

# 'Moot' Lionsback lawsuit dismissed

August 13, 2020

The contentious and longstanding litigation regarding the planned Lionsback Resort near Sand Flats Recreation Area came to an anticlimactic conclusion Tuesday when Seventh District Judge Don Torgerson agreed to dismiss the case that began a dozen years ago.



Jon Dwight hosted local reporters earlier this month on a tour of the planned Lionsback Resort bordering the Sand Flats Recreation Area. Photo by Doug McMurdo

Lawyers for the plaintiffs — residents Lucy Wallingford,

Kiley Miller, John Rzeczycki, Carol Mayer, David Bodner, Meeche Bodner, Sarah Stock, Josephine Kovach, and nonprofit Living Rivers — and the defendants, which include the developer, land owner State Schools and Institutional Trust Lands Administration, and the City of Moab all requested the case be dismissed after the Utah Supreme Court declined to hear an appeal after the Utah Court of Appeals ruled in favor of the plaintiffs.

The decision to end litigation was based in large part on developer Jon Dwight's decision to develop the project based on the original agreement ironed out in 2008. Work has already started to bring infrastructure, such as water, sewer and power, to the site.

Coincidentally, the Moab City Council discussed the project Tuesday, Aug. 11, and the Moab City Planning Commission at 6 p.m. today, Aug. 13, will hear a presentation. The "lengthy and complicated" history of the project was noted in a summary planning commissioners will hear, including the fact there was no zoning in place that would allow a project such as Lionsback Resort when it was first brought to the city in 2007.

The goal is to bring a "more natural" resort experience for tourists, according to city documents. The zoning was created with the designation of Sensitive Area Resort Zone and the developers removed Lionsback Campground and

closed several jeep roads that were created off of the main Hells Revenge Trail.

The city approved Lionsback's Master Planned Development plan and the property was annexed before the first lawsuit was filed challenging the entitlement process. The City and the developer prevailed in 2012, but in the meantime the Great Recession arrived and the global economic collapse forced Lionsback to "reevaluate the market demand."

This led to significant alterations that called for changing the original 50 hotel or condo units spread out over nine buildings to one 150-room hotel. The City Council in 2016 agreed to the amendments and that the changes were minor and therefore didn't meet the threshold to require a public hearing.

The second lawsuit was filed and it is what was just dismissed in favor of the plaintiffs. The approvals made a dozen years earlier, however, were still valid and the development was vested.

Dwight said once infrastructure is in place the project will be built in phases, with the first phase consisting of the construction of 34 small homes, called casitas. There are no firm plans to build a hotel, but that is definitely something that could occur in the future, said Dwight earlier this

month.

Here's a look at key components of the plan:

Forty-eight acres of the more than 175-acre development will be developed, leaving more than 73% open space. Commercial enterprises will have a footprint of roughly 54,000 square feet and the residential footprint will be about 365,000 square feet.

The total number of residential units is 257 — the total allowed is 400. There will be 50 hotel suites, 30 1-story casitas, 30 2-story casitas, 40 1-story village casitas and 45 2-story village casitas, which are larger homes of between 1,800 and 2,100 square feet. Even larger homes include 34 that will be up to 3,000 square feet.

There will be 18 housing uses for employees and other approved uses include storage units, a gazebo with restrooms and a picnic area, internal trail system, basketball, tennis and volleyball courts, a putting green and driving range, playground equipment and other amenities.

Most importantly, from a local perspective, is that the part of Hells Revenge that runs through the property will remain open, as will other trails that are part of the Sand Flats network.

Dwight in an interview last month acknowledged the project

is controversial and he said he understands that concern, saying he and his family are "all about the outdoors. There will be access to trails. People won't want anyone walking across their property, of course, but there will always be access. I think this will be a great benefit for the county."