enforce it. The negative impact of UTVs on our town's residents is far greater than any minimal negative impact rental business will experience as a result of these changes. Perhaps it will even boost their businesses with more folks that want to recreate responsibly!</p> <p>It's time to put our foot down together and draw the line. The Commission's role is to put our resident's livelihood first!</p> <p>Kelsey Koprowski</p>
4-14-2021	Moab	<p>Hello Commissioners,</p> <p>This will be my final comment for the public hearings this week. I would like to express a few points-of-view that may have not been considered or have been overlooked in the processes taken to get to this point of the Noise Ordinance and ATV LUC updates.</p> <p>One of the issues presented by many public comments and that can be seen at every meeting is the bias that some of you have against all ATV's. I think it is really hard to govern a community, that is extremely split on this topic, when you have already decided you hate half of the constituents. Whether you realize it or not, you are segregating our community during this overhaul directed at ATV users. There are lists of ATV friendly businesses circulating our town and guests are asking us who is pro and who is against and soliciting those businesses accordingly. A lot of us who run businesses in town rely on ATV owners as part of our business and for you as a body in general to want to eliminate them from town, you are not</p>

representing many of us like you were put into office to do. You are suppose to find solutions to problems that all of us can accept, not leave half the community on the curb while you cater to the other half.

I'm very frustrated that none of the "research" has ever been presented or posted in these meetings for the public to understand. We have a handful of people doing studies and testing some equipment and then reporting back without ever letting any of us see the tests or results. We have no idea what you are basing your decisions off of. We have no idea what machines were tested. We have no idea what conditions the tests were conducted under. For a matter that is extremely heated for residents, guests, and the state to know about, I think you have failed to actually show us unbiased and thoughtful research to help us understand your reasonings for the decisions you make. If you had been open with more of us and presented the findings or posted the testing videos or provided more understanding, then possibly some of us could have understood better or been educated more.

Law enforcement has been mentioned a lot because this obviously falls on their shoulders and yet, I have never seen a law enforcement officer at any of the public meetings to publicly express their opinions. I think this was a fail. I completely understand that they are busy. We all are, trust me. I have sacrificed countless hours of my time during my busiest season to keep up to date with all of this and attend every meeting possible but not many people have done that. The last meeting I recall hearing from the sheriff on, he stated that they are low on officers and enforcement of non-public safety issues was last on his agenda. So is this even going to be enforced or just being used as a scare tactic to keep visitors away from our town? I have also heard it may take two officers to actually do noise ordinance enforcement so are we hiring more officers just to pull over ATV's and test them in the future? Seems like a waste of public servants if you ask me.

Speaking of enforcement, we already have noise laws that aren't enforced, like the Jake Brake/Engine Brake restrictions through the 8 mile stretch from Stocks Drive north into town. Several of our businesses including mine are located along that stretch of highway and if we need to enforce this noise disturbance, I am glad to have the sheriff on speed dial every day when those truckers pass through. Fact is, to effectively enforce just the Engine Brake restriction, we probably need a full time officer stationed along the highway every day because it happens all too often. If these proposed noise ordinances are passed and not challenged legally, I would like reports given each month/year by law enforcement giving us citizens and the state of Utah the exact numbers of noise ordinance violations so that we can make sure there isn't consistently one target audience always getting ticketed while other groups are disregarded. Noise enforcement should be wholesome throughout the community on all noise issues and not just ATV riders.

I am also curious how someone can get a machine with stock equipment and register it with the state of Utah as a street legal vehicle and then be told they are not allowed to drive it on the street because a noise ordinance was created to be specifically lower than its dBa levels. If a machine is allowed to be street legal with stock equipment, I feel like they are entitled to use that on the streets that the state recognizes as legal for them to do. If they alter it with aftermarket parts and it doesn't meet dBa standards, then I would agree that they are not welcome with that equipment.

I also want to remind you that there are over 5,000 operating overnight accommodations in this town that can potentially have ATV's at them every day. I truly don't believe that our ATV businesses in town are the problem. They are all using stock machines and are doing everything as respectfully as possibly to give guests to this town a taste of our world class outdoor activities. Our ATV businesses cater to non-ATV regulars usually and help to educate and provide a safe and controlled activity. If there are any bad apples, I would have to say it is the few ATV enthusiasts that come here and try to make Moab their own. I have personally prohibited some ATV users from riding in my campground because their exhausts were altered and the noise was an absolute offense to everyone on site to have them driving around. Responsible business owners in this town need to be treated with respect and need to be our voice for conservation to encourage everyone else to "Do It Like A Local"

		<p>I oppose the Noise Ordinance and restrictions being voted on because I don't think they have been thorough enough to be effective as they have been presented.</p> <p>Thank you for your time.</p> <p>Reed Pendleton Moab Resident and Business Owner</p>
4-14-2021	Moab	<p>Hello,</p> <p>I am but a humble civilian, land owner, and wage-earner in the community.</p> <p>[Local ATV business owner] is a bully, and him being a business owner, or his amount of money raised/taxes paid should never be prioritized over the opinions of others.</p> <p>Business owners are not more intelligent or noble than the rest of us. Bullies should be shunned, not embraced.</p> <p>Have a good day, Thank you for your service.</p> <p>Establish and enforce sound ordinances, for residential sanity. Thank you!</p> <p>Peregrine L. Houck</p>
4-14-2021	Moab	<p>ATV restrictions please</p> <p>Dear Commissioners:</p> <p>I am writing to urge you to do everything possible to mitigate the impact of ATVs in our community.</p> <p>I understand how easy it might be to think that we need to compromise, to give a little, to the business owners in this industry in the name of fairness. However, I don't think we should hold anything back in the way of restrictions. The goal for the vast majority of residents in our neighborhoods is to get them off the streets completely (and even further, protecting our wildlands from these destructive machines). With that in mind, fleet caps and drive-by noise monitoring systems are small and yet decisive steps toward that end.</p> <p>I have listened to the public hearings and keep an eye on newspaper – I have yet to hear from local ATV enthusiasts that aren't business owners in any significant way. However, there have been letters and comments in multitudes about how depressing this situation has become for residents and our families. Dear friends constantly daydreaming about moving to more peaceful towns adds to my personal heartbreak on this issue. Upsetting a few business owners is nothing compared to the well-being of the hearts and minds of thousands of your constituents.</p>

		<p>I suppose I am writing to remind you of all of the people that have hope invested in you to make firm actions that will positively impact our existence in a very real way. We elected you, and we need you now more than ever.</p> <p>Thank you for all the hard work and due diligence you have all put into this issue.</p> <p>Emily Stock</p>
4-14-2021	Moab	<p>Dear Commissioners,</p> <p>I am not sure what the sound ordinance is for Grand County. But here it is for the City of Moab:</p> <p>Section 17.74.080.The Moab City Noise ordinance states: “The masking and/or creating of excessive or unusually loud noise or sound within the City ... is unlawful....The noise shall be measured at a distance of 25 feet from the source of the device upon public property or 25 feet from the property line if upon private property... A measurement of 65 decibels shall be considered excessive and usually loud.”</p> <p>In my correspondence with CARL R. ALBRECHT he encouraged us to use our noise ordinance to regulate UTVs on public streets. Our community has the right to enforce our noise ordinances.</p> <p>UTV enthusiasts recommend a sound decibel level of 94 as a compromise from 96. This is a far cry from anything near the sound emanating from a normal passenger car or most unmodified jeeps that average a 60-75 decibel level. Why exempt UTVs???</p> <p>Please make every effort to MAKE MOAB QUIET AGAIN.</p> <p>How many residents have requested, insisted, begged, demanded and signed petitions asking that the issue of the NOISE from UTVs invading our streets be addressed?</p> <p>Moab and Grand County need to get BADASS.</p> <p>We need to develop a reputation for being BADASS so that visitors with loud obnoxious UTVs will come prepared to tow them to the trails rather than risk getting busted for offending the noise ordinance or ignoring the speed limits.</p> <p>I have been told that the City of Wellington police department was able to supplement their revenue with money collected from speeding tickets. They made busting speeders into a sport providing economic benefit and safety to the welfare of its citizens.</p>

		<p>Maybe it's just a story but Wellington has become legendary in their reputation for cracking down on speeding through their little berg. Monticello has the same reputation. How many of you pay extra attention to the speed limit when passing through Wellington or Monticello?</p> <p>We need to set up roving guerrilla style sound decibel testing stations. Any vehicle that does not pass the limit is fined. Fees go to pay additional officers needed to bust more offenders, same tactic for speeding.</p> <p>Enforcing the noise ordinance and tackling speeding UTVs on our streets sends a message: WE ARE THE BEHAVE STATE, SO BEHAVE!</p> <p>Please be strong! Start by supporting the ordinances we already have!</p> <p>Thank you for your time, kaki hunter</p>
Tallies	<p>83 Blue</p> <p>19 Black</p> <p>3 Purple</p>	

AGENDA SUMMARY
GRAND COUNTY COMMISSION SPECIAL MEETING

APRIL 15, 2021

Agenda Item: B

TITLE:	REPEALING TITLE 11 (NOISE) OF THE GRAND COUNTY GENERAL ORDINANCES AND RELATED ORDINANCE NO. 602 AND ADOPTING NEW TITLE 11 (NOISE POLLUTION)
FISCAL IMPACT:	Unknown fiscal impact for enforcement. If we increase the Justice Court caseload dramatically, we will need a new Deputy County Attorney in GCAO to handle misdemeanor cases.
PRESENTER(S):	Christina Sloan, Grand County Attorney

Prepared By:

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FOR OFFICE USE ONLY:

**Attorney Review:
COMPLETE**

SUGGESTED MOTION:

I move to repeal Title 11 (Noise) of the Grand County General Ordinances and related Ordinance No. 602 and adopt new Title 11 (Noise Pollution) of the Grand County General Ordinances.

