



## GRAND COUNTY COUNCIL REGULAR MEETING

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

Tuesday, July 2, 2019

The Grand County Council met in a regular session on the above date in the Grand County Council Chambers of the Courthouse located at 125 East Center Street, Moab, Utah. The meeting was called to order by Council Chair Evan Clapper at 4:00 p.m. In attendance were Council Members Evan Clapper, Mary McGann, Greg Halliday, Terry Morse, Rory Paxman, Curtis Wells (arriving 4:20 p.m.), Council Administrator Ruth Dillon, and Clerk-Auditor Chris Baird. Absent was Council Member Jaylyn Hawks.

### Call to Order

Chair Clapper called the meeting to order at 4:00 p.m.

### Pledge of Allegiance

The Pledge of Allegiance was led by Mike McCurdy

### Approval of Minutes (Chris Baird, Clerk/Auditor)

- A. **April 16, 2019 (County Council Meeting), Postponed from May 7, 2019**
- B. **May 7, 2019 (Joint City-County Council Special Meeting), Postponed from May 21, 2019**
- C. **May 7, 2019 (County Council Meeting), Postponed from May 21, 2019**
- D. **May 21, 2019 (County Council Meeting), Postponed from June 4, 2019**
- E. **June 4, 2019 (County Council Meeting), Postponed from June 18, 2019**
- F. **June 10 (Joint County Council Meeting with San Juan County Commissions and SITLA), Postponed from June 18, 2019**
- G. **June 11, 2019 (Special County Council Meeting), Postponed from June 18, 2019**
- H. **June 18, 2019 (County Council Meeting)**

**Motion** by Council Member McGann to approve items B and G. Motion seconded by Council Member Morse carries 5-0.

**Motion** by Council Member Morse to postpone items A, C, D, E, F, H until the next meeting. Motion seconded by Council Member Paxman carries 5-0.

### Ratification of Payment of Bills

**Motion** by Council Member Paxman to ratify payment of the bill totaling \$853,297.55 (Bills \$612,123.69 – Payroll \$241,173.86). Motion seconded by Council Member Morse carries 5-0 by roll-call vote.

### General Council Reports and Future Considerations

Greg Halliday: Attended a Moab Museum Board meeting, Lt. Gov. Cox visited Castle Valley, and Castle Valley will have an Independence Day celebration.

Terry Morse: Attended a Planning Commission meeting, a Recreation Special Service District meeting, and a Moab Mosquito Abatement Special Service District meeting.

Rory Paxman: Reported on a TSA Inspection at the Airport, and attended a Weed Board meeting.

Evan Clapper: Attended a Sand Flats Stewardship meeting, and a Library Board meeting.

### **Elected Official Reports (None)**

Council Member Wells joined the meeting.

### **Council Administrator Report**

Ruth Dillon reported that she has been working with the Special Events Coordinating Committee on Rally on the Rocks event permit application and review.

### **Department Reports**

Zacharia Levine recognized the work of JD McLanahan.

#### **I. 2018 Canyonlands Field Airport Report (Judd Hill, Airport Director)**

Judd Hill presented a report on the activities and statistics of the Canyonlands Field Airport.

Elaine Gizler presented on the launch of "do it like a local" campaign.

### **Agency Reports**

Stephen Stocks gave an update on the Change of Form of Government Study Committee progress.

### **Citizens to Be Heard**

Marc Horowitz - His bed and breakfast became a non-conforming use, would like the new overlays to include bed and breakfasts.

John Knowles: Urges that the County support the Mosquito abatement district. Also encouraged the Council to take the state advertising grant next year.

Mary Urban: Urges support for Mosquito abatement district. Would like the district to fog for adult mosquitoes.

### **Presentations (none)**

### **General Business- Action Items- Discussion and Consideration of:**

#### **J. Reaffirming Resolution No. 3146 to respect our Neighbors' Rights and the Rule of Law Regarding the Use of Legal Fireworks (Council Member McGann)**

Mary McGann read the proposed resolution.

**Motion** by Council Member McGann to approve reaffirming resolution 3146 and authorize the chair to sign all associated documents. Motion seconded by Council Member Morse.

Marc Horowitz vocalized his support.

