



## **GRAND COUNTY COMMISSION REGULAR MEETING**

**Grand County Commission Chambers  
Hybrid virtual participation on Zoom  
Moab, Utah**

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### **MINUTES 5 March 2024**

The Grand County Commission met in a regular meeting on March 5<sup>th</sup>, 2024. The meeting was held in-person in the Grand County Commission Chambers, with hybrid virtual participation available via Zoom. It was also broadcast and saved on YouTube. Attending the meeting in person were Commission Chair Jacques Hadler, Commission Vice Chair Kevin Walker, and Commissioners Bill Winfield, Mary McGann, Evan Clapper, Mike McCurdy and Trisha Hedin. Also attending in person were Commission Administrator Mallory Nassau, County Attorney Stephen Stocks, and Clerk/Auditor Gabriel Woytek.

#### **4:01 p.m. Chair Hadler called to order the Regular Meeting**

Chair Hadler stated that the meeting would be adjourned at 6:45 p.m. and any remaining action items postponed in order to accommodate participation at Election Day party caucuses.

#### **Pledge of Allegiance**

#### **4 p.m. Citizens to be Heard (2:30)**

Kevin Clyde, trustee of the Grand County Water Conservation District, expressed that he was puzzled that there was not communication between that body and the Commission regarding general water policy issues as well as the nomination process for current vacancies. Clyde stated that there were candidates being considered that were not part of the normal nominating procedure. Lack of information and disconnect exists between the Commission, especially as it relates to the nomination process.

Chapman Lane resident Robin Witten spoke in opposition to the CUP application proposed in action item 3, stating that promises given by the applicant regarding the property's use might not be trustworthy, especially considering that a partnering business is up for sale.

Chris Hukushi, resident of property being considered for a CUP at 4500 Easy Street stated that he was a renter, not an owner, a Grand County employee, and loves the quiet he enjoys living at this location with a business operating there. Hukushi stated that housing security for himself and others would be put into jeopardy for the sake of one less car per hour on a neighborhood street, and stated that a precedent would be set for trading housing security for a minor and speculative increase in traffic. Hukushi added that there was a disconnect between perception and reality in regards to neighborhood impact because in the previous year there was a higher level of construction and landscaping, which was temporary in nature.

Chapman Lane resident Eric Pflumm spoke in opposition to the CUP application proposed in action item 3, and referenced the 59 signatures collected in support of this opposition, 26 from neighbors in the immediate area, many of which are from long time residents. Pflumm added that nothing in the CUP would prevent

customers from using the property, that children were on the street on a regular basis, the applicant is a large corporation with a huge financial incentive, that home sales after completed subdivision would pay for the whole investment regardless of whether the CUP is granted, and an unwillingness to pay market prices for commercial property is not an excuse to negatively affect a residential neighborhood.

Easy Street resident Anna Sprout stated that she would prefer to keep the neighborhood quiet, but supports housing local employees. Sprout stated that she was curious why the company has not invested in its current commercial property and why they purchased the Easy Street properties to begin with, considering the resources that they apparently have available.

Brenda Keating, spoke in opposition to the CUP application proposed in action item 3, stating that Escape Adventures has 16 locations in the U.S. and that she sympathizes with their challenges in doing business and with the need for housing but states that the applicant did not do their due diligence before purchasing the property and shouldn't be let off for it at the expense of the neighborhood. Keating stated that other businesses that cater to the tourism industry have bought the appropriate land to do their business.

Gary Wilson, chairman of the Spanish Valley Water and Sewer District, spoke with concern regarding the nomination of two particular applicants being considered for vacancies in action item 1. Wilson stated that his board handled the nomination process as usual, and is concerned that the Commission is making appointments after the application date had passed. Wilson reiterated that the longstanding, correct and standard process has been followed and wishes for the Commission to honor it.

Marcy Till, resident of 32 years at the corner of Spanish Valley Drive and Heaven Lane, stated that she does understand that people need a place to live, there is a need affordable housing, and that people living in the neighborhood adds to community, but doesn't believe that commercial business operations in Rural Residential zones have well aligned intentions and goals associated with their occupation. Till stated that is important to oppose the CUP application because the business went about the process in a calculated way, with the intention all along to operate a commercial business first and ask for forgiveness later, and the Commission must consider whether they are opening the floodgates to CUPs for businesses seeking cheaper land from which to operate. Till added that these opportunities will never take place in upscale high-end neighborhoods, and that a CUP could be taken away but there is not sufficient zoning enforcement to make that a realistic outcome even in the event of abuses.

