



PLANNING COMMISSION MEETING

117 South Main Street, Monticello, UT 84535. Conference Room, and Virtually
April 15, 2021 at 7:00 PM

MINUTES

GENERAL BUSINESS

Welcome / Roll Call

Commissioner Wilson was asked to conduct the meeting and called the meeting to order at 7:06 pm

PRESENT

Chairman Trent Schafer
Commissioner Lloyd Wilson
Commissioner Cole Cloward
Commissioner Melvin Nelson

Staff:

Scott Burton, Subdivision Administrator
Mack McDonald, County Administrator
Alex Goble, Deputy County Attorney

Approval of Minutes

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

Motion to approve the March 11, 2021 San Juan County Planning Commission Minutes was made by Chairman Schafer, Seconded by Commissioner Cloward.
Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Cloward, Commissioner Nelson

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

Time Stamp 2:17 (audio)

Ann Austin- Ann's comment was about the potential truck stop, acknowledged the need for the truck stop, and the hope that the PC looks at it from a value added standpoint and that if it must go forward, it should be the nicest that it can be.

Commission Chair Schafer asked for an update on the Love's Travel Stop application which is on hold until the contractor information is submitted.

Carolynn Dailey- Carolynn asked about when the planning commission would be considering the changes to the Spanish Valley Highway Commercial District ordinance, which will hopefully be considered at the next PC Meeting.

ADMINISTRATIVE ITEMS

2. Amendment II, Lot 38, San Juan Estates, Phase III, Lucas Blake, Red Desert Land Surveying

Time Stamp 5:55 (audio)

Some discussion was had about the subdivision. Several property owners in this subdivision phase submitted written opposition to this subdivision amendment in response to the notification of the amendment. There was some discussion about current setbacks and lot width requirements for the Spanish Valley Residential Zone, and the need for clarification.

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

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Cloward, Commissioner Nelson

3. Mt Peale Estates, Lot 2 Amended, Lucas Blake, Red Desert Land Surveying

This application has been withdrawn.

4. Area BFE Conditional Use, Scott Burton, Subdivision Administrator ACTION

Time Stamp 17:15 (audio)

A new complaint was received stating that Area BFE's use has expanded from what was permitted as a legal non-conforming use from 2005-2011. The ordinance was amended in 2011 to require a condition use permit for the use. The complaint states that the use has increased or expanded since 2011 and therefore needs a conditional use.

Time Stamp 19:53 (audio)

Robert Lucero and Cory from Area BFE were in attendance at the meeting and provided comments. 2011 to 2018 activities were "business as usual." In 2018 they developed a master plan and were advised by their attorney to require waivers for participants, and have opened more to private sector filming of commercials, and other filming.

Commissioner Nelson asked if this is more of a legal, or civil question, rather than a zoning issue. Commissioner Cloward said that when they begin to work on their resort ideas, they would need to apply for a conditional use permit.

Deputy County Attorney Alex Goble asked several questions related to the business from 2012 to 2018, and to what events were held, how many people were attending, and if there were any additional lands acquired.

Robert Lucero with Area BFE did state that they have purchased additional land from a few adjacent land owners. He also stated that the use of the land is for more commercial events rather than public events as it was in 2011.

Time Stamp 29:20 (Audio)

Deputy County Attorney Alex Goble asked several additional questions as to what has changed at Area BFE since 2011. The additional property was purchased after 2011 however Cory with Area BFE stated that the additional land includes the Strike Ravine route which is a San Juan County D Road and was used for Area BFE activities prior to the purchase of the additional property, and no additional trails have been added.

Time Stamp 31:17 (audio)

Additional discussion was had about the activities at the entrance to the Pole Canyon Road, and whether there was a stop sign at the county road and what the nature of the stops were. Robert stated that Ultra Four had a permit from the Bureau of Land Management and the County to setup at the staging area at the Pole Canyon Road. Area BFE was not aware of any stop sign, just a check of whether they were coming through the road for the events or going to the land beyond.

Time Stamp 34:29 (audio)

Deputy County Attorney Alex Goble asked several questions about what events were held from 2005-2011 and whether those events changed from 2012-2021. Robert stated that they have filmed 2-5 commercials or other promotions per year for private companies. The rock crawling and off-road events were held one to two times per year from 2005-2018, but have been consolidated to just Ultra Four once a year for the last few years.

