



PUBLIC NOTICE IS HEREBY GIVEN THAT THE GRAND COUNTY COMMISSION WILL MEET IN THE

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

Times in this agenda are approximate. Commission meetings allow for both in-person or virtual attendance. Remote participation is through Zoom and meetings can be viewed live on YouTube. To call in to the meeting dial: (669) 900 – 6833 Use Meeting ID: 851 7082 0571 # Password (if needed): 214317. To unmute press *6.

To watch live on YouTube visit: <https://tinyurl.com/Grand-County-Utah-YouTube>

To join via Zoom visit: <https://tinyurl.com/Grand-County-Commission-Zoom>

1. **Call To Order 4:00 Pm**

2. **Pledge Of Allegiance**

3. **Citizens To Be Heard**

We are receiving public comments by phone and online through Zoom. Dial: (669) 900 - 6833 Meeting ID: 851 7082 0571 # Password (if needed): 214317

Link: <https://us02web.zoom.us/j/85170820571?pwd=M24yQjRIdEiCeUxTUlFeXFoZHNQQT09>

When joining the meeting, you will be placed in a waiting room and be added to the meeting by the moderator. Your comments will be recorded and on YouTube. (*Unmute for public comment: *6*)

4. **Presentations (15 Min)**

None at this time.

5. **Department Reports (15 Min)**

None at this time.

6. **Agency Reports (15 Min)**

None at this time.

7. **Ratification Of Bills And General Reports**

- [Ratification of Payment of Bills](#)
- Commission Member Disclosures
- General Commission Reports and Future Considerations
- Elected Official Reports
- Commission Administrator Report

8. **Approval Of Minutes**

Documents:

[6.7 REG GCC MINUTES DRAFT.pdf](#)
[6.21 REG GCC MINUTES DRAFT.pdf](#)

9. **General Business - Action Items - Discussion And Consideration Of Approval**

9.A. **Approving Grand County Certified Tax Rates For 2022**

Documents:

[AS_2022_Certified Tax Rate 2022_B.pdf](#)
[Grand PT-693.pdf](#)

9.B. **Resolution Approving The Final Plat Of The Ridges Minor Subdivision Located At 3059 Desert Rd. (Parcel No. 02-0021-0010)**

(Elissa Martin, Planning & Zoning Director)

Documents:

[1_AS 3059 Desert_Minor Sub.pdf](#)
[2_SR 3059 Desert_Minor Sub.pdf](#)
[3_Ridges Minor Sub FINAL PLAT.pdf](#)
[4_DRAFT RESOLUTION 3059 Desert_Minor Sub.pdf](#)
[5_Drainage waiver Approval 3-30-2022.pdf](#)

10. **Approval Of Finding Of No Significant Impact And Notice Of Intent To Request The Release Of Funds From The U.S. Department Of Housing And Urban Development To Housing Authority Of Southeastern Utah Through The Self-Help Homeownership Opportunity Program (SHOP)**

Documents:

[1. Agenda Summary HASU Grant Finding of No Significant Impact and Intent to Release of Funds from HUD through the SHOP Grant.pdf](#)
[2. Arroyo Crossing - FONSI NSI Combined Public Notice.pdf](#)
[3. Environmental Assessment Report - HUD SHOP Grant for HASU Arroyo Subdivision Project .pdf](#)

11. **Consent Agenda**

11.A. **Annual Court Security Contract**

Documents:

[23FY Grand County Annual Court Security Contract.pdf](#)

11.B. **Letter To BLM Requesting Consideration Of Changing Route Designations In The Sand Flats Recreation Area In Order To Reduce Nighttime Noise Impacts.**

Documents:

12. **Citizens To Be Heard**
13. **Discussion Items**
14. **Public Hearings**
None at this time.
15. **Closed Session(S) (If Necessary)**
16. **Adjourn**

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS. In compliance with the Americans with Disabilities Act, individuals with special needs requests wishing to attend County Commission meetings are encouraged to contact the County two (2) business days in advance of these events. Specific accommodations necessary to allow participation of disabled persons will be provided to the maximum extent possible. T.D.D. (Telecommunication Device for the Deaf) calls can be answered at: (435) 259-1346. Individuals with speech and/or hearing impairments may also call the Relay Utah by dialing 711. Spanish Relay Utah: 1 (888) 346-3162

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

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

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



GRAND COUNTY COMMISSION WORKSHOP AND REGULAR MEETING

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

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

MINUTES 7 June 2022

The Grand County Commission met in a regular meeting on June 7th, 2022. The meeting was held in-person in the Grand County Commission Chambers, with hybrid virtual participation also available via Zoom. It was also broadcast and saved on YouTube. Attending the meeting in-person was Grand County Commission Chair Jacques Hadler, Commission Vice-Chair Mary McGann and Commissioners Evan Clapper, Trisha Hedin, Kevin Walker and Josie Kovash. Also attending in-person were Commission Administrator Mallory Nassau, Associate Commission Administrator Quinn Hall and Strategic Development Director Chris Baird. Commissioner Sarah Stock, Grand County Attorney Christina Sloan and Grand County Clerk/Auditor Gabriel Woytek were in attendance virtually.

4:00 pm Call to Order

Pledge of Allegiance

Comments offered by Chair Hadler in support of those families who lost their homes in the Pack Creek Campground Fire, and gratitude to all those organizations and members of the community who worked to put out the fire and support the affected families. Members of the Grand County Sheriff's Office, Moab Valley Fire Department, and Emergency Medical Services were offered tokens of gratitude in recognition of their actions in response to the fire.

Citizens to Be Heard

Maureen Cain, co-owner of Pack Creek Mobile Home Estates spoke in gratitude to all for the professional and dedicated response in controlling the devastating fire.

Presentations

Forestry Fire and State Lands (FFSL) Fuel Reduction Presentation (Duncan Fuchise, Southeast Area WUI Specialist, Utah Division of Forestry, Fire, and State Lands and Kara Dohrenwend, Director, Rim to Rim Restoration) (9:40)

Mr. Fuchise and Ms. Dohrenwend described the coordinated fire fuels mitigation and revegetation efforts taking place in Grand County since 1999, including a background of all entities involved and the resources that they offer. Presentation of needs going forward for mitigation and how Grand County may further support these efforts in the form of things like matching funds and sponsorship of clean up efforts. Commissioner Hedin requested a follow list of monetary asks to the Commission. Commissioner Clapper highlighted the potential for greater outreach and education efforts.

Department Reports

2021 Treasurer's Report (Chris Kauffman, Grand County Treasurer) (29:30)

Treasurer Kauffman reported on 2021 Property Tax Collections. Collection rates were likely the strongest that they've ever been, at 97.3%. Union Pacific appeal settlement was big driver behind the increase in this rate, which will save taxpayers \$70,000 in 2022. Highest of amount of back taxes were collected in the history of the County, as well as the rate of back taxes collected. Electronic, online, and auto bill payment continues to be on an upward trend. Due to low rates, interest earnings from the Public Treasurer's Investment Fund (PTIF) have continued to be very low, but stand to increase moving forward as the Federal Reserve fights inflation and increases interest rates. The County's PTIF accounts were consolidated in order to facilitate more accurate allocation of interest among funds.

Grand County Active Trails and Transportation Report (GCATT) (Madeline Logowitz, Trails Supervisor) (44:45)

Staff offered an overview of GCATT programs and a review of the Spring 2022 season, including various trail maintenance projects, signage, grants and cost share agreements. Update on current responsible recreation efforts including visitor education, social media presence and partnerships to provide accurate information on popular apps, business recognition program for good stewardship, new print media, wag bag (human waste) initiative. Commissioner Clapper expressed appreciation for GCATT efforts and spoke to the importance of the trail system as a significant economic driver in the County.

Planning & Zoning Unified Transportation Master Plan (UTMP) Report (John Guenther, Planning and Zoning Director, Bill Jackson, Roads Supervisor) (1:12:15)

Staff presented report as shown in packet and discussed upcoming timeline for the planning effort.

Approval of Minutes (Gabriel Woytek, Clerk/Auditor)

May 17th, 2022 (Regular County Commission Meeting)

Motion by Commissioner McGann to approve the minutes from May 17th, 2022.

Motion Seconded by Commissioner Hedin

Discussion (none at this time)

Motion Passes 7-0

Ratification of Payment of Bills

Motion by Commissioner Hedin to approve and ratify payment of bills in the amount of \$1,069,391.47 and payroll in the amount of \$322,425.63 for a combined total of \$1,391,817.10.

Motion Seconded by Commissioner Walker

Discussion (none at this time)

Motion passes 7-0

Commission Member Disclosures (none at this time)

General Commission Reports and Future Considerations (1:20:50)

Jacques Hadler

- 5/18 Thompson Springs Special Service District meeting, voted to approve rate increase
- 5/25 Moab Chamber of Commerce meeting
- Governor's Spirit of Service award presented by Governor Cox to the Moab Valley Multicultural Center
- 6/1 'Noise 2.0' meeting, discussion of ongoing priorities for addressing noise pollution, 2pm workshop on 6/21, public encouraged to participate
- 6/3 Responsible Recreation meeting
- 6/6 Action/coordination meeting regarding fire at Pack Creek Campground, donation link can be found at grandcountyutah.net

Trisha Hedin

- Planning Commission meeting
- Library Board meeting
- Southeast Utah Association of Local Governments meeting
- Meeting with County Attorney and Law Enforcement Agencies regarding drug-induced homicide
- Grand Water and Sewer Service meeting, sewer rates to increase, Ken's Lake level 256% increase from 2021, soil moisture 28% saturation at 9500 ft

Sarah Stock

- Mosquito Abatement District meeting
- Noted that Interagency Fire Restrictions in place
- Community Renewable Energy Program (now 'Utah 100 Communities Program') meeting

Kevin Walker

- 5/23 meeting with Moab City to foster collaboration on shared topics
- Meeting with BLM regarding dispersed camping EA, Labyrinth Travel Plan, Dolores Triangle Travel Plan
- Attended meeting with Senator Bramble and Representative Lyman regarding noise pollution
- Discussions with lobbyist regarding BLM land swap

Evan Clapper

- No report at this time

Mary McGann

- 5/19 Economic Development Advisory Board Meeting, review of funding for Moab Community Childcare
- 5/23 meeting with Moab City to foster collaboration on shared topics
- Solid Waste Special Service District meeting
- 6/2 meeting with Curtis Wells regarding his appointment to the CIB board
- Airport Board meeting

Josie Kovash

- 5/18 Special Events Advisory Committee
- General Plan – Land Use Code steering committee meeting
- 5/24 Public Health Board meeting
- 5/31 CNHA meeting regarding the future of the Moab Information Center
- 6/2 Moab Area Housing Task Force meeting

Elected Official Reports

Grand County Clerk/Auditor Gabriel Woytek

- Successful Public Logic and Accuracy Test on 5/27
- Ballots for 6/28 Primary Election to hit mailboxes this week

Grand County Attorney Christina Sloan

- Several meetings with new Moab City Police Chief Jared Garcia
- Discussions regarding community preparedness and prevention for school shooting scenarios

Commission Administrator Report

Commission Administrator Mallory Nassau

- Departure of Planning and Zoning Director John Guenther, send-off planned
- Postponed Water Information Presentation confirmed for August 2nd

Associate Commission Administrator Quinn Hall

- County Calendar updated on website with new features and more robust information

6pm Citizens to be heard (none at this time)

General Business - Action Items, Discussion and Consideration of:

- A. Four Corners Behavioral Health Area Plan – 2023** (Melissa Huntington, Executive Director of Four Corners Community Behavioral Health) (2:01:40)

Presentation

Ms. Huntington presented the 2023 Area Plan as shown in packet. Public document acknowledging plans for coming year in accordance with Interlocal Agreement. Commissioner McGann expressed excitement about newly built facility.

Motion by Commissioner McGann to approve the Four Corners Community Behavioral Health 2023 Area Plan.

Motion Seconded by Commissioner Clapper

Discussion

Commissioner Clapper asked about any significant changes for this year's plan. One last minute change was funding for a rural receiving center, which will most likely be piloted in Carbon County for use by Carbon, Emery, or Grand.

Motion passes 7-0

- B. Airport Layout Plan Update with Final Scope of Work** (Tammy Howland, Interim Airport Director) (2:07:00)

Presentation

Staff presented details regarding use of annual airport improvement funds for the plan, as shown in the packet.

Motion by Commissioner Walker to approve the Airport Layout Plan Update final scope of work with Armstrong Consultants (Task Order Q).

Motion Seconded by Commissioner Hedin

Discussion (none at this time)

Motion passes 7-0

C. Scope of Work and Task Order with Jones & DeMille Engineering (Chris Baird, Strategic Development Director) (2:10:20)

Presentation

Staff described current status of Spanish Valley Drive Multi-Use Pathway as described in packet, use of hotspot funding, construction hopefully to begin in the Fall. First phase to be built to Pack Creek bridge near Beeman Rd. 10 foot wide two lane bike path with a 5 foot buffer from road is being contemplated, on the west side of the road. Discussion regarding possibilities for vegetation in the buffer area between the bike path and the road.

Motion by Commissioner Clapper to approve the scope of work and task order with Jones & DeMille Engineering for preconstruction design services for the Spanish Valley Drive Multi-Use Pathway for an amount not-to-exceed \$211,000.

Motion Seconded by Commissioner McGann

Discussion

Commissioner Stock stressed the importance of including rainwater catchment in the buffer during the design phase, staff confirmed that this avenue would be discussed.

Motion passes 7-0

D. Grand County Planning Commission Board Appointment (2:20:35)

Presentation

Associate Planner Elissa Martin presented application as shown in packet. One application was received for one vacancy, recommendation approved unanimously by the Planning Commission.

Motion by Commissioner Clapper to approve the appointment of Aaron Lindberg to serve on the Grand County Planning Commission for the term beginning June 13, 2022 to December 31, 2024.

Motion Seconded by Commissioner Hedin

Discussion (none at this time)

Motion passes 7-0

E. Request for Proposals for Economic Development Advertising Service (2:23:30)

Presentation

Economic Development Director August Granath presented proposed streamlined approach for paid advertising strategy with timelines and details as shown in packet. Commissioner Walker asked about upcoming plans for use of co-op grant funds. Commissioner Stock mentioned the power in using advertising funds to contract with local artists. Commissioner Walker discussed adding segmentation studies and other analytics in the scope of work, staff agreed.

Motion by Commissioner Walker to approve the publication of a Request for Proposals (RFP) for a media agency for marketing services, with scope of work modified to include segmentation surveys and other analytics used to study visitation trends.

Motion Seconded by Commissioner McGann

Discussion (none at this time)

Motion passes 7-0

Consent Agenda – Action Items (2:38:25)

- F.** Approving County Commission Board Appointment Modifications/Changes
- G.** Appointing a Commission liaison to the Canyonlands Natural History Association
- H.** Approving Table Purchase for the Grand Center
- I.** Ratification of letter requesting approval of use of Patent Land for commercial film production
- J.** Ratification of letter to School and Institutional Trust Lands Administration (SITLA) regarding a proposed land lease in Castle Valley
- K.** Granting Local Consent for Sand Bar Lounge LLC Liquor License Application
- L.** Approval of Challenge Cost Share Agreement between Grand County and the United States Forest Service
- M.** Approval of Cooperative Agreement with the Bureau of Land Management for the purpose of supporting a joint effort to implement essential recreational trail and other facility management actions in Grand County
- N.** Approving Proposed Utah Weed Supervisors Association (UWSA) Grant Application for FY22
- O.** Approving submittal of a grant application to the FAA for a no-foam testing device for the Airport
- P.** Approving the Chair's Signature on a Letter of Action Towards Gun Violence

Motion by Commissioner McGann to adopt the Consent Agenda as listed by the Chair.

