

**Public comment on Proposed Ordinance #2021-06 - Zone Change Application
Kane Creek Rezone - Parcel #01-0001-0173**

I'm a property owner in RA1 adjacent to the proposed Kane Creek rezone. The land in question is certainly ripe for development, however it needs to be done under current zoning, primarily because there is no plan to provide sewer service. Rezoning to a higher density can foreseeably lead to litigation from the developer for lack of sewer service.

To question A: Was it zoned in error, I'd point out that the current zone was created through the hard work of the Planning Commission to accommodate development within the restraints of the environment. Sewer needs to flow downhill, and the current RA1 zone is compatible with the use on-site septic systems. This situation has not changed over time, and the plan is not out of date.

To question B: Has there been a change of character in the area, it's important to keep in mind several points.

- There has been no installation of public facilities or new utilities, nor other approved zone changes.
- There haven't been trail connectivity enhancements. In fact, the landowner has closed the property to pedestrian trail access long used by many for recreation and access to work. Sewer main upsizing on 100 West is irrelevant, as it's across Pack Creek and likely uphill from the property. No other new sewer upgrades have been done.
- The property is mostly surrounded by and most similar to property that is zoned RA1, to the northwest, north, northeast, and east.
- Considering the price the seller is demanding, costs of development, and the current costs of building, it's unreasonable to foresee any truly affordable housing being created on this parcel.

Regarding question C: Is there a need for the proposed zoning, let's keep in mind that many lots can be developed on the land as it's currently zoned.

In answer to question D: Is the proposed zoning compatible with the surrounding area, the lack of sewer service makes a density up-zone unwise.

Considering question E: Will the community benefit by granting the zone change, we need plan sensibly and with balance and have reasonable solutions in mind ahead of time regarding problems such how to provide as sewer service.

In addressing question F: Are adequate facilities in place, we face the same problem with sewer. In addition, there's no water, natural gas, nor electrical infrastructure in place. The applicant states a commitment to take care of all this, but what legal structure stands behind this commitment? Please kindly keep in mind the landowner has shown an inability to get along with city staff or neighbors in any reasonable way.

I expect we can all agree that Moab needs more affordable housing options, and I would invite new neighbors. But I ask that we be sensible and take a balanced approach. We need to avoid making changes that create problems we're not prepared to solve.

Thank you for your service to this community and attention to these matters.

Zane Taylor, 318 W. 200 S., 435-260-8035

To: City of Moab Planning Commission
From: Lee and Marie-Jose Bridgers
124 W 200 South

Regarding: Proposed ordinance #2021-06. Zoning change application and plans for subdivision. Kane Creek Rezone Parcel #01-0001-0173, 398 Kane Creek Blvd, Moab, UT 84532 - Bordering on Pack Creek and Bullick Cross Creeks Park.

As longtime, year round, elder residents and business owners of a home business property adjacent the proposed re-zoning, we cannot agree to the change, unless access from 200 South Street be for bicycles and pedestrians only, a portion of property in question be set aside for a community garden and the park section donated by the Bullick family be respected and restored (which we will assist in—we have been waiting for this shoe to drop). At no point should an elevated road be built over Pack Creek at the North end of said property to service this new zoning that is supposed to be “green” and “environmental” and all those other things that are meaningless in a discussion about mowing down a property for development. They are half lies, not truth. If this is truly to be “green,” then let’s preserve and restore the green vegetation at the Pack Creek entrance to Bullick Cross Creeks Park as a bike route and trail connector, giving it the character it deserves. We had worked this out with David Everett and Tiff Miller, the City Parks manager that disappeared with his family when he opposed Everett. At present we are concerned with this next spurt of development and would like to see the natural beauty of Bullick Park RESTORED, as was promised by the City Parks manager. We were to see a major reworking of the end of the street and it simply never happened. It was abandoned when Tiff Miller disappeared.

