



PLANNING COMMISSION MEETING
117 South Main Street, Monticello, Utah 84535. Commission Chambers
February 08, 2024 at 6:00 PM

AGENDA

Google link for virtual attendance: <https://meet.google.com/ust-hood-zzu> Or dial: (US) +1 661-552-0879
PIN: 960 575 714#

GENERAL BUSINESS

Welcome / Roll Call

Approval of Minutes

1. Approval of Meeting Minutes from January 11, 2024

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

ADMINISTRATIVE ITEMS

2. Review of 2022 Planning Commission Bylaws

LEGISLATIVE ITEMS

3. Consideration and Approval of a Conditional Use Permit Allowing for a RV Park/Wedding Venue for Lot 10 Spring Draw Subdivision Phase 2, Old La Sal, Kyle Lankford
4. Consideration and Approval of a Conditional Use Permit for 4110 South Highway 191, APC Towers LLC, Romano & Associates
5. Consideration and Approval of a Conditional Use Permit for Utah State Route 95, Vertical Bridge Development LLC, Romano & Associates
6. Consideration and Approval of the Love's Travel Stop, Proposed Along HWY 191, within Spanish Valley on 13.06 acres as a Mixed-Use and Permitted Under the Controlled District Highway Commercial (CDh) Zoning. Mack McDonald, Chief Administrative Officer

BUILDING PERMIT(S) REVIEW

7. February Building Permits

ADJOURNMENT

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



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

MINUTES

GENERAL BUSINESS

Welcome / Roll Call

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

PRESENT:

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

Pledge of Allegiance

The Planning Commission conducted the Pledge of Allegiance.

Approval of Minutes

2. Minutes for Meeting on December 14, 2023

Need to update spelling errors on “STILA” to read “SITLA” throughout the document.

Need to include Commissioner Walker & Commissioner Johnston on previous minute approval.

Need to change Commissioner Austin to voting in favor of Crooked Bindi Glamping Resort Conditional Use.

Motion made by Commissioner Schafer for approval of the Meeting Minutes from December 14, 2023 with the changes suggested above. Seconded by Commissioner Walker.

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

Motion Carries.

PUBLIC COMMENT

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

No public comments were provided.

ADMINISTRATIVE ITEMS

3. Update Regarding Planning Commission Renewals or Vacancies, Kristen Bushnell, Planning & Zoning Administrator

Time stamp 0:21:40 (audio) - out of order

We have posted requests for interest to join the Planning Commission for the Blanding and La Sal positions without any submittals. We asked for Commissioner Nielson and Commissioner Johnston to renew their commitment for another four years if interested. They both agreed to renew their commitments for another term.

4. Update of Request for Proposals for Finishing and Implementing New Ordinances, Kristen Bushnell, Planning & Zoning Administrator

Time stamp 0:12:50 (audio) - out of order

Commissioner Wilson said that he could be on the review committee (as well as Commissioner Rigg if we can meet on a Monday).

Administrator McDonald also clarified that if we don't get highly qualified proposals, we can also go to the state list of vendors, which would include architects, engineers, etc. as an alternative route to fulfill this need.

5. Discussion Regarding the Upcoming 2024 Year of Planning Commission Goals and Topics, Kristen Bushnell, Planning & Zoning Administrator

Time stamp 0:26:30 (audio)

Commissioner Schafer wants to finish the ordinances, as we are constantly working on these. Not having a finished version of our ordinances has caused a lot of trouble for our commission. This would also include an overlay map of zones and alternatives for recommendation forward. There was some discussion on whether or not Spanish Valley should continue to have a separate ordinance as we move forward. Administrator Bushnell suggested that instead of having a separate ordinance that we address this through our districting, and the allowances within those districts, to promote the growth we want to see.

Commissioner Wilson would like to have more involvement with the road department with all development because we need to have roads up to our standard specifications in the event that the county takes the roads over in the future for maintenance. Attorney Maughan noted that this is already in place in our subdivision ordinance but that we need to ensure the proper steps are being taken. Administrator McDonald also clarified that the county cannot take on roads that are of private interest. If a road through a development is providing public access to a grander artillery or collective system, then it would be appropriate for the county to accept these roads. A future travel management plan will help us to know where we need county roads. The developments going in need to ensure maintenance agreements as specified in the current subdivision ordinance.

Commissioner Austin would like to review the Planning Commission by-laws at the next meeting to include more inclusive language for wider representation from community candidates. She also asked about updating our website of who is on the Planning Commission, their terms, and create an email (or process) for the public to send comments.

Commissioner Nielson would like to have another training with Southeast Utah Associates of Cities and Counties. It was very valuable in the past and there are new people that could benefit from having that education.

LEGISLATIVE ITEMS

There are no Legislative Items at this time.

PUBLIC HEARING

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

Time stamp 1:05:30 (audio)

San Juan Chief Deputy Attorney Mitchell Maughan clarified that Overnight Rentals are not allowed in the Spanish Valley Residential district (SVR). This is to clarify the comments from the Utah Ombudsman office and our attorneys who have all done a comprehensive review of

the ordinance in Spanish Valley. The way the ordinance is written now was thought to allow for short term rentals and legally it came down to the definition of “Lodging House”. The definition of a short-term rental as per this new ordinance is essentially “an owner leasing a property (or portion of a property) to another individual for less than 30 days”. The following language is also included “no short term rental is allowed in the SVR District, a Spanish Valley Overnight Accommodations Overlay shall not be applied to the SVR district, regardless of the number of occupants. No hotel, apartment motel, tourist court, apartment court, commercial condominium for short term rental, bed & breakfasts, boarding house, lodging house, resort, commercial campground, or any other variation of overnight accommodation intended for nightly rental is permitted in the SVR District.”

Commissioner Wilson asked about clarifications on the state law for an “owner occupied bed & breakfast”. Maughan said he would look into this specific situation further but that off-hand he was not aware of any state law regarding this particularly. Administrator Bushnell agreed that in the new zoning maps and ordinance there should be made a difference between an owner on site at all times bed and breakfast versus an un-staffed property being leased as a nightly rental.

Commissioner Nielson clarified that this new ordinance had the 30 day limitation, so a long term rental is allowed.

There was some discussion when updating the table within the ordinance about what counts as an “accessory building”. Administrator Bushnell clarified that an “Accessory Dwelling Unit” is not clearly permitted, therefore prohibited, in the SVR district and does not count as an “Accessory Building”. Commissioner Rigg suggested that we add an additional column to the table to include “Accessory Dwelling Unit” to show permitted, conditional, or prohibited uses. This will have to be clarified very specifically in our future ordinance.

According to The Utah State Code, an internal accessory dwelling unit is defined as being created within a primary dwelling unit within the footprint of the building at the time the accessory dwelling is created for the purpose of having an occupant as a long-term rental for over a consecutive 30 days or longer. This is a bit different from a detached Accessory Dwelling Unit, but runs consistent within the parameters of use.

The Planning Commission recommendation needs to have the revision that an Accessory Dwelling Unit is 1,200 sq.ft. or less (or no more than 50% of the original structure, whichever is smaller) and that, unless specifically permitted, an Accessory Dwelling Unit may not be used as a short-term rental, as per the match of our upcoming future ordinance.

Commissioner Rigg asked for clarification of what happens for projects that are in between in the process during this ordinance being legally adopted. Attorney Maughan stated that the application was vested in the ordinance at the time the application was submitted and accepted from the county. Commissioner Rigg went on to clarify that any existing short-term rentals, provided they are serving 4 people or less, would be grandfathered under a non-conforming use. Commissioner Wilson also explained that this “non-conforming use” transfers with the property but if there is a change of use or change in footprint, that non-conforming status becomes void after one year of abandoned use. Commissioner Nielson asked about how we would know of a change in use, if this would be through the business license applications. Attorney Maughan offered that monitoring this would be one of the main roles of an enforcement officer.

Administrator Bushnell explained that in going forward we would reference our current Conditional Use Permit with the clause that “EXPIRATION OF CONDITIONAL USE PERMIT: Unless otherwise specified in the motion granting a conditional use permit, if the approved use has not started within twelve (12) months from the approval date, the permit shall become null and void by operation of law. Once any portion of the conditional use begins, the conditions related thereto become immediately operative and must be strictly obeyed. [Use shall be construed to mean pouring of concrete or commencement of framing on construction, or operation of the use or uses for which the permit was granted.] For good cause and with a showing of substantial performance to meet the required conditions granting the permit, an applicant may apply to the Planning Commission for an extension. Such a request shall be made before twelve (12) months has passed since the approval date. A request for an extension shall follow the same public hearing procedure for the original permit.”

Commissioner Austin clarified that the start date of this new ordinance is the date of County Commission approval. She asked about going from the previous dates from other attorney statements. Attorney Maughan explained that we could not enforce this retroactively. Administrator McDonald explained that there have been several different legal opinions, with conflicting interpretations, and this ordinance is here now to clarify all those opinions into one ordinance going forward. There are processes in place to mitigate clarifications prior to going to court.

Commissioner Austin asked to clarify that those Subdivision Plats previously approved with the understanding that they wanted to do overnight rentals are not covered here. Administrator McDonald clarified that these Subdivisions/Owners are not vested in the ideas that they had, we can only vest the applications that have been previously approved.

Public comment was offered by Holly & Kolby Smith that she was really glad they had clarified that overnight rentals are not allowed. She was concerned about people taking advantage of operating under the radar, not obtaining proper business licenses, etc. Kolby additionally commented that the Accessory Buildings and uses, he said he read this as Accessory Buildings being permitted but that uses were conditional.

Public comment was offered online by Monet Clark concerned about the development going on around her and the overnight accommodations they are suspected of providing. She asked of our plans for enforcing this ordinance and finding these short-term rentals. She also recommended that as we proceed with our new ordinance that we clarify where we are getting our information.

Public comment was offered by Attorney Jens Neilson to clarify that non-conforming use has to be applied to a property that has been used. You must be able to prove that you have been using the property as such in order to have this grandfathering to qualify. It is not enough to have the idea of what you want to do. You would have to have a building application, or other commencement of building, already submitted to be grandfathered for that use. He further wanted to clarify that the Spanish Valley Residential district was always intended to be residential, it was written to have no commercial use. Nightly rentals in the minds of those who wrote it was a commercial use. But the courts have said that because nightly rentals involve eating, sleeping, showering, etc are of the same characteristics as residential uses even though it is a commercial purpose. They have essentially overwritten what counties and cities have put in their ordinances. They have said that unless it specifically prohibits overnight rentals, that it essentially does not prohibit. That's the catch that San Juan County has been

caught in. He still believes that this ordinance change being proposed is great because it clarifies things 100%. When you look at the Spanish Valley Ordinance on a whole we do say where overnight rentals are included and excluded. But we didn't say it in a way that that Utah Ombudsman office wanted to interpret it. While he doesn't necessarily agree with their decision, this update will remove all doubt.

Public comment was offered by Elise Eler from STILA who wanted to commend the Planning Commission for reviewing this so that the County Commission can move forward with it.

Commissioner Schafer motioned to close the Public Comment. Seconded by Commissioner Rigg.

Voting yea: All in favor

Motion carries.

Administrator McDonald clarified that the County Commission this year has approved a salary for hiring an enforcement officer. There are laws in place that constrain our resources for finding overnight rentals, so we are relying on community members to report those suspected properties that are out of compliance. Safety for those occupants staying in these overnight rentals is a concern. Commissioner Austin suggested that it would be useful to have a website that community members could look up if neighboring properties are licensed and approved or not. Commissioner Nielson was concerned at the enormous list of grievances that may be coming our way. Commissioner Wilson suggested that other counties had a checklist with their business licenses to ensure public safety for things like "overnight rentals" to help owners be more compliant.

Commissioner Wilson made a motion to recommend the ordinance for approval by the County Board of Commissioners with the modification of adding Accessory Dwelling Units to represent the same language as our future ordinance specifically as a permissible use and to clarify the difference of an Accessory Building as permissible but Accessory Use as conditional. Seconded by Commissioner Rigg.

Voting yea: All in favor.

Motion carries.

BUILDING PERMIT(S) REVIEW

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

Time stamp 2:21:40 (audio)

Commissioner Rigg requested that we put the town into the address in the future.

Commissioner Wilson is concerned about the new construction happening at La Sal Junction. He said there's a new metal building without any type of foundation. Commissioner Johnston also commented that there was no foundation, no frost depth or frost protection. Administrator

Bushnell assured him that this property in particular was on our radar and we were waiting for enforcement to be able to begin moving forward with compliance in a legal manner.

Commissioner Wilson also was concerned for the (96) new power supplies being put in at St. Danes in Spanish Valley. Administrator Bushnell said she would follow up to investigate the building permits for this.

Commissioner Austin asked to have us follow up on the new manufactured home on Wildflower Circle suspected of not having all the utilities necessary and may also be short-term renting it. Commissioner Wilson said he had done work at this site and had verified with the county that they were permitted.

Commissioner Schafer said he received an email from Margerie Haun that said there are junk piles coming into Old La Sal. Administrator Bushnell affirmed that this issue was already on our radar and they were already taking action to move forward with compliance.

ADJOURNMENT

Time stamp 2:27:30 (audio)

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

Voting Yea: All in favor.

**SAN JUAN COUNTY
ORDINANCE #2020 -03A**

**AN ORDINANCE AMENDING ORDINANCE #2020-03 AMENDING THE RULES,
PROCEDURES, AND BYLAWS FOR THE SAN JUAN COUNTY PLANNING
COMMISSION**

WHEREAS, the San Juan County Planning Commission is authorized by the Utah Code Annotated 17-27a-301 and 17-27a-302 and by San Juan County Zoning Ordinance (2011), Chapter 2.1. The Planning Commission exercises authority and assumes responsibilities delegated to it under these authorities; and

WHEREAS, the San Juan County Planning Commission, hereinafter referred to as “the Commission,” shall be governed by State statutes and County ordinances and policies including the following:

- a. State statutes applying generally to public boards, members, and officials;
- b. State statutes governing the activities of County Planning Commissions;
- c. San Juan County Ordinances and Resolutions;
- d. San Juan County Land Use Code; and
- e. The bylaws of San Juan County Planning Commission as set forth herein. They are advisory guidelines only. Consequently, should the Commission waive, suspend, or otherwise deviate from these bylaws during the course of a meeting, such deviation shall not be grounds for invalidating a hearing held during such meeting or any decisions made at such meeting.

NOW, THEREFORE BE IT RESOLVED that San Juan County does hereby establish the following rules, procedures and bylaws for the San Juan County Planning Commission as follows:

**ARTICLE I
General Provisions**

- I.1. Familiarity with State Statutes, County Ordinance and Resolutions, and Rules Affecting the Commission. Upon taking office, all members of the Commission shall familiarize themselves with applicable statutes and rules, ordinances, and resolutions, and while in office, shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of Commission affairs.

**ARTICLE II
Officers and Election**

- II.1. Officers. The Officers of the Commission shall be a Chairperson and Vice-chairperson.
- II.2. Election. The Chairperson and Vice-chairperson shall be elected at the first meeting of the year after the Board of County Commissioners appoints vacant seats. They shall serve for a term of one (1) year or until their successors are elected. Their term shall start the

meeting they are elected. If the office of the Chairperson or Vice-Chairperson becomes vacant, the Commission shall elect a successor from its membership who shall serve the unexpired term of the predecessor. Nominations shall be by oral motion. At the close of nominations, the Commission shall vote by voice vote upon the names nominated for the office. If requested by the Chair, written ballots may be used for voting purposes.

II.3. Chair. The Chairperson has the following duties:

- a. The Chairperson presides at all meetings of the Planning Commission maintaining order and decorum and ensures that the procedures prescribed in the San Juan County Land Use Code, Utah State Code, and policies stated herein are followed.
- b. The Chairperson may call special meetings at any time and in accordance with applicable state and County codes.
- c. The Chairperson may appoint up to three Commission members to serve on a committee as needed.

II.4. Vice-chair. The Vice-chair performs the duties of the Chairperson in the absence of the Chairperson, or duties as delegated by the Chairperson. In the event of temporary absence of the Chairperson and Vice-chairperson, the remaining members present shall elect an acting Chairperson for that meeting.

ARTICLE III

Members, Term of Office, Vacancies, Candidate Interest, Interviews, and Voting

III.1. Members. To guarantee balanced input from across the County in areas where the County has jurisdiction over land use decisions, and the impacts of those decisions on adjacent population areas, the Commission shall consist of seven (7) members who shall be appointed by the Board of County Commissioners from the following areas of the County: One (1) member from Blanding area; one (1) member from Monticello area; one (1) member from Bluff area; one (1) member from La Sal area; one (1) member from Spanish Valley area; one (1) member from a special service district within the County and one (1) member at-large. In addition to the 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 Commission and provide administrative support to the Commission. Board of County Commission members may not serve as regular members of the Commission.

III.2. Term of Office. The term of office for 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.

- a. Terms of all Commissioners 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 Commission at the expiration of term, the current Commission member(s) will remain on the Planning Commission until replaced by appointment of the Board of County Commissioners.
 - b. Current Commissioners whose term has expired can submit their name for consideration to renew for an additional four (4) year term by notifying the Commission Chair and County Administrator.
- III.3. Vacancies. County staff shall notify the current Commission of those members whose terms will expire at the end of the calendar year. In cases where a vacancy is created during the middle of a board member's term (mid-term vacancy), County staff shall notify the Commission as soon as practically possible. County staff shall post a notice of Board vacancies, including mid-term vacancies, in a local newspaper of record.
- III.4. Candidate Interest. 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 Planning 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.
- III.5. Candidate Qualifications. Required Conditions: Commission candidates shall be a resident and registered voter of San Juan County. Preferred Qualifications: experience or knowledge in land-use, knowledge of County and local issues, a good listener, ability to communicate, and analytical reasoning. Trainings through the Utah State Property Ombudsman or other State approved trainings are encouraged and will be considered when determining qualifications. Preferred qualifications may be waived dependent upon a lack of preferred qualifications with those candidates applying for vacancies, and the need for balanced input as outlined in III.1 may necessitate.
- III.6. Candidate Interviews. Upon availability, a member of the County Board of Commissioners, a Planning Commission member who is not also a candidate, County Zoning Staff, County Attorney, and County Administrator may interview qualified candidates and provide a recommendation to the Board of County Commissioners. At the start of each interview, candidates will be given three to five minutes to briefly introduce themselves and to provide relevant information as to background and experience. During the interview process the committee are encouraged to ask questions which verify a candidate's land use knowledge, experience, eligibility, and availability to meet the requirements of service. The committee shall ask the same questions of each candidate. After responding to those questions, Interviewers may ask the applicant additional clarifying questions if necessary based on the responses the applicant has given.

III.7. Voting. The committee shall vote upon the names of candidates in alphabetical order. Each committee member shall be entitled to one vote for each vacancy. Committee members shall vote by voice or a raise of hands. If requested by the Chair, written ballots may be used for voting purposes.

- a. Staff will tally the number of votes cast for each candidate and read this information back to the committee. The committee, by motion will forward this recommendation, including any findings, to the Board of County Commissioners for consideration.

III.8. Recommendations to the Board of County Commissioners. Planning staff or the County Administrator as directed by the Chairperson, shall present the committee's recommendation, including any findings, to the Board of County Commissioners.

When presented with a recommendation(s) for election to the Commission, the County Commissioners may:

- a. accept or reject the recommendation(s) as presented in total or part
- b. instruct the County Administrator to continue the process for an additional 30 days to solicit additional candidates before making a decision.

ARTICLE IV Meetings and Organization

IV.1. Open Meetings and Notices. All regular meetings, special meetings, workshops, and field trips of the Commission are open to the public and will be noticed in accordance with the requirements of the Utah Open and Public Meetings Act.

IV.2. Regular Meetings. Regular Commission meetings shall be held the second Thursday of each month unless there are mitigating circumstances, such as a lack of a quorum, lack of items to be discussed, holidays or other circumstances.

IV.3. Annual Training. Commission members are required to attend or view by other means an annual Utah Open Meetings Training, as provided by San Juan County or an online equivalent training. Commissioners are encouraged to attend the Citizen Planner Workshop, as conducted by the Utah League of Cities and Towns or other entity.

IV.4. Special Meetings, Workshops, and Field Trips. Special meetings, workshops, and field trips for any purpose may be held at the call of the Chairperson or the Board of County Commissioners.

IV.5. Agendas. Agendas shall be set by staff under the direction of the Chairperson. Agendas for regular meetings shall be provided by staff to all members at least three (3) days prior to the meeting.

- IV.6. Proposed Agenda Items and Meeting Materials. The Planning and Zoning Department must have proposed agenda items and meeting materials by 12:00 pm the Friday before the Planning Commission meeting date unless extenuating circumstances exist.
- IV.8. Minutes. The recording of minutes of all Commission meetings shall be the responsibility of Planning Department staff. In the event staff is absent from any meeting, the Planning Department may send a designee.
- IV.9. Voting. Commission members shall make a good faith effort to become knowledgeable on matters before the Commission. A quorum of the Commission shall consist of four (4) members and the affirmative vote of at least four (4) members in attendance shall be necessary to pass any motion.
- IV.10. Motion. All decisions of the Commission shall be made in a public meeting by motion, made and seconded, and by voice vote. Any Commissioner may make or second a motion. If there is any ambiguity on any vote or if the nature of the application or petition warrants, the Chairperson may conduct a roll call vote. Motions should be supported by reason and include findings. The person making the motion is encouraged to state the reasons and finding(s) supporting the motion at the time the motion is made. Any conditions for approval must be stated in the motion. The motion may refer to the staff report for details of the conditions for approval if the person making the motion desires to do so.
- IV.11. Conduct During Public Meetings. During all meetings and hearings, persons providing testimony shall proceed without interruption except by members of the Commission at the discretion of the Chairperson. All comments, arguments, and pleadings shall be addressed to the Chairperson and there shall be no debate or argument between individuals in the audience. There shall be no debate or argument between individuals. The Chairperson shall maintain order and decorum, and, to that end may order removal of disorderly or disruptive persons. Any member of the Commission, counsel to the Commission, or the Commission staff, upon recognition by the Chairperson, may direct any questions to the applicant, witness, or any person speaking from the audience for the purpose of eliciting relevant facts. The Chairperson or Commission members may call for relevant facts from staff and make appropriate comments relevant to the matter.
- IV.12. Time Control. The Chairperson may control the time for debate on any issue. Care should be taken to insure fairness in the hearing process. Those speaking in support and opposed should have substantially equal time. The Chairperson may stop debate once he or she believes the issue has been adequately and fairly heard.
- IV.13. Citizen, Applicant, and Other Participation by Real-Time Telecommunication. Participation by Citizens, Applicants, and Others may be allowed by real-time telecommunication at the discretion of the Chairperson.
- IV.14. Quorum: Means the minimum number of persons required to act as a body. A quorum requires four (4) Commission members who must be present in person at the meeting.

However, absent Commissioners may participate fully by phone or other real time means and engage in debate, asking questions, making motions, voting on motions, and all other functions of the Commission.

- IV.15. Commissioner Participation by Real-Time Telecommunication. Commissioner participation by real time telecommunication shall allow them to participate in discussion and may vote on any matter.

ARTICLE V Ethical Considerations

The following ethical principles shall guide the actions of the Commission and its members.

- V.1. Serve the Public Interest. The primary obligation of the Commission and each member is to serve the public interest.
- V.2. Support Citizen Participation in Planning. The Commission shall ensure a forum for meaningful citizen participation and expression in the planning process, and assist in the clarification of community goals, objectives and policies.
- V.3. Conflict of Interest. Planning Commission members shall adhere to state law regarding conflicts of interest. A member with a conflict of interest shall be required to disclose such conflict prior to consideration of the matter by the Planning Commission. A member with a conflict of interest may not attempt to influence other members or appointed staff outside the meeting. A member with a conflict of interest shall be required to recuse herself or himself from participating in, commenting on, or voting on the matter in which such conflict exists.
- V.4. Ex Parte Communication / Ensure Full Disclosure at Public Meetings. Each case shall be decided on the basis of the evidence placed in the record in a public meeting. Ex parte information on any application received by a Commissioner, whether by mail, telephone, or other communication should be avoided. When such communication does occur it must be made part of the public record by the Commission member. The purpose of disclosing ex parte communication is to get all information on the record so it can then be addressed, confirmed or refuted, by evidence presented by the parties during a meeting.
- V.5. Maintain Public Impartiality. Commission members may seek information from other Commission members, the counsel to the Commission, staff serving the Commission, or the staff of other departments or agencies advising the Commission. Each member of the Commission has an ethical duty to avoid making public statements for or against the merits of any application before the Commission hearing is concluded and a decision or recommendation has been rendered.
- V.6. Faithful Attendance and Performance. Should circumstances arise where a Planning Commission member is unable to attend a scheduled meeting, the member shall be responsible for notifying the Chair or Building and Zoning Department staff as soon as

possible. Planning Commission members shall not miss more than three consecutive meetings. A Planning Commission member may not miss more than 25% of the meetings in a year. If circumstances prevent faithful attendance and performance of Planning Commission member duties, the member will be removed from the Planning Commission or the member should knowingly resign from the Planning Commission. Attendance through remote means may only be approved the Planning Commission Chair, and a commission member must attend more than 50% of the meetings in person absent extenuating circumstances.

- V.7. Open Meetings Act. Commission members shall be trained annually and abide by the Open Meetings Act as described in U.C.A Title 52, Chapter 4, Open and Public Meetings Act.

**ARTICLE VI
Resignations and Removal of Membership**

- VI.1. Resignations. Any member of the Commission must submit a signed letter of resignation specifying the effective date on which the member’s service will cease. The letter of resignation shall be submitted to the County Administrator.
- VI.2. Acceptance of Resignation. The Board of County Commissioners shall accept resignation upon receipt thereof.
- VI.3. Removal from Commission Planning. The Commission may request the resignation of a member for reasons of attendance and/or ethical considerations. The Board of County Commissioners may remove a Commission member for cause prior to the expiration of the appointed term.

**ARTICLE VII
Per Diem and Travel Expenses**

- VII.1. Per Diem and Travel Expenses. Commission members are to receive a per diem and reimbursement for travel expenses for meetings actually attended at a rate established by the Board of County Commissioners.

**ARTICLE VIII
Adoption, Review, and Amendment of Bylaws**

- VIII.1. Annual Review and Amendment. The bylaws will be reviewed by the Commission at the beginning of each calendar year. Amendments will be recommended to the Board of Commissioners for approval.
- VIII.2. Waiving or Suspending Rules. A rule of procedure may be suspended or waived at any meeting by unanimous vote of the Commission members present unless such a rule is set by state law or county ordinance.

APPROVED, AMMENDED AND PASSED by the Board of San Juan County Commissioners on the 15th day of March, 2022.

Voting Aye: Grayeyes, Adams
Voting Nay: Maryboy

ATTEST:

BOARD OF SAN JUAN COUNTY
COMMISSIONERS



Lyman Duncan



Willie Grayeyes, Chair



LEGISLATIVE STAFF REPORT

MEETING DATE: February 8, 2024

ITEM TITLE, PRESENTER: Consideration and Approval of a Conditional Use Permit Allowing for a RV Park/Wedding Venue for Lot 10 Spring Draw Subdivision Phase 2, Old La Sal, Kyle Lankford

RECOMMENDATION: Make a motion approving the Conditional Use using the findings and conditions after validating substantial evidence described in the Conditional Use Permit Report created by staff.

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

SUMMARY

In January 2024, the County received a Conditional Use Permit Application for Parcel #000910020100, Wild Sage Resort, located on Lot 10 Spring Draw Subdivision Phase 2, Old La Sal.

Property:

Parcel: #000910020100, 7.24 acres

Current Zoning:

This parcel is in the Agricultural (A-1) District as per July 2013 Zoning Map

The applicant is planning on utilizing existing uses as part of the resort and will be adding onto a previously approved Conditional Use Permit of a neighboring parcel. Additions will include moving an existing metal pergola (50'x 60') and dispersed tent sites.

ORDINANCE SECTIONS

The following Conditional Uses are applicable in association with the Agricultural (A-1) zone:

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

By definition a CONDITIONAL USE is a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

Possible Conditions May Include:

- Must coordinate with the Division of Drinking Water to avoid a public water system of the creation of a Public Water System and pass that off through the County Administrator.
- Must Comply with any state or federal fire restrictions.
- Must comply with all building permit requirements.
- Must comply with San Juan County Health Department requirements and Utah State water system requirements. Including having an engineer design the appropriate septic systems for the uses.
- Must comply with San Juan County business license requirements.

HISTORY/PAST ACTION

Previous Conditional Use Permitted on adjacent property for similar use at the 9 November 2023 Planning Commission.

SAN JUAN COUNTY CONDITIONAL USE PERMIT APPLICATION

Type of Application (check all that apply):

- New Construction
- Addition
- Land Use Change
- Appeal

Subject Property Location or Address: Lot 10 Spring Draw Subdivision Phase 2
Old LASAL Ut. 84530

Parcel Identification

Number: Spring Draw Subdivision Lot 10 Tax Parcel # 000910020100

Parcel Area: 7.24 ACRES Current Use: VACANT

Floor Area: _____ Zoning Classification: _____

Applicant

Name: Timothy Kyle Lankford

Mailing Address: P. O Box 748

City, State, ZIP: Monument Colorado 80132

Daytime Phone #: 719-650-2708 Fax#: _____

Email Address: KyleLankford23@yahoo.com

Business Name (If applicable): Wildsage Resort

Property Owner's Name (If different): same

Property Owner's Mailing Address: _____

City, State, ZIP: _____

Daytime Phone #: _____ Fax#: _____

Describe your request in detail (use additional page(s) if necessary): I own 11 acres at 1515 Hwy 46 Old LASAL Ut. 84530 and already have a conditional use permit for that property. I recently purchased Lot 10 which is adjacent to the 11 acres

Authorized Signature: Timothy Kyle Lankford Date: 2-10-24

Property Owner's Affidavit

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

Timothy Kyle Lankford
Owner's Signature

Owner's Signature (co-owner if any)

State of ~~CO~~)
 Colorado :
County of ~~San Juan~~)
 El Paso CP

Subscribed and sworn to before me this 10th day of January, 2024.

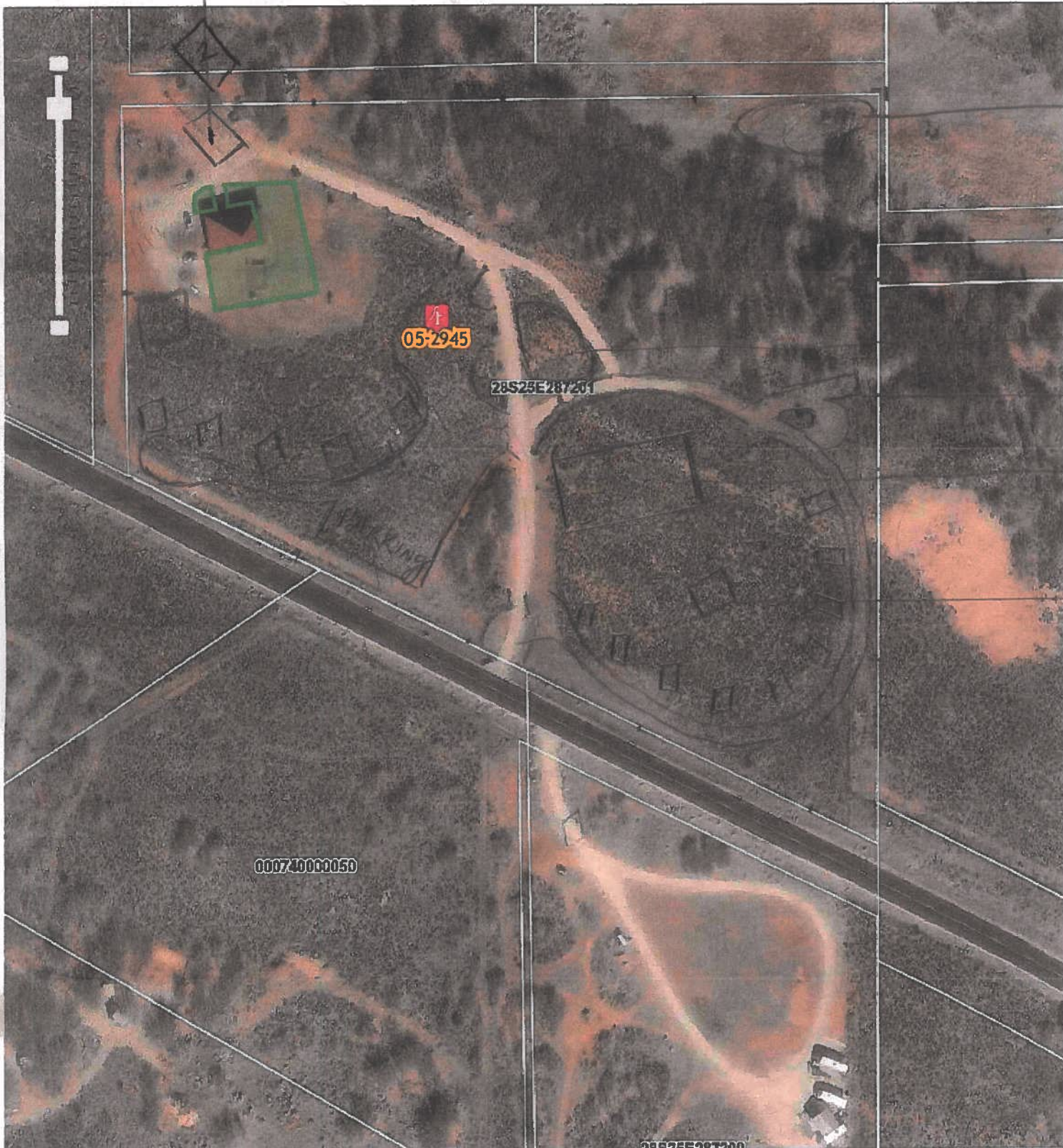


Connor Garrett Purdy
Notary Public
Residing in Colorado Springs
My Commission expires: 07/13/2027

50' x 60' pergola metal building -
would like to move building from location 1 to location 2

Services

Agencies



150' x 50' pond with
spring.

75' x 100' Pond

R.V. site

50 x 100 BARndominio

30' x 30' Community
Bathroom

□ - CABIN sites

□ - R.V. Sites

0 100 200ft

I Recently purchased lot 10
 + I own the 11 acre parcel
 adjacent to it. I have the
 conditional use permit for that
 property where I was going to
 use it for a wedding venue/
 RV + cabin sites.

Proposed tent sites.

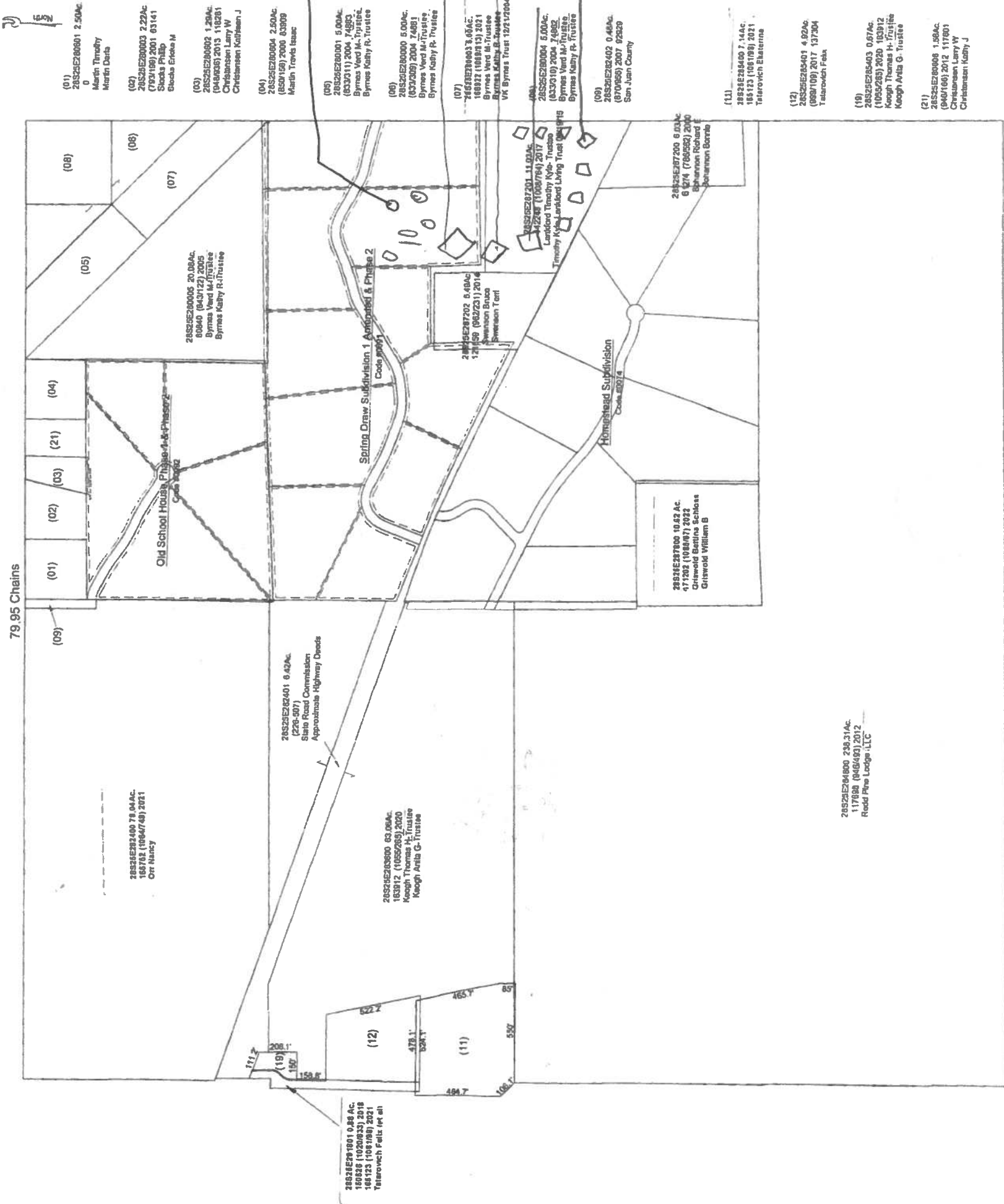
(50x60)

would like to put the wedding building
 here so it not in the direct view of
 the mountains from existing house.

Original spot for wedding venue

Moms house (1200 sq ft)

RV sites



I would like to move the location of the wedding
Building from 1515 property to the southwest corner
of Lot 10.

Item 3.



STAFF REPORT

MEETING DATE: February 8, 2024

ITEM TITLE, PRESENTER: Consideration and Approval of a Conditional Use Permit for 4110 South Highway 191, APC Towers LLC, Romano & Associates

RECOMMENDATION: Make a motion approving the Conditional Use using the Findings and Conditions after finding substantial evidence described in the Conditional Use Permit Document created by Staff.

Make a motion denying the Conditional Use based on findings of fact described / Make a motion denying the Conditional Use Permit due to the following reasons: (statement of findings for substantial evidence)

SUMMARY

The county has received a request from Romano & Associates, LLC for the installation of a 155-foot tall guyed tower with antennas and radio transmitting equipment as well as associated ground equipment shelters and emergency generators in the Community Commercial (Cd-C) zone, which would include the conditional uses of an Agricultural (A-1) Zone.

The Zoning Ordinance allows for the following use as a Conditional Use as associated with the A-1 Zone: radio and television transmitting stations or towers. Towers are not defined in the ordinance for a specific purpose.

Staff has developed a separate document with the conditional uses recommended in your packet. See the attached "Conditional Use Permit for Telecommunications Tower at Utah State Route 95 for review.

Conditional Use Permit for Telecommunications Tower at 4110 South Highway 191

Background

San Juan County received an application for approval of a 155-foot telecommunications tower at 4110 South Highway 191. The applicant is Russell Curry representing APC Towers IV, LLC. The 4110 South Highway 191 property is owned by Morgan and Vicky Kuykendall.

The proposed tower is in the Community Controlled (Cd-C) District.

The San Juan County land use ordinance authorizes the Planning Commission to review and approve a conditional use permit for any conditional use – identified either in the zoning district where the use is proposed or “elsewhere” in the County zoning code. “Radio and television transmitting stations or towers” are listed as conditional uses in the A-1 Agricultural District which would carry over as a conditional use in the Community Commercial District. The Planning Commission shall make findings supporting a recommendation for a CUP and adopt appropriate conditions. (See attached Appendix A San Juan County ordinances).

Project Summary

San Juan County requested the applicant provide specific information relating to the proposed telecommunications tower. On 22 January 2024 the project applicant provided details of the project to San Juan County Planning & Zoning Administrator Kristen Bushnell. The following summarizes the tower project proposed for 4110 South Highway 191. Also summarized here are relevant County resources.

The project is an unmanned communication facility consisting of an antenna mounted to a new lattice tower with outdoor equipment and emergency generator.

The project’s 155-foot tower is intended to fill communication gaps in the area. A radio engineer determined that the area requiring coverage was a search ring, with a radius of about one mile. The tower is located near the center of the search ring.

Rocky Mountain Power will provide power.

The tower supports a priority objective of the 2018 San Juan County General Plan. The Plan identifies Broadband infrastructure as needed for economic development, for health care, and for schooling.

The tower will enhance emergency services in the following ways: Sheriff and Fire responders use wireless services to respond to 911 calls, to residences through GPS systems, to utilize medical equipment, and to provide other critical emergency services; and with the rise in wireless households, wireless services allow citizens to place e911 calls.

The tower will enhance citizen health services in the following ways: with telemedicine starting to replace in-office patient visits, wireless services allow citizens and medical professionals to communicate; and telemedicine supports persons with disabilities to obtain medical support where these individuals may not have prompt access to in-person health services.

The tower will support online schooling and a remote work environment. Wireless broadband is becoming essential to secondary schools and higher education – which require students to use wireless services to participate in virtual classrooms. Employers have allowed employees to work remotely or have hybrid schedules from home. Wireless services enhance and strengthen education and employment in the areas served by the tower.

The tower will support economic activity in San Juan County. Visitors and consumers can search online for restaurants, recreation, and sightseeing opportunities. Similarly, visitors and consumers use phone-equipped GPS and mapping to get them where they need to go.

After zoning approval, the tower applicant will go through a federal regulatory screening process and will fully comply with all federal regulations. The screening process takes about six (6) months. Presently, the tower applicant is unaware of any impacts on endangered species, national historic sites, migratory birds, or Native American/Tribal lands.

Once constructed and operational, a technician will visit the tower once a month for regular maintenance. About every 2 or 3 years a team will be at the tower to upgrade the equipment and antenna on the tower. These visits will generate little noise and create little traffic or safety concerns.

The tower will have site identification signs and signs required by the FCC and other government agencies. The tower applicant understands that no advertising or other signs will be displayed on the tower – without approval of San Juan County.

The tower will have no climbing pegs and will be surrounded by a 6-foot high chain-linked fence with barbed wire to prevent unauthorized access. Access ladders will only be on site during maintenance.

The tower will not block or encroach on vehicle or pedestrian access. A path will lead to the tower and continue around the tower. No portion of the path will be obstructed.

The tower will have no accessory buildings. The tower will be supported by two equipment cabinets on a 6" thick concrete slab (8' x 10') and a diesel generator on a 6" thick concrete slab (4' x 9'). The antenna and support structures will be grounded as required by the National Electrical Code.

The San Juan County Code sets a maximum height for buildings in the associated district Agriculture (A-1) District at 35 feet. Consequently, the proposed tower of 155 feet will require a variance.

The proposed tower would be subject to certain building codes and related standards which have been adopted by San Juan County.

The operation of the tower would require a County business license and be subject to regular inspections for compliance with County ordinances and the CUP conditions.

Prior to construction the applicant would be required to apply for and receive a building permit from San Juan County.

Findings

The San Juan County Planning Commission makes the following findings relating to the proposed tower.

The proposed tower will have a positive, beneficial impact on the economy, security, safety, and welfare of San Juan County residents and businesses. Specifically, the proposed project will support and enhance emergency services, schooling, health care services, and remote employment.

The proposed tower has unique characteristics which are appropriately addressed with conditions as part of a conditional use permit.

The proposed tower furthers a priority objective of the 2018 San Juan County General Plan to increase Broadband capacity to promote economic development and enhance public health and education.

The construction and operation of the tower will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

The construction and operation of the tower will comply with the intent, spirit, regulations and conditions specified in the County land use code for such use and the zoning district where the use is to be located, as well be harmonious with the neighboring uses in the zoning district. Additionally, the project will comply with all federal regulations which protect and conserve San Juan County resources.

The Federal Aviation Administration Southwest Regional Office conducted an aeronautical study which revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation.

The proposed 155 feet height of the tower exceeds the maximum 35 feet in the San Juan County land use ordinance. Consequently, the tower will require a variance.

Conditions

- a. Prior to construction, the applicant shall apply for and receive a San Juan County building permit.
- b. The applicant shall apply for, receive, and maintain a San Juan County business license and be subject to regular inspections associated with the business license – to include a review of compliance with the CUP conditions.
- c. The construction and operation of the tower shall comply with the International Fire Code and the San Juan County Fire Policy – and be subject to inspection by fire authorities.
- d. The tower shall be operated in compliance with federal regulations.

e. The tower shall not be used for outdoor advertising, signage, or similar uses without first obtaining permission from San Juan County.

f. This permit shall be null and void if the tower is abandoned as a telecommunication facility or the tower is not maintained for 90 days. After abandonment or non-maintenance, the tower shall be removed.

g. Any neighbor or adjacent property owner or person reasonably expected to be at or near the facility during construction, maintenance, or other activity which has the potential to harm an individual shall be informed of the activity and provided with safety information, as appropriate.

h. The facility shall be kept clean and free from rubbish, flammable waste material or other noxious or nuisance substances.

i. The tower will require a variance from the San Juan County land use code which establishes a maximum height for structures at 35 feet.

Conditional Use Permit approved by the San Juan County Planning Commission.

Trent Shafer Chairman, San Juan County Planning Commission

Date

Appendix A

San Juan County Land Use Ordinances

The following provisions in the San Juan County land usage ordinances are relevant to this application.

- County Code § 150.001 (Adoption of Uniform Codes) and § 153.028 (Adoption of Building Codes). San Juan County adopts the International Building Code¹ and related building standards.
- County Code §153.002 (Purpose) states: “This chapter [Zoning] 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 the 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.”
- The County Code includes certain definitions which are relevant to this application. § 153.005 (Definitions).

CONDITIONAL USE. A land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

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

- County Code § 153.075 set a maximum height of structures at 35 feet. Since the proposed tower is 150' a variance is required.
- County Code § 153.006 (Building Permit Required; Application and Review) includes the following relevant to this application.

1 Included in the 2021 International Building Code is § 3108 (Telecommunication and Broadcast Towers). Section 3108 includes several building construction requirements for telecommunication towers, including: seismic load standards; prohibitions against tower guy wires and other accessories crossing or encroaching on public streets, private property (where permission has not been obtained from the property owner), or above-ground electric utility lines; requirements for tower climbing and working facilities; and adoption of all EPA, OSHA, and FCC standards applicable to a tower and its location.

A building standard referenced in § 3108 is Telecommunications Industry Association 222 (Standards for Towers and Antenna Supporting Structures).

- “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 chapter shall not be commenced, or proceeded with, except after the issuance of a written permit for the same by the Building Inspector² .”
- “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.” (Based on design review requirements for non-CUP projects in § 153.006, a design review of the subject tower may include the following: architectural and site development plans to scale, which shall show structure (tower) location, landscaping, prominent existing trees, ground treatment, fences, location and size of the adjacent streets, north arrow and property lines, existing grades and proposed new grades.)

- The following sections from the San Juan County Zoning Code relate generally to conditional uses.

- § 153.185 (Definition) “A Conditional Use is a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
- § 153.186 (Permit Required). A conditional use permit shall be required for all uses listed as conditional uses in the district regulations where they are, or will be located, or if the use is specified as conditional use elsewhere in this chapter.
- § 153.187 (No presumption of approval) The listing of a conditional use in any table of permitted and conditional uses found in § 153.071 of this chapter for each category of zoning district does not constitute an assurance or presumption that such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this chapter and with the standards for the district in which it is located, in order to determine whether the conditional use is appropriate at the particular location.
- § 153.188 (Application). A conditional use permit application shall be made to the Zoning Administrator as provided by this chapter. The Zoning Administrator shall submit the application to the Planning Commission; except that, the Planning Commission may authorize the Zoning Administrator to grant, attach conditions

² County Code § 153.023 (Building Inspector; Powers and Duties) states “It shall be the duty of the Building Inspector to inspect or cause to be inspected all buildings in course of construction or repair.”

or deny conditional use permits, subject to such limitations or qualifications as are deemed necessary.

- § 153.189 (Determination) (A) The Planning Commission, or upon authorization, the Zoning Administrator, shall approve a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this chapter. In authorizing any conditional use, the Planning Commission shall impose such requirements and conditions as are necessary for the protection of adjacent properties and the public welfare.

(B) The Planning Commission shall not authorize a conditional use permit unless the evidence presented is such to establish:

(1) Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and

(2) The proposed use will comply with intent, spirit, regulations and conditions specified in this chapter for such use and the zoning district where the use is to be located, as well as make the use harmonious with the neighboring uses in the zoning district.

(C) The Planning Commission shall itemize, describe or justify the conditions imposed on the use.”

- The 2011 Zoning Code includes “radio and television communication towers” as conditional uses. In the table of uses for three zoning districts (A-1 Agricultural, RR-1 Rural Residential, MU-1 Multiple Use) the following uses are listed as “conditional uses”; “Public use, quasi-public use, essential services, including private school, with a curriculum corresponding to a public school, church, dams and reservoirs, radio and television transmitting stations or towers, cemetery.”

- The 2018 San Juan County General Plan emphasizes economic development throughout the County. The General Plan gives priority to the development of Broadband as an infrastructure need. The chapter on Economic Development (pages 21 – 30) identifies several goals to promote economic development. The “vision” for County Economic Development has the following components: Broadband, Transportation, Business Expansion and Retention, Diversification, and Celebration of

History and Culture. The first component, Broadband, is needed not only for economic development – but also for healthcare and education³.

Other San Juan County Ordinances

- County Code §§ 93.004 and 93.005 require that building permit applications and all constructed buildings comply with the County Fire Policy.
- County Code Chapter 110 requires businesses to obtain and maintain a business license. § 110.010 authorizes inspections of properties which have or are required to obtain a County business license.

3 An important report on Broadband in rural communities was published by the United States Department of Agriculture. "Broadband Services for Rural America," October 2021, USDA. See also a KUER story by Lexi Peery, dated 25 May 2022 titled "Utah taps into federal 'Internet for All' initiative to boost rural broadband."

SAN JUAN COUNTY CONDITIONAL USE PERMIT APPLICATION

Type of Application (check all that apply):

- New Construction
- Land Use Change
- Addition
- Appeal

Subject Property Location or Address: 4110 South Highway 191
Blanding, Utah 84511

Parcel Identification
Number: 37S22E155401

Parcel Area: _____ Current Use: Agricultural / Residential

Floor Area: N/A Zoning Classification: Controlled District - Community (CD-C)

Applicant
Name: APC Towers IV, LLC, by its agent Romano & Associates, LLC

Mailing
Address: 8100 Wyoming Blvd. NE #M4-167

City, State,
ZIP: Albuquerque, NM 87113

Daytime Phone #: (505) 710-6263 Fax#: _____

Email Address: rcurry@romanoassociatesllc.com

Business Name (If applicable): APC Towers IV, LLC, 8601 Six Forks Eoad, Suite 250, Raleigh, NC 27615

Property Owner's Name (If different): Morgan & Vicky Kuykendall

Property Owner's Mailing Address: 4110 South Highway 191

City, State, ZIP: Blanding UT 84511

Daytime Phone #: (435) 459-2716 Fax#: _____

Describe your request in detail (use additional page(s) if necessary): New wireless telecommunications facility consisting of 155' guyed tower with antennas and radio transmitting equipment as well as associated ground equipment shelters and emergency generator.

Authorized Signature: *Russell Curry* Date: 12/13/2023

Property Owner's Affidavit

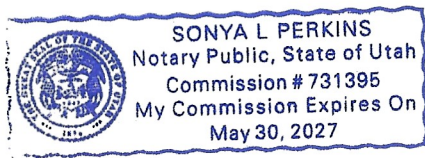
I (we) Morgan & Vicky Kuykendall, being first duly sworn, depose and that I (we) am (are) the current owner(s) of the property involved in this application; that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all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

[Signature]
Owner's Signature

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

State of Utah)
:
County of San Juan)

Subscribed and sworn to before me this 19 day of January, 2024.



[Signature]
Notary Public
Residing in San Juan
My Commission expires: May 30, 2027

Agent Authorization

I (we) Morgan & Vicky Kuykendall, the owner(s) of the real property located at 4110 South Highway 191 Blanding, UT 84511

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

[Signature]
Owner's Signature

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

State of Utah)
:
County of San Juan)

On the 19 day of January, 20 24, personally appeared before me Morgan and Vicky Kuykendall the signer(s) of the above *Agent Authorization* who duly acknowledge to me that they executed the same.



[Signature]
Notary Public
Residing in San Juan
My Commission expires: May 30, 2027



ROMANO & ASSOCIATES



3450 N HIGLEY RD - BLDG 2, SUITE 102 MESA, AZ 85215

UT-1549

KUYKENDALL

4110 S HWY 191
BLANDING, UT 84511

PROJECT:

ZONING DRAWING

ISSUED FOR:

REVIEW

SUBMITTALS

REV.	DATE	DESCRIPTION	BY
A	12/14/23	PRELIMINARY	JD

TELCYTE JOB # 232160

DRAWN BY: JD

CHECKED BY: CW

CURRENT ISSUE DATE:

12/14/23

STAMP:

THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER IS STRICTLY PROHIBITED.

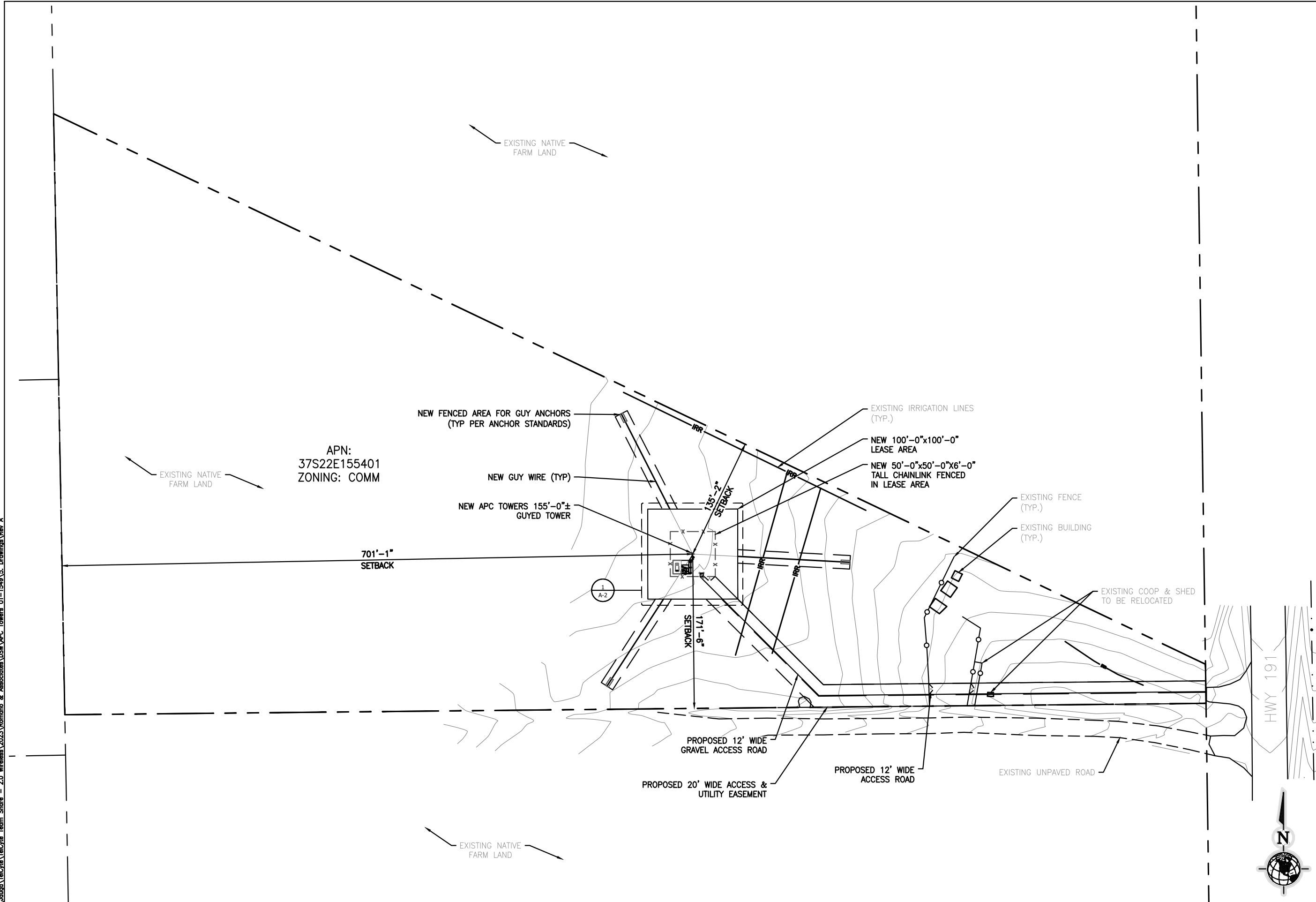
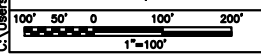
SHEET TITLE:

OVERALL SITE PLAN

SHEET NUMBER:

A-1

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ROMANO & ASSOCIATES



UT-1549
KUYKENDALL
 4110 S HWY 191
 BLANDING, UT 84511

PROJECT:
ZONING DRAWING

ISSUED FOR:
REVIEW

SUBMITTALS			
REV.	DATE	DESCRIPTION	BY
A	12/14/23	PRELIMINARY	JD

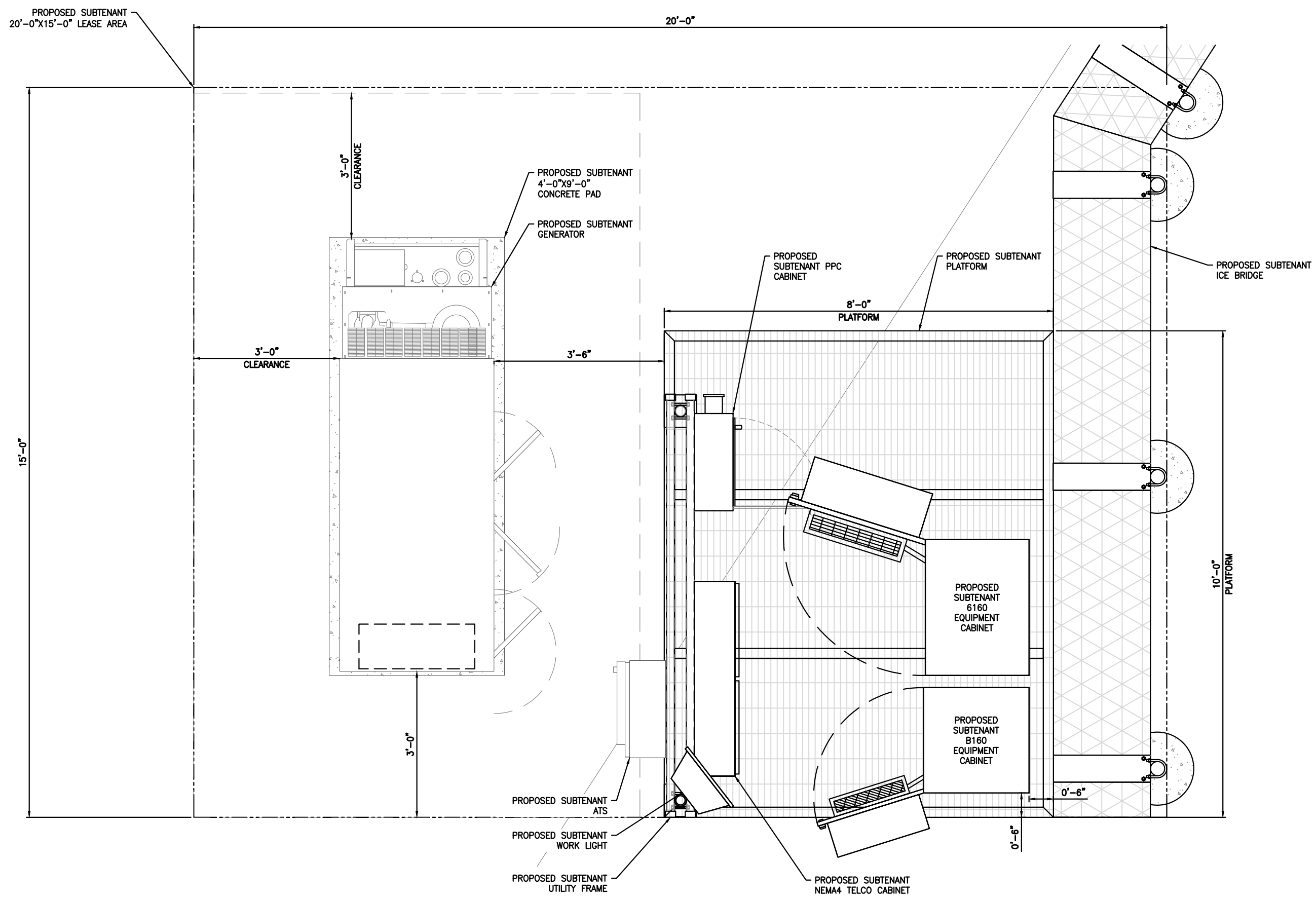
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 CHECKED BY: CW
 CURRENT ISSUE DATE:
12/14/23

STAMP:

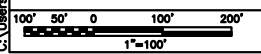
THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER IS STRICTLY PROHIBITED.

SHEET TITLE:
EQUIPMENT LAYOUT

SHEET NUMBER:
A-3



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Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No. Item 4.
 2023-ANM-6556-OE

Issued Date: 11/13/2023

Paul Alvarez
 Paul.Alvarez
 8601 Six Forks Road
 suite 250
 RALEIGH, NC 27615

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Antenna Tower UT-1549 - ANT TWR/NO C-BAND
 Location: Blanding, UT
 Latitude: 37-34-01.05N NAD 83
 Longitude: 109-29-29.84W
 Heights: 5751 feet site elevation (SE)
 158 feet above ground level (AGL)
 5909 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

Any height exceeding 158 feet above ground level (5909 feet above mean sea level), will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation.

This determination expires on 05/13/2025 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application. Item 4.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817) 222-4848, or Brian.Oliver@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-ANM-6556-OE.

Signature Control No: 602526884-604455870

(DNE)

Brian Oliver
Specialist

Attachment(s)
Frequency Data
Map(s)

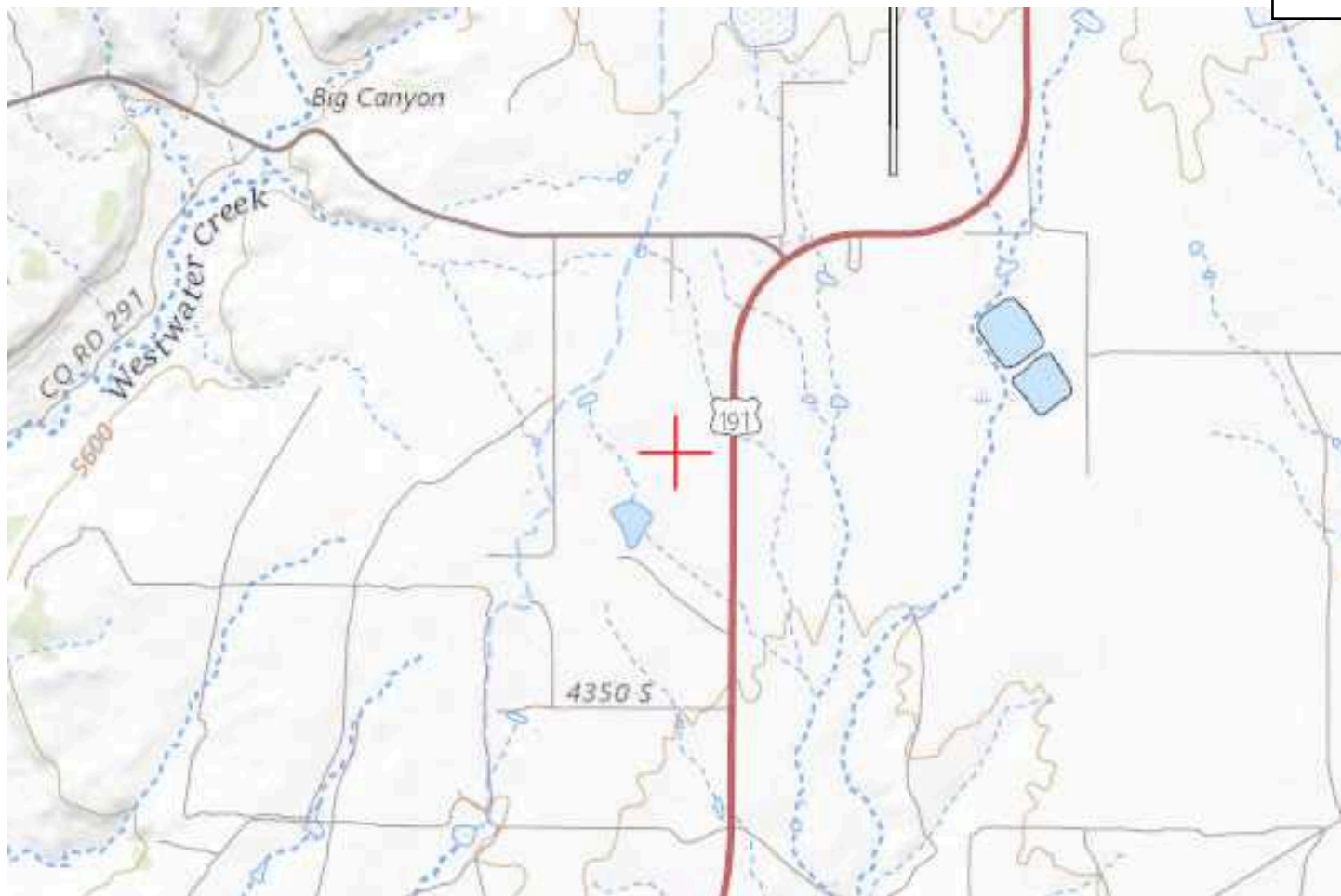
cc: FCC

Frequency Data for ASN 2023-ANM-6556-OE

Item 4.

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W

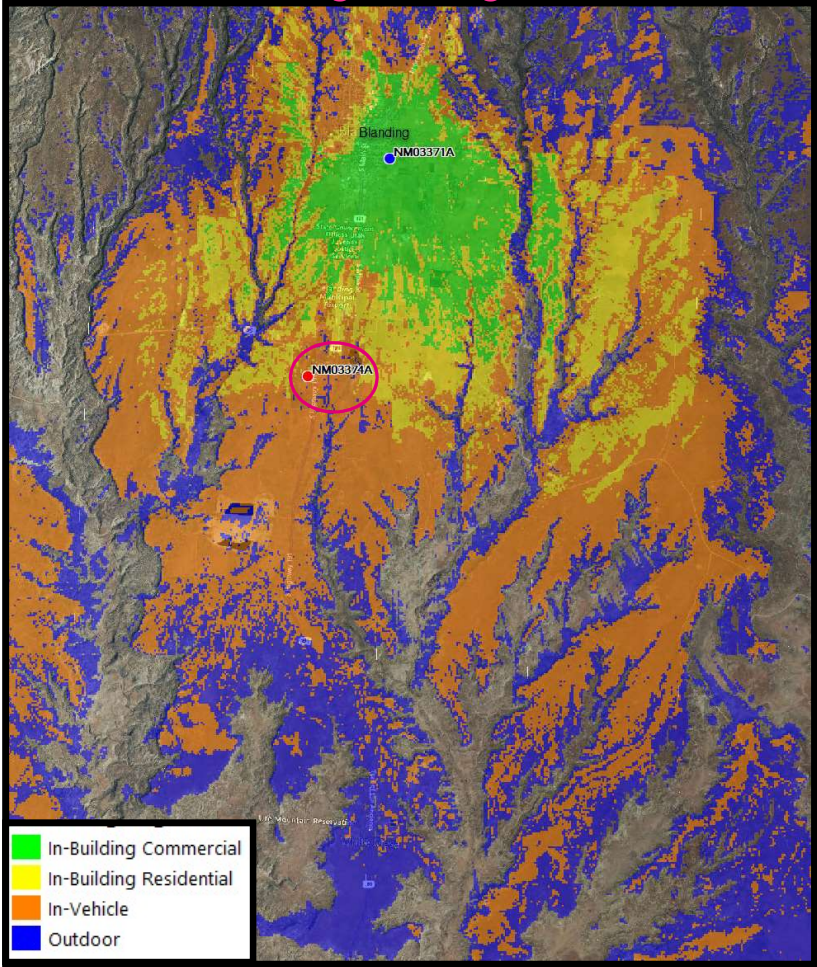
Item 4.



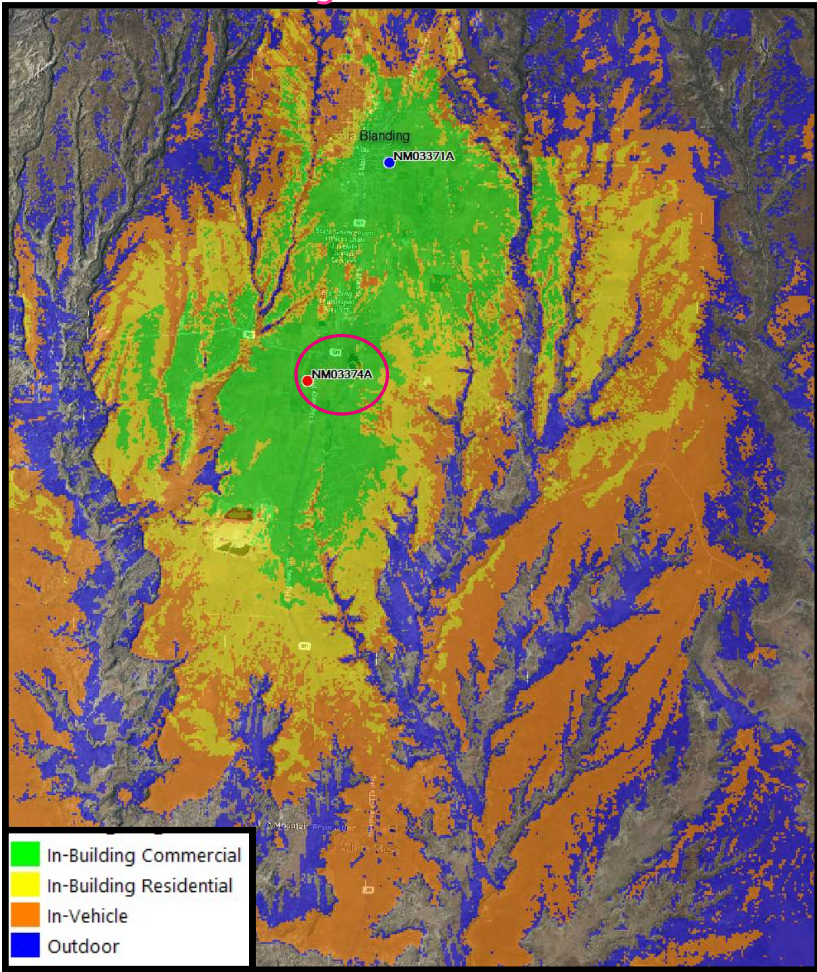


Highlights in Coverage for NM03374A

Existing Coverage



Coverage with NM03374A





STAFF REPORT

MEETING DATE: February 8, 2024

ITEM TITLE, PRESENTER: Consideration and Approval of a Conditional Use Permit for Utah State Route 95, Vertical Bridge Development LLC, Romano & Associates

RECOMMENDATION: Make a motion approving the Conditional Use using the Findings and Conditions after finding substantial evidence described in the Conditional Use Permit Document created by Staff.

Make a motion denying the Conditional Use based on findings of fact described / Make a motion denying the Conditional Use Permit due to the following reasons: (statement of findings for substantial evidence)

SUMMARY

The county has received a request from Romano & Associates, LLC for the installation of a 460-foot tall guyed tower with antennas and radio transmitting equipment as well as associated ground equipment shelters, emergency generator and solar panel arrays in the Agricultural (A-1) Zone.

The Zoning Ordinance allows for a Conditional Use for “all other uses than those listed”. Towers are not defined in the ordinance for a specific purpose.

Staff has developed a separate document listing conditions for your consideration. See the attached “Conditional Use Permit for Telecommunications Tower at Utah State Route 95 for review.

Conditional Use Permit for Telecommunications Tower on Utah State Route 95

Background

San Juan County received an application for approval of a 460-foot telecommunications tower on Utah State Route 95 between the turnoffs for Natural Bridges and Halls Crossing. The applicant is Russell Curry representing Vertical Bridge Development LLC. The property is owned by the State of Utah Trust Lands Administration.

The proposed tower is in the Agricultural (A-1) District.

The San Juan County land use ordinance authorizes the Planning Commission to review and approve a conditional use permit for any conditional use – identified either in the zoning district where the use is proposed or “elsewhere” in the County zoning code. “Radio and television transmitting stations or towers” are listed as conditional uses in the A-1 Agricultural District. The Planning Commission shall make findings supporting a recommendation for a CUP and adopt appropriate conditions. (See attached Appendix A San Juan County ordinances).

Project Summary

San Juan County requested the applicant provide specific information relating to the proposed telecommunications tower. On 27 December 2023 the project applicant provided details of the project to San Juan County Planning & Zoning Administrator Kristen Bushnell. The following summarizes the tower project proposed for Utah State Route 95. Also summarized here are relevant County resources.

The project is an unmanned communication facility consisting of an antenna mounted to a new lattice tower with outdoor equipment, emergency generator and solar array.

The project’s 460-foot tower is intended to fill communication gaps in the area as well as support infrastructure already in place to the southern part of the county.

The accessory solar arrays and battery cabinets will provide power.

The tower supports a priority objective of the 2018 San Juan County General Plan. The Plan identifies Broadband infrastructure as needed for economic development, for health care, and for schooling.

The tower will enhance emergency services in the following ways: Sheriff and Fire responders use wireless services to respond to 911 calls, to residences through GPS systems, to utilize medical equipment, and to provide other critical emergency services; and with the rise in wireless households, wireless services allow citizens to place e911 calls.

The tower will enhance citizen health services in the following ways: with telemedicine starting to replace in-office patient visits, wireless services allow citizens and medical professionals to communicate; and telemedicine supports persons with disabilities to obtain medical support where these individuals may not have prompt access to in-person health services.

The tower will support online schooling and a remote work environment. Wireless broadband is becoming essential to secondary schools and higher education – which require students to use wireless services to participate in virtual classrooms. Employers have allowed employees to work remotely or have hybrid schedules from home. Wireless services enhance and strengthen education and employment in the areas served by the tower.

The tower will support economic activity in San Juan County. Visitors and consumers can search online for restaurants, recreation, and sightseeing opportunities. Similarly, visitors and consumers use phone-equipped GPS and mapping to get them where they need to go.

After zoning approval, the tower applicant will go through a federal regulatory screening process and will fully comply with all federal regulations. The screening process takes about six (6) months. Presently, the tower applicant is unaware of any impacts on endangered species, national historic sites, migratory birds, or Native American/Tribal lands.

Once constructed and operational, a technician will visit the tower once a month for regular maintenance. About every 2 or 3 years a team will be at the tower to upgrade the equipment and antenna on the tower. These visits will generate little noise and create little traffic or safety concerns.

The tower will have site identification signs and signs required by the FCC and other government agencies. The tower applicant understands that no advertising or other signs will be displayed on the tower – without approval of San Juan County.

The tower will have no climbing pegs and will be surrounded by an 8-foot high chain-linked fence with barbed wire to prevent unauthorized access. Access ladders will only be on site during maintenance.

The tower will not block or encroach on vehicle or pedestrian access. A path will lead to the tower and continue around the tower. No portion of the path will be obstructed.

The tower will include an accessory building for equipment shelter (12' x 28') on a 6" thick concrete slab which will contain two equipment cabinets, a breaker cabinet, and battery cabinets for solar power storage. Three solar arrays (80' x 10') with an anticipated nine more in the future will support the power supply for the tower. The antenna and support structures will be grounded as required by the National Electrical Code.

The San Juan County Code sets a maximum height for buildings in the A-1 District at 35 feet. Consequently, the proposed tower of 460 feet will require a variance.

The proposed tower would be subject to certain building codes and related standards which have been adopted by San Juan County.

The operation of the tower would require a County business license and be subject to regular inspections for compliance with County ordinances and the CUP conditions.

Prior to construction the applicant would be required to apply for and receive a building permit from San Juan County.

Findings

The San Juan County Planning Commission makes the following findings relating to the proposed tower.

The proposed tower will have a positive, beneficial impact on the economy, security, safety, and welfare of San Juan County residents and businesses. Specifically, the proposed project will support and enhance emergency services, schooling, health care services, and remote employment.

The proposed tower has unique characteristics which are appropriately addressed with conditions as part of a conditional use permit.

The proposed tower furthers a priority objective of the 2018 San Juan County General Plan to increase Broadband capacity to promote economic development and enhance public health and education.

The construction and operation of the tower will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

The construction and operation of the tower will comply with the intent, spirit, regulations and conditions specified in the County land use code for such use and the zoning district where the use is to be located, as well be harmonious with the neighboring uses in the zoning district. Additionally, the project will comply with all federal regulations which protect and conserve San Juan County resources.

The proposed 460 feet height of the tower exceeds the maximum 35 feet in the San Juan County land use ordinance. Consequently, the tower will require a variance.

Conditions

- a. Prior to construction, the applicant shall apply for and receive a San Juan County building permit.
- b. The applicant shall apply for, receive, and maintain a San Juan County business license and be subject to regular inspections associated with the business license – to include a review of compliance with the CUP conditions.
- c. The construction and operation of the tower shall comply with the International Fire Code and the San Juan County Fire Policy – and be subject to inspection by fire authorities.
- d. The tower shall be operated in compliance with federal regulations.
- e. The tower shall not be used for outdoor advertising, signage, or similar uses without first obtaining permission from San Juan County.
- f. This permit shall be null and void if the tower is abandoned as a telecommunication facility or the tower is not maintained for 90 days. After abandonment or non-maintenance, the tower shall be removed.

g. Any neighbor or adjacent property owner or person reasonably expected to be at or near the facility during construction, maintenance, or other activity which has the potential to harm an individual shall be informed of the activity and provided with safety information, as appropriate.

h. The facility shall be kept clean and free from rubbish, flammable waste material or other noxious or nuisance substances.

i. The tower will require a variance from the San Juan County land use code which establishes a maximum height for structures at 35 feet.

Conditional Use Permit approved by the San Juan County Planning Commission.

_____ Trent Shafer Chairman, San Juan County Planning Commission

_____ Date

Appendix A

San Juan County Land Use Ordinances

The following provisions in the San Juan County land usage ordinances are relevant to this application.

- County Code § 150.001 (Adoption of Uniform Codes) and § 153.028 (Adoption of Building Codes). San Juan County adopts the International Building Code¹ and related building standards.
- County Code §153.002 (Purpose) states: “This chapter [Zoning] 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 the 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.”
- The County Code includes certain definitions which are relevant to this application. § 153.005 (Definitions).

CONDITIONAL USE. A land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

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

- County Code § 153.075 set a maximum height of structures at 35 feet. Since the proposed tower is 150' a variance is required.
- County Code § 153.006 (Building Permit Required; Application and Review) includes the following relevant to this application.

1 Included in the 2021 International Building Code is § 3108 (Telecommunication and Broadcast Towers). Section 3108 includes several building construction requirements for telecommunication towers, including: seismic load standards; prohibitions against tower guy wires and other accessories crossing or encroaching on public streets, private property (where permission has not been obtained from the property owner), or above-ground electric utility lines; requirements for tower climbing and working facilities; and adoption of all EPA, OSHA, and FCC standards applicable to a tower and its location.

A building standard referenced in § 3108 is Telecommunications Industry Association 222 (Standards for Towers and Antenna Supporting Structures).

- “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 chapter shall not be commenced, or proceeded with, except after the issuance of a written permit for the same by the Building Inspector² .”
- “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.” (Based on design review requirements for non-CUP projects in § 153.006, a design review of the subject tower may include the following: architectural and site development plans to scale, which shall show structure (tower) location, landscaping, prominent existing trees, ground treatment, fences, location and size of the adjacent streets, north arrow and property lines, existing grades and proposed new grades.)

- The following sections from the San Juan County Zoning Code relate generally to conditional uses.

- § 153.185 (Definition) “A Conditional Use is a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
- § 153.186 (Permit Required). A conditional use permit shall be required for all uses listed as conditional uses in the district regulations where they are, or will be located, or if the use is specified as conditional use elsewhere in this chapter.
- § 153.187 (No presumption of approval) The listing of a conditional use in any table of permitted and conditional uses found in § 153.071 of this chapter for each category of zoning district does not constitute an assurance or presumption that such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this chapter and with the standards for the district in which it is located, in order to determine whether the conditional use is appropriate at the particular location.
- § 153.188 (Application). A conditional use permit application shall be made to the Zoning Administrator as provided by this chapter. The Zoning Administrator shall submit the application to the Planning Commission; except that, the Planning Commission may authorize the Zoning Administrator to grant, attach conditions

² County Code § 153.023 (Building Inspector; Powers and Duties) states “It shall be the duty of the Building Inspector to inspect or cause to be inspected all buildings in course of construction or repair.”

or deny conditional use permits, subject to such limitations or qualifications as are deemed necessary.

- § 153.189 (Determination) (A) The Planning Commission, or upon authorization, the Zoning Administrator, shall approve a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this chapter. In authorizing any conditional use, the Planning Commission shall impose such requirements and conditions as are necessary for the protection of adjacent properties and the public welfare.

(B) The Planning Commission shall not authorize a conditional use permit unless the evidence presented is such to establish:

(1) Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and

(2) The proposed use will comply with intent, spirit, regulations and conditions specified in this chapter for such use and the zoning district where the use is to be located, as well as make the use harmonious with the neighboring uses in the zoning district.

(C) The Planning Commission shall itemize, describe or justify the conditions imposed on the use.”

- The 2011 Zoning Code includes “radio and television communication towers” as conditional uses. In the table of uses for three zoning districts (A-1 Agricultural, RR-1 Rural Residential, MU-1 Multiple Use) the following uses are listed as “conditional uses”; “Public use, quasi-public use, essential services, including private school, with a curriculum corresponding to a public school, church, dams and reservoirs, radio and television transmitting stations or towers, cemetery.”

- The 2018 San Juan County General Plan emphasizes economic development throughout the County. The General Plan gives priority to the development of Broadband as an infrastructure need. The chapter on Economic Development (pages 21 – 30) identifies several goals to promote economic development. The “vision” for County Economic Development has the following components: Broadband, Transportation, Business Expansion and Retention, Diversification, and Celebration of

History and Culture. The first component, Broadband, is needed not only for economic development – but also for healthcare and education³.

Other San Juan County Ordinances

- County Code §§ 93.004 and 93.005 require that building permit applications and all constructed buildings comply with the County Fire Policy.
- County Code Chapter 110 requires businesses to obtain and maintain a business license. § 110.010 authorizes inspections of properties which have or are required to obtain a County business license.

3 An important report on Broadband in rural communities was published by the United States Department of Agriculture. "Broadband Services for Rural America," October 2021, USDA. See also a KUER story by Lexi Peery, dated 25 May 2022 titled "Utah taps into federal 'Internet for All' initiative to boost rural broadband."

SAN JUAN COUNTY CONDITIONAL USE PERMIT APPLICATION

Type of Application (check all that apply):

- New Construction
- Land Use Change
- Addition
- Appeal

Subject Property Location or Address: Utah State Route 95, Lake Powell, UT 84533

Parcel Identification Number: Section 16, T37S, R18E

Parcel Area: _____ Current Use: Agricultural

Floor Area: N/A Zoning Classification: A-1 Agricultural

Applicant

Name: VB BTS II, LLC, by its agent Romano & Associates, LLC

Mailing

Address: 8100 Wyoming Blvd. NE #M4-167

City, State, ZIP: Albuquerque, NM 87113

Daytime Phone #: (505) 710-6263 Fax#: _____

Email Address: rcurry@romanoassociatesllc.com

Business Name (If applicable): VB BTS II, LLC, 750 Park of Commerce Dr., Ste #200, Boca Raton, FL 33478

Property Owner's Name (If different): State of Utah Trust Lands, Attn: Russ Cazier

Property Owner's Mailing Address: 102 South 200 East #600

City, State, ZIP: Salt Lake City UT 84111

Daytime Phone #: (801) 538-5117 Fax#: _____

Describe your request in detail (use additional page(s) if necessary):
New wireless telecommunications facility consisting of 460' guyed tower with antennas and radio transmitting equipment as well as associated ground equipment shelters, emergency generator, and solar panel arrays

Authorized Signature:  Date: 11/27/2023

Property Owner's Affidavit

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

Chris Lumsden
Owner's Signature

Owner's Signature (co-owner if any)

State of Utah)

:

County of San Juan)

Subscribed and sworn to before me this 5th day of December, 2023.



Joni Matthews
Notary Public
Residing in Salt Lake County
My Commission expires: June 16, 2024

Agent Authorization

I (we) State of Utah Trust Lands, the owner(s) of the real property located at State of Utah Trust Lands

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

Chris Fausett
Owner's Signature

Owner's Signature (co-owner if any)

State of Utah)

County of San Juan)

On the 5th day of December, 2023, personally appeared before me Chris Fausett the signer(s) of the above *Agent Authorization* who duly acknowledge to me that they executed the same.



Joni Matthews
Notary Public
Residing in Salt Lake County
My Commission expires: June 16, 2024

SITE INFORMATION

LANDLORD:
 STATE OF UTAH TRUST LANDS ADMINISTRATION
 102 SOUTH 200 EAST #600
 SALT LAKE CITY, UT 84111
 CONTACT: RUSS CAZIER
 PHONE: 801-538-5117

TOWER OWNER:
 VERTICAL BRIDGE DEVELOPMENT LLC
 750 PARK OF COMMERCE DRIVE, STE. 200
 BOCA RATON, FL 33478
 CONTACT: MORRIS MICKELSON
 PHONE: (480) 964-8822

A&E FIRM:
 CLEAR WATER COMMUNICATIONS, INC.
 5327 TIMBER TRAIL
 SAN ANTONIO, TX 78228
 CONTACT: MIKKO P. AHOLA, P.E.
 PHONE: (210) 365-6500

LEASING/ZONING:
 ROMANO AND ASSOCIATES, LLC
 8100 WYOMING BLVD NE #M4-167
 ALBUQUERQUE, NM 87113
 CONTACT: NICK ROMANO
 PHONE: (505) 750-0735

SITE DATA:
 ZONING CLASSIFICATION: A-1 AGRICULTURAL
 JURISDICTION: SAN JUAN COUNTY
 OCCUPANCY CLASS: U (UNMANNED TELECOMMUNICATIONS SITE)
 CONSTRUCTION TYPE: II-B
 LEASE AREA: 585' x 670' (391,950 SQ. FT.)



SITE DATA

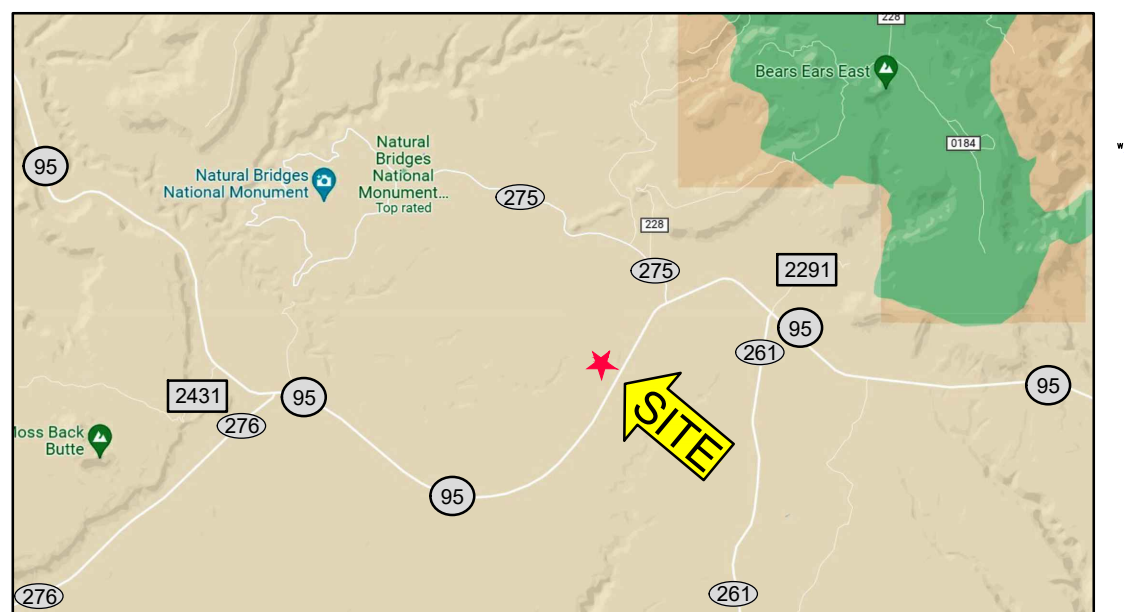
PROPOSED 460' GUYED TOWER

VERTICAL BRIDGE SITE ID
US-UT-5059
 VERTICAL BRIDGE SITE NAME
BEARS EARS

SITE ADDRESS
**UTAH STATE ROUTE 95
 LAKE POWELL, UT 84533
 SAN JUAN COUNTY**

LATITUDE= 37.569584° (NAD83)
 LONGITUDE= -109.931435° (NAD83)
 GROUND ELEVATION: 6,759.5' NAVD88

LOCATION MAP



SITE DIRECTIONS:
 FROM BANDING, UT, TAKE US 191 SOUTH, TURN WEST ON UTAH STATE ROUTE 95 TOWARDS NATURAL BRIDGES NATIONAL MONUMENT, CONTINUE FOR APPROXIMATELY 32 MILES PAST ENTRANCE TO MONUMENT, SITE IS ON RIGHT/WEST SIDE OF ROAD ON DIRT TURNOFF (APPROXIMATELY 0.3 MI. WEST OF UTAH STATE ROAD 95 AND 1.2 MI. SOUTHWESTERLY OF ROAD 275 SAN JUAN COUNTY, UTAH)

SHEET INDEX

SHEET	TITLE
T-1	TITLE PAGE
A-1	OVERALL SITE PLAN
A-2	DETAILED SITE PLAN
A-3	TOWER ELEVATION AND ANTENNA PLAN
A-4	ANTENNA PLAN
A-5	ANTENNA DETAILS & SCHEDULE

SCOPE OF WORK

SCOPE OF WORK - VERTICAL BRIDGE:
INSTALL:
 (1) 460' GUYED TOWER & FOUNDATION W/ 5' LIGHTNING ROD
 (1) FEEDLINE LADDER
 (3) MEDIUM RED FLASHING BEACONS (TOP OF TOWER & 230' HEIGHT)
 (1) 5'x5' CONC PAD W/ TOWER LIGHTING CONTROL PANEL & BATTERY CABINET
 (1) 12'x28' EQUIPMENT SHELTER
 (3) (P) & (9) FUTURE SOLAR PANEL ARRAYS (80' LONG x 10' WIDE)
 (1) 8' CHAIN LINK FENCE W/ 12' DOUBLE GATE
 TOWER & FENCE GROUNDING
 GRAVEL FINISHED LEASE AREA

SCOPE OF WORK (GROUND) (SUBLESSEE):
INSTALL:
 (1) ERICSSON 6160 CABINET W/IN EQUIPMENT SHELTER
 (1) ERICSSON B160 CABINET W/IN EQUIPMENT SHELTER
 (1) PPC & 150A BREAKER FOR 6160 CABINET, & ATS W/IN EQUIPMENT SHELTER
 (5) BATTERY CABINETS W/IN EQUIPMENT SHELTER FOR S SOLAR POWER STORAGE
 (1) GPS ANTENNA ATTACHED TO SHELTER WALL
 (1) 48 KW DIESEL GENERATOR W/ 240 GALLON TANK ON 4'x10' CONCRETE SLAB
 (*) UNDERGROUND ELECTRICAL AND GROUNDING

SCOPE OF WORK (TOWER) - SUBLESSEE:
INSTALL:
 (3) PRO TOWER MFG TW1073.126 SECTOR MOUNTS (10'-6" FACE)
 (3) PRO TOWER MFG TW1126 UNIVERSAL SADDLE MOUNTS
 (3) 2.875" O.D. SCH 40 x 10'-0" PIPE MOUNTS (1 PER SECTOR, 3 SECTORS, POSITION 1)
 (6) 2.375" O.D. SCH 40 x 8'-0" PIPE MOUNTS (2 PER SECTOR, 3 SECTORS, POSITIONS 2 & 3)
 (3) RFS APXVAALL24_43-U-NA20 PANEL ANTENNAS (1 PER SECTOR, 3 SECTORS, POSITION 1)
 (3) ERICSSON AIR6419 B41 PANEL ANTENNAS (1 PER SECTOR, 3 SECTORS, POSITION 3)
 (3) ERICSSON RADIO 4480 B71+B85 (1 PER SECTOR, 3 SECTORS, POSITION 1)
 (3) ERICSSON RADIO 4460 B25+B66 (1 PER SECTOR, 3 SECTORS, POSITION 1)
 (2) ERICSSON 6/24 HCS CABLES

APPLICABLE CODES

* ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.
 2018 INTERNATIONAL BUILDING CODE
 2020 NATIONAL ELECTRIC CODE
 2018 INTERNATIONAL MECHANICAL CODE
 DESIGN WIND SPEED: 115 MPH (Vult)
 WIND EXPOSURE CATEGORY: C&R
 FROST DEPTH: 36"



Item 5.