**Substitute Motion** by Council Member Wells to add "illegal" to the fireworks as a descriptor. Motion seconded by Council Member McGann carries 6-0

**K. Approving proposed contract for the printing and mailing of election ballots (Chris Baird, Clerk/Auditor)**

**Motion** by Council Member Wells to approve the attached contract for elections ballot and printing services with Runbeck Elections Services for a term of 4 years and authorize the chair to sign all associated documents. Motion seconded by Council Member Paxman carries 6-0.

**L. Adopting proposed ordinance to apply the High Density Housing Overlay 10 District (HDHO-10) to Sandstone Cottages, located at 3058 and 3060 Spanish Valley Drive (Zacharia Levine, Community and Economic Development Director)**

**Motion** by Council Member Morse to adopt proposed ordinance to apply the High Density Housing Overlay 10 District (HDHO-10) to Sandstone Cottages, located at 3058 and 3060 Spanish Valley Drive, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Wells carries 6-0.

**M. Approving a business nominee as Grand County's candidate for "Business of the Year" award for Rural Business Summit (Zacharia Levine, Community and Economic Development Director)**

**Motion** by Council Member Wells to select Eddyline Welding as the Grand County Rural Business of the Year for 2019 and authorize the Chair to sign all associated documents. Motion seconded by Council Member Paxman carries 6-0.

**Motion** by Council Member Morse to bring agenda item T forward on the agenda. Motion seconded by Council Member McGann carries 6-0.

**T. Acknowledging memo received from Grand County Special Events Coordinating Committee regarding Rally on the Rocks special event**

Ruth Dillon presented the memo.

Evan Clapper requested that noise/nuisance standards be established and adopted.

Curt Wells: give and take is necessary, some events take time to work the bugs out.

Travis Nelman: Is opposed to Rally on the Rocks. Would like to promote recreational activities that don't promote the burning of fossil fuels. Expressed concerned about fugitive dust.

Evan Clapper acknowledged receipt of the memo and asked the committee to let the council know when the event application is submitted.

Annette Curl: Is a sound therapist. Supports an ordinance that would restrict noise nuisances or pollution.

**Motion** by Council Member McGann to acknowledge receipt of the memo from the Grand County Special Events Coordinating Committee regarding Rally on the Rocks special event. Motion seconded by Council Member Paxman carries 5-0 with Council Member Wells temporarily out of the room.

**□ Consent Agenda- Action Items**

- N. Ratifying the Chair's signature on a grant agreement with the Governor's Office of Economic Development (GOED) for Moab Urban Biking Skills Trail in the amount of \$63,683.00**
- O. Ratifying the Chair's Signature on an Interagency Coordination and Sub-Recipient Contract Agreement with Southeastern Utah Association of Local Governments, Area Agency on Aging and Grand County for Human Services Programs for the Grand Center in the Amount of \$89,258.00 for FY2020**
- P. Ratifying the Chair's Signature on a Contract Agreement with Southeastern Utah Association of Local Governments, Area Agency on Aging and Grand County for Senior Service Programs in the Amount of \$2,000.00 for FY2020**

- Q. **Ratifying the Chair's Signature on a Contract Agreement with Southeastern Utah Association of Local Governments, Area Agency on Aging and Grand County in the Amount of \$4,000.00 for FY2020**
- R. **Ratifying the Chair's signature on FY2020 Beer Tax Plan**
- S. **Ratifying the Chair's signature on SITLA License Agreement, Right of Entry No. 6373, for the purpose of conducting a Fourth of July Fireworks display on SITLA property near Lionsback**
- ~~T. **Acknowledging memo received from Grand County Special Events Coordinating Committee regarding Rally on the Rocks special event**~~

**Motion** by Council Member McGann to approve consent agenda items N – S and authorize the Chair to sign all associated documents. Motion seconded by Council Member Paxman carries 5-0 with Council Member Wells temporarily out of the room.

### **Discussion Items**

- U. **Discussion on calendar items and public notices (Bryony Hill, Council Office Coordinator)**

Bryony Hill presented the calendar items and public notices.

### **Public Hearings- Possible Action Items**

- V. **Public Hearing to hear public comment on a proposed ordinance to apply the High Density Housing Overlay District 5 (HDHO-5) to a lot located at 1991 Starbuck Lane (Zacharia Levine, Community and Economic Development Director)**

Chair Clapper opened the public hearing at 6:20 p.m.

