



PLANNING COMMISSION MEETING
117 South Main Street, Monticello, Utah 84535. Commission Chambers
December 14, 2023 at 6:00 PM

MINUTES

GENERAL BUSINESS

Welcome / Roll Call

Planning Commission Chair Trent Schafer called the meeting to order at 6:00 pm.

PRESENT:

Chairman Trent Schafer
Vice-Chairman Lloyd Wilson
Commissioner Cody Nielson
Commissioner William John Johnston
Commissioner Shea Walker
Commissioner Melissa Rigg
Commissioner Ann Austin
County Administrator Mack McDonald
Planning & Zoning Administrator Kristen Bushnell
County Chief Deputy Attorney Mitch Maughan
Legal Assistant Jens Nielson
Board of County Commissioner Silvia Stubbs

Pledge of Allegiance

The Planning Commission conducted the Pledge of Allegiance.

Approval of Minutes

1. Minutes for Meeting on October 26, 2023

There were several errors with spelling and attendance recognition, due to new staff changes. Trent Schafer was not at the second meeting on November 9, 2023. William Johnson was not at the meeting on October 26, 2023.

Commissioner Austin would like to correct Legislative Item #5 that she abstained, which is correct and that the staff summary needs to be updated that she abstained, not voting nay.

Motion made by Commissioner Schafer to approve the Meeting Minutes from October 12, 2023 with the above changes. Seconded by Commissioner Walker.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Nielson, Commissioner Johnston, Commissioner Walker, Commissioner Rigg, and Commissioner Austin

Motion Carries.

2. Minutes for Meeting on November 9, 2023

Vice-Chairman Lloyd Wilson was presiding over the meeting and Commissioner Shea Walker needs to be added to the meeting attendance.

Commissioner Rigg would like to relay her concerns to the height of the tower. It is not clear in the meeting minutes that this was stressed as a concern. Administrator McDonald reaffirmed that the legal team does have that within their records and that it has been publicly posted as well. He also advised that the height is not part of the variance, that the Planning Commission needs to focus on the condition of use. This concern will be added into the meeting minutes as part of the debate of the tower conditional use.

Meeting Minutes were verified that Commissioner Walker was involved in meeting notes with comments, making motions/seconding motions, etc.

Motion made by Commissioner Wilson to approve the Meeting Minutes from November 9, 2023 with the above changes. Seconded by Commissioner Rigg.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Nielson, Commissioner Walker, Commissioner Johnston, Commissioner Rigg, and Commissioner Austin

Motion Carries.

PUBLIC COMMENT

Public Comment was offered for anything not on the agenda. Public Comment will be allowed for individual Administrative and Legislative Items.

No public comments were provided.

ADMINISTRATIVE ITEMS

3. Variance Approval Update for a 150-foot Telecommunications Tower at R22 East Radio Hill Road, Mack McDonald, Chief Administrative Officer

Time stamp 0:13:30 (audio)

In the Staff Report there are five strict standards included from the State Code, which takes this through a different process where many cities and counties will also have a Board of Adjustments to look at these types of variances but this is separate from the Planning Commission and County Commission. This means that the only option for an appeal is to go to District Court. In our ordinance here in our county, we have the Administrative Law Judge who looks at these variance cases. The findings from the attorney have been included. Overall, he did approve the variances on both tower projects and to him they are in accordance with the law and the reasons of why they should be approved. He has also provided case law to his decision as per other land use boards that would hear a variance such as this. In the end of his summary, he provided the findings that justify the decision and give the conditions to the approval. For instance, "I'm going to give you this variance under these findings." It's up to the applicant/owner to ensure that they are in accordance with those findings and meeting all the stipulations of the agreement.

The second is a bit more unique of a situation where it needs to make sure it is an allowable use at that location, whereas this first one applicant is already an allowable use.

Both variances were approved. The two needed to be tied together in one Planning Meeting Minutes of our attorney's findings and bring all the record of evidence together in one place.