We live at 124 West 200 South next to the bird preserve called Bullick Cross Creeks Park and recently endured the noisy, smelly construction of the ridiculous concrete culvert bike bridge. This new challenge to the current zoning of the property adjacent to the bridge would impact our lives in the same way, but much worse. One of the results of the lengthy construction of that little dam called a bike bridge was that my wife had a nervous breakdown and the worse case of shingles imaginable, then surgery for a life threatening infection that required months of recovery and repeated surgical treatments. She was kicked out of City Hall during this time for getting angry with the city manager. He couldn’t see the shingles covering her torso or understand why she was so upset with the noise outside our bedroom. Watching the destruction of the little spot on Pack Creek, while enduring the constant noise and fumes from the huge petrol powered generator thirty feet away from our door, feeding our swamp cooler with exhaust, running 24-7 for two months solid and the daytime “beep beep beep beep beep” of the bulldozers for months on end—this destroyed her piece of mind, her health and well being. I, too, suffered the stress of watching the wildlife run for cover and vanish, the constant noise and fumes, but the worst of it was watching my wife slip into deep suicidal depression to the point of crisis intervention.

And it just might be time to consider stopping the orchard busting real estate scam, too. Enough is enough. Orchard Villa? That’s a joke, right? Let’s keep what agricultural designated land zoning is left in town intact. We will need it. The Moab Valley has been a traditional producer of food stuffs since humans inhabited this place, a rare valley with water from three sources: rain, the mountains to scrub moisture from the atmosphere and the river that magically crosses a valley. Pack Creek is a part of that vital water resource and this section of the creek is designated as wetlands and has not been treated as such. And to say that we can just shift land use into the outskirts of the valley is a joke. You can’t “move” farmland and we are loosing farmland in the valley, as well. Walmart happens and Moab stops at some point. It is finite, terribly so. The south Valley is turning into a scab on the earth. Let’s keep the end of 200 South mellow, if possible, at least for a few more years. Do it for your elders, if you can.

If this project goes ahead, there must be some sort of buffer of vegetation around this new development, especially where it contacts the wetlands. And consideration must be made for its current zoning as an agricultural resource. I suggest a substantial community garden (or two) as part of the project. If you want to actually go "green," make it literal. There must be vegetation to stabilize the creek naturally and wisely—not like the horrid job the city did here at the end of 200 South with the casual "revegetation" after construction of the cement plug called a bike bridge. The rip rap culvert is doomed to failure because there was obviously no consideration that the rip rap system requires the seeding of certain grasses at a stage in laying down the rip rap. That is the normal process of rip rap, but it simply was not done in this case. Way to go, City of Moab, incompetent as usual. At some point, the bike bridge be damned, the two creeks, Pack and Mill, must be treated like creeks, not just water courses, but living ecosystems in a vital wetlands environment that supports rare wildlife. This is a wetland, an irreplaceable resource, a wildlife corridor and habitat. The City of Moab is lousy at protecting wetlands, obviously. We just lost the most sacred asset because the town refuses to deal with protecting it. The City of Moab needs to be held responsible for that, by the way. And I am so distrustful of city government at this point, I assume it was burned on purpose, or allowed to burn on purpose. I think a lot of people feel that way.

The violence of heavy machinery and the construction and halfhearted attempt at revegetation at the west end of 200 South next to the college campus has certainly destroyed the bird habitat behind us and visitation by many species has ceased completely, not just the rare and endangered yellow billed cuckoo, but all species were affected. The foxes are gone. Deer are rare. Coons still here, but the beaver are gone, though we did get a stray visitor, cutting down the newly planted cottonwood. It used to be constant bird songs at the end of 200 South. This is no longer the case. Complete silence all day now, save from a raven or two. The City destroyed the habitat so a handful of people could ride a shorter bike route to the liquor store and Main Street (while Williams Way is nearby!), which I assume was the plan all along in preparation of this new rezoning. We are turning all the wild and farming lands in the valley into residential housing for profit under the guise of supporting habitation for "workers" who might want us to "make green transportation more realistic and likely," or so says the proposal. Does anyone in the commission know what "green" is? It's a color. Anyone thinking that workers in a tourist town will actually be able to afford downtown housing has not been to Vail, Colorado. Go look at their situation. That town has about as much character as a bowling ball and the workers are miles down the highway in a place that looks like a concentration camp.

