



PLANNING COMMISSION MEETING
117 South Main Street, Monticello, Utah 84535. Commission Chambers
April 10, 2025 at 6:00 PM

AGENDA

Google Meeting Link: <https://meet.google.com/ust-hood-zzu>

Or dial: (US) +1 661-552-0879 PIN: 960 575 714#

Welcome / Roll Call

Pledge of Allegiance

Conflict of Interest Disclosure

Approval of Minutes

- [1.](#) Approval of Planning Commission Meeting Minutes from March 13, 2025

PUBLIC HEARING for the Consideration and Approval of a Rezone of a portion of the Lisbon Valley Mine from Industrial to Multiple Use, Klint York

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

ADMINISTRATIVE ITEMS

- [2.](#) Review of the status of Love’s Truck Stop, Bart Kunz

LEGISLATIVE ITEMS

- [3.](#) Consideration and Recommendation of a Zone Change at Lisbon Valley Mine for the opportunity of On-Site Employee Housing, Klint York, Lisbon Valley Mining Company
- [4.](#) Consideration and Approval of Project Plan and Development Agreement for Valley Estates Subdivision under the Spanish Valley Overnight Accommodations Overlay Zone, Dana Farmer, Valley Estates

BUILDING PERMIT(S) REVIEW

- [5.](#) April Building Permits

ADJOURNMENT

****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****



PLANNING COMMISSION MEETING
117 South Main Street, Monticello, Utah 84535. Commission Chambers
March 13, 2025 at 6:00 PM

MINUTES

GENERAL BUSINESS

Welcome / Roll Call

Planning Commission Chair Trent Schafer called the meeting to order at 6:01pm.

PRESENT:

Chairman Trent Schafer
 Vice-Chair Lloyd Wilson (online)
 Commissioner Cody Nielson
 Commissioner Thomas Garcia
 Commissioner Shea Walker
 Commissioner Melissa Rigg
 Commissioner Ann Austin (online)
 Planning Administrator Kristen Bushnell
 County Deputy Attorney Jens Nielson
 County Administrator Mack McDonald
 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 March 13, 2025

Time Stamp 0:3:30 (audio)

Need to look in to the “counter motion” made by Commissioner Austin.

Motion made by Commissioner Rigg to approve the above meeting minutes with the discussed corrections. Seconded by Commissioner Garcia.

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 0:06:00 (audio)

Annette Myers of La Sal would like her parcels to remain in Agriculture.

Cassy Rose of Blanding believes that solar panels should not be in Agriculture and is concerned about the greenbelt designations in the new proposed solar farm.

Evan Rose of Blanding would like to be able to expand in agricultural productions in the area but says everyone has locked up their land for energy production. He expressed his continued concerns for agricultural buildings to be exempt.

Marjorie Haun of La Sal reported that she has been working with the community liaison group to ease tensions toward the Land Use Ordinance.

Mark Whiggant of La Sal believes that every property owner should have full rights to do what they want with their property, in this case the right to use it as a solar farm.

Connie & Guy Thomas of Valley Subdivision in Spanish Valley want to ensure their easement remains with the new Valley Estates Development.

ADMINISTRATIVE ITEMS

2. Review and Discussion of Planning Commission Terms, Bylaws and appointment of Chair for 2025, Kristen Bushnell, Planning Administrator

Time Stamp 0:26:00 (audio)

Commissioner Rigg would like to revisit the by law comments that were submitted last year in regards to the ethics section, conflicts of interest and preference for commissioners to be from unincorporated areas of the county.

The nomination of Trent Schafer to serve as the Planning Commission Chair was given by Cody Nielson.

Voting Yea: All in favor.

The nomination of Lloyd Wilson to serve as the Planning Commission Vice Chair was given by Thomas Garcia.

Voting Yea: All in favor.

LEGISLATIVE ITEMS

3. Consideration and Recommendation of a Zone Change at Lisbon Valley Mine for the opportunity of On-Site Employee Housing, Klint York, Lisbon Valley Mining Company

Time Stamp 0:34:00 (audio)

The proposal for a small section of the Lisbon Valley Mine to be rezoned from Industrial to Multiple Use to allow for an on-site employee housing project was discussed. The zone change was voted to recommend to the County Commission, however, upon further legal review, it was discussed and agreed that this request would have to have a public hearing for both legislative bodies, the Planning Commission and the County Commission. This item has been postponed to the April Planning Commission Meeting for the public hearing to be properly noticed.

4. Consideration and Approval of a Conditional Use Permit for a Temporary Meteorological Tower, Scott Schutte, AES Clean Energy**Time Stamp 1:06:00 (audio)**

The Planning Commissioners would like to add the following conditions including those already listed:

- The tower shall be operated in compliance with state and federal regulations, including lighting requirements.
- The tower shall have a maximum project span of six (6) years.

Motion made by Commissioner Rigg to approve the Conditional Use Permit with the conditions discussed. Seconded by Commissioner Nielson.

All in favor. Motion carries.

5. Consideration and Approval of a Conditional Use Permit for EG Orion Solar Project, Dale Harris, Enfinity Global**Time Stamp 1:21:00 (audio)**

The Planning Commissioners would like to add the following conditions including those already listed:

- The facility shall be operated in compliance with state and federal regulations.
- Surface water issues need to be addressed and appropriate drainage permits are obtained.
- The assurance of a decommission bond is in place prior to the construction and renewed every five (5) years.

Motion made by Commissioner Garcia to approve the Conditional Use Permit with the conditions discussed. Seconded by Commissioner Walker.

Voting Yea: Commissioner Wilson, Commissioner Austin, Commissioner Walker, Commissioner Garcia, Commissioner Rigg, Commissioner Nielson

Abstain: Commissioner Schafer.

Motion carries.

6. Consideration and Approval of a Conditional Use Permit for Questar Gas Regulator Station Project, Kevin Mulvey, Questar Gas Company

Time Stamp 1:52:00 (audio)

The Planning Commissioners would like to add the language that “The facility shall be operated in compliance with state and federal regulations.”

Motion made by Commissioner Rigg to approve the Conditional Use Permit with the conditions discussed. Seconded by Commissioner Walker.

All in favor. Motion carries.

7. Consideration and Approval of Project Plan and Development Agreement for Valley Estates Subdivision under the Spanish Valley Overnight Accommodations Overlay Zone, Dana Farmer, Valley Estates

Time Stamp 02:00:00 (audio)

The Planning Commissioners would like to ensure that the existing easements are recorded and upheld. Commissioner Wilson believes that that “will serve” has timed out on this many units within the development. There is a lot of confusion on Chapter 10 of the Spanish Valley Ordinance. Commissioner Nielson pointed out that this was one of the reasons why we needed to push forward with the new Land Use Ordinance to give clear paths forward to both commissioners and applicants.

Motion made by Commissioner Nielson to approve the Valley Estates Project Plan and Development Agreement. No second. Motion fails.

Motion made by Commissioner Wilson to move the decision to the County Commissioners. No second. Motion fails.

Motion made by Commissioner Wilson to table the discussion until further clarity could be found for the Chapter 10 Overnight Accommodations Overlay. Seconded by Commissioner Rigg.

All in favor. Motion carries.

BUILDING PERMIT(S) REVIEW

8. February Building Permits

9. March Building Permits

Time Stamp 2:59:00 (audio)

ADJOURNMENT

Time Stamp 3:03:00 (audio)

Motion made by Commissioner Nielson to adjourn. Seconded by Commissioner Walker.

All in favor. Motion carries.



STAFF REPORT

MEETING DATE: April 10, 2025

ITEM TITLE, PRESENTER: Review of the status of Love's Truck Stop, Bart Kunz

RECOMMENDATION: Administrative Training & Discussion

SUMMARY

Bart Kunz has prepared a review and discussion of the Love's Truck Stop project. The Administrative Law Judge needs more information from the Planning Commission to discuss the status of the project. There will not be a decision on the matter at this meeting. This discussion is to inform the Planning Commissioners what is needed from the judge to help make a decision as we proceed.

SAN JUAN COUNTY PLANNING COMMISSION TRAINING

Thursday, April 10, 2025
Monticello, Utah

1. Report on ALJ Decision in Northern San Juan County Coalition Appeal on Love's Travel Stop Application Approval
2. Land Ownership Issue and Determination
3. Permitted Uses within the Highway Commercial (CDh) Zone
4. Other Uses in Harmony and Similar in Nature
5. Conclusions of Law and Findings of Fact

17-27a-304 State and federal property.

Unless otherwise provided by law, nothing contained in this chapter may be construed as giving a county jurisdiction over property owned by the state or the United States.

Renumbered and Amended by Chapter 254, 2005 General Session

Effective 5/1/2024**17-27a-103 Definitions.**

As used in this chapter:

- (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.
- (2) "Adversely affected party" means a person other than a land use applicant who:
 - (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or
 - (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.
- (3) "Affected entity" means a county, municipality, special district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified property owner, property owner's association, public utility, or the Department of Transportation, if:
 - (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
 - (b) the entity has filed with the county a copy of the entity's general or long-range plan; or
 - (c) the entity has filed with the county a request for notice during the same calendar year and before the county provides notice to an affected entity in compliance with a requirement imposed under this chapter.
- (4) "Affected owner" means the owner of real property that is:
 - (a) a single project;
 - (b) the subject of a land use approval that sponsors of a referendum timely challenged in accordance with Subsection 20A-7-601(6); and
 - (c) determined to be legally referable under Section 20A-7-602.8.
- (5) "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.
- (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.
- (7)
 - (a) "Charter school" means:
 - (i) an operating charter school;
 - (ii) a charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
 - (iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.
 - (b) "Charter school" does not include a therapeutic school.
- (8) "Chief executive officer" means the person or body that exercises the executive powers of the county.
- (9) "Conditional use" means a land use that, because of the unique characteristics or potential impact of the land use on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
- (10) "Constitutional taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:
 - (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
 - (b) Utah Constitution, Article I, Section 22.

- (a) recording a subdivision plat; or
 - (b) development of a commercial, industrial, mixed use, or multifamily project.
- (27) "Improvement warranty" means an applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:
- (a) complies with the county's written standards for design, materials, and workmanship; and
 - (b) will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.
- (28) "Improvement warranty period" means a period:
- (a) no later than one year after a county's acceptance of required landscaping; or
 - (b) no later than one year after a county's acceptance of required infrastructure, unless the county:
 - (i) determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and
 - (ii) has substantial evidence, on record:
 - (A) of prior poor performance by the applicant; or
 - (B) that the area upon which the infrastructure will be constructed contains suspect soil and the county has not otherwise required the applicant to mitigate the suspect soil.
- (29) "Infrastructure improvement" means permanent infrastructure that is essential for the public health and safety or that:
- (a) is required for human consumption; and
 - (b) an applicant must install:
 - (i) in accordance with published installation and inspection specifications for public improvements; and
 - (ii) as a condition of:
 - (A) recording a subdivision plat;
 - (B) obtaining a building permit; or
 - (C) developing a commercial, industrial, mixed use, condominium, or multifamily project.
- (30) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:
- (a) runs with the land; and
 - (b)
 - (i) creates a restriction that is enclosed within the perimeter of a lot described on the plat; or
 - (ii) designates a development condition that is enclosed within the perimeter of a lot described on the plat.
- (31) "Interstate pipeline company" means a person or entity engaged in natural gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- (32) "Intrastate pipeline company" means a person or entity engaged in natural gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- (33) "Land use applicant" means a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.
- (34) "Land use application":
- (a) means an application that is:
 - (i) required by a county; and
 - (ii) submitted by a land use applicant to obtain a land use decision; and
 - (b) does not mean an application to enact, amend, or repeal a land use regulation.
- (35) "Land use authority" means:

- (iv) a bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:
 - (A) an electrical transmission line or a substation;
 - (B) a natural gas pipeline or a regulation station; or
 - (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility;
 - (v) a boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Sections 17-27a-523 and 17-27a-608 if:
 - (A) no new dwelling lot or housing unit will result from the adjustment; and
 - (B) the adjustment will not violate any applicable land use ordinance;
 - (vi) a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
 - (A) is in anticipation of future land use approvals on the parcel or parcels;
 - (B) does not confer any land use approvals; and
 - (C) has not been approved by the land use authority;
 - (vii) a parcel boundary adjustment;
 - (viii) a lot line adjustment;
 - (ix) a road, street, or highway dedication plat;
 - (x) a deed or easement for a road, street, or highway purpose; or
 - (xi) any other division of land authorized by law.
- (74)
- (a) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 17-27a-608 that:
 - (i) vacates all or a portion of the subdivision;
 - (ii) alters the outside boundary of the subdivision;
 - (iii) changes the number of lots within the subdivision;
 - (iv) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
 - (v) alters a common area or other common amenity within the subdivision.
 - (b) "Subdivision amendment" does not include a lot line adjustment, between a single lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.
- (75) "Substantial evidence" means evidence that:
- (a) is beyond a scintilla; and
 - (b) a reasonable mind would accept as adequate to support a conclusion.
- (76) "Suspect soil" means soil that has:
- (a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
 - (b) bedrock units with high shrink or swell susceptibility; or
 - (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.
- (77) "Therapeutic school" means a residential group living facility:
- (a) for four or more individuals who are not related to:
 - (i) the owner of the facility; or
 - (ii) the primary service provider of the facility;
 - (b) that serves students who have a history of failing to function:
 - (i) at home;
 - (ii) in a public school; or
 - (iii) in a nonresidential private school; and

CHAPTER 12

CONTROLLED DISTRICT CD

12-1 Purpose

To provide, in appropriate locations, a district where agriculture, industrial, commercial and residential uses may exist in harmony, based on planned development for mutual benefit and flexible location of uses.

12-2 Permitted Uses

Agriculture, Residential, Commercial, Highway Commercial, and Industrial (Industrial subject to approval). In addition to the uses regulated in RR-22 districts, the following uses may be permitted by variance within each sub-zone.

Community Commercial CD

Grocery Store

Drug Store

Automobile Service Station

Bakery

Dry Cleaning and Laundry Pickup

Beauty Shop

Barber Shop

Child Care

Ice Cream Store

Variety Store

Medical and Dental Offices

Professional Office

Public Utilities, public and quasi-public

Stores, shops and offices supplying commodities or performing services such as department stores, specialty shops, banks, business offices, and other financial institutions and personal service enterprises.

Restaurants, beer taverns, pool hall lounges, theaters, similar enterprises provided that all uses be conducted within buildings.

Business and technical schools, and schools and studios of photography, art, music and dance.

Bowling alley, dance hall, roller skating rink.

Carpenter shops, electrical, plumbing, heating and air conditioning shops, printing and publishing or lithographic shops, mortuaries, and furniture upholstering shops, provided all uses shall be within and enclosed building.

New car dealers.

Garages for minor repairs of automobiles.

Garages for storage of automobiles, commercial parking lots.

Hotels and Motels.

Any other similar retail business or service establishments which the Planning and Zoning Commission finds to be consistent with the purpose of this chapter and which will not impair the present or future use of adjacent properties.

Highway Commercial CDh

Restaurant or drive-in cafe

Motels

New and Used Automobile Agency

Farm Machinery and Equipment Sales

Nurseries and Greenhouses

Mobile Home Sales

Mobile Home Park

Drive-in Theater

Bowling Alley, other commercial recreation facilities

Automobile Service Station, Auto Accessories

Accessory Buildings and uses

Other uses approved by the Planning Commission as being in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed uses.

12-3 Conditional Uses

All other uses than those listed.

12-4 Special Provisions

- (1) Within the CD District there may exist three sub-zones, CD- Community Commercial, CDh - Commercial Highway, CDi - Industrial. Designation of such sub-zones shall be the responsibility of the Board of County Commissioners upon the recommendation of the County Planning Commission.
- (2) Applications for conditional uses or requests for variances in CD district must first have appropriate sub-zone designation. Such designation shall become part of the official county zone plan. Applicants are required to provide a reproducible mylar or linen and three (3) copies of detailed site plan drawings of their proposed use and sub-zone boundary including:
 - (a) Format size not less than 8 1/2" x 11" or greater than 24" x 36".
 - (b) Precise dimension at a convenient engineering scale.
 - (c) Location of all existing structures and improvements (buildings, roads, fences, ditches and canals, utility systems), and other information as required by Planning Commission within five hundred (500) feet of the proposed sub-zone boundary.
 - (d) Proposed methods of providing utility needs including water, sewer, electrical, and fuel services, access and parking, and appropriate methods from dealing with any special site problems such as storm water drainage.
- (3) No commercial or industrial building shall be erected within twenty-five (25) feet of a residential building or residential district boundary. Commercial or industrial buildings

within one-hundred (100) feet of a residential district boundary shall not exceed the height limitations of that district.

- (4) The Planning Commission shall review all pertinent information on the proposed sub-zone designation and submit their recommendation to the County Commission. Upon receiving the Planning Commission's recommendation(s), the Board of County Commissioners shall advertise for and hold a public hearing to receive public input in order to make an informed decision whether or not to designate the sub-zone by ordinance.
- (5) The following uses require an approval from the Planning and Zoning Commission prior to any use:

Industrial Cdi

Manufacture of any of the following products from raw materials: acids, asphalt, carbide, caustic soda, carbon or bone black, cellulose, charcoal, chlorine, creosote, fertilizer, hydrogen, industrial alcohol, nitrates of an explosive nature, plastics, portland cement, potash, synthetic and resins, fibers. Any of the following processes: distillation of wood or bone; filtrating of cotton or other materials; reduction, refining, smelting and alloying of metals or metal ores and radioactive materials; refining of petroleum and petroleum products; slaughtering and packing of animals larger than poultry and rabbits; tanning of raw, green, or salted hides of skins. Automobile salvage and wrecking operations, and industrial metal, rag, glass or paper salvage operations provided that all operations are conducted within a solid view obscuring wall or fence not less than eight (8) feet in height.

12-5 Signs

- (1) Business signs shall be allowed after approval of a "Request for Business Sign Permit" and shall be governed by Federal and State Highway rules and regulations, provided, that the Planning Commission may require that signs shall not exceed one (1) sq. ft. of sign area for each one (1) linear foot of street frontage abutting the development portion of the property, provided that any one sign for any one business shall not exceed one-hundred (100) sq. ft. in total surface area and the number of signs for each business may not exceed three (3), the total area of which shall not exceed the total sign area allowance.
- (2) Non-business signs shall be permitted or provided with no more than two (2) signs for each use or occupancy. The total allowable square footage for signage are as follows:
 - (a) Development - maximum 40 square feet
 - (b) Civic - maximum 14 square feet
 - (c) Real Estate - maximum 32 square feet
 - (d) Residential - maximum 2 square feet
- (3) All signs are to be flat wall or free standing and such signs shall not be revolving or have moving parts, flashing or intermittent lighting.

12-6 Boundaries

- (1) Boundaries for all Controlled District (CD) zones shall be established by the Board of County Commissioners who may amend the number, shape and area of such districts, provided, it has received a recommendation from the Planning Commission concerning a proposed amendment and a public hearing has been held by either body.
- (2) Description of all Controlled Districts (CD) zones should be included as part of this section of the County Zoning Ordinance, and changes in some shall be written in similar language and made part of this section.
- (3) Controlled District (CD) boundaries.
 - (a) An area parallel to all State Highways extending outwardly one thousand (1000) feet each direction from the center line of said highways and terminating at County Boundaries, or municipal corporate.
 - (b) All of the area, except that within the corporate limits of Monticello City, in Township 33 South, Range 23 East Sections 25 and 36; Township 33 South, Range 24 East, Sections 30 and 31.
 - (c) All of the area, except that within the corporate limits of Blanding City, in Township 36 South, Range 22 East, Sections 22, 23, 26, 27, 34, and 35; Township 37 South, Range 22 East, Sections 2, 3, 10, 11, 14, and 15
 - (d) All of the area in Township 40 South Range 21 East, Sections 23, 24, 25, 26; and Township 40 South Range 22 East, Sections 19 and 30.
 - (e) All of the area in Section 14, Township 30 South Range 20 East
 - (f) All of the area in the West half of Section 4 and the East Half of Section 5, Township 29 South Range 23 East
 - (g) All of the area in Sections 10, 11, 12, 13, 14 and 15 Township 37 South, Range 18 East.
 - (h) All of the area, except that in the boundaries of Natural Bridges National Monument, in Sections 14,15, 22 and 23, in Township 37 South, Range 18 East.
 - (i) All of the area in Sections 21 and 28, Township 39 South, Range 16 East.
 - (j) All of the area within the boundaries of San Juan County in Sections 14, 15, 16, 17, 20, 21, 22, 23, 26, 27, 28, 29 and 30 in Township 38 South Range 11 East.
 - (k) All of the sections and 7 in Township 42 South, Range 19 East.