This is an information item only to clarify for the record in the case that it would ever go to court. This is not an item that needs to be voted upon.

4. Variance Approval Update for a 125-foot Telecommunications Tower at 4326 East Sunny Acres Lane in Spanish Valley, Mack McDonald, Chief Administrative Officer

Time stamp 0:19:00 (audio)

The telecommunications towers application for Spanish Valley had similar findings being more specific to that particular location. The findings studied the location and conditions to be met by that zoning ordinance. He does hold these and will assist us to make sure that the qualifying engineering company will be in accordance and communicate with us for the building codes and maintenance of the towers.

Administrator McDonald stated that both of the tower applications were approved.

Commissioner Rigg would like to suggest that now that we have a Planning & Zoning Administrator we would like to put into the newer ordinances that are coming out some codes based specifically to address telecommunication towers in the future.

Administrator McDonald informed us that there are many processes that we are incorporating into the newer ordinances. There are a lot of changes that will be incorporated into these ordinances that are coming down the line. There will need to be modifications to the draft ordinance that is posted online right now. We are hoping to be able to make these types of changes and incorporate them all together.

There is also a nuisance ordinance in the works, that the Planning Commission was able to look over addressing issues such as overnight rentals too noisy, time restrictions for noise, partying, music too loud, etc. to be pushed into the land use ordinance so that we can control some of the issues our neighborhoods and community has had problems with. Other issues like unnecessary dumps are also popping up. La Sal Junction for example, we aren't sure what is going on there with a lot of junk and more and more buildings without any applications. Despite letters of enforcement to clean it up, we still haven't seen a large effort to address these issues.

Commissioner Johnson asked about the laws regarding these types of situations.

Administrator McDonald affirmed that there are legal fallbacks. It will be back on the Planning Administrator to send out stop work orders to individuals and businesses without a license or building permit. Sometimes individuals will call in from the community and ask, which will help alert us to projects out of compliance.

Commissioner Austin asked for clarification of the "minor designation" ordinance that the State has put out but our Planning Commission hasn't had a chance to see it yet. In 2019, there was a change to the "minor" designation to match State Code. This is an instance of change that needs to match our current 2011 ordinances online. It's a work in progress that hopefully can be updated and published soon. Administrator McDonald clarified that this applied to large tracts of land over 100 acres, that individuals can skip the subdivision process. It was meant mainly for agricultural land where families may want to divide parcels for their children up to four (4) lots without having to go through the entire process. They can get a preliminary plat and final plat recorded easily. The confusing thing is that we do not have a "major" subdivision anywhere in our ordinances. Only "minor" subdivisions are recognized.

Commissioner Wilson went on to clarify that this was to hopefully simplify the process that anyone with four (4) lots or less did not need to come before the board. The exception was if it is within an existing subdivision, which is within state law. This was due to the amending of a current subdivision.

Administrator McDonald pointed out a few instances where this is the case. Last year the state legislators came out with a change to administer preliminary plats with staff instead of through the planning commission. Even for us, it's taken months to get our subdivisions through the process, taking this out of the planning commission helps to streamline the process for Developers. There is a large compliance change coming out by end of December to get this implemented, we will be part of this change. We need to be clear about creating a checklist for staff to utilize and give to developers and landowners to get them checked off quickly and accurately which will mirror our ordinances. There are times that we're well into the process and we realize that they never even paid the preliminary fees. We need to streamline the process for these applications coming in.

Commissioner Wilson also suggested that this allows for more opportunities to appeal to the Planning Commission if a decision is not agreeable through the staff process. It should be all inclusive as we proceed through these applications so that everyone within staff understands what is going on.

LEGISLATIVE ITEMS

4. **Consideration and Approval of Spanish Valley Overnight Accommodations Overlay Application, El Rancho Development, Mack McDonald, Chief Administrative Officer**

Time stamp 0:31:40 (audio)

In a previous meeting we have already rezoned the property to a Residential Flex and at this time the owner would like to move forward with an overnight accommodation overlay. Just as a reminder this is a three step process: Step 1 is to discuss if this property should in in the Overnight Accommodation Overlay District, which will lead to our decision tonight. Step 2 is the concept of what the owner would like to do within the property. Step 3 is the Development Agreement and Final Approval. Concepts are included in the Staff Report for these particular properties, it's close to the highway so Residential Flex seemed to make sense.