Our interaction with the City Manager at the time of the construction of the culvert bridge was as telling as anything that has ever happened to us in this town. David Everett actually showed up unannounced with a crew to start construction on the very day giving us notice ON SITE, remarking snidely that, "You knew what your were getting into when you bought this property." We bought it because it was a piece of paradise in the middle of town, but as he was insisting that the construction must go on. Then he received a phone call at that very moment and the project was then slowed by the fact that a rare bird was nesting in the Bullick Creek bird preserve. When they finally finished the project over budget they just threw some rocks and sandbags down and did little to manage drainage or the appearance or signage.

The destruction started with killing the beavers. Now the city is killing us.

Sincerely,
Lee Bridgers

Sena Hauer, sena@mymules.com; 1-435-260-1582, through her attorney Kristine M. Rogers, provides the following comments to applicant Jacob Satterfield's narrative in support of his request to change zoning on Parcel #01-0001-0173 known as 398 Kane Creek Blvd., Moab, Utah 84532 from RA-1 to R3.

A. Was the existing zone for the property adopted in error?

Sena Hauer states: The existing zone for the property was not adopted in error. In support of her position she refers to the map of the area that shows the properties north of Kane Creek Boulevard and west of Main Street that includes 398 Kane Creek Blvd. are zoned RA-1 or the property is floodway.

A further review of the map shows the property known as 398 Kane Creek Blvd. is adjacent to floodway on the northeast, RA-1 zoned properties on the northwest and Kane Creek Boulevard on the south. The RA-1 Zoning was intentional.

B. Has there been a change of character in the area including, but not limited to the installation of public facilities or new facilities; other approved zone changes; new growth trends, deterioration of existing development; or the need for development transitions?

Sena Hauer states: No new public facilities have been approved; no zone changes have been approved; there are no new growth trends that cannot be accommodated in an R-1 zone; the existing developments have not deteriorated; there is no need for a development transition in this area.

Pursuant to 17.48.010 Moab City Ordinance: The objective in establishing the R-1 residential zone is to encourage creation and maintenance of a residential area within the City which is characterized by large lots on which single-household dwellings are situated, surrounded by well-kept lawns, trees and other plantings, or other normally accepted landscaping. A minimum of vehicular and pedestrian traffic and quiet residential conditions favorable to household living and the rearing of children shall also be characteristic of this zone.

The objective of R-1 zoning is achieved by the current development. It is important to look beyond the tourism industry and the need for additional housing and focus on the bedrock of the residents of the Moab community who have chosen to live and raise families in an area surrounded by the beauty of the floodway and Mill Creek that is a home to deer, skunks, wild turkeys, a wide variety of birds and other creatures.

The only development that has occurred in this area recently is projects by Rim to Rim Restoration that is working to remove invasive species and heavy fuels in order to provide a better habitat for wild animals. A bike path was added to 500 West when it was recently paved.

C. Is there a need for the proposed zoning within the area or community?

Sena Hauer states: There is not a need to change the zoning from RA-1 to R3. Pursuant to 17.42.030: An area of not less than ten thousand square feet shall be provided and maintained for each one-household dwelling and uses accessory thereto and at least twenty thousand square feet for all other buildings. An area of not less than five acres shall be provided and maintained for each planned unit development, except that there shall be no area requirements for additions to an approved planned unit development.

Thus the current zoning allows Mr. Satterfield to develop the property known as 398 Kane Creek Blvd., and achieve the goals of objective of a neighborhood of single-household dwellings, surrounded by well-kept lawns, trees and other plantings, a quiet residential neighborhood favorable to household living and the rearing of children.

Contrary to Mr. Satterfield's claim, the market does not demand a high-density development in this location.

D. Is the proposed zoning/classification compatible with the surrounding area or uses; will there be adverse impacts; and/or can any adverse impacts be mitigated? Is this being proposed?

Sena Hauer states: The proposed zoning change is not compatible with the surrounding area or use. As stated above, the property known as 398 Kane Creek Blvd. is adjacent to floodway on the northeast, RA-1 zoned properties on the northwest and Kane Creek Boulevard on the south. Development of high-density housing will have an adverse impact on the current residents who enjoy living on large lots in a quiet neighborhood where they can rear their children; moreover a high-density housing development will disrupt wildlife habitat.

