



PLANNING COMMISSION MEETING
117 South Main Street, Monticello, Utah 84535. Commission Chambers
May 14, 2026 at 6:00 PM

AGENDA

Google Meet – Joining Information

Video: <https://meet.google.com/ust-hood-zzu>

Phone: (US) +1 661-552-0879 | PIN: 960 575 714#

WELCOME

ROLE CALL

PLEDGE OF ALLEGIANCE

CONFLICT OF INTEREST DISCLOSURE

GENERAL BUSINESS

- [1.](#) Approval of Planning Commission Meeting Minutes from April 9, 2026 (Corey Coleman, Planning)
- [2.](#) Proposal to reschedule the June Meeting from June 11, 2026, to June 4, 2026 or other proposed date, due to staff scheduling conflict

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

ADMINISTRATIVE ITEMS

- [3.](#) Discussion and possible direction regarding temporary and long-term recreational vehicle (RV) occupancy on private property within San Juan County. **Estimated Time:** 15 minutes
- [4.](#) Discussion and possible direction regarding overnight rentals, housing affordability, and potential land use and zoning considerations within San Juan County. **Estimated Time:** 10 minutes

5. Discussion and informational update regarding subdivision compliance, lot splits, and additional lot creation within existing subdivisions and un-platted land. **Estimated Time:** 10 minutes

6. Discussion and possible direction regarding consolidation and reorganization of Land Use Development and Management Ordinance (LUDMO) administrative provisions into a proposed Chapter 1 – Administration. **Estimated Time:** 15 minutes

7. Discussion regarding review of historical Spanish Valley zoning maps, correction of zoning record discrepancies, and acknowledgment or adoption of an updated official zoning map. **Estimated Time:** 10 minutes

8. Discussion regarding proposed Variance and Appeals provisions within the San Juan County Land Use Development and Management Ordinance (LUDMO). **Estimated Time:** 10 minutes

9. Discussion regarding the application of the 2016 Subdivision Standards and 2024 Subdivision Ordinance, including design standards, administrative procedures, and ongoing ordinance updates related to Chapter 7 – Design Standards. **Estimated Time:** 15 minutes

LEGISLATIVE ITEMS

10. Discussion and possible action regarding a Conditional Use Permit request submitted by Sally Jones.

Estimated Time: 10 minutes

BUILDING PERMIT(S) REVIEW

11. February Building Permit and Inspection Report - **Estimated Time:** 7 minutes

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
April 9, 2026

Minutes

CALL TO ORDER AND ADMINISTRATIVE ITEMS

Chairman Trent Schafer called the meeting to order.

COMMISSION MEMBERS PRESENT

Cody Nielson, Melissa Rigg, Ann Austin, Shea Walker, Trent Schafer

STAFF PRESENT

Corey Coleman, Jens Nielson, Tamra Lewis

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Cody Nielson

CONFLICT OF INTEREST

No conflicts of interest were declared.

PUBLIC COMMENT

No public comments were made, either in person or online. (7:41)

GENERAL BUSINESS

Approval of Meeting Minutes from March 12, 2025 (10:22)

Motion: Melissa Rigg

Second: Shea Nielson

Action: Motion to approve minutes passed unanimously.

GIS Update (8:29)

Staff provided an update on the County’s GIS program. Staff reported that the public-facing GIS map is now live and includes property ownership information. The map is available to the public through a QR code and has been especially useful for real estate agents and others seeking zoning and parcel information. Staff stated that the system will continue to be updated monthly.

ADMINISTRATIVE ITEMS

Reappointment Announcement (8:03)

It was announced that the County Commission reappointed a Planning Commission member Melissa Rigg for another four-year term. Reappointment was passed by County Commissioners in their meeting in the prior Tuesday Commission Meeting.

Land Use Ordinance Update – Definitions (11:18)

Staff presented the next reading of the definitions chapter. Staff explained that the current document includes all changes made during the previous two meetings and that a “third reading” version was also prepared as a cleaned-up copy showing the proposed language without strikeouts. Remaining highlighted sections identify areas still needing additional work, including sign-related definitions and certain monument language.

Commission discussion included:

- concern that “title violation” is not a true definition and should likely be removed;
- direction for commissioners to email additional comments to staff before the next meeting;
- acknowledgement that some definitions, including ADUs and legal terms, still need further review.

The Commission gave direction to continue refining definitions and move forward into other chapters while continuing to revisit unresolved definition items as needed.

Land Use Ordinance Update – Use Table

Staff presented an updated use table intended to replace the unformatted use table from the 2011 code. Staff explained that the table is being developed by comparing the current 2011 code, the Spanish Valley ordinance, and the proposed ordinance language from prior work sessions.

Discussion included:

- support for a simpler, more condensed table format;

- interest in reducing repetitive text and consolidating standards into charts where practical;
- maintaining clarity through footnotes and cross-references;
- adding a column indicating the applicable chapter for specific uses;
- concern about ensuring no important uses or standards are missed during consolidation.

The Commission directed staff to proceed with a simplified hybrid version of the use table and continue harmonizing the various code sections.

Land Use Ordinance Update – Conditional Use Permit Chapter

Staff presented a first reading of proposed revisions to the Conditional Use Permit chapter. Staff explained that the long-term goal is to reduce reliance on conditional uses by making uses either permitted or prohibited wherever possible, with conditional uses reserved for limited circumstances where additional review is necessary.

Discussion included:

- concern over current one-year expiration periods for conditional use permits;
- support for more flexible timeframes when applicants are actively making progress, especially where outside agencies or utilities create delays;
- acknowledgment that some projects may still require conditional use review when impacts cannot be fully addressed through objective standards alone;
- concern about enforcement burdens when counties impose conditions that are difficult to monitor over time.

Staff stated that the revised chapter will continue to be refined and that the overall goal is a clearer, more objective process.

LEGISLATIVE

Conditional Use Permit Application – Connor Simmons (50:22)

Staff presented a conditional use permit application submitted by Connor Simmons for property located at **4945 Old Airport Road, Spanish Valley**, approximately **1.21 acres**.

Proposal

The applicant requested approval for a private recreational camp / low-density lodging facility under unified management, including:

- 9 sleeping structures,
- 2 bathhouse facilities,
- 1 RV space for an on-site host,

- conversion of an existing triplex/house area for overnight rental and employee housing,
- a small on-site general store/common amenity area,
- phased development.

Staff Review

Staff explained that the property is within the Spanish Valley planning area but is zoned A-1, and the Spanish Valley ordinance is silent on uses within that zone. Because of this, staff reviewed the proposal under the 2011 San Juan County zoning ordinance, concluding that the proposed use fits within the category of a private recreational camp or resort.

Staff noted the application had been reviewed by:

- County Roads,
- Fire Authority,
- Health Department.

Proposed Conditions

Staff reviewed proposed conditions including:

- development must conform substantially to the approved site plan and project description;
- all required permits and inspections must be completed;
- accessibility requirements must be met;
- utility and wastewater approvals must be obtained;
- on-site management must be available;
- exterior lighting must comply with dark sky standards;
- fire code and defensible space requirements must be met;
- parking must be provided and marked on site;
- the permit would be tied to the applicant's purchase of the property and would be void if the purchase is not completed within 90 days;
- quiet hours, trash management, and business license requirements must be met.

Commission Discussion

Discussion focused on:

- the unusual zoning status of the property within the A-1 area;
- whether the property may have been inadvertently included within the A-1 zoning area associated with LeGrand Johnson lands;
- compatibility with surrounding uses;

- sewer availability and the cost of connecting to public sewer;
- density, parking, and how those standards should be measured;
- whether the house and rental units should be considered separate uses or part of a unified resort-style facility;
- whether approval should be granted now or delayed for further review.

The applicant explained:

- the project is intended to function as a single integrated resort-style facility;
- average occupancy is expected to be significantly lower than maximum theoretical occupancy;
- sewer remains a major due diligence issue but is actively being pursued;
- development would not proceed unless utility access issues can be resolved.

Motion to Approve CUP for Connor Simmons (1:40:08)

Motion: Cody Nielson made a motion to approve the conditional use permit under **Option 1 (approval with listed conditions)**, with Item 12 removed and any duplicate conditions consolidated by staff.

Second: Melissa Rigg

Vote

Approvals: Majority (including Cody, Melissa, Trent, Shea)

Nay: Commissioner Ann Austin

Voted Nay for these reasons: Too many last minute things, can't approve without proper amount of time to review. She is concerned if this is the best route for the owner to go being in the middle of trying to pass a new ordinance. What would happen if this sells to a new owner? What will zoning really be? Can't vote in favor of for these reasons.

Result: Motion carried.

The conditional use permit was approved subject to the listed conditions as revised.

BUILDING PERMITS (1:42:01)

Staff provided a brief update on a building permit related to modifications/removal of equipment at a cell tower site above Hole N” the Rock / Holmrock area. Staff explained that permits are required in these situations to verify electrical safety and ensure equipment is properly terminated and secured.

The Commission also briefly discussed a recently issued building permit on nearby property.

ADJOURNMENT (1:44:35)

Motion: Shea Walker

Second: Melissa Rigg

Vote: Unanimous approval, Motion Carries



STAFF REPORT

MEETING DATE: May 14, 2026

ITEM TITLE, PRESENTER: RV Occupancy and Long-Term Residential Use

RECOMMENDATION: No formal action is required at this time. Staff will continue to incorporate feedback and topics discussed during the Planning Commission meeting, refine supporting reference materials, and prepare additional information for future Planning Commission review and direction.

SUMMARY

The County continues to receive concerns regarding long-term occupancy of recreational vehicles (RVs) on private property outside of approved RV parks and campgrounds. There are generally two primary perspectives regarding this issue.

One perspective is from residents and property owners who oppose long-term RV occupancy in residential and rural areas due to concerns related to property values, sanitation, wastewater disposal, utility connections, fire safety, and overall neighborhood character.

The second perspective comes from residents experiencing housing affordability challenges and limited housing availability. In some cases, individuals and families are utilizing RVs as a form of necessary housing rather than by choice.

There are also several situations that fall between these two positions, including temporary occupancy during home construction, medical hardship situations, agricultural operations, and caretaker housing.

CONSIDERATIONS

Key policy questions include whether temporary/permanent or conditional RV occupancy should be permitted, what minimum health and safety standards should apply to water, septic, and electrical systems, and how existing nonconforming uses should be addressed moving forward.

STAFF RECOMMENDATION

Staff recommends Commission discussion and policy direction to help balance land use compliance, housing affordability, public health and safety, and private property rights. Clear standards and expectations would provide consistency for staff, fairness for property owners, and guidance for future ordinance updates.



Coleman, Corey <ccoleman@sanjuancountyut.gov>

Fwd: RV's

2 messages

McDonald, Mack <mmcdonald@sanjuancountyut.gov>
To: Corey Coleman <ccoleman@sanjuancountyut.gov>

Fri, Apr 24, 2026 at 8:29 AM

Good luck with this one.

Sincerely,

Mack McDonald
Chief Administrative Officer



P.O. Box 9
117 South Main Street #221
Monticello, Utah 84535

Office: (435) 587-3225
Cell: (435) 459-1054
mmcdonald@sanjuancountyut.gov

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From: M [REDACTED] >
Date: Fri, Apr 24, 2026 at 8:07 AM
Subject: Re: RV's
To: Kristen Bushnell <kbushnell@sanjuancounty.org>
Cc: Mack McDonald <mmcdonald@sanjuancounty.org>, [REDACTED] <[REDACTED]@[REDACTED].com>

Good Morning Kristen,

I hope that all of you in the San Juan district have had time to write some RV rules and regulations protecting the home owners of the [REDACTED] subdivision, as more RV's move in next door to our once quiet neighborhood. You all have a job to oversee, and that is to protect the property values of all home owners, as we all

bought property here with written rules laid out and recorded into the San Juan County clerk. This subdivision is not zoned commercially for an RV park nor should it be. They all come with barking dogs and one or two vehicles up and down the street. Please let me know where you all are in this process as this continues to grow out of control. Your attention to this matter would be greatly appreciated.

Best Regards,

[Redacted signature]

On Jul 9, 2024, at 9:02 AM, Bushnell, Kristen <kbushnell@sanjuancounty.org> wrote:

[Redacted]
Thank you for the update. We are all waiting for the ordinance adoption. It has been pushed back another month for legal review. My hands are a bit tied on this. The RV rules may be changing and we will have a much clearer path forward once it is adopted on dealing with these violations. In the meantime, please keep documenting activity so that we will have a much stronger case. I will keep you posted as soon as I know anything.

Sincerely,
Kristen Bushnell
Planning & Zoning Administrator



P.O. Box 9
117 South Main Street
Monticello, Utah 84535

Office: (435) 587-3829
Cell: (801) 560-5352
kbushnell@sanjuancounty.org

On Mon, Jul 8, 2024 at 7:57 PM Mary & Craig Nelson <aznelsons@yahoo.com> wrote:

Hi Kristen,

The last time we spoke about th [Redacted] you said that you was working on the new rules and would be out in July, I'm reaching out to you about that and added some more pictures as [Redacted] e if is turning into quite the mess over there. I would like it if you could send me the updated version of the rules and regulations, as th [Redacted] bdivision does not allow RV's as additional living.

Thank you,

[Redacted signature]

Sent from my iPhone

Coleman, Corey <ccoleman@sanjuancountyut.gov>
To: "McDonald, Mack" <mmcdonald@sanjuancountyut.gov>
Cc: Tamra Lewis <tlewis@sanjuancountyut.gov>

Fri, Apr 24, 2026 at 9:19 AM

Received, thank you; County wide for sure

Corey
[Quoted text hidden]

--

Corey Coleman, MCP, CBO
Building Official / Planning Manager
Office: (435) 587-3829
ccoleman@sanjuancountyut.gov
sanjuancountyut.gov/building





STAFF REPORT

MEETING DATE: May 14, 2026

ITEM TITLE, PRESENTER: Overnight Rentals

RECOMMENDATION: No formal action is required at this time. Staff will continue to incorporate feedback and topics discussed during the Planning Commission meeting.

SUMMARY

The department continues to receive concerns regarding overnight rentals, housing availability, and residential affordability within portions of San Juan County. Community feedback reflects differing perspectives, with some supporting overnight rentals for economic and tourism benefits, while others raise concerns related to housing availability, neighborhood impacts, infrastructure, parking, wastewater, noise, and enforcement. Potential considerations may include appropriate zoning districts, tourism-oriented areas, and whether different lodging types should be regulated differently.

CONSIDERATIONS

Key policy considerations may include the availability and affordability of long-term housing, compatibility with surrounding residential neighborhoods, infrastructure and wastewater capacity, parking, traffic, and emergency access. Additional considerations may include enforcement and licensing mechanisms, noting that the County has adopted a fee structure for overnight rentals but has not fully implemented or enacted the program at this time. The Planning Commission may also wish to consider density or spacing limitations, including minimum separation distances between overnight rentals or lodging uses, as well as identification of appropriate zoning districts, overlay areas, tourism corridors, or commercial locations where overnight rental activity may be more appropriate and compatible with surrounding land uses.

STAFF RECOMMENDATION

Staff recommends Commission discussion and policy direction to help balance land use compliance, housing affordability, public health and safety, tourism impacts, and private property rights. Clear standards and expectations would provide consistency for staff, fairness for property owners, and guidance for future ordinance updates. Staff would also recommend incorporating these provisions into broader development standards where possible, rather than relying primarily on overlay zones or district-specific regulations.



STAFF REPORT

MEETING DATE: May 14, 2026

ITEM TITLE, PRESENTER: Subdivision lot line adjustments,

RECOMMENDATION: No formal action is required at this time.

SUMMARY

Staff has recently identified several situations involving the division or reconfiguration of lots within existing recorded subdivisions or unplatted land. Through ongoing research and review of subdivision regulations, concerns have been raised regarding whether certain lot line adjustments, lot combinations, or parcel reconfigurations may have resulted in the creation of additional lots that may not fully comply with current subdivision regulations, code requirements, or applicable state statutes. Staff notes that some of these actions may have gone through portions of the process and been recorded; however, questions remain regarding overall code compliance, density, and subdivision standards.

In several situations, neighboring property owners have raised concerns regarding density, roadway impacts, infrastructure capacity, and expectations associated with the originally approved subdivision layout and lot sizes. Staff has also reviewed informational materials and enforcement approaches utilized by other Utah counties regarding illegal subdivisions and Notices of Noncompliance. Additional research, coordination with legal counsel, and future Planning Commission discussion may be necessary to evaluate potential ordinance clarifications, administrative procedures, and enforcement mechanisms moving forward.

At this time, staff is issuing correction notices and is not processing subdivision amendments, vacations, or requests that create additional lots or density within existing subdivisions without written consent from all property owners within the subdivision. Staff will continue to process lot line adjustments and lot combinations involving the written consent of the directly affected property owners where no additional lots or density are created.



STAFF REPORT

MEETING DATE: May 14, 2026

ITEM TITLE, PRESENTER: Chapter 1 - Administration

RECOMMENDATION: Staff recommends the Planning Commission review the proposed organizational approaches and provide direction regarding preferred codification structure, administrative organization, and whether additional alternatives should be explored

SUMMARY

Staff is presenting the first reading of proposed Chapter 1 – Administration for the San Juan County Land Use Development and Management Ordinance (LUDMO). The purpose of this discussion is to review organizational structure, codification approach, and administrative provisions associated with the ongoing land use code update process.

This effort is more complex than a standard ordinance amendment because the current administrative provisions are dispersed throughout multiple sections of the existing 2011 San Juan County Zoning Ordinance, including portions of both Chapter 1 and Chapter 2, while additional administrative language has also been proposed within the draft 2025 code update.

ORGANIZATIONAL OPTIONS

OPTION 1 would create a hybrid Chapter 1 – Administration utilizing:

Option 1 would create a hybrid Chapter 1 – Administration utilizing existing administrative provisions from Chapter 1 and Chapter 2 of the 2011 Zoning Ordinance, and selected language, formatting, and organizational concepts from the proposed 2025 draft land use code

Under this option, staff would continue marking up, consolidating, reorganizing, and modernizing the various provisions to the best extent reasonably possible while attempting to maintain consistency with the currently adopted code structure and existing administrative practices.

Staff notes this option may provide greater continuity with the existing adopted ordinance while allowing incremental modernization and codification improvements.

OPTION 2 would involve preparation of a substantially rewritten Chapter 1 – Administration utilizing a more modernized code structure and organizational format largely independent from the existing 2011 code organization.

