



PLANNING COMMISSION MEETING

117 South Main Street, Monticello, UT 84535. Conference Room, and Virtually
March 11, 2021 at 7:00 PM

AGENDA

This meeting will be held through Google Meet at the following link:

<https://meet.google.com/pir-jjbv-maf>

You can also call in with this number and pin:

(US) +1 470-485-9069 PIN: 430 326 577#

GENERAL BUSINESS

Welcome / Roll Call

Approval of Minutes

1. Approval of Minutes for February 11, 2021 PC Meeting ACTION

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

ADMINISTRATIVE ITEMS

2. Flat Iron Mesa Ranch Phase XXVI, Lucas Blake, Red Desert Land Surveying ACTION
3. Flat Iron Mesa Ranch Phase XXVII, Lucas Blake, Red Desert Land Surveying ACTION
4. Area BFE Permitted Uses Discussion, Mack McDonald, Chief Administrative Officer
5. Short Term Rental Staff Update DISCUSSION

LEGISLATIVE ITEMS

6. Application for Spanish Valley Overnight Accommodations Overlay (Rezone), Josh Anderson, The Domes of Moab DISCUSSION
7. Subdivision Plat Requirements DISCUSSION
8. Revisions to the Spanish Valley Highway Commercial District (HC) Ordinance DISCUSSION

BUILDING PERMIT(S) REVIEW

9. Building Permit List

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
Electronic Meeting
February 11, 2021 at 7:00 PM

MINUTES

GENERAL BUSINESS

Welcome / Roll Call

Commissioner Schafer called the PC meeting to order at 7:03 pm.

Approval of Minutes

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

Slight correction made correcting a typo on page 2 of the January 14 minutes.

Motion to approve the minutes as revised was made by Commissioner Wilson, Seconded by Commissioner Nelson.

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

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

Dave Focardi made comment about keeping planning commission oversight in the highway commercial ordinance and the short term rental ordinance in favor of owner occupied short term rentals.

Lynda Smirz made comment about the need for enforcement of the zoning ordinance specifically at the location of Area BFE. She expressed her opinion that they need a conditional use permit for their events. She requested information about the road maintenance costs for these events.

ADMINISTRATIVE ITEMS

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

Lucas Blake with Red Desert Land Surveying presented this subdivision, describing the additional lots along the existing airstrip. Commissioners Schafer and Wilson expressed appreciation for the drainage study and retention basin infrastructure provided. Lucas Blake identified Tract E for future development as phase 3. Drainage easements on lots 25-31 will need to be maintained.

Public comment and discussion on the proposed subdivision was made by the following individuals:

Carolyn Dailey asked about the water source and road access. She also expressed that this is too many lots to approve. The commissioners addressed the concerns about water. This subdivision does have access to water from the San Juan Spanish Valley Special Service District.

Ann Austin asked whether these lots were planned to be used as nightly rentals. Commissioner Schafer expressed confidence that the short-term rental ordinance would be in effect before this development gets going, and expressed his opinion that the airport is not the place for nightly rentals.

Monet Clark asked how many homes would have hangars and how many planes would be using the airport when the development is built out. Lucas Blake with Red Desert Land Surveying said that the lots along the airstrip would be big enough for hangar buildings, and the lots to the Northwest would be single family homes without hangars. Tract E is planned for future hangar buildings. It is unknown at this time how many hangars will be built or the potential number of planes.

Colby Smith asked about lot sizes and whether the sizes included the runway easement, and whether the remaining lot meets the quarter acre size. Lucas Blake addressed the question that the lots do include the airstrip easement, but not the access roadways on the outside of the lots.

Commissioner Shrenk asked about the status of the airport, whether it is private or public. The airport is a private airport.

Commissioner Johnston expressed concern about the lot sizes not being big enough for a home and a hangar, and where do you tie down extra airplanes without blocking the runway.

Commissioner Wilson said this is out our jurisdiction and that the FAA is who would have requirements about that. He further expressed his opinion that the PC should be looking at drainage, lot sizes and making sure that it meets our requirements, and that "we can't turn it down if it meets all our requirements." He continued saying that "we need to take the airport out of our eyes, because how do we hold jurisdiction over an airstrip." The water was also brought up that the approval for water is in the hands of the special service district. They approve the water connections

Carolyn Dailey expressed a concern about a possible conflict of interest that the owner of the Sky Ranch Estates Subdivision, Mike Bynum sits on the San Juan Spanish Valley

Special Service District Board. Commissioner Schafer responded that "as long as he declares his conflict, that is all he has to do." Commissioner Wilson also responded that under state statute you cannot deny water when people apply if it is available under the shares of water the special service district has been allocated by the state. Commissioner Wilson clarified the process that approving the subdivision does not approve the water, the developer will need to apply for the water connections with the San Juan Spanish Valley Special Service District.

Commissioner Nelson asked what the staff recommendation is, which is that the developer has met the requirements of our ordinances, and have complied with our review comments and it is ready for the planning commission to consider and approve.

Commissioners also discussed the drainage report and asked for some clarification from Jeff with Set engineering who was on the line. Jeff assured the PC that outfall structures have been designed to accommodate the equivalent of historic drainages.

Motion to approve the subdivision was made by Commissioner Wilson, Seconded by Commissioner Johnston.

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

3. Legacy Fields Subdivision Phase II, Lucas Blake, Red Desert Land Surveying ACTION

Lucas Blake with Red Desert Land Surveying presented phase 2 of the Legacy Fields Subdivision. The subdivision follows the preliminary plat that was submitted with phase one. Commissioner Wilson explained that Bobbie Lane has been completely built to B road standards. Commissioner Shrenk expressed that she "has a problem with putting 100 wells and 100 septic systems that close together." After some discussion about individual lots and an existing shared well serving lots 117, 116, 115, and 114. Commissioner Shrenk also pointed out that if they want a well, each individual lot can drill a well with a secured water right which is issued by the state of Utah.

Commissioner Schafer asked for public comment, no comment was made.

Commissioner Wilson declared a conflict of interest that he has been hired as the contractor to build the roads and infrastructure for the Legacy Fields Subdivision.

Motion to approve the subdivision was made by Commissioner Cloward, Seconded by Commissioner Nelson.

Voting Yea: Chairman Schafer, Commissioner Cloward, Commissioner Johnston, Commissioner Nelson, Commissioner Nielson

Voting Nay: Commissioner Shrenk

Voting Abstaining: Commissioner Wilson

LEGISLATIVE ITEMS

4. Application for Spanish Valley Overnight Accommodations Overlay (Rezone), Josh Anderson
ACTION

Josh Anderson with the Domes at Moab presented his request for the overnight accommodation overlay for a property along US HWY 191 to build a glamping campground with geodetic dome structures. The PC had some discussion about the process, it was also discussed that the domes will be a earth tone color.

Some questions were raised about what is being approved, but step two of the approval process will control the specifics of what is allowed with the overlay.

It was also expressed that along the highway is where the overnight accommodations should be located. Water and sewer are not available currently at this location.

Motion to recommend to the San Juan County Board of Commissioners was made by Commissioner Johnston, Seconded by Commissioner Wilson.

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

5. Revisions to the Spanish Valley Highway Commercial District (HC) Ordinance
DISCUSSION

The PC discussed the desire to get the highway commercial ordinance revisions completed this year. They discussed the conditional use requirement for hotels and motels of at least 40,000 square feet. The PC members expressed a desire to allow nightly rentals in the commercial zones, and not in the residential zones. Public comment was made by Colby Smith expressing concern about commercial condos, explaining that commercial condos are a way for the developers to get around regulations. Alex Goble from the San Juan County Attorneys office expressed the need for definitions in the zoning ordinances. The PC members also discussed owner occupied bed and breakfast's, and After some discussion about the need for definitions and the form the ordinance should take, they decided to require all hotels and motels and commercial condos to be a conditional use. Commission Chair asked the PC members to mark up the ordinance, and send it in for review for the next meeting. Lloyd Wilson extended an invitation for a meeting at 64 Tangren Lane on February 24 at 6:00 pm in Spanish Valley to discuss the highway commercial ordinance.

Near the end of the discussion public comment was made by Jeff Mattson expressing opposition against revising the ordinance to allow more than one truck stop in the highway commercial district.

6. San Juan County Spanish Valley Short-Term Rental Ordinance DISCUSSION

As part of the discussion on Item # 5, PC Commission Chair Trent Schafer asked the PC members to mark up the short-term rental ordinance with their revisions and send them in to be compiled into a redline version.

BUILDING PERMIT(S) REVIEW

7. Presentation of building permit list DISCUSSION

PC commissioners reviewed the building permit list, and expressed some concern about the permit fees going to Grand County instead of San Juan County, and the increasing number of permits in Spanish Valley.

ADJOURNMENT

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

Meeting was adjourned at 8:55 pm

DRAFT



STAFF REPORT

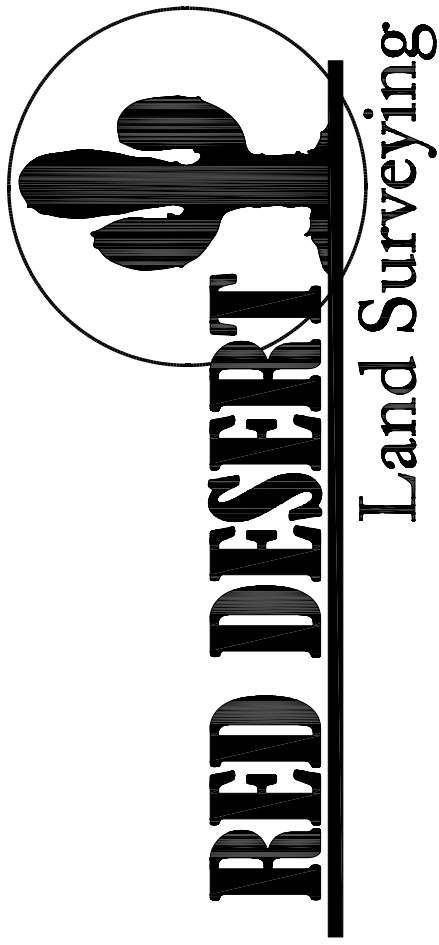
MEETING DATE: March 11, 2021

ITEM TITLE, PRESENTER: Flat Iron Mesa Ranch Phase XXVI, Lucas Blake, Red Desert Land Surveying ACTION

RECOMMENDATION: Consideration and Approval

SUMMARY

Flat Iron Mesa Ranch Subdivision is located about one mile west of US Hwy 191 along County Road 164 (Flat Iron Mesa) which is about 1.5 miles north of La Sal Junction. The subdivision began developing in 2002 with phase 1. Since then, the developer has developed the subdivision with small phases, usually one or two lots. The most recent phase was phase 25 which was approved in August 2020. Phase 26 proposes two lots, lots 39 (12.76 acres) and 40 (10.76 acres).