750 Park of Commerce Drive
 Suite 200
 Boca Raton, FL 33487
 Office # (561) 948-6367

CLEAR WATER COMMUNICATIONS, INC.
 5327 TIMBER TRAIL
 SAN ANTONIO, TEXAS 78228

clearwaterengineeringinc@yahoo.com
 FIRM REGISTRATION NUMBER:
 F-22832

A&E PROJECT #:	US-UT-5059
DRAWN BY:	CB
CHECKED BY:	MA

REVISIONS		
NO.	DATE	DESCRIPTION
△	11.12.23	ISSUE SET
△	11.10.23	REV. FENCE
△	10.27.23	LEASE EXHIBIT MOVE
△	09.14.23	LEASE EXHIBIT

VERTICAL BRIDGE SITE ID:
US-UT-5059

VERTICAL BRIDGE SITE NAME:
BEARS EARS

SITE ADDRESS:
**UTAH ST RD 95
 LAKE POWELL, UT 84533
 SAN JUAN COUNTY**

DESIGN TYPE:
460' GUYED TOWER

SHEET TITLE:
TITLE SHEET

SHEET NO.
T-1



750 Park of Commerce Drive
Suite 200
Boca Raton, FL 33487
Office # (561) 948-6367

CLEAR WATER COMMUNICATIONS, INC.
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SAN ANTONIO, TEXAS 78228
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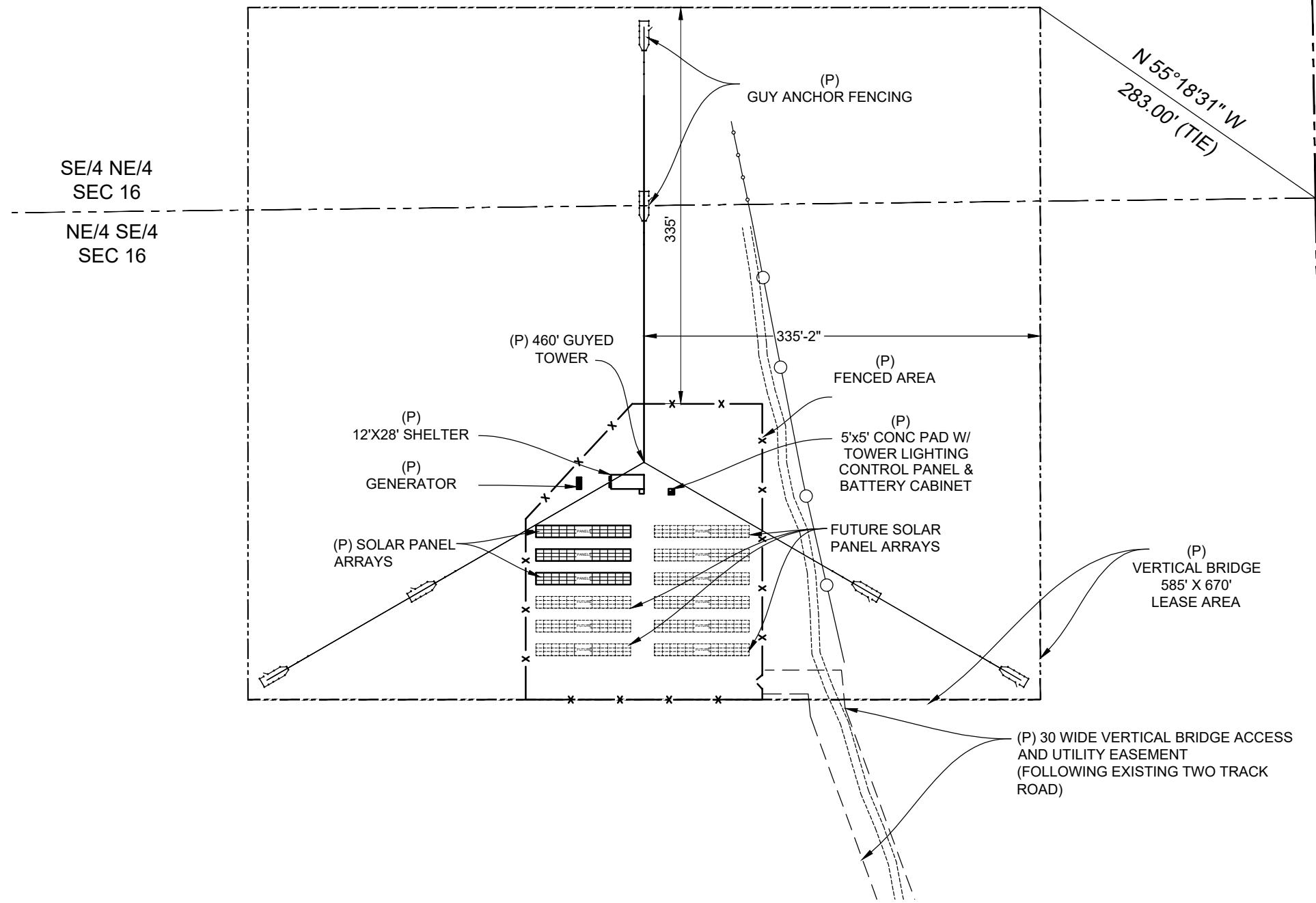
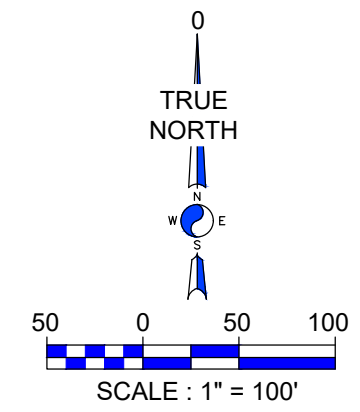
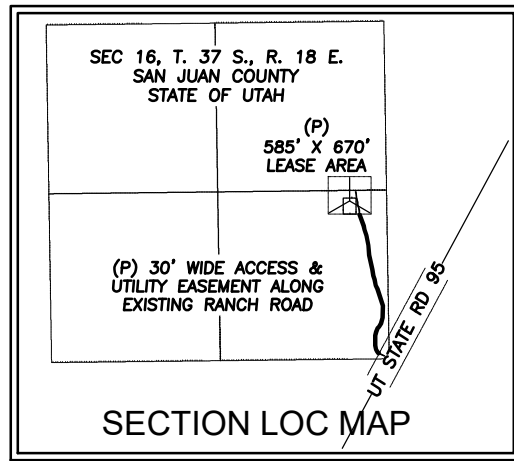
VERTICAL BRIDGE SITE NAME:
BEARS EARS

SITE ADDRESS:
**UTAH ST RD 95
LAKE POWELL, UT 84533
SAN JUAN COUNTY**

DESIGN TYPE:
460' GUYED TOWER

SHEET TITLE:
OVERALL SITE PLAN

SHEET NO.
A-1



OVERALL SITE PLAN
SCALE : 1" = 100'-0"

SE/4 NE/4
SEC 16
NE/4 SE/4
SEC 16

(P) 30 WIDE VERTICAL BRIDGE ACCESS AND UTILITY EASEMENT (FOLLOWING EXISTING TWO TRACK ROAD)

(P) VERTICAL BRIDGE 585' X 670' LEASE AREA

(P) 460' GUYED TOWER
(P) 12'X28' SHELTER
(P) GENERATOR
(P) SOLAR PANEL ARRAYS
(P) 5'X5' CONC PAD W/ TOWER LIGHTING CONTROL PANEL & BATTERY CABINET
(P) FENCED AREA
FUTURE SOLAR PANEL ARRAYS

(P) GUY ANCHOR FENCING

verticalbridge
 750 Park of Commerce Drive
 Suite 200
 Boca Raton, FL 33487
 Office # (561) 948-6367

CLEAR WATER COMMUNICATIONS, INC.
 5327 TIMBER TRAIL
 SAN ANTONIO, TEXAS 78228
 clearwaterengineeringinc@yahoo.com
 FIRM REGISTRATION NUMBER:
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A&E PROJECT #:	US-UT-5059
DRAWN BY:	CB
CHECKED BY:	MA

REVISIONS		
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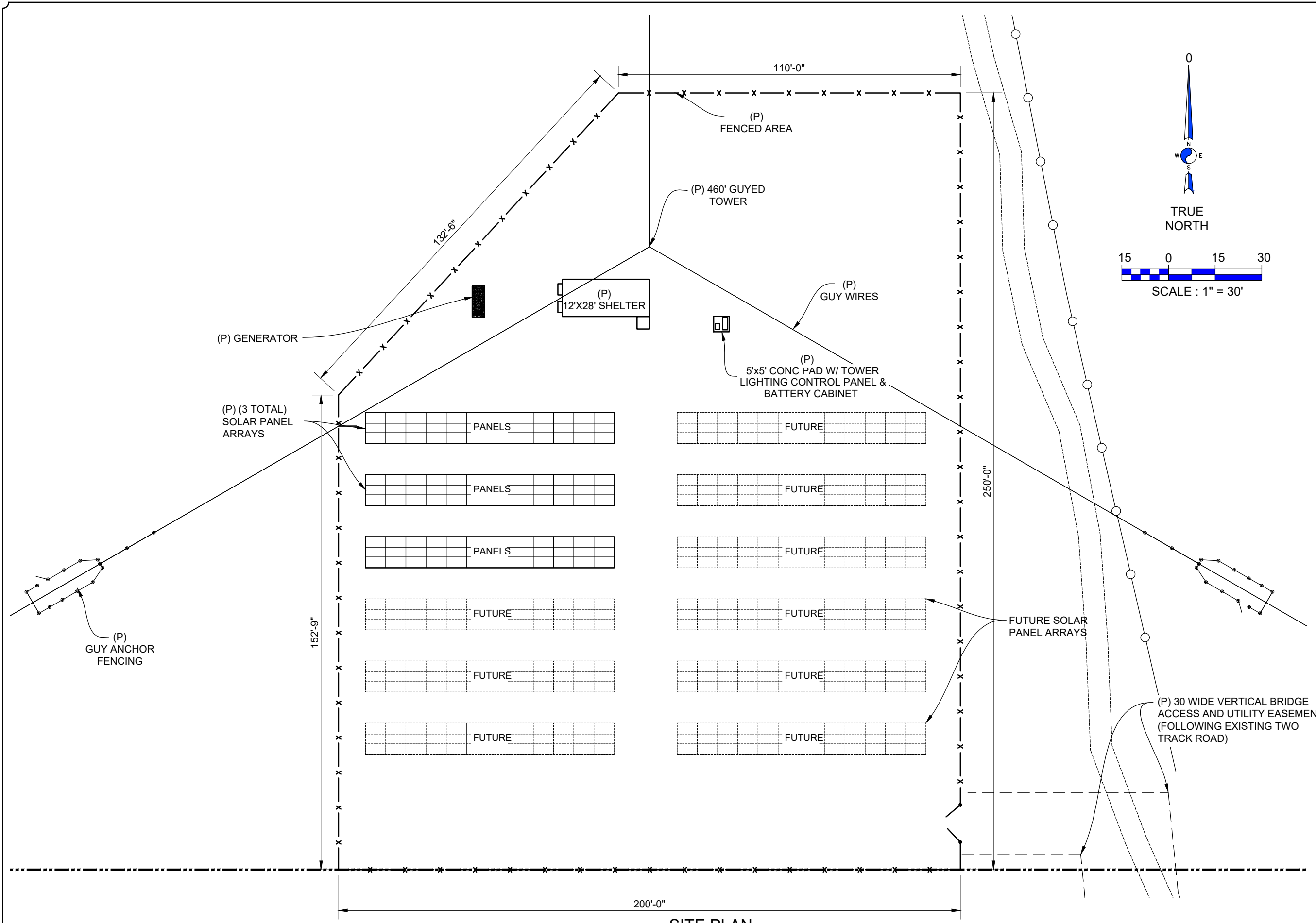
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 LAKE POWELL, UT 84533
 SAN JUAN COUNTY**

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460' GUYED TOWER

SHEET TITLE:
SITE PLAN

SHEET NO.
A-2



SITE PLAN
 SCALE : 1" = 30'-0"

A&E PROJECT #:	US-UT-5059
DRAWN BY:	CB
CHECKED BY:	MA

REVISIONS		
NO.	DATE	DESCRIPTION
▲	11.12.23	ISSUE SET
▲	11.10.23	REV. FENCE
▲	10.27.23	LEASE EXHIBIT MOVE
▲	09.14.23	LEASE EXHIBIT

VERTICAL BRIDGE SITE ID:
US-UT-5059

VERTICAL BRIDGE SITE NAME:
BEARS EARS

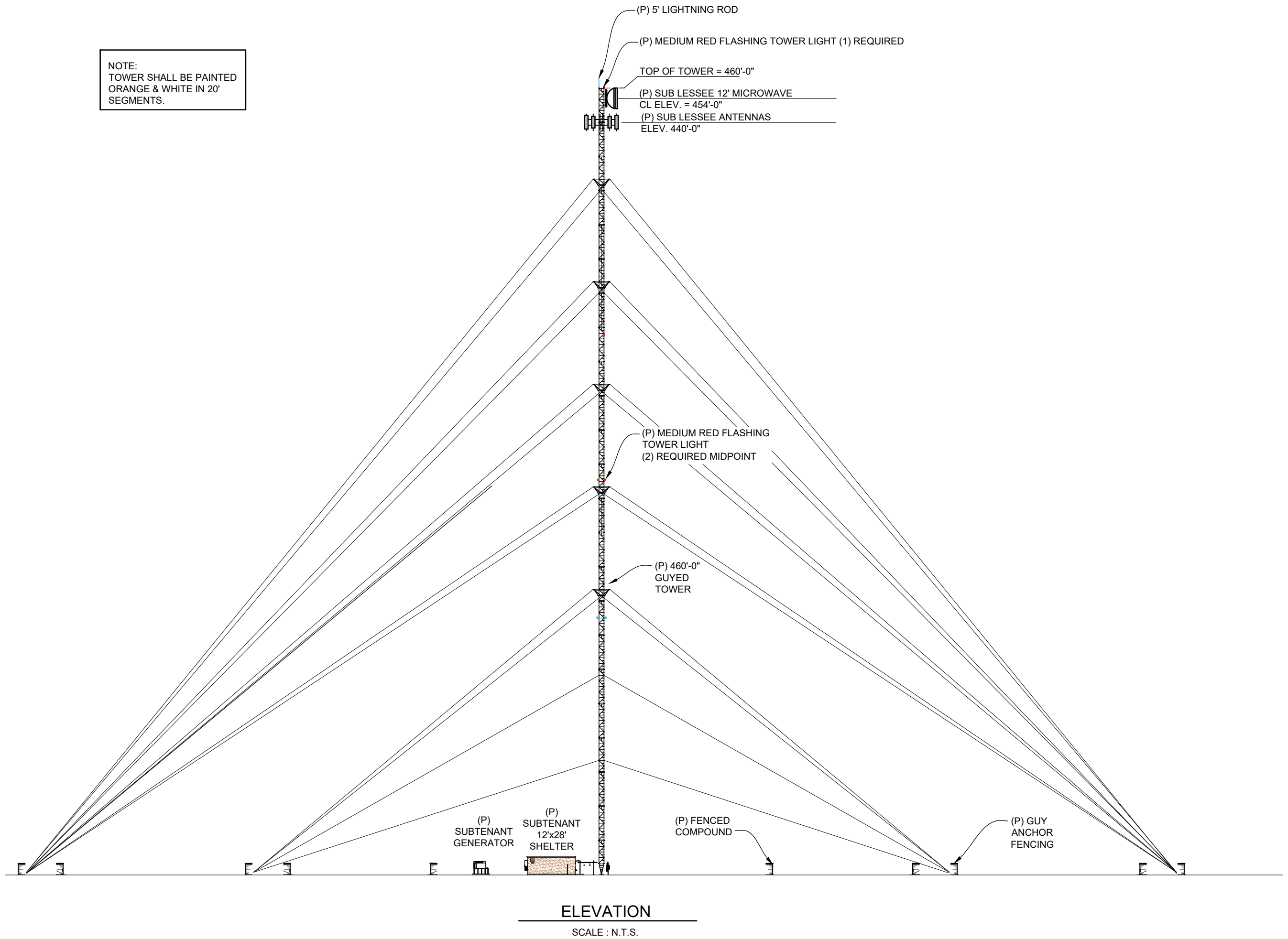
SITE ADDRESS:
**UTAH ST RD 95
LAKE POWELL, UT 84533
SAN JUAN COUNTY**

DESIGN TYPE:
460' GUYED TOWER

SHEET TITLE:
ELEVATION

SHEET NO.
A-3

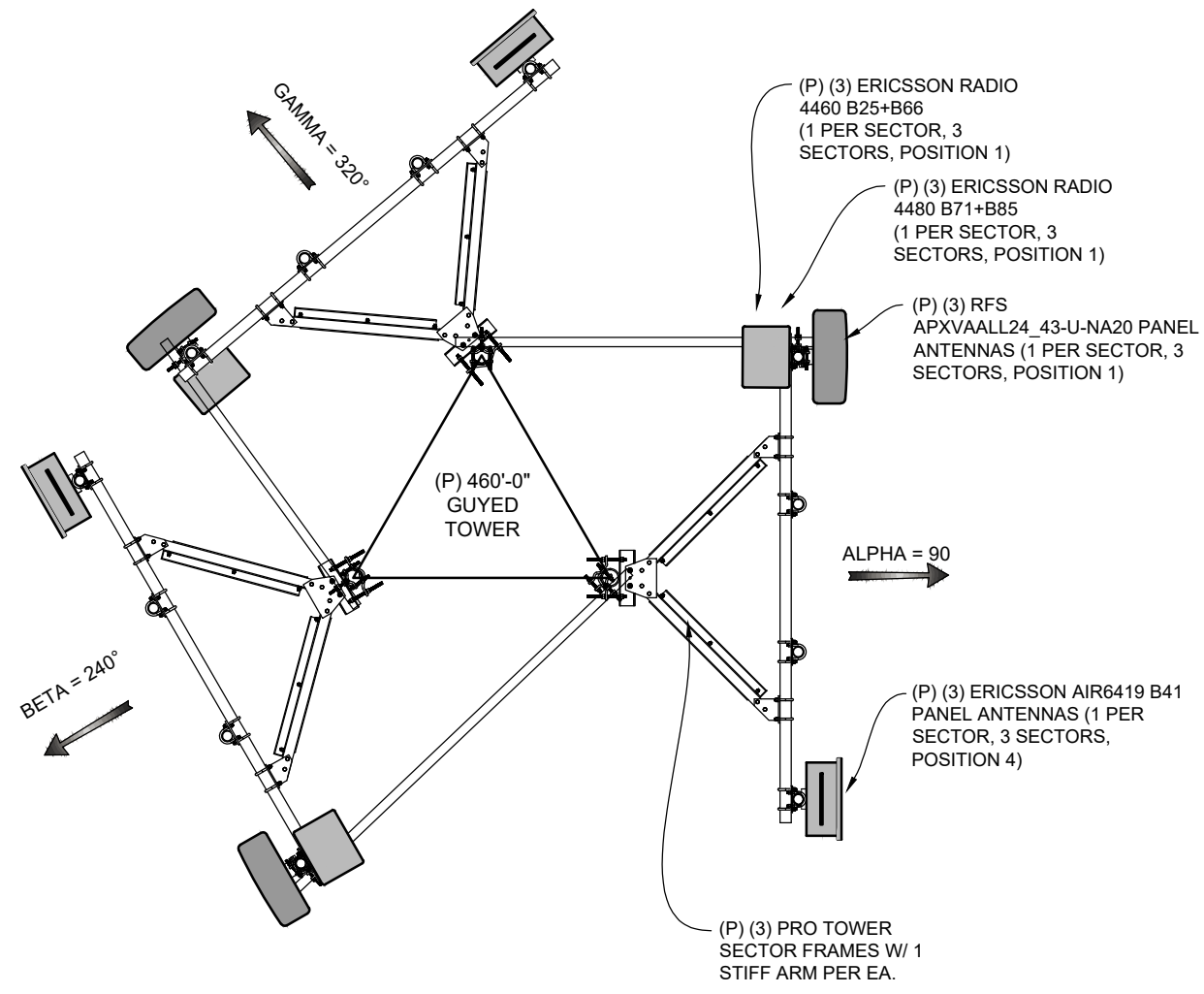
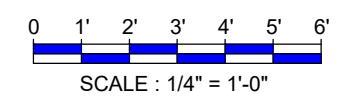
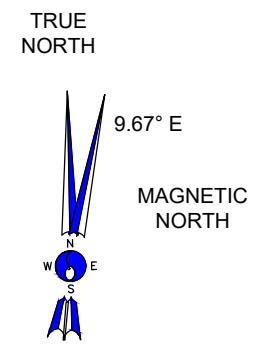
NOTE:
TOWER SHALL BE PAINTED
ORANGE & WHITE IN 20'
SEGMENTS.



A&E PROJECT #:	US-UT-5059
DRAWN BY:	CB
CHECKED BY:	MA

REVISIONS		
NO.	DATE	DESCRIPTION
▲	11.12.23	ISSUE SET
▲	11.10.23	REV. FENCE
▲	10.27.23	LEASE EXHIBIT MOVE
▲	09.14.23	LEASE EXHIBIT

NOTE:
ALL AZIMUTHS TRUE NORTH



ANTENNA PLAN
SCALE: 1/4" = 1'-0"

VERTICAL BRIDGE SITE ID:
US-UT-5059

VERTICAL BRIDGE SITE NAME:
BEARS EARS

SITE ADDRESS:
**UTAH ST RD 95
LAKE POWELL, UT 84533
SAN JUAN COUNTY**

DESIGN TYPE:
460' GUYED TOWER

SHEET TITLE:
ANTENNA PLAN

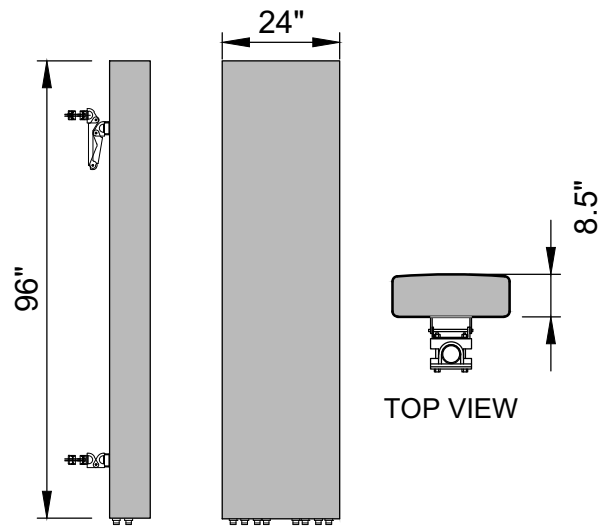
SHEET NO.
A-4

verticalbridge
 750 Park of Commerce Drive
 Suite 200
 Boca Raton, FL 33487
 Office # (561) 948-6367

CLEAR WATER COMMUNICATIONS, INC.
 5327 TIMBER TRAIL
 SAN ANTONIO, TEXAS 78228
 clearwaterengineeringinc@yahoo.com
 FIRM REGISTRATION NUMBER:
 F-22832

A&E PROJECT #:	US-UT-5059
DRAWN BY:	CB
CHECKED BY:	MA

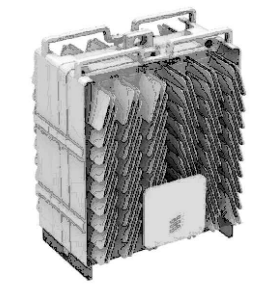
REVISIONS		
NO.	DATE	DESCRIPTION
▲	11.12.23	ISSUE SET
▲	11.10.23	REV. FENCE
▲	10.27.23	LEASE EXHIBIT MOVE
▲	09.14.23	LEASE EXHIBIT



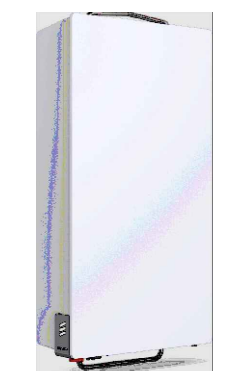
RFS APXVAALL24_43-U-NA20
 HXWXD = 96" x 24" x 8.5"
 (WEIGHT = 123 LBS)
 SCALE : N.T.S.



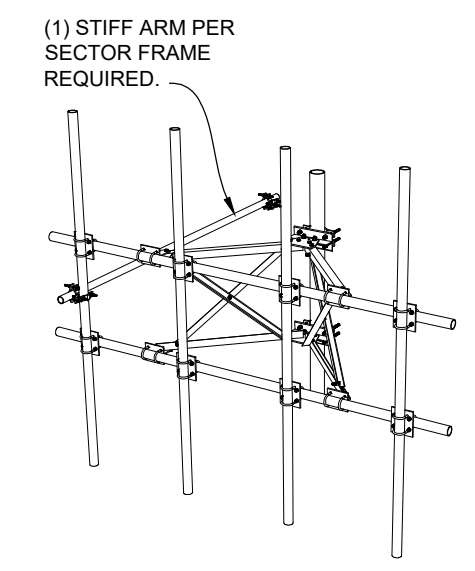
RADIO 4480 B71+B85
 HxWxD=21.8"x15.7"x7.5"
 (WEIGHT=84 LBS)
 SCALE : N.T.S.



RADIO 4460 B25+B66
 HxWxD=19.6"x15.7"x12.1"
 (WEIGHT=109 LBS)
 SCALE : N.T.S.



ERICSSON AIR6419 B41
 HxWxD=36.3"x20.9"x9"
 (WEIGHT=83.3 LBS)
 SCALE: N.T.S.



PRO TOWER MOD.# TW1073.126
10'-6" SECTOR FRAME (TYP. OF 3)
 SCALE : N.T.S.

SUBLESSEE ANTENNA SCHEDULE

SECTOR	ANTENNA POSITION	ANTENNA MAKE / MODEL	RAD CENTER	AZIMUTH	RRH MAKE / MODEL	FEEDLINE LENGTH	FEEDLINE
ALPHA	1	#1 (P) RFS APXVAALL24_43-U-NA20 PANEL ANTENNA	440'-0"	90°	(P) ERICSSON RADIO 4480 B71+B85 (P) ERICSSON RADIO 4460 B25+B66	500'-0"	(P) (2) ERICSSON 6/24 HCS CABLES
	#2 (P) ERICSSON AIR6419 PANEL ANTENNA	90°		-			
BETA	2	#1 (P) RFS APXVAALL24_43-U-NA20 PANEL ANTENNA		240°	(P) ERICSSON RADIO 4480 B71+B85 (P) ERICSSON RADIO 4460 B25+B66		
	#2 (P) ERICSSON AIR6419 PANEL ANTENNA	240°		-			
GAMMA	3	#1 (P) RFS APXVAALL24_43-U-NA20 PANEL ANTENNA		320°	(P) ERICSSON RADIO 4480 B71+B85 (P) ERICSSON RADIO 4460 B25+B66		
	#2 (P) ERICSSON AIR6419 PANEL ANTENNA	320°		-			

ALL EQUIPMENT TO BE INSTALLED AS PER LATEST RFDS

NOTES:
 1. ALL AZIMUTHS BASED ON TRUE NORTH.
 2. MECHANICAL & ELECTRICAL DOWNTILT PER RFDS.
 3. CABLE LENGTHS ARE BASED ON PROVIDED INFORMATION. CONTRACTOR TO VERIFY REQUIRED CABLE LENGTHS PRIOR TO CONSTRUCTION.

VERTICAL BRIDGE SITE ID:
US-UT-5059

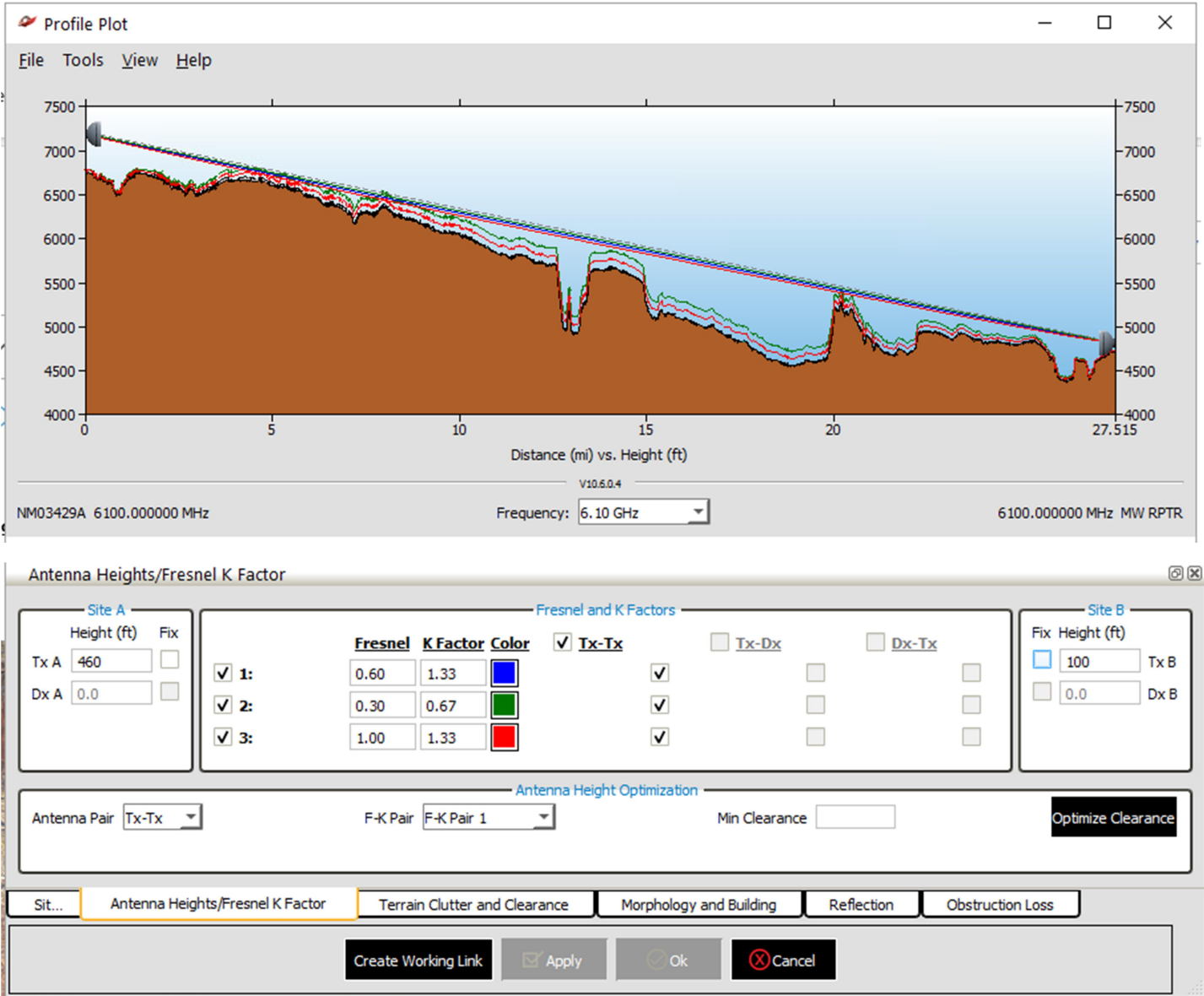
VERTICAL BRIDGE SITE NAME:
BEARS EARS

SITE ADDRESS:
**UTAH ST RD 95
 LAKE POWELL, UT 84533
 SAN JUAN COUNTY**

DESIGN TYPE:
460' GUYED TOWER

SHEET TITLE:
ANTENNA DETAILS & SCHEDULE

SHEET NO.
A-5





Ruler

Line Path Polygon **Item 5.** 3D pa

Measure the distance between multiple points

Length: 31.98

Show Elevation Profile

Mouse Navigation Save

Max Elevation: 4317, 5443, 6815 ft

Distance: 32.5 mi Elev Gain/Loss: 7185 ft, -9299 ft Max Slope: 55.0%, -62.9% Avg Slope: 8.1%, -6.2%

lat 37.362591° lon -109.553861° elev 4695



Activate Windows
Go to Settings

2 February 2024

Via Email

Mack McDonald
Chief Administrative Officer for San Juan County
mmcdonald@sanjuancounty.org
Mitch Maughan
Deputy San Juan County Attorney
mmaughan@sanjuancounty.org

Re: Planning Commission’s Consideration of Permitted Uses
Application: Love’s Travel Stop

Dear Mack and Mitch:

The Planning Commission has been ordered by the Seventh Judicial District Court in and for San Juan County, State of Utah, to determine whether Love’s proposed travel stop on property it owns on the east side of U.S. Highway 191 and south of Sunny Acres Lane in the Spanish Valley area of San Juan County is a permitted use and whether it requires a variance or a conditional use permit. The San Juan County Planning and Zoning Director at the time, Walter Bird, approved the project as a permitted use.¹

The Love’s property is currently zoned Highway Commercial (HC) under the Spanish Valley Development Ordinance (SVDO). But before that, the property was zoned Controlled District Highway Commercial (CDh) under the San Juan County Zoning Ordinance (2011) (SJZO). Although Bird approved Love’s plan as a permitted use, he did not explain why it was a permitted use. The district court determined that the travel stop was a mixed use, not entirely any single one of the permitted uses listed for the CDh zone in the ordinance. Citing SJZO section 12-2’s provision in the list of permitted uses in the CDh zone that it included “[o]ther uses approved by the Planning Commission as being in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed uses,” the court held that “the Planning Commission (not this court) must first determine from substantial evidence whether this project is ‘an automobile service station,’ a ‘restaurant,’ or both. And if so, whether two or more permitted uses can be combined and still be in harmony with the Highway Commercial zone.” (Order on Pet.’s Mot. for Summ. J. & Respd’t’s Cross-mot. for Summ. J. at 3 (Oct. 2, 2023).)² The court directed the Planning Commission to decide that issue “and determine whether the use also requires a variance or conditional use permit.” (*Id.*)

¹ Accurate copies of the application materials and approval are attached as Exhibit 1.

² An accurate copy of the court’s order is attached as Exhibit 2.

One of the questions that has been raised is what ordinance applies to the Love’s application—the SVDO under the HC district or the SJZO under the CDh zone? The answer may be consequential because the SVDO arguably prohibits truck stops in the HC district at the location of the Love’s property:

Truck stops shall be considered as conditional uses for the portion of the HC Highway Commercial District south of Ken’s Lake Cutoff Road only. . . . No more than one truck stop may be located along US-191 within the San Juan County portion of the Spanish Valley.

(SVDO Ch. 6, *Conditional Uses*, pp. 32-33.) The Northern San Juan County Coalition asserts that the Love’s application should be considered under the SVDO and that the foregoing provision prohibits the project. Love’s, on the other hand, asserts that the SJZO applies and that its project should be considered a permitted use. The court refused to decide the issue until after the Planning Commission makes its determination. (Judgment (Court Modified) at 1-2 (Nov. 2, 2023).)³

To assist the Planning Commission in making its determination, I am providing the following history of the various related events that occurred in 2019.

Summary of Key Events

On November 19, 2019, the County Commission adopted the SVDO. The County had been discussing new zoning ordinances for the Spanish Valley area since at least September 2017. In March 2018, Landmark Design and the Planning Commission began discussing particular provisions for new zoning ordinances for the area, and on May 17, 2018, Landmark Design presented the Planning Commission with proposed ordinances, including a San Juan County Spanish Valley Highway Commercial District. In early 2019, the Planning Commission recommended approval of an earlier version of the SVDO but the County Commission rejected it and directed the Planning Commission to continue working on the ordinance.

The language arguably prohibiting truck stops north of Ken’s Lake Cutoff Road first appeared in a September 13 draft version of the SVDO prepared and provided to the County by Landmark Design, well after Love’s May 3 application.⁴

³ An accurate copy of the judgment is attached as Exhibit 3.

⁴ Love’s submitted its application using Grand County forms and sent its payment to Grand County. At the time, Grand County provided plan review and building inspection services in the Spanish

During its work meeting on April 16, the County Commission listed as a resolution to be considered at its next meeting a “Resolution of San Juan County, Utah, Approving an Ordinance Enacting a Temporary Land Use Regulation Prohibiting New Land Use Applications for Permits for Commercial Uses in the Highway Commercial Zone, which Extends 1,000 Feet along Both Sides of US-191 for the Length of the Roadway in Spanish Valley.” The commission discussed the resolution during that work meeting and considered it for a vote at the County Commission’s next (May 7) meeting, but it was tabled. The moratorium (i.e., temporary land use regulation) was ultimately adopted at the County Commission’s May 21 meeting.

Specific Relevant Dates⁵

This is not a comprehensive chronology of all the events related to the SVDO. For example, the Planning Commission considered the proposed Dark Sky chapter of the SVDO at several meetings during 2019. Nor does this list exhaustively include all of the hearings and community outreach regarding the ordinances. Rather, this list captures only those dates relevant to the issues to be considered by the Planning Commission.

- November 19, 2019 The County Commission considers the November 19 version of the SVDO, which incorporates the Planning Commission’s November 14 revisions. But the County Commission ultimately decides instead to adopt the draft September 13 version of the SVDO prepared by Landmark Design.

- November 14, 2019 The Planning Commission considers the revised SVDO version incorporating its requested changes. Additional changes are made, including to the truck stop language. The Planning Commission votes to recommend the SVDO, as revised, for approval.

- October 30, 2019 The Planning Commission holds a public hearing on the revised draft SVDO. It votes to make various revisions and asks that the revised draft be brought to the next Planning Commission meeting for consideration.

Valley area under an interlocal agreement between San Juan County and Grand County. An accurate copy of the agreement is attached as Exhibit 4.

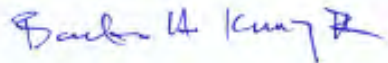
⁵ Accurate copies of minutes from the cited meetings with relevant handouts are attached as Exhibit 5.

- September 13, 2019 Landmark Design provides revised draft ordinances in light of the moratorium and further public comment. The truck stop language first appears in the HC district chapter.
- May 21, 2019 The County Commission enacts a temporary land use regulation (i.e., moratorium) barring applications for commercial projects in the 1,000-foot corridor along U.S. 191 in Spanish Valley for six months.
- May 10, 2019 The Planning and Zoning Director's approval letter to Love's.
- May 7, 2019 The County Commission considers a moratorium resolution on applications for commercial projects in Spanish Valley but tables it until the commission's next meeting.
- May 6, 2019 Love's sketch plan, project proposal, and application are received by mail.
- May 3, 2019 Love's sketch plan, project proposal, and application are received by email.
- April 16, 2019 During its work session, the County Commission discusses a moratorium resolution to bar applications for commercial projects 1,000 feet along each side of Highway 191 in Spanish Valley.
- April 3, 2019 The Planning Commission hears a presentation on the Spanish Valley Ordinances from Landmark Design and holds public hearing on the proposed ordinances.
- March 19, 2019 The County Commission hears a presentation on the proposed Spanish Valley Ordinances from Landmark Design. The proposed ordinances are not approved, and the Planning Commission is instructed to go through the process again to allow for more public involvement.
- March 14, 2019 The Planning Commission reviews the revisions to the Spanish Valley Ordinances it made per its February 7 meeting and again votes to recommend approval.
- February 7, 2019 The Planning Commission meets with Landmark Design to discuss changes to proposed Spanish Valley Ordinances, Draft December 17, 2018 Version. The Planning Commission votes to recommend approval of a revised version. Note: The HC district chapter does not contain the truck stop language.

- May 17, 2018 Landmark Design presents the Planning Commission with proposed Spanish Valley zoning ordinances, including a San Juan County Spanish Valley Highway Commercial District (SVHC).
- March 22, 2018 Landmark Design puts on an “ordinances workshop” for Spanish Valley for the Planning Commission. The Planning Commission discusses various goals and changes to the zoning particular to the Spanish Valley area.
- September 14, 2017 The Planning Commission meets and discusses a Spanish Valley Area Plan as well as “the Spanish Valley zoning effort” and states that the Planning Commission will be “discuss[ing] and plan[ing] the zoning in the area.”

I hope you and the Planning Commission will find this helpful.

Regards,



Barton H. Kunz II
Attorney for San Juan County
in the Related Litigation

EXHIBIT 1

Love's Application Materials

**Proposed Love's Travel Stops and Country Stores, Inc.
May 3, 2019**

Love's Travel Stops and Country Stores, Inc. (the "**Applicant**") submits this application for Sketch Plan for a commercial development (the "**Project**"). We are requesting approval of the Sketch Plan Application to allow the development of a Travel Center that will access U.S. Highway 191.

The proposed development property consists of 1 tract totaling approximately 13.06 acres. This tract is within the county limits of San Juan County and in the jurisdiction of Grand County as shown in the Sketch Plan dated 5/3/19. The existing surrounding land use is commercial and the current property zoning is Controlled District-Highway (CD-H).

Project Description

The project will consist of the following:

- | | |
|--|----------------------|
| a) Convenience Store: | ±7,862 s.f. |
| b) Fast Food Restaurant with Drive-Through | ±3,252 s.f. |
| c) Interior Fast Food Restaurant: | ±2,536 s.f. |
| d) Auto Area Fueling Stations: | 8 MPD's/16 Positions |
| e) Auto Area Parking Spaces: | 90 |
| f) Truck Area Fueling Stations: | 5 Bays |
| g) Truck Area Parking Spaces: | 53 |

The proposed development will be operational and staffed 24 hours a day/365 days a year.

The information provided above is approximate and subject to minor adjustments during the final planning and plan preparation for the project.

Utilities:

Sewer service will be provided from the existing Grand County gravity sewer system that is located along U.S Highway 191.

Water service will be provided from the existing Grand County water main that is located along U.S. Highway 191.

Stormwater/Drainage:

Stormwater runoff for the Project will be captured onsite via inlets and concrete flumes, and will be conveyed to a detention facility designed to attenuate the adequate volume of runoff per County and State requirements. This detention facility will discharge into the existing ditch located along U.S. Highway 191, within the Utah Department of Transportation owned right of way. A detailed analysis of the pre- and post-development conditions using ICPR routing software will be provided.

Environmental Impact

The total Project site boundary area is 13.06 acres. Of the 13.06 acre site 8.27 acres will be impervious surfaces. The remaining 4.79 acres will be pervious surfaces that include buffer areas, retention areas, and grassed open areas. The proposed Impervious Surface Ratio (ISR) is 63 percent.

There are no proposed environmental impacts planned with the development with respect to wetlands, resource protection areas or any other environmentally sensitive areas.

The property is currently covered by natural grass. The general topography of the property drains to the North. Water quality and water quantity runoff from this development will be handled through the use of Best Management Practices (BMP). These BMP's will provide compliance with County and State regulations and will include structural measures to control runoff from the site. During construction and land disturbing activities standard erosion control devices will be utilized to minimize erosion on the site and downstream siltation.

School Impacts

There are no impacts to schools with this development.

Public Services

We do not anticipate any adverse impacts to County services for the Project beyond the normal and customary services that would be provided for a retail development of this nature.

Other Impacts

We do not anticipate any impacts to historic sites or structures with this development or within the vicinity of this development. Likewise we do not know of any impacts to any rare, endangered, or irreplaceable species or natural areas that would be affected by this development.



COMMUNITY DEVELOPMENT
ENGINEERING & PLANNING

SKETCH PLAN APPLICATION

Grand County Courthouse: 125 E. Center St. Moab, UT 84532; Phone: (435)259-1343

FOR OFFICE USE ONLY		
Date of Submittal: _____	Sketch Plan Processing Fees: \$550.00	
Submittal Received by: _____	Amount Paid: _____	Fees Received by: _____

CONTACT INFORMATION

Property owner: State of Utah School and Institutional Trust Lands Administration
 Address: 675 E. 500 South, Suite 500, Salt Lake City, UT 84102
 Phone: 801-538-5100 or 435-259-7417 cell: 435-259-9565 fax: 801-538-5118 or 435-259-7473
 Email address: bryantorgerson@utah.gov or eliseerler@utah.gov

Engineer (if applicable): N/A
 Address: _____
 Phone: _____ cell: _____ fax: _____
 Email address: _____

Property owner representative: Kym Van Dyke
 Address: P.O. Box 26210, Oklahoma City, OK 73126
 Phone: (405) 749-1744 cell: _____ fax: (405- 749-9122
 Email address: Kym.VanDyke@loves.com

PROJECT INFORMATION

Project name: Love's Travel Stops & Country Stores
 General location of the property: Along HWY 191, near the San Juan / Grand County line
 Size of the subject property: 13.06 acres Number of lots: 1
 Surrounding land uses: Commercial
 Current Zoning: Controlled District-Highway Cd-h district

REQUIRED – Each of the following agencies will review for their ability to serve the proposed development through adequate existing and future easements, or provide a letter with detailed requirements for the proposed development. Applicants are encouraged to consult each of the following agencies prior to submitting a development application. Grand County Community and Economic Development staff will request approval letters or signatures from each agency after a complete application is submitted.

Moab Valley Fire Department
 Grand County Road Supervisor
 Grand Water and Sewer Service Agency
 Rocky Mountain Power
 FEMA Floodplain Administrator

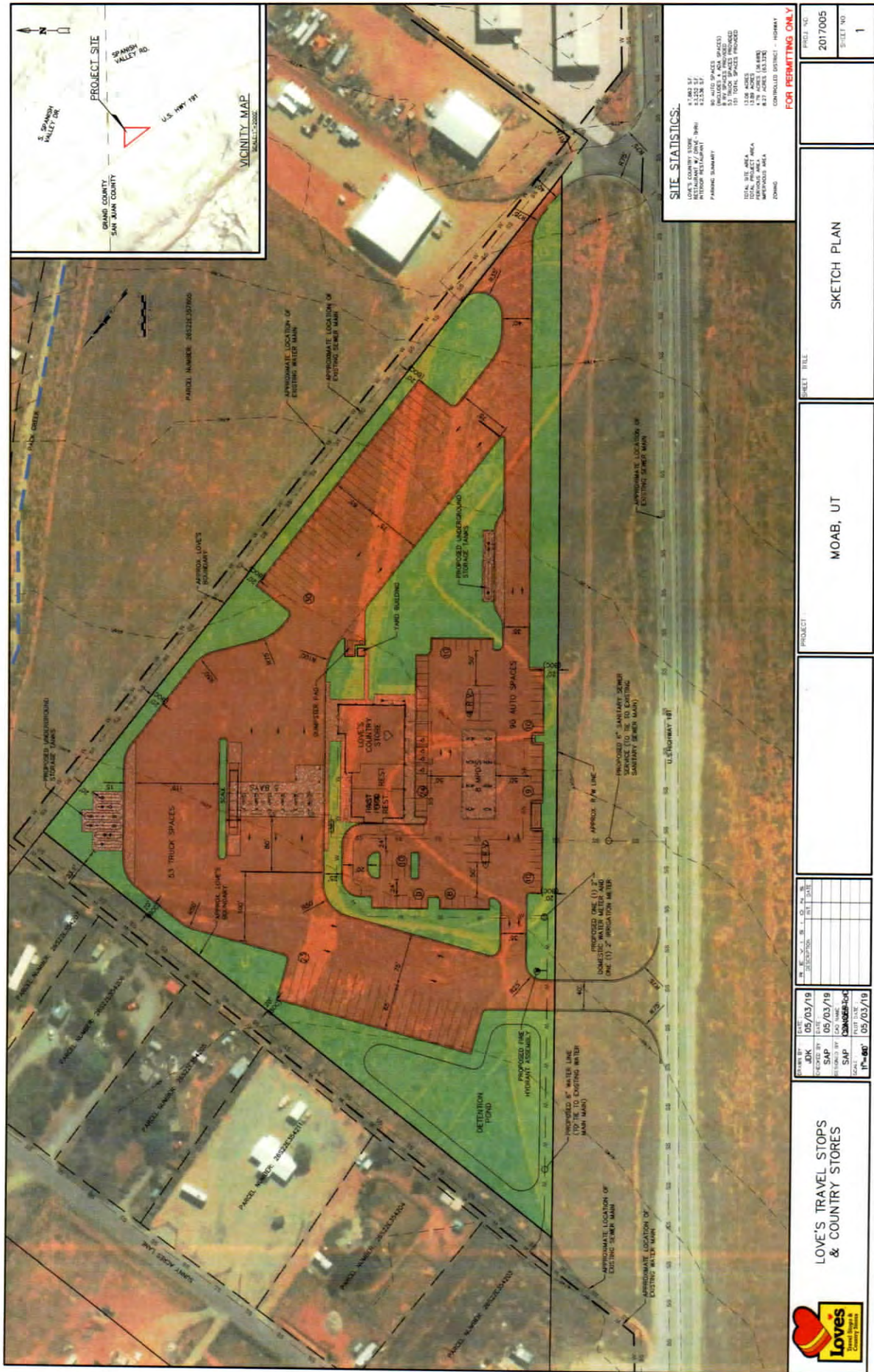
SUPPORTING MATERIALS

Sketch plan applications shall contain, at a minimum, the following supporting materials through the approval process according to the following submittal schedule:

1. **APPLICATION SUBMISSION.** Two complete sets of all supporting materials shall be submitted with this application. These complete sets should include one large (24" x 36") and an electronic copy sent to the Planning Department.
2. **POST MEETING.** If the revised sets of plans are not approved as submitted corrected sets of plans shall be submitted that comply with the Planning Commission's approval.

Sketch Plan. The subdivision sketch plan shall include conceptual plans for the entire parcel. Such plan shall require at a minimum the following information:

1. Conceptual drawing
2. A conceptual drawing of the lot and street layout drawn at a scale of not less than 1 inch = 200 feet and including the following:
3. Proposed number of lots and the approximate area of the individual lots;
4. Topographic contours at 5 foot intervals and all easements or rights-of-way necessary for drainage within or without the boundaries of the subdivision;
5. Significant natural features of the site including streams, lakes, natural drainage lines, vegetation type, and other similar features;
6. Man-made features such as existing buildings, irrigation ditches, utility lines and easements, bridges, culverts, drainage systems, mines or mine dumps;
7. Zone district boundaries;
8. General land use divisions into residential types, commercial, industrial, community facilities, and open space including proposed boundaries of public use or common areas; parking area, total number of dwelling units and total square footage of non-residential space;
9. Type and layout of water supply and sewage treatment system proposed;
10. Acreage of the entire tract and the area to the nearest one-half acres and percent of total area to be devoted to open space;
11. The name and location of a portion of adjoining subdivisions shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivisions in sufficient detail to show actually the existing streets and alleys and other features that may influence the layout and development of the proposed subdivisions; where adjacent land is not subdivided, the name of the owner of the adjacent



SITE STATISTICS:
 LOVE'S COUNTRY STORE INTERIOR RESTAURANT
 PARKING SUMMARY:
 90 AUTO SPACES PROVIDED
 53 TRUCK SPACES PROVIDED
 143 TOTAL SPACES PROVIDED
 TOTAL PROJECT AREA: 13.88 ACRES
 IMPROVED AREA: 8.77 ACRES (63.21%)
 CONTROLLED DISTRICT: - HONOLULU
 ZONING: -

PROJECT NO.	2017005
SHEET NO.	1

SKETCH PLAN

MOAB, UT

PROJECT

DATE	05/03/19
BY	JDK
REVISION	
DATE	05/03/19
BY	SAP
REVISION	
DATE	05/03/19
BY	SAP
REVISION	

LOVE'S TRAVEL STOPS & COUNTRY STORES

LOVE'S TRAVEL STOPS & COUNTRY STORES



THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

CHIPOLA ENGINEERING GROUP, INC
4420 JACKSON ST.
MARIANNA, FL 32448

CHIPOLA
ENGINEERING GROUP

002372

HANCOCK BANK
63-1278631

5/3/2019


PAY TO THE ORDER OF **Grand County Community Development**


\$ ****550.00**


Five Hundred Fifty and 00/100*** DOLLARS**

Grand County Community Development

Memo


 AUTHORIZED SIGNATURE



 SECURITY FEATURES INCLUDED. DETAILS ON BACK.



San Juan County Planning and Zoning, PO Box 9, Monticello, Utah (435) 587-3225

May 10, 2019

Love's Travel Stops and Country Store
c/o Kym Van Dyke
PO Box 26210
Oklahoma City, OK 73216

**RE: Sketch Plan, Project Proposal and Application for Commercial Development
in Spanish Valley**

Mr. Van Dyke:

San Juan County received via email on Friday, May 3 and by mail on Monday, May 6, the hardcopy materials consisting of a sketch plan, project proposal and application for commercial development for Love's proposed Spanish Valley travel stop along Highway 191.

Under San Juan County's code, this proposal is for a commercial development in a commercial zone so there is nothing additional that Love's needs to do at this time. However, please keep us informed as the project develops so we can advise Love's on how to obtain building permits and other clearances for its project.

San Juan County looks forward to working with Love's on this promising project. Please feel free to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Walter J. Bird". The signature is written in a cursive style.

Walter J. Bird
SJC Planning and Zoning Director

cc: Brian Torgerson, SITLA

EXHIBIT 2

Order on Petitioner's Motion for Summary Judgment and
Respondent's Cross-motion for Summary Judgment
(Oct. 2, 2023)

IN THE SEVENTH JUDICIAL DISTRICT COURT
IN AND FOR SAN JUAN COUNTY, STATE OF UTAH

<p>NORTHERN SAN JUAN COUNTY COALITION</p> <p style="text-align: center;">Petitioner,</p> <p>vs.</p> <p>SAN JUAN COUNTY; and BOARD OF SAN JUAN COUNTY COMMISSIONERS,</p> <p style="text-align: center;">Respondents,</p> <p>and</p> <p>LOVE'S TRAVEL STOPS & COUNTRY STORES, INC.</p> <p style="text-align: center;">Intervenor.</p>	<p>ORDER ON PETITIONER'S MOTION FOR SUMMARY JUDGMENT AND RESPONDENT'S CROSS-MOTION FOR SUMMARY JUDGMENT</p> <p>Case No. 200700010</p> <p>Judge Don M. Torgerson</p>
---	---

Before the court are cross motions for summary judgment filed by petitioner Northern San Juan County Coalition ("Coalition") and respondents San Juan County and the San Juan County Commission (collectively "County"). Since originally deciding the motions, the court received remand from the Utah Court of Appeals holding that summary judgment should not have been granted for the County because the Coalition had standing and filed an adequate, timely appeal. Having reconsidered the motions, briefing, and argument, the court now decides the motions as explained below.

This petition arises from a decision by the County's Zoning Administrator on May 10, 2019 granting concept approval for a Love's Travel Stop in northern San Juan County. The project has proposed facilities for a convenience store, fast food restaurant, automobile fueling stations and parking, and tractor-trailer fueling stations and parking. The Zoning Administrator apparently determined that the project was a permitted use, stating that the "...proposal is for a commercial development in a commercial zone so there is nothing additional that Love's needs to do at this time."

Upon learning of the approval, the Coalition appealed the land use decision. Under Chapter 2-2(2)(b) of the Zoning Ordinance of San Juan County, Utah (“Zoning Ordinance”) the Board of County Commissioners should have heard the Coalition’s appeal within 30 days after it was filed. But the Commissioners never heard the appeal and the Coalition’s petition for judicial review eventually followed.

RULING AND CONCLUSIONS OF LAW

On a petition for judicial review, a district court must presume that a decision of a land use authority is valid unless the decision is arbitrary and capricious, or illegal.¹ And “illegal” means that the decision is “based on an incorrect interpretation of a land use regulation” or “is contrary to law”.² Thus, the central question before the court is whether the Zoning Administrator complied with the Zoning Ordinance when issuing his concept approval for the Love’s Travel Stop.

The Zoning Administrator is authorized by the Board of County Commissioners to enforce the Zoning Ordinance.³ But “...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.”⁴ And if there is a question about whether development plans are “...consistent with the general objectives of this Ordinance, the Planning Commission shall make a determination.”⁵

The Coalition argues that the Zoning Administrator’s approval was illegal because a “truck stop” is not an explicit permitted use under the Zoning Ordinance and required either a conditional use permit or a variance before it could be approved—both of which require Planning Commission authorization. The County and Intervenor both argue that it is a permitted use as an “automobile service station” and could be approved by the Zoning Administrator as it was.

¹ Utah Code §17-27a-801(3)(b)

² *Id.* at 3(c).

³ Zoning Ordinance 1-8.

⁴ *Id.* at 1-11.

⁵ *Id.* at 1-7.

Among the permitted uses in the Zoning Ordinance Highway Commercial CDh zone are “Restaurant or drive-in café” and “Automobile Service Station, Auto Accessories.”⁶ Also permitted are “Other uses approved by the Planning Commission as being in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed uses.”

The Zoning Administrator approved the Love’s Travel Stop concept because, in his interpretation, it was a “commercial development in a commercial zone.” But the record contains no explanation for his conclusion. He did not identify which permitted use he was approving or explain why he believed the project fell within the CDh Zone’s enumerated permitted uses. Since his decision required him to interpret an ambiguity in the Zoning Ordinance rather than simply apply explicitly identified zoning regulations, the court finds that his decision to approve was illegal.

The Zoning Administrator has little authority to interpret, and no authority to expand the coverage of the Zoning Ordinance. In fact, he may only issue a permit if the plans “fully conform to all zoning regulations then in effect.” Any ambiguity in the Ordinance or application beyond its explicit terms require Planning Commission approval. And Love’s application here required interpretation that was beyond the Zoning Administrator’s limited authority. For example, are mixed uses still permitted uses under the ordinance? Does an “automobile service station” include fueling stations for commercial heavy trucks?

The proposed Love’s Travel Stop is neither explicitly a restaurant nor an automobile service station, yet it might be both things (and more). In other words, it is a mixed use and mixed uses are not explicitly permitted under the Zoning Ordinance. Instead, the Planning Commission (not this court) must first determine from substantial evidence whether this project is “an automobile service station,” a “restaurant,” or both. And if so, whether two or more permitted uses can be combined and still be in harmony with the Highway Commercial zone.

And because the Planning Commission must decide those questions and determine whether the use also requires a variance or conditional use permit, the

⁶ *Id.* at 12-2.

Zoning Administrator's approval exceeded his limited grant of authority under the Zoning Ordinance and was illegal.

Because the Zoning Administrator's decision was illegal, the court REVERSES the concept approval and REMANDS this matter to the Planning Commission to reconsider Love's land use application.

Petitioner is ordered to submit a proposed judgment for the Court's consideration.

Dated: 10/2/2023

By: 
Don M. Torgerson
District Court Judge



EXHIBIT 3

Judgment (Court Modified) (Nov. 2, 2023)



SEVENTH DISTRICT COURT - MONTICELLO SAN JUAN COUNTY, STATE OF UTAH	
NORTHERN SAN JUAN COUNTY COALITION, Petitioner/Plaintiff, v. SAN JUAN COUNTY, BOARD OF SAN JUAN COUNTY COMMISSIONERS, Respondent/Defendant, LOVE’S TRAVEL STOPS & COUNTRY STORES, INC. Intervenor.	JUDGMENT (Court Modified) Case No. 200700010 Judge: Don M. Torgerson

On October 2, 2023, following a remand from the Utah Court of Appeals, this Court issued an Order on Petitioner’s Motion for Summary Judgment and Respondent’s Cross-Motion for Summary Judgment (the “Order”).

The court has considered Love’s objection to the Coalition’s proposed order. And the court has again reviewed the Coalition’s demand that Love’s land use application be reviewed under the land use regulations in effect today. As before, the court declines the invitation to specify the version of law on remand. That issue is not ripe and cannot be determined on the record before the court. As presently situated, specifying the law on remand would constitute an advisory decision without record evidence since the factfinder (Planning Commission) has not yet considered the application,

determined whether it is complete, or made any other reviewable factual determinations about the application.

Based on the findings and conclusions stated in the Order, the Court GRANTS Petitioner’s Motion for Summary Judgment and DENIES Respondent’s Cross-Motion for Summary Judgment.

Pursuant to Utah Code Section 17-27a-801(3)(d), the Court REVERSES the land use decision wherein Respondent approved Intervenor’s land use application and REMANDS this matter to Respondent’s land use authority to consider Love’s land use application and issue a land use decision consistent with the Order and applicable law.

As there are no outstanding claims remaining before the Court, this order constitutes the Court’s final judgment.

_____ END OF ORDER _____

**NOT VALID UNTIL EXECUTED AND ENTERED BY THE COURT AS INDICATED
BY THE DATE AND SEAL AT THE TOP OF THE FIRST PAGE OF THIS DOCUMENT**

EXHIBIT 4

Interlocal Agreement

**INTERLOCAL AGREEMENT BETWEEN
SAN JUAN COUNTY AND GRAND COUNTY FOR
PLAN REVIEW AND BUILDING INSPECTION SERVICES**

THIS INTERLOCAL AGREEMENT is made this 21 day of FEBRUARY, 2017, pursuant to the Interlocal Cooperation Act, Chapter 13 of Title 11, Utah Code Annotated (1953), as amended, (the "Act"), and Chapter 56 of Title 58, Section 9, Utah Code Annotated (1953), as amended, by and between **San Juan County**, a body corporate and politic of the State of Utah ("San Juan"), and **Grand County**, a body corporate and politic of the State of Utah ("Grand"), for the purpose of Grand providing San Juan building inspection and plan review services for all building projects in Spanish Valley, the west slope of the La Sal Mountains, and Bridger Jack Mesa area of San Juan County.

RECITALS

San Juan anticipates continued commercial and residential building projects in the Spanish Valley, the west slope of the La Sal Mountains, and Bridger Jack Mesa areas of San Juan County. At present, San Juan does not have a qualified, licensed commercial building inspector to perform such services in these areas. Furthermore, travel time and logistics makes it difficult for San Juan's only licensed residential building inspector to effectively service the above-named areas for residential projects from his office in Monticello. Therefore, San Juan desires to contract with Grand for these services in the above-named areas. Grand is willing to assume the responsibilities described in this agreement to assist San Juan.

NOW, THEREFORE, all parties being public agencies within the meaning of Section 11-13-103(13) of the Act, and in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

SECTION I - PLAN REVIEW AND BUILDING INSPECTION SERVICES. Grand agrees to provide San Juan with the services of qualified building inspectors to perform all plan reviews and building inspections in the Spanish Valley, the west slope of the La Sal Mountains, and Bridger Jack Mesa area.

- A. During the term of this agreement, Grand shall make Grand County Building Department inspectors available to San Juan upon the terms and conditions specified in this agreement for building activity conducted in, near, or between Spanish Valley, the west slope of the La Sal Mountains, and Bridger Jack Mesa area over which San Juan is the local regulator of building activities.
- B. Grand shall maintain adequate and accurate records of all business conducted on behalf of San Juan so that information and records are available for use as needed by San Juan and its officials, employees and members of the public.
- C. Upon request, Grand shall be responsible to conduct plan reviews of all building plans for building projects in the above-described areas for San Juan. Grand shall

conduct such reviews to ensure compliance with all state building codes and regulations relating to buildings and building plans.

- D. Grand shall, at the request of the owner or contractor; (i) review all building permit applications; (ii) conduct inspections on building construction; (iii) conduct final inspections of construction; (iv) investigate and report alleged violations of building and construction codes to San Juan, and (v) make written recommendations on whether building permits or occupancy permits should be issued on building permits in the above-named areas under the jurisdiction of San Juan.
- E. Grand shall keep all records of all inspections on building permits and shall notify San Juan of all violations, irregularities and enforcement notices. Grand shall provide written inspection reports to San Juan.
- F. Grand shall be responsible for maintaining effective working relationships with all persons involved in construction activity or code enforcement in San Juan, including, but not limited to architects, engineers, contractors, building owners, members of the public and all public officials.
- G. Grand shall refer all inquiries and matters pertaining to the San Juan zoning ordinances, subdivision ordinances and fee schedules to the San Juan County Building Department.

SECTION II - FEES. In consideration of the building inspection services provided by Grand County, San Juan hereby authorizes Grand to collect and retain from each applicant for building inspection services such building and inspection fees as Grand would assess for similar applications within Grand County. The amount of such fees shall be determined in accordance with the Grand County Fee Schedule Ordinance No. 553 with respect to building activities conducted in, near, or between Spanish Valley, the west slope of the La Sal Mountains, and Bridger Jack Mesa area.

SECTION III - LEGAL ENTITY. There is no new legal entity created by this agreement.

SECTION IV - TERM AND TERMINATION. This agreement shall take effect upon execution by the parties. This agreement shall remain in full force and effect until terminated. Either party, without cause, terminate this agreement at any time, provided, however, that such termination shall not be effective until thirty (30) days after the terminating party gives written notice of its intention to terminate. If this agreement is terminated during any period that Grand has already performed inspection services on a project, all inspection services on that particular project shall be completed by Grand without regard to the termination date of this agreement and Grand shall be reimbursed for any such inspections that may take place beyond the termination date of this agreement.

SECTION V - NOTICE. Notices under this agreement shall be sent to the parties at addresses set forth or to such other addresses set forth or to such addresses as the parties designate in writing.

San Juan: San Juan County Administrator
PO Box 9
Monticello, Utah 84535

Grand: Grand County Council Administrator
125 E. Center St.
Moab, Utah 84532

SECTION VI - INDEMNIFICATION. Each party shall indemnify and save harmless the other party, its officers, agents, and employees from and against all claims, lawsuits, damage, injury, or liability claims however caused by said party, its agents, or employees or clients.

SECTION VII - SEVERABILITY. If, during the term of this agreement, it is found that a specific clause of this agreement is declared to be unlawful, the remainder of the contract not affected by such ruling shall remain in full force and effect.

DATED this 21st of February, 2017.

SAN JUAN COUNTY:

Bruce Adams
Bruce Adams, Commission Chair

ATTEST:

John David Nielson
John David Nielson, Clerk

APPROVED AS TO FORM:

Kendall Laws
Kendall Laws, San Juan County Attorney

GRAND COUNTY:

Jaylyn Hawks
Jaylyn Hawks, Commission Chair

ATTEST:

Diana Carroll
Diana Carroll, Clerk

APPROVED AS TO FORM:

Andrew Fitzgerald
Andrew Fitzgerald, Grand County Attorney

EXHIBIT 5

Minutes and Relevant Handouts

PLANNING COMMISSION MEETING

14 SEPTEMBER 2017



SAN JUAN COUNTY PLANNING COMMISSION MEETING MINUTES
Thursday, September 14, 2017

7:00 PM - Regular Planning Commission Meeting

Attendance:

Planning Commission Members: John Johnston
 Steve Deeter
 Lloyd Wilson
 Dan Flannery
 Trent Schafer
 Marcia Hadenfeldt, Chair

County Staff: Walter Bird
 Greg Adams

1. **General Business:**

Welcome at 7:03 p.m. Chairperson Marcia Hadenfeldt welcomed those in attendance.

1.1 Roll Call: All the Commissioners were in attendance.

1.2 Approval of Minutes for: A MOTION was made by Commissioner Schafer to approve the minutes for July 13, 2017 meeting. Commissioner Flannery SECONDED the motion. The voting was unanimous. Motion carried.

2. **Public Comment:** No public present for Public Comment. However, Chairperson Hadenfeldt reported that she and Commissioners Deeter and Flannery attended the Open Meetings Workshop the week prior. The PC requested county email addresses to avoid their own personal emails being GRAMA'ed from their PC service. Walter will work on getting each member a SJC email address.

3. **Administrative Items:**

3.1 Review of CUP Application: Douglas Evans - 58 E. Mt. Peale Drive Moab. The application is for the construction of two short term (2) housing units to be used in connection with a jeep tour business. There is already an existing building on the property that is used for business purposes only. Since the lot (Lot 40 - San Juan Estates Phase IV, Amended) in question is in an approved subdivision, under the SJC Zoning Ordinance 11-2(10), the requested use is not a permitted use and can only be approved as a conditional use. Chairperson Hadenfeldt asked about HOA protective covenants. The applicants (Doug Evans, agent and Tyler Smith) stated that Lot 40 has exceptions in the subdivision's CCRs and architectural covenants that permit a business to be operated on the lot. It was noted that the submitted rendering of the dwellings fit within the county's required setbacks. The land is owned by Doug's parents. Evans and Smith run Atomic Tours - a jeeping, hiking, canyonering company. Commissioner Wilson commented that the wash south of

the lot is "terrible". Tyler Smith responded that the wash has been engineered and improved and that the past two (2) years they have not had a problem. And that they do not plan to do anything to make the situation worse. Chairperson Hadenfeldt reminded the PC that they can consider geological hazards and possibly direct mitigation measures. However, because it's a CUP request the PC can place conditions on the permit to address such issues. Commissioner Johnston stated the situation with the drainage in the area has improved since Ken's Lake went in which controls one of the upper drainages. The applicants stated that the housing structures will be comprised of 40 foot shipping containers. Commissioner Johnston questioned whether such structures can be fire rated Commissioner Flannery assured him that it is possible and the applicants have been working with Grand County Building Inspection to make sure they are doing things correctly. Commissioner Johnston is hesitant to approve such a project because the county is working on comprehensive planning and zoning for Spanish Valley, but he's OK with it as long as the Grand County Building Inspectors are on top of the specs and construction. Chairperson Hadenfeldt concurred with the need for adequate code compliance and inspections. She cautioned however that there is no moratorium on building in Spanish Valley until the county completes the zoning in the area. Commissioner Wilson raised the question on the zoning of the lot - is it residential or is it commercial? Under the subdivision CCRs is considered commercial. Under county code, it's zoned agriculture, but technically it's irrelevant because the requested use is a conditional use in all zones. Commissioner Schafer MOVED to approve the CUP Application with the conditions that the applicants meet all building, construction codes and that they don't do anything to violate the subdivision's CCRs. Chairperson Hadenfeldt SECONDED the motion. There was some discussion about mitigating the flooding concerns associated with the property and nightly rental issues. Commissioner Schafer AMENDED his motion to add the condition that they do nothing to negatively impact the existing drainage. Commissioner Wilson SECONDED the amended motion. The voting was unanimous. Motion carried.

- 3.2 Updates: Zoning Change - Monument Valley CD District (MVCD) and Spanish Valley Planning. Staff member Walter Bird updated the PC on the changes made to the proposed MVCD zoning changes. It was agreed that the MVCD should include the use of the housing of domestic animals. On the Spanish Valley zoning effort, the PC was informed that on August 14, 2017, the county met with Jerry McNeely, Frank Darcy, Mike Bynum and Bryan Torgerson from SITLA to discuss the creation of an Spanish Valley Area Plan (SVAP) for zoning by the firm Landmark Design. Landmark is willing to meet with the PC in October to discuss moving forward with the SVAP. Chairperson Hadenfeldt requested a map of Spanish Valley that the PC can use as it discusses and plans the zoning in the area. Landmark intends to meet next week with the SJC Commissioners, the Grand and San Juan Water and Sewer Boards, as well as meet with current residents on what they'd like to see zoning wise in Spanish Valley. SJC and SITLA are partnering in this planning project and together selected Landmark to do the SVAP work.

- 3.3 Infill Ordinance / Short Term Rental Ordinance. Landmark, as part of the SVAP, has agreed to assist SJC in the development and drafting of land use ordinances for Spanish Valley. Walter Bird suggested pulling back on the PC working on the Infill and STR ordinances until Landmark is ready to address them with PC input. Then that work can be packaged and taken the SJC Commission as a whole. Commissioner Johnston and Chairperson Hadenfeldt agreed, but Chairperson Hadenfeldt would like to see the PC and SJC Commission meet to discuss changes and work through those to passage. However, Chairperson Hadenfeldt doesn't want to put everything on the back burner. Walter Bird suggested still working on the Infill Ordinance for Spanish Valley only. The purpose of the Infill is to give residents a mechanism and incentive to divide their large, one acre lots into smaller lots. Commissioner Flannery feels like this is something that needs to be worked on and resolved now. Commissioner Johnston feels like it still may be premature to decide now because he feels there needs to be specific zones laid out and later discussions on what lot sizes are desirable for those zones. The PC agreed that a more cautious approach may be the best course of action right now.
- 3.4 Schedule a tour / field visit of Spanish Valley. It was agreed that the PC would take a field trip to Spanish Valley next month for its PC. The Work / Study Meeting will commence at 4:00 p.m. with a tour of Spanish Valley to be followed by a phone call with Landmark Designs at 6:00 p.m.
4. **Building Permit(s) Review:**
- 4.1 Presentation of Building Permit Applications list for 2017.
5. **Adjournment:** The meeting was adjourned at 8:22 p.m.

PLANNING COMMISSION MEETING

22 March 2018



SAN JUAN COUNTY PLANNING COMMISSION MEETING
AND PUBLIC HEARING MINUTES
Thursday, March 22, 2018

7:00 PM - Regular Planning Commission Meeting and Public Hearing:

Attendance:

Planning Commission Members: John Johnston
 Lloyd Wilson
 Steve Deeter
 Dan Flannery, Vice-chair

County Staff: Walter Bird
 Greg Adams

1. **General Business:**

Welcome

At 7:04 p.m. Vice-chairman Dan Flannery welcomed those in attendance.

1.1 Roll Call:

Quorum present, Chairperson Schafer was excused from attendance.

1.2 Approval of Minutes for **January 11, 2018**: A MOTION was made by Commissioner Deeter to approve the minutes for the January 11, 2018 meeting. Commissioner Wilson SECONDED the motion. The voting was unanimous. Motion carried.

2. **Public Comment:**

2.1 Spanish Valley Resident Karl Spielman made a statement concerning the Sky ranch subdivision. He's concerned about the subdivision operating as an airport. He will be on the PC April 12th agenda to go into further detail on why he thinks the Sky ranch subdivision is a poor idea. He stated that the FAA is relying on San Juan County to regulate the airport and its design. One flaw Mr. Spielman sees in the current Sky Ranch proposal is the lack of what is called a Runway Protection Zone (RPZ), which is a design standard intended to protect people and property outside the airport. He feels that SJC can control the zoning of Sky ranch by using its conditional use zoning code - Section 6. He's also concerned about the use of the airstrip to support nightly rentals which would dramatically increase the frequency of use causing problems for the neighbors - especially noise problems. He's concerned that the runway is just feet from a county road. He'll discuss more of the problems on April 12 when he makes his presentation. He stated the FAA considers this airport a Non-obligated airport (NOA) which means

the FAA is relying on the county to come up with the criteria to determine the ultimate shape of the airport. He feels if the PC approves Sky ranch as is, it will be a nightmare for everyone. Eight (8) other residents were present that have the same concerns as Mr. Spielman. On the record, Mr. Spielman presented the PC with the signatures from Grand and San Juan County residents that oppose Sky ranch under the title Respect Our Quiet Skies.

- 2.2 Spanish Valley resident Kim Jacobs explained the signatures were from local residents concerned about Sky ranch. Spanish Valley resident Don Oblak, who lives a mile from Sky ranch, moved to Spanish Valley for the quiet rural setting. He wants the PC to consider the hundred or so residents living near Sky ranch and those who move there in the future. He wants to see quiet enjoyment of the land and is concerned about the safety of the airport at Sky ranch. Spanish Valley resident Pete Patterson owns property southwest of Sky ranch added that the strong winds in the area make landing at the airport subdivision a safety concern.
- 2.3 Vice-chair Flannery summarized the concerns expressed with Sky ranch as: noise, safety, and quality of life. Another local property owner, Nick Lee, stated he's concerned about the development of residential density in the area and the compatibility of that with Sky ranch.

3. **Public Hearing:**

- 3.1 Prior to the Public Hearing, Mark Vlastic from Landmark Design made a short presentation on the Draft Spanish Valley Area Plan, intended to be a part of the San Juan County General Plan.
- 3.2 **Public Hearing.** After Commissioner Flannery laid out the ground rules, a MOTION was made by Commissioner Johnston to go into public hearing to consider the Draft Spanish Valley Area Plan for recommendation of passage to the Board of San Juan County Commissioners. Commissioner Wilson SECONDED the motion. The voting was unanimous. Motion carried.
- a. Public Comments: ***Karl Spielman*** from SpV asked Mark Vlastic his professional opinion on how hard it was to learn that a private airport was a part of the planning process. Having never dealt with this before, Mark said they had to do some homework on the issue and look at other similar situations. He thinks there will be impacts on how south of Sky ranch is developed. One time SpV resident ***Kelly Green*** thinks the PC should consider the dust from gravel pits as it considers greater density in SpV and look for ways to mitigate. ***Elise Erler*** from SITLA made several comments: first, SITLA generally supports the plan; second, SITLA likes the flexibility of the plan for the landowners and county and would like to see a positive recommendation from the PC to the County Commission. ***Nick Lee*** asked about a land swap concerning Sky ranch. ***Ann Austin*** is concerned about the development phase idea and specifically leap frog

development that will result from it. She was also concerned about archeology and access to it by the public. *Austina Feugot* asked about the timing of schools in the valley and similar issues like bussing and Grand County schools having to take on more temporary accommodations for students.

After Chairperson Flannery closed the Public Hearing, a MOTION was made by Commissioner Deeter to go out of the public hearing to consider the Draft Spanish Valley Area Plan for recommendation of passage to the Board of San Juan County Commissioners. Commissioner Johnston SECONDED the motion. The voting was unanimous. Motion carried.

4. **Administrative Items:**

- 4.1 Consideration of the Draft Spanish Valley Area Plan for Recommendation to the SJC Board Commissioners. Commissioner Johnston stated he didn't feel ready to recommend the plan because he feels that specific zoning concerns / areas need to be addressed first. Staff member Walter Bird addressed his concerns stating the plan right now is the big picture of what we'd like to see happen, but that this needs to be in place and passed before the county can address specific zoning concerns and areas. Mark Vlastic from Landmark agreed stating the plan needs to be in place before detailed zoning occurs and doing it otherwise will cause problems. Commissioner Johnston stated that this allayed his concerns. Commissioner Deeter stated that the PC must ensure that the plan is in place before addressing the details of zoning - much like building a barn - it's a step by step process. He further stated he's concerned about water in the area and he'd be concerned if he lived next to Sky ranch. Commissioner Flannery said the only way to address specific zoning needs is to have a plan in place that allows the county to effectively address such issues as nightly rentals, etc. San Juan County Administrator asked Mark Vlastic what challenges he sees going forward and will the plan be able to address those challenges? Mark Vlastic stated the plan is a good structure and the large holding of land with one owner gives the county and the plan great advantages going forward. The biggest disadvantage is people to enforce the zoning regulations that the county may come up with. Commissioner Flannery stated that most the comments he sees connected with the plan address the specifics and lack thereof in the plan as it stands. In his opinion, he thinks the plan is ready to be recommended to the SJC Board of Commissioners for passage. A MOTION was made by Commissioner Wilson to recommend the Spanish Valley Area Plan for passage to the Board of San Juan County Commissioners. Commissioner Johnston SECONDED the motion. The voting was unanimous. Motion carried.
- 4.2 Plat Review: Sky Ranch Estates Phase II Spanish Valley. Staff person Walter Bird gave some history on Sky ranch Estates which was approved as a subdivision in 2000. The PC now has before it the proposed plat for Phase II. Surveyor Lucas Blake mentioned that the PC had seen the plat for Sky ranch Estates Amended at

the January PC meeting but that it was just viewed for information purposes only. Mr. Blake stated that Phase II (26 lots) is to accompany the plat for Sky ranch Estates Amended. The lots in Phase II all exceed the one (1) acre minimum set forth by county zoning. Land ownership on the lots is to the center of the fifty foot (50') wide runway with easements for travel and utilities. Commissioner Flannery asked if the development will be connecting to water and sewer? Developer Mike Bynum stated "yes" and that they would be granting easements on both ends of the property for the larger water and sewer project. Commissioner Johnston would like to see more information before it comes to the PC for passage. Mr. Blake stated that Phase II is still preliminary but that they would like to see the passage of Sky ranch Estates Amended with the larger lots. However, that plat is not before the PC tonight because it wasn't placed on the agenda even though it had been viewed at the January PC meeting. Commission Flannery also stated it would be hard to approve the Sky ranch Estates Amended plat without having a larger detailed plat and suggested that it come back next month. Walter Bird suggested placing Sky ranch Estates Amended and Phase II on the April 12, 2018 PC Agenda. Mr. Blake stated that the engineers are still tweaking Phase II, particularly the drainage studies. Walter Bird stated that the proposed plats need to meet Section 5, the design standards, found in SJC code and address the access issues. Commissioner Flannery added that with access roads they need to be wide enough for emergency vehicle ingress and egress. Commissioner Johnston wanted to talk about safety issues brought up that evening concerning the airport. He asked if Sky ranch had done its due diligence as regards to safety, buffer zones etc. in connection with the airstrip? Mike Bynum said the runway was recognized by FAA in 1985 and recognized by the county as an emergency airstrip in 2012. Mr. Bynum stated the runway is legal today and can be used as a runway, but they have voluntarily limited the use with the eye of making it a private airstrip. Commissioner Johnston asked if Mr. Bynum feels like he is addressing the safety concerns raised concerning his airport? Mr. Bynum emphasized that we are dealing with an existing runway, not a proposal for a new runway or airport and that it is legal to use it today. Mr. Bynum stated he understands the neighbors concerns and that he has met with, and will continue to meet with, many of the neighbors to address their concerns - hopefully using restrictive covenants. He reiterated the airport is there, this cannot be changed, but the question going forward is what will it be used for? He is suggesting a limited use, nice, restricted, fly-in community instead of an airport which can be used for anything which it legally can be used for today. Mr. Bynum disclosed that Mr. Spielman has a private runway just south of Sky ranch that is a dirt strip that can be legally used. Commissioner Wilson pointed out that the PC is not going to address the airport issue, and its legality, but rather address the legality of the proposed developments and whether they meet county code. It was decided that Sky ranch will come back next month seeking an amendment to Sky ranch Estates and the approval of Phase II. Staffer Greg Adams will sit down with Mr. Blake the week before the next meeting to have everything ready for presentation. The PC agreed to set aside the proposals for consideration next month at its regularly scheduled meeting.

- 4.3 Plat Review: Green Haven, La Sal, Kelly Green. Staff member Greg Adams presented the proposed Green Haven subdivision in La Sal. The subdivision will be serviced by a private drive. Owner Kelly Green owns part of the property and would like to create the subdivision to deed some lots to his kids. At present there is a well on the property and he's not sure if he'll use the existing well to service all the lots or do something else. There PC could see no issues with the proposed plat. A MOTION was made by Commissioner Deeter to approve the Green Haven subdivision plat. Commissioner Johnston SECONDED the motion. The voting was unanimous. Motion carried.
- 4.4 SJC PC - Spanish Valley Guidelines and Ordinances Workshop. Mark Vlastic from Landmark Design presented a short guidelines and ordinances workshop for Spanish Valley. In the workshop he discussed the purpose of the workshop which was to 1) identify key issues and needs to control growth; 2) determine necessary and available resources to control growth; 3) review existing codes that apply and discuss potential tools to control growth and development; and 4) determine how private airfields will be addressed and controlled. In the workshop the PC reviewed existing ownership as well as proposed land use and existing zoning in SpV. Finally, Mr. Vlastic made some proposed approaches to the issues in SpV - specifically, creating a "base zone" for SpV that describes the uses, standards, and requirements for the development of single-lot and small residential subdivision developments. He feels this will address the shortcomings of the existing ordinance and the limited resources available in San Juan County. It can be either a modification of the existing A-1 zone or a new zone particular to SpV. He also proposed that the county create a Planned Community (PC) Zone for large land holdings, neighborhood centers, flex development, highway commercial areas, and similar large developments outlined in the area plan using the Planned Community and development agreements. Night skies were discussed, but the PC wasn't very positive towards doing much with night skies in the future code.
5. **Permit Permit(s) Review:**
- 5.1 The PC did not review the most recent 2018 list of Building Permits.
6. **Adjournment:** The meeting was adjourned at 9:16 p.m.

PLANNING COMMISSION MEETING

17 May 2018



SAN JUAN COUNTY PLANNING COMMISSION MEETING MINUTES
Thursday, May 17, 2018

7:00 PM - Regular Planning Commission Meeting and Public Hearing

Attendance:

Planning Commission Members: Lloyd Wilson
 Steve Deeter
 Dan Flannery, Vice-chair
 Trent Schafer, Chair

County Staff: Walter Bird
 Scott Burton

1. **General Business:**

Welcome: At 7:01 p.m. Chairman Trent Schafer called the meeting to order and welcomed those in attendance.

1.1 Roll Call:

Quorum present. No commissioners absent.

1.2 Approval of Minutes for **April 12, 2018**: A MOTION was made by Commissioner Deeter to approve the minutes for the April 12, 2018 meeting. Commissioner Wilson SECONDED the motion. The voting was unanimous. Motion carried.

2. **Public Comment:** Karl Spielman addressed the PC concerning Sky Ranch. He handed out a letter and others materials concerning his property and historical use to the PC. He asked the PC what it perceived his liability to be concerning Sky Ranch? His property is locked when he is not in town. He asked what would happen if there was an airplane accident on his property and the emergency vehicles couldn't get into his property? He then asked the PC what will be allowed on his property if Sky Ranch is approved and developed? The PC couldn't answer his questions.

3. **Administrative Items:**

3.1 Proposed Spanish Valley Ordinance Changes: Landmark Design. Mark Vlasic from Landmark Design presented proposed Spanish Valley Ordinance changes and had a preliminary discussion. He provided the PC with copies of his presentation. The proposed ordinances are 1) San Juan County Spanish Valley Highway Commercial District (SVHC) Ordinance; 2) San Juan County Spanish Valley Residential District (SVR) Ordinance; 3) San Juan County Planned Community (PC) Land Use Ordinance for the Spanish Valley Area; 4) San Juan

County Spanish Valley Water Efficient Landscape Ordinance; and 5) San Juan County Spanish Valley Dark Sky Ordinance. Staff and PC will work in the coming months on the passage of language for the adoption by the County Commission of the above-named ordinances.

- 3.2 **Plat Review: Lonesome Left Estates Amended.** PC Lloyd Wilson stepped away from the table as a PC member to present with his wife Andrea Wilson and Lenore Beeson (a local realtor) a plat of a proposed subdivision in Lonesome Left Estates for approval. They would be amending Lot 1 and Lot 6. Lot 1 would have nine (9) proposed town-home units and Lot 6 ten (10) units. The lots are adjacent to each other on Tangren lane with a culdesac between them. The lots are in a commercial zone and are greater than one (1) acre in size. They wish to pre-sell and start construction on the nine (9) unit Lot 1 with the intent to have them turn-key units when water and sewer comes online. No Certificates of Occupancy (COs) will be issued until water and sewer service is available. The units will look contemporary with landscaping with limited water use. Lloyd Wilson openly stated he has a financial interest in the property and a conflict. Chairman Schafer stated that the PC is aware of the conflict and will allow Lloyd to vote on matter with the condition that no COs will be issued until the properties have water and sewer service. A MOTION was made by Commissioner Flannery to approve the proposed Lonesome Left Estates, Amendment 2 for Lots 1 and 6 with the condition that no COs will be issued until the properties have water and sewer service is available. Commissioner Deeter SECONDED the motion. The voting was unanimous and the MOTION passed. Lloyd Wilson also presented a division of Lot 10 in Lonesome Left Estates, Amendment 2 into three (3) parcels with 10A being 1.61 acres, 10B being 0.25 acres and 10C being 0.27 acres. This proposal is not possible under current zoning because two (2) of the lots are under the 1.0 acre minimum.
4. **Building Permit(s) Review:**
- 4.1 The PC reviewed the most recent 2018 list of Building Permits.
5. **Adjournment:** The meeting was adjourned at 8:23 p.m.

PLANNING COMMISSION MEETING

7 FEBRUARY 2019



SAN JUAN COUNTY PLANNING COMMISSION MEETING MINUTES
Thursday, February 7, 2019

7:00 PM - Regular Planning Commission Meeting and Public Hearing

Attendance:

Planning Commission Members: Cole Cloward
Mel Nelson
Lloyd Wilson
Steve Deeter
Scoot Flannery, Vice-chair
Trent Schafer, Chair

County Staff: Walter Bird

1. **General Business:**

Welcome: At 7:02 p.m. Chairman Trent Schafer called the meeting to order and welcomed those in attendance.

1.1 Roll Call:

Quorum present. All commissioners were present.

1.2 Approval of Minutes for January 10, 2019: A MOTION was made by Commissioner Flannery to approve the minutes with suggested changes for the January 10, 2019 meeting. Commissioner Cloward SECONDED the motion. The voting was unanimous. Motion carried.

2. **Public Comment:** There was no public comment. Chairperson Schafer wanted it on the record that staff member Scott Burton be congratulated for his efforts to become a licensed building inspector. Scott recently passed two of his tests.

3. **Administrative Items:**

3.4 Plat Review: Tait Subdivision Amendment I: The PC took this matter out of order so Ms. Kartchner could present and be on her way. The amendment to the original Tait Subdivision was discussed by the PC and the lot line changes reviewed. There doesn't appear to be issues raised by the staff or the PC. A MOTION was made by Commissioner Wilson to approve the final plat for Tait Subdivision Amendment I. Commissioner Deeter SECONDED the motion. The voting was unanimous. Motion carried.

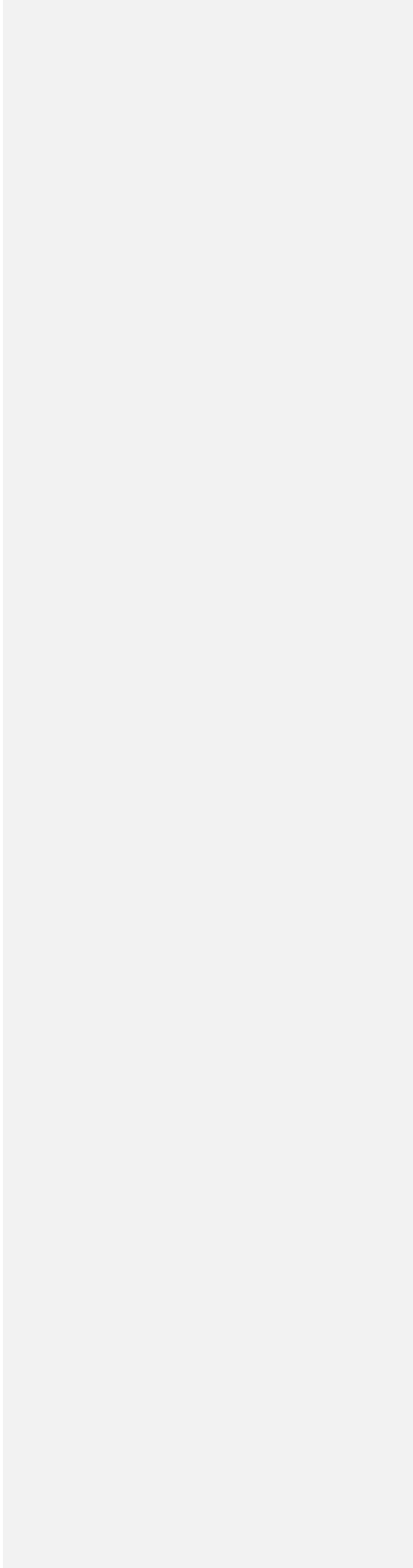
- 3.1 Consider San Juan County Spanish Valley Ordinances for Passage. The PC held an informal discussion with a SITLA representative, a representative from Landmark Design, and staff concerning the proposed San Juan County Spanish Valley - Spanish Valley Residential District (SVR), Spanish Valley Planned Community (SVPC) and Spanish Valley Highway Commercial (SVHC) Ordinances. The discussion was lengthy and the proposed changes made. In the end, the PC decided to review the suggested changes at its next meeting. A MOTION was made by Commissioner Flannery to recommend, after the desired changes are made, the passage of the San Juan County Spanish Valley - Spanish Valley Residential District (SVR), Spanish Valley Planned Community (SVPC) and Spanish Valley Highway Commercial (SVHC) Ordinances, by the county commission on March 19, 2019. Commissioner Cloward SECONDED the motion. The voting was 5-1 with Commissioner Nelson voting nay because the ordinance is not complete. Motion carried.
- 3.2 Consider Spanish Valley - SITLA Phase I Planned Community Zone Plan. Having looked at this issue at previous meetings - with little discussion the PC decided to recommend the SITLA Phase I Planned Community Zone Plan to the county commission for passage once the Spanish Valley PC portion of code is passed. MOTION was made by Commissioner Cloward to recommend the passage of the SITLA Phase I Planned Community Zone Plan by the county commission on March 19, 2019. Commissioner Deeter SECONDED the motion. The voting was 5-1 with Commissioner Nelson voting nay because he believes the ordinances need to be complete before any recommendation to the county commission is made. Motion carried.
- 3.3 Minor Subdivision Amendment to Subdivision Code. Staff member Walter Bird presented the changes to the code that would permit Minor Subdivisions of 4 lots or fewer within the county without having to comply with the platting requirements in the subdivision ordinance. The PC likes the changes and direction of the proposed changes but wants to see the ordinance tied in with other changes in the subdivision ordinance before recommending passage to the county commission.
4. **Building Permit(s) Review:**
- 4.1 The most recent 2019 list of Building Permits was not presented.
6. **Adjournment.** The meeting was adjourned at 7:57 p.m.

**Proposed San Juan County Spanish Valley Development Ordinances
of the
San Juan County Land Use Ordinance**

Draft December 17, 2018

TABLE OF CONTENTS - Proposed Ordinances

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 - **Residential District Zone** **Page 2**
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- ~~**Dark Sky** **Page 42**~~



San Juan County Spanish Valley Residential District (SVR) Ordinance

An Ordinance Creating the *Spanish Valley Residential* District of the San Juan County Land Use Ordinance for the Purpose of Managing Development in the non-federal lands in the Spanish Valley within San Juan County. See Land Use Plan on page 28 of the San Juan County Spanish Valley Area Plan (adopted April 17, 2018) for a map and general description.

Comment [U1]: Confusion about the boundary of Spanish Valley. Include reference to Spanish Valley Area Plan.

- Purpose**
- Uses**
- Lot Design Standards**
- Mix of Housing Types**
- Constrained Lands**
- Measurements and Exceptions**
- District Standards**
- Subdivision Standards**
- Streets**
- Sidewalks and Trails**
- Easements**
- Drainage**
- Water Supply**

Purpose
The Spanish Valley Residential (SVR) District is designed primarily to accommodate residential uses in large lot (one-acre or greater) and smaller lot (~~up to 1/2-acre~~ **1/4 acres up to 1 acre**) developments. In addition to the Uses and Lot Design Standards of this section, development in this district shall be in compliance with all other applicable provisions of this San Juan County **Land Use** Ordinance.

Uses
Uses are allowed in the SVR District in accordance with Table 1:

Permitted Uses

Uses identified with a "P" in the table above shall be permitted in the SVR District, subject to compliance with any applicable conditions and all other provisions of this Code.

Conditional Uses

Uses identified with a "C" in the table above shall be permitted in the SVR District only upon approval of a Conditional Use Permit by the County in accordance with the Conditional Use procedures and standards of the Zoning Ordinance.

Lot Design Standards

All development in the SVR District shall be subject to the following lot design standards, which generally allow for variety in housing and building types while maintaining the overall character of residential neighborhoods. This approach promotes better site layout and energy efficient development, affordable life-cycle housing, and development intensities that match existing and proposed infrastructure investments.

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

Use Category	Specific Use
RESIDENTIAL USES	
Dwelling, single-family	P
Dwelling, two-family (duplex)	P
Dwelling, Manufactured	P
Accessory Buildings and Uses	P/C
All other household living uses (5 th wheels, trailers, etc.)	C
CIVIC AND INSTITUTIONAL USES	
Day Care	C
Educational Facilities, Public	P
Educational Facilities, Private	C
Government Facilities and Public Institutions	C
Institutions, Private or Non-Profit	C
Medical Facilities	C
Places of Worship	P
Utilities	C
PARKS, OPEN SPACE AND AGRICULTURAL USES	
Parks and Open Spaces, Public	P
Parks and Open Spaces, Private	C
Farmland, Grazing and Pasture	P
Animal Husbandry - small animals (pigs, goats, lambs, etc.)	P
Animal Husbandry – large animals (cows, cattle, horses, etc.)	P (=/> 1 acre lots only)

Comment [JL2]: Specifically define "household living uses"

Comment [JL3]: Permit while a new home is under construction, not to exceed 18 months. Require a permit.

Minimum Requirements

Every building erected or installed must be located on, and every plat submitted for approval must show, a lot or building parcel that meets the minimum requirements of at least one lot type permitted under this article, based on underlying zoning and subdivision type.

Every building and lot must have direct access to one of the following:

1. A public street
2. An approved private street or driveway
3. A public or private street via a public or private alley

All structures must be located on lots or parcels that provide safe and convenient access for servicing, fire protection and required on-site parking. No lot shall be approved that does not meet the minimum lot area requirements of this Code except in the following cases:

1. Nonconforming lots
2. Public Utilities

The uses and densities listed in this chapter are allowed by right unless otherwise expressly stated. Each project must comply with all of the applicable development standards of this chapter.

Residential Density and Dimensional Standards

Residential development shall be subject to the maximum density and minimum dimensional standards of the SVR District in accordance with Table 2.

TYPE 1 developments shall have demonstrated access to a municipal water and sewer system.

TYPE 2 developments have no access to municipal water and sewer systems and will rely on private wells and septic systems as described elsewhere in this Code.

**Table 2
Residential Density and Dimensional Standards**

STANDARD	TYPE 1	TYPE 2
Max. Density (dwelling units/acre)	4	1
Min. Parcel Size (SF)	10,890	43,560
Min. Front Yard and Street Side Yard setback	25'	50' 25'
Min. Interior Side Yard setback	15' 8'	30' 8'
Min. Rear Yard setback	20'	40' 20'
Min Lot Width	75'	130' 75'
Max. Bldg. Coverage (% of lot)	40%	20% 40%
Max. Height Principal Structure	35'	35'
Max. Height Accessory Structure	35' 24'	35' 24'
<u>Fence Height</u>	<u>6' max, 4'</u> <u>max for</u> <u>front</u> <u>yard</u>	<u>6' max, 4'</u> <u>max for</u> <u>front</u> <u>yard</u>

Comment [JL4]: Setbacks from property line or edge-of-road R.O.W whichever is greater.

Mix of Housing Types

Two-family homes may comprise no more than 50 percent of the total dwelling units of any proposed SVR District subdivision. In no case shall the SVR District density of four dwelling units per acre be exceeded for the overall subdivision site.

Constrained Lands

Constrained lands include lands with natural slopes greater than 30 percent, jurisdictional wetlands, lands in the 100-year floodplain, public drinking water supply sources (recharge areas for wells and aquifers), lands affected by unmitigable geo-hazards, and riparian habitats, ~~and archeological sites~~ unless mitigated by a licensed ~~licensed~~ engineering study.

Comment [JL5]:

Constrained lands in all developments and subdivisions shall be identified on plats and remain unoccupied by buildings or impervious surfaces.

Land Suitability

Land deemed to be environmentally unsuitable shall not be platted for residential occupancy, or for such other uses as may increase danger to health, life, or property, or aggravate erosion or flood hazard. Such land within the plat shall be restricted for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsafe living conditions.

The County shall not approve the subdivision of land if it is determined that the site is not suitable for platting and development purposes.

Measurements and Exceptions

Lot Area

Lot area refers to the amount of horizontal land area within lot lines. No building permit or development approval shall be issued for a lot that does not meet the minimum lot size requirements of this chapter, with the following exceptions:

Lot Area Reduction for Public Purpose

When an existing lot is reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining area is at least three-quarters of the required minimum lot size for the SVR District in which it is located, the remaining lot shall be deemed to be in compliance with the minimum lot size standards of this chapter.

Utility Facilities

Utility facilities using land or an unoccupied building requiring less than 1,000 square feet of site area are exempt from the minimum lot size requirements of the SVR District.

Required Yards (Setbacks)

Setback refers to the unobstructed and unoccupied open space between a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed by any part of a structure from the ground to the sky and measured as the horizontal distance between a property line and the furthestmost projection of the structure, except as provided otherwise in this chapter.

A. Front Yard Setback

1. Corner Lots

For lots with frontage on two intersecting public or private streets, such a lot shall be considered to have two front lot lines and shall comply with front yard setbacks from each front lot line.

2. Double Frontage Lots

Where lots have double frontage, running through from one street to another, a required front yard setback shall be provided on both streets.

~~B. Garage Setbacks~~

~~Garages, carports, and similar vehicle storage facilities not attached to the main structure that are entered from a front or side street and facing thereto, shall be set back a minimum of 5 feet from the street or a minimum of 5 feet further from the street than the principal structure, whichever is greater. This requirement shall not apply to lots on cul-de-sacs.~~

Comment [JL6]: Add a section for sheds (200sq. ft. max) and similar structures with 5' back and side setbacks.

~~Garages, carports, and similar vehicle storage facilities entered and accessed from an alley may be set back to a minimum of 5 feet from the alley.~~

~~C.B. Cul-De-Sacs~~

~~Notwithstanding any other provisions of this chapter, lots fronting on a cul-de-sac shall have a minimum front street line frontage of 30 feet and a minimum lot width of 40 feet.~~

Comment [JL7]: Use Grand County standard for cul-de-sacs.

Maximum Height

A. Measurement

1. **Buildings**

Building height shall be determined by measuring the vertical distance between the lowest point where the wall face of the building intersects finished grade around the perimeter of the building (or structure other than fences, telecommunications and microwave towers, and antennas) and the highest point on the building.

~~2. Accessory Uses~~

~~Maximum height of accessory structures shall not exceed 24 feet.~~

~~3. **Fences and Walls**~~

~~Height of fences or walls shall be measured as the vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall.~~

Building Coverage

A. Measurement

The maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings.

B. Permitted Exceptions

Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, open swimming pools, or roof overhangs of less than 5 feet.

District Standards

All principal residential structures in the SVR District shall comply with the following requirements:

1. All properties shall be designed in accordance with the requirements of the Water Efficient Zoning Ordinance.
2. The minimum spacing between dwellings shall be 2016 feet, with an additional 10-8 feet per story provided between buildings for every story over 2 stories.
3. 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. Required skirting shall be maintained so as not to provide a harborage for animals or create a fire hazard.
 - e. Have running gear, tongues, axles and wheels ~~must be removed~~ from the manufactured home at the time of installation ~~of the home~~.
 - f. Be permanently attached to a foundation. 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.
 - g. Have a minimum finished floor elevation ~~at~~ at least 24 inches above the exterior finish grade, as measured at the main entrance into the dwelling.
 - h. Shall comply with current building code requirements, ~~and~~ the standards of this ordinance, and in accordance with current FHA and HUD guidelines.
 - i. Shall allow only one manufactured home per designated lot (manufactured home communities shall be permitted as part of a Planned Community only).
4. The keeping of no more than four (4) large animals and livestock shall be considered a permitted use on parcels with more than one acre and less than 5 acres. These standards shall not be applicable to parcels larger than 5 acres.
5. The keeping of no more than four (4) small agricultural animals (sheep, pigs, goats, etc.) shall be considered a permitted use on parcels with more than one-half acre and less than 5 acres. These standards shall not be applicable to parcels larger than 5 acres.
6. Barns, stables, coops, animal sheds or similar structures shall be set back at least 100 feet from existing dwellings and 20 feet from any open waterway. Surface drainage from such structures shall not be permitted to drain into a natural stream or into a drainage way that drains into a natural stream and shall comply with State of Utah Health Code standards.

Subdivision Standards

Applicability

All plats and subdivision of land within the SVR District shall conform to the following rules and regulations.

Lot Configuration

The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall not be less than those specified as minimum standards by the SVR District. The depth and width of properties shall be adequate to provide for the off-street service, parking facilities and fire/safety requirements required in the Zoning Ordinance.

Side Lot Lines

Side lot lines shall be substantially at right angles to street lines unless otherwise approved by the Planning Commission.

Street Frontage Required

Each new lot or building tract shall front upon a public street.

Double Frontage Lots

Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic or to overcome specific disadvantages of topography and orientation.

Flag Lots

Flag-shaped or panhandle shaped lots may be created in either TYPE 1 or TYPE 2 developments if all of the following requirements are met:

1. The lot has at least ~~20~~25 feet of frontage on a dedicated public street, which frontage served as access only to the subject lot or parcel.
2. The "handle" portion of the lot is at least ~~20~~25 feet in width, and not more than 250 feet in length.
3. The body of the lot meets the lot area and lot width and setback requirements of the applicable TYPE.

Large Lots

Where the area is divided into larger lots than for normal San Juan County building sites and, in the opinion of the Planning Commission, any or all of the tracts are susceptible to being re-subdivided, the original subdivision shall be such that the alignment of future street dedications may conform to the general street layout in the surrounding area and so that the larger tracts may be later subdivided in conformance with the requirements of this Code and the minimum standards specified by the applicable zoning district.

Streets

Applicability

All developers shall be required to construct streets **within the subdivision** in accordance with San Juan County Code requirements.

Comment [JL8]: Consult with Benny.

Street Layout

Unless otherwise approved by the Planning Commission, provisions shall be made for the extension of streets. All streets shall bear a logical relationship to the topography and to the location of existing or planned streets on adjacent properties. Adequate local streets shall be provided to accommodate the subdivision and provide access to lots. The arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection to existing principal streets in surrounding areas; or
2. Conform to a plan for a neighborhood or planned unit development approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or where neighborhood design makes a varied plan appropriate.

Street Connections

The system of streets designated for a subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivision(s); and where no adjacent connections are platted, must in general be the reasonable projection of streets in the nearest subdivided tracts, and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith. Reserve strips of land controlling access to or egress from other property or to or from any street or alley or having the effect of restricting or damaging the adjoining property for subdivision purposes shall not be permitted in any subdivision unless such reserve strips are conveyed to San Juan County in fee simple.

Half Right-of-Way (R.O.W.)

Half streets shall be prohibited except where essential to the reasonable development of the subdivision and where the Planning Commission finds it will be practicable to require the dedication for the other half of a street when adjoining property is subdivided.

Street Intersections

More than two streets intersecting at a point shall be avoided, except where it is impractical to secure a proper street system otherwise. Intersections shall be as near 90 degrees as possible and in no cases shall the intersection angle being less than 60 degrees.

Street Jogs

Non-intersecting streets with centerline offset of less than 125 feet shall not be approved.

Dead-End Streets

Dead-end streets, except for cul-de-sacs, shall be prohibited unless they are designed to connect with future streets on adjacent lands that have not been platted. In cases where these types of dead-end streets are allowed, a temporary turnaround with a minimum radius of 50 feet shall be constructed.

Cul-de-sacs

Cul-de-sacs shall meet the San Juan County Code requirements. Ordinarily, cul-de-sacs are discouraged as they do not result in a continuity of existing streets or streets pattern, and may be used only where unusual drainage or land ownership configurations exist that make other designs impractical.

Highway Access Permit

A Highway Access Permit must be approved by UDOT for each new subdivision with direct access to a state or federal highway. Turn lanes, frontage road(s), curb and gutter may be required along the entire highway frontage if required by UDOT.

Street Design Standards

Street and alley widths, curves, grades design speed and centerline radius shall meet San Juan County Code requirements.

Turn By-Passes and Turn Lanes

Right-turn by-passes or left-turn lanes may be required at the intersection of collector streets if traffic conditions indicated they are needed. Sufficient rights-of-way shall be dedicated to accommodate such lanes when they are required.

Street Names and Numbers

All street names shall be as established subject to approval of San Juan County Code requirements. When streets are in alignment with existing streets, any new streets shall be named according to the streets with which they correspond. Streets which do not fit into an established street-naming pattern shall be named in a manner which will not duplicate or be confused with existing streets within the Spanish Valley Area Plan or its environs.

Street lighting

Street lighting shall conform to the Dark Sky chapter of this Code. The developer shall pay the costs of purchasing and installing all street lighting equipment. Street lighting design plans shall be subject to the approval of designated San Juan County staff. The type of equipment, method of installation and location of the wiring and light poles shall meet the minimum standards and requirements of the electric company from which electricity is to be purchased. All street lighting shall be shielded and directed toward the ground so as to minimize horizontal view and visibility of the light source. All intersections with a major collector street shall have at least one street light.

Sidewalks and Trails

Applicability

This section is intended to ensure adequate pedestrian access is available to serve uses that need and benefit from such access. If a builder or property owner believes that a proposed use does not need or benefit from pedestrian access, a written request for [interpretation a waiver](#) may be submitted to the Zoning Administrator describing the use and explaining why pedestrian access should not be required as a condition of the building permit for the proposed use.

Trails

~~Trails shall be designed as single track and multi-use trails depending on the specific need, and conform to the standards in Table 3.
Trails shall be designed as multi-use trails and shall conform to the standards in Table 3.~~

**Table 3
Trail Design Standards**

TRAIL DESIGN STANDARDS									
	Cross-Slope Range	Min. Trail Width	Min. R.O.W. Width	Clearing		Preferred Surface Materials			
				horizontal	vertical	natural	crushed stone	asphalt	concrete
<u>Single-track Trails</u>	0-20%	3'	6'	1.5' each side of trail	10'	Yes	Yes	No	No
Multi-use Trails	0-10%	12'	15'	1.5' each side of trail	10'	Yes	Yes	Yes	Yes

Easements

Utility Easements Required

Utility easements shall be provided in all residential areas unless otherwise approved by the Planning Commission and in commercial and industrial districts, except that the Planning Commission may waive the requirement where other definite and assured provision is made for service access consistent with and adequate for the uses proposed.

Minimum Width

The minimum rights-of-way width of each utility easement shall ~~be meet San Juan County Code requirements~~ 5' minimum or as required by the utility authority.

Utility Easements

~~Utility easements shall be provided according to San Juan County Code requirements.~~

Culinary Water and Sanitary Sewer Easements

~~Water and sewer easements shall be provided according to San Juan County Code requirements.~~

Fire Lanes and Emergency Access Easements

Fire lanes and emergency access easements 20 feet in width shall be provided where required by the ~~San Juan County~~ fire authority [having jurisdiction](#).

Drainage Easements

When a proposed subdivision is traversed by an irrigation ditch or channel, natural creek or stream or a proposed drainage easement, an easement shall be provided sufficient for drainage and to allow for maintenance of the drainage system.

Trail Easements

When a proposed subdivision is traversed by a public trail shown on an adopted plan or when the Planning Commission finds that a trail easement can better serve the proposed development than a sidewalk, an easement shall be provided sufficient for public trail construction, maintenance and access purposes according to San Juan County Code requirements.

Adjoining Areas

When easements in areas adjoining proposed subdivisions are necessary to provide adequate drainage thereof or to serve such subdivisions with utilities, the developer shall obtain such easements.

Drainage

Applicability

Applicants shall provide, at applicant’s expense, drainage facilities in accordance with the requirements of the San Juan County Code requirements which will become integral parts of the existing street or roadway drainage system. The dimensions of all drainage structures must be approved by San Juan County prior to installation. Design shall be based on environmentally sound site planning and engineering techniques. It is especially critical that storm water management systems be designed for an entire drainage basin rather than just for specific sites. If improvements are identified and necessary downstream of the proposed development and no approved capital improvement plan exists to address the necessary improvement, the developer shall be required to demonstrate that such existing drainage features are adequate to serve the anticipated development and to protect the public health, safety, and general welfare at full build out under existing zoning. Where such demonstration is not made, the applicant or developer shall be required to install such necessary improvements.

Minimum Standards

A. Natural and Historic Drainage Ways

All historic flood and drainage ways shall be protected from alteration such that their primary function as storm water facilities shall be upheld.

B. 100-Year Storm

All drainage and flood control facilities shall be designed to handle the calculated difference between historic flows and the anticipated post-development 100-year frequency storms for maximum period of intensity over the entire drainage basin

Comment [JL9]: Use Blanding or State of Utah’s code.

Comment [U10]: Specify (retention/detention, etc.)

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. Erosion

Where free fall of water occurs, satisfactory means shall be provided to prevent erosion of soil.

D. Catch Basins and Culverts

Catch basins and culverts shall be constructed in accordance with the San Juan County Code requirements

E. Engineered Design

All drainage shall be designed by a Utah [licensed and](#) registered engineer and approved by San Juan County authorities.

Water Supply

General

New development shall provide water supply that is sufficient in terms of quality, quantity and dependability for the proposed development. In making its determination as to whether the proposed water supply meets this standard, the decision-making body shall give substantial weight to the recommendations of State, County and applicable service ~~disctict~~[district](#) authorities and their associated standards. All water systems shall be provided by or through approved water and sewer service agencies and meet all applicable requirements of the San Juan County Code requirements.

Municipal and District Water Systems

If all or part of a proposed development is within the jurisdiction of an approved public water system, then the applicant must obtain a written certification from the public water service provider stating that it is able to provide an adequate supply of drinking water with adequate quantity, quality and sufficient pressure to meet the needs of the proposed development based on the projected water usage of the development. Individual or common wells or other private water systems shall be permitted only when the subdivision boundary is outside the jurisdiction -of an approved public water system able to serve the development.

