



BOARD OF COMMISSIONERS WORK SESSION MEETING
117 South Main Street, Monticello, Utah 84535. Commission Chambers
September 05, 2023 at 9:00 AM

AGENDA

The public will be able to view the meeting on San Juan County's Facebook live and Youtube channel or through Zoom at <https://us02web.zoom.us/j/82171709527> One tap mobile+16699006833,,82171709527# US (San Jose)

Public Participation is not anticipated during Work Session Meetings

CALL TO ORDER

ROLL CALL

AGENDA ITEMS

1. San Juan County Historic Commission Updates
2.
 1. Mitchell Maughan. Enhanced and effective County subdivision plat approval process.
 2. Lyn Creswell. County land use code amendment to clarify that short-term rentals have been and continue to be prohibited uses in the SVR and A-1 districts.
 3. Lyn Creswell. Possible increased sanctions for property owner violations of County code requirements.
 4. Lyn Creswell. A recommended alternative for neighboring property owners to inform the County about nuisance or zoning code violations in their community.

ADJOURNMENT

The Board of San Juan County Commissioners can call a closed meeting at any time during the Regular Session if necessary, for reasons permitted under UCA 52-4-205

All agenda items shall be considered as having potential Commission action components and may be completed by an electronic method **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**

San Juan County officials may inform applicants seeking approval of subdivision plats in the Spanish Valley Residential (SVR) and Agricultural (A-1) districts that the preliminary and final plats must include the following notice.

"Under zoning in effect at the time of plat approval, use of these properties for short-term rentals, overnight accommodations, bed & breakfasts, lodging houses, or any other variation of overnight accommodations for nightly rentals is prohibited."

The San Juan County Planning Commission should not recommend, and the Board of Commissioners should not approve, subdivision plats in the SVR and A-1 districts without this notice.



Complaint of Alleged Illegal Short-Term Rental

Except under unusual circumstances, short-term rentals in the San Juan County are generally permitted only in designated zoning districts. If you suspect an illegal short-term rental, please fill out this form and provide as much evidence as possible. Gathering of complaint information must not involve trespassing on private property or harassment.

Each night property is operated illegally may be a separate enforcement action.

Your name:

Your address:

Your email address:

Your telephone number:

Address of alleged illegal short-term rental:

Dates when you believe short-term rentals occurred:

Reason(s) why you believe the location is an illegal short-term rental (be specific and complete; add pages as necessary).

Attach all evidence you have collected, including any photos. (Photos should include date and time.)

Complaint information should be provided to the San Juan County Attorney at sjattorney@sanjuancounty.org or San Juan County Attorney, P.O. Box 850, Monticello, Utah 84535-0850.

A San Juan County representative may contact you for additional information or follow-up. A complaint may not result in an enforcement action. Investigations are private.

SUBDIVISION APPROVAL PROCESS

STEP 1: Subdivision Administrator (“SA”) meets with County Engineer to determine if proposed subdivision requires a storm drainage system design. If so, Subdivider needs to submit design plans that comply with San Juan County Subdivision Ordinance, Section 2(H) at the time of submission of preliminary plat AND Subdivider shall submit Final Drainage Design at time of submission of final plat.

STEP 2: Complete & Sign Application for Preliminary Plat Approval. See Preliminary Plat Approval Checklist. **See Exhibit “A”.**

STEP 3: Complete Affidavit of Ownership. **See Exhibit “B”.**

STEP 4: Pay all application fees.

STEP 5: Provide Certification from Treasurer’s Office showing that all property taxes of subject property have been paid. Alternatively, provide title report showing taxes ARE NOT DELINQUENT.

STEP 6: Prior to Final Plat Approval, provide signed and notarized Consent to Record from each lender holding a lien on the property. **See Exhibit “C”.**

STEP 7: Complete & Sign Final Plat Approval Checklist. **See Exhibit “D”.**

STEP 8: If property is located within the Spanish Valley Residential Zone the Final Plat must also include the following language:

"Under zoning in effect at the time of plat approval, use of these properties for short-term rentals, overnight accommodations, bed & breakfasts, lodging houses, or any other variation of overnight accommodations for nightly rentals is prohibited."

STEP 9: Subdivider shall include final drainage design for the phase of the subdivision included in the final plat. The final drainage design shall show how the drainage is consistent with the overall drainage system design.

STEP 10: Approval by Road Department of duly executed Performance Bond for Public Works. **See §152.039(C).**

STEP 11. EXECUTE a Subdivision Improvement Agreement. **See Exhibit “E”.**

STEP 12: After All approvals have been obtained and all necessary documents have been executed, record the following documents in the San Juan County Recorder’s office in the following order.