BACKGROUND:

The County's current Noise Ordinance does not address vehicle noise in particular. Meanwhile, the County has received a historic number of complaints regarding ATV noise in the County, in both residential areas and on our public lands, from locals and visitors alike.

In voting against the City's ATV curfew bill in the 2021 General Session, a great emphasis was placed on the City and County's lack of noise enforcement. Thus, the proposed Noise Pollution Ordinance sets maximum sound pressure levels, which may be measured in two different ways, to help address such noise impacts.

ATTACHMENT(S):

1. Proposed Ordinance
2. Exhibit A, redlined

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

**REPEALING TITLE 11 (NOISE) AND RELATED ORDINANCE 602 AND ADOPTING
TITLE 11 (NOISE POLLUTION) OF THE GRAND COUNTY GENERAL
ORDINANCES**

WHEREAS, Utah Code § 17-50-304 permits Grand County (the “County”) to make and enforce “all such local, police, building, and sanitary regulations as are not in conflict with general laws;”

WHEREAS, Grand County has a direct interest in regulating noise to balance residential, commercial, and tourism interests;

WHEREAS, Grand County has received an increased number of complaints regarding noise pollution in recent years;

WHEREAS, it is in the best interest of Grand County and its citizens if the County establishes regulations to govern noise pollution within the County;

WHEREAS, the previously named Grand County Council held a public hearing on Title 11 (Noise) to solicit input from local residents and visitors on November 19, 2019 and adopted Title 11 on December 3, 2019 in open session of a public meeting via Ordinance No. 602;

WHEREAS, since 2015 and increasingly since the adoption of Ordinance No. 602, the rapid growth of street-legal all-terrain vehicle (“ATV”) tourism in the County has resulted in a sharp increase in noise impacts to the residents of the County during all hours of the day and night;

WHEREAS, numerous studies have found: noise pollution increases anxiety, depression, high blood pressure, heart disease, and stroke; small increases in unwanted ambient sound have significant health effects; and noise aggravates health conditions by inducing higher levels of stress;¹

WHEREAS, at least one additional study has found that people living in areas with more road traffic noise were 25 percent more likely than those living in quieter neighborhoods to have symptoms of depression;²

¹ Floud, *Medication use in relation to noise from aircraft and road traffic in six European countries: results of the HYENA study*, <https://pubmed.ncbi.nlm.nih.gov/21084328/>; Schmidt, *Effect of nighttime aircraft noise exposure on endothelial function and stress hormone release in healthy adults* <https://academic.oup.com/eurheartj/article/34/45/3508/435199>; Hahad, *Annoyance to Different Noise Sources is Associated With Atrial Fibrillation*, [https://www.internationaljournalofcardiology.com/article/S0167-5273\(17\)37174-7/fulltext](https://www.internationaljournalofcardiology.com/article/S0167-5273(17)37174-7/fulltext);

² Orban, *Residential Road Traffic Noise and High Depressive Symptoms after Five Years of Follow-up: Results from the Heinz Nixdorf Recall Study*, <https://ehp.niehs.nih.gov/doi/10.1289/ehp.1409400>

WHEREAS, studies have shown that continuous noise in excess of 30 dB disturbs sleep, which is well documented to be a prerequisite for good physiologic and mental functioning in healthy individuals,³ and the U.S. Environmental Protection Agency sound guidance for the protection of human health and welfare in rural areas is 55 dB;⁴

WHEREAS, during operation on streets and roads, most street-legal ATVs in the state of Utah produce decibel levels louder than 92 dBA as measured at twenty inches (20”) by the SAE J1287 stationary test;⁵

WHEREAS, the Moab valley is narrow and surrounded by sandstone cliffs, which topography increases the impact of ATV tourism on residents and visitors;

WHEREAS, several popular ATV trails are accessed through residential neighborhoods in the City and County, including the vast trail systems located in the Sand Flats Recreation Area and those accessed via Kane Creek Boulevard, Spanish Valley Drive, Spanish Trail Road, Westwater Drive, and Murphy Lane, which increases the impact of ATV tourism on residents and visitors;

WHEREAS, market conditions and the boom in ATV tourism have impacted other recreational user groups and associated economic activity, including mountain biking, hiking, rafting, and climbing, which economic sectors thrive in natural quiet;

WHEREAS, in the Fall of 2020 and through the Winter of 2021, the County received a historical number of public comments objecting to noise impacts from ATV tourism (and related special events);

WHEREAS, Ordinance No. 602 has been ineffective at reducing the impact of ATV noise because it does not provide dbA limits or specify testing procedures; and

WHEREAS, for the reasons articulated above and under the authority set forth herein, the Grand County Commission finds that updating Title 11 to more effectively regulate noise pollution in the county is in the best interest of the public and Grand County’s economy;

³ Jariwala, *Noise Pollution and Human Health: A Review*, https://www.researchgate.net/publication/319329633_Noise_Pollution_Human_Health_A_Review

⁴ Harrison, *Rock Creek Enduro Sound Tests*, Eldorado National Forest, USDA Forest Service Special Report, May 1994.

⁵ *Id.*

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

1. Repeal Title 11 (Noise) and related Ordinance No. 602; and
2. Adopt Title 11 (Noise Pollution) of the Grand County General Ordinances, as follows:

See Exhibit A

ADOPTED by the Grand County Commission in a public meeting on April ____, 2021 by the following vote:

Those voting aye:

Those voting nay: _____

Those absent: _____

GRAND COUNTY COMMISSION

ATTEST:

Mary McGann, Chair

Quinn Hall, Clerk/Auditor

Title 11

NOISE POLLUTION

Chapters:

- 11.01 Purpose; General
- 11.02 Definitions
- 11.03 Noise Disturbance Prohibited
- 11.04 Specific Noise Prohibitions Levels
- ~~11.04 Specific Noise Prohibitions~~
- 11.05 Noise Levels
- 11.06 Motor Vehicles
- 11.06 Exemptions; Exceptions Relief
- 11.07 Enforcement

CHAPTER 11.01

PURPOSE; GENERAL

- 11.01.010 Purpose
- 11.01.020 General Prohibition of Noise
- 11.01.030 Powers and Duties

11.01.010 Purpose.

These regulations establish minimum standards to:

- A. Reduce the making and creation of excessive, ~~unnecessary~~, or unusual ~~ly loud~~ noises in the unincorporated areas of Grand County; and
- B. Prevent excessive, ~~unnecessary~~, or unusual ~~ly loud~~ noises that are prolonged, ~~unusual~~, or unreasonable in their time, place, or use, that affect and are a detriment to public health, comfort, convenience, safety, or welfare of the residents of and visitors to the unincorporated areas of Grand County; and
- C. Secure and promote the public health, comfort, convenience, safety, welfare and the peace and quiet of the residents of and visitors to the unincorporated areas of Grand County.

11.01.020 General Prohibition of Noise.

It is unlawful for any person to produce, continue, or cause to be produced or continued, any Excessive or Unusual Noise during any hours or Loud Noise during Restricted Hours within the unincorporated areas of Grand County that violates this Title.

11.01.030 Powers and Duties.

The Sheriff, **County Attorney**, and Planning and Zoning Administrator, or their official designees, shall be responsible for the administration of these rules and regulations and any other powers vested in them by law and shall make inspections of any premises and issue orders as necessary to effect the purposes of these regulations, and do any and all acts permitted by law that are necessary for the successful enforcement of these regulations.

CHAPTER 11.02

DEFINITIONS

11.02.010 Definitions.

A. "ATV" means an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet the requirements of Utah Code Annotated §41-6a-1509 to operate on highways in the state in accordance with Utah Code Annotated §41-6a-1509.