Ben Musselman, agency manager for GWSSA, speaking on behalf of conservancy district, stated that efforts were made to communicate openly and clearly in completing its interview and recommendation process. Musselman responded to a comment from a commissioner at the previous meeting regarding conflict of interest, stating that the inclusion of a San Juan County resident on this board is a positive not a negative, and that concerns regarding attendance by one of the board's nominees had been explained by the fact that this board member was on a religious mission but has observed 100% attendance since their return. Musselman stated that some currently contemplated nominees were not on any applicant rosters, which raises concerns that must be addressed as to appropriate process and fair judgment.

Aaron Thompson, resident of Chapman Lane, has kids that walk back and forth for the school bus in the neighborhood of the proposed CUP. Thompson stated that he is sensitive to the need for housing availability, but is fearful of the potential precedent set in granting this CUP in a residential area, and that if they were proposing a CUP on Spanish Valley Drive it would be a different story.

Marty Bauer, resident at the corner of Heaven and Heather in the neighborhood of the proposed CUP, stated that employee housing is a buzz word and a real issue that requires a lot of effort to address, and is being abused by businesses and developers by putting it in their proposals. Bauer referenced evidence that Escape Adventures customers have been accessing this property, not just employees, and that the only reason it is being discussed is because the business first acted in violation of the land use code and thus is

an operation that cannot be trusted. Bauer added that the nature of the business includes lots of early morning and evening hours which are particularly disruptive to the residential neighborhood.

Doug Carroll, owner of three properties in the neighborhood of the proposed CUP, stated that the area has always had lower density and he would like for it to stay that way, and that it would be a mistake to inject commercial operations into it. Carroll stated that the business knew what they were buying when they got into it and shouldn't have expected to be able to run a business out of the property, and expressed concern about high traffic, which is a requisite for a successful business.

Emily Cox, resident of Vista Antigua, spoke with concern regarding the proposed CUP. Cox stated that she is fully in support of more workforce housing, but as a former public school principal who witnessed a crossing guard being killed while blocking a car from hitting a student, she is concerned by a business operating with the existing child foot traffic in this neighborhood. Cox added that protection and serenity is the reason that they moved into this area of the valley, that the lack of infrastructure for safe walking and biking is a great concern and pointed out that there are no sidewalks in the neighborhood and for this reason she is opposed to the CUP.

Austin Carter, resident of Hastings Road within Grand County, stated that the County could address the requirement for landowners to fence out bison herds and rather hold owners responsible for fencing in their livestock. Carter claims that the Ute Tribe has stated that they are not interested in the bison herds that could have picked up disease from loose cattle herds, and that protecting the Bookcliffs watershed should be a priority as it is being abused and treated like a state commodity. Carter stressed that he has evidence, data and documentation available and is hoping for collaboration with the County.

Pete Rose, General Manager of Moab Cyclery, spoke in support of the proposed CUP application, stating that during the time of COVID when he had to live out of a van, the Easy Street property offered a critical opportunity to recover, that the effort was motivated by more than just profit, the property was mainly just used for storage, is never used by clients, and is more of a place for the use of guides and other members of the critical local workforce. Rose stated that Escape Adventures wishes to be a part of the community, not some profit motivated villain as has been portrayed.

Charles Bauer, resident at the corner of Heaven and Heather in the neighborhood of the proposed CUP, bought in to this neighborhood 20 years ago because it is a rural neighborhood with no business activity and relatively low density. Bauer stated that the current trends are troubling with respect to increased density and now commercial activity, and questioned how many people are working for Escape Adventures and being housed at the location versus how many neighbors it is negatively impacting.

**Presentations** (none scheduled)

**Department Reports** (none scheduled)

**Agency Reports** (none scheduled)

**Commission Member Disclosures** (41:18)

Chair Hadler stated that he will recuse himself from Agenda item 3 due to his close association with the applicants.