San Juan County Planned Community (PC) Land Use Ordinance for the Spanish Valley Area

An Ordinance Creating the *Spanish Valley Planned Community (PC) Zone* of the San Juan County Land Use Ordinance for the Purpose of Creating a new Zone to Allow and Plan for Large-scale Development [in the non-federal lands in the Spanish Valley within San Juan County. See Land Use Plan on page 28 of the San Juan County Spanish Valley Area Plan \(adopted April 17, 2018\) for a map and general description.](#)

Comment [U11]: Confusion about the boundary of Spanish Valley. Include reference to Spanish Valley Area Plan.

Purpose

Land Use Districts

Minimum Requirements

Permitted Uses

Conditional Uses

Planning and Approval Process for PC Zones

PC Zone Plan

Community Structure Plan (CSP)

Project Plan/Subdivision Plat

Site Plan Review

Development Standards

- (A) Open Space and Common Areas
- (B) Fencing, Screening, Clear Vision
- (C) Architectural Standards
- (D) Water-conserving Landscaping Requirements
- (E) Lighting
- (F) Other Requirements

Development Agreement

Purpose

The purpose of the Spanish Valley Planned Community (PC) Zone is to provide a regulatory tool that allows large properties in the Spanish Valley to be developed in accordance with a specific plan designed to achieve the following:

1. To promote and protect the public health, safety, and welfare.
2. To implement the objectives and policies of the *San Juan County General Plan*.
3. To facilitate development within the San Juan County Spanish Valley in accordance with the *Spanish Valley Area Plan* that was adopted as part of the general plan. This plan promotes high quality, innovative and creative development that includes a mixture of uses, building types, varying densities and lot sizes and sufficient diversity of housing types to meet the full life-cycle housing needs of local residents, a harmonious variety of commercial and flex-commercial uses, adequate amenities, and the preservation of open space.
4. To safeguard and enhance environmental amenities and the quality of development.

5. To attain the physical, social, and economic advantages resulting from comprehensive and orderly planned use of land resources.
6. To lessen congestion and assure convenience of access.
7. To secure safety from fire, flood, and other natural dangers.
8. To provide for adequate light, air, sunlight, and open space.
9. To promote and encourage conservation of scarce resources.
10. To preserve the unique landforms, views and environmental qualities of the Spanish Valley.
11. To prevent overcrowding of land and undue concentration of population.
12. To facilitate the creation of a convenient, attractive, and harmonious community with a desirable living and working environment with unique identity and character.
13. To attain a desirable balance of residential and other land uses.
14. To promote a pedestrian friendly environment that encourages transit and bicycle use.
15. To expedite the provision of adequate and essential public services.
16. To promote more economical and efficient use of the land and water.
17. To provide a process for initiation, review, and regulation of large-scale, comprehensively planned communities that affords the maximum flexibility ~~to the developer~~ within the context of an overall development program and specific, phased development plans coordinated with the provision of necessary public services and facilities.

This chapter establishes an approval and entitlement process to promote thoughtful and efficient land use patterns that would otherwise be difficult under typical zoning ordinances. The Spanish Valley area may have more than one PC Zone.

PC Zone(s) may include residential neighborhoods and subdivisions; neighborhood commercial centers; business, research and educational campuses; highway commercial and flex development areas; and parks and open space with convenient pedestrian access and connections. Individual structures within each PC Zone may contain mixed uses. Permitted densities may be higher than those permitted in surrounding districts.

Land Use Districts

Each PC Zone shall establish land uses and development patterns, densities, and standards unique to that zone. Upon approval, through the process set forth in this chapter, the land uses and development patterns and densities shall be established pursuant to the PC Zone Plan and one or more development agreements and accompanying Community Structure Plan(s). Specific land uses proposed in the PC Zone may only be established in conformance with provisions of this chapter.

Each PC Zone may consist of any number or combination of the following land use districts that shall be identified in the Community Structure Plan as provided in this chapter.

Central Development Areas

These are the flattest, least sensitive and easiest-to-develop sites in the Spanish Valley, which makes them suitable for a wide range of residential and park/open space uses.

These are the preferred areas for locating higher residential density, mixed-use neighborhood centers, where a mix of residential local commercial and civic services will be provided. 4-5 residential units/ERUs per acre.

Perimeter Development Areas

These areas are relatively isolated, located in the foothills and topographically challenged edges of the Spanish Valley. They are proposed for lower-density residential uses and earmarked for long-term, phased development. 1-2 residential units/ERUs per acre.

Flex Development Areas

These areas are located in close proximity to US-191 and are intended to establish an economic base for the Spanish Valley. These areas should be buffered from nearby residential neighborhoods and allow a range of business, distribution, highway commercial, and specialty residential uses. 4-5 residential units/ERUs per acre.

Highway Commercial Development Areas

These areas take advantage of the location along US-191, providing sites for highway-based commercial uses that meet community and regional needs. 6-12 residential units/ERUs per acre.

Neighborhood Center

This category is designed to allow low-density mixed-use centers that serve the local retail and service needs of the Spanish Valley. Development emphasizes small-scale retail, commercial and recreational uses, but also includes limited residential (single and multi-family), public/semipublic uses, and open space uses. Neighborhood Center residential densities are generally the highest permitted in the Spanish Valley. 6-12 residential units/ERUs per acre.

Open Space

Landsaped areas including parks, natural areas or farmland that are established to provide and preserve outdoor recreational, agricultural, or other similar uses. In addition to the open space district, areas of open space may also be provided within the other land use districts.

Minimum Requirements

The minimum requirements for the PC Zone establish basic standards for development. The landowner or developer is encouraged to expand on these minimum requirements, providing more open space, higher standards of design and additional amenities as part of creating a superlative community.

Small Planned Community:

Each PC Zone of this type shall contain a minimum of 20 acres under single ownership. This area will allow up to four (4) residential units per acre, and a range of residential units and types.

Large Planned Community:

Each PC Zone of this type shall contain a minimum of 200 acres. If the PC Zone contains multiple owners, the owners may, if necessary to reach the 200-acre threshold, or if such owners otherwise desire, combine their properties for planning and development purposes. This area will allow higher residential density and a range of residential types.

Manufactured Home Planned Community:

Each PC Zone of this type shall contain a minimum of 10 acres under single ownership and a maximum density ~~of eight (8) Manufactured Home units per acres established by~~ [FHA and HUD](#).

A Site Plan shall be prepared, approved and filed with the findings of fact as part of the approval. Each manufactured home site in a Manufactured Home Community shall be clearly designated. Development plans shall comply with the applicable requirements of this chapter and the required Site Plan shall be drawn to scale and shall explicitly illustrate at least the following features:

1. Location and dimensions of all project boundaries.
2. Location of pavement on adjoining street rights-of-way.
3. Location and dimensions of any permanent improvements existing or planned within the Manufactured Home Planned Community, including but not limited to the following:
 - a. Improved surfaces for common driveways, off-street parking and recreation areas;
 - b. Buildings for management, maintenance and recreational purposes;
 - c. Recreational facilities;
 - d. Fences and walls;
 - e. Underground utilities;
 - f. Outdoor lighting fixtures; and
 - g. The location of pipelines and systems for potable water distribution, sewage collection and fire protection, including location of all fire hydrants.

Permitted Uses

The following uses may be conducted in all areas within a PC Zone of more than 200 acres:

- All uses illustrated in the *Spanish Valley Area Plan (2018)*, which was adopted as part of the San Juan County General Plan, as follow:

- Residential uses of various types and lot sizes including: single family detached; single family attached; multifamily residential; town homes; loft apartments; residential units above ground floor retail or office; and manufactured home communities;
- Local retail, service, office, and mixed-use housing at designated Neighborhood Centers;
- Mix of permitted uses (including office/commercial, office/residential, retail/residential) within designated Neighborhood Centers;
- Home-based businesses;
- Health-care facilities;
- Public facilities, such as schools, libraries, and civic buildings;
- Private schools and civic/cultural facilities;
- Common areas, such as parks, plazas, playgrounds, and trails;
- Churches and other religious facilities;
- Day-care facilities;
- Open space, including landscaped areas and areas in natural vegetation, waterways, parks, trails and recreational areas;
- Business, distribution, specialty residential and commercial as described for Flex Development Areas;
- Highway-scale commercial and flex development along US-191 as illustrated in the Spanish Valley Area Plan; and
- Other accessory uses which are ancillary to, and designed to serve, any of the foregoing uses.

Conditional Uses

The approved PC Zone Plan or Community Structure Plan may include provisions for specific land uses identified as conditional uses within a given PC Zone and may include uses listed elsewhere in this chapter or additional uses. The addition of conditional uses in the approved PC Zone Plan shall require the approval of the [County Planning & Zoning](#) Commission, which approval may be established by development agreement. Conditional uses, if any, are subject to review and approval as set forth in the San Juan County Code. Design standards for conditional uses shall be included with the applicable Project Specific Standards.

Planning and Approval Process for PC Zone

Development within the PC Zone will require the following plans to be prepared and submitted for approval in accordance with this chapter: PC Zone Plan, Community Structure Plan, and Project Plans and/or Subdivision Plat approval as applicable. The planning and approval process and approving bodies are summarized in the following table:

APPLICATION	COVERED AREA	WHAT IS DESCRIBED IN PLAN	APPROVAL LEVEL
PC Zone Plan (Rezone)	Total land area to be rezoned to PC Zone.	Land area to be rezoned with land use table outlining: <ul style="list-style-type: none"> proposed permitted and conditional uses, maximum number of residential units, and maximum square feet of nonresidential development. Preliminary Community Structure Plan (CSP), etc. 	Planning Commission (recommendation) and County Commission (adoption)
Community Structure Plan (CSP) (accompanied by a development agreement)	Total land area that was rezoned to PC Zone above.	<ul style="list-style-type: none"> Community Structure Plan (CSP). Refinement Master Plans of major systems and the inclusion of development standards for the larger development such as major roadways, infrastructure, open space networks, general location of neighborhoods, etc. 	Planning Commission
Development Agreement	Total land area that was rezoned to PC Zone above.	The contract between San Juan County and the individual or entity that owns or controls the affected property, detailing the obligations of both parties, specifying the standards and conditions that will govern development of the property, and describing the vested interests of both.	Planning Commission (recommendation) and County Commission (adoption)
Project Plan and/or Subdivision Plat	Multiple phases of development within a CSP for master subdivision approval followed by phased subdivision plats.	Show major development parcel locations, open space system, and major infrastructure associated with roadways. Final plats indicate lot layouts and development regulations.	Planning Commission
Site Plan	Individual sites within the development.	Final site development requirements.	Staff

(A) PC Zone Plan

At the time of application for rezoning, a PC Zone Plan shall be submitted to the Planning Commission for review and recommendation to the County Commission. Following recommendation by the Planning Commission, a PC Zone Plan shall be submitted for review and approval by the County Commission. The approved PC Zone Plan may be amended through standard rezoning procedures. The PC Zone Plan application shall contain the following information:

1. Name of planned community;
2. Names, addresses, and phone numbers of applicant and property owner(s);
3. Map showing PC Zone location, legal/boundary description, acreage, scale, and north arrow;
4. Land use table showing the land use district types and acreages of all proposed permitted and conditional uses, maximum number of dwelling units, Floor Area Ratios (FARs), and the total acreage of open space in the PC Zone and areas (in square footage or acreage) of the various non-residential land uses proposed in the PC Zone;
5. Map showing existing waterways, major utilities, easements, storm water conveyances, flood boundaries, and other relevant infrastructure; and
6. Adjacent parcels, owners, and land uses.

Upon approval, the PC Zone shall constitute an amendment to the Spanish Valley Area Plan for the area covered by the approved PC Zone Plan.

(B) Community Structure Plan (CSP)

Following approval of the PC Zone Plan, a Community Structure Plan (CSP), together with a development agreement that codifies the CSP, shall be submitted for review and recommendation by the Planning Commission, followed by review and approval by the County Commission. The CSP shall contain a contiguous area of some or all of the area within the PC Zone that includes one or more of the following land use districts types as indicated in the *Spanish Valley Area Plan (2018)* and described in this chapter:

- *Central Development Area*
- *Perimeter Development Area*
- *Flex Development Area*
- *Highway Commercial Development Area*
- *Neighborhood Center*
- *Open Space*

A CSP shall show the following:

1. Name of planned community;
2. Names, addresses, and phone numbers of applicant and property owner(s);
3. Map showing CSP location, legal/boundary description, acreage, scale, and north arrow;
4. Map showing proposed land use district boundaries, and acreage;
5. Table showing the maximum number of dwelling units, open space acreage, and acreage(s) of the various non-residential land uses;
6. Master circulation system plan, including a street network; pedestrian, bicycle, and equestrian trail systems; identification of street alignments and right-of-way widths: illustrative cross sections which accommodate and specify vehicular, pedestrian, and bicycle use in the right-of-way. Pedestrian and bicycle trail systems shall connect the land use districts, schools and open space areas, and provide linkages to other trail systems in existing or future areas of the PC Zone and adjacent facilities within adjacent municipal jurisdictions of the Spanish Valley;

7. Map showing existing and proposed waterways and water bodies, major utilities and easements, wells and water sources, water protection areas and similar public health areas; surface and sub-surface storm water drainage systems, flood boundaries and flood control facilities;
8. Map showing adjacent parcels, their owners, and their uses;
9. Map showing 40-foot contours and significant topographic features within or adjacent to the CSP property;
10. Documentation of existing and proposed secondary (irrigation) water rights, shares, and usage, if any;
11. Open space plan providing general descriptions and locations of major open spaces;
12. Standards that govern the design and maintenance of major public infrastructure improvements (including but not limited to streets, sidewalks, street and parking lighting, paving, street furniture, trails); and
13. Standards that govern general building placement, massing, and design criteria (CSP Design Standards).

The Planning Commission shall have the discretion to negatively recommend, and the County Commission shall have the discretion to disapprove, a CSP only on the basis of: (1) the failure of the proposed CSP to include all of the elements required in this section; (2) the failure of the proposed master circulation system identified in the CSP to adequately serve the communities within the PC Zone; (3) the failure of the proposed major infrastructure identified in the CSP to provide adequate service to the communities within the PC Zone; or (4) the inclusion of land uses in the CSP not permitted or conditionally permitted under this chapter. In approving a CSP, the Planning Commission may recommend, and the County Commission may impose, reasonable conditions of approval to mitigate reasonably anticipated detrimental impacts in accordance with the San Juan County Land Use Ordinance.

Subject to conditions or limitations agreed to in the development agreement, the development agreement based on the approved CSP shall confer a vested right to proceed with the development process established in this chapter for the property(s) included within the applicable PC Zone, including the number of dwelling units and the square footage of nonresidential uses reflected in the approved PC Zone.

(C) Development Agreement

Following approval of the PC Zone Plan and the Community Structure Plan (CSP), a development agreement shall be prepared as a legal contract between San Juan County and the individual or entity that owns or controls the affected property, detailing the obligations of both parties, specifying the standards and conditions that will govern development of the property, and describing the vested interests of both.

(D) Project Plan/Subdivision Plat

Upon approval of the PC Zone Plan, Community Structure Plan and Development Agreement, a Project Plan shall be submitted for review that outlines project specific standards establishing in substantial detail the character and nature of the design of public and private improvements

within the area covered by the applicable Project Plan (Project Specific Standards) for the applicable portion of the PC Zone covered by the Project Plan. The purpose of the Project Plan is to allow for the creation and approval of a fully-integrated development plan for a specifically identified portion of land within the applicable PC Zone.

A Project Plan may include vertical and horizontal mixtures of uses on one or more proposed lots, parcels or units located within the boundaries of the proposed Project Plan. Therefore, the Project Plan may identify a combination of proposed subdivisions, condominium projects, and/or Site Plans, one or more of which may be submitted concurrently for review and approval with the Project Plan. The Project Plan shall be reviewed by the Staff prior to submittal to the Planning Commission for approval.

A Subdivision Plat may include a variety of land uses including condominium projects. Each Subdivision Plat submitted shall be reviewed by the Staff prior to submittal to the Planning Commission for approval. Subdivision Plats (preliminary and final) shall be submitted and approved in accordance with San Juan County Code requirements.

Application and approval of a preliminary or final Subdivision Plat may occur before submission of a Project Plan provided Project Specific Standards are submitted and approved contemporaneously with such Subdivision Plat application and approvals; and provided, further, that the Project Specific Standards and Subdivision Plat will ultimately be incorporated into an approved Project Plan. The preliminary and final plats shall conform to the applicable CSP standards as well as all applicable Project Specific Standards, including any supplemental Project Specific Standards proposed and approved by the Planning Commission in connection with the applicable final plat.

(E) Site Plan Review

Site plans (Site Plans) may be reviewed concurrently with a Project Plan or Subdivision Plat. Any proposed commercial, office, industrial, multi-family residential, open space, parks, or institutional developments and alterations to existing developments shall be located on legal lots of record created by metes and bounds conveyance with the approval of the Staff or pursuant to Subdivision Plats and shall meet the Site Plan review requirements. All Ordinances and requirements shall be met in preparing Site Plan applications and in designing and constructing the development. Where applicable, building permits may not be obtained nor shall any site work be performed prior to Site Plan approval.

Development Standards

(A) Open Space and Common Areas.

Open Space includes common areas, parks, trails, natural areas or farmland that provide and preserve recreational, agricultural, or other similar uses in the PC Zone as approved by the Planning Commission. Common areas include landscaped areas (including landscaping around schools and other civic buildings), athletic fields, parks, natural open spaces and trail corridors, gathering places such as plazas, commons, exterior courtyards, public recreational facilities, landscaped medians or park strips that exceed standards, but do not include landscaped areas

contained within the Spanish Valley public street cross sections. The applicable CSP Standards and Project Specific Standards shall govern the use and character of the Open Spaces, including common areas. Each PC Zone shall contain a minimum of 25 percent of the gross acreage in Open Spaces. These areas shall be designated in the applicable Project Plan and separately identified on any applicable final Subdivision Plat or Site Plan. Open Space recorded as a lot or lots in subdivisions or as common area in condominium plats and shall be maintained with open space or conservation easements or such other arrangement as is approved by the Planning Commission in connection with Project Plan or subdivision or condominium approval.

(B) Yard Requirements

Yard requirements shall be determined and governed by the applicable Project Specific Standards established pursuant to the requirements of this Chapter. The following minimum requirements shall apply in the PC Zone:

1. Minimum yard areas shall be measured from the front, side and rear lines of lots, condominium private ownership yard areas (where building footprint is not recorded) or from accesses, driveways, or streets (where no property lines or private ownership yard areas exist).
2. Buildings may not be located within a public right of way or utility easement.

(C) Fencing, screening, clear vision.

Fencing, screening and clear vision requirements shall be determined and governed by the applicable Project Specific Standards established pursuant to the requirements of this Chapter. The following requirements shall apply in the PC Zone:

1. All mechanical equipment, antennas, loading and utility areas, and trash receptacles shall be screened from street view with architectural features or walls consistent with materials used in the associated buildings as more specifically set forth in the applicable Project Specific Standards.
2. Fences and landscape materials, except for mature trees which are pruned at least 7 feet above the ground, shall not exceed 2-4 feet in height within a 10-foot triangular area formed by the edge of a driveway and the street right-of-way line or within a 30-foot triangular area formed by the right-of-way lines of intersecting streets.

(D) Architectural standards.

Architectural requirements shall be determined and governed by the Project Specific Standards established pursuant to the requirements of this Chapter. The following architectural standards and requirements shall apply in the PC Zone.

1. Architectural design of buildings and building materials shall be established in the Project Specific Standards.
2. All building materials shall be high quality, durable, and low maintenance.
3. The applicable Project Specific Standards shall address exterior relief of buildings, design of all sides of buildings, and architectural compatibility of buildings.

(E) Landscaping requirements.

Landscaping requirements shall be determined and governed by the applicable Project Specific Standards established pursuant to the requirements of this Chapter. The following landscaping requirements shall apply in the PC Zone.

1. Water-wise landscaping as detailed in the Water Efficient Landscape Ordinance will be required to ensure that the limited water resources available in the region are used wisely and conserved. Specific water-wise landscaping standards which apply to the Spanish Valley Area Plan shall be required.
2. The applicable Project Specific Standards shall address the landscaping and proper maintenance of required front, side, and rear yards of lots and private ownership areas in the PC Zone.
3. All areas of lots and parcels in the PC Zone not designated for open space, parking, buildings, or other hard surfacing shall be landscaped and properly maintained.
4. Designated open space shall remain in a natural condition, cultivated or landscaped, as applicable, and properly maintained in accordance with the Project Specific Standards.
5. All park strips and public rights-of-way areas in the PC Zone shall be landscaped and properly irrigated and maintained by the applicable property owners in the PC Zone unless otherwise approved by San Juan County. All park strip areas shall be installed by the developer and properly maintained by the applicable property owners in the PC Zone. A plan for funding of on-going maintenance of street landscaping by the property owners shall be presented for approval by Staff at the time of Site Plan approval.

(F) Lighting

Lighting requirements shall be determined and governed by the Project Specific Standards.

~~These shall include adoption of the standards and requirements of the Spanish Valley Dark Sky Ordinance.~~

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(G) Other Requirements

The following requirements shall apply in the PC Zone.

1. All development areas shall be graded according to San Juan County Code requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
2. Incorporation of Low Impact Design (LID) storm water practices shall be required wherever possible.
3. The applicable owners shall properly maintain all private areas of individual lots or parcels.
4. The specific requirements of this Chapter may be modified as the County Commission deems appropriate pursuant to the terms of the applicable development agreement.
5. All common area improvements including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, street lights, and signs not specifically

dedicated to or accepted for ownership or maintenance by San Juan County shall be perpetually maintained by the applicable owners or their agents through a special taxing district, owners' association with power to assess and collect fees for maintenance, or other assessment and maintenance mechanisms acceptable to the County Commission.

6. Improvements for which San Juan County agrees to accept maintenance responsibility shall be reviewed by the applicable service provider for compliance with adopted standards prior to approval.

Development Agreement

In conjunction with the approval of a PC Zone Plan, CSP, and Project Plan, the developer and/or landowner and San Juan County Commission shall enter into one or more development agreements reflecting all conditions of approval and terms of the applicable CSP and such other matters as the County Commission and developer/landowner may agree.

The County Commission chair shall sign all development agreements and shall only approve the development agreement associated with the CSP. Without regard to future amendments, additions or changes to the Ordinance, the County Commission may agree, in such development agreements, that the developer/landowner may advance development applications for projects within the applicable CSP pursuant to the planning and approval processes set forth in this chapter, or such other process as is specifically agreed upon pursuant to a development agreement approved by the County Commission. Such development agreements may further identify a process for approving amendments to an approved PC Zone Plan, CSP, Project Plan or Subdivision Plat, which shall be approved by the County Commission to the extent such a process differs from San Juan County Code. Any entitlement granted to the developer/landowner under the terms of a development agreement shall be subject to amendments, changes, or additions to this chapter if the County Commission finds that failure to so amend, change, or add to the chapter would constitute a compelling countervailing public interest.

San Juan County Spanish Valley Highway Commercial District (SVHC) Ordinance

An Ordinance Creating the *Spanish Valley Highway Commercial (SVHC)* District of the San Juan County Land Use Ordinance for the Purpose of Controlling Development [in the Spanish Valley in the non-federal lands in the Spanish Valley within San Juan County. See Land Use Plan on page 28 of the San Juan County Spanish Valley Area Plan \(adopted April 17, 2018\) for a map and general description.](#)

Comment [U12]: Confusion about the boundary of Spanish Valley. Include reference to Spanish Valley Area Plan.

- Purpose**
- Uses**
- Conditional Uses**
- Special Provisions**
- Signs**
- Constrained Lands**
- District Standards**
- Subdivision Standards**
- Streets**
- Sidewalks and Trails**
- Easements**
- Drainage**
- Water Supply**

Purpose
To provide a district where highway commercial uses along U.S. Highway 191 are permitted, as supported in the *San Juan County Spanish Valley Area Plan (2018)*. Accordingly, regional **commercial, business development and specialty residential** uses should be permitted along U.S. Highway 191 as part of a flexible, mixed use development model, with access provided primarily from east/west roads linked to the highway, and along highway frontage roads.

- Uses and Sub-zones**
- Restaurant or drive-in café
 - Motels and Hotels
 - New and Used Automobile Sales
 - Automobile Service Station
 - Auto Accessories Farm Machinery and Equipment Sales
 - Nurseries and Greenhouses
 - Mobile Home Sales
 - Mobile Home Park
 - Drive-in Theater
 - Bowling Alley and Other Commercial Recreation Facilities
 - Accessory Buildings and uses

- Other uses approved by the Planning Commission as being in harmony with the intent of the Spanish Valley Highway Commercial zone and similar in nature to the above listed uses.

Conditional Uses

All other uses than those listed.

Special Provisions

1. Applications for conditional uses are required to provide a detailed site plan drawings of their proposed use as follows:
 - (a) Format size not less than 8-1/2" x 11" or greater than 24" x 36".
 - (b) Precise dimension at a standard scale.
 - (c) Location of all existing structures and improvements (buildings, roads, fences, ditches and canals, utility systems), and other information as required by Planning Commission.
 - (d) Proposed methods of providing utility needs including water, sewer, electrical, and fuel services, access and parking, and appropriate methods from dealing with any special site problems such as storm water drainage.
2. No ~~buildings used for commercial or industrial purposes - building~~ shall be erected within twenty-five (25) feet of a residential building or residential district boundary. ~~Buildings used for commercial~~ ~~and/or industrial buildings purposes that are located~~ within one-hundred (100) feet of a residential district boundary shall not exceed the height limitations of the ~~corresponding at~~ residential district.
3. All Highway Commercial uses must have direct frontage and/or a physical parcel connection by street to U.S. Highway 191. Sites lacking such relationships will be limited to uses and development conditions of the adjacent Spanish Valley Residential District.

Signs

1. Businesses signs shall be allowed after approval of a "Request for Business Sign Permit" and shall be regulated by Federal and State Highway legislation, provided that:
 - a. Planning Commission may require that signs shall not exceed one (1) square feet of sign area for each one (1) linear foot of street frontage abutting the development portion of the property,
 - b. Any one (1) sign for any one (1) business shall not exceed fifty (50) square feet, and
 - c. The number of signs for each business may not exceed three (3), the total area of which shall not exceed the total sign area allowance.
2. Non-business signs shall be permitted provided no more than two (2) signs for each use or occupancy may contribute to the total allowable square footage area as follows:
 - a. Development - maximum 40 square feet
 - b. Civic - maximum 14 square feet

- c. Real Estate - maximum 32 square feet
- d. Residential - maximum 2 square feet

All signs to be flat wall or free standing and such signs shall not be revolving, have moving parts, flashing or intermittent lighting.

Lot Design Standards

All development in the SVHC District shall be subject to the following lot design standards, which generally allow for a variety of uses and building types while maintaining the overall character of a highway commercial district. This approach promotes better site layout and development relationships that match existing and proposed infrastructure investments.

Minimum Requirements

Every building erected or installed must be located on, and every plat submitted for approval must show, a lot or building parcel that meets the minimum requirements of at least one use permitted under this article, based on underlying zoning and subdivision type.

Every building and lot must have direct access to a public street or frontage road.

All structures must be located on lots or parcels that provide safe and convenient access for servicing, fire protection and required on-site parking. No lot shall be approved that does not meet the minimum lot area requirements of this chapter except in the following cases:

1. Nonconforming lots
2. Public Utilities

The uses and densities listed in this chapter are allowed by right unless otherwise expressly stated. Each project must comply with all of the applicable development standards of this chapter.

Constrained Lands

Constrained lands include lands with natural slopes greater than thirty (30) percent, jurisdictional wetlands, lands in the 100-year floodplain, public drinking water supply sources (recharge areas for wells and aquifers), lands affected by unmitigable geo-hazards, riparian habitats, and archeological sites.

Constrained lands in all developments and subdivisions shall be identified on plats and remain unoccupied by buildings or impervious surfaces.

Land Suitability

Land deemed to be environmentally unsuitable shall not be platted for residential occupancy, or for such other uses as may increase danger to health, life, or property, or aggravate erosion or flood hazard. Such land within the plat shall be restricted for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsafe living conditions.

The County shall not approve the subdivision of land if it is determined that the site is not suitable for platting and development purposes.

District Standards

For all principal structures in the SVHC District, the front yard, side and rear yards facing the highway, other streets and within 25-feet of a residential use or district shall be landscaped in accordance with the requirements of the Water Efficient Landscape chapter of the San Juan County Land Use Ordinance.

Subdivision Standards

Applicability

All plats and subdivision of land within the SVHC District shall conform to the following rules and regulations.

Lot Configuration

The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall not be less than those specified as minimum standards by the SVHC District. The depth and width of properties shall be adequate to provide for the off-street service, parking facilities and fire/safety requirements required in the San Juan County Land Use Ordinance.

Side Lot Lines

Side lot lines shall be substantially at right angles to street lines unless otherwise approved by the Planning Commission.

Street Frontage Required

Each new lot or building tract shall front upon a public street.

Double Frontage Lots

Double frontage lots shall be avoided, except where essential to provide separation from traffic or to overcome specific disadvantages of topography and orientation.

Flag Lots

Flag-shaped or panhandle shaped lots may be created if all of the following requirements are met:

1. The lot provides access to a residential or agricultural use.
2. The lot has at least 20 feet of frontage on a dedicated public street, which frontage served as access only to the subject lot or parcel.
3. The "handle" portion of the lot is at least 20 feet in width, and not more than 250 feet in length.
4. The body of the lot meets the lot area and lot width and setback requirements of the applicable TYPE.

Large Lots

Where the area is divided into larger lots than for normal San Juan County building sites and, in the opinion of the Planning Commission, any or all of the tracts are susceptible to being re-subdivided, the original subdivision shall be such that the alignment of future street dedications may conform to the general street layout in the surrounding area and so that the larger tracts may be later subdivided in conformance with the requirements of this Code and the minimum standards specified by the applicable zoning district.

StreetsApplicability

All developers shall be required to construct streets in accordance with requirements of the San Juan County Code requirements.

Street Layout

Unless otherwise approved by the Planning Commission, provisions shall be made for the extension of streets. All streets shall bear a logical relationship to the topography and to the location of existing or planned streets on adjacent properties. Adequate local streets shall be provided to accommodate the subdivision and provide access to lots. The arrangement of streets in a subdivision shall either:

3. Provide for the continuation or appropriate projection to existing principal streets in surrounding areas; or
4. Conform to a plan for a neighborhood or planned unit development approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or where neighborhood design makes a varied plan appropriate.

Street Connections

The system of streets designated for a subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivision(s); and where no adjacent connections are platted, must in general be the reasonable projection of streets in the nearest subdivided tracts, and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith. Reserve strips of land controlling access to or egress from other property or to or from any street or alley or having the effect of restricting or damaging the adjoining property for subdivision purposes shall not be permitted in any subdivision unless such reserve strips are conveyed to San Juan County in fee simple.

Half Right-of-Way (R.O.W.)

Half streets shall be prohibited except where essential to the reasonable development of the subdivision and where the Planning Commission finds it will be practicable to require the dedication for the other half of a street when adjoining property is subdivided.

Street Intersections

More than two streets intersecting at a point shall be avoided, except where it is impractical to secure a proper street system otherwise. Intersections shall be as near 90 degrees as possible and in no cases shall the intersection angle being less than 60 degrees.

Street Joags

Non-intersecting streets with centerline offset of less than 125 feet shall not be approved.

Dead-End Streets

Dead-end streets, except for cul-de-sacs, shall be prohibited unless they are designed to connect with future streets on adjacent lands that have not been platted. In cases where these types of dead-end streets are allowed, a temporary turnaround with a minimum radius of 100 feet shall be constructed.

Cul-de-sacs

Cul-de-sacs shall meet the San Juan County Code requirements. Ordinarily, cul-de-sacs are discouraged as they do not result in a continuity of existing streets or streets pattern, and may be used only where unusual drainage or land ownership configurations exist that make other designs impractical.

Highway Access Permit

A Highway Access Permit must be approved by UDOT for each new property or subdivision with direct access to a federal or state highway. Turn lanes, frontage road(s), curb and gutter may be required along the entire highway frontage if required by UDOT.

Street Design Standards

Street and alley widths, curves, grades design speed and centerline radius shall meet San Juan County Code requirements.

Street Names and Numbers

All street names shall be as established subject to approval of San Juan County Code requirements. When new streets are in alignment with existing streets, any new streets shall be named according to the existing streets with which they correspond. Streets which do not fit into an established street-naming pattern shall be named in a manner which will not duplicate or be confused with existing streets within the Spanish Valley Area Plan or its environs.

Street lighting

~~Street Lighting shall conform to San Juan County requirements. Street lighting shall conform to the Dark Sky chapter of this Code.~~ The developer shall pay the costs of purchasing and installing all street lighting equipment. Street lighting design plans shall be subject to the approval of the County Engineer. The type of equipment, method of installation and location of the wiring and light poles shall meet the minimum standards and requirements of the electric company from which electricity is to be purchased. ~~All street lighting shall be shielded and directed toward the ground so as to minimize horizontal view and visibility~~

~~of the light source.~~ All intersections with a major collector street shall have at least one street light.

Sidewalks and Trails

Applicability

This section is intended to ensure adequate pedestrian access is available to serve uses that need and benefit from such access. If a builder or property owner believes that a proposed use does not need or benefit from pedestrian access, a written request for interpretation may be submitted to the Zoning Administrator describing the use and explaining why pedestrian access should not be required as a condition of the building permit for the proposed use.

Trails

~~Trails shall be designed as multi-use trails and shall conform to the standards in Table 3.~~
Trails shall be designed as single track and multi-use trails depending on the specific need, and conform to the standards in Table 1 below.

**Table 13
Trail Design Standards**

TRAIL DESIGN STANDARDS									
	Cross-Slope Range	Min. Trail Width	Min. R.O.W. Width	Clearing		Preferred Surface Materials			
				horizontal	vertical	natural	crushed stone	asphalt	concrete
Multi-use Trails <u>Single-track Trails</u>	0-24% <u>0-10%</u>	43' <u>12'</u>	64' <u>15'</u>	1.5' each side of trail	10'	Yes	Yes	No	No
<u>Multi-use Trails</u>	<u>0-10%</u>	<u>12'</u>	<u>15'</u>	<u>1.5' each side of trail</u>	<u>10'</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>

Easements

Utility Easements Required

Utility easements shall be ~~provided~~ required unless otherwise approved by the Planning Commission and in commercial and industrial districts, ~~except that the Planning Commission may waive the requirement where other definite and assured provision is made for service access consistent with and adequate for the uses proposed.~~

Minimum Width

The minimum rights-of-way width of each utility easement shall be 5' or as otherwise provided according to San Juan County Code requirements.

Utility Easements

~~Utility easements shall be provided according to San Juan County Code requirements.~~

Culinary Water and Sanitary Sewer Easements
~~Water and sewer easements shall be provided according to San Juan County Code requirements.~~

Fire Lanes and Emergency Access Easements
Fire lanes and emergency access easements shall be provided according to San Juan County Code requirements

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Drainage Easements
When a proposed subdivision is traversed by an irrigation ditch or channel, natural creek or stream or a proposed drainage easement, an easement shall be provided sufficient for drainage and to allow for maintenance of the drainage system.

Trail Easements
When a proposed subdivision is traversed by a public trail shown on an adopted plan or when the Planning Commission finds that a trail easement can better serve the proposed development than a sidewalk, a minimum 15-foot wide easement shall be provided sufficient for public trail construction, maintenance and access purposes.

Adjoining Areas
When easements in areas adjoining proposed subdivisions are necessary to provide adequate drainage thereof or to serve such subdivisions with utilities, the developer shall obtain such easements.

Drainage

Applicability
Applicants shall provide, at applicant’s expense, drainage structures in accordance with the requirements of the San Juan County Code requirements, which will become integral parts of the existing street or roadway drainage system. The dimensions of all drainage structures must meet San Juan County Code requirements. Design shall be based on environmentally sound site planning and engineering techniques.

It is especially critical that storm water management systems be designed for an entire drainage basin rather than just for specific sites. If improvements are identified and necessary downstream of the proposed development and no approved capital improvement plan exists to address the necessary improvement, the applicant shall be required to demonstrate that such existing drainage features are adequate to serve the applicant’s anticipated development and to protect the public health, safety, and general welfare at full build out under existing zoning. Where such demonstration is not made, the applicant shall be required to install such necessary improvements and may seek pro-rata reimbursement from future downstream development.

Minimum Standards

A. Natural and Historic Drainage Ways

All historic flood and drainage ways shall be protected from alteration such that their primary function as storm water facilities shall be upheld.

B. 100-Year Storm

All drainage and flood control facilities shall be designed to handle the calculated difference between historic flows and the anticipated post-development 100-year frequency storms for maximum period of intensity over the entire drainage basin which the subdivision serves. The "100-year storm" referred to herein shall mean that storm run-off is calculated on the basis of a fully developed watershed.

C. Erosion

Where free fall of water occurs, satisfactory means shall be provided to prevent erosion of soil. Where required, culverts shall have concrete head walls and wing walls. ~~Culverts 48 inches and larger shall have concrete head walls and wing walls.~~

D. Catch Basins

Catch basins shall be constructed in accordance with the San Juan County Code requirements.

E. Engineered Design

All drainage shall be designed by a Utah registered engineer and approved according to San Juan County Code requirements.

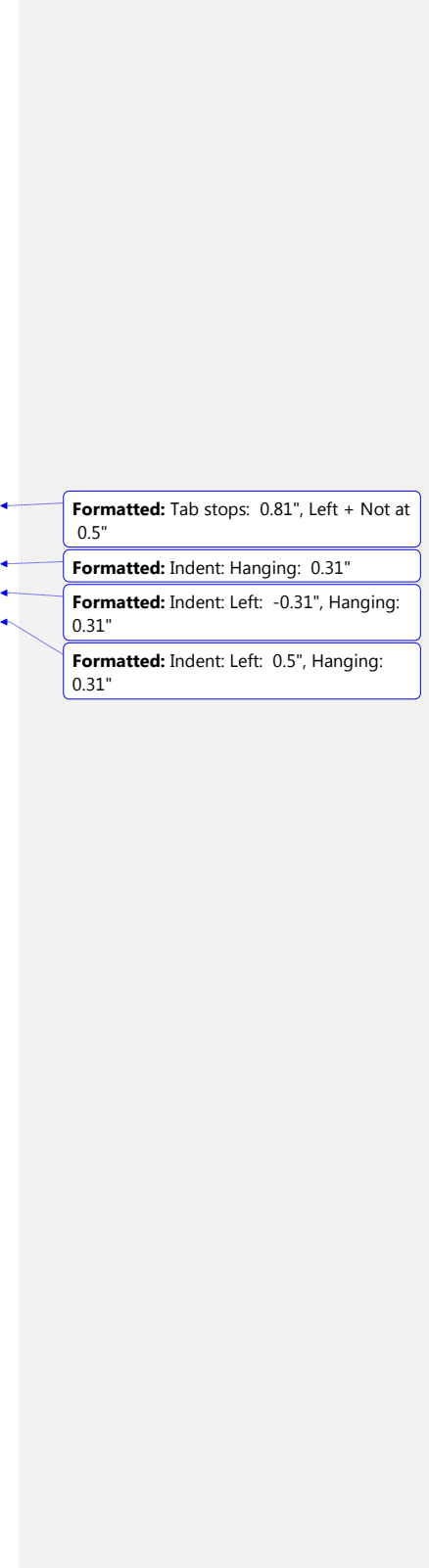
Water Supply

General

New development shall provide water supply that is sufficient in terms of quality, quantity and dependability for the proposed development. In making its determination as to whether the proposed water supply meets this standard, the decision-making body shall give substantial weight to the recommendations of State, County and applicable service district authorities and their associated standards. All water systems shall be provided by or through approved water and sewer service agencies and meet all applicable requirements of the San Juan County Code requirements.

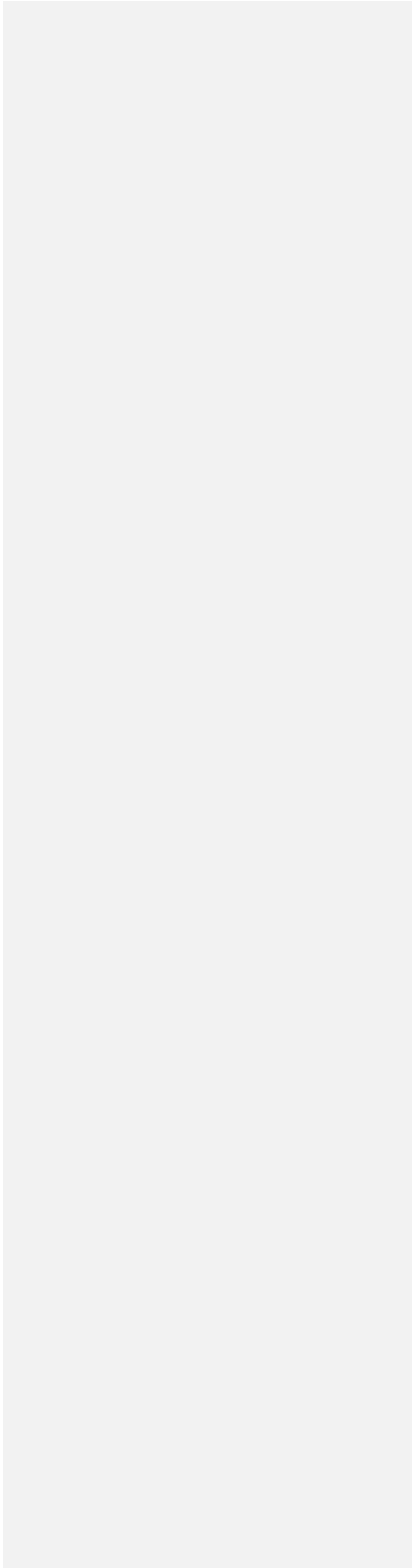
Municipal and District Water Systems

If all or part of a proposed development is within the jurisdiction of an approved public water system, then the applicant must obtain a written certification from the public water service provider stating that it is able to provide an adequate supply of drinking water with adequate quantity, quality and sufficient pressure to meet the needs of the proposed development based on the projected water usage of the development. Individual or



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common wells or other private water systems shall be permitted only when the subdivision boundary is outside the jurisdiction of an approved public water system able to serve the development.



San Juan County Spanish Valley Water Efficient Landscape Ordinance

An Ordinance Establishing Minimum Water Efficient Landscape Requirements for the [San-non-federal lands in the Spanish Valley within San Juan County. See Land Use Plan on page 28 of the San Juan County Spanish Valley Area Plan \(adopted April 17, 2018\) for a map and general description.](#)
[Juan County Spanish Valley](#)

Comment [U13]: Confusion about the boundary of Spanish Valley. Include reference to Spanish Valley Area Plan.

Purpose

Definitions

Applicability of Water Efficient Landscape Ordinance

Landscape Design Standards

Irrigation Design Standards

Landscapes in New Single-family Residential Developments

Prohibition on Restrictive Covenants Requiring Turf

Landscapes in Commercial, Flex and Civic/Institutional Developments

Projects

Plan Review and Construction Inspection for Commercial, Industrial, and Institutional Projects

Purpose

The purpose of this ordinance is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by reducing water waste and establishing a structure for designing, installing and maintaining water efficient landscapes in the San Juan County Spanish Valley.

Definitions

The following definitions shall apply to this ordinance:

Bubbler: An irrigation head that delivers water to the root zone by “flooding” the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.

Check Valve: A device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow.

Controller: A device used in irrigation systems to automatically control when and how long sprinklers or drip systems operate.

Drip Emitter: Drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

Grading Plan: The Grading Plan shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscaped area.

Ground Cover: Material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve (12) inches.

Hardscape: Patios, decks and paths. Does not include driveways and sidewalks.

Irrigation Plan: The irrigation plan shows the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

Landscape Architect: A person who holds a professional license to practice landscape architecture in the state of Utah. Only a Landscape Architect can legally create commercial landscape plans.

Landscape Designer: A person who may or may not hold professional certificates for landscape design/architecture and cannot legally create commercial landscape plans. Landscape Designers generally focus on residential design and horticultural needs of home landscapes.

Landscape Plan Documentation Package: The preparation of a graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance. The Landscape Plan Documentation Package shall include a project data sheet, a Planting Plan, an Irrigation Plan, and a Grading Plan.

Landscape Zone: A portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.

Landscaping: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences or benches.

Mulch: Any material such as rock, bark, wood chips or other materials left loose and applied to the soil.

Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.

Planting Plan: A Planting Plan shall clearly and accurately identify and locate new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.

Pop-up Spray Head: A sprinkler head that sprays water through a nozzle in a fixed pattern with no rotation.

Precipitation Rate: The depth of water applied to a given area, usually measured in inches per hour.

Pressure Regulating Valve: A valve installed in an irrigation mainline that reduces a higher supply pressure at the inlet down to a regulated lower pressure at the outlet.

Pressure Compensating: A drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.

Rotor Spray Head: A sprinkler head that distributes water through a nozzle by the rotation of a gear or mechanical rotor.

Runoff: Irrigation water that is not absorbed by the soil or landscape area to which it is applied and which flows onto other areas.

Spray Sprinkler: An irrigation head that sprays water through a nozzle.

Stream Sprinkler: An irrigation head that projects water through a gear rotor in single or multiple streams.

Turf: A surface layer of earth containing mowed grass with its roots.

Water-Conserving Plant: A plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.

Applicability of Water Efficient Landscape Ordinance

The provisions of this ordinance shall apply to all new and rehabilitated landscapes for public agency projects, private development projects, developer-installed landscape projects in multi-family and single-family residential projects, and homeowner provided landscape improvements within the front, side, and rear yards of single and two-family dwellings.

Landscape Design Standards

- A. Plant Selection. Plants shall be well-suited to the microclimate and soil conditions at the project site. Both native and locally-adapted plants are acceptable. Plants with similar water needs shall be grouped together as much as possible.
 1. Areas with slopes greater than 30% shall be landscaped with deep-rooting, water- conserving plants for erosion control and soil stabilization.
 2. Park strips and other landscaped areas less than eight (8) feet wide shall be landscaped with water-conserving plants, that do not include turf.
- B. Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum four (4) inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.
- C. Soil Preparation. Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six (6) inches and amending the soil with organic material as per specific recommendations of the Landscape Designer/Landscape Architect based on the soil conditions.
- D. Tree Selection. Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Trees shall be selected as follows:
 1. Broad canopy trees shall be selected where shade or screening of tall objects is desired;
 2. Low-growing trees shall be selected for spaces under utility wires;

3. Select trees from which lower branches can be trimmed in order to maintain a healthy growth habit where vision clearance and natural surveillance is a concern;
4. Narrow or columnar trees shall be selected where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance;
5. Street trees shall be planted within existing and proposed park strips, and in sidewalk tree wells on streets without park strips. Tree placement shall provide canopy cover (shade) and avoid conflicts with existing trees, retaining walls, utilities, lighting, and other obstacles; and
6. Trees less than a two-inch caliper shall be double-staked until the trees mature to a two-inch caliper.

Irrigation Design Standards

- A. Pressure Regulation. A pressure regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds 80 pounds per square inch (psi). The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer's recommended pressure for the sprinklers.
- B. Irrigation Controller. Landscaped areas shall utilize a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.
- C. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.
- D. Drip emitters or a bubbler shall be provided for each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the County due to the limited number of trees on the project site.
- E. Drip irrigation or bubblers shall be used to irrigate plants in non-turf areas.
- F. Pop-up spray heads shall be at a minimum of four (4) inches in height to clear turf.
- G. Sprinklers shall have matched precipitation rates with each control valve circuit.
- H. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.
- I. Check valves shall be required where elevation differences cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure occurs within the irrigation system due to elevation differences.
- J. Filters and end flush valves shall be provided as necessary for drip irrigation lines.
- K. Valves with spray or stream sprinklers shall be scheduled to operate between 6 p.m. and 10 a.m. to reduce water loss from wind and evaporation.
- L. Program valves for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

Landscapes in New Single-family Residential Developments

- A. Homebuilders and/or developers subdividing lots and/or constructing new single-family residential homes shall offer a water-efficient landscaping option to prospective home buyers. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 10% of the total landscaped area or 1,000 square feet, whichever is less.
- B. Homebuilders and/or developers who construct model homes for a designated subdivision shall have at least one model home with water-efficient landscaping. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 10% of the total landscaped area or 1,000 square feet, whichever is less.
- C. Model homes shall include an informational brochure on water-efficient landscaping.

Prohibition on Restrictive Covenants Requiring Turf

- A. Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable if they:
 - 1. Require the use of turf in landscape areas less than 8 feet wide or require turf in other areas that exceed 10% of the landscaped area; or
 - 2. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
 - 3. Have the effect of prohibiting or restricting compliance with this ordinance or other water conservation measures.

Landscapes in Commercial, Flex and Civic/Institutional Developments

Commercial, Flex and Civic/Institutional landscapes shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 10% of the total landscaped area or 1,000 square feet, whichever is less, outside of active recreation areas such as playfields and sport fields.

Documentation for Commercial, Flex and Civic/Institutional Projects

Landscape Plan Documentation Package. A copy of a Landscape Plan Documentation Package shall be submitted to and approved by the County prior to the issue of any permit. A copy of the approved Landscape Plan Documentation Package shall be provided to the property owner or site manager and to the local retail water purveyor. The Landscape Plan Documentation Package shall be prepared by a registered landscape architect and shall consist of the following items:

- A. Project Data Sheet. The Project Data Sheet shall contain the following:
 - 1. Project name and address;
 - 2. Applicant or applicant agent's name, address, phone number, and email address;
 - 3. Landscape architect's name, address, phone number, and email address; and
 - 4. Landscape contractor's name, address, phone number and email address,

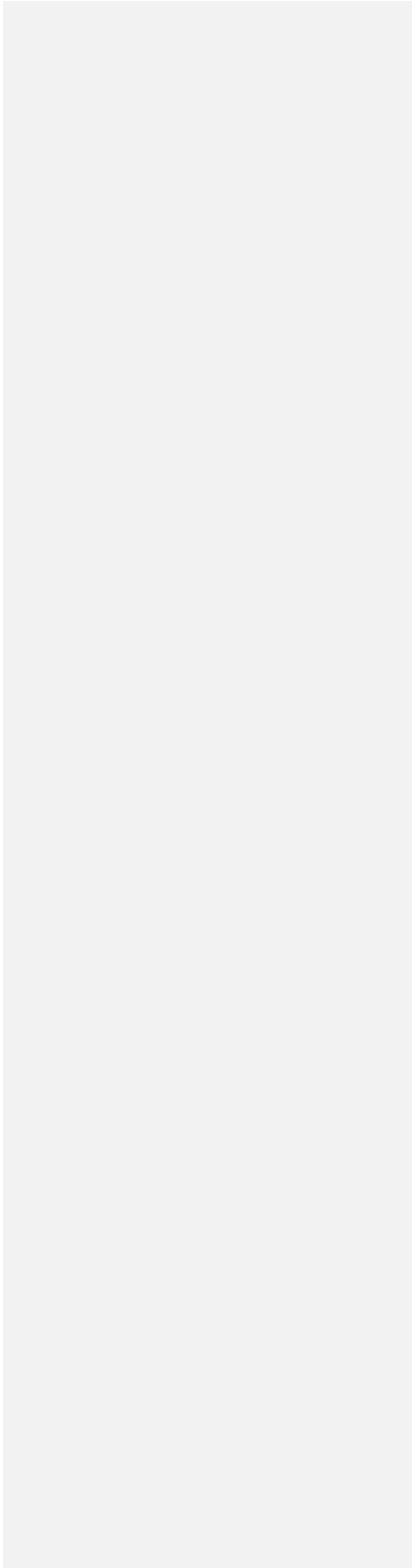
if available at this time.

- B. Planting Plan. A detailed planting plan shall be drawn at a scale that clearly identifies the following:
1. Location of all plant materials, a legend with botanical and common names, and size of plant materials;
 2. Property lines and street names;
 3. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
 4. Existing trees and plant materials to be removed or retained;
 5. Scale: graphic and written;
 6. Date of design;
 7. Designation of landscape zones, and
 8. Details and specifications for tree staking, soil preparation, and other planting work.
- C. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:
1. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
 2. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
 3. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers, and
 4. Installation details for irrigation components.
- D. Grading Plan. A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
1. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements, and
 2. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements.

Plan Review and Construction Inspection for Commercial, Industrial, and Institutional Projects

- A. As part of the Building Permit approval process, a copy of the Landscape Plan Documentation Package shall be submitted to ~~the~~ San Juan County [staff](#) for review and approval before construction begins.
- B. All installers and designers shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.
- C. Following construction and prior to issuing the approval for occupancy, an inspection shall be scheduled with the San Juan County Building Inspector to verify compliance with the approved landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, contractor or landscape architect and submitted to the County.

D. San Juan County reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this ordinance are not satisfied.



San Juan County Spanish Valley Dark Sky Ordinance

An Ordinance to Preserve the Dark Nighttime Skies in the Spanish Valley

Purpose

Definitions

Scope and Applicability

Application and Review Procedures

Full Cutoff Fixture Requirements

Conditions and Standards Generally

Specialized Outdoor Lighting

Hillsides, Ridgelines and Special Cases

Towers

Exemptions

Prohibited Lighting

Violations

Purpose

The purposes of this ordinance are to:

- A. Encourage outdoor lighting that will minimize light pollution, glare, light trespass and sky glow in order to preserve the natural dark of the night sky and to prevent lighting nuisances on properties.
- B. Promote energy conservation.
- C. Maintains nighttime safety, utility and security.
- D. Discourages unnecessary or inappropriate outdoor lighting.
- E. Maintain the rural atmosphere and character of the Spanish Valley.

Definitions

For the purpose of this chapter, certain words, phrases and terms used herein shall have the meanings assigned to them by this section:

Accent or Architectural Lighting: Lighting of building surfaces, landscape features, statues and similar items for the purpose of decoration or ornamentation; or lighting that does not contribute to the safety or security of residents, guests, employees or customers on a property.

Direct Illumination: Illumination resulting from light emitted directly from a lamp, luminary or reflector. This does not include light reflected from other surfaces, such as the ground or building faces.

Floodlight: A fixture or lamp designed to "flood" an area with light. A specific form of lamp or fixture designed to direct its output in a specific direction. Such lamps are often designated by the manufacturer and are commonly used in residential outdoor lighting.

Full Cutoff Fixture: An outdoor light fixture designed so that the installed fixture emits no light above the horizontal plane. Full cutoff light fixtures must be shielded in and of themselves. Surrounding structures, like canopies, are not to be considered when determining if the fixture

is full cutoff. Full cutoff fixtures must be appropriately mounted so that the shielding prevents light from escaping above the horizontal and all light is directed downward.

Internally Illuminated: As it relates to signs, any sign which has a light source entirely enclosed within the sign and not directly visible to the eye.

Light Pollution: Any adverse effect of manmade light. Often used to denote "sky glow" from cities or towns, but also includes glare, light trespass, visual clutter and other adverse effects of lighting.

Light Source: The part of a lighting fixture that produces light, e.g., the bulb.

Light Trespass: Light falling where it is not wanted or needed. Spill light falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

Manufacturer's Catalog Cuts: A publication or other printed material of a lamp or lighting manufacturer offering visual and technical information about a lighting fixture or lamp.

Outdoor Light Fixture: An outdoor electrically powered illuminating lamp or similar device used for lighting structures, parking lots, pathways, service canopies, recreational areas, signs or other similar outdoor lighting uses.

Recreational Lighting: Lighting used to illuminate sports fields, ball courts, playgrounds or similar outdoor recreational facilities.

Security Lights: Lighting designed to illuminate a property or grounds for the purpose of visual security.

Spotlight: A fixture or lamp designed to light a small area very brightly. See definition of Floodlight.

Tower: Any monopole, antenna or the like that exceeds eighteen feet (18') in height.

Unshielded Fixture: A fixture that allows light to be emitted above the horizontal either directly from the lamp or indirectly from the fixture or reflector. Any fixture not full cutoff.

Scope and Applicability

- A. Compliance: All exterior outdoor lighting installed after the effective date hereof shall conform to the requirements established by this chapter. This chapter does not apply to indoor lighting.
- B. Nonconforming Uses: All existing outdoor lighting that does not meet the requirements of this chapter and is not exempted by this chapter shall be considered a nonconforming use. Those property owners are encouraged to voluntarily bring nonconforming exterior lighting into compliance with this chapter.

Application and Review Procedures

- A. All sign permit applications, building permit applications and design development review applications shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources comply with this chapter.
- B. Approval Procedure:

1. The lighting plan for all new development shall be submitted for approval concurrent with the associated application process.

Full Cutoff Fixture Requirements

- A. Required: Unless specifically exempted by this chapter, all outdoor lighting shall use full cutoff fixtures that are designed and constructed so that no light is emitted from the top or sides of the fixture.
- B. Characteristics: In order to qualify as a "full cutoff" fixture, a light fixture must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as full cutoff. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a light fixture under an eave, canopy, patio cover or other similar cover does not qualify as full cutoff.
- C. Exemptions to Full Cutoff Fixture Requirements:
 1. Spotlights controlled by motion sensors.
 2. Pathway lights and low voltage LED lights and solar lights used to illuminate pathways, provided the lights are installed no more than eighteen inches (18") above the adjacent ground and have caps that direct the light downward.
 3. Architectural lights, water feature illumination and sign illumination are all exempted from the full cutoff fixture requirement.

General Conditions and Standards

- A. Minimum Necessary: Outdoor lighting should be the minimum necessary to provide for safety and functionality.
- B. Allowable Applications: Outdoor lighting shall be allowed as follows:
 1. To illuminate the entrances to buildings (including garage entrances)
 2. To illuminate pathways and walkways.
 3. To illuminate parking areas and parking area access lanes.
 4. To illuminate outdoor gathering areas, such as patios, pool and hot tub areas, outdoor dining areas and recreation areas.
 5. For security purposes.
 6. To illuminate signage.
 7. For architectural lighting.
 8. To illuminate outdoor water features.

Specialized Outdoor Lighting

- A. Gas Station Canopies: Gas station canopies may be illuminated, provided all light fixtures are mounted on the undersurface of the canopy, all light fixtures are full cutoff and diffusers are not visible from locations off the property. Except for directed beam lighting, merely placing the fixtures on the underside of the canopy does not qualify as fully shielding the light fixture. Directed beam lighting mounted under the canopy is allowed, provided the light source cannot be seen from outside the property boundaries.
- B. Streetlights: All streetlights shall meet the requirements of this ordinance.

- C. Parking Lots: All parking lot lighting shall meet the requirements of this ordinance. Spot or flood lighting of parking lots from a building or other structure is prohibited.
- D. Recreational Lighting: The lighting for parks and athletic fields shall conform to all provisions of this ordinance.
- E. Signs: Signs may be unlighted, lighted externally, lighted internally or backlit.
 1. Lighting for externally illuminated signs must be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads or properties or into the night sky.
 2. Lighting for Internally Illuminated Signs shall use semi-opaque materials so the light emanating from the sign is diffused. Transparent or clear materials are not allowed.
 3. Lighting for Backlit Signs shall be designed such that the light source is not visible.

Hillsides, Ridgelines and Special Cases

In areas near steep slopes near ridgelines or hillsides, additional shielding may be required to mitigate glare or light trespass.

Towers

All monopole, antenna, tower or support facility lighting not required by the federal aviation administration (FAA) or the federal communications commission (FCC) is prohibited.

Exemptions

The following shall be exempt from the requirements of this chapter:

- A. Holiday lighting as long as it does not create a hazard or nuisance to surrounding businesses or residences.
- B. Traffic control signals and devices.
- C. Temporary emergency lighting in use by law enforcement or government agencies, or at their direction.
- D. The lighting of federal or state flags; provided, that the light is a narrow beam aimed and shielded to illuminate only the flag.
- E. The planning commission may approve lighting that does not conform to these standards if need is established.

PLANNING COMMISSION MEETING

14 MARCH 2019



SAN JUAN COUNTY PLANNING COMMISSION MEETING MINUTES
Thursday, March 14, 2019

7:00 PM - Regular Planning Commission Meeting and Public Hearing

Attendance:

Planning Commission Members:	Cole Cloward Mel Nelson Scoot Flannery, Vice-chair Trent Schafer, Chair
County Staff:	Walter Bird

1. **General Business:**

Welcome: At 7:01 p.m. Chairman Trent Schafer called the meeting to order and welcomed those in attendance. He then passed the chair to Vice-chair Flannery because he was losing his voice from a cold.

1.1 Roll Call: Quorum present. Commissioners Lloyd Wilson and Steve Deeter were absent.

1.2 Approval of Minutes for February 7, 2019: A MOTION was made by Commissioner Nelson to approve the minutes with suggested changes for the February 7, 2019 meeting. Commissioner Schafer SECONDED the motion. The voting was unanimous. Motion carried.

2. **Public Comment:** Spanish Valley resident Karl Spielman asked the PC if they knew of a plat / plan map of the proposed extension of the old airport road into San Juan County? Commissioner Scoot Flannery works for Jones and DeMille, the engineer for the water and sewer project, and he volunteered to get Mr. Spielman in touch with the engineers on the project to see if they have such a map.

3. **Public Hearing:**

3.1 General Amendments to Subdivision Ordinance and adoption of Minor Subdivision Ordinance. A MOTION was made by Commissioner Schafer to go into Public Hearing. Commissioner Cloward SECONDED the motion. The voting was unanimous. Motion carried. There was no public comment on the General Amendments to Subdivision Ordinance and adoption of Minor Subdivision Ordinance. A MOTION was made by Commissioner Schafer to go out of Public Hearing. Commissioner Nelson SECONDED the motion. The voting was unanimous. Motion carried.

4. **Administrative Items:**

- 4.1 **Plat Review for Flat Iron Mesa Ranch Subdivision.** Michael Dervage presented a one lot amendment for the Flat Iron Mesa Ranch Subdivision Phase XXIII. Staff would like to see the subdivision fleshed out more with more discernible phases, but nothing in the code requires that. Mr. Dervage and his partner Kathryn Collard want to propose the phases one at a time because it gives them flexibility on size, location, etc. The PC agreed that this is sound logic. A MOTION was made by Commissioner Cloward to approve Flat Iron Mesa Ranch Subdivision Phase XXIII. Commissioner Schafer SECONDED the motion. The voting was unanimous. Motion carried.
- 4.2 **Consider San Juan County Spanish Valley Development Ordinances for Passage.** Having discussed this issue in the previous three (3) months PC meetings, the PC held a brief discussion concerning the proposed San Juan County Spanish Valley - Spanish Valley Residential District (SVR), Spanish Valley Planned Community (SVPC), Spanish Valley Highway Commercial (SVHC) Ordinances and the Spanish Valley Water Efficient Landscape Ordinance. Staff reported that the desired PC changes had been made from the February PC meeting and that the ordinances were ready for passage. A MOTION was made by Commissioner Nelson to recommend, the passage of the San Juan County Spanish Valley - Spanish Valley Residential District (SVR), Spanish Valley Planned Community (SVPC), Spanish Valley Highway Commercial (SVHC) Ordinance, and the Spanish Valley Water Efficient Landscape Ordinances by the county commission on March 19, 2019. Commissioner Schafer SECONDED the motion. The voting was unanimous. Motion carried.
- 4.3 **Consider Amendments to Subdivision Ordinance.** The PC discussed the proposed changes to San Juan County Subdivision Ordinance to incorporate the inclusion of the above named Spanish Valley Ordinances as well as the addition of the Minor Subdivision Ordinance. Please with what they saw, a MOTION was made by Commissioner Cloward to recommend, proposed changes to San Juan County Subdivision Ordinance to incorporate the inclusion of the above named Spanish Valley Ordinances as well as the addition of the Minor Subdivision Ordinance by the county commission on March 19, 2019. Commissioner Schafer SECONDED the motion. The voting was unanimous. Motion carried.

5. **Building Permit(s) Review:**

- 5.1 Presentation of building permit list. Commissioner Cloward pulled up the latest building permit list and reported that no new permits had been pulled since the February PC meeting.

6. **Adjournment.** The meeting was adjourned at 7:29 p.m.

COUNTY COMMISSION MEETING

19 MARCH 2019

**San Juan County Work Meeting
Administration Building - Commission Room
Agenda
March 19, 2019**

Present: Willie Grayeyes - Commission Vice Chairman
Bruce Adams - Commissioner
Kelly Pehrson - CAO
John David Nielson - Clerk

Absent: Kenneth Maryboy - Commission Chairman

Attendees: Tara Benally, Nick Sandberg, Bob Turri, Wendy Black, Kaaron Jorgen, Alan Nauman, Linda Jim, Joy Howell, Maryleen Tahy, Dan Nakai, Paige Wray, Reagan Wytalucy, Natalie Randall, Brian Torgerson, Retta Hall, Kirk Benge, Susan Smith, Gilbert Sombrero, Zak Podmore, Richard Kiff, Steve Pehrson

Kaaron Jorgen - CCP Update

Kaaron updated the commission on what the CCP does and how they want to help the county. She also invited the commissioners to the upcoming CCP meetings.

Paige Wray - USU Extension

Paige came to the commission to give an update on USU Extension. Paige mentioned that she is the new county director for USU Extension. She also introduced Reagan Wytalucy as the new ag, natural resources contact. Reagan talked to the commission on her role with USU Extension and her continuing education.

Natalie Randall - SJC Economic Development

Natalie informed the commission on a meeting with UETN, the Enterprise Zone which was previously discussed, a visit from Congressman Curtis. She also gave an overall update of her office and discussed some of the things that are being worked on including broadband.

Nick Sandberg - SJC Planning

Nick gave an update on the Forest Plan and talked about a scoping period. He also talked about the Bears Ears plan, a protest period, and an advisory committee

**San Juan County Commission Meeting
Administration Building - Commission Room
Agenda
March 19, 2019**

Present: Kenneth Maryboy, Commission Chairman
Willie Grayeyes - Commission Vice Chairman
Bruce Adams - Commissioner
Kelly Pehrson - CAO
John David Nielson - Clerk

Attendees: Tara Benally, Nick Sandberg, Bob Turri, Wendy Black, Alan Nauman, Linda Jim, Maryleen Tahy, Dan Nakai, Natalie Randall, Bryan Torgerson, Retta Hall, Kirk Benge, Susan Smith, Gilbert Sombrero, Zak Podmore, Richard Kiff, Steve Pehrson, Elyce Pehrson, Josh Ewing, Walter Bird, Jason Torgerson, Mark Vlastic, Harry Johnson, Burton Black, Carol Van Steeter, Carolyn Dailey, Kim Palmer, Scoot Flannery, Nicole Haliday

A motion to approve the March 5, 2019 minutes was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Citizen Comments:

Sarah Fields - San Juan County resident

Sarah mentioned that the documents subject to the proposed action were not made available before the meeting.

Jeff Mattson - Pack Creek resident

Jeff commented on the removal of the dark skies aspect from the proposed zoning ordinance in Spanish Valley. He asked the commission to direct the Planning and Zoning Commission to add the dark skies part of the ordinance back into the ordinance document.

Bill Love - Pack Creek resident

Bill requested that the Spanish Valley Water Board be changed from an appointed board to an elected board.

Patrick Baril - Spanish Valley resident

Patrick stated that there was a lack of communication and that individuals he is representing don't know what is going on with development in Spanish Valley.

Steve Pehrson -

Steve asked what the county's position is concerning the removal of the road signs on the reservation roads and what the county is going to do about it as well as keeping the roads maintained.

Josh Ewing - Executive Director for Friends of Cedar Mesa

Josh presented a resolution and letter from different organizations challenging the recent lease sales by the BLM. He stated that he is opposed to the proposed county resolution supporting the lease sales because it sends the message that oil and gas money are more important than Native American heritage.

Elise Erler - SITLA

Elise mentioned that SITLA has worked hard with county staff on the proposed subdivision ordinance in Spanish Valley and the proposed PC zone plan and supports the passing of the ordinance and the PC zone plan.

Mark Vlasic - Landmark Design

Mark explained that Landmark Design has worked for a year and a half to develop the proposed ordinance and the PC zone plan. He explained that the public has been thoroughly vetted throughout the process and asked the commission to support the proposed ordinance and PC zone plan. He also explained that the removal of the night sky ordinance was removed by the Planning and Zoning Commission, but that it could be reconsidered as another ordinance at a later time.

Harry Johnson - McCracken Mesa resident

Harry stated that he is concerned about the oil exploration along the border of the reservation and asked for more details and communication about what type of exploration would take place.

Bryan Torgerson - SITLA and Monticello resident

Brian explained that the proposed ordinance has been through many public hearings and received lots of public comments. He also explained that it is hard to stop growth and that the best thing to do is to organize growth in a responsible way that minimizes impacts to everyone and the environment and that the proposed ordinances allow for this to happen. Brian also explained that the current Planning & Zoning ordinances are outdated and should be updated.

Carolyn Dailey - Pack Creek resident

Carolyn explained that she is opposed to the planned development in Spanish Valley. She felt that nobody from Pack Creek was considered during the planning process. She encouraged the commission to spend money to help build schools and bring electricity to the homes on the reservation.

Public Hearing:

A motion to go into public hearing was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Walter Bird gave an overview of a proposed business license ordinance and talked about how it was created. Commissioner Adams questioned part of the ordinance that requires certain businesses to submit an application for a license without being required to have a license,

including those who live on the reservation. Walter explained that the county would like to be informed as to who is doing business and where. He also explained that the ordinance could be modified to include the commissioners' suggestions which was followed by a brief discussion and it was suggested that the proposed ordinance be modified.

Bill Love - Spanish Valley resident

Bill requested that the proposed ordinance be put on the website for review prior to it being passed. He also stated that knowing who the businesses are would help collect more TRT money.

Sarah Fields - San Juan County resident

Sarah suggested a process to allow for businesses to inform the county of their business and identity.

Carol Van Steeter - San Juan County resident

Carol suggested that the ordinance is much too broad and hoped that there could be another way to solve the issue of requiring business licenses.

Maryleen Tahy - San Juan County resident

Maryleen commented that some citizens on the reservation might not understand the ordinance without being educated to its purpose.

Burton Black - Monticello resident

Burton mentioned that taxation of businesses begins with registration.

A motion to leave public hearing was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

A motion to table the ordinance until further information could be gathered was made by Commissioner Grayeyes. Commissioner Adams 2nd the motion so that public comment could be taken into consideration before the ordinance is passed. Voting was unanimous.

Public Hearing:

A motion to go into public hearing was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

Commissioner Maryboy introduced the topic and opened the hearing up to public comment.

Bill Love - San Juan County resident

Bill stated that the plan in Spanish Valley needs to be coordinated with Grand County. Bill also talked about the need to conserve and use water wisely.

Sarah Fields - San Juan County resident

Sarah asked that the proposed resolution be tabled until all citizens in the county have the opportunity to review it before it is passed. She also talked about the amount of dust that could be created.

Jeff Mattson - Pack Creek resident

Jeff asked the commission to take dark skies into consideration before passing the resolution.

Elise Erler - SITLA

Elisa stated that the structure of the ordinances presented are meant to provide structure for orderly development over the long term. She also commented on smart water use which is another aspect of the proposed ordinance and a dark skies ordinance that will be imposed on SITLA property.

Bryan Torgerson - SITLA and San Juan County resident

Brian stated that ordinances and land planning are usually reevaluated and updated every 10 years and that it has been more than 20 years since the Spanish Valley area has been reevaluated.

Susan Burley - San Juan County resident

Susan asked about due diligence being done on several different factors including archeological clearances during the planning process.

Carolyn Dailey - Pack Creek resident

Carolyn asked that the presented resolutions be tabled so that more community input could be considered.

Kelly Pehrson - San Juan County Administrator and San Juan County resident

Kelly mentioned that there have been many public hearings and many opportunities for the community to be involved and provide input on the process that created the proposed ordinances.

Connie Witt - Pack Creek resident

Connie explained that she would like to be more involved in attending meetings

Mark Vlasic - Landmark Design

Mark gave a slide show presentation explaining the process on how the county subdivision ordinance came about. After the presentation there was a discussion regarding some of the areas in Spanish Valley affected by the ordinance.

A motion to leave public hearing was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

A motion to approve the amended Spanish Valley subdivision ordinance was made by Commissioner Adams. The motion died due to the lack of a 2nd to the motion.

Commissioner Grayeyes explained that he chose not to 2nd the motion because some residents weren't included in the planning and because the voice of the people was not heard. He also stated that the Planning and Zoning Commission should be directed to go over the planning process again. Walter Bird explained that the Planning Commission has done its due diligence in planning out the ordinance. Commissioner Maryboy suggested that another public hearing to allow for further comments on the proposed ordinance.

Natalie Randall - SJC Economic Development

Natalie asked the commission for approval to purchase short term rental software which had previously been discussed. A motion to approve the purchase request was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

John David Nielson

John David asked the commissioner for approval of the beer license at Hite Marina that was discussed in a previous work meeting. A motion to approve the beer license was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Walter Bird - SJC Personal

Walter requested that the commission ratify the hiring of Sam Pittman to fill a labor position at the landfill. A motion to approve the hire was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Bruce Adams - SJC

Kelly Pehrson read the resolution listed below for consideration by the commission.

**RESOLUTION SUPPORTING THE LEASING OF OIL AND GAS RESOURCES ON BUREAU OF LAND
MANAGEMENT ADMINISTERED LEASES IN SAN JUAN COUNTY, UTAH, IN THE MARCH 20, 2018 LEASE
SALE.**

Commissioner Adams explained that the resolution is a supporting document of lease sales that have already occurred.

A motion to adopt the resolution was made by Commissioner Adams. The motion died for lack of a 2nd.

Commissioner Grayeyes explained that he did not 2nd the motion because the lease sales have already happened.

Kenneth Maryboy - SJC Commissioner

Kelly Pehrson read the resolution listed below for consideration by the commission.

RESOLUTION DIRECTING THAT THE COUNTY ADMINISTRATOR COMPILE A PACKET OF SUPPORTING DOCUMENTS, REPORTS, DATA, AND/OR OTHER INFORMATION FOR EACH AGENDA ITEM AND INCLUDE THIS PACKET OF INFORMATION WITH EACH COMMISSION MEETING AGENDA AND POST SAME ONLINE PRIOR TO THE COMMISSION MEETING WHERE IT WILL BE CONSIDERED.

Commissioner Maryboy passed the chair to Commissioner Adams.

A motion to pass the resolution was made by Commissioner Maryboy and 2nd by Commissioner Grayeyes. Commissioners Maryboy and Grayeyes voted in favor of the resolution and Commissioner Adams voted against it.

Commission Reports -

Commissioner Adams - Commissioner Adams reported that Congressman Curtis will be in San Juan County. He will also attend the AOG meeting on March 28th.

Commissioner Grayeyes - Commissioner Grayeyes expressed concern over the county's land use plan and wondered why areas on the reservation are being excluded. He hoped that it could be updated to include areas on the reservation.

Commissioner Maryboy - Commissioner Maryboy expressed appreciation to county personnel for the help in looking for the missing child in Aneth. He also thanked UNHS for their support

A motion to adjourn was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous

Spanish Valley Ordinances



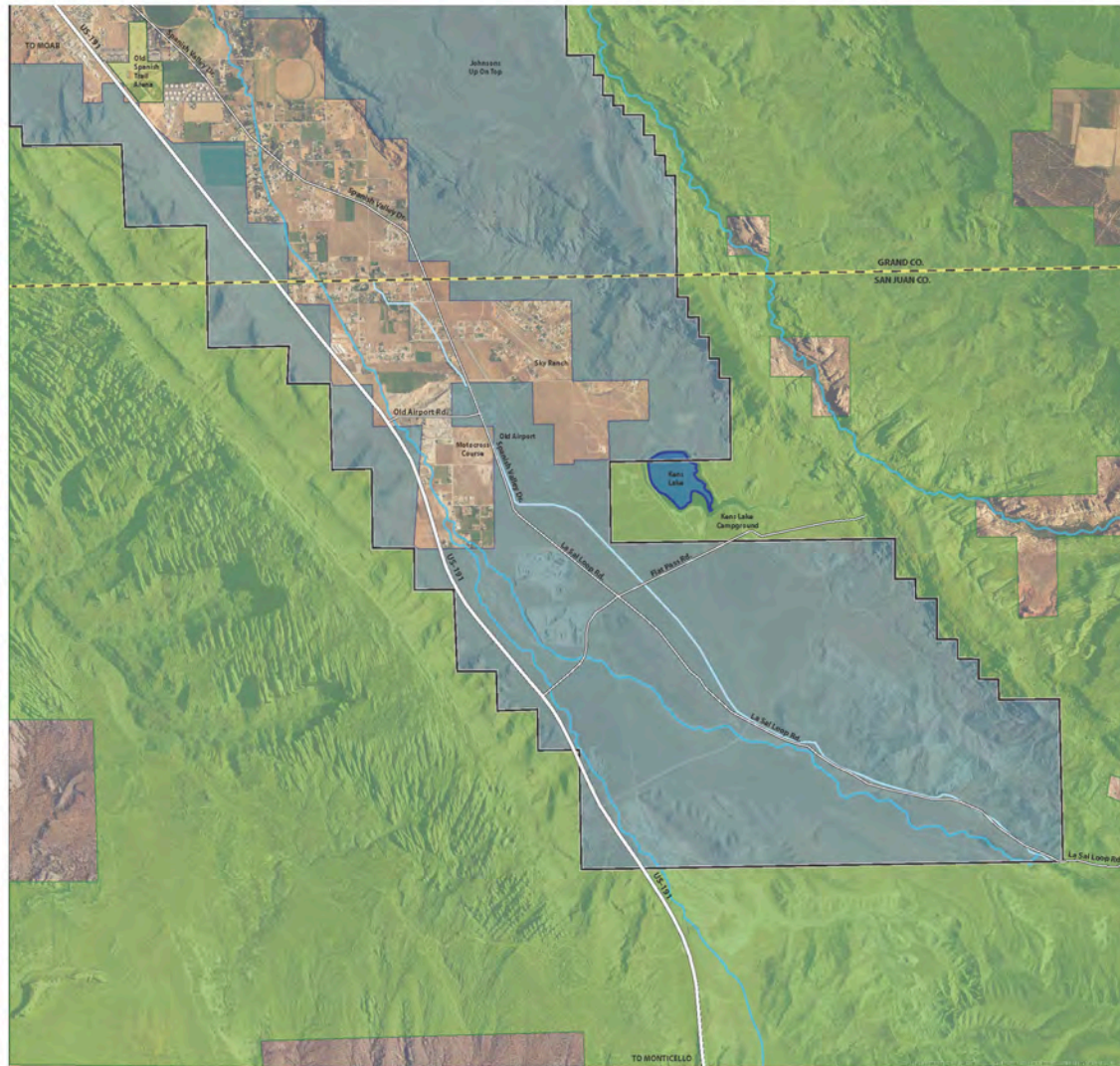
San Juan County Commission
March 19, 2019



Purpose of the Creating New Ordinances for the Spanish Valley

1. *Best utilization of municipal water and sewer*
2. *Ensure the area is well-planned*
3. *Avoid incompatible uses and property conflicts*
4. *Clarify requirements for subdivision of properties, infill development, etc.*
5. *Ensure homes and development is well-connected by roads and streets*
6. *Create a system that is easy to implement and control*

Study Area

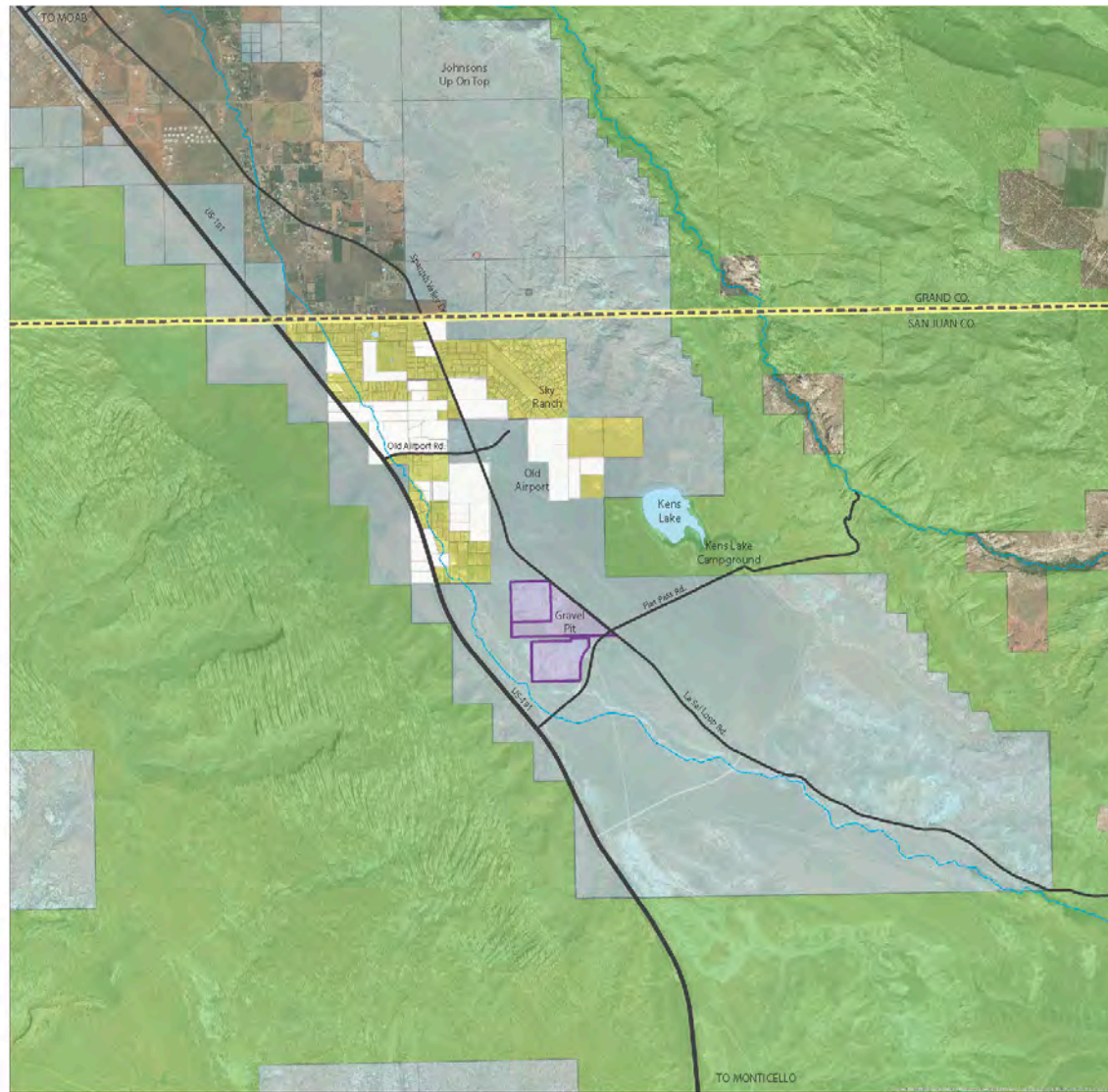


Legend

- BLM Land
- SITLA Land
- County Boundary



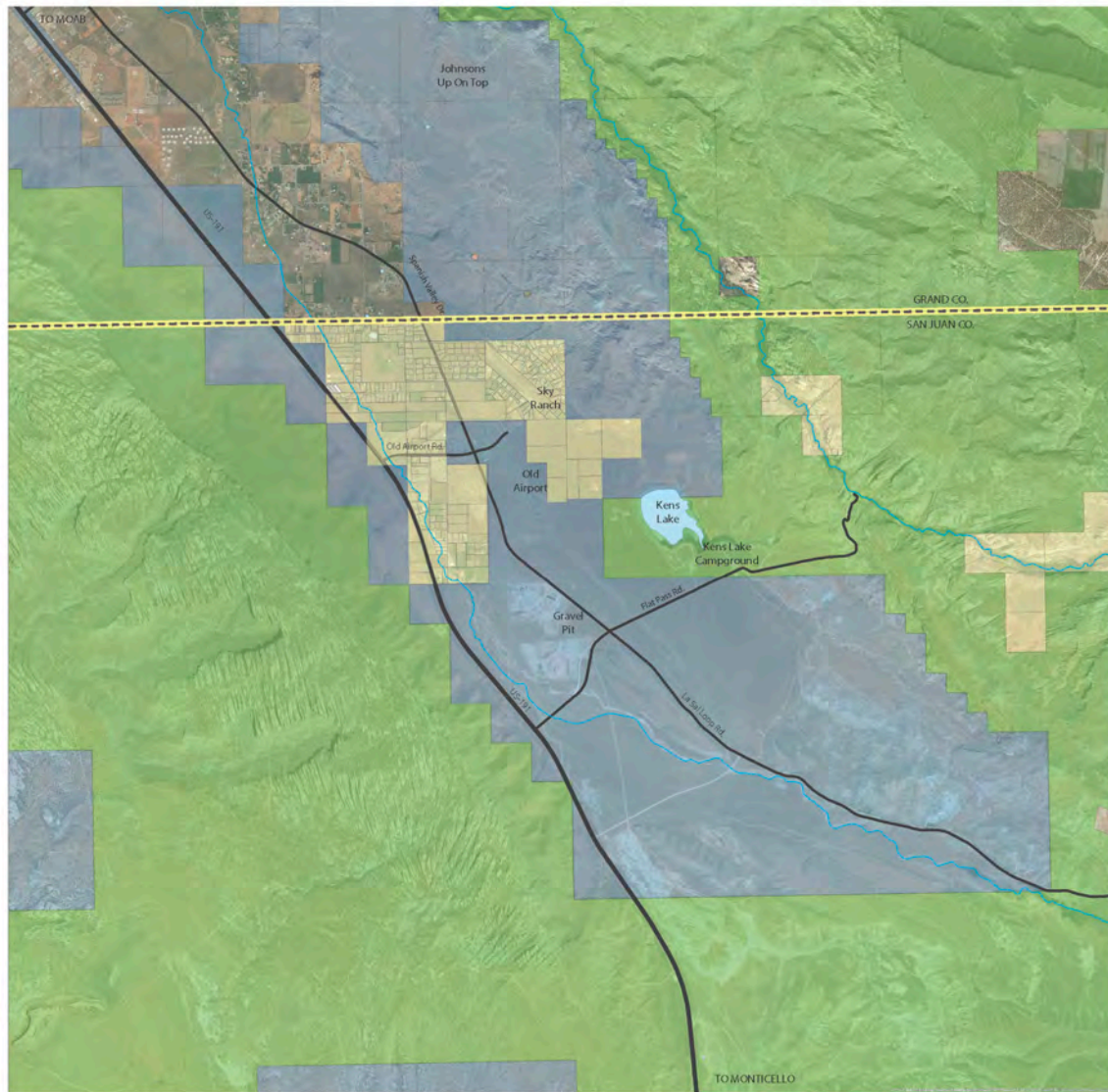
Existing Land Use



Legend

- Developed Land - Private
- Underdeveloped Land - Private
- BLM Land
- Gravel Pit
- Underdeveloped Land - SIIA
- County Boundary

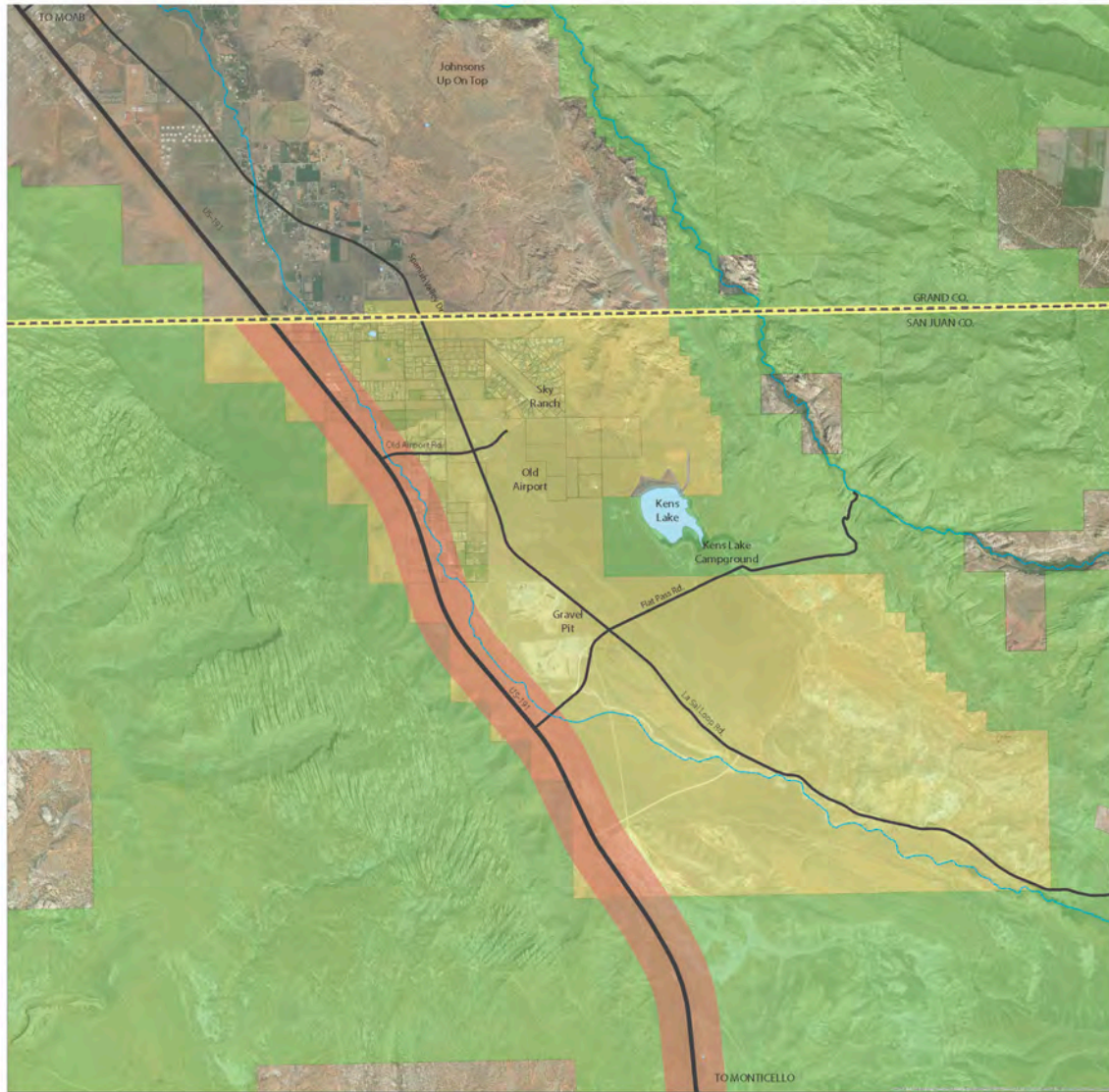
Existing Land Ownership









Legend

- Private Land in San Juan Co.
- BLM Land
- SITLA Land
- County Boundary

Existing Zoning

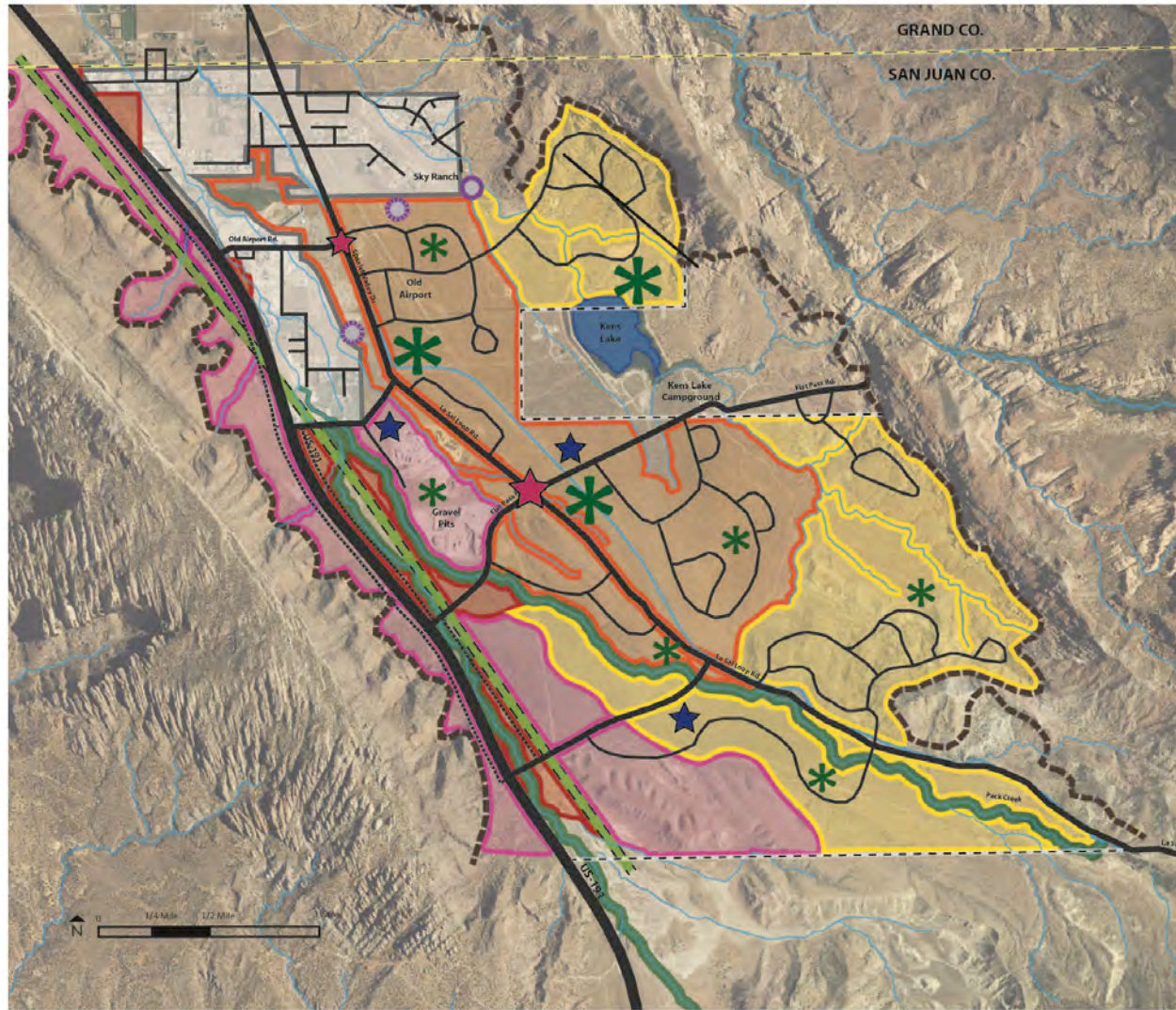


Legend

-  Residential / Agricultural.
-  Highway Commercial
-  BLM Land
-  County Boundary
-  BLM Land
-  County Boundary

LAND USE

San Juan County Spanish Valley Area Plan



Description

The San Juan County Spanish Valley Area Plan provides a rational land use and growth strategy that builds upon the key principles identified through the public input process and the direction of county officials.

Accordingly, there are five types of potential Growth and Development Areas, each with unique opportunities and considerations, as follow:

Private Land Areas

This area consists of both developed and undeveloped land that is owned by numerous private parties. Since the area has been inconsistently planned, the focus is on meeting the following needs:

- Establishing a rational and coordinated system of road and storm water conveyance systems
- Providing transitions between existing and future incompatible uses
- Facilitating limited subdivision and densification where opportunities exist
- Ensuring that future development follows a new system of guidelines that promote safe, coordinated growth and development

Central Development Areas

Located in the center of the valley, these are the flattest and easiest-to-develop areas. They are suitable for a wide range of development, including residential, civic, institutional and parks/open space uses. They also support limited development of local commerce and community services. The large tracts of contiguous land are primarily under single ownership, which promotes the application of coordinated development strategies.

Perimeter Development Areas

Located on the east and south edges of the valley, these areas are relatively distant from existing growth areas. The application of coordinated strategies and models for lower-density development should be applied.

Highway Commercial Areas

Regional commercial uses and needs are supported along the highway near major intersections. Direct access from the highway should be limited to promote movement.

Flex Development Areas

These areas provide unique opportunities to create an economic base for the valley, due in large part to their location near their highway, yet buffered from nearby neighborhoods. A flexible development approach should be considered to allow market developments and opportunities to be addressed.

Legend

- | | |
|--------------------------------------|---|
| --- BLM/SITLA Property Boundary | □ Private Land Area - focus on infill limited subdivision of acre + lots, and logical road/circulation linkages (700 acres) |
| --- Steep Cliffs Delineating Valley | □ Central Neighborhood Development Areas (1450 acres) |
| ■ Lakes/Reservoirs | □ Perimeter Neighborhood Development Areas (1750 acres) |
| ■ Major Drainage | □ Flex Development Areas - market-driven business/commercial/residential development (1075 acres) |
| ■ Minor Drainage | □ Highway Commercial Areas (200 acres) |
| — US-191 | |
| — Primary Road | |
| — Secondary Road | |
| --- Frontage Road | |
| --- Power Corridors | |
| ● New Culinary Water Well | |
| ● Future Culinary Water Well (known) | |
| ★ Regional Park | |
| ★ Community Park | |
| ★ Schools | |
| ★ Neighborhood Center | |



PHASING

Description

Phasing Concept

Development phasing should be coordinated with the provision and extension of water and sewer service, which is currently planned to take place in a north to south direction from the county border. Existing and undeveloped land in the northern extents of the study area should be prioritized, and extend southward in a methodical and contiguous fashion. Some latitude should be provided for the service of Flex Phases to facilitate the development of commercial, business, institutional and similar services, assuming water and sewer facilities are available.

Phase 1 – 700 acres

Existing and undeveloped private land area.

Phase 2 – 950 acres

Primarily residential neighborhood. Bulk of land in single ownership (SITLA) supports coordinated design and development, with higher density in the Central Neighborhood Development zone. Supports application of coordinated design and development principles. Includes a small neighborhood center, two regional parks and a community park as primary amenities/destinations.

Phase 3 – 525 acres

Central Neighborhood Development under single ownership (SITLA) supports implementation of coordinated design and development principles. Includes part of a small Neighborhood Center, a regional park, a community park and schools as primary amenities/destinations.

Phase 4 – 675 acres

Primarily residential neighborhood, with some highway commercial along Highway. Single ownership (SITLA) supports coordinated design and development, with higher density in the Central Neighborhood Development zone. Includes part of a neighborhood center, a community park and Pack Creek as primary amenities/draws. Vehicular access to highway commercial be provided primarily by service roads running parallel to the highway and from adjacent east/west running primary road system.

Phase 5 – 775 acres

Primarily residential neighborhood. Single ownership (SITLA) supports coordinated design and development as part of lower-density Perimeter Neighborhood Development principles. Includes a community park as the primary amenity/draw.

Phase 6 – 400 acres

Primarily residential neighborhood. Single ownership (SITLA) supports coordinated design and development, with higher density in the Central Neighborhood Development zone. Includes schools, a community park and Pack Creek as the primary amenities/draws.

Flex Phase A – 400 acres

Business, commercial and residential development to be considered, depending on market interest and demand. Vehicular access to be provided by service roads running parallel to the highway. Detailed master plan to be submitted and approved before development and extension of water/sewer services.

Flex Phase B – 150 acres

Business, commercial, residential and recreation development to be considered for existing gravel pit site, depending on market interest and demand. Detailed master plan to be submitted and approved before development and extension of water/sewer services.

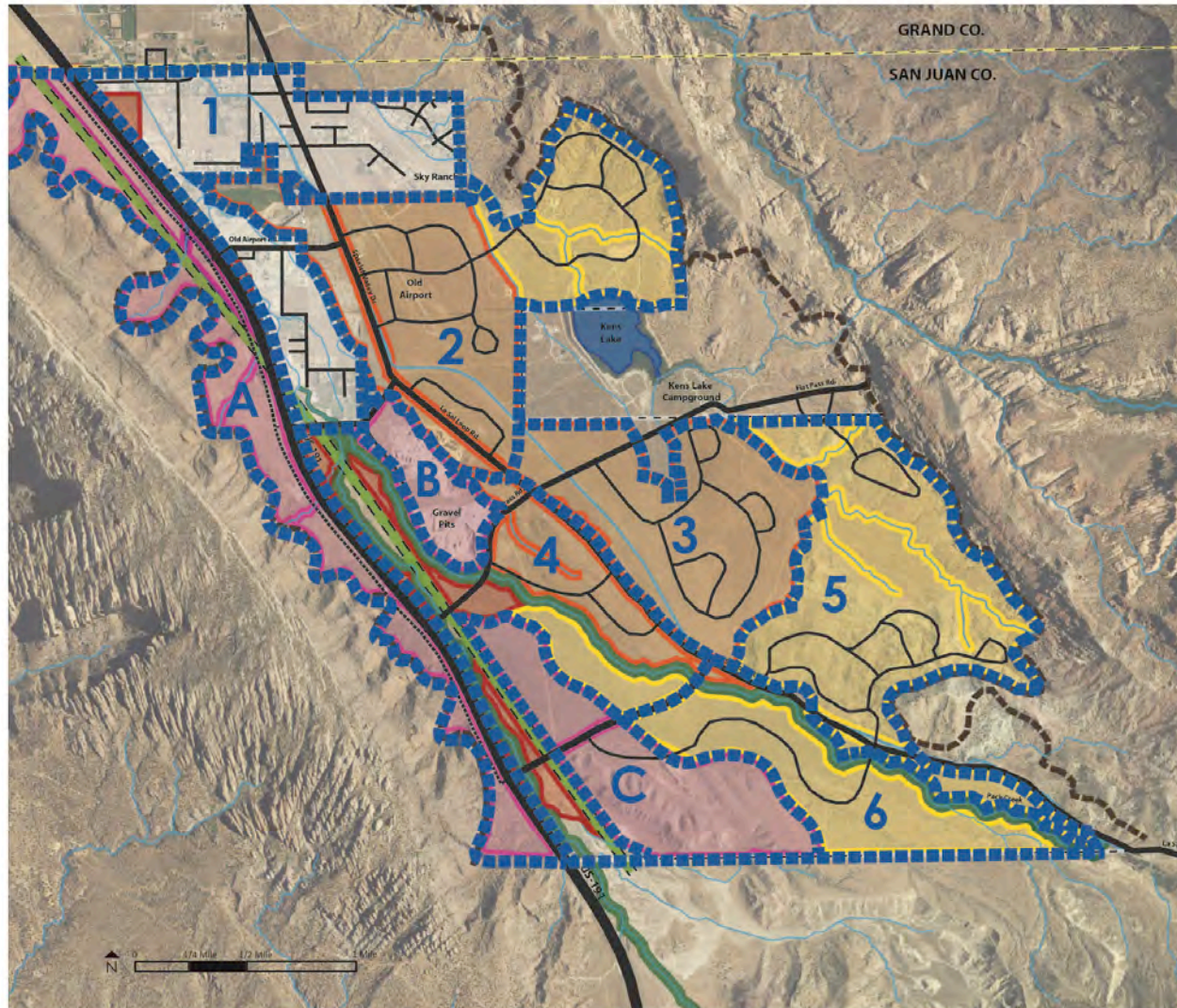
Flex Phase C – 400 acres

Business, commercial and residential development to be considered, depending on market interest and demand. Vehicular access to be provided by service roads running parallel to the highway and along east/west Primary Road. Detailed master plan to be submitted and approved before development and extension of water/sewer services.