Under this option, staff would prepare a more comprehensive rewrite intended to establish a fully updated administrative chapter with reorganized procedures, modernized terminology, and revised administrative structure.

Staff notes this option would likely require additional review, policy discussion, legal analysis, and longer-term codification efforts.

STAFF RECOMMENDATION

Staff notes there may be additional organizational approaches beyond Options 1 and 2, including adoption of portions of the proposed 2025 Chapter 1 language substantially in its entirety. However, staff believes portions of the existing 2011 Chapters 1 and 2 would still need to be incorporated, relocated, clarified, or otherwise reconciled regardless of the approach selected.

Staff additionally anticipates future discussion regarding whether variance procedures should remain within Chapter 1 or be established as a standalone chapter, and whether Planning Commission bylaws should remain codified within the land use ordinance or exist as a separate governance document.

Due to the evolving structure of the ordinance and the multiple source documents involved, staff anticipates additional review and future discussion may be necessary before a final codified administrative structure is completed. Staff is requesting Planning Commission clarification regarding Option 1 versus Option 2 and whether additional organizational alternatives should be explored.

GENERAL PROVISIONS – CHAPTER 1 Administrative

1-1 Short Title

~~This Ordinance shall be known and may be so cited and pleaded as the "ZONING ORDINANCE OF SAN JUAN COUNTY, UTAH"~~

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.

1-2 Purpose and intent

~~This Ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of SAN JUAN COUNTY, including, among other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing access to adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering agricultural and other industries, and the protection of both urban and non-urban development.~~

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

- I. ~~providing~~ 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; and
- XI. protecting property values.

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

1-3 Interpretation Authority

~~In interpreting and applying the provisions of this Ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.~~

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 General Plan, and approval of site plans pursuant to the guidance of the 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 County legislative body 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. Recommendation to San Juan County Commission
 - 3. X
 - 4. X
 - 5. X
 - 6.
- 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.

1-4 Interpretation and Applicability

This Ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

1-5 Conflict of Laws

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.

~~2-1~~

~~2-2~~ ~~1.3~~ 1.6 Planning Commission

(1) Organization

- (a) The Planning Commission shall consist of seven (7) members who shall be appointed by the Board of County Commissioners. In addition to the regular seven (7) members, the Board of County Commissioners may appoint, one (1) non-voting, ex-officio staff member to serve as liaison between the Board of County Commissioners and the Planning Commission and provide administrative support to the Planning Commission. Board of County Commission members may not serve as regular members of the Planning Commission.

(2) Term of Office

- (a) The term of office for regular Planning Commission members shall be staggered so that the terms of at least one (1) member and no more than three (3) members expire each year. As the term of each regular member expires, the vacancy thus created shall be filled by a majority vote of the Board of County Commissioners for a term of four (4) years, so as to maintain the succession of staggered terms of service.
- (b) Terms of all regular members begin on January 1st and expire on December 31st of the 4th year following the year of appointment. If the Board of County Commissioners has not appointed a new member(s) to the Planning Commission at the expiration of term, the current Planning Commission member(s) will remain on the Planning Commission until replaced by appointment of the Board of County Commissioners.

- (c) The ex-officio member shall be appointed by the Board of County Commissioners and shall continue to serve until replaced by appointment of the Board of County Commissioners.
- (d) If a vacancy occurs other than by expiration of term, the Board of County Commissioners by majority vote shall appoint a new member to fill the unexpired term.
- (e) Planning Commission members may be removed for cause from office by 2/3 vote of the Board of County Commissioners prior to the expiration of the appointed term.

(3) Method of Appointment

In early November of each year, the County Administrator shall cause notice of appointment(s) to be published in a newspaper of general circulation in San Juan County. The Building and Zoning Department shall be responsible for the costs of such advertisement. Such notice shall state the nature and term of the appointment(s), the qualification for such appointment, request written statements of interest and qualifications, and establish a deadline for submittal of such statements, which time shall not be earlier than fifteen (15) days from the date of publication.

(4) Qualifications

Each Planning Commission member shall be a legal San Juan County resident for at least two (2) years prior to appointment.

(5) Powers and Duties

The Planning Commission shall have the following powers and duties pursuant to Section 17-27a-302, Utah Code Annotated (1953, as amended):

- (a) Each countywide planning commission shall, with respect to the unincorporated area of the county, make a recommendation to the county legislative body for:
 - (i) a general plan and amendments to the general plan;
 - (ii) land use ordinances, zoning maps, official maps, and amendments;
 - (iii) an appropriate delegation of power to at least one land use authority to hear and act on a the land use application;
 - (iv) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority;
 - (v) application processes that may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and shall protect the rights of each applicant and third

party to require formal consideration of any application by a land use authority; applicant, adversely affected party, or county officer or employee to appeal a land use authority's decision to a separate appeal authority; and participant to to be heard in each public hearing on a contested application.

1.7 Land Use Authority / Administrative authority

1.8 Appeal Authority

2-3 Appeals Authority

- (1) Appeal Authority. The authority to hear request for variances from the terms of the land use ordinance and appeals from decisions applying the land use ordinances shall be vested in the Board of County Commissioners.
- (2) Appealing Land Use Authority's Decision. An applicant, board, or officer of the County, or any person affected by the land use authority's decision applying a land use ordinance may, within the time period provided in 2-2(3)(a) below, appeal that decision to the Appeal Authority by alleging there is error in any order, requirement, decision, or determination made by the land use authority in the decision applying the land use ordinance.
 - (a) Time to Appeal. Any appeal, pursuant to 2-2(3) above, must be filed in writing to the County Administrator within ten (10) calendar days of the issuance of the written decision applying the land use ordinance.
 - (b) Time for Hearing Appeal. The Appeal Authority should hear the appeal within thirty (30) days of the date the appeal was filed.
 - (c) Written Statement Setting Forth Theories of Relief Required. The appellant shall deliver to the Appeal Authority and all other participants, five (5) business days prior to the hearing, a written statement setting forth each and every theory of relief she intends to raise at the hearing, along with a brief statement of facts in support thereof.
 - (d) Condition Precedent to Judicial Review. No person, board or officer of the County may seek judicial review of any decision applying to the land use ordinance until after challenging the land use authority's decision in accordance with this part. No theory of relief may be raised in the District Court unless it was timely and specifically presented to the Appeals Authority.
 - (e) Standard of Review and Burden of Proof on Appeal. The Appeal Authority shall upon appeal, presume that the decision applying the land use ordinance

is valid and determine only whether or not the decision is arbitrary, capricious, or illegal. The burden of proof on appeal is on the appellant.

- (f) Due Process Rights. The Appeal Authority shall respect the due process rights of all participants.

2-4 1.9 Variances.

- (1) Any person or entity desiring a waiver or modifications of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Appeal Authority for a variance from the terms of the ordinance.
- (2) Pursuant to Utah State law, the Appeal Authority may grant a variance only if:
 - (a) Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
 - (b) There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - (c) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - (d) The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - (e) The spirit of the land use ordinance is observed and substantial justice done.
- (3) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under 2-3(a)(i), the Appeal Authority may not find an unreasonable hardship unless the alleged hardship:
 - (a) is located on or associated with the property for which the variance is sought; and
 - (b) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- (4) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection 2-3(2)(a), the Appeal Authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
- (5) In determining whether or not there are special circumstances attached to the property under Subsection 2-3(2)(b), the Appeal Authority may find that special

circumstances exist only if the special circumstances:

- (a) relate to the hardship complained of; and
 - (b) deprive the property of privileges granted to other properties in the same zone.
- (6) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- (7) Variances run with the land.
- (8) The Appeal Authority may not grant a use variance.
- (9) In granting a variance, the Appeal Authority may impose additional requirements on the applicant that will:
- (a) mitigate any harmful affects of the variance; or
 - (b) serve the purpose of the standard or requirement that is waived or modified

CHAPTER 1 ADMINISTRATION

1.1 Short Title

These ordinances shall be known as the San Juan County Land Use Development and Management Ordinance (“LUDMO”) and may be so cited and pleaded.

1.2 Purpose and Intent

This LUDMO is adopted and enacted for the purposes authorized by Utah law, including promoting the public health, safety, and welfare; facilitating orderly growth and development; protecting property rights; preserving agricultural and rural character; protecting property values; ensuring adequate public facilities and infrastructure; and providing for the fair and consistent administration of land use regulations.

1.3 Authority

This LUDMO is adopted pursuant to the authority granted to counties under the Utah Municipal Land Use, Development, and Management Act (“CLUDMA”), Utah Code Title 17, Chapter 27a, as amended.

1.4 Interpretation and Applicability

A. Minimum Requirements

In interpreting and applying the provisions of this LUDMO, the requirements contained herein are declared to be the minimum requirements necessary to promote the public health, safety, and welfare.

B. Applicability

The provisions of this LUDMO shall apply to all land, buildings, structures, uses, development activity, permits, and land use applications within the unincorporated areas of San Juan County unless otherwise specifically exempted by federal law, state law, or this LUDMO.

C. Rules of Interpretation

Words used in the present tense include the future; words in the singular include the plural; and words in the plural include the singular. The word “shall” is mandatory and the word “may” is permissive.

D. Conflicts

Where a provision of this LUDMO imposes greater restrictions or higher standards than are required by other applicable ordinances, regulations, easements, covenants, or laws, the provisions of this LUDMO shall control to the extent allowed by law.

E. Construction

The provisions of this LUDMO shall be construed to:

1. Further the purposes of this LUDMO and applicable Utah law;
2. Promote orderly growth and development;
3. Protect property rights while preserving the public health, safety, and welfare; and
4. Ensure fair and consistent administration and enforcement of land use regulations.

1.5 Planning Commission

A. Establishment

The Planning Commission is established pursuant to Utah law and shall consist of members appointed by the County Commission.

B. Powers and Duties

The Planning Commission shall perform the duties assigned by Utah law and this LUDMO, including review of land use applications, recommendations regarding ordinances and amendments, and other duties delegated by the County Commission.

C. Terms and Appointments

Planning Commission appointments, qualifications, terms, vacancies, and removal procedures shall be governed by County policy and applicable state law.

1.6 Land Use Authority

A. Legislative Authority

The County Commission shall serve as the legislative land use authority for matters requiring legislative action unless otherwise delegated by ordinance.

B. Administrative Authority

The Planning Administrator, Building Official, Zoning Administrator, Planning Commission, Hearing Officer, or other designated official or body may serve as the land use authority for non-legislative actions as delegated by this LUDMO or County policy.

C. Delegation

Administrative duties and application review authority may be delegated as authorized by Utah law.

1.7 Appeals Authority

A. Establishment

The County Commission, Hearing Officer, or other designated body shall serve as the Appeal Authority as provided by this LUDMO.

B. Appeals

Any person adversely affected by a land use decision may appeal such decision in accordance with the procedures and timelines established by this LUDMO and Utah law.

C. Standard of Review

The Appeal Authority shall review decisions for compliance with applicable ordinances, adopted standards, and applicable law.

1.8 Variances

A. Authority

The Appeal Authority may grant variances only in accordance with Utah law and the standards established in this LUDMO.

B. Standards

Variances may only be granted upon findings that:

1. Literal enforcement would cause unreasonable hardship;
2. Special circumstances apply to the property;
3. The variance is necessary for the enjoyment of substantial property rights;
4. The variance will not substantially affect the General Plan or public interest; and
5. The spirit and intent of this LUDMO are preserved.

C. Use Variances Prohibited

The Appeal Authority may not grant use variances.

1.9 Building Permits Required

No building or structure shall be constructed, reconstructed, altered, enlarged, moved, or occupied unless all required permits and approvals have been obtained as required by this LUDMO, the adopted construction codes, and applicable law.

1.10 Permit Applications and Site Plans

A. Complete Applications Required

Applications shall be submitted in a form approved by the County and shall include all information necessary for review.

B. Site Plans

Applications for development may require site plans, surveys, legal descriptions, utility information, drainage information, roadway access information, and other materials necessary to evaluate compliance with this LUDMO.

C. Additional Information

The County may require additional information reasonably necessary to determine compliance with applicable regulations.

1.11 Certificates of Occupancy and Land Use Compliance

A. Occupancy Prohibited Without Approval

No building, structure, or use shall be occupied until a Certificate of Occupancy or Land Use Compliance has been issued where required.

B. Compliance Required

Certificates shall only be issued upon determination that the development complies with applicable permits, approvals, and adopted codes.

C. Change of Use

A new certificate may be required upon change in use, occupancy, intensity, or number of dwelling units.

1.12 Enforcement

A. Enforcement Authority

The County may investigate violations and enforce the provisions of this LUDMO through administrative, civil, criminal, or other lawful remedies.

B. Violations

Any use, structure, subdivision, development activity, or occupancy established contrary to this LUDMO shall constitute a violation.

C. Notices of Violation

The County may issue written notices requiring corrective action within specified timeframes.

D. Civil and Criminal Remedies

Violations may be subject to civil penalties, misdemeanor prosecution, permit revocation, abatement, injunctions, liens, or other remedies authorized by law.

E. Continuing Violations

Each day a violation continues may constitute a separate offense.

1.13 Expiration of Applications and Approvals

Applications, permits, approvals, and development authorizations shall expire in accordance with timelines established by this LUDMO unless extended pursuant to approved procedures.

1.14 Fees

The County may establish fees for applications, permits, inspections, appeals, enforcement actions, and related administrative processes. Applications shall not be considered complete until required fees have been paid.

1.15 Amendments

This LUDMO, zoning maps, and related land use regulations may be amended in accordance with Utah law and the procedures established by this LUDMO.

1.16 Public Hearings and Notice

Public hearings and notice requirements shall be conducted in accordance with applicable Utah law and County procedures.

1.17 Licenses and Permits to Conform

No County permit, license, approval, or authorization shall be issued in conflict with this LUDMO or other applicable law. Any permit issued in error or in conflict with this LUDMO may be revoked or declared void.

1.18 Severability

If any section, subsection, sentence, clause, or phrase of this LUDMO is held invalid, such decision shall not affect the validity of the remaining portions of this LUDMO.

CHAPT ER 1

GENERAL PROVISIONS

1-1 Short Title

This Ordinance shall be known and may be so cited and pleaded as the "ZONING ORDINANCE OF SAN JUAN COUNTY, UTAH"

1-2 Purpose

This Ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of SAN JUAN COUNTY, including, among other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing access to adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering agricultural and other industries, and the protection of both urban and non-urban development.

1-3 Interpretation

In interpreting and applying the provisions of this Ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

1-4 Conflict

This Ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

~~1-5 Definitions~~ (relocated to chapter 2)

~~For the purpose of this Ordinance certain words and terms are defined as follows: (Words used in the present tense include the future; words in the singular number include the plural and the plural the singular; words not included herein but defined in the Uniform Building Code shall be construed as defined therein).~~

2011 ORDINANCE FROM CHAPTER 1 and CHAPTER 2

1-5—Planning Commission

(1) Organization

- (a) The Planning Commission shall consist of seven (7) members who shall be appointed by the Board of County Commissioners. In addition to the regular seven (7) members, the Board of County Commissioners may appoint one (1) non-voting, ex-officio staff member to serve as liaison between the Board of County Commissioners and the Planning Commission and provide administrative support to the Planning Commission. Board of County Commission members may not serve as regular members of the Planning Commission.

(2) Term of Office

- (a) The term of office for regular Planning Commission members shall be staggered so that the terms of at least one (1) member and no more than three (3) members expire each year. As the term of each regular member expires, the vacancy thus created shall be filled by a majority vote of the Board of County Commissioners for a term of four (4) years, so as to maintain the succession of staggered terms of service.
- (b) Terms of all regular members begin on January 1st and expire on December 31st of the 4th year following the year of appointment. If the Board of County Commissioners has not appointed a new member(s) to the Planning Commission at the expiration of term, the current Planning Commission member(s) will remain on the Planning Commission until replaced by appointment of the Board of County Commissioners.
- (c) The ex-officio member shall be appointed by the Board of County Commissioners and shall continue to serve until replaced by appointment of the Board of County Commissioners.
- (d) If a vacancy occurs other than by expiration of term, the Board of County Commissioners by majority vote shall appoint a new member to fill the unexpired term.
- (e) Planning Commission members may be removed for cause from office by 2/3 vote of the Board of County Commissioners prior to the expiration of the appointed term.

(3) Method of Appointment

In early November of each year, the County Administrator shall cause notice of

~~appointment(s) to be published in a newspaper of general circulation in San Juan County. The Building and Zoning Department shall be responsible for the costs of such advertisement. Such notice shall state the nature and term of the appointment(s), the qualification for such appointment, request written statements of interest and qualifications, and establish a deadline for submittal of such statements, which time shall not be earlier than fifteen (15) days from the date of publication.~~

~~(4) — Qualifications~~

~~Each Planning Commission member shall be a legal San Juan County resident for at least two (2) years prior to appointment.~~

~~(5) — Powers and Duties~~

~~The Planning Commission shall have the following powers and duties pursuant to Section 17-27a-302, Utah Code Annotated (1953, as amended):~~

- ~~(a) — Each countywide planning commission shall, with respect to the unincorporated area of the county, make a recommendation to the county legislative body for:

 - ~~(i) — a general plan and amendments to the general plan;~~
 - ~~(ii) — land use ordinances, zoning maps, official maps, and amendments;~~
 - ~~(iii) — an appropriate delegation of power to at least one land use authority to hear and act on a the land use application;~~
 - ~~(iv) — an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority;~~
 - ~~(v) — application processes that may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and shall protect the rights of each applicant and third party to require formal consideration of any application by a land use authority; applicant, adversely affected party, or county officer or employee to appeal a land use authority’s decision to a separate appeal authority; and participant to to be heard in each public hearing on a contested application.~~~~

~~1-6 — Appeals~~

- ~~(1) — Appeal Authority. The authority to hear request for variances from the terms of the land use ordinance and appeals from decisions applying the land use ordinances shall be vested in the Board of County Commissioners.~~
- ~~(2) — Appealing Land Use Authority’s Decision. An applicant, board, or officer of the County, or any person affected by the land use authority’s decision applying a land~~

use ordinance may, within the time period provided in 2-2(3)(a) below, appeal that decision to the Appeal Authority by alleging there is error in any order, requirement, decision, or determination made by the land use authority in the decision applying the land use ordinance.

