

**MOAB CITY PLANNING COMMISSION MINUTES
REGULAR PLANNING COMMISSION MEETING AUGUST 22, 2019**

The Moab Planning Commission held its regular meeting on the above date in the Council Chambers at the Moab City Center, located at 217 East Center Street. An audio recording of the evening meeting is archived at: <https://www.utah.gov/pmn/index.html> and a video recording is archived at: <https://www.youtube.com/watch?v=INECt-ANzm0>.

The Moab Planning Commission Chair Allison Brown called the meeting to order at 6:00 PM. In attendance were Planning Commission Chair Allison Brown, Commission members Kya Marienfeld, Jeanette Kopell, Brian Ballard, Becky Wells, Marianne Becnel and Cory Shurtleff. Staff in attendance included City Planner Nora Shepard, Recorder Sommar Johnson, Deputy Recorder II Kerri Kirk and Deputy Recorder I Joey Allred. Thirty-two members of the public and media were present.

Citizens to Be Heard: There were no citizens to be heard.

Approval of Minutes: Commission member Marienfeld moved to approve the July 25, 2019 and August 8, 2019 meeting minutes. Commission member Kopell seconded the motion. The Motion passed 7- 0 with Commission members Brown, Marienfeld, Kopell, Ballard, Becnel, Wells and Shurtleff voting aye.

Public Hearing and Possible Action on The Abby Subdivision Located on Powerhouse Lane and Consisting Of 66 Single Family Lots And 16 Twin Home Lots. City Planner Shepard explained the scope of the proposed project and what it entails.

Commission Chair Brown opened the public hearing at 6:25 p.m. and invited anyone who would like to speak on the matter to come forward.

Jim Collard and Curtis Williams speaking for 88 community members: "I'm Jim Collard, President of the Mill Creek Village Property Owners and he (Curtis Williams) is a member of the Mill Creek Village Environmental or Design Review Committee, accordingly we represent 22 residents and property owners of Mill Creek Village and it's located along the northeast corner of the proposed Abbey Subdivision. We want to begin by stressing that we are not opposed to the subdivision per se, we fully support efforts to increase the availability of housing in the community. It's very important to us and we look forward to having good, some good neighbors, but we have some concerns that have been voiced by any of our residents and we would like to try to consolidate those and present those concerns and we would like to work cooperatively with the City and with the developer to try to make this work for everyone. The first one, obviously, is, well we'll talk about Power House Lane traffic congestion. The traffic congestion on Power House Lane is pretty well known by virtually everyone in the community, including a group known as the Mill Creek Canyon Collaborative and the Mill Creek Canyon Collaborative is an organization that is looking into the issues associated with the congestion in Mill Creek in its entirety, not just Power House Lane. The pictures you see right here represent what we see on a regular basis during the tourist season. The numbers that you see there represent actual traffic counts that were taken by an individual and what I did is copied in the actual email that I received from this individual who is working on the corner of Dream Drive in Power House Lane. She counted all the, all the incoming traffic she did not count both directions, so those numbers represent only vehicles coming in. We figured they had to go home someday so that wasn't an issue. You'll notice that these numbers if you have looked at the packet and looked at the traffic study, we're not even talking close. In addition, what I don't show here is information from a BLM traffic count that was conducted for two years and we don't have the 28, the 2018 data, but we do have the 2017 data, and frankly it's quite a bit

