PLANNING COMMISSION MEETING

117 South Main Street, Monticello, Utah 84535. Commission Chambers
January 09, 2025 at 6:00 PM

AGENDA

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

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

Welcome / Roll Call

Pledge of Allegiance

Conflict of Interest Disclosure

Approval of Minutes

1. Approval of Planning Commission Meeting Minutes from November 14, 2024
2. Approval of Planning Commission Work Session Minutes from December 16, 2024
3. Approval of Planning Commission Meeting Minutes from December 30, 2024

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

PUBLIC HEARING for the Consideration and Approval of the 2025 Land Use, Development and Management Ordinance, San Juan County

ADMINISTRATIVE ITEMS

LEGISLATIVE ITEMS

4. Consideration and Approval of a Conditional Use Permit for a Temporary Meteorological Tower, Scott Schutte, AES Clean Energy
5. Consideration and Approval of the 2025 Land Use, Development and Management Ordinance, Kristen Bushnell, Planning Administrator

BUILDING PERMIT(S) REVIEW

6. November & December Building Permits

ADJOURNMENT

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

PLANNING COMMISSION MEETING

117 South Main Street, Monticello, Utah 84535. Commission Chambers
November 14, 2024 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-Chair Lloyd Wilson
Commissioner Thomas Garcia
Commissioner Shea Walker
Commissioner Melissa Rigg
Commissioner Ann Austin
Planning Administrator Kristen Bushnell
County Attorney Jens Nielson
County Administrator Mack McDonald (online)
County Commissioner Silvia Stubbs (online)

Pledge of Allegiance

Conflict of Interest Disclosure

No conflicts of interest were disclosed at this time.

Approval of Minutes

1. **Approval of Planning Commission Meeting Minutes from October 10, 2024**

   Time Stamp 0:00:40 (audio)

   Motion made by Commissioner Rigg to approve the meeting minutes. Seconded by Commissioner Walker.

   Voting Yea: All in favor. Motion carries.

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

Public Comment was given at the end of the meeting for late comers to have a chance to speak.

Jed Dalton of Monticello was concerned about the restrictive zoning.

Cassie Rose of Blanding was concerned about the Use Table having so many restrictions and wants all their family land into an Agricultural Zone.

Administrator Bushnell clarified that a "permitted use" meant that it was allowed which alleviated most of the concern. She suggested that a meeting with the family would be appropriate to set up at a later time.

ADMINISTRATIVE ITEMS

LEGISLATIVE ITEMS

2. **Consideration and Approval of a Conditional Use Application for a Camp Resort to be Located at 158 Tera Drive in Spanish Valley, Daniel Wright**

   Time Stamp 0:03:20 (audio)

   Administrator Bushnell gave an overview of the history of the property. This area has been of concern for a long time and has not had a very clear path of getting to this point. The property is currently out of compliance but is asking for a "historical" conditional use permit to be granted based on a lack of information from the past planning administrators and building officials.

   Daniel Wright gave his history of obtaining the property and how he progressed with development. Commissioner Wilson had some issues the legalities of the utility lines and impact fees that needed to be straightened out with the Spanish Valley Special Service District for water hook ups.

   Wrights neighbors have previously come in for a conditional use permit similar in nature. Because the use was illegal at the time and currently stands illegal it was suggested to table this conditional use application until further opportunities became available with the 2025 Land Use Ordinance, which would allow for these uses.

   Motion made by Commissioner Rigg to table the application. Seconded by Commissioner Garcia.

   Voting Yea: All in favor. Motion carries.

3. **Consideration and Approval of a Conditional Use Application for a U-Haul Rental & Storage Facility to be located between two parcels along Highway 191 in Spanish Valley, Cliff Lackman**

   Time Stamp 0:41:10 (audio)

Administrator Bushnell introduced the project which encompasses two properties near in vicinity for U-Haul Storage and Rental Facilities. Cliff Lackman represented the project with a detailed overview of site plan investigations and rendered elevations.

Possible Conditions to Consider:

- Must coordinate with the Division of Drinking Water and the Spanish Valley Special Service District for water system.
- Must comply with all building codes and fire regulation requirements.
- Must comply with all Utah Department of Transportation (UDOT) and county road requirements and regulations.
- 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 (35 feet in height).
- Must submit an engineered drainage plan to the Planning Administrator prior to building permit applications.
- Must comply with San Juan County Health Department requirements.
- Must comply with San Juan County business license requirements.

Commissioners had some concerns over the height of the storage facility on the corner of Sunny Acres and Highway 191. Lackman stated that they had visited with adjacent property owners about the hindrance of the height and that generally the neighborhood was in favor of this facility.

SITLA representative Elise Erler had emailed comment to Administrator Bushnell that the property located behind the Moab Business Park did not have a legal access across the corner of the adjacent SITLA parcel. This is new information that Administrator Bushnell will have to clarify and work through with the Legal Team. This issue is widespread to several parcels in the area and we will continue to work with SITLA to find a solution.

Motion made by Commissioner Wilson to approve the conditional use based on the conditions listed above. Seconded by Commissioner Walker.

Voting Yea: All in favor. Motion carries.

4. Review of San Juan Estates, Phase 5, Amendment 3 Subdivision, Dan McPherson

Time Stamp 1:25:00 (audio)

Administrator Bushnell presented San Juan Estates, Phase 5, Amendment 3 Subdivision with the approval from the Plat Review Committee to move forward.

Motion made by Commissioner Wilson to approve the plat. Seconded by Commissioner Walker.

Voting Yea: All in favor. Motion carries.

BUILDING PERMIT(S) REVIEW

5. November Building Permits

Time Stamp 1:32:00 (audio)

ADJOURNMENT

Time Stamp 1:53:30 (audio)

Motion made by Commissioner Wilson to adjourn. Seconded by Commissioner Rigg.

Voting Yea: All in favor. Motion Carries.

PLANNING COMMISSION WORK SESSION

117 South Main Street, Monticello, Utah 84535. Commission Chambers
December 16, 2024 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-Chair Lloyd Wilson
Commissioner Cody Nielson
Commissioner Shea Walker
Commissioner Melissa Rigg
Commissioner Ann Austin
Planning Administrator Kristen Bushnell
County Attorney Jens Nielson
County Administrator Mack McDonald (online)
County Commissioner Silvia Stubbs

Pledge of Allegiance

Conflict of Interest Disclosure

No conflicts of interest were disclosed at this time.

ADMINISTRATIVE ITEMS

1. Review of the 2025 DRAFT Land Use, Development and Management Ordinance

Time Stamp 0:02:00 (audio)

Administrator Bushnell explained that a lot of the language in the original draft overlapped with the State of Utah County Land Use, Development and Management Ordinance. In an effort to reduce conflicting overlap the State Code was referenced as much as possible. Bushnell also reminded the commission of the upcoming meetings and public hearings scheduled for Planning Commission on January 9th and County Commission on January 21st.

Planning Commissioners first discussed the upcoming Subdivision Ordinance adoption set for December 30th. Administrator Bushnell explained generally that the largest change was to remove the Planning Commission and County Commission from being legislative bodies and place the responsibility of approval on the Planning Administrator and staff review team. This has pro's and con's. One of the largest challenges our small county faces with the new state laws is to streamline subdivisions at a faster pace. Commissioner Rigg raised concerns about not having the information on subdivisions and it was discussed that this could be mitigated internally by including approved subdivisions within the monthly departmental report.

The Commission revisited the density standards for Accessory Dwelling Units and the areas in which short-term rentals would be allowed as per the Use Table. Short-term rentals is a complex situation, we debated again if they should be in the Residential Zone. Commissioners discussed the current fee structure and vestiture points for non-conforming. This will have to be carefully considered as we shift the short-term rental applications to the updates in the Business License Ordinance that will hopefully run in tandem, or shortly thereafter, with the Land Use Ordinance adoption. There was some debate over the balance between short-term rental as an economic opportunity and maintaining affordable housing options.

The type of RV uses was discussed and clarified. Commissioner Wilson raised the point that with such tight restrictions of RV's being in an RV Park, the ability to set up hunting camps on private property is being taken away. We discussed several variations of this situation verses people living full time, year-round in RV's. The main concerns from a county perspective is the sanitation, building and fire safety of the situation. RV's are not meant for long term use, they do not follow the same building codes as affixed dwellings. They are not meant for our snow and wind loads. While we would like to make this option available for longer term housing, we also must assure that sanitation requirements are being met. Administrator Bushnell explained that allowing for "hunting camp" models makes it more difficult to figure out what situations need to be addressed as a nuisance. She explained that if we adjust RV camping up to 180 days we would have to rely heavily on community comments for nuisance violations to be reported.

RV's were also discussed as accessory dwelling units outside a primary residence. This would be allowed but would count as the one accessory dwelling unit that is permitted per parcel. Commissioner Austin suggested that if we allow this within the Residential Zone that we should add language that this cannot be rented out. Additionally, Commissioners wanted to add the language that while available in many zone, living long term in an RV unit would require a 1 acre lot size minimum.

The Air Transport Overlay Zone was explained by Administrator Bushnell. These updates were mandated by the State of Utah. Once the Land Use Ordinance is passed, we will have to take the next steps in applying this overlay zone to the airports and airstrips in our county. Some of these will have exceptional considerations as we move forward due to the existing surrounding vicinities.

The number of animals was increased as to constitute a kennel. Animal density standards were also revisited to negotiate a rate that would allow smaller lots to have livestock animals while larger lots would be openly permitted. The acreage required for unregulated use was lowered to 20 acres.

Commissioner Austin asked to address the “truck stop” language again and define this better in detail within the definitions section. Commissioners discussed that language of “or any combination of these uses” needs to be added to the Use Table to allow for a variety of potential developments and to be less restrictive.

There were several changes for clarification, coordination of logical uses, grammatical corrections or formatting within the ordinance document or the use tables. All changes from this work session are noted in **red** within the final documents.

ADJOURNMENT

Time Stamp 3:52:30 (audio)

PLANNING COMMISSION SPECIAL MEETING

117 South Main Street, Monticello, Utah 84535 Commission Chambers
December 30, 2024 at 9:00 AM

MINUTES

GENERAL BUSINESS

Welcome / Roll Call

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

PRESENT:
Chairman Trent Schafer
Commissioner Thomas Garcia
Commissioner Cody Nielson
Commissioner Shea Walker (online)
Commissioner Melissa Rigg
Planning Administrator Kristen Bushnell
County Attorney Jens Nielson (online)
County Administrator Mack McDonald (online)
County Commissioner Silvia Stubbs

Pledge of Allegiance

Conflict of Interest Disclosure

No conflicts of interest were disclosed at this time.

PUBLIC HEARING for the Consideration and Approval of the Subdivision Ordinance updates, Kristen Bushnell, Planning Administrator

Time Stamp 0:02:00 (audio)

Motion made by Commissioner Rigg to enter into a public hearing. Seconded by Commissioner Garcia.

Voting Yea: All in favor. Motion carries.

George Metoka of Montezuma Creek Canyon expressed concerns of the expense incurred to subdivide if preliminary and final reviews are pushed together, the need for specialists to be signing off on these reviews and that subdivisions need to have access to a county road.

Stephen Schultz of La Sal gave comments regarding the Use Table and designation of kennel. He had several other comments that we will follow up with through email.

Motion made by Commissioner Rigg to exit the public hearing. Seconded by Commissioner Garcia.

Voting Yea: All in favor. Motion carries.

LEGISLATIVE ITEMS

1. Consideration and Approval of the Subdivision Ordinance, Kristen Bushnell, Planning Administrator

Time Stamp 0:19:10 (audio)

County Attorney Jens Nielson gave a brief overview of the changes in State legislation in March 2023 in which the need to be timely in approving subdivisions that meet the minimum requirement became mandated. Key points include a total of four review cycles and no more than 20 days to respond to submissions from county staff. This has put some strain on us as a small county that has typically only met once a month for reviews.

Commissioner Rigg raised concerns about only having 10 days to appeal a subdivision approval. She also wanted to add language that "adversely affected parties" may also appeal a decision, not just the applicant.

The Planning Commissioners discussed the need to stay informed about the subdivisions being approved as they are being omitted from the process. We discussed an internal process to include a list of approved Subdivisions, such as the list of building permits, to be included in the monthly department report.

Several minor corrections were also made for clarity or formatting.

Motion made by Commissioner Rigg to approve the Subdivision Ordinance with the changes discussed. Seconded by Commissioner Nielson.

Voting Yea: All in favor. Motion Carries.

ADJOURNMENT

Time Stamp 0:50:30 (audio)

Motion made by Commissioner Rigg to adjourn. Seconded by Commissioner Garcia.

Voting Yea: All in favor. Motion Carries.

LEGISLATIVE STAFF REPORT

MEETING DATE: January 9, 2025

ITEM TITLE, PRESENTER: Consideration and Approval of a Conditional Use Permit for a Temporary Meteorological Tower, Scott Schutte, AES Clean Energy

RECOMMENDATION: Make a motion approving the Conditional Use using the findings and conditions as provided by staff (state each condition as part of the motion).

Make a motion denying the Conditional Use based on findings of fact due to the following reasons: (statements of findings for substantial evidence).

SUMMARY

In November 2024, the county received a request for a conditional use permit from AES Clean Energy to install a 60-meter (approximately 200 feet) temporary meteorological tower. The applicant is planning on building a temporary structure for weather studies as part of an investigation for potential energy production in the future.

Property:

Parcel: #32S24E255400, 160.44 acres

Current Zoning:

This parcel is currently zoned as Agricultural as per 2025 Zoning Map

ORDINANCE SECTIONS

The Agricultural Zone is designated to promote and preserve, in appropriate areas, conditions favorable to agriculture and to maintain greenbelt open spaces. Such districts are intended to include activities normally and necessarily related to the conduct of agricultural production and to provide protection from the intrusion of uses adverse to the continuance of agricultural activity.

Commercial Energy Production is considered a Conditional Use in the Agricultural (AG) Zone as per the 2025 Use Table. By definition, a CONDITIONAL USE is a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

In authorizing any Conditional Use, the Planning Commission shall impose such requirements and conditions as are necessary for the protection of adjacent properties and public welfare. Ther Planning

Commission shall not authorize a Conditional Use Permit unless the evidence presented is such to establish:

(1) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
(2) That the proposed use will comply with the intent, spirit, regulations, and conditions specified in the Ordinance for such use and the Zoning District where the use is to be located, as well as make the use harmonious with the neighboring uses in the Zoning District; and
(3) The Planning Commission shall itemize, describe, or justify the conditions imposed on the use.

Possible Conditions May Include:

- Prior to construction, the applicant shall apply for and receive a San Juan County building permit.
- The applicant shall apply for, receive, and maintain a San Juan County business license and be subject to regular inspections associated with the business license – to include a review of compliance with the CUP conditions.
- The construction and operation of the tower shall comply with the International Fire Code and the San Juan County Fire Policy – and be subject to inspection by fire authorities.
- The tower shall be operated in compliance with federal regulations.
- The tower shall not be used for outdoor advertising, signage, or similar uses without first obtaining permission from San Juan County.
- This permit shall be null and void if the tower is abandoned or the tower is not maintained for 90 days. After abandonment or non-maintenance, the tower shall be removed at owner's expense.
- Any neighbor or adjacent property owner or person reasonably expected to be at or near the facility during construction, maintenance, or other activity which has the potential to harm an individual shall be informed of the activity and provided with safety information, as appropriate.
- The facility shall be kept clean and free from rubbish, flammable waste material or other noxious or nuisance substances.
- The tower will require a variance from the San Juan County Land Use Ordinance which establishes a maximum height for structures at 50'.

Applying for a Conditional Use Permit in San Juan County

The term "conditional use permit" refers to a land use which would not be permitted under normal regulations of a zoning district, however, the proposed use may be acceptable within the zoning district if development of the use complies with special conditions provided by the Planning Commission. Specified conditions associated with a conditional use permit (CUP) may only be amended by the Planning Commission. The conditional use permit is revocable by the County if any of the conditions are violated or not met with certain time frames.

Overview:
Conditional use permit applications are reviewed by the Planning Commission and San Juan County staff to determine compliance with the following county code:

Chapter 6, 6-4. Determination

The Planning Commission, or upon authorization, the Zoning Administrator, shall approve a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this Ordinance. In authorizing any conditional use the Planning Commission shall impose such requirements and conditions as are necessary for the protection of adjacent properties and the public welfare. The Planning Commission shall not authorize a conditional use permit unless the evidence presented is such to establish:

(1) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
(2) That the proposed use will comply with intent, spirit, regulations and conditions specified in this Ordinance for such use and the zoning district where the use is to be located, as well as make the use harmonious with the neighboring uses in the zoning district.
(3) The Planning Commission shall itemize, describe, or justify the conditions imposed on the use.

Submittal Deadline:
Application for a conditional use permit must be submitted to the San Juan County Planning and Zoning Department, 117 S. Main Street, Monticello by 10:00 a.m. at least three (3) weeks prior to the intended date the application is to be considered

by the Planning Commission. Incomplete applications may delay processing of the application and subsequent scheduling of public hearings.

Meeting Dates:

Who? San Juan Planning and Zoning Commission
When? 2nd Thursday of each month at 7:00 p.m.
Where? San Juan County Administration Building, Room 200 - Old Commission Chambers, 117 South Main Street, Monticello, Utah.

Application Fee (non-refundable)

□ Conditional Use Permit: See Fee Schedule

Application Process:

Step 1. **Contact the Planning and Zoning Department Staff.** Meet informally with a member of the Planning and Zoning Department staff to discuss your proposal and review the issues, procedures and fees associated with the application.

Step 2. **Submit Application:** For all conditional use permit applications please submit the following:

- □ Completed Conditional Use application form.
- □ Property Owner's Affidavit (i.e. a written statement made before a notary). For your convenience, and affidavit has been provided on the back of the application form.
- □ If the property owner is to be represented by an "agent" during meetings with the County, please complete and submit the Agent Authorization form (also provided on the back of the application form).
- □ Payment of application fee.
- □ Three (3) copies of a legible site plan proposal. The site plan should include the following information:
  - □ Include the project name and exact street address, if possible.
  - □ Accurate dimensions of the subject property, drawn to scale (i.e. 1"=10', 1"=30', etc.) with north arrow and date of drawing. Sheet size should be a minimum of 18"x24".
  - □ Property lines, adjoining streets or roads, right-of-ways, waterways, easements, etc. with dimensions.

- □ Location and dimension of existing and proposed buildings, entries and exits, driveways, parking areas, landscape areas, sidewalks, retaining walls, fences, exterior lighting, etc.
- □ Location of existing property features such as streets and roads, canals, ditches waterways, hillsides, wetlands, flood plain, etc.

□ Three (3) copies of floor plans. Include both existing and proposed floor plans. Indicate the scale (i.e. 1/8"=1', 1/4"=1', etc.) used on the plans.

□ Three (3) copies of building elevations. These must be dimensioned to show an accurate representation of the proposed building. Provide a summary of the type of building materials which will be used for all structures. Indicate the scale (i.e. 1/8"=1', 1/4"=1', etc.) used on the elevation.

□ Submit (1) copy of reduced 8 1/2 x 11 inch copy of all development plans.

***All plans submitted with the application will not be returned to the applicant and are the property of San Juan County**

Step 3. **Attend the Planning Commission Meeting.** The applicant will be sent a copy of the Planning Commission agenda and staff recommendation in advance of the meeting date. Information on the agenda will give the date, time and place of the meeting. The applicant or an authorized representative must be in attendance at the meeting. If no applicant is present, the Planning Commission will move on to the next agenda item. It will be up to the applicant to reschedule another heating date. The applicant should be prepared to present the proposal in detail and answer questions from the Planning Commission members and other interested parties. An application may be "tabled" or "continued" if the Planning Commission needs additional information or time to consider the application. Otherwise, the Planning Commission will make a motion to approve or deny the request.

Appeal of Planning Commission Decision:
Anyone aggrieved with a decision of the Planning Commission may appeal the decision to the Board of County Commissioners. The appellant may be applicant, neighboring property owner, an effected resident, or even the County itself. Appeals must be in writing and received by the County Administrator within thirty (30) days of the

Planning Commission decision. Appeal requests must contain all documents and must state the reason(s) for the appeal. Payment of a fee is required at the time of filing.

Conditional Use Permit Issuance:
Following the approval of the conditional use permit by the Planning Commission, the permit will be issued in a letter to the applicant. The letter will state with specificity the conditions of the permit approval. This document should be retained in the records of the property owner or applicant. All conditions outlined in the permit must be maintained in order for the permit to remain valid and in effect.

Expiration of Conditional Use Permit:
Approval of the conditional use permit application by the Planning Commission will expire one (1) year after the date of approval unless there has been substantial action on the CUP (i.e. obtained a building permit) by the applicant. The Planning Commission may grant one extension up to six (6) months, when it is deemed in the public interest.

SAN JUAN COUNTY CONDITIONAL USE PERMIT APPLICATION

Type of Application (check all that apply):

- ☒ New Construction
- ☐ Addition
- ☐ Land Use Change
- ☐ Appeal

Subject Property Location or Address: Parcel 32S24E2555400

Parcel Identification Number: 32S24E2555400

Parcel Area: 160.44 ac

Current Use: Agricultural

Floor Area: N/A

Zoning Classification: Agricultural

Applicant Name: Latigo Wind II, LLC

Mailing Address: 282 Century Place, Suite 2000

City, State, ZIP: Louisville, CO 80027

Daytime Phone #: 540-323-2065

Fax#:

Email Address: scott.schutte@AES.COM

Business Name (If applicable): AES Clean Energy

Property Owner's Name (If different): Joshua and Michelle Baird

Property Owner's Mailing Address: PO Box 761

City, State, ZIP: Monticello, UT 84535

Daytime Phone #: 435-459-3038

Fax#:

Describe your request in detail (use additional page(s) if necessary):
Latigo Wind II, LLC is requesting a building permit to install a 60-meter meteorological tower in San Juan County.
Location and drawings are provided in additional documentation.

Authorized Signature: Scott Schutte

Date: 11/19/2024

Property Owner's Affidavit

I (we) _____, being first duly sworn, depose and that I (we) am (are) the current owner(s) of the property involved in this application; that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

_____ _____

Owner's Signature Owner's Signature (co-owner if any)

State of Utah)
:
County of San Juan)

Subscribed and sworn to before me this _____ day of _____, 20____.

_____

Notary Public
Residing in _____
My Commission expires:_____

Agent Authorization

I (we) _____, the owner(s) of the real property located at _____
_____
in San Juan County, Utah, do hereby appoint _____, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize _____, to appear before any County board or commission considering this application.

_____ _____
Owner's Signature Owner's Signature (co-owner if any)

State of Utah)
:
County of San Juan)

On the _____ day of _____, 20____, personally appeared before me _____ the signer(s) of the above *Agent Authorization* who duly acknowledge to me that they executed the same.

_____
Notary Public
Residing in _____
My Commission expires:_____

Property Owner's Affidavit

I (we) Josh and Michelle Baird, being first duly sworn, depose and that I (we) am (are) the current owner(s) of the property involved in this application; that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

Owner's Signature

Owner's Signature (co-owner if any)

State of Utah)
:
County of San Juan)

Subscribed and sworn to before me this 27 day of November, 2024.

NOTARY PUBLIC
Derryl R Jack
722800
My Commission Expires
02/28/2026
STATE OF UTAH

Notary Public
Residing in Monticello, UT 84535
My Commission expires: 2-28-2026

Agent Authorization

I (we) Josh and Michelle Baird, the owner(s) of the real property located at ~~P~~ 32S24E2555400

in San Juan County, Utah, do hereby appoint _____, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize _____, to appear before any County board or commission considering this application.

Owner's Signature

Owner's Signature (co-owner if any)

State of Utah)
:
County of San Juan)

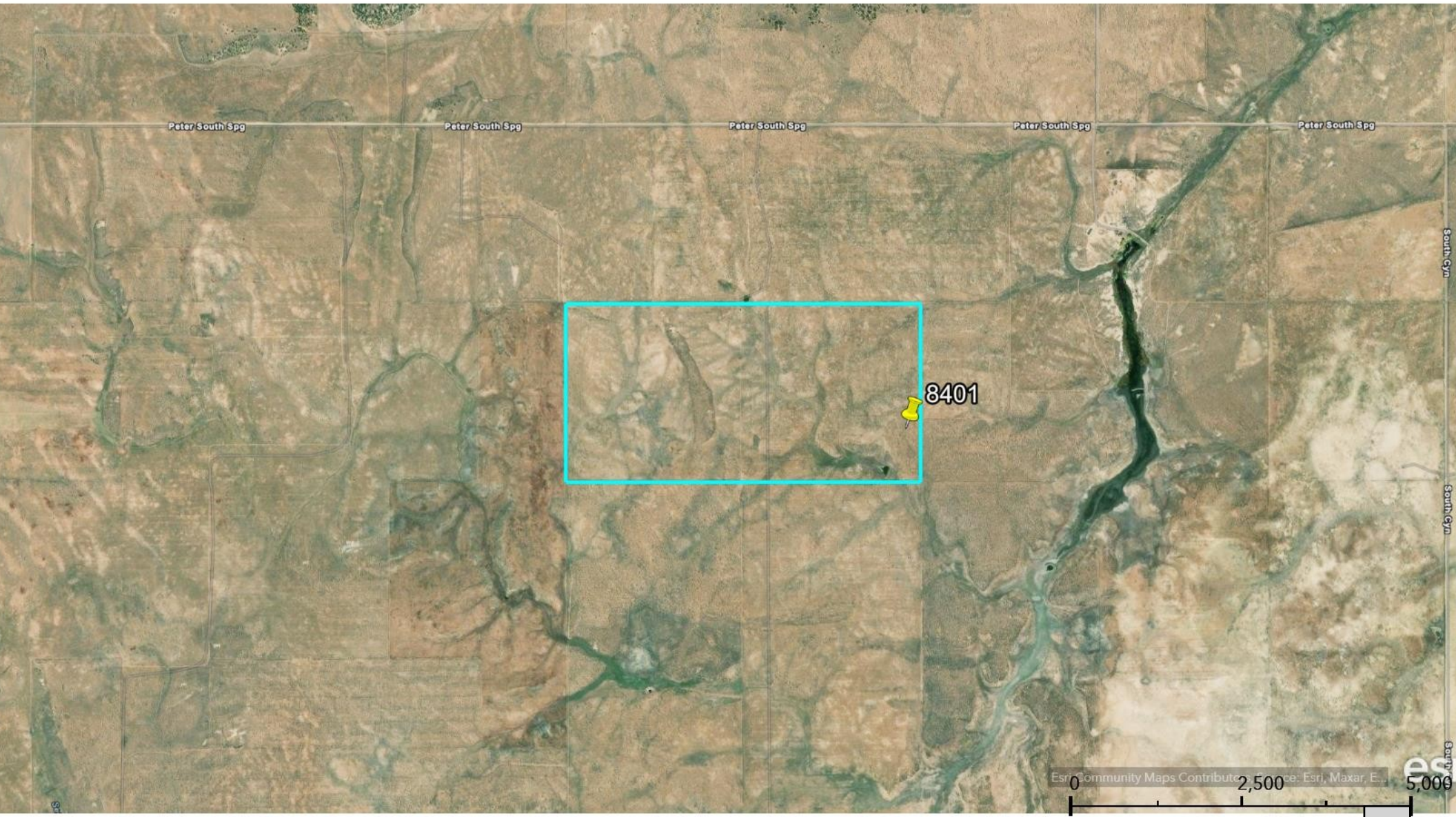
On the 27 day of November, 2024, personally appeared before me Josh and Michelle Baird the signer(s) of the above *Agent Authorization* who duly acknowledge to me that they executed the same.

Notary Public
Residing in Monticello, UT 84535
My Commission expires: 2-28-2026

NOTARY PUBLIC
Derryl R Jack
722800
My Commission Expires
02/28/2026
STATE OF UTAH

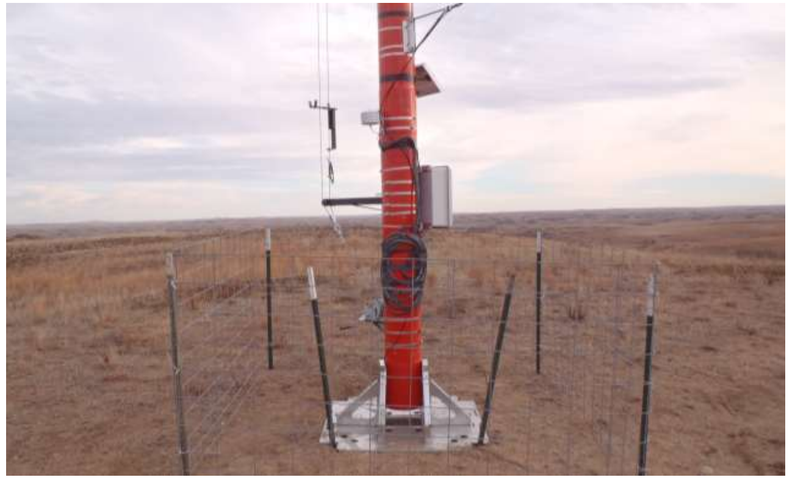
Meterological Tower Location

San Juan County, UT



Meteorological Tower Overview

Temporary Meteorological Tower Examples



Installation Process

- Installation team of 3-5 people
- Vehicles include pickups, possibly a trailer, and skid steer
- Vegetation is only required to be cleared if it’s taller than about 4-5 feet above ground
  - If cleared, it can be cleared to about 1ft above ground to help with re-growth and erosion mitigation
  - Maximum needed clearing is the “Christmas tree” shape shown on the next page
- The tower comes in sections which are put together on the ground in the lying down position
  - Nearly all of the work is done, including mounting the meteorological sensors, with the tower lying down
  - Afterwards, the tower is winched up with a gin-pole and the guy wires are tensioned into place
- Multiple anchor options exist, but typically it’s a helical ground screw sold by NRG
  - Screw length is 5.5 feet long
  - Screws are removable and leave nothing behind

Anchor Options (non-exhaustive)

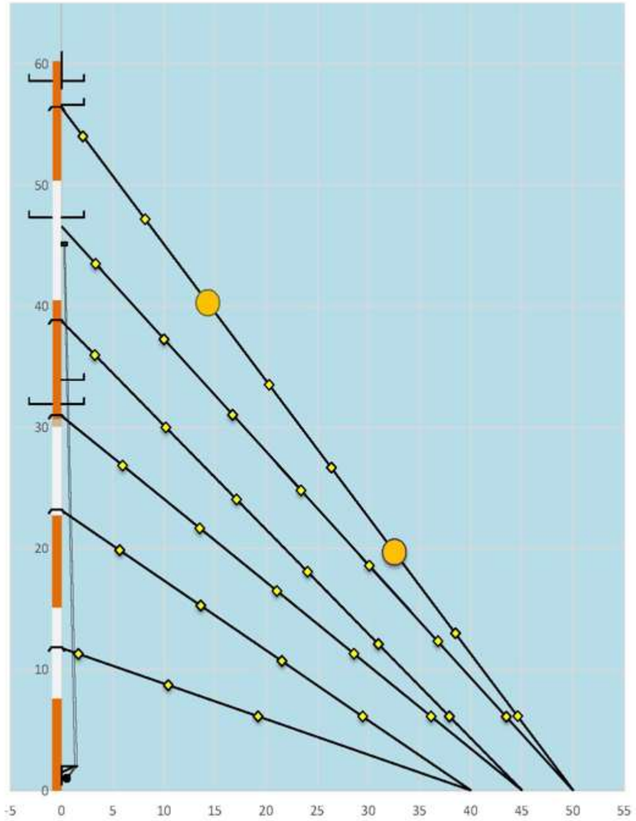
Clay Soils

Rocky Soils

Solid Rock

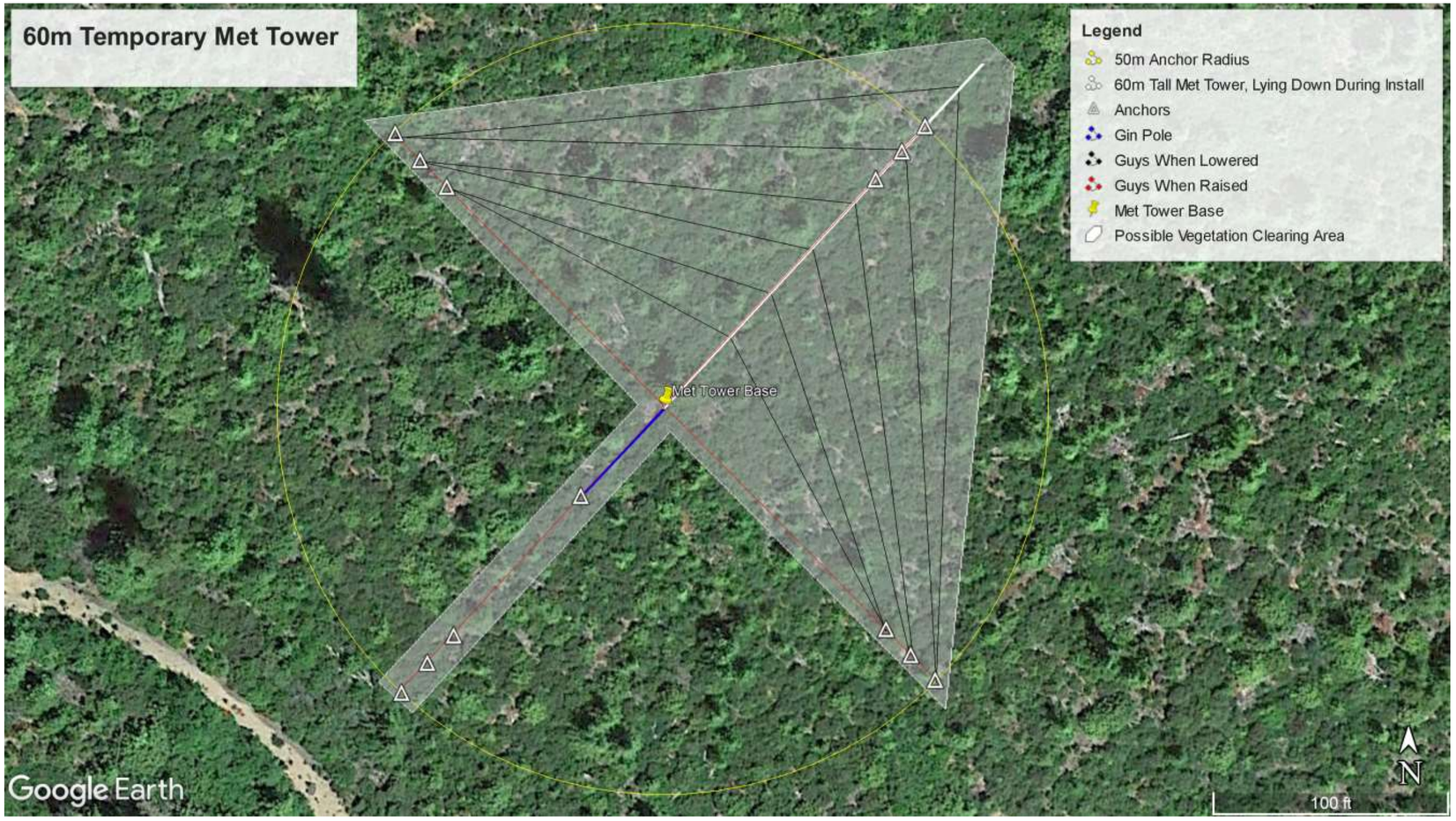
Tower Marking and Lighting

- Towers are painted in 7 bands of alternating orange and white
- Towers under 200ft do not need lights
- Guy lines have 8 marker balls, at 1/3 and 2/3 tower height on each guy
- Guy lines have guy guards at the base