- (a) ~~Time to Appeal. Any appeal, pursuant to 2-2(3) above, must be filed in writing to the County Administrator within ten (10) calendar days of the issuance of the written decision applying the land use ordinance.~~
- (b) ~~Time for Hearing Appeal. The Appeal Authority should hear the appeal within thirty (30) days of the date the appeal was filed.~~
- (c) ~~Written Statement Setting Forth Theories of Relief Required. The appellant shall deliver to the Appeal Authority and all other participants, five (5) business days prior to the hearing, a written statement setting forth each and every theory of relief she intends to raise at the hearing, along with a brief statement of facts in support thereof.~~
- (d) ~~Condition Precedent to Judicial Review. No person, board or officer of the County may seek judicial review of any decision applying to the land use ordinance until after challenging the land use authority's decision in accordance with this part. No theory of relief may be raised in the District Court unless it was timely and specifically presented to the Appeals Authority.~~
- (e) ~~Standard of Review and Burden of Proof on Appeal. The Appeal Authority shall upon appeal, presume that the decision applying the land use ordinance is valid and determine only whether or not the decision is arbitrary, capricious, or illegal. The burden of proof on appeal is on the appellant.~~
- (f) ~~Due Process Rights. The Appeal Authority shall respect the due process rights of all participants.~~

1-7—Variances:

- (1) ~~Any person or entity desiring a waiver or modifications of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Appeal Authority for a variance from the terms of the ordinance.~~
- (2) ~~Pursuant to Utah State law, the Appeal Authority may grant a variance only if:~~
 - (a) ~~Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;~~

- (b) — ~~There are special circumstances attached to the property that do not generally apply to other properties in the same zone;~~
 - (c) — ~~Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;~~
 - (d) — ~~The variance will not substantially affect the general plan and will not be contrary to the public interest; and~~
 - (e) — ~~The spirit of the land use ordinance is observed and substantial justice done.~~
- (3) — ~~In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under 2-3(a)(i), the Appeal Authority may not find an unreasonable hardship unless the alleged hardship:~~
- (a) — ~~is located on or associated with the property for which the variance is sought; and~~
 - (b) — ~~comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.~~
- (4) — ~~In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection 2-3(2)(a), the Appeal Authority may not find an unreasonable hardship if the hardship is self-imposed or economic.~~
- (5) — ~~In determining whether or not there are special circumstances attached to the property under Subsection 2-3(2)(b), the Appeal Authority may find that special circumstances exist only if the special circumstances:~~
- (a) — ~~relate to the hardship complained of; and~~
 - (b) — ~~deprive the property of privileges granted to other properties in the same zone.~~
- (6) — ~~The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.~~
- (7) — ~~Variances run with the land.~~
- (8) — ~~The Appeal Authority may not grant a use variance.~~
- (9) — ~~In granting a variance, the Appeal Authority may impose additional requirements on the applicant that will:~~
- (a) — ~~mitigate any harmful affects of the variance; or~~
~~serve the purpose of the standard or requirement~~

CHAPTER 1 DEFINITIONS RELOCATED TO CHAPTER 2. OTHER PORTIONS OF CHAPTER 1 MERGED WITH CHAPTER 2 IN IT ENTIRELY RELOCATED TO CHAPTER 1 (ADMINISTRATION)

Building Permit Required

The use of land or the construction or alteration, of any building or structure or any part thereof, as provided or as restricted in this Ordinance shall not be commenced, or proceeded with, except after the issuance of a written permit for the same by the Building Inspector. Farm buildings shall be exempt, except when either electric or plumbing will be installed in the buildings, from the requirements of a building permit except where such structures are intended as dwellings or for human habitation. All dwellings shall require State Board of Health approval prior to issuance of a building permit (emphasis added).

Application and Review

- (1) All applications for building permits, except-for single family dwellings and their accessory buildings shall:
 - (a) be submitted to the Building and Zoning Department. The design submissions shall include architectural and site development plans to scale, which shall show building locations, landscaping, prominent existing trees, ground treatment, fences, off-street parking and circulation, location and size of the adjacent streets, north arrow an property lines, existing grades and proposed new grades. All such drawings and sketches shall be reviewed with the Planning Commission upon notification and request of the Planning Commission to assure conformity with the intent of the Master Plan and compliance with all applicable ordinances and regulations.
 - (b) then follow the usual process for obtaining a building permit as required by the County.
- (2) Design review for buildings and uses covered by conditional use permits or planned unit development approval shall be incorporated within such conditional use permit or planned unit development approval and need not be a separate application, provided the requirements of this Ordinance are met.
- (3) Agricultural buildings are exempt from design-review.

1-6 Planning Commission Review

When a question arises whether proposed architectural and site development plans submitted are consistent with the general objectives of this Ordinance, the Planning Commission shall make a determination. A negative or unfavorable determination by the Planning Commission may be appealed to the Board of County Commissioners, as provided for in this Ordinance.

1-7 Zoning Administrator to Enforce

The Zoning Administrator is designated and authorized by the Board of County Commissioners as the officer charged with the enforcement of this Ordinance, but from time to time, by resolution or ordinance, the Board of County Commissioners may entrust such administration in whole or in part, to any other officer without amendment to this Ordinance.

1-8 Permits to Comply with Ordinance

From the time of the effective date of this Ordinance, the Zoning Administrator shall not grant a permit for the construction, or alteration of any building or structure or the moving of a structure onto a lot if such building or structure will be in violation of any of the provisions of this Ordinance, nor shall any local officer grant any permit or license for the use of any building or land if such use would be in violation of this Ordinance.

1-9 Powers and Duties of Building Inspector

It shall be the duty of the Building Inspector to inspect or cause to be inspected all buildings in course of construction or repair.

1-10 Powers and Duties of Zoning Administrator

The Zoning Administrator shall enforce all of the provisions of this Ordinance, entering actions in the courts when necessary and his failure to do so shall not legalize any violations of such provisions. The Zoning Administrator shall not issue any permit unless the plans of the proposed erection, construction, reconstruction, alteration and use fully conform to all zoning regulations then in effect.

1-11 Nuisance and Abatement

Any building or structure erected constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Ordinance, and any use of land, building or premise established, conducted or maintained contrary to provisions in this Ordinance shall be, and the same hereby is, declared to be unlawful and a public nuisance; and the County

Attorney shall, upon request of the governing body, at once commence action or proceeding for abatement and removal of enjoinder thereof in a manner provided by law, and take other steps as will abate and remove such building or structure, and restrain or enjoin any person, firm, or corporation from erecting, building, maintaining, or using said building or structure or property contrary to the provisions of this Ordinance. The remedies provided for herein shall be cumulative and not exclusive.

1-12 Amendments

The number, shape, boundary, area or zone, or any regulation or any other provision of the Zoning Ordinance may be amended by the Board of County Commissioners from time to time, but any such amendment shall not be made or become effective until after thirty days notice and public hearing and unless the same shall have been proposed by or be first submitted to the Planning Commission, for its recommendation which shall be returned within thirty (30) days to the Board of County Commissioners.

1-13 Hearing and Publication of Notice

Before finally adopting any such amendment, the Board of County Commissioners shall hold a public hearing thereon. Notice of such a hearing shall be disseminated to the public, in accordance with state law, at least ten (10) days before the scheduled hearing.

1-14 Licensing

All departments, officials and public employees of the County which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no permit or license for uses, building or purposes where the same would be in conflict with the provisions of this Ordinance and any such permit or license, if issued in conflict with the provisions of this Ordinance shall be null and void.

1-15 Penalties

Any person, firm or corporation whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this Ordinance shall be charged, for each separate, identifiable violation, with a Class C Misdemeanor and punishable upon conviction as a class C misdemeanor or by imposing the appropriate civil penalty adopted under the authority of Section 17-27a-101 *et seq.*, Utah Code Annotated (1953, as amended).

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; and
- xi) 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 General Plan, and approval of site plans pursuant to the guidance of the 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 County legislative body 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 (MATCH TO STATE LAW DEFINITION)

- 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;
- 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
- d) Changes to a building envelope consistent with San Juan County Code.

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 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 & Zoning and Building Department under the supervision of the county legislative body. 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 investigation 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 incurrance 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 and C)**, 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 20 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 County legislative body 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.



STAFF REPORT

MEETING DATE: May 14, 2026

ITEM TITLE, PRESENTER: Staff Report – Spanish Valley Zoning Map Discrepancies

RECOMMENDATION: No formal action is required at this time. Staff will continue incorporating Planning Commission feedback and coordinating with the County Attorney’s Office and affected parcel owners to develop recommendations.

Request Summary

Staff has identified potential discrepancies between the current Spanish Valley zoning map and prior adopted or historical mapping versions. The purpose of this discussion is to acknowledge the discrepancies, confirm the version currently being utilized for administrative purposes, and outline a process for future review and potential mitigation.

Background

A review of available zoning mapping records indicates that certain parcel designations and boundary areas may differ between the current version and prior versions of the Spanish Valley zoning map. At this time, staff is proceeding with the most recently provided version for administrative consistency and ongoing land use review.

Discussion

While the current version will be used moving forward, staff recognizes that discrepancies may impact parcel owners, zoning interpretations, and future development applications. Additional review is needed to determine:

- The origin and extent of the discrepancies;
- Whether prior mapping versions were formally adopted or amended;
- Potential impacts to affected properties; and
- Appropriate corrective or mitigating actions, if necessary.

Staff Recommendation

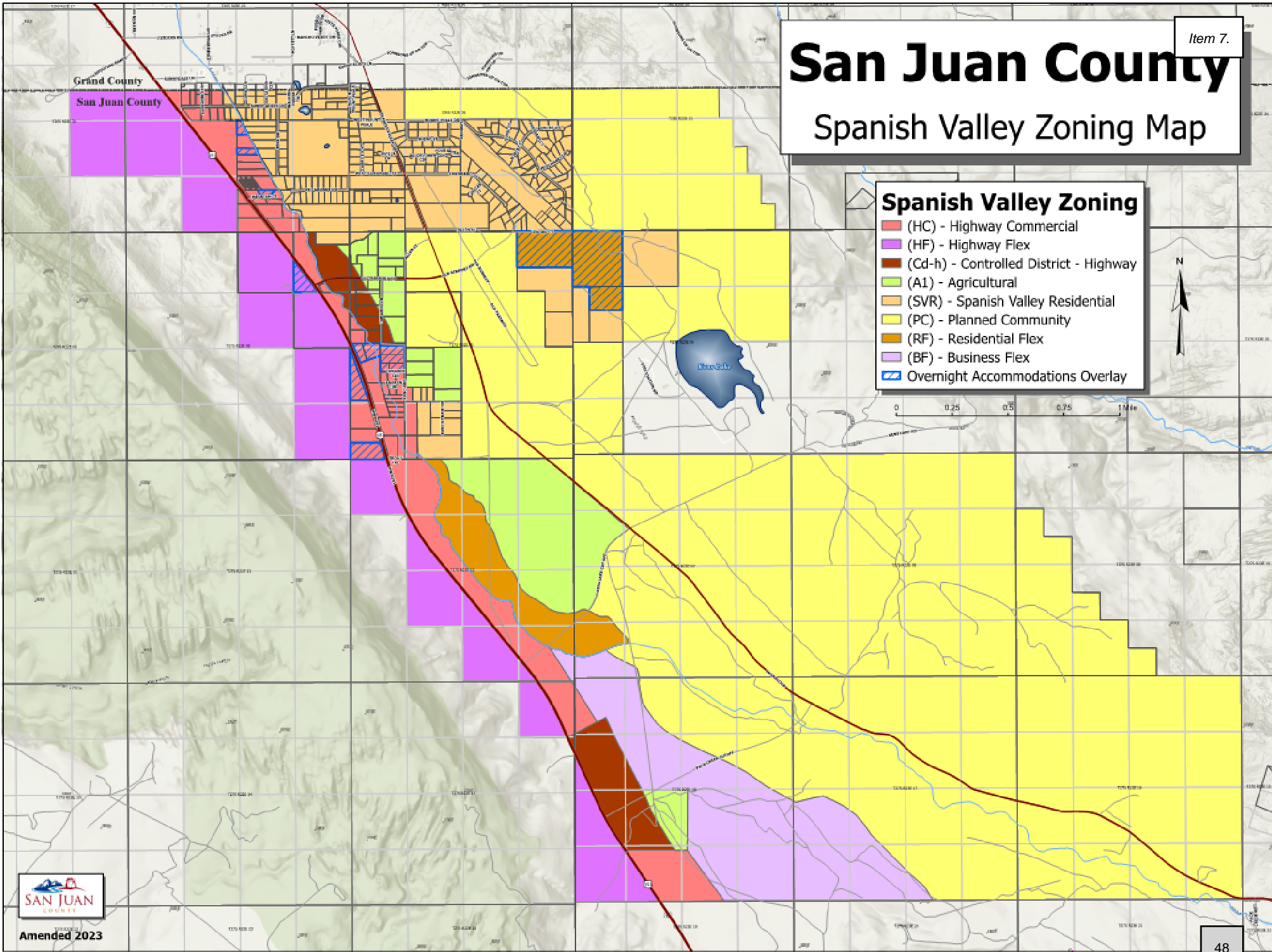
Staff recommends acknowledging the identified discrepancies, utilizing the current version for interim administrative purposes, and to continue review and coordination with the Planning Commission and affected property owners regarding potential mitigation options.

San Juan County

Spanish Valley Zoning Map

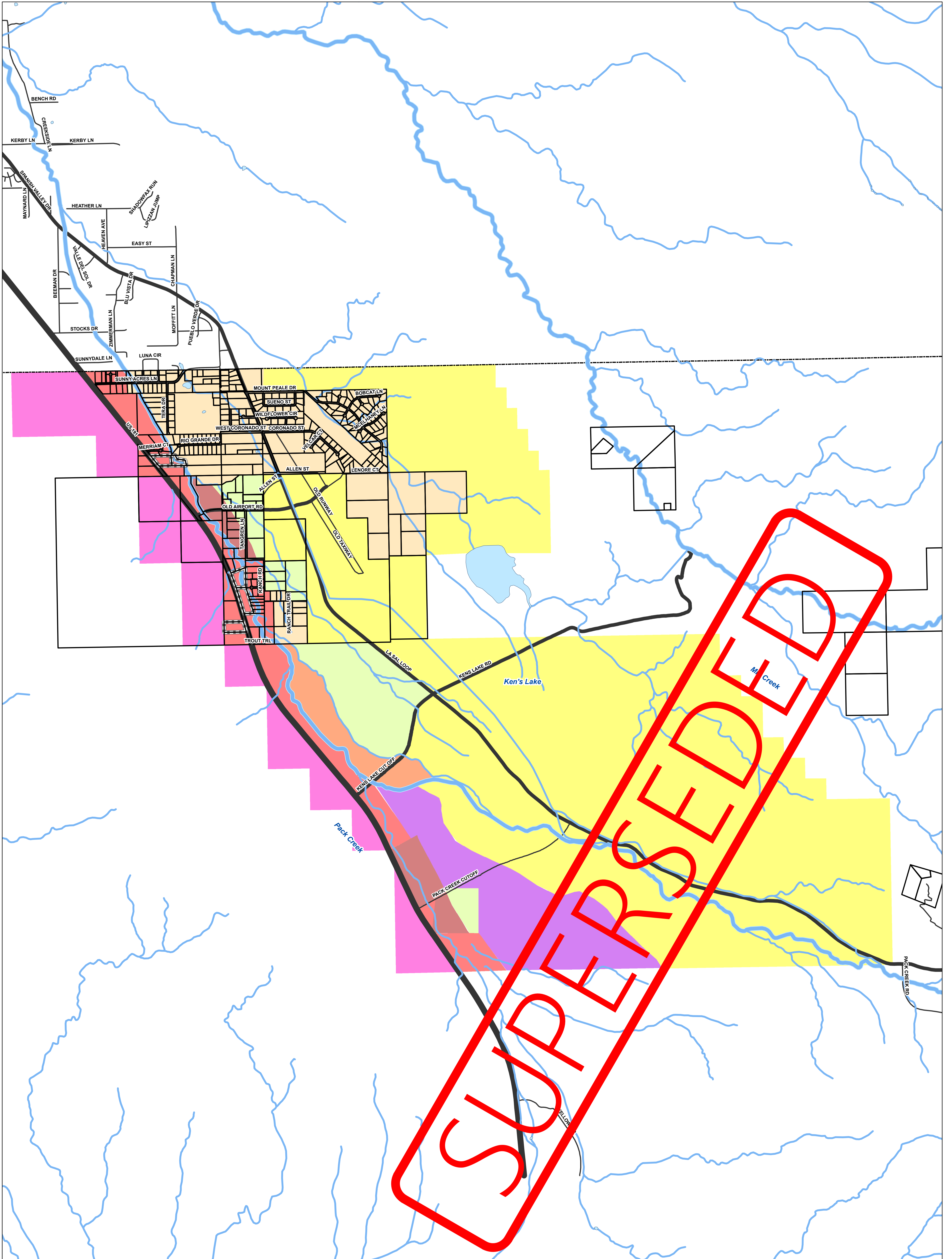
Spanish Valley Zoning

- (HC) - Highway Commercial
- (HF) - Highway Flex
- (Cd-h) - Controlled District - Highway
- (A1) - Agricultural
- (SVR) - Spanish Valley Residential
- (PC) - Planned Community
- (RF) - Residential Flex
- (BF) - Business Flex
- Overnight Accommodations Overlay

