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Court of appeals to hear Lionsback case in Moab



The Lion's Back, a sandstone ridge near Sand Flats Recreation Area, might be getting a new neighbor: the Lionsback Resort, a planned resort development currently contested in Utah courts.

Photo courtesy of Sven Paulus/German Wikipedia

By **Doug McMurdo**
Jul. 5, 2019

Grand County residents can witness the Utah Court of Appeals in action Oct. 18 when judges take up an appeal of a lawsuit filed over a controversial plan to build a resort on state land in the Sand Flats Recreation Area.

The court on its own motion filed June 26 ordered that oral arguments originally calendared for July 25 be rescheduled in the case of Lucy

Wallingford, Living Rivers, Kiley Miller et al., versus Moab City, Moab City Council, SITLA, and the Moab Land Company LLC – otherwise known as the years-long heavily-contested plan to build Lionsback Resort.

The lawsuit was originally filed in the spring of 2017, but the controversy actually began in the summer of 2008. That's when developer LB Moab Land Company came to the Moab City Council with a plan to build a luxury resort featuring a blend of residential and retail services on 175 acres near the Slick Rock and Hell's Revenge trailheads.

The original proposal called for 50 overnight lodging units, employee housing, restaurant and spa, sporting facilities, a hotel and condominiums called "casitas." The city agreed to the proposal despite public opposition and afterwards, according to the plaintiffs, Lionsback came back in September of 2013 with significant changes, ranging from doubling the size of the hotel from more than 41,000 square feet to nearly 82,000 square feet; more than doubling the parking capacity from 104 spaces to 230 spaces, and consolidating the 50 dispersed overnight lodging units into the hotel, which would feature 150 rooms.

The plaintiffs argued the changes were not minor as they were characterized by the city in an alleged effort to avoid the public hearing process. In fact, according to the lawsuit, the city on Feb. 28, 2017 executed a Zoning Status Agreement regarding the project, which in effect deemed the changes as minor.

The Utah Schools and Institutional Trust Lands Administration, which owns the land Lionsback would sit on, was allowed to intervene as a defendant in the case and requested now former Seventh Judicial District Judge Lyle

Anderson to grant summary judgment – essentially tossing the lawsuit in favor of the defendants.

Anderson did so after he determined the city had the authority to enter into the zoning agreement, and concluded “the city must be afforded flexibility to resolve issues in a grey area by negotiation, and emphatically more so in the circumstances presented by this case where the city’s authority to legislate and regulate at all is dubious; therefore the court’s review of the settlement agreement must be very generous.”

Anderson in his order issued in May of 2018 also said there was no collusion between the parties, nor were there negotiations done in bad faith.

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