



**PLANNING COMMISSION MEETING**  
117 South Main Street, Monticello, Utah 84535. Commission Chambers  
January 11, 2024 at 6:00 PM

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**AGENDA**

Google Link:

1. Google Meet joining info Video call link: <https://meet.google.com/ust-hood-zzu> Or dial: (US) +1 661-552-0879 PIN: 960 575 714#

**GENERAL BUSINESS**

**Welcome / Roll Call**

**Approval of Minutes**

2. Consideration and Approval of the December 14, 2023 Meeting Minutes

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

**ADMINISTRATIVE ITEMS**

3. Update Regarding Planning Commission Renewals or Vacancies, Kristen Bushnell, Planning & Zoning Administrator
4. Update of Request for Proposals for Finishing and Implementing New Ordinances, Kristen Bushnell, Planning & Zoning Administrator
5. Discussion Regarding the Upcoming 2024 Year of Planning Commission Goals and Topics, Kristen Bushnell, Planning & Zoning Administrator

**LEGISLATIVE ITEMS**

**PUBLIC HEARING**

6. San Juan County Planning Commission will be considering changes to the San Juan County Zoning Ordinance to Clarify that Short-Term Rental Uses are Prohibited in the Spanish Valley Residential (SVR) District and make a recommendation to the San Juan County Board of Commissioners.

**BUILDING PERMIT(S) REVIEW**

7. Building Permits Review November 9, 2023 - January 8, 2024

## **ADJOURNMENT**

**\*\*In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the San Juan County Clerk's Office: 117 South Main, Monticello or telephone 435-587-3223, giving reasonable notice\*\***



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

## MINUTES

### GENERAL BUSINESS

#### Welcome / Roll Call

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

#### PRESENT:

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

#### Pledge of Allegiance

The Planning Commission conducted the Pledge of Allegiance.

#### Approval of Minutes

##### 1. Minutes for Meeting on October 26, 2023

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

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

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

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

Motion Carries.

## **2. Minutes for Meeting on November 9, 2023**

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

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

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

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

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

Motion Carries.

## **PUBLIC COMMENT**

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

No public comments were provided.

## **ADMINISTRATIVE ITEMS**

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

**Time stamp 0:13:30 (audio)**

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

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

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

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

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

**Time stamp 0:19:00 (audio)**

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

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

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

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

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

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

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

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

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

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

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

## LEGISLATIVE ITEMS

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

#### Time stamp 0:31:40 (audio)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Seconded by Commissioner Walker.

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

Abstaining: Commissioner Austin

Motion Carries.

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

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

**Time stamp 1:20:30 (audio)**

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

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

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

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

Seconded by Commissioner Austin.

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

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

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

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

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

Voting Nay: Commissioner Rigg

Motion Carries.

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

**Time stamp 1:33:40 (audio)**

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

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

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

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

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

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

Seconded by Commissioner Commissioner Neilson.

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

Voting Nay: Commissioner Austin

Motion Carries.

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

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



## **ADJOURNMENT**

**Time stamp 1:53:00 (audio)**

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

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



## STAFF REPORT

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**MEETING DATE:** January 11, 2024

**ITEM TITLE, PRESENTER:** Update Regarding of Planning Commission Renewals or Vacancies, Kristen Bushnell, Planning & Zoning Administrator

**RECOMMENDATION:** Informational Item Only

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### SUMMARY

The Planning Commission term for the representatives from La Sal and Blanding is due. San Juan County has posted requests for interest in the Newspaper following our standard process. Renewals are allowed for the representative from Blanding, and from La Sal, to renew their commitment for another 4 year term if interested.



## STAFF REPORT

**MEETING DATE:** January 11, 2024

**ITEM TITLE, PRESENTER:** Update of Request for Proposals for Finishing and Implementing New Ordinances, Kristen Bushnell, Planning & Zoning Administrator

**RECOMMENDATION:** Informational Item Only

### SUMMARY

San Juan County has published a Request for Proposals to finish, review and help implement the new ordinances. The firm(s) will have the responsibility of reviewing the current draft for conflicts within and between zoning districts as well as clarifying specific ordinances not yet outlined or in compliance with State Code changes. Areas of focus include new subdivision laws, nuisance ordinances, overnight accommodations and other administrative processes as we move through the final stages of ensuring our new ordinance is complete and publicly acceptable.