Commissioner Rigg asked for clarification on the Spanish Valley Ordinances, where it says that overlay districts are allowed in Highway Commercial.

Administrator McDonald clarified that the Overnight Accommodation Overlay is also possible in Residential Flex. This is the only way to get it - to obtain a Residential Flex then to apply for an Overnight Accommodation Overlay (as is this process).

Commissioner Wilson further argued that the confusion is in Chapter 10 of the ordinances where it is stated that the only allowance for an Overnight Overlay is in a Highway Commercial.

Commissioner Rigg suggested that this seems very clear that this is the only allowance for Overnight Overlays to happen.

Commissioner Wilson brought up the exercises with Landmark on the planned development of the SITLA parcel, where there was meeting after meeting about this. Most of the response back from the community were tired of having overnight rentals. This was even approached in a way where we would allow one every 300-500 feet to be allowed to try to fix it before Landmark was even involved. This is why Chapter 10 was written the way that it was to try to address this for Highway Commercial.

Administrator McDonald pointed out that the Residential flex was to get additional opportunities available. When we look at this from a land use planning perspective, in a highway commercial, we don't want a bunch of residential. We need commercial along the highway, so these uses should center and complement Highway Commercial. It makes sense for overnight rentals to be in more of a residential area. Residential Flex, as we discussed this last time, is transitioning from highway commercial into something else. It allows an area to change in stages rather than having hard boundaries. If we have Residential Flex clear over and away from the highway then it seems questionable. But if we look at the broader Planned Community then we can see that Residential Flex actually does make sense away from the highway when we see what other zones it is butting up against. Having a visual map in the near future will help where we have the full picture of the entire area with current approvals.

Commissioner Austin asked about the specifics of areas, such as Mt Pell, that is way over off the highway wanting to be Residential Flex. Couldn't it be argued that we made a mistake in

zoning those properties because it is not in alignment with our ordinances since that area requires a minimum of 20 acres for a small planned community. There are size limitations to each allowable use and zoning requirements.

Commissioner Wilson reminded us of the legal advice for that particular situation. Attorney Maughn clarified that you cannot have the planned community zoned as Residential Flex if it is anything less than 20 acres. This is something that we do need to correct in the future.

Administrator McDonald spoke to the fact that the planned community process is similar to a planned unit development. A planned unit development are generally larger in scale where you are trying to plan a whole work community. In a smaller application we don't need to go through that process. This is 2.5 acre parcel.

Attorney Maughn further went on the clarify that a planned community was focused on a mixture of uses, such as the pedestrian trails of Balance Rock Resort, which connect to other parts of the community. This idea doesn't really apply to 2.5 acres. Administrator McDonald explained that this is less of a "community" as much as it is a "neighborhood".

Commissioner Austin asked where in our ordinance is this covered. She reinforced that she thought this project was appropriate, the zone was appropriate, the use was appropriate, yet it is not in alignment with our ordinance. If we don't follow that, over time we are going to create problems with others wanting to follow in the same direction and no longer having overnight rentals where we desired them to be. It will result in spot zoning all over the place. What are our current solutions? She asked for this to be tabled until they can get a legal opinion whether or not we should rezone it.

Commissioner Wilson referenced a discussion from 2018 about why the Overnight Accommodation Ordinance should not go into place.

Administrator McDonald referenced that we've had three legal opinions on this. The question is should we not have rezoned it to Residential Flex. But we already have.

Commissioner Nielson referenced that we always get back to Mt. Pell as an exemplar. We could go back and deny that. Several other commissioners spoke up to say upon "what ground?" can we go back on this?