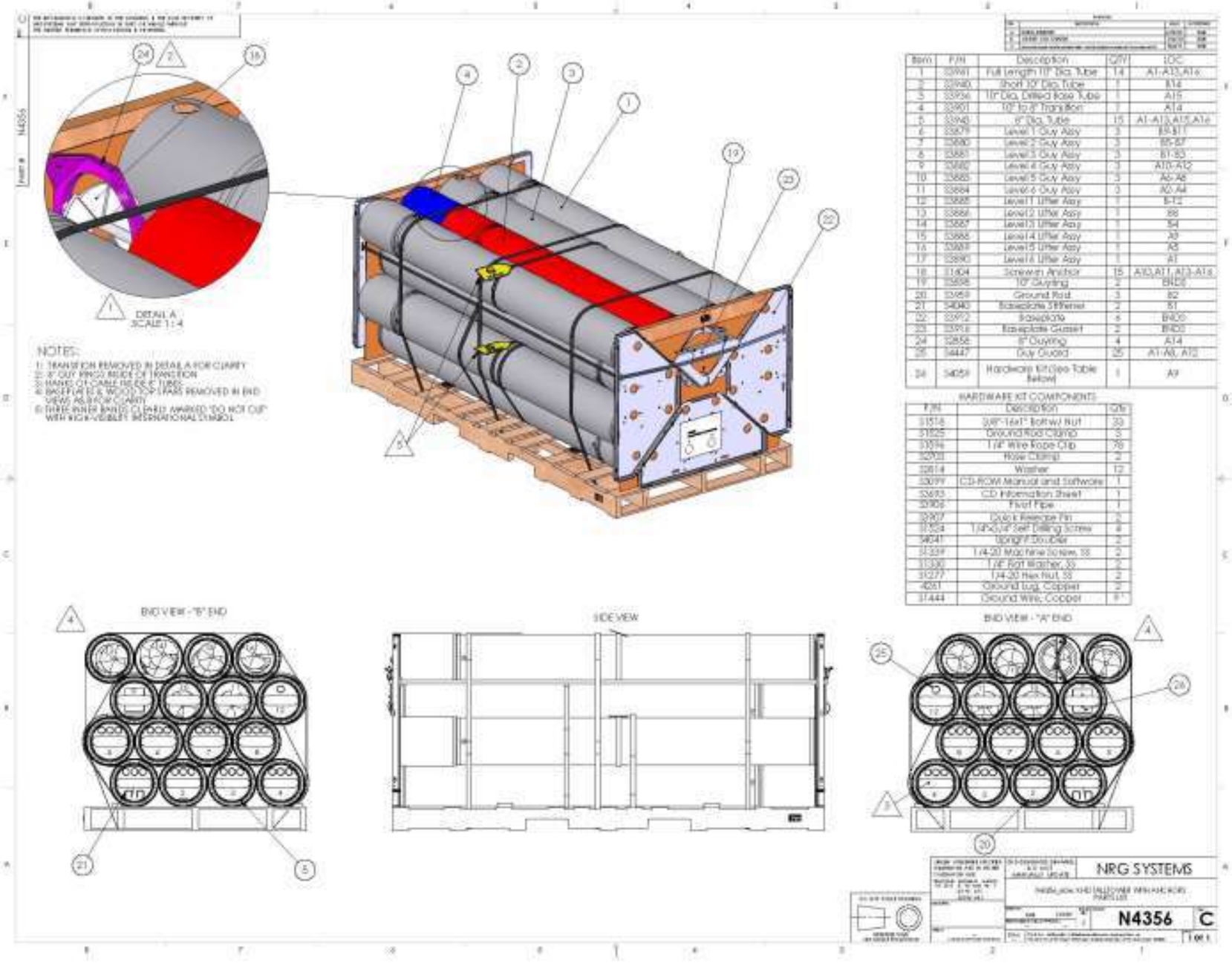


Layout During Installation

Maximum vegetation clearing needed would be the white “Christmas Tree” shape



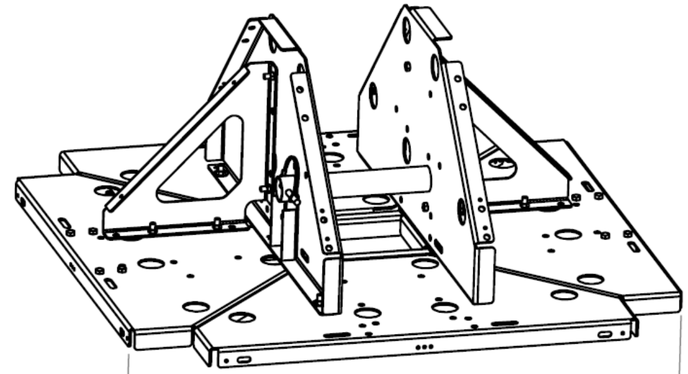
60m XHD Tower Package



Item	P/N	Description	QTY	LOC
1	53941	Full Length 10" Dia. Tube	14	A1-A13, A1a
2	53940	Short 10" Dia. Tube	1	B14
3	53936	10" Dia. Drilled Base Tube	1	A15
4	53901	10" to 4" Transition	1	A14
5	53945	4" Dia. Tube	15	A1-A13, A15, A1a
6	53879	Level 1 Guy Assy	3	B9-B11
7	53880	Level 2 Guy Assy	3	B5-B7
8	53881	Level 3 Guy Assy	3	B1-B3
9	53882	Level 4 Guy Assy	3	A10-A12
10	53883	Level 5 Guy Assy	3	A6-A8
11	53884	Level 6 Guy Assy	3	A3, A4
12	53885	Level 7 Lifter Assy	1	B12
13	53886	Level 2 Lifter Assy	1	B8
14	53887	Level 3 Lifter Assy	1	B4
15	53888	Level 4 Lifter Assy	1	A9
16	53889	Level 5 Lifter Assy	1	A5
17	53890	Level 6 Lifter Assy	1	A1
18	51404	Screw-in Anchor	15	A10,A11,A12,A1a
19	53858	10" Guying	2	BND1
20	53959	Ground Rod	3	B2
21	54040	Baseplate Stiffener	2	B1
22	53972	Baseplate	6	BND1
23	53918	Baseplate Gusset	2	BND1
24	53856	8" Guying	4	A14
25	54447	Guy Guard	25	A1-A6, A12
26	54851	Hardware Kit (See Table Below)	1	A9

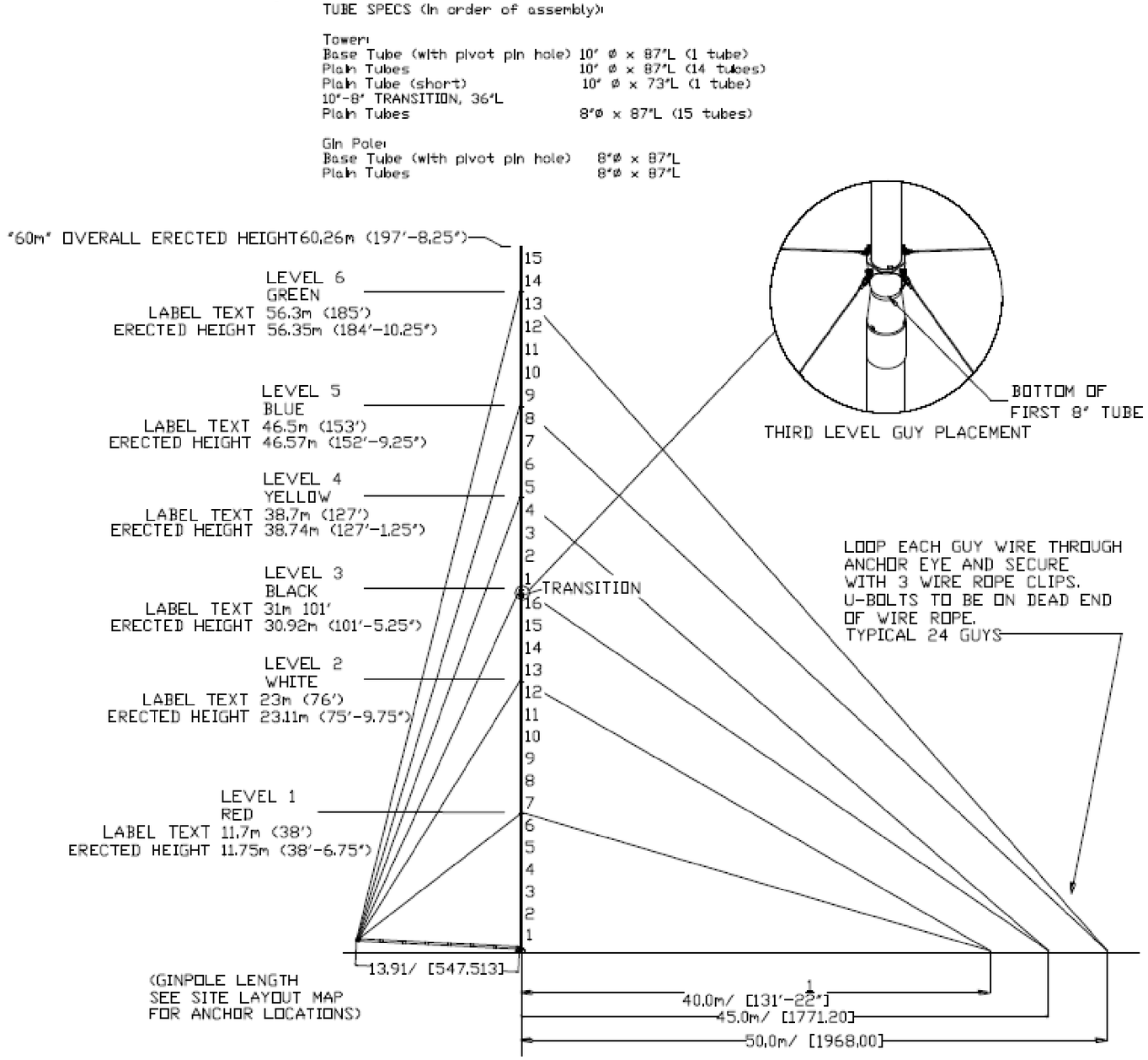
HARDWARE KIT COMPONENTS

P/N	Description	Qty
51518	3/8"-16x1" Bolt w/ Nut	33
51825	Ground Rod Clamp	3
53016	1/4" Wire Rope Clip	78
52703	Rope Clamp	2
52814	Washer	12
53099	CD-ROM Manual and Software	1
53483	CD Information Sheet	1
53908	Thrust Pipe	1
52907	Quick Release Pin	2
51554	1/4"-20 x 1/4" Self Drilling Screw	4
54041	Spring Shoulder	2
51339	1/4-20 Machine Screw, SS	2
51330	1/4" Bolt Washer, SS	2
51277	1/4-20 Hex Nut, SS	2
4051	Ground Lug, Copper	2
37444	Ground Wire, Copper	8'

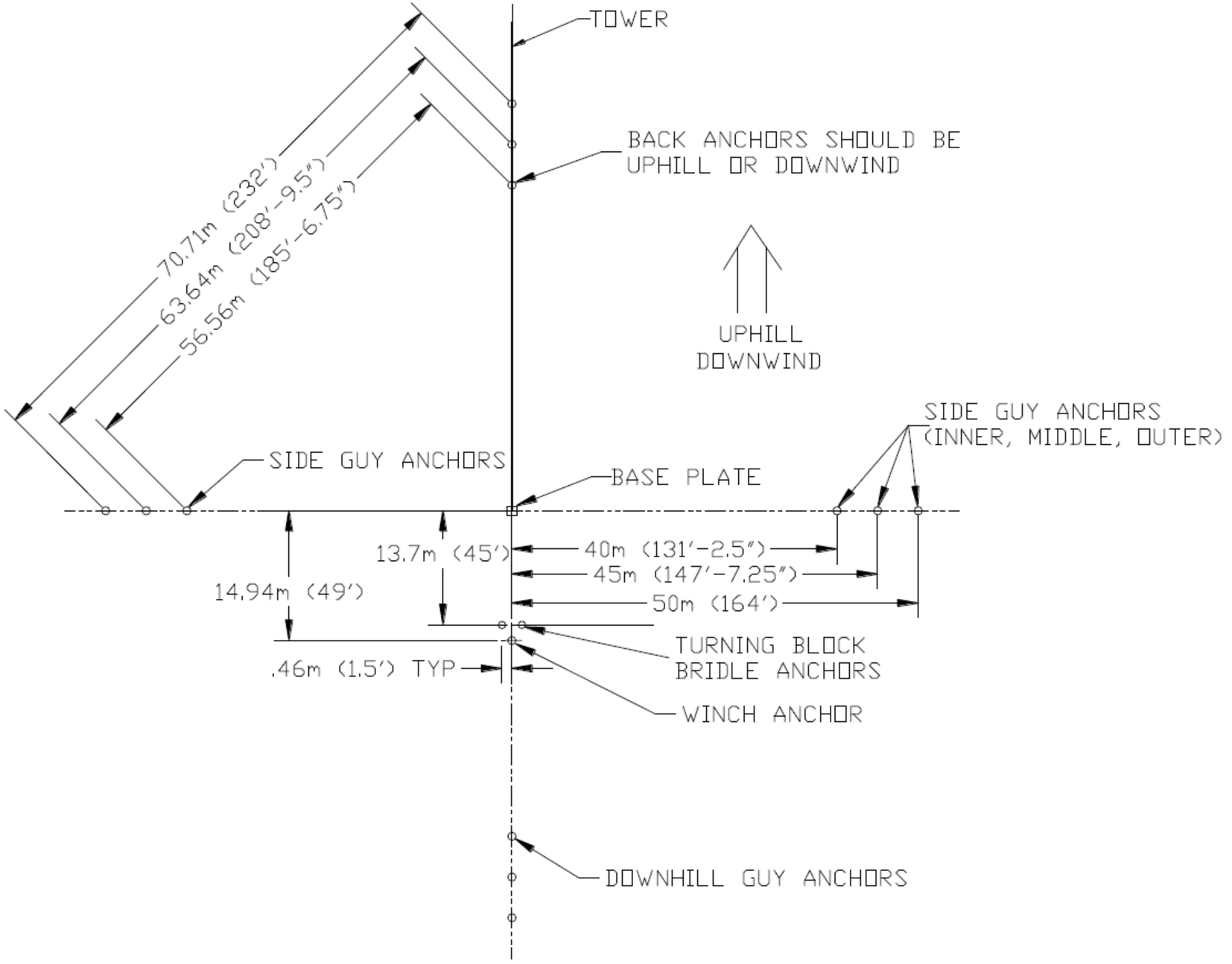


Base Area = 0.95sq m [10.2 sq ft]

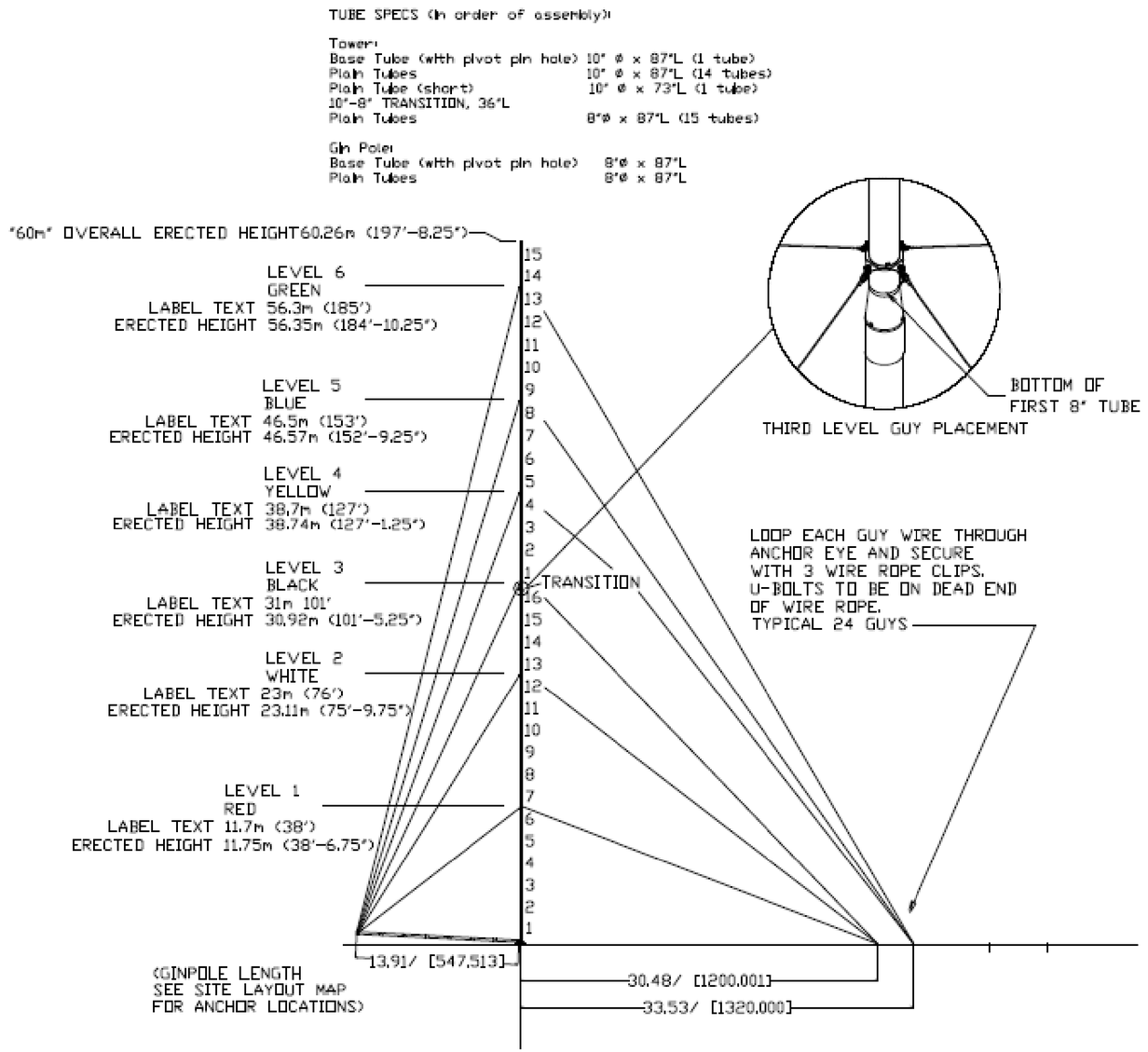
60m XHD Tower: Standard Footprint Elevation Profile



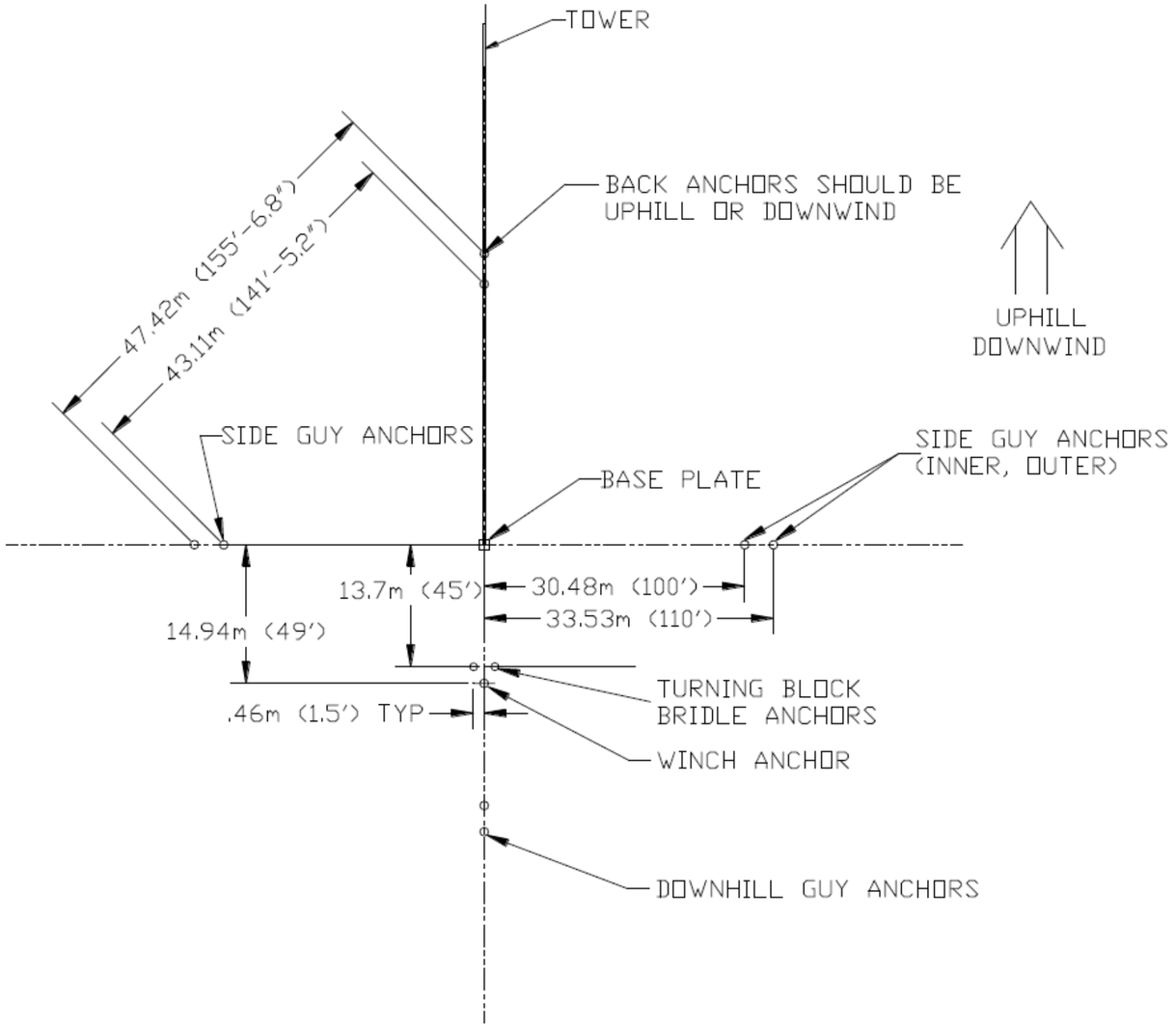
60m XHD Tower: Standard Footprint Overhead



60m XHD Tower: Small Footprint Elevation Profile



60m XHD Tower: Small Footprint Overhead



FW: Payment Receipt
1 message

Scott Schutte <scott.schutte@aes.com>
To: "Bushnell, Kristen" <kbushnell@sanjuancounty.org>

Wed, Nov 20, 2024 at 7:54 AM

Hi Kristen,

I submitted the application online and paid the fee. Let me know if you need anything else.

Receipt of payment is below.

Thanks!

Scott Schutte
Manager, Wind Development

AES Clean Energy

282 Century PL #2000 | Louisville, CO 80027

Email: scott.schutte@aes.com

Mobile: 540-323-0265

From: CORE Payments <noreply.corepay@corebt.com>
Sent: Wednesday, November 20, 2024 9:53 AM
To: Scott Schutte <scott.schutte@AES.COM>
Subject: Payment Receipt

CAUTION: This email originated from outside AES. Do not click links or open attachments unless you recognize the sender.

SAN JUAN COUNTY

Building Department

If you are having problems viewing this email, click here to view online.

Payment Receipt

This payment, if successful, will settle to your financial institution within one business day of processing. Please allow a few days after that for it to post to your San Juan County Building Department account.
In the event that this payment is returned unpaid for any reason, you understand that a collection fee of the amount allowed by the state may be electronically debited from your account.

Thank-you for your payment.

If you have any **questions please call San Juan County Building Department at 435-587-3829**.
Note: It is your responsibility to cancel future payments if, for any reason, you no longer have responsibility for them.
Payment processing for San Juan County Building Department provided by: CORE Payments

Name of Payee:	San Juan County Building Department **Your statement will describe your payment as 'CBT*San Juan Building' and the service fee transaction as 'CBT*SVC FEE SAN JUAN'.**
Name of Payer:	Scott Schutte
Permit Number:	000000
Credit/Debit Card #:	V*3422
Name on Credit/Debit Card:	Scott Schutte
Amount:	$1,000.00
Processing Fee:	$25.00
Total:	$1,025.00
Category:	Building Dept
Processing Date:	11/20/2024
Confirmation #:	673df7c5-SIP-92077
Authorization Code:	07645I-07665I
Transaction ID:	Event-5070
Instructions:	Thank-you.

LEGISLATIVE STAFF REPORT

MEETING DATE: January 9, 2025

ITEM TITLE, PRESENTER: Consideration and Approval of the 2025 Land Use, Development and Management Ordinance, Kristen Bushnell, Planning Administrator

RECOMMENDATION: Make a motion approving the 2025 Land Use, Development and Management Ordinance.

Make a motion denying the 2025 Land Use, Development and Management Ordinance based on findings of fact due to the following reasons: (statements of findings for substantial evidence).

SUMMARY

Over the past year the Planning Commission has worked to update the long overdue 2011 Zoning Ordinance. Resources, community workshops and commission works sessions have been on-going and open to the public since April 2024. Documents have been reviewed by land use attorneys for compliance with Utah State Code and to mitigate potential risks in decision-making regarding land use. This document's intent is to be continuously re-evaluated each year to address the growing and changing needs of our communities. It serves as the guiding basis of rules and regulations our county staff references in administrative decisions and sets the procedures for applicants to address the commissioners as appropriate.

Map Updates:

- Decker Ranch area would like to remain zoned as Agricultural due to the lack of opportunity to develop this area.

Use Table Updates:

- Overall disclaimer that "any combination of the permitted uses is also permitted".
- Dwelling, Temporary RV added to the Community Commercial Zone to allow for housing while constructing a home.
- Camp Parks / Resorts / Glamping added to the Community Commercial Zone to accommodate several of these uses along the new zone in La Sal.
- Clarification added to Energy Production as a commercial use and not restrictive to private solar installations.

Land Use Ordinance Updates:

- Page 12 & 70 – Clarification of home occupations to not extend beyond the primary use as a residential dwelling.
- Page 13 – Kennel definition to include “and/or” language to be less restrictive.
- Page 49 – Subdivision chapter updated to include Road Department and Fire Marshal signature blocks.
- Page 68 – Design Standards omission of Animal Density Standards section.
- Page 72 – Clarification that a Subdivision moves to a Planned Unit Development at 15 lots or more.

*All suggested changes are noted in **BLUE** within the documents.

San Juan County

N

Roads
- County B Road
- State and Federal Highways

San Juan County Zoning
- Residential (RS)
- Agricultural (AG)
- Highway Commercial (HC)
- Community Commercial (CC)
- Multiple Use (MU)
- Industrial (I)
- Recreational Support (REC)
- Air Transport Overlay (ATOZ)
- Spanish Valley Area Plan (SITLA)

Limited County Jurisdiction
- Municipalities
- Future Annexations
- SITLA
- Federal Lands
- Reservations

Earthstar Geographics

- Map illustrates representation of zoning intentions. San Juan County does NOT make any guarantees for the accuracy of this map, it is for informational purposes only. For actual survey data, refer to recorded plats.
- Map is property of and maintained by San Juan County
- Imagery is property of and courtesy of Earthstar Geographics

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W

E

Spanish Valley

Roads
- County B Road
- State and Federal Highways

San Juan County Zoning
- Residential (RS)
- Agricultural (AG)
- Highway Commercial (HC)
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La Sal

Roads
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San Juan County Zoning
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Limited County Jurisdiction
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Monticello

Roads
- County B Road
- State and Federal Highways

San Juan County Zoning
- Residential (RS)
- Agricultural (AG)
- Highway Commercial (HC)
- Community Commercial (CC)
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Limited County Jurisdiction
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Blanding

Roads
- County B Road
- State and Federal Highways

San Juan County Zoning
- Residential (RS)
- Agricultural (AG)
- Highway Commercial (HC)
- Community Commercial (CC)
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Limited County Jurisdiction
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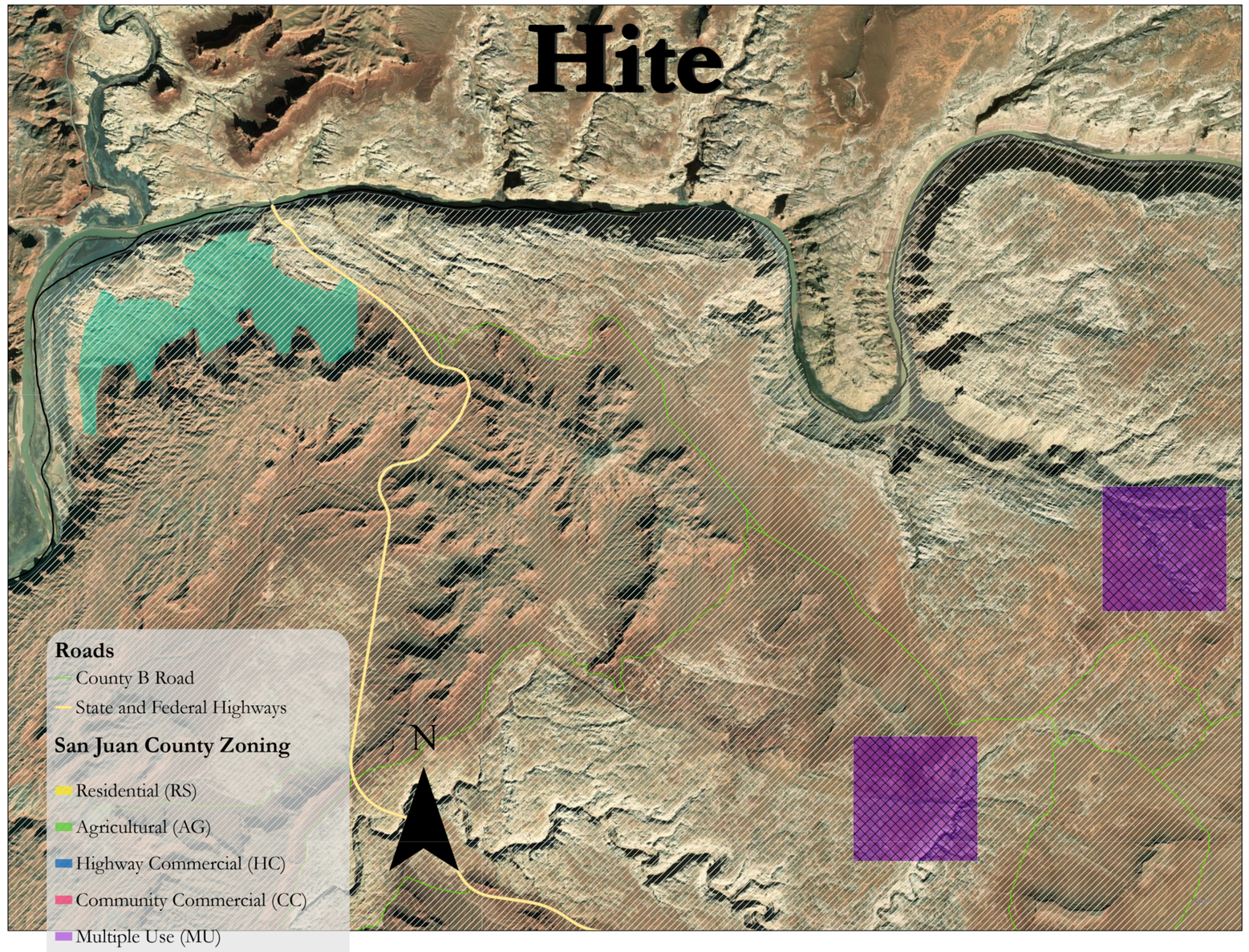
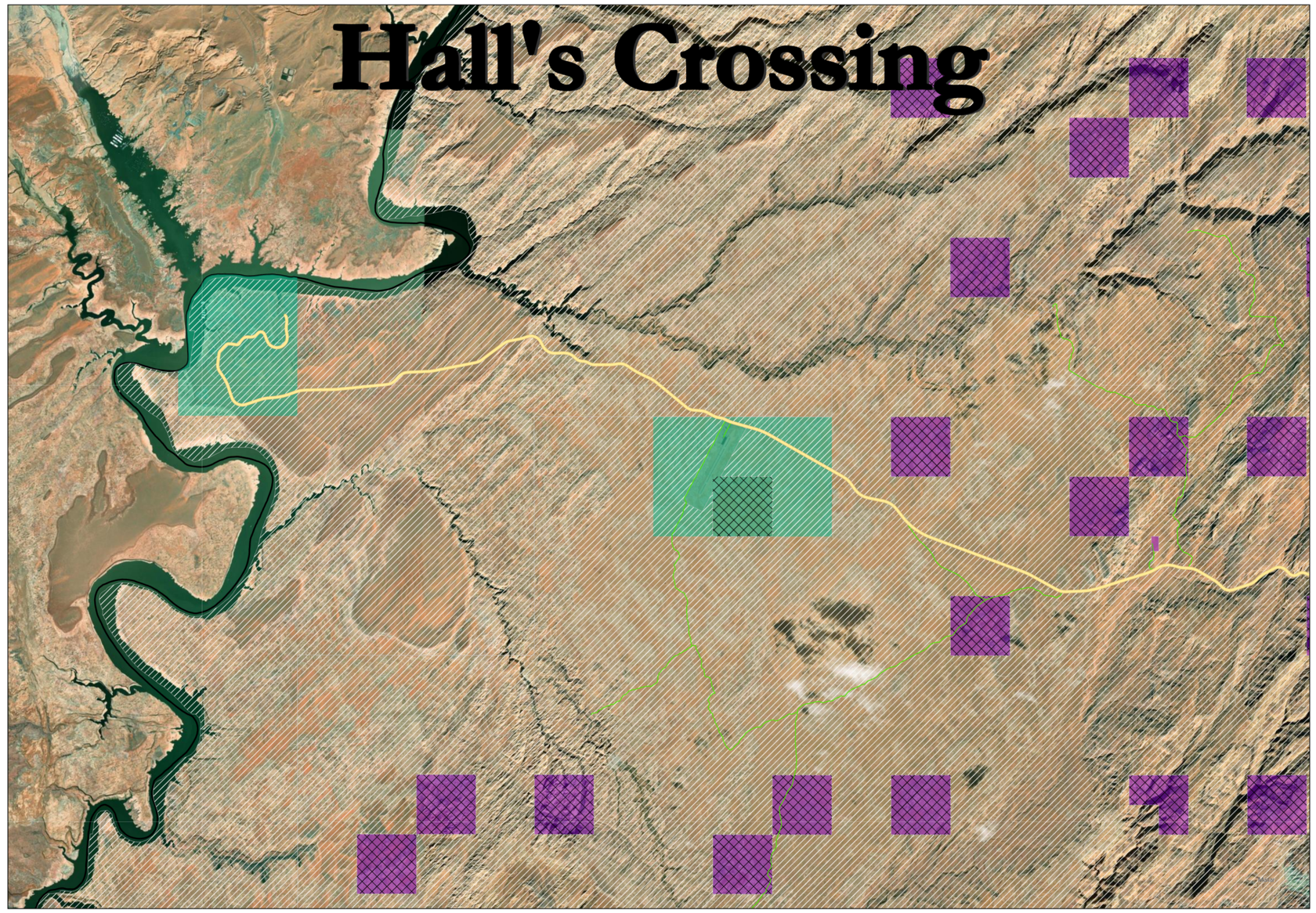
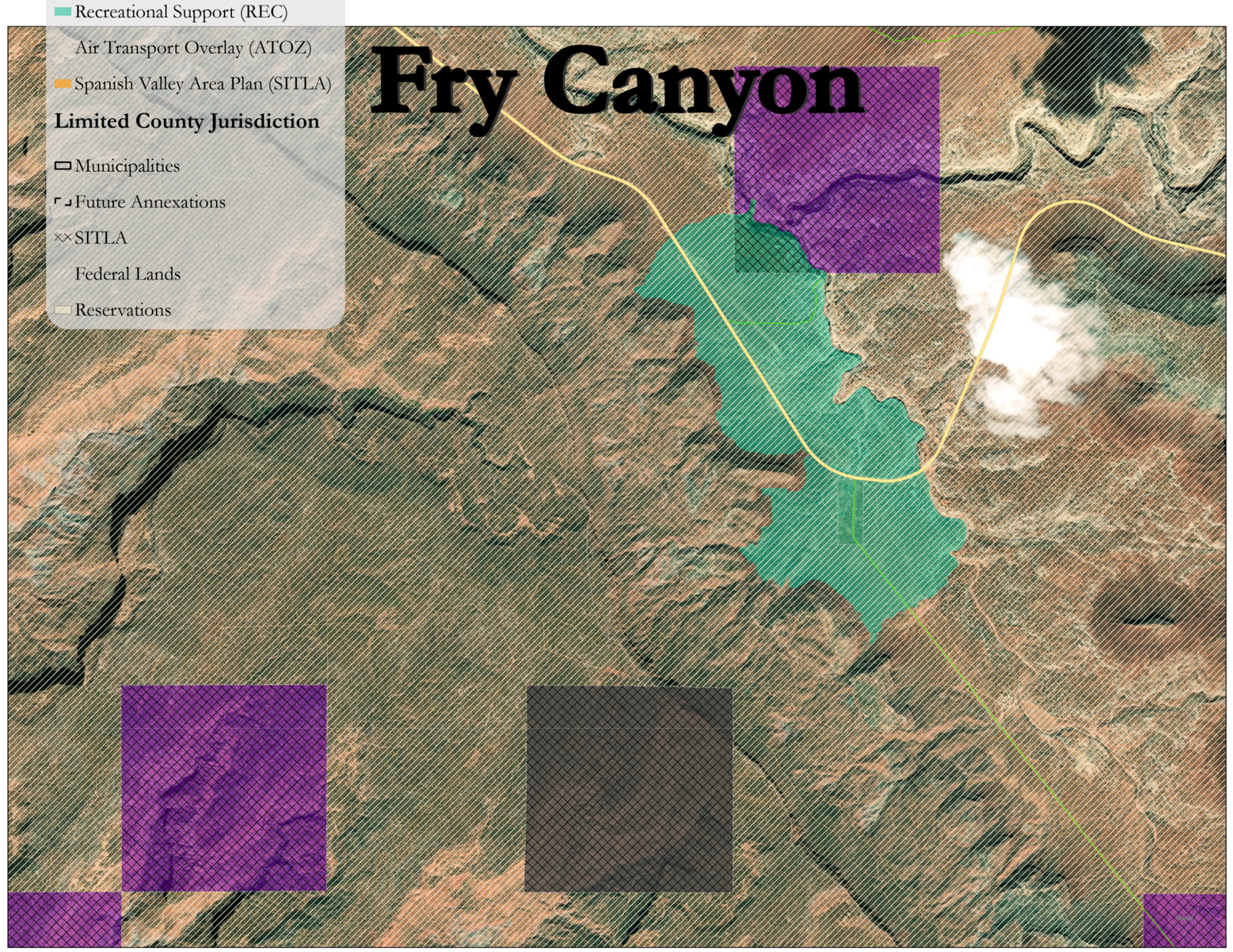
Hite



