



**PLANNING COMMISSION MEETING**  
**Electronic Meeting**  
**February 11, 2021 at 7:00 PM**

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**AGENDA**

This meeting will be held through Google Meet at the following link:  
<https://meet.google.com/zbe-hwro-xbd>

You can also call in with this number and pin:  
**(US) +1 484-551-8759 PIN: 661 422 186#**

**GENERAL BUSINESS**

**Welcome / Roll Call**

**Approval of Minutes**

1. Approval of Minutes for: January 14, 2021 PC Meeting    ACTION

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

**ADMINISTRATIVE ITEMS**

2. Sky Ranch Estates Subdivision Phase II, Lucas Blake, Red Desert Land Surveying    ACTION
3. Legacy Fields Subdivision Phase II, Lucas Blake, Red Desert Land Surveying    ACTION

**LEGISLATIVE ITEMS**

4. Application for Spanish Valley Overnight Accommodations Overlay (Rezone), Josh Anderson  
ACTION
5. Revisions to the Spanish Valley Highway Commercial District (HC) Ordinance  
DISCUSSION
6. San Juan County Spanish Valley Short-Term Rental Ordinance    DISCUSSION

**BUILDING PERMIT(S) REVIEW**

7. Presentation of building permit list    DISCUSSION

**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

January 14, 2021 at 7:00 PM

### MINUTES

#### GENERAL BUSINESS

##### Welcome / Roll Call

Meeting was called to order by Chairman Trent Schafer at 7:06 pm

##### PRESENT

Chairman Trent Schafer  
Commissioner Lloyd Wilson  
Commissioner William Johnston  
Commissioner Cody Nielson  
Commissioner Leah Shrenk

##### ABSENT

Commissioner Cole Cloward  
Commissioner Melvin Nelson

##### STAFF

Scott Burton  
T.J. Adair

#### Approval of Minutes for: October 8, 2020 PC Meeting

Commissioner Shrenk requested that the minutes reflect that she was absent not unexcused.

Motion made by Commissioner Nielson, Seconded by Commissioner Johnston.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Johnston, Commissioner Nielson, Commissioner Shrenk

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

Public comments were made by Lloyd Wilson expressing his desire to have subdivisions reviewed and approved by the San Juan County Road Department. Carolyn Dailey expressed here support of the revised Spanish Valley Zoning map, and expressed her thoughts about a short term rental ordinance as well as an event permit ordinance.

San Juan County Road Superintendent T. J Adair made public comment in support of road department approval for subdivisions, and further discussion was made by Lloyd Wilson about requiring subdivision drainage to be engineered and reviewed for the county by a third party engineer.

## **PUBLIC HEARING**

### **1. Revised Spanish Valley Zoning Map**

*Motion to enter the Public Hearing was made by Commissioner Wilson, Seconded by Commissioner Shrenk.*

*Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Johnston, Commissioner Nielson, Commissioner Shrenk*

Public comments in support of the revised map were made by Monet Clark and Colby Smith. It was verified that agriculture use is permitted in the Spanish Valley Residential Zone when Michelle Mefret expressed concern over her current agriculture use.

Kyle Kimmerle expressed comment about setbacks which resulted in some discussion about setback discrepancies, and will be discussed at a future meeting.

*Motion to exit the Public Hearing was made by Commissioner Shrenk, Seconded by Commissioner Nielson.*

*Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Johnston, Commissioner Nielson, Commissioner Shrenk*

## **ADMINISTRATIVE ITEMS**

### **2. Elect chairperson, and vice-chairperson. Set 2021 meeting date schedule.**

Commissioner Wilson nominated Trent Schafer to be the Chairperson for 2021  
Commissioner Johnston nominated Lloyd Wilson to be the Vice chairperson for 2021.

*Motion to accept the chairperson nominations and to hold the 2021 Planning Commission meetings on the second Thursday of each month was made by Commissioner Nielson, Seconded by Commissioner Johnston.*

*Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Johnston, Commissioner Nielson, Commissioner Shrenk*

### **3. Crimson Cliffs Subdivision Phase II**

Kyle Kimmerle presented phase II of the Crimson Cliffs Subdivision. The PC discussed drainage issues with lot 18, and the lack of a drainage easement on lot 24 in phase I. This led to a larger discussion about the need to require engineering standards for drainage and a comprehensive storm water study. Several options were discussed for a retention pond on lot 18 and where to direct the overflow. Kyle will continue working with the San Juan County Road Department to get an easement established to drain the overflow.

*Motion to approve was made by Commissioner Wilson, Seconded by Commissioner Johnston. Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Johnston, Commissioner Nielson, Commissioner Shrenk*

#### **4. Crimson Cliffs Subdivision Phase III**

Kyle Kimmerle presented phase III of the Crimson Cliffs Subdivision.

*Motion to approve was made by Commissioner Wilson, Seconded by Commissioner Nielson. Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Johnston, Commissioner Nielson, Commissioner Shrenk*

#### **5. Turkey Trot Subdivision Phase II, Lot 9 Amended**

This amendment was brought back from being tabled at the November 2020 PC meeting because of a setback issue. Approval was given for the amendment with a 10' setback from the existing garage on lot 9B and a setback of 20' from the existing house on lot 9A.

*Motion to approve was made by Commissioner Wilson, Seconded by Commissioner Nielson. Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Johnston, Commissioner Nielson, Commissioner Shrenk*

### **LEGISLATIVE ITEMS**

#### **6. Revisions to Spanish Valley Zoning Map**

Having had the public hearing on the revised map, and hearing support from members of the public, the PC made motion to recommend the revised map to the San Juan County Board of Commissioners for their approval.

*Motion was made by Commissioner Wilson, Seconded by Commissioner Nielson. Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Johnston, Commissioner Nielson, Commissioner Shrenk*

#### **7. Spanish Valley Short-term Rental Discussion.**

Commissioner Johnston expressed support for not allowing short-term rentals in residential areas with a stipulation that when ownership changes, the short-term use is no longer allowed. Concern was also expressed that the ordinance only apply to the Spanish Valley area. County

Administrator Mack McDonald joined electronically and made comment about short-term rentals increasing real estate values because of a shortage of homes. PC Members want to see some examples of short-term rental ordinances to help craft the ordinance.

#### **8. San Juan County Special Events Ordinance Discussion**

The PC discussed the reasons for and against having a special event ordinance. County Administrator Mack McDonald expressed arguments both for and against a possible ordinance. In the end, the PC decided they did not want to consider drafting a special event ordinance.

#### **9. San Juan County Planning Commission Priorities for 2021**

The PC decided on the following priorities for 2021.

1. Developing engineering standards for subdivisions specifically for storm drainage which will require a comprehensive drainage study.
2. Road department review and sign-off of Subdivision Plats.
3. Short Term Rental Ordinance
4. Revising Spanish Valley Ordinances beginning with the Spanish Valley Highway Commercial District, and the Spanish Valley Overnight Accommodations Overlay.

The PC plans to focus on each of the Spanish Valley Ordinances in turn to revise and correct errors.

### **BUILDING PERMIT(S) REVIEW**

#### **10. Presentation of building permit list**

### **ADJOURNMENT**

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

The meeting ended at 9:20 pm



## STAFF REPORT

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**MEETING DATE:** February 11, 2021

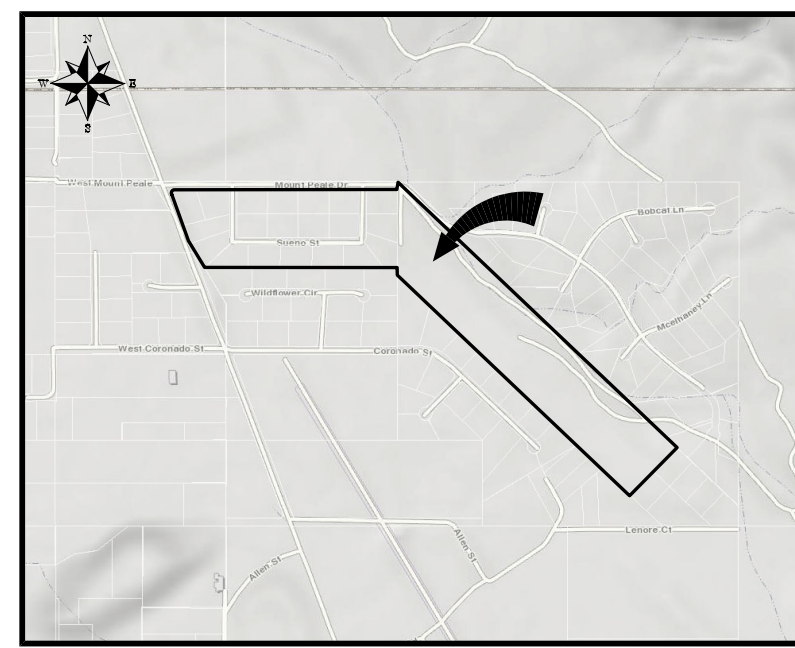
**ITEM TITLE, PRESENTER:** Sky Ranch Estates Subdivision Phase II, Lucas Blake, Red Desert Land Surveying ACTION

**RECOMMENDATION:**

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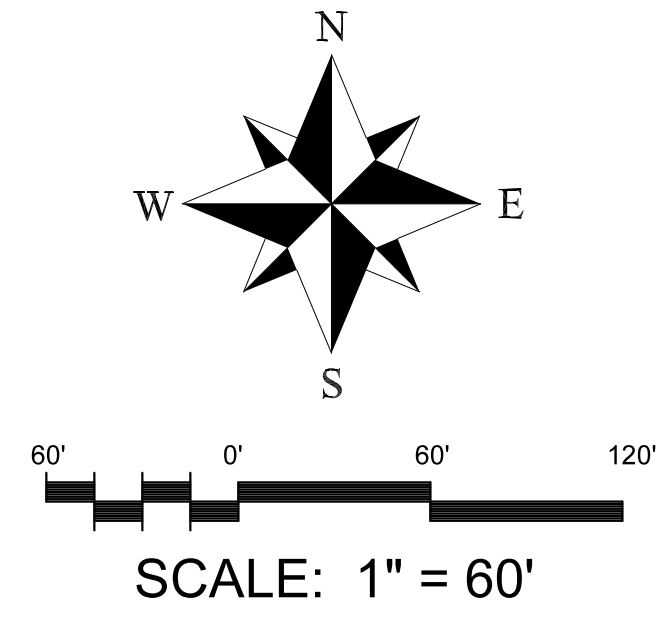
### SUMMARY

The Sky Ranch Estates Subdivision was approved in June, 2000 with 6 lots at the south end of the Sky Ranch airport, with 32 acres reserved for future development. Sky Ranch Estates Phase II proposes to add 75 addition lots.



VICINITY MAP

NOT TO SCALE



SCALE: 1" = 60'

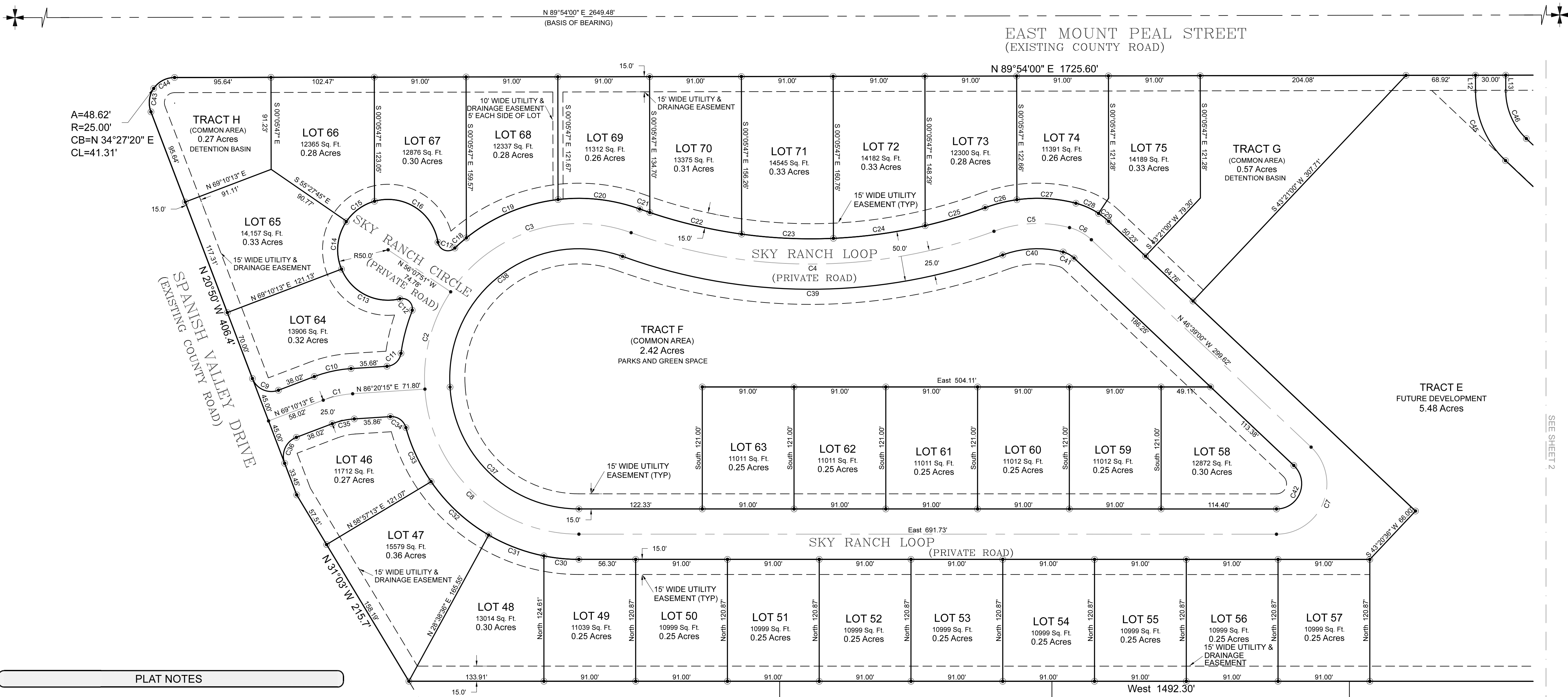
FINAL PLAT OF SKY RANCH ESTATES, PHASE II AMENDING AND VACATING LOTS 1-20, SUENO STREET, AND EASEMENTS OF THE SUENO GRANDE SUBDIVISION

Vacated portion of Sueno Grande Subdivision, or formally known as Tract "A", Coronado Park Subdivision

Beginning at a point on the south line of Mount Peale Street, said point being North 89°54'00" E 760.28 feet (RECORD=N 88°42'17" E) and South 00°05'00" West 60.0 feet from the West Quarter corner of Section 36, Township 26 South, Range 22 East, Salt Lake Base and Meridian, and running thence South 00°05'00 West 601.7 feet; thence West 1492.3 feet; thence North 31°03'00 West 215.7 feet to the easterly right-of-way of Spanish Valley Drive; thence North 20°50'00" West 406.4 feet; thence with a curve having a radius of 25.00 feet, to the right with an arc length of 48.62 feet, (a chord bearing of North 34°27'20" East 41.31 feet) to the south right-of-way of East Mount Peal Street; thence with said right-of-way North 89°54'00" East 1725.60 feet to the point of beginning, having an area of 22.61 Acres.