B. "Commercial Zones" means Neighborhood Commercial, General Business, Highway Commercial, Resort Commercial and Resort Special and associated permissible overlays established by the Grand County Land Use Code. Commercial Zones shall not include the Heavy or Light Industrial Zones.

C. "db(A)" means the sound pressure level using the "A" weighting network and the Fast Response on a Sound Level Meter, unless otherwise noted or required by testing standards established by the County.

D. "Device" means any mechanism that is intended to produce, or that actually produces noise when operated or handled.

E. "Domestic Power Tools and Equipment" means any device powered mechanically, by electricity, by gasoline, by diesel fuel or by any other fuel, which is intended to be used, or is actually used for residential construction, repair, and maintenance.

F. "Emergency" means a situation or occurrence which may present an imminent threat to the health, safety or welfare of any person, place or property.

G. "Excessive or Unusual Noise" means any Sound or Noise that exceeds the "Maximum Sound Pressure Levels, db(A), during all hours" set forth in Chapter 11.05 when measured at the distances provided therein as measured on a Sound Level Meter, of standard design and quality on the "A" weighting scale db[A], aka the "A" weighting network.

H. "Loud Noise" means any Sound or Noise that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace or safety of another person(s), including

any Sound or Noise that exceeds the “Maximum Sound Pressure Levels, db(A), during Restricted Hours” set forth in Chapter 11.05 when measured at the distances provided therein as measured on a Sound Level Meter but not limited to those Noises expressly prohibited in Chapter 11.04.

I. “Motorcycle” means a motor vehicle, other than a tractor, having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, or an auticycle, including an off-road motorcycle, as defined in Utah Code § 41-1a-102(42).

J. “Motor Vehicle” means a self-propelled vehicle intended primarily for use and operation on the highways, as defined in Utah Code § 41-1a-102, including ATVs and Motorcycles. Motor Vehicle and Vehicle may be used interchangeably herein.

K. “Muffler” means an apparatus consisting of a series of chambers or baffle plates designed to transmit gases while reducing sound, or as otherwise defined by Utah law.

L. “Noise” means any sound that is harmful to the health, well-being, or quality of life of humans or animals means any Sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.

M. “Noise Disturbance” means any sound in an environment which is (a) is harmful to the health, well-being, or quality of life of humans or animals; (b) unreasonably annoys or disturbs a reasonable person of normal sensitivities; or (c) endangers or injures personal or real property. Noise Disturbance constitutes noise pollution.

N. “Off-Highway Vehicle” means every all-terrain type I vehicle, all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle as defined in Utah Code § 41-22-2, including street-legal all-terrain vehicles as defined in and regulated by Utah Code § 41-6a-1509.

O. “Plainly Audible Noise” means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound for which the information content of that noise is unambiguously transferred to the listener, including, but not limited to the understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.

P. “Property Boundary” means an imaginary line at the ground surface, and its vertical extension that separates the real property owned by one person from that property owned by another person.

Q. “Residential Property” shall mean any property used for living or dwelling by individuals.

R. “Residential Zones” shall mean the Small Lot Residential, Large Lot Residential, Rural Residential and Multi-Family Residential Zones and associated permissible overlays established by the Grand County Land Use Code. As used herein, Residential Zone does not include the Range and Grazing Zone.

S. “Restricted Hours” are from 9 pm to 7 am (and 9 pm to 9 am on Sunday), except during the summer months, defined as May through September, when the Restricted Hours are from 10 pm to 6 am.

T. “Sound” means a temporal and spatial oscillation in pressure, or other physical quantity with interval forces that cause compression or rarefaction of the medium, and that propagates at finite speed to distant points.

U. “Sound Level Meter” or “SLM” means a sound level meter meeting the ANSI S1.4 Type 1 or Type 2 standard for sound level meters, or the IEC 61672 Class 1 or Class 2 standard for sound level meters.

V. “Vehicle” means all Motor Vehicles and Off-Highway Vehicles as defined by Utah Code, Title 41, including street-legal all-terrain vehicles as defined in and regulated by Utah Code § 41-6a-1509. Vehicle and Motor Vehicle may be used interchangeably herein.

CHAPTER 11.03

NOISE DISTURBANCE PROHIBITED

11.03.010 Noise Disturbance Prohibited

No person shall make, continue, or cause to be made or continued any Noise Disturbance.

CHAPTER 11.04

SPECIFIC NOISE PROHIBITIONS ~~LEVELS~~

Sections:

- 11.04.010 ~~Measurement~~ Specific Noise Prohibitions During Restricted Hours
- 11.04.020 Certain Noises Prohibited on Public Rights-of-Way

11.04.010 Specific Noise Prohibitions **During Restricted Hours**

Regardless of the Maximum Sound Pressure Level, the following Noise is declared to be Loud Noise and expressly prohibited **outdoors** in Residential or Commercial Zones during the Restricted Hours, unless permitted by Grand County; ~~provided, however, that this Section shall not be construed to exclude other Noise violating this Title 11:~~

A. ~~*Horns and Signaling Devices.* Sound any horn or signaling device on any Vehicle, except as a danger warning signal as provided by the Utah Vehicle Code;~~

~~B.—Radios, Receivers, Televisions, Stereos, Speakers, Musical Instruments and Similar Devices. Use, operate or permit the use or operation of any radios, receivers, televisions, stereos, speakers, musical instruments, or similar devices for the production or reproduction of Sound **if Plainly Audible one hundred feet (100') from a Property Boundary or fifty feet (50') from the source of the Sound if on public property;**~~

B. Public Loudspeakers. ~~Use or operate a loudspeaker or sound amplifying equipment in a fixed or moveable position or mounted upon any sound vehicle **on in or upon any street, alley, sidewalk, park, place or public or private property** for the purposes of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmission of music to any persons or assemblages of persons;~~

C. Animals. ~~Own, keep, possess or harbor any animal or animals that makes frequent or habitual Noise, which prohibition shall apply to all private and public facilities, including any animal facilities that hold or treat animals;~~

D. Loading Operations **within five hundred feet (500') of Residential Property**, ~~Load, unload, open, or otherwise handle boxes, crates, containers, garbage containers, or other objects except as necessary for the collection of garbage, waste, refuse or recyclables by an operator approved by Grand County;~~

E. Domestic Power **Tools and Equipment.** ~~Operate or permit the operation of any power equipment rated five horsepower or more, including, but not limited to, power saws, lawn mowers, garden equipment, or snow removal equipment for home or building repair or ground maintenance outdoors;~~

F. Fireworks, Explosives, Guns or other Explosive Devices; ~~provided, however, that this provision shall not be construed to permit activities prohibited by other statutes, ordinances, or regulations governing such activity;~~

~~K.—*Racing Events.* Operate, permit, or cause any Vehicle or other motor racing event;~~

G. Powered Model Mechanical Devices. ~~Fly, operate, permit, or fire a model aircraft powered by internal combustion engines, whether tethered or remote-controlled, or a model rocket vehicle, drone or other similar noise-producing devices; **or and**~~

H. Bells and Alarms. ~~Sound, operate, or permit the sounding or operation of an electronically amplified signal from any burglar alarm, bell, chime, or clock, including but not limited to, bells, chimes, or clocks in schools, houses of religious worship or governmental buildings for longer than five (5) minutes in any hour except in the event of emergency or natural disaster.~~

CHAPTER 11.05

NOISE LEVELS

11.05.010 Noise Levels.

Except as expressly provided herein, no person shall make Noise which creates Excessive or Unusual Noise during any hours at any time or Loud Noise during the Restricted Hours, as set forth in Tables 1, 2 and 3 below.