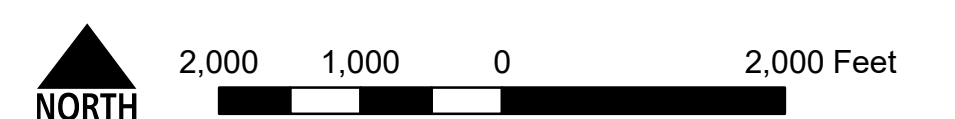


Amended 2023

San Juan County Spanish Valley Zoning Map



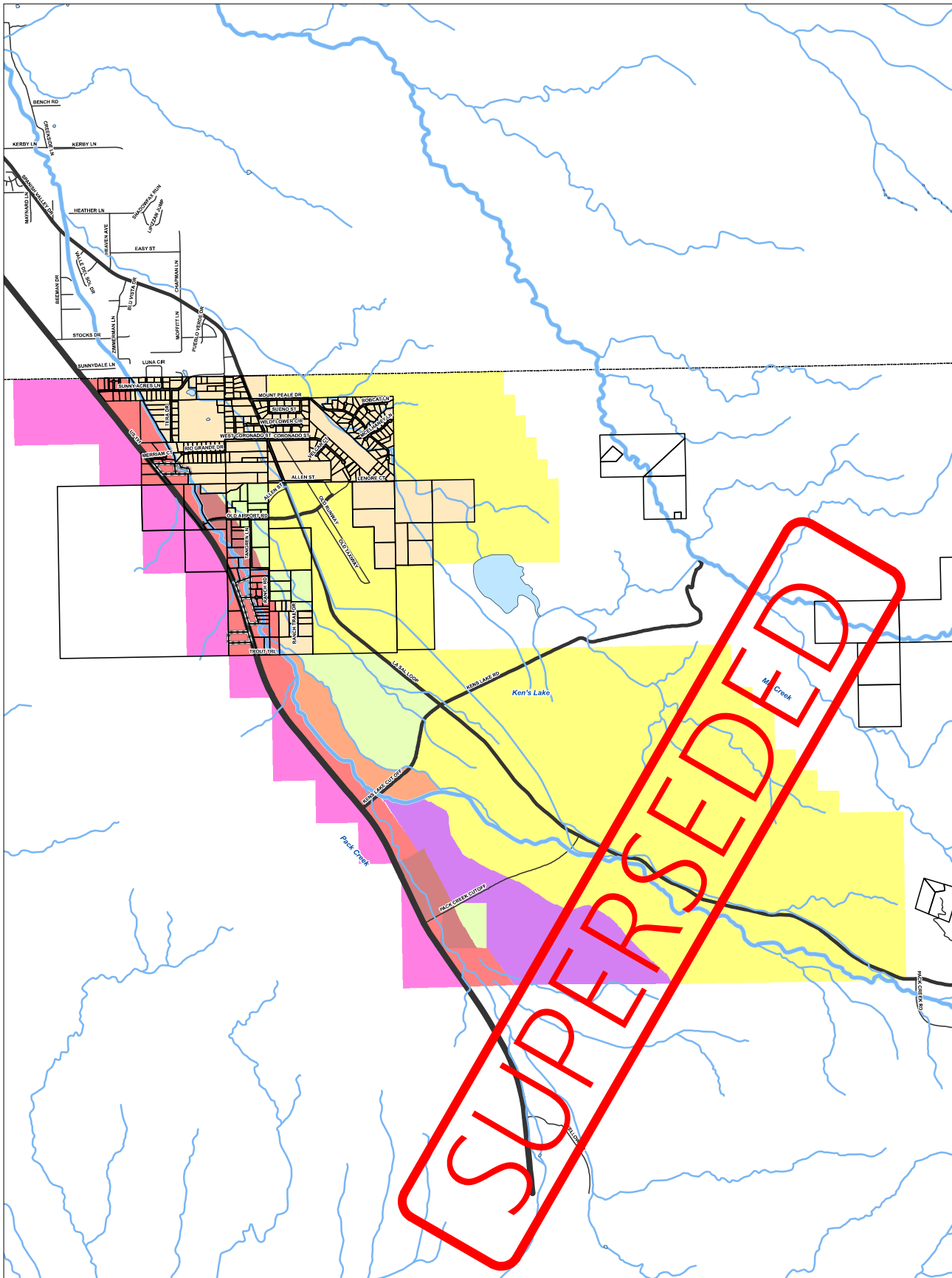
Amended 2021



- | | | |
|----------------------------------|--------------------------------------|---------------------------------|
| Planned Community (PC) | Highway Flex (HF) | Existing Overnight Accomodation |
| Spanish Valley Residential (SVR) | Highway Commercial (HC) | County Boundary |
| Residential Flex (RF) | Controlled District - Highway (Cd-h) | Stream |
| Business Flex (BF) | Agricultural (A1)* | Lakes / Reservoirs |

San Juan County Spanish Valley Zoning Map

Item 7.



Amended 2021



- | | | |
|---|--|--|
| Planned Community (PC) | Highway Flex (HF) | Existing Overnight Accomodation |
| Spanish Valley Residential (SVR) | Highway Commercial (HC) | County Boundary |
| Residential Flex (RF) | Controlled District - Highway (Cd-h) | Stream |
| Business Flex (BF) | Agricultural (A1)* | Lakes / Reservoirs |



STAFF REPORT

MEETING DATE: May 14, 2026

ITEM TITLE, PRESENTER: Chapter 3 and 5 - Appeals and Variances

RECOMMENDATION: Staff recommends the Planning Commission review the proposed organizational approaches and provide direction regarding preferred codification structure.

SUMMARY

Contingent upon the direction previously provided to staff earlier this evening and the subsequent Planning Commission discussion, staff will proceed with the reorganization of the LUDMO to establish Variances and Appeals as separate standalone chapters rather than incorporating those provisions within Chapter 1 – Administration. Staff anticipates that this approach may provide improved clarity, organization, and long-term codification consistency while allowing additional refinement of administrative procedures, appeal authority provisions, and variance processes as the ordinance update continues.

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

1. 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.
2. 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."
3. Content. The Notice of Appeal shall clearly set forth:
 - A. The appellant's identity and contact information (including an email address);
 - B. The Land Use Decision being appealed, including the date thereof and, if different, the date the appellant discovered the decision;
 - C. If available, a copy of the land use decision being appealed;
 - D. If the land use applicant is not the appellant, the identity and contact information for the applicant;
 - E. The basis for the appellant's standing to bring the appeal; and
 - F. 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.

CHAPTER 5 VARIANCES

Section 1: VARIANCE PROCEDURE

1. 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.
2. Applications: Applications for variance shall be filed with the San Juan County Planning & Zoning and Building Department. Applications shall contain the following information:
 - A. A description of the requested variance, together with a designation of that section of this LUDMO from which relief is being requested;
 - B. An accurate site plan, if appropriate, indicating the manner in which the variance will be applied and its effect upon adjacent properties; and
 - C. The required filing fee as established by the County.
3. 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.
4. 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.
5. 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.

4. 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.
5. 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

1. 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.
2. 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.
3. 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.
4. Scheduling Conference. Upon receiving the Notice of Appeal, the Appeal Authority shall in timely fashion hold a scheduling conference to:
 - a. 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;
 - b. Schedule a hearing;
 - c. Set submission dates for briefing; and
 - d. 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.)

5. 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.
6. Briefing.
 - A. 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.
 - B. 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.
 - C. 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.
7. Hearing.
 - A. At the hearing, the parties shall present argument to, and answer questions of, the Appeal Authority.
 - B. The hearing need not be held in person, but shall be public.
8. 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.
9. 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

1. 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.

2. **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.
3. **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.
4. **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.
5. **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.



STAFF REPORT

MEETING DATE: May 14, 2026

ITEM TITLE, PRESENTER: Subdivision and Design Standards - Chapter 6-7

RECOMMENDATION: No formal action is recommended at this time. Staff recommends continued coordination and review of zoning provisions and Chapter 7 – Design Standards through the ongoing ordinance update process.

SUMMARY

It has been recognized that during the 2024 adoption of the Subdivision Ordinance, portions of the design standards contained within the 2016 Subdivision Standards were inadvertently overlooked. At the time, it was anticipated that the remaining code updates, including Chapter 7 – Design Standards, would be adopted within the following months and would address and incorporate the applicable 2016 standards. Due to this oversight, staff has been advised to utilize the 2024 Subdivision Ordinance for administrative and procedural requirements while continuing to reference and apply the 2016 Subdivision Standards for applicable design and construction standards until further codification and ordinance updates are completed.

STAFF RECOMMENDATION

With several anticipated revisions and clarifications related to zoning provisions and Chapter 7 – Design Standards, Chapter 6 – Subdivisions also includes several minor updates, including revisions to state code references in Section 1 and removal of specific state code references in Section 6 to clarify that the appeal process shall be governed by the San Juan County LUDMO. With additional input anticipated from affected departments, it is staff’s understanding that these items will continue to be addressed and refined through the ongoing ordinance update and coordination process.

**CHAPTER 6
SUBDIVISIONS**

Section 1: SUBORDINATION TO STATE LAW

1. This LUDMO is subordinate to controlling state law, particularly CLUDMA at Utah Code ~~Title 17, Chapter 27a, Part 6~~ Title 17 Chapter 79 Part 701 shall include any future amendments, recodifications, renumbering, or successor statutes enacted by the Utah Legislature. Applicants should consult the statute before this Chapter’s provisions, which supplement state law.

Section 2: DESIGNATION OF ADMINISTRATIVE AUTHORITY FOR SUBDIVISION APPLICATIONS

1. 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

1. 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

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

Section 5: REVIEW CYCLE LIMITS AND TIMELINE

1. A maximum of four review cycles shall be allowed for each subdivision application. 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.

2. Subject to Subsection (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.

ADOPTED DECEMBER 2024 - STATE CODE UPDATE

3. 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.

4. 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.

5. 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

- 1. An applicant aggrieved by a decision of the Planning Administrator may appeal to the appeal authority consistent with state law and this LUDMO, including for 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

- 1. 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:
 - A. 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;
 - B. 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;
 - i. 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 recorded simultaneously with the approved subdivision plat;
 - C. As applicable, a copy of all restrictive covenants on the property that must

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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);

D. As applicable, a road maintenance agreement signed by the San Juan County Road Superintendent.

E. 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:

- i. 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;
- ii. 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);
- iii. Multiple phases with the same subdivision name shall be identified as "Phase 1", "Phase 2," and so forth;
- iv. 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;
- v. 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.);
- vi. 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;

- viii. The total numbers of units by kind and their location;
- ix. 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);
- x. 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);
- xi. A designation of the zone or zones in which the subdivision is located and, when applicable, the existing zone boundary lines;
- xii. 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;
- xiii. The following signature blocks, executed except for the Planning Administrator and Recorder: San Juan County Zoning 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 following forms:

SJC Health Department

Approved this _____ Day of _____, 20____

(Printed name of Health Official if known) Health Official

Approval as to Form

Approved this _____ Day of _____, 20____

(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: _____

(Printed name of Signing Official if known) SJC Recorder

San Juan County Commission

The subdivision hereon was presented to the San Juan County Commission this _____ day of _____, 20____, and was accepted and approved.

(Printed name of Signing Official if known) Commissioner

(Printed name of Signing Official if known) Attest

SJC Surveyor

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

(Printed name of Signing Official if known) 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____

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)

SJC Planning Commission

Approved by the San Juan County Planning Commission this _____ Day of _____, 20____

(Printed name of Signing Official if known) Planning Commission Chairman

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.

My commission expires _____, 20____

 Notary Residing in _____ County.

Notary's Seal

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

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- xiv. 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";
- xv. The radii, arc lengths, chord lengths, and chord directions for curvilinear streets and radii of all property returns;

- xvi. The identification, location, and dimensions of all easements for public services or utilities as per the improvement plan;
- xvii. 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.
- xviii. 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;
- xix. 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;
- xx. As applicable, perimeter fence line, delineated and a description of the type and height of the fence;
- xxi. Names and addresses of the owners, subdividers, and surveyor preparing the plat; and
- xxii. A certification by the surveyor making the plat that the surveyor:
 - Holds a license in accordance with the state's Professional Engineers and Land Surveyors Licensing Act;
 - 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;
 - Has resolved any and all boundary issues with adjoining properties to said subdivision; and
 - Has placed monuments as represented on the plat.

F. 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;

G. Written communication from the San Juan County Sheriff regarding any public safety concerns or recommendations for the proposed subdivision;

H. 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;

I. 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;

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- J. 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
 - K. Other documents and information may be deemed necessary by the Planning & Zoning and Building Department.
2. All lots within the subdivision shall conform to the following standards:
 - A. 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;
 - 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 road maintenance agreement; and
 - C. 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.
 3. 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

1. 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.
2. The improvement plan shall include the following, some of which may be included on the plat:
 - A. 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;
 - B. A letter describing:
 - i. The culinary, irrigation, and fire suppression water and sanitary sewer facilities proposed for the subdivision; and
 - ii. 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;

C. 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;

D. 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;

E. 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;

F. 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:

i. 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;

ii. 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;

iii. 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;

iv. 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;

v. 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

vi. 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;

vii. 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

viii. 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;

G. 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.

i. If required, the agreement must be fully executed prior to the approval of the subdivision.

ii. 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;

H. 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.

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- i. All historic flood and drainage ways shall be protected from alteration such that their primary function as storm water drainages shall be upheld;
- ii. 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;
- iii. 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;
- iv. The design shall insure that runoff from the developed subdivision shall not exceed the historical volumes and velocities discharged onto adjacent property;
- v. The drainage system plans submitted with a preliminary plat application shall include:
 - a. All proposed surface drainage structures; and
 - b. All appropriate design details, dimensions, construction materials and elevations;
- vi. The drainage design for each phase shall show how the drainage is consistent with the master drainage plan of all phases; and
- vii. 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;
- I. Except as otherwise provided below, each lot in a subdivision shall be served with an approved piped sanitary sewer system.
 - i. Individual septic tank systems, or other private sewage systems, shall only be permitted when the nearest point of the subdivision boundary is more than 1,320 feet from an existing approved sanitary sewer system. Septic systems shall be in conformance with the requirements established by the Utah Department of Environmental Quality and the San Juan County Public Health Department, and applicants shall provide proof of the necessary permits and certifications from those entities;
- J. Except as otherwise provided below, each lot in the subdivision shall be served with an approved public water system.
 - i. Individual or common wells or other private water systems shall only be permitted when the subdivision boundary is more than 1,320 feet from the

nearest approved public water system. All private culinary water systems shall be in compliance with the requirements of the Utah Department of Environmental Quality and the San Juan County Public Health Department, and applicants shall provide proof of the necessary permits and certificates from those entities.

ii. If stock ponds are present, the outer perimeter of the berm must be at least one-hundred feet (100') from any adjoining property line;

K. 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.

i. 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;

L. 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.

i. In newly established subdivisions:

a. 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.

b. 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 stock-proof fence.
- ii. 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.
- iii. If the subdivider does not obtain an exemption from the fencing requirement, a stock-proof fencing proposal shall be submitted with the plat application;
- M. 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.
- i. 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
- N. 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.
- i. 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.
 - ii. 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.

iii. 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

- 1. No plat approval is effective until it has been recorded.
- 2. No approved plat shall be recorded until:
 - A. The plat is approved and signed by the Planning Administrator;
 - B. If an improvement agreement has been required, the approved and executed agreement has been filed with the San Juan County Clerk;
 - C. 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;
 - D. 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
 - E. A copy of the restrictive covenants, if any, for recording.
- 3. 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:
 - A. The applicant has tendered the full recording fee to the San Juan County Recorder;
 - B. If required, the applicant has provided the improvement completion assurance in the agreed form and amount;
 - C. If required, the applicant has tendered the impact fees due and in the correct amount; and

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

4. 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.

5. 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

1. 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:

- A. Copies of applicable land use regulations;
- B. A complete list of standards required for the project;
- C. Preliminary and final application checklists; and
- D. Feedback on the concept plan to assist the applicant in preparing a complete subdivision application.

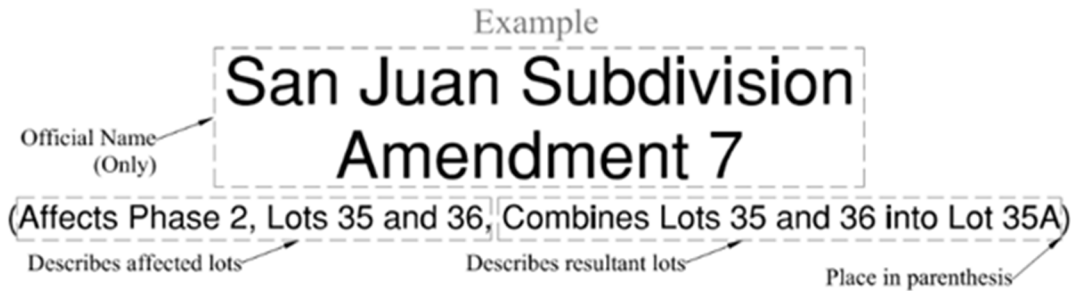
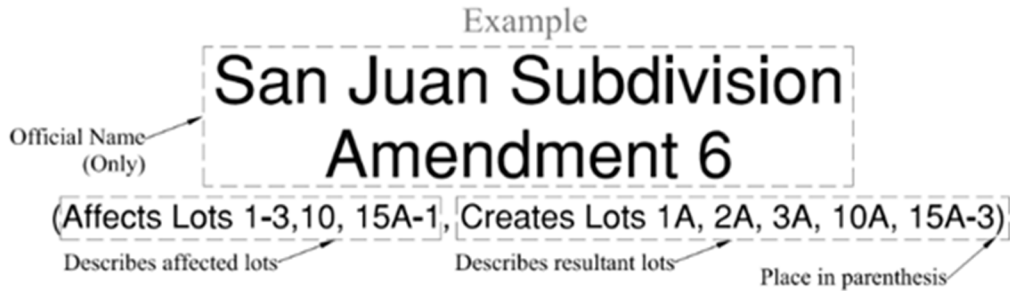
2. Participation in a pre-application meeting is optional, and the feedback provided shall be advisory only, intended to help the applicant understand the requirements and streamline the formal application process.

Section 11: AMENDMENTS AND VACATIONS

1. 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.

- A. 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.

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- B. 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.
 - C. The amended plat shall include signature blocks for each property owner within the plat.
2. The application petition shall also include proof of written notice to:
 - A. The owners of record of lots within the plat affected by the plat revision;
 - B. Adjoining owners; and
 - C. If the subdivision includes one, the owners’ association.
 3. 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:
 - A. Provide notice to affected entities, if required; and
 - B. Treat the application as one for an initial subdivision and follow that process.
 4. 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.
 5. The Board of County Commissioners may vacate all or a portion of a subdivision plat by passing and recording an ordinance.

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6. 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

1. **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:

A. 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.

B. 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:

- i. Certify the subdivision’s compliance in writing;
- ii. Record the written certification; and
- iii. Keep the certification on file in the San Juan County Planning & Building Department.

2. **Waivers**

A. 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.

B. 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.

C. 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.

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Historical Code

This page is for viewing a section of the Utah Code as it would have looked on the given date. Our historical records only date back to January 1st 2014. Records before this time are not currently available.

Section

Find

Results for 17-27a-507:

(Renumbered 11/6/2025) Renumbered to 17-79-812

(Superseded 5/3/2023)

Exaction means a requirement imposed by a governmental entity as a condition of development approval that a property owner dedicate property, grant an easement, construct public improvements, provide infrastructure, or otherwise contribute land, money, services, or facilities to address impacts associated with the proposed development.