San Juan County, Utah Administrative Law Judge

Northern San Juan County)	
Coalition,)	
<i>Petitioner,</i>)	Administrative Law Judge Lyn L. Creswell
vs.)	Background,
)	Factual Summary, Legal Framework,
San Juan County, Utah,)	Findings, Conclusion,
<i>Respondent,</i> and)	Decision, Instruction
)	
Love’s Travel Stops & Country)	28 August 2024
Stores, Inc.)	
<i>Intervener</i>)	

Background

On 15 February 2024 Petitioner Northern San Juan County Coalition (“Coalition”)¹ filed a notice of administrative appeal with San Juan County pursuant to the Utah State County Land Use, Development, and Management Act (CLUDMA) [Utah Code Ann. § 17-27a-7 *et seq.*] and San Juan County Zoning Ordinance No. 2024-02.²

The Coalition appealed decisions (including findings of fact and conclusions of law) made by the San Juan County Planning and Zoning Commission on 8 February 2024 with respect to the 3 May 2019 application of Love’s Travel Stops & Country Stores, Inc. (“Love’s”)³ and the State of Utah School and Institutional Trust Lands Administration (SITLA) for land use approval to build a truck center in the San Juan County-portion of Spanish Valley.

¹ Northern San Juan County Coalition on 3 April 2020 registered as a “social advocacy organization” with the Utah Division of Corporations and Commercial Code. The registered agent was Carolyn Dailey.

² Ordinance No. 2024-02 amended but did not repeal San Juan County Ordinance No. 2023-03 (An Ordinance Amending and Updating San Juan County Code Provisions Relating to Administrative Appeals).

³ Love’s was founded in 1964 and is headquartered in Oklahoma City. Love’s operates more than 600 locations in 42 states. On 27 December 2004 Love’s registered as a “gasoline stations” and “miscellaneous store retailers” business with the Utah Division of Corporations and Commercial Code. The business was registered as “Love’s Travel Stop” and “Love’s Travel Stops & County Stores, Inc.” Love’s registered agent in Utah is CT Corporation System of Midvale, Utah.

3. Important to the determination of whether Love's proposed uses are permitted are the uses listed after the title "Highway Commercial CDh" in section 12-2. Five of the listed uses may apply to the SITLA/Love's 3 May 2019 application. The listed uses or categories are: "Restaurant or drive-in café," "Automobile Service Station," "Accessory Buildings," "Accessory uses," and "Other uses approved by the Planning Commission as being in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed uses."

Note that *only* "other uses" requires that the Planning Commission determine whether the use is in harmony with the intent of the neighborhood commercial zone and similar in nature to the other ("above") listed uses.

Since each listed use under the title "Highway Commercial CDh" has meaning, the following interpretations are reasonable in applying Chapter 12 to Love's 3 May 2019 application.

- a. "Restaurant or drive-in café"

Neither "restaurant" or "drive-in café" is defined in Section 1-5 of the 2011 Zoning Code.

The Utah Tax and Revenue Code defines "restaurant" to include "any coffee shop, cafeteria, luncheonette, soda fountain, or fast-food service where food is prepared for immediate consumption." Utah Code Ann. §59-12-602 (11).

Ogden City defines a restaurant as "any place where food and beverages are prepared, served and sold for human consumption on or off the premises." Ogden City Code §5-14-1.

Webster defines a "drive-in" as a business (as a movie theater or restaurant) set up so that customers can be served or provided for while remaining in their automobiles.

b. “Automobile Service Station”

An “automobile service station” is not defined in Section 1-5 of the 2011 Zoning Code.

Decades earlier, “automobile service stations” provided a narrow or select range of services to those traveling on streets, road, highways, and freeways. Over the years the needs of those who travel have changed. The number and types of motor vehicles have increased and diversified. Besides passenger vehicles, travelers may travel on streets and roads on or in electric vehicles, street legal ATVs, motorcycles, commercial and heavy vehicles, passenger cars, light trucks, vans, and recreational vehicles.¹⁸ We have also become a “convenience” culture, which means we prefer to purchase our needs at a single location – rather than at several retail stores.

The result is that “automobile service stations” have changed their services and support for the traveling customer.

In the United States, various services and industries are evaluated under the North American Industry Classification System (NAICS) standard – which is used by the federal government for statistical analysis. The NAICS Association (an organization formed in Sandy, Utah in 1993) collects and publishes statistics on many industries in the United States. The “gasoline service station” industry in the United States is one of the industries among the NAICS Association statistical profiles. The NAICS Association defines “gasoline service stations” as “service stations primarily engaged in selling gasoline and lubricating oils. These establishments frequently sell other merchandise, such as tires, batteries, and other automobile parts, or perform minor repair work. Gasoline stations combined with other activities, such as grocery stores, convenience stores, or carwashes, are classified according to the primary activity.” The NAICS Association further classifies “gasoline service stations” in subcategories including fueling stations, marine service stations, truck stops, and gasoline service

¹⁸ These and other vehicles are recognized by the Utah Division of Motor Vehicles.

stations with convenience store. These classifications are defined based on the primary service provided by the “gasoline service station.”

Because of these changes and regulatory requirements, the term “automobile” no longer appropriately represents the motor vehicles which travel the roadways. Relevant to the word “automobile” are the following.

Utah Administrative Code R307-354-4 regulates automotive refinishing operations to limit volatile organic compound (VOC) emissions. That Administrative Code section includes a definition for “automotive.” "Automotive" means passenger cars, vans, motorcycles, trucks, buses, golf carts and all other mobile equipment.

On occasion, local governments in Utah may include services besides fueling and service of motor vehicles in their definitions of “automobile services stations.” The Bountiful City Code section 14-3-102 defines “automobile service station” as “a place where gasoline, and other motor fuel or lubricating oil or greases for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles and where services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans and other small parts, but not including automobile repair such as body and fender work, engine rebuilding and overhaul, transmission and differential repairs, or welding of any kind or vehicle or trailer sales and rental. This definition shall include self-service, mini-market, and live-in service as accessory uses.”

The Utah Code includes “service stations” within the “motor vehicle business” category. Utah Code §31A-22-301. A “motor vehicle business” includes “public parking spaces.” The Utah Code defines “motor vehicle” as “a self-propelled vehicle intended primarily for use and operation on the highways.” Utah Code Ann. §41-1a-102 (41)

Finally, a definition of “automobile service station” which provides services to any motor vehicle which uses and operates on the highways - and provides a range of services to those motor vehicle operators – is consistent with the purposes of the Controlled District. Among the purpose or objective of the agricultural, industrial, commercial, and residential uses in the Controlled District is that the uses be of “mutual benefit.” 2011 San Juan County zoning code Section 12-1 (Purpose). An “automobile service station” increases its benefit if it provides enhanced services.

In this matter, the phrase “automobile service station” is defined as a “a business which sells gasoline and other motor fuel, lubricating oil or greases, roadside electric car charging, and similar services for motor vehicles (including but not limited to passenger cars, vans, motorcycles, trucks, buses, or any self-propelled vehicle intended for use and operation on the highways), which provides minor repair and maintenance for motor vehicles and electric vehicles, which may provide motor vehicle and electric vehicle washing services, which may include a convenience store or mini-market, and which may provide public parking.”

c. “Accessory Building or uses”

Section 1-5 of the 2011 Zoning Code defines an “Accessory Building” as a “Building not used for human occupancy which is secondary to the main structure on the same piece of property such as a shed or garage.”

“Accessory uses” are not defined in the 2011 Zoning Code. Commonly, an “accessory use” is defined as “a land use which is subordinate and incidental to the main use on the lot or parcel.” *See* West Valley City (Utah) Code §7-1-103

d. “Other uses approved by the Planning Commission as being in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed uses”

This category allows for multiple uses – not named or listed within the CDh subzone. Each use must meet two requirements: be “in harmony with the intent of the neighborhood commercial zone” and be “similar in nature to the above [other] listed uses.” Applying this category includes three factors.

1) “Other uses”

Section 12-2 does not limit or qualify where the Planning Commission must find or identify these “other uses.” The only qualification is that such uses must be “in harmony with the intent of the neighborhood commercial zone” and be “similar in nature to the above listed uses.

Potential “other uses” – which may be related to the SITLA/Love’s proposed project – are found in the 2011 Zoning Code.

- “Commercial Parking Lots” (similar to accessory uses) – a use listed in the Community Commercial (CD) subzone.

- “Service stations” (similar to automobile service station uses) – a land use identified in Section 5-8 of the 2011 Zoning Ordinance.
- “Gasoline pumps” and “pump islands” (similar to automobile service station uses) – a land use found in Section 5-9 of the 2011 Zoning Ordinance.
- “Parking spaces” (similar to accessory uses) – a use listed in Section 5-5 of the 2011 Zoning Ordinance.

Potential “other uses” – which may be related to Love’s proposed project – are found in the Utah Code and in other Utah local government codes.

- “Convenience stores” (similar to restaurants and accessory uses) – a land use in the West Valley City Municipal Code.
- “Travel center” (similar to automobile service station uses and accessory uses) – a land use in the Cedar City Municipal Code.

2) “being in harmony with the intent of the neighborhood commercial zone”

The phrase “neighborhood commercial zone” is not defined in the 2011 Zoning Code. It is only used this once in the 2011 Zoning Code.

The “commercial zone” here is the Highway Commercial subzone, which extends 1,000 feet from Highway 191.

“Neighborhood” is defined¹⁹ as “the surrounding area;” “situated near;” “proximity;” and “adjoining.”

¹⁹ See Miriam-Webster Dictionary, Cambridge Dictionary, American Heritage Dictionary, and The Century Dictionary.

Based on the application of the meaning and use of the terms “neighborhood” and “commercial zone,” the phrase “neighborhood commercial zone” associated with the SITLA 13.06 acres *may* be the properties within 1,000 feet from Highway 191 and north of the 13.06 acres to the Grand County/San Juan County line *and* the properties within 1,000 feet south of the 13.06 acres an equidistance as the distance from to the Grand County/San Juan County line from the north border of the 13.06 acres.

That a proposed land use be in “harmony” with the intent or purpose of the zoning district is a requirement here. “Harmony” is not defined in the 2011 Zoning Code.

3) “similar in nature to the above listed uses”

“Similar” is not defined in the 2011 Zoning Ordinance. The dictionary definitions for “similar” include: “resembling without being identical” (Oxford Languages) and “having characteristics in common” (Mirriam-Webster Dictionary).

State of Utah and San Juan County Business and Commercial Land Use Compliance

After approval by the San Juan County Planning Commission of Love’s 3 May 2019 proposed project as a permitted land use in the Highway Commercial CDh subzone, Love’s will be required to comply with several State of Utah and San Juan County code requirements. Representative of these requirements are the following.

- a. Compliance with the International Codes for Residential, Plumbing, Mechanical, Fuel Gas and Fire; the International Building Code and the National Electric Code; the International Fuel Gas Code – as required by Chapter 150 of the San Juan County Code. These building and structure standards assure that the persons served on the premises of a commercial business will be safe.

f. The proposed land uses (namely a convenience store, fast food restaurant with drive-through, interior fast-food restaurant, auto area fueling stations, auto area parking spaces, truck area fueling stations, and truck area parking spaces) in the 3 May 2019 land use application are permitted land uses because they are uses included in the meaning of listed uses in the Highway Commercial CDh subzone: restaurant or drive-in café, automobile service station, accessory buildings, and accessory uses. *Or*

- The proposed uses are “other use(s)” which the Planning Commission finds to be in harmony with the intent of the neighborhood commercial zone and similar in nature to the CDh named uses.

42. The phrase “permitted by variance” in Chapter 12 of the 2011 San Juan County zoning ordinance conflicts with the Utah Code and is prohibited. Being in conflict with, and prohibited by the Utah Code, the phrase “permitted by variance” has no meaning or application in determining authorized land uses in the CDh Highway Commercial subzone.

43. Important in determining whether the SITLA/Love’s proposed land use is permitted in the San Juan County CDh subzone are the following words and phrases with definitions or meanings including the following.

- “Restaurant” is “any coffee shop, cafeteria, luncheonette, soda fountain, or fast-food service where food is prepared for immediate consumption.”
- “Drive-in café” is “a restaurant set up so that customers can be served or provided food and beverages while remaining in their motor vehicles.”
- “Automobile service station” is “a business which sells gasoline and other motor fuel, lubricating oil or greases, roadside electric car charging, and similar services for motor vehicles (including but not limited to passenger cars, vans, motorcycles, trucks, buses, or any self-propelled vehicle intended for use and operation on the highways) and electric vehicles, which provides minor repair and maintenance for motor

vehicles and electric vehicles, which may provide motor vehicle/electric vehicle washing services, which may include a convenience store or mini-market, and which may provide public parking.”

- “Accessory building” is “a building not used for human occupancy which is secondary to the main structure on the same piece of property such as a shed or garage.”
- “Accessory use” means “a land use which is subordinate and incidental to the main use on the lot or parcel.”
- “Similar in nature to the above listed uses” means the “other uses” resemble without being identical to the named uses in the Highway Commercial (CDh subzone).

44. Regarding the list of permitted uses in the CDh Highway Commercial subzone, a determination of whether a use is “in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed use” is *only* required for “other uses” and is *not* required for the uses listed “above” (named) in the CDh Highway Commercial subzone.

45. Prior to the 8 February 2024 Planning Commission meeting, when the Planning Commission considered the 3 May 2019 SITLA/Love’s land use application, planning commissioners were provided with legal analysis from three attorneys (including attorneys representing the Coalition) and the following documents or information.

- a. Utah Property Rights Ombudsman Advisory Opinion No. 115
- b. The 3 May 2019 Love’s/SITLA application
- c. The 2 February 2023 Utah Court of Appeal ruling
- d. The Seventh Judicial District Court order
- e. The Seventh Judicial District Court judgment
- f. 25 April 2019 email exchanges among San Juan County, SITLA, and Love’s
- g. 7 April 2020 declaration of Marlene Huckabay



LEGISLATIVE STAFF REPORT

MEETING DATE: April 10, 2025

ITEM TITLE, PRESENTER: Consideration and Recommendation of a Zone Change at Lisbon Valley Mine for the opportunity of On-Site Employee Housing, Klint York, Lisbon Valley Mining Company

RECOMMENDATION: Make a motion recommending the zone change request to the County Commission for approval using the findings as provided by staff.

Make a motion denying the zone change request to the County Commission based on findings of fact due to the following reasons: (statements of findings for substantial evidence).

SUMMARY

In January 2025, the county received a request for a zone change to a small area of the Lisbon Valley Mining operation. The purpose of this request from the Industrial Controlled District to the Multiple-Use Zone is for the opportunity to develop on-site staff housing.

Property:

Parcels: #30S25E265400

Current Zoning:

This parcel is currently zoned as Industrial as per 2013 Zoning Map.

Requested Zoning:

This parcel is being requested to be changed to Multiple-Use (within the controlled district boundary) with the uses as outlined in the 2011 Ordinance.

ORDINANCE SECTIONS

The Industrial Zone currently supports the mining operations elsewhere within the parcel boundary. However, Lisbon Valley Mine would like to take the northwest corner of the parcel and zone as Multiple Use as shown on the included map. Under the proposed 2025 Land Use Ordinance, this area is already shown as Multiple Use. The delay in the adoption of the ordinance has hindered the process for development of this project.

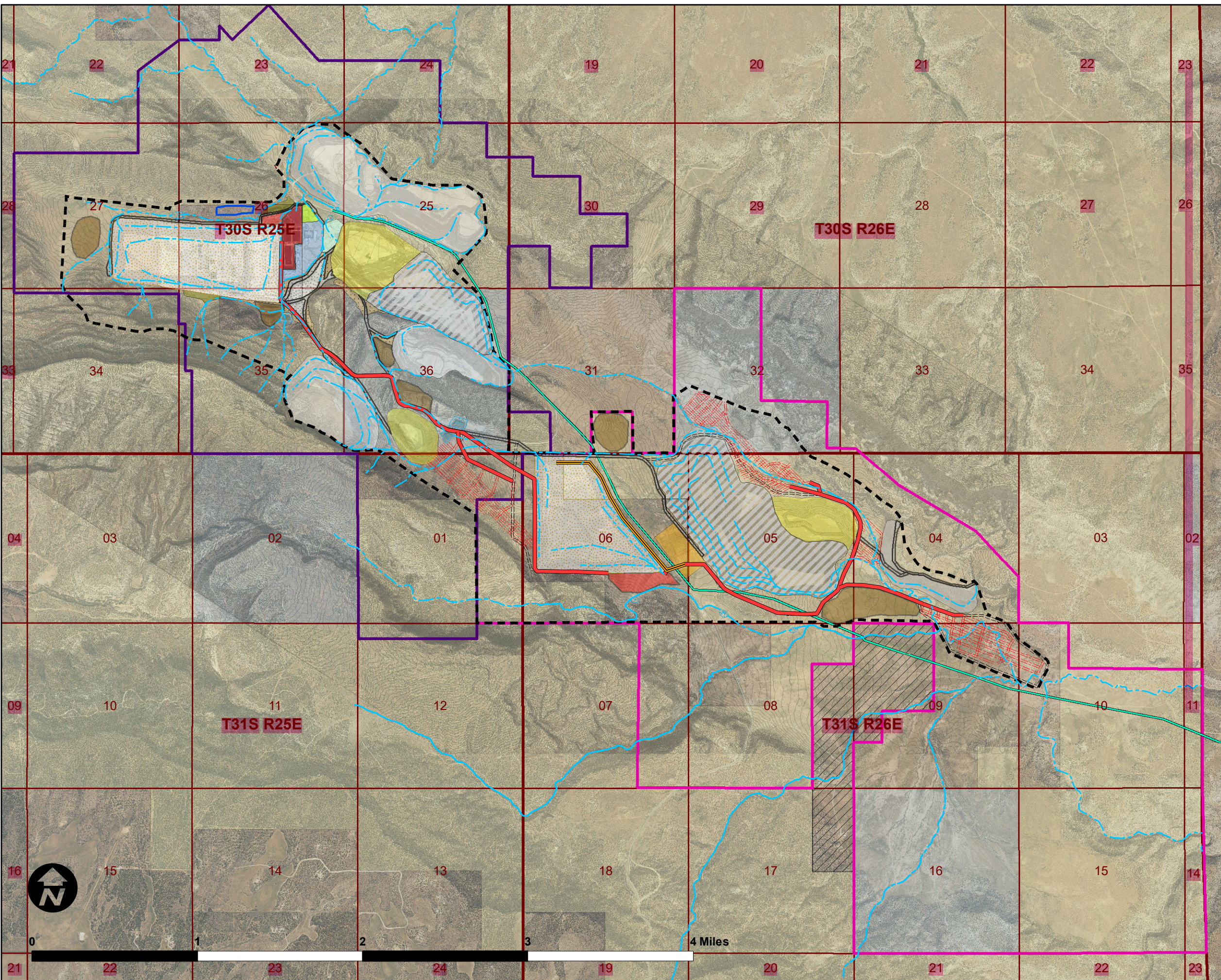
In the 2011 Zoning Ordinance Section 1-13 Amendments outlines:

The number, shape, boundary, area or zone, or any regulation or any other provision of the Zoning Ordinance may be amended by the Board of County Commissioners from time to time, but any such amendment shall not be made or become effective until after thirty days notice and public hearing and unless the same shall have been proposed by or be first submitted to the Planning Commission, for its recommendation which shall be returned within thirty (30) days to the Board of County Commissioners.

As housing options are extremely limited within our county, this opportunity would allow for employees to remain close to the work site. If the zone change is recommended, this item will move to the May 6th County Commission Meeting upon which an additional Public Hearing shall be held.

PAST HISTORY

At the March 13, 2025 Planning Commission Meeting the rezone was proposed with support from the Planning Commission to recommend the rezone forward. After further investigation, the need for a Public Hearing with this recommendation was revealed. The applicant will be moved to the April Meeting with a Public Hearing prior to the legislative decision.



Legend

- Drainage Features
- Project_Fencing_(A)
- Cattle Guard
- Conveyor (A)
- Solution Pipeline
- Mine Haul Roads (A)
- Road Berms & Fill
- Light Vehicle Access (A)
- ISR Wellfield Roads
- Natural Gas Line Re-route (A)
- Waste Rock Storage (A)
- Mine Pit Areas (A)
- In-Pit Backfilling
- Heap Leach Pads (A)
- Process Area (A)
- Process Ponds (A)
- Storm Event Ponds (A)
- Admin Area (A)
- Crusher Yard (A)
- Laydown Yard (A)
- Equipment Lineup & Truckshop (A)
- Growth Media Stockpiles (A)
- LP Capping Borrow Material (A)
- LVMC_Active_Project_Boundary
- LLV_Plan_Boundary
- Non-LVMC-controlled Private Land

OWNER

- Federal
- Private
- State



Modification of the
Lisbon Valley Mining Company Plan of Operations
UTU-72499

FIGURE 3-3

Proposed Activities (Alt A)



STAFF REPORT

MEETING DATE: April 10, 2025

ITEM TITLE, PRESENTER: Consideration and Approval of Project Plan and Development Agreement for Valley Estates Subdivision under the Spanish Valley Overnight Accommodations Overlay Zone, Dana Farmer, Valley Estates

RECOMMENDATION: Make a motion approving the Project Plan and Development Agreement.
Make a motion denying the Project Plan and Development Agreement.