**Table 1
Motor Vehicles (Stationary/Equipment Test)
Maximum Sound Pressure Levels, db(A)**

Measured at a distance of 20'' from Exhaust Outlet at an Angle of 45 degrees		
Motor Vehicle Type	Stationary Test (Equipment Test)	Maximum Sound Pressure Levels during All Hours
ATVs manufactured in 2021 or earlier	SAE J1287 (at 50% of Maximum RPM)	92 db(A)
ATVs manufactured in 2022 or 2023	SAE J1287 (at 50% of Maximum RPM)	90 db(A)
ATVs manufactured in 2024 or later	SAE J1287 (at 50% of Maximum RPM)	88 db(A)
All Other Motor Vehicles weighing less than 6,000 pounds, manufacturer's gross vehicle weight	SAE J1492 (at 50% or 75% of Maximum RPM depending on engine type)	88 db(A)
Motorcycles	SAE J1287 (at 50% of Maximum RPM)	90 db(A), provided, however, that motorcycles equipped with an exhaust muffler bearing the Federal EPA required labeling applicable to the motorcycle's model year, stating that the exhaust system meets the dBA standard at 50 feet, as set out in the Code of Federal Regulations Title 40, Volume 24, Part 205, Subpart D and Subpart E is exempt from this Table 1

Table 2
Motor Vehicles (Moving/Operational Test)
Maximum Sound Pressure Levels, db(A)

Measured at a Distance of 25' from Centerline of Lane of Travel at Speeds Less than 35 mph (Operational Test)		
Motor Vehicle Type	Maximum Sound Pressure Level, db(A)	Maximum Sound Pressure Level, db(A), during Restricted Hours
Motorcycles and motor vehicles weighing less than 6,000 pounds, manufacturer's gross vehicle weight	80 db(A)	78 db(A)
Measured at a Distance of 50' from Centerline of Lane of Travel at Speeds Less than 35 mph		
Motor Vehicle Type	Maximum Sound Pressure Level, db(A)	Maximum Sound Pressure Level, db(A), during Restricted Hours
Motorcycles and motor vehicles weighing less than 6,000 pounds, manufacturer's gross vehicle weight	74 db(A)	72 db(A)

Table 3
Land Uses
Maximum Sound Pressure Levels, db(A) Permitted Beyond Emitting Property Boundary

	Maximum Sound Pressure Level, db(A)	Maximum Sound Pressure Level, db(A), during Restricted Hours
All Noise Impacting Residential Property, unless prohibited in Section 11.04.010	55 db(A)	50 db(A)
All Noise Impacting		55 db(A)

Residential and Nonresidential Property, unless prohibited in Section 11.04.010	60 db(A)	
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11.03.020 — Measurement.

~~On public property, Noise shall be measured at a distance of fifty (50) feet from the source of the sound; on private property, Noise shall be measured at a distance of twenty-five (25) feet from the Property Boundary closest to the source of the Noise at issue.~~

Sections:

11.04.010 — Specific Noise Prohibitions.

CHAPTER 11.06

MOTOR VEHICLES

11.06.010 Motor Vehicle Regulations

11.06.020 Certain Noises Prohibited on Public Rights-of-Way During All Hours

11.06.030 Motorcycles

11.06.010 Motor Vehicle Regulations

A person shall not:

- A. Equip, maintain, or operate a Vehicle that creates or causes Excessive or Unusual Noise;
- B. Operate a Vehicle without a spark arrestor device and a muffler or other effective noise suppressing system in good working order and in constant operation; or
- C. Use a muffler cut-out, bypass, or similar device on a vehicle.

11.06.020 Certain Noises Prohibited on Public Rights-of-Way During All Hours

The following Noise is declared to be Excessive or Unusual Noise and expressly prohibited during all hours on County roads and public rights-of-ways in the unincorporated County:

- A. Horns and Signaling Devices. ~~Sound any horn or signaling device on any Vehicle, except as a danger warning signal as provided by the Utah Vehicle Code;~~
- B. Racing Events. ~~Operate any Vehicle in a motor racing event~~ unless such activity occurs during a permitted Special Event in Grand County;
- C. Revving, aka rapid throttle advance, of an engine; and
- D. Any noise-creating device, including a Vehicle, operated for the purpose of drawing attention to the source of the noise.

CHAPTER 11.07

EXEMPTIONS; EXCEPTIONS

11.07.010 Exemptions

11.07.020 Exceptions

11.07.010 Exemptions

The following Noise shall be exempt from this Title:

- A. Safety signals, warning devices and emergency pressure relief valves;
- B. That resulting from any emergency or natural disaster, including Noise created by authorized private and public emergency ~~and snow removal vehicles~~ and private or public utilities when restoring service;
- ~~C. Lawful fireworks and noisemakers used for celebration of an official holiday;~~
- C. Activities of a temporary nature during periods permitted by ordinance, policy, or permit by the County Council, Planning and Zoning Administrator, or Chair of the Special Events Committee or their official designees, **including sporting and recreational activities;**
- D. Agricultural operations where i) all reasonable efforts have been made to mitigate impact on surrounding properties; ii) any agricultural equipment is used according to the manufacturer's specifications and is in good working order; and iii) such operations do not occur during the Restricted Hours;
- ~~F. Permitted sporting and recreational activities;~~
- ~~G. Motor vehicles that are in good working order, free from defects that affect sound reduction, equipped with a muffler or other noise dissipative device, not equipped with any cut-out, by-pass or similar device, and operated in accordance with local, state and federal law; and~~
- E. Construction **and property maintenance activities** where i) all reasonable efforts have been made to mitigate impact on surrounding properties; ii) all ~~construction~~ equipment is used according to the manufacturer's specifications and is in good working order; and iii) such **activity** ~~construction~~ does not occur during the Restricted Hours; and
- F. **Snow removal.**

11.07.020 Exceptions

A. On or before July 31, 2021, the owner of any residential, commercial or industrial source of sound may apply to the County Commission Administrator for an exception in time to comply with the maximum sound pressure levels set forth in Table 3 of Section 11.05.010 above. The

County Commission Administrator shall have the authority, consistent with this Section, to grant an exception, not to exceed 365 days from the date of such application unless extended by the County Commission Administrator for good cause.

B. Any person seeking an exception in time to comply shall file an application with the County Commission Administrator. The application shall contain information which demonstrates that bringing the source of sound or activity for which the exception is sought into compliance with this Chapter prior to the date requested in the application would constitute an unreasonable hardship on the applicant, on the community, or on other persons. The applicant shall mail notice of the application for an exception in time to all neighbors within one hundred feet (100') of the source of the sound and shall file an affidavit of mailing with the County Commission Administrator. Any individual who claims to be adversely affected by allowance of the exception in time to comply may file a statement with the County Commission Administrator containing any information to support their claim. If the County Commission Administrator finds that a sufficient controversy exists regarding an application, a public hearing may be held.

C. In determining whether to grant or deny the application, the County Commission Administrator shall balance the hardship to the applicant, the community, and other persons of not granting the exception in time to comply, against the adverse impact on health, safety, and welfare of persons affected, the adverse impact on property affected, and any other adverse impacts of granting the exception. Applicants for exceptions in time to comply and persons contesting exceptions may be required to submit any information the County Commission Administrator may reasonably require. In granting or denying an application, the County Commission Administrator shall place on public file a copy of the decision and the reasons for denying or granting the exception in time to comply including a statement that the need for the extension or modification clearly outweighs any adverse impacts of granting the extension or modification.

D. The County Commission Administrator may grant or deny the application. If the application is granted, the County Commission Administrator may impose conditions, including a schedule for achieving compliance. Noncompliance with any condition of the exception shall terminate the exception and subject the person holding it to those provisions of this Chapter for which the exception was granted.

E. Appeals of an adverse decision of the County Commission Administrator shall be made to the County Commission. Review by the County Commission shall be limited to whether the decision is supported by substantial evidence.

CHAPTER 11.08

ENFORCEMENT

Sections:

- 11.08.010 Violation
- 11.08.020 Nuisance
- 11.08.030 Enforcement
- 11.08.040 Severability

- 11.08.010 Violation

~~Except where this Title or Utah Statute punishes a violation hereunder as an infraction, Any~~

person who is found guilty of violating this Title 11, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a Class B misdemeanor punishable by a maximum sentence of up to six months in jail and a maximum fine of \$1,000. Each day such violation is committed or permitted to continue shall constitute a separate violation **unless limited by Utah law.**

11.08.020 Nuisance

As an additional remedy, the operation or maintenance of any device, instrument, Vehicle or machinery in violation of any provisions of this chapter, or which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement as provided by law.

11.08.030 Enforcement

A. Any peace officer is authorized to enforce the provisions of this section; provided that the County Commission may by administrative order authorize other officers or employees of the County to enforce all or part of the provisions of this Title 11.

B. The County Attorney may initiate legal action, civil or criminal, to abate any condition that exists in violation of this Title 11. In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating this Title 11 shall be liable for all expenses incurred by the County in removing or abating the Loud or Excessive Noise.

11.08.040 Severability

In case any provision of this Title 11 shall be declared invalid, illegal or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby and such provision shall be ineffective only to the extent of such invalidity, illegality or unenforceability.

AGENDA SUMMARY
GRAND COUNTY COMMISSION SPECIAL MEETING

APRIL 15, 2021
 Agenda Item: C

TITLE:	REPEALING TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE GRAND COUNTY GENERAL ORDINANCES AND RELATED ORDINANCE NO. 629 AND ADOPTING NEW TITLE 5 (BUSINESS LICENSES)
FISCAL IMPACT:	Possible fiscal impact for enforcement
PRESENTER(S):	Christina Sloan, County Attorney

Prepared By:

 Christina Sloan,
 County Attorney

FOR OFFICE USE ONLY:

Attorney Review:

 Complete

RECOMMENDATION:

I move to repeal Title 5 (Business Licenses and Regulations) of the Grand County General Ordinances and related Ordinance No. 629 and adopt new Title 5 (Business Licenses) of the Grand County General Ordinances.