Commissioner Wilson recapped that the interpretation of the Overnight Accommodation Overlay began with Walter. His interpretation of it at that time was that overnight rentals was only allowed in Highway Commercial. Then Alex's interpretation was that overnight rentals was allowed only in Highway Commercial. We've been on that same interpretation for several years and now we have a completely different interpretation of it since the surrounding area is changing.

Attorney Maughn stated that throughout the process we've had the same attorney Bart Coons who was working with the information and he is currently helping Maughn. While there's been a turnover of attorneys at the county level, there's been the same reference point from Coons. Without being here throughout the entire process Attorney Maughn stated that he can only look at the ordinance we currently have, which he believes shouldn't have ever been passed.

Commissioner Wilson asked, due to this ordinance, that shouldn't have ever been passed, where do they go now. This ordinance is in place and we now have a very different interpretation. We've had a complete turnover and it is in the opposite direction from where this ordinance began. which we have been legally enforcing on people for years.

Attorney Maughn agreed that we have an imperfect ordinance. We've had lawsuits on this matter where they've just hammered on the Planning Commission for "not doing their job". This is the result of an imperfect ordinance and lack of instruction. It's not going to be perfect and you're not going to please everybody. The overwhelming issue is what decision does the county need to make to keep it out of a lawsuit.

Commissioner Nielson suggested looking at the context of where it's at, the neighbors, such as the gravel pit. Those are our grounds to accept or deny applications. So long as we have those considerations we have reasonable cause to "why". For example, referencing the homes around as residential instead of overnight. As long as we state these reasons, we can approve or deny requests.

Commissioner Wilson suggested that in some areas you may have ten (10) nightly rentals and ten (10) residential houses. This puts us in a hard spot for which way to lean with a 50/50 split. This is the Mt. Pell issue. We had a property owner come in for a spot zoning change because every neighbor around her was an existing nightly rentals that had been grandfathered in, and we had to deny the request because we don't allow for spot zoning changes. Now she is stuck in the middle of nightly rentals all around her property. This leaves every one around her in non-conforming use and her own zoning didn't allow for overnight rentals.

Commissioner Austin suggested that every house that we give up for short term rentals is taking away more permanent housing availability. These units are now off the market for anybody who needs to live there year-round. For the state, housing is the #1 topic for legislation this year. She feels that we need to protect the existing housing that we have. Further, as a commission they have already approved hundreds of overnight accommodation requests. There's no more rush to approve additional units. In the instance of El Rancho, she agrees this should be Residential Flex, that this should have overnight accommodations, but between now and the time that they potentially pass the new ordinances it says in Residential that no short term rentals are allowed. Until we pass that, everybody in a Residential zone could come and ask for the same treatment. We have to be really unified legally about what is allowed. Right now, we're saying that "yes" we do have grounds to allow for this.

Administrator McDonald informed the commission that if it does get to a point where they feel that there are too many overnight rentals, or too many of anything, they do have the power to slow things down. It has been delegated to this commission to oversee land use and make those decisions and recommendations. If this commission is seeing that "too much" as being an issue then they need to make that decision to stop approving more. Further, the overnight rentals to play into the housing stock, still increases property value, still brings homes that weren't there before. Would these developments happen without this market? The market will drive a lot of these decisions from developers. Right now the market is Air BNB's, it is not single family homes. They just can't make enough on single family homes as they can in overnight rentals. The overnight rental market is hot and encouraging more housing units to be built. Right now, most of them are full, if not full you're going to see a slow down from developers because they're not making the money they anticipated. The developers are going

to be driving their ambitions based on the market economy. Across the nation, overnight rentals are marketable.