SUMMARY

A project plan and development agreement were received by the county in February 2025 from Dana Farmer (previously by Shik Han) for the Valley Estates Subdivision. The subdivision has gained previous approvals as an Overnight Accommodations Overlay Zone and is on the final step of the process as outlined in Chapter 10 of the 2019 Spanish Valley Development Ordinance. This application requests the approval of both the Project Plan and the Development Agreement as provided.

Property:

Parcel 1: 27S22E011800

Parcel 2: 27S22E010002

Collectively 45.5 acres

Current Zoning:

These parcels are in the Residential Flex Planned Community District (RF) with a previously approved Overnight Accommodations Overlay as approved at the December 14, 2023 Planning Commission Meeting.

As outlined in Chapter 10, the Spanish Valley Overnight Accommodations Overlay Ordinance should be applied to all new proposals to ensure approved projects minimize community impacts and result in tangible community benefits through the application of creative design, the incorporation and support for mixed uses both on-site and elsewhere in the San Juan Spanish Valley, and through the provision and support for public uses and spaces to help support a balanced community structure.

HISTORY/PAST ACTION

At the October 26, 2023 Planning Commission Meeting the Planning Commission held a public hearing on this rezone application. The Planning Commission voted to recommend approval of the rezone application. The positive recommendation passed with 5 voting yea and 1 voting nay.

At the November 7, 2023 Board of County Commissioners Meeting, the County Commission approved the rezone request with a unanimous vote.

At the December 14, 2023 Planning Commission Meeting the Planning Commission approved the Spanish Valley Overnight Accommodations Overlay. The positive recommendation passed with 6 voting yea and 1 voting nay.

At the March 13, 2025 Planning Commission Meeting the applicant presented the Project Proposal. Planning Commissioners needed additional clarification on the Chapter 10 section of Overnight Accommodations Overlays. Staff and applicant will gather more evidence to present at the April Meeting.

Memorandum Concerning Zoning Application for Valley Estates Subdivision Spanish Valley, San Juan County, Utah

To: Jens Nielsen, Deputy Attorney, San Juan County
From: Dana T Farmer, ECP Spanish Valey Development, LLC
Date: March 26, 2025

Issue

Whether legislative approvals are complete for the Valley Estates’ subdivision zoning application (“Application”) filed on November 11, 2023, for Overnight Accommodation Overlay as outlined in Chapter 10 of the Spanish Valley Ordinance. Specifically, whether the next step in the process is negotiation of the development agreement with staff and/or the planning commission.

Summary of Opinion

Because the Application sought a zone change for the entire subdivision and the agenda item for the County Commission included the entire subdivision, the entire subdivision received legislative approval for the Overnight Accommodation Overlay and the next step is the negotiation of a development agreement, an administrative process.

Background

The Application was submitted to the Planning Commission on December 14, 2023.

LEGISLATIVE ITEMS

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

The Commission voted to recommend the Application.

The first page of the Application explains the approval was for the entire subdivision, i.e. both parcels comprising the Valley Estates Subdivision (previously approved for residential flex zoning).

Shik Han, Elan Spanish Valley, LLC
Valley Estates Development
11/7/2023

It is requested that the following property be considered for the San Juan County, UT Overnight Accommodations Overlay. Below we have provided specific information regarding the layout of the structures, number of units and proposed primary uses, as well as a summary outlining how this development helps accomplish the objects set forth in the Spanish Valley General Plan.

Parcel IDs: 27S22E011800, 27S22E010002
Approximately 45.5 Acres
Residential Flex Zoning

On January 2, 2024, the County Commission considered the Application as agenda item 17,

17. Consideration and Approval of Spanish Valley Overnight Accommodations Overlay Application, Valley Estates Development. Kristen Bushnell, Planning and Zoning Administrator

The Staff Report, attached here as Addendum A, noted that the Commission was voting to approve the first two steps of Chapter 10's zone change process – "The applicant is seeking to consider both step one and step two together."

SUMMARY

Valley Estates Development, Shik Han, is applying for the Spanish Valley Overnight Accommodations Overlay (SVOAO) for 45.5 acres of private property in Spanish Valley as described below:

Property:

Parcel 1: 27S22E011800

Parcel 2: 27S22E010002

Collectively 45.5 acres

Current Zoning:

These parcels are in the Residential Flex Planned Community District (RF). The rezone of the property was approved at the November 7, 2023 Board of Commissioners Meeting.

This application is a request to both apply the Spanish Valley Overnight Accommodations Overlay to these parcels and attach the approval to their Valley Estates Development plans. In the past the Planning Commission has approved Spanish Valley Overnight Accommodations Overlay applications in three steps. Step one applies the overlay to the property, and step two attaches it to the specific project or development, and step three is development agreement, project plan, or subdivision plats. The applicant is seeking to consider both step one and step two together.

This three-step consideration process is outlined in Chapter 10 of the Spanish Valley Development Ordinances, and has established somewhat of a precedent, and to be consistent in the way we handle these applications, the Planning Commission would consider this application in two steps rather than one.

The three-step process referenced in the Staff Report is described in Spanish Valley Ordinance, Ch. 10, § 3 Table 10-1, pp. 77-78,

Table 10-1

APPLICATION	IMPLEMENTATION	WHAT IS ADDRESSED?	APPROVAL LEVEL
Spanish Valley Overnight Accommodations Overlay (Rezone)	A modification to the official Zoning Map, indicating the area or areas where the specific overlay district applies	The physical location and extents of the proposed overlay zone	Legislative (Rezone and Zoning Map Change) <ul style="list-style-type: none"> • Planning Commission (recommendation to County Commission) • County Commission (adoption)
Application for Attaching Overnight Accommodations (OA) Overlay to a Specific Site, Property or Development	As a modification to the official Zoning Map and Zoning Ordinance, indicating the specific location of the application site and the terms upon which it will be developed	Land area to be rezoned and general terms upon which it is approved, including but not limited to the following: <ul style="list-style-type: none"> ▪ Proposed primary uses ▪ Number of rooms/units ▪ Design and development conditions ▪ Special conditions and requirements ▪ Other uses and development requirements 	Legislative (Rezone and Zoning Map Change) <ul style="list-style-type: none"> • Planning Commission (recommendation to County Commission) • County Commission (adoption)

p. 77.

Development Agreement, Project Plan and/or Subdivision Plat	As specific submittals and approvals specified in the applicable ordinances	Specific project development requirements for development approval.	Administrative Staff and/or Planning Commission approval according to the specific terms and ordinance obligations
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p. 78.

Each row in this table is a “step” referred to in the Staff Report. Thus, when that report says, “The applicant is seeking to consider both step one and step two together”, that means the business before the County Commission was a legislative approval of the items explained in the first two rows of Table 10-1, i.e. approval of the rezone the Application. The County Commission unanimously approved both.

With this background and record of approvals in mind, the dispute at the Planning Commission meeting on March 13, 2025, can be resolved. During that meeting, approval of the Applicant’s project plan was tabled so staff could resolve confusion over an issue raised by Commissioner Wilson.

According to Commissioner Wilson, when the County Commission voted on the Application on January 2, 2024, the approval was limited to Phase One of the Valley Estates Subdivision rather than the entire subdivision. This contention rests exclusively on an exhibit the Application - the plat for Phase One. According to Commissioner Wilson, the Applicant was only asking to rezone Phase One. This is incorrect.

As explained above, the Application seeks rezoning of both parcels comprising Valley Estates. The Phase One plat is demonstrative of how a portion of the development will proceed but does not control the Application's scope.

Moreover, the Staff Report presented to the County Commission on January 2, 2024, clearly explains the Commission was asked to approve the entire subdivision, and the discussion between staff and the Commission involved the subdivision in its entirety, not just a single phase.

Conclusion

The legislative process is complete. The Chapter 10's Overnight Accommodation Overlay applies to the entirety of the Valley Estates Subdivision. The next step is to negotiate the development agreement.

ADDENDUM A



STAFF REPORT

MEETING DATE: January 2, 2024

ITEM TITLE, PRESENTER: Consideration and Approval of Spanish Valley Overnight Accommodations Overlay Application, Valley Estates Development.
Kristen Bushnell, Planning and Zoning Administrator

RECOMMENDATION: Consideration and Approval

SUMMARY

Valley Estates Development, Shik Han, is applying for the Spanish Valley Overnight Accommodations Overlay (SVOAO) for 45.5 acres of private property in Spanish Valley as described below:

Property:

Parcel 1: 27S22E011800

Parcel 2: 27S22E010002

Collectively 45.5 acres

Current Zoning:

These parcels are in the Residential Flex Planned Community District (RF). The rezone of the property was approved at the November 7, 2023 Board of Commissioners Meeting.

This application is a request to both apply the Spanish Valley Overnight Accommodations Overlay to these parcels and attach the approval to their Valley Estates Development plans. In the past the Planning Commission has approved Spanish Valley Overnight Accommodations Overlay applications in three steps. Step one applies the overlay to the property, and step two attaches it to the specific project or development, and step three is development agreement, project plan, or subdivision plats. The applicant is seeking to consider both step one and step two together.

This three-step consideration process is outlined in Chapter 10 of the Spanish Valley Development Ordinances, and has established somewhat of a precedent, and to be consistent in the way we handle these applications, the Planning Commission would consider this application in two steps rather than one.

HISTORY/PAST ACTION

At the October 26, 2023 Planning Commission Meeting the Planning Commission held a public hearing on this rezone application. The Planning Commission voted to recommend approval of the rezone application. The positive recommendation passed with 5 voting yea and 1 voting nay.

At the November 7, 2023 Board of County Commissioners Meeting, the County Commission approved the rezone request with a unanimous vote.

At the December 14, 2023 Planning Commission Meeting the Planning Commission discussed the application in accordance with our ordinances. The Planning Commission voted to recommend the approval to apply an Overnight Accommodation Overlay on the property. The positive recommendation passed with 6 voting yea and 1 voting nay.

Overnight Accommodations Overlay Application

Shik Han, Elan Spanish Valley, LLC

Valley Estates Development

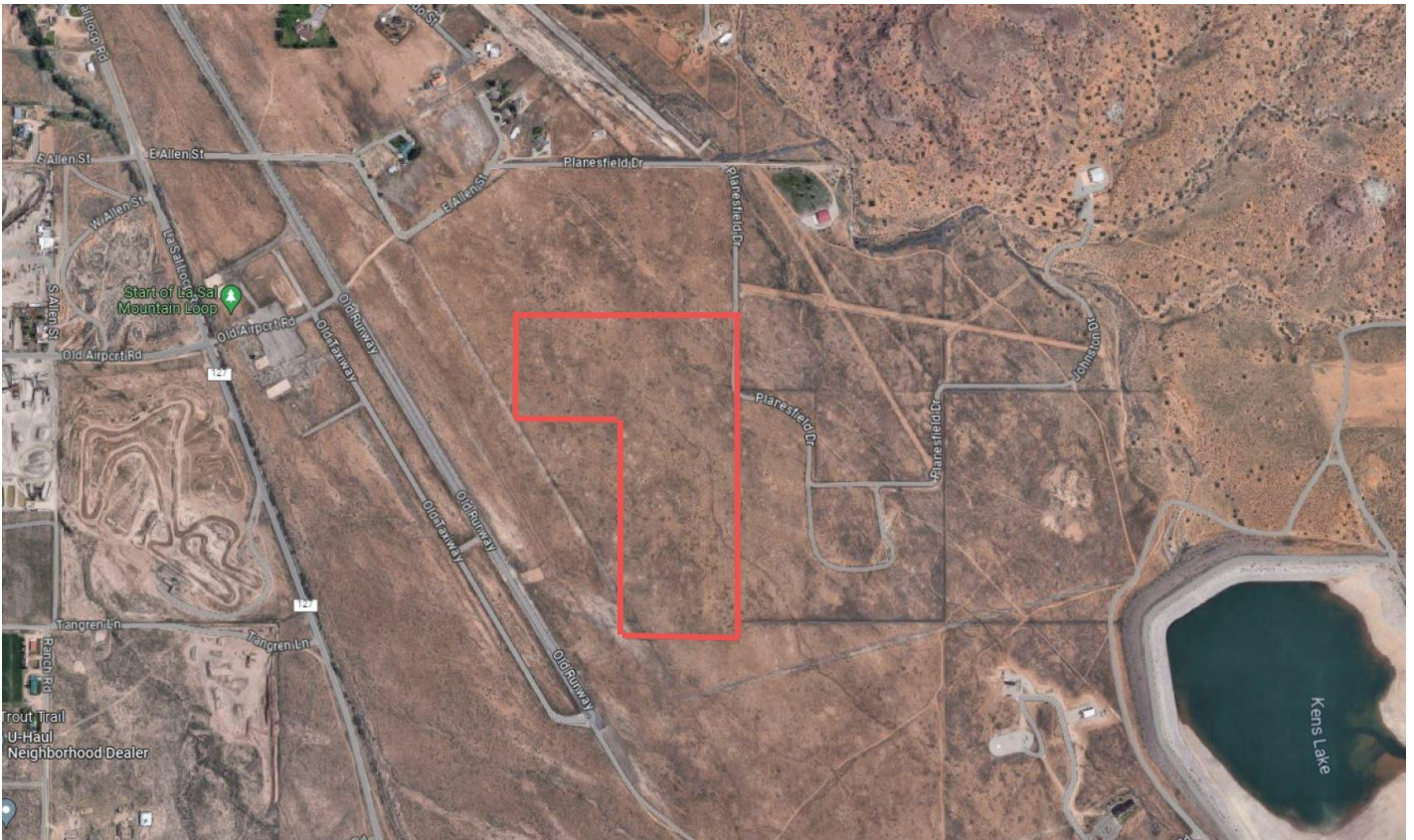
11/7/2023

It is requested that the following property be considered for the San Juan County, UT Overnight Accommodations Overlay. Below we have provided specific information regarding the layout of the structures, number of units and proposed primary uses, as well as a summary outlining how this development helps accomplish the objects set forth in the Spanish Valley General Plan.

Parcel IDs: 27S22E011800, 27S22E010002

Approximately 45.5 Acres

Residential Flex Zoning



Spanish Valley OAO Mixed Use Community

San Juan County, Utah

Shik Han - Applicant

Valley Estates Development

This document shall address the Spanish Valley Overnight Accommodations Overlay District Requirements as requested by the SJC Staff, “Section 5 Site Master Plan Required”. In addition to the Site Plan, the following commentary shall provide rationale for OAO approval and vesting the project with overnight accommodations being a permitted use If project is approved for Overnight Accommodations consideration in the November 17th, 2023 San Juan County Planning Commission Meeting.

Overnight Accommodations Overlay Checklist

- Proposed Primary Uses
- Number of rooms/units
- Design and development conditions
- Special conditions and requirements (None)
- Other uses and development requirements
- Statement of how the proposed development provides benefit to Spanish Valley
- Map and description of sensitive lands (None)
- Site planning features and how they will be addressed
- Description of beneficial public services and goods the project provides
- Documentation of utilities and how infrastructure designs will conserve resources
- Narrative and graphic presentation of the development
- Traffic Study
- Site Plan (Attachment)
- Statement of how the proposed development is consistent with the area plan
- Other relevant information as requested by the County.

Location and Intended Design

The proposed project is in San Juan County, Utah approximately 45.5 acres located between SITLA master community plan and Balanced Rock development. The parcel ID is 27S22E011800 and 27S22E010002. The parcel is currently zoned Residential Flex. The San Juan County Spanish Valley Area Plan (SJCSVAP) provides guidelines and principles to be considered for all development activities in the area.

In addition to industry best practices, the SJCVAP provides some key criteria including the need for “residential and destinations” that “transcend preconceived notions of what new development should look like and how it can fit with the surroundings”. The proposed development uses this guidance to create a design that adds intentionality and resource preservation to the community.

This includes:

1. The residential type and design incorporated in the attached site plan is an approved product as outlined in the SJCSVAP plan. This includes a “Wide range of residential uses and types to meet the full range of socio-economic and life-cycle needs” (SJCSVAP, 2018, pg. 30-33).
2. The proposed location of the development is in harmony with the surrounding land uses. In this location, overnight accommodation will not disrupt or negatively harm adjacent properties but will rather create a community center staying at the adjacent Balanced Rock Development to the north, and the SITLA Development West and South. The design also includes designated housing to support growth of the area as referenced in the Area Plan.
3. The residential use product set forth in the site plan conforms to the examples set forth in the Area Plan (SJCSVAP, 2018, pg. 30).
4. The economic benefits of overnight accommodations will provide valuable revenue for the county to aid their limited resources and manpower. This growth will provide resources for infrastructure and a larger variety of services to attract visitors and permanent residents to further the responsible growth of the county. (SJC General Plan, 2018, pg. 140)

Proposed Usages and Densities

The project proposes 180 residential units with overnight accommodation. This mirrors the Spanish Valley Plan for Flex Development Areas by “incorporating a flexible development approach that allows a range...specialty residential uses” (SJCSVAP, 2018, pg. 30). Sample of Housing Types show in the Spanish Valley Area Plan (SJCSVAP, 2018, pg. 30-31) The project will mirror this style and spirit.



Economics

As part of their 10 year vision, the county is prioritizing Diversification and Business Expansion (SJC General Plan, 2018, pg. 29). In an effort to generate more, higher paying jobs in the area, and in order to support tourism expansion, the area will need its own service providers such as restaurants, shops, and accommodations for visitors.

In addition to the sales and income taxes generated by these businesses, local transient room tax will also be created. It is estimated that gross revenue from this tax alone could be \$297,481 a year as of 2018. (SJC General Plan, 2018, pg. 63). The San Juan County General Plan states that “Tourism can become one of the county’s primary industries because it imports dollars.” And “The County’s natural amenities can be tourism assets if managed properly” (SJC General Plan, 2018, pg. 64). As discussed in the State’s Travel and Tourism Industry Report, “Domestic and international travelers and tourists visit Utah year-round to participate in a wide range of activities. Since 2015, visitor spending in Utah’s economy has increased by an average 5.1% annually. In 2019, travelers directly spent a record \$10.06 billion in Utah, generating an estimated 141,500 total Utah jobs, and \$1.34 billion in state and local tax revenue. Utah’s national parks and state parks experienced record visitation in 2019 as well.” (The State of Utah’s Travel and Tourism Industry, 2019, Cover Page).

The proposed site plan avoids the “Corporate Hotel or Motel” style and instead presents a thoughtful and respectful design that not only incorporates the area’s rich heritage and culture, but also provides economic drivers and revenue sources for the county.

By using intentional colors and designs, the project will mirror the environment around it and provide a safe and comfortable place for residents to enjoy the Spanish Valley area.

Ecological Guidelines and Concerns

Traffic and Road Design:

Safe and Efficient Traffic flow will be a priority to the project. Concept Study for traffic studies, counts, and design criteria applicable to integrate with future SITLA Development. The project will work closely with both Balance Rock and SITLA.

Sensitive Lands:

The project does not contain any sensitive lands.

Energy:

The project designs will reduce Heating, Cooling, and Lighting loads through Climate-Responsive Design and Conservation Practices such as daylighting, the use of photovoltaic panels, and smart controls. Buildings will utilize energy efficient insulation and exteriors to meet or exceed federally approved energy modeling standards. Electric vehicle charge stations may be provided in a thoughtful and intentional manner.

Dark Skies:

Exterior Lighting shall follow the San Juan County Dark Skies requirements. Interior lighting fixtures visible from the property boundaries shall have fixtures directed to the interior of rooms to minimize light pollution.

Water Conservation:

The project will use a few water conservation strategies.

These include:

1. System Optimization (efficient water system design, leak detection, and repair)
2. Water-efficient plumbing fixtures (low-flow urinals, toilets, sinks and showerheads as well as water-efficient dishwashers and washing machines).
3. Irrigation and Landscape Methods beyond the requirements of the Spanish Valley Water Efficient Landscape Requirements. (water efficient,-low evaporation irrigation systems, smart irrigation control systems, limited turf in landscape design, water-efficient scheduling practices, and Xeriscape)
4. Water recycling or reuse measures (Water Catchment, low impact HVAC systems, and gray water reuse where possible and approved by the Health Department)
5. Bio-Retention and Bio-Infiltration systems to manage storm runoff.

