

# Supreme Court rejects city's effort to avoid public involvement in contentious Lionsback development

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The Lion's Back at Sand Flats Recreation Area is the site of the planned Lionsback Resort.

File photo by Carter Pape

The Utah Supreme Court has denied a City of Moab request to overturn a ruling that forces the city to hold a public

hearing regarding the proposed Lionsback Resort development adjacent to Sand Flats Recreation Area.

The City of Moab in late February appealed to the Utah Supreme Court a lower court's finding that it should have held a public hearing before allowing the developers of Lionsback Resort to materially change a previously approved development agreement.

The petition for writ of certiorari sought extraordinary relief from the state's highest court, asking justices to overturn a ruling the Utah Court of Appeals handed down in January. Last year, a three-judge panel heard oral arguments regarding the case in Moab.

There were original reports the City of Moab, the developers, LB Moab Land Company, LLC; and the Utah Schools and Institution Trust Lands Administration, which sold the land to LB Moab Land Company would develop the property as it was originally approved following the Court of Appeals ruling. That is still a possibility, but not the only one.

City of Moab contract attorney Chris McAnany and lawyers representing the Schools and Institutional Trust Land Administration and the developers want Supreme Court justices to overturn the appellate court's ruling in a case that began a dozen years ago when the city, the developer and SITLA jointly agreed to annex the 175 acres of SITLA

property into the city, which occurred in December of 2008, according to court documents.

Public meetings were held and the agreements were approved before citizens filed an appeal with the Moab Board of Adjustments, which sided with the city, as did former Seventh Judicial District Judge Lyle Anderson when citizens appealed the Board of Adjustments' ruling. The decision was again affirmed for the first time by the Utah Court of Appeals.

The Great Recession hit before ground was broken and the project stalled for eight years, until 2016 when the developer returned to the city with a new concept that called for a 150-room hotel and deleted nearly three dozen "casita" units.

The city council that was in place in 2016 determined that the changes were major rather than minor, meaning new public hearings would have to be held, according to the city's land use regulations. The original hotel was to have 50 rooms.

While the developer and SITLA disputed that the changes were major, SITLA threatened to pull the project from the city and develop Lionsback on its own with no city involvement — an act that state law currently allows.

"Citizens are very pleased the Utah Supreme Court upheld

the decision of the Appellate Court because it securely honors the cornerstone of democratic principals, which is sharing the decision-making process with the public," said John Weisheit of Living Rivers. He was one of several local citizens who challenged the city over the past several years.

City Manager Joel Linares is taking a commonsense approach. "Now that the legal proceedings are over, the city will move forward and live up to its obligations," he said.