It is anticipated that these final stages will complete the last steps for adoption which we are encouraging finalization this spring, if possible. This includes consultant completion of maps, documents, collection and advertising of public comments, and analysis of feedback to be used for adoption and approval by the Planning Commission and Board of San Juan County Commissioners.

Our administrative staff would like a representative from the Planning Commission to join the evaluation team after the January 18th, 2024 deadline that would be available during our normal office hours.



Request for Proposals  
**San Juan County Land-Use Ordinance  
Planning and Marketing Services**

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San Juan County Government  
117 South Main Street  
PO Box 9  
Monticello, Utah 84535

Date of Issue:  
January 3, 2024

## I. INTRODUCTION

San Juan County – Utah’s Canyon Country is rich in culture, archaeology, and geography. Uniquely situated San Juan County is the largest county by square mileage in the State of Utah at 7,933 square miles. With 72% of the jurisdiction falling under public or tribal lands. However, it also holds one of the smaller population bases at 14,489 residents. Additionally, it holds unique proximities to Tribal Lands of the Navajo Nation, the Ute Mountain Ute Tribe, National Parks and Monuments and is comprised of only 8% private lands throughout the entire County.

For years now, San Juan County has been working with a County-wide land-use ordinance for the entire County which was amended in 2011. In 2019, San Juan County adopted a separate Land-Use ordinance for the northern portion of San Juan County as a subset to the 2011 ordinance. In essence, the County has incomplete zoning caused by these different plans and more recently has drafted a new County-wide Land-Use plan.

San Juan County is soliciting proposals for the assistance in completing our Land-Use Ordinance and Marketing those ordinances through town hall meetings within the County for the public solicitation and public comment collection for the new County-wide Land-Use Ordinance and Zoning Maps. San Juan County currently has a General Plan and old ordinances guiding decisions but needs to move forward with the draft ordinances for public review and final adoption.

The firm(s) contracted with will have the responsibility of reviewing the current draft for conflicts within and between zoning districts as well as clarifying specific ordinances not yet outlined or in compliance with State Code changes. Areas of focus include new subdivision laws, nuisance ordinances, overnight accommodations and other administrative processes as we move through the final stages of ensuring our new ordinance is complete and publicly acceptable.

The current 2022 DRAFT San Juan County Land Use, Development, and Management Ordinance was developed by San Juan County Staff, County Attorney’s as well as the County Planning Commission and can be found on our website at <https://sanjuancounty.org/planning>.

San Juan County is seeking an individual, team, or company that will satisfy all of the following:

- Review and provide recommendations for a clear and concise written Zoning Ordinances which will be used throughout the County.
- Clear visualization of zones within a GIS based Map or multiple Maps.
- Effective marketing alternatives and dialogue with community members as well as elected officials.
- Data driven and experienced based consultation and decision-making.
- Unity in the messaging for all aspects of our vision.
- Responsible and measurable outcomes.
- Professionally outreach and communicate public comments and results.

The Request for Proposal is available on the County's Website at [www.sanjuancounty.org/rfps](http://www.sanjuancounty.org/rfps). The solicitation for the Request for Proposal due date is January 18, 2024, at 5:00 pm.