- a. Final Plat
- b. Consent to Record – If applicable
- c. CCR's and/or Maintenance Agreements – if applicable
- d. Subdivision Improvement Agreement
- e. Other _____

EXHIBIT A
Application for Preliminary Plat Approval
(For All Subdivisions containing 5 or more lots)

All Citations are to the SJC Subdivision Ordinance published by American Legal Publishing
[SJC UTAH SUBDIVISION ORDINANCE](#)

1. Copy of a Commitment to Issue Title Policy covering all property to be subdivided. Must be dated within 30 days of submission. [§152.036\(B\)12](#). *County Attorney must review and sign off on Title Report.*
2. Copy of all proposed Restrictive Covenants (CCR's) to be placed on the property. [§152.036\(B\)11](#).
3. If proposed Subdivision is within 1.5 miles of a municipality, or within boundary of a County Service Area or Special Service District then Subdivider must provide written comments from said entity. [§152.036\(B\)9](#).
4. Subdivider must submit estimated construction costs for roads; water supply and distribution systems; sewer & sanitary systems; storm drainage facilities; other public facilities. [§152.036 \(B\)8](#).
5. Subdivider must also state the form of collateral that will be used to insure completion of improvements. Collateral must be 125% of estimated cost as determined by county engineer. [§152.036\(B\)8](#). Forms of collateral are Escrow Deposits, Performance Bond, Irrevocable Letter of Credit. [§152.039\(A\)](#)
- Note: Subdivision Improvements will be addressed in a Development Agreement to be executed by the parties at time of final plat. [§152.039](#).
6. Letter Describing water and sewer facilities. [§152.036\(B\)\(7\)](#)
- Public System – must provide letter from public entity providing services that public water and sewer will be available for subdivision.
- Individual wells or septic systems for each lot OR Private System designed to provide water and sewer to multiple lots – must provide letter stating that all wells and septic systems will be installed in conformance with the Utah Department of Environmental Health. [§152.037](#).
7. Confirmation from SA that subdivision complies with relevant zoning ordinances.

8. Meet with SJC Road Department - Before proceeding on any road work, placement of any underground utilities and/or acquisition of any road materials, the subdivider must provide SJC’s Road Department with a copy of the preliminary plat and set up an on-site meeting with the county’s Road Department representative to review all aspects of the roads within the subdivision.

(a) Public Roads - If Subdivider intends to build public roads that will be dedicated to and accepted by SJC, these roads must be built to SJC [Road Design Guidelines](#). (Also attached hereto as Schedule A-2).

(b) Private Roads - If the subdivider intends that the roads within the subdivision shall be private roads and thus not required to be constructed to county standards, the subdivider may be required to obtain the approval of the county’s Road Department for all subdivision access roads that originate off of County roads and other safety factors such as placement of signs and other items.

(i) must record a Maintenance Agreement covering all lots in the Subdivision after recording of official subdivision plat in SJC recorder’s Office.

(c) Subdivider understands that he/she/it may be required, at his or her own expense, to provide testing for road materials, compaction testing and other testing procedures will be used to assure compliance with minimum standards.

(d) Subdivider has submitted a schedule of work to be accomplished with an inspection schedule.

9. SJC Road Department has signed off on Application as set forth in [Schedule A-3 attached hereto](#).

10. Submission of Preliminary Plat Mylar that complies with all requirements set forth in [§152.036\(B\)\(5\)\(a\) – \(m\)](#). (See Schedule “A-1” attached hereto).

Dated this ____ day of _____, 20____.

Applicant

Applicant

SCHEDULE A-1**§152.036(5)****San Juan Subdivision Ordinance Preliminary Plat Requirements**

A preliminary plat map with six (6) copies which shall be on a 24"x 36" sheet or a legible quality print of a matte mylar drawn in black ink or a black line positive mylar of the same and shall contain the following information:

- a. project name, distinct from any subdivision on a plat recorded in the county recorder's office, type of proposal (preliminary plat), legal description of the total land area referenced to township, range, section; county and state, date of the drawing, scale 1 :100 or larger, and north arrow;
- b. vicinity map with north arrow (scale of 1"=2000' preferred) with an emphasis on the major roadway network and any existing subdivisions within one (1) mile of the proposal;
- c. boundary lines of the proposed subdivision drawn in a heavy solid line;
- d. existing and/or proposed zoning district boundary lines;
- e. existing topographical contours with intervals of five (5) feet or less within the tract and at least one hundred feet (100') immediately adjacent thereto. In the absence of available five foot contour data, the contour intervals must be deemed acceptable by the San Juan County Surveyor.
- f. all parcels of land to be dedicated for public use or reserved for the use of all property owners in the proposed subdivision together with the purpose and conditions of such reservations. This shall include the names, locations and widths of proposed right-of-way of streets and alleys, together with total lineal footage of streets and alleys.
- g. location, width and purpose of all existing and/or proposed public and/or private easements including existing and/or proposed sanitary sewers, utility main lines, culverts, storm sewers and storm water detention areas located within the tract and at least one hundred feet (100') immediately adjacent thereto.
- h. dimensions of proposed lots and blocks calculated to the nearest foot.
- i. drainage channels, wooded areas and other significant natural features within the tract and at least one hundred feet (100') immediately adjacent thereto.
- j. location, widths and names of all existing and/or platted rights-of-way for streets or other public ways within the tract and at least one hundred feet (100') immediately adjacent thereto, railroad right-of-way, section lines and/or other such features.
- k. the boundary and source of reference of any one-hundred year floodplain shall be shown on the preliminary plat. In the absence of reliable floodplain data, any areas of the plat that are known to be subject to flooding shall be delineated and noted on the plat map.

l. perimeter fence line, if required, delineated and a description of the type and height of the fence.

m. site development details:

- 1) total land area in acres;**
- 2) existing zoning of the property; and**
- 3) total number of proposed dwelling units.**

SCHEDULE A-2
SJC STREET DESIGN STANDARDS

§152.052

(A) (1) All streets or other right-of-way designated for public vehicular use and county maintenance shall be designed and constructed in accordance with the adopted road standards of the county, including adequate and required street or highway signs, cattle guards and other necessary items, which are incorporated into this chapter as division (B) below. Maps and plats, when properly made, acknowledged, filed and recorded according to the procedures specified, operate as a dedication of all streets and other public places and vest the fee of those parcels of land in the county for the public for the uses named or intended in those maps or plats. However, mere dedication of streets does not trigger the county's duty to maintain such roads until they have been constructed or improved to the above mentioned county road standards.

(2) If, due to the size of a development, a turn lane is required to access a public street or streets to be used in the development, the county shall require the subdivider to obtain and produce for county review a letter from UDOT stating such.

(B) (1) Street types.

(a) Residential streets. Streets which primary function is to provide access to individual lots within the subdivision. This would include all streets, except the ones designated as collector streets.

(b) Collector streets. The main streets in the subdivision. This would usually be the street that enters or exits the subdivision which serves as a collector of all the residential streets.

(2) Street widths.

(a) Unless deemed otherwise by the county's Road Department, residential streets shall have a minimum right-of-way of 50 feet. The minimum surface width for gravel shall be 26 feet. The minimum surface width for pavement shall be 24 feet. Gravel streets in Spanish Valley are not permitted and must be paved.

(b) Collector streets shall have a minimum right of way of 60 feet. The minimum width for gravel shall be 32 feet. The minimum surface width for pavement shall be 30 feet.

(3) Street design standards.

(a) **Width requirement.** Before any street is accepted by the county for maintenance, the street must be constructed to the width requirement. A minimum of nine-inch compacted depth of base material must be placed on the street. Of this base material, the surface must consist of a minimum of three inches of one inch or three-quarter inch crushed gravel. This material must be accepted by the county's Road Department and, if deemed necessary, testing of the material and compaction may be required by the engineer. If such testing is required, this shall be done at the expense of the subdivider.

(b) **Asphalt surfaces.** If the street is constructed to an asphalt surface, the surface depth must be a minimum of three inches to be accepted for maintenance by the county. Asphalt and compaction must be accepted by the county's Road Department and, if deemed necessary, testing of the material and compaction may be required by the engineer. If such testing is required, this shall be done at the expense of the subdivider. All newly constructed subdivision roads in Spanish Valley shall have an asphalt surface.

(c) **Minimum grade.** Unless deemed otherwise by the county's Road Department, the minimum grade for all streets shall be 0.5%. The maximum grade allowed for residential streets is 8% and for collector streets is 6%. Where the observance of this requirement is unfeasible, an exception may be granted. Streets should be leveled, when possible, to a grade of less than 4% for a distance of at least 50 feet approaching all intersections.

(d) **Intersecting right angles.** Whenever possible, streets shall intersect at right angles. When streets meet at acute angles, a reasonable radius will be required.

(e) **Dead end streets.** Dead end streets will have a turn-around (cul-de-sac) with a minimum radius of 50 feet. Dead end streets should not exceed 500 feet in length if possible.

(f) **Intersections.** No more than four streets shall enter an intersection.

