



PLANNING COMMISSION MEETING

**117 South Main Street, Monticello, Utah 84535. Commission Chambers
May 08, 2025 at 6:00 PM**

MINUTES

GENERAL BUSINESS

Welcome / Roll Call

Planning Commission Chair Trent Schafer called the meeting to order at 6:05pm.

PRESENT:

Chairman Trent Schafer
Vice-Chair Lloyd Wilson
Commissioner Melissa Rigg
Commissioner Ann Austin
Planning Administrator Kristen Bushnell
County Deputy Attorney Jens Nielson
County Commissioner Lori Maughan
County Commissioner Silvia Stubbs

Pledge of Allegiance

Conflict of Interest Disclosure

No conflicts of interest were disclosed at this time.

Approval of Minutes

1. Approval of Planning Commission Meeting Minutes from April 10, 2025

Time Stamp 0:01:30 (audio)

Motion made by Commissioner Rigg to approve the above meeting minutes. Seconded by Commissioner Nielson.

Voting Yea: All in favor. Motion carries.

PUBLIC COMMENT – *Time reserved for public comments. Open comments are not allowed once into Administrative and Legislative agenda items.*

Time Stamp 0:02:00 (audio)

Anna of Old La Sal commented on the need for the county to uphold the CCR's of subdivisions.

Teague of Old La Sal echoed the need for the county to ensure that building permits in line with the CCR's set forth by subdivision HOA's.

LEGISLATIVE ITEMS (moved up in agenda items)

5. Consideration and Approval of a Temporary Conditional Use Application for a RV Trailer extension during home build to be Located on Parcel #000650000040 in Old La Sal, Frank Herrmann

Time Stamp 0:10:00 (audio)

Frank Herman applied for a temporary conditional use permit to live in an RV trailer during home construction on his parcel in Old La Sal (A zone, north of State Road 46). The permit is for six months, extendable for three additional periods, for a maximum of 24 months. Conditions include:

- Protecting existing water well sources from contamination.
- Complying with Utah Division of Drinking Water requirements for water storage.
- Complying with all building code and permit requirements.
- Complying with County Health Department requirements.
- Complying with wildland urban interface fire regulations and codes.

The applicant's HOA (Deer Haven Park POA) has a covenant limiting RV living to 18 months. The Commission clarified that their approval does not supersede HOA covenants; it becomes a civil matter between the applicant and the HOA if the county's 24-month allowance conflicts with the HOA's 18-month limit. The county bases its decisions on its own ordinance, not HOA CCNRs.

A concern was raised that approving such permits, when an HOA covenant exists, is repetitive and consumes county resources. The Commission reiterated their role is to follow county ordinance. Extensions do not require re-approval from the Commission as long as progress on the project is being made and verified by building inspections.

Motion made by Commissioner Wilson to approve the temporary conditional use. Seconded by Commissioner Rigg.

All in favor. Motion carries.

ADMINISTRATIVE ITEMS

2. **Review and Discussion of Planning Commission Bylaws. Kristen Bushnell, Planning Administrator**

Time Stamp 0:16:00 (audio)

Candidate Qualifications: A preference will be given to applicants for the Planning Commission living within unincorporated areas. This will be highlighted in red in the revised bylaws.

Cut-off Deadlines for Agenda Items: Staff requested a two-week cut-off prior to the Planning Commission meeting to allow for compilation and legal review. Commissioners requested the final agenda be provided by Friday at 11:59 p.m. before the meeting.

Commissioner Communications (Ex Parte): The bylaws section on communication and impartiality will be split into two distinct points:

Intra-commission/Intra-county Communication: Commissioners can seek information from other commission members or county departments, but cannot discuss how to vote prior to a public meeting.

Public Impartiality: Commissioners have an ethical duty to avoid making public statements about agenda items and must forward any ex parte information received directly from the public on current or future agenda items to staff for wider distribution. The term "application" will be broadened to "any item coming before the planning commission."

Disorderly Conduct: The Chair can order the removal of a disorderly person, with law enforcement assistance if necessary.