higher with a peak, not of 294, but a peak of 1,000 vehicles during the month of May. So, what we're concerned about is the baseline number of traffic that this Power House Lane sees during peak season and we consider peak season April through September. What concerns us is that the traffic study that was performed has three serious issues. Number one is it is based on the information we have from the traffic study is based on a total of 79 lots. It's so stated in the preliminary study. There are 100 lots in that 102, I believe, in that subdivision. So, first of all the basic information that they started with is inadequate. Second of all they used a single day traffic count on October 27, 2018, on a Wednesday. Now, that doesn't represent anything near what we see during peak and we suggest that the baseline numbers that they use for as a starting point are, again, totally inadequate. The third issue is that the on-the-ground information that we've gathered shows that there are significantly more vehicles to be dealt with. Somehow, in the middle of this and the addition of 100 more units as well as 20 or more units to be developed in Mill Creek Village and Power House Lane is not being considered and that's a significant oversight. We feel that any effort to address the traffic congestion won't work unless there's adequate background information. We need a decent baseline, so we strongly recommend that the traffic study be updated and primarily are preferably through a third-party engineering firm. We're concerned to SET didn't choose the correct datum of the year and not enough days. We'd like to see a little more information and a little more information, and a little more work done in this area before we make a decision on whether or not they're going to be able to support, safely, the traffic that exists. I just want to stress that the Mill Creek Canyon Collaborative is studying this issue and I'd like to see a little more coordination, even though Mill Creek Canyon Collaborative is focused on a much wider issue, I would like to see some collaboration between the developer, their traffic study and this organization is trying to deal with the situation that see right there. Parking is only one of the concerns. Parking provides a much narrower access and as the risk of the fire and search and rescue organizations that are trying to service, and they've already expressed serious concerns about their ability to get fire equipment up and down this road when it's looking like that and you've got all traffic on it, so moving right along the public to private, we have a public to private liability risk inherent in the design of the Trail Creek, or the Mill Creek Trail Way. I'm a bike rider. I use the trail all the time. I thoroughly enjoy it, but this trail is a public access trail that empties onto a private drive and the drive happened, you can see it in the bottom right hand photograph, the black area is owned by us and the result, the reason it's black is because we maintain it. We pay for that. That, alone, was an \$8,000 addition for an organization of 22 people, so it's pretty expensive for us to take care of it. We're concerned about the fact that we maintain it. It is private and yet we are faced with the potential liability risk if somebody comes shooting off on their bicycle off of that private/public drive, public lane, into our drive and we don't know what to do about it. The easiest solution is to follow Nora's design idea, which is to take it through Abbey and out of Abbey and onto Power House Lane and eliminate the connection to the drive, a walkway that empties on the Dream Drive, I don't know of anyplace else. Perhaps you can tell me, but I was unable to find anyplace else. It does a public to private intersection like that and how is the liability issue handled. It's, we'll talk about that later but, okay, we can move on from that." Williams said, "No interviewing this activity, the walkability of the entire, you know, community starts down, excuse me, it starts down in downtown and I think the idea, please, I wasn't here at the time, but I would assume the idea was to connect all the way up through into the Mill Creek drainage system for recreational purposes, so what you have now is a trail that connects all the way up through from downtown up through and you terminate Dream Drive, a private drive, and you have to make a decision do we continue up around the Dream Drive and then get back on the Power House Lane, or do we now take the opportunity because you got a great opportunity here. It'll be a meaningful, a well-designed way for people to access that route. So, one of the options would be to pop the trail out sooner to Power House Lane and then across there and get those people there, that I just would like you to just take a minute, think how it'll be if this trail is used the I think it's going to be used in the future. You could have two or three hundred people that just come up and end up, and it's not like this is not a dedicated street this is a small private development with homeowners, you would just dump right onto the

development. So, if you come back in further and exit, you then, or the intersection, or maybe where the and this is really a great opportunity for planning to make a rational, realistic sort of access in and out of Mill Creek drainage system all the way into Moab, but to have all those people come up from town or wherever they start and wherever they finish does not make sense to finish right in, you know, on a private drive in a residential neighborhood and then try to figure out where we go from here or do we go there?" Collard said "so, as our proposed solution is simply as I stated, which is to move the trail strictly across Abbey, it's already there, it's public land, and use the sidewalk, and so you say, it ejected onto Power House a few feet earlier that it is now, because right now it's simply, again Christina Sloan, the County Attorney, was the attorney who was, who worked with us on Mill Creek subdivision and she also recognized, and told us, informed us that yes, we do face an increased liability issue that could potentially cause problems." Shepard interjected to clarify that Sloan wasn't representing the County. Collard said, "No, she was not. She was our attorney and we simply asked her how does this impact us and she said, give us a one paragraph statement, so we are concerned about it. We're willing to work with you because right now, something happens, somebody is hit by a bicycle coming up through there, or a child is run over because there the visibility to turn onto Power House Lane right now, the way we've built that, the landscape wall, you have no visibility. So, we could experience exposure to liability as a suit, so some sort of indemnification agreement between the City, but okay, those are the two primary issues that we were concerned about. There are others that are, that may be important. I certainly don't want to imply that this is all that the members have complained about they are the two most significant issues that were raised. There are others as well, and we appreciate the opportunity to, and Nora has been wonderful to work with. She's really helped us a lot to get through this, so we appreciate that we'd be more than happy to work with the City and with Red Rock Partners to come up with solutions that we think will benefit the residents of Mill Creek Village as well as residents of Abbey. Thank you." Williams said, "in closing, the traffic situation, I think as Jim said, we're not unrealistic, we've always known that area would be developed for residential, but to have a study based on the studies, does not represent what's going on. All that recreational traffic that accesses Village up there is just going to be bad there.