Motion seconded by Commissioner Hedin

Discussion (none at this time)

Motion passes 7-0

Discussion Items

Q. Special Event Permitting Process (Christina Sloan, Grand County Attorney) (2:41:35)

Discussion

Attorney Sloan presented history of Special Event Permitting process and shift from a review of safety and compliance to an analysis of community benefit and impact. Commission now empowered to review more applications, offer more guidelines for review by the Special Events Review Committee. Discussion needed regarding definitions of community benefit. Commissioner Stock requested clarification that we do have authority to permit events on public lands within the county. Public Land agencies defer to local law and they do support the County's process. Alignment needed with Public Land agencies for what triggers the need for a special event. Discussion regarding potential consolidation of Special Event reviews at the Old Spanish Trail Arena office. Old Spanish Trail Arena Director Angela Book expressed confidence in the potential for coordination of County events at Old Spanish Trail Arena. Economic Development Director August Granath expressed support for events processing to be housed at Old Spanish Trail Arena. Discussion about the value of local sponsorship of events, the value of events that serve diverse populations and balance of small, medium and large events. Commissioner Walker asserted that there should be a selection process at a quarterly interval regarding quality and not a first-come first-serve process. Administrator Nassau suggested that selection criteria could be included during the intent to apply phase. Discussion regarding proposed draft Special Event review form included in packet. New draft of this review form and other pertinent details to be generated by a committee consisting of the current special event review group and Commissioners Kovash, Hedin and Clapper.

Public Hearings

R. Hearing for the consideration of an ordinance approving the Tin Roof Cabin Resort Overnight Accommodations Overlay-Campground (Elissa Martin, Associate Planner) (3:17:20)

Presentation and Discussion

Staff presented the proposed campground overlay as shown in the packet. Unfavorable recommendation forwarded by the Planning Commission. Commissioner Kovash sought clarification regarding the proposed partial rezone of this large parcel. Attorney Sloan asserted that rezoning the entire parcel would be best practice. Commissioner Stock sought clarification from the applicant regarding fire danger preparation, which included establishing defensible space and on-site water collection. The applicant stated that the drive from this site to Moab is one hour, through Castle Valley. Commissioner Stock asked whether access to the site would be available year-round, to which the applicant responded that it would not, due to the road not being maintained by the county on a year-round basis. Commissioner Walker asserted that the proposed development is limited in size and geographically removed from the population center, and asked the applicant if there were any other reasons to make an exception in granting the OAO for this project. The applicant stated that many visitors may come from Colorado and may not even go into Moab or might not be interested in doing so, thus not contributing to overcrowding. The applicant responded to concerns regarding fire by stressing that no wood stoves or outside campfires would be allowed. The applicant stated that they are not currently contemplating a conservation easement as part of this proposal. The commission expressed interest in the idea of including a conservation easement as part of the application.

Chair Hadler opened the public hearing, to remain open for written comments until June 15th at 5:00 pm.

No public comment was offered at this time.

S. Hearing for the consideration of an ordinance approving a rezone request for property located at 15 W. Old Hwy 6 & 50, Thompson Springs, from Range and Grazing to General Business, Parcel No. 07-0021-0073 (Elissa Martin, Associate Planner) (3:47:35)

Presentation and Discussion

Staff presented the proposed rezone as shown in the packet. Rezone approval would not automatically approve any development, which would still require a will-serve by the Thompson Springs Special Service District for water. Thompson Springs area undergoing a widespread rezone process as part of current land use analysis effort, which would likely result in this parcel being zoned commercial. Adjacent property recently granted a rezone from Range and Grazing to General Business. Commissioner Walker questioned why this rezone would be granted piecemeal prior to the adoption of a comprehensive rezone process for this area. The applicant explained their rationale for the timing of this rezone request.

Chair Hadler opened the public hearing, to remain open for written comments until June 15th at 5:00 pm.

No public comment was offered at this time.

T. Public Hearing for the consideration of Sanitary Sewer Service for Kane Creek Preservation and Development, LLC (4:12:10)

Clerk/Auditor Woytek and Attorney Sloan offered details regarding process. An attorney representing the applicant was present to field any questions, there were none.

Chair Hadler opened the public hearing, to remain open for written comments until June 15th at 5:00 pm.

No public comment was offered at this time.

Motion by Commissioner McGann to postpone the schedule closed session item to discuss the purchase exchange or sale of real property.

Motion seconded by Commissioner Hedin

Discussion (none at this time)

Motion passes 7-0

Chair Hadler adjourned the meeting at 8:17 p.m.

Jacques Hadler
Chair, Grand County Commission

Gabriel Woytek
Grand County Clerk/Auditor

DRAFT



GRAND COUNTY COMMISSION WORKSHOP AND REGULAR MEETING

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

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

MINUTES 21 June 2022

The Grand County Commission met in a regular meeting on June 21st, 2022. The meeting was held in-person in the Grand County Commission Chambers, with hybrid virtual participation also available via Zoom. It was also broadcast and saved on YouTube. Attending the meeting in-person was County Commission Chair Jacques Hadler, Commission Vice-Chair Mary McGann, and Commissioners Evan Clapper, Trisha Hedin, Sarah Stock, and Josie Kovash. Also attending in-person were Commission Administrator Mallory Nassau, Associate Commission Administrator Quinn Hall, Clerk/Auditor Gabriel Woytek, and Grand County Attorney Christina Sloan. County Commissioner Kevin Walker and Strategic Development Director Chris Baird were in attendance virtually.

2:00 p.m. Public Workshop to Consider and Rank County Noise Strategies

Presentation

Chair Hadler presented the purpose for this public workshop. 53 public comments received digitally. 2 spoke in favor of maintaining current status quo, 1 wrote in favor of banning UTVs from streets, 3 wrote in appreciation for work already done to address noise pollution, 37 wrote in favor of expanded regulation for OHVs, 10 wrote with suggestions for mitigating noise issues. Chair Hadler opened the workshop for public comment (audio for public comment begins at 6:10)

Pete Gross spoke of excessive noise caused by UTVs and that they are loud by design. Asserted that modification of UTVs to make them quieter is not complex. Suggested lobbying UTV manufacturers to reduce the noise of the machines.

Ian Ward, a UTV guide, addressed adversarial rhetoric. Mentioned UTV tours that he operates are an opportunity to educate and allow access to visitors with different physical abilities. Stated that UTV tour operators seek to use the quietest machines following best practices, feels that loud modified exhausts used by others reflect poorly on the industry. Desires clear regulation that is easy to enforce and explain. Stated that the notion of prohibition is not inclusive to the entire community. Motorcycles and 18 wheelers also a source of excessive noise.

Lori McFarland, a UTV business owner, expressed confusion about the purpose and wording of the workshop. Feels that it is not a conversation oriented towards purposeful dialogue. No one involved in the process for deriving solutions comes from within the industry. Her business has spent a great deal of resources committed to reducing noise. Seeking unity amongst community. Many preventative measures still available to be explored, would like to focus on solutions and not 'shooting arrows.'

Wayne Hotchkiss mentioned that decibel measuring devices are missing the point. Threshold for excessive noise levels is more stringent. Consequences to health from excessive noise are numerous.

Christian Wright spoke that this years-long conversation has yielded too few results. Stated that the effects of noise are devastating and abusive.

Anthony Charles stated that town is dangerous. Has video evidence of dangerous UTV activity. Attributed own health challenges to uptick in noise pollution. Stated that UTV users do not observe traffic laws.

Sara Melnicoff stated that she has tried to collaborate with the off-road community. Stated that living with constant noise pollution is unhealthy, and prevents us from enjoying nature.

Marc Horwitz stated that UTV noise impacts are unfair. Asked that motorized recreation business take more leadership in educating motorized users. Said that noise contributed by semi-trucks is also very damaging. Stressed the importance of enforcing existing traffic laws.

Nick Oldham, a UTV guide, produced a short list of ideas to improve the current situation: use commercial zoning to provide buffer with residential, 'dummy' speed check points, trail head tours, better residential signage to delineate routes to trails and other attractions, frontage road along 191 to divert traffic from Spanish Valley Dr., physical sound barriers at strategic locations, continued focus on speed rather than measuring and regulating noise, incentivize outfitters to choose quieter machines and trailer to trailheads, involved motorized trail committee on HB 180.

Kent Green, a UTV business owner, stated that this is not a UTV problem, but a general traffic problem. Education must be a continued emphasis. More signage to divert traffic from residential areas. UTV community does care and is willing to use extensive resources to generate and contribute to solutions.

Dan Mayhew, HOA president of Millcreek Pueblos, referenced constant noise disruption in his residential subdivision. Feels that motorized users lack respect for the community that lives here.

Katie McFarland, a UTV guide, is aware of the differences that have occurred with growth and the challenges associated with booming tourism. Stated that most problems are derived from out-of-state visitors and not from local guides who educate and build respect for the community.

Josh Green (Code Enforcement Officer), Madeline Logowitz (Director, Active Trails and Transportation), and August Granath (Director, Economic Development) presented on a variety of topics relating to noise. (42:30)

Granath outlined existing visitor education efforts by Grand County. Referenced 'Forever Mighty' initiative by the State Office of Tourism and the importance of joining and utilizing that effort to raise visitor awareness. Logowitz presented different stages of visitor education from trip planning to targeted visitor education campaigns. Green presented details regarding Utah House Bill 180 that goes into effect on January 1st, 2023, which was crafted with support of the OHV community. Logowitz presented Moab Trail steward program. Granath referenced existing efforts to educate the public with regards to regulations pertaining to OHVs. Also presented a sketch concept for a potential billboard concept utilizing the tagline 'your adventure starts in neighborhoods.' Logowitz spoke to the potential of the fledgling Trail Ambassador Program to expand to motorized trailheads.

Deputy Sheriff Darrell Mecham spoke about the challenges associated with enforcement. 8 warnings and 1 impound have been issued to UTVs in 2022. Mentioned that Green River and also Kane County is now starting to face the same challenges. 191 is a state highway and major route of commerce where enforcement is severely limited. Capacity issues do limit the ability of deputies to patrol and catch offenders. Stated that speed limit enforcement for vehicles not modified and properly licensed is a challenge for deputies because it presents a poor precedent with speeding by non-off-road vehicles. Groups of vehicles are loud and UTVs tend to travel in groups. Statute does exist for unreasonable and excessive noise without

a noise decibel reading. Commissioners Hadler and Kovash referenced the effectiveness of speed reduction in limiting noise.

Commissioner Walker emphasized that this is an effort to curb noise in all of its forms, not just UTVs. Discussed ideas for collaborating with BLM to manage crowds, increase parking availability, regulating access to trails after hours. A more concentrated effort to persuade the BLM will be needed to inspire action. County Attorney Sloan spoke to the importance of clarifying existing muffler laws. Draft revisions included in the packet and open to feedback, especially from those within the industry. Reference to failed bill that proposed noise suppression requirements in those counties that require emissions requirements. Support at state legislature for Grand County's recently passed noise regulations. Emphasized that speed limits based on vehicle types are enforceable, by law.

Chair Hadler referenced meeting with Utah Senator Kurt Bramble, and stressed the importance of starting with enforcement. Spoke to importance for the Commission and for the public to get more familiar with state legislators while trying to tackle these issues.

Commissioner Walker mentioned the possibility of utilizing the Land Use Code to regulate businesses and address noise. County Attorney Sloan referenced the possibility of softening fencing regulations to more readily introduce and allow physical noise barriers. Commissioner Stock agreed that this should be prioritized in upcoming LUC revisions.

Chair Hadler proposed prioritization of a variety of strategies outlined in the packet materials. Discussion ensued regarding prioritization. Chair Hadler expressed support for fully pursuing education, advertising, and enforcement as the best tools available.

Commissioner McGann stated that education regarding vehicle noise should start at the high school and perhaps as part of driver education courses.

Commissioner Stock stressed that education and advertising should be targeted towards specific user audiences and not serve as additional advertisement for increased use, Commissioner Walker concurred with this notion and also stated that trailering should be further encouraged and expected of OHV users.

Josh Green clarified that HB 180 includes plating requirements which facilitate greater reporting and enforcement.

Further discussion amongst the Commission ensued regarding the fine-tuning of advertisement/education campaigns.

Commissioner Kovash referenced the possibility of speed enforcement cameras, and the need for greater emphasis on civil enforcement, which would require significant resources and expanded capacity in the County.

Darrell Mecham stressed that the Sheriff's office is acutely attuned to the problems that exist and are acting on it whenever possible with existing capacity. Stated that the Moab City Police Department needs to be equally engaged and active in facing this enforcement challenge.

4:00 p.m. Thompson Springs Special Service Fire District Board Meeting (see separate agenda) (2:09:30)

4:15 pm Call to Order (2:14:45)

Pledge of Allegiance

Citizens to Be Heard (none at this time)

Presentations

Canyonlands Natural History Association (Roxanne Bierman, Executive Director) (2:17:25)

Presentation

Director Roxanne Biermann, Moab Information Center Manager Sharon Kinsley, and Board Members Walt Dabney, John Weisheit and Claudia Page were present.

Dabney offered a historical background for the Moab Information Center (MIC). Based on an effort to consolidate sources of information for the growing number of visitors, and a result of extensive coordination amongst a variety of agencies in addressing a need. Park rangers currently stationed at the MIC to assist the public in navigating the Arches timed entry system. Description of the variety of services and programs offered at the MIC, including but not limited to a downtown public restroom. Dabney offered an outline of the typical revenues and expenses associated with operating the MIC. Requested that the Commission approve the renewal of a 5-year lease for the MIC.

Commissioner Hedin sought clarification that visitation is 200,000 people per year (up 21% from 2021). Full slate of educational lectures now being offered at the MIC, after a pause from COVID-19 pandemic.

Department Reports

Comprehensive Financial Report (Chris Baird, Strategic Development Director) (2:33:15)

Presentation

Financial report offered, with graphics included in packet, illustrating current economic trends and projection models being used by the County. Clarification offered that Transportation Tax came online in 2016, which perhaps accounts for the unusual levels compared to how it would be expected to track. Baird speculated that economic growth will start to follow recent historical trends more closely and not likely to follow the 2021 boom. Commissioner Walker suggested that the County should start planning for a greater leveling off than was illustrated by substantial growth patterns from 2012-2019, perhaps more closely reflecting trends from before this period.

Agency Reports

I. Interagency Fire Update (Terry Garner, US Forest Service) (2:54:40)

Presentation

Terry Garner (USFS), Rudy Sandoval (DNR), and Clark Maughan (BLM) were in attendance to offer updates. Record 99 days in the highest fire danger level in 2021, which affects the availability of resources in managing and responding to fire. Hazardous fuels reduction is a continued emphasis. Increasing coordination among agencies and prioritizing resources. Maughan offered an update on current fire danger level, which sits in the 90th percentile range. Current stage 2 fire restrictions ahead of schedule due to presence of annual grasses adjacent to campgrounds. 90-day exclusive use contract with a helicopter and 8-person TAC crew currently present and available for the area. Sandoval expressed appreciation to the Commission for their support for recent fire restrictions, stated that another type I firefighting helicopter may be stationed in Price to serve as an additional resource in responding quickly to fire.

II. UDOT - Local Work (Devin Squire, UDOT) (3:12:55)

Presentation

Brief presentation of 3 UDOT projects slated for 2022, as shown in packet. Commissioner McGann clarified that road improvements for the entrance to Utah Raptor State Park will not commence until 2023. Speculation offered that additional passing lanes on Highway 191 may be added in 2023.

A. Ratification of Payment of Bills (3:17:30)

Motion by Commissioner McGann to approve and ratify payment of bills in the amount of \$846,892.03 and payroll in the amount of \$316,949.51 for a combined total of \$1,163,841.54.