WEST QUARTER CORNER SECTION 36, T26S, R22E, SLB&M

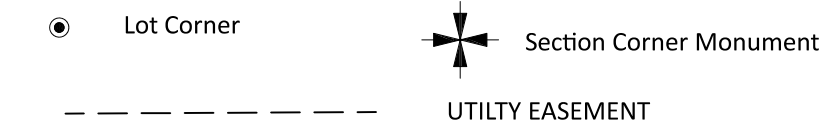
CENTER QUARTER CORNER SECTION 36, T26S, R22E, SLB&M



PLAT NOTES

- 1. ALL EXTERIOR LOT LINES ARE SUBJECT TO A 15.0' WIDE UTILITY EASEMENT.
2. THE OWNERS(S), DEVELOPERS AND/OR THE SUBDIVIDER(S) OF THIS DEVELOPMENT KNOWN AS SKY RANCH PHASE II, THEIR RESPECTIVE SUCCESSORS, HEIRS, AND/OR ASSIGNS AGREE TO THE FOLLOWING ITEMS "A" THROUGH 3.B."
3.A. PRIVATE STREET AND UTILITY MAINTENANCE: THE OWNER(S) OF THIS DEVELOPMENT, THEIR SUCCESSORS AND ASSIGNS ON INTEREST OF THE HOMEOWNERS ASSOCIATION OR OTHER ENTITY, OTHER THAN SAN JUAN COUNTY ARE RESPONSIBLE FOR THE MAINTENANCE AND UPKEEP OF ANY AND ALL DRIVES, AIRSTRIPS, TAXIWAYS, PARKING AREAS, EASEMENTS, COMMON SPACES, AND DRAINAGE FACILITIES. IT IS MUTUALLY UNDERSTOOD THAT THE PRIVATE STREETS IN THIS DEVELOPMENT WILL NOT BE MAINTAINED BY THE COUNTY AND THAT THE COUNTY WILL NOT CONSIDER A PETITION TO ACCEPT SAID STREETS AS PUBLIC STREETS, UNLESS SAID STREETS MEET ALL COUNTY ROAD STANDARDS.
3.B. EMERGENCY ACCESS IS GRANTED HERewith OVER AND ACROSS ALL ROADS FOR EMERGENCY VEHICLES.
3.C. CERTAIN COVENANTS AND RESTRICTIONS ON PROPERTY IN THIS DEVELOPMENT ARE ON FILE IN THE OFFICE OF THE SAN JUAN COUNTY RECORDER. IT IS HEREBY ACKNOWLEDGED THAT THE COUNTY HAS NO RESPONSIBILITY FOR THE ENFORCEMENT OF THESE COVENANTS AND RESTRICTIONS AND IS NOT BOUND BY SAID COVENANTS AND RESTRICTIONS, FURTHERMORE ANY OF THE SAID COVENANTS AND RESTRICTIONS THAT WOULD HAVE THE EFFECT OF CREATING A LESS RESTRICTIVE DEVELOPMENT STANDARD THAN THOSE INCLUDED ON THIS PLAN OR IN OTHER COUNTY LAND USE REGULATION IS NULL AND VOID.
4. 15' WIDE UTILITY AND DRAINAGE EASEMENT ALONG NORTH AND WEST BOUNDARY OF SUBDIVISION.

LEGEND



SURVEYOR'S CERTIFICATE

I, Lucas Blake, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7540504, as prescribed under the laws of the State of Utah. I further certify that by authority of the owners, I have made a survey of the tract of land shown on this plat and described hereon, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as SKY RANCH ESTATES, PHASE II and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

Lucas Blake Date License No. 7540504

BOUNDARY DESCRIPTION

Beginning at the Center Quarter corner of Section 36, Township 26 South, Range 22 East, Salt Lake Base and Meridian, and proceeding thence South 46°39'00" East 3041.53 feet to the most northerly corner of Lot 3, Sky Ranch Estates Amended; thence with said Lot 3 South 43°21'00" West 258.70 feet; thence North 46°39'00" West 354.28 feet; thence South 43°21'00" West 215.7 feet to the easterly right-of-way of Spanish Valley Drive; thence with said right-of-way North 20°50'00" West 406.4 feet; thence with a curve having a radius of 25.00 feet, to the right with an arc length of 48.62 feet, (a chord bearing of North 34°27'20" East 41.31 feet) to the south right-of-way of East Mount Peal Street; thence with said right-of-way North 89°54'00" East 1725.60 feet; thence North 00°05' East 59.67 feet to the point of beginning, having an area 53.74 acres.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT I, THE UNDERSIGNED OWNER OF THE ABOVE DESCRIBED TACT OF LAND, HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS THE SKY RANCH ESTATES, PHASE II 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 HEREUNTO SET MY HAND THIS \_\_\_ DAY OF MAY A.D., 20\_\_ MOAB DEVELOPMENT TRUST BY BUSINESS RESOLUTIONS, LLC TRUSTEE MICHAEL H. BYNUM MANAGING MEMBER

ACKNOWLEDGMENT

STATE OF COUNTY OF } s.s. ON THE \_\_\_ DAY OF 20\_\_, PERSONALLY APPEARED BEFORE ME, MICHAEL H. BYNUM MANAGING MEMBER, MOAB DEVELOPMENT TRUST BY BUSINESS RESOLUTIONS, LLC TRUSTEE WHOM DID ACKNOWLEDGE TO ME THAT THEY SIGNED THE FOREGOING OWNER'S DEDICATION FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES STATED THEREIN.

NOTARY PUBLIC NOTARY PUBLIC FULL NAME: COMMISSION NUMBER: MY COMMISSION EXPIRES:

SURVEY NARRATIVE

The property has been accurately surveyed with the intent to subdivide land. The basis of bearing is N 89°54'00 E between the West Quarter corner and the Center Quarter corner of Section 36, Township 26 South, Range 22 East, Salt Lake Base and Meridian. Lots of Sueno Grande Subdivision to be amended, private roads and utility easements to be vacated. Bearings used are from record of Coronado Park and not Sueno Grande. This better matches record of surrounding subdivisions.

5/8" x 24" rebar with survey cap to be placed at all lot corners or rights of way. Off-set pins to be placed in the back of the curb where applicable, in lieu of rebar and cap at front corners.



A SUBDIVISION LOCATED WITHIN SECTION 36, TOWNSHIP 26 SOUTH, RANGE 22 EAST SALT LAKE BASE AND MERIDIAN

30 South 100 East Moab, UT 84532 435.259.8171

Table with 2 columns: Field (Project, Date, Sheet) and Value (180-20, 2/9/21, 1 OF 3)

COUNTY SURVEYOR APPROVAL IN ACCORDANCE WITH INFORMATION AND RECORDS ON FILE IN THIS OFFICE

APPROVAL AS TO FORM APPROVED AS TO FORM THIS \_\_\_ DAY OF \_\_\_, 2021. ATTORNEY

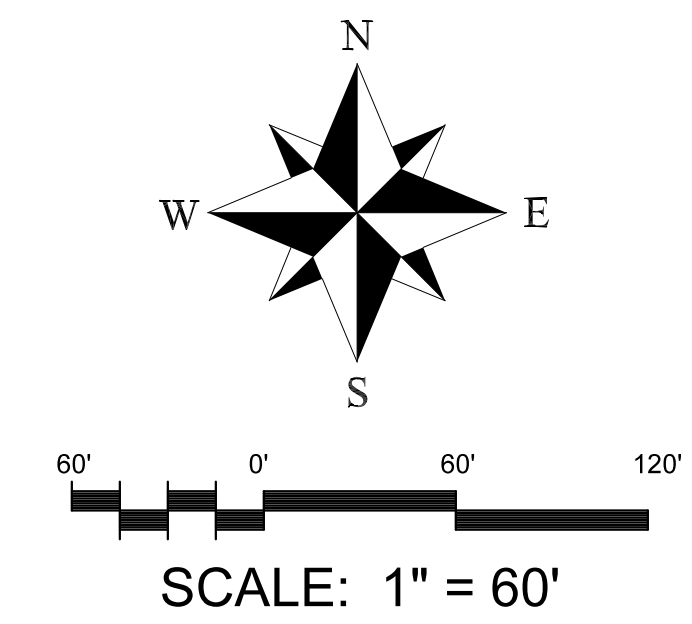
COUNTY BOARD OF HEALTH APPROVED THIS \_\_\_ DAY OF \_\_\_, 2021.

PLANNING COMMISSION CERTIFICATE APPROVED THIS \_\_\_ DAY OF \_\_\_, 2021. BY SAN JUAN COUNTY PLANNING COMMISSION. CHAIRMAN

COUNTY COMMISSION APPROVAL PRESENTED TO THE THIS \_\_\_ DAY OF \_\_\_, 2021. SUBDIVISION WAS ACCEPTED AND APPROVED. ATTEST

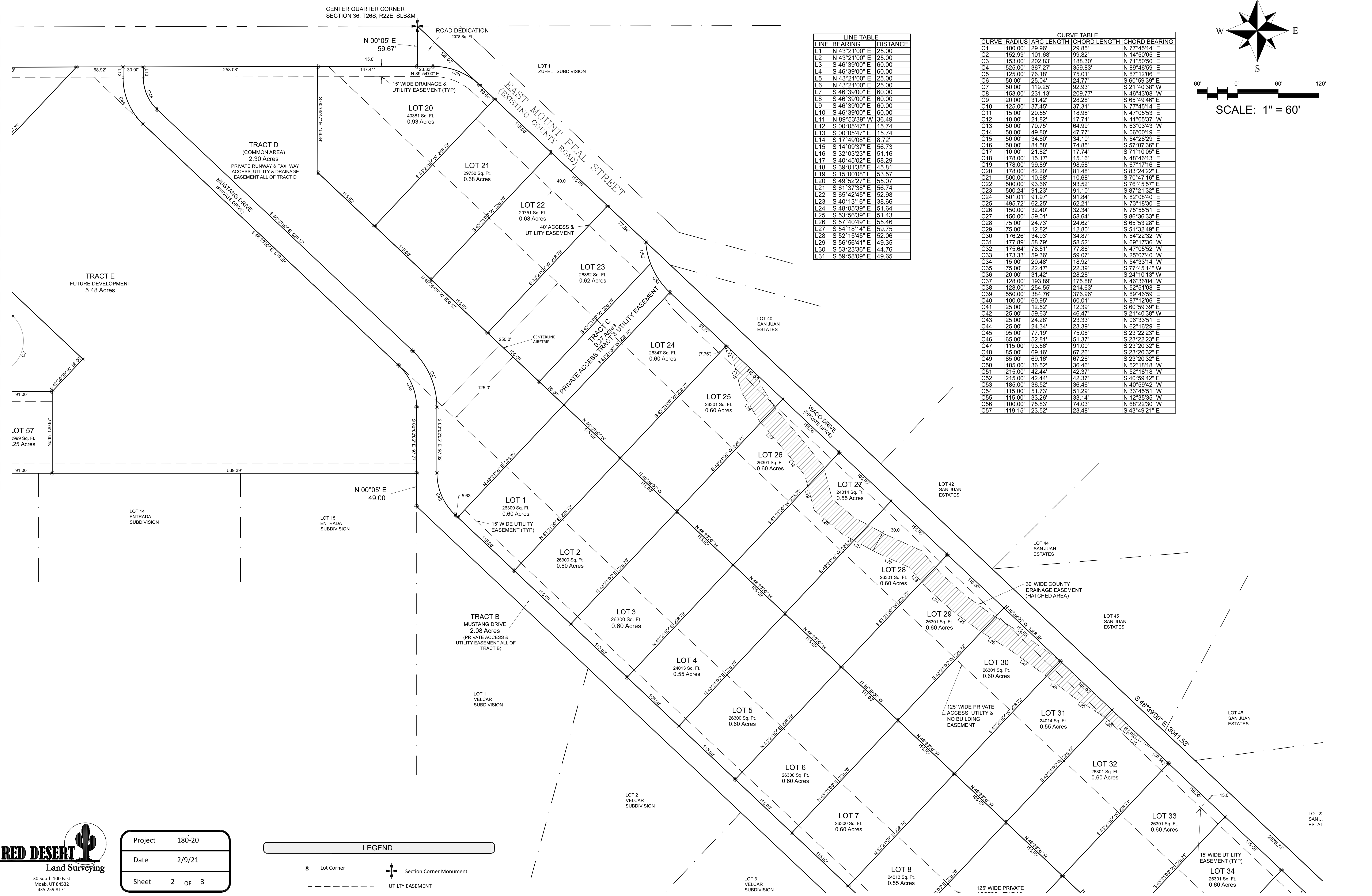
COUNTY RECORDER NO. STATE OF UTAH, SAN JUAN COUNTY, RECORDED AT THE REQUEST OF DATE \_\_\_ BOOK \_\_\_ PAGE \_\_\_ FEE \_\_\_





LINE	BEARING	DISTANCE
L1	N 43°21'00" E	25.00'
L2	N 43°21'00" E	25.00'
L3	S 46°39'00" E	60.00'
L4	S 46°39'00" E	60.00'
L5	N 43°21'00" E	25.00'
L6	N 43°21'00" E	25.00'
L7	S 46°39'00" E	60.00'
L8	S 46°39'00" E	60.00'
L9	S 46°39'00" E	60.00'
L10	S 46°39'00" E	60.00'
L11	N 89°53'39" W	36.49'
L12	S 00°05'47" E	15.74'
L13	S 00°05'47" E	15.74'
L14	S 17°49'08" E	8.72'
L15	S 14°09'37" E	56.73'
L16	S 32°03'23" E	51.16'
L17	S 40°45'02" E	58.29'
L18	S 39°01'38" E	45.81'
L19	S 35°00'08" E	53.57'
L20	S 48°52'27" E	55.07'
L21	S 61°37'38" E	56.74'
L22	S 65°42'45" E	52.98'
L23	S 40°13'16" E	38.66'
L24	S 48°05'39" E	51.64'
L25	S 53°56'39" E	51.43'
L26	S 57°40'49" E	55.46'
L27	S 54°18'14" E	59.75'
L28	S 52°15'45" E	52.06'
L29	S 56°56'41" E	49.35'
L30	S 53°23'36" E	44.76'
L31	S 59°58'09" E	49.65'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	100.00'	29.96'	29.85'	N 77°45'14" E
C2	152.99'	101.68'	99.82'	N 14°50'05" E
C3	153.00'	202.83'	188.30'	N 11°50'50" E
C4	525.00'	367.27'	359.83'	N 89°46'59" E
C5	125.00'	76.18'	75.01'	N 87°12'06" E
C6	50.00'	25.04'	24.77'	S 60°59'39" E
C7	50.00'	119.25'	92.93'	S 21°40'38" W
C8	153.00'	231.13'	209.77'	N 46°43'08" W
C9	20.00'	31.42'	28.28'	S 65°49'46" E
C10	125.00'	37.45'	37.31'	N 77°45'14" E
C11	15.00'	20.55'	18.98'	N 47°05'53" E
C12	10.00'	21.82'	17.74'	N 41°05'37" E
C13	50.00'	70.75'	64.99'	N 63°03'43" W
C14	50.00'	49.80'	47.77'	N 06°00'19" E
C15	50.00'	34.80'	34.10'	N 54°28'29" E
C16	50.00'	84.58'	74.85'	S 57°07'36" E
C17	10.00'	21.82'	17.74'	S 71°10'05" E
C18	178.00'	15.17'	15.16'	N 48°46'13" E
C19	178.00'	99.89'	98.58'	N 67°17'16" E
C20	178.00'	82.20'	81.48'	S 83°24'22" E
C21	500.00'	10.68'	10.68'	S 70°47'16" E
C22	500.00'	93.66'	93.52'	S 76°45'57" E
C23	500.24'	91.23'	91.10'	S 87°21'32" E
C24	501.01'	91.97'	91.84'	N 82°08'40" E
C25	495.72'	62.25'	62.21'	N 73°18'30" E
C26	150.00'	32.40'	32.34'	N 75°55'51" E
C27	150.00'	59.01'	58.64'	S 86°36'33" E
C28	75.00'	24.73'	24.62'	S 65°53'28" E
C29	75.00'	12.82'	12.80'	S 51°32'49" E
C30	176.26'	34.93'	34.87'	N 84°22'32" W
C31	177.99'	58.79'	58.52'	N 69°17'36" W
C32	175.64'	78.51'	77.86'	N 47°05'52" W
C33	173.33'	59.36'	59.07'	N 25°07'40" W
C34	15.00'	20.48'	18.92'	N 54°33'14" W
C35	75.00'	22.47'	22.39'	S 77°45'14" W
C36	20.00'	31.42'	28.28'	S 24°10'13" W
C37	128.00'	193.89'	175.88'	N 46°36'04" W
C38	128.00'	254.55'	214.63'	N 52°51'08" E
C39	550.00'	384.76'	376.96'	N 89°46'59" E
C40	100.00'	60.95'	60.01'	N 87°12'06" E
C41	25.00'	12.52'	12.39'	S 60°59'39" E
C42	25.00'	59.63'	46.47'	S 21°40'38" W
C43	25.00'	24.28'	23.33'	N 06°33'51" E
C44	25.00'	24.34'	23.39'	N 62°16'29" E
C45	95.00'	77.19'	75.08'	S 23°22'23" E
C46	65.00'	52.81'	51.37'	S 23°22'23" E
C47	115.00'	93.56'	91.00'	S 23°20'32" E
C48	85.00'	69.16'	67.26'	S 23°20'32" E
C49	85.00'	69.16'	67.26'	S 23°20'32" E
C50	185.00'	36.52'	36.46'	N 52°18'18" W
C51	215.00'	42.44'	42.37'	N 52°18'18" W
C52	215.00'	42.44'	42.37'	S 40°59'42" E
C53	185.00'	36.52'	36.46'	N 40°59'42" E
C54	115.00'	51.73'	51.29'	N 33°45'51" W
C55	115.00'	33.26'	33.14'	N 12°35'35" W
C56	100.00'	75.83'	74.03'	N 68°22'30" W
C57	119.15'	23.52'	23.48'	S 43°49'21" E