## II. SCOPE OF WORK

This solicitation encompasses the following Scope of Work:

- The chosen firm must possess extensive experience in general planning and zoning, demonstrating a vision, strategy, and proficiency to collaborate closely with County staff, Planning Commissioners, and Attorneys. The objective is to form a highly consultative relationship for the completion of our current draft Ordinance and Zoning Map. This endeavor extends to the County boundaries, excluding Tribal lands and Municipal Annexed areas.
- Review current zoning ordinances for incorporation or inclusion as well as aligning the Land-Use ordinance with State Code.
- The selected firm should demonstrate the capability to effectively manage community solicitation and feedback through various public forums. This includes the creation of a website capable of hosting and tracking feedback. Additionally, the firm should adeptly describe and present the new ordinances and offer Zoning map alternatives to the public and elected officials.
- The final stages of this project are anticipated to conclude the adoption process this spring, if feasible. This involves the consultant's completion of maps, documents, the collection, and advertising of public comments. The analysis of this feedback will serve as a basis for adoption and approval by the Planning Commission and Board of San Juan County Commissioners.
- Anticipated are a maximum of four (4) town-hall meetings, determined by community participation from initial town-hall meetings. Due to the County's size, there will be concentrated efforts in advertising the new ordinance and maps utilizing social media outreach.
- The development of final zoning maps is envisioned to be housed on the County's website, ensuring clarity and legibility. Additionally, the creation of GIS layers that seamlessly integrate into the County's GIS Enterprise System, allowing easy modifications by County staff in the future, is part of the requirements.

**III. COSTS/FEES**

The maximum fee for the services sought through this RFP will be the selected Vendor’s<sup>1</sup> proposal price. Vendors shall submit a fee proposal similar to the Form Fee Proposal below. Vendors shall also submit a rate schedule (similar to the Form Rate Schedule below) for all individuals that the Vendor anticipates will provide services in connection with this RFP.

<u>Form Fee Proposal</u>	
	<u>Total Cost</u>
Cost for total services described in the scope of work	
<b>Grand Totals:</b>	

<u>Form Rate Schedule</u>	
	<u>Hourly Rate</u>
Name of Employee #1	
Name of Employee #2	
Name of Employee #3	

<sup>1</sup> The term “Vendor,” as used in this RFP, means an individual or entity who is seeking to enter into a contract with San Juan County to provide San Juan County with services, including but not limited to, an individual or entity who submits a proposal in response to this RFP.

Continue naming all employees that Vendor anticipates will provide services regarding this RFP	
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Failure by a Vendor to comply with any requirement of this Section may result in rejection of the Vendor's proposal.

The price proposal for this Project shall be submitted on the "Attachment A" provided in this RFP. This price shall include all fees and costs as a maximum fee for the provisions indicated in the Project Scope of Work as described above.

Please submit an hourly rate schedule using the form above which will be utilized for changes in the scope of services approved by San Juan County.

#### **IV. PROPOSAL SUBMISSION REQUIREMENTS**

All proposals submitted for evaluation should include, but are not limited to, the following:

- A. San Juan County RFP Form: The County's Request for Proposal form completed and included as page 1 in the bid packet. (Attachment A)
- B. Introduction: This section consisting of a cover letter, an executive summary (two pages maximum) and an organizational chart showing the team involved including individual members, all organizations, relationships, and a breakdown of responsibilities including a biography and resume of key members who will be involved in the project. Resumes of Principals shall be included. Provide a minimum of three references, including the name, address and telephone number of a person who can attest to the performance, qualifications, and experience on like projects.
- C. A brief (5 or less) list and explanation of each project performed by the firm that is like the services sought through this RFP with an emphasis on regional planning and zoning ordinances creation, public outreach, GIS mapping and City or County adoption.
- D. Vendor Qualifications and Experience: A narrative that specifically addresses the firm's or individual's experience in working with City or County government with the capability to successfully perform the required services requested in the RFP's scope of work, a description demonstrating involvement on similar projects and the specific project described. Preference will be given to firms or individuals who are AICP certified.
- E. Proposal: This section should cover such things as the approach to the RFP's scope of work; the proposed schedule of the work to include a project timeline with availability; project strategy; methodology used to control costs, maximize economies of scale, and ensure operational effectiveness; identify outputs to be delivered; and identify advantages of the proposal to San Juan County.
- F. Fee Schedule: A detailed fee schedule proposed to be charged for the services to be performed.