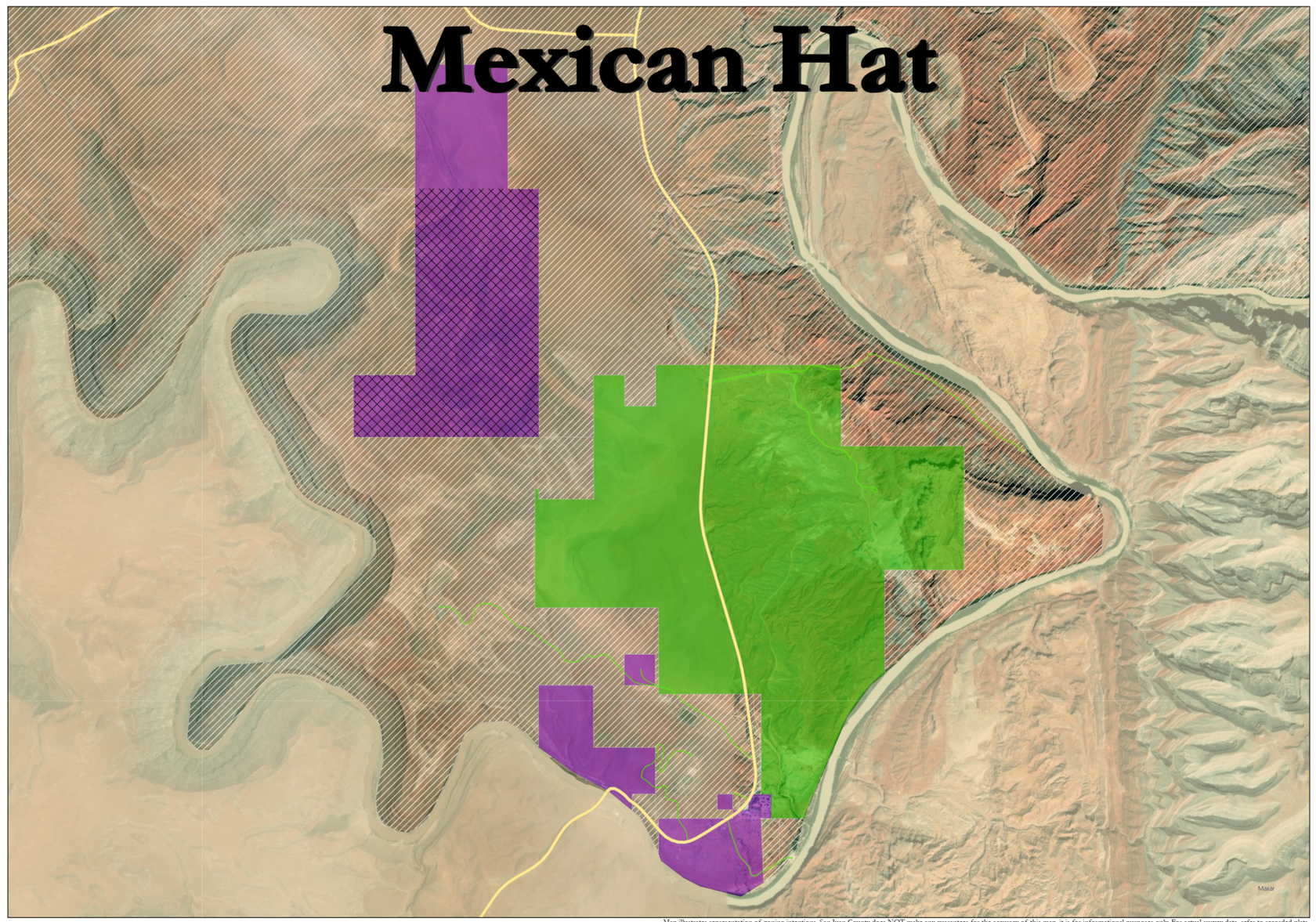
Hall's Crossing



Fry Canyon



Mexican Hat



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1:18,000

KEY: "**P**" = PERMITTED USE (ALLOWED) "**C**" = CONDITIONAL USE PERMIT REQUIRED "**--**" = PROHIBITED (NOT ALLOWED) ***Any use not listed is not allowed. **Any combination of permitted uses is a permitted use.** Additional uses shall be requested as a Zoning Amendment.*	*Reference*	**Residential (R)**	**Agricultural (AG)**	**Highway Commercial (HC)**	**Community Commercial (CC)**	**Multiple Use (MU)**	**Industrial (I)**	**Recreational Support (REC)**
Accessory Building(s) **supports primary use and may not be used for human occupancy*		P	P	P	P	P	P	P
Agricultural Industry **including animal feed yards, fur farms, production of agrochemicals, feed manufacturing, etc.*		--	C	--	--	--	C	--
Agricultural Production, Storage & Sales **including hay, grain, and other feeds*		--	P	P	P	P	P	--
Agricultural Commercial Farms & Ranches **including wholesale and retail space*		--	P	--	--	P	--	--
Air Transport Overlay Zone ****including airports, airstrips, heliports, and hangar homes***		--	**C**	--	--	**C**	--	**C**
Animal Density - Type 1 & 2 (Pasturing & Feeding)		P	P	**P**	P	P	--	P
Animal Density - Type 3 (Grazing)		--	P	P	--	P	--	--
Apiary (Commercial Beekeeping)		--	P	--	--	P	--	--
Auction House (livestock)			P	P	--	--	--	--
Automobile Sales / Rentals (new & used)		--	--	P	P	--	P	--
Automotive Accessories / Farm Machinery / Equipment Sales		--	--	P	P	--	P	--
Automobile Service Stations / Auto Repair **does not include a junk or salvage yards*		--	--	P	P	P	P	--
Aviary / Hatchery		--	P	--	--	P	--	--
Bakery Products / Commercial Manufacturing		--	--	P	P	--	P	--
Bakery / Confectionery / Deli Counters		--	--	P	P	P	P	P
Bank / Financial Institutions		--	--	P	P	P	P	--
Barber & Beauty Shops / Cosmetic Services		--	--	P	P	P	P	--
Big Box Retail		--	--	P	--	--	P	--
Bicycle Shops		--	--	P	P	P	P	P
Boat Storage Yard				P	P			P
Bowling Alley		--	--	P	P	C	C	--
Building Materials / Hardware Stores		--	--	P	P	P	P	--
Bus Terminals		--	--	P	--	--	P	--
Cabinet Shops		--	--	P	P	P	P	--
Camp Parks / Resorts / Glamping		--	C	--	C	C	--	C
Commercial Canning		--	--	--	--	--	P	--
Childcare Center **not including home occupation childcare*		C	--	--	P	P	--	--
Chemical / Drug Manufacturing		--	--	--	--	--	C	--
Church / Temple / Place of Worship		P	--	--	P	P	--	--
Clinic (medical / dental)		C	--	P	P	P	--	--
Concrete / Gypsum / Plaster Productions		--	--	--	--	--	C	--
Confectionery / Commercial Manufacturing		--	--	--	--	--	P	--
Contractor Services / Construction Yards		--	P	P	P	P	P	--
Dairies / Dairy Products Manufacturing		--	C	--	--	--	C	--
Dwelling, Single-Family		P	P	--	P	P	--	P
Dwelling, Two-Family / Duplex		P	P	--	P	P	--	P
Dwelling, Multiple-Family / Apartments		C	--	--	C	P	--	--
Dwelling, Accessory Units		P	P	--	C	P	--	P
Dwelling, Second Floor Residential Units		--	--	P	P	P	--	P
Dwelling, Manufactured Homes / Trailer Park **units must be permanently affixed*		C	C	--	C	C	--	--
Dwelling, RV/Trailer Long Term Use ****minimum lot size of 1 acre and are connected to approved water, power, and sewer***		**P**	**P**	**P**	**P**	**P**	**P**	**P**
Dwelling, RV/Trailer as Temporary Use ****lots smaller than 1 acre and are connected to approved water, power, and sewer during construction of a permanent dwelling no longer than 364 days***		C	C	C	C	C	--	--
Educational Facility, Private		--	--	--	P	P	--	--
Educational Facility, Public		P	--	--	P	P	--	--
Electric Vehicle Charging Stations		C	C	C	C	C	C	C
Enclosed Storage		--	--	P	P	P	P	--
Energy Production, **Commercial** **includes oil/gas, solar, wind farms, geothermal, biofuels, etc*		--	C	--	--	C	C	--

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Evaporation Ponds **not associated with Type 3 Animal Density operations*		--	C	--	--	C	C	--
Fabrication of Apparel		--	--	P	P	--	P	--
Fabrication of Electronics		--	--	--	--	--	P	--
Fabrication of Metal Products		--	--	--	--	--	P	--
Flex Office and Warehousing		--	--	P	P	P	P	--
Food Preparations / Commercial Manufacturing		--	--	--	--	--	P	--
Forest Industry / Sawmills / Wood Products		--	P	--	--	--	P	--
Fuel Service Storage & Sales (propane, etc.)		--	--	P	--	--	P	--
Funeral Home / Mortuary		--	--	P	P	P	--	--
Fur Goods Manufacturing / Taxidermy		--	--	--	--	--	C	--
Gas Stations / Truck Stops / Associated Convenience Stores & Services		--	--	P	C	C	P	C
Golf Courses		C	**C**	C	C	C	--	C
Government Facilities		--	P	P	P	P	--	P
Gravel Pits / Critical Infrastructure **Vested critical infrastructure materials operations as defined in Utah Code 17-27a-1001 et seq.*		--	P	--	--	--	P	--
Grocery Stores / Supermarkets		--	--	P	P	P	--	**P**
Gyms / Fitness Centers / Indoor Climbing		--	--	P	P	P	--	--
Home Occupations		P	P	--	P	P	--	P
Hospitals		--	--	P	C	--	--	--
Hotels / Motels		--	--	P	C	C	--	C
Junk / Salvage Yard		--	--	--	--	--	C	--
Kennels		--	--	C	C	--	--	--
Laundering / Dry Cleaning		--	--	C	C	C	P	--
Leather Works / Products		--	P	--	P	P	**P**	--
Manufacturing, General **not involving noxious odors or caustic chemicals*		--	--	--	--	--	C	--
Manufacturing, General **all other types not designated elsewhere*		--	--	--	--	--	C	--
Manufacturing of Beverages		--	--	--	--	--	P	--
Manufacturing of Glass / Glassware		--	--	--	--	--	P	--
Manufacturing of Grain Mill Products		--	P	--	--	--	P	--
Manufacturing of Hardware Products		--	--	--	--	--	P	--
Manufacturing of Heating / Plumbing Equipment		--	--	--	--	--	P	--
Manufacturing of Meat Products		--	--	--	--	--	C	--
Manufacturing of Paper Products		--	--	--	--	--	P	--
Manufacturing of Rubber Products		--	--	--	--	--	C	--
Manufacturing of Scientific Instruments		--	--	--	--	--	P	--
Manufacturing of Telecommunication Equipment		--	--	--	--	--	P	--
Manufacturing of Textiles		--	--	--	--	--	P	--
Marine Equipment Sales & Service		--	--	P	P	--	C	**C**
Mining		--	C	--	--	--	C	--
Mining, Raw Processing / Separation		--	--	--	--	--	C	--
Manufactured Homes / Tiny Home, Fabrication		--	--	--	--	--	P	--
Manufactured Home, Sales		--	--	P	--	--	P	--
Movie Theater		--	--	P	P	P	--	--
Nursery / Greenhouses / Farm Stands		C	P	--	P	P	--	**P**
Nursing / Rehabilitation Homes / Assisted Living / **Group Homes / Adult Care Facilities**		--	--	C	P	P	--	--
Office Space		--	--	P	P	P	P	--
Pet Stores		--	--	P	P	P	--	--
Printing / Publishing		--	--	P	P	P	P	--
Parks, Private		C	P	--	--	--	--	C
Park / Open Space, Public		P	P	P	P	P	P	P
Public Uses or Quasi Public Uses **dams/reservoirs, cemeteries, libraries, fire stations, community centers, non-profit institutions, etc.*		--	C	C	C	C	--	C
Public Utility Support Buildings		C	P	P	P	P	P	C
Restaurants, Fast Food / Drive-Through		--	--	P	P	P	--	C
Restaurants, Food Truck Vendors **not including temporary permitted events*		--	--	P	P	P	--	C

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Restaurants, Dine-In Seating		--	--	P	P	P	--	P
Retail, General **all other types not designated elsewhere*		--	--	P	P	P	--	P
Retail, Wholesale Products		--	--	P	P	P	P	--
RV Parks **2 or more RV's/Camp Trailers **unit hook ups** on a parcel*		--	C	C	C	C	--	C
RV Storage Yards		--	--	P	--	--	P	--
Sexually Oriented Businesses		--	--	C	--	--	P	--
Short Term Rentals / Overnight Accommodations		--	**P**	--	**P**	**P**	--	**P**
Signs		P	P	P	P	P	P	P
Silviculture (timber production)		--	P	--	--	P	--	--
Stables / Arenas / Boarding Stalls (Commercial)		--	P	--	P	P	--	P
Stables / Horse Barns / Corrals (Private)		P	P	--	P	P	--	P
Stock Ponds		--	P	--	--	P	--	--
Stone Products Manufacturing		--	--	--	--	--	C	--
Storage Yard **all other types not designated elsewhere*		--	C	C	--	--	C	--
Telecommunication Towers		C	C	C	C	C	C	C
Temporary Buildings **uses incidental to construction work, including living quarters of guards or night-watch; such buildings must be removed upon completion of the construction work.*		C	C	C	C	C	C	C
Transfer Stations & Landfills, Public		--	C	--	--	--	--	--
Veterinarian / Animal Clinics		--	P	P	P	P	--	--
Water Storage / Rainwater Collection		P	P	P	P	P	P	P

SAN JUAN COUNTY

Land Use, Development and Management Ordinance

Planning Commission on January 9, 2025 for Recommendation to the County Commission on January 21, 2025 for Adoption

SAN JUAN COUNTY LAND USE, DEVELOPMENT, AND MANAGEMENT ORDINANCE (2025)

Pursuant to Utah Code sections 17-27a-101 *et seq.*, the County Land Use, Development, and Management Act (CLUDMA), San Juan County hereby adopts this San Juan County Land Use, Development, and Management Ordinance (LUDMO). This enactment supersedes and replaces all other ordinances San Juan County has previously adopted governing land use, development, and management, together with their amendments, maps, and modifications. Any other ordinances and maps referencing such prior ordinances and maps are hereby amended to reference the appropriate LUDMO provision and map. If any portions of prior maps or provisions of prior ordinances not hereby revoked conflict with the LUDMO and the maps adopted herewith, the LUDMO and the maps adopted herewith shall govern. Where any right or authority granted to San Juan County by state law is not addressed herein, the state law governs.

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CHAPTER 1
DEFINITIONS

This LUDMO adopts the definitions for terms set forth in CLUDMA. The following additional terms or modifications of CLUDMA terms used in this LUDMO are defined as follows. ANY TERM NOT DEFINED IN CLUDMA OR HEREIN SHALL BE GIVEN ITS ORDINARY MEANING.

ABATEMENT: The repair, replacement, removal, destruction, correction, or other remedy of a condition which constitutes a violation of this LUDMO or the conditions or terms set by permits, licenses, or other approvals by such means, in such a manner, and to such an extent as an enforcement officer determines is necessary in the interest of the general health, safety, and welfare of County inhabitants.

ACCESSORY BUILDING: A building or structure, the use of which is incidental and subordinate in size and use to the main building and not intended as a dwelling.

ACCESSORY DWELLING UNIT (ADU): A building other than the primary dwelling which is used as a dwelling on a shared lot with the primary dwelling as either an internal or detached unit, including a long term RV, as defined by State code.

ACCESSORY USE: A use that:

1. is customarily incidental to and found in connection with a principal or main use;
2. is subordinate to and serves a principal or main use;
3. is subordinate in extent, area or purpose to the principal or main use;
4. is located on the same lot as the principal or main use; and
5. contributes to the comfort, convenience or necessity of occupants, business or industry of the principal or main use.

ADVERSELY AFFECTED PARTY: A person other than a land use applicant who: (a) owns real property adjoining the property that is subject of a land use application or land use decision; or (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

AGRICULTURAL INDUSTRY OR BUSINESS: An industry or business involving agricultural products in packaging, treatment, sales, intensive feeding, or storage, including but not limited to animal feed yards, fur farms, commercial milk production, food packaging or processing plants, commercial poultry or egg production and similar uses.

AGRICULTURAL LAND: Land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including: forages and sod crops, grains and feed crops, livestock, trees and fruits, or vegetables, nursery, floral, and ornamental stock; Or land devoted

to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government.

AGRICULTURAL ZONE: Those areas designated in the Zoning Ordinance of San Juan County, Utah as AG and where the primary permitted land use is as agricultural land.

AIRPORT: Any area of land or water used or intended for landing or takeoff of aircraft including appurtenant area used or intended for airport buildings, facilities, as well as rights of way together with the buildings and facilities.

AIRPORT APPROACH AREA: Means all that land which lies directly under an imaginary approach surface centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation and coincides with the end of the primary surface.

AIRPORT TRANSITION AREA: Means the land lying under those surfaces extending outward and upward at right angles to the runway centerline.

AIRPORT TURNING AREA: The area of an airport other than the approach zone, which is used for turning operations of aircraft.

AIRSTRIP: An airfield without normal airport facilities.

ALLEY: A public thoroughfare less than twenty-five feet (25') wide.

ALTERATION: Any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders or interior partitions, or any change in the dimensions or configurations of the roof or exterior walls, as well as any change of location of doors, windows, means of ingress or egress, or any expansion or diminution of a building or structure.

ALTERED: Any change in the construction or addition to a building that increases or decreases the capacity or changes the use.

ANGLE: The rotation required to superimpose either of two lines on the other.

ARENA: An indoor or outdoor, public or private, commercial or noncommercial facility which is set aside for showing, training or exercising livestock.

ATHLETIC CLUB: An establishment providing facilities for physical development, exercise, sports or recreation. Facilities may include exercise equipment, indoor and/or outdoor racquetball or tennis courts, jogging track, swimming pools, skating rink, indoor bathing, restaurant or snack bar, and sales of athletic equipment. Facilities may be open to the public for a fee, or available only to persons holding membership.

AUTO REPAIR: A building or premises used for the repair of any passenger auto, pickup truck, semi tractor, recreational vehicle or similar vehicles where the repair includes, but is not limited to, the rebuilding of engines, transmissions or differentials.

AUTO-WRECKING/SALVAGE YARD: See also definition of Junkyard. Any lot, portion of lot or tract of land used for the storage and keeping of salvage, including scrap metals or other scrap material, or for dismantling or demolition of automobiles or equipment, machinery or parts thereof; provided, that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.

AWNING: A roofed structure constructed of fabric or metal placed so as to extend outward from the building providing a protective shield for doors, windows and other openings with supports extending back to the building, supported entirely by the building.

BARN/AGRICULTURAL BUILDING: An accessory structure upon a lot customarily used for the housing of animals/livestock, storage of crops or feed, and/or machinery used in bona fide agricultural activities.

BASEMENT: A story more than 50% or fully underground. A basement shall be counted as a story for the purposes of height measurement if its height is one-half (1/2) or more above grade.

BATCHING APARTMENT: A dwelling unit occupied by three (3) or more batching singles which are jointly utilizing the kitchen facilities of the dwelling unit.

BEARING: An angle (on a survey) less than 90° within a quadrant defined by cardinal directions.

BED AND BREAKFAST/BOARDING HOUSE: A single-family residence occupied by an owner-operator, with no more than eight (8) bedrooms located in the main residence, providing temporary accommodations (for compensation) on a nightly basis, not to exceed thirty (30) days.

BIG BOX RETAIL: Any single retail store with a gross main floor area of over forty thousand (40,000) square feet.

BLOCK: An area of land entirely bounded by streets.

BUILDING: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.

BUILDING, HEIGHT OF: The vertical distance from the average finished grade surface to the highest point of the building roof or coping.

BUILDING OFFICIAL: The officer or other designated authority appointed by the county to administer and enforce provisions of the building code.

BUILDING LINE: A line parallel to the front, side or rear lot line and established at the point where that lot line is closest to any part of the building or structure exclusive of the ordinary projections of skylight, sills, belt courses, cornices, chimneys, flues and ornamental features which do not project into a yard more than two and one-half (2-1/2) feet, and open or lattice enclosed fire escapes, fireproof outside stairways and balconies open upon fire towers which do not project into a yard more than five (5) feet.

BUILDING, MAIN: The building or buildings on a site which houses the main use.

BUILDING, PUBLIC: A building owned and operated or owned and intended to be operated by a public agency of the United States of America, or the State of Utah, or any of its subdivisions, including county and municipality in connection with a public use.

CAMPING: A recreational or temporary activity (less than 20 consecutive days per calendar year) which involves staying overnight in the open, in a tent, or a trailer, camper, RV, or other recreational vehicle.

CAMPING, COMMERICIAL: Camping where, for a fee, a hospitality company, business, or other individual provides a form of recreational, temporary lodging (like a tent, yurt, trailer, RV, or similar structure) or a location to erect such a structure for a fee.

CAMP PARK: A location for commercial camping consisting of two or more campsites.

CARPORT: A private garage not completely enclosed by walls or doors. For the purposes of this ordinance, a carport shall be subject to all of the regulations prescribed for a private garage.

CERTIFICATION: The confirmation of an official document or a copy thereof by an authorized official.

CHILDCARE CENTER: A childcare facility that regularly provides custodial care for six (6) or more children during the part of any day.

CHILDCARE, HOME: Childcare operated on residential premises.

CHURCH OR TEMPLE: A building, together with its accessory buildings and uses, where persons regularly assemble for worship, which building, together with its accessory buildings and uses, is maintained and controlled by a religious body.

CLINIC, DENTAL AND MEDICAL: A building in which a group of physicians, dentists and allied professional assistants are associated for the carrying on of their professions, including a dental or medical laboratory. "Clinic" does not include inpatient care or operating rooms for major surgery.

CLUDMA: The County Land Use, Development, and Management Act, currently codified as Utah Code sections 17-27a-101 *et seq*., and as hereafter amended.

CLUSTERING: A subdivision or development design technique that concentrates the buildings or lots on a part of the site or sites to allow the remaining land to be used for recreation, common open space, preservation of travel corridors, and/or environmentally sensitive areas.

COLLATERAL: Funds or some other valuable pledged as security against a promise to repay or perform certain actions.

COMMERCIAL USE: The purchase, sale or transaction involving the disposition of any article, substance, commodity or service; the maintenance or conduct of offices, professions or recreation or amusement enterprises and intended to be conducted for profit, and also including the renting of business offices, sales display premises, and short-term rentals.

COMMON AMENITIES: Amenities provided for the residents of a development that are owned in common by residents of the development.

COMMON AREA: An area of common ownership of the residents designed to serve the recreational, open space or other similar needs of owners within the development and is not a commercial use. Common areas may include, but are not limited to: outdoor space, landscaping, fences, clubhouses, tennis courts, golf courses, swimming pools and other jointly used and owned space approved as part of the proposal.

COMMUNITY USE: The uses that have the primary purpose of serving the educational, recreational, religious or governmental needs of the community in general. Such uses may include churches, public and private educational institutions, private nonprofit recreation grounds, public parks, public buildings, public facilities, cemeteries and other similar uses. This definition shall not include such uses as detention facilities, halfway houses, alcohol rehabilitation centers and other similar uses.

CONDOMINIUM: The ownership of a single unit in a multi-unit project or structure which may be combined with an undivided interest in the common areas and facilities of the property and meeting all requirements of the condominium ownership act of the state of Utah.

CONFIGURATION: The shape of a boundary or perimeter line, the shape of a lot, block or subdivision.

CONSERVATION EASEMENT: An easement voluntarily placed on property to ensure that no future development will occur. The easement will be held by a third party and maintained in perpetuity.

CORRAL: A space, other than a building, less than one (1) acre in area, or less than one hundred (100) feet in width, used for the confinement of animals.

CULINARY: Water intended for human consumption, usually required to meet certain health standards.

DEDICATION: The conveyance of land or an easement thereon through a final plat or other instrument to a public agency or to one or more persons for a specific purpose.

DELINEATE: To draw or trace the outline of.

DRAINAGE DITCH: Any system of canals or ditches naturally existing or constructed to carry surface and/or subsurface water to a natural stream, whether or not the ditches or canals carry water filed upon by individuals to be used for irrigation purposes.

DRIVEWAY: Private access for vehicles to a residence, parking space, garage or other structure.

DWELLING: A building designed or used for residential occupancy, including one-family, two-family, multi-family, manufactured homes, modular homes, and apartment structure; but shall not include boarding, rooming or lodging houses, tents, trailers, **RVs that are not long-term RV dwellings**, motels, motor courts, motor lodges, cottage camps, or any short-term rentals or uses primarily for transient residential uses.

DWELLING, MULTIPLE-FAMILY: A dwelling or group of dwellings on one lot containing separate living units for three (3) or more families having separate or joint entrances or a two-family dwelling on a single lot.

DWELLING, SINGLE-FAMILY: A building designed for and occupied exclusively by one family on a separate lot and not sharing any common wall.

DWELLING, TWO-FAMILY: A dwelling sharing a common wall or walls or floor to ceiling, but each unit being located on an individual lot including twin-homes and townhomes.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT: A right, such as a right of way, afforded a person to make limited use of another's real property.

EATERY / FOOD ESTABLISHMENT: Any establishment where foods or beverages are prepared for consumption and consumption occurs in either the building, on the premises or within a motor vehicle parked thereon, or off premises.

ELECTRONIC MESSAGE CENTER (EMC): Any sign, or portion thereof, that displays electronic images, graphics or pictures, with or without textual information. Such a sign has the capability of being changed or altered by electronic means on a fixed display screen composed of a series of lights, including light emitting diodes (LEDs), fiber optics, plasma displays, light bulbs, or other illumination devices within the display area where the message is displayed. EMS includes computer programmable, microprocessor controlled electronic or digital displays.

ENFORCEMENT OFFICER: The director of the planning and zoning department, building inspector, sheriff or their authorized representative, or some other duly assigned officer of the county that is authorized as the agent charged with the enforcement of the provision of this title.

ESCROW DEPOSIT: The placement of cash in a special account held by a bank or other financial institution to be released upon completion of specific tasks such as construction of a road.

EVAPORATION POND: Artificial ponds with very large surface areas that are designed to efficiently evaporate water by sunlight and exposure to ambient temperatures.

EXPANSION: An increase in the size of an existing structure or use, including physical size of the property, building, parking and other improvements.

FAMILY: An individual or two (2) or more persons related by law, blood, marriage or adoption, or up to four (4) unrelated persons, living together in a single dwelling unit and maintaining a common household.

FAMILY CARE HOME: A dwelling wherein room, board, care and supervision are provided by the resident family in a home setting to persons who are handicapped, mentally ill or developmentally disabled and who are provided with a program of services, including training in vocational and recreational activities. To qualify, the dwelling must be approved or operated by an agency of the Utah state government.

FAMILY DAYCARE CENTER: A dwelling or place of business wherein a resident family provides ordinary care and supervision during customary daytime periods to non-related persons.

FARM: An operation in which land is used for the production of food, feed or fiber.

FARM ANIMALS: Animals and fowl such as commonly used for food or fiber production, or as a beast of burden, for commercial, recreational, or pleasure purposes.

FARM INDUSTRY: The keeping and raising of farm animals and/or fowl for domestic or commercial use, such as fur farms, livestock feed yards, pig farms, dairy farms, stables, ranches and similar uses, and accessory uses thereto.

FENCE: A structure erected to provide privacy or security that delineates a private space or is used to constrain animals.

FENCE, SIGHT OBSCURING: A fence that is three feet (3') or more in height that is constructed or planted in such a fashion that causes fifty percent (50%) or more opaqueness at any angle of view through such a fence.

FIRE HAZARD: Any situation, process, material or condition that may cause a fire or explosion or provide a ready fuel supply to augment the spread or intensity of a fire or explosion and that poses a threat to life or property.

FIRST LIEN AND RESTRICTION OF SALE: A form of collateral wherein the County places a lien on one or more lots in a subdivision and prohibits the sale of those lots until specified public improvements have been satisfactorily completed.

FLOODPLAIN: The flood from whatever source having a one percent (1%) chance of being equaled or exceeded in any given year, otherwise commonly referred to as the one hundred (100) year flood. Areas (100-year flood areas) as defined in FEMA's federal insurance rate map.

FLOODPLAIN DATA: Information that defines the boundary of a floodplain, either mapped or given in elevations.

FRONTAGE: All the property fronting one (1) side of the street between intersecting or intersecting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

GARAGE, PRIVATE: An accessory building designed or used for the storage of not more than four (4) automobiles owned and used by the occupants of the building to which it is accessory, provided that on a parcel occupied by a multiple dwelling, the private garage may be designed and used for the storage of one and one-half (1 1/2) times as many automobiles as there are dwelling units in the multiple dwelling, if the garage and dwelling have a roof or wall in common.

GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for the storing, servicing, repairing, equipping, hiring or selling of motor driven vehicles.

GARAGE/YARD SALE: The sale of personal belongings in a residential zone, which sale is conducted by a legal resident of the premises or their designee.

GASOLINE, RETAIL: A building or premises used for the sale of gasoline and limited amounts of other oil products. Such premises may also include the sale of food products.

GENERAL PLAN, SAN JUAN COUNTY: The document adopted by the county that sets forth general guidelines for proposed future development of the unincorporated land within the county.

GLAMPING: Glamorous Camping (or Glamping) means a form of Camping where a hospitality company, business, or other individual provides a form of lodging, whether in a tent or yurt or similar structure, where guests can experience the positive aspects of camping without the

"uncomfortable" negatives. The amenities found at glamping sites far exceed those found at a traditional camping site and may include supporting structures.

GLAMPING LOT: A unit of land not less than two thousand (2,000) square feet and consists of not more than one (1) glamping unit.

GLAMPING UNIT: A canvas-like structure designed to be used or occupied for transient and recreational purposes. Canvas-like structures include, but are not limited to: tents, yurts, teepees, covered wagons, etc. No glamping unit as herein defined shall be located, placed, used, or occupied for long-term residential purposes.

GLAMP-GROUND: An area consisting of more than one (1) glamping unit.

GRADE PLANE: A reference plane, representing the average of the finished ground level, adjoining the building at all exterior walls.

GRAVEL PIT: See critical infrastructure material and operations as defined in Utah Code Ann. §17-27a-1001 and its successors.

HARD SURFACE: An impermeable, dust free surface, such as concrete or asphalt. Road base does not qualify.

HANGAR: An accessory building specifically designed or suited for the storage of aircraft and aircraft related materials. Hangars must be located with unobstructed access to an airport or airstrip.

HOME OCCUPATION: A nonresidential activity, conducted primarily within a dwelling unit which is clearly secondary to the use of the dwelling for residential purposes, and does not involve the use of any accessory building or yard space or activity, outside of the main building, not normally associated with residential use, and may not constitute a nuisance.

HOMEOWNER'S ASSOCIATION (HOA): An incorporated nonprofit organization operating under recorded land agreements through which: a) each lot/homeowner is automatically a member; and b) each lot is automatically subject to a proportionate share of the expenses for the organization's activities and interest, such as maintaining and operating open spaces, landscaping, common property or facilities.

HOSPITAL: An institution licensed by the state of Utah providing inpatient health services for human beings, and primarily medical or surgical care of the sick or injured, and such other services and accessory uses as normally provided for its administration and operation.

HOSPITALITY RENTALS: Bed and Breakfasts/Boarding Houses, Commercial Camping, Glamping, Hotels, Lodging Houses, Motels, Private Camps/Resorts, RV Parks, Tourist Courts, RV/Trailer Camps, Single Sleeping Units, and similar commercial uses renting a Structure (or a

room in a Structure) for the purpose of overnight or longer occupancy by the renter. Excludes Short-term Rentals.

HOTEL: Any structure or group of structures with more than 5 single sleeping units intended for short-term rental in which the egress is internal to each single sleeping unit.

HOUSEHOLD PET: Animals, fish, or fowl ordinarily permitted in the house and kept for company or pleasure and not for profit, such as dogs, cats, fish, and small birds, but not including a sufficient number of dogs to constitute a kennel. Household pets shall not include chickens or any animals that are prone to inflicting harm or discomfort, or endangering the health, safety or welfare of any person or property, or are defined herein as animal units, or are otherwise regulated by Utah Code Title 23. The number of household pets shall be limited to that allowed by the provisions of each respective zone as set forth in this title.

HYBRID VIOLATIONS: Violations that do not comply with the San Juan County residential code and are non-compliant with this STR ordinance restrictions.

ILLEGAL USE: Any use of land or a structure which is inconsistent with current codes and/or was inconsistent with previous codes in effect when the use of structure was established.

ILLEGAL LOT: An illegal lot is any lot or parcel of land which was not created in conformance with the county ordinance in effect at the time the lot was recorded.

INDUSTRY: The organized action of making goods and services for sale.

JUNK: Any scrap, waste, reclaimable material or debris whether or not stored or used in conjunction with dismantling, processing, salvage, storage, disposal or other use or disposition. "Junk" includes, but is not limited to, tires, furniture, tools, paper, rags, plastics, cordage, scrap iron or other metal, glass, building materials, machinery and appliances, or parts thereof, brush, wood and lumber, solid waste, and vehicles and parts thereof.

JUNK YARD: An open area where junk, used or secondhand materials are bought, sold, exchanged, processed or dismantled for parts. An automobile wrecking yard or a salvage yard is also considered a "junkyard". The use of buildings used in conjunction with an operation does not exclude the operation from the definition unless the operation is wholly within the buildings and there is no outside storage.

KENNEL: The keeping of more than **four (4)** dogs **and/or** cats, at least four (4) months old, or similarly sized household pets in said numbers. Any combination of exceeding (4) household pets constitutes a kennel.

LAND DIVISIONS: Land that is proposed to be divided by a platted or minor subdivision.

LETTER OF CREDIT: A document issued by a bank or other financial institution which guarantees a subdivider or developer a specific amount of credit and which can be called by the County for failure to perform specified improvements.

LIVESTOCK FEEDLOT: A feeding operation on a parcel of land where livestock are conditioned for market on a year-round basis and where the feed is brought to the yard, as contrasted to feed obtained through grazing the animals on the premises.

LOCAL DISTRICT: As defined by Utah Code Title §§17B, 17C, 17D

LODGING HOUSE: A building in which lodging only is provided for compensation to five (5) or more, but not to exceed fifteen (15) persons. See short-term rental.

LONG TERM RENTAL: The renting of a single sleeping unit(s) that includes provisions for living, sleeping, eating, cooking and sanitation for a period of 28 days or longer or a dwelling unit for a period of 28 days or longer. An accessory building may not be used as a long-term rental or for human occupancy.

LONG TERM RV DWELLING: An RV, including a park model RV, that is used as a dwelling.

LOT: As defined in Utah Code Title §17-27a-103 et seq.

LOT AREA: The horizontal area within the exterior lines of the lot, exclusive of any area in a public or private way open to public uses.

LOT, CORNER: A lot bounded by two (2) or more abutting and intersecting street lines that has frontage on multiple sides.

LOT DEPTH: The horizontal distance between the front and rear lot lines.

LOT LINE ADJUSTMENT: The relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record pursuant to state law.

LOT LINE, FRONT: For an interior lot, the lot line adjoining the street; for a corner lot or through lot, the lot line adjoining either street, as elected by the lot owner.

LOT FRONTAGE: That part of a front lot line that abuts a street.

LOT INTERIOR: A lot other than a corner lot.

LOT LINE, REAR: Ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length within the parcel, parallel to and at a maximum distance from the front lot line. In cases where these definitions are not applicable, the Planning Administrator shall designate the rear lot line.

LOT LINE, SIDE: Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line.

LOT WIDTH: The horizontal distance between the side yard lines.

MANUFACTURED HOME: A home or other building of new construction which has been assembled fully, or in material part, upon another site, or in a factory, and moved to the site upon which it is to be permanently assembled by truck, timber, dolly or similar conveyance; and which is placed upon a permanent foundation in compliance with the provisions of the HUD code.

MARQUEE: A sign designed and constructed for the purpose of changing the message regularly by movable letters or electric means.

MINING: Mining is the extraction of valuable minerals or other geological materials from the earth usually from an ore body, vein or (coal) seam. Materials recovered by mining include base metals, precious metals, iron, uranium, coal, diamonds, limestone, oil shale, rock salt and potash. Also to include drilling, testing, and mining related storage facilities whether they be underground or above-ground.

MINING PROCESSING: The refining, smelting, separating, sifting, crushing, or similar processes used to prepare materials gathered during mining for their final intended use.

MOBILE HOME: Means a transportable factory-built housing unit built in accordance with the Federal Manufactured Housing and Safety Standards Act (HUD Code).

MODULAR HOME: A permanent dwelling structure built in prefabricated units, which are assembled and erected on the site, or at another location and brought as a unit to the site; it is placed on a permanent foundation and complies with all governing building codes.

MOTEL: Any structure or group of structures with more than 5 single sleeping units intended for short-term rental in which the egress is external to each single sleeping unit.

MYLAR: (1) A thin polyester material that when drawn upon can be reproduced on a blue or black line print. (2) The official copy of a subdivision plat.

NATURAL WATERWAYS: Those areas, varying in width, along streams, creeks, gullies, springs, or washes which are natural drainage channels as determined by the land use authority, and in which areas no buildings shall be constructed.

NONCONFORMING LOT OF RECORD: A lot or parcel that: (a) legally existed as a developable lot before its current land use or zoning designation; (b) has been shown continuously to be an independently existing piece of property since its creation or since enactment of zoning (June 1978) ; (c) has not decreased in size since its creation, except for lot

line adjustments, as defined in CLUDMA; and (d) because of one or more subsequent land use ordinance changes does not conform with the minimum size, width, frontage, depth or other applicable dimensional requirements of the zone where the lot is located.

NONCONFORMING SIGN: A sign or sign structure or portion thereof lawfully existing at the time this chapter or amendment thereto became effective, which does not conform to all height, area and yard regulations prescribed in the zone in which it is located, or other regulations of this chapter.

NONCONFORMING USE: A use of land that legally existed before the current land use regulations has been maintained continuously since the time the land use regulation governing the land became effective, and because of subsequent zoning changes does not conform to the land use regulations that govern the land.

NUISANCE: A nuisance is anything that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. something (as an act, object, or practice) that invades or interferes with another's rights or interests (as the use or enjoyment of property) by being offensive, annoying, dangerous, obstructive, or unhealthful.

OFFICIAL: Any elected official or their designated deputy of San Juan County or the appointed Administrative Assistant, Building Inspector, Surveyor, Subdivision Administrator, or Planning Administrator of San Juan County.

OIL AND GAS EXPLORATION: Exploration for Hydrocarbon (oil and gas) is the search by petroleum geologists and geophysicists for hydrocarbon deposits beneath the Earth's surface, such as oil and natural gas. Oil and gas exploration are grouped under the science of petroleum geology.

OWNER/BUILDER: An individual who takes the role of a general contractor when building their own home**.** The State of Utah requires an affidavit on all owner/builder projects.