**RED DESERT**  
Land Surveying

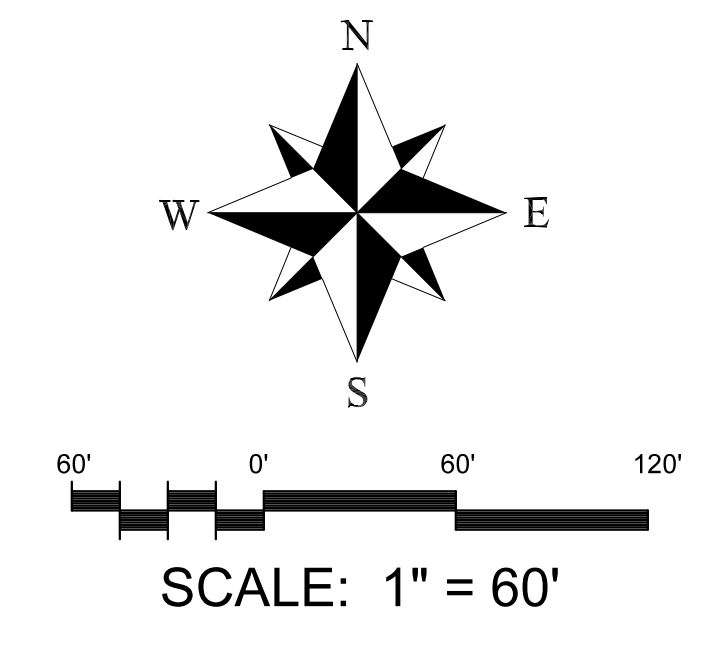
30 South 100 East  
Moab, UT 84532  
435-259-8171

Project	180-20
Date	2/9/21
Sheet	2 OF 3

**LEGEND**

- Lot Corner
- ⊕ Section Corner Monument
- - - - - UTILITY EASEMENT

SEE SHEET 3



**RED DESERT**  
Land Surveying

30 South 100 East  
Moab, UT 84532  
435.259.8171

Project	180-20
Date	2/9/21
Sheet	3 OF 3

**LEGEND**

- Lot Corner
- ⊕ Section Corner Monument
- - - - - UTILITY EASEMENT

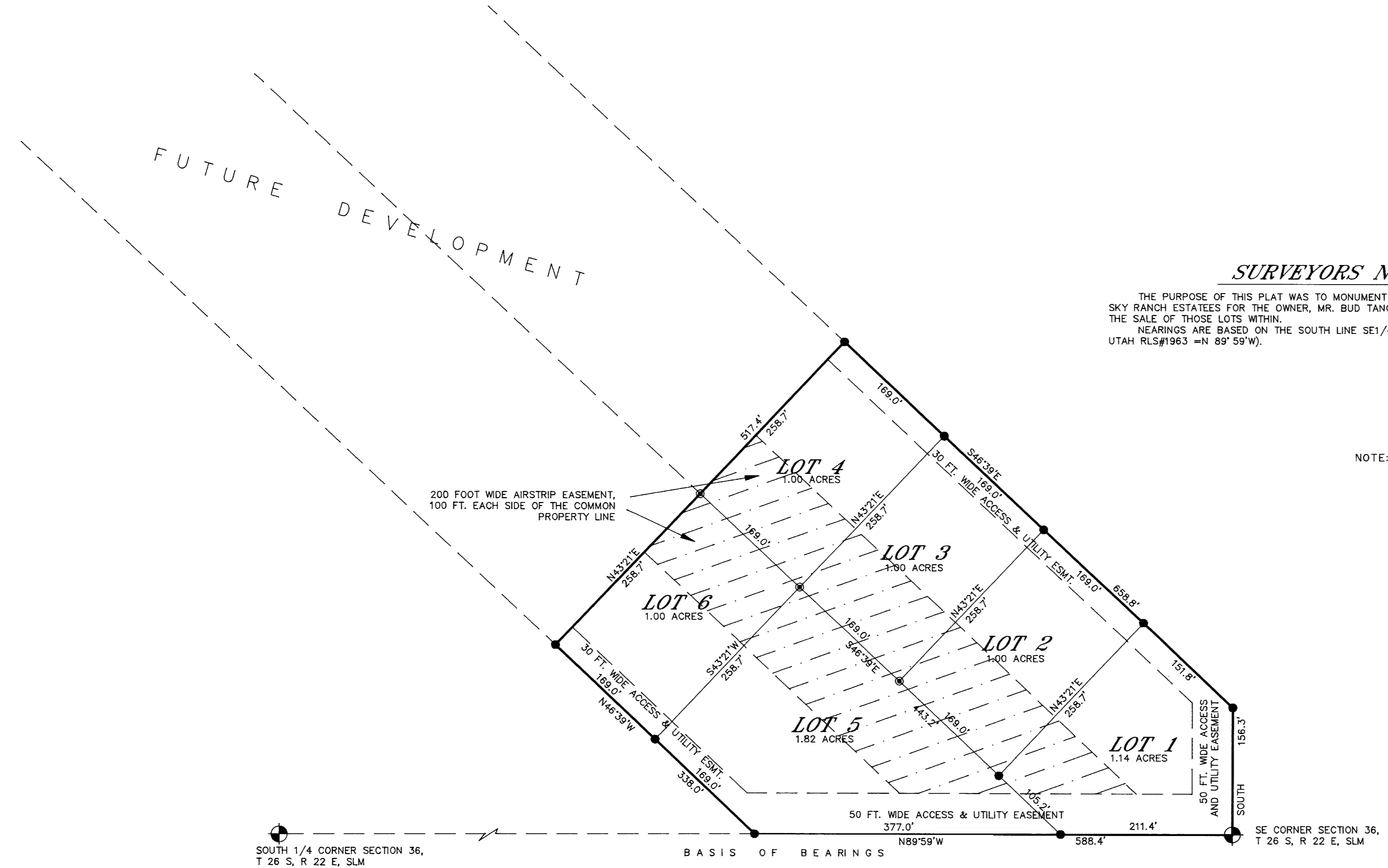
SOUTH QUARTER CORNER  
SECTION 36, T26S, R22E, SLB&M

N 89° 59' 00" W 588.40' (TIE)

SOUTHEAST CORNER  
SECTION 36, T26S, R22E, SLB&M

# A FINAL PLAT OF SKY RANCH ESTATES

A RESIDENTIAL SUBDIVISION WITHIN THE SE1/4 SECTION 36, T 26 S, R 22 E, SLM,  
SAN JUAN COUNTY, UTAH

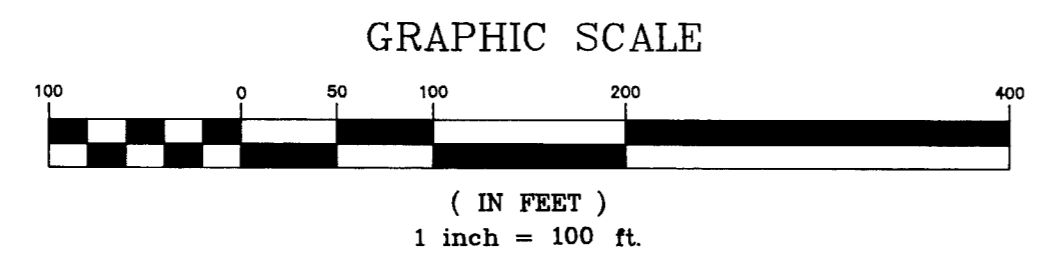


### SURVEYORS NARRATIVE

THE PURPOSE OF THIS PLAT WAS TO MONUMENT AND PLAT THE FIRST FILING OF THE SKY RANCH ESTATES FOR THE OWNER, MR. BUD TANGREN. SAME WAS DONE TO ACCOMMODATE THE SALE OF THOSE LOTS WITHIN.

BEARINGS ARE BASED ON THE SOUTH LINE SE1/4 SECTION 36 (BEARING FROM SURVEY BY UTAH RLS#1963 = N 89° 59' W).

NOTE: THE ROADS WITHIN THIS SUBDIVISION ARE PRIVATE. THUS, IT IS THE RESPONSIBILITY OF THE OWNER OR SELLER TO MAINTAIN SAME, NOT SAN JUAN COUNTY.



- ### LEGEND
- FOUND GOVERNMENT BRASS CAP MONUMENT
  - REBAR WITH PLASTIC CAP SET BY THIS SURVEYOR
  - P-K NAIL WITH WASHER SET IN ASPHALTIC CONCRETE SURFACE

### SURVEYOR'S CERTIFICATE

I, TIMOTHY M. KEOGH, DO HEREBY CERTIFY THAT I AM A REGISTERED UTAH LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 171004 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH, AND I FURTHER CERTIFY THAT UNDER AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HERE-AFTER TO BE KNOWN AS SKY RANCH ESTATES AND THAT SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

### BOUNDARY DESCRIPTION

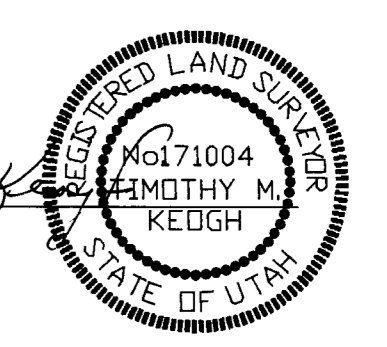
A PARCEL OF LAND WITHIN THE SE1/4 SECTION 36, T 26 S, R 22 E, SLM, SAN JUAN COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER SECTION 36, T 26 S, R 22 E, SLM, AND PROCEEDING THENCE WITH THE SOUTH LINE OF SAID SECTION 36 N 89° 59' W 588.4 FT. TO A CORNER, THENCE N 46° 39' W 338.0 FT. TO A CORNER, THENCE N 43° 21' E 517.4 FT. TO A CORNER, THENCE S 46° 39' E 658.8 FT. TO A CORNER, THENCE SOUTH 156.3 FT. TO THE POINT OF BEGINNING. CORNERS ARE MONUMENTED AS SPECIFIED ON THE ATTACHED PLAT.

BEARINGS ARE BASED ON THE SOUTH LINE SE1/4 SECTION 36 (BEARING FROM SURVEY BY UTAH RLS#1963=N 89° 59' W)

DATE June 9, 00

TIMOTHY M. KEOGH



### OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT \_\_\_\_\_, THE UNDERSIGNED OWNER ( ) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS HERE-AFTER TO BE KNOWN AS THE

### SKY RANCH ESTATES

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 HEREUNTO SET MY HAND THIS 9 DAY OF Jan, A.D., 2001

Tangan Family Trust  
Richard L. Tangren  
Richard L. Tangren, Trustee

### ACKNOWLEDGMENT

STATE OF UTAH  
COUNTY OF Cannonville S.S.

ON THE 9 DAY OF Jan, A.D., 2001 PERSONALLY APPEARED BEFORE ME Richard L. Tangren, Trustee 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.

MY COMMISSION EXPIRES 7/1/04  
NOTARY PUBLIC  
RESIDING IN Cannonville COUNTY

PREPARED BY  
**KEOGH LAND SURVEYING**  
45 EAST CENTER STREET  
MOAB, UTAH 84532

DATE: JUNE 9, 2000 SKYRANCH.DWG  
DRAWN BY: TMK CHECKED BY: TMK

COUNTY HEALTH DEPARTMENT  
APPROVED THIS 22 DAY OF August, A.D. 2000, BY  
Fisk Meyer

PLANNING COMMISSION CERTIFICATE  
APPROVED THIS 19 DAY OF June, A.D. 2000, BY  
Dy Lawrence  
CHAIRMAN PLANNING COMMISSION

COUNTY SURVEYORS APPROVAL  
I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT AND SAID TRACT AS STAKED EXAMINED BY THIS OFFICE AND IT IS CORRECT AND IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.  
7-17-00  
DATE Daughle E. Johnson

COUNTY COMMISSION APPROVAL  
PRESENTED TO THE THIS 19 DAY OF June, A.D. 2000. SUBDIVISION WAS ACCEPTED AND APPROVED.  
ATTEST Lynn Spivey Dy Lawrence

COUNTY RECORDER NO. 62823  
STATE OF UTAH, CO. OF San Juan, RECORDED AT THE REQUEST OF  
Richard L. Tangren Filed  
DATE 01-09-01 TIME 15:33 PM BOOK 791 PAGE 733 FEE 36.00  
0064 Louis C. Jones  
COUNTY RECORDER

APPROVAL AS TO FORM  
APPROVED AS TO FORM THIS 31st DAY OF July, A.D., 2000  
Chris C. Hill  
ATTORNEY

0064  
SKY RANCH  
ESTATES



## STAFF REPORT

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**MEETING DATE:** February 11, 2021

**ITEM TITLE, PRESENTER:** Legacy Fields Subdivision Phase II, Lucas Blake, Red Desert Land Surveying ACTION

**RECOMMENDATION:**

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### SUMMARY

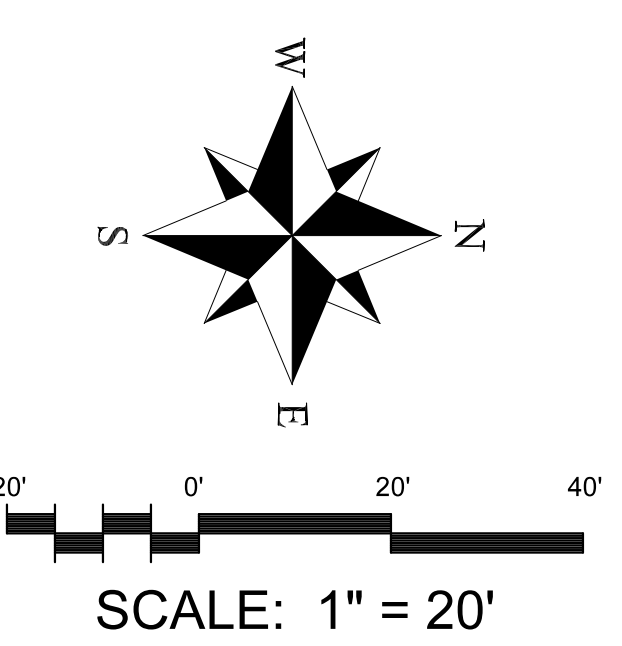
Legacy Fields Subdivision is located in La Sal, south of East Markle. Phase I was approved in January 2020 with 17 lots. Phase II is proposing an additional 21 lots.