Legend

- Private Land Area - focus on infill limited subdivision of acre + lots, and logical road/circulation linkages (750 acres)
- BLM/SITLA Property Boundary
- Steep Cliffs Delineating Valley
- Lakes/Reservoirs
- Major Drainage
- Minor Drainage
- US-191
- Primary Road
- Secondary Road
- Frontage Road
- Power Corridors
- Central Neighborhood Development Areas (1400 acres)
- Perimeter Neighborhood Development Areas (1750 acres)
- Flex Development Areas - market-driven business/commercial/residential development (1075 acres)
- Highway Commercial Areas (200 acres)

San Juan County Spanish Valley Area Plan



Our Approach

- Following discussions with the Planning Commission in February 2018, it was determined that existing zoning in the Spanish Valley does not work
- Landmark Design was directed to craft new ordinances to improve development in the Spanish Valley
- Landmark Design reviewed existing ordinances and investigated other ordinances and models.
- The result is for proposed ordinances to control growth and development in the area

Proposed Ordinances

- 1. San Juan County Spanish Valley Highway Commercial District (SVHC) Ordinance**
- 2. San Juan County Spanish Valley Residential District (SVR) Ordinance**
- 3. San Juan County Planned Community (PC) Land Use Ordinance for the Spanish Valley Area**
- 4. San Juan County Spanish Valley Water Efficient Landscape Ordinance**

1. San Juan County Spanish Valley Residential District (SVR) Ordinance

Item 6.

- Coordinates existing and future development
- Provides opportunities for a wider-range of residential development
- Accommodates subdivision of existing lots, development of vacant lots up to four units per acre and mobile home development if minimum requirements are met:

1. Lot Design Standards
2. Mix of Housing Types
3. Sensitive Lands
4. Measurements and Exceptions
5. District Standards
6. Subdivision Standards
7. Streets
8. Sidewalks and Trails
9. Easements
10. Drainage
11. Water and Sewer
12. Etc.

2. San Juan County Spanish Valley Highway Commercial District (SVHC) Ordinance

Item 6.

- Describes the standards and types of commercial development permitted adjacent to Highway 191
- Builds upon the existing San Juan County Highway Commercial Zone, with clarifications and some additional guidelines.
- Requires minimum standards to be met, including the following:
 1. Lot Design Standards
 2. Mix of Housing Types
 3. Sensitive Lands
 4. Measurements and Exceptions
 5. District Standards
 6. Subdivision Standards
 7. Streets
 8. Sidewalks and Trails
 9. Easements
 10. Drainage
 11. Water and Sewer
 12. Etc.

3. San Juan County Spanish Valley Planned Community (PC) Ordinance

Item 6.

- Allows the development of larger properties in the Spanish Valley to be negotiated to meet the the vision of the adopted *San Juan County Spanish Valley Area Plan*
- Requires the submission and approval of a **PC Zone Plan, a Community Structure Plan, a Development Agreement, and Project Plan/Subdivision Plats** in that order
- **Each approved application will have a separate PC zone** (PC1, PC2, PC3, etc.) that will be reflected on the Zoning Map
- Each approved zone will include a separate **Development Agreement** outlining the specific requirements and conditions that apply

3. San Juan County Spanish Valley Planned Community (PC) Ordinance

Types of development supported

Small Planned Community :

Each PC Zone of this type shall contain a **minimum of 20 acres** under single ownership. This area will allow up to four (4) residential units per acre, and a range of residential units and types.

Large Planned Community:

Each PC Zone of this type shall contain a **minimum of 200 acres**. If the PC Zone contains multiple owners, the owners may combine their properties for planning and development purposes. This area will allow higher residential density and a range of residential types, as described in the *San Juan Spanish Valley Area Plan*.

Manufactured Home Planned Community:

Each PC Zone of this type shall contain a **minimum of 10 acres** under single ownership and a maximum density of eight as established by FHA and HUD.

3. San Juan County Spanish Valley Planned Community (PC) Ordinance

Item 6.

Outlines the planning and approval process and, uses and specific development standards to apply

- **Land Use Districts**
- **Permitted Uses**
- **Conditional Uses**
- **Open Space and Common Areas**
- **Fencing, Screening, Clear Vision**
- **Architectural Standards**
- **Water-conserving Landscaping Requirements**
- **Other**

4. San Juan County Spanish Valley Water Efficient Landscape Ordinance

Item 6.

- Establishes the **Minimum Water Efficient Landscape requirements** for the San Juan County Spanish Valley only
- **Could be applied countywide or in other areas of the county** in the future if desired
- **Specific requirements** for residential and other uses
- Focuses on **suggestions and flexible applications** rather than complex, inflexible requirements and formulas.

PLANNING COMMISSION MEETING

3 APRIL 2019



SAN JUAN COUNTY PLANNING COMMISSION MEETING MINUTES
Wednesday, April 3, 2019

7:00 PM - Regular Planning Commission Meeting and Public Hearings

Attendance:

Planning Commission Members: Cole Cloward
Lloyd Wilson
Steve Deeter
Trent Schafer, Chair

County Staff: Walter Bird

1. **General Business:**

Welcome: At 7:03 p.m. Chairman Trent Schafer called the meeting to order and welcomed those in attendance.

1.1 Roll Call: Quorum present. Vice-chair Flannery and Commissioner Nelson were absent.

1.2 Approval of Minutes for March 14, 2019: A MOTION was made by Commissioner Cloward to approve the minutes with suggested changes for the March 14, 2019 meeting. Commissioner Wilson SECONDED the motion. The voting was unanimous. Motion carried.

2. **Public Comment:** Mark Vlastic from Landmark Design, the drafter of the proposed Spanish Valley development ordinances, presented a power-point presentation on the history of the ordinance process to date and the thinking behind what now are draft, proposed San Juan County Spanish Valley Development Ordinances.

3. **Public Hearings:**

3.1 Proposed Amendments to San Juan County Subdivision Ordinance - specifically, San Juan County Spanish Valley Development Ordinances. Before proceeding into public hearings, Chairman Trent Schafer assured the large gathering that the PC was committed to developing and presenting to the County commission for adoption a Dark Sky Ordinance specific to Spanish Valley. It will be on the agenda for the May, 2019. A MOTION was made by Commissioner Deeter to go into public hearing. Commissioner Cloward SECONDED the motion. The voting was unanimous. Motion carried. The PC then received public comments about planning and zoning issues in Spanish Valley such as the dark skies, scarcity of water, safety issues at a proposed travel center development, Sky Ranch airport,

water wise landscaping, SITLA's role and involvement in planning and zoning efforts, maintaining the rural character of Spanish Valley, affordable housing, impacts on Grand County / Moab from San Juan County - Spanish Valley zoning efforts, a moratorium on commercial development in Spanish Valley, protection of archeology, partnering with other local governments to achieve a regional plan, control of water in the valley, amongst others. A MOTION was made by Commissioner Wilson to go out of public hearing. Commissioner Deeter SECONDED the motion. The voting was unanimous. Motion carried.

- 3.2 Proposed Spanish Valley - SITLA Phase I PC Zone Plan. A MOTION was made by Commissioner Cloward to go into public hearing. Commissioner Deeter SECONDED the motion. The voting was unanimous. Motion carried. The PC explained this ordinance to part of the proposed development ordinances. There was no comment on the PC Zone Plan. Many expressed lack of knowledge on the process / proposals. One couple from Spanish Fork, Utah stated they've know all along what was going on with the process and proposals. A MOTION was made by Commissioner Deeter to go out of public hearing. Commissioner Wilson SECONDED the motion. The voting was unanimous. Motion carried.

4. **Administrative Items:**

- 4.1 Planning for Marijuana Production within San Juan County. Staffer Walter Bird will determine what will be required by the state with the production of marijuana within the county and come back to the PC with a plan of to meet state compliance issues.

5. **Building Permit(s) Review:**

- 5.1 Presentation of building permit list.

6. **Adjournment.** The meeting was adjourned at 8:50 p.m.

Spanish Valley Ordinances



San Juan County Commission
Public Hearing
April 2, 2019

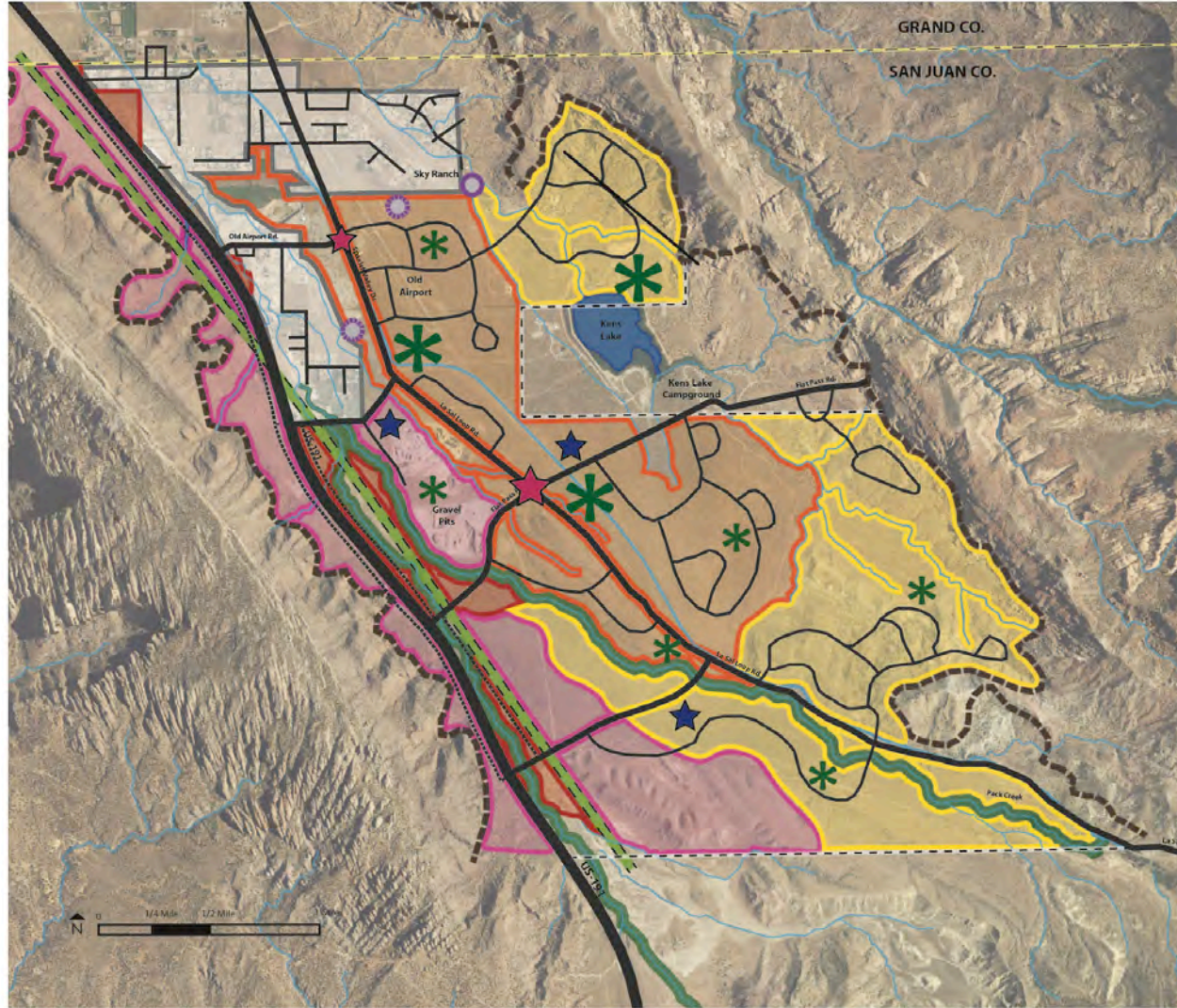


Purpose of the Creating New Ordinances for the Spanish Valley

1. *Alignment with Spanish Valley Area Plan (Adopted April 17, 2018)*
2. *Ensure the area is well-planned*
3. *Best utilization of municipal water and sewer*
4. *Avoid incompatible uses and property conflicts*
5. *Clarify requirements for subdivision of properties, infill development, etc.*
6. *Ensure homes and development is well-connected by roads and streets*
7. *Create a system that is easy to implement and control*

LAND USE

San Juan County Spanish Valley Area Plan



Description

The San Juan County Spanish Valley Area Plan provides a rational land use and growth strategy that builds upon the key principles identified through the public input process and the direction of county officials.

Accordingly, there are five types of potential Growth and Development Areas, each with unique opportunities and considerations, as follow:

Private Land Areas

This area consists of both developed and undeveloped land that is owned by numerous private parties. Since the area has been inconsistently planned, the focus is on meeting the following needs:

- Establishing a rational and coordinated system of road and storm water conveyance systems
- Providing transitions between existing and future incompatible uses
- Facilitating limited subdivision and densification where opportunities exist
- Ensuring that future development follows a new system of guidelines that promote safe, coordinated growth and development

Central Development Areas

Located in the center of the valley, these are the flattest and easiest-to-develop areas. They are suitable for a wide range of development, including residential, civic, institutional and parks/open space uses. They also support limited development of local commerce and community services. The large tracts of contiguous land are primarily under single ownership, which promotes the application of coordinated development strategies.

Perimeter Development Areas

Located on the east and south edges of the valley, these areas are relatively distant from existing growth areas. The application of coordinated strategies and models for lower-density development should be applied.

Highway Commercial Areas

Regional commercial uses and needs are supported along the highway near major intersections. Direct access from the highway should be limited to promote movement.

Flex Development Areas

These areas provide unique opportunities to create an economic base for the valley, due in large part to their location near their highway, yet buffered from nearby neighborhoods. A flexible development approach should be considered to allow market developments and opportunities to be addressed.

Legend

- | | |
|--|--|
| <ul style="list-style-type: none"> --- BLM/SITLA Property Boundary --- Steep Cliffs Delineating Valley ■ Lakes/Reservoirs ■ Major Drainage ■ Minor Drainage — US-191 — Primary Road — Secondary Road --- Frontage Road --- Power Corridors ● New Culinary Water Well ● Future Culinary Water Well (known) ★ Regional Park ★ Community Park ★ Schools ★ Neighborhood Center | <ul style="list-style-type: none"> □ Private Land Area - focus on infill limited subdivision of acre + lots, and logical road/circulation linkages (700 acres) ■ Central Neighborhood Development Areas (1450 acres) ■ Perimeter Neighborhood Development Areas (1750 acres) ■ Flex Development Areas - market-driven business/commercial/residential development (1075 acres) ■ Highway Commercial Areas (200 acres) |
|--|--|



Guiding Principles

Spanish Valley Area Plan Guiding Principles

Item 6.

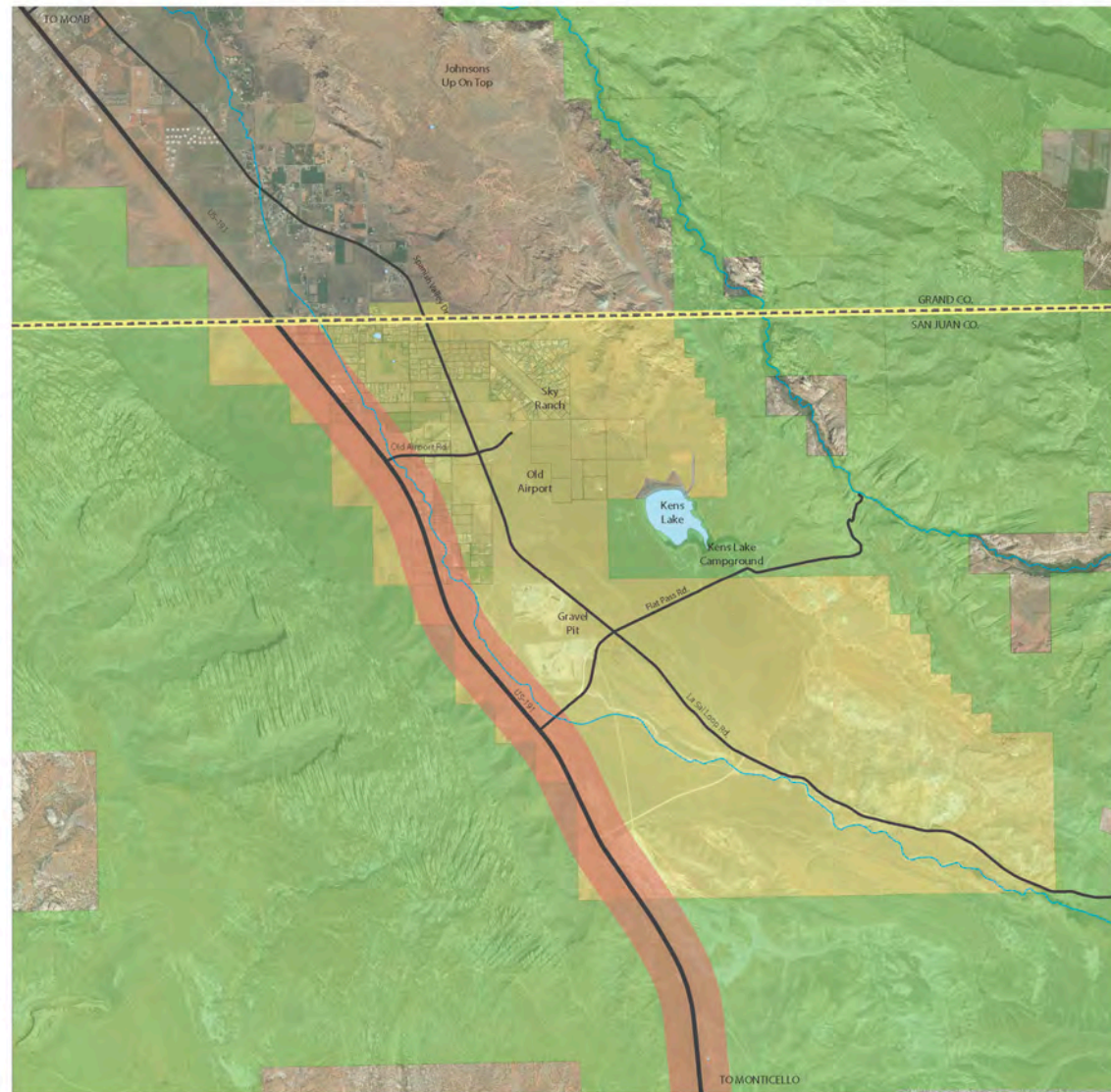
- 1 Preserve Spanish Valley's night sky and quiet rural-setting through the use of zoning ordinances.
- 2 Keep housing in Spanish Valley diverse (a mixture of types and densities) and affordable.
- 3 Create a non-tourism centered community that is distinctly different than Moab, yet still maintains its current close ties.
- 4 Encourage and support business development and job generation through the location of well-situated business development zones adjacent to the highway.
- 5 Create a strong community feel by carefully integrating community and civic places throughout the area.
- 6 Carefully consider the natural environment—particularly floodplains and waterways—when planning the Spanish Valley area.
- 7 Revise existing zoning ordinances to require well organized development and compatible land uses. Incorporate appropriate land use buffers where required.
- 8 Revise existing zoning ordinances to encourage compatible uses being located together and/or the incorporation of appropriate buffers.
- 9 Locate a small commercial center—comprised of small, local businesses—in a central location and bigger, more regional-type commercial uses near Highway 191.
- 10 Develop a well-connected transportation system with safe access from Highway 191 and which incorporates multiple modes of transit (shuttle/bus, bicycle, walking, etc.).

Public Engagement Process Leading to Adoption Item 6.

Spanish Valley Area Plan:

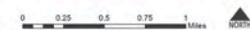
- *Web Page and Media Coordination*
- *Advisory Committee Meetings (4)*
- *San Juan County Commission Briefing – Project Kickoff*
- *Stakeholder/Resident Interviews (10)*
- *Public Scoping Meetings (2)*
- *Plan Alternatives Workshop*
 - Visual Preference Survey*
 - Verification of Guiding Principles*
 - Preliminary Concepts*
- *Planning Commission Briefing*
- *Draft Plan Workshop (February 12, 2018)*
- *Draft Plan Open House (February 13, 2018)*
- *Draft Plan Public Hearing (March 22, 2018)*

Existing Zoning Ordinance



Legend

- Residential / Agricultural.
- Highway Commercial
- BLM Land
- County Boundary

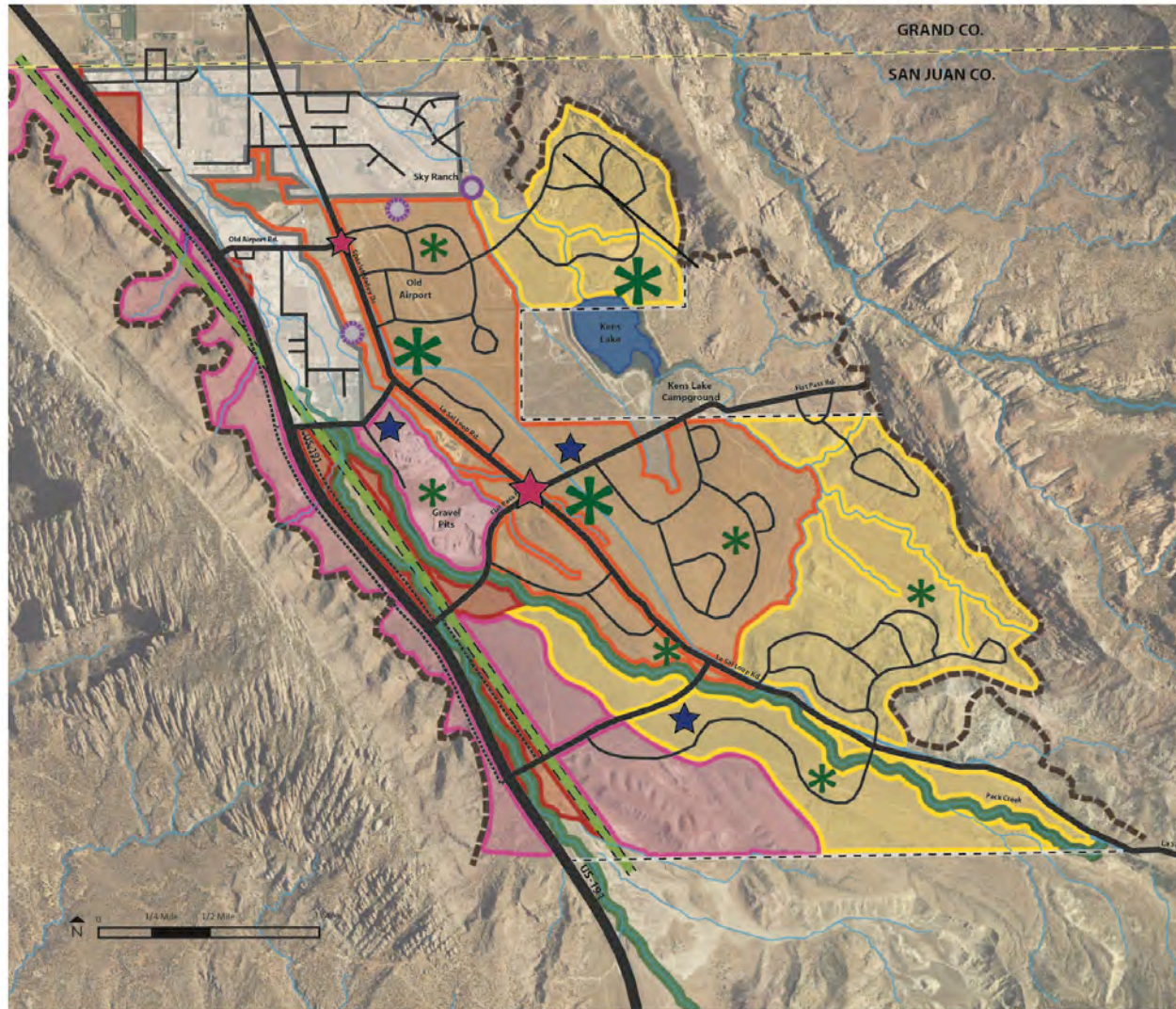


Proposed Ordinances

- 1. San Juan County Spanish Valley Highway Commercial District (SVHC) Ordinance**
- 2. San Juan County Spanish Valley Residential District (SVR) Ordinance**
- 3. San Juan County Planned Community (PC) Land Use Ordinance for the Spanish Valley Area**
- 4. San Juan County Spanish Valley Water Efficient Landscape Ordinance**
- 5. San Juan County Spanish Valley Outdoor Lighting Ordinance
(not forwarded for approval by Planning Commission)**

LAND USE

San Juan County Spanish Valley Area Plan



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Flex Development Areas

These areas provide unique opportunities to create an economic base for the valley, due in large part to their location near the highway, yet buffered from nearby neighborhoods. A flexible development approach should be considered to allow market developments and opportunities to be addressed.

Legend

- BLM/SITLA Property Boundary
- Steep Cliffs Delineating Valley
- Lakes/Reservoirs
- Major Drainage
- Minor Drainage
- US-191
- Primary Road
- Secondary Road
- Frontage Road
- Power Corridors
- New Culinary Water Well
- Future Culinary Water Well (known)
- ★ Regional Park
- ★ Community Park
- ★ Schools
- ★ Neighborhood Center
- Private Land Area - focus on infill limited subdivision of acre + lots, and logical road/circulation linkages (700 acres)
- Central Neighborhood Development Areas (1450 acres)
- Perimeter Neighborhood Development Areas (1750 acres)
- Flex Development Areas - market-driven business/commercial/residential development (1075 acres)
- Highway Commercial Areas (200 acres)



Public Process

1. Preliminary development of the Ordinances began in early 2018. A preliminary draft concept was presented during a planning commission workshop on March 22, 2018.
2. Four additional workshops were held with the planning commission as part of their regularly scheduled meetings on the following dates:
 - **May 17, 2018**
 - **October 11, 2018**
 - **November 8, 2018**
 - **December 13, 2018**
3. Public Hearings held by the Planning Commission as follow:
 - **January 10, 2019**
 - **February 7, 2019**
 - **March 14, 2019 (recommended to County Commission with changes)**
4. County Commission Public Hearing held on **March 19, 2019**
Staff directed to hold another Planning Commission Public Hearing to receive additional input

All workshops and meetings were announced as required on the San Juan County Website

1. San Juan County Spanish Valley Residential District (SVR) Ordinance

- Coordinates existing and future development
- Provides opportunities for a wider-range of residential development
- Accommodates subdivision of existing lots and development of vacant lots up to four units per acre and mobile home development if requirements are met:

1. Purpose
2. Uses
3. Lot Design Standards
4. Mix of Housing Types
5. Constrained Lands
6. Measurements and Exceptions
7. District Standards
8. Subdivision Standards
9. Streets
10. Sidewalks and Trails
11. Easements
12. Drainage
13. Water Supply

2. San Juan County Spanish Valley Highway Commercial District (SVHC) Ordinance

Item 6.

- Describes the standards and types of commercial development permitted adjacent to Highway 191
- Builds upon the existing San Juan County Highway Commercial Zone, with clarifications and some additional guidelines.
- Requires minimum standards to be met, including the following:
 1. Uses
 2. Conditional Uses
 3. Special Provisions
 4. Signs
 5. Constrained Lands
 6. District Standards
 7. Subdivision Standards
 8. Sidewalks and Trails
 9. Easements
 10. Drainage
 11. Water and Sewer

3. San Juan County Spanish Valley Planned Community (PC) Ordinance

Types of development supported

Small Planned Community :

Each PC Zone of this type shall contain a **minimum of 20 acres** under single ownership. This area will allow up to four (4) residential units per acre, and a range of residential units and types.

Large Planned Community:

Each PC Zone of this type shall contain a **minimum of 200 acres**. If the PC Zone contains multiple owners, the owners may combine their properties for planning and development purposes. This area will allow higher residential density and a range of residential types, as described in the *San Juan Spanish Valley Area Plan*.

Manufactured Home Planned Community:

Each PC Zone of this type shall contain a **minimum of 10 acres** under single ownership and a maximum density of eight as established by FHA and HUD.

3. San Juan County Spanish Valley Planned Community (PC) Ordinance (continued)

Item 6.

**Outlines the planning and approval process,
uses and specific development standards to apply**

- 1. Purpose**
- 2. Land Use Districts**
- 3. Minimum Requirements**
- 4. Permitted Uses**
- 5. Conditional Uses**
- 6. Planning Approval Process**
 - PC Zones
 - PC Zone Plan
 - Community Structure Plan (CSP)
 - Development Agreement
- 6. Project Plan/Subdivision Plat**
- 7. Site Plan Review**
- 8. Development Standards**
 - Open Space and Common Areas
 - Fencing, Screening, Clear Vision
 - Architectural Standards
 - Water-conserving Landscape requirements
 - Lighting
 - Other Requirements

4. San Juan County Spanish Valley Water Efficient Landscape Ordinance

Item 6.

- Establishes **Minimum Water Efficient Landscape requirements** for the San Juan County Spanish Valley only
- Based on Model Code Developed by Jordan Valley Water Conservancy District, **modified for local conditions and needs**
- **Could be applied countywide or in other areas of the county** in the future, if desired
- **Specific requirements** for residential and other uses
- Focuses on **suggestions and flexible applications** rather than complex, inflexible requirements and formulas.

COUNTY COMMISSION MEETING

16 APRIL 2019

**San Juan County Commission Work Meeting
Administration Building - Commission Room
Agenda
April 16, 2019**

Present: Kenneth Maryboy - Commission Chairman
Willie Grayeyes - Commission Vice Chairman
Bruce Adams - Commission
John David Nielson - Clerk

Attendees: Bob Turri, Kendall Laws, David Carpenter, Tammy Gallegos, Ben Musselman, Monty Perkins, John Fellmeth, Rhetta Hall, Curtis Henderson, Kim Henderson, Candice Lyman, Shanon Brooks, Julia Brooks, Alan Nauman, Brandt Murray, Jean Pehrson, Cheryl Bowers, Jason Torgerson, Nick Sandberg, Jerry McNeely, Susan Smith, Gilbert Sombrero, Drew Cooper, Phil Lyman, Walter Bird, John Evans, Brian Stubbs, Kim Palmer, Natalee Randall, Nicole Perkins, Scott Burton, Kiley Milner, Darrell Williams, Robert Whitehorse, Bryson Henderson, Tyler Halls, Shawn Redd, Tim Young, Claudia Ketron, John Young, Jeremy Hunter Rubingh, David Byars, Graham Beyale, Ed Dobson, Jean Pehrson, Sarah Fields, William Love, Alastar Bitsoi, Cynthia Wilson, Kirk Benge, Lisa Nielson, Robert Greenler, John Rzeczycki, Linda Sosa, Cindi Holyoak, Zak Podmore, Phillip Rentz, Carl Brinkly, Carol Mayer, Mary McGann, Jerry Morse, Evan Clapper

Tammy Gallegos - SJC Aging

Tammy presented the Four Year Aging Plan and explained a little bit about how it worked.

Monte Perkins - SJC Buildings and Maintenance

Monte came to talk to the commissioners about a proposed equipment purchase. Monte also talked to the commissioners about his job and what he does.

John Fellmeth - Budget Discussion

John came to the commission to discuss the county's financial situation. He discussed various financial statements and different funds that the county maintains.

Ben Musselman - SJC Public Works Director

Ben came to the commission to discuss biannual bids on batter, synthetic oil, and filters. Ben explained what specifications are looked for when viewing and deciding which bid to go with. After discussing the bids he recommended to the commission which bids he would like the county to go with. Ben also talked about a public hearing to abandon a road that has been damaged.

Shanon Brooks - Citizen Concerns

Shanon came to the commission to talk about national monuments and his concern of the expansion of The Bears Ears National Monument. Shanon also discussed the pro bono services of Steve Boos.

Kim Henderson - Citizen Concerns

Kim came to discuss the morale of the county and talked about reaching out to the citizens of the county regarding resolutions presented and passed.

Jerry McNeely - SJC Liaison

Jerry reported to the commission on several different meetings that he has attended. Jerry also met with SITLA, BLM and the jeep safari.

Nick Sandberg - SJC Planning

Nick reported to the commission on the Forest Service Plan revision and time period for public comment

Resolutions -

Resolutions listed below, to be considered in the next Commission meeting, were read into the record and discussed.

RESOLUTION RECOMMENDING CHANGING THE ROYALTY ALLOCATION FOR OIL, GAS AND OTHER MINERAL PRODUCTION ON THE UTAH PORTION OF THE NAVAJO RESERVATION TO BE USED TO BENEFIT UTAH NAVAJO.

RESOLUTION DIRECTING THAT OCCASIONAL MEETINGS OF THE SAN JUAN COUNTY COMMISSION BE HELD IN LOCATIONS OUTSIDE MONTICELLO, UTAH.

RESOLUTION DIRECTING THAT NO SAN JUAN COUNTY OFFICIAL OR EMPLOYEE MAY REPRESENT THAT A POLICY OR POSITION IS A POLICY OR POSITION OF THE COUNTY UNLESS THE SAN JUAN COUNTY COMMISSION HAS FIRST REVIEWED AND APPROVED THAT POSITION IN A FORMAL RESOLUTION OF THE COMMISSION.

RESOLUTION OF SAN JUAN COUNTY, UTAH, APPROVING AN ORDINANCE ENACTING A TEMPORARY LAND USE REGULATION PROHIBITING NEW LAND USE APPLICATIONS FOR PERMITS FOR COMMERCIAL USES IN THE HIGHWAY COMMERCIAL ZONE, WHICH EXTENDS 1,000 FEET ALONG BOTH SIDES OF US-191 FOR THE LENGTH OF THE ROADWAY IN SPANISH VALLEY.

Comments by Robert Whitehorse agreed with the resolution

**San Juan County Commission Meeting
Administration Building - Commission Room
Agenda
April 16, 2019**

Present: Kenneth Maryboy - Commission Chairman
Willie Grayeyes - Commission Vice Chairman
Bruce Adams - Commission
John David Nielson - Clerk

Attendees: Bob Turri, Kendall Laws, David Carpenter, Tammy Gallegos, Ben Musselman, Monty Perkins, John Fellmeth, Rhetta Hall, Curtis Henderson, Kim Henderson, Candice Lyman, Shanon Brooks, Julia Brooks, Alan Nauman, Brandt Murray, Jean Pehrson, Cheryl Bowers, Jason Torgerson, Nick Sandberg, Jerry McNeely, Susan Smith, Gilbert Sombrero, Drew Cooper, Phil Lyman, Walter Bird, John Evans, Brian Stubbs, Kim Palmer, Natalee Randall, Nicole Perkins, Scott Burton, Kiley Milner, Darrell Williams, Robert Whitehorse, Bryson Henderson, Tyler Halls, Shawn Redd, Tim Young, Claudia Ketron, John Young, Jeremy Hunter Rubingh, David Byars, Graham Beyale, Ed Dobson, Jean Pehrson, Sarah Fields, William Love, Alastar Bitsoi, Cynthia Wilson, Kirk Benge, Lisa Nielson, Robert Greenler, John Rzeczycki, Linda Sosa, Cindi Holyoak, Zak Podmore, Phillip Rentz, Carl Brinkly, Carol Mayer, Mary McGann, Jerry Morse, Evan Clapper

A motion to approve commission minutes from March 19, 2019 and April 2, 2019 was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

Citizen Comments -

Mary McGann, Jerry Morse, Terry Clapper - Grand County Counsel

Members of the Grand County Council came to introduce themselves to the county commission and express their desire for good cooperation and working together.

Alan Nauman - Solar Power

Alan suggested that the county look into solar energy and sign a 25 year contract which would save the county money.

Bill Love -

Bill talked a little bit about the proposed moratorium and encouraged the commission to look after the residents of the county after the moratorium has passed. He also read part of a letter from a resident in Spanish Valley.

Sarah Fields - SJC resident

Sarah expressed concern that a list of appointed and elected boards and committees within the county is not on the San Juan County website. She asked that an updated list be put on the county website.

Darrell Williams - Legislative Aid to Council Delegate Charlene Tso

Darrell expressed his desire to work with the commission on issues impacting the county and mentioned some upcoming legislation presented by Senator Romney. Darrell also commented on the resolutions presented by Commissioner Adams.

Shanon Brooks - Monticello resident

Shanon volunteered to facilitate a meeting between the county commission and county attorney. He also offered several suggestions that would help find out what the citizens of the county would like to have happen.

Kiley Milner - SJC resident

Kiley expressed her support of the moratorium and to the commissioners for serving the people.

Bob Turri - SJC resident

Bob expressed his opinion of the lack of public involvement.

John David Nielson read the agenda into the record. A motion to approve the agenda was made by Commissioner Adams. Commissioner Grayeyes 2nd the motion with the caveat that the proposed resolutions would be read and dealt with. Commissioner Grayeyes also requested a status report in writing on previously passed resolutions (2019-03, 2019-05, 2019-7, 2019-08, 2019-09) so that the status could be reviewed. Commissioner Adams indicated that county staff is doing their best to keep up with passed resolutions. Voting was unanimous on approving the agenda.

Scott Burton - SJC Deputy Assessor

Scott presented a subdivision, Flat Iron Mesa Subdivision Phase 23 for approval. A motion to approve the subdivision was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

Jason Torgerson - SJC Sheriff

Sheriff Torgerson presented for approval the maintenance contract that was discussed in April 2,2019 work meeting. A motion to approve the contract was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

Walter Bird - SJC Personnel

Walter presented 3 new hires for approval. Walter recommended that the county hire Asa Bradford, out of 4 possible candidates, as a new corrections officer. Walter also requested that

Emma Squires and Lucia Regalado be hired as dispatchers. A motion to approve the hires was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Kirk Bengé - Public Health Director

Kirk came to the commission seeking an out of state travel request for Brittany Carleson to attend a conference covering ??? in Raleigh, NC. A motion to approve the travel was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

Resolutions -

1 - RESOLUTION SUPPORTING EMPLOYMENT OPPORTUNITIES FOR COUNTY RESIDENTS THROUGH THE CONTINUED OPERATION OF KAYENTA MINE ON BLACK MESA IN ARIZONA

A motion to approve the resolution was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

2 - RESOLUTION SUPPORTING EMPLOYMENT OPPORTUNITIES FOR COUNTY RESIDENTS THROUGH THE CONTINUED OPERATION OF THE NAVAJO GENERATING STATION

A motion to approve the resolution was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

Commissioner Maryboy passed the chair to Commissioner Adams.

1 - RESOLUTION AUTHORIZING SAN JUAN COUNTY TO FILE A LAWSUIT AGAINST THE SAN JUAN COUNTY ATTORNEY, KENDALL LAWS, RELATED TO HIS FAILURE TO COMPLY WITH THE LAWFUL DIRECTIVES OF THE COUNTY AS STATED IN RESOLUTIONS 2019-04 AND 2019-06 AND FURTHER AUTHORIZING THE CHAIRMAN OF THE SAN JUAN COUNTY COMMISSION TO RETAIN OUTSIDE LEGAL COUNSEL TO BRING THE LAWSUIT.

A motion to table the resolution until the next meeting was made by Commissioner Grayeyes. Commissioner Adams suggested that Commissioner Maryboy contact the Utah Attorney General's office for a legal review and recommendation of the resolution. Commissioner Maryboy stated that he had hoped the resolution would be passed today. Commissioner Adams also suggested that before the commission does anything regarding Bears Ears that the citizens of the county be allowed to vote on the issue. Commissioner Maryboy questioned whether putting referendums on the ballot would cost additional money. Commissioner Adams passed the chair back to Commissioner Maryboy and 2nd the motion made by Commissioner Grayeyes. Commissioner Adams Commissioner Voting in favor were Commissioner Grayeyes and Commissioner Adams. Commissioner Maryboy abstained

Commissioner Maryboy passed the chair back to Commissioner Adams.

2 - RESOLUTION REQUESTING THE STATE AUDITOR TO REVIEW CONTRACTS AND INVOICES PAID TO OUTSIDE LEGAL COUNSEL AND TO REVIEW THE SAN JUAN COUNTY ATTORNEY'S SUPERVISION OF ALL OUTSIDE COUNSEL REPRESENTATION.

A motion to approve the resolution was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Commissioners voting in favor are Commissioners Maryboy and Grayeyes. Commissioner Adams abstained.

3 - RESOLUTION TERMINATING THE REPRESENTATION OF SAN JUAN COUNTY BY THE MOUNTAIN STATES LEGAL FOUNDATION AND WILLIAM PERRY PENDLEY IN HOPI TRIBE, et al. v. DONALD TRUMP, et al., CASE NO. 1-17-CV-2590; UTAH DINE BIKEYAH, et al. v. DONALD TRUMP, et al., CASE NO. 1:17-CV-2605 (TSC); AND NATURAL RESOURCES DEFENSE COUNCIL, INC, et al., v. DONALD TRUMP, et al., CASE NO. 17-CV2606 (TSC) AND DIRECTING THAT NO FURTHER PAYMENT SHALL BE MADE FOR SERVICES RENDERED BY MOUNTAIN STATES LEGAL FOUNDATION AND WILLIAM PERRY PENDLEY AFTER THE DATE OF THIS RESOLUTION.

A motion to approve the resolution was made by Commissioner Maryboy and 2nd by Commissioner Grayeyes. Commissioners voting in favor are Commissioners Maryboy and Grayeyes. Commissioner Adams voted against.

4 - RESOLUTION IN OPPOSITION TO THE STATE OF UTAH'S PETITION TO THE U.S. SECRETARY OF AGRICULTURE AND THE U.S. FOREST SERVICE FOR A STATE SPECIFIC RULE GOVERNING MANAGEMENT OF FOUR MILLION ACRES OF INVENTORIED ROADLESS AREAS IN UTAH'S NATIONAL FORESTS.

A motion to approve the resolution was made by Commissioner Maryboy and 2nd by Commissioner Grayeyes. Commissioner Adams stated that approving the resolution would make it difficult for people to access the areas affected by the resolution. Commissioners voting in favor of the resolution are Commissioners Maryboy and Grayeyes. Commissioner Adams voted against the resolution.

5 - SUPPORTING S. 367, THE "AMERICA'S NATURAL TREASURES OF IMMEASURABLE QUALITY UNITE, INSPIRE, AND TOGETHER IMPROVE THE ECONOMIES OF STATES (ANTIQUITIES ACT) ACT OF 2019" (ANTIQUITIES ACT OF 2019) AND H.R. 1050, THE UNITED STATES HOUSE OF REPRESENTATIVES VERSION OF THE ANTIQUITIES ACT OF 2019.

A motion to approve the resolution was made by Commissioner Maryboy. The motion died for lack of 2nd.

Commission Reports -

Commissioner Adams - Commissioner Adams attended UAC. He reported that UAC has cancelled their contract with Adam Trupp. He enjoyed the conference. He will attend a UCIP board meeting tomorrow.

Commissioner Grayeyes - Commissioner Grayeyes attended UAC and discussed what was presented. He also attended the 7 county coalition meeting where the railroad was discussed.

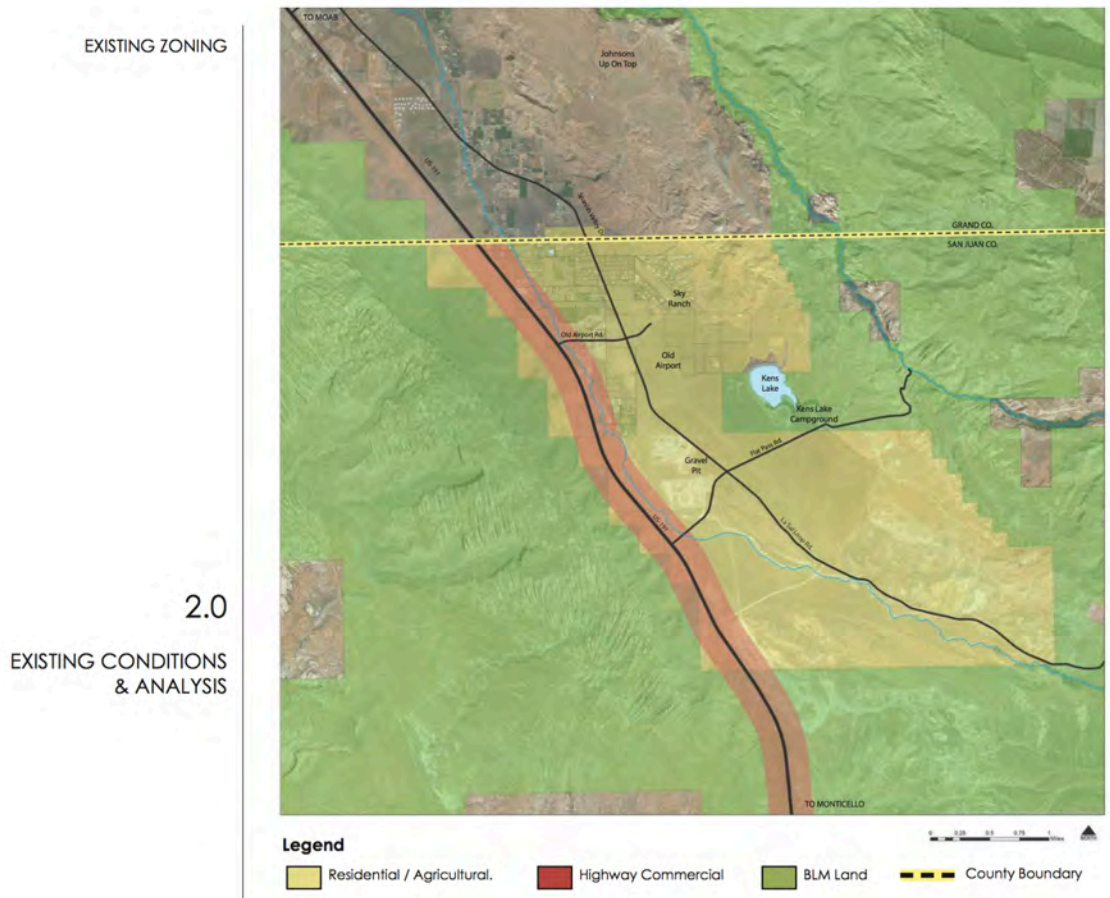
Commissioner Maryboy - Commissioner Maryboy met with the chapters and Shirley Silversmith in Salt Lake City. He stated that he will continue to meet with the chapters.

Motion to adjourn was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

RESOLUTION NO. 2019 - _____

RESOLUTION OF SAN JUAN COUNTY, UTAH, APPROVING AN ORDINANCE ENACTING A TEMPORARY LAND USE REGULATION PROHIBITING NEW LAND USE APPLICATIONS FOR PERMITS FOR COMMERCIAL USES IN THE HIGHWAY COMMERCIAL ZONE, WHICH EXTENDS 1,000 FEET ALONG BOTH SIDES OF US-191 FOR THE LENGTH OF THE ROADWAY IN SPANISH VALLEY

WHEREAS, the Spanish Valley Planning Area is currently controlled by two zones in the San Juan County Zoning Ordinance, the Agricultural zone and Highway Commercial zone. The Commercial zone extends 1,000 feet along both sides of US-191 for the length of the roadway, permitting a range of commercial uses considered appropriate for a roadway setting. Pursuant to San Juan County Zoning Ordinance 12-2, the commercial uses permitted within the Highway Commercial zone include restaurants or drive-in cafes, motels, new and used automobile agencies, farm machinery and equipment sales, nurseries and greenhouses, mobile home sales, mobile home parks, drive-in theaters, bowling alleys, other commercial recreation facilities, automobile service stations and auto accessories, accessory buildings and uses, other uses approved by the Planning Commission as being in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed uses. All other uses are considered “conditional uses.”



WHEREAS, Utah Code 17-27a-504(1)(a) states:

“A county legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the county if:

- (i) The legislative body makes a finding of compelling, countervailing public interest; or
- (ii) The area is unregulated.”

WHEREAS, the Planning and Zoning Commission and the San Juan County Commissioners are engaged in a future land use planning process for the Spanish Valley Planning Area, including the Highway Commercial zone.

WHEREAS, the uses permitted in the Highway Commercial zone of the Spanish Valley Planning Area after the current planning process is completed may be significantly different than the uses currently allowed in the existing Zoning Ordinance.

WHEREAS, San Juan County currently lacks data regarding culinary water availability in Spanish Valley that would be available to service new development, both residential and commercial.

WHEREAS, the United States Geological Survey is finalizing a report that includes findings from a recently completed multiyear groundwater study of the Spanish Valley/Moab Area Watershed, which found that safe yield for the Area is less than previously estimated (about 11-13,000 acre-feet per year rather than 18-22,000 acre-feet per year), and San Juan County anticipates the need for a multi-agency, intergovernmental groundwater management plan.

WHEREAS, the maximum amount of water approved for diversion by San Juan County is 500 acre-feet of groundwater from the Moab-Spanish Valley aquifer, and no more water can be approved to be diverted until monitoring data show no impairment of existing, senior water rights, no impact to the regional groundwater table, no contamination issues, and no adverse effects to the natural environment including at the Matheson Wetlands Preserve.

WHEREAS, further investigation is needed to determine the amount of available water resources for Spanish Valley development, and an informed consideration as to the appropriate allocation between residential and commercial uses for this scarce resource.

WHEREAS, commercial developments, including for overnight accommodations, restaurants, greenhouses and nurseries, service stations, recreation areas, and others, results in water usage that greatly diminishes available and financially viable water resources for residential development.

WHEREAS, Grand County and the City of Moab have recently enacted temporary 6-month moratoriums on new permits for hotels and other overnight accommodations. Due to the immediate proximity of the Spanish Valley Planning Area to Grand County and the City of Moab planning areas, there is great likelihood that developers of hotels, other overnight

accommodations and other commercial businesses will turn to the Spanish Valley highway commercial zone to procure lands to develop their businesses in the very near future.

WHEREAS, before the land rush from Grand County to Spanish Valley begins, there is a compelling, countervailing public interest to postpone new commercial and industrial development in the Spanish Valley Highway Commercial zone until land use ordinances and policies can be given due consideration by Spanish Valley residents, the planning commission and the county commission and enacted via the public process.

WHEREAS, San Juan County needs to evaluate the current economic conditions and opportunities for economic diversity and development in the Spanish Valley Planning Area before it is faced with numerous hotel and nightly rental permit applications that will likely occur as a result of Grand County and the City of Moab temporary moratoriums on new permit applications for this type of development.

WHEREAS, public comments received on the Spanish Valley Area Plan, adopted April, 2018, noted that residents of Spanish Valley have been ignored by San Juan County government and that the county government approves any type of development application that is received, with little, if any, assessment of impacts to, or input from Spanish Valley residents, and that the 1000-foot highway commercial zone directly adjacent to residential areas is incompatible with residential uses and should be reconsidered and revised to provide a buffer to protect private property and homeowners' financial investments and quality of life.

WHEREAS, San Juan County Planning Commission, County Commission, and residents of Spanish Valley Planning Area need time to review and modify, if needed, the Highway Commercial zone's existing ordinances and the proposed ordinances drafted as part of the Spanish Valley Planning Area process before approving any new permits for development in the Highway Commercial zone along Highway 191.

NOW, THEREFORE, BE IT RESOLVED:

Section 1: Temporary Land Use Regulation. Except as expressly provided in Section 3, no new applications or permits for any commercial development shall be approved in the Highway Commercial zone upon the Effective Date, as defined in Section 2.

Section 2: Effective Date and Duration. This ordinance shall take effect immediately upon passage ("Effective Date") and shall continue for six (6) months, following which it shall automatically expire with no further action of the County Commission.

Section 3: Exceptions. The County acknowledges that a number of "persons," including entities, may have procured land use entitlements (including land use approvals and building permits) for the construction of commercial developments, or submitted land use applications that have been deemed complete, as of the Effective Date. In an effort to avoid hardship to those who have relied in good faith upon existing County regulations, such persons described above who have procured land use entitlements or who have submitted land use applications

deemed complete by the County shall be excluded from the applicability of this ordinance. In every case, such persons shall still be required to obtain land use permits before such use commences.

Section 4: Conflict. This ordinance shall supersede and take precedence over any conflicting ordinances or policies of San Juan County.

Section 5: Severability. If any provision of this ordinance shall be found invalid by a court with jurisdiction, the provisions shall be severed and the remainder of the ordinance shall be enforced without the severed provision

PASSED, ADOPTED AND APPROVED by the Board of San Juan County Commissioners this _____ day of _____ 2019.

Those voting aye:

Those voting nay:

Those abstaining:

Absent:

Board of San Juan County Commissioners

Kenneth Maryboy, Chairman

ATTEST:

John David Nielson, County Clerk/Auditor

COUNTY COMMISSION MEETING

7 MAY 2019

**San Juan County Commission Work Meeting
Administration Building - Commission Room
Agenda
May 7, 2019**

Present: Kenneth Maryboy - Commission Chairman
Willie Grayeyes - Commission Vice Chairman
Bruce Adams - Commissioner
John David Nielson - Clerk

Attendees: Ann Austin, Dillon Hoyt, Ben Musselman, Bob Turri, Wendy Black, David Everitt, Kendall Laws, Retta Hall, Jonathan C Wright, Shanon Brooks, Julia Brooks, Cordell Shumway, Dana Nielson, Anna Tom, Betty Jones, Doug Allen, Jerry McNeely, Alan Freestone, Amber Brooks, Raegan Jacobson, Olivia Merten, Jocelyn Meyers, Bill Keshlear, Kim Henderson, Cheryl Bowers, Monte Perkins, Jason Torgerson, Phil Lyman, Zac Podmore, Larry Ellertson, Natalie Randall, Kirk Benge, Jeremy Redd, Darrell Williams, Curtis Henderson, Ann Lapanan, Linda Sosa, Kiley Milner, John Rzeczycki, Albert Holiday, Harve Holiday, Cynthia Wilson, Nick Sandberg, Darrell Williams, Patrick Baril, Susan Baril, Mike Bondio, Carol Harris, Carol Brown, Carolyn Dailey, Norma Roath, Alicia Landman-Reiner, Albey Reiner, Clarke Abbey, Jim Sayers, Hank Stevens, Mike Duncan, Holly Sloan, Colby Smith, Larry Witt, Larry Ellertson, Marlene Huckabay, Janet Ross, Amanda Podmore, Sarah Fields, Sheila Canavan, Jeff Mattson, Dan Meyers, Phillip Rentz Sr, Manuel Morgan, Jennifer Jones

Dillon Hoyt - Deadhorse Point State Park Updates

Dillon updated the commission to give an update of how the Deadhorse Point State Park is functioning including new staff, a new campground, and other park improvements.

Shannon Brooks - SJC Citizens Coalition

Shannon came to the commission to talk about a new organization called the SJC Citizens Coalition. He talked about several concerns that the SJC Citizens Coalition have with the actions of the current county commission.

John David Nielson - SJC Clerk

John David came to the commission to request that Walter Bird be appointed to be the GRAMA appeals officer.

Ben Musselman - SJC Public Works Director

Ben gave the commission an update on the D2077 Closure. He presented photographs of a road collapse and talked about the process of making the area in question safe. He also discussed a bid for patch oil and the purchase of a copier.

Kirk Bengé - Public Health

Kirk came to the commission to give an update on the public health bylaws that were adopted by the San Juan County Board of Health. He reviewed the bylaws with the commission and requested that the commission ratify the new bylaws. Representative Lyman also commented on the history of public health in the county. Kirk also discussed how cannabis can be used.

Jerry McNeely - SJC Liaison

Jerry updated the commission on his meetings with Grand Water and Sewer, SITLA, Forest Service. He also gave an update on water levels at Ken's Lake, Jeep Safari, and road conditions. Lastly, Jerry discussed his contract with San Juan County and some of the projects that he has worked on.

Nick Sandberg - SJC Planning

Nick updated the commission on a meeting with the BLM. Advisory committee recommendations have been made and are now being reviewed. Also mentioned a meeting with the Bear Ears Advisory Committee meeting. He also discussed a Memorandum of Agreement regarding the Lisbon Valley Mine plan revision.

Natalie Randall - SJC Economic Development/Visitor Services

Natalie presented the commission with an update of Economic Development and Visitor Services. She talked about upcoming events, meetings, and projects.

Resolutions

John David Nielson read the proposed resolution into the record.

Approving a contract with David Everitt to serve as the San Juan County Chief Administrative Officer on an Interim Basis

After the proposed resolution was read there was some discussion over the resolution. Topics brought up during the discussion covered included the process of hiring the new county administrator, David Everitt's qualifications, and the notice of a special meeting not being posted. Commissioner Grayeyes also stated that the appointment of Mr. Everitt is only temporary until a permanent replacement can be found. Other comments were made stating that approving resolution would violate the open meetings act.

David Everitt, the current city manager of Moab explained his understanding of his role as the interim administrator then fielded several questions from the commission and the citizens present at the meeting.

**San Juan County Commission Meeting
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May 7, 2019**

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Willie Grayeyes - Commission Vice Chairman
Bruce Adams - Commissioner
John David Nielson - Clerk

Attendees: Ann Austin, Dillon Hoyt, Ben Musselman, Bob Turri, Wendy Black, David Everitt, Kendall Laws, Retta Hall, Jonathan C Wright, Shanon Brooks, Julia Brooks, Cordell Shumway, Dana Nielson, Anna Tom, Betty Jones, Doug Allen, Jerry McNeely, Alan Freestone, Amber Brooks, Raegan Jacobson, Olivia Merten, Jocelyn Meyers, Bill Keshlear, Kim Henderson, Cheryl Bowers, Monte Perkins, Jason Torgerson, Phil Lyman, Zac Podmore, Larry Ellertson, Natalie Randall, Kirk Benge, Jeremy Redd, Darrell Williams, Curtis Henderson, Ann Lapanan, Linda Sosa, Kiley Milner, John Rzeczycki, Albert Holiday, Harve Holiday, Cynthia Wilson, Nick Sandberg, Darrell Williams, Patrick Baril, Susan Baril, Mike Bondio, Carol Harris, Carol Brown, Carolyn Dailey, Norma Roath, Alicia Landman-Reiner, Albey Reiner, Clarke Abbey, Jim Sayers, Hank Stevens, Mike Duncan, Holly Sloan, Colby Smith, Larry Witt, Larry Ellertson, Marlene Huckabay, Janet Ross, Amanda Podmore, Sarah Fields, Sheila Canavan, Jeff Mattson, Dan Meyers, Phillip Rentz Sr, Manuel Morgan, Jennifer Jones, Wesley Jones

A motion to approve the April 16, 2019 commission minutes was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Citizen Comments -

John David Nielson - SJC Clerk

John David clarified comments made in the work meeting about the special meeting not being post. He stated that he was trying to follow Utah Code and would've posted the notice of special meeting if he had received all the necessary information. He also commended county staff, but reminded the commission that he is an elected official.

Darrell Williams - Legislative Aid to Charlene Tso

Darrell commented on the resolution directing that no San Juan County official may represent a position without approval of the commission. Darrell stated that the resolution limits the true authority of county officials. Darrell also mentioned that a resolution will be coming up with the Navajo Nation to evaluate royalty allocations.

Ann Austin - Spanish Valley resident

Ann commented on the sewer and water project in Spanish Valley. She explained that she felt that not very many people knew about the development project. She also encouraged the commission to support the moratorium.

Cheryl Bowers - SJC resident

Cheryl mentioned that she attended the attorney general's training in Monticello. She mentioned that during the training the idea of open discussion was discussed and felt that it would be good practice for the county to allow for comments and discussion during the public meeting. Cheryl also gave some suggestions on how to be more transparent in the meetings and work with staff. Lastly she stated that there well qualified individuals that could fill the county administrator position.

Jocelyn Meyers - Bluff resident

Jocelyn thanked the commission for listening to the citizens who support the Bears Ears National monument and gave data to support restoring or expanding the monument. She also supported having commission meetings in other locations when important issues needed to be discussed.

Wendy Black - Blanding resident

Wendy questioned the commission on why they did not attend the training offered by the attorney general. She also asked the commissioners why they ran for office.

Shanon Brooks - Monticello resident

Shanon made several comments on all the resolutions to be voted on. He agreed that the royalties should be given to Utah Navajos. Shanon mentioned that there are no such thing as occasional meetings that regular meetings should be held in the county seat. Next he explained that a resolution carries no weight of law. Shanon also suggested that Loves' could possibly buy the homes of citizens living in Spanish Valley.

Carol Harris - Blanding resident

Carol asked the commission where the proposed meetings outside of Monticello would be located. She suggested that meetings be held in the north end of the county and that the commission visit senior centers to talk about Bears Ears.

Carolyn Dailey - Pack Creek resident

Carolyn asked the commission to support the resolution discussing the moratorium so that concerns could be heard.

Norma Roath - Pack Creek resident

Norma asked the commission to support the moratorium on further development until more research could be done.

Hank Stevens - Navajo Mountain Chapter President

Hank talked about how isolated Navajo Mountain. He mentioned reestablishing some historical buildings so they could be used again. Hank also requested that the commission help in the process in building a highway from Navajo Mountain.

Sarah Fields - San Juan County resident

Sarah talked about the training given by the Attorney General's office. She mentioned that the Attorney General's office support the idea of occasional meetings outside of the county seat. Sarah also requested a list of individuals and terms that are on the different boards throughout the county.

Holly Sloan - Spanish Valley resident

Holly asked the commission to support the moratorium so that what is important to the citizens and families could be preserved.

William Love - Spanish Valley resident

Bill supported the moratorium resolution because it allows for a pause and allow Marc Stilson from the State of Utah to come and talk about water rights.

Jeff Adams - Canyonlands Watershed Council

Jeff commented on his support of the moratorium until the water issues can be resolved. Jeff briefly explained how water rights work. He also talked about the acre feet of water available.

Marlene Huckabay - San Juan County resident

Marlene expressed her thoughts on having a Love's gas station so close to her home and what kind of things the gas station would bring to the neighborhood.

Kiley Miller - San Juan County resident

Kiley stated that she would like to see a moratorium and would like to hit the pause button on growth and encouraged the commission to support the moratorium. Kiley also read a letter written by San Juan County residents who could not attend the meeting.

Doug Allen - San Juan County resident

Doug expressed his frustration on how Kelly Pehrson was trashed in the resolution presented at the work meeting after he chose to quit. Doug also explained that if Kelly decides to sue the county for public defamation it will be the county that will pay the bill.

Sheila Canavan - San Juan County resident

Sheila stated that she supports the moratorium and presented a document containing information on the General Plan, water usage, and protection of groundwater.

Mike Duncan - Moab City Council

Mike encouraged cooperation between San Juan County and the City of Moab. Mike also talked about water output from wells.

Jennifer Jones - San Juan County resident

Jennifer encouraged the commission to approve the temporary moratorium so that development could be done in a smart, efficient way. Jennifer also talked about increased noise, traffic, and safety issues caused by commercial business in her neighborhood.

Phil Lyman - State Representative

Representative Lyman expressed concerns over the moratorium and briefly talked about the transaction between Love's and SITLA. He also expressed his disappointment over Kelly Pehrson's departure and commended him for the job that he had done.

Susan Baril - San Juan County resident

Susan talked about increased crime that will happen if a Love's gas station comes into the area.

Patrick Baril - San Juan County resident

Patrick briefly discussed the Love's gas station, SITLA, water rights, and the air strip in Spanish Valley. He also talked about diesel gas fumes contributing to the cause of cancer.

Mike Bondio -

Mike talked about the noise that is caused by diesel trucks and asked the commission to put the Love's station elsewhere.

Anna Tom - McCracken Mesa resident

Anna asked the commission to support the resolution presented by Commissioner Adams.

Tammy Gallegos - SJC Aging

Tammy presented the Four Year Aging Plan for signature. A motion to sign the plan was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Monte Perkins - SJC Maintenance/Weed

Monte presented an equipment purchase request that was previously discussed. Monte explained that three bids came in and that he would like to purchase from Johnson Equipment in an amount a little over \$19,000. A motion to approve the purchase was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

Ben Musselman - SJC Public Works

Ben came to the commission seeking approvals to the bids that were presented in the previous Work Meeting for batteries, synthetic oil, and filters. Ben requested that the commission approve the bids from Grand Junction Peterbilt for the batteries, JC Hunt with Brantley Distributing as the alternate for synthetic oils, and Kenworth Sales Company for the filters. A motion to approve the requested bids was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Nick Sandberg - SJC Planning

Nick came to the commission to ask for a signature to a drafted letter of comments on the proposed Shingle Mill Vegetation Management Project. A motion to allow the chairman to sign the letter was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

Walter Bird - SJC Personnel

Walter came to request the hiring of 2 new aides at the Monticello Senior Center. He asked that Jay Sallee and Richard Smith be hired to fill those positions at \$10.83 an hour. A motion to approve the hires was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

Janet Ross - Eastland SSD

Janet presented a map of the Eastland SSD for approval. Janet explained that a previous map that was presented did not meet state code and that this map does meet state code. A motion to approve to rescind the approval of the previous map and approve the state approved map was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Kirk Benge - SJC Public Health

Kirk came to the commission seeking approval of Dr Phillip Smith, MD as a member of the SJC Board of Health. A motion to approve the appointment was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Resolutions:

RESOLUTION RECOMMENDING CHANGING THE ROYALTY ALLOCATION FOR OIL, GAS AND OTHER MINERAL PRODUCTION ON THE UTAH PORTION OF THE NAVAJO RESERVATION TO BE USED TO BENEFIT UTAH NAVAJOS

A motion to approve the resolution was made by Commissioner Adams. Commissioner Grayeyes 2nd the motion and explained the history of how the Navajo people have communicated with the US government and the changes in that communication. He also talked about a resolution established by the Bureau of Indian Affairs in 1924 regarding royalties and explained that it has not been changed since that time. Commissioners Grayeyes and Adams voted in favor of the resolution with Commissioner Maryboy abstaining.

Commissioner Grayeyes made a motion to add the resolution discussed in the work meeting and the professional service agreement to the commission meeting agenda for approval. Commissioner Maryboy 2nd the motion. Commissioners Maryboy and Grayeyes voted in favor of the motion. Commissioner Adams voted against the motion.

RESOLUTION DIRECTING THAT OCCASIONAL MEETINGS OF THE SAN JUAN COUNTY COMMISSION BE HELD IN LOCATIONS OUTSIDE MONTICELLO, UTAH

A motion to pass the resolution was made by Commissioner Grayeyes and 2nd by Commissioner Maryboy. Commissioners Maryboy and Grayeyes voted in favor of the resolution. Commissioner Adams voted against the resolution.

RESOLUTION DIRECTING THAT NO SAN JUAN COUNTY OFFICIAL OR EMPLOYEE MAY REPRESENT THAT A POLICY OR POSITION IS A POLICY OR POSITION OF THE COUNTY UNLESS THAT SAN JUAN COUNTY COMMISSION HAS FIRST REVIEWED AND APPROVED THAT POSITION IN A FORMAL RESOLUTION OF THE COMMISSION.

Commissioner Adams cited Utah Code 17-53-106 and wondered if the resolution is legal. A motion to pass the resolution was made by Commissioner Grayeyes and 2nd by Commissioner Maryboy. Commissioners Maryboy and Grayeyes voted in favor of the resolution. Commissioner Adams voted against the resolution.

RESOLUTION OF SAN JUAN COUNTY, UTAH, APPROVING AN ORDINANCE ENACTING A TEMPORARY LAND USE REGULATION PROHIBITING NEW LAND USE APPLICATIONS FOR PERMITS FOR COMMERCIAL USES IN THE HIGHWAY COMMERCIAL ZONE, WHICH EXTENDS 1,000 FEET ALONG BOTH SIDES OF US-191 FOR THE LENGTH OF THE ROADWAY IN SPANISH VALLEY

County Attorney Kendall Laws explained that passing the resolution would not enact an ordinance to put the temporary moratorium in place. After some discussion, Commissioner Grayeyes recommended that the resolution be tabled until an ordinance could be written and Commissioner Maryboy told Attorney Laws to draft an ordinance.

SUPPORTING S. 367, THE “AMERICA’S NATURAL TREASURES OF IMMEASURABLE QUALITY UNITE, INSPIRE, AND TOGETHER IMPROVE THE ECONOMIES OF STATES (ANTIQUITIES ACT) ACT OF 2019” (ANTIQUITIES ACT OF 2019) AND H.R. 1050, THE UNITED STATES HOUSE OF REPRESENTATIVES VERSION OF THE ANTIQUITIES ACT OF 2019.

A motion to pass the resolution was made by Commissioner Grayeyes and 2nd by Commissioner Maryboy. Commissioners Maryboy and Grayeyes voted in favor of the resolution. Commissioner Adams voted against the resolution.

APPROVING A CONTRACT WITH DAVID EVERITT TO SERVE AS THE SAN JUAN COUNTY ADMINISTRATIVE OFFICER ON AN INTERIM BASIS.

A motion to pass the resolution was made by Commissioner Grayeyes and 2nd by Commissioner Maryboy. Commissioners Maryboy and Grayeyes voted in favor of the resolution. Commissioner Adams voted against the resolution.

A motion to approve a professional service agreement was made by Commissioner Grayeyes and 2nd by Commissioner Maryboy. Commissioners Maryboy and Grayeyes voted in favor of the contract. Commissioner Adams voted against the contract.

Commission Reports:

Commissioner Adams - Commissioner Adams attended the training given by the Attorney

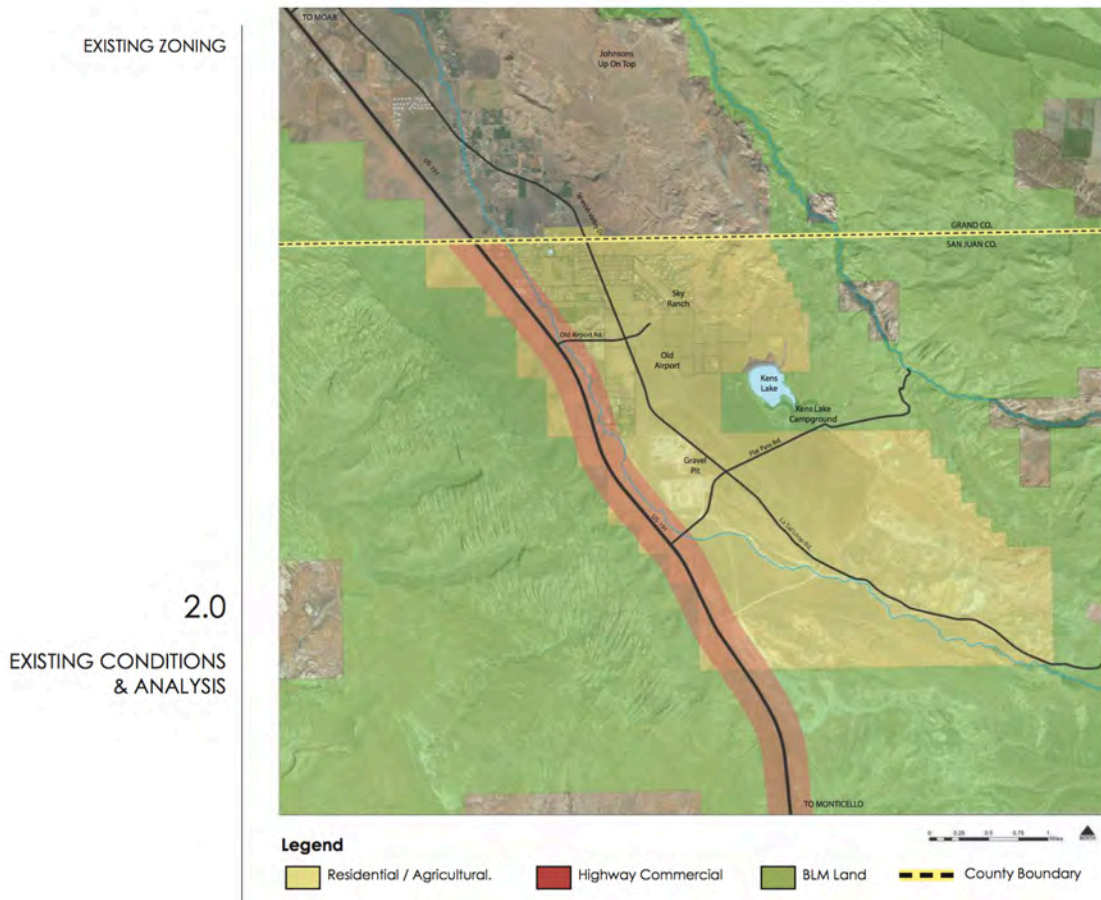
Commissioner Grayeyes - Commissioner Grayeyes attended a budget and finance committee meeting. He also attended chapter meetings

Commissioner Maryboy - Commissioner Maryboy had nothing to report

RESOLUTION NO. 2019 - _____

RESOLUTION OF SAN JUAN COUNTY, UTAH, APPROVING AN ORDINANCE ENACTING A TEMPORARY LAND USE REGULATION PROHIBITING NEW LAND USE APPLICATIONS FOR PERMITS FOR COMMERCIAL USES IN THE HIGHWAY COMMERCIAL ZONE, WHICH EXTENDS 1,000 FEET ALONG BOTH SIDES OF US-191 FOR THE LENGTH OF THE ROADWAY IN SPANISH VALLEY

WHEREAS, the Spanish Valley Planning Area is currently controlled by two zones in the San Juan County Zoning Ordinance, the Agricultural zone and Highway Commercial zone. The Commercial zone extends 1,000 feet along both sides of US-191 for the length of the roadway, permitting a range of commercial uses considered appropriate for a roadway setting. Pursuant to San Juan County Zoning Ordinance 12-2, the commercial uses permitted within the Highway Commercial zone include restaurants or drive-in cafes, motels, new and used automobile agencies, farm machinery and equipment sales, nurseries and greenhouses, mobile home sales, mobile home parks, drive-in theaters, bowling alleys, other commercial recreation facilities, automobile service stations and auto accessories, accessory buildings and uses, other uses approved by the Planning Commission as being in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed uses. All other uses are considered “conditional uses.”



WHEREAS, Utah Code 17-27a-504(1)(a) states:

“A county legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the county if:

- (i) The legislative body makes a finding of compelling, countervailing public interest; or
- (ii) The area is unregulated.”

WHEREAS, the Planning and Zoning Commission and the San Juan County Commissioners are engaged in a future land use planning process for the Spanish Valley Planning Area, including the Highway Commercial zone.

WHEREAS, the uses permitted in the Highway Commercial zone of the Spanish Valley Planning Area after the current planning process is completed may be significantly different than the uses currently allowed in the existing Zoning Ordinance.

WHEREAS, San Juan County currently lacks data regarding culinary water availability in Spanish Valley that would be available to service new development, both residential and commercial.

WHEREAS, the United States Geological Survey is finalizing a report that includes findings from a recently completed multiyear groundwater study of the Spanish Valley/Moab Area Watershed, which found that safe yield for the Area is less than previously estimated (about 11-13,000 acre-feet per year rather than 18-22,000 acre-feet per year), and San Juan County anticipates the need for a multi-agency, intergovernmental groundwater management plan.

WHEREAS, the maximum amount of water approved for diversion by San Juan County is 500 acre-feet of groundwater from the Moab-Spanish Valley aquifer, and no more water can be approved to be diverted until monitoring data show no impairment of existing, senior water rights, no impact to the regional groundwater table, no contamination issues, and no adverse effects to the natural environment including at the Matheson Wetlands Preserve.

WHEREAS, further investigation is needed to determine the amount of available water resources for Spanish Valley development, and an informed consideration as to the appropriate allocation between residential and commercial uses for this scarce resource.

WHEREAS, commercial developments, including for overnight accommodations, restaurants, greenhouses and nurseries, service stations, recreation areas, and others, results in water usage that greatly diminishes available and financially viable water resources for residential development.

WHEREAS, Grand County and the City of Moab have recently enacted temporary 6-month moratoriums on new permits for hotels and other overnight accommodations. Due to the immediate proximity of the Spanish Valley Planning Area to Grand County and the City of Moab planning areas, there is great likelihood that developers of hotels, other overnight

accommodations and other commercial businesses will turn to the Spanish Valley highway commercial zone to procure lands to develop their businesses in the very near future.

WHEREAS, before the land rush from Grand County to Spanish Valley begins, there is a compelling, countervailing public interest to postpone new commercial and industrial development in the Spanish Valley Highway Commercial zone until land use ordinances and policies can be given due consideration by Spanish Valley residents, the planning commission and the county commission and enacted via the public process.

WHEREAS, San Juan County needs to evaluate the current economic conditions and opportunities for economic diversity and development in the Spanish Valley Planning Area before it is faced with numerous hotel and nightly rental permit applications that will likely occur as a result of Grand County and the City of Moab temporary moratoriums on new permit applications for this type of development.

WHEREAS, public comments received on the Spanish Valley Area Plan, adopted April, 2018, noted that residents of Spanish Valley have been ignored by San Juan County government and that the county government approves any type of development application that is received, with little, if any, assessment of impacts to, or input from Spanish Valley residents, and that the 1000-foot highway commercial zone directly adjacent to residential areas is incompatible with residential uses and should be reconsidered and revised to provide a buffer to protect private property and homeowners' financial investments and quality of life.

WHEREAS, San Juan County Planning Commission, County Commission, and residents of Spanish Valley Planning Area need time to review and modify, if needed, the Highway Commercial zone's existing ordinances and the proposed ordinances drafted as part of the Spanish Valley Planning Area process before approving any new permits for development in the Highway Commercial zone along Highway 191.

NOW, THEREFORE, BE IT RESOLVED:

Section 1: Temporary Land Use Regulation. Except as expressly provided in Section 3, no new applications or permits for any commercial development shall be approved in the Highway Commercial zone upon the Effective Date, as defined in Section 2.

Section 2: Effective Date and Duration. This ordinance shall take effect immediately upon passage ("Effective Date") and shall continue for six (6) months, following which it shall automatically expire with no further action of the County Commission.

Section 3: Exceptions. The County acknowledges that a number of "persons," including entities, may have procured land use entitlements (including land use approvals and building permits) for the construction of commercial developments, or submitted land use applications that have been deemed complete, as of the Effective Date. In an effort to avoid hardship to those who have relied in good faith upon existing County regulations, such persons described above who have procured land use entitlements or who have submitted land use applications

deemed complete by the County shall be excluded from the applicability of this ordinance. In every case, such persons shall still be required to obtain land use permits before such use commences.

Section 4: Conflict. This ordinance shall supersede and take precedence over any conflicting ordinances or policies of San Juan County.

Section 5: Severability. If any provision of this ordinance shall be found invalid by a court with jurisdiction, the provisions shall be severed and the remainder of the ordinance shall be enforced without the severed provision

PASSED, ADOPTED AND APPROVED by the Board of San Juan County Commissioners this _____ day of _____ 2019.

Those voting aye:

Those voting nay:

Those abstaining:

Absent:

Board of San Juan County Commissioners

Kenneth Maryboy, Chairman

ATTEST:

John David Nielson, County Clerk/Auditor

COUNTY COMMISSION MEETING

21 MAY 2019

**San Juan County Commission Work Meeting
Administration Building - Commission Room
Agenda
May 21, 2019**

Present: Kenneth Maryboy - Commission Chairman
Willie Grayeyes - Commission Vice Chairman
Bruce Adams - Commissioner
David Everitt - CAO
John David Nielson - Clerk

Attendees: Trenton Duke, Heber Heyder, Jason Johnson, Rudy Sandavol, Gary Torres, Bob Turri, Wendy Black, Kendall Laws, Nick Sandberg, Leah Farrell, Rachel Appel, Tara Benally, Kelly Mike Green, Ann Leppanen, Scott Nielson, Brandon Hoffman, Clark Maughan, Terry Garner, Retta Hall, Sara Fields, Doug Allen, Cordell Shumay, Eula Wilson-Beeson, Ellis J Beeson, Rex Lee Jim, Lauren Bernally, Jeremy Redd, Paula Sayers, Jim Sayers, David Carpenter, Kim Henderson, Julia Brooks, Shanon Brooks, Jason Torgerson, Jerry McNeely, Kirk Benge, Olivia Merten, Kiley Miller, Jeannie Bondio, Mike Bondio, Anna Tom, Wallace Tom, Harv Holiday, Patrick Baril, Susan Baril, Jeff Mattson, Larry Witt, Carolyn Dailey, Hank Stevens, Marlene Huckabay, Cheryl Bowers, David Filfred, Albert Holiday, Clarke Abbey, Monette Clark, Craig Sanchez, Jennifer Swanson, Colby A Smith, Holly Sloan

David Everitt - CAO

David came to the commission to talk about his initial scope of work, projects that he is working on and confirming the county administrator as the GRAMA appeals officer. David also talked about a possible joint San Juan and Grand County meeting on June 10, 2019.

David Everitt - CAO

David discussed with the commission, The Rules of Procedure document created to help clarify the functions of the commission, county administrator, clerk, and attorney. The draft rules and procedures were reviewed and discussed.

John David Nielson - SJC Clerk

John David discussed with the commission a referendum application that was submitted by citizens challenging Resolution 2019-21. Attorney Laws offered some insight into the referability of the referendum application and explained that his office's position was that the referendum was not referable.

John David Nielson/Leonard Gorman - Vote By Mail Settlement Agreement

John David Nielson and Lauren Bernally talked to the commission about the Vote By Mail Settlement Agreement. Lauren Bernally briefly reviewed the agreement and its stipulations as well as other documents and reports. Lauren also discussed PlusCodes which help to place voters at their proper locations. Rex Lee Jim from the Navajo Nation encouraged the commission to comply with the settlement agreement. John David discussed aspects of the agreement including satellite offices, radio ads, certified language interpreters, and voting locations.

John David Nielson - Clerk

John David presented an amended SSBG contract to approved and explained the purpose of the contract.

David Everitt - CAO

David presented an updated aging contract for Aging Director Tammy Gallegos who was away at a training and discusses how the money from the contract would be used.

Gary Torres - BLM Updates

Gary updated the commission on issues that are on the BLM's radar including the Monument Advisory Committee meeting that will be held in Monticello on June 5th - 6th. Gary also suggested that the commissioners talk with the state director at that time. Gary also talked about an abandoned mine reclamation program, road issues and closures. Clark Maughan, BLM Fire Manager, gave a brief update on the fire season for San Juan County.

Heber Heyder - State Fire Updates

Heber explained his role as San Juan County Fire Warden to the commission. He then gave an update to the commission on the 2018 season. Also discussed was training for new firefighters. Jason Johnson explained to the commission that different departments meet regularly to discuss upcoming and potential fire issues.

Navajo Mountain Chapter President Hank Stevens addressed the commission requesting support from the county regarding fires on Navajo Mountain. Tara Benally from Rural Utah Project also gave an update on Plus Coding which would be helpful during a fire.

USFS - USFS Updates

Terry Garner discussed with the commission the annual Chief's Letter which discusses potential fire concerns for 2019. He also discussed a formal agreement that the county has which allows USFS to respond to fires as well as the 2018 annual fire report.

Jerry McNeely - SJC Liaison

Jerry updated the commission on meetings he attended with Grand Water and Sewer, SITLA, BLM, (lisbon valley mine, black ridge area, sewer and water projects)

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Administration Building - Commission Room
Agenda
May 21, 2019**

Present: Kenneth Maryboy - Commission Chairman
Willie Grayeyes - Commission Vice Chairman
Bruce Adams - Commissioner
David Everitt - CAO
John David Nielson - Clerk

Attendees: Trenton Duke, Heber Heyder, Jason Johnson, Rudy Sandavol, Gary Torres, Bob Turri, Wendy Black, Kendall Laws, Nick Sandberg, Leah Farrell, Rachel Appel, Tara Benally, Kelly Mike Green, Ann Leppanen, Scott Nielson, Brandon Hoffman, Clark Maughan, Terry Garner, Retta Hall, Sara Fields, Doug Allen, Cordell Shumay, Eula Wilson-Beeson, Ellis J Beeson, Rex Lee Jim, Lauren Bernally, Jeremy Redd, Paula Sayers, Jim Sayers, David Carpenter, Kim Henderson, Julia Brooks, Shanon Brooks, Jason Torgerson, Jerry McNeely, Kirk Benge, Olivia Merten, Kiley Miller, Jeannie Bondio, Mike Bondio, Anna Tom, Wallace Tom, Harv Holiday, Patrick Baril, Susan Baril, Jeff Mattson, Larry Witt, Carolyn Dailey, Hank Stevens, Marlene Huckabay, Cheryl Bowers, David Filfred, Albert Holiday, Clarke Abbey, Monette Clark, Craig Sanchez, Jennifer Swanson, Colby A Smith, Holly Sloan

A motion to approve the May 7, 2019 commission minutes was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Citizen Comments:

Patrick Baril - San Juan County resident

Patrick talked about a change in wording in a previous draft of the Resolution covering the moratorium and dark skies. He stated that he supports the moratorium and the dark sky plan.

Colby Smith - San Juan County resident

Colby spoke about a subsection 4(C) in the ordinance drafted by the county attorney's office. He asked that the part of the subsection talking about land use entitlements be clarified.

Wendy Black - San Juan County resident

Wendy asked the commission about the plan to hire a new administrator and what steps would be followed.

Cheryl Bowers - San Juan County resident

Cheryl requested that the commission allow for the referendum to go forward so that it could be voted on by the citizens of San Juan County.

Kelly Mike Green - San Juan County resident

Kelly asked that the county help increase the size of the LaSal cemetery. Kelly also mentioned that San Juan County is in the Downwinders area covered by the Uranium Compensation Act which allows for compensation and asked for support as he attempts to make the qualifying process easier.

Jeannie Bondio - San Juan County resident

Jeannie apologized for the rudeness of the citizens at previous meetings. She also talked about a planning and zoning meeting tape where inappropriate comments were made by the commissioners of the planning and zoning commission. Jeannie also requested that 2 individuals from northern San Juan County be advisors on the Planning and Zoning commission.

Kiley Miller - San Juan County resident

Kiley read a letter from Linda Smerse discussing the pollution caused by motor vehicles

Shanon Brooks - San Juan County resident

Shanon thanked the commissioner for working on and bettering procedures. He also mentioned a change in the code which allows 2 commissioners to meet without notice. Shanon also questioned the hiring of David Everitt without the input of Commissioner Adams. Shanon suggested that funds be used to improve english language skills. He also discussed rights of leaders and citizens.

Carolyn Dailey - Pack Creek resident

Carolyn talked about the formation of the Northern San Juan County Coalition and talked about the moratorium and requested that 2 individuals from northern San Juan County be advisors on the Planning and Zoning Commission.

Walter Bird - SJC Personnel

Walter presented 2 labor light equipment positions and 2 seasonal positions for approval. He requested that Christopher Honecker and Tyler Draper be approved for the light equipment positions and Taylor Torgerson and Dylan Bird be approved for the two seasonal positions. A motion to approve the hires was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

Nick Sandberg - SJC Planning

Nick presented two letter for approval which discuss range improvement proposals. The letters discussed the Slickhorn Polly Mesa Water Well System and the Lake Canyon Stock Water Wells Phase III project. A motion to have the chairman to sign the letters was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous. Nick also presented a memorandum of agreement regarding the Lisbon Valley Mining Company's 2017 Mine Plan revision. He stated why San Juan County is signing as a concurring

party and not a decision making party and also explained that the memorandum explains how cultural resources will be treated during mining pit expansion. A motion to approve the signing of the memorandum was made by Commissioner Adams and 2nd by Commissioner Maryboy. Voting in favor of the memorandum- Commissioner Adams, Voting against the memorandum- Commissioner Grayeyes., Abstaining - Commissioner Maryboy

Kirk Benge - SJC Public Health

Kirk requested that the commission ratify the Public Health by-laws which were discussed during the work meeting. A motion to ratify the by-laws was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

Ben Musselman - SJC Public Works

Ben presented several bids for approval that were discussed in the previous work meeting. Ben recommended that the Mountain States bid for patch oil be approved. A motion to allow the road department to use Mountain States was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous. Ben also recommended that the county accept the bid for a new printer/copier from Image Net Consulting. A motion to approve the recommendation was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

John David Nielson - SJC Clerk

John David presented the amended SSBG contract for approval. A motion to approve the amended SSBG contract was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

John David also asked the commission if they were ready to make a decision on the referendum that had been discussed in the work meeting. A motion was made by Commissioner Grayeyes that the referendum was not referable according to the legal opinion given. Commissioner Maryboy 2nd the motion. Voting in favor of the motion were Commissioners Maryboy and Grayeyes. Voting against the motion was Commissioner Adams.

Resolutions/Ordinances

Resolutions and Ordinances listed below were read into the record by David Everitt.

1. **RESOLUTION RATIFYING A CONTRACT WITH DAVID EVERITT TO SERVE AS THE SAN JUAN COUNTY ADMINISTRATOR ON AN INTERIM BASIS**

A motion to approve the resolution was made by Commissioner Grayeyes and 2nd by Commissioner Maryboy. Commissioners voting to approve the resolution were Commissioners Maryboy and Grayeyes. Commissioner Adams voted against the resolution.

2 **AN ORDINANCE ENACTING A TEMPORARY LAND USE REGULATION THAT PROHIBITS NEW LAND USE APPLICATION PERMITS FOR COMMERCIAL USES IN THE HIGHWAY COMMERCIAL ZONE EXTENDING 1,000 FEET ALONG EACH SIDE OF US HIGHWAY-191 FOR THE LENGTH OF THE ROADWAY IN THE AREA KNOWN AS "SPANISH VALLEY."**

A motion to approve the ordinance was made by Commissioner Grayeyes with the request to change the wording in Section 4 (C) from "...land use applications deemed complete by the County **or** paid all applicable fees..." to "...land use applications deemed complete by the County **and** paid all applicable fees..." Commissioner Adams 2nd the motion and questioned if all the technical language of the ordinance had been answered. Attorney Laws explained that the ordinance was written with input from the Building Department and the process that they currently use. Commissioner Maryboy allowed for Colby Smith to clarify his Citizen's Comment. Commissioner Adams discussed some of the concerns with the ordinance. After the discussion Commissioner Grayeyes clarified his motion to support the moratorium and change the wording in Section 4 (C) as stated in his previous motion. Voting was unanimous.

Commission Reports

Commissioner Adams - Commissioner Adams attended AOG in Price. He also wrote a letter regarding Insight Terminal Solutions as a CIB board member.

Commissioner Grayeyes - Commissioner Grayeyes traveled back to Princeton University to make a presentation

Commissioner Maryboy - Commissioner Maryboy mentioned several deaths in his community of friends, attended the Aneth Chapter meeting. Will attend a veterans memorial celebration

Motion to adjourn was made by Commissioner Adams and 2nd by Commissioner Grayeyes.
1:09

ORDINANCE NO. 2019-__

AN ORDINANCE ENACTING A TEMPORARY LAND USE REGULATION THAT PROHIBITS NEW LAND USE APPLICATION PERMITS FOR COMMERCIAL USES IN THE HIGHWAY COMMERCIAL ZONE EXTENDING 1,000 FEET ALONG EACH SIDE OF US HIGHWAY-191 FOR THE LENGTH OF THE ROADWAY IN THE AREA KNOWN AS “SPANISH VALLEY.”

The County Legislative Body of San Juan County ordains as follows:

Section 1: Findings.

- A. The Planning and Zoning Commission and the San Juan County Commissioners are engaged in a future land use planning process for the Spanish Valley Planning area, which includes the Highway Commercial Zone.
- B. The uses permitted in the Highway Commercial Zone of the Spanish Valley Planning area after the current planning process is completed may be significantly different than the uses currently allowed in the existing zoning ordinance.
- C. The current maximum amount of water approved for diversion by San Juan County is 500 acre-feet of ground water from the Moab-Spanish Valley aquifer, and no more water can be approved to be diverted until monitoring data shows no impairment of existing, senior water rights, no impact to the regional groundwater table, no contamination issues, and no adverse effects to the natural environment including the Matheson Wetlands Preserve.
- D. Grand County and the City of Moab have recently enacted temporary 6-month moratoria on new permits for hotels and other overnight accommodations. Due to the immediate proximity of the Spanish Valley planning area to Grand County and the City of Moab planning areas, there is a significant likelihood that developers will turn to the Spanish Valley Highway Commercial Zone to develop their businesses in the very near future.
- E. Accordingly, there is a compelling and countervailing public interest to postpone new commercial and industrial development in the Spanish Valley Highway Commercial Zone until land use ordinances and policies can be given due consideration by Spanish Valley residents, the San Juan County Planning Commission and the San Juan County Commission and enacted via the public process. Further investigation is needed to determine the amount of available water resources for Spanish Valley development, and an informed consideration as to the appropriate allocation between residential and commercial uses for this resource is critically important.
- F. San Juan County needs to evaluate the current economic conditions and opportunities for economic diversity and development in the Spanish Valley Planning area before it is faced with numerous hotels and nightly rental permit applications that will likely occur as a result of Grand County and the City of Moab temporary moratoriums on new permit applications.

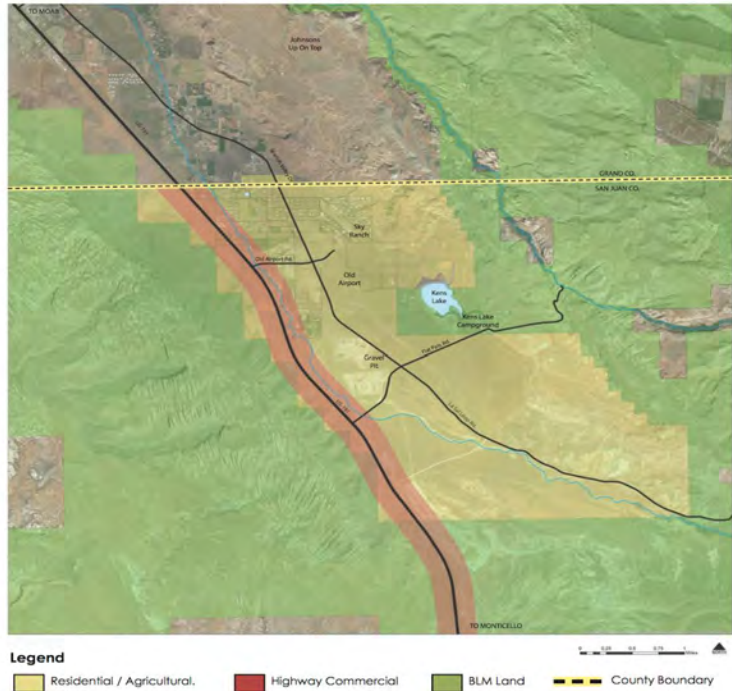
- G. Public comments received on the Spanish Valley Area Plan, adopted April 2018, indicate there is public sentiment that local residents' input has been ignored in regards to the 1000-foot commercial zone directly adjacent to residential areas. There have been requests for reconsideration and revisions to the plan to include a buffer zone to protect residential quality of life.
- H. San Juan County Planning Commission, County Commission, and residents of Spanish Valley Planning Area need time to review and modify, if needed, the Highway Commercial zone's existing ordinances and the proposed ordinances drafted as part of the Spanish Valley Planning Area process before approving any new permits for development in the Highway Commercial zone along Highway 191.

Section 2: Jurisdiction.

Pursuant to Utah Code Title 17-27a-504, the Commission for San Juan County, as the county legislative body, without prior consideration of or recommendation from the planning commission, may enact an ordinance establishing a temporary land use regulation for any part or all of the area within the county. The area known as "Spanish Valley" is within San Juan County. The ordinance may not exceed six months.

Section 3: Definitions.

- A. "Highway Commercial Zone" in Spanish Valley: A zoning corridor 2000 feet wide lying 1000 feet on each side of U.S. Highway 191. Said corridor begins at the intersection of the centerline of U.S. Highway 191 and the San Juan County, Utah and Grand County, Utah boundary and continues in a southerly direction along said centerline to near the top of Blue Hill, identified as the intersection of the centerline of U.S. Highway 191 and the south section line of Section 30, Township 27 South, Range 23 East of the Salt Lake Meridian. The general area is illustrated below as shown in the San Juan County Spanish Valley Area Plan, adopted April 17, 2018.



The Highway Commercial zone allows for a range of commercial uses considered appropriate for a roadway setting. Pursuant to San Juan County Zoning Ordinance 12-2, the commercial uses permitted within the Highway Commercial zone include restaurants or drive-in cafes, motels, new and used automobile agencies, farm machinery and equipment sales, nurseries and greenhouses, mobile home sales, mobile home parks, drive-in theaters, bowling alleys, other commercial recreation facilities, automobile service stations and auto accessories, accessory buildings and uses, other uses approved by the Planning Commission as being in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed uses. All other uses are considered “conditional uses.”

Section 4: Temporary Land Use Prohibition

- A. Temporary Land Use Regulation. Except as expressly provided in Section 4(c), no new applications will be accepted nor permits given for any commercial development the Highway Commercial Zone upon the effective date of this ordinance. □
- B. Effective Date and Duration. Pursuant to Utah Code Title 17 Chapter 53 Section 208 subsection 6, this ordinance shall take effect immediately upon publication in a newspaper of general circulation in San Juan County after the date of its passage by the San Juan County commission. Consistent with Utah Code Title 17 Chapter 27a Section 504 this ordinance is to not exceed six (6) months in duration from its effective date.
- C. Exceptions. The county acknowledges that a number of persons, including entities, may have procured land use entitlements (including land use approvals and building permits) for the

construction of commercial developments, or submitted land use applications that have been deemed complete as of the effective date of this ordinance. In an effort to avoid hardship to those who have relied on existing county regulations, such persons described above who have procured land use entitlements or who have completed land use applications deemed complete by the County or paid all applicable fees as of the effective date of the ordinance shall be excluded from the applicability of this ordinance. In every case, such persons shall still be required to obtain land use permits before such use commences. □

- D. Conflict with Existing Ordinance. This ordinance shall supersede and take precedence over any conflicting ordinances or policies of San Juan County for the six (6) months of its effectiveness. □
- E. Severability. If any provision of this ordinance is found invalid by a court of jurisdiction, the provision shall be severed and the remainder of the ordinance shall be enforced. □
- F. Direction to Staff. Immediately following the passage of this ordinance , it is to be published in the soonest available manner in a newspaper of general circulation. Staff is instructed to make all necessary action to proceed with publication of the ordinance as soon as possible. Staff is also directed to expedite the process to adopt land use ordinances necessary to address the need for predictable land use patterns ahead of the six month expiration date of this temporary land use regulation. □

ADOPTED AND APPROVED by the Board of San Juan County Commissioners this 21st day of May, 2019.

Those voting aye:

Those voting nay:

Those abstaining:

Absent:

Board of San Juan County Commissioners

Kenneth Maryboy, Chairman

ATTEST:

John David Nielson, County Clerk

PLANNING COMMISSION MEETING

30 OCTOBER 2019



SAN JUAN COUNTY PLANNING COMMISSION MEETING MINUTES
Thursday, October 30, 2019

7:00 PM - Regular Planning Commission Meeting

Attendance:

Planning Commission Members: Cole Cloward
Lloyd Wilson
Mel Nelson
Leah Schrenk
Scoot Flannery, Vice-chair
Trent Schafer, Chair

County Staff: Scott Burton
Mack McDonald

1. **General Business:**

Welcome: At 7:01 p.m. Chairman Trent Schafer called the meeting to order and welcomed those in attendance. He specifically welcomed Leah Schrenk, the newest SJC Planning Commissioner and Mack McDonald the new SJC Administrator.

1.1 Roll Call: Quorum present. Commissioner Steve Deeter was absent.

1.2 Approval of Minutes for September 12, 2019: A MOTION was made by Commissioner Flannery to approve the minutes for the September 12, 2019 meeting. Commissioner Cloward SECONDED the motion. The voting was unanimous. Motion carried.

2. **Public Comment:** The PC received public comments from David Early, Bill Love, Randy Day, Kelly Green, Lowry Redd, Ann Austin, Rene Trout, Marjorie Haun, David Carpenter, Andrea Wilson and Patrick Barry.

3. **Administrative Items:**

3.1 Power permits to undeveloped lots. Staff has a question how the PC wants to approach these permits as they come in and if there needs to be an ordinance governing these. Grand County requires a point of use for such a permit, SJC presently doesn't. The reaction of the PC was mixed and they'd like to discuss it again next month.

3.2 Sharrell Carlson, Proposed RV project. Sharrell Carlson from Spanish Valley wants to develop a RV park in Spanish Valley - six (6) spaces have been there for

roughly fifteen years. He wants to cut his power from the front of his property, which presently services the six (6) spaces to the back of his property. The PC questioned whether they should govern change of power source. His daughter also wants to perhaps put a house on the lot. He wants to use the spaces for family and an RV business. Chairperson Schafer suggested he apply for a conditional use permit for his project.

- 3.3 Hummingbird Nest Project. Hilda Balon, the owner of the project addressed the private road that is presently too narrow for dedication to the county and will be maintained by the residents. Staff reviewed the project and had no comments. A motion was made by A MOTION was made by Commissioner Flannery to approve the Hummingbird Nest plat. Commissioner Wilson SECONDED the motion. The voting was unanimous. Motion carried.
- 3.4 Proposed subdivision: Legacy Fields, Lucas Blake. Surveyor Lucas Blake presented a preliminary plat for a 117 lot subdivision in La Sal on 150 acres. It will be accessed by Markel Lane and Bobbie Lane in La Sal. The lots all exceed 1.0 acre with 1.1 acre being the average lot size. All the lots will likely be serviced by private wells and septic, however, there is the possibility that the lots will be serviced by a community water system. The roads will be dedicated to the county. Staff has only seen the preliminary plat for the subdivision, but Blake also brought a final plat for an 18 lot phase 1. The PC would like to see a topo of the project and was concerned about drainage on the property. The property has attached two (2) water rights that service two (2) wells on the property. According to the developers, they've approached the state and the state water rights people stated that each property owner can seek a well permit to drill a well. However, the developer is also considering a community water system. Commissioner Deeter, who was absent, previously expressed concern about this project and a draw down of the aquifer that most people in La Sal pump their water from. Commissioner Flannery feels like the water issue is a non-issue because its controlled by the state, the proposal meets the zoning for the area, his only concern is the drainage issues.
4. **Presentation:** Contractor Mark Vlastic, Landmark Design presented on the proposed Spanish Valley Ordinances.
5. **Public Hearings:** Chairperson Schafer decided not to open and close each public hearing and stated that he would give each person commenting three (3) minutes of time to comment.

A MOTION was made by Commissioner Cloward to move into the scheduled public hearings concerning the proposed Spanish Valley Ordinances. Commissioner Flannery SECONDED the motion. The voting was unanimous. Motion carried.

- 5.1 Spanish Valley Residential (SVR) District.
- 5.2 Spanish Valley Planned Community (PC) District.

- 5.3 Spanish Valley Residential Flex Planned Community (RF) District.
- 5.4 Spanish Valley Business Flex Planned Community (BF) District.
- 5.5 Spanish Valley Highway Flex Planned Community (HF) District.
- 5.6 Spanish Valley Highway Commercial (HC) District.
- 5.7 Spanish Valley Water Efficient Landscape Requirements.
- 5.8 Spanish Valley Outdoor Lighting and Sign Illumination Requirements.
- 5.9 Spanish Valley Sign and Display Requirements.
- 5.10 Spanish Valley Overnight Accommodations Overlay District Requirements.

The PC received public comments for and against the ordinances from Bill Love, Randy Day, Linda Smurz, Mark Shapiro, Colby Smith, Rene Trout, Amy Weiser, Brittany Elles, Kyle Kimmerlee, Kelly Shumway, Andrea Wilson, Pat Barry, Monet Clark, Anne Austin, David Carpenter,Carolynn Dailey, Kerry Buhanan, and Elise Erler.

The PC discussed what changes need to be made to the text and to the map and how to determine what property want those changes. It was determined that changes needed to be made for consideration at the PCs next meeting on Nov. 14, 2019.

A MOTION was made by Commissioner Wilson to close the scheduled public hearings concerning the proposed Spanish Valley Ordinances. Commissioner Schrenk SECONDED the motion. The voting was unanimous. Motion carried.