Joe Kingsley: "BLM set aside land at Power House for a possible connection with Sand Flats and I met with the developer today to make sure, or not make sure, that requests his willingness to work with the Trail Mix Committee and as mentioned earlier today, trails go in pieces and this is the perfect opportunity to do another link and his willingness was 100%. He did comment, he's working with the Mill Creek Village to address their concerns and I just wanted to say that our meeting was excellent and cooperative and wanting to make sure that everybody got their needs addressed and so we as the Rotarians and trying to finish this trail, we're kind of excited that we're going to get another link, and as you all in the City know, you paid for the bridge over Pack Creek from Rotary Park to go into Lasal Road as part of this path and so a lot of that infrastructure is already in place and I just want to speak that I think the developer is, his mindset, their mindset, is to be cooperative and make sure everybody's points are well-taken.
Thank you."

Joyce Victor: "I'm Joyce Victor. I had land across from the Power House Lane road for 60 years. I just sold it. We put in a subdivision. Affordable housing. It was the work project. In fact, there's a woman here that participated in that, or did Emily? Raise your hand. They have beautiful homes. They're affordable, so young people in their 30's now have beautiful homes that they can live in. The City charged me \$17,000 to put a sidewalk in because they were going to sidewalk in the whole way, clear up to Mill Creek and I said that's wonderful. I actually haven't seen a sidewalk, and if they're going to have a subdivision this large with our subdivision right across the street, they need to have some sidewalks. These lanes, these bicycle lanes are dangerous. I sat out there for one solid week on the corner as people come down the road walking, and I said, 'beautiful sidewalk, why aren't you walking down the

sidewalk? Oh, it's too much of a hassle, we're in the bike lane up at the top, why do we have to, all of a sudden, walk over there to get on the sidewalk? And I said, because it's safer, especially when you're walking down the road with a bunch of little kids on five, six little bikes, little cars, you know they've got. Alright, that's one thing that I think is a necessary, necessary thing along that Mill Creek road. Okay, I'm sorry, okay I agree that road is too narrow. I've lived with Potato Salad Hill for 60 odd years and I've had people come into my yards, leave their garbage, knock on my door and say, 'gee, we had a lot of fun in your park' and I said, 'no that's not my park, that's my front yard.' I had a man drive into my driveway. I have double doors. I live in the first condo coming into our subdivision and he parked in front of my parking spot and I walked up to him and I said, 'sir, you can't park there, I'm 86 years old. If I have a heart attack and I want to drive myself to the hospital. I can't get there unless I plow through your car,' and you know what he did to me (hand gesture), that's what his answer was. I just want to say one thing. If they do this establishment, I hope you make it so that it's not wood burning stoves because in that area, if they all have burning stoves with wood, then we won't be able to breathe. Thank you."

John Gould: "I am a member of the Water Conservation Org., but I'm speaking for myself tonight, not the Board. I've read Ken Kolm's water budget report and I've read the USGS report on groundwater here. I'm also a professional geologist and I'm extremely concerned. I'm wondering if you've made any determination at all as to whether or not this development will affect our aquifer. Will it deplete our aquifer or does anyone know?" Shepard said that they could discuss that afterward with the City engineers who were present. She also said that she was certain that their feeling is that there is adequate water for this subdivision. Gould said, "I understand that there is water available right now, but the Ken Kolm report says we are depleting our aquifer. We're mining our aquifer. When you go home tonight, I recommend that you google Cedar City and groundwater. What you're going to read there is the future of Moab if we do not smarten up and check out this groundwater before we build these developments. The County has 500 more housing units here. We need to know about our groundwater before we do this stuff, not after. When we find out that we have a groundwater problem in this town, it's going to be too late to conserve our way out of this. We're going to end up like Cedar City and I hope we don't. Please, folks, determine how much groundwater we have before you okay these developments. Thank you."