Site Planning Features

Using industry recognized best-practices, the site plan will implement modern techniques and designs to promote a seamless transition between the site and its surroundings. One of the biggest features being implemented in the project's plans is foresight. The project can be ready to meet the needs of the County revenue and future residential usage to the area. This includes intentional road layouts and setbacks which future-proof the Spanish Valley corridor. Being thoughtful of future weather events, the project can utilize water retention and detention methods to limit the storm water runoff to historic levels. Lastly, by incorporating the surrounding colors, lines, and layouts of the red rock, the project will limit its visual impact and make for a comfortable addition to the area.

The following project statistics are provided per the San Juan County Spanish Valley Development Ordinances of the San Juan County Zoning Ordinance.

Gross acreage: approx. 45.5 Acres

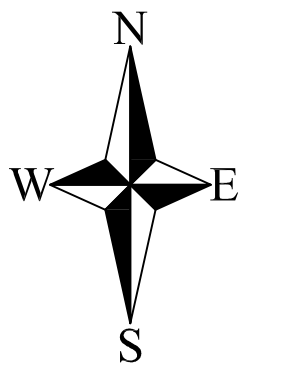
Residential – 4 Units per Acre

Total overnight accommodation units: 180 Units

Overnight accommodations unit density expressed as a per-acre ratio: 4 Units per Acre

The project is adjacent to future public open-space.

Final Plat Valley Estates Subdivision Phase I



NE $\frac{1}{4}$ Section 1, Township 27 South, Range 22 East, SLB&M and
NW $\frac{1}{4}$ Section 6, Township 27 South, Range 23 East, SLB&M

Area within Subdivision: 46.32 Acres±
Area within Phase I: 8.11 Acres±

Narrative

The purpose of this survey was to identify the bounds of the tracts of land as shown hereon and prepare a subdivision plat.
The basis of bearings for this survey is N00°04'00"E between the E $\frac{1}{4}$ corner and the northeast corner of Section 1, Township 27 South, Range 22 East, SLB&M. This is in accordance with the basis of bearings of a previous survey which is filed in the San Juan County Surveyor's Office as "Record of Survey No. 948"

Subdivision Boundary Descriptions

"As Surveyed"

A tract of land within the NE $\frac{1}{4}$ of Section 1, Township 27 South, Range 22 East and the NW $\frac{1}{4}$ of Section 6, Township 27 South, Range 23 East, SLB&M, County of San Juan, State of Utah, more particularly described as follows:
Beginning at a point located S00°04'00"W 867.58 feet along the section line and S89°57'50"W 236.20 feet from the northeast corner of said Section 1; then S00°01'55"E 460.98 feet, then S89°56'29"E 235.40 feet, then S89°56'29"E 390.57 feet, then S00°01'55"E 552.75 feet, then S00°00'46"W 767.62 feet, then N89°53'41"W 391.90 feet to the W $\frac{1}{2}$ corner of said Section 6, then S00°04'00"W 97.04 feet to the E $\frac{1}{2}$ corner of said Section 1, then S89°59'32"W 660.67 feet to the CEE $\frac{1}{4}$ corner, then N00°03'46"E 822.80 feet, then N0°04'21"E 497.00 feet, then S89°58'36"W 660.47 feet, then N00°03'16"E 558.19 feet, then N89°57'50"E 1085.08 feet to the point of beginning, containing 46.32 acres more or less.

Phase I Boundary

"As Surveyed"

A tract of land within the NE $\frac{1}{4}$ of Section 1, Township 27 South, Range 22 East, SLB&M, County of San Juan, State of Utah, more particularly described as follows:
Beginning at a point located S00°04'00"W 867.58 feet along the section line and S89°57'50"W 700.19 feet along the north line of the ECP Spanish Valley Development, LLC Tract as recorded in Book 1091 Page 23; then S00°01'48"E 101.18 feet, then S89°58'12"W 8.60 feet, then S00°01'48"E 298.15 feet, then N89°58'12"E 64.25 feet, then S00°01'48"E 158.99 feet, then S89°55'12"W 17.10 feet, then S89°58'36"W 660.47 feet, then N00°03'16"E 558.19 feet, then N89°57'50"E 621.09 feet to the point of beginning, containing 8.11 acres more or less.

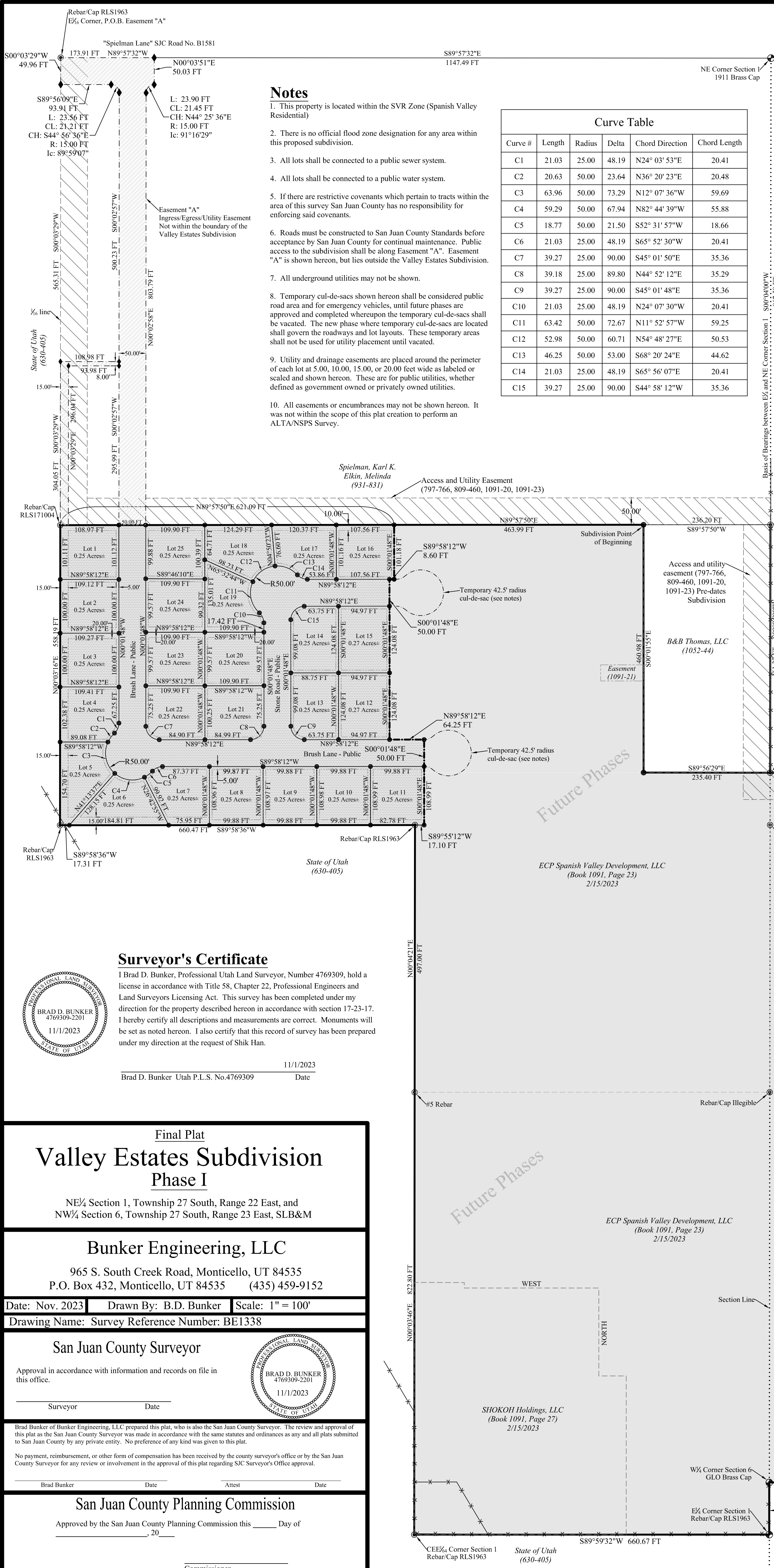
Easement "A" Description

An easement within the NE $\frac{1}{4}$ of Section 1, Township 27 South, Range 22 East, SLB&M, County of San Juan, State of Utah, more particularly described as follows:
Beginning at the E $\frac{1}{4}$ corner on the north line of said Section 1, said point is also the northwest corner of the Spielman/Elkin Tract as recorded in book 931 page 831 and is located N89°57'32"W 1321.40 feet along the north line of said Section 1; then S00°03'29"W 49.96 feet along the $\frac{1}{2}$ line, then S89°56'09"E 93.91 feet to the beginning of a 15.00 foot radius curve to the right whose chord is 21.21 feet and bears S44°56'36"E, then along said curve 23.56 feet, then S00°02'57"W 500.23 feet, then West 108.98 feet to the $\frac{1}{2}$ line, then S00°03'29"W 304.05 feet to the northwest corner of the Valley Estates Subdivision, then N89°57'50"E 15.00 feet along the north line of said Subdivision, then N00°03'29"E 296.04 feet, then East 93.98 feet, then S00°02'57"W 295.99 feet to the north line of said Valley Estates Subdivision, then N89°57'50"E 50.00 feet along the north line of said Valley Estates Subdivision, then N00°02'58"E 803.79 feet to the beginning of a 15.00 foot radius curve to the right whose chord is 21.45 feet and bears N44°25'36"E, then along said curve 23.90 feet, then N00°03'51"E 50.03 feet to the section line, then N89°57'32"W 173.91 feet to the point of beginning.

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	21.03	25.00	48.19	N24° 03' 53"E	20.41
C2	20.63	50.00	23.64	N36° 20' 23"E	20.48
C3	63.96	50.00	73.29	N12° 07' 36"W	59.69
C4	59.29	50.00	67.94	N82° 44' 39"W	55.88
C5	18.77	50.00	21.50	S52° 31' 57"W	18.66
C6	21.03	25.00	48.19	S65° 52' 30"W	20.41
C7	39.27	25.00	90.00	S45° 01' 50"E	35.36
C8	39.18	25.00	89.80	N44° 52' 12"E	35.29
C9	39.27	25.00	90.00	S45° 01' 48"E	35.36
C10	21.03	25.00	48.19	N24° 07' 30"W	20.41
C11	63.42	50.00	72.67	N11° 52' 57"W	59.25
C12	52.98	50.00	60.71	N54° 48' 27"E	50.53
C13	46.25	50.00	53.00	S68° 20' 24"E	44.62
C14	21.03	25.00	48.19	S65° 56' 07"E	20.41
C15	39.27	25.00	90.00	S44° 58' 12"W	35.36

Notes

- This property is located within the SVR Zone (Spanish Valley Residential).
- There is no official flood zone designation for any area within this proposed subdivision.
- All lots shall be connected to a public sewer system.
- All lots shall be connected to a public water system.
- If there are restrictive covenants which pertain to tracts within the area of this survey San Juan County has no responsibility for enforcing said covenants.
- Roads must be constructed to San Juan County Standards before acceptance by San Juan County for continual maintenance. Public access to the subdivision shall be along Easement "A". Easement "A" is shown hereon, but lies outside the Valley Estates Subdivision.
- All underground utilities may not be shown.
- Temporary cul-de-sacs shown hereon shall be considered public road area and for emergency vehicles, until future phases are approved and completed whereupon the temporary cul-de-sacs shall be vacated. The new phase where temporary cul-de-sacs are located shall govern the roadways and lot layouts. These temporary areas shall not be used for utility placement until vacated.
- Utility and drainage easements are placed around the perimeter of each lot at 5.00, 10.00, 15.00, or 20.00 feet wide as labeled or scaled and shown hereon. These are for public utilities, whether defined as government owned or privately owned utilities.
- All easements or encumbrances may not be shown hereon. It was not within the scope of this plat creation to perform an ALTA/NSPS Survey.



Surveyor's Certificate

I Brad D. Bunker, Professional Utah Land Surveyor, Number 4769309, hold a license in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act. This survey has been completed under my direction for the property described hereon in accordance with section 17-23-17. I hereby certify all descriptions and measurements are correct. Monuments will be set as noted hereon. I also certify that this record of survey has been prepared under my direction at the request of Shik Han.

Brad D. Bunker Utah P.L.S. No. 4769309
11/1/2023 Date

Final Plat Valley Estates Subdivision Phase I

NE $\frac{1}{4}$ Section 1, Township 27 South, Range 22 East, and
NW $\frac{1}{4}$ Section 6, Township 27 South, Range 23 East, SLB&M

Bunker Engineering, LLC

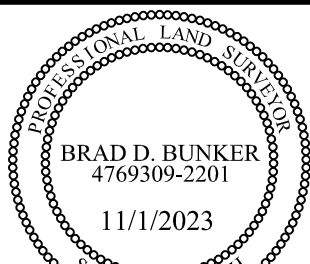
965 S. South Creek Road, Monticello, UT 84535
P.O. Box 432, Monticello, UT 84535 (435) 459-9152

Date: Nov. 2023 Drawn By: B.D. Bunker Scale: 1" = 100'

Drawing Name: Survey Reference Number: BE1338

San Juan County Surveyor

Approval in accordance with information and records on file in this office.



Brad Bunker of Bunker Engineering, LLC prepared this plat, who is also the San Juan County Surveyor. The review and approval of this plat as the San Juan County Surveyor was made in accordance with the same statutes and ordinances as any and all plats submitted to San Juan County by any private entity. No preference of any kind was given to this plat.

No payment, reimbursement, or other form of compensation has been received by the county surveyor's office or by the San Juan County Surveyor for any review or involvement in the approval of this plat regarding SIC Surveyor's Office approval.

San Juan County Planning Commission

Approved by the San Juan County Planning Commission this _____ Day of _____, 20____

Health Department

Approved this _____ Day of _____, 20____

Health Official

Approval as to Form

Approved this _____ Day of _____, 20____

Attorney

San Juan County Commission

The subdivision hereon was presented to the San Juan County Commission this _____ day of _____, 20____, and was accepted and approved.

Commissioner

San Juan County Road Department

Approved this _____ Day of _____, 20____

Road Department

Owners Dedication

Know all men by these presents that we, the undersigned owners of the above described tracts of land, having caused the same to be subdivided into lots and streets hereafter to be known as the Valley Estates Subdivision, Phase I and do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use. In witness whereof I have hereto set my hand as dated at the signature below.

Elan Spanish Valley, LLC,
a Utah limited liability company
By: Its Manager, Elan Capital Partners, LLC, a Utah limited liability company
By: _____ Date: _____
Kevin C. Bradburn, Manager

SHOKOH Holdings, LLC
By: _____ Date: _____
Michael I. Dibble, Member of Shokoh Holdings, LLC
By: _____ Date: _____
Troy L. Walker, Member of Shokoh Holdings, LLC

County Recorder

State of Utah, County of San Juan, Recorded at the request of _____
Filed: Date: _____ Time: _____ Book: _____ Page: _____ Fee: _____

County Recorder

Acknowledgement (for Michael I. Dibble)

State of Utah, County of San Juan, on the _____ Day of _____, 20____ personally appeared before me _____ and proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is (are) subscribed to this instrument, and acknowledged that he (she/they) executed the same freely and voluntarily for the purposes stated herein.

My commission expires _____ 20____
Residing in _____ County _____ Notary Public

Acknowledgement (for Kevin C. Bradburn)

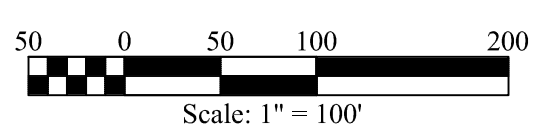
State of Utah, County of San Juan, on the _____ Day of _____, 20____ personally appeared before me _____ and proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is (are) subscribed to this instrument, and acknowledged that he (she/they) executed the same freely and voluntarily for the purposes stated herein.

My commission expires _____ 20____
Residing in _____ County _____ Notary Public

Acknowledgement (for Troy L. Walker)

State of Utah, County of San Juan, on the _____ Day of _____, 20____ personally appeared before me _____ and proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is (are) subscribed to this instrument, and acknowledged that he (she/they) executed the same freely and voluntarily for the purposes stated herein.

My commission expires _____ 20____
Residing in _____ County _____ Notary Public





San Juan Spanish Valley Special Service District

64 E Tangren Ln – 375 S Main St #234 – Moab, UT 84532
435-459-4121

Date: March 17, 2025

Property Owner: Elan Spanish Valley Development, LLC

Mailing Address: 345 S Garden Grove Ln, Ste 100,

City, State, Zip Code Pleasant Grove, UT 84062

Phone: (801) 634-3485

E-Mail: alma@elancpaitalpartners.com

Contact Person(If Different): Dana Farmer

Contact Phone: (801) 388-8908

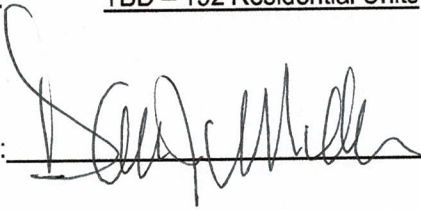
Service Address: Approximately 19 E Allen St. Moab, UT 84532

Parcel Number: 27S22E010002 and 27S22E011800

Requested Services: Water & Sewer

Project Type: Residential

Meter Size Requested: TBD – 192 Residential Units

Authorized Signature:  Date: 3-18-2025

This approval is A PRELIMINARY proof of service availability. SJSVSSD REQUIRES A WILL SERVICE APPLICATION, FEE AND DEVELOPMENT REVIEW PRIOR TO FINAL APPROVAL

DEVELOPMENT AGREEMENT

*Valley Estates
Subdivision*

Spanish Valley, San Juan County, Utah

Owner/Applicant: Elan Spanish
Valley, LLC
345 S Garden Grove Ln, Ste 100
Pleasant Grove, UT 84062
801-316-4301

April ____, 2025 Final Adopted

This Development Agreement for the Valley Estates Subdivision ("Development Agreement") is approved this ___ day of April, 2025, by the duly elected County Commission ("County Commission") of San Juan County, Utah ("County"), a political subdivision of the State of Utah, whose address is 117 South Main, Monticello, Utah 84535, between the County and Elan Spanish Valley Estates, LLC, a Utah limited liability company ("Owner") whose address is 345 S Garden Grove Ln, Ste 100, Pleasant Grove, UT 84062. The Owner is the owner of certain real property, as identified by Exhibit A ("Subject Property").

SECTION 1: FINDINGS

The County Commission makes the following findings in approving this Development Agreement:

- 1.1. Owner is the fee owner of the Subject Property, as identified by the property records maintained in the office of the San Juan County Recorder.
- 1.2. The Subject Property is approximately 48.81 acres, as more particularly described by Exhibit A.
- 1.3. The Owner desires to develop the Subject Property as a residential community with amenities on the Subject Property, as more fully identified herein ("the Project").
- 1.4. On April 17, 2018, the County adopted the Spanish Valley Area Plan ("Spanish Valley Plan") that established various public policies for the unincorporated areas of the Spanish Valley. The Spanish Valley Plan identifies the Subject Property as suitable for the creation of a Residential Flex Planned Community.
- 1.5. The County has adopted the San Juan County Land Use Spanish Valley Ordinances ("Spanish Valley Ordinance"), a land use ordinance for the Spanish Valley.
- 1.6. The Spanish Valley Ordinance provides various zoning districts, including the Spanish Valley Planned Community and Spanish Valley Residential Flex Planned Community, and divides the unincorporated areas of the Spanish Valley into zone districts pursuant to the County Land Use, Development, and Management Act, Utah Code Annotated, 1953, as amended ("the Act").
- 1.7. The Spanish Valley Ordinance also provides various standards and requirements for the establishment and operation of uses and activities allowed within each zoning district and further provides procedures and requirements for the division of all lands located in the Spanish Valley.
- 1.8. The Owner is contemplating presenting to the County various Land Use Applications to create the Valley Estates residential community, including necessary land use and subdivision applications, with required supporting information and materials.
- 1.9. The Owner is committed to providing all uses and activities occurring on the Subject Property to the highest standards to create a residential community and has proposed to develop the Subject Property consistent with a Community Structure Plan provided by the Owner to the County, and attached hereto as Exhibit B.

1.10. The San Juan County Planning Commission (“Planning Commission”) previously considered a zoning district designation for the Subject Property and forwarded a positive recommendation to the County Commission on October 25, 2023 to rezone the Subject Property Residential Flex, and on December 14, 2023, the Planning Commission considered and recommended the Subject Property be approved for Spanish Valley Overnight Accommodations Overlay.

