



GRAND COUNTY COUNCIL REGULAR MEETING

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

Tuesday, February 5, 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 Greg Halliday, Mary McGann, Curtis Wells, Evan Clapper, Jaylyn Hawks, Clerk/Auditor Chris Baird, and Council Administrator Ruth Dillon. Absent were Terry Morse, and Rory Paxman (both later joining via telephone).

Call to Order

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

Pledge of Allegiance

The Pledge of Allegiance was led by Mike Bassett.

Approval of Minutes (Chris Baird, Clerk/Auditor)

A. January 15, 2019 (County Council Meeting)

Motion by Council Member Jaylyn Hawks to approve the January 15, 2019 minutes as presented. Motion seconded by Council Member Mary McGann carries 5-0.

Ratification of Payment of Bills

Motion by Council Member Curtis Wells to ratify the payment of the bills totaling \$1,687,818.43 (Bills - \$1,225,408.19, Payroll - \$462,410.24). Motion seconded by Council Member Jaylyn Hawks carries by rollcall vote 5-0.

General Council Reports and Future Considerations

Greg Halliday: Attended the Museum of Moab Board meeting, a Castle Valley Town Hall, the Thompson Springs Water Special Service District Meeting, and reported on rock fall on S.R.128.

Jaylyn Hawks: Attended the Canyonlands Healthcare Special Service District Meeting, the Public Health Board Meeting, discussed accepting out of county solid waste as a revenue stream, attended the Four Corners Behavioral Health Board meeting, the Southeastern Utah Association of Local Governments meeting, the Internal Audit Committee meeting, and the Moab Area Responsible Recreation and Tourism working group.

Curtis Wells: Attended via telephone the Constitutional Defense Council meeting, and the Audit Committee Meeting,

Mary McGann: Introduced Evan Tyrrell, the new manager of Solid Waste Special Service District, attended the City of Moab Council meeting on solid waste and recycling, attended the Internal Audit Committee meeting, attended two Millcreek Partnership meetings discussing a proposed interlocal agreement regarding law enforcement, attended the Moab Transit Authority Committee meeting, attended a C-Pace meeting (no to low interest loans for developers), attended a Moab Uranium Mill Tailings Remedial Action Steering Committee meeting and reported 23 new hires and a doubling of the

pace of remediation as a result of increased funding, and attended a meeting of the Moab Area Watershed Partnership.

Evan Clapper: Participated in a Utah Association of Counties discussion regarding a proposed legislative bill concerning rural forms of government.

Elected Official Reports

Christina Sloan (County Attorney): Attended a training in Salt Lake City, reported that she is engaged with a lot of civil work including H.B.224 issues, has been busy with a homicide prosecution, would like to schedule a conflicts of interest workshop, and reported on the newly hired Deputy County Attorney Matthew Brooks.

Council Administrator Report

Ruth Dillon: Reported on progress regarding the contracted Needs Assessment

Department Reports

Judd Hill (Canyonland Airport): Reported on a potential \$5 million Federal grant for the taxiway project, and a potential \$2 million Federal Grant for the ramp upgrade. These grants require a 10% local match. Reported that the Airport terminal HVAC is problematic and needs to be retrofitted, and announced that parking at the Airport will be \$3/night starting in March 2019.

Zacharia Levine (Community and Economic Development Department): Announced the upcoming February 11 Moab Business Summit, reported on the Planning Commission's work on outdoor lighting standards and that they forwarded a favorable recommendation to the Council, reported that planning staff decided to host a public workshop on outdoor lighting prior to the public hearing scheduled for Feb. 20th.

Agency Reports

- B. Accepting the Utah Division of Wildlife Resources (UDWR) PILT payment (Chris Wood, Southeast Regional Supervisor, UDWR)**

Chris Wood presented the check for UDWR PILT in the amount of \$4,358.49.

- C. 2018 Utah State University Extension Report (Michael Johnson, County Director, Utah State University Extension/Grand County)**

Michael Johnson presented a report on the activities of the Utah State University Extension office for 2018.

Citizens to Be Heard

Kiley Miller: Thanked the council for serving. Asked why the county is spending \$3 million/year on advertising. Why not use that money for educating visitors on easing the impacts on the Moab area community. Stated that we need to stop advertising Moab.

Mike Kelso (President of Red Rock 4 Wheelers): Reported that his organization will be requesting of the BLM that Cliffhanger become a jeep only trail. UTVs are causing damage.

John Covey: Reported that an air quality monitoring service, Purple Air, has 3 monitoring stations in Moab.