BACKGROUND:

While the County just updated Title 5 on March 5, 2021 via Ordinance No. 629, another repeal and replacement is necessary to integrate regulations for ATV Businesses operating in the County. This Title 5 amendment works in conjunction with the proposed LUC amendments to Sections 3.1, 3.2.3, 3.4.9.H, and 10.2.

The Planning Commission considered the proposed amendment to Title 5 in conjunction with the Land Use Code amendments and unanimously recommended approval of the amendment as shown in Attachment 3 (PC recommendations, redlined against existing Title 5).

Note that the Planning Commission voted to support as low a maximum noise limit as possible for ATV Fleets. Based on information and research to be discussed on 4/6, based on current technological limits, this may require ATV Businesses to trailer much or most of their ATV fleets. For this reason, Attachment 2 (County Attorney recommendations, redlined against PC recommendation) does not include a lower db(A) limit for the County's ATV Businesses.

Also note that the County Attorney had removed the fleet inventory and caravan limitations in the Title 5 draft for the Planning Commission based on a lack of consensus at that time on those items. The Planning Commission felt strongly about these requirements and unanimously voted to recommend they be added back to Title 5 for the County Commission's consideration.

ATTACHMENT(S):

1. Proposed Ordinance
2. Exhibit A, proposed Title 5 Amendments, redlined against PC approved version
3. Proposed Title 5 Amendments recommended by the Planning Commission, redlined against existing Title 5

GRAND COUNTY, UTAH
ORDINANCE NO. _____ (2021)

REPEALING TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE GRAND COUNTY GENERAL ORDINANCES AND RELATED ORDINANCE NO. 629 AND ADOPTING NEW TITLE 5 (BUSINESS LICENSES) OF THE GRAND COUNTY GENERAL ORDINANCES

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

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

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

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

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

WHEREAS, Grand County adopted amended business licensing and alcohol regulations via Ordinance No. 629 (2021), which are codified in Title 5 (Business Licenses and Regulations) of the Grand County General Ordinances;

WHEREAS, in light of an increase in Excessive and Unusual Noise created by motor vehicles in the County, including street-legal ATVs rented/leased and used by local businesses, the County desires to update Title 5 to more effectively regulate such ATV Businesses;

WHEREAS, numerous studies have found noise pollution increases anxiety, depression, high blood pressure, heart disease, and stroke; small increases in unwanted ambient sound have significant health effects¹ and noise aggravates health conditions by inducing higher levels of stress;² and

WHEREAS, upon consideration of this matter at a public meeting on April 6, 2021, the Grand County Commission (the “Commission”) has determined that this Ordinance is in the best interests of the public;

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

1. Repeals Title 5 (Business Licenses and Regulations) to the Grand County General Ordinances and related Ordinance No. 629; and
2. Adopts new Title 5 (Business Licenses) of the Grand County General Ordinances as follows:

See Exhibit A

To immediately preserve the peace and health of the County, its inhabitants, and its visitors, this Ordinance shall take effect immediately upon publication in the *Times Independent* pursuant to Utah Statute § 17-53-208.

ADOPTED by the Commission in a public meeting on April ____, 2021 as follows:

Those voting aye:

Those voting nay:

Those absent:

Grand County Commission:

ATTEST:

¹ Jariwala, Noise Pollution and Human Health: A Review,

https://www.researchgate.net/publication/319329633_Noise_Pollution_Human_Health_A_Review

² Floud, Medication use in relation to noise from aircraft and road traffic in six European countries: results of the HYENA study, <https://pubmed.ncbi.nlm.nih.gov/21084328/>; Schmidt, Effect of nighttime aircraft noise exposure on endothelial function and stress hormone release in healthy adults

<https://academic.oup.com/eurheartj/article/34/45/3508/435199>; Hahad, Annoyance to Different Noise Sources is Associated With Atrial Fibrillation, [https://www.internationaljournalofcardiology.com/article/S0167-5273\(17\)37174-7/fulltext](https://www.internationaljournalofcardiology.com/article/S0167-5273(17)37174-7/fulltext); Orban, Residential Road Traffic Noise and High Depressive Symptoms after Five Years of Follow-up: Results from the Heinz Nixdorf Recall Study, <https://ehp.niehs.nih.gov/doi/10.1289/ehp.1409400>

Mary McGann, Chair

Quinn Hall, Clerk/Auditor

Title 5

BUSINESS LICENSES

Chapters:

- 5.01 General Regulations
- 5.02 Motor Vehicles
- 5.03 Overnight Accommodations
- 5.04 Alcoholic Beverages
- 5.05 Penalties-Violations

Chapter 5.01

GENERAL REGULATIONS

Sections:

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

5.01.010 Purpose

Pursuant to powers granted by the State of Utah as set forth in various provisions of the Utah Code, as amended, the County intends by this Title to regulate and license businesses and occupations within its unincorporated limits, to maintain a current index of licensed businesses and occupations, and to regulate licensed entities. Where this Chapter imposes a greater restriction upon persons, premises or personal property than is imposed or required by such existing provisions of law, contract or deed, the provisions of this Title shall control. The amendment of this Title does not preclude enforcement of violations or collection of business license taxes and penalty fees under this chapter which existed at the time of taxation or violation prior to the implementation of any amendment.

5.01.020 Definitions

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

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

B. “ATV” means all-terrain street-legal vehicles as defined under the Utah Traffic Code, including Utah Code § 41-6a-1509.

C. “ATV Business(es)” means all businesses that sell, rent, or guide ATVs or otherwise provide a client experience involving an ATV, including ATV sales and ATV outfitter, guide service, and rental businesses, to the extent permitted in this Title 5 and the Grand County Land Use Code. References to ATV Business shall include its owners, agents, and guides when acting in an official capacity for the ATV Business.

D. “ATV Rental Business” means all businesses that rent or lease ATVs for independent use by a customer for consideration. An ATV Rental Business may also provide ATV outfitting and guide services.

E. “ATV Outfitter and Guide Service Business” means all businesses that rent ATVs or allow use of ATVs during a guided tour or other service with an agent of the ATV Business by a customer for consideration.

F. “ATV Fleet” means all ATVs rented/leased, driven, or used by an ATV Business, including ATVs provided to a customer for their use as part of an outfitting or guide service and ATVs driven by an agent.

G. “ATV Rental Fleet” means all ATVs rented or leased by a customer for their independent use for consideration. ATV Rental Fleet does not include ATVs driven solely by customers during a guided tour.

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

F. “Community Zone(s)” means an area which is critical to the peace, welfare, health and safety of a community, including designated School Zones; trails, including parkways; parks, open space, and sports facilities maintained by the County or the City of Moab; and areas in which local, state, and federal government offices are located.

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

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

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

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

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

L. “Non-Conforming Use” means a legal and continued use of property that was allowed under the zoning regulations at the time the use was established but which, because of subsequent changes in those regulations, is no longer a permitted use.

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

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

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

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

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

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

S. “Vehicle” or “Motor Vehicle” means any vehicle included within Utah Code § 41-1a-102, including ATVs.

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

5.01.030 License required; Exemptions;

A. *Licensed required.*

i. It is unlawful for any Person to engage in, carry on, or operate any Business within the unincorporated area of Grand County, State of Utah without first obtaining a business license required by this Chapter for each Principal Office Address, except as provided in Section 5.01.030.B.

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

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

iv. Subject to Section 5.01.040, all Non-Conforming Uses require a general business license.

B. *Exemptions.* The following Businesses are exempt from the licensing requirements of this Chapter:

i. Businesses operated only occasionally by a Person under 18 years of age; and

ii. Businesses licensed by the City of Moab or the Town of Castle Valley, provided, however, that any Person doing Business in the unincorporated County shall provide to the office of the County Clerk a copy of its business license application within five (5) business days of submission to the City of Moab or Town of Castle Valley and a copy of its business license within five (5) business days of issuance by the City of Moab or Town of Castle Valley.

5.01.040 Non-Conforming Uses.

A. *Expansions prohibited.* Expansions of Non-Conforming Uses are prohibited.

B. *Abandonment.* Nonconforming uses shall be deemed abandoned if they are discontinued for more than six months or change the location of its Principal Office Address **without obtaining a new business license as required hereunder.**

C. *Burden of Proof.* Any person asserting a right to a Non-Conforming Use has the burden of proof to demonstrate that the nonconformity was legally established prior to and continued since the change in zoning.