1.11. The Residential Flex rezone application provided,

- The Subject Property falls within the Spanish Valley Ordinances’ definition for Central Development Areas:
 - These are the flattest, least sensitive, and easiest-to-develop sites in the Spanish Valley, which makes them suitable for a wide range of residential and park/open space uses. These are the preferred areas for locating higher residential density and mixed-use neighborhood centers, where a mix of residential, locally scaled commercial and civic services will be provided. 4-5 residential units/ERUs per acre.
- The San Juan County Spanish Valley Area Plan (April 17, 2018) recommends that, “...development should be implemented sequentially from north to south as part of a rational extension of municipal water and sewer services (Phases 1-6).” (p. 33)
- The Subject Property lies within Phase 1 of the SUMMARY OF LAND USE PHASING ASSUMPTIONS table which anticipates that Phase 1 properties will be developed first, within the next 0-10 years (written in 2018), and that these properties will draw from the existing 5,000 acre-feet of water supply. (p.36)
- This application to rezone approximately 45.5 acres [“Subject Property”] to the Spanish Valley Residential Flex is requested to accommodate a large-scale planned development, in accordance with the San Juan County Spanish Valley Development Ordinances of the San Juan County Zoning Ordinance, dated September 13, 2019.
- The proposed permitted and uses for the Valley Estates (Subject Property) include a range of lots consisting of single family, duplex, live/work/play townhomes.
- The rezone would allow for no additional density changes.
- The current preliminary layout includes a mix of single-family lots, duplex lots (up to 192 units/lots). It will have direct walkways and byways that connect to SITLAs plan for parks and access.
- The major utilities (gas, water, sewer, electric) are at, or near, the property boundary.

1.12. The County Commission, acting as the County’s legislative body, and following the receipt of a Planning Commission recommendations approved the zoning district designations on November 7, 2023 and January 2, 2023, respectively.

1.13. The County Commission has approved this Development Agreement based on its determination that the Subject Property requires a comprehensive and coordinated Community Structure Plan, as identified by the Spanish Valley Ordinance, for the establishment of all uses and activities occurring on the Subject Property, and to achieve the goals of the County and the Owner.

1.14. The County Commission finds that this Development Agreement contains provisions required by the Spanish Valley Ordinance, including compliance with all applicable requirements of Chapters 2 & 3 of the Spanish Valley Ordinance.

1.15. This Development Agreement, and all Exhibits attached hereto, identify the current condition of the Subject Property, promote the goals of the County and the Owner, and provide for the Owner's construction of those infrastructure, facilities, services and other amenities, benefits, and improvements necessary to meet the needs of the Subject Property in a coordinated and timely manner.

1.16. The County Commission finds this Development Agreement:

- 1.16.1. Is consistent with applicable provisions of the County's Spanish Valley Plan.
- 1.16.2. Conforms to applicable provisions of the Spanish Valley Ordinance.
- 1.16.3. Will better preserve the Subject Property and surrounding properties by integrated planning and design than would be possible under other zoning regulations.
- 1.16.4. Development of the Subject Property will contribute positively to the County's long-term economic stability, and
- 1.16.5. The infrastructure plan will not be detrimental to the County's health, safety, and welfare.

SECTION 2: PURPOSES

The County Commission approved this Development Agreement to advance the public goals and policies of the County and to promote coordinated, consistent, and efficient decision-making and administration for all matters governed by this Development Agreement including, but not limited to, the following:

- 2.1. To achieve the vision and goals of the County and Owner.
- 2.2. To achieve the goals and policies of the Spanish Valley Plan, including the creation of a Residential Flex Planned Community for the Subject Property.
- 2.3. To achieve the purposes of the Spanish Valley Residential Flexed Planned Community District to provide "a wide-range of residential uses, including single-family, multi-family, townhomes, employee housing" (Chapter 3, Spanish Valley Ordinance).
- 2.4. To provide the Owner with certain assurances related to the development of the Subject Property, as allowed by the Spanish Valley Residential Flexed Planned Community District, subject to compliance with all applicable local, State, and Federal laws, rules and regulations.
- 2.5. To establish clarity related to the development standards and regulations applicable to the Subject Property.
- 2.6. To identify the responsibilities of the County and the Owner-related to Land Use Applications for the Subject Property, and all portions thereof, the provision of necessary and required infrastructure and services, and the issuance of all necessary and related Land Use Permits and Building Permits.
- 2.7. To promote regular communication and coordination and to facilitate efficient decision-making by the County and the Owner on various matters related to the Subject Property and to achieve the goals and vision of the County and the Owner.
- 2.8. To facilitate communications and coordination with Local, State, and Federal agencies to the extent necessary to achieve the purposes of this Development Agreement and the Community Structure Plan.
- 2.9. To require and promote communication and coordination with all service providers as necessary, for the timely provision of necessary infrastructure, services, and amenities for the Subject Property.
- 2.10. To allow the Owner to voluntarily provide amenities, improvements, services, and facilities, as more fully described herein, for the benefit of the Subject Property, the County, and the Owner.

SECTION 3: APPROVAL

- 3.1. Upon receipt, full consideration and approval of the Planning Commission's recommendations for the zoning district designations for the Subject Property, and in consideration of the mutual goals of the County and the Owner, the County Commission approved this Development Agreement based upon the findings and purposes set forth herein.

SECTION 4: SUBJECT PROPERTY DESIGNATION, PROVISIONS, AND REQUIREMENTS

4.1. MANAGEMENT CODE DESIGNATION

4.1.1. The Subject Property is identified as "Residential Flex Planned Community" by the Spanish Valley Ordinance.

4.1.2. Consistent with the Spanish Valley Plan, and upon the execution of this Development Agreement by the County and the Owner, and upon the completion of all noticing as required by law and recordation of this Development Agreement in the Office of the San Juan County Recorder, the Subject Property shall be identified as a Residential Flex Planned Community (RFPC) of the Spanish Valley Ordinance, such zoning district being specifically identified as Residential Flex Planned Community District - Valley Estates ("RFPC-Valley Estates"), such district to remain in place and in effect during the term of this Development Agreement, unless changed by affirmative action of the County Commission, complying with the terms of this Development Agreement and all procedural and noticing requirements of Utah law as required for a land use ordinance amendment.

4.1.3. The County and the Owner agree that various Land Use Application approvals, land Use Permits, and Building Permits will be required to implement this Development Agreement. All land Use Applications shall be reviewed and decided by the County, and all land Use Permits and Building Permits shall comply with all applicable requirements of this Development Agreement and the Spanish Valley Ordinance, as applicable. If the Development Agreement and Spanish Valley Ordinance should contradict, the Development Agreement shall control. If the Development Agreement does not address an issue, the Spanish Valley Ordinance shall govern.

4.2. CONCEPTUAL LAND USE PLAN AND DENSITY ENTITLEMENTS

4.2.1. The Community Structure Plan identifies the conceptual locations for each of the land use categories proposed for the Project.

4.2.2. The County and the Owner agree that all Land Use Application approvals and all Land Use Permits and Building Permits must be generally consistent with this Development Agreement and the Community Structure Plan.

4.2.3. Consistent with the maximum RDUs available and subject to compliance with the requirements of this Development Agreement, including Section 4.3.2 and Section 4.3.3, the Owner is entitled to have and the Community Structure Plan shall permit a maximum of 192 RDUs, as defined herein, on the Subject Property without any maximum square footage limitation on the floor area of a single-family residential dwelling.

4.2.4. Residential Dwelling Unit ("RDU") is defined as a building, or a unit within a multi-family building, containing one or more kitchens and one or more other rooms comprising a dwelling, and including areas for living and sleeping, designed to be used for human occupancy, and complying with all applicable provisions of the Building Codes and County Land Use Ordinances. Detached garages, sheds and other structures ("accessory buildings") without living space do not require or utilize additional RDUs.

4.2.5. The County and the Owner agree that the Total Units as shown on the Community Structure Plan shall include single family and multi-family units designated on the Community Structure Plan are estimates but total RDUs shall not exceed 192 RDUs.

4.2.6. The Community Structure Plan and Exhibit C, may be modified by mutual agreement by the County and the Owner from time-to-time, as additional information becomes available or as circumstances change, by complying with the procedures applicable to a Development Agreement amendment, as provided by Section 7.5.2 herein.

4.3. ALLOWED USES

4.3.1 **Exhibit C** establishes the design standards for the Subject Property.

4.3.2 Notwithstanding Section 4.2.4 and Section 4.2.S, the maximum number of RDUs permitted on the Subject Property shall be limited by the existing or reasonably planned capacity of:

- a. Culinary water facilities and services;
- b. Sanitary sewer facilities and services;
- c. Fire protection facilities and services; and
- d. Storm drainage and flood control facilities and services.

4.3.3 The determination of available, or planned, capacity for each item contained in Section 4.3.4 shall be made by the applicable Authority, as defined herein, and in consultation with the Owner and the service provider, as applicable, and based on level of service standards as established by Federal, State, or local agencies, as applicable.

4.3.4 Except for Section 4.3.2 and Section 4.3.3 and all applicable Federal, State, and local laws found necessary to protect the public health and safety, nothing in this Development Agreement shall be interpreted to modify or limit the density and use entitlements provided by Section 4.2.3 and Section 4.2.5.

4.4. DEVELOPMENT AGREEMENT, BUILDING CODES, ENGINEERING AND CONSTRUCTION STANDARDS, AND HEALTH CODES, AS ADOPTED TO APPLY. The review and approval of all land Use Applications, and the issuance of all land Use Permits and Building Permits for the Subject Property, or any portion thereof, shall comply with the following:

4.4.1 All land Use Permits shall comply with all applicable requirements of this Development Agreement and the Spanish Valley Ordinance, as applicable.

4.4.2 All Building Permits shall comply with all requirements of the County's Building Codes, as applicable, and in effect at the time a Building Permit Application is determined complete, as provided by the Act.

4.4.3 All Land Use Permits shall comply with the requirements of the adopted Spanish Valley Ordinance, as may be applicable, provided that such requirements do not conflict with the terms and provisions of this Development Agreement, but shall not be interpreted or applied so as to modify or limit the density and use entitlements provided by Section 4.2.5 and Section 4.2.6 herein.

4.4.4 All land Use Permits shall comply with all County engineering and construction standards, as applicable, and in effect at the time a land Use Application is determined complete, as provided by the Act.

4.4.5 All land Use Permits, and all Building Permits, shall comply with all requirements of the Weber-Morgan Health Department, as applicable, and in effect at the time a land Use Permit and/or Building Permit application is determined complete.

4.4.6 All applicable state and federal laws.

4.5. PROVISION OF REQUIRED INFRASTRUCTURE AND SERVICES, LAYOUT, AND DESIGN STANDARDS. The County acknowledges that the Community Structure Plan is conceptual and the Project will be completed in phases. The County and the Owner mutually agree as follows:

4.5.1 The exact location and the accurate legal description of each phase shall be

determined by the Owner, based on the logical and efficient extension of all necessary infrastructure and services at the time a land Use Application is determined complete, as provided by the Act, and subject to compliance with the Site Planning and Development Standards and the approval of the County in connection with the review of the applicable Land Use Application. The overall phasing for the Project may be modified based on market conditions and other economic factors, as well as the logical and efficient extension of infrastructure and services to the Project and each Development Area.

4.5.2 The Site Planning and Development Standards, contained in **Exhibit C**, shall apply to the Subject Property and each portion thereof.

SECTION 5: REQUIRED INFRASTRUCTURE, FACILITIES AND SERVICES AND COUNTY AND OWNER RESPONSIBILITIES

5.1 NON-PUBLIC RIGHTS-OF-WAY INCLUDING ROADS, STREETS, AND APPURTENANT FACILITIES. The Owner will construct private and other non-public roads, streets, and appurtenant facilities within the Project. For such non-public roads, streets, and appurtenant facilities, the County and the Owner agree as follows:

5.1.1 Such roads, streets, and appurtenant facilities shall be private roads, streets, and appurtenant facilities and shall remain owned and controlled by the Owner, an appropriate district or a private body organized by the Owner (e.g., an association of property owners with authority to levy assessments against its members for operational costs), with all obligations for the maintenance, repair and replacement of such private roads, streets, and appurtenant facilities, including snow removal, remaining with the Owner, such district or private body organized by the Owner.

5.1.2 Emergency access easements will be established over private roads and streets for access by law enforcement, fire and other emergency services. Entrances and exits to and from the Subject Property may be, at Owner's discretion, secured by gates, guard houses or other means, provided that reasonable accommodations are made so that entrances, exits and private roads within the Subject Property are accessible to emergency service vehicles.

5.1.3 Neither the Utah Department of Transportation ("UDOT") nor the County shall have any obligations related to any private roads, streets, roadway side swales or drainages and appurtenant facilities, now or in the future, located on the Subject Property, or any portion thereof. Non-public roads and streets shall be constructed in compliance with the applicable San Juan County road construction standards and specifications applicable to private roads and streets.

5.1.4 To recognize all established legal public rights-of-way and public rights of access and all other legal accesses over the Subject Property to public or private properties adjacent to the Subject Property, or any portion thereof.

5.2 OPEN SPACE. Consistent with the vision and goals of the Owner to create a private residential community, an important element of the Community Structure Plan is the preservation of significant Open Space areas. The Owner has agreed that approximately [REDACTED] acres of the Subject Property will be preserved as Open Space, as conceptually identified on the Community Structure Plan.

SECTION 6: BEST MANAGEMENT PRACTICES

The Owner agrees to apply best management practices to all uses and activities occurring on the Subject Property, and any portion thereof, including but not limited to, the following:

6.1. Soil Protections and Erosion Control. The Owner agrees to establish and require soils and erosion control best management practices, as may be identified by the County, the Owner, or any State or Federal agency for the Subject Property, or any portion thereof.

6.2. Water Quality Protection. The Owner agrees to establish surface and ground water quality protections, as may be identified by the County, the Owner, or any State or Federal agency for the Subject Property, or any portion thereof.

SECTION 7: GENERAL TERMS AND CONDITIONS

7.1. INCORPORATION OF EXHIBITS

7.1.1. All Exhibits, as attached hereto, are incorporated into this Development Agreement by this reference.

7.2. AUTHORITY

7.2.1. The Owner warrants and represents that the Owner owns or controls all right, title and interest in and to all property located within the Subject Property and that no portion of said property, or any right, title, or interest therein has been sold, assigned, or otherwise transferred to any other entity or individual.

7.2.2. The Owner warrants and represents that to the best of its knowledge no portion of the property located within the Subject Property is subject to any lawsuit or pending legal claim of any kind.

7.3. MUTUAL DRAFTING.

7.3.1. Both the County and the Owner have participated in drafting this Development Agreement and therefore no provision of this Development Agreement shall be construed for or against the other based on whether the County or the Owner drafted any particular portion of this Agreement.

7.4. GOVERNING LAW AND COURT REVIEW

7.4.1. This Development Agreement shall be governed by and construed in accordance with the laws of the County and the State of Utah.

7.4.2. The County and the Owner may enforce the terms of this Development Agreement as allowed by State and Federal laws.

7.4.3. An interpretation or evaluation of any provision of this Development Agreement by a court of competent jurisdiction shall be made by considering this Development Agreement in its entirety. No provision shall be interpreted or evaluated separately or in isolation from all other provisions of this Development Agreement for the purposes of determining compliance with applicable State and Federal law.

7.5. ENTIRE AGREEMENT AND AMENDMENT

7.5.1. This Development Agreement, together with all Exhibits hereto, constitutes the entire Development Agreement. No representations or warranties made by the County or the Owner, or their officers, employees or agents shall be binding unless contained in this agreement or subsequent amendments hereto.

7.5.2. Development Agreement Amendments; Major vs. Minor Amendments.

- a. Major Amendment. The term "Major Amendment" means any change to this Development Agreement that: (i) constitutes an amendment to the County Spanish Valley Plan, (ii) changes the zoning designation of the Subject Property, (iii) modifies the Table of Permitted Uses, or (iv) modifies the boundaries of a designated Development Area and results in a net addition of more than 100 acres to such Development Area.
- Minor Amendment. The term "Minor Amendment" means any amendment to this Development Agreement that does not constitute a Major Amendment.
- b. The County and Owner agree that any Major Amendment to this Development Agreement, including any Exhibits hereto, shall only be made by following the procedures and notice required for an amendment to a County land Use Ordinance, as required by the Ordinances of the County.
- c. The County and Owner agree that any Minor Amendment to this Development

Agreement, including any Exhibits hereto, may be submitted to the land Use Authority designated in Section 9.7.2 for review and approval, without the need for a public hearing. Upon approval of any Minor Amendment by the Land Use Authority, the amendment shall be recorded in the Office of the San Juan County Recorder.

7.6. RESERVED POLICE AND LEGISLATIVE POWERS

- 7.6.1. Subject to Section 9.13, Nothing in this Agreement shall limit the future exercise of the police power by the County in enacting zoning, subdivision, development, transportation, environmental, open space, and related land use plans, policies, ordinances and regulations after the date of this Agreement. Notwithstanding the retained power of the County to enact such legislation under its police power, such legislation shall not modify the Developers' vested right as set forth herein unless facts and circumstances are present which meet the exceptions to the vested rights doctrine as set forth in Western Land Equities, Inc. v. City of Logan, 617 P.2d 388 (Utah, 1988), its progeny, or any other exception to the doctrine of vested rights recognized under state or federal.
- 7.6.2. Nothing contained in this Development Agreement constitutes a waiver of any governmental immunity and protections afforded the County by State or Federal law.

7.7. ADMINISTRATIVE INTERPRETATIONS AND ACTIONS

- 7.7.1. The singular includes the plural; the male gender includes the female; "shall" is mandatory, "may" is permissive.
- 7.7.2. In the event of a question of interpretation of any provision or requirement of this Development Agreement, the Planning and Development Services Department Director or other County staff member or administrative body designated by ordinance to interpret land use ordinances generally in the County, is hereby designated as the Land Use Authority to consider the provision or requirement that is the subject of interpretation. The Land Use Authority, after full and reasonable consideration, shall issue an opinion as to the correct interpretation.
- 7.7.3. The Planning and Development Services Department Director, is identified as the County representative with the responsibility to interpret and administer this Development Agreement on behalf of the County. The Planning and Development Services Department Director, or the Director's designee, is authorized to take the administrative actions necessary to efficiently carry out and implement this Development Agreement on behalf of the County.
- 7.7.4. The administrative actions of the Planning and Development Services Department Director, provided by Section 9.7.4 shall not be interpreted or have the effect of constituting an amendment to this Development Agreement.

7.8. DEVELOPMENT AGREEMENT TO RUN WITH THE LAND

- 7.8.1. Within thirty (30) business days of approval by the County Commission this Development Agreement shall be recorded in the Office of the San Juan County Recorder against the Subject Property, as described in Exhibit A, and shall run with the land, and shall be binding on the Owner, and all future successors and assigns of the Owner in any portion of the Subject Property. The benefits of this Development Agreement shall inure to successors-in-interest and subsequent owners, subject to transfer and assignment in accordance with Section 9.9.

7.9. ASSIGNMENT

- 7.9.1. The Owner shall not assign this Development Agreement, or any provisions, terms, or conditions hereto to another party, individual, or entity without assigning the rights as well as the obligations, and without the prior written consent of the County Commission, which shall not be unreasonably withheld or delayed. Said assignment shall be subject to review by the County, which is intended to provide assurances that the assignee possesses sufficient ability to assume the provisions, terms, and conditions of this Development Agreement. Any

proposed assignee who possesses the financial wherewithal and sufficient ability to assume and carry out the provisions, terms and conditions of this Development Agreement shall be a permitted assignee, and the assigning Owner shall be released of all duties and obligations under this Development Agreement relating to that portion of the Subject Property transferred to an approved assignee.. If the County reasonably determines that the assignee does not have the financial wherewithal or sufficient ability to assume and carry out the provisions, terms and conditions of this Development Agreement, a portion of this Development Agreement may still be assigned to such assignee but the Owner shall remain responsible for the performance of all obligations of this Development Agreement. Consent of the County Commission shall not be required if such assignment is to a corporate affiliate of Owner.. No sale to the purchaser of an individual lot or a residential dwelling unit on the Subject Property shall require the consent of the County, and no sale to the developer of multiple lots or other development parcels or areas on the Subject Property shall require the County's consent if the selling/assigning Owner elects to remain liable for the performance of the Owner's duties and obligations hereunder with respect to the property being transferred. Consistent with Section 9.9.1 the Owner shall not sell, transfer, or assign the Subject Property, or any portion thereof, to another party, individual or entity (other than a transfer to a purchaser of a residential lot with the Subject Property for the purpose of constructing a residential dwelling unit thereon or to the purchaser of a residential dwelling unit within the Subject Property) without the transfer of the uses and densities allowed, and all improvement, open space and trails obligations within the Subject Property, or any portion thereof. At the time of approval of the assignment to the new owner the Owner shall provide to the County a notice showing the new ownership, the uses and densities, infrastructure, open spaces, trails and all other services and obligations being transferred, and the uses and densities remaining with the Owner.

