



PLANNING COMMISSION MEETING

117 South Main Street, Monticello, UT 84535. Conference Room, and Virtually
March 11, 2021 at 7:00 PM

MINUTES

GENERAL BUSINESS

Welcome / Roll Call

Commission Chair Trent Schafer called the meeting to order at 7:01 pm

PRESENT

Chairman Trent Schafer
Commissioner Lloyd Wilson
Commissioner William Johnston
Commissioner Melvin Nelson
Commissioner Cody Nielson

ATTENDED REMOTELY

Commissioner Cole Cloward
Commissioner Leah Shrenk

Approval of Minutes

1. Approval of Minutes for February 11, 2021 PC Meeting ACTION

Motion to approve the minutes was made by Commissioner Wilson, Seconded by Commissioner Nelson.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Cloward, Commissioner Johnston, Commissioner Nelson, Commissioner Nielson.

PUBLIC COMMENT - *Time reserved for public comment on items or issues not listed on the agenda.*

Time Stamp 2:56 (audio)

Carolyn Daily- Carolyn expressed appreciation to Commissioners Wilson and Cloward for the meeting that was held in Spanish Valley. Commission Chair Schafer also expressed gratitude for them being willing to hold the meeting.

ADMINISTRATIVE ITEMS

2. Flat Iron Mesa Ranch Phase XXVI, Scott Burton, Subdivision Administrator

Time Stamp 4:52 (Audio)

The developer Michael Dervage presented both phase 26 and 27 to the commission

Motion to approve the subdivision was made by Commissioner Nelson, Seconded by Commissioner Johnston.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Cloward, Commissioner Johnston, Commissioner Nelson, Commissioner Nielson.

3. Flat Iron Mesa Ranch Phase XXVII, Scott Burton, Subdivision Administrator

Motion to approve the subdivision was made by Commissioner Cloward, Seconded by Commissioner Nelson.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Cloward, Commissioner Johnston, Commissioner Nelson, Commissioner Nielson.

4. Area BFE Permitted Uses Discussion, Mack McDonald, Chief Administrative Officer

Time Stamp 11:57 (Audio)

San Juan County Administrator Mack McDonald presented the information he had gathered about the history of Area BFE in response to complaints by a nearby property owner about excessive dust and noise caused by the events at Area BFE. Mack explained that in 2005 the owners of Area BFE requested a change to chapter 11 of the zoning ordinance to allow them to hold events on the property. This request resulted in a change to the zoning to allow these types of events. Mack explained further that the zoning changed again in 2011 and made these uses a conditional use, which makes Area BFE a permitted non-conforming use and that use has continued since 2005 when the zoning allowed it.

A lengthy discussion followed about legal nonconforming use including input from county residents Lynda Smirz, Colby Smith, and Carolyn Daily expressing concern about the increase of use at Area BFE and the collection of fees for profit. Planning Commissioners Schafer, Wilson, and Nielson also expressed support for property rights and the legal nonconforming use.

5. Short Term Rental Staff Update DISCUSSION

Time Stamp 53:43 (audio)

San Juan County Subdivision Administrator Scott Burton explained the need for an interpretation to whether the Spanish Valley Residential District Ordinance allowed nightly rentals as a permitted use or not. Deputy County Attorney Alex Goble explained the Attorney's

Office's determination that nightly rentals are not permitted, and any that were in existence before December 2019 would need to see status as a legal non-conforming use.

A lengthy multi-faceted discussion followed about legal non-conforming use related to nightly rentals in the Spanish Valley Residential District including comments from several developers and citizens expressing opinions on both sides of the issue.