- 5.11 Amendment of Chapter 11: Multiple Use, Agricultural, Rural Residential Districts Adoption, specifically Subsection 11-3 of the San Juan County, Utah Zoning Ordinance (2011) to amend the minimum lot sizes in those districts from one-acre to as small as one-quarter acre as compatible with state regulations on water and sewer sources and lot sizes.

A MOTION was made by Commissioner Wilson to move into the above scheduled public hearing. Commissioner Cloward SECONDED the motion. The voting was unanimous. Motion carried.

No public comment was made on the regulation to conform with state regulations. Commissioner Flannery read the proposed ordinance.

A MOTION was made by Commissioner Cloward to close the scheduled public hearings concerning the proposed amendment of Chapter 11: Multiple Use, Agricultural, Rural Residential Districts Adoption, specifically Subsection 11-3 of the San Juan County,

Utah Zoning Ordinance (2011) to amend the minimum lot sizes in those districts from one-acre to as small as one-quarter acre as compatible with state regulations on water and sewer sources and lot sizes. Commissioner Schrenk SECONDED the motion. The voting was unanimous. Motion carried.

- 5.12 Adoption of a new Section 4 of Article II. Planning Requirements for All Zones in San Juan County in the San Juan County Subdivision Ordinance (2016) to create a minor subdivision ordinance permitting developments up to four lots to be exempt from the platting requirements of the subdivision ordinance.

A MOTION was made by Commissioner Flannery to move into the above scheduled public hearing. Commissioner Cloward SECONDED the motion. The voting was unanimous. Motion carried.

A question was posed about platting requirements. With this proposed ordinance staff would review to make sure all county requirements are met. This requirement would pertain to new subdivisions. The PC would like to see some changes to language, especially those pertaining to survey requirements.

A MOTION was made by Commissioner Schrenk to close the scheduled public hearings concerning the proposed adoption of a new Section 4 of Article II. Planning Requirements for All Zones in San Juan County in the San Juan County Subdivision Ordinance (2016) to create a minor subdivision ordinance permitting developments up to four lots to be exempt from the platting requirements of the subdivision ordinance. Commissioner Flannery SECONDED the motion. The voting was unanimous. Motion carried.

6. **Legislative Items:**

- 6.1 - Planning Commission consideration of the Spanish Valley Residential (SVR) District; Spanish Valley Planned Community(PC) District; Spanish Valley Residential Flex Planned Community (RF) District; Spanish Valley Business Flex Planned Community (BF) District; Spanish Valley Highway Flex Planned Community (HF) District; Spanish Valley Highway Commercial (HC) District; Spanish Valley Water Efficient Landscape Requirements; Spanish Valley Outdoor Lighting and Sign Illumination Requirements; Spanish Valley Sign and Display Requirements and Spanish Valley Overnight Accommodations Overlay District Requirements for possible recommendation to the Board of San Juan County Commissioners.

Chairperson Schafer posed the question whether they vote on the ordinances as a block or break them up to vote on them. Commissioner Nelson had questions about residential areas, overnight rentals and grandfathering questions. Mark Vlasic stated that should be looked into but it was outside his scope of work. Commissioner Wilson said he couldn't support the suggested ordinances until all the changes are made. He doesn't favor passing them now and working on amendments later. Commissioner Schrenk doesn't like the split lots

with some landowner's properties split into multiple zones. Commissioner Lloyd listed a lot of properties being used presently as commercial and should be protected as commercial. Chairperson Schafer doesn't favor adopting a poor map now and make changes later. Commissioner Cloward feels that is acceptable. Commissioner Wilson agrees with Commissioner Schafer that now is the time to make the changes - not later in an amendment. Commissioner Flannery questioned why the body was willing to pass a less than perfect set of ordinances last year and move forward making changes as opposed to now when some on the PC are not willing to do so. Chairperson Schafer reiterated that he still favors the original proposed zoning and the original dark skies ordinance.

A MOTION was made by Commissioner Cloward to recommend the proposed Spanish Valley Ordinances 6.1-6.10 to the county commission as written. There was no SECOND. The motion died from lack of a second.

A MOTION was made by Commissioner Wilson to make the necessary changes the map and text of the proposed Spanish Valley Ordinances and bring them back at the next meeting for consideration. Commissioner Nelson SECONDED the motion. Commissioner Flannery raised some his issues with the dark skies, one truck stop restriction, and drainage issues. Commissioner Flannery also asked Mark Vlastic if he got the names and properties of those presently in the commercial zone that want to stay commercial can he make a map that would reflect that. Mark said he could. Mark suggested they as a body approve the Ordinances as is and suggest those changes to the county commission. There was more discussion on how to make changes before the next meeting and how to reach out to landowners to see what they prefer for their properties. Commissioner Schafer once again reiterated that he doesn't support passing the ordinances with an eye on changing them later. Commissioner Flannery asked about Mark's contract and Mark agreed he'd get the changes made if he received them. A vote was taken with four PC commissioners - Schafer, Wilson, Nelson and Schrenk voting for the motion and two PC commissioners - Cloward and Flannery voting against. Motion carried 4-2 for the ayes.

6.11 Amendment of Chapter 11: Multiple Use, Agricultural, Rural Residential Districts Adoption, specifically Subsection 11-3 of the San Juan County, Utah Zoning Ordinance (2011) to amend the minimum lot sizes in those districts from one-acre to as small as one-quarter acre as compatible with state regulations on water and sewer sources and lot sizes.

A MOTION was made by Commissioner Wilson to recommend the reduction of lot sizes ordinances as presented. Commissioner Cloward SECONDED the motion. The voting was unanimous. Motion carried.

6.12 Adoption of a new Section 4 of Article II. Planning Requirements for All Zones in San Juan County in the San Juan County Subdivision Ordinance (2016) to create a minor subdivision ordinance permitting developments up to four lots to be exempt from the platting requirements of the subdivision ordinance.

It was determined that there are some issues with this ordinance and the PC decided to table the matter for more discussion next month.

7. **Building Permit(s) Review:**

7.1 Presentation of building permit list

DISCUSSION

8. **Adjournment.** A MOTION was made by Commissioner Nelson to adjourn. Commissioner Flannery SECONDED the motion. The voting was unanimous. Motion carried. The meeting ended at 10:19 pm.

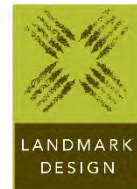
David Everitt
Interim County Administrator
San Juan County, Utah
deveritt@sanjuancounty.org

Walter Bird
County Planner
San Juan County, Utah
walterbird@sanjuancounty.org

September 13, 2019

TRANSMITTAL LETTER

DRAFT ORDINANCES TO RESOLVE THE TEMPORARY PROHIBITION OF
HIGHWAY COMMERCIAL DEVELOPMENT ALONG US-191 IN THE SAN JUAN
COUNTY PORTION OF THE SPANISH VALLEY



Landmark Design
LANDSCAPE ARCHITECTURE & PLANNING

Artspace Solar Gardens
850 South 400 West | Studio 104
Salt Lake City, Utah 84101
801.474.3300
www.lidi-ut.com

Dear David and Walter,

Attached are Draft Ordinances developed in response to the temporary prohibition (moratorium) on commercial development along US-191 in the San Juan County portion of the Spanish Valley.

We have carefully reviewed the moratorium legislation, engaged with and listened to local residents, reviewed previous plans and public input, analyzed comments and ideas. The result is ten specific ordinances that balance the needs and desires of the local community and are grounded in sound planning principles.

We will post the draft ordinances and this letter on our project web page in order to facilitate public access to the draft documents and will email members of the public who have participated to let them know the drafts are available. We would appreciate it if you could forward this information to members of the Planning Commission, County Commission and any other interested stakeholders that we are unaware of.

Thank you for the opportunity to serve the citizens of San Juan County in this effort. We look forward to presenting the ordinances to the planning commission in the near future as part of the adoption process.

Respectfully yours,

Mark Vlastic, ASLA, PLA, AICP
President & Owner/Principal-in-Charge
Landmark Design

San Juan County Spanish Valley Development Ordinances
of the
San Juan County Zoning Ordinance

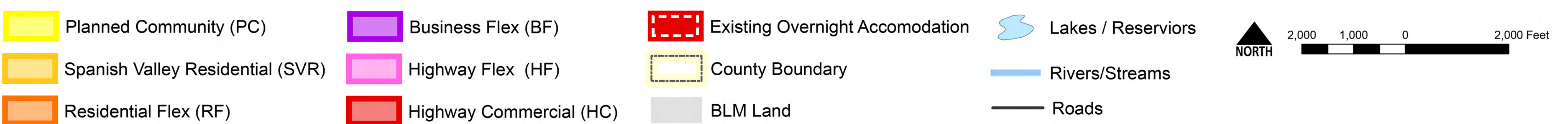
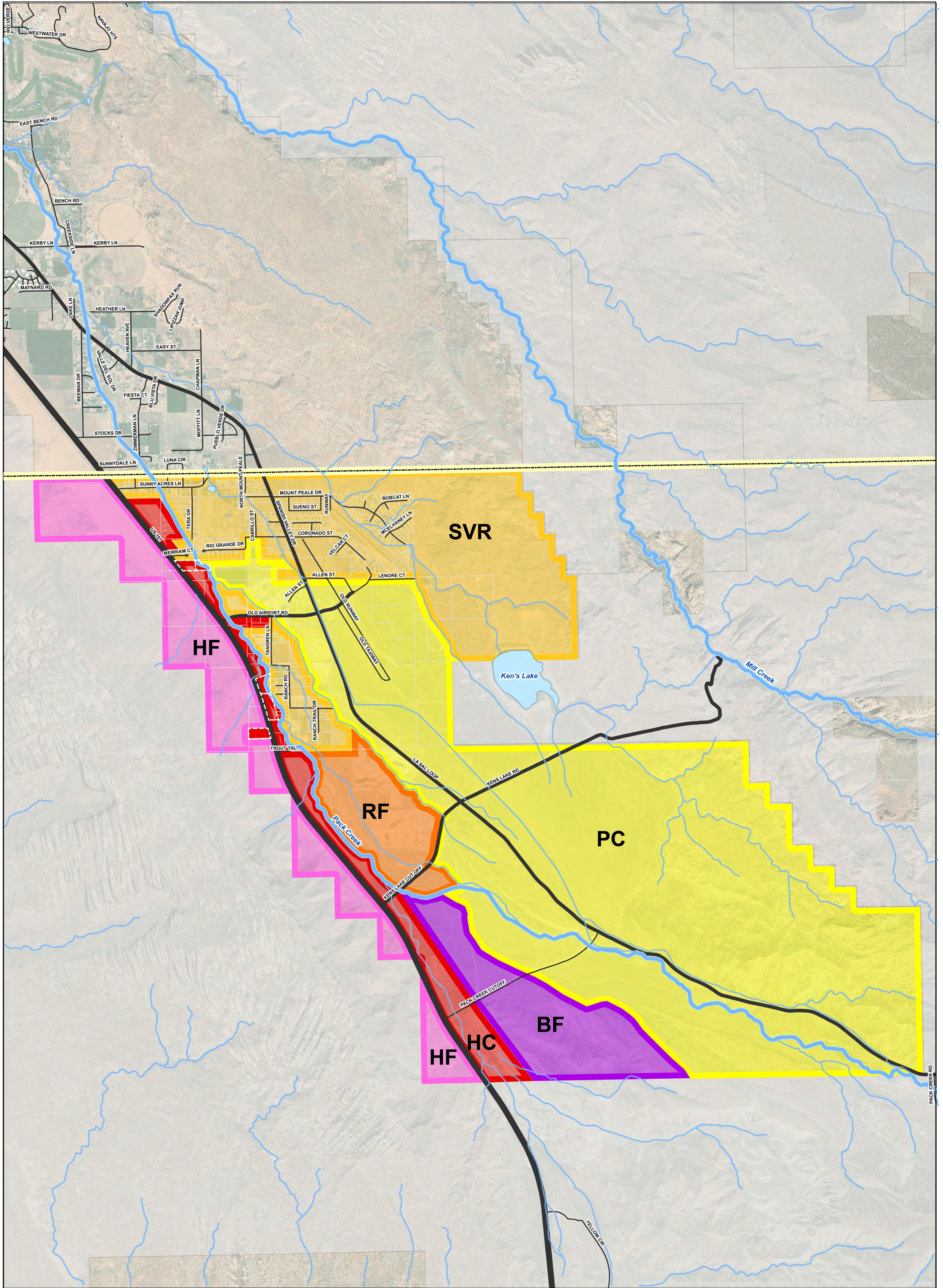
September 13, 2019

Draft

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Proposed Zoning - Spanish Valley



Chapter 1: Spanish Valley Residential (SVR) District

An Ordinance creating the *Spanish Valley Residential District* of the San Juan County Land Use Ordinance for the purpose of managing growth and development in the non-federal lands in northernmost part of the San Juan County portion of Spanish Valley. See proposed Spanish Valley Zoning Map for applicable locations.

- Purpose**
- Uses**
- Lot Design Standards**
- Mix of Housing Types**
- Constrained Lands**
- Measurements and Exceptions**
- District Standards**
- Subdivision Standards**
- Streets**
- Sidewalks and Trails**
- Easements**
- Drainage**
- Water Supply**

Purpose
The Spanish Valley Residential (SVR) District is designed primarily to accommodate residential uses in large lot (one-acre or greater) and smaller lot (1/4 acres up to 1 acre) developments. In addition to the Uses and Lot Design Standards of this section, development in this district shall be in compliance with all other applicable provisions of the San Juan County Land Use Ordinance, and shall promote and protect public health, safety, and welfare.

Uses
Uses are allowed in the SVR District in accordance with Table 1-1:

Permitted Uses
Uses identified with a "P" in the table shall be permitted in the SVR District, subject to compliance with all applicable conditions and all other provisions of this Code.

Conditional Uses
Uses identified with a "C" in the table shall be permitted in the SVR District only upon approval of a Conditional Use Permit by the County in accordance with the Conditional Use procedures and standards of the Zoning Ordinance.

Lot Design Standards
All development in the SVR District shall be subject to the following lot design standards, which generally allow for variety in housing and building types while maintaining the overall character of residential neighborhoods. This approach promotes better site layout and energy efficient

development, affordable life-cycle housing, and development intensities that match existing and proposed infrastructure investments.

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

Use Category	Specific Use
RESIDENTIAL USES	
Dwelling, single-family	P
Dwelling, two-family (duplex)	P
Dwelling, Manufactured	P
Accessory Buildings and Uses	P/C
All other household living uses (5 th wheels, trailers, etc.)	C
CIVIC AND INSTITUTIONAL USES	
Day Care	C
Educational Facilities, Public	P
Educational Facilities, Private	C
Government Facilities and Public Institutions	C
Institutions, Private or Non-Profit	C
Medical Facilities	C
Places of Worship	P
Utilities	C
PARKS, OPEN SPACE AND AGRICULTURAL USES	
Parks and Open Spaces, Public	P
Parks and Open Spaces, Private	C
Farmland, Grazing and Pasture	P
Animal Husbandry - small animals (pigs, goats, lambs, etc.)	P
Animal Husbandry - large animals (cows, cattle, horses, etc.)	P (=/> 1 acre lots only)

Minimum Requirements

Every building erected or installed must be located on, and every plat submitted for approval must show, a lot or building parcel that meets the minimum requirements of at least one lot type permitted under this article, based on underlying zoning and subdivision type.

Every building and lot must have direct access to one of the following:

1. A public street
2. An approved private street or driveway
3. A public or private street via a public or private alley

All structures must be located on lots or parcels that provide safe and convenient access for servicing, fire protection and required on-site parking. No lot shall be approved that does not meet the minimum lot area requirements of this Code except in the following cases:

1. Nonconforming lots
2. Public Utilities

The uses and densities listed in this chapter are allowed by right unless otherwise expressly stated. Each project must comply with all of the applicable development standards of this chapter.

Residential Density and Dimensional Standards

Residential development shall be subject to the maximum density and minimum dimensional standards of the SVR District in accordance with Table 1-2.

TYPE 1 developments shall have demonstrated access to a municipal water and sewer system.

TYPE 2 developments have no access to municipal water and sewer systems and will rely on private wells and septic systems as described elsewhere in this Code.

**Table 1-2
Residential Density and Dimensional Standards**

STANDARD	TYPE 1	TYPE 2
Max. Density (dwelling units/acre)	4	1
Min. Parcel Size (SF)	10,890	43,560
Min. Front Yard and Street Side Yard setback	25'	25'
Min. Interior Side Yard setback	8'	8'
Min. Rear Yard setback	20'	20'
Min Lot Width	75'	75'
Max. Bldg. Coverage (% of lot)	40%	40%
Max. Height Principal Structure	Three stories not to exceed 35'	Three stories not to exceed 35'
Max. Height Accessory Structure	Two stories not to exceed 24'	Two stories not to exceed 24'
Fence Height	6' max, 4' max for front yard	6' max, 4' max for front yard

Mix of Housing Types

Two-family homes may comprise no more than 50 percent of the total dwelling units of any proposed SVR District subdivision. In no case shall the SVR District density of four dwelling units per acre be exceeded for the overall subdivision site.

Constrained Lands

Constrained lands include lands with natural slopes greater than 30 percent, jurisdictional wetlands, lands in the 100-year floodplain, public drinking water supply sources (recharge areas for wells and aquifers), lands affected by unmitigable geo-hazards, and riparian habitats unless mitigated by a licensed engineering study.

Constrained lands in all developments and subdivisions shall be identified on plats and remain unoccupied by buildings or impervious surfaces.

Land Suitability

Land deemed to be environmentally unsuitable shall not be platted for residential occupancy, or for such other uses as may increase danger to health, life, or property, or aggravate erosion or flood hazard. Such land within the plat shall be restricted for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsafe living conditions.

The County shall not approve the subdivision of land if it is determined that the site is not suitable for platting and development purposes.

Measurements and Exceptions

Lot Area

Lot area refers to the amount of horizontal land area within lot lines. No building permit or development approval shall be issued for a lot that does not meet the minimum lot size requirements of this chapter, with the following exceptions:

Lot Area Reduction for Public Purpose

When an existing lot is reduced as a result of conveyance to a federal, state or local government or homeowners association for a public purpose and the remaining area is at least three-quarters of the required minimum lot size for the SVR District in which it is located, the remaining lot shall be deemed to be in compliance with the minimum lot size standards of this chapter.

Utility Facilities

Utility facilities using land or an unoccupied building requiring less than 1,000 square feet of site area are exempt from the minimum lot size requirements of the SVR District.

Required Yards (Setbacks)

Setback refers to the unobstructed and unoccupied open space between a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed by any part of a structure from the ground to the sky and measured as the horizontal distance between a property line and the furthestmost projection of the structure, except as provided otherwise in this chapter.

A. Front Yard Setback

1. Corner Lots

For lots with frontage on two intersecting public or private streets, such a lot shall be considered to have two front lot lines and shall comply with front yard setbacks from each front lot line.

2. Double Frontage Lots

Where lots have double frontage, running through from one street to another, a required front yard setback shall be provided on both streets.

B. Cul-De-Sacs

Notwithstanding any other provisions of this chapter, lots fronting on a cul-de-sac shall have a minimum frontage of 30 feet and a minimum lot width of 40 feet.

Maximum Height

A. Measurement

1. **Buildings**

Building height shall be determined by measuring the vertical distance between the lowest point where the wall face of the building intersects finished grade around the perimeter of the building (or structure other than fences, telecommunications and microwave towers, and antennas) and the highest point on the building.

2. **Fences and Walls**

Height of fences or walls shall be measured as the vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall.

Building Coverage

A. Measurement

The maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings.

B. Permitted Exceptions

Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, open swimming pools, or roof overhangs of less than 5 feet.

District Standards

All principal residential structures in the SVR District shall comply with the following requirements:

1. All properties shall be designed in accordance with the requirements of the Water Efficient Zoning Ordinance.
2. The minimum spacing between dwellings shall be 16 feet, with an additional 8 feet per story provided between buildings for every story over 2 stories.
3. 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. Required skirting shall be 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. 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.
 - 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.
 - h. Shall comply with current building code requirements, the standards of this ordinance, and in accordance with current FHA and HUD guidelines.
 - i. Shall allow only one manufactured home per designated lot (manufactured home communities shall be permitted as part of a Planned Community only).
4. The keeping of no more than four (4) large animals and livestock shall be considered a permitted use on parcels with more than one acre and less than 5 acres. These standards shall not be applicable to parcels larger than 5 acres.
 5. The keeping of no more than four (4) small agricultural animals (sheep, pigs, goats, etc.) shall be considered a permitted use on parcels with more than one-half acre and less than 5 acres. These standards shall not be applicable to parcels larger than 5 acres.
 6. Barns, stables, coops, animal sheds or similar structures shall be set back at least 100 feet from existing dwellings and 20 feet from any open waterway. Surface drainage from such structures shall not be permitted to drain into a natural stream or into a drainage way that drains into a natural stream and shall comply with State of Utah Health Code.

Subdivision Standards

Applicability

All plats and subdivision of land within the SVR District shall conform to the following rules and regulations.

Lot Configuration

The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall not be less than those specified as minimum standards by the SVR District. The depth and width of properties shall be adequate to provide for the off-street service, parking facilities and fire/safety requirements required in the Zoning Ordinance.

Side Lot Lines

Side lot lines shall be substantially at right angles to street lines unless otherwise approved by the Planning Commission.

Street Frontage Required

Each new lot or building tract shall front upon a public street.

Double Frontage Lots

Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic or to overcome specific disadvantages of topography and orientation.

Flag Lots

Flag-shaped or panhandle shaped lots may be created in either TYPE 1 or TYPE 2 developments if all of the following requirements are met:

1. The lot has at least 25 feet of frontage on a dedicated public street, which frontage served as access only to the subject lot or parcel.
2. The "handle" portion of the lot is at least 25 feet in width, and not more than 250 feet in length.
3. The body of the lot meets the lot area and lot width and setback requirements of the applicable TYPE.

Large Lots

Where the area is divided into larger lots than for normal San Juan County building sites and, in the opinion of the Planning Commission, any or all of the tracts are susceptible to being re-subdivided, the original subdivision shall be such that the alignment of future street dedications may conform to the general street layout in the surrounding area and so that the larger tracts may be later subdivided in conformance with the requirements of this Code and the minimum standards specified by the applicable zoning district.

StreetsApplicability

All developers shall be required to construct streets within the subdivision in accordance with San Juan County Code requirements.

Street Layout

Unless otherwise approved by the Planning Commission, provisions shall be made for the extension of streets. All streets shall bear a logical relationship to the topography and to the location of existing or planned streets on adjacent properties. Adequate local streets shall be provided to accommodate the subdivision and provide access to lots. The arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection to existing principal streets in surrounding areas; or

2. Conform to a plan for a neighborhood or planned unit development approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or where neighborhood design makes a varied plan appropriate.

Street Connections

The system of streets designated for a subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivision(s); and where no adjacent connections are platted, must in general be the reasonable projection of streets in the nearest subdivided tracts, and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith. Reserve strips of land controlling access to or egress from other property or to or from any street or alley or having the effect of restricting or damaging the adjoining property for subdivision purposes shall not be permitted in any subdivision unless such reserve strips are conveyed to San Juan County in fee simple.

Half Right-of-Way (R.O.W.)

Half streets shall be prohibited except where essential to the reasonable development of the subdivision and where the Planning Commission finds it will be practicable to require the dedication for the other half of a street when adjoining property is subdivided.

Street Intersections

More than two streets intersecting at a point shall be avoided, except where it is impractical to secure a proper street system otherwise. Intersections shall be as near 90 degrees as possible and in no cases shall the intersection angle being less than 60 degrees.

Street Jogs

Non-intersecting streets with centerline offset of less than 125 feet shall not be approved.

Dead-End Streets

Dead-end streets, except for cul-de-sacs, shall be prohibited unless they are designed to connect with future streets on adjacent lands that have not been platted. In cases where these types of dead-end streets are allowed, a temporary turnaround with a minimum radius of 50 feet shall be constructed.

Cul-de-sacs

Cul-de-sacs shall meet the San Juan County Code requirements. Ordinarily, cul-de-sacs are discouraged as they do not result in a continuity of existing streets or streets pattern and may be used only where unusual drainage or land ownership configurations exist that make other designs impractical.

Highway Access Permit

A Highway Access Permit must be approved by UDOT for each new subdivision with direct access to a state or federal highway. Turn lanes, frontage road(s), curb and gutter may be required along the entire highway frontage if required by UDOT.

Street Design Standards

Street and alley widths, curves, grades design speed and centerline radius shall meet San Juan County Code requirements.

Turn By-Passes and Turn Lanes

Right-turn by-passes or left-turn lanes may be required at the intersection of collector streets if traffic conditions indicated they are needed. Sufficient rights-of-way shall be dedicated to accommodating such lanes when they are required.

Street Names and Numbers

All street names shall be as established subject to approval of San Juan County Code requirements. When streets are in alignment with existing streets, any new streets shall be named according to the streets with which they correspond. Streets which do not fit into an established street-naming pattern shall be named in a manner which will not duplicate or be confused with existing streets within the Spanish Valley Area Plan or its environs.

Street lighting

Street Lighting shall conform to Spanish Valley Outdoor Lighting and Sign Illumination Standards. The developer shall pay the costs of purchasing and installing all street lighting equipment. Street lighting design plans shall be subject to the approval of designated San Juan County Staff. The type of equipment, method of installation and location of the wiring and light poles shall meet the minimum standards and requirements of the electric company from which electricity is to be purchased. All street lighting shall be shielded and directed toward the ground so as to minimize horizontal view and visibility of the light source. All intersections with a major collector street shall have at least one streetlight.

Sidewalks and TrailsApplicability

This section is intended to ensure adequate pedestrian access is available to serve uses that need and benefit from such access. If a builder or property owner believes that a proposed use does not need or benefit from pedestrian access, a written request for a waiver may be submitted to the Zoning Administrator describing the use and explaining why pedestrian access should not be required as a condition of the building permit for the proposed use.

Trails

Trails shall be designed as single track and multi-use trails depending on the specific need and conform to the standards in Table 1-3.

**Table 1-3
Trail Design Standards**

	Cross-Slope Range	Min. Trail Width	Min. R.O.W. Width	Clearing		Preferred Surface Materials			
				horizontal	vertical	natural	crushed stone	asphalt	concrete
Single-track Trails	0-20%	3'	6'	1.5' each side of trail	10'	Yes	Yes	No	No
Multi-use Trails	0-10%	12'	15'	1.5' each side of trail	10'	Yes	Yes	Yes	Yes

Easements

Utility Easements Required

Utility easements shall be provided in all residential areas unless otherwise approved by the Planning Commission and in commercial and industrial districts, except that the Planning Commission may waive the requirement where other definite and assured provision is made for service access consistent with and adequate for the uses proposed.

Minimum Width

The minimum rights-of-way width of each utility easement shall be 5' minimum or as required by the utility authority.

Fire Lanes and Emergency Access Easements

Fire lanes and emergency access easements 20 feet in width shall be provided where required by the fire authority having jurisdiction.

Waterway Easements

When a proposed subdivision or development is traversed by an irrigation ditch or channel, natural creek or stream, or a proposed drainage easement, an easement shall be provided sufficient for drainage and to allow for maintenance of the drainage system.

1. The minimum right-of-way width of each drainage easement shall be 10 feet minimum for canals and ditches, or as otherwise required by the canal or ditch authority and/or San Juan County requirements.
2. Buffers shall be a minimum of 50-feet from top of bank on both sides of Pack Creek and 25 feet from the top of bank on both sides of other perennial and ephemeral streams to preserve the stream corridors and provide adequate access easement for drainage, flood control and storm water maintenance. Parks, trails and underground utility easements are acceptable uses within the stream buffer; fences, walls and other structures are not permitted within the buffer.

Trail Easements

When a proposed development or subdivision is traversed by a public trail shown on an adopted plan or when the Planning Commission finds that a trail easement can better serve the proposed development than a sidewalk, an easement shall be provided sufficient for

public trail construction, maintenance and access purposes according to San Juan County Code requirements.

Adjoining Areas

When easements in areas adjoining proposed subdivisions are necessary to provide adequate drainage thereof or to serve such subdivisions with utilities, the developer shall obtain such easements.

Drainage

Applicability

Applicants shall provide, at applicant's expense, drainage facilities in accordance with the requirements of the San Juan County Code requirements which will become integral parts of the canal, ditch, waterway, and street or roadway drainage system. The dimensions of all drainage structures must be approved by San Juan County prior to installation and as required for easements elsewhere in this code. Design shall be based on environmentally sound site planning and engineering techniques. It is especially critical that storm water management systems be designed for an entire drainage basin rather than just for specific sites. If improvements are identified and necessary downstream of the proposed development and no approved capital improvement plan exists to address the necessary improvement, the developer shall be required to demonstrate that such existing drainage features are adequate to serve the anticipated development and to protect the public health, safety, and general welfare at full build out under existing zoning. Where such demonstration is not made, the applicant or developer shall be required to install such necessary improvements.

Minimum Standards

A. Natural and Historic Drainage Ways

All historic flood and drainage ways shall be protected from alteration such that their primary function as storm water facilities shall be upheld.

B. 100-Year Storm

All drainage and flood control facilities shall be designed to handle the calculated difference between historic flows and the anticipated post-development 100-year frequency storms for maximum period of intensity over the entire drainage basin which the subdivision serves, 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. Erosion

Where free fall of water occurs, satisfactory means shall be provided to prevent erosion of soil.

D. Catch Basins and Culverts

Catch basins and culverts shall be constructed in accordance with the San Juan County Code requirements

E. Engineered Design

All drainage shall be designed by a Utah licensed professional engineer and approved by San Juan County authorities.

Water Supply

General

New development shall provide water supply that is sufficient in terms of quality, quantity and dependability for the proposed development. In making its determination as to whether the proposed water supply meets this standard, the decision-making body shall give substantial weight to the recommendations of State, County and applicable service district authorities and their associated standards. All water systems shall be provided by or through approved water and sewer service agencies and meet all applicable requirements of the San Juan County Code requirements.

Municipal and District Water Systems

If all or part of a proposed development is within the jurisdiction of an approved public water system, then the applicant must obtain a written certification from the public water service provider stating that it is able to provide an adequate supply of drinking water with adequate quantity, quality and sufficient pressure to meet the needs of the proposed development based on the projected water usage of the development. Individual or common wells or other private water systems shall be permitted only when the subdivision boundary is outside the jurisdiction of an approved public water system able to serve the development.

Chapter 2: Spanish Valley Planned Community (PC) District

An ordinance creating the *Spanish Valley Planned Community (PC) District* of the San Juan County Land Use Ordinance for the purpose of creating a new zone (PC Zone) to accommodate large-scale master-planned development in the non-federal lands in the San Juan County portion of the Spanish Valley. See proposed Spanish Valley Zoning Map for applicable locations.

Purpose

Land Use Districts

Minimum Requirements

Permitted Uses

Conditional Uses

Planning and Approval Process for PC Zones

PC Zone Plan

Community Structure Plan (CSP)

Project Plan/Subdivision Plat

Site Plan Review

Development Standards

(A) Open Space and Common Areas

(B) Fencing, Screening, Clear Vision

(C) Architectural Standards

(D) Water-conserving Landscaping Requirements

(E) Lighting

(F) Other Requirements

Development Agreement

Purpose

The purpose of the Spanish Valley Planned Community (PC) District is to provide a regulatory tool that allows large properties in the San Juan County portion of the Spanish Valley to be developed in accordance with a specific plan designed to achieve the following:

1. To promote and protect the public health, safety, and welfare.
2. To implement the objectives and policies of the *San Juan County General Plan*.
3. To facilitate development within the San Juan County portion of the Spanish Valley in accordance with the *Spanish Valley Area Plan* that was adopted as part of the general plan. This plan promotes high quality, innovative and creative development that includes a mixture of uses, building types, varying densities and lot sizes and sufficient diversity of housing types to meet the full life-cycle housing needs of local residents, a variety of mixed use, commercial and flex uses, adequate amenities, and the preservation of open space.
4. To safeguard and enhance environmental amenities and the quality of development.
5. To attain the physical, social, and economic advantages resulting from comprehensive and orderly planned use of land resources.
6. To lessen vehicular traffic congestion and assure convenience of access.

7. To secure safety from fire, flood, and other natural dangers.
8. To provide for adequate light, air, sunlight, and open space.
9. To promote and encourage conservation of scarce resources.
10. To preserve the unique landforms, views and environmental qualities of the Spanish Valley.
11. To prevent overcrowding of land and undue concentration of population.
12. To facilitate the creation of a convenient, attractive, and harmonious community with a desirable living and working environment with unique identity and character.
13. To attain a desirable balance of residential and other land uses.
14. To promote a pedestrian friendly environment that encourages transit and bicycle use.
15. To expedite the provision of adequate and essential public services.
16. To promote economical and efficient use of the land and water.
17. To provide a process for the initiation, review, and regulation of large-scale, comprehensively planned development that affords flexibility within the context of an overall development program and specific, phased development plans coordinated with the provision of necessary public services and facilities.

This chapter establishes an approval and entitlement process to promote thoughtful and efficient land use patterns that would otherwise be difficult under typical zoning ordinances. The Spanish Valley area may have more than one PC Zone.

PC Zone(s) may include residential neighborhoods and subdivisions; neighborhood commercial centers; business, research and educational campuses; highway commercial and flex development areas; and parks and open space with convenient pedestrian access and connections. Individual structures within each PC Zone may contain mixed uses. Permitted densities may be higher than those permitted in surrounding districts.

Land Use Districts

Each PC Zone shall establish land uses and development patterns, densities, and standards unique to that zone. Upon approval, through the process set forth in this chapter, the land uses and development patterns and densities shall be established pursuant to the PC Zone Plan and one or more development agreement(s) and accompanying Community Structure Plan(s). Specific land uses proposed in the PC Zone may only be established in conformance with provisions of this chapter.

Each PC Zone may consist of any number or combination of the following land use districts that shall be identified in the Community Structure Plan as provided in this chapter.

Central Development Areas

These are the flattest, least sensitive and easiest-to-develop sites in the Spanish Valley, which makes them suitable for a wide range of residential and park/open space uses. These are the preferred areas for locating higher residential density and mixed-use neighborhood centers, where a mix of residential, locally-scaled commercial and civic services will be provided. 4-5 residential units/ERUs per acre.

Perimeter Development Areas

These areas are relatively isolated, located in the foothills and topographically challenged edges of the Spanish Valley. They are proposed for lower-density residential uses and earmarked for long-term, phased development. 1-2 residential units/ERUs per acre. Cluster development, conservation subdivisions and larger lot single-family uses are generally supported in these areas.

Highway Commercial Development Areas

These areas support highway-based commercial uses located along U.S. Highway 191. As specifically detailed in the Highway Commercial ordinance, uses should meet the needs of the Spanish Valley and nearby region, as well as the travelling public. 6-12 residential units/ERUs per acre.

Flex Development Areas

These areas are divided into three specific types of flex development:

- *Highway Flex*
- *Business Flex*
- *Residential Flex*

Flex areas are generally located in close proximity to U.S. Highway 191 and intended to accommodate a range of uses focused on creating an economic base for the Spanish Valley and San Juan County. While flex uses should generally be designed and developed according to the requirements of this chapter for the PC Zone, there are separate ordinances for each type of flex development.

The range of uses accommodated within the three flex development areas should be professionally designed as coordinated. Projects, buffers and transitions should be provided between distinctly different uses (such as residential neighborhoods, business uses, distribution uses, highway commercial, specialty residential uses and campuses). 4-5 residential units/ERUs per acre.

Neighborhood Centers

Two Neighborhood Centers are envisioned at the intersection of Spanish Valley Road and Old Airport Road, and the intersection of Spanish Valley Road and Ken's Lake Road. These areas are envisioned to become mixed-use centers that serve the local retail and service needs of the Spanish Valley. Development should emphasize small-scale retail, commercial and recreational uses, in addition to higher-density residential (single and multi-family), public and semipublic uses, and open space uses. Neighborhood Center residential densities are generally the highest permitted in the Spanish Valley, ranging from 6 to 12 residential units/ERUs per acre.

Parks and Open Space

These areas include natural lands and maintained parks that are designed and developed to provide and preserve outdoor recreational activities. A range of types and sizes of parks and open space should be provided to meet the needs of Spanish Valley residents.

Minimum Requirements

The minimum requirements for the PC Zone establishes the basic standards of development. The landowner or developer is encouraged to provide more than the minimum requirements, incorporating additional parks and open space, higher standards of design, and additional amenities as part of creating a superlative community park and open space system.

Large Planned Community:

Each PC Zone of this type shall contain a minimum of 200 acres. If the PC Zone contains multiple owners, the owners/developers may, if necessary, to reach the 200-acre threshold or if the owners/developers desire, combine their properties for planning approval and development purposes. It is anticipated that the resulting projects will be better designed and developed and will include higher density uses and a range of uses and residential types.

Small Planned Community:

Each PC Zone of this type shall contain a minimum of 20 acres under single ownership. This area will allow up to four (4) residential units per acre, and a range of residential units and types.

Manufactured Home Planned Community:

Each PC Zone of this type shall contain a minimum of 10 acres under single ownership and a maximum density as established by FHA and HUD.

A Site Plan shall be prepared, approved and filed with the findings of fact as part of the approval. Each manufactured home site in a Manufactured Home Community shall be clearly designated. Development plans shall comply with the applicable requirements of this chapter and the required Site Plan shall be drawn to scale and shall explicitly illustrate at least the following features:

1. Location and dimensions of all project boundaries.
2. Location of pavement on adjoining street rights-of-way.
3. Location and dimensions of any permanent improvements existing or planned within the Manufactured Home Planned Community, including but not limited to the following:
 - a. Improved surfaces for common driveways, off-street parking and recreation areas;
 - b. Buildings for management, maintenance and recreational purposes;
 - c. Recreational facilities;
 - d. Fences and walls;
 - e. Underground utilities;

- f. Outdoor lighting fixtures; and
- g. The location of pipelines and systems for potable water distribution, sewage collection and fire protection, including location of all fire hydrants.

Permitted Uses

Large Planned Community:

The following uses may be conducted in all areas within a PC Zone of more than 200 acres:

- All uses described in the *Spanish Valley Area Plan (2018)*, which was adopted as part of the San Juan County General Plan, as follow:
 - Residential uses of various types and lot sizes including single family detached; single family attached; multifamily residential; town homes; loft apartments; residential units above ground floor retail or office; and manufactured home communities;
 - Local retail, service, office, and mixed-use housing at designated Neighborhood Centers;
 - A mix of permitted uses (including office/commercial, office/residential, retail/residential) within designated Neighborhood Centers;
 - Small-scale, local businesses that support the day-to-day shopping and service needs of the community, such as restaurants, cafes, restaurants, drycleaners, clinics and offices.
 - Home-based businesses;
 - Health-care facilities;
 - Public facilities, such as schools, libraries, and civic buildings;
 - Private schools and civic/cultural facilities;
 - Common areas, such as parks, plazas, playgrounds, and trails;
 - Churches and other religious facilities;
 - Day-care facilities;
 - Open space, including landscaped areas and areas in natural vegetation, waterways, parks, trails and recreational areas;
 - Business, distribution, specialty residential and commercial as described for the three Flex Development Areas; and
 - Other accessory uses which are ancillary and designed to serve the foregoing uses.

Small Planned Community:

The following uses may be conducted in all areas within a PC Zone of more than 20 acres:

- All uses described in the *Spanish Valley Area Plan (2018)*, which was adopted as part of the San Juan County General Plan, as follow:
 - Residential uses of various types and lot sizes including single family detached; single family attached; multifamily residential; town homes; loft apartments;

- residential units above ground floor retail or office; and manufactured home communities;
- Local retail, service, office, and mixed-use housing at designated Neighborhood Centers;
 - A mix of permitted uses (including office/commercial, office/residential, retail/residential) within designated Neighborhood Centers;
 - Small-scale, local businesses that support the day-to-day shopping and service needs of the community, such as restaurants, cafes, restaurants, drycleaners, clinics and offices.
 - Home-based businesses;
 - Health-care facilities;
 - Public facilities, such as schools, libraries, and civic buildings;
 - Private schools and civic/cultural facilities;
 - Common areas, such as parks, plazas, playgrounds, and trails;
 - Churches and other religious facilities;
 - Day-care facilities;
 - Open space, including landscaped areas and areas in natural vegetation, waterways, parks, trails and recreational areas; and
 - Other accessory uses which are ancillary and designed to serve the foregoing uses.

Manufactured Home Planned Community:

The following uses may be conducted in those areas within a PC Zone of more than 10 acres suitable for a Manufactured Home Planned Community:

- All uses described in the *Spanish Valley Area Plan (2018)*, which was adopted as part of the San Juan County General Plan, as follow:
 - Residential uses of various lot sizes for single family manufactured communities;
 - Home-based businesses;
 - Common areas, such as parks, plazas, playgrounds, and trails;
 - Day-care facilities;
 - Open space, including landscaped areas and areas in natural vegetation, waterways, parks, trails and recreational areas; and
 - Other accessory uses which are ancillary and designed to serve the foregoing uses.

Conditional Uses

The approved PC Zone Plan or Community Structure Plan may include provisions for specific land uses identified as either a permitted or a conditional use within a given PC Zone and may include uses listed elsewhere in this chapter or additional uses. While generally discouraged, some conditional uses are anticipated in the approved PC Zone Plan, which shall require the approval of the Planning & Zoning Commission, and which may be established by development agreement. Conditional uses, if any, are subject to review and approval as set forth in the San Juan County Code. Design standards for conditional uses shall be included with the applicable Project Specific Standards.

Planning and Approval Process for PC Zone

Development within the PC Zone will require the following plans to be prepared and submitted for approval in accordance with this chapter: PC Zone Plan, Community Structure Plan, and Project Plans and/or Subdivision Plat approval as applicable. The planning and approval process and approving bodies are summarized in Table 2-1:

**Table 2-1
Planning and Approval Process for PC Zone**

APPLICATION	COVERED AREA	WHAT IS DESCRIBED IN PLAN	APPROVAL LEVEL
PC Zone Plan (Rezone)	Total land area to be rezoned to PC Zone.	Land area to be rezoned with land use table outlining: <ul style="list-style-type: none"> ▪ proposed permitted and conditional uses, ▪ maximum number of residential units, and ▪ maximum square feet of nonresidential development. ▪ Preliminary Community Structure Plan (CSP). 	Planning Commission (recommendation) and County Commission (adoption)
Community Structure Plan (CSP)	Total land area that was rezoned to PC Zone above.	<ul style="list-style-type: none"> ▪ Community Structure Plan (CSP). ▪ Master Plans of major systems and the inclusion of development standards for the larger development such as major roadways, infrastructure, open space networks, general location of neighborhoods, etc. 	Planning Commission
Development Agreement	Total land area that was rezoned to PC Zone above.	The contract between San Juan County and the individual or entity that owns or controls the subject property, detailing the obligations of both parties, specifying the standards and conditions that will govern development of the property, and describing the vested interests of both parties.	Planning Commission (recommendation) and County Commission (adoption)
Project Plan and/or Subdivision Plat	Multiple phases of development within a CSP for master subdivision approval followed by phased subdivision plats.	Show major development parcel locations, open space system, and major infrastructure associated with roadways. Final plats indicate lot layouts and development regulations.	Planning Commission
Site Plan	Individual sites within the development.	Final site development requirements.	Staff

(A) PC Zone Plan

At the time of application for rezoning, a PC Zone Plan shall be submitted to the Planning Commission for review and recommendation to the County Commission. Following recommendation by the Planning Commission, a PC Zone Plan shall be submitted for review and approval by the County Commission. The approved PC Zone Plan may be amended through standard rezoning procedures.

The PC Zone Plan application shall contain the following information:

1. Name of planned community;
2. Names, addresses, and phone numbers of applicant and property owner(s);
3. Map showing PC Zone location, legal/boundary description, acreage, scale, and north arrow;
4. Land use concept plan accompanied by a table showing the land use district types and acreages of all proposed permitted and conditional uses, the maximum number of dwelling units, Floor Area Ratios (FARs), and the total acreage of open space in the PC Zone and areas (in square footage or acreage) of the various non-residential land uses proposed in the PC Zone;
5. Map showing existing waterways, major utilities, easements, storm water conveyances, flood boundaries, and other relevant infrastructure; and
6. Adjacent parcels, owners, and land uses.

Upon approval, the PC Zone shall constitute an amendment to the Spanish Valley Area Plan for the area covered by the approved PC Zone Plan. The conditions and limitations agreed to in the approval of the PC Zone Plan shall confer a vested right to proceed with the development process established in this chapter for the property(s) included within the applicable PC Zone, including the number of dwelling units and the square footage of nonresidential uses reflected in the approved PC Zone.

(B) Community Structure Plan (CSP)

Following approval of the PC Zone Plan, a Community Structure Plan (CSP) shall be established for all or a portion of the area covered by the PC Zone. The CSP shall be accompanied by a development agreement that codifies the CSP, which shall be submitted for review and recommendation by the Planning Commission, and then review and approval by the County Commission. The CSP shall contain a contiguous area of some or all of the area within the PC Zone that includes one or more of the following land use districts types as indicated in the *Spanish Valley Area Plan (2018)* and described in these San Juan County Spanish Valley Development Ordinances:

- *Central Development Area*
- *Perimeter Development Area*
- *Flex Development Area*
- *Highway Commercial Development Area*
- *Neighborhood Center*

- *Open Space*

Each CSP shall show the following:

1. Name of the planned community;
2. Names, addresses, and phone numbers of applicant and property owner(s);
3. Map showing CSP location, legal/boundary description, acreage, scale, and north arrow;
4. Map showing proposed land use district boundaries, and acreages;
5. Table showing the maximum number of dwelling units, open space acreage, and acreage(s) of the various non-residential land uses;
6. Master circulation system plan, including a street network; pedestrian, bicycle, and equestrian trail systems; identification of street alignments and right-of-way widths: illustrative cross sections which accommodate and specify vehicular, pedestrian, and bicycle use in the right-of-way. Pedestrian and bicycle trail systems shall connect the land use districts, schools and open space areas, and provide linkages to other trail systems in existing or future areas of the PC Zone and adjacent facilities within adjacent municipal jurisdictions of the Spanish Valley;
7. Map showing existing and proposed waterways and water bodies, major utilities and easements, wells and water sources, water protection areas and similar public health areas; surface and sub-surface storm water drainage systems, flood boundaries and flood control facilities;
8. Map showing adjacent parcels, their owners, and their uses;
9. Map showing 40-foot contours and significant topographic features within or adjacent to the CSP property;
10. Documentation of existing and proposed secondary (irrigation) water rights, shares, and usage, if any;
11. Open space plan providing general descriptions and locations of major open spaces;
12. Standards that govern the design and maintenance of major public infrastructure improvements (including but not limited to streets, sidewalks, street and parking lighting, paving, street furniture, trails); and
13. Detailed standards that govern general building placement, massing, and other key design criteria (CSP Design Standards).

The Planning Commission shall have the discretion to not provide a positive recommendation to the County Commission, who shall have the discretion to approve or disapprove each CSP on the basis of the following: (1) the failure of the proposed CSP to include all of the elements required in this section; (2) the failure of the proposed master circulation system identified in the CSP to adequately serve the communities within the PC Zone; (3) the failure of the proposed major infrastructure identified in the CSP to provide adequate service to the communities within the PC Zone; or (4) the inclusion of land uses in the CSP not permitted or conditionally permitted under this chapter. In approving a CSP, the Planning Commission may recommend, and the County Commission may impose, reasonable conditions of approval to mitigate reasonably anticipated detrimental impacts in accordance with San Juan County Zoning Ordinance.

The conditions and limitations agreed to in the approval of the PC Zone Plan shall confer a vested right to proceed with the development process established in this chapter for the property(s) included within the applicable PC Zone, including the number of dwelling units and the square footage of nonresidential uses reflected in the approved PC Zone.

(C) Development Agreement

Following approval of the PC Zone Plan and the Community Structure Plan, a Development Agreement shall be prepared as a legal contract between San Juan County and the individual or entity that owns or controls the subject property, detailing the obligations of both parties, specifying the standards and conditions that will govern development of the property, and describing the vested interests of both parties.

(D) Project Plan/Subdivision Plat

Upon approval of the PC Zone Plan, Community Structure Plan and Development Agreement, a Project Plan shall be submitted for review that outlines project specific standards (Project Specific Standards) establishing in substantial detail the character and nature of the design of public and private improvements within the area covered by the applicable Project Plan for the applicable portion of the PC Zone covered by the Project Plan. The purpose of the Project Plan is to allow for the creation and approval of a fully-integrated development plan for a specifically identified portion of land within the applicable PC Zone.

A Project Plan should include vertical and horizontal mixtures of uses on one or more proposed lots, parcels or units located within the boundaries of the proposed Project Plan. Therefore, the Project Plan may include one or more Subdivision Plats and Site Plans and may identify a combination of proposed subdivisions and/or condominium projects, one or more of which may be submitted concurrently for review and approval with the Project Plan. The Project Plan shall be reviewed by the Staff prior to submittal to the Planning Commission for approval.

A Subdivision Plat may include a variety of land uses including condominium projects. Each Subdivision Plat submitted shall be reviewed by the Staff prior to submittal to the Planning Commission for approval. Subdivision Plats (preliminary and final) shall be submitted and approved in accordance with San Juan County Code requirements.

Application and approval of a preliminary or final Subdivision Plat may occur before submission of a Project Plan provided Project Specific Standards are submitted and approved contemporaneously with such Subdivision Plat application and approvals; and provided, further, that the Project Specific Standards and Subdivision Plat will ultimately be incorporated into an approved Project Plan. The preliminary and final plats shall conform to the applicable CSP standards as well as all applicable Project Specific Standards, including any supplemental Project Specific Standards proposed and approved by the Planning Commission in connection with the applicable final plat.

(E) Site Plan Review

Site plans (Site Plans) may be reviewed concurrently with a Project Plan or Subdivision Plat. Any proposed commercial, office, industrial, multi-family residential, open space, parks, or institutional developments and alterations to existing developments shall be located on legal lots of record created by metes and bounds conveyance with the approval of the Staff or pursuant to Subdivision Plats and shall meet the Site Plan review requirements. All San Juan County Spanish Valley Development Ordinances and requirements shall be met in preparing Site Plan applications and in designing and constructing the development. Where applicable, building permits may not be obtained nor shall any site work be performed prior to Site Plan approval.

Development Standards

(A) Open Space and Common Areas

Open Space includes common areas, parks, trails, natural areas and/or farmland that provide and preserve recreational, agricultural, or other similar uses in the PC Zone as approved by the Planning Commission. Common areas include landscaped areas (including landscaping around schools and other civic buildings), athletic fields, parks, natural open spaces and trail corridors, gathering places such as plazas, commons, exterior courtyards, public recreational facilities, landscaped medians or park strips that exceed standards, but do not include landscaped areas contained within the Spanish Valley public street cross sections. The applicable CSP Standards and Project Specific Standards shall govern the use and character of the Open Spaces, including common areas. Each PC Zone shall contain a minimum of 25 percent of the gross acreage in Open Spaces. These areas shall be designated in the applicable Project Plan and separately identified on any applicable final Subdivision Plat or Site Plan. Open Space recorded as a lot or lots in subdivisions or as common area in condominium plats and shall be maintained with open space or conservation easements or such other arrangement as is approved by the Planning Commission in connection with Project Plan or subdivision or condominium approval.

(B) Yard Requirements

Yard requirements shall be determined and governed by the applicable Project Specific Standards established pursuant to the requirements of this Chapter. The following minimum requirements shall apply in the PC Zone:

1. Minimum yard areas shall be measured from the front, side and rear lines of lots, condominium private ownership yard areas (where building footprint is not recorded) or from accesses, driveways, or streets (where no property lines or private ownership yard areas exist).
2. Buildings may not be located within a public right of way or utility easement.

(C) Fencing, screening, maintaining clear vision along roadways

Fencing, screening and clear vision requirements shall be determined and governed by the applicable Project Specific Standards established pursuant to the requirements of this Chapter. The following requirements shall apply in the PC Zone:

1. All mechanical equipment, antennas, loading and utility areas, and trash receptacles shall be screened from street view with architectural features or walls consistent with materials used in the associated buildings as more specifically set forth in the applicable Project Specific Standards.
2. Fences and landscape materials, except for mature trees which are pruned at least 7 feet above the ground, shall not exceed 4 feet in height within a 30-foot triangular area formed by the edge of a driveway and the street right-of-way line or within a 30-foot triangular area formed by the right-of-way lines of intersecting streets.

(D) Architectural standards

Architectural requirements shall be determined and governed by the Project Specific Standards established pursuant to the requirements of this Chapter. The following architectural standards and requirements shall apply in the PC Zone.

1. Architectural design of buildings and building materials shall be established in the Project Specific Standards.
2. All building materials shall be high quality, durable, and low maintenance.
3. The applicable Project Specific Standards shall address exterior relief of buildings, design of all sides of buildings, and architectural compatibility of buildings.
4. Maximum building heights shall be three stories or 35 feet.

(E) Landscaping requirements

Landscaping requirements shall be determined and governed by the applicable Project Specific Standards established pursuant to the requirements of this Chapter. The following landscaping requirements shall apply in the PC Zone.

1. Water-wise landscaping as detailed in the proposed Spanish Valley Water Efficient Landscape ordinance will be required to ensure that the limited water resources available in the region are used wisely and conserved. Specific water-wise landscaping standards which apply to the Spanish Valley Area Plan shall be required.
2. The applicable Project Specific Standards shall address the landscaping and proper maintenance of required front, side, and rear yards of lots and private ownership areas in the PC Zone.
3. All areas of lots and parcels in the PC Zone not designated for open space, parking, buildings, or other hard surfacing shall be landscaped and properly maintained.
4. Designated open space shall remain in a natural condition, cultivated or landscaped, as applicable, and properly maintained in accordance with the proposed Spanish Valley Water Efficient Landscape ordinance. The PC Zone shall be landscaped and properly irrigated and maintained by the applicable property owners in the PC Zone unless otherwise approved by San Juan County. All park strip areas shall be installed by the developer and properly maintained by the applicable property owners in the PC Zone. A plan for funding of on-going maintenance of street landscaping by the property owners shall be presented for approval by Staff at the time of Site Plan approval.

(F) Lighting

Lighting requirements shall be determined and governed by the proposed Spanish Valley Outdoor Lighting and Sign Illumination Requirements.

(G) Other Requirements

The following requirements shall apply in the PC Zone.

1. All development areas shall be graded according to San Juan County Code requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
2. Incorporation of Low Impact Design (LID) storm water practices shall be required wherever possible.
3. The applicable owners shall properly maintain all private areas of individual lots or parcels.
4. The specific requirements of this Chapter may be modified as the County Commission deems appropriate pursuant to the terms of the applicable development agreement.
5. All common area improvements including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, street lights, and signs not specifically dedicated to or accepted for ownership or maintenance by San Juan County shall be perpetually maintained by the applicable owners or their agents through a special taxing district, homeowners association with power to assess and collect fees for maintenance, or other assessment and maintenance mechanisms acceptable to the County Commission.
6. Improvements for which San Juan County agrees to accept maintenance responsibility shall be reviewed by the applicable service provider for compliance with adopted standards prior to approval.

Development Agreement

In conjunction with the approval of a PC Zone Plan, Community Structure Plan, and Project Plan, the developer and/or landowner and San Juan County Commission shall enter into one or more Development Agreement(s) reflecting all conditions of approval and terms of the applicable CSP and such other matters as the County Commission and developer/landowner may agree.

The County Commission chair shall sign all Development Agreements and shall only approve the Development Agreement associated with the applicable CSP. Without regard to future amendments, additions or changes to this Ordinance, the County Commission may agree, in such Development Agreements, that the developer/landowner may advance development applications for projects within the applicable CSP pursuant to the planning and approval processes set forth in this chapter, or such other process as is specifically agreed upon pursuant to a Development Agreement approved by the County Commission. Such Development Agreement(s) may further identify a process for approving amendments to an approved PC Zone Plan, CSP, Project Plan, Subdivision Plat or Site Plan, which shall be approved by the County Commission to the extent such a process differs from San Juan County Zoning Code.

Chapter 3: Spanish Valley Residential Flex Planned Community (RF) District

An ordinance clarifying the specific uses and relationships between uses within the *Residential Flex Planned Community (RF) District* (RF Zone). The requirements for a Large Planned Community development detailed for the PC Zone shall otherwise apply. See proposed Spanish Valley Zoning Map for applicable locations.

Permitted Uses

A range of residential and housing are the primary uses permitted in this district. Other uses including parks, open space, commercial, business and similar uses shall be permitted within and in proximity to the large gravel pit(s) located in this area, once extraction operations are complete and site mitigation efforts are underway. All development should be planned as part of large-scale and coordinated design and planning efforts. A wide-range of residential uses, including single-family, multi-family, townhomes, employee housing and similar uses may be included as part of mixed-use, transitional development.

Conditional Uses

None

Uses Subject to the Spanish Valley Overnight Accommodations Overlay

- Hotels and Motels
- Commercial Condominiums for short-term rentals
- Bed and Breakfasts (B&Bs), lodges and resorts
- Commercial campgrounds
- All other variations of overnight accommodations intended for nightly rentals¹

Development Standards

The following development standards shall apply in addition to and/or in conjunction with the standards established for Planned Community (PC) developments:

1. No non-residential uses within the RF Zone shall be permitted within 100' of an adjacent residential district boundary or an existing residential use. Residential uses within the RF Zone should be designed and located as transitions to adjacent to nearby residential neighborhoods and uses.
2. Maximum height should be a maximum of three stories or 35 feet to help preserve views.
3. A minimum 50-foot buffer shall be provided between Residential Flex uses and the top of bank for the Pack Creek drainage; a minimum buffer of 25 feet shall be provided

¹ *Ibid.*

between Residential Flex uses and the top of bank of all other streams, creeks, canals and drainages.

Chapter 4: Spanish Valley Business Flex Planned Community (BF) District

An ordinance clarifying the specific uses and relationships of uses within the *Business Flex Planned Community (BF) District (BF Zone)*. Unless specifically mentioned in this chapter, the requirements for Planned Community development detailed for the PC Zone shall apply. See proposed Spanish Valley Zoning Map for applicable locations.

Permitted Uses

A wide-range of business operations shall be the primary uses. These shall include business parks, large-format commercial and office uses, ancillary and support uses and smaller-scale commercial uses as appropriate. A range of residential uses, including employee housing, short-term visitor housing and similar specialty residential uses may be included as part of large-scale, coordinated and flexible business-centric developments within the BF Zone.

Conditional Uses

None.

Uses Subject to the Spanish Valley Overnight Accommodations Overlay

- Hotels and Motels
- Commercial Condominiums for short-term rentals
- Bed and Breakfasts (B&Bs), lodges and resorts
- Commercial campgrounds for motorized and/or non-motorized users
- All other variations of overnight accommodations intended for nightly rentals²

Development Standards

The following development standards shall apply in addition to and/or in conjunction with the standards established for Planned Community developments:

1. No business or commercial uses shall be permitted within 500 feet of an adjacent residential district. Residential uses are permitted throughout the BF District but should be concentrated in the eastern extents of the area to provide transitions with nearby and adjacent residential neighborhoods and uses.
2. Maximum building height should generally be a maximum of three stories or 35 feet. This will help preserve views and reduce the visual impact of BF Zone development.
3. A minimum 50-foot buffer shall be provided between Business Flex uses and the top of bank for the Pack Creek drainage; a minimum buffer of 25 feet shall be provided between Business Flex uses and top of bank for smaller drainages.

² *Overnight rentals in residential neighborhoods and other zones of the Spanish Valley Zoning Map are addressed in separate San Juan County ordinances.*

4. One truck stop is specifically permitted as a conditional use in this Business Flex district south of Pack Creek Cutoff Road. No residential use shall be permitted within 500 feet of this use. Specific site development and environmental controls shall be established as part of approving the preliminary and final plat plan, with a requirement of protecting the health, safety and welfare of the community.

Chapter 5: Spanish Valley Highway Flex Planned Community (HF) District

An ordinance clarifying the specific uses and relationships of uses within the *Highway Flex Planned Community (HF) District* (HF Zone). Unless specifically mentioned in this chapter, the requirements for a Large Planned Community development detailed for the PC Zone shall otherwise apply. See proposed Spanish Valley Zoning Map for applicable locations.

Permitted Uses

The wide range of commercial uses detailed in the Highway Commercial Zone shall apply. These uses shall primarily be developed as part of large-scale, coordinated and flexible commercial-centric developments. A wide-range of residential uses, including employee housing, short-term visitor housing, and similar uses may be included as part of large-scale, coordinated and flexible commercial-centric developments.

Conditional Uses

None.

Uses Subject to the Spanish Valley Overnight Accommodations Overlay

- Hotels and Motels
- Commercial Condominiums for short-term rentals
- Bed and Breakfasts (B&Bs), lodges and resorts
- Commercial campgrounds
- All other variations of overnight accommodations intended for nightly rentals³

Development Standards

The following development standards shall apply in addition to and/or in conjunction with the standards established for Highway Commercial District:

No Highway Flex uses shall be permitted within 500 feet of an adjacent residential district unless U.S. Highway 191 separates the two uses.

1. Residential uses should generally be concentrated in discrete rincons/alcoves located along the cliff slopes on the west side of U.S. Highway 191 to separate those uses from other uses in the HF Zone.
2. Maximum building height should generally be a maximum of three stories or 35 feet to help preserve views.
3. A minimum 50-foot buffer shall be provided between Highway Flex uses and the top of bank for the Pack Creek drainage; a minimum buffer of 25 feet shall be provided between Highway Flex uses and top of bank for smaller drainages.

³ *Ibid.*

Chapter 6: Spanish Valley Highway Commercial (HC) District

An ordinance creating the *Spanish Valley Highway Commercial (HC) District* (HC Zone) of the San Juan County Zoning Ordinance for the purpose of controlling development in the non-federal lands in the Spanish Valley within San Juan County. See the proposed Spanish Valley Zoning Map for applicable locations and the Land Use Plan in the *San Juan County Spanish Valley Area Plan* (adopted April 17, 2018) for a general description.

Purpose

Uses

Conditional Uses

Special Provisions

Signs

Constrained Lands

District Standards

Subdivision Standards

Streets

Sidewalks and Trails

Easements

Drainage

Water Supply

Signs

Purpose

To provide a district where highway commercial uses along U.S. Highway 191 are permitted, as supported in the *San Juan County Spanish Valley Area Plan (2018)* and *San Juan County General Plan (2018)*. Specific uses should include establishments offering goods and services to motorists, and provide for non-pedestrian-oriented retail, wholesale, service and repair activities which do not contribute to the creation of unattractive, congested and unsafe highway conditions, with access provided primarily from driveways linking to east/west arterial roads linked to U.S. Highway 191, from UDOT-approved access driveways on U.S. Highway 191 in the short-term and via anticipated frontage roads along U.S. Highway 191 in the long-term.

Permitted Uses

The following is a list of typical permitted uses. The list is not exclusive. Any use not specifically listed but determined by the Planning Commission to be similar in purpose, intent or use shall be permitted.

- Banks and other financial institutions including savings, loan, and finance/mortgage institutions
- Barber shops, beauty shops and other personal service uses
- New and used automobile sales and rentals

- Automobile fuel sales and associated convenience stores
- Automobile service stations including minor and major auto repair work, providing all repair work is conducted wholly within a completely enclosed building.
- Auto accessories, farm machinery and equipment sales
- Nurseries and greenhouses
- Mobile home sales
- Restaurants
- Groceries/ Supermarkets
- Live/work units
- General Retail/Services
- Movie theaters and similar entertainment uses
- Bowling alleys and other commercial recreation facilities
- Accessory buildings and uses
- New and used boat and other marine or sport equipment sales and service,
- Customary accessory buildings and uses
- Enclosed storage, flex-office and similar uses
- Governmental facilities
- Commercial, civic, institutional and business campuses
- Electric vehicle charging stations, including but not limited to EV charging station, rapid charging station, battery exchange stations
- Bus terminals
- Day care centers, nursing or convalescent homes, and health care facilities
- Retail sales and services such as building materials, hardware and farm supply outlets
- Offices and related business activities
- Residential units above the first floor of primary uses (owner occupied or long-term lease/rental only)

Conditional Uses

- Any use encompassing buildings or structures in excess of 40,000 square feet
- Any project in excess of 10-acres
- Small-scale, local retail and service businesses such as, cafes, green grocers, day care centers, boutiques, dry cleaners and similar goods and services
 - Shall only be permitted as clustered, pre-designed centers that area minimum of three -acres in extent with limited and controlled access points from the adjacent street, coordinated and shared parking, etc.
- Any drive-in or drive-through uses
- Truck stops shall be considered as conditional uses for the portion of the HC Highway Commercial District south of Jen’s Lake Cutoff Road only. No residential uses shall be permitted within 500 feet of this segment of the BF Zone, and no more than one truck stop shall be permitted within the BF Zone. Specific site development and environmental controls shall be established as part of the conditional use, preliminary plat and final plat approval process, with a focus on protecting the health, safety and welfare of the nearby residents and the community as a whole. All local, county, state

and federal laws shall be considered as part of such review. No more than one truck stop may be located along US-191 within the San Juan County portion of the Spanish Valley.

Uses Subject to the Spanish Valley Overnight Accommodations Overlay⁴

- Hotels and Motels
- Commercial Condominiums for short-term rentals
- Bed and Breakfasts (B&Bs), lodges and resorts
- Commercial campgrounds
- All other variations of overnight accommodations intended for nightly rentals

Special Provisions

- Applications for conditional uses are required to provide detailed site plan drawings (Site Plan) of their proposed use as follows:
 - Format size not less than 8-1/2" x 11" or greater than 24" x 36".
 - Precise dimension at a standard scale.
 - Location of all existing structures and improvements (buildings, roads, fences, ditches and canals, utility systems) and other information as required by Planning Commission.
 - Proposed methods of providing utility needs including water, sewer, electrical, and fuel services, vehicular access and parking, and appropriate methods for dealing with any special site problems such as storm water drainage.
- No buildings used for commercial or industrial purposes shall be erected within 50 feet of an existing residential building or a residential district boundary. Buildings used for commercial and industrial purposes that are located within 100 feet of a residential district boundary shall not exceed the height limitations of the corresponding residential district.
- All Highway Commercial uses must have direct frontage and/or a physical parcel connection by street to U.S. Highway 191. Sites lacking such relationships will be limited to uses and development conditions of the adjacent Spanish Valley Residential District.

Lot Design Standards

All development in the HC Zone shall be subject to the following lot design standards, which generally allow for a variety of uses and building types while maintaining the overall character of a highway commercial district. This approach promotes better site layout and development relationships that match existing and proposed infrastructure investments.

Minimum Requirements

Every building erected or installed must be located on, and every plat submitted for approval must show, a lot or building parcel that meets the minimum requirements of at

⁴ *Ibid.*

least one use permitted under this chapter, based on underlying zoning and subdivision type. No minimum lot size is required in the highway commercial district.

Every building and lot must have direct access to a public street or frontage road. All structures must be located on lots or parcels that provide safe and convenient access for servicing, fire protection and required on-site parking. No lot shall be approved that does not meet the minimum lot area requirements of this chapter except in the following cases:

1. Nonconforming lots
2. Public Utilities

The uses and densities listed in this chapter are allowed by right unless otherwise expressly stated. Each project must comply with all of the applicable development standards of this chapter.

Constrained Lands

Constrained lands include lands with natural slopes greater than 30 percent, jurisdictional wetlands, lands in the 100-year floodplain, public drinking water supply sources (recharge areas for wells and aquifers), lands affected by unmitigable geo-hazards, riparian habitats, and archeological sites.

Constrained lands in all HC Zone developments shall be identified on plats and remain unoccupied by buildings or impervious surfaces.

Land Suitability

Land deemed to be environmentally unsuitable shall not be platted for residential occupancy, or for such other commercial or industrial uses as may increase danger to health, life, or property, or aggravate erosion or flood hazard. Such land within the plat shall be restricted for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsafe living conditions.

The County shall not approve the subdivision of land if it is determined that the site is not suitable for platting and development purposes.

District Standards

For all principal structures in the HC Zone, the front yard, side and rear yards facing the highway, other streets and within 25 feet of a residential use or residential district shall be landscaped in accordance with the requirements of the Water Efficient Landscape chapter (Chapter 7) of the San Juan County Land Use Ordinance.

Subdivision Standards

Applicability

All plats and subdivision of land within the HC Zone shall conform to the following rules and regulations.

Lot Configuration

The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall not be less than those specified as minimum standards by the HC Zone. The depth and width of properties shall be adequate to provide for the off-street service, parking facilities and fire/safety requirements required in the San Juan County Zoning Ordinance.

Side Lot Lines

Side lot lines shall be substantially at right angles to street lines unless otherwise approved by the Planning Commission.

Street Frontage Required

Each new lot or building tract shall front upon a public street.

Double Frontage Lots

Double frontage lots shall be avoided, except where essential to provide separation from traffic or to overcome specific disadvantages of topography and orientation.

Flag Lots

Flag-shaped or panhandle shaped lots may be created if all of the following requirements are met:

1. The lot provides access to a residential or agricultural use.
2. The lot has at least 20 feet of frontage on a dedicated public street, which frontage served as access only to the subject lot or parcel.
3. The "handle" portion of the lot is at least 20 feet in width, and not more than 250 feet in length.
4. The body of the lot meets the lot area and lot width and setback requirements of the applicable TYPE.

Large Lots

Where the area is divided into larger lots than for normal San Juan County building sites and, in the opinion of the Planning Commission, any or all of the tracts are susceptible to being re-subdivided, the original subdivision shall be such that the alignment of future street dedications may conform to the general street layout in the surrounding area and so that the larger tracts may be later subdivided in conformance with the requirements of this chapter and the minimum standards specified by the applicable zoning district.

StreetsApplicability

All developers shall be required to construct streets in accordance with requirements of the San Juan County Code requirements.

Street Layout

Unless otherwise approved by the Planning Commission, provisions shall be made for the extension of streets. All streets shall bear a logical relationship to the topography and to the location of existing or planned streets on adjacent properties. Adequate local streets shall be provided to accommodate the subdivision and provide access to lots. The arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection to existing principal streets in surrounding areas; or
2. Conform to a plan for a neighborhood or planned unit development approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or where neighborhood design makes a varied plan appropriate.

Street Connections

The system of streets designated for a subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivision(s); and where no adjacent connections are platted, must in general be the reasonable projection of streets in the nearest subdivided tracts, and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith. Reserve strips of land controlling access to or egress from other property or to or from any street or alley or having the effect of restricting or damaging the adjoining property for subdivision purposes shall not be permitted in any subdivision unless such reserve strips are conveyed to San Juan County in fee simple.

Half Right-of-Way (R.O.W.)

Half streets shall be prohibited except where essential to the reasonable development of the subdivision and where the Planning Commission finds it will be practicable to require the dedication for the other half of a street when adjoining property is subdivided.

Street Intersections

More than two streets intersecting at a point shall be avoided, except where it is impractical to secure a proper street system otherwise. Intersections shall be as near 90 degrees as possible and in no cases shall the intersection angle being less than 60 degrees.

Street Jogs

Non-intersecting streets with centerline offset of less than 125 feet shall not be approved.

Dead-End Streets

Dead-end streets, except for cul-de-sacs, shall be prohibited unless they are designed to connect with future streets on adjacent lands that have not been platted. In cases where these types of dead-end streets are allowed, a temporary turnaround with a minimum radius of 100 feet shall be constructed.

Cul-de-sacs

Cul-de-sacs shall meet the San Juan County Zoning Ordinance requirements. Ordinarily, cul-de-sacs are discouraged as they do not result in a continuity of existing streets or streets pattern and may be used only where unusual drainage or land ownership configurations exist that make other designs impractical.

Highway Access Permit

A Highway Access Permit must be approved by the Utah Department of Transportation (UDOT) for each new property or subdivision with direct access to a federal or state highway. Turn lanes, frontage road(s), curb and gutter may be required along the entire highway frontage if required by UDOT.

Street Design Standards

Street and alley widths, curves, grades design speed and centerline radius shall meet San Juan County Zoning Ordinance requirements.

Street Names and Numbers

All street names shall be as established subject to approval of San Juan County Zoning Ordinance requirements. When new streets are in alignment with existing streets, any new streets shall be named according to the existing streets with which they correspond. Streets which do not fit into an established street-naming pattern shall be named in a manner which will not duplicate or be confused with existing streets within the Spanish Valley Area Plan or its environs.

Street lighting

Street Lighting shall conform to San Juan County Zoning Ordinance requirements. The developer shall pay the costs of purchasing and installing all street lighting equipment. Street lighting design plans shall be subject to the approval of the County Engineer. The type of equipment, method of installation and location of the wiring and light poles shall meet the minimum standards and requirements of the electric company from which electricity is to be purchased. All intersections with a major collector street shall have at least one streetlight.

Sidewalks and TrailsApplicability

This section is intended to ensure adequate pedestrian access is available to serve uses that need and benefit from such access. If a builder or property owner believes that a proposed use does not need or benefit from pedestrian access, a written request for interpretation may be submitted to the Zoning Administrator describing the use and explaining why pedestrian access should not be required as a condition of the building permit for the proposed use.

Trails

Trails shall be designed as single track and multi-use trails depending on the specific need and conform to the standards in Table 6-1.

**Table 6-1
Trail Design Standards**

	Cross-Slope Range	Min. Trail Width	Min. R.O.W. Width	Clearing		Preferred Surface Materials			
				horizontal	vertical	natural	crushed stone	asphalt	concrete
Single-track Trails	0-20%	3'	6'	1.5' each side of trail	10'	Yes	Yes	No	No
Multi-use Trails	0-10%	12'	15'	1.5' each side of trail	10'	Yes	Yes	Yes	Yes

Easements

Utility Easements Required

Utility easements shall be required unless otherwise approved by the Planning Commission and in commercial and industrial districts.

Minimum Width

The minimum rights-of-way width of each utility easement shall be 5 feet or as otherwise provided according to San Juan County Zoning Ordinance requirements.

Fire Lanes and Emergency Access Easements

Fire lanes and emergency access easements shall be provided according to San Juan County Zoning Ordinance requirements

Drainage Easements

When a proposed subdivision is traversed by an irrigation ditch or channel, natural creek or stream or a proposed drainage easement, an easement shall be provided sufficient for drainage and to allow for maintenance of the drainage system.

Trail Easements

When a proposed subdivision is traversed by a public trail shown on an adopted plan or when the Planning Commission finds that a trail easement can better serve the proposed development than a sidewalk, a minimum 15-foot wide easement shall be provided sufficient for public trail construction, maintenance and access purposes.

Adjoining Areas

When easements in areas adjoining proposed subdivisions are necessary to provide adequate drainage thereof or to serve such subdivisions with utilities, the developer shall obtain such easements.

Drainage

Applicability

Applicants shall provide, at applicant's expense, drainage structures in accordance with the requirements of the San Juan County Zoning Ordinance requirements, which will become integral parts of the existing street or roadway drainage system. The dimensions of all drainage structures must meet San Juan County Zoning Ordinance requirements. Design shall be based on environmentally sound site planning and engineering techniques.

It is especially critical that storm water management systems be designed for an entire drainage basin rather than just for specific sites. If improvements are identified and necessary downstream of the proposed development and no approved capital improvement plan exists to address the necessary improvement, the applicant shall be required to demonstrate that such existing drainage features are adequate to serve the applicant's anticipated development and to protect the public health, safety, and general welfare at full build out under existing zoning. Where such demonstration is not made, the applicant shall be required to install such necessary improvements and may seek pro-rata reimbursement from future downstream development.

Minimum Standards**A. Natural and Historic Drainage Ways**

All historic flood and drainage ways shall be protected from alteration such that their primary function as storm water facilities shall be upheld.

B. 100-Year Storm

All drainage and flood control facilities shall be designed to handle the calculated difference between historic flows and the anticipated post-development 100-year frequency storms for maximum period of intensity over the entire drainage basin which the subdivision serves. The "100-year storm" referred to herein shall mean that storm run-off is calculated on the basis of a fully developed watershed.

C. Erosion

Where free fall of water occurs, satisfactory means shall be provided to prevent erosion of soil. Where required, culvers shall have concrete head walls and wing walls.

D. Catch Basins

Catch basins shall be constructed in accordance with the San Juan County Zoning Ordinance requirements.

E. Engineered Design

All drainage shall be designed by a Utah licensed professional engineer and approved according to San Juan County Zoning Ordinance requirements.

Water SupplyGeneral

New development shall provide water supply that is sufficient in terms of quality, quantity and dependability for the proposed development. In making its determination as to whether the proposed water supply meets this standard, the decision-making body shall give substantial weight to the recommendations of state, County and applicable service district authorities and their associated standards. All water systems shall be provided by or through approved water and sewer service agencies and meet all applicable requirements of the San Juan County Zoning Ordinance requirements.

Municipal and District Water Systems

If all or part of a proposed development is within the jurisdiction of an approved public water system, then the applicant must obtain a written certification from the public water service provider stating that it is able to provide an adequate supply of drinking water with adequate quantity, quality and sufficient pressure to meet the needs of the proposed development based on the projected water usage of the development. Individual or common wells or other private water systems shall be permitted only when the subdivision boundary is outside the jurisdiction of an approved public water system able to serve the development.

Signs

See Spanish Valley US-191 Highway Commercial Sign Requirements (Chapter 9)

Chapter 7: Spanish Valley Water Efficient Landscape Requirements

An ordinance establishing minimum water efficient landscape requirements for the non-federal lands in the Spanish Valley within San Juan County. See Land Use Plan on page 28 of the *San Juan County Spanish Valley Area Plan* (adopted April 17, 2018) for a map and general description.

Purpose

Definitions

Applicability of Water Efficient Landscape Ordinance

Landscape Design Standards

Irrigation Design Standards

Landscapes in New Single-family Residential Developments

Prohibition on Restrictive Covenants Requiring Turf

Landscapes in Commercial, Flex and Civic/Institutional Developments

Projects

Plan Review and Construction Inspection for Commercial, Industrial, and Institutional Projects

Purpose

The purpose of this ordinance is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by reducing water waste and establishing a structure for designing, installing and maintaining water efficient landscapes in the San Juan County Spanish Valley.

Definitions

The following definitions shall apply to this ordinance:

Bubbler: An irrigation head that delivers water to the root zone by “flooding” the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.

Check Valve: A device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow.

Controller: A device used in irrigation systems to automatically control when and how long sprinklers or drip systems operate.

Drip Emitter: Drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

Grading Plan: The Grading Plan shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscaped area.

Ground Cover: Material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve (12) inches.

Hardscape: Patios, decks and paths. Does not include driveways and sidewalks.

Irrigation Plan: The irrigation plan shows the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

Landscape Architect: A person who holds a professional license to practice landscape architecture in the state of Utah. Only a Landscape Architect can legally create commercial landscape plans.

Landscape Designer: A person who may or may not hold professional certificates for landscape design/architecture and cannot legally create commercial landscape plans. Landscape Designers generally focus on residential design and horticultural needs of home landscapes.

Landscape Plan Documentation Package: The preparation of a graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance. The Landscape Plan Documentation Package shall include a project data sheet, a Planting Plan, an Irrigation Plan, and a Grading Plan.

Landscape Zone: A portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.

Landscaping: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor artwork, screen walls, fences or benches.

Mulch: Any material such as rock, bark, wood chips or other materials left loose and applied to the soil.

Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.

Planting Plan: A Planting Plan shall clearly and accurately identify and locate new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.

Pop-up Spray Head: A sprinkler head that sprays water through a nozzle in a fixed pattern with no rotation.

Precipitation Rate: The depth of water applied to a given area, usually measured in inches per hour.

Pressure Regulating Valve: A valve installed in an irrigation mainline that reduces a higher supply pressure at the inlet down to a regulated lower pressure at the outlet.

Pressure Compensating: A drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.

Rotor Spray Head: A sprinkler head that distributes water through a nozzle by the rotation of a gear or mechanical rotor.

Runoff: Irrigation water that is not absorbed by the soil or landscape area to which it is applied, and which flows onto other areas.

Spray Sprinkler: An irrigation head that sprays water through a nozzle.

Stream Sprinkler: An irrigation head that projects water through a gear rotor in single or multiple streams.

Turf: A surface layer of earth containing mowed grass with its roots.

Water-Conserving Plant: A plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.

Applicability of Water Efficient Landscape Ordinance

The provisions of this ordinance shall apply to all new and rehabilitated landscapes for public agency projects, private development projects, developer-installed landscape projects in multi-family and single-family residential projects, and homeowner provided landscape improvements within the front, side, and rear yards of single and two-family dwellings.

Landscape Design Standards

- A. Plant Selection. Plants shall be well-suited to the microclimate and soil conditions at the project site. Both native and locally-adapted plants are acceptable. Plants with similar water needs shall be grouped together as much as possible.
 1. Areas with slopes greater than 30% shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization.
 2. Park strips and other landscaped areas less than eight (8) feet wide shall be landscaped with water-conserving plants, that do not include turf.
- B. Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum four (4) inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.
- C. Soil Preparation. Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six (6) inches and amending the soil with organic material as per specific recommendations of the Landscape Designer/Landscape Architect based on the soil conditions.
- D. Tree Selection. Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Trees shall be selected as follows:
 1. Broad canopy trees shall be selected where shade or screening of tall objects is desired;
 2. Low-growing trees shall be selected for spaces under utility wires;
 3. Select trees from which lower branches can be trimmed in order to maintain a healthy growth habit where vision clearance and natural surveillance is a

- concern;
4. Narrow or columnar trees shall be selected where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance;
 5. Street trees shall be planted within existing and proposed park strips, and in sidewalk tree wells on streets without park strips. Tree placement shall provide canopy cover (shade) and avoid conflicts with existing trees, retaining walls, utilities, lighting, and other obstacles; and
 6. Trees less than a two-inch caliper shall be double-staked until the trees mature to a two-inch caliper.

Irrigation Design Standards

- A. **Pressure Regulation.** A pressure regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds 80 pounds per square inch (psi). The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer's recommended pressure for the sprinklers.
- B. **Irrigation Controller.** Landscaped areas shall utilize a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.
- C. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.
- D. Drip emitters or a bubbler shall be provided for each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the County due to the limited number of trees on the project site.
- E. Drip irrigation or bubblers shall be used to irrigate plants in non-turf areas.
- F. Pop-up spray heads shall be at a minimum of four (4) inches in height to clear turf.
- G. Sprinklers shall have matched precipitation rates with each control valve circuit.
- H. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.
- I. Check valves shall be required where elevation differences cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure occurs within the irrigation system due to elevation differences.
- J. Filters and end flush valves shall be provided as necessary for drip irrigation lines.
- K. Valves with spray or stream sprinklers shall be scheduled to operate between 6 p.m. and 10 a.m. to reduce water loss from wind and evaporation.
- L. Program valves for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

Landscapes in New Single-family Residential Developments

- A. Homebuilders and/or developers subdividing lots and/or constructing new single-family residential homes shall offer a water-efficient landscaping option to prospective home buyers. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 10% of the total landscaped area or 1,000 square feet, whichever is less.
- B. Homebuilders and/or developers who construct model homes for a designated subdivision shall have at least one model home with water-efficient landscaping. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 10% of the total landscaped area or 1,000 square feet, whichever is less.
- C. Model homes shall include an informational brochure on water-efficient landscaping.

Prohibition on Restrictive Covenants Requiring Turf

- A. Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable if they:
 - 1. Require the use of turf in landscape areas less than 8 feet wide or require turf in other areas that exceed 10% of the landscaped area; or
 - 2. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
 - 3. Have the effect of prohibiting or restricting compliance with this ordinance or other water conservation measures.

Landscapes in Commercial, Flex and Civic/Institutional Developments

Commercial, Flex and Civic/Institutional landscapes shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 10% of the total landscaped area or 1,000 square feet, whichever is less, outside of active recreation areas such as playfields and sport fields.

Documentation for Commercial, Flex and Civic/Institutional Projects

Landscape Plan Documentation Package. A copy of a Landscape Plan Documentation Package shall be submitted to and approved by the County prior to the issue of any permit. A copy of the approved Landscape Plan Documentation Package shall be provided to the property owner or site manager and to the local retail water purveyor. The Landscape Plan Documentation Package shall be prepared by a registered landscape architect and shall consist of the following items:

- A. Project Data Sheet. The Project Data Sheet shall contain the following:
 - 1. Project name and address;
 - 2. Applicant or applicant agent's name, address, phone number, and email address;
 - 3. Landscape architect's name, address, phone number, and email address; and
 - 4. Landscape contractor's name, address, phone number and email address, if available at this time.

- B. **Planting Plan.** A detailed planting plan shall be drawn at a scale that clearly identifies the following:
1. Location of all plant materials, a legend with botanical and common names, and size of plant materials;
 2. Property lines and street names;
 3. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
 4. Existing trees and plant materials to be removed or retained;
 5. Scale: graphic and written;
 6. Date of design;
 7. Designation of landscape zones, and
 8. Details and specifications for tree staking, soil preparation, and other planting work.
- C. **Irrigation Plan.** A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:
1. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
 2. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
 3. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers, and
 4. Installation details for irrigation components.
- D. **Grading Plan.** A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
1. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements, and
 2. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements.

Plan Review and Construction Inspection for Commercial, Industrial, and Institutional Projects

- A. As part of the Building Permit approval process, a copy of the Landscape Plan Documentation Package shall be submitted to San Juan County staff for review and approval before construction begins.
- B. All installers and designers shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.
- C. Following construction and prior to issuing the approval for occupancy, an inspection shall be scheduled with the San Juan County Building Inspector to verify compliance with the approved landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, contractor or landscape architect and submitted to the County.
- D. San Juan County reserves the right to perform site inspections at any time before, during

or after the irrigation system and landscape installation, and to require corrective measures if requirements of this ordinance are not satisfied.

Chapter 8: Outdoor Lighting and Sign Illumination Standards

An ordinance establishing outdoor lighting and design illumination standards in order to preserve highly-valued dark skies in the region. The ordinance applies to the non-federal lands located in the Spanish Valley within San Juan County. See Spanish Valley Zoning Map for the extents of applicability.

Permitted Signs Illumination

Scope and Applicability

Definitions

Fully Shielded Fixture Requirements

Total Light Output

Lighting Hours

Lighting Color

Specialized Outdoor Lighting Conditions and Standards

Application and Review Procedures

Amortization of Nonconforming Outdoor Lighting

Additional Images

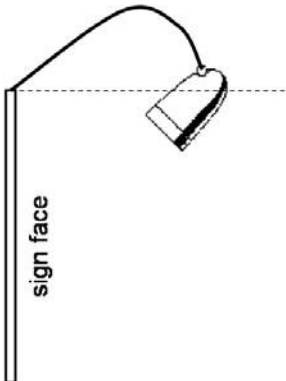
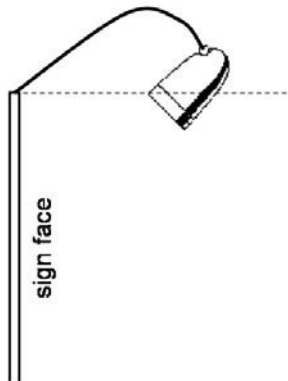
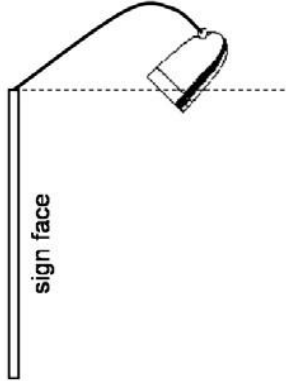
Permitted Sign Illumination

Signs may be unlighted, lighted externally, lighted internally, or backlit. All sign lighting must be designed, directed, and shielded in such a manner that the light source is not visible beyond the property boundaries where the sign is located. Lighting for signs must be directed such that only the sign face is illuminated. All lighted signs must have stationary and constant lighting. All sign lighting is included in the calculation of total light output for a property.

A. Standards for Externally Illuminated Signs:

- Lighting for externally illuminated signs must be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads or properties or into the night sky.
- Lighting for externally illuminated signs must be mounted at the top of the sign (or within 2 feet of the top of a wall mounted sign), except for freestanding monument style signs which may be illuminated by ground mounted lighting.
- Lighting shall consist of no more than four (4) individual fixtures (or lamps) per sign face and produce a maximum of 40,000 lumens per fixture.
- All sign lighting shall be included in the calculation of total light output.
- Table 8-1 shows permitted external sign lighting configurations.

Table 8-1

Permitted and Prohibited External Sign Lighting Configurations		
Allowed		Not Allowed
 <p>Fully Shielded</p>	 <p>Fully Shielded</p>	 <p>Unshielded</p>

B. Standards for Internally Illuminated Signs:

- Only sign text areas and logos may be illuminated on an internally illuminated sign.
- Internally illuminated signs shall use semi-opaque materials for sign text and logos such that the light emanating from the sign is diffused. Transparent or clear materials are not allowed for sign text and logos. Non-text portions of the sign (e.g., background and graphics other than the logo) shall be made of completely opaque material.

C. Standards for Backlit Signs:

- The light source shall not be visible.
- Backlit signs shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign copy are allowed.

D. Standards for Illuminated Window Signs

- Businesses may display a maximum of two (2) illuminated window signs positioned to be primarily visible outside the business structure.
- Illuminated window signs shall not exceed four (4) square feet in area.
- Illuminated window signs shall not be illuminated when the business is closed.

Outdoor Lighting

- A. Encourage outdoor lighting practices that will minimize light pollution, glare, light trespass and sky glow to curtail the degradation of the nighttime visual environment;
- B. Prevent lighting nuisances on properties located in and adjacent to Grand County;
- C. Promote energy conservation;
- D. Improve night-time safety, utility, security, and productivity;
- E. Develop an attractive nighttime appearance in the County;

- F. Minimize lighting health risks arising from inappropriate quantities and qualities of lighting;
- G. Prevent unnecessary or inappropriate outdoor lighting;
- H. Minimize nighttime impacts on nocturnal wildlife;
- I. Facilitate the economic development potential of astro-tourism, and the enhancement of the visitor experience in the Moab Area;
- J. Maintain the rural atmosphere of the County; and
- K. Encourage quality outdoor lighting through the use of efficient bulbs and light sources, fully shielded light fixtures, and limits on the location and uses of outdoor lighting.

Scope and Applicability

- A. All lighting should be consistent with and promote the Purposes set forth in Section [6.6.1].
- B. All exterior outdoor lighting installed after the effective date of this section in all zones in the County shall conform to the requirements established by this section. This Section does not apply to indoor lighting.
- C. All existing outdoor lighting that does not meet the requirements of this Section and is not exempted by this Section shall be considered a nonconforming use or part of a nonconforming structure subject to the five (5) year amortization schedule outlined in Section [6.6.10(B)(3)] of this LUC.

Definitions

- A. “Accent or Architectural Lighting” means lighting of building surfaces, landscape features, statues, and similar items for the purpose of decoration, ornamentation, creation of visual hierarchy, sense of liveliness, or other purpose unrelated to safety, business operation, or essential lighting function.
- B. “Backlight” means all the light emanating behind a luminaire.
- C. “B.U.G. Rating” means backlight, up-light, and glare rating, which exists on a scale of zero to five (0 to 5) and describes the light output of a luminaire.



Image by City of Ft. Collins, Colorado (permission must be obtained)

- D. "Correlated Color Temperature" (CCT) is a specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees Kelvin (K). The CCT rating for a lamp is a general "warmth" or "coolness" measure of its appearance. Lamps with a CCT rating below 3,000 K are usually considered "warm" sources, while those with a CCT above 3,000 K are usually considered "cool" in appearance.
- E. "Direct Illumination" means illumination resulting from light emitted directly from a bulb, luminary, or reflector. This does not include light reflected from other surfaces such as the ground or building faces.
- F. "Fixture" means a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply."

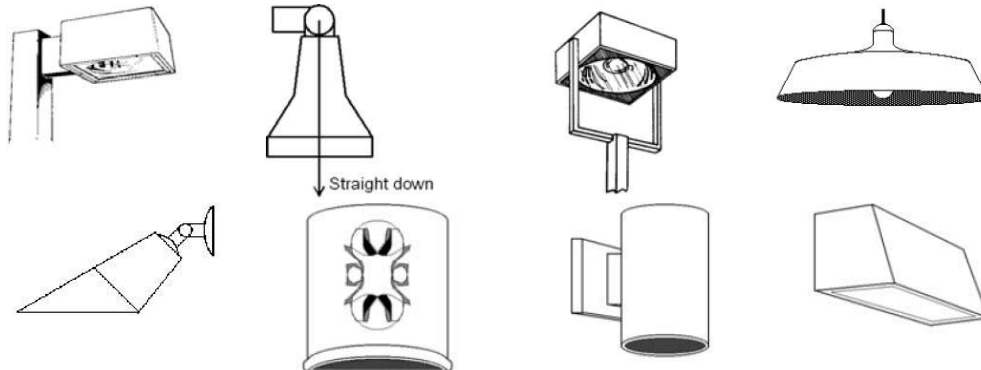
Examples of Acceptable / Unacceptable Lighting Fixtures

<p>Unacceptable / Discouraged Fixtures that produce glare and light trespass</p> <p>Unshielded Floodlights or Poorly-shielded Floodlights</p> <p>Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures</p> <p>Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens</p> <p>Unshielded Streetlight</p> <p>Unshielded Bollards</p> <p>Unshielded Barn Light</p> <p>Louvered 'Marine' style Fixtures</p> <p>Unshielded PAR Floodlights</p>	<p>Acceptable Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night</p> <p>Full Cutoff Fixtures</p> <p>Fully Shielded Wallpack & Wall Mount Fixtures</p> <p>Fully Shielded Fixtures</p> <p>Full Cutoff Streetlight</p> <p>Fully Shielded Barn Light</p> <p>Fully Shielded Walkway Bollards</p> <p>Fully Shielded Decorative Fixtures</p> <p>Fully Shielded 'Period' Style Fixtures</p> <p>Shielded / Property-aimed PAR Floodlights</p> <p>Flush Mounted or Side Shielded Under Canopy Fixtures</p>
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Illustrations by Bob Crelin © 2005. Rendered for the Town of Southampton, NY. Used with permission

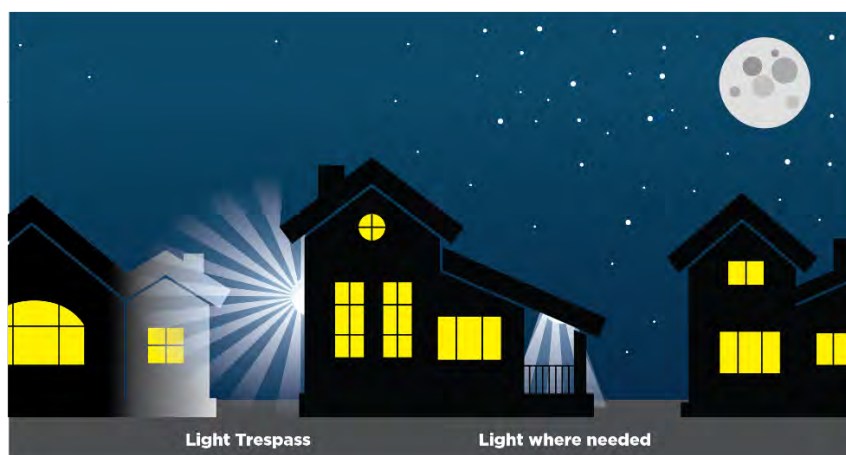
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- G. “Floodlight” means a fixture or bulb designed to “flood” an area with light. A specific form of bulb or fixture designed to direct its output in a specific direction. Such bulbs are often designated by the manufacturer and are commonly used in residential outdoor lighting.
- H. “Fully Shielded Fixture” means an outdoor light fixture constructed and mounted so that the installed fixture emits no light above the horizontal plane. Where a light manufacturer provides a BUG rating, the uplight rating (U) must equal zero (0). Fully shielded light fixtures must be shielded in and of themselves. Surrounding structures, like canopies, are not to be considered when determining if the fixture is fully shielded. Fully shielded fixtures must be appropriately mounted so that the shielding prevents light from escaping above the horizontal and all light is directed downward.



Examples of fully shielded light fixtures

- I. “Glare” means the visual sensation caused by excessive brightness and which causes annoyance, discomfort, or a disability loss in visual performance or visibility.
- J. “Internally Illuminated” as it relates to signs, means any sign which has a light source entirely enclosed within the sign and not directly visible to the eye.
- K. “Light Pollution” means any adverse effect of manmade light. Often used to denote “sky glow” from developed areas, but also includes glare, light trespass, visual clutter and other adverse effects of lighting.
- L. “Light Source” means the part of a lighting fixture that produces light, e.g. the bulb, lamp, or chips on board.
- M. “Light Trespass” means any light that falls beyond the legal boundaries of the property it is intended to illuminate.

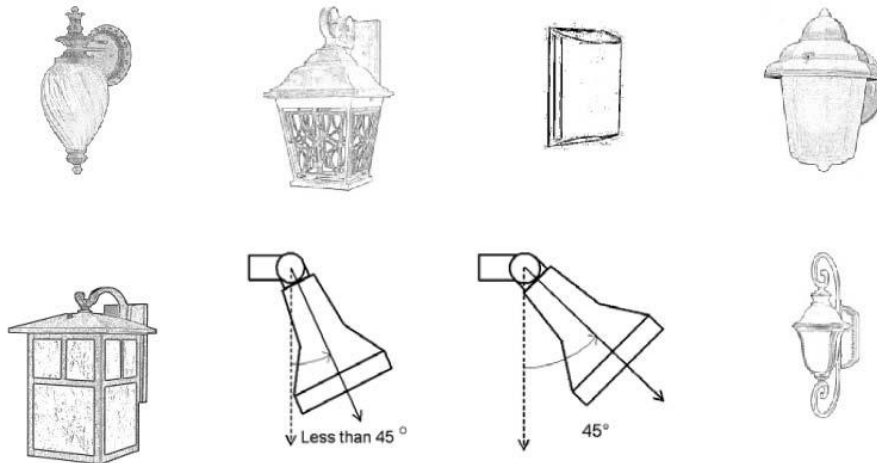


N. "Lumen" means a unit of luminous flux equal to the light emitted by a uniform point source of one candle intensity. Lumens refers to the amount of light emitted by a bulb (more lumens equals brighter light).

Brightness in Lumens	220+	400+	700+	900+	1300+
Standard	25W	40W	60W	75W	100W
Halogen	18W	28W	42W	53W	70W
CFL	6W	9W	12W	15W	20W
LED	4W	6W	10W	13W	18W

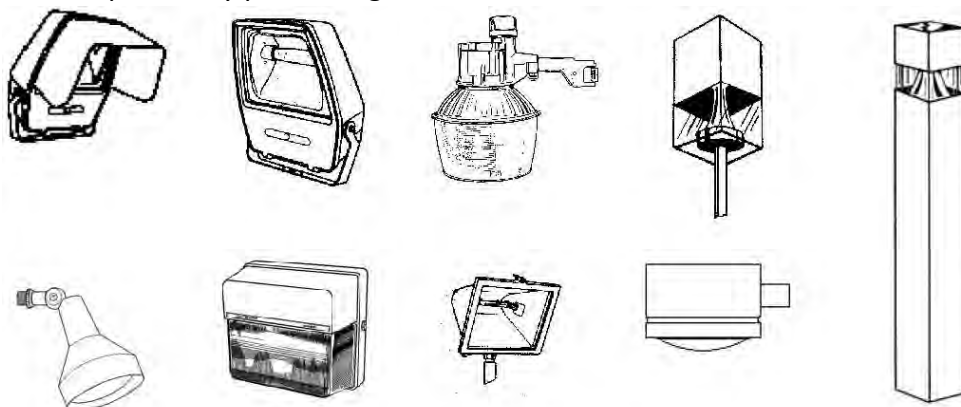
Common relationships between bulb types, wattages and lumen levels

- O. "Luminaire" means the same as "fixture."
- P. "Manufacturer's Catalog Cuts" means a publication or other printed material of a bulb or lighting manufacturer offering visual and technical information about a lighting fixture or bulb.
- Q. "Developed Acre" means the proportionate amount of an acre (43,560 square feet) of land that is converted from raw, undeveloped land into land associated with the permitted principal and accessory uses occurring on a parcel. This includes building footprints, private roads, parking lot surface areas, designated recreational areas, walking paths, stormwater detention and retention facilities, and other lands clearly related to the permitted uses on a parcel. Present and future public rights-of-way, lands with natural slopes greater than 30 percent, jurisdictional wetlands, lands in the 100 year floodplain, public drinking water supply water sources (recharge areas for the aquifer in the Glen Canyon Formation), lands affected by immitigable geo-hazards, riparian habitats, archeological sites, and required open space shall not be included in the calculation of developed acreage.
- R. "Outdoor Light Fixture" means a complete lighting unit consisting of a lamp(s) and ballast(s) (when applicable), together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. Also known as a luminaire, or simply as a fixture.
- S. "Partially Shielded Light Fixture" means an outdoor light fixture constructed and mounted so that the installed fixture emits most of its light above the horizontal plane. Where a light manufacturer provides a BUG rating, the uplight (U) and backlight (B) ratings are greater than zero (0). Light emitted at or above the horizontal plane (sideways or upwards) shall arise solely from incidental decorative elements or strongly colored or diffusing materials such as colored glass or plastic. Fixtures using spot or flood lamps are considered partially shielded if the lamps are aimed no higher than 45 degrees above the vertical plane beneath the fixture.



Examples of partially shielded lighting fixtures

- T. "Recreational Lighting" means lighting used to illuminate sports fields, ball courts, playgrounds, or similar outdoor recreational facilities.
- U. "Skyglow" means the brightening of the nighttime sky resulting from the scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the nighttime sky.
- V. "Spotlight" means a fixture or bulb designed to light a small area very brightly. See definition of Floodlight.
- W. "Total" means the sum of shielded and unshielded light.
- X. "Total outdoor light output" means the total amount of light measured in lumens from all bulbs installed in outdoor lighting fixtures. For bulb types that vary in light output as they age (such as fluorescent and high intensity discharge (HID) bulbs), the initial lumen output as defined by the manufacturer shall be the lumen value used.
- Y. "Tower" means any monopole, antenna, or the like that exceeds eighteen feet (18') in height.
- Z. "Unshielded Fixture" means a fixture that has no shielding at all that would otherwise specifically prevent light emission above the horizontal.



Examples of unshielded light fixtures

- AA. "Uplight" means all the light emanating above the horizontal plane of a luminaire.

Fully Shielded Fixture Requirements

- A. Unless specifically exempted by this Section, all outdoor lighting shall use fully shielded fixtures and shall be installed so light is directed downward with no light emitted above the horizontal plane of the fixture. Where a light manufacturer provides a BUG rating, the upright rating (U) must equal zero (0).



- B. In order to qualify as a "fully shielded" fixture, a light fixture must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as fully shielded. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a light fixture under an eave, canopy, patio cover, or other similar cover does not qualify as fully shielded.
- C. Fixtures must not be placed at a location, angle, or height that directs illumination outside the property boundaries where the light fixtures are located.
- D. Notwithstanding the exemptions in Section 6.6.4.E, all residential and commercial luminaires shall be fully shielded within twenty-five (25) feet of adjacent residential property lines.
- E. Exemptions to Fully Shielded Fixture Requirements:
- All lights exempted by this section shall be included in the calculation for total light output.
 - Fixtures having a total light output less than one thousand (1,000) lumens are exempted from the fully shielded requirement provided the following criteria are met:
 - The fixture has a top that is completely opaque such that no light is directed upwards.
 - The fixture has sides that completely cover the light source and are made of opaque or semi-opaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light. Semi-opaque material such as dark tinted glass or translucent plastic may be used

if the light source is not discernable behind the material. Completely transparent materials, such as clear or lightly tinted colored glass, are not allowed.