- 7.9.2. If the Subject Property, or any portion thereof, is assigned to another party, individual or entity the Owner agrees that such assignment shall identify in writing the Assignee is subject to all provisions of this Development Agreement.
- 7.9.3. Notwithstanding Subsections 9.9.1, 9.9.2 and Section 9.9.3 this Section shall not prohibit the Owner from borrowing against the Subject Property, or any portion thereof.
- 7.9.4. A lender, who may acquire the Subject Property, or any portion thereof, shall constitute an approved assignee, without a requirement to obtain the specific consent or approval of the County, but such assignee shall be subject to all other provisions of this Development Agreement applicable to the property being acquired.
- 7.10. PERFORMANCE AND REMEDIES
- 7.10.1. Performance by the County and the Owner of their respective duties, as identified and required herein, is the essence of this Development Agreement. The County and the Owner agree to perform their respective duties with all due diligence in a timely manner. In the performance of this Development Agreement, the County and the Owner agree that each will act in good faith and will not act unreasonably, arbitrarily, capriciously, or unreasonably withhold, condition, or delay any approval or act required or necessary to the good faith performance of this Development Agreement. The County will use reasonable efforts to expedite all of the County development regulatory processes to the extent necessary for the timely development and construction of the improvements within the Subject Property, including but not limited to processes, procedures and inspections for construction and final acceptance of public improvements, and the review and processing of each land use application, land use permit and building permit applications within a reasonable period of time and without undue delay. If and to the extent that the Spanish Valley Ordinance establishes time periods applicable to the County's review and processing of land use applications, land use permits and building permit applications, the County shall comply with such time periods.
- 7.10.2. In the event of a default of any duty by the County or the Owner under the terms of this Development Agreement, then, any non-defaulting party may deliver to the defaulting party notice of such default at the address specified herein. Thereafter, the defaulting party shall have thirty {30} days from and after receipt of such notice to cure such default. If such default cannot be cured within such thirty {30} day period the defaulting party, within such thirty (30) day period, may give notice that it is actively and diligently pursuing such cure, and the

defaulting party shall have a reasonable period of time following the end of such thirty (30) day period to cure such default, provided such defaulting party is at all times within such additional time period actively, diligently, and in good faith, pursuing such cure. If such default is not cured as provided herein, the non-defaulting party shall have the right, without prejudice, to performance, or any other rights or remedies that may be available under County, State or Federal laws except that no party shall have the right to recover special, consequential, punitive or exemplary damages.

- 7.10.3. In the spirit of the timely and efficient resolution of any default of any duty by the County or the Owner, required by this Development Agreement, the County and the Owner mutually agree to meet and confer to discuss the default and, if possible, reach a mutually agreeable default resolution before exercising their respective rights, as provided by Section 9.10.2.
- 7.11. FORCE MAJEURE
- 7.11.1. If the County or the Owner is delayed in the performance of any of its obligations under this Development Agreement because of an event beyond the control of the County or the Owner, the time for performance of any obligations shall be extended for the period lost because of the event.
- 7.12. APPEALS
- 7.12.1. In the event of an appeal being brought related to the legislative approval of this Development Agreement the procedures for the Appeal of a legislative decision of the County Commission shall apply.
- 7.12.2. In the event of an appeal being brought related to any matter of interpretation, administration, or any other decision related to this Development Agreement, the procedures, as established and provided by the County for the Appeal of an administrative decision of a County Land Use Authority, as applicable, shall apply.
- 7.13. TERM OF DEVELOPMENT AGREEMENT
- 7.13.1. This Development Agreement shall have an initial term of twenty-five (25) years from the date of recordation. This Development Agreement will be extended for an additional period of fifteen (15) years provided that development activities on the Subject Property pursuant to the Community Structure Plan, as may be amended, is ongoing and has not been completed and the Owner is not then in material default of the terms and provision of this Development Agreement.
- 7.13.2. This Development Agreement will terminate with a finding by the County Commission that all obligations and responsibilities of this Development Agreement have been completed. The Owner shall provide written notice to the County that the Community Structure Plan is complete. Upon a finding by the County Commission that the Community Structure Plan is complete, and all obligations and responsibilities have been completed, the San Juan County Clerk shall record a notice in the Office of the San Juan County Recorder that this Development Agreement has been fully performed and has been terminated.
- 7.13.3. Provisions of this Development Agreement that relate to the continued operation of the Subject Property, or portion thereof, and the Community Structure Plan shall continue and shall survive after termination.
- 7.13.4. Development of the Project requires Owner to make substantial upfront capital investment in facilities, including the access roads, streets, water, sewer, drainage and recreational facilities, as well as other infrastructure improvements required by this Development Agreement. Given the scope and scale of the Project, much of such infrastructure will serve multiple phases of the development and the recoupment of such investment by Owner will occur incrementally as development of the Project progresses. The Owner's investment and commitment to develop the Project is dependent on assurance that there is an extended period of time in which the Project may be developed and marketed as currently envisioned, and that material modifications to the Community Structure Plan will not be unilaterally imposed by the County. During the term of this Development Agreement, neither the

Community Structure Plan or this Development Agreement shall be subject to any limitation or restriction on the number of building permits that may be issued for the construction of residential dwelling units in any calendar year, and the County shall not take any zoning or land use action which would alter, impair, prevent, diminish, impose a moratorium on development, or otherwise delay development or the use of the Subject Property in accordance with the Community Structure Plan, nor shall the County unilaterally amend the Community Structure Plan, except the following actions shall not be precluded during the term of this Development Agreement ("Permitted Actions"): (i) the enforcement and application of the County regulations in effect as of the date of this Development Agreement except to the extent that this Development Agreement constitutes an amendment of such County regulations; (ii) the enforcement and application of County regulations in effect at any point in time during the term of this Development Agreement which are generally applicable to the Subject Property and all other residential and mixed use property within the County, development, or construction within the County, except as expressly provided in this Development Agreement or in the Community Structure Plan; (iii) the enforcement and application of County regulations to which Owner consents; or (iv) the imposition of state or federal regulations which are beyond the control of the County as reasonably determined by the County. Prior to expiration of the term of this Agreement, Owner shall have the right to undertake and complete the development and use of the Subject Property in accordance with this Development Agreement and the Community Structure Plan and without any maximum square footage limitation on the floor area of single-family residential dwellings.

7.14. SEVERABILITY

- 7.14.1. If any part or provision of this Development Agreement is held to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such judgment shall not affect the other parts or provisions of this Development Agreement, all of which shall in full force and effect.

7.15. NO THIRD-PARTY RIGHTS

- 7.15.1. Nothing contained herein shall be deemed or construed to create any third-party rights.

7.16. REGULAR COUNTY - OWNER COMMUNICATIONS

- 7.16.1. At least once per year during the term of this Development Agreement, and at other times as determined necessary by the County Commission and/or the Owner, an authorized representative of the Owner shall provide the County Commission, at a regular meeting, an "in-person" Valley Estates project progress and construction update.

7.17. NOTICE

- 7.17.1. Reasonable advance notice shall be provided to the Owner for all Public Hearings and all Public Meetings of the County and related to any provision of this Development Agreement.
- 7.17.2. All notices required by this Development Agreement shall, in addition to any other means of transmission, be given in writing by certified mail or nationally recognized overnight courier service to the following addresses:

a. To the County:

Chair, San Juan County Commission,
c/o San Juan County Clerk
117 South Main,
Monticello, UT 84535

b. To the Owner:

Elan Spanish Valley, LLC,

7.17.3. A Notice shall be effective on the fifth business day after the notice is postmarked for mailing, postage prepaid, by Certified United States Mail or upon delivery to the intended recipient by nationally recognized courier service. The parties may change addresses for the purposes of receiving notice as required by this Section, by giving written notice in accordance with the provisions of this Section.

7.18. RECORDING

- 7.18.1. As provided by Section 9.7 this Development Agreement shall be recorded in the Office of the San Juan County Recorder.
- 7.18.2. All Exhibits shall be maintained on file in the Office of the County Clerk and County's Department of Planning and Development Services.
- 7.18.3. Copies of the recorded Development Agreement, and all Exhibits, shall be provided to the Planning and Development Services Director, County Attorney, and Owner.

7.19. ENTIRE AGREEMENT

7.19.1. The Development Agreement constitutes the full and complete agreement of and between the County and the Owner. No representations or warranties made by the County or the Owner, or their officers, employees or agents shall be binding unless contained in this Development Agreement or subsequent amendments hereto.

7.20. AUTHORITY TO EXECUTE

7.20.1. Each signatory to this Development Agreement represents and warrants that they possess the lawful authority and authorization from their respective entities to execute this Development Agreement.

THE PARTIES, BY THEIR AUTHORIZED REPRESENTATIVES, EXECUTE THIS DEVELOPMENT THIS _____ DAY OF _____, 2024.

COUNTY COMMISSION OF SAN JUAN COUNTY, STATE OF UTAH

By: _____ on behalf of San Juan County Commission.

The foregoing instrument as acknowledged before me this ____ day of _____, 2024 by , _____ a Member County Commission of San Juan County, State of Utah.

Notary Public

My commission expires _____

Residing at: _____

ATTEST:

San Juan County Clerk

APPROVED AS TO FORM:

San Juan County Attorney

Owner, Elan Spanish Valley, LLC

By: _____

The foregoing instrument as acknowledged before me this ____ day of _____, 2024 by ,
_____ a Member County Commission of San Juan
County, State of Utah.

Notary Public

My commission expires _____

Residing at: _____

Exhibit A: Subject Property Legal Description

A tract of land within the NE $\frac{1}{4}$ of Section 1, Township 27 South, Range 22 East and the NW $\frac{1}{4}$ of Section 6, Township 27 South, Range 23 East, SLB&M, County of San Juan, State of Utah, more particularly described as follows;

Beginning at a point located S00°04'00"W 867.58 feet along the section line and S89°57'50"W 236.20 feet from the northeast corner of said Section 1;

thence S00°01'55"11E 460.98 feet,
 thence S89°56'29"11E 235.40 feet,
 thence S89°56'29"E 390.57 feet,
 thence S00°00'15"W 552.75 feet,
 thence S00°00'46"W 767.62 feet,
 thence N89°53'41"W 391.90 feet to the W $\frac{1}{4}$ corner of said Section 6,
 thence S00°04'00"W 97.04 feet to the F $\frac{1}{4}$ corner of said Section 1,
 thence S89°59'32"W 266.08 feet,
 thence N00°00'28"W 295.20 feet,
 thence West 50.97 feet,
 thence North 163.46 feet,
 thence West 250.29 feet
 thence N00°04'01"E 10.23 feet,
 thence N89°55'59"W 92.78 feet to the $\frac{1}{4}$, line,
 thence N00°03'46"E 353.74 feet,
 thence N0°04'21 "E 497.00 feet,
 thence S89°58'36"W 660.47 feet,
 thence N00°03'16"E 558.19 feet,
 thence N89°57'50"11E 1085.08 feet to the point of beginning,

containing 42.33 acres more or less.

Exhibit B: Community Structure Plan

Exhibit C: Design Standards

Environmental and Landscape Conservation

- **Water Conservation:** Implement xeriscaping and drought-tolerant native plants in landscaping to minimize water usage.
- **Energy Efficiency:** Encourage the use of solar panels and other renewable energy sources. Design homes to take advantage of natural light and insulation to reduce energy needs.
- **Land Use:** Preserve natural features and minimize alterations to the topography. Utilize existing vegetation for landscaping where possible.

Architectural Design

- **Aesthetic Compatibility:** Designs should reflect or complement the natural desert landscape and cultural context of the Spanish Valley and the broader Moab area. Use materials and colors that blend with the natural surroundings.
- **Building Height and Setbacks:** Regulations might dictate maximum building heights and minimum setbacks from property lines to maintain open space and viewsheds.
- **Outdoor Lighting:** Use downcast, dark sky-compliant lighting to minimize light pollution, preserving the area's renowned night skies.





Exhibit D:

Exhibit E:



STAFF REPORT

MEETING DATE: December 14, 2023

ITEM TITLE, PRESENTER: Consideration and Approval of Spanish Valley Overnight Accommodations Overlay Application, Valley Estates Development, Mack McDonald, Chief Administrative Officer

RECOMMENDATION: Consideration and Approval

SUMMARY

Valley Estates Development, Shik Han, is applying for the Spanish Valley Overnight Accommodations Overlay (SVOAO) for 45.5 acres of private property in Spanish Valley as described below:

Property:

Parcel 1: 27S22E011800

Parcel 2: 27S22E010002

Collectively 45.5 acres

Current Zoning:

These parcels are in the Residential Flex Planned Community District (RF). The rezone of the property was approved at the November 7, 2023 Board of Commissioners Meeting.

This application is a request to both apply the Spanish Valley Overnight Accommodations Overlay to these parcels and attach the approval to their Valley Estates Development plans. In the past the Planning Commission has approved Spanish Valley Overnight Accommodations Overlay applications in three steps. Step one applies the overlay to the property, and step two attaches it to the specific project or development, and step three is development agreement, project plan, or subdivision plats. The applicant is seeking to consider both step one and step two together.

This three-step consideration process is outlined in Chapter 10 of the Spanish Valley Development Ordinances, and has established somewhat of a precedent, and to be consistent in the way we handle these applications, the Planning Commission would consider this application in two steps rather than one.

HISTORY/PAST ACTION

At the October 26, 2023 Planning Commission Meeting the Planning Commission held a public hearing on this rezone application. The Planning Commission voted to recommend approval of the rezone application. The positive recommendation passed with 5 voting yea and 1 voting nay.

At the November 7, 2023 Board of County Commissioners Meeting, the County Commission approved the rezone request with a unanimous vote.



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 posed 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

Chapter 10: Spanish Valley Overnight Accommodations Overlay District Requirements

An ordinance establishing an overnight accommodations overlay district that can be sought for sites located within the Spanish Valley Highway Commercial District. See Spanish Valley Zoning Map for the location of the Highway Commercial District in which the overlay can be applied.

- 1) Purpose of Overlay Districts
- 2) Purpose and Intent of the Spanish Valley Overnight Accommodations Overlay District
- 3) Established Overnight Accommodations
- 4) Approval Procedures
- 5) Identification on Zoning Maps
- 6) Site Master Plan Required
- 7) Development Standards
 - Part 1 General Requirements
 - Part 2 Employee Housing, Affordable Housing and Mixed Use Requirements
 - Part 3 Architecture, Density, Massing and Form
 - Part 4 Additional Design Requirements
 - Part 5 Open Space
 - Part 6 Landscape Standards
 - Part 7 Parking Requirements

Purpose of Overlay Districts

Overlay districts are established to provide standards addressing unique circumstances or conditions affecting single sites where the development of such sites is of special public concern. Upon approval of special purpose district zoning, the special purpose district replaces the previous base district. Overlay districts are established to provide for certain additional requirements for properties located in one or more base zoning districts.

In addition to the requirements of the underlying base zoning district, the provisions of the overlay district would also prevail in the areas so zoned.

1) Purpose and Intent of the Spanish Valley Overnight Accommodations Overlay District

Overnight accommodations have the potential to be an important part of the Spanish Valley and San Juan County economy. In order to support regional efforts to control the imbalance between such uses and other desired community uses as has taken place in Moab and Grand County, a clear policy is required to ensure the number of hotels and motels, commercial condominiums, bed & breakfasts (B&Bs), lodges and commercial campgrounds are aligned with other essential and desirable uses in the San Juan Spanish Valley and region.

The *Spanish Valley Overnight Accommodations Overlay Ordinance* is an overlay district for properties located in the Highway Commercial and Highway Flex districts. It addresses both

existing and vested overnight accommodations as well as new proposed uses. The purpose of the overlay district is to ensure that existing and future hotels and motels, commercial condominiums, bed & breakfasts (B&Bs), lodges, commercial campgrounds and other commercial overnight accommodation uses are designed and developed in a manner that address the impacts and the increased service needs that they generate. The *Spanish Valley Overnight Accommodations Overlay Ordinance* should be applied to all new proposals to ensure approved projects minimize community impacts and result in tangible community benefits through the application of creative design, the incorporation and support for mixed uses both on-site and elsewhere in the San Juan Spanish Valley, and through the provision and support for public uses and spaces to help support a balanced community structure.

2) Established Overnight Accommodations

Established overnight accommodations (Established Overnight Accommodations), as indicated on the Spanish Valley Zoning Map, shall be considered legal, conforming uses. Established Overnight Accommodations will be allowed to make improvements including new overnight accommodation units within the boundaries of existing property. Specific design and development requirements shall be according to the underlying zone, e.g. the Spanish Valley Highway Commercial District. When the ownership of Established Overnight Accommodations changes, the new owner must comply with the provisions of this *Spanish Valley Overnight Accommodations Overlay Ordinance*.

3) Approval Procedures

A three-step planning and approval process for new overnight accommodations is required as summarized in table 10-1:

Table 10-1

APPLICATION	IMPLEMENTATION	WHAT IS ADDRESSED?	APPROVAL LEVEL
Spanish Valley Overnight Accommodations Overlay (Rezone)	A modification to the official Zoning Map, indicating the area or areas where the specific overlay district applies	The physical location and extents of the proposed overlay zone	Legislative (Rezone and Zoning Map Change) <ul style="list-style-type: none"> • Planning Commission (recommendation to County Commission) • County Commission (adoption)
Application for Attaching Overnight Accommodations (OA) Overlay to a Specific Site, Property or Development	As a modification to the official Zoning Map and Zoning Ordinance, indicating the specific location of the application site and the terms upon which it will be developed	Land area to be rezoned and general terms upon which it is approved, including but not limited to the following: <ul style="list-style-type: none"> ▪ Proposed primary uses ▪ Number of rooms/units ▪ Design and development conditions ▪ Special conditions and requirements ▪ Other uses and development requirements 	Legislative (Rezone and Zoning Map Change) <ul style="list-style-type: none"> • Planning Commission (recommendation to County Commission) • County Commission (adoption)

Development Agreement, Project Plan and/or Subdivision Plat	As specific submittals and approvals specified in the applicable ordinances	Specific project development requirements for development approval.	Administrative Staff and/or Planning Commission approval according to the specific terms and ordinance obligations
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4) Identification on Zoning Maps

Approved *Spanish Valley Overnight Accommodations Overlay* districts and developments shall be indicated on the official Spanish Valley Zoning Map. This map shall also indicate the location and property extents of established overnight accommodations

5) Site Master Plan Required

In approving a new Overnight Accommodation development in accordance with this section, a site master plan shall be prepared and submitted for consideration by the County Commission for approval. The master plan shall clearly indicate the purpose and details of the project, including technical facts and a clear description of how the proposed development provides benefits to the greater Moab region in San Juan County as compared to development carried out in accordance with the otherwise applicable zoning and development regulations. More specifically, the master plan shall include at a minimum the following:

- a) **A statement** by the applicant describing how the proposed development provides greater benefits to the Spanish Valley and the County than would a development carried out in accordance with otherwise applicable zoning and development regulations.
- b) **A map and description of sensitive lands** within the or adjacent to the proposed development and how they will be addressed, including but not necessarily limited to the following:
 - Public drinking water supply watersheds (recharge areas for the aquifer in the Glen Canyon formation);
 - Floodplains and riparian habitats;
 - Slopes in excess of 30 percent; and
 - Significant geological, biological, and archeological sites.
- c) Identification of **site planning features and a description of how they will be addressed** to promote seamless transition between on-site uses and the surrounding site conditions.
- d) A description of the **beneficial public services and goods the project provides** to the community. This should include a community benefit concept description, and specific documentation of the proposed types, amounts, locations and relationships of compatible uses provided within the development that provide beneficial public services and goods to the community. Examples of such uses may include on-site and contributions to off-site employee housing, affordable housing, workforce housing, mixed uses, residential, office, commercial and civic uses, public open space, and publicly-accessible indoor/outdoor gathering spaces, for example.
- e) Documentation of the **specific utilities and infrastructure** that are designed and installed to conserve limited natural resources such as water. Examples include preparation of a water use master plan for the project, the incorporation of gray-water re-use systems, implementation of water conserving landscapes that go beyond the

requirements of the Spanish Valley Water Efficient Landscape Requirements such as installation of real-time water monitoring systems, the incorporation of water-efficient fixtures, and the incorporation of dark-sky friendly lighting systems that exceed those contained in the Spanish Valley Outdoor Lighting and Sign Illumination Requirements

- f) A **narrative and graphic presentation of the development**, documenting and presenting the proposed development and land uses by:
- Gross acreage;
 - Total project density and/or square footage for all uses proposed for the project (including overnight accommodations) per gross acre;
 - Total number of overnight accommodation units;
 - Overnight accommodation unit density expressed as a per-acre ratio;
 - Total number and type of on-site employee and affordable housing units;
 - Common area and private open space acreage;
 - Total number of parking spaces required and provided, including bicycle parking;
 - Parking, service and loading area acreage/spaces;
 - Project Floor Area Ratio (FAR);
 - Public open space and similar publicly-accessible feature acreage;
 - Descriptions and graphic representations suitable for conveying the overall development character and proposed architectural style of the proposed development; and
 - The relationship of the proposed development to existing development in the area, along the highway and to significant natural and built features in the area.
- g) A **Traffic Study** prepared by a licensed transportation planner or traffic engineer, documenting project traffic generation, impacts (including traffic noise) and proposed mitigations and modifications.
- h) A **Site Plan** prepared in accordance with the requirements of the County and the Development Standards specific to this section shall be approved and filed with the findings of fact as part of the approval. The site plan shall indicate at a minimum all major roads, site access roads, parking and service areas, trails and trail connections, major utilities, existing and proposed land uses, common area, open space, landscaping plan, a conceptual drainage plan and entrance locations on existing roads.
- i) A **statement of how the proposed development is consistent with the San Juan county Spanish Valley Area Plan and the San Juan County General Plan**; and
- j) **Other relevant information** that will support the application or as otherwise requested by County staff.