**General Commission Reports and Future Considerations**

**Jacques Hadler**

- STAR grant follow up meeting, next steps being established for wrap-up
- CUP
- UMTRA grant application meeting

#### **Trisha Hedin**

- GWSSA meeting, will serve for possible truck stop at crescent junction, attempt to drill a well, to haul water initially
- Meeting with Grand County resident in GR regarding Lithium mining speculation, concerns regarding effects to air and water quality, injection wells would partly be in grand County

#### **Bill Winfield**

- Attended UAC board meeting in SLC, LATCF funds wrap-up, NACO to move forward with a research library
- Attended SERDA meeting, 2.5 million grant awarded towards the states 5 million for pavement to porcupine rim, with 10 million from BLM
- Attended CUP training
- Attended Airport Board meeting, discussion regarding effect on local business with changes at the airport, Grand Junction has picked up this business

#### **Mary McGann**

- Canyon Country Partnership call to discuss adjusting the committee's processes and agendas in order to increase opportunities for networking between participating entities
- Attended Economic Development Advisory Board meeting, discussion regarding Trails to Tomorrow process, secret shopper to assess effectiveness of local visitor experience and identify areas for improvement
- Attended UMTRA steering committee meeting regarding grant opportunities for future of site
- Attended CUP training

#### **Mike McCurdy**

- Attended Recreation SSD
- Attended CUP training

#### **Kevin Walker**

- Attended Weed Board Meeting

#### **Evan Clapper**

- Health District, annual review of financials
- Attended cemetery district board meeting
- Attended Boundary Commission meeting

### **Elected Official and Staff Reports**

#### **Clerk/Auditor Gabriel Woytek**

- Martha Hughes Cannon cutout installed in lobby of County Offices, to be used for public and internal messaging
- Deputy Clerk Janna Kyle retired, Chrystal Santana hired to replace her
- Search for Finance Director still ongoing
- Board of Canvassers to meet prior to next Commission meeting to certify election results
- 233b report submitted and approved by the State Tax Commission for End of Year taxable values
- Board of Equalization appeals likely to come for Personal Property assessments

#### **Attorney Stocks**

- Organized Commission CUP training
- Met with Airport Board regarding hangar leases

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

### **Approval of Consent Agenda Items (56:12)**

- A. Approval of Meeting Minutes**
- B. Ratification of Payment of Bills**
- C. Ratification of Local Consent for a Single Event Liquor Permit**
- D. Renewal of Cooperative Agreement between Bureau of Land Management and Grand County, UT Amendment 4 Building Agreement**
- E. Utah Department of Environmental Quality Right of Entry for Parcel 02-0005-0100 (Old Shooting Range)**
- F. Children's Justice Center Contract Amendment**
- G. Southeastern Utah Association of Local Governments (SEUALG), Area Agency on Aging (AAA) Interagency Coordination and Sub-Recipient Contract Agreement Reimbursement FY 2023-2024 with Grand County**
- H. Renewal of License Agreement with the Department of Energy's Moab UMTRA Project for an Air Monitoring Station at the Recycle Center**
- I. Local Consent Off-Premise Beer License and DABC Package Agency Permit Under Canvas**

**Motion by** Commissioner Winfield to approve the Consent Agenda as read by the Chair, with Item A postponed

**Motion seconded by** Commissioner McGann

#### **Discussion**

Attorney Stocks highlighted that an additional \$24,000 is being offered by the state to support the Children's Justice Center, executed in Consent Agenda Item F.

**Motion passes 7-0**

### **1. Voluntary Appointment to the Grand County Water Conservancy District Board (Commissioner Hedin) (1:42:00)**

#### **Presentation**

Commissioner Hedin gave an overview of the nomination and recommendation process that was followed by the Conservancy District, with seats opening in late October and closing in early December. 2 seats available, with incumbent Preston Paxman's seat uncontested and Jerry McNeely and Ben Wilson both submitting applications for the other seat.

**Motion by** Commissioner Winfield to approve the following nominees for the Grand County Water Conservancy District Board and the associated letter of recommendation to Governor Cox: first nominee Preston Paxman, second nominee Ben Wilson, and third nominee Jerry McNeely, in preferential order.