Presentations

- D. Presentation on 4th Quarter report from Moab Transit Authority Committee (Michael Liss, Chair)**

Michael Liss presented a report on the activities of the Moab Transit Authority Committee and commented on how much the Grand County General Plan parallels the work of the committee.

General Business- Action Items- Discussion and Consideration of:

E. Approving proposed 2019 Standard Cooperative Agreement for Utah State University Extension educational work (Michael Johnson, County Director, Utah State University Extension/Grand County)

Motion by Council Member Curtis Wells to approve the 2019 Standard Cooperative Agreement between Grand County and Utah State University to fund Extension educational work in Grand County and authorize the Chair to sign all associated documents. Motion seconded by Council Member Mary McGann carries 5-0.

F. Approving proposed property tax exemption for Our Village Community Center, which is being used for the purposes of outdoor, hands-on education and agricultural education (Debbie Swasey, Assessor)

Motion by Council Member Mary McGann to approve the 2019 property tax abatement for Our Village Community Center and authorize the Chair to sign all associated documents. Motion seconded by Council Member Curtis Wells carries 5-0.

G. Approving proposed property tax exemptions for 2018 & 2019 for residences that are owned by Moab Regional Hospital and used for housing doctors who work in the Moab area (Debbie Swasey, Assessor)

Discussion was had regarding the use of the housing and as to whether or not the use qualifies for a property tax exemption. Grand County Attorney Christina Sloan indicated that the prior County Attorney had produced an opinion that this use does qualify for an exemption. County Attorney Christina Sloan stated that she has a conflict of interest, however she agrees with her predecessor's opinion that the use qualifies for an exemption. Citizen Marc Horowitz spoke in objection to shifting the tax burden on the remaining tax payers.

Motion by Council Member Mary McGann to postpone the 2018 proposed property tax exemptions until a representative from the Hospital can be present to address the Council's concerns. Motion seconded by Council Member Curtis Wells carries 5-0.

Motion by Council Member Curtis Wells to postpone the 2019 proposed property tax exemptions until a representative from the Hospital can be present to address the Council's concerns. Motion seconded by Council Member Mary McGann carries 5-0.

H. Approving state contract award to Weller Recreation, Inc. for the purchase of a Polaris ORV General 1000 EPS Premium 2 Passenger UTV and accessories in the amount of \$18,559.32 for Sand Flats Recreation Area (SFRA) (Andrea Brand, SFRA Director)

Motion by Council Member Mary McGann to approve state contract award to Weller Recreation, Inc. for the purchase of a Polaris ORV General 1000 EPS Premium 2 Passenger UTV and accessories for Sand Flats Recreation Area (SFRA) in the amount of \$18,559.32, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Jaylyn Hawks carries 5-0.

I. Adopting proposed ordinance approving land use regulation prohibiting new land use applications or permits for overnight accommodations, including hotels/motels, campgrounds, bed and breakfasts, condominiums and townhomes used for overnight accommodations, or any other uses associated with overnight accommodations for a period of six (6) months (Chairman Clapper and Council Members Morse (by phone) and McGann)

Council Member Terry Morse joined the meeting by telephone at this time.

Council Chair Evan Clapper introduced the ordinance and indicated that the idea for the ordinance came up while working on the High Density Housing Overlay Ordinance. Chair Clapper stated that it seemed relevant to pump the brakes and evaluate if the Land Use Code needs to be amended. He and other council members

asked the Community Development Department staff to prepare the temporary land use ordinance presented tonight.

Travis Nauman: Spoke in favor. He is concerned about future growth and water resources. Stated that growth is in a frenzied and out of control status. Expressed concern about the uncertainty about future water resources.

Reed Pendleton: Spoke against the moratorium, specifically with regard to RV campgrounds. Suggested that RV campgrounds not be included in the ordinance. Stated that campgrounds have a different profit margin from hotels.

Carol Mayer: Expressed a need to put the brakes on. Shocked at tally of rooms, and what is to come. Requested that the county slow things down and reassess management of short term rentals and growth.

Marc Horowitz: Stated that he resents a council person attending on the phone.

Solana Jade Sisco: Stated that there are as many short-term-rental units as residential units. Expressed that she would like other parts of the economy to catch up. Stated that short-term-rentals are unsustainable. Expressed that the moratorium will provide time to study water resources, establish a long term vision for community development in an ecologically responsible way, and draft new development standards.

Gerrish Willis: Stated that he is the chair of Planning Commission but is speaking as an individual. Spoke in favor. Expressed that we need to look where other commercial development will happen. Encouraged sending the moratorium to planning commission as proposed.