Richard Cook: "As a former member of the Planning Commission, I want to thank all of the members for the hard work that they do. I know this is not easy and takes a lot of time, so I've submitted a couple of photographs just to show these areas that are like down towards the Nature Conservancy where we both had fires and it's a typical story, kids in areas like this and matches, you just can't keep them out. So, at any rate, that's why we're so concerned about evacuation and this goes on up Power House Lane as well as towards the canyon where we get an enormous number of visitors and this is something that, at some point, these Russian Olive thickets can burn and they are just an enormous conflagration. So that's why emergency access is such a hot topic for the residents here. Also, I want to reiterate my critique of the traffic impact analysis that the developer supplied as being inadequate on a number of levels. I think with an area like Mill Creek Drive, Power House Lane accessing Mill Creek Canyon and that being the largest public amenity here in the tourism for Grand County Moab. We really need a, and there's no way of knowing if there will ever be another designated access up there. The BLM could, instead of parking 35 cars and calling that adequate, they could enlarge that parking lot. That is something that is currently being debated, but it does affect the safety of this subdivision and the ability to evacuate Mill Creek Canyon of potentially up to 500, 600 people and all of the development, the hundred homes, which I'd like to mention 70 of those homes are going to be eligible for an ADU, so what really needs to happen with the traffic impact analysis is you need to double all of those seventy homes to indicate that two families could be living on every one lot. There's all those 72 lots are really, as I understand City code, allowed to have an accessory dwelling unit and probably the way the real estate market is here right now, many of these homes will be purchased by people who don't actually

live here. They will build an accessory dwelling unit and rent out the house or they'll rent out both of them when they're not here. So that is something that needs to be taken into consideration, not only in this development, which is the largest single subdivision I believe, that Moab has had to approve here in, well certainly in the last decade or two. I can't think of another one of this scale. So, you have to really plan for what the current market is, and the market is build an accessory dwelling unit because it is a cash cow. So, I would like to ask if the two other intersections will be submitted to the same level of improvements as Power House Lane because they are going to get significant traffic, so they need turning lanes. Really this whole area is going to need to be widened because if they don't have turning lanes, they're going to be a traffic hazard, so please take that into account."

Emma Tejada: "My name is Emma Tejada, I live right across from Power House. I'm actually excited about the development and housing. So, I have all the same concerns. How many low-income housing units are there going to be? We all want people to have housing. Traffic? It's a busy street anyway. How far is the set-back going to be on Mill Creek Drive because we're not just thinking about this subdivision, we have a college going in and Mill Creek is going to be the main side road for that college and so we have to think bigger as a city and what we can do to really afford widening the road? My last question was the bike paths. Obviously, the bike paths are very important, people ride through there a lot. I think a bike path through the open space would be awesome."

Charles Baughman: "My name is Charles Baughman I live just across from the subdivision. Two quick questions. One is that I have a concern that me and my neighbor did not receive notice of this meeting. I got this from a co-worker who lives down the street. The other concern I have is what is our plan going forward as far as delegating commercial and residential as far as nightly rentals and said communities like this. How are we going to prevent the, I guess, perversion? And that's all I have."

Audrey Graham: "Hi, I'm Audrey Graham and I'm just interested since I haven't heard anything about the economy of the subdivision, which isn't really anything to do with you guys I realize, but we're concerned about the water of the area. I just want to say that that's another reason, in my mind, to make sure that there is definitely affordability for people who are already in this area, serving this area, working as our neighbors, working as our servers in all of our restaurants, our nurses and everything else. So we've all heard that again and again, but when we are short on water and we are careful how we use it, I think inviting many, many, more people to come here part-time, full-time, especially part-time and then go away or whatever, is not the best use of that water. Better to use it for people who are already here, already working and give them housing that they can afford. Thanks."

Dee Tranter: "I'm Dee Tranter, I live across the street from this on Pear Tree Lane. I'm concerned about two things. One is water. I remember before Ken's Lake was built, when we had water restrictions in Moab and we, well that's just a concern every year. The other concern I have is we do not have enough egress. I think we need to have another road coming out to the main highway on the north edge of this plot." He was told that was planned. He said, "all right that's all."

Ilona Carlson: "I'm Ilona and my question is what is being done, if anything, to protect the water quality of Mill Creek. Thank you."

Maurice Miller: "My name is Maurice Mill and I'm just here to just share a suggestion. If you notice on the right side, I heard a comment or comments about, you know, the road and safety and so on. What if, on the right side, becomes like a section where people go in, because like when Mill Creek gets packed, it's not a lot of parking space and like you mentioned that you know people park all the way down the middle and if we're going to build more things there than just parking there, then it's going to, it could get clustered. If possible, you know if the developers think about making the right side of the section

where, like that, there's something to about and the middle part, it should be just opened out, specifically for people who live up there already and not make more traffic as point that way, so it's just a suggestion."