- The light source must not be visible from any point outside the property on which the fixture is located.
- Spotlights controlled by motion sensors having a light output less than one thousand (1,000) lumens per lamp are exempted from the fully shielded requirement provided:
 - The fixture is a spotlight or other type of directed light that shall be directed straight down; and
 - The fixture must not be placed in such a manner that results in illumination being directed outside the property boundaries where the light fixtures are located.
 - Lights controlled by motion sensors shall not be triggered by movement or activity located off the property on which the light is located.
- Pathway lights less than eighteen inches (18") in height are exempted from the fully shielded fixture requirement, if the total light output from each pathway light is less than three hundred (300) lumens.
- Temporary exterior lighting intended as holiday or seasonal decorations displayed between November 15 and the following January 15, provided that individual lamps do not exceed 70 lumens and neither cause light trespass nor interfere with the reasonable use and enjoyment of any other property.
- Traffic control signals and devices.
- Temporary emergency lighting in use by law enforcement or government agencies or at their direction.
- The lighting of federal or state flags, provided that the light is a top-down and narrow beam aimed and shielded to illuminate only the flag.

Total Light Output

- A. Commercial. Total outdoor light output shall not exceed fifty thousand (50,000) lumens per developed acre. Streetlights used for illumination of public rights-of-way are excluded from this calculation. Commercial developments shall be permitted a minimum of 5,000 lumens of lighting regardless of parcel size.
 - In non-residential zone districts, partially and unshielded lighting on a property shall not exceed 5,000 lumens per developed acre, and shall be included in the total outdoor light output calculation
- B. Residential. Total outdoor light output shall not exceed ten thousand (10,000) lumens of lighting for parcels one-half (acre), or larger, in size. Parcels smaller than one-half (1/2) acre shall be permitted five thousand (5,000) lumens of lighting regardless of parcel size. Total outdoor light output of any multifamily residential development including five (5) or more separate lots or units shall not exceed twenty thousand (20,000) lumens of lighting per developed acre.

- In residential zones, partially and unshielded lighting on a property shall not exceed 1,000 lumens per lot and shall be included in the total outdoor light output calculation.
- Residential units used for overnight accommodations or other commercial uses shall comply with the residential standards for total light output.

Lighting Hours

- A. Commercial establishments shall turn off all outdoor lighting, except that listed below, by twelve o'clock (12:00) midnight:
 - Businesses open to the public after twelve o'clock (12:00) midnight may leave all outdoor lighting on until one hour after the close of business.
 - Lighting to illuminate the entrance to the commercial establishments.
 - Parking lot and pathway lighting required for the safety of guests or customers.
- B. Recreational lighting (residential and commercial) shall be turned off by ten o'clock (10:00) P.M. or one hour after conclusion of a specific sporting event, whichever is later.

Lighting Color

All exterior lighting shall utilize light sources with correlated color temperature not to exceed 3,000 Kelvin (K).

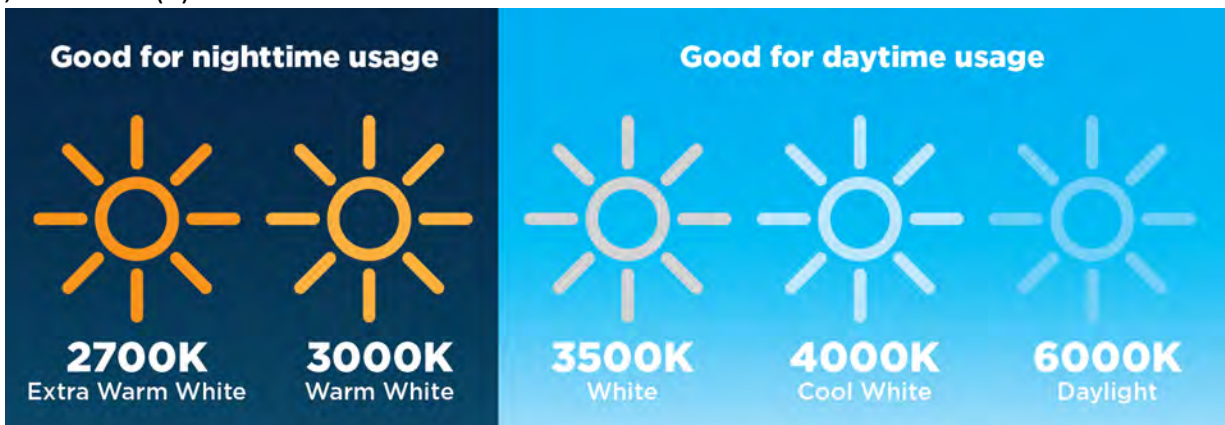


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Specialized Outdoor Lighting Conditions and Standards

- A. Gas station canopies may be illuminated provided all light fixtures are mounted on the undersurface of the canopy and all light fixtures are fully shielded. Merely placing the fixtures on the underside of the canopy does not qualify as fully shielding the light fixture.
- B. Roadway and streetlights are prohibited unless recommended by the County engineer or required by UDOT to provide for the safety of the public. When deemed necessary, streetlights shall utilize lamp types that are fully shielded luminaires that minimize sky glow, light trespass, and other unintended impacts of artificial lighting. All streetlights shall utilize the lowest illuminance levels acceptable to the County engineer and UDOT.
- C. Parking lots may not utilize spot or flood lighting whether mounted on a post or exterior building wall. The overall height of any light post used to illuminate parking lots in

commercial zones shall not exceed twenty-five feet (25'). All post mounted parking lot lights shall be set back from property lines a distance equal to two and one-half (2.5) times the height of the pole unless an internal or external shield prevents the fixture being visible from outside the property boundaries. The overall height of any light post used to illuminate parking lots in residential zones shall not exceed twenty-five feet (25'). All parking lot lighting shall use fully shielded downward directed fixtures. Internal or external shields shall prevent the fixture being visible from outside the parking lots.

- D. Outdoor recreation areas or athletic fields at publicly owned facilities may use illumination to light the surface of play and viewing stands and for the safety of the public. The following standards shall apply to outdoor recreation area or athletic field lighting:
- The recreational lighting does not exceed illuminance levels for class IV sports lighting set by the Illuminating Engineering Society of North America.
 - The recreational lighting provides illuminance for the surface of play and viewing stands, and not for any other areas or applications.
 - Off-site impacts of the lighting will be limited to the greatest practical extent possible
 - The lighting for areas or applications outside the surface of play and viewing stands shall conform to all provisions in this Section.
 - The recreational or athletic facility shall extinguish lighting exempted by this section no later than 10:00 pm or one hour after the end of play, whichever is later.
 - The recreational lighting shall have timers that automatically extinguish lighting to ensure lights are not left on after the curfew or when the facilities are not in use.
- E. Outdoor amphitheatres may use illumination to light the performance area of the amphitheater and for the safety of the public. The following standards apply to all amphitheater lighting:
- Lighting used to illuminate the performance area must be either directed spotlighting or fully shielded lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.
 - Lighting used to illuminate the performance area may only be turned on during performances or rehearsals.
 - Lighting used to illuminate the seating areas, pathways, and other areas of the amphitheater must meet all standards of this Section.
- F. Special events may use illumination to light the event area and for the safety of the public. The following standards apply to all amphitheater lighting:
- Lighting used to illuminate the event area must be either directed spotlighting or fully shielded lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.
 - Lighting used to illuminate the event area may only be turned on during the hours event activities are open to the public or paying guests.
 - Lighting used to illuminate the seating areas, pathways, and other areas of the event must meet all standards of this Section.
- G. All illuminated signs shall comply with the standards of Section 6.5.

Application and Review Procedures

A. Lighting Plan

- All sign permit applications, subdivision applications, site plan applications, building permit applications, and other development review applications within any zone district shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources comply with this code. Lighting plans shall include the following:
 - Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of illumination devices, lamps, supports, shielding and reflectors used and installation and electrical details.
 - Illustrations, such as contained in a manufacturer's catalog cuts, of all proposed lighting fixtures. For commercial uses, photometric diagrams of proposed lighting fixtures are also required. In the event photometric diagrams are not available, the applicant must provide sufficient information regarding the light fixture, bulb wattage, and shielding mechanisms for the planning commission to be able to determine compliance with the provisions of this Section.
 - A table showing the total amount of proposed exterior lights, by fixture type, wattage, lumens, and lamp type.

Approval Procedure

- A. The lighting plan for all new development shall be submitted for approval concurrent with the associated application process.
- B. A certificate of occupancy shall not be issued until such time as the property is subject to a post installation nighttime inspection by the Planning and Zoning Administrator or other county staff.

Amortization of Nonconforming Outdoor Lighting

- A. San Juan County shall require the termination of use of any and all nonconforming outdoor lighting fixtures, structures, lamps, bulbs or other devices that emit or generate light which are not otherwise exempted by this ordinance, pursuant to the amortization schedule contained in this ordinance.
- B. All outdoor lighting legally existing and installed prior to the effective date of this Section, and which is not otherwise exempted, shall be considered nonconforming and shall be brought into compliance by the property owner as follows:
 - Immediately as a condition for approval upon application for a building permit, sign permit, conditional use permit, new (nonrenewal) business license, site plan review or similar County permit or review.
 - Immediately in the case of damaged or inoperative nonconforming lighting upon replacement or repair.
 - Within five (5) years from the effective date of this Section for all other outdoor lighting.

Chapter 9 Spanish Valley Sign and Display Requirements

An Ordinance Creating the *Spanish Valley Sign Requirements* of the San Juan County Land Use Ordinance for the purpose of managing the design and implementation of signs and displays in the non-federal lands in northernmost portion of the San Juan County Spanish Valley. The ordinance applies to all lands in the Spanish Valley, as indicated in the Spanish Valley Zoning Map.

Purpose

Definitions

Application and Enforcement

Specific Regulations by Spanish Valley Zoning District

Design Standards for Commercial Signs

General Conditions

Maintenance of Legal Non-conforming Signs

Non-conforming Signs

Prohibited Signs

Variances and Appeals

Safety and Livability Considerations

Purpose

It is in the best interest of the health, safety and welfare of the citizens of San Juan county and the Spanish Valley to regulate signage and advertising, the following regulations are created to

- eliminate potential hazards to motorists and pedestrians; to encourage signs which are integrated with and harmonious to the buildings, setting and sites which they occupy;
- encourage legible signage through the use of excessive and confusing sign displays, thus reducing driver inattention;
- preserve and improve the appearance of the Spanish Valley as a place in which to live and to work, and to create an attraction to non-residents who come here to visit or trade;
- allow each individual business to clearly identify itself and the goods and services which they offer; to safeguard and enhance property values; and
- protect public and private investment in buildings and open space; and

Definitions

The change or rearrangement in the structural part of its design, whether by extending on a side, increasing in area, width or height, or moving from one location or position to another.

Awning

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

Building, Front Line of

The line of that face of the building or structure nearest the front line of the lot. This face includes sun parlors, bay windows, covered and/or uncovered porches, whether enclosed or unenclosed, but does not include uncovered steps less than four feet (4') above grade and eaves overhanging less than two feet (2').

Building Line

A vertical surface intersecting the ground along a line at which the front of the building occupies the lot on which it is constructed.

Code Enforcement Officer

The appropriate officer(s) employed by the San Juan County authorized to enforce this chapter.

Electronic Message Center (EMC)

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

Electronic Message Sign View Area

The view area for any EMS shall be measured as follows: beginning from the outside edge of the sign face, measure one hundred fifty feet (150') to each side, then measure at a ninety degree (90°) angle three hundred feet (300') in the direction that the sign is facing, and ninety degree (90°) angle until the two (2) lines intersect.

Face of Sign

The entire area of a sign upon, against or through which any copy, electronic images, graphics or pictures, with or without textual information is placed.

Lot, Corner

A lot abutting on two (2) intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees (135°).

Marquee

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

Monument Sign

A sign whose base is approximately seventy-five percent (75%) of the width of the sign and is permanently set on the ground and has an opaque pedestal as part of the sign foundation

which conceals any pole support. Upon approval of the community development director, and where pole supports are not visible, the opaque pedestal may be omitted.

Nonconforming Sign

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

Point of the Beginning or End of Pavement Widening

Ending of pavement widening is that point when the pavement of an interstate highway acceleration or entrance lane fully narrows to the normal width of the main travel lanes. Beginning of pavement widening is that point when the pavement of an interstate highway deceleration or exit lane begins to widen from the normal width of the main travel lanes.

Sign

Means and includes every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, object, device, medium, conveyance or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. The definition of "sign" shall also include the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers. This does not include any flag, badge or ensign of any government or governmental agency erected for and used to identify said government or governmental agency.

Sign, A-frame

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

Sign, Animated

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

Sign Area

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

Sign, Electronic Display Screen

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

Sign, Electronic Message Center

Any sign or portion of a sign, that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed.

Sign, For Sale

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

Sign, Freestanding

A sign supported by a fixed permanent frame or support in the ground.

Sign, Illuminated

A sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

Sign, Lighted

A sign made legible in the absence of daylight by devices which reflect or project light upon it.

Sign, Low-Profile

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

Sign, Off-Premises

advertising sign which directs attention to a use, product, commodity or service not related to the premises.

Sign, Projecting

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

Sign, Property

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

Sign, Roof

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

Regulations and Enforcement

A. *Compliance Required:*

Except as provided in this chapter, no sign shall be erected, raised, moved, extended, enlarged or altered, or have the text of the sign changed, except in conformity with the regulations herein specified for the zone in which it is located.

B. *Construction Standards:*

All signs hereinafter erected in the county shall comply with current standards of the national electrical code, all provisions of this chapter and other applicable ordinances of the county. All component parts shall be equal to Underwriters Laboratories labeled products.

C. *Enforcement:*

The code enforcement officer shall be vested with the duty of enforcing the zoning ordinance and in performance of such duty, he shall be empowered and directed to:

1. *Issue Permits:* Issue permits to construct, alter or repair signs which conform to the provisions of this chapter.
2. *Determine Conformance:* Ascertain that all signs, construction and all reconstruction or modification of existing signs are built or constructed in conformance to the zoning ordinances, building restrictions and building codes.
3. *Issue Citations and Complaints:* Issue citations and/or complaints against violators of this chapter.

D. *Inspections:* The code enforcement officer shall make an initial inspection upon the completion of construction, erection, re-erection or remodeling of any sign for which a permit has been issued and an inspection request is made.

E. *Sign Classification:* Every sign erected or proposed to be erected within the county shall be classified by the code enforcement officer in accordance with the definitions of signs contained in **Penalties** section of this chapter. Any sign which does not clearly fall within one of the classifications shall be designated to the classification that it most nearly approximates in the opinion of the code enforcement officer in view of its design, location and purpose.

F. *Legal Action:* The code enforcement officer shall be empowered to institute appropriate action or proceedings in any case where any sign is erected, constructed, altered, repaired, converted or maintained, or in any case where any sign is used in violation of any county ordinance, including, but not limited to, the zoning ordinance, to accomplish the following purpose: 1) to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; and 2) to restrain, correct or abate such violation.

1. *Issue Notice of Violation:* The code enforcement officer will cause a notice of violation to be issued to the person having charge or control or benefit of any sign found by him to be unsafe or dangerous or in violation of the zoning ordinances of the county.

2. *Abate And Remove Unsafe Or Dangerous Sign:* If an unsafe or dangerous sign is not repaired or made safe within five (5) working days after giving said notice, the code enforcement officer shall have the right to at once abate and remove said sign, and the person having charge, control or benefit of any such sign, shall pay to the county within thirty (30) calendar days after written notice is mailed to such person, the costs incurred in such removal.
 3. *Abate And Remove Illegal Sign:* If an illegal sign is not made conforming within thirty (30) calendar days after giving said notice, the code enforcement officer shall have the right to at once abate and remove said sign, and the owner or person having charge, control or benefit of any such sign, shall pay to the county within thirty (30) calendar days after written notice is mailed to such person, the costs incurred in such removal.
 4. *Immediate Removal Authorized:* In the case of an unsafe or illegal sign that is either an immediate hazard or whose primary purpose will have been served, at least in part, before the expiration of the notice period required herein, the code enforcement officer may effect an immediate removal without notice, subject to a subsequent right of hearing by the person receiving benefits therefrom.
 5. *Notice Of Non-maintained Abandoned Sign:* The code enforcement officer shall require each non-maintained or abandoned sign to be removed from the building or premises when such sign has not been repaired or put into use by the owner, person having control or person receiving benefits of such structure within thirty (30) calendar days after notice of non-maintenance or abandonment is given to the owner, person having control or person receiving benefit of such structure.
 6. *Notification:* Notification by the county to persons having charge or control or benefit of any sign found by the code enforcement officer to be unsafe or dangerous or in violation of the zoning ordinance of the county and where the county is contemplating removal of said sign, shall be accomplished by the county utilizing written notice sent according to the administrative code enforcement ordinance.
 7. *Penalty as Alternative:* The code enforcement officer shall have discretionary right to enforce removal or alteration of an unsafe or illegal sign by applying the penalty as provided in the **Penalties** section of this chapter as an alternative to the abatement procedures as provided.
- G. *Right of Appeal:* Any person who has been ordered by the code enforcement officer to alter or remove any sign, or any person whose application for a sign permit has been refused, may appeal to the Planning Commission by serving a written notice to the county within ten (10) days of the order of the code enforcement officer. Such notice shall be considered by the Planning Commission at its next regularly scheduled meeting. Upon filing of said notice of appeal, the code enforcement officer shall take no further action with regard to the removal of the sign involved until the final decision of the Planning Commission on the appeal is known, unless the code enforcement officer finds that the sign involved, by reason of its condition, presents an immediate and serious danger to the public, or comes within the provisions of subsection F4 of this section, in which case he shall proceed immediately as provided in this chapter.

- H. **Application Requirements:** All applications for sign permits shall be accompanied by a plan and elevation drawing. The drawings shall be provided digitally in PDF format in a minimum 8 1/2" x 11" format. The plat information shall include sufficient information so that the code enforcement officer can determine whether the proposed sign conforms with the provisions of this chapter.
1. *Plot Plan Requirements:* Specifically, the plat shall show the size of the sign and its location relationship to the following features of the site:
 - Property lines;
 - Existing and proposed buildings or other structures;
 - Control curbs;
 - Parking areas.
 2. *Elevation Drawing Requirements:* Specifically, the elevation drawing shall show the following information:
 - Type of sign;
 - Sign display;
 - Sign height;
 - Sign area.
- I. *Sign Permit Required:* It shall be unlawful for any person, whether acting as owner, occupant or contractor, or otherwise, to erect, construct, reconstruct, enlarge, locate or alter any sign within the county without first obtaining a sign permit from the county unless exempted from this requirement in this chapter.
- J. *Fee Schedule:* A fee as established by the County Commission shall be paid to the county for each sign permit issued under this chapter. The fee will cover the cost of issuance, including the inspection tag.

Specific Regulations by Specific Spanish Valley Zoning District

No person shall install or maintain any sign in the county in the following Spanish Valley Zoning District except as herein provided. Signs not allowed in the following subsections are specifically prohibited:

A. Spanish Valley Residential District

The following provisions regulate signs in the *Spanish Valley Residential District*.

1. *Low Profile Signs:* Two (2) permanent low profile identification signs which state the official name of the residential subdivisions with will be allowed for residential developments; provided, that these signs conform to the following regulations:
 - Shall be located at the entrance of the residential subdivision and be a minimum of ten feet (10') from front property lines.
 - Shall be incorporated into a landscape design scheme.
 - Shall be limited to a maximum of three feet (3') in height from finished grade.
 - Shall be limited to sixteen (12) square feet in area for each sign.
 - Shall be limited to only two (2) signs per subdivision.
 - Shall contain no animation.
 - May not be illuminated.

2. *Promotional Signs for Residential Developments:* Promotional signs shall be allowed for residential developments to promote, market and advertise the entire development offering the property for sale and providing pertinent sales information to the public. Promotional signs are not allowed for the sale of individual lots, homes, or a portion of the development.
 - Signs shall not exceed six feet (6') in height and must be located within the boundaries of the development a minimum of ten feet (10') from a street, shall not project into or be installed on any public right-of-way and shall not be located within required intersection clear view zones. The signs shall be temporary and shall be removed when all original lots have been sold.
 - Residential developments may have up to two (2) signs offering the project for sale or inspection by the public.
3. *Property Signs; For Sale, Lease, Or Rent:* One temporary on-premises sign identifying the lot or offering the premises for sale, lease, rent, or inspection by the public is permitted and shall not exceed twelve (12) square feet in size. Such sign may be double faced or may be a movable freestanding sign and includes advertising for a model home or an open house at the premises.

B. *Spanish Valley Planned Community, Highway Commercial and Flex Districts*

The following provisions regulate signs apply to residential developments in the *Spanish Valley Planned Community and Flex Districts*.

1. *Low Profile Signs:* Two (2) permanent low profile identification signs which state the official name of the residential subdivisions with will be allowed for residential developments; provided, that these signs conform to the following regulations:
 - Shall be located at the entrance of the residential subdivision and be a minimum of ten feet (10') from front property lines.
 - Shall be incorporated into a landscape design scheme.
 - Shall be limited to a maximum of three feet (3') in height from finished grade.
 - Shall be limited to sixteen (12) square feet in area for each sign.
 - Shall be limited to only two (2) signs per subdivision.
 - Shall contain no animation.
 - May not be illuminated.
2. *Promotional Signs for Residential Developments:* Promotional signs shall be allowed for residential developments to promote, market and advertise the entire development offering the property for sale and providing pertinent sales information to the public. Promotional signs are not allowed for the sale of individual lots, homes, or a portion of the development.
 - Signs shall not exceed six feet (6') in height and must be located within the boundaries of the development a minimum of ten feet (10') from a street, shall not project into or be installed on any public right-of-way and shall not be located within required intersection clear view zones. The signs shall be temporary and shall be removed when all original lots have been sold.

- Residential developments may have up to two (2) signs offering the project for sale or inspection by the public.
3. *Property Signs; For Sale, Lease, Or Rent:* One temporary on-premises sign identifying the lot or offering the premises for sale, lease, rent, or inspection by the public is permitted and shall not exceed twelve (12) square feet in size. Such sign may be double faced or may be a movable freestanding sign and includes advertising for a model home or an open house at the premises.

The following provisions regulate signs located in non-residential developments in *Planned Community, Highway Commercial and Flex Districts*

1. *Freestanding Signs:* Freestanding signs are permitted subject to the following provisions:
- *Number:* Each parcel of property or commercial complex may have one freestanding sign. One additional freestanding sign is permitted if the property or complex has more than three hundred feet (300') of frontage on a dedicated public street. Where two (2) or more freestanding signs are constructed, they shall be separated by at least one hundred feet (100'). The second pole sign shall not be higher than seventy percent (70%) of the allowed height of the first sign. A third freestanding sign is allowed for properties with more than six hundred feet (600') of frontage on a dedicated street. The fourth freestanding sign, or additional freestanding signs, must be approved by the Planning Commission.
 - *Location:* Freestanding and projecting signs shall not project into or over any public street right-of-way. Projecting signs may project a maximum of four feet (4') from the building provided such projecting sign has a minimum ground clearance of ten feet (10') over any sidewalk or street right-of-way. Also, awning signs within the downtown historic district may project over the street right-of-way provided there is a minimum ground clearance of eight feet (8').
 - *Height:* Freestanding signs shall not exceed the following heights:
 - Signs located within five hundred feet (500') of US-191 shall not exceed thirty-feet (30') in height.
 - Where two (2) or more pole type signs are allowed, subsequent signs shall not exceed seventy percent (70%) of the allowed height of the main sign.
 - The height of signs located on all other streets shall not exceed ten feet (10') from the adjacent natural grade.
 - Where the natural grade at the sign location is below the curb elevation, the height may be measured from the curb height, provided the overall sign height is not increased by more than five feet (5'), and the sign is within thirty feet (30') of the curb or right-of-way boundary.
 - *Size:* The area of freestanding signs shall not exceed the following:
 - Single tenant freestanding signs within 500' of US-191 shall not exceed seventy-five (75) square feet or one square foot of sign area per linear foot of

street frontage up to one hundred twenty (120) square feet maximum per sign face.

- Multi-tenant signs may have one and one-half (1 1/2) square feet of sign area per linear foot of street frontage up to two hundred (200) square feet maximum. A single multi-tenant sign may be allowed up to three hundred (300) square feet if the following occurs:
 - The sign permit is approved subject to a condition which precludes the installation of another freestanding sign; and
 - The sign area does not exceed one and one-half (1 and 1/2) square feet per linear foot of street frontage. US-191 may have two (2) square feet of sign area per linear foot of street frontage, up to three hundred (300) square feet maximum.
 - On corner lots, the street frontage used to determine size of the primary sign shall be limited to the street upon which the building fronts. Measurement of the street frontage shall include the actual frontage measured to the midpoint of the corner radius. A secondary sign may be allowed on the side street, and its size shall be based on the frontage of the side street.
2. *Animated Signs:* Animated signs are not be permitted
 3. *Entrance and Exit Signs:* One entrance and exit sign shall be permitted at each driveway entering or leaving the premises. Such signs shall not exceed six (6) square feet in area nor be more than four feet (4') in height from the ground.
 4. *Wall Signs:* Wall signs which are permanently attached or painted with a projection of less than twenty four inches (24"), shall be permitted; provided, that the area of any such sign shall not exceed twenty percent (20%) of the face of the front wall to which it is attached, nor more than ten percent (10%) of the face of a side or rear wall; and further provided, that it does not rise above the roofline or parapet wall.
 5. *Property and Project Construction Signs*
 - No more than two (2) signs offering the premises for sale, lease or inspection by the public shall be permitted; provided, that the total area of each sign does not exceed thirty-two (32) square feet. Said signs may be modified to indicate that the property has been sold.
 - A project construction sign or "coming soon" promotional sign of up to sixty-four (64) square feet may be allowed within sixty (60) days of obtaining a building permit for such project. Such sign shall be removed within one year from the date the sign was erected.
 6. *Premises Signs:* Off-premises signs are not be permitted.
 7. *Roof Signs:* Roof signs shall conform to the following provisions:
 - Roof signs shall not be higher than the roofline or parapet wall and shall not be larger than twenty percent (20%) of the wall face of the building.
 - All roof signs shall be installed or erected in such a manner that the support structure or brace is covered and screened from public view to the extent reasonable to do so.
 - Roof signs shall not be animated.

8. *Projecting Signs:* Projecting signs attached to a building shall comply with the following conditions:
- Signs projecting over public property may not project more than four feet (4') from a wall of a building, nor project closer than three feet (3') to the back of the curb. A minimum clearance of ten feet (10') above the sidewalk must be maintained.
 - Signs projecting over private property may not project more than six feet (6') from a wall of a building.
 - Signs shall not extend above the roofline.
 - No more than one projecting sign per tenant space and only at the ground level of the building.
 - The maximum sign area for projecting signs shall be one square foot of sign area for each linear foot of building frontage up to a maximum of thirty two (32) square feet per sign face (64 square feet maximum for both sides of a projecting sign).
9. *Special Standards:* The following special standards for commercial signs shall apply for all signs more than 500' from US-19.
- *Freestanding Signs; Design Standards:* Freestanding signs are hereby limited to monument and low profile pole type signs with the following design standards:
 - *Height:* The maximum height of the sign shall not exceed ten feet (10') from adjacent natural grade. Where the natural grade at the sign location is below the curb elevation, the height may be measured from the curb or adjacent roadway height, provided the overall sign height is not increased by more than five feet (5'), and the sign is within thirty feet (30') of the curb.
 - *Size:* A monument or low profile pole type sign shall be limited in size to seventy-five (50) square feet for properties with up to one hundred feet (100') of frontage on a public road. An additional one square foot of sign area may be allowed for each additional two feet (2') of public road frontage up to a maximum size of one hundred twenty (90) square feet per sign
 - *Location:* Signs must be located on private property and not within any public right-of-way. Signs shall not obstruct visibility at driveway entrance and exits, intersections and other points along the roadway.
 - *Number:* Each parcel of property or commercial complex may have one monument or low profile pole type sign. One additional monument or low profile pole type sign is permitted if the property has more than two hundred feet (200') of frontage on a public street. Where two (2) freestanding signs are constructed, they shall be separated by at least one hundred feet (100'). A third monument or low profile pole type sign is allowed for properties with more than four hundred feet (400') of frontage on a dedicated public street, and a fourth monument or low profile pole type sign is permitted for properties with six hundred (600) or more feet of public road frontage.
 - *Sign Materials:* Sign materials shall be similar to or compatible with the structure which they identify. Signs shall be constructed predominantly of

natural materials such as redwood, ceramic tile, masonry, stucco, stone, weathering steel or materials which simulate the referenced materials.

- *Color:* Bright day-glow or fluorescent colors are prohibited. Letters should provide sufficient contrast to be easily legible. Overall color schemes should complement the color scheme of the building. Registered national trademarks are permitted as part of the sign.
10. *Entrance, Exit Signs; Roof Signs and Projecting Signs:* Entrance and exit signs, wall signs, roof signs and projecting signs are permitted subject to provisions contained elsewhere in this chapter.

Design Standards for Commercial Signs

- A. *Pole Sign Design Standards:* The following design standards are mandatory:
1. *Sign Cabinets:* Sign cabinets shall be integrated into a uniform sign, rather than added to a pole in an ad hoc manner. The modification or addition of a sign cabinet to an existing pole sign with two (2) or more independent sign cabinets shall be subject to review and approval by the community development director, who may at his/her discretion, refer the permit to the Planning Commission for approval.
 2. *Painted Plywood Signs:* Plywood signs are not permitted for permanent signs, unless approved by the Planning Commission. Sandblasted wood signs are permitted provided they are not higher than ten feet (10'), subject to review and approval by the community development director.
 3. *Cladding:* All poles supporting signs shall be cladded as a means to improve the appearance of the sign by:
 - Proportionately increasing that portion of the structure that anchors the sign to the ground; and
 - Providing a material on the support structure that complements the building architecture.
 - Cladding shall primarily be wood, stucco, brick, or rock, duplicating materials which are used on the main building. Metal products may be used if the metal replicates the appearance of a natural material.
 - Cladding is not required, if in the opinion of the community development director, the sign contains unique elements that result in a creative flair or defines a product or service with unique design, and the cladding would detract from the creativity of the design.
 4. *Pole Transition:* There shall be a transition between the pole and sign it supports, wherein the cladded pole(s) is widened at the base of the sign to at least fifty percent (50%) of the width of the sign it supports. (See exhibit A attached to the ordinance codified herein.) A transition is not required, if in the opinion of county planning staff, the sign contains design elements which serve a similar purpose and results in an aesthetic sign.
 5. *Sign Colors:* The exterior surface of the sign structure and frame (excluding sign face), shall have colors similar to the adjacent building or have earth tone colors including black, browns and grays.

6. *Landscaping*: Landscaping shall be provided at the base of the sign at a ratio of ten (10) square feet for every one-foot (1') of sign width, with fifty percent (50%) of the landscaped area containing live plant material. The plant materials used shall be expected to mature to heights of one foot (1') or greater. Where a hardship can be demonstrated, the Planning Commission may modify or waive this requirement.
 7. *Flag Lots*: Businesses on flag lots (i.e., lots with narrow frontage on a public road compared to overall lot size) may be allowed a pole sign larger than the minimum size of seventy-five (75) square feet, provided the Planning Commission determines that the size of the sign is in harmony with the intent of this chapter and the size is in keeping with the building and lot size.
- B. *Sign Guidelines*: The following guidelines are desired and encouraged, but are not mandatory:
1. *Theme and Plan*: Where feasible, signs shall be incorporated into a landscape theme and be part of an overall design plan for the property. Aesthetic appeal is a high priority.
 2. *Height*: As a general principle, signs should be no higher than the adjacent building for which it advertises. However, along US-191 the sign may be taller than the adjacent building in order to provide better visibility but shall not be higher than the maximum height limits set forth in this chapter.

General Conditions

- A. *Signs Not To Constitute Traffic Hazard*: No sign or other advertising structure shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device, or which makes use of the words "stop," "drive in," "danger" or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic. In general, no sign shall be placed within a triangular area with legs thirty feet (30') in length measured along the property lines at a corner.
- B. *Awnings Over Public Property*: Awnings over public property shall conform to all provisions of the International Building Code governing such structures. It shall maintain a minimum eight foot (8') clearance above the sidewalk or public property and shall have no signs affixed to the awnings or their supports.
- C. *Temporary Signs*:
 1. Any sign, banner, or advertising display intended to be displayed out of doors for promotional or other temporary use, shall be considered to be a temporary sign and shall be permitted subject to all provisions of this chapter and provisions contained in the county temporary banner policy.
 2. Banners shall be allowed according to the county policy regarding temporary banners. The banner policy is available through the community development department. It shall be the responsibility of the applicant to remove temporary banners upon expiration of the permit period.

- D. *Maintenance*: Every sign shall be kept in good condition as to maintenance and repair, including the replacement of defective parts, repainting and cleaning. The ground space within a radius of ten feet (10') from the base of any ground sign shall be kept free and clear of all weeds, rubbish and inflammable material. The code enforcement officer shall inspect and enforce this pursuant to enforcement requirements of this chapter.
- E. *Sign Removal*: Signs identifying a discontinued use on the property shall be removed from the property within thirty (30) calendar days of the time the use was discontinued and shall thereafter be considered to be abandoned.
- F. *Repair of Building Facade*: A damaged building facade as the result of the removal, repair, replacement or installation of any signs shall be repaired by the property owner within thirty (30) calendar days of the time the use was discontinued.
- G. *Moving to New Location*: No sign erected before the adoption of this chapter shall be moved to a new location on the lot or building, or enlarged, or replaced, unless it be made to comply with provisions of this chapter.
- H. *Ownership*: The imprint of the sign owner and sign erector of all signs shall be in plain and public view. Signs not carrying such an imprint will be presumed to be owned by the person in possession of the property on which the sign is located.
- I. *Lights and Lighted Signs*
See **Spanish Valley Outdoor Lighting and Sign Illumination Standards** for requirements.
- J. *Planned Development Layout Location Signs*: The purpose of the layout sign is to aid emergency personnel and visitors to quickly and efficiently locate a particular address or unit. For planned developments with a common address for multiple units there shall be a permanent sign located at all entrances to the project which:
 1. Identifies the development;
 2. Clearly shows the project address;
 3. Clearly shows the layout of streets and the units with their individual identification number or letter;
 4. The sign must be oriented to the view of the reader;
 5. Shall be incorporated into a landscape feature or design scheme;
 6. The sign shall contain no animation;
 7. See **Spanish Valley Outdoor Lighting and Sign Illumination Standards** for lighting requirements
 8. The sign shall be placed such that persons in vehicles who are stopped to read the sign will not create a safety hazard.

Maintenance of Legal Non-conforming Signs

Nonconforming signs shall be required to comply with the requirements of this chapter when any change, other than normal maintenance, is made to the sign. Painting or similar sign repair shall be considered normal maintenance; provided, that the sign content remains basically unchanged. Compliance with current setback requirements may be waived by the Planning Commission when the board determines that relocating an existing sign is not practical.

Non-conforming Signs

- A. *Alterations*: A nonconforming sign shall not be raised, moved, replaced, extended or enlarged unless said sign is changed so as to conform to all provisions of this title. "Alterations" shall also mean the changing of the text of the sign when there is a major change in the use of the property. A major change in use occurs whenever the use changes from one of the following land use categories to another office, retail, food/restaurant service, personal service, entertainment, lodging, repairs, institutional, public utility, manufacturing, and warehouse uses. Any major change in use requires any affected nonconforming sign to conform to all the provisions of this title. Alterations shall not be interpreted to include changing the text of a marquee or changing a copy of an off premises sign.
- B. *Restoration*: Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, collision or any other cause beyond the control of the owner, to the extent of more than sixty percent (60%) of its assessed value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this chapter or shall be removed.
- C. *Unsafe or Dangerous*: The nonconforming nature of a sign shall in no way prevent it from being subject to the provisions of the **Regulations and Enforcement** subsection of this ordinance if it is unsafe or dangerous.

Prohibited Signs

- A. *Signs Attached To Public Property*: No sign, handbill, poster, advertisement or notice of any kind or sort shall be fastened, placed, posted, painted or attached in any way or upon any curbstone, lamppost, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk or street, except signs owned and erected by permission of an authorized public agency as required by law.
- B. *A-Frame and Movable Freestanding Signs*: Portable, temporary A-frame, and movable freestanding signs shall be prohibited. This prohibition applies to signs mounted upon or painted upon vehicles or trailers which are parked primarily for the purpose of calling attention to or advertising a specific business establishment or product.
- C. *Flashing Signs*: Signs which use flashing, blinking, or strobing lights are prohibited. Signs which use subtle lighting changes as part of a video screen, or EMS are permitted.
- D. *Rotating Signs*: Signs which move, rotate, flutter in the wind or make noise are prohibited. Pennants, streamers, and inflatable objects are also prohibited. Temporary banners must be in compliance with the county's policy on banners.
- E. *Permit Exceptions*: Notwithstanding any of the provisions of this chapter, the following signs and operations shall not require a sign permit; however, any of the following signs included in any other section shall conform to the applicable provisions of this chapter:
 1. The changing of the advertising copy or message on a marquee, provided no more than fifteen percent (15%) of the marquee surface will advertise off premises land, products or businesses.
 2. Painting, repainting, cleaning and normal maintenance and repair of a sign or sign structure unless a substantial structural change is made.
 3. For sale, rent or lease signs, advertising real property, that are thirty-two (32) square feet or less in area. Such sign may be double faced.

4. The display of official notices used by any court, or public body, or public official, or the posting of notices by any public officer, in the performance of a duty, or by any person giving legal notice.
5. Directional, warning, exit, parking or similar informational signs of a public or quasi-public nature, provided they have no advertising effect, and signs directed and maintained by an official body or public utility.
6. Any official flag, pennant or insignia of any nation, state, county or other political unit.
7. Nameplates of two (2) square foot maximum area.
8. Bulletin boards not over sixty-four (64) square feet in area for public, charitable or religious institutions where the same are located on the premises of said institutions.
9. Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.
10. Wall signs that are painted directly on the wall, provided they do not exceed twenty percent (20%) of the face of the wall on which it is painted.

Safety and Livability Considerations

- A *County Nonliability*: The county and its agents shall in no way be liable for negligence or failure of the owner, or the person responsible for any damage caused by defective conditions.

Chapter 10: Spanish Valley Overnight Accommodations Overlay District Requirements

An ordinance establishing an overnight accommodations overlay district that can be sought for sites located within the Spanish Valley Highway Commercial District. See Spanish Valley Zoning Map for the location of the Highway Commercial District in which the overlay can be applied.

- 1) Purpose of Overlay Districts
- 2) Purpose and Intent of the Spanish Valley Overnight Accommodations Overlay District
- 3) Established Overnight Accommodations
- 4) Approval Procedures
- 5) Identification on Zoning Maps
- 6) Site Master Plan Required
- 7) Development Standards
 - Part 1 General Requirements
 - Part 2 Employee Housing, Affordable Housing and Mixed Use Requirements
 - Part 3 Architecture, Density, Massing and Form
 - Part 4 Additional Design Requirements
 - Part 5 Open Space
 - Part 6 Landscape Standards
 - Part 7 Parking Requirements

Purpose of Overlay Districts

Overlay districts are established to provide standards addressing unique circumstances or conditions affecting single sites where the development of such sites is of special public concern. Upon approval of special purpose district zoning, the special purpose district replaces the previous base district. Overlay districts are established to provide for certain additional requirements for properties located in one or more base zoning districts.

In addition to the requirements of the underlying base zoning district, the provisions of the overlay district would also prevail in the areas so zoned.

1) Purpose and Intent of the Spanish Valley Overnight Accommodations Overlay District

Overnight accommodations have the potential to be an important part of the Spanish Valley and San Juan County economy. In order to support regional efforts to control the imbalance between such uses and other desired community uses as has taken place in Moab and Grand County, a clear policy is required to ensure the number of hotels and motels, commercial condominiums, bed & breakfasts (B&Bs), lodges and commercial campgrounds are aligned with other essential and desirable uses in the San Juan Spanish Valley and region.

The *Spanish Valley Overnight Accommodations Overlay Ordinance* is an overlay district for properties located in the Highway Commercial and Highway Flex districts. It addresses both

existing and vested overnight accommodations as well as new proposed uses. The purpose of the overlay district is to ensure that existing and future hotels and motels, commercial condominiums, bed & breakfasts (B&Bs), lodges, commercial campgrounds and other commercial overnight accommodation uses are designed and developed in a manner that address the impacts and the increased service needs that they generate. The *Spanish Valley Overnight Accommodations Overlay Ordinance* should be applied to all new proposals to ensure approved projects minimize community impacts and result in tangible community benefits through the application of creative design, the incorporation and support for mixed uses both on-site and elsewhere in the San Juan Spanish Valley, and through the provision and support for public uses and spaces to help support a balanced community structure.

2) Established Overnight Accommodations

Established overnight accommodations (Established Overnight Accommodations), as indicated on the Spanish Valley Zoning Map, shall be considered legal, conforming uses. Established Overnight Accommodations will be allowed to make improvements including new overnight accommodation units within the boundaries of existing property. Specific design and development requirements shall be according to the underlying zone, e.g. the Spanish Valley Highway Commercial District. When the ownership of Established Overnight Accommodations changes, the new owner must comply with the provisions of this *Spanish Valley Overnight Accommodations Overlay Ordinance*.

3) Approval Procedures

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

Table 10-1

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

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

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

5) Site Master Plan Required

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

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

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

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

6) Development Standards

Part 1 General Requirements

1. Applicability

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

2. Density and Heights

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

3. Lots

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

4. Lot Configuration

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

5. Lot Access

For Developments fronting U.S. Highway 191

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

For Developments fronting all other roads

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

6. General Open Space Requirements

The following are requirements for provision of civic open space:

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

7. Streets and Access Roads

General Requirements.

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

8. Road Design Standards

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

9. Bicycle Facilities

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

10. Storm Water Management

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

Part 2 Employee Housing, Affordable Housing and Mixed Use Requirements

1. General Conditions

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

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

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

2. Design and Evaluation Criteria

The following are general conditions that will result with a successful mixed-use development:

- A. Incorporates imaginative site and building design with a compatible mixture of land uses that encourage pedestrian, bicycle and other multi-modal access to the proposed development;
- B. Applies sensitive land use and site design that avoids the creation of incompatible land uses;
- C. Mitigates impacts that the project creates with respect to transportation, traffic, noise, public utilities, open space, recreation, public facilities and services, site circulation, solid waste disposal and recycling, water, sewer, storm drain and similar systems;
- D. Protects and preserves the natural environment to the maximum extent possible, including but not limited to conserving water to the greatest degree possible, protecting the water quality of the regional watershed, meditating storm water and floods, and protecting sensitive and critical natural lands and the protection of viewsheds.
- E. Preserves and/or creates open space and outdoor meeting places for the enjoyment of the San Juan County residents, employees of businesses located within the valley, and the general public;
- F. Provides publicly-accessible plazas, commons, greens, parks or civic buildings or spaces for social activity and assembly for the community;
- G. Incorporates a mix of employee housing and affordable housing types and ownership patterns;
- H. Includes uses that provide employment opportunities and under-provided goods and services;
- I. Provides a balanced mix of uses that reduce reliance on personal automobiles on a daily basis;
- J. Provides high-quality architectural and site design that is harmonious with the local context, the unique red rock setting and adjacent uses;
- K. Incorporates well-designed and laid-out access roads, parking lots, trails and pathways that are specifically designed for the convenience and safety of pedestrians and cyclists as well as for meeting the needs of vehicles; and
- L. The provision of clustered development to preserve open space and preserving critical viewsheds while still achieving an appropriate overall density for region.

3. Mixed Use Development Standards

All development and design standards described in this chapter and elsewhere in the code shall apply, in addition to the following mixed-use specific standards:

- A. Generally-acceptable Uses: residential, commercial, recreational, retail, civic and open space
- B. Location of Uses: commercial shops, offices and civic uses shall be located on the ground floor adjacent to the street frontage, with hotel/motel and residential uses provided in all other locations; and
- C. Pedestrian-oriented Design Required: direct access to pedestrian-oriented services is required to promote pedestrian/bicycle uses in the development area.

Part 3 Architecture, Density, Massing and Form

1. General Conditions

The following are the general physical characteristics of *OA-Hotel/Motel* uses, including associated mixed uses, within the overlay district.

- Each building or structure can house a variety of uses depending on the design concept and functional requirements of each development.
- All buildings constructed shall be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise noted.
- Attached accessory structures are considered part of the principal structure.
- Detached accessory structures are permitted and shall comply with all setbacks except the following:
 - Detached accessory structures are not permitted in the front yard.
 - Detached accessory structures shall be located behind the principal structure in the rear yard.
 - Detached accessory structures shall not exceed the height of the principal structure.

2. Building Siting

- More than one principal structure permitted on a lot.
- All setback areas not covered by a building or parking must contain either landscape, patio space, public open space, or a sidewalk/trail.

3. Building Height

- See existing zone for minimum and maximum height limitations and requirements.
- See existing zone for minimum and maximum setback requirements.
- Ground stories uses facing the primary street must have a minimum interior height of 12' and a maximum of 14' to facilitate the incorporation of commercial and mixed uses.

4. Building Layout and Configuration

- Ground stories facing the primary street must be occupied by uses other than overnight accommodations. Examples include retail, recreation, commercial, office and civic uses.
- Parking may be located within a building or as part of well-landscaped and buffered parking lots.

5. Street View Requirements

- For uses located on the ground floor facing the primary fronting street(s), 60% Minimum Ground Story Transparency is required, measured floor to floor. Transparency is any glass in windows and/or doors, including any mullions, that is highly transparent with low reflectance.
- Air conditioning units and similar mechanical requirements should be avoided on rooftop locations, and fully-screened from view when unavoidable.
- Blank Wall Limitations are required on all facades facing the primary street. No rectangular area greater than 30% of a story's facade, as measured from floor to floor may be windowless, and no horizontal segment of a story's facade greater than 10 feet in width may be windowless, unless otherwise approved.
- A mix of entrance types may be utilized, aligned with the overarching architectural theme or concept. All buildings must have an easily-discernable Principal Entrance located on the primary street side of the principal building.
- Street Entrances – the minimum number and maximum spacing between entrances on the ground floor building facade with street frontage to match a clear development design theme or concept is required.
- Vertical Facade Divisions - the use of a vertically oriented expression lines or form to divide the facade into increments that enhance the design concept are required. Acceptable elements may include columns, pilasters, scoring lines and other continuous vertical features at least 1.5" in width.
- Horizontal Facade Divisions - the use of significant shifts in the façade every 45' at minimum to divide portions of the façade into horizontal divisions. Major dividing elements should be integral to the architectural layout and form of the structure, with minor delineations encouraged through the uses of expressions lines in the form of cornices, belt courses, string courses, or other continuous horizontal divisions.

Part 4 Additional Design Requirements

The following outlines the district design guidelines that affect a building's appearance and district cohesiveness. They improve the physical quality of buildings, enhance the pedestrian experience, and protect the character of the neighborhood.

1. Materials and Color

- Primary Facade Materials. 80% of each facade shall be constructed of primary materials. For facades over 100 square feet, more than one material shall be used to meet the 80% requirement.
- Permitted primary building materials will include high quality, durable, natural materials such as brick and stone; wood lap siding; fiber cement board lapped, shingled, or panel; metal siding; glass. Other high quality synthetic materials may be approved as part of a unified theme or design concept.
- Secondary Facade Materials are limited to details and accents. Examples include gypsum reinforced fiber concrete for trim and cornice elements; metal for beams, lintels, trim; and exterior architectural metal panels and cladding.
- Exterior Insulation and Finishing Systems (EIFS) is permitted for trim only or on upper floor facades only.
- Acceptable Roof Materials include 300 pound or better, dimensional asphalt composite shingles, metal tiles or standing seam, slate, and ceramic tile. Other roof materials may be considered for approval.
- Color - main building colors shall be complementary to existing buildings in the area, the surrounding landscape and visual backdrops.
- Appropriate Grade of Materials. Commercial quality doors, windows, and hardware shall be used throughout the district.

2. Windows, Awnings and Shutters

- Windows - all upper story windows of overnight accommodation, mixed use and associated buildings shall be recessed and double hung.
- Plastic awnings are not permitted. Awning types and colors for each building face shall be coordinated.
- If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood.

3. Balconies

- Balconies shall be a minimum of six feet deep and five feet wide.
- Balconies that are not integral to the facade shall be independently secured and unconnected to other balconies.
- A maximum of 40% of the front and corner side facades, as calculated separately, may be covered with balconies, including street-facing railing and balcony structure.

4. Treatments at Terminal Vistas

- When a street terminates at a parcel, the front or corner side of a building or a significant landscape feature, whether fronting a Primary Street or not, shall terminate the view.

5. Building Variety

Building design shall vary between vertical facade divisions, where required per the Building Types, and from adjacent buildings by the type of dominant material or color, scale, or orientation of that material and at least two of the following:

- The proportion of recesses and projections.
- The location of the entrance and window placement, unless storefronts are utilized.
- Roof type, plane, or material, unless otherwise stated in the Building Type requirements.

6. Drive-through Uses

- Drive-through structures and uses are not allowed.

Part 5 Open Space

To provide open space as an amenity that promotes physical and environmental health to project uses and the community, with a primary function of providing access to a variety of active and passive open space types.

1. General Requirements

Developments over 5 acres are required to provide a minimum of 5% total lot size as publicly-accessible and usable civic open space. Developer shall work with San Juan County to determine the best and most appropriate location of open space. For parcels under 5 acres, impact fees and other funding will be used as mechanisms to ensure adequate open space is provided.

All open space provided shall comply with one of the Open Space Types that follow:

- Plaza – a formal, medium-scale (0.5 to 1.5 acre) gathering place for civic, social, and commercial purposes. May contain a greater amount of impervious coverage than other open space types. Special features, such as fountains and public art installations, are encouraged.
- Square - a medium-scale (1 to 2 acre) open space to gather for civic, social and commercial purposes. Squares are rectilinear in shape and are bordered on all sides by a vehicular right-of-way, which together with building facades creates its definition.
- Green – an informal, medium scale (0.25 to 2.0 acre) park with active or passive recreation amenities for neighborhood residents within walking distance; mainly fronted by streets.
- Pocket Park – a small-scale (.5 to 1.5 acre) open space, that is primarily designed to accommodate a range of active and passive recreation and gathering space uses, primarily local neighbors and residents within walking distance.

- Local and Neighborhood Parks – medium to large (3-acre to 10 acre) parks that accommodate both active and passive recreational amenities for local residents and the larger community. Parks have primarily natural plantings and are frequently formed around an existing natural feature such as a water body or stands of trees.
- Regional Parks – large parks typically at least 50-acres in size to accommodate both active and passive recreational activities for local residents and the surrounding community. These parks are typically the site of major recreational features such as sports complexes, aquatic centers, recreation centers and similar amenities. They should be well linked with the surrounds and settings, linked with regional and local trail systems, and primarily utilize natural plantings.
- Greenway – long and linear open spaces that serve to enhance connectivity between open space types and other uses. Greenways often follow a natural feature, such as a river, stream, ravine, or man-made feature, such as a vehicular right-of-way. A greenway may border other open space types.

Part 6 Landscape Standards

The landscape standards outlined in this section are designed to meet the following goals:

- To provide suitable outdoor settings;
- To increase the compatibility of adjacent uses and minimize the adverse impacts created by adjoining or neighboring uses.
- To provide responsible and environmentally-appropriate green spaces and infrastructure through the use of water efficient landscape design techniques, tools and standards.
- To shade large expanses of pavement and reduce the urban heat island effect.

1. Applicability

Landscapes, trees and buffers shall be installed as detailed in this section and detailed elsewhere in the county code.

2. Water Efficient Landscaping

Refer to Spanish Valley Water Efficient Landscape Requirements.

3. General Landscape Installation Requirements

The installation of landscaping shall adhere to the following standards.

- National and Regional Standards. Best management practices and procedures according to the nationally and regionally accepted standards shall be practiced. All landscaping and trees shall be installed in conformance with the practices and procedures established by the most recent edition of the American Standard for Nursery Stock (ANSI Z60.1) as published by the American Association of Nurserymen.

- Maintenance and Protection – all landscaping and trees shall be maintained according to the most recent edition of the American National Standards Institute, including its provisions on pruning, fertilizing, support systems, lighting protection, and safety.
- Installation – landscaping shall be fully installed prior to the issuance of a certificate of completeness.
- Condition of Landscape Materials shall be:
 - Healthy and hardy with a good root system.
 - Chosen for its form, texture, color, fruit, pattern of growth, and suitability to local conditions.
 - Tolerant of the natural and man-made environment, including tolerant of drought, wind, salt, and pollution.
 - Appropriate for the conditions of the site, including slope, water table, and soil type.
 - Protected from damage by grates, pavers, or other measures.
 - Plants that will not cause a nuisance or have negative impacts on an adjacent property.
 - Species native or naturalized to San Juan County region, whenever possible.
- Minimal use or no use of lawns, turf and similar water-craving landscapes is required.

4. Irrigation Systems

Permanent irrigation, beyond establishment, is required and shall adhere to the following standards.

- All irrigation systems shall be designed to minimize the use of water, as detailed in the San Juan County water-conserving landscape ordinance. The use of drip, emitter, bubbler and other water-conserving irrigation systems are required,

5. Landscape Maintenance

All landscaping shall be maintained in good condition at all times to ensure a healthy and orderly appearance.

- All required landscape shall be maintained to adhere to all requirements of this ordinance.
- Replacing Unhealthy Landscaping. Unhealthy landscaping shall be replaced with healthy, live plants by the end of the next applicable growing season. This includes all plant material that shows dead branches over a minimum of 25% of the normal branching pattern.
- Maintenance Responsibility. The owner is responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing required herein.

- Maintain Quality and Quantity. Maintenance shall preserve at least the same quantity, quality, and screening effectiveness as initially installed.
- Fences and Other Barriers. Fences, walls, and other barriers shall be maintained in good repair and free of rust, flaking paint, graffiti, and broken or damaged parts.
- Tree topping is not permitted.

6. Frontage, Side and Rear Buffers

The purpose of frontage buffers is to lessen the visual impact of vehicular areas visible from the street and adjacent properties. Side and rear buffers minimize the impact that the overnight accommodation development may have on neighboring zones and districts. These should include a landscape design that is engaging, beautiful and appropriate for the specific setting and context. Plants should include a range of perennials, decorative grasses and small shrubs as appropriate for reducing the visual impact of vehicular areas visible from the street while also meeting San Juan County Water Efficient Landscaping requirements.

7. Interior Parking Lot Landscape

The intent is to provide shade, minimize paving and associated storm water runoff, and improve the aesthetic look of parking lots. Internal areas not dedicated to parking or drives shall be landscaped with a minimum of one medium or large shade tree for the first 150 square feet and one medium or large shade tree for every 650 sf thereafter.

- Each parking space must be located within 50' of a tree planted within parking lot interior. Minimum of 1 shade tree must be planted within parking lot interior or within 4' of parking lot's edge for every 3 parking spaces.
- Within 20 years of tree installation, 30% of the interior of the parking lot should be shaded by tree canopy. Shade Structure Requirements
- Attractive and well-designed shade structures should be considered an acceptable alternative for meeting the tree shade goal for up to 50% of the interior parking lot requirements.

Part 7 Parking Requirements

The parking standards outlined in this section are in addition to currently established standards for the hotel/motel development, and should meet the following goals:

- Ensure an appropriate level of vehicle parking, loading, and storage to support a variety of land uses.
- Provide appropriate site design standards to mitigate the impacts of parking lots on adjacent land uses and zoning subdistricts.
- Provide specifications for vehicular site access.

1. General Requirements

- Off-street parking spaces shall be provided in conformance with established site design requirements.
- Required Accessible Parking - parking facilities accessible for persons with disabilities shall be in compliance with or better than the standards detailed in the state Accessibility Code, including quantity, size, location, and accessibility. Required Bicycle Parking.
- Bicycle Parking areas required as described below.

2. Mixed-Use Parking Reductions

The following reductions may be applied depending on the amount and specific mix of uses.

- Shared Vehicular Parking - an arrangement in which two or more non-residential uses with different peak parking demands use the same off-street parking spaces to meet their off-street parking requirements. Through review of the site plan, up to 100% of the parking required may be waived.
- In order to approve a shared parking arrangement, it must be proved that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.

3. Bicycle Parking Design

Bicycle parking shall be designed and located as follows.

- Required bicycle parking spaces shall have minimum dimensions of two feet in width and six feet in length.
- An aisle a minimum of five feet wide shall be provided behind bicycle parking facilities to allow for maneuvering.
- A minimum of two feet shall be provided beside each parked bicycle to allow access. This access may be shared by adjacent bicycles.
- Racks shall be installed a minimum of two feet from any wall or other obstruction. Bicycle parking should be located within 50 feet of the entrance of the use.
- Bicycle parking facilities shall be separated from vehicular parking areas to protect parked bicycles from damage. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
- Racks and Structures shall be provided for each unprotected parking space and shall be designed to accommodate both chain and U-shaped locking devices supporting the bicycle frame at two points.

PLANNING COMMISSION MEETING

14 NOVEMBER 2019



SAN JUAN COUNTY PLANNING COMMISSION MEETING MINUTES
Thursday, November 14, 2019

7:00 PM - Regular Planning Commission Meeting

Attendance:

Planning Commission Members:	Cole Cloward Lloyd Wilson Mel Nelson Leah Schrenk Scoot Flannery, Vice-chair Trent Schafer, Chair
County Staff:	Walter Bird Scott Burton

1. **General Business:**

Welcome: At 7:00 p.m. Chairman Trent Schafer called the meeting to order and welcomed those in attendance.

1.1 **Roll Call:** Quorum present. Commissioner Steve Deeter was absent.

1.2 **Approval of Minutes for October 30, 2019:** A MOTION was made by Commissioner Flannery to approve the minutes for the October 30, 2019 meeting. Commissioner Nelson SECONDED the motion. The voting was unanimous. Motion carried.

2. **Public Comment:** The PC received public comments from Ryan Holyoak concerning the county's legal obligation to protect critical infrastructure materials within the county, Randy Day concerning private property rights, and Chris Brunner who desires to maintain the commercial zones in Spanish Valley along Highway 191.

3. **Administrative Items:**

3.1 **Hummingbird Nest Subdivision.** The PC reconsidered the request to authorize this project that is south and east of Blanding, thus allowing neighbors Ron Kirk, Patricia Karr and Bruce Royer (letter) to make public comments on water, dark skies, and county road (Brown's Canyon) concerns that may be impacted by the project. After some discussion concerning these perceived impacts, a MOTION was made by Commissioner Wilson to approve the Hummingbird Nest subdivision plat. Commissioner Nelson SECONDED the motion. The voting was unanimous. Motion carried.

- 3.2 La Sal Acres Subdivision Amendment No. 1. Surveyor Brad Bunker presented this plat that has been before the PC for several months. A MOTION was made by Commissioner Flannery to approve the one lot, one (1) acre La Sal Acres subdivision plat. Commissioner Cloward SECONDED the motion. The voting was unanimous. Motion carried.
- 3.3 Cannon Ranchos: Subdivision Amendment No. 3. This request to amend the southernmost lot of the Cannon Ranchos Subdivision in La Sal was presented by surveyor Brad Bunker. After some discussion, a MOTION was made by Commissioner Flannery to approve the Cannon Ranchos: Subdivision Amendment No. 3 subdivision plat with suggested changes. Commissioner Wilson SECONDED the motion. The voting was unanimous. Motion carried.
- 3.4 Flat Iron Mesa Ranch, Phase XXIV. Developers Michael Dervage and Kathryn Collard presented the proposed phase to the Flat Iron Mesa Subdivision. The developers prefer to sell lots in phases so the buyers can choose the location and acreage of the lots to be purchased. After some discussion, a MOTION was made by Commissioner Cloward to approve the Flat Iron Mesa Ranch, Phase XXIV subdivision plat with suggested changes. Commissioner Wilson SECONDED the motion. The voting was unanimous. Motion carried.
- 3.5 Power permits to undeveloped lots. This discussion item was tabled until a later meeting for consideration.
4. **Legislative Items:** Chairman Schafer indicated at this point in the meeting that the PC would not receive public comment or participation concerning the legislative items on the agenda because they had already received public comments on these items last month at the October 30, 2019 Planning Commission Meeting. On November 14, contractor Mark Vlastic submitted to the PC the San Juan County Spanish Valley Development Ordinances and Maps for the revision of the San Juan County Zoning Ordinance. This draft and maps incorporated changes suggested by the PC at its October 30, 2019 meeting.
- 4.1 Spanish Valley Residential (SVR) District Ordinance. The PC reviewed the maps provided by Mark Vlastic and made several suggested changes. First, that properties proposed for residential designation in Sunny Acres Lane and Terra Drive that fall within 1000' of the Highway 191 remain commercial. A MOTION to this effect was made by Commissioner Wilson and that the changes to the November 14 Map 3 be recommended for passage by the SJC Board of Commissioners at their next meeting on November 19, 2019. Commissioner Flannery SECONDED the motion. The voting was unanimous. Motion carried. Second, that the properties owned by Le Grand Johnson, SITLA and others with critical infrastructures materials remain in A1 zoning which allows for such uses at the present time and that the properties from the county line south to the properties owned by SITLA be zoned commercial 1000' feet on both sides of Highway 191. A MOTION to this effect was made by Commissioner Flannery and that the changes to the November 14 Map 3 be recommended for passage by

the SJC Board of Commissioners at their next meeting on November 19, 2019. Commissioner Cloward SECONDED the motion. The voting was unanimous. Motion carried. After some discussion on the November 14 draft SVR ordinance and specifically the arbitrariness of the Pack Creek buffer language, a MOTION was made by Commissioner Wilson to recommend the amended November 14 draft ordinance with the removal of the Pack Creek buffer language on page 10 to the SJC Board of Commissioners for passage at their next meeting on November 19, 2019. Commissioner Cloward SECONDED the motion. The voting was unanimous. Motion carried.

- 4.2 Spanish Valley Planned Community(PC) District Ordinance. After some discussion on the November 14 draft PC ordinance, a MOTION was made by Commissioner Flannery to recommend the November 14 draft ordinance with the provision that it not be mandatory for large property owners to comply with the PC ordinance if they want to do something more traditional and recommend to the SJC Board of Commissioners for passage at their next meeting on November 19, 2019. Commissioner Wilson SECONDED the motion. The voting was unanimous. Motion carried.
- 4.3 Spanish Valley Residential Flex Planned Community (RF) District Ordinance. After some discussion on the November 14 draft RF ordinance, a MOTION was made by Commissioner Flannery to recommend the November 14 draft ordinance with the provision that the Pack Creek buffer language on page 26 be struck to the the SJC Board of Commissioners for passage at their next meeting on November 19, 2019. Commissioner Cloward SECONDED the motion. The voting was unanimous. Motion carried.
- 4.4 Spanish Valley Business Flex Planned Community (BF) District Ordinance. After some discussion on the November 14 draft BF ordinance, a MOTION was made by Commissioner Wilson to recommend the November 14 draft ordinance with the provision that the Pack Creek buffer language on page 28 be struck, that more than one truck stop be permitted in the zone to the SJC Board of Commissioners for passage at their next meeting on November 19, 2019. Commissioner Nelson SECONDED the motion. The voting was unanimous. Motion carried.
- 4.5 Spanish Valley Highway Flex Planned Community (HF) District Ordinance. After some discussion on the November 14 draft HF ordinance, a MOTION was made by Commissioner Cloward to recommend the November 14 draft ordinance but remove any reference to Pack Creek buffering to the SJC Board of Commissioners for passage at their next meeting on November 19, 2019. Commissioner Wilson SECONDED the motion. The voting was unanimous. Motion carried.
- 4.10 Spanish Valley Overnight Accommodations Overlay District Requirements. At this point in the meeting, the PC moved Agenda Item 4.10 up in the agenda to consider before Agenda Item 4.6. After some discussion on the November 14

draft Overnight Accommodations Overlay District ordinance, a MOTION was made by Commissioner Wilson not to recommend the November 14 draft Overnight Accommodations Overlay District ordinance to the SJC Board of Commissioners for passage at their next meeting on November 19, 2019 and, furthermore, to remove all references to this ordinance in all other November 14 draft ordinances. Commissioner Nelson SECONDED the motion. The voting was unanimous. Motion carried.

- 4.6 Spanish Valley Highway Commercial (HC) District Ordinance. After some discussion on the November 14 draft HC ordinance, a MOTION was made by Commissioner Flannery to recommend the November 14 draft HC ordinance with changes - the striking of truck stops, hotels / motels less than 40,000 sq ft and drive-ins as conditional uses - making them permissible uses within the zone and to the SJC Board of Commissioners for passage at their next meeting on November 19, 2019. Commissioner Wilson SECONDED the motion. The voting was 5-1 with Commissioner Schrenk voting against. Motion carried.
- 4.7 Spanish Valley Water Efficient Landscape Requirements. After some discussion on the November 14 draft Water Efficient Landscape ordinance, a MOTION was made by Commissioner Nelson to recommend the November 14 draft ordinance to the SJC Board of Commissioners for passage at their next meeting on November 19, 2019. Commissioner Cloward SECONDED the motion. The voting was 5-1 with Commissioner Wilson voting against. Motion carried.
- 4.8 Spanish Valley Outdoor Lighting and Sign Illumination Requirements. After some discussion on the November 14 draft Outdoor Lighting and Sign Illumination ordinance, a MOTION was made by Commissioner Nelson to recommend the November 14 draft ordinance, after striking the five (5) year amortization schedule and night time Planning and Zoning Department inspections, to the SJC Board of Commissioners for passage at their next meeting on November 19, 2019. Commissioner Schrenk SECONDED the motion. The voting was 4-2 with Commissioners Wilson and Flannery voting against. Motion carried.
- 4.9 Spanish Valley Sign and Display Requirements. After some discussion on the November 14 draft Sign and Display ordinance, a MOTION was made by Commissioner Cloward not to recommend the November 14 draft Sign and Display ordinance to the SJC Board of Commissioners for passage at their next meeting on November 19, 2019. Commissioner Wilson SECONDED the motion. The voting was unanimous. Motion carried.
- 4.11 Adoption of a new Section 4 of Article II. Planning Requirements for All Zones in San Juan County in the San Juan County Subdivision Ordinance (2016) to create a minor subdivision ordinance permitting developments of up to four (4) lots to be exempt from the platting requirements of the subdivision ordinance. After some discussion on the Minor Subdivision ordinance, a MOTION was made by

Commissioner Wilson to recommend the Minor Subdivision ordinance to the SJC Board of Commissioners for passage at their next meeting on November 19, 2019. Commissioner Cloward SECONDED the motion. The voting was unanimous. Motion carried.

5. **Building Permit(s) Review:**

5.1 The monthly building permit list was presented to the PC.

6. **Adjournment.** A MOTION was made by Commissioner Wilson to adjourn. Commissioner Cloward SECONDED the motion. The voting was unanimous. Motion carried. The meeting ended at 9:36 pm.

San Juan County Spanish Valley Development Ordinances
of the
San Juan County Zoning Ordinance

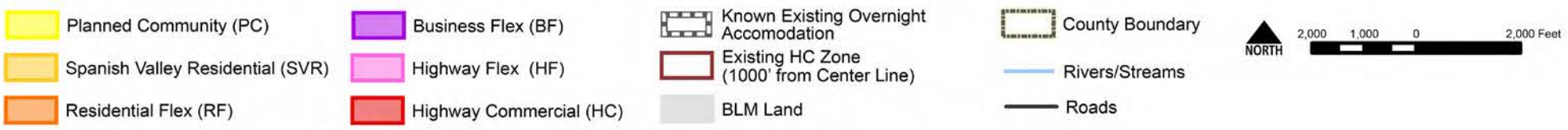
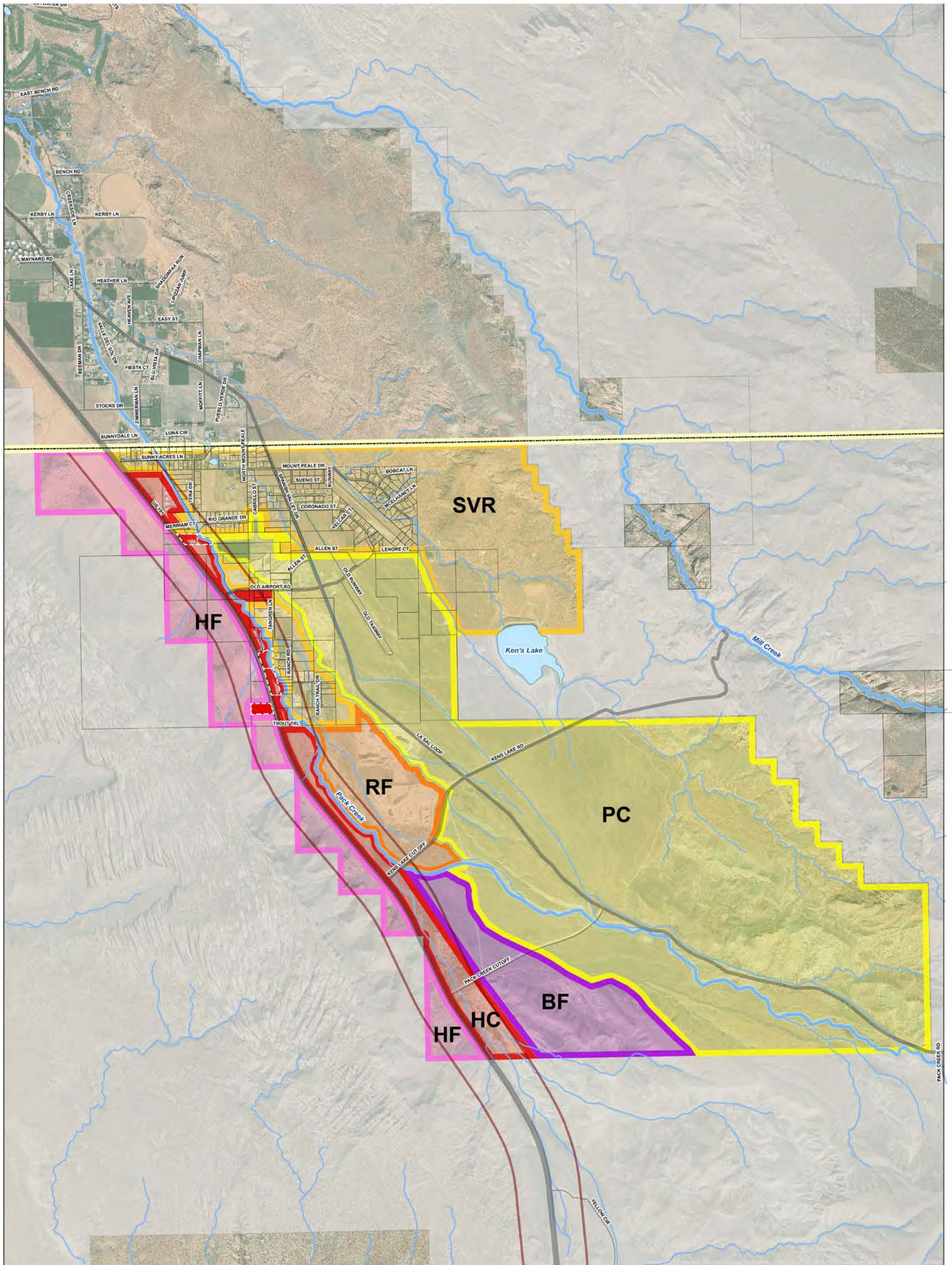
~~September 13, 2019~~
November 14, 2019

Proposed Planning Commission Revisions- Draft

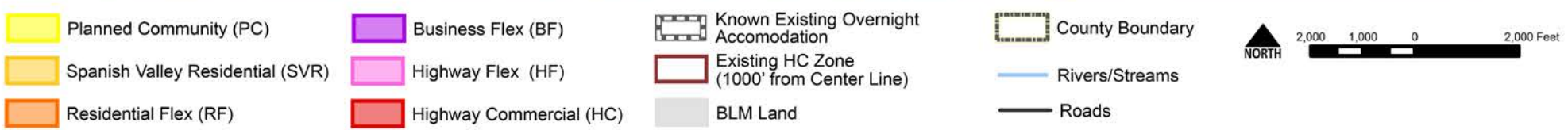
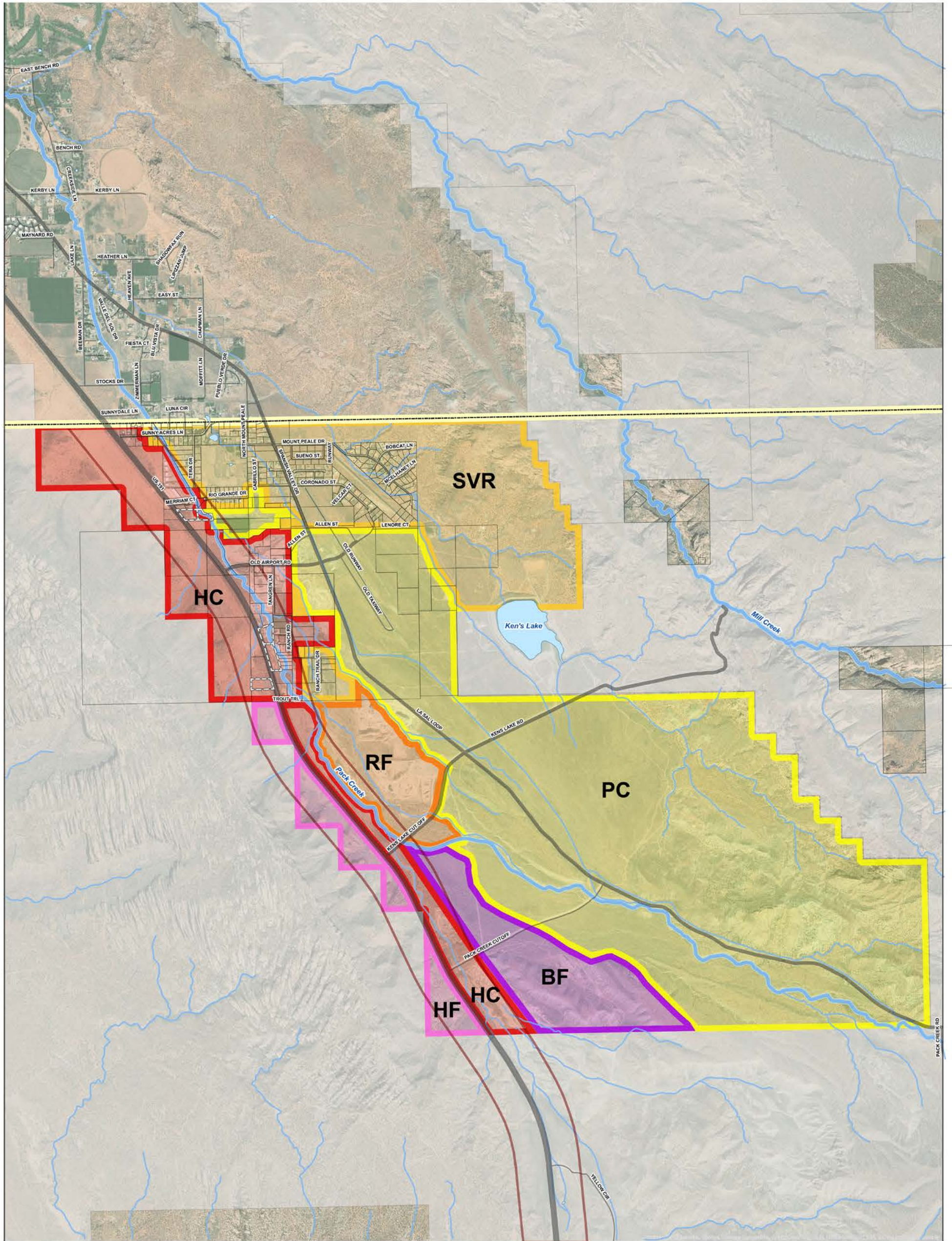
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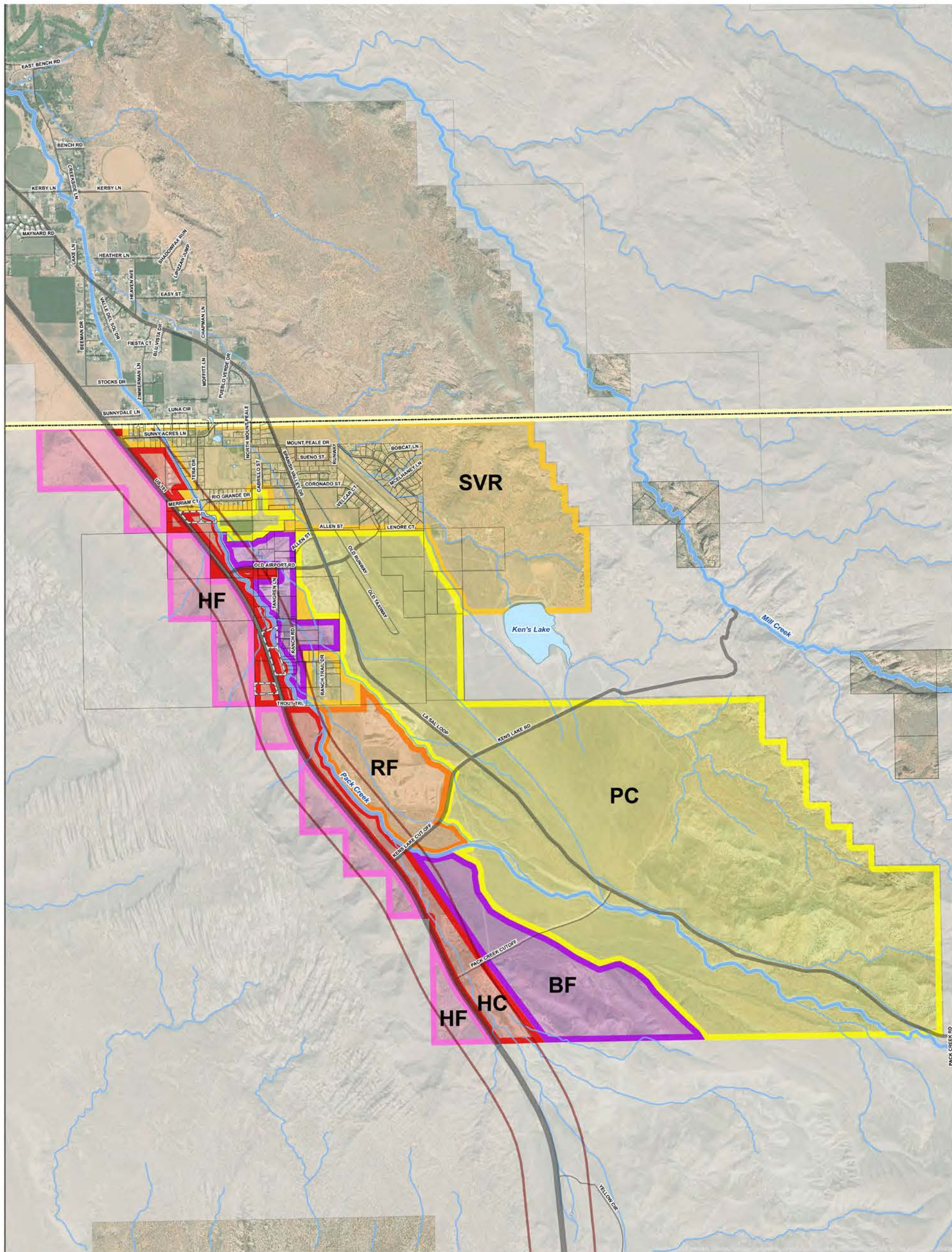
1 Spanish Valley Proposed Zoning - as Originally Proposed



2 Spanish Valley Proposed Zoning - Planning Commission Revisions



3 Spanish Valley Proposed Zoning - Landmark Changes to Planning Commission Revisions



- | | | | | |
|----------------------------------|-------------------------|---|-----------------|---------------------------------------|
| Planned Community (PC) | Business Flex (BF) | Known Existing Overnight Accomodation | County Boundary | <p>NORTH 2,000 1,000 0 2,000 Feet</p> |
| Spanish Valley Residential (SVR) | Highway Flex (HF) | Existing HC Zone (1000' from Center Line) | Rivers/Streams | |
| Residential Flex (RF) | Highway Commercial (HC) | BLM Land | Roads | |

Chapter 1: Spanish Valley Residential (SVR) District

An Ordinance creating the *Spanish Valley Residential District* of the San Juan County Land Use Ordinance for the purpose of managing growth and development in the non-federal lands in northernmost part of the San Juan County portion of Spanish Valley. See proposed Spanish Valley Zoning Map for applicable locations.

Purpose

Uses

Lot Design Standards

Mix of Housing Types

Constrained Lands

Measurements and Exceptions

District Standards

Subdivision Standards

Streets

Sidewalks and Trails

Easements

Drainage

Water Supply

Purpose

The Spanish Valley Residential (SVR) District is designed primarily to accommodate residential uses in large lot (one-acre or greater) and smaller lot (1/4 acres up to 1 acre) developments. In addition to the Uses and Lot Design Standards of this section, development in this district shall be in compliance with all other applicable provisions of the San Juan County Land Use Ordinance, and shall promote and protect public health, safety, and welfare.

Uses

Uses are allowed in the SVR District in accordance with Table 1-1:

Permitted Uses

Uses identified with a "P" in the table shall be permitted in the SVR District, subject to compliance with all applicable conditions and all other provisions of this Code.

Conditional Uses

Uses identified with a "C" in the table shall be permitted in the SVR District only upon approval of a Conditional Use Permit by the County in accordance with the Conditional Use procedures and standards of the Zoning Ordinance.

Lot Design Standards

All development in the SVR District shall be subject to the following lot design standards, which generally allow for variety in housing and building types while maintaining the overall character of residential neighborhoods. This approach promotes better site layout and energy efficient

development, affordable life-cycle housing, and development intensities that match existing and proposed infrastructure investments.

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

Use Category	Specific Use
RESIDENTIAL USES	
Dwelling, single-family	P
Dwelling, two-family (duplex)	P
Dwelling, Manufactured	P
Accessory Buildings and Uses	P/C
All other household living uses (5 th wheels, trailers, etc.)	C
CIVIC AND INSTITUTIONAL USES	
Day Care	C
Educational Facilities, Public	P
Educational Facilities, Private	C
Government Facilities and Public Institutions	C
Institutions, Private or Non-Profit	C
Medical Facilities	C
Places of Worship	P
Utilities	C
PARKS, OPEN SPACE AND AGRICULTURAL USES	
Parks and Open Spaces, Public	P
Parks and Open Spaces, Private	C
Farmland, Grazing and Pasture	P
Animal Husbandry - small animals (pigs, goats, lambs, etc.)	P
Animal Husbandry - large animals (cows, cattle, horses, etc.)	P (=/> 1 acre lots only)

Minimum Requirements

Every building erected or installed must be located on, and every plat submitted for approval must show, a lot or building parcel that meets the minimum requirements of at least one lot type permitted under this article, based on underlying zoning and subdivision type.

Every building and lot must have direct access to one of the following:

1. A public street
2. An approved private street or driveway
3. A public or private street via a public or private alley

All structures must be located on lots or parcels that provide safe and convenient access for servicing, fire protection and required on-site parking. No lot shall be approved that does not meet the minimum lot area requirements of this Code except in the following cases:

1. Nonconforming lots
2. Public Utilities

The uses and densities listed in this chapter are allowed by right unless otherwise expressly stated. Each project must comply with all of the applicable development standards of this chapter.

Residential Density and Dimensional Standards

Residential development shall be subject to the maximum density and minimum dimensional standards of the SVR District in accordance with Table 1-2.

TYPE 1 developments shall have demonstrated access to a municipal water and sewer system.

TYPE 2 developments have no access to municipal water and sewer systems and will rely on private wells and septic systems as described elsewhere in this Code.

**Table 1-2
Residential Density and Dimensional Standards**

STANDARD	TYPE 1	TYPE 2
Max. Density (dwelling units/acre)	4	1
Min. Parcel Size (SF)	10,890	43,560
Min. Front Yard and Street Side Yard setback	25'	25'
Min. Interior Side Yard setback	8'	8'
Min. Rear Yard setback	20'	20'
Min Lot Width	75'	75'
Max. Bldg. Coverage (% of lot)	40%	40%
Max. Height Principal Structure	Three stories not to exceed 35'	Three stories not to exceed 35'
Max. Height Accessory Structure	Two stories not to exceed 24'	Two stories not to exceed 24'
Fence Height	6' max, 4' max for front yard	6' max, 4' max for front yard

Mix of Housing Types

Two-family homes may comprise no more than 50 percent of the total dwelling units of any proposed SVR District subdivision. In no case shall the SVR District density of four dwelling units per acre be exceeded for the overall subdivision site.

Constrained Lands

Constrained lands include lands with natural slopes greater than 30 percent, jurisdictional wetlands, lands in the 100-year floodplain, public drinking water supply sources (recharge areas for wells and aquifers), lands affected by unmitigable geo-hazards, and riparian habitats unless mitigated by a licensed engineering study.

Constrained lands in all developments and subdivisions shall be identified on plats and remain unoccupied by buildings or impervious surfaces.

Land Suitability

Land deemed to be environmentally unsuitable shall not be platted for residential occupancy, or for such other uses as may increase danger to health, life, or property, or aggravate erosion or flood hazard. Such land within the plat shall be restricted for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsafe living conditions.

The County shall not approve the subdivision of land if it is determined that the site is not suitable for platting and development purposes.

Measurements and Exceptions

Lot Area

Lot area refers to the amount of horizontal land area within lot lines. No building permit or development approval shall be issued for a lot that does not meet the minimum lot size requirements of this chapter, with the following exceptions:

Lot Area Reduction for Public Purpose

When an existing lot is reduced as a result of conveyance to a federal, state or local government or homeowners association for a public purpose and the remaining area is at least three-quarters of the required minimum lot size for the SVR District in which it is located, the remaining lot shall be deemed to be in compliance with the minimum lot size standards of this chapter.

Utility Facilities

Utility facilities using land or an unoccupied building requiring less than 1,000 square feet of site area are exempt from the minimum lot size requirements of the SVR District.

Required Yards (Setbacks)

Setback refers to the unobstructed and unoccupied open space between a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed by any part of a structure from the ground to the sky and measured as the horizontal distance between a property line and the furthestmost projection of the structure, except as provided otherwise in this chapter.

A. Front Yard Setback

1. Corner Lots

For lots with frontage on two intersecting public or private streets, such a lot shall be considered to have two front lot lines and shall comply with front yard setbacks from each front lot line.

2. Double Frontage Lots

Where lots have double frontage, running through from one street to another, a required front yard setback shall be provided on both streets.

B. Cul-De-Sacs

Notwithstanding any other provisions of this chapter, lots fronting on a cul-de-sac shall have a minimum frontage of 30 feet and a minimum lot width of 40 feet.

Maximum Height

A. Measurement

1. Buildings

Building height shall be determined by measuring the vertical distance between the lowest point where the wall face of the building intersects finished grade around the perimeter of the building (or structure other than fences, telecommunications and microwave towers, and antennas) and the highest point on the building.

2. Fences and Walls

Height of fences or walls shall be measured as the vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall.

Building Coverage

A. Measurement

The maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings.

B. Permitted Exceptions

Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, open swimming pools, or roof overhangs of less than 5 feet.

District Standards

All principal residential structures in the SVR District shall comply with the following requirements:

1. All properties shall be designed in accordance with the requirements of the Water Efficient Zoning Ordinance.
2. The minimum spacing between dwellings shall be 16 feet, with an additional 8 feet per story provided between buildings for every story over 2 stories.
3. 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. Required skirting shall be 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. 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.
 - 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.
 - h. Shall comply with current building code requirements, the standards of this ordinance, and in accordance with current FHA and HUD guidelines.
 - i. Shall allow only one manufactured home per designated lot (manufactured home communities shall be permitted as part of a Planned Community only).
4. The keeping of no more than four (4) large animals and livestock shall be considered a permitted use on parcels with more than one acre and less than 5 acres. These standards shall not be applicable to parcels larger than 5 acres.
 5. The keeping of no more than four (4) small agricultural animals (sheep, pigs, goats, etc.) shall be considered a permitted use on parcels with more than one-half acre and less than 5 acres. These standards shall not be applicable to parcels larger than 5 acres.
 6. Barns, stables, coops, animal sheds or similar structures shall be set back at least 100 feet from existing dwellings and 20 feet from any open waterway. Surface drainage from such structures shall not be permitted to drain into a natural stream or into a drainage way that drains into a natural stream and shall comply with State of Utah Health Code.

Subdivision Standards

Applicability

All plats and subdivision of land within the SVR District shall conform to the following rules and regulations.

Lot Configuration

The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall not be less than those specified as minimum standards by the SVR District. The depth and width of properties shall be adequate to provide for the off-street service, parking facilities and fire/safety requirements required in the Zoning Ordinance.

Side Lot Lines

Side lot lines shall be substantially at right angles to street lines unless otherwise approved by the Planning Commission.

Street Frontage Required

Each new lot or building tract shall front upon a public street.

Double Frontage Lots

Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic or to overcome specific disadvantages of topography and orientation.

Flag Lots

Flag-shaped or panhandle shaped lots may be created in either TYPE 1 or TYPE 2 developments if all of the following requirements are met:

1. The lot has at least 25 feet of frontage on a dedicated public street, which frontage served as access only to the subject lot or parcel.
2. The "handle" portion of the lot is at least 25 feet in width, and not more than 250 feet in length.
3. The body of the lot meets the lot area and lot width and setback requirements of the applicable TYPE.

Large Lots

Where the area is divided into larger lots than for normal San Juan County building sites and, in the opinion of the Planning Commission, any or all of the tracts are susceptible to being re-subdivided, the original subdivision shall be such that the alignment of future street dedications may conform to the general street layout in the surrounding area and so that the larger tracts may be later subdivided in conformance with the requirements of this Code and the minimum standards specified by the applicable zoning district.

StreetsApplicability

All developers shall be required to construct streets within the subdivision in accordance with San Juan County Code requirements.

Street Layout

Unless otherwise approved by the Planning Commission, provisions shall be made for the extension of streets. All streets shall bear a logical relationship to the topography and to the location of existing or planned streets on adjacent properties. Adequate local streets shall be provided to accommodate the subdivision and provide access to lots. The arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection to existing principal streets in surrounding areas; or
2. Conform to a plan for a neighborhood or planned unit development approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or where neighborhood design makes a varied plan appropriate.

Street Connections

The system of streets designated for a subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivision(s); and where no adjacent connections are platted, must in general be the reasonable projection of streets in the nearest subdivided tracts, and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith. Reserve strips of land controlling access to or egress from other property or to or from any street or alley or having the effect of restricting or damaging the adjoining property for subdivision purposes shall not be permitted in any subdivision unless such reserve strips are conveyed to San Juan County in fee simple.

Half Right-of-Way (R.O.W.)

Half streets shall be prohibited except where essential to the reasonable development of the subdivision and where the Planning Commission finds it will be practicable to require the dedication for the other half of a street when adjoining property is subdivided.

Street Intersections

More than two streets intersecting at a point shall be avoided, except where it is impractical to secure a proper street system otherwise. Intersections shall be as near 90 degrees as possible and in no cases shall the intersection angle being less than 60 degrees.

Street Jogs

Non-intersecting streets with centerline offset of less than 125 feet shall not be approved.

Dead-End Streets

Dead-end streets, except for cul-de-sacs, shall be prohibited unless they are designed to connect with future streets on adjacent lands that have not been platted. In cases where these types of dead-end streets are allowed, a temporary turnaround with a minimum radius of 50 feet shall be constructed.

Cul-de-sacs

Cul-de-sacs shall meet the San Juan County Code requirements. Ordinarily, cul-de-sacs are discouraged as they do not result in a continuity of existing streets or streets pattern and may be used only where unusual drainage or land ownership configurations exist that make other designs impractical.

Highway Access Permit

A Highway Access Permit must be approved by UDOT for each new subdivision with direct access to a state or federal highway. Turn lanes, frontage road(s), curb and gutter may be required along the entire highway frontage if required by UDOT.

Street Design Standards

Street and alley widths, curves, grades design speed and centerline radius shall meet San Juan County Code requirements.

Turn By-Passes and Turn Lanes

Right-turn by-passes or left-turn lanes may be required at the intersection of collector streets if traffic conditions indicated they are needed. Sufficient rights-of-way shall be dedicated to accommodating such lanes when they are required.

Street Names and Numbers

All street names shall be as established subject to approval of San Juan County Code requirements. When streets are in alignment with existing streets, any new streets shall be named according to the streets with which they correspond. Streets which do not fit into an established street-naming pattern shall be named in a manner which will not duplicate or be confused with existing streets within the Spanish Valley Area Plan or its environs.

Street lighting

Street Lighting shall conform to Spanish Valley Outdoor Lighting and Sign Illumination Standards. The developer shall pay the costs of purchasing and installing all street lighting equipment. Street lighting design plans shall be subject to the approval of designated San Juan County Staff. The type of equipment, method of installation and location of the wiring and light poles shall meet the minimum standards and requirements of the electric company from which electricity is to be purchased. All street lighting shall be shielded and directed toward the ground so as to minimize horizontal view and visibility of the light source. All intersections with a major collector street shall have at least one streetlight.

Sidewalks and TrailsApplicability

This section is intended to ensure adequate pedestrian access is available to serve uses that need and benefit from such access. If a builder or property owner believes that a proposed use does not need or benefit from pedestrian access, a written request for a waiver may be submitted to the Zoning Administrator describing the use and explaining why pedestrian access should not be required as a condition of the building permit for the proposed use.

Trails

Trails shall be designed as single track and multi-use trails depending on the specific need and conform to the standards in Table 1-3.

**Table 1-3
Trail Design Standards**

	Cross-Slope Range	Min. Trail Width	Min. R.O.W. Width	Clearing		Preferred Surface Materials			
				horizontal	vertical	natural	crushed stone	asphalt	concrete
Single-track Trails	0-20%	3'	6'	1.5' each side of trail	10'	Yes	Yes	No	No
Multi-use Trails	0-10%	12'	15'	1.5' each side of trail	10'	Yes	Yes	Yes	Yes

Easements

Utility Easements Required

Utility easements shall be provided in all residential areas unless otherwise approved by the Planning Commission and in commercial and industrial districts, except that the Planning Commission may waive the requirement where other definite and assured provision is made for service access consistent with and adequate for the uses proposed.

Minimum Width

The minimum rights-of-way width of each utility easement shall be 5' minimum or as required by the utility authority.

Fire Lanes and Emergency Access Easements

Fire lanes and emergency access easements 20 feet in width shall be provided where required by the fire authority having jurisdiction.

Waterway Easements

When a proposed subdivision or development is traversed by an irrigation ditch or channel, natural creek or stream, or a proposed drainage easement, an easement shall be provided sufficient for drainage and to allow for maintenance of the drainage system.

1. The minimum right-of-way width of each drainage easement shall be 10 feet minimum for canals and ditches, or as otherwise required by the canal or ditch authority and/or San Juan County requirements.
- ~~2. Buffers shall be a minimum of 50 feet from top of bank on both sides of Pack Creek and 25 feet from the top of bank on both sides of other perennial and ephemeral streams to preserve the stream corridors and provide adequate access easement for drainage, flood control and storm water maintenance. Parks, trails and underground utility easements are acceptable uses within the stream buffer; fences, walls and other structures are not permitted within the buffer.~~

Trail Easements

When a proposed development or subdivision is traversed by a public trail shown on an adopted plan or when the Planning Commission finds that a trail easement can better serve the proposed development than a sidewalk, an easement shall be provided sufficient for

public trail construction, maintenance and access purposes according to San Juan County Code requirements.

Adjoining Areas

When easements in areas adjoining proposed subdivisions are necessary to provide adequate drainage thereof or to serve such subdivisions with utilities, the developer shall obtain such easements.

Drainage

Applicability

Applicants shall provide, at applicant's expense, drainage facilities in accordance with the requirements of the San Juan County Code requirements which will become integral parts of the canal, ditch, waterway, and street or roadway drainage system. The dimensions of all drainage structures must be approved by San Juan County prior to installation and as required for easements elsewhere in this code. Design shall be based on environmentally sound site planning and engineering techniques. It is especially critical that storm water management systems be designed for an entire drainage basin rather than just for specific sites. If improvements are identified and necessary downstream of the proposed development and no approved capital improvement plan exists to address the necessary improvement, the developer shall be required to demonstrate that such existing drainage features are adequate to serve the anticipated development and to protect the public health, safety, and general welfare at full build out under existing zoning. Where such demonstration is not made, the applicant or developer shall be required to install such necessary improvements.

Minimum Standards

A. Natural and Historic Drainage Ways

All historic flood and drainage ways shall be protected from alteration such that their primary function as storm water facilities shall be upheld.

B. 100-Year Storm

All drainage and flood control facilities shall be designed to handle the calculated difference between historic flows and the anticipated post-development 100-year frequency storms for maximum period of intensity over the entire drainage basin which the subdivision serves, 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. Erosion

Where free fall of water occurs, satisfactory means shall be provided to prevent erosion of soil.

D. Catch Basins and Culverts

Catch basins and culverts shall be constructed in accordance with the San Juan County Code requirements

E. Engineered Design

All drainage shall be designed by a Utah licensed professional engineer and approved by San Juan County authorities.

Water Supply

General

New development shall provide water supply that is sufficient in terms of quality, quantity and dependability for the proposed development. In making its determination as to whether the proposed water supply meets this standard, the decision-making body shall give substantial weight to the recommendations of State, County and applicable service district authorities and their associated standards. All water systems shall be provided by or through approved water and sewer service agencies and meet all applicable requirements of the San Juan County Code requirements.

Municipal and District Water Systems

If all or part of a proposed development is within the jurisdiction of an approved public water system, then the applicant must obtain a written certification from the public water service provider stating that it is able to provide an adequate supply of drinking water with adequate quantity, quality and sufficient pressure to meet the needs of the proposed development based on the projected water usage of the development. Individual or common wells or other private water systems shall be permitted only when the subdivision boundary is outside the jurisdiction of an approved public water system able to serve the development.

Chapter 2: Spanish Valley Planned Community (PC) District

An ordinance creating the *Spanish Valley Planned Community (PC) District* of the San Juan County Land Use Ordinance for the purpose of creating a new zone (PC Zone) to accommodate large-scale master-planned development in the non-federal lands in the San Juan County portion of the Spanish Valley. See proposed Spanish Valley Zoning Map for applicable locations.

Purpose

Land Use Districts

Minimum Requirements

Permitted Uses

Conditional Uses

Planning and Approval Process for PC Zones

PC Zone Plan

Community Structure Plan (CSP)

Project Plan/Subdivision Plat

Site Plan Review

Development Standards

- (A) Open Space and Common Areas
- (B) Fencing, Screening, Clear Vision
- (C) Architectural Standards
- (D) Water-conserving Landscaping Requirements
- (E) Lighting
- (F) Other Requirements

Development Agreement

Purpose

The purpose of the Spanish Valley Planned Community (PC) District is to provide a regulatory tool that allows large properties in the San Juan County portion of the Spanish Valley to be developed in accordance with a specific plan designed to achieve the following:

1. To promote and protect the public health, safety, and welfare.
2. To implement the objectives and policies of the *San Juan County General Plan*.
3. To facilitate development within the San Juan County portion of the Spanish Valley in accordance with the *Spanish Valley Area Plan* that was adopted as part of the general plan. This plan promotes high quality, innovative and creative development that includes a mixture of uses, building types, varying densities and lot sizes and sufficient diversity of housing types to meet the full life-cycle housing needs of local residents, a variety of mixed use, commercial and flex uses, adequate amenities, and the preservation of open space.
4. To safeguard and enhance environmental amenities and the quality of development.
5. To attain the physical, social, and economic advantages resulting from comprehensive and orderly planned use of land resources.
6. To lessen vehicular traffic congestion and assure convenience of access.

7. To secure safety from fire, flood, and other natural dangers.
8. To provide for adequate light, air, sunlight, and open space.
9. To promote and encourage conservation of scarce resources.
10. To preserve the unique landforms, views and environmental qualities of the Spanish Valley.
11. To prevent overcrowding of land and undue concentration of population.
12. To facilitate the creation of a convenient, attractive, and harmonious community with a desirable living and working environment with unique identity and character.
13. To attain a desirable balance of residential and other land uses.
14. To promote a pedestrian friendly environment that encourages transit and bicycle use.
15. To expedite the provision of adequate and essential public services.
16. To promote economical and efficient use of the land and water.
17. To provide a process for the initiation, review, and regulation of large-scale, comprehensively planned development that affords flexibility within the context of an overall development program and specific, phased development plans coordinated with the provision of necessary public services and facilities.

This chapter establishes an approval and entitlement process to promote thoughtful and efficient land use patterns that would otherwise be difficult under typical zoning ordinances. The Spanish Valley area may have more than one PC Zone.

PC Zone(s) may include residential neighborhoods and subdivisions; neighborhood commercial centers; business, research and educational campuses; highway commercial and flex development areas; and parks and open space with convenient pedestrian access and connections. Individual structures within each PC Zone may contain mixed uses. Permitted densities may be higher than those permitted in surrounding districts.

Land Use Districts

Each PC Zone shall establish land uses and development patterns, densities, and standards unique to that zone. Upon approval, through the process set forth in this chapter, the land uses and development patterns and densities shall be established pursuant to the PC Zone Plan and one or more development agreement(s) and accompanying Community Structure Plan(s). Specific land uses proposed in the PC Zone may only be established in conformance with provisions of this chapter.

Each PC Zone may consist of any number or combination of the following land use districts that shall be identified in the Community Structure Plan as provided in this chapter.

Central Development Areas

These are the flattest, least sensitive and easiest-to-develop sites in the Spanish Valley, which makes them suitable for a wide range of residential and park/open space uses. These are the preferred areas for locating higher residential density and mixed-use neighborhood centers, where a mix of residential, locally-scaled commercial and civic services will be provided. 4-5 residential units/ERUs per acre.

Perimeter Development Areas

These areas are relatively isolated, located in the foothills and topographically challenged edges of the Spanish Valley. They are proposed for lower-density residential uses and earmarked for long-term, phased development. 1-2 residential units/ERUs per acre. Cluster development, conservation subdivisions and larger lot single-family uses are generally supported in these areas.

Highway Commercial Development Areas

These areas support highway-based commercial uses located along U.S. Highway 191. As specifically detailed in the Highway Commercial ordinance, uses should meet the needs of the Spanish Valley and nearby region, as well as the travelling public. 6-12 residential units/ERUs per acre.

Flex Development Areas

These areas are divided into three specific types of flex development:

- *Highway Flex*
- *Business Flex*
- *Residential Flex*

Flex areas are generally located in close proximity to U.S. Highway 191 and intended to accommodate a range of uses focused on creating an economic base for the Spanish Valley and San Juan County. While flex uses should generally be designed and developed according to the requirements of this chapter for the PC Zone, there are separate ordinances for each type of flex development.

The range of uses accommodated within the three flex development areas should be professionally designed as coordinated. Projects, buffers and transitions should be provided between distinctly different uses (such as residential neighborhoods, business uses, distribution uses, highway commercial, specialty residential uses and campuses). 4-5 residential units/ERUs per acre.