(g) **Vertical curves.** Vertical curves shall be used at all changes of grade exceeding 1%. Horizontal curves shall be required if street lines deflect more than five degrees. The minimum centerline radius for residential streets shall be 150 feet. Collector streets shall be 300 feet.

(h) **Curb and gutter.** The minimum widths of streets which have curb and gutter shall be 40 feet on residential streets and 50 feet for collector streets. All measurements are from the back of the curb to the back of the curb.

(i) **Cattle guards.** Any cattle guards required or installed shall be in compliance with the county's Cattle Guard Policy and shall be of a width and construction approved by the county's Road Department.

(j) **Signs.** The subdivider shall provide and install any required signs on roads or streets as required by the Manual of Uniform Traffic-Control Devices and by the county's Road Department.

(k) **Gates.** No gates, whether locked or unlocked, shall be allowed on any roads or streets accepted by the county.

(l) **Public streets.** All roads or streets accepted by the county are considered public roads and access by the public cannot be limited by the subdivider or future owners of any of the lots within the subdivision.

(m) **Drainage/curb and gutter.** In the absence of curb and gutter, the subdivider shall provide a street drainage plan detailing potential impacts to county roads and streets. The subdivider shall be required to provide and install culverts or other drainage structures as required by the county.

(n) **New streets.** When a subdivision is considered to be high density. The county may require the subdivider to pave the road with a minimum of a two lift armor coat consisting of one lift using a three-quarter inch dirty gravel chip and the second lift using a one-half inch clean gravel chip; or as determined by the county a compacted asphalt mat consisting of a minimum two-inch depth when fully compacted may be required.

(o) **Existing streets.** The county may consider on a case by case basis the upgrading of officially accepted roads that meet the county standards in high density subdivisions with at least ten or more lots, or when conditions in the subdivision may cause safety or health related issues.

(4) Easements.

(a) **Easements for utilities** such as poles, wires, conduits, gas lines, water lines and the like shall be located at the rear of all lots, whenever possible. The width shall be a minimum of 15 feet, which can be divided between adjoining lots.

(b) **If front line easements are required,** a minimum of 15 feet shall be allocated. All easements shall be designed so as to provide efficient installation of utilities.

(c) **If front line easements are required and are within the right-of-way of any road or street,** sufficient and proper compaction of any underground lines shall be required. Testing of compaction shall be at the expense of the subdivider.

(d) **All utilities shall be provided in compliance with all of the required building codes covering such installation.**

SCHEDULE A-3
SJC Road Department Certification

San Juan County Road Department has met with Applicant _____ as required by San Juan County Subdivision Ordinance. SJC Road Department certifies that an authorized agent has met with Subdivider and will sign off on the Application subject to the following conditions:

EXHIBIT B
AFFIDAVIT OF OWNERSHIP
(§152.036(B)(2)&(3))

STATE OF UTAH)
) SS:
COUNTY OF SAN JUAN)

The following persons or entities hereby affirm, state, and depose as follows:

1. They are the owners of record of the following described property:

(Insert or Attach Legal Description)

2. Said Owners desire to subdivide the above described property into lots in accordance with the San Juan County Subdivision Ordinance and hereby submit the above described property for said purpose. It is anticipated that the proposed subdivision will consist of: (describe nature or purpose of subdivision).

3. Said Owners hereby authorize _____, whose address and email is as follows _____, to act for and on their behalf in all matters related to obtaining subdivision approval of the above described property and that San Juan County may rely upon said agency of appointment in dealings related to the subdivision approval process.

4. The names and address of the Owners of record are as follows:

Name

Address

City, State, Zip

Telephone

Email

Name

Address

City, State, Zip

Telephone

Email

DATED THIS ___ DAY OF _____.

Signature

Signature

SUBSCRIBED & SWORN TO BEFORE ME THIS ___ DAY OF _____,

Notary Public

EXHIBIT C
CONSENT TO RECORD PLAT

The Undersigned, _____, as trustee under a Trust Deed dated _____, executed by _____, as Trustees, and recorded on the ____ day of _____, _____, as Entry No. _____, of the records of the County Recorder of San Juan County, Utah, (the "Trust Deed"), pursuant to a written request of the Beneficiary under said Trust Deed, hereby consents to this subdivision plat, designated as the _____ Subdivision, Plat "____," (the "Subdivision Plat"), consents to the recording of this Subdivision Plat, consents to the subdivision of the property described in the Subdivision Plat into lots, and subordinates the lien and interest of the Trustee, arising out of the Trust Deed, to the Subdivision Plat and to all areas dedicated to the public, or dedicated for public use, all roads and streets (public and private), all utility easements, all irrigation, water and well easements, all other easements, all common areas, and all open space areas, as shown on the Subdivision Plat.