Quorum Requirements: The existing requirement of four in-person commissioners for a quorum (Bylaw 4:14) was discussed for potential loosening, especially for emergencies or "acts of God" (e.g., snow days), to allow for online participation.

Conflicts of Interest: The bylaws currently require recusal from voting for commissioners with a conflict of interest. While state law may allow voting, the Commission opted to maintain a stricter policy, adhering to the first sentence of the relevant bylaw (adhering to state law) and deleting the conflicting second sentence that required recusal.

Presentation of Recommendations to County Commission: The Planning Commission Chair (currently Trent Schaefer) will present the board's recommendations to the County Commission. Staff will ensure proper public noticing of these presentations through the Clerk's office, stemming from a past missed public notice for Lisbon Valley Mines. Options for who presents (Vice-Chair, planning staff, or county administrator) will be added for flexibility.

3. Presentation for the Public Awareness Committee of Citizens Report, Dr. Shanon Brooks

Time Stamp 0:47:00 (audio)

Sarah Goodman and Shannon Brooks of the Public Awareness Committee presented findings from a survey of San Juan County residents, highlighting a "crisis of representation and communication."

Definition of "Rural" Community View: The survey revealed two primary definitions:

- 50% defined rural as "a county or large areas of county with low population."

- 46% defined rural as "large acreage agricultural areas or homesteads free of urban services and qualities."

Common Theme: "Space, freedom, and minimal services."

Contrasting Government View: Only 2% of respondents believed rural areas should be "places for municipalities to expand into." This suggests a disconnect where "decision makers often use a different lens to some in government rural simply means not urban yet a blank slate a space to be planned for built up or eventually annexed into something more modern that's not what the people are saying."

Definition of "Urban": 70% defined urban by "infrastructure footprint" (concentrated neighborhoods, utilities, paved roads, services), not population count.

Implication: "If commissioners and planners define rural as simply a zone on the path to becoming urban, you'll pursue policies that transform open land into controlled development but if residents define rural as something to protect for its independence and lifestyle they'll see those same policies as invasive."

Representation and Communication Disconnect & Dissatisfaction: 73% of residents felt "dissatisfied" with their representation in planning the county's future; only 3% felt satisfied.

General Plan Awareness: 58% "don't know" if the County is following its general plan, and 38% said "No." This signals "a deep disconnect between the county's leadership and the public's understanding or trust in how land use decisions are made."

Email Notices: Nearly 79% of respondents do not receive San Juan County's email notices, highlighting a "vital opportunity for education and outreach."

Freedom to Thrive with Homestead Businesses as a Top Priority: When asked about important future development, residents prioritized:

- 81.4% "less government regulations"
- 73.3% "more protection to citizen rights"
- 44.9% "more homestead family businesses"

Economic Impact: Homestead businesses are seen as a "practical, scalable economic development strategy" that "circulate money within the county and increase community resilience," often representing "20 to 50% of their total income." They require "no major infrastructure investment and can scale responsibly without compromising the rural character of our communities."

Code Enforcement Officer (Code Compliance Officer):Community Opposition: "Citizens want partnership not policing on their land." 87% of surveyed citizens "do not agree with the county that the county should pay someone to seek out and enforce all land use violations."

Trust Issues: Hiring a code enforcement officer "directly contradicts" the community's desire for "less regulation, more autonomy and the ability to live and work freely on their own land." It "looks like increased regulation, increased surveillance and a further departure from what people are asking for."

Private Property Rights: 98.7% of respondents consider private property rights "very important."

Recommendation: The Public Awareness Committee urged the Commission to "pause, revise with humility and invite true community participation not just public comment."

4. Consideration for changes to the 2025 Land Use, Development and Management Ordinance, Zoning Maps and Use Tables as per community comments and engagement, Kristen Bushnell, Planning Administrator

Time Stamp 1:01:30 (audio)

Administrator Bushnell presented a list of proposed administrative changes and use table requests that were previously presented to the County Commission in January but not discussed. These changes will be redlined in the online documents once approved.

Administrative Comments that Design and Development standards are the responsibility of applicants.