Motion Seconded by Commissioner Hedin

Discussion (none at this time)

Motion passes 7-0

Commission Member Disclosures (none at this time)

General Commission Reports and Future Considerations (3:19:05)

Jacques Hadler

- Motorized Trail Committee Meeting, discussion regarding BLM dispersed camping plan and potential for motorized responsible recreation rep
- Trail Mix meeting, discussion regarding e-bikes, Geyser Pass Rd to close July 1st until roughly August 1st
- Museum of Moab board meeting
- Thompson Special Service Water District Meeting, bulk water rate raised by 20%
- Historical Preservation Society Meeting, review of land acknowledgment statement, discussion regarding name change for Colorado River pedestrian bridge, Dewey Bridge reconstruction concepts under consideration

Trisha Hedin

- Planning Commission meeting, public hearing regarding Arroyo Crossing, ADU code and Temporary Use draft language being worked on
- Watershed Restoration Initiative meeting to show fuel reduction efforts above Thompson.
- GWSSA meeting, Ken's Lake at 2200 acre feet, 254% above 2021, soil moisture at 9500 feet at 13%, Dana Van Horn and Sue Bellagamba now on the board of the Colorado River Authority

Sarah Stock

- Attended Travel Council Advisory Board meeting
- Pack Creek gauge partially funded by Grand County now installed
- Discussion with Steve Getz regarding water infiltration projects to boost Valley Fill Aquifer

Kevin Walker

- no updates at this time

Evan Clapper

- Grand County EMS meeting

- Canyonlands Healthcare SSD meeting, seeking new board members
- Cemetery district meeting, active citizens to be heard section regarding water use at the cemetery

Mary McGann

- Interviews for Economic Development board to remain open
- Travel Council meeting: hotel occupancy down, revenues (ADR) are up, VISA spending up, arches visitation decreased which is speculated to be a result of early bird and after hours visitation.

Josie Kovash

- Housing Authority Board meeting, more progress on deed restriction pilot, preauthorization for Murphy Flats HDHO
- Utah Film Commission meeting, discussion of broader efforts relating to rural film incentives
- Mental Health Board Meeting, undergoing competitive overhaul of pay structure
- Travel Council Advisory Board Meeting
- Canyon Country Partnership meeting

Elected Official Reports

Grand County Clerk/Auditor Gabriel Woytek

- Primary Election underway, early voting set to begin Wednesday 6/22

Commission Administrator Report

Commission Administrator Mallory Nassau

- Farewell to P+Z Director John Guenther
- Independence Day celebration at the Park will be on July 2nd this year
- Transportation Master Plan Open House 6/23 from 3-7pm

General Business - Action Items, Discussion and Consideration of:

B. Approving lease agreement for OSTA tractor in the amount of \$11,000.02 annually for 5 years (3:50:45)

Presentation

Administrator Nassau presented the agreement as shown in the packet, approved by budget officer Chris Baird.

Motion by Commissioner Clapper to approve the lease option with John Deere Financial in the amount of \$11,000.02 annually.

Motion Seconded by Commissioner Hedin

Discussion (none at this time)

Motion passes 6-0, McGann absent

C. Approving the Chair's Signature on the Outdoor Boat Access Grant (3:53:00)

Presentation

Staff presented plans for town boat ramp as shown in packet. Commissioner Hedin requested clarification regarding the water loadout, which is overseen by Sovereign Lands, stating that there are some concerns in the community regarding its preservation and access. Confirmation offered that the loadout would definitely be preserved. Chris Baird clarified ownership and patent status of the parcel. Commissioner Stock mentioned the challenge associated with 191 access and egress, staff confirmed that this issue has been brought up and that safety is a concern. Proposed grant would only contribute to the preliminary engineering associated with this project. Attorney Sloan clarified that Moab City is not currently supportive of moving forward with boat ramp improvements until more visioning is completed with regards to UMTRA site, especially considering safety concerns associated with this site.

Motion by Commissioner Hedin to request that the Commission Chair sign the application for the Outdoor Boat Access grant with a County contribution of 25% to not exceed \$16000 drawn from the projects section of the Planning and Zoning Budget.

Motion Seconded by Commissioner Stock

Discussion (none at this time)

Motion passes 7-0

Citizens to be heard

Howard Trenholme, owner of the Red Rock Bakery, discussed concerns with less marketing spending and how it is hurting his business.

Mike Bynum raised concerns with the housing shortage and the crisis associated with affordability and accessibility for the workforce and future generations, stressed that the County must be active in facilitating more housing.

Josh Sutton of the Sleep Inn and Mainstays Suite raised concerns regarding what is being seen in the hotel industry. Refuted claims that ADR and revenues are stable or strong. Stated that a decline in business is presently being experienced and should be considered when developing marketing strategies.

D. Adopting Resolution approving the Final Plat for Desert Sol, an HDHO Subdivision located at 3058 & 3060 Spanish Valley Drive. Parcel #s 02-0022-0050 and 02-0022-0049 in Grand County, Utah. (4:14:05)

Presentation

Staff presented Final Plat as shown in packet.

Motion by Commissioner Stock to adopt the Findings of Fact set forth in the Staff Report dated April 23, 2022 and the proposed Resolution approving the Final Plat and Subdivision Improvements Agreement for Desert Sol, an HDHO Subdivision with the following conditions:

1. Continued compliance by Owner with the County Engineer's requirements, and Ordinance No. 651, approving the HDHO-10 Master Plan and related Development Agreement;
2. Submission by Owner of an acceptable completion assurance bond for the incomplete public improvements and infrastructure warranty bond for completed accepted public improvements as established in the SIA to the County in the amounts set forth in the SIA prior to recordation of the Final Plat; and

3. Recordation by Owner of the SIA and CCRs simultaneously with the Final Plat in the Recorder's Office.

Motion Seconded by Commissioner Hedin

Discussion

Commissioner Walker asked if anything has changed in the currently presented Plat. Staff explained that the current request is for 42 lots, up from 40 in initial iteration.

Motion passes 7-0

E. Ordinance Approving the Tin Roof Cabin Resort Overnight Accommodations Overlay-Campground District to 17.25 Acres of Parcel No. 04-0025-0059 (4:20:05)

Presentation

Staff presented application as shown in packet. Commissioner Hedin clarified that the entire parcel is currently zoned Range and Grazing.

Motion by Commissioner McGann to approve the Tin Roof Cabin Resort Overnight Accommodations Overlay–Campground district to 17.25 acres of Grand County Parcel No. 04-0025-0059 (if approving) [and associated Master Plan attached hereto as Exhibit A and OAO Development Agreement with the following conditions:

1. Development is limited to twelve (12) recreational vehicle, cabin, or tent sites for overnight accommodation;
2. Overnight accommodations are not permitted on Owner/Developer's remaining 356.58 acres; and
3. The Owner shall record the Development Agreement in the real property records of Grand County simultaneously with this Ordinance and prior to application for further site plan, construction, or development approvals.]

Motion Seconded by Commissioner Walker

Discussion

Commissioner Hedin stated that she would not be voting due to her close relation with the applicant, stressed the importance of considering local ownership in granting OAO requests, discussed that Range and Grazing could be seen as equivalent to a conservation easement, and stated that any increased traffic would not have a significant effect on already increased traffic on that side of the mountain. Commissioners McGann and Hadler expressed general support for the project. Commissioner Walker pointed out the remote nature of the proposed development which would be unlikely to have an impact on overcrowding, is a relatively small development, expressed concerns regarding fire risks, asserted that the unique nature of this development and its surroundings does not set a precedent, refuted the idea that Range and Grazing is equivalent to a conservation easement, referenced the OA pipeline only being halfway built out but that he feels that this application should be an exception. Commissioner Stock asserted that this development would constitute an unwarranted density bonus, expressed concerns regarding fire danger, provides limited benefit to the County in relation to the cost to the public of servicing it. Commissioner Clapper expressed appreciation for the local ownership of this project and agreed that it does not contribute to concerns with overcrowding, referenced unfavorable recommendations by the Planning Commission and the County Attorney, referenced the ratio of OA to housing units, and stated that he is still not ready to approve an OAO application at this time. Commissioner Kovash referenced maintaining a hard line with regards to approving further OA development, but expressed admiration and general warmth to this particular concept and that it

was worthy of making an exception. Commissioner McGann stated that it is important to show at least some flexibility in granting OAO applications so that state legislators do not view it as an outright unwillingness, which could generate backlash.

Motion passes 4-2, Walker, Hadler, McGann, Kovash in favor, Clapper and Stock opposed, Hedin abstaining

F. Ordinance to Rezone Property located at 15 W. Old Highway 6 & 50 in Thompson Springs on Grand County Parcel No. 07-0021-0073 (4:41:52)

Presentation

Staff presented application with background as shown in packet. Commissioner Stock requested clarification regarding the moratorium on water hookups. Staff clarified that this rezone would not grant any permitting for further development, and that the property owner would remain in limbo until the moratorium was lifted.

Motion by Commissioner McGann to approve an Ordinance to rezone property located at 15 W. Old Highway 6 & 50 in Thompson Springs on Grand County parcel No. 070021-0073 to the General Business (GB) zoning district based on one or more of following items of consideration; and with the following condition:

- a. The rezone approval does not constitute Site Plan approval for development on the subject property. Site Plan Approval or Building Permits shall not be issued until the Thompson Special Service District or other County authorized water provider approves a water account to serve the proposed development.

Motion Seconded by Commissioner Hedin

Discussion

Commissioner Walker expressed general support for this particular project, citing the clear error in the existing zoning, but that otherwise this would be an undesirable action to take, citing a variety of reasons.

Motion passes 7-0

G. Kane Creek Preservation and Development, LLC request to Grand County to provide Sanitary Sewer Service (4:49:30)

Presentation

Motion by Commissioner to Clapper deny the request by Kane Creek Preservation and Development, LLC for Grand County to provide Sanitary Sewer Service at the parcels specified in the request.

Motion Seconded by Commissioner McGann

Discussion (none at this time)

Motion passes 7-0

H. Resolution Updating Section 8 - Benefits- All Employees of the Grand County Employee Handbook (4:51:08)

Presentation

Human Resources Director presented the proposed changes as shown in the packet, which will bring the County into compliance with state code.

Motion by Commissioner Stock to approve the resolution titled, A Resolution of the Grand County Commission Updating the Grand County Employee Handbook Section VIII Benefits, All Employees, Retirement and Bereavement Leave effective 6/22/2022.

Motion Seconded by Commissioner Clapper

Discussion

Chair Hadler expressed appreciation for the addition of leave in the case of bereavement.

Motion passes 7-0

I. Resolution to amend the Grand County Economic Development Advisory Board (“EDAB”) Resolution No. 3228 (4:53:35)**Presentation**

Economic Development Director August Granath presented the background for the proposed action, as shown in packet. Commissioner Clapper asked whether the Planning Commission had input regarding this action, staff clarified that Planning Commission did not have a representative present for the discussion but they have had historical representation.

Motion by Commissioner Stock to approve the Resolution, amending Resolution No. 3228 Economic Development Advisory Board (EDAB), and add an Ex-Officio position to the board to be filled by a member of the Grand County Planning Commission.

Motion seconded by Commissioner Hedin

Discussion (none at this time)

Motion passes 7-0

J. Awarding Media Agency Independent Contractor Agreement to Love Communication (4:57:20)**Presentation**

Economic Development Director August Granath presented the proposed agreement as shown in packet. Proposed award represented the least expensive bid, with a firm having extensive experience working with Grand County. Discussion offered that a more transformative selection could be considered in the future as part of a more thoroughly considered long term plan. Clerk/Auditor Woytek sought clarification as to whether the presently contemplated agreement would include previously completed visitor segmentation analysis.

Motion by Commissioner McGann to approve the Media Agency Independent Contractor Agreement (ICA) with Love Communication.

Motion seconded by Commissioner Hedin

Discussion

Commissioner Kovash expressed dissatisfaction with the 'Do it like a Local' campaign led by Love Communications and expressed interest in a new marketing vision in the near future.

Motion passes 7-0

K. Letter of Support for the Economic Development Department's Utah Office of Tourism Cooperative Marketing Program Round 2022 Application and Grant Match (5:11:00)

Presentation

Economic Development Director August Granath presented the approach and rationale for the proposed application, as shown in packet. The application represents a pledge of \$250,000 of TRT promotional funds from the 2023 budget.

Motion by Commissioner Hedin to approve the Letter of Support for the Grand County Economic Development Department's (EDD) application and grant match for the Round 2022 Utah Office of Tourism Cooperative Marketing Program.

Motion seconded by Commissioner McGann

Discussion (none at this time)

Motion passes 7-0

L. Resolution Repealing Resolution 3146 (2018) and Approving the Respect our Neighbors' Rights and the Rule of Law Regarding use of Fireworks on and around the 4th of July Celebration (5:18:25)

Presentation

Administrator Nassau gave background with regards to the updates given to this resolution and the emphasis to the public for leaving fireworks to the professionals.

Motion by Commissioner Stock to adopt the Resolution repealing and replacing Resolution No. 3146 to Respect our Neighbors' Rights and the Rule of Law Regarding the Use of Legal Fireworks.

Motion seconded by Commissioner Hedin

Discussion (none at this time)

Motion passes 7-0

Consent Agenda – Action Items (5:20:42)

- M.** Ratify Children's Justice Center FY22 Grand County Contract Amendment 9
- N.** Ratifying Extension Request Letter and Chart
- O.** Sand Flats Project Proposal Budget Detail and Narrative
- P.** Ratify HVAC 2022 Replacement

- Q.** Utah Dept. Of Transportation UDOT Night Work Permission
- R.** Letter to BLM Supporting Camping Plan

Motion by Commissioner Stock to adopt the Consent Agenda as listed by the Chair.

Motion seconded by Commissioner Hedin

Discussion (none at this time)

Motion passes 7-0

Closed Session(s)

Motion by Commissioner McGann to enter closed session to discuss the purchase, exchange, lease, or sale of real property, and pending or reasonably imminent litigation

Motion seconded by Commissioner Hedin

Motion passes 7-0

Chair Hadler adjourned meeting at 7:59 pm

Jacques Hadler
Chair, Grand County Commission

Gabriel Woytek
Grand County Clerk/Auditor

DRAFT

AGENDA SUMMARY
GRAND COUNTY COMMISSION MEETING
JULY 5, 2022

TITLE:	Approval of the 2022 Certified Tax Rates for Grand County
PRESENTER(S):	Gabe Woytek, Grand County Clerk/Auditor

Prepared By:
Gabe Woytek
Grand County
Clerk/Auditor

RECOMMENDATION:

I move to approve the final 2022 Grand County Certified Tax Rates, as presented on proposed forms PT-693, for Grand County Operations, Library, and Assessing & Collecting.

BACKGROUND:

The rate setting process begins with the budgeting process. Entities estimate how much property tax revenue they need for the coming year. The County Assessor and State Tax Commission provide valuation information to the County Auditor, including changes in value resulting from reappraisal, factoring and legislative adjustments.

Working closely with the Tax Commission, the Auditor calculates certified tax rates and provides taxing entities with valuation and certified tax rate information. The Certified Tax Rate provides taxing entities with the same amount of property tax revenue it received in the previous year plus any revenue generated by additional growth in its tax base.

FOR OFFICE USE ONLY:
Attorney Review:

n/a

The Grand County Commission is responsible for certifying the tax rates for:

- Attachment(s):**
1. PT-693s

2. Tax Rate Detail

- General Operations
- Library Operations
- Library Bond
- County Assessing and Collecting

Utah State Tax Commission - Property Tax Division Tax Rate Summary (693) ENTITY: 1010 GRAND	Form PT-693 Rev. 2/15
--	-------------------------------------

GRAND COUNTY

Tax Year: 2022

The Board of Trustees for the above special district has set the current year's tax rates as follows:

Purpose of Tax Rate (Code from Utah Code Annotated)	Auditor's Tax Rate	Proposed Tax Rate	Maximum By Law	Budgeted Revenue
10 General Operations §59-2-908	0.001791	0.001791	.003200	4,606,554
30 Library §9-7-401 & 501	0.000408	0.000408	0.001	1,049,399
950 Multicounty Assessing & Collecting §59-2-906.1(1)	0.000015	0.000015	0.0002	38,581
955 County Assessing & Collecting	0.000309	0.000309		794,766
Total Tax Rate	0.002523	0.002523	Total Revenue	\$6,489,300

Certification by Taxing Entity

I, _____, as authorized agent, hereby certify that this statement is true and correct and in compliance with all sections of the Utah State Code relating to the tax rate setting process.