Proposals in non-standard formats cannot be evaluated without considerable analysis. Failure to follow the prescribed format may result in rejection of the proposal.

#### **V. SAN JUAN COUNTY'S REQUEST FOR PROPOSALS POLICY**

Each Vendor who submits a proposal in response to this RFP agrees to comply with and be bound by San Juan County's Request for Proposals section within the San Juan County Purchasing policy that is in place at the time that this RFP was issued. Each Vendor may request and receive a copy of San Juan County's Request for Proposals policy by sending an email to Purchasing Agent and County Chief Administrative Officer Mack McDonald at [mmcdonald@sanjuancounty.org](mailto:mmcdonald@sanjuancounty.org) and requesting a copy of San Juan County's Request for proposals policy.

**VI. EVALUATION CRITERIA**

Submitted Proposals will be evaluated and scored by the selection committee based on the following criteria:

<b>Evaluation Criteria</b>			
<b>Primary Criteria</b>		<b>Primary Criteria % of Overall Evaluation Score</b>	
<b>Qualification and Experience</b>	<i>Sub-Criteria</i>	<b>30%</b>	<i>Sub-Criteria % of Primary Criteria Evaluation Score</i>
	<ul style="list-style-type: none"> <li>Past Experience in Regional Planning and Zoning.</li> <li>Quality of response to RFP connecting directly to related experience in firm's or individual's experience demonstrating Zoning Map building in a GIS platform with the capability to successfully perform the required services.</li> <li>Expertise and experience conducting public engagement forums.</li> </ul>		10%
			10%
			10%
<b>Technical Approach</b>	<i>Sub-Criteria</i>	<b>30%</b>	<i>Sub-Criteria % of Primary Criteria Evaluation Score</i>
	<ul style="list-style-type: none"> <li>Scope of Work</li> <li>Detail of submitted work plan, schedule and proposed project approach</li> </ul>		15%
			15%
<b>Fee Schedule</b>	<i>Sub-Criteria</i>	<b>30%</b>	<i>Sub-Criteria % of Primary Criteria Evaluation Score</i>
	<ul style="list-style-type: none"> <li>Grand Total</li> <li>Rate Schedule</li> </ul>		15%
			15%
<b>Introduction</b>		<b>10%</b>	
	<i>Sub-Criteria</i>		<i>Sub-Criteria % of Primary Criteria Evaluation Score</i>
	<ul style="list-style-type: none"> <li>Firm's organization</li> <li>Professionalism and strength of team</li> </ul>		5%
			5%



**VII. PROJECTED SCHEDULE FOR THE RFP PROCESS**

The County reserves the right to modify this schedule at its sole discretion.

<u>Activity</u>	<u>Date</u>
Request for Proposal Issued	January 3, 2024
Initial Question and Answer Meeting	January 11, 2024
Last day to submit questions via e-mail	January 16, 2024
Proposal Due Date	January 18, 2024 (5:00 PM MST)
Notice of Award	February 6, 2024

**VIII. QUESTION AND ANSWER MEETING**

Interested firms wishing to submit a proposal are encouraged to attend a question, answer, and introduction meeting which will be a virtual meeting through Google to be held at the following link: <https://meet.google.com/erq-tojc-jah> Or dial: (US) +1 720-441-5653 PIN: 907 157 425# on Thursday, January 11, 2024 at 1:00 PM MST. **This is the only date and time for a virtual face to face with County employees for the proposal.**

**IX. WRITTEN CONTRACT REQUIRED**

The selected party must be willing to enter into a written contract with San Juan County. A binding agreement between San Juan County and the selected party is dependent upon the negotiation, preparation, and execution of a formal contract. At any time prior to the execution of a binding agreement executed by both parties, San Juan County may, in its sole discretion, stop the selection process and decline to enter into an agreement for the subject matter herein.