5.01.050 Term; Renewal; Reapplication

A. *Term.* Licenses issued under this Chapter shall be valid upon approval until December 31 of the year of issuance. All license fees provided in this Chapter shall be paid annually in advance by the Licensee to the office of the County Clerk upon application and on or before January 31 of each year. No license fee or any part thereof shall be refunded for any reason whatsoever after the license has been granted or issued.

B. *Renewal.*

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

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

C. *Reapplication.* A new business license is required where the Business moves its Principal Office Address or desires to add uses to their business license, in which event the Business shall submit a new business license application to the office of the County Clerk with the licensing fee established for new applications in the Grand County Consolidated Fee Schedule.

5.01.060 License fees

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

5.01.070 License application, general

A. All applications for business licenses shall be submitted to the office of the County Clerk on forms provided for that purpose with the accompanying license fee required by the Grand County Consolidated Fee Ordinance.

B. Submission of a business license application does not constitute approval.

C. ATV Businesses and other vehicle sales, rental or leasing facility businesses shall submit a Vehicle License Application to the office of the County Clerk on forms provided for that purpose. The Vehicle License Application is required in addition to the general business license for all other other businesses uses, even if conducted by the same business entity.

1. Existing businesses which are licensed to sell, rent, or lease vehicles, including ATV Businesses, shall submit a separate Vehicle License Application to the office of the County Clerk on or before July 1, 2021 (no fee due).

2. Beginning January 1, 2022, all ATV Businesses and other vehicle sales, rental or leasing facility businesses shall be required to renew the Motor Vehicle License and pay the renewal fee for the same set forth in the Grand County Consolidated Fee Schedule in addition to any other licensing fees owed under a business entity's separate general business license.

D. The general business license required by this Title is in addition to all other approvals, licenses and permits required by other County ordinances, or state or federal law.

5.01.080 Contents of application

A. All applications for any type of business license shall include:

1. Name and contact information of the Person to whom the license shall be issued,
2. Nature of the Business;
3. Principal Office Address;
4. Mailing address, if different;
5. Place of Business, if different;
6. Fleet Inventory required in Section 5.02, as applicable;
7. Noise Compliance Certificate required in Section 5.02, as applicable;
8. Signatures of County officials and designees, including:
 - i. Building Inspector;
 - ii. Planning and Zoning;
 - iii. Fire Department; and
 - iv. Sanitarian/Health Department;

9. Fee(s) established by the Grand County Consolidated Fee Schedule, prorated on a quarterly basis for applications submitted after Quarter 1 (January-March); and
10. Additional documentation as the County may reasonably require.

5.01.090 Display of license

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

5.01.100 Inspection

A. Prior to issuance of a new License required hereunder, the applicant shall permit inspections to be made of the prospective Principal Office and Place of Business, if different, by the appropriate department of the county or other governmental agency to ensure compliance with zoning, fire, health and safety codes. No license shall be granted without the approval of all such required inspections.

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

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

5.01.110 Compliance with Law

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

5.01.120 Transferability

A. Except as expressly permitted in this Section 5.01.120.D, no License granted under this Title 5 may be assigned, transferred, or sold by the Licensee nor used for any purpose or Business other than that for which said License was issued.

B. A License issued for a particular location may not be transferred for use to another location.

C. Any License transferred or used in violation of this Section shall be deemed revoked.

D. An ATV Business may transfer its Business License upon the following conditions:

1. The ATV Business is in compliance with local, state, and federal law and all conditions of its license;

2. The ATV Business terminates its existing Business License simultaneously with approval of the new ATV Business License;

3. The new applicant complies with the requirements of this Title; and

4. The County approves the new ATV Business License hereunder.

5.01.130 License issuance or denial

A. Within thirty (30) days of the County Clerk's receipt of a complete application that includes all of the items required by Section 5.01.080, the office of the County Clerk shall either a) issue the license requested, with or without conditions; or b) deny the license in writing. If the County Clerk determines the application is incomplete, the County Clerk shall provide written notice to the Licensee, and shall reconsider the complete application once submitted. Nothing herein shall limit the County Clerk from conferring with the Commission Administrator or County Attorney when reviewing applications.

B. An application submitted hereunder may be denied if:

1. The Applicant has:

- i. Obtained a license by fraud, misrepresentation, or deceit;
- ii. Failed to pay personal property or real property taxes or other required taxes or fees imposed by the County, including prior licensing fees;
- iii. Violated the laws of the state of Utah, the United States, or Grand County;
- iv. Failed to comply with the conditions or requirements of a conditional use permit;
or
- v. Failed to comply with the terms of any agreement with the County, including a development agreement or approval; or

2. For conditional uses, reasonable conditions cannot be imposed to substantially mitigate the reasonably anticipated detrimental effects of the proposed use or reasonable conditions cannot be imposed to achieve compliance.

5.01.140 Revocation

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

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

5.01.150 Appeal

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

Chapter 5.02

MOTOR VEHICLES

Sections:

- 5.02.010 Purpose
- 5.02.020 Fleets
- 5.02.030 ATV Business Regulations

5.02.010 Purpose

With this Chapter 5.02, the County's primary purpose is to protect and preserve its residential areas and Community Zones from avoidable noise impacts caused by motor vehicles, including but not limited to street-legal ATVs, creating Excessive or Unusual Noise. The County's secondary purpose is to balance the natural quiet of the surrounding desert landscape with its world-class recreation economy that depends on a variety of users and recreational experiences including mountain bikers, motorized Jeep/4x4 users, hikers, equestrians, hunters, boaters, climbers, dirt bikers, motorcyclists, bird watchers, road bikers, and adventure athletes such as basejumpers and slackliners.

5.02.020 Fleets

Option 1: Total fleet maximum

A. *Inventory Required.* Each Business which rents or leases Motor Vehicles, or otherwise provides a Motor Vehicle to a customer for their use as part of an outfitting or guide service, shall file with the office of the County Clerk an inventory list identifying the make, model, year, type (Jeep/Truck/ATV/UTV/Passenger Car, etc.), and use (tour or rental) of each Motor Vehicle included in their fleet on or before January 31 of each year upon licensing renewal.

B. *Maximum Fleet Size.* An ATV Fleet shall not exceed twelve (12) street-legal ATVs.

1. This Section does not limit the right of an ATV Business to maintain the ATV Fleet size disclosed in its written inventory filed with the office of the County Clerk prior to adoption of this Title 5.

Option 2: Rental fleet maximum

A. *Inventory Required.* Each Business which rents or leases Motor Vehicles, or otherwise provides a Motor Vehicle to a customer for their use as part of an outfitting or guide service, shall file with the office of the County Clerk an inventory list identifying the make, model, year, type (Jeep/Truck/ATV/UTV/Passenger Car, etc.), and use (tour or rental) of each Motor Vehicle included in their fleet on or before January 31 of each year upon licensing renewal.

B. *Maximum Fleet Size.* An ATV Rental Fleet shall not exceed twelve (12) street-legal ATVs.

1. This Section does not limit the right of an ATV Business to maintain the ATV Rental Fleet size disclosed in its written inventory filed with the office of the County Clerk prior to adoption of this Title 5.

Option 3: No fleet maximum

A. *Inventory Required.* Each Business which rents or leases Motor Vehicles, or otherwise provides a Motor Vehicle to a customer for their use as part of an outfitting or guide service, shall file with the office of the County Clerk an inventory list identifying the make, model, year, type (Jeep/Truck/ATV/UTV/Passenger Car, etc.), and use (tour or rental) of each Motor Vehicle included in their fleet on or before January 31 of each year upon licensing renewal.

5.02.030 General Regulations for ATV Businesses

Option 1: Total Cap, No Distinctions

A. *Maximum Number of ATV Business Licenses.* The office of the County Clerk may issue no more than **seven (7)** Business Licenses to ATV outfitter, guide service, and rental businesses.

Option 2: Total Cap, Distinctions

A. *Maximum Number of ATV Business Licenses.* The office of the County Clerk may issue no more than **three (3) Business Licenses to ATV Rental Businesses and four (4) additional Business Licenses to ATV Outfitter and Guide Service Businesses.**

Option 3: ATV Rental Biz Cap ONLY

A. *Maximum Number of ATV Rental Business Licenses.* The office of the County Clerk may issue no more than **three (3)** Business Licenses to ATV Rental Businesses.

B. *ATV Identification.* Each ATV Business shall install a sticker with a white background and large black numbering on the rear or passenger side of the ATV and a whip flag in a location and of a size that is legible from fifty (50') identifying each ATV in the ATV Fleet by a unique number provided by the County (CO 1, CO 2, etc.) within ten (10) business days of filing of its ATV Fleet Inventory required hereunder.