Mr. Satterfield does not acknowledge the adverse impact the proposed zoning change would cause and offer no mitigation for the impact.

For example:

How does he intend to protect the floodway?

How does he intend to deal with the high water table?

How does he intend to protect wild life habitat? Has Mr. Satterfield consulted anyone about wildlife conservation?

What is the impact on Kane Creek Boulevard? Has Mr. Satterfield consulted with the road department?

What is the impact on the police department? Has he consulted with the Police Chief?

What does FEMA say about high density housing in a flood plain? Has he consulted with FEMA?

E. Will benefits be derived by the community or area by granting the proposed zoning?

Sena Hauer states: Mr. Satterfield claims this location is “best used for what is being proposed as more affordable housing options.” However he does not provide any details about the proposed affordable housing. Pursuant to 17.68.070 E. The affordable housing development plan shall contain, at a minimum, the following information:

- 1. A general description of the development, including whether the development will contain units for rent or sale;**
- 2. The total number of market rate units and affordable housing units (with descriptions of the income subcategories) and a depiction of where those units will be situated on the plat/plan;**
- 3. The square footage of each market rate unit and of each affordable unit measured from the interior walls of the unit;**
- 4. The estimated sale price or monthly rent for each market-rate unit or lot and each affordable housing unit;**
- 5. If construction of dwelling units is to be phased, a phasing plan stating the number of market rate and affordable housing units in each phase;**
- 6. Statistical information as to the project area, developed area square footage, open space area, number of parking spaces, and the like shall be included; and**
- 7. Affordability calculations and assumptions demonstrating that the housing will be affordable under current economic conditions.**

F. Are adequate facilities available to serve development for the type and scope of development suggested by the proposed zoning classification? If utilities are not available, can they be reasonably extended?

Sena Hauer states: It is unlikely that an R-3 high-density development can be adequately designed to serve this property. It is in a FEMA designated flood zone; even if it can extend the sewer line to connect, there are other utilities than sewer that Mr. Satterfield fails to address. Mr. Satterfield claims: “we are committed to take care of...”

The question arises, who is Mr. Satterfield that the City should rely on his commitment?

A review of Utah Court records reveals among many matters involving Jacob Satterfield:

Case No. 116400016: North Star Recovery v. Jacob Satterfield, Blue Bison Development, et. al. This matter was tied up in litigation from March 2011 to August 2018 when judgment was entered against Jacob Satterfield.

Case No. 124401424: Altee Dapper v. Jacob Satterfield. Judgment entered against Mr. Satterfield for \$55,000 on July 29, 2019. On Dec. 19, 2019, Mr. Satterfield ordered to pay Ms. Dapper an additional \$70,000.

Case No. 136945234: State of Utah Child Support Services v. Jacob Satterfield.

Judgment entered against Mr. Satterfield in the amount of \$62, 580.00 on December 4, 2019.

Case No. 206931623: Utah Tax Commission v. Jacob Satterfield, et. al. Tax lien \$4611.73.

Mr. Satterfield is not a licensed contractor in the State of Utah; he is not a licensed Realtor in the State of Utah.

Mr. Satterfield has held financial interests in: BETTER LOAN PAYMENT, INC.; and JSATT CORP both of which were defendants in Case No. 116400016: North Star Recovery v. Jacob Satterfield, Blue Bison, referred to above.

G. Does the application conform with the provisions of the Moab General Plan, the Land Use Code applicable agreements with affected governmental entities?

Sena Hauer states: It is clear from Mr. Satterfield's response: "From the information we have been provided it appears that it does conform" that he has not researched this issue and is not familiar with the provisions of the Moab General Plan adopted July 2017.

Mr. Satterfield fails to address how the proposed zone change will impact Moab water conservancy, the natural environment, the infrastructure, urban design, urban services, resource protection, historic preservation, protecting the flood channel or surrounding properties that are zoned RA-1.

Pursuant to 17.48.020: The objective in establishing the R-3 residential zone is to provide appropriate locations within the City for high-density residential development. In general, this zone is located in the central part of the City, adjacent to commercial areas where the impact of vehicular travel and parking is consonant with adjacent use of land, and where multiple dwellings can best be supplied with necessary public facilities. This zone is characterized by more compact development and

somewhat higher volumes of traffic than is characteristic of the R-1 and R-2 zones.