88 East Center Street  
Moab, UT 84532  
435.259.8171

STANDARD LEGEND

- PROP. CORNER SET
- LOT CORNER
- CENTERLINE MONUMENT
- EASEMENTS
- PROPERTY ADJOINING

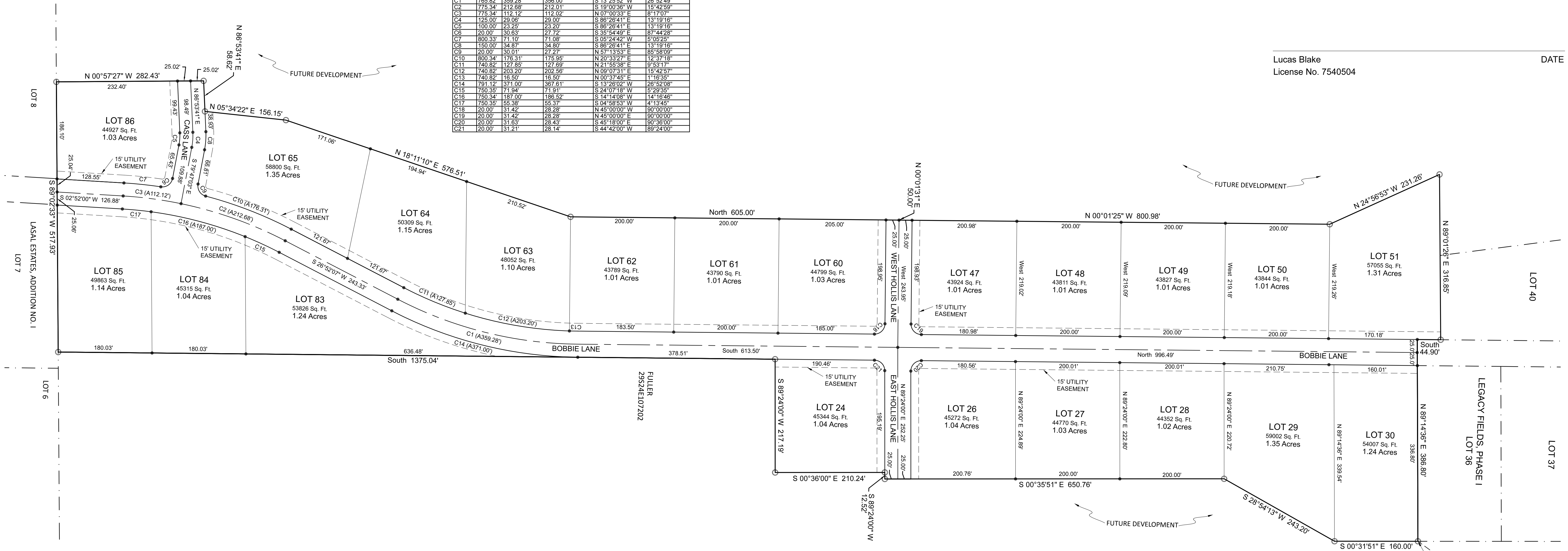


VICINITY MAP  
NOT TO SCALE

# FINAL PLAT OF LEGACY FIELDS, PHASE II

A SUBDIVISION LOCATED WITHIN  
SECTION 10, TOWNSHIP 29 SOUTH, RANGE 24 EAST  
SALT LAKE BASE AND MERIDIAN

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	765.62	359.28	356.00	S 13°25'52" W	26°52'49"
C2	775.34	112.68	112.01	S 19°09'36" E	15°42'59"
C3	775.34	112.12	112.02	N 07°09'33" E	8°17'07"
C4	125.00	29.06	29.00	S 86°26'41" E	13°19'16"
C5	100.00	23.25	23.20	S 89°29'41" E	13°19'16"
C6	20.00	30.63	27.72	S 35°54'48" E	87°44'28"
C7	800.33	71.10	71.08	S 05°24'42" W	5°05'29"
C8	150.00	34.87	34.80	S 89°29'41" E	13°19'16"
C9	20.00	30.01	27.27	N 57°13'53" E	65°58'09"
C10	800.34	176.31	175.95	N 20°33'27" E	12°37'18"
C11	740.62	122.80	122.69	N 21°55'36" E	9°53'17"
C12	740.62	203.20	202.56	N 09°07'31" E	15°42'57"
C13	740.62	116.50	116.50	N 00°37'45" E	1°16'35"
C14	781.12	371.00	361.81	S 13°29'02" W	29°52'09"
C15	750.35	71.94	71.91	S 24°07'18" W	5°29'35"
C16	750.34	187.00	186.52	S 14°14'08" W	14°16'46"
C17	750.35	65.98	65.97	S 04°59'53" W	4°19'45"
C18	20.00	31.42	28.28	N 45°00'00" W	90°00'00"
C19	20.00	31.42	28.28	N 45°00'00" E	90°00'00"
C20	20.00	31.63	28.42	S 45°18'00" E	90°36'00"
C21	20.00	31.21	28.14	S 44°42'00" W	89°24'00"



PLAT NOTES:

- ALL FRONTAGES, ALL LINES COMMON WITH A ROAD RIGHT-OF-WAY, SHALL BE SUBJECT TO A 15' WIDE PUBLIC UTILITY EASEMENT.
- FUTURE SHARED WELL EASEMENTS WILL BE RECORDED AT TIME OF DRILLING.
- THE ADOPTION AND MAINTENANCE OF COUNTY ROADS WILL NOT BE DONE UNTIL DEVELOPER CONSTRUCT PUBLIC ROADS, AT NO COST TO THE COUNTY, TO COUNTY STANDARDS AS REDERENCED IN THE (SAN JUAN COUNTY SUBDIVISION ORDINANCE; APPENDIX "B" COUNTY; PUBLIC STREET DESIGN STANDARDS).

PROJECT TYPE:  
SUBDIVISION

PROJECT ADDRESS:  
Address  
Moab, Utah 84532

PROJECT LOCATION:  
SAN JUAN COUNTY, STATE OF UTAH

PREPARED FOR:  
Kelly Shumway

DATE:  
1/11/21

JOB NUMBER:  
217-20

SHEET 1 OF 1

### SURVEYOR NOTES

The property has been accurately surveyed with the intent to subdivide land. The basis of bearing is S 88°54'58" W between the North Quarter corner and the Northeast corner of Section 10, Township 29 South, Range 24 East, Salt Lake Base and Meridian.  
5/8" x 24" rebar with survey cap to be placed at all lot corners or rights of way. Off-set pins to be placed in the back of the curb where applicable, in lieu of rebar and cap at front corners.

COUNTY SURVEYOR  
APPROVAL IN ACCORDANCE WITH INFORMATION AND RECORDS ON FILE IN THIS OFFICE

COUNTY SURVEYOR \_\_\_\_\_ DATE \_\_\_\_\_

### OWNER'S DEDICATION

Know all men by these presents that the undersigned are the owners of the above described tract of land, and hereby cause the same to be divided into lots, parcels and streets, together with easements as set forth to be hereafter known as

LEGACY FIELDS, PHASE II

Do hereby dedicate for Perpetual use of public all parcels of land shown on this plat as intended for public use.

In witness whereof \_\_\_\_\_ have hereunto set \_\_\_\_\_ this \_\_\_\_\_ Day of \_\_\_\_\_ a.d., 20\_\_\_\_

KELLY SHUMWAY, MANAGER  
KM REAL ESTATE ENTERPRISES, LLC

APPROVAL AS TO FORM  
APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.  
\_\_\_\_\_  
ATTORNEY

COUNTY BOARD OF HEALTH  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.  
\_\_\_\_\_  
CHAIRMAN

PLANNING COMMISSION CERTIFICATE  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.  
BY SAN JUAN COUNTY PLANNING COMMISSION.  
\_\_\_\_\_  
CHAIRMAN

COUNTY COMMISSION APPROVAL  
PRESENTED TO THE \_\_\_\_\_  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.  
SUBDIVISION WAS ACCEPTED AND APPROVED.  
\_\_\_\_\_  
ATTEST

COUNTY RECORDER  
STATE OF UTAH, SAN JUAN COUNTY, RECORDED AT THE REQUEST OF \_\_\_\_\_  
DATE \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ FEE \_\_\_\_\_

### LEGAL DESCRIPTION

Commencing at the Northeast corner of Section 10, Township 29 South, Range 24 East, Salt Lake Base and Meridian, Thence South 35°20'28" West 1731.46 feet to the Southeast corner of Lot 36, Legacy Fields, Phase I, the true point of beginning, and proceeding thence South 00°31'51" East 160.00 feet; thence South 28°54'13" West 243.20 feet; thence South 00°35'51" East 650.76 feet; thence South 89°24'00" West 12.52 feet; thence South 00°36'00" East 210.24 feet; thence South 89°24'00" West 217.19 feet; thence South 1375.04 feet; thence South 89°02'33" West 517.93 feet; thence North 00°57'27" West 282.43 feet; thence North 86°53'41" East 58.62 feet; thence North 05°34'22" East 156.15 feet; thence North 18°11'10" East 576.51 feet; thence North 605.00 feet; thence North 00°01'31" East 50.00 feet; thence North 00°01'25" West 800.98 feet; thence North 24°56'53" West 231.26 feet; thence North 89°01'26" East 316.85 feet; thence South 44.90 feet; thence North 89°14'36" East 386.80 feet to the point of beginning, having an area of 1,175,317 square feet, 26.98 acres.

### SURVEYOR'S CERTIFICATE

I, Lucas Blake, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7540504, as prescribed under the laws of the State of Utah. I further certify that by authority of the owners, I have made a survey of the tract of land shown on this plat and described hereon, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as LEGACY FIELDS, PHASE II and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

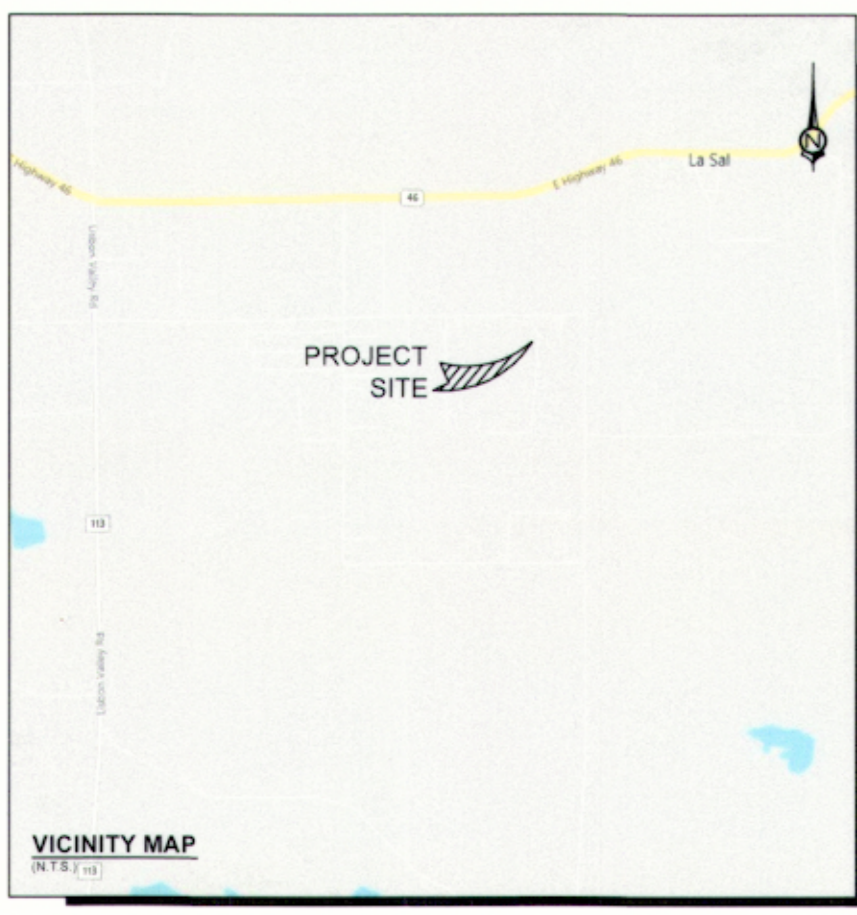
Lucas Blake  
License No. 7540504

DATE

N 1/4 CORNER SECTION 10, T29S, R24E, SLB&M (FOUND REBAR AND CAP)

(BASIS OF BEARING)  
S 88°54'58" W 2565.88' (MON. TO MON.)

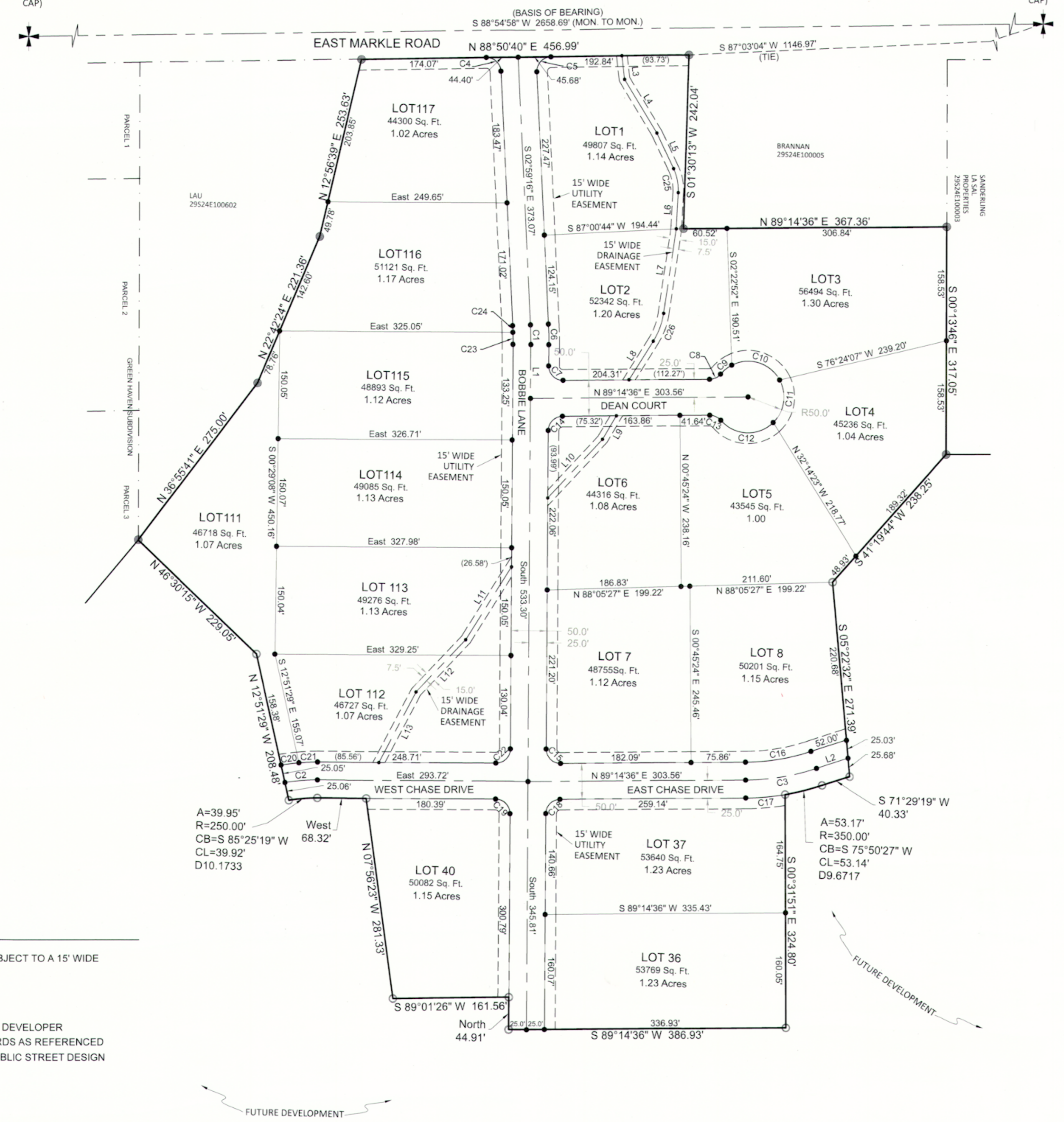
NE CORNER SECTION 10, T29S, R24E, SLB&M (FOUND REBAR AND CAP)



FINAL PLAT OF LEGACY FIELDS, PHASE I  
A SUBDIVISION LOCATED WITHIN SECTION 10, TOWNSHIP 29 SOUTH, RANGE 24 EAST SALT LAKE BASE AND MERIDIAN

N 1/2 CORNER SECTION 10, T29S, R24E, S18&M (FOUND REBAR AND CAP)

NE CORNER SECTION 10, T29S, R24E, S18&M (FOUND REBAR AND CAP)



CURVE TABLE with columns: CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING. Includes 28 curve entries (C1-C28).

