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My View: Echo Canyon – A breakdown in buyer protections

By Dave Closser

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I've been tracking every aspect of this Echo Canyon project, formerly known as Kane Springs, since they began placing fill in the floodplain in January of 2024. Much of what I've observed in the developers' attempt to push their development on our community has been upsetting.



Photo caption: Heavy equipment is staged at the site of the Echo Canyon development, formerly Kane Creek, on Jan. 10, 2024. File photo by Doug McMurdo

But in July they took it to a new level when they recorded their first subdivision and began selling individual lots. Given the current status of the project, selling lots is premature to say the least. If homes are ever built here, it will be years before this can happen.

I have no knowledge of what the developers have disclosed to the seven individuals that have already purchased lots. But I doubt they have shared the following two facts. First, it's a strong possibility that no drinking water or wastewater treatment services will ever be available to these lots. And second, it's a strong possibility homes built on the fill will settle. When they do, streets, driveways, foundations and drywall will crack, and buried utilities may fail.

I make the first statement because I know the developers' water rights are being challenged in court and may be lost. I make the second based on extensive research, personal observation and extensive review of reports clearly stating the fill material used did not meet engineering requirements.

But the hardest thing for me to swallow at this point is this: There appears to be no way to require the developers to fully disclose these realities to potential buyers. It seems lawsuits can only be filed against the developer by someone who has purchased a lot. But by then it will be too late. On the warranty deed which transfer property rights from the developer to the new lot owner, there's a line which simply states, "Subject to restrictions and covenants as recorded."

If the buyers choose to do some digging, they will find two recorded "Declaration" documents that together total about 130 pages of legalese. These declarations essentially strip property owners of any right they may have to pursue legal action against the developers, for anything.

The two phrases from these declarations most applicable to the issues I've addressed above are: "The development is a coordinated, integrated planned mixed-use development which will be developed over a number of years, or not at all," and "The declarant (developer) makes no representation or warranty regarding the safety, insurability or environmental stability of any lot or residence within the project."

I'm writing this today for those who may be considering purchasing a lot in Echo Canyon, and those realtors that may be involved in arranging one. Please ask the questions I've addressed above of the developers who want to sell you a lot.

And please read the recorded declarations you will be subject to once you've purchased a lot, before signing on that dotted line. I'm not suggesting people shouldn't buy these lots. I'm just recommending that you ask questions, do some research and know what you are getting into before you do buy.

Dave Closser writes from Moab. He is a member of Kane Creek Development Watch.