**Motion seconded by** Commissioner McCurdy

## **Discussion**

Commissioner Walker stated that there are multiple ways to nominate for these positions depending on interpretation of the procedures outlined in state code, and stressed that the nominating authority is the Commission, whose process specified that the seats were open until filled without a specific deadline. Walker added that the county has made an effort to make clear the nomination process, but that disagreements remain about that process, and the job of identifying nominees does not fall to the board unless expressly delegated. Walker stated that if the strict procedures were followed, then Duncan, Getz and Gross were the applicants that most closely followed procedure.

Attorney Stocks pointed out that code specifies that applicants be willing and qualified, and referenced a legal memo he presented to the Commission. Stocks added that the code does lack some specificity and leaves room for interpretation, but suggested to the Commission that following the practice that is has followed historically would be advisable.

Commissioner McGann sought confirmation that the term for the seats was four years. Commissioner Clapper stated that people often reach out to understand how they may get involved in boards and he refers them to the website, and it is unfortunate that there appears to have been two parallel application processes. Good problem that there is not a lack of interest with 6 candidates for two seats. Commissioner Walker suggested that a list of three applicants could be considered for each respective seat. Commissioner Hedin stated that she would be opposed to sending forward names not interviewed by the board, and that this type of action would not be welcome by the board.

Commissioner McCurdy stated that sending two lists to the Governor's office would look really unprofessional for the County. Commissioner Walker stated that Attorney Stocks confirmed that sending two lists would not be an issue. Walker added that in the event that nothing was done and the commission didn't act, then the Governor would have to proceed to make a choice from the list presented by the County Commission, as the principal appointing authority. Walker pointed out that Steve Getz and Mike Duncan have extensive experience and background regarding water policy, and that Pete Gross has a background in engineering.

Commissioner Winfield stated that this was not a matter of compromise as is being suggested, but that procedures were not being followed, that the additional nominees should not be considered, and that ample advertisement was given and the opportunity to apply passed. Winfield reiterated that it was too late for compromise and that it was time to follow procedure.

**Motion fails 3-3, Hedin, Hedin, McCurdy in favor, Walker, Clapper, Hadler opposed, McGann abstains**

**Motion by** Commissioner Walker to approve the following nominees for the Grand County Water Conservancy District Board and the associated letter of recommendation to Governor Cox: for the seat that had been occupied by Preston Paxman: Preston Paxman, Ben Wilson, and Jerry McNeely, in preferential order, and for the seat that had been occupied by Jerry McNeely: Steve Getz, Mike Duncan, and Pete Gross, in preferential order.

**Motion seconded by** Commissioner Clapper

## **Discussion**

Clapper stated that the present situation was less than ideal, but so much interest in the community was commendable and that he would rather forward a larger list of candidates whenever available. Commissioner McGann expressed that as a future consideration she would like to see this application and nominating procedure cleaned up so that this issue does not arise during the next cycle. Commissioner Hedin stated that she can do better as a liaison, she has tried to engage with legal counsel on how to proceed in what has been a difficult process, and apologizes for her part in how messy this has gotten.

**Motion passes 4-3, Winfield, McCurdy, Hedin opposed.**

**2. Independent Contractor Agreement – Finley Holiday Film (Assistant Marketing Director Melissa Stocks) (1:18:45)**

**Presentation**

Melissa Stocks gave an overview of the agreement. Mark Finley a longtime collaborator with Grand County in generating promotional media.

**Motion by** Commissioner Walker to approve the Independent Contractor Agreement with Finley Holiday Film

**Motion seconded by** Commissioner McCurdy

**Discussion**

McCurdy confirmed that ownership of all photo and video is maintained by County. Commissioner Clapper sought clarification that \$12,000 was still set aside for a local videographer/photographer. Attorney Stocks stated that Finley has been very easy to work with as it relates to ownership of product and insurance requirements.