Bob O'Brien: Stated that he is on the Planning Commission but is speaking on his own behalf. Asked how can we get hotels to contribute to housing needs? Spoke in favor of the moratorium. Expressed frustration with lack of affordable housing. Stated that we need to put on the brakes and draft legislation to address affordable housing.

Mary O'Brien: Thinks moratoria are always a good idea. Expressed that we should take the time to put the pieces on the board and look at all the options. Stated that these issues are not just found in Moab. Expressed that there is nothing to lose in the long-term, but much to be gained for the community.

Cali Bullmash: Expressed that she is forever struggling to find housing. Spoke in favor. Stated that short-term-rentals negatively affect affordable housing availability and are not sustainable. Expressed that community members are not able to live here for lack of affordable housing. Stated that we also need to consider water availability.

Robert Greenberg: Stated that this is a good problem we're having; it's a boom problem. Expressed that the moratorium is not a real solution but is an opportunity to devise a real solution. Recommended an article in the Pagosa Springs newspaper. Expressed that zoning is the only legal option available in Utah to address these issues.

Kevin Walker: Stated that he is on the planning commission but speaking for himself. Surprised how bipartisan the issue is. Expressed that this is the easy vote, but leads to more difficult votes down the road. Opined that a no vote is saying "everything is fine". Stated that it makes sense to treat RV campgrounds the same as other short-term-rentals.

John Gould: Stated that he is a member of the water conservation board, however is speaking for himself. Expressed that he is in favor.

Wayne Hoskisson: Stated that he was on the Moab Planning Commission when they initiated a prior Moab City moratorium. Expressed that 6 months is not enough time, wishes we could do more than 6 months. Spoke in favor.

Judy Powers: Spoke in favor.

Council Member Curtis Wells: Asked if projects pending final approval will be affected. Council Member Curtis Wells expressed concern about devaluing citizen's property by pausing projects that have submitted partial applications.

Zacharia Levine (Community and Economic Development Director) responded that projects that have submitted complete applications will not be subject to the moratorium. Levine stated that some applications

may not be complete and that he will have to work with the County Attorney's office in determining if they are exempt.

Motion by Council Member Mary McGann to approve the proposed ordinance approving a land use regulation prohibiting new land use applications or permits for overnight accommodations, including hotels/motels, campgrounds, bed and breakfasts, condominiums and townhomes used for overnight accommodations, or any other uses associated with overnight accommodations for a period of six (6) months, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Jaylyn Hawks.

Discussion:

Council Member Curtis Wells disclosed that he is involved in the short-term-rental business, however he doesn't consider it a conflict of interest.

Council Member Jaylyn Hawks disclosed that she owns and operates an overnight rental.

Council Member Terry Morse thanked the public for their involvement. Stated that he thinks we need to take the opportunity to figure things out. Apologized for attending via telephone, and would prefer to be there in person.

Council Member Curtis wells asked if there has been discussion on proposed amendments to the Land Use Code during the 6 month period.

Council Chair Evan Clapper replied that there are small businesses in competition with hotels, and that we are losing small businesses downtown and in the highway commercial zone. Stated that he would like the Planning Commission to address this problem. He also expressed that he would like to establish a vision for where non-short-term-rental businesses should be accommodated, and where hotels should be limited.

County Attorney Christina Sloan stated that the Council must establish a countervailing public interest in order to justify action on this ordinance and that the law wants the Council to focus on the detrimental impact of short-term-rental development in their justification and discussion.

Council Administrator Ruth Dillon indicated that the agenda summary states what the Planning Commission should focus on during the 6 month period.

Council Chair Evan Clapper read the below "whereas" section of the proposed ordinance for the public record:

WHEREAS, Utah Code 17-27a-504(1)(a) states:

"A county legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the county if:

- (i) The legislative body makes a finding of compelling, countervailing public interest; or
- (ii) The area is unregulated."