6) Development Standards

Part 1 General Requirements

1. Applicability

The following are general development standards applicable in the *Spanish Valley Overnight Accommodations Overlay*. The general development requirements of the underlying zone shall apply unless otherwise indicated.

2. Density and Heights

Maximum density and heights shall be no greater than that permitted in the underlying zone district.

3. Lots

- Typical Lot Dimensions. All lots of record shall be developed to meet established standards.
- Typical Lot Configuration. All lots shall front a public street unless otherwise approved.
- Lot Shape. To create regular, rectangular lots, side property lines shall be perpendicular to the vehicular right-of-way to the extent practical.

4. Lot Configuration

Primary uses should face the fronting roadway and configured in a fashion that responds to the context, including natural site conditions such as slope and topography. The intent is to carefully incorporate new development in a manner that fits the established character and form of the surrounding area, resulting in a unified appearance. Pedestrian and cycling amenities such as sidewalks, trails, dedicated corridors and similar features should be provided in a manner is coordinated with the needs of vehicles, resulting in holistic, safe and attractive circulation solutions.

5. Lot Access

For Developments fronting U.S. Highway 191

The traffic and speed of vehicles on this roadway presents challenges for providing direct access to projects and for creating a walkable/bikeable street environment in the surrounding area. Direct access from the highway shall meet all ZUDOTY standards and requirements and be designed in a manner to connect directly to the proposed frontage roads along the highway.

For Developments fronting all other roads

The use of small access roads, alleys and other appropriate access ways from the fronting road and/or from the sides and rear of properties is encouraged.

6. General Open Space Requirements

The following are requirements for provision of civic open space:

- Developments over 5 acres are required to provide a minimum of 5% total lot area as publicly-accessible open space. Developer shall work with County to determine the appropriate location and design of proposed open spaces.
- For developments under 5 acres, a minimum of 5% total lot area as publicly-accessible open space or contributions to the development of the same in other locations in the Spanish Valley will be used to ensure adequate open space is provided in the area.

7. Streets and Access Roads

General Requirements.

- Address all modes of travel, including pedestrian traffic, bicycle, transit and vehicular traffic.
- Address all features of the access road and public road rights-of-way, including sidewalks, traffic lanes, bicycle lanes and medians.
- Provide adequate access for vehicles, pedestrians and cyclists pedestrians.
- Create access roads that are appropriate for their context and use that encourage travel at appropriate volumes and speeds.
- Create streets and access roads that reduce storm water runoff quantity and improve the quality of storm water runoff.
- Follow design specifications and standards defined by County Public Works.
- Variations from otherwise required road design standards may be approved where it is demonstrated that such exceptions will not be detrimental to the public health, safety and general welfare.

8. Road Design Standards

Variation from otherwise required road design standards may be approved where the applicant demonstrates that such exceptions will not be detrimental to the public health, safety and general welfare.

9. Bicycle Facilities

On-site bicycle accommodations should be provided as determined by County staff.

10. Storm Water Management

Incorporation of storm water management best practices, including Low-impact Development (LID) techniques within the access road right-of-way and parking design is required. Examples include incorporating drainage swales, slotted curbs, sub-surface sumps and French drains; and the use of permeable paving in parking areas.

Part 2 Employee Housing, Affordable Housing and Mixed Use Requirements

1. General Conditions

All developments applying the *Spanish Valley Overnight Accommodations Overlay* must provide a significant mix of employee housing, affordable housing, commercial, retail, office, civic and similar uses to offset the impacts of hotel/motel projects.

A minimum of 30% of the space dedicated to the primary hotel/motel floor area shall be dedicated to mixed uses other than the primary hotel/motel use. The

required mixed uses may be designed and developed on-site or elsewhere in the general vicinity of the proposed development.

2. Design and Evaluation Criteria

The following are general conditions that will result with a successful mixed-use development:

- A. Incorporates imaginative site and building design with a compatible mixture of land uses that encourage pedestrian, bicycle and other multi-modal access to the proposed development;
- B. Applies sensitive land use and site design that avoids the creation of incompatible land uses;
- C. Mitigates impacts that the project creates with respect to transportation, traffic, noise, public utilities, open space, recreation, public facilities and services, site circulation, solid waste disposal and recycling, water, sewer, storm drain and similar systems;
- D. Protects and preserves the natural environment to the maximum extent possible, including but not limited to conserving water to the greatest degree possible, protecting the water quality of the regional watershed, meditating storm water and floods, and protecting sensitive and critical natural lands and the protection of viewsheds.
- E. Preserves and/or creates open space and outdoor meeting places for the enjoyment of the San Juan County residents, employees of businesses located within the valley, and the general public;
- F. Provides publicly-accessible plazas, commons, greens, parks or civic buildings or spaces for social activity and assembly for the community;
- G. Incorporates a mix of employee housing and affordable housing types and ownership patterns;
- H. Includes uses that provide employment opportunities and under-provided goods and services;
- I. Provides a balanced mix of uses that reduce reliance on personal automobiles on a daily basis;
- J. Provides high-quality architectural and site design that is harmonious with the local context, the unique red rock setting and adjacent uses;
- K. Incorporates well-designed and laid-out access roads, parking lots, trails and pathways that are specifically designed for the convenience and safety of pedestrians and cyclists as well as for meeting the needs of vehicles; and
- L. The provision of clustered development to preserve open space and preserving critical viewsheds while still achieving an appropriate overall density for region.

3. Mixed Use Development Standards

All development and design standards described in this chapter and elsewhere in the code shall apply, in addition to the following mixed-use specific standards:

- A. Generally-acceptable Uses: residential, commercial, recreational, retail, civic and open space
- B. Location of Uses: commercial shops, offices and civic uses shall be located on the ground floor adjacent to the street frontage, with hotel/motel and residential uses provided in all other locations; and
- C. Pedestrian-oriented Design Required: direct access to pedestrian-oriented services is required to promote pedestrian/bicycle uses in the development area.

Part 3 Architecture, Density, Massing and Form

1. General Conditions

The following are the general physical characteristics of *OA-Hotel/Motel* uses, including associated mixed uses, within the overlay district.

- Each building or structure can house a variety of uses depending on the design concept and functional requirements of each development.
- All buildings constructed shall be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise noted.
- Attached accessory structures are considered part of the principal structure.
- Detached accessory structures are permitted and shall comply with all setbacks except the following:
 - Detached accessory structures are not permitted in the front yard.
 - Detached accessory structures shall be located behind the principal structure in the rear yard.
 - Detached accessory structures shall not exceed the height of the principal structure.

2. Building Siting

- More than one principal structure permitted on a lot.
- All setback areas not covered by a building or parking must contain either landscape, patio space, public open space, or a sidewalk/trail.

3. Building Height

- See existing zone for minimum and maximum height limitations and requirements.
- See existing zone for minimum and maximum setback requirements.
- Ground stories uses facing the primary street must have a minimum interior height of 12' and a maximum of 14' to facilitate the incorporation of commercial and mixed uses.

4. Building Layout and Configuration

- Ground stories facing the primary street must be occupied by uses other than overnight accommodations. Examples include retail, recreation, commercial, office and civic uses.
- Parking may be located within a building or as part of well-landscaped and buffered parking lots.

5. Street View Requirements

- For uses located on the ground floor facing the primary fronting street(s), 60% Minimum Ground Story Transparency is required, measured floor to floor. Transparency is any glass in windows and/or doors, including any mullions, that is highly transparent with low reflectance.
- Air conditioning units and similar mechanical requirements should be avoided on rooftop locations, and fully-screened from view when unavoidable.
- Blank Wall Limitations are required on all facades facing the primary street. No rectangular area greater than 30% of a story's facade, as measured from floor to floor may be windowless, and no horizontal segment of a story's facade greater than 10 feet in width may be windowless, unless otherwise approved.
- A mix of entrance types may be utilized, aligned with the overarching architectural theme or concept. All buildings must have an easily-discernable Principal Entrance located on the primary street side of the principal building.
- Street Entrances – the minimum number and maximum spacing between entrances on the ground floor building facade with street frontage to match a clear development design theme or concept is required.
- Vertical Facade Divisions - the use of a vertically oriented expression lines or form to divide the facade into increments that enhance the design concept are required. Acceptable elements may include columns, pilasters, scoring lines and other continuous vertical features at least 1.5" in width.
- Horizontal Facade Divisions - the use of significant shifts in the façade every 45' at minimum to divide portions of the façade into horizontal divisions. Major dividing elements should be integral to the architectural layout and form of the structure, with minor delineations encouraged through the uses of expressions lines in the form of cornices, belt courses, string courses, or other continuous horizontal divisions.

Part 4 Additional Design Requirements

The following outlines the district design guidelines that affect a building's appearance and district cohesiveness. They improve the physical quality of buildings, enhance the pedestrian experience, and protect the character of the neighborhood.

1. Materials and Color

- Primary Facade Materials. 80% of each facade shall be constructed of primary materials. For facades over 100 square feet, more than one material shall be used to meet the 80% requirement.
- Permitted primary building materials will include high quality, durable, natural materials such as brick and stone; wood lap siding; fiber cement board lapped, shingled, or panel; metal siding; glass. Other high quality synthetic materials may be approved as part of a unified theme or design concept.
- Secondary Facade Materials are limited to details and accents. Examples include gypsum reinforced fiber concrete for trim and cornice elements; metal for beams, lintels, trim; and exterior architectural metal panels and cladding.
- Exterior Insulation and Finishing Systems (EIFS) is permitted for trim only or on upper floor facades only.
- Acceptable Roof Materials include 300 pound or better, dimensional asphalt composite shingles, metal tiles or standing seam, slate, and ceramic tile. Other roof materials may be considered for approval.
- Color - main building colors shall be complementary to existing buildings in the area, the surrounding landscape and visual backdrops.
- Appropriate Grade of Materials. Commercial quality doors, windows, and hardware shall be used throughout the district.

2. Windows, Awnings and Shutters

- Windows - all upper story windows of overnight accommodation, mixed use and associated buildings shall be recessed and double hung.
- Plastic awnings are not permitted. Awning types and colors for each building face shall be coordinated.
- If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood.

3. Balconies

- Balconies shall be a minimum of six feet deep and five feet wide.
- Balconies that are not integral to the facade shall be independently secured and unconnected to other balconies.
- A maximum of 40% of the front and corner side facades, as calculated separately, may be covered with balconies, including street-facing railing and balcony structure.

4. Treatments at Terminal Vistas

- When a street terminates at a parcel, the front or corner side of a building or a significant landscape feature, whether fronting a Primary Street or not, shall terminate the view.

5. Building Variety

Building design shall vary between vertical facade divisions, where required per the Building Types, and from adjacent buildings by the type of dominant material or color, scale, or orientation of that material and at least two of the following:

- The proportion of recesses and projections.
- The location of the entrance and window placement, unless storefronts are utilized.
- Roof type, plane, or material, unless otherwise stated in the Building Type requirements.

6. Drive-through Uses

- Drive-through structures and uses are not allowed.

Part 5 Open Space

To provide open space as an amenity that promotes physical and environmental health to project uses and the community, with a primary function of providing access to a variety of active and passive open space types.

1. General Requirements

Developments over 5 acres are required to provide a minimum of 5% total lot size as publicly-accessible and usable civic open space. Developer shall work with San Juan County to determine the best and most appropriate location of open space. For parcels under 5 acres, impact fees and other funding will be used as mechanisms to ensure adequate open space is provided.

All open space provided shall comply with one of the Open Space Types that follow:

- Plaza – a formal, medium-scale (0.5 to 1.5 acre) gathering place for civic, social, and commercial purposes. May contain a greater amount of impervious coverage than other open space types. Special features, such as fountains and public art installations, are encouraged.
- Square - a medium-scale (1 to 2 acre) open space to gather for civic, social and commercial purposes. Squares are rectilinear in shape and are bordered on all sides by a vehicular right-of-way, which together with building facades creates its definition.
- Green – an informal, medium scale (0.25 to 2.0 acre) park with active or passive recreation amenities for neighborhood residents within walking distance; mainly fronted by streets.
- Pocket Park – a small-scale (.5 to 1.5 acre) open space, that is primarily designed to accommodate a range of active and passive recreation and gathering space uses, primarily local neighbors and residents within walking distance.

- Local and Neighborhood Parks – medium to large (3-acre to 10 acre) parks that accommodate both active and passive recreational amenities for local residents and the larger community. Parks have primarily natural plantings and are frequently formed around an existing natural feature such as a water body or stands of trees.
- Regional Parks – large parks typically at least 50-acres in size to accommodate both active and passive recreational activities for local residents and the surrounding community. These parks are typically the site of major recreational features such as sports complexes, aquatic centers, recreation centers and similar amenities. They should be well linked with the surrounds and settings, linked with regional and local trail systems, and primarily utilize natural plantings.
- Greenway – long and linear open spaces that serve to enhance connectivity between open space types and other uses. Greenways often follow a natural feature, such as a river, stream, ravine, or man-made feature, such as a vehicular right-of-way. A greenway may border other open space types.

Part 6 Landscape Standards

The landscape standards outlined in this section are designed to meet the following goals:

- To provide suitable outdoor settings;
- To increase the compatibility of adjacent uses and minimize the adverse impacts created by adjoining or neighboring uses.
- To provide responsible and environmentally-appropriate green spaces and infrastructure through the use of water efficient landscape design techniques, tools and standards.
- To shade large expanses of pavement and reduce the urban heat island effect.

1. Applicability

Landscapes, trees and buffers shall be installed as detailed in this section and detailed elsewhere in the county code.

2. Water Efficient Landscaping

Refer to Spanish Valley Water Efficient Landscape Requirements.

3. General Landscape Installation Requirements

The installation of landscaping shall adhere to the following standards.

- National and Regional Standards. Best management practices and procedures according to the nationally and regionally accepted standards shall be practiced. All landscaping and trees shall be installed in conformance with the practices and procedures established by the most recent edition of the American Standard for Nursery Stock (ANSI Z60.1) as published by the American Association of Nurserymen.

- Maintenance and Protection – all landscaping and trees shall be maintained according to the most recent edition of the American National Standards Institute, including its provisions on pruning, fertilizing, support systems, lighting protection, and safety.
- Installation – landscaping shall be fully installed prior to the issuance of a certificate of completeness.
- Condition of Landscape Materials shall be:
 - Healthy and hardy with a good root system.
 - Chosen for its form, texture, color, fruit, pattern of growth, and suitability to local conditions.
 - Tolerant of the natural and man-made environment, including tolerant of drought, wind, salt, and pollution.
 - Appropriate for the conditions of the site, including slope, water table, and soil type.
 - Protected from damage by grates, pavers, or other measures.
 - Plants that will not cause a nuisance or have negative impacts on an adjacent property.
 - Species native or naturalized to San Juan County region, whenever possible.
- Minimal use or no use of lawns, turf and similar water-craving landscapes is required.

4. Irrigation Systems

Permanent irrigation, beyond establishment, is required and shall adhere to the following standards.

- All irrigation systems shall be designed to minimize the use of water, as detailed in the San Juan County water-conserving landscape ordinance. The use of drip, emitter, bubbler and other water-conserving irrigation systems are required,

5. Landscape Maintenance

All landscaping shall be maintained in good condition at all times to ensure a healthy and orderly appearance.

- All required landscape shall be maintained to adhere to all requirements of this ordinance.
- Replacing Unhealthy Landscaping. Unhealthy landscaping shall be replaced with healthy, live plants by the end of the next applicable growing season. This includes all plant material that shows dead branches over a minimum of 25% of the normal branching pattern.
- Maintenance Responsibility. The owner is responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing required herein.

- Maintain Quality and Quantity. Maintenance shall preserve at least the same quantity, quality, and screening effectiveness as initially installed.
- Fences and Other Barriers. Fences, walls, and other barriers shall be maintained in good repair and free of rust, flaking paint, graffiti, and broken or damaged parts.
- Tree topping is not permitted.

6. Frontage, Side and Rear Buffers

The purpose of frontage buffers is to lessen the visual impact of vehicular areas visible from the street and adjacent properties. Side and rear buffers minimize the impact that the overnight accommodation development may have on neighboring zones and districts. These should include a landscape design that is engaging, beautiful and appropriate for the specific setting and context. Plants should include a range of perennials, decorative grasses and small shrubs as appropriate for reducing the visual impact of vehicular areas visible from the street while also meeting San Juan County Water Efficient Landscaping requirements.

7. Interior Parking Lot Landscape

The intent is to provide shade, minimize paving and associated storm water runoff, and improve the aesthetic look of parking lots. Internal areas not dedicated to parking or drives shall be landscaped with a minimum of one medium or large shade tree for the first 150 square feet and one medium or large shade tree for every 650 sf thereafter.

- Each parking space must be located within 50' of a tree planted within parking lot interior. Minimum of 1 shade tree must be planted within parking lot interior or within 4' of parking lot's edge for every 3 parking spaces.
- Within 20 years of tree installation, 30% of the interior of the parking lot should be shaded by tree canopy. Shade Structure Requirements
- Attractive and well-designed shade structures should be considered an acceptable alternative for meeting the tree shade goal for up to 50% of the interior parking lot requirements.

Part 7 Parking Requirements

The parking standards outlined in this section are in addition to currently established standards for the hotel/motel development, and should meet the following goals:

- Ensure an appropriate level of vehicle parking, loading, and storage to support a variety of land uses.
- Provide appropriate site design standards to mitigate the impacts of parking lots on adjacent land uses and zoning subdistricts.
- Provide specifications for vehicular site access.

1. General Requirements

- Off-street parking spaces shall be provided in conformance with established site design requirements.
- Required Accessible Parking - parking facilities accessible for persons with disabilities shall be in compliance with or better than the standards detailed in the state Accessibility Code, including quantity, size, location, and accessibility. Required Bicycle Parking.
- Bicycle Parking areas required as described below.

2. Mixed-Use Parking Reductions

The following reductions may be applied depending on the amount and specific mix of uses.

- Shared Vehicular Parking - an arrangement in which two or more non-residential uses with different peak parking demands use the same off-street parking spaces to meet their off-street parking requirements. Through review of the site plan, up to 100% of the parking required may be waived.
- In order to approve a shared parking arrangement, it must be proved that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.

3. Bicycle Parking Design

Bicycle parking shall be designed and located as follows.

- Required bicycle parking spaces shall have minimum dimensions of two feet in width and six feet in length.
- An aisle a minimum of five feet wide shall be provided behind bicycle parking facilities to allow for maneuvering.
- A minimum of two feet shall be provided beside each parked bicycle to allow access. This access may be shared by adjacent bicycles.
- Racks shall be installed a minimum of two feet from any wall or other obstruction. Bicycle parking should be located within 50 feet of the entrance of the use.
- Bicycle parking facilities shall be separated from vehicular parking areas to protect parked bicycles from damage. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
- Racks and Structures shall be provided for each unprotected parking space and shall be designed to accommodate both chain and U-shaped locking devices supporting the bicycle frame at two points.

Valley Estates Moab Utah

Item 4.



Multi-family units

Concept A:
Modern desert with Nordic influences. Pitched roofs, a highly curated color and material palette. Open concept plans created to maximize indoor/outdoor living, health and wellness and enjoyment of activities conducive to the landscape of Moab and its natural wonders.



Single Family Homes



Valley Estates Moab Utah concept B



Item 4.