88 East Center Street
Moab, UT 84532
435.259.8171

STANDARD LEGEND

- EASEMENTS
- PROPERTY ADJOINING
- PROF. CORNER SET
- SECTION MONUMENT

PROJECT TYPE:
SUBDIVISION

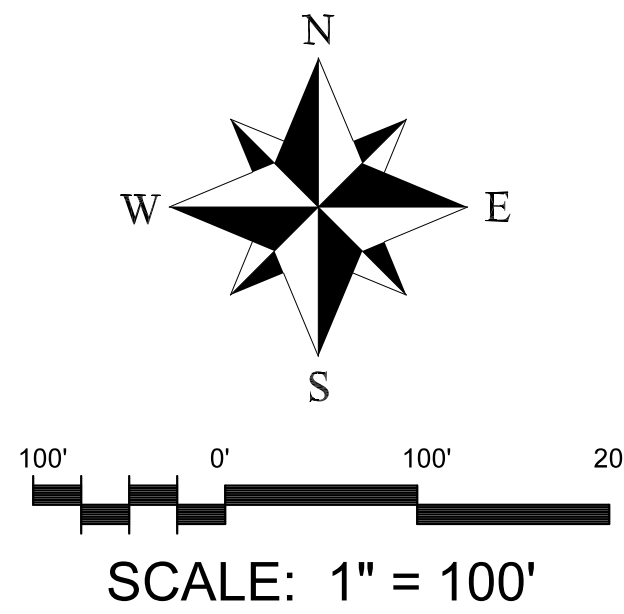
PROJECT ADDRESS:
Flat Iron Mesa Lot 39 & 40
Moab, Utah 84532

PROJECT LOCATION:
SAN JUAN COUNTY, STATE OF UTAH

PREPARED FOR:
MIKE DERVAGE

DATE:
11/30/2020
JOB NUMBER:
218-20

SHEET 1 OF 1



VICINITY MAP

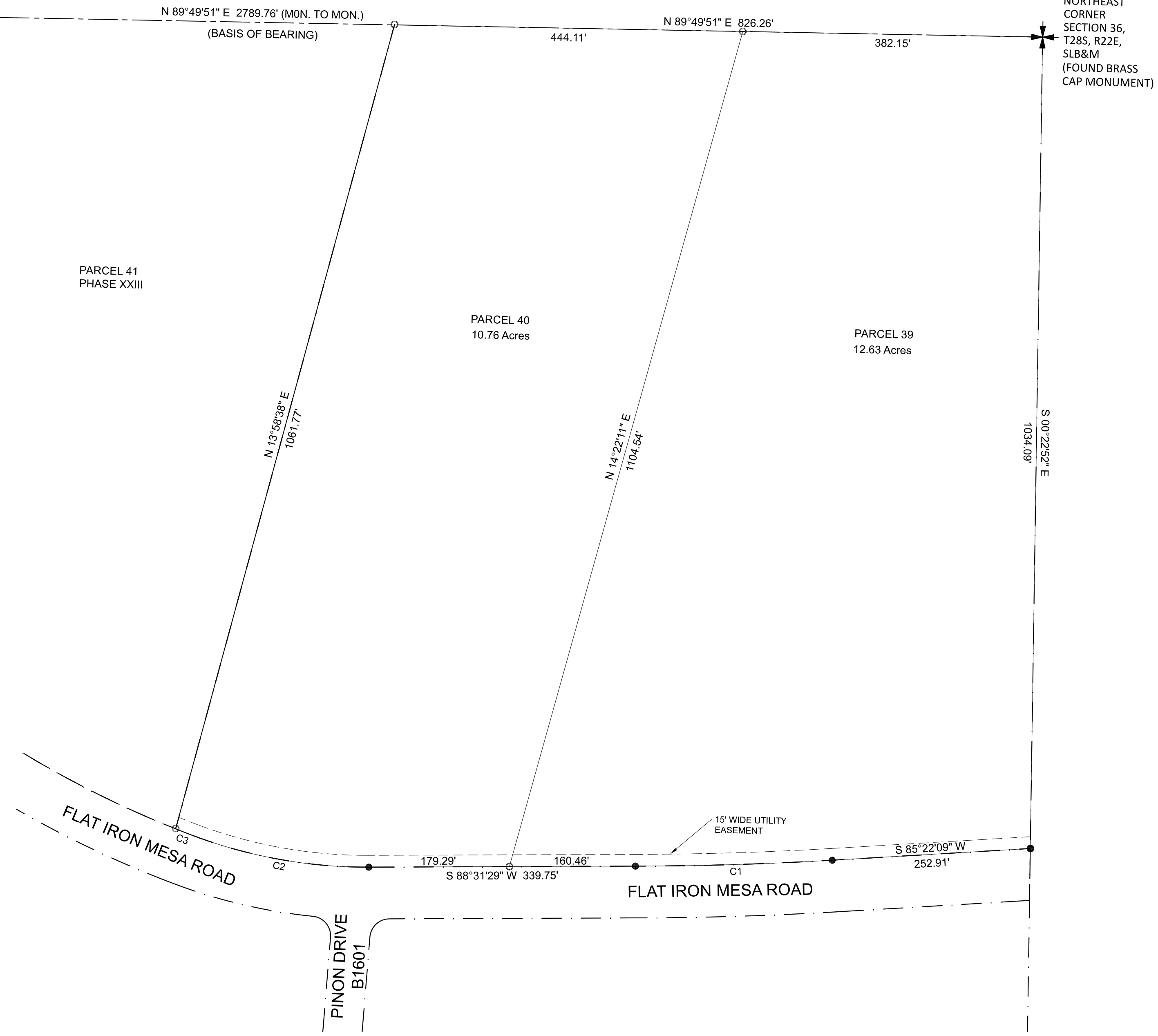
NOT TO SCALE

FINAL PLAT OF FLAT IRON MESA RANCH, PHASE XXVI

A SUBDIVISION LOCATED WITHIN THE NE QUARTER
OF SECTION 36, T28S, R22E, SLB&M

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	4318.74'	251.02'	250.98'	S 87°02'03" W	3°19'49"
C2	630.03'	230.26'	228.98'	N 81°00'19" W	20°58'23"
C3	1316.68'	22.41'	22.41'	N 70°02'52" W	0°58'31"

NORTH QUARTER
CORNER
SECTION 36,
T28S, R22E, SLB&M
(FOUND BRASS CAP
MONUMENT)



NORTHEAST
CORNER
SECTION 36,
T28S, R22E,
SLB&M
(FOUND BRASS
CAP MONUMENT)

A SUBDIVISION LOCATED WITHIN THE NE QUARTER
OF SECTION 36, T28S, R22E, SLB&M

SURVEYOR NOTES

The property has been accurately surveyed with the intent to subdivide land. The basis of bearing is N 89°41'59" E between the North Quarter corner and the Northeast corner of Section 36, Township 28 South, Range 22 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.

PLAT NOTES

- ALL FRONTAGES, ALL LINES COMMON WITH A ROAD RIGHT-OF-WAY, SHALL BE SUBJECT TO A 15' WIDE UTILITY EASEMENT
- ALL DEVELOPMENT WITHIN THE SUBDIVISION WILL BE UNDER THE CC & R'S FOR THE ADJACENT FLAT IRON MESA RANCH AND LOTS CREATED HEREIN WILL BE MEMBERS OF THE FLAT IRON MESA RANCH HOME OWNERS ASSOCIATION.

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 Flat Iron Mesa Ranch, Phase XXVI and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

Lucas Blake
License No. 7540504

DATE

LEGAL DESCRIPTION

Beginning at a Northeast corner of Section 36, T28S, R22E, SLB&M, and proceeding thence S 00°22'52" E 1034.09 feet to a point on the north right-of-way of Flat Iron Mesa Drive; thence with said right-of-way S 85°22'09" W 252.91 feet; thence with a curve having a radius of 4318.74 feet, to the right with an arc length of 251.02 feet, (a chord bearing of S 87°02'03" W 250.98 feet); thence S 88°31'29" W 339.75 feet; thence with a curve having a radius of 630.03 feet, to the right with an arc length of 230.26 feet, (a chord bearing of N 81°00'19" W 228.98 feet); thence with a compound curve having a radius of 1316.68 feet, to the right with an arc length of 22.41 feet, (a chord bearing of N 70°02'52" W 22.41 feet); thence N 13°58'38" E 1061.77 feet; thence N 89°49'51" E 826.26 feet to the point of beginning, having an area of 23.39 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 Flat Iron Mesa Ranch, Phase XXVI

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____

MICHAEL M DERVAGE

KATHRYN COLLARD

ACKNOWLEDGMENT

STATE OF _____ } s.s.
COUNTY OF _____

ON THE _____ DAY OF _____, 2020, PERSONALLY APPEARED BEFORE ME,

_____, 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: _____

COUNTY SURVEYOR
I HAVE REVIEWED THIS PLAT AND FIND IT TO MEET THE MINIMUM STATUTORY REQUIREMENTS OF:
UTAH CODE, TITLE 17, CHAPTER 23
UTAH CODE, TITLE 17, CHAPTER 27a-6
SAN JUAN COUNTY SUBDIVISION ORDINANCE - AMENDED APRIL, 2016

COUNTY SURVEYOR

DATE

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____, 2020.

ATTORNEY

COUNTY BOARD OF HEALTH
APPROVED THIS _____ DAY OF _____, 2020.

CHAIRMAN

PLANNING COMMISSION CERTIFICATE
APPROVED THIS _____ DAY OF _____, 2020.
BY SAN JUAN COUNTY PLANNING COMMISSION.

CHAIRMAN

COUNTY COMMISSION APPROVAL
PRESENTED TO THE _____
THIS _____ DAY OF _____, 2020.
SUBDIVISION WAS ACCEPTED AND APPROVED.

ATTEST

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



STAFF REPORT

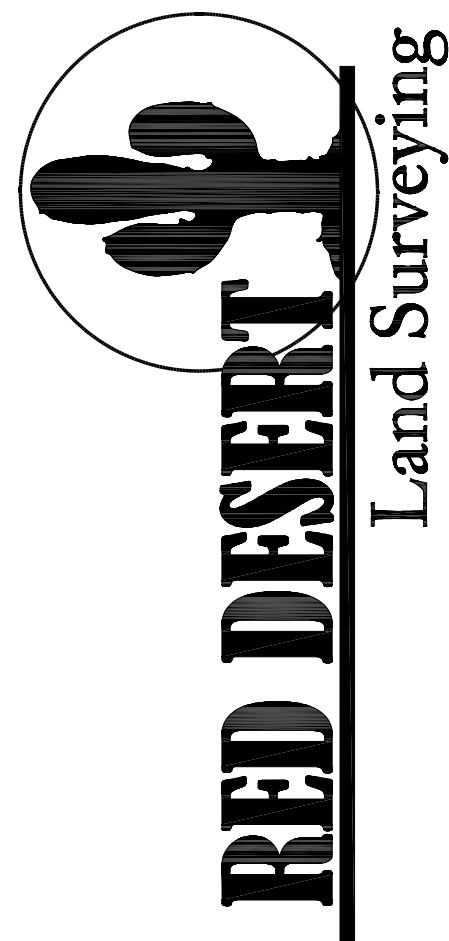
MEETING DATE: March 11, 2021

ITEM TITLE, PRESENTER: Flat Iron Mesa Ranch Phase XXVII, Lucas Blake, Red Desert Land Surveying ACTION

RECOMMENDATION: Consideration and Approval

SUMMARY

Flat Iron Mesa Ranch Subdivision is located about one mile west of US Hwy 191 along County Road 164 (Flat Iron Mesa) which is about 1.5 miles north of La Sal Junction. The subdivision began developing in 2002 with phase 1. Since then, the developer has developed the subdivision with small phases, usually one or two lots. The most recent phase was phase 25 which was approved in August 2020. Phase 27 proposes two lots, lots 45 (7.42 acres) and 46 (7.26 acres).