DATED this ____ day of _____, 20____.

Trustee: _____

By: _____

Its: _____

ACKNOWLEDGMENT

STATE OF _____)

:ss.

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____, who being by me duly sworn did say that he/she is the ___ of _____, and that the foregoing instrument was signed on behalf of said entity.

NOTARY PUBLIC

EXHIBIT D**Application for Final Plat Approval**

1. All preliminary plat conditions imposed by PC have been met and the Final Plat conforms in all respects to preliminary plat. i.e., is not an amendment of the preliminary plat. [§152.037\(A\)](#).
2. A certification from the County Treasurer's office that all taxes on the property are paid; [§152.037\(B\)](#).
3. Title certificate or an abstract of title covering all public lands required to be dedicated, except county roads and easements. [§152.037\(B\)\(2\)](#).
4. Two sets of preliminary construction plans for the proposed public improvements prepared in accordance with the requirements contained in §§ [152.050](#) through [152.065](#) of sjc Subdivision Ordinance published by American Legal publishing.
5. In the event the proposed subdivision is within one and one-half miles of a municipality or within the boundary of a county service area or special service district, or municipal expansion area, the applicant shall provide written comments from the affected entity.
6. A copy of all restrictive covenants on the property which shall be recorded with the County Recorder with the final plat. The covenants shall indicate that the county has no responsibility for enforcing the covenants, but will be the responsibility of the subdivider or subsequent lot purchasers to enforce these covenants.
7. SJC Road Department has signed off on Roads. See, Item 8 on Preliminary Plat Approval Checklist.
8. Fencing Exemption - If the subdivider obtains an exemption from the fencing requirement, this exemption must be reflected on the final plat so as to place others on notice of the exemption.
9. Submission of the final drainage design shall show how the drainage is consistent with the overall drainage system design.
10. Confirmation from SA that subdivision complies with relevant zoning ordinances.
11. Submission of Final Plat that complies with all requirements set forth in **Schedule D-1** attached hereto and/or found at [§152.037\(B\)\(2\)\(d\)](#).

12. Final Plat Mylar has been prepared with all revisions, signed by the land owner(s) and the surveyor with signatures notarized, surveyors seal and registration number, signature of the Chair of the Board of County Commissioners, attested by the County Clerk/Auditor.

13. Final Plat Mylar has been approved as to form by Planning Commission Representative; County Health Department and the County Attorney's Officer.

Dated this ____ day of _____, 20____.

Applicant

Applicant

SCHEDULE D-1
Final Plat Requirements
[§152.037\(B\)\(2\)\(d\)](#)

A final plat map which shall be a print of 24-inch by 36-inch matte Mylar drawn in black ink or a black line positive Mylar of the same, which shall contain the following information:

- [] 1. Name of the subdivision, name of the county (San Juan) and state (Utah), and the location and legal description of the subdivision referenced to section, township and range;
- [] 2. North arrow, scale (1:100 or larger), dates of original drawing and subsequent revisions and sheet number;
- [] 3. An indication that all subdivision corners have been surveyed. The monuments representing the comers shown on the plat shall be in place and easily identifiable on the ground at the time the subdivision was approved by the county;
- [] 4. Owners and mortgagee's certificate of dedication of public rights-of-way and easements;¹
- [] 5. The surveyor's certificate of survey, his or her seal, and the date of survey;
- [] 6. Boundary of the subdivision or subdivision phase in a heavy solid line with a small circle at each change in direction;
- [] 7. Board of County Commissioner's approval signature lines, certificate of the Board of County Commissioner's acceptance of public right-of-way and easements and public land dedications, and the County Clerk/Auditor's signature line.
- [] 8. The location and description of all section corners and permanent survey monuments in or near the subdivision giving the basis of bearing and the distance and course to two or more survey monuments (GLO, BLM, city, townsite);
- [] 9. The length of subdivision perimeter boundary lines in feet and decimals thereof and the value of all required bearings and angles dimensioned in degrees, minutes and seconds for the perimeter boundary. Boundary lengths, bearings and angles must close within the limits of one in 2,000;
- [] 10. The ownership of lands abutting the subdivisions, or the name of any adjacent subdivision;

¹ Mortgagee must sign "Consent to Record Plat". See Step 6 Subdivision Approval Process.