**Motion passes 7-0**

**3. Resolution: Conditional Use Permit, Escape Adventures Outfitter, Guide Services and Facility (Parcel No.02-005A-0002) (Associate Planner Jenna Gorney) (1:22:05)**

**Presentation**

Gorney gave an overview of the staff report, as given in detail at the February 6th Public Hearing presentation. New agreement specifies that Site Plan review to be completed by August 2024 and Certificate of Occupancy issued by February 2026. Overview given of improvements that would be required if the CUP were granted, as outlined in the staff report. Commissioner Winfield sought confirmation that there was a CUP already on this street, associated with a farm stand. Staff was asked if there could be a condition included in the application stipulating that clients could not visit the location. Since this is not the intention or request of the applicant, Attorney Stocks stated that he would not see a problem with such a stipulation. Clarification sought regarding the transferability of the CUP. Property not owned by Escape Adventures but by an individual named Jared Fisher. Clarification given that the only time that the CUP would become invalid is if the business became inactive for a certain period of time or if there was a violation of the conditions for approval, CUP is approved for the property and not the business. Commissioner Hedin sought confirmation from the applicant that guides do access the property, with a max occupancy of five total individuals. Clarification given that many of the guides that do access the property do so because they live there. Rigging and derigging activity is what triggers the need for a CUP. Commissioner McCurdy sought clarification that violation of the CUP under a different future owner would trigger revocation of the CUP. Nature of the business could not deviate from approved CUP permit. No history exists of a CUP being revoked due to a violation. Annual reviews do not come back before Commission but are handled administratively. Clarification given that Easy Bee Farms is the only other CUP on the street. Commissioner Clapper stated that the housing that the business seeks to offer its employees is an important aspect of the application, and that many other businesses spread their fleet about town, and this is just a way that employees are bringing the business fleet with them because there is limited parking at the main location of business operation. Commissioner Winfield stated that in a site visit, the the site in question stood out as being extremely well taken care of and maintained, and that more improvement would be yet to come at the site.

**Motion by** Commissioner Hedin to deny the Escape Adventures Outfitter guide service and facility Conditional Use Permit for Grand County Parcel No. 02-005A-0002 as illustrated on the Site Plan dated December 20, 2023, based on the following findings with regard to the Escape Adventures CUP, in accordance with LUC 9.10.5:

9.10.5.A: "The location, size, design and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property, nor cause substantial or permanent interference with the right to peaceful enjoyment of property."

The proposed use will cause substantial interference with the right to peaceful enjoyment of property. Indeed, it has already caused such interference (during the period it was operating without a permit), as evidenced by the many complaints from nearby residents. It is not possible to substantially mitigate these detrimental effects via reasonable conditions, since the increased traffic and noise associated with the proposed business activities is an essential part of those business activities, and significantly limiting those activities would negate the purpose of the CUP. Furthermore, enforcement of conditions such as a limit on vehicle trips would not be practical. Fencing and screening would have no significant effect on noise or impacts from increased vehicular activity.

9.10.5.C: "The proposed use shall not have detrimental effects which cannot be mitigated on existing uses in the area and in the County through the creation of noise, glare, fumes and odors, dust, smoke, vibration, fire hazard, excessive light, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to these impacts."

The proposed use will have detrimental effects through the creation of noise. These effects cannot be reasonably mitigated.

9.10.5.E: "The proposed use will be consistent with the purposes of this LUC, the General Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses otherwise permitted in the zone in which it is located."

The proposed use will interfere with the residential uses which are the primary purpose of the RR zone. Indeed, it has already caused such interference (during the period it was operating without a permit), as evidenced by the many complaints from nearby residents. This interference with residential uses takes the form of noise and increased traffic, as discussed above. It is not possible to impose reasonable conditions to mitigate these detrimental effects, as discussed above.

**Motion seconded by** Commissioner Walker

### **Discussion**

Commissioner Hedin stated that the applicant's business activity has been detrimental in an extensive way to this neighborhood for a long time, with vehicles moving quickly and variations in traffic patterns, and that the local farm stand has had very little relative impact to the neighborhood. Hedin added that an overwhelming majority of the neighbors are opposed which should not be ignored, and that only two Commissioners live in the unincorporated county and can't relate to the impacts and changes occurring. Hedin added that it would be egregious for a business to be permitted in her backyard, that she wants to support local business, but this activity is not supportive of an actual local business, that individuals are vacating commercial property and invading residential areas, and that other outfitters can't compete when they pay commercial property prices. Hedin went on to state that support of local business would be leveling playing field, that the impacts of this business cannot be sufficiently mitigated, that businesses running out of neighborhoods is a dangerous slippery slope, that this motion is not a statement opposed to workforce housing, but that a CUP approval in



this case would be handing over an elevated right that carries a high amount of value to its owners which is not appropriate.