88 East Center Street
Moab, UT 84532
435.259.8171

STANDARD LEGEND

- EASEMENTS
- PROPERTY ADJOINING
- PROP. CORNER SET
- SECTION MONUMENT

PROJECT TYPE:
SUBDIVISION

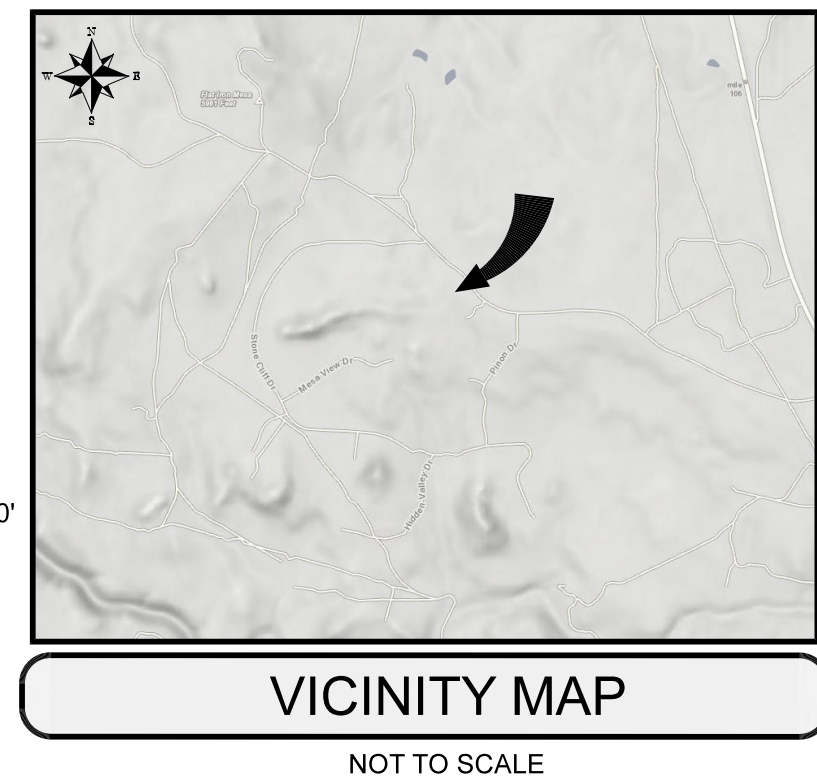
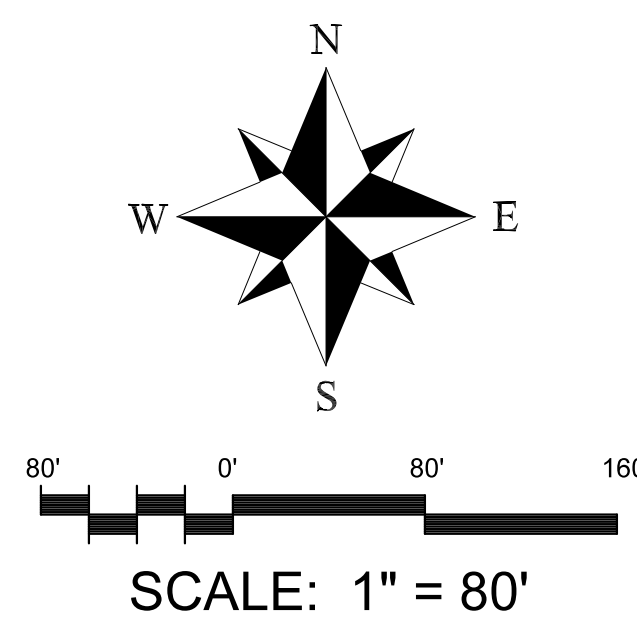
PROJECT ADDRESS:
Flat Iron Mesa Lot 45
Moab, Utah 84532

PROJECT LOCATION:
SAN JUAN COUNTY, STATE OF UTAH

PREPARED FOR:
MIKE DERVAGE

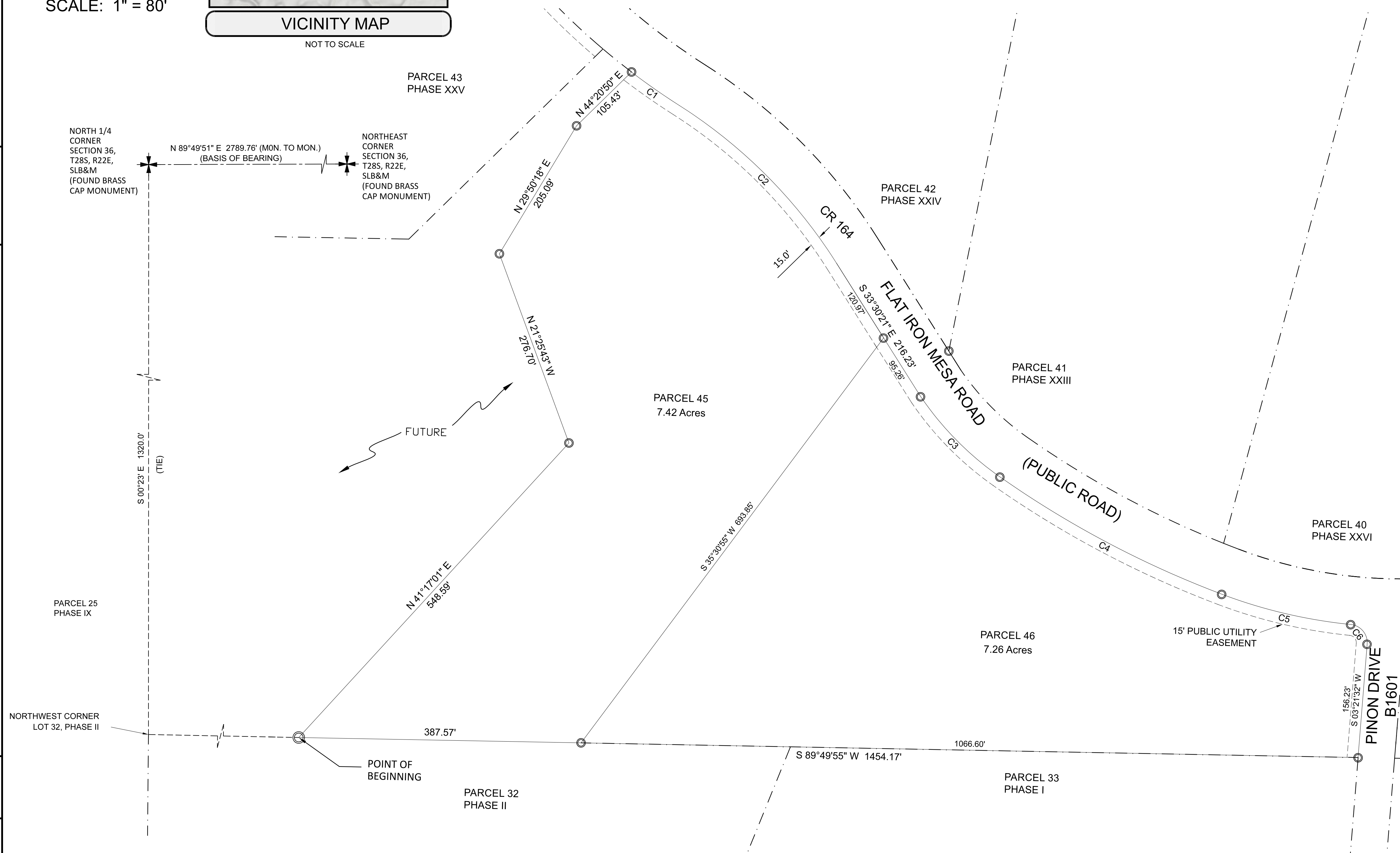
DATE:
03/8/2021
JOB NUMBER:
001-21

SHEET 1 OF 1



FINAL PLAT OF
FLAT IRON MESA RANCH, PHASE XXVII

A SUBDIVISION LOCATED WITHIN THE NE QUARTER
OF SECTION 36, T28S, R22E, SLB&M



CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	952.07'	80.38'	80.38'	S 56°22'01" E
C2	699.18'	308.16'	305.67'	S 46°07'45" E
C3	429.51'	154.79'	153.95'	S 45°48'56" E
C4	1382.68'	346.28'	345.38'	S 63°21'39" E
C5	696.03'	182.41'	181.89'	S 78°02'36" E
C6	25.00'	38.81'	35.03'	S 41°06'33" E

PLAT NOTES

- ALL FRONTAGES, ALL LINES COMMON WITH A ROAD RIGHT-OF-WAY, SHALL BE SUBJECT TO A 15' WIDE UTILITY EASEMENT
- ALL DEVELOPMENT WITHIN THE SUBDIVISION WILL BE UNDER THE CC & R'S FOR THE ADJACENT FLAT IRON MESA RANCH AND LOTS CREATED HEREIN WILL BE MEMBERS OF THE FLAT IRON MESA RANCH HOME OWNERS ASSOCIATION.

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 Flat Iron Mesa Ranch, Phase XXVII and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

Lucas Blake
License No. 7540504

DATE

LEGAL DESCRIPTION

Commencing at the North Quarter corner of Section 36, T28S, R22E, SLB&M; thence South 00°23' East 1300.00 feet; thence North 89°50' East 434.94 to the point of beginning, and proceeding thence North 41°17'01" East 548.59 feet; thence North 21°25'43" West 276.70 feet; thence North 29°50'18" East 205.09 feet; thence North 44°20'50" East 105.43 feet; thence with a curve having a radius of 952.08 feet, to the left with an arc length of 80.38 feet, (a chord bearing of South 56°22'01" East 80.36 feet); thence with a reverse curve having a radius of 699.18 feet, to the right with an arc length of 308.16 feet, (a chord bearing of South 46°07'45" East 305.67 feet); thence South 33°30'21" East 216.23 feet; thence with a curve having a radius of 429.51 feet, to the left with an arc length of 154.79 feet, (a chord bearing of South 45°48'56" East 153.95 feet); thence with a compound curve having a radius of 1382.68 feet, to the left with an arc length of 346.28 feet, (a chord bearing of South 63°21'39" East 345.38 feet); thence with a compound curve having a radius of 696.03 feet, to the left with an arc length of 182.41 feet, (a chord bearing of South 78°02'36" East 181.89 feet); thence with a reverse curve having a radius of 25.00 feet, to the right with an arc length of 38.81 feet, (a chord bearing of South 41°06'33" East 35.03 feet); thence South 03°21'32" West 156.23 feet; thence South 89°49'55" West 1454.17 feet to the point of beginning, having an area of 14.68 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 Flat Iron Mesa Ranch, Phase XXVII

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____

MICHAEL M DERVAGE

KATHRYN COLLARD

ACKNOWLEDGMENT

STATE OF _____ } s.s.
COUNTY OF _____

ON THE _____ DAY OF _____, 2020, PERSONALLY APPEARED BEFORE ME,

_____ 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: _____

COUNTY SURVEYOR

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

COUNTY SURVEYOR DATE

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

STATE OF UTAH, SAN JUAN COUNTY, RECORDED AT THE REQUEST OF

DATE _____ BOOK _____ PAGE _____ FEE _____



STAFF REPORT

MEETING DATE: March 11, 2021

ITEM TITLE, PRESENTER: Area BFE Permitted Uses Discussion, Mack McDonald, Chief Administrative Officer

RECOMMENDATION: N/A Discussion Only

SUMMARY

Area BFE appears to be in an A-1 Zone but is also allowed to have additional permitted uses subject to Ordinance 2005-02.

HISTORY/PAST ACTION

Articles presented in March of 2005 in the Moab Independent Times demonstrates activity in Area BFE where they opened to rock crawlers nationwide. This opened 320 acres to local enthusiasts free of charge or where special events will carry a use fee. This also included events such as Jeep Safari Weekend, Concerts and Catering Services.