For example, if a subdivision increases traffic along a roadway, the County may require additional right-of-way dedication or roadway improvements along the project frontage. That requirement would generally be considered an exaction.

STATE SENATE

350 North State, Suite 320
PO Box 145115
Salt Lake City, Utah 84114
Telephone: (801) 538-1408
<https://senate.utah.gov>

Contact a Senator

HOUSE OF REPRESENTATIVES

350 North State, Suite 350
PO Box 145030
Salt Lake City, Utah 84114
Telephone: (801) 538-1408
<https://house.utleg.gov>

17-27a-507(5)(d) - has been 17-79-812

Effective 5/6/2026**17-79-812 Exactions -- Requirement to offer to original owner property acquired by exaction -- Exaction for right-of-way improvements -- Improvement completion assurance requirements.**

- (1) A county may impose an exaction or exactions on development proposed in a land use application, including, subject to Section 17-79-813, an exaction for a water interest, if:
 - (a) an essential link exists between a legitimate governmental interest and each exaction; and
 - (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.
- (2) If a land use authority imposes an exaction for another governmental entity:
 - (a) the governmental entity shall request the exaction; and
 - (b) the land use authority shall transfer the exaction to the governmental entity for which it was exacted.
- (3)
 - (a) If a county plans to dispose of surplus real property under Section 17-78-103 that was acquired under this section and has been owned by the county for less than 15 years, the county shall first offer to reconvey the property, without receiving additional consideration, to the person who granted the property to the county.
 - (b) A person to whom a county offers to reconvey property under Subsection (3)(a) has 90 days to accept or reject the county's offer.
 - (c) If a person to whom a county offers to reconvey property declines the offer, the county may offer the property for sale in accordance with the requirements of Title 11, Chapter 1, Part 2, Disposal of Public Property.
 - (d) Subsection (3)(a) does not apply to the disposal of property acquired by exaction by a community development or urban renewal agency.
- (4)
 - (a) A county may not, as part of an infrastructure improvement, require the installation of pavement on a residential roadway at a width in excess of 32 feet.
 - (b) Subsection (4)(a) does not apply if a county requires the installation of pavement in excess of 32 feet:
 - (i) in a vehicle turnaround area;
 - (ii) in a cul-de-sac;
 - (iii) to address specific traffic flow constraints at an intersection, mid-block crossings, or other areas;
 - (iv) to address an applicable general or master plan improvement, including transportation, bicycle lanes, trails, or other similar improvements that are not included within an impact fee area;
 - (v) to address traffic flow constraints for service to or abutting higher density developments or uses that generate higher traffic volumes, including community centers, schools, and other similar uses;
 - (vi) as needed for the installation or location of a utility which is maintained by the county and is considered a transmission line or requires additional roadway width;
 - (vii) for third-party utility lines that have an easement preventing the installation of utilities maintained by the county within the roadway;
 - (viii) for utilities over 12 feet in depth;
 - (ix) for roadways with a design speed that exceeds 25 miles per hour;
 - (x) as needed for flood and stormwater routing;
 - (xi) as needed to meet fire code requirements for parking and hydrants; or

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Effective 11/6/2025

Superseded 5/6/2026

17-79-812 Exactions -- Exaction for water interest -- Requirement to offer to original owner property acquired by exaction.

- (1) A county may impose an exaction or exactions on development proposed in a land use application, including, subject to Subsection (3), an exaction for a water interest, if:
 - (a) an essential link exists between a legitimate governmental interest and each exaction; and
 - (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.
- (2) If a land use authority imposes an exaction for another governmental entity:
 - (a) the governmental entity shall request the exaction; and
 - (b) the land use authority shall transfer the exaction to the governmental entity for which it was exacted.
- (3)
 - (a)
 - (i) Subject to the requirements of this Subsection (3), a county or, if applicable, the county's culinary water authority shall base any exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.
 - (ii) Except as described in Subsection (3)(a)(iii), a culinary water authority shall base an exaction for a culinary water interest on:
 - (A) consideration of the system-wide minimum sizing standards established for the culinary water authority by the Division of Drinking Water in accordance with Section 19-4-114; and
 - (B) the number of equivalent residential connections associated with the culinary water demand for each specific development proposed in the development's land use application, applying lower exactions for developments with lower equivalent residential connections as demonstrated by at least five years of usage data for like land uses within the county.
 - (iii) A county or culinary water authority may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted under Subsection (3)(a)(ii) if the county or culinary water authority, at the county's or culinary water authority's sole discretion, determines there is good cause to do so.
 - (iv) A county shall make public the methodology used to comply with Subsection (3)(a)(ii)(B). A land use applicant may appeal to the county's governing body an exaction calculation used by the county or the county's culinary water authority under Subsection (3)(a)(ii). A land use applicant may present data and other information that illustrates a need for an exaction recalculation and the county's governing body shall respond with due process.
 - (v) Upon an applicant's request, the culinary water authority shall provide the applicant with the basis for the culinary water authority's calculations under Subsection (3)(a)(i) on which an exaction for a water interest is based.
 - (b) A county or the county's culinary water authority may not impose an exaction for a water interest if the culinary water authority's existing available water interests exceed the water interests needed to meet the reasonable future water requirement of the public, as determined under Subsection 73-1-4(2)(f).
- (4)
 - (a) If a county plans to dispose of surplus real property under Section 17-78-103 that was acquired under this section and has been owned by the county for less than 15 years, the county shall first offer to reconvey the property, without receiving additional consideration, to the person who granted the property to the county.

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- (b) A person to whom a county offers to reconvey property under Subsection (4)(a) has 90 days to accept or reject the county's offer.
- (c) If a person to whom a county offers to reconvey property declines the offer, the county may offer the property for sale.
- (d) Subsection (4)(a) does not apply to the disposal of property acquired by exaction by a community development or urban renewal agency.
- (5)
- (a) A county may not, as part of an infrastructure improvement, require the installation of pavement on a residential roadway at a width in excess of 32 feet.
- (b) Subsection (5)(a) does not apply if a county requires the installation of pavement in excess of 32 feet:
- (i) in a vehicle turnaround area;
 - (ii) in a cul-de-sac;
 - (iii) to address specific traffic flow constraints at an intersection, mid-block crossings, or other areas;
 - (iv) to address an applicable general or master plan improvement, including transportation, bicycle lanes, trails, or other similar improvements that are not included within an impact fee area;
 - (v) to address traffic flow constraints for service to or abutting higher density developments or uses that generate higher traffic volumes, including community centers, schools, and other similar uses;
 - (vi) as needed for the installation or location of a utility which is maintained by the county and is considered a transmission line or requires additional roadway width;
 - (vii) for third-party utility lines that have an easement preventing the installation of utilities maintained by the county within the roadway;
 - (viii) for utilities over 12 feet in depth;
 - (ix) for roadways with a design speed that exceeds 25 miles per hour;
 - (x) as needed for flood and stormwater routing;
 - (xi) as needed to meet fire code requirements for parking and hydrants; or
 - (xii) as needed to accommodate street parking.
- (c) Nothing in this section shall be construed to prevent a county from approving a road cross section with a pavement width less than 32 feet.
- (d)
- (i) A land use applicant may appeal a municipal requirement for pavement in excess of 32 feet on a residential roadway.
 - (ii) A land use applicant that has appealed a municipal specification for a residential roadway pavement width in excess of 32 feet may request that the county assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal.
 - (iii) Unless otherwise agreed by the applicant and the county, the panel described in Subsection (5)(d)(ii) shall consist of the following three experts:
 - (A) one licensed engineer, designated by the county;
 - (B) one licensed engineer, designated by the land use applicant; and
 - (C) one licensed engineer, agreed upon and designated by the two designated engineers under Subsections (5)(d)(iii)(A) and (B).
 - (iv) A member of the panel assembled by the county under Subsection (5)(d)(ii) may not have an interest in the application that is the subject of the appeal.
 - (v) The land use applicant shall pay:

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- (A) 50% of the cost of the panel; and
- (B) the county's published appeal fee.
- (vi) The decision of the panel is a final decision, subject to a petition for review under Subsection (5)(d)(vii).
- (vii) In accordance with Section 17-79-1009, a land use applicant or the county may file a petition for review of the decision with the district court within 30 days after the date that the decision is final.

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(xii) as needed to accommodate street parking.

(c) Nothing in this section shall be construed to prevent a county from approving a road cross section with a pavement width less than 32 feet.

(d)

- (i) A land use applicant may appeal a municipal requirement for pavement in excess of 32 feet on a residential roadway.
- (ii) A land use applicant that has appealed a municipal specification for a residential roadway pavement width in excess of 32 feet may request that the county assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal.
- (iii) Unless otherwise agreed by the applicant and the county, the panel described in Subsection (4)(d)(ii) shall consist of the following three experts:
 - (A) one licensed engineer, designated by the county;
 - (B) one licensed engineer, designated by the land use applicant; and
 - (C) one licensed engineer, agreed upon and designated by the two designated engineers under Subsections (4)(d)(iii)(A) and (B).
- (iv) A member of the panel assembled by the county under Subsection (4)(d)(ii) may not have an interest in the application that is the subject of the appeal.
- (v) The land use applicant shall pay:
 - (A) 50% of the cost of the panel; and
 - (B) the county's published appeal fee.
- (vi) The decision of the panel is a final decision, subject to a petition for review under Subsection (4)(d)(vii).
- (vii) In accordance with Section 17-79-1009, a land use applicant or the county may file a petition for review of the decision with the district court within 30 days after the date that the decision is final.

Amended by Chapter 210, 2026 General Session

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CHAPTER 7 DEVELOPMENT AND DESIGN STANDARDS

Section 1: GENERAL PROVISIONS

1. 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 manmade 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

1. 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 LUO.
 - 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.

Section 3: 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. Completion of the above may operate as a dedication of all streets and other public places and vest the fee of those parcels of land in the county for the public for the uses named or intended in those maps or plats.
2. 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.

Section 4: PRIVATE ROADS

Private roads must allow reliable vehicular access at a minimum of fifteen feet (15') in width with a minimum of six inch (6") road base material of two inch (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 5: SIDEWALKS AND PEDESTRIAN WALKWAYS

When, in the opinion of the County Road Department, the projected traffic volumes within the subdivision are such that the separation of vehicular and pedestrian access is necessary for the safety of the public, the Planning Commission may require designed sidewalks, curb and gutter, or pedestrian rights-of-way.

Section 6: SANITARY SEWAGE

1. Except as otherwise provided below, each lot in a subdivision shall be served with an approved piped sanitary sewer system.
2. Individual septic tank systems, or other private sewage systems, shall only be permitted when the nearest point of the subdivision boundary is more than 1,320 feet from an existing approved sanitary sewer system. Septic systems shall be in conformance with the requirements established by the Utah Department of Environmental Quality and the San Juan County Public Health Department, and applicants shall provide proof of the necessary permits and certifications from those entities.

Section 7: CULINARY? WATER SUPPLY

1. Except as otherwise provided below, each lot in the subdivision shall be served with an approved public water system.
2. Individual or common wells or other private water systems shall only be permitted when the subdivision boundary is more than 1,320 feet from the nearest approved public water system. All private culinary? water systems shall be in compliance with the requirements of the Utah Department of Environmental Quality and the San Juan County

Public Health Department, and applicants shall provide proof of the necessary permits and certificates from those entities.

- If stock ponds are present, the outer perimeter of the berm must be at least one-hundred yards (100 yds) from any adjoining property line.

Section 8: DENSITY STANDARDS

- Density standards for each zone are as follows in acres:

| | R | AG | HC?? | CC?? | MU | I | REC |
|--|------|----|------|---------------------|------|--------------------------------|------|
| Minimum Parcel/Lot Size Without Utilities | 1 | 5 | CUP | Comply with setback | 1 | Comply with setback & coverage | 1 |
| With Public Water Utility Service Only | 0.5 | 5 | CUP | Comply with setback | 0.5 | Comply with setback & coverage | 0.5 |
| With Public Sewer Utility Service Only | 0.5 | 5 | CUP | Comply with setback | 0.5 | Comply with setback & coverage | 0.5 |
| With Both Public Water and Sewer Utility Service | 0.25 | 5 | CUP | Comply with setback | 0.25 | Comply with setback & coverage | 0.25 |

- 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.

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

| | R | AG | HC?? | CC?? | MU | I | REC |
|-----------------------|---------------|------------------|---------------|---------------|---------------|---------------|---------------|
| ADU Density Standards | 1 ADU per lot | 1 ADU per parcel | Not Permitted | 1 ADU per lot | 1 ADU per lot | Not Permitted | 1 ADU per lot |

Section 9: STORM DRAINAGE

1. With the submission of a preliminary plat application, a subdivider shall include a drainage plan for any proposed subdivision. The design shall accommodate runoff from the entire subdivision and the historical runoff from areas adjacent to and up stream of the subdivision in accordance with the minimum standards.
2. 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 final subdivision plat must include the final drainage design for the phase of the subdivision included in the plat. The final drainage design shall show how the drainage is consistent with the overall drainage system design.

3. 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.

Section 10: FENCING STANDARDS

1. 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.

2. In newly established subdivisions:

A. 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.

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

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

C. 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.

D. If the subdivider does not obtain an exemption from the fencing requirement, a stock-proof fencing proposal shall be submitted with the preliminary plat application.

Section 11: MOBILE HOMES

1. 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 12: MANUFACTURED HOMES

1. Manufactured homes shall:

A. Utilize non-reflective siding materials (i.e. wood, stucco, adobe, brick, or stone or material that looks like wood, stucco, adobe, brick, or stone):

- B. Be placed on a concrete slab-on-grade or concrete perimeter foundation;
 - C. Have a minimum 24-foot horizontal wall dimension on at least 2 non-opposing sides;
 - D. 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;
 - E. Have running gear, tongues, axles, and wheels removed from the manufactured home at the time of installation;
 - F. Be permanently attached to a foundation:
 - i. 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;
 - ii. 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
 - iii. Homes shall not be supported with dry-stacked CMU block, wood blocks, or any other dry stacked materials;
 - G. 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
 - H. Comply with current building code requirements, the standards of this ordinance, and in accordance with *HUD Permanent Foundations Guide for Manufactured Housing September 1996* (as published by the U.S. Department of Housing and Urban Development).
2. Only one manufactured home is allowed per designated lot.
 3. 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 13: AIR TRANSPORT OVERLAY ZONE (ATOZ)

1. An owner of property within the County 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, for property located within Agricultural (AG), Multiple Use (MU), or Recreational Support (REC) Zones.

2. The petition for zone change shall comply with the Utah Airport Zoning Act and applicable federal regulations, including 14 C.F.R. Part 77.
3. In addition to following the standard process for petitioning for a zone change in this LUO, petitioners seeking the ATOZ designation shall also:
 - A. Include in the petition the following:
 - i. 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;
 - ii. 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:
 - Public recreational areas;
 - Public drinking water supply watersheds (recharge areas for the aquifer in the Glen Canyon formation);
 - Floodplains and riparian habitats;
 - Slopes in excess of 30 percent; and
 - Significant geological, biological, and archeological sites;
 - c. Identification of site planning features and a description of how they will be addressed to promote SAFETY between on-site uses and AFFECTED ADJACENT PROPERTIES ;
 - d. The airport influence, approach, transition, and turning areas;
 - e. FOR 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 provided within the development that provide beneficial public services and goods to the community;

g. A narrative and graphic presentation of the development, documenting and presenting the proposed development and land uses by:

- Gross acreage;
- Total project density and/or square footage for all uses proposed for the project per gross acre;
- Total number of parking spaces required and provided;
- Parking, service and loading area acreage/spaces;
- Project Floor Area Ratio (FAR);
- Public open space and similar publicly-accessible feature acreage;
- Descriptions and graphic representations suitable for conveying the overall development character and proposed architectural style of the proposed development; and
- The relationship of the proposed development to existing development in the area, along nearby roads, and to significant natural and built features in the area;

h. A traffic study prepared by a licensed transportation planner or traffic engineer, documenting project traffic generation, impacts (including traffic noise), and proposed mitigations and modifications.

i) A Site Plan prepared in accordance with the requirements of the County and the Development Standards specific to this section shall be approved and filed with the findings of fact as part of the approval. The site plan shall indicate at a minimum all major roads, site access roads, parking and service areas, major utilities, a conceptual drainage plan and entrance locations on existing roads. SHOW THE NAVIGATIONAL EASEMENTS OR AIR PORT INFLUENCE AREA, NAVIGATIONAL RIGHTS AND EASEMENTS.

iii. A statement of how the proposed project is consistent with the San Juan County General Plan; and

iv Other relevant information that will support the petition or as otherwise requested by the San Juan County Planning & Zoning and Building Department.

4. In any airport approach area, no building, utility line, or structure shall be erected, and no tree or other natural feature shall be permitted to grow or develop which is more than one foot in height for each 50 feet it is distant from the end of the landing or takeoff strip.

5. In any airport transition area, no building, utility line, or structure shall be erected, and no tree or other natural feature shall be permitted to grow or develop which is more than one foot in height for each seven feet it is distant from the inside boundary of the airport approach area.

6. In any airport turning area, no building, utility line, or structure shall be erected, and no tree or other natural feature shall be permitted to grow or develop to a height greater than one 150 feet.

7. 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 shall not be over the above prescribed height limits.

8. Notwithstanding any other provision of this title, no uses may be made of land within the County that will 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.

9. The construction of dwellings within an ATOZ shall comply with the height, setback, and other restrictions as deemed necessary for safety as per federal aviation guidelines.

Section 14: FIRE PROTECTION/OTHER IMPROVEMENTS

2. 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.

3. 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.

Section 16: LOT REGULATIONS

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

2. Flag lots may be created in subdivision? developments 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.

C. Lots will comply with the following requirements:

| | R | AG | HC?? | CC | MU | I | REC |
|--------------------|-----|------|------|-----|-----|-----|-----|
| WIDTH | 50' | 200' | CUP | 25' | 50' | 50' | 50' |
| FRONTAGE ON 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' |
| HEIGHT | 50' | 50' | CUP | 50' | 50' | 50' | 50' |
| COVERAGE | 60% | 20% | CUP | N/A | 60% | 60% | 60% |

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

- A. setbacks are measured from the edge of any road easement for frontage setbacks and the property boundary for side and back setbacks, 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.
- B. All measurements for setbacks are from the nearest protrusion of the structure.
- C. Corner lots may be subject to two front yard setbacks as determined by the Planning Administrator.

Section 18: PUBLIC STREET DESIGN STANDARDS

A. 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.

B. 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.

C. Street Design Standards

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

2. 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.