Commission Nielson is concerned that this situation may press a particular agenda across the rest of the county. In the instance of Blanding, there are several overnight rentals that didn't get the occupancy they wanted over the summer so they turned these back into long term rentals or sold into the housing market. While that's a little bit different of a scenario, it does point out that the market will dictate what happens with this housing stock. In his personal experience, the overnight rental owners have been the best at taking care of the property and landscaping, everything is kept up. People may come and go but this doesn't seem any different than a family coming and going. He is all for the solidarity that is needed within the Spanish Valley area. However, he has seen an added value to properties in his area that are participating in overnight rentals, or even longer rentals such as traveling nurses, etc. He is concerned about the tension in Spanish Valley perhaps suppressing other areas that could benefit from these types of developments.

Commissioner Austin asked if Elaine Gizler, Economic Development, could give her insight on the potential risks or rewards if the Spanish Valley area was to just open it up to every overnight rental application and totally overload the community with overnight rentals wherever they want, if there was no plan on keeping overnight rentals out of residential areas.

Elaine responded saying that one of the initial investigations for our direction is to conduct a housing assessment, which will be accomplished by Points Consulting and completed by the end of April. Public Meetings will be held throughout the county at the end of January. Her personal assessment of Spanish Valley is that it has been poorly planned since the beginning. Now we're trying to get things organized and it's a very tense situation. One large circumstance for San Juan County right now is the example of Goulding's in Monument Valley. If Goulding's does get sold to the Navajo Nation (as is on the table right now) the county will lose 28% of its total Transient Room Tax on an annual basis. This will be a huge hit for the county to take. We've got to find ways to increase Transient Room Taxes, lodging properties, sales taxes from grocery stores, we need it all. There's not enough generation coming from sales taxes within San Juan County, our sales tax goes to other areas. Of course, it would be nice to keep everything residential, but we have to have some diversity to keep our county afloat.

Commission Austin poised the question of what then is the healthy mix. Commissioner Wilson responded that as Administrator McDonald already stated, the market would level itself out over time. Administrator McDonald highlighted that we are already seeing compression factors across the nation, with high inflation. While inflation itself is driving some of this overnight rental market, the desire for users/renters is becoming less and less as disposable income and discretionary spending in the home is preventing some travel to lessen. That's going to drive this market to build more down. The banks are seeing this, and even on construction loans, as prices continue to be high there are less people building. Inflation is trying to curb spending and it's starting to have an affect. The uniqueness of Utah, especially of this area, draws a lot of people and that will never go away. Gizler also suggested that the Moab area occupancy is down from 2022 reports.

Commissioner Wilson suggested that the area may see a decline in visitors based on the BLM closing sections of roads, Arches having a ticketing system, etc. Several commissioners agreed

on the changes happening in our area but that we needed to look at what we do have control of with our ordinances.

Commissioner Nielson said that the SITLA parcel, and whoever they find as a developer, is going to change a lot of the area. It will be interesting to see how they are going to financially support a largely residential development. For people to be able to come in and buy a purely residential home, live and work in Spanish Valley. He's just not sure that there's a large demand there.

Commissioner Austin pointed out that they haven't moved on anything yet and suggested that perhaps this is why. Administrator McDonald informed the commission that this was normal. SITLA is in it for the long haul. Once they are ready to develop they will need to get a Development Agreement signed with the county. Right now they just have the zoning approved. SITLA is typically the last out, the longer that they wait and let everything develop around them the higher the property prices when they are able to sell.

Commissioner Austin agreed with all that but pointed out that the future ordinance says that there are no short term rentals in Spanish Valley Residential Zones. Commissioner Wilson referenced that as the ordinance stands right now, there are no documents, and no options, no overnight overlays, etc. The law says that you can't change your zone.

Commissioner Austin pointed out that it states that you can change zoning if you have a 20 acre minimum. Administrator McDonald clarified that this is in the Planned Community, which is a different process.

Commissioner Wilson asked for clarification of their current situation. Last meeting this project was approved as Residential Flex. Because it was out of character in saying this had to be 20 acres or more, it did not fall within the standards of a Planned Community Process, which would have all the districts within it. He affirmed that he stood with Commissioner Austin in that if it's not 20 acres or more, how did we approve it?

Administrator McDonald stated that this application fit the uses within Residential Flex intended to be compatible in the zone are single family residences which are rented overnight.