Later in March, Moab Independent Times published an article regarding land-owners complaints against San Juan County and County Officials who “are violating County zoning laws by allowing two recent rock crawling competitions to take place on private land that is zoned for agricultural use.” The article quotes former San Juan County Administrator Rick Bailey indicated that the County has “no procedure for issuing special use permits for events on private property.”

In August 2005, Aspen Times produced an article highlighting the efforts of owners of Area BFE by creating an area of “extreme” 4-wheeling as well as other uses to help in preservation efforts to “take pressure off public lands, which are getting hammered by off-road drivers.” The article also quotes neighbors sentiments “Neighbors have complained that the property isn’t zoned for public events and that Parriott and his partners haven’t gotten permits. “Our bubble’s been burst. To be next to that kind of development not what we wanted out here,” says Kiley Miller, C-owner of an adjoining parcel. But Bruce Bunker, zoning administrator for San Juan County, says the partners haven’t broken any rules.”

In April of owners of Area BFE petitioned the County Board of Commissioners for a zone change to the ordinance which would allow them to continue operating jeep and trail recreation on their property. Around that time, owners began hosting events on the property which included recreational activities, social gatherings and other special events.

In July of 2005, San Juan County Commission had a public hearing regarding the modifications to the Zoning Ordinance prompted at the request of the owners of Area BFE’s petition to the County back in

April. In the August Commission minutes, it indicates that there were no public comments received regarding changes to the Zoning.

In August of 2005, the Board of San Juan County Commissioners adopted ordinance 2005-02 approving the permitted uses including the original language proposed by owners of Area BFE.

FISCAL IMPACT

N/A

Concerning chapter 11 of the San Juan county zoning ordinance, we would like to amend the following uses to a permitted status. Along with this amendment, the following subcategories added to article (15).

(8) Dude ranch, family vacation ranch.

(15) Private park or recreational grounds or private recreational camp or resort, including accessory or supporting dwellings complexes and commercial service uses which are owned by or managed by the recreational facility to which it is accessory.

- (a) Recreational gatherings and special events.
- (b) Recreational activities including sportsman activities, arts, filming and photography.
- (c) Monetary fees collected to insure environmental protection, reclamation, and retain public access.

It is understood that existing building ordinances and zoning regulations are still governed under permitted uses. Also, the assumed knowledge of proper zoning ordinances require building inspectors approval for construction or improvements on structures. We feel that proper evidence can be shown to the commission concerning the surrounding property and its welfare, as well as the welfare of the property owners.

Who we are...

Area BFE is a recreational facility. Though it is privately owned, it was developed with the intent on giving public access to the facility for recreational purposes. This facility has been designed to allow different recreational users to enjoy the outdoors in an environment that is non biased to the type of activity an individual chooses. We are currently establishing trails and play areas for a number of activities. These activities include 4 wheel drive vehicles, ATV's, motorcycles, mountain bikes, climbing facilities, horseback riding and many others. We will not be exclusive to any one group and our policy is to remain open minded to all forms of recreation. Our goal has been (and still stands) that this area remain free to the public on a year round basis. Our investors understand the pride in small communities and believe that public access shouldn't always be limited to those who can afford to play! We encourage donations to assist in keeping this area open. Most of the donations come in the form of volunteers helping keep the site clean and free of trash. Other gatherings are used to gain money to assist in our goal to keep this area open. Money that is generated from donations and special events is used to protect this resource. I.E. signs, reclamation of impacted areas, and protecting areas from destruction. In the end, keeping the area open to the public and free of charge. An environment like this is a relatively new concept. There are no examples to follow. We believe that by including the public opinion in decision-making, we can offset the number of negative encounters. Thus continually improving on our operating procedures and over all structure of how we do business.

The owners and staff of Area BFE hope to create a place for families and friends. A place where people of different hobbies and interests can co-exist while enjoying some of South Eastern Utah's finest scenery.

This park was designed with some of the more extreme aspects of each sport in mind. We are providing a place for people to take part in this on private property. Therefore discouraging this type of activity on public lands. With the amount of impact people make on public land from normal everyday **legal** use, we feel it is unnecessary to expand that footprint just for the fun of a few. In turn, we are providing a location for people to gather in a

responsible manner and take part in that extreme side in a controlled environment.

To:

San Juan County Commission

On behalf of: Area BFE recreational park.

Jeremy Parriott

Chris Brunner

Sal Marinelo

Dr. Jay Sorensen

Robert Lucero

Dan Wright

Concerning:

Zoning Ordinance amendment.

Property location:

12 miles south East of Moab Utah.

Township 27 South, Range 23 East, SLB&M

Section 32: E1/2 Containing 320 acres.

Topic:

Use regulations- amendment to current zoning regulations under current existence.

Thank you for the opportunity to revue this topic. I understand that current regulations are in place for protection on behalf of the public. I am willing to abide by all the regulations set forth by the commission. Because of recent events and accusations by the media and other sources, I feel that action must be taken to ensure the best interest in the effected communities. Our current method of doing business has been by the book. We have been extremely impressed by the support from each community for the project we have in hand right now. I look forward to the possibility of a public hearing to address these amendments.

Thank you for your time.

Jeremy Parriott
1316 Murphy Ln.
Moab, Utah 84532

435-259-9442

SAN JUAN COUNTY COMMISSION MEETING
JULY 26, 2005

The regular meeting of the San Juan County Commission was held at 10:00 A.M. in the Commission Room at Monticello, Utah.

Present: Lynn Stevens, Chairman
Bruce Adams, Commissioner
Manuel Morgan, Vice Chairman
Rick Bailey, Administrative Assistant
Norman L. Johnson, Clerk/Auditor
Hannah R. Whipple, Deputy Clerk

Commissioner Bruce Adams made a motion to go into an executive session for personnel issues. Commissioner Lynn Stevens seconded the motion. None opposed. Commissioner Lynn Stevens declared the motion carried.

Commissioner Bruce Adams made a motion at 10:27 A.M. to come out of the executive session. Commissioner Lynn Stevens seconded the motion. None opposed. Commissioner Lynn Stevens declared the motion carried.

A motion to approve the minutes of July 11, 2005, as amended, was made by Commissioner Bruce Adams. Commissioner Manuel Morgan seconded the motion. None opposed. Commissioner Lynn Stevens declared the motion carried.

Walter Bird, Personnel Office - Department Report

Mr. Bird presented a promotion for Scott Christensen of the Road Department. He will move from a step 51 to a step 80. Walter presented a retention raise for Sam Cantrell. He will move from a step 134 to a step 176. Commissioner Bruce Adams made a motion to approved the two pay increases. Commissioner Lynn Stevens seconded the motion. None opposed. Commissioner Lynn Stevens declared the motion carried.

Norman L. Johnson, Clerk/Auditor - Tax Valuation Notices and NACRC Conference

After the Commission approved the Tax Rates two-weeks ago the state called and made some adjustments to the Assessing and Collecting Rates. They changed the State Rate to .000173 and require the county to levy 000300. We are required to take the equalized rate if we want to participate in the state wide equalization.

Mr. Johnson informed the Commissioners that the Property Tax Valuation Notices are being prepared and will be mailed out this week.

Mr. Johnson gave an oral and written report on the NACRC Conference.

Evan Lowry - Planning Department Report

Evan reported to the Commissioners that Lynn Laws has looked at the Fable Valley Road, and has located a point to close the road with one gate. Evan states that the BLM agrees with the sign and the closure. He indicated that a sign is going to be placed indicating a temporary road closure due to safety reasons.

Evan reported on the Sundance trail head by Hite. Sandy Johnson has some concerns about the trail head. He has corrals there and it effects his operations. He proposed putting the trail head back where it was. There is a low spot in the road so that low clearance vehicles cannot get through, and he wondered if the county would consider fixing the road so that low clearance vehicles can get in.

Evan reported on The Falls/Indian Creek open OHV Area/Lease of SITLA lands. SITLA manages these lands for the schools and made a proposal that we could lease these lands from them, and that a good portion of the lease could be paid for out of the OHV funds. Evan will work with local groups for signs and recommended routes.

Mr. Lowry reported meeting with the Forest on the Forest planning efforts.

Rick Bailey, County Administrator Report

Mr. Bailey presented to the Commissioners the following building permits:

Kenneth Book - Turkey Trot Estates - Garage & Carport - Moab
 Tim Buckingham - Mountain Shadows Lane - Manufactured Home - Old LaSal
 Richard Watkins - Browns Canyon Road - Carport - Blanding
 Mark Edwards - Beeman Road - Home - LaSal
 Holly Jensen - Coronado Lane - Carport - Moab

Commissioner Manuel Morgan made a motion to approve the building permits as presented. Commissioner Bruce Adams seconded the motion. None opposed. Commissioner Lynn Stevens declared the motion carried.

Mr. Bailey presented the bid for the Montezuma Creek Lighting Project. The county received one bid from Hidden Peak Electric out of Murray proposing \$148,876.00. Rick stated that he would attempt to negotiate the cost.

Mr. Bailey presented a Road Department Procurement for a small roller and trailer to go with the second patch truck. A Caterpillar CD24E for \$26,650 and a trailer that came from the state used for a larger roller for \$7,744. Commissioner Manuel Morgan approved the procurements requested by the Road Department. Commissioner Bruce Adams seconded the motion. None opposed. Commissioner Lynn Stevens declared the motion carried.

Rick Bailey suggested that a Fire Ban be issued until the 1st of September. Commissioner Bruce Adams made a motion to place the Fire Ban until the 1st of September. Commissioner Manuel Morgan seconded the motion. None opposed. Commissioner Lynn Stevens declared the motion carried.

OPEN TIME:

Doug Allen and Sarah Newmeyer of the San Juan County Health District presented to the Commissioners the resignation of John Hart, Health Care Administrator, Effective August 18th, 2005. Lyman Duncan will temporarily be appointed as the new Health Care Administrator until a replacement can be found.

Commissioner Bruce Adams made a motion to appoint K. Brent Redd to the San Juan County Health District to represent Blanding. Commissioner Manuel Morgan seconded the motion. None opposed. Commissioner Lynn Stevens declared the motion carried.

Commissioner Bruce Adams made a motion to instruct and allow the San Juan Health Care District Board to function as a Quorum and proceed in finding the replacement for Mr. Hart. Commissioner Manuel Morgan seconded the motion. None opposed. Commissioner Lynn Stevens declared the motion carried.

PUBLIC HEARING - NUISANCE ORDINANCE:

Anita Peterson: Presented signatures of approximately 200 citizens who oppose the County Nuisance Ordinance.

Charlene Johnson spoke on her feelings against the ordinance.

Al Clark spoke on the fact that a lot of these old vehicles serve the purpose of supplying old auto parts. He also spoke of the antique value of these vehicles as well.

Jim Kinsley voiced his opinion against the ordinance. He also suggested that the county start a Recycling Center for old cars, dishwashers, stoves, etc.

Sumner Patterson spoke about the antique value of old vehicles.

Sharon Guymon made a suggestion that the county should offer to have a clean up for the county once or twice a year.

Miriam Peterson suggested gathering the old vehicles and donating them to the Kidney Foundation.

James Bayles suggested starting a Recycling program and a collection point.

Mimi Toomey stated that some of the older items are art.

George Brown spoke about unlicensed vehicles.

Robert Burgess wanted to know where and how all these vehicles can be taken.

Dale Brown stated that the county has no place for people to get rid of all these old vehicles.

Gary Guymon stated that some of these farms keep all these old things around for scrap metal to fix various things.

PUBLIC HEARING - MOBILE HOME ORDINANCE:

Sandra Asbury stated that there is also a lot of homes that do not meet the electrical codes as well.