11. The delineation, dimensions and names of all proposed public roads and access easements to public rights-of-way and adjacent roads and rights-of-way;
12. The dimensions of all proposed lots indicated in feet and decimal and the value of all required bearings and angles dimensioned in degrees, minutes and seconds, and the acreage for each lot, shown within the lot lines and staked on the ground;
13. The blocks numbered consecutively throughout the subdivision, and the lots numbered consecutively throughout each block, with the areas to be excluded from the plat marked "reserved" or "not a part";
14. The outline and notification of any property which is offered for dedication to public use fully dimensioned by lengths and bearings or angles with the area marked "public";
15. The identification, location and dimensions of all easements for public services or utilities;
16. The radii, arcs, point of tangency and central angles for curvilinear streets and radii of all property returns;
17. The identification and designation of the boundaries of any 100-year floodplain and the source of the designation;
18. A note disclosing that there are restrictive covenants on the property and an acknowledgment that the county has no responsibility for enforcing the covenants; and
19. If property is located within the SJC Zoning Ordinance A-1 zone OR Spanish Valley Residential Zone:

The Final Plat must also include the following language:

"Under zoning in effect at the time of plat approval, use of these properties for short-term rentals, overnight accommodations, bed & breakfasts, lodging houses, or any other variation of overnight accommodations for nightly rentals is prohibited."

Developer must record deed restrictions for all lots in subdivision containing the following language:

"Under zoning in effect at the time of plat approval, use of these Lots for short-term rentals, overnight accommodations, bed & breakfasts, lodging houses, or any other variation of overnight accommodations for nightly rentals is prohibited." **(See Sample Deed attached hereto).**

20. Other plat notes as may be required by the Board of County Commissioners.

21. If the subdivider obtains an exemption from the fencing requirement, this exemption must be reflected on the plat so as to place others on notice of the exemption.

22. If the subdivider fails to obtain an exemption to the fencing requirement, a stock-proof fencing proposal shall be submitted with the final plat and the Planning Commission may then make a recommendation to the Board of County Commissioners for final approval.

Space Above for Recorder's Use Only

When recorded mail to:

**WARRANTY DEED
(With Restrictions)**

_____, Grantor(s),
of _____ County, Utah, for the sum of \$10.00, and other valuable
consideration, hereby CONVEY(S) AND WARRANT(S) to:

_____, Grantee(s), whose
address is _____, the following
described tract of land situated in San Juan County, State of Utah:

**Lots 1 – XX, Plat “X”, (Name of Subdivision), Subdivision, according to the official
plat thereof on file and of record in the San Juan County Recorder’s Office.**

Tax Serial Number _____

*Subject to easements, restrictions and rights of way appearing of record and general
property taxes for the year 2023 and thereafter.*

This conveyance is made subject to the following restrictions.

**"Under zoning in effect at the time of plat approval, use of these lots for short-
term rentals, overnight accommodations, bed & breakfasts, lodging houses, or
any other variation of overnight accommodations for nightly rentals
is prohibited."**

Witness, the hand(s) of said Grantor(s), this _____ day of _____, 20_____.

Grantor:

By: _____

STATE OF UTAH)
)
COUNTY OF _____) SS

On this ____ day of _____, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose names is/are subscribed to the within instrument and acknowledged to me that he/she/ executed the same in his/her authorized capacity.

NOTARY SIGNATURE

EXHIBIT "E"
SUBDIVISION IMPROVEMENT AGREEMENT

Space Above for Recorder's Use Only

DEVELOPMENT AGREEMENT

(Name of Development)

This Agreement, dated _____, 20____, is between San Juan County, Utah, a political subdivision of the State of Utah ("County"), and _____ ("Developer"), jointly referred to as (the "Parties").

WHEREAS, Developer desire to subdivide, develop and improve certain real property located within the unincorporated area of San Juan County. The real property is described in **Schedule E-1** attached hereto and consists of approximately _____ acres. The proposed subdivision shall be formally known as " _____ " and shall consist of _____ phases encompassing _____ lots.

WHEREAS, the Parties desire to cooperate in the planning and approval of a Subdivision or Site Plan, for the purpose of encouraging an attractive and useful development that complies with the provisions of the (Zoning) _____ zone; and to incorporate the construction of certain infrastructure improvements;

WHEREAS, the Parties now desire to enter into this Agreement to establish certain parameters of development of the Property and other development objectives prior to annexation or development of the Property;

NOW, THEREFORE, in consideration of the foregoing recitals and the covenants hereafter set forth, the sufficiency of which the Parties hereby acknowledge, the Parties agree as follows: and to incorporate the construction of certain infrastructure improvements; and

DEFINITIONS

Unless the context requires a different meaning, any term or phrase used in this Agreement that has its first letter capitalized shall have that meaning given to it by the SJC Subdivision Ordinance in effect on the date of a complete application or, if different, by this Agreement.