WHEREAS, Grand County has, in recent years, received and approved a significant number of new permit applications for hotels/motels, campground and RV parks, condominiums and townhomes used for overnight accommodations, and bed and breakfasts;

WHEREAS, Grand County recently commissioned BAE Urban Economics to complete a Nexus Analysis in conjunction with its exploration of an Assured Housing Ordinance, and this study verified and quantified the nexus between new lodging related development and increased demand for below market rate housing;

WHEREAS, the median sales price for all housing unit types in Grand County increased \$115,000 (51%) between 2013 and 2018, at least in part, because of demand for residential units used as overnight accommodations whereas average wages only increased \$3,204 per year (11%) over the same time period;

WHEREAS, the United States Geological Survey is finalizing a report that includes findings from a recently completed multiyear groundwater study of the Moab Area Watershed, which found that safe yield for the Area is less than previously estimated (About 11-13,000 acre-feet per year rather than 18-22,000 acre-feet per year), and Grand County anticipates the need for a multi-agency, intergovernmental groundwater management plan;

WHEREAS, lodging related development results in water usage that greatly diminishes available and financially viable water resources for residents;

WHEREAS, Grand County budgets for law enforcement, search and rescue, and emergency medical services, increased forty-six percent (46%) between 2015 and 2019, fifteen (15%) between 2014 and 2018, and one hundred thirty percent (130%) between 2014 and 2018, respectively, as a result, at least in part, of increased tourism impacts;

WHEREAS, the local office of the Department of Workforce Services has reported a significant increase in the number of private sector service jobs remaining unfilled because of the increase in accommodations and tourism without a proportional increase in service workers who can find or afford housing in Grand County. The same office recently informed the County that 328 jobs across all sectors were currently posted and more than 250 had been posted for more than 30 days;

WHEREAS, the County is in the process of adopting and updating multiple planning documents and land use ordinances related to future land use and affordable housing, including a High Density Housing (HDH) Overlay and the housing element of its general plan, and processing permit applications for additional overnight accommodations undermines the purpose of the County's planning process;

WHEREAS, the County is in the process of evaluating current local economic conditions and opportunities for economic diversification, and processing permit applications for additional overnight accommodations undermines the purpose of the County's economic development efforts;

WHEREAS, overnight accommodations developments have the potential of significantly increasing the number of people utilizing the infrastructure and public services in Grand County;

WHEREAS, significant increases in the number of people utilizing Grand County's infrastructure and public service systems creates undue stress on these systems;

WHEREAS, Grand County has received an increase in the number of complaints regarding the impacts of overnight accommodations developments on the County's infrastructure, public services, housing market, economy, general quality of life, and environment;

WHEREAS, it is in the best interest of Grand County and its citizens if the County passes a temporary land use regulation which halts new permits for overnight accommodations;

WHEREAS, the Grand County Planning Commission and County Council need time to review and amend, if needed, overnight accommodations regulations prior to approving any new permits for overnight accommodations in any zone district;

Motion Carries 6-0 (Council Member Terry Morse voting via telephone.)

Council Member Terry Morse left the meeting via telephone at this time.

J. Approving unbudgeted funding in the amount of \$50,000 to design taxi lanes to service future hangar development (Judd Hill, Airport Director)

Motion by Council Member Curtis Wells to approve unbudgeted funding in the amount of \$50,000, drawn from the General Fund balance, to design taxi lanes to service future hangar development at Canyonlands Field Airport, and authorize the Chair to sign associated documents. Motion seconded by Council Member Mary McGann carries 5-0.

K. Approving volunteer appointments to District and County Boards and Commissions (Council Liaison to the Board or Ruth Dillon, Council Administrator):

1. Airport Board (Postponed from January 2, 2019)

Motion by Council Member Mary McGann to approve the appointment of Robert Greenberg, with term expiring 12/31/2022, to serve on the Airport Board and authorize the Chair to sign all associated documents. Motion seconded by Council Member Jaylyn Hawks carries 4-1 with Council Member Curtis Wells opposed.

2. Public Health Board (Southeastern Utah District Health Board)

Motion by Council Member Jaylyn Hawks to approve the appointment of Rhiana Medina, with term expiring 12/31/2022, to serve on the Public Health Board, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Curtis Wells carries 5-0.

3. Recreation Special Service District Board

Motion by Council Member Jaylyn Hawks to approve the appointment of Natalie Rutherford to serve on the Recreation Special Service District Board, with term expiring 12/31/2022 and authorize the Chair to sign all associated documents. Motion seconded by Council Member Mary McGann carries 5-0.

L. Approving demolition of old concession building and concrete slab at Old Spanish Trail Arena (OSTA) (Steve Swift, OSTA Director)

Motion by Council Member Curtis Wells to approve the demolition of the old concession building and concrete slab at Old Spanish Trail Arena that would cost approximately \$500.00, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Greg Halliday carries 5-0.

Council Member Rory Paxman joined the meeting via telephone at this time.