Commissioner Wilson further asked to clarify that this means any property that is less than 20 acres would result in taking the words "Planned Community" out and just call it "Residential Flex".

Administrator McDonald supported this confusion by saying that these situations are why we have a "Planning" Commission and not a "Planned" Commission. We're trying to look forward, we're not trying to look at the past. You're making sure that the uses that are approved are compatible within the area while protecting individual's property rights and their ability to live in healthy and safe areas but also to allow them to recoup costs through development if they want it.

Commissioner Austin agreed that she thought this proposal was absolutely compatible within the area.

Attorney Maughn thought it best to seek various legal perspectives on this situation. There are other issues coming our way. We need a written legal opinion for both us and the public so

that everyone knows how to proceed. He recommended that we should table this application for now.

Commissioner Wilson spoke up saying that we had already approved a Residential Flex zone change. It's too late to delay this proposal, but we do need clarification for the next ones. Our next step, after approving this zone change is to approve the Overnight Overlay. Anything from this night on, he agrees, we need to get the written legal advice. But for Shik, already having been very patient with the process, we need to get this proposal pushed through.

Attorney Maughn was concerned about this setting a precedent for future neighbors wanting to do the same thing down the road. Several agreed that, at that point in time, they could come in and apply for a zoning change.

Administrator Bushnell reminded the commission that because our ordinances are old and in the works, planning is always in the works, the maps are being worked upon and we will always have the argument that "my neighbor next door did it, why can't I?" We have a hundred year precedence set where it has been a free-for-all for a lot of it. She agrees with Commissioner Wilson in saying that today may say one thing, but from this point forward we need to get it right, and tomorrow it might change again. This is the process of Planning. We make decisions from living documents that are changing all the time. This is also why we have to keep all the documents from 50 years ago because it proves how it was done at the time.

Attorney Maughn suggested that by not tabling this now, the county is inviting more risk for lawsuits.

Administrator McDonald showed the map where we had already approved adjacent properties and several others in the area within the Overnight Overlay district. He asked Attorney Maughn if that meant that all of these properties are now a risk for lawsuit. Attorney Maughn stated that yes, if someone else comes in for a zoning change, after allowing this zoning change with less than 20 acres, then we'd have to turn them down which could result in a lawsuit.

Commissioner Rigg asked that since we have already approved this property that we'd have to undo decisions that had already passed. Several explained that there is no "undo" to these previous decisions. So therefore, if we were to table this now, we would only be tabling the Overnight Overlay.

Attorney Maughn said he'd have to wait to get an answer back on how to "undo" these decisions.

Commissioner Nielson denied this proposal, since the commission does not want to "undo" their decision. Commissioner Austin agreed that once the new ordinance comes out this property would already be in a multiple use district where he wouldn't even need an overlay.

Administrator McDonald suggested that we get the legal opinion on it for the future. The decision today is strictly regarding this property, not the potentials of what could be happening around it in the future. Does it make sense for this property to be implemented within the surrounding uses? We do need to have the attorney's look at our 20 acre threshold for the Planned Community process. By tabling this, it doesn't really get us to that outcome where it is more of a question of the Planned Community process and not the Overnight Overlay District application. Literally, across the street are overlay districts.

Commissioner Nielson questioned the commission if they were going to table an application that he felt they had made a good decision on and that made sense with the surrounding uses. The Overnight Overlay should be approved based on fact and findings in accordance with the ordinance. He believes that setting a precedent does not hinder their ability to make different decisions in the future.

Commissioner Schafer suggested that once we can get our ordinance corrected, it will stop all this discussion. Several asked what to do for these applications now? Commissioner Wilson agreed that we need to get the new ordinance into place. Administrator McDonald reflected on the many pieces coming into the new ordinance such as subdivision process, telecommunication towers, public nuisances, all these pieces need to be comprehensive in our plan. It doesn't make sense to try to fix this one little piece of overlays without the larger picture.