Certain such terms and phrases are referenced below; others are defined where they appear in the text of this Agreement.

1.1 "Applicant" or "Developer" means each person or entity, who owns certain real property within the proposed area that applies for the development of a Project.

1.2 "Buildout" means the completion of the development of the Property.

1.3 "Design Guidelines" means SJC Design Standards set forth in §§152.050 – 152.065 of the SJC Subdivision Ordinance (2019) published by the American Legal Publishing Company and in the Specifications and Drawings, in effect at the time of a completed application for development.

1.4 "Effective Date" The date upon which the official plat of the subdivision is recorded in the Office of the San Juan County Recorder.

1.5 "Owner(s)" means _____, and also includes all successors and assigns of the same, designated as the owner or owners of the Property, or any part thereof, as indicated on the tax records of Utah County.

1.6 "Project" means any portion of the Property proposed for development by an Owner, Developer, or any successors or assigns thereof.

1.7 "Property" means the real property, described by owner and parcel numbers as set forth in **Schedule E-1**.

PUBLIC IMPROVEMENTS

2.1 SJC shall have no obligation to construct or provide capital improvements or extended services for the Development which are not common to the entire county and which are not provided on a county-wide basis to developments of this type. The County shall have the right to enter upon the premises of the Development for inspection and for enforcement of all applicable laws, ordinances, rules, regulations, agreements and covenants relating to the development, the operation of the development, and the furnishing of all necessary services for the development.

2.2 The Developer agrees to submit a cost estimate, construct, provide, and complete, at its expense, each of the following public improvements for, and in connection with the Development.

(a) Public Roads

(i) If the intent of the subdivider is to build roads within the subdivision that will be accepted and maintained by the county after dedication, such roads must be built consistent with the county road standards. Before proceeding on any road work, placement of any underground utilities and/or acquisition of any road materials, the subdivider must provide SJC's Road Department with a copy of the preliminary plat and set up an on-site meeting with the Road Department representative to review all aspects of the roads within the subdivision.

(ii) The subdivider may be required, at his or her own expense, to provide testing for road materials, compaction testing and other testing procedures will be used to assure compliance with minimum standards. The subdivider will develop a schedule of work to be accomplished with an inspection schedule.

(iii) All roads must meet SJC design standards set forth in §152.052, published by American Legal Publishing. These design standards are attached hereto as Schedule A-2.

(b) Private Roads

(i) If the subdivider intends that the roads within the subdivision shall be private roads and thus not required to be constructed to county standards, the subdivider must obtain the approval of the SJC Road Department for all subdivision access roads that originate off of County roads and other safety factors such as placement of signs and other items. These roads must allow reliable vehicular access for emergency, delivery of goods and services and the installation and service of utilities

(ii) Subdivider must record a maintenance agreement for all private roads to be approved by the SA.

(iii) A dedication of a private road does not trigger the county's duty to maintain such a road until it has been constructed or improved to the county road standards.

(c) Failure to Obtain Approval. If the subdivider proceeds with any of the work outlined herein without the approval and/or inspection of the SJC Road Department representative, the county will not accept these roads onto the county system nor be responsible for any type of maintenance duty. This would include, but not be limited to, the placement of any type of water, sewer, septic, telephone, cable television, fire hydrant and the like lines that will be within the right-of-way of any public roads. If such lines are intended to be placed within the right-of-way of any public roads, substantial compliance will be required and the subdivider will be required to either provide adequate certification of such compaction or compensate the county for inspecting such for compliance.

(d) **Sidewalks, Curb & Gutter.** Subdivider [] will be required [] will not be required to construct and complete sidewalk, curb and gutter. In addition, when, in the opinion of the SJC Road Department, the projected traffic volumes within the subdivision are such that the separation of vehicular and pedestrian access is necessary for the safety of the public, the County Commissioners may require designed sidewalks or pedestrian rights-of-way.

(e) **Sanitary Sewage.** Except as otherwise provided below, each lot in the subdivision shall be served with an approved piped sanitary sewer system.

(i) Individual septic tank systems, or other private sewage systems, shall only be permitted when the nearest point of the subdivision boundary is more than 1,320 feet from an existing approved sanitary sewer system. Septic systems shall be in conformance with the requirements established by the state's Division of Environmental Health and the county's Health Department.

(f) **Water Supply.** Except as otherwise provided below, each lot in the subdivision shall be served with an approved public water system.