Commissioner Winfield stated that there were three structures recently under construction, which caused a lot of the disruption associated with the business, and a neighbor did confirm with him that detail. Winfield added that a construction company was operating on this street and set up with an office, but had no permit to do so, and went on to reference a number of questionable uses in the area that aren't looked at as illegal and do not have a CUP.

Commissioner Walker acknowledged that all parties involved have positive intentions in mind and referenced the slippery slope to noise and disruption to residential neighborhoods if approval were given. Walker referred the CUP training that the Commission received, and explained that narrow grounds must be satisfied for disapproval, thus very specific findings were presented in the motion so it is not vulnerable to appeal. Walker referenced Land Use Code 9.10.A which outlines the right to peaceful enjoyment of property and that any detrimental effects should support rather than interfere with normal uses. Walker stated that he was impressed by the signature petition and the neighborhood organization that has rallied around the opposition. Walker reiterated that approval would set a bad precedent for similar actions in the future, that a level playing field was important to maintain for all businesses, that preventing commercial business in residential neighborhoods is very basic, that the rural residential zone in particular has availability for the outfitter CUP because of the general wide-ranging nature of properties in the valley with the zone designation, but that it is not necessarily appropriate for every parcel in what is a very diverse zone, and that this parcel is clearly in a rural residential zone that is least appropriate for this use.

Commissioner Winfield stated that he confirmed that the purported noise associated with the business has considerably dropped off and is not currently the problem it is made out to be, and added that the County Attorney should be sought for advice on presenting and preparing findings. Commissioner McCurdy asked the applicants if employee housing would be jeopardized if the CUP were not passed, and the applicant stated that the adjoining properties would all have to be sold in order to afford a commercially zoned property. Attorney Stocks stated that he did review the findings prepared by Commissioner Walker and read by Commissioner Hedin in her findings, clarified that Commissioners should not be going out and gathering evidence, and that Commissioner Hedin's status as a neighbor of the proposed site does not rise to the level of demanding her recusal.

Commissioner Clapper stated that the application specifies fairly light usage at 32 trips a year, which sounds like a reasonable and acceptable volume of use, that he was careful not to respond to public clamor and focus on the facts at hand, that this was not a zone change so there is more control to make adjustments as needed, and that the findings presented in the motion are reaching and grasping, with the applicants making a good faith attempt at being compliant.

Commissioner McGann stated that this was a very difficult decision and that sound arguments were made on both sides, that there were defensible arguments in leveling the playing field for other businesses who might make also take advantage of this maneuver, and that sale of the property without a CUP means that the property would remain in the standard rural residential zone.

### **Motion fails 3-3, Clapper, Winfield, McCurdy opposed, Hadler recused**

Attorney Stocks clarified that barring any further action at this time, the applicant may proceed with an appeal if they desire. Commissioner Winfield stated that another Commissioner should recuse themselves based on their relationship with a resident of this neighborhood who is also in violation. Commissioner Clapper clarified that he would be in support of allowing the business ample leeway to cease activities.

### **Citizens to be Heard 6pm**

Marc Horwitz stated that he wanted to defend the bed and breakfast community, one of which he operates in a very respectful way to his neighborhood, and expressed dismay at the suggestion that the local bed and breakfast community is a disruptive to neighborhoods.

Dave Cozzens stated that private property owners and private property rights are under attack and that developments such as Kane Springs and Cloud Rock has triggered an organized bashing of those who own and develop property, and that there is artificially applied red tape that delays property owners' ability to develop and that knee jerk reactions to private property use is not warranted. Cozzens added that citizens are not being helped and allowed to develop and benefit from their properties as they deserve, which has caused large amounts of outside investment to intervene, and efforts by some individuals to keep development from happening could be an effort to increase their own property values.

#### **4. Resolution: Initiating Proceedings to Amend the Grand County Land Use Code to Revise Zoning Districts and Use Table (Planning and Zoning Director Elissa Martin) (2:30:15)**

##### **Presentation**

Martin gave an overview of the proposed action, as described in packet materials. Broad scope effort would accompany the amendment process, with ample public engagement and updates regarding changes being considered, comment submission forms, open houses, and an up-to-date portal on Grand County Connects website. Several flagged land use code issues will be addressed, including a recent case of uses not allowed in highway commercial. Units per acre of residential in highway commercial also one of the issues expected to be examined.