Multi-family units

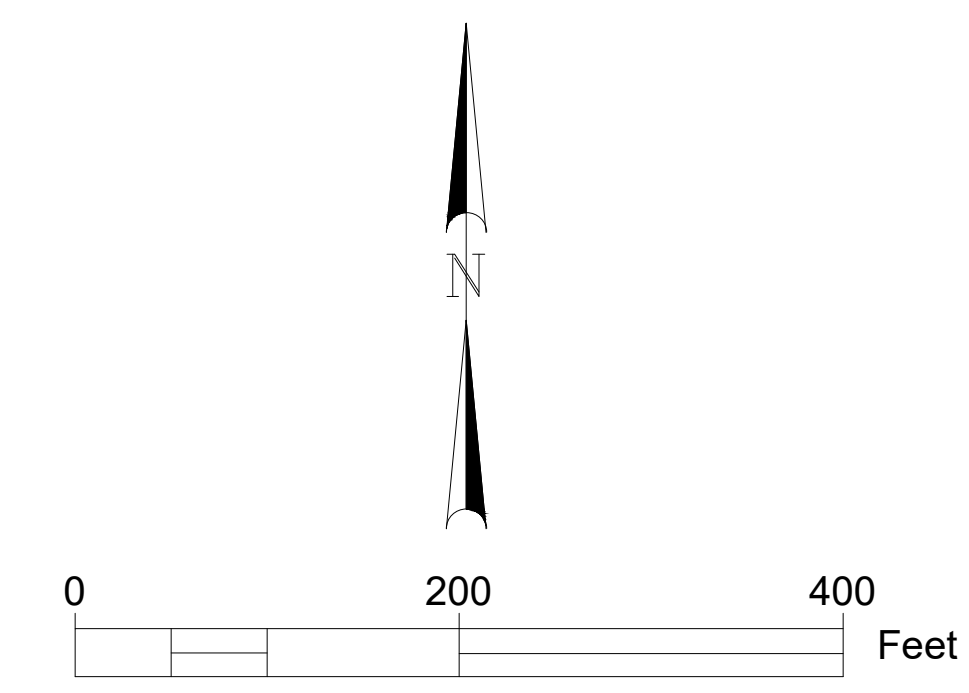
Concept B.:
Modern desert with mid century influences. Flat roofs, a highly curated color and material palette. Open concept plans created to maximize indoor/outdoor living, health and wellness and enjoyment of activities conducive to the landscape of Moab and its natural wonders.



Townhomes



Single Family Homes



SCALE: 1" = 100'
Contour Interval = 1 foot

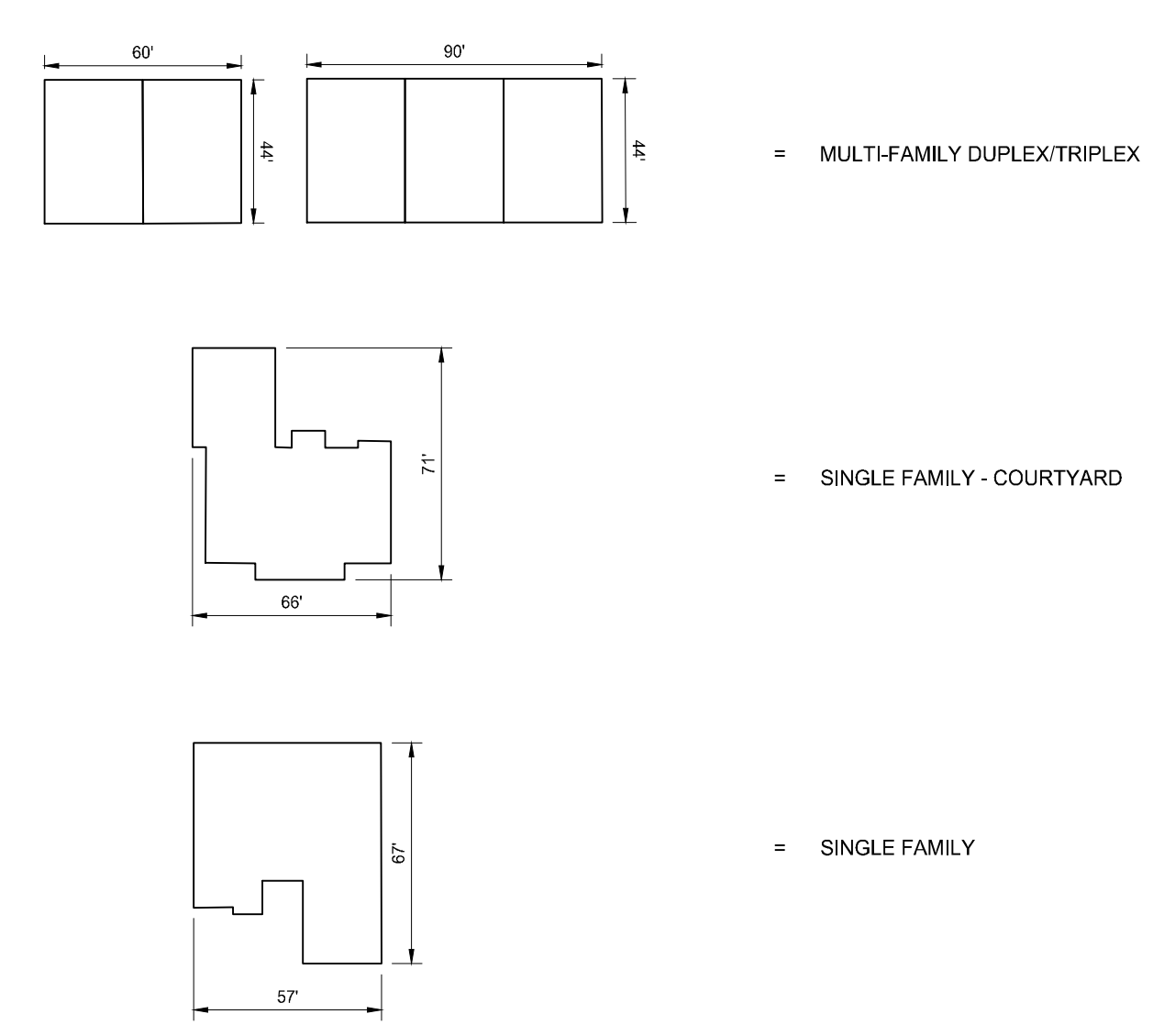
UNIT TYPES & COUNT

- DUPLIX: 31 Lots / 62 Units
1294 s.f. per Unit
- TRIPLEX: 22 Lots / 66 Units
1294 s.f. per Unit
- FP 1 BB 2004: 55 Units
3145 s.f. per Unit
- FP 2 COURTYARD: 9 Units
3105 s.f. per Unit

TOTAL UNITS = 192 Units
46.315 TOTAL ACRES
DENSITY = 4,146

- = SINGLE FAMILY LOTS (20.51 ACRES)
- = MULTI-FAMILY LOTS (20.64 ACRES)
- = OPEN SPACE (5.16 ACRES)

FLOOR PLANS



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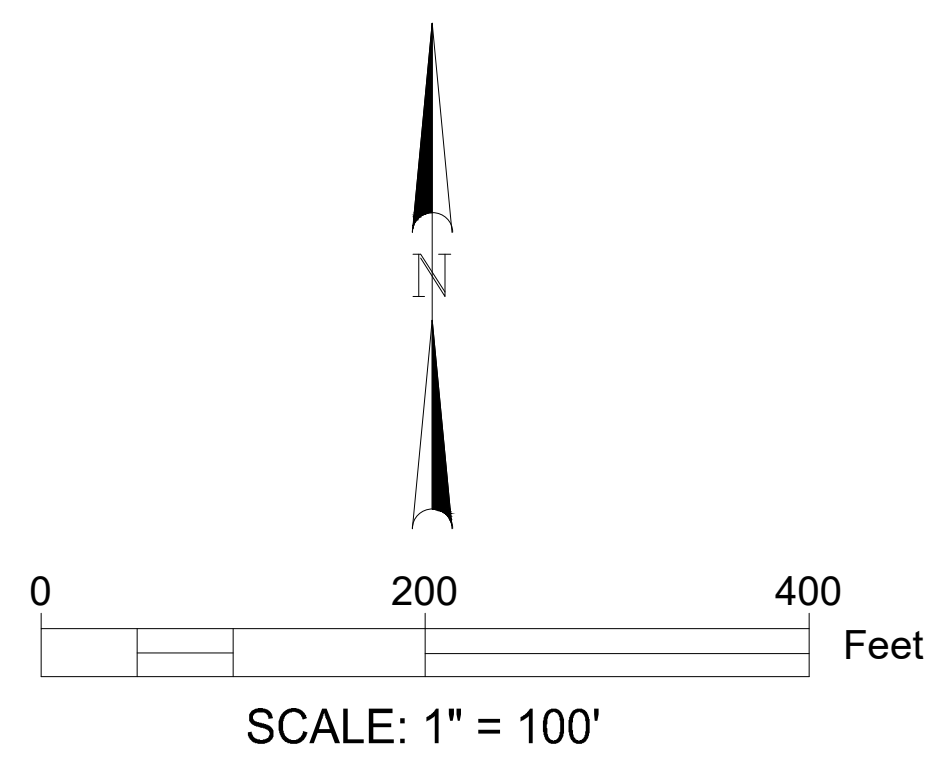
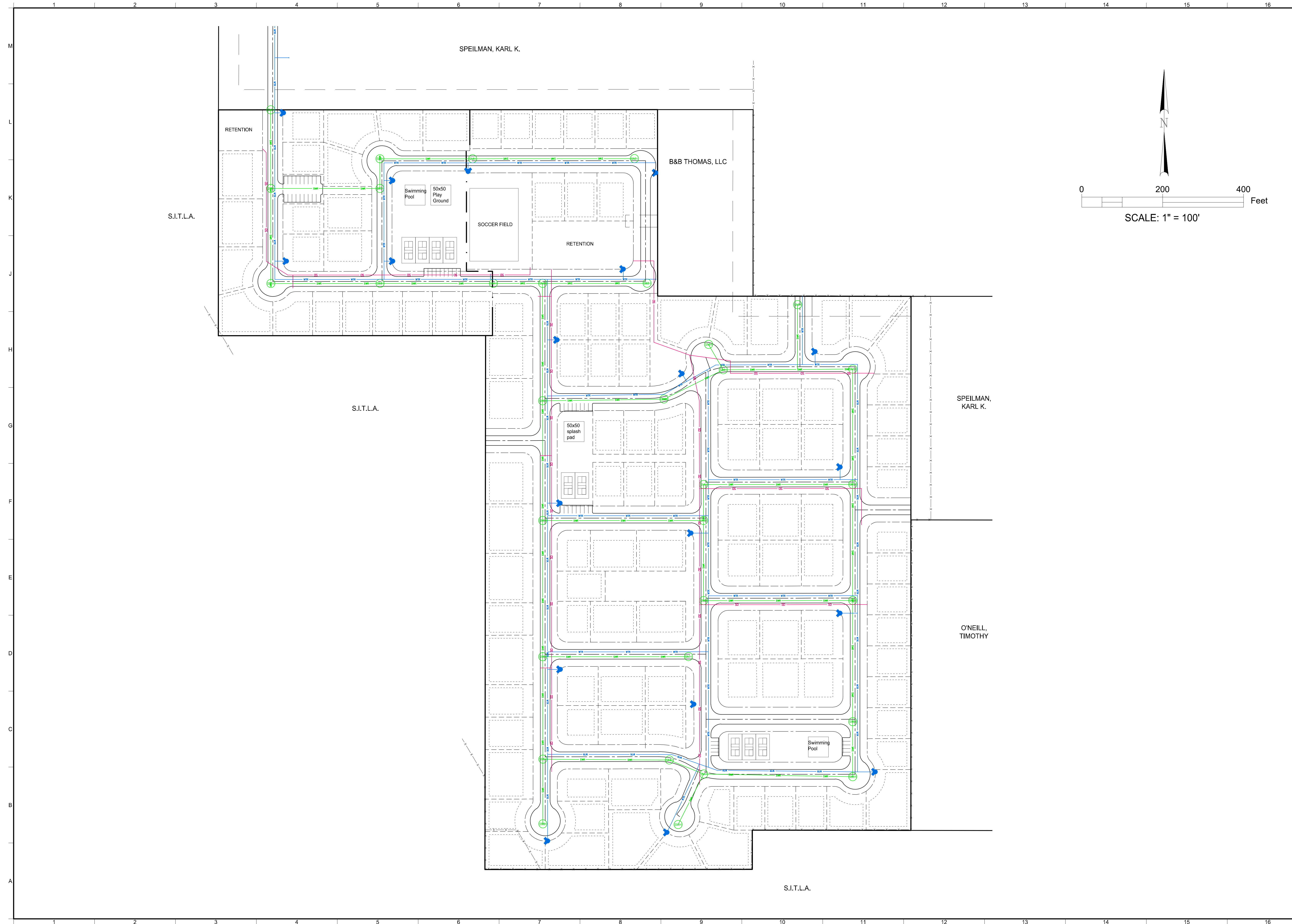
NO.	DATE	REVISIONS

ORIGINAL SUBMISSION FOR AUTORIZATION
 REVISIONS
 CIVIL NAME: *elana_valley*
 DATE CREATED: 10-15-2025
 DATE PLOTTED: 10-20-2025
 SHEET SET: #11
 SCALE: 1" = 100'

Jones & DeMille Engineering, Inc.
 CIVIL & STRUCTURAL ENGINEERING - SURVEYING
 GIS - ENVIRONMENTAL - MATERIALS TESTING
 1.800.748.5275 www.jonesanddemic.com

ELAN SPANISH VALLEY, LLC
 VALLEY ESTATES PHASE 1 REVISIONS
 CONCEPT PLAN

SUBMITTAL: REVIEW - NOT FOR CONSTRUCTION PROJECT NUMBER: 2407-061



STAMP:

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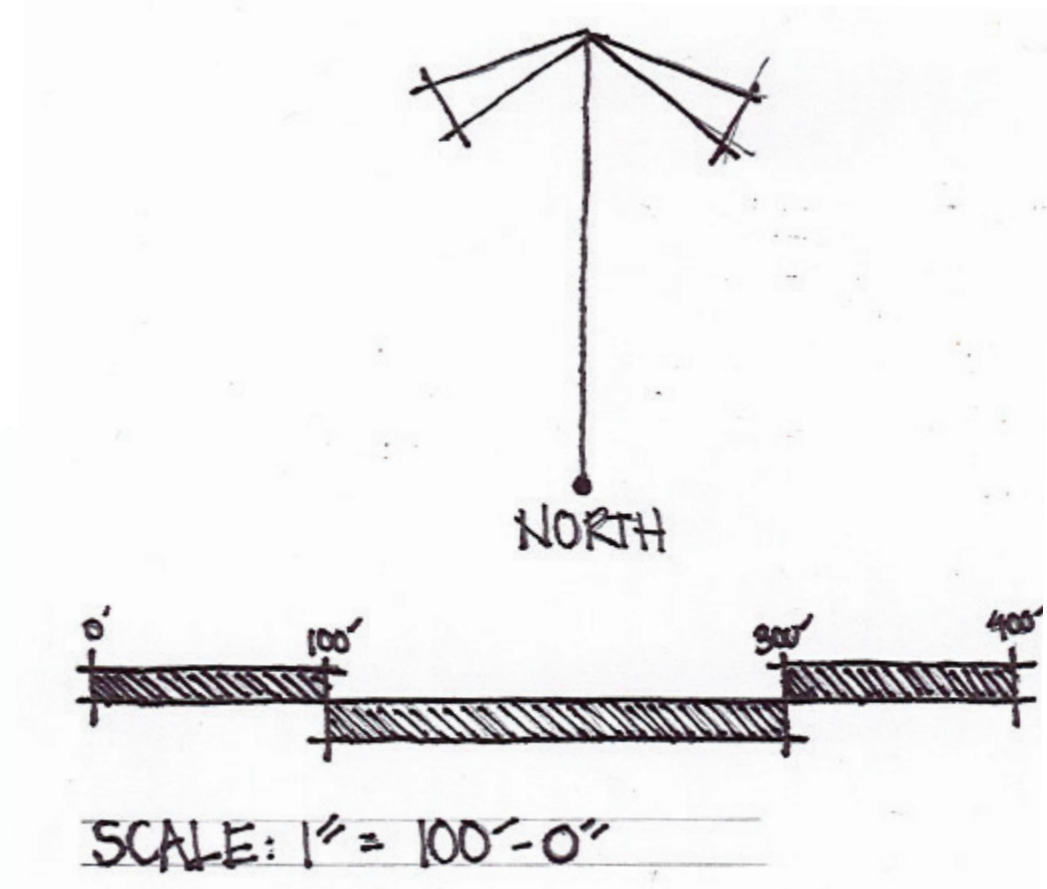
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 REVISIONS
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 DATE PLOTTED: 11/03/2025
 PLOT BY: *espan_valley*

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ELAN SPANISH VALLEY, LLC
VALLEY ESTATES PHASE 1 REVISIONS
CONCEPT UTILITY PLAN

SUBMITTAL: **REVIEW - NOT FOR CONSTRUCTION** PROJECT NUMBER: **2407-061**

SAN JUAN
 COUNTY
 SHEET NO. **C-2**



- Duplexes and Triplexes - Count:128
- Single Family Homes - Count: 55
- Large Single Family Homes - Count: 9
- Pavillion/Restroom - Count: 9

Total home count: 192

- ① Detention
- ② Entrance
- ③ Green Path
- ④ Pool(s)
- ⑤ Splash Pad
- ⑥ Linear Park
- ⑦ Sports Field
- ⑧ Pickleball Courts (9)
- ⑨ Playground
- ⑩ Crosswalks



Permit Report

03/01/2025 - 04/07/2025

Permit Date	Applicant Name	Building Address	Building CityStateZip	Description
4/3/2025	Daniel Wright	158 Tera Drive	Moab, Utah 84532	Change existing 400 amp metered service into two 200 amp metered services
4/3/2025	Jaric Robison	17 W Markle Rd	Old La Sal, UT. 84530	Residence
4/2/2025	John Hinde	170 S Copper Mill Rd	LaSal UT 84530	residential
4/1/2025	Marshall Mabley	305 North Bobbie Lane	La Sal, Utah, 84530	Install meter and 50 Amp service on property
4/1/2025	Brandon Tomlinson /Jessica Widener	#15 Mountain Shadows LaSal Utah 84530	LaSal Utah 84530	Shop/home
4/1/2025	Clay Nesor	550 E Center St (550 US-491)	Monticello, UT 84535	14 - 400W roof top solar panels
3/31/2025	Chad Manning	63 E Mount Peale Dr.	Moab, UT, 84532	Single family living
3/31/2025	Frank Herrmann			
3/30/2025	Teague Eskelsen	26 N Coyote Lane	La Sal. Utah. 84530	Residential/ Agricultural
3/28/2025	Glenna Shumway	200 E Mt Peale St.	Moab, UT 84532	ADU
3/27/2025	Abajo Motors			
3/26/2025	Innes Wright	23 Bridger Jack Trail (Lot 3 Bridger Jack Mesa)	Moab, UT 84532	Residence and garage
3/26/2025	Moab Property Managment	11850 s Hwy 191	Moab, Utah 84532	Washer and Dryer
3/26/2025	Community Rebuilds- Evan Smiley	LOT 26 Lidia Cirle	Moab UTb 84532	Single Family Residential
3/20/2025	Gerald Trainor	11850 S Hwy 191 Unit B-6	Moab, UT 84532	16' x 30' open loft for office + laundry room, break area, & electrical
3/19/2025	San Juan County	117 South Main Street	Monticello, Utah 84535	Solar Power System
3/19/2025	Francom Fabrication	1216 Clay Hill Dr, Monticello UT 84535	Monticello, UT, 84535	Tractor Shed
3/17/2025	Energy Fuels	Pandora #3 Ventalation Hole	LaSal Utah 84530	Ventelation Fan

Item 5.

3/7/2025	Matthew Black	16 Aberts Squirrel Trail	Monticello, Utah, 84535	Residential Single Family Home
3/4/2025	Lacie Walker	27 Lidia Circle	Moab, UT 84532	Single Family Home
3/4/2025	Latigo Wind II, LLC	Parcel 32S24E2555400	Wheat Ridge	Meteorological Tower to Measure Wind Speeds
3/4/2025	Jay McDonald	Parcel # 37S22E027209	Blanding, Utah , 84511	Singal Family Home
3/3/2025	Ryan Thatcher	144 Crimson Cliffs Dr	Moab UT 84532	Single family residence
3/3/2025	Majuma Wesakania	2047 S Painter Lane Ste. A	West Haven,UT 84401	Install 22 panels and 22 inverters

Total Records: 24

4/7/2025

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