Option 1: Stationary Test (No Amortization)

C. *Maximum Sound Pressure Levels, db(A) for ATVs.* All ATVs in an ATV Fleet, including all those ATVs sold, rented, or driven by an ATV Business (or their owners, agents, and guides), shall not exceed the maximum sound pressure levels **established in Title 11 of the Grand County General Ordinances of 80 db(A) at 25 feet.** Each ATV Business shall file a certificate of compliance with **the stationary/equipment test set forth in Table 1, Chapter 11.05 of the Grand County General Ordinances Section** ("Noise Compliance Certificate") issued **by the County's Code Compliance Officer or other designee** annually upon renewal of the business license, at the sole cost of the ATV Business pursuant to the fees set forth in the Grand County Consolidated Fee Ordinance.

1. Each ATV Business shall demonstrate compliance with this Section by January 31, 2022; **provided, however, that an ATV Business may elect to trailer their ATVs to trailheads in lieu of meeting the sound pressure level requirement until January 31, 2023 at which time all ATVs in an ATV Fleet must comply with this Section.**

Option 2: Drive By Test (with Amortization and Alt Testing Officer)

C. *Maximum Sound Pressure Levels, db(A) for ATVs.* All ATVs in an ATV Fleet, including all those ATVs sold, rented, or driven by an ATV Business (or their owners, agents, and guides), shall not exceed the maximum sound pressure levels **established in Title 11 of the Grand County General Ordinances of 80 db(A) at 25 feet.** Each ATV Business shall file a certificate of compliance with **the Moving/Operational Test set forth in Table 2, Chapter 11.05 of the Grand County General Ordinances Section** ("Noise Compliance Certificate") issued **by the County's Code Compliance Officer or other designee** annually upon renewal of the business license, at the sole cost of the ATV Business pursuant to the fees set forth in the Grand County Consolidated Fee Ordinance.

1. Each ATV Business shall demonstrate compliance with this Section by January 31, 2022; provided, however, that an ATV Business may elect to trailer their ATVs to trailheads in lieu of meeting the sound pressure level requirement until January 31, 2023 at which time all ATVs in an ATV Fleet must comply with this Section.

D. *Maximum Caravan Size.* Each ATV Business shall limit the number of ATVs travelling together on paved County B Roads as follows:

1. In a guided tour, the maximum caravan shall be six (6) ATVs, one of which must be driven by a guide representing the ATV Business; and
2. In an unguided rental group, the maximum caravan shall be four (4) ATVs.

E. *Compliance with County Law.* Each ATV Business, their owners, agents or guides, and clients or lessees, shall comply with County law, including the OHV speed limit and noise regulations set forth in Title 11 (Noise Pollution) of the Grand County General Ordinances.

F. *Enforcement.* Violations of this Section ~~5.02.020~~ by an ATV Business (including its owner, agent or guide acting in official capacity), or three (3) or more violations of this Section 5.02.020 by a client or lessee of an ATV Business in any calendar year, shall constitute grounds for revocation of the business license under Section 5.01.140.

Chapter 5.03

OVERNIGHT ACCOMMODATIONS

5.03.010 General Regulations for Overnight Accommodations

A. *Notification.* All Overnight Accommodations shall post a laminated 8.5x14" (or larger) sign in a form provided by the County in a conspicuous location near each primary ingress and egress which summarizes the County's Noise Pollution Ordinance; states that the Ordinance is strictly enforced; and **requests guests operate their ATVs in a manner which reduces noise in residential areas and on public lands, including driving the speed limit and limiting their caravan size to 6 ATVs.**

B. *Compliance with County Law.* Each Overnight Accommodation, their owners, agents and customers shall comply with County law, including the OHV speed limit and noise regulations set forth in Title 11 (Noise Pollution) of the Grand County General Ordinances.

C. *Enforcement.* Three (3) or more violations of this Section 5.03.010 by a customer of an Overnight Accommodation in any calendar year shall constitute grounds for revocation of the Business License under Section 5.01.120.

Chapter 5.04

ALCOHOLIC BEVERAGES

Sections:

- 5.04.010 Local Consent required
- 5.04.020 Compliance with Law

- 5.04.010 Local Consent required

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

5.04.020 Compliance with Law

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

Chapter 5.05

PENALTIES-VIOLATIONS

Sections:

5.05.010 Civil and Criminal Penalties

5.05.020 Civil Fines - Administrative Review and Appeal

5.05.010 Penalties-Violation

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

5.05.020 Civil Fines - Administrative Review and Appeal

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

Title 5

BUSINESS LICENSES

Chapters:

- 5.01 General Regulations
- 5.02 Motor Vehicles ~~Rentals~~
- 5.03 Overnight Accommodations**
- 5.04 Alcoholic Beverages
- 5.05 Penalties-Violations

Chapter 5.01

GENERAL REGULATIONS

Sections:

- 5.01.010 Purpose
- 5.01.020 Definitions
- 5.01.030 License required; Exemptions
- 5.01.040 **Non-Conforming Uses**
- 5.01.050 Term; Renewal; **Reapplication**
- 5.01.060 License fees
- 5.01.070 License application, **general**
- 5.01.080 Contents of application
- 5.01.090 Display of license
- 5.01.100 Inspection
- 5.01.110 Compliance with law
- 5.01.120 **Transferability**
- 5.01.130 License issuance or denial
- 5.01.140 Revocation
- 5.01.150 Appeal

5.01.010 Purpose

Pursuant to powers granted by the State of Utah as set forth in various provisions of the Utah Code, as amended, the County intends by this Title to regulate and license businesses and occupations within its unincorporated limits, to maintain a current index of licensed businesses and occupations, and to regulate licensed entities. Where this Chapter imposes a greater restriction upon persons, premises or personal property than is imposed or required by such existing provisions of law, contract or deed, the provisions of this Title shall control. The amendment of this Title does not preclude enforcement of violations or collection of business license taxes and penalty fees under this chapter which existed at the time of taxation or violation prior to the implementation of any amendment.

5.01.020 Definitions

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

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

B. “ATV” shall mean all-terrain street-legal vehicles as defined under the Utah Traffic Code, including Utah Code § 41-6a-1509.

C. “ATV Business(es)” shall mean all businesses that sell, rent, or guide ATVs or otherwise provide a client experience involving an ATV, including ATV sales and ATV outfitter, guide service, and rental businesses, to the extent permitted in this Title 5 and the Grand County Land Use Code. References to ATV Business shall include its owners, agents, and guides when acting in an official capacity for the ATV Business.

D. “ATV Fleet” shall mean all ATVs rented/leased, driven, or used by an ATV Business.

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

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

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

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

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

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

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

K. “Non-Conforming Use” means a legal and continued use of property that was allowed under the zoning regulations at the time the use was established but which, because of subsequent changes in those regulations, is no longer a permitted use.

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

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

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

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

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

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

R. “Vehicle” or “Motor Vehicle” means any vehicle included within Utah Code § 41-1a-102, including ATVs.

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

5.01.030 License required; Exemptions;

A. *Licensed required.*

i. It is unlawful for any Person to engage in, carry on, or operate any Business within the unincorporated area of Grand County, State of Utah without first obtaining a business license required by this Chapter for each Principal Office Address, except as provided in Section 5.01.030.B.E.

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

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

iv. Subject to Section 5.01.040, all Non-Conforming Uses require a general business license.

B. *Exemptions.* The following Businesses are exempt from the licensing requirements of this Chapter:

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

5.01.040 Non-Conforming Uses.

A. *Expansions prohibited.* Expansions of Non-Conforming Uses are prohibited.

B. *Abandonment.* Nonconforming uses shall be deemed abandoned if they are discontinued for more than six months or change the location of its Principal Office Address.

C. *Burden of Proof.* Any person asserting a right to a Non-Conforming Use has the burden of proof to demonstrate that the nonconformity was legally established prior to and continued since the change in zoning.

5.01.050 Term; Renewal; **Reapplication**

A. *Term.* Licenses issued under this Chapter shall be valid upon approval until December 31 of the year of issuance. All license fees provided in this Chapter shall be paid annually in advance by the Licensee to the office of the County Clerk upon application and on or before January 31 of each year. No license fee or any part thereof shall be refunded for any reason whatsoever after the license has been granted or issued.

B. *Renewal.*

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

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

C. *Reapplication.* A new business license is required where the Business moves its Principal Office Address or desires to add uses to their business license, in which event the Business shall submit a new business license application to the office of the County Clerk with the licensing fee established for new applications in the Grand County Consolidated Fee Schedule.

5.01.060 License fees

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

5.01.070 License application, **general**

A. All applications for business licenses shall be submitted to the office of the County Clerk on forms provided for that purpose with the accompanying license fee **required by the Grand County Consolidated Fee Ordinance**.