(i) Individual or common wells or other private water systems shall only be permitted when the subdivision boundary is more than 1,320 feet from the nearest approved public water system. All private water systems shall be in compliance with the requirements of the state's Division of Environmental Health.

(g) **Storm Drainage.** If, prior to the submission of the preliminary plat and after consulting with the County Engineer of record or other qualified person, the SA determines that the subdivider needs to provide a drainage system design which covers the entire subdivision it shall be required to be completed by the subdivider prior to submission of the preliminary plat. The design shall accommodate runoff from the entire subdivision and the historical runoff from areas adjacent to and "upstream" of the subdivision. The design shall insure that runoff from the developed subdivision shall not exceed the historical volumes and velocities discharged onto adjacent property.

(i) The drainage system plans submitted with the preliminary plat shall include:

(1) All proposed surface drainage structures; and

(2) All appropriate design details, dimensions, construction materials and elevations.

(ii) At the time of the final plat, the subdivider shall include final drainage design for the phase of the subdivision included in the final plat. The final drainage design shall show how the drainage is consistent with the overall drainage system design.

(h) **Perimeter Fencing.** In all zoned districts, the subdivider shall be responsible for the construction of a stock-proof perimeter fence around the entire subdivision. The height, fence type and materials shall be as approved by the Board of County Commissioners after receiving a recommendation from staff and/or the Planning Commission.

(i) **Fencing Exemption.** A subdivider may request and the Planning Commission may approve an exemption from the fencing requirement only if one of the following criteria are met:

- (1) The proposed subdivision is completely surrounded by developed land;
- (2) The proposed subdivision is within the future annexation area of a nearby municipality and within 100 feet of a municipal boundary; or
- (3) The proposed subdivision abuts property already enclosed with a stock-proof fence.

(ii) **Notice on Plat** If the subdivider obtains an exemption from the fencing requirement, this exemption must be reflected on the plat so as to place others on notice of the exemption.

(iii) **Failure to Obtain Exemption.** If the subdivider fails to obtain an exemption to the fencing requirement, a stock-proof fencing proposal shall be submitted with the final plat and the Planning Commission may then make a recommendation to the Board of County Commissioners for final approval.

(j) **Fire Protection.** Except as otherwise provided, the county will not provide any additional fire protection for approved subdivisions other than from those current departments established at different locations within the county.

(i) When, in the opinion of the Board of County Commissioners and other county emergency response personnel, the size of the subdivision and the number of lots proposed along with other factors, determines that the health, safety and general welfare of the residents of the subdivision may require that the subdivider provide substantial improvements to provide fire protection for the subdivision. Such improvements may include, but not be limited to; fire hydrants; water storage for fire protection; other water systems; participation in the acquisition of firefighting equipment; and facilities to house such equipment.

(ii) If such fire protection improvements are required, these shall be made at the expense of the subdivider and shall meet all fire protection standards as provided in the National Fire Code, Uniform Building Code and other standards that are applicable to such.

(iii) All systems shall be tested and accepted by the county prior to final approval of the subdivision of the county.

(iv) In the event that such improvements are not completed or furnished by the subdivider prior to final approval of the subdivision, the subdivider shall provide to the county a form of collateral for the improvements as outlined in § 152.039 of the SJC Subdivision Ordinance.

Improvement Guarantees

3.1 Developer agrees that all construction in the Development shall conform to the plans of said development and the documentation submitted to and approved by San Juan County including required inspections, and also to the requirements of all applicable laws, ordinances, rules and regulations promulgated by governmental authorities having jurisdiction.

3.2 Developer has provided a cost estimate, which is subject to approval by the County Engineer which is attached hereto as **Schedule E-2**. These Improvements are to be installed at the expense of the Developer.

(a) Developer shall complete Improvements in a timely and workmanlike manner according to San Juan County development standards, as shown by approved inspections of the San Juan County Engineer, and as an assurance that the Developer will comply with all of the terms of this Agreement.

(b) Developer hereby agrees, independently of the above cash payment defined above, to undertake and satisfactorily complete within 1 year from the recording of the subdivision plat in the SJC Recorder's Office, under the direction and supervision of the San Juan County Engineer, all of the Improvements; and, also, to comply with all of the terms of this Agreement.

(c) Notwithstanding any partial releases, acceptance of the Improvements shall be official only upon written notice to Developer from the Board of County Commissioners of San Juan County expressly acknowledging said acceptance.

(d) If Developer fails to comply with any terms of this Agreement, San Juan County and its agents, representatives, employees, and officials, may elect

SCHEDULE E-1

LEGAL DESCRIPTION

SCHEDULE E-2

COST ESTIMATE