George Brown asked the Commission to define a permanent foundation on a mobile home.

Bruce Royer stated that there needs to be clarifications of the codes

Corinne Roring stated that these older trailers soon become substandard and uninhabitable

PUBLIC HEARING - SUBDIVISION ZONING ORDINANCE: Mr. Bailey presented to the Commissioners a proposed change in the San Juan County Zoning Ordinance concerning chapter 11 we have received a request to amend the following uses to permitted uses. Number 8 and Number 15 with their subcategories. There was no public commit on this Zoning Ordinance.

PUBLIC HEARING - MI VIDA MINE: Following considerable discussion it was determined that San Juan County will hold an auction bid process with The International Uranium Company and US Energy for San Juan Counties interest in the Mi Vida Mine property on August 8th at 9:30 A.M. in the Commission Room. Should one of these parties drop out the negotiations can occur sooner.

Magdelene Rock - Utah Navajo Fair

Magdelene discussed the operation and maintenance of the Utah Navajo Fair and requested county assistance with the buildings and grounds.

Commission Report

Commissioner Lynn Stevens will talk with UDOT director John Nord, and Kitty Roberts National Park Service, and a Aramark representative about how to keep the Halls Crossing fairly open.

Commissioner Lynn Stevens discussed The Legacy Annual Great Bike Ride across Utah. The county donated \$500 last year. Commissioner Bruce Adams made a motion to commit up to \$1000 for the Legacy Annual Great Bike Ride across Utah. Commissioner Manuel Morgan seconded the motion. None opposed. Commissioner Lynn Stevens declared the motion carried.

Commissioner Bruce Adams will be in the county for the rest of the week.

Commissioner Manuel Morgan will meet with Home Land Security about the purchase of radios bought for chapters.

Commissioner Manuel Morgan will attend an AOG meeting Wednesday.

MEETING ADJOURNED 3:00 P.M.

ORDINANCE 2005-02

An ordinance adopting changes to the County's Zoning Ordinance, specifically chapter 11 to amend the following uses to a permitted status and add subcategories to article (15) as follows:

(8) Dude ranch, family vacation ranch.

(15) Private park or recreational grounds or private recreational camp or resort, including accessory or sporting dwellings complexes and commercial service uses which are owned by or managed by the recreational facility to which it is accessory.

(a) Recreational gatherings and special events.

(b) Recreational activities including sportsman activities, arts, filming and photography.

(c) Monetary fees collected to insure environmental protection, reclamation, and retain public access.

Commissioner Bruce Adams made a motion to accept the proposed changes in the San Juan County Subdivision Ordinance. Commissioner Manuel Morgan seconded. None Opposed. Commissioner Lynn Stevens declared the motion carried.

SAN JUAN COUNTY COMMISSION MEETING

April 11, 2005

The regular meeting of the San Juan County Commission was held at
10:00 A.M. in the
Commission Room at Monticello, Utah

Present: Lynn Stevens, Chairman
Manuel Morgan, Vice Chairman
Bruce Adams, Commissioner
Rick Bailey, Administrative Assistant
Norman Johnson, County Clerk / Auditor
Michelle Baird, Deputy Clerk

A motion to approve the minutes of April 4, 2005 as amended was made by Commissioner Manuel Morgan. Commissioner Bruce Adams seconded. None opposed. Commissioner Lynn Stevens declared the motion carried

Sheriff Mike Lacy

Submitted a bid and request for hardware and labor to replace magnetic cell locks in the amount of \$4425 from Connected Technologies. Commissioner Manuel Morgan motioned to approve the purchase of new cell locks. Commissioner Bruce Adams seconded. None opposed. Commissioner Lynn Stevens declared motion carried.

Lou Mueller Victims Rights Advocated

Requests permission to travel out of state for conferences in Portland, Oregon and Jackson Whole, Wyoming. Most of the expenses for these trips will be covered by other agencies. Commissioner Manuel Morgan motioned to approve the request for out of state travel. Commissioner Bruce Adams seconded. None opposed. Commissioner Lynn Stevens declared motion carried.

Mary Anna Hutnick -LaSal Senior Committee

Requests funding for La Sal Senior Citizens. San Juan County Aging has helped with funds and donations of surplus canned goods. The Commissioners will research the matter and make a decision at a latter date.

Surveyor David Bronson

Submitted a bid and request for an Engineering Survey class in the amount of \$546 from the University of Wyoming. Commissioner Bruce Adams motioned to approve the class. Commissioner Manuel Morgan seconded. None opposed. Commissioner Lynn Stevens declared motion carried.

Rick Bailey Adminstrive Assistant Report

Submitted for approval two building permits from Jane Sleight for building a storage shed and remodeling a restaurant into a residence. Commissioner Manuel motioned to approve the building permits. Commissioner Bruce Adams seconded. None opposed. Commissioner Lynn Stevens declared motion carried.

Presented for approval the Forest Service Road Maintance contract and UDOT Montezuma Creek Lighting Project contract. Commissioner Manuel Morgan motion to accept the contract. Commissioner Bruce Adams seconded. None Opposed. Commissioner Lynn Stevens declared motion carried.

Open Time

Jeremy Parriott-Parriott Mesa

Requests amendment to section 8 of the zoning laws. The commissioners will review the matter. A public hearing will be scheduled at a latter date if the changes can be made legally.

Sandy Meyers BLM Field Director

Approached the commission to set a meeting for Monday April 18th at 2:00 in regards to celebrating the 100th anniversary of the Antiquities Act of 1906.

Reports the emergency closure of trails in the area west of Bluff due to resources damage. No county roads are affected by this closure.

SAN JUAN COUNTY COMMISSION MEETING
AUGUST 1ST, 2005

The regular meeting of the San Juan County Commission was held at 10:00 A.M. in the Commission room at Monticello, Utah.

Present: Lynn Stevens, Chairman
Bruce Adams, Commissioner
Manuel Morgan, Vice Chairman
Rick Bailey, Administrative Assistant
Norman L. Johnson, Clerk/Auditor
Hannah R. Whipple, Deputy Clerk

A motion to approve the minutes of July 26, 2005, as amended, was made by Commissioner Bruce Adams. Commissioner Manuel Morgan seconded the motion. None opposed. Commissioner Lynn Stevens declared the motion carried.

Cyndi Eldredge, Personnel Office - New Hires
Mrs. Eldredge presented the name of Sarah M. Mullaly to fill the EMT-I position. Commissioner Manuel Morgan made a motion to approve the hiring of Sarah M. Mullaly at Step 33 plus on-call fees. Commissioner Bruce Adams seconded the motion. None opposed. Commissioner Lynn Stevens declared the motion carried.

Mrs. Eldredge presented the name of John Richardson for an Inter-Department transfer from Heavy Equipment Operator to Mechanic. The position was advertised In-House at step 115. Mr. Richardson was given a 24 step increase for his 24 years of service to a step 139.

Commissioner Bruce Adams made a motion to approve the Inter-Department transfer. Commissioner Manuel Morgan seconded the motion. None opposed. Commissioner Lynn Stevens declared the motion carried.

Evan Lowry - Planning Department Report

Mr. Lowry, Assistant County Attorney Walter Bird, and the Commissioners discussed the proposed OHV and ATV ordinance. Mr. Bird has drafted an amended ordinance which includes jeeps.

Evan reported that Greg Montgomery from the Forest Service has asked the Commissioners to write a letter in support for the prescribed burning around Buckeye Reservoir which borders the Utah State Line in the LaSal Mountains.

Evan also requested that the Commissioners send a letter to the Forest Service recommending that they salvage the damaged trees from the prescribed burn in the Dude Ranch area.

Evan is going to attend a meeting with the BLM and SITLA regarding leasing three sections of land. The Commissioners discussed the grazing permits for these sections and agreed with Mr. Lowry's recommendation to keep the same requirements and fees.

Dan Rogers, San Juan Counseling - Audit Report

Mr. Rogers and Mr. Robert Johnson presented and reviewed with the Commissioners the 2004 San Juan Counseling Audit Report. They also requested the Commissioners sign an Audit Review Form. Commissioner Lynn Stevens requested that Dan Rogers set up a meeting with, Mark Payne, Director of the Division of Substance Abuse and Mental Health, to discuss financial assistance for the agency.

Adoption of Amendments to the Subdivision and Zoning Ordinances

Commissioner Bruce Adams made a motion to accept the proposed changes in the San Juan County Zoning Ordinance. Commissioner Manuel Morgan seconded. None Opposed. Commissioner Lynn Stevens declared the motion carried.

ORDINANCE 2005-02

An ordinance adopting changes to the County's Zoning Ordinance, specifically chapter 11 to

amend the following uses to a permitted status and add subcategories to article (15) as follows. Item 4.

(8) Dude ranch, family vacation ranch.

(15) Private park or recreational grounds or private recreational camp or resort, including accessory or sporting dwellings complexes and commercial service uses which are owned by or managed by the recreational facility to which it is accessory.

(a) Recreational gatherings and special events.

(b) Recreational activities including sportsman activities, arts, filming and photography.

(c) Monetary fees collected to insure environmental protection, reclamation, and retain public access.

Commissioner Bruce Adams made a motion to accept the proposed changes in the San Juan County Subdivision Ordinance. Commissioner Manuel Morgan seconded. None Opposed. Commissioner Lynn Stevens declared the motion carried.

ORDINANCE 2005-03

An ordinance adopting changes to the County's Subdivision Ordinance, with primary emphasis on technical changes as follows:

1. Striking the words County Road Engineer and inserting San Juan County Surveyor and designating other responsible County Officials as necessary into the Ordinance.
2. Section 3. Final Plat, Part B Final Plat Requirements, Paragraph 8 (4) "If it is the intent of the subdivider to build roads"
3. APPENDIX "B", County Road Standards, Street Design Requirements

The entire Revised SUBDIVISION ORDINANCE of San Juan County is an attachment of the minutes and made a part hereof.

San Juan County Commissioners
/s/ Lynn Stevens, Chairman

Attest: /s/ Norman L. Johnson
County Clerk

Rick Bailey, County Administrator Report

Mr. Bailey presented to the Commissioners the following building permits:

- Joseph C. Kelly - Turkey Trot Estates - Manufactured Home - Spanish Valley
- Chris Torres - Turkey Trot Estates - Manufactured Home - Spanish Valley
- Redd Ranches - Taylor Flat - Mountain Cabin - LaSal Mountains

Commissioner Bruce Adams made a motion to approve the building permits as presented. Commissioner Manuel Morgan seconded the motion. None opposed. Commissioner Lynn Stevens declared the motion carried.

Rick informed the Commissioners that we have received full funding on the Montezuma Creek Lighting, sidewalk, curb, and gutter project. Mr. Bailey also informed the Commissioners that he spoke with Hidden Peak Electric on the Montezuma Creek Lighting Project and they made a counter offer of \$128,700.00 since they will be able to trench through Highway 262. The Commissioners advised Mr. Bailey to proceed with the contract.

Commission Report

Commissioner Lynn Stevens will be leaving the County in the morning.

Commissioner Manuel Morgan reported on going to Mexican Water and meeting with various



STAFF REPORT

MEETING DATE: March 11, 2021

ITEM TITLE, PRESENTER: Short Term Rental Staff Update **DISCUSSION**

RECOMMENDATION: None, Information item

SUMMARY

The interest in short term rentals in Spanish Valley has been increasing over the past several months, so as staff we reached out to the San Juan County Attorney's Office for clarification on the Spanish Valley Residential District Ordinance (SVR). This is the statement from the San Juan County Attorney's Office in response:

Upon review of the Spanish Valley Sub-Ordinance (SVSO) and the San Juan County Zoning Ordinance (SJCO), it is the determination of this office that short-term rentals in the Spanish Valley Residential District (SVR) are NOT permitted uses.