First, 398 Kane Creek is not adjacent to commercial areas where the impact of vehicular travel and parking is consonant with adjacent use of land.

Additionally, Mr. Satterfield provides no information about the impact of increased vehicular travel. The only public access to 398 Kane Creek is from Kane Creek Boulevard. It is difficult to determine the length of its frontage; the issue of ingress and egress from any development of this property must be considered.

Mr. Satterfield disregards the impact of high-density housing on public services, such as the road department, will Kane Creek need to be improved to meet the needs of the residents of high-density housing? Will there be a need for a traffic light? Stop signs? Streetlights? Sidewalks? Cross-walks? How will the police department be impacted? It recently lost 25% of its police force. Will crime increase? Will there be an increased need for traffic enforcement?

There are many, many issues that Mr. Satterfield fails to address.

CONCLUSION

I appreciate the opportunity to provide my comments to the Moab Planning Commission, Sena Hauer

Jeanette Kopell. Received via email 4.16.2021

Dear Planning Commission and Staff,

Thank you so much for your service during this time of change, both personally and professionally. Change, although we know that it will happen, we can direct that change to make our world a little better.

I knew this property would someday change. A flat piece of property, in the City of Moab, with access to a major thoroughfare. A dream piece of property for any development.

I have to say, yes and no. The piece of property in this conversation is not the best piece of property for large development under the surface. Please correct me if I am wrong, but there is no sewer going to that piece of land. It is on a septic system. All properties surrounding the property are on septic systems. The property is also lower than the new sewage line. (Please forgive me if I am wrong). Does that mean that the City will have to construct another pump system to get the waste water to the treatment plant? We know what has happened in the past with the pump on Williams Way and 5th West....Alarms going off in the middle of the night, because the pump is overloaded. Maybe they have fixed the problem, but you all know what I am getting at. Does the city pay for the upgrade, or does the developer?

The property is zoned RA-1. Most of the property surrounding the subject property is RA-1. That means that the owner can put up to 70 units on the property without an upzone. Don't you as community members think that 70 units is enough? Right across from that property, there is a new development going up with up to 80 units. Kane Creek, as a major thoroughfare, is a road falling apart, with more and more people using Kane Creek and 5th West as an artery street from 191. Before you make a decision on upzoning this property, please think of the residents and the consequences of your actions.

When I was on the Commission in the past, I really tried to say to myself, balance. As a past member, I have to say, I struggled with some of my decisions. Developers have the right to develop, I get that, and respect their decision or plans. We as citizens of Moab, along with P and Z staff have the power and will to say to ourselves, we want safe, well thought out, and balanced development and we have to stay the course. Developers really don't think of the consequences of their actions, once they have sold the property, and gotten their money, they are gone. We as citizens have to live with our decisions whether they be good or bad.

Thank you for your time,
Jeanette Kopell

Zane Taylor/ Received via email 4.14.2021

Hello Nora and Cory,

I live adjacent to the proposed Kane Creek rezone, and I need to make comment. I'm seeking some information in order to be more helpful.

What is the plan for the new sewer line that will be needed for development on this property?

Will the city seek to include the west 200 south lane (platted on TTN subdivision with a cul-de-sac) for street access? This lane through RA1 doesn't come close to meeting the standards for city streets, and jogs into private land not on the 200 South alignment.

The only reasonable option I can see for a new sewer line is eastward, across Pack Creek just south of the concrete pedestrian bridge on the 200 south alignment.

Have these issues been addressed by planning and engineering?

Thank you!

Zane Taylor

Sena Taylor via email 4.13.2021

Hello Nora,

I'm alarmed by a proposal to have acreage on Kane Creek Blvd rezoned for high density housing. I own several acres adjacent to this. This area of town is one of the last green spaces, and I am firmly against an up zone. I hope I will be able to voice my concerns in person when the planning commission meets. The Covid veil has not boded well for the public's right to speak up. I am full vaccinated and would like to attend the planning commission meeting April 22. I look forward to your feedback.

Sena Hauer