Signature: _____ Date: _____

Title: _____ Telephone: _____

Mailing address: _____

Agenda Summary
GRAND COUNTY COMMISSION
July 5, 2022
Item No. ___

TITLE:	Adopting Resolution approving the Final Plat of the Ridges Minor Subdivision located at 3059 Desert Rd. (Parcel No. 02-0021-0010)
FISCAL IMPACT:	N/A
PRESENTER(S):	Elissa Martin, Planning and Zoning Director

Prepared By:
ELISSA MARTIN

GRAND COUNTY
PLANNING & ZONING

FOR OFFICE USE ONLY:

Attorney Review:

Complete

STATED MOTION:

I move to approve the Findings of Fact set forth in the staff report dated April 4, 2022 and the proposed Resolution approving the Final Plat of the Ridges Minor Subdivision.

STAFF RECOMMENDATION: APPROVE

Final Plat of Ridges Minor Subdivision is consistent with requirements set forth in Article 7 – Subdivision Standards, and Article 5 – Lot Design Standards within the Land Use Code.

BACKGROUND:

The subject property currently exists as a 3.16 acre lot, zoned Rural Residential (RR). One single family home exists on the property along with one accessory structure (detached garage) and a carport. The subdivision will create one additional lot. The current dwelling unit will remain on Lot 1, measuring 1.72 acres and the newly created Lot 2 will measure 1 acre.

This application qualifies as a minor subdivision due to the fact that it requires no public improvements and meets minor subdivision criteria as defined in LUC section 9.3.1.B. Since there are no required improvements, an SIA is not necessary.

ATTACHMENT(S):

- Staff Report
- Final Plat
- Resolution
- Title Report (Available Upon Request)
- Drainage waiver approval (Available Upon Request)



STAFF REPORT

PLANNING & ZONING DEPARTMENT

GRAND COUNTY, UTAH

DATE: April 4, 2022
TO: Grand County Commission
SUBJECT: Final Plat of Ridges Minor Subdivision

PROPERTY OWNERS: Kristen M. Ridges

PROP. OWNER REP: Self

PROPERTY ADDRESS: 3059 Desert Road, Moab, Utah 84532
Parcel No. 02-0021-0010

SIZE OF PROPERTY: 3.16 acres

EXISTING ZONE: Rural Residential

EXISTING LAND USE: Single Family Residential

ADJACENT ZONING AND LAND USE(S): Rural Residential, Highway Commercial

APPLICATION TYPE:

Final Plat of Minor Subdivision

STAFF RECOMMENDATION: Approve

APPLICATION PROCEDURE:

Decision Type: Administrative

Public Notices: Public Meeting at:
Planning Commission
County Commission

Public Hearing at:
Planning Commission
County Commission

ATTACHMENTS

- Agenda Summary
 - Final Plat
 - Proposed Resolution
 - Title Report (Available Upon Request)
 - Drainage Waiver approval (Available Upon Request)
-

SUMMARY OF REQUEST

The applicant is requesting approval of the Final Plat for a 2-lot minor subdivision at the east end of Cactus Road.

This submission is a Minor Subdivision Final Plat, processed within Grand County Land Use Code Article 5 Lot Design Standards, Article 7 Subdivision Standards, and Article 9.3 Minor Subdivisions. The approved application would subdivide one lot into two; Lot 1 measuring 1.72 acres and Lot 2 measuring 1 acre.

PROPERTY HISTORY

The property has existed as a residential lot containing one dwelling unit, one accessory structure (a detached garage) and a carport.

SITE IMPROVEMENTS / ADDITIONS / CHANGES

The applicant's property is located along an existing County Road already constructed to County Construction Standards. A portion of Desert Rd is being dedicated to the County, as indicated on the plat.

A drainage waiver has been approved by the County Engineer and no additional site improvements are required.

FINDINGS OF FACT

Consistency with the General Plan

1. **FINDING:** The proposed subdivision is in conformance with the 2030 General Plan Future Land Use Section insofar as providing opportunities for housing and being consistent with the minimum density of the Rural Residential Future Land Use designation.
 - a) **EVIDENCE:** The property is located within the Rural Residential Future Land use designation, which accommodates agriculture and single-family residential uses (1 dwelling unit per acre base density and up to 1.6 dwelling units per acre with a 50% open-space set-aside or fee in lieu and 25% affordable housing units or fee in-lieu).
 - b) The final plat demonstrates the subdivision will have a net density of 1 unit per acre (2 units per 2.72 acres).
2. **FINDING:** The project is in conformance with the Ridgeline Protection Area in the 2030 General Plan's Future Land Use Map.
 - a) **EVIDENCE:** The subject parcel is within the Ridgeline Protection Area identified in the 2030 General Plan's Future Land Use Map and as such new structures, buildings, fences, or walls proposed on the subject property shall be located so that they do not visually disrupt ridgelines as seen from specific public roads in Spanish Valley.

Conformance with the Grand County Land Use Code

3. **FINDING:** The proposed subdivision application qualifies as a minor subdivision
 - a) **EVIDENCE:** The subdivision application meets the criteria for Minor Subdivisions as defined in LUC section 9.3.1.B. With no public improvements required, an SIA is not necessary
4. **FINDING:** The proposed subdivision is in conformance with Grand County Land Use Code Article 5 – Lot Design Standards
 - a) **EVIDENCE:** The proposed subdivision will create two lots: Lot 1 will be 1.72 acre and Lot 2 will be 1 acre with the required frontage along Desert Road.
5. **FINDING:** The proposed subdivision is in accordance with Land Use Code Article 7 - Subdivision Standards.
 - a) **EVIDENCE:** The proposed final plat meets the requirements of LUC section 7.6 by providing 10' PUE property line easements.
 - b) **EVIDENCE:** The proposed subdivision meets the requirements for drainage per section 7.7.1. of the Land Use Code by way of County Engineer approved Drainage Waiver as described in section II.E.1.
6. **FINDING:** The proposed subdivision is in accordance with Land Use Code Article 9, Administration and Procedure, including Section 9.5 Final Plat.
 - a) **EVIDENCE:** The applicant submitted documents for review and approval per requirements in the LUC

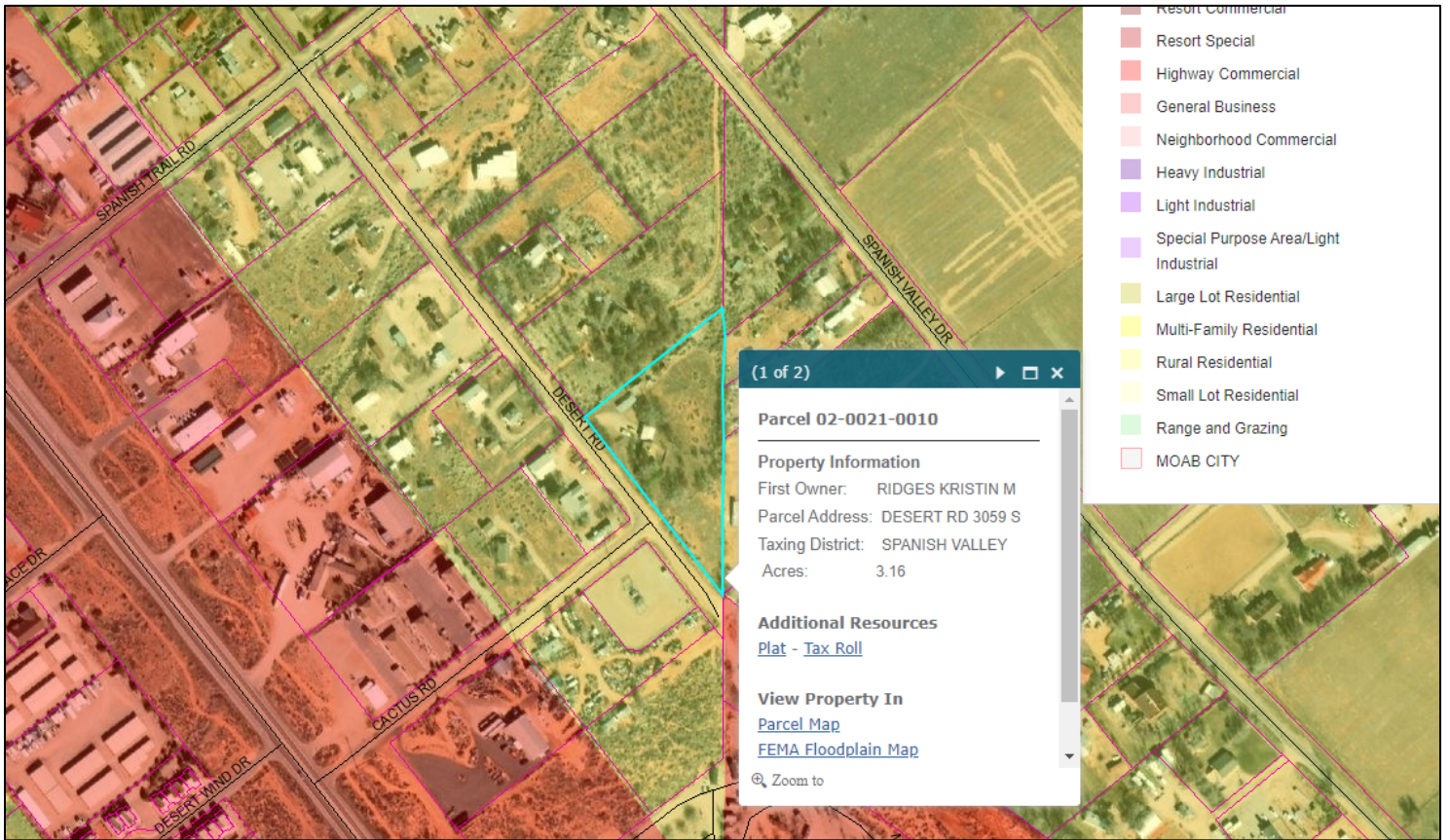
Article 9.1.3., Minimum Submission Requirements, 9.3 Minor Subdivisions, and Article 9.5.1, Final Plat Submittal Requirements

- b) **EVIDENCE:** The Final Plat application was determined complete on March 30th, 2022.

APPLICATION MATERIALS for APPROVAL

- Final Plat (Sig)
- Resolution (Sig)

Vicinity Map





88 East Center Street
Moab, UT 84532
435.259.8171

STANDARD LEGEND

- PROPERTY LINES
EASEMENT AS SPECIFIED OR PUBLIC UTILITY EASEMENT (P.U.E.)
PROPERTY ADJOINING
ASPHALT
PROP. CORNER FOUND
PROP. CORNER SET
MAG. NAIL FOUND
MAG. NAIL SET
BLOCK CORNER
SECTION CORNER MONUMENT

PROJECT TYPE:
SUBDIVISION

PROJECT ADDRESS:
3059 DESERT ROAD
Moab, Utah 84532

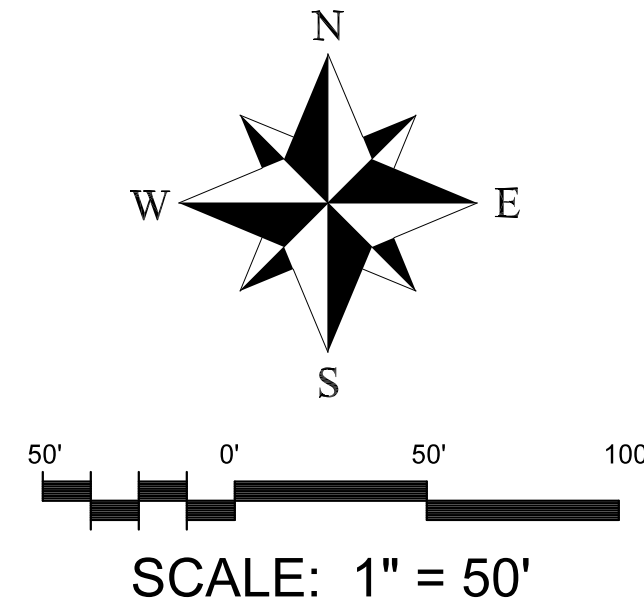
PROJECT LOCATION:
GRAND COUNTY, STATE OF UTAH

DEVELOPER:
KRISTIN RIDGES

DATE:
06/14/2022

JOB NUMBER:
137-20

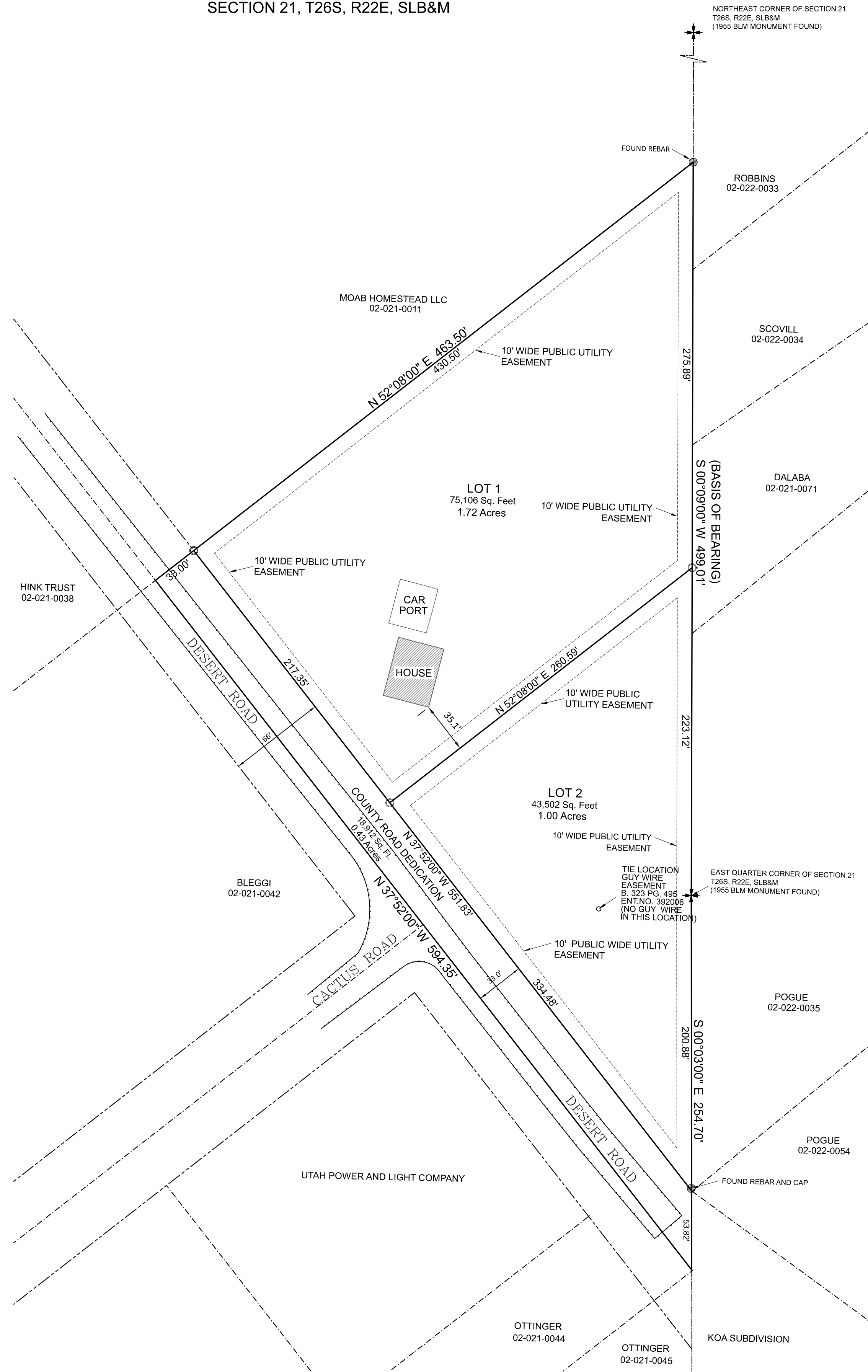
SHEET 1 OF 1



VICINITY MAP - NOT TO SCALE

RIDGES MINOR SUBDIVISION

A SUBDIVISION LOCATED WITHIN
SECTION 21, T26S, R22E, SLB&M



Lots 1 & 2 created by Ridges Minor Subdivision shall each be restricted to impervious surface area less than 15% of the respective lot or 7,000 square feet. If the owner of either Lot 1 and applies for a land use or building permit that exceeds this restriction, the owner shall provide a drainage plan for the improvements in accordance with the requirements of Section 6.7 of the Grand County Land Use Code (Drainage Requirements) prior to the issuance of the land use or building permit.