Kenny Gordon and Zacharia Levine presented on the application.

Gail Houston: Lives adjacent to this property. Concerned about fencing, water runoff, roof height (viewshed), deed restrictions, overnight rentals, and ownership transfer.

Zacharia responds that the sunset is a cap on approved units. Ownership can be transferred; however deed restrictions run with title, overnight rentals are prohibited in HDHO, height is based on underlying zoning district, County Engineer has approved drainage system, fencing is not required but developer has agreed to build a fence.

Chair Clapper held the hearing open for written comments until July 10 at 5pm.

- W. **Public Hearing to hear public comment on a Conditional Use Permit (CUP) located at 13542 North Highway 191 (Seven Mile Flat) (Zacharia Levine, Community and Economic Development Director)**

Chair Clapper opened the public hearing at 6:35 p.m.

Kenny Gordon presented on the application.

No citizen comments

Chair Clapper held the hearing open for written comments until July 10 at 5pm.

- X. **Public Hearing to hear public comment on proposed ordinance amending/removing use rights from all zones and/or the overnight accommodations overlay for new/additional overnight accommodations developments, including Table 3.1 (Uses), Section 3.2 Use-Specific Standards, and Section 4.6 Overnight Accommodations Overlay District (Zacharia Levine, Community and Economic Development Director)**

Chair Clapper opened the public hearing at 6:41 p.m.

Zacharia Levine presented on the application.

Tiger Keogh - Enough already and take a breather. No more permits until we can review.

Russell Facente – 90% of comments suggest no more overnight rentals. There is a petition with over 700 signatures that are opposed to more overnight rentals. Property rights are subject to reasonable limits that protect the general public. Commercial property is still valuable without overnight rentals.

Wynn Smith – Thinks we should wait to see the effects of a 38% increase in vested projects before approving new short term rentals.

Jeff Cornelius- Feel that removing overnight rentals infringes on his property rights and that the value of his property will be decreased. Feels that overlays are unfair. The ordinance is based on emotion. Is opposed to the ordinance.

Jim Keogh- His property qualifies for HDHO, so seems reasonable that if he built apartments that he should be able to run a bed and breakfast on his property.

Karla Hancock – 45 year resident. Feels that we are giving away everything that matters to us so that outside interests can milk the tourists. Wants to see Moab become a strong community and not a tourist trap. Comments have shown strong support for the ordinance. This issue can be revisited in the future.

Michael Skorda – Owns property in Grand Co. outside of the Moab Valley. His property has different problems than those in the City. Property outside the Moab Valley don't need these restrictions. Doesn't think that we should pause development outside of the Moab Valley.

Claire Core – Lives in Moab. Our water sources are finite. Directing water to short term rentals is not benefiting those who live here. Would like to extend the moratorium until the USGS water study is completed. Water availability should guide us in our actions.

Annette Curl – Recited song my Marty Robbins.

Gail Solomon- Lives in Moab. Supports going slow and not approving more developments.

Denis Silva – Lives in Grand Co. Supports a temporary moratorium and LUC ordinance. Would like to see us develop a growth plan. Feels we need to clarify our water limits. Protect the visitor experience.

Blake Bitoff- Represents a campground. The ordinance favors new development over expansion of existing development. Requested that the council reject the prohibition on the expansion of existing development. Fails to address partially developed campgrounds.

Bruce Baird- Counsel for Lionsback holdings. Indicated that county staff relayed that a certain property was allowed to be developed as a hotel. Clients purchased the property with the expectation to develop overnight rentals. Requested that this property be incorporated in an overlay that allows hotel development.

Aneth White – Believes there should be a moratorium on overnight rentals until we can develop a plan and vision for the Moab Valley. Supports a full moratorium on all overnight accommodations.

Travis Nalman- Planning starts with water. The rubber meets the road when the overlay is established. Need to digest water studies that take climate change into account. Must consider water in the desert. Property rights are not disconnected from resources and infrastructure needs. Housing has become a barrier for creating a life in Grand Co.

Kelly Quinn – Moved to Moab in 2014. Home owner. Chose to live in Grand Co. due to small town life. Concerned about industrial tourism, and the lack of planning. We are still learning about the impacts of tourism on our community. Step back and assess impacts on our community. Concerned with traffic congestion. Would like to put the brakes on.

