

**MOAB CITY COUNCIL MINUTES
SPECIAL MEETING
March 31, 2022**

Moab City Council held a Special Meeting on the above date in Council Chambers. Audio is archived at utah.gov/pmn/index.html and video is archived at www.youtube.com/watch?v=hF_GfphkRoU and www.youtube.com/watch?v=bwxXBt54Dtg.

Mayor Joette Langianese called the Special Meeting to order at 6:04 p.m. Councilmembers Tawny Knuteson-Boyd, Rani Derasary, Jason Taylor, Luke Wojciechowski and Kalen Jones attended. Staff participating included Acting City Manager Carly Castle, Finance Director and Acting Deputy Manager Ben Billingsley, Planner Cory Shurtleff, Assistant Planner Jessica Thacker and Recorder Sommar Johnson. City Attorney Nathan Bracken and consultants from BAE Urban Economics and Snow Christensen and Martineau attended via electronic means. Twelve members of the public attended.

Active Employment Household Unit (AEU) Requirements—Discussion

Mayor Langianese gave a brief overview of the public process regarding Proposed **Ordinance 2022-05**. She stated the City had received late-breaking resistance to the proposed ordinance.

Planner Shurtleff reviewed the proposed ordinance to amend the text of the Moab Municipal Code (MMC) Section 17.48 R-3 Multi-Household Residential Zone, and 17.51 R-4 Manufactured Housing Residential Zone, to add a Use Parameter Requirement to the Multi-Household Permitted Use, such that 42.5% of Units be Designated as Active Employment Units (AEU) to be occupied by qualified Active Employment Households (AEH). He noted Planning Commission comments regarding including San Juan County and clarified information about construction differences between the AEU versus the market rate units within a multi-household structure. He noted a clarification regarding definitions of Active Employment Households. Mayor Langianese asked about the affordability versus attainability issue. Councilmember Taylor asked about inclusion of San Juan County, occupancy enforcement and occupancy during phased construction. Councilmember Wojciechowski addressed the San Juan County question as well as the occupancy enforcement issue. Councilmember Knuteson-Boyd brought up varying vacancy periods due to cash purchases by non-AEH buyers versus possible financing delays for AEH-qualified buyers. Councilmember Derasary brought up local opposition to the inclusion of San Juan County and Councilmember Jones concurred.

Citizens to Be Heard:

Randy Day stated he had not heard about the proposed ordinance until the prior day. He noted Utah Association of Realtors concern and said he is its president. He stated he saw the issue from a private property rights standpoint. He brought up median income and land, building and infrastructure costs and stated the numbers are not going to work. He said the ordinance would expose the City to legal liability. He said there is a need and he understands the need and sells the need. He brought up public lands as a resource for affordable housing.

Kyle Kaiser said the market does not address workforce housing and the proposal will not work.

Charlotte Mates expressed appreciation for the issue being addressed. She said some wages are going up to a livable income and said she hopes the housing issue can be resolved for working class people.

Caitlin Myers spoke in support of the proposal and noted a letter from the Housing Task Force was signed by 63 private citizens and was supported by local agencies such as the school district, care center and nonprofits and local businesses. She stated the ordinance addresses the City's housing plan and expands the use of deed restrictions to protect existing and new affordable housing in the

community and it provides new provisions in the municipal code to support residential and mixed-use developments. She encouraged Council to take action to ensure that the workforce has an attainable place to call home and acknowledged there are a lot of threats. She encouraged Council to keep looking at ways to support affordable housing and said the soul of the community depends on it.

Joe Downard asked Council to table the ordinance indefinitely. He stated he did not think the City was going about it in the right way. He said there should be incentives for the developer. He said he has always talked about some kind of incentives and he is not seeing any. He added deed restrictions do not sell. He suggested the City could sell the ballpark for 300 houses and the City's assets should be exhausted before taking private property owners' rights.

Discussion:

Attorney Bracken said he had received threats of litigation perhaps premised upon misunderstandings about the intent of the ordinance. He noted efforts of complainants to discuss potential state legislation in response to the ordinance. Councilmember Wojciechowski stated his disappointment that concerns were voiced so late. He cited numerous newspaper articles, public notices and social media posts going back six months. He said it is very difficult to have fruitful conversation when people voice concerns at the midnight hour. He acknowledged issues regarding how it will play out in the market as it is a novel approach. He said the Council does not want to enact legislation that will stifle development or push people to find loopholes. He stated his interest in working with individuals and clarified the proposed ordinance does not address affordability but rather limits occupancy on restricted units to members of the local workforce. He speculated that people who are purchasing homes right now are second homeowners and the intent is to preserve a portion of new units for those local individuals who are looking to buy and shift it to people who are looking for investment properties which they can rent out. He suggested a sunset clause if it does not have positive effects within three or four years. He brought up concerns about local ownership with the County's high density housing ordinance. He said there are parts of the current zoning code that are making projects difficult to pencil out. He pointed out that despite a comment that developers and landowners are willing to meet the demand where it is, he does not agree based on what projects are being proposed. He said he was willing to look at increasing maximum height restrictions for multi-family units, maximum density and parking requirements. He said that he would consider adding another floor of units in Walnut Lane. He discussed options regarding deed restricted units.

Executive (Closed) Session:

Councilmember Derasary moved to enter into an Executive Session to discuss reasonably imminent or pending litigation. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Wojciechowski and Knuteson-Boyd voting aye. Mayor Langianese convened the closed session at 7:11 p.m. Councilmember Jones moved to end the Executive Session. Councilmember Taylor seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Wojciechowski and Knuteson-Boyd voting aye. Mayor Langianese ended the closed session at 8:34 p.m.

Active Employment Household Unit (AEU) Requirements—Tabled

Motion and Vote: Councilmember Knuteson-Boyd moved to table **Ordinance 2022-05**. Councilmember Wojciechowski seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Wojciechowski and Knuteson-Boyd voting aye.

Adjournment: Mayor Langianese adjourned the meeting at 8:39 p.m.

APPROVED: _____
Joette Langianese, Mayor

ATTEST: _____
Sommar Johnson, City Recorder