OWNER OF RECORD: The individual named on a deed that has been recorded at the San Juan County Recorder's Office.

PARKING LOT: An open area, other than a street, used for parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as accommodation for clients or customers.

PARKING SPACE: Space within a building, lot or parking lot for the parking or storage of one (1) automobile.

PERFORMANCE BOND: A form of collateral, issued by a bonding company which guarantees a specified amount of money to be paid in the event of failure to perform by a subdivider, or other person.

PERIMETER BOUNDARY: A line around any piece of property such as a parcel, lot, block or subdivision which encloses and separates that piece from adjacent pieces.

PLANNED UNIT DEVELOPMENT (PUD): An integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the zone in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements.

PLANNING ADMINISTRATOR: The San Juan County official appointed by the San Juan County Commission as the San Juan County Planning Administrator, whose duties include overseeing and managing the San Juan County Planning & Building Department, **acting as the land use authority for subdivisions,** and the implementation, administration and enforcement of the planning and zoning portions of this Title.

PLANNING COMMISSION: Is a seven (7) member board appointed by the Board of San Juan County Commissioners. The Planning Commission serves the community by hearing and making a variety of decisions on San Juan County planning and zoning issues that impact the County and its residents. For the purposes of this ordinance, the Planning Commission may be the land use authority.

PLAT, FINAL: Map or chart of a subdivision, PUD, condominium, or other proposed development that has been accurately sited or surveyed and located on the ground so that streets, alleys, blocks, lots, and other divisions thereof can be identified - to be recorded with the County Recorder upon approval by the Board of San Juan County Commissioners.

PLAT, PRELIMINARY: The map or maps of a proposed subdivision, and specified supporting materials prepared in sufficient detail to permit the evaluation of the subdivision prior to final engineering design and survey.

PRIVATE CAMP / RESORT: Land used for recreational purposes such as ATV/off-road vehicle, rock climbing, mountain biking, racing, river raft base camp, swimming, hunting, event venues, or similarly supported commercial recreational uses along with their associated structures and/or complexes.

PRIVATE PARK: An area of land intended for outdoor enjoyment by the general public subject to the legal restrictions placed by the owner, which may have affiliated facilities used for conservation, recreation, assembly, concession, amusement, administration and the like, and which is owned by a private entity or person, or operated in its entirety as a non-commercial use.

PRIMITIVE CAMP: Dispersed camping in remote areas with limited amenities and/or services.

PUBLIC NOTICE: Notice widely disseminated to the public through broadcast media such as newspaper, radio, television, in a conspicuous public place or the internet, in conformance with state law.

PUBLIC PARK: An area of land intended for outdoor enjoyment by the general public, which may have affiliated facilities used for conservation, recreation, assembly, concession, amusement, administration and the like, and which is owned by a governmental entity, or operated in its entirety as a non-commercial use.

RENEWABLE ENERGY: Energy derived from natural processes that are replenished at a faster rate than they are consumed. Including solar power, wind power, hydroelectricity, geothermal energy, and biomass.

RIGHT-OF-WAY: Legal right to use or cross over the property of another.

ROAD: See Street.

ROAD, COUNTY: A road or highway designated as a County road and maintained by San Juan County.

ROAD, MAINTENANCE AGREEMENT: An agreement between two or more parties that outlines the rights and responsibilities of the parties to construct, maintain, and repair occupant or emergency vehicle access to private parcels.

ROAD, PRIVATE: A road on privately owned property, limited to the use of the owner or a group of owners who share the use and maintain the road without assistance from the County. A private road has not been given to or accepted by the County for public use and maintenance.

RV: "Recreational Vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use that is either self-propelled or pulled by another vehicle. This includes: a travel trailer; a camping trailer; a motor home; a fifth wheel trailer; RV; and a van designed for overnight use.

RV PARK: A space occupied by two or more mobile homes~~,~~ or RVs, including park model RVs, being used as recreational or long term RV dwellings longer than 180 calendar days per year.

SEAL: An embossed emblem, figure, symbol, word, letter, etc., used as attestation or evidence of authenticity.

SECTION LINE: The line delineating the boundary of a section of land in the United States Public Land Survey System.

SEWER SYSTEM, PRIVATE: A system for treatment and disposal of household sewage that is owned by an individual or several individuals and designed to serve the owners property only e.g., septic tank and leach field systems.

SEWER SYSTEM, PUBLIC: An approved sanitary sewer system containing transmission lines and treatment facilities owned and operated by a public entity such as a municipality or special district.

SEXUALLY ORIENTED BUSINESS: As defined in Utah Code §17-50-331.

SHOPPING STRIP: A group or cluster of retail or service-oriented businesses that share a parking lot area with limited ingress and egress to the parking area.

SHORT-TERM RENTAL (STR): Excluding Hospitality Rentals, the renting of any structure for the purpose of overnight occupancy for a period less than 28 days by the renter. Short-term Rentals include vacation rentals, transient rentals, short-term vacation rentals, resort dwelling units, nightly rentals, condominium rentals, glamping, commercial camping, mini-hotel/motel rentals, cabin rentals, trailer/RV rentals, and all other similar uses, variations, and combinations in which a structure is rented as overnight accommodation for a period less than 28 days. An Accessory Building may not be used as a short-term rental.

SIGN: Means and includes every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, object, device, medium, conveyance or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. The definition of "sign" shall also include the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.

This does not include any flag, badge or ensign of any government or governmental agency erected for and used to identify said government or governmental agency.

SIGN, A-FRAME: A temporary and/or movable sign constructed with two (2) sides attached at the top so as to allow the sign to stand in an upright position.

SIGN, ANIMATED: A sign which involves motion or rotation of any part by mechanical or artificial means or displays flashing or intermittent lights, time, temperature and electronic type message center.

SIGN AREA: The area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign areas, only one side of a back-to-back or double faced sign covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty-five degrees (45°). In relation to signs that do not have a frame or separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

SIGN, ELECTRONIC DISPLAY SCREEN: Any sign or portion of a sign that displays an electronic image or video, which may or may not include text. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.

SIGN, FOR SALE: A temporary sign placed on a lot offering that specific property for sale, lease or rent, and limited to twelve (12) square feet in sign area. The on-premises sign may advertise a model home or open house.

SIGN, ILLUMINATED: A sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper, or by devices which reflect or project light upon it.

SIGN, LOW-PROFILE: On premises or identification signs having a maximum height of six feet (6'), incorporated into some form of landscape design scheme or planter box.

SIGN, OFF-PREMISES: Advertising sign which directs attention to a use, product, commodity or service not related to the premises.

SIGN, PROJECTING: A sign attached to a building or other structure and extending in whole or in part more than twenty-four inches (24") beyond any wall of the building or structure.

SIGN, PROPERTY: A sign related to the property upon which it is located and offering such property for sale or lease, or advertising contemplated improvements, or announcing the name of the builder, owner, designer or developer of the project, or warning against trespassing.

SIGN, ROOF: A sign erected partly or wholly on or over the roof of a building, including ground supported signs that rest on or overlap a roof twelve inches (12") or more.

SINGLE SLEEPING UNIT: An area, structure, or group of structures that provides room or space for 1 or more persons that cannot be less than 70 square feet and shall not be less than 7 feet in any horizontal dimension and is not more than 1,000 square feet. Each additional 1,000 square feet constitutes a new single sleeping unit regardless of its actual use.

SOLAR PANEL: A component of a photovoltaic system that is made out of a series of photovoltaic cells arranged to generate electricity using sunlight .

STOCK PROOF FENCE: A fence designed to contain or prevent cattle, horses, sheep or other domestic animals from entering or leaving the fenced area.

STORAGE YARD: A place where space is rented for the storage of personal property in either an open yard or an enclosed building.

STORY: The space within a building included between the surface of any floor and the surface of the ceiling next above.

STORY, HALF: A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor immediately below it.

STREET: Any rights-of-way under public or private ownership for public use designed for the travel of motorized vehicles to enter and exit through passage and to include the ways used for internal circulation of traffic.

STRUCTURE: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

STRUCTURAL ALTERATIONS: Any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

SUBDIVIDE: Any division of an existing parcel of land that results in a Subdivision in accordance with this Ordinance.

SUBDIVIDER: Any person or agent of a person who causes land to be subdivided per the definition of subdivide in this ordinance.

SUBDIVISION, HIGH DENSITY: When a subdivision has ten (10) or more lots within a concentrated area.

SUBDIVISION, PHASE(S): Carrying out a subdivision in gradual stages. Subdivision phase(s) may not be a single lot and must be contiguous to other parts of the subdivision.

SUBDIVISION ADMINISTRATOR: The official or employee of San Juan County appointed by the Board of County Commissioners to administer the subdivision requirements of this Ordinance. For the purposes of this ordinance, the Subdivision Administrator may be the land use authority.

SUBDIVISION IMPROVEMENT AGREEMENT: A contract between a subdivider or developer and the County which specifies the required public improvements to be constructed in or in support of a subdivision including the estimated costs and the method of guarantee and the collateral, to insure the improvements are constructed.

SUBDIVISION, MINOR: Shall mean the division of four (4) or less lots and are exempted from the platting process, but are subject to specific requirements as outlined in Chapter 7.

STORM WATER DETENTION: The holding of storm water on a particular site through the use of swales or structures that are designed to release the water at a specified rate.

SURVEY MONUMENT: An object placed or built to identify a survey reference point, including, but not limited to, property corners, benchmarks, and PLSS corner locations.

SWIMMING POOL: A portable or permanent structure above or below grade, designed to hold water eighteen inches (18") deep or greater and/or two hundred fifty (250) square feet or greater surface area and intended for therapeutic or recreational purposes. This definition does not include an ornamental reflecting pool, fishpond or other type of pool not used for swimming and/or wading, and must be located and designed so as not to create a hazard.

TANGENTIAL USE: Any use other than the permitted primary use under the existing zoning regulation that occurs 1) less than thirty (30) cumulative days in a twelve (12) month period 2) is not a nuisance and 3) is not a prohibited use under the land use regulation.

TITLE VIOLATION: Any person, firm or corporation, in the use or occupation of a building, structure or land, intentionally fails to abide by or to fulfill any condition legally imposed under the provisions of this title in approving any permit, site plan or variance, shall be considered to be a violation of the provisions of this title punishable under Chapter 3 Section 14 and Utah State Code; and any structure made or existing or any use of land used or occupied in violation of any condition legally imposed in approving any permit, site plan or variance under the provisions of this title shall be subject to abatement under Chapter 3 Section 14.

TOPOGRAPHICAL CONTOURS: Horizontal lines on a map indicating an elevation above a specified point, usually sea level, and containing intermittent lines in intervals usually of two (2) feet, five (5) feet or other specified intervals.

TOURIST COURT: Any building or group of buildings containing sleeping rooms, with or without fixed cooking facilities designed for temporary use by automobile tourists or transients, with a garage attached or parking space conveniently located to each unit, including auto courts, motels, or motor lodges; see short-term rental.

TRANSIENT: Occupancy of a dwelling unit or sleeping unit for not more than twenty-eight (28) days.

TRUCK STOP: A facility or grouping of facilities that dispenses motor fuel or other petroleum products for truck tractors and similar commercial vehicles; and also may provide amenities such as showers, overnight customer parking, restaurants, or other traveler conveniences.

USE, ACCESSORY: A subordinate use customarily incidental to and located upon the same lot occupied by a main use.

USE, MAIN: The principal function or use of the land and/or building or structure.

VACATE: 1) To abandon or relinquish a right to use a specific piece of land such as a road, right of way, or easement, or 2) to void a subdivision, incorporated area, local entity or portion thereof and return it to pre-subdivided, or incorporated status.

VARIANCE: An authorization by the Administrative Law Judge, acting as the Land Use Appeal Authority pursuant to state law, relative to specific parcel of land for a modification of a zone's standard height, bulk, area, width, setback, or separation requirement. Variances do not apply to changes of use.

VICINITY MAP: A small scale map shown as an insert on a larger map that indicates the location of a subdivision or other pieces of land in relation to a much larger geographic area.

WATER SYSTEM, PRIVATE: A source of water and the transmission lines owned by one or more persons to serve only their property, i.e.: an individual domestic well.

WATER SYSTEM, PUBLIC: A source of water, including transmission lines and treatment facilities owned by a public entity such as a municipality or special district to provide water to their residents.

YARD: A space on the lot, other than a court, unoccupied and unobstructed by a building from the ground upwards, except as otherwise provided herein.

YARD, FRONT: A space extending across the full width of a lot, between the front building line and the front lot line. The depth of the front yard is the minimum distance between the front lot line and the front building line.

YARD, REAR: A space extending across the full width of a lot, between the rear building line and the rear lot line. The depth of the rear yard is the minimum distance between the rear lot line and the rear building line.

YARD, SIDE: A space extending along the full depth of a lot, between the side building line and the side lot line. The "width" of the side yard shall be the minimum distance between the side lot line and the side building line.

YURT: A tent-like structure consisting of a wooden base and frame with a canvas outer covering, which may be easily dismantled and moved.

WIND TURBINE: A turbine that is powered by wind.

CHAPTER 2
GENERAL PROVISIONS

Section 1: PURPOSE

This LUDMO and the regulations and restrictions contained herein are adopted and enacted for the purposes enumerated in CLUDMA, including:

i) providing for health, safety, and welfare;
ii) promoting prosperity;
iii) improving morals, peace, good order, comfort, convenience, and aesthetics;
iv) protecting tax base;
v) securing economy in governmental expenditures;
vi) fostering agricultural and other industries;
vii) protecting both urban and nonurban development;
viii) protecting and ensuring access to sunlight for solar energy devices;
ix) providing fundamental fairness in land use regulation;
x) facilitating orderly growth and allowing growth in a variety of housing types;
xi) and protecting property values.

This LUDMO shall be construed to further its purposes and to promote the objectives and characteristics of the respective zones.

Section 2: SHORT TITLE

These ordinances shall be known as the Land Use Development and Management Ordinance (LUDMO) and may be so cited and pleaded. Whenever a reference is made to this code as the San Juan County land use or development code, or to any portion hereof, or to any ordinance of San Juan County, Utah, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

Section 3: AUTHORITY PROVISIONS

It is hereby recognized to be within the authority delegated to San Juan County to approve the subdivision and development of land, amendment of plats or adjustment of lot lines, rezoning of property, amendments to the San Juan County San Juan County General Plan, and approval of site plans pursuant to the guidance of the San Juan County San Juan County General Plan and CLUDMA, for the orderly, planned, efficient, and economic development of San Juan County. Unless otherwise designated, the San Juan San Juan County Commission shall be the Land Use Authority for all applications requiring legislative action. Non-legislative actions are delegated as follows:

A. The Planning Commission shall be the Land Use Authority for:

1. Conditional Use Permits
2. Minor Plat Amendments
   a) Combining two or more lots, all of which are owned by the same owner, and none of which have been dedicated for public use, common use, or a similar designation;
   b) Modification of plat title, notes, or labels so long as they were not placed on the plat due to findings or conditions adopted by the San Juan County legislative body; or
   c) Amendments applied for and signed by all affected property owners in the original subdivision and that do not increase density or significantly affect the layout of infrastructure, open space, or common areas; or
3. Final Subdivision Plats

B. The San Juan County Planning Administrator shall be the Land Use Authority for the following applications unless a public hearing is required:

1. Non-Conforming Use Determinations;
2. Temporary Uses;
3. Home Occupation Certificates;
4. Commercial Site Plans;
5. Commercial Off-Street Parking Reductions;
6. Building Relocations;
7. Building Permits;
8. Boundary Line Adjustments; and
9. Minor Subdivisions.

Section 4: LICENSES TO CONFORM

All departments, officials, and employees of San Juan County authorized to issue land use permits and licenses shall do so in conformance with the provisions of this LUDMO. No land use permit or license for a use, building, or purpose shall be issued where the same would be in conflict with the provisions of this LUDMO. A land use permit or license, if issued in conflict with the provisions of this LUDMO shall be null and void.

Section 5: BUILDING PERMITS REQUIRED

No building or structure shall be constructed, reconstructed, altered, or moved unless either the issuance of a building permit by the San Juan County Planning & Building Department or specifically exempted by Utah Code as acknowledged in writing by the Department. No provision of this LUDMO is intended to exempt a building permit requirement.

Section 6: BUILDING PERMIT APPLICATIONS; LOT PLAN REQUIRED

All applications for building permits for new construction (and not interior remodels) shall be accompanied by:

A. A lot plan drawn to scale showing the actual dimensions of the lot to be built upon, the size and location of existing buildings, buildings to be erected and existing buildings on adjacent property, and such other information as may be deemed necessary by the San Juan County Planning Administrator or the San Juan County Building Inspector for the enforcement of this LUDMO;

B. When property boundaries are unclear or undetermined, a complete and accurate legal description of the property that is the subject of the application, together with a certified survey of the property showing any conflict with adjoining property, overlaps, or discrepancies between the legal description and any existing fence lines; and

C. When the road upon which the lot has frontage is unimproved, the boundaries of said road are not clearly ascertainable, or there is any question by the San Juan County Planning Administrator, San Juan County Building Inspector, or the San Juan County Surveyor whether the physical road is within the platted right of way, a certified survey of the road showing any conflict between the physical and platted right of way is required.

Section 7: PERMITS TO COMPLY WITH LAND USE REGULATIONS

A. Permits shall not be granted for the construction, reconstruction, or alteration of any building or structure, or for the moving of a building onto a lot, or for the change of the use of any land, building, or structure if such construction, alteration, moving, or change in use violates any of the provisions of any San Juan County ordinance.

B. No sewer service line and/or wastewater treatment facility, no water service line and/or water facility, or electrical utilities shall be installed if the use served violates this LUDMO.

C. No electrical utility line shall be installed to serve any parcel or lot without the San Juan County Planning & Building Department's approval of a site plan.

Section 8: PARCELS WITH MULTIPLE ZONES

Parcels with multiple land-use designations may request a zone change of the parcel to the preferred land-use zone designated for the parcel. The applicant's zone change request shall be favored if it is consistent with the current San Juan County General Plan's intent. An application

for a zone change for a parcel with multiple land-use zoning designations is exempt from the map requirements set forth in this LUDMO.

Section 9: CERTIFICATE OF OCCUPANCY AND LAND USE COMPLIANCE

A. **Unlawful To Occupy -** It shall be unlawful to use or occupy, or to permit the use or occupancy of, any building or premises until a Certificate of Occupancy and land use compliance shall have been issued for the premises and/or building by San Juan County. It shall also be unlawful to occupy any building which has different use or different occupancy than provided for specifically in the certificate of occupancy and land use compliance.

B. **Issuance of Certificates -** Unless withheld under this LUDMO or other law, a certificate of occupancy and land use compliance will be issued by the San Juan County Planning & Building Department when a building is completed and has passed final inspection. A new certificate shall be required any time the number of dwelling units increases.

C. **Information Required on Certificates -** The following information shall be made a part of any certificate of occupancy and land use compliance issued by the San Juan County Planning & Building Department:

1. Residential Certificates
    a) The number of residential units in the building or buildings. (If there is more than one building, the number of dwelling units should be listed separately for each building).
    b) Number of families residing or anticipated to live in the building.
    c) The number of legal off-street parking spaces, sized to conform to this LUDMO and being provided on the premises.
    d) A notice directed to the owner of the building or premises that any change in use of the building or premises will require the issuance of a new certificate.

2. Commercial, Industrial, and Institutional Certificates:
    a) The proposed maximum number of employees on the premises.
    b) The number of off-street parking spaces sized to conform to this LUDMO and provided for employees on the site.
    c) The number of off-street parking spaces sized to conform to this title and provided for customers or visitors.
    d) The number and type of restroom facilities provided.
    e) The square foot area within the building used for each separate use.
    f) A signed certificate by the owner of the building or premises, or his authorized agent, stating that the information and conditions set forth in the application are true and will be maintained upon the site in this condition.

g) A notice directed to the owner of the premises stating that a change in use in the intended occupancy of the building will require the issuance of a new certificate.

Section 10: CONSTRUCTION AND USE TO CONFORM TO PLANS

Building permits or certificates of occupancy and land use compliance issued on the basis of plans and specifications approved by the Planning Administrator or Building Inspector authorize only the use, arrangement, and construction set forth in the approved application, plans, and specifications. The use, arrangement, or construction at variance with that authorized in said plans and specifications shall be deemed a violation of this LUDMO.

Section 11: ENFORCEMENT ACTIONS

The provisions of this LUDMO shall be administered by the San Juan County Planning & Building Department under the supervision of the San Juan County Commission. An Enforcement Officer may investigate alleged violations of this LUDMO or conditions or terms of permits and licenses and may initiate enforcement actions if violations are found to exist. An enforcement officer is authorized to make examinations and investigations of all real property in the County, as allowed by law, to determine whether the responsible person is complying with the provisions of this LUDMO. By accepting a land use permit or license from the County, the permittee or licensee agrees to cooperate in compliance examinations and investigations. Such agreement shall be stated in all land use application forms prepared by the County. Upon discovering a violation, the County Attorney's office shall, at its discretion, file enforcement actions in court as necessary. The County's non-enforcement of any of the requirements of this LUDMO or conditions or terms imposed through land use permits or licenses issued by the County shall not operate to waive or estop the County from pursuing later enforcement actions. A permit or license issued in violation of this LUDMO has no force or effect.

A. **Responsibility for Land Use Violation -** Anyone found to have committed a violation of this LUDMO or any condition or term imposed through this LUDMO is responsible for correcting the violation. In the event the person responsible for a violation cannot be ascertained after the exercise of due diligence, the County may also institute proceedings as allowed by this section or controlling law against the property on which the violation is found.
B. **Finding of Land Use Violation -** If, after investigating, an enforcement officer has determined that a land use violation exists, the enforcement officer may attempt to have the responsible person correct the violation in accordance with this section. The officer may pursue any remedy or combination of remedies available under this LUDMO, state, or federal. Nothing in this section shall be interpreted to prohibit the County from engaging in its standard prosecution practices without first having to comply with the provisions of this section. In the event a responsible person cannot be ascertained, the

County shall post notice on the property on which a land use violation has occurred and may institute proceedings against the property itself as allowed by law.

C. **Notice of Violation -** Except as otherwise provided by this LUDMO, whenever a land use violation is found to exist and an Enforcement Officer determines action should be taken, the Enforcement Officer shall first serve written notice to the responsible person before other remedies in this section are taken.

1. The notice of violation shall contain:
   a) The location of the land use violation, if the same is stationary;
   b) A description of what constitutes the violation;
   c) A list of the acts necessary to correct the violation ("corrective action");
   d) A warning period, including a completion date in which the responsible person may cure the violation before civil fines are assessed ;
   e) A statement of the actions the County may take if the violation is not corrected within the warning period; and
   f) A statement that the responsible person may enter into a voluntary correction agreement during the warning period to prevent further action by the County.
2. The written notice shall be delivered personally or sent via registered mail to the responsible person's address as shown on the records of the San Juan County Recorder and to any other person who may be responsible for the violation.
3. The written notice shall serve to start any warning periods provided in this section, commencing upon delivery of notice. If the violation remains uncured once the warning period expires, the civil penalties shall begin to accrue in accordance with this section.
4. In cases where an Enforcement Officer determines that a delay of enforcement would pose a danger to the public health, safety, or welfare or would otherwise compromise the effective enforcement of this LUDMO, the Enforcement Officer may seek immediate enforcement under Subsection (F)(2) without prior written notice.

D. **Civil Fines**

1. Civil fines shall be assessed against the responsible person for uncorrected land use violations beginning on the day following the completion date (as stated in either the notice of violation or the voluntary corrective action agreement). The amount of such fine shall be at least $50.00 for each day the violation continues after the completion date.
2. Daily Violation: Each day a violation is continued or maintained after the completion date shall give rise to a separate civil fine. All applicable fines shall cease the day following receipt by the enforcement officer of written notice from the responsible person that the corrective action is complete. The County may waive any fees accrued if corrective action is completed. Within five business days following written notice, the enforcement officer shall inspect and, if compliant, pass off the corrective action as completed or, if not completed, shall apply fines retroactively to the date notification was received and fines shall continue to accrue in accordance with this section.
3. Civil fines assessed under this Section are cumulative. Payment of a civil fine assessed under this section does not relieve the responsible person from the duty to correct the land use violation. The civil fine constitutes a personal obligation of the responsible person or a lien against the subject property, as the case requires. Any civil fine assessed must be paid to the County within 30 calendar days of notice of its imposition.
4. The San Juan County Attorney is authorized to take appropriate action to negotiate the amount of the civil fine, collect the fine, determine the time period in which the fine shall be paid, and take any other action necessary to resolve the fine.
5. As directed by the San Juan County Attorney, the County may exercise all lawful means to collect the civil fine, whether in person or in rem. The County may also collect reasonable attorney fees and costs incurred in collecting the civil fine where allowed by law. The County may also collect pre- and post-judgment interest on such civil fines as allowed by law.
6. The incurrence of civil fines under this section shall not limit the available remedies available to an enforcement officer or the San Juan County Attorney under this Section.

E. **Voluntary Corrective Action -** An enforcement officer may allow a violator to take voluntary corrective action. Voluntary corrective action allows a violator to correct the land use violation within a specified time and according to specified conditions set by the County in a voluntary corrective action agreement. If the violator completes the voluntary corrective action within the time and according to the terms set by the County, the

County will take no further action against the violator for that violation. This enforcement method is discretionary.

1. Contents of a written voluntary corrective action agreement shall include the following:
   a) The name and address of the violator;
   b) The street address of the land use violation or a description sufficient to identify the building, structure, premises, or land upon or within which the land use violation exists;
   c) A description of the land use violation;
   d) The necessary corrective action to be taken, and a date or time by which correction or abatement must be completed ("completion date"), which period shall not be longer than six months from the date the agreement is entered into;
   e) An agreement by the violator that the County may inspect the premises as reasonable and as the County deems necessary to determine compliance with the voluntary corrective action;
   f) An agreement by the violator that, if the terms of the agreement are not met, the County may:
      i) Issue a civil fine or criminal citation;
      ii) Correct the violation itself and recover its costs and expenses from the violator, including by placing a lien on the involved property; and
      iii) Pursue any other legal remedy available;
   g) An agreement by the violator waiving any right to appeal the enforcement officer's finding of a land use violation and the specific corrective action required by the voluntary corrective action agreement; and

   h) An acknowledgement by the person responsible that failure to comply with the voluntary corrective action agreement may be grounds for criminal prosecution.

2. The enforcement officer may grant an extension of time for correcting the land use violation set by the voluntary corrective action agreement if the violator has shown due diligence and/or substantial progress in abating the land use violation but unforeseen circumstances render correction or abatement under the original conditions unattainable.

3. The enforcement officer will suspend further enforcement action and monetary fines for the violation once a voluntary corrective action agreement has been executed. However, the violator shall may be liable for any fines that accrued before the voluntary corrective action agreement was executed.

4. Failure to complete the corrective action by the completion date shall constitute an additional violation and shall be handled in accordance with this section, except that no further notice need be given before enforcement proceedings are initiated. The County may proceed on the violation pertaining to failure to comply with the voluntary corrective action and/or the original land use violation. Monetary fines shall be imposed from either the date of the initial violation or the day following the failure to comply with the voluntary corrective action and shall continue to accrue thereafter as set forth in this Section.

F. **Abatement by County**

1. Failing to correct a violation constitutes a Class B misdemeanor. Upon conviction of the violating party, a court may authorize the County to enter upon the subject property and remove, correct, or abate the condition that is subject to the violation. The County shall provide the court an itemized statement of all expenses incurred in the abatement reduced for and request payment within 60 days as restitution. The court may authorize seizure of personal property as restitution.

2. Whenever a land use violation constitutes an immediate and emergent threat to the public health, safety, or welfare or to the environment, the County, when feasible and allowed by law, may summarily and without prior notice correct or abate the condition. Notice of such abatement, including the reason for it, shall be given to the violator as soon as reasonably possible after the correction or abatement.

3. During an abatement proceeding, any personal property constituting a LUDMO violation may be confiscated as part of the abatement process. Any personal property that has been confiscated will be held pending order of restitution. The owner may recover the property upon showing that the LUDMO violation has been corrected or that substantial efforts, as determined by the enforcement officer, have been made to correct the land use violation; provided, however, that the property owner pay the cost of storage of the personal property. If, after 90 days of the property being confiscated, the property owner fails to claim the confiscated property, and after the County complies with the requirements of Utah Code, as currently amended, the County may dispose of the property, including sale at auction, disposal, etc., and seek to collect the cost of storage from the property owner. The County may also pursue any other remedy as allowed by law.

4. Any and all costs incurred by the County in the abatement of a land use violation under the provisions of this LUDMO or other county ordinance shall constitute a lien against the property upon which such land use violation existed, which lien shall be

filed, proven, and collected as provided for by law. Such lien shall be noticed to all persons from the time of its recording and shall bear interest at the legal rate thereafter until satisfied.

G. **Civil Enforcement -** Appropriate actions and proceedings may be taken by the County in law or in equity to prevent any violation of this LUDMO, to prevent unlawful construction, to recover damages, including the cost, if any, of correcting the land use violation, to restrain, correct, or abate a violation, and to prevent illegal occupancy of a building, structure, or premises.

Nonexclusive Remedies, Building Permits, Certificates of Occupancy and Land Use Compliance, Etc. – The County may take any or all of the actions listed in this LUDMO to abate, enjoin, or correct a land use violation, including against any person or entity that creates, causes, or allows a land use violation to exist, and to recover damages for such violation. The County may withhold, suspend, or revoke building permits, certificates of occupancy and land use compliance, and other permits and licenses to enforce this LUDMO and the conditions and terms of permits and licenses issued hereunder. The abatement of a land use violation does not prejudice the right of the County or any person to recover damages or penalties for its past existence. Notwithstanding the procedures outlined in this section, the County may also enforce this LUDMO and the conditions and terms of permits and licenses issued hereunder as provided under State law.

Section 12: EXPIRATION OF APPLICATIONS AND APPROVALS

A. Except as provided in Subsection (F), if an applicant has not taken any action on an application for 12 months, the application shall be deemed abandoned and denied and any vested right to proceed with the application expired.

B. **Building Permits**

1. A building permit shall expire if:
   a) Construction requiring inspection is not begun within 180 days from the date the building permit was issued; or
   b) If work authorized by such permit is suspended or abandoned for a period of 180 days after the commencement.
2. The Building Inspector may grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.
3. Regardless of the number of extensions granted, a building permit shall expire if construction is not completed, and a certificate of occupancy and land use compliance is not obtained, within five years from the date the building permit was issued. The

San Juan County Planning & Building Department may, upon written request and for good cause shown, extend the time to complete construction and obtain a certificate of occupancy and land use compliance for a period of time not to exceed one additional year. Such extensions shall be in writing and shall state the date the extension expires.

C. Except as provided in Subsection (F), approval of developments shall expire if application for preliminary or phased preliminary plan application has not been submitted for decision and diligently advanced by the applicant within five years from the date of receiving master plan, physical constraints, density determination, and/or concept plan approval. Projects that have already been approved prior to the effective date of this LUDMO shall have six months to file a preliminary application or a phased preliminary plan application and advance applications and approvals as required to avoid the expiration of the approvals.

1. Phased preliminary applications must be advanced within the timelines of the phased preliminary plan approval, which shall not be for more than five years between each preliminary application, and cumulatively may not be for more than 10 years from the preliminary plan approval, or the approvals will expire.
2. Projects that have had Master Plan, Physical Constraints, and Density Determinations granted, have maintained these approvals, and so long as they have entered into an agreement with a Special Service District to reserve water, have paid all fees to maintain the water reservation, and the water reservation remains in effect through the Special Service District, that project shall have six months to file a preliminary application or a phased preliminary application, and advance applications and approvals as required to avoid the expiration of the approvals. The burden shall be on the applicant to prove they qualify for this exception as part of their application for Preliminary Application.

D. Except as provided in Subsection (F), preliminary approvals of developments shall expire if an application for final approval has not been submitted for decision within one year from the date of receiving preliminary approval.

E. Except as provided in Subsection (F), final approval of a subdivision development shall expire if the plat is not recorded within one year from the date of receipt of final approval by the Planning Commission.

F. Upon written request of an applicant, permittee, or licensee, the expiration date of an application or approval, as the case may be, may be extended for 90 days, provided that:

1. An application for an extension of time is submitted prior to the expiration date; and
2. The Planning Commission or its designee finds, based on substantial evidence placed in the record:
   a) Substantial progress is being made toward obtaining approval of the application, or in the exercise of the development rights authorized by an approval, as the case may be;
   b) In the case of an application, no changes to this LUDMO have occurred or are being considered that may affect the application; and
   c) In the case of an issued permit, license, or other approval, any conditions or terms of the permit, license, or other approval are still viable based on currently applicable requirements of this LUDMO.
3. In no case shall an extension be granted for more than 12 months from the original expiration date.

G. Unless otherwise provided or noted thereon, final subdivision plats, once recorded, do not expire except as provided in CLUDMA.

Section 13: PAYMENT OF FEES

Any application shall not be considered complete until the applicant has submitted a complete application, including payment of all fees as required by this LUDMO. Unless otherwise provided, fees are nonrefundable. Payment of the appropriate fee is no guarantee that an application will be approved.

Section 14: SEVERABILITY

Should any section, paragraph, sentence, clause, or phrase of this LUDMO be declared unconstitutional or invalid for any reason, the remainder of this LUDMO shall not, to the extent possible, be affected thereby.

Section 15: CONFLICTING PROVISIONS

The provisions of this LUDMO are in addition to all other County ordinances (unless otherwise stated), the laws of the State of Utah, and the laws of the United States. This LUDMO shall not supersede any development or other agreements entered into by the County where private land use regulations in deeds or covenants are more restrictive than this title. Whenever a conflict exists between this LUDMO and state or federal laws, or private land use regulations in deeds or covenants, the more restrictive provision shall apply to the extent allowed by law. The more specific provisions of this LUDMO dealing with specific zones, subdivision types, and types of uses, shall prevail over general provisions.

Section 16: CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS

It is the intent of the San Juan San Juan County Commission that the provisions of this LUDMO are part of the San Juan County Code as adopted; and that the provisions of this LUDMO may be renumbered, re-lettered, and the organizational nomenclature changed in order to accomplish such intentions. Regardless of whether such inclusion in the San Juan County Code is accomplished, the County may renumber, re-letter the LUDMO and correct typographical and clerical errors that do not affect the LUDMO's intent without holding a public hearing by filing a corrected or recodified copy of the same with the San Juan County Clerk/Auditor's office.

CHAPTER 3
APPEALS

This Chapter addresses administrative appeals of Land Use Decisions affecting property within the jurisdiction of San Juan County, Utah. This Chapter repeals, replaces, and supersedes all other and previous ordinances enacted by San Juan County regarding the administrative appeal of land use decisions. This administrative appeal process is independent of Title I, Chapter 11 of the San Juan County Code and none of those provisions apply to administrative appeals of Land Use Decisions. If there is a discrepancy between a provision of this Chapter and that of another ordinance regarding an administrative appeal, this Chapter controls.

The definitions used in CLUDMA are hereby adopted and incorporated into this Chapter addressing land use appeals.

Section 1: LAND USE APPEAL AUTHORITY

The San Juan County Land Use Appeal Authority shall hear and decide appeals of the County's land use decisions made by its Land Use Authorities, proceeding according to the requirements of state law and this LUDMO.

Section 2: PARTIES

Only the land use applicant or an Adversely Affected Party may appeal a Land Use Decision to the Appeal Authority.

Section 3: INITIATING AN APPEAL

A. **Time -** A land use appeal must be filed within 10 business days of actual or constructive notice of the issuance of the written Land Use Decision being appealed.

B. **Form -** The land use appeal shall be filed either using the County's form or a document clearly and prominently labeled a "Notice of Appeal."

C. **Content -** The Notice of Appeal shall clearly set forth:

1. The appellant's identity and contact information (including an email address);
2. The Land Use Decision being appealed, including the date thereof and, if different, the date the appellant discovered the decision;
3. If available, a copy of the land use decision being appealed;
4. If the land use applicant is not the appellant, the identity and contact information for the applicant;
5. The basis for the appellant's standing to bring the appeal; and

6. Every theory of relief the appellant intends to raise on appeal. The appellant must raise every theory of relief it can raise in district court.

D. **Fee -** Contemporaneous with the Notice of Appeal, the appellant shall tender to San Juan County the relevant fee per the County's schedule of fees. The appeal is not complete until the fee has been paid.

E. **Filing -** The Notice of Appeal shall be filed with the San Juan County Chief Administrative Officer. It may be filed by: (1) email (preferred), (2) hand-delivery; or (3) first class U.S. Mail. The date of delivery shall be considered the date of filing using the first two methods, the postmarked date if using the third method. If delivery is by email, the subject line must clearly identify the message as a "Notice of Appeal."

Section 4: APPEAL PROCESS

A. **Intake** - Upon receiving a Notice of Appeal, the Chief Administrative Officer shall inspect it for completeness under the foregoing Section 3 requirements. If the Notice of Appeal is complete, it shall be transferred immediately to the Appeal Authority and the San Juan County Attorney's Office. If the Notice of Appeal is not complete, the Chief Administrative Officer shall reject the appeal and immediately inform the appellant.

B. **Notice to Parties** - Upon receiving the Notice of Appeal from the Chief Administrative Officer, the Appeal Authority shall immediately determine whether it is brought by the applicant. If not, the Appeal Authority shall immediately inform the applicant of the appeal, invite the applicant to participate as a party to the appeal, and the Appeal Authority and all other parties shall treat the applicant as a party to the appeal.

C. **Record** - Immediately upon receiving the Notice of Appeal, the County Attorney shall assemble and serve on the Appeal Authority and the other parties the record of the Land Use Decision on appeal. The record shall include relevant minutes if applicable, a transcript of the proceeding if available, the complete applications and related submissions at issue, relevant communications with the applicant, relevant communications with the appellant where applicable, relevant LUDMO provisions, and the written record of the decision. The County shall Bates-stamp these documents, which shall become the record on appeal. Absent extraordinary circumstances, the record should be served before the scheduling conference is held.