Permitted uses in the SVR are limited to single-family dwellings, two-family dwellings, and manufactured dwellings. Some accessory buildings to those three primary uses are also permitted or may be conditional.

A short-term rental is not permitted because:

[1] The use is not residential, it is commercial. The express primary purpose of the SVR is to accommodate residential uses. As a commercial use, operating a short-term rental requires obtaining a business license.

[2] Even if the use were considered residential, it also would not meet the definition of a "dwelling" which is "Any building, or portion thereof, which is designed for use for **residential purposes**, *except*, hotels, apartment hotels, bed & breakfast/boarding houses, lodging houses, tourist courts and apartment courts."

[3] Short-term rentals would not qualify as single-family or two-family dwellings. They would qualify, however, as lodging houses (defined in the SJCO as "a building where lodging only is provided for compensation to five(5) or more, but not to exceed fifteen (15) persons." Anything designed for larger occupancy is considered a hotel) or tourist courts (defined as a building containing sleeping rooms with a fixed cooking facility designed for temporary use by automobile tourists or transients, with a garage attached or a convenient parking place).

Therefore, any application requesting approval as a permitted use will be denied as inconsistent with the SVSO.

As a result of this determination, all applications for short term rental use in the Spanish Valley Residential District will be denied.



STAFF REPORT

MEETING DATE: February 11, 2021

ITEM TITLE, PRESENTER: Application for Spanish Valley Overnight Accommodations Overlay (Rezone), Josh Anderson, The Domes of Moab DISCUSSION

RECOMMENDATION: Consideration and Discussion of terms

SUMMARY

Josh Anderson's proposed glamping campground received approval for the Overnight Accommodation Overlay at the February 11, 2021 PC Meeting, and the February 16, 2021 County Commission Meeting.

The next step is attaching the overlay to a specific project. In this case, Josh needs to provide more detail to address the requirements of the overlay. In particular, he needs to provide a more detailed site plan showing the sensitive lands on the property, specifically the sloped areas and the waterway that runs through the property. He will also need to identify the setback distances of the proposed structures from these sensitive lands.

This project is not ready to approve at this time, but it would help the developer if the planning commission could give him direction on any terms to be placed on the development. One of these terms that needs to be communicated to the developer is the extent to which he will need to clean up the existing use. The property is currently being used as a scrap/junk yard. Staff recommends that you are clear in your expectation for what is cleaned up before the glamping use can begin.



STAFF REPORT

MEETING DATE: March 11, 2021

ITEM TITLE, PRESENTER: Subdivision Plat Requirements DISCUSSION

RECOMMENDATION: Consideration and recommendation of changes

SUMMARY

The need to review the platting requirements for subdivisions was discussed in the January 14 PC Meeting. Enclosed in the information packet is a copy of Article II, Platting Requirements, in the Subdivision Ordinance. Any desired changes will be brought back as a draft version for public comment.

ARTICLE II. PLATTING REQUIREMENTS

Section 1. General Procedures

- A. Any person that wishes to subdivide land in San Juan County should first meet with the Subdivision Administrator. The Subdivision Administrator will explain the County's requirements for subdividing, the procedure that must be followed, and the application fees required to process a subdivision plat and the minimum time that the process requires. To assist with this process, the Subdivision Administrator shall provide the potential subdivider with a procedure checklist and a copy of this Ordinance.
- B. Obtaining approval to create a subdivision in San Juan County is a two step process requiring approval of a preliminary plat and a final plat:
1. the preliminary plat shall be submitted and processed in accordance with provisions of Article II, Section 2 of this ordinance; and
 2. the final plat shall be submitted and processed in accordance with the provisions of Article II, Section 3 of this ordinance.

Section 2. Preliminary Plat

- A. Intent. A preliminary plat is the first official document submitted when owner(s) of property wish to subdivide their property. The preliminary plat shall include all the property the owner(s) intend to subdivide. Approval of the preliminary plat does not constitute approval of the subdivision. Only approval of the final plat constitutes official approval by the County.
- B. Preliminary Plat Requirements. An application for preliminary plat approval shall include an original of the following:
1. an "Application for Subdivision Approval" with all requested information complete and required signatures obtained;
 2. a letter of intent signed by the applicant subdivider which explains the purpose of the application and includes all requests and justifications for variances, exceptions or waivers of submittal requirements;
 3. proof of ownership of the property to be subdivided. A subdivider shall include an Affidavit of Ownership signed and notarized by all owners of the property, or if the property is owned by a corporation, an authorized officer shall sign the Affidavit. If the applicant is different from the property owners, documentation of the applicant's authority to act for the owner shall be included;

4. payment of the processing fee for a preliminary plat approval shall be included. Such fees will be those approved by the Board of County Commissioners in a county Fee Schedule which may be revised from time to time;
5. 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.
- 6. names and addresses of the owner(s), subdivider and surveyor;
- 7. a letter describing the water and sanitary sewer facilities proposed for the subdivision;
 - a. if either the water or sanitary sewer facilities are to be part of an approved public system, the application shall also include confirmation from the entity providing the sewer and water services, that such services are, or will be available to the subdivision;
 - b. if either the water or sanitary sewer facilities are to be individual wells and septic systems for each lot, the letter will include a statement that the wells and septic systems will be installed in conformance with the rules and regulations of the Utah Division of Environmental Health; and
 - c. if either the water or sewer facilities are to be private systems designed to serve multiple lots, the letter shall include a statement that such systems shall be installed in conformance with the rules and regulations of the Utah Division of Environmental Health.
- 8. estimated construction costs for roads and related facilities for the water supply and distribution systems, for sanitary sewer collection and treatment systems, storm drainage facilities and other such public facilities that may be required. The subdivider shall also state the form of collateral that will be provided to insure that such improvements will be completed. The forms of collateral that are

acceptable to the County are listed in Section 4.1. Subdivision Improvements Agreement.

9. in the event the proposed subdivision is within one and one-half (1.5) miles of a municipality or within the boundary of a County Service Area, Special Service District, or municipal expansion area, the applicant shall provide written comments from the affected entity.
10. other documents and information as may be deemed necessary by the Subdivision Administrator.
11. a copy of all restrictive covenants proposed for the subdivision.
12. a copy of a title insurance policy covering the property to be included in the proposed subdivision. The title insurance policy must be dated within thirty (30) days of the application submitted.

C. Conformance with Zoning Ordinance

No application for a Preliminary Plat shall be accepted by the Subdivision Administrator if the proposed development is not in compliance with the Zoning Ordinance.

Section 3. Final Plat

- A. Intent. The Final Plat is the last stage in the subdivision approval process. At this stage the subdivider is responsible for delineation and dedication of all public rights-of-way and easements, dedication of other public lands, if required, and final lot and block configuration. In addition, all public improvements associated with the subdivision are identified and quantified, and the subdivider is required to enter into a Subdivision Improvements Agreement with the County which guarantees that the appropriate improvement costs are borne by the subdivider.
 1. No request for Final Plat approval shall be considered by the Board of County Commissioners until the Preliminary Plat has been approved by the Planning Commission and all conditions of approval set forth in the Resolution approving the Preliminary Plat have been satisfied. The Final Plat approval process shall not be used to amend or revise the approved Preliminary Plat or the conditions of approval of the Preliminary Plat. Any revisions or amendments to the Preliminary Plat, or to the conditions, must be approved by the Planning Commission by an amendment to the Preliminary Plat prior to the Board of County Commissioners hearing of the Final Plat.

B. Final Plat Requirements

1. The Final Plat shall conform in all respects to the approved Preliminary Plat and with all amendments to the Preliminary Plat. An application for Final Plat approval shall include the following:
 - a. an "Application for Subdivision Approval" with all requested information completed and required signatures;
 - b. a certification from the County Treasurer's Office that all taxes on the property are paid;
 - c. title certificate or an abstract of title covering all public lands required to be dedicated, except County Roads and easements.
 - d. a Final Plat map which shall be a print of 24" x 36" 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 corners 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;
 - 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'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 (1) in two thousand (2000);
- 10) the ownership of lands abutting the subdivisions, or the name of any adjacent subdivision;
- 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) other plat notes as may be required by the Board of County Commissioners.
- e. two (2) sets of preliminary construction plans for the proposed public improvements prepared in accordance with the requirements contained in Section 5 Design Standards.
- f. in the event the proposed subdivision is within one and one-half (1.5) 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.
- g. 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.

C. Process

1. The Subdivision Administrator shall review the application for Final Plat approval to determine whether it is consistent with the approved Preliminary Plat and with the requirements of this ordinance.
2. If the Subdivision Administrator determines that the Final Plat application is not in compliance with the approved Preliminary Plat, or with the requirements of this ordinance, the Subdivision Administrator will provide the subdivider a list of the deficiencies and other information to assist in the correction of the application.
3. Upon a determination that the application for Final Plat is complete and consistent with the approved Preliminary Plat and the requirements of this ordinance, the Subdivision Administrator shall schedule the Final Plat to be presented to the Board of County Commissioners for acceptance.

The sub-divider must be familiar with the minimum county road standards as outlined in Appendix “B” of the County Subdivision Ordinance.

- a. 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. To ensure that this happens, the subdivider must meet with a representative of the San Juan County Road Department.
- b. Before proceeding on any road work, placement of any underground utilities, and/or acquisition of any road materials, the subdivider must provide the County Road Department with a copy of the

Preliminary Plat and set up an on site meeting with the County Road Department representative to review all aspects of the roads within the subdivision. 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 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.

- 1) The subdivider may be required, at his/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.
- c. If the subdivider proceeds with any of the work outlined herein without the approval and/or inspection of the County 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, etc. 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 required to either provide adequate certification of such compaction or compensate the County for inspecting such for compliance.
- d. After all requirements have been met and inspections completed a letter will be sent to the subdivider stating the acceptance of the roads by San Juan County. (never been done)

D. Actions Required Prior to Recording the Final Plat

1. The surveyor making the plat shall certify that the surveyor:
 - a. holds a license in accordance with the state's Professional Engineers and Land Surveyors Licensing Act;
 - b. has completed a survey of the property described on the plat in accordance with state law and has verified all measurements;
 - c. has resolved any and all boundary issues with adjoining properties to said subdivision; and
 - c. has placed monuments as represented on the plat.

2. No plat shall be recorded until it has been:
 - a. approved by the Board of County Commissioners of San Juan County, Utah;
 - b. a signature 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 chairman of the Board of County Commissioners and attested by the County Clerk;
 - c. an approved Subdivision Improvements Agreement has been executed and filed with the County Clerk; and
 - d. the Final Plat mylar has been approved as to form and signed by all necessary parties such as the San Juan County Planning Commission representative, the County Health Department representative, the County Attorney's Office, etc.