Existing legal structures will be grandfathered as non-conforming uses.

Clarification that long-term RV dwelling is currently not permitted, though the ordinance aims to change this with restrictions (e.g., one unit per half acre).

Added seasonal RV hunting camps.

Added international building code language for private roads.

Use Table Requests (Proposed Changes):Agricultural Production and Hay Production: To be permitted in "recreational support" zones.

Kennels: To be added as a conditional use in "agriculture" zones (already conditional in highway and community commercial). The definition of "kennel" was discussed, particularly regarding animal limits (currently "more than four dogs and/or cats"). The sentiment was to remove the specific animal limit, relying on nuisance ordinances instead.

Barber, Beauty Shops, Cosmetic Services: To be permitted in "AG" (agriculture) zones.

Fabrication of Metal Products: To be permitted in "AG" zones.

Paint and Powder Coating Shops: To be added to the use table as a conditional use in "AG," "industrial," "commercial community," and "commercial highway" zones due to chemical concerns.

Butcher: To be permitted in "community commercial" and "multi-use" zones, with state inspections mitigating risk.

Home-Based Businesses (Cottage Industry):Current Status: Exempt if no point of sale, signage, or public parking on premise. These are considered "private use" and are not currently regulated.

Discussion: The Commission debated allowing small-scale commercial activities (with point of sale and customer parking) in residential zones as conditional uses. This would require clear parameters (e.g., square footage, parking spaces) to define "small scale" and prevent residential areas from becoming commercial hubs. The argument was made that this could provide a logical step for businesses to grow before relocating to designated commercial areas.

Email Comments from Public: Staff will compile a bulleted list of public comments from emails received, with initials and date of email, and will share this via a Google/Microsoft shared document for commission review. Debatable points will be brought to the agenda for discussion.

Future Ordinance Discussions and Work Sessions: No additional work sessions are planned due to commissioner time constraints. Discussions will occur during regular Planning Commission meetings.

Deadlines: The Commission needs to set cut-off dates for comments and changes to prevent endless revisions. This is especially important given the General Plan, which must be legally adopted before the land use ordinance can be, is not expected until December at the earliest.

Yearly Review: A plan for yearly review of the ordinance to incorporate future comments was suggested.

Spanish Valley Zoning and Map Requests

Importance: Spanish Valley zoning is seen as a "can of worms" that needs to be resolved before the overall county ordinance can proceed smoothly.

Proposed Approach: Instead of broad zoning, a "micro-zoning" approach was suggested for Spanish Valley, going "road by road" to address specific needs and existing structures, rather than solely relying on the "step-down" model from highway to residential.

Current Situation: The Spanish Valley road plan is problematic with many cul-de-sacs. There are existing auto repair shops in residential areas, and previous proposals suggested re-zoning entire neighborhoods to multi-use to accommodate non-conforming businesses.

Alternative Proposal: Allow small-scale conditional commercial uses in residential zones in Spanish Valley, defined by square footage, parking, and business hours. This would preserve residential character while accommodating existing businesses and allowing for limited growth without re-zoning large areas.

Map Requests: East Allen Street Parcel (near Balance Rock): Request to be changed to "multi-use" was put on hold pending a broader discussion on Spanish Valley zoning. The rationale for multi-use was its location on a community commercial roadway leading to lodging.

Upper Pack Creek (Brown Nails property): Request to keep the area as "AG" (agriculture) instead of the proposed "recreational use" was generally agreed upon by the Commission.

Pack Creek: This area is split 50/50 between "recreational support" and "residential" requests. The covenants in Pack Creek prohibit overnight rentals, which is a primary reason for the

"recreational support" requests. This issue will be discussed at the next meeting, with a map identifying specific parcel requests for transparency.

BUILDING PERMIT(S) REVIEW

6. May Building Permits & Subdivision Applications

Time Stamp 1:54:00 (audio)

ADJOURNMENT

Time Stamp 1:57:00 (audio)

Motion made by Commissioner Rigg to adjourn. Seconded by Commissioner Wilson.

All in favor. Motion carries.