D. **Scheduling Conference** - Upon receiving the Notice of Appeal, the Appeal Authority shall in timely fashion hold a scheduling conference to:

1. Confirm that the Land Use Authority made findings of fact and conclusions of law that appear in the record in support of the Land Use Decision under review;
2. Schedule a hearing;
3. Set submission dates for briefing; and
4. Confirm the theories of relief to be addressed on appeal. (Excluding jurisdictional issues, theories of relief and issues not confirmed at the scheduling conference, including regarding the completeness and adequacy of the record, will not be considered by the Appeal Authority. The appellant must raise every theory of relief it can raise in district court.)

E. Unless extraordinary circumstances prohibit it, the scheduling conference shall be held within 28 days after the Appeal Authority receives the Notice of Appeal. The scheduling conference need not be held in person but shall include all parties and be public.

F. **Briefing**

1. Prior to the hearing, the parties (the appellant, the County, and, if applicable, the applicant) shall file briefs on the theories of relief and issues confirmed at the scheduling conference. The appellant shall file a principal brief, the appellee(s) a brief in opposition, and the appellant a reply brief. The principal and opposition briefs shall not exceed fifteen, and the reply brief shall not exceed ten, double-spaced pages, excluding the caption, signature block, certificate of service, and exhibits. The briefs shall follow the formatting required by Utah Rule of Civil Procedure 10(d) and be filed and served on the Appeal Authority and all parties via email. No affidavits or declarations or other evidentiary documents beyond those contained in the record may be attached to the briefing.
2. All theories of relief and issues, including jurisdiction, the completeness of the record, or a party's standing, shall be reserved for the briefing and hearing, not presented through separate filings.
3. No other briefing shall be filed or considered. The date set for the filing and service of the reply brief shall not be less than 7 days before scheduled hearing.

G. **Hearing**

1. At the hearing, the parties shall present argument to, and answer questions of, the Appeal Authority.
2. The hearing need not be held in person, but shall be public.

H. **Inadequate Record** - If the Appeal Authority determines that the Land Use Authority did not make findings of fact and conclusions of law that appear in the record in support of the Land Use Decision under review, then the Appeal Authority shall remand the

matter to the Land Use Authority to do so immediately. In that case, the County shall refund the fee paid by the appellant. Any appeal from the revised decision must be taken using the procedure set forth in this Chapter.

I. **Incomplete Record** - If the Appeal Authority determines that the record provided by the County Attorney is materially incomplete, it shall order that the County supplement the record and determine whether supplemental briefing and argument is warranted.

Section 5: DECISION

A. **Issuance** - Absent extraordinary circumstances, the Appeal Authority shall serve on all parties a concise written decision within 28 days of the hearing. If the Appeal Authority can do so, it is encouraged to issue its decision sooner.

B. **Standard of Review** - The Appeal Authority shall review the land use decision and determine only whether the record includes substantial evidence for each essential finding of fact and the correctness of the Land Use Authority's interpretation and application of the plain meaning of county Land Use Regulations. The Appeal Authority shall interpret and apply a Land Use Regulation to favor a land use application unless the Land Use Regulation plainly restricts the land use application.

C. **Content** - The Appeal Authority's written decision shall set forth factual findings and legal conclusions sufficient for judicial review. The Appeal Authority may only affirm or reverse, in whole or in part, the Land Use Decision. If reversed entirely or in any part, the Appeal Authority shall instruct the Land Use Authority to issue a Land Use Decision consistent with the Appeal Authority's written decision. The Appeal Authority is not authorized to dictate or manage the County's personnel or internal policies or processes.

D. **Notification** - On the date of its issuance, the Appeal Authority's written decision shall be sent via email to the parties. It shall set forth in bold typeface the parties' rights to petition for judicial review, citing the appropriate statute and providing a non-binding calculation of the filing deadline.

E. **Record** - After rendering its decision, the Appeal Authority shall provide the County Attorney a digital copy of the appeal record, which the County shall maintain for a period of five years after the Appeal Authority's decision.

CHAPTER 4
NONCONFORMING USES

Section 1: PURPOSE OF NONCONFORMING USE, LOTS AND STRUCTURES PROVISIONS

The purpose of this chapter is to control and gradually eliminate those uses of land or structures that, although legal at the time of their establishment or erection, do not now conform to the land use regulations of the current zone within which they are situated. Such uses and structures shall be deemed nonconforming.

Section 2: NONCONFORMING USES; CONTINUATION AND ABANDONMENT

A nonconforming use lawfully existing on the effective date of this LUDMO may be continued. A nonconforming use may be extended only throughout an existing building, and only provided that no structural alteration of the building is proposed or made for purposes of the extension. A person engaging in a nonconforming use may not expand the character of that use to include new or additional uses. If a nonconforming use is discontinued for a continuous period of more than 12 months, any future use of such land shall conform to the provisions of the zone in which it is located.

Section 3: NONCONFORMING STRUCTURES

A. A legally nonconforming structure may continue, provided no additions or enlargements are made thereto, no structural alterations are made therein that would increase the height or existing footprint of the building, and the current use does not change. This section shall not be construed to prohibit maintenance of an existing building.

B. Notwithstanding Subparagraph (1), an existing dwelling that is legally nonconforming as to height, area, density, lot size, or yard regulations may be added to or enlarged if the addition or enlargement conforms to applicable requirements of this LUDMO. Provided, however, that a dwelling that legally does not conform to side yard requirements but having a minimum side yard of not less than three feet, may be extended once along the nonconforming building line in a manner that does not cause the structure to come any closer to the lot line at issue to the limit of an additional one-half the length of the relevant side of the existing dwelling if such extension is for the purpose of enlarging and maintaining the existing dwelling unit in the structure, and provided such enlargement conforms to all other regulations of the zone in which the dwelling is located. An expansion or enlargement under this Subsection (2) will also be regarded as a nonconforming structure. This exception does not allow a change in the use.

Section 4: RECONSTRUCTION OF NONCONFORMING STRUCTURE PARTIALLY DESTROYED

A legally nonconforming structure destroyed or partially destroyed by fire, explosion, casualty, or act of God or public enemy:

A. May be restored, unless:

1. The structure or use has been abandoned, or
2. Written notice is served complying with Utah Code 17-27a-510(3 (b)(i)(2018) as amended, and the structure has not been repaired or restored within twelve (12) months unless owner can show substantial evidence of progress;

B. May not be enlarged, except as provided in Section 3 of this Chapter; and

C. Subject to all of the provisions of this LUDMO, the occupancy or use that existed at the time of such destruction may be continued.

Section 5: NONCONFORMING USE OF UNDEVELOPED REAL PROPERTY

A legally nonconforming use of undeveloped real property lawfully existing on the effective date of this LUDMO may be continued, provided such nonconforming use shall not be expanded or extended into any other portion of developed or undeveloped real property or into any structure, regardless of whether the use of the structure or real property would conform to the requirements of this LUDMO.

Section 6: NONCONFORMING LOT OF RECORD DETERMINATION

A. The burden of production for providing the information for determining a legally nonconforming lot of record rests upon the property owner or its representative. A legally nonconforming lot of record is determined by the Planning Administrator. Should such a finding be made, the Planning Administrator shall provide the decision in writing with supporting findings.

B. The property owner must provide the Planning Administrator with a copy of the subdivision forming the lot, the original deed and all subsequent deeds, and any other documentation the San Juan County Planning & Building Department determines necessary to meet the property owner's burden of proof.

C. If a lot has decreased in size due to the use of eminent domain, or because of a public dedication required by a governmental agency, the lot shall become a legally nonconforming lot of record if it otherwise meets the requirements of this section.

Section 7: NONCONFORMING LOTS OF RECORD LAND USE REGULATIONS

Nonconforming lots of record are only exempt from the minimum size, width, frontage, depth, and other applicable dimensional requirements of the zone where the lot is located. Before a building permit may be issued, nonconforming lots of record shall have access on a road built to county standards and shall comply with all other land use, zoning, and development standards applicable to the zone in which the nonconforming lot of record is located. A nonconforming lot of record determination does not guarantee a building permit.

A. **Lot with Building** - If a lot is unable to receive lot of record status and contains a building legally established on or before June 1978, then the owner may continue the use in existence prior to June 1978 of such building and may expand the building in any way that does not increase the degree of nonconformity of the lot.

1. An increase in building size shall not be deemed to increase the degree of nonconformity of the lot unless the building increases any encroachment into a required setback of the lot coverage requirements of the underlying zone.
2. Remodeling of a building within an existing footprint or expansion in compliance with this section shall not require a variance to lot requirements but shall be reviewed by the San Juan County Planning & Building Department as though the lot conforms to the requirements of this LUDMO.
3. The building's continued use or expansion requires at least 75% of the exterior? framing and foundation of the original building remain as located prior to June 1978, unless the structure was involuntarily destroyed in whole or in part by fire or other calamity, and the owner reconstructs or restores the structure in conformity with the requirements for nonconforming structures and uses in this LUDMO and CLUDMA.

B. **Uses Granted for Nonconforming Lots of Record** - Lots that are determined to be nonconforming lots of record may be granted a building permit for a single-family dwelling, accessory dwelling units (only if allowed in current zone) and accessory uses as allowed in the current underlying zone. So long as all other standards applicable to that use are complied with and so long as the use is permitted in the zone, nonconforming lots of record may also be permitted utility uses and agricultural uses as permitted in the current zone. The uses identified in this paragraph and no others are granted for nonconforming lots of record.

Section 9: TREATMENT OF CONTIGUOUS NONCONFORMING LOTS OF RECORD UNDER SAME OWNERSHIP

A. Notwithstanding other provisions of this LUDMO regarding the combination of contiguous lots, contiguous nonconforming lots of record under the same ownership are treated as individual lots. However, any nonconforming lot of record on which a

nonconforming structure has been built may, upon application approved by the Planning Commission and parcel merger/boundary adjustment, be considered together with a contiguous nonconforming lot under the same ownership if doing so would render the nonconforming structure conforming.

B. Contiguous mining claims of same ownership shall not be recognized as separate parcels when determining a nonconforming lot of record.

Section 10: DIMINISHED NONCONFORMING USE

If a nonconforming use is diminished, it shall be deemed vacated, abandoned, and divested to the extent of such reduction. The determination of whether a nonconforming use was diminished shall be made by the Planning Administrator.

Section 11: EXTINGUISHING NONCONFORMING USES, STRUCTURES, OR LOTS OF RECORD

Nothing in this Chapter shall be construed to limit or otherwise prevent the County from enforcing this LUDMO or declaring a nonconforming use or structure a blight, nuisance, or unsafe.

CHAPTER 5
VARIANCES

Section 1: VARIANCE PROCEDURE

A. Any person or entity desiring a variance from the requirements of the LUDMO as applied to real property that he or she owns, leases, or in which he or she holds some other beneficial interest may apply for a variance from the terms of the ordinance.

B. Applications - Applications for variance shall be filed with the San Juan County Planning & Building Department. Applications shall contain the following information:

1. A description of the requested variance, together with a designation of that section of this LUDMO from which relief is being requested;
2. An accurate site plan, if appropriate, indicating the manner in which the variance will be applied and its effect upon adjacent properties; and
3. The required filing fee as established by the County.

C. A complete application shall be forwarded to the San Juan County Administrative Law Judge (ALJ) for consideration. The ALJ shall follow CLUDMA in determining whether to grant the variance. The ALJ may proceed as it sees fit in considering the application, including requesting additional information, seeking comment and information from county personnel, and holding meetings with the applicant.4. The ALJ shall decide the application in a timely manner and shall issue a written decision with findings and conclusions of law capable of review and include a notation in bold typeface informing the applicant of its right to petition for judicial review, citing the appropriate statute and providing a non-binding calculation of the filing deadline.

D. The ALJ shall serve the applicant, the County Attorney, the Planning Administrator and the Planning Commission with its decision upon issuance. Such service may be accomplished by email.

E. After rendering its decision, the ALJ shall provide the County Attorney a digital copy of the record of the decision, which the County shall maintain for a period of five years after the ALJ's decision.

CHAPTER 6
SUBDIVISIONS

(AS ADOPTED AT DECEMBER 30, 2024 PLANNING & COUNTY COMMISSION)

Section 1: SUBORDINATION TO STATE LAW

A. This LUDMO is subordinate to controlling state law, particularly CLUDMA at Utah Code Title 17, Chapter 27a, Part 6. Applicants should consult the statute before this Chapter's provisions, which supplement state law.

Section 2: DESIGNATION OF ADMINISTRATIVE AUTHORITY FOR SUBDIVISION APPLICATIONS

A. The Planning Administrator is authorized to review and approve both preliminary and final subdivision applications. All subdivision applications, including those for single-family homes, two-family homes, townhomes, minor and major subdivisions, shall be reviewed and approved administratively, provided they comply with the requirements of this chapter and other applicable land use ordinances.

Section 3: CONSOLIDATION OF PRELIMINARY AND FINAL APPLICATION PROCESSES

A. The County's process combines the preliminary and final plat review processes for all subdivisions to expedite approval and minimize administrative overhead. Applicants must submit a complete subdivision application that includes all subdivision improvement plans, which will undergo a single administrative review.

Section 4: SUBDIVISION PLAT APPLICATION REQUIRED

A. Unless expressly excepted by statute or this LUDMO, subdividers must submit a subdivision plat application to the San Juan County Planning & Building Department for approval.

Section 5: REVIEW CYCLE LIMITS AND TIMELINE

A. A maximum of four review cycles shall be allowed for each subdivision application by the county. Each review shall be completed within 20 business days. The County shall provide specific citations for required modifications, which shall be logged in an index of requested changes. Applicants must provide a written explanation for any declined modifications.

B. Subject to Section (1), unless the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in the County's plan review is waived. A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

C. If an applicant makes a material change to a subdivision improvement plan set, the County has the discretion to start the review process at the first review of the application, but only with respect to the portion of the plan set that the material change substantially affects.

D. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the County's previous review cycle, the County may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

E. In addition to revised plans, an applicant shall provide a written explanation in response to the County's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction. If an applicant fails to address a review comment in the response, the review cycle is not complete, and the subsequent review cycle by the County may not begin until all comments are addressed.

Section 6: APPEALS PROCESS FOR SUBDIVISION APPLICATIONS

A. An applicant or adversely affected property owner aggrieved by a decision of the Planning Administrator may appeal to the appeal authority consistent with state law and this LUDMO, including disputes involving subdivision improvement plans, an appeal panel consisting of licensed engineers may be convened as per Utah Code section 17-27a-507(5)(d).

Section 7: SUBDIVISION PLAT APPLICATION AND SUBMISSIONS

A. The subdivider shall file an application for subdivision approval with the Planning Administrator. The application shall include a plat showing all the property the subdivider is seeking to subdivide and the following:

1. A letter of intent signed by the applicant subdivider that explains the purpose of the application and includes all requests and justifications for variances, exceptions, and waivers;

2. A copy of a title report for the property to be subdivided as proof of ownership. A subdivider shall include an affidavit or declaration under penalty of perjury of ownership executed by all owners of the property, or, if the property is owned by a corporation, an authorized officer. If the applicant is acting as the property owner's agent, documentation of the applicant's authority to act for the owner;
    a) If the required title report reveals any liens or mortgages on the subdivision property or any part thereof, a consent to record plat signed and executed by the mortgagee or lien holder, which shall be required and recorded simultaneously with the approved subdivision plat;
3. As applicable, a copy of all restrictive covenants on the property that must be recorded with the approved subdivision plat with the San Juan County Recorder (the covenants shall explicitly and prominently state that the County has no responsibility for enforcing the covenants and that the subdivider, owners association, or lot purchasers, as applicable, are solely responsible for enforcing the covenants);
4. As applicable, a road maintenance agreement signed by the San Juan County Road Superintendent.
5. A plat map no smaller than an 18"x 24" (ARCH C) or 24"x36" (ARCH D) size matte mylar drawn in black ink or a black line positive mylar of the same. The plat map may contain and satisfy required elements of the improvement plan. It shall display the following:
    a) The subdivision name, location (San Juan County, State of Utah), designation as a subdivision plat, total land area in acres, legal description of the total land area of the subdivision referenced to section, township, range, baseline, meridian, county, state, and municipality (if applicable), date of the drawing scaled 1:100 (or large if possible), dates of original drawing and subsequent revisions and sheet number, and north arrow;
    b) The location and description of all section lines, corners, and permanent survey monuments in or near the subdivision giving the basis of bearings and the distance and course to two or more PLSS or Government survey monuments (GLO, BLM, County, City, Townsite);
    c) Multiple phases with the same subdivision name shall be identified as "Phase 1", "Phase 2," and so forth;
    d) 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" and lots within separate phases not having the same number as any other lot in any other phase of the subdivision;
    e) Lots within different phases of the same subdivision shall be numbered sequentially without regard to phase boundaries or may be distinctly numbered (e.g., 101, 102, 103 in Phase 1; 201, 202, 203 in Phase 2; etc.);
    f) Lots shall be addressed as per County addressing standards;

vii. The dimensions of proposed lots and blocks calculated and shown in decimal feet to a precision of two decimal places (hundredth of a foot) 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), all closed within a hundredth of a foot;

g) The total numbers of units by kind and their location;

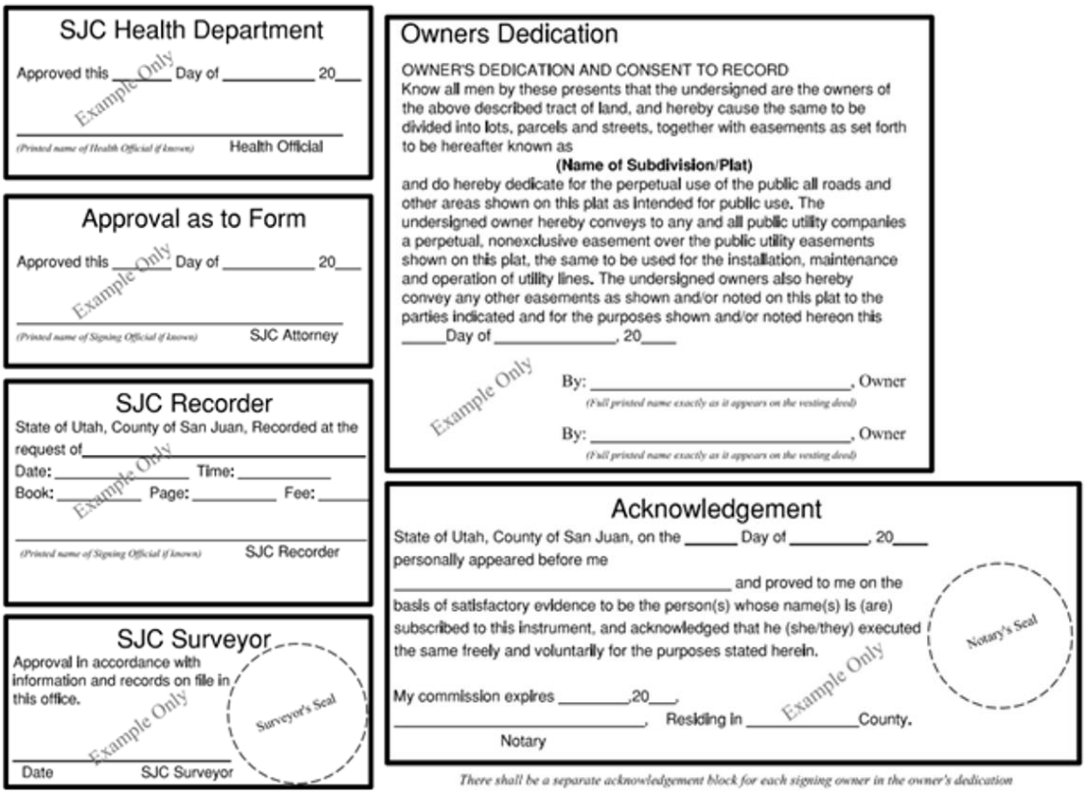
h) The exterior boundary lines of the proposed subdivision drawn in a heavy solid line encompassing all planned phases (at all lines bearing breaks, points of curve, and points of tangency, a symbol shall be placed to indicate a change of direction) and the length of subdivision perimeter boundary lines expressed in feet and decimals thereof and the value of all required bearings and angles dimensioned in degrees, minutes, and seconds (boundary closures must close within a hundredth of a foot);

i) An indication that all subdivision corners have been surveyed (monuments representing all lot corners shall be set and identifiable on the ground in accordance with state law);

j) A designation of the zone or zones in which the subdivision is located and, when applicable, the existing zone boundary lines;

k) If requested by the Planning Administrator or County Surveyor, topographic contours with intervals of five feet or less within the subdivision and of at least 50 feet immediately adjacent thereto. If five-foot contour data is unavailable, the contour intervals must be deemed acceptable by the County Surveyor;

l) The following signature blocks, executed except for the Planning Administrator and Recorder: San Juan County Planning Administrator, San Juan County Health Department, San Juan County Recorder, San Juan County Attorney, San Juan County Surveyor, **San Juan County Road Department, San Juan County Fire Marshall**, consents of private easement owners, and the subdivision property owner’s and mortgagee's certificate of dedication of public land, rights of way, and easements, with space for notarization in the following forms:



SJC Health Department

Approved this ____ Day of _____ 20___

Example Only

(Printed name of Health Official if known) Health Official

Approval as to Form

Approved this ____ Day of _____ 20___

Example Only

(Printed name of Signing Official if known) SJC Attorney

SJC Recorder

State of Utah, County of San Juan, Recorded at the request of_____

Date: _____ Time: _____

Book: _____ Page: _____ Fee: _____

Example Only

(Printed name of Signing Official if known) SJC Recorder

SJC Surveyor

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

Example Only

Surveyor's Seal

Date SJC Surveyor

Owners Dedication

OWNER'S DEDICATION AND CONSENT TO RECORD

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

(Name of Subdivision/Plat)

and do hereby dedicate for the perpetual use of the public all roads and other areas shown on this plat as intended for public use. The undersigned owner hereby conveys to any and all public utility companies a perpetual, nonexclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines. The undersigned owners also hereby convey any other easements as shown and/or noted on this plat to the parties indicated and for the purposes shown and/or noted hereon this _____Day of _____, 20____

Example Only

By: _____, Owner

(Full printed name exactly as it appears on the vesting deed)

By: _____, Owner

(Full printed name exactly as it appears on the vesting deed)

Acknowledgement

State of Utah, County of San Juan, on the _____ Day of _____, 20____ personally appeared before me

_____ and proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is (are) subscribed to this instrument, and acknowledged that he (she/they) executed the same freely and voluntarily for the purposes stated herein.

Notary's Seal

Example Only

My commission expires _____,20___,

_____, Residing in _____County.

Notary

There shall be a separate acknowledgement block for each signing owner in the owner's dedication

m) 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, including the names, locations, and widths of public rights-of-way, railroad rights-of-way, access easements to public rights-of-way, adjacent roads and rights-of-way, including at least 50 feet of the property surrounding the plat. Any property not a road that is offered for dedication to the public shall be fully dimensioned by lengths and bearings or angles with the area marked "public";

n) The radii, arc lengths, chord lengths, and chord directions for curvilinear streets and radii of all property returns;

o) The identification, location, and dimensions of all easements for public services or utilities as per the improvement plan;

p) As applicable, a note disclosing that there are restrictive covenants on the property and an acknowledgment that the County has no responsibility for enforcing the covenants.

q) Drainage channels, wooded areas, and other significant natural features within the platted area and at least the 50 feet of the property surrounding the plat.

r) The boundary and source of reference to any 100-year floodplain. 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;

s) As applicable, perimeter fence line, delineated and a description of the type and height of the fence;
t) Names and addresses of the owners, subdividers, and surveyor preparing the plat; and
u) A certification by the surveyor making the plat that the surveyor:
i) Holds a license in accordance with the state's Professional Engineers and Land Surveyors Licensing Act;
ii) Has completed a survey of the property described on the plat in accordance with state law, including seal and the date of survey, and has verified all measurements;
iii) Has resolved any and all boundary issues with adjoining properties to said subdivision; and
iv) Has placed monuments as represented on the plat.

6. Written communication from the San Juan County or Utah State Fire Marshal regarding the County's ability to provide fire protection and the fire suppression required or recommended for the proposed subdivision;
7. Written communication from the San Juan County Sheriff regarding any public safety concerns or recommendations for the proposed subdivision;
8. A certification from the San Juan County Treasurer's Office that all taxes owing on the property are paid, including rollback taxes from any previous greenbelt exemption;
9. A vicinity map with north arrow (scale of 1"=2,000' preferred) showing the major roadway network, the ownership of lands abutting the subdivision, and any existing subdivisions adjacent to the proposed subdivision;
10. Two sets of preliminary construction plans for public improvements prepared in accordance with the improvement plan and the design standard requirements of this LUDMO; and
11. Other documents and information may be deemed necessary by the Planning & Building Department.

B. 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 zone in which the lot is located, as specified in this LUDMO;
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 road maintenance agreement; and
3. No single lot shall cross the boundary of a County or other political subdivision, a public road or street, or a private road or street that can legally be used by property owners other than the owner of the lot.

C. The application will not be considered complete until the required information and compliant plat are submitted with the requisite fee.

Section 8: SUBDIVISION IMPROVEMENT PLAN SUBMISSION

A. With the subdivision application and in addition to the submissions identified in the foregoing Section, the subdivider shall also provide a subdivision improvement plan. All subdivision improvement plans, including civil engineering plans for infrastructure and utilities, shall be submitted with the plat application. The application will not be deemed complete until all required plans have been reviewed and approved by the Planning Administrator.

B. The improvement plan shall include the following, some of which may be included on the plat:

1. The location, width, and purpose of all existing and/or proposed public and/or private roads, rights of way, easements, including existing and/or proposed culinary, irrigation, and fire suppression water lines and hydrants, sanitary sewers, other utility main lines, culverts, storm sewers, and storm water detention areas located within the plat and at least 50 feet of the property surrounding the plat;
2. A letter describing:
    a) The culinary, irrigation, and fire suppression water and sanitary sewer facilities proposed for the subdivision; and
    b) Estimated construction costs for planned public facilities, including roads (including, where applicable, curb, gutter, and sidewalks), water (culinary, irrigation, and fire suppression), sanitary sewer, storm drainage, and other such public facilities that may be required. The subdivider shall also state the form of collateral that will be provided to ensure that such improvements will be completed;
3. If culinary water is to be provided by individual lot or group wells or sanitary sewer is to be provided by individual or group septic or similar waste disposal, the letter describing the water and sanitary facilities must include a statement that the wells or septic or similar waste disposal facilities will be constructed and function in conformance with the rules and regulations of the Utah Department of Environmental Quality and the San Juan County Health Department;
4. If either 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 are contracted to be, available to serve the subdivision;
5. If the proposed subdivision is within 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 proof of notice of its application to such entity;

6. If the subdivider intends 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, and the County Road Department must agree to the dedication:
   a) Before proceeding with any road work, placement of any underground utilities, and/or acquisition of any road materials, the subdivider must provide the San Juan County Road Department with a copy of the approved preliminary plat and set up an onsite meeting with the Road Department representative to review all aspects of the roads within the subdivision;
   b) The subdivider may be required, at its 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 road work to be accomplished with an inspection schedule;
   c) The subdivider may be required to enter into a road maintenance agreement with the County governing the responsibility for maintaining dedicated and accepted public roads, and such agreement shall be executed and recorded as a condition of the final subdivision plat approval;
   d) If the subdivider proceeds with any of the work on roads within the subdivision that intends to dedicate to the public without the approval and/or inspection of the Road Department representative, the County may, in its discretion, choose not accept the dedication of the roads onto the county system and in such case shall not be responsible for any type of maintenance duty;
   e) If the subdivider intends to place of any type of water, sewer, septic, telephone, cable television, fire hydrant, etc. line within the right-of-way of any planned public roads, it must comply with the county road standards and provide adequate certification of compliance or compensate the County for inspecting such for compliance; and
   f) For subdivisions built in “No Winter Maintenance” areas, private snow removal is required unless the subdivision is planned to be—and buyers are provided adequate notice that it is—seasonal, and such requirement shall be set forth in the road maintenance agreement;
   g) 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 still may be required to obtain the approval of the Road Department and any other State, Federal, or Tribal authority for all subdivision access roads that originate off of County, State, Federal, or Tribal roads and other safety factors such as placement and financial responsibility of signs and other items; and

h) If a subdivision is being developed off an unimproved county road, the Road Maintenance Agreement must include improvements to such road to match the County Road Standard of the road at the access point;

7. In order to guarantee that the required county roads and, if specified, other public facilities including but not limited to drainage, water, fire suppression, and sanitary sewer facilities are constructed in accordance with the applicable standards and to guarantee that the cost of the required public improvements are borne by the subdivider and not the public, the subdivider may be required to enter into a subdivision improvement agreement with the County.
   a) If required, the agreement must be fully executed prior to the approval of the subdivision.
   b) If required, the agreement shall be structured as determined by the Planning Administrator, at a minimum describing the public improvements to be provided by the subdivider and include unit and total costs, the form and amount of an improvement completion assurance to be provided for the public improvements, and the basis for forfeiture of the assurance and assumption of responsibility by the County;
8. A drainage plan, the design of which shall accommodate runoff from the entire subdivision and the historical runoff from areas adjacent to and upstream of the subdivision in accordance with the following minimum standards.
   a) All historic flood and drainage ways shall be protected from alteration such that their primary function as storm water drainages shall be upheld;
   b) 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, or other standards required by San Juan County Code. The “100-year storm” referred to herein shall mean that storm run-off is calculated on the basis of a fully developed watershed;
   c) All drainage shall be designed by a Utah licensed professional engineer, in accordance with any requirements of the Utah Department of Environmental Quality for managing storm water;
   d) The design shall insure that runoff from the developed subdivision shall not exceed the historical volumes and velocities discharged onto adjacent property;
   e) The drainage system plans submitted with a preliminary plat application shall include:
      i) All proposed surface drainage structures; and
      ii) All appropriate design details, dimensions, construction materials and elevations;
   f) The drainage design for each phase shall show how the drainage is consistent with the master drainage plan of all phases; and

g) The County Road Department may require a Road Maintenance Agreement on or around any drainage which may have an impact on any existing or planned road;

9. Except as otherwise provided below, each lot in a subdivision shall be served with an approved piped sanitary sewer system.
   a) 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 Utah Department of Environmental Quality and the San Juan County Health Department, and applicants shall provide proof of the necessary permits and certifications from those entities;
10. Except as otherwise provided below, each lot in the subdivision shall be served with an approved public water system.
    a) 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 culinary water systems shall be in compliance with the requirements of the Utah Department of Environmental Quality and the San Juan County Health Department, and applicants shall provide proof of the necessary permits and certificates from those entities.
    b) If stock ponds are present, the outer perimeter of the berm must be at least one-hundred feet (100') from any adjoining property line;
11. In consultation with the Planning Administrator and the County Fire Marshal, the County may require a subdivider to provide substantial improvements to provide fire protection for the subdivision when the size of the subdivision/development and the number of lots proposed along with other factors would otherwise jeopardize the health, safety, and general welfare of the residents of the subdivision. Such improvements may include, but not be limited to, fire hydrants, water storage for fire protection, other water systems, and participation in the acquisition of firefighting equipment and facilities to house such equipment. Refer to the San Juan County Fire Policy for anticipated requirements. If required, fire hydrants will be spaced every 500 feet.
    a) If such fire protection improvements are required, these shall be made at the expense of the subdivider/developer and shall meet all fire protection standards as provided in state code, the San Juan County Fire Policy, and other applicable standards. All required systems shall be tested and accepted by the County prior to the issuance of any building permit;
12. Each property owner/subdivider is responsible for fencing out in all zones to allow domestic animals to graze without trespassing onto farms, subdivisions, or other private property.
    a) In newly established subdivisions:

i) The subdivider shall construct a stock-proof perimeter fence around the entire subdivision prior to any lot being sold. This shall be a condition of approval. The height, fence type, and materials shall be as approved by the Planning Commission during the subdivision application process.

ii) A subdivider may request, and the Planning Administrator may approve, an exemption from the fencing requirement only if any one of the following criteria are met:

- The proposed subdivision is completely surrounded by developed land;
- The proposed subdivision is within the future annexation area of a nearby municipality and within 100 feet of a municipal boundary; or
- The proposed subdivision is enclosed by property already enclosed with a stockproof fence.

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

c) If the subdivider does not obtain an exemption from the fencing requirement, a stock-proof fencing proposal shall be submitted with the plat application;

13. 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 Planning Administrator may require designed sidewalks, curb and gutter, or pedestrian rights-of-way.

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

14. The Planning Administrator may require that a sufficient improvement completion assurance be provided by the subdivider to cover the cost of the public improvements required by the subdivision improvement agreement and ensure the completion of improvements within the period specified. The amount of the assurance shall be 110% of the estimated cost of the improvements. The assurance shall be in the form of an escrow deposit, performance bond, irrevocable letter of credit, or, in special circumstances approved at the County's discretion, 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 current market value of the property is equal to, or greater than, the estimated cost of the public improvements. The Planning Administrator may accept one or a combination of the types of assurance listed above.

a) Unless otherwise agreed between the applicant and the County, as improvements are completed, the subdivider may apply to the Planning Administrator for release of all or part of the improvement completion assurance.

b) Before releasing any part of the improvement completion assurance, the Planning Administrator shall confirm with the San Juan County Road Department or San Juan County Building Inspector, as applicable, that the planned public roads or other improvements have been completed or are in that part completed commensurate with the portion of the assurance sought to be released in conformance with county standards.

c) Upon confirmation that the planned public roads or other improvements have been, in conformance with county standards, completed or are in that part completed commensurate with the portion of the improvement completion assurance sought to be released, the Planning Administrator shall authorize the release of part or all of the assurance as applicable, less 10% for the County's administrative costs, except that the Planning Administrator shall retain 10% of the assurance for one year in order to ensure that the improvements have been properly constructed.

Section 9: RECORDING OF THE APPROVED PLAT

A. No plat approval is effective until it has been recorded.

B. No approved plat shall be recorded until:

1. The plat is approved and signed by the Planning Administrator;
2. If an improvement agreement has been required, the approved and executed agreement has been filed with the San Juan County Clerk;
3. If a road maintenance agreement has been required, the approved and executed agreement is delivered to the Planning Administrator for recording with the final subdivision plat;
4. If a mortgagee's or lien holder's consent to record plat has been required, the executed consent has been delivered to the Planning Administrator for recording with the final subdivision plat; and
5. A copy of the restrictive covenants, if any, for recording.

C. Upon a subdivision plat's approval, the Planning Administrator shall hold the approved subdivision plat and the other required documents for recording until the Planning Administrator confirms that:

1. The applicant has tendered the full recording fee to the San Juan County Recorder;
2. If required, the applicant has provided the improvement completion assurance in the agreed form and amount;
3. If required, the applicant has tended the impact fees due and in the correct amount; and

4. The required agreements, approvals, and other records have been provided.

D. Once the Planning Administrator confirms compliance as required by Subparagraph (3), the Planning Administrator shall cause the approved subdivision plat and the applicable documents to be recorded with the San Juan County Recorder, executed by the Recorder, and a copy of the recorded and stamped subdivision plat and recorded documents delivered to the applicant.

E. The applicant must provide the Planning Administrator the materials and fees required by Subparagraph (3) within 30 days of the Planning Administrator's signing of the subdivision plat or it will be voidable if the applicant cannot show good cause for the delay. If the applicant does not provide the required materials and fees within six months, the subdivision plat shall be void.

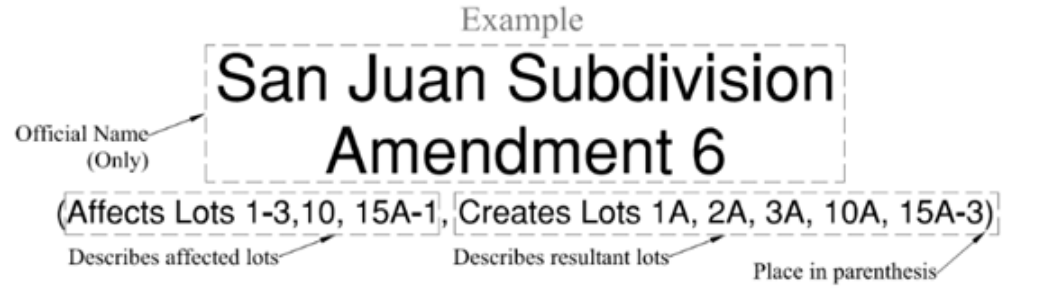
Section 10: OPTIONAL PRE-APPLICATION PROCESS

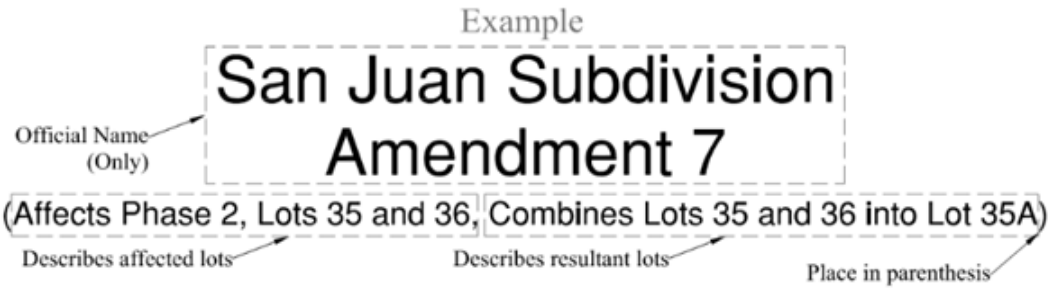
A. An applicant may request a pre-application meeting with the Planning Administrator to discuss a concept plan and receive initial feedback. The Planning Administrator shall schedule the meeting within 15 business days of receiving the request. At the pre-application meeting, the Planning Administrator shall provide or make available:
   1. Copies of applicable land use regulations;
   2. A complete list of standards required for the project;
   3. Preliminary and final application checklists; and
   4. Feedback on the concept plan to assist the applicant in preparing a complete subdivision application.