Kathrine Holyoak – Lives on south highway 191. Feels that this ordinance is compromising her property rights. Thinks that a majority of residents do not support this ordinance. Property owners pay property taxes and support this community. Encouraged the council to reject this ordinance.

Stephanie Dahlstrom- Lives in Grand Co. Sees both sides of the story. We need a happy and healthy community to serve the tourists and raise their families. Make decisions based on what is in the best for the community.

Randy Day- Received a letter from an appraiser indicating that the highest utility dictates value. If his property rights are taken, his value will be decreased and he will request a reduction in property taxes due. Many people have relied on their property rights as their retirement. By removing property rights you are reducing the value of some people's retirement. Believes that the tourism industry is doing a good job in providing jobs and opportunity.

Matt Carius- Not a resident but raised in Fruita. Promotes sustainable tourism. Feels that this ordinance will impinge the community's ability to grow new sustainable tourism. Was interested in building a small lodge prior to the moratorium. Requests a mechanism for approving new overnight rentals.

Liz Thomas- Feels that residents are in near agreement that they want their town back. The council should do what the public wants and hit the pause button. There are a large number of existing overnight rentals and those in the pipeline. There should be no new applications approved until those in the pipeline are built.

Liz Ballenger- Believes that this ordinance is logical and not based on emotions. Is concerned about water resources. Concerned about the degradation of the visitor expNot a resident but raised in Fruita. Promotes sustainable tourism. Feels that this ordinance will impinge the communities ability to grow new sustainable tourism. Was interested in building a small lodge prior to the moratorium. Requests a mechanism for approving new overnight rentals.

Mike McCurdy – Is opposed to the ordinance. Is an overnight accommodations owner. Doesn't agree with taking away property rights. Believes that this ordinance will lead to legal liability. This ordinance will hurt a lot of people.

Ned Dalton – Property owner on Highway. Believes that the value of his property will be reduced by 50% with the passage of this ordinance. Doesn't understand the direction that the council is going.

David Hearshy- Representing Carroll Drilling. Submitted a letter for the record. Client is not challenging the decision making authority of the Council. Property is located next to Marriot Hotel. Client was advised by the County that prior to submitting an application that various permits were required at great expense. Two million dollars was spent in pursuit of this project. Would like the property to be included in the overnight overlay.

Ariel Atkins – Homeowner. Grew up in Moab. Has seen a lot of heart breaking change. Thinks that we can have smart growth. Tourists are being impacted by the same negative consequences as the locals. Overnight rentals are not the only investment that can be made in the community.

Reed Pendleton- Owner of a campground. Overnight rentals are driven by demand. Trying to meet the demand for overnight rentals. If we stop building new overnight rentals the prices will go up, and tourists will have less disposable cash and will have a shorter stay. Encourages the council to approve overnight rental applications.

Emily Stock- Lives in Moab. Small business owner. It is very hard to find an affordable place to rent for her small business. Wise to limit overnight rentals because we need economic diversification. Concerned about water usage and quality of life.

Zacharia Levine – His office has tried to remain neutral. Our community is not the only community dealing with this issue of tourism growth. Rate of growth has exceeded our capacity to plan for it. Must strike a balance between property rights and quality of community and life. Some diversified businesses are having a hard time finding affordable space. The planning doesn't stop when you vote on this ordinance.

Mary McGann expressed concern about limiting the ability for existing overnight rentals to expand and would like to eliminate certain areas in the county from this ordinance.

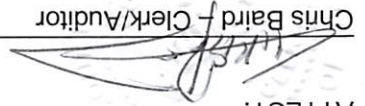
Chair Clapper left the hearing open for written comments until July 10 at 5pm.

**Closed Session(s) (none)**

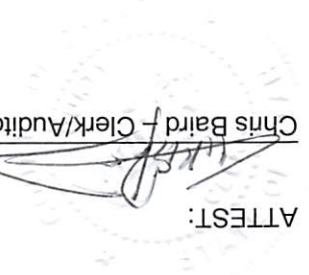
**Adjourn**

Chair Clapper Adjourned the meeting at 8:17 p.m.

Chris Baird - Clerk/Auditor



ATTEST:



Evan Clapper - Chair



APPROVE: