



NOVEMBER 9, 2021

PRE-COUNCIL WORKSHOP - 1:00 P.M. - 3:00 P.M. (VIRTUALLY WITH CITY HALL AS THE ANCHOR LOCATION)

REGULAR CITY COUNCIL MEETING 7:00 P.M. (VIRTUALLY WITH CITY HALL AS THE ANCHOR LOCATION)

THIS MEETING WILL BE HELD ELECTRONICALLY

WITH AN ANCHOR LOCATION WHERE COUNCIL MEMBERS AND THE PUBLIC ARE ENCOURAGED TO PARTICIPATE REMOTELY DUE TO HIGH TRANSMISSION STATUS AND LACK OF ICU BED AVAILABILITY IN HOSPITALS IN OUR REGION. MASKS AND SOCIAL DISTANCING ARE REQUIRED FOR IN-PERSON ATTENDANCE.

**City Council Chambers
217 East Center Street
Moab, Utah 84532**

1. Pre-Council Workshop - 1:00 p.m. - 3:00 p.m. (Virtual with City Hall as the anchor location)

1.1. Proposed Ordinance 2021-16: An Ordinance Amending the Text of the Moab Municipal Code (MMC) to allow ADUs in all residential Zones subject to a revised Section 17.70 Accessory Dwelling Units and Section 17.06.020 Definitions

Workshop

Documents:

*11.9.2021 cc staff report adus.pdf
exhibit a chapter 17.70 code amendments 11.3.2021 .pdf
exhibit b hb0082.pdf
exhibit c adus other communities.pdf*

2. Regular City Council Meeting - 7:00 p.m. (Virtual with City Hall as the anchor location)

2.1. Call to Order and Roll Call Attendance

3. Public Hearing

Public comments may be made in person, by phone, or online through Zoom.

Citizens are limited to two (2) minutes for comments.

To participate in person, accommodations will be made in the Moab City Council Chambers.

To participate by phone or online through Zoom, please use the following links:

Dial: 669-900-9128 **Meeting ID:** 843 8167 6239 **Passcode (if needed):** 938993

Link: <https://us02web.zoom.us/j/84381676239?pwd=z1v5tOr2bfz1sknydgjqttkzI0jzzz09>

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.

To have your written comments considered for the Citizens to Be Heard portion of the electronic meeting, please fill out the form found here:

<https://bit.ly/publiccommentform>

You must submit your comments by 7:00 PM on the date of the meeting. Please limit your comments to 400 words.

3.1. Proposed Ordinance 2021-19: An Ordinance Amending Moab Municipal Code 3.50.100 Sanitary Sewer Rates of the Master Fee Schedule
Public Hearing

Documents:

[draft ordinance 2021-19 sewer rate amendment.pdf](#)

3.2. Draft Water Conservation Plan Update
Public Hearing

Documents:

[01 wcp update 2021 final draft for public hearing.pdf](#)

4. Citizens to Be Heard (Electronic Participation)

Citizens to be heard comments may be made in person, by phone, or online through Zoom. Citizens are limited to two (2) minutes for comments.

To participate in person, accommodations will be made in the Moab City Council Chambers.

To participate by phone or online through Zoom, please use the following links:

Dial: 669-900-9128 **Meeting ID:** 843 8167 6239 **Passcode (if needed):** 938993

Link: <https://us02web.zoom.us/j/84381676239?pwd=z1v5t0r2bfz1sknydgjqttkzljzzz09>

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.

To have your written comments considered for the Citizens to Be Heard portion of the electronic meeting, please fill out the form found here:

<https://bit.ly/citizenstobeheard>

You must submit your comments by 7:00 PM on the date of the meeting. Please limit your comments to 400 words.

5. Administrative Reports

5.1. Acting City Manager Updates

5.2. Discuss upcoming UDOT meeting and rural dialogue

6. Mayor and Council Reports

7. Approval of Minutes

7.1. October 26, 2021, Special Meeting

Documents:

min-cc-2021-10-26 special meeting draft.pdf

7.2. October 26, 2021, Regular Meeting

Documents:

min-cc-2021-10-26 regular meeting draft.pdf

8. Old Business

8.1. Proposed Ordinance 2021-16: An Ordinance Amending the Text of the Moab Municipal Code (MMC) to allow ADUs in all residential Zones subject to a revised Section 17.70 Accessory Dwelling Units and Section 17.06.020 Definitions

Briefing and possible action

Documents:

agenda summary.pdf

exhibit a.pdf

exhibit b.pdf

exhibit c.pdf

8.2. Proposed Ordinance 2021-19: An Ordinance Amending Moab Municipal Code 3.50.100 Sanitary Sewer Rates

Briefing and possible action

Documents:

agenda summary - sewer rates.pdf
draft ordinance 2021-19 sewer rate amendment.pdf
10.26.2021 moab sewer rate options slides 102621 (with rate comparison).pdf
master fee schedule adopted 06.09.2020.pdf

8.3. Draft Water Conservation Plan Update
Discussion and direction

Documents:

wcp discussion agenda summary.pdf
01 wcp update 2021 final draft for public hearing.pdf
water conservation plan update 2021 kj alternative.pdf

8.4. Mill Creek Recommendations to the BLM from the City of Moab
Briefing and possible action

Documents:

agenda summary millcreek letter of support.pdf
letter of support mccc recs.pdf

9. New Business

9.1. Discussion and direction on Pickleball Courts

9.2. Pack Creek Bridge Widening Agreement with UDOT
Briefing and possible action

Documents:

pack creek bridge widening agreement with udot agenda summary.pdf
attachment 1 - udot cooperative agreement pin 18404.pdf

9.3. Pack Creek Bridge Widening Project Task Order
Briefing and possible action

Documents:

pack creek bridge widening project task order agenda summary.pdf
attachment 1 - task order 2021-03.pdf
attachment 2 - pack creek bridge widening cost estimate.pdf
attachment 3 - pack creek bridge widening preliminary section.pdf

9.4. Proposed Resolution 34-2021: A Resolution Approving the Plat Amendment of Property Located at 261 Walnut Lane, 178 W Williams Way, and 111 North 100 West, Moab UT 84532, for the HooDoo Hotel.
Briefing and possible action

Documents:

*hoodoo phase ii plat amendment petition cc agenda summary
110921.pdf*

*exhibit 1 draft resolution 34-2021 hoodoo phase ii plat
amendment petition 110921.pdf*

exhibit 2 planning resolution 13-2013.pdf

exhibit 3 original hoodoo hotel approved civil plan set.pdf

*exhibit 4 hoodoo phase ii plat amendment draft survey
110921.pdf*

*exhibit 5 vicinity map hoodoo phase ii plat amendment
110921.pdf*

*exhibit 6 recorded county plat hoodoo phase ii plat amendment
110921.pdf*

*exhibit 7 hoodoo phase ii plat ammendment easement plat note
110921.pdf*

exhibit 8 state code 10-9a-608.pdf

10. Approval of Bills Against the City of Moab

11. Executive (Closed) Session

- 11.1.** Discussion of the Character, Professional Competence, or Physical or Mental Health of an Individual or Individuals

12. Adjournment

Special Accommodations:

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Recorder's Office at 217 East Center Street, Moab, Utah 84532; or phone (435) 259-5121 at least three (3) working days prior to the meeting.

Check our website for updates at: www.moabcity.org

Moab City Council Agenda Item
Meeting Date: November 9, 2021

Title: ORDINANCE 2021-16 An Ordinance Amending the Text of the Moab Municipal Code (MMC) to Revise Section 17.70 Accessory Dwelling Units (ADUs) and Section 17.06.020 Definitions

Presenter: Nora Shepard, Planning Director

Attachment(s):

Exhibit A: Revised Draft Ordinance 2021-16 as of 11.3.2021

Exhibit B: HB 82

Exhibit C: Summary Table of ADUs in other communities

Recommended Motion:

The City Council is being asked to discuss and consider approving Ordinance 2021-16
The options for action include:

1. **Approve** Ordinance 2021-16 without or without changes; or
2. **Continue** the item with specific direction to staff as to additional information that may be needed to make a decision or to make changes to the draft ordinance prior to action; or
3. **Deny** Ordinance 2021-16

Potential Motion to Approve the Ordinance:

I move to approve Ordinance 2021-16 An Ordinance Amending the Text of the Moab Municipal Code (MMC) to Allow ADUs in all Residential Zone Districts and to Revise Section 17.70 Accessory Dwelling Units (ADUs) and Section 17.06.020 Definitions

Background/Summary:

The City Council reviewed a draft of Ordinance 2021-16 at the meetings on October 12, and October 26, 2021. The staff has also received specific comments Councilmembers Duncan, Derasary and Jones. Based on that input, the staff has reorganized and simplified the proposed Code Amendments. I summary, the changes made include:

1. Reorganized the ordinance to have definitions first
2. Added RA-1 consistently
3. Simplified and consolidated the IADU and IADU requirement and criteria
4. Eliminated redundancy

As a result, the draft ordinance is much shorter and easier to read.

The most recent draft (as of 11.3.2021) is attached as exhibit A. I also included some of the unresolved comments from the individual Councilmember's comments.

The City Council raised several questions and asked the Planning Staff to make some revisions to the draft ordinance

1. Primary Dwelling Requirement. The definitions have been revised to eliminate the requirement that the ADU be accessory to a 'primary" residential dwelling. This would mean that any single household home, whether occupied by a renter, second homeowner or owner would be eligible to have ADUs.
Staff Comment: The Planning Commission and staff recommended that an IADU be allowed only in association with a primary residence, that is, occupied by the property owner. These are supposed to be "accessory" units. The idea of most ADUs is that there will be minimal impact on the neighborhood because the one of the units must be occupied by the property owner. The owner is there to monitor and resolve nuisance situations. Otherwise, a home with an IADU becomes a de facto duplex, allowing each unit to be used as a second home or rental. The burden of nuisance enforcement shifts to the City in those situations.
2. Minimum Length of Rental. Several City Council members expressed a desire for a longer mandatory rental period, such as 3 months. 4 months or 180 days. The ordinance has been modified to indicate a 3-month minimum.
Staff Comment: This would be tricky to enforce and monitor. We could add this requirement to the deed restriction associated with the parcel, but enforcement may be difficult and time consuming. This is especially true if there is no owner occupation on the site. Additional information on how other similar communities regulate length of lease is being gathered is attached as Exhibit C.
3. Retirees and Family. The definition of Active Employment Household has been modified to include retirees that want to use an ADU as their full-time residence and family members.
Staff Comment: The language on retirees and family members needs to be discussed further and clarified
4. Minimum Unit Size. The minimum unit size for EADUs has been eliminated.
5. Duplexes and ADUs. The draft ordinance has been modified to clarify that one (1) ADU be allowed with an existing Duplex. One of the three (3) units would have to be a primary residence.

Items for Discussion/Unresolved Questions

1. Licensing, Enforcement or Registration. As currently drafted, there is no licensing or registration required for ADUs. The City Council mentioned working with the Housing Authority of SE Utah (HASU) on enforcement of deed restrictions. Discussions on deed restriction enforcement and monitoring has been discussed with HASU. At this time, HASU does not have adequate funding or staff to commit to deed restriction enforcement. We will continue these discussions.

There was also discussion of requiring some type of license or registration so these units can be tracked and, if there is not an owner occupation requirement, a responsible local manager. These could be considered administrative steps to enact the ordinance and need not be codified at this time. The Staff is looking for direction on this.

2. ADUs and Utility Connections. Several City Council members had questions about whether new, separate water and sewer hooks up would be required. The practice at this time is to allow the existing water and sewer for the Main house to be used (and extended, as necessary) for ADUs. This assumes that the existing water and sewer connections are adequately sized. If the existing service is no of adequate size or capacity, improvement or a new connection may be required. No change in this policy is proposed.
3. ADUs and Taxes. The Planning Staff had a conversation with the County Assessor's Office. Each new ADU is evaluated individually to determine their tax status. There is no across the board rule applying to taxing of ADUs.
4. Primary Residency and IADUs. As mentioned above, direction from the Council on requiring primary residency for the main part of a dwelling containing and IADU.
5. Retirees and Family occupancy of ADUs. The staff needs direction on how to amend the definition of Active Employment Households to address family members and retirees.
6. Minimum rental period. Originally, the draft stated that rentals had to be for more than 30 days. The attached draft specifies 90 days, or 3 months. Councilmember Derasary suggested 180 days. Further direction is needed on this.
7. IADUs and Building Code Requirements. HB 82 allows IADUs to be associated with *primary* dwellings. The bill indicates that the City could impose some basic building safety requirement as follows:
 - A. require bedroom window egress, prohibit installation of a separate utility meter
 - B. require that the IADU design not change the appearance of the primary dwelling,
 - C. require one additional on-site parking space and replace any garage or carport parking spaces if the IADU is created in the garage or carport,
 - D. prohibit an IADU in a mobile home,
 - E. require an IADU permit or license,
 - F. prohibit an IADU if the primary dwelling is served by a failing septic tank,
 - G. prohibit an IADU if the lot is 6,000 sq. ft. or less,
 - H. prohibit the renting of the IADU for less than 30 consecutive days.

If the *primary* dwelling requirement is removed, it is possible that additional health safety measures could be considered by the Building Official. This will be discussed further at the work session.

**CITY OF MOAB, UT
ORDINANCE 2021-16
An Ordinance Amending the Text of the Moab Municipal Code
(MMC) to allow ADUs in all residential Zones subject to a revised
Section 17.70 Accessory Dwelling Units and Section 17.06.020
Definitions**

REVISED DRAFT 11.3.2021

WHEREAS, the City has enacted Title 17 Zoning, of the Moab Municipal Code ("MMC") that governs land use and development within the City Limits.

WHEREAS, from time to time the City undertakes revisions of Title 17.00 to improve the quality of land development and align the Code with state law and contemporary planning concepts.

WHEREAS, the City finds that this Ordinance will serve the public health, safety, and welfare, and that adoption is in the best interests of the Moab community.

WHEREAS, the Utah State Legislature adopted House Bill 82 in the 2021 Legislative Session that requires communities to allow Indoor Accessory Dwelling Units as a permitted use.

WHEREAS, amendments to the MMC were necessary to comply with HB 82.

WHEREAS, at the same time, Moab is experiencing a critical shortage of employee and workforce housing.

WHEREAS, the city currently allows ADUs as a permitted use in all residential zones, but some of the requirements have become barriers to construction.

WHEREAS, it is better planning practice to encourage infill in order to reduce sprawl.

WHEREAS, since the City had to amend Chapter 17.70 to comply with the new state law, there was an opportunity to remove some of the barriers to encourage more ADUs for employees and the workforce.

WHEREAS, it is the intent of the City Council that ADUs be used for employee/workforce housing. The intent is not for ADUs to be used as second homes.

NOW, THEREFORE BE IT ORDAINED that the Moab City Council hereby approves Text Amendments as follows:

SECTION 1. AMENDMENTS TO MMC CHAPTER 17.06 DEFINITIONS ADDING OR MODIFYING DEFINITIONS OF:

Commented [NS1]: Mike's Comment: Delete this clause or make it clear this is not the legal definition. Who qualifies should be defined once precisely, as it is in Section 2.

The Planning Commission felt strongly that this intent be included in the recitals.

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- A. "Accessory dwelling unit" (ADU, granny-flat, mother-in-law-apartment) means a habitable living unit added to, created within, or detached from a single-household dwelling and, in some cases duplexes, and includes separate cooking, sleeping, and bathroom facilities. A Single ADU does not constitute a two-household dwelling.
- B. "Accessory Dwelling Unit, Internal (IADU)" means an accessory dwelling unit created:
1. within an existing single household dwelling primary dwelling;
 2. within the footprint of the main dwelling; and
 3. for the purpose of offering a long-term rental for Active employment households. The intent of ADUs is not to provide additional second home opportunities.
- C. "Accessory Dwelling Unit, External (EADU)" means an accessory dwelling created:
1. on the same parcel or lot that contains the main single household dwelling;
 2. physically separate from the single household dwelling; and
 3. for the purpose of offering a long-term rental for Active employment households. The intent of ADUs is not to provide additional second home opportunities.
- D. "Dwelling, Primary" means a Single Household Dwelling unit that:
1. is detached; and
 2. is occupied as the primary residence of the owner of record
- E. "Dwelling, Rental" means a building or portion of a building that is:
1. used or designated for use as a residence by one or more persons;
 2. Available to be rented, loaned, leased or hired out for a period of one month or longer;
- F. "Active employment household" or "actively employed household" means a household with at least one adult who meets one of the following criteria; provided, however, where there are unrelated individuals living together in one household, at least 50 percent of all the adults comprising the household shall meet one of the following criteria:
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1. A full-time (aggregate of 30 hours of employment per week) employee of an entity or entities located within Grand County; or
 2. An owner or owner's representative of a business or entity with a primary place of business within Grand County; or
 3. A full-time (aggregate of 30 hours of employment per week for nine months out of each calendar year) worker who is self-employed or works out of their home must provide their entire list of clients/workload so that it can be verified that a minimum of 75 percent of their work/clients are based within Grand County.
 4. A person who is unable to work or does not have a work history required under subsections A.1 through 3 of this section due to a disability; ~~or~~

5. A family member of the owner of the property

6. A retiree with a work history required under subsections A.1 through 3 of this section for the five years prior to retirement that intends to make the ADU their full-time place of residence.

Commented [NS2]: Needs further discussion

SECTION 2. AMEND CHAPTER 17.70 ACCESSORY DWELLING UNITS AS FOLLOWS:

17.70.010 Purpose.

A. Accessory dwelling units are encouraged as dwellings for persons to increase affordable housing opportunities in the RA-1 Residential-Agricultural Zone, R-1 Single-Household Residential Zone, R-2 Single-Household and Two-Household Residential Zone, R-3 Multi-Household Residential Zone, and R-4 Manufactured Housing Residential Zone.

17.70.020 Types of ADUs

There are two types of ADUs permitted in Moab, Internal ADUs (IADU) and External ADUs (EADUs). It is the intent of the City Council that ADUs be used for employee/workforce housing, a family member, or a full-time retiree. The intent is not for ADUs to be used as second homes.

17.70.030 Internal ADUs (IADUs)

A. Permitted Use. IADUs shall be considered a permitted use in the RA-1 Residential Agricultural Zone, R-1 Single-Household Residential Zone, R-2 Single-Household and Two-Household Residential Zone, R-3 Multi-Household Residential Zone, and R-4 Manufactured Housing Residential Zone.

B. IADU Requirements. The following requirements apply to all IADUs:

1. IADUs must include the code required bedroom window egress:
 2. installation of a separate water utility meter is prohibited:
 2. IADUs must be designed to maintain the appearance of the primary dwelling:
 3. IADUs require one additional on-site parking space:
 4. IADUs require a Letter of Zoning Compliance prior to building permit issuance:
 5. IADUs are not allowed if the main dwelling is served by a failing septic tank:
 6. IADUs cannot be rented for a period less than 3-months:
 7. IADUs are allowed only in owner-occupied primary dwellings: and
 8. No IADUs are allowed for lots containing a duplex.
 9. There is no maximum size for IADUs
 10. No more than one IADU may be located within a Single Household Dwelling.
 11. Properties with IADUs shall remain recorded as one lot. The IADU shall not be sold separately from the main home.
 12. Accessory dwellings are intended for long-term rental of 30 days or more, to the same individual, and may not be used for nightly rentals.
-

Commented [NS3]: Kalen: Given the level of design in Moab housing, deviating is likely an improvement.

Commented [NS4]: Is this the direction of the City Council? (Kalen recommends removal)

Commented [NS5]: This needs further discussion.

Kalen's Comment: One thing I'm not clear on, which I could probably figure out on my own. New two dwelling unit buildings on a single lot must at least meet IRC duplex separation standards? Since building from scratch, the separations aren't that onerous, compared to a remodel?

Commented [NS6]: This is from HB 82. We do not have an option to designate a maximum size. Kalen questioned the need for this section. I think it is important that this be included in the code.

13. *Deed Restriction.* A deed restriction must be filed with the county recorder which states:

“A permit for an accessory dwelling was issued to _____, the current owner of this property on _____. The owner shall strictly adhere to the prohibition of the use of the accessory dwelling as nightly or short-term rental.” Modified deed restriction language may be proposed by the City.

Commented [NS7]: Does the City Council want to revise this language? This is the language that is in our current code

17.070.040 External ADUs (EADUs)

A. Permitted Use. EADUs shall be considered a permitted use in the RA-1 Residential-Agricultural Zone, R-1 Single-Household Residential Zone, R-2 Single-Household and Two-Household Residential Zone, R-3 Multi-Household Residential Zone, and R-4 Manufactured Housing Residential Zone.

B. EADU Requirements. The following requirements apply to all IADUs:

1. The setbacks for an accessory dwelling shall be what is allowed in the Zoning District within which the EADU is located. The side setback can be reduced to 5 feet if the EADU does not exceed a building height of 20 feet. The rear setback can be reduced to 5 feet if the EADU does not exceed a building height of 20 feet.

Commented [NS8]: Mike's comment: 17.15.50 says ADU's can't exceed 10' height. If so, permitting 20' is a big change, esp. if an ADU is parked with min setback distances from a lot line or an existing adjacent structure. I think this is the intent - to grow the # of ADU's at the expense of degrading visibility from adjacent lots. The current rear and side setbacks is 12 and 15' resp, a further reduction in visibility. An interesting political trade.

Accessory "structures" have a maximum bldg. height of 10ft. Does not apply to ADUs

2. A minimum separation between and EADU and any adjacent structures must be 10 feet, even if that structure is on an adjoining lot. The Building Official may waive or modify this requirement if adequate fire separation can be achieved by other means.

Commented [NS9]: Does this language need to be deleted or clarified?

3. Where pre-existing structures meet the development standards of this chapter for an EADU, the original structure may be designated as the accessory dwelling if a new main structure is constructed on site.

4. An EADU shall not be constructed prior to the principal structure, except in cases where new home construction has been permitted. An EADU may be permitted prior to construction of the single household dwelling for purposes of living on-site during the construction of the single household dwelling

5. An EADU may be constructed above a detached garage and consist of the same floor area; provided, that it shall not protrude beyond any ground floor

wall and shall not consist of more than one story above the ground floor. The overall structure shall not exceed 30 feet if all zone required setbacks are met. If the structure encroaches into a side or rear setback, the maximum height shall be 20 feet.

6. Any request for Accessory Dwelling Units within residential zones shall be reviewed for compliance with the standards in this chapter and approved by city staff. A letter of compliance shall be issued to the applicant by the Zoning Administrator prior to issuance of a building permit.

7. One EADU is allowed if the main structure on the parcel is a duplex. One of the three (3) resulting units must be owner-occupied.

8. The maximum size for accessory living quarters shall be no more than twelve hundred (1200) square feet. Lots larger than 20,000 square feet in size may increase the maximum to fifteen hundred (1500) square feet. There is no minimum size for ADUs. All ADUs must meet minimum building code requirements.

9. One on-site parking space shall be provided in addition to the underlying parking requirement. The parking space may be provided in tandem if the existing driveway length exceeds thirty-five feet as measured from the property line.

10. *Accessory Dwellings Per Lot.* One (1) EADU may be permitted on a parcels up to 20,000 square feet. Parcels that are greater than 20,000 square feet may apply for a maximum of two (2) ADUs.

11. *Property to Remain Undivided.* Properties with EADUs shall remain recorded as one lot. The accessory dwelling shall not be sold separately.

12. Accessory dwellings are intended for long-term rental of 30 days or more, to the same individual, and may not be used for nightly rentals

13. A deed restriction must be filed with the county recorder which states:

"A permit for an accessory dwelling was issued to _____, the current owner of this property on _____. The owner shall strictly adhere to the prohibition of the use of the accessory dwelling as nightly or short-term

*rental. The lease period for an EADU shall be a minimum of three (3) months.**

Commented [NS10]: Does this language need to be modified or eliminated?

17.70.050 Enforcement--Revocation of permit.

Commented [NS11]: This section has been taken directly from HB 82.

A. Process for Revocation: If the owner of the property violates any of the provisions of this Chapter, the City may revoke the accessory dwelling permit for noncompliance. In addition to any other legal or equitable remedies, Moab City may hold a lien against a property that contains an internal accessory dwelling unit if: as follows:

1. The City provides a written notice of violation
2. The City holds a hearing and determines that the violation has occurred. if the owner files a written objection
3. The owner fails to cure the violation within the time period prescribed in the written notice of violation
4. The City provides a written notice of lien with the county recorder. The written notice of violation shall
 - a. Describe the specific violation
 - b. Provide the owner of the accessory dwelling unit a reasonable opportunity to cure the violation no less than 14 days after the day on which the City notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days or no less than 30 days after the day on which the City sends the written notice of violation, for any other violation
 - c. State that if the owner of the property fails to cure the violation within the time period, the City may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires
 - d. Notify the owner of the property that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and of the name and address of the municipal office where the owner may file the written

objection to be mailed to the property's owner of record; any other individuals designated to receive notice in the owner's license or permit records

- e. Posted on the property
 - f. The written notice of lien shall state that the property is subject to a lien, specify the lien amount, in an amount of up to \$100 for each day of violation after the day on which the property's owner of record; and any other individual designated to receive notice in the owner's license or permit record and be posted on the property.
5. If an owner of property files a written objection in accordance with Subsection the City shall:
- a. hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under has occurred; and
 - b. notify the owner in writing of the date, time, and location of the hearing. The hearing notice shall be sent no less than 14 days before the day on which the hearing is held.
6. If an owner of property files a written objection the City may not record a lien until the City holds a hearing and determines that the specific violation has occurred.
7. If the City determines at the hearing that the specific violation has occurred, the City may impose a lien in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.
8. If an owner cures a violation within the time period prescribed in the written notice of violation the City may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation.
-

SECTION 3: MODIFY LANGUAGE IN ALL RESIDENTIAL ZONES as follows:

A. Permitted uses

1. Accessory dwelling units as per Chapter 17.70. Both External (EADUs) and Internal ADUs (IADUs) are permitted uses.

PASSED by the City Council in a public meeting on _____ by the following vote:

MOAB CITY COUNCIL:

Those voting aye: _____

Those voting nay: _____

Those abstaining: _____

Those absent: _____

Emily Niehaus, Mayor

Date

ATTEST: _____

Sommar Johnson, Clerk/Recorder

- 30 ▶ prevents a homeowners association from prohibiting the construction or rental of
- 31 certain accessory dwelling units; and
- 32 ▶ makes technical and conforming changes.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 This bill provides a special effective date.

37 **Utah Code Sections Affected:**

38 AMENDS:

- 39 **10-8-85.4**, as enacted by Laws of Utah 2017, Chapter 335
- 40 **10-9a-505.5**, as last amended by Laws of Utah 2012, Chapter 172
- 41 **10-9a-511.5**, as enacted by Laws of Utah 2015, Chapter 205
- 42 **15A-3-202**, as last amended by Laws of Utah 2020, Chapter 441
- 43 **15A-3-204**, as last amended by Laws of Utah 2016, Chapter 249
- 44 **15A-3-206**, as last amended by Laws of Utah 2018, Chapter 186
- 45 **17-27a-505.5**, as last amended by Laws of Utah 2015, Chapter 465
- 46 **17-27a-510.5**, as enacted by Laws of Utah 2015, Chapter 205
- 47 **17-50-338**, as enacted by Laws of Utah 2017, Chapter 335
- 48 **35A-8-505**, as last amended by Laws of Utah 2020, Chapter 241
- 49 **57-8a-209**, as last amended by Laws of Utah 2018, Chapter 395
- 50 **57-8a-218**, as last amended by Laws of Utah 2017, Chapter 131

51 ENACTS:

- 52 **10-9a-530**, Utah Code Annotated 1953
- 53 **17-27a-526**, Utah Code Annotated 1953
- 54 **35A-8-504.5**, Utah Code Annotated 1953

56 *Be it enacted by the Legislature of the state of Utah:*

57 Section 1. Section **10-8-85.4** is amended to read:

58 **10-8-85.4. Ordinances regarding short-term rentals -- Prohibition on ordinances**
59 **restricting speech on short-term rental websites.**

60 (1) As used in this section:

61 (a) "Internal accessory dwelling unit" means the same as that term is defined in Section
62 10-9a-511.5.

63 ~~[(a)]~~ (b) "Residential unit" means a residential structure or any portion of a residential
64 structure that is occupied as a residence.

65 ~~[(b)]~~ (c) "Short-term rental" means a residential unit or any portion of a residential unit
66 that the owner of record or the lessee of the residential unit offers for occupancy for fewer than
67 30 consecutive days.

68 ~~[(c)]~~ (d) "Short-term rental website" means a website that:

- 69 (i) allows a person to offer a short-term rental to one or more prospective renters; and
- 70 (ii) facilitates the renting of, and payment for, a short-term rental.

71 (2) Notwithstanding Section 10-9a-501 or Subsection 10-9a-503(1), a legislative body
72 may not:

73 (a) enact or enforce an ordinance that prohibits an individual from listing or offering a
74 short-term rental on a short-term rental website; or

75 (b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge,
76 prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term
77 rental on a short-term rental website.

78 (3) Subsection (2) does not apply to an individual who lists or offers an internal
79 accessory dwelling unit as a short-term rental on a short-term rental website if the municipality
80 records a notice for the internal accessory dwelling unit under Subsection 10-9a-530(6).

81 Section 2. Section 10-9a-505.5 is amended to read:

82 **10-9a-505.5. Limit on single family designation.**

83 (1) As used in this section, "single-family limit" means the number of ~~[unrelated]~~
84 individuals allowed to occupy each residential unit that is recognized by a land use authority in
85 a zone permitting occupancy by a single family.

86 (2) A municipality may not adopt a single-family limit that is less than:

87 (a) three, if the municipality has within its boundary:

88 (i) a state university; or

89 (ii) a private university with a student population of at least 20,000; or

90 (b) four, for each other municipality.

91 Section 3. Section **10-9a-511.5** is amended to read:

92 **10-9a-511.5. Changes to dwellings -- Egress windows.**

93 (1) [~~For purposes of~~] As used in this section[~~,"rental"~~]:

94 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

95 (i) within a primary dwelling;

96 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the
97 time the internal accessory dwelling unit is created; and

98 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

99 (b) "Primary dwelling" means a single-family dwelling that:

100 (i) is detached; and

101 (ii) is occupied as the primary residence of the owner of record.

102 (c) "Rental dwelling" means the same as that term is defined in Section 10-8-85.5.

103 (2) A municipal ordinance adopted under Section **10-1-203.5** may not:

104 (a) require physical changes in a structure with a legal nonconforming rental dwelling
105 use unless the change is for:

106 (i) the reasonable installation of:

107 (A) a smoke detector that is plugged in or battery operated;

108 (B) a ground fault circuit interrupter protected outlet on existing wiring;

109 (C) street addressing;

110 (D) except as provided in Subsection (3), an egress bedroom window if the existing
111 bedroom window is smaller than that required by current State Construction Code;

112 (E) an electrical system or a plumbing system, if the existing system is not functioning
113 or is unsafe as determined by an independent electrical or plumbing professional who is

114 licensed in accordance with Title 58, Occupations and Professions;

115 (F) hand or guard rails; or

116 (G) occupancy separation doors as required by the International Residential Code; or

117 (ii) the abatement of a structure; or

118 (b) be enforced to terminate a legal nonconforming rental dwelling use.

119 (3) (a) A municipality may not require physical changes to install an egress or

120 emergency escape window in an existing bedroom that complied with the State Construction

121 Code in effect at the time the bedroom was finished if:

122 [~~(a)~~] (i) the dwelling is an owner-occupied dwelling or a rental dwelling that is:

123 [~~(i)~~] (A) a detached one-, two-, three-, or four-family dwelling; or

124 [~~(ii)~~] (B) a town home that is not more than three stories above grade with a separate
125 means of egress; and

126 [~~(b)~~] (i) (A) the window in the existing bedroom is smaller than that required by
127 current State Construction Code; and

128 [~~(ii)~~] (B) the change would compromise the structural integrity of the structure or could
129 not be completed in accordance with current State Construction Code, including set-back and
130 window well requirements.

131 (b) Subsection (3)(a) does not apply to an internal accessory dwelling unit.

132 (4) Nothing in this section prohibits a municipality from:

133 (a) regulating the style of window that is required or allowed in a bedroom;

134 (b) requiring that a window in an existing bedroom be fully openable if the openable
135 area is less than required by current State Construction Code; or

136 (c) requiring that an existing window not be reduced in size if the openable area is
137 smaller than required by current State Construction Code.

138 Section 4. Section **10-9a-530** is enacted to read:

139 **10-9a-530. Internal accessory dwelling units.**

140 (1) As used in this section:

141 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

- 142 (i) within a primary dwelling;
- 143 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the
- 144 time the internal accessory dwelling unit is created; and
- 145 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.
- 146 (b) "Primary dwelling" means a single-family dwelling that:
- 147 (i) is detached; and
- 148 (ii) is occupied as the primary residence of the owner of record.
- 149 (2) In any area zoned primarily for residential use:
- 150 (a) the use of an internal accessory dwelling unit is a permitted use; and
- 151 (b) except as provided in Subsections (3) and (4), a municipality may not establish any
- 152 restrictions or requirements for the construction or use of one internal accessory dwelling unit
- 153 within a primary dwelling, including a restriction or requirement governing:
- 154 (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;
- 155 (ii) total lot size; or
- 156 (iii) street frontage.
- 157 (3) An internal accessory dwelling unit shall comply with all applicable building,
- 158 health, and fire codes.
- 159 (4) A municipality may:
- 160 (a) prohibit the installation of a separate utility meter for an internal accessory dwelling
- 161 unit;
- 162 (b) require that an internal accessory dwelling unit be designed in a manner that does
- 163 not change the appearance of the primary dwelling as a single-family dwelling;
- 164 (c) require a primary dwelling:
- 165 (i) to include one additional on-site parking space for an internal accessory dwelling
- 166 unit, regardless of whether the primary dwelling is existing or new construction; and
- 167 (ii) to replace any parking spaces contained within a garage or carport if an internal
- 168 accessory dwelling unit is created within the garage or carport;
- 169 (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as

170 defined in Section 57-16-3;

171 (e) require the owner of a primary dwelling to obtain a permit or license for renting an
172 internal accessory dwelling unit;

173 (f) prohibit the creation of an internal accessory dwelling unit within a zoning district
174 covering an area that is equivalent to:

175 (i) 25% or less of the total area in the municipality that is zoned primarily for
176 residential use; or

177 (ii) 67% or less of the total area in the municipality that is zoned primarily for
178 residential use, if the main campus of a state or private university with a student population of
179 10,000 or more is located within the municipality;

180 (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling
181 is served by a failing septic tank;

182 (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the
183 primary dwelling is 6,000 square feet or less in size;

184 (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a
185 period of less than 30 consecutive days;

186 (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory
187 dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;

188 (k) hold a lien against a property that contains an internal accessory dwelling unit in
189 accordance with Subsection (5); and

190 (l) record a notice for an internal accessory dwelling unit in accordance with
191 Subsection (6).

192 (5) (a) In addition to any other legal or equitable remedies available to a municipality, a
193 municipality may hold a lien against a property that contains an internal accessory dwelling
194 unit if:

195 (i) the owner of the property violates any of the provisions of this section or any
196 ordinance adopted under Subsection (4);

197 (ii) the municipality provides a written notice of violation in accordance with

198 Subsection (5)(b);
199 (iii) the municipality holds a hearing and determines that the violation has occurred in
200 accordance with Subsection (5)(d), if the owner files a written objection in accordance with
201 Subsection (5)(b)(iv);
202 (iv) the owner fails to cure the violation within the time period prescribed in the
203 written notice of violation under Subsection (5)(b);
204 (v) the municipality provides a written notice of lien in accordance with Subsection
205 (5)(c); and
206 (vi) the municipality records a copy of the written notice of lien described in
207 Subsection (5)(a)(iv) with the county recorder of the county in which the property is located.
208 (b) The written notice of violation shall:
209 (i) describe the specific violation;
210 (ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity
211 to cure the violation that is:
212 (A) no less than 14 days after the day on which the municipality sends the written
213 notice of violation, if the violation results from the owner renting or offering to rent the internal
214 accessory dwelling unit for a period of less than 30 consecutive days; or
215 (B) no less than 30 days after the day on which the municipality sends the written
216 notice of violation, for any other violation;
217 (iii) state that if the owner of the property fails to cure the violation within the time
218 period described in Subsection (5)(b)(ii), the municipality may hold a lien against the property
219 in an amount of up to \$100 for each day of violation after the day on which the opportunity to
220 cure the violation expires;
221 (iv) notify the owner of the property:
222 (A) that the owner may file a written objection to the violation within 14 days after the
223 day on which the written notice of violation is post-marked or posted on the property; and
224 (B) of the name and address of the municipal office where the owner may file the
225 written objection;

226 (v) be mailed to:
227 (A) the property's owner of record; and
228 (B) any other individual designated to receive notice in the owner's license or permit
229 records; and
230 (vi) be posted on the property.
231 (c) The written notice of lien shall:
232 (i) comply with the requirements of Section [38-12-102](#);
233 (ii) state that the property is subject to a lien;
234 (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after
235 the day on which the opportunity to cure the violation expires;
236 (iv) be mailed to:
237 (A) the property's owner of record; and
238 (B) any other individual designated to receive notice in the owner's license or permit
239 records; and
240 (v) be posted on the property.
241 (d) (i) If an owner of property files a written objection in accordance with Subsection
242 (5)(b)(iv), the municipality shall:
243 (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings
244 Act, to conduct a review and determine whether the specific violation described in the written
245 notice of violation under Subsection (5)(b) has occurred; and
246 (B) notify the owner in writing of the date, time, and location of the hearing described
247 in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.
248 (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a
249 municipality may not record a lien under this Subsection (5) until the municipality holds a
250 hearing and determines that the specific violation has occurred.
251 (iii) If the municipality determines at the hearing that the specific violation has
252 occurred, the municipality may impose a lien in an amount of up to \$100 for each day of
253 violation after the day on which the opportunity to cure the violation expires, regardless of

254 whether the hearing is held after the day on which the opportunity to cure the violation has
255 expired.

256 (e) If an owner cures a violation within the time period prescribed in the written notice
257 of violation under Subsection (5)(b), the municipality may not hold a lien against the property,
258 or impose any penalty or fee on the owner, in relation to the specific violation described in the
259 written notice of violation under Subsection (5)(b).

260 (6) (a) A municipality that issues, on or after October 1, 2021, a permit or license to an
261 owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to
262 an owner of a primary dwelling to create an internal accessory dwelling unit, may record a
263 notice in the office of the recorder of the county in which the primary dwelling is located.

264 (b) The notice described in Subsection (6)(a) shall include:

265 (i) a description of the primary dwelling;

266 (ii) a statement that the primary dwelling contains an internal accessory dwelling unit;

267 and

268 (iii) a statement that the internal accessory dwelling unit may only be used in
269 accordance with the municipality's land use regulations.

270 (c) The municipality shall, upon recording the notice described in Subsection (6)(a),
271 deliver a copy of the notice to the owner of the internal accessory dwelling unit.

272 Section 5. Section **15A-3-202** is amended to read:

273 **15A-3-202. Amendments to Chapters 1 through 5 of IRC.**

274 (1) In IRC, Section R102, a new Section R102.7.2 is added as follows: "R102.7.2

275 Physical change for bedroom window egress. A structure whose egress window in an existing
276 bedroom is smaller than required by this code, and that complied with the construction code in
277 effect at the time that the bedroom was finished, is not required to undergo a physical change to
278 conform to this code if the change would compromise the structural integrity of the structure or
279 could not be completed in accordance with other applicable requirements of this code,
280 including setback and window well requirements."

281 (2) In IRC, Section R108.3, the following sentence is added at the end of the section:

282 "The building official shall not request proprietary information."

283 (3) In IRC, Section 109:

284 (a) A new IRC, Section 109.1.5, is added as follows: "R109.1.5 Weather-resistant
285 exterior wall envelope inspections. An inspection shall be made of the weather-resistant
286 exterior wall envelope as required by Section R703.1 and flashings as required by Section
287 R703.8 to prevent water from entering the weather-resistive barrier."

288 (b) The remaining sections are renumbered as follows: R109.1.6 Other inspections;
289 R109.1.6.1 Fire- and smoke-resistance-rated construction inspection; R109.1.6.2 Reinforced
290 masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection;
291 and R109.1.7 Final inspection.

292 (4) IRC, Section R114.1, is deleted and replaced with the following: "R114.1 Notice to
293 owner. Upon notice from the building official that work on any building or structure is being
294 prosecuted contrary to the provisions of this code or other pertinent laws or ordinances or in an
295 unsafe and dangerous manner, such work shall be immediately stopped. The stop work order
296 shall be in writing and shall be given to the owner of the property involved, or to the owner's
297 agent or to the person doing the work; and shall state the conditions under which work will be
298 permitted to resume."

299 (5) In IRC, Section R202, the following definition is added: "ACCESSORY
300 DWELLING UNIT: A habitable living unit created within the existing footprint of a primary
301 owner-occupied single-family dwelling."

302 [~~5~~] (6) In IRC, Section R202, the following definition is added: "CERTIFIED
303 BACKFLOW PREVENTER ASSEMBLY TESTER: A person who has shown competence to
304 test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction
305 under Utah Code, Subsection 19-4-104(4)."

306 [~~6~~] (7) In IRC, Section R202, the definition of "Cross Connection" is deleted and
307 replaced with the following: "CROSS CONNECTION. Any physical connection or potential
308 connection or arrangement between two otherwise separate piping systems, one of which
309 contains potable water and the other either water of unknown or questionable safety or steam,

310 gas, or chemical, whereby there exists the possibility for flow from one system to the other,
 311 with the direction of flow depending on the pressure differential between the two systems (see
 312 "Backflow, Water Distribution")."

313 ~~[(7)]~~ (8) In IRC, Section 202, in the definition for gray water a comma is inserted after
 314 the word "washers"; the word "and" is deleted; and the following is added to the end: "and
 315 clear water wastes which have a pH of 6.0 to 9.0; are non-flammable; non-combustible;
 316 without objectionable odors; non-highly pigmented; and will not interfere with the operation of
 317 the sewer treatment facility."

318 ~~[(8)]~~ (9) In IRC, Section R202, the definition of "Potable Water" is deleted and
 319 replaced with the following: "POTABLE WATER. Water free from impurities present in
 320 amounts sufficient to cause disease or harmful physiological effects and conforming to the
 321 Utah Code, Title 19, Chapter 4, Safe Drinking Water Act, and Title 19, Chapter 5, Water
 322 Quality Act, and the regulations of the public health authority having jurisdiction."

323 ~~[(9)]~~ (10) IRC, Figure R301.2(5), is deleted and replaced with R301.2(5) as follows:

"TABLE R301.2(5)			
GROUND SNOW LOADS FOR SELECTED LOCATIONS IN UTAH			
City/Town	County	Ground Snow Load (lb/ft ²)	Elevation (ft)
Beaver	Beaver	35	5886
Brigham City	Box Elder	42	4423
Castle Dale	Emery	32	5669
Coalville	Summit	57	5581
Duchesne	Duchesne	39	5508
Farmington	Davis	35	4318
Fillmore	Millard	30	5138
Heber City	Wasatch	60	5604
Junction	Piute	27	6030
Kanab	Kane	25	4964

337	Loa	Wayne	37	7060
338	Logan	Cache	43	4531
339	Manila	Daggett	26	6368
340	Manti	Sanpete	37	5620
341	Moab	Grand	21	4029
342	Monticello	San Juan	67	7064
343	Morgan	Morgan	52	5062
344	Nephi	Juab	39	5131
345	Ogden	Weber	37	4334
346	Panguitch	Garfield	41	6630
347	Parowan	Iron	32	6007
348	Price	Carbon	31	5558
349	Provo	Utah	31	4541
350	Randolph	Rich	50	6286
351	Richfield	Sevier	27	5338
352	St. George	Washington	21	2585
353	Salt Lake City	Salt Lake	28	4239
354	Tooele	Tooele	35	5029
355	Vernal	Uintah	39	5384

Note: To convert lb/ft² to kN/m², multiply by 0.0479. To convert feet to meters, multiply by 0.3048.

1. Statutory requirements of the Authority Having Jurisdiction are not included in this state ground snow load table.

356 2. For locations where there is substantial change in altitude over the city/town, the load applies at and below the cited elevation, with a tolerance of 100 ft (30 m).

3. For other locations in Utah, see Bean, B., Maguire, M., Sun, Y. (2018), "The Utah Snow Load Study," Utah State University Civil and Environmental Engineering Faculty Publications, Paper 3589, <http://utahsnowload.usu.edu/>, for ground snow load values.

357 ~~[(10)]~~ (11) IRC, Section R301.6, is deleted and replaced with the following: "R301.6
358 Utah Snow Loads. The snow loads specified in Table R301.2(5b) shall be used for the
359 jurisdictions identified in that table. Otherwise, for other locations in Utah, see Bean, B.,
360 Maguire, M., Sun, Y. (2018), "The Utah Snow Load Study," Utah State University Civil and
361 Environmental Engineering Faculty Publications, Paper 3589, <http://utahsnowload.usu.edu/>, for
362 ground snow load values."

363 ~~[(11)]~~ (12) In IRC, Section R302.2, the following sentence is added after the second
364 sentence: "When an access/maintenance agreement or easement is in place, plumbing,
365 mechanical ducting, schedule 40 steel gas pipe, and electric service conductors including
366 feeders, are permitted to penetrate the common wall at grade, above grade, or below grade."

367 (13) In IRC, Section R302.3, a new exception 3 is added as follows: "3. Accessory
368 dwelling units separated by walls or floor assemblies protected by not less than 1/2-inch (12.7
369 mm) gypsum board or equivalent on each side of the wall or bottom of the floor assembly are
370 exempt from the requirements of this section."

371 ~~[(12)]~~ (14) In IRC, Section R302.5.1, the words "self-closing device" are deleted and
372 replaced with "self-latching hardware."

373 ~~[(13)]~~ (15) IRC, Section R302.13, is deleted.

374 ~~[(14)]~~ (16) In IRC, Section R303.4, the number "5" is changed to "3" in the first
375 sentence.

376 (17) In IRC, Section R310.6, in the exception, the words "or accessory dwelling units"
377 are added after the words "sleeping rooms".

378 ~~[(15)]~~ (18) IRC, Sections R311.7.4 through R311.7.5.3, are deleted and replaced with
379 the following: "R311.7.4 Stair treads and risers. R311.7.5.1 Riser height. The maximum riser
380 height shall be 8 inches (203 mm). The riser shall be measured vertically between leading
381 edges of the adjacent treads. The greatest riser height within any flight of stairs shall not
382 exceed the smallest by more than 3/8 inch (9.5 mm).

383 R311.7.5.2 Tread depth. The minimum tread depth shall be 9 inches (228 mm). The tread
384 depth shall be measured horizontally between the vertical planes of the foremost projection of
385 adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within
386 any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder
387 treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at a point
388 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a
389 minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the
390 greatest winder tread depth at the 12-inch (305 mm) walk line shall not exceed the smallest by
391 more than 3/8 inch (9.5 mm).

392 R311.7.5.3 Profile. The radius of curvature at the leading edge of the tread shall be no greater
393 than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1 1/4
394 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection
395 shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two
396 stories, including the nosing at the level of floors and landings. Beveling of nosing shall not
397 exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading
398 edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open
399 risers are permitted, provided that the opening between treads does not permit the passage of a
400 4-inch diameter (102 mm) sphere.

401 Exceptions.

- 402 1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).
- 403 2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches

404 (762 mm) or less."

405 [~~(16)~~] (19) IRC, Section R312.2, is deleted.

406 [~~(17)~~] (20) IRC, Sections R313.1 through R313.2.1, are deleted and replaced with the
407 following: "R313.1 Design and installation. When installed, automatic residential fire
408 sprinkler systems for townhouses or one- and two-family dwellings shall be designed and
409 installed in accordance with Section P2904 or NFPA 13D."

410 (21) In IRC, Section R314.2.2, the words "or accessory dwelling units" are added after
411 the words "sleeping rooms".

412 (22) In IRC, Section R315.2.2, the words "or accessory dwelling units" are added after
413 the words "sleeping rooms".

414 [~~(18)~~] (23) In IRC, Section 315.3, the following words are added to the first sentence
415 after the word "installed": "on each level of the dwelling unit and."

416 [~~(19)~~] (24) In IRC, Section R315.5, a new exception, 3, is added as follows:

417 "3. Hard wiring of carbon monoxide alarms in existing areas shall not be required where the
418 alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing
419 the structure, unless there is an attic, crawl space or basement available which could provide
420 access for hard wiring, without the removal of interior finishes."

421 [~~(20)~~] (25) A new IRC, Section R315.7, is added as follows: " R315.7 Interconnection.
422 Where more than one carbon monoxide alarm is required to be installed within an individual
423 dwelling unit in accordance with Section R315.1, the alarm devices shall be interconnected in
424 such a manner that the actuation of one alarm will activate all of the alarms in the individual
425 unit. Physical interconnection of smoke alarms shall not be required where listed wireless
426 alarms are installed and all alarms sound upon activation of one alarm.

427 Exception: Interconnection of carbon monoxide alarms in existing areas shall not be required
428 where alterations or repairs do not result in removal of interior wall or ceiling finishes exposing
429 the structure, unless there is an attic, crawl space or basement available which could provide
430 access for interconnection without the removal of interior finishes."

431 [~~(21)~~] (26) In IRC, Section R317.1.5, the period is deleted and the following language

432 is added to the end of the paragraph: "or treated with a moisture resistant coating."

433 [~~(22)~~] (27) In IRC, Section 326.1, the words "residential provisions of the" are added
434 after the words "pools and spas shall comply with".

435 [~~(23)~~] (28) In IRC, Section R403.1.6, a new Exception 3 is added as follows: "3.
436 When anchor bolt spacing does not exceed 32 inches (813 mm) apart, anchor bolts may be
437 placed with a minimum of two bolts per plate section located not less than 4 inches (102 mm)
438 from each end of each plate section at interior bearing walls, interior braced wall lines, and at
439 all exterior walls."

440 [~~(24)~~] (29) In IRC, Section R403.1.6.1, a new exception is added at the end of Item 2
441 and Item 3 as follows: "Exception: When anchor bolt spacing does not exceed 32 inches (816
442 mm) apart, anchor bolts may be placed with a minimum of two bolts per plate section located
443 not less than 4 inches (102 mm) from each end of each plate section at interior bearing walls,
444 interior braced wall lines, and at all exterior walls."

445 [~~(25)~~] (30) In IRC, Section R404.1, a new exception is added as follows: "Exception:
446 As an alternative to complying with Sections R404.1 through R404.1.5.3, concrete and
447 masonry foundation walls may be designed in accordance with IBC Sections 1807.1.5 and
448 1807.1.6 as amended in Section 1807.1.6.4 and Table 1807.1.6.4 under these rules."

449 [~~(26)~~] (31) In IRC, Section R405.1, a new exception is added as follows: "Exception:
450 When a geotechnical report has been provided for the property, a drainage system is not
451 required unless the drainage system is required as a condition of the geotechnical report. The
452 geological report shall make a recommendation regarding a drainage system."

453 Section 6. Section **15A-3-204** is amended to read:

454 **15A-3-204. Amendments to Chapters 16 through 25 of IRC.**

455 (1) In IRC, Section M1602.2, a new exception is added at the end of Item 6 as follows:
456 "Exception: The discharge of return air from an accessory dwelling unit into another dwelling
457 unit, or into an accessory dwelling unit from another dwelling unit, is not prohibited."

458 (2) A new IRC, Section G2401.2, is added as follows: "G2401.2 Meter Protection.
459 Fuel gas services shall be in an approved location and/or provided with structures designed to

460 protect the fuel gas meter and surrounding piping from physical damage, including falling,
461 moving, or migrating ice and snow. If an added structure is used, it must provide access for
462 service and comply with the IBC or the IRC."

463 Section 7. Section 15A-3-206 is amended to read:

464 **15A-3-206. Amendments to Chapters 36 through 44 and Appendix F of IRC.**

465 (1) In IRC, Section E3601.6.2, a new exception is added as follows: "Exception: An
466 occupant of an accessory dwelling unit is not required to have access to the disconnect serving
467 the dwelling unit in which they reside."

468 [~~(1)~~] (2) In IRC, Section E3705.4.5, the following words are added after the word
469 "assemblies": "with ungrounded conductors 10 AWG and smaller".

470 [~~(2)~~] (3) In IRC, Section E3901.9, the following exception is added:
471 "Exception: Receptacles or other outlets adjacent to the exterior walls of the garage, outlets
472 adjacent to an exterior wall of the garage, or outlets in a storage room with entry from the
473 garage may be connected to the garage branch circuit."

474 [~~(3)~~] (4) IRC, Section E3902.16 is deleted.

475 [~~(4)~~] (5) In Section E3902.17:

476 (a) following the word "Exception" the number "1." is added; and

477 (b) at the end of the section, the following sentences are added:

478 "2. This section does not apply for a simple move or an extension of a branch circuit or an
479 outlet which does not significantly increase the existing electrical load. This exception does
480 not include changes involving remodeling or additions to a residence."

481 [~~(5)~~] (6) IRC, Chapter 44, is amended by adding the following reference standard:

"Standard reference number	Title	Referenced in code section number
USC-FCCCHR 10th Edition Manual of Cross Connection Control	Foundation for Cross-Connection Control and Hydraulic Research University of Southern California Kaprielian Hall 300 Los Angeles CA 90089-2531	Table P2902.3"

484 [~~(6)~~] (7) (a) When passive radon controls or portions thereof are voluntarily installed,
485 the voluntary installation shall comply with Appendix F of the IRC.

486 (b) An additional inspection of a voluntary installation described in Subsection [~~(6)~~]
487 (7)(a) is not required.

488 Section 8. Section 17-27a-505.5 is amended to read:

489 **17-27a-505.5. Limit on single family designation.**

490 (1) As used in this section, "single-family limit" means the number of [~~unrelated~~]
491 individuals allowed to occupy each residential unit that is recognized by a land use authority in
492 a zone permitting occupancy by a single family.

493 (2) A county may not adopt a single-family limit that is less than:

494 (a) three, if the county has within its unincorporated area:

495 (i) a state university;

496 (ii) a private university with a student population of at least 20,000; or

497 (iii) a mountainous planning district; or

498 (b) four, for each other county.

499 Section 9. Section **17-27a-510.5** is amended to read:

500 **17-27a-510.5. Changes to dwellings -- Egress windows.**

501 (1) [~~For purposes of~~] As used in this section[~~,"rental"~~]:

502 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

503 (i) within a primary dwelling;

504 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the
505 time the internal accessory dwelling unit is created; and

506 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

507 (b) "Primary dwelling" means a single-family dwelling that:

508 (i) is detached; and

509 (ii) is occupied as the primary residence of the owner of record.

510 (c) "Rental dwelling" means the same as that term is defined in Section 10-8-85.5.

511 (2) A county ordinance adopted under Section **10-1-203.5** may not:

512 (a) require physical changes in a structure with a legal nonconforming rental dwelling
513 use unless the change is for:

514 (i) the reasonable installation of:

515 (A) a smoke detector that is plugged in or battery operated;

516 (B) a ground fault circuit interrupter protected outlet on existing wiring;

517 (C) street addressing;

518 (D) except as provided in Subsection (3), an egress bedroom window if the existing
519 bedroom window is smaller than that required by current State Construction Code;

520 (E) an electrical system or a plumbing system, if the existing system is not functioning
521 or is unsafe as determined by an independent electrical or plumbing professional who is
522 licensed in accordance with Title 58, Occupations and Professions;

523 (F) hand or guard rails; or

524 (G) occupancy separation doors as required by the International Residential Code; or

525 (ii) the abatement of a structure; or

526 (b) be enforced to terminate a legal nonconforming rental dwelling use.

527 (3) (a) A county may not require physical changes to install an egress or emergency
528 escape window in an existing bedroom that complied with the State Construction Code in
529 effect at the time the bedroom was finished if:

530 [~~(a)~~] (i) the dwelling is an owner-occupied dwelling or a rental dwelling that is:

531 [~~(i)~~] (A) a detached one-, two-, three-, or four-family dwelling; or

532 [~~(ii)~~] (B) a town home that is not more than three stories above grade with a separate
533 means of egress; and

534 [~~(b)~~] (i) (ii) (A) the window in the existing bedroom is smaller than that required by
535 current State Construction Code; and

536 [~~(ii)~~] (B) the change would compromise the structural integrity of the structure or could
537 not be completed in accordance with current State Construction Code, including set-back and
538 window well requirements.

539 (b) Subsection (3)(a) does not apply to an internal accessory dwelling unit.

- 540 (4) Nothing in this section prohibits a county from:
- 541 (a) regulating the style of window that is required or allowed in a bedroom;
- 542 (b) requiring that a window in an existing bedroom be fully openable if the openable
- 543 area is less than required by current State Construction Code; or
- 544 (c) requiring that an existing window not be reduced in size if the openable area is
- 545 smaller than required by current State Construction Code.

546 Section 10. Section **17-27a-526** is enacted to read:

547 **17-27a-526. Internal accessory dwelling units.**

548 (1) As used in this section:

549 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

550 (i) within a primary dwelling;

551 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the

552 time the internal accessory dwelling unit is created; and

553 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

554 (b) "Primary dwelling" means a single-family dwelling that:

555 (i) is detached; and

556 (ii) is occupied as the primary residence of the owner of record.

557 (2) In any area zoned primarily for residential use:

558 (a) the use of an internal accessory dwelling unit is a permitted use; and

559 (b) except as provided in Subsections (3) and (4), a county may not establish any

560 restrictions or requirements for the construction or use of one internal accessory dwelling unit

561 within a primary dwelling, including a restriction or requirement governing:

562 (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;

563 (ii) total lot size; or

564 (iii) street frontage.

565 (3) An internal accessory dwelling unit shall comply with all applicable building,

566 health, and fire codes.

567 (4) A county may:

- 568 (a) prohibit the installation of a separate utility meter for an internal accessory dwelling
569 unit;
- 570 (b) require that an internal accessory dwelling unit be designed in a manner that does
571 not change the appearance of the primary dwelling as a single-family dwelling;
- 572 (c) require a primary dwelling:
 - 573 (i) to include one additional on-site parking space for an internal accessory dwelling
574 unit, regardless of whether the primary dwelling is existing or new construction; and
 - 575 (ii) to replace any parking spaces contained within a garage or carport if an internal
576 accessory dwelling unit is created within the garage or carport;
- 577 (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as
578 defined in Section 57-16-3;
- 579 (e) require the owner of a primary dwelling to obtain a permit or license for renting an
580 internal accessory dwelling unit;
- 581 (f) prohibit the creation of an internal accessory dwelling unit within a zoning district
582 covering an area that is equivalent to 25% or less of the total unincorporated area in the county
583 that is zoned primarily for residential use;
- 584 (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling
585 is served by a failing septic tank;
- 586 (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the
587 primary dwelling is 6,000 square feet or less in size;
- 588 (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a
589 period of less than 30 consecutive days;
- 590 (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory
591 dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;
- 592 (k) hold a lien against a property that contains an internal accessory dwelling unit in
593 accordance with Subsection (5); and
- 594 (l) record a notice for an internal accessory dwelling unit in accordance with
595 Subsection (6).

596 (5) (a) In addition to any other legal or equitable remedies available to a county, a
597 county may hold a lien against a property that contains an internal accessory dwelling unit if:

598 (i) the owner of the property violates any of the provisions of this section or any
599 ordinance adopted under Subsection (4);

600 (ii) the county provides a written notice of violation in accordance with Subsection
601 (5)(b);

602 (iii) the county holds a hearing and determines that the violation has occurred in
603 accordance with Subsection (5)(d), if the owner files a written objection in accordance with
604 Subsection (5)(b)(iv);

605 (iv) the owner fails to cure the violation within the time period prescribed in the
606 written notice of violation under Subsection (5)(b);

607 (v) the county provides a written notice of lien in accordance with Subsection (5)(c);
608 and

609 (vi) the county records a copy of the written notice of lien described in Subsection
610 (5)(a)(iv) with the county recorder of the county in which the property is located.

611 (b) The written notice of violation shall:

612 (i) describe the specific violation;

613 (ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity
614 to cure the violation that is:

615 (A) no less than 14 days after the day on which the county sends the written notice of
616 violation, if the violation results from the owner renting or offering to rent the internal
617 accessory dwelling unit for a period of less than 30 consecutive days; or

618 (B) no less than 30 days after the day on which the county sends the written notice of
619 violation, for any other violation; and

620 (iii) state that if the owner of the property fails to cure the violation within the time
621 period described in Subsection (5)(b)(ii), the county may hold a lien against the property in an
622 amount of up to \$100 for each day of violation after the day on which the opportunity to cure
623 the violation expires;

624 (iv) notify the owner of the property:
625 (A) that the owner may file a written objection to the violation within 14 days after the
626 day on which the written notice of violation is post-marked or posted on the property; and
627 (B) of the name and address of the county office where the owner may file the written
628 objection;
629 (v) be mailed to:
630 (A) the property's owner of record; and
631 (B) any other individual designated to receive notice in the owner's license or permit
632 records; and
633 (vi) be posted on the property.
634 (c) The written notice of lien shall:
635 (i) comply with the requirements of Section [38-12-102](#);
636 (ii) describe the specific violation;
637 (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after
638 the day on which the opportunity to cure the violation expires;
639 (iv) be mailed to:
640 (A) the property's owner of record; and
641 (B) any other individual designated to receive notice in the owner's license or permit
642 records; and
643 (v) be posted on the property.
644 (d) (i) If an owner of property files a written objection in accordance with Subsection
645 (5)(b)(iv), the county shall:
646 (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings
647 Act, to conduct a review and determine whether the specific violation described in the written
648 notice of violation under Subsection (5)(b) has occurred; and
649 (B) notify the owner in writing of the date, time, and location of the hearing described
650 in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.
651 (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a

652 county may not record a lien under this Subsection (5) until the county holds a hearing and
653 determines that the specific violation has occurred.

654 (iii) If the county determines at the hearing that the specific violation has occurred, the
655 county may impose a lien in an amount of up to \$100 for each day of violation after the day on
656 which the opportunity to cure the violation expires, regardless of whether the hearing is held
657 after the day on which the opportunity to cure the violation has expired.

658 (e) If an owner cures a violation within the time period prescribed in the written notice
659 of violation under Subsection (5)(b), the county may not hold a lien against the property, or
660 impose any penalty or fee on the owner, in relation to the specific violation described in the
661 written notice of violation under Subsection (5)(b).

662 (6) (a) A county that issues, on or after October 1, 2021, a permit or license to an
663 owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to
664 an owner of a primary dwelling to create an internal accessory dwelling unit, may record a
665 notice in the office of the recorder of the county in which the primary dwelling is located.

666 (b) The notice described in Subsection (6)(a) shall include:

667 (i) a description of the primary dwelling;

668 (ii) a statement that the primary dwelling contains an internal accessory dwelling unit;

669 and

670 (iii) a statement that the internal accessory dwelling unit may only be used in
671 accordance with the county's land use regulations.

672 (c) The county shall, upon recording the notice described in Subsection (6)(a), deliver a
673 copy of the notice to the owner of the internal accessory dwelling unit.

674 Section 11. Section **17-50-338** is amended to read:

675 **17-50-338. Ordinances regarding short-term rentals -- Prohibition on ordinances**
676 **restricting speech on short-term rental websites.**

677 (1) As used in this section:

678 (a) "Internal accessory dwelling unit" means the same as that term is defined in Section
679 [10-9a-511.5](#).

680 ~~[(a)]~~ (b) "Residential unit" means a residential structure or any portion of a residential
681 structure that is occupied as a residence.

682 ~~[(b)]~~ (c) "Short-term rental" means a residential unit or any portion of a residential unit
683 that the owner of record or the lessee of the residential unit offers for occupancy for fewer than
684 30 consecutive days.

685 ~~[(c)]~~ (d) "Short-term rental website" means a website that:

686 (i) allows a person to offer a short-term rental to one or more prospective renters; and

687 (ii) facilitates the renting of, and payment for, a short-term rental.

688 (2) Notwithstanding Section [17-27a-501](#) or Subsection [17-27a-503\(1\)](#), a legislative
689 body may not:

690 (a) enact or enforce an ordinance that prohibits an individual from listing or offering a
691 short-term rental on a short-term rental website; or

692 (b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge,
693 prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term
694 rental on a short-term rental website.

695 (3) Subsection (2) does not apply to an individual who lists or offers an internal
696 accessory dwelling unit as a short-term rental on a short-term rental website if the county
697 records a notice for the internal accessory dwelling unit under Subsection [17-27a-526\(6\)](#).

698 Section 12. Section **35A-8-504.5** is enacted to read:

699 **35A-8-504.5. Low-income ADU loan guarantee pilot program.**

700 (1) As used in this section:

701 (a) "Accessory dwelling unit" means the same as that term is defined in Section
702 [10-9a-103](#).

703 (b) "Borrower" means a residential property owner who receives a low-income ADU
704 loan from a lender.

705 (c) "Lender" means a trust company, savings bank, savings and loan association, bank,
706 credit union, or any other entity that provides low-income ADU loans directly to borrowers.

707 (d) "Low-income ADU loan" means a loan made by a lender to a borrower for the

708 purpose of financing the construction of an accessory dwelling unit that is:

709 (i) located on the borrower's residential property; and

710 (ii) rented to a low-income individual.

711 (e) "Low-income individual" means an individual whose household income is less than

712 80% of the area median income.

713 (f) "Pilot program" means the two-year pilot program created in this section.

714 (2) The executive director shall establish a two-year pilot program to provide loan

715 guarantees on behalf of borrowers for the purpose of insuring the repayment of low-income

716 ADU loans.

717 (3) The executive director may not provide a loan guarantee for a low-income ADU

718 loan under the pilot program unless:

719 (a) the lender:

720 (i) agrees in writing to participate in the pilot program;

721 (ii) makes available to prospective borrowers the option of receiving a low-income

722 ADU loan that:

723 (A) has a term of 15 years; and

724 (B) charges interest at a fixed rate;

725 (iii) monitors the activities of the borrower on a yearly basis during the term of the loan

726 to ensure the borrower's compliance with:

727 (A) Subsection (3)(c); and

728 (B) any other term or condition of the loan; and

729 (iv) promptly notifies the executive director in writing if the borrower fails to comply

730 with:

731 (A) Subsection (3)(c); or

732 (B) any other term or condition of the loan;

733 (b) the loan terms of the low-income ADU loan:

734 (i) are consistent with the loan terms described in Subsection (3)(a)(ii); or

735 (ii) if different from the loan terms described in Subsection (3)(a)(ii), are mutually

736 agreed upon by the lender and the borrower; and
737 (c) the borrower:
738 (i) agrees in writing to participate in the pilot program;
739 (ii) constructs an accessory dwelling unit on the borrower's residential property within
740 one year after the day on which the borrower receives the loan;
741 (iii) occupies the primary residence to which the accessory dwelling unit is associated:
742 (A) after the accessory dwelling unit is completed; and
743 (B) for the remainder of the term of the loan; and
744 (iv) rents the accessory dwelling unit to a low-income individual:
745 (A) after the accessory dwelling unit is completed; and
746 (B) for the remainder of the term of the loan.
747 (4) At the direction of the board, the executive director shall make rules in accordance
748 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:
749 (a) the minimum criteria for lenders and borrowers to participate in the pilot program;
750 (b) the terms and conditions for loan guarantees provided under the pilot program,
751 consistent with Subsection (3); and
752 (c) procedures for the pilot program's loan guarantee process.
753 (5) The executive director shall submit a report on the pilot program to the Business
754 and Labor Interim Committee on or before November 30, 2023.

755 Section 13. Section **35A-8-505** is amended to read:

756 **35A-8-505. Activities authorized to receive fund money -- Powers of the executive**
757 **director.**

758 At the direction of the board, the executive director may:

759 (1) provide fund money to any of the following activities:

760 (a) the acquisition, rehabilitation, or new construction of low-income housing units;

761 (b) matching funds for social services projects directly related to providing housing for
762 special-need renters in assisted projects;

763 (c) the development and construction of accessible housing designed for low-income

764 persons;

765 (d) the construction or improvement of a shelter or transitional housing facility that
766 provides services intended to prevent or minimize homelessness among members of a specific
767 homeless subpopulation;

768 (e) the purchase of an existing facility to provide temporary or transitional housing for
769 the homeless in an area that does not require rezoning before providing such temporary or
770 transitional housing;

771 (f) the purchase of land that will be used as the site of low-income housing units;

772 (g) the preservation of existing affordable housing units for low-income persons; [~~and~~]

773 (h) providing loan guarantees under the two-year pilot program established in Section
774 35A-8-504.5; and

775 [~~(h)~~] (i) other activities that will assist in minimizing homelessness or improving the
776 availability or quality of housing in the state for low-income persons; and

777 (2) do any act necessary or convenient to the exercise of the powers granted by this part
778 or reasonably implied from those granted powers, including:

779 (a) making or executing contracts and other instruments necessary or convenient for
780 the performance of the executive director and board's duties and the exercise of the executive
781 director and board's powers and functions under this part, including contracts or agreements for
782 the servicing and originating of mortgage loans;

783 (b) procuring insurance against a loss in connection with property or other assets held
784 by the fund, including mortgage loans, in amounts and from insurers it considers desirable;

785 (c) entering into agreements with a department, agency, or instrumentality of the
786 United States or this state and with mortgagors and mortgage lenders for the purpose of
787 planning and regulating and providing for the financing and refinancing, purchase,
788 construction, reconstruction, rehabilitation, leasing, management, maintenance, operation, sale,
789 or other disposition of residential housing undertaken with the assistance of the department
790 under this part;

791 (d) proceeding with a foreclosure action, to own, lease, clear, reconstruct, rehabilitate,

792 repair, maintain, manage, operate, assign, encumber, sell, or otherwise dispose of real or
793 personal property obtained by the fund due to the default on a mortgage loan held by the fund
794 in preparation for disposition of the property, taking assignments of leases and rentals,
795 proceeding with foreclosure actions, and taking other actions necessary or incidental to the
796 performance of its duties; and

797 (e) selling, at a public or private sale, with public bidding, a mortgage or other
798 obligation held by the fund.

799 Section 14. Section **57-8a-209** is amended to read:

800 **57-8a-209. Rental restrictions.**

801 (1) (a) Subject to Subsections (1)(b), (5), [~~and~~] (6), and (10), an association may:

802 (i) create restrictions on the number and term of rentals in an association; or

803 (ii) prohibit rentals in the association.

804 (b) An association that creates a rental restriction or prohibition in accordance with
805 Subsection (1)(a) shall create the rental restriction or prohibition in a recorded declaration of
806 covenants, conditions, and restrictions, or by amending the recorded declaration of covenants,
807 conditions, and restrictions.

808 (2) If an association prohibits or imposes restrictions on the number and term of
809 rentals, the restrictions shall include:

810 (a) a provision that requires the association to exempt from the rental restrictions the
811 following lot owner and the lot owner's lot:

812 (i) a lot owner in the military for the period of the lot owner's deployment;

813 (ii) a lot occupied by a lot owner's parent, child, or sibling;

814 (iii) a lot owner whose employer has relocated the lot owner for two years or less;

815 (iv) a lot owned by an entity that is occupied by an individual who:

816 (A) has voting rights under the entity's organizing documents; and

817 (B) has a 25% or greater share of ownership, control, and right to profits and losses of
818 the entity; or

819 (v) a lot owned by a trust or other entity created for estate planning purposes if the trust

820 or other estate planning entity was created for:

821 (A) the estate of a current resident of the lot; or

822 (B) the parent, child, or sibling of the current resident of the lot;

823 (b) a provision that allows a lot owner who has a rental in the association before the

824 time the rental restriction described in Subsection (1)(a) is recorded with the county recorder of

825 the county in which the association is located to continue renting until:

826 (i) the lot owner occupies the lot;

827 (ii) an officer, owner, member, trustee, beneficiary, director, or person holding a

828 similar position of ownership or control of an entity or trust that holds an ownership interest in

829 the lot, occupies the lot; or

830 (iii) the lot is transferred; and

831 (c) a requirement that the association create, by rule or resolution, procedures to:

832 (i) determine and track the number of rentals and lots in the association subject to the

833 provisions described in Subsections (2)(a) and (b); and

834 (ii) ensure consistent administration and enforcement of the rental restrictions.

835 (3) For purposes of Subsection (2)(b)(iii), a transfer occurs when one or more of the

836 following occur:

837 (a) the conveyance, sale, or other transfer of a lot by deed;

838 (b) the granting of a life estate in the lot; or

839 (c) if the lot is owned by a limited liability company, corporation, partnership, or other

840 business entity, the sale or transfer of more than 75% of the business entity's share, stock,

841 membership interests, or partnership interests in a 12-month period.

842 (4) This section does not limit or affect residency age requirements for an association

843 that complies with the requirements of the Housing for Older Persons Act, 42 U.S.C. Sec.

844 3607.

845 (5) A declaration of covenants, conditions, and restrictions or amendments to the

846 declaration of covenants, conditions, and restrictions recorded before the transfer of the first lot

847 from the initial declarant may prohibit or restrict rentals without providing for the exceptions,

848 provisions, and procedures required under Subsection (2).

849 (6) (a) Subsections (1) through (5) do not apply to:

850 (i) an association that contains a time period unit as defined in Section 57-8-3;

851 (ii) any other form of timeshare interest as defined in Section 57-19-2; or

852 (iii) subject to Subsection (6)(b), an association that is formed before May 12, 2009,
853 unless, on or after May 12, 2015, the association:

854 (A) adopts a rental restriction or prohibition; or

855 (B) amends an existing rental restriction or prohibition.

856 (b) An association that adopts a rental restriction or amends an existing rental
857 restriction or prohibition before May 9, 2017, is not required to include the exemption
858 described in Subsection (2)(a)(iv).

859 (7) Notwithstanding this section, an association may restrict or prohibit rentals without
860 an exception described in Subsection (2) if:

861 (a) the restriction or prohibition receives unanimous approval by all lot owners; and

862 (b) when the restriction or prohibition requires an amendment to the association's
863 recorded declaration of covenants, conditions, and restrictions, the association fulfills all other
864 requirements for amending the recorded declaration of covenants, conditions, and restrictions
865 described in the association's governing documents.

866 (8) Except as provided in Subsection (9), an association may not require a lot owner
867 who owns a rental lot to:

868 (a) obtain the association's approval of a prospective renter;

869 (b) give the association:

870 (i) a copy of a rental application;

871 (ii) a copy of a renter's or prospective renter's credit information or credit report;

872 (iii) a copy of a renter's or prospective renter's background check; or

873 (iv) documentation to verify the renter's age; or

874 (c) pay an additional assessment, fine, or fee because the lot is a rental lot.

875 (9) (a) A lot owner who owns a rental lot shall give an association the documents

876 described in Subsection (8)(b) if the lot owner is required to provide the documents by court
 877 order or as part of discovery under the Utah Rules of Civil Procedure.

878 (b) If an association's declaration of covenants, conditions, and restrictions lawfully
 879 prohibits or restricts occupancy of the lots by a certain class of individuals, the association may
 880 require a lot owner who owns a rental lot to give the association the information described in
 881 Subsection (8)(b), if:

882 (i) the information helps the association determine whether the renter's occupancy of
 883 the lot complies with the association's declaration of covenants, conditions, and restrictions;
 884 and

885 (ii) the association uses the information to determine whether the renter's occupancy of
 886 the lot complies with the association's declaration of covenants, conditions, and restrictions.

887 (10) Notwithstanding Subsection (1)(a), an association may not restrict or prohibit the
 888 rental of an internal accessory dwelling unit, as defined in Section 10-9a-530, constructed
 889 within a lot owner's residential lot, if the internal accessory dwelling unit complies with all
 890 applicable:

891 (a) land use ordinances;

892 (b) building codes;

893 (c) health codes; and

894 (d) fire codes.

895 [~~(10)~~] (11) The provisions of Subsections (8) [~~and (9)~~] through (10) apply to an
 896 association regardless of when the association is created.

897 Section 15. Section **57-8a-218** is amended to read:

898 **57-8a-218. Equal treatment by rules required -- Limits on association rules and**
 899 **design criteria.**

900 (1) (a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated lot
 901 owners similarly.

902 (b) Notwithstanding Subsection (1)(a), a rule may:

903 (i) vary according to the level and type of service that the association provides to lot

904 owners;

905 (ii) differ between residential and nonresidential uses; and

906 (iii) for a lot that an owner leases for a term of less than 30 days, impose a reasonable
907 limit on the number of individuals who may use the common areas and facilities as guests of
908 the lot tenant or lot owner.

909 (2) (a) If a lot owner owns a rental lot and is in compliance with the association's
910 governing documents and any rule that the association adopts under Subsection (4), a rule may
911 not treat the lot owner differently because the lot owner owns a rental lot.

912 (b) Notwithstanding Subsection (2)(a), a rule may:

913 (i) limit or prohibit a rental lot owner from using the common areas for purposes other
914 than attending an association meeting or managing the rental lot;

915 (ii) if the rental lot owner retains the right to use the association's common areas, even
916 occasionally:

917 (A) charge a rental lot owner a fee to use the common areas; or

918 (B) for a lot that an owner leases for a term of less than 30 days, impose a reasonable
919 limit on the number of individuals who may use the common areas and facilities as guests of
920 the lot tenant or lot owner; or

921 (iii) include a provision in the association's governing documents that:

922 (A) requires each tenant of a rental lot to abide by the terms of the governing
923 documents; and

924 (B) holds the tenant and the rental lot owner jointly and severally liable for a violation
925 of a provision of the governing documents.

926 (3) (a) A rule criterion may not abridge the rights of a lot owner to display religious
927 and holiday signs, symbols, and decorations inside a dwelling on a lot.

928 (b) Notwithstanding Subsection (3)(a), the association may adopt time, place, and
929 manner restrictions with respect to displays visible from outside the dwelling or lot.

930 (4) (a) A rule may not regulate the content of political signs.

931 (b) Notwithstanding Subsection (4)(a):

- 932 (i) a rule may regulate the time, place, and manner of posting a political sign; and
933 (ii) an association design provision may establish design criteria for political signs.
- 934 (5) (a) A rule may not interfere with the freedom of a lot owner to determine the
935 composition of the lot owner's household.
- 936 (b) Notwithstanding Subsection (5)(a), an association may:
- 937 (i) require that all occupants of a dwelling be members of a single housekeeping unit;
938 or
- 939 (ii) limit the total number of occupants permitted in each residential dwelling on the
940 basis of the residential dwelling's:
- 941 (A) size and facilities; and
942 (B) fair use of the common areas.
- 943 (6) (a) A rule may not interfere with an activity of a lot owner within the confines of a
944 dwelling or lot, to the extent that the activity is in compliance with local laws and ordinances.
- 945 (b) Notwithstanding Subsection (6)(a), a rule may prohibit an activity within a dwelling
946 on an owner's lot if the activity:
- 947 (i) is not normally associated with a project restricted to residential use; or
948 (ii) (A) creates monetary costs for the association or other lot owners;
949 (B) creates a danger to the health or safety of occupants of other lots;
950 (C) generates excessive noise or traffic;
951 (D) creates unsightly conditions visible from outside the dwelling;
952 (E) creates an unreasonable source of annoyance to persons outside the lot; or
953 (F) if there are attached dwellings, creates the potential for smoke to enter another lot
954 owner's dwelling, the common areas, or limited common areas.
- 955 (c) If permitted by law, an association may adopt rules described in Subsection (6)(b)
956 that affect the use of or behavior inside the dwelling.
- 957 (7) (a) A rule may not, to the detriment of a lot owner and over the lot owner's written
958 objection to the board, alter the allocation of financial burdens among the various lots.
- 959 (b) Notwithstanding Subsection (7)(a), an association may:

- 960 (i) change the common areas available to a lot owner;
- 961 (ii) adopt generally applicable rules for the use of common areas; or
- 962 (iii) deny use privileges to a lot owner who:
 - 963 (A) is delinquent in paying assessments;
 - 964 (B) abuses the common areas; or
 - 965 (C) violates the governing documents.
- 966 (c) This Subsection (7) does not permit a rule that:
 - 967 (i) alters the method of levying assessments; or
 - 968 (ii) increases the amount of assessments as provided in the declaration.
- 969 (8) (a) Subject to Subsection (8)(b), a rule may not:
 - 970 (i) prohibit the transfer of a lot; or
 - 971 (ii) require the consent of the association or board to transfer a lot.
- 972 (b) Unless contrary to a declaration, a rule may require a minimum lease term.
- 973 (9) (a) A rule may not require a lot owner to dispose of personal property that was in or
- 974 on a lot before the adoption of the rule or design criteria if the personal property was in
- 975 compliance with all rules and other governing documents previously in force.
 - 976 (b) The exemption in Subsection (9)(a):
 - 977 (i) applies during the period of the lot owner's ownership of the lot; and
 - 978 (ii) does not apply to a subsequent lot owner who takes title to the lot after adoption of
 - 979 the rule described in Subsection (9)(a).
- 980 (10) A rule or action by the association or action by the board may not unreasonably
- 981 impede a declarant's ability to satisfy existing development financing for community
- 982 improvements and right to develop:
 - 983 (a) the project; or
 - 984 (b) other properties in the vicinity of the project.
- 985 (11) A rule or association or board action may not interfere with:
 - 986 (a) the use or operation of an amenity that the association does not own or control; or
 - 987 (b) the exercise of a right associated with an easement.

988 (12) A rule may not divest a lot owner of the right to proceed in accordance with a
989 completed application for design review, or to proceed in accordance with another approval
990 process, under the terms of the governing documents in existence at the time the completed
991 application was submitted by the owner for review.

992 (13) Unless otherwise provided in the declaration, an association may by rule:

993 (a) regulate the use, maintenance, repair, replacement, and modification of common
994 areas;

995 (b) impose and receive any payment, fee, or charge for:

996 (i) the use, rental, or operation of the common areas, except limited common areas; and

997 (ii) a service provided to a lot owner;

998 (c) impose a charge for a late payment of an assessment; or

999 (d) provide for the indemnification of the association's officers and board consistent
1000 with Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.

1001 (14) (a) Except as provided in Subsection (14)(b), a rule may not prohibit the owner of
1002 a residential lot from constructing an internal accessory dwelling unit, as defined in Section
1003 10-9a-530, within the owner's residential lot.

1004 (b) Subsection (14)(a) does not apply if the construction would violate:

1005 (i) a local land use ordinance;

1006 (ii) a building code;

1007 (iii) a health code; or

1008 (iv) a fire code.

1009 [~~14~~] (15) A rule shall be reasonable.

1010 [~~15~~] (16) A declaration, or an amendment to a declaration, may vary any of the
1011 requirements of Subsections (1) through (13), except Subsection (1)(b)(ii).

1012 [~~16~~] (17) A rule may not be inconsistent with a provision of the association's
1013 declaration, bylaws, or articles of incorporation.

1014 [~~17~~] (18) This section applies to an association regardless of when the association is
1015 created.

1016 Section 16. **Effective date.**

1017 (1) Except as provided in Subsection (2), this bill takes effect on May 5, 2021.

1018 (2) The actions affecting the following sections take effect on October 1, 2021:

1019 (a) Section [10-8-85.4](#);

1020 (b) Section [10-9a-530](#);

1021 (c) Section [17-27a-526](#);

1022 (d) Section [17-50-338](#);

1023 (e) Section [57-8a-209](#); and

1024 (f) Section [57-8a-218](#).

	Owner Occupied Where?	License required?	How many?	Size
SLC	Yes	Registration required	1/lot	50% of home footprint or 650sf, whichever is less not less than 400sf, no more than
Park City	Yes		1/lot	1,000sf
Telluride	Not listed in the Land Use Code			
Durango	Yes	Registration required	1/lot	550sf

Crested
Butte

Yes

Conditional
Use

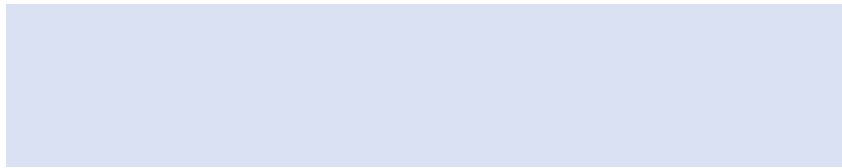
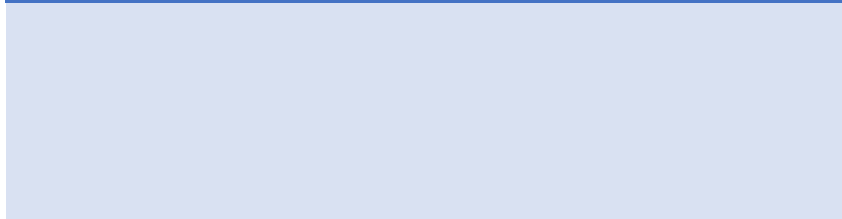
1/lot

minimum of 220sf
plus storage and
1000sf maximum

Yearly affidavit necessary for each EHU. Conditional Use Permit required for some EHUs. All EHUs require management plans

Vail	?		1/lot	
Aspen				
St George	Yes	ADU permit required	1/lot	800 sf maximum

Comments



Has an amnesty program

square feet for each residential unit; provided, however, that the minimum floor area for an accessory structure built before July 1, 1942, which is being converted to a residential unit, historic accessory structure, shall be two hundred twenty (220) square feet, plus a closet, a bathroom and one hundred (100) additional square feet for each occupant in excess of two (2), only if the following conditions are met: a. The residential unit must be an accessory dwelling used exclusively as a long-term rental unit; b. The occupants of the dwelling must have been residents of the County for three (3) consecutive years of the preceding seven (7) years; c. At least fifty-one percent (51%) of the occupants' income must be earned from work for an employer situated within the County or from work actually performed in the County; and d. The above



CITY OF MOAB ORDINANCE NO. 2021-19
AN ORDINANCE AMENDING MOAB MUNICIPAL CODE 3.50.100 SANITARY
SEWER RATES

WHEREAS, the City has engaged Bowen Collins and Associates to update the 2016 rate study and identify solutions to address the Sewer Fund budgetary shortfall; and

WHEREAS, following a review of revenues, operations and maintenance expenses, and capital projects, various proposals were created to address the financial needs of the Sewer Fund; and

WHEREAS, the City Council has been presented two scenarios for consideration as presented in Exhibit A.

WHEREAS, the City of Moab City Council held a duly noticed public hearing regarding sanitary sewer rates on November 9, 2021; and

Now therefore, be it ordained that the City Council of the City of Moab adopts the Sewer Rate Schedule as presented in Option _____

PASSED AND APPROVED by a majority of the City Council, this 9th day of November, 2021.

By: _____
Emily S. Niehaus, Mayor

_____ Date

Attest:

By: _____
Sommar Johnson, Recorder

_____ Date

EXHIBIT A

Rates shall be effective on the first full billing cycle of each calendar year.

Option A

Base Rate	2021	2022	2023	2024	2025	2026	2027	2028
Single Family	\$21.60	\$27.00	\$29.70	\$32.67	\$35.94	\$38.81	\$40.75	\$42.79
Multi-Family+Overnight Accommodations (1st Unit)	\$19.65	\$24.56	\$27.02	\$29.72	\$32.69	\$35.31	\$37.07	\$38.93
Charge per Additional Unit	\$9.45	\$11.81	\$12.99	\$14.29	\$15.72	\$16.98	\$17.83	\$18.72
Restaurant/Fast Food and Other Non-Residential 1”	\$21.60	\$27.00	\$29.70	\$32.67	\$35.94	\$38.81	\$40.75	\$42.79
Restaurant/Fast Food and Other Non-Residential 1.5”	\$24.85	\$31.06	\$34.17	\$37.59	\$41.34	\$44.65	\$46.88	\$49.23
Restaurant/Fast Food and Other Non-Residential 2”	\$33.80	\$42.25	\$46.48	\$51.12	\$56.23	\$60.73	\$63.77	\$66.96
Restaurant/Fast Food and Other Non-Residential 3”	\$99.75	\$124.69	\$137.16	\$150.87	\$165.96	\$179.24	\$188.20	\$197.61
Restaurant/Fast Food and Other Non-Residential 4”	\$124.20	\$155.25	\$170.78	\$187.85	\$206.64	\$223.17	\$234.33	\$246.04
Restaurant/Fast Food and Other Non-Residential 5”	\$181.20	\$226.50	\$249.15	\$274.07	\$301.47	\$325.59	\$341.87	\$358.96
Restaurant/Fast Food and Other Non-Residential 6”	\$246.35	\$307.94	\$338.73	\$372.60	\$409.86	\$442.65	\$464.79	\$488.03
Restaurant/Fast Food and Other Non-Residential 8”	\$336.25	\$420.31	\$462.34	\$508.58	\$559.44	\$604.19	\$634.40	\$666.12

Volume Rate	2021	2022	2023	2024	2025	2026	2027	2028
Single-Family	\$1.90	\$2.38	\$2.61	\$2.87	\$3.16	\$3.41	\$3.58	\$3.76
Multi-Family	\$2.22	\$2.78	\$3.05	\$3.36	\$3.69	\$3.99	\$4.19	\$4.40
Overnight Accommodations	\$2.22	\$2.78	\$3.05	\$3.36	\$3.69	\$3.99	\$4.19	\$4.40
Restaurant/Fast Food	\$3.41	\$4.26	\$4.69	\$5.16	\$5.67	\$6.13	\$6.43	\$6.76
Other Nonresidential	\$2.22	\$2.78	\$3.05	\$3.36	\$3.69	\$3.99	\$4.19	\$4.40

Option B

Base Rate	2021	2022	2023	2024	2025	2026	2027	2028
Single Family	\$21.60	\$24.84	\$26.95	\$29.24	\$30.70	\$32.24	\$33.85	\$35.54
Multi-Family+Overnight Accommodations (1st Unit)	\$19.65	\$22.60	\$24.52	\$26.60	\$27.93	\$29.33	\$30.80	\$32.34
Charge per Additional Unit	\$9.45	\$10.87	\$11.79	\$12.79	\$13.43	\$14.10	\$14.81	\$15.55
Restaurant/Fast Food and Other Non-Residential 1”	\$21.60	\$24.84	\$26.95	\$29.24	\$30.70	\$32.24	\$33.85	\$35.54
Restaurant/Fast Food and Other Non-Residential 1.5”	\$24.85	\$28.58	\$31.01	\$33.64	\$35.32	\$37.09	\$38.94	\$40.89
Restaurant/Fast Food and Other Non-Residential 2”	\$33.80	\$38.87	\$42.17	\$45.76	\$48.05	\$50.45	\$52.97	\$55.62
Restaurant/Fast Food and Other Non-Residential 3”	\$99.75	\$114.71	\$124.46	\$135.04	\$141.79	\$148.88	\$156.33	\$164.14
Restaurant/Fast Food and Other Non-Residential 4”	\$124.20	\$142.83	\$154.97	\$168.14	\$176.55	\$185.38	\$194.65	\$204.38
Restaurant/Fast Food and Other Non-Residential 5”	\$181.20	\$208.38	\$226.09	\$245.31	\$257.58	\$270.45	\$283.98	\$298.18
Restaurant/Fast Food and Other Non-Residential 6”	\$246.35	\$283.30	\$307.38	\$333.51	\$350.19	\$367.70	\$386.08	\$405.38
Restaurant/Fast Food and Other Non-Residential 8”	\$336.25	\$386.69	\$419.56	\$455.22	\$477.98	\$501.88	\$526.97	\$553.32

Volume Rate	2021	2022	2023	2024	2025	2026	2027	2028
Single-Family	\$1.90	\$2.19	\$2.37	\$2.57	\$2.70	\$2.84	\$2.98	\$3.13
Multi-Family	\$2.22	\$2.55	\$2.77	\$3.01	\$3.16	\$3.31	\$3.48	\$3.65
Overnight Accommodations	\$2.22	\$2.55	\$2.77	\$3.01	\$3.16	\$3.31	\$3.48	\$3.65
Restaurant/Fast Food	\$3.41	\$3.92	\$4.25	\$4.62	\$4.85	\$5.09	\$5.34	\$5.61
Other Nonresidential	\$2.22	\$2.55	\$2.77	\$3.01	\$3.16	\$3.31	\$3.48	\$3.65



Water Conservation Plan Update 2021

City of Moab

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Acknowledgements

This plan was written as a joint effort between City Staff, the Water Conservation and Drought Management Advisory Board, and the Moab City Council. City staff included Mila Dunbar-Irwin, Chuck Williams, Mark Jolissaint, Levi Jones, Carly Castle, Marcy Mason, and Ben Billingsley. Contributors from the Water Conservation and Drought Management Board were Jeremy Lynch, Eve Tallman, Arne Hultquist, Mike Duncan, Kara Dohrenwend, and Steve Getz. Other contributors include Elaine Gizler and Dave Engleman. City Council and Mayor were Emily Niehaus, Mike Duncan, Tawny Knuteson-Boyd, Rani Dersary, Kalen Jones, and Karen Guzman-Newton.

FOREWARD

Water is the lifeblood of Moab, as for all cities. Over a century ago the consistent flow of Mill Creek, fed by reliable snowfall in the La Sal Mountains, allowed the establishment of Moab as an agricultural community. Over the subsequent decades, changing land use, increased water consumption, multi-year droughts, and scientific study of Moab's aquifer has led to better understanding of the value, limitations of, and risks to Moab's water supply. While this Plan is driven in part by state requirements, ultimately it is a response to the City's responsibility to plan for the long-term well-being of its residents, businesses, and customers. To that end, it lays the groundwork to prepare for a future, that while it may be water constrained, still provides the many benefits that continues to draw people to this desert oasis. Including a healthy urban forest, local food production at all scales, and attractive residential and commercial landscapes.

-Moab City Council, 2021

INTRODUCTION

The City of Moab 2021 Water Conservation Plan has been prepared to comply with the Utah Water Conservation Plan Act of 1998 amended in 2004 with HB71 Section 73-10-32. Statute requires that every Utah water conservancy district and water retailer adopt a Water Conservation Plan every five years and file the plan with the Utah Board of Water Resources. This 2021 Water Conservation Plan Update presents updated data for water supply and demand, trends, future growth and consumption projections, and proposes policies and actions to achieve regional conservation goals.

The Regional Water Conservation Goal for the “Upper Colorado River” area (Carbon, Emery, Grand, and San Juan Counties) is 20% by 2030, from an average of 333 gallons per capita per day (GPCD) to 267 GPCD. Moab is close to this goal and is currently at 278 GPCD according to 2020 population estimates. The 2020 Census data will be available in 2022, at which time, the City will have a more accurate resident number, and it is likely the actual GPCD will be lower.

The City proposes to meet and exceed the Regional Goal by setting a new goal of 230 GPCD by 2030. This represents a 50% decrease in outdoor landscape irrigation and would result in the total volume of residential water use staying the same, while still accounting for the projected increase in population. A goal of 230 GPCD by 2030 is a representation of the water conservation values of the community and an effort to keep water use at a safe level to ensure a sustainable quality of life for the City of Moab and its environs.

To meet this goal, the City plans to implement a suite of water conservation measures including policies, outreach, infrastructure improvements, and water resource management planning. Proposed policies include regulating landscapes and turfgrass for new development, water wise development standards, and re-landscape incentives. Outreach and education for current residents as well as making technical resources and expertise available are a key component of meeting the City’s goal. The City has committed to system upgrades which will be completed over the next five years and have the potential to reduce loss and improve efficiency, as well as development of a new source (well). In addition, the City is embarking on a water resource management planning effort in coordination with other local water providers who share the groundwater supply, to make smart decisions now and prevent shortages in the future. Underpinning all these efforts is on-going research by state, local, and federal agencies to improve data accuracy and forecasting.

Data for this plan comes from ongoing studies by the Utah Division of Water Rights (UDWRi), the United States Geological Survey (USGS) and the Utah Geological Survey (UGS) as well as the City and neighboring water users, Grand Water and Sewer Service Agency (GWSSA), and Moab Irrigation Company (MIC). Population data was derived from the 2010 US Census and Census.gov estimates.

SECTION 1: SYSTEM PROFILE

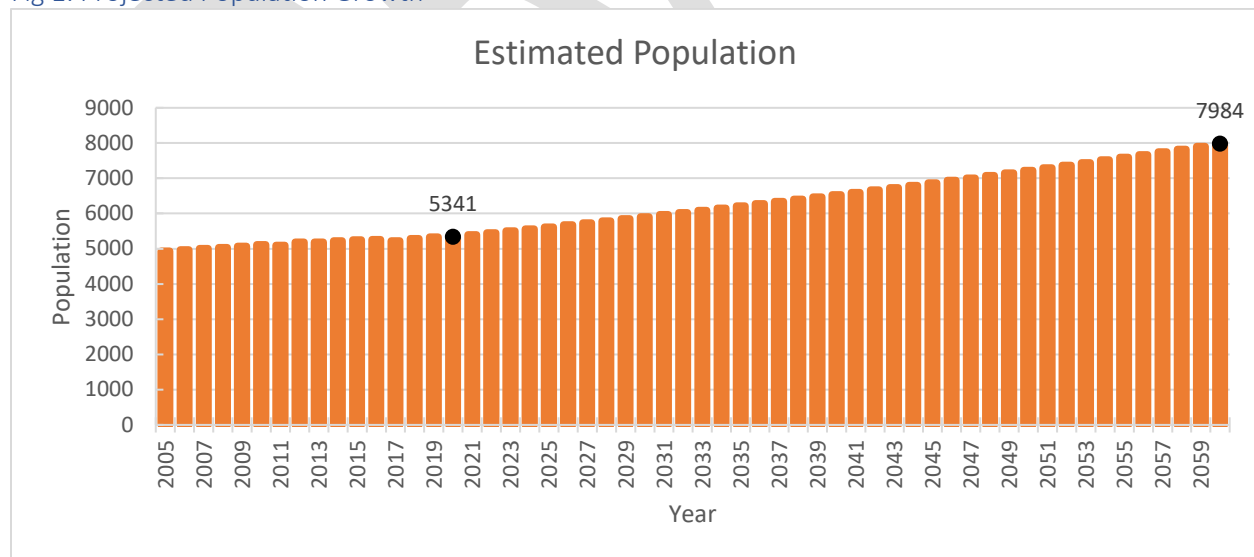
1.1 History, Government and Population

The City of Moab was incorporated in 1902 and is the largest city in Grand County. The City of Moab has a Council-Manager form of government, with five elected Council members, a separately elected Mayor, and an appointed City Manager.

The semi-arid climate of Moab is characterized by hot summers and cold winters, with 9.5 inches of precipitation per year. Moab has been known for ranching and agriculture, uranium mining, film production and tourism over the decades. The area serves as a gateway to Arches and Canyonlands National Parks, Bears Ears National Monument, the Colorado and Green Rivers and the La Sal Mountains. It is home to world-renowned mountain biking, hiking and 4x4 trails, and the area hosts millions of visitors each year. Dramatic upticks in visitation in the past decade have resulted in explosive development of tourist amenities such as overnight accommodations. This transient population makes water planning more complicated and can be a point of contention for those concerned that our GCPD does not differentiate between visitors and residents, resulting in each resident being “responsible” for some portion of the tourism impact. Please see Section 6, Water Conservation, for more details.

The resident population of the City has slowly grown over the past ten years, with an average estimated growth rate of 1.01% / year. Current resident population is estimated at 5,341 using this assumed growth rate and will be updated with the 2020 Census data available in 2022. The greater Spanish Valley area, including northern San Juan County, sits at around 10,000 people, including the City of Moab. This is the most useful population number for long-term water resource management planning, as these are the total users of the water supply. Moab City alone could see an increase of approximately 2,500 people in the next 40 years, if the average growth rate stays the same.

Fig 1. Projected Population Growth



However, build-out projections are complex, and have many different scenarios based on current zoning, potential zone changes, types of uses, and possible future regulations such as

water availability. 2020 Census data may be higher than the previous growth rates, and post-covid, Moab seems to have undergone a boom in popularity if the housing market is any indication of current residential demand.

There are currently 240 undeveloped properties within City limits, representing 725 buildable acres (there are 1116 vacant acres, but the remaining 391 acres are unbuildable due to natural hazards). Approximately 30% of these are zoned for commercial uses. The lowest end of the build-out scenario is one single-family dwelling on each residentially zoned property and non-residential uses on the others, which adds only about 223 people (using an average of three people / household) to the projected population. The build-out number gets much higher assuming each property uses their total density allowance, and higher still if any are rezoned to zones allowing more density than currently permitted. With a medium scenario, where every vacant residential property is subdivided and developed to the maximum density allowed by current zone (excluding multi-family options), then there are 3,000 new units built, and approximately 9,000 more people.

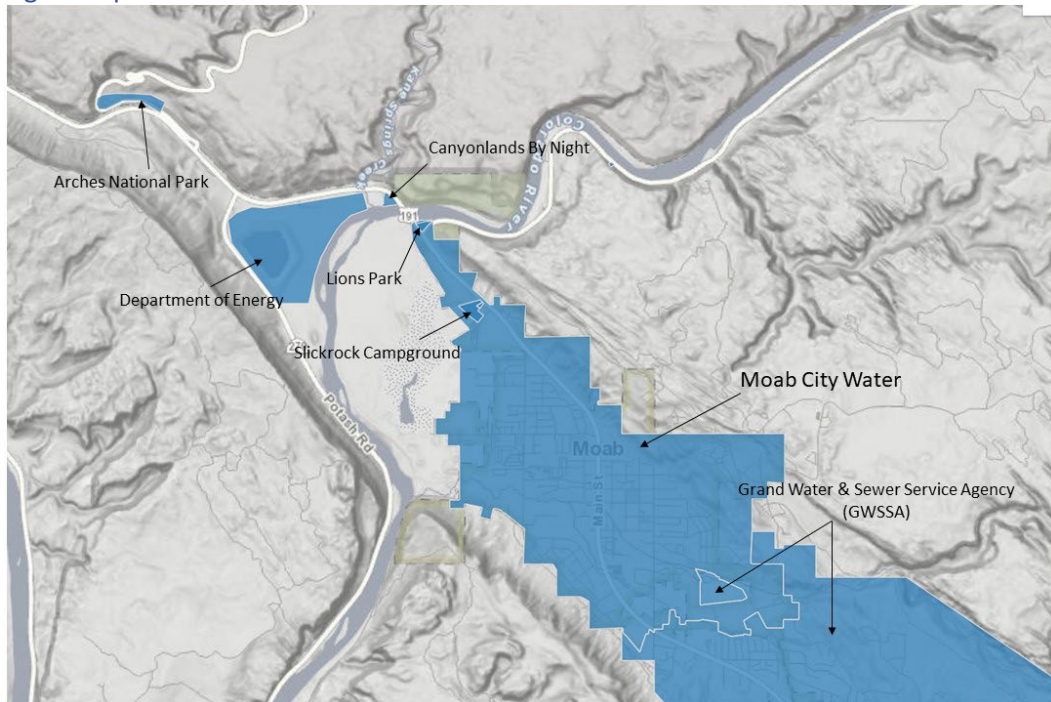
The City is currently looking into these various scenarios to develop smart land use policy based on limited resources and community desires. The matter is complicated further by the addition of other water users outside City limits who share the aquifer – residents of both Grand County and San Juan County. Acknowledging this reality is the inspiration behind the initiation of the Moab Spanish Valley Water Providers Coalition, a water resource management planning group to be convened later in 2021.

It is impossible to address the population of Moab without representing tourism. Though the City only has around 5,000 permanent residents, the area (including Spanish Valley) sees more than a million visitors per year, many of which stay at least one night in the many overnight accommodations available in both City limits and Grand County.

1.1 Water governance structure

The City of Moab is the sole provider of culinary water to all City residents and businesses. The Moab Irrigation Company provides some irrigation water to its members in town, and Grand Water and Sewer Service Agency serves residents outside of City limits. There are a few exceptions such as the new Utah State University campus which will be within the City but served by GWSSA. City of Moab water is supplied, delivered, and billed by City staff within the Public Works, Engineering, and Treasurer's departments.

Fig. 2 Map of Current Service Area



1.2 Water Distribution System

The Moab City culinary water system is fed by six sources: two wells and four springs. One additional well is currently being developed and should be on-line in 2022. Source water is stored in three tanks with a total capacity of 3.0 MG, with one additional tank scheduled for construction in the next several years. Approximately 52 miles of pipes, ranging in size from 4 to 21 inches in diameter, distribute water from the storage tanks throughout the City's service area.

The City's water delivery network comprises three pressure zones. The three zones are referred to as the Lower, Middle, and Upper Zones, with the names corresponding to the relative elevations served by each pressure zone. In general, the topography in Moab slopes toward the Colorado River. Therefore, the Lower Zone is on the northwest side of the City, closest to the Colorado River, with the progressively higher Middle and Upper Zones located to the southeast. These zones are separated with pressure reducing valves (PRVs). Due to PRV interconnections between pressure zones, excess storage located in higher zones can be applied to zones that are low. See Section 2 for volume and supply information.

Table 1. Number and Type of Connections in 2020

Type of Connection	Number in 2020
Residential	1,773
Commercial	430
Institutional	60
TOTAL	2,263

The City's water system operates as an Enterprise Fund in which fees are charged to users of the system to pay for the costs. The Water Fund revenue sources consists of water base and usage fees from residential and commercial customers, bulk water sales, water impact fees, and proceeds from debt service secured by water rates. In April of 2021 the water revenue was used to secure a bond to enable the City to complete a backlog of necessary water related projects in the next five years, including developing a new well, Well #12. These projects also include water line improvements along Mill Creek Drive, a new two-million-gallon storage tank on Spanish Valley Drive, and various optimization projects on existing facilities. The Water Department keeps up on leak and loss maintenance regularly (see Section 4).

1.3 Wastewater Treatment System

The new Wastewater Reclamation Facility was built and became operational in 2019, saving the City 200,000 gallons of water per month, on average. There is an opportunity to upgrade the treatment system so that water flowing through the plant could be discharged into the Matheson Wetlands and re-used once again before joining the Colorado. As water management between providers in the Valley and ecological concerns are brought to the table, this may become a path the City chooses to take.

SECTION 2: SUPPLY

2.1 Sources – Aquifers, Surface Water, and Water Rights

2.1.1 History

As desert country first settled by Europeans in the mid-19th century, Spanish Valley with the La Sal mountains to the east looked like a water-secure place for the foreseeable future. That changed in the mid-1950s with the uranium boom and a sudden influx of people. Moab and Spanish Valley grew to about 3000 people at that point, and then it changed again for good with the creation of Arches and Canyonlands National Parks, and the outdoor recreation economy. The County has since grown to 10,000 permanent residents and shows no signs of slowing.

Besides Moab City, several water providing entities share one valley, one mountain range and two very complex aquifers, and are facing a finite water supply. Private rights holders, Moab City, Grand County, Moab Irrigation Company (a non-profit irrigation company with senior rights to much of the valley's surface water), and the northern end of San Juan County all share, cooperate, and compete for both agricultural irrigation supply and domestic culinary water. There is wide-spread sentiment that the state has over-allocated water rights, particularly in the light of recent research and climate change projections. Recently the focus has changed from "Who has rights?" to "Are we at safe yield?" a relatively recent state prohibition against mining aquifers.

The state's Division of Water Rights is nearly finished conducting a three-year adjudication process, an effort to put unused water rights back in the public domain. After this process is completed, the paper water rights should match wet water a little better, though the over-allocation issues remain.

The Water Conservation and Drought Management Board was created after the adoption of the 2016 Water Conservation Plan and has worked to address some of the issues facing the Valley in the intervening years. With the publication of several research efforts and the extreme drought declaration during 2021, water has come more to the forefront of public conversation. There is more community urgency to increase efforts to integrate conservation practices and initiate cooperative long-range planning. It is no longer time to pretend we are separate – the water flows underground and is used by all. Hopefully, with a constructive process and good leadership, there will be an agreement reached regarding a number for “safe yield,” whether that is a number codified by the State Engineer or a number that the water providers agree on remains to be seen. With current science limited by available data, and study conclusions still presenting a wide range of available water, it seems prudent to wholeheartedly embrace the precautionary principle and make conservative estimates now to preserve water supply for an uncertain future.

2.1.2 Aquifer and surface water descriptions and maps

During the last several years the City, GWSSA and several other concerned entities funded a USGS study to help better understand the aquifers in our area (citations here). The City of Moab also hired a consulting firm, Hydrologic Systems Analysis, LLC, to further understand this very complex system. The study is available by request at the City.

Due to the complexity of the aquifers fed by snowmelt from the La Sal Mountains there is not complete agreement on exactly how the system functions, and there is still a wide range in the estimates of how much water is in the aquifer and what the recharge rate is. This discussion is ongoing in the community and will be a part of groundwater management planning efforts.

In the 1970’s the total water budget including the Glen Canyon Group Aquifer (GCGA) and the Valley Fill Aquifer was about 20,000 acre-feet per year, as estimated by the USGS. In 2018 the USGS completed a more extensive set of field measurements and reduced its budget estimate to 11,000-13,000 acre-feet. In 2020, a Journal of Hydrology (pre-publication but peer-reviewed) article by one of the previous USGS authors using extensive geo-chemistry tracing and age-dating techniques estimated the annual GCGA recharge (deep portion) at less than 4000 acre-feet. This is the current culinary water source for the City. If this number holds up to scientific scrutiny and usefully narrow error bounds, it is approximately what is being withdrawn from the GCGA to serve current demand. This would have significant ramifications for both land use planning and conservation practices.

The complexity of our sub-surface aquifer not only makes quantifying available water difficult, but it also means our water supply is relatively invisible to residents and visitors alike. Conservation of a resource that may only be understood to be gone when wells run dry creates a challenging conservation planning atmosphere. The City of Moab and others in the community can lead the conversation about understanding our water system, how we are working to ensure the security of our water supply, and how every resident can help through water conservation.

Table 2. SUPPLY CATEGORIZED BY TYPE of SOURCE

	5-yr average	2016 (2,388 AF)	2017 (2,540 AF)	2018 (2,478 AF)	2019 (2,264 AF)	2020 (2,218 AF)
Springs	1,444.01	1,386.32	1,506.30	1,439.42	1,265.64	1,321.94
Wells	1,024.47	1,001.18	1,033.48	1,038.74	997.86	896.44

2.2 Secondary Water (Irrigation Sources)

2.2.1 Moab Irrigation Company

Moab Irrigation Company (MIC) is a non-profit organization founded circa 1890 which has senior water rights to almost all the water in the Mill Creek drainage, including North Fork, which is usually around 6,000 acre-feet per year. Headwaters of both branches of Mill Creek are high on the west side of the La Sal mountains. Mill Creek is the principal drainage supplying water to Spanish Valley.

There are three diversions in the upper reaches of Mill Creek that supply water to three ditches – Wilson Mesa, South Mesa, and Horse Creek – for agricultural and irrigation uses. There is another large diversion, discussed below, supplying water through Sheley Tunnel to Ken’s Lake, which is a reservoir supplying irrigation water to upper valley users.

There are three more diversions on Mill Creek below its confluence with North Fork. The two lower dams are near each other and not far from the intersection of Spanish Valley Drive and Powerhouse Lane. The uppermost dam of this group supplies mostly small farms on the southeast edge of the city. The remaining two dams supply two "ditches" (long since replaced by closed plastic piping) that stretch from east to west across Moab City. The users on these ditches are more than a hundred of mostly urban landscapers who enjoy relatively inexpensive irrigation water compared to what it would cost to irrigate with City culinary water. Delivery takes advantage of the steady downhill grade to the west to hydrostatically pressurize the pipelines; no pumps are used. The majority of these users flood irrigate their properties.

Since 1980, all flow (except a BLM required 3 cfs minimum in-stream flow) in Mill Creek is diverted by Grand Water and Sewer Service Agency (GWSSA) into Ken's Lake where it is used for irrigation in the upper valley. *[A hydrologist employed to study the City’s culinary water supply asserts that this reduced (since 1980) stream flow has detrimentally reduced the city’s production from its springs and wells at the golf course as well as Skakel Springs farther north along a NW trending Kayenta fault line.]* MIC charges GWSSA for this diverted water, and in turn if MIC wishes to augment its city pipelines in late summer (a common occurrence in recent frequent drought years) when Mill Creek flow is low, GWSSA charges MIC for water pumped from Valley Fill Aquifer wells in the same geographic area as MIC diversions. Ken's Lake also owns many MIC shares, for which it pays an assessment fee like any other MIC shareholder.

In summer, MIC frequently takes all Mill Creek flow at its two lower dams to serve its users, leaving Mill Creek almost dry, particularly in the daytime when more people are watering than they do at night. Water does seep back into the creek below the lower dam so that by the time Mill Creek crosses Main Street (Hwy 191) there is some flow back in the creek bed. The aesthetics and ecological amenity of leaving some modest flow, ideally even in drought years, in

the creek all the way through town is desirable, but there's not enough water to serve MIC customers and leave some in the creek unless water distribution can be made more efficient. Doing so is certainly possible, but it requires considerable upgrade to both MIC and user systems with technologies such as pumps, timers, tanks, automated diversion dams and automated valves. Surface water is messy to handle, involving foreign material such as sand, limbs, leaves and beavers, making the situation more complicated.

Similarly, the idea surfaces periodically of using MIC water, its pipelines, or at the least its right-of-way through town to grow a secondary municipal water system. This is possible, but likely means converting MIC from a non-pressurized to a pressurized, metered system, which is not currently in City or MIC budgets.

2.2.2 The Colorado River

Another potential secondary irrigation system is surface water out of the Colorado River. The City of Moab has the opportunity to conserve culinary water and add non-potable supply for outdoor irrigation needs by converting some of the groundwater rights to surface water from the Colorado. Developing this system would cost many millions of dollars and take years of planning and infrastructure installment and is not within the scope of City capital improvement projects at the moment. However, to further conserve culinary water supplies, this development could be well warranted in the future.

2.3 Water Rights

The City of Moab holds 8,795AF in water rights currently, the vast majority of which are groundwater rights.

SECTION 3: WATER MEASUREMENT

3.1 Water Measurement Methods and Practices

Moab city uses Neptune R900i T-10-gal water meters. All water source production meters are read daily for data collection and all customer-based meters are read at the beginning of each month for billing. Malfunctioning meters are tested and replaced immediately as they are discovered. If a meter is suspected of reading inaccurately it is removed and tested prior to replacement or repair.

Rough estimates on meter size deviance range are 5/8" - 90%, 1" 2-4%, 2" 2-4%, 3" 1-2%, 4" 1% and 6" less than 1%. Enough meters are kept on hand to keep up with replacements and cold winters. In 2014-15 an exceptionally cold winter, with average temps below 0 at night and single digits during the day for 3-4 weeks, resulted in replacement of roughly 175 frozen meters and 24 frozen service lines that need thawing and / or replacing. In 2020 only two frozen meters needed replacement and there were no frozen service lines. We expect winters to continue to warm, though slowly.

Connection and impact fees are assessed for each new connection based on the size of connection and its usage classification. New developments and meter sizes are engineered according to ERC's (Equivalent Residential Connection).

All water measurements are reported to the State DWR as required.

SECTION 4: SYSTEM WATER LOSS

4.1 Water Loss

There was approximately 550 acre-feet of water, or about 20%, lost between production and metered connections in 2020, which is typical for recent years. The City engineering and public works team attributes this loss to four possible causes:

1. Dispersed Leaks: individual leaks may be too small to be noticed but taken together could have a significant effect. Water lines are in various types of soils, some of which may be able to absorb a slow leak for a long time without evidence showing.
2. Water Line Breaks: these are repaired quickly, but large amounts of water can be lost during the leaking period.
3. Unmetered Connections: there may be older connections that are yet unmetered.
4. Fire Hydrant Exercise: Public Works exercises fire hydrants on a schedule, and the water expelled is not metered.

4.2 Leak Detection and Repair

Moab City has four full time Water Department personnel directly supervised by the Public Works Director. They work around the clock to provide safe drinking water for the City of Moab. They monitor and perform regular maintenance on the water production and treatment process daily and make necessary repairs immediately. They have a SCADA system that monitors and controls various parts of the water system remotely from a desktop computer or a phone app with full control of all the pumps in the system. This means they can see intrusion alarms and all the tank levels in real time.

The Water Department takes leaks seriously and responds immediately to all identified issues, making a conscious effort to lose the least amount of water possible during repairs. Staff are always on high alert and inspecting the water system for leaks and have personnel on-call 24/7 through local dispatch through the Sheriff's office or by the on-call number (435)210-1982. The City Water Department responded to 35 water leaks in 2020 and completed repairs on eight water mains and 22 service lines.

The Treasurer's Office and Water Departments work closely together on water conservation. The Water Department reads all water meters, most of which are digitally broadcast, and reports those readings to the Treasurer's Office monthly. The Treasurer's Office identifies high usages through their billing software which creates a re-read list. The Water Department will then verify the unusually high readings on the ground and report the conditions back to the Treasurer's Office. If there is evidence of a water leak the homeowner is notified immediately and work begins on a solution. When the leak is properly fixed, the homeowner can request a rebate on the amount of their water bill caused by the leak. This is intended as an incentive to fix leaks and not simply let them run, although, that has happened in the past, and it may be time to add a penalty for those who do not choose to fix their leaks.

In addition, the Water Department works to educate customers on ways to conserve water. From irrigation watering schedules to overflowing swamp coolers and leaking faucets, they help customers identify high usage areas and come up with solutions.

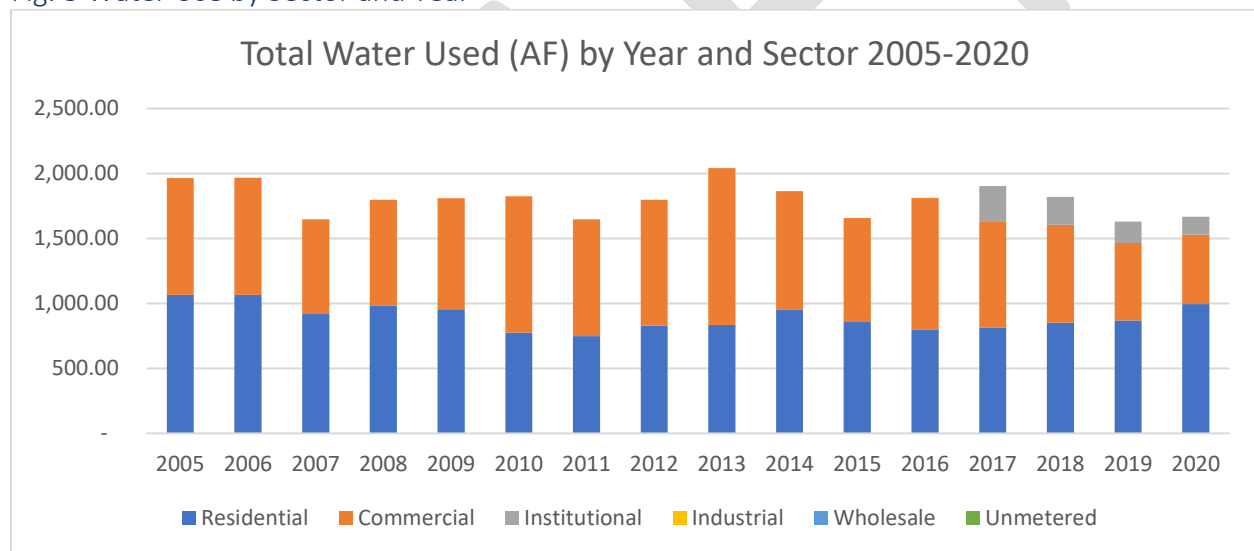
To maintain water quality the Water Department cleans and inspects water storage facilities every five years. They flush low-flow and dead-end lines on a regular basis and upon restoring water after an outage, they flush water mains until free of sand. There is sediment that flows naturally from the springs and settles in main lines due to aging infrastructure. New infrastructure additions strictly follow AWWA water standards. From installation and pressure testing to treatment and sampling all applicable standards are consistently followed to maintain water quality.

SECTION 5: WATER USE

5.1 Water Use

Total water used from 2005 – 2020 has decreased. In recent years, the proportion of water going to commercial uses has begun to decrease in comparison to residential use as well, as the City becomes more built-out and residentially focused, and commercial and agricultural uses move out into Spanish Valley. The City has set the goal of a 50% reduction in outdoor landscape irrigation by 2030 to effectively keep residential draw the same as it is today, regardless of the projected increase in population.

Fig. 3 Water Use by Sector and Year



The City of Moab only began keeping records on non-potable water production and use in 2017. There are only three connections that are considered non-potable water used for irrigation. Well #7 is used exclusively by the Golf Course for spring irrigation to make up for shortfalls when their usual water source (GWSSA) does not have enough supply. They use varying levels per year depending on available surface water. The City Center well is exclusively used for irrigation of City facilities near City Hall, and McConkie spring is a diversion near Old City Park used for irrigation there.

Table 3. Potable vs. Non-Potable Water Use (AF)

SOURCE	2020	2019	2018	2017
City Center Well	1.35	N/A	N/A	N/A
McConkie Spring (Irrigation)	120.00	120.00	120.00	152.03
Well #7 Golf Course (Irrigation)	8.43	18.00	182.70	41.06
Total Per Year	129.78	138.00	302.70	193.09

5.1.1 Water Use – Permanent Residents

Total water use has been trending downwards in the past 15 years, even as population has risen. This is due to shifting uses from commercial and mining towards residential, conversion of agricultural land to residential use, replacement of the old wastewater treatment facility, and likely some water conservation awareness as well. In 2005 the total water used was 1,965 acre-feet and in 2020 the total was 1,667 acre-feet. *The City of Moab aims to keep total water use at or around the current level into 2030, regardless of population growth.*

Fig. 4 Population vs Water Use

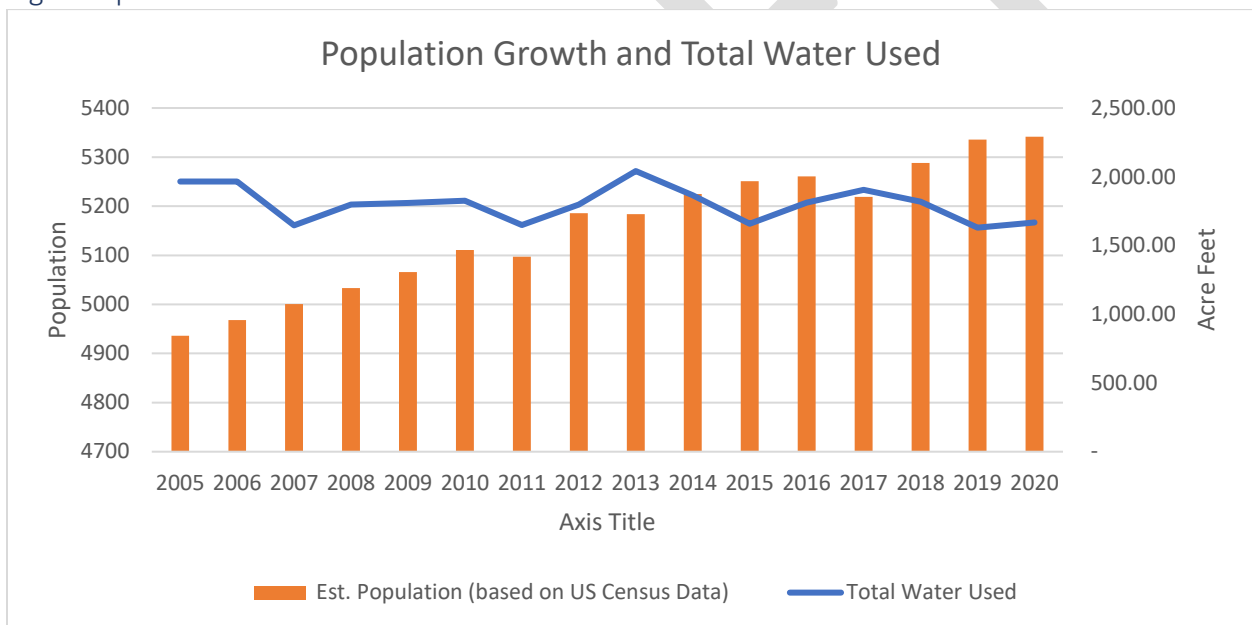


Fig. 5 Gallons per Capita per Day by Type

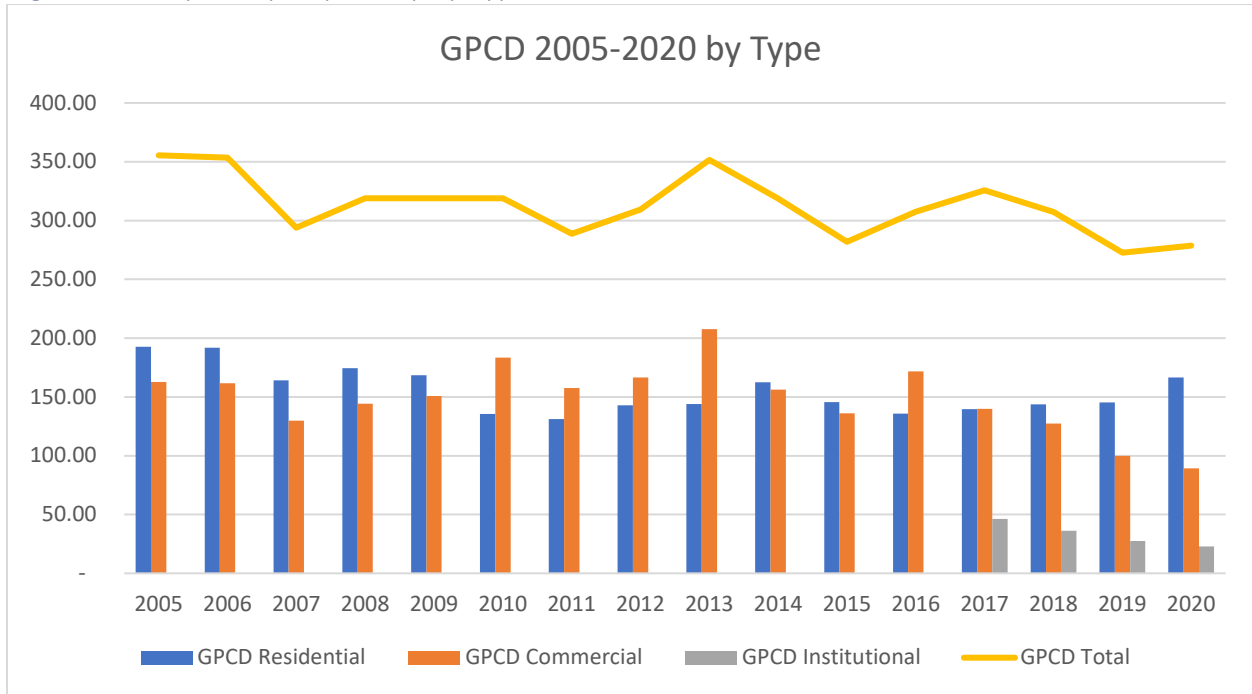


Table 4. Gallons per Capita per Day 2005 - 2020

Year	Population	GPCD Residential	GPCD Commercial	GPCD Institutional	GPCD Total
2005	4936	192.76	162.72	-	355.48
2006	4968	191.78	161.60	-	353.38
2007	5001	164.18	129.78	-	293.96
2008	5,033	174.56	144.34	-	318.89
2009	5,066	168.42	150.65	-	319.06
2010	5,111	135.46	183.40	-	318.87
2011	5,097	131.05	157.60	-	288.64
2012	5,186	142.79	166.56	-	309.35
2013	5,184	143.89	207.67	-	351.56
2014	5,225	162.38	156.24	-	318.62
2015	5,251	145.69	136.18	-	281.88
2016	5,261	135.68	171.73	-	307.41
2017	5,219	139.50	139.97	46.21	325.69
2018	5,288	143.66	127.38	36.12	307.17
2019	5,336	145.33	99.91	27.43	272.67
2020	5,341	166.47	89.23	22.97	278.67

5.1.2 Water Use – Visitors

No discussion of water use in Moab would be complete without addressing the impact of our many visitors. Currently, overnight accommodations account for approximately 16% of the commercial water used. In 2019 (a more typical year than 2020), this was a total of 95AF. Of course, this does not include the proportional use of visitors at businesses which serve mostly tourists such as restaurants and the car wash. This proportional use would be difficult to accurately account for unless individual surveys were taken at each establishment – an effort no one is currently undertaking. Regardless, as visitors increase, we can expect their water usage to increase concurrently unless more conservation measures are implemented at overnight accommodations. Outreach efforts are part of the five-year conservation plan.

5.2 Water Production and Projections

Table 5 Water Produced by Source / Year

Water Source Data (AF)						
	5-yr average	2016 (2,388 AF)	2017 (2,540 AF)	2018 (2,478 AF)	2019 (2,264 AF)	2020 (2,218 AF)
Birch Springs 1,2,3 (WS003)	535.82	515.78	551.85	539.83	503.63	468.42
Sommerville Springs Nos. 1 & 2 (WS001,2)	535.79	518.19	572.11	517.06	472.09	469.22
Well No. 10 (WS010)	529.13	533.68	565.79	487.91	521.26	409.36
Well No. 6 (WS007)	415.20	450.83	426.63	368.13	458.60	478.65
Skakel Springs (WS012)	241.73	232.35	230.31	262.53	169.92	264.30
McConkie Spring (Irrigation, estimated)	130.68	120.00	152.03	120.00	120.00	120.00
Well #7 Golf Course (Irrigation)	80.14	16.67	41.06	182.70	18.00	8.43
Total Per Year	2,468.48	2,387.50	2,539.78	2,478.16	2,263.50	2,218.38

Fig. 6 Water Production Trends by Source

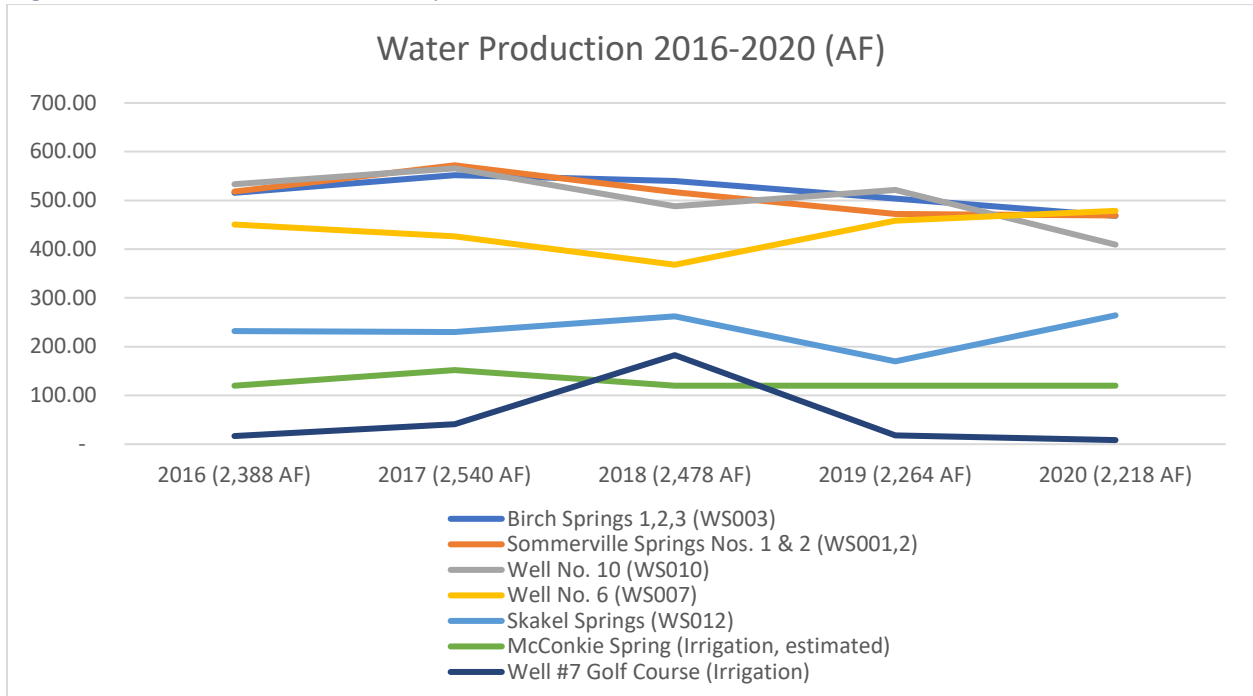


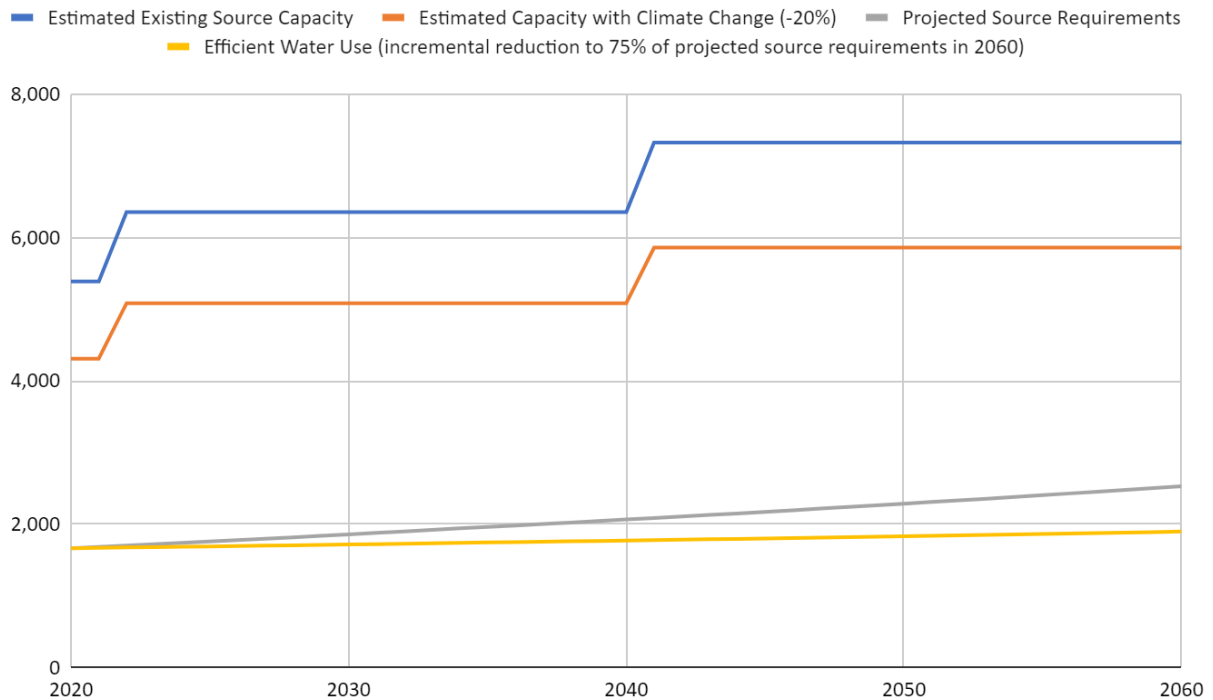
Table 6 – Source Capacity & Future Projections

Future Projections (AF)	
Existing Source Capacity*	5,387.00
Anticipated Source Capacity**	7,323.00
Estimated Water Use 2060	2,532.00
Efficient Use (2060 Water Use reduced 25%)	1,899.00

*Source capacity reported here is based on pump capacity and draw-down tests, *not* on estimates of actual aquifer capacity, which disagree. Therefore, reported source capacity numbers are not in any way representative of a safe-yield number.

Climate Change is anticipated to reduce water supply by approximately 20%, making this number only **5,858AF

Fig. 7 Future Projections (AF)



Under existing conditions, the City has an estimated surplus capacity of 19 gpm during peak day conditions with all sources in operation. However, for the City to have source redundancy such that no single drinking water source is indispensable, about 1,500 gpm of additional source capacity is needed. One potential option for the City to make up a portion of that deficit would be to use Well 7, or another City owned well that is not currently in service within the drinking water system. For one of these wells to be a viable drinking water source, Moab will need to ensure that the well meets all state requirements. In addition, as water from Well 7 is currently sold to the Moab Golf Club, the City should verify that any agreements with the Golf Club would allow the City to divert the water into the drinking water system under an emergency scenario. With a capacity of 350 gpm, Well 7 is not sufficient to provide full redundancy in the event of a loss of operation at Well 6.

As an additional option, the City could consider working with Grand Water and Sewer Service Agency (GWSSA) to explore the feasibility of adding an interagency connection between the Moab and GWSSA drinking water systems. Depending on the capacity of the connection, it could potentially serve all or part of the needed redundancy. An interagency connection has the potential to aid both parties in supplying quality water to their respective customers. As another option, the City could also develop an additional water source. For planning purposes, it has been assumed that the City will construct a new well for source redundancy.

Under 2060 conditions, a source deficiency of 1,930 gpm of instantaneous peak day demand is projected if no new sources are developed, though total demand remains below current estimate capacity. To address this projected peak day deficiency, it is recommended that the

City develop an additional 1,930 gpm of source capacity. This is in addition to the capacity needed for existing system redundancy. It is not expected that the City will need to add all this capacity in the immediate future. Instead, the City should periodically evaluate their source capacity and system demand and add capacity as needed. The City's Water Master Plan (available at <http://moabcity.org/576/Water-Conservation>) assumed that this future deficiency will be met through the construction of two new wells, one of which will be on-line in 2022. Developing the new Well #12 will cost approximately \$2.39 million dollars, which has been bonded for by the City. The other well should be constructed in the future once it is needed to support growth.

The City acknowledges that the impacts of climate change will likely result in a 20% reduction of overall water supply in the aquifer, though at an undetermined rate of change. If this is applied to our anticipated pump capacity in 2060 (including the two new wells), that will mean 5,858AF is available. Both of our demand scenarios show less than this number, however, the essential caveat is that our source capacity estimates are based on *pump capacity and drawdown tests* and in no way represent a consensus on *actual aquifer capacity*. Therefore more data is needed and a conservative approach to water allocation is essential until a better picture of underground supply can be achieved.

5.3 Billing

In 2020 the City adopted a stronger tiered water rate structure to encourage conservation, particularly for commercial properties. The hope is that it will encourage conservation and more awareness of water use. See below for the current rates.

Residential, within the City	\$13.00 minimum charge (includes the first 3,000 gal.)
	\$1.13/thousand for 3,001 to 10,000 gal.
	\$1.50/thousand for 10,001 to 60,000 gal.
	\$1.88/thousand for 60,001 or more gal.
Residential, outside the City	\$18.85 minimum charge (includes the first 3,000 gal.)
	\$1.50/thousand for 3,001 to 10,000 gal.
	\$2.25/thousand for 10,001 to 60,000 gal.
	\$2.63/thousand for 60,001 or more gal.
Commercial, within the City	\$37.50 minimum charge (includes the first 2,000 gal.)
	\$1.50/thousand for 2,001 to 5,000 gal.
	\$2.25/thousand for 5,001 to 10,000 gal.
	\$3.40/thousand for 10,001 to 50,000 gal.
	\$4.25/thousand for 50,001 or more gal.
Commercial, outside the City	\$44.25 minimum charge (includes the first 2,000 gal.)
	\$3.00/thousand for 2,001 to 5,000 gal.
	\$3.38/thousand for 5,001 to 10,000 gal.
	\$4.25/thousand for 10,001 to 50,000 gal.
	\$4.68/thousand for 50,001 or more gal.

Shop Water Retail Fee (City Public Works Yard)	\$32.50 for first 2,000 gallons, \$12.75/1,000 gal.
Shop Water Government Fee (City Public Works Yard)	\$26.00 for first 2,000 gallons, \$9.38/1,000 gal.
Construction Fire Hydrant Fee	\$32.50 for first 2,000 gallons, \$12.75/1,000 gal.
Construction Fire Hydrant Rental Fee	\$15 per day
City Parks & Cemeteries	\$0.81/1,000 gal.
Moab Golf Course Well #7	Current Commercial Rate
Water turn-on fee, after failure to pay City water/sewer charges	\$25.00 during normal working hours; \$50.00 after normal working hours
Water meter re-read charges	
The City crew will re-read the customer's meter.	\$10.00
The City crew will test a customer's meter.	\$20.00
The City crew will change a tested customer's meter, at the customer's request.	Actual labor costs with a one hour minimum
The costs incurred for these requests will be paid within thirty days. If that bill is not paid, the water will be turned off until the debt is satisfied, and a reconnect charge (1/2 hour minimum) during regular hours or reconnect charge (2 hour minimum) after hours, will be applicable.	During regular working hours, actual labor costs with a ½ hour minimum
	after hours, actual labor costs with a 2-hour minimum
If the problem proves to be the city's responsibility, there will be no charge to the customer.	

There is a space on mailed paper City bills for a small message, which can be anything from information about the new rates to conservation messages. Currently, the City is sending out the Sustainability website address as a place for water conservation tips and resources. There is current information maintained on that site as well as links to other water conservation resources and programs. Integrating these conservation messages onto e-bills will also be explored. In the future, the City is contemplating a re-designed water bill to include conservation goals and measurements aimed at such.

SECTION 6: WATER CONSERVATION

6.1 Introduction

The City of Moab will pursue a nuanced approach to conservation. The multi-pronged approach described in this Water Conservation Plan is comprised of policies, infrastructure improvements, investment in technologies and incentive programs, outreach and education, coordinated resource management, and on-going research and data refinement.

The ultimate goal is to better define and achieve conservation as a term and set of practices which become embedded in the community ethos and carry forward to a sustainable future.

6.2 Water Use Reduction Goal

In 2000, Governor Levitt proclaimed a conservation goal of 25% in GPCD by 2050 using 2000 water use as the indexing year. The conservation proclamation was aimed at municipal and industrial (M&I) users, agriculture was intentionally omitted from the goal. A few years later Governor Herbert decreased the timeline and proclaimed a conservation goal of 25% by 2025 using the same year, 2000, as the indexing year. The goals were not intended to reduce the total demand for M&I water, they were established to make room for new growth because a fair number of regions were reaching the limit of their water resources.

Since then, the Utah Legislature conducted a 2015 Legislative Audit, followed by a 2017 Follow-up Audit, then a Third-Party Review, and finally a 2017 Recommended State Water Strategy. Those efforts recommended the State develop regional water conservation goals. The Utah Division of Water Resources (UDWRi) was tasked with the project and developed the latest goals in their document [Utah's Regional M&I Water Conservation Goals](#). Grand County was put in the "Upper Colorado Region" which also includes Carbon, Emery and San Juan County.

The draft recommendations were for the Upper Colorado Region to reduce their per-capita water consumption by another 17% and the final recommendations were for 20% reduction from average regional 2015 usage (333 GPCD) by 2030. The 20% reduction for the region resulted in a recommended goal of 267 GPCD. *Moab is currently at 278 GPCD and has set a new goal of 230 GPCD by 2030.* The table below shows the percent reduction from the year 2000 as per the original call from Governor Levitt, which Moab would meet with the 267 GPCD regional goal and exceed with a new goal of 230 GPCD. The City will assess progress towards this goal annually when data is reported to the Division of Water Rights.

Table 7. Percent Change in GPCD from 2000

Year	Population	Total AF	gallons per capita day	% change from 2000
2000	4779	1926.63	359.9	0.0%
2015	5251	1657.96	281.9	21.7%
2020	5341	1667.31	278.7	22.6%
2030	N/A	N/A	267	25.6%
2030*	5906*	1667*	230*	36%

6.3 Water Conservation Metric

The State has determined the metric for conservation goals at GPCD, or gallons per capita per day. The metric is a reasonable measure if only measuring municipal use. However, adding commercial, industrial, and institutional uses into the metric is problematic because the people who are using that water may not be living in the area where the water is being used – namely, tourists. Trying to determine whether metrics represent conservation or a change in economy are not represented using the current measurements.

The City of Moab has a tourism economy. There are between 1.6 and 2.6 million visitors per year. As such, the per capita metric does not include the numbers of visitors who use at least 16% of all commercial water, or 95AF, just on overnight accommodations. This does not include the amount of water used in other businesses catering to visitors such as restaurants and washing off highway vehicles. The City of Moab is interested in considering other metrics to determine their conservation goals. One which has potential is an Equivalent Residential Unit (ERU). It is already used for a variety of requirements associated with water supply and could be a metric which allows a comparison between economies and water conservation strategies.

6.4 Current Conservation Measures

Leak protection program / rebates

The leak protection program provides a rebate for the amount assumed to be lost due to a leak after the customer has fixed it. This is intended to provide an incentive for fixing leaks.

New Water Treatment Facility

The new Wastewater Treatment Facility uses only 20,000 gallons of water per month whereas the old one used two million gallons per month. This new facility has saved the City over 23.5 million gallons of water per year since it came online in 2017.

Outreach, Education

The City of Moab maintains a column in the *Moab Happenings* monthly newspaper and the monthly City Newsletter, e-mailed to those interested and those receiving e-bills for water service, devoted to issues of Sustainability. Water conservation is an important and frequent topic in these articles. In the past several years, the City has placed box ads in the two local

weekly newspapers several times per year to educate readers about appropriate watering for outdoor landscaping and low-flow fixtures.

6.5 Current Conservation Ordinances and Standards

The City of Moab does not currently have any ordinances or standards addressing water conservation directly. However, the WaterNOW Alliance just awarded the City a grant for technical assistance to develop three things: 1) a greywater ordinance, 2) a landscaping ordinance, and 3) new development standards, which will be completed in early 2022. The City is looking forward to working with WaterNOW Alliance as well as Utah State University Extension experts to get smart, relevant, and up-to-date ordinances adopted as soon as possible. The City is also working on an Emergency Drought Management Plan.

6.6 New Conservation Measures for the Next Five Years

6.6.1 Planning Efforts

The City of Moab is spearheading an effort to bring all the water providers in the valley together to create a consensus-based Water Resource Management Plan. This group will be called the Moab Spanish Valley Water Providers Coalition and consists of the City of Moab, Grand Water and Sewer Service Agency, San Juan Special Service District, and the Moab Irrigation Company. Grand County administration may or may not be part of this group. The state engineer's office has indicated that they do not believe a state-sanctioned Groundwater Management Plan is in order at this time, and that the valley aquifers have a few thousand-acre feet yet to be developed. However, the water providers in the valley disagree, and are interested in avoiding a crisis situation by undergoing a planning process prior to potential shortages. Undertaken now, this process will allow for community voices to be heard, experts to be consulted, and the best available science to be included – underpinned by the precautionary principle and a desire to create a sustainable water supply for all current and future residents.

The first meeting of this new coalition occurred at the end of July, 2021, with the intention to meet at least monthly until the process is complete. At this point, the group will evaluate their options and intentions moving forward and recommend policies.

6.6.2 Ordinances and Policies

A. Landscape Ordinance

The City's Water Conservation and Drought Management Advisory Board, which was formed as a result of the 2016 Water Conservation Plan, recommends developing a landscape ordinance which would have three main components. 1) Requiring new development to use waterwise landscaping and irrigation principles, limit or omit turfgrass, and include greywater systems (see below), 2) Instituting outdoor landscape watering rules for all customers during times of drought (see Drought Management Plan), and 3) Developing a recommended/required species list for any new development in Moab. This effort will be particularly helpful in conserving culinary water supply, which is currently being used as irrigation water on most properties in the City for lack of a secondary irrigation system.

A key component to the success of the landscaping ordinance is outreach to current residents and businesses to encourage adoption of waterwise landscaping and irrigation and abandonment of unused turfgrass. City staff is working on opportunities to improve existing demonstration landscaping around City Hall, as well as removing turfgrass and installing waterwise landscaping in a prominent location. These demonstration areas will serve to encourage current residents to do the same in their own homes and will provide inspiration and education to current and future residents.

This ordinance is planned for development in 2021 and adoption in 2022.

B. Grey Water Ordinance

Residents began installing grey water systems as pilot projects with the Southeast Utah Health Department (SEUHD) a few years ago. The projects were successful and with the new information SEUHD collaborated with the Utah Division of Water Quality to re-write the rules associated with permitting grey water reuse in Utah. Since then, the SEUHD has permitted several residential homes including affordable housing. The systems are relatively easy to install compared to most landscaping irrigation systems and inexpensive if installed during the building of a new home.

The City plans to take advantage of the local expertise and the willingness of new homeowners to embrace these systems. Grey water use will make the City more resilient to drought and conserve water by reusing grey water to irrigate landscapes instead of sending it to the Wastewater Reclamation Facility and discharging it out of the area. It is estimated that new residences with lots less than 0.25 acres could save 50% of the water they would have used for outdoor irrigation.

The City is developing ordinances that would require the indoor plumbing associated with grey water systems be installed during the construction or remodel of new single family and multi-resident housing.

The City is also looking to make the City's water portfolio more resilient by developing grey water ordinances for new commercial developments. The ordinance would require new commercial buildings to install either grey water or rainwater catchment systems that would provide all the water required for the landscaping associated with the new development.

C. New Development Standards

In conjunction with the landscaping and greywater ordinances, the City will implement standards for new development that incorporate waterwise landscaping principles and water saving construction features. Landscaping will be required to be waterwise, using a recommended list of plants and features, limited areas of turfgrass and efficient irrigation. New construction will be required to use WaterSense labeled fixtures and appliances, and stub for greywater.

D. Emergency Drought Management Plan

The City intends to develop and adopt an Emergency Drought Management Plan to prepare for a situation of actual shortfall in water production. With thoughtful pre-planning, the City will be able to take the time needed for calculations, engage the public, and decide what measures make the most sense to conserve water when a drastic situation arrives. This may involve recommendations to install infrastructure for emergency shut-offs or secondary lines in all new construction so irrigation may be divorced from culinary uses. The City aims to adopt this plan within the next five years.

6.6.3 City Facilities Improvements

There are opportunities to improve municipal water efficiency which the City intends to complete as funds become available, beyond the infrastructure improvements bonded for and contained within the Capital Improvements Plan (mentioned in Section 1). There are three main City parks that use water for irrigating turfgrass – Rotary Park, Swanny Park, and Old City Park. In addition, the City maintains the ballfields outside City Hall and various other smaller areas. Improvements to the system involve four things:

- 1) installing smart timers and moisture meters for more efficient watering
- 2) removing grass where it is not needed
- 3) evaluating and fixing old systems to water where needed and not where it's not
- 4) replacing plants which have died and are still being irrigated, allow them to establish, and re-evaluate and reduce irrigation appropriately

In addition, there are opportunities to install green infrastructure and improve stormwater management to facilitate more infiltration and less runoff, as well as contribute to a greener streetscape. As City drainage features are renewed or repaired, green infrastructure can be incorporated into new designs and implemented where possible. If funding becomes available, the City will be able to develop a green infrastructure plan for areas where projects would be possible. The proposed greywater ordinance could work in concert with green infrastructure between residential property and City streets.

6.6.4 Outreach and Education

Successful water conservation in Moab will depend on both tangible and intangible elements. Efforts like replacing old fixtures and repairing leaks are opportunities to passively conserve water by updating systems. Behavior change is the intangible piece of the puzzle which will require a different approach. The City of Moab values the impact of education and outreach on water conservation and will be continuously working to develop a community spirit of water conservation without sacrificing quality of life or economic opportunities.

Planned outreach efforts include articles in the local newspaper, the City Newsletter, and Moab Happenings, changing the design of the water bill to include conservation-oriented metrics, creating and distributing door hangers at properties with inefficient watering systems to offer consultation and resources, educational mailings with best practices and goals, and providing resources from local landscape designers, USU extension, and other knowledge holders to assist residents and businesses in their water conservation efforts. Keeping the community informed about progress towards our conservation goals is a key component of the outreach and education effort, and an essential piece of meeting our water conservation goals.

6.6.5 Programs

If funding becomes available, the City can invest in programs to accelerate landscaping conversion and outdoor irrigation water savings. These may include the following:

- Turfgrass buy-back / rebate: providing cash payments or rebates for property owners to replace lawn with water wise landscaping (this is a common program to encourage lawn conversion)
- Conservation rebates: direct water-bill rebate rewards for meeting conservation goals on top of the tiered rates
- Smart timer and moisture meter incentives: providing smart technologies to assist property owners with efficient watering
- Penalty for failing to fix leaks: adopting a penalty in addition to the rebate for failing to fix a leak in a timely manner
- Incentives for functioning greywater systems: reduced sewer rates for homes with fully functioning and permitted greywater systems

6.7 Responsibility for Meeting Conservation Goals

Chuck Williams, City Engineer: cwilliams@moabcity.org

Levi Jones, Public Works Director: ljones@moabcity.org

Mila Dunbar-Irwin, Sustainability Director: sustainability@moabcity.org

Carly Castle, Assistant City Manager: ccastle@moabcity.org

City Council, council@moabcity.org

****NOTE:** all positions are subject to change in personnel; responsibility will remain with the position not the person. Updated contact information can be obtained from City Administrative Assistant at info@moabcity.org, 435-259-5121

6.8 Action and Implementation Timeline

Year	Action
2021	<ul style="list-style-type: none">• Water-wise landscaping guide sent to all addresses in Moab City including information on watering turfgrass, resources for xeriscaping, and other ways to reduce use of water outdoors• Establish Moab/Spanish Valley Water Providers Coalition• Work with USU to develop efficient watering schedule for City parks• Adopt Water Conservation Plan Update
2022	<ul style="list-style-type: none">• Adopt Landscaping Ordinance and Greywater Ordinance• Adopt new development standards including water wise elements• Adopt Moab/Spanish Valley Water Providers Coalition Water Resource Management Plan• Inform community of the newly adopted Water Conservation Plan Update• Install smart timers for City parks, evaluate grass-removal areas• Support pilot green infrastructure installation
2023	Implement incentive programs (when / if financially feasible): <ul style="list-style-type: none">○ promote fixture replacement and inventory old fixtures where possible;

	<ul style="list-style-type: none"> ○ campaign to reduce water waste in the home and improve efficiency; ○ offer smart timers; ○ implement turfgrass buyback program
2024	Update landscaping guide and outreach regarding landscaping and greywater ordinances and new development standards
2025	Work with USU Extension to develop demonstration xeriscape garden in Moab
2026	Evaluate GPCD goal progress and City water conservation progress and update Water Conservation Plan

*progress on GPCD goal will be calculated annually after data is reported to the Division of Water Rights and published on the City of Moab’s website

SECTION 7: ECOLOGICAL CONCERNS

7.1 Introduction

The Mill Creek Watershed, its creeks and the wetlands they are connected to at the Colorado River’s edge, are critical components of not only a functional watershed and sustainable aquifer, but also have importance to community residents. It is critical to include functional riparian corridors and wetlands while exploring ways to ensure sustainable water for the Moab and Spanish Valley communities. Not only are the riparian corridors important for wildlife, but they also are important transportation and natural corridors through the town. Springs and smaller wetlands within the system arguably act as indicators of overall water quantity in the system in a qualitative way.

Water Conservation and Drought Management in the Moab Valley needs to include maintenance and enhancement of the ecological components as well as water delivery to residents and businesses.

7.2 Matheson Wetlands

The Matheson Wetland is a unique and rare wetland in the American Southwest along the Colorado River. The wetlands are not incorporated into the City of Moab’s town limits, but they are sandwiched between the City of Moab and the Colorado River. They are affected by the City of Moab and the entire Mill/Pack Creek hydrobasins surface and groundwater practices. The wetlands are owned by the State of Utah Department of Natural Resources and The Nature Conservancy in approximately 50/50 split. The Wetlands are co-managed by the same two agencies.

The wetlands have had difficulty maintaining hydric vegetation during the previous two decades due to several anthropogenic and natural impacts. Climate change and drought have reduced the regularity of high seasonal flows in the Colorado that would flood the wetlands. Mill Creek historically provided some surface water and maintained the groundwater table but currently it is entrenched and several feet below the surface area of the wetlands. Increased domestic use of springs on the Northwest portion of the valley has also altered the water budget. There is also some concern that decreases in the freshwater layer by any of the previously stated means could affect the level of the brine layer under the freshwater layer and allow it to reach the surface or leach to the Colorado River.

This conservation plan suggests that the City of Moab support the wetland monitoring plan being developed by the State of Utah Division of Water Rights and management agencies of the wetlands. It is further suggested that the City of Moab and other Spanish Valley institutions pursue stormwater management plans to emphasize stormwater retention and detention as opposed to diverting directly to Mill and Pack Creek.

7.3 Mill Creek

Mill Creek starts at over 12,500' in the La Sals and flows down to 3,950' where it enters the Colorado River. The watershed includes Pack Creek, which parallels Mill Creek slightly to the south. 60% of the watershed is in Grand County with the remaining 40% in San Juan County. Less than 15% of the watershed is private land, and most of that is in the lower elevations in Grand and San Juan Counties. The creeks are an important feature through residential and commercial parts of Moab and Spanish Valley. In the summer months Mill Creek often runs dry as the bulk of the water is diverted for irrigation purposes.

In addition to surface water use for farming and other irrigation purposes, Mill Creek also serves as an important transportation corridor for wildlife and people along the Mill Creek Parkway. Active revegetation work during the past 20 years has shifted much of the riparian area from an exotic plant dominated area to a native riparian system better able to handle flood flows as well as provide an important recreational corridor.

Surface water flows are important to maintain throughout the creek system to support the riparian plant community.

7.4 Pack Creek

Pack Creek is a small stream that runs through Moab and Spanish Valley and converges with Mill Creek. Although Pack Creek is not a source of culinary water the aquifer below it is used for culinary and irrigation purposes. The aquifer has relatively high total dissolved solids (TDS) and the creek is not meeting the beneficial use standards for TDS, temperature, and E. coli. However, the creek and the aquifer still provide irreplaceable environmental goods and services to Spanish Valley and its residents.

The water quality in Pack Creek is very good above its diversions below the Pack Creek Road Bridge. The creek is generally dry from the diversion until about ½ mile above Spanish Trail Road where the groundwater table becomes shallow and recharges the creek. The water is used to irrigate a small community there. The valley is somewhat pinched there, and several springs of varying water quality add volume to the creek. From there till the confluence with Mill Creek, Pack Creek and the underlying aquifer are responsible for a verdant riparian area that has several human benefits. During the irrigation season Pack Creek is responsible for most of the water in Mill Creek below their confluence due to withdrawals on Mill Creek. In Mill Creek during the irrigation season, the mostly Pack Creek water and the underlying valley fill aquifer also provide water to the Matheson Wetlands. The environmental concerns with the wetlands were discussed earlier in this document.

The growing population, development plans and long-term drought have made the valley fill aquifer a target for new water development. The aquifer itself has a relatively small amount of

annual recharge. There are concerns that continued development of the valley fill aquifer will result in lower water tables, reduced or ceased recharge to Pack Creek and deterioration of water quality.

SECTION 8: OTHER CONSIDERATIONS

8.1 Colorado River

Moab City has water rights out of the Colorado River and could potentially change some of their unusable groundwater rights to increase the rights out of the Colorado. This water has been contemplated for use as an eventual secondary irrigation system, relieving some of the pressure of the culinary water drawn from the aquifer and allowing for a more ready method of regulation should the need for outdoor watering restrictions arise. Developing this system would require a large amount of funding and infrastructure, however, and is not currently feasible.

In the more immediate future, it would be possible to shift non-potable water, such as that used for construction sites, to surface water from the Colorado rather than culinary groundwater. Setting up a metered pump station would not be exceedingly onerous, and the City just needs to identify a suitable location. There is already a construction water pump station at the boat ramp at the 191 bridge, which is owned by Le Grand Johnson, a construction and paving company.

8.2 Water Banking

Water banking is adding water to an aquifer for later use, putting it “in the bank” so to speak, either literally or figuratively through water rights. The banked water is allowed to percolate down into the aquifer where it then disperses and is available for later use. In concept, this can either be done at the surface level, and recharge goes to shallow aquifers, or via deep injection wells to access deeper aquifers.

In Moab, water for recharge could come from the Colorado River, storm water, or future flash floods generated by increasing monsoonal storms predicted by climate change models. Untreated Colorado River water could be pumped up the valley, used for purposes mentioned above, and eventually be emptied into designated recharge areas such as Kens Lake, flood irrigated fields, or purpose-built shallow ponds or wells. This could be a way for the City to “use” water that is currently considered lost from the system due to variations in seasonal needs and continuously flowing springs. There are potentially 300-400 AF of water the City does not actively use each year from Skakel springs in the winter that instead of running off to the river, could conceivably be banked for future withdrawals.

Developing a water bank is not currently on the City’s priority list, however, it is something to keep in mind for the future.

**MOAB CITY COUNCIL MINUTES--DRAFT
SPECIAL MEETING
October 26, 2021**

Moab City Council held a Special Meeting on the above date for the purpose of convening an Executive (Closed) Session for a strategy session to discuss reasonably imminent and/or pending litigation.

Attendance:

Mayor Emily Niehaus called the Special Meeting to order at 12:04 p.m. Participating remotely were Mayor Emily Niehaus, and Councilmembers Rani Derasary, Karen Guzman-Newton, Tawny Knuteson-Boyd, and Mike Duncan. Councilmember Kalen Jones joined the meeting at 12:07 p.m. Councilmember Knuteson-Boyd left the meeting at 1:17 p.m.

In accordance with UCA 52-4-207(4), an anchor location for public attendance during the open portion of the meeting was provided in the Moab City Council Chambers located at 217 E. Center Street, Moab, Utah.

Executive (Closed) Session:

Councilmember Tawny Knuteson-Boyd moved to enter an Executive (Closed) Session to discuss reasonably imminent and/or pending litigation. Councilmember Karen Guzman-Newton seconded the motion. The motion passed 4-0 aye with Councilmembers Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye. Mayor Niehaus opened the Executive Session at 12:05 p.m. Councilmember Karen Guzman-Newton moved to close the Executive Session. Councilmember Mike Duncan seconded the motion. The motion passed 4-0 aye with Councilmembers Jones, Derasary, Duncan, and Guzman-Newton voting aye. Mayor Niehaus closed the Executive Session at 1:20 p.m.

Adjournment: Councilmember Kalen Jones moved to adjourn. Councilmember Mike Duncan seconded the motion. The vote was unanimous and Mayor Niehaus adjourned the meeting at 1:21 p.m.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder

MOAB CITY COUNCIL MINUTES--DRAFT
REGULAR MEETING
October 26, 2021

The Moab City Council held its Regular Meeting on the above date. An audio recording of the meeting is archived at www.utah.gov/pmnl/index.html and a video recording is archived at <https://www.youtube.com/watch?v=5ELE-YxJcmo>.

Regular City Council Meeting:

Mayor Emily Niehaus called the meeting to order at 7:01 p.m. Councilmembers Karen Guzman-Newton, Tawny Knuteson-Boyd, Mike Duncan, Rani Derasary and Kalen Jones attended. City staff participating included Acting City Manager Carly Castle, Finance Director and Acting Deputy Manager Ben Billingsley, Assistant Planner Cory Shurtleff, Assistant Engineer Mark Jolissant, Wastewater Reclamation Facility (WRF) Manager Obe Tejada and Recorder Sommar Johnson. Nine persons were in the audience. Mayor Niehaus led the Pledge of Allegiance.

Citizens to be Heard:

Sara Melnicoff spoke about the critical response by Moab Solutions to manage recycling at the recent Red Rocks Arts Festival. She urged Council to live up to the lofty goals of the Sustainability Plan and to make recycling mandatory for special events.

Jayne May reminded Council that October is "Domestic Violence Awareness Month" asked others to rise and stand in a moment of silence. She stated: I began my comments to you one month ago with the African Proverb, "You Cannot Heal What You Conceal," and now in returning tonight to speak, your silence and your lack of any humane outreach in response to my previous words is deafening, and yet, it speaks volumes about intention. To be essentially "ghosted" by the very leaders who should have been incensed and appalled, I am left dumbfounded to imagine what will move you to act if not the weight of accumulating victim stories and events? Whose safety and justice do you serve--the community of Moab and its victims, or Chief Edge? Now 16 months later I am still without an answer from the City to my formal complaint against Chief Edge, a complaint that earmarked every issue back in 2019 and 2020--especially regarding violence against women, but the difference is that I am alive and I can speak to the systemic failures first-hand and with documentation. I will take my chances by offering more details of events contained in my formal complaint. At the end of March 2019, then Chief Jim Winder placed my husband, our daughter, our young grandson and me in a "safe house" after I received a recorded threat to my life by a felon in this community. Chief Winder kept us there until a Protective Order could be secured for us through the courts. Even with the protective order in place, Chief Winder was reluctant to release us back to our home, but he did so with the warning to me that my life was forever changed and will never be the same again, that I needed to fully embrace this fact in order to remain safe. He promised Moab officers would remain close to this felon. Five months later, with Bret Edge now as Chief of Police, that same felon violently beat his best friend in an unprovoked event that was so severe the victim was hospitalized. The felon was placed on pre-trial release. Late on September 19, 2019, the felon left his Moab residence, and behind him, an eight-page murder/suicide note that stated, "Jayne must die. She is evil." He was armed with a 9mm semi-automatic weapon and 202 rounds of ammunition, and headed to my home to kill me--all the while, my husband and I slept unaware and without warning from authorities about this approaching danger. When Moab Police Officers located his hidden backpack after he ran off the road halfway to my home, the gun it contained held a full magazine clip and a bullet was chambered. On the morning of September 20, 2019 - just hours after the felon's arrest, Chief Edge closed my case without conducting a full investigation of the prior evening's crimes that I was still unaware had

happened. It took over a week before Chief Edge finally returned my phone calls. In our first call, he refused to reopen the case citing it was not his jurisdiction, and yet, if not his, then why could he refuse an investigation or open and close it? I remained desperate for protection and needed an investigation before my case went to trial, but Chief Edge was finished with the crimes of that night only hours after their unfolding. Does it not concern anyone at the City that your Chief was not interested, concerned, or committed to finding out where a felon acquired a gun and 200 rounds of ammunition that was intended to murder me? That this felon's violence was rapidly escalating from verbally threatening me, to a brutal beating of someone else, and then to attempting to commit the pre-meditated murder of me? The only person who was interviewed by Moab City Police Department about the attempted murder was the perpetrator himself, before Chief Edge was finished--closing my case without questioning the victim, reporting party, or others involved. In mid-October of 2019, I took my begging to Mayor Niehaus and her Administrator in hopes that she would compel her Chief to investigate this crime, before it was too late, for my case before Judge Torgerson. Nothing was done to demand Chief Edge take action on my case and we left empty-handed without an investigation. Just like Chief Edge's refusals, now some 16 months later, Moab City and its Administrator refuse to answer my formal complaint with any meaningful and fair investigation. You all are bystanders whose energies are spent protecting your Chief. What a legacy your administration has left for this precious and once peaceful community--a treasure tarnished by disinformation, inaction, and mistrust. I believe that the Mayor summed it up best when my husband asked her why Chief Edge refused to show up to a meeting with us that he was expected to attend. Her reply to Mitchell was that Edge admitted he had messed up, and she thought he was probably afraid to be confronted by us. Understanding the feelings of her Chief--at the expense of me as an endangered person, defines why Judge Torgerson was compelled to speak from the bench about justice and failures of leadership in Moab. No one is accountable when no one is responsible. Like most everyone in our community, I never dreamed of the kind of danger that has become a constant traveling companion in my life. Chief Winder was so right in his counsel that my life and what I took as a "given" here, was never going to be the same again. You cannot heal what you conceal. How many more events have to happen here before you admit the failures, and make the essential changes that restore our safety, healing, and trust?

Happy Morgan: Last month I asked how long Jayne would have to wait to have her citizen complaint resolved. That question was not rhetorical. As you know, another four weeks have passed and not one person in this room has reached out to her. There are some facts I want to clarify. After Jayne and I spoke to you last month, Ms. Castle told you that the complaint was open. Yes, of course it is open. It is unresolved and not handled in accordance with City policy and procedure. Moab City Police policy requires that the complainant will be treated courteously and in a professional manner. I do not think anyone could argue that she has been treated courteously or with professionalism in the last 16 months. It requires that the reviewer should provide the complainant with periodic updates. That has not happened. It also requires that the investigation proceed with due diligence and that has certainly not happened. All good law enforcement agencies have citizen complaint policies, which are designed to discover problems so they can be addressed and corrected, before somebody gets hurt. They are designed to keep the community safer and to promote trust between the citizens and the police, and allow citizens to know that someone is policing the police. However, to have a citizen complaint policy and not follow it and to pretend it is being followed and to mislead the citizens about that--that is despicable behavior. On June 23, 2020, Bret Edge made a presentation to the City Council during which he informed you he had an excellent citizen complaint policy and that he was actively tracking the results of that process in a spreadsheet. I was incredulous so I did a government records request to see this spreadsheet and Edge and his office manager rejected my request. Lawful compliance would have had them redact names where appropriate but still

send the spreadsheets to me as requested. One week after Edge made this statement to the Council, Jayne submitted her citizen complaint pursuant to the policy he was touting and here we are 16 months later with no response. Imagine if the City had done its due diligence in 2020 and actually addressed Jayne's complaint in a professional manner, if they took her carefully articulated list of policy violations, obvious training needs and errors, and did some type of corrective action or re-training, or actually held the Chief and others accountable for not following the policy. As it stands, we have the Chief out on leave posting mountain biking pictures to his Twitter account. We have the police department office manager also out on leave under investigation by the State Bureau of Investigations for improper actions in her capacity in the handling of documents and other items related to government records requests. The Weber County Sheriff Department is investigating two other Moab officers for policy and chest camera law violations and the Price Police Department investigating the mishandling of the August 12 matter that brought the problems into the national spotlight. Then we have emails from the City Manager's office from April and July purporting to have West Valley do the investigation of Jayne's complaint when the City Manager's office was attempting to pass Jayne's complaint to an off duty West Valley City Police Officer with a record of covering up for other officers, who has a Private Investigator business on the side to potentially create a purchased opinion at the expense of transparency and the purported goal of getting a neutral third-party opinion. Let us not overlook the June 2021 hiring of Officer Gist, in clear violation of the City Police hiring policy: "The department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards." We have now become the police department that hired someone recently fired by the State of Utah for his Facebook rantings about hating people not like him, hating people of color, hating people who immigrate here, hating Native Americans, hating people of different religions and people who do not agree with his thoughts on our previous President. The Gist matter falls under the shadows of the Mayor's June 2020 proclamation about the death of George Floyd and the City's commitment to create a race-neutral department. As Jayne said, this is your legacy. Everyone here has been on notice. The Mayor has been aware since, at the very least, September 2019. The Council has been aware, at the very least, since the summer of 2020. I know this because I personally kept you in the loop through email correspondence about these issues. I did this to create a paper trail. Also, I did this because I thought at least one of you would care enough and do the right thing. Hiding problems always makes them worse. This matter will not fix itself and it will continue to fester and get worse.

Jason Taylor spoke, commenting that the number one issue he encountered while campaigning concerns the Police Department. He spoke about Accessory Dwelling Units (ADUs) and the requirement for only one off-street parking space per unit. He asked for reconsideration and suggested one parking space for each 900 square feet of an ADU. He said that crowded streets could be dangerous for pedestrians.

Administrative Reports:

Acting City Manager Castle reported that crews were cleaning up debris from the overnight storm. She brought up a lease renewal regarding a law-enforcement shooting range. She mentioned several upcoming events, noted the election was underway, and added the City's employee health insurance plan was under review.

Finance Director and Acting Deputy Manager Billingsley presented first quarter financials.

Mayor and Council Reports:

Mayor Niehaus reported she attended a local redistricting meeting and noted the local message

to retain representation without a split of Moab along Main Street or at the County line. She said that policing and water concerns were priorities with the legislature. She mentioned the Small Business Administration “roadshow.” She said there were still loans for businesses struggling due to the pandemic. She said that Trunk or Treat would be on Saturday and traditional trick-or-treating would be on Sunday, October 31.

Councilmember Derasary reported she attended the redistricting meeting and noted input from local residents was needed. She brought up the allocation of \$50 million in American Rescue Plan Act of 2021 (ARPA) to the State, with \$1 billion in requests. She stated the Utah League of Cities and Towns discussed water and emphasized the need for local control. Derasary reported on the meeting of the Emergency Medical Services (EMS) board and noted communications issues were discussed. She brought up a potential funding request from EMS to the City and said September call numbers were up and EMS hoped to move into their new quarters soon and that wage increases were under discussion. Derasary reported on the Colorado Association of Ski Towns (CAST) meeting where climate was discussed and the Park City resident and business advocate was introduced. She noted topics of discussion included sustainable tourism, equity, inclusion and Park City’s visioning process. She announced the Uranium Mill Tailings Remediation Act (UMTRA) Moab site had moved 75 percent of the material.

Councilmember Duncan reported the Moab City Water Conservation and Drought Management Advisory Board was drafting a letter to the new council regarding goals and activities for next year. Duncan also noted he was joining the board of the Moab Charter School.

Councilmember Knuteson-Boyd reported on the Housing Authority and announced the first nine homes in Arroyo Crossing were completing closing documents. She also said that several new units in Wingate Village were occupied. She reported on meetings of the Museum Board and the Canyonlands Health Care Special Service District, and noted the latter has openings on its board.

Councilmember Guzman-Newton reported on the CAST meeting and requested an Executive Session to discuss comments made at Citizens To Be Heard. She also requested that the Sustainability Director work with Moab Solutions on recycling matters.

Councilmember Jones reported on a meeting of the Solid Waste District and noted the work of the Sustainability Director on the draft Sustainability Plan. He recapped a recent meeting of the Community Renewable Energy board and touched on the CAST meeting.

Approval of Minutes:

Councilmember Knuteson-Boyd moved to approve the minutes of the October 12, 2021 Special and Regular Meetings. Councilmember Duncan seconded the motion. Councilmember Derasary said she submitted changes to the Recorder. The motion passed 5-0 with Councilmembers Derasary, Jones, Guzman-Newton, Knuteson-Boyd, and Duncan voting aye.

Old Business:

Accessory Dwelling Units in Residential Zones—Tabled

Presentation and Discussion: Assistant Planner Shurtleff briefed Council on updates to proposed code amendments to allow Accessory Dwelling Units (ADUs) in all residential zones, and answered questions from Councilmembers. Several topics were covered, including setbacks and height restrictions, off-street parking requirements, building size and density. Owner occupancy and state code regarding owner occupancy were brought up. Mayor Niehaus requested a workshop to further discuss the proposed Ordinance.

Motion and Vote: Councilmember Derasary moved to table **Ordinance 2021-16** an Ordinance Amending the Text of the Moab Municipal Code (MMC) to Allow Accessory Dwelling Units (ADUs) in all Residential Zone Districts and to Revise Section 17.70 ADUs and Section 17.06.020 Definitions. Councilmember Knuteson-Boyd seconded the motion. The motion to table passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Municipal Sewer Rates—Discussion

Susie Becker and Aaron Montgomery from Zions Bank and Keith Larson from Bowen Collins and Associates participated remotely. Assistant Engineer Jolissant and WRF Manager Tejada attended to answer Council questions. Councilmembers Guzman-Newton and Derasary brought up septage income. Mayor Niehaus mentioned the need to find revenue sources for the sewer bond repayment. Finance Director and Acting Deputy Manager Billingsley briefed Council on the seasonality of sewer and tax revenues as well as a timeline for sewer rate increases. He presented strategy options for repayment of the bond. Guzman-Newton asked about community hardship funding and the cost of the original sewer study. Mayor Niehaus directed staff to prepare for Council action.

New Business:

Lawrence Minor Subdivision—Approved

Motion and Vote: Councilmember Jones moved to approve **Proposed Resolution 31-2021:** A Resolution Conditionally Approving the Lawrence Minor Subdivision 2021 of Property Located at 479 Bowen Circle Moab, Utah subject to the following conditions: 1. The existing structure located on Lot 2 of the Lawrence Minor Subdivision 2021 must be removed or relocated in compliance with property setbacks within Lot 2 of the Lawrence Minor Subdivision 2021 before final recording of the Plat. 2. All Engineering Comments shall be addressed to the satisfaction of the City Engineer prior to City Approval by the City Engineer on the Final Plat, including: a. Bearing S 88° 59' 02 " E 60.01 feet divides west property line 90.076 feet to 69.924 feet. Labels shown are incorrect (Plat dated 10/23/2019). b. The white fence in front of the property is in the City right-of-way and may need to be removed. c. Does the existing structure (ADU) located on Lot 2 have its own water and sewer connection. Confirm the locations of the utility service lines. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye, with Councilmembers Knuteson-Boyd, Derasary, Duncan, Guzman-Newton and Jones voting in favor.

Approval of Bills Against the City of Moab:

Motion and vote: Councilmember Knuteson-Boyd moved to approve the bills against the City of Moab in the amount of \$421,598.82. Councilmember Jones seconded the motion. The motion passed 5-0 with Councilmembers Jones, Duncan, Guzman-Newton, Derasary, and Knuteson-Boyd voting aye.

Adjournment: Councilmember Jones moved to adjourn the meeting. Councilmember Knuteson-Boyd seconded the motion. The motion passed unanimously and Mayor Niehaus adjourned the meeting at 931 p.m.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder

Moab City Council Agenda Item
Meeting Date: November 9, 2021

Title: ORDINANCE 2021-16 An Ordinance Amending the Text of the Moab Municipal Code (MMC) to Revise Section 17.70 Accessory Dwelling Units (ADUs) and Section 17.06.020 Definitions

Presenter: Nora Shepard, Planning Director

Attachment(s):

Exhibit A: Revised Draft Ordinance 2021-16 as of 11.3.2021

Exhibit B: HB 82

Exhibit C: Summary Table of ADUs in other communities

Recommended Motion:

The City Council is being asked to discuss and consider approving Ordinance 2021-16
The options for action include:

1. **Approve** Ordinance 2021-16 without or without changes; or
2. **Continue** the item with specific direction to staff as to additional information that may be needed to make a decision or to make changes to the draft ordinance prior to action; or
3. **Deny** Ordinance 2021-16

Potential Motion to Approve the Ordinance:

I move to approve Ordinance 2021-16 An Ordinance Amending the Text of the Moab Municipal Code (MMC) to Allow ADUs in all Residential Zone Districts and to Revise Section 17.70 Accessory Dwelling Units (ADUs) and Section 17.06.020 Definitions

Background/Summary:

The City Council reviewed a draft of Ordinance 2021-16 at the meetings on October 12, and October 26, 2021. The staff has also received specific comments Councilmembers Duncan, Derasary and Jones. Based on that input, the staff has reorganized and simplified the proposed Code Amendments. I summary, the changes made include:

1. Reorganized the ordinance to have definitions first
2. Added RA-1 consistently
3. Simplified and consolidated the IADU and IADU requirement and criteria
4. Eliminated redundancy

As a result, the draft ordinance is much shorter and easier to read.

The most recent draft (as of 11.3.2021) is attached as exhibit A. I also included some of the unresolved comments from the individual Councilmember's comments.

The City Council raised several questions and asked the Planning Staff to make some revisions to the draft ordinance

1. Primary Dwelling Requirement. The definitions have been revised to eliminate the requirement that the ADU be accessory to a 'primary" residential dwelling. This would mean that any single household home, whether occupied by a renter, second homeowner or owner would be eligible to have ADUs.
Staff Comment: The Planning Commission and staff recommended that an IADU be allowed only in association with a primary residence, that is, occupied by the property owner. These are supposed to be "accessory" units. The idea of most ADUs is that there will be minimal impact on the neighborhood because the one of the units must be occupied by the property owner. The owner is there to monitor and resolve nuisance situations. Otherwise, a home with an IADU becomes a de facto duplex, allowing each unit to be used as a second home or rental. The burden of nuisance enforcement shifts to the City in those situations.
2. Minimum Length of Rental. Several City Council members expressed a desire for a longer mandatory rental period, such as 3 months. 4 months or 180 days. The ordinance has been modified to indicate a 3-month minimum.
Staff Comment: This would be tricky to enforce and monitor. We could add this requirement to the deed restriction associated with the parcel, but enforcement may be difficult and time consuming. This is especially true if there is no owner occupation on the site. Additional information on how other similar communities regulate length of lease is being gathered is attached as Exhibit C.
3. Retirees and Family. The definition of Active Employment Household has been modified to include retirees that want to use an ADU as their full-time residence and family members.
Staff Comment: The language on retirees and family members needs to be discussed further and clarified
4. Minimum Unit Size. The minimum unit size for EADUs has been eliminated.
5. Duplexes and ADUs. The draft ordinance has been modified to clarify that one (1) ADU be allowed with an existing Duplex. One of the three (3) units would have to be a primary residence.

Items for Discussion/Unresolved Questions

1. Licensing, Enforcement or Registration. As currently drafted, there is no licensing or registration required for ADUs. The City Council mentioned working with the Housing Authority of SE Utah (HASU) on enforcement of deed restrictions. Discussions on deed restriction enforcement and monitoring has been discussed with HASU. At this time, HASU does not have adequate funding or staff to commit to deed restriction enforcement. We will continue these discussions.

There was also discussion of requiring some type of license or registration so these units can be tracked and, if there is not an owner occupation requirement, a responsible local manager. These could be considered administrative steps to enact the ordinance and need not be codified at this time. The Staff is looking for direction on this.

2. ADUs and Utility Connections. Several City Council members had questions about whether new, separate water and sewer hooks up would be required. The practice at this time is to allow the existing water and sewer for the Main house to be used (and extended, as necessary) for ADUs. This assumes that the existing water and sewer connections are adequately sized. If the existing service is no of adequate size or capacity, improvement or a new connection may be required. No change in this policy is proposed.
3. ADUs and Taxes. The Planning Staff had a conversation with the County Assessor's Office. Each new ADU is evaluated individually to determine their tax status. There is no across the board rule applying to taxing of ADUs.
4. Primary Residency and IADUs. As mentioned above, direction from the Council on requiring primary residency for the main part of a dwelling containing and IADU.
5. Retirees and Family occupancy of ADUs. The staff needs direction on how to amend the definition of Active Employment Households to address family members and retirees.
6. Minimum rental period. Originally, the draft stated that rentals had to be for more than 30 days. The attached draft specifies 90 days, or 3 months. Councilmember Derasary suggested 180 days. Further direction is needed on this.
7. IADUs and Building Code Requirements. HB 82 allows IADUs to be associated with *primary* dwellings. The bill indicates that the City could impose some basic building safety requirement as follows:
 - A. require bedroom window egress, prohibit installation of a separate utility meter
 - B. require that the IADU design not change the appearance of the primary dwelling,
 - C. require one additional on-site parking space and replace any garage or carport parking spaces if the IADU is created in the garage or carport,
 - D. prohibit an IADU in a mobile home,
 - E. require an IADU permit or license,
 - F. prohibit an IADU if the primary dwelling is served by a failing septic tank,
 - G. prohibit an IADU if the lot is 6,000 sq. ft. or less,
 - H. prohibit the renting of the IADU for less than 30 consecutive days.

If the *primary* dwelling requirement is removed, it is possible that additional health safety measures could be considered by the Building Official. This will be discussed further at the work session.

**CITY OF MOAB, UT
ORDINANCE 2021-16
An Ordinance Amending the Text of the Moab Municipal Code
(MMC) to allow ADUs in all residential Zones subject to a revised
Section 17.70 Accessory Dwelling Units and Section 17.06.020
Definitions**

REVISED DRAFT 11.3.2021

WHEREAS, the City has enacted Title 17 Zoning, of the Moab Municipal Code ("MMC") that governs land use and development within the City Limits.

WHEREAS, from time to time the City undertakes revisions of Title 17.00 to improve the quality of land development and align the Code with state law and contemporary planning concepts.

WHEREAS, the City finds that this Ordinance will serve the public health, safety, and welfare, and that adoption is in the best interests of the Moab community.

WHEREAS, the Utah State Legislature adopted House Bill 82 in the 2021 Legislative Session that requires communities to allow Indoor Accessory Dwelling Units as a permitted use.

WHEREAS, amendments to the MMC were necessary to comply with HB 82.

WHEREAS, at the same time, Moab is experiencing a critical shortage of employee and workforce housing.

WHEREAS, the city currently allows ADUs as a permitted use in all residential zones, but some of the requirements have become barriers to construction.

WHEREAS, it is better planning practice to encourage infill in order to reduce sprawl.

WHEREAS, since the City had to amend Chapter 17.70 to comply with the new state law, there was an opportunity to remove some of the barriers to encourage more ADUs for employees and the workforce.

WHEREAS, it is the intent of the City Council that ADUs be used for employee/workforce housing. The intent is not for ADUs to be used as second homes.

NOW, THEREFORE BE IT ORDAINED that the Moab City Council hereby approves Text Amendments as follows:

SECTION 1. AMENDMENTS TO MMC CHAPTER 17.06 DEFINITIONS ADDING OR MODIFYING DEFINITIONS OF:

Commented [NS1]: Mike's Comment: Delete this clause or make it clear this is not the legal definition. Who qualifies should be defined once precisely, as it is in Section 2.

The Planning Commission felt strongly that this intent be included in the recitals.

-
- A. "Accessory dwelling unit" (ADU, granny-flat, mother-in-law-apartment) means a habitable living unit added to, created within, or detached from a single-household dwelling and, in some cases duplexes, and includes separate cooking, sleeping, and bathroom facilities. A Single ADU does not constitute a two-household dwelling.
- B. "Accessory Dwelling Unit, Internal (IADU)" means an accessory dwelling unit created:
1. within an existing single household dwelling primary dwelling;
 2. within the footprint of the main dwelling; and
 3. for the purpose of offering a long-term rental for Active employment households. The intent of ADUs is not to provide additional second home opportunities.
- C. "Accessory Dwelling Unit, External (EADU)" means an accessory dwelling created:
1. on the same parcel or lot that contains the main single household dwelling;
 2. physically separate from the single household dwelling; and
 3. for the purpose of offering a long-term rental for Active employment households. The intent of ADUs is not to provide additional second home opportunities.
- D. "Dwelling, Primary" means a Single Household Dwelling unit that:
1. is detached; and
 2. is occupied as the primary residence of the owner of record
- E. "Dwelling, Rental" means a building or portion of a building that is:
1. used or designated for use as a residence by one or more persons;
 2. Available to be rented, loaned, leased or hired out for a period of one month or longer;
- F. "Active employment household" or "actively employed household" means a household with at least one adult who meets one of the following criteria; provided, however, where there are unrelated individuals living together in one household, at least 50 percent of all the adults comprising the household shall meet one of the following criteria:
-

-
1. A full-time (aggregate of 30 hours of employment per week) employee of an entity or entities located within Grand County; or
 2. An owner or owner's representative of a business or entity with a primary place of business within Grand County; or
 3. A full-time (aggregate of 30 hours of employment per week for nine months out of each calendar year) worker who is self-employed or works out of their home must provide their entire list of clients/workload so that it can be verified that a minimum of 75 percent of their work/clients are based within Grand County.
 4. A person who is unable to work or does not have a work history required under subsections A.1 through 3 of this section due to a disability; ~~or~~

5. A family member of the owner of the property

6. A retiree with a work history required under subsections A.1 through 3 of this section for the five years prior to retirement that intends to make the ADU their full-time place of residence.

Commented [NS2]: Needs further discussion

SECTION 2. AMEND CHAPTER 17.70 ACCESSORY DWELLING UNITS AS FOLLOWS:

17.70.010 Purpose.

A. Accessory dwelling units are encouraged as dwellings for persons to increase affordable housing opportunities in the RA-1 Residential-Agricultural Zone, R-1 Single-Household Residential Zone, R-2 Single-Household and Two-Household Residential Zone, R-3 Multi-Household Residential Zone, and R-4 Manufactured Housing Residential Zone.

17.70.020 Types of ADUs

There are two types of ADUs permitted in Moab, Internal ADUs (IADU) and External ADUs (EADUs). It is the intent of the City Council that ADUs be used for employee/workforce housing, a family member, or a full-time retiree. The intent is not for ADUs to be used as second homes.

17.70.030 Internal ADUs (IADUs)

A. Permitted Use. IADUs shall be considered a permitted use in the RA-1 Residential Agricultural Zone, R-1 Single-Household Residential Zone, R-2 Single-Household and Two-Household Residential Zone, R-3 Multi-Household Residential Zone, and R-4 Manufactured Housing Residential Zone.

B. IADU Requirements. The following requirements apply to all IADUs:

1. IADUs must include the code required bedroom window egress:
 2. installation of a separate water utility meter is prohibited:
 2. IADUs must be designed to maintain the appearance of the primary dwelling:
 3. IADUs require one additional on-site parking space:
 4. IADUs require a Letter of Zoning Compliance prior to building permit issuance:
 5. IADUs are not allowed if the main dwelling is served by a failing septic tank:
 6. IADUs cannot be rented for a period less than 3-months:
 7. IADUs are allowed only in owner-occupied primary dwellings: and
 8. No IADUs are allowed for lots containing a duplex.
 9. There is no maximum size for IADUs
 10. No more than one IADU may be located within a Single Household Dwelling.
 11. Properties with IADUs shall remain recorded as one lot. The IADU shall not be sold separately from the main home.
 12. Accessory dwellings are intended for long-term rental of 30 days or more, to the same individual, and may not be used for nightly rentals.
-

Commented [NS3]: Kalen: Given the level of design in Moab housing, deviating is likely an improvement.

Commented [NS4]: Is this the direction of the City Council? (Kalen recommends removal)

Commented [NS5]: This needs further discussion.

Kalen's Comment: One thing I'm not clear on, which I could probably figure out on my own. New two dwelling unit buildings on a single lot must at least meet IRC duplex separation standards? Since building from scratch, the separations aren't that onerous, compared to a remodel?

Commented [NS6]: This is from HB 82. We do not have an option to designate a maximum size. Kalen questioned the need for this section. I think it is important that this be included in the code.

13. *Deed Restriction.* A deed restriction must be filed with the county recorder which states:

“A permit for an accessory dwelling was issued to _____, the current owner of this property on _____. The owner shall strictly adhere to the prohibition of the use of the accessory dwelling as nightly or short-term rental.” Modified deed restriction language may be proposed by the City.

Commented [NS7]: Does the City Council want to revise this language? This is the language that is in our current code

17.070.040 External ADUs (EADUs)

A. Permitted Use. EADUs shall be considered a permitted use in the RA-1 Residential-Agricultural Zone, R-1 Single-Household Residential Zone, R-2 Single-Household and Two-Household Residential Zone, R-3 Multi-Household Residential Zone, and R-4 Manufactured Housing Residential Zone.

B. EADU Requirements. The following requirements apply to all IADUs:

1. The setbacks for an accessory dwelling shall be what is allowed in the Zoning District within which the EADU is located. The side setback can be reduced to 5 feet if the EADU does not exceed a building height of 20 feet. The rear setback can be reduced to 5 feet if the EADU does not exceed a building height of 20 feet.

Commented [NS8]: Mike's comment: 17.15.50 says ADU's can't exceed 10' height. If so, permitting 20' is a big change, esp. if an ADU is parked with min setback distances from a lot line or an existing adjacent structure. I think this is the intent - to grow the # of ADU's at the expense of degrading visibility from adjacent lots. The current rear and side setbacks is 12 and 15' resp, a further reduction in visibility. An interesting political trade.

Accessory "structures" have a maximum bldg. height of 10ft. Does not apply to ADUs

2. A minimum separation between and EADU and any adjacent structures must be 10 feet, even if that structure is on an adjoining lot. The Building Official may waive or modify this requirement if adequate fire separation can be achieved by other means.

Commented [NS9]: Does this language need to be deleted or clarified?

3. Where pre-existing structures meet the development standards of this chapter for an EADU, the original structure may be designated as the accessory dwelling if a new main structure is constructed on site.

4. An EADU shall not be constructed prior to the principal structure, except in cases where new home construction has been permitted. An EADU may be permitted prior to construction of the single household dwelling for purposes of living on-site during the construction of the single household dwelling

5. An EADU may be constructed above a detached garage and consist of the same floor area; provided, that it shall not protrude beyond any ground floor

wall and shall not consist of more than one story above the ground floor. The overall structure shall not exceed 30 feet if all zone required setbacks are met. If the structure encroaches into a side or rear setback, the maximum height shall be 20 feet.

6. Any request for Accessory Dwelling Units within residential zones shall be reviewed for compliance with the standards in this chapter and approved by city staff. A letter of compliance shall be issued to the applicant by the Zoning Administrator prior to issuance of a building permit.

7. One EADU is allowed if the main structure on the parcel is a duplex. One of the three (3) resulting units must be owner-occupied.

8. The maximum size for accessory living quarters shall be no more than twelve hundred (1200) square feet. Lots larger than 20,000 square feet in size may increase the maximum to fifteen hundred (1500) square feet. There is no minimum size for ADUs. All ADUs must meet minimum building code requirements.

9. One on-site parking space shall be provided in addition to the underlying parking requirement. The parking space may be provided in tandem if the existing driveway length exceeds thirty-five feet as measured from the property line.

10. *Accessory Dwellings Per Lot.* One (1) EADU may be permitted on a parcels up to 20,000 square feet. Parcels that are greater than 20,000 square feet may apply for a maximum of two (2) ADUs.

11. *Property to Remain Undivided.* Properties with EADUs shall remain recorded as one lot. The accessory dwelling shall not be sold separately.

12. Accessory dwellings are intended for long-term rental of 30 days or more, to the same individual, and may not be used for nightly rentals

13. A deed restriction must be filed with the county recorder which states:

"A permit for an accessory dwelling was issued to _____, the current owner of this property on _____. The owner shall strictly adhere to the prohibition of the use of the accessory dwelling as nightly or short-term

*rental. The lease period for an EADU shall be a minimum of three (3) months.**

Commented [NS10]: Does this language need to be modified or eliminated?

17.70.050 Enforcement--Revocation of permit.

Commented [NS11]: This section has been taken directly from HB 82.

A. Process for Revocation: If the owner of the property violates any of the provisions of this Chapter, the City may revoke the accessory dwelling permit for noncompliance. In addition to any other legal or equitable remedies, Moab City may hold a lien against a property that contains an internal accessory dwelling unit if: as follows:

1. The City provides a written notice of violation
2. The City holds a hearing and determines that the violation has occurred. if the owner files a written objection
3. The owner fails to cure the violation within the time period prescribed in the written notice of violation
4. The City provides a written notice of lien with the county recorder. The written notice of violation shall
 - a. Describe the specific violation
 - b. Provide the owner of the accessory dwelling unit a reasonable opportunity to cure the violation no less than 14 days after the day on which the City notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days or no less than 30 days after the day on which the City sends the written notice of violation, for any other violation
 - c. State that if the owner of the property fails to cure the violation within the time period, the City may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires
 - d. Notify the owner of the property that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and of the name and address of the municipal office where the owner may file the written

objection to be mailed to the property's owner of record; any other individuals designated to receive notice in the owner's license or permit records

- e. Posted on the property
 - f. The written notice of lien shall state that the property is subject to a lien, specify the lien amount, in an amount of up to \$100 for each day of violation after the day on which the property's owner of record; and any other individual designated to receive notice in the owner's license or permit record and be posted on the property.
5. If an owner of property files a written objection in accordance with Subsection the City shall:
- a. hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under has occurred; and
 - b. notify the owner in writing of the date, time, and location of the hearing. The hearing notice shall be sent no less than 14 days before the day on which the hearing is held.
6. If an owner of property files a written objection the City may not record a lien until the City holds a hearing and determines that the specific violation has occurred.
7. If the City determines at the hearing that the specific violation has occurred, the City may impose a lien in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.
8. If an owner cures a violation within the time period prescribed in the written notice of violation the City may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation.
-

SECTION 3: MODIFY LANGUAGE IN ALL RESIDENTIAL ZONES as follows:

A. Permitted uses

1. Accessory dwelling units as per Chapter 17.70. Both External (EADUs) and Internal ADUs (IADUs) are permitted uses.

PASSED by the City Council in a public meeting on _____ by the following vote:

MOAB CITY COUNCIL:

Those voting aye: _____

Those voting nay: _____

Those abstaining: _____

Those absent: _____

Emily Niehaus, Mayor

Date

ATTEST: _____

Sommar Johnson, Clerk/Recorder

1 **SINGLE-FAMILY HOUSING MODIFICATIONS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Raymond P. Ward**

5 Senate Sponsor: Jacob L. Anderegg

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to single-family housing.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies and defines terms applicable to municipal and county land use
- 13 development and management;
- 14 ▶ allows a municipality or county to punish an individual who lists or offers a certain
- 15 licensed or permitted accessory dwelling unit as a short-term rental;
- 16 ▶ allows municipalities and counties to require specified physical changes to certain
- 17 accessory dwelling units;
- 18 ▶ in any single-family residential land use zone:
 - 19 • requires municipalities and counties to classify certain accessory dwelling units
 - 20 as a permitted land use; and
 - 21 • prohibits municipalities and counties from establishing restrictions or
 - 22 requirements for certain accessory dwelling units with limited exceptions;
- 23 ▶ allows a municipality or county to hold a lien against real property containing
- 24 certain accessory dwelling units in certain circumstances;
- 25 ▶ provides for statewide amendments to the International Residential Code related to
- 26 accessory dwelling units;
- 27 ▶ requires the executive director of the Olene Walker Housing Loan Fund to establish
- 28 a two-year pilot program to provide loan guarantees for certain loans related to
- 29 accessory dwelling units;

- 30 ▶ prevents a homeowners association from prohibiting the construction or rental of
- 31 certain accessory dwelling units; and
- 32 ▶ makes technical and conforming changes.

33 Money Appropriated in this Bill:

34 None

35 Other Special Clauses:

36 This bill provides a special effective date.

37 Utah Code Sections Affected:

38 AMENDS:

- 39 **10-8-85.4**, as enacted by Laws of Utah 2017, Chapter 335
- 40 **10-9a-505.5**, as last amended by Laws of Utah 2012, Chapter 172
- 41 **10-9a-511.5**, as enacted by Laws of Utah 2015, Chapter 205
- 42 **15A-3-202**, as last amended by Laws of Utah 2020, Chapter 441
- 43 **15A-3-204**, as last amended by Laws of Utah 2016, Chapter 249
- 44 **15A-3-206**, as last amended by Laws of Utah 2018, Chapter 186
- 45 **17-27a-505.5**, as last amended by Laws of Utah 2015, Chapter 465
- 46 **17-27a-510.5**, as enacted by Laws of Utah 2015, Chapter 205
- 47 **17-50-338**, as enacted by Laws of Utah 2017, Chapter 335
- 48 **35A-8-505**, as last amended by Laws of Utah 2020, Chapter 241
- 49 **57-8a-209**, as last amended by Laws of Utah 2018, Chapter 395
- 50 **57-8a-218**, as last amended by Laws of Utah 2017, Chapter 131

51 ENACTS:

- 52 **10-9a-530**, Utah Code Annotated 1953
- 53 **17-27a-526**, Utah Code Annotated 1953
- 54 **35A-8-504.5**, Utah Code Annotated 1953

56 *Be it enacted by the Legislature of the state of Utah:*

57 Section 1. Section **10-8-85.4** is amended to read:

58 **10-8-85.4. Ordinances regarding short-term rentals -- Prohibition on ordinances**
59 **restricting speech on short-term rental websites.**

60 (1) As used in this section:

61 (a) "Internal accessory dwelling unit" means the same as that term is defined in Section
62 10-9a-511.5.

63 ~~[(a)]~~ (b) "Residential unit" means a residential structure or any portion of a residential
64 structure that is occupied as a residence.

65 ~~[(b)]~~ (c) "Short-term rental" means a residential unit or any portion of a residential unit
66 that the owner of record or the lessee of the residential unit offers for occupancy for fewer than
67 30 consecutive days.

68 ~~[(c)]~~ (d) "Short-term rental website" means a website that:

- 69 (i) allows a person to offer a short-term rental to one or more prospective renters; and
- 70 (ii) facilitates the renting of, and payment for, a short-term rental.

71 (2) Notwithstanding Section 10-9a-501 or Subsection 10-9a-503(1), a legislative body
72 may not:

73 (a) enact or enforce an ordinance that prohibits an individual from listing or offering a
74 short-term rental on a short-term rental website; or

75 (b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge,
76 prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term
77 rental on a short-term rental website.

78 (3) Subsection (2) does not apply to an individual who lists or offers an internal
79 accessory dwelling unit as a short-term rental on a short-term rental website if the municipality
80 records a notice for the internal accessory dwelling unit under Subsection 10-9a-530(6).

81 Section 2. Section 10-9a-505.5 is amended to read:

82 **10-9a-505.5. Limit on single family designation.**

83 (1) As used in this section, "single-family limit" means the number of ~~[unrelated]~~
84 individuals allowed to occupy each residential unit that is recognized by a land use authority in
85 a zone permitting occupancy by a single family.

86 (2) A municipality may not adopt a single-family limit that is less than:

87 (a) three, if the municipality has within its boundary:

88 (i) a state university; or

89 (ii) a private university with a student population of at least 20,000; or

90 (b) four, for each other municipality.

91 Section 3. Section **10-9a-511.5** is amended to read:

92 **10-9a-511.5. Changes to dwellings -- Egress windows.**

93 (1) [~~For purposes of~~] As used in this section[~~,"rental"~~]:

94 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

95 (i) within a primary dwelling;

96 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the
97 time the internal accessory dwelling unit is created; and

98 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

99 (b) "Primary dwelling" means a single-family dwelling that:

100 (i) is detached; and

101 (ii) is occupied as the primary residence of the owner of record.

102 (c) "Rental dwelling" means the same as that term is defined in Section 10-8-85.5.

103 (2) A municipal ordinance adopted under Section **10-1-203.5** may not:

104 (a) require physical changes in a structure with a legal nonconforming rental dwelling
105 use unless the change is for:

106 (i) the reasonable installation of:

107 (A) a smoke detector that is plugged in or battery operated;

108 (B) a ground fault circuit interrupter protected outlet on existing wiring;

109 (C) street addressing;

110 (D) except as provided in Subsection (3), an egress bedroom window if the existing
111 bedroom window is smaller than that required by current State Construction Code;

112 (E) an electrical system or a plumbing system, if the existing system is not functioning
113 or is unsafe as determined by an independent electrical or plumbing professional who is

114 licensed in accordance with Title 58, Occupations and Professions;

115 (F) hand or guard rails; or

116 (G) occupancy separation doors as required by the International Residential Code; or

117 (ii) the abatement of a structure; or

118 (b) be enforced to terminate a legal nonconforming rental dwelling use.

119 (3) (a) A municipality may not require physical changes to install an egress or

120 emergency escape window in an existing bedroom that complied with the State Construction

121 Code in effect at the time the bedroom was finished if:

122 [~~(a)~~] (i) the dwelling is an owner-occupied dwelling or a rental dwelling that is:

123 [~~(i)~~] (A) a detached one-, two-, three-, or four-family dwelling; or

124 [~~(ii)~~] (B) a town home that is not more than three stories above grade with a separate
125 means of egress; and

126 [~~(b)~~] (i) (A) the window in the existing bedroom is smaller than that required by
127 current State Construction Code; and

128 [~~(ii)~~] (B) the change would compromise the structural integrity of the structure or could
129 not be completed in accordance with current State Construction Code, including set-back and
130 window well requirements.

131 (b) Subsection (3)(a) does not apply to an internal accessory dwelling unit.

132 (4) Nothing in this section prohibits a municipality from:

133 (a) regulating the style of window that is required or allowed in a bedroom;

134 (b) requiring that a window in an existing bedroom be fully openable if the openable
135 area is less than required by current State Construction Code; or

136 (c) requiring that an existing window not be reduced in size if the openable area is
137 smaller than required by current State Construction Code.

138 Section 4. Section **10-9a-530** is enacted to read:

139 **10-9a-530. Internal accessory dwelling units.**

140 (1) As used in this section:

141 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

- 142 (i) within a primary dwelling;
- 143 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the
- 144 time the internal accessory dwelling unit is created; and
- 145 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.
- 146 (b) "Primary dwelling" means a single-family dwelling that:
- 147 (i) is detached; and
- 148 (ii) is occupied as the primary residence of the owner of record.
- 149 (2) In any area zoned primarily for residential use:
- 150 (a) the use of an internal accessory dwelling unit is a permitted use; and
- 151 (b) except as provided in Subsections (3) and (4), a municipality may not establish any
- 152 restrictions or requirements for the construction or use of one internal accessory dwelling unit
- 153 within a primary dwelling, including a restriction or requirement governing:
- 154 (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;
- 155 (ii) total lot size; or
- 156 (iii) street frontage.
- 157 (3) An internal accessory dwelling unit shall comply with all applicable building,
- 158 health, and fire codes.
- 159 (4) A municipality may:
- 160 (a) prohibit the installation of a separate utility meter for an internal accessory dwelling
- 161 unit;
- 162 (b) require that an internal accessory dwelling unit be designed in a manner that does
- 163 not change the appearance of the primary dwelling as a single-family dwelling;
- 164 (c) require a primary dwelling:
- 165 (i) to include one additional on-site parking space for an internal accessory dwelling
- 166 unit, regardless of whether the primary dwelling is existing or new construction; and
- 167 (ii) to replace any parking spaces contained within a garage or carport if an internal
- 168 accessory dwelling unit is created within the garage or carport;
- 169 (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as

170 defined in Section 57-16-3;

171 (e) require the owner of a primary dwelling to obtain a permit or license for renting an
172 internal accessory dwelling unit;

173 (f) prohibit the creation of an internal accessory dwelling unit within a zoning district
174 covering an area that is equivalent to:

175 (i) 25% or less of the total area in the municipality that is zoned primarily for
176 residential use; or

177 (ii) 67% or less of the total area in the municipality that is zoned primarily for
178 residential use, if the main campus of a state or private university with a student population of
179 10,000 or more is located within the municipality;

180 (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling
181 is served by a failing septic tank;

182 (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the
183 primary dwelling is 6,000 square feet or less in size;

184 (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a
185 period of less than 30 consecutive days;

186 (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory
187 dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;

188 (k) hold a lien against a property that contains an internal accessory dwelling unit in
189 accordance with Subsection (5); and

190 (l) record a notice for an internal accessory dwelling unit in accordance with
191 Subsection (6).

192 (5) (a) In addition to any other legal or equitable remedies available to a municipality, a
193 municipality may hold a lien against a property that contains an internal accessory dwelling
194 unit if:

195 (i) the owner of the property violates any of the provisions of this section or any
196 ordinance adopted under Subsection (4);

197 (ii) the municipality provides a written notice of violation in accordance with

198 Subsection (5)(b);

199 (iii) the municipality holds a hearing and determines that the violation has occurred in
200 accordance with Subsection (5)(d), if the owner files a written objection in accordance with

201 Subsection (5)(b)(iv);

202 (iv) the owner fails to cure the violation within the time period prescribed in the
203 written notice of violation under Subsection (5)(b);

204 (v) the municipality provides a written notice of lien in accordance with Subsection
205 (5)(c); and

206 (vi) the municipality records a copy of the written notice of lien described in
207 Subsection (5)(a)(iv) with the county recorder of the county in which the property is located.

208 (b) The written notice of violation shall:

209 (i) describe the specific violation;

210 (ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity
211 to cure the violation that is:

212 (A) no less than 14 days after the day on which the municipality sends the written
213 notice of violation, if the violation results from the owner renting or offering to rent the internal
214 accessory dwelling unit for a period of less than 30 consecutive days; or

215 (B) no less than 30 days after the day on which the municipality sends the written
216 notice of violation, for any other violation;

217 (iii) state that if the owner of the property fails to cure the violation within the time
218 period described in Subsection (5)(b)(ii), the municipality may hold a lien against the property
219 in an amount of up to \$100 for each day of violation after the day on which the opportunity to
220 cure the violation expires;

221 (iv) notify the owner of the property:

222 (A) that the owner may file a written objection to the violation within 14 days after the
223 day on which the written notice of violation is post-marked or posted on the property; and

224 (B) of the name and address of the municipal office where the owner may file the
225 written objection;

226 (v) be mailed to:
227 (A) the property's owner of record; and
228 (B) any other individual designated to receive notice in the owner's license or permit
229 records; and
230 (vi) be posted on the property.
231 (c) The written notice of lien shall:
232 (i) comply with the requirements of Section [38-12-102](#);
233 (ii) state that the property is subject to a lien;
234 (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after
235 the day on which the opportunity to cure the violation expires;
236 (iv) be mailed to:
237 (A) the property's owner of record; and
238 (B) any other individual designated to receive notice in the owner's license or permit
239 records; and
240 (v) be posted on the property.
241 (d) (i) If an owner of property files a written objection in accordance with Subsection
242 (5)(b)(iv), the municipality shall:
243 (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings
244 Act, to conduct a review and determine whether the specific violation described in the written
245 notice of violation under Subsection (5)(b) has occurred; and
246 (B) notify the owner in writing of the date, time, and location of the hearing described
247 in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.
248 (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a
249 municipality may not record a lien under this Subsection (5) until the municipality holds a
250 hearing and determines that the specific violation has occurred.
251 (iii) If the municipality determines at the hearing that the specific violation has
252 occurred, the municipality may impose a lien in an amount of up to \$100 for each day of
253 violation after the day on which the opportunity to cure the violation expires, regardless of

254 whether the hearing is held after the day on which the opportunity to cure the violation has
255 expired.

256 (e) If an owner cures a violation within the time period prescribed in the written notice
257 of violation under Subsection (5)(b), the municipality may not hold a lien against the property,
258 or impose any penalty or fee on the owner, in relation to the specific violation described in the
259 written notice of violation under Subsection (5)(b).

260 (6) (a) A municipality that issues, on or after October 1, 2021, a permit or license to an
261 owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to
262 an owner of a primary dwelling to create an internal accessory dwelling unit, may record a
263 notice in the office of the recorder of the county in which the primary dwelling is located.

264 (b) The notice described in Subsection (6)(a) shall include:

265 (i) a description of the primary dwelling;

266 (ii) a statement that the primary dwelling contains an internal accessory dwelling unit;

267 and

268 (iii) a statement that the internal accessory dwelling unit may only be used in
269 accordance with the municipality's land use regulations.

270 (c) The municipality shall, upon recording the notice described in Subsection (6)(a),
271 deliver a copy of the notice to the owner of the internal accessory dwelling unit.

272 Section 5. Section **15A-3-202** is amended to read:

273 **15A-3-202. Amendments to Chapters 1 through 5 of IRC.**

274 (1) In IRC, Section R102, a new Section R102.7.2 is added as follows: "R102.7.2

275 Physical change for bedroom window egress. A structure whose egress window in an existing
276 bedroom is smaller than required by this code, and that complied with the construction code in
277 effect at the time that the bedroom was finished, is not required to undergo a physical change to
278 conform to this code if the change would compromise the structural integrity of the structure or
279 could not be completed in accordance with other applicable requirements of this code,
280 including setback and window well requirements."

281 (2) In IRC, Section R108.3, the following sentence is added at the end of the section:

282 "The building official shall not request proprietary information."

283 (3) In IRC, Section 109:

284 (a) A new IRC, Section 109.1.5, is added as follows: "R109.1.5 Weather-resistant
285 exterior wall envelope inspections. An inspection shall be made of the weather-resistant
286 exterior wall envelope as required by Section R703.1 and flashings as required by Section
287 R703.8 to prevent water from entering the weather-resistive barrier."

288 (b) The remaining sections are renumbered as follows: R109.1.6 Other inspections;
289 R109.1.6.1 Fire- and smoke-resistance-rated construction inspection; R109.1.6.2 Reinforced
290 masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection;
291 and R109.1.7 Final inspection.

292 (4) IRC, Section R114.1, is deleted and replaced with the following: "R114.1 Notice to
293 owner. Upon notice from the building official that work on any building or structure is being
294 prosecuted contrary to the provisions of this code or other pertinent laws or ordinances or in an
295 unsafe and dangerous manner, such work shall be immediately stopped. The stop work order
296 shall be in writing and shall be given to the owner of the property involved, or to the owner's
297 agent or to the person doing the work; and shall state the conditions under which work will be
298 permitted to resume."

299 (5) In IRC, Section R202, the following definition is added: "ACCESSORY
300 DWELLING UNIT: A habitable living unit created within the existing footprint of a primary
301 owner-occupied single-family dwelling."

302 [~~5~~] (6) In IRC, Section R202, the following definition is added: "CERTIFIED
303 BACKFLOW PREVENTER ASSEMBLY TESTER: A person who has shown competence to
304 test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction
305 under Utah Code, Subsection 19-4-104(4)."

306 [~~6~~] (7) In IRC, Section R202, the definition of "Cross Connection" is deleted and
307 replaced with the following: "CROSS CONNECTION. Any physical connection or potential
308 connection or arrangement between two otherwise separate piping systems, one of which
309 contains potable water and the other either water of unknown or questionable safety or steam,

310 gas, or chemical, whereby there exists the possibility for flow from one system to the other,
311 with the direction of flow depending on the pressure differential between the two systems (see
312 "Backflow, Water Distribution")."

313 [(7)] (8) In IRC, Section 202, in the definition for gray water a comma is inserted after
314 the word "washers"; the word "and" is deleted; and the following is added to the end: "and
315 clear water wastes which have a pH of 6.0 to 9.0; are non-flammable; non-combustible;
316 without objectionable odors; non-highly pigmented; and will not interfere with the operation of
317 the sewer treatment facility."

318 [(8)] (9) In IRC, Section R202, the definition of "Potable Water" is deleted and
319 replaced with the following: "POTABLE WATER. Water free from impurities present in
320 amounts sufficient to cause disease or harmful physiological effects and conforming to the
321 Utah Code, Title 19, Chapter 4, Safe Drinking Water Act, and Title 19, Chapter 5, Water
322 Quality Act, and the regulations of the public health authority having jurisdiction."

323 [(9)] (10) IRC, Figure R301.2(5), is deleted and replaced with R301.2(5) as follows:

"TABLE R301.2(5)			
GROUND SNOW LOADS FOR SELECTED LOCATIONS IN UTAH			
City/Town	County	Ground Snow Load (lb/ft ²)	Elevation (ft)
Beaver	Beaver	35	5886
Brigham City	Box Elder	42	4423
Castle Dale	Emery	32	5669
Coalville	Summit	57	5581
Duchesne	Duchesne	39	5508
Farmington	Davis	35	4318
Fillmore	Millard	30	5138
Heber City	Wasatch	60	5604
Junction	Piute	27	6030
Kanab	Kane	25	4964

337	Loa	Wayne	37	7060
338	Logan	Cache	43	4531
339	Manila	Daggett	26	6368
340	Manti	Sanpete	37	5620
341	Moab	Grand	21	4029
342	Monticello	San Juan	67	7064
343	Morgan	Morgan	52	5062
344	Nephi	Juab	39	5131
345	Ogden	Weber	37	4334
346	Panguitch	Garfield	41	6630
347	Parowan	Iron	32	6007
348	Price	Carbon	31	5558
349	Provo	Utah	31	4541
350	Randolph	Rich	50	6286
351	Richfield	Sevier	27	5338
352	St. George	Washington	21	2585
353	Salt Lake City	Salt Lake	28	4239
354	Tooele	Tooele	35	5029
355	Vernal	Uintah	39	5384

Note: To convert lb/ft² to kN/m², multiply by 0.0479. To convert feet to meters, multiply by 0.3048.

1. Statutory requirements of the Authority Having Jurisdiction are not included in this state ground snow load table.

356 2. For locations where there is substantial change in altitude over the city/town, the load applies at and below the cited elevation, with a tolerance of 100 ft (30 m).

3. For other locations in Utah, see Bean, B., Maguire, M., Sun, Y. (2018), "The Utah Snow Load Study," Utah State University Civil and Environmental Engineering Faculty Publications, Paper 3589, <http://utahsnowload.usu.edu/>, for ground snow load values.

357 ~~[(10)]~~ (11) IRC, Section R301.6, is deleted and replaced with the following: "R301.6
358 Utah Snow Loads. The snow loads specified in Table R301.2(5b) shall be used for the
359 jurisdictions identified in that table. Otherwise, for other locations in Utah, see Bean, B.,
360 Maguire, M., Sun, Y. (2018), "The Utah Snow Load Study," Utah State University Civil and
361 Environmental Engineering Faculty Publications, Paper 3589, <http://utahsnowload.usu.edu/>, for
362 ground snow load values."

363 ~~[(11)]~~ (12) In IRC, Section R302.2, the following sentence is added after the second
364 sentence: "When an access/maintenance agreement or easement is in place, plumbing,
365 mechanical ducting, schedule 40 steel gas pipe, and electric service conductors including
366 feeders, are permitted to penetrate the common wall at grade, above grade, or below grade."

367 (13) In IRC, Section R302.3, a new exception 3 is added as follows: "3. Accessory
368 dwelling units separated by walls or floor assemblies protected by not less than 1/2-inch (12.7
369 mm) gypsum board or equivalent on each side of the wall or bottom of the floor assembly are
370 exempt from the requirements of this section."

371 ~~[(12)]~~ (14) In IRC, Section R302.5.1, the words "self-closing device" are deleted and
372 replaced with "self-latching hardware."

373 ~~[(13)]~~ (15) IRC, Section R302.13, is deleted.

374 ~~[(14)]~~ (16) In IRC, Section R303.4, the number "5" is changed to "3" in the first
375 sentence.

376 (17) In IRC, Section R310.6, in the exception, the words "or accessory dwelling units"
377 are added after the words "sleeping rooms".

378 ~~[(15)]~~ (18) IRC, Sections R311.7.4 through R311.7.5.3, are deleted and replaced with
379 the following: "R311.7.4 Stair treads and risers. R311.7.5.1 Riser height. The maximum riser
380 height shall be 8 inches (203 mm). The riser shall be measured vertically between leading
381 edges of the adjacent treads. The greatest riser height within any flight of stairs shall not
382 exceed the smallest by more than 3/8 inch (9.5 mm).

383 R311.7.5.2 Tread depth. The minimum tread depth shall be 9 inches (228 mm). The tread
384 depth shall be measured horizontally between the vertical planes of the foremost projection of
385 adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within
386 any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder
387 treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at a point
388 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a
389 minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the
390 greatest winder tread depth at the 12-inch (305 mm) walk line shall not exceed the smallest by
391 more than 3/8 inch (9.5 mm).

392 R311.7.5.3 Profile. The radius of curvature at the leading edge of the tread shall be no greater
393 than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1 1/4
394 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection
395 shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two
396 stories, including the nosing at the level of floors and landings. Beveling of nosing shall not
397 exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading
398 edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open
399 risers are permitted, provided that the opening between treads does not permit the passage of a
400 4-inch diameter (102 mm) sphere.

401 Exceptions.

- 402 1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).
- 403 2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches

404 (762 mm) or less."

405 [~~(16)~~] (19) IRC, Section R312.2, is deleted.

406 [~~(17)~~] (20) IRC, Sections R313.1 through R313.2.1, are deleted and replaced with the
407 following: "R313.1 Design and installation. When installed, automatic residential fire
408 sprinkler systems for townhouses or one- and two-family dwellings shall be designed and
409 installed in accordance with Section P2904 or NFPA 13D."

410 (21) In IRC, Section R314.2.2, the words "or accessory dwelling units" are added after
411 the words "sleeping rooms".

412 (22) In IRC, Section R315.2.2, the words "or accessory dwelling units" are added after
413 the words "sleeping rooms".

414 [~~(18)~~] (23) In IRC, Section 315.3, the following words are added to the first sentence
415 after the word "installed": "on each level of the dwelling unit and."

416 [~~(19)~~] (24) In IRC, Section R315.5, a new exception, 3, is added as follows:

417 "3. Hard wiring of carbon monoxide alarms in existing areas shall not be required where the
418 alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing
419 the structure, unless there is an attic, crawl space or basement available which could provide
420 access for hard wiring, without the removal of interior finishes."

421 [~~(20)~~] (25) A new IRC, Section R315.7, is added as follows: " R315.7 Interconnection.
422 Where more than one carbon monoxide alarm is required to be installed within an individual
423 dwelling unit in accordance with Section R315.1, the alarm devices shall be interconnected in
424 such a manner that the actuation of one alarm will activate all of the alarms in the individual
425 unit. Physical interconnection of smoke alarms shall not be required where listed wireless
426 alarms are installed and all alarms sound upon activation of one alarm.

427 Exception: Interconnection of carbon monoxide alarms in existing areas shall not be required
428 where alterations or repairs do not result in removal of interior wall or ceiling finishes exposing
429 the structure, unless there is an attic, crawl space or basement available which could provide
430 access for interconnection without the removal of interior finishes."

431 [~~(21)~~] (26) In IRC, Section R317.1.5, the period is deleted and the following language

432 is added to the end of the paragraph: "or treated with a moisture resistant coating."

433 [~~(22)~~] (27) In IRC, Section 326.1, the words "residential provisions of the" are added
434 after the words "pools and spas shall comply with".

435 [~~(23)~~] (28) In IRC, Section R403.1.6, a new Exception 3 is added as follows: "3.
436 When anchor bolt spacing does not exceed 32 inches (813 mm) apart, anchor bolts may be
437 placed with a minimum of two bolts per plate section located not less than 4 inches (102 mm)
438 from each end of each plate section at interior bearing walls, interior braced wall lines, and at
439 all exterior walls."

440 [~~(24)~~] (29) In IRC, Section R403.1.6.1, a new exception is added at the end of Item 2
441 and Item 3 as follows: "Exception: When anchor bolt spacing does not exceed 32 inches (816
442 mm) apart, anchor bolts may be placed with a minimum of two bolts per plate section located
443 not less than 4 inches (102 mm) from each end of each plate section at interior bearing walls,
444 interior braced wall lines, and at all exterior walls."

445 [~~(25)~~] (30) In IRC, Section R404.1, a new exception is added as follows: "Exception:
446 As an alternative to complying with Sections R404.1 through R404.1.5.3, concrete and
447 masonry foundation walls may be designed in accordance with IBC Sections 1807.1.5 and
448 1807.1.6 as amended in Section 1807.1.6.4 and Table 1807.1.6.4 under these rules."

449 [~~(26)~~] (31) In IRC, Section R405.1, a new exception is added as follows: "Exception:
450 When a geotechnical report has been provided for the property, a drainage system is not
451 required unless the drainage system is required as a condition of the geotechnical report. The
452 geological report shall make a recommendation regarding a drainage system."

453 Section 6. Section **15A-3-204** is amended to read:

454 **15A-3-204. Amendments to Chapters 16 through 25 of IRC.**

455 (1) In IRC, Section M1602.2, a new exception is added at the end of Item 6 as follows:
456 "Exception: The discharge of return air from an accessory dwelling unit into another dwelling
457 unit, or into an accessory dwelling unit from another dwelling unit, is not prohibited."

458 (2) A new IRC, Section G2401.2, is added as follows: "G2401.2 Meter Protection.
459 Fuel gas services shall be in an approved location and/or provided with structures designed to

460 protect the fuel gas meter and surrounding piping from physical damage, including falling,
461 moving, or migrating ice and snow. If an added structure is used, it must provide access for
462 service and comply with the IBC or the IRC."

463 Section 7. Section 15A-3-206 is amended to read:

464 **15A-3-206. Amendments to Chapters 36 through 44 and Appendix F of IRC.**

465 (1) In IRC, Section E3601.6.2, a new exception is added as follows: "Exception: An
466 occupant of an accessory dwelling unit is not required to have access to the disconnect serving
467 the dwelling unit in which they reside."

468 [~~(1)~~] (2) In IRC, Section E3705.4.5, the following words are added after the word
469 "assemblies": "with ungrounded conductors 10 AWG and smaller".

470 [~~(2)~~] (3) In IRC, Section E3901.9, the following exception is added:
471 "Exception: Receptacles or other outlets adjacent to the exterior walls of the garage, outlets
472 adjacent to an exterior wall of the garage, or outlets in a storage room with entry from the
473 garage may be connected to the garage branch circuit."

474 [~~(3)~~] (4) IRC, Section E3902.16 is deleted.

475 [~~(4)~~] (5) In Section E3902.17:

476 (a) following the word "Exception" the number "1." is added; and

477 (b) at the end of the section, the following sentences are added:

478 "2. This section does not apply for a simple move or an extension of a branch circuit or an
479 outlet which does not significantly increase the existing electrical load. This exception does
480 not include changes involving remodeling or additions to a residence."

481 [~~(5)~~] (6) IRC, Chapter 44, is amended by adding the following reference standard:

"Standard reference number	Title	Referenced in code section number
USC-FCCCHR 10th Edition Manual of Cross Connection Control	Foundation for Cross-Connection Control and Hydraulic Research University of Southern California Kaprielian Hall 300 Los Angeles CA 90089-2531	Table P2902.3"

484 [~~(6)~~] (7) (a) When passive radon controls or portions thereof are voluntarily installed,
485 the voluntary installation shall comply with Appendix F of the IRC.

486 (b) An additional inspection of a voluntary installation described in Subsection [~~(6)~~]
487 (7)(a) is not required.

488 Section 8. Section 17-27a-505.5 is amended to read:

489 **17-27a-505.5. Limit on single family designation.**

490 (1) As used in this section, "single-family limit" means the number of [~~unrelated~~]
491 individuals allowed to occupy each residential unit that is recognized by a land use authority in
492 a zone permitting occupancy by a single family.

493 (2) A county may not adopt a single-family limit that is less than:

494 (a) three, if the county has within its unincorporated area:

495 (i) a state university;

496 (ii) a private university with a student population of at least 20,000; or

497 (iii) a mountainous planning district; or

498 (b) four, for each other county.

499 Section 9. Section **17-27a-510.5** is amended to read:

500 **17-27a-510.5. Changes to dwellings -- Egress windows.**

501 (1) [~~For purposes of~~] As used in this section[~~,"rental"~~]:

502 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

503 (i) within a primary dwelling;

504 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the
505 time the internal accessory dwelling unit is created; and

506 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

507 (b) "Primary dwelling" means a single-family dwelling that:

508 (i) is detached; and

509 (ii) is occupied as the primary residence of the owner of record.

510 (c) "Rental dwelling" means the same as that term is defined in Section 10-8-85.5.

511 (2) A county ordinance adopted under Section **10-1-203.5** may not:

512 (a) require physical changes in a structure with a legal nonconforming rental dwelling
513 use unless the change is for:

514 (i) the reasonable installation of:

515 (A) a smoke detector that is plugged in or battery operated;

516 (B) a ground fault circuit interrupter protected outlet on existing wiring;

517 (C) street addressing;

518 (D) except as provided in Subsection (3), an egress bedroom window if the existing
519 bedroom window is smaller than that required by current State Construction Code;

520 (E) an electrical system or a plumbing system, if the existing system is not functioning
521 or is unsafe as determined by an independent electrical or plumbing professional who is
522 licensed in accordance with Title 58, Occupations and Professions;

523 (F) hand or guard rails; or

524 (G) occupancy separation doors as required by the International Residential Code; or

525 (ii) the abatement of a structure; or

526 (b) be enforced to terminate a legal nonconforming rental dwelling use.

527 (3) (a) A county may not require physical changes to install an egress or emergency
528 escape window in an existing bedroom that complied with the State Construction Code in
529 effect at the time the bedroom was finished if:

530 [~~(a)~~] (i) the dwelling is an owner-occupied dwelling or a rental dwelling that is:

531 [~~(i)~~] (A) a detached one-, two-, three-, or four-family dwelling; or

532 [~~(ii)~~] (B) a town home that is not more than three stories above grade with a separate
533 means of egress; and

534 [~~(b)~~] (i) (ii) (A) the window in the existing bedroom is smaller than that required by
535 current State Construction Code; and

536 [~~(ii)~~] (B) the change would compromise the structural integrity of the structure or could
537 not be completed in accordance with current State Construction Code, including set-back and
538 window well requirements.

539 (b) Subsection (3)(a) does not apply to an internal accessory dwelling unit.

- 540 (4) Nothing in this section prohibits a county from:
- 541 (a) regulating the style of window that is required or allowed in a bedroom;
- 542 (b) requiring that a window in an existing bedroom be fully openable if the openable
- 543 area is less than required by current State Construction Code; or
- 544 (c) requiring that an existing window not be reduced in size if the openable area is
- 545 smaller than required by current State Construction Code.

546 Section 10. Section **17-27a-526** is enacted to read:

547 **17-27a-526. Internal accessory dwelling units.**

548 (1) As used in this section:

549 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

550 (i) within a primary dwelling;

551 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the

552 time the internal accessory dwelling unit is created; and

553 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

554 (b) "Primary dwelling" means a single-family dwelling that:

555 (i) is detached; and

556 (ii) is occupied as the primary residence of the owner of record.

557 (2) In any area zoned primarily for residential use:

558 (a) the use of an internal accessory dwelling unit is a permitted use; and

559 (b) except as provided in Subsections (3) and (4), a county may not establish any

560 restrictions or requirements for the construction or use of one internal accessory dwelling unit

561 within a primary dwelling, including a restriction or requirement governing:

562 (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;

563 (ii) total lot size; or

564 (iii) street frontage.

565 (3) An internal accessory dwelling unit shall comply with all applicable building,

566 health, and fire codes.

567 (4) A county may:

- 568 (a) prohibit the installation of a separate utility meter for an internal accessory dwelling
569 unit;
- 570 (b) require that an internal accessory dwelling unit be designed in a manner that does
571 not change the appearance of the primary dwelling as a single-family dwelling;
- 572 (c) require a primary dwelling:
 - 573 (i) to include one additional on-site parking space for an internal accessory dwelling
574 unit, regardless of whether the primary dwelling is existing or new construction; and
 - 575 (ii) to replace any parking spaces contained within a garage or carport if an internal
576 accessory dwelling unit is created within the garage or carport;
- 577 (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as
578 defined in Section 57-16-3;
- 579 (e) require the owner of a primary dwelling to obtain a permit or license for renting an
580 internal accessory dwelling unit;
- 581 (f) prohibit the creation of an internal accessory dwelling unit within a zoning district
582 covering an area that is equivalent to 25% or less of the total unincorporated area in the county
583 that is zoned primarily for residential use;
- 584 (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling
585 is served by a failing septic tank;
- 586 (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the
587 primary dwelling is 6,000 square feet or less in size;
- 588 (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a
589 period of less than 30 consecutive days;
- 590 (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory
591 dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;
- 592 (k) hold a lien against a property that contains an internal accessory dwelling unit in
593 accordance with Subsection (5); and
- 594 (l) record a notice for an internal accessory dwelling unit in accordance with
595 Subsection (6).

596 (5) (a) In addition to any other legal or equitable remedies available to a county, a
597 county may hold a lien against a property that contains an internal accessory dwelling unit if:

598 (i) the owner of the property violates any of the provisions of this section or any
599 ordinance adopted under Subsection (4);

600 (ii) the county provides a written notice of violation in accordance with Subsection
601 (5)(b);

602 (iii) the county holds a hearing and determines that the violation has occurred in
603 accordance with Subsection (5)(d), if the owner files a written objection in accordance with
604 Subsection (5)(b)(iv);

605 (iv) the owner fails to cure the violation within the time period prescribed in the
606 written notice of violation under Subsection (5)(b);

607 (v) the county provides a written notice of lien in accordance with Subsection (5)(c);
608 and

609 (vi) the county records a copy of the written notice of lien described in Subsection
610 (5)(a)(iv) with the county recorder of the county in which the property is located.

611 (b) The written notice of violation shall:

612 (i) describe the specific violation;

613 (ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity
614 to cure the violation that is:

615 (A) no less than 14 days after the day on which the county sends the written notice of
616 violation, if the violation results from the owner renting or offering to rent the internal
617 accessory dwelling unit for a period of less than 30 consecutive days; or

618 (B) no less than 30 days after the day on which the county sends the written notice of
619 violation, for any other violation; and

620 (iii) state that if the owner of the property fails to cure the violation within the time
621 period described in Subsection (5)(b)(ii), the county may hold a lien against the property in an
622 amount of up to \$100 for each day of violation after the day on which the opportunity to cure
623 the violation expires;

624 (iv) notify the owner of the property:
625 (A) that the owner may file a written objection to the violation within 14 days after the
626 day on which the written notice of violation is post-marked or posted on the property; and
627 (B) of the name and address of the county office where the owner may file the written
628 objection;
629 (v) be mailed to:
630 (A) the property's owner of record; and
631 (B) any other individual designated to receive notice in the owner's license or permit
632 records; and
633 (vi) be posted on the property.
634 (c) The written notice of lien shall:
635 (i) comply with the requirements of Section [38-12-102](#);
636 (ii) describe the specific violation;
637 (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after
638 the day on which the opportunity to cure the violation expires;
639 (iv) be mailed to:
640 (A) the property's owner of record; and
641 (B) any other individual designated to receive notice in the owner's license or permit
642 records; and
643 (v) be posted on the property.
644 (d) (i) If an owner of property files a written objection in accordance with Subsection
645 (5)(b)(iv), the county shall:
646 (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings
647 Act, to conduct a review and determine whether the specific violation described in the written
648 notice of violation under Subsection (5)(b) has occurred; and
649 (B) notify the owner in writing of the date, time, and location of the hearing described
650 in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.
651 (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a

652 county may not record a lien under this Subsection (5) until the county holds a hearing and
653 determines that the specific violation has occurred.

654 (iii) If the county determines at the hearing that the specific violation has occurred, the
655 county may impose a lien in an amount of up to \$100 for each day of violation after the day on
656 which the opportunity to cure the violation expires, regardless of whether the hearing is held
657 after the day on which the opportunity to cure the violation has expired.

658 (e) If an owner cures a violation within the time period prescribed in the written notice
659 of violation under Subsection (5)(b), the county may not hold a lien against the property, or
660 impose any penalty or fee on the owner, in relation to the specific violation described in the
661 written notice of violation under Subsection (5)(b).

662 (6) (a) A county that issues, on or after October 1, 2021, a permit or license to an
663 owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to
664 an owner of a primary dwelling to create an internal accessory dwelling unit, may record a
665 notice in the office of the recorder of the county in which the primary dwelling is located.

666 (b) The notice described in Subsection (6)(a) shall include:

667 (i) a description of the primary dwelling;

668 (ii) a statement that the primary dwelling contains an internal accessory dwelling unit;

669 and

670 (iii) a statement that the internal accessory dwelling unit may only be used in
671 accordance with the county's land use regulations.

672 (c) The county shall, upon recording the notice described in Subsection (6)(a), deliver a
673 copy of the notice to the owner of the internal accessory dwelling unit.

674 Section 11. Section **17-50-338** is amended to read:

675 **17-50-338. Ordinances regarding short-term rentals -- Prohibition on ordinances**
676 **restricting speech on short-term rental websites.**

677 (1) As used in this section:

678 (a) "Internal accessory dwelling unit" means the same as that term is defined in Section
679 [10-9a-511.5](#).

680 ~~[(a)]~~ (b) "Residential unit" means a residential structure or any portion of a residential
681 structure that is occupied as a residence.

682 ~~[(b)]~~ (c) "Short-term rental" means a residential unit or any portion of a residential unit
683 that the owner of record or the lessee of the residential unit offers for occupancy for fewer than
684 30 consecutive days.

685 ~~[(c)]~~ (d) "Short-term rental website" means a website that:

686 (i) allows a person to offer a short-term rental to one or more prospective renters; and

687 (ii) facilitates the renting of, and payment for, a short-term rental.

688 (2) Notwithstanding Section [17-27a-501](#) or Subsection [17-27a-503\(1\)](#), a legislative
689 body may not:

690 (a) enact or enforce an ordinance that prohibits an individual from listing or offering a
691 short-term rental on a short-term rental website; or

692 (b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge,
693 prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term
694 rental on a short-term rental website.

695 (3) Subsection (2) does not apply to an individual who lists or offers an internal
696 accessory dwelling unit as a short-term rental on a short-term rental website if the county
697 records a notice for the internal accessory dwelling unit under Subsection [17-27a-526\(6\)](#).

698 Section 12. Section **35A-8-504.5** is enacted to read:

699 **35A-8-504.5. Low-income ADU loan guarantee pilot program.**

700 (1) As used in this section:

701 (a) "Accessory dwelling unit" means the same as that term is defined in Section
702 [10-9a-103](#).

703 (b) "Borrower" means a residential property owner who receives a low-income ADU
704 loan from a lender.

705 (c) "Lender" means a trust company, savings bank, savings and loan association, bank,
706 credit union, or any other entity that provides low-income ADU loans directly to borrowers.

707 (d) "Low-income ADU loan" means a loan made by a lender to a borrower for the

708 purpose of financing the construction of an accessory dwelling unit that is:

709 (i) located on the borrower's residential property; and

710 (ii) rented to a low-income individual.

711 (e) "Low-income individual" means an individual whose household income is less than

712 80% of the area median income.

713 (f) "Pilot program" means the two-year pilot program created in this section.

714 (2) The executive director shall establish a two-year pilot program to provide loan

715 guarantees on behalf of borrowers for the purpose of insuring the repayment of low-income

716 ADU loans.

717 (3) The executive director may not provide a loan guarantee for a low-income ADU

718 loan under the pilot program unless:

719 (a) the lender:

720 (i) agrees in writing to participate in the pilot program;

721 (ii) makes available to prospective borrowers the option of receiving a low-income

722 ADU loan that:

723 (A) has a term of 15 years; and

724 (B) charges interest at a fixed rate;

725 (iii) monitors the activities of the borrower on a yearly basis during the term of the loan

726 to ensure the borrower's compliance with:

727 (A) Subsection (3)(c); and

728 (B) any other term or condition of the loan; and

729 (iv) promptly notifies the executive director in writing if the borrower fails to comply

730 with:

731 (A) Subsection (3)(c); or

732 (B) any other term or condition of the loan;

733 (b) the loan terms of the low-income ADU loan:

734 (i) are consistent with the loan terms described in Subsection (3)(a)(ii); or

735 (ii) if different from the loan terms described in Subsection (3)(a)(ii), are mutually

736 agreed upon by the lender and the borrower; and
737 (c) the borrower:
738 (i) agrees in writing to participate in the pilot program;
739 (ii) constructs an accessory dwelling unit on the borrower's residential property within
740 one year after the day on which the borrower receives the loan;
741 (iii) occupies the primary residence to which the accessory dwelling unit is associated:
742 (A) after the accessory dwelling unit is completed; and
743 (B) for the remainder of the term of the loan; and
744 (iv) rents the accessory dwelling unit to a low-income individual:
745 (A) after the accessory dwelling unit is completed; and
746 (B) for the remainder of the term of the loan.
747 (4) At the direction of the board, the executive director shall make rules in accordance
748 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:
749 (a) the minimum criteria for lenders and borrowers to participate in the pilot program;
750 (b) the terms and conditions for loan guarantees provided under the pilot program,
751 consistent with Subsection (3); and
752 (c) procedures for the pilot program's loan guarantee process.
753 (5) The executive director shall submit a report on the pilot program to the Business
754 and Labor Interim Committee on or before November 30, 2023.

755 Section 13. Section **35A-8-505** is amended to read:

756 **35A-8-505. Activities authorized to receive fund money -- Powers of the executive**
757 **director.**

758 At the direction of the board, the executive director may:

759 (1) provide fund money to any of the following activities:

760 (a) the acquisition, rehabilitation, or new construction of low-income housing units;

761 (b) matching funds for social services projects directly related to providing housing for
762 special-need renters in assisted projects;

763 (c) the development and construction of accessible housing designed for low-income

764 persons;

765 (d) the construction or improvement of a shelter or transitional housing facility that
766 provides services intended to prevent or minimize homelessness among members of a specific
767 homeless subpopulation;

768 (e) the purchase of an existing facility to provide temporary or transitional housing for
769 the homeless in an area that does not require rezoning before providing such temporary or
770 transitional housing;

771 (f) the purchase of land that will be used as the site of low-income housing units;

772 (g) the preservation of existing affordable housing units for low-income persons; [~~and~~]

773 (h) providing loan guarantees under the two-year pilot program established in Section
774 35A-8-504.5; and

775 [~~(h)~~] (i) other activities that will assist in minimizing homelessness or improving the
776 availability or quality of housing in the state for low-income persons; and

777 (2) do any act necessary or convenient to the exercise of the powers granted by this part
778 or reasonably implied from those granted powers, including:

779 (a) making or executing contracts and other instruments necessary or convenient for
780 the performance of the executive director and board's duties and the exercise of the executive
781 director and board's powers and functions under this part, including contracts or agreements for
782 the servicing and originating of mortgage loans;

783 (b) procuring insurance against a loss in connection with property or other assets held
784 by the fund, including mortgage loans, in amounts and from insurers it considers desirable;

785 (c) entering into agreements with a department, agency, or instrumentality of the
786 United States or this state and with mortgagors and mortgage lenders for the purpose of
787 planning and regulating and providing for the financing and refinancing, purchase,
788 construction, reconstruction, rehabilitation, leasing, management, maintenance, operation, sale,
789 or other disposition of residential housing undertaken with the assistance of the department
790 under this part;

791 (d) proceeding with a foreclosure action, to own, lease, clear, reconstruct, rehabilitate,

792 repair, maintain, manage, operate, assign, encumber, sell, or otherwise dispose of real or
793 personal property obtained by the fund due to the default on a mortgage loan held by the fund
794 in preparation for disposition of the property, taking assignments of leases and rentals,
795 proceeding with foreclosure actions, and taking other actions necessary or incidental to the
796 performance of its duties; and

797 (e) selling, at a public or private sale, with public bidding, a mortgage or other
798 obligation held by the fund.

799 Section 14. Section **57-8a-209** is amended to read:

800 **57-8a-209. Rental restrictions.**

801 (1) (a) Subject to Subsections (1)(b), (5), [~~and~~] (6), and (10), an association may:

802 (i) create restrictions on the number and term of rentals in an association; or

803 (ii) prohibit rentals in the association.

804 (b) An association that creates a rental restriction or prohibition in accordance with
805 Subsection (1)(a) shall create the rental restriction or prohibition in a recorded declaration of
806 covenants, conditions, and restrictions, or by amending the recorded declaration of covenants,
807 conditions, and restrictions.

808 (2) If an association prohibits or imposes restrictions on the number and term of
809 rentals, the restrictions shall include:

810 (a) a provision that requires the association to exempt from the rental restrictions the
811 following lot owner and the lot owner's lot:

812 (i) a lot owner in the military for the period of the lot owner's deployment;

813 (ii) a lot occupied by a lot owner's parent, child, or sibling;

814 (iii) a lot owner whose employer has relocated the lot owner for two years or less;

815 (iv) a lot owned by an entity that is occupied by an individual who:

816 (A) has voting rights under the entity's organizing documents; and

817 (B) has a 25% or greater share of ownership, control, and right to profits and losses of
818 the entity; or

819 (v) a lot owned by a trust or other entity created for estate planning purposes if the trust

820 or other estate planning entity was created for:

821 (A) the estate of a current resident of the lot; or

822 (B) the parent, child, or sibling of the current resident of the lot;

823 (b) a provision that allows a lot owner who has a rental in the association before the

824 time the rental restriction described in Subsection (1)(a) is recorded with the county recorder of

825 the county in which the association is located to continue renting until:

826 (i) the lot owner occupies the lot;

827 (ii) an officer, owner, member, trustee, beneficiary, director, or person holding a

828 similar position of ownership or control of an entity or trust that holds an ownership interest in

829 the lot, occupies the lot; or

830 (iii) the lot is transferred; and

831 (c) a requirement that the association create, by rule or resolution, procedures to:

832 (i) determine and track the number of rentals and lots in the association subject to the

833 provisions described in Subsections (2)(a) and (b); and

834 (ii) ensure consistent administration and enforcement of the rental restrictions.

835 (3) For purposes of Subsection (2)(b)(iii), a transfer occurs when one or more of the

836 following occur:

837 (a) the conveyance, sale, or other transfer of a lot by deed;

838 (b) the granting of a life estate in the lot; or

839 (c) if the lot is owned by a limited liability company, corporation, partnership, or other

840 business entity, the sale or transfer of more than 75% of the business entity's share, stock,

841 membership interests, or partnership interests in a 12-month period.

842 (4) This section does not limit or affect residency age requirements for an association

843 that complies with the requirements of the Housing for Older Persons Act, 42 U.S.C. Sec.

844 3607.

845 (5) A declaration of covenants, conditions, and restrictions or amendments to the

846 declaration of covenants, conditions, and restrictions recorded before the transfer of the first lot

847 from the initial declarant may prohibit or restrict rentals without providing for the exceptions,

848 provisions, and procedures required under Subsection (2).

849 (6) (a) Subsections (1) through (5) do not apply to:

850 (i) an association that contains a time period unit as defined in Section 57-8-3;

851 (ii) any other form of timeshare interest as defined in Section 57-19-2; or

852 (iii) subject to Subsection (6)(b), an association that is formed before May 12, 2009,
853 unless, on or after May 12, 2015, the association:

854 (A) adopts a rental restriction or prohibition; or

855 (B) amends an existing rental restriction or prohibition.

856 (b) An association that adopts a rental restriction or amends an existing rental
857 restriction or prohibition before May 9, 2017, is not required to include the exemption
858 described in Subsection (2)(a)(iv).

859 (7) Notwithstanding this section, an association may restrict or prohibit rentals without
860 an exception described in Subsection (2) if:

861 (a) the restriction or prohibition receives unanimous approval by all lot owners; and

862 (b) when the restriction or prohibition requires an amendment to the association's
863 recorded declaration of covenants, conditions, and restrictions, the association fulfills all other
864 requirements for amending the recorded declaration of covenants, conditions, and restrictions
865 described in the association's governing documents.

866 (8) Except as provided in Subsection (9), an association may not require a lot owner
867 who owns a rental lot to:

868 (a) obtain the association's approval of a prospective renter;

869 (b) give the association:

870 (i) a copy of a rental application;

871 (ii) a copy of a renter's or prospective renter's credit information or credit report;

872 (iii) a copy of a renter's or prospective renter's background check; or

873 (iv) documentation to verify the renter's age; or

874 (c) pay an additional assessment, fine, or fee because the lot is a rental lot.

875 (9) (a) A lot owner who owns a rental lot shall give an association the documents

876 described in Subsection (8)(b) if the lot owner is required to provide the documents by court
 877 order or as part of discovery under the Utah Rules of Civil Procedure.

878 (b) If an association's declaration of covenants, conditions, and restrictions lawfully
 879 prohibits or restricts occupancy of the lots by a certain class of individuals, the association may
 880 require a lot owner who owns a rental lot to give the association the information described in
 881 Subsection (8)(b), if:

882 (i) the information helps the association determine whether the renter's occupancy of
 883 the lot complies with the association's declaration of covenants, conditions, and restrictions;
 884 and

885 (ii) the association uses the information to determine whether the renter's occupancy of
 886 the lot complies with the association's declaration of covenants, conditions, and restrictions.

887 (10) Notwithstanding Subsection (1)(a), an association may not restrict or prohibit the
 888 rental of an internal accessory dwelling unit, as defined in Section 10-9a-530, constructed
 889 within a lot owner's residential lot, if the internal accessory dwelling unit complies with all
 890 applicable:

891 (a) land use ordinances;

892 (b) building codes;

893 (c) health codes; and

894 (d) fire codes.

895 [~~(10)~~] (11) The provisions of Subsections (8) [~~and (9)~~] through (10) apply to an
 896 association regardless of when the association is created.

897 Section 15. Section **57-8a-218** is amended to read:

898 **57-8a-218. Equal treatment by rules required -- Limits on association rules and**
 899 **design criteria.**

900 (1) (a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated lot
 901 owners similarly.

902 (b) Notwithstanding Subsection (1)(a), a rule may:

903 (i) vary according to the level and type of service that the association provides to lot

904 owners;

905 (ii) differ between residential and nonresidential uses; and

906 (iii) for a lot that an owner leases for a term of less than 30 days, impose a reasonable
907 limit on the number of individuals who may use the common areas and facilities as guests of
908 the lot tenant or lot owner.

909 (2) (a) If a lot owner owns a rental lot and is in compliance with the association's
910 governing documents and any rule that the association adopts under Subsection (4), a rule may
911 not treat the lot owner differently because the lot owner owns a rental lot.

912 (b) Notwithstanding Subsection (2)(a), a rule may:

913 (i) limit or prohibit a rental lot owner from using the common areas for purposes other
914 than attending an association meeting or managing the rental lot;

915 (ii) if the rental lot owner retains the right to use the association's common areas, even
916 occasionally:

917 (A) charge a rental lot owner a fee to use the common areas; or

918 (B) for a lot that an owner leases for a term of less than 30 days, impose a reasonable
919 limit on the number of individuals who may use the common areas and facilities as guests of
920 the lot tenant or lot owner; or

921 (iii) include a provision in the association's governing documents that:

922 (A) requires each tenant of a rental lot to abide by the terms of the governing
923 documents; and

924 (B) holds the tenant and the rental lot owner jointly and severally liable for a violation
925 of a provision of the governing documents.

926 (3) (a) A rule criterion may not abridge the rights of a lot owner to display religious
927 and holiday signs, symbols, and decorations inside a dwelling on a lot.

928 (b) Notwithstanding Subsection (3)(a), the association may adopt time, place, and
929 manner restrictions with respect to displays visible from outside the dwelling or lot.

930 (4) (a) A rule may not regulate the content of political signs.

931 (b) Notwithstanding Subsection (4)(a):

- 932 (i) a rule may regulate the time, place, and manner of posting a political sign; and
933 (ii) an association design provision may establish design criteria for political signs.
- 934 (5) (a) A rule may not interfere with the freedom of a lot owner to determine the
935 composition of the lot owner's household.
- 936 (b) Notwithstanding Subsection (5)(a), an association may:
- 937 (i) require that all occupants of a dwelling be members of a single housekeeping unit;
938 or
- 939 (ii) limit the total number of occupants permitted in each residential dwelling on the
940 basis of the residential dwelling's:
- 941 (A) size and facilities; and
942 (B) fair use of the common areas.
- 943 (6) (a) A rule may not interfere with an activity of a lot owner within the confines of a
944 dwelling or lot, to the extent that the activity is in compliance with local laws and ordinances.
- 945 (b) Notwithstanding Subsection (6)(a), a rule may prohibit an activity within a dwelling
946 on an owner's lot if the activity:
- 947 (i) is not normally associated with a project restricted to residential use; or
948 (ii) (A) creates monetary costs for the association or other lot owners;
949 (B) creates a danger to the health or safety of occupants of other lots;
950 (C) generates excessive noise or traffic;
951 (D) creates unsightly conditions visible from outside the dwelling;
952 (E) creates an unreasonable source of annoyance to persons outside the lot; or
953 (F) if there are attached dwellings, creates the potential for smoke to enter another lot
954 owner's dwelling, the common areas, or limited common areas.
- 955 (c) If permitted by law, an association may adopt rules described in Subsection (6)(b)
956 that affect the use of or behavior inside the dwelling.
- 957 (7) (a) A rule may not, to the detriment of a lot owner and over the lot owner's written
958 objection to the board, alter the allocation of financial burdens among the various lots.
- 959 (b) Notwithstanding Subsection (7)(a), an association may:

- 960 (i) change the common areas available to a lot owner;
- 961 (ii) adopt generally applicable rules for the use of common areas; or
- 962 (iii) deny use privileges to a lot owner who:
 - 963 (A) is delinquent in paying assessments;
 - 964 (B) abuses the common areas; or
 - 965 (C) violates the governing documents.
- 966 (c) This Subsection (7) does not permit a rule that:
 - 967 (i) alters the method of levying assessments; or
 - 968 (ii) increases the amount of assessments as provided in the declaration.
- 969 (8) (a) Subject to Subsection (8)(b), a rule may not:
 - 970 (i) prohibit the transfer of a lot; or
 - 971 (ii) require the consent of the association or board to transfer a lot.
- 972 (b) Unless contrary to a declaration, a rule may require a minimum lease term.
- 973 (9) (a) A rule may not require a lot owner to dispose of personal property that was in or
- 974 on a lot before the adoption of the rule or design criteria if the personal property was in
- 975 compliance with all rules and other governing documents previously in force.
 - 976 (b) The exemption in Subsection (9)(a):
 - 977 (i) applies during the period of the lot owner's ownership of the lot; and
 - 978 (ii) does not apply to a subsequent lot owner who takes title to the lot after adoption of
 - 979 the rule described in Subsection (9)(a).
- 980 (10) A rule or action by the association or action by the board may not unreasonably
- 981 impede a declarant's ability to satisfy existing development financing for community
- 982 improvements and right to develop:
 - 983 (a) the project; or
 - 984 (b) other properties in the vicinity of the project.
- 985 (11) A rule or association or board action may not interfere with:
 - 986 (a) the use or operation of an amenity that the association does not own or control; or
 - 987 (b) the exercise of a right associated with an easement.

988 (12) A rule may not divest a lot owner of the right to proceed in accordance with a
989 completed application for design review, or to proceed in accordance with another approval
990 process, under the terms of the governing documents in existence at the time the completed
991 application was submitted by the owner for review.

992 (13) Unless otherwise provided in the declaration, an association may by rule:

993 (a) regulate the use, maintenance, repair, replacement, and modification of common
994 areas;

995 (b) impose and receive any payment, fee, or charge for:

996 (i) the use, rental, or operation of the common areas, except limited common areas; and

997 (ii) a service provided to a lot owner;

998 (c) impose a charge for a late payment of an assessment; or

999 (d) provide for the indemnification of the association's officers and board consistent
1000 with Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.

1001 (14) (a) Except as provided in Subsection (14)(b), a rule may not prohibit the owner of
1002 a residential lot from constructing an internal accessory dwelling unit, as defined in Section
1003 10-9a-530, within the owner's residential lot.

1004 (b) Subsection (14)(a) does not apply if the construction would violate:

1005 (i) a local land use ordinance;

1006 (ii) a building code;

1007 (iii) a health code; or

1008 (iv) a fire code.

1009 [~~14~~] (15) A rule shall be reasonable.

1010 [~~15~~] (16) A declaration, or an amendment to a declaration, may vary any of the
1011 requirements of Subsections (1) through (13), except Subsection (1)(b)(ii).

1012 [~~16~~] (17) A rule may not be inconsistent with a provision of the association's
1013 declaration, bylaws, or articles of incorporation.

1014 [~~17~~] (18) This section applies to an association regardless of when the association is
1015 created.

- 1016 Section 16. **Effective date.**
- 1017 (1) Except as provided in Subsection (2), this bill takes effect on May 5, 2021.
- 1018 (2) The actions affecting the following sections take effect on October 1, 2021:
- 1019 (a) Section [10-8-85.4](#);
- 1020 (b) Section [10-9a-530](#);
- 1021 (c) Section [17-27a-526](#);
- 1022 (d) Section [17-50-338](#);
- 1023 (e) Section [57-8a-209](#); and
- 1024 (f) Section [57-8a-218](#).

	Owner Occupied Where?	License required?	How many?	Size
SLC	Yes	Registration required	1/lot	50% of home footprint or 650sf, whichever is less not less than 400sf, no more than
Park City	Yes		1/lot	1,000sf
Telluride	Not listed in the Land Use Code			
Durango	Yes	Registration required	1/lot	550sf

Crested
Butte

Yes

Conditional
Use

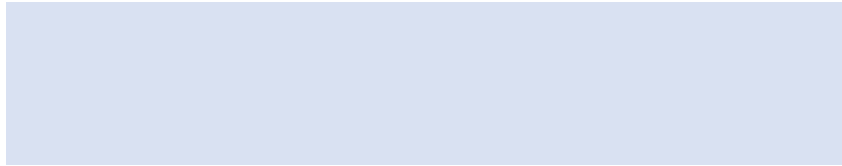
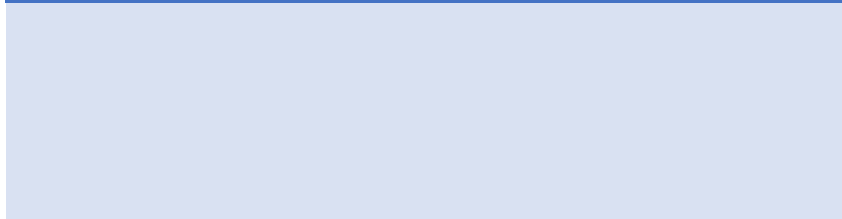
1/lot

minimum of 220sf
plus storage and
1000sf maximum

Yearly affidavit necessary for each EHU. Conditional Use Permit required for some EHUs. All EHUs require management plans

Vail	?		1/lot	
Aspen				
St		ADU permit		
George	Yes	required	1/lot	800 sf maximum

Comments



Has an amnesty program

square feet for each residential unit; provided, however, that the minimum floor area for an accessory structure built before July 1, 1942, which is being converted to a residential unit, historic accessory structure, shall be two hundred twenty (220) square feet, plus a closet, a bathroom and one hundred (100) additional square feet for each occupant in excess of two (2), only if the following conditions are met: a. The residential unit must be an accessory dwelling used exclusively as a long-term rental unit; b. The occupants of the dwelling must have been residents of the County for three (3) consecutive years of the preceding seven (7) years; c. At least fifty-one percent (51%) of the occupants' income must be earned from work for an employer situated within the County or from work actually performed in the County; and d. The above



Moab City Council Agenda Item
Meeting Date: November 9, 2021

Title: Public Hearing, consideration and possible approval of Ordinance 2021-19 amending the sanitary sewer rates of the Master Fee Schedule.

Presenter: Ben Billingsley and Chuck Williams

Attachment(s):

- Ordinance 2021-19 An Ordinance Amending Moab Municipal Code 3.50.100 Sanitary Sewer Rates
- Modified Sewer Rate Presentation Slide Deck, includes:
 - o Consolidated rate increase proposals
 - o Community sewer rate comparison
 - o Infrastructure replacement schedule by option
 - o Slide deck in original presentation on October 12
- Master Fee Schedule (current sewer rates on page 2)

Recommended Motion:

I move to adopt Ordinance 2021-19 as presented in option (A,B), an ordinance amending the sewer rate portion of the Master Fee Schedule.

Background/Summary:

The most recent amendment to the Master Fee Schedule was made on June 9, 2020.

The attachments propose two options as recommended by Bowen, Collins and Associates as engineering oversight as well as Zions Public Finance who created the financial modeling.

CITY OF MOAB ORDINANCE NO. 2021-19
AN ORDINANCE AMENDING MOAB MUNICIPAL CODE 3.50.100 SANITARY
SEWER RATES

WHEREAS, the City has engaged Bowen Collins and Associates to update the 2016 rate study and identify solutions to address the Sewer Fund budgetary shortfall; and

WHEREAS, following a review of revenues, operations and maintenance expenses, and capital projects, various proposals were created to address the financial needs of the Sewer Fund; and

WHEREAS, the City Council has been presented two scenarios for consideration as presented in Exhibit A.

WHEREAS, the City of Moab City Council held a duly noticed public hearing regarding sanitary sewer rates on November 9, 2021; and

Now therefore, be it ordained that the City Council of the City of Moab adopts the Sewer Rate Schedule as presented in Option _____

PASSED AND APPROVED by a majority of the City Council, this 9th day of November, 2021.

By: _____
Emily S. Niehaus, Mayor

_____ Date

Attest:

By: _____
Sommar Johnson, Recorder

_____ Date

EXHIBIT A

Rates shall be effective on the first full billing cycle of each calendar year.

Option A

Base Rate	2021	2022	2023	2024	2025	2026	2027	2028
Single Family	\$21.60	\$27.00	\$29.70	\$32.67	\$35.94	\$38.81	\$40.75	\$42.79
Multi-Family+Overnight Accommodations (1st Unit)	\$19.65	\$24.56	\$27.02	\$29.72	\$32.69	\$35.31	\$37.07	\$38.93
Charge per Additional Unit	\$9.45	\$11.81	\$12.99	\$14.29	\$15.72	\$16.98	\$17.83	\$18.72
Restaurant/Fast Food and Other Non-Residential 1”	\$21.60	\$27.00	\$29.70	\$32.67	\$35.94	\$38.81	\$40.75	\$42.79
Restaurant/Fast Food and Other Non-Residential 1.5”	\$24.85	\$31.06	\$34.17	\$37.59	\$41.34	\$44.65	\$46.88	\$49.23
Restaurant/Fast Food and Other Non-Residential 2”	\$33.80	\$42.25	\$46.48	\$51.12	\$56.23	\$60.73	\$63.77	\$66.96
Restaurant/Fast Food and Other Non-Residential 3”	\$99.75	\$124.69	\$137.16	\$150.87	\$165.96	\$179.24	\$188.20	\$197.61
Restaurant/Fast Food and Other Non-Residential 4”	\$124.20	\$155.25	\$170.78	\$187.85	\$206.64	\$223.17	\$234.33	\$246.04
Restaurant/Fast Food and Other Non-Residential 5”	\$181.20	\$226.50	\$249.15	\$274.07	\$301.47	\$325.59	\$341.87	\$358.96
Restaurant/Fast Food and Other Non-Residential 6”	\$246.35	\$307.94	\$338.73	\$372.60	\$409.86	\$442.65	\$464.79	\$488.03
Restaurant/Fast Food and Other Non-Residential 8”	\$336.25	\$420.31	\$462.34	\$508.58	\$559.44	\$604.19	\$634.40	\$666.12

Volume Rate	2021	2022	2023	2024	2025	2026	2027	2028
Single-Family	\$1.90	\$2.38	\$2.61	\$2.87	\$3.16	\$3.41	\$3.58	\$3.76
Multi-Family	\$2.22	\$2.78	\$3.05	\$3.36	\$3.69	\$3.99	\$4.19	\$4.40
Overnight Accommodations	\$2.22	\$2.78	\$3.05	\$3.36	\$3.69	\$3.99	\$4.19	\$4.40
Restaurant/Fast Food	\$3.41	\$4.26	\$4.69	\$5.16	\$5.67	\$6.13	\$6.43	\$6.76
Other Nonresidential	\$2.22	\$2.78	\$3.05	\$3.36	\$3.69	\$3.99	\$4.19	\$4.40

Option B

Base Rate	2021	2022	2023	2024	2025	2026	2027	2028
Single Family	\$21.60	\$24.84	\$26.95	\$29.24	\$30.70	\$32.24	\$33.85	\$35.54
Multi-Family+Overnight Accommodations (1st Unit)	\$19.65	\$22.60	\$24.52	\$26.60	\$27.93	\$29.33	\$30.80	\$32.34
Charge per Additional Unit	\$9.45	\$10.87	\$11.79	\$12.79	\$13.43	\$14.10	\$14.81	\$15.55
Restaurant/Fast Food and Other Non-Residential 1”	\$21.60	\$24.84	\$26.95	\$29.24	\$30.70	\$32.24	\$33.85	\$35.54
Restaurant/Fast Food and Other Non-Residential 1.5”	\$24.85	\$28.58	\$31.01	\$33.64	\$35.32	\$37.09	\$38.94	\$40.89
Restaurant/Fast Food and Other Non-Residential 2”	\$33.80	\$38.87	\$42.17	\$45.76	\$48.05	\$50.45	\$52.97	\$55.62
Restaurant/Fast Food and Other Non-Residential 3”	\$99.75	\$114.71	\$124.46	\$135.04	\$141.79	\$148.88	\$156.33	\$164.14
Restaurant/Fast Food and Other Non-Residential 4”	\$124.20	\$142.83	\$154.97	\$168.14	\$176.55	\$185.38	\$194.65	\$204.38
Restaurant/Fast Food and Other Non-Residential 5”	\$181.20	\$208.38	\$226.09	\$245.31	\$257.58	\$270.45	\$283.98	\$298.18
Restaurant/Fast Food and Other Non-Residential 6”	\$246.35	\$283.30	\$307.38	\$333.51	\$350.19	\$367.70	\$386.08	\$405.38
Restaurant/Fast Food and Other Non-Residential 8”	\$336.25	\$386.69	\$419.56	\$455.22	\$477.98	\$501.88	\$526.97	\$553.32

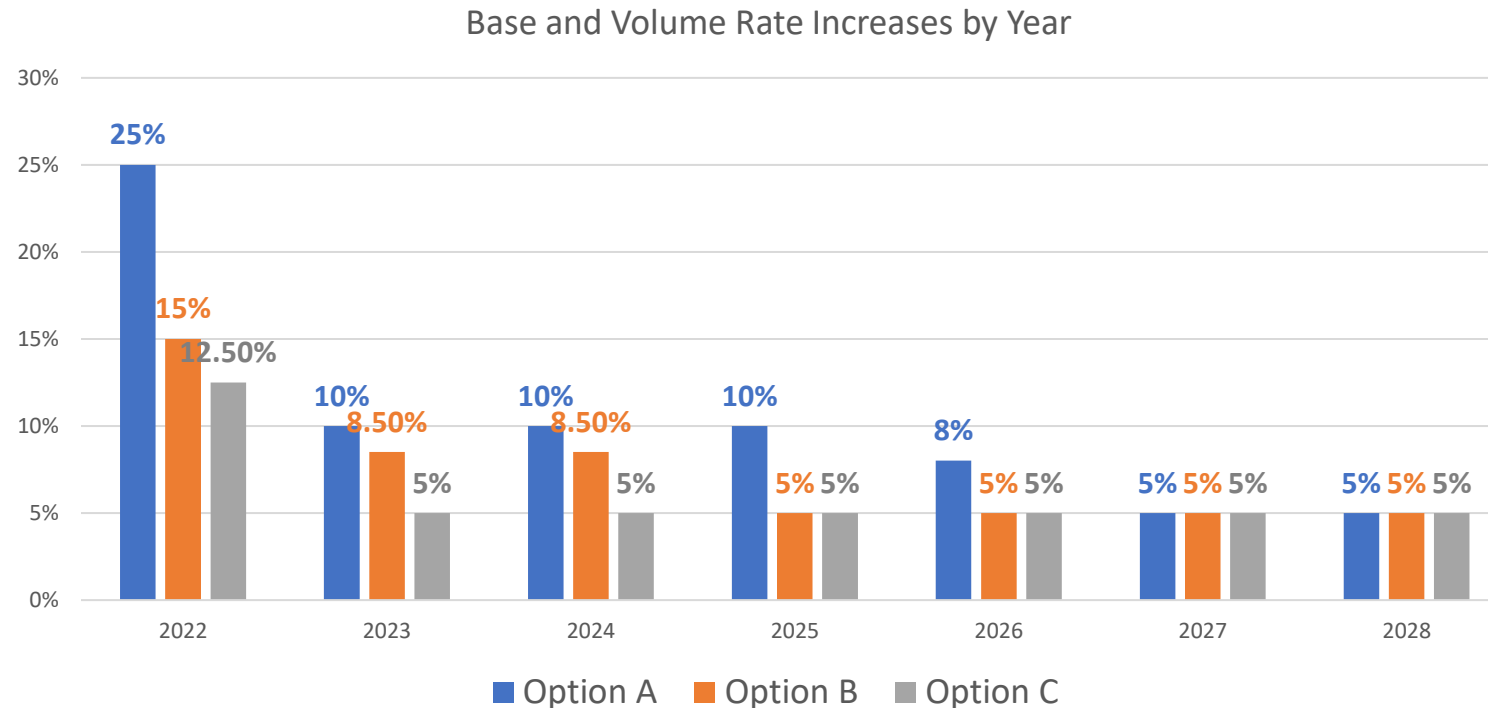
Volume Rate	2021	2022	2023	2024	2025	2026	2027	2028
Single-Family	\$1.90	\$2.19	\$2.37	\$2.57	\$2.70	\$2.84	\$2.98	\$3.13
Multi-Family	\$2.22	\$2.55	\$2.77	\$3.01	\$3.16	\$3.31	\$3.48	\$3.65
Overnight Accommodations	\$2.22	\$2.55	\$2.77	\$3.01	\$3.16	\$3.31	\$3.48	\$3.65
Restaurant/Fast Food	\$3.41	\$3.92	\$4.25	\$4.62	\$4.85	\$5.09	\$5.34	\$5.61
Other Nonresidential	\$2.22	\$2.55	\$2.77	\$3.01	\$3.16	\$3.31	\$3.48	\$3.65



MOAB SEWER RATE WORKSHOP

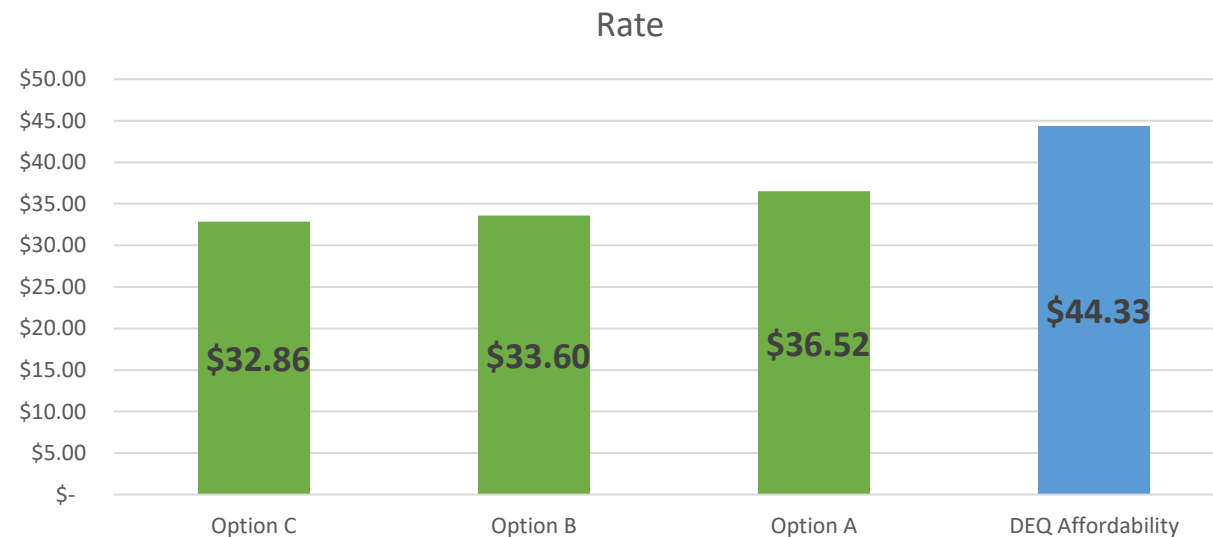
October 12, 2021

- No options allow for a “pay as you go” approach
- Option A constructs all projects through bonding
- Option B defers south trunk line project
- Option C stabilizes meets critical needs and avoids default



Department of Environmental Quality

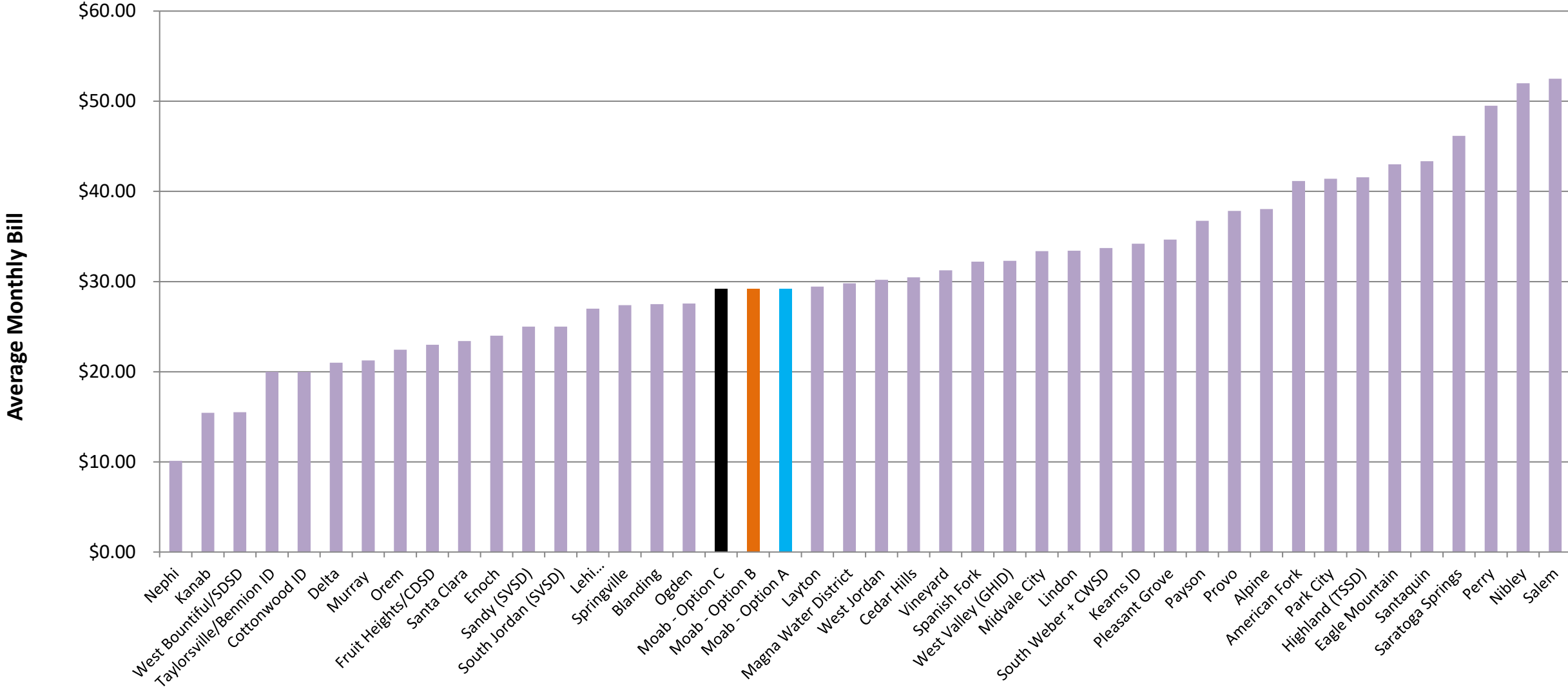
- Defines “affordable” sewer rates as 1.4% of Modified Adjusted Gross Income (MAGI)
- Moab MAGI \$38,000 (state MAGI is \$47,000)
- Used to establish community hardship funding



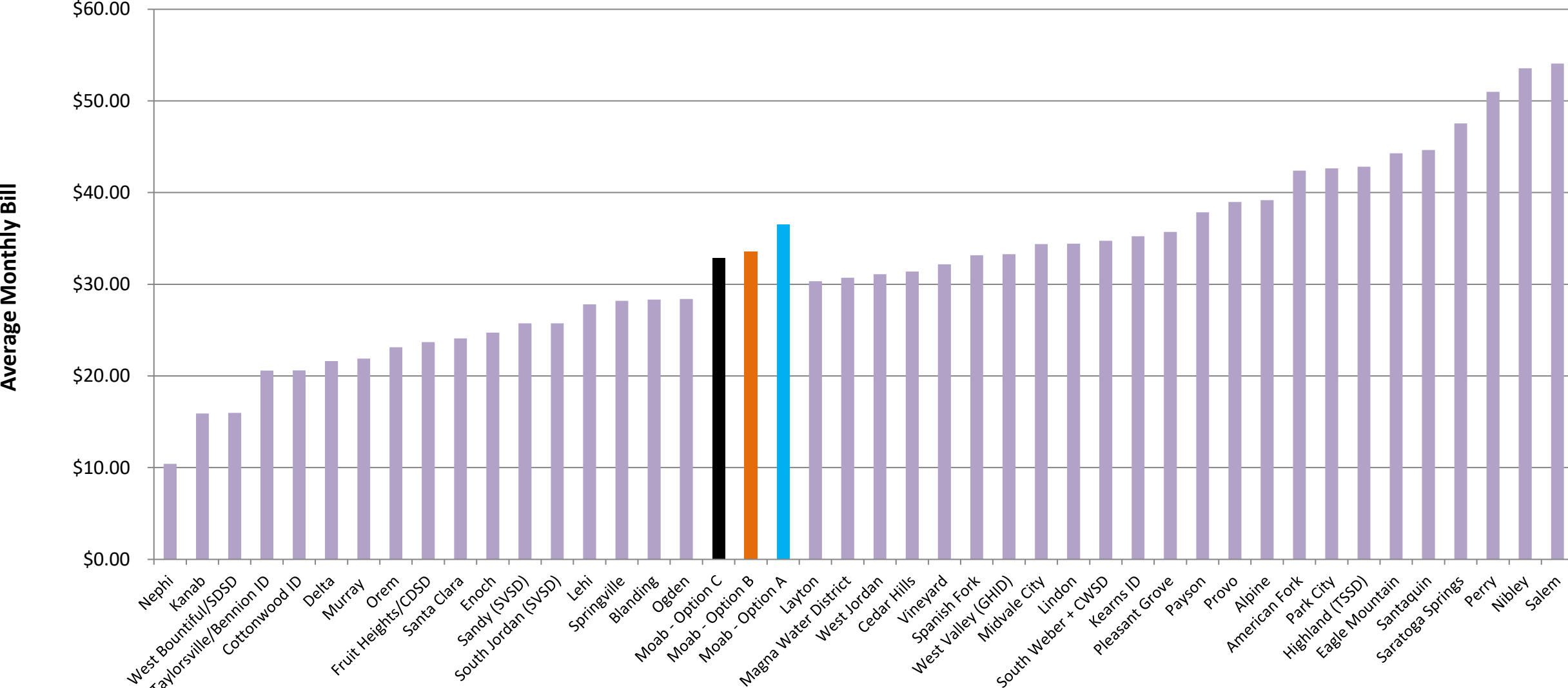
DEFERRED CAPITAL PROJECTS – OPTION C

	Option A	Option B	Option C
Critical Condition Birch Avenue Sewer Project	2022	2022	2022
Critical Condition 200 South Sewer Project	2022	2022	2022
Replace Sewer in Pack Creek behind Episcopal Church	2022	2022	2022
Bowen/Locust Sewer Project	2023	2023	2025
Critical Condition 500 West Sewer Project	2023	2023	2024
200 North Cul-de-sac to Main Street Sewer Replacement	2023	2023	2025
Main Street Crossings Sewer Replacement	2022	2022	2022
SCADA Upgrades for Two Sewer Main Lift Stations	2031	2031	2031
South Trunk Line Phase 1A	2022 (67%)	2022 (20%)	2025 (40%)
South Trunk Line Phase 1B	2027 (33%)	2027 (80%)	2031 (60%)
South Trunk Line Phase 2	2027	After 2031	After 2031
Outfall Pipe	2022	2022	2022
Maintenance Building	2031	2031	2031
Miscellaneous Equipment	2022-2031	2022-2031	2022-2031
Manhole Rehabilitation**	2022-2031	2022-2031	2022-2031
Rehabilitation and Replacement Projects	2024-2031	2024-2031	2026-2031

Comparison of Average Monthly Sewer Charges, Average Residential Customer, Existing Rates

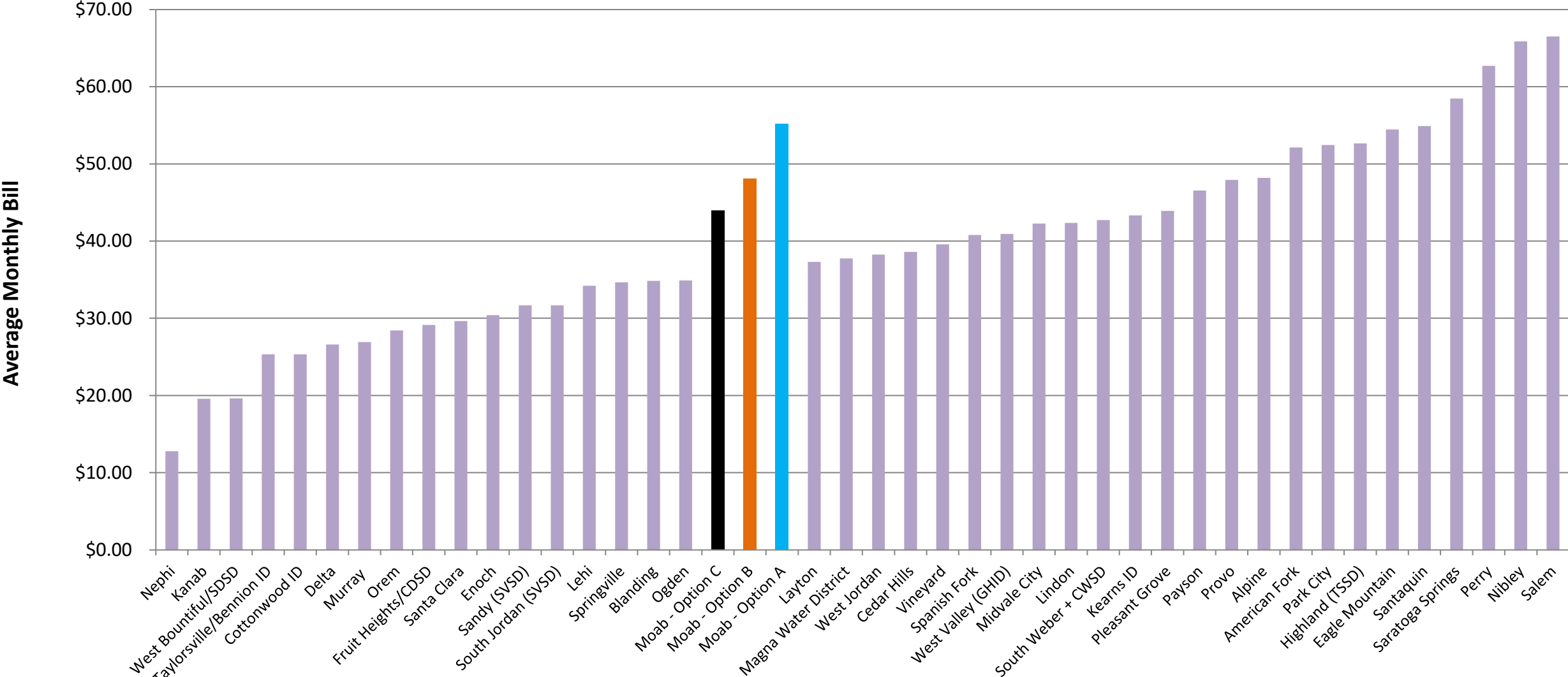


Comparison of Average Monthly Sewer Charges, Average Residential Customer, FYE 2023



* Assumes 3% annual increase for all other providers.

Comparison of Average Monthly Sewer Charges, Average Residential Customer, FYE 2029



* Assumes 3% annual increase for all other providers.

Sanitary Sewer System Overview

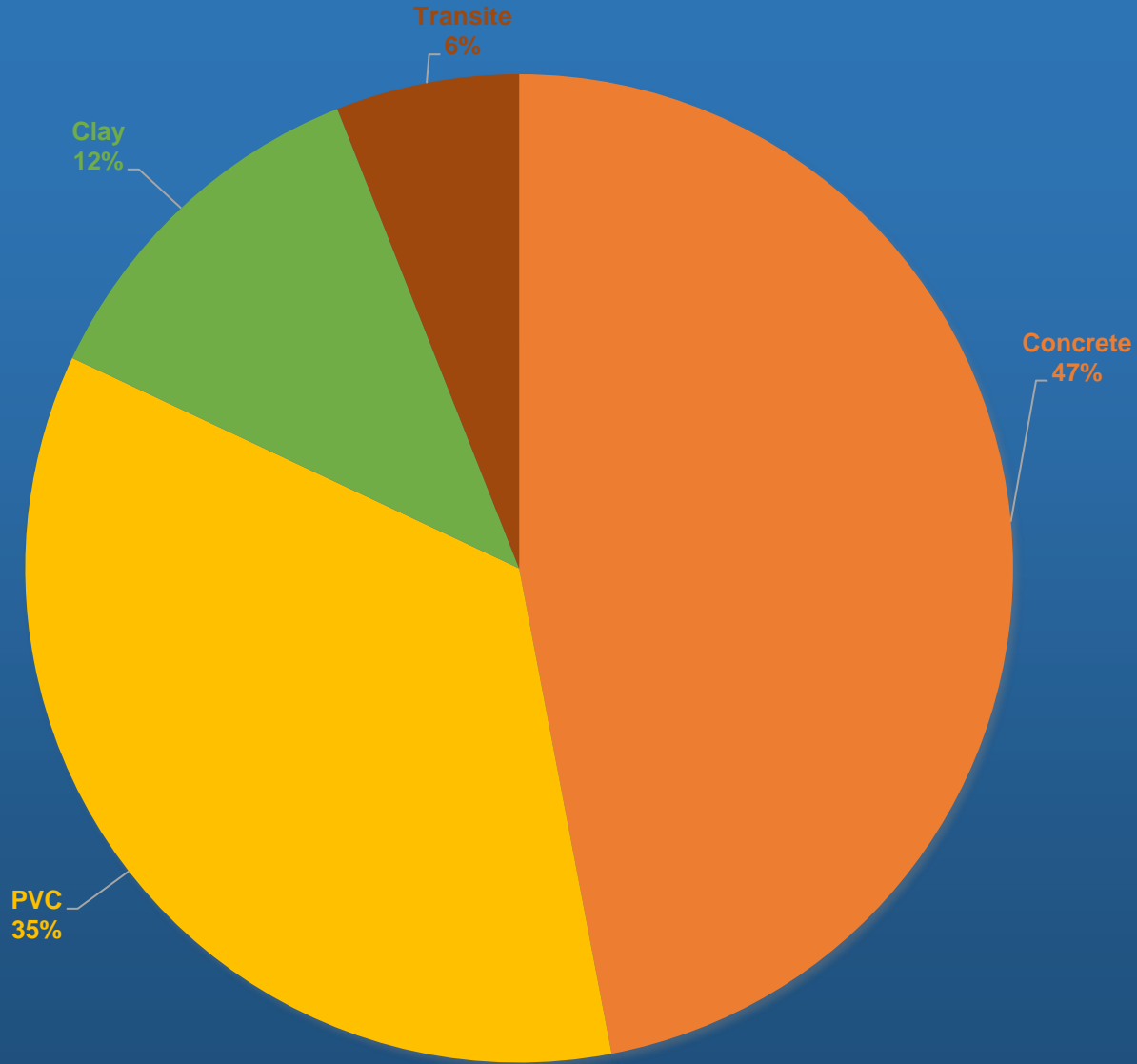
- **Buried Pipe** ~30 mi, 55% are 8"
- **Manholes** >570
- **WRF Capacity** 1.75 MG
- **Lift Stations** Six (Three Municipal, Three Residential)
- **Known Issues** Pipe and Manhole Deterioration (Master Plan)
Residential Lift Station Maintenance
- **10-YR Capital Improvement Costs** \$10.9M Remaining to be Built
- **Budget Source** Sewer Enterprise Fund

SERVICE LIFE OF PIPE

The average lifespan of pipe depends on a wide variety of factors including the type of pipe, soil and air characteristics, and installation. **Network designers often use 50 years as the average life expectancy for most pipe types.** That estimate may be too conservative, depending on the materials and techniques used.

Pipe Material	Average Lifespan (year)
PVC	50 –100 +
Clay	100+ (5 w/ improper installation)
Cast and Ductile Iron	75 –100 (50 w/ corrosive soil)
Concrete	50 – 75 (15 w/ high H ₂ S)
Asbestos Cement	100 (health hazard)
HDPE	50

MOAB SANITARY SEWER PIPE MATERIALS



Concrete (47%) PVC (35%) Clay (12%) Transite (6%)

Known Ages of Pipes

SANITARY SEWER		
AGE	LENGTH	% OF TOTAL
0-40	46,615 ft	33%
40-50	7,330 ft	5%
50-60	45,365 ft	32%
60+	40,934 ft	29%
TOTAL	140,244 ft	100%

*See PDF maps

Sanitary Sewer System



WWTP outfall pipe

Sanitary Sewer System



100 West pipe under Mill Creek

Sanitary Sewer System




Roots in main under Tusher Street

Past Sanitary Sewer Rehab Projects

YEAR	PROJECT	LENGTH	SIZE
2007	NORTH AREA SEWER LINE (REHAB PORTION)	3,300 ft	10 in
2016	400 NORTH, MIVIDA DR, CERMAK ST	2,800 ft	8 in
2018	100 WEST SEWER INFRASTRUCTURE	1,975 ft	8 - 18 in
14 YEAR TOTAL		8,075 ft	
YEARLY AVERAGE		577 ft	
PERCENTAGE OF TOTAL PIPE REPLACED PER YEAR		0.3%	
60-YR ANNUAL REPLACEMENT			
RATE		1.7%	
LENGTH		2,949 ft	

**20% of 60-YR
yearly schedule**



Sanitary Sewer Projects

Sanitary Sewer Master Plan (January 2018) estimated:

- Capital improvements at **\$8,219,137***
- Major maintenance of **\$5,492,651***

*based on 2017 dollars adjusted up by 5%/YR

Sanitary Sewer Projects

Project Identifier	Project Description	Estimated Total Cost*
SM - 1	Critical Condition Birch Avenue Sewer Project	\$205,024
SM - 2	Critical Condition 200 South Sewer Project	\$475,281
SM - 3	Replace Sewer in Pack Creek behind Episcopal Church	\$381,924
SM - 4	Bowen/Locust Sewer Project	\$541,950
SM - 5	Critical Condition 500 West Sewer Project	\$892,687
SM - 6	200 North Cul-de-sac to Main Street Sewer Replacement	\$381,924
SM - 7	Main Street Crossings Sewer Replacement	\$247,200
Mis - 1	SCADA Upgrades for Two Sewer Main Lift Stations	\$216,733
Mis - 2	South Trunk Line Phase 1	\$6,967,451
Mis - 4	Outfall Pipe	\$1,178,455
Mis - 5	Maintenance Building	\$967,620
GM - 1	Miscellaneous Equipment**	\$247,200
GM - 2	Manhole Rehabilitation**	\$123,600
GM - 3	Rehabilitation and Replacement Projects	\$4,538,257
TOTAL		\$17,365,306

*All future costs are inflated using an inflation rate of 3%

**First Year of recurring annual cost

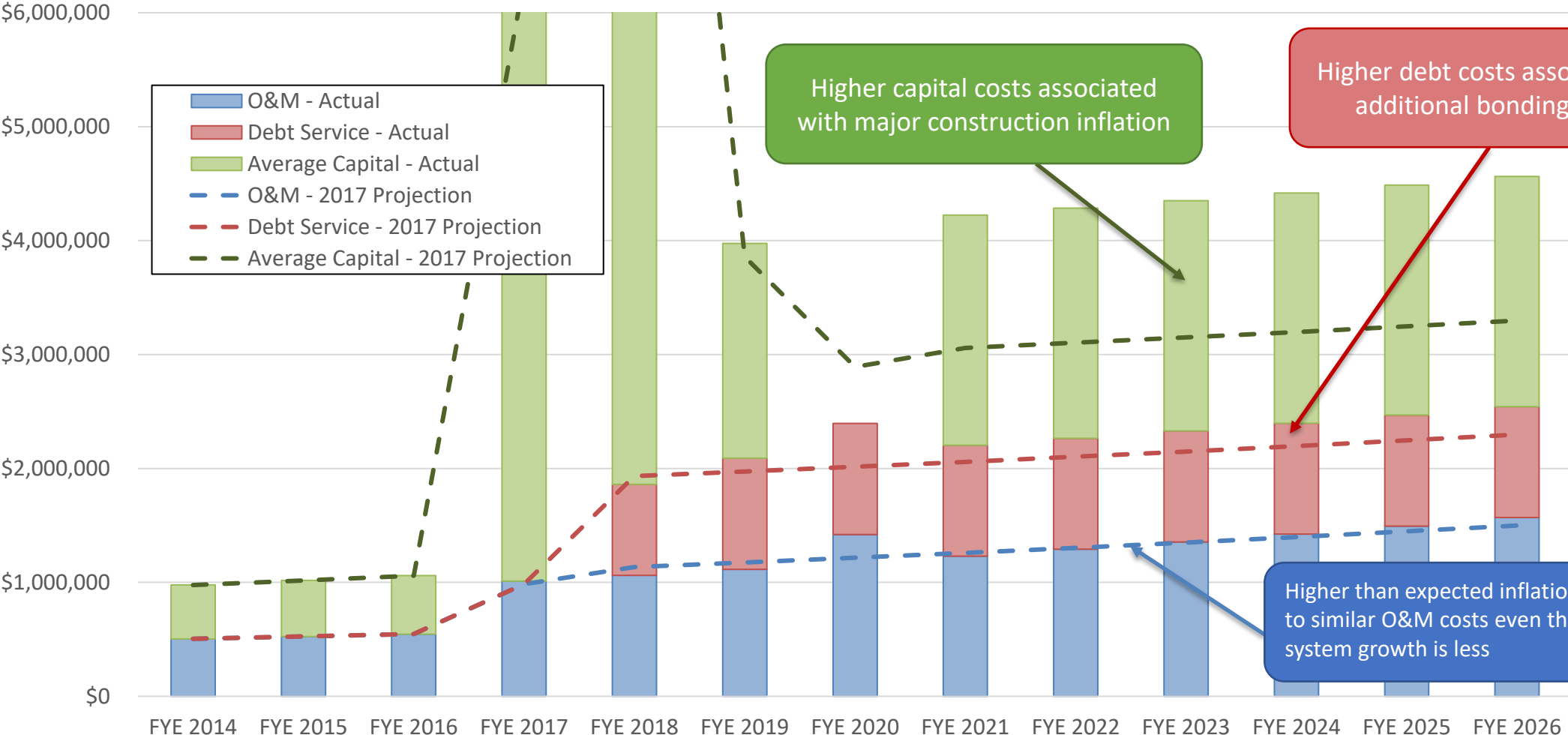
Since rates were last updated in 2017:

- Moratorium on overnight accommodations
- Impacts of COVID
- Slower than expected growth countywide
- Higher than expected inflation

Consequences:

- Higher than expected costs
- Lower than expected revenues

Comparison of Costs

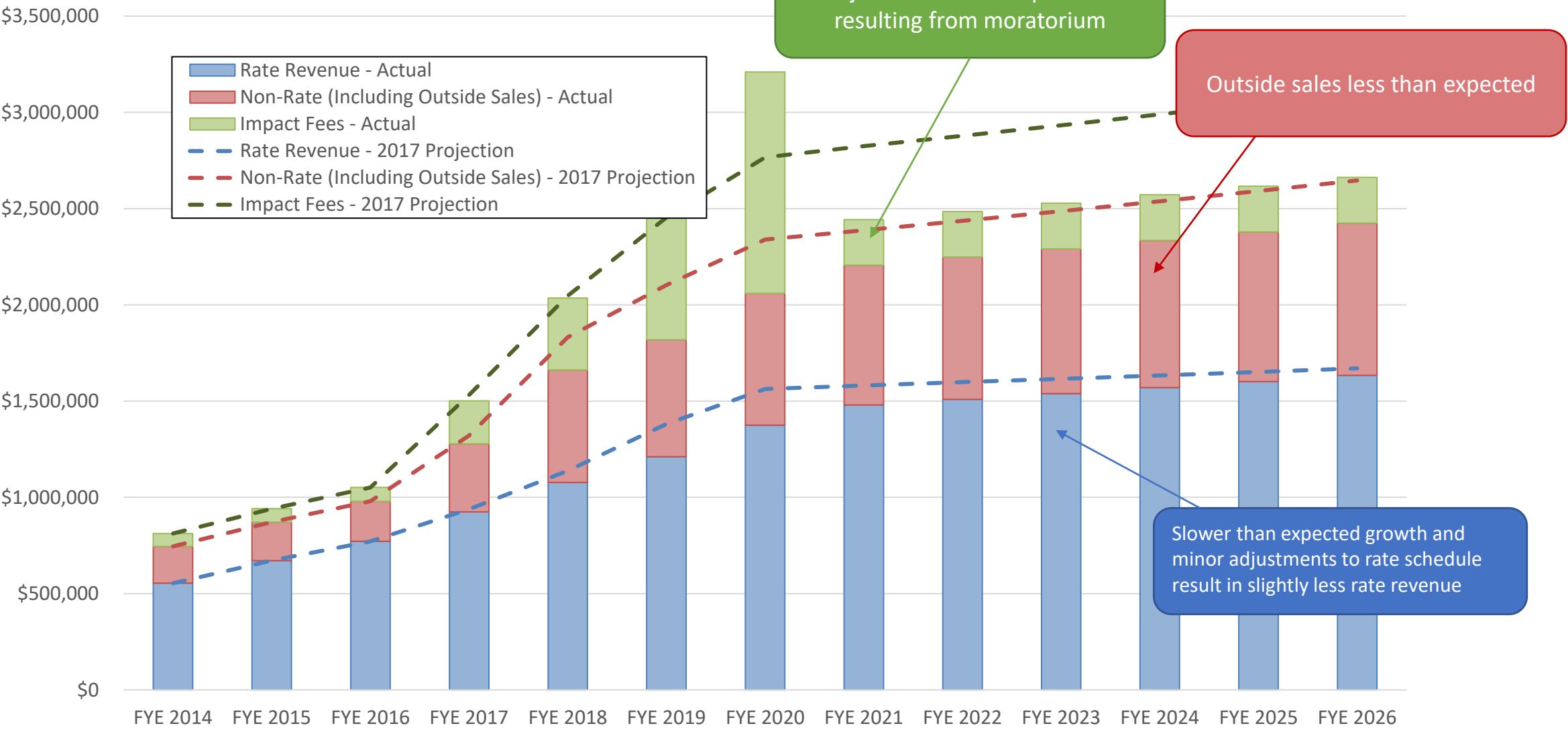


Higher capital costs associated with major construction inflation

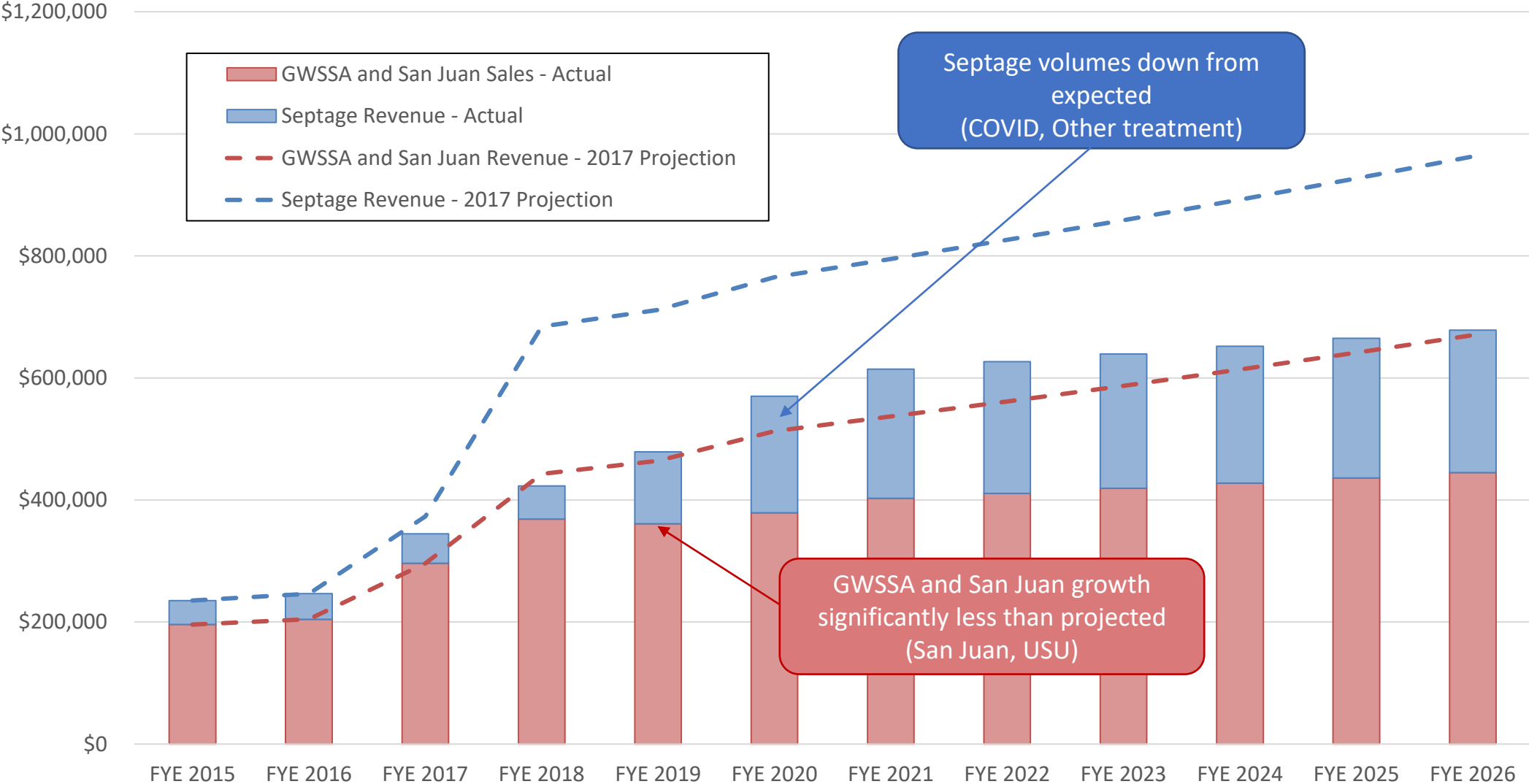
Higher debt costs associated with additional bonding in 2018

Higher than expected inflation leads to similar O&M costs even though system growth is less

Comparison of Revenues



Comparison of Outside Sales Revenue



- 13 projects identified by the City's engineers which total \$18,223,026 (\$2021)
- Annual Miscellaneous Equipment costs of about \$240,000 with price increasing by 3% annually
- Annual Manhole Rehabilitation costs of about \$120,000 with price increasing by 3% annually
- Annual Rehabilitation and Replacement costs of about \$467,000 with price increasing by 3% annually

RATE SCHEDULE

<i>Monthly Base</i>	<i>Monthly</i>
Single-Family	\$21.60
Multi-Family + Overnight Accommodations (1st Unit)	\$19.65
Charge per Additional Unit	\$9.45
Restaurant/Fast Food and Other Non-Residential 1"	\$21.60
Restaurant/Fast Food and Other Non-Residential 1.5"	\$24.85
Restaurant/Fast Food and Other Non-Residential 2"	\$33.80
Restaurant/Fast Food and Other Non-Residential 3"	\$99.75
Restaurant/Fast Food and Other Non-Residential 4"	\$124.20
Restaurant/Fast Food and Other Non-Residential 5"	\$181.20
Restaurant/Fast Food and Other Non-Residential 6"	\$246.35
Restaurant/Fast Food and Other Non-Residential 8"	\$336.25

<i>Volume Rates</i>	<i>Monthly Amount per 1,000 Gallons</i>
Single-Family	\$1.90
Multi-Family	\$2.22
Overnight Accommodations	\$2.22
Restaurant/Fast Food	\$3.41
Other Nonresidential	\$2.22

CURRENT SEWER RATES ARE NOT SUSTAINABLE

	2021	2022	2023	2024	2025	2026	2027
Net Revenues before Debt Service	\$1,213,322	\$1,204,189	\$1,193,001	\$1,179,767	\$1,164,201	\$1,146,299	\$1,126,016
Debt Service	(\$974,628)	(\$974,752)	(\$974,738)	(\$974,585)	(\$974,294)	(\$974,682)	(\$974,904)
Capital Expenses	\$0	(\$6,999,284)	(\$2,198,485)	(\$903,738)	(\$930,850)	(\$958,775)	(\$12,014,996)
Debt Service Coverage Ratio	1.14	1.12	1.10	1.07	1.04	1.01	0.98
Days Cash on Hand (Target 180 days)	784	(1,167)	(1,645)	(1,746)	(1,844)	(1,939)	(4,475)

*Financial projections hold rates constant at 2021 rates

- Pay for needed capital improvements and repairs to system
- Keep up with inflationary costs
- Minimize impacts to ratepayers
- 180 days cash on hand
- Sufficient debt coverage ratios
- Comparable/competitive with surrounding cities
- Fees are easy to understand, implement and collect

Rates:

The base and usage rates would increase beginning in 2022 for all categories according to the following schedule:

- 2022: increase of 25%
- 2023-2024: increases of 10% each year
- 2025: increase of 8%
- 2026-Future: increases of 5% each year

Bonds:

- \$6,500,000 in 2022
- \$12,000,000 in 2027

PROPOSED SEWER RATE SCHEDULE – OPTION A

	2021	2022	2023	2024	2025	2026	2027	2028
Base Rate		25%	10%	10%	10%	8%	5%	5%
Single-Family	\$21.60	\$27.00	\$29.70	\$32.67	\$35.28	\$37.05	\$38.90	\$40.85
Multi-Family + Overnight Accommodations (1st Unit)	\$19.65	\$24.56	\$27.02	\$29.72	\$32.10	\$33.70	\$35.39	\$37.16
Charge per Additional Unit	\$9.45	\$11.81	\$12.99	\$14.29	\$15.44	\$16.21	\$17.02	\$17.87
Restaurant/Fast Food and Other Non-Residential 1"	\$21.60	\$27.00	\$29.70	\$32.67	\$35.28	\$37.05	\$38.90	\$40.85
Restaurant/Fast Food and Other Non-Residential 1.5"	\$24.85	\$31.06	\$34.17	\$37.59	\$40.59	\$42.62	\$44.75	\$46.99
Restaurant/Fast Food and Other Non-Residential 2"	\$33.80	\$42.25	\$46.48	\$51.12	\$55.21	\$57.97	\$60.87	\$63.92
Restaurant/Fast Food and Other Non-Residential 3"	\$99.75	\$124.69	\$137.16	\$150.87	\$162.94	\$171.09	\$179.64	\$188.63
Restaurant/Fast Food and Other Non-Residential 4"	\$124.20	\$155.25	\$170.78	\$187.85	\$202.88	\$213.02	\$223.68	\$234.86
Restaurant/Fast Food and Other Non-Residential 5"	\$181.20	\$226.50	\$249.15	\$274.07	\$295.99	\$310.79	\$326.33	\$342.65
Restaurant/Fast Food and Other Non-Residential 6"	\$246.35	\$307.94	\$338.73	\$372.60	\$402.41	\$422.53	\$443.66	\$465.84
Restaurant/Fast Food and Other Non-Residential 8"	\$336.25	\$420.31	\$462.34	\$508.58	\$549.26	\$576.73	\$605.56	\$635.84
Volume Rates		25%	10%	10%	10%	8%	5%	5%
Single-Family	\$1.90	\$2.38	\$2.61	\$2.87	\$3.10	\$3.26	\$3.42	\$3.59
Multi-Family	\$2.22	\$2.78	\$3.05	\$3.36	\$3.63	\$3.81	\$4.00	\$4.20
Overnight Accommodations	\$2.22	\$2.78	\$3.05	\$3.36	\$3.63	\$3.81	\$4.00	\$4.20
Restaurant/Fast Food	\$3.41	\$4.26	\$4.69	\$5.16	\$5.57	\$5.85	\$6.14	\$6.45
Other Nonresidential	\$2.22	\$2.78	\$3.05	\$3.36	\$3.63	\$3.81	\$4.00	\$4.20
Churches and Institutions	\$0.45	\$0.56	\$0.62	\$0.68	\$0.74	\$0.77	\$0.81	\$0.85

PROPOSED SEWER SUSTAINABILITY PLAN – OPTION A

	2021	2022	2023	2024	2025	2026	2027	2028
Net Revenues before Debt Service	\$1,213,322	\$1,671,800	\$1,901,644	\$2,161,664	\$2,395,056	\$2,554,309	\$2,725,215	\$2,908,136
Debt Service	(\$974,628)	(\$974,752)	(\$1,420,378)	(\$1,420,226)	(\$1,419,934)	(\$1,420,322)	(\$1,420,544)	(\$2,243,319)
Capital Expenses	\$0	(\$6,999,284)	(\$2,198,485)	(\$903,738)	(\$930,850)	(\$958,775)	(\$12,014,996)	(\$1,017,165)
Debt Service Coverage Ratio	1.24	1.72	1.34	1.52	1.69	1.80	1.92	1.30
Days Cash on Hand (Target 180 days)	784	803	302	246	245	274	547	446

Rates:

The base and usage rates would increase beginning in 2022 for all categories according to the following schedule:

- 2022: increase of 15%
- 2023-2024: increases of 8.5% each year
- 2025-Future: increases of 5% each year

Bonds:

- \$4,250,000 in 2022
- \$8,000,000 in 2027

DEFERRED CAPITAL PROJECTS – OPTION B

	Option A	Option B
Critical Condition Birch Avenue Sewer Project	2022	2022
Critical Condition 200 South Sewer Project	2022	2022
Replace Sewer in Pack Creek behind Episcopal Church	2022	2022
Bowen/Locust Sewer Project	2023	2023
Critical Condition 500 West Sewer Project	2023	2023
200 North Cul-de-sac to Main Street Sewer Replacement	2023	2023
Main Street Crossings Sewer Replacement	2022	2022
SCADA Upgrades for Two Sewer Main Lift Stations	2031	2031
South Trunk Line Phase 1A	2022 (67%)	2022 (20%)
South Trunk Line Phase 1B	2027 (33%)	2027 (80%)
South Trunk Line Phase 2	2027	After 2031
Outfall Pipe	2022	2022
Maintenance Building	2031	2031
Miscellaneous Equipment	2022-2031	2022-2031
Manhole Rehabilitation**	2022-2031	2022-2031
Rehabilitation and Replacement Projects	2024-2031	2024-2031

PROPOSED SEWER RATE SCHEDULE – OPTION B

	2021	2022	2023	2024	2025	2026	2027	2028
Base Rate		15%	8.5%	8.5%	5%	5%	5%	5%
Single-Family	\$21.60	\$24.84	\$26.95	\$29.24	\$30.70	\$32.24	\$33.85	\$35.54
Multi-Family + Overnight Accommodations (1st Unit)	\$19.65	\$22.60	\$24.52	\$26.60	\$27.93	\$29.33	\$30.80	\$32.34
Charge per Additional Unit	\$9.45	\$10.87	\$11.79	\$12.79	\$13.43	\$14.10	\$14.81	\$15.55
Restaurant/Fast Food and Other Non-Residential 1"	\$21.60	\$24.84	\$26.95	\$29.24	\$30.70	\$32.24	\$33.85	\$35.54
Restaurant/Fast Food and Other Non-Residential 1.5"	\$24.85	\$28.58	\$31.01	\$33.64	\$35.32	\$37.09	\$38.94	\$40.89
Restaurant/Fast Food and Other Non-Residential 2"	\$33.80	\$38.87	\$42.17	\$45.76	\$48.05	\$50.45	\$52.97	\$55.62
Restaurant/Fast Food and Other Non-Residential 3"	\$99.75	\$114.71	\$124.46	\$135.04	\$141.79	\$148.88	\$156.33	\$164.14
Restaurant/Fast Food and Other Non-Residential 4"	\$124.20	\$142.83	\$154.97	\$168.14	\$176.55	\$185.38	\$194.65	\$204.38
Restaurant/Fast Food and Other Non-Residential 5"	\$181.20	\$208.38	\$226.09	\$245.31	\$257.58	\$270.45	\$283.98	\$298.18
Restaurant/Fast Food and Other Non-Residential 6"	\$246.35	\$283.30	\$307.38	\$333.51	\$350.19	\$367.70	\$386.08	\$405.38
Restaurant/Fast Food and Other Non-Residential 8"	\$336.25	\$386.69	\$419.56	\$455.22	\$477.98	\$501.88	\$526.97	\$553.32
Volume Rates		15%	8.5%	8.5%	5%	5%	5%	5%
Single-Family	\$1.90	\$2.19	\$2.37	\$2.57	\$2.70	\$2.84	\$2.98	\$3.13
Multi-Family	\$2.22	\$2.55	\$2.77	\$3.01	\$3.16	\$3.31	\$3.48	\$3.65
Overnight Accommodations	\$2.22	\$2.55	\$2.77	\$3.01	\$3.16	\$3.31	\$3.48	\$3.65
Restaurant/Fast Food	\$3.41	\$3.92	\$4.25	\$4.62	\$4.85	\$5.09	\$5.34	\$5.61
Other Nonresidential	\$2.22	\$2.55	\$2.77	\$3.01	\$3.16	\$3.31	\$3.48	\$3.65
Churches and Institutions	\$0.45	\$0.52	\$0.56	\$0.61	\$0.64	\$0.67	\$0.71	\$0.74

PROPOSED SEWER SUSTAINABILITY PLAN – OPTION B

	2021	2022	2023	2024	2025	2026	2027	2028
Net Revenues before Debt Service	\$1,213,322	\$1,481,617	\$1,655,799	\$1,850,192	\$1,972,327	\$2,103,351	\$2,244,087	\$2,394,829
Debt Service	(\$974,628)	(\$974,752)	(\$1,266,118)	(\$1,265,966)	(\$1,265,674)	(\$1,266,062)	(\$1,266,284)	(\$1,814,819)
Capital Expenses	\$0	(\$4,094,684)	(\$2,198,485)	(\$903,738)	(\$930,850)	(\$958,775)	(\$6,718,990)	(\$1,017,165)
Debt Service Coverage Ratio	1.24	1.52	1.31	1.46	1.56	1.66	1.77	1.32
Days Cash on Hand (Target 180 days)	784	934	402	301	232	193	684	559

Rates:

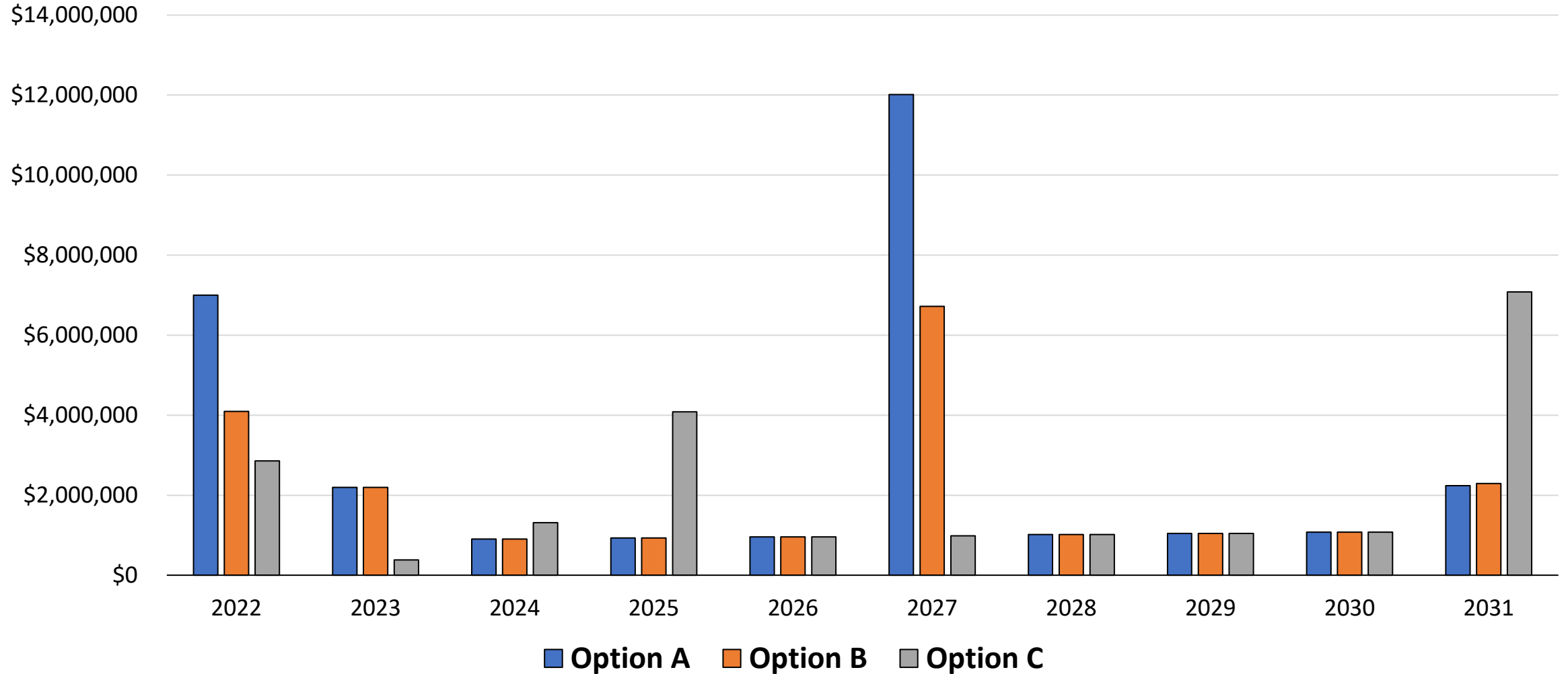
The base and usage rates would increase beginning in 2022 for all categories according to the following schedule:

- 2022: increase of 12.5%
- 2023-Future: increases of 5% each year

Bonds:

- \$2,000,000 in 2022
- \$5,000,000 in 2025

Capital Expenses by Year by Option



PROPOSED SEWER RATE SCHEDULE – OPTION C

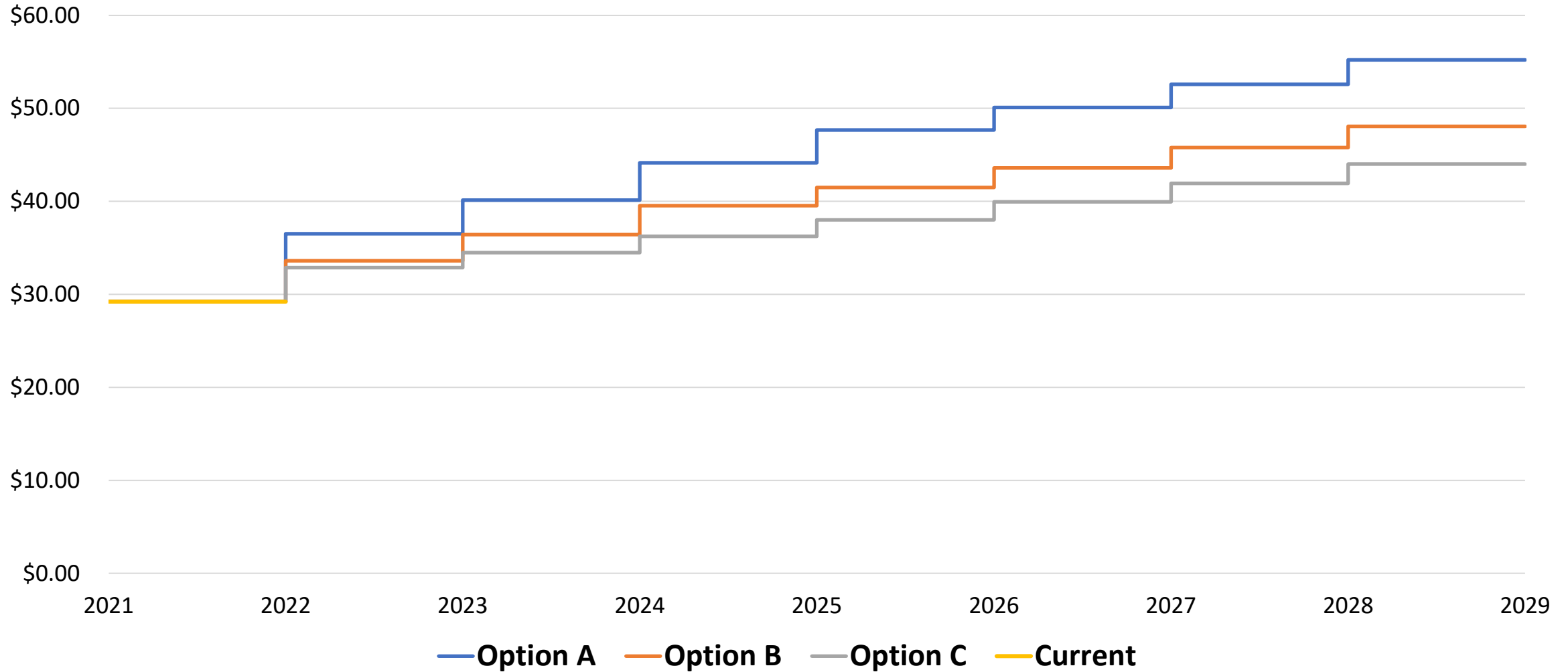
	2021	2022	2023	2024	2025	2026	2027	2028
Base Rate		12.5%	5%	5%	5%	5%	5%	5%
Single-Family	\$21.60	\$24.30	\$25.52	\$26.79	\$28.13	\$29.54	\$31.01	\$32.56
Multi-Family + Overnight Accommodations (1st Unit)	\$19.65	\$22.11	\$23.21	\$24.37	\$25.59	\$26.87	\$28.21	\$29.62
Charge per Additional Unit	\$9.45	\$10.63	\$11.16	\$11.72	\$12.31	\$12.92	\$13.57	\$14.25
Restaurant/Fast Food and Other Non-Residential 1"	\$21.60	\$24.30	\$25.52	\$26.79	\$28.13	\$29.54	\$31.01	\$32.56
Restaurant/Fast Food and Other Non-Residential 1.5"	\$24.85	\$27.96	\$29.35	\$30.82	\$32.36	\$33.98	\$35.68	\$37.46
Restaurant/Fast Food and Other Non-Residential 2"	\$33.80	\$38.03	\$39.93	\$41.92	\$44.02	\$46.22	\$48.53	\$50.96
Restaurant/Fast Food and Other Non-Residential 3"	\$99.75	\$112.22	\$117.83	\$123.72	\$129.91	\$136.40	\$143.22	\$150.38
Restaurant/Fast Food and Other Non-Residential 4"	\$124.20	\$139.73	\$146.71	\$154.05	\$161.75	\$169.84	\$178.33	\$187.24
Restaurant/Fast Food and Other Non-Residential 5"	\$181.20	\$203.85	\$214.04	\$224.74	\$235.98	\$247.78	\$260.17	\$273.18
Restaurant/Fast Food and Other Non-Residential 6"	\$246.35	\$277.14	\$291.00	\$305.55	\$320.83	\$336.87	\$353.71	\$371.40
Restaurant/Fast Food and Other Non-Residential 8"	\$336.25	\$378.28	\$397.20	\$417.06	\$437.91	\$459.80	\$482.79	\$506.93
Volume Rates		12.5%	5%	5%	5%	5%	5%	5%
Single-Family	\$1.90	\$2.14	\$2.24	\$2.36	\$2.47	\$2.60	\$2.73	\$2.86
Multi-Family	\$2.22	\$2.50	\$2.62	\$2.75	\$2.89	\$3.04	\$3.19	\$3.35
Overnight Accommodations	\$2.22	\$2.50	\$2.62	\$2.75	\$2.89	\$3.04	\$3.19	\$3.35
Restaurant/Fast Food	\$3.41	\$3.84	\$4.03	\$4.23	\$4.44	\$4.66	\$4.90	\$5.14
Other Nonresidential	\$2.22	\$2.50	\$2.62	\$2.75	\$2.89	\$3.04	\$3.19	\$3.35
Churches and Institutions	\$0.45	\$0.51	\$0.53	\$0.56	\$0.59	\$0.62	\$0.65	\$0.68

PROPOSED SEWER SUSTAINABILITY PLAN – OPTION C

	2021	2022	2023	2024	2025	2026	2027	2028
Net Revenues before Debt Service	\$1,213,322	\$1,434,071	\$1,527,322	\$1,627,427	\$1,734,701	\$1,849,856	\$1,973,633	\$2,106,287
Debt Service	(\$974,628)	(\$974,752)	(\$1,111,858)	(\$1,111,705)	(\$1,111,414)	(\$1,454,602)	(\$1,454,824)	(\$1,454,879)
Capital Expenses	\$0	(\$2,858,684)	(\$381,924)	(\$1,312,849)	(\$4,086,542)	(\$958,775)	(\$987,539)	(\$1,017,165)
Debt Service Coverage Ratio	1.24	1.47	1.37	1.46	1.56	1.27	1.36	1.45
Days Cash on Hand (Target 180 days)	784	634	613	379	736	570	439	341

RESIDENTIAL AVERAGE MONTHLY BILL BY YEAR BY OPTION

Residential Average Monthly Bill by Year by Option



COMPARABLE SEWER RATES

Moab	
Base Rate	
Single-Family	\$21.60
Multi-Family + Overnight Accommodations (1st Unit)	\$19.65
Charge per Additional Unit	\$9.45
Restaurant/Fast Food and Other Non-Residential	
1"	\$21.60
1.5"	\$24.85
2"	\$33.80
3"	\$99.75
4"	\$124.20
5"	\$181.20
6"	\$246.35
8"	\$336.25
Volume Rate	Rate per 1,000 Gallons
Single-Family	\$1.90
Multi-Family	\$2.22
Overnight Accommodations	\$2.22
Restaurant/Fast Food	\$3.41
Other Nonresidential	\$2.22
Churches and Institutions	\$0.45

GWSSA	
Residential	\$27.20
2 on 1 Residential	\$54.40
3 on 1 Residential	\$81.60
ADU Base Rate	\$27.20
Trailer Court	\$27.20
Small Commercial - 1 ERC	\$34.20
Medium Commercial - 2-5 ERC	\$34.20 + \$10.00/ERC
Large Commercial - 5-10 ERC	\$48.40 + \$10.00/ERC
XL Commercial - 11+ ERC	\$96.80 + \$10.00/ERC
Overnight Accommodations (1 Bedroom or Studio)	\$34.20
Overnight Accommodations (2+ Bedrooms)	\$41.04
MDU Sewer Base Rates	
1"	\$68.00
1.5"	\$136.00
2"	\$217.60
MDU Overnight Sewer Monthly Base Rate	
1"	\$102.60
1.5"	\$205.20
2"	\$328.32
All Others	by study

NEXT STEPS

- Additional discussion and possible direction – October 26
- Schedule Public Hearing
- Discussion and possible action on Resolution to amend Master Fee Schedule

3.50.050		Business Licenses				
		Initial	Renewal			
1	General Business	\$99.00	\$26.00			
2	Vendor	\$214.00	\$52.00			
3	Vendor - Ice Cream Truck	\$222.00	\$52.00			
4	Solicitor, Peddler, Merchant	\$111.00	\$52.00			
5	Nightly Rentals, 3 units or less	\$116.00	\$26.00			
6	Nightly Rental, more than 3 units	\$145.00	\$26.00			
7						
8	Home occupation	\$0	\$0			
9	Retail beer licenses					
10	Bar Establishment	\$500.00	\$500.00			
11	Beer Recreational	\$200.00	\$200.00			
12	Hotel	\$500.00	\$500.00			
13	Off-premise sales	\$90.00	\$90.00			
14	Restaurant	\$200.00	\$200.00			
15	Tavern	\$500.00	\$500.00			
16						
17	3.50.060	Special Event and Street Performer Permits				
18	Event Application Fee	\$50				
19	Special Event, Level 1*	\$466.00				
20	Special Event, Level 2*					
21	City may require a cash deposit or performance bond for Level II Special Events to cover estimated costs for damages, cleanup, or loss to public property. Unexpended balance will be returned to event sponsor.	\$820.00				
22	Street Performance Permit fee	\$106.00				
23	* City may waive fees only for a free speech event (MMC 4.13.050).					
24	Filming Permit	\$149.00				
25	3.50.070	Records Requests				
26						
27	Record location, retrieval, research, and compilation	\$25.00/hr.				
28	B&W photocopies for 8.5 x 11"	\$0.15				
29	B&W photocopies for 8.5 x 11" double-sided	\$0.30				
30	B&W photocopies for 11 x 14"	\$0.20				
31	B&W photocopies for 11 x 14" double-sided	\$0.45				
32	B&W photocopies for 11 x 17"	\$0.30				
33	B&W photocopies for 11 x 17" double-sided	\$0.60				
34	Color copies are double the costs above					
35						
36						
37	3.50.080	Deposit Required for City-provided Utilities				
38						
39	This section applies to City water, sewer, garbage services.					
40						
41	A deposit may be required from any customer at any time if payment record requires one.					
42						
43	All deposits made with the city are non-interest bearing. After one year the account will be reviewed and the deposit refunded if payment history shows twelve current consecutive payments. Deposit may be waived for existing customers in good-standing payment status at the discretion of the City Treasurer.					
44						
45	Owners of single-family residential dwelling	\$25.00				
46	Small business and retail establishments having an average monthly	\$50.00				
47	Large commercial and industrial users	2x the highest water bill for				
48						

3.50.090		Culinary Water Rates	
49			
50			
51	Residential, within the City	\$13.00 minimum charge (includes the first 3,000 gal.)	
52		\$1.13/thousand for 3,001 to 10,000 gal.	
53		\$1.50/thousand for 10,001 to 60,000 gal.	
54		\$1.88/thousand for 60,001 or more gal.	
55	Residential, outside the City	\$18.85 minimum charge (includes the first 3,000 gal.)	
56		\$1.50/thousand for 3,001 to 10,000 gal.	
57		\$2.25/thousand for 10,001 to 60,000 gal.	
58		\$2.63/thousand for 60,001 or more gal.	
59	Commercial, within the City	\$37.50 minimum charge (includes the first 2,000 gal.)	
60		\$1.50/thousand for 2,001 to 5,000 gal.	
61		\$2.25/thousand for 5,001 to 10,000 gal.	
62		\$3.40/thousand for 10,001 to 50,000 gal.	
63		\$4.25/thousand for 50,001 or more gal.	
64	Commercial, outside the City	\$44.25 minimum charge (includes the first 2,000 gal.)	
65		\$3.00/thousand for 2,001 to 5,000 gal.	
66		\$3.38/thousand for 5,001 to 10,000 gal.	
67		\$4.25/thousand for 10,001 to 50,000 gal.	
68		\$4.68/thousand for 50,001 or more gal.	
69	Shop Water Retail Fee (City Public Works Yard)	\$32.50 for first 2,000 gallons, \$12.75/1,000 gal.	
70	Shop Water Government Fee (City Public Works Yard)	\$26.00 for first 2,000 gallons, \$9.38/1,000 gal.	
71	Construction Fire Hydrant Fee	\$32.50 for first 2,000 gallons, \$12.75/1,000 gal.	
72	Construction Fire Hydrant Rental Fee	\$15 per day	
73	City Parks & Cemeteries	\$0.81/1,000 gal.	
74	Moab Golf Course Well #7	Current Commerical Rate	
75	Water turn-on fee, after failure to pay City water/sewer charges	\$25.00 during normal working hours;	
76		\$50.00 after normal working hours	
77	Water meter re-read charges		
78	The City crew will re-read the customer's meter.	\$10.00	
79	The City crew will test a customer's meter.	\$20.00	
80	The City crew will change a tested customer's meter, at the customer's request.	Actual labor costs with a one hour minimum	
81	The costs incurred for these requests will be paid within thirty days. If that bill is not paid, the water will be turned off until the debt is satisfied, and a reconnect charge (1/2 hour minimum) during regular hours, or reconnect charge (2 hour minimum) after hours, will be applicable.	During regular working hours, actual labor costs with a ½ hour minimum	
82		After hours, actual labor costs with a 2 hour minimum	
83	If the problem proves to be the city's responsibility, there will be no charge to the customer.		
84			
85			
86			
3.50.100		Sanitary Sewer Rates	
87			
88	Monthly Base Rate:		
89	Single Household	\$21.60	
90	(New customers are charged the base rate until a winter water usage rate is established (based on Nov/Dec/Jan water usage)).		
91	Multi-household and nightly rentals, 1 st unit	\$19.65	
92	Charge/each additional unit	\$9.45	
93	Restaurant/Fast Food & Other Non-Residential:		
94	1" or smaller water meter	\$21.60	
95	1.5" water meter	\$24.85	
96	2" water meter	\$33.80	
97	3" water meter	\$99.75	
98	4" water meter	\$124.20	
99	5" water meter	\$181.20	

100	6" water meter	\$246.35			
101	8" water meter	\$336.25			
102	Volume rates/1000 gal. in addition to base rate				
103	Residential	\$1.90			
104	Multi-household	\$2.22			
105	Overnight accommodations	\$2.22			
106	Restaurant/fast food	\$3.41			
107	Other non-residential	\$2.22			
108	Wastewater and septage discharge into municipal treatment works	\$180.00/1,000 gal.			
109					
110					
111	3.50.110	Storm Water Rates			
112					
113	Residential,/month for single- and two-household homes on a single lot	\$4.50			
114	All other uses (commercial or residential)/month/stormwater ERU.* One (1) ERU minimum.	\$4.50			
115	*Every 3,000 ft ² of impervious surface =1 ERU; every 6,000 ft ² of semi-impervious surface area = 1 ERU				
116					
117					
118	3.50.120	Trash and Recycling Rates			
119					
120	Residential Service (monthly)				
121	Trash cart size	Frequency			
122	65 gal.	Every other week		\$12.00	
123	95 gal.	Every other week		\$14.00	
124	65 gal.	Weekly		\$16.00	
125	95 gal.	Weekly		\$18.00	
126	Extra 95 gal.	Weekly only		\$18.00	
127	Recycling cart size	Frequency			
128	95 gal.	Every other week		\$12.00	
129	Extra 95 gal.	Every other week		\$12.00	
130	Commercial Service (monthly)				
131	Trash cart size	Frequency	Base Rate	Extra Bin	
132	2 yd.	Every other week	\$40.00	\$34.00	
133		1 x a week	\$64.00	\$54.00	
134		2 x a week	\$120.00	\$102.00	
135		3 x a week	\$182.00	\$154.00	
136		4 x a week	\$243.00	\$207.00	
137		5 x a week	\$307.00	\$261.00	
138		6 x a week	\$387.00	\$329.00	
139		7 x a week	\$482.00	\$410.00	
140	3 yd.	Every other week	\$47.00	\$40.00	
141		1 x a week	\$79.00	\$67.00	
142		2 x a week	\$149.00	\$126.00	
143		3 x a week	\$223.00	\$189.00	
144		4 x a week	\$296.00	\$252.00	
145		5 x a week	\$370.00	\$315.00	
146		6 x a week	\$460.00	\$391.00	
147		7 x a week	\$566.00	\$481.00	
148	4 yd.	Every other week	\$56.00	\$48.00	
149		1 x a week	\$94.00	\$80.00	
150		2 x a week	\$177.00	\$150.00	
151		3 x a week	\$262.00	\$222.00	
152		4 x a week	\$348.00	\$296.00	
153		5 x a week	\$435.00	\$370.00	
154		6 x a week	\$537.00	\$457.00	
155		7 x a week	\$656.00	\$557.00	

156		Every other week	\$74.00	\$63.00	
157		1 x a week	\$124.00	\$105.00	
158		2 x a week	\$233.00	\$198.00	
159		3 x a week	\$343.00	\$291.00	
160	6 yd.	4 x a week	\$454.00	\$386.00	
161		5 x a week	\$565.00	\$481.00	
162		6 x a week	\$692.00	\$589.00	
163		7 x a week	\$836.00	\$710.00	
164		Every other week	\$92.00	\$79.00	
165		1 x a week	\$154.00	\$131.00	
166		2 x a week	\$290.00	\$246.00	
167	8 yd.	3 x a week	\$427.00	\$363.00	
168		4 x a week	\$566.00	\$481.00	
169		5 x a week	\$704.00	\$599.00	
170		6 x a week	\$859.00	\$731.00	
171		7 x a week	\$1,030.00	\$876.00	
172	Misc. Services				
173	Trash or recycling cart servicing		Reload	Special Pick-up	
174	65 gal.		\$5.00	\$10.00	
175	95 gal		\$5.00	\$10.00	
176	2 yd.		\$20.00	\$30.00	
177	3 yd.		\$30.00	\$40.00	
178	4 yd.		\$40.00	\$50.00	
179	6 yd.		\$60.00	\$70.00	
180	8 yd.		\$80.00	\$90.00	
181					
182					
183					
184	3.50.130		Culinary Water Connection Fees		
185					
186	Connection fees do not include the labor and materials required to				
187					
188	Within the City (meter size/ERU capacity)	Meter provided by City	Meter provided by Customer		
189	5/8" x 3/4"	\$1,746.60	\$1,114.00		
190	1"	\$1,932.50	\$1,114.00		
191	1½"	\$2,339.20	\$1,212.00		
192	2"	\$2,577.40	\$1,212.00		
193	3"	\$4,828.80	\$1,506.00		
194	4"	\$5,500.90	\$1,506.00		
195	6"	\$7,501.60	\$1,506.00		
196	Outside City Limit - additional 5% (meter size/ERU capacity)	Meter provided by City	Meter provided by Customer		
197	5/8" x 3/4"	\$1,833.93	\$1,169.70		
198	1"	\$2,029.13	\$1,169.70		
199	1½"	\$2,456.16	\$1,272.60		
200	2"	\$2,706.27	\$1,272.60		
201	3"	\$5,070.24	\$1,581.30		
202	4"	\$5,775.95	\$1,581.30		
203	6" (includes the meter)	\$7,876.68	\$1,581.30		
204	Fire sprinkler system connection fee	Actual cost to perform the connection			
205	Fire hydrant connection fee	Actual cost of installation			
206	Fire hydrant meter deposit	\$2,000.00	\$2,000.00		
207					
208					
209	3.50.140		Culinary Water Impact Fees		
210					
211	Within the City (meter size/ERU capacity)				
212	5/8" x 3/4"/1.0	\$478			
213	1"/3.7	\$1,769			
214	1½"/11.0	\$5,528			

215	2"/22.9	\$10,946			
216	4"/n-a	Calculated under lodging rate, see below			
217	Outside City Limit (meter size/ERU capacity)				
218	5/8" x 3/4"/1.0	\$478			
219	1"/3.7	\$1,769			
220	1 1/2"/11.0	\$5,528			
221	2"/22.9	\$10,946			
222	4"/n-a	Calculated under lodging rate, see below			
223	Water impact fees for overnight lodging including motels, inns, bed and breakfast establishments, and hotels shall be calculated pursuant to the following schedule:				
224	Impact fee/room for lodging without a restaurant: Number of rooms x \$229.00				
225	Impact fee/room for lodging with a restaurant: Number of rooms x \$330.00				
226					
227					
228	3.50.150	Sanitary Sewer Connection Fees			
229	Within the City:				
230	4" line	\$680.00			
231	6" line	\$844.00			
232	Outside the City:				
233	4" line	\$714.00			
234	6" line	\$886.20			
235					
236					
237	3.50.160	Sanitary Sewer Impact Fees			
238					
239			<u>Within City limits</u>		<u>Outside of City limits</u>
240		Allowable units under	Minimum fee	Fee/additional	Minimum fee
241	Residential dwellings				
242	Single family (residence)	1 residence	\$1,566.00	\$1,566.00/ residence	\$1,361.00
243					\$1,361.00/ residence
244	Multifamily, 2 bedrooms or Larger (residential unit)	2 units	\$3,132.00	\$1,566.00/ unit	\$2,721.00
245					\$1,361.00/ unit
246	Multifamily, 1 bedroom or smaller (residential unit)	2 units	\$1,754.00	\$877.00/ unit	\$1,524.00
247					\$762.00/ unit
248	Nightly rental dwellings				
249	2 bedrooms or Larger with kitchen (residential unit)	1 unit	\$1,879.00	\$1,879.00/ unit	\$1,633.00
250					\$1,633.00/ unit
251	1 bedroom or smaller with kitchen (residential unit)	1 unit	\$1,566.00	\$1,566.00/ unit	\$1,361.00
252					\$1,361.00/ unit
253	Hotel/motel, no kitchen (residential unit)	2 units	\$2,452.00	\$1,226.00/ unit	\$2,130.00
254					\$1,065.00/ unit
255	Auto repair (1,000 ft ²)	7,000 ft ²	\$1,768.00	\$253.00/ 1,000 ft ²	\$1,536.00
256					\$219.00/ 1,000 ft ²
257	Bakery (1,000 ft ²)	500 ft ²	\$1,793.00	\$3,585.00/ 1,000 ft ²	\$2,190.00
258					\$4,380.00/ 1,000 ft ²
259	Bank (1,000 ft ²)	2,000 ft ²	\$1,566.00	\$783.00/ 1,000 ft ²	\$1,361.00
260					\$680.00/ 1,000 ft ²
261	Beauty/barber shop (chair)	4 chairs	\$1,566.00	\$392.00/ chair	\$1,361.00
262					\$340.00/ chair
263	Campground (campsite)	2 campsites	\$2,463.00	\$1,231.00/ campsite	\$2,139.00
264					\$1,070.00/ campsite
265	Car Wash – automatic (each)	1 each	\$12,575.00	\$12,575.00/eac h	\$9,510.00
266					\$9,510.00/ each
267	Car Wash – wand (wands)	1 wand	\$6,288.00	\$6,288.00/ wand	\$4,755.00
268					\$4,755.00/ wand
269	Commercial (1,000 ft ²)	7,000 ft ²	\$1,687.00	\$241.00/ 1,000 ft ²	\$1,465.00
					\$209.00/ 1,000 ft ²

270	Commercial (1,000 ft ²)	1,000 ft ²	\$1,700.00	1,000 ft ²	\$1,700.00	1,000 ft ²
271	Dry cleaner (1,000 ft ²)	2,000 ft ²	\$1,574.00	\$787.00/ 1,000 ft ²	\$1,866.00	\$622.00/ 1,000 ft ²
272	Fast food (1,000 ft ²)	500 ft ²	\$2,825.00	\$5,650.00/ 1,000 ft ²	\$2,724.00	\$5,447.00/ 1,000 ft ²
273	Gas station/convenience store (1,000 ft ²)	4,000 ft ²	\$1,740.00	\$435.00/ 1,000 ft ²	\$1,512.00	\$378.00/ 1,000 ft ²
274	Gas station/convenience store (1,000 ft ²)	4,000 ft ²	\$2,021.00	\$505.00/ 1,000 ft ²	\$1,756.00	\$439.00/ 1,000 ft ²
275	Grocery store (1,000 ft ²)	4,000 ft ²	\$1,767.00	\$884.00/ washer	\$1,320.00	\$660.00/ washer
276	Grocery store (1,000 ft ²)	4,000 ft ²	\$1,566.00	\$392.00/ 1,000 ft ²	\$1,361.00	\$340.00/ 1,000 ft ²
277	Grocery store (1,000 ft ²)	4,000 ft ²	\$2,650.00	\$221.00/ seat	\$2,704.00	\$225.00/ seat
278	Laundromat (washers)	2 washers	\$1,687.00	\$241.00/ 1,000 ft ²	\$1,465.00	\$209.00/ 1,000 ft ²
279	Office (1,000 ft ²)	4,000 ft ²	\$1,566.00	\$104.00/ student	\$1,361.00	\$91.00/ student
280	Office (1,000 ft ²)	4,000 ft ²	\$1,620.00	\$11.00/ seat	\$1,407.00	\$9.00/seat
281	Restaurant (seats)	12 seats	\$1,649.00	\$165.00/ 1,000 ft ²	\$1,432.00	\$143.00/ 1,000 ft ²
282	Restaurant (seats)	12 seats				
283	Retail (1,000 ft ²)	7,000 ft ²				
284	Retail (1,000 ft ²)	7,000 ft ²				
285	School (students)	15 students				
286	School (students)	15 students				
287	Theater (seats)	150 seats				
288	Theater (seats)	150 seats				
289	Warehouse (1,000 ft ²)	10,000 ft ²				
290	Warehouse (1,000 ft ²)	10,000 ft ²				
291	Warehouse (1,000 ft ²)	10,000 ft ²				
292	Warehouse (1,000 ft ²)	10,000 ft ²				
293						
294	3.50.165					
295						
296						
297						
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329	Deferred submittal (prior approval by the Building Official required)	\$130.00/submittal			
330	Outside consultants (plan review and/or inspections)	Actual costs plus 10%			
331	Plan review - residential				
332	Non-refundable residential plan review deposit (new construction only)	\$130.00/permit			
333	Residential plan review and additional plan review required for changes,	\$65.00/hr; one (1) hour			
334	corrections, additions, change of contractor, owner or other information,				
335	and/or revisions to plans	Actual costs calculated by			
336					
337					
338	3.50.170	Planning, and Engineering Service Fees			
339					
340	Administrative costs (research)	\$50.00/hr			
341	Amended plats (boundary adjustment)	\$250.00 plus			
342	Annexation	\$600.00 (flat rate)			
343	Appeal Authority submittal	\$450.00			
344	Application withdrawal fee	50% of collected fee if prior			
345	Cemetery application fee	\$100.00			
346	Cemetery bond	150% of total cost of			
347	Condominiums and condominium conversions	\$350.00 plus \$50.00/unit			
348	Code amendment application	\$350.00			
349	Construction bond	In every construction contract where there is a modification of bonding requirements, or where no bonding is required (e.g., contracts under fifty thousand dollars in value), the construction contract shall contain one or more alternative security mechanisms to secure performance by the contractor and/or payment to subcontractors, laborers, and material suppliers. Alternative security mechanisms may include: (1) an irrevocable letter of credit payable to the city; (2) a first position deed of trust on real property; (3) a cash deposit to be held by the city; or (4) other collateral, contract, or security instruments as approved by the city attorney.			
350					
351					
352	Flood plain development permits and elevation certificates	\$90.00			
353	Floodplain reviews - for floodway and floodplain interpretations,	\$50.00/hr			
354					
355	Grading/excavation permit				
356		\$50.00/each 100 cubic yards			
357	Required for >50 cubic yards or cuts or fills exceeding 10' deep or height				
358	General Plan amendment	\$350.00			
359	Hillside development permits	\$300.00 + \$50.00/hr of staff review time that exceeds 10			
360	Hillside development - improvements and restoration bond	Amount reasonably calculated to cover anticipated costs for improvements, as determined by City Planning Director			
361	Improvements agreement				
362	Financial assurance	110% of the approved construction costs			
363					
364	Warranty deposit	10% of the approved construction costs			
365	Landscaping - bond for new developments in summer and winter months	Amount reasonably calculated to cover anticipated costs for improvements, as determined by City Planning Director			

366	Large-scale projects - see structure for developers to underwrite City staff expenses	Amount reasonably calculated to cover anticipated costs for improvements, as determined by City Planning Director			
367	Large-scale projects – over 30,000 ft ² – landscaping deposit	1½ the cost of the landscaping project			
368					
369	For completion of landscaping, in the event corrections cannot be made or installation cannot be completed prior to issuance of a certificate of occupancy.				
370	Maps	D or E size (>2'): \$25.00			
371		Digital Files: \$20.00			
372	Master planned developments and planned unit development - application	\$200.00 plus \$25.00/dwelling unit or \$25.00/3,000 ft ² of floor area for commercial buildings			
373					
374	(A separate fee is to be collected for preliminary and final plats)				
375	Master planned developments and planned unit development - bond	As required on a case by case basis by the City Planning Director			
376					
377	Mobile, manufactured or modular home parks and/or subdivisions - application	\$200.00 plus \$25.00/unit			
378		or lot			
379	Mobile home parks - bond	Amount equal to the estimated cost, plus fifty percent of constructing all landscaping, roads, lighting, pedestrian ways, hard-surfacing, water and sewer lines, storage enclosures and common facilities as shown on the final plan.			
380	Occupancy - cash-only bond if given permission by City Planner or designee to occupy prior to completion of building	150% of the cost of completing all required work, plus all administrative costs as determined by the governing body.			
381	Parking, fee-in-lieu. Due prior to issuance of a building permit.	\$8,500.00/parking space			
382	Plan check fee	65% of the Building Permit fee for plans that are sent out to a professional plan checker; or \$30.00/hour for plans that are checked by staff, with a \$30.00 minimum.			
383	Planned Affordable Development (PAD)	\$50.00/1,000 ft ² of building floor area			
384	Planning applications - miscellaneous	\$100.00			
385	Pre-application conference (sketch plan reviews)	\$100.00 to be credited toward application fee			
386	Professional services	Actual costs plus 10%			
387	Reapplication fee	\$300.00 plus appropriate subdivision plat fees			
388	Recording fee	Actual costs			
389	Recreational vehicle court	\$200.00 plus \$25/RV space			
390	Right-of-way construction permit	\$50.00			
391	Sidewalks, curbs, gutters, and street paving, fee-in-lieu.	110% of the estimated cost of constructing two hundred lineal feet of the required improvements.			
392					
393	The City Engineer shall calculate by consulting licensed contractors.				
394	Sign permit	\$25.00 plus \$0.50 for each ft ² above 30 ft ²			
395	Sign, Temporary – Political Campaign Signs	\$15.00 permit			
396	Site Plan Review	\$50.00/1,000 ft ² of building floor area			
397	Site plan review appeal	If the record is voluminous, appellant must pay the reasonable costs of assembly and copying of the record.			
398	Special exception	\$100.00			
399	Street numbers, if City has to install	\$20.00			
400	Subdivisions				
401		\$200.00 plus \$25.00/lot			
402	(A separate fee is to be collected for Preliminary and Final Plats.)				
403	Subdivisions - bond	1½ times the cost of improvements not previously installed.			

404	Trees - removing or damaging City-owned trees without permission	The basal area formula and the cost to buy, plant and water replacement trees shall be the basis for the urban forester to determine the replacement cost of the removed or damaged trees.			
405	Water & sewer master plan mains extensions - deposit	Amount equal to the estimated cost of construction			
406	Wireless telecommunications facility -application fee (for each separate monopole, lattice tower, or antenna)	\$350.00			
407	Zone change application	\$500.00			
408	Zoning confirmation letter	\$100.00			
409	*Square foot construction costs are established using the International Code Council's Building Valuation Data which is updated at six-month intervals (February and August). Refunds for building permits issued will be limited to 80% of the permit costs, not later than 90 days after the date of fee payment.				
410					
411					
412	3.50.180	Civil Code Violation Penalties (maximum fines noted)			
413					
414	Building code violation	\$500.00/infracton			
415	Illegal use of vehicle as dwelling	\$650.00/day/infracton			
416					
417	Nuisances - generally	\$500.00/day/infracton			
418	Solid waste	\$500.00/infracton and all			
419	Weed abatement	\$500.00/day/infracton			
420	Unlawful parking, idling, or camping	\$120.00/infracton or 24 hour			
421	Illegal stormwater system dumping; \$1000.00/day/Class B misdemeanor				
422	Grease trap--installation and/or maintenance compliance;				
423	Violation--building code; \$1000.00/day/Class B misdemeanor				
424	Signs - number of freestanding signs/lot	\$250.00/infracton			
425	Signs - setbacks	\$350.00/infracton			
426	Signs - prohibited signs	\$250.00/infracton			
427	Signs - temporary signs	\$250.00/infracton			
428	Signs - Permit	\$250.00/infracton			
429	Illegal subdivision	\$650.00/infracton			
430	Debris abatement	\$500.00/infracton			
431	Chickens - prohibited uses	\$250/infracton			
432	Chickens - application for permit	\$15.00			
433	Construction without permit, investigation fee	\$500/infracton			
434	Storage of junk and debris	\$650.00/day/infracton			
435	Mobile home parks--failure to maintain common areas, landscaping,				
436	Land-use violations	\$650.00/day/infracton			
437	Noise	\$650.00/day/infracton			
438	Residential area regulations	\$650.00/day/infracton			
439	Zoning violations generally	Class B misdemeanor			
440	Business license--conducting business prior to obtaing the proper	\$650.00/day/infracton			
441	Business license--operating long-term rental prior to obtaining the proper	\$650.00/day/infracton			
442	Business license--operating short-term rental prior to obtaining the proper	\$650.00/day/infracton			
443	Business license--conducting home occupation prior to obtaining the	\$650.00/day/infracton			
444	Business license--expired or changed name and/or address	\$650.00/day/infracton			
445	Illegal short-term rental	\$750.00/day/infracton			
446	Signs--off premise	250.00/infracton			
447	Burning prohibited	\$500.00/infracton			
448	Nuisance--abate	City and its contractors may			
449	Miscellaneous fines and/or penalties	As directed in specific code			
443					
444	3.50.190	Police Services Fees			
445					
446	Fingerprinting	\$10.00			

447	Police report, copy of	\$5.00			
448	Driver Privilege Card Digital Fingerprints & Background Check	\$30			
449	Police officers				
450					
451	(Time charged begins when the officer leaves his/her residence and ends when he/she returns to his/her residence. If 12-hour notice is not given for cancellation, there is a minimum charge of four hours for each officer requested, plus police vehicle time.)	\$65.00/hr; four (4) hour minimum/day			
452	Police vehicles	\$100/day			
453	Evidence Disposal	\$100/hour w/ 4 hour			
454					
455					
456	3.50.200	Public Works Staff and Equipment Fees			
457					
458	Public Works Superintendent	\$56.00/hr			
459	Parks Worker	\$46.00/hr			
460	Sewer Service Worker	47.00/hr			
461	Water Worker	49.00/hr			
462	Street/Storm Water Worker	47.00/hr			
463	Other Public Works staff. Includes the time for loading or unloading prior to and after an event	Actual cost			
464	Overtime service fee	1½ times hourly rate			
465	Traffic control and safety equipment				
466	36" Cone	\$0.40/day			
467	Vertical flats	\$0.60/day			
468	Signs w/ stand	\$2.50/day			
469	Barrels	\$0.60/day			
470	Candle stick	\$0.50/day			
471	Slide Top	\$5.50/day			
472	Barricades	\$3.00/day			
473	Other items and equipment	Assessed as needed			
474					
475					
476	3.50.210	Parks and Facilities Rental Fees			
477					
478	Rotary Park				
479	Pavilion reservation, 4 hours or less	\$35.00			
480	Pavilion reservation, more than 4 hours	\$85.00			
481	Damage & cleanup deposit (100-300 people)	\$150.00			
482	Damage & cleanup deposit (300+ people)	\$300.00			
483	Old City Park				
484	Reservation, 4 hours or less	\$35.00			
485	Reservation, more than 4 hours	\$85.00			
486	Damage & cleanup deposit (100-300 people)	\$150.00			
487	Damage & cleanup deposit (300+ people)	\$300.00			
488	Amplified music	\$30.00			
489	Lions Park				
490	Pavilion reservation, 4 hours or less	\$35.00			
491	Pavilion reservation, more than 4 hours	\$85.00			
492	Damage & cleanup deposit (100-300 people)	\$150.00			
493	Damage & cleanup deposit (300+ people)	\$300.00			
494	Amplified music	\$30.00			
495	Swanny Park (via special event permit only)	Grand County Resident	Non-resident		
496	Less than 25% of park, 4 hours or less	\$35.00	\$55.00		
497	Less than 25% of park, more than 4 hours	\$85.00	\$125.00		
498	Use of more than 25% of park, less than 4 hours	\$60.00	\$75.00		
499	Use of more than 25% of park, 4-8 hours	\$105.00	\$155.00		
500	All day use of entire park	\$475.00	\$600.00		

501	Damage and cleanup deposit (100-300 people)	\$150.00	\$200.00		
502	Damage and cleanup deposit (300+ people)	\$300.00	\$400.00		
503	Center Street Ballfield				
504	Non-profit/resident use (no admission fees)	\$15.00/hr or \$100.00/day			
505	Non-profit/resident use (admission and/or participation fees)	\$25/hr or \$150/day			
506	Commercial use w/no fees	\$250/day			
507	Commercial use w/fees	\$500/day			
508	Day camp rates	\$50/day			
509	Damage and cleanup deposit	\$150.00			
510	Use of lights	\$15/hr			
511	Center Street gym				
512	Private use	\$20/hr			
513	Commercial use w/no fees	\$250/day			
514	Commercial use w/fees	\$500/day			
515	Recurring gym groups	\$10/use, capped \$100/mo			
516	(No damage & cleanup deposit required)				
517	Damage and cleanup deposit	\$200.00			
518	Sun Court				
519	Reservations 3 hours or less	\$40.00			
520	Reservations more than 3 hours	\$75.00			
521	Other areas not listed	\$25.00/day			
522					
523					
524	3.50.220	Moab Arts and Recreation Center Fees			
525					
526	Room rentals (art events, classes, programs, workshops, public meetings,				
527	Dance Room upstairs	\$25.00/hr, \$190.00/day			
528	Stage Room upstairs	\$25.00/hr, \$190.00/day			
529	Foyer upstairs	\$25.00/hr, \$190.00/day			
530	Side yard	\$20.00/hr, \$150.00/day			
531	Downstairs studio/kitchen	\$15.00/hr, \$120.00/day			
532	Downstairs conference room	\$15.00/hr, /\$120.00/day			
533	Entire facility	\$100.00/hr, \$700.00/day			
534	Artillery (community art room)	\$20/hr or \$140/day			
535	Private Parties (weddings, receptions, birthdays, etc.)				
536	Dance Room upstairs	\$35.00/hr, \$270.00/day			
537	Stage Room upstairs	\$35.00/hr, \$270.00/day			
538	Foyer upstairs	\$35.00/hr, \$270.00/day			
539	Side yard	\$35.00/hr, \$270.00/day			
540	Downstairs studio/kitchen	\$20.00/hr, \$150.00/day			
541	Downstairs meeting room	\$20.00/hr, \$150.00/day			
542	Entire facility	\$125.00/hr, \$980.00/day			
543	Private party deposit (refundable/excludes weddings)	\$500.00			
544	Wedding Fee (includes rental and planning services)	\$2,000.00			
545	Private Party room rental	\$25/hr or \$190/day			
546	Any event with alcohol	\$75.00/event additional			
547	Discounts available (one/agreement)				
548	Local nonprofit (501(c)3, church, school, etc.)	50% discount			
549	Moab-area local multi-day rentals	20% discount			
550	Moab-area local private party	10% discount			
551	Moab City employee	20% discount			
552	Equipment rentals				
553	PA/sound system	\$75.00/day			
554	Digital projector	\$25.00/day			
555	Screen	\$20.00/day			
556	Tables (included if renting space)	\$10.00/day/table			
557	Chairs (included if renting space)	\$2.00/day/chair			
558	Easels (included if renting space))	\$2.00/day/easel			
559	Yoga mats and blocks	\$1.00/piece/day			

560	3.50.230	Moab Recreation and Aquatic Center Fees		
561				
562	Aquatic Only or Fitness Only			
563	Daily admission	Resident	Non-resident	
564	3 & under	Free	\$1.00	
565	Youth 4-17 individual (aquatic)	\$3.00	\$5.00	
566	Youth 14-17 individual (fitness)	\$3.00	\$5.00	
567	Adult 18+ individual	\$5.00	\$10.00	
568	Senior 55+ individual	\$3.00	\$5.00	
569	Family up to 6	\$15.00	\$30.00	
570	(14+ allowed in Fitness)			
571	Annual pass			
572	Youth 4-17 individual	\$115.00		
573	Adult 18+ individual	\$170.00		
574	Senior 55+ individual	\$125.00		
575	Adult couple	\$250.00		
576	Senior couple	\$200.00		
577	Family up to 6	\$320.00		
578	(14+ allowed in Fitness)			
579	Additional family member	\$50.00		
580	Summer season pass			
581	Youth 4-17 individual	\$75.00		
582	Adult 18+ individual	\$100.00		
583	Senior 55+ individual	\$75.00		
584	Adult couple	\$150.00		
585	Senior couple	\$115.00		
586	Family up to 6	\$200.00		
587	(14+ allowed in Fitness)			
588	Additional family member	\$40.00		
589	6-month pass			
590	Youth 4-17 individual	\$90.00		
591	Adult 18+ individual	\$120.00		
592	Senior 55+ individual	\$90.00		
593	Adult couple	\$170.00		
594	Senior couple	\$130.00		
595	Family up to 6	\$210.00		
596	(14+ allowed in Fitness)			
597	Additional family member	\$40.00		
598	3-month pass			
599	Youth 4-17 individual	\$70.00		
600	Adult 18+ individual	\$85.00		
601	Senior 55+ individual	\$70.00		
602	Adult couple	\$135.00		
603	Senior couple	\$110.00		
604	Family up to 6	\$165.00		
605	(14+ allowed in Fitness)			
606	Additional family member	\$30.00		
607	Monthly			
608	Youth 4-17 individual	\$35.00		
609	Adult 18+ individual	\$45.00		
610	Senior 55+ individual	\$35.00		
611	Adult couple	\$70.00		
612	Senior couple	\$50.00		
613	Family up to 6	\$85.00		
614	(14+ allowed in Fitness)			
615	Additional family member	\$10.00		
616	25-punch card			
617	Youth 4-17 individual	\$60.00		
618	Adult 18+ individual	\$100.00		

619	Senior 55+ individual	\$60.00	
620	1-week family aquatic only pass	\$100.00	
621	Aquatic and Fitness Combined		
622	Daily admission		Resident Non-resident
623	3 & under		N/A N/A
624	Student 14-17 individual	\$5.00	\$7.00
625	Adult 18+ individual	\$7.00	\$15.00
626	Senior 55+ individual	\$5.00	\$7.00
627	Family up to 6		
628	(14+ allowed in Fitness)	\$20.00	\$40.00
629	Annual pass		
630	Youth 14-17 individual (fitness)	\$185.00	
631	Adult 18+ individual	\$275.00	
632	Senior 55+ individual	\$200.00	
633	Adult couple	\$410.00	
634	Senior couple	\$320.00	
635	Family up to 6	\$500.00	
636	(14+ allowed in Fitness)		
637	Additional family member	\$65.00	
638	Summer season pass		
639	Youth 14-17 individual	\$115.00	
640	Adult 18+ individual	\$145.00	
641	Senior 55+ individual	\$115.00	
642	Adult couple	\$225.00	
643	Senior couple	\$180.00	
644	Family up to 6	\$300.00	
645	(14+ allowed in Fitness)		
646	Additional family member	\$50.00	
647	6-month pass		
648	Youth 14-17 individual	\$125.00	
649	Adult 18+ individual	\$175.00	
650	Senior 55+ individual	\$125.00	
651	Adult couple	\$265.00	
652	Senior couple	\$210.00	
653	Family up to 6	\$325.00	
654	(14+ allowed in Fitness)		
655	Additional family member	\$55.00	
656	3-month pass		
657	Youth 14-17 individual	\$100.00	
658	Adult 18+ individual	\$135.00	
659	Senior 55+ individual	\$100.00	
660	Adult couple	\$210.00	
661	Senior couple	\$165.00	
662	Family up to 6	\$265.00	
663	(14+ allowed in Fitness)		
664	Additional family member	\$45.00	
665	Monthly		
666	Youth 14-17 individual	\$50.00	
667	Adult 18+ individual	\$65.00	
668	Senior 55+ individual	\$50.00	
669	Adult couple	\$105.00	
670	Senior couple	\$85.00	
671	Family up to 6	\$135.00	
672	(14+ allowed in Fitness)		
673	Additional family member	\$15.00	
674	25 punch card		
675	Youth 14-17 individual	\$100.00	
676	Adult 18+ individual	\$135.00	
677	Senior 55+ individual	\$100.00	

678	Annual corporate membership	Regular	Org size 4-9	Org size 10+	
679	Adult 18+ individual	\$275.00	\$250.00	\$235.00	
680	Senior 55+ individual	\$200.00	\$175.00	\$160.00	
681	Adult couple	\$410.00	\$365.00	\$350.00	
682	Senior couple	\$320.00	\$265.00	\$250.00	
683	Family up to 6 (14+ allowed in Fitness)	\$500.00	\$440.00	\$415.00	
684	Additional family members	\$65.00	\$65.00	\$65.00	
685	MRAC classes		Resident	Non-resident	
686	Swim lessons		\$40.00	\$40.00	
687	Jr. Lifeguard course		\$25.00	\$30.00	
688	Class 20-punch pass - members		\$45.00	\$45.00	
689	Class 20-punch pass - non-members		\$75.00	\$75.00	
690	Drop-in Fee - members		\$3.00	\$3.00	
691	Drop-in Fee - non-members		\$5.00	\$5.00	
692	Other fees				
693	Shower fee	\$7.00			
694	Child Care – individual	\$5.00			
695	Swim Club Registration Fee	\$60			
696	Locker Rentals	\$10/mo	\$25/3 mo	\$100/yr	
697	Room Rental Fee	\$25/hr			
695	Wibit Rental Fee	\$25/rental			
696					
697					
698	3.50.240	City Sports Fees			
699					
700	First Kicks 3-4 yrs old	\$20.00			
701	Spring soccer 5 yrs old-4 th grade	\$40 + \$10 uniform			
702	Spring soccer 5 th grade-8 th grade	\$60 (uniform included)			
703	Spring youth volleyball 3 rd -8 th grade	\$50 reg + \$30 uniform			
704	Li'l Tykes T-ball 3-4 yrs old	\$20.00			
705	T-ball kindergarten	\$40.00			
706	Coach pitch boys 1 st + 2 nd grade	\$45.00			
707	Coach pitch girls 1 st + 2 nd grade	\$45.00			
708	Baseball/softball 3 rd -8 th grade	\$80.00			
709	Adult soccer 15+	\$25.00			
710	Frisbee golf tournament 15+	\$25/person , \$40/team			
711	Adult softball league 15+	\$275/team			
712	Adult pickleball tournament 15+	\$50/individual, \$75/team			
713	Fall youth soccer 5 yrs old - 3 rd grade	\$40.00			
714	Tackle football 4 th - 7 th grade	\$85.00			
715	NFL flag football 1 st - 4 th grade	\$50.00			
716	Fall youth volleyball 3 rd - 6 th grades	\$45.00			
717	Adult flag football 15+	\$150/team			
718	Adult Volleyball 15+ (winter/summer)	\$30/season (drop-in)			
719	Adult volleyball league 15+	\$150/team			
720	Adult basketball league 15+	\$100/team			
721	Adult spring basketball tournament 15+	\$100/team (discount with			
722	Jr. Jazz basketball 3 rd - 6 th grades	\$65 (includes full uniform)			
723	Youth indoor soccer 7 th - 12 th grades	\$45.00			
724	Adult indoor soccer 15+	\$30/season (drop-in)			
725	Ultimate frisbee 15+	\$10.00			
726	Ultimate frisbee tournament 15+	\$75.00/team			
727					
728					
729	3.50.250	Dogs and Cats			
730					
731	Annual fee for unneutered or unspayed dogs and cats				
732		\$25.00			
733	(May be waived for in-service or assistant dogs)				

734	No fee for lifetime license of neutered dogs and cats.	\$0			
735	Replacement tag for dogs and cats	\$25.00			
736	Breeder	\$100.00 annually			
737	Guard dog permit	\$100.00 plus applicable registration fee			
738					
739	Expires in one year. Not transferable to any other location.				
740	Impoundment fees for dogs and cats; fines for no tag. May be applied to	Cats: \$30.00 + \$5.00/day of			
741	the cost of spaying or neutering the dog or cat.	Dogs: \$30.00 + \$10.00/day of			
742	Impounded, registered, unspayed or unneutered dog or cat, taken 2 times	\$50.00 refundable deposit, if			
743	Shelter relinquishment fees				
744	Cats if altered and current on rabies vaccination	\$25.00			
745	Cats if unaltered and not current on rabies vaccination	\$50.00			
746	Cats if altered and not current on rabies vaccination	\$35.00			
747	Dogs if altered and current on rabies vaccination	\$35.00			
748	Dogs if altered and not current on rabies vaccination	\$45.00			
749	Dogs if unaltered and not current on rabies vaccination	\$45.00			
750	Presentation of strays at shelter	First two presentations of			
751					
752	(One mother dog with puppies or one mother cat with kittens counts as	Presentation of strays after			
753	Adoption fees				
754					
755	(Deposit is refundable upon presentation of proof of spay/neuter and				
756					
757	Altered and current on rabies vaccination	\$35.00			
758	Unaltered and not current on rabies vaccination	35 + \$50 deposit			
759	Altered and not current on rabies vaccination	\$35.00 + \$25.00 deposit			
760	Rabies quarantine at shelter	\$15.00/day of quarantine			
761	Rabies deposit at shelter.				
762		\$25.00			
763	For all animals released without current rabies vaccination. Deposit is				
764	Rabies vaccination performed at shelter	\$25.00			
765	Veterinary fees for reclaimed animals	Owners of reclaimed animals			
766					
767					
768	3.50.260	Miscellaneous Fees			
769					
770	Check given as payment to City that is returned for insufficient funds	\$25			
771	Late Payment Penalty – assessed ten days after payment due date	Commercial Accounts –			
772		Residential Accounts -			
773	Finance charge on accounts receivable that are over 30 days past due	5% or \$5/month, whichever is			
774	Designation of historic structure	\$75 + public notice expenses			

Moab City Council Agenda Item
Meeting Date: November 9th, 2021

Title: Water Conservation Plan Update

Disposition: Discussion and direction

Staff Presenter: Mila Dunbar-Irwin

Attachment(s):

Water Conservation Plan

Water Conservation Plan redline - Introduction and Sections 6.2a and 6.2b (added)

Recommended Motion:

None. Discussion and direction.

Background/Summary:

The State required Water Conservation Plan Update is due to be adopted before the end of 2021. The Council has seen this plan in draft form at previous meetings, and heard public comment today prior to this item.

This is the final opportunity for Council feedback prior to the final version of the plan to be presented for a vote at the December 14th meeting.

Councilmember Jones has proposed the attached redline version of the Introduction and Section 6.2 as an alternative to the way the conservation goals would be met. The alternative proposes stepwise goals which would take effect as the state steps up their commitments to conservation through building code amendments and funding. This alternative could be adopted as part of the final plan or as an amendment in the future if the Council is not ready to make that change at this stage.



Water Conservation Plan Update 2021

City of Moab

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Acknowledgements

This plan was written as a joint effort between City Staff, the Water Conservation and Drought Management Advisory Board, and the Moab City Council. City staff included Mila Dunbar-Irwin, Chuck Williams, Mark Jolissaint, Levi Jones, Carly Castle, Marcy Mason, and Ben Billingsley. Contributors from the Water Conservation and Drought Management Board were Jeremy Lynch, Eve Tallman, Arne Hultquist, Mike Duncan, Kara Dohrenwend, and Steve Getz. Other contributors include Elaine Gizler and Dave Engleman. City Council and Mayor were Emily Niehaus, Mike Duncan, Tawny Knuteson-Boyd, Rani Dersary, Kalen Jones, and Karen Guzman-Newton.

FOREWARD

Water is the lifeblood of Moab, as for all cities. Over a century ago the consistent flow of Mill Creek, fed by reliable snowfall in the La Sal Mountains, allowed the establishment of Moab as an agricultural community. Over the subsequent decades, changing land use, increased water consumption, multi-year droughts, and scientific study of Moab's aquifer has led to better understanding of the value, limitations of, and risks to Moab's water supply. While this Plan is driven in part by state requirements, ultimately it is a response to the City's responsibility to plan for the long-term well-being of its residents, businesses, and customers. To that end, it lays the groundwork to prepare for a future, that while it may be water constrained, still provides the many benefits that continues to draw people to this desert oasis. Including a healthy urban forest, local food production at all scales, and attractive residential and commercial landscapes.

-Moab City Council, 2021

INTRODUCTION

The City of Moab 2021 Water Conservation Plan has been prepared to comply with the Utah Water Conservation Plan Act of 1998 amended in 2004 with HB71 Section 73-10-32. Statute requires that every Utah water conservancy district and water retailer adopt a Water Conservation Plan every five years and file the plan with the Utah Board of Water Resources. This 2021 Water Conservation Plan Update presents updated data for water supply and demand, trends, future growth and consumption projections, and proposes policies and actions to achieve regional conservation goals.

The Regional Water Conservation Goal for the “Upper Colorado River” area (Carbon, Emery, Grand, and San Juan Counties) is 20% by 2030, from an average of 333 gallons per capita per day (GPCD) to 267 GPCD. Moab is close to this goal and is currently at 278 GPCD according to 2020 population estimates. The 2020 Census data will be available in 2022, at which time, the City will have a more accurate resident number, and it is likely the actual GPCD will be lower.

The City proposes to meet and exceed the Regional Goal by setting a new goal of 230 GPCD by 2030. This represents a 50% decrease in outdoor landscape irrigation and would result in the total volume of residential water use staying the same, while still accounting for the projected increase in population. A goal of 230 GPCD by 2030 is a representation of the water conservation values of the community and an effort to keep water use at a safe level to ensure a sustainable quality of life for the City of Moab and its environs.

To meet this goal, the City plans to implement a suite of water conservation measures including policies, outreach, infrastructure improvements, and water resource management planning. Proposed policies include regulating landscapes and turfgrass for new development, water wise development standards, and re-landscape incentives. Outreach and education for current residents as well as making technical resources and expertise available are a key component of meeting the City’s goal. The City has committed to system upgrades which will be completed over the next five years and have the potential to reduce loss and improve efficiency, as well as development of a new source (well). In addition, the City is embarking on a water resource management planning effort in coordination with other local water providers who share the groundwater supply, to make smart decisions now and prevent shortages in the future. Underpinning all these efforts is on-going research by state, local, and federal agencies to improve data accuracy and forecasting.

Data for this plan comes from ongoing studies by the Utah Division of Water Rights (UDWRi), the United States Geological Survey (USGS) and the Utah Geological Survey (UGS) as well as the City and neighboring water users, Grand Water and Sewer Service Agency (GWSSA), and Moab Irrigation Company (MIC). Population data was derived from the 2010 US Census and Census.gov estimates.

SECTION 1: SYSTEM PROFILE

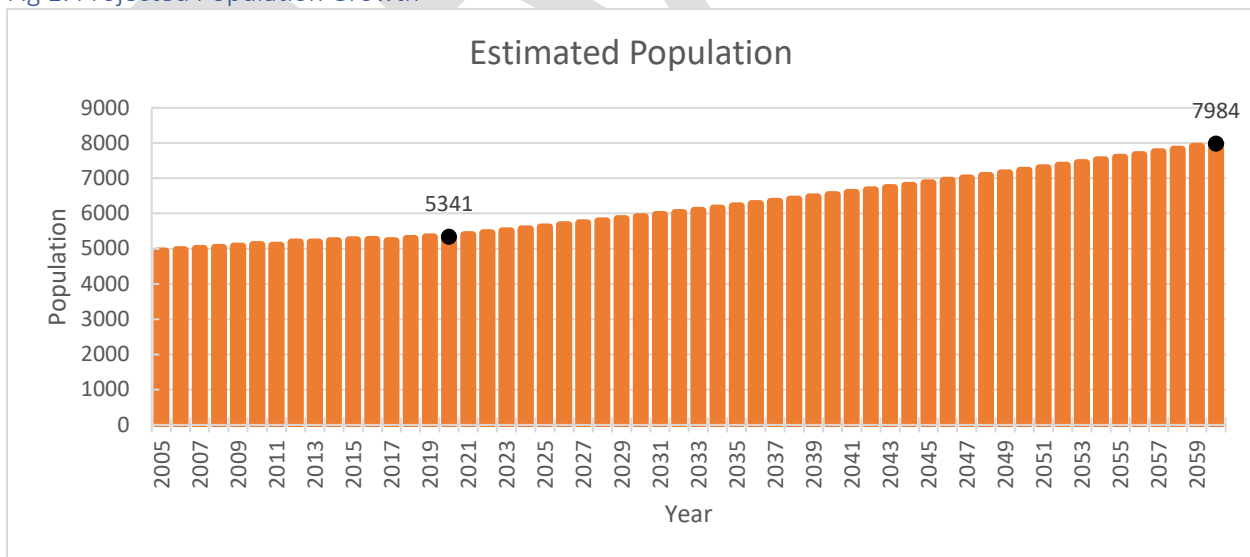
1.1 History, Government and Population

The City of Moab was incorporated in 1902 and is the largest city in Grand County. The City of Moab has a Council-Manager form of government, with five elected Council members, a separately elected Mayor, and an appointed City Manager.

The semi-arid climate of Moab is characterized by hot summers and cold winters, with 9.5 inches of precipitation per year. Moab has been known for ranching and agriculture, uranium mining, film production and tourism over the decades. The area serves as a gateway to Arches and Canyonlands National Parks, Bears Ears National Monument, the Colorado and Green Rivers and the La Sal Mountains. It is home to world-renowned mountain biking, hiking and 4x4 trails, and the area hosts millions of visitors each year. Dramatic upticks in visitation in the past decade have resulted in explosive development of tourist amenities such as overnight accommodations. This transient population makes water planning more complicated and can be a point of contention for those concerned that our GCPD does not differentiate between visitors and residents, resulting in each resident being “responsible” for some portion of the tourism impact. Please see Section 6, Water Conservation, for more details.

The resident population of the City has slowly grown over the past ten years, with an average estimated growth rate of 1.01% / year. Current resident population is estimated at 5,341 using this assumed growth rate and will be updated with the 2020 Census data available in 2022. The greater Spanish Valley area, including northern San Juan County, sits at around 10,000 people, including the City of Moab. This is the most useful population number for long-term water resource management planning, as these are the total users of the water supply. Moab City alone could see an increase of approximately 2,500 people in the next 40 years, if the average growth rate stays the same.

Fig 1. Projected Population Growth



However, build-out projections are complex, and have many different scenarios based on current zoning, potential zone changes, types of uses, and possible future regulations such as

water availability. 2020 Census data may be higher than the previous growth rates, and post-covid, Moab seems to have undergone a boom in popularity if the housing market is any indication of current residential demand.

There are currently 240 undeveloped properties within City limits, representing 725 buildable acres (there are 1116 vacant acres, but the remaining 391 acres are unbuildable due to natural hazards). Approximately 30% of these are zoned for commercial uses. The lowest end of the build-out scenario is one single-family dwelling on each residentially zoned property and non-residential uses on the others, which adds only about 223 people (using an average of three people / household) to the projected population. The build-out number gets much higher assuming each property uses their total density allowance, and higher still if any are rezoned to zones allowing more density than currently permitted. With a medium scenario, where every vacant residential property is subdivided and developed to the maximum density allowed by current zone (excluding multi-family options), then there are 3,000 new units built, and approximately 9,000 more people.

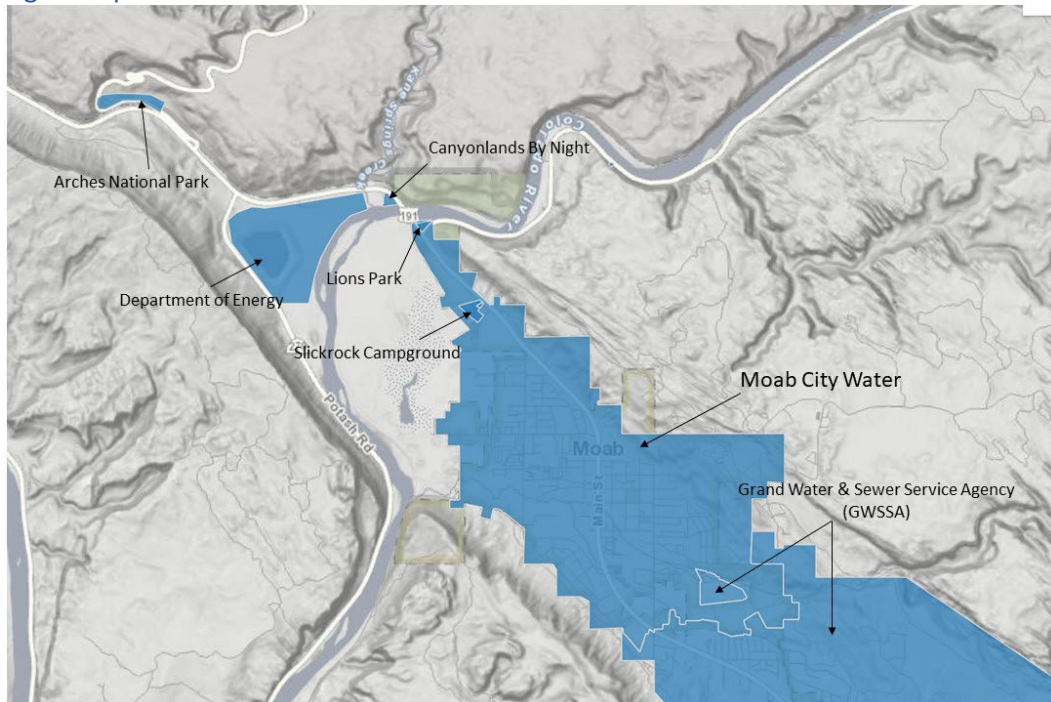
The City is currently looking into these various scenarios to develop smart land use policy based on limited resources and community desires. The matter is complicated further by the addition of other water users outside City limits who share the aquifer – residents of both Grand County and San Juan County. Acknowledging this reality is the inspiration behind the initiation of the Moab Spanish Valley Water Providers Coalition, a water resource management planning group to be convened later in 2021.

It is impossible to address the population of Moab without representing tourism. Though the City only has around 5,000 permanent residents, the area (including Spanish Valley) sees more than a million visitors per year, many of which stay at least one night in the many overnight accommodations available in both City limits and Grand County.

1.1 Water governance structure

The City of Moab is the sole provider of culinary water to all City residents and businesses. The Moab Irrigation Company provides some irrigation water to its members in town, and Grand Water and Sewer Service Agency serves residents outside of City limits. There are a few exceptions such as the new Utah State University campus which will be within the City but served by GWSSA. City of Moab water is supplied, delivered, and billed by City staff within the Public Works, Engineering, and Treasurer's departments.

Fig. 2 Map of Current Service Area



1.2 Water Distribution System

The Moab City culinary water system is fed by six sources: two wells and four springs. One additional well is currently being developed and should be on-line in 2022. Source water is stored in three tanks with a total capacity of 3.0 MG, with one additional tank scheduled for construction in the next several years. Approximately 52 miles of pipes, ranging in size from 4 to 21 inches in diameter, distribute water from the storage tanks throughout the City's service area.

The City's water delivery network comprises three pressure zones. The three zones are referred to as the Lower, Middle, and Upper Zones, with the names corresponding to the relative elevations served by each pressure zone. In general, the topography in Moab slopes toward the Colorado River. Therefore, the Lower Zone is on the northwest side of the City, closest to the Colorado River, with the progressively higher Middle and Upper Zones located to the southeast. These zones are separated with pressure reducing valves (PRVs). Due to PRV interconnections between pressure zones, excess storage located in higher zones can be applied to zones that are low. See Section 2 for volume and supply information.

Table 1. Number and Type of Connections in 2020

Type of Connection	Number in 2020
Residential	1,773
Commercial	430
Institutional	60
TOTAL	2,263

The City's water system operates as an Enterprise Fund in which fees are charged to users of the system to pay for the costs. The Water Fund revenue sources consists of water base and usage fees from residential and commercial customers, bulk water sales, water impact fees, and proceeds from debt service secured by water rates. In April of 2021 the water revenue was used to secure a bond to enable the City to complete a backlog of necessary water related projects in the next five years, including developing a new well, Well #12. These projects also include water line improvements along Mill Creek Drive, a new two-million-gallon storage tank on Spanish Valley Drive, and various optimization projects on existing facilities. The Water Department keeps up on leak and loss maintenance regularly (see Section 4).

1.3 Wastewater Treatment System

The new Wastewater Reclamation Facility was built and became operational in 2019, saving the City 200,000 gallons of water per month, on average. There is an opportunity to upgrade the treatment system so that water flowing through the plant could be discharged into the Matheson Wetlands and re-used once again before joining the Colorado. As water management between providers in the Valley and ecological concerns are brought to the table, this may become a path the City chooses to take.

SECTION 2: SUPPLY

2.1 Sources – Aquifers, Surface Water, and Water Rights

2.1.1 History

As desert country first settled by Europeans in the mid-19th century, Spanish Valley with the La Sal mountains to the east looked like a water-secure place for the foreseeable future. That changed in the mid-1950s with the uranium boom and a sudden influx of people. Moab and Spanish Valley grew to about 3000 people at that point, and then it changed again for good with the creation of Arches and Canyonlands National Parks, and the outdoor recreation economy. The County has since grown to 10,000 permanent residents and shows no signs of slowing.

Besides Moab City, several water providing entities share one valley, one mountain range and two very complex aquifers, and are facing a finite water supply. Private rights holders, Moab City, Grand County, Moab Irrigation Company (a non-profit irrigation company with senior rights to much of the valley's surface water), and the northern end of San Juan County all share, cooperate, and compete for both agricultural irrigation supply and domestic culinary water. There is wide-spread sentiment that the state has over-allocated water rights, particularly in the light of recent research and climate change projections. Recently the focus has changed from "Who has rights?" to "Are we at safe yield?" a relatively recent state prohibition against mining aquifers.

The state's Division of Water Rights is nearly finished conducting a three-year adjudication process, an effort to put unused water rights back in the public domain. After this process is completed, the paper water rights should match wet water a little better, though the over-allocation issues remain.

The Water Conservation and Drought Management Board was created after the adoption of the 2016 Water Conservation Plan and has worked to address some of the issues facing the Valley in the intervening years. With the publication of several research efforts and the extreme drought declaration during 2021, water has come more to the forefront of public conversation. There is more community urgency to increase efforts to integrate conservation practices and initiate cooperative long-range planning. It is no longer time to pretend we are separate – the water flows underground and is used by all. Hopefully, with a constructive process and good leadership, there will be an agreement reached regarding a number for “safe yield,” whether that is a number codified by the State Engineer or a number that the water providers agree on remains to be seen. With current science limited by available data, and study conclusions still presenting a wide range of available water, it seems prudent to wholeheartedly embrace the precautionary principle and make conservative estimates now to preserve water supply for an uncertain future.

2.1.2 Aquifer and surface water descriptions and maps

During the last several years the City, GWSSA and several other concerned entities funded a USGS study to help better understand the aquifers in our area (citations here). The City of Moab also hired a consulting firm, Hydrologic Systems Analysis, LLC, to further understand this very complex system. The study is available by request at the City.

Due to the complexity of the aquifers fed by snowmelt from the La Sal Mountains there is not complete agreement on exactly how the system functions, and there is still a wide range in the estimates of how much water is in the aquifer and what the recharge rate is. This discussion is ongoing in the community and will be a part of groundwater management planning efforts.

In the 1970’s the total water budget including the Glen Canyon Group Aquifer (GCGA) and the Valley Fill Aquifer was about 20,000 acre-feet per year, as estimated by the USGS. In 2018 the USGS completed a more extensive set of field measurements and reduced its budget estimate to 11,000-13,000 acre-feet. In 2020, a *Journal of Hydrology* (pre-publication but peer-reviewed) article by one of the previous USGS authors using extensive geo-chemistry tracing and age-dating techniques estimated the annual GCGA recharge (deep portion) at less than 4000 acre-feet. This is the current culinary water source for the City. If this number holds up to scientific scrutiny and usefully narrow error bounds, it is approximately what is being withdrawn from the GCGA to serve current demand. This would have significant ramifications for both land use planning and conservation practices.

The complexity of our sub-surface aquifer not only makes quantifying available water difficult, but it also means our water supply is relatively invisible to residents and visitors alike. Conservation of a resource that may only be understood to be gone when wells run dry creates a challenging conservation planning atmosphere. The City of Moab and others in the community can lead the conversation about understanding our water system, how we are working to ensure the security of our water supply, and how every resident can help through water conservation.

Table 2. SUPPLY CATEGORIZED BY TYPE of SOURCE

	5-yr average	2016 (2,388 AF)	2017 (2,540 AF)	2018 (2,478 AF)	2019 (2,264 AF)	2020 (2,218 AF)
Springs	1,444.01	1,386.32	1,506.30	1,439.42	1,265.64	1,321.94
Wells	1,024.47	1,001.18	1,033.48	1,038.74	997.86	896.44

2.2 Secondary Water (Irrigation Sources)

2.2.1 Moab Irrigation Company

Moab Irrigation Company (MIC) is a non-profit organization founded circa 1890 which has senior water rights to almost all the water in the Mill Creek drainage, including North Fork, which is usually around 6,000 acre-feet per year. Headwaters of both branches of Mill Creek are high on the west side of the La Sal mountains. Mill Creek is the principal drainage supplying water to Spanish Valley.

There are three diversions in the upper reaches of Mill Creek that supply water to three ditches – Wilson Mesa, South Mesa, and Horse Creek – for agricultural and irrigation uses. There is another large diversion, discussed below, supplying water through Sheley Tunnel to Ken’s Lake, which is a reservoir supplying irrigation water to upper valley users.

There are three more diversions on Mill Creek below its confluence with North Fork. The two lower dams are near each other and not far from the intersection of Spanish Valley Drive and Powerhouse Lane. The uppermost dam of this group supplies mostly small farms on the southeast edge of the city. The remaining two dams supply two "ditches" (long since replaced by closed plastic piping) that stretch from east to west across Moab City. The users on these ditches are more than a hundred of mostly urban landscapers who enjoy relatively inexpensive irrigation water compared to what it would cost to irrigate with City culinary water. Delivery takes advantage of the steady downhill grade to the west to hydrostatically pressurize the pipelines; no pumps are used. The majority of these users flood irrigate their properties.

Since 1980, all flow (except a BLM required 3 cfs minimum in-stream flow) in Mill Creek is diverted by Grand Water and Sewer Service Agency (GWSSA) into Ken's Lake where it is used for irrigation in the upper valley. *[A hydrologist employed to study the City’s culinary water supply asserts that this reduced (since 1980) stream flow has detrimentally reduced the city’s production from its springs and wells at the golf course as well as Skakel Springs farther north along a NW trending Kayenta fault line.]* MIC charges GWSSA for this diverted water, and in turn if MIC wishes to augment its city pipelines in late summer (a common occurrence in recent frequent drought years) when Mill Creek flow is low, GWSSA charges MIC for water pumped from Valley Fill Aquifer wells in the same geographic area as MIC diversions. Ken's Lake also owns many MIC shares, for which it pays an assessment fee like any other MIC shareholder.

In summer, MIC frequently takes all Mill Creek flow at its two lower dams to serve its users, leaving Mill Creek almost dry, particularly in the daytime when more people are watering than they do at night. Water does seep back into the creek below the lower dam so that by the time Mill Creek crosses Main Street (Hwy 191) there is some flow back in the creek bed. The aesthetics and ecological amenity of leaving some modest flow, ideally even in drought years, in

the creek all the way through town is desirable, but there's not enough water to serve MIC customers and leave some in the creek unless water distribution can be made more efficient. Doing so is certainly possible, but it requires considerable upgrade to both MIC and user systems with technologies such as pumps, timers, tanks, automated diversion dams and automated valves. Surface water is messy to handle, involving foreign material such as sand, limbs, leaves and beavers, making the situation more complicated.

Similarly, the idea surfaces periodically of using MIC water, its pipelines, or at the least its right-of-way through town to grow a secondary municipal water system. This is possible, but likely means converting MIC from a non-pressurized to a pressurized, metered system, which is not currently in City or MIC budgets.

2.2.2 The Colorado River

Another potential secondary irrigation system is surface water out of the Colorado River. The City of Moab has the opportunity to conserve culinary water and add non-potable supply for outdoor irrigation needs by converting some of the groundwater rights to surface water from the Colorado. Developing this system would cost many millions of dollars and take years of planning and infrastructure installment and is not within the scope of City capital improvement projects at the moment. However, to further conserve culinary water supplies, this development could be well warranted in the future.

2.3 Water Rights

The City of Moab holds 8,795AF in water rights currently, the vast majority of which are groundwater rights.

SECTION 3: WATER MEASUREMENT

3.1 Water Measurement Methods and Practices

Moab city uses Neptune R900i T-10-gal water meters. All water source production meters are read daily for data collection and all customer-based meters are read at the beginning of each month for billing. Malfunctioning meters are tested and replaced immediately as they are discovered. If a meter is suspected of reading inaccurately it is removed and tested prior to replacement or repair.

Rough estimates on meter size deviance range are 5/8" - 90%, 1" 2-4%, 2" 2-4%, 3" 1-2%, 4" 1% and 6" less than 1%. Enough meters are kept on hand to keep up with replacements and cold winters. In 2014-15 an exceptionally cold winter, with average temps below 0 at night and single digits during the day for 3-4 weeks, resulted in replacement of roughly 175 frozen meters and 24 frozen service lines that need thawing and / or replacing. In 2020 only two frozen meters needed replacement and there were no frozen service lines. We expect winters to continue to warm, though slowly.

Connection and impact fees are assessed for each new connection based on the size of connection and its usage classification. New developments and meter sizes are engineered according to ERC's (Equivalent Residential Connection).

All water measurements are reported to the State DWR as required.

SECTION 4: SYSTEM WATER LOSS

4.1 Water Loss

There was approximately 550 acre-feet of water, or about 20%, lost between production and metered connections in 2020, which is typical for recent years. The City engineering and public works team attributes this loss to four possible causes:

1. Dispersed Leaks: individual leaks may be too small to be noticed but taken together could have a significant effect. Water lines are in various types of soils, some of which may be able to absorb a slow leak for a long time without evidence showing.
2. Water Line Breaks: these are repaired quickly, but large amounts of water can be lost during the leaking period.
3. Unmetered Connections: there may be older connections that are yet unmetered.
4. Fire Hydrant Exercise: Public Works exercises fire hydrants on a schedule, and the water expelled is not metered.

4.2 Leak Detection and Repair

Moab City has four full time Water Department personnel directly supervised by the Public Works Director. They work around the clock to provide safe drinking water for the City of Moab. They monitor and perform regular maintenance on the water production and treatment process daily and make necessary repairs immediately. They have a SCADA system that monitors and controls various parts of the water system remotely from a desktop computer or a phone app with full control of all the pumps in the system. This means they can see intrusion alarms and all the tank levels in real time.

The Water Department takes leaks seriously and responds immediately to all identified issues, making a conscious effort to lose the least amount of water possible during repairs. Staff are always on high alert and inspecting the water system for leaks and have personnel on-call 24/7 through local dispatch through the Sheriff's office or by the on-call number (435)210-1982. The City Water Department responded to 35 water leaks in 2020 and completed repairs on eight water mains and 22 service lines.

The Treasurer's Office and Water Departments work closely together on water conservation. The Water Department reads all water meters, most of which are digitally broadcast, and reports those readings to the Treasurer's Office monthly. The Treasurer's Office identifies high usages through their billing software which creates a re-read list. The Water Department will then verify the unusually high readings on the ground and report the conditions back to the Treasurer's Office. If there is evidence of a water leak the homeowner is notified immediately and work begins on a solution. When the leak is properly fixed, the homeowner can request a rebate on the amount of their water bill caused by the leak. This is intended as an incentive to fix leaks and not simply let them run, although, that has happened in the past, and it may be time to add a penalty for those who do not choose to fix their leaks.

In addition, the Water Department works to educate customers on ways to conserve water. From irrigation watering schedules to overflowing swamp coolers and leaking faucets, they help customers identify high usage areas and come up with solutions.

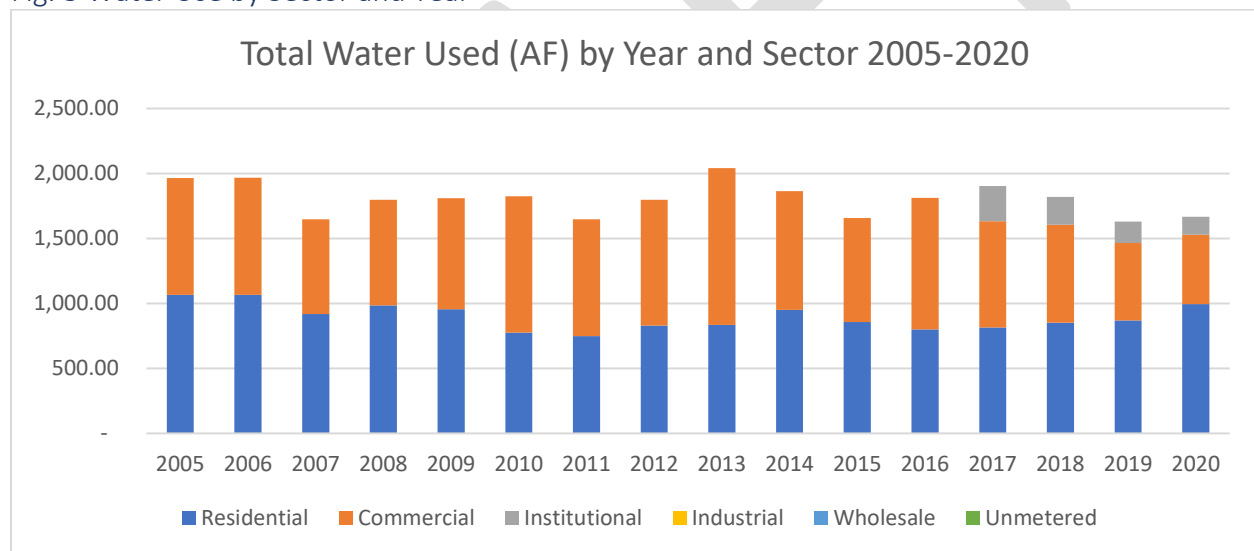
To maintain water quality the Water Department cleans and inspects water storage facilities every five years. They flush low-flow and dead-end lines on a regular basis and upon restoring water after an outage, they flush water mains until free of sand. There is sediment that flows naturally from the springs and settles in main lines due to aging infrastructure. New infrastructure additions strictly follow AWWA water standards. From installation and pressure testing to treatment and sampling all applicable standards are consistently followed to maintain water quality.

SECTION 5: WATER USE

5.1 Water Use

Total water used from 2005 – 2020 has decreased. In recent years, the proportion of water going to commercial uses has begun to decrease in comparison to residential use as well, as the City becomes more built-out and residentially focused, and commercial and agricultural uses move out into Spanish Valley. The City has set the goal of a 50% reduction in outdoor landscape irrigation by 2030 to effectively keep residential draw the same as it is today, regardless of the projected increase in population.

Fig. 3 Water Use by Sector and Year



The City of Moab only began keeping records on non-potable water production and use in 2017. There are only three connections that are considered non-potable water used for irrigation. Well #7 is used exclusively by the Golf Course for spring irrigation to make up for shortfalls when their usual water source (GWSSA) does not have enough supply. They use varying levels per year depending on available surface water. The City Center well is exclusively used for irrigation of City facilities near City Hall, and McConkie spring is a diversion near Old City Park used for irrigation there.

Table 3. Potable vs. Non-Potable Water Use (AF)

SOURCE	2020	2019	2018	2017
City Center Well	1.35	N/A	N/A	N/A
McConkie Spring (Irrigation)	120.00	120.00	120.00	152.03
Well #7 Golf Course (Irrigation)	8.43	18.00	182.70	41.06
Total Per Year	129.78	138.00	302.70	193.09

5.1.1 Water Use – Permanent Residents

Total water use has been trending downwards in the past 15 years, even as population has risen. This is due to shifting uses from commercial and mining towards residential, conversion of agricultural land to residential use, replacement of the old wastewater treatment facility, and likely some water conservation awareness as well. In 2005 the total water used was 1,965 acre-feet and in 2020 the total was 1,667 acre-feet. *The City of Moab aims to keep total water use at or around the current level into 2030, regardless of population growth.*

Fig. 4 Population vs Water Use

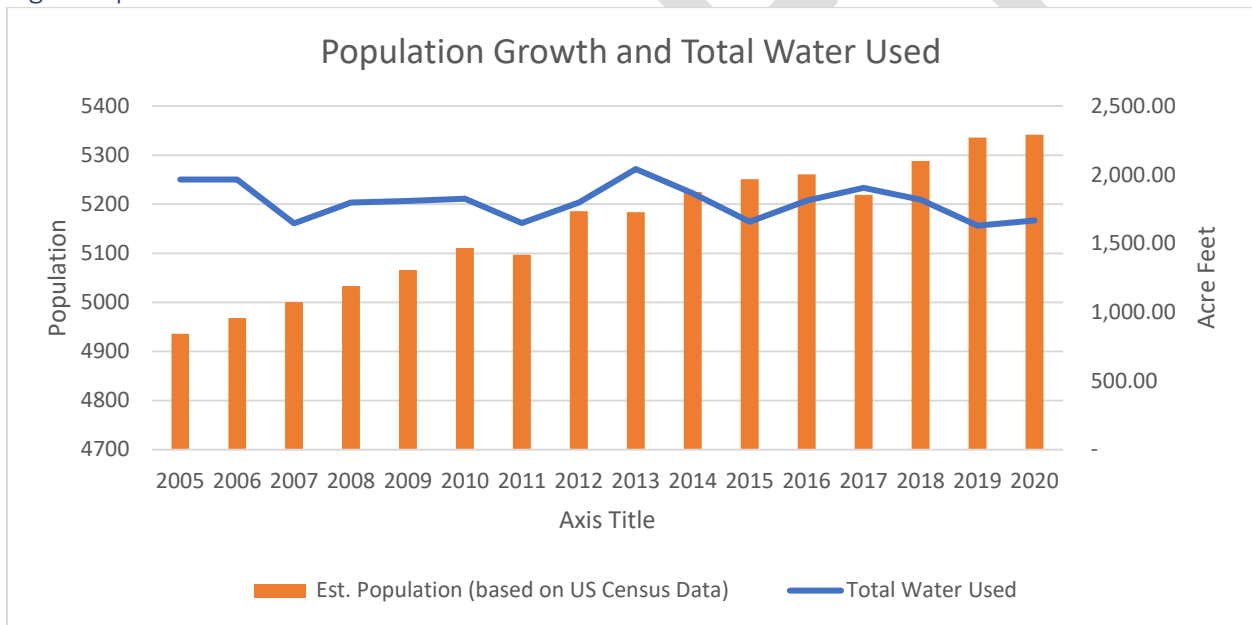


Fig. 5 Gallons per Capita per Day by Type

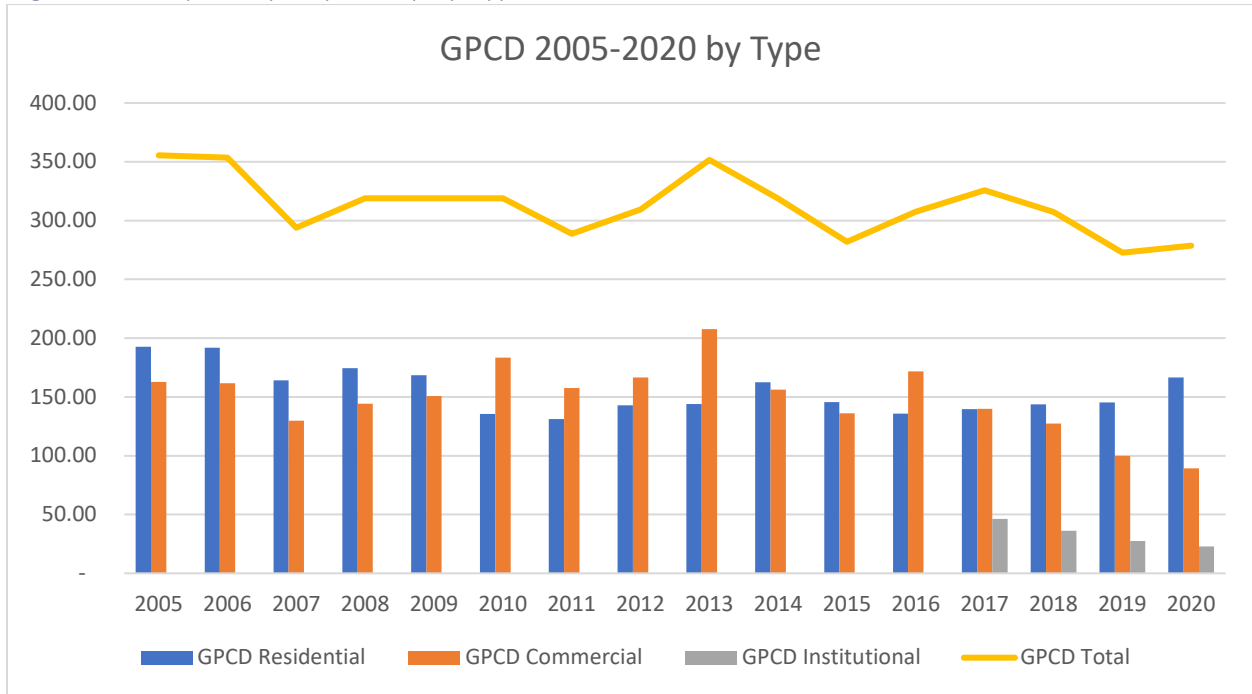


Table 4. Gallons per Capita per Day 2005 - 2020

Year	Population	GPCD Residential	GPCD Commercial	GPCD Institutional	GPCD Total
2005	4936	192.76	162.72	-	355.48
2006	4968	191.78	161.60	-	353.38
2007	5001	164.18	129.78	-	293.96
2008	5,033	174.56	144.34	-	318.89
2009	5,066	168.42	150.65	-	319.06
2010	5,111	135.46	183.40	-	318.87
2011	5,097	131.05	157.60	-	288.64
2012	5,186	142.79	166.56	-	309.35
2013	5,184	143.89	207.67	-	351.56
2014	5,225	162.38	156.24	-	318.62
2015	5,251	145.69	136.18	-	281.88
2016	5,261	135.68	171.73	-	307.41
2017	5,219	139.50	139.97	46.21	325.69
2018	5,288	143.66	127.38	36.12	307.17
2019	5,336	145.33	99.91	27.43	272.67
2020	5,341	166.47	89.23	22.97	278.67

5.1.2 Water Use – Visitors

No discussion of water use in Moab would be complete without addressing the impact of our many visitors. Currently, overnight accommodations account for approximately 16% of the commercial water used. In 2019 (a more typical year than 2020), this was a total of 95AF. Of course, this does not include the proportional use of visitors at businesses which serve mostly tourists such as restaurants and the car wash. This proportional use would be difficult to accurately account for unless individual surveys were taken at each establishment – an effort no one is currently undertaking. Regardless, as visitors increase, we can expect their water usage to increase concurrently unless more conservation measures are implemented at overnight accommodations. Outreach efforts are part of the five-year conservation plan.

5.2 Water Production and Projections

Table 5 Water Produced by Source / Year

Water Source Data (AF)						
	5-yr average	2016 (2,388 AF)	2017 (2,540 AF)	2018 (2,478 AF)	2019 (2,264 AF)	2020 (2,218 AF)
Birch Springs 1,2,3 (WS003)	535.82	515.78	551.85	539.83	503.63	468.42
Sommerville Springs Nos. 1 & 2 (WS001,2)	535.79	518.19	572.11	517.06	472.09	469.22
Well No. 10 (WS010)	529.13	533.68	565.79	487.91	521.26	409.36
Well No. 6 (WS007)	415.20	450.83	426.63	368.13	458.60	478.65
Skakel Springs (WS012)	241.73	232.35	230.31	262.53	169.92	264.30
McConkie Spring (Irrigation, estimated)	130.68	120.00	152.03	120.00	120.00	120.00
Well #7 Golf Course (Irrigation)	80.14	16.67	41.06	182.70	18.00	8.43
Total Per Year	2,468.48	2,387.50	2,539.78	2,478.16	2,263.50	2,218.38

Fig. 6 Water Production Trends by Source

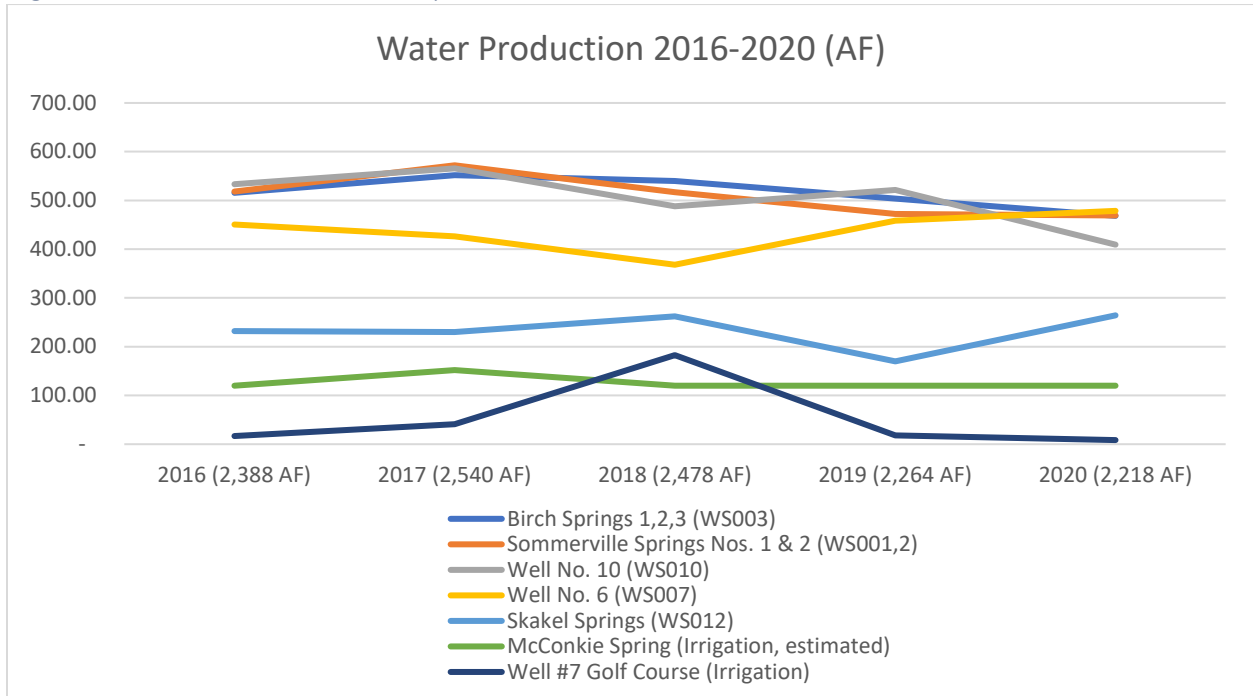


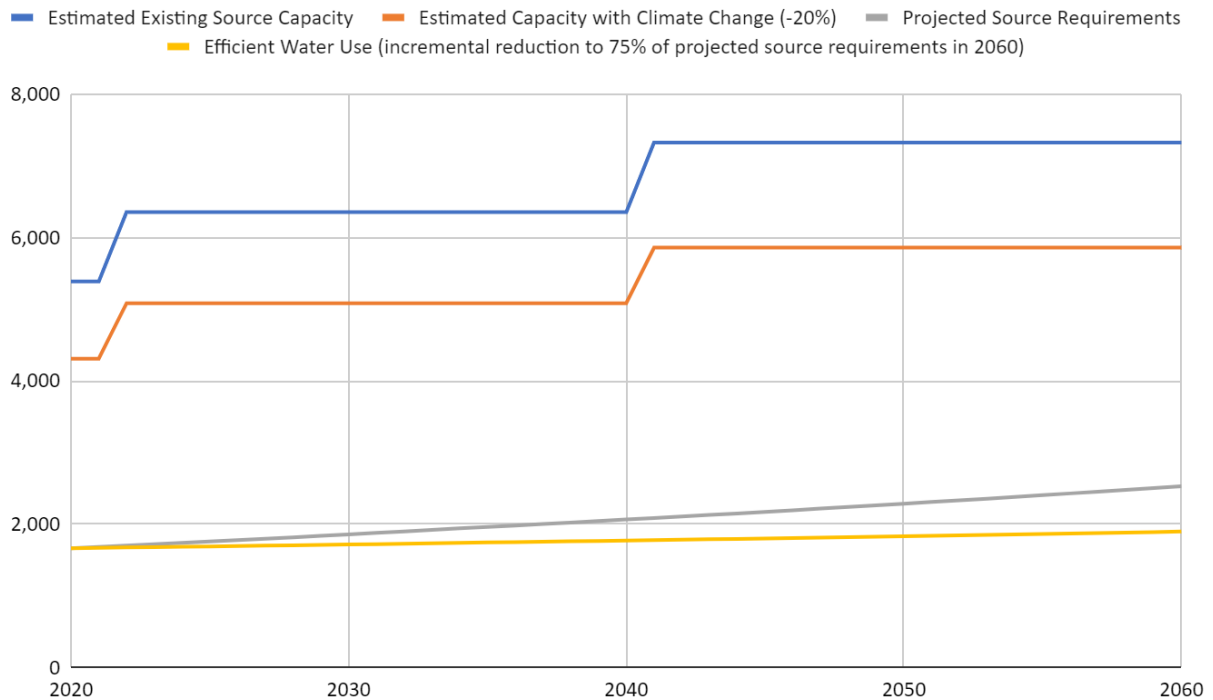
Table 6 – Source Capacity & Future Projections

Future Projections (AF)	
Existing Source Capacity*	5,387.00
Anticipated Source Capacity**	7,323.00
Estimated Water Use 2060	2,532.00
Efficient Use (2060 Water Use reduced 25%)	1,899.00

*Source capacity reported here is based on pump capacity and draw-down tests, *not* on estimates of actual aquifer capacity, which disagree. Therefore, reported source capacity numbers are not in any way representative of a safe-yield number.

Climate Change is anticipated to reduce water supply by approximately 20%, making this number only **5,858AF

Fig. 7 Future Projections (AF)



Under existing conditions, the City has an estimated surplus capacity of 19 gpm during peak day conditions with all sources in operation. However, for the City to have source redundancy such that no single drinking water source is indispensable, about 1,500 gpm of additional source capacity is needed. One potential option for the City to make up a portion of that deficit would be to use Well 7, or another City owned well that is not currently in service within the drinking water system. For one of these wells to be a viable drinking water source, Moab will need to ensure that the well meets all state requirements. In addition, as water from Well 7 is currently sold to the Moab Golf Club, the City should verify that any agreements with the Golf Club would allow the City to divert the water into the drinking water system under an emergency scenario. With a capacity of 350 gpm, Well 7 is not sufficient to provide full redundancy in the event of a loss of operation at Well 6.

As an additional option, the City could consider working with Grand Water and Sewer Service Agency (GWSSA) to explore the feasibility of adding an interagency connection between the Moab and GWSSA drinking water systems. Depending on the capacity of the connection, it could potentially serve all or part of the needed redundancy. An interagency connection has the potential to aid both parties in supplying quality water to their respective customers. As another option, the City could also develop an additional water source. For planning purposes, it has been assumed that the City will construct a new well for source redundancy.

Under 2060 conditions, a source deficiency of 1,930 gpm of instantaneous peak day demand is projected if no new sources are developed, though total demand remains below current estimate capacity. To address this projected peak day deficiency, it is recommended that the

City develop an additional 1,930 gpm of source capacity. This is in addition to the capacity needed for existing system redundancy. It is not expected that the City will need to add all this capacity in the immediate future. Instead, the City should periodically evaluate their source capacity and system demand and add capacity as needed. The City's Water Master Plan (available at <http://moabcity.org/576/Water-Conservation>) assumed that this future deficiency will be met through the construction of two new wells, one of which will be on-line in 2022. Developing the new Well #12 will cost approximately \$2.39 million dollars, which has been bonded for by the City. The other well should be constructed in the future once it is needed to support growth.

The City acknowledges that the impacts of climate change will likely result in a 20% reduction of overall water supply in the aquifer, though at an undetermined rate of change. If this is applied to our anticipated pump capacity in 2060 (including the two new wells), that will mean 5,858AF is available. Both of our demand scenarios show less than this number, however, the essential caveat is that our source capacity estimates are based on *pump capacity and drawdown tests* and in no way represent a consensus on *actual aquifer capacity*. Therefore more data is needed and a conservative approach to water allocation is essential until a better picture of underground supply can be achieved.

5.3 Billing

In 2020 the City adopted a stronger tiered water rate structure to encourage conservation, particularly for commercial properties. The hope is that it will encourage conservation and more awareness of water use. See below for the current rates.

Residential, within the City	\$13.00 minimum charge (includes the first 3,000 gal.)
	\$1.13/thousand for 3,001 to 10,000 gal.
	\$1.50/thousand for 10,001 to 60,000 gal.
	\$1.88/thousand for 60,001 or more gal.
Residential, outside the City	\$18.85 minimum charge (includes the first 3,000 gal.)
	\$1.50/thousand for 3,001 to 10,000 gal.
	\$2.25/thousand for 10,001 to 60,000 gal.
	\$2.63/thousand for 60,001 or more gal.
Commercial, within the City	\$37.50 minimum charge (includes the first 2,000 gal.)
	\$1.50/thousand for 2,001 to 5,000 gal.
	\$2.25/thousand for 5,001 to 10,000 gal.
	\$3.40/thousand for 10,001 to 50,000 gal.
	\$4.25/thousand for 50,001 or more gal.
Commercial, outside the City	\$44.25 minimum charge (includes the first 2,000 gal.)
	\$3.00/thousand for 2,001 to 5,000 gal.
	\$3.38/thousand for 5,001 to 10,000 gal.
	\$4.25/thousand for 10,001 to 50,000 gal.
	\$4.68/thousand for 50,001 or more gal.

Shop Water Retail Fee (City Public Works Yard)	\$32.50 for first 2,000 gallons, \$12.75/1,000 gal.
Shop Water Government Fee (City Public Works Yard)	\$26.00 for first 2,000 gallons, \$9.38/1,000 gal.
Construction Fire Hydrant Fee	\$32.50 for first 2,000 gallons, \$12.75/1,000 gal.
Construction Fire Hydrant Rental Fee	\$15 per day
City Parks & Cemeteries	\$0.81/1,000 gal.
Moab Golf Course Well #7	Current Commercial Rate
Water turn-on fee, after failure to pay City water/sewer charges	\$25.00 during normal working hours; \$50.00 after normal working hours
Water meter re-read charges	
The City crew will re-read the customer's meter.	\$10.00
The City crew will test a customer's meter.	\$20.00
The City crew will change a tested customer's meter, at the customer's request.	Actual labor costs with a one hour minimum
The costs incurred for these requests will be paid within thirty days. If that bill is not paid, the water will be turned off until the debt is satisfied, and a reconnect charge (1/2 hour minimum) during regular hours or reconnect charge (2 hour minimum) after hours, will be applicable.	During regular working hours, actual labor costs with a ½ hour minimum
	after hours, actual labor costs with a 2-hour minimum
If the problem proves to be the city's responsibility, there will be no charge to the customer.	

There is a space on mailed paper City bills for a small message, which can be anything from information about the new rates to conservation messages. Currently, the City is sending out the Sustainability website address as a place for water conservation tips and resources. There is current information maintained on that site as well as links to other water conservation resources and programs. Integrating these conservation messages onto e-bills will also be explored. In the future, the City is contemplating a re-designed water bill to include conservation goals and measurements aimed at such.

SECTION 6: WATER CONSERVATION

6.1 Introduction

The City of Moab will pursue a nuanced approach to conservation. The multi-pronged approach described in this Water Conservation Plan is comprised of policies, infrastructure improvements, investment in technologies and incentive programs, outreach and education, coordinated resource management, and on-going research and data refinement.

The ultimate goal is to better define and achieve conservation as a term and set of practices which become embedded in the community ethos and carry forward to a sustainable future.

6.2 Water Use Reduction Goal

In 2000, Governor Levitt proclaimed a conservation goal of 25% in GPCD by 2050 using 2000 water use as the indexing year. The conservation proclamation was aimed at municipal and industrial (M&I) users, agriculture was intentionally omitted from the goal. A few years later Governor Herbert decreased the timeline and proclaimed a conservation goal of 25% by 2025 using the same year, 2000, as the indexing year. The goals were not intended to reduce the total demand for M&I water, they were established to make room for new growth because a fair number of regions were reaching the limit of their water resources.

Since then, the Utah Legislature conducted a 2015 Legislative Audit, followed by a 2017 Follow-up Audit, then a Third-Party Review, and finally a 2017 Recommended State Water Strategy. Those efforts recommended the State develop regional water conservation goals. The Utah Division of Water Resources (UDWRi) was tasked with the project and developed the latest goals in their document [Utah's Regional M&I Water Conservation Goals](#). Grand County was put in the "Upper Colorado Region" which also includes Carbon, Emery and San Juan County.

The draft recommendations were for the Upper Colorado Region to reduce their per-capita water consumption by another 17% and the final recommendations were for 20% reduction from average regional 2015 usage (333 GPCD) by 2030. The 20% reduction for the region resulted in a recommended goal of 267 GPCD. *Moab is currently at 278 GPCD and has set a new goal of 230 GPCD by 2030.* The table below shows the percent reduction from the year 2000 as per the original call from Governor Levitt, which Moab would meet with the 267 GPCD regional goal and exceed with a new goal of 230 GPCD. The City will assess progress towards this goal annually when data is reported to the Division of Water Rights.

Table 7. Percent Change in GPCD from 2000

Year	Population	Total AF	gallons per capita day	% change from 2000
2000	4779	1926.63	359.9	0.0%
2015	5251	1657.96	281.9	21.7%
2020	5341	1667.31	278.7	22.6%
2030	N/A	N/A	267	25.6%
2030*	5906*	1667*	230*	36%

6.3 Water Conservation Metric

The State has determined the metric for conservation goals at GPCD, or gallons per capita per day. The metric is a reasonable measure if only measuring municipal use. However, adding commercial, industrial, and institutional uses into the metric is problematic because the people who are using that water may not be living in the area where the water is being used – namely, tourists. Trying to determine whether metrics represent conservation or a change in economy are not represented using the current measurements.

The City of Moab has a tourism economy. There are between 1.6 and 2.6 million visitors per year. As such, the per capita metric does not include the numbers of visitors who use at least 16% of all commercial water, or 95AF, just on overnight accommodations. This does not include the amount of water used in other businesses catering to visitors such as restaurants and washing off highway vehicles. The City of Moab is interested in considering other metrics to determine their conservation goals. One which has potential is an Equivalent Residential Unit (ERU). It is already used for a variety of requirements associated with water supply and could be a metric which allows a comparison between economies and water conservation strategies.

6.4 Current Conservation Measures

Leak protection program / rebates

The leak protection program provides a rebate for the amount assumed to be lost due to a leak after the customer has fixed it. This is intended to provide an incentive for fixing leaks.

New Water Treatment Facility

The new Wastewater Treatment Facility uses only 20,000 gallons of water per month whereas the old one used two million gallons per month. This new facility has saved the City over 23.5 million gallons of water per year since it came online in 2017.

Outreach, Education

The City of Moab maintains a column in the *Moab Happenings* monthly newspaper and the monthly City Newsletter, e-mailed to those interested and those receiving e-bills for water service, devoted to issues of Sustainability. Water conservation is an important and frequent topic in these articles. In the past several years, the City has placed box ads in the two local

weekly newspapers several times per year to educate readers about appropriate watering for outdoor landscaping and low-flow fixtures.

6.5 Current Conservation Ordinances and Standards

The City of Moab does not currently have any ordinances or standards addressing water conservation directly. However, the WaterNOW Alliance just awarded the City a grant for technical assistance to develop three things: 1) a greywater ordinance, 2) a landscaping ordinance, and 3) new development standards, which will be completed in early 2022. The City is looking forward to working with WaterNOW Alliance as well as Utah State University Extension experts to get smart, relevant, and up-to-date ordinances adopted as soon as possible. The City is also working on an Emergency Drought Management Plan.

6.6 New Conservation Measures for the Next Five Years

6.6.1 Planning Efforts

The City of Moab is spearheading an effort to bring all the water providers in the valley together to create a consensus-based Water Resource Management Plan. This group will be called the Moab Spanish Valley Water Providers Coalition and consists of the City of Moab, Grand Water and Sewer Service Agency, San Juan Special Service District, and the Moab Irrigation Company. Grand County administration may or may not be part of this group. The state engineer's office has indicated that they do not believe a state-sanctioned Groundwater Management Plan is in order at this time, and that the valley aquifers have a few thousand-acre feet yet to be developed. However, the water providers in the valley disagree, and are interested in avoiding a crisis situation by undergoing a planning process prior to potential shortages. Undertaken now, this process will allow for community voices to be heard, experts to be consulted, and the best available science to be included – underpinned by the precautionary principle and a desire to create a sustainable water supply for all current and future residents.

The first meeting of this new coalition occurred at the end of July, 2021, with the intention to meet at least monthly until the process is complete. At this point, the group will evaluate their options and intentions moving forward and recommend policies.

6.6.2 Ordinances and Policies

A. Landscape Ordinance

The City's Water Conservation and Drought Management Advisory Board, which was formed as a result of the 2016 Water Conservation Plan, recommends developing a landscape ordinance which would have three main components. 1) Requiring new development to use waterwise landscaping and irrigation principles, limit or omit turfgrass, and include greywater systems (see below), 2) Instituting outdoor landscape watering rules for all customers during times of drought (see Drought Management Plan), and 3) Developing a recommended/required species list for any new development in Moab. This effort will be particularly helpful in conserving culinary water supply, which is currently being used as irrigation water on most properties in the City for lack of a secondary irrigation system.

A key component to the success of the landscaping ordinance is outreach to current residents and businesses to encourage adoption of waterwise landscaping and irrigation and abandonment of unused turfgrass. City staff is working on opportunities to improve existing demonstration landscaping around City Hall, as well as removing turfgrass and installing waterwise landscaping in a prominent location. These demonstration areas will serve to encourage current residents to do the same in their own homes and will provide inspiration and education to current and future residents.

This ordinance is planned for development in 2021 and adoption in 2022.

B. Grey Water Ordinance

Residents began installing grey water systems as pilot projects with the Southeast Utah Health Department (SEUHD) a few years ago. The projects were successful and with the new information SEUHD collaborated with the Utah Division of Water Quality to re-write the rules associated with permitting grey water reuse in Utah. Since then, the SEUHD has permitted several residential homes including affordable housing. The systems are relatively easy to install compared to most landscaping irrigation systems and inexpensive if installed during the building of a new home.

The City plans to take advantage of the local expertise and the willingness of new homeowners to embrace these systems. Grey water use will make the City more resilient to drought and conserve water by reusing grey water to irrigate landscapes instead of sending it to the Wastewater Reclamation Facility and discharging it out of the area. It is estimated that new residences with lots less than 0.25 acres could save 50% of the water they would have used for outdoor irrigation.

The City is developing ordinances that would require the indoor plumbing associated with grey water systems be installed during the construction or remodel of new single family and multi-resident housing.

The City is also looking to make the City's water portfolio more resilient by developing grey water ordinances for new commercial developments. The ordinance would require new commercial buildings to install either grey water or rainwater catchment systems that would provide all the water required for the landscaping associated with the new development.

C. New Development Standards

In conjunction with the landscaping and greywater ordinances, the City will implement standards for new development that incorporate waterwise landscaping principles and water saving construction features. Landscaping will be required to be waterwise, using a recommended list of plants and features, limited areas of turfgrass and efficient irrigation. New construction will be required to use WaterSense labeled fixtures and appliances, and stub for greywater.

D. Emergency Drought Management Plan

The City intends to develop and adopt an Emergency Drought Management Plan to prepare for a situation of actual shortfall in water production. With thoughtful pre-planning, the City will be able to take the time needed for calculations, engage the public, and decide what measures make the most sense to conserve water when a drastic situation arrives. This may involve recommendations to install infrastructure for emergency shut-offs or secondary lines in all new construction so irrigation may be divorced from culinary uses. The City aims to adopt this plan within the next five years.

6.6.3 City Facilities Improvements

There are opportunities to improve municipal water efficiency which the City intends to complete as funds become available, beyond the infrastructure improvements bonded for and contained within the Capital Improvements Plan (mentioned in Section 1). There are three main City parks that use water for irrigating turfgrass – Rotary Park, Swanny Park, and Old City Park. In addition, the City maintains the ballfields outside City Hall and various other smaller areas. Improvements to the system involve four things:

- 1) installing smart timers and moisture meters for more efficient watering
- 2) removing grass where it is not needed
- 3) evaluating and fixing old systems to water where needed and not where it's not
- 4) replacing plants which have died and are still being irrigated, allow them to establish, and re-evaluate and reduce irrigation appropriately

In addition, there are opportunities to install green infrastructure and improve stormwater management to facilitate more infiltration and less runoff, as well as contribute to a greener streetscape. As City drainage features are renewed or repaired, green infrastructure can be incorporated into new designs and implemented where possible. If funding becomes available, the City will be able to develop a green infrastructure plan for areas where projects would be possible. The proposed greywater ordinance could work in concert with green infrastructure between residential property and City streets.

6.6.4 Outreach and Education

Successful water conservation in Moab will depend on both tangible and intangible elements. Efforts like replacing old fixtures and repairing leaks are opportunities to passively conserve water by updating systems. Behavior change is the intangible piece of the puzzle which will require a different approach. The City of Moab values the impact of education and outreach on water conservation and will be continuously working to develop a community spirit of water conservation without sacrificing quality of life or economic opportunities.

Planned outreach efforts include articles in the local newspaper, the City Newsletter, and Moab Happenings, changing the design of the water bill to include conservation-oriented metrics, creating and distributing door hangers at properties with inefficient watering systems to offer consultation and resources, educational mailings with best practices and goals, and providing resources from local landscape designers, USU extension, and other knowledge holders to assist residents and businesses in their water conservation efforts. Keeping the community informed about progress towards our conservation goals is a key component of the outreach and education effort, and an essential piece of meeting our water conservation goals.

6.6.5 Programs

If funding becomes available, the City can invest in programs to accelerate landscaping conversion and outdoor irrigation water savings. These may include the following:

- Turfgrass buy-back / rebate: providing cash payments or rebates for property owners to replace lawn with water wise landscaping (this is a common program to encourage lawn conversion)
- Conservation rebates: direct water-bill rebate rewards for meeting conservation goals on top of the tiered rates
- Smart timer and moisture meter incentives: providing smart technologies to assist property owners with efficient watering
- Penalty for failing to fix leaks: adopting a penalty in addition to the rebate for failing to fix a leak in a timely manner
- Incentives for functioning greywater systems: reduced sewer rates for homes with fully functioning and permitted greywater systems

6.7 Responsibility for Meeting Conservation Goals

Chuck Williams, City Engineer: cwilliams@moabcity.org

Levi Jones, Public Works Director: ljones@moabcity.org

Mila Dunbar-Irwin, Sustainability Director: sustainability@moabcity.org

Carly Castle, Assistant City Manager: ccastle@moabcity.org

City Council, council@moabcity.org

****NOTE:** all positions are subject to change in personnel; responsibility will remain with the position not the person. Updated contact information can be obtained from City Administrative Assistant at info@moabcity.org, 435-259-5121

6.8 Action and Implementation Timeline

Year	Action
2021	<ul style="list-style-type: none">• Water-wise landscaping guide sent to all addresses in Moab City including information on watering turfgrass, resources for xeriscaping, and other ways to reduce use of water outdoors• Establish Moab/Spanish Valley Water Providers Coalition• Work with USU to develop efficient watering schedule for City parks• Adopt Water Conservation Plan Update
2022	<ul style="list-style-type: none">• Adopt Landscaping Ordinance and Greywater Ordinance• Adopt new development standards including water wise elements• Adopt Moab/Spanish Valley Water Providers Coalition Water Resource Management Plan• Inform community of the newly adopted Water Conservation Plan Update• Install smart timers for City parks, evaluate grass-removal areas• Support pilot green infrastructure installation
2023	Implement incentive programs (when / if financially feasible): <ul style="list-style-type: none">○ promote fixture replacement and inventory old fixtures where possible;

	<ul style="list-style-type: none"> ○ campaign to reduce water waste in the home and improve efficiency; ○ offer smart timers; ○ implement turfgrass buyback program
2024	Update landscaping guide and outreach regarding landscaping and greywater ordinances and new development standards
2025	Work with USU Extension to develop demonstration xeriscape garden in Moab
2026	Evaluate GPCD goal progress and City water conservation progress and update Water Conservation Plan

*progress on GPCD goal will be calculated annually after data is reported to the Division of Water Rights and published on the City of Moab’s website

SECTION 7: ECOLOGICAL CONCERNS

7.1 Introduction

The Mill Creek Watershed, its creeks and the wetlands they are connected to at the Colorado River’s edge, are critical components of not only a functional watershed and sustainable aquifer, but also have importance to community residents. It is critical to include functional riparian corridors and wetlands while exploring ways to ensure sustainable water for the Moab and Spanish Valley communities. Not only are the riparian corridors important for wildlife, but they also are important transportation and natural corridors through the town. Springs and smaller wetlands within the system arguably act as indicators of overall water quantity in the system in a qualitative way.

Water Conservation and Drought Management in the Moab Valley needs to include maintenance and enhancement of the ecological components as well as water delivery to residents and businesses.

7.2 Matheson Wetlands

The Matheson Wetland is a unique and rare wetland in the American Southwest along the Colorado River. The wetlands are not incorporated into the City of Moab’s town limits, but they are sandwiched between the City of Moab and the Colorado River. They are affected by the City of Moab and the entire Mill/Pack Creek hydrobasins surface and groundwater practices. The wetlands are owned by the State of Utah Department of Natural Resources and The Nature Conservancy in approximately 50/50 split. The Wetlands are co-managed by the same two agencies.

The wetlands have had difficulty maintaining hydric vegetation during the previous two decades due to several anthropogenic and natural impacts. Climate change and drought have reduced the regularity of high seasonal flows in the Colorado that would flood the wetlands. Mill Creek historically provided some surface water and maintained the groundwater table but currently it is entrenched and several feet below the surface area of the wetlands. Increased domestic use of springs on the Northwest portion of the valley has also altered the water budget. There is also some concern that decreases in the freshwater layer by any of the previously stated means could affect the level of the brine layer under the freshwater layer and allow it to reach the surface or leach to the Colorado River.

This conservation plan suggests that the City of Moab support the wetland monitoring plan being developed by the State of Utah Division of Water Rights and management agencies of the wetlands. It is further suggested that the City of Moab and other Spanish Valley institutions pursue stormwater management plans to emphasize stormwater retention and detention as opposed to diverting directly to Mill and Pack Creek.

7.3 Mill Creek

Mill Creek starts at over 12,500' in the La Sals and flows down to 3,950' where it enters the Colorado River. The watershed includes Pack Creek, which parallels Mill Creek slightly to the south. 60% of the watershed is in Grand County with the remaining 40% in San Juan County. Less than 15% of the watershed is private land, and most of that is in the lower elevations in Grand and San Juan Counties. The creeks are an important feature through residential and commercial parts of Moab and Spanish Valley. In the summer months Mill Creek often runs dry as the bulk of the water is diverted for irrigation purposes.

In addition to surface water use for farming and other irrigation purposes, Mill Creek also serves as an important transportation corridor for wildlife and people along the Mill Creek Parkway. Active revegetation work during the past 20 years has shifted much of the riparian area from an exotic plant dominated area to a native riparian system better able to handle flood flows as well as provide an important recreational corridor.

Surface water flows are important to maintain throughout the creek system to support the riparian plant community.

7.4 Pack Creek

Pack Creek is a small stream that runs through Moab and Spanish Valley and converges with Mill Creek. Although Pack Creek is not a source of culinary water the aquifer below it is used for culinary and irrigation purposes. The aquifer has relatively high total dissolved solids (TDS) and the creek is not meeting the beneficial use standards for TDS, temperature, and E. coli. However, the creek and the aquifer still provide irreplaceable environmental goods and services to Spanish Valley and its residents.

The water quality in Pack Creek is very good above its diversions below the Pack Creek Road Bridge. The creek is generally dry from the diversion until about ½ mile above Spanish Trail Road where the groundwater table becomes shallow and recharges the creek. The water is used to irrigate a small community there. The valley is somewhat pinched there, and several springs of varying water quality add volume to the creek. From there till the confluence with Mill Creek, Pack Creek and the underlying aquifer are responsible for a verdant riparian area that has several human benefits. During the irrigation season Pack Creek is responsible for most of the water in Mill Creek below their confluence due to withdrawals on Mill Creek. In Mill Creek during the irrigation season, the mostly Pack Creek water and the underlying valley fill aquifer also provide water to the Matheson Wetlands. The environmental concerns with the wetlands were discussed earlier in this document.

The growing population, development plans and long-term drought have made the valley fill aquifer a target for new water development. The aquifer itself has a relatively small amount of

annual recharge. There are concerns that continued development of the valley fill aquifer will result in lower water tables, reduced or ceased recharge to Pack Creek and deterioration of water quality.

SECTION 8: OTHER CONSIDERATIONS

8.1 Colorado River

Moab City has water rights out of the Colorado River and could potentially change some of their unusable groundwater rights to increase the rights out of the Colorado. This water has been contemplated for use as an eventual secondary irrigation system, relieving some of the pressure of the culinary water drawn from the aquifer and allowing for a more ready method of regulation should the need for outdoor watering restrictions arise. Developing this system would require a large amount of funding and infrastructure, however, and is not currently feasible.

In the more immediate future, it would be possible to shift non-potable water, such as that used for construction sites, to surface water from the Colorado rather than culinary groundwater. Setting up a metered pump station would not be exceedingly onerous, and the City just needs to identify a suitable location. There is already a construction water pump station at the boat ramp at the 191 bridge, which is owned by Le Grand Johnson, a construction and paving company.

8.2 Water Banking

Water banking is adding water to an aquifer for later use, putting it “in the bank” so to speak, either literally or figuratively through water rights. The banked water is allowed to percolate down into the aquifer where it then disperses and is available for later use. In concept, this can either be done at the surface level, and recharge goes to shallow aquifers, or via deep injection wells to access deeper aquifers.

In Moab, water for recharge could come from the Colorado River, storm water, or future flash floods generated by increasing monsoonal storms predicted by climate change models. Untreated Colorado River water could be pumped up the valley, used for purposes mentioned above, and eventually be emptied into designated recharge areas such as Kens Lake, flood irrigated fields, or purpose-built shallow ponds or wells. This could be a way for the City to “use” water that is currently considered lost from the system due to variations in seasonal needs and continuously flowing springs. There are potentially 300-400 AF of water the City does not actively use each year from Skakel springs in the winter that instead of running off to the river, could conceivably be banked for future withdrawals.

Developing a water bank is not currently on the City’s priority list, however, it is something to keep in mind for the future.

INTRODUCTION

The City of Moab 2021 Water Conservation Plan has been prepared to comply with the Utah Water Conservation Plan Act of 1998 amended in 2004 with HB71 Section 73-10-32. Statute requires that every Utah water conservancy district and water retailer adopt a Water Conservation Plan every five years and file the plan with the Utah Board of Water Resources. This 2021 Water Conservation Plan Update presents updated data for water supply and demand, trends, future growth and consumption projections, and proposes policies and actions to achieve regional conservation goals.

The Regional Water Conservation Goal for the “Upper Colorado River” area (Carbon, Emery, Grand, and San Juan Counties) is 20% by 2030, from an average of 333 gallons per capita per day (GPCD) to 267 GPCD. Moab is close to this goal and is currently at 278 GPCD according to 2020 population estimates. The 2020 Census data will be available in 2022, at which time, the City will have a more accurate resident number, and it is likely the actual GPCD will be lower.

The City proposes to meet and exceed the Regional Goal by setting a new [baseline](#) goal of ~~230~~ [250](#) GPCD by 2030. This represents a ~~50x~~ decrease in outdoor landscape irrigation and would result in the total volume of residential water use staying the same, while still accounting for the projected increase in population. [Additional stretch goals would be added based on participation in City conservation efforts.](#) A goal of 230 GPCD by 2030 is a representation of the water conservation values of the community and an effort to keep water use at a safe level to ensure a sustainable quality of life for the City of Moab and its environs.

To meet this goal, the City plans to implement a suite of water conservation measures including policies, outreach, infrastructure improvements, and water resource management planning. Proposed policies include regulating landscapes and turfgrass for new development, water wise development standards, and re-landscape incentives. Outreach and education for current residents as well as making technical resources and expertise available are a key component of meeting the City’s goal. The City has committed to system upgrades which will be completed over the next five years and have the potential to reduce loss and improve efficiency, as well as development of a new source (well). In addition, the City is embarking on a water resource management planning effort in coordination with other water providers who share the groundwater supply, to make smart decisions now and prevent shortages in the future. Underpinning all of these efforts is on-going research by state, local, and federal agencies to improve data accuracy and forecasting.

Data for this plan comes from ongoing studies by the Utah Division of Water Rights (DWR), the United States Geological Survey (USGS) and the Utah Geological Survey (UGS) as well as the City and neighboring water users, Grand Water and Sewer Service Agency (GWSSA), and Moab

Irrigation Company (MIC). Population data was derived from the 2010 US Census and Census.gov estimates.

and measurements aimed at such.

SECTION 6: WATER CONSERVATION

6.1 Introduction

The City of Moab will pursue a nuanced approach to conservation. The multi-pronged approach described in this Water Conservation Plan is comprised of policies, infrastructure improvements, investment in technologies and incentive programs, outreach and education, coordinated resource management, and on-going research and data refinement.

The ultimate goal is to better define and achieve conservation as a term and set of practices which become embedded in the community ethos and carry forward to a sustainable future.

6.2a Water Use Reduction [Baseline Goal](#)

In 2000, Governor Levitt proclaimed a conservation goal of 25% in GPCD by 2050 using 2000 water use as the indexing year. The conservation proclamation was aimed at municipal and industrial (M&I) users, agriculture was intentionally omitted from the goal. A few years later Governor Herbert decreased the timeline and proclaimed a conservation goal of 25% by 2025 using the same year, 2000, as the indexing year. The goals were not intended to reduce the total demand for M&I water, they were established to make room for new growth because a fair number of regions were reaching the limit of their water resources.

Since then, the Utah Legislature conducted a 2015 Legislative Audit, followed by a 2017 Follow-up Audit, then a Third-Party Review, and finally a 2017 Recommended State Water Strategy. Those efforts recommended the State develop regional water conservation goals. The Utah Division of Water Resources (UDWR) was tasked with the project and developed the latest goals in their document [Utah's Regional M&I Water Conservation Goals](#). Grand County was put in the "Upper Colorado Region" which also includes Carbon, Emery and San Juan County.

The draft recommendations were for the Upper Colorado Region to reduce their per-capita water consumption by another 17% and the final recommendations were for 20% reduction from average regional 2015 usage (333GPCD) by 2030. The 20% reduction for the region resulted in a recommended goal of 267GPCD. *Moab is currently at 278 GPCD and has set a new [baseline goal of 230-250 GPCD by 2030](#).* The table below shows the percent reduction from the year 2000 as per the original call from Governor Levitt, which Moab would meet with the 267 GPCD regional goal and exceed with a new goal of 230 GPCD. The City will assess progress towards this goal annually when data is reported to the Division of Water Rights.

Table 7 Percent Change in GPCD from 2000

Year	Population	Total AF	gallons per capita day	% change from 2000
2000	4779	1926.63	359.9	0.0%
2015	5251	1657.96	281.9	21.7%
2020	5341	1667.31	278.7	22.6%
2030	N/A	N/A	267	25.6%
2030*	5906*	1667*	230*	36%

6.2b Water Use Reduction Challenge Goals

Additional conservation is possible, and desirable. After the City and its customers implement the easiest measures, support from other partners becomes more important to meaningful adoption of other tools. In recognition of this, the City adopts the following stretch goals based on quantifiable partner support, relative to the 2030 target date. The water conservation goal will decrease by 3 GPCD for each of the following actions effective prior to 2025, and 2 GPCD between 2025 and 2028

- State amendment of all relevant building codes to require WaterSense fixtures
- State amendment of all relevant building codes to require EnergyStar washing machines and dishwashers
- State amendment of all relevant residential building codes to require grey water pre-plumbing.
- Funding from any non-City source for any conservation tool in an amount of not less than an aggregate of \$50(?) /customer for all customers, and for each increment of \$50 above that.
- Partner participation in water conservation educational measures equal to at least 600 hours and/or \$15,000.

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Moab City Council Agenda Item
Meeting Date: November 9, 2021

Title: Mill Creek Recommendations to the BLM from the City of Moab

Date Submitted: November 3, 2021

Staff Presenter: Karen Guzman-Newton, City Council Member; Emily Niehaus, Mayor

Attachment(s):

- Letter of Support

Options: Discussion and possible action

Recommended Motion: I move to approve the letter of support for the Mill Creek Community Collaborative Recommendations to the BLM

Background/Summary:

Over the past several years, more than 21 community stakeholders representing local government, non-profits, and neighborhoods to trailheads near Mill Creek Canyon have engaged in a collaborative facilitation to discuss impacts of increased visitation at Mill Creek Canyon. This group has used this discussion to prepare a number of recommendations for the Bureau of Land Management, the City of Moab, and Grand County to adopt. In June 2021, the Collaborative provided the City Council with a presentation that explained the various recommendations during a joint meeting with the Grand County. This letter provides these recommendations to the BLM for implementation.

217 East Center Street
Moab, Utah 84532-2534
Phone: (435) 259-5121
Fax: (435) 259-4135



Mayor: Emily S. Niehaus
Council Rani Derasary
Mike Duncan
Karen Guzman-
Newton
Kalen Jones
Tawny Knuteson-Boyd

TO: Bureau of Land Management
Moab Field Office
82 Dogwood Ave
Moab, Utah 84532

RE: Mill Creek Community Collaboration Recommendations

October 22, 2021

Dear Ms. Gaddis-Wyatt,

As you know, during the past several years over 21 stakeholders representing local government, non profits and neighbors to trailheads at Mill Creek Canyon met and discussed impacts of increased visitor numbers in our area and particularly at Mill Creek Canyon. The location of both the Powerdam and Highland Trailheads adjacent to residential neighborhoods is problematic. Since 2018 the Mill Creek Community Collaboration collected feedback from the community and all stakeholders to develop recommendations for the BLM, the City and the County to help address and reduce these community impacts.

As participants in the MCCC process the <Moab City Council/Grand County Commission> supports the recommendations as presented to the City Council and County Commission by the MCCC on June 22nd, and to the BLM on August 12th for use in developing solutions. A summary bullet list of these recommendations is attached to this letter and the power point and final recommendations document may be found here:

<https://moab84532.wixsite.com/mccc/post/recommendations-presentation>

There is now work to be done collaboratively to ease these growing pressures and reconcile challenges presented by various recommendations on our residential neighborhoods, transportation infrastructure and community. The <City/County> welcomes opportunities to work with the BLM as these solutions are developed at these interfaces between BLM and city and county boundaries, and we hope these solutions can be developed in the near term.

Sincerely,

Emily Niehaus
Mayor
City of Moab

Mill Creek Community Collaborative Recommendations for Mill Creek Canyon Summary
(copied from presentation to City and County on June 22nd, 2021)
For details about these recommendations see the Powerpoint and
Recommendations Document provided to the Council and Commission

	Intentions Provided for each set of recommendations to assist with inevitable changes needed over time	Recommendations As agreed to by the group via consensus; those topics with a few unable to agree noted as majority recommendations
RIPARIAN	<ul style="list-style-type: none"> Well marked designated trails system Improve and regenerate native vegetation Allow SAR and EMS access and improve signage to assist visitors in finding their way in the canyon Work together to improve the condition of the riparian corridor 	DESIGNATE A TRAILS SYSTEM including <ul style="list-style-type: none"> areas where trails need to be hardened; determine the level of trail building required based on use levels; identify locations for constructed erosion control structures DEVELOP A LONG-TERM VEGETATION PLAN including <ul style="list-style-type: none"> native and non-native plant distribution and once a trail system is designated create a revegetation plan include vegetation monitoring to guide future work.
TRAILS & SIGNAGE	<ul style="list-style-type: none"> Well marked designated trails system Improve and regenerate native vegetation & crusts where damaged by social trailing Allow SAR and EMS access Improve signage particularly in the front country Protect archeological sites through information and trail rerouting 	DESIGNATE A TRAILS SYSTEM knowing that not all trails need to be signed <ul style="list-style-type: none"> Trails will appear on BLM maps; Complete environmental surveys and NEPA and create structure for consistent, legal & coordinated trail work; SIGNAGE SHOULD include <ul style="list-style-type: none"> Trailhead signs with consistent info about erosion, crusts, safety etc Information so visitors understand actions harm or help Minimal use of signs in backcountry and middle country
BACK COUNTRY	<p>Monitoring use impacts should drive any actions in the Backcountry.</p> <ul style="list-style-type: none"> Increase in number of people using the area Decrease in perceived solitude/quiet Increase in social trails Erosion increases (parking areas, streambank, trails) Increase in damage to rock art, graffiti Water quality degrades New user-created access areas are popping up Increase in camping activities 	<ul style="list-style-type: none"> DESIGNATE A TRAILS SYSTEM, as a lower priority than in other zones No wayfinding signage in this zone Trails may need maintenance, but are not heavily hardened Monitor use impacts – if methods for this don't exist, develop them Map current use impacts and levels Develop a monitoring plan with a timeline for repeated data collection
MIDDLE COUNTRY	<ul style="list-style-type: none"> Protect existing vegetation and crusts Provide safe parking Allow EMS/SAR access <p>Prevent congestion in neighborhood areas near access points</p>	DESIGNATE A TRAILS SYSTEM and revisit old trail inventories from the 90s <ul style="list-style-type: none"> Standardize trail work Determine locations for critical signs for wayfinding Coordinate with larger efforts in the area & work on a youth program Monitor use impacts SIGNAGE SHOULD <ul style="list-style-type: none"> Be consistent with signage at trailheads & in other zones Install a kiosk at each trailhead & wayfinding signs in key locations Create a plan for the Highland trailhead and engage neighbors Consider using more trail counters in Mid Country to help assess impacts BEGIN TO MONITOR USE AT OTHER ACCESS POINTS

FRONT COUNTRY	<ul style="list-style-type: none"> • Provide well marked clear trails in designated locations to protect existing vegetation and crusts and facilitate plant regeneration • Provide safe parking with clear aces to Powerdam area, & to trail to N Fork Falls • Allow for SAR/EMS access when needed for rescues • Reduce congestion in neighborhood areas by improving bicycle and pedestrian access to the trailhead area • Reduce overflow parking in nearby neighborhoods and minimize spread of this and other impacts to other locations 	<p>Connect the Mill Creek Parkway to Sandflats in a way that separates bike and motorized vehicle traffic through both a bike lane on Sand Flats Road and designating a bicycle route up Powerhouse Lane and across the creek up the PSH access road.</p> <p>The MCCC supports efforts to implement a shuttle system with a stop at Powerhouse Lane.</p> <p>Trail Recommendations</p> <ul style="list-style-type: none"> • Prioritize archeological clearance so that a trails system can be designated in the front and middle country by the end of 2022. • Involve Trail Mix with trails work and stabilization to keep it consistent with other trail work in the region • Install trail counters and incorporate revegetation actions in areas off trail • Consider a bridge across Mill Creek in the Powerdam Area <p>Make sure beaver dams and flash floods are considered in all trail crossing areas</p> <p>Sign Recommendations</p> <ul style="list-style-type: none"> • Place wayfinding or directional signage in key locations to assist new hikers in finding the falls and parking areas • Place clear signage prohibiting bicycles off trail • Involve archeologists and create informational signs and addressing graffiti • Include signage on roadways in the City to assist motorists in finding the trailhead and Potato Salad Hill • Provide information about other locations with recreational access to water
	<p>As the primary access to the trail to the N Fork Falls this area sees the highest visitor activity.</p> <p>Currently parking is on the south side of the creek primarily which creates overflows down the road and recently onto private land near Mill Creek Drive. This topic was the one area where the group did not manage to reach consensus on the recommendation to move the primary parking to PSH, although a supermajority of the group did agree with that recommendation.</p>	<p>Trailhead Recommendations</p> <ul style="list-style-type: none"> • Both sides of the creek are important to consider in planning parking and access that allows for management actions that can limit use at appropriate levels for the canyon, minimize user group conflict and mitigate impacts on existing and future residential neighborhoods. • Access from PSH provides better opportunities for orientation due to its location above the Powerdam and trails <p>Traffic Flow, shifting primary access to Potato Salad Hill</p> <ul style="list-style-type: none"> • Powerhouse Lane is a small dead end residential road that is not designed for the thru traffic to the Powerdam. The new development in process between Mill Creek Drive and Powerdam will increase this pressure • Sand Flats Road, while heavily traveled at times, has always been a thoroughfare for recreation and mountain access and can be designed to handle larger traffic flows.
ENFORCEMENT	<p>The MCCC recognizes a need for increased enforcement in the front country and trail heads especially</p>	<ul style="list-style-type: none"> • Coordinate law enforcement between the City, County and BLM as the group agreed without enforcement there is no way to change these behaviors. • County funding for a trail ambassador program coordinated with the BLM can begin to address some of the safety and resource concerns. The 2021 pilot program should also develop a long term outreach and monitoring program for the area • Monitoring use impacts in this zone should be part of the enforcement process.
FEES	<p>The MCCC recognizes that enforcement and active management costs money – and fees are seen as a means to raise some of those funds. A way of collecting fees that can allow locals a way to volunteer to have the fee waived was also suggested.</p>	<ul style="list-style-type: none"> • Use an “iron ranger” or QR code system for fee collection to park at Powerdam and Potato Salad Hill, and at any trailhead where fees may be deemed necessary. • Fees should be used at the trailhead and in the Canyon.

Moab City Council Agenda Item
Meeting Date: November 9, 2021

Title: Pack Creek Bridge Widening Cooperative Agreement with UDOT

Disposition: Discussion and possible action

Staff Presenter: Chuck Williams, City Engineer

Attachment(s):

Attachment 1 – UDOT Cooperative Agreement Pin 18404

Recommended Motion: “I move to approve the Cooperative Agreement with UDOT relating to the Pack Creek Bridge Widening Project.”

Background/Summary:

The east side of the 400 East Bridge over Pack Creek will be widened to accommodate pedestrians (in lieu of the existing failing steel walkway) and provide additional roadway width to accommodate 5-ft bike lanes on each side of the bridge. The additional deck width will require an additional girder and a drilled shaft foundation extension. The existing structure is a precast concrete girder bridge with a single span of 96'-0" that is supported on drilled shafts with seat abutments. Initially, the project concept included adding another girder and widening the west side as well, but was dropped from the project as being cost prohibitive. The existing structure, except for the failing steel walkway, is in good to fair condition with no anticipated structural rehabilitation or preservation activities anticipated. This project was ranked the tenth highest prioritized project on the City's adopted capital improvement projects list.

The final project scope as proposed is estimated to cost \$740,000, with a fifty-fifty cost share between the City and UDOT. The City's share is budgeted this Fiscal Year.



**State of Utah
Department of Transportation**

<p>Cooperative Agreement Local Agency Performing Work for UDOT</p>	<p>Project Description: Pack Creek Bridge Widening on 400 East, Moab Local Agency: Moab</p>	<p>Estimated value of scope of work \$740,000</p>
<p>Pin: 18404 Job/ Project: 73652</p>		<p>Date Executed</p>

THIS AGREEMENT, made and entered into on the executed date, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as “**UDOT**”, and Moab, a political subdivision of the State of Utah, hereinafter referred to as the “**Local Agency**.”

UDOT requested that the Work be included in the Local Agency’s Project. Subject to the attached provisions, **Local Agency** will include the following items into its Project. Unless the parties agree to a lump sum, upon signing this Agreement, **UDOT** agrees that the costs shown are estimates and that it will be responsible for paying the actual costs associated with these items, based on unit bid prices, and actual quantities placed. If a lump sum payment is specified, **UDOT** will not pay for any additional costs beyond the lump sum payment amount.

Description of Work:

Moab city has programmed a match and UDOT has funded a project to widen Structure F-318 – Pack Creek Bridge on 400 East. This will be a 50/50 partnership with each entity contributing \$370,000 for a total project cost of \$740,000. Moab City will administer the contracts for Design and Construction and UDOT will reimburse for up to \$370,000 in costs. No additional money is available from UDOT so any costs over their maximum contribution will be the responsibility of the Local Agency. The project will be completed as scoped in the email and preliminary design attached to this agreement. Any UDOT funds not expended will be returned to UDOT (50% of total underrun).

Costs to include:

<p>LUMP SUM PAYMENT: TOTAL AMOUNT TO BE PAID BY UDOT</p>	<p>Up to but not to exceed \$370,000 paid at a 50% match on all invoices. Any costs over this amount will be the responsibility of the Local Agency.</p>
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Project Completion Date: December 2022

Billing must be submitted within 3 months of work completion date.

If the actual costs exceed the agreed maximum total cost, **Local Agency** will immediately notify **UDOT** and **UDOT** can determine whether to reduce the scope of Work or continue with the Work at the increased cost. Once final **UDOT** signoff has occurred, the **Local Agency** will submit the receipts of payments for the Work to the **UDOT** Region office. **UDOT** will process the payment of the committed amount or the direct costs of approved activities, whichever is less, within 45 days and send a check to the **Local Agency**.

Total Estimated Reimbursement to the Local Agency is \$370,000

Provisions

Local Agency will include the UDOT’s Work provided UDOT pays the actual costs incurred for

the Work. Local Agency’s contractor will perform the Work described in this Agreement in accordance with UDOT’s plans and specifications. Local Agency will notify UDOT two weeks in advance prior to starting the Work

so UDOT may inspect the Work. UDOT has the right to inspect the Work but may choose not to exercise this right. Regardless of any inspection by UDOT, Local Agency is still required to construct the Work in accordance with the plans and specifications. UDOT, through its inspection of the Work, will provide Local Agency with information addressing any problems or concerns UDOT may have with acceptance of said Work. Upon completion of the Work, the Local Agency will contact UDOT for a final review and inspection. UDOT reserves the right to withhold payment unless the Work is completed to UDOT standards and specifications. The Local Agency has the right to correct any deficiencies in a timely manner and resubmit the Work for inspection and approval.

I. Liability:

UDOT and the Local Agency are both governmental entities subject to the Governmental Immunity Act. Each party agrees to indemnify, defend and save harmless the other party from any and all damages, claims, suits, costs, attorney's fees and actions arising from or related to its actions or omissions or the acts or omissions of its officers, agents, or employees in connection with the performance and/or subject matter of this Agreement. The obligation to indemnify is limited to the dollar amounts set forth in the Governmental Immunity Act, provided said Act applies to the action or omission giving rise to the protections of this paragraph. This paragraph shall not be construed as a waiver of the protections of the Governmental Immunity Act by the parties. The indemnification in this paragraph shall survive the expiration or termination of this Agreement.

II. Termination:

This Agreement may be terminated as follows:

- a. By mutual agreement of the parties, in writing
- b. By either UDOT or the Local Agency for failure of the other party to fulfill their obligations as set forth in the provisions of this Agreement. Reasonable allowances will be made for circumstances beyond the control of the parties. Written notice of intent to terminate is required and shall specify the reasons for termination. If a party fails to cure the breach, the other party may terminate this Agreement.

- c. By UDOT for the convenience of the State upon written notice to the Local Agency. However, UDOT will be responsible for the costs incurred for the Work before the termination of the Agreement.

III. Maintenance:

Division of jurisdiction and responsibilities of state highways shall be in accordance with Utah Code Section 72-3-109 and applicable rules.

IV. Payment and Reimbursement to Local Agency:

UDOT shall be responsible for all actual costs associated with the Work described in this Agreement up to the maximum total cost or lump sum. The Local Agency must submit the billing within 3 months of the Work completion date.

V. Change in Scope and Schedule:

If Work scope or schedule changes from the original intent of this Agreement, UDOT will notify the Local Agency prior to changes being made. If the Local Agency modifies its Project and the modification affects the Work, Local Agency will immediately notify UDOT. In the event there are changes in the scope of the Work, extra work, or changes in the planned Work covered by this Agreement, a modification to this Agreement must be approved in writing by the parties prior to the start of work on the changes or additions.

VI. Environmental Compliance

The Local Agency will assure compliance of the Project with all applicable state and federal environmental statutes, regulations, rules, and permitting requirements.

VII. Miscellaneous:

Each party agrees to undertake and perform all further acts that are reasonably necessary to carry out the intent and purposes of the Agreement at the request of the other party.

The failure of either party to insist upon strict compliance of any of the terms and conditions, or failure or delay by either party to exercise any rights or remedies provided in this Agreement, or by law, will not release either party from any obligations arising under this Agreement.

This Agreement does not create any type of agency relationship, joint venture or partnership between the parties.

Each party represents that it has the authority to enter into this Agreement.

This Agreement may be executed in counterparts by the parties.

VIII. Content Review:

Language content was reviewed and approved by the Utah AG's office on February 2, 2015.

Moab, Utah				Utah Department of Transportation			
By		Date		By		Date	
Chuck Williams, City Engineer				Devin Squire, Project Manager			
By		Date		By		Date	
Mayor Emily Niehaus				Monte Aldridge, Region 4 Deputy Director			
By		Date		By		Date	
Sommar Johnson, City Recorder				Comptrollers Office			



Devin Squire <dsquire@utah.gov>

400 E Bridge Widening Info

11 messages

Chuck Williams <cwilliams@moabcity.org>
To: dsquire@utah.gov

Mon, Sep 27, 2021 at 10:31 AM

Devin,

I've worked with AJ at CSI to evaluate alternative designs that would achieve our project objectives. We've prepared the info below for your review.

The City of Moab has set the following goals for the Pack Creek Bridge Widening Project:

- Continue to provide one lane of traffic in each direction
- Widen bridge to accommodate continuous active transportation across the structure
 - Provide bike lanes in each direction
 - Replace failing steel walkway with concrete sidewalk
- Maintain a No Net Rise condition for the floodplain
- Deliver project for a maximum budget of \$740,000
- Complete construction in 2022

No Work Items

- No ROW procurement
- No new utilities
- No existing bridge rehabilitation or load strengthening
- No CLOMR/LOMR

Project Budget Summary

- General Construction (Mob, TC, Survey, PI, etc) = \$95k
- Bridge Widening = \$300k
- Roadway Tie-ins = \$90k
- PE/CE = \$142k
- Contingency = \$100k
- Total Construction = \$485k

- Total Project = \$730k

Attached is a sheet showing existing, what was originally requested funding for and what we are proposing now that corresponds to this cost estimate.

Let me know if you'd like to discuss or send the agreement so I can start the review process for signing.

Thanks,

Chuck Williams PE

City Engineer

City of Moab

217 East Center Street

Moab, UT 84532

Office: 435-259-4941

Cell: 435-260-7995



Moab Alternative Sheet.pdf

140K

Devin Squire <dsquire@utah.gov>
To: Chuck Williams <cwilliams@moabcity.org>

Tue, Sep 28, 2021 at 7:02 AM

This is perfect Chuck thanks! I need to run it by Monte - give me a couple days.

[Quoted text hidden]

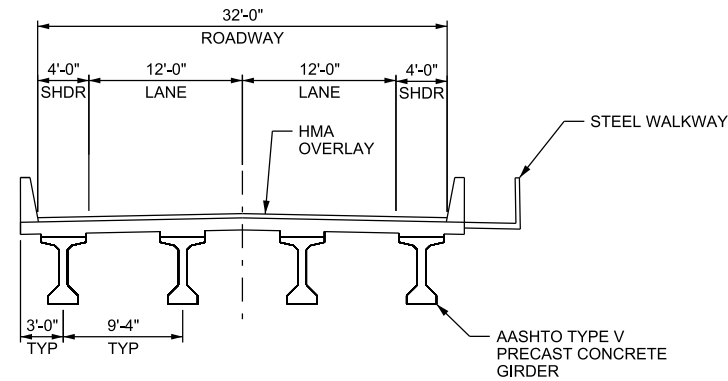
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Devin Squire, PE, PTOE | Project Manager

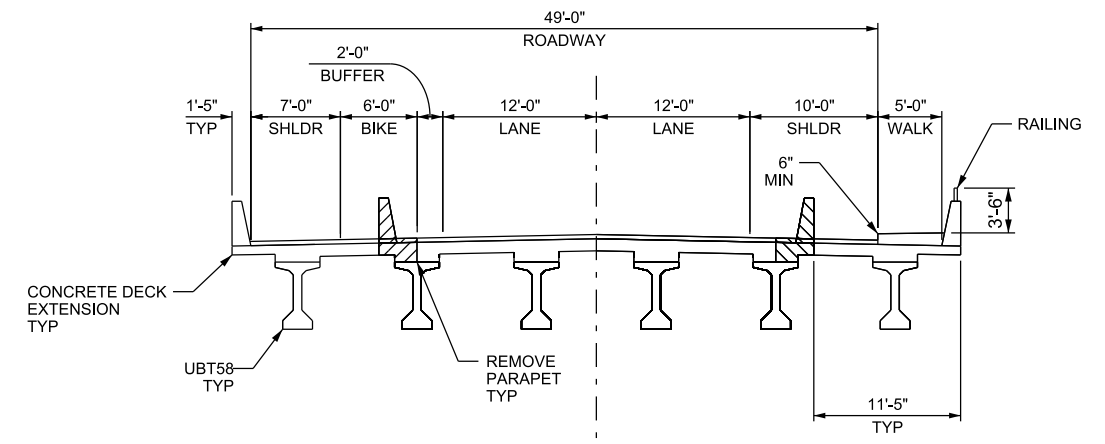
UDOT | UTAH DEPARTMENT OF TRANSPORTATION

Email dsquire@utah.gov | Cell 801.200.5217

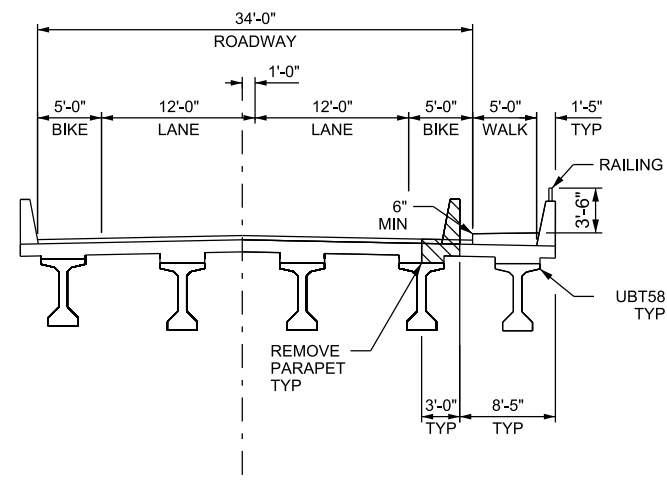
- NOTES:**
1. ALL SECTIONS LOOKING NORTH
 2. FOURTH EAST IS CONSIDERED A MINOR ARTERIAL



EXISTING



INITIAL FUNDING SCHEME



DESIGN CROSS SECTION

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	REV	DATE	DESCRIPTION												

Moab City Council Agenda Item
Meeting Date: November 9, 2021

Title: Pack Creek Bridge Widening Project Task Order 2021-03

Disposition: Discussion and possible action

Staff Presenter: Chuck Williams, City Engineer

Attachment(s):

Attachment 1 - Task Order 2021-03

Attachment 2 - Pack Creek Bridge Widening Project Cost Estimate

Attachment 3 - Pack Creek Bridge Widening Preliminary Section

Recommended Motion: "I move to approve Task Order 2021-03 with Civil Science, Inc. for engineering services relating to the Pack Creek Bridge Widening Project."

Background/Summary:

The east side of the 400 East Bridge over Pack Creek will be widened to accommodate pedestrians (in lieu of the existing failing steel walkway) and provide additional roadway width to accommodate 5-ft bike lanes on each side of the bridge. The additional deck width will require an additional girder and a drilled shaft foundation extension. The existing structure is a precast concrete girder bridge with a single span of 96'-0" that is supported on drilled shafts with seat abutments. Initially, the project concept included adding another girder and widening the west side as well, but was dropped from the project as being cost prohibitive. The existing structure, except for the failing steel walkway, is in good to fair condition with no anticipated structural rehabilitation or preservation activities anticipated.

The final project scope as proposed is estimated to cost \$740,000, with a fifty-fifty cost share between the City and UDOT. Staff selected Civil Science, Inc. (CSI) to design the project since they did the original evaluation of the bridge for the Grant application. They have also successfully completed several other transportation projects for the City and are an on-call engineering consultant for the City. This precludes the City having to solicit design proposals for this project since the city on-call list was developed using a competitive procurement process. The City's portion of the project is budgeted this Fiscal Year.

TASK ORDER

{Consulting Services Agreement}

Task Order No. 2021-03
 Date October 10, 2021
 Project Name Pack Creek Bridge Widening (019038F)

This Task Order No. **2021-03** is issued pursuant to our Agreement dated **May 28, 2019** and unless otherwise specified herein, the performance of services hereunder and the payment therefore shall be subject to the terms and conditions of said Agreement. The services authorized hereunder are described below.

Task Order Fee \$82,000.00

Task Order Fee Type: Fixed Price (Lump Sum) Hourly (T&M)

Task Order Estimate of Time: From 10/10/2021 to 05/30/2022

This Task Order incorporates the Exhibits noted below:

- Exhibit A – Description of Services
- Exhibit B – Work Breakdown Structure
- Exhibit C – Project Exhibits

ACCEPTANCE OF TASK ORDER:

CIVIL SCIENCE, INC. (Consultant)	CITY OF MOAB (Department)
Civil Science, Inc. Attn: AJ Yates, PE 405 S Main, Suite 975 Salt Lake City, UT 84111 (801) 560-0289 ayates@civilscience.com	City of Moab Attn: Emily S. Niehaus 217 E Center St. Moab, UT 84532 (435) 259-4941 emily@moabcity.org
BY: AJ Yates, Vice President	BY: Emily S. Niehaus, Mayor Attest: Sommar Johnson, Recorder
DATE:	DATE:
REPRESENTATIVE: Tyler Turner	REPRESENTATIVE: Chuck Williams

EXHIBIT A

Description of Services

PROJECT UNDERSTANDING

The City of Moab (City) intends to widen the 400 East over Pack Creek Bridge (UDOT Structure No. 019038F, formerly F-318). The east side will be widened to accommodate pedestrians (in lieu of the existing steel walkway) and provide additional roadway width to accommodate 5-ft bike lanes on each side. The additional deck width will likely require an additional girder line and a drilled shaft foundation extension. The existing structure is a precast concrete girder bridge with a single span of 96'-0" that is supported on drilled shafts with seat abutments. The existing structure is in good to fair condition with no anticipated structural rehabilitation or preservation activities anticipated.

SCOPE OF WORK

Based on the Project Understanding outlined above, Civil Science will provide the following services where tasks will include:

Project Meetings, Management, and Coordination

1. Provide project management including accounting, internal coordination meetings, progress reporting, active communication, informal weekly coordination via phone calls, emails, screen share etc. with the City and key staff.
2. Meet with the City once on-site during the 30% review phase and virtually (via Zoom or Microsoft Teams) during the 60%, 90%, and Final Design reviews.
3. General coordination with the City, utility owners, and property owners.

30% Concept Development

1. Research and collect data pertinent to the bridge structure, such as request current City and UDOT records.
2. Provide a design criteria document that considers recommendations from the following:
 - a. AASHTO LRFD Bridge Design Specifications
 - b. AASHTO LRFD Seismic Bridge Design Guide Specification
 - c. UDOT Structures Design and Detailing Manual
 - d. UDOT Geotechnical Manual of Instruction
 - e. AASHTO Policy for the Geometric Design of Highways
 - f. AASHTO Guide for the Development of Bicycle Facilities
3. Develop a project scope memo that includes the following:
 - a. Summary of existing bridge conditions and site characteristics
 - b. Brief narrative describing proposed roadway cross sectional elements (vehicular lanes, bike lanes, shoulders, sidewalk, etc.) and sizes (determined collaboratively with the City).
 - c. Detailed cost estimate and Situation and Layout Sheets.
 - d. Summary of girder and foundation type recommendations.
4. Provide draft plan and detail sheets for City review.
5. Develop the Engineer's Estimate with quantities and unit price assumptions – include project (non-construction) costs to provide a project level estimate.

60% Over-The-Shoulder Review

1. Provide progress prints of plan sheets (roadway sheets and bridge concrete outlines).
2. Update the Engineer's Estimate.

90% Engineering Design

1. Design and detail the construction drawings and specifications to show the character and scope of work to be performed by contractors.
 - a. Construction drawings are anticipated to include: a cover sheet, general note, survey control sheets, roadway typical sections, roadway plan and profile sheet, roadway and drainage details, Situation and Layout Sheets, bridge removal details, drilled shaft details, abutment details, precast concrete girder details, deck and approach slab details, and parapet sheets. A total of 26 sheets are estimated.
 - b. Referral to UDOT standard and project specific special provision specifications are anticipated to supplement the APWA standard specifications.
 - c. Prepare and provide a measurement and payment document.
 - d. Update the Engineer's Estimate.

Final Design

1. Address comments from the City and prepare final documents for signature and reproduction.
2. Prepare final construction drawings, specifications, and special provisions for reproduction.

SPECIALITY SERVICES

The following specialty services will be included:

Design Survey and Base Mapping

1. Provide design survey and terrestrial scans for the Project, set control, perform topographical GPS survey, and provide updated aerials via UAV.
2. Collect property boundaries, easement research, and tract map information.
3. Locate existing stormwater and wastewater utilities and collect inverts.
4. Prepare an existing CAD base map to include existing aerials, existing utilities, and existing topography and surface.

Geotechnical Investigation and Engineering (Subconsultant IGES)

1. Provide geotechnical engineering services and investigation of the proposed foundation work:
 - a. Two hollow stem auger borings to 50 feet or auger refusal with sampling at 2.5- to 5-ft intervals
 - b. Limited lab testing to characterize soil properties due to anticipated dense granular soils
 - c. Full deep foundation design, anticipating drilled shafts, similar to existing plans (provided previously by UDOT)
 - d. Lateral earth pressures
 - e. Cement type recommendations
2. A draft version of the geotechnical report will be provided during the 30% review.

ADDITIONAL SERVICES

The City may authorize Civil Science to furnish, or obtain from others, services which are not included in the basic Scope of Work (refer to scope Assumptions). If such additional services are authorized by the City, Civil Science will negotiate a modification to the scope and fee.

Temporary Traffic Control Plans

1. Prepare temporary traffic control plans sheets to be used by the selected contractor during the construction. Plans will be consistent with the Utah MUTCD and other applicable standards.
2. Prepare and provide any technical specifications or limitations relating to traffic restrictions.
3. Prepare and provide additional bidding documents, descriptions, and cost estimate for items directly related to traffic control.

Bid Phase Services

1. Assist the City in advertisement for public bid.
2. Conduct a pre-bid meeting (in Moab), answer questions, clarify expectations of the contractor, and explain design rationale.
3. Answer bid phase questions related to the construction documents.
4. Issue addenda to clarify requirements, scope, and quality and quantity of the improvements to be completed.
5. Review bids with project requirements, issue bid tabulation and issue Notice of Intent to Award.
6. Assist the City in securing agreement, bonds, and insurance from the contractor.

ASSUMPTIONS

- All work will occur within the City's right-of-way. Any additional property procurement, if needed, will be done by others.
- Environmental documentation services are not included. Civil Science can provide these services, which would result in a modification to the scope and fee.
- The proposed construction will result in a no net rise condition in the Special Flood Hazard Areas, and a CLOMR/LOMR will not be required. Civil Science does not anticipate performing any hydraulic modeling/analysis, scour analysis, or submitting for a stream alteration permit. Civil Science can provide these services, which would result in a modification to the scope and fee.
- Project will use a pavement section recommended by the City. A project specific pavement design will not be provided.
- Bid documents will follow Moab City's typical bidding and documentation processes.
- Utility relocation efforts will be minimal and consist of communicating project needs with third-party utility companies. Develop utility company agreements are not anticipated to be required. Civil Science can provide these services, which would result in a modification to the scope and fee.
- Bridge aesthetics will be limited to matching the existing structure.
- Project will utilize APWA Standards
- Bid protests, rebidding, or renegotiating contracts are not assumed to be needed. Civil Science can provide these services, which would result in a modification to the scope and fee.
- Construction inspection and management services are not assumed to be needed. Civil Science can provide these services, which would result in a modification to the scope and fee.
- Providing a Storm Water Pollution Prevention Plan for construction as it is intended to be part of the construction contract.

FEE PROPOSAL

Civil Science proposes to complete the Scope of Work outlined above as follows:

Engineering Design Services		
Task Description	Fee	Fee Type
Project Meetings, Management, and Coordination	\$4,000	Lump Sum
30% Concept Development	\$16,000	Lump Sum
60% Over-The-Shoulder Review	\$10,000	Lump Sum
90% Engineering Design	\$20,000	Lump Sum
Final Design	\$10,000	Lump Sum
Total	\$60,000	Lump Sum
Specialty Services		
Design Survey and Base Mapping	\$7,000	Lump Sum
Geotechnical Investigation and Engineering (Subconsultant IGES)	\$15,000	Lump Sum
Total	\$22,000	Lump Sum
Grand Total	\$82,000	
Additional Services		
Task Description	Fee	Fee Type
Temporary Traffic Control Plans	\$4,000	Lump Sum
Bid Phase Services	\$6,000	Hourly
Total (Additional)	\$10,000	

Professional fees shown are not to exceed unless upon written authorization from the City. Additional Services will not be performed unless requested by the City. Professional services rendered for the Hourly Fee Type will be completed by Civil Science at the rates and fees given in the Agreement.

SCHEDULE

Civil Science understands the importance of maintaining a project schedule, and we are confident of our record and ability to provide these services according to the City's desires. Upon award, we can complete the design portion of the Scope of Work within 180 calendar days.

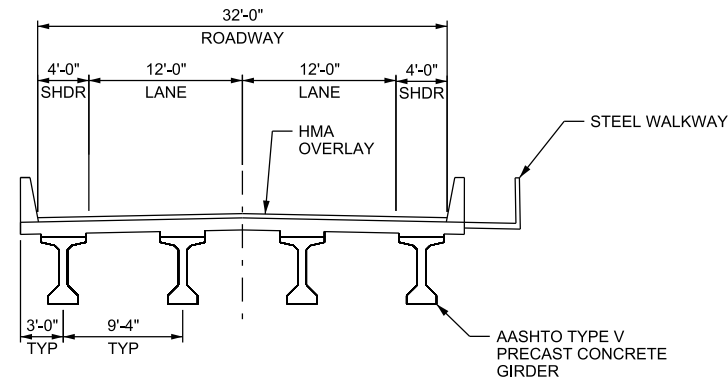
Project | Pack Creek Bridge Widening
 Subject | Moab Bridge Extension
 Engineer's Estimate

Date | 9/22/2021
 Computed by | TJK
 Checked by | AFY

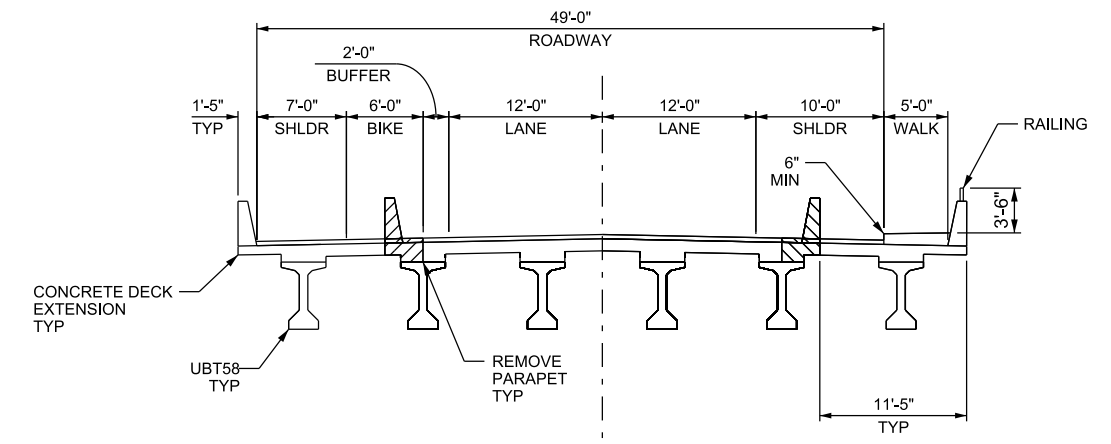
Concept Level Project Estimate

	Unit	Unit Price	Initial Funding Scheme		Design Section		Notes
			Quantity	Cost	Quantity	Cost	
General Construction							
Mobilization	Lump	-	1	\$ 100,000.00	1	\$ 50,000.00	Assumed 10% of construction cost
Traffic Control	Lump	-	1	\$ 50,000.00	1	\$ 25,000.00	Assumed 5% of construction cost
Survey	Lump	-	1	\$ 10,000.00	1	\$ 10,000.00	
Erosion Control	Lump	-	1	\$ 5,000.00	1	\$ 5,000.00	
Public Information	Lump	-	1	\$ 5,000.00	1	\$ 5,000.00	
Items Not Estimated	%	15	1	\$ 150,000.00	1	\$ 75,000.00	
Bridge							
Drilled Shaft	ft	2000	80	\$ 160,000.00	40	\$ 80,000.00	
Structural Concrete	yd ³	1200	250	\$ 300,000.00	108	\$ 130,161.11	
Rebar	lbs	1.35	62,500	\$ 84,375.00	27,117	\$ 36,607.81	
Prestressed Concrete Girders	ft	400	195	\$ 78,000.00	98	\$ 39,000.00	
Granular Backfill Borrow	yd ³	80	56	\$ 4,480.00	28	\$ 2,213.33	
Fence	ft	50	130	\$ 6,500.00	130	\$ 6,500.00	
HMA	tons	250	66	\$ 16,500.00	13	\$ 3,141.64	
Waterproofing	ft ²	5	2,730	\$ 13,650.03	520	\$ 2,600.00	
Expansion Joint	ft	50	58	\$ 2,883.33	23	\$ 1,141.67	
Roadway							
Embankment	yd ³	60	250	\$ 15,000.00	100	\$ 5,985.19	
Granular Borrow	yd ³	70	70	\$ 4,900.00	25	\$ 1,745.68	
UTBC	yd ³	80	30	\$ 2,400.00	17	\$ 1,330.04	
HMA	tons	250	50	\$ 12,500.00	16	\$ 4,027.38	
Construction Total				\$ 1,021,188.37		\$ 484,453.84	
Project Administration							
PE	Lump	-	1	\$ 92,000.00	1	\$ 92,000.00	Assumes optional services included
CE	Lump	-	1	\$ 50,000.00	1	\$ 50,000.00	
Design Contingency	%	10	1	\$ 100,000.00	1	\$ 50,000.00	
Construction Contingency	%	10	1	\$ 100,000.00	1	\$ 50,000.00	
Project Total				\$ 1,370,000.00		\$ 730,000.00	

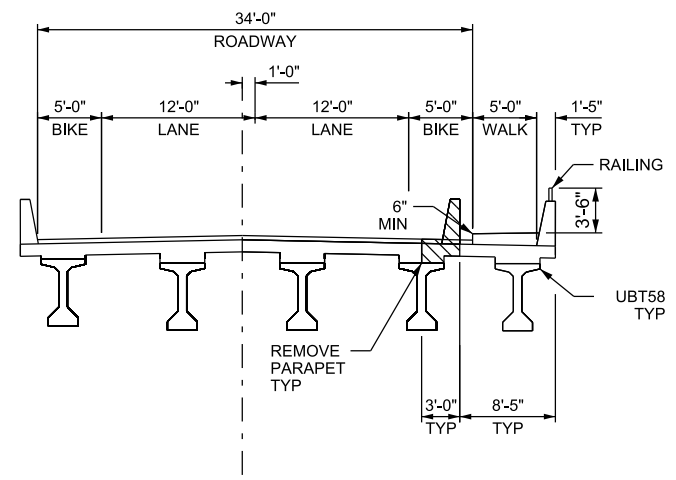
- NOTES:**
1. ALL SECTIONS LOOKING NORTH
 2. FOURTH EAST IS CONSIDERED A MINOR ARTERIAL



EXISTING



INITIAL FUNDING SCHEME



DESIGN CROSS SECTION

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	REV	DATE	DESCRIPTION													
UTA Contract No.																
Drawing	Sheet No.															
UTA Contract No.																

Moab City Council Agenda Item
HooDoo Phase II Plat Amendment Petition

Meeting Date: November 9, 2021

Title: Consideration and Possible Approval of Moab City Resolution #34-2021, A Resolution Approving the Plat Amendment of property located at 261 Walnut Lane, 178 W Williams Way, and 111 North 100 West, Moab UT 84532, for the HooDoo Hotel.

Disposition: Discussion and Possible Action

Staff Presenter: Cory P. Shurtleff, Assistant Planner

Attachment(s):

- Exhibit 1: Moab City Resolution #34-2021
- Exhibit 2: Planning Resolution #13-2013
- Exhibit 3: Original HooDoo Hotel Approved Civil Set
- Exhibit 4: Draft Survey Plat
- Exhibit 5: Vicinity Map
- Exhibit 6: Recorded County Plat
- Exhibit 7: Existing Easement Plat Note
- Exhibit 8: State Code 10-9A-608

Options:

1. Approve with or without modifications; or
2. Continue or table item and give specific direction to the applicant and staff as to additional information needed; or
3. Deny Petition

Recommended Motion: I move that the Moab City Council approve Moab City Resolution #34-2021 – A Resolution Approving the Plat Amendment of property located at 261 Walnut Lane, 178 W Williams Way, and 111 North 100 West, Moab UT 84532, for the HooDoo Hotel.

Applicant: Tiffany May, Real Estate Business Resolutions; Mike Bynum, Owner.

Background:

Applicant, Tiffany May, submitted the City of Moab Petition to Vacate, Alter, or Amend a Subdivision Plat, Utah State Code 10-9A-608(2)(a), on October 18, 2021, for the Lot Line Adjustment of three adjoining parcels located at 261 Walnut Lane, 178 W Williams Way, and 111 North 100 West, Moab UT 84532. On October 19, 2021, sufficient materials, in the form of a draft plat survey generated to show the Lot Line Adjustment and Parcel Legal Descriptions, with a Plat Note defining a Permanent Access and Utility Easement that will be applied to the proposed LLA, along with the signed and notarized petition were submitted to City Staff. The City's Development Review Team approved the submitted materials on October 20, 2021. On November 3, 2021, the petition application was officially submitted for review at the City Council Meeting held on November 9, 2021.

Project Summary:

Location: 261 Walnut Lane, 178 W Williams Way, and 111 North 100 West

Property Owner: Hotel Moab LLC, Hotel Moab II LLC
Applicant: Tiffany May; Mike Bynum, Owner
Parcel -0148: 162,039 sf
Parcel -0127: 25,180 sf
Parcel -0158: 125,864 sf
New -0148: 170,640 sf
New -0127: 123,051 sf
New -0158: 19,003 sf
Zoning: C-3 Central Commercial Zone
Proposed Use: HooDoo Hotel Phase II Casitas Site Plan #21-0029

Narrative Summary:

Following the submission of Site Plan Application #21-0029, HooDoo Hotel Phase II Casitas, the City of Moab Development Review Team determined that the platting for the Approved HooDoo Hotel, Site Plan Planning Resolution #13-2013, had discrepancies between the existing property lines and the approved and proposed Hotel development. To reconcile the existing discrepancies and adjust the adjacent parcels for the proposed Phase II development, the property owner has submitted the Plat Amendment Petition to adjust the lot lines of the three associated parcels: #01-0001-0148 (HooDoo Hotel Parcel), #01-0001-0127 (HooDoo Casitas Parcel), #01-0001-0158 (Workforce Housing Parcel). In addition to the proposed Plat Amendment, the Applicant is including a Plat Note that will be recorded in conjunction with this plat survey, placing all existing utilities from the HooDoo Hotel Parcel that cross the property line onto the HooDoo Casitas Parcel under a permanent access and utility easement. Following the approval of the new HooDoo Phase II Casitas Site Plan #21-0029, the easements will be updated to reflect the new infrastructure that crosses and is shared between the two development phases.

Process:

Utah State Code Section 10-9A-608 (Attachment 4) addresses this situation:
10-9a-608-14 Unless a local ordinance provides otherwise, the public hearing requirement of Subsection (1)(c) does not apply and a land use authority may consider at a public meeting an owner's petition to vacate or amend a subdivision plat if:

a) The petition seeks to:

(...)

d) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located in the same subdivision.

Moab Municipal Code (16.08.050) includes a public hearing exemption for an amended plat if owners of both parcels sign the petition. The City Council has the authority to approve the plat amendment at a public meeting without a public hearing.

CITY OF MOAB RESOLUTION NO. 34-2021

A RESOLUTION APPROVING THE PLAT AMENDMENT OF PROPERTY LOCATED AT 261 WALNUT LANE, 178 W WILLIAMS WAY, AND 111 NORTH 100 WEST, MOAB, UT 84532, FOR THE HOODOO HOTEL.

WHEREAS, The following describes the intent and purpose of this resolution:

- a. Applicant, Tiffany May and Owner, Mike Bynum, on behalf of Property Ownership, Hotel Moab LLC, and Hotel Moab II LLC, wish to adjust the lot lines of three adjacent properties located at 261 Walnut Lane, 178 W Williams Way, and 111 North 100 West, in conjunction with the proposed development that includes the existing HooDoo Hotel and the proposed HooDoo Phase II Casitas Site Plan; and
- b. The Applicant submitted to the City of Moab the appropriate application and documents for review and approval of the proposed Plat Amendment as required in MMC Chapter 16; and
- c. The property is in the C-3 Central Commercial Zone and the existing uses are allowed as a permitted use; and
- d. Owner desires to adjust the parcel boundaries for parcels #01-0001-0148 (HooDoo Hotel Parcel) to 170,640sf, #01-0001-0127 (HooDoo Casitas Parcel) to 123,051sf, and #01-0001-0158 (Workforce Housing Parcel) to 19,003sf, with the proposed property lines correctly aligning with the existing and proposed developments on each of the parcels; and
- e. Utah State Code Section 10-9a-608-14 states that no public hearing is required for a petition that seeks to adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located in the same subdivision; and
- f. Moab Municipal Code Section 16.08.050 allows the City Council to approve plat amendments at a public meeting without a public hearing.
- g. The Property Owner, Mike Bynum, on behalf of both property ownerships, Hotel Moab LLC and Hotel Moab II LLC, has included the Plat Note Exhibit 5, which shall be recorded in association with the proposed survey plat, placing all existing utilities from the HooDoo Hotel that cross the property line onto the HooDoo Casitas Parcel, under a permanent access and utility easement; and
- h. Following the consideration of the technical aspects of the pertinent code sections, the Moab City Council, pursuant to Resolution #34-2021, hereby finds, that the Plat Amendment can meet or exceeds the pertinent code requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MOAB CITY COUNCIL, the application for the HooDoo Phase II Plat Amendment Petition is hereby APPROVED.

PASSED AND APPROVED in open Council by a majority vote of the Governing Body of Moab City Council on November 9, 2021.

SIGNED: _____
Emily Niehaus, Mayor

ATTEST: _____
Sommar Johnson, Recorder

**CITY OF MOAB
PLANNING RESOLUTION # 13-2013**

**A RESOLUTION CONDITIONALLY APPROVING A COMMERCIAL SITE PLAN FOR THE CONSTRUCTION OF
A HOTEL, RESTAURANT, CONFERENCE AREA, AND EMPLOYEE HOUSING AT 100 WEST AND WILLIAMS
WAY IN THE C-3 ZONE AND GRANTING A PARKING EXCEPTION**

WHEREAS, Red Rock Partners, LLC (Owner), represented by the "Applicants", Mike Bynum at 7000 Walk About Ranch Road, Moab, UT 84532, and Mike Hogan of Hogan and Associates Construction at 940 N 1250 W, Centerville, UT, 84532, have applied for approval of a commercial site plan to construct a 115 room hotel, restaurant, conference rooms, and employee housing on a 7.2- acre property located at 100 W and Williams Way; and,

WHEREAS, the Applicants provided the City of Moab with the necessary documents, plans and drawings to complete the site plan application for the construction of said hotel, pool, landscaping, restaurant, employee housing, and amenities as required under Moab Municipal Code Chapter 17.09.660; and,

WHEREAS, the proposed project meets the pertinent requirements of Title 17.0, *Zoning*, in the Moab Municipal Code; and,

WHEREAS, Applicants have requested a parking exception to the number of required off-street parking spaces that is supported by a study completed in July, 2013 that uses Urban Land Institute information for conference areas; and

WHEREAS, Applicants have proposed a shared parking arrangement for all of the various uses on the property; and

WHEREAS, the Moab Planning Commission ("Commission") reviewed the application in a public meeting held on September 26, 2013, to review said application; and,

WHEREAS, the Commission adopted Resolution #13-2013, approving the commercial site plan on the property described above; and,

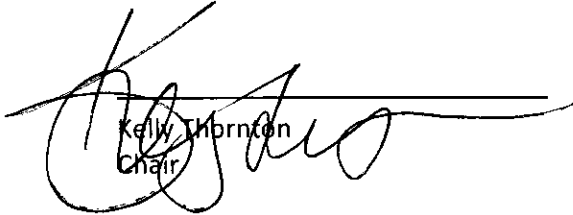
WHEREAS, having considered Staff recommendations, and discussion of the pertinent aspects of the development, the Moab Planning Commission does hereby find, determine, and declare, that all applicable provisions of the Moab Municipal Code (MMC) have or can be met;

NOW, THEREFORE, be it resolved by the Moab Planning Commission of the City of Moab, Utah that the commercial site plan for the property at 100 West and Williams Way is hereby conditionally approved.

1. At the appropriate time, Phase Two shall be submitted to the Planning Commission for review and approval;
2. The property line separating the employee housing from the hotel lot shall be vacated by an action of the City Council.
3. The restaurant and architectural design shall be coordinated to the satisfaction of City Staff, the Moab Fire Department, and the Building Inspector's office.

4. The project shall be constructed in conformance with the approved plan sheets from:
 - a. architects, AEURBIA, dated September 9, 2013 and including plan sheets A100, A202-204, and A301-303;
 - b. Set Engineering dated September 5, 2013 and including plan sheets C-102-C-106;
 - c. Landscapers, Three Men and a Shovel, dated September 3, 2013 and including plan sheets L100 and L200-L202; and
5. Signs shall be subject to a separate review and permitting process as established in MMC Chapter 15.44; and
6. Prior to the approval of Phase 2, the parking shall be reassessed and, if necessary, appropriate remedies will be incorporated into the plan.

AND, FURTHERMORE, the request for the off-street parking exception is approved with the proposed shared parking arrangement between the uses.



Kelly Thornton
Chair

9-20-13

Date

100 WEST HOTEL, MOAB, UTAH



PROJECT LOCATION MAP (NOT TO SCALE)

SHEET INDEX

COVER SHEET	1
CIVIL SITE & UTILITY PLAN	2
GRADING & DRAINAGE PLAN	3
DETAILS	4-6

GENERAL NOTES

1. ALL ITEMS LISTED IN THESE NOTES ARE INCIDENTAL TO THE PROJECT AND WILL NOT BE PAID FOR SEPARATELY UNLESS NOTED AND/OR A SPECIFIC ITEM IS LISTED IN THE BID TABULATION.
2. THE CONTRACTOR SHALL HAVE IN HIS POSSESSION AT ALL TIMES ONE (1) SIGNED COPY OF PLANS AND SPECIFICATIONS WHICH HAVE BEEN APPROVED BY THE CITY.
3. ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE CITY OF MOAB DESIGN STANDARDS & PUBLIC IMPROVEMENT SPECIFICATIONS (DSPIS). THE CONTRACTOR MUST HAVE A COPY OF THIS DOCUMENT ON SITE AT ALL TIMES. WHEN REQUIREMENTS IN THE DRAWINGS AND DSPIS CONFLICT THE MORE STRINGENT REQUIREMENT SHALL APPLY.
4. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS PRIOR TO THE COMMENCEMENT OF ANY WORK ON THE PROJECT.
5. AN EXCAVATION PERMIT FOR WORK IN THE PUBLIC WAYS IS REQUIRED FOR ALL WORK IN THE PUBLIC RIGHT-OF-WAY.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE OWNER/DEVELOPER OF ANY PROBLEMS IN CONFORMING TO THE APPROVED PLANS FOR ANY ELEMENT OF THE PROPOSED IMPROVEMENTS PRIOR TO ITS CONSTRUCTION.
7. THE DEVELOPER SHALL BE RESPONSIBLE FOR RESOLVING CONSTRUCTION PROBLEMS THAT ARISE DURING CONSTRUCTION ACTIVITIES DUE TO CHANGED CONDITIONS OR DESIGN ERRORS ENCOUNTERED BY THE CONTRACTOR DURING THE PROGRESS OF ANY PORTION OF THE PROPOSED WORK. IF IN THE OPINION OF THE CITY INSPECTOR, THE MODIFICATIONS TO THE APPROVED PLANS PROPOSED BY THE DEVELOPER INVOLVE SIGNIFICANT CHANGES TO THE CHARACTER OF THE WORK OR TO FUTURE CONTIGUOUS PUBLIC OR PRIVATE IMPROVEMENTS, THE DEVELOPER SHALL BE RESPONSIBLE FOR SUBMITTING REVISED PLANS TO THE APPROPRIATE AGENCIES FOR APPROVAL PRIOR TO ANY FURTHER CONSTRUCTION RELATED TO THAT PORTION OF THE WORK.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PREPARING PROJECT "RECORD DRAWINGS" PER THE CITY OF MOAB DSPIS. THE CONTRACTOR SHALL PROVIDE THREE (3) COPIES OF ALL PORTIONS OF THE DRAWINGS PERTINENT TO PUBLIC IMPROVEMENTS TO THE CITY OF MOAB AND ONE (1) FULL COPY EACH TO THE OWNER, ENGINEER, AND ANY OTHER APPROPRIATE AGENCIES PRIOR TO FINAL ACCEPTANCE OF THE WORK.
9. THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS AT AND ADJACENT TO THE JOB SITE INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.
10. SURVEY INFORMATION IS PROVIDED BY KEOGH LAND SURVEYING. THE VERTICAL DATUM IS NAVD 1988. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL INFORMATION/LOCATIONS IDENTIFIED ON THESE PLANS PRIOR TO CONSTRUCTION.

INCIDENTAL DAMAGE

11. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY PUBLIC OR PRIVATE IMPROVEMENTS, IN KIND, THAT WERE REMOVED OR DAMAGED DURING CONSTRUCTION INCLUDING BUT NOT LIMITED TO: RESIDENTIAL SERVICES, SIGNS, WATER LINES, SEWER LINES, STORM DRAINS, ETC.
12. THE CONTRACTOR SHALL REPAIR OR REPLACE EXISTING LANDSCAPING, IN KIND, THAT WAS REMOVED OR DAMAGED DURING CONSTRUCTION. THE CONTRACTOR SHALL GUARANTEE SAID LANDSCAPING FOR ONE YEAR (1) AFTER THE FINAL ACCEPTANCE OF THE CONSTRUCTION.
13. THE CONTRACTOR SHALL RESET ALL SURVEY MONUMENTS DISTURBED DURING CONSTRUCTION WITHIN 60 DAYS OF PROJECT COMPLETION.
14. ANY CONSTRUCTION DEBRIS OR MUD TRACKING IN THE PUBLIC RIGHT-OF-WAY SHALL BE REMOVED IMMEDIATELY BY THE CONTRACTOR. THE CONTRACTOR SHALL IMMEDIATELY FIX ANY DAMAGE OR EXCESSIVE PAVEMENT FAILURES OUTSIDE OF THE PROJECT LIMITS CAUSED BY PROJECT CONSTRUCTION AND SHALL PROPERLY BARRICADE THE AFFECTED AREA UNTIL NECESSARY REPAIRS ARE COMPLETE. FAILURE BY THE CONTRACTOR TO CORRECT ANY OF THE ABOVE CONDITIONS WITHIN PUBLIC RIGHTS-OF-WAY WITHIN 48 HOURS OF WRITTEN NOTICE BY THE INSPECTING AGENCY SHALL CAUSE THE INSPECTING AGENCY TO ISSUE A STOP WORK ORDER. AT THIS TIME, THE AGENCY MAY PERFORM THE CORRECTIVE WORK AND MAKE A CLAIM AGAINST THE ESCROW BOND FOR ANY COST INCURRED BY THE AGENCY.

INSPECTIONS AND MATERIAL TESTING

15. ALL TESTING FOR PUBLIC IMPROVEMENTS SHALL BE PERFORMED IN THE PRESENCE OF A MOAB CITY INSPECTOR AND SHALL BE SCHEDULED AT LEAST ONE WORKING DAY IN ADVANCE. SEE CITY OF MOAB DSPIS FOR TESTING REQUIREMENTS.
16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE CITY INSPECTOR OF UPCOMING INSPECTIONS FOR PUBLIC IMPROVEMENTS AND SUPPLYING ANY REQUIRED INFORMATION PRIOR TO THE INSPECTION IN ACCORDANCE WITH SECTION 3.2 OF THE CITY OF MOAB DSPIS (3 WORKING DAYS PRIOR TO COMMENCEMENT OF THE WORK FOR CONTINUOUS INSPECTIONS AND 1 WORKING DAY FOR PERIODIC INSPECTIONS).
17. THE DUTY OF THE CITY, OWNER, OR OWNER'S REPRESENTATIVES TO CONDUCT CONSTRUCTION REVIEW OF THE CONTRACTOR'S PERFORMANCE IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTOR'S SAFETY MEASURES IN, ON, OR NEAR THE CONSTRUCTION SITE.

GRADING AND DRAINAGE

18. A WATER TRUCK, IF CALLED FOR BY THE CITY INSPECTOR OR OWNER'S REPRESENTATIVE, WILL BE PROVIDED TO KEEP WIND EROSION IN CHECK.
19. ANY SETTLEMENT OR SOIL ACCUMULATIONS BEYOND THE PROPERTY LIMITS DUE TO GRADING OR EROSION SHALL BE REPAIRED IMMEDIATELY BY THE CONTRACTOR.

UTILITIES

20. A 48-HOUR NOTICE OF ANY PLANNED INTERRUPTION OF SERVICE SUCH AS ELECTRICAL, TELEPHONE, WATER, SEWER, ETC., MUST BE GIVEN IN WRITING TO THE MOAB CITY PUBLIC WORKS DEPARTMENT.
21. THE CONTRACTOR SHALL PROVIDE TRENCH BACKFILL MATERIAL AND COMPACTION OF BACKFILL MATERIAL PER THE CITY OF MOAB DSPIS. IF IN THE OPINION OF THE ENGINEER THE EXCAVATED MATERIAL IS NOT SATISFACTORY FOR USE AS BACKFILL, THE CONTRACTOR SHALL PROVIDE 1" AGGREGATE BASE COURSE (ABC) MATERIAL FOR TRENCH BACKFILL. THE CONTRACTOR SHALL PROVIDE A UNIT PRICE FOR CUBIC YARDS OF 1" ABC WITH THEIR BID.
22. CONTRACTOR SHALL CONTACT THE APPROPRIATE AGENCIES FOR THE LOCATION OF UNDERGROUND GAS, ELECTRIC, TELEPHONE, FIBER OPTIC, CABLE TV, AND ANY OTHER PUBLIC OR PRIVATE UTILITIES AT LEAST 2 FULL BUSINESS DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
23. EXISTING UTILITY LOCATIONS AND DEPTHS SHOWN ON THESE PLANS ARE APPROXIMATE AND ALL EXISTING LINES MAY NOT BE SHOWN. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING CROSSING AND DEPTHS PRIOR TO CONSTRUCTION.



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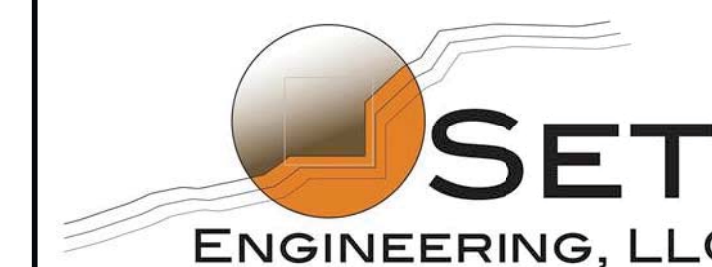
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Date: 5/24/13
 Drawn By: AL
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Revisions:

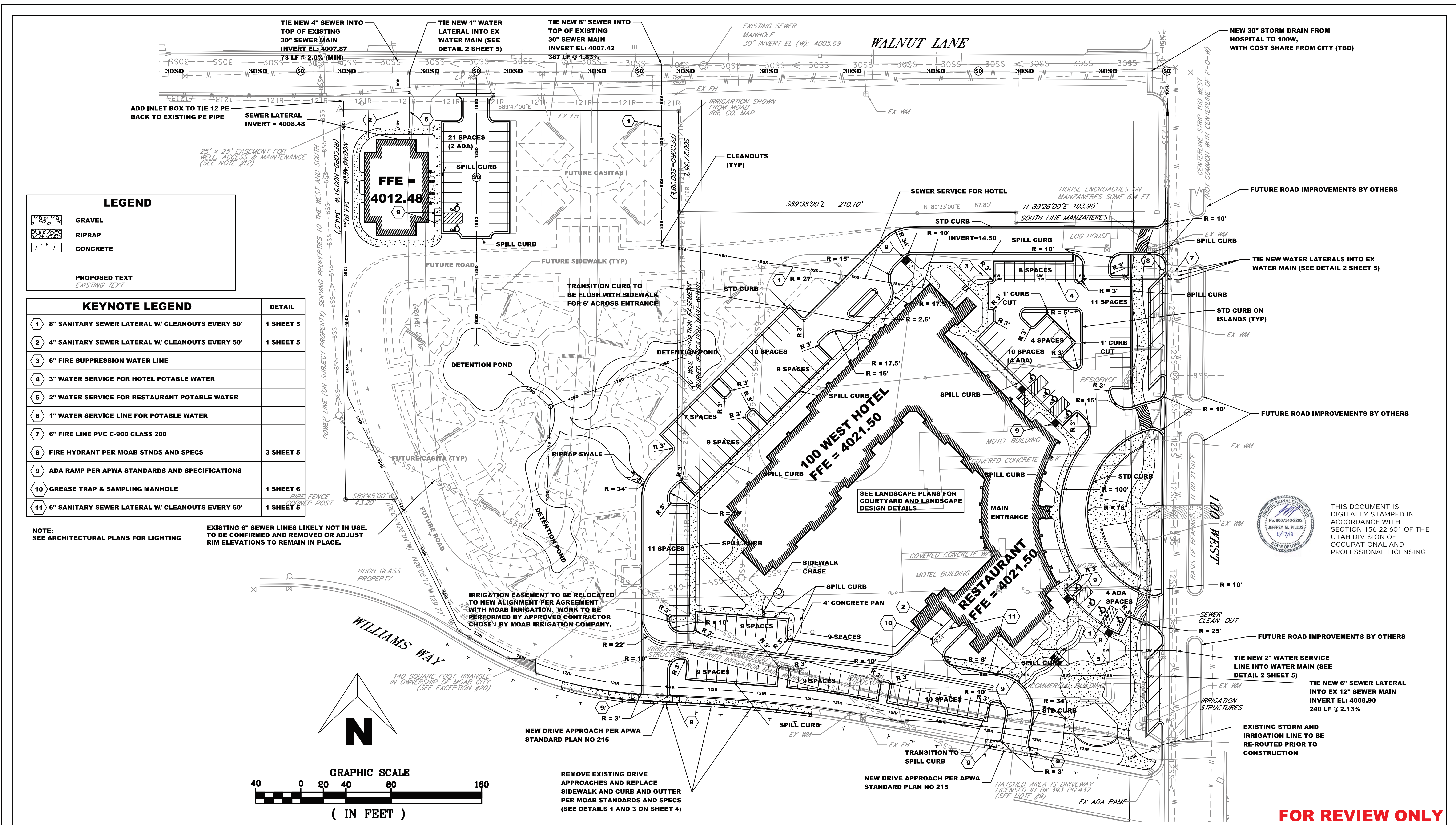
**100 WEST HOTEL
 MOAB, UTAH
 COVER SHEET**



150 Rockpoint Drive
 Suite F
 Durango, CO 81301
 970-403-5088

SHEET

C101



LEGEND

	GRAVEL
	RIPRAP
	CONCRETE
	PROPOSED TEXT
	EXISTING TEXT

KEYNOTE LEGEND

KEYNOTE	DETAIL
1	8" SANITARY SEWER LATERAL W/ CLEANOUTS EVERY 50'
2	4" SANITARY SEWER LATERAL W/ CLEANOUTS EVERY 50'
3	6" FIRE SUPPRESSION WATER LINE
4	3" WATER SERVICE FOR HOTEL POTABLE WATER
5	2" WATER SERVICE FOR RESTAURANT POTABLE WATER
6	1" WATER SERVICE LINE FOR POTABLE WATER
7	6" FIRE LINE PVC C-900 CLASS 200
8	FIRE HYDRANT PER MOAB STNDS AND SPECS
9	ADA RAMP PER APWA STANDARDS AND SPECIFICATIONS
10	GREASE TRAP & SAMPLING MANHOLE
11	6" SANITARY SEWER LATERAL W/ CLEANOUTS EVERY 50'

NOTE:
SEE ARCHITECTURAL PLANS FOR LIGHTING

EXISTING 6" SEWER LINES LIKELY NOT IN USE. TO BE CONFIRMED AND REMOVED OR ADJUST RIM ELEVATIONS TO REMAIN IN PLACE.