DOMINION ENERGY UTAH - NOTE:
Questar Gas Company, dba Dominion Energy Utah hereby approves this plat solely for purpose of confirming that the plat contains public utility easements. Dominion Energy Utah may require additional easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations or liabilities including prescriptive rights and other rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgment of any terms contained in the plat, including those set forth in the Owners Dedication and the Notes, and does not constitute of guarantee of particular terms of natural gas service. For further information please contact Dominion Energy Utah's Right-of-Way Department at 1-800-366-8 QUESTAR GAS COMPANY Dba DOMINION ENERGY UTAH

Approved this ___ day of ___, 20__
By _____
Title _____

COUNTY ENGINEERS APPROVAL
APPROVED BY THE GRAND COUNTY ENGINEER THIS ___ DAY OF ___, 20__
COUNTY ENGINEER

GRAND COUNTY COMMISSION
PRESENTED TO THE GRAND COUNTY COMMISSION THIS ___ DAY OF ___, 20__ SUBDIVISION APPROVED.
COUNTY CLERK CHAIR, GRAND COUNTY COMMISSION

GRAND COUNTY RECORDER
STATE OF UTAH, GRAND COUNTY, RECORDED AT THE REQUEST OF
DATE ___ BOOK ___ PAGE ___ FEE ___
COUNTY RECORDER

SURVEYOR'S CERTIFICATE

I, Lucas Blake, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7540504, in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Act. I further certify that by authority of the owners I have completed a survey of the property described on this subdivision plat in accordance with Section 17-23-17, have verified all measurements, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as RIDGES MINOR SUBDIVISION and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

Lucas Blake DATE
License No. 7540504

SUBDIVISION BOUNDARY LEGAL DESCRIPTION

LOT 20, SECTION 21, T26S, R22E, SLBM

Being more particularly describes as follows:

Beginning at the East Quarter corner Section 21, Township 26 South, Range 22 East, Salt Lake Base and Meridian, and proceeding thence along the East line of said Section 21 South 00°03'00" East 254.7 feet; thence North 37°52'00" West 594.35 feet along Desert Road centerline; thence North 52°08'00" East 463.50 feet; thence following the East line of Section 21 South 00°09'00" West 499.01 to the point of beginning, having an area of 137,392 Square Feet, 3.15 Acres.

OWNER'S DEDICATION

Know all men by these presents that the undersigned are the owners of the above described tract of land, and hereby cause the same to be divided into lots, parcels and streets, together with easements as set forth to be hereafter known as RIDGES MINOR SUBDIVISION and do hereby dedicate for the perpetual use of the public all roads and other areas shown on this plat as intended for public use. The undersigned owners also hereby convey to any and all public utility companies a perpetual, non-exclusive easement over the public utility easements (and private roads) shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owners also hereby convey any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

KRISTIN M. RIDGES

ACKNOWLEDGMENT

STATE OF _____ } s.s.
COUNTY OF _____ }

ON THE ___ DAY OF _____, 2022, PERSONALLY APPEARED BEFORE ME, KRISTIN M. RIDGES WHOM DID ACKNOWLEDGE TO ME THAT THEY SIGNED THE FOREGOING OWNER'S DEDICATION FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES STATED THEREIN.

NOTARY PUBLIC

NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____

SURVEYOR NOTES

- THE BASIS OF BEARING IS S 00°09' W BETWEEN THE NORTHEAST CORNER AND THE EAST QUARTER CORNER OF SECTION 21, TOWNSHIP 26 SOUTH, RANGE 22 EAST, SALT LAKE BASE AND MERIDIAN.
COORDINATE SYSTEM: UTAH STATE PLANE CENTRAL (NAD83, US SURVEY FEET)
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 PROPERTY CORNERS ALONG EAST BOUNDARY.

GRAND COUNTY, UTAH
RESOLUTION NO. _____ (2022)

APPROVING THE FINAL PLAT of RIDGES MINOR SUBDIVISION

WHEREAS, the previously named Grand County Council (“County Council”) adopted the Grand County General Plan (“General Plan”) on April 6, 2004, with Resolution No. 2654, as amended by Resolution No. 2976;

WHEREAS, the County Council adopted the Grand County Land Use Code (“LUC”) on January 4, 1999 with Ordinance No. 299, as amended, for the purpose of regulating land use, subdivision and development in Grand County in accordance with the General Plan;

WHEREAS, Kristin M. Ridges, (“Owner”) is the owner of record of real property located in the Rural Residential District in Grand County, Utah, known as Parcel No. 02-0021-0010 (“Property”), specifically described as follows:

LOT 20, Section 21, T26S, R22E, SLBM

Beginning at the East Quarter corner Section 21, Township 26 South, Range 22 East, Salt Lake Base and Meridian ; thence along the East line of said Section 21 South 00°03’00” East 254.7 feet; thence North 37°52’00” West 594.35 feet along Desert Road centerline; thence North 52°08’00” East 463.50 feet; thence following the East line of Section 21 South 00°09’00” West 499.01 to the point of beginning, having an area of 137,392 Square Feet, 3.15 Acres;

WHEREAS, the Owner submitted an application for a Minor Subdivision to divide the property into two separate parcels;

WHEREAS, the application is subject to the criteria established by Ordinance No. 646 (2021) and incorporated into the LUC Section 9.3 Minor Subdivision;

WHEREAS, the Grand County Planning and Zoning Department has determined the proposed subdivision is consistent with the 2030 General Plan and complies with the requirements of the Grand County LUC; and

WHEREAS, the Grand County Commission has considered the application and supporting documents in a public meeting on July 5, 2022;

NOW, THEREFORE, BE IT RESOLVED that the Grand County Commission hereby grants approval of the Ridges Minor Subdivision, Final Plat.

ADOPTED by the Grand County Commission in open session of a public meeting this 5th day of July 2022 by the following vote:

Those voting aye: _____

Those voting nay: _____

Those absent: _____

Grand County Commission

ATTEST:

Jacques Hadler, Chairman

Gabriel Woytek, Clerk/Auditor

March 30, 2022

Subject: Ridges – Drainage Waiver Request

Elissa Martin, Grand County Planning and Zoning
Grand County
125 E. Center
Moab, Utah 84532

Dear Elissa:

I have reviewed the request for a drainage waiver request and preliminary plat. The submitted information meets the requirements for a drainage waiver request.

Specifically, per the Grand County Construction Standards Section II, Par. E. 1 requirements listed below:

- (a) The amount of the impervious surface will not be increased to more than 15 percent of the lot area and is less than 7,000 square feet. – requirement met
- (b) The site is not characterized by unusual topography or drainage patterns. – requirement met
- (c) The site does not lie within the boundaries of the 100 year floodplain or other significant floodplain or floodway. – requirement met

If you have any questions or concerns, please feel free to contact me.

Sincerely,
HORROCKS ENGINEERS



David Dillman, PE
Principal

Attachment:
cc: file

AGENDA SUMMARY
GRAND COUNTY COMMISSION MEETING
JULY 5, 2022

Agenda Item:

TITLE:	Approval of finding of no significant impact and notice of intent to request the release of funds from the U.S. Department of Housing and Urban Development to Housing Authority of Southeastern Utah through the Self-Help Homeownership Opportunity Program (SHOP)
FISCAL IMPACT:	N/A (Count specific)
PRESENTER(S):	

Prepared By:

FOR OFFICE USE ONLY:

Attorney Review:

N/A

SUGGESTED MOTION:

I move to approve the finding of no significant impact and notice of intent to request the release of funds from the U.S. Department of Housing and Urban Development to Housing Authority of Southeastern Utah through the Self-Help Homeownership Opportunity Program (SHOP).

BACKGROUND:

The Housing Authority of Southeastern Utah (HASU) was recently awarded a SHOP grant through HUD for development project at Arroyo Crossing. Before receiving funding, an Environmental Review (ER) was required for the proposed project site. In February 2022, the Commission approved the role of the "Responsible Entity," for conducting ERs for these grants.

By accepting Responsible Entity designation, the County was responsible for submitting three determination letters. Two letters were to Tribal Leaders that may be impacted, as determined by HUD, and the other was to the State Historic Preservation Office (SHPO) letter.

After the ER was completed and the letters referenced above sent, a waiting period was required to allow recipients time to respond, if they choose to do so. No responses were received so HASU has moved to the final phase. This phase required the publication of a public comment notice specific to the finding of significant impact and the notice of intent to request the release of funds.

The public comment period ended on June 20th and no comments were received. At this point, Commission approval is needed to certify the findings so HASU can submit the request for the release of funds.

ATTACHMENT(S):

1. NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST THE RELEASE OF FUNDS
- 2.

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND
NOTICE OF INTENT TO REQUEST THE RELEASE OF FUNDS**

June 2nd, 2022
Grand County
125 E. Center St.
Moab, UT 84532
(435) 259-1346

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by Grand County, in conjunction with the Housing Authority of Southeastern Utah.

REQUEST FOR THE RELEASE OF FUNDS

On or about June 20th, 2022, Grand county, will submit a request to the U.S. Department of Housing and Urban Development for the release of Self-Help Homeownership Opportunity Program (SHOP) under Section 11 of the Housing Opportunity Program Extension Act of 1996, as amended to undertake the project known as Arroyo Crossing being developed by Housing Authority of Southeastern Utah for the purpose of construction of eight single family homes in the Arroyo Crossing subdivision. Project is located at 2022 Spanish Valley Dr., Moab, Utah 84532. The total estimated cost of the project is \$ 2,061,000.

FINDING OF NO SIGNIFICANT IMPACT

An environmental review for the project has been made by Grand County and is available for public examination and copying at Housing Authority of Southeastern Utah, 321 E. Center, Moab, UT 84532 weekdays between the hours of 10 am and 3 pm. Based on this review, Grand County has determined that the project will have no significant impact on the human environment and hence an environmental impact statement will not be undertaken under the National Environmental Policy Act of 1969 (NEPA).

PUBLIC COMMENTS ON FINDING

All interested agencies, groups and persons disagreeing with this determination are invited to submit written comments to Grand County Attn: Commission Administrator's Office, 125 E. Center St., Moab, UT 84532 by June 20th, 2022. All comments should specify which Notice they are addressing. All comments received by June 17th, 2022 will be considered by Grand County prior to authorizing submission of a request for release of funds.

ENVIRONMENTAL CERTIFICATION

Grand County certifies to Certifying Officer at Housing and Urban Development (HUD) in his capacity as Commission Chair consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the Housing Authority of Southeastern Utah to use Program funds.

OBJECTIONS TO HUD RELEASE OF FUNDS

HUD will accept objections to its release of funds and Grand Counties certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is late) only if they are made on one of the following bases: (a) the certification was not executed by the Certifying Officer of Grand County : (b) Grand County has omitted a step or failed to make a decision or finding required by U.S. Department of Housing and Urban Development regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the development process have committed funds or incurred costs not authorized by 24 CFR Part 58 before the approval of a release of funds by the U.S. Department of Housing and Urban Development or (d) another Federal agency, acting pursuant to 40 CFR part 1504, has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures of 24 CFR Part 58 and shall be addressed to HUD at Jovita Donahue, HUD Regional CPD Representative, 1670 Broadway, Denver, CO 80202. Potential objectors should contact HUD to verify the actual last day of the objection period.

**Environmental Assessment
Determinations and Compliance Findings
for HUD-assisted Projects
24 CFR Part 58**

Project Information

Project Name: Arroyo-Crossing

HEROS Number: 900000010245829

Responsible Entity (RE): Grand County, 125 E. Center St Moab UT,

RE Preparer: Jenna Whetzel

State / Local Identifier:

Certifying Officer: Mallory Nassau

Grant Recipient (if different than Responsible Entity): Housing Authority of Southeastern Utah

PHA Code: UT014

Point of Contact: Benjamin Riley

Consultant (if applicable):

Point of Contact:

Project Location: 2022 Spanish Valley Dr., Moab, UT 84532

Additional Location Information:

N/A

Direct Comments to:**Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:**

In the Arroyo Crossing subdivision, there will be a total of 216 new units built in 3 phases. These 216 units will consist of 32 apartments, twenty-four 450 square foot cottages, 52 townhomes, 44 duplexes, and 64 single-family homes. These projects are currently in the pre-development stage. Possible federal funding provided to HASU by the Housing Assistance Council will help to build 8 of these single-family homes. These single-family homes will range from 1,600-1,800 square feet. This subdivision is located at 2022 Spanish Valley Drive and at 2003 East Plateau Drive, Moab, Utah. It comprises two parcels totaling about 39 acres located within the southeast quarter of Section 17, Township 26 South, Range 22 East of the Salt Lake Principal Meridian. The Site is zoned MFR (southwest of Spanish Valley Drive) and large lot residential (north of Spanish Valley Drive) by Grand County Planning and Zoning. The Site lies within the USGS Moab, Utah topographic quadrangle and is at an elevation 4,380 to 4440 feet above mean sea level. The topography in the vicinity of the Site slopes gently towards the northeast towards Mill Creek. To the north are residences and a small ranch. To the east are more residences and open land. To the south is open land, south of this are several commercial properties. To the west are commercial properties and several residences. The Arroyo Crossing site is owned by the Moab Area Community Land Trust (MACLT). Homeowners will own their homes, but not the land, which will be owned by MACLT in perpetuity to keep homes affordable for future Low and Very-Low homeowners in Grand County. The site will consist of entirely new construction with minor land disturbance. Attached is the final plat of Arroyo Crossing and a map that shows the planned phases of construction for the site.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

HASU is requesting \$150,000 in SHOP funds for 8 homes in the new Arroyo Crossing subdivision. This is a new subdivision consisting of land owned by the Moab Area Community Land Trust (MACLT). MACLT was created to hold lands in trust to make homes affordable to homeowners. Homeowners sign Ground Leases and agree to Maximum Resale Prices to make sure future Low and Very-Low income homeowners can afford to live in this subdivision in perpetuity. Grand County is in the midst of an affordable housing crisis. With Arches and Canyonlands National Parks in our backyard, Moab brings in visitors from around the world. Home values are skyrocketing while the supply of decent, safe, sanitary, and affordable homes for Grand County residents remains low. Like other resort communities similar to Grand County, outside buyers are purchasing properties to be used as investments and/or second homes, causing real estate prices to increase. A basic mortgage calculator shows that the monthly mortgage payment for a home listed at the average YTD sales price of \$538,297 in Grand County (according to the October 2021 newsletter provided by the Utah Association of Realtors) is \$2,235.45, including taxes, insurance, and PMI costs. This is assuming a 2.5% interest rate for a 33-year loan period, assuming the terms of USDA 502 loans at the time of this submission. This cost represents almost all of the average monthly wage for a worker in the Accommodation and Food Services Industry, according to data collected by Grand County. These workers make up almost one-third (30.27%) of Grand County's

workforce. These numbers reflect a widening housing affordability gap in Grand County. Not surprisingly, almost half of households earning less than \$50,000 per year are cost burdened, meaning they spend more than 30% of their monthly income on housing expenses including mortgage or rent, taxes, insurance, utilities, and HOA fees where applicable. The Mutual Self-Help program strives to close the affordability gap between homes that Low and Very-Low income residents can afford and the heavy influx of high-priced homes currently on the market. Sales prices for second homes and short-term rentals are exorbitant and are out of the realm of possibility for local long-term occupancy. HASU's MSH program adds at least 20 homes to the affordable stock every 2 years. Arroyo Crossing will add at least 300 units to Grand County's affordable housing stock. All MSH homes have deed and/or Ground Lease restrictions attached to them ensuring that all occupants of these homes are full-time residents of Grand County who live in the home for at least 9 months out of each calendar year. Short-term rentals are prohibited. MSH is vital in providing homeownership opportunities to residents who cannot qualify for conventional loans. Building on MACLT-owned land ensures that future homeowners can also purchase these homes at an affordable rate for at least 99-years.