**X. INQUIRIES**

All inquiries relating to the specifications or proposal procedure should be directed in writing through e-mail to the Purchasing Agent, Mack McDonald at [mmcdonald@sanjuancounty.org](mailto:mmcdonald@sanjuancounty.org). The last day and time to submit questions will be 4:30 p.m. on January 16, 2024. **Please do not contact the agency, division, department, or other County officers or employees.**

**XI. REQUEST FOR FINAL AND BEST OFFERS**

Among other options at San Juan County's disposal, San Juan County may request a final and best offer at any time during the RFP process. If San Juan County exercises this option, the interested party shall respond prior to the deadline established by San Juan County when the option is exercised. If the interested party fails to timely provide a final and best offer, the best offer made by the interested party prior to the exercise of this option will be considered by San Juan County as the final offer of the interested party.

**XII. PROTESTS**

As further described in San Juan County's Request for Proposals policy, which is incorporated herein by this reference, any proposer who submitted a timely filed proposal that was not rejected by either the evaluation committee or the Purchasing Agent may file a protest. In order to be timely, a protest must be submitted, in writing, to the San Juan County Board of County Commissioners no later than six calendar days after the date that the *Notice of Intent to Engage in Contract Negotiations* was sent by the Purchasing Agent to the applicable Vendor.

Protests that are not submitted in a timely manner to the San Juan County Board of County Commissioners shall be rejected by San Juan County.

### **XIII. SAN JUAN COUNTY MAY TERMINATE THE RFP PROCESS OR DECIDE NOT TO ENTER INTO A CONTRACT**

As further described in San Juan County's Request for Proposals policy, which is incorporated herein by this reference, San Juan County may terminate the RFP process regarding this RFP for any reason and at any time prior to the execution of a contract by a proposer and San Juan County regarding the services sought through this RFP. Moreover, San Juan County may decide not to enter into a contract with any proposer to provide the services sought through this RFP.

### **XIV. CONTRACT AND PROPOSAL INFORMATION**

All proposers who submit a proposal in response to this RFP acknowledge that they have each read and understand this RFP and agree to be bound by the terms and provisions of this RFP, including, but not limited to, the following:

- A. Firm Pricing: All prices, quotes, or proposals shall remain firm for the duration of the RFP process regarding this RFP and until a contract regarding this RFP is executed by San Juan County and a Vendor or San Juan County decides not to enter into a contract with any Vendor to provide the services sought through this RFP. A Vendor's failure to comply with these provisions may result in the rejection of the Vendor's proposal.
- B. Governing Law and Exclusive Jurisdiction and Venue: Any contract between San Juan County and a Vendor regarding this RFP will be interpreted, construed, and given effect according to the laws of the state of Utah and the ordinances of San Juan County, and the courts within San Juan County, Utah shall have the sole and exclusive jurisdiction and venue regarding any such contract. No contract will be assigned, in whole or in part, without the written consent of San Juan County.
- C. Licensing: The selected Vendor shall obtain all applicable federal, state, and local licenses before any contract between San Juan County and the Vendor regarding this RFP is executed. The selected Vendor must maintain for the duration of the contract between San Juan County and the Vendor regarding this RFP.
- D. Registration: All Vendors shall be registered with the Utah State Division of Corporations and Commercial Code to perform business in the state of Utah. NOTE: Forms and information on registration may be obtained by calling (801) 530-4849 or toll free at 877-526-3994 or by accessing: [www.commerce.utah.gov](http://www.commerce.utah.gov).
- E. Public Domain: Interested Parties are advised that Utah law and San Juan County ordinances provide that, upon the full execution of a contract subsequent to an RFP, the contents of a selected proposal relating to this RFP may be placed in the public domain and become public records subject to examination by any interested parties in accordance to the Government Records Access Management Act (GRAMA), Utah Code Ann. 63G-2-101 et seq. and County ordinance. Please refer to Section XVI below for specific details regarding the protection of certain information.
- F. Modifying or Withdrawing Proposals: Interested parties may modify or withdraw their proposals at any time prior to the proposal due date. Interested parties may withdraw their proposals if San Juan County and the selected interested party cannot agree on contract terms.