B. Participation in a pre-application meeting is optional, and the feedback provided shall be advisory only, intended to help the applicant understand the requirements and streamline the formal application process.

Section 11: AMENDMENTS AND VACATIONS

A. A lot owner may file with the San Juan County Planning & Building Department an application for subdivision amendment with a plat meeting the requirements set forth in CLUDMA Chapter 6 and those sections of this LUDMO applicable to initial subdivision plat approvals.
   1. A proposed subdivision amendment shall be named to correlate with the original subdivision and the sequentially numbered amendment. Each new amendment to the original approved subdivision plat shall increase by an increment of one. Below the subdivision name and number, in parenthesis, shall be listed the affected lots and the resultant lots or changes.





2. The amended plat shall include the following signature blocks: San Juan County Planning Administrator, San Juan County Health Department, San Juan County Recorder, San Juan County Attorney, San Juan County Surveyor, consents of private easement owners, and the subdivision property owner's and mortgagee's certificate of dedication of public land, rights of way, and easements, with space for notarization in the same form as required above for all other final subdivision plats.
3. The amended plat shall include signature blocks for each property owner within the plat.

B. The application petition shall also include proof of written notice to:
   1. The owners of record of lots within the plat affected by the plat revision;
   2. Adjoining owners; and
   3. If the subdivision includes one, the owners' association.

C. Upon determining that the application is complete, including the payment of required fee, and does not seek to amend or vacate a public street or easement, the Planning Administrator shall:
   1. Provide notice to affected entities, if required; and
   2. Treat the application as one for an initial subdivision and follow that process.

D. If the proposed amended plat seeks to amend or vacate a public street or easement, the process for that amendment or vacation shall be that provided in CLUDMA.

E. The Board of County Commissioners may vacate all or a portion of a subdivision plat by passing and recording an ordinance.

F. The amended plat shall become effective upon recording. The Planning Administrator shall follow the same procedure for recording as that for recording the initial plat and the same requirements and limitations apply.

Section 12: EXEMPTION AND WAIVERS

A. **Small Subdivision** - A subdivider may create a small subdivision of four or fewer lots without a plat by filing an application with the Planning Administrator that provides sufficient information for the County to find that the statutory requirements for a small subdivision have been met:
   1. In addition to the statutory requirements, each lot in the proposed subdivision must have access to a public or private road or an easement to access a public or private road directly and must comply with the applicable zoning.
   2. Upon determining that a small subdivision application is complete, including the payment of the required fees, and complies with the applicable requirement, the Planning Administrator shall:
      a) Certify the subdivision's compliance in writing;
      b) Record the written certification; and
      c) Keep the certification on file in the San Juan County Planning & Building Department.

B. **Waivers**

   1. The Planning Administrator may in its discretion waive certain requirements for a subdivision application or for all or a portion of the required processing fees. All waiver requests must be submitted to the Planning Administrator in writing explaining the reasons for the waiver request. The request must be presented contemporaneously with the application for which it is being sought.
   2. Waivers of submittal requirements may be granted by the Planning Administrator upon finding that the particular requirements are not necessary for the application's consideration.
   3. A waiver of part or all the required processing fees for a subdivision application may be granted by the Planning Administrator only on finding that the County's review time will be significantly less than the time required for the typical subdivision application.

CHAPTER 7
DEVELOPMENT AND DESIGN STANDARDS

Section 1: GENERAL PROVISIONS

All development must comply with the following standards:

A. Insofar as possible, the natural terrain, existing topography and natural vegetation shall be preserved.

B. Where the property to be developed is subject to natural or man-made hazards such as flooding, rock and mudslides, slope instability, 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 developer 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 development.

Section 2: LOTS

All lots shall conform to the following standards:

A. Lots shall meet the width, depth, frontage and lot size requirements for the zone in which the subdivision is located, as specified in this LUDMO.

B. 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

C. 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.

D. All structures must be located on lots or parcels that provide safe and convenient access for services, fire protection, and on-site parking as required.

Section 3: BUILDING DENSITY STANDARDS

A. No single primary use in any zone shall exceed the zone's density standards. Accessory uses and buildings must comply with that zone's regulations, as stated in this title, to not violate the density standards. All uses must comply with the zone's requirements for parking, open space, setbacks, conditions, restrictions, access, etc. A lot's consistency with the minimum size for density does not guarantee the right to a use that cannot otherwise meet the requirements of this title.

B. Lots and parcels must comply with the minimum acreage standards in each zone as follows:

	R	AG	HC	CC	MU	I	REC
Without Public Utilities ("Off-Grid")	1 acre	5 acres	1 acre	1 acre	1 acre	1 acre	1 acre
Public Water <u>OR</u> Public Sewer Access Only	0.5 acres	5 acres	0.5 acres	0.5 acres	0.5 acres	0.5 acres	0.5 acres
<u>BOTH</u> Public Water and Sewer Access	0.25 acres	5 acres	0.25 acres	0.25 acres	0.25 acres	0.25 acres	0.25 acres

<u>Section 4: SETBACK REGULATIONS</u>

A. Unless otherwise specified in this LUDMO, the regulations in the table below apply. Likewise, a Conditional Use Permit may specify regulations that differ from the table below.

B. Lots and parcels must comply with the following minimum building requirements:

	R	AG	HC	CC	MU	I	REC
Lot Width	50'	200'	CUP	25'	50'	50'	50'
Frontage Width to Road	25'	25'	CUP	25'	25'	50'	25'
Front Yard Setback	25'	25'	CUP	0'	25'	20'	25'
Rear Yard Setback	5'	5'	CUP	0'	5'	10'	5'
Side Yard Setback	5'	5'	CUP	0'	5'	10'	5'
Maximum Height	50'	50'	CUP	50'	50'	50'	50'
Maximum Built Coverage Area	60%	20%	CUP	N/A	60%	60%	60%

C. A rear yard setback shall not prohibit an allowable feature as per CLUDMA Part 5.

D. Setbacks are measured from the edge of any road easement or property boundary, whichever is applicable. If the owner of a private easement gives permission in writing, to be recorded, the setback may be from the property line rather than the easement.

1. All measurements for setbacks are from the nearest protrusion of the structure.
2. Corner lots may be subject to two front yard setbacks as determined by the Planning Administrator.

E. Flag lots may be created in a subdivision development if all of the following requirements are met:

1. The lot has at least 25 feet of frontage on a dedicated public street or county road, in which frontage serves as access only to the subject lot or parcel.
2. The narrow portion of the lot is at least 25 feet in width, and not more than 250 feet in length.
3. The lot otherwise meets the lot area and lot width and setback requirements of the applicable zone.

F. Any building more than **3 stories** in height shall require a variance.

G. Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, open swimming pools, or roof overhangs of less than five feet. Accessory buildings are considered part of the total building coverage of the lot.

Section 5: PUBLIC STREETS

A. 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, as stated in this Chapter.

B. If, due to the size of a development, a turn lane from a State highway or road 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 UDOT approval and agreement to construct or allow access.

C. **Street Types**

1. Minor (Residential) Street - a street existing or purposed which is supplementary to a collector or major street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

2. Collector Street – a street that carries traffic from minor streets to the major street system including the principal entrance streets of residential developments and the primary circulating streets within such a development.
3. Major Street - a street, existing or proposed, which serves or is intended to serve as a major traffic way and which is designated by the addressing agency as a controlled-access highway, major street, or parkway, or other equivalent terms suitable to identify streets comprising the basic structure of the regional grid system.

D. **Street Widths**

1. Unless deemed otherwise by the San Juan County Road Department, minor (residential) streets shall have a minimum right of way of 50 feet. In higher snow load areas, additional width may be required. The minimum improved width for gravel construction shall be 26 feet. The minimum improved width for paved construction shall be 24 feet.
2. The San Juan County Road Department may require streets in specified areas of the County to be paved.
3. Collector streets shall have a minimum right of way of 60 feet. The minimum improved width for gravel construction shall be 32 feet. The minimum surface width for pavement shall be 30 feet.

E. **Street Design Standards**

In addition to the San Juan County Road Department requirements, the following will also apply:

1. Before any street dedication is accepted by San Juan County as a public right of way , the street must be constructed to the improved width requirement.
2. Gravel Surfaces on public roads - A minimum of nine inch (9”) compacted depth of base material must be placed on the street. Of this base material, the foundation must consist of a minimum of six inches (6”) of three inches (3”) or greater compactable material and the surface must consist of a minimum of three inches (3”) of one inch (1”) or three- quarter inch (¾”) crushed gravel. This material must be accepted by the San Juan County Road Department and if deemed necessary, testing of the material and compaction may be required by an engineer. If such testing is required, this shall be done at the expense of the subdivider or developer.
3. Asphalt Surfaces on public roads – If the street is constructed to an asphalt surface, the surface depth must be a minimum of three inches (3”). Asphalt and compaction must be approved by the San Juan County Road Department and, if deemed necessary, testing of the material and compaction may be required by an engineer. If such testing is required, this shall be done at the expense of the subdivider or developer.

4. Unless deemed otherwise by the San Juan County Road Department, the minimum grade for all streets shall be one percent (1%). The maximum grade allowed for residential streets is eight percent (8%) and for collector streets is six percent (6%). Where the observance of this requirement is unfeasible, an exception may be granted. Streets should be leveled, when possible, to a grade of less than four percent (4%) for a distance of at least fifty feet (50') approaching all intersections.
5. Whenever possible, streets shall intersect at right angles. When streets meet at acute angles, a reasonable radius will be required.
6. Dead-end streets in excess of one hundred fifty feet (150') in length shall be provided with an approved area for turning around emergency and other apparatus through use of a cul-de-sac with a minimum radius of ninety-six feet (96'), a one hundred and twenty foot (120') hammerhead configuration or an acceptable alternative to a hammerhead. Dead-end streets should not exceed five hundred feet (500') in length.
7. No more than four (4) streets shall enter an intersection.
8. Vertical curves shall be used at all changes of grade exceeding one percent (1%). Horizontal curves shall be required if street lines deflect more than five degrees (5º). The minimum centerline radius for residential streets shall be one hundred fifty feet (150'). Collector streets shall be three hundred feet (300').
9. Curb and gutter – The minimum improved widths of streets that have curb and gutter shall be forty feet (40') on residential streets and fifty feet (50') for collector streets. All measurements are from the back of the curb to the back of the curb.
10. Cattle guards – Any cattle guards required or installed shall be in compliance with the state cattle guard policies and shall be of a width and construction approved by the San Juan County Road Department.
11. Gates – No gates, whether locked or unlocked, shall be allowed on any roads or streets accepted by the County unless allowed by the San Juan County Road Department.
12. Public Streets – All roads or streets dedicated and accepted by the County are considered public roads and access by the public cannot be interfered with by the subdivider or future owners of any of the lots within the subdivision.
13. New Streets – When a Planned Unit Development exceeds density limitations, San Juan County may require the subdivider to pave roads within the development to the minimum standards listed above.
14. Road Signs – road signs shall be provided for all public rights of way at the expense of the subdivider/developer. The subdivider shall provide and install any required signs on roads or streets as required by the Manual of Uniform Traffic Control Devices and by the San Juan County Road Department. Road signs may be placed by the San Juan County Road Department if the subdivider/developer reimburses the county consistent with the fee schedule ordinance.

15. All streets will comply with the Utah State Codes and San Juan County Addressing Standards Ordinance (see Chapter 15).

Section 6: PRIVATE ROADS

Private roads must allow reliable vehicular access at a minimum of fifteen feet (15') in width with a minimum of six inches (6") road base material of two inches (2") or greater gravel, stone or crushed concrete for emergencies, including use for fire engines and ambulances, delivery of goods and services, and the installation and service of utilities. Dead end private roads in excess of five hundred feet (500') in length must have a turnaround (cul-de-sac) with a minimum radius of fifty feet (50') or as required in the current applicable fire code. Private roads not appearing as public roads or right of ways on the County Roads Map shall not be accepted or recognized as public roads except as explicitly approved by the Board of County Commissioners or other operation of law.

Section 7: PUBLIC EASEMENTS

A. Easements for utilities such as poles, wires, conduits, gas lines, water lines, etc. shall be located at the rear of all lots whenever possible. The width shall be a minimum of fifteen feet (15'), which can be divided between adjoining lots. Utility easements may be required for lot sides and fronts.

B. If lot front utility easements are required, a minimum of fifteen feet (15') shall be allocated. All easements shall be designed so as to provide efficient installation of utilities.

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

D. All utilities shall be constructed in compliance with all of the required building codes covering such installation.

Section 8: ACCESSORY DWELLING UNIT (ADU) REGULATIONS

Accessory Dwelling Unit (ADU) density standards are as follows for the zones in which they are allowed:

	R	AG	HC	CC	MU	I	REC
ADU Density Standards	1 ADU per lot	1 ADU per lot	Not Permitted	1 ADU per lot	1 ADU per lot	Not Permitted	1 ADU per lot

Section 9: MOBILE HOMES

San Juan County prohibits the placement or relocation of any pre-HUD-code manufactured (mobile) homes, built prior to the MHCSS, 24 CFR 3280, which became effective on June 15, 1976, anywhere within the County. (See NCCBCS/ANSI A225.1, Annex D)

Section 10: MANUFACTURED HOMES

A. Manufactured homes shall:

1. Utilize non-reflective siding materials (i.e. wood, stucco, adobe, brick, or stone or material that looks like wood, stucco, adobe, brick, or stone):
2. Be placed on a concrete slab-on-grade or concrete perimeter foundation;
3. Have a minimum 24-foot horizontal wall dimension on at least 2 non-opposing sides;
4. Be skirted with a material or product specifically designed for the skirting of such homes that is maintained so as not to provide a harborage for animals or create a fire hazard;
5. Have running gear, tongues, axles, and wheels removed from the manufactured home at the time of installation;
6. Be permanently attached to a foundation:
   a) Anchors and tie-downs, such as cast-in place concrete “dead-men”, eyelets embedded in concrete slabs or runways, screw augers, arrowhead anchors, or other devices shall be used to stabilize the manufactured home;
   b) All masonry piers and walls shall have mortared bed and head joints(concrete piers, mortared piers, or commercially available steel manufactured house jacks are preferred); and
   c) Homes shall not be supported with dry-stacked CMU block, wood blocks, or any other dry stacked materials;
7. Have a minimum finished floor elevation at least 24 inches above the exterior finish grade, as measured at the main entrance into the dwelling; and
8. Comply with current building code requirements, the standards of this ordinance, and in accordance with the current HUD permanent Foundations Guide for Manufactured Housing *(*as published by the U.S. Department of Housing and Urban Development).

B. Only one manufactured home is allowed per designated lot.

C. Once a manufactured has been permanently attached to its foundation, the property owner must file an Affidavit of Mobile Home Affixture with the County Recorder.

Section 11: LONG TERM RV DWELLINGS

A. Long term RV dwellings shall:

1. **Unless located in an RV Park, be** limited to unit per lot on a 1 acre minimum lot size;
2. Must be connected to approved sanitary sewer or septic system as approved by the San Juan County Health Department;
3. Must have current registered plates with the Utah Department of Motor Vehicles;
4. **RV's are not allowed as short term rentals; and**
5. **Shall not be rented in the Residential (R) Zone.**

~~Section 11: AGRICULTURAL USES & ANIMAL DENSITY STANDARDS~~

~~A. Barns, stables, coops, animal sheds, and similar structures shall be set back at least 100 feet from existing dwellings and 30 feet from any open waterway. Surface drainage from such structures shall not be permitted to drain into a natural stream or into a drainage way that drains into a natural stream and shall comply with Utah Department of Environmental Quality and local San Juan County Health Department regulations.~~

~~B. Farm animals are permitted in zoning districts as outlined in the Use Table for personal or commercial agriculture purposes. The table below outlines animal units used to calculate animal densities. Mother-calf pairs shall count as one animal as long as the calf is nursing.~~

~~Size~~	~~Description~~	~~Animal Unit~~
~~Large Animal~~	~~Horse, Mule, Cow, Buffalo~~	~~1 per head 1 large animal = 1 unit~~
~~Medium Animal~~	~~Goat, Sheep, Swine, Miniature Horse, Llama, Alpaca~~	~~0.5 per head 2 medium animals = 1 unit~~
~~Small Animal / Fowl~~	~~Rabbit, Chicken, Duck, Turkey, Peacock~~	~~0.20 per head 5 small animals = 1 unit~~

~~1. Type 1 Animal Density: Pasturing~~
~~Anything less than 1 animal unit per 1 acre of land. For example, 5 animal units on a minimum of 5 contiguous acres or 10 animal units on a minimum of 10 contiguous acres.~~

~~2. Type 2 Animal Density: Low Density Feeding or Wintering~~
~~The following animal density table shall apply to zones that allow for low density feeding or wintering of animals less than 180 calendar days per year.~~

~~Contiguous Acreage~~	~~Animal Units Allowed~~	~~Maximum Allowed~~
~~0 < 2 acres~~	~~4 units per acre~~	~~8 animal units~~
~~2 < 20 acres~~	~~Additional +1 unit per acre~~	~~25 animals units~~

~~*For example:*~~

~~A 1/2 acre parcel would be allocated 2 animal units, which would allow for 2 large animal, or 4 medium animals, or 10 small animals, or a combination of the animals listed above.~~

~~A 1 acre a parcel would be allocated 4 animal units, which would allow for 4 large animals, or 8 medium animals, or 20 small animals, or a combination of the animals listed above.~~

~~A 5 acre parcel would be allocated 8 animal units for the first 2 acres plus 3 more animal units for the additional acreage for a total of 11 animal units, which would allow for 11 large animals, or 22 medium animals, or 55 small animals, or a combination of the animals listed above.~~

~~A 15 acre parcel would be allocated 8 animal units for the first 2 acres plus 13 more animal units for the additional acreage for a total of 21 animal units, which would allow for 21 large animals, 42 medium animals or 105 small animals, or a combination of the animals listed above.~~

~~3. Type 3 Animal Density: Grazing~~

~~The grazing of animals is permitted in Agricultural (AG) and Multiple Use (MU) Zones on parcels larger than 20 contiguous acres under one ownership and shall be allowed to self-regulate animal counts, so long as the animals do not cause a nuisance.~~

~~4. Large Concentrated Animal Feeding Operation (CAFO's)~~

~~Large Concentrated Animal Feeding Operations are considered an Agriculture Industry where animals have been, are, or will be stabled for confined and fed or maintained. Concentrated Animal Feeding Operations must be at least 26,400 feet from any Residential Zone, any culinary water shed / water source / groundwater aquifer recharge, or any other water source protected under the Utah Safe Drinking Water Act, or 10,500 feet from a highway, whichever is greater.~~

~~In accordance with the Large Concentrated Animal Feed Operations Act (Utah Code Ann. §17-27-1102 *et seq*) and taking into consideration the following:~~

~~a) Location of neighboring residential zones~~
~~b) Proximity of health care facilities~~
~~c) Public areas (including but not limited to National Parks, Monuments, Wilderness Study Areas, and other protected lands)~~
~~d) Public gathering sites (including but not limited to recreation areas)~~
~~e) Education institutions~~
~~f) Religious institutions~~
~~g) Commercial enterprises (including those not of an agricultural nature)~~

~~h) Municipal boundaries~~
~~i) Major travel corridors (including state highways and connecting county roads)~~
~~j) Prevailing winds (and noting that winds differ across the vast geographical topography of the county)~~
~~k) Limited abundance and access to water, and the value of water to the arid nature of the county~~
~~l) The traditional uses of the land for grazing, wood-gathering, hunting, and culturally important sites and uses to the native tribes and later arriving settlers~~
~~m) The economic benefit of agricultural activities to the county~~

Section 12: HOME OCCUPATION USES-PROHIBITION(S)

Home occupations are permitted except that no home occupation may constitute a nuisance, alter the primary use of the dwelling from its purpose **as a residential dwelling**, or alter the primary use to any other use. All home occupations must comply with any required licensing.

Section 13: FENCING STANDARDS

A. All fencing shall comply with the San Juan County Fence Out Ordinance.

B. No fence in the Residential Zone shall exceed six feet in height for a backyard, or four feet in height for a front yard. Backyard fencing may begin at the 25-foot front setback for interior lots.

C. Corner lot fencing must maintain no less than a 45-degree clear view triangle at a height of no more than four feet for 75 feet from the point where the intersection of the road borders the property line. The 75 feet is measuring each direction along the property line paralleling each adjoining road. The clear view triangle must remain free of any other view obstructions exceeding four feet, including but not limited to, trees, shrubs, walls, hills, decorations, accessory buildings or structures. Only a traffic safety study provided by the San Juan County Road Department and Utah Department of Transportation, if applicable, may be submitted in requesting a variance from this requirement.

CHAPTER 8
PLANNED UNIT DEVELOPMENTS (PUD)

Section 1: PURPOSE

The purpose of the planned unit development (PUD) is to allow diversification in the relationship of various uses and structures to their sites, and to permit more flexibility in the use of such sites. The application of planned unit concepts is intended to encourage good neighborhood, housing, and area design, thus ensuring substantial compliance with the intent of the zone regulations and other provisions of this LUDMO relating to the public health, safety, and general welfare, and at the same time securing the advantages of large-scale site planning for residential, commercial or industrial developments, or combinations thereof.

A. It is the intent of this Chapter that site and building plans for a planned unit development shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The Planning Commission may require the applicant to engage such a qualified designer or design team.

B. It is not the intent of this section that control of a PUD by the County is so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this Section that the control exercised be the minimum necessary to achieve the purpose of this Chapter.

Section 2: DEFINITION

Planned unit development, for the purposes of this chapter, shall mean an integrated design for development of residential, commercial, or industrial uses, or combinations of such uses in which one or more of the regulations, other than use regulations of the zone in which the development is to be situated, is waived or varied to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements as specified in this Chapter.

Section 3: PLANNED UNIT DEVELOPMENT PERMITTED

Planned unit developments may be allowed in any zone. No such planned unit development shall be granted unless such development meets the use limitations of the zone in which it is located and meet the density and other limitations of such zones, except as such requirements may be lawfully modified as provided by this Chapter or by zoning regulations. Compliance with the regulations of this chapter in no sense excuses the developer from the applicable requirements of the subdivision requirements, except as modifications thereof are specifically authorized in the approval of the application for the planned unit development.

Section 4: REQUIRED CONDITIONS

A. No planned unit development shall have an area less than that approved by the Planning Commission as adequate for the proposed development. Any development less than 5 acres will not be considered. **A Planned Unit Development is 15 or more lots in a single subdivision.**

B. Except as otherwise provided in this Chapter, a planned unit development which will contain uses not permitted in the zone in which it is to be located will require a change of zoning, except that any residential use shall be considered a permitted use in a planned unit development without need of a zone change and that residential use shall be governed by density, design, and other requirements of the planned unit development permit.

C. The development shall be in single or corporate ownership at the time of application, or if not an application must be filed jointly by all owners of the property.

D. Structures and open spaces shall be arranged within the site development plan as necessary to assure that adjacent properties will not be adversely affected.

1. Density or land use intensity shall be determined as appropriate by the Planning Commission and accepted by the County Commission through the subdivision approval process and the Development Agreement.
2. Lot area, width, yard, height, density, and coverage regulations shall be determined by approval of the site development plan.

E. Preservation, maintenance, and ownership of required open spaces within the development shall be accomplished by one or more of the following:

1. Dedication of the land as a public park or parkway system.
2. Granting to the County a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of an Owners Association established with articles of association and bylaws that are satisfactory to the County; or
3. Complying with the provisions of the Condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities.

F. Landscaping, fencing, and screening related to the several uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented in the required site plan.

G. The size, location, design, and nature of signs, if any, and the intensity and direction of area lighting or floodlighting shall be detailed in the application.

H. A grading and drainage plan shall be included with the application.

I. A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed and included with the application.

Section 5: GENERAL SITE PLAN

A. A PUD application shall include a general site plan showing, in addition to the information required by other Sections of this Chapter:

1. The use or uses, dimensions, sketch elevations, and locations of proposed structures;
2. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds landscaping and other open spaces;
3. Architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationship of the uses;
4. Such other pertinent information, including residential density, coverage, open space characteristics, shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this LUDMO; and
5. A preliminary subdivision plat for at least the first phase of the PUD that complies with the requirements for such a plat. Subsequent phases will be considered with the submission of a preliminary subdivision plat and considered using the subdivision approval process set forth in this LUDMO. The subdivision application shall comply with the requirements for subdivision plat approval.

Section 6: PROCEDURE FOR APPROVAL

A. The process for approving a PUD is the same as for approving a subdivision plat constituting:

1. A complete Development Agreement
2. A Master Site Plan
3. Preliminary Plat (first phase if in a multi-phase development)

B. In addition to the conditions available in the subdivision plat approval process, the following conditions (among others deemed appropriate) may be required of the PUD applicant:

1. That the applicant demonstrates that it is financially able to see the proposed project through to completion;
2. That the applicant agrees to start construction within one year of the approval of the PUD and any necessary zoning change, and intends to complete said construction, or approved stages thereof, within four years from the date construction begins; and
3. That the development be planned as one complex land use rather than as an aggregation of individual and unrelated buildings and uses.

Section 7: CONSTRUCTION CONFORMANCE

A. Upon approval of a PUD, construction shall proceed only in accordance with the plans and specifications approved, and in conformity with any conditions attached to its approval.

B. Amendments to approved plans and specifications for a PUD shall be obtained only by following the procedures here outlined for the initial approval.

C. The Building Inspector shall not issue any permit for any proposed building, structure, or use within the project unless such building, structure, or use is in accordance with the approved site plan, subdivision plat, and with any conditions imposed in conjunction with their approval.

Section 8: DEVELOPMENT AGREEMENT

A. PUDs require a development agreement between the County and the developer. The development agreement is required prior to final PUD approval and shall be recorded with the PUD.

B. A development agreement is specific to the particular PUD for which it is adopted but generally should address:
   1. Vesting date
   2. Legal description
   3. Conditions of approval
   4. Public improvements
   5. Completion dates, particularly for recreational facilities and amenities
   6. Approved architectural renderings, landscape plans, and trail plans for common areas
   7. Moderate income housing requirements
   8. Maintenance obligations for open space, common areas, trails, private roads, detention basins or ponds, retention areas, and private or community amenities
   9. Density and the total ERUs granted
   10. Phasing

C. Unless otherwise agreed in the development agreement and indicated in the approval or on the plat, the developer is required to maintain common areas, trails, private roads, detention basins or ponds, or common community amenities until the maintenance obligations are transferred to the homeowners' association.

1. Developer is required to organize a homeowners' association to undertake the ongoing maintenance obligations, if any;
2. Developer must provide all legal documentation necessary for such entity, including a binding agreement to provide continued maintenance;
3. It shall be a term of the development agreement that in the event the developer fails to create a homeowners' association, and maintenance is not otherwise provided for, the individual lot owners in the subdivision shall share the obligation to maintain common areas, trails, private roads, detention basins or ponds, or common community amenities.
4. It shall be a term of the development agreement that in the event the developer, the homeowners' association, and the individual property owners fail to maintain the common areas, trails, private roads, detention basins or ponds, or common community amenities, the County may (but is not obligated to) maintain them. The market value of the cost of that maintenance shall constitute a valid lien on the subdivision property, including the subdivision lots, on a parity with and collected at the same time and in the same manner as general county taxes that are a lien on the subdivision property.

D. It is anticipated that the developer will transfer certain maintenance obligations to the homeowners' association. The development agreement shall specify that the homeowners' association shall be a nonprofit corporation formed in accordance with the state and federal law. It shall further specify that the association shall have the authority to impose fees sufficient to perform the maintenance obligations transferred to it.

E. In the event the developer transfers the developer's maintenance obligations to the homeowners' association, the development agreement shall provide that the developer shall do so by written transfer agreement between the developer and the acting homeowners' association president. The development agreement shall require the developer to ensure that the maintenance obligations of the homeowners' association are adequately funded and kept up to date when the developer loses majority control of the homeowners' association by ensuring that the association has adequate reserve funds pursuant to the standards of the Community Association Act, Utah Code Title 57, Chapter 8a, and as hereafter amended.

F. The County may not enter into a development agreement unless the agreement includes a clause limiting the developer to a claim of specific performance in case of alleged breach

and prohibiting awards of damages or legal expenses, including attorney fees, against the County.

G. These provisions regarding development agreements are supplemental to those found in Utah Code section 17-27a-528 and as hereafter amended.

CHAPTER 9
ZONE DESIGNATIONS

Section 1: CREATION OF ZONES

In order to accomplish the LUDMO's purposes, San Juan County hereby divides its unincorporated areas into zones to implement the County's general and area plans as hereinafter set forth. In the preparation of the LUDMO, due and careful consideration was given, among other things, to the current San Juan County General Plan, current zoning, historic use, the relative quantities of the land needed for particular uses and the suitability of such uses, existing and probable future conditions within the County, and the character of each of the several zones with a view to conserving property values, encouraging the most appropriate use of land throughout the County, providing for the County's health, safety, and welfare, and to promote the other purposes established by state law.

Where any zoning designation covers land within the County's boundaries within State, tribal, or federal jurisdiction, such zoning shall apply only if the State, tribe, or federal government voluntarily accedes to the zoning or when such land is annexed into the County, becomes privately owned, or otherwise becomes subject to the County's land use jurisdiction it shall be deemed to be zoned as the same as the nearest geographic zone.

Section 2: ZONING MAPS

A. **Zoning Maps -** The current official zoning map for San Juan County is the most recent zoning map, as it may be amended, approved by the San Juan County Commission and signed by the chairperson thereof. Zoning maps show the County divided into zones. The current official zoning map, as it may be amended, will be posted on the County's website and will be posted for inspection at the San Juan County Planning & Building Department during business hours. The currentness of the posted zoning maps will be assured by the San Juan County Planning Administrator. The current official zoning map and boundaries, notations, references, and other information shown thereon shall be as much a part of this LUDMO as if the information and matters set forth by the map were fully described herein. If the current official zoning map is amended or a new zoning map is adopted, the county Planning Administrator shall retain a digital copy of the previous zoning map.

B. **Current Controlling Map -** Regardless of the existence of purported copies of the current official zoning map, which may from time to time be made, amended, or published, the current official zoning map posted on the County's website and at the San Juan County Planning & Building Department shall be the final authority as to the current status of zoning.

C. **Uncertainty of Zone Line -** Where uncertainty exists with respect to the exact boundary of a zone, the following rules shall apply:

1. Where the uncertain boundary on the current official zoning map appears to be approximately a street or alley line, the centerline of the street or alley shall be construed to be the zone boundary;
2. Where the uncertain boundary appears to be approximately a lot or parcel line, the lot or parcel line shall be construed to be the zone boundary; and
3. Where the uncertain boundary appears to be a canal, ditch, or river, the centerline of the canal, ditch, or river shall be construed as the zone boundary.

CHAPTER 9A
RESIDENTIAL ZONE (R)

Section 1: BOUNDARIES

The boundaries of the Residential (R) Zone of San Juan County are designated by the current official zoning map and are incorporated by this reference.

Section 2: PURPOSE

The R Zone is a zone wherein residential uses are prioritized over all other uses. Any tangential use or accessory building in the zone is scrutinized against the zone's primary purpose for residential dwellings.

Section 3: USES

The R Zone uses are those corresponding uses listed in the Use Table. Uses not specifically listed in the table as permitted or allowed as a conditional use are prohibited.

Section 4: LOT STANDARDS

Lot Restrictions include:

A. One primary dwelling per lot.

B. The minimum spacing between a dwelling and any accessory buildings shall be 16 feet, with an additional 8 feet per story of the highest building for multiple story buildings.

Section 5: PUBLIC WATER & SANITARY SEWER SYSTEMS

If all or part of a proposed development is within the service area of an approved public water and/or sanitary sewer system, then the applicant must obtain a written certification from the public water service provider stating that it is able to, and will, 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 and sanitary sewer or septic systems will be considered only when the development's boundary is outside the service area of an approved public water system able to serve the development.

CHAPTER 9B
AGRICULTURAL ZONE (AG)

Section 1: BOUNDARIES

The boundaries of the Agricultural (AG) Zone of San Juan County are designated by the current official zoning map and are incorporated by this reference.

Section 2: PURPOSE

The AG Zone is a zone wherein agricultural and rural uses are prioritized over all other uses. Any tangential use or accessory building in the zone is scrutinized against the zone's primary purpose. Agricultural Industry or Businesses, as defined, are to be located in areas to avoid the creation of nuisance to neighboring zones.

Section 3: USES

The AG Zone uses are those corresponding uses listed in the Use Table. Uses not specifically listed in the table as permitted or allowed as a conditional use are prohibited.

Section 4: PUBLIC WATER & SANITARY SEWER SYSTEMS

If all or part of a proposed development is within the service area of an approved public water and/or sanitary sewer system, then the applicant must obtain a written certification from the public water service provider stating that it is able to, and will, 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 and sanitary sewer or septic systems will be considered only when the development's boundary is outside the service area of an approved public water system able to serve the development.

CHAPTER 9C
HIGHWAY COMMERCIAL ZONE (HC)

Section 1: BOUNDARIES

The boundaries of the Highway Commercial (HC) Zone of San Juan County are designated by the current official zoning map and are incorporated by this reference.

Section 2: PURPOSE

A zone bordering highways and main thoroughfares in San Juan County General Plan where commercial uses are permitted consistent with the goals of the area plan. Specific uses should include establishments offering goods and services to the traveling public, non-pedestrian-oriented retail, wholesale, service and repair activities that do not create unattractive, congested, or unsafe highway conditions with access provided primarily linked to the main thoroughfare with UDOT-approved access. The zone also seeks to protect, once developed, the travel corridor(s), encourage highway safety, reduce sprawl, and prevent overflow crowding of neighboring zones.

Section 3: USES

The HC Zone uses are those corresponding uses listed in the Use Table. Uses not specifically listed in the table as permitted or allowed as a conditional use are prohibited.

Section 4: LOT STANDARDS

All development in the HC Zone shall generally allow for a variety of uses and building types while maintaining the overall character of a highway commercial zone. This approach promotes better site layout and development relationships that match existing and proposed infrastructure investments.

A. **Access -** All Highway Commercial uses must have legal access to the adjoining highway, and comply with any conditional terms accounting for clustering, public safety, protection of the travel corridor, UDOT permissions/easements, and any other legal requirements.

B. **Height Restrictions -** No buildings erected in the HC zone shall be erected within 50 feet of an existing Residential Zone boundary. Buildings erected in the HC Zone within 100 feet of a Residential Zone boundary shall not exceed the corresponding Residential Zone height limitations.

Section 5: PUBLIC WATER & SANITARY SEWER SYSTEMS

If all or part of a proposed development is within the service area of an approved public water and/or sanitary sewer system, then the applicant must obtain a written certification from the public water service provider stating that it is able to, and will, 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 and sanitary sewer or septic systems will be considered only when the development's boundary is outside the service area of an approved public water system able to serve the development.

CHAPTER 9D
COMMUNITY COMMERCIAL ZONE (CC)

Section 1: BOUNDARIES

The boundaries of the Community Commercial (CC) Zone of San Juan County are designated by the current official zoning map and are incorporated by this reference.

Section 2: PURPOSE

The CC Zone is for commercial use consistent with the goals of the San Juan County General Plan. The zone is intended to have commercial building sizes smaller than the HC Zone and to be designed for less vehicle traffic and less traffic impact on the zone's roads and those of the neighboring zones than the HC Zone. It should also encourage walkability.

Section 3: USES

The CC Zone uses are those corresponding uses listed in the Use Table. Uses not specifically listed in the table as permitted or allowed as a conditional use are prohibited.

Section 4: LOT STANDARDS

All development in the CC Zone shall generally allow for a variety of uses and building types while maintaining the overall character of a community commercial zone. This approach promotes better site layout and development relationships that match existing and proposed infrastructure investments.

A. **Height Restrictions -** No height variances will be permitted in the CC Zone within 100 feet of a Residential Zone boundary.

B. **Building Size Restrictions**
   1. Buildings larger than a 10,000 square feet footprint are prohibited in the CC Zone.
   2. Buildings larger than a 5,000 square feet but less than 10,000 square feet footprint are a conditional use in the CC Zone.

Section 5: PUBLIC WATER & SANITARY SEWER SYSTEMS

If all or part of a proposed development is within the service area of an approved public water and/or sanitary sewer system, then the applicant must obtain a written certification from the public water service provider stating that it is able to, and will, 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 and sanitary sewer or septic systems will be

considered only when the development's boundary is outside the service area of an approved public water system able to serve the development.

CHAPTER 9E
MULTIPLE USE ZONE (MU)

Section 1: BOUNDARIES

The boundaries of the Multiple Use (MU) Zone of San Juan County are designated by the current official zoning map and are incorporated by this reference.

Section 2: PURPOSE

The MU Zone is a zone wherein the land is suitable for varying and mixed uses and consistent with the San Juan County General Plan.

Section 3: USES

The MU Zone uses are those corresponding uses listed in the Use Table. Uses not specifically listed in the table as permitted or allowed as a conditional use are prohibited.

Section 4: PUBLIC WATER & SANITARY SEWER SYSTEMS

If all or part of a proposed development is within the service area of an approved public water and/or sanitary sewer system, then the applicant must obtain a written certification from the public water service provider stating that it is able to, and will, 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 and sanitary sewer or septic systems will be considered only when the development's boundary is outside the service area of an approved public water system able to serve the development.

CHAPTER 9F
INDUSTRIAL ZONE (I)

Section 1: BOUNDARIES

The boundaries of the Industrial (I) Zone of San Juan County are designated by the current official zoning map and are incorporated by this reference.

Section 2: PURPOSE

The primary purpose of the Industrial Zone (I) is to provide an area in San Juan County General Plan for the processing, assembling, manufacturing, warehousing and storage of materials, products, and goods.

Section 3: USES

The I Zone uses are those corresponding uses listed in the Use Table. Uses not specifically listed in the table as permitted or allowed as a conditional use are prohibited.