Existing Conditions and Trends [24 CFR 58.40(a)]:

Arroyo Crossing is located at 2022 Spanish Valley Drive and 2003 E. Plateau Drive, Moab, Utah. The Arroyo Crossing (AC) subdivision is brand new. It is located on a flat piece of land with mild shrub growth. The Site is comprised of two parcels totaling about 39 acres on Grand County Assessor parcel numbers 02-0017-0020 and 02-0CLR-0002 located along Spanish Valley Drive and owned by the Moab Area Community Land Trust (MACLT). The Site is vacant property and has been vacant since at least 1937. The Phase 1 Environmental Site Assessment conducted by Avant Environmental Services revealed no evidence of recognized environmental conditions in connection with the Site. The Site is in Grand County, just outside the city limits of Moab, a town with residences, small business, and agricultural land usage. Historic mining for uranium has occurred in the vicinity of Moab, with businesses in the town historically providing support for that mining. Moab has transitioned from rural mining and agricultural use into a vacation and recreation destination over the last several decades. Single-Family homes are currently being constructed by the site by Community Rebuilds and the Housing Authority of Southeastern Utah through the Mutual Self-Help USDA-RD loan program. Before this development began, the site consisted of undeveloped vacant land. The surrounding area has residential and some business developments. The Site is zoned Multi-Family Residential (southwest of Spanish Valley Drive) and Large Lot residential (north of Spanish Valley Drive) by Grand County Planning and Zoning. The Site lies within the USGS Moab, Utah topographic quadrangle and is at an elevation 4,380 to 4440 feet above mean sea level. The topography in the vicinity of the Site slopes gently towards the northeast towards Mill Creek. There are residential neighborhoods adjacent to the subdivision.

Moab Regional Hospital, shopping areas, schools, and other amenities are in the town of Moab, about 3.15 miles away. In the absence of the Arroyo Crossing development, this site would remain undeveloped and its zoning would remain the same. Without these 8 proposed homes that would receive SHOP funding from HAC, there would still be both multi-family and single-family dwellings developed at the site.

Maps, photographs, and other documentation of project location and description:

[Arroyo Crossing Phasing Plan Map.pdf](#)

[AC FINAL PLAT \(signed\).pdf](#)

[Phase 1 Environmental Assessment.pdf](#)

[Arroyo Crossing Photographs 1.pdf](#)

Determination:

	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
✓	Finding of Significant Impact

Approval Documents:

7015.15 certified by Certifying Officer on:

7015.16 certified by Authorizing Officer on:

Funding Information

Grant / Project Identification Number	HUD Program	Program Name
S-H2-10-70-0000	Housing: Single Family FHA	Other Single Family FHA Program

Estimated Total HUD Funded, Assisted or Insured Amount: \$120,000.00

This project anticipates the use of funds or assistance from another federal agency in addition to HUD in the form of:

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$2,061,010.00

Compliance with 24 CFR §50.4, §58.5 and §58.6 Laws and Authorities

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6		
Airport Hazards Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input type="checkbox"/> No	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements. The Canyonlands Field Airport is the nearest airport to the Arroyo Crossing Site and it is 19.75 miles away.
Coastal Barrier Resources Act Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input type="checkbox"/> No	This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input type="checkbox"/> Yes <input type="checkbox"/> No	The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements. The FIRMETTE for Arroyo Crossing is uploaded above.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5		
Air Quality Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	<input type="checkbox"/> Yes <input type="checkbox"/> No	The project's county or air quality management district is in attainment status for all criteria pollutants. The

		project is in compliance with the Clean Air Act.
Coastal Zone Management Act Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input type="checkbox"/> No	This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.
Contamination and Toxic Substances 24 CFR 50.3(i) & 58.5(i)(2)]	<input type="checkbox"/> Yes <input type="checkbox"/> No	Site contamination was evaluated as follows: ASTM Phase I ESA. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements. Attached you will find the Phase 1 Environmental Site Assessment completed on June 10, 2019 by Avant Environmental Services, Inc. On pages 5-8, there is information listed about environmental hazards and the lack thereof at the site. This also includes a Partial List of Agency Sources (Table 1, page 6) which lists no superfund or hazardous sites near Arroyo Crossing.
Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	<input type="checkbox"/> Yes <input type="checkbox"/> No	This project will have No Effect on listed species based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office. This project is in compliance with the Endangered Species Act.
Explosive and Flammable Hazards Above-Ground Tanks [24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input type="checkbox"/> No	There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. The project is in compliance with explosive and flammable hazard requirements. From page 8 of the Phase 1 Environmental Site Assessment completed by Avant Environmental Services, Inc on June 10, 2019: "Lists compiled by the State of Utah were searched for leaking underground and aboveground storage tanks (USTs/ASTs) located within one-

		half mile of the Site and registered UST/ASTs at or adjacent to the Site. No such facilities were found to be listed." This assessment is attached below.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	<input type="checkbox"/> Yes <input type="checkbox"/> No	This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. Arroyo Crossing is being built on land that is zoned as Multi-Family and Large Lot Residential, both of which are not designated for agricultural purposes. The section of the site where we will be building these 10 homes is in the Large Lot Residential portion. I have included a pdf of a screenshot of the Grand County zoning map showing the address of the subdivision at the top left hand corner and showing the zoning designation. Also, you can find this zoning distinction on page 2 of the Phase 1 Environmental Site Assessment, which has been attached previously to this review.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input type="checkbox"/> No	This project does not occur in a floodplain. The project is in compliance with Executive Order 11988.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input type="checkbox"/> Yes <input type="checkbox"/> No	Based on the project description the project has No Potential to Cause Effects. The project is in compliance with Section 106.
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<input type="checkbox"/> Yes <input type="checkbox"/> No	The Preliminary Screening identified no noise generators in the vicinity of the project. The project is in compliance with HUD's Noise regulation. I have attached a DNL Noise calculator which shows that cars on the nearest road, Spanish Valley Dr. create only 37 decibels. I have also attached a map which shows the distances to the nearest airport (19.75 miles), railroad (6.76 miles), and major road (2,088.7 feet).
Sole Source Aquifers Safe Drinking Water Act of 1974, as	<input type="checkbox"/> Yes <input type="checkbox"/> No	The project is not located on a sole source aquifer area. The project is in

amended, particularly section 1424(e); 40 CFR Part 149		compliance with Sole Source Aquifer requirements. I have included a map showing that Arroyo Crossing is not located on a sole source aquifer area. The closest sole source aquifer is the Glen Canyon - Moab, Utah Aquifer System SSA located in Region 8 with the Federal Registry ID of 67 FR 736 (2002).
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input type="checkbox"/> No	The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. I have included a map from the National Wetlands Inventory showing that Arroyo Crossing is not on a site that contains wetlands.
Wild and Scenic Rivers Act Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input type="checkbox"/> No	This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. I have included an excel spreadsheet listing all Wild and Scenic Rivers in Utah. I have also included a map showing that there are no Wild and Scenic Rivers near Arroyo Crossing.
HUD HOUSING ENVIRONMENTAL STANDARDS		
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]

Impact Codes: An impact code from the following list has been used to make the determination of impact for each factor.

- (1)** Minor beneficial impact
- (2)** No impact anticipated
- (3)** Minor Adverse Impact – May require mitigation
- (4)** Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement.

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Conformance with Plans / Compatible Land Use		The project is consistent with the Moab Area Affordable Housing Plan (attached	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
and Zoning / Scale and Urban Design		below) which states that Grand County is in dire need of affordable housing. This project is located in the Large Lot residential zone.	
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design		The project is consistent with the Moab Area Affordable Housing Plan (attached below) which states that Grand County is in dire need of affordable housing. This project is located in the Large Lot residential zone.	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff		Soil: Soil at the Site is listed as Thoroughfare fine sandy loam, 2 to 8 percent slopes. This soil is a deep, well-drained soil formed on alluvial flats and stream terraces, and is prime farmland if irrigated. (U.S. NRCS). Slope: The Site lies within the USGS Moab, Utah topographic quadrangle and is at an elevation 4,380 to 4440 feet above mean sea level. The topography in the vicinity of the Site slopes gently towards the northeast towards Mill Creek. Erosion: This parcel is not located in an erosion sensitive area, on a steep slope, or near any bodies of water. There is no vegetation at the parcel. There is no evidence of erosion or sedimentation. Drainage: Surface water flow in the area of the Site is directed by ditches and storm drainage systems to the south and west into Pack Creek located a few hundred feet northwest of the Site. Pack Creek flows into Mill Creek about three miles northwest of the Site and just west of Moab. Mill Creek flows into the Colorado River approximately one mile west of Moab. Storm Water Runoff: There is a culvert conveying storm water across Spanish Valley Drive in the southeast corner of the Site. This information comes from the Phase 1 Environmental Assessment, which is attached below.	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff		<p>Soil: Soil at the Site is listed as Thoroughfare fine sandy loam, 2 to 8 percent slopes. This soil is a deep, well-drained soil formed on alluvial flats and stream terraces, and is prime farmland if irrigated. (U.S. NRCS). Slope: The Site lies within the USGS Moab, Utah topographic quadrangle and is at an elevation 4,380 to 4440 feet above mean sea level. The topography in the vicinity of the Site slopes gently towards the northeast towards Mill Creek. Erosion: This parcel is not located in an erosion sensitive area, on a steep slope, or near any bodies of water. There is no vegetation at the parcel. There is no evidence of erosion or sedimentation. Drainage: Surface water flow in the area of the Site is directed by ditches and storm drainage systems to the south and west into Pack Creek located a few hundred feet northwest of the Site. Pack Creek flows into Mill Creek about three miles northwest of the Site and just west of Moab. Mill Creek flows into the Colorado River approximately one mile west of Moab. Storm Water Runoff: There is a culvert conveying storm water across Spanish Valley Drive in the southeast corner of the Site. This information comes from the Phase 1 Environmental Assessment, which is attached below.</p>	
Hazards and Nuisances including Site Safety and Site-Generated Noise		<p>All Grand County safety ordinances will be followed during the course of construction which will involve multiple inspections. The project will integrate safe lighting and road conditions as well as be built to IBC standards to withstand commonly occurring natural hazards.</p>	
Hazards and Nuisances including Site Safety and Site-Generated Noise		<p>All Grand County safety ordinances will be followed during the course of construction which will involve multiple inspections. The project will integrate</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		safe lighting and road conditions as well as be built to IBC standards to withstand commonly occurring natural hazards.	
Energy Consumption/Energy Efficiency		All homes at Arroyo Crossing will be energy efficient. All homes will follow local and state building codes relating to insulation to ensure the homes are energy efficient. Homeowners will install furnaces with a 95% efficiency rating. Housing Authority staff members will advise homeowners to purchase appliances with the highest level of energy efficiency. Construction staff will also instruct homeowners on the proper care and maintenance of appliances and furnaces. All of these homes are Mutual Self-Help (MSH) homes and will be equipped with energy efficient windows, doors, and water heaters to achieve maximum energy savings. House plans have been designed to maximize passive solar heating and cooling mechanisms. In addition, all 10 homes will meet DOE Zero Energy Ready Home Requirements (ZEHR).	
Energy Consumption/Energy Efficiency		All homes at Arroyo Crossing will be energy efficient. All homes will follow local and state building codes relating to insulation to ensure the homes are energy efficient. Homeowners will install furnaces with a 95% efficiency rating. Housing Authority staff members will advise homeowners to purchase appliances with the highest level of energy efficiency. Construction staff will also instruct homeowners on the proper care and maintenance of appliances and furnaces. All of these homes are Mutual Self-Help (MSH) homes and will be equipped with energy efficient windows, doors, and water heaters to achieve maximum energy savings. House plans have been designed to maximize passive	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		solar heating and cooling mechanisms. In addition, all 10 homes will meet DOE Zero Energy Ready Home Requirements (ZEHR).	
SOCIOECONOMIC			
Employment and Income Patterns		Arroyo Crossing will provide housing to Low and Very-Low income workers in Grand County who would otherwise be unable to obtain conventional loans. This project will increase employment opportunities during the construction phase across all wage levels from general contractors to laborers.	
Employment and Income Patterns		Arroyo Crossing will provide housing to Low and Very-Low income workers in Grand County who would otherwise be unable to obtain conventional loans. This project will increase employment opportunities during the construction phase across all wage levels from general contractors to laborers.	
Demographic Character Changes / Displacement		The construction of affordable housing to Low and Very-Low members of Grand County's workforce will benefit Grand County at large. These workers would otherwise be unable to obtain conventional loans and might have had to leave the area if they could not find other homeownership opportunities. Therefore, these 10 units will benefit Grand County's employers and economy at large. This project will not alter any demographic characteristics in the community and will provide much needed affordable housing. In addition, these homes will be affordable in perpetuity because they will be governed by the Moab Area Community Land Trust, who will keep sale prices affordable to future homebuyers, who are required to be full-time residents and workers in Grand County. Future homebuyers will also be	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		required to be in the 80% or under AMI range.	
Demographic Character Changes / Displacement		<p>The construction of affordable housing to Low and Very-Low members of Grand County's workforce will benefit Grand County at large. These workers would otherwise be unable to obtain conventional loans and might have had to leave the area if they could not find other homeownership opportunities. Therefore, these 10 units will benefit Grand County's employers and economy at large. This project will not alter any demographic characteristics in the community and will provide much needed affordable housing. In addition, these homes will be affordable in perpetuity because they will be governed by the Moab Area Community Land Trust, who will keep sale prices affordable to future homebuyers, who are required to be full-time residents and workers in Grand County. Future homebuyers will also be required to be in the 80% or under AMI range.</p>	
COMMUNITY FACILITIES AND SERVICES			
Educational and Cultural Facilities (Access and Capacity)		This project will not significantly impact any educational facilities in the area because there are no neighboring schools and Arroyo Crossing residents will be in the same school district as all other residents of Grand County.	
Educational and Cultural Facilities (Access and Capacity)		This project will not significantly impact any educational facilities in the area because there are no neighboring schools and Arroyo Crossing residents will be in the same school district as all other residents of Grand County.	
Commercial Facilities (Access and Proximity)		There are retail and commercial services located near the project and they will not be adversely affected by the project. Professional and personal services are located within 5 miles of the project.	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Commercial Facilities (Access and Proximity)		There are retail and commercial services located near the project and they will not be adversely affected by the project. Professional and personal services are located within 5 miles of the project.	
Health Care / Social Services (Access and Capacity)		Emergency and non-emergency health services are located within 5 miles of this project at Moab Regional Hospital, a full scale medical facility.	
Health Care / Social Services (Access and Capacity)		Emergency and non-emergency health services are located within 5 miles of this project at Moab Regional Hospital, a full scale medical facility.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)		Solid waste services are adequate and set up to service this facility. Homeowners will pay for the use of this utility just as they would in any other rental unit or single-family home.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)		Solid waste services are adequate and set up to service this facility. Homeowners will pay for the use of this utility just as they would in any other rental unit or single-family home.	
Waste Water and Sanitary Sewers (Feasibility and Capacity)		This project will utilize existing waste water infrastructure provided by Grand County. This project is not located near a waste water treatment facility and will not be adversely affected. This project will not exceed capacity of Grand County's waste water and sanitary sewer systems.	
Waste Water and Sanitary Sewers (Feasibility and Capacity)		This project will utilize existing waste water infrastructure provided by Grand County. This project is not located near a waste water treatment facility and will not be adversely affected. This project will not exceed capacity of Grand County's waste water and sanitary sewer systems.	
Water Supply (Feasibility and Capacity)		Grand County has an adequate culinary water supply and connection service to this project. Infrastructure located on adjacent streets will provide culinary	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		water to this project. This project will not exceed capacity of Grand County's water supply.	
Water Supply (Feasibility and Capacity)		Grand County has an adequate culinary water supply and connection service to this project. Infrastructure located on adjacent streets will provide culinary water to this project. This project will not exceed capacity of Grand County's water supply.	
Public Safety - Police, Fire and Emergency Medical		This project is located in Grand County and has access to all of Grand County's public safety, fire, and medical services. No obstacles are present to prohibit access to the site. Grand County has a very low crime rate and this project will not adversely affect the crime rate in the neighborhood.	
Public Safety - Police, Fire and Emergency Medical		This project is located in Grand County and has access to all of Grand County's public safety, fire, and medical services. No obstacles are present to prohibit access to the site. Grand County has a very low crime rate and this project will not adversely affect the crime rate in the neighborhood.	
Parks, Open Space and Recreation (Access and Capacity)		There are many recreational opportunities and abundant open space in direct proximity to the project. There are many recreational facilities within 5 miles of the project that provide recreation/entertainment free of charge. Cultural activities happen very often in Grand County. Additionally, things like the local museum of Moab and cultural parks are located within 5 miles of this project.	
Parks, Open Space and Recreation (Access and Capacity)		There are many recreational opportunities and abundant open space in direct proximity to the project. There are many recreational facilities within 5 miles of the project that provide recreation/entertainment free of charge.	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		Cultural activities happen very often in Grand County. Additionally, things like the local museum of Moab and cultural parks are located within 5 miles of this project.	
Transportation and Accessibility (Access and Capacity)		This project is located 5 miles to the South of the center of Moab City and there are adequate roads linking this project to Moab City. There are ample parking spots within this project. In addition, there is a bike path that links this project to the center of Moab City.	
Transportation and Accessibility (Access and Capacity)		This project is located 5 miles to the South of the center of Moab City and there are adequate roads linking this project to Moab City. There are ample parking spots within this project. In addition, there is a bike path that links this project to the center of Moab City.	
NATURAL FEATURES			
Unique Natural Features /Water Resources		This project is located in direct proximity to many parks in Grand County and land managed by the Bureau of Land Management. Residents can enjoy hiking, biking, and swimming opportunities within 5 miles of the project. Ken's Lake is located within 6 miles of this project. The Colorado River is located within 6 miles of this project and has ample water related recreational opportunities.	
Unique Natural Features /Water Resources		This project is located in direct proximity to many parks in Grand County and land managed by the Bureau of Land Management. Residents can enjoy hiking, biking, and swimming opportunities within 5 miles of the project. Ken's Lake is located within 6 miles of this project. The Colorado River is located within 6 miles of this project and has ample water related recreational opportunities.	
Vegetation / Wildlife (Introduction,		The vegetation at the site has been removed prior to the building of the 8	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Modification, Removal, Disruption, etc.)		homes that will receive HUD funds through the Housing Assistance Council's Self-Help Homeownership Opportunity Program. This will not adversely affect vegetation or wildlife at Arroyo Crossing.	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)		The vegetation at the site has been removed prior to the building of the 8 homes that will receive HUD funds through the Housing Assistance Council's Self-Help Homeownership Opportunity Program. This will not adversely affect vegetation or wildlife at Arroyo Crossing.	
Other Factors			
Other Factors			