- G. Independent Contractors: Interested party agrees that if he/she/it enters into a contract with San Juan County, he/she/it will be an independent contractor and have no authority, express or implied, to bind San Juan County to any agreements, settlements, liability, or understanding whatsoever with any third party and will have no interest in any benefits provided by San Juan County to its employees.
- H. Free and Competitive Bidding: Any agreement or collusion among prospective interested parties to fix a price or limit competition shall render the proposal void and such conduct shall be unlawful and subject to criminal sanction.
- I. Insurance: If awarded the contract, an interested party will, at its sole cost and expense, secure and maintain both prior to the commencement of the term of the contract and for the duration of the contract, insurance coverage as follows:
- (1) General Liability Insurance as follows: Occurrence form commercial general liability insurance with the following minimum limits:
    - (a) Each Occurrence - \$1,000,000.00;
    - (b) Damage to Rented Premises – \$50,000.00;
    - (c) Med. Exp. (Any one person) – \$5,000.00;
    - (d) Personal & Adv. Injury – 2,000,000.00;
    - (e) General Aggregate - \$2,000,000.00;
    - (f) Products – Comp/Op Agg. - \$2,000,000.00; and
    - (g) Other – N/A;
  - (2) Automobile Liability Insurance: With minimums to satisfy the state of Utah’s requirements;
  - (3) Workers Compensation and Employers’ Liability: With minimums to satisfy the state of Utah’s requirements or a valid waiver issued by the appropriate department of the state of Utah; and
- J. Indemnification: If awarded a contract and consistent with the terms and provisions of the written contract between San Juan County and the selected party, the selected party, for itself, and on behalf of its representatives, among others, shall agree and promise to indemnify, defend, save and hold harmless San Juan County, and San Juan County’s representatives, among others, from any and all claims, among other things.
- K. Infringement: An interested party shall not infringe on patents, copyrights, trademarks, or intellectual property rights. The consequences from violation, including costs of defending a claim and indemnification from an action of claim by a third party, shall be borne by the selected party.
- L. Warranties. If products, goods, or otherwise will be supplied or provided by the selected party, the selected party shall agree to the specific warranty provisions that will be set forth in the written contract entered into between San Juan County and the selected party.
- M. Conflicting Terms of Provisions: If any portion of this RFP conflicts in whole or in part with a written agreement entered into between the selected party and San Juan County subsequent to the issuance of this RFP, the subsequent written agreement between the selected party and San Juan County shall control.

**XV. RFP SUBMISSION REQUIREMENTS AND NOTICE TO INTERESTED PARTIES ON HOW TO POTENTIALLY PROTECT CERTAIN PORTIONS OF THEIR PROPOSALS**

All interested parties shall submit five (5) copies of their proposal to San Juan County along with the completed form attached as “Attachment A” hereto. Four copies of the interested party’s proposal shall be full and complete copies and shall be submitted in hard copy form by either mailing or hand delivering such copy as follows:

If Provided by Mail:

San Juan County  
Attn: Purchasing Agent  
117 South Main Street  
PO Box 9  
Monticello, Utah 84535

If Provided by Hand Delivery:

San Juan County  
Attn: Purchasing Agent  
117 South Main Street, Room #202  
Monticello, Utah 84535

The fifth copy shall be submitted in “PDF” form. This copy may be submitted on a CD, flash drive, or other electronic storage medium and provided, along with the first copy, either through email, mail or by hand delivery.

If the interested party’s proposal either does not contain information that may be protected under Section 63G-2-305(1) or (2) of the Utah Code or the interested party does not want to protect information that could be protected under Section 63G-2-305(1) or (2) of the Utah Code, then the interested party’s second copy of its proposal, provided in “PDF” form, shall be a full and complete copy of the interested party’s proposal.

If, however, the interested party’s proposal does contain information that may be protected under Section 63G-2-305(1) and/or (2) of the Utah Code, and the interested party would like to protect such information in its proposal, then the interested party shall comply with Section 63G-2-309 of the Utah Code.