IRRIGATION EASEMENT TO BE RELOCATED TO NEW ALIGNMENT PER AGREEMENT WITH MOAB IRRIGATION. WORK TO BE PERFORMED BY APPROVED CONTRACTOR CHOSEN BY MOAB IRRIGATION COMPANY.

REMOVE EXISTING DRIVE APPROACHES AND REPLACE SIDEWALK AND CURBS AND GUTTER PER MOAB STANDARDS AND SPECS (SEE DETAILS 1 AND 3 ON SHEET 4)



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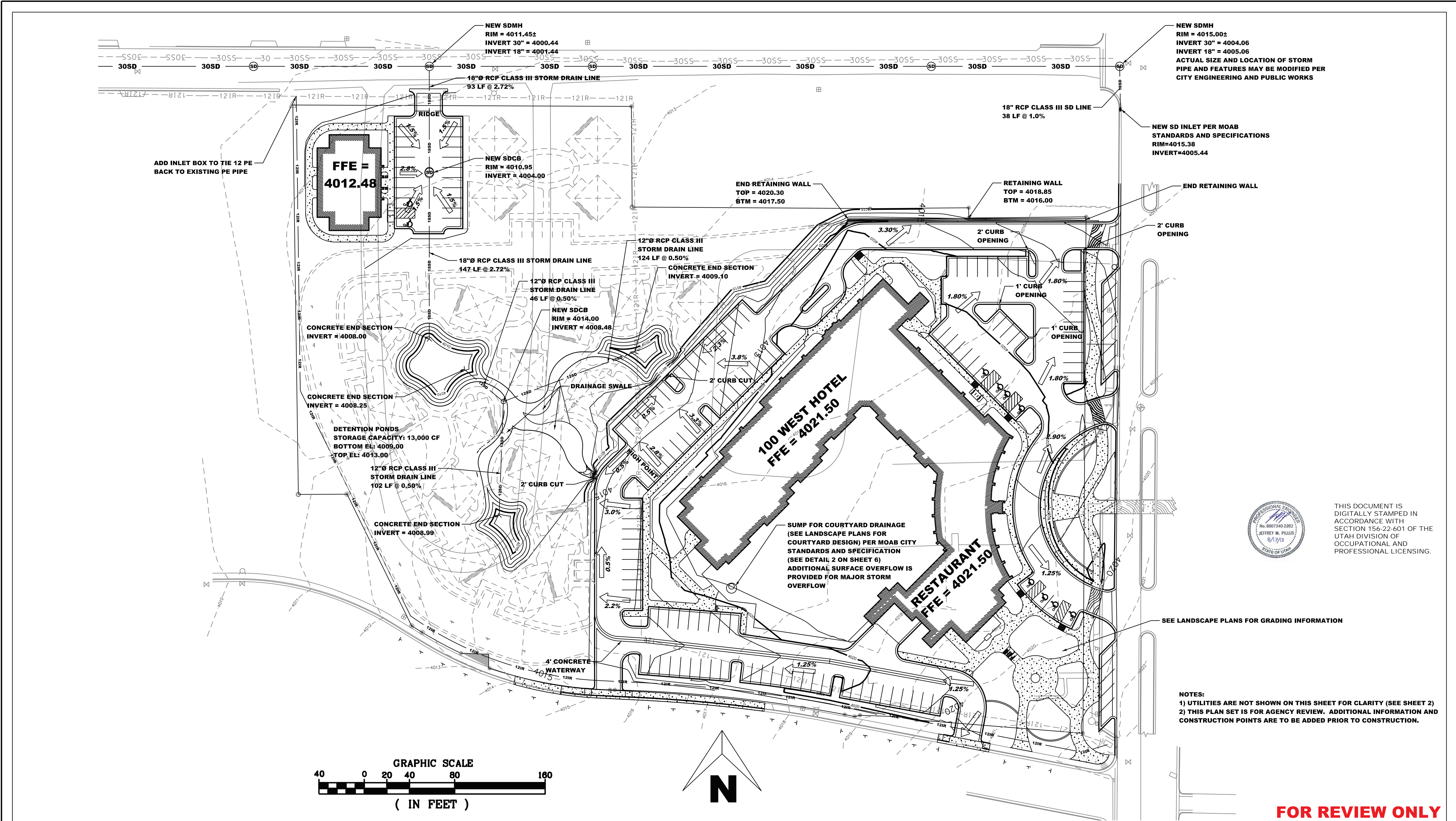
Revisions:

**100 WEST HOTEL
 MOAB, UTAH
 CIVIL SITE & UTILITY PLAN**



150 Rockpoint Drive
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 Durango, CO 81301
 970-403-5088

**SHEET
 C102**



NEW SDMH
RIM = 4015.00±
INVERT 30" = 4004.06
INVERT 18" = 4005.06
ACTUAL SIZE AND LOCATION OF STORM
PIPE AND FEATURES MAY BE MODIFIED PER
CITY ENGINEERING AND PUBLIC WORKS

NEW SD INLET PER MOAB
STANDARDS AND SPECIFICATIONS
RIM=4015.38
INVERT=4005.44

RETAINING WALL
TOP = 4018.85
BTM = 4016.00

END RETAINING WALL
TOP = 4020.30
BTM = 4017.50

NEW SDCB
RIM = 4010.95
INVERT = 4004.00

NEW SDCB
RIM = 4014.00
INVERT = 4008.48

CONCRETE END SECTION
INVERT = 4008.00

CONCRETE END SECTION
INVERT = 4008.25

DETENTION PONDS
STORAGE CAPACITY: 13,000 CF
BOTTOM EL: 4009.00
TOP EL: 4013.00

CONCRETE END SECTION
INVERT = 4008.99

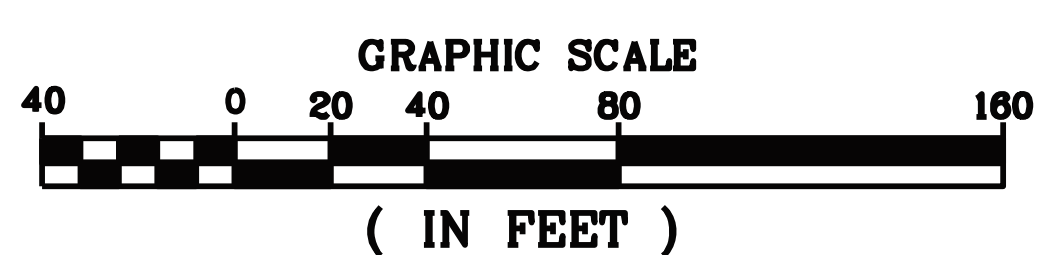
SUMP FOR COURTYARD DRAINAGE
(SEE LANDSCAPE PLANS FOR
COURTYARD DESIGN) PER MOAB CITY
STANDARDS AND SPECIFICATION
(SEE DETAIL 2 ON SHEET 6)
ADDITIONAL SURFACE OVERFLOW IS
PROVIDED FOR MAJOR STORM
OVERFLOW



THIS DOCUMENT IS
DIGITALLY STAMPED IN
ACCORDANCE WITH
SECTION 156-22-601 OF THE
UTAH DIVISION OF
OCCUPATIONAL AND
PROFESSIONAL LICENSING.

SEE LANDSCAPE PLANS FOR GRADING INFORMATION

NOTES:
1) UTILITIES ARE NOT SHOWN ON THIS SHEET FOR CLARITY (SEE SHEET 2)
2) THIS PLAN SET IS FOR AGENCY REVIEW. ADDITIONAL INFORMATION AND
CONSTRUCTION POINTS ARE TO BE ADDED PRIOR TO CONSTRUCTION.



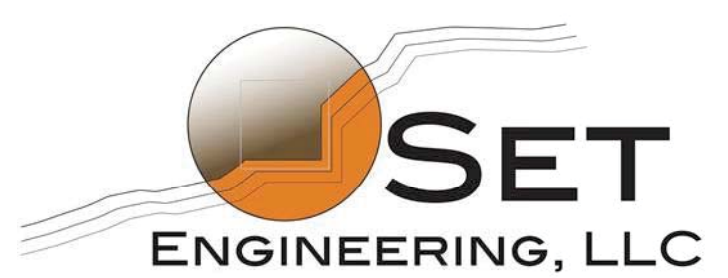
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Checked By: JP
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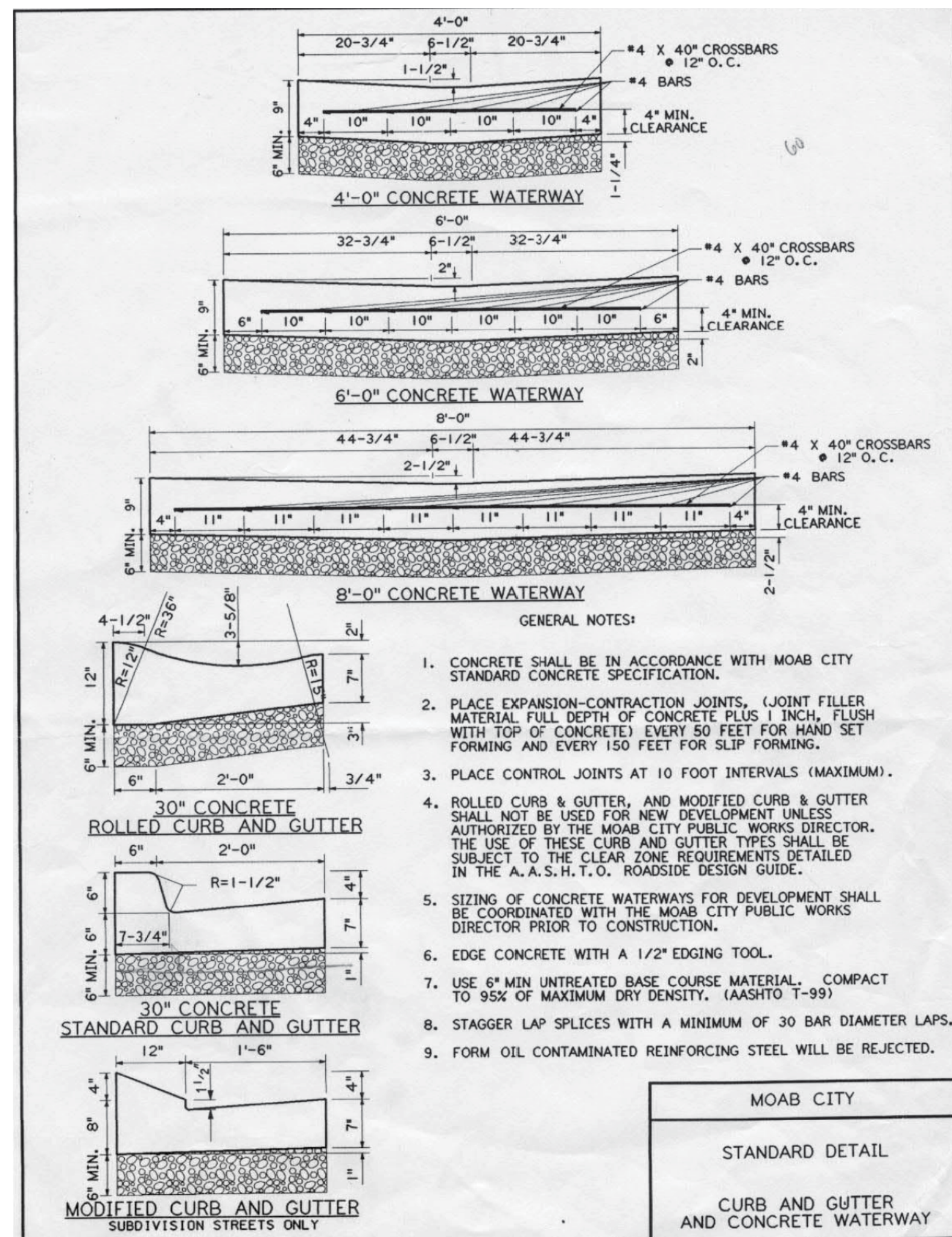
Revisions:

**MOAB 100W PROJECT
MOAB, UTAH
GRADING AND DRAINAGE PLAN**

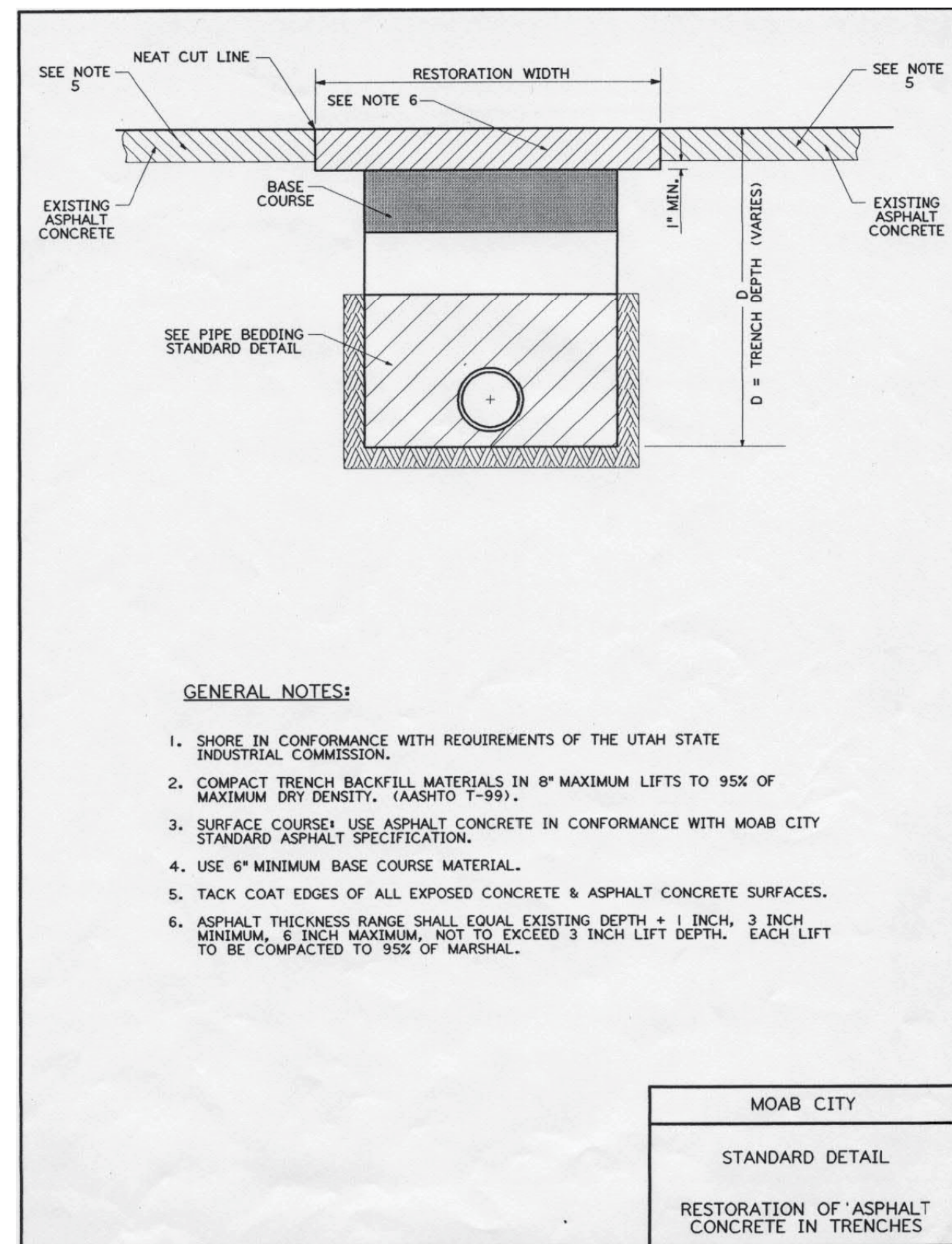


150 Rockpoint Drive
Suite F
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970-403-5088

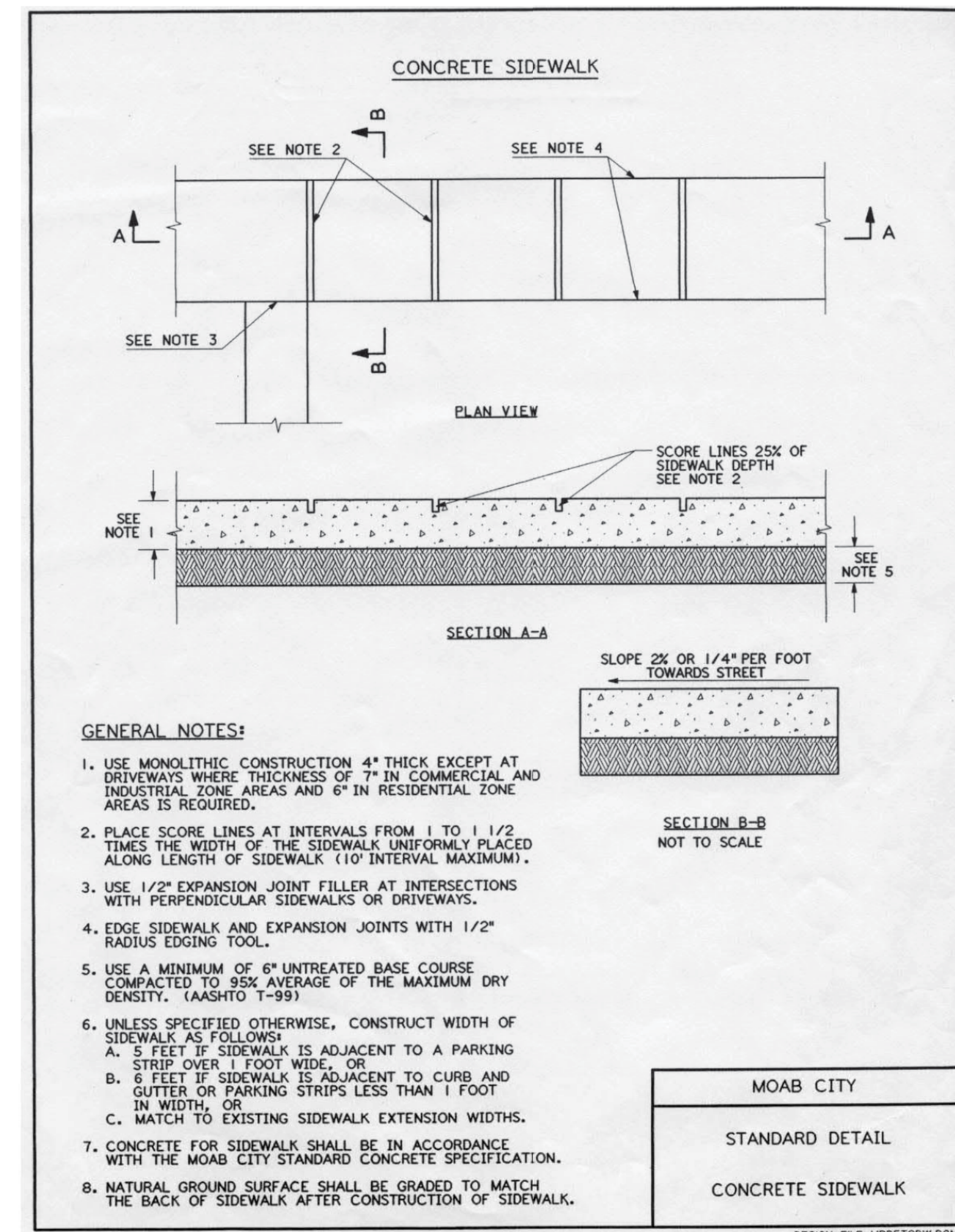
**SHEET
C103**



1 CURB AND GUTTER AND CONCRETE WATERWAY



2 RESTORATION OF ASPHALT CONCRETE IN TRENCHES



3 CONCRETE SIDEWALK



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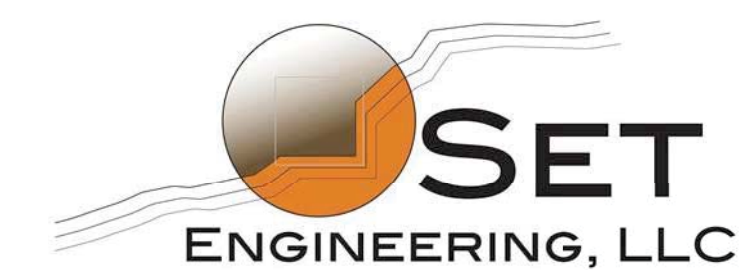
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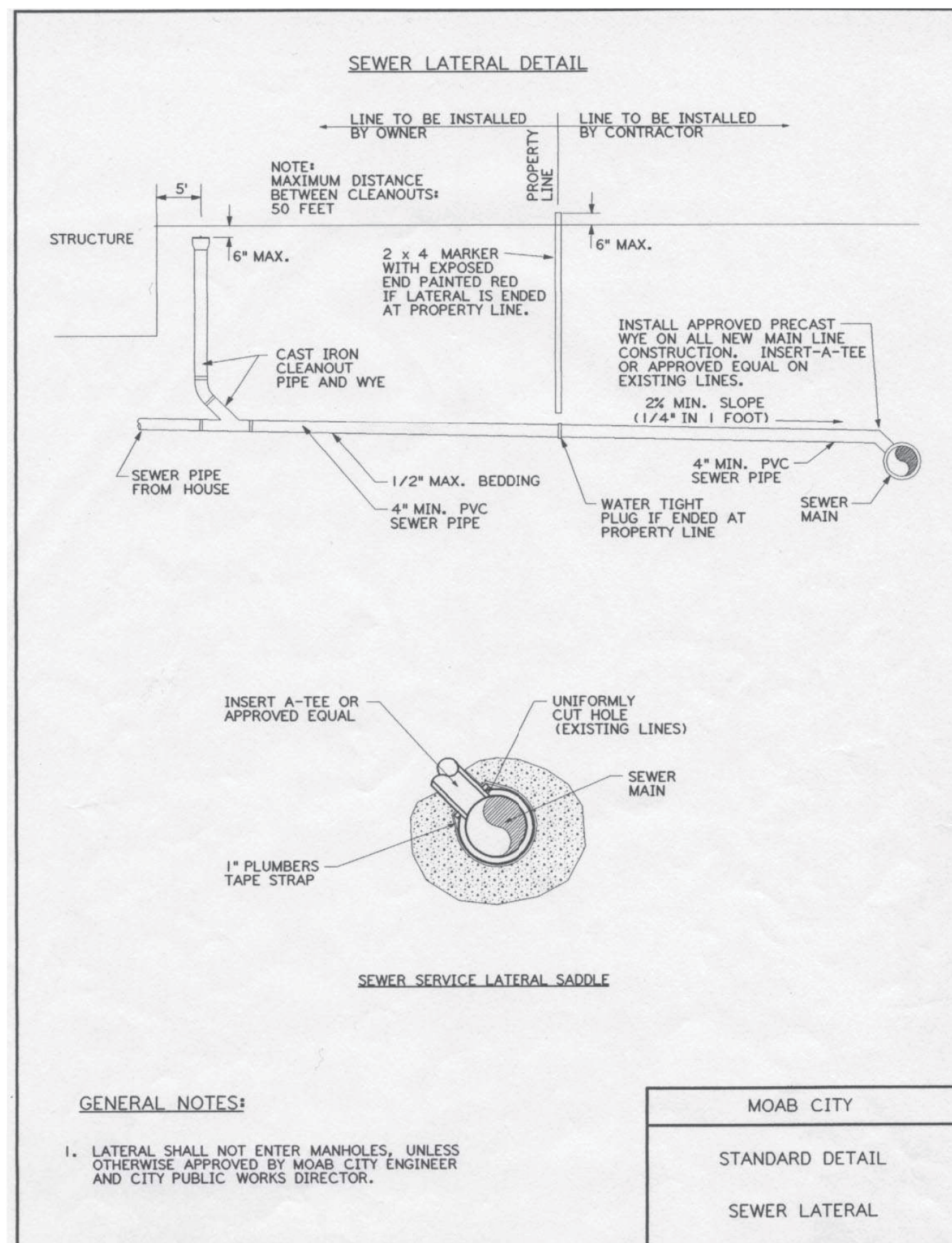
Revisions:

**100 WEST HOTEL
 MOAB, UTAH
 DETAILS**

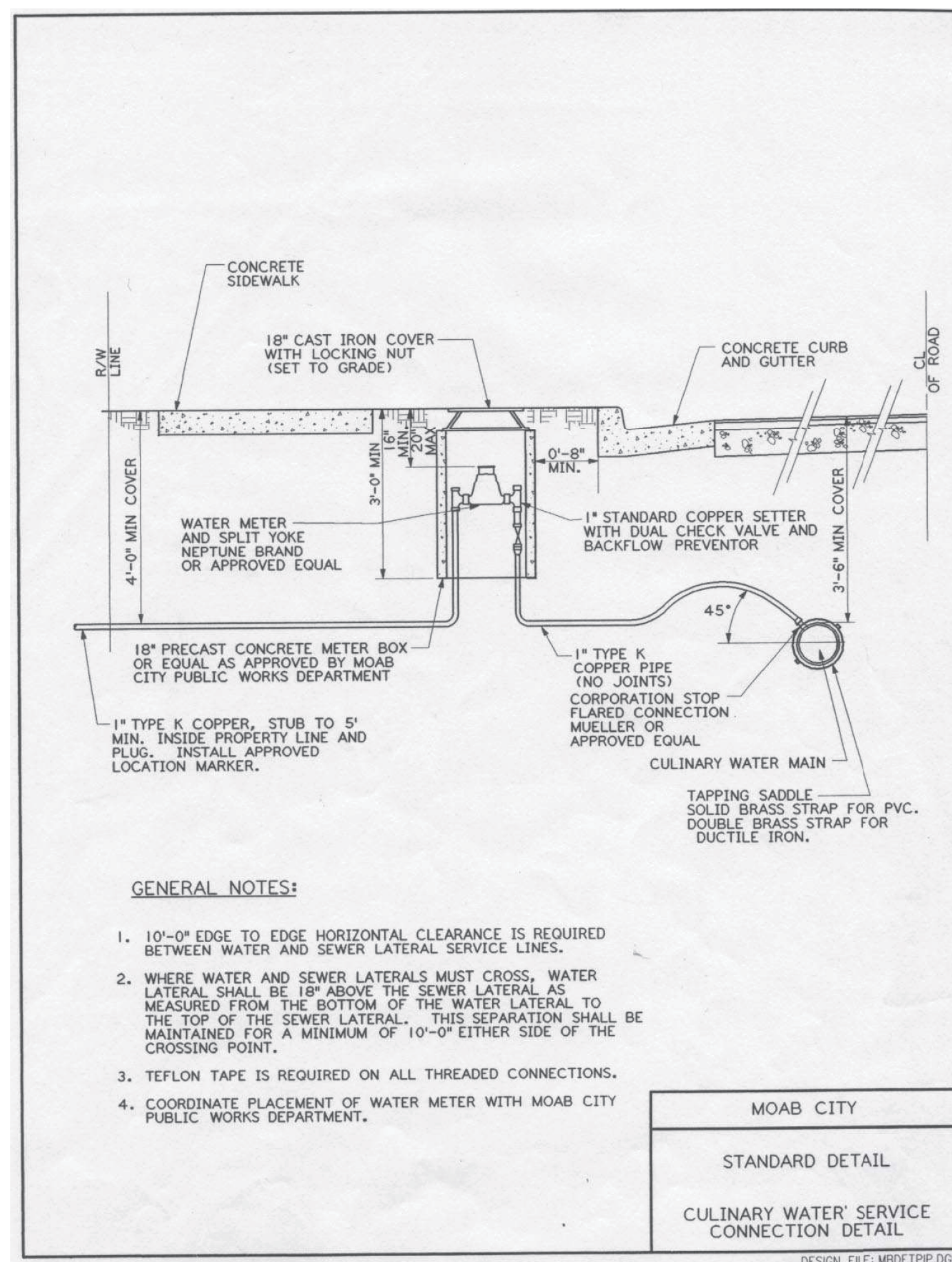


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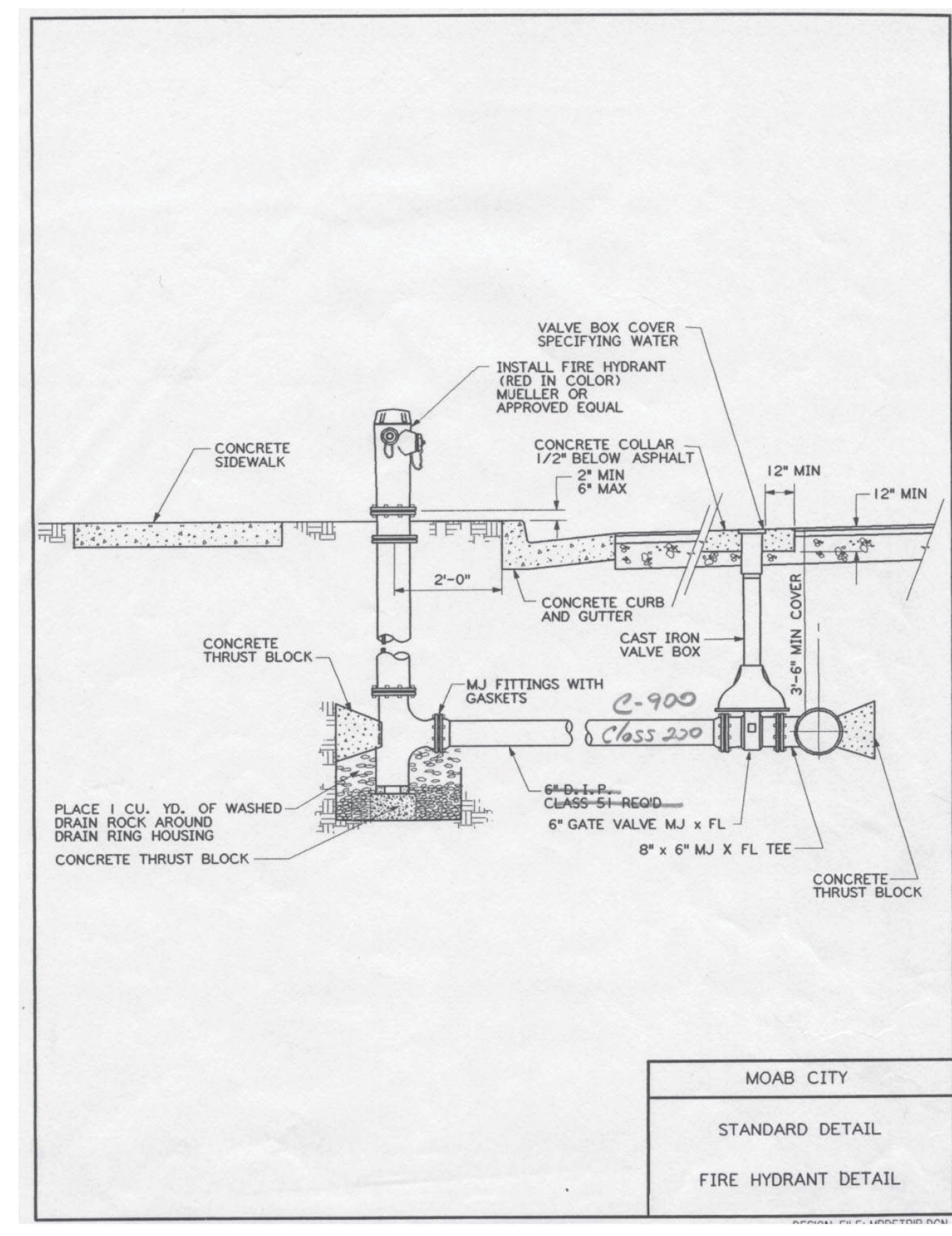
**SHEET
 C104**



1 SEWER LATERAL



2 CULINARY WATER SERVICE CONNECTION DETAIL



3 FIRE HYDRANT DETAIL



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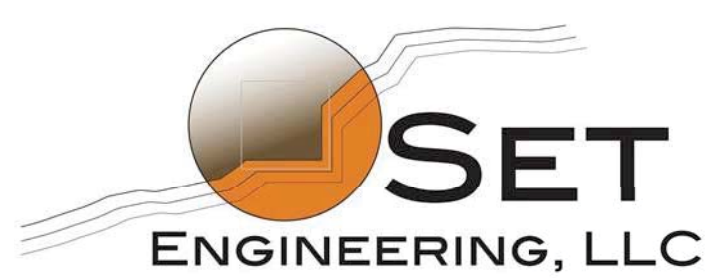
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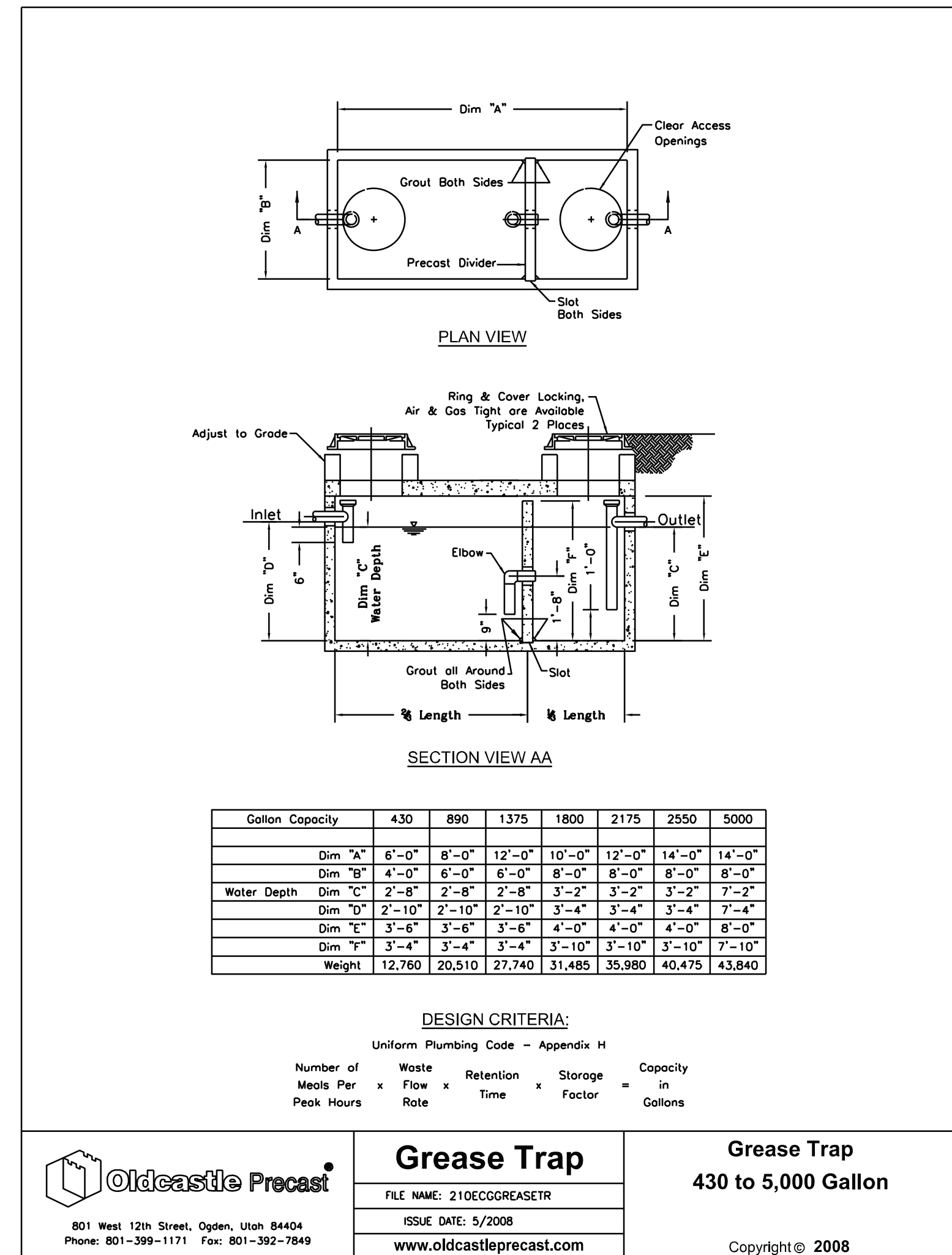
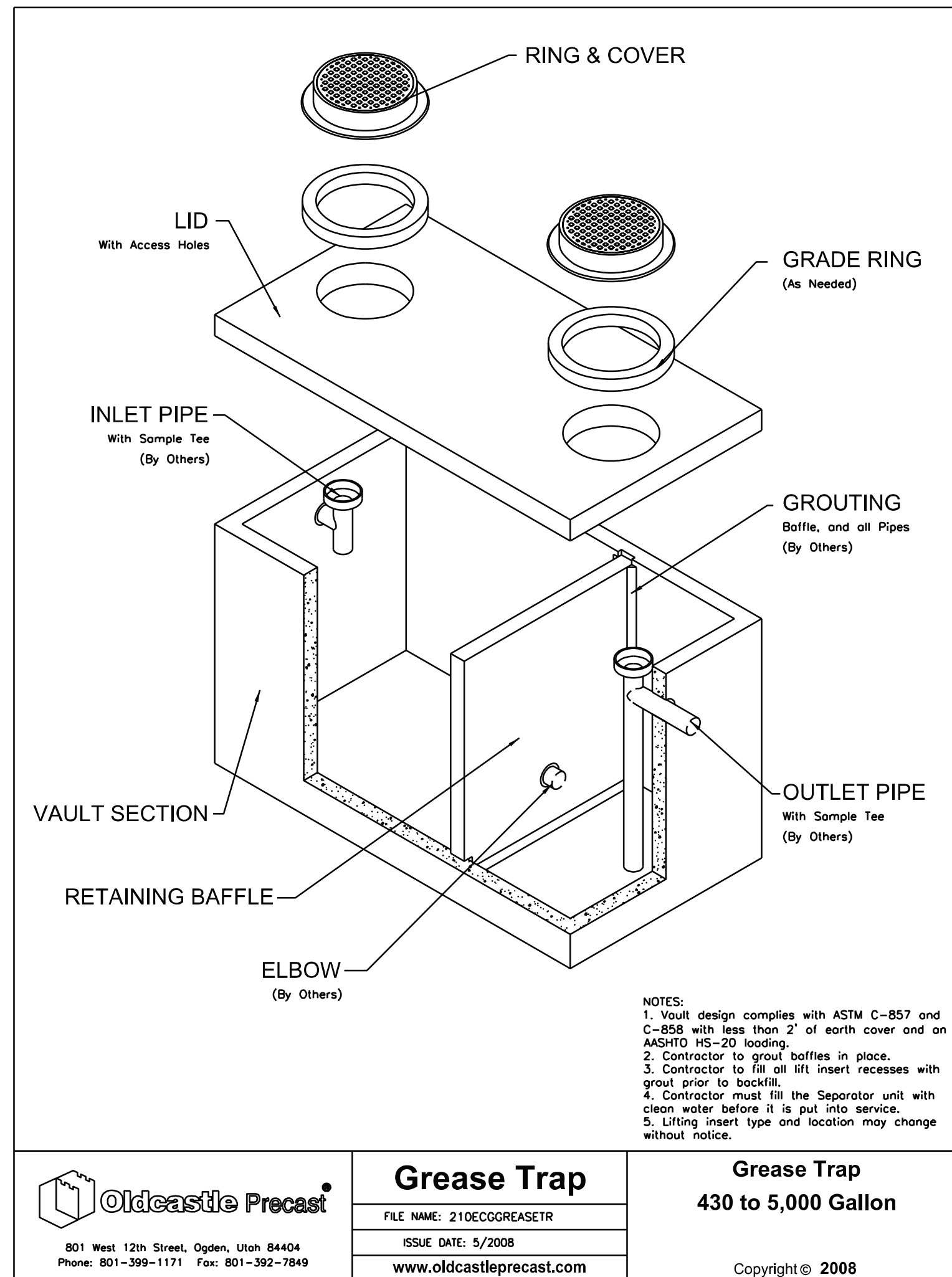
Revisions:

**100 WEST HOTEL
 MOAB, UTAH
 DETAILS**

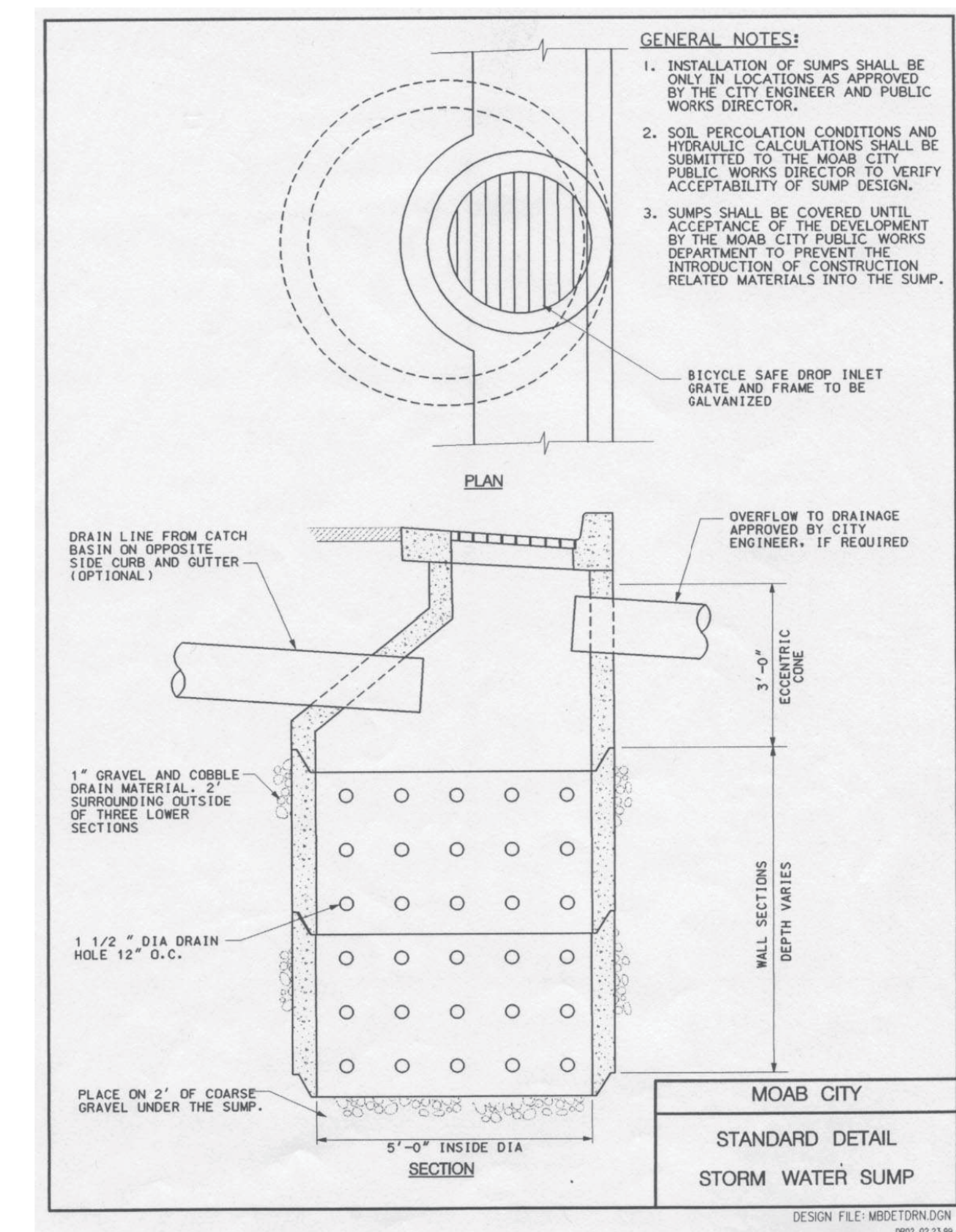


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**SHEET
 C105**



1 GREASE TRAP



2 STORM WATER SUMP



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FOR REVIEW ONLY



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Revisions:

100 WEST HOTEL
MOAB, UTAH
DETAILS

SET
 ENGINEERING, LLC
 150 Rockpoint Drive
 Suite F
 Durango, CO 81301
 970-403-5088

SHEET
C106

88 East Center Street
Moab, UT 84532
435.259.8171

STANDARD LEGEND

- PROPERTY LINES
- EASEMENTS
- PROPERTY ADJOINING
- FENCE
- ASPHALT
- POWERS/POLE
- GUY WIRE
- RECORD DATA
- MEASURED DATA
- CALCULATED DATA
- PROF. CORNER FOUND
- PROF. CORNER SET
- MAG. NAIL FOUND
- MAG. NAIL SET
- CENTERLINE MONUMENT
- SECTION MONUMENT

PROJECT TYPE:
BOUNDARY SURVEY

PROJECT ADDRESS:
111 N 100 W
Moab, Utah 84532

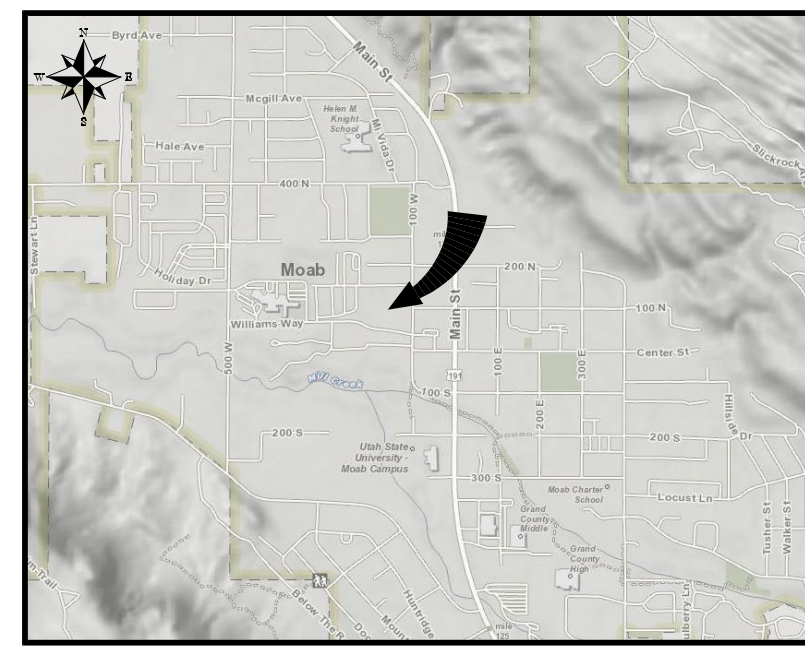
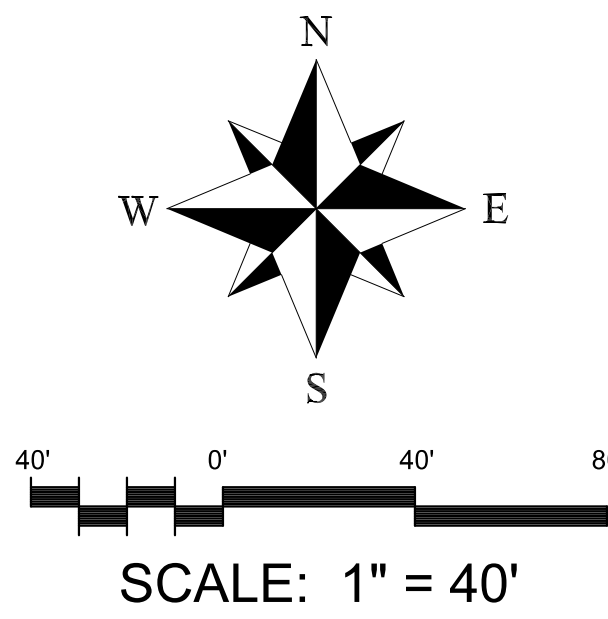
PROJECT LOCATION:
GRAND COUNTY, STATE OF UTAH

PREPARED FOR:
BYNUM

DATE:
9/24/21

JOB NUMBER:
185-21

SHEET 1 OF 1



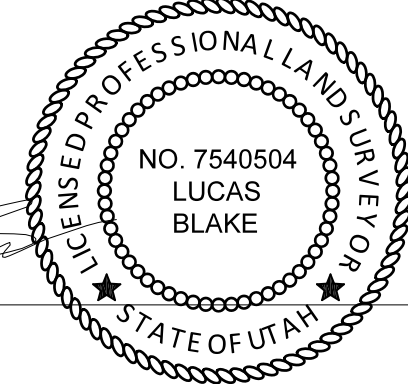
VICINITY MAP

NOT TO SCALE

SURVEYOR'S CERTIFICATION

I, Lucas Blake, certify that I am a Professional Land Surveyor as prescribed under the laws of the State of Utah and that I hold license no. 7540504. I further certify that an engineering survey was made of the property described below, and the findings of that survey are as shown hereon.

Lucas Blake
License No. 7540504



9/20/21
DATE

Lucas Blake
License No. 7540504

PARCEL LINE ADJUSTMENT

LOCATED IN THE NW QUARTER OF
SECTION 1, T26S, R21E, SLB&M

ORIGINAL PARCEL LEGAL DESCRIPTION

ORIGINAL PARCEL 01-0001-0148
Beginning at a corner on the West right-of-way of 100 West Street, said corner bears North 169.1 feet; thence West 48.4 feet from the centerline monument at the intersection of 100 West and 100 North Streets, said point by record bears West 266.1 feet; thence South 1486.6 feet from the North quarter corner of Section 1, Township 26 South, Range 21 East, Salt Lake Meridian and proceeding thence with the West right of way of 100 West Street South 00° 21' West 457.30 feet to a corner; thence North 85° 27' West 147.70 feet to a corner; thence North 80° 05' West 16.9 feet to a corner; thence North 87° 53' West 33.5 feet to a corner; thence South 76° 45' West 4.8 feet to a corner; thence North 79° 06' West 9.0 feet to a corner; thence along the arc of a 1292.5 foot radius curve to the right 57.7 feet (described as 57.2 feet in some instruments of record) (said curve has a chord which bears North 80° 23' West 57.7 feet) to a corner; thence North 63° 01' East 54.70 feet to a corner; thence North 22° 23' East 20.5 feet to a corner; thence North 00° 08' West 58.7 feet to a corner; thence along a fence line South 88° 43' West 244.6 feet to a corner; thence North 52° 27' East 60.6 feet to a corner; thence North 08° 13' East 77.4 feet to a corner; thence North 00° 34' West 229.2 feet to a corner; thence along a fence line South 89° 38' East 210.1 feet; thence along a fence line North 89° 33' East 87.8 feet to a corner on the West line of Manzaneras; thence South 9.0 feet to the Southwest corner of Manzaneras; thence North 89° 26' East 103.9 feet to the point of beginning.
LESS any portion within 100 West Street and/or Williams Way.

ORIGINAL PARCEL 01-0001-0127
Beginning at a point which bears South 1815.2 feet and West 480.4 feet from the North quarter corner of Section 1, Township 26 South, Range 21 East, Salt Lake Meridian and proceeding thence South 00° 12' East 58.9 feet; thence South 22° 19' West 20.5 feet; thence South 62° 57' West 54.7 feet to the North right-of-way of Williams Way; thence with said right-of-way with a curve to the left 146.53 feet, the chord of which bears North 84° 59' West 146.53 feet; thence North 88° 14' West 4.2 feet; thence with curve to the right 108.3 feet, the chord of which bears North 79° 55' West 108.3 feet; thence North 62° 06' West 28.5 feet to the South line of Davis tract; thence with said tract South 88° 06' East 26 feet; thence North 52° 23' East 86.8 feet; thence North 88° 43' East 244.6 feet to the point of beginning.

ORIGINAL PARCEL 01-0001-0158
Beginning at a 3/8" spike which bears South 1389.2 feet and West 667.1 feet from the North Corner, Section 1, Township 26 South, Range 21 East SLM, and proceeding thence South 0 degrees 38' East 318.7 feet to a corner which bears 0.9 feet South and 0.1 feet East of a metal fence post; thence South 08 degrees 09' West 77.4 feet to a cedar post; thence South 52 degrees 23' West 147.6 feet to a double cedar post; thence North 88 degrees 06' West 58.5 feet to a cedar fence post; thence North 26 degrees 04' West 156.1 feet to a cedar fence post; thence South 89 degrees 45' West 43.2 feet to a cedar fence post; thence North 0 degrees 51' West 344.5 feet to a 3/8" spike; thence South 89 degrees 47' East 299.7 feet to the point of beginning. Bearings based on the centerline of 100 West Street NO deg 17' E].
LESS: Beginning at a point which bears South 1872.7 feet and West 819.6 feet from the North X Corner of Section 1, Township 26 South, Range 21 East, SLM, and proceeding thence with the South line of the Davis Tract North 88 degrees 06' West 32.5 feet; thence North 26 degrees West 25.8 feet; thence with the North Right of Way with the proposed Williams Way South 58 degrees 30' East 11.3 feet; thence with a curve to the left, the chord of which bears South 61 degrees 46' East 38.8 feet (Delta= 6 degrees 33'05", Radius= 339.25, Tangent=19.42 feet, Length=38.79) to the point of beginning.

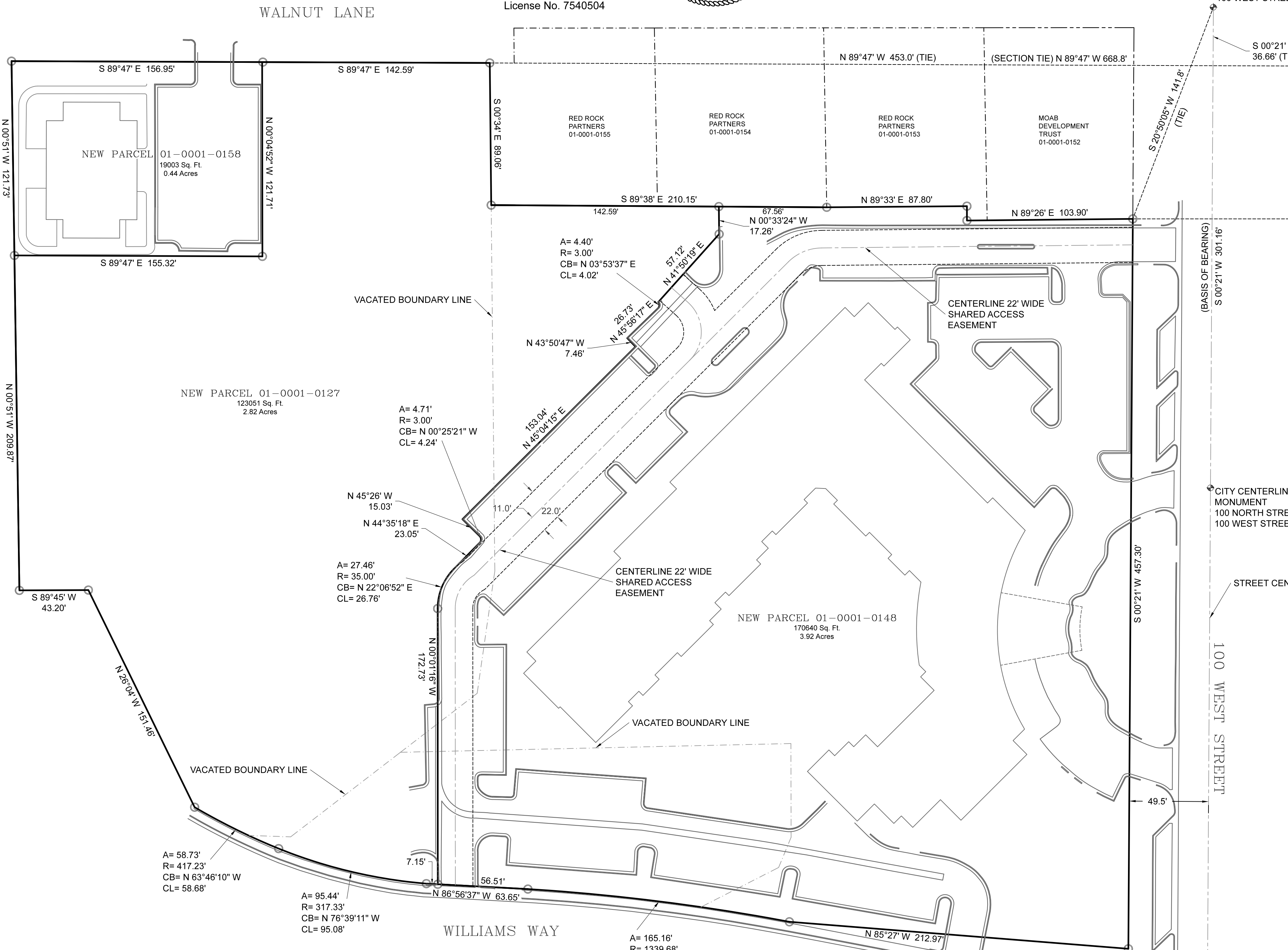
NEW PARCEL LEGAL DESCRIPTION

NEW PARCEL 01-0001-0148
Beginning at a point on the West right-of-way of 100 West Street, said point being South 1486.60 feet; thence West 266.10 feet from the North 1/4 corner of Section 1, Township 26 South, Range 21 East, Salt Lake Base and Meridian, also South 20°50'05" West 141.8 feet from the centerline monument located at the intersection of Walnut Lane and 100 West Street, and proceeding with said right of way thence South 00°21'00" West 457.30 feet to the north right of way of Williams Way; thence with said right-of-way the following three courses: North 85°27'00" West 212.97 feet to a point being 1' behind the city sidewalk; thence parallel along sidewalk with a curve having a radius of 1339.66 feet, to the left with an arc length of 165.17 feet, (a chord bearing of North 82°51'44" West 165.06 feet); thence North 86°56'37" West 56.50 feet; thence North 00°01'16" West 172.73 feet; thence with a curve having a radius of 35.00 feet, to the right with an arc length of 27.46 feet, (a chord bearing of North 22°06'52" East 26.76 feet); thence North 44°35'18" East 23.05 feet; thence with a curve having a radius of 3.00 feet, to the left with an arc length of 4.71 feet, (a chord bearing of North 00°25'21" West 4.24 feet); thence North 45°26'00" West 15.03 feet; thence North 45°04'15" East 153.04 feet; thence North 43°50'47" West 7.46 feet; thence North 45°56'17" East 26.73 feet; thence with a curve having a radius of 3.00 feet, to the left with an arc length of 4.40 feet, (a chord bearing of North 03°53'37" East 4.02 feet); thence North 41°50'19" East 57.12 feet; thence North 00°33'24" West 17.26 feet; thence South 89°38'00" East 67.56 feet; thence North 89°33'00" East 87.80 feet; thence South 9.00 feet; thence North 89°26'00" East 103.90 feet to the point of beginning, having an area of 170,640 Sq. Ft., 3.92 Acres.

Also: a 22' Wide shared access easement, located within the northwest quarter of Section 1, T26S, R21E, SLBM, being 11' feet right and left of the following described centerline:
Beginning at a point being South 62°38'59" West 382.21 feet from the centerline monument located at the intersection of Walnut Lane and 100 West Street, and proceeding thence South 48°09'41" East 14.00 feet; thence with a curve having a radius of 25.00 feet, to the right with an arc length of 40.68 feet, (a chord bearing of South 01°32'43" East 36.34 feet); thence South 45°04'15" West 190.62 feet; thence with a curve having a radius of 24.02 feet, to the left with an arc length of 25.08 feet, (a chord bearing of South 29°30'56" West 23.96 feet); thence South 00°01'16" East 173.30 feet to the point of terminus.
Including: Beginning at a point being South 56°00'10" West 395.66 feet from the centerline monument located at the intersection of Walnut Lane and 100 West Street, and proceeding thence North 45°04'15" East 87.33 feet; thence with a curve turning to the right with an arc length of 23.22 feet, with a radius of 30.00 feet, with a chord bearing of North 67°15'03" East 22.65 feet; thence North 89°25'52" East 194.76 feet to point of terminus.

NEW PARCEL 01-0001-0127
Beginning at a point being South 1391.44 feet; thence North 89°47'00" West 668.8 feet from the North 1/4 corner of Section 1, Township 26 South, Range 21 East, Salt Lake Base and Meridian, also South 00°21' West 36.66 feet and north 89°47' West 453.0 feet from the centerline monument located at the intersection of Walnut Lane and 100 West Street, and proceeding; thence South 00°34'00" East 89.06 feet; thence South 89°38'00" East 142.59 feet; thence South 00°33'24" East 17.26 feet; thence South 41°50'19" West 57.12 feet; thence with a curve having a radius of 3.00 feet, to the right with an arc length of 4.40 feet, (a chord bearing of South 03°53'37" West 4.02 feet); thence South 45°56'17" West 26.73 feet; thence South 43°50'47" East 7.46 feet; thence South 45°04'15" West 153.04 feet; thence South 45°26'00" East 15.03 feet; thence with a curve having a radius of 3.00 feet, to the right with an arc length of 4.71 feet, (a chord bearing of South 00°25'21" East 4.24 feet); thence South 44°35'18" West 23.05 feet; thence with a curve having a radius of 35.00 feet, to the left with an arc length of 27.46 feet, (a chord bearing of South 22°06'52" West 26.76 feet); thence South 00°01'16" East 172.73 feet to a point being 1' north of city sidewalk or right-of-way of Williams Way; thence with said right-of-way the following three courses: North 86°56'37" West 7.15 feet; thence with a curve having a radius of 317.33 feet, to the right with an arc length of 95.44 feet, (a chord bearing of North 76°39'11" West 95.08 feet); thence with a compound curve having a radius of 417.23 feet, to the right with an arc length of 58.73 feet, (a chord bearing of North 63°46'10" West 58.68 feet) to Glass Parcel; thence with said Parcel North 26°04'00" West 151.46 feet; thence South 89°45'00" West 43.20 feet; thence North 00°51'00" West 209.87 feet; thence South 89°47'02" East 155.32 feet; thence North 00°04'52" West 121.71 feet; thence South 89°47'00" East 157.85 feet to the point of beginning, having an area of 123,051 Sq. Ft., 2.82 acres.

NEW PARCEL 01-0001-0158
Beginning at a point being South 1391.44 feet and North 89°47'00" West 811.40 feet from the North 1/4 corner of Section 1, Township 26 South, Range 21 East, Salt Lake Base and Meridian, also South 00°21' West 36.66 feet and north 89°47' West 495.45 feet from the centerline monument located at the intersection of Walnut Lane and 100 West Street, and proceeding; thence South 00°04'52" East 121.71 feet; thence North 89°47'00" West 155.32 feet; thence North 00°51'00" West 121.73 feet; thence South 89°47'00" East 156.95 feet to the point of beginning, having an area of 19,003 Sq. Ft., 0.44 Acres.



SURVEYOR NOTES

- 1. THE BASIS OF BEARING IS S 00°21' W ALONG THE CENTERLINE OF 100 WEST STREET
- 2. THE INTENT OF THE SURVEY IS TO MONUMENT OR LOCATE ORIGINAL PROPERTY CORNERS. THE SURVEY WAS PERFORMED USING BEST LEGAL EVIDENCE OF OCCUPATION IMPROVEMENTS LOCATED ON THE GROUND. OUR RESEARCH AND SITE WORK HAS DETERMINED NOTES OF IMPORTANCE AS FOLLOWS:
- 1. LOCATED FENCE LINES, CENTERLINE MONUMENTS, AND SURVEY PARCEL CORNERS.
- 2. RE-WROTE SOUTH BOUNDARY TO MATCH ROAD IMPROVEMENTS.

11/2021

Walnut Ln

Walnut Ln

Walnut Ln

R4 Zone

HooDoo Casitas
Parcel -0158

HooDoo Hotel
Parcel -0148

HooDoo Hotel
Parcel -0127

Williams Way

Williams Way

C2 Zone

W Center St

C3 Zone

W 100 N

N 100 W

Google Earth

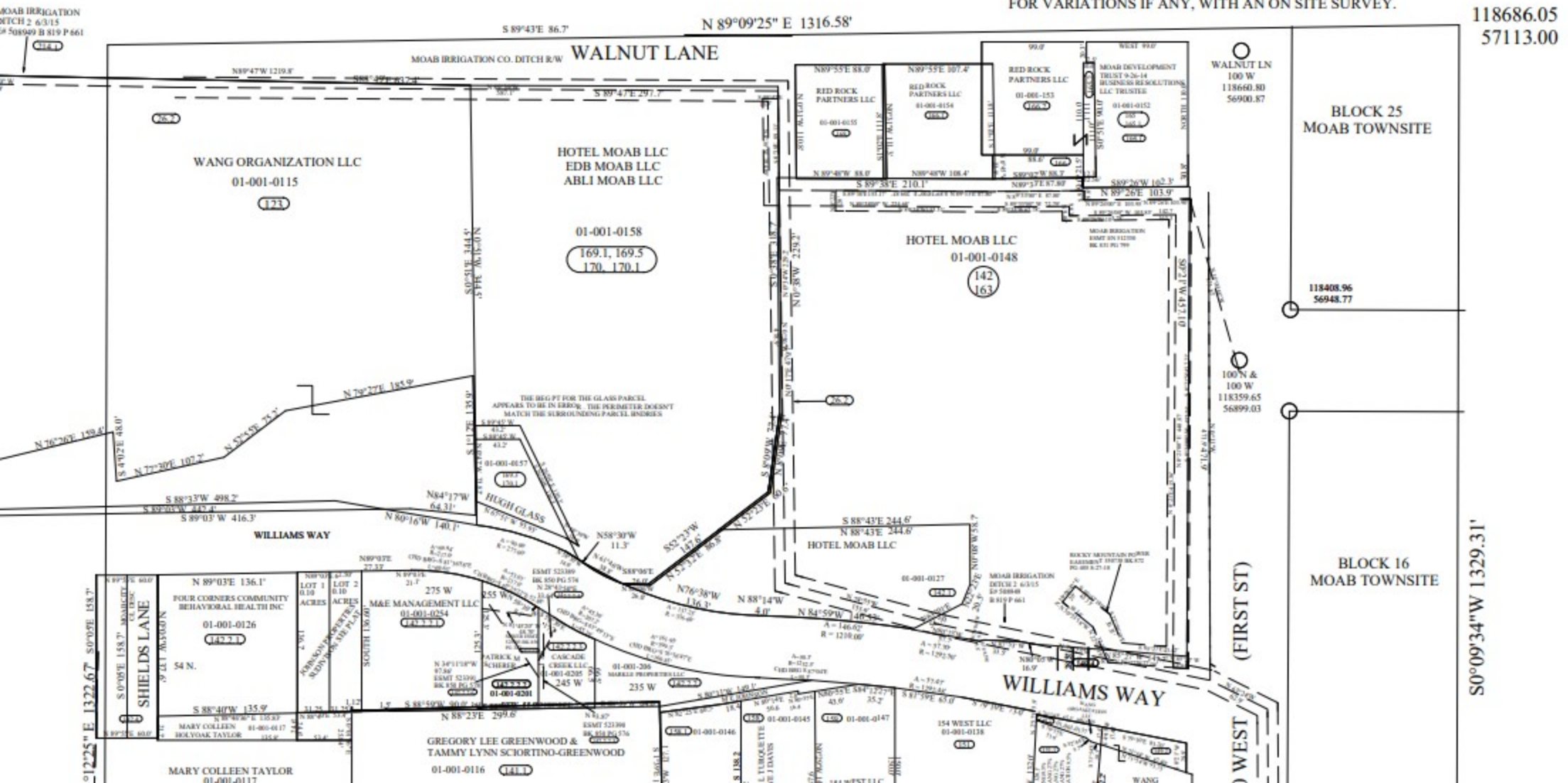
1985

38°34'31.99" N 109°33'05.72" W elev 0 ft eye alt 1374 ft

SE¹/₄NW¹/₄ SECTION 1 T26S R21E SLB&M

THIS PLAT IS DRAWN FROM THE PARCEL DESCRIPTIONS AND IS SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING THE LAND.
THE RECORDER'S OFFICE ASSUMES NO LIABILITY FOR VARIATIONS IF ANY, WITH AN ON SITE SURVEY.

118686.05
57113.00



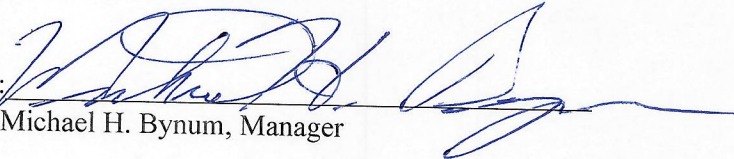
HooDoo Moab Phase II Plat Amendment #21-0033

"All existing utilities, as shown in Exhibit 3 Original HooDoo Hotel Approved Civil Plan Set, that cross from Parcel #01-0001-0148 (HooDoo Hotel Parcel), to Parcel #01-0001-0127 (HooDoo Casitas Parcel), as expressed in Exhibit 4 the proposed HooDoo Phase II Plat Amendment #21-0033 Draft Survey, fall under a permanent access and utility easement and shall be maintained as part of Exhibit 2 the originally approved Site Plan, Planning Resolution #13-2013."

GRANTOR:

HOTEL MOAB, LLC

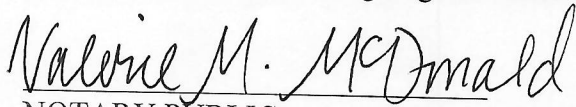
A Utah limited liability company

By: 
Michael H. Bynum, Manager

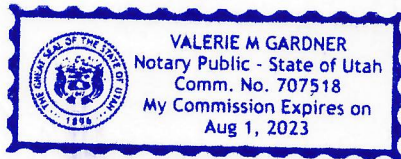
STATE OF Utah)

COUNTY OF Grand) :ss)

The foregoing instrument was acknowledged before me on this 19 day of October, 2021, by Michael H. Bynum, as Manager of Hotel Moab LLC, a Utah limited liability company, the Grantor under the foregoing instrument.



NOTARY PUBLIC



Effective 5/14/2019

10-9a-608 Vacating, altering, or amending a subdivision plat.

(1)

11-A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to have some or all of the plat vacated or amended.

12-If a petition is filed under Subsection (1)(a), the land use authority shall provide notice of the petition by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended at least 10 calendar days before the land use authority may approve the vacation or amendment of the plat.

13-If a petition is filed under Subsection (1)(a), the land use authority shall hold a public hearing within 45 days after the day on which the petition is filed if:

- (i) any owner within the plat notifies the municipality of the owner's objection in writing within 10 days of mailed notification; or
- (ii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

14-Unless a local ordinance provides otherwise, the public hearing requirement of Subsection (1)(c) does not apply and a land use authority may consider at a public meeting an owner's petition to vacate or amend a subdivision plat if:

- (a) the petition seeks to:
 - (b) join two or more of the petitioner fee owner's contiguous lots;
- (c) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
- (d) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located in the same subdivision;
- (e) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
- (f) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
 - (A) owned by the petitioner; or
 - (B) designated as a common area; and
- (g) notice has been given to adjacent property owners in accordance with any applicable local ordinance.

15-Each request to vacate or amend a plat that contains a request to vacate or amend a public street or municipal utility easement is also subject to Section 10-9a-609.5.

16-Each petition to vacate or amend an entire plat or a portion of a plat shall include:

- (a) the name and address of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition; and
- (b) the signature of each owner described in Subsection (4)(a) who consents to the petition.

(5)

- (a) The owners of record of adjacent parcels that are described by either a metes and bounds description or by a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the land use authority in accordance with Subsection (5)(b).
- (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if the exchange of title will not result in a violation of any land use ordinance.
- (c) If an exchange of title is approved under Subsection (5)(b):

- (i) a notice of approval shall be recorded in the office of the county recorder which:
 - (A) is executed by each owner included in the exchange and by the land use authority;
 - (B) contains an acknowledgment for each party executing the notice in accordance with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and
 - (C) recites the descriptions of both the original parcels and the parcels created by the exchange of title; and
 - (ii) a document of conveyance shall be recorded in the office of the county recorder.
 - (d) A notice of approval recorded under this Subsection (5) does not act as a conveyance of title to real property and is not required in order to record a document conveying title to real property.
- (6)
- (a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to Subsection (6)(c).
 - (b) The surveyor preparing the amended plat shall certify that the surveyor:
 - (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
 - (ii) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; and
 - (iii) has placed monuments as represented on the plat.
 - (c) An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the county recorder's office.
 - (d) Except as provided in Subsection (6)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is void.

Amended by Chapter 384, 2019 General Session