2. 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.

3. 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.

4. Whenever possible, streets shall intersect at right angles. When streets meet at acute angles, a reasonable radius will be required.

5. 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 culdesac 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.

6. No more than four (4) streets shall enter an intersection.

7. 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 (5°). The

minimum centerline radius for residential streets shall be one hundred fifty feet (150'). Collector streets shall be three hundred feet (300').

8. 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.
9. 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.
- 10.
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. 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.
14. New Streets – When a PLANNED UNIT DEVELOPMENT EXCEEDS DENSITY LIMITATIONS, San Juan County may require the subdivider to pave the road with THE minimum STANDARDS LISTED ABOVE.
17. 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.
15. Road Signs – road signs shall be provided for all public rights of way at the expense of the subdivider/developer. 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. 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.
16. All streets will comply with the San Juan County Addressing Standards Ordinance (see Chapter 16).

Section 19. PUBLIC EASEMENT STANDARDS

1. 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.
2. 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.
3. 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.
4. All utilities shall be constructed in compliance with all of the required building codes covering such installation.

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SAN JUAN COUNTY, UTAH
AMENDED APRIL 2016**

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**SUBDIVISION ORDINANCE
SAN JUAN COUNTY, UTAH**

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ARTICLE I. GENERAL PROVISIONS

Section 1. Title

An ordinance establishing the rules and standards for the regulation of the subdivision of land in the unincorporated area of San Juan County, Utah and setting of the procedures to be followed by the Board of County Commissioners, county staff, the San Juan County Planning Commission and other elected officials in San Juan County, Utah.

Short Title. This Ordinance shall be known and referred to as the “Subdivision Ordinance of San Juan County, Utah” was adopted September 13, 1993, and amended July 1995, October 2002, August 2005 and July, 2015.

Section 2. Purpose

The purpose of this ordinance is to:

- A. Provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the County and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to protect and ensure access to other alternative energy sources, to provide fundamental fairness in land use regulation, and to protect the rights of bona fide property owners and the values of their property.
- B. Promote the efficient and orderly growth of San Juan County;
- C. Establish adequate and accurate records of land subdivision; and
- D. Provide for adequate, safe, and efficient public utilities and improvements, and to provide for other general community facilities and land for public places.

Section 3. Jurisdiction

A. As provided by state law, this Subdivision Ordinance shall apply to all land in the unincorporated portion of San Juan County, Utah except for lands that are owned or under the legal jurisdiction of the United States, State of Utah, or the Navajo or Ute Nations.

B. The County is enabled by state law to control all of the land within the unincorporated portion of San Juan County by virtue of the County Land Use Development Act (LUDMA) Section 17-27a-101, et seq. UCA (1953, as amended) excepting those lands exempted in Part A of this Section.

Section 4. Prohibited Acts and Penalties

- A. An owner of any land located in a subdivision who transfers or sells any land in a subdivision before a plat of the subdivision has been approved and recorded violates this ordinance for each lot or parcel transferred or sold.
- B. The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of Subsection A or from the penalties or remedies provided in this ordinance.
- C. Notwithstanding any other provision of this ordinance, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this section:
1. does not affect the validity of the instrument or other document; and
 2. does not affect whether the property that is the subject of the instrument or other document complies with applicable county ordinances on land use and development.
- D. The county may bring an action against an owner to require the property to conform to the provisions of this ordinance.
1. An action under this subsection may include injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation.
 2. The county need only establish the violation to obtain the injunction.
 3. The county may assess civil penalties for violation of any of the provisions of this ordinance.
 4. Violation of any of the provisions of this ordinance is punishable as a class C misdemeanor upon conviction either:
 - a. as a class C misdemeanor; or
 - b. by imposing an appropriate civil penalty not to exceed \$1,000.00, pursuant to state law.

Section 5. Amendments

Amendments to this ordinance may be requested by any person or agent of any person by filing a written request with the Subdivision Administrator of San Juan County. The written request for

an amendment to the Subdivision Ordinance shall include a “Statement of Request to Amend” and payment of such fees that may be established.

Amendments to this ordinance may also be initiated by San Juan County Planning Commission or the Board of County Commissioners by resolution.

No amendments to this ordinance shall be considered or adopted by the Board of County Commissioners until the amendment(s) have been reviewed by the Planning Commission for recommendation and a public hearing has been held. The Board of County Commissioners shall convene a public hearing for the purpose of amending this ordinance only after:

- A. Copies of the “Request to Amend the Subdivision Ordinance” or a copy of the Board of County Commissioner’s Resolution initiating the amendment process have been made available to the public by placing the copies in the office of the County Clerk for a period of not less than twenty (20) calendar days prior to the Public Hearing; and
- B. A “Notice of Public Hearing to Consider an Amendment to the Subdivision Ordinance” has been published in a county newspaper of general circulation at least ten (10) calendar days prior the date of the Public Hearing.

Amendments to this ordinance shall become effective twenty (20) calendar days after approval and adoption by the Board of County Commissioners.

Section 6. Severability

If any section, subsection, sentence, clause or phrase of this ordinance is held to be invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date

This ordinance shall be in effect twenty (20) calendar days from the date of adoption by the Board of County Commissioners, pursuant to legal provisions and procedures required by state law.

Section 8. Definitions

For the purpose of this ordinance, the following definitions shall apply:

Affected Entity – a county, municipality, local district, special service district created under state law, school district, interlocal cooperation entity established under state law, specified property owner, property owners association, public utility, or the Department of Transportation.

Agricultural – the tilling of the soil, raising of crops, horticulture, including the grazing and pasturing of domestic animals, but not including any agricultural business such as fruit packing plants, fur farms, animal hospitals or 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 District – those areas designated in the Zoning Ordinance of San Juan County, Utah as A-1 and where the primary permitted land use is agriculture.

Angle – the rotation required to superimpose either of two lines on the other.

Appeal Authority - the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance

Arc – a segment of a (surveyed) curve.

Bearing – the angular direction of a line on a survey.

Block – a segment of a platted subdivision usually containing one or more lots.

Board of County Commissioners – The Board of San Juan County Commissioners

Certification – the confirmation of an official document or a copy thereof by an authorized official.

Collateral – funds or some other valuable pledged as security against a promise to repay or perform certain actions.

Configuration – the shape of a boundary or perimeter line, the shape of a lot, block or subdivision.

County – San Juan County, Utah.

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.

Divided land - land that is described as the land to be divided in a notice as required by this ordinance and has been divided by a minor subdivision.

Dwelling unit – a structure or portion thereof designed to provide permanent living accommodations for an individual or family.

Easement – a right, such as a right of way, afforded a person to make limited use of another's real property.

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.

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 – land that is within the 100-year flood plain designated by the Federal Emergency Management Agency or has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.

Floodplain data – information that defines the boundary of a floodplain, either mapped or given in elevations.

High density subdivision – When a subdivision has ten (10) or more lots within a concentrated area.

Impact fees – fees that may be required to provide required infrastructure improvements and/or services.

Land to be divided - land that is proposed to be divided by a platted or minor subdivision.

Land use application - an application required by a county's land use ordinance.

Land use authority - a person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.

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.

Lot – a parcel or unit of ground described by metes and bounds or as a numbered lot or parcel in a recorded subdivision and held or intended to be held in a separate lease or ownership.

Lot corner – a lot abutting two (2) or more streets at their intersection or upon two (2) parts of the same street when such streets or parts of the same street form an interior angle of less than one hundred thirty five (135) degrees.

Lot depth – the horizontal distance between the front and rear lot lines.

Lot frontage – that part of a front lot line that abuts a street.

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 width—the horizontal distance between the side yard lines.

Minor subdivision - a division of land into no more than ten (10) lots; or a division of land that is compliant with state law as follows: (a) the parent parcel shall be at least 100 contiguous acres of agricultural land; (b) one new lot, of at least one acre in size and after division is separate from the remainder of the original 100 or more contiguous acres of agricultural land, may be created; and (c) may not be within 1,000 feet of another minor subdivision created through this subsection.

Minor subdivision lot - a lot created by a minor subdivision.

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.

Official – any elected official or their designated deputy of San Juan County or the appointed Administrative Assistant, Building Inspector, Surveyor, Subdivision Administrator, or Zoning Administrator of San Juan County.

Owner of record – the individual named on a deed that has been recorded at the San Juan County Recorder's Office.

Parcel of record – any lot, tract, parcel or other piece of land that was recorded at the San Juan County Recorder's Office.

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 lot, block or subdivision which encloses and separates that piece from adjacent pieces.

Person – any individual or agent of an individual, a family entity, a corporation, a public entity or any other organization or association that has the legal right to own, lease, or use property.

Planning Commission, San Juan County – 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 – a map or other graphical representation of lands being laid out and prepared in accordance with state law and this Ordinance which serves as an instrument for approval by the Board of County Commissioners of San Juan County, Utah.

Plat, final – the official signed plat which is recorded with the County Recorder.

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.

Public hearing - a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

Public meeting - a meeting that is required to be open to the public under the Open and Public Meetings Act of the State of Utah.

Radii – (plural of radius), a line segment between the center of a circle and any point on its circumference.

Recorder – the County Recorder of San Juan County, Utah.

Right-of-way – a legal right of passage over another person's ground.

Road – See Street, public.

Road, County – a road or highway designated as a County road and maintained by San Juan County.

Road, private - a road or driveway 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.

Seal – the official seal of a licensed professional Land Surveyor.

Section line – the line delineating the boundary of a section of land in the United States Geological Survey.

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.

Sight distance triangle – the area at the intersection of two streets or roads or where a driveway enters a street or road, which is intended to allow a clear line of sight of oncoming vehicles.

Stock proof fence – a fence designed to contain or prevent cattle, horses, sheep or other domestic animals from entering or leaving the fenced area.

Street, public - a public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way.

Subdivide – any division of an existing parcel of land in accordance with this Ordinance.

Subdivider – any person or agent of a person who causes land to be subdivided.

Subdivision – in this Ordinance, the division, re-subdivision, or proposal to divide any land into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, development, either on the installment plan or upon any and all other plans, terms or conditions. Subdivision does not include:

- (1) a bona fide division or partition of agricultural land for agricultural purposes;
- (2) a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 - (a) no new lot is created; and
 - (b) the adjustment does not violate applicable land use ordinances;
- (3) a recorded document, executed by the owner of record:
 - (a) revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
 - (b) joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;
- (4) a bona fide division or partition of land for the purpose of siting on one or more of the resulting separate parcels:
 - (a) an electrical transmission line or a substation;
 - (b) a natural gas pipeline or a regulation station; or
 - (c) an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility;
 - (d) a data gathering tower or turbine for the generation of electricity.
- (5) a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
 - (a) no new dwelling lot or housing unit will result from the adjustment; and
 - (b) the adjustment will not violate any applicable land use ordinance; or
- (6) a bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels.
- (7) the joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this Subsection as to the unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision ordinance.

Subdivision, phase(s) - carrying out a subdivision in gradual stages. Subdivision phase(s) may not be one 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 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 the collateral to insure the improvements are constructed.

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, usually a section corner on the land.

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 distances.

Unit costs – the cost of a specified segment or part of an improvement usually expressed as a cost per linear foot.

Unincorporated – the area outside of the incorporated area of a municipality.

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 or portion thereof and return it to unplatted status.

Velocity (water) – the rate of flow at a specific point usually stated in cubic feet per seconds (cfs) or gallons per minute (gpm).

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.

Zoning map - a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

ARTICLE II. PLATTING REQUIREMENTS

Section 1. General Procedures

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

Section 2. Preliminary Plat

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

4. payment of the processing fee for a preliminary plat approval shall be included. Such fees will be those approved by the Board of County Commissioners in a county Fee Schedule which may be revised from time to time;

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

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

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j. location, widths and names of all existing and/or platted rights-of-way for streets or other public ways within the tract and at least one hundred feet (100') immediately adjacent thereto, railroad right-of-way, section lines and/or other such features.

k. the boundary and source of reference of any one-hundred year floodplain shall be shown on the preliminary plat. In the absence of reliable floodplain data, any areas of the plat that are known to be subject to flooding shall be delineated and noted on the plat map.

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

m. site development details:

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

6. names and addresses of the owner(s), subdivider and surveyor;

7. a letter describing the water and sanitary sewer facilities proposed for the subdivision;

a. if either the water or sanitary sewer facilities are to be part of an approved public system, the application shall also include confirmation from the entity providing the sewer and water services, that such services are, or will be available to the subdivision;

b. if either the water or sanitary sewer facilities are to be individual wells and septic systems for each lot, the letter will include a statement that the wells and septic systems will be installed in conformance with the rules and regulations of the Utah Division of Environmental Health; and

c. if either the water or sewer facilities are to be private systems designed to serve multiple lots, the letter shall include a statement that such systems shall be installed in conformance with the rules and regulations of the Utah Division of Environmental Health.

d. estimated construction costs for roads and related facilities for the water supply and distribution systems, for sanitary sewer collection and treatment systems, storm drainage facilities and other such public facilities that may be required. The subdivider shall also state the form of collateral that will be provided to insure that such improvements will be completed. The forms of collateral that are

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

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

C. Conformance with Zoning Ordinance

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

Section 3. Final Plat

A. Intent. The Final Plat is the last stage in the subdivision approval process. At this stage the subdivider is responsible for delineation and dedication of all public rights-of-way and easements, dedication of other public lands, if required, and final lot and block configuration. In addition, all public improvements associated with the subdivision are identified and quantified, and the subdivider is required to enter into a Subdivision Improvements Agreement with the County which guarantees that the appropriate improvement costs are borne by the subdivider.

- 1. No request for Final Plat approval shall be considered by the Board of County Commissioners until the Preliminary Plat has been approved by the Planning Commission and all conditions of approval set forth in the Resolution approving the Preliminary Plat have been satisfied. The Final Plat approval process shall not be used to amend or revise the approved Preliminary Plat or the conditions of approval of the Preliminary Plat. Any revisions or amendments to the Preliminary Plat, or to the conditions, must be approved by the Planning Commission by an amendment to the Preliminary Plat prior to the Board of County Commissioners hearing of the Final Plat.

B. Final Plat Requirements

1. The Final Plat shall conform in all respects to the approved Preliminary Plat and with all amendments to the Preliminary Plat. An application for Final Plat approval shall include the following:

- a. an "Application for Subdivision Approval" with all requested information completed and required signatures;
- b. a certification from the County Treasurer's Office that all taxes on the property are paid;
- c. title certificate or an abstract of title covering all public lands required to be dedicated, except County Roads and easements.
- d. a Final Plat map which shall be a print of 24" x 36" matte mylar drawn in black ink or a black line positive mylar of the same, which shall contain the following information:
 - 1) name of the subdivision, name of the county (San Juan) and state (Utah), and the location and legal description of the subdivision referenced to section, township and range;
 - 2) north arrow, scale,(1:100 or larger) dates of original drawing, and subsequent revisions and sheet number;
 - 3) an indication that all subdivision corners have been surveyed. The monuments representing the corners shown on the plat shall be in place and easily identifiable on the ground at the time the subdivision was approved by the County;
 - 4) owners and mortgagee's Certificate of Dedication of public rights-of- way and easements;
 - 5) The surveyor's Certificate of Survey, his or her seal, and the date of survey;
 - 6) boundary of the subdivision or subdivision phase in a heavy solid line with a small circle at each change in direction;
 - 7) Board of County Commissioner's approval signature lines, certificate of the Board of County Commissioner's acceptance of public right-of-way and easements and public land dedications, and the County Clerk's signature line.

- 8) the location and description of all section corners and permanent survey monuments in or near the subdivision giving the basis of bearing and the distance and course to two or more survey monuments (GLO, BLM, City, townsite);
- 9) the length of subdivision perimeter boundary lines in feet and decimals thereof and the value of all required bearings and angles dimensioned in degrees, minutes and seconds for the perimeter boundary. Boundary lengths, bearings and angles must close within the limits of one (1) in two thousand (2000);
- 10) the ownership of lands abutting the subdivisions, or the name of any adjacent subdivision;
- 11) the delineation, dimensions and names of all proposed public roads and access easements to public rights-of-way and adjacent roads and rights-of-way;
- 12) the dimensions of all proposed lots indicated in feet and decimal and the value of all required bearings and angles dimensioned in degrees, minutes and seconds, and the acreage for each lot, shown within the lot lines and staked on the ground;
- 13) the blocks numbered consecutively throughout the subdivision, and the lots numbered consecutively throughout each block, with the areas to be excluded from the plat marked "Reserved" or "Not a Part";
- 14) the outline and notification of any property which is offered for dedication to public use fully dimensioned by lengths and bearings or angles with the area marked "public";
- 15) the identification, location and dimensions of all easements for public services or utilities;
- 16) the radii, arcs, point of tangency and central angles for curvilinear streets and radii of all property returns;
- 17) the identification and designation of the boundaries of any 100 year floodplain and the source of the designation;
- 18) a note disclosing that there are restrictive covenants on the property and an acknowledgment that the County has no responsibility for enforcing the covenants; and

- 19) other plat notes as may be required by the Board of County Commissioners.
- e. two (2) sets of preliminary construction plans for the proposed public improvements prepared in accordance with the requirements contained in Section 5 Design Standards.
 - f. in the event the proposed subdivision is within one and one-half (1.5) miles of a municipality or within the boundary of a County Service Area or Special Service District, or municipal expansion area, the applicant shall provide written comments from the affected entity.
 - g. a copy of all restrictive covenants on the property which shall be recorded with the County Recorder with the final plat. The covenants shall indicate that the County has no responsibility for enforcing the covenants, but will be the responsibility of the subdivider or subsequent lot purchasers to enforce these covenants.

C. Process

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

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

- a. If the intent of the subdivider is to build roads within the subdivision that will be accepted and maintained by the County after dedication, such roads must be built consistent with the County Road Standards. To ensure that this happens, the subdivider must meet with a representative of the San Juan County Road Department.
- b. Before proceeding on any road work, placement of any underground utilities, and/or acquisition of any road materials, the subdivider must provide the County Road Department with a copy of the

Preliminary Plat and set up an on site meeting with the County Road Department representative to review all aspects of the roads within the subdivision. If the subdivider intends that the roads within the subdivision shall be private roads and thus not required to be constructed to county standards, the subdivider may be required to obtain the approval of the County Road Department for all subdivision access roads that originate off of County roads and other safety factors such as placement of signs and other items.