Supporting documentation

[Moab Area Affordable Housing Plan.pdf](#)
[Phase 1 Environmental Assessment\(3\).pdf](#)

Additional Studies Performed:

A Phase 1 Environmental Assessment was completed by Avant Environmental Services on June 10, 2019. This is attached.

[Phase 1 Environmental Assessment\(4\).pdf](#)

Field Inspection [Optional]: Date and completed

by:

Avant Environmental Services, Inc.

6/10/2019 12:00:00 AM

[Phase 1 Environmental Assessment.pdf](#)
[Arroyo Crossing Photographs 1.pdf](#)

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

The State Historical Preservation Office (SHPO) and tribal leaders were contacted to see if they had any aversion to construction of these 8 homes at Arroyo Crossing. SHPO, located at 300 S. Rio Grande Street in Salt Lake City, UT was contacted on March 1st, 2022 by Grand County. This letter is attached. Grand County also contacted Luke Duncan, the Chairperson for the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah and Jonathan Nez, President of the Navajo Nation in Arizona in New Mexico and Utah. These letters were sent on March 1st, 2022. These letters are also attached. There were no responses from any of these entities

contacted. Kade Lazenby, Impact Analysis Biologist for the Division of Wildlife Resources in Price, UT was also contacted about the existence of endangered species at Arroyo Crossing on April 5th, 2022. He responded on April 13th, 2022 stating that only mule deer and prairie dogs were present at the site and these are not on the endangered species list in Grand County, UT. I have attached our email correspondence.

[Email from DWR\(1\).pdf](#)

[No Response from SHPO or Tribes email verification\(1\).pdf](#)

[HUD Environmental Review Letter President Nez Navajo Nation - Grand County .pdf](#)

[HUD Environmental Review Letter- Chairperson Duncan Ute Tribe of Uintah and Ouray Reservation - Gran.pdf](#)

[Historical Finding Letter HASU - Grand County HUD ER.pdf](#)

List of Permits Obtained:

1) Building Permits are required. These are obtained post-closing from the Grand County Building Department. 2) Ground Leases need to be signed between homeowners and the Moab Area Community Land Trust to ensure homeowners abide by the covenants of MACLT to ensure affordable homeownership opportunities in perpetuity. 3) USDA-RD must approve homeowners and submit eligibility letters to show they have been qualified for Mutual Self-Help loans.

Public Outreach [24 CFR 58.43]:

There were only 2 public hearings regarding Arroyo Crossing and the approval of their Planned Unit Development (PUD). The Planning Commission held their public hearing on July 9, 2019 and the Commission held a public hearing on August 6, 2019.

Cumulative Impact Analysis [24 CFR 58.32]:

The cumulative impacts on the environment will be beneficial to Grand County's economy and standard of living. These 8 homes will house Low and Very-Low income households in perpetuity. The economy will be benefitted as Arroyo Crossing will provide housing to Grand County's workforce, allowing them to live and work in the area where they otherwise might not be able to find affordable housing. The need for affordable housing in our community is dire, and these 8 homes will help alleviate this crisis insofar as they will house 8 households in perpetuity set aside for permanent members of Grand County's workforce. The homes are located on the Moab Area Community Land trust, which will keep these homes available only to Low-income families who live and work in Grand County at least 9 months out of each calendar year. There will be no adverse cumulative impacts resulting from this project.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

There were no other alternative sites considered and not selected for this project.

No Action Alternative [24 CFR 58.40(e)]

If these 8 homes were not built by the Housing Authority of Southeastern Utah using HUD grant funds, the same amount of single-family homes would be built at the site as these lots were designated for this use. Another developer would have developed 8 single-family homes, so these homes will not cause any disturbance that could have been avoided if HASU did not build these homes.

Summary of Findings and Conclusions:

Environmental Impacts will be low, as these homes are energy-efficient and is not located on any floodplains, historically significant areas, wetlands, coastal barriers, sole source aquifers, wild and scenic rivers, farmlands, or archaeologically significant areas. This project will not adversely affect any endangered species, lower air quality, be overly noisy, or be located near any toxic chemicals; gases; hazardous materials; contamination; or radioactive substances. This parcel of land was previously vacant, so no other uses or residents have been displaced. This parcel is located within the Large Lot Residential zone and has not been re-zoned during the pre-development process.

Mitigation Measures and Conditions [CFR 1505.2(c)]:

Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Mitigation Plan	Complete
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Project Mitigation Plan

Supporting documentation on completed measures

APPENDIX A: Related Federal Laws and Authorities

Airport Hazards

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

✓ No

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

Yes

Screen Summary

Compliance Determination

The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements. The Canyonlands Field Airport is the nearest airport to the Arroyo Crossing Site and it is 19.75 miles away.

Supporting documentation

[Airport Hazards Map.jpg](#)

Are formal compliance steps or mitigation required?

Yes

No

Coastal Barrier Resources

General requirements	Legislation	Regulation
<p>HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.</p>	<p>Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)</p>	

This project is located in a state that does not contain CBRA units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.

Compliance Determination

This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No

Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).

1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?

No. This project does not require flood insurance or is excepted from flood insurance.

Yes

2. Upload a FEMA/FIRM map showing the site here:

[Arroyo Crossing FIRMETTE.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?

No

Based on the response, the review is in compliance with this section.

Yes

4. While flood insurance is not mandatory for this project, HUD strongly recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). Will flood insurance be required as a mitigation measure or condition?

Yes

✓ No

Screen Summary

Compliance Determination

The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements. The FIRMETTE for Arroyo Crossing is uploaded above.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No

Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93

1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?

Yes

No

Air Quality Attainment Status of Project's County or Air Quality Management District

2. Is your project's air quality management district or county in non-attainment or maintenance status for any criteria pollutants?

No, project's county or air quality management district is in attainment status for all criteria pollutants.

Yes, project's management district or county is in non-attainment or maintenance status for the following criteria pollutants (check all that apply):

Screen Summary

Compliance Determination

The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No

Coastal Zone Management Act

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930

This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.

Screen Summary

Compliance Determination

This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No

Contamination and Toxic Substances

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)

1. How was site contamination evaluated? Select all that apply. Document and upload documentation and reports and evaluation explanation of site contamination below.

- American Society for Testing and Materials (ASTM) Phase I Environmental Site Assessment (ESA)
- ASTM Phase II ESA
- Remediation or clean-up plan
- ASTM Vapor Encroachment Screening
- None of the Above

2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)

- No

Explain:

In the Phase 1 Environmental Site Assessment conducted by Avant Environmental Services Inc., it states: "The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provides a system for prioritizing existing areas of known contamination for remediation. The U.S. Environmental Protection Agency (EPA) ranks the CERCLA Information System (CERCLIS) sites according to risk based on the Hazard Ranking Score. Higher risk sites are placed on the National Priority List (NPL) and these sites are then considered Superfund sites. The CERCLIS lists no facility near the Site."

Based on the response, the review is in compliance with this section.

Yes

Screen Summary**Compliance Determination**

Site contamination was evaluated as follows: ASTM Phase I ESA. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements. Attached you will find the Phase 1 Environmental Site Assessment completed on June 10, 2019 by Avant Environmental Services, Inc. On pages 5-8, there is information listed about environmental hazards and the lack thereof at the site. This also includes a Partial List of Agency Sources (Table 1, page 6) which lists no superfund or hazardous sites near Arroyo Crossing.

Supporting documentation

[Phase 1 Environmental Assessment\(1\).pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Endangered Species

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i>); particularly section 7 (16 USC 1536).	50 CFR Part 402

1. Does the project involve any activities that have the potential to affect species or habitats?

No, the project will have No Effect due to the nature of the activities involved in the project.

- ✓ No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

Explain your determination:

On April 5th, 2022, I reached out to Kade Lazenby, the Impact Analysis Biologist at the Division of Wildlife Resources in Price, UT asking if there were any endangered or threatened species at the Arroyo Crossing site. I sent him the address, aerial photographs and the final plat for Arroyo Crossing. He responded on April 12th in the attached email stating that "there are mule deer and Gunnison's Prairie dogs in the area." These species are not included on the attached County Lists of Utah's Federally Listed Threatened (T), Endangered (E) and Candidate (C) Species.

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Yes, the activities involved in the project have the potential to affect species and/or habitats.

Screen Summary

Compliance Determination

This project will have No Effect on listed species based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office. This project is in compliance with the Endangered Species Act.

Supporting documentation

[Utah Endangered Species List by County.pdf](#)

[Email from DWR.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Explosive and Flammable Hazards

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

No

Yes

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

No

Yes

3. Within 1 mile of the project site, are there any current or planned stationary aboveground storage containers that are covered by 24 CFR 51C? Containers that are NOT covered under the regulation include:

- Containers 100 gallons or less in capacity, containing common liquid industrial fuels OR

- Containers of liquified petroleum gas (LPG) or propane with a water volume capacity of 1,000 gallons or less that meet the requirements of the 2017 or later version of National Fire Protection Association (NFPA) Code 58.

If all containers within the search area fit the above criteria, answer "No." For any other type of aboveground storage container within the search area that holds one of the flammable or explosive materials listed in Appendix I of 24 CFR part 51 subpart C, answer "Yes."

No

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Yes

Screen Summary

Compliance Determination

There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. The project is in compliance with explosive and flammable hazard requirements. From page 8 of the Phase 1 Environmental Site Assessment completed by Avant Environmental Services, Inc on June 10, 2019: "Lists compiled by the State of Utah were searched for leaking underground and aboveground storage tanks (USTs/ASTs) located within one-half mile of the Site and registered UST/ASTs at or adjacent to the Site. No such facilities were found to be listed." This assessment is attached below.

Supporting documentation

[Phase 1 Environmental Assessment\(2\).pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Farmlands Protection

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	7 CFR Part 658

1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?

Yes

No

If your project includes new construction, acquisition of undeveloped land or conversion, explain how you determined that agricultural land would not be converted:

Arroyo Crossing is being built on land that is zoned as Multi-Family and Large Lot Residential, both of which are not designated for agricultural purposes. The section of the site where we will be building these 10 homes is in the Large Lot Residential portion. I have included a pdf of a screenshot of the Grand County zoning map showing the address of the subdivision at the top left hand corner and showing the zoning designation. Also, you can find this zoning distinction on page 2 of the Phase 1 Environmental Site Assessment, which has been attached previously to this review.

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Screen Summary

Compliance Determination

This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. Arroyo Crossing is being built on land that is zoned as Multi-Family and Large Lot Residential, both of which are not designated for agricultural purposes. The section of the site where we will be building these 10 homes is in the Large Lot Residential portion. I have included a pdf of a screenshot of the Grand County zoning map showing the address of the subdivision at the top left hand corner and showing the zoning designation. Also, you can find this zoning distinction on page

2 of the Phase 1 Environmental Site Assessment, which has been attached previously to this review.

Supporting documentation

[Arroyo Crossing Zoning Map.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Floodplain Management

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988	24 CFR 55

1. Do any of the following exemptions apply? Select the applicable citation? [only one selection possible]

55.12(c)(3)

55.12(c)(4)

55.12(c)(5)

55.12(c)(6)

55.12(c)(7)

55.12(c)(8)

55.12(c)(9)

55.12(c)(10)

55.12(c)(11)

None of the above

2. Upload a FEMA/FIRM map showing the site here:

[Arroyo Crossing FIRMETTE.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use **the best available information** to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

Does your project occur in a floodplain?

No

Based on the response, the review is in compliance with this section.

Yes

Screen Summary

Compliance Determination

This project does not occur in a floodplain. The project is in compliance with Executive Order 11988.

Supporting documentation

[Arroyo Crossing Firmette Panel.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Historic Preservation

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 “Protection of Historic Properties” https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf

Threshold

Is Section 106 review required for your project?

No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (See the PA Database to find applicable PAs.)

- ✓ No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

Yes, because the project includes activities with potential to cause effects (direct or indirect).

Threshold (b). Document and upload the memo or explanation/justification of the other determination below:

Grand County sent a letter asking if there were any adverse affects caused by building at Arroyo Crossing to the State Historic Preservation Office, Jonathan Nez; President of the Navajo Nation in Arizona; New Mexico; and Utah, and Luke Duncan; Chairperson of the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah on March 1st, 2022. As of this writing on April 18th, 2022, there has been no response from SHPO or the Navajo and Ute tribes. I have included the letters sent as well as an email from Mallory Nassau, Commission Administrator for Grand County, verifying that there has been no response from these entities.

Based on the response, the review is in compliance with this section.

Screen Summary

Compliance Determination

Based on the project description the project has No Potential to Cause Effects. The project is in compliance with Section 106.