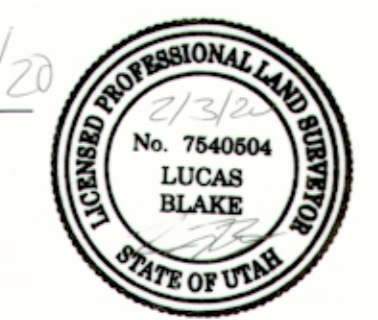
LINE TABLE with columns: LINE, BEARING, DISTANCE. Includes 13 line entries (L1-L13).

SURVEYOR'S CERTIFICATE

I, Lucas Blake, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7540504, as prescribed under the laws of the State of Utah. I further certify that by authority of the owners, I have made a survey of the tract of land shown on this plat and described herein, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as LEGACY FIELDS, PHASE I

and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

Lucas Blake Date 2/3/20  
License No. 7540504



BOUNDARY DESCRIPTION

Commencing at the Northeast corner of Section 10, Township 29 South, Range 24 East, Salt Lake Base and Meridian, Thence South 87°03'04" West 1146.97 feet to the true point of beginning, and proceeding Thence South 01°30'13" West 242.04 feet; Thence North 89°14'36" East 367.36 feet; Thence South 00°13'46" East 317.05 feet; Thence South 41°19'44" West 238.25 feet; Thence South 05°22'32" East 271.39 feet; Thence South 71°29'19" West 40.33 feet; Thence with a curve having a radius of 350.11 feet, to the right with an arc length of 53.19 feet, (a chord bearing of South 75°50'27" West 53.14 feet); Thence South 00°31'51" East 324.80 feet; Thence South 89°14'36" West 386.93 feet; Thence North 44.91 feet; Thence South 89°01'26" West 161.56 feet; Thence North 07°56'23" West 281.33 feet; Thence West 68.32 feet; Thence with a curve having a radius of 250.08 feet, to the left with an arc length of 39.96 feet; Thence North 44.91 feet; Thence South 85°25'19" West 39.92 feet; Thence North 12°51'29" West 208.48 feet; Thence North 46°30'15" West 229.05 feet; Thence North 36°55'41" East 275.00 feet; Thence North 22°42'24" East 221.36 feet; Thence North 12°56'39" East 253.63 feet; Thence North 88°50'40" East 456.99 feet to the point of beginning, having an area of 23.16 acres.

OWNER'S DEDICATION

Know all men by these presents that the undersigned are the owners of the above described tract of land, and hereby cause the same to be divided into lots, parcels and streets, together with easements as set forth to be hereafter known as LEGACY FIELDS, PHASE I

and do hereby dedicate for the perpetual use of the public all roads and other areas shown on this plat as intended for public use. The undersigned owners also hereby convey to any and all public utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owners also hereby convey any other easements as shown on this plat to the parties indicated and for the purposes shown herein.

Kelly Shumway, KM REAL ESTATE ENTERPRISES, LLC  
KELLY SHUMWAY, MANAGER  
ACKNOWLEDGMENT

STATE OF Utah } S.S.  
COUNTY OF Grand

ON THE 18 DAY OF August 2020, PERSONALLY APPEARED BEFORE ME, Kelly Shumway, manager of KM Real Estate Enterprises LLC WHOM DID ACKNOWLEDGE TO ME THAT THEY SIGNED THE FOREGOING OWNER'S DEDICATION FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES STATED THEREIN.

Dawn Renae Eddy  
NOTARY PUBLIC  
NOTARY PUBLIC FULL NAME: Dawn Renae Eddy  
COMMISSION NUMBER: 700233  
MY COMMISSION EXPIRES: May 20, 2022



SURVEY NARRATIVE

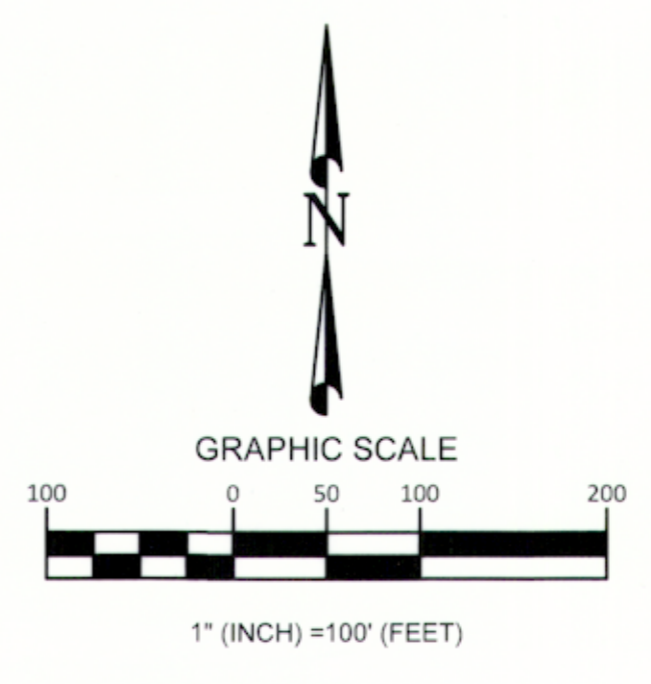
The property has been accurately surveyed with the intent to subdivide land. The basis of bearing is S 88°54'58" W between the North Quarter corner and the Northeast corner of Section 10, Township 29 South, Range 24 East, Salt Lake Base and Meridian. 5/8" x 24" rebar with survey cap to be placed at all lot corners or rights of way. Off-set pins to be placed in the back of the curb where applicable, in lieu of rebar and cap at front corners.

NOTES

- 1. ALL FRONTAGES, ALL LINES COMMON WITH A ROAD RIGHT-OF-WAY, SHALL BE SUBJECT TO A 15' WIDE PUBLIC UTILITY EASEMENT.
- 2. FUTURE SHARED WELL EASEMENTS WILL BE RECORDED AT TIME OF DRILLING
- 3. THE ADOPTION AND MAINTENANCE OF COUNTY ROADS WILL NOT BE DONE UNTIL DEVELOPER CONSTRUCT PUBLIC ROADS, AT NO COST TO THE COUNTY, TO COUNTY STANDARDS AS REFERENCED IN THE (SAN JUAN COUNTY SUBDIVISION ORDINANCE; APPENDIX "B" COUNTY; PUBLIC STREET DESIGN STANDARDS).

LEGEND

- Lot Corner
- Section Corner Monument
- Found Property Corner
- Set Subdivision Corner



A SUBDIVISION LOCATED WITHIN SECTION 10, TOWNSHIP 29 SOUTH, RANGE 24 EAST SALT LAKE BASE AND MERIDIAN

Ent 163190 Bk 1051 Pg 905  
Dates: 19-AUG-2020 8:42:56AM  
Fees: \$65.00 Check Filed By: DM  
DAVID D. CARPENTER, Recorder  
SAN JUAN COUNTY CORPORATION  
For: SHUMWAY KELLY

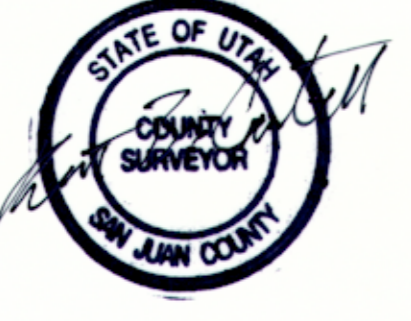


Project 110-19  
Date 2/3/20  
Sheet 1 OF 1

COUNTY SURVEYOR

I HAVE REVIEWED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

Lucas Blake 2/3/20  
COUNTY SURVEYOR DATE



APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 3rd DAY OF February 2020

Walt J. R. [Signature]  
ATTORNEY

COUNTY BOARD OF HEALTH

APPROVED THIS 3rd DAY OF August 2020

[Signature]  
CHAIRMAN

PLANNING COMMISSION CERTIFICATE

APPROVED THIS 9th DAY OF JANUARY 2020

[Signature]  
CHAIRMAN

COUNTY COMMISSION APPROVAL

PRESENTED TO THE Chair Kenneth Marley THIS 4th DAY OF February 2020

[Signature]  
SUBDIVISION WAS ACCEPTED AND APPROVED.

COUNTY RECORDER NO.

STATE OF UTAH, SAN JUAN COUNTY, RECORDED AT THE REQUEST OF KM Real Estate Enterprise LLC  
DATE 8-19-2020 BOOK 1051 PAGE 905 FEE \$86



## STAFF REPORT

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**MEETING DATE:** February 11, 2021

**ITEM TITLE, PRESENTER:** Application for Spanish Valley Overnight Accommodations Overlay (Rezone), Josh Anderson ACTION

**RECOMMENDATION:**

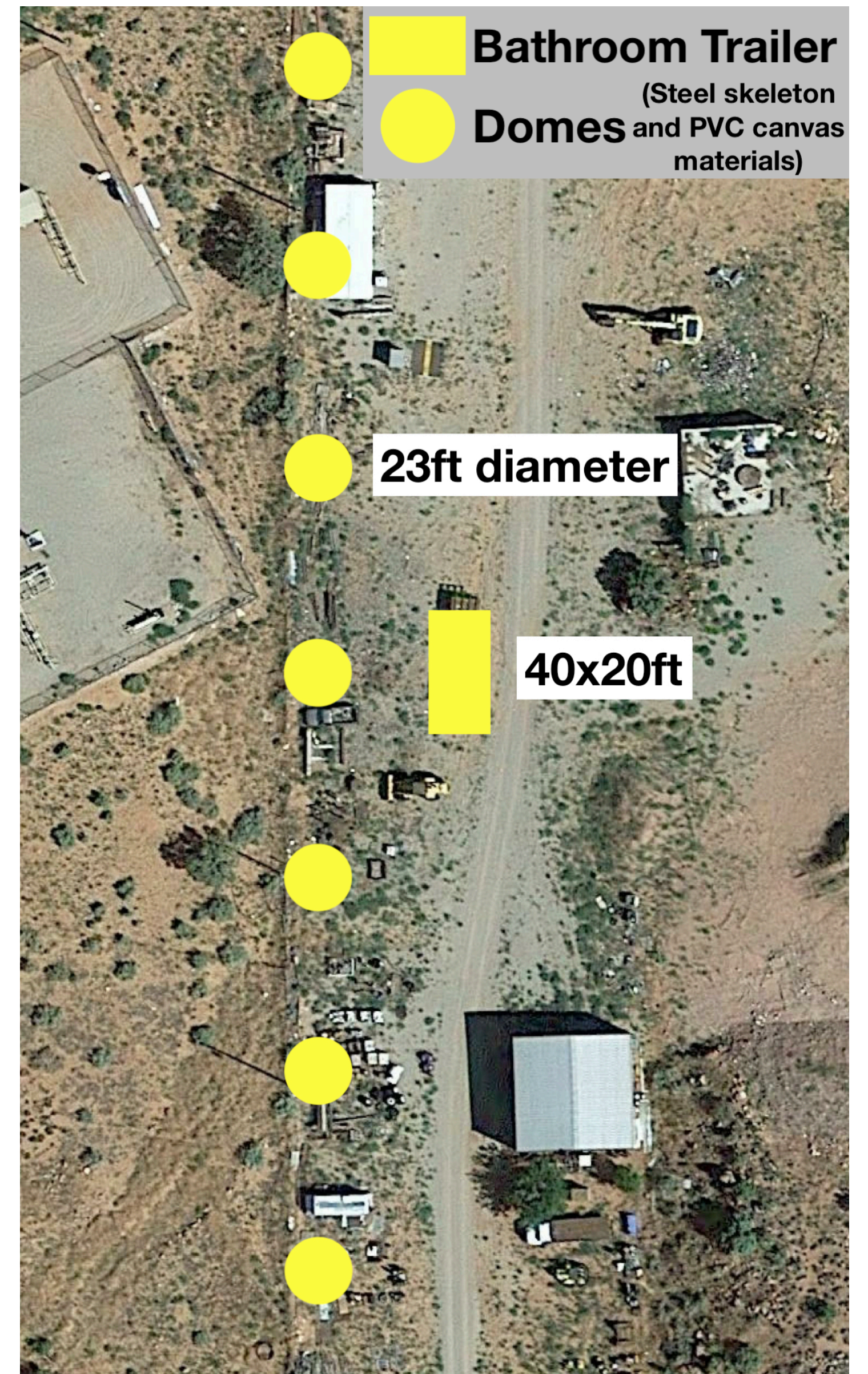
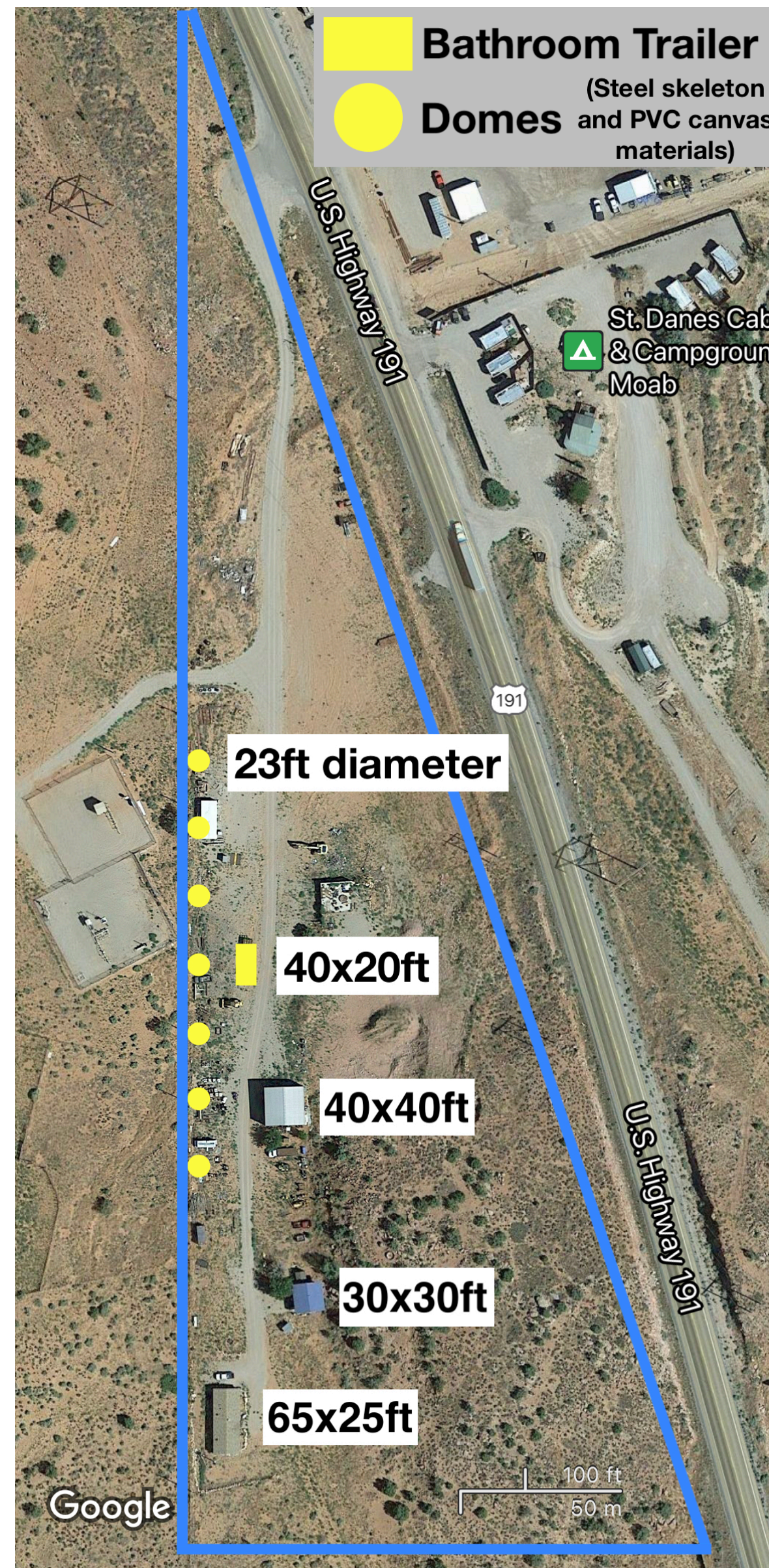
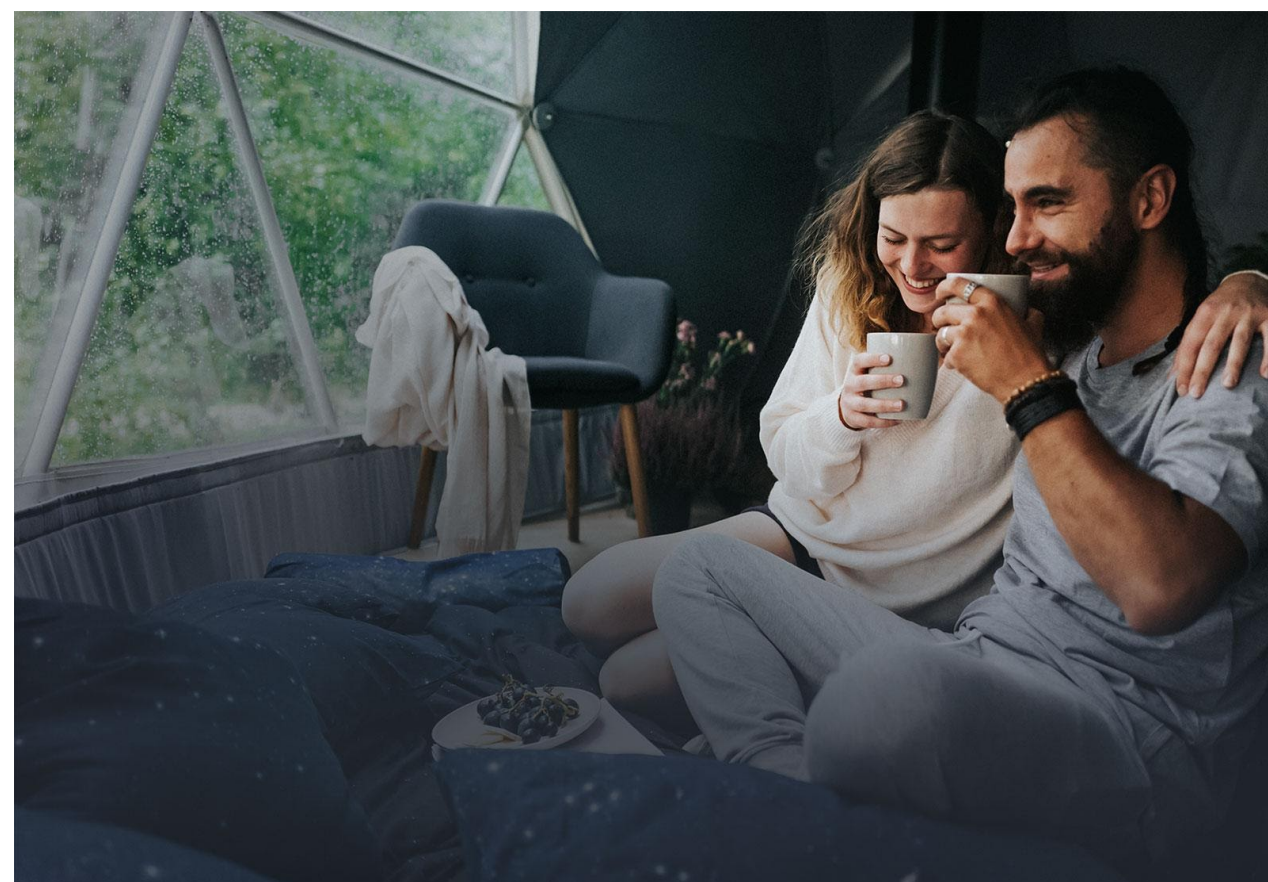
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### SUMMARY