Commissioner Austin asked how the new Land Use, Development and Management Ordinance was going to address the Overnight Accommodation Overlay. In the Spanish Valley Residential zone there are no overnight rentals. Commissioner Wilson clarified that the new ordinance would only allow overnight accommodations in a Commercial Zone. Attorney Maughn said that anything not allowed in the future ordinance would be designated as a "non-conforming" use. Commissioner Austin asked about the situation of being in a Spanish Valley Residential zone, how would she go about being able to become an overnight rental? Administrator McDonald clarified that the new ordinance allows for a process, where citizens can argue for their property, and that the Planning Commission will be making those decisions.

Commissioner Wilson stated he is almost certain that our new ordinance is going to say Highway Commercial only and it is a conditional use on nightly rentals everywhere else. He asked Administrator McDonald if they should be leaning away from Highway Commercial only? Administrator McDonald stated that he was working with what was in front of him right now. Staff Reports are based on the current official ordinances.

Administrator McDonald stated he would continue to work with Attorney Maughn to make sure this is legal to set before the County Commission with that written opinion.

Commissioner Austin asked for clarification on the road access to this property. It was clarified that the main access was from Old Airport Road into Ranch Road.

Motion made by Commissioner Wilson to recommend the location of the Overnight Overlay District to the County Commission for approval.

Seconded by Commissioner Walker.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Nielson, Commissioner Walker and Commissioner Rigg

Abstaining: Commissioner Austin

Motion Carries.

Administrator McDonald informed the commission that if legal advice was different than this recommendation that he would keep them informed.

6. Consideration and Approval of Spanish Valley Overnight Accommodations Overlay Application, Valley Estates Development, Mack McDonald, Chief Administrative Officer

Time stamp 1:20:30 (audio)

Administrator McDonald introduced the Valley Estates Development requesting an Overnight Accommodations Overlay. Again, this is the first step of the process. To the north of this property is Balance Rock Resort, which was previously approved and is now built. Balance Rock Resort has an Overnight Overlay. Also towards the north is the Sky Ranch Condominiums proposal. The SITLA parcel, and hopeful planned community development project, is to the south side of this site. In this concept, we've looked at bringing in public roads to have better access to the entire area. This area has the potential to be a town center with commercial districts and residential on the outskirts. There is already a clinic near by and hopes for a future county fire station/search and research/roads dept./sheriff building to provide closer services in this area.

Commissioner Austin asked about the potential of having staff housing associated with this development. Administrator McDonald explained that this is not a resort, but falls into a Residential Flex zone, where it is transitioning from the resort development, into single family housing (or the staff housing) and then into overnight rentals.

Han responded that these parcels are designed as residential units, unlike a hotel or lodge. We're always talking about housing and the demand there for housing. He advised that San Juan County needs to not solve the housing issues of Grand County.

Motion made by Commissioner Wilson for approval of the Valley Estates Development Overnight Accommodations Overlay.

Seconded by Commissioner Austin.

Commissioner Rigg announced that she was going to be voting against it because in our last meeting we defined that "Residential Flex" was supposed to be close to the highway. Having the Residential Flex was for common folks to have somewhere to live. This seems to not be in the spirit of the ordinance.

Commissioner Neilson referenced the Worldmark Resort near St. George. At this resort there is a row of houses with a garages underneath. Some of those people are there all the time, some of them are not. It works really well there. I don't want to be on the highway. I want to be somewhere that is off the road, in a canyon, that you can get out and away to natural areas. Other people live there, and they seem okay with the mixed use.

Administrator McDonald explained that when Balance Rock Resort took on this overlay, they were establishing the trails, and the network, in that overlay district. As a Planning

Commission, you get to work with the developer and the entire area has the potential to turn into a comprehensive district, with roads, trails, and recreation. To be in an overlay district, we can work with the developer to have continuity between our communities. It's not a hard boundary as in a zoning change. Commissioner Walker suggested that if we deny this, and have one property owner right in the middle of the zoning district that is not continuity to this community network.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Nielson, Commissioner Johnston, Commissioner Walker, and Commissioner Austin

Voting Nay: Commissioner Rigg

Motion Carries.