Commissioner McCurdy asked if this item went through the appropriate legal review. Attorney Stocks stated that it did not. Commissioner Walker stated that he sent it to the Attorney's Office for review 11 days previous.

**Motion by** Commissioner Winfield to postpone the Resolution Initiating Proceedings to Amend the Grand County Land Use Code to Revise Zoning Districts and Use Table, so that it may undergo legal review

**Motion seconded by** Commissioner McCurdy

##### **Discussion**

Commissioner Walker stated that this did not bind any effective action but was merely a way of initiating a process. Commissioner McCurdy asked if it would be viable to complete legal review for the next Commission meeting agenda, Stocks confirmed that it was. Commissioner McGann emphasized that not all action items require legal review, that the Commission may go against the recommendation of the attorney's Office, and that the attorney is an advisor that should be listened and very rarely gone against.

Attorney Stocks stated that a commissioner may become subject to personal liability if they go against the County Attorney's advice. Commissioner Winfield stated that just because a process has been wrong for years does not mean it should continue, and that two weeks of delay should not create hardship. Consensus reached in discussion that the legal review process should be improved.

**Motion fails 2-5, McCurdy and Winfield opposed**

**Motion by** Commissioner McGann to approve the Resolution Initiating Proceedings to Amend the Grand County Land Use Code to Revise Zoning Districts and Use Table

**Motion seconded by** Commissioner Walker

**Discussion** (none at this time)

**Motion passes 5-2, Winfield and McCurdy opposed**

**5. Outdoor Recreation Grant Infrastructure Application FY2024** (Commissioner Hedin)  
(2:26:50)

**Presentation**

Hedin gave an overview of the proposed action. \$36,000 local match would be required, which would be sought from various donations. No fiscal obligation from the County currently being proposed. BLM is supportive the use on this patented property.

**Motion by** Commissioner Hedin to approve the Outdoor Recreation Grant Infrastructure Application FY2024 for an Archery Range at the Old Spanish Trail Arena (OSTA), pending legal review with discussed modifications.

**Motion seconded by** Commissioner Walker

**Discussion**

Commissioner McCurdy stated that he was fully in support of the effort and suggested that the Recreation Special Service District could be approached as a funding partner. McCurdy added that he would have liked to see this item go through legal review.

**Motion passes 7-0**

**6. Resolution Requesting the Transfer of the Moab Uranium Mill Tailings Removal Action Project ("UMTRA") Land to Grand County and the City of Moab** (Commissioner McGann)  
(2:21:20)

**Presentation** (none at this time)

**Motion by** Commissioner McGann to approve the resolution requesting the transfer of the Moab Uranium Mill Tailings Removal Action project land to Grand County, with the following language added to the resolution:

“NOW THEREFORE, BE IT RESOLVED, by the County Legislative Body of Grand County does hereby support and request that approximately 480 acres of the UMTRA Moab site be transferred to Grand County and the City of Moab in joint ownership upon completion of the Moab UMTRA Project.”

**Motion seconded by** Commissioner Walker

**Discussion**

Hadler explained that he and McGann would be going to Washington, D.C. for a lobbying visit, Congressman John Curtis was willing to put forward legislation for this effort, and that a joint resolution would be very helpful. Attorney Stocks declined comment, and Commissioner Winfield stated that this item did not go through appropriate legal review. He is supportive of the project, but questions the concept of joint ownership of the site with the Moab City. Chair Hadler clarified that state money was utilized to pay for lobbying visit. Commissioner Walker agreed that a smoother process is needed to achieve thorough and

appropriate legal review. Commissioner McGann stated that resolutions often do not go through legal review because they are not binding. McCurdy stated that he is also in support but also would like it to go through legal review first.

**Motion passes 5-1, Winfield opposed, McCurdy abstaining**

**Discussion Items** (none scheduled)

**Public Hearings** (none scheduled)

**Closed Session**

Chair Hadler stated that scheduled closed session items could be postponed.

**Chair Hadler adjourned the meeting at 6:41 p.m.**

*Kevin Walker*

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Kevin Walker  
Vice Chair, Grand County Commission

*Gabriel Woytek*

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Gabriel Woytek  
Grand County Clerk/Auditor