If the interested party does not strictly comply with all of the foregoing provisions of this section, San Juan County, upon receiving a GRAMA request for the interested party’s proposal, will release a full and complete copy of the interested party’s proposal.

All costs associated with the preparation of the proposal, as well as any other related materials, will be the sole responsibility of the interested party. All proposals become the property of San Juan County upon submission. San Juan County reserves the right, but is not obligated, to reject any or all proposals submitted.

All project specifications, manuals, GIS maps or digital content, whether digital or hard copies will all be tied directly to this project and shall be provided to and owned by San Juan County.

Further submission requirements are set forth in the sections below:

**Attachment A****San Juan County RFP Form**

**Respondent Information:** Provide the following information about yourself and your company.

Respondent Name: \_\_\_\_\_  
 (Note: give exact legal name as it will appear on the contract, if awarded)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Business Structure:**

\_\_\_\_ Individual or Sole Proprietorship  
 \_\_\_\_ Partnership  
 \_\_\_\_ Corporation  
 \_\_\_\_ Limited Liability Company  
 \_\_\_\_ Other, list business structure \_\_\_\_\_

**Insurance Certificate:** \_\_\_\_ Copy of insurance certificate, or \_\_\_\_ You are willing to get the proper insurance requirements if awarded the contract during contract negotiation.

**Contact Information:** List the one person who San Juan County or their representative may contact concerning your proposal.

Name: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_  
 E-Mail: \_\_\_\_\_

**Final Bid/Pricing Structure:**

\_\_\_\_\_  
 \_\_\_\_\_

By submitting this proposal, \_\_\_\_\_ hereby certifies our willingness to enter into a contract with San Juan County, if selected.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Attachment B**



## STAFF REPORT

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**MEETING DATE:** January 11, 2024

**ITEM TITLE, PRESENTER:** Review of Upcoming 2024 Year of Planning Commission, Kristen Bushnell, Planning & Zoning Administrator

**RECOMMENDATION:** Informational Item Only

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### SUMMARY

At the request of Chairman Schafer at our previous meeting, the floor is open to ideas from the Planning Commission of items we'd like to accomplish in the upcoming year.

**SAN JUAN COUNTY**

**ORDINANCE NO. 2024-\_\_\_\_**

**AN ORDINANCE TO AMEND THE SAN JUAN COUNTY ZONING ORDINANCE TO CLARIFY THAT SHORT-TERM RENTAL USE IS PROHIBITED IN THE SPANISH VALLEY RESIDENTIAL (SVR) DISTRICT**

**WHEREAS** the Board of San Juan County Commissioners did not intend to allow short-term rental in the Spanish Valley Residential (SVR) District when it enacted the San Juan County Spanish Valley Development Ordinances of the San Juan County Zoning Ordinance (SVDO);

**WHEREAS** the Board of San Juan County Commissioners understands that, nonetheless, short-term rental is occurring in the SVR District;

**WHEREAS** the Board of San Juan County Commissioners further understands that it is disputed by some owners of property within the SVR District whether the SVDO prohibits short-term rental in the SVR District;

**WHEREAS** these disputes have resulted in administrative and legal action against San Juan County;

**WHEREAS** clarifying that short-term rental is a prohibited use in the SVR District promotes the prosperity, peace, good order, comfort, and convenience of the County and its inhabitants and protects property rights; and

**WHEREAS** the Board of San Juan County Commissioners is the legislative body of San Juan County, Utah and is therefore authorized by the laws of the State of Utah to enact ordinances and rules and make regulations, not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by state law, and as are necessary and proper to provide for the safety, and preserve the health, promote the prosperity, improve the morals, peace, and good order, comfort, and convenience of the County and its inhabitants, and the protection of property in the County:

**NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF SAN JUAN COUNTY ORDAINS AS FOLLOWS:**

(1) The San Juan County Zoning Ordinance section 153.005 is amended to add the following definition at the appropriate location in the alphabetical list of definitions:

**SHORT-TERM RENTAL.** A dwelling or a portion of a dwelling that the owner of record or the lessee of the dwelling or the portion of a dwelling leases to another for occupancy for fewer than 30 consecutive days.