Neighborhood Centers

Two Neighborhood Centers are envisioned at the intersection of Spanish Valley Road and Old Airport Road, and the intersection of Spanish Valley Road and Ken's Lake Road. These areas are envisioned to become mixed-use centers that serve the local retail and service needs of the Spanish Valley. Development should emphasize small-scale retail, commercial and recreational uses, in addition to higher-density residential (single and multi-family), public and semipublic uses, and open space uses. Neighborhood Center residential densities are generally the highest permitted in the Spanish Valley, ranging from 6 to 12 residential units/ERUs per acre.

Parks and Open Space

These areas include natural lands and maintained parks that are designed and developed to provide and preserve outdoor recreational activities. A range of types and sizes of parks and open space should be provided to meet the needs of Spanish Valley residents.

Minimum Requirements

The minimum requirements for the PC Zone establishes the basic standards of development. The landowner or developer is encouraged to provide more than the minimum requirements, incorporating additional parks and open space, higher standards of design, and additional amenities as part of creating a superlative community park and open space system.

Large Planned Community:

Each PC Zone of this type shall contain a minimum of 200 acres. If the PC Zone contains multiple owners, the owners/developers may, if necessary, to reach the 200-acre threshold or if the owners/developers desire, combine their properties for planning approval and development purposes. It is anticipated that the resulting projects will be better designed and developed and will include higher density uses and a range of uses and residential types.

Small Planned Community:

Each PC Zone of this type shall contain a minimum of 20 acres under single ownership. This area will allow up to four (4) residential units per acre, and a range of residential units and types.

Manufactured Home Planned Community:

Each PC Zone of this type shall contain a minimum of 10 acres under single ownership and a maximum density as established by FHA and HUD.

A Site Plan shall be prepared, approved and filed with the findings of fact as part of the approval. Each manufactured home site in a Manufactured Home Community shall be clearly designated. Development plans shall comply with the applicable requirements of this chapter and the required Site Plan shall be drawn to scale and shall explicitly illustrate at least the following features:

1. Location and dimensions of all project boundaries.
2. Location of pavement on adjoining street rights-of-way.
3. Location and dimensions of any permanent improvements existing or planned within the Manufactured Home Planned Community, including but not limited to the following:
 - a. Improved surfaces for common driveways, off-street parking and recreation areas;
 - b. Buildings for management, maintenance and recreational purposes;
 - c. Recreational facilities;
 - d. Fences and walls;
 - e. Underground utilities;

- f. Outdoor lighting fixtures; and
- g. The location of pipelines and systems for potable water distribution, sewage collection and fire protection, including location of all fire hydrants.

Permitted Uses

Large Planned Community:

The following uses may be conducted in all areas within a PC Zone of more than 200 acres:

- All uses described in the *Spanish Valley Area Plan (2018)*, which was adopted as part of the San Juan County General Plan, as follow:
 - Residential uses of various types and lot sizes including single family detached; single family attached; multifamily residential; town homes; loft apartments; residential units above ground floor retail or office; and manufactured home communities;
 - Local retail, service, office, and mixed-use housing at designated Neighborhood Centers;
 - A mix of permitted uses (including office/commercial, office/residential, retail/residential) within designated Neighborhood Centers;
 - Small-scale, local businesses that support the day-to-day shopping and service needs of the community, such as restaurants, cafes, restaurants, drycleaners, clinics and offices.
 - Home-based businesses;
 - Health-care facilities;
 - Public facilities, such as schools, libraries, and civic buildings;
 - Private schools and civic/cultural facilities;
 - Common areas, such as parks, plazas, playgrounds, and trails;
 - Churches and other religious facilities;
 - Day-care facilities;
 - Open space, including landscaped areas and areas in natural vegetation, waterways, parks, trails and recreational areas;
 - Business, distribution, specialty residential and commercial as described for the three Flex Development Areas; and
 - Other accessory uses which are ancillary and designed to serve the foregoing uses.

Small Planned Community:

The following uses may be conducted in all areas within a PC Zone of more than 20 acres:

- All uses described in the *Spanish Valley Area Plan (2018)*, which was adopted as part of the San Juan County General Plan, as follow:
 - Residential uses of various types and lot sizes including single family detached; single family attached; multifamily residential; town homes; loft apartments;

- residential units above ground floor retail or office; and manufactured home communities;
- Local retail, service, office, and mixed-use housing at designated Neighborhood Centers;
 - A mix of permitted uses (including office/commercial, office/residential, retail/residential) within designated Neighborhood Centers;
 - Small-scale, local businesses that support the day-to-day shopping and service needs of the community, such as restaurants, cafes, restaurants, drycleaners, clinics and offices.
 - Home-based businesses;
 - Health-care facilities;
 - Public facilities, such as schools, libraries, and civic buildings;
 - Private schools and civic/cultural facilities;
 - Common areas, such as parks, plazas, playgrounds, and trails;
 - Churches and other religious facilities;
 - Day-care facilities;
 - Open space, including landscaped areas and areas in natural vegetation, waterways, parks, trails and recreational areas; and
 - Other accessory uses which are ancillary and designed to serve the foregoing uses.

Manufactured Home Planned Community:

The following uses may be conducted in those areas within a PC Zone of more than 10 acres suitable for a Manufactured Home Planned Community:

- All uses described in the *Spanish Valley Area Plan (2018)*, which was adopted as part of the San Juan County General Plan, as follow:
 - Residential uses of various lot sizes for single family manufactured communities;
 - Home-based businesses;
 - Common areas, such as parks, plazas, playgrounds, and trails;
 - Day-care facilities;
 - Open space, including landscaped areas and areas in natural vegetation, waterways, parks, trails and recreational areas; and
 - Other accessory uses which are ancillary and designed to serve the foregoing uses.

Conditional Uses

The approved PC Zone Plan or Community Structure Plan may include provisions for specific land uses identified as either a permitted or a conditional use within a given PC Zone and may include uses listed elsewhere in this chapter or additional uses. While generally discouraged, some conditional uses are anticipated in the approved PC Zone Plan, which shall require the approval of the Planning & Zoning Commission, and which may be established by development agreement. Conditional uses, if any, are subject to review and approval as set forth in the San Juan County Code. Design standards for conditional uses shall be included with the applicable Project Specific Standards.

Planning and Approval Process for PC Zone

Development within the PC Zone will require the following plans to be prepared and submitted for approval in accordance with this chapter: PC Zone Plan, Community Structure Plan, and Project Plans and/or Subdivision Plat approval as applicable. The planning and approval process and approving bodies are summarized in Table 2-1:

**Table 2-1
Planning and Approval Process for PC Zone**

APPLICATION	COVERED AREA	WHAT IS DESCRIBED IN PLAN	APPROVAL LEVEL
PC Zone Plan (Rezone)	Total land area to be rezoned to PC Zone.	Land area to be rezoned with land use table outlining: <ul style="list-style-type: none"> ▪ proposed permitted and conditional uses, ▪ maximum number of residential units, and ▪ maximum square feet of nonresidential development. ▪ Preliminary Community Structure Plan (CSP). 	Planning Commission (recommendation) and County Commission (adoption)
Community Structure Plan (CSP)	Total land area that was rezoned to PC Zone above.	<ul style="list-style-type: none"> ▪ Community Structure Plan (CSP). ▪ Master Plans of major systems and the inclusion of development standards for the larger development such as major roadways, infrastructure, open space networks, general location of neighborhoods, etc. 	Planning Commission
Development Agreement	Total land area that was rezoned to PC Zone above.	The contract between San Juan County and the individual or entity that owns or controls the subject property, detailing the obligations of both parties, specifying the standards and conditions that will govern development of the property, and describing the vested interests of both parties.	Planning Commission (recommendation) and County Commission (adoption)
Project Plan and/or Subdivision Plat	Multiple phases of development within a CSP for master subdivision approval followed by phased subdivision plats.	Show major development parcel locations, open space system, and major infrastructure associated with roadways. Final plats indicate lot layouts and development regulations.	Planning Commission
Site Plan	Individual sites within the development.	Final site development requirements.	Staff

(A) PC Zone Plan

At the time of application for rezoning, a PC Zone Plan shall be submitted to the Planning Commission for review and recommendation to the County Commission. Following recommendation by the Planning Commission, a PC Zone Plan shall be submitted for review and approval by the County Commission. The approved PC Zone Plan may be amended through standard rezoning procedures.

The PC Zone Plan application shall contain the following information:

1. Name of planned community;
2. Names, addresses, and phone numbers of applicant and property owner(s);
3. Map showing PC Zone location, legal/boundary description, acreage, scale, and north arrow;
4. Land use concept plan accompanied by a table showing the land use district types and acreages of all proposed permitted and conditional uses, the maximum number of dwelling units, Floor Area Ratios (FARs), and the total acreage of open space in the PC Zone and areas (in square footage or acreage) of the various non-residential land uses proposed in the PC Zone;
5. Map showing existing waterways, major utilities, easements, storm water conveyances, flood boundaries, and other relevant infrastructure; and
6. Adjacent parcels, owners, and land uses.

Upon approval, the PC Zone shall constitute an amendment to the Spanish Valley Area Plan for the area covered by the approved PC Zone Plan. The conditions and limitations agreed to in the approval of the PC Zone Plan shall confer a vested right to proceed with the development process established in this chapter for the property(s) included within the applicable PC Zone, including the number of dwelling units and the square footage of nonresidential uses reflected in the approved PC Zone.

(B) Community Structure Plan (CSP)

Following approval of the PC Zone Plan, a Community Structure Plan (CSP) shall be established for all or a portion of the area covered by the PC Zone. The CSP shall be accompanied by a development agreement that codifies the CSP, which shall be submitted for review and recommendation by the Planning Commission, and then review and approval by the County Commission. The CSP shall contain a contiguous area of some or all of the area within the PC Zone that includes one or more of the following land use districts types as indicated in the *Spanish Valley Area Plan (2018)* and described in these San Juan County Spanish Valley Development Ordinances:

- *Central Development Area*
- *Perimeter Development Area*
- *Flex Development Area*
- *Highway Commercial Development Area*
- *Neighborhood Center*

- *Open Space*

Each CSP shall show the following:

1. Name of the planned community;
2. Names, addresses, and phone numbers of applicant and property owner(s);
3. Map showing CSP location, legal/boundary description, acreage, scale, and north arrow;
4. Map showing proposed land use district boundaries, and acreages;
5. Table showing the maximum number of dwelling units, open space acreage, and acreage(s) of the various non-residential land uses;
6. Master circulation system plan, including a street network; pedestrian, bicycle, and equestrian trail systems; identification of street alignments and right-of-way widths: illustrative cross sections which accommodate and specify vehicular, pedestrian, and bicycle use in the right-of-way. Pedestrian and bicycle trail systems shall connect the land use districts, schools and open space areas, and provide linkages to other trail systems in existing or future areas of the PC Zone and adjacent facilities within adjacent municipal jurisdictions of the Spanish Valley;
7. Map showing existing and proposed waterways and water bodies, major utilities and easements, wells and water sources, water protection areas and similar public health areas; surface and sub-surface storm water drainage systems, flood boundaries and flood control facilities;
8. Map showing adjacent parcels, their owners, and their uses;
9. Map showing 40-foot contours and significant topographic features within or adjacent to the CSP property;
10. Documentation of existing and proposed secondary (irrigation) water rights, shares, and usage, if any;
11. Open space plan providing general descriptions and locations of major open spaces;
12. Standards that govern the design and maintenance of major public infrastructure improvements (including but not limited to streets, sidewalks, street and parking lighting, paving, street furniture, trails); and
13. Detailed standards that govern general building placement, massing, and other key design criteria (CSP Design Standards).

The Planning Commission shall have the discretion to not provide a positive recommendation to the County Commission, who shall have the discretion to approve or disapprove each CSP on the basis of the following: (1) the failure of the proposed CSP to include all of the elements required in this section; (2) the failure of the proposed master circulation system identified in the CSP to adequately serve the communities within the PC Zone; (3) the failure of the proposed major infrastructure identified in the CSP to provide adequate service to the communities within the PC Zone; or (4) the inclusion of land uses in the CSP not permitted or conditionally permitted under this chapter. In approving a CSP, the Planning Commission may recommend, and the County Commission may impose, reasonable conditions of approval to mitigate reasonably anticipated detrimental impacts in accordance with San Juan County Zoning Ordinance.

The conditions and limitations agreed to in the approval of the PC Zone Plan shall confer a vested right to proceed with the development process established in this chapter for the property(s) included within the applicable PC Zone, including the number of dwelling units and the square footage of nonresidential uses reflected in the approved PC Zone.

(C) Development Agreement

Following approval of the PC Zone Plan and the Community Structure Plan, a Development Agreement shall be prepared as a legal contract between San Juan County and the individual or entity that owns or controls the subject property, detailing the obligations of both parties, specifying the standards and conditions that will govern development of the property, and describing the vested interests of both parties.

(D) Project Plan/Subdivision Plat

Upon approval of the PC Zone Plan, Community Structure Plan and Development Agreement, a Project Plan shall be submitted for review that outlines project specific standards (Project Specific Standards) establishing in substantial detail the character and nature of the design of public and private improvements within the area covered by the applicable Project Plan for the applicable portion of the PC Zone covered by the Project Plan. The purpose of the Project Plan is to allow for the creation and approval of a fully-integrated development plan for a specifically identified portion of land within the applicable PC Zone.

A Project Plan should include vertical and horizontal mixtures of uses on one or more proposed lots, parcels or units located within the boundaries of the proposed Project Plan. Therefore, the Project Plan may include one or more Subdivision Plats and Site Plans and may identify a combination of proposed subdivisions and/or condominium projects, one or more of which may be submitted concurrently for review and approval with the Project Plan. The Project Plan shall be reviewed by the Staff prior to submittal to the Planning Commission for approval.

A Subdivision Plat may include a variety of land uses including condominium projects. Each Subdivision Plat submitted shall be reviewed by the Staff prior to submittal to the Planning Commission for approval. Subdivision Plats (preliminary and final) shall be submitted and approved in accordance with San Juan County Code requirements.

Application and approval of a preliminary or final Subdivision Plat may occur before submission of a Project Plan provided Project Specific Standards are submitted and approved contemporaneously with such Subdivision Plat application and approvals; and provided, further, that the Project Specific Standards and Subdivision Plat will ultimately be incorporated into an approved Project Plan. The preliminary and final plats shall conform to the applicable CSP standards as well as all applicable Project Specific Standards, including any supplemental Project Specific Standards proposed and approved by the Planning Commission in connection with the applicable final plat.

(E) Site Plan Review

Site plans (Site Plans) may be reviewed concurrently with a Project Plan or Subdivision Plat. Any proposed commercial, office, industrial, multi-family residential, open space, parks, or institutional developments and alterations to existing developments shall be located on legal lots of record created by metes and bounds conveyance with the approval of the Staff or pursuant to Subdivision Plats and shall meet the Site Plan review requirements. All San Juan County Spanish Valley Development Ordinances and requirements shall be met in preparing Site Plan applications and in designing and constructing the development. Where applicable, building permits may not be obtained nor shall any site work be performed prior to Site Plan approval.

Development Standards

(A) Open Space and Common Areas

Open Space includes common areas, parks, trails, natural areas and/or farmland that provide and preserve recreational, agricultural, or other similar uses in the PC Zone as approved by the Planning Commission. Common areas include landscaped areas (including landscaping around schools and other civic buildings), athletic fields, parks, natural open spaces and trail corridors, gathering places such as plazas, commons, exterior courtyards, public recreational facilities, landscaped medians or park strips that exceed standards, but do not include landscaped areas contained within the Spanish Valley public street cross sections. The applicable CSP Standards and Project Specific Standards shall govern the use and character of the Open Spaces, including common areas. Each PC Zone shall contain a minimum of 25 percent of the gross acreage in Open Spaces. These areas shall be designated in the applicable Project Plan and separately identified on any applicable final Subdivision Plat or Site Plan. Open Space recorded as a lot or lots in subdivisions or as common area in condominium plats and shall be maintained with open space or conservation easements or such other arrangement as is approved by the Planning Commission in connection with Project Plan or subdivision or condominium approval.

(B) Yard Requirements

Yard requirements shall be determined and governed by the applicable Project Specific Standards established pursuant to the requirements of this Chapter. The following minimum requirements shall apply in the PC Zone:

1. Minimum yard areas shall be measured from the front, side and rear lines of lots, condominium private ownership yard areas (where building footprint is not recorded) or from accesses, driveways, or streets (where no property lines or private ownership yard areas exist).
2. Buildings may not be located within a public right of way or utility easement.

(C) Fencing, screening, maintaining clear vision along roadways

Fencing, screening and clear vision requirements shall be determined and governed by the applicable Project Specific Standards established pursuant to the requirements of this Chapter. The following requirements shall apply in the PC Zone:

1. All mechanical equipment, antennas, loading and utility areas, and trash receptacles shall be screened from street view with architectural features or walls consistent with materials used in the associated buildings as more specifically set forth in the applicable Project Specific Standards.
2. Fences and landscape materials, except for mature trees which are pruned at least 7 feet above the ground, shall not exceed 4 feet in height within a 30-foot triangular area formed by the edge of a driveway and the street right-of-way line or within a 30-foot triangular area formed by the right-of-way lines of intersecting streets.

(D) Architectural standards

Architectural requirements shall be determined and governed by the Project Specific Standards established pursuant to the requirements of this Chapter. The following architectural standards and requirements shall apply in the PC Zone.

1. Architectural design of buildings and building materials shall be established in the Project Specific Standards.
2. All building materials shall be high quality, durable, and low maintenance.
3. The applicable Project Specific Standards shall address exterior relief of buildings, design of all sides of buildings, and architectural compatibility of buildings.
4. Maximum building heights shall be three stories or 35 feet.

(E) Landscaping requirements

Landscaping requirements shall be determined and governed by the applicable Project Specific Standards established pursuant to the requirements of this Chapter. The following landscaping requirements shall apply in the PC Zone.

1. Water-wise landscaping as detailed in the proposed Spanish Valley Water Efficient Landscape ordinance will be required to ensure that the limited water resources available in the region are used wisely and conserved. Specific water-wise landscaping standards which apply to the Spanish Valley Area Plan shall be required.
2. The applicable Project Specific Standards shall address the landscaping and proper maintenance of required front, side, and rear yards of lots and private ownership areas in the PC Zone.
3. All areas of lots and parcels in the PC Zone not designated for open space, parking, buildings, or other hard surfacing shall be landscaped and properly maintained.
4. Designated open space shall remain in a natural condition, cultivated or landscaped, as applicable, and properly maintained in accordance with the proposed Spanish Valley Water Efficient Landscape ordinance. The PC Zone shall be landscaped and properly irrigated and maintained by the applicable property owners in the PC Zone unless otherwise approved by San Juan County. All park strip areas shall be installed by the developer and properly maintained by the applicable property owners in the PC Zone. A plan for funding of on-going maintenance of street landscaping by the property owners shall be presented for approval by Staff at the time of Site Plan approval.

(F) Lighting

Lighting requirements shall be determined and governed by the proposed Spanish Valley Outdoor Lighting and Sign Illumination Requirements.

(G) Other Requirements

The following requirements shall apply in the PC Zone.

1. All development areas shall be graded according to San Juan County Code requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
2. Incorporation of Low Impact Design (LID) storm water practices shall be required wherever possible.
3. The applicable owners shall properly maintain all private areas of individual lots or parcels.
4. The specific requirements of this Chapter may be modified as the County Commission deems appropriate pursuant to the terms of the applicable development agreement.
5. All common area improvements including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, street lights, and signs not specifically dedicated to or accepted for ownership or maintenance by San Juan County shall be perpetually maintained by the applicable owners or their agents through a special taxing district, homeowners association with power to assess and collect fees for maintenance, or other assessment and maintenance mechanisms acceptable to the County Commission.
6. Improvements for which San Juan County agrees to accept maintenance responsibility shall be reviewed by the applicable service provider for compliance with adopted standards prior to approval.

Development Agreement

In conjunction with the approval of a PC Zone Plan, Community Structure Plan, and Project Plan, the developer and/or landowner and San Juan County Commission shall enter into one or more Development Agreement(s) reflecting all conditions of approval and terms of the applicable CSP and such other matters as the County Commission and developer/landowner may agree.

The County Commission chair shall sign all Development Agreements and shall only approve the Development Agreement associated with the applicable CSP. Without regard to future amendments, additions or changes to this Ordinance, the County Commission may agree, in such Development Agreements, that the developer/landowner may advance development applications for projects within the applicable CSP pursuant to the planning and approval processes set forth in this chapter, or such other process as is specifically agreed upon pursuant to a Development Agreement approved by the County Commission. Such Development Agreement(s) may further identify a process for approving amendments to an approved PC Zone Plan, CSP, Project Plan, Subdivision Plat or Site Plan, which shall be approved by the County Commission to the extent such a process differs from San Juan County Zoning Code.

Chapter 3: Spanish Valley Residential Flex Planned Community (RF) District

An ordinance clarifying the specific uses and relationships between uses within the *Residential Flex Planned Community (RF) District* (RF Zone). The requirements for a Large Planned Community development detailed for the PC Zone shall otherwise apply. See proposed Spanish Valley Zoning Map for applicable locations.

Permitted Uses

A range of residential and housing are the primary uses permitted in this district. Other uses including parks, open space, commercial, business and similar uses shall be permitted within and in proximity to the large gravel pit(s) located in this area, once extraction operations are complete and site mitigation efforts are underway. All development should be planned as part of large-scale and coordinated design and planning efforts. A wide-range of residential uses, including single-family, multi-family, townhomes, employee housing and similar uses may be included as part of mixed-use, transitional development.

Conditional Uses

None

Uses Subject to the Spanish Valley Overnight Accommodations Overlay

- Hotels and Motels
- Commercial Condominiums for short-term rentals
- Bed and Breakfasts (B&Bs), lodges and resorts
- Commercial campgrounds
- All other variations of overnight accommodations intended for nightly rentals¹

Development Standards

The following development standards shall apply in addition to and/or in conjunction with the standards established for Planned Community (PC) developments:

1. No non-residential uses within the RF Zone shall be permitted within 100' of an adjacent residential district boundary or an existing residential use. Residential uses within the RF Zone should be designed and located as transitions to adjacent to nearby residential neighborhoods and uses.
2. Maximum height should be a maximum of three stories or 35 feet to help preserve views.
3. A minimum 50-foot buffer shall be provided between Residential Flex uses and the top of bank for the Pack Creek drainage; a minimum buffer of 25 feet shall be provided

¹ *Ibid.*

between Residential Flex uses and the top of bank of all other streams, creeks, canals and drainages.

Chapter 4: Spanish Valley Business Flex Planned Community (BF) District

An ordinance clarifying the specific uses and relationships of uses within the *Business Flex Planned Community (BF) District (BF Zone)*. Unless specifically mentioned in this chapter, the requirements for Planned Community development detailed for the PC Zone shall apply. See proposed Spanish Valley Zoning Map for applicable locations.

Permitted Uses

A wide-range of business operations shall be the primary uses. These shall include business parks, large-format commercial and office uses, ancillary and support uses and smaller-scale commercial uses as appropriate. A range of residential uses, including employee housing, short-term visitor housing and similar specialty residential uses may be included as part of large-scale, coordinated and flexible business-centric developments within the BF Zone.

Conditional Uses

None.

Uses Subject to the Spanish Valley Overnight Accommodations Overlay

- Hotels and Motels
- Commercial Condominiums for short-term rentals
- Bed and Breakfasts (B&Bs), lodges and resorts
- Commercial campgrounds for motorized and/or non-motorized users
- All other variations of overnight accommodations intended for nightly rentals²

Development Standards

The following development standards shall apply in addition to and/or in conjunction with the standards established for Planned Community developments:

1. No business or commercial uses shall be permitted within 500 feet of an adjacent residential district. Residential uses are permitted throughout the BF District but should be concentrated in the eastern extents of the area to provide transitions with nearby and adjacent residential neighborhoods and uses.
2. Maximum building height should generally be a maximum of three stories or 35 feet. This will help preserve views and reduce the visual impact of BF Zone development.
- ~~3. A minimum 50 foot buffer shall be provided between Business Flex uses and the top of bank for the Pack Creek drainage; a minimum buffer of 25 feet shall be provided between Business Flex uses and top of bank for smaller drainages.~~

² Overnight rentals in residential neighborhoods and other zones of the Spanish Valley Zoning Map are addressed in separate San Juan County ordinances.

4. ~~One-truck-stop is~~ Truck stops are specifically permitted as a conditional uses in ~~theis~~ Business Flex district south of Pack Creek Cutoff Road. No residential use shall be permitted within 500 feet of ~~such this~~ use. Specific site development and environmental controls shall be established as part of approving the preliminary and final plat plan, with a requirement of protecting the health, safety and welfare of the community.

Chapter 5: Spanish Valley Highway Flex Planned Community (HF) District

An ordinance clarifying the specific uses and relationships of uses within the *Highway Flex Planned Community (HF) District* (HF Zone). Unless specifically mentioned in this chapter, the requirements for a Large Planned Community development detailed for the PC Zone shall otherwise apply. See proposed Spanish Valley Zoning Map for applicable locations.

Permitted Uses

The wide range of commercial uses detailed in the Highway Commercial Zone shall apply. These uses shall primarily be developed as part of large-scale, coordinated and flexible commercial-centric developments. A wide-range of residential uses, including employee housing, short-term visitor housing, and similar uses may be included as part of large-scale, coordinated and flexible commercial-centric developments.

Conditional Uses

None.

Uses Subject to the Spanish Valley Overnight Accommodations Overlay

- Hotels and Motels
- Commercial Condominiums for short-term rentals
- Bed and Breakfasts (B&Bs), lodges and resorts
- Commercial campgrounds
- All other variations of overnight accommodations intended for nightly rentals³

Development Standards

The following development standards shall apply in addition to and/or in conjunction with the standards established for Highway Commercial District:

No Highway Flex uses shall be permitted within 500 feet of an adjacent residential district unless U.S. Highway 191 separates the two uses.

1. Residential uses should generally be concentrated in discrete rincóns/alcoves located along the cliff slopes on the west side of U.S. Highway 191 to separate those uses from other uses in the HF Zone.
2. Maximum building height should generally be a maximum of three stories or 35 feet to help preserve views.
3. A minimum 50-foot buffer shall be provided between Highway Flex uses and the top of bank for the Pack Creek drainage; a minimum buffer of 25 feet shall be provided between Highway Flex uses and top of bank for smaller drainages.

³ *Ibid.*

Chapter 6: Spanish Valley Highway Commercial (HC) District

An ordinance creating the *Spanish Valley Highway Commercial (HC) District* (HC Zone) of the San Juan County Zoning Ordinance for the purpose of controlling development in the non-federal lands in the Spanish Valley within San Juan County. See the proposed Spanish Valley Zoning Map for applicable locations and the Land Use Plan in the *San Juan County Spanish Valley Area Plan* (adopted April 17, 2018) for a general description.

Purpose

Uses

Conditional Uses

Special Provisions

Signs

Constrained Lands

District Standards

Subdivision Standards

Streets

Sidewalks and Trails

Easements

Drainage

Water Supply

Signs

Purpose

To provide a district where highway commercial uses along U.S. Highway 191 are permitted, as supported in the *San Juan County Spanish Valley Area Plan (2018)* and *San Juan County General Plan (2018)*. Specific uses should include establishments offering goods and services to motorists, and provide for non-pedestrian-oriented retail, wholesale, service and repair activities which do not contribute to the creation of unattractive, congested and unsafe highway conditions, with access provided primarily from driveways linking to east/west arterial roads linked to U.S. Highway 191, from UDOT-approved access driveways on U.S. Highway 191 in the short-term and via anticipated frontage roads along U.S. Highway 191 in the long-term.

Permitted Uses

The following is a list of typical permitted uses. The list is not exclusive. Any use not specifically listed but determined by the Planning Commission to be similar in purpose, intent or use shall be permitted.

- Banks and other financial institutions including savings, loan, and finance/mortgage institutions
- Barber shops, beauty shops and other personal service uses
- New and used automobile sales and rentals

- Automobile fuel sales and associated convenience stores
- Automobile service stations including minor and major auto repair work, providing all repair work is conducted wholly within a completely enclosed building.
- Auto accessories, farm machinery and equipment sales
- Nurseries and greenhouses
- Mobile home sales
- Restaurants
- Groceries/ Supermarkets
- Live/work units
- General Retail/Services
- Movie theaters and similar entertainment uses
- Bowling alleys and other commercial recreation facilities
- Accessory buildings and uses
- New and used boat and other marine or sport equipment sales and service,
- Customary accessory buildings and uses
- Enclosed storage, flex-office and similar uses
- Governmental facilities
- Commercial, civic, institutional and business campuses
- Electric vehicle charging stations, including but not limited to EV charging station, rapid charging station, battery exchange stations
- Bus terminals
- Day care centers, nursing or convalescent homes, and health care facilities
- Retail sales and services such as building materials, hardware and farm supply outlets
- Offices and related business activities
- Residential units above the first floor of primary uses (owner occupied or long-term lease/rental only)

Conditional Uses

- Any use encompassing buildings or structures in excess of 40,000 square feet
- Any project in excess of 10-acres
- Small-scale, local retail and service businesses such as, cafes, green grocers, day care centers, boutiques, dry cleaners and similar goods and services
 - Shall only be permitted as clustered, pre-designed centers that area minimum of three -acres in extent with limited and controlled access points from the adjacent street, coordinated and shared parking, etc.
- Any drive-in or drive-through uses
- Truck stops shall be considered as conditional uses for the portion of the HC Highway Commercial District south of Ken’s Lake Cutoff Road only. No residential uses shall be permitted within 500 feet of this segment of the BF Zone. ~~and no more than one truck stop shall be permitted within the BF Zone.~~ Specific site development and environmental controls shall be established as part of the conditional use, preliminary plat and final plat approval process, with a focus on protecting the health, safety and welfare of the nearby residents and the community as a whole. All local, county, state

and federal laws shall be considered as part of such review. ~~No more than one truck stop may be located along US 191 within the San Juan County portion of the Spanish Valley.~~

Uses Subject to the Spanish Valley Overnight Accommodations Overlay⁴

- Hotels and Motels
- Commercial Condominiums for short-term rentals
- Bed and Breakfasts (B&Bs), lodges and resorts
- Commercial campgrounds
- All other variations of overnight accommodations intended for nightly rentals

Special Provisions

- Applications for conditional uses are required to provide detailed site plan drawings (Site Plan) of their proposed use as follows:
 - Format size not less than 8-1/2" x 11" or greater than 24" x 36".
 - Precise dimension at a standard scale.
 - Location of all existing structures and improvements (buildings, roads, fences, ditches and canals, utility systems) and other information as required by Planning Commission.
 - Proposed methods of providing utility needs including water, sewer, electrical, and fuel services, vehicular access and parking, and appropriate methods for dealing with any special site problems such as storm water drainage.
- No buildings used for commercial or industrial purposes shall be erected within 50 feet of an existing residential building or a residential district boundary. Buildings used for commercial and industrial purposes that are located within 100 feet of a residential district boundary shall not exceed the height limitations of the corresponding residential district.
- All Highway Commercial uses must have direct frontage and/or a physical parcel connection by street to U.S. Highway 191. Sites lacking such relationships will be limited to uses and development conditions of the adjacent Spanish Valley Residential District.

Lot Design Standards

All development in the HC Zone shall be subject to the following lot design standards, which generally allow for a variety of uses and building types while maintaining the overall character of a highway commercial district. This approach promotes better site layout and development relationships that match existing and proposed infrastructure investments.

Minimum Requirements

Every building erected or installed must be located on, and every plat submitted for approval must show, a lot or building parcel that meets the minimum requirements of at

⁴ *Ibid.*

least one use permitted under this chapter, based on underlying zoning and subdivision type. No minimum lot size is required in the highway commercial district.

Every building and lot must have direct access to a public street or frontage road. All structures must be located on lots or parcels that provide safe and convenient access for servicing, fire protection and required on-site parking. No lot shall be approved that does not meet the minimum lot area requirements of this chapter except in the following cases:

1. Nonconforming lots
2. Public Utilities

The uses and densities listed in this chapter are allowed by right unless otherwise expressly stated. Each project must comply with all of the applicable development standards of this chapter.

Constrained Lands

Constrained lands include lands with natural slopes greater than 30 percent, jurisdictional wetlands, lands in the 100-year floodplain, public drinking water supply sources (recharge areas for wells and aquifers), lands affected by unmitigable geo-hazards, riparian habitats, and archeological sites.

Constrained lands in all HC Zone developments shall be identified on plats and remain unoccupied by buildings or impervious surfaces.

Land Suitability

Land deemed to be environmentally unsuitable shall not be platted for residential occupancy, or for such other commercial or industrial uses as may increase danger to health, life, or property, or aggravate erosion or flood hazard. Such land within the plat shall be restricted for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsafe living conditions.

The County shall not approve the subdivision of land if it is determined that the site is not suitable for platting and development purposes.

District Standards

For all principal structures in the HC Zone, the front yard, side and rear yards facing the highway, other streets and within 25 feet of a residential use or residential district shall be landscaped in accordance with the requirements of the Water Efficient Landscape chapter (Chapter 7) of the San Juan County Land Use Ordinance.

Subdivision Standards

Applicability

All plats and subdivision of land within the HC Zone shall conform to the following rules and regulations.

Lot Configuration

The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall not be less than those specified as minimum standards by the HC Zone. The depth and width of properties shall be adequate to provide for the off-street service, parking facilities and fire/safety requirements required in the San Juan County Zoning Ordinance.

Side Lot Lines

Side lot lines shall be substantially at right angles to street lines unless otherwise approved by the Planning Commission.

Street Frontage Required

Each new lot or building tract shall front upon a public street.

Double Frontage Lots

Double frontage lots shall be avoided, except where essential to provide separation from traffic or to overcome specific disadvantages of topography and orientation.

Flag Lots

Flag-shaped or panhandle shaped lots may be created if all of the following requirements are met:

1. The lot provides access to a residential or agricultural use.
2. The lot has at least 20 feet of frontage on a dedicated public street, which frontage served as access only to the subject lot or parcel.
3. The "handle" portion of the lot is at least 20 feet in width, and not more than 250 feet in length.
4. The body of the lot meets the lot area and lot width and setback requirements of the applicable TYPE.

Large Lots

Where the area is divided into larger lots than for normal San Juan County building sites and, in the opinion of the Planning Commission, any or all of the tracts are susceptible to being re-subdivided, the original subdivision shall be such that the alignment of future street dedications may conform to the general street layout in the surrounding area and so that the larger tracts may be later subdivided in conformance with the requirements of this chapter and the minimum standards specified by the applicable zoning district.

StreetsApplicability

All developers shall be required to construct streets in accordance with requirements of the San Juan County Code requirements.

Street Layout

Unless otherwise approved by the Planning Commission, provisions shall be made for the extension of streets. All streets shall bear a logical relationship to the topography and to the location of existing or planned streets on adjacent properties. Adequate local streets shall be provided to accommodate the subdivision and provide access to lots. The arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection to existing principal streets in surrounding areas; or
2. Conform to a plan for a neighborhood or planned unit development approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or where neighborhood design makes a varied plan appropriate.

Street Connections

The system of streets designated for a subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivision(s); and where no adjacent connections are platted, must in general be the reasonable projection of streets in the nearest subdivided tracts, and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith. Reserve strips of land controlling access to or egress from other property or to or from any street or alley or having the effect of restricting or damaging the adjoining property for subdivision purposes shall not be permitted in any subdivision unless such reserve strips are conveyed to San Juan County in fee simple.

Half Right-of-Way (R.O.W.)

Half streets shall be prohibited except where essential to the reasonable development of the subdivision and where the Planning Commission finds it will be practicable to require the dedication for the other half of a street when adjoining property is subdivided.

Street Intersections

More than two streets intersecting at a point shall be avoided, except where it is impractical to secure a proper street system otherwise. Intersections shall be as near 90 degrees as possible and in no cases shall the intersection angle being less than 60 degrees.

Street Jogs

Non-intersecting streets with centerline offset of less than 125 feet shall not be approved.

Dead-End Streets

Dead-end streets, except for cul-de-sacs, shall be prohibited unless they are designed to connect with future streets on adjacent lands that have not been platted. In cases where these types of dead-end streets are allowed, a temporary turnaround with a minimum radius of 100 feet shall be constructed.

Cul-de-sacs

Cul-de-sacs shall meet the San Juan County Zoning Ordinance requirements. Ordinarily, cul-de-sacs are discouraged as they do not result in a continuity of existing streets or streets pattern and may be used only where unusual drainage or land ownership configurations exist that make other designs impractical.

Highway Access Permit

A Highway Access Permit must be approved by the Utah Department of Transportation (UDOT) for each new property or subdivision with direct access to a federal or state highway. Turn lanes, frontage road(s), curb and gutter may be required along the entire highway frontage if required by UDOT.

Street Design Standards

Street and alley widths, curves, grades design speed and centerline radius shall meet San Juan County Zoning Ordinance requirements.

Street Names and Numbers

All street names shall be as established subject to approval of San Juan County Zoning Ordinance requirements. When new streets are in alignment with existing streets, any new streets shall be named according to the existing streets with which they correspond. Streets which do not fit into an established street-naming pattern shall be named in a manner which will not duplicate or be confused with existing streets within the Spanish Valley Area Plan or its environs.

Street lighting

Street Lighting shall conform to San Juan County Zoning Ordinance requirements. The developer shall pay the costs of purchasing and installing all street lighting equipment. Street lighting design plans shall be subject to the approval of the County Engineer. The type of equipment, method of installation and location of the wiring and light poles shall meet the minimum standards and requirements of the electric company from which electricity is to be purchased. All intersections with a major collector street shall have at least one streetlight.

Sidewalks and TrailsApplicability

This section is intended to ensure adequate pedestrian access is available to serve uses that need and benefit from such access. If a builder or property owner believes that a proposed use does not need or benefit from pedestrian access, a written request for interpretation may be submitted to the Zoning Administrator describing the use and explaining why pedestrian access should not be required as a condition of the building permit for the proposed use.

Trails

Trails shall be designed as single track and multi-use trails depending on the specific need and conform to the standards in Table 6-1.

**Table 6-1
Trail Design Standards**

	Cross-Slope Range	Min. Trail Width	Min. R.O.W. Width	Clearing		Preferred Surface Materials			
				horizontal	vertical	natural	crushed stone	asphalt	concrete
Single-track Trails	0-20%	3'	6'	1.5' each side of trail	10'	Yes	Yes	No	No
Multi-use Trails	0-10%	12'	15'	1.5' each side of trail	10'	Yes	Yes	Yes	Yes

Easements

Utility Easements Required

Utility easements shall be required unless otherwise approved by the Planning Commission and in commercial and industrial districts.

Minimum Width

The minimum rights-of-way width of each utility easement shall be 5 feet or as otherwise provided according to San Juan County Zoning Ordinance requirements.

Fire Lanes and Emergency Access Easements

Fire lanes and emergency access easements shall be provided according to San Juan County Zoning Ordinance requirements

Drainage Easements

When a proposed subdivision is traversed by an irrigation ditch or channel, natural creek or stream or a proposed drainage easement, an easement shall be provided sufficient for drainage and to allow for maintenance of the drainage system.

Trail Easements

When a proposed subdivision is traversed by a public trail shown on an adopted plan or when the Planning Commission finds that a trail easement can better serve the proposed development than a sidewalk, a minimum 15-foot wide easement shall be provided sufficient for public trail construction, maintenance and access purposes.

Adjoining Areas

When easements in areas adjoining proposed subdivisions are necessary to provide adequate drainage thereof or to serve such subdivisions with utilities, the developer shall obtain such easements.

Drainage

Applicability

Applicants shall provide, at applicant's expense, drainage structures in accordance with the requirements of the San Juan County Zoning Ordinance requirements, which will become integral parts of the existing street or roadway drainage system. The dimensions of all drainage structures must meet San Juan County Zoning Ordinance requirements. Design shall be based on environmentally sound site planning and engineering techniques.

It is especially critical that storm water management systems be designed for an entire drainage basin rather than just for specific sites. If improvements are identified and necessary downstream of the proposed development and no approved capital improvement plan exists to address the necessary improvement, the applicant shall be required to demonstrate that such existing drainage features are adequate to serve the applicant's anticipated development and to protect the public health, safety, and general welfare at full build out under existing zoning. Where such demonstration is not made, the applicant shall be required to install such necessary improvements and may seek pro-rata reimbursement from future downstream development.

Minimum Standards

A. Natural and Historic Drainage Ways

All historic flood and drainage ways shall be protected from alteration such that their primary function as storm water facilities shall be upheld.

B. 100-Year Storm

All drainage and flood control facilities shall be designed to handle the calculated difference between historic flows and the anticipated post-development 100-year frequency storms for maximum period of intensity over the entire drainage basin which the subdivision serves. The "100-year storm" referred to herein shall mean that storm run-off is calculated on the basis of a fully developed watershed.

C. Erosion

Where free fall of water occurs, satisfactory means shall be provided to prevent erosion of soil. Where required, culvers shall have concrete head walls and wing walls.

D. Catch Basins

Catch basins shall be constructed in accordance with the San Juan County Zoning Ordinance requirements.

E. Engineered Design

All drainage shall be designed by a Utah licensed professional engineer and approved according to San Juan County Zoning Ordinance requirements.

Water Supply

General

New development shall provide water supply that is sufficient in terms of quality, quantity and dependability for the proposed development. In making its determination as to whether the proposed water supply meets this standard, the decision-making body shall give substantial weight to the recommendations of state, County and applicable service district authorities and their associated standards. All water systems shall be provided by or through approved water and sewer service agencies and meet all applicable requirements of the San Juan County Zoning Ordinance requirements.

Municipal and District Water Systems

If all or part of a proposed development is within the jurisdiction of an approved public water system, then the applicant must obtain a written certification from the public water service provider stating that it is able to provide an adequate supply of drinking water with adequate quantity, quality and sufficient pressure to meet the needs of the proposed development based on the projected water usage of the development. Individual or common wells or other private water systems shall be permitted only when the subdivision boundary is outside the jurisdiction of an approved public water system able to serve the development.

Signs

See Spanish Valley US-191 Highway Commercial Sign Requirements (Chapter 9)

Chapter 7: Spanish Valley Water Efficient Landscape Requirements

An ordinance establishing minimum water efficient landscape requirements for the non-federal lands in the Spanish Valley within San Juan County. See Land Use Plan on page 28 of the *San Juan County Spanish Valley Area Plan* (adopted April 17, 2018) for a map and general description.

Purpose

Definitions

Applicability of Water Efficient Landscape Ordinance

Landscape Design Standards

Irrigation Design Standards

Landscapes in New Single-family Residential Developments

Prohibition on Restrictive Covenants Requiring Turf

Landscapes in Commercial, Flex and Civic/Institutional Developments

Projects

Plan Review and Construction Inspection for Commercial, Industrial, and Institutional Projects

Purpose

The purpose of this ordinance is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by reducing water waste and establishing a structure for designing, installing and maintaining water efficient landscapes in the San Juan County Spanish Valley.

Definitions

The following definitions shall apply to this ordinance:

Bubbler: An irrigation head that delivers water to the root zone by “flooding” the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.

Check Valve: A device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow.

Controller: A device used in irrigation systems to automatically control when and how long sprinklers or drip systems operate.

Drip Emitter: Drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

Grading Plan: The Grading Plan shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscaped area.

Ground Cover: Material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve (12) inches.

Hardscape: Patios, decks and paths. Does not include driveways and sidewalks.

Irrigation Plan: The irrigation plan shows the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

Landscape Architect: A person who holds a professional license to practice landscape architecture in the state of Utah. Only a Landscape Architect can legally create commercial landscape plans.

Landscape Designer: A person who may or may not hold professional certificates for landscape design/architecture and cannot legally create commercial landscape plans. Landscape Designers generally focus on residential design and horticultural needs of home landscapes.

Landscape Plan Documentation Package: The preparation of a graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance. The Landscape Plan Documentation Package shall include a project data sheet, a Planting Plan, an Irrigation Plan, and a Grading Plan.

Landscape Zone: A portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.

Landscaping: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor artwork, screen walls, fences or benches.

Mulch: Any material such as rock, bark, wood chips or other materials left loose and applied to the soil.

Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.

Planting Plan: A Planting Plan shall clearly and accurately identify and locate new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.

Pop-up Spray Head: A sprinkler head that sprays water through a nozzle in a fixed pattern with no rotation.

Precipitation Rate: The depth of water applied to a given area, usually measured in inches per hour.

Pressure Regulating Valve: A valve installed in an irrigation mainline that reduces a higher supply pressure at the inlet down to a regulated lower pressure at the outlet.

Pressure Compensating: A drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.

Rotor Spray Head: A sprinkler head that distributes water through a nozzle by the rotation of a gear or mechanical rotor.

Runoff: Irrigation water that is not absorbed by the soil or landscape area to which it is applied, and which flows onto other areas.

Spray Sprinkler: An irrigation head that sprays water through a nozzle.

Stream Sprinkler: An irrigation head that projects water through a gear rotor in single or multiple streams.

Turf: A surface layer of earth containing mowed grass with its roots.

Water-Conserving Plant: A plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.

Applicability of Water Efficient Landscape Ordinance

The provisions of this ordinance shall apply to all new and rehabilitated landscapes for public agency projects, private development projects, developer-installed landscape projects in multi-family and single-family residential projects, and homeowner provided landscape improvements within the front, side, and rear yards of single and two-family dwellings.

Landscape Design Standards

- A. Plant Selection. Plants shall be well-suited to the microclimate and soil conditions at the project site. Both native and locally-adapted plants are acceptable. Plants with similar water needs shall be grouped together as much as possible.
 1. Areas with slopes greater than 30% shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization.
 2. Park strips and other landscaped areas less than eight (8) feet wide shall be landscaped with water-conserving plants, that do not include turf.
- B. Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum four (4) inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.
- C. Soil Preparation. Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six (6) inches and amending the soil with organic material as per specific recommendations of the Landscape Designer/Landscape Architect based on the soil conditions.
- D. Tree Selection. Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Trees shall be selected as follows:
 1. Broad canopy trees shall be selected where shade or screening of tall objects is desired;
 2. Low-growing trees shall be selected for spaces under utility wires;
 3. Select trees from which lower branches can be trimmed in order to maintain a healthy growth habit where vision clearance and natural surveillance is a

- concern;
4. Narrow or columnar trees shall be selected where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance;
 5. Street trees shall be planted within existing and proposed park strips, and in sidewalk tree wells on streets without park strips. Tree placement shall provide canopy cover (shade) and avoid conflicts with existing trees, retaining walls, utilities, lighting, and other obstacles; and
 6. Trees less than a two-inch caliper shall be double-staked until the trees mature to a two-inch caliper.

Irrigation Design Standards

- A. **Pressure Regulation.** A pressure regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds 80 pounds per square inch (psi). The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer's recommended pressure for the sprinklers.
- B. **Irrigation Controller.** Landscaped areas shall utilize a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.
- C. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.
- D. Drip emitters or a bubbler shall be provided for each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the County due to the limited number of trees on the project site.
- E. Drip irrigation or bubblers shall be used to irrigate plants in non-turf areas.
- F. Pop-up spray heads shall be at a minimum of four (4) inches in height to clear turf.
- G. Sprinklers shall have matched precipitation rates with each control valve circuit.
- H. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.
- I. Check valves shall be required where elevation differences cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure occurs within the irrigation system due to elevation differences.
- J. Filters and end flush valves shall be provided as necessary for drip irrigation lines.
- K. Valves with spray or stream sprinklers shall be scheduled to operate between 6 p.m. and 10 a.m. to reduce water loss from wind and evaporation.
- L. Program valves for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

Landscapes in New Single-family Residential Developments

- A. Homebuilders and/or developers subdividing lots and/or constructing new single-family residential homes shall offer a water-efficient landscaping option to prospective home buyers. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 10% of the total landscaped area or 1,000 square feet, whichever is less.
- B. Homebuilders and/or developers who construct model homes for a designated subdivision shall have at least one model home with water-efficient landscaping. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 10% of the total landscaped area or 1,000 square feet, whichever is less.
- C. Model homes shall include an informational brochure on water-efficient landscaping.

Prohibition on Restrictive Covenants Requiring Turf

- A. Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable if they:
 - 1. Require the use of turf in landscape areas less than 8 feet wide or require turf in other areas that exceed 10% of the landscaped area; or
 - 2. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
 - 3. Have the effect of prohibiting or restricting compliance with this ordinance or other water conservation measures.

Landscapes in Commercial, Flex and Civic/Institutional Developments

Commercial, Flex and Civic/Institutional landscapes shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 10% of the total landscaped area or 1,000 square feet, whichever is less, outside of active recreation areas such as playfields and sport fields.

Documentation for Commercial, Flex and Civic/Institutional Projects

Landscape Plan Documentation Package. A copy of a Landscape Plan Documentation Package shall be submitted to and approved by the County prior to the issue of any permit. A copy of the approved Landscape Plan Documentation Package shall be provided to the property owner or site manager and to the local retail water purveyor. The Landscape Plan Documentation Package shall be prepared by a registered landscape architect and shall consist of the following items:

- A. Project Data Sheet. The Project Data Sheet shall contain the following:
 - 1. Project name and address;
 - 2. Applicant or applicant agent's name, address, phone number, and email address;
 - 3. Landscape architect's name, address, phone number, and email address; and
 - 4. Landscape contractor's name, address, phone number and email address, if available at this time.

- B. **Planting Plan.** A detailed planting plan shall be drawn at a scale that clearly identifies the following:
1. Location of all plant materials, a legend with botanical and common names, and size of plant materials;
 2. Property lines and street names;
 3. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
 4. Existing trees and plant materials to be removed or retained;
 5. Scale: graphic and written;
 6. Date of design;
 7. Designation of landscape zones, and
 8. Details and specifications for tree staking, soil preparation, and other planting work.
- C. **Irrigation Plan.** A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:
1. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
 2. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
 3. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers, and
 4. Installation details for irrigation components.
- D. **Grading Plan.** A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
1. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements, and
 2. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements.

Plan Review and Construction Inspection for Commercial, Industrial, and Institutional Projects

- A. As part of the Building Permit approval process, a copy of the Landscape Plan Documentation Package shall be submitted to San Juan County staff for review and approval before construction begins.
- B. All installers and designers shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.
- C. Following construction and prior to issuing the approval for occupancy, an inspection shall be scheduled with the San Juan County Building Inspector to verify compliance with the approved landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, contractor or landscape architect and submitted to the County.
- D. San Juan County reserves the right to perform site inspections at any time before, during

or after the irrigation system and landscape installation, and to require corrective measures if requirements of this ordinance are not satisfied.

Chapter 8: Outdoor Lighting and Sign Illumination Standards

An ordinance establishing outdoor lighting and design illumination standards in order to preserve highly-valued dark skies in the region. The ordinance applies to the non-federal lands located in the Spanish Valley within San Juan County. See Spanish Valley Zoning Map for the extents of applicability.

Permitted Signs Illumination

Scope and Applicability

Definitions

Fully Shielded Fixture Requirements

Total Light Output

Lighting Hours

Lighting Color

Specialized Outdoor Lighting Conditions and Standards

Application and Review Procedures

Amortization of Nonconforming Outdoor Lighting

Additional Images

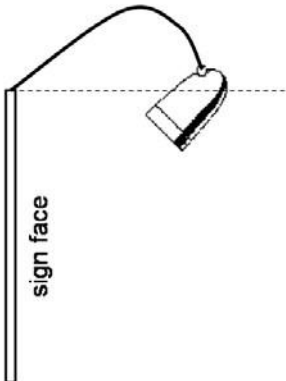
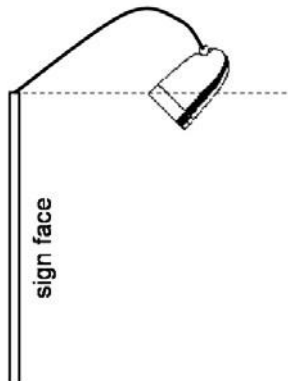
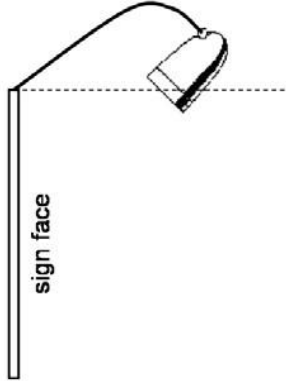
Permitted Sign Illumination

Signs may be unlighted, lighted externally, lighted internally, or backlit. All sign lighting must be designed, directed, and shielded in such a manner that the light source is not visible beyond the property boundaries where the sign is located. Lighting for signs must be directed such that only the sign face is illuminated. All lighted signs must have stationary and constant lighting. All sign lighting is included in the calculation of total light output for a property.

A. Standards for Externally Illuminated Signs:

- Lighting for externally illuminated signs must be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads or properties or into the night sky.
- Lighting for externally illuminated signs must be mounted at the top of the sign (or within 2 feet of the top of a wall mounted sign), except for freestanding monument style signs which may be illuminated by ground mounted lighting.
- Lighting shall consist of no more than four (4) individual fixtures (or lamps) per sign face and produce a maximum of 40,000 lumens per fixture.
- All sign lighting shall be included in the calculation of total light output.
- Table 8-1 shows permitted external sign lighting configurations.

Table 8-1

Permitted and Prohibited External Sign Lighting Configurations		
Allowed		Not Allowed
 <p>Fully Shielded</p>	 <p>Fully Shielded</p>	 <p>Unshielded</p>

B. Standards for Internally Illuminated Signs:

- Only sign text areas and logos may be illuminated on an internally illuminated sign.
- Internally illuminated signs shall use semi-opaque materials for sign text and logos such that the light emanating from the sign is diffused. Transparent or clear materials are not allowed for sign text and logos. Non-text portions of the sign (e.g., background and graphics other than the logo) shall be made of completely opaque material.

C. Standards for Backlit Signs:

- The light source shall not be visible.
- Backlit signs shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign copy are allowed.

D. Standards for Illuminated Window Signs

- Businesses may display a maximum of two (2) illuminated window signs positioned to be primarily visible outside the business structure.
- Illuminated window signs shall not exceed four (4) square feet in area.
- Illuminated window signs shall not be illuminated when the business is closed.

Outdoor Lighting

- Encourage outdoor lighting practices that will minimize light pollution, glare, light trespass and sky glow to curtail the degradation of the nighttime visual environment;
- Prevent lighting nuisances on properties located in and adjacent to Grand County;
- Promote energy conservation;
- Improve night-time safety, utility, security, and productivity;
- Develop an attractive nighttime appearance in the County;

- F. Minimize lighting health risks arising from inappropriate quantities and qualities of lighting;
- G. Prevent unnecessary or inappropriate outdoor lighting;
- H. Minimize nighttime impacts on nocturnal wildlife;
- I. Facilitate the economic development potential of astro-tourism, and the enhancement of the visitor experience in the Moab Area;
- J. Maintain the rural atmosphere of the County; and
- K. Encourage quality outdoor lighting through the use of efficient bulbs and light sources, fully shielded light fixtures, and limits on the location and uses of outdoor lighting.

Scope and Applicability

- A. All lighting should be consistent with and promote the Purposes set forth in Section [6.6.1].
- B. All exterior outdoor lighting installed after the effective date of this section in all zones in the County shall conform to the requirements established by this section. This Section does not apply to indoor lighting.
- C. All existing outdoor lighting that does not meet the requirements of this Section and is not exempted by this Section shall be considered a nonconforming use or part of a nonconforming structure. ~~subject to the five (5) year amortization schedule outlined in Section [6.6.10(B)(3)] of this LUC.~~

Definitions

- A. “Accent or Architectural Lighting” means lighting of building surfaces, landscape features, statues, and similar items for the purpose of decoration, ornamentation, creation of visual hierarchy, sense of liveliness, or other purpose unrelated to safety, business operation, or essential lighting function.
- B. “Backlight” means all the light emanating behind a luminaire.
- C. “B.U.G. Rating” means backlight, up-light, and glare rating, which exists on a scale of zero to five (0 to 5) and describes the light output of a luminaire.



Image by City of Ft. Collins, Colorado (permission must be obtained)

- D. "Correlated Color Temperature" (CCT) is a specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees Kelvin (K). The CCT rating for a lamp is a general "warmth" or "coolness" measure of its appearance. Lamps with a CCT rating below 3,000 K are usually considered "warm" sources, while those with a CCT above 3,000 K are usually considered "cool" in appearance.
- E. "Direct Illumination" means illumination resulting from light emitted directly from a bulb, luminary, or reflector. This does not include light reflected from other surfaces such as the ground or building faces.
- F. "Fixture" means a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply."

Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged
Fixtures that produce glare and light trespass

Unshielded Floodlights or Poorly-shielded Floodlights

Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures

Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens

Unshielded Streetlight

Unshielded Bollards

Unshielded Barn Light

Louvered 'Marine' style Fixtures

Unshielded 'Period' Style Fixtures

Drop-Lens Canopy Fixtures

Unshielded PAR Floodlights

Acceptable
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night

Full Cutoff Fixtures

Fully Shielded Wallpack & Wall Mount Fixtures

Fully Shielded Fixtures

Full Cutoff Streetlight

Fully Shielded Barn Light

Fully Shielded Walkway Bollards

Fully Shielded Decorative Fixtures

Fully Shielded 'Period' Style Fixtures

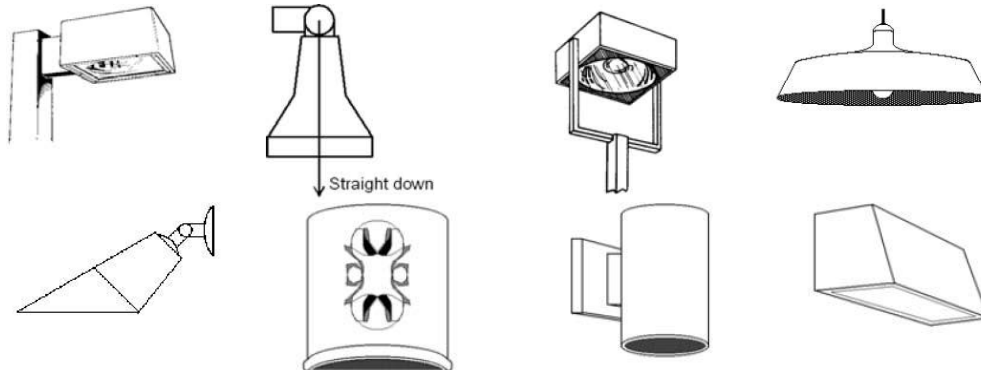
Shielded / Properly-aimed PAR Floodlights

Flush Mounted or Side Shielded Under Canopy Fixtures

Illustrations by Bob Crelin © 2005. Rendered for the Town of Southampton, NY. Used with permission.

Used by permission

- G. "Floodlight" means a fixture or bulb designed to "flood" an area with light. A specific form of bulb or fixture designed to direct its output in a specific direction. Such bulbs are often designated by the manufacturer and are commonly used in residential outdoor lighting.
- H. "Fully Shielded Fixture" means an outdoor light fixture constructed and mounted so that the installed fixture emits no light above the horizontal plane. Where a light manufacturer provides a BUG rating, the uplight rating (U) must equal zero (0). Fully shielded light fixtures must be shielded in and of themselves. Surrounding structures, like canopies, are not to be considered when determining if the fixture is fully shielded. Fully shielded fixtures must be appropriately mounted so that the shielding prevents light from escaping above the horizontal and all light is directed downward.



Examples of fully shielded light fixtures

- I. "Glare" means the visual sensation caused by excessive brightness and which causes annoyance, discomfort, or a disability loss in visual performance or visibility.
- J. "Internally Illuminated" as it relates to signs, means any sign which has a light source entirely enclosed within the sign and not directly visible to the eye.
- K. "Light Pollution" means any adverse effect of manmade light. Often used to denote "sky glow" from developed areas, but also includes glare, light trespass, visual clutter and other adverse effects of lighting.
- L. "Light Source" means the part of a lighting fixture that produces light, e.g. the bulb, lamp, or chips on board.
- M. "Light Trespass" means any light that falls beyond the legal boundaries of the property it is intended to illuminate.

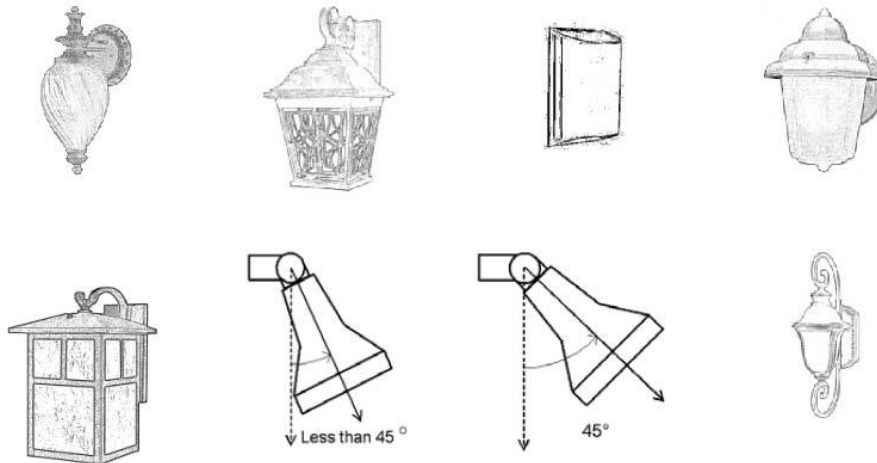


- N. “Lumen” means a unit of luminous flux equal to the light emitted by a uniform point source of one candle intensity. Lumens refers to the amount of light emitted by a bulb (more lumens equals brighter light).

Brightness in Lumens	220+	400+	700+	900+	1300+
Standard	25W	40W	60W	75W	100W
Halogen	18W	28W	42W	53W	70W
CFL	6W	9W	12W	15W	20W
LED	4W	6W	10W	13W	18W

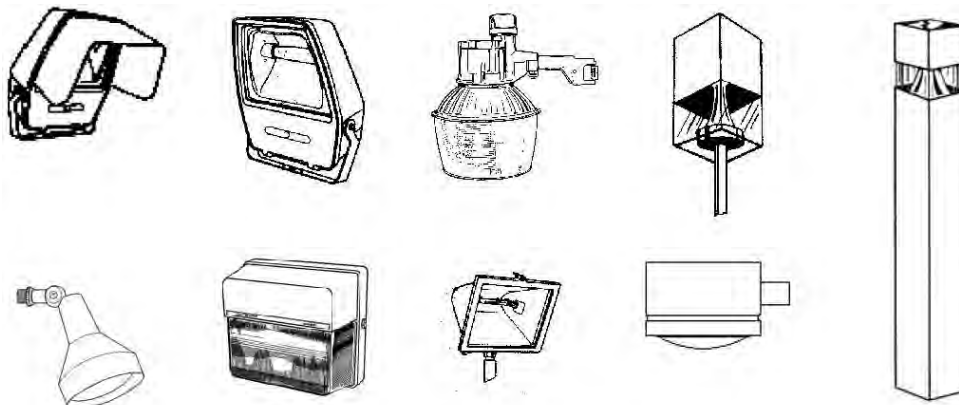
Common relationships between bulb types, wattages and lumen levels

- O. “Luminaire” means the same as “fixture.”
- P. “Manufacturer's Catalog Cuts” means a publication or other printed material of a bulb or lighting manufacturer offering visual and technical information about a lighting fixture or bulb.
- Q. “Developed Acre” means the proportionate amount of an acre (43,560 square feet) of land that is converted from raw, undeveloped land into land associated with the permitted principal and accessory uses occurring on a parcel. This includes building footprints, private roads, parking lot surface areas, designated recreational areas, walking paths, stormwater detention and retention facilities, and other lands clearly related to the permitted uses on a parcel. Present and future public rights-of-way, lands with natural slopes greater than 30 percent, jurisdictional wetlands, lands in the 100 year floodplain, public drinking water supply water sources (recharge areas for the aquifer in the Glen Canyon Formation), lands affected by immitigable geo-hazards, riparian habitats, archeological sites, and required open space shall not be included in the calculation of developed acreage.
- R. “Outdoor Light Fixture” means a complete lighting unit consisting of a lamp(s) and ballast(s) (when applicable), together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. Also known as a luminaire, or simply as a fixture.
- S. “Partially Shielded Light Fixture” means an outdoor light fixture constructed and mounted so that the installed fixture emits most of its light above the horizontal plane. Where a light manufacturer provides a BUG rating, the uplight (U) and backlight (B) ratings are greater than zero (0). Light emitted at or above the horizontal plane (sideways or upwards) shall arise solely from incidental decorative elements or strongly colored or diffusing materials such as colored glass or plastic. Fixtures using spot or flood lamps are considered partially shielded if the lamps are aimed no higher than 45 degrees above the vertical plane beneath the fixture.



Examples of partially shielded lighting fixtures

- T. "Recreational Lighting" means lighting used to illuminate sports fields, ball courts, playgrounds, or similar outdoor recreational facilities.
- U. "Skyglow" means the brightening of the nighttime sky resulting from the scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the nighttime sky.
- V. "Spotlight" means a fixture or bulb designed to light a small area very brightly. See definition of Floodlight.
- W. "Total" means the sum of shielded and unshielded light.
- X. "Total outdoor light output" means the total amount of light measured in lumens from all bulbs installed in outdoor lighting fixtures. For bulb types that vary in light output as they age (such as fluorescent and high intensity discharge (HID) bulbs), the initial lumen output as defined by the manufacturer shall be the lumen value used.
- Y. "Tower" means any monopole, antenna, or the like that exceeds eighteen feet (18') in height.
- Z. "Unshielded Fixture" means a fixture that has no shielding at all that would otherwise specifically prevent light emission above the horizontal.



Examples of unshielded light fixtures

- AA. "Uplight" means all the light emanating above the horizontal plane of a luminaire.

Fully Shielded Fixture Requirements

- A. Unless specifically exempted by this Section, all outdoor lighting shall use fully shielded fixtures and shall be installed so light is directed downward with no light emitted above the horizontal plane of the fixture. Where a light manufacturer provides a BUG rating, the upright rating (U) must equal zero (0).



- B. In order to qualify as a "fully shielded" fixture, a light fixture must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as fully shielded. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a light fixture under an eave, canopy, patio cover, or other similar cover does not qualify as fully shielded.
- C. Fixtures must not be placed at a location, angle, or height that directs illumination outside the property boundaries where the light fixtures are located.
- D. Notwithstanding the exemptions in Section 6.6.4.E, all residential and commercial luminaires shall be fully shielded within twenty-five (25) feet of adjacent residential property lines.
- E. Exemptions to Fully Shielded Fixture Requirements:
- All lights exempted by this section shall be included in the calculation for total light output.
 - Fixtures having a total light output less than one thousand (1,000) lumens are exempted from the fully shielded requirement provided the following criteria are met:
 - The fixture has a top that is completely opaque such that no light is directed upwards.
 - The fixture has sides that completely cover the light source and are made of opaque or semi-opaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light. Semi-opaque material such as dark tinted glass or translucent plastic may be used

if the light source is not discernable behind the material. Completely transparent materials, such as clear or lightly tinted colored glass, are not allowed.

- The light source must not be visible from any point outside the property on which the fixture is located.
- Spotlights controlled by motion sensors having a light output less than one thousand (1,000) lumens per lamp are exempted from the fully shielded requirement provided:
 - The fixture is a spotlight or other type of directed light that shall be directed straight down; and
 - The fixture must not be placed in such a manner that results in illumination being directed outside the property boundaries where the light fixtures are located.
 - Lights controlled by motion sensors shall not be triggered by movement or activity located off the property on which the light is located.
- Pathway lights less than eighteen inches (18") in height are exempted from the fully shielded fixture requirement, if the total light output from each pathway light is less than three hundred (300) lumens.
- Temporary exterior lighting intended as holiday or seasonal decorations displayed between November 15 and the following January 15, provided that individual lamps do not exceed 70 lumens and neither cause light trespass nor interfere with the reasonable use and enjoyment of any other property.
- Traffic control signals and devices.
- Temporary emergency lighting in use by law enforcement or government agencies or at their direction.
- The lighting of federal or state flags, provided that the light is a top-down and narrow beam aimed and shielded to illuminate only the flag.

Total Light Output

- A. Commercial. Total outdoor light output shall not exceed fifty thousand (50,000) lumens per developed acre. Streetlights used for illumination of public rights-of-way are excluded from this calculation. Commercial developments shall be permitted a minimum of 5,000 lumens of lighting regardless of parcel size.
 - In non-residential zone districts, partially and unshielded lighting on a property shall not exceed 5,000 lumens per developed acre, and shall be included in the total outdoor light output calculation
- B. Residential. Total outdoor light output shall not exceed ten thousand (10,000) lumens of lighting for parcels one-half (acre), or larger, in size. Parcels smaller than one-half (1/2) acre shall be permitted five thousand (5,000) lumens of lighting regardless of parcel size. Total outdoor light output of any multifamily residential development including five (5) or more separate lots or units shall not exceed twenty thousand (20,000) lumens of lighting per developed acre.

- In residential zones, partially and unshielded lighting on a property shall not exceed 1,000 lumens per lot and shall be included in the total outdoor light output calculation.
- Residential units used for overnight accommodations or other commercial uses shall comply with the residential standards for total light output.

Lighting Hours

- A. Commercial establishments shall turn off all outdoor lighting, except that listed below, by twelve o'clock (12:00) midnight:
 - Businesses open to the public after twelve o'clock (12:00) midnight may leave all outdoor lighting on until one hour after the close of business.
 - Lighting to illuminate the entrance to the commercial establishments.
 - Parking lot and pathway lighting required for the safety of guests or customers.
- B. Recreational lighting (residential and commercial) shall be turned off by ten o'clock (10:00) P.M. or one hour after conclusion of a specific sporting event, whichever is later.

Lighting Color

All exterior lighting shall utilize light sources with correlated color temperature not to exceed 3,000 Kelvin (K).

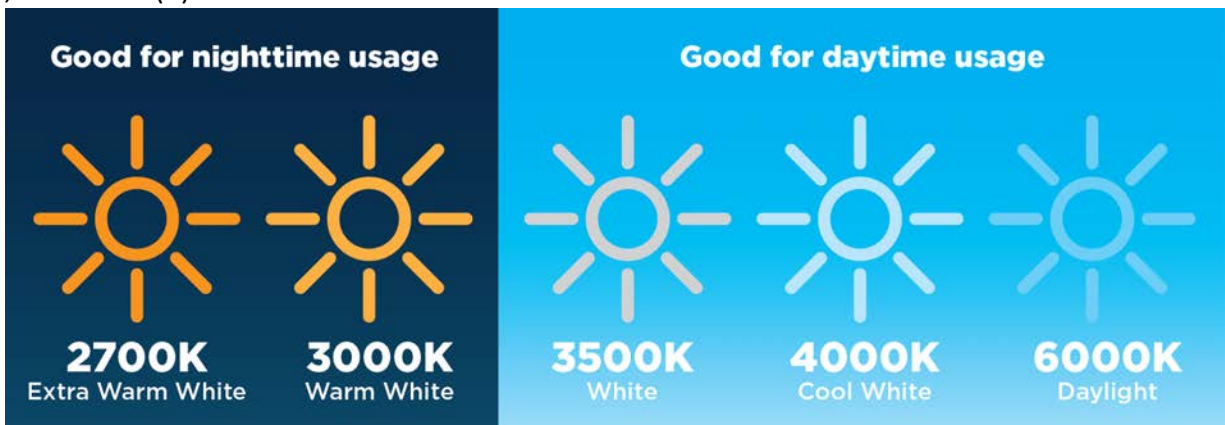


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Specialized Outdoor Lighting Conditions and Standards

- A. Gas station canopies may be illuminated provided all light fixtures are mounted on the undersurface of the canopy and all light fixtures are fully shielded. Merely placing the fixtures on the underside of the canopy does not qualify as fully shielding the light fixture.
- B. Roadway and streetlights are prohibited unless recommended by the County engineer or required by UDOT to provide for the safety of the public. When deemed necessary, streetlights shall utilize lamp types that are fully shielded luminaires that minimize sky glow, light trespass, and other unintended impacts of artificial lighting. All streetlights shall utilize the lowest illuminance levels acceptable to the County engineer and UDOT.
- C. Parking lots may not utilize spot or flood lighting whether mounted on a post or exterior building wall. The overall height of any light post used to illuminate parking lots in

commercial zones shall not exceed twenty-five feet (25'). All post mounted parking lot lights shall be set back from property lines a distance equal to two and one-half (2.5) times the height of the pole unless an internal or external shield prevents the fixture being visible from outside the property boundaries. The overall height of any light post used to illuminate parking lots in residential zones shall not exceed twenty-five feet (25'). All parking lot lighting shall use fully shielded downward directed fixtures. Internal or external shields shall prevent the fixture being visible from outside the parking lots.

- D. Outdoor recreation areas or athletic fields at publicly owned facilities may use illumination to light the surface of play and viewing stands and for the safety of the public. The following standards shall apply to outdoor recreation area or athletic field lighting:
- The recreational lighting does not exceed illuminance levels for class IV sports lighting set by the Illuminating Engineering Society of North America.
 - The recreational lighting provides illuminance for the surface of play and viewing stands, and not for any other areas or applications.
 - Off-site impacts of the lighting will be limited to the greatest practical extent possible
 - The lighting for areas or applications outside the surface of play and viewing stands shall conform to all provisions in this Section.
 - The recreational or athletic facility shall extinguish lighting exempted by this section no later than 10:00 pm or one hour after the end of play, whichever is later.
 - The recreational lighting shall have timers that automatically extinguish lighting to ensure lights are not left on after the curfew or when the facilities are not in use.
- E. Outdoor amphitheatres may use illumination to light the performance area of the amphitheater and for the safety of the public. The following standards apply to all amphitheater lighting:
- Lighting used to illuminate the performance area must be either directed spotlighting or fully shielded lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.
 - Lighting used to illuminate the performance area may only be turned on during performances or rehearsals.
 - Lighting used to illuminate the seating areas, pathways, and other areas of the amphitheater must meet all standards of this Section.
- F. Special events may use illumination to light the event area and for the safety of the public. The following standards apply to all amphitheater lighting:
- Lighting used to illuminate the event area must be either directed spotlighting or fully shielded lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.
 - Lighting used to illuminate the event area may only be turned on during the hours event activities are open to the public or paying guests.
 - Lighting used to illuminate the seating areas, pathways, and other areas of the event must meet all standards of this Section.
- G. All illuminated signs shall comply with the standards of Section 6.5.

Application and Review Procedures

A. Lighting Plan

- All sign permit applications, subdivision applications, site plan applications, building permit applications, and other development review applications within any zone district shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources comply with this code. Lighting plans shall include the following:
 - Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of illumination devices, lamps, supports, shielding and reflectors used and installation and electrical details.
 - Illustrations, such as contained in a manufacturer's catalog cuts, of all proposed lighting fixtures. For commercial uses, photometric diagrams of proposed lighting fixtures are also required. In the event photometric diagrams are not available, the applicant must provide sufficient information regarding the light fixture, bulb wattage, and shielding mechanisms for the planning commission to be able to determine compliance with the provisions of this Section.
 - A table showing the total amount of proposed exterior lights, by fixture type, wattage, lumens, and lamp type.

Approval Procedure

- A. The lighting plan for all new development shall be submitted for approval concurrent with the associated application process.
- ~~B. A certificate of occupancy shall not be issued until such time as the property is subject to a post installation nighttime inspection by the Planning and Zoning Administrator or other county staff.~~

~~Amortization of Nonconforming Outdoor Lighting~~

- ~~A. San Juan County shall require the termination of use of any and all nonconforming outdoor lighting fixtures, structures, lamps, bulbs or other devices that emit or generate light which are not otherwise exempted by this ordinance, pursuant to the amortization schedule contained in this ordinance.~~
- ~~B. All outdoor lighting legally existing and installed prior to the effective date of this Section, and which is not otherwise exempted, shall be considered nonconforming and shall be brought into compliance by the property owner as follows:

 - Immediately as a condition for approval upon application for a building permit, sign permit, conditional use permit, new (nonrenewal) business license, site plan review or similar County permit or review.
 - Immediately in the case of damaged or inoperative nonconforming lighting upon replacement or repair.
 - Within five (5) years from the effective date of this Section for all other outdoor lighting.~~

Chapter 9 Spanish Valley Sign and Display Requirements

An Ordinance Creating the *Spanish Valley Sign Requirements* of the San Juan County Land Use Ordinance for the purpose of managing the design and implementation of signs and displays in the non-federal lands in northernmost portion of the San Juan County Spanish Valley. The ordinance applies to all lands in the Spanish Valley, as indicated in the Spanish Valley Zoning Map.

Purpose

Definitions

Application and Enforcement

Specific Regulations by Spanish Valley Zoning District

Design Standards for Commercial Signs

General Conditions

Maintenance of Legal Non-conforming Signs

Non-conforming Signs

Prohibited Signs

Variances and Appeals

Safety and Livability Considerations

Purpose

It is in the best interest of the health, safety and welfare of the citizens of San Juan county and the Spanish Valley to regulate signage and advertising, the following regulations are created to

- eliminate potential hazards to motorists and pedestrians; to encourage signs which are integrated with and harmonious to the buildings, setting and sites which they occupy;
- encourage legible signage through the use of excessive and confusing sign displays, thus reducing driver inattention;
- preserve and improve the appearance of the Spanish Valley as a place in which to live and to work, and to create an attraction to non-residents who come here to visit or trade;
- allow each individual business to clearly identify itself and the goods and services which they offer; to safeguard and enhance property values; and
- protect public and private investment in buildings and open space; and

Definitions

The change or rearrangement in the structural part of its design, whether by extending on a side, increasing in area, width or height, or moving from one location or position to another.

Awning

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

Building, Front Line of

The line of that face of the building or structure nearest the front line of the lot. This face includes sun parlors, bay windows, covered and/or uncovered porches, whether enclosed or unenclosed, but does not include uncovered steps less than four feet (4') above grade and eaves overhanging less than two feet (2').

Building Line

A vertical surface intersecting the ground along a line at which the front of the building occupies the lot on which it is constructed.

Code Enforcement Officer

The appropriate officer(s) employed by the San Juan County authorized to enforce this chapter.

Electronic Message Center (EMC)

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

Electronic Message Sign View Area

The view area for any EMS shall be measured as follows: beginning from the outside edge of the sign face, measure one hundred fifty feet (150') to each side, then measure at a ninety degree (90°) angle three hundred feet (300') in the direction that the sign is facing, and ninety degree (90°) angle until the two (2) lines intersect.

Face of Sign

The entire area of a sign upon, against or through which any copy, electronic images, graphics or pictures, with or without textual information is placed.

Lot, Corner

A lot abutting on two (2) intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees (135°).

Marquee

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

Monument Sign

A sign whose base is approximately seventy-five percent (75%) of the width of the sign and is permanently set on the ground and has an opaque pedestal as part of the sign foundation

which conceals any pole support. Upon approval of the community development director, and where pole supports are not visible, the opaque pedestal may be omitted.

Nonconforming Sign

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

Point of the Beginning or End of Pavement Widening

Ending of pavement widening is that point when the pavement of an interstate highway acceleration or entrance lane fully narrows to the normal width of the main travel lanes. Beginning of pavement widening is that point when the pavement of an interstate highway deceleration or exit lane begins to widen from the normal width of the main travel lanes.

Sign

Means and includes every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, object, device, medium, conveyance or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. The definition of "sign" shall also include the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers. This does not include any flag, badge or ensign of any government or governmental agency erected for and used to identify said government or governmental agency.

Sign, A-frame

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

Sign, Animated

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

Sign Area

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

Sign, Electronic Display Screen

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

Sign, Electronic Message Center

Any sign or portion of a sign, that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed.

Sign, For Sale

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

Sign, Freestanding

A sign supported by a fixed permanent frame or support in the ground.

Sign, Illuminated

A sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

Sign, Lighted

A sign made legible in the absence of daylight by devices which reflect or project light upon it.

Sign, Low-Profile

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

Sign, Off-Premises

advertising sign which directs attention to a use, product, commodity or service not related to the premises.

Sign, Projecting

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

Sign, Property

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

Sign, Roof

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

Regulations and Enforcement

A. *Compliance Required:*

Except as provided in this chapter, no sign shall be erected, raised, moved, extended, enlarged or altered, or have the text of the sign changed, except in conformity with the regulations herein specified for the zone in which it is located.

B. *Construction Standards:*

All signs hereinafter erected in the county shall comply with current standards of the national electrical code, all provisions of this chapter and other applicable ordinances of the county. All component parts shall be equal to Underwriters Laboratories labeled products.

C. *Enforcement:*

The code enforcement officer shall be vested with the duty of enforcing the zoning ordinance and in performance of such duty, he shall be empowered and directed to:

1. *Issue Permits:* Issue permits to construct, alter or repair signs which conform to the provisions of this chapter.
2. *Determine Conformance:* Ascertain that all signs, construction and all reconstruction or modification of existing signs are built or constructed in conformance to the zoning ordinances, building restrictions and building codes.
3. *Issue Citations and Complaints:* Issue citations and/or complaints against violators of this chapter.

D. *Inspections:* The code enforcement officer shall make an initial inspection upon the completion of construction, erection, re-erection or remodeling of any sign for which a permit has been issued and an inspection request is made.

E. *Sign Classification:* Every sign erected or proposed to be erected within the county shall be classified by the code enforcement officer in accordance with the definitions of signs contained in **Penalties** section of this chapter. Any sign which does not clearly fall within one of the classifications shall be designated to the classification that it most nearly approximates in the opinion of the code enforcement officer in view of its design, location and purpose.

F. *Legal Action:* The code enforcement officer shall be empowered to institute appropriate action or proceedings in any case where any sign is erected, constructed, altered, repaired, converted or maintained, or in any case where any sign is used in violation of any county ordinance, including, but not limited to, the zoning ordinance, to accomplish the following purpose: 1) to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; and 2) to restrain, correct or abate such violation.

1. *Issue Notice of Violation:* The code enforcement officer will cause a notice of violation to be issued to the person having charge or control or benefit of any sign found by him to be unsafe or dangerous or in violation of the zoning ordinances of the county.

2. *Abate And Remove Unsafe Or Dangerous Sign:* If an unsafe or dangerous sign is not repaired or made safe within five (5) working days after giving said notice, the code enforcement officer shall have the right to at once abate and remove said sign, and the person having charge, control or benefit of any such sign, shall pay to the county within thirty (30) calendar days after written notice is mailed to such person, the costs incurred in such removal.
 3. *Abate And Remove Illegal Sign:* If an illegal sign is not made conforming within thirty (30) calendar days after giving said notice, the code enforcement officer shall have the right to at once abate and remove said sign, and the owner or person having charge, control or benefit of any such sign, shall pay to the county within thirty (30) calendar days after written notice is mailed to such person, the costs incurred in such removal.
 4. *Immediate Removal Authorized:* In the case of an unsafe or illegal sign that is either an immediate hazard or whose primary purpose will have been served, at least in part, before the expiration of the notice period required herein, the code enforcement officer may effect an immediate removal without notice, subject to a subsequent right of hearing by the person receiving benefits therefrom.
 5. *Notice Of Non-maintained Abandoned Sign:* The code enforcement officer shall require each non-maintained or abandoned sign to be removed from the building or premises when such sign has not been repaired or put into use by the owner, person having control or person receiving benefits of such structure within thirty (30) calendar days after notice of non-maintenance or abandonment is given to the owner, person having control or person receiving benefit of such structure.
 6. *Notification:* Notification by the county to persons having charge or control or benefit of any sign found by the code enforcement officer to be unsafe or dangerous or in violation of the zoning ordinance of the county and where the county is contemplating removal of said sign, shall be accomplished by the county utilizing written notice sent according to the administrative code enforcement ordinance.
 7. *Penalty as Alternative:* The code enforcement officer shall have discretionary right to enforce removal or alteration of an unsafe or illegal sign by applying the penalty as provided in the **Penalties** section of this chapter as an alternative to the abatement procedures as provided.
- G. *Right of Appeal:* Any person who has been ordered by the code enforcement officer to alter or remove any sign, or any person whose application for a sign permit has been refused, may appeal to the Planning Commission by serving a written notice to the county within ten (10) days of the order of the code enforcement officer. Such notice shall be considered by the Planning Commission at its next regularly scheduled meeting. Upon filing of said notice of appeal, the code enforcement officer shall take no further action with regard to the removal of the sign involved until the final decision of the Planning Commission on the appeal is known, unless the code enforcement officer finds that the sign involved, by reason of its condition, presents an immediate and serious danger to the public, or comes within the provisions of subsection F4 of this section, in which case he shall proceed immediately as provided in this chapter.

- H. **Application Requirements:** All applications for sign permits shall be accompanied by a plan and elevation drawing. The drawings shall be provided digitally in PDF format in a minimum 8 1/2" x 11" format. The plat information shall include sufficient information so that the code enforcement officer can determine whether the proposed sign conforms with the provisions of this chapter.
1. *Plot Plan Requirements:* Specifically, the plat shall show the size of the sign and its location relationship to the following features of the site:
 - Property lines;
 - Existing and proposed buildings or other structures;
 - Control curbs;
 - Parking areas.
 2. *Elevation Drawing Requirements:* Specifically, the elevation drawing shall show the following information:
 - Type of sign;
 - Sign display;
 - Sign height;
 - Sign area.
- I. *Sign Permit Required:* It shall be unlawful for any person, whether acting as owner, occupant or contractor, or otherwise, to erect, construct, reconstruct, enlarge, locate or alter any sign within the county without first obtaining a sign permit from the county unless exempted from this requirement in this chapter.
- J. *Fee Schedule:* A fee as established by the County Commission shall be paid to the county for each sign permit issued under this chapter. The fee will cover the cost of issuance, including the inspection tag.

Specific Regulations by Specific Spanish Valley Zoning District

No person shall install or maintain any sign in the county in the following Spanish Valley Zoning District except as herein provided. Signs not allowed in the following subsections are specifically prohibited:

A. Spanish Valley Residential District

The following provisions regulate signs in the *Spanish Valley Residential District*.

1. *Low Profile Signs:* Two (2) permanent low profile identification signs which state the official name of the residential subdivisions with will be allowed for residential developments; provided, that these signs conform to the following regulations:
 - Shall be located at the entrance of the residential subdivision and be a minimum of ten feet (10') from front property lines.
 - Shall be incorporated into a landscape design scheme.
 - Shall be limited to a maximum of three feet (3') in height from finished grade.
 - Shall be limited to sixteen (12) square feet in area for each sign.
 - Shall be limited to only two (2) signs per subdivision.
 - Shall contain no animation.
 - May not be illuminated.

2. *Promotional Signs for Residential Developments:* Promotional signs shall be allowed for residential developments to promote, market and advertise the entire development offering the property for sale and providing pertinent sales information to the public. Promotional signs are not allowed for the sale of individual lots, homes, or a portion of the development.
 - Signs shall not exceed six feet (6') in height and must be located within the boundaries of the development a minimum of ten feet (10') from a street, shall not project into or be installed on any public right-of-way and shall not be located within required intersection clear view zones. The signs shall be temporary and shall be removed when all original lots have been sold.
 - Residential developments may have up to two (2) signs offering the project for sale or inspection by the public.
3. *Property Signs; For Sale, Lease, Or Rent:* One temporary on-premises sign identifying the lot or offering the premises for sale, lease, rent, or inspection by the public is permitted and shall not exceed twelve (12) square feet in size. Such sign may be double faced or may be a movable freestanding sign and includes advertising for a model home or an open house at the premises.

B. *Spanish Valley Planned Community, Highway Commercial and Flex Districts*

The following provisions regulate signs apply to residential developments in the *Spanish Valley Planned Community and Flex Districts*.

1. *Low Profile Signs:* Two (2) permanent low profile identification signs which state the official name of the residential subdivisions with will be allowed for residential developments; provided, that these signs conform to the following regulations:
 - Shall be located at the entrance of the residential subdivision and be a minimum of ten feet (10') from front property lines.
 - Shall be incorporated into a landscape design scheme.
 - Shall be limited to a maximum of three feet (3') in height from finished grade.
 - Shall be limited to sixteen (12) square feet in area for each sign.
 - Shall be limited to only two (2) signs per subdivision.
 - Shall contain no animation.
 - May not be illuminated.
2. *Promotional Signs for Residential Developments:* Promotional signs shall be allowed for residential developments to promote, market and advertise the entire development offering the property for sale and providing pertinent sales information to the public. Promotional signs are not allowed for the sale of individual lots, homes, or a portion of the development.
 - Signs shall not exceed six feet (6') in height and must be located within the boundaries of the development a minimum of ten feet (10') from a street, shall not project into or be installed on any public right-of-way and shall not be located within required intersection clear view zones. The signs shall be temporary and shall be removed when all original lots have been sold.

- Residential developments may have up to two (2) signs offering the project for sale or inspection by the public.
3. *Property Signs; For Sale, Lease, Or Rent:* One temporary on-premises sign identifying the lot or offering the premises for sale, lease, rent, or inspection by the public is permitted and shall not exceed twelve (12) square feet in size. Such sign may be double faced or may be a movable freestanding sign and includes advertising for a model home or an open house at the premises.

The following provisions regulate signs located in non-residential developments in *Planned Community, Highway Commercial and Flex Districts*

1. *Freestanding Signs:* Freestanding signs are permitted subject to the following provisions:
- *Number:* Each parcel of property or commercial complex may have one freestanding sign. One additional freestanding sign is permitted if the property or complex has more than three hundred feet (300') of frontage on a dedicated public street. Where two (2) or more freestanding signs are constructed, they shall be separated by at least one hundred feet (100'). The second pole sign shall not be higher than seventy percent (70%) of the allowed height of the first sign. A third freestanding sign is allowed for properties with more than six hundred feet (600') of frontage on a dedicated street. The fourth freestanding sign, or additional freestanding signs, must be approved by the Planning Commission.
 - *Location:* Freestanding and projecting signs shall not project into or over any public street right-of-way. Projecting signs may project a maximum of four feet (4') from the building provided such projecting sign has a minimum ground clearance of ten feet (10') over any sidewalk or street right-of-way. Also, awning signs within the downtown historic district may project over the street right-of-way provided there is a minimum ground clearance of eight feet (8').
 - *Height:* Freestanding signs shall not exceed the following heights:
 - Signs located within five hundred feet (500') of US-191 shall not exceed thirty-feet (30') in height.
 - Where two (2) or more pole type signs are allowed, subsequent signs shall not exceed seventy percent (70%) of the allowed height of the main sign.
 - The height of signs located on all other streets shall not exceed ten feet (10') from the adjacent natural grade.
 - Where the natural grade at the sign location is below the curb elevation, the height may be measured from the curb height, provided the overall sign height is not increased by more than five feet (5'), and the sign is within thirty feet (30') of the curb or right-of-way boundary.
 - *Size:* The area of freestanding signs shall not exceed the following:
 - Single tenant freestanding signs within 500' of US-191 shall not exceed seventy-five (75) square feet or one square foot of sign area per linear foot of

street frontage up to one hundred twenty (120) square feet maximum per sign face.

- Multi-tenant signs may have one and one-half (1 1/2) square feet of sign area per linear foot of street frontage up to two hundred (200) square feet maximum. A single multi-tenant sign may be allowed up to three hundred (300) square feet if the following occurs:
 - The sign permit is approved subject to a condition which precludes the installation of another freestanding sign; and
 - The sign area does not exceed one and one-half (1 and 1/2) square feet per linear foot of street frontage. US-191 may have two (2) square feet of sign area per linear foot of street frontage, up to three hundred (300) square feet maximum.
 - On corner lots, the street frontage used to determine size of the primary sign shall be limited to the street upon which the building fronts. Measurement of the street frontage shall include the actual frontage measured to the midpoint of the corner radius. A secondary sign may be allowed on the side street, and its size shall be based on the frontage of the side street.
2. *Animated Signs:* Animated signs are not be permitted
 3. *Entrance and Exit Signs:* One entrance and exit sign shall be permitted at each driveway entering or leaving the premises. Such signs shall not exceed six (6) square feet in area nor be more than four feet (4') in height from the ground.
 4. *Wall Signs:* Wall signs which are permanently attached or painted with a projection of less than twenty four inches (24"), shall be permitted; provided, that the area of any such sign shall not exceed twenty percent (20%) of the face of the front wall to which it is attached, nor more than ten percent (10%) of the face of a side or rear wall; and further provided, that it does not rise above the roofline or parapet wall.
 5. *Property and Project Construction Signs*
 - No more than two (2) signs offering the premises for sale, lease or inspection by the public shall be permitted; provided, that the total area of each sign does not exceed thirty-two (32) square feet. Said signs may be modified to indicate that the property has been sold.
 - A project construction sign or "coming soon" promotional sign of up to sixty-four (64) square feet may be allowed within sixty (60) days of obtaining a building permit for such project. Such sign shall be removed within one year from the date the sign was erected.
 6. *Premises Signs:* Off-premises signs are not be permitted.
 7. *Roof Signs:* Roof signs shall conform to the following provisions:
 - Roof signs shall not be higher than the roofline or parapet wall and shall not be larger than twenty percent (20%) of the wall face of the building.
 - All roof signs shall be installed or erected in such a manner that the support structure or brace is covered and screened from public view to the extent reasonable to do so.
 - Roof signs shall not be animated.

8. *Projecting Signs:* Projecting signs attached to a building shall comply with the following conditions:
- Signs projecting over public property may not project more than four feet (4') from a wall of a building, nor project closer than three feet (3') to the back of the curb. A minimum clearance of ten feet (10') above the sidewalk must be maintained.
 - Signs projecting over private property may not project more than six feet (6') from a wall of a building.
 - Signs shall not extend above the roofline.
 - No more than one projecting sign per tenant space and only at the ground level of the building.
 - The maximum sign area for projecting signs shall be one square foot of sign area for each linear foot of building frontage up to a maximum of thirty two (32) square feet per sign face (64 square feet maximum for both sides of a projecting sign).
9. *Special Standards:* The following special standards for commercial signs shall apply for all signs more than 500' from US-191.
- *Freestanding Signs; Design Standards:* Freestanding signs are hereby limited to monument and low profile pole type signs with the following design standards:
 - *Height:* The maximum height of the sign shall not exceed ten feet (10') from adjacent natural grade. Where the natural grade at the sign location is below the curb elevation, the height may be measured from the curb or adjacent roadway height, provided the overall sign height is not increased by more than five feet (5'), and the sign is within thirty feet (30') of the curb.
 - *Size:* A monument or low profile pole type sign shall be limited in size to seventy-five (50) square feet for properties with up to one hundred feet (100') of frontage on a public road. An additional one square foot of sign area may be allowed for each additional two feet (2') of public road frontage up to a maximum size of one hundred twenty (90) square feet per sign
 - *Location:* Signs must be located on private property and not within any public right-of-way. Signs shall not obstruct visibility at driveway entrance and exits, intersections and other points along the roadway.
 - *Number:* Each parcel of property or commercial complex may have one monument or low profile pole type sign. One additional monument or low profile pole type sign is permitted if the property has more than two hundred feet (200') of frontage on a public street. Where two (2) freestanding signs are constructed, they shall be separated by at least one hundred feet (100'). A third monument or low profile pole type sign is allowed for properties with more than four hundred feet (400') of frontage on a dedicated public street, and a fourth monument or low profile pole type sign is permitted for properties with six hundred (600) or more feet of public road frontage.
 - *Sign Materials:* Sign materials shall be similar to or compatible with the structure which they identify. Signs shall be constructed predominantly of

natural materials such as redwood, ceramic tile, masonry, stucco, stone, weathering steel or materials which simulate the referenced materials.

- *Color:* Bright day-glow or fluorescent colors are prohibited. Letters should provide sufficient contrast to be easily legible. Overall color schemes should complement the color scheme of the building. Registered national trademarks are permitted as part of the sign.
10. *Entrance, Exit Signs; Roof Signs and Projecting Signs:* Entrance and exit signs, wall signs, roof signs and projecting signs are permitted subject to provisions contained elsewhere in this chapter.

Design Standards for Commercial Signs

- A. *Pole Sign Design Standards:* The following design standards are mandatory:
1. *Sign Cabinets:* Sign cabinets shall be integrated into a uniform sign, rather than added to a pole in an ad hoc manner. The modification or addition of a sign cabinet to an existing pole sign with two (2) or more independent sign cabinets shall be subject to review and approval by the community development director, who may at his/her discretion, refer the permit to the Planning Commission for approval.
 2. *Painted Plywood Signs:* Plywood signs are not permitted for permanent signs, unless approved by the Planning Commission. Sandblasted wood signs are permitted provided they are not higher than ten feet (10'), subject to review and approval by the community development director.
 3. *Cladding:* All poles supporting signs shall be cladded as a means to improve the appearance of the sign by:
 - Proportionately increasing that portion of the structure that anchors the sign to the ground; and
 - Providing a material on the support structure that complements the building architecture.
 - Cladding shall primarily be wood, stucco, brick, or rock, duplicating materials which are used on the main building. Metal products may be used if the metal replicates the appearance of a natural material.
 - Cladding is not required, if in the opinion of the community development director, the sign contains unique elements that result in a creative flair or defines a product or service with unique design, and the cladding would detract from the creativity of the design.
 4. *Pole Transition:* There shall be a transition between the pole and sign it supports, wherein the cladded pole(s) is widened at the base of the sign to at least fifty percent (50%) of the width of the sign it supports. (See exhibit A attached to the ordinance codified herein.) A transition is not required, if in the opinion of county planning staff, the sign contains design elements which serve a similar purpose and results in an aesthetic sign.
 5. *Sign Colors:* The exterior surface of the sign structure and frame (excluding sign face), shall have colors similar to the adjacent building or have earth tone colors including black, browns and grays.

6. *Landscaping*: Landscaping shall be provided at the base of the sign at a ratio of ten (10) square feet for every one-foot (1') of sign width, with fifty percent (50%) of the landscaped area containing live plant material. The plant materials used shall be expected to mature to heights of one foot (1') or greater. Where a hardship can be demonstrated, the Planning Commission may modify or waive this requirement.
 7. *Flag Lots*: Businesses on flag lots (i.e., lots with narrow frontage on a public road compared to overall lot size) may be allowed a pole sign larger than the minimum size of seventy-five (75) square feet, provided the Planning Commission determines that the size of the sign is in harmony with the intent of this chapter and the size is in keeping with the building and lot size.
- B. *Sign Guidelines*: The following guidelines are desired and encouraged, but are not mandatory:
1. *Theme and Plan*: Where feasible, signs shall be incorporated into a landscape theme and be part of an overall design plan for the property. Aesthetic appeal is a high priority.
 2. *Height*: As a general principle, signs should be no higher than the adjacent building for which it advertises. However, along US-191 the sign may be taller than the adjacent building in order to provide better visibility but shall not be higher than the maximum height limits set forth in this chapter.

General Conditions

- A. *Signs Not To Constitute Traffic Hazard*: No sign or other advertising structure shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device, or which makes use of the words "stop," "drive in," "danger" or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic. In general, no sign shall be placed within a triangular area with legs thirty feet (30') in length measured along the property lines at a corner.
- B. *Awnings Over Public Property*: Awnings over public property shall conform to all provisions of the International Building Code governing such structures. It shall maintain a minimum eight foot (8') clearance above the sidewalk or public property and shall have no signs affixed to the awnings or their supports.
- C. *Temporary Signs*:
 1. Any sign, banner, or advertising display intended to be displayed out of doors for promotional or other temporary use, shall be considered to be a temporary sign and shall be permitted subject to all provisions of this chapter and provisions contained in the county temporary banner policy.
 2. Banners shall be allowed according to the county policy regarding temporary banners. The banner policy is available through the community development department. It shall be the responsibility of the applicant to remove temporary banners upon expiration of the permit period.

- D. *Maintenance*: Every sign shall be kept in good condition as to maintenance and repair, including the replacement of defective parts, repainting and cleaning. The ground space within a radius of ten feet (10') from the base of any ground sign shall be kept free and clear of all weeds, rubbish and inflammable material.
- E. *Sign Removal*: Signs identifying a discontinued use on the property shall be removed from the property within thirty (30) calendar days of the time the use was discontinued and shall thereafter be considered to be abandoned.
- F. *Repair of Building Facade*: A damaged building facade as the result of the removal, repair, replacement or installation of any signs shall be repaired by the property owner within thirty (30) calendar days of the time the use was discontinued.
- G. *Moving to New Location*: No sign erected before the adoption of this chapter shall be moved to a new location on the lot or building, or enlarged, or replaced, unless it be made to comply with provisions of this chapter.
- H. *Ownership*: The imprint of the sign owner and sign erector of all signs shall be in plain and public view. Signs not carrying such an imprint will be presumed to be owned by the person in possession of the property on which the sign is located.
- I. *Lights and Lighted Signs*
See **Spanish Valley Outdoor Lighting and Sign Illumination Standards** for requirements.
- J. *Planned Development Layout Location Signs*: The purpose of the layout sign is to aid emergency personnel and visitors to quickly and efficiently locate a particular address or unit. For planned developments with a common address for multiple units there shall be a permanent sign located at all entrances to the project which:
 1. Identifies the development;
 2. Clearly shows the project address;
 3. Clearly shows the layout of streets and the units with their individual identification number or letter;
 4. The sign must be oriented to the view of the reader;
 5. Shall be incorporated into a landscape feature or design scheme;
 6. The sign shall contain no animation;
 7. See **Spanish Valley Outdoor Lighting and Sign Illumination Standards** for lighting requirements
 8. The sign shall be placed such that persons in vehicles who are stopped to read the sign will not create a safety hazard.

Maintenance of Legal Non-conforming Signs

Nonconforming signs shall be required to comply with the requirements of this chapter when any change, other than normal maintenance, is made to the sign. Painting or similar sign repair shall be considered normal maintenance; provided, that the sign content remains basically unchanged. Compliance with current setback requirements may be waived by the Planning Commission when the board determines that relocating an existing sign is not practical.

Non-conforming Signs

- A. *Alterations*: A nonconforming sign shall not be raised, moved, replaced, extended or enlarged unless said sign is changed so as to conform to all provisions of this title. "Alterations" shall also mean the changing of the text of the sign when there is a major change in the use of the property. A major change in use occurs whenever the use changes from one of the following land use categories to another office, retail, food/restaurant service, personal service, entertainment, lodging, repairs, institutional, public utility, manufacturing, and warehouse uses. Any major change in use requires any affected nonconforming sign to conform to all the provisions of this title. Alterations shall not be interpreted to include changing the text of a marquee or changing a copy of an off premises sign.
- B. *Restoration*: Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, collision or any other cause beyond the control of the owner, to the extent of more than sixty percent (60%) of its assessed value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this chapter or shall be removed.
- C. *Unsafe or Dangerous*: The nonconforming nature of a sign shall in no way prevent it from being subject to the provisions of the **Regulations and Enforcement** subsection of this ordinance if it is unsafe or dangerous.