- 1) The subdivider may be required, at his/her own expense to provide testing for road materials, compaction testing, and other testing procedures will be used to assure compliance with minimum standards. The subdivider will develop a schedule of work to be accomplished with an inspection schedule.
- c. If the subdivider proceeds with any of the work outlined herein without the approval and/or inspection of the County Road Department representative, the County will not accept these roads onto the County system nor be responsible for any type of maintenance duty. This would include but not be limited to the placement of any type of water, sewer, septic, telephone, cable television, fire hydrant, etc. lines that will be within the right-of-way of any public roads. If such lines are intended to be placed within the right-of-way of any public roads, substantial compliance will be required and the subdivider will required to either provide adequate certification of such compaction or compensate the County for inspecting such for compliance.
- d. After all requirements have been met and inspections completed a letter will be sent to the subdivider stating the acceptance of the roads by San Juan County. (never been done)

D. Actions Required Prior to Recording the Final Plat

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

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

Section 4. Subdivision Improvement Agreements

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

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

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

Section 5. Design Standards

A. General Provisions. All subdivisions must comply with the following standards:

1. Insofar as possible, the natural terrain, existing topography and natural vegetation shall be preserved.
2. Where the property to be subdivided is subject to natural or man-made hazards such as flooding, rock and mud slides, open quarries or abandoned mines, or where there exists shallow water table conditions or polluted water sources, such hazards or conditions shall be identified and the subdivider shall provide stamped engineered documentation as to how the hazards or conditions have been eliminated, or will be eliminated, through the design and construction of the subdivision.

B. Lots. All lots within the subdivision shall conform to the following standards:

1. Lots shall meet the width, depth, frontage and lot size requirements for the zoning district in which the subdivision is located, as specified in the Zoning Ordinance of San Juan County, Utah as outlined in Appendix A of this ordinance;

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2. All lots shall abut a dedicated street or county road, or a street or road that has become public by right of use, or a private street for which there is a (recorded) maintenance agreement; and-

3. No single lot shall be transected by a municipal or county boundary line or by a special service area or special service district boundary, a public road or street, or a private road or street which can legally be used by property owners other than the owner of the lot.

C. Public Streets.

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

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

D. Private Roads.

San Juan County does not intend to dictate a specific standard of construction to a subdivider for a private road except that the standard must allow reliable vehicular access for emergency, delivery of goods and services, and the installation and service of utilities. Again, as previously stated above, a dedication of a private road does not trigger the County's duty to maintain such a road until it has been constructed or improved to the County Road Standards.

E. Sidewalks and Pedestrian Walkways.

When, in the opinion of the County Road Department the projected traffic volumes within the subdivision are such that the separation of vehicular and pedestrian access is necessary for the safety of the public, the County Commissioners may require designed sidewalks or pedestrian rights-of-way.

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F. Sanitary Sewage.

1. Except as otherwise provided below, each lot in the subdivision shall be served with an approved piped sanitary sewer system.
2. Individual septic tank systems, or other private sewage systems, shall only be permitted when the nearest point of the subdivision boundary is more than 1,320 feet from an existing approved sanitary sewer system. Septic systems shall be in conformance with the requirements established by the State Division of Environmental Health and the San Juan County Health Department.

G. Water Supply.

1. Except as otherwise provided below, each lot in the subdivision shall be served with an approved public water system.
2. Individual or common wells or other private water systems shall only be permitted when the subdivision boundary is more than 1,320 feet from the nearest approved public water system. All private water systems shall be in compliance with the requirements of the Utah Division of Environmental Health.

H. Storm Drainage.

1. If, prior to the submission of the Preliminary Plat and after consulting with the county engineer of record or other qualified person, the Subdivision Administrator determines that the subdivider needs to provide a drainage system design which covers the entire subdivision it shall be required to be completed by the subdivider prior to submission of the Preliminary Plat. The design shall accommodate runoff from the entire subdivision and the historical runoff from areas adjacent to and "upstream" of the subdivision. The design shall insure that runoff from the developed subdivision shall not exceed the historical volumes and velocities discharged onto adjacent property.
2. The drainage system plans submitted with the Preliminary Plat shall include:
 - a. all proposed surface drainage structures; and
 - b. all appropriate design details, dimensions, construction materials and elevations.
3. At the time of the Final Plat, the subdivider shall include Final Drainage Design for the phase of the subdivision included in the Final Plat. The Final Drainage Design shall show how the drainage is consistent with the overall Drainage System Design.

- I. Perimeter Fencing. In all zoned districts, the subdivider shall be responsible for the construction of a stock proof perimeter fence around the entire subdivision. The height,

fence type, and materials shall be as approved by the Board of County Commissioners after receiving a recommendation from staff and/or the Planning Commission.

1. A subdivider may request and the Planning Commission may approve an exemption from the fencing requirement only if one of the following criteria are met:
 - a. the proposed subdivision is completely surrounded by developed land;
 - b. the proposed subdivision is within the future annexation area of a nearby municipality and within 100 feet of a municipal boundary; or
 - c. the proposed subdivision abuts property already enclosed with a stock-proof fence.
2. If the subdivider obtains an exemption from the fencing requirement, this exemption must be reflected on the plat so as to place others on notice of the exemption.
3. If the subdivider fails to obtain an exemption to the fencing requirement, a stock proof fencing proposal shall be submitted with the final plat and the Planning Commission may then make a recommendation to the Board of County Commissioners for final approval.

J. Fire Protection.

1. Except as otherwise provided, the County will not provide any additional fire protection for approved subdivisions other than from those current departments established at different locations within the County.
2. When, in the opinion of the Board of County Commissioners and other County emergency response personnel, the size of the subdivision and the number of lots proposed along with other factors, determines that the health, safety, and general welfare of the residents of the subdivision may require that the subdivider provide substantial improvements to provide fire protection for the subdivision. Such improvements may include, but not be limited to; fire hydrants, water storage for fire protection, other water systems, participation in the acquisition of firefighting equipment and facilities to house such equipment.
3. If such fire protection improvements are required, these shall be made at the expense of the subdivider and shall meet all fire protection standards as provided in the National Fire Code, Uniform Building Code, and other standards that are applicable to such. All systems shall be tested and accepted by the County prior to final approval of the subdivision of the County. In the event that such improvements are not completed or furnished by the subdivider prior to final approval of the subdivision, the subdivider shall provide to the County a form of collateral for the improvements as outlined in Section 4, Subdivision Improvements Agreement.

K. Utilities.

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

L. Easements and Rights-of-Way.

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

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

Section 6. Resubdivisions

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

Section 7. Administrative Resubdivisions

A. Intent. An Administrative Resubdivision may only be used for changes and revisions that have been determined by the Subdivision Administrator to be minor engineering, planning or administrative changes or revisions. An Administrative Resubdivision shall be approved by the Subdivision Administrator if :

- 1. the land has already been subdivided and there exists an approved and recorded final plat;
- 2. no additional right-of-way dedications or public improvements are necessary;
- 3. no perimeter boundary of an existing subdivision plat is affected;
- 4. the perimeter of boundaries of the administrative plat coincide with the existing lots and blocks; and
- 5. the number of lots shall not be substantially increased and all lots shall be in conformance with the County Zoning Ordinance in affect at the time the Administrative Subdivision is approved.

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

Section 8. Amendments and Vacations

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

Section 9. Exemptions, Waivers, Variances and Appeals

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

2. A lot or parcel resulting from a division of agricultural land is exempt from the plat requirements if the lot or parcel:

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

B. Waivers.

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

C. Variances.

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

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

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

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6. The Subdivision Administrator shall evaluate the application using the criteria of Subsection (1) above and shall approve or deny the request.

c. If the Subdivision Administrator determines that the variance shall be denied, the applicant may appeal the decision to the Planning Commission acting as the appeal authority who shall uphold or overturn the Subdivision Administrator’s decision.

- i. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- ii. The appeal authority may not grant a use variance.
- iii. In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
 - (A) mitigate any harmful affects of the variance; or
 - (B) serve the purpose of the standard or requirement that is waived or modified.

d. The Preliminary or Final Plat application which includes or is the subject of a variance request shall not be scheduled for consideration by the Board of County Commissioners until all variance requests have been either approved or denied by the Subdivision Administrator and/or the Planning Commission.

D. Appeals. In the event that any person disagrees with the Subdivision Administrator's interpretation of the language of this ordinance or his /her decision(s) made when acting as the land use authority, they may appeal the interpretation or decision(s) to the Planning Commission acting as the appeal authority.

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**APPENDIX “A” COUNTY
ZONING ORDINANCE
REGULATIONS
CHAPTER 11**

WIDTH REGULATIONS

The minimum width in feet for any lot in the districts regulated by this chapter, except as modified by planned unit developments or cluster subdivisions, shall be:

| | | |
|------|-----|------|
| MU-1 | A-1 | RR-1 |
| 660 | 330 | 100 |

FRONTAGE REGULATIONS

The minimum frontage in feet for any lot in the districts regulated by this chapter on a public street or a private street approved by the governing board shall be:

| | | |
|----|----|----|
| 25 | 25 | 25 |
|----|----|----|

FRONT YARD REGULATIONS

The minimum depth in feet for the front yard for main buildings shall be:

On established street right-of-ways, or an equivalent depth as determined by the Planning Commission where there is no established right-of-way. Accessory buildings may have the same minimum front yard depth as main buildings, if they have the same side yard as required for main building, otherwise they shall be set back at least six (6) feet in the rear of the main buildings.

| | | |
|----|----|----|
| 25 | 25 | 25 |
| A | A | A |

REAR YARD REGULATIONS

The minimum side yard in feet for the rear yard in the districts regulated by this chapter shall be:

| | | | |
|-------------------------|----|----|----|
| For main buildings | 25 | 25 | 25 |
| For accessory buildings | 5 | 5 | 5 |

SIDE YARD REGULATIONS

The minimum side yard in feet for any dwelling Other main or accessory buildings in districts Regulated by this chapter shall be:

| | | |
|---|---|---|
| 5 | 5 | 5 |
|---|---|---|

HEIGHT REGULATIONS

The maximum height for all buildings and structures in districts regulated by this chapter shall be:

| | | | |
|----------------------|-----|-----|-----|
| In feet | 35 | 35 | 35 |
| In number of stories | 2.5 | 2.5 | 2.5 |

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APPENDIX “B” COUNTY

PUBLIC STREET DESIGN STANDARDS

1. STREET TYPES

- A. Residential Streets – Streets which primary function is to provide access to individual lots within the subdivision. This would include all streets except the ones designated as Collector Streets.
- B. Collector Streets – The main streets in the subdivision. This would usually be the street that enters or exits the subdivision which serves as a collector of all the residential streets.

2. STREET WIDTHS

- A. Unless deemed otherwise by the San Juan County Road Department, residential streets shall have a minimum right of way of fifty feet (50’). The minimum surface width for gravel shall be twenty-six feet (26’). The minimum surface width for pavement shall be twenty-four feet (24’).
 1. Gravel streets in Spanish Valley are not permitted and must be paved.
- B. Collector streets shall have a minimum right of way of sixty feet (60’). The minimum width for gravel shall be thirty-two feet (32’). The minimum surface width for pavement shall be thirty feet (30’).

3. STREET DESIGN STANDARDS

- A. Before any street is accepted by San Juan County for maintenance, the street must be constructed to the width requirement. A minimum of nine inch (9”) compacted depth of base material must be placed on the street. Of this base material, the surface must consist of a minimum of three inches (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 the engineer. If such testing is required, this shall be done at the expense of the subdivider.
- B. Asphalt Surfaces – If the street is constructed to an asphalt surface, the surface depth must be a minimum of three inches (3”) to be accepted for maintenance by San Juan County. Asphalt and compaction must be accepted by the San Juan County Road Department and, if deemed necessary, testing of the material and compaction may be required by the engineer. If such testing is required, this shall be done at the expense of the subdivider.

1. All newly constructed subdivision roads in Spanish Valley shall have an asphalt surface.
- C. Unless deemed otherwise by the San Juan County Road Department, the minimum grade for all streets shall be one-half percent (0.5%). 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.
- D. Whenever possible, streets shall intersect at right angles. When streets meet at acute angles, a reasonable radius will be required.
- E. Dead end streets will have a turn-around (cul-de-sac) with a minimum radius of fifty feet (50'). Dead end streets should not exceed five hundred feet (500') in length if possible.
- F. No more than four (4) streets shall enter an intersection.
- G. 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 (5°). The minimum centerline radius for residential streets shall be one hundred fifty feet (150'). Collector streets shall be three hundred feet (300').
- H. Curb and gutter – The minimum widths of streets which 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.
- I. Cattle guards – Any cattle guards required or installed, shall be in compliance with the County Cattle guard policy and shall be of a width and construction approved by the San Juan County Road Department.
- J. Signs – The sub divider 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.
- K. Gates – No gates, whether locked or unlocked, shall be allowed on any roads or streets accepted by the County.
- L. Public Streets – All roads or streets accepted by the County are considered public roads and access by the public cannot be limited by the subdivider or future owners of any of the lots within the subdivision.
- M. Drainage/Curb and Gutter - In the absence of curb and gutter, the sub-divider shall provide a street drainage plan detailing potential impacts to county roads and

streets. The sub-divider shall be required to provide and install culverts or other drainage structures as required by the county.

- N. New Streets - When a subdivision is considered to be high density. San Juan County may require the sub-divider to pave the road with a minimum of a two lift armor coat consisting of one lift using a three-quarter inch (¾”) dirty gravel chip and the second lift using a one-half inch (½”) clean gravel chip; or as determined by the County a compacted asphalt mat consisting of a minimum two inch (2”) depth when fully compacted may be required.
- O. Existing Streets - San Juan County may consider on a case by case basis the upgrading of officially accepted roads that meet San Juan County standards in high density subdivisions with at least ten (10) or more lots, or when conditions in the subdivision may cause safety or health related issues.

4. EASEMENTS

- A. Easements for utilities such as poles, wires, conduits, gas lines, water lines, 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.
- B. If front line 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 provided in compliance with all of the required building codes covering such installation.



STAFF REPORT

MEETING DATE: May 14, 2026

ITEM TITLE, PRESENTER: Planning Commission San Juan County Land Use - **LIMITED CUP** - Unknown - (East of Monticello) - Approximately 80 acres - Parcel 32S226E065400

RECOMMENDATION:

1. Approval Motion:
I move to approve the Conditional Use Permit based on the Findings and Conditions, and having found substantial evidence as described in the Conditional Use Permit Document prepared by Staff.

2. Denial Motion – Statement of Reasons:
I move to deny the Conditional Use Permit for the following reasons, as outlined in the Statement of Findings for Substantial Evidence.

SUMMARY

Location: 4945 Old Airport Road (Spanish Valley Area) - Approximately 80 Acres

The subject property is located within the A-1 zoning district and consists primarily of undeveloped forested land with an access road and interior clearing area. The applicant, Sally Jones, is requesting approval of a Conditional Use Permit (CUP) for temporary occupancy of a self-contained van for a period not to exceed 365 days while evaluating the property and preparing a building permit application for a future approximately 16 ft. × 20 ft. code-compliant tiny home/cabin intended as a permanent residence.

The applicant states the temporary occupancy is requested to allow evaluation of potential building locations, observation of seasonal conditions, determination of foundation and utility needs, preparation of permit documents, and completion of site planning prior to submission of a complete building permit application. The proposal includes temporary use of a fully self-contained van utilizing hauled water, containing blackwater and greywater systems, solar power, and off-site disposal at approved facilities. No permanent improvements are proposed during the temporary occupancy period, and approval would not authorize permanent residential occupancy.

The proposed parking area is within an interior clearing accessed by an existing road and is stated to be hundreds of feet from neighboring properties and public roads. The applicant has also provided a fire

safety commitment including defensible space maintenance, emergency access, fire extinguisher availability, fuel storage standards, and compliance with seasonal fire restrictions.

APPLICABLE ORDINANCE

Per the 2011 San Juan County Zoning Ordinance, temporary occupancy and recreational or temporary residential activities within the A-1 zone may require Conditional Use Permit review depending on the nature and duration of the activity.

STAFF FINDINGS AND REVIEW

Staff notes the proposal is temporary in nature and tied to preparation of a future permitted residential project. The request does not include a permanent dwelling, subdivision, commercial activity, or permanent utility installation. The applicant states the occupancy will remain fully self-contained with no permanent wastewater discharge or significant land disturbance beyond limited cleanup for access and evaluation. The proposed use appears low intensity, located on a large parcel with substantial separation from surrounding properties, and may minimize land-use conflicts if properly conditioned. Approval would not authorize permanent residential occupancy or waive future zoning, building, health, fire, or wastewater requirements. Staff recommends conditions addressing occupancy duration, wastewater handling, and fire safety.

CONDITIONS

1. *Approval shall be limited to temporary occupancy of one self-contained van by the applicant/property owner only, shall remain accessory to preparation of a future building permit application for a permanent residence, and shall not exceed one (1) year (365 days) from the date of issuance unless otherwise extended or modified by the County.*
2. *No permanent residential occupancy, structure, utility installation, septic system, or dwelling construction is authorized under this approval. Separate permits and approvals shall be required.*
3. *The applicant shall maintain all wastewater, greywater, and refuse in fully self-contained systems and dispose of all waste at approved facilities in compliance with Health Department requirements. No wastewater discharge, dumping, or disposal shall occur on the property.*
4. *Defensible space shall be maintained around the occupancy area in accordance with applicable fire code requirements and any direction provided by the local fire authority.*
5. *All generators, propane systems, fuel containers, and heating equipment shall be operated and stored in compliance with applicable fire safety standards.*
6. *Any future dwelling, cabin, tiny home, septic system, driveway improvements, or utility systems shall require separate review, permits, and inspections as applicable.*
7. *Any modifications to access or ingress/egress may require a road encroachment permit and approval from the San Juan County Road Department.*
8. *The applicant shall comply with all County, State, and Federal regulations. Failure to comply may result in revocation of the Conditional Use Permit.*

QUESTIONS FOR THE APPLICANT/COMMISSION

- A) *Should periodic compliance verification or progress updates be required during the approval period?*
- B) *Are there any additional conditions the Planning Commission would like considered?*

Temporary Van Occupancy for Pre-Building Permit Site Evaluation

Applicant: Sally Jones

Property: 80-acre raw forested parcel, number: 32S26E065400

Requested Approval: Conditional Use Permit for temporary occupancy of my self-contained van for a maximum of 180 days while preparing and submitting a building permit for a permanent 16 × 20 ft (approximate) code-compliant tiny home/cabin.