7. Consideration and Approval of a Conditional Use Application for a Small Glamping Resort to be Located as 4040 Kane Creek Road for Solace Ranch LLC (DBA Crooked Bindi Ranch). Kenneth Denham

Time stamp 1:33:40 (audio)

Administrator McDonald presented the Small Glamping Resort for Solace Ranch LLC/Crooked Bindi Ranch. This area is quite remote. There will be 3 tent sites, a 17ft. x 14ft. awning, a 17ft. x 7ft storage shed, a 1000-gal water tank from on site well. Some conditions were to protect the well from damage and contamination with a physical barrier, uphold code compliance for fire, etc. A lot of the compliance we need is due to the remoteness of the location since the Fire & EMS services are so far out. Each unit needs to provide interior fire protection, such as a fire extinguisher readily available, carbon monoxide detectors, fire exits, fire protection devices, etc.

We do not have a specific "Glamping" ordinance at this point in time. We will be updating a section in our newer ordinances that are coming up this spring for review and adoption. Our considerations include requirements of Utah Division of Drinking Water for storage systems, must provide campers with safety information addressing dangers in the area while recreating, have locations of first aid kits in the area posted, have dangers of environmental factors within the area. The development must comply with San Juan Health Department and San Juan Business License requirements.

Commissioner Neilson was concerned about the addressing to the facility. We want to ensure that people (users, Fire & EMS, google map searches, etc) are not in a situation of getting lost and that directions are accurately depicted. Administrator McDonald informed us that addressing continues to be an issue in our county and we are currently working to get addressing updated across the county. Owner Kenneth Denham addressed this concern saying that he provides very accurate odometer information to patrons and has been reasonably successful to not have people getting lost. From time to time, it still happens. Commissioner Wilson wanted to assure that this Conditional Use Permit would meet the local standards of the Emergency Responders in the area.

Administrator McDonald stated that Moab Valley Fire has been wonderful to work with to cover parts of San Juan County under local agreements. As they will be responding to this area we will coordinate with them that this development is going to be happening. There is a possibility to perhaps annex some areas into Moab Valley Fire District. If this happens, a portion of the property taxes in these annexed areas will go directly to Moab Valley Fire and we will no longer need the contract. One concern is that the authority having jurisdiction would remain in San Juan County. This is still under negotiation but will be coming forward in the near future.

Motion made by Commissioner Wilson for approval of Small Glamping Resort at Crooked Bindi Ranch. Conditional Use of this permit includes:

- Must protect existing well water sources from contamination by campers or hikers within the area by enclosing the well within a fenced area.
- Must comply with all building code and permit requirements including interior fire protection for glamping units' compliance.
- Carbon monoxide, smoke alarms, gas detectors, fire exits, and other fire protection devices shall comply with applicable Building Codes including each glamping unit containing one (1) appropriate fire extinguisher.
- Must comply with the Utah Division of Drinking Water requirements for water storage tanks.
- Must provide campers with safety guidelines for dangers present in surrounding areas to include falling, hiking, climbing, off-roading, location of first-aid, heat stroke, dangers of severe weather conditions and flooding.
- Must comply with San Juan County Health Department requirements.
- Must comply with San Juan County business license requirements.
- Location of site is updated with dispatch for Fire and EMS services.

Seconded by Commissioner Commissioner Neilson.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Nielson, Commissioner Johnston, Commissioner Walker, Commissioner Rigg and Commissioner Austin

Motion Carries.

BUILDING PERMIT(S) REVIEW

There are no building permits ready to report at this time.

ADJOURNMENT

Time stamp 1:53:00 (audio)

Motion to adjourn was made by Commissioner Wilson. Seconded by Commissioner Schafer.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Nielson, Commissioner Johnston, Commissioner Walker, Commissioner Rigg and Commissioner Austin