Prohibited Signs

- A. *Signs Attached To Public Property*: No sign, handbill, poster, advertisement or notice of any kind or sort shall be fastened, placed, posted, painted or attached in any way or upon any curbstone, lamppost, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk or street, except signs owned and erected by permission of an authorized public agency as required by law.
- B. *A-Frame and Movable Freestanding Signs*: Portable, temporary A-frame, and movable freestanding signs shall be prohibited. This prohibition applies to signs mounted upon or painted upon vehicles or trailers which are parked primarily for the purpose of calling attention to or advertising a specific business establishment or product.
- C. *Flashing Signs*: Signs which use flashing, blinking, or strobing lights are prohibited. Signs which use subtle lighting changes as part of a video screen, or EMS are permitted.
- D. *Rotating Signs*: Signs which move, rotate, flutter in the wind or make noise are prohibited. Pennants, streamers, and inflatable objects are also prohibited. Temporary banners must be in compliance with the county's policy on banners.
- E. *Permit Exceptions*: Notwithstanding any of the provisions of this chapter, the following signs and operations shall not require a sign permit; however, any of the following signs included in any other section shall conform to the applicable provisions of this chapter:
 1. The changing of the advertising copy or message on a marquee, provided no more than fifteen percent (15%) of the marquee surface will advertise off premises land, products or businesses.
 2. Painting, repainting, cleaning and normal maintenance and repair of a sign or sign structure unless a substantial structural change is made.
 3. For sale, rent or lease signs, advertising real property, that are thirty-two (32) square feet or less in area. Such sign may be double faced.

4. The display of official notices used by any court, or public body, or public official, or the posting of notices by any public officer, in the performance of a duty, or by any person giving legal notice.
5. Directional, warning, exit, parking or similar informational signs of a public or quasi-public nature, provided they have no advertising effect, and signs directed and maintained by an official body or public utility.
6. Any official flag, pennant or insignia of any nation, state, county or other political unit.
7. Nameplates of two (2) square foot maximum area.
8. Bulletin boards not over sixty-four (64) square feet in area for public, charitable or religious institutions where the same are located on the premises of said institutions.
9. Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.
10. Wall signs that are painted directly on the wall, provided they do not exceed twenty percent (20%) of the face of the wall on which it is painted.

Safety and Livability Considerations

- A *County Nonliability*: The county and its agents shall in no way be liable for negligence or failure of the owner, or the person responsible for any damage caused by defective conditions.

Chapter 10: Spanish Valley Overnight Accommodations Overlay District Requirements

An ordinance establishing an overnight accommodations overlay district that can be sought for sites located within the Spanish Valley Highway Commercial District. See Spanish Valley Zoning Map for the location of the Highway Commercial District in which the overlay can be applied.

- 1) Purpose of Overlay Districts
- 2) Purpose and Intent of the Spanish Valley Overnight Accommodations Overlay District
- 3) Established Overnight Accommodations
- 4) Approval Procedures
- 5) Identification on Zoning Maps
- 6) Site Master Plan Required
- 7) Development Standards
 - Part 1 General Requirements
 - Part 2 Employee Housing, Affordable Housing and Mixed Use Requirements
 - Part 3 Architecture, Density, Massing and Form
 - Part 4 Additional Design Requirements
 - Part 5 Open Space
 - Part 6 Landscape Standards
 - Part 7 Parking Requirements

Purpose of Overlay Districts

Overlay districts are established to provide standards addressing unique circumstances or conditions affecting single sites where the development of such sites is of special public concern. Upon approval of special purpose district zoning, the special purpose district replaces the previous base district. Overlay districts are established to provide for certain additional requirements for properties located in one or more base zoning districts.

In addition to the requirements of the underlying base zoning district, the provisions of the overlay district would also prevail in the areas so zoned.

1) Purpose and Intent of the Spanish Valley Overnight Accommodations Overlay District

Overnight accommodations have the potential to be an important part of the Spanish Valley and San Juan County economy. In order to support regional efforts to control the imbalance between such uses and other desired community uses as has taken place in Moab and Grand County, a clear policy is required to ensure the number of hotels and motels, commercial condominiums, bed & breakfasts (B&Bs), lodges and commercial campgrounds are aligned with other essential and desirable uses in the San Juan Spanish Valley and region.

The *Spanish Valley Overnight Accommodations Overlay Ordinance* is an overlay district for properties located in the Highway Commercial and Highway Flex districts. It addresses both

existing and vested overnight accommodations as well as new proposed uses. The purpose of the overlay district is to ensure that existing and future hotels and motels, commercial condominiums, bed & breakfasts (B&Bs), lodges, commercial campgrounds and other commercial overnight accommodation uses are designed and developed in a manner that address the impacts and the increased service needs that they generate. The *Spanish Valley Overnight Accommodations Overlay Ordinance* should be applied to all new proposals to ensure approved projects minimize community impacts and result in tangible community benefits through the application of creative design, the incorporation and support for mixed uses both on-site and elsewhere in the San Juan Spanish Valley, and through the provision and support for public uses and spaces to help support a balanced community structure.

2) Established Overnight Accommodations

Established overnight accommodations (Established Overnight Accommodations), as indicated on the Spanish Valley Zoning Map, shall be considered legal, conforming uses. Established Overnight Accommodations will be allowed to make improvements including new overnight accommodation units within the boundaries of existing property. Specific design and development requirements shall be according to the underlying zone, e.g. the Spanish Valley Highway Commercial District. When the ownership of Established Overnight Accommodations changes, the new owner must comply with the provisions of this *Spanish Valley Overnight Accommodations Overlay Ordinance*.

3) Approval Procedures

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

Table 10-1

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

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

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

5) Site Master Plan Required

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

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

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

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

6) Development Standards

Part 1 General Requirements

1. Applicability

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

2. Density and Heights

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

3. Lots

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

4. Lot Configuration

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

5. Lot Access

For Developments fronting U.S. Highway 191

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

For Developments fronting all other roads

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

6. General Open Space Requirements

The following are requirements for provision of civic open space:

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

7. Streets and Access Roads

General Requirements.

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

8. Road Design Standards

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

9. Bicycle Facilities

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

10. Storm Water Management

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

Part 2 Employee Housing, Affordable Housing and Mixed Use Requirements

1. General Conditions

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

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

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

2. Design and Evaluation Criteria

The following are general conditions that will result with a successful mixed-use development:

- A. Incorporates imaginative site and building design with a compatible mixture of land uses that encourage pedestrian, bicycle and other multi-modal access to the proposed development;
- B. Applies sensitive land use and site design that avoids the creation of incompatible land uses;
- C. Mitigates impacts that the project creates with respect to transportation, traffic, noise, public utilities, open space, recreation, public facilities and services, site circulation, solid waste disposal and recycling, water, sewer, storm drain and similar systems;
- D. Protects and preserves the natural environment to the maximum extent possible, including but not limited to conserving water to the greatest degree possible, protecting the water quality of the regional watershed, meditating storm water and floods, and protecting sensitive and critical natural lands and the protection of viewsheds.
- E. Preserves and/or creates open space and outdoor meeting places for the enjoyment of the San Juan County residents, employees of businesses located within the valley, and the general public;
- F. Provides publicly-accessible plazas, commons, greens, parks or civic buildings or spaces for social activity and assembly for the community;
- G. Incorporates a mix of employee housing and affordable housing types and ownership patterns;
- H. Includes uses that provide employment opportunities and under-provided goods and services;
- I. Provides a balanced mix of uses that reduce reliance on personal automobiles on a daily basis;
- J. Provides high-quality architectural and site design that is harmonious with the local context, the unique red rock setting and adjacent uses;
- K. Incorporates well-designed and laid-out access roads, parking lots, trails and pathways that are specifically designed for the convenience and safety of pedestrians and cyclists as well as for meeting the needs of vehicles; and
- L. The provision of clustered development to preserve open space and preserving critical viewsheds while still achieving an appropriate overall density for region.

3. Mixed Use Development Standards

All development and design standards described in this chapter and elsewhere in the code shall apply, in addition to the following mixed-use specific standards:

- A. Generally-acceptable Uses: residential, commercial, recreational, retail, civic and open space
- B. Location of Uses: commercial shops, offices and civic uses shall be located on the ground floor adjacent to the street frontage, with hotel/motel and residential uses provided in all other locations; and
- C. Pedestrian-oriented Design Required: direct access to pedestrian-oriented services is required to promote pedestrian/bicycle uses in the development area.

Part 3 Architecture, Density, Massing and Form

1. General Conditions

The following are the general physical characteristics of *OA-Hotel/Motel* uses, including associated mixed uses, within the overlay district.

- Each building or structure can house a variety of uses depending on the design concept and functional requirements of each development.
- All buildings constructed shall be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise noted.
- Attached accessory structures are considered part of the principal structure.
- Detached accessory structures are permitted and shall comply with all setbacks except the following:
 - Detached accessory structures are not permitted in the front yard.
 - Detached accessory structures shall be located behind the principal structure in the rear yard.
 - Detached accessory structures shall not exceed the height of the principal structure.

2. Building Siting

- More than one principal structure permitted on a lot.
- All setback areas not covered by a building or parking must contain either landscape, patio space, public open space, or a sidewalk/trail.

3. Building Height

- See existing zone for minimum and maximum height limitations and requirements.
- See existing zone for minimum and maximum setback requirements.
- Ground stories uses facing the primary street must have a minimum interior height of 12' and a maximum of 14' to facilitate the incorporation of commercial and mixed uses.

4. Building Layout and Configuration

- Ground stories facing the primary street must be occupied by uses other than overnight accommodations. Examples include retail, recreation, commercial, office and civic uses.
- Parking may be located within a building or as part of well-landscaped and buffered parking lots.

5. Street View Requirements

- For uses located on the ground floor facing the primary fronting street(s), 60% Minimum Ground Story Transparency is required, measured floor to floor. Transparency is any glass in windows and/or doors, including any mullions, that is highly transparent with low reflectance.
- Air conditioning units and similar mechanical requirements should be avoided on rooftop locations, and fully-screened from view when unavoidable.
- Blank Wall Limitations are required on all facades facing the primary street. No rectangular area greater than 30% of a story's facade, as measured from floor to floor may be windowless, and no horizontal segment of a story's facade greater than 10 feet in width may be windowless, unless otherwise approved.
- A mix of entrance types may be utilized, aligned with the overarching architectural theme or concept. All buildings must have an easily-discernable Principal Entrance located on the primary street side of the principal building.
- Street Entrances – the minimum number and maximum spacing between entrances on the ground floor building facade with street frontage to match a clear development design theme or concept is required.
- Vertical Facade Divisions - the use of a vertically oriented expression lines or form to divide the facade into increments that enhance the design concept are required. Acceptable elements may include columns, pilasters, scoring lines and other continuous vertical features at least 1.5" in width.
- Horizontal Facade Divisions - the use of significant shifts in the façade every 45' at minimum to divide portions of the façade into horizontal divisions. Major dividing elements should be integral to the architectural layout and form of the structure, with minor delineations encouraged through the uses of expressions lines in the form of cornices, belt courses, string courses, or other continuous horizontal divisions.

Part 4 Additional Design Requirements

The following outlines the district design guidelines that affect a building's appearance and district cohesiveness. They improve the physical quality of buildings, enhance the pedestrian experience, and protect the character of the neighborhood.

1. Materials and Color

- Primary Facade Materials. 80% of each facade shall be constructed of primary materials. For facades over 100 square feet, more than one material shall be used to meet the 80% requirement.
- Permitted primary building materials will include high quality, durable, natural materials such as brick and stone; wood lap siding; fiber cement board lapped, shingled, or panel; metal siding; glass. Other high quality synthetic materials may be approved as part of a unified theme or design concept.
- Secondary Facade Materials are limited to details and accents. Examples include gypsum reinforced fiber concrete for trim and cornice elements; metal for beams, lintels, trim; and exterior architectural metal panels and cladding.
- Exterior Insulation and Finishing Systems (EIFS) is permitted for trim only or on upper floor facades only.
- Acceptable Roof Materials include 300 pound or better, dimensional asphalt composite shingles, metal tiles or standing seam, slate, and ceramic tile. Other roof materials may be considered for approval.
- Color - main building colors shall be complementary to existing buildings in the area, the surrounding landscape and visual backdrops.
- Appropriate Grade of Materials. Commercial quality doors, windows, and hardware shall be used throughout the district.

2. Windows, Awnings and Shutters

- Windows - all upper story windows of overnight accommodation, mixed use and associated buildings shall be recessed and double hung.
- Plastic awnings are not permitted. Awning types and colors for each building face shall be coordinated.
- If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood.

3. Balconies

- Balconies shall be a minimum of six feet deep and five feet wide.
- Balconies that are not integral to the facade shall be independently secured and unconnected to other balconies.
- A maximum of 40% of the front and corner side facades, as calculated separately, may be covered with balconies, including street-facing railing and balcony structure.

4. Treatments at Terminal Vistas

- When a street terminates at a parcel, the front or corner side of a building or a significant landscape feature, whether fronting a Primary Street or not, shall terminate the view.

5. Building Variety

Building design shall vary between vertical facade divisions, where required per the Building Types, and from adjacent buildings by the type of dominant material or color, scale, or orientation of that material and at least two of the following:

- The proportion of recesses and projections.
- The location of the entrance and window placement, unless storefronts are utilized.
- Roof type, plane, or material, unless otherwise stated in the Building Type requirements.

6. Drive-through Uses

- Drive-through structures and uses are not allowed.

Part 5 Open Space

To provide open space as an amenity that promotes physical and environmental health to project uses and the community, with a primary function of providing access to a variety of active and passive open space types.

1. General Requirements

Developments over 5 acres are required to provide a minimum of 5% total lot size as publicly-accessible and usable civic open space. Developer shall work with San Juan County to determine the best and most appropriate location of open space. For parcels under 5 acres, impact fees and other funding will be used as mechanisms to ensure adequate open space is provided.

All open space provided shall comply with one of the Open Space Types that follow:

- Plaza – a formal, medium-scale (0.5 to 1.5 acre) gathering place for civic, social, and commercial purposes. May contain a greater amount of impervious coverage than other open space types. Special features, such as fountains and public art installations, are encouraged.
- Square - a medium-scale (1 to 2 acre) open space to gather for civic, social and commercial purposes. Squares are rectilinear in shape and are bordered on all sides by a vehicular right-of-way, which together with building facades creates its definition.
- Green – an informal, medium scale (0.25 to 2.0 acre) park with active or passive recreation amenities for neighborhood residents within walking distance; mainly fronted by streets.
- Pocket Park – a small-scale (.5 to 1.5 acre) open space, that is primarily designed to accommodate a range of active and passive recreation and gathering space uses, primarily local neighbors and residents within walking distance.

- Local and Neighborhood Parks – medium to large (3-acre to 10 acre) parks that accommodate both active and passive recreational amenities for local residents and the larger community. Parks have primarily natural plantings and are frequently formed around an existing natural feature such as a water body or stands of trees.
- Regional Parks – large parks typically at least 50-acres in size to accommodate both active and passive recreational activities for local residents and the surrounding community. These parks are typically the site of major recreational features such as sports complexes, aquatic centers, recreation centers and similar amenities. They should be well linked with the surrounds and settings, linked with regional and local trail systems, and primarily utilize natural plantings.
- Greenway – long and linear open spaces that serve to enhance connectivity between open space types and other uses. Greenways often follow a natural feature, such as a river, stream, ravine, or man-made feature, such as a vehicular right-of-way. A greenway may border other open space types.

Part 6 Landscape Standards

The landscape standards outlined in this section are designed to meet the following goals:

- To provide suitable outdoor settings;
- To increase the compatibility of adjacent uses and minimize the adverse impacts created by adjoining or neighboring uses.
- To provide responsible and environmentally-appropriate green spaces and infrastructure through the use of water efficient landscape design techniques, tools and standards.
- To shade large expanses of pavement and reduce the urban heat island effect.

1. Applicability

Landscapes, trees and buffers shall be installed as detailed in this section and detailed elsewhere in the county code.

2. Water Efficient Landscaping

Refer to Spanish Valley Water Efficient Landscape Requirements.

3. General Landscape Installation Requirements

The installation of landscaping shall adhere to the following standards.

- National and Regional Standards. Best management practices and procedures according to the nationally and regionally accepted standards shall be practiced. All landscaping and trees shall be installed in conformance with the practices and procedures established by the most recent edition of the American Standard for Nursery Stock (ANSI Z60.1) as published by the American Association of Nurserymen.

- Maintenance and Protection – all landscaping and trees shall be maintained according to the most recent edition of the American National Standards Institute, including its provisions on pruning, fertilizing, support systems, lighting protection, and safety.
- Installation – landscaping shall be fully installed prior to the issuance of a certificate of completeness.
- Condition of Landscape Materials shall be:
 - Healthy and hardy with a good root system.
 - Chosen for its form, texture, color, fruit, pattern of growth, and suitability to local conditions.
 - Tolerant of the natural and man-made environment, including tolerant of drought, wind, salt, and pollution.
 - Appropriate for the conditions of the site, including slope, water table, and soil type.
 - Protected from damage by grates, pavers, or other measures.
 - Plants that will not cause a nuisance or have negative impacts on an adjacent property.
 - Species native or naturalized to San Juan County region, whenever possible.
- Minimal use or no use of lawns, turf and similar water-craving landscapes is required.

4. Irrigation Systems

Permanent irrigation, beyond establishment, is required and shall adhere to the following standards.

- All irrigation systems shall be designed to minimize the use of water, as detailed in the San Juan County water-conserving landscape ordinance. The use of drip, emitter, bubbler and other water-conserving irrigation systems are required,

5. Landscape Maintenance

All landscaping shall be maintained in good condition at all times to ensure a healthy and orderly appearance.

- All required landscape shall be maintained to adhere to all requirements of this ordinance.
- Replacing Unhealthy Landscaping. Unhealthy landscaping shall be replaced with healthy, live plants by the end of the next applicable growing season. This includes all plant material that shows dead branches over a minimum of 25% of the normal branching pattern.
- Maintenance Responsibility. The owner is responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing required herein.

- Maintain Quality and Quantity. Maintenance shall preserve at least the same quantity, quality, and screening effectiveness as initially installed.
- Fences and Other Barriers. Fences, walls, and other barriers shall be maintained in good repair and free of rust, flaking paint, graffiti, and broken or damaged parts.
- Tree topping is not permitted.

6. Frontage, Side and Rear Buffers

The purpose of frontage buffers is to lessen the visual impact of vehicular areas visible from the street and adjacent properties. Side and rear buffers minimize the impact that the overnight accommodation development may have on neighboring zones and districts. These should include a landscape design that is engaging, beautiful and appropriate for the specific setting and context. Plants should include a range of perennials, decorative grasses and small shrubs as appropriate for reducing the visual impact of vehicular areas visible from the street while also meeting San Juan County Water Efficient Landscaping requirements.

7. Interior Parking Lot Landscape

The intent is to provide shade, minimize paving and associated storm water runoff, and improve the aesthetic look of parking lots. Internal areas not dedicated to parking or drives shall be landscaped with a minimum of one medium or large shade tree for the first 150 square feet and one medium or large shade tree for every 650 sf thereafter.

- Each parking space must be located within 50' of a tree planted within parking lot interior. Minimum of 1 shade tree must be planted within parking lot interior or within 4' of parking lot's edge for every 3 parking spaces.
- Within 20 years of tree installation, 30% of the interior of the parking lot should be shaded by tree canopy. Shade Structure Requirements
- Attractive and well-designed shade structures should be considered an acceptable alternative for meeting the tree shade goal for up to 50% of the interior parking lot requirements.

Part 7 Parking Requirements

The parking standards outlined in this section are in addition to currently established standards for the hotel/motel development, and should meet the following goals:

- Ensure an appropriate level of vehicle parking, loading, and storage to support a variety of land uses.
- Provide appropriate site design standards to mitigate the impacts of parking lots on adjacent land uses and zoning subdistricts.
- Provide specifications for vehicular site access.

1. General Requirements

- Off-street parking spaces shall be provided in conformance with established site design requirements.
- Required Accessible Parking - parking facilities accessible for persons with disabilities shall be in compliance with or better than the standards detailed in the state Accessibility Code, including quantity, size, location, and accessibility. Required Bicycle Parking.
- Bicycle Parking areas required as described below.

2. Mixed-Use Parking Reductions

The following reductions may be applied depending on the amount and specific mix of uses.

- Shared Vehicular Parking - an arrangement in which two or more non-residential uses with different peak parking demands use the same off-street parking spaces to meet their off-street parking requirements. Through review of the site plan, up to 100% of the parking required may be waived.
- In order to approve a shared parking arrangement, it must be proved that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.

3. Bicycle Parking Design

Bicycle parking shall be designed and located as follows.

- Required bicycle parking spaces shall have minimum dimensions of two feet in width and six feet in length.
- An aisle a minimum of five feet wide shall be provided behind bicycle parking facilities to allow for maneuvering.
- A minimum of two feet shall be provided beside each parked bicycle to allow access. This access may be shared by adjacent bicycles.
- Racks shall be installed a minimum of two feet from any wall or other obstruction. Bicycle parking should be located within 50 feet of the entrance of the use.
- Bicycle parking facilities shall be separated from vehicular parking areas to protect parked bicycles from damage. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
- Racks and Structures shall be provided for each unprotected parking space and shall be designed to accommodate both chain and U-shaped locking devices supporting the bicycle frame at two points.

COUNTY COMMISSION MEETING

19 NOVEMBER 2019

**San Juan County Commission Meeting
Administration Building - Commission Room
Agenda
November 19, 2019**

Present: Kenneth Maryboy - Commission Chair
Willie Grayeyes - Commission Vice Chair
Bruce Adams - Commissioner
Mack McDonald - CAO
John David Nielson - Clerk

Attendees: Elise Erler, Mark Vlastic, Monte Perkins, Jim Sayers, Doug Allen, Marlene Huckabay, Chad Booth, Jean Bondio, Mike Bondio, Albert Holiday, Holly Sloan, Sharon Brussell, Larry Edwards, Colby Smith, Sue Baril, Jimmy Johnson, Kim Henderson, Curtis Henderson, Amer Tumeah, Kim Palmer, Lynda Smrz, Cheryl Bowers, Zac Podmore, John Evans, Dave Focardi, Bill Love, Randy Rarick, Arleen Hurst, Trent Schafer, Ronald Nielson, Shanon Brooks, Scott Burton, Walter Bird

Mark Vlastic - Landmark Design

Mark gave a presentation on the proposed Spanish Valley Planning Ordinances. Mark discussed how 10 new proposed ordinances were created from meetings with property owners, SITLA, and the Northern San Juan County Coalition. Mark explained key changes from previous ordinances. Mark also explained that the San Juan County Planning & Zoning reviewed the new proposed ordinances and recommended changes to eight of the ordinances as well as a recommendation to eliminate two ordinances covering sign & display requirements as well as the overnight accommodations requirements.

Chad Booth - County Seat

Chad Booth came to discuss the County Seat program that he runs. Chad explained that the County Seat has been in operation for 9 years and covers all areas of Utah. He talked about how the County Seat program allows for discussion and information on topics relevant to an area. There was a brief discussion on the different media outlets that could be used by County Seat to provide their programs.

Jim Sayers - Bluff Town Updates

Jim came to the commission to discuss and interlocal agreement between San Juan County and the Town of Bluff. He expressed appreciation for the work that the county administrator, Mack McDonald, has done in helping to further Planning & Zoning and Building Permits in Bluff.

Mack McDonald - CAO

Mack discussed with the commission a Predation Management Contract that would be brought to the commission for approval during the commission meeting. Mack explained that the cost of

the program is split 50/50 between USDA and the county \$3,000 a piece. He also stated that the program helps to mitigate the nuisance of predators on cattle and other livestock.

Clark Hawkins - SJC Road Department

Clark came to the commission with a couple of procurement requests. The first request was to purchase a Bottom Dump Trailer. Clark explained that one bid for trailer was received from Bruckners Truck & Trailer Sales from Farmington, New Mexico. He explained that the trailer purchase was requested because the old trailer was sold for \$8000.

Off the procurement topic, there was a discussion about road maintenance and care with the upcoming anticipated moisture. Clark explained how the road department will handle the road maintenance.

Clark also requested to purchase a used hot oil 8400 gallon trailer. He explained that there is a need to have an additional trailer so that demurge charges from road projects involving the county could be avoided. Clark stated that the cost of the \$12,000 trailer would help to save the county money from additional demurge charges from road projects which reached \$3,000 just during the summer.

Commissioner Maryboy also asked Clark to follow up with the road department on painting a centerline on the highway between Montezuma Creek and Red Mesa.

Nick Sandberg - SJC Planning

Nick updated the commission on the Forest Plan and explained that the process to have a public comment period has slowed down and that the Forest Service will not hold public hearings until 2020. Nick also asked the commission to be considering and make recommendations on possible locations where the public hearings could be held. Once he has recommendations, Nick would pass them along to the Forest Service.

Nick also talked about grazing situations within the county. He explained that the forage conditions are good, but there is a lack of water which would indicate that water hauling will probably be needed on some allotments.

**San Juan County Commission Meeting
Administration Building - Commission Room
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Attendees: Elise Erler, Mark Vlastic, Monte Perkins, Jim Sayers, Doug Allen, Marlene Huckabay, Chad Booth, Jean Bondio, Mike Bondio, Albert Holiday, Holly Sloan, Sharon Brussell, Larry Edwards, Colby Smith, Sue Baril, Jimmy Johnson, Kim Henderson, Curtis Henderson, Amer Tumeah, Kim Palmer, Lynda Smrz, Cheryl Bowers, Zac Podmore, John Evans, Dave Focardi, Bill Love, Randy Rarick, Arleen Hurst, Trent Schafer, Ronald Nielson, Shanon Brooks, Scott Burton, Walter Bird

Mack McDonald read the commission agenda into the record. A motion to adopt the agenda was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

A motion to eliminate items I and J from the agenda was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Commissioners voting in favor of the amended agenda are Commissioners Adams and Commissioner Grayeyes. Voting was unanimous.

A question from an audience member was raised as to the ramifications of items I and J being removed from the agenda. Commissioner Adams explained that the motion to remove I and J from the agenda was because it was the recommendation of the Planning & Zoning Commission to remove those two ordinances from the draft ordinances proposed by Landmark Design. Mack McDonald explained that public comments regarding the eliminated items could still be heard.

A motion to recall the agenda for discussion was made by Commissioner Grayeyes. Commissioner Maryboy 2nd the motion. Commissioners voting in favor are Commissioners Maryboy and Grayeyes. Commissioner Adams voted against the motion.

A motion to adopt the agenda as written for discussion was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous

A motion to approve the October 15, 2019 and November 5, 2019 Commission Meeting Minutes was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Citizen Comments:

Albert Holiday - Albert, Oljato Chapter Vice President, talked to the commission about the state of the roads on the reservation and to asked the commission for a status report on when the roads will be improved. He explained that the safety of the school kids and buses is very important. He also asked for a roundabout and a front end loader

Jean Bondio - Jean asked the county to support the September 13, 2019 recommendations of Landmark, the experts hired by the county to create the ordinances.

Bill Love - Bill talked about the importance of not building in a flood plain or a flood channel. He also talked about having an ordinance to protect stream beds for insurance purposes.

A motion to go into Public Hearing was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

Mack offered some instructions to those offering comments during the public comment period regarding being civil and respectful to those presenting. Commissioner Maryboy opened up the public hearing to individuals who wish to make comments on the proposed ordinances by Landmark Design listed below:

- a. Spanish Valley Residential (SVR) District
- b. Spanish Valley Planned Community (PC) District
- c. Spanish Valley Residential Flex Planned Community (RF) District
- d. Spanish Valley Business Flex Planned Community (BF) District
- e. Spanish Valley Highway Flex Planned Community (HF) District
- f. Spanisg Valley Highway Commercial (HC) District
- g. Spanish Valley Water Efficient Landscape Requirements
- h. Spanish Valley Outdoor Lighting and Sign Illumination Requirements
- i. Spanish Valley Sign and Display Requirements
- j. Spanish Valley Overnight Accommodations Overlay District Requirements
- k. Amendment of Chapter 11:
- l. Adoption of a new Section 4 Article II.

Public Comments:

Elise Eler - Elise, representing SITLA, explained that SITLA has participated in the moratorium process and in general supports the proposed ordinances created by Landmark Design. Elise also commented on a couple of zoning elements within the ordinances. First she talked about the Highway Commercial District and the point of moving from conditional vs allowed use. She explained how keeping it as conditional use would allow the county to react more quickly to potential problems. Second, Elise recommended that the county keep the Sign and Display Requirement ordinance. Elise also spoke in favor of the Overnight Accommodations

Requirement and Map #3 with the caveat that the A1 pockets are included. Elise explained that any ordinance could be adjusted over time to accommodate growth.

Larry Edwards - Larry spoke on the importance of a compromise and accepting it. He believed that the ordinances submitted by Landmark Design on September 13, 2019 should be the ordinances that are approved by the San Juan County Commission.

Sharon Brussell - Sharon stated that Landmark Design has worked very hard to achieve common ground resulting in the September 13, 2019 ordinances and encouraged the commission to adopt and move forward with the September 13, 2019 ordinances presented by Landmark Design.

Bill Love - Bill encouraged the commission to vote in favor of the September 13, 2019 ordinances and asked the commission to pass a resolution requiring that ordinance amendments be given a 30 day review period before they are passed.

Colby Smith - Colby talked about the different versions of maps up for approval by P & Z and stated that during the P & Z meeting there was no discussion on the differences between the proposed maps, only a map two. Colby also explained that at the same P & Z meeting, the P & Z commission made amendments to map two without providing transparency as to why the changes were being made. He stated that the P & Z did a disservice to the county commission by proposing a map without allowing for transparency of the changes.

Marlene Huckabay - Marlene asked the commission to consider the future when considering the proposed ordinances.

Linda Smrz - Linda stated that she is happy with what Landmark Design has proposed and encouraged the commission to adopt the September 13, 2019 ordinances presented by Landmark Design.

Holly Sloan - Holly appreciated the opportunity to meet new people and hear different opinions. She explained that changes could be made later, if needed, after more discussion, but encouraged the commission to adopt the proposed September 13, 2019 ordinances and map #3

Jeff Mattson - Jeff spoke about the Spanish Valley Area Plan from 2017 and its 10 guiding principles. He believes that the Landmark Design ordinances from September 13, 2019 follow the guiding principles and that the P & Z ordinances go against several of the guiding principles.

Ann Austin - Ann spoke about adapting to the changing conditions and working with the P & Z to compromise in different areas. Ann spoke in favor of the county commission adopting the ordinances and map #3

Ryan Holyoak - Ryan, representing LeGrand Johnson, stated that after an examination of the land use code it was found that the proposed ordinances are in violation of HB 288 and that adjustments were made by the P & Z to make the proposed ordinances compliant with the law. He encouraged the commission not to pass any ordinances that are against law. After Ryan's comments, there was a brief discussion about zoning, properties, and the boundaries of the proposed map #3

Amy Weiser - Amy came to the commission expressing support for the recommendations made by the P & Z. She explained that the P & Z did a great job at balancing the concerns and property rights of landowners in Spanish Valley. She asked that if the proposed ordinances from September 13th and map #3 were adopted, that they included changes and adjustments recommended by the P & Z.

Dave Focardi - Dave agreed with SITLA in adopting the Landmark proposals. He also talked about a 50 foot buffer in Pack Creek that was struck off by the P & Z until more data on a floodplain was being looked at evaluated. Dave also explained that having a sign ordinance allows for a starting point when considering what is good signage and discussed how signage affects property owners.

Jeannie Weidensee - Jeannie explained that she does not agree with the recent P & Z recommendations regarding the sign and lightning ordinance. She encouraged the commission to adopt the Landmark Design ordinances.

Shanon Brooks - Shanon spoke about compromise and stated that the P & Z is not disregarding Landmark Design's recommendations with the exception of a few points.

Monette Clark - Monette Clark explained that Landmark Design's proposed ordinances were a result of listening to the community and community concerns.

Kim Henderson - Kim spoke in support of the ordinances recommended by P & Z. She spoke about smart, economic growth that would bring revenue to San Juan County and stated that the revised ordinances by the P & Z as well as map #4 would be the best option for future growth.

Curtis Henderson - Curtis thanked the P & Z commission on their work with the proposed ordinances and encouraging a diverse economy and responsible future growth.

Trent Schafer - Trent, from P & Z, explained that private property rights of citizens was the main reason why the P & Z recommended changes to the proposed ordinances from Landmark Design. He explained that the P & Z listened to all of the people and made recommendations to avoid government overreach.

Scot Flannery - Scot, a member of the P & Z, explained why certain recommendations such as wording for Truck Stops, the Pack Creek buffer, PC zone changes, and signage were

proposed by the P & Z commission. Scoot also mentioned that map #3 fails to address zoning for certain properties and that the P & Z sought to communicate with property owners on how they would like their property zoned.

Cheryl Bowers - Cheryl explained that the P & Z commission are individuals appointed by the county commission to make important decisions.

Cheryl also asked the commission to consider development within the county which would create revenue and growth. Cheryl asked the commission to respect the role of the P & Z and their recommendations when making their decisions.

A motion to leave the public hearing was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Mack McDonald, San Juan County Administrator, explained the differences between map #4 in the proposed ordinance and map #3 which was recommended several times during the public comment period as well as other.

Commissioner Maryboy spoke about the efforts of Landmark Design, the P & Z Commission, and citizens to create ordinances that work for the people who live there.

Planning and Zoning Ordinances consideration for Approval

AN ORDINANCE ADOPTING THE SPANISH VALLEY DEVELOPMENT ORDINANCES AND MAP AMENDING THE SAN JUAN COUNTY ZONING ORDINANCE

Commissioner Grayeyes made a motion to approve the ordinance as presented on the agenda and to accept map #3, with the modification that adds to A1 to map #3.

There was a discussion on how modifying map #3 by adding the A1 (gravel pit areas) would affect other areas already included within map #3. Commissioner Adams suggested that the commission adopt map #4 instead of map #3. Commissioner Grayeyes felt like the P & Z waited until the last minute to make changes to the proposed ordinances and map. He wanted to see the people of Spanish Valley work with the P & Z. He also suggested that Spanish Valley work towards becoming a town. Commissioner Adams explained that the P & Z did do their job and worked with property owners to determine how zoning would affect property owners within in the zoning area.

Commissioner Grayeyes amended his motion to approve the ordinance as presented on the agenda including map #4 which includes the A1 areas.

Commissioner Adams made a substitute motion to use the P & Z commission's recommendations as of November 19, 2019 which includes map #4 and to include all of the A1 properties. The motion died for lack of a 2nd.

County Administrator, Mack McDonald read through the proposed ordinance and explained which recommended P & Z ordinances were included.

Commissioner Maryboy 2nd the motion made by Commissioner Grayeyes. Mack McDonald asked if the motion included the ordinances from September 13, 2019 or the ordinances recommended by the P & Z and then discussed some of the confusing language that the P & Z commission cleaned up to create consistency.

Commissioner Grayeyes amended his motion to approve the ordinances presented by Landmark Design on September 13, 2019 including map #3 with the adjustments to the A1 areas.

Mack McDonald explained that the exhibits mentioned in the proposed county ordinance which Commissioner Grayeyes made a motion to adopt would be the ordinances recommended by Landmark Design from September 13th and map #3.

Commissioners voting in favor of the motion were Commissioners Marboy and Commissioners Grayeyes. Commissioner Adams voted against the motion.

AN ORDINANCE AMENDING CHAPTER 11; MULTIPLE USE, AGRICULTURAL, RURAL RESIDENTIAL DISTRICTS ADOPTION, SPECIFICALLY SUBSECTION 11-3 OF THE SAN JUAN COUNTY ZONING ORDINANCE (2011)

After Mack McDonald read the ordinance into the record, Commissioner Adams made a motion to approve the ordinance. Commissioner Grayeyes 2nd the motion. Voting in favor was unanimous.

AN ORDINANCE ADOPTING A NEW SECTION 4 OF ARTICLE II. PLATTING REQUIREMENTS FOR ALL ZONES IN SAN JUAN COUNTY IN THE SAN JUAN COUNTY SUBDIVISION ORDINANCE (2016) CREATING A MINOR SUBDIVISION ORDINANCE.

After Mack McDonald read the ordinance into the record, a motion to approve the ordinance was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting in favor was unanimous.

Monte Perkins - SJC Maintenance

A request to approve capital improvements was made by Mack McDonald for Monte Perkins. A motion to approve capital improvements was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Scott Burton - SJC Planning and Zoning

Scott presented several subdivisions for approval:

1. Hummingbird Nest - which is located south of Blanding on Brown's Canyon Road. A motion to approve the subdivision was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

2. LaSal Acres Amendment No. 1 - amends an existing subdivision by decreasing the lot by an acre. A motion to approve the subdivision was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.
3. Cannon Rancho Amendment No. 3 - the amendment divides one lot into two. A motion to approve the amendment was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.
4. Flat Iron Mesa Ranch, Phase XXIV - the amendment adds a 7.5 acre parcel to the subdivision. A motion to approve the amendment was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Randy Rarick - SJC Landfill

Randy requested the purchase of frontend loaders which was approved via email. A motion to ratify the decision was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Randy requested to table the purchase of a custom scaling system. A motion to table the request was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

Clark Hawkins - SJC Road Department

Mack requested that the items presented by Clark Hawkins, during the Work Meeting, for purchase, a bottom dump trailer and a hot oil trailer be approved. A motion to approve the procurement requests was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

RT Nielson - San Juan County School Superintendent

A motion to approve a Teacher's Incentive resolution was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

John David Nielson - SJC Clerk

John David presented the results of the 2019 Special Election for approval. He stated that the canvassed results for Proposition 10 also included voter turnout by precinct and the number of rejected ballots and the reasons why they were rejected. A motion to approve the canvassed results was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

Mack McDonald - SJC CAO

Mack made a request for the commission to approve the predator contract that was discussed during the Work Meeting. A motion to approve the predator contract was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

John David Nielson - SJC Clerk

John David requested that the taxes for Robert Johnston for 2018 be given a commission abatement. A motion to approve the request was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

A motion to convene LBA was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

A motion to authorize a request to reimburse was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

A motion to leave LBA was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

A motion to adjourn commission meeting was made by Commissioner Adams.

Meeting adjourned at 1:47 pm

San Juan County Spanish Valley Development Ordinances
of the
San Juan County Zoning Ordinance

~~September 13, 2019~~

~~November 14, 2019~~

November 19, 2019

**Recommended for Adoption by the
San Juan County Planning Commission**

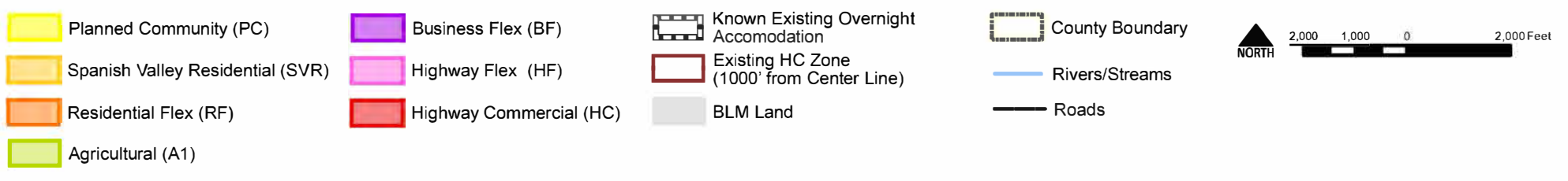
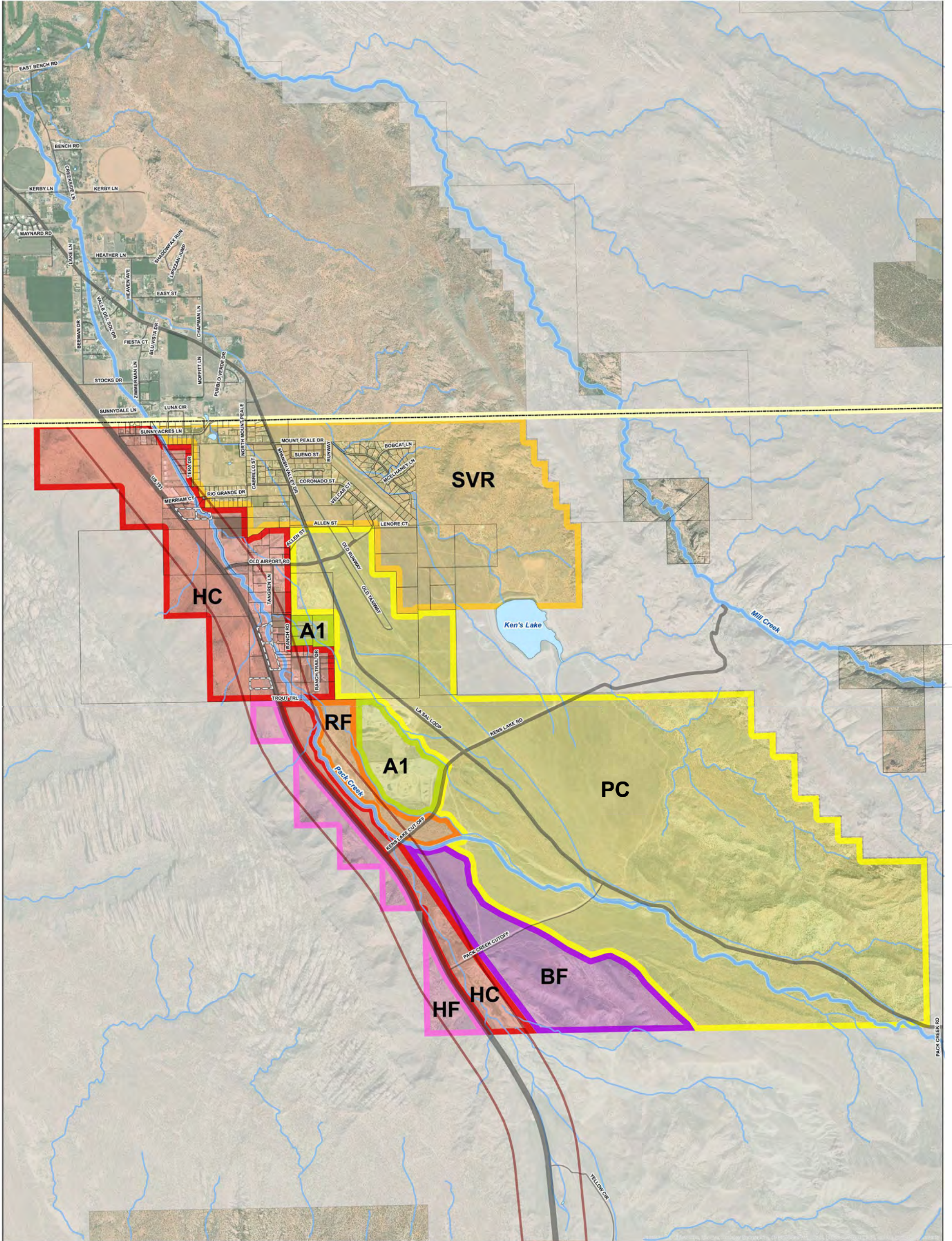
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San Juan County Spanish Valley Zoning Map (DRAFT)

Recommended for Adoption by Planning Commission

(NOVEMBER 19, 2019)



Chapter 1: Spanish Valley Residential (SVR) District

An Ordinance creating the *Spanish Valley Residential District* of the San Juan County Land Use Ordinance for the purpose of managing growth and development in the non-federal lands in northernmost part of the San Juan County portion of Spanish Valley. See proposed Spanish Valley Zoning Map for applicable locations.

Purpose

Uses

Lot Design Standards

Mix of Housing Types

Constrained Lands

Measurements and Exceptions

District Standards

Subdivision Standards

Streets

Sidewalks and Trails

Easements

Drainage

Water Supply

Purpose

The Spanish Valley Residential (SVR) District is designed primarily to accommodate residential uses in large lot (one-acre or greater) and smaller lot (1/4 acres up to 1 acre) developments. In addition to the Uses and Lot Design Standards of this section, development in this district shall be in compliance with all other applicable provisions of the San Juan County Land Use Ordinance, and shall promote and protect public health, safety, and welfare.

Uses

Uses are allowed in the SVR District in accordance with Table 1-1:

Permitted Uses

Uses identified with a "P" in the table shall be permitted in the SVR District, subject to compliance with all applicable conditions and all other provisions of this Code.

Conditional Uses

Uses identified with a "C" in the table shall be permitted in the SVR District only upon approval of a Conditional Use Permit by the County in accordance with the Conditional Use procedures and standards of the Zoning Ordinance.

Lot Design Standards

All development in the SVR District shall be subject to the following lot design standards, which generally allow for variety in housing and building types while maintaining the overall character of residential neighborhoods. This approach promotes better site layout and energy efficient

development, affordable life-cycle housing, and development intensities that match existing and proposed infrastructure investments.

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

Use Category	Specific Use
RESIDENTIAL USES	
Dwelling, single-family	P
Dwelling, two-family (duplex)	P
Dwelling, Manufactured	P
Accessory Buildings and Uses	P/C
All other household living uses (5 th wheels, trailers, etc.)	C
CIVIC AND INSTITUTIONAL USES	
Day Care	C
Educational Facilities, Public	P
Educational Facilities, Private	C
Government Facilities and Public Institutions	C
Institutions, Private or Non-Profit	C
Medical Facilities	C
Places of Worship	P
Utilities	C
PARKS, OPEN SPACE AND AGRICULTURAL USES	
Parks and Open Spaces, Public	P
Parks and Open Spaces, Private	C
Farmland, Grazing and Pasture	P
Animal Husbandry - small animals (pigs, goats, lambs, etc.)	P
Animal Husbandry - large animals (cows, cattle, horses, etc.)	P (=/> 1 acre lots only)

Minimum Requirements

Every building erected or installed must be located on, and every plat submitted for approval must show, a lot or building parcel that meets the minimum requirements of at least one lot type permitted under this article, based on underlying zoning and subdivision type.

Every building and lot must have direct access to one of the following:

1. A public street
2. An approved private street or driveway
3. A public or private street via a public or private alley

All structures must be located on lots or parcels that provide safe and convenient access for servicing, fire protection and required on-site parking. No lot shall be approved that does not meet the minimum lot area requirements of this Code except in the following cases:

1. Nonconforming lots
2. Public Utilities

The uses and densities listed in this chapter are allowed by right unless otherwise expressly stated. Each project must comply with all of the applicable development standards of this chapter.

Residential Density and Dimensional Standards

Residential development shall be subject to the maximum density and minimum dimensional standards of the SVR District in accordance with Table 1-2.

TYPE 1 developments shall have demonstrated access to a municipal water and sewer system.

TYPE 2 developments have no access to municipal water and sewer systems and will rely on private wells and septic systems as described elsewhere in this Code.

**Table 1-2
Residential Density and Dimensional Standards**

STANDARD	TYPE 1	TYPE 2
Max. Density (dwelling units/acre)	4	1
Min. Parcel Size (SF)	10,890	43,560
Min. Front Yard and Street Side Yard setback	25'	25'
Min. Interior Side Yard setback	8'	8'
Min. Rear Yard setback	20'	20'
Min Lot Width	75'	75'
Max. Bldg. Coverage (% of lot)	40%	40%
Max. Height Principal Structure	Three stories not to exceed 35'	Three stories not to exceed 35'
Max. Height Accessory Structure	Two stories not to exceed 24'	Two stories not to exceed 24'
Fence Height	6' max, 4' max for front yard	6' max, 4' max for front yard

Mix of Housing Types

Two-family homes may comprise no more than 50 percent of the total dwelling units of any proposed SVR District subdivision. In no case shall the SVR District density of four dwelling units per acre be exceeded for the overall subdivision site.

Constrained Lands

Constrained lands include lands with natural slopes greater than 30 percent, jurisdictional wetlands, lands in the 100-year floodplain, public drinking water supply sources (recharge areas for wells and aquifers), lands affected by unmitigable geo-hazards, and riparian habitats unless mitigated by a licensed engineering study.

Constrained lands in all developments and subdivisions shall be identified on plats and remain unoccupied by buildings or impervious surfaces.

Land Suitability

Land deemed to be environmentally unsuitable shall not be platted for residential occupancy, or for such other uses as may increase danger to health, life, or property, or aggravate erosion or flood hazard. Such land within the plat shall be restricted for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsafe living conditions.

The County shall not approve the subdivision of land if it is determined that the site is not suitable for platting and development purposes.

Measurements and Exceptions

Lot Area

Lot area refers to the amount of horizontal land area within lot lines. No building permit or development approval shall be issued for a lot that does not meet the minimum lot size requirements of this chapter, with the following exceptions:

Lot Area Reduction for Public Purpose

When an existing lot is reduced as a result of conveyance to a federal, state or local government or homeowners association for a public purpose and the remaining area is at least three-quarters of the required minimum lot size for the SVR District in which it is located, the remaining lot shall be deemed to be in compliance with the minimum lot size standards of this chapter.

Utility Facilities

Utility facilities using land or an unoccupied building requiring less than 1,000 square feet of site area are exempt from the minimum lot size requirements of the SVR District.

Required Yards (Setbacks)

Setback refers to the unobstructed and unoccupied open space between a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed by any part of a structure from the ground to the sky and measured as the horizontal distance between a property line and the furthestmost projection of the structure, except as provided otherwise in this chapter.

A. Front Yard Setback

1. Corner Lots

For lots with frontage on two intersecting public or private streets, such a lot shall be considered to have two front lot lines and shall comply with front yard setbacks from each front lot line.

2. Double Frontage Lots

Where lots have double frontage, running through from one street to another, a required front yard setback shall be provided on both streets.

B. Cul-De-Sacs

Notwithstanding any other provisions of this chapter, lots fronting on a cul-de-sac shall have a minimum frontage of 30 feet and a minimum lot width of 40 feet.

Maximum Height

A. Measurement

1. Buildings

Building height shall be determined by measuring the vertical distance between the lowest point where the wall face of the building intersects finished grade around the perimeter of the building (or structure other than fences, telecommunications and microwave towers, and antennas) and the highest point on the building.

2. Fences and Walls

Height of fences or walls shall be measured as the vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall.

Building Coverage

A. Measurement

The maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings.

B. Permitted Exceptions

Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, open swimming pools, or roof overhangs of less than 5 feet.

District Standards

All principal residential structures in the SVR District shall comply with the following requirements:

1. All properties shall be designed in accordance with the requirements of the Water Efficient Zoning Ordinance.
2. The minimum spacing between dwellings shall be 16 feet, with an additional 8 feet per story provided between buildings for every story over 2 stories.
3. 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. Required skirting shall be 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. 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.
 - 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.
 - h. Shall comply with current building code requirements, the standards of this ordinance, and in accordance with current FHA and HUD guidelines.
 - i. Shall allow only one manufactured home per designated lot (manufactured home communities shall be permitted as part of a Planned Community only).
4. The keeping of no more than four (4) large animals and livestock shall be considered a permitted use on parcels with more than one acre and less than 5 acres. These standards shall not be applicable to parcels larger than 5 acres.
 5. The keeping of no more than four (4) small agricultural animals (sheep, pigs, goats, etc.) shall be considered a permitted use on parcels with more than one-half acre and less than 5 acres. These standards shall not be applicable to parcels larger than 5 acres.
 6. Barns, stables, coops, animal sheds or similar structures shall be set back at least 100 feet from existing dwellings and 20 feet from any open waterway. Surface drainage from such structures shall not be permitted to drain into a natural stream or into a drainage way that drains into a natural stream and shall comply with State of Utah Health Code.

Subdivision Standards

Applicability

All plats and subdivision of land within the SVR District shall conform to the following rules and regulations.

Lot Configuration

The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall not be less than those specified as minimum standards by the SVR District. The depth and width of properties shall be adequate to provide for the off-street service, parking facilities and fire/safety requirements required in the Zoning Ordinance.

Side Lot Lines

Side lot lines shall be substantially at right angles to street lines unless otherwise approved by the Planning Commission.

Street Frontage Required

Each new lot or building tract shall front upon a public street.

Double Frontage Lots

Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic or to overcome specific disadvantages of topography and orientation.

Flag Lots

Flag-shaped or panhandle shaped lots may be created in either TYPE 1 or TYPE 2 developments if all of the following requirements are met:

1. The lot has at least 25 feet of frontage on a dedicated public street, which frontage served as access only to the subject lot or parcel.
2. The "handle" portion of the lot is at least 25 feet in width, and not more than 250 feet in length.
3. The body of the lot meets the lot area and lot width and setback requirements of the applicable TYPE.

Large Lots

Where the area is divided into larger lots than for normal San Juan County building sites and, in the opinion of the Planning Commission, any or all of the tracts are susceptible to being re-subdivided, the original subdivision shall be such that the alignment of future street dedications may conform to the general street layout in the surrounding area and so that the larger tracts may be later subdivided in conformance with the requirements of this Code and the minimum standards specified by the applicable zoning district.

StreetsApplicability

All developers shall be required to construct streets within the subdivision in accordance with San Juan County Code requirements.

Street Layout

Unless otherwise approved by the Planning Commission, provisions shall be made for the extension of streets. All streets shall bear a logical relationship to the topography and to the location of existing or planned streets on adjacent properties. Adequate local streets shall be provided to accommodate the subdivision and provide access to lots. The arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection to existing principal streets in surrounding areas; or
2. Conform to a plan for a neighborhood or planned unit development approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or where neighborhood design makes a varied plan appropriate.

Street Connections

The system of streets designated for a subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivision(s); and where no adjacent connections are platted, must in general be the reasonable projection of streets in the nearest subdivided tracts, and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith. Reserve strips of land controlling access to or egress from other property or to or from any street or alley or having the effect of restricting or damaging the adjoining property for subdivision purposes shall not be permitted in any subdivision unless such reserve strips are conveyed to San Juan County in fee simple.

Half Right-of-Way (R.O.W.)

Half streets shall be prohibited except where essential to the reasonable development of the subdivision and where the Planning Commission finds it will be practicable to require the dedication for the other half of a street when adjoining property is subdivided.

Street Intersections

More than two streets intersecting at a point shall be avoided, except where it is impractical to secure a proper street system otherwise. Intersections shall be as near 90 degrees as possible and in no cases shall the intersection angle being less than 60 degrees.

Street Jogs

Non-intersecting streets with centerline offset of less than 125 feet shall not be approved.

Dead-End Streets

Dead-end streets, except for cul-de-sacs, shall be prohibited unless they are designed to connect with future streets on adjacent lands that have not been platted. In cases where these types of dead-end streets are allowed, a temporary turnaround with a minimum radius of 50 feet shall be constructed.

Cul-de-sacs

Cul-de-sacs shall meet the San Juan County Code requirements. Ordinarily, cul-de-sacs are discouraged as they do not result in a continuity of existing streets or streets pattern and may be used only where unusual drainage or land ownership configurations exist that make other designs impractical.

Highway Access Permit

A Highway Access Permit must be approved by UDOT for each new subdivision with direct access to a state or federal highway. Turn lanes, frontage road(s), curb and gutter may be required along the entire highway frontage if required by UDOT.

Street Design Standards

Street and alley widths, curves, grades design speed and centerline radius shall meet San Juan County Code requirements.

Turn By-Passes and Turn Lanes

Right-turn by-passes or left-turn lanes may be required at the intersection of collector streets if traffic conditions indicated they are needed. Sufficient rights-of-way shall be dedicated to accommodating such lanes when they are required.

Street Names and Numbers

All street names shall be as established subject to approval of San Juan County Code requirements. When streets are in alignment with existing streets, any new streets shall be named according to the streets with which they correspond. Streets which do not fit into an established street-naming pattern shall be named in a manner which will not duplicate or be confused with existing streets within the Spanish Valley Area Plan or its environs.

Street lighting

Street Lighting shall conform to Spanish Valley Outdoor Lighting and Sign Illumination Standards. The developer shall pay the costs of purchasing and installing all street lighting equipment. Street lighting design plans shall be subject to the approval of designated San Juan County Staff. The type of equipment, method of installation and location of the wiring and light poles shall meet the minimum standards and requirements of the electric company from which electricity is to be purchased. All street lighting shall be shielded and directed toward the ground so as to minimize horizontal view and visibility of the light source. All intersections with a major collector street shall have at least one streetlight.

Sidewalks and TrailsApplicability

This section is intended to ensure adequate pedestrian access is available to serve uses that need and benefit from such access. If a builder or property owner believes that a proposed use does not need or benefit from pedestrian access, a written request for a waiver may be submitted to the Zoning Administrator describing the use and explaining why pedestrian access should not be required as a condition of the building permit for the proposed use.

Trails

Trails shall be designed as single track and multi-use trails depending on the specific need and conform to the standards in Table 1-3.

**Table 1-3
Trail Design Standards**

	Cross-Slope Range	Min. Trail Width	Min. R.O.W. Width	Clearing		Preferred Surface Materials			
				horizontal	vertical	natural	crushed stone	asphalt	concrete
Single-track Trails	0-20%	3'	6'	1.5' each side of trail	10'	Yes	Yes	No	No
Multi-use Trails	0-10%	12'	15'	1.5' each side of trail	10'	Yes	Yes	Yes	Yes

Easements

Utility Easements Required

Utility easements shall be provided in all residential areas unless otherwise approved by the Planning Commission and in commercial and industrial districts, except that the Planning Commission may waive the requirement where other definite and assured provision is made for service access consistent with and adequate for the uses proposed.

Minimum Width

The minimum rights-of-way width of each utility easement shall be 5' minimum or as required by the utility authority.

Fire Lanes and Emergency Access Easements

Fire lanes and emergency access easements 20 feet in width shall be provided where required by the fire authority having jurisdiction.

Waterway Easements

When a proposed subdivision or development is traversed by an irrigation ditch or channel, natural creek or stream, or a proposed drainage easement, an easement shall be provided sufficient for drainage and to allow for maintenance of the drainage system.

1. The minimum right-of-way width of each drainage easement shall be 10 feet minimum for canals and ditches, or as otherwise required by the canal or ditch authority and/or San Juan County requirements.
- ~~2. Buffers shall be a minimum of 50 feet from top of bank on both sides of Pack Creek and 25 feet from the top of bank on both sides of other perennial and ephemeral streams to preserve the stream corridors and provide adequate access easement for drainage, flood control and storm water maintenance. Parks, trails and underground utility easements are acceptable uses within the stream buffer; fences, walls and other structures are not permitted within the buffer.~~

Trail Easements

When a proposed development or subdivision is traversed by a public trail shown on an adopted plan or when the Planning Commission finds that a trail easement can better serve the proposed development than a sidewalk, an easement shall be provided sufficient for

public trail construction, maintenance and access purposes according to San Juan County Code requirements.

Adjoining Areas

When easements in areas adjoining proposed subdivisions are necessary to provide adequate drainage thereof or to serve such subdivisions with utilities, the developer shall obtain such easements.

Drainage

Applicability

Applicants shall provide, at applicant's expense, drainage facilities in accordance with the requirements of the San Juan County Code requirements which will become integral parts of the canal, ditch, waterway, and street or roadway drainage system. The dimensions of all drainage structures must be approved by San Juan County prior to installation and as required for easements elsewhere in this code. Design shall be based on environmentally sound site planning and engineering techniques. It is especially critical that storm water management systems be designed for an entire drainage basin rather than just for specific sites. If improvements are identified and necessary downstream of the proposed development and no approved capital improvement plan exists to address the necessary improvement, the developer shall be required to demonstrate that such existing drainage features are adequate to serve the anticipated development and to protect the public health, safety, and general welfare at full build out under existing zoning. Where such demonstration is not made, the applicant or developer shall be required to install such necessary improvements.

Minimum Standards

A. Natural and Historic Drainage Ways

All historic flood and drainage ways shall be protected from alteration such that their primary function as storm water facilities shall be upheld.

B. 100-Year Storm

All drainage and flood control facilities shall be designed to handle the calculated difference between historic flows and the anticipated post-development 100-year frequency storms for maximum period of intensity over the entire drainage basin which the subdivision serves, 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. Erosion

Where free fall of water occurs, satisfactory means shall be provided to prevent erosion of soil.

D. Catch Basins and Culverts

Catch basins and culverts shall be constructed in accordance with the San Juan County Code requirements

E. Engineered Design

All drainage shall be designed by a Utah licensed professional engineer and approved by San Juan County authorities.

Water Supply

General

New development shall provide water supply that is sufficient in terms of quality, quantity and dependability for the proposed development. In making its determination as to whether the proposed water supply meets this standard, the decision-making body shall give substantial weight to the recommendations of State, County and applicable service district authorities and their associated standards. All water systems shall be provided by or through approved water and sewer service agencies and meet all applicable requirements of the San Juan County Code requirements.

Municipal and District Water Systems

If all or part of a proposed development is within the jurisdiction of an approved public water system, then the applicant must obtain a written certification from the public water service provider stating that it is able to provide an adequate supply of drinking water with adequate quantity, quality and sufficient pressure to meet the needs of the proposed development based on the projected water usage of the development. Individual or common wells or other private water systems shall be permitted only when the subdivision boundary is outside the jurisdiction of an approved public water system able to serve the development.

Chapter 2: Spanish Valley Planned Community (PC) District

An ordinance creating the *Spanish Valley Planned Community (PC) District* of the San Juan County Land Use Ordinance for the purpose of creating a new zone (PC Zone) to accommodate large-scale master-planned development in the non-federal lands in the San Juan County portion of the Spanish Valley. See proposed Spanish Valley Zoning Map for applicable locations.

Purpose

Land Use Districts

Minimum Requirements

Permitted Uses

Conditional Uses

Planning and Approval Process for PC Zones

PC Zone Plan

Community Structure Plan (CSP)

Project Plan/Subdivision Plat

Site Plan Review

Development Standards

- (A) Open Space and Common Areas
- (B) Fencing, Screening, Clear Vision
- (C) Architectural Standards
- (D) Water-conserving Landscaping Requirements
- (E) Lighting
- (F) Other Requirements

Development Agreement

Purpose

The purpose of the Spanish Valley Planned Community (PC) District is to provide a regulatory tool that allows large properties in the San Juan County portion of the Spanish Valley to be developed in accordance with a specific plan designed to achieve the following:

1. To promote and protect the public health, safety, and welfare.
2. To implement the objectives and policies of the *San Juan County General Plan*.
3. To facilitate development within the San Juan County portion of the Spanish Valley in accordance with the *Spanish Valley Area Plan* that was adopted as part of the general plan. This plan promotes high quality, innovative and creative development that includes a mixture of uses, building types, varying densities and lot sizes and sufficient diversity of housing types to meet the full life-cycle housing needs of local residents, a variety of mixed use, commercial and flex uses, adequate amenities, and the preservation of open space.
4. To safeguard and enhance environmental amenities and the quality of development.
5. To attain the physical, social, and economic advantages resulting from comprehensive and orderly planned use of land resources.
6. To lessen vehicular traffic congestion and assure convenience of access.

7. To secure safety from fire, flood, and other natural dangers.
8. To provide for adequate light, air, sunlight, and open space.
9. To promote and encourage conservation of scarce resources.
10. To preserve the unique landforms, views and environmental qualities of the Spanish Valley.
11. To prevent overcrowding of land and undue concentration of population.
12. To facilitate the creation of a convenient, attractive, and harmonious community with a desirable living and working environment with unique identity and character.
13. To attain a desirable balance of residential and other land uses.
14. To promote a pedestrian friendly environment that encourages transit and bicycle use.
15. To expedite the provision of adequate and essential public services.
16. To promote economical and efficient use of the land and water.
17. To provide a process for the initiation, review, and regulation of large-scale, comprehensively planned development that affords flexibility within the context of an overall development program and specific, phased development plans coordinated with the provision of necessary public services and facilities.

This chapter establishes an approval and entitlement process to promote thoughtful and efficient land use patterns that would otherwise be difficult under typical zoning ordinances. The Spanish Valley area may have more than one PC Zone.

PC Zone(s) may include residential neighborhoods and subdivisions; neighborhood commercial centers; business, research and educational campuses; highway commercial and flex development areas; and parks and open space with convenient pedestrian access and connections. Individual structures within each PC Zone may contain mixed uses. Permitted densities may be higher than those permitted in surrounding districts.

Land Use Districts

Each PC Zone shall establish land uses and development patterns, densities, and standards unique to that zone. Upon approval, through the process set forth in this chapter, the land uses and development patterns and densities shall be established pursuant to the PC Zone Plan and one or more development agreement(s) and accompanying Community Structure Plan(s). Specific land uses proposed in the PC Zone may only be established in conformance with provisions of this chapter.

Each PC Zone may consist of any number or combination of the following land use districts that shall be identified in the Community Structure Plan as provided in this chapter.

Central Development Areas

These are the flattest, least sensitive and easiest-to-develop sites in the Spanish Valley, which makes them suitable for a wide range of residential and park/open space uses. These are the preferred areas for locating higher residential density and mixed-use neighborhood centers, where a mix of residential, locally-scaled commercial and civic services will be provided. 4-5 residential units/ERUs per acre.

Perimeter Development Areas

These areas are relatively isolated, located in the foothills and topographically challenged edges of the Spanish Valley. They are proposed for lower-density residential uses and earmarked for long-term, phased development. 1-2 residential units/ERUs per acre. Cluster development, conservation subdivisions and larger lot single-family uses are generally supported in these areas.

Highway Commercial Development Areas

These areas support highway-based commercial uses located along U.S. Highway 191. As specifically detailed in the Highway Commercial ordinance, uses should meet the needs of the Spanish Valley and nearby region, as well as the travelling public. 6-12 residential units/ERUs per acre.

Flex Development Areas

These areas are divided into three specific types of flex development:

- *Highway Flex*
- *Business Flex*
- *Residential Flex*

Flex areas are generally located in close proximity to U.S. Highway 191 and intended to accommodate a range of uses focused on creating an economic base for the Spanish Valley and San Juan County. While flex uses should generally be designed and developed according to the requirements of this chapter for the PC Zone, there are separate ordinances for each type of flex development.

The range of uses accommodated within the three flex development areas should be professionally designed as coordinated. Projects, buffers and transitions should be provided between distinctly different uses (such as residential neighborhoods, business uses, distribution uses, highway commercial, specialty residential uses and campuses). 4-5 residential units/ERUs per acre.

Neighborhood Centers

Two Neighborhood Centers are envisioned at the intersection of Spanish Valley Road and Old Airport Road, and the intersection of Spanish Valley Road and Ken's Lake Road. These areas are envisioned to become mixed-use centers that serve the local retail and service needs of the Spanish Valley. Development should emphasize small-scale retail, commercial and recreational uses, in addition to higher-density residential (single and multi-family), public and semipublic uses, and open space uses. Neighborhood Center residential densities are generally the highest permitted in the Spanish Valley, ranging from 6 to 12 residential units/ERUs per acre.

Parks and Open Space

These areas include natural lands and maintained parks that are designed and developed to provide and preserve outdoor recreational activities. A range of types and sizes of parks and open space should be provided to meet the needs of Spanish Valley residents.

Minimum Requirements

The minimum requirements for the PC Zone establishes the basic standards of development. The landowner or developer is encouraged to provide more than the minimum requirements, incorporating additional parks and open space, higher standards of design, and additional amenities as part of creating a superlative community park and open space system.

Large Planned Community:

Each PC Zone of this type shall contain a minimum of 200 acres. If the PC Zone contains multiple owners, the owners/developers may, if necessary, to reach the 200-acre threshold or if the owners/developers desire, combine their properties for planning approval and development purposes. It is anticipated that the resulting projects will be better designed and developed and will include higher density uses and a range of uses and residential types.

Small Planned Community:

Each PC Zone of this type shall contain a minimum of 20 acres under single ownership. This area will allow up to four (4) residential units per acre, and a range of residential units and types.

Manufactured Home Planned Community:

Each PC Zone of this type shall contain a minimum of 10 acres under single ownership and a maximum density as established by FHA and HUD.

A Site Plan shall be prepared, approved and filed with the findings of fact as part of the approval. Each manufactured home site in a Manufactured Home Community shall be clearly designated. Development plans shall comply with the applicable requirements of this chapter and the required Site Plan shall be drawn to scale and shall explicitly illustrate at least the following features:

1. Location and dimensions of all project boundaries.
2. Location of pavement on adjoining street rights-of-way.
3. Location and dimensions of any permanent improvements existing or planned within the Manufactured Home Planned Community, including but not limited to the following:
 - a. Improved surfaces for common driveways, off-street parking and recreation areas;
 - b. Buildings for management, maintenance and recreational purposes;
 - c. Recreational facilities;
 - d. Fences and walls;
 - e. Underground utilities;

- f. Outdoor lighting fixtures; and
- g. The location of pipelines and systems for potable water distribution, sewage collection and fire protection, including location of all fire hydrants.

Permitted Uses

Large Planned Community:

The following uses may be conducted in all areas within a PC Zone of more than 200 acres:

- All uses described in the *Spanish Valley Area Plan (2018)*, which was adopted as part of the San Juan County General Plan, as follow:
 - Residential uses of various types and lot sizes including single family detached; single family attached; multifamily residential; town homes; loft apartments; residential units above ground floor retail or office; and manufactured home communities;
 - Local retail, service, office, and mixed-use housing at designated Neighborhood Centers;
 - A mix of permitted uses (including office/commercial, office/residential, retail/residential) within designated Neighborhood Centers;
 - Small-scale, local businesses that support the day-to-day shopping and service needs of the community, such as restaurants, cafes, restaurants, drycleaners, clinics and offices.
 - Home-based businesses;
 - Health-care facilities;
 - Public facilities, such as schools, libraries, and civic buildings;
 - Private schools and civic/cultural facilities;
 - Common areas, such as parks, plazas, playgrounds, and trails;
 - Churches and other religious facilities;
 - Day-care facilities;
 - Open space, including landscaped areas and areas in natural vegetation, waterways, parks, trails and recreational areas;
 - Business, distribution, specialty residential and commercial as described for the three Flex Development Areas; and
 - Other accessory uses which are ancillary and designed to serve the foregoing uses.

Small Planned Community:

The following uses may be conducted in all areas within a PC Zone of more than 20 acres:

- All uses described in the *Spanish Valley Area Plan (2018)*, which was adopted as part of the San Juan County General Plan, as follow:
 - Residential uses of various types and lot sizes including single family detached; single family attached; multifamily residential; town homes; loft apartments;

- residential units above ground floor retail or office; and manufactured home communities;
- Local retail, service, office, and mixed-use housing at designated Neighborhood Centers;
 - A mix of permitted uses (including office/commercial, office/residential, retail/residential) within designated Neighborhood Centers;
 - Small-scale, local businesses that support the day-to-day shopping and service needs of the community, such as restaurants, cafes, restaurants, drycleaners, clinics and offices.
 - Home-based businesses;
 - Health-care facilities;
 - Public facilities, such as schools, libraries, and civic buildings;
 - Private schools and civic/cultural facilities;
 - Common areas, such as parks, plazas, playgrounds, and trails;
 - Churches and other religious facilities;
 - Day-care facilities;
 - Open space, including landscaped areas and areas in natural vegetation, waterways, parks, trails and recreational areas; and
 - Other accessory uses which are ancillary and designed to serve the foregoing uses.

Manufactured Home Planned Community:

The following uses may be conducted in those areas within a PC Zone of more than 10 acres suitable for a Manufactured Home Planned Community:

- All uses described in the *Spanish Valley Area Plan (2018)*, which was adopted as part of the San Juan County General Plan, as follow:
 - Residential uses of various lot sizes for single family manufactured communities;
 - Home-based businesses;
 - Common areas, such as parks, plazas, playgrounds, and trails;
 - Day-care facilities;
 - Open space, including landscaped areas and areas in natural vegetation, waterways, parks, trails and recreational areas; and
 - Other accessory uses which are ancillary and designed to serve the foregoing uses.

Conditional Uses

The approved PC Zone Plan or Community Structure Plan may include provisions for specific land uses identified as either a permitted or a conditional use within a given PC Zone and may include uses listed elsewhere in this chapter or additional uses. While generally discouraged, some conditional uses are anticipated in the approved PC Zone Plan, which shall require the approval of the Planning & Zoning Commission, and which may be established by development agreement. Conditional uses, if any, are subject to review and approval as set forth in the San Juan County Code. Design standards for conditional uses shall be included with the applicable Project Specific Standards.

Planning and Approval Process for PC Zone

Development within the PC Zone will require the following plans to be prepared and submitted for approval in accordance with this chapter: PC Zone Plan, Community Structure Plan, and Project Plans and/or Subdivision Plat approval as applicable. The planning and approval process and approving bodies are summarized in Table 2-1:

**Table 2-1
Planning and Approval Process for PC Zone**

APPLICATION	COVERED AREA	WHAT IS DESCRIBED IN PLAN	APPROVAL LEVEL
PC Zone Plan (Rezone)	Total land area to be rezoned to PC Zone.	Land area to be rezoned with land use table outlining: <ul style="list-style-type: none"> ▪ proposed permitted and conditional uses, ▪ maximum number of residential units, and ▪ maximum square feet of nonresidential development. ▪ Preliminary Community Structure Plan (CSP). 	Planning Commission (recommendation) and County Commission (adoption)
Community Structure Plan (CSP)	Total land area that was rezoned to PC Zone above.	<ul style="list-style-type: none"> ▪ Community Structure Plan (CSP). ▪ Master Plans of major systems and the inclusion of development standards for the larger development such as major roadways, infrastructure, open space networks, general location of neighborhoods, etc. 	Planning Commission
Development Agreement	Total land area that was rezoned to PC Zone above.	The contract between San Juan County and the individual or entity that owns or controls the subject property, detailing the obligations of both parties, specifying the standards and conditions that will govern development of the property, and describing the vested interests of both parties.	Planning Commission (recommendation) and County Commission (adoption)
Project Plan and/or Subdivision Plat	Multiple phases of development within a CSP for master subdivision approval followed by phased subdivision plats.	Show major development parcel locations, open space system, and major infrastructure associated with roadways. Final plats indicate lot layouts and development regulations.	Planning Commission
Site Plan	Individual sites within the development.	Final site development requirements.	Staff

(A) PC Zone Plan

At the time of application for rezoning, a PC Zone Plan shall be submitted to the Planning Commission for review and recommendation to the County Commission. Following recommendation by the Planning Commission, a PC Zone Plan shall be submitted for review and approval by the County Commission. The approved PC Zone Plan may be amended through standard rezoning procedures.

The PC Zone Plan application shall contain the following information:

1. Name of planned community;
2. Names, addresses, and phone numbers of applicant and property owner(s);
3. Map showing PC Zone location, legal/boundary description, acreage, scale, and north arrow;
4. Land use concept plan accompanied by a table showing the land use district types and acreages of all proposed permitted and conditional uses, the maximum number of dwelling units, Floor Area Ratios (FARs), and the total acreage of open space in the PC Zone and areas (in square footage or acreage) of the various non-residential land uses proposed in the PC Zone;
5. Map showing existing waterways, major utilities, easements, storm water conveyances, flood boundaries, and other relevant infrastructure; and
6. Adjacent parcels, owners, and land uses.

Upon approval, the PC Zone shall constitute an amendment to the Spanish Valley Area Plan for the area covered by the approved PC Zone Plan. The conditions and limitations agreed to in the approval of the PC Zone Plan shall confer a vested right to proceed with the development process established in this chapter for the property(s) included within the applicable PC Zone, including the number of dwelling units and the square footage of nonresidential uses reflected in the approved PC Zone.

(B) Community Structure Plan (CSP)

Following approval of the PC Zone Plan, a Community Structure Plan (CSP) shall be established for all or a portion of the area covered by the PC Zone. The CSP shall be accompanied by a development agreement that codifies the CSP, which shall be submitted for review and recommendation by the Planning Commission, and then review and approval by the County Commission. The CSP shall contain a contiguous area of some or all of the area within the PC Zone that includes one or more of the following land use districts types as indicated in the *Spanish Valley Area Plan (2018)* and described in these San Juan County Spanish Valley Development Ordinances:

- *Central Development Area*
- *Perimeter Development Area*
- *Flex Development Area*
- *Highway Commercial Development Area*
- *Neighborhood Center*

- *Open Space*

Each CSP shall show the following:

1. Name of the planned community;
2. Names, addresses, and phone numbers of applicant and property owner(s);
3. Map showing CSP location, legal/boundary description, acreage, scale, and north arrow;
4. Map showing proposed land use district boundaries, and acreages;
5. Table showing the maximum number of dwelling units, open space acreage, and acreage(s) of the various non-residential land uses;
6. Master circulation system plan, including a street network; pedestrian, bicycle, and equestrian trail systems; identification of street alignments and right-of-way widths: illustrative cross sections which accommodate and specify vehicular, pedestrian, and bicycle use in the right-of-way. Pedestrian and bicycle trail systems shall connect the land use districts, schools and open space areas, and provide linkages to other trail systems in existing or future areas of the PC Zone and adjacent facilities within adjacent municipal jurisdictions of the Spanish Valley;
7. Map showing existing and proposed waterways and water bodies, major utilities and easements, wells and water sources, water protection areas and similar public health areas; surface and sub-surface storm water drainage systems, flood boundaries and flood control facilities;
8. Map showing adjacent parcels, their owners, and their uses;
9. Map showing 40-foot contours and significant topographic features within or adjacent to the CSP property;
10. Documentation of existing and proposed secondary (irrigation) water rights, shares, and usage, if any;
11. Open space plan providing general descriptions and locations of major open spaces;
12. Standards that govern the design and maintenance of major public infrastructure improvements (including but not limited to streets, sidewalks, street and parking lighting, paving, street furniture, trails); and
13. Detailed standards that govern general building placement, massing, and other key design criteria (CSP Design Standards).

The Planning Commission shall have the discretion to not provide a positive recommendation to the County Commission, who shall have the discretion to approve or disapprove each CSP on the basis of the following: (1) the failure of the proposed CSP to include all of the elements required in this section; (2) the failure of the proposed master circulation system identified in the CSP to adequately serve the communities within the PC Zone; (3) the failure of the proposed major infrastructure identified in the CSP to provide adequate service to the communities within the PC Zone; or (4) the inclusion of land uses in the CSP not permitted or conditionally permitted under this chapter. In approving a CSP, the Planning Commission may recommend, and the County Commission may impose, reasonable conditions of approval to mitigate reasonably anticipated detrimental impacts in accordance with San Juan County Zoning Ordinance.

The conditions and limitations agreed to in the approval of the PC Zone Plan shall confer a vested right to proceed with the development process established in this chapter for the property(s) included within the applicable PC Zone, including the number of dwelling units and the square footage of nonresidential uses reflected in the approved PC Zone.

(C) Development Agreement

Following approval of the PC Zone Plan and the Community Structure Plan, a Development Agreement shall be prepared as a legal contract between San Juan County and the individual or entity that owns or controls the subject property, detailing the obligations of both parties, specifying the standards and conditions that will govern development of the property, and describing the vested interests of both parties.

(D) Project Plan/Subdivision Plat

Upon approval of the PC Zone Plan, Community Structure Plan and Development Agreement, a Project Plan shall be submitted for review that outlines project specific standards (Project Specific Standards) establishing in substantial detail the character and nature of the design of public and private improvements within the area covered by the applicable Project Plan for the applicable portion of the PC Zone covered by the Project Plan. The purpose of the Project Plan is to allow for the creation and approval of a fully-integrated development plan for a specifically identified portion of land within the applicable PC Zone.

A Project Plan should include vertical and horizontal mixtures of uses on one or more proposed lots, parcels or units located within the boundaries of the proposed Project Plan. Therefore, the Project Plan may include one or more Subdivision Plats and Site Plans and may identify a combination of proposed subdivisions and/or condominium projects, one or more of which may be submitted concurrently for review and approval with the Project Plan. The Project Plan shall be reviewed by the Staff prior to submittal to the Planning Commission for approval.

A Subdivision Plat may include a variety of land uses including condominium projects. Each Subdivision Plat submitted shall be reviewed by the Staff prior to submittal to the Planning Commission for approval. Subdivision Plats (preliminary and final) shall be submitted and approved in accordance with San Juan County Code requirements.

Application and approval of a preliminary or final Subdivision Plat may occur before submission of a Project Plan provided Project Specific Standards are submitted and approved contemporaneously with such Subdivision Plat application and approvals; and provided, further, that the Project Specific Standards and Subdivision Plat will ultimately be incorporated into an approved Project Plan. The preliminary and final plats shall conform to the applicable CSP standards as well as all applicable Project Specific Standards, including any supplemental Project Specific Standards proposed and approved by the Planning Commission in connection with the applicable final plat.

(E) Site Plan Review

Site plans (Site Plans) may be reviewed concurrently with a Project Plan or Subdivision Plat. Any proposed commercial, office, industrial, multi-family residential, open space, parks, or institutional developments and alterations to existing developments shall be located on legal lots of record created by metes and bounds conveyance with the approval of the Staff or pursuant to Subdivision Plats and shall meet the Site Plan review requirements. All San Juan County Spanish Valley Development Ordinances and requirements shall be met in preparing Site Plan applications and in designing and constructing the development. Where applicable, building permits may not be obtained nor shall any site work be performed prior to Site Plan approval.

Development Standards**(A) Open Space and Common Areas**

Open Space includes common areas, parks, trails, natural areas and/or farmland that provide and preserve recreational, agricultural, or other similar uses in the PC Zone as approved by the Planning Commission. Common areas include landscaped areas (including landscaping around schools and other civic buildings), athletic fields, parks, natural open spaces and trail corridors, gathering places such as plazas, commons, exterior courtyards, public recreational facilities, landscaped medians or park strips that exceed standards, but do not include landscaped areas contained within the Spanish Valley public street cross sections. The applicable CSP Standards and Project Specific Standards shall govern the use and character of the Open Spaces, including common areas. Each PC Zone shall contain a minimum of 25 percent of the gross acreage in Open Spaces. These areas shall be designated in the applicable Project Plan and separately identified on any applicable final Subdivision Plat or Site Plan. Open Space recorded as a lot or lots in subdivisions or as common area in condominium plats and shall be maintained with open space or conservation easements or such other arrangement as is approved by the Planning Commission in connection with Project Plan or subdivision or condominium approval.

(B) Yard Requirements

Yard requirements shall be determined and governed by the applicable Project Specific Standards established pursuant to the requirements of this Chapter. The following minimum requirements shall apply in the PC Zone:

1. Minimum yard areas shall be measured from the front, side and rear lines of lots, condominium private ownership yard areas (where building footprint is not recorded) or from accesses, driveways, or streets (where no property lines or private ownership yard areas exist).
2. Buildings may not be located within a public right of way or utility easement.

(C) Fencing, screening, maintaining clear vision along roadways

Fencing, screening and clear vision requirements shall be determined and governed by the applicable Project Specific Standards established pursuant to the requirements of this Chapter. The following requirements shall apply in the PC Zone:

1. All mechanical equipment, antennas, loading and utility areas, and trash receptacles shall be screened from street view with architectural features or walls consistent with materials used in the associated buildings as more specifically set forth in the applicable Project Specific Standards.
2. Fences and landscape materials, except for mature trees which are pruned at least 7 feet above the ground, shall not exceed 4 feet in height within a 30-foot triangular area formed by the edge of a driveway and the street right-of-way line or within a 30-foot triangular area formed by the right-of-way lines of intersecting streets.

(D) Architectural standards

Architectural requirements shall be determined and governed by the Project Specific Standards established pursuant to the requirements of this Chapter. The following architectural standards and requirements shall apply in the PC Zone.

1. Architectural design of buildings and building materials shall be established in the Project Specific Standards.
2. All building materials shall be high quality, durable, and low maintenance.
3. The applicable Project Specific Standards shall address exterior relief of buildings, design of all sides of buildings, and architectural compatibility of buildings.
4. Maximum building heights shall be three stories or 35 feet.

(E) Landscaping requirements

Landscaping requirements shall be determined and governed by the applicable Project Specific Standards established pursuant to the requirements of this Chapter. The following landscaping requirements shall apply in the PC Zone.

1. Water-wise landscaping as detailed in the proposed Spanish Valley Water Efficient Landscape ordinance will be required to ensure that the limited water resources available in the region are used wisely and conserved. Specific water-wise landscaping standards which apply to the Spanish Valley Area Plan shall be required.
2. The applicable Project Specific Standards shall address the landscaping and proper maintenance of required front, side, and rear yards of lots and private ownership areas in the PC Zone.
3. All areas of lots and parcels in the PC Zone not designated for open space, parking, buildings, or other hard surfacing shall be landscaped and properly maintained.
4. Designated open space shall remain in a natural condition, cultivated or landscaped, as applicable, and properly maintained in accordance with the proposed Spanish Valley Water Efficient Landscape ordinance. The PC Zone shall be landscaped and properly irrigated and maintained by the applicable property owners in the PC Zone unless otherwise approved by San Juan County. All park strip areas shall be installed by the developer and properly maintained by the applicable property owners in the PC Zone. A plan for funding of on-going maintenance of street landscaping by the property owners shall be presented for approval by Staff at the time of Site Plan approval.

(F) Lighting

Lighting requirements shall be determined and governed by the **proposed** Spanish Valley Outdoor Lighting and Sign Illumination Requirements.

(G) Other Requirements

The following requirements shall apply in the PC Zone.

1. All development areas shall be graded according to San Juan County Code requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
2. Incorporation of Low Impact Design (LID) storm water practices shall be required wherever possible.
3. The applicable owners shall properly maintain all private areas of individual lots or parcels.
4. The specific requirements of this Chapter may be modified as the County Commission deems appropriate pursuant to the terms of the applicable development agreement.
5. All common area improvements including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, street lights, and signs not specifically dedicated to or accepted for ownership or maintenance by San Juan County shall be perpetually maintained by the applicable owners or their agents through a special taxing district, homeowners association with power to assess and collect fees for maintenance, or other assessment and maintenance mechanisms acceptable to the County Commission.
6. Improvements for which San Juan County agrees to accept maintenance responsibility shall be reviewed by the applicable service provider for compliance with adopted standards prior to approval.

Development Agreement

In conjunction with the approval of a PC Zone Plan, Community Structure Plan, and Project Plan, the developer and/or landowner and San Juan County Commission shall enter into one or more Development Agreement(s) reflecting all conditions of approval and terms of the applicable CSP and such other matters as the County Commission and developer/landowner may agree.

The County Commission chair shall sign all Development Agreements and shall only approve the Development Agreement associated with the applicable CSP. Without regard to future amendments, additions or changes to this Ordinance, the County Commission may agree, in such Development Agreements, that the developer/landowner may advance development applications for projects within the applicable CSP pursuant to the planning and approval processes set forth in this chapter, or such other process as is specifically agreed upon pursuant to a Development Agreement approved by the County Commission. Such Development Agreement(s) may further identify a process for approving amendments to an approved PC Zone Plan, CSP, Project Plan, Subdivision Plat or Site Plan, which shall be approved by the County Commission to the extent such a process differs from San Juan County Zoning Code.

Chapter 3: Spanish Valley Residential Flex Planned Community (RF) District

An ordinance clarifying the specific uses and relationships between uses within the *Residential Flex Planned Community (RF) District* (RF Zone). The requirements for a Large Planned Community development detailed for the PC Zone shall otherwise apply. See proposed Spanish Valley Zoning Map for applicable locations.

Permitted Uses

A range of residential and housing are the primary uses permitted in this district. Other uses including parks, open space, commercial, business and similar uses shall be permitted within and in proximity to the large gravel pit(s) located in this area, once extraction operations are complete and site mitigation efforts are underway. All development should be planned as part of large-scale and coordinated design and planning efforts. A wide-range of residential uses, including single-family, multi-family, townhomes, employee housing and similar uses may be included as part of mixed-use, transitional development.

Conditional Uses

None

Uses Subject to the Spanish Valley Overnight Accommodations Overlay

- Hotels and Motels
- Commercial Condominiums for short-term rentals
- Bed and Breakfasts (B&Bs), lodges and resorts
- Commercial campgrounds
- All other variations of overnight accommodations intended for nightly rentals¹

Development Standards

The following development standards shall apply in addition to and/or in conjunction with the standards established for Planned Community (PC) developments:

1. No non-residential uses within the RF Zone shall be permitted within 100' of an adjacent residential district boundary or an existing residential use. Residential uses within the RF Zone should be designed and located as transitions to adjacent to nearby residential neighborhoods and uses.
2. Maximum height should be a maximum of three stories or 35 feet to help preserve views.
- ~~3. A minimum 50 foot buffer shall be provided between Residential Flex uses and the top of bank for the Pack Creek drainage; a minimum buffer of 25 feet shall be provided~~

¹ *Ibid.*

~~between Residential Flex uses and the top of bank of all other streams, creeks, canals and drainages.~~

Chapter 4: Spanish Valley Business Flex Planned Community (BF) District

An ordinance clarifying the specific uses and relationships of uses within the *Business Flex Planned Community (BF) District (BF Zone)*. Unless specifically mentioned in this chapter, the requirements for Planned Community development detailed for the PC Zone shall apply. See proposed Spanish Valley Zoning Map for applicable locations.

Permitted Uses

A wide-range of business operations shall be the primary uses. These shall include business parks, large-format commercial and office uses, ancillary and support uses and smaller-scale commercial uses as appropriate. A range of residential uses, including employee housing, short-term visitor housing and similar specialty residential uses may be included as part of large-scale, coordinated and flexible business-centric developments within the BF Zone.

Conditional Uses

None.

Uses Subject to the Spanish Valley Overnight Accommodations Overlay

- Hotels and Motels
- Commercial Condominiums for short-term rentals
- Bed and Breakfasts (B&Bs), lodges and resorts
- Commercial campgrounds for motorized and/or non-motorized users
- All other variations of overnight accommodations intended for nightly rentals²

Development Standards

The following development standards shall apply in addition to and/or in conjunction with the standards established for Planned Community developments:

1. No business or commercial uses shall be permitted within 500 feet of an adjacent residential district. Residential uses are permitted throughout the BF District but should be concentrated in the eastern extents of the area to provide transitions with nearby and adjacent residential neighborhoods and uses.
2. Maximum building height should generally be a maximum of three stories or 35 feet. This will help preserve views and reduce the visual impact of BF Zone development.
- ~~3. A minimum 50 foot buffer shall be provided between Business Flex uses and the top of bank for the Pack Creek drainage; a minimum buffer of 25 feet shall be provided between Business Flex uses and top of bank for smaller drainages.~~

² Overnight rentals in residential neighborhoods and other zones of the Spanish Valley Zoning Map are addressed in separate San Juan County ordinances.

4. ~~One-truck-stop is~~ Truck stops are specifically permitted as a conditional uses in ~~theis~~ Business Flex district south of Pack Creek Cutoff Road. No residential use shall be permitted within 500 feet of ~~such this~~ use. Specific site development and environmental controls shall be established as part of approving the preliminary and final plat plan, with a requirement of protecting the health, safety and welfare of the community.

Chapter 5: Spanish Valley Highway Flex Planned Community (HF) District

An ordinance clarifying the specific uses and relationships of uses within the *Highway Flex Planned Community (HF) District* (HF Zone). Unless specifically mentioned in this chapter, the requirements for a Large Planned Community development detailed for the PC Zone shall otherwise apply. See proposed Spanish Valley Zoning Map for applicable locations.

Permitted Uses

The wide range of commercial uses detailed in the Highway Commercial Zone shall apply. These uses shall primarily be developed as part of large-scale, coordinated and flexible commercial-centric developments. A wide-range of residential uses, including employee housing, short-term visitor housing, and similar uses may be included as part of large-scale, coordinated and flexible commercial-centric developments.

Conditional Uses

None.

Uses Subject to the Spanish Valley Overnight Accommodations Overlay

- Hotels and Motels
- Commercial Condominiums for short-term rentals
- Bed and Breakfasts (B&Bs), lodges and resorts
- Commercial campgrounds
- All other variations of overnight accommodations intended for nightly rentals³

Development Standards

The following development standards shall apply in addition to and/or in conjunction with the standards established for Highway Commercial District:

No Highway Flex uses shall be permitted within 500 feet of an adjacent residential district unless U.S. Highway 191 separates the two uses.

1. Residential uses should generally be concentrated in discrete rincons/alcoves located along the cliff slopes on the west side of U.S. Highway 191 to separate those uses from other uses in the HF Zone.
2. Maximum building height should generally be a maximum of three stories or 35 feet to help preserve views.
- ~~3. A minimum 50 foot buffer shall be provided between Highway Flex uses and the top of bank for the Pack Creek drainage; a minimum buffer of 25 feet shall be provided between Highway Flex uses and top of bank for smaller drainages.~~

³ *Ibid.*

Chapter 6: Spanish Valley Highway Commercial (HC) District

An ordinance creating the *Spanish Valley Highway Commercial (HC) District (HC Zone)* of the San Juan County Zoning Ordinance for the purpose of controlling development in the non-federal lands in the Spanish Valley within San Juan County. See the proposed Spanish Valley Zoning Map for applicable locations and the Land Use Plan in the *San Juan County Spanish Valley Area Plan* (adopted April 17, 2018) for a general description.

Purpose

Uses

Conditional Uses

Special Provisions

Signs

Constrained Lands

District Standards

Subdivision Standards

Streets

Sidewalks and Trails

Easements

Drainage

Water Supply

Signs

Purpose

To provide a district where highway commercial uses along U.S. Highway 191 are permitted, as supported in the *San Juan County Spanish Valley Area Plan (2018)* and *San Juan County General Plan (2018)*. Specific uses should include establishments offering goods and services to motorists, and provide for non-pedestrian-oriented retail, wholesale, service and repair activities which do not contribute to the creation of unattractive, congested and unsafe highway conditions, with access provided primarily from driveways linking to east/west arterial roads linked to U.S. Highway 191, from UDOT-approved access driveways on U.S. Highway 191 in the short-term and via anticipated frontage roads along U.S. Highway 191 in the long-term.

Permitted Uses

The following is a list of typical permitted uses. The list is not exclusive. Any use not specifically listed but determined by the Planning Commission to be similar in purpose, intent or use shall be permitted.

- Banks and other financial institutions including savings, loan, and finance/mortgage institutions
- Barber shops, beauty shops and other personal service uses
- New and used automobile sales and rentals

- Hotels, motels, commercial condos, bed and breakfasts (B&Bs), commercial campgrounds and all other variations of overnight accommodations intended for nightly rentals under 40,000 square feet structure and maximum ten acre site
- Drive-in or drive-through uses
- Automobile fuel sales and associated convenience stores
- Automobile service stations including minor and major auto repair work, providing all repair work is conducted wholly within a completely enclosed building.
- Auto accessories, farm machinery and equipment sales
- Nurseries and greenhouses
- Mobile home sales
- Restaurants
- Groceries/ Supermarkets
- Live/work units
- General Retail/Services
- Movie theaters and similar entertainment uses
- Bowling alleys and other commercial recreation facilities
- Accessory buildings and uses
- New and used boat and other marine or sport equipment sales and service,
- Customary accessory buildings and uses
- Enclosed storage, flex-office and similar uses
- Governmental facilities
- Commercial, civic, institutional and business campuses
- Electric vehicle charging stations, including but not limited to EV charging station, rapid charging station, battery exchange stations
- Bus terminals
- Day care centers, nursing or convalescent homes, and health care facilities
- Retail sales and services such as building materials, hardware and farm supply outlets
- Offices and related business activities
- Residential units above the first floor of primary uses (owner occupied or long-term lease/rental only)

Conditional Uses

- Any use encompassing buildings or structures in excess of 40,000 square feet
- Any project in excess of 10-acres
- Hotels, motels, commercial condos, bed and breakfasts (B&Bs), commercial campgrounds and all other variations of overnight accommodations intended for nightly rentals exceeding 40,000 square feet structure and ten acre site
- Small-scale, local retail and service businesses such as, cafes, green grocers, day care centers, boutiques, dry cleaners and similar goods and services
 - Shall only be permitted as clustered, pre-designed centers that area minimum of three -acres in extent with limited and controlled access points from the adjacent street, coordinated and shared parking, etc.

- Truck stops shall be considered as conditional uses for the portion of the HC Highway Commercial District south of Ken's Lake Cutoff Road only. No residential uses shall be permitted within 500 feet of this segment of the BF Zone. ~~and no more than one truck stop shall be permitted within the BF Zone.~~ Specific site development and environmental controls shall be established as part of the conditional use, preliminary plat and final plat approval process, with a focus on protecting the health, safety and welfare of the nearby residents and the community as a whole. All local, county, state and federal laws shall be considered as part of such review. ~~No more than one truck stop may be located along US 191 within the San Juan County portion of the Spanish Valley.~~

Uses Subject to the Spanish Valley Overnight Accommodations Overlay⁴

- Hotels and Motels
- Commercial Condominiums for short-term rentals
- Bed and Breakfasts (B&Bs), lodges and resorts
- Commercial campgrounds
- All other variations of overnight accommodations intended for nightly rentals

Special Provisions

- Applications for conditional uses are required to provide detailed site plan drawings (Site Plan) of their proposed use as follows:
 - Format size not less than 8-1/2" x 11" or greater than 24" x 36".
 - Precise dimension at a standard scale.
 - Location of all existing structures and improvements (buildings, roads, fences, ditches and canals, utility systems) and other information as required by Planning Commission.
 - Proposed methods of providing utility needs including water, sewer, electrical, and fuel services, vehicular access and parking, and appropriate methods for dealing with any special site problems such as storm water drainage.
- No buildings used for commercial or industrial purposes shall be erected within 50 feet of an existing residential building or a residential district boundary. Buildings used for commercial and industrial purposes that are located within 100 feet of a residential district boundary shall not exceed the height limitations of the corresponding residential district.
- All Highway Commercial uses must have direct frontage and/or a physical parcel connection by street to U.S. Highway 191. Sites lacking such relationships will be limited to uses and development conditions of the adjacent Spanish Valley Residential District.

Lot Design Standards

All development in the HC Zone shall be subject to the following lot design standards, which generally allow for a variety of uses and building types while maintaining the overall character

⁴ *Ibid.*

of a highway commercial district. This approach promotes better site layout and development relationships that match existing and proposed infrastructure investments.

Minimum Requirements

Every building erected or installed must be located on, and every plat submitted for approval must show, a lot or building parcel that meets the minimum requirements of at least one use permitted under this chapter, based on underlying zoning and subdivision type. No minimum lot size is required in the highway commercial district.

Every building and lot must have direct access to a public street or frontage road. All structures must be located on lots or parcels that provide safe and convenient access for servicing, fire protection and required on-site parking. No lot shall be approved that does not meet the minimum lot area requirements of this chapter except in the following cases:

1. Nonconforming lots
2. Public Utilities

The uses and densities listed in this chapter are allowed by right unless otherwise expressly stated. Each project must comply with all of the applicable development standards of this chapter.

Constrained Lands

Constrained lands include lands with natural slopes greater than 30 percent, jurisdictional wetlands, lands in the 100-year floodplain, public drinking water supply sources (recharge areas for wells and aquifers), lands affected by unmitigable geo-hazards, riparian habitats, and archeological sites.

Constrained lands in all HC Zone developments shall be identified on plats and remain unoccupied by buildings or impervious surfaces.

Land Suitability

Land deemed to be environmentally unsuitable shall not be platted for residential occupancy, or for such other commercial or industrial uses as may increase danger to health, life, or property, or aggravate erosion or flood hazard. Such land within the plat shall be restricted for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsafe living conditions.

The County shall not approve the subdivision of land if it is determined that the site is not suitable for platting and development purposes.

District Standards

For all principal structures in the HC Zone, the front yard, side and rear yards facing the highway, other streets and within 25 feet of a residential use or residential district shall be

landscaped in accordance with the requirements of the Water Efficient Landscape chapter (Chapter 7) of the San Juan County Land Use Ordinance.

Subdivision Standards

Applicability

All plats and subdivision of land within the HC Zone shall conform to the following rules and regulations.

Lot Configuration

The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall not be less than those specified as minimum standards by the HC Zone. The depth and width of properties shall be adequate to provide for the off-street service, parking facilities and fire/safety requirements required in the San Juan County Zoning Ordinance.

Side Lot Lines

Side lot lines shall be substantially at right angles to street lines unless otherwise approved by the Planning Commission.

Street Frontage Required

Each new lot or building tract shall front upon a public street.

Double Frontage Lots

Double frontage lots shall be avoided, except where essential to provide separation from traffic or to overcome specific disadvantages of topography and orientation.

Flag Lots

Flag-shaped or panhandle shaped lots may be created if all of the following requirements are met:

1. The lot provides access to a residential or agricultural use.
2. The lot has at least 20 feet of frontage on a dedicated public street, which frontage served as access only to the subject lot or parcel.
3. The "handle" portion of the lot is at least 20 feet in width, and not more than 250 feet in length.
4. The body of the lot meets the lot area and lot width and setback requirements of the applicable TYPE.

Large Lots

Where the area is divided into larger lots than for normal San Juan County building sites and, in the opinion of the Planning Commission, any or all of the tracts are susceptible to being re-subdivided, the original subdivision shall be such that the alignment of future street dedications may conform to the general street layout in the surrounding area and so

that the larger tracts may be later subdivided in conformance with the requirements of this chapter and the minimum standards specified by the applicable zoning district.

Streets

Applicability

All developers shall be required to construct streets in accordance with requirements of the San Juan County Code requirements.

Street Layout

Unless otherwise approved by the Planning Commission, provisions shall be made for the extension of streets. All streets shall bear a logical relationship to the topography and to the location of existing or planned streets on adjacent properties. Adequate local streets shall be provided to accommodate the subdivision and provide access to lots. The arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection to existing principal streets in surrounding areas; or
2. Conform to a plan for a neighborhood or planned unit development approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or where neighborhood design makes a varied plan appropriate.

Street Connections

The system of streets designated for a subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivision(s); and where no adjacent connections are platted, must in general be the reasonable projection of streets in the nearest subdivided tracts, and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith. Reserve strips of land controlling access to or egress from other property or to or from any street or alley or having the effect of restricting or damaging the adjoining property for subdivision purposes shall not be permitted in any subdivision unless such reserve strips are conveyed to San Juan County in fee simple.

Half Right-of-Way (R.O.W.)

Half streets shall be prohibited except where essential to the reasonable development of the subdivision and where the Planning Commission finds it will be practicable to require the dedication for the other half of a street when adjoining property is subdivided.

Street Intersections

More than two streets intersecting at a point shall be avoided, except where it is impractical to secure a proper street system otherwise. Intersections shall be as near 90 degrees as possible and in no cases shall the intersection angle being less than 60 degrees.

Street Jogs

Non-intersecting streets with centerline offset of less than 125 feet shall not be approved.

Dead-End Streets

Dead-end streets, except for cul-de-sacs, shall be prohibited unless they are designed to connect with future streets on adjacent lands that have not been platted. In cases where these types of dead-end streets are allowed, a temporary turnaround with a minimum radius of 100 feet shall be constructed.

Cul-de-sacs

Cul-de-sacs shall meet the San Juan County Zoning Ordinance requirements. Ordinarily, cul-de-sacs are discouraged as they do not result in a continuity of existing streets or streets pattern and may be used only where unusual drainage or land ownership configurations exist that make other designs impractical.

Highway Access Permit

A Highway Access Permit must be approved by the Utah Department of Transportation (UDOT) for each new property or subdivision with direct access to a federal or state highway. Turn lanes, frontage road(s), curb and gutter may be required along the entire highway frontage if required by UDOT.

Street Design Standards

Street and alley widths, curves, grades design speed and centerline radius shall meet San Juan County Zoning Ordinance requirements.

Street Names and Numbers

All street names shall be as established subject to approval of San Juan County Zoning Ordinance requirements. When new streets are in alignment with existing streets, any new streets shall be named according to the existing streets with which they correspond. Streets which do not fit into an established street-naming pattern shall be named in a manner which will not duplicate or be confused with existing streets within the Spanish Valley Area Plan or its environs.

Street lighting

Street Lighting shall conform to San Juan County Zoning Ordinance requirements. The developer shall pay the costs of purchasing and installing all street lighting equipment. Street lighting design plans shall be subject to the approval of the County Engineer. The type of equipment, method of installation and location of the wiring and light poles shall meet the minimum standards and requirements of the electric company from which electricity is to be purchased. All intersections with a major collector street shall have at least one streetlight.

Sidewalks and Trails

Applicability

This section is intended to ensure adequate pedestrian access is available to serve uses that need and benefit from such access. If a builder or property owner believes