Josh Anderson is proposing a glamping campground be permitted on private property along US Highway 191. This property is currently in the Spanish Valley Highway Commercial Zone. This use requires an application for the Spanish Valley Overnight Accommodations Overlay. This is the first step in a three step process outlined in the ordinance. If approved, they will come with a more detailed plan with more specific information to attach the overlay to the property.

# The Domes at Moab

## 5600 S Hwy 191 Moab Utah 84532





# The Domes at Moab

## Site Master Plan Narrative

We are requesting the county permit the addition of a low impact glamping campground that will have 7 non-permanent 430sqft geodesic dome tent structures with a shared bathroom trailer. Located at 5600 S Hwy 191, Moab, Utah 84532

### **Parcel Numbers:**

27S22E015405

27S22E015402

### **Curent Use:**

Residential double wide mobile home and automotive junkyard

### **Statement of proposed development benefits**

The Domes at Moab will add needed accommodations to draw visitors from the Moab area to Spanish Valley thereby justifying and encouraging further development of recreational and restaurant type amenities that will attract, service and benefit the planned residential developments in the areas master plan.

The vision of the development is to be a part of the initial wave that attracts and encourages people to come and live in Spanish Valley permanently.

### **Description of impact on sensitive lands**

Our low impact, non-permeant glamping units will not interfere with any watersheds, floodplains or riparian habitats and will not be built on any slopes in excess of 30%. Additionally we will not be disrupting any significant geological, biological or archeological sites.

### **Utilities and infrastructure designed to conserve natural resources**

Utilities and infrastructure will be designed in a low impact way. Electricity will be provided by a solar panel at each unit. Water will be trucked in to a holding tank on the bathroom trailer and the septic tank on the trailer will be pumped out. The access road will follow the current road.

All property lighting will be dark-sky friendly. Water conservation systems will be put into use such as pull string showers and WaterSense bathroom sink faucets, toilets and shower heads that reduce water flow by 30% or more. No water consuming landscape will be installed and we will further nurture the native flora and fauna of the fertile Spanish Valley soil with our recycled grey water.

## **Narrative of the development**

- The development area will include 0.4 acres of the 10.79 acre property. The rest will be dedicated to open space.
- The project density will be less than 353 sqft per acre of the 10.79 acre property.
- There will be 1:1.5 ratio of overnight accommodation units to acres of property.
- 1 of the glamping dome units will provide the onsite affordable employee housing needed
- Common areas for outdoor cooking, eating and activities will be arranged in the center of the project and 10.39 acres will be dedicated to open space to roam.
- A total of 10 parking spaces will be required and provided at each unit.
- The FAR (Floor Area Ratio) is 0.0081
- Public open space will be 10.39 acres and the property abuts another 80 acres of publicly accessible SITLA land
- The development character and proposed architectural style is that of geodesic domes interspersed to aesthetically compliment the otherwise natural and uninterrupted landscape.

## **Traffic**

UDOT will approve current entrance for our limited needs of 7 units.

## **Statement of consistency with area plan**

The Domes development is consistent with the San Juan County Spanish Valley Area Plan and the San Juan County General Plan due to planning the project in a zone intended for this use and its ambition to improve the highway viewshed and act as an economic catalyst for the area in a sensitive way to ensure employee housing and water conservation as well as to preserve open space and remain dark sky friendly.



## STAFF REPORT

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**MEETING DATE:** February 11, 2021

**ITEM TITLE, PRESENTER:** Revisions to the Spanish Valley Highway Commercial District (HC) Ordinance DISCUSSION

**RECOMMENDATION:**

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### SUMMARY

In the information packet, you will find the Spanish Valley Highway Commercial District (HC) ordinance that was recommended to the Board of County Commissioners by the planning commission in November 2019. Any recommended revisions will go to the San Juan County Attorney's Office for revisions. These revisions will be available at a future meeting.

## Chapter 6: Spanish Valley Highway Commercial (HC) District

An ordinance creating the *Spanish Valley Highway Commercial (HC) District (HC Zone)* of the San Juan County Zoning Ordinance for the purpose of controlling development in the non-federal lands in the Spanish Valley within San Juan County. See the proposed Spanish Valley Zoning Map for applicable locations and the Land Use Plan in the *San Juan County Spanish Valley Area Plan* (adopted April 17, 2018) for a general description.

### Purpose

### Uses

### Conditional Uses

### Special Provisions

### Signs

### Constrained Lands

### District Standards

### Subdivision Standards

### Streets

### Sidewalks and Trails

### Easements

### Drainage

### Water Supply

### Signs

### Purpose

To provide a district where highway commercial uses along U.S. Highway 191 are permitted, as supported in the *San Juan County Spanish Valley Area Plan (2018)* and *San Juan County General Plan (2018)*. Specific uses should include establishments offering goods and services to motorists, and provide for non-pedestrian-oriented retail, wholesale, service and repair activities which do not contribute to the creation of unattractive, congested and unsafe highway conditions, with access provided primarily from driveways linking to east/west arterial roads linked to U.S. Highway 191, from UDOT-approved access driveways on U.S. Highway 191 in the short-term and via anticipated frontage roads along U.S. Highway 191 in the long-term.

### Permitted Uses

The following is a list of typical permitted uses. The list is not exclusive. Any use not specifically listed but determined by the Planning Commission to be similar in purpose, intent or use shall be permitted.

- Banks and other financial institutions including savings, loan, and finance/mortgage institutions
- Barber shops, beauty shops and other personal service uses
- New and used automobile sales and rentals

- Hotels, motels, commercial condos, bed and breakfasts (B&Bs), commercial campgrounds and all other variations of overnight accommodations intended for nightly rentals under 40,000 square feet structure and maximum ten acre site
- Drive-in or drive-through uses
- Automobile fuel sales and associated convenience stores
- Automobile service stations including minor and major auto repair work, providing all repair work is conducted wholly within a completely enclosed building.
- Auto accessories, farm machinery and equipment sales
- Nurseries and greenhouses
- Mobile home sales
- Restaurants
- Groceries/ Supermarkets
- Live/work units
- General Retail/Services
- Movie theaters and similar entertainment uses
- Bowling alleys and other commercial recreation facilities
- Accessory buildings and uses
- New and used boat and other marine or sport equipment sales and service,
- Customary accessory buildings and uses
- Enclosed storage, flex-office and similar uses
- Governmental facilities
- Commercial, civic, institutional and business campuses
- Electric vehicle charging stations, including but not limited to EV charging station, rapid charging station, battery exchange stations
- Bus terminals
- Day care centers, nursing or convalescent homes, and health care facilities
- Retail sales and services such as building materials, hardware and farm supply outlets
- Offices and related business activities
- Residential units above the first floor of primary uses (owner occupied or long-term lease/rental only)

#### **Conditional Uses**

- Any use encompassing buildings or structures in excess of 40,000 square feet
- Any project in excess of 10-acres
- Hotels, motels, commercial condos, bed and breakfasts (B&Bs), commercial campgrounds and all other variations of overnight accommodations intended for nightly rentals exceeding 40,000 square feet structure and ten acre site
- Small-scale, local retail and service businesses such as, cafes, green grocers, day care centers, boutiques, dry cleaners and similar goods and services
  - Shall only be permitted as clustered, pre-designed centers that area minimum of three -acres in extent with limited and controlled access points from the adjacent street, coordinated and shared parking, etc.

- Truck stops shall be considered as conditional uses for the portion of the HC Highway Commercial District south of Ken's Lake Cutoff Road only. No residential uses shall be permitted within 500 feet of this segment of the BF Zone. ~~and no more than one truck stop shall be permitted within the BF Zone.~~ Specific site development and environmental controls shall be established as part of the conditional use, preliminary plat and final plat approval process, with a focus on protecting the health, safety and welfare of the nearby residents and the community as a whole. All local, county, state and federal laws shall be considered as part of such review. ~~No more than one truck stop may be located along US 191 within the San Juan County portion of the Spanish Valley.~~

#### Uses Subject to the Spanish Valley Overnight Accommodations Overlay<sup>4</sup>

- Hotels and Motels
- Commercial Condominiums for short-term rentals
- Bed and Breakfasts (B&Bs), lodges and resorts
- Commercial campgrounds
- All other variations of overnight accommodations intended for nightly rentals

#### Special Provisions

- Applications for conditional uses are required to provide detailed site plan drawings (Site Plan) of their proposed use as follows:
  - Format size not less than 8-1/2" x 11" or greater than 24" x 36".
  - Precise dimension at a standard scale.
  - Location of all existing structures and improvements (buildings, roads, fences, ditches and canals, utility systems) and other information as required by Planning Commission.
  - Proposed methods of providing utility needs including water, sewer, electrical, and fuel services, vehicular access and parking, and appropriate methods for dealing with any special site problems such as storm water drainage.
- No buildings used for commercial or industrial purposes shall be erected within 50 feet of an existing residential building or a residential district boundary. Buildings used for commercial and industrial purposes that are located within 100 feet of a residential district boundary shall not exceed the height limitations of the corresponding residential district.
- All Highway Commercial uses must have direct frontage and/or a physical parcel connection by street to U.S. Highway 191. Sites lacking such relationships will be limited to uses and development conditions of the adjacent Spanish Valley Residential District.

#### Lot Design Standards

All development in the HC Zone shall be subject to the following lot design standards, which generally allow for a variety of uses and building types while maintaining the overall character

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<sup>4</sup> *Ibid.*

of a highway commercial district. This approach promotes better site layout and development relationships that match existing and proposed infrastructure investments.

#### Minimum Requirements

Every building erected or installed must be located on, and every plat submitted for approval must show, a lot or building parcel that meets the minimum requirements of at least one use permitted under this chapter, based on underlying zoning and subdivision type. No minimum lot size is required in the highway commercial district.

Every building and lot must have direct access to a public street or frontage road. All structures must be located on lots or parcels that provide safe and convenient access for servicing, fire protection and required on-site parking. No lot shall be approved that does not meet the minimum lot area requirements of this chapter except in the following cases:

1. Nonconforming lots
2. Public Utilities

The uses and densities listed in this chapter are allowed by right unless otherwise expressly stated. Each project must comply with all of the applicable development standards of this chapter.

#### **Constrained Lands**

Constrained lands include lands with natural slopes greater than 30 percent, jurisdictional wetlands, lands in the 100-year floodplain, public drinking water supply sources (recharge areas for wells and aquifers), lands affected by unmitigable geo-hazards, riparian habitats, and archeological sites.

Constrained lands in all HC Zone developments shall be identified on plats and remain unoccupied by buildings or impervious surfaces.

#### Land Suitability

Land deemed to be environmentally unsuitable shall not be platted for residential occupancy, or for such other commercial or industrial uses as may increase danger to health, life, or property, or aggravate erosion or flood hazard. Such land within the plat shall be restricted for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsafe living conditions.

The County shall not approve the subdivision of land if it is determined that the site is not suitable for platting and development purposes.

#### **District Standards**

For all principal structures in the HC Zone, the front yard, side and rear yards facing the highway, other streets and within 25 feet of a residential use or residential district shall be

landscaped in accordance with the requirements of the Water Efficient Landscape chapter (Chapter 7) of the San Juan County Land Use Ordinance.

### **Subdivision Standards**

#### Applicability

All plats and subdivision of land within the HC Zone shall conform to the following rules and regulations.

#### Lot Configuration

The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall not be less than those specified as minimum standards by the HC Zone. The depth and width of properties shall be adequate to provide for the off-street service, parking facilities and fire/safety requirements required in the San Juan County Zoning Ordinance.

#### Side Lot Lines

Side lot lines shall be substantially at right angles to street lines unless otherwise approved by the Planning Commission.

#### Street Frontage Required

Each new lot or building tract shall front upon a public street.

#### Double Frontage Lots

Double frontage lots shall be avoided, except where essential to provide separation from traffic or to overcome specific disadvantages of topography and orientation.

#### Flag Lots

Flag-shaped or panhandle shaped lots may be created if all of the following requirements are met:

1. The lot provides access to a residential or agricultural use.
2. The lot has at least 20 feet of frontage on a dedicated public street, which frontage served as access only to the subject lot or parcel.
3. The "handle" portion of the lot is at least 20 feet in width, and not more than 250 feet in length.
4. The body of the lot meets the lot area and lot width and setback requirements of the applicable TYPE.

#### Large Lots

Where the area is divided into larger lots than for normal San Juan County building sites and, in the opinion of the Planning Commission, any or all of the tracts are susceptible to being re-subdivided, the original subdivision shall be such that the alignment of future street dedications may conform to the general street layout in the surrounding area and so



that the larger tracts may be later subdivided in conformance with the requirements of this chapter and the minimum standards specified by the applicable zoning district.