Section 4. Subdivision Improvement Agreements

- A. Intent. In order to insure that the required County roads and, if specified, other public facilities including drainage and water and sanitary sewer facilities are constructed in accordance with the County Road Standards, acceptable drainage facility standards and the standards of the agency providing public and water and sanitary sewer service and, to insure that the cost of the required public improvements are borne by the subdivider and not the public, the subdivider will be required to enter into a Subdivision Improvement Agreement with the County. The Agreement shall be found acceptable to the County and signed by the applicant prior to the approval of the Final Plat by the Board of County Commissioners. No final plat shall be approved by the Board of County Commissioners until an approved Subdivision Improvement Agreement has been executed.
- B. Form and Content. The Subdivision Improvement Agreement shall be structured as proscribed by the Board of County Commissioners. The Subdivision Improvement Agreement shall, at a minimum, describe the public improvements to be provided by the subdivider and include unit and total costs, the form of collateral to be provided for the public improvements, and the basis for forfeiture of the collateral and assumption of responsibility by the County.
- C. Collateral Required to Guarantee Improvements
 1. The Board of County Commissioners shall require that sufficient collateral be provided by the subdivider to cover the cost of the public improvements required by the Subdivision Improvement Agreement and insure the completion of such improvements within the time period specified. The amount of collateral shall be 125% of the estimated cost of the County Roads as prepared by the County Road Department. If requested by the agency responsible for the provision of public

water and/or sanitary sewer service, the Board of County Commissioners shall also require collateral for water and sanitary sewer improvements. Collateral may also be required for drainage facilities and other improvements. The collateral shall be in the form of an Escrow Deposit, Performance Bond, Irrevocable Letter of Credit, or in special circumstances, a First Lien and Restriction on Sale of the property to be subdivided. The First Lien and Restriction on Sale of the property shall only be used when the appraised market value of the property is equal to, or greater than, the estimated cost of the public improvements. The Board of County Commissioners may accept one, or a combination, of the types of collateral listed above.

2. As improvements are completed, the subdivider may apply to the Board of County Commissioners for release of all or part of the collateral. Upon certification by the County Road Department that the County Road improvements have been completed and are in conformance with County Standards, the Board of County Commissioners shall authorize the release of part or all of the collateral, except that the Board may retain 10% of the collateral for a specified period of time in order to insure that the improvements have been properly constructed.
3. In the event that the water and sewer facilities have been included in the Subdivision Improvement Agreement and collateralized, the Board of County Commissioners shall authorize the release of the water and sewer collateral upon notification by the providing entity that the improvements have been completed.

Section 5. Design Standards

- A. General Provisions. All subdivisions must comply with the following standards:
 1. Insofar as possible, the natural terrain, existing topography and natural vegetation shall be preserved.
 2. Where the property to be subdivided is subject to natural or man-made hazards such as flooding, rock and mud slides, open quarries or abandoned mines, or where there exists shallow water table conditions or polluted water sources, such hazards or conditions shall be identified and the subdivider shall provide stamped engineered documentation as to how the hazards or conditions have been eliminated, or will be eliminated, through the design and construction of the subdivision.
- B. Lots. All lots within the subdivision shall conform to the following standards:
 1. Lots shall meet the width, depth, frontage and lot size requirements for the zoning district in which the subdivision is located, as specified in the Zoning Ordinance of San Juan County, Utah as outlined in Appendix A of this ordinance;

2. All lots shall abut a dedicated street or county road, or a street or road that has become public by right of use, or a private street for which there is a (recorded) maintenance agreement; and-
3. No single lot shall be transected by a municipal or county boundary line or by a special service area or special service district boundary, a public road or street, or a private road or street which can legally be used by property owners other than the owner of the lot.

C. Public Streets.

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 San Juan County, Utah, including adequate and required street or highway signs, cattle guards and other necessary items, which are incorporated into this Ordinance as Appendix B. 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.

1. 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.

D. Private Roads.

San Juan County does not intend to dictate a specific standard of construction to a subdivider for a private road except that the standard must allow reliable vehicular access for emergency, delivery of goods and services, and the installation and service of utilities. Again, as previously stated above, 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.

E. Sidewalks and Pedestrian Walkways.

When, in the opinion of the County 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.

F. Sanitary Sewage.

1. Except as otherwise provided below, each lot in the subdivision shall be served with an approved piped sanitary sewer system.
2. 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 Division of Environmental Health and the San Juan County Health Department.

G. Water Supply.

1. Except as otherwise provided below, each lot in the subdivision shall be served with an approved public water system.
2. 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 Utah Division of Environmental Health.

H. Storm Drainage.

1. If, prior to the submission of the Preliminary Plat and after consulting with the county engineer of record or other qualified person, the Subdivision Administrator 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.
2. The drainage system plans submitted with the Preliminary Plat shall include:
 - a. all proposed surface drainage structures; and
 - b. all appropriate design details, dimensions, construction materials and elevations.
3. 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.

- I. 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.

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

1. 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.
2. 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.
3. 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. All systems shall be tested and accepted by the County prior to final approval of the subdivision of the County. 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 Section 4, Subdivision Improvements Agreement.

K. Utilities.

All utilities that are planned to be provided in a subdivision shall be presented to the County prior to any construction or placement of utilities. All utilities and utility corridors shall be shown on the final plat. The subdivider shall provide the County with letters of completion and certification from building inspectors, utility companies or other assurances that all utilities were placed within the easements shown on the final plat and meet proper codes prior to the sale of any lots.

L. Easements and Rights-of-Way.

The final plat shall show all legally recorded rights of way and/or easements that are recorded in the Office of the San Juan County Recorder. The County may require that the subdivider receive written approval from the owners of such rights of way and/or easements that any developments within the rights of way and/or easements meet all public health and safety requirements.

M. Impact Fees. The County may at any time in the future authorize impact fees.

Section 6. Resubdivisions

Substantial changes to a recorded Final Plat shall be considered a new subdivision and shall comply with all the regulations, laws and policies applicable to a new subdivision, and shall be processed in accordance with the provisions of Article II, Section 3 of this ordinance, except where such changes and revisions are determined of a minor nature and eligible to be considered under the administrative resubdivision procedure, the requirements of which are contained in Article II, Section 7 of this Ordinance.

Section 7. Administrative Resubdivisions

- A. Intent. An Administrative Resubdivision may only be used for changes and revisions that have been determined by the Subdivision Administrator to be minor engineering, planning or administrative changes or revisions. An Administrative Resubdivision shall be approved by the Subdivision Administrator if :
1. the land has already been subdivided and there exists an approved and recorded final plat;
 2. no additional right-of-way dedications or public improvements are necessary;
 3. no perimeter boundary of an existing subdivision plat is affected;
 4. the perimeter of boundaries of the administrative plat coincide with the existing lots and blocks; and
 5. the number of lots shall not be substantially increased and all lots shall be in conformance with the County Zoning Ordinance in affect at the time the Administrative Subdivision is approved.

- B. Procedure. Requests for Administrative Resubdivisions shall include an Application for Subdivision Approval and supporting documentation as specified in the Subdivision Approval Submittal Requirements.

Section 8. Amendments and Vacations

- A. Authority. The Board of County Commissioners, acting as the land use authority, is authorized to amend or vacate any subdivision plat by signing an amended plat or passing an ordinance describing the subdivision or the portion being vacated, if the proposal does not violate other land use ordinances contained herein, there is good cause for approval, and no public street, right-of-way, or easement has been vacated or amended.
- B. Procedure for Amendment or Vacation. The Board of San Juan County Commissioners may consider a proposal for an amendment or vacation after:
1. A written petition to amend or vacate has been submitted to the Subdivision Administrator. Such a petition shall include:
 - a. the names and addresses of all owners of record of the land contained in the entire plat; and
 - b. the signature of each of the owners who consents to the petition.
 2. After submission, the petition must be reviewed by the Planning Commission who shall hold a public hearing within forty-five (45) days after the day on which the petition is filed. Prior to the public hearing, all owners of property within the plat proposed to be amended or vacated and any utilities must be notified. If satisfied the proposal does not violate the county's land use ordinances, there is good cause for approval, and no public street, right-of-way, or easement has been vacated or amended, the Planning Commission shall forward a favorable recommendation to the Board of County Commissioners.
 - a. A hearing is not required if all property owners consent to the amendment or vacation of the plat.
- C. Recording. Upon approval of an amendment or vacation by the Board of County Commissioners via the signing of the amended or vacated plat or by ordinance, the Board of County Commissioners shall ensure that that the amended plat showing the vacation or amendment is recorded in the office of the County Recorder.

Section 9. Exemptions, Waivers, Variances and Appeals

- A. Exemptions from Platting Requirements.
1. This ordinance does not provide any exemptions from the platting requirements except as provided below in Subsection 2.

2. A lot or parcel resulting from a division of agricultural land is exempt from the plat requirements if the lot or parcel:
 - a. qualifies as land in agricultural use as defined in this ordinance; and
 - b. is not used and will not be used for any nonagricultural purpose; and
 - c. the new owner of record completes, signs, and records with the county recorder a notice:
 - (i) describing the parcel by legal description; and
 - (ii) stating that the lot or parcel is created for agricultural purposes as defined by state law and will remain so until a future zoning change permits other uses.
 - d. If a lot or parcel exempted under Subsection 2.a. is used for a nonagricultural purpose, the county shall require the lot or parcel to comply with the platting requirements of this ordinance and all applicable land use ordinance requirements.
 - e. A document recorded in the County Recorder's office that divides property by a metes and bounds description does not create an approved subdivision allowed by this ordinance.

B. Waivers.

1. The Board of County Commissioners may waive certain submittal requirements for an application for Subdivision Approval or for all or a portion of the required processing fees. All waiver requests must be submitted to the Subdivision Administrator with a letter which explains the reasons for the waiver. The letter can be presented prior to the submittal of the Preliminary Plat or Final Plat application or as part of the plat submittal.
2. Waivers of submittal requirements may be granted upon recommendation of the Subdivision Administrator, and a finding by the Commissioners that the particular requirements are not necessary for consideration of the subdivision on approval.
3. A waiver of part or all the required processing fees (as found in the County Schedule of Fees) for a subdivision application may be granted by the Board of County Commissioners only on finding that the particular application is such that the review time of county officials will be significantly less than the typical subdivision application.

C. Variances.

1. A variance from specific requirements of this ordinance may **only** (emphasis

added) be granted by the Subdivision Administrator acting as the land use authority or the Planning Commission acting as the appeal authority upon finding that:

- a. literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
 - b. there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - c. granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - d. the variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - e. the spirit of the land use ordinance is observed and substantial justice done.
2. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the land use authority or appeal authority may not find an unreasonable hardship unless the alleged hardship:
- a. is located on or associated with the property for which the variance is sought; and
 - b. comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
3. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), land use authority or appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
4. In determining whether or not there are special circumstances attached to the property, land use authority or appeal authority may find that special circumstances exist only if the special circumstances:
- a. relate to the hardship complained of; and
 - b. deprive the property of privileges granted to other properties in the same zone.
5. Pursuant to state law, variances run with the land.
6. Procedure for variances:
- a. An application for a variance from one or more of the requirements of this ordinance shall be made to the Subdivision Administrator in the form of a letter. The letter shall include the basis for the variance request and the nature of the hardship that would result if the variance is not approved.

- b. The Subdivision Administrator shall evaluate the application using the criteria of Subsection (1) above and shall approve or deny the request.
 - c. If the Subdivision Administrator determines that the variance shall be denied, the applicant may appeal the decision to the Planning Commission acting as the appeal authority who shall uphold or overturn the Subdivision Administrator's decision.
 - i. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
 - ii. The appeal authority may not grant a use variance.
 - iii. In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
 - (A) mitigate any harmful affects of the variance; or
 - (B) serve the purpose of the standard or requirement that is waived or modified.
 - d. The Preliminary or Final Plat application which includes or is the subject of a variance request shall not be scheduled for consideration by the Board of County Commissioners until all variance requests have been either approved or denied by the Subdivision Administrator and/or the Planning Commission.
- D. Appeals. In the event that any person disagrees with the Subdivision Administrator's interpretation of the language of this ordinance or his /her decision(s) made when acting as the land use authority, they may appeal the interpretation or decision(s) to the Planning Commission acting as the appeal authority.