Supporting documentation

[No Response from SHPO or Tribes email verification.pdf](#)

[HUD Environmental Review Letter President Nez Navajo Nation - Grand County \(1\).pdf](#)

[HUD Environmental Review Letter- Chairperson Duncan Ute Tribe of Uintah and Ouray Reservation - Gran\(1\).pdf](#)

[Historical Finding Letter HASU - Grand County HUD ER\(1\).pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Noise Abatement and Control

General requirements	Legislation	Regulation
HUD’s noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972 General Services Administration Federal Management Circular 75-2: “Compatible Land Uses at Federal Airfields”	Title 24 CFR 51 Subpart B

1. What activities does your project involve? Check all that apply:

- New construction for residential use

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster
None of the above

4. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000’ from a major road, 3000’ from a railroad, or 15 miles from an airport).

Indicate the findings of the Preliminary Screening below:

- There are no noise generators found within the threshold distances above.

Based on the response, the review is in compliance with this section. Document and upload a map showing the location of the project relative to any noise generators below.

Noise generators were found within the threshold distances.

Screen Summary

Compliance Determination

The Preliminary Screening identified no noise generators in the vicinity of the project. The project is in compliance with HUD's Noise regulation. I have attached a DNL Noise calculator which shows that cars on the nearest road, Spanish Valley Dr. create only 37 decibels. I have also attached a map which shows the distances to the nearest airport (19.75 miles), railroad (6.76 miles), and major road (2,088.7 feet).

Supporting documentation

[Arroyo Crossing Noise Abatement Map.pdf](#)

[Arroyo Crossing DNL Calculator - HUD Exchange.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Sole Source Aquifers

General requirements	Legislation	Regulation
The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)	40 CFR Part 149

1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

Yes

No

2. Is the project located on a sole source aquifer (SSA)?

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

No

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

Yes

Screen Summary

Compliance Determination

The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. I have included a map showing that Arroyo Crossing is not located on a sole source aquifer area. The closest sole source aquifer is

the Glen Canyon - Moab, Utah Aquifer System SSA located in Region 8 with the Federal Registry ID of 67 FR 736 (2002).

Supporting documentation

[Arroyo Crossing Sole Source Aquifer Map.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service’s National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.

1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building’s footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order

No

✓ Yes

2. Will the new construction or other ground disturbance impact an on- or off-site wetland? The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

"Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands."

✓ No, a wetland will not be impacted in terms of E.O. 11990’s definition of new construction.

Based on the response, the review is in compliance with this section. Document and upload a map or any other relevant documentation below which explains your determination

Yes, there is a wetland that be impacted in terms of E.O. 11990’s definition of new construction.

**Screen Summary
Compliance Determination**

The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. I have included a map from the National Wetlands Inventory showing that Arroyo Crossing is not on a site that contains wetlands.

Supporting documentation

[Arroyo Crossing Wetlands Protection Map.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Wild and Scenic Rivers Act

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297

1. Is your project within proximity of a NWSRS river?

✓ No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

Screen Summary

Compliance Determination

This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. I have included an excel spreadsheet listing all Wild and Scenic Rivers in Utah. I have also included a map showing that there are no Wild and Scenic Rivers near Arroyo Crossing.

Supporting documentation

[Wild and Scenic Rivers Nationwide Rivers Inventory-Arroyo Crossing Map.pdf](#)

[Wild and Scenic Rivers inventory Utah.xlsx](#)

Are formal compliance steps or mitigation required?

Yes

No

Environmental Justice

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.

1. Were any adverse environmental impacts identified in any other compliance review portion of this project’s total environmental review?

Yes

No

Based on the response, the review is in compliance with this section.

Screen Summary

Compliance Determination

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No



STATE OF UTAH

CONTRACT

CONTRACT # 152088 AMENDMENT #7

Vendor#	22710H	CommCd	00000
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TO BE ATTACHED TO AND MADE PART OF the above numbered contract by and between the State of Utah, Administrative Office of the Courts, referred to as State and Grand County Sheriff.

THE PARTIES AGREE TO THE CONTRACT AS FOLLOWS:

1. **Contract period:** 07/01/22 Effective Date

06/30/23 Termination Date unless terminated early or extended in accordance with the terms and conditions of this contract.

Renewal options: Unlimited (they are required by statute to provide these services). All payments under this contract will be completed within 90 days after the Termination Date.

2. **Contract amount:**

	Hrs Allotted	Hrly Rate	Contract Amt	Total
Bailiff Security	520	\$23.71	\$12,329.20	
Perimeter Security	280	\$23.71	\$ 6,638.80	\$18,968.00

3. **Attachment A: Terms & Conditions**

Attachment B: Scope of Work

Attachment C: Sample Invoice (*removed*); (*inserted*) **Payment**

4. **Contact Information:**

Courts: Seventh District & Juvenile Court
Attn: Travis Erickson
Addr: 120 East Main Street
City/Zip: Price 84501
Phone: 435 636-3400
E-mail: travise@utcourts.gov

County: Grand County Sheriff
Attn: Steven White
Addr: 25 South 100 East
City/Zip: Moab 84532
Phone: 435 259-8115
E-mail: swhite@grandcountysheriff.org

IN WITNESS WHEREOF, the parties sign and cause the contract to be executed.

COUNTY

AOC

County Commission

Court Security Director or AOC Designee

County Sheriff

District Court Executive

County Attorney

Juvenile Court Executive

LEGAL STATUS OF CONTRACTOR

- Sole Proprietor
- Non-Profit Corporation
- For-Profit Corporation
- Partnership
- Government Agency

Court Counsel

Availability of Funds

State Division of Finance

ATTACHMENT A: TERMS AND CONDITIONS – Bailiff and Security Contracts

1. **AUTHORITY:** Provisions of this contract are pursuant to the authority set forth in 11-13-101 commonly referred to as the Inter-local Cooperation Act, 17-22-2, 17-22-27 and UC78A-2-602.
2. **SEPARABILITY CLAUSE:** A declaration by any court, or any other binding legal source, that any provision of this contract is illegal and void shall not affect the legality and enforceability of any other provision of this contract, unless the provisions are mutually dependent.
3. **RENEGOTIATION OR MODIFICATIONS:** This contract may be amended, modified, or supplemented only by written amendment to the contract, executed by the same persons or by persons holding the same position as persons who signed the original agreement on behalf of the parties hereto, and attached to the original signed copy of the contract. Automatic renewals will not apply to this contract.
4. **TERMINATION:** This contract may be terminated in advance of the specified expiration date, by either party, upon ninety (90) days written notice being given the other party. On termination of this contract, all accounts and payments will be processed according to the financial arrangements set forth herein for approved services rendered to date of termination. Termination shall not affect the rights and duties of either party as may be required by law.
5. **NONAPPROPRIATION OF FUNDS:** The provision of this contract placing an obligation upon the State to compensate the Sheriff for services is contingent upon, and limited to the extent that, funds are appropriated and available for this purpose by the Legislature. The State will actively seek adequate funding from the Legislature to fulfill the obligations of this contract. In the event that funds are not appropriated or otherwise available to honor the terms of this contract, the State may renegotiate the agreement or may terminate the agreement without penalty upon 30 days written notice to the Sheriff.
6. **INDEMNIFICATION:** The State shall be responsible for all damages to persons or property that occurs as a result of the negligence or fault of State employees in connection with the performance of this contract. The County shall be responsible for all damages to persons or property that occurs as a result of the negligence or fault of the County in connection with the performance of this Contract. The County shall indemnify and hold the State free and harmless from all claims that arise as a result of the negligence or fault of the County, its officers, agents and employees. The obligation of a party to indemnify the other pursuant to any provision of this agreement is subject to the terms and conditions of the Governmental Immunity Act of Utah, UCA 63G-7-101*et. seq.*, including, but not limited to, the liability limits contained therein.
7. **EMPLOYMENT STATUS:** All persons performing duties under the terms of this Contract shall be County employees and shall have no right to any state pension, civil service, workers' compensation, unemployment or any other state benefit for services provided hereunder. The County will have full supervision authority, subject to the Scope of Work, over all persons employed to carry out the requirements of this Contract.
8. **PAYMENT:** Payments are normally made within 30 days following the date a correct invoice is received. All invoices must be submitted in an approved format.
9. **COMPENSATION:** The compensation paid by the State to the County pursuant to this Agreement shall be used only for the services provided pursuant to the Agreement, and County shall not have the authority or right to use such funds for other purposes. The State shall compensate the County for salary and benefits of sworn officers in conformance with the provisions of Sections 17-22-2, 17-22-23, 17-22-27 and UC78A-2-602, and Rule 3-414 of the Code of Judicial Administration. This agreement shall not serve to compensate County for costs related to security administration, supervision, travel, equipment and training.
10. **EQUIPMENT:** The equipment used by County personnel shall be provided and maintained by the County except for elements of the security systems (i.e. magnetometers, surveillance and other monitoring devices) provided by the State.

11. NOTICE: The Sheriff shall respond to a request for assistance with additional law enforcement personnel and services, without compensation, upon the occurrence of a breach of peace or when a security problem is anticipated.

12. PROBLEM RESOLUTION: The State's designated representative or representatives shall have the right, upon request, to meet and confer with the Sheriff, and/or his designated contract representatives, to discuss any problems arising from the Sheriff's performance or the individual deputies performing services under this Agreement, the costs for future periods under this contract, or any other issues related to this contract.

13. CONTINUITY OF COURT OPERATIONS: The Sheriff shall continue to provide bailiff and security services to the State if a natural disaster or other disruption forces the Court to modify its operations or convene at an alternate site(s) within the County.

14. SECURITY INCIDENT REPORTING: The Sheriff shall report all breaches of security, criminal acts, or threats to the Court or court personnel to the Local Security Coordinator. Such incidents include, but are not limited to: threats, suspicious incidents, vandalism, theft/burglary/robbery, medical assists and assaults. The Sheriff further agrees to provide a written report of the incident to the Local Security Coordinator on the Sheriff's standard departmental report form or on a Court Security Incident form provided by the local Security Coordinator. This will be completed as soon as is reasonably possible after the incident.

15. SECURITY REVIEWS: The Sheriff will cooperate with the Court Security Director and Court Facilities Manager in conducting periodic court security reviews to determine compliance with physical and procedural security standards and will assist in correcting any deficiencies identified. To the extent possible, the Sheriff will implement the standards set forth in the Model Post Orders document (as applicable) dated March, 2014, and provided by the Courts.

16. TRAINING: The Sheriff agrees to send bailiffs and court security officers to the 16 hours of basic court security training provided free-of-charge by the Court, as soon as possible after their appointment.

17. ENTIRE CONTRACT: This Contract, including all Attachments and documents incorporated hereunder, constitutes the entire agreement between the parties with respect to the subject matter, and supersedes any and all other prior and contemporaneous agreements and understandings between the parties, whether oral or written.

(Revised 01/31/2022)

ATTACHMENT B: SCOPE OF WORK

Bailiff Services:

A. County shall assign such law enforcement or special function officers as bailiffs in each courtroom when court is in session in the Seventh District, District and Juvenile Courts in Grand County.

B. County and AOC through their designees shall coordinate the staffing, scheduling and service levels at the various court locations with the goal of promoting efficiency and quality. The County is hiring authority for all officers assigned under this contract; however, the appointment or reassignment of a courtroom bailiff is subject to the concurrence of the judges with whom the bailiff will work/works.

Security Service:

Sheriff agrees to provide court security services and such other duties as may be required by law for the Seventh District, District and Juvenile Courts in Grand County. The Sheriff agrees to provide sufficient security staff of qualified law enforcement officers to provide security according to the Court Security Plan. The Sheriff agrees to provide security staff sufficient to provide door access security as frequently as possible.

Court Security Plan:

In accordance with Rule 3-414, *Utah Code of Judicial Administration*, the court executive in consultation with the Sheriff, has developed a court security plan. The plan outlines the responsibilities of the Sheriff and a written copy of that plan has been provided to the Sheriff. The Court Security Plan is hereby incorporated by reference into this contract.

Revised (01/31/2022)

ATTACHMENT C: PAYMENT

1. The AOC agrees to pay to the County the annual amounts listed on page 1 of this amendment # 7, not to exceed the total contract amount.
2. The County will invoice the AOC once every month, within 30 days after the end of the month; however, the last invoice for the fiscal year will be due no later than July 10.
3. The invoice will contain the total hours of Bailiff and Perimeter security hours provided.
4. Any invoice submitted in connection with this agreement shall be sent (USPS or electronically) to the Contact Information for Courts listed on page 1 or as below.

Courts: Seventh District & Juvenile Court

Attn: Travis Erickson

Addr: 149 East 100 South

City/Zip: Price 84501

Phone: 435 636-3400

E-mail: travise@utcourts.gov

Revised 03/08/2022

Directions: To request inclusion on the Commission agenda, complete this Agenda Summary form by following the instructions within the form. Email completed form and any attachments to mnassau@grandcountyutah.net no later than 5:00 p.m. the Wednesday before the requested Commission Meeting (meetings are held the first & third Tuesday of every month at 4:00 p.m. Questions? Contact: Mallory Nassau, Associate Commission Administrator, at (435) 259-1346.

AGENDA SUMMARY
GRAND COUNTY COMMISSION MEETING
 [1ST MEETING IN JULY, TUES OR FRI]

Agenda Item:

TITLE:	Letter to BLM re Sand Flats route designations
FISCAL IMPACT:	none
PRESENTER(S):	Kevin Walker

Prepared By:

Name, Title
 Organization
 Address
 Daytime Phone
 Email Address

RECOMMENDATION:

I move to approve the attached letter to BLM requesting consideration of changing route designations in the Sand Flats Recreation Area in order to reduce nighttime noise impacts.

ATTACHMENT(S):

Letter

FOR OFFICE USE ONLY:

Attorney Review:

For office use only



GRAND COUNTY COMMISSION
Jacques Hadler (Chair) · Mary McGann (Vice Chair)
Evan Clapper · Trish Hedin · Josie Kovash
Sarah Stock · Kevin Walker

July 5th, 2022

Re: BLM/SFRA

Nicollee Gaddis-Wyatt
Field Manager
82 East Dogwood
Moab, UT 84532

Dear Nicollee,

The Grand County Commission is writing to request that BLM take full consideration of changing designations of off-road motorized routes in the Sand Flats Recreation Area to expand the existing nighttime closures. Our primary reason for making this request is to reduce nighttime noise impacts, both in peoples' homes in adjacent neighborhoods and in campgrounds within Sand Flats.

We understand that BLM has already restricted nighttime use on some SFRA routes in order to reduce noise impacts at campgrounds, and that this past decision was relatively uncontroversial. We believe it would be equally uncontroversial to build on this precedent, and that further nighttime restrictions on motorized trails would go a long way to alleviate much of the noise pollution that takes place during sleeping hours. Existing nighttime use of SFRA routes causes significant noise disturbances in homes along Mill Creek Drive, 400 East, 300 South, and other nearby streets, where off-road vehicles often exit Sand Flats and necessarily drive through residential neighborhoods well past midnight. By the same logic as the existing closure on portions of Fins and Things, it makes sense to consider wider nighttime restrictions at SFRA. We understand that the main road must remain open 24 hours a day for both local and campground access, and we believe that further restrictions on nighttime use of off-road trails would minimize late night traffic to only those essential users.

There are additional benefits in considering nighttime route closures in the SFRA. First, there continue to be complaints of noise at SFRA campgrounds, and nighttime closures would greatly improve camper experiences. Second, we think it likely that a disproportionate amount of

resource damage along SFRA routes occurs at night. Driving at night makes it more difficult to identify and stay on the trail.

Sand Flats is a one-of-a-kind, world-class destination, and an incredible example of BLM and local partnership. We believe measures such as those we are requesting can strike a balance in offering unique and awe-inspiring recreation opportunities to visitors from around the world while also mitigating impacts to the local community. Thank you for your consideration.

Sincerely,

Mary McGann, Vice-Chair
Grand County Commission