Deputy County Attorney Alex Goble asked about the current structure since 2018 when they decided to limit entry, and require waivers. He asked, if they closed the area to the public or if they just limited it. Robert responded that they just limited it. Robert continued to explain that it is no longer a 24-7-365 free for all like it had been in the past. He explained that they have someone at the gate, or they require individuals to contact them to gain entry. Alex Goble asked if they charged people to gain access in 2011, to which Robert answered no. Robert also explained that currently they charge \$100 per vehicle for Easter Jeep Safari to ride the trails. Robert further explained that from 2011-2018 people could ride anytime of the day or night, and since 2018 there is structure with the area open for daylight hours, but it is not just a free for all any more. Now they have to sign a waiver and follow the protocols to be let on the property.

Time Stamp 46:15 (audio)

PC Commissioner Lloyd Wilson asked whether there were any restrictions as to the number of people or number of events that Area BFE could hold when the zone changed in 2005. This question resulted in a discussion about the prior non-conforming use from before 2011 and the conditional use permit requirement. Deputy County Attorney Alex Goble stated that they have added extra land, but they have also limited access that they didn't before 2011, so in some ways they have expanded, and in others they have shrunk the use. County Administrator Mack McDonald stated that there were no limits or conditions in 2005 when the zone change made the use a permitted use. He also asked about what efforts that Area BFE is making to preserve and protect the area. Robert explained that during events they control access to certain areas of the property, and restrict people from parking on the county road, and required those attending to park on Area BFE property. He also explained that they installed a barrier on the Strike Ravine route to keep drivers from expanding the width of the trail in a sensitive area.

Time Stamp 54:41 (Audio)

PC Commission Vice Chairman Lloyd Wilson allowed for public comment on this item, and the following individuals made comments:

Lynda Smirz: Lynda explained that there was a stop sign at the entrance to the Pole Canyon Road. She also expressed her opinion that the approval in 2005 was to keep the area open to the public. She also said that the events have become more extreme and are causing more impact to the area.

Carolyn Dailey: Carolyn expressed her support for the property rights of the residents near Area BFE, and her desire that Area BFE be required to apply for a conditional use permit.

Kylee Miller: Kylee stated that the Strike Ravine route has been used in the past, but not as a race course like it is now, and the Helldorado route has been closed until this year when they also used it for racing. She said that the noise and dust are outrageous, and kept her from staying in her home.

Tye Shumway: Tye expressed the need to look at everybody's property rights and not shut down the existing uses because someone new has moved in, but to look at the lifetime of the property.

Time Stamp 1:02:09 (audio)

PC Commissioner Cole Cloward pointed out that the Strike Ravine Route is an existing county road and there is nothing that says the use won't increase over time. It is an existing road that is allowed to be used, so restricting it isn't in line with what it has been used for in the past. PC Commission Vice Chair Lloyd Wilson expressed his opinion that the PC has already weighed in on this, and that this is something that needs to be addressed by the SJC Attorneys Office. Deputy County Attorney Alex Goble stated that the ordinance gives the authority for these decisions to the Planning And Zoning Administrator, which is a vacant position at this time. That is why this is being considered by the Planning and Zoning Commission.

Time Stamp 1:05:03 (audio)

PC Commission Chair Trent Schafer made a motion that we continue to allow Area BFE to have a prior non-conforming use, and to continue their use as is. He stated that they have added some land but drawn back the activity and made it more controlled than what is was when the zoning was changed in 2011. Seconded by Commissioner Nelson.
Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Cloward, Commissioner Nelson

LEGISLATIVE ITEMS

5. Definitions DISCUSSION

PC Commissioner Cole Cloward asked is the definitions in our ordinances are being correlated with the definitions in the International Building Code, to help avoid confusion in the future. Deputy County Attorney Alex Goble asked for any of the commissioners to help with adding references to the state code, or the building code. Definitions will be discussed in future meetings as they are applied into the ordinances.

BUILDING PERMIT(S) REVIEW

6. Presentation of Building Permit List

ADJOURNMENT

Motion to adjourn the meeting was made by Chairman Schafer, Seconded by Commissioner Cloward.
Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Cloward, Commissioner Nelson

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