LEGISLATIVE ITEMS

6. Application for Spanish Valley Overnight Accommodations Overlay (Rezone), Josh Anderson, The Domes of Moab DISCUSSION

Time Stamp 2:03:15 (audio)

Josh Anderson previously made application for the Overnight Accommodations Overlay, which was approved by the PC and the Board of County Commissioners, and is now working on the next step to attach the overlay to a specific property and project. This will require more specificity than has been provided. He will come back with a more detailed plan with a scaled site plan showing drainages, and locations of each camping location relative to bathrooms, and showing compliance with all the requirements in the Overnight Accommodations Overlay.

7. Subdivision Plat Requirements DISCUSSION

Time Stamp 2:22:08 (audio)

To follow-up from a previous request from the PC about the need for Road Department approval on subdivision plats, information was provided about the current requirements for the final plat in the Subdivision Ordinance. PC commissioners felt the ordinance allowed for San Juan County Road Department signature block to be added on the final subdivision plats.

8. Revisions to the Spanish Valley Highway Commercial District (HC) Ordinance DISCUSSION

Time Stamp 2:26:28 (audio)

Commissioners were presented with a redlined copy of the Spanish Valley Highway Commercial District Ordinance. These changes primarily came from Commissioner Lloyd Wilson. Commissioners discussed their desire to incorporate some aspects of the Overnight Accommodations Overlay into the Ordinance instead of having a separate overlay.

Andrea Wilson- Andrea stated that the basis of these changes came from the public comments received from residents of Spanish Valley at the meeting Commissioner Wilson held in Spanish Valley on February 24, 2021.

Andrew Austin- Andrew expressed concern about removing the Overnight Accommodations Overlay from applying to the PC Zone.

Commissioner Wilson pointed out that the Overnight Accommodations Overlay stated that it can be sought for only in the Highway Commercial District.

Deputy County Attorney Alex Goble stated that this is one of the discrepancies in the ordinances that needs to be cleared up. Alex continued to clarify that the PC Zone requires a legislative process and the question of overnight rentals would be answered during that legislative process when they are going through the community structure plan in the PC Zone.

Carolyn Dailey- Carolyn expressed concern about allowing overnight accommodations of 30 units or less in the Highway Commercial Zone as a permitted use.

Some discussion followed between Commissioners Wilson and Cloward and Ms. Dailey about the acceptable number of overnight accommodation units to be considered as a permitted use.

Deputy County Attorney Alex Goble noted that the 2011 zoning ordinance does have a definition for a hotel/motel, so if the Spanish Valley ordinances will have a different definition then there needs to be language clarifying which definition applies only in Spanish Valley excluding the Spanish Valley area from the requirements of the other definition in the 2011 ordinance.

Holly Sloan- Expressed support for a lower room number than 30 units, she also asked about lower the 40,000 square threshold for requiring a conditional use permit. She also expressed her desire that truck stops only be allowed south of Ken's Lake Cut-off Rd.

Commissioner Wilson stated the concern that although there are several people that are vocal in the meetings, there are a much larger number of people that express opinions to him outside of the meetings, so he said he is "trying to accommodate the whole valley, not just a few select groups." Some want hotels and motels, and some don't want any hotels or motels.

Colby Smith- Colby expressed support for the process and that these numbers will evolve as the public and the commissioners get more information and work through the details.

Ty Shumway- Ty expressed his desire to provide places for people to stay, so they can experience the beauty of the Moab area.

Andrew Austin- Andrew noted that we need to define the word unit.

Commission Chair Schafer asked members of the public to email any additional comments to the commissioners so they can craft this into an ordinance that they can forward onto the Board of County Commissioners for approval.

BUILDING PERMIT(S) REVIEW

9. Building Permit List

Time Stamp 2:58:49

The building permit list was presented to the PC

ADJOURNMENT

Time Stamp 2:59:16 (audio)

Motion to adjourn was made by Commissioner Wilson, Seconded by Commissioner Nelson.
Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Cloward, Commissioner Johnston, Commissioner Nelson, Commissioner Nielson, Commissioner Shrenk

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the San Juan County Clerk's Office: 117 South Main, Monticello or telephone 435-587-3223, giving reasonable notice