

# Supreme Court declines Lionsback case

In a legal blow to plans for a 150-room hotel and resort adjacent to the Sand Flats Recreation Area, the Utah Supreme Court declined to examine a lower court's ruling that the City of Moab and City Council entered into a contract for the project that violated Moab's own laws. The decision was issued on May 8 without comment.

"We're very pleased that the Utah Supreme Court upheld the decision of the Appellate Court," said John Weisheit, director of Living Rivers, in an email with the Moab Sun News. Living Rivers was part of a citizens' group that initiated the lawsuit.

The decision "honors the cornerstone of democratic principles, which is sharing the decision-making process with the public," Weisheit said.



The citizens' group also included Lucy Wallingford, Kiley

Miller, John Rzeczycki, Carol Mayer, David Bodner, Meeche Bodner, Sarah Stock and Josephine Kovash.

The suit challenged a 2017 agreement between the City of Moab, the Utah School and Institutional Trust Lands Association and the development firm LB Moab Land Company, LLC, in which government officials agreed to consider significant changes to an approved plan for the resort as "minor" in exchange for the project remaining under Moab's jurisdiction and other concessions.



Proposed changes included increasing the number of hotel rooms from 50 to 150, adding additional parking and other alterations. The "minor" classification would have allowed the plan to avoid a series of public hearings.

A ruling by the Utah Court of Appeals ruling agreed with the group that this agreement violated the public's right to be heard.

"Cities may not take action that is 'repugnant to law,'" reads

the Jan. 25 verdict, concluding that the agreement violated both Utah State law and Moab municipal code.

"Now that the legal proceedings are concluded, the city will live up to its obligations to this project," said Moab City Manager Joel Linares, who noted that it was possible the project could proceed under the originally-approved plans.

*Editor's note: Moab Sun News Co-Publisher Heila Ershadi was on the City Council at the time and voted for the agreement. She did not participate in reporting on this story.*

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