Introduction and Project Intent

I recently purchased this 80-acre parcel of raw forested land with the intention of building a small, fully code-compliant 16 × 20 ft (approximate) tiny home/cabin as my permanent residence. The property was owned by the previous family for over 100 years and, aside from an existing access road, remains undeveloped. It contains many ancient trees and rich natural life. I intend to avoid the removal of any mature trees or shrubs. As a solo female undertaking this project, I am committed to stewarding the land with minimal environmental impact while fully complying with all zoning, building, health, and fire safety requirements.

Because this landscape, elevation, and size of land are new to me, I need time on the property to observe conditions, work out my priorities and make informed decisions before submitting a comprehensive building permit application.

Why Temporary On-Site Van Occupancy Is Required

Living on the land in my self-contained van is necessary to responsibly complete the following steps before I can submit an approvable building permit:

- Evaluate at least three distinct potential building areas across the 80 acres and select the optimal site.
- Choose a specific location and orientation within the chosen area.
- Observe seasonal weather patterns, wind direction, sunrise/sunset, tree shadows, water runoff, and potential collection areas.
- Clear only the minimal downed trees and limbs (from over 100 years of accumulation) needed for safe access and accurate surveying.
- Survey the chosen location to determine foundation requirements and frost depth.
- Research costs for foundation and construction to decide on final size and scope.
- Select a tiny home or cabin model that meets all local codes.
- Confirm compliant options for hauled water, solar power, and waste systems.
- Compile and submit the complete building permit application.

I cannot complete these steps effectively without being physically present on the property. I have successfully lived full-time and part-time in my van for 8 years, spending the last 6 years in southeast Utah, with a perfect record of self-sufficiency and compliance.

Self-Contained Setup and Compliance Commitment

With all my experience of van life in the area and with having well established routines, I am happy to remain fully self-contained throughout the temporary period and will make **no permanent improvements** to the land. I will disturb only the minimal downed wood necessary for access and surveying, and I will leave no trace.

Power: Solar panels with lithium batteries, inverter, backup AC charger, and Honda generator for emergency use only.

Water: Potable water tanks with 14-day capacity, refilled weekly at approved fill stations in the area.

Black Water: Self-contained RV toilet with 14-day capacity, emptied weekly at official dump stations (multiple options available in nearby towns).

Grey Water: Dedicated collection tank with 14-day capacity, emptied weekly at approved facilities.

Trash/Refuse: Packed out and disposed of at approved dump sites, campgrounds, fuel stations, or my storage unit's refuse collection.

Cooking: Propane stove with 60-day capacity.

Heating: Diesel heater with 14-day diesel capacity (7 days at constant use).

I have never improperly disposed of waste, run out of water or essentials, or had any law enforcement or regulatory issues in 8 years of van living. I will continue these strict leave-no-trace practices on my own land and will comply with all health department, access, and fire safety standards.

Proposed Location and Access

Access to the property is through a barbed wire gate leading to an existing developed easement road on the east end that serves neighboring properties. From this easement, there is a two-wheel-drive accessible road into the parcel ending in a cleared area where some downed wood and fire hazards have already been removed. The cleared area is approximately 100ft x 100ft.

The van will be parked in this existing interior clearing. The location is hundreds of feet from all property lines, neighboring properties, public roads and fire hazards, as you can see on the maps included. There are no water sources. It is well beyond required setbacks in the zoning district and is not visible from the Ucolo Road along the south boundary of the property.

Fire Safety Commitment

I am fully aware of wildfire risks on forested land and am committed to maintaining a safe site in accordance with local fire district and county requirements. The proposed parking area is already cleared of downed wood and fire hazards. During the temporary occupancy period, I will:

- Maintain basic defensible space by keeping vegetation cleared or mowed within at least 30 feet of the van (extending further as needed or as directed), removing dead

or dry material, and ensuring no combustible items are stored against or under the vehicle.

- Safely operate and store all equipment: the diesel heater, propane stove, and Honda generator will be used on stable, non-combustible surfaces with adequate clearance from vegetation; all fuel will be stored in approved containers at a safe distance.
- Keep at least one operable ABC-rated fire extinguisher readily accessible inside the van at all times.
- Ensure the existing access road and clearing remain passable for emergency vehicles.
- Comply fully with all applicable fire safety regulations, including any seasonal restrictions, Red Flag warnings, or defensible space standards required by the local fire district or state fire code.
- No open fires or burning will occur without proper permits. I do not need fires to cook or heat.

Requested Timeline

I am requesting approval for a maximum of 180 days (with a minimum of 90 days). I intend to make steady progress and submit the building permit application well before winter so construction of the permanent cabin can begin in a timely manner. I also have family visiting in October who would be able to help me on the project if the full building permit has already been approved, so I am incentivized to complete the permit application process well in advance of the requested conditional use period.

Conclusion

This Conditional Use Permit will allow me to live on the property long enough to gather the necessary information and prepare a thoughtful, code-compliant building permit application for my permanent residence. I am committed to minimal impact, full regulatory compliance, and responsible stewardship of the land.

I am happy to provide additional information, site photographs, or schedule any required inspections. Thank you for considering this application.

Sally Jones

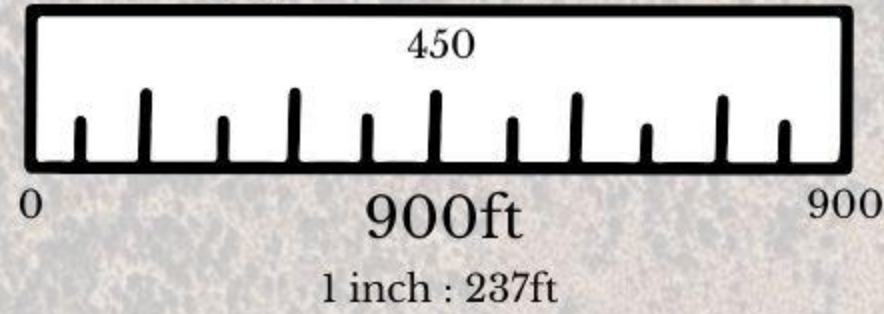
April 12th 2026

[Redacted signature]

Site Plan For Conditional Use Permit

Temporary Van Occupancy for Site Evaluation
Sally Jones
80 acre parcel

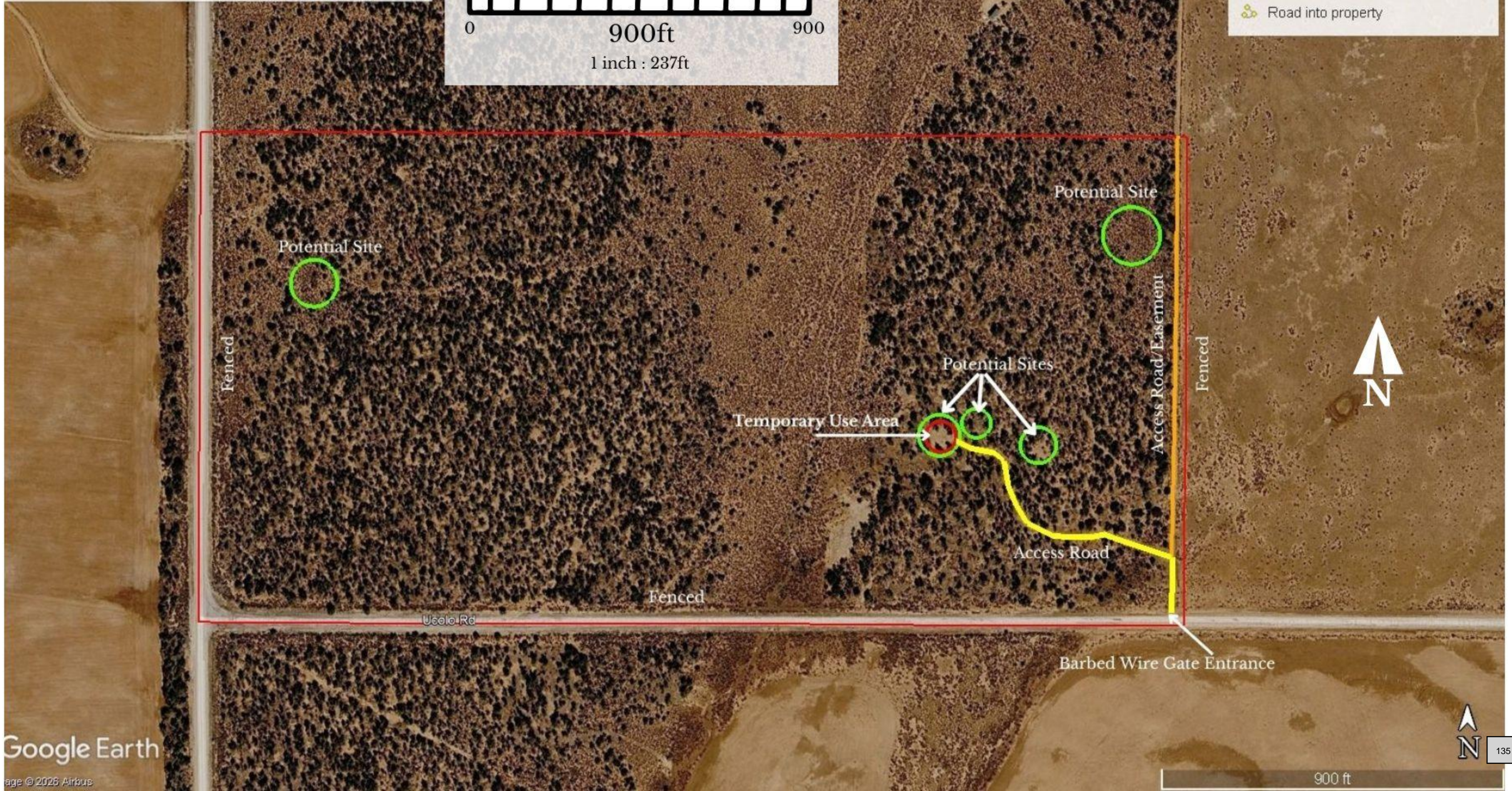
Approximate Scale



Legend

- Clearing for temp occupancy
- Existing Access Road / Easement
- Potential Sites
- Road into property

Item 10.



Site Plan For Conditional Use Permit
Temporary Van Occupancy for Site Evaluation
Sally Jones
80 acre parcel

Item 10.

- Legend**
- Clearing for temp occupancy
 - Existing Access Road / Easement
 - Potential Sites
 - Road into property

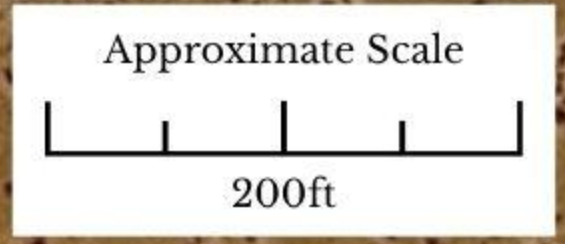
Temporary Use Area

Potential Sites

Access Road/Easement

Fenced

Access Road





Item 10.

Path or polygon

Click points on the map to draw a path or polygon

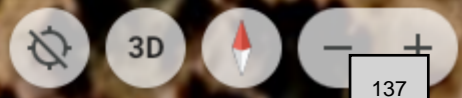
Perimeter
487 ft

Area
1,225.5 m²

Advanced measurements ⓘ

Elevation estimate
Min: 7,045 ft | Median: 7,051 ft | Max: 7,054 ft

[Save to project](#)



137



STAFF REPORT

MEETING DATE: May 14, 2026

ITEM TITLE, PRESENTER: Building Permit and Inspection Report

RECOMMENDATION: No formal action

SUMMARY

Attached is the Building and Inspection Report for your review. In addition, included are several photographs highlighting ongoing projects and development activity currently underway throughout San Juan County. Staff will continue working to identify and highlight projects and inspections that may have a broader impact on the County moving forward.



Permit Report

04/01/2026 - 04/30/2026

| Permit # | Permit Date | Residential or Commercial | Building Address | Building CityStateZip | Description | Main Status |
|----------|-------------|---------------------------|----------------------------------|----------------------------|---|-------------|
| 26067 | 4/30/2026 | Residential | 228 Rio Grande Dr | Moab | Take existing single gang box to make a double gang box. Dividing the electricity between main house and the detached shop. | In Review |
| 26066 | 4/28/2026 | Residential | Lot #6 Spring Draw | Old La Sal, Utah, 84530 | water well | In Review |
| 26065 | 4/27/2026 | Residential | 33 N Bobbie lane | Lasal UT 84530 | Living | In Review |
| 26064 | 4/24/2026 | Residential | 49 Rancho Circle | Spanish Valley, Utah 84532 | Pool | |
| 26063 | 4/23/2026 | Residential | 228 rio grande drive | 84535 | Installing new shingles | Closed |
| 26062 | 4/21/2026 | | 497 South 100 West | Monticello, Utah, 84535 | Install vinyl siding on exterior of home | Closed |
| 26061 | 4/16/2026 | | 144 S Canyon Terrace Dr | Monticello | Home | In Review |
| 26060 | 4/14/2026 | Residential | 158 Tera drive | Moab utah 84532 | Hook up new water service. Disconnect old water service. | Open |
| 26059 | 4/13/2026 | | | | | In Review |
| 26058 | 4/13/2026 | Residential | 834 E Frosty Lane | Blanding, Utah, 84511 | Taxidermy Shop/Garage | Open |
| 26057 | 4/9/2026 | | 228 Rio Grande | moab utah 84532 | tare off and reshingle | Closed |
| 26056 | 4/8/2026 | Residential | 65 Oak Ave, Mountain Shadow. Old | 84606 | 0 | In Review |

| | | | | | | |
|-------|----------|-------------|---|-----------------------|-------------------------------|-----------|
| | | | La Sal, UT | | | |
| 26055 | 4/8/2026 | Residential | 1515 Hwy 46 | La Sal, Utah 84530 | Pavillion | Open |
| 26054 | 4/6/2026 | | 64 N Mt. Home Lane | La Sal, Utah, 84530 | Detached Garage | In Review |
| 26053 | 4/3/2026 | | 400 Lisbon Valley Road | Monticello Utah 84535 | Processing | In Review |
| 26052 | 4/3/2026 | | 180 Terra Drive | Moab, Ut 84532 | Adding Tar paper and sheeting | In Review |
| 26051 | 4/1/2026 | Residential | 100 E La Sal Junction, La Sal, UT 84530 | La Sal, UT 84530 | Auxiliary storage Addition | In Review |
| | | | | | | |

Total Records: 17

5/6/2026

Permit Inspection By Type/Status

04/01/2026 - 04/30/2026

| Permit # | Type of Permit | Inspection Type | Description | Inspection Status | Parcel Address |
|----------|------------------|-----------------|----------------------|---------------------|-------------------------|
| 22112 | New Construction | Footing | Footing pad #43 | CONDITONAL APPROVAL | |
| 22121 | New Construction | *Inspection | 4way | APPROVED | |
| 23045 | New Construction | Final | | CONDITONAL APPROVAL | |
| 23102 | New Construction | *Inspection | Call Him on your way | | |
| 24040 | New Construction | Final | Final Inspection | CONDITONAL APPROVAL | 50 S RANCH TRAIL |
| 24040 | New Construction | Final | Final | APPROVED | 50 S RANCH TRAIL |
| 24042 | New Construction | Final | Final Inspection | CONDITONAL APPROVAL | |
| 24105 | New Construction | *Inspection | | CONDITONAL APPROVAL | 932 MONTEZUMA CANYON RD |
| 25031 | Addition/Remodel | Final | Final Inspection | APPROVED | |
| 25038 | New Construction | *Inspection | Preferably Late | APPROVED | 23 S BRIDGER JACK TRAIL |
| 25045 | New Construction | Final | | APPROVED | 129 E MOUNTAIN SHADOW |

| | | | | | | |
|-------|------------------------------------|-------------|---|----------|-----------------------|----------|
| 25075 | New Construction | Final | Final Inspection | APPROVED | 134 SOUTH BOULDER | Item 11. |
| 25104 | New Construction | *Inspection | Reinspection of eating shelters. | APPROVED | | |
| 25108 | Manufactured Home-Private Property | Electrical | RMP WO# 7593498 | APPROVED | 48 S DEETER DR | |
| 25110 | Modular Home | Final | Final Inspection | APPROVED | | |
| 25119 | New Construction | Plumbing | plumbing | APPROVED | | |
| 26005 | New Construction | Plumbing | New Plumbing test after owner modifications | APPROVED | 193 E MT PEALE ST | |
| 26007 | New Construction | Footing | Footing | APPROVED | 33 EAST BURRO PASS RD | |
| 26007 | New Construction | *Inspection | Foundation | APPROVED | 33 EAST BURRO PASS RD | |
| 26030 | New Construction/ADU | Plumbing | Plumbing Inspection | APPROVED | 229 W RIO GRANDE DR | |
| 26030 | New Construction/ADU | *Inspection | Garage Footing inspection | | 229 W RIO GRANDE DR | |
| 26030 | New Construction/ADU | Footing | Garage footing | APPROVED | 229 W RIO GRANDE DR | |
| 26031 | Remodel | Final | Final inspection | APPROVED | 11860 S HWY 191 A & B | |
| 26039 | Modular Home | Footing | Footing | APPROVED | 417 E CORONADO ST | |
| 26039 | Modular Home | Foundation | | APPROVED | 417 E | 142 |

| | | | | | |
|-------|------------------|-------------|--------------------------------|------------------------|---------------------------|
| 26041 | New Construction | Plumbing | underground | APPROVED | |
| 26041 | New Construction | Footing | footing | APPROVED | |
| 26043 | New Construction | Footing | footing | APPROVED | |
| 26043 | New Construction | Plumbing | Underground Plumbing | APPROVED | |
| 26043 | New Construction | Foundation | Foundation Inspection | CONDITONAL APPROVAL | |
| 26045 | New Construction | 4 way | 4-Way Inspection | CONDITONAL APPROVAL | |
| 26045 | New Construction | Insulation | | APPROVED | |
| 26047 | Addition/Remodel | *Inspection | Remodel Permit | NOT APPROVED | |
| 26057 | Roofing | *Inspection | Roof - Call him on your way | CANCELLED | 228 RIO GRADE DRIVE |

Showing 1 to 34 of 34 entries

05/08/2026



Clear Sky Resort has started construction at Geroge Rock



Look RV is in his final stages of construction opening in early June. It sits on 20 acres just north of Blanding and will have the best accommodations and amenities in over 300 miles.