## **Streets**

### Applicability

All developers shall be required to construct streets in accordance with requirements of the San Juan County Code requirements.

### Street Layout

Unless otherwise approved by the Planning Commission, provisions shall be made for the extension of streets. All streets shall bear a logical relationship to the topography and to the location of existing or planned streets on adjacent properties. Adequate local streets shall be provided to accommodate the subdivision and provide access to lots. The arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection to existing principal streets in surrounding areas; or
2. Conform to a plan for a neighborhood or planned unit development approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or where neighborhood design makes a varied plan appropriate.

### Street Connections

The system of streets designated for a subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivision(s); and where no adjacent connections are platted, must in general be the reasonable projection of streets in the nearest subdivided tracts, and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith. Reserve strips of land controlling access to or egress from other property or to or from any street or alley or having the effect of restricting or damaging the adjoining property for subdivision purposes shall not be permitted in any subdivision unless such reserve strips are conveyed to San Juan County in fee simple.

### Half Right-of-Way (R.O.W.)

Half streets shall be prohibited except where essential to the reasonable development of the subdivision and where the Planning Commission finds it will be practicable to require the dedication for the other half of a street when adjoining property is subdivided.

### Street Intersections

More than two streets intersecting at a point shall be avoided, except where it is impractical to secure a proper street system otherwise. Intersections shall be as near 90 degrees as possible and in no cases shall the intersection angle being less than 60 degrees.

### Street Jogs

Non-intersecting streets with centerline offset of less than 125 feet shall not be approved.

#### Dead-End Streets

Dead-end streets, except for cul-de-sacs, shall be prohibited unless they are designed to connect with future streets on adjacent lands that have not been platted. In cases where these types of dead-end streets are allowed, a temporary turnaround with a minimum radius of 100 feet shall be constructed.

#### Cul-de-sacs

Cul-de-sacs shall meet the San Juan County Zoning Ordinance requirements. Ordinarily, cul-de-sacs are discouraged as they do not result in a continuity of existing streets or streets pattern and may be used only where unusual drainage or land ownership configurations exist that make other designs impractical.

#### Highway Access Permit

A Highway Access Permit must be approved by the Utah Department of Transportation (UDOT) for each new property or subdivision with direct access to a federal or state highway. Turn lanes, frontage road(s), curb and gutter may be required along the entire highway frontage if required by UDOT.

#### Street Design Standards

Street and alley widths, curves, grades design speed and centerline radius shall meet San Juan County Zoning Ordinance requirements.

#### Street Names and Numbers

All street names shall be as established subject to approval of San Juan County Zoning Ordinance requirements. When new streets are in alignment with existing streets, any new streets shall be named according to the existing streets with which they correspond. Streets which do not fit into an established street-naming pattern shall be named in a manner which will not duplicate or be confused with existing streets within the Spanish Valley Area Plan or its environs.

#### Street lighting

Street Lighting shall conform to San Juan County Zoning Ordinance requirements. The developer shall pay the costs of purchasing and installing all street lighting equipment. Street lighting design plans shall be subject to the approval of the County Engineer. The type of equipment, method of installation and location of the wiring and light poles shall meet the minimum standards and requirements of the electric company from which electricity is to be purchased. All intersections with a major collector street shall have at least one streetlight.

**Sidewalks and Trails**

Applicability

This section is intended to ensure adequate pedestrian access is available to serve uses that need and benefit from such access. If a builder or property owner believes that a proposed use does not need or benefit from pedestrian access, a written request for interpretation may be submitted to the Zoning Administrator describing the use and explaining why pedestrian access should not be required as a condition of the building permit for the proposed use.

Trails

Trails shall be designed as single track and multi-use trails depending on the specific need and conform to the standards in Table 6-1.

**Table 6-1  
Trail Design Standards**

	Cross-Slope Range	Min. Trail Width	Min. R.O.W. Width	Clearing		Preferred Surface Materials			
				horizontal	vertical	natural	crushed stone	asphalt	concrete
<b>Single-track Trails</b>	0-20%	3'	6'	1.5' each side of trail	10'	Yes	Yes	No	No
<b>Multi-use Trails</b>	0-10%	12'	15'	1.5' each side of trail	10'	Yes	Yes	Yes	Yes

**Easements**

Utility Easements Required

Utility easements shall be required unless otherwise approved by the Planning Commission and in commercial and industrial districts.

Minimum Width

The minimum rights-of-way width of each utility easement shall be 5 feet or as otherwise provided according to San Juan County Zoning Ordinance requirements.

Fire Lanes and Emergency Access Easements

Fire lanes and emergency access easements shall be provided according to San Juan County Zoning Ordinance requirements

Drainage Easements

When a proposed subdivision is traversed by an irrigation ditch or channel, natural creek or stream or a proposed drainage easement, an easement shall be provided sufficient for drainage and to allow for maintenance of the drainage system.

Trail Easements

When a proposed subdivision is traversed by a public trail shown on an adopted plan or when the Planning Commission finds that a trail easement can better serve the proposed development than a sidewalk, a minimum 15-foot wide easement shall be provided sufficient for public trail construction, maintenance and access purposes.

#### Adjoining Areas

When easements in areas adjoining proposed subdivisions are necessary to provide adequate drainage thereof or to serve such subdivisions with utilities, the developer shall obtain such easements.

### **Drainage**

#### Applicability

Applicants shall provide, at applicant's expense, drainage structures in accordance with the requirements of the San Juan County Zoning Ordinance requirements, which will become integral parts of the existing street or roadway drainage system. The dimensions of all drainage structures must meet San Juan County Zoning Ordinance requirements. Design shall be based on environmentally sound site planning and engineering techniques.

It is especially critical that storm water management systems be designed for an entire drainage basin rather than just for specific sites. If improvements are identified and necessary downstream of the proposed development and no approved capital improvement plan exists to address the necessary improvement, the applicant shall be required to demonstrate that such existing drainage features are adequate to serve the applicant's anticipated development and to protect the public health, safety, and general welfare at full build out under existing zoning. Where such demonstration is not made, the applicant shall be required to install such necessary improvements and may seek pro-rata reimbursement from future downstream development.

#### Minimum Standards

##### **A. Natural and Historic Drainage Ways**

All historic flood and drainage ways shall be protected from alteration such that their primary function as storm water facilities shall be upheld.

##### **B. 100-Year Storm**

All drainage and flood control facilities shall be designed to handle the calculated difference between historic flows and the anticipated post-development 100-year frequency storms for maximum period of intensity over the entire drainage basin which the subdivision serves. The "100-year storm" referred to herein shall mean that storm run-off is calculated on the basis of a fully developed watershed.

##### **C. Erosion**

Where free fall of water occurs, satisfactory means shall be provided to prevent erosion of soil. Where required, culvers shall have concrete head walls and wing walls.

**D. Catch Basins**

Catch basins shall be constructed in accordance with the San Juan County Zoning Ordinance requirements.

**E. Engineered Design**

All drainage shall be designed by a Utah licensed professional engineer and approved according to San Juan County Zoning Ordinance requirements.

**Water Supply**General

New development shall provide water supply that is sufficient in terms of quality, quantity and dependability for the proposed development. In making its determination as to whether the proposed water supply meets this standard, the decision-making body shall give substantial weight to the recommendations of state, County and applicable service district authorities and their associated standards. All water systems shall be provided by or through approved water and sewer service agencies and meet all applicable requirements of the San Juan County Zoning Ordinance requirements.

Municipal and District Water Systems

If all or part of a proposed development is within the jurisdiction of an approved public water system, then the applicant must obtain a written certification from the public water service provider stating that it is able to provide an adequate supply of drinking water with adequate quantity, quality and sufficient pressure to meet the needs of the proposed development based on the projected water usage of the development. Individual or common wells or other private water systems shall be permitted only when the subdivision boundary is outside the jurisdiction of an approved public water system able to serve the development.

**Signs**

See Spanish Valley US-191 Highway Commercial Sign Requirements (Chapter 9)



## STAFF REPORT

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**MEETING DATE:** February 11, 2021

**ITEM TITLE, PRESENTER:** San Juan County Spanish Valley Short-Term Rental Ordinance  
DISCUSSION

**RECOMMENDATION:**

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### SUMMARY

In the information packet, you will find the short-term rental ordinance that had been worked on previously, as well as Garfield County's Short-term Rental Ordinance to use as a possible starting point to draft an ordinance for San Juan County. Any changes you would like to make will be forwarded to the San Juan County Attorney's Office for a draft ordinance to review at a later meeting.

Ordinance No. DRAFT

AN ORDINANCE OF THE BOARD OF SAN JUAN COUNTY COMMISSIONERS  
REGULATING THE LICENSING AND USE OF DWELLINGS FOR SHORT TERM  
RENTALS.

WHEREAS, said Board of Commissioners deems it necessary to pass said ordinance in order to balance the right of property owners to use their property in all lawful ways against the right of property owners to the quiet use and enjoyment of their property; and

WHEREAS, said Board of Commissioners finds it necessary for the protection and preservation of the public health, safety and welfare;

BE IT HEREBY ORDAINED that \_\_\_\_\_ (citation) of the San Juan County Code in its entirety reads as follows:

\_\_\_\_\_ (citation) SHORT TERM RENTAL RULES AND REGULATIONS:

Regulations and restrictions imposed by this section are in recognition of the premise that a short term rental (occupancy of less than thirty (30) days) provides lodging for a transient population that may or may not honor neighborhood mores or exhibit neighborly consideration to the same extent as permanent residents. Separation requirements listed in B. below and total license limits listed in C. are based on a desire to maintain the overall residential character of neighborhoods and the purpose of single family residential zones to promote safe locations for residential uses.

Except for the need to obtain a business license and meet health, safety, and maintenance requirements under this section, existing short term rental units presently in existence will be grandfathered in and exempt from some sections of this ordinance. However, upon the sale, transfer, or discontinued use of any grandfathered short term rental property, that property's grandfathered status will be terminated and the property will be treated as would any new property seeking to obtain approval to operate a short term nightly rental within the county.

A. Business License Required:

No dwelling in any zone shall be occupied or used as a short term rental, or advertised for use as a short term rental, until such time that the owner has obtained a short term rental business license issued in accordance with the provisions of this section.

B. Conditions for Issuance of a Business License for a Short Term Nightly Rental:

In addition to any other requirement in this section, a short term rental business license shall be approved by the county if:

1. The dwelling unit is located in a single family dwelling that has been issued a certificate of occupancy by the date of the adoption of this

ordinance, or has been in use as a residential dwelling for at least six (6) months from issuance of a certificate of occupancy before application is made for a short term rental business license. Portions of a single family dwelling may not be used as a short term rental.

2. The property line of dwellings licensed as short term rentals is within three hundred feet (300'), as measured along the same street or around the corner, of the front property line corners of the property where the proposed short term rental license being sought.
3. The application lists the name, address, and phone number of the owner or other person designated by the owner as the property manager who shall be responsible for ensuring compliance with the rules and regulations specified in this section.
4. The application includes a valid Utah State Tax number for remittance of all applicable taxes.

C. Limit on Total Number of Short Term Nightly Rental Licenses:

The total of short term rental business licenses issued within San Juan County shall be limited in accordance with the following:

1. The maximum number of short term rental business licenses for property's not in commercial zones shall be based upon the number of short term rentals that does not exceed or conflict with Section B.2. above.

D. Parking Regulations:

The owner of any property licensed as a short term rental shall provide off street parking for guests in accordance with the following:

1. Off street parking shall be provided on the same lot as the dwelling which is licensed as a short term rental.
2. Parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.
3. All guests parking shall be contained on the site.
4. The number of vehicles allowed by the occupants of the short term rental shall be restricted to the number of off street parking spaces provided by the owner.

E. Maintenance Standards:



Any property that contains a dwelling which is licensed as a short term rental shall conform to the following standards:

1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood.
2. The use of a dwelling as a short term rental shall not in any way change the appearance of the dwelling or property for residential purposes; and
3. Each sleeping room must meet current International Residential Code codes for egress and be equipped with smoke detectors in each bedroom and CO2 detectors and on each floor of a dwelling. A fire exiting plan and maximum occupancy number must be posted in each sleeping room of a dwelling. ADA???

F. Prevention of Noise, Nuisance or Trespass:

The owner of any dwelling licensed as a short term rental shall be responsible to ensure that guests or occupants of the short term nightly rental do not:

1. Create noises that by reason of time, nature, intensity or duration are out of character with noises customarily heard in the surrounding neighborhood.
2. Disturb the peace of surrounding residents by engaging in shouting, fighting, playing of loud music, racing of cars or recreational vehicles on streets, engaging in outside recreational activities after ten o'clock (10) p.m., or similar activities.
3. Interfere with the privacy of surrounding residents or trespass onto surrounding residential properties.
4. Allow pets or animals to create noise, roam the streets, trespass on neighboring properties, or create a mess that is not cleaned up by the owner or custodian of the pet or animal.
5. Engage in any disorderly or illegal conduct, including illegal consumption of drugs and alcohol.

G. Required Posting:

The following information must be posted in a clear, concise, and unambiguous manner in a conspicuous location inside any dwelling licensed as a short term nightly rental:

1. A copy of the short term rental license.
2. The name, address, and phone number of the owner or property manager.
3. If required by the Fire Marshal, the location of all fire extinguishers.
4. A list of all rules applicable for short term rentals.
5. The maximum occupancy of the short term rental and the maximum number of vehicles allowed.

H. Miscellaneous Rule and Regulations:

The following rules and regulations shall apply to any dwelling for which short term business license has been issued.

1. Outdoor pools, hot tubs, or spas, shall not be used between the hours of eleven o'clock (11:00) p.m. and six o'clock (6) a.m.
2. **Maximum occupancy in any dwelling licensed as a short term rental shall be one (1) person for every 200 square feet of living space. If, however, the property has a sprinkler system or other fire suppression system acceptable to the San Juan County as proved by the owner and supported by the fire marshal, a greater occupancy may be approved. Maximum occupancy of the dwelling must be included in the regulation sign.**
3. The owner or property manager shall provide information on current occupants to police or emergency personnel. The owner or other person designated as the property manager shall respond to complaints and concerns within (1) hour of any phone call or other notification. Failure of the owner or property manager to respond in a timely manner may result in a violation and possible fines to the business license holder and property owner.
4. The requirements of this section shall be in effect throughout the time a short term rental license is in effect on the property, regardless of whether the property is occupied by the owner, non-paying guests of the owner, or paying guests of the owner. The county finds that, given the practical difficulty of determining whether or not the occupants are paying guests, enforcement of the requirements contained in this section shall be based on whether the property is licensed as a short term rental.
5. **At the short term rental owner's expense, an inspection of a short term rental property for compliance with these regulations will be performed at a time of business license review. Additional inspections may be**

performed with 24 hour notice to the license holder/property manager if deemed necessary by the county.

- 6. The owner of any dwelling licensed as a short term rental shall be required to collect and remit on timely basis all applicable taxes.

I. Enforcement Provisions:

- 1. Any owner of any dwelling , in any zone within San Juan County who allows or permits occupation of said dwelling as a short term rental, as defined herein, without first having first obtained a business license in accordance with the provisions of this section shall be guilty of a Class B misdemeanor, which shall be punishable by a fine of up to \$1,000.00 and imprisonment for up to 6 months, or any combination thereof for each violation.
- 2. Any owner of any dwelling, who, having first obtained a business license for use or occupation of said dwelling as a short term rental, thereafter, operates or permits operation of said short term rental in violation of the terms and provisions of this section shall be guilty of an Infraction, and shall be punished by a fine of not less than to \$750.00 for each such violation.
- 3. Any person who occupies a short term rental as a guest and who violates any local ordinance or state law shall be subject to arrest, issuance of a citation, or other criminal process in accordance with all state, federal or local statutes, rules or ordinances.
- 4. Violation of any provision of this section regulating short term rentals shall constitute a separate offense for each day said violation occurs or continues.
- 5. In the event of three (3) or more violations of this section committed by an owner or guest, or any combination of the two, within any 12 month period, the county commission may, depending on the nature or extent of the violations, proceed with revocation of the business license for any short term rental property in accordance with the provisions of the general business license ordinance.