Consent Agenda- Action Items

- M. Ratifying the Chair's signature on a CIB application for a grant in the amount of approximately \$165,000 to perfect road claims and obtain permanent easements on Grand County Class D roads across Utah School and Institutional Trust Lands Administration (SITLA) property**
- N. Ratifying the emergency procurement process for library roof repair**
- O. Ratifying the Chair's signature on a state contract for the Library to provide Community Library Enhancement Funds (CLEF) in the amount of \$7,600 for the development of local public library services**
- P. Ratifying the Vice Chair's signature on terrorism insurance documents for Canyonlands Field Airport**
- Q. Adopting proposed resolution amending Resolution No. 2992 that defines the responsibilities of the Moab Tailings Project Steering Committee in order to include a Representative of Utah Division of Forestry, Fire and State Lands as a Committee Member**
- R. Approving proposed Basic Drilling Minor Record Survey (MRS) located at 3100 Rim Rock Road**

Motion by Council Member Mary McGann to approve the consent agenda and authorize the chair to sign all associated documents. Motion seconded by Council Member Greg Halliday carries 6-0 (Council Member Rory Paxman voting via telephone.)

Discussion Items

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

Bryony Hill presented the calendar items and public notices.

T. Discussion on proposal by InSite Towers, LLC for a ground lease agreement to install a 130' cell tower on the Old Spanish Trail Arena property (Steve Swift, OSTA Director and Tierney Row, Director of Tower Development – Western Region, InSite Wireless Group)

Old Spanish Trail Arena Manager Steve Swift and InSite Wireless representative Tierny Row led a discussion on a proposed agreement for locating a cellular utilities tower on a portion of the arena property. Discussion was had regarding concerns of radiation, light pollution, impact of the "fall-zone" on potential uses of the property, impact to surrounding private uses, existing zoning, and the financial terms of the agreement. Discussion was also had on the potential for increased revenue to the county and enhanced cellular coverage in the area. A majority of council members appeared to express an

interest in continuing to negotiate this agreement. County Attorney Christina Sloan indicated that she would continue to work on this agreement with an InSite representative.

Council Member Jaylyn Hawks left the meeting at this time.

U. Discussion of County Council members' assignments to Boards, Commissions, and Committees, including assignments to certain District Boards, in which the Council liaison has no stated vote on the board (Ruth Dillon, Council Administrator)

Council Members agreed to move this discussion item to the upcoming council retreat agenda.

V. Discussion on identifying proposed legislation of interest (Council Member Wells)

Council Member Curtis Wells led a discussion on various state legislative bills of interest to Grand County and various ways to track those bills.

W. Discussion on topics for Council Retreat scheduled for February 19, 9-2pm (Chairman Clapper)

Motion by Council Member Mary McGann to table. Motion seconded by Council Member Curtis Wells carries 5-0.

6:00 pm or later

Public Hearings- Possible Action Items

X. Public hearing to hear public comment on a grant application to the Permanent Community Impact Fund Board (CIB), in the amount of approximately \$165,000 to perfect road claims and obtain permanent easements on Grand County Class D roads across Utah School and Institutional Trust lands Administration (SITLA) property (Bill Jackson, Roads & Bridges Supervisor)

Council Chair Evan Clapper opened the public hearing at 7:50 p.m.

There were no public comments received.

Council Chair Evan Clapper held the comment period open until Feb. 13 at 5pm.

Motion by Council Member Curtis Wells to suspend policy to vote on this agenda item. Motion seconded by Council Member Mary McGann carries 5-0.

Clerk/Auditor Chris Baird advised that there is no required action on this agenda item as it was approved during this meeting's consent agenda.

W. Discussion on topics for Council Retreat scheduled for February 19, 9-2pm (Chairman Clapper)

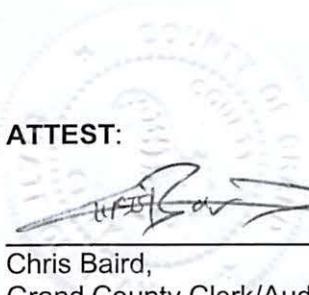
Council Chair Evan Clapper brought agenda item W. off the table.

Discussion was had regarding adding solid waste, recycling, open burning, council assignments, and capital project prioritizing to the retreat agenda. County Roads Supervisor Bill Jackson was also invited to attend the retreat.

Closed Session(s) (None)

Adjourn

Council Chair Evan Clapper adjourned the meeting at 8:05 pm.



ATTEST:

A handwritten signature in black ink, appearing to read "Chris Baird".

Chris Baird,
Grand County Clerk/Auditor

A handwritten signature in blue ink, appearing to read "Evan Clapper".

Evan Clapper
Grand County Council Chair