STAFF REPORT

MEETING DATE: March 11, 2021

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

RECOMMENDATION: Discussion and further revision

SUMMARY

In the information packet, you will find a redline version of the Spanish Valley Highway Commercial District (HC) ordinance that was approved by the Board of County Commissioners in November 2019. The revisions were recommended by PC Commissioner Lloyd Wilson.

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

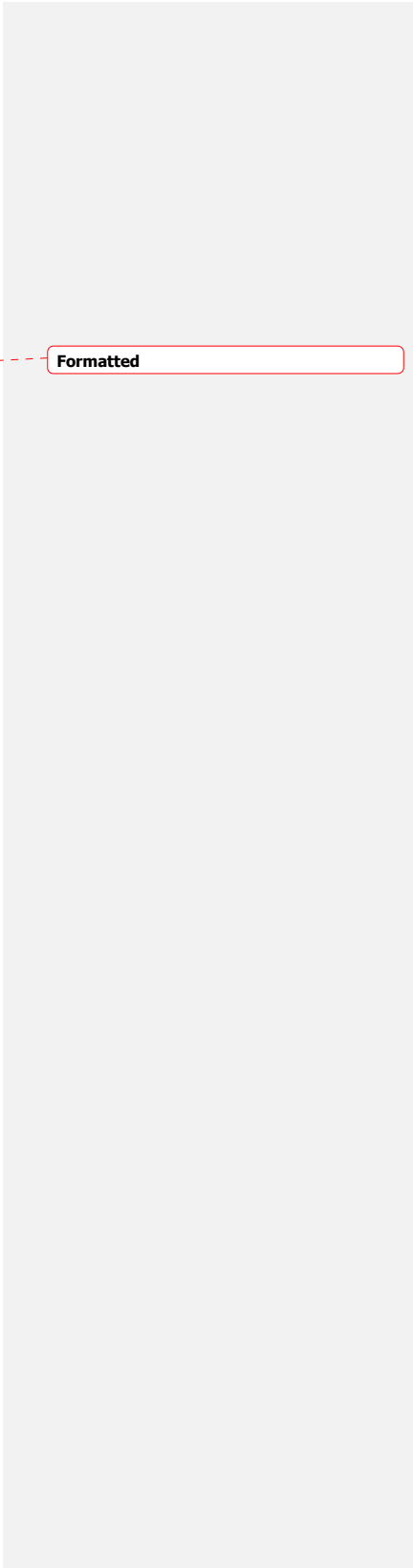
~~The following is a list of typical permitted uses. The list is not exclusive. Any use not specifically listed but determined by the Planning Commission to be similar in purpose, intent or use shall be permitted. The following is a list of permitted uses. Any developer seeking a use not permitted here may request an amendment to this ordinance. The planning and Zoning Commission shall consider any such use application and make recommendations to the Board of County Commissioners as provided by law at the time fo the developer's application. No building within the commercial zone; regardless of use shall exceed 2 stories.~~

- Overnight accomadations of 30 units or less. "overnight accommodations" includes;

*single family attached and detached dwelling (this includes townhomes and residential condominiums).

- *Hotels & Motels
- *Bed and Breakfasts, lodges & resorts
- *Commercial condominiums (condo-hotels)
- *Commercial campgrounds
- *All other variations of overnight accommodations intended for nightly rentals.
 - Accessory buildings customarily associated with any of the above uses, when located on a single lot as the permitted use.
- 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

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- 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
- 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.
- Any drive-in or drive-through uses **that operate at any time between midnight and 5:00 am**
- 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 **500-100** feet of this segment of **the BF Zone any truck stop, 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

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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.~~

- ~~Overnight accommodations in excess of 30 units provided they comply with the special provisions from original overnight overlay on the following pages:~~

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1) Approval Procedures

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

Table 10-1

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

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

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

3) Site Master Plan Required

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

- a) **A statement** by the applicant describing how the proposed development provides greater benefits to the Spanish Valley and the County than would a development carried out in accordance with otherwise applicable zoning and development regulations.
- b) **A map and description of sensitive lands** within the or adjacent to the proposed development and how they will be addressed, including but not necessarily limited to the following:

 - Public drinking water supply watersheds (recharge areas for the aquifer in the Glen Canyon formation);
 - Floodplains and riparian habitats;
 - Slopes in excess of 30 percent; and
 - Significant geological, biological, and archeological sites.
- c) Identification of **site planning features and a description of how they will be addressed** to promote seamless transition between on-site uses and the surrounding site conditions.
- d) A description of the **beneficial public services and goods the project provides** to the community. This should include a community benefit concept description, and specific documentation of the proposed types, amounts, locations and relationships of compatible uses provided within the development that provide beneficial public services and goods to the community. Examples of such uses may include on-site and contributions to off-site employee housing, affordable housing, workforce housing, mixed uses, residential, office, commercial and civic uses, public open space, and publicly-accessible indoor/outdoor gathering spaces, for example.
- e) Documentation of the **specific utilities and infrastructure** that are designed and installed to conserve limited natural resources such as water. Examples include preparation of a water use master plan for the project, the incorporation of gray-water re-use systems, implementation of water conserving landscapes that go beyond the

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

4) Development Standards

Part 1 General Requirements

1. Applicability

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

2. Density and Heights

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

3. Lots

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

4. Lot Configuration

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

5. Lot Access

For Developments fronting U.S. Highway 191

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

For Developments fronting all other roads

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

6. General Open Space Requirements

The following are requirements for provision of civic open space:

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

7. Streets and Access Roads

General Requirements.

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

8. Road Design Standards

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

9. Bicycle Facilities

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

10. Storm Water Management

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

Part 2 Employee Housing, Affordable Housing and Mixed Use Requirements

1. General Conditions

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

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

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

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Uses Subject to the Spanish Valley Overnight Accommodations Overlay⁴

- 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 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

⁴ *Ibid.*

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.

StreetsApplicability

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
Single-track Trails	0-20%	3'	6'	1.5'-each-side-of-trail	10'	Yes	Yes	No	No
Multi-use Trails	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 SupplyGeneral

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)

Chapter 6: Spanish Valley Highway Commercial (HC) District

Recommended Changes:

1. Permitted Uses

The following is a list of permitted uses. Any developer seeking a use not permitted here may request an amendment to this ordinance. The planning & Zoning Commission shall consider any such use application and make recommendations to the Board of County Commissioners as provided by law at the time of the developer's application. No building within the commercial zone; regardless of use shall exceed 2 stories.

Add to permitted used:

- A. Overnight accommodations of 30 units or less. "Overnight accommodations" includes;
 - *single family attached and detached dwelling (this includes townhomes & residential condominiums).
 - *Hotels & Motels
 - *Bed & Breakfasts, lodges & resorts
 - *Commercial condominiums (condo-hotels)
 - *Commercial campgrounds
 - *All other variations of overnight accommodations intended for nightly rentals.

- B. Accessory buildings customarily associated with any of the above uses, when located on a single lot as the permitted use.

2. Conditional Uses

- A. Any drive in or drive through uses that operate at any time between midnight and 5:00am

- B. Truck stops shall be considered conditional use for Highway Commercial Zone only. No residential use shall be permitted within 100 feet of any truck stop. 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 nearby residents and the community in its entirety. All local, county, state and federal laws shall be considered as part of such review.

- C. Overnight accommodations in excess of 30 units provided they comply with the special provisions from original overnight overlay on the following pages (Pages 2-6):

3) Approval Procedures

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

Table 10-1

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

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

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

5) Site Master Plan Required

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

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

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

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

6) Development Standards

Part 1 General Requirements

1. Applicability

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

2. Density and Heights

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

3. Lots

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

4. Lot Configuration

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

5. Lot Access

For Developments fronting U.S. Highway 191

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

For Developments fronting all other roads

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

6. General Open Space Requirements

The following are requirements for provision of civic open space:

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

7. Streets and Access Roads

General Requirements.

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

8. Road Design Standards

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

9. Bicycle Facilities

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

10. Storm Water Management

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

Part 2 Employee Housing, Affordable Housing and Mixed Use Requirements

1. General Conditions

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

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

3. Constrained Lands

- A. Removal of 100 year floodplain conditions until San Juan County has commissioned completed studies.

4. District Standard

- A. Removal of "District Standards" regarding landscaping. This is a government over reach.

5. Street Lighting

- A. Should be struck from the ordinance because the county will not be responsible for utilities regarding street lights.

6. Sidewalks & Trails

- A. Should be removed from the ordinance unless the county is willing to pay insurance on private trails & sidewalks for public use.
- B. Forcing private property owners to share property with the public infringes on the right of use of the property owner.

*With recommended changes; I recommend the deletion of chapter 10; "Spanish Valley Overnight Accommodations Overlay" from the Spanish Valley Ordinance.

*I would also propose a system where individuals obtaining a business license from the county for Overnight Accommodations have information shared with the county Assessor so that property owners who are not occupying property are taxed as 2nd home owners as well as reports to San Juan Spanish Valley Special Service District so that water/sewer charges are according to their actual use.



Permit Report

02/10/2021 - 03/09/2021

Permit #	Permit Date	City or County	Residential or Commercial	Type of Permit	Building CityStateZip	Owner Name	Parcel #	Parcel Address
21,041	3/8/2021	San Juan County	Residential	Electrical	Moab, UT 84532		620000290	33 N MCELHANEY LN
21,039	3/3/2021	San Juan County	Residential	Manufactured Home-Private Property	Blanding, Utah 84511		36S22E264803	
21,038	3/2/2021	San Juan County	Residential	New Construction	Moab Utah 84532		00062000033B	
21,037	3/2/2021	San Juan County	Residential	New Construction	Moab, Utah , 84532		00062000033A	
21,033	2/27/2021	San Juan County	Residential	New Construction	Moab, UT 84532	Sara Kimmerle	001490000140	145 CRIMSON CLIFFS DR
21,032	2/27/2021	San Juan County	Residential	New Construction	Moab, UT 84532	Sara Kimmerle	001490000130	129 CRIMSON CLIFFS DR
21,030	2/27/2021	San Juan County	Residential	New Construction	Moab, UT 84532	Sara Kimmerle	001490000120	113 CRIMSON CLIFFS DR
21,029	2/25/2021	San Juan County	Residential	New Construction	Blanding Utah 84511	Kasey Bandis	36S22E236500	
21,028	2/23/2021	San Juan County	Residential	Solar	Moab, UT 84532	Simpatika Properties LLC	26S22E366000	
21,027	2/23/2021	San Juan County	Residential	New Construction	Blanding Utah 84511	Kelly Dearth	001540000010	1819 E BROWNS CANYON RD
21,026	2/25/2021	San Juan County	Residential	Addition/Remodel	Moab, UT 84532	Cole & Jessica Cloward	000400000070	417 E CORONADO ST
21,025	2/22/2021	San Juan County	Residential	New Construction	Blanding, UT 84511	Travis Shumway	36S22E224809	1001 N 400 W

21,024	2/23/2021	San Juan County	Residential	New Construction	Moab, UT 84532		26S22E366000	
21,023	3/1/2021	San Juan County	Residential	New Construction	Moab, UT 84532		000780000150	32 E MERRIAM CT
21,018	2/18/2021	San Juan County	Residential	New Construction	Moab, UT 84532		1490000050	49 W CORONADO ST.
21,010	2/24/2021	San Juan County	Residential	New Construction	Moab UT 84532			

Total Records: 16

3/9/2021

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