BE IT FURTHER ORDAINED that the subject matter of this ordinance shall be deemed to be of an urgent nature or in the nature of an emergency, and that this ordinance, upon passage and approval, shall take effect at the earliest possible time permitted by law after publication or posting.

PASSED AND APPROVED on this \_\_\_\_ day of \_\_\_\_\_, 2017.

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Bruce Adams, Chair  
San Juan County Board of Commissioners

Attest:

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John David Nielsen, County Clerk

**GARFIELD COUNTY, UTAH**  
**ORDINANCE NO. 2019-9**  
**SHORT-TERM RENTALS**

**AN ORDINANCE TO REGULATE THE USE OF PRIVATELY-OWNED DWELLING UNITS AS SHORT-TERM RENTALS IN GARFIELD COUNTY, UTAH.**

**WHEREAS**, The Board of County Commissioners of Garfield County, Utah deem it necessary to enact certain standards, rules and regulations regarding the use of privately-owned dwelling units as Short-Term Rentals located in Garfield County, Utah in the interest of the health, safety and welfare of the citizens of Garfield County, Utah.

Be it ordained by the Board of Commissioners of Garfield County, Utah as follows:

**Section 1      SHORT TITLE**

This Ordinance shall be known as the "Short-Term Rental Ordinance."

**Section 2      PURPOSE**

The purpose of this Ordinance is to establish regulations for the use of privately-owned residential dwellings as Short-Term Rentals that ensure basic health and safety to renters and neighbors, assist in the collection and payment of Transient Room Taxes and appropriate Sales and Use Taxes and minimize the negative secondary effects of such use on surrounding properties.

**Section 3      DEFINITIONS**

For purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

1. **Applicant:** The Owner of the Short-Term Rental unit or the Owner's authorized agent or representative.
2. **Glamping Unit:** A canvas-like structure designed to be used or occupied for transient and recreational purposes. Canvas-like structure include, but are not limited to: tents, yurts, teepees, covered wagons, etc. Glamping Units are regulated under the Garfield County Glamping Ordinance.
3. **Local Contact Person:** The person designated by the Owner or the Manager, for the purpose of: 1) responding to complaints regarding the condition, operation or conduct of occupants of the Short-Term Rental; and 2) taking remedial action to resolve any such complaints.
4. **Manager:** The Owner or the designated agent or representative of the Owner who is responsible for compliance with this Ordinance.
5. **Owner:** The person(s) or entity(ies) that hold(s) legal and/or equitable title to the Short-Term Rental.

6. **Property:** A legal lot of record on which a Short-Term Rental is located.
7. **Rental Term:** A separate defined period of time during which the dwelling is rented to a particular occupant, similar to a hotel reservation.
8. **Short-Term Rental:** A privately-owned residential dwelling, such as, but not limited to, a single-family dwelling or multiple family dwelling, apartment house, guest house, duplex, rented for occupancy for dwelling, lodging, or sleeping purposes for any period less than thirty (30) consecutive days, when the Owner is not present.
9. **Short-Term Rental Conditional Use Permit:** A County issued permit that allows the use of a privately-owned residential dwelling as a Short-Term Rental unit pursuant to the provisions of this section and any other potential licensing required in Garfield County or Utah State Code.
10. **Short-Term Rental Business License:** A County issued Business License that allows the use of a privately-owned residential dwelling as a Short-Term Rental unit pursuant to the provisions of this section and any other potential licensing required in Garfield County or Utah State Code.
11. **Transient:** Occupancy of a dwelling unit or sleeping unit for not more than thirty (30) days.
12. **Zoning Administrator:** The person formally assigned by the Garfield County Commission to enforce the provisions of this Ordinance.

#### **Section 4      SHORT-TERM RENTAL BUILDING INSPECTION REQUIRED**

An inspection for compliance with the regulations set forth in this Ordinance will be performed at the Short-Term Rental property by the County Building Inspector prior to approval of the Conditional Use Permit and Business License.

#### **Section 5      CONDITIONAL USE PERMIT AND BUSINESS LICENSE REQUIRED**

1. A Conditional Use Permit for Short-Term Rentals shall be required in all zoning districts except a) Commercial and b) Resort Recreation. No dwelling in any zoning district shall be occupied, advertised or used as a Short-Term Rental until the Owner has obtained an approved 1) inspection from the County Building Inspector 2) Conditional Use Permit [not required in Commercial or Resort Recreation zoning districts] and 3) Business License for a Short-Term Rental issued in accordance with the provisions of this Ordinance.
2. The Owner of any Short-Term Rental shall be required to collect and remit all Transient Room Taxes and appropriate Sales and Use Taxes by the end of the year. The County shall suspend all permits and licenses for Short-Term Rentals more than one (1) year past due on applicable taxes until the Owner has paid all applicable taxes.
3. If an individual is managing more than one Short-Term Rental property, a separate Conditional Use Permit and Business License shall be required for each Short-Term Rental property, in addition to the Business License required for the Manager themselves.

## Section 6 FEES

Fees shall be charged for Short-Term Rental inspections; Conditional Use Permits, Business Licenses and such other services required by this Ordinance to be performed by public officers or agencies. Such fees shall be established by the legislative body and shall be referred to in the Garfield County Planning and Zoning Fee Resolution.

## Section 7 AUTHORIZED AGENT OR REPRESENTATIVE

1. An Owner may designate an agent or a representative to comply with the requirements of this Ordinance on behalf of the Owner. The designated agent or representative is referred to as "Manager" in this Ordinance.
2. Notwithstanding subsection 1, the Owner shall not be relieved from any responsibility or liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the subject Short-Term Rental, regardless of whether such noncompliance was committed by the Owner, Manager, Local Contact Person or the occupants of the Owner's Short-Term Rental or their guests.
3. **Manager Availability.** While a Short-Term Rental unit is occupied, the Manager and/or designated Local Contact Person shall be reasonably available for the purpose of responding to complaints regarding the condition, operation or conduct of occupants of the Short-Term Rental, or their guests.
4. **Manager Responsibility for Guest's Conduct.** The Manager and/or designated Local Contact Person shall use reasonably prudent business practices to ensure that the occupants and/or guests of the Short-Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject Short-Term Rental.
5. **Manager Response to Complaint.** The Manager and/or Local Contact Person shall, upon notification that any occupant and/or guest of the Short-Term Rental has created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term unit, respond within one (1) hour to halt or prevent a recurrence of such conduct. Upon failure of the Owner, Manager or Local Contact Person to respond to calls or complaints in one (1) hour regarding the condition, operation or conduct of occupants and/or guests of the Short-Term Rental, the Owner and/or Manager or Local Contact Person may be subject to all administrative, legal and equitable remedies available to the County.

## Section 8 SALE OR TRANSFER OF PROPERTY

In the event of a sale or other transfer of any property containing a dwelling licensed as a Short-Term Rental, the purchaser or transferee of the property shall be required to amend the Conditional Use Permit and Business License within thirty (30) days of the date of purchase or transfer. In the event that the purchaser or transferee fails to make necessary amendments within said thirty (30) days, the license will be forfeited and the Owner must re-apply for all appropriate inspections, permits and licenses.

## **Section 9 MAINTENANCE STANDARDS**

Any property that contains a dwelling which is licensed as a Short-Term Rental shall conform to the following standards:

1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained in order that the use in no way detracts from the general appearance of the surrounding area;
2. Short-Term Rental unit(s) with more than five (5) sleeping rooms, or the ability to sleep more than ten (10) occupants, shall receive written approval from the Garfield County Building Inspector prior to occupancy of the Short-Term Rental unit.
3. Each sleeping room must meet current International Building Code requirements for egress;
4. Each dwelling unit shall have at least one operable fire extinguisher;
5. One operable smoke detector in each bedroom, in the major living areas, and on each floor (the major living area can count for the detector on that floor);
6. An operable carbon monoxide detector on each floor installed per the manufacture's specifications, when gas appliances are utilized in the structure; and
7. Trash shall not be left stored within public view, except in proper containers for the purpose of collection by an authorized waste hauler on scheduled trash collection days.

## **Section 10 PARKING REGULATIONS**

The Owner of any property licensed as a Short-Term Rental shall provide off-street parking for guests in accordance with the following:

1. Off street parking shall be provided on the same lot as the dwelling which is licensed as a Short-Term Rental. All guest parking shall be contained on the site; and
2. The number of vehicles allowed by the occupants of a Short-Term Rental home shall be restricted to the number of off-street parking spaces provided by the Owner.

## **Section 11 PREVENTION OF NOISE, NUISANCE OR TRESPASS**

The Owner of any dwelling licensed as a Short-Term Rental shall be responsible to ensure that guests or occupants of the Short-Term Rental do not:

1. Create noises that by reason of time, nature, intensity or duration are out of character with noises customarily heard in the surrounding areas;
2. Disturb the peace of surrounding properties by engaging in shouting, fighting, playing of loud music, racing of cars or recreational vehicles on streets, engaging in outside recreational or other activities after 10:00 P.M.;
3. Interfere with the privacy or trespass onto surrounding properties; and
4. Allow pets or animals to create noise, roam the streets, trespass on neighboring properties, or create a mess that is not cleaned up by the Owner or custodian of the pet or animal.



## **Section 12 REQUIRED POSTING**

The following information must be posted in a clear, concise and unambiguous manner and in a conspicuous location inside any dwelling licensed as a Short-Term Rental:

1. A copy of the Short-Term Rental Business License;
2. The name and phone number of the Owner, Local Contact Person or Manager and local emergency contact information;
3. The location of all fire extinguishers and emergency exits;
4. A list of all rules applicable for the specific Short-Term Rental;
5. The maximum occupancy of the dwelling unit and the maximum number of vehicles allowed;
6. Trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property; and
7. A map showing property boundaries and parking spaces.

## **Section 13 ENFORCEMENT PROVISIONS**

1. Any Owner of any dwelling within Garfield County who allows or permits occupation of said dwelling as a Short-Term Rental, as defined herein, without having first obtained a Conditional Use Permit and Business License in accordance with the provisions of this Ordinance shall 1) receive a request from the County to come into compliance; 2) upon failure to respond to the first request within thirty (30) days, receive a formal noncompliance notice from the County Attorney; and 3) upon failure to respond to the second notice within fourteen (14) days, the Owner may be guilty of a Class C misdemeanor, which shall be punishable by a fine of up to \$750, imprisonment for up to 90 days or any combination thereof for each such violation.
2. Any Owner of any dwelling within Garfield County who, having first obtained a Conditional Use Permit and Business License for use or occupation of said dwelling as a Short-Term Rental, thereafter operates or permits operation of said Short-Term Rental in violation of the terms and provisions of this Ordinance may be guilty of an Infraction, and may be punished by a fine of up to \$750 for each such violation.
3. Violation of any provision of this section regulating Short-Term Rentals shall constitute a separate offense for each day said violation occurs or continues.
4. In the event of any one (1) violation of this Ordinance committed by an Owner, Manager, Local Contact Person or guest, the County Commission may, depending on the nature or extent of the violations, proceed with revocation of the Conditional Use Permit and Business License for any Short-Term Rental property in accordance with the provisions of this Ordinance.

**Section 14 APPEALS**

Any person or entity aggrieved by a decision in the enforcement and/or administration of this Section shall have the right to appeal such decision to the County Commission if a written request for an appeal is filed with the zoning administrator within fourteen (14) days of verification that the aggrieved person or entity has been made aware of the decision.

**Section 15 GENERAL PROVISIONS**

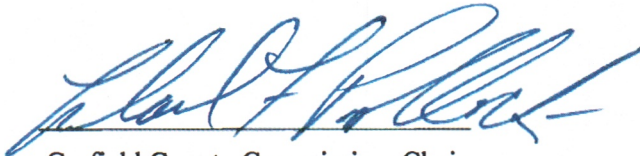
Sections of the Garfield County Administrative Code identified in this Ordinance shall be, and hereby are, amended with the express intent of allowing Short-Term Rentals as a permitted use for the zones prescribed herein in accordance with Utah State law.

**Section 16 SEVERABILITY**

Should any portion of this Ordinance be found for any reason to be unconstitutional, unlawful, or otherwise void or unenforceable, the balance of the Ordinance shall be severable therefrom and shall survive such declaration, remaining in full force and effect.

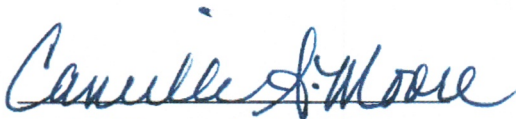
**Section 17 ADOPTION**

Passed and adopted by the Board of County Commissioners of Garfield County, Utah, this 14<sup>th</sup> day of October, 2019.



Garfield County Commission, Chair  
Leland F. Pollock

ATTEST:



Garfield County Auditor/Clerk  
Camille A. Moore

County Seal:



**GARFIELD COUNTY ORDINANCE NO. 2020-6**

**AN ORDINANCE AMENDING GARFIELD COUNTY SHORT TERM RENTAL ORDINANCE NO. 2019-9 WITHIN GARFIELD COUNTY, STATE OF UTAH.**

**WHEREAS**, the Garfield County Commissioners, as the governing body of Garfield County, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the County of Garfield, to amend Short-Term Rental Ordinance Number 2019-9.

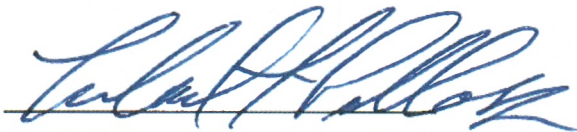
**NOW THEREFORE BE IT ORDAINED** by the board of Garfield County Commissioners, State of Utah:

Ordinance 2019-9 shall be amended as follows:

**Section 5      CONDITIONAL USE PERMIT AND BUSINESS LICENSE REQUIRED**

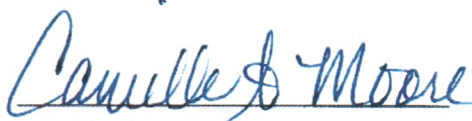
1. A Conditional Use Permit for Short-Term Rentals shall be required in all zoning districts except a) Commercial and b) Resort Recreation. No dwelling in any zoning district shall be occupied, advertised or used as a Short-Term Rental until the Owner has obtained an approved 1) inspection from the County Building Inspector 2) Conditional Use Permit [not required in Commercial or Resort Recreation zoning districts] and 3) Business License for a Short-Term Rental issued in accordance with the provisions of this Ordinance.

Passed and adopted by the Board of County Commissioners of Garfield County, Utah, this 23<sup>rd</sup> day of March, 2020.



Garfield County Commission, Chair  
Leland F. Pollock

ATTEST:



Garfield County Auditor/Clerk  
Camille A. Moore

County Seal:





# Permit Report

01/11/2021 - 02/09/2021

Permit #	Permit Date	City or County	Residential or Commercial	Type of Permit	Building CityStateZip	Owner Name	Parcel #	Parcel Address
21,018	2/5/2021	San Juan County		New Construction	Moab, UT 84532		1490000050	49 W CORONADO ST.
21,017	2/4/2021	San Juan County		New Construction	Moab, Utah 84532		000620000330	97 N MCELHANEY LN
21,013	1/28/2021	San Juan County	Commercial	Remodel	Moab, UT 84532		26S22E357805	11860 S HWY 191
21,012	1/20/2021	San Juan County	Commercial	New Construction	Blanding, UT 84511	Universal Training Facilities	36S22E266600	
21,010	1/15/2021	San Juan County	Residential	New Construction	Moab UT 84532			
21,009	1/14/2021	San Juan County	Residential	Addition	lasal ut 84530	Debra Swafford		
21,007	1/13/2021	San Juan County	Residential	Addition/Remodel	Monticello, UT 84535	Long Canyon Ranch, David Lund	35S23E143600	
21,003	1/11/2021	San Juan County	Residential	New Construction	Moab, UT 84532	Lloyd Wilson		
21,002	1/11/2021	San Juan County	Residential	New Construction	Moab UT 84532	Lloyd Wilson		
21,001	1/11/2021	San Juan County	Residential	New Construction	Moab, UT 84532	Lloyd Wilson		
20,136	1/11/2021	San Juan County	Residential	New Construction	Moab, UT 84532	Beachem Gene Bosh	001490000040	33 W CORONADO ST.

Total Records: 11

2/9/2021

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