Commission Chair Brown closed the public hearing at 7:07 p.m.

Commission Chair Brown asked the developer of the Abbey Subdivision project if they had any comments.

Jeff Pilles with SET Engineering said that they had listened to everyone's comments and concerns and addressed them by explaining what they already in the plan and what they will be working on to try to make this development work for everyone. He addressed the traffic studies and how they work to account for all seasons. They have added two more access points to address the traffic issues. They are not opposed to modifying the alignment of the connection to the Mill Creek Village trail, but instruction for that would need to come from the City due the existing trail plans. The development is planned to compliment the surrounding neighborhoods. The roads are wider with parallel parking on both sides of every road. The development was also included in the original trail system and they have agreed to connect to the existing trails. The development uses green space as water filtration areas instead of one pond with a concrete outlet. They have also planned for sidewalks with a raised crossing on Power House Lane as part of the development to access the canyon and sidewalks on Mill Creek Drive. They are trying to balance parking with speed control and provide as much parking as they can. Pilles clarified that this is a preliminary plat and they will have at least one more round of revisions to accommodate changes and tweaks as requested. Amy Weiser with Business Resolutions said that they have gone to the Mill Creek Collaborative meetings and have encouraged people to talk to them, but Richard Cook is the only one who did so. The fire department reviewed the subdivision application and requested additional access points which have been provided.

Shepard stated that Utah does have a statute that somewhat indemnifies property owners to a point and most trails end up crossing private property. She stated that as this is in an R-2 zone nightly rentals are not permitted and that ADU would be permitted for lots over 5,000 square feet, but the development has relatively small lots that have to meet the setback requirements. She believes the smaller lots sizes will help provide the "missing middle". Those people who want to own a home, but they can't afford a large lot and a fancy house. Commission member Becnel wanted to know if SET had a builder and Pilles said that they do not have one at this point. They might end up selling some of the lots or they may build some of the lots themselves, but it will probably be a mixture. Commission Chair Brown told Pilles that they would like to see some of the homes below \$200,000. There was further discussion regarding the pathways, safety, and stormwater infiltration, water use, landscaping to encourage water conservation, sidewalks on Mill Creek Drive and Power House Lane and the width of Power House Lane. SET Engineering also designed Mill Creek Village and they had to put the path in with the future connection to the development of this parcel in mind.

City Engineer Williams joined the discussion with the Commission regarding the virtues of raised crosswalks and other methods that could be used.

Motion and vote: Commission member Ballard moved to approve the preliminary plat for the Abbey Subdivision located on Power House Lane and Mill Creek Drive consisting of 66 single family lots, 16 twin-home lots and four estate lots prior to the final approval. The following conditions must be met: 1, the City Engineers shall review and approve all subdivision improvements and storm drainage. 2, the final plat submittal will have to include landscape and irrigation plans for review and approval. 3, the final plat submittal will have to include details and specifications for all trails and open space including

the creek trail. 4, the 20' wide easements shown on the preliminary plat shall be modified to be a road intersection with Mill Creek Drive. 5, a maximum building height and setbacks will be subject to the requirements of the underlying zones. 6, the final plat shall include language that construction can occur within the floodplain, but that a finished floor elevation shall have minimum elevation for the floodplain. 7, the development will be required to execute a subdivision improvement agreement at the time of the final plan approval. 8, the developer will work with the City staff to address the pedestrian crossway crossing and calm traffic on Mill Creek Drive to satisfy the City Engineer. Commission member Shurtleff seconded the motion. The motion passed 7-0 with Commission members Becnel, Kopell, Wells, Brown, Ballard, Marienfeld and Shurtleff voting aye.

Discussion on Moving Forward with Zoning for Overnight Accommodations: Planner Shepard presented draft notes from the City Council/Planning Commission joint work session to figure out where they have consensus and move forward. They talked about trying to come up with development standards for smaller projects. The Mayor continues to support the Community Living Challenge but doesn't think the City should apply for certification as she thinks a lot of those principals should be reflected in the developer's answers. Next step would be to start drafting development standards. Discussion ensued regarding working on standards one zone at a time and the density, project size and mixed-use community node centers in those zones.

Future Agenda Items:

There will be a public hearing on a rezone for the Creekside Townhomes and a drive-through tunnel car wash.

Adjournment:

Commission Chair adjourned the meeting at 8:06 p.m.