Section 4: SITE PLAN REQUIRED

A. Prior to the construction of any building in the I Zone, a site plan shall be submitted and approved by the Planning & Building Department. Site plans shall be drawn to scale and shall include the following information at a minimum:

1. The location of all existing and proposed buildings and structures on the site, with full dimensions showing distances between buildings and distances from buildings to adjacent property lines;
2. A landscaping plan showing the location, types, and initial sizes of all planting materials to be used, together with the location of fences, walls, hedges, and decorative materials;
3. Preliminary elevations of main buildings showing the general appearance and type of external materials to be used;
4. Parking lot layout;
5. Solid waste storage location;
6. Site lighting;
7. Neighboring zones;
8. Irrigation plan;
9. Utility plan;
10. Water resources plan;
11. Sewer plan; and
12. Stormwater control plan.

Section 5: PARKING, LOADING, AND ACCESS

Each use shall provide approved parking sufficient for the use according to Chapter 17, as well as safe and adequate pedestrian access to the building. All loading and unloading must be done in the area designated as part of the site plan approval.

Section 6: OTHER REQUIREMENTS

Inasmuch as the I Zone is usually in proximity to a major highway, the following standards with respect to the appearance and maintenance of buildings and premises must be adhered to in the construction and maintenance of the buildings and grounds within the Zone:

A. **Landscaping** - Any portion of the lot or parcel not included in the structure or parking areas must be appropriately landscaped. The front landscape strip shall be a minimum of 20 feet on any side adjacent to a public road. A minimum of 10% of the overall site shall be landscaped.

B. **Refuse and Debris** - The entire site shall be kept free from refuse, debris, and waste material. All such refuse, garbage, debris, and waste material shall be kept in approved containers and stored within a building or enclosed within a sight-obscuring fence, wall, or screen of not less than six feet in height. Such containers shall not be located within the required front setback.

C. **Storage** - All storage, except loading and unloading, shall be enclosed within a building, or if approved as a conditional use, contained within an area that is enclosed with a sight-obscuring fence at least six feet but no more than eight feet in height. Storage shall not be permitted to protrude above the sight-obscuring fence.

D. **Maintenance** - All signs, structures, parking areas, landscaping, or other portions of the development that are visible from either an adjoining residential use or from a major public street or highway shall be kept in good repair and maintenance at all times. Failure to do so may be grounds for refusal to renew any permit or business license.

E. **Signs** - Any signs or other form of advertising must comply with the sign provisions of Chapter 16.

F. **Buildings** - Metal buildings may be allowed in this zone. All metal buildings shall have vertical walls and shall be painted with neutral colors.

G. Where applicable, the applicant must have approval from the San Juan County Health Department of all uses and site plans.

Section 7: ALL PERMITS REQUIRED- NUISANCE

All industrial uses shall comply with the necessary permitting or licensing processes of all regulating agencies: local, state, and federal. Failure to obtain or abide by required permitting and licensing is a public nuisance and is subject to enforcement action and any additional remedies under state and federal law.

CHAPTER 9G
RECREATIONAL SUPPORT ZONE (REC)

Section 1: BOUNDARIES

The boundaries of the Recreational Support (REC) Zone of San Juan County are designated by the current official zoning map and are incorporated by this reference.

Section 2: PURPOSE

The REC Zone allows recreational support uses in areas near national and state parks and recreation areas, major water ways, and boat landings. Any proposed secondary use or accessory building in the zone must not interfere with the zone's primary purpose to support recreational use. The REC Zone provides opportunities for lodging, resorts, small retail, outfitters, entertainment, and similar commerce that supports the recreation needs within the zone.

Section 3: USES

The REC Zone uses are those corresponding uses listed in the Use Table. Uses not specifically listed in the table as permitted or allowed as a conditional use are prohibited.

Section 4: LOT STANDARDS

A. Only one primary dwelling is allowed per lot or parcel.

Section 5: PUBLIC WATER & SANITARY SEWER SYSTEMS

If all or part of a proposed development is within the service area of an approved public water and/or sanitary sewer system, then the applicant must obtain a written certification from the public water service provider stating that it is able to, and will, 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 and sanitary sewer or septic systems will be considered only when the development's boundary is outside the service area of an approved public water system able to serve the development.

CHAPTER 10
ZONING AMENDMENTS

Section 1: PROCEDURE TO AMEND LUDMO OR ZONING MAP

A. **Application** – This LUDMO, including the current official zoning map, may be amended by the San Juan County Commission in accordance with the requirements of the County Land Use, Development, and Management Act (CLUDMA).

1. The San Juan County Commission or the Planning Commission can at any time recommend an amendment to this LUDMO or the current official zoning map through a motion directing the Planning Administrator to prepare a proposed LUDMO or zoning map amendment. The process for considering and approving the amendment shall be that described in Subsections (B) and (C).

2. Any other person seeking an amendment to this LUDMO or the current official zoning map shall submit to the San Juan County Planning & Building Department a written request containing the following information:

   a) Designation of the specific zone change or LUDMO amendment desired;

   b) The reason and justification for such zone change or LUDMO amendment, and a statement setting forth the manner in which the proposed zone change or LUDMO amendment would further promote the objectives of the San Juan County General Plan and the purposes of this LUDMO;

   c) A complete and accurate legal description of the area proposed to be rezoned or a draft of the proposed LUDMO amendment;

   d) For zone changes, a map, drawn to scale, showing all areas to be included within the proposed rezoning, designating the present zoning of the property and of all properties immediately adjacent thereto;

   e) For zone changes, a slope map showing categories of slopes at 0 to 10%, 11 to 20%, 21 to 30%. and over 30%; and

   f) The filing fee as established by this LUDMO through the current year's approved Fee Schedule. The Planning Administrator, the County Chief Administrator, county department heads, and the San Juan County Commission are exempt from paying the filing fee.

3. Unless otherwise provided, all approved zone changes shall become effective 14 days after approval and the current official zoning map will be immediately updated to reflect the change. Until the current official zoning map is updated, the passed

ordinance shall be posted on the County website and at the San Juan County Planning & Building Department in the same location as the current official zoning map.

Other properly submitted requests to amend this LUDMO may be considered at any time.

B. **Planning Commission Public Hearing** – After providing any notices required under the Utah Code and this LUDMO, the Planning Commission shall hold a public hearing on any properly requested zone change or LUDMO amendment. The Planning Commission shall also consider any written comments received from County residents and from adjoining landowners who may reside outside the County before the meeting at which a vote is taken on the requested zone change or LUDMO amendment. The Planning Commission shall recommend to the County Commission approval with or without amendments or denial. The Planning Commission may in its discretion continue the matter after the public hearing, including to allow for further hearings, consideration, investigation, and revisions. When making its recommendation, the Planning Commission shall make detailed findings supporting each element of its analysis. The Planning Commission shall forward to the San Juan County Commission with its recommendation its findings and any written comments received before the meeting at which the vote was taken.

C. **County Commission Public Hearing** – After providing any notices required under the Utah Code, the County Commission shall, after receiving the Planning Commission's recommendation, hold a public hearing to consider the proposed zone change for LUDMO amendment, including whether it is in the interest of the public and is consistent with the goals and policies of the San Juan County San Juan County General Plan. The legislative body may accept the Planning Commission recommendation, modify it, deny the application, continue, or remand the matter. The County Commission shall make detailed findings supporting each element of its analysis.

Section 2: ADHERENCE TO SAN JUAN COUNTY GENERAL PLAN AND HOUSING

It is the intent of this LUDMO to adhere to the goals and development strategies as stated in the San Juan County San Juan County General Plan. A zone change or LUDMO amendment should be made to benefit the County and its residents, including the need for low income / moderate income housing throughout the County.

CHAPTER 11
CONDITIONAL USES

Section 1: PURPOSE

Although each zone has permitted land uses that are generally compatible, other land uses are more intensive and produce special impacts that can be made compatible only through conditional regulation. If properly and carefully planned, these conditional uses may become **harmonious** and appropriate.

Section 2: PROCEDURE

A. The Planning Commission may, where authorized and subject to the procedures and standards set forth in this Chapter, consider and conditionally grant or deny an application for a conditional use permit. The Planning Commission may adopt an approved application form to be used. There is no presumption of approval for any conditional use, regardless of any table or listing of uses found in this LUDMO or otherwise created by the County.

B. Upon the receipt of a conditional use application, the Planning Administrator shall, within a reasonable time, review the proposed conditional use request, ensure it is complete (including that the required fees have been paid), follow the notice requirements of this Chapter, and submit a staff report to the Planning Commission attaching any written objections received with recommendations from the Planning Administrator.

C. The staff report should include a recommendation for approval or denial and suggest reasonable conditions that should be adopted if the permit is approved to mitigate all reasonably anticipated detrimental effects of the proposed use in accordance with the standards set forth in this Chapter. If the Planning Administrator concludes that no reasonable condition would adequately mitigate a reasonably anticipated detrimental effect of the proposed use, the Planning Administrator shall recommend denial of the conditional use permit.

D. Each conditional use permit the Planning Commission approves shall contain: (1) a permit number assigned to the permit approval, (2) a clear list of the conditions imposed, (3) the date the conditional use is approved, and (4) an expiration date. The approved conditional use permit shall be recorded on the parcel for which it was approved.

Section 3: MINIMUM CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

A. An applicant shall submit a completed conditional use permit application containing at least the following information. If items listed are determined to be unnecessary in a specific circumstance, the Planning Administrator may waive the requirement.

Conversely, if additional information is needed in a specific circumstance, the Planning Administrator may request reasonable additional information. For certain conditional uses specified in the following chapters, additional information may be required. Otherwise, the minimum requirements for a conditional use application are:

1. A site plan showing the existing ground conditions, including terrain, drainage, any existing buildings, and other site conditions prior to any demolition or grading, and showing the north arrow and scale;
2. A plan identifying the subject site in relation to adjoining public streets, residential uses, and the surrounding adjacent properties in which it is located with north arrow and scale;
3. The boundaries of the site, and any easements of record or known prescriptive easements;
4. Topography with contours shown at intervals of not more than two feet (2');
5. Vegetation type and location;
6. Soil type and load carrying capacity information;
7. One hundred (100) year floodplain and high groundwater areas, known spring and seep areas, and ditches or canals;
8. All existing roads, fences, irrigation ditches, and drainage facilities;
9. Location of public utility facilities and easements;
10. Site plan of the proposed conditional use, showing building locations and proposed landscaping;
11. Proposed road locations and other circulation features;
12. Proposed finished grade;
13. Proposed drainage, drainage works, retaining walls, and erosion control plans;
14. Proposed location of all site improvements, such as plazas, tennis courts, pools, or similar improvements;
15. Proposed easements for new utility services or relocated utility services;
16. Designations by proposed ownership of areas shown on site plan as being part of a condominium unit, common area, or dedicated open space;
17. General architectural concept elevation profile drawings of proposed buildings;
18. Lighting and signage plans;
19. View-shed analysis or photo simulations;
20. A preliminary title report showing title to the property vested in the applicant, the encumbrances, covenants, easements and other matters affecting the title, and a legal description of the site, with attached copies of any covenants or easements mentioned in the title report;
21. A development schedule indicating phased development, if any, and the estimated completion date for the project;

22. A general description of the project, the prospective tenants or occupants, whether condominium ownership, timeshare ownership, or nightly rental uses are proposed, and the proposed property management structure for any timeshare or nightly rentals;
23. Proposed location of any satellite receiving stations; and
24. Other information as may be reasonably useful or necessary for the meaningful review of the project, as requested by the planning staff.

Section 4: PUBLIC HEARING PROCEDURE FOR CONDITIONAL USE PERMITS

Upon considering an application for a conditional use permit, the Planning Commission may decide to hold a public hearing on the application. If the Planning Commission decides to hold a public hearing, the Planning Administrator shall ensure that the hearing is scheduled for the next available Planning Commission meeting and properly noticed.

A. If held, the public hearing shall be conducted in the following order:

1. Presentation of the application by staff;
2. Statement from the applicant;
3. Statement(s) from the public;
4. Response from the applicant; and
5. Questions directed to the applicant from the Planning Commission.

Section 5: GENERAL STANDARDS AND FINDINGS REQUIRED

A. These standards shall be in addition to any standards set forth in this LUDMO for the zone wherein the proposed conditional use will be established or the specific conditional uses addressed in the following chapters. If there is a conflict between these standards and those set forth for the appropriate zone or conditional use, the more specific standard controls. The County shall not issue a conditional use permit unless the Planning Commission finds or requires, as applicable:

1. The proposed use otherwise complies with all requirements of this LUDMO;
2. If the proposed use is related to a business, the business shall maintain a business license;
3. The use will be **harmonious**, or will be made so by the imposition of appropriate conditions, with adjacent structures in use, location, scale, mass, design, and traffic patterns;
4. The reasonably anticipated detrimental visual or safety impacts caused by the proposed use can be and will be adequately mitigated with imposed conditions;
5. The use is consistent with the LUDMO and the current San Juan County San Juan County General Plan;

6. The reasonably anticipated detrimental effects of any planned or reasonably anticipated future expansion in use or scale can be and will be adequately mitigated through imposed conditions;
7. All reasonably anticipated detrimental effects of the proposed use's lighting, parking, location, character, traffic impact on adjacent and collector streets can be and will be adequately mitigated through imposed conditions;
8. The proposed use's reasonably anticipated detrimental effects on drainage, erosion, soil stability, wildlife, dust, odor, noise, and vibrations can be and will be adequately mitigated through imposed conditions;
9. The proposed use will not, or with adequate mitigating conditions will not, place an unreasonable financial burden on the County; and
10. The proposed use, as conditioned, will not have a reasonably anticipated detrimental effect on the health, safety, welfare; including infrastructure, roads, water, sewer, electric, fire and police, solid waste collection, etc. of the residents and visitors of San Juan County.

Section 6: TRANSFERABILITY, TIME FOR PERFORMANCE, EXPIRATION, MODIFICATION

A. A conditional use permit is transferable with the title to the underlying property so that an applicant may convey or assign an approved project without losing the approval, so long as all conditions continue to be met. The applicant cannot transfer the permit off the site for which the approval was granted.

B. For all conditions capable of being satisfied prior to operation or occupancy, proof of compliance shall be submitted to the Planning Administrator before occupancy or operation commences. For any conditions that can only be satisfied after occupancy, proof of compliance shall be submitted to the Planning Administrator within three months of occupancy or operation.

C. Unless otherwise specified in the motion granting a conditional use permit, if the approved use has not started within 12 months from the approval date, the permit shall expire. Once any portion of the conditional use or any construction related thereto begins, the conditions related thereto become immediately operative and must be strictly obeyed. Upon showing evidence of substantial work toward commencing the conditional use, the Planning Commission may extend the time to commence work for another year.

D. To amend a permit, the permittee shall follow the same process required for obtaining a permit and the other provisions of this and other applicable chapters apply as they would to an initial application..

E. The Planning Administrator, upon receiving documented substantial evidence of noncompliance and in consultation with the County Attorney, may submit a request to the

Planning Commission to revoke a previously granted conditional use permit. An action to revoke a conditional use permit is considered an enforcement action, and the Planning Administrator (as the enforcement officer) may, but is not required, to follow the process outlined in Chapter 2 Section 11 before submitting such a request. If a request to revoke a conditional use permit is made, the Planning Administrator shall send written notice of the request to the permittee at the address provided to the County at least 10 days before the Planning Commission meeting at which the request will be considered. All documentary evidence that the Planning Administrator intends to provide to the Planning Commission shall be provided to the permittee at least three days before the Planning Commission meeting.

Section 7: REVOCATION

If a request to revoke a conditional use permit is presented to the Planning Commission, that body shall hold a evidentiary hearing to consider evidence. The Planning Administrator and the permittee shall provide all evidence supporting or opposing the request to revoke at least 24 hours before the hearing, including any information about enforcement actions taken by the Planning Administrator before making the request to revoke. At the hearing, the Planning Administrator will provide a statement supporting revocation. The permit holder may then provide a statement opposing revocation. The Planning Commission may ask questions of both.

A. The Planning Commission may revoke a conditional use permit only if:

1. The conditional use permit was obtained by mistake of fact, misrepresentation, or fraud; or
2. The permittee is not complying with conditions imposed upon the conditional use permit.

CHAPTER 12
SPECIFIC USES TO AREA

Section 1: PURPOSE

In addition to the limitations and requirements of the zone in which they are allowed as a permitted or a conditional use, the following limitations and requirements apply to the uses specified in Chapters 12A through 12F.

CHAPTER 12A
SHORT TERM RENTALS

Section 1: PURPOSE AND GENERAL PROVISIONS

The purpose of this is to:

A. Create a process for the use of a dwelling as a short-term rental (STR);

B. Address the granting, enforcement, and revocation of an STR conditional use permit (CUP);

C. Establish that, where STRs are allowed, they shall be allowed only by a valid CUP;

D. Establish that an STR conditional use permit will not be granted if the utility infrastructure, size limitation, setbacks, parking requirements, and all other conditions are not strictly complied with, as well as all other County, State, and federal laws;

E. Establish regulations to safeguard public health, safety, and welfare by providing for the permitting and maintenance of an STR;

F. Ensure that a dwelling used for an STR is operated in a manner that is safe for transient users, compatible with the community, and complies with this LUDMO; and

G. Ensure that an short-term rental CUP is granted only when that use is compatible with the surrounding neighborhood and protects the overall character of the community, mitigating the adverse effects of an STR on neighborhoods from increased noise, traffic, parking, trash, waste, and water use, as well as negative impacts.

Section 2: GENERAL PROVISIONS

A. Short-term rentals are prohibited unless explicitly allowed as a conditional use in the Use Table.

B. The STR shall meet all LUDMO provisions, including the size limitations and setbacks for the dwelling as applicable in the zone.

C. All STRs must also be licensed as a business by the County, and operating an STR without a current business license subjects the owner and the operator, at the County's discretion, to enforcement action, including revocation of the CUP.

D. All advertising in the control of owner, owner occupant, or local property manager for an STR shall include the San Juan County STR Business License number and relevant

limitations (e.g. dwelling size, parking, occupancy limit (if any), and state that "no events, parties or excessive noise are allowed."

E. All taxes, including Transient Room Tax, shall be collected at the time of rental and remitted to San Juan County via the State of Utah. Non-compliance may, at the County's discretion, result in enforcement action, including revocation of the STR CUP.

F. Tents, recreational vehicles (RVs), campers, or similar units that were not designed for permanent residential use are prohibited as STRs.

Section 2: APPLICATION PROCESS

A. A property owner or its agent must file a complete CUP application and be approved for a STR with the San Juan County Planning & Building Department prior to advertising the dwelling for short term rental.

B. In addition to the materials required to submit with a standard CUP application described in Chapter 11, a property owner or its agent seeking a CUP for an STR shall also provide the following:

1. The exact address, and proof of ownership of the subject lot or parcel. Any proposed CUP shall be issued in the name of the property owner. If the owner is an entity, the application shall list the names, addresses, emails, and phone numbers of all of the principals and the registered agent.
2. The exact dwelling on the lot or parcel that is the subject of the application, with photographs of the dwelling's exterior sufficient to identify and distinguish it from other dwellings on the lot or parcel.
3. Proof of one graveled or paved parking stall per every two bedrooms, and photographs of the required parking stalls.
4. The site plan showing setbacks, dwelling size limitations, number of approved bedrooms, required parking stalls, pull through lane for large vehicles or trailers, and trash disposal details in compliance with San Juan County.
5. If a local property manager is proposed, the contact information and a representation that the property manager will provide constant availability during the season of the STR's operation. The local property manager shall represent that its services include arriving at the STR location within two hours of a guest, County, or emergency services request. If the local property manager is an entity, the name, address, email, and phone number of all of the entity's principals and the registered agent.
6. A letter from the San Juan County Economic Development Department confirming that it will issue a business license for the proposed STR at the subject location contingent upon approval of the CUP.
7. Payment of the applicable application fee.

Section 3: Conditions

In addition to the criteria for conditions generally applicable to CUP applications set forth in Chapter 11, the following conditions apply to all CUPs for STRs:

A. The STR must register with the State of Utah as a business and pay all applicable taxes, including transient room tax and applicable personal property tax;

B. In order to preserve a residential atmosphere within the neighborhood in which it is located, the STR shall not have any outside appearance indicating a change of use from a residential use. Exterior advertising signs are not permitted, but a wayfinding sign shall be required at the San Juan County Planning & Building Department's sole discretion; and

C. If the County finds that complaints of congested and haphazard parking have been raised by STR neighbors, and therefore there shall be a minimum of one required parking stall per approved STR bedroom. No parking is permitted on the public street that provides access to the STR. If the STR hosts guests with trailers or large vehicles, on-site parking and a pull-through is required.

CHAPTER 12B
RV PARKS

Section 1: PURPOSE

To ensure that RV Park developments occur only as conditional uses and will be of such character so as to mitigate any reasonably anticipated detrimental effect on the objectives and purposes of the zones in which they are located and those contiguous to RV Park locations.

Section 2: LOCATION AND USE OF RV PARKS

In zones where they are allowed, RV Parks are a conditional use only.

Section 3: LIMITATIONS AND REQUIREMENTS

A. A conditional use as an RV Park shall not be allowed unless it has septic or sewer service approved by the San Juan County Health Department and culinary water service approved by the State of Utah Division of Drinking Water and any other regulating agency.

B. The maximum density for RV Park conditional use is nine dwellings per acre, measured in the total number of dwellings for the entire park

C. Storm drainage improvements shall be constructed to protect residents and their property as well as adjacent property owners and their property. Such improvements shall be of sufficient capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park.

D. To accommodate anticipated traffic, roadways shall be designed including the following standards, unless modified by an approved planned unit development plan:
   1. One-way traffic: A minimum of 15 feet in width plus extra width as necessary for maneuvering mobile homes.
   2. Two-way traffic: A minimum of 30 feet in width.
   3. Access: Each RV Park shall have at least two accesses to public streets.

E. In an RV Park, each dwelling, including any add-on, must not be located closer than 10 feet from the nearest portion of any other dwelling, including add-ons. All dwellings must be set back at least 10 feet from road curbs or walks. If an RV or mobile or modular home tongue remains attached, it shall be set back a minimum of 6 feet from road curbs or walks. All dwellings shall be set back at least 15 feet from any boundary of the RV Park.

F. Off-street parking shall be provided at the rate of two parking spaces per dwelling-and each such parking space shall have a minimum width of 10 feet and a minimum depth of

20 feet. In no case shall a parking space be located farther than 100 feet from the dwelling it is designed to serve.

G. RV's shall not be used as short-term rentals.

Section 4: RV PARKS - APPLICATIONS

A. In addition to the general requirements for an application for a conditional use permit, an application for a conditional use as an RV Park shall include a site plan drawn to scale no smaller than 1" to 50'-0". At least six copies of the plan shall be submitted. The plan shall show:

1. When required by the Planning Administrator, the topography of the site represented by contours shown at not greater intervals than two feet;
2. The proposed street and dwelling space layout;
3. Proposed areas reserved for parks, playgrounds, and open spaces;
4. Tabulations showing percent of area to be devoted to parks, playgrounds, and open spaces, number of dwelling spaces, and total area to be developed;
5. Proposed locations of parking spaces;
6. Generalized landscaping and utility plan, including locations of water, electricity, sewer or septic, gas lines, and fire hydrants; and
7. Any other data the Planning Administrator may require.

CHAPTER 12C
GLAMPING RESORTS

Section 1: PURPOSE

A. To permit development of glamping units and glamp-grounds in appropriate zones and to require that glamping accommodations will be of such character as to promote the objectives and purpose of this LUDMO;

B. To protect the integrity and character of the zones and property contiguous to or near glamp-grounds;

C. To protect other uses contiguous to or near glamp-grounds; and

D. To regulate glamping to a standard protecting public health.

Section 2: LIMITATIONS AND REQUIREMENTS

A. In addition to other applicable requirements in this LUDMO, all glamping units must comply with the following requirements:

1. Access road and property line setbacks shall be: front, 25 feet; side and rear 15 feet.
2. Minimum lot size per glamping unit area is 2,000 sq. ft.
3. Canvas wall structures shall be located not less than 25 feet from the individual glamping unit boundary.
4. Platforms shall be engineered and shall comply with local building codes.
5. Potable water systems are required and shall comply with State and County requirements.
6. Wastewater/human waste systems shall comply with the rules and regulations of San Juan County, San Juan County Health Department, and the Utah Department of Environmental Quality (DEQ).
7. Glamp-grounds shall have not less than one eight-cubic-yard covered dumpster for every 20 glamping units or portion thereof. All glamp-grounds must have a solid waste plan describing how solid waste will be disposed of at an authorized disposal facility.
8. Each glamping unit shall have not less than two 10-feet-by-20-feet parking spaces. All parking shall be off-street.

B. Each glamp-ground shall include sanitary sewer facilities that meet the following requirements:

1. Located not more than 200 feet from any one glamping unit.
2. Have at least two parking spaces per sanitary facility.
3. Shall not be pit toilets, **incinerators, or composting toilets.**
4. Shall meet San Juan County Health Department and State requirements for wastewater.

C. Access to the glamp-ground shall, at a minimum, be as follows:

1. Interior access roads shall have a roadway of not less than 24 feet and shall be looped or contain a turn-a-round of not less than a 50-foot radius. Surfacing shall be all-weather. Road design features shall comply with American Association of State Highway and Transportation Officials for resource roads.
2. All glamp-grounds shall be accessed by a public or private road.
3. Glamp-grounds shall have, at a minimum, the following fire protection:
   a) Each glamping unit shall contain at least one appropriate fire extinguisher.
   b) Water storage and adequate fire suppression shall comply with State and local requirements.

Section 3: GLAMPING APPLICATION

A. An overall plan for development of a glamp-ground or glamping unit shall be submitted to the San Juan County Planning Department for review. The plan shall be drawn to a scale no smaller than one (1) inch to forty feet (40'). At least one (1) digital copy, with scale bar and north arrow, of the plan shall be submitted. The Plan shall show:

1. The topography of the site when required, represented by contours shown at not greater than two (2) foot intervals.
2. The proposed street, sanitary facility and individual glamping unit layout.
3. Proposed reserved areas for parks, playgrounds and open spaces, and tabulations showing the percentage of area to be devoted to parks, playgrounds and open space, the number of glamping units, and total area to be developed.
4. Proposed location, number and design and size of parking spaces.
5. Detailed landscaping and utility plan, including location of sewer, water, electricity, gas lines and fire hydrants.
6. Any other data the Planning Department may require.

B. An application fee of $500 is required with submittal to the Planning Department. No processing will be initiated until fees are paid.

Section 4: GLAMPING CONDITIONAL USE APPROVAL

A glamping unit or glamp-ground may not be constructed unless approved through a Conditional Use Permit by the Planning Commission, after review of plans for said glamp-ground. Plans shall satisfy the Planning Commission that the proposed development will:

A. Be compatible with the general character of the district where it is proposed to be located.

B. Have at least three (3) spaces completed and approved for occupancy before the first occupancy is permitted in phase development.

C. Meet all requirements of the State of Utah Code of Camp, Hotel, Motel and Resort Sanitation. Regulations which are intended to apply to tent camps as defined in such Code. Glamping units and glamp-grounds shall also comply with all State and Local building code requirements.

D. Contain no more than twenty (20) units per acre. The remaining land not contained in individual glamping units, roads or parking, shall be set aside for undeveloped open space, parks, playgrounds or service areas for the common use and enjoyment of occupants of the development.

E. Have adequate sewer and water service with hookups provided to each glamp-ground.

F. Have adequate fire protection as approved by the San Juan County Building Official, Planning Commission and San Juan County Commission.

CHAPTER 12D
CAMP PARKS

Section 1: PURPOSE

A. To permit development of campsites on private properties for commercial purposes in appropriate districts and to require public safety and welfare provisions and will be of such character as to promote the objectives and purpose of this LUDMO;

B To protect the integrity and character of the districts contiguous to or near campsites;

C. To protect other uses and values contiguous to or near campsites; and

D. To regulate commercial campsites to a standard protecting public health and safety.

Section 2: LOCATION AND USE

A. Camp Parks shall be generally located:

1. Adjacent to or near a maintained road or highway; and
2. In areas accessible by emergency services.

B. All Camp Parks must comply with County and State health and safety requirements, particularly regarding the provision of sanitary sewer services. Camp Parks shall also comply with the following requirements:

1. Access road and property line setbacks – Front: 25', Side: 15', Rear: 15'
2. Potable water systems are required and shall comply with State and County requirements.
3. Sanitary sewer systems shall comply with San Juan County, San Juan County Health Department, and Utah Department of Environmental Quality (DEQ) regulations. Pit or chemical toilets are permitted.
4. An adequate fire suppression water system approved by the fire marshal.
5. Each campsite shall have not less than two 10-feet-by-20-feet parking spaces. All parking shall be off-street.
6. Interior access roads shall have a width of not less than 24 feet and shall be looped or contain a turn-a-round of not less than a 50-foot radius.
7. All Camp Parks shall be accessed by a public or private road.
8. Each camp park shall contain an adequate number of fire extinguishers.
9. Each campsite shall be self-contained.
10. Each campsite must be at least 100 feet from any stream or other water source.
11. If campfires are allowed, fire containment must be in a permanent fire ring that is maintained to contain sparks within the fire and provide five feet of distance clear of non-combustible materials.

Section 3: CAMP PARK APPLICATION

A. An application for approval of a Camp Park as a conditional use shall be in writing and include, in addition to the information generally required for conditional use applications, a comprehensive and detailed site plan for development of a Camp Park and be submitted to the Planning & Building Department for review. The site plan shall show:
   1. The proposed streets, sanitary accommodations, and individual primitive campsite layout;
   2. Proposed location, number, design, and size of parking spaces; and
   3. Any other data the Planning & Building Department may require.

B. The application shall include the required fee as set by the County.

CHAPTER 12E
SMALL WIRELESS FACILITIES

Section 1: GENERAL PROVISIONS

A. Small wireless facilities, as that term is defined by Utah Code Title 54, Chapter 21, are a conditional use in the zones designated on the use table.

B. The design standards set forth in this Chapter are in addition to whatever is required by the standard conditional use process set forth in this LUO and provide design and aesthetic requirements and specifications that all small wireless facilities installed within a public right-of-way must meet prior to installation.

C. The specifications provided in this Chapter are for single carriers with single-technology installations within a public right-of-way, only. Dual carrier, dual technology installations or small cell locations not in a public right-of-way may vary from these guidelines with County approval.

Section 2: DEFINITIONS

A. The definitions provided in the Small Wireless Facilities Deployment Act, Utah Code Title 54, Chapter 21, and as hereafter amended are adopted.

Section 3: DESIGN AND LOCATION REQUIREMENTS

A. A small wireless facility shall be installed within an existing utility pole when technologically and economically feasible; otherwise, unless the utility pole is a decorative streetlight, the facility shall be installed on an exisiting utility pole and shall not protrude from the pole except as reasonably necessary to connect to power or a wireline.

B. If it is not technologically or economically feasible to install the facility within or on an existing utility pole, it may be installed within or on a new utility pole. The facility may be installed on a new utility pole only if it is not technologically or financially feasible to install it within the new pole and the new pole is not a decorative streetlight.

C. Small wireless facilities are allowed to be installed only within, not on, decorative streetlights.

D. A small wireless facility installed on a utility pole shall:

1. Not create a significant obstruction to property sight lines;
2. Have appropriate clearance from existing utilities;
3. Not exceed the diameter of the utility pole by more than three inches on either side;

4. If a sidearm of offset installation is permitted, the furthest point of the enclosure may not extend more than 18 inches from the utility pole;
5. Not be welded to existing hardware and all hardware shall be hidden from view as much as is feasible;
6. Not be located lower than eight feet from the grade directly below the facility;
7. Be placed perpendicular to the street away from vehicular traffic;
8. Be located equidistant from adjacent utility poles;
9. In a Residential zone, not exceed a noise limit of 5 dBA above ambient sound and in any case not exceeding 30 dBA as measured at a property line. This requirement is independent of other noise regulations that might apply;
10. Not conflict with the aesthetics of existing utility poles in the area;
11. Be located such that the facility meets ADA requirements and does not obstruct, impede, or hinder usual pedestrian or vehicular travel or interfere with the operation and maintenance of signal lights, signage, streetlights, street furniture, fire hydrants, or business districts;
12. If the facility is to be installed on an existing utility pole, minimize its impact on the pole's aesthetics and those of the adjacent poles, including a powder coat over matching zinc paint or, if a wood pole, the visible attachments and hardware shall be colored gray;
13. If the facility is to be installed on a new utility pole, match as nearly as reasonably possible the aesthetics of adjacent utility poles, be galvanized, and be similarly painted with a powder coat over zinc paint;
14. If the facility is or includes an antenna or extender, unless a side-arm installation is required and approved, be concealed in an enclosure with a maximum 14-inch diameter mounted directly on top of the utility pole that has a tapered transition between the upper pole and the enclsoure and blends with the utility pole's aesthetic unless the visual impact can be better reduced in a different manner;
15. When installed on a utility pole other than one used for traffic control, any hardware that does not need to be mounted on the utility pole shall be placed inside a ground-mounted utility box and all fiber, lines, cables, or strands in conduits within the utility pole if feasible or otherwise flush with the utility pole;
16. If installed on a utility pole used for traffic control, all equipment that does not need to be mounted on the utility pole shall be placed, if feasible, inside the pole in a round base cabinet; if that is not feasible, such equipment shall be placed inside a ground-mounted utility box and all fiber, lines, cables, or strands must be located in conduits within the utility pole; and
17. If installed on a monopole telecommunications tower, all equipment that does not need to be mounted on the monopole must be mounted inside the monopole's base cabinet.

E. All conduits, cables, wires, lines, fiber, and strands shall be clearly labeled.

F. All cables, wires, lines, fiber, strands, and similar materials must be located in a dedicated conduit.

G. An-utility pole cabinet or ground mounted utility box shall be labeled with:

1. An RF warning sticker, background to match pole color, no larger than 4 x 6 inches, facing the street near the elevation of the antennae;

2. A plate, no larger than 4 x 6 inches, with the provider's name, location identifying information, and 24-hour emergency telephone number; and 3. No advertising, logos or decals.

H. There shall be no lights on the small wireless facilities or supporting hardware unless required by state or federal law.

I. Ground mounted utility boxes must meet and follow existing county ordinances for such boxes and be attached to a concrete foundation.

J. Any utility pole with a collocated small wireless facility shall not exceed 50 feet in height measured from the foundation and including the facility and supporting hardware

K. All structural components of the small wireless facility shall be designed for a minimum of 115 MPH wind velocity, per AASHTO's Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, TIA-222 rev G and ASC 710 with IBC 2012 as amended, and any required modifications for snow loading and other local conditions.

Section 4: POWER AND GROUND MOUNTED UTILITY BOXES

A. Back-up batteries must be underground if possible or, if not, in a ground-mounted utility box.

B. A separate meter and disconnect is required for both the power and the small wireless facility signal that can be easily accessed and operated by county maintenance personnel.

C. Utility boxes must have metered power.

D. A Non-Ionizing Electromagnetic Radiation (NIER) reportshall certify radiation is at safe levels and a copy shall be provided to the utility pole owner and retained on file for equipment type and model.The NIER reportshall be endorsed by a qualified professional and it shall specify minimum approach distances to the public as well as electrical and

communication workers that are and are not trained for working in an RF environment (uncontrolled) when accessing the utility pole by climbing or bucket.

CHAPTER 12F
TELECOMMUNICATION TOWERS

[Section forthcoming in separate ordinance updated with State and Federal regulations]

CHAPTER 13
AIR TRANSPORT OVERLAY ZONE (ATOZ)

Section 1: PURPOSE

A property owner or a property owner's agent may petition for a zone change to an Air Transport Overlay Zone (ATOZ) to establish and operate an airport, airstrip, heliport, helipad, vertiport, vertistop, or similar air transport launching or landing location, whether public or private, as a conditional use (a conditional use permit is also required). Such facilities are otherwise prohibited in all zones. The ATOZ is available only in the AG, MU, and REC Zones.

Section 2: GENERAL PROVISIONS

The petition for zone change must comply with the Utah Airport Zoning Act, Utah Code Title 72, Chapter 10, Part 4 and as hereafter amended, and applicable federal regulations, including 14 C.F.R. Part 77.

In addition to following the standard process for petitioning for a zone change in this LUDMO, petitioners seeking the ATOZ designation must also:

A. Include in the petition the following:

1. The official county zoning map showing the location of the proposed overlay as well as its location compared to the other ATOZ areas already established in the County;
2. A site master plan that clearly indicates the purpose and details of the project, including technical facts and a clear description of how the proposed development provides benefits to the greater San Juan County region as compared to development carried out in accordance with the otherwise applicable zoning and development regulations, including, at a minimum, the following:
   a) A statement by the petitioner describing how the proposed development provides greater benefits to the San Juan 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:
      i) Public recreational areas;
      ii) Public drinking water supply watersheds (including recharge areas for aquifers);
      iii) Floodplains and riparian habitats;
      iv) Slopes in excess of 30 percent; and
      v) Significant geological, biological, and archeological sites.
   c) Identification of how safety issues potentially impacting adjacent properties are eliminated or mitigated;

d) The airport influence, approach, transition, and turning areas;
e) Proof of ownership of necessary avigation rights or easements;
f) For proposed public air transport facilities, a description of the beneficial public services and goods the project provides to the community, including a community benefit concept description and specific documentation of the proposed types, amounts, locations, and relationships of compatible uses the proposed project would provide to the community;
g) A narrative and graphic presentation of the development, documenting and presenting the proposed development and land uses by:
    i) Gross acreage;
    ii) Total project density and/or square footage for all uses proposed for the project per gross acre;
    iii) Total number of parking spaces required and provided;
    iv) Parking, service and loading area acreage/spaces;
    v) Project Floor Area Ratio (FAR);
    vi) Public open space and similar publicly-accessible feature acreage;
    vii) Descriptions and graphic representations suitable for conveying the overall development character and proposed architectural style of the proposed development; and
    viii) The relationship of the proposed development to existing development in the area, along nearby roads, and to significant natural and built features in the area;
h) If required by the **Planning Administrator**, a traffic study prepared by a licensed transportation or traffic engineer documenting project traffic generation, impacts (including traffic noise), and proposed mitigation;
i) All major roads, site access roads, parking and service areas, major utilities, a conceptual drainage plan and entrance locations on existing roads, approach areas, influence areas, and avigation easements;
j) A statement of how the proposed project is consistent with the San Juan County General Plan;
k) A conception master plan for controlling vegetation and building height surrounding runway so as not to interfere with height restricted zones; and
l) Other relevant information that will support the petition or as otherwise requested by the San Juan County Planning & Building Department.