B. Submission of a business license application does not constitute approval.

C. **ATV Businesses and other vehicle sales, rental or leasing facility businesses shall submit a Vehicle License Application to the office of the County Clerk on forms provided for that purpose. The Vehicle License Application is required in addition to the general business license for all other other businesses uses, even if conducted by the same business entity.**

1. Existing businesses which are licensed to sell, rent, or lease vehicles, including ATV Businesses, shall submit a separate Vehicle License Application to the office of the County Clerk on or before July 1, 2021 (no fee due).

2. Beginning January 1, 2022, all ATV Businesses and other vehicle sales, rental or leasing facility businesses shall be required to renew the Motor Vehicle License and pay the renewal fee for the same set forth in the Grand County Consolidated Fee Schedule in addition to any other licensing fees owed under a business entity's separate general business license.

D. The general business license required by this Title is in addition to all other approvals, licenses and permits required by other County ordinances, or state or federal law.

5.01.080 Contents of application

A. All applications for any type of business license shall include:

1. Name and contact information of the Person to whom the license shall be issued,
2. Nature of the Business;
3. Principal Office Address;
4. Mailing address, if different;
5. Place of Business, if different;
6. **Fleet Inventory required in Section 5.02, as applicable;**
7. **Noise Compliance Certificate required in Section 5.02, as applicable;**
8. Signatures of County officials and designees, including:
 - i. Building Inspector;
 - ii. Planning and Zoning;
 - iii. Fire Department; and
 - iv. Sanitarian/Health Department;
9. Fee(s) established by the Grand County Consolidated Fee Schedule, prorated on a quarterly basis for applications submitted after Quarter 1 (January-March); and
10. Additional documentation as the County may reasonably require.

5.01.090 Display of license

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

5.01.100 Inspection

A. Prior to issuance of a new License required hereunder, the applicant shall permit inspections to be made of the prospective Principal Office and Place of Business, if different, by the appropriate department of the county or other governmental agency to ensure compliance with zoning, fire, health and safety codes. No license shall be granted without the approval of all such required inspections.

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

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

5.01.110 Compliance with Law

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

5.01.120 Transferability

A. Except as expressly permitted in this Section 5.01.120.D, no License granted under this Title 5 may be assigned, transferred, or sold by the Licensee nor used for any purpose or Business other than that for which said License was issued.

B. A License issued for a particular location may not be transferred for use to another location.

C. Any License transferred or used in violation of this Section shall be deemed revoked.

D. An ATV Business may transfer its Business License upon the following conditions:

1. The ATV Business is in compliance with local, state, and federal law and all conditions of its license;
2. The ATV Business terminates its existing Business License simultaneously with approval of the new ATV Business License;
3. The new applicant complies with the requirements of this Title; and
4. The County approves the new ATV Business License hereunder.

5.01.130 License issuance or denial

A. Within thirty (30) days of the County Clerk's receipt of a complete application that includes all of the items required by Section 5.01.080, the office of the County Clerk shall either a) issue the license requested, with or without conditions; or b) deny the license in writing. If the County Clerk determines the application is incomplete, the County Clerk shall provide written notice to the Licensee, and shall reconsider the complete application once submitted. Nothing herein shall limit the County Clerk from conferring with the Commission Administrator or County Attorney when reviewing applications.

B. An application submitted hereunder may be denied if:

1. The Applicant has:
 - i. Obtained a license by fraud, misrepresentation, or deceit;
 - ii. Failed to pay personal property or real property taxes or other required taxes or fees imposed by the County, including prior licensing fees;
 - iii. Violated the laws of the state of Utah, the United States, or Grand County;

- iv. Failed to comply with the conditions or requirements of a conditional use permit; or
- v. Failed to comply with the terms of any agreement with the County, including a development agreement or approval; or

2. For conditional uses, reasonable conditions cannot be imposed to substantially mitigate the reasonably anticipated detrimental effects of the proposed use or reasonable conditions cannot be imposed to achieve compliance.

5.01.140 Revocation

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

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

5.01.150 Appeal

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

Chapter 5.02

MOTOR VEHICLES RENTALS

Sections:

5.02.010 ~~Fleets Inventory of Motor Vehicle Rental Fleets~~

5.02.020 ~~ATV Business Regulations~~

5.02.010 ~~Fleets Inventories of Motor Vehicle Rental Fleets~~

A. Inventory Required. Each Business which rents or leases Applications involving the rental or lease of Motor Vehicles, or otherwise provides a Motor Vehicle to a customer for their use as part of an outfitting or guide service, with or without drivers, shall file with the office of the County Clerk also include an inventory list identifying the make, model, year, and type (Jeep/Truck/ATV, Sedan, etc.) of each Motor Vehicle included in their fleet. In addition, each business renting or leasing Vehicles, with or without drivers, shall file an inventory of Motor Vehicle Rental Fleet on or before January 31 of each year upon licensing renewal.

B. Maximum Fleet Size. An ATV Fleet shall not exceed twelve (12) street-legal ATVs.

1. This Section does not limit the right of an ATV Business to maintain the ATV Fleet size disclosed in its written inventory filed with the office of the County Clerk prior to adoption of this Title 5.

5.02.020 General Regulations for ATV Businesses

A. *Maximum Number of ATV Licenses.* The office of the County Clerk may issue no more than five (5) Business Licenses to ATV outfitter, guide service, and rental businesses.

B. *ATV Identification.* Each ATV Business shall install a sticker with a white background and large black numbering on the rear or passenger side of the ATV, and a whip flag, in a location and of a size that is legible from fifty (50') identifying each ATV in the ATV Fleet by a unique number provided by the County (CO 1, CO 2, etc.) within ten (10) business days of filing of its ATV Fleet Inventory required hereunder.

C. *Maximum Sound Pressure Levels, db(A) for ATVs.* All ATVs in an ATV Fleet, including all those ATVs sold, rented, or driven by an ATV Business (or their owners, agents, and guides), shall not exceed the maximum sound pressure level of 80 db(A) at 25 feet. Each ATV Business shall file a certificate of compliance with this Section ("Noise Compliance Certificate") issued by the Grand County Sheriff's Office ("GCSO") annually upon renewal of the business license, at the sole cost of the ATV Business pursuant to the fees charged by GCSO as set forth in the Grand County Consolidated Fee Ordinance.

1. Each ATV Business shall demonstrate compliance with this Section by January 31, 2022; provided, however, that an ATV Business may elect to trailer their ATVs to trailheads in lieu of meeting the sound pressure level requirement until January 31, 2023 at which time all ATVs in an ATV Fleet must comply with this Section.

D. *Maximum Caravan Size.* Each ATV Business shall limit the number of ATVs travelling together on paved County B Roads as follows:

1. In a guided tour, the maximum caravan shall be six (6) ATVs, one of which must be driven by a guide representing the ATV Business; and
2. In an unguided rental group, the maximum caravan shall be four (4) ATVs.

E. *Compliance with County Law.* Each ATV Business, their owners, agents or guides, and clients or lessees, shall comply with County law, including the OHV speed limit and noise regulations set forth in Title 11 (Noise Pollution) of the Grand County General Ordinances.

F. *Enforcement.* Violations of this Section 5.02.020 by an ATV Business (including its owner, agent or guide acting in official capacity), or three (3) or more violations of this Section 5.02.020 by a client or lessee of an ATV Business in any calendar year, shall constitute grounds for revocation of the business license under Section 5.01.140.

Chapter 5.03

OVERNIGHT ACCOMMODATIONS

5.03.010 General Regulations for Overnight Accommodations

A. *Notification.* All Overnight Accommodations shall post a laminated 8.5x14" (or larger) sign in a form provided by the County in a conspicuous location near each primary ingress and egress which summarizes the County's Noise Pollution Ordinance and states that the Ordinance is strictly enforced.

B. *Compliance with County Law.* Each Overnight Accommodation, their owners, agents and customers shall comply with County law, including the OHV speed limit and noise regulations set forth in Title 11 (Noise Pollution) of the Grand County General Ordinances.

C. *Enforcement.* Three (3) or more violations of this Section 5.03.010 by a customer of an Overnight Accommodation in any calendar year shall constitute grounds for revocation of the Business License under Section 5.01.120.

Chapter 5.04

ALCOHOLIC BEVERAGES

Sections:

5.04.010 Local Consent required

5.04.020 Compliance with Law

5.04.010 Local Consent required

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

5.04.020 Compliance with Law

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

Chapter 5.05

PENALTIES-VIOLATIONS

Sections:

5.05.010 Civil and Criminal Penalties

5.05.020 Civil Fines - Administrative Review and Appeal

5.05.010 Penalties-Violation

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

5.05.020 Civil Fines - Administrative Review and Appeal

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