(2) The San Juan County Spanish Valley Development Ordinances of the San Juan County Zoning Ordinance, Chapter 1, Spanish Valley Residential (SVR) District is amended as follows:

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//



(A) The following language is inserted at the end of the section on **Uses**:

No short-term rental is allowed in the SVR District, and the Spanish Valley Overnight Accommodations Overlay shall not be applied to the SVR District. Regardless of the number of occupants, no hotel, apartment hotel, motel, tourist court, apartment court, commercial condominium for short-term rental, bed and breakfast (B&B), boarding house, lodging house, resort, commercial campground, or any other variation of overnight accommodation intended for nightly rental is permitted in the SVR District.

(B) **Table 1-1, Spanish Valley Residential (SVR) District Uses** is amended to include the parenthetical (excluding short-term rental) following the **RESIDENTIAL USES** category heading such that the **RESIDENTIAL USES** section of **Table 1-1** shall appear as follows:

**Table 1-1**  
**Spanish Valley Residential (SVR) District Uses**

Use Category	Specific Use
<b>RESIDENTIAL USES</b> <u>(excluding short-term rental)</u>	
Dwelling, single-family	P
Dwelling, two-family (duplex)	P
Dwelling, Manufactured	P
Accessory Buildings and Uses	P/C
All other household living uses (5th wheels, trailers, etc.)	C

The remainder of **Table 1-1, Spanish Valley Residential (SVR) District Uses** remains unchanged.

(3) Once enacted, this Ordinance shall be published on the San Juan County website’s Planning and Zoning page until publication by the County’s code service provider.

\_\_\_\_\_

**PASSED AND ADOPTED** by action of the Board of San Juan County Commissioners for San Juan County in an open meeting this \_\_\_\_ day of January 2024.

Voting Aye: \_\_\_\_\_

Voting Nay: \_\_\_\_\_

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ATTEST:

SAN JUAN COUNTY BOARD OF  
COMMISSIONERS:

\_\_\_\_\_  
Lyman Duncan, Clerk/Auditor

\_\_\_\_\_  
Bruce Adams, Chair

# Permit Report

11/09/2023 - 12/13/2023

Permit #	Permit Date	Permit Type	Building Address	Applicant Name	Residential or Commercial	Description
23164	12/6/2023		913 E Navajo Twins Dr	Steven Simpson		25.55 kW Roof Mounted PV Solar Generation System
23163	12/4/2023		429 East Pioneer Bend	Contractor Chad McDonad, owner Tim Trumble	Residential	home
23162	12/4/2023		672 E 350 N	Milan Munson	Residential	metal building
23161	12/3/2023		686 E 500 S	Kohler Black	Residential	Casita
23160	11/30/2023		33 S Deeter Drive	Mary Johansson	Residential	Roof mount solar PV array
23159	11/16/2023		748 Rocky Rd	Bryan Palmer	Residential	
23158	11/16/2023		7143 W HIGHWAY 95	Thomas Wigginton	Commercial	Building a concert vault for Electric for Components
23157	11/15/2023		850 S TBD	Ramsay Holliday	Residential	Working with the city on getting the exact location. They told me to just be 850 South TBD
23156	11/15/2023		404 S 500 W	Drew Cooper		New meter
23155	11/14/2023		96 E Hwy 162	Josh Lamb	Residential	detached garage

Total Records: 10

12/13/2023

12/13/2023 - 01/08/2024

Permit #	Permit Date	Permit Type	Building Address	Applicant Name	Type of Permit	Description
23166	12/27/2023		377 W. Stonecliff Dr.	Precision Engineering & Maintenance	New Construction	18' x 36' gunite swimming pool
23165	12/20/2023		31S21E140600	Majuma Wesakania	Solar	Install off grid solar system

Total Records: 2

# Permit Report

Description Note

1/8/2024