B. An airport approach area must not have buildings or other structures or utility lines, and it must not have a tree or natural feature-that is more than one foot in height for each 50 feet it is distant from the end of the landing or takeoff strip.
C. An airport transition area must not have buildings or other structures or utility lines and it must not have a tree or natural feature that is more than one foot in height for each seven feet it is distant from the inside boundary of the airport approach area.

D. An airport turning area must not have buildings or other structures or utility lines and it must not have a tree or natural feature higher than 150 feet.
E. All of the land covered by the airport approach zone within 1,000 feet from the end of a runway must be owned by the same person or corporation that owns or controls the operation of the airport. The construction of buildings and structures or the growing of trees or other natural feature in this area must not be over the above prescribed height limits.
F. Notwithstanding any other provision of this LUDMO, uses must not be made of land within the County that create electrical interference with radio communication between airports and aircraft; make it difficult for flyers to distinguish between airport lights and other lights; result in glare in the eyes of flyers using the airport; impair visibility in the vicinity of airports; or otherwise endanger the landing or taking off of aircraft.
G. In addition to the requirements of this Chapter, the construction of dwellings within an ATOZ must-comply with the height, setback, and other restrictions as deemed necessary for safety as per federal aviation guidelines.

CHAPTER 14
PARKING REQUIREMENTS AND MOTOR VEHICLE ACCESS

Section 1: OFF STREET PARKING

There shall be provided at the time any building is constructed, enlarged, or increased in capacity minimum off-street parking space with adequate provisions for ingress and egress by standard-sized automobiles as hereafter provided.

Section 2: SIZE

The dimensions of each off-street parking space shall be at least nine (9) feet by twenty (20) feet for diagonal or ninety-degree (90) spaces; or nine (9) by twenty-two (22) feet for parallel spaces, exclusive of access drives or aisles, provided that in parking lots of not less than twenty (20) parking spaces the building inspector may approve a design allowing not more than twenty (20) percent of such spaces to be not less than seven and one-half feet (7-1/2') by fifteen (15) feet to be marked and used for compact automobiles only.

Section 3: PARKING SPACE FOR DWELLINGS

In all residential zones there shall be provided adequate off-street parking space for the parking of two (2) automobiles for each dwelling unit in a new dwelling, or each dwelling unit added in the case of the enlargement of an existing building.

Section 4: OFF-STREET PARKING SPACE FOR BUILDING OR USE OTHER THAN DWELLING

A. For a new building, or for any enlargement or increase in seating capacity, floor area or guest rooms of any existing main building, parking shall be provided as follows:

    1. For church, school, college and university auditoriums and theaters, general auditoriums, stadiums and other similar places of assembly at least one (1) parking space for every ten (10) fixed seats provided in said buildings or structures.
    2. For hospitals at least one (1) parking space for each two (2) beds including infants' cribs and children's beds. For medical and dental clinics at least ten (10) parking spaces and three (3) additional parking spaces for each doctor or dentist having offices in such clinic in excess of three (3) doctors or dentists.
    3. For individual sleeping or living units, hotels and apartment hotels, overnight accommodations, excluding camping sites, at least one (1) parking space for each two (2) sleeping rooms, up to and including the first twenty (20) sleeping rooms, and one (1) parking space for each three (3) sleeping rooms over twenty (20) sleeping rooms.
    4. For restaurants or establishments that serve meals, lunches, or drinks to patrons either in their cars or in the building, for retail stores selling directly to the public, and for dance halls and recreational places of assembly at least one (1) space for each two

hundred (200) square feet of floor space in the building, or one (1) space for each two (2) employees working on the highest employment shift, or five (5) parking spaces, which ever requirement is greater.

5. For mortuaries, at least thirty (30) parking spaces; for liquor stores, at least twenty (20) parking spaces.
6. For all business or industrial uses not listed above, one (1) parking space for each two (2) employees working on the highest employment shift.

B. Regardless, unless otherwise provided, required, or excepted, for any new building or enlargement or increase in seating capacity, floor area, or guest room there shall be at least one hundred eighty (180) square feet net parking area and at least one parking space.

Section 5: LOCATION OF PARKING SPACES

Parking spaces as required above shall be on the same lot with the main building, or, in the case of buildings other than dwellings, may be located not farther than five hundred (500) feet therefrom.

Section 6: PARKING LOT REGULATIONS

Any lights used to illuminate the lot shall be so arranged as to reflect the light away from adjoining premises in any residential zone.

Section 7: OFF-STREET TRUCK-LOADING SPACE

On the same premises with every building, structure or part thereof, erected and occupied or increased in capacity after the effective date of this title for manufacturing, storage, warehouse, goods display, department store, grocery store, hotel, hospital, mortuary, laundry, dry cleaning or other use similarly involving the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading services in order to avoid undue interference with public use of streets or alleys. Such space, unless otherwise adequately provided for, shall include a minimum of ten (10) feet by twenty-five (25) feet loading space with a minimum of fourteen (14) feet height clearance for every twenty thousand (20,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of building floor use for above mentioned purposes, or for every twenty thousand (20,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of land-use for above mentioned purposes.

Section 8: ACCESS REQUIREMENTS

Service stations, roadside stands, public parking lots, and all other businesses requiring motor vehicle access shall meet the requirements as hereinafter provided:

A. Access shall be by not more than two (2) locations for each one hundred (100) feet or fraction thereof of frontage on any street.

B. No two (2) access locations shall be closer to each other than twelve (12) feet, and no location shall be closer to a side property line than three (3) feet.

C. Each access location shall be not more than thirty-five (35) feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radium shall fan within the right-of-way.

D. No access location shall be closer than ten (10) feet to the point of intersection of two property lines at any corner as measured along the property line, and no location shall extend across such extended property line.

E. In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the access location. On the two ends and street side of each such island shall be constructed a concrete curb, the height, the location and structural specifications of which shall be approved by the Building Inspector.

F. Where there is no existing curb and gutter or sidewalk, the applicant may, at its option, install the foregoing described safety island and curb, or, in place thereof, shall construct along the entire length of the property line, except in front of the permitted access location, a curb, fence, or pipe rail, not exceeding two (2) feet or less than eight inches in height.

G. Encroachment permits onto any public street or highway must be obtained from any appropriate entity, and the location of encroachment onto any public street or highway must be approved by the building department.

Section 9: LOCATION OF GASOLINE PUMPS

Gasoline pumps or electric vehicle charging stations shall be set back not less than eighteen (18) feet from any street line to which the pump island is more or less vertical and twelve (12) feet from any street line to which the pump island is more or less parallel, and not less than ten (10) feet from any residential or agricultural zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line.

CHAPTER 15
ADDRESSING STANDARDS

Section 1: PURPOSE

To be a foundation for a uniform San Juan County property identification system. Such uniformity will be developed and applied to street names, numbers, and structures - and establish property identification for providers of public and emergency services. The procedures listed herein shall apply to all streets, street identification signs, address numbers, structures, and public/private property existing within the unincorporated regions of San Juan County as well as contract entities/municipalities at the time of adoption of the ordinance codified in this document, as well as those created or constructed at a later time.

Section 2: DEFINITIONS

As used in this chapter:

ADDRESS (situs address, full address, physical address): Unique alphanumeric descriptor that identifies the property location of a parcel of land, a building, or other structure on the address grid system.

ADDRESS FORMAT: Order of assemblage and structure of the five standardized components (address number, directional, street name or number, street type, substructure suffix) used in the legal situs address.

ADDRESS GRID SYSTEM/REGIONAL ADDRESS GRID: Coordinate system that has evolved and developed for identifying address and street locations for a specific municipality or area.

ADDRESS NUMBER (HOUSE NUMBER): Component of the legal situs address that is numerically sequenced and assigned to a structure or parcel along a street according to its relative distance perpendicular to the Baseline or Meridian axis of a regional address grid.

ADDRESSING AGENCY: Authoritative division of county government responsible for regional addressing services. It also serves as a resource for fostering collaborative relationships between San Juan County, incorporated cities, and public and emergency services.

ADDRESSING AUTHORITY: The addressing agency or the entity that the addressing agency contracts with to provide addressing services to any municipality or unincorporated region of the county.

ADDRESSING SERVICES: Services including the naming and numbering of streets, courts, parks, thoroughfares, and other public places; residential and commercial structures and buildings and structures of all types; and vacant lots and other spaces within the unincorporated

county or in contracted municipalities and further includes maintaining the county's official countywide validated addresses and the county's official street file.

ADDRESSING STANDARDS AND DEFINITIONS POLICY: Established regulations and guidelines, as revised from time to time, that define specific procedures for the design and designation of address numbers on all houses and buildings, including occupancy units therein, as well as the design of names and numbers for streets both public and private including standards for street intersection markers (signs).

BASELINE STREET: East and West directional street (ex: Center Street in Monticello) that intersects with the Meridian street (ex: Main Street in Monticello) to benchmark the permanent origin of a regional address grid and provide a datum point from which the coordinates of all other streets and legal situs addresses are calculated (see MERIDIAN STREET).

CONTRACT ENTITY: Governmental entity other than a municipality within San Juan County that has entered into an agreement with the addressing agency for addressing services.

CONTRACT MUNICIPALITY: Municipality within San Juan County that has entered into an agreement with the addressing agency for addressing services.

DIRECTIONAL: Compass direction of the legal situs address that references the regional address grid and the direction in which the address numbers are measured along the roadway of both public and private streets. Directional may be prefixes, coming after the address number and before the street name, or suffixes, coming after the street type.

DOCUMENTED DATA: Affidavit, ordinance, resolution, or subdivision plat recorded in the San Juan County Recorder's Office, assigning an address, coordinate, or street name provided by an addressing authority.

INTERSECTION: Point on a regional address grid that identifies the physical location where two or more streets cross.

MERIDIAN STREET: North and South directional street (ex: Main Street in Monticello) that benchmarks the permanent origin of a regional address grid and provides a datum point from which the coordinates of all other streets and legal situs addresses are calculated (see BASELINE STREET).

OFFICIAL STREET AND ADDRESS FILES: Computer files and associated maps adopted by the county, including the San Juan County General Plans of the county.

PLAT, FINAL: Map or chart of a subdivision, PUD, condominium, or other proposed development that has been accurately sited or surveyed and located on the ground so that streets, alleys, blocks, lots, and other divisions thereof can be identified - to be recorded with the County Recorder upon approval by the Board of San Juan County Commissioners

RIGHTS-OF-WAY, PRIVATE: Streets that are retained and maintained under the ownership of private individuals intended and may be intended for both private and public use.

RIGHTS-OF-WAY, PUBLIC: Streets dedicated for perpetual public use and are administered by the governing entities in which they are located.

STREET: Any rights-of-way, under public or private ownership for public use, designed for the travel of motorized vehicles to enter and exit through passage and to include the ways used for internal circulation of traffic.

STREET NAME: Alphabetic name assigned, not including the street type designator, to identify both public and private streets and is one of the primary components of a legal situs address.

STREET NUMBER: Name of a street designated with numerals according to its numerical position on a regional address grid relative to the Baseline or Meridian axis streets.

STREET TYPE: Standardized identification descriptor that corresponds to physical and functional characteristics of a street (i.e., "Avenue," "Bay," "Boulevard," "Circle," "Court," "Cove." "Drive," "Expressway," "Lane," "Parkway," "Place," "Road," "Row," “Spur,” "Street," and "Way")

SUBDIVISION: Division of a tract or lot or parcel of land into two or more lots, plots, sites, or other divisions of land for the purpose - whether immediate or future - of sale or building development or redevelopment and a plat has theretofore been recorded in the office of the county recorder under a unique name to identify one subdivision from another. In the context of property identification, "subdivision name" may also be used to identify other conditional use or project names.

SUB-STRUCTURE SUFFIX: Component of a legal situs address not present in all addresses that is used to identify a one-to-one correspondence between a building and high-density occupancy structures within the building such as suites, rooms, apartments, and condominium units. A sub-structure suffix component must contain both a “#” symbol and a unit number (104, C, 104C)

Section 3: DUTIES OF ADDRESSING AGENCY AND ADDRESSING AUTHORITY

A. It shall be the duty of the addressing agency to establish an addressing standards and definitions policy for the County.

B. The addressing agency shall have a duty to offer addressing guidance, as requested, from incorporated cities. They must also approve alphabetical street names and create and maintain address point data for the whole county by creating a positive relationship with the cities in San Juan County. The agency is responsible for maintaining address points through data documented and/or validated by the incorporated cities, including creating

new addresses, updating existing addresses, and making changes to data associated with individual addresses.

C. It shall be the duty of the addressing authority to name and number all streets, to designate numbers for houses or buildings fronting upon all such streets, to certify addresses in accordance with the addressing standards and definitions policy, and to enforce the provisions of this chapter, for the unincorporated area of the county as well as contract municipalities. The addressing authority shall inform the county addressing agency before making addressing changes in the unincorporated county.

D. The addressing agency shall establish and make changes as necessary to the Baseline/Meridian streets and boundaries for the individual regions that make up the regional grid system.

Section 4: NAMES OF STREETS DESIGNATED IN THE OFFICIAL STREET AND ADDRESS FILES

All streets, whether public or private, shall be known by the names by which they are so designated in the official street and address files of the addressing agency, with such additions, changes, and corrections of the names as shall from time to time be placed in the official files by ordinance.

Section 5: SYSTEM OF NUMBERING

The addressing authority in numbering the houses or buildings upon the streets of unincorporated San Juan County or contract municipalities shall adhere to the following address format:

A. The initial point of intersection in any regional address grid shall be the junction of a Baseline Street and Meridian Street axis, and the numbering shall extend thence east, west, north, and south; the even numbers always on the right and odd numbers on the left, looking away from the initial point.

B. Each property identification number must contain:

1. An “address number” component that is numerically sequenced and assigned to a structure or parcel along a street according to its relative distance perpendicular to a Baseline or Meridian axis of a regional address grid.
2. A “direction component” referencing the regional address grid quadrant and the compass direction in which the address numbers run shall be required whenever a street number is used in an address, abbreviated with the single letter equivalent for its compass direction. (N, S, E, or W)
    a) A prefix directional component is not required on streets with an alphabetic name in instances where the direction of travel away from the initial point of intersection is deemed by the addressing agency to be too inconsistent or would

otherwise be confusing to assign as a singular compass direction. However, in any regional address grid, a directional component should be included in the official street and address files, regardless of whether or not the directional is used as part of an assigned address.

b) A suffix directional component is an optional component to be included after the street type that indicates the compass direction taken by the thoroughfare from an arbitrary starting point - or the sector where it is located.

3. A "street name component" consisting of either an alphabetic name or a number name, but not both is assigned to both public and private rights-of-way for locating purposes.
   a) Alphabetically Named Streets
      i) Alphabetic names should only contain letters of the alphabet, without special characters, numerical characters, or hyphens as part of their name.
      ii) Words that serve as a street type shall not be allowed to serve as street names or parts of street names. Refer to STREET TYPE under section 2 of this chapter for a list of street types.
      iii) Alphabetic street names should never be abbreviated.
      iv) Street names shall not be duplicated by exact name, exact sound, similar name, or similar sound with any other existing or proposed street names within a regional addressing grid or singular zip code.
      v) Street names with unconventional spelling, difficult spelling, or any combination of the two shall not be used, preferring commonly accepted spellings on all street names instead.
      vi) A compass directional shall not be used as, or as part of, any street name.
      vii) No street name shall exceed the number of characters that can comfortably fit on a street sign. Generally no more than two words not exceeding 13 characters including spaces but not including the street type.
   b) Numbered Streets
      i) Numerically designated based on their location within the regional address grid relative to either the Baseline or Meridian axis streets.
      ii) Street numbers shall never contain alphanumeric characters.
      iii) A directional component is required for all addresses containing a street number to correspond with its orientation on the grid.
4. A "street type component" that modifies the name to distinguish specific locational, functional, and physical characteristics of the street to which an address is assigned. Refer to the San Juan County Addressing Policy for a list of street type definitions. Street types should be abbreviated following the USPS street type standards.

C. A property identification number may also contain one or more of the following:

1. A “unit locator component” is a component used to identify a one-to-one correspondence between a building and high-density occupancy structures within the building, such as suites, rooms, apartments, and condominium units. This code is always preceded with a “#” sign instead of using the word suite, unit, apt., or any other identifier when issued in standardized address format.
2. A “plus code component” is an alphanumeric component most commonly in the form XXXX+XX based on latitude and longitude to completely remove uncertainty as to the location of a parcel or structure, typically included in areas of remote development from which locating an address may not be clear using ordinary methods.

Section 6: DISPLAY OF PROPERTY IDENTIFICATION NUMBER

When a property identification number has been designated by the addressing authority, the owner or occupant of such house or building shall cause a painted, carved, or cast duplicate of such number at least three inches in height and varying in size according to the setback distance of the structure, and of a shade contrasting with the background upon which the number is mounted, to be located on the structure as provided in this chapter. Such number(s) shall be block numerals (not script) and shall be located in a conspicuous position upon the portion of such structure which faces the street. If such structure is concealed from the street upon which it is located, the owner or occupant shall cause an additional duplicate of such number at a location visible from the street indicating the true location of the structure. The property identification number shall be mounted in a permanent, stationary, and durable manner - unobstructed at all times by vines, screens, or anything that would tend to hide or obscure the number, and at a sufficient height that the number will be clearly perceptible with the unaided eye from the centerline of the street upon which the structure is located.

Section 7: PROPERTY IDENTIFICATION APPROVAL IS REQUIRED FOR FINAL PLAT APPROVAL

Property identification approval must be given by the addressing authority prior to final approval of a subdivision. The property identification approval must appear on the final plat of a subdivision, PUD, condominium, or other proposed development prior to final approval and upon amendment. The developer shall pay for and arrange to manufacture and install all street identification signs as required by the addressing authority.

Section 8: STREET IDENTIFICATION CHANGE

A. Upon application from seventy-five percent of the owners of structures located upon a street for a change in street name identification, and upon payment of a fee set by the addressing agency and approved by the board of county commissioners, the addressing

agency may grant a street name change. If the request is granted, the applicant shall pay the cost of changing signage. The addressing agency shall change the official street file.

B. If, in the opinion of the addressing agency, the requested change of street name serves a legitimate public interest, the addressing agency may waive payment of the fee.

Section 9: STREET IDENTIFICATION CHANGE ORIGINATED BY THE COUNTY, CONTRACT ENTITY, CONTRACT MUNICIPALITY, OR ADDRESSING AUTHORITY

A. The county, contract entity, contract municipality, or addressing authority may initiate a street name change when doing so would be in the public interest.

1. The addressing authority shall notify all owners of properties that have structures on the street proposed for a name change, by mailing to the county-recorded property owner address.
2. If the property owners who own lots with structures on a street proposed for a name change desire to participate in renaming the street, they may sign a petition agreeing and proposing a new street name. The new name petition must contain at least seventy-five percent of the signatures of recorded property owners with structures and must be completed within thirty days after notification of the proposed name change by the addressing authority.
3. If property owners do not provide a petition agreeing on a new street name, the name change shall be based on the recommendation from the addressing authority to the addressing agency.

B. The addressing authority will recommend a proposed street name change to the addressing agency. The addressing agency will approve any street name change by communicating the approval, in writing, to the addressing authority.

C. The addressing authority will record the appropriate documentation to officially change a street name after approval of the change has been given in writing by the addressing agency. The addressing authority shall notify the United States Postal Service, the relevant emergency communications center(s), and other appropriate government and public safety agencies of the name change. After recordation, the addressing agency shall change the original street file.

Section 10: ADDRESS CHANGE ORIGINATED BY THE COUNTY, CONTRACT ENTITY, CONTRACT MUNICIPALITY, OR ADDRESSING AUTHORITY

A. In the interest of public safety, the county, contract entity, contract municipality, or addressing authority may direct the change of an address. Address changes may be made

only after providing written notification to the property owners whose address is proposed for change, mailed to the county's recorded address.

B. A letter will be sent informing the property owner of the proposed address change and requesting that the owner contact the addressing authority to discuss the proposed change. The addressing authority will provide a reasonable time, not to exceed one month, and make appropriate efforts to contact and discuss the proposed address change with the property owner.

C. A final letter notifying the property owner of the address change will be sent, by registered mail, to the owner's county-recorded address and shall include a copy of the recorded address change affidavit.

D. The addressing authority will record the appropriate documentation to officially change an address. The addressing authority shall notify the United States Postal Service, the relevant emergency communications center(s), and other appropriate government and public safety agencies of the address change.

Section 11: SYSTEM OF STREET IDENTIFICATION SIGNS

It shall be the duty of the addressing agency to establish a uniform system for street identification signs.

Section 12: STREET IDENTIFICATION SIGNS

Street identification signs, approved by the addressing authority, shall be paid for and installed by the developer or property owner with installation at the intersections of all streets and highways and at such other locations as may be determined to be necessary by the addressing authority.

Section 13: STREET SIGNS—COMPLIANCE

It is unlawful to erect or maintain any street identification sign which has not been approved by the addressing authority.

Section 14: STREET SIGNS—REQUIREMENTS

All street signs shall be constructed and installed in accordance with the specifications on file with the addressing agency.

CHAPTER 16
SIGN REQUIREMENTS

Section 1: PURPOSE

It is in the best interest of the health, safety and welfare of the citizens of San Juan County to regulate signage and advertising. The following regulations are created to: eliminate potential hazards to motorists and pedestrians; to encourage signs which are integrated with and harmonious to the buildings, setting and sites which they occupy; encourage legible signage through prohibition of excessive and confusing sign displays, thus reducing driver inattention; allow each individual business to clearly identify itself and the goods and services which they offer; to safeguard and enhance property values; and protect public and private investment in buildings and open space.

Section 2: REGULATIONS AND ENFORCEMENT

A. **Compliance Required** - Except as provided in this chapter, no sign shall be erected, raised, moved, extended, enlarged or altered, or have the text of the sign changed, except in conformity with the regulations herein specified for the zone in which it is located.

B. **Construction Standards** - All signs hereinafter erected in the county shall comply with current standards of the national electrical code, all provisions of this chapter and other applicable ordinances of the county. All component parts shall be Underwriters Laboratories or equivalent-labeled products.

C. Private Signs shall not be permitted within a county right-of-way.

D. In addition to the powers below, the Planning & Building Department may engage in enforcement consistent with Chapter 2. The Planning & Building Department may:

1. Issue Permits: Issue permits to construct, alter or repair signs which conform to the provisions of this chapter.
2. Determine Conformance: Ascertain that all signs, construction and all reconstruction or modification of existing signs are built or constructed in conformance to the zoning ordinances, building restrictions and building codes.
3. Issue Citations and Complaints: Issue citations and/or complaints against violators of this chapter.

E. **Right of Appeal** - Any person who has been ordered to alter or remove any sign, or any person whose application for a sign permit has been refused, may appeal consistent with Chapter 3. Upon filing of said notice of appeal, no further action with regard to the removal of the sign involved shall be taken until the final decision of the Appeal Authority issues, unless the Planning/Building department finds that the sign involved, by reason of its condition, presents an immediate and serious danger to the public.

F. **Application Requirements** - All applications for sign permits shall be accompanied by a plan and elevation drawing. The drawings shall be provided digitally in PDF format in a minimum 8 1/2" x 11" format. The plat information shall include sufficient information so that the code enforcement officer can determine whether the proposed sign conforms with the provisions of this chapter.

1. Plat Plan Requirements: Specifically, the plat shall show the size of the sign and its location relationship to the following features of the site:
   a) Property lines;
   b) Existing and proposed buildings or other structures;
   c) Control curbs; and
   d) Parking areas.

2. Elevation Drawing Requirements: Specifically, the elevation drawing shall show the following information:
   a) Type of sign;
   b) Sign display;
   c) Sign height; and
   d) Sign area.

G. **Sign Permit Required** - It shall be unlawful for any person, whether acting as lessee, lessor, owner, occupant, contractor, or otherwise, to erect, construct, reconstruct, enlarge, locate or alter any sign within the county without first obtaining a sign permit from the county unless exempted from this requirement in this chapter.

H. **Fee Schedule** - A fee as established by the County Commission shall be paid to the county for each sign permit issued under this chapter. The fee will cover the cost of issuance, including the inspection tag.

Section 3: RESIDENTIAL ZONE

Signs in the R zone must comply with the following:

A. **Low Profile Signs** - Two (2) permanent low profile identification signs which state the official name of the residential subdivision will be allowed for residential developments; provided, that these signs conform to the following:

1. Shall be located at the entrance of the residential subdivision and be a minimum of ten feet (10') from front property lines.
2. Shall be limited to a maximum of three feet (3') in height from finished grade.
3. Shall be limited to sixteen (16) square feet in area for each sign.
4. Shall be limited to only two (2) signs per subdivision.
5. Shall contain no animation.

B. **Promotional Signs for Residential Developments** - These signs shall be allowed for residential developments to promote, market and advertise the entire development offering the property for sale and providing pertinent sales information to the public. Promotional signs are not allowed for the sale of individual lots, homes, or a portion of the development.

Signs shall not exceed six feet (6') in height and must be located within the boundaries of the development a minimum of ten feet (10') from a street, shall not project into or be installed on any public right-of-way and shall not be located within required intersection clear view zones. The signs shall be temporary and shall be removed when all original lots have been sold.

Residential developments may have up to two (2) signs offering the project for sale or inspection by the public.

C. **Property Signs for Sale, Lease, Or Rent** - One temporary on-premises sign identifying the lot or offering the premises for sale, lease, rent, or inspection by the public is permitted and shall not exceed twelve (12) square feet in size. Such sign may be double faced or may be a movable free-standing sign and includes advertising for a model home or an open house at the premises.

D. Nothing in this section shall be construed to limit a property owner's right to express a religious, political, or other protected right through speech.

Section 4: HIGHWAY COMMERCIAL ZONE

A. **Freestanding Signs** - Freestanding signs are permitted subject to the following provisions:

1. Number: Each parcel of property or commercial complex may have one freestanding sign. One freestanding sign is permitted if the property or complex has more than three hundred feet (300') of frontage on a dedicated public street. Where two (2) or more freestanding signs are constructed, they shall be separated by at least one hundred feet (100'). The second pole sign shall not be higher than seventy percent (70%) of the allowed height of the first sign. A third freestanding sign is allowed for properties with more than six hundred feet (600') of frontage on a dedicated street. The fourth freestanding sign, or additional freestanding signs, must be approved by the Planning Commission.
2. Location: Freestanding and projecting signs shall not project into or over any public street right-of-way. Projecting signs may project a maximum of four feet (4') from the building provided such projecting sign has a minimum ground clearance of ten feet (10') over any sidewalk or street right-of-way.
3. Height: Freestanding signs shall not exceed the following heights:

a) Signs located within five hundred feet (500') of US-191 shall not exceed twenty-five feet (25') in height as per the Utah Outdoor Advertising Act.
b) Where two (2) or more pole type signs are allowed, subsequent signs shall not exceed seventy percent (70%) of the allowed height of the main sign.
c) The height of signs located on all other streets shall not exceed ten feet (10') from the adjacent natural grade.
d) Where the natural grade at the sign location is below the curb elevation, the height may be measured from the curb height, provided the overall sign height is not increased by more than five feet (5'), and the sign is within thirty feet (30') of the curb or right-of-way boundary.

4. Size: The area of freestanding signs shall not exceed the following:
   a) Single tenant freestanding signs within 500' of US-191 shall not exceed seventy-five (150) square feet or one square foot of sign area per linear foot of street frontage up to one hundred twenty (240) square feet maximum per sign face.
   b) Multi-tenant signs may have one and one-half (1 1/2) square feet of sign area per linear foot of street frontage up to two hundred (400) square feet maximum. A single multi-tenant sign may be allowed up to three hundred (600) square feet if the following occurs:
      i) The sign permit is approved subject to a condition which precludes the installation of another freestanding sign in excess of the frontage requirements; and
      ii) The sign area does not exceed one and one-half (1 and 1/2) square feet per linear foot of street frontage. US-191 may have two (2) square feet of sign area per linear foot of street frontage, up to three hundred (600) square feet maximum.
5. On corner lots, the street frontage used to determine size of the primary sign shall be limited to the street upon which the building fronts. Measurement of the street frontage shall include the actual frontage measured to the midpoint of the corner radius. A secondary sign may be allowed on the side street, and its size shall be based on the frontage of the side street.

B. **Entrance and Exit Signs** - One entrance and exit sign shall be permitted at each driveway entering or leaving the premises. Such signs shall not exceed six (6) square feet in area nor be more than four feet (4') in height from the ground.

C. **Wall Signs** - Wall signs which are permanently attached or painted with a projection of less than twenty four inches (24"), shall be permitted; provided, that the area of any such sign shall not exceed twenty percent (20%) of the face of the front wall to which it is attached, nor more than ten percent (10%) of the face of a side or rear wall; and further provided, that it does not rise above the roofline or parapet wall.

D. **Property and Project Construction Signs**

1. No more than two (2) signs offering the premises for sale, lease or inspection by the public shall be permitted; provided, that the total area of each sign does not exceed thirty-two (32) square feet. Said signs may be modified to indicate that the property has been sold.
2. A project construction sign or "coming soon" promotional sign of up to sixty-four (64) square feet may be allowed within sixty (60) days of obtaining a building permit for such project. Such sign shall be removed within one year from the date the sign was erected.

E. Off-premises signs are not permitted, except as may otherwise be required by state law.

F. **Roof Signs** - Roof signs shall conform to the following provisions:

1. Roof signs shall not be higher than the roofline or parapet wall and shall not be larger than twenty percent (20%) of the wall face of the building.
2. All roof signs shall be installed or erected in such a manner that the support structure or brace is covered and screened from public view to the extent reasonable to do so.
3. Roof signs shall not be animated.
4. Projecting Signs: Projecting signs attached to a building shall comply with the following conditions:
   a) Signs projecting over public property may not project more than four feet (4') from a wall of a building, nor project closer than three feet (3') to the back of the curb. A minimum clearance of ten feet (10') above the sidewalk must be maintained.
   b) Signs projecting over private property may not project more than six feet (6') from a wall of a building.
   c) Signs shall not extend above the roofline.
   d) No more than one projecting sign per tenant space and only at the ground level of the building.
   e) The maximum sign area for projecting signs shall be one square foot of sign area for each linear foot of building frontage up to a maximum of thirty-two (32) square feet per sign face (64 square feet maximum for both sides of a projecting sign).

G. **Flag Lots** - Businesses on flag lots (i.e., lots with narrow frontage on a public road compared to overall lot size) may be allowed a pole sign larger than the minimum size of seventy-five (75) square feet, provided the Planning Commission determines that the size of the sign is in harmony with the intent of this chapter and the size is in keeping with the building and lot size.

H. General Conditions in Highway Commercial Zones

1. Signs Not To Constitute Traffic Hazard: No sign or other advertising structure shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device, or which makes use of the words “stop,” “drive in,” “danger” or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic. In general, no sign shall be placed within a triangular area with legs thirty feet (30') in length measured along the property lines at a corner.
2. Awnings Over Public Property: Awnings over public property shall conform to all provisions of the International Building Code governing such structures. The awning shall maintain a minimum ten-foot (10') clearance above the sidewalk or public property and shall not have signs affixed to the awnings or their supports.
3. Sign Removal: Signs identifying a discontinued use on the property shall be removed from the property within thirty (30) calendar days of the time the use was discontinued.
4. Repair of Building Facade: A damaged building facade as the result of the removal, repair, replacement or installation of any signs shall be repaired by the property owner within thirty (30) calendar days of the time the use was discontinued.
5. Moving to New Location: No sign erected before the adoption of this chapter shall be moved to a new location on the lot or building, or enlarged, or replaced, unless it be made to comply with provisions of this chapter and State law.
6. Ownership: The imprint of the sign owner and sign erector of all signs shall be in plain and public view. Signs not carrying such an imprint will be presumed to be owned by the person in possession of the property on which the sign is located.
7. Lights and Lighted Signs

I. Prohibited Signs

1. Signs Attached To Public Property: No sign, handbill, poster, advertisement or notice of any kind or sort shall be fastened, placed, posted, painted or attached in any way or upon any curbstone, lamppost, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk or street, except signs owned and erected by permission of an authorized public agency as required by law.
2. Flashing Signs: Signs which use flashing, blinking, or strobing lights are prohibited. Signs which use subtle lighting changes as part of a video screen, or electronic messaging system are permitted.
3. Rotating Signs: Signs which move, rotate, flutter in the wind or make noise are prohibited. Temporary banners must be in compliance with the county’s policy on banners.

J. **Permit Exceptions** - Notwithstanding any of the provisions of this chapter, the following signs and operations shall not require a sign permit;

1. The changing of the advertising copy or message on a marquee, provided no more than fifteen percent (15%) of the marquee surface will advertise off premises land, products or businesses.
2. Painting, repainting, cleaning and normal maintenance and repair of a sign or sign structure unless a substantial structural change is made.
3. For sale, rent or lease signs, advertising real property, that are thirty-two (32) square feet or less in area. Such sign may be double faced.
4. The display of official notices used by any court, or public body, or public official, or the posting of notices by any public officer, in the performance of a duty, or by any person giving legal notice.
5. Directional, warning, exit, parking or similar informational signs of a public or quasi-public nature, provided they have no advertising effect, and signs directed and maintained by an official body or public utility.
6. Any official flag, pennant or insignia of any nation, state, county or other political unit.
7. Nameplates of two (2) square foot maximum area.
8. Bulletin boards not over sixty-four (64) square feet in area for public, charitable or religious institutions where the same are located on the premises of said institutions.
9. Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.
10. Wall signs that are painted directly on the wall, provided they do not exceed twenty percent (20%)of the face of the wall on which it is painted.

Section 5: ALL OTHER ZONES

A. Business signs shall be allowed after approval of a "Request for Business Sign Permit" and shall be governed by Federal and State Highway rules and regulations, provided, that the Planning Commission may require that signs shall not exceed one (1) sq. ft. of sign area for each one (1) linear foot of street frontage abutting the development portion of the property, provided that any one sign for any one business shall not exceed one-hundred (100) sq. ft. in total surface area and the number of signs for each business may not exceed three (3), the total area of which shall not exceed the total sign area allowance.

B. Non-business signs shall be permitted or provided with no more than two (2) signs for each use or occupancy. The total allowable square footage for signage are as follows:
   1. Development - maximum 40 square feet
   2. Civic - maximum 14 square feet
   3. Real Estate - maximum 32 square feet
   4. Residential - maximum 2 square feet

C. All signs are to be flat wall or free standing and such signs shall not be revolving or have moving parts, flashing or intermittent lighting.

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Permit Report

11/01/2024 - 01/07/2025

Permit Date	Applicant Name	Building Address	Building CityStateZip	Description
12/31/2024	Taylor Francom	148 South 200 West	Monticello, Utah 84535	Educational Green house
12/31/2024	Heather Petro on behalf of Verizon Wireless	LOT 4 SEC 12 T34S R22E	Monticello, Utah, 84535	Existing Cell Tower
12/19/2024	Ben Tomco	881 E Center St	Monticello UT 84511	Gas for generator and electrical box
12/19/2024	Hans Hurst	1999 N Reservoir Rd	Blanding, UT 84511	Water well for Blanding City
12/13/2024	AMERCO Real Estate Company / U-Haul			
12/13/2024	AMERCO Real Estate Company / U-Haul			
12/13/2024	AMERCO Real Estate Company / U-Haul			
12/10/2024	Dwight Chapman	24 cabrilla st	moab, ut 84532	Garage remodel
12/9/2024	Triple J Construction, Inc	393 W Stone Cliff Drive	Lasal, UT 84530	install temporary power for future home build
12/2/2024	Chad Manning	67 E Mount Peale Dr.	Moab UT 84532	Modular Single Family Home
11/26/2024	Stephanie Shepard	5050 Spanish Valley Dr	Moab, UT 84532	re roof
11/26/2024	Jordan Nunoz	161 E Mt Peale St.	Moab, UT 84532	re roof

Permit Date	Applicant Name	Building Address	Building CityStateZip	Description
11/26/2024	Scott Johnson	24 N Sage Dr	Monticello 84535	Single Family Home Manufactured
11/25/2024	Justin Baker	572 west 550 north Blanding, Utah	572 west 550 north Blanding, UT	Storage/cover for tractor and vehicles
11/18/2024	Corbin Bayles	37.424028, -109.910928	GPS coordinates as there is no address currently	Ground mounted solar array
11/12/2024	LaDawn Wilkerson	247 Bobbie Ln	Lasal UT 84530	Residents
11/12/2024	Pamela Yearous	150 S 6th W	Bluff UT 84512	Carport Construction- For solar PV panels to go on
11/11/2024	Lloyd Wilson	48 E Noyes Ln	Moab Utah 84532	Modular single family home
11/10/2024	Salazar Construction and Roofing LLC	277 Rio Grande	Moab UT 84532	Tear off and recover roof due to storm damage. No replacement of Sheeting or truss/rafter without further approval
11/6/2024	Lloyd Wilson	64 Tangren Dr / Lot 1B	Moab Utah 84532	Single Family Home
11/5/2024	Mikel Palmer	627s guymon lane	BLANDING utah 84511	Ag exempt. Tractor/Equipment storage. building will be built according to the "no floor" design in the engineer plans. building size 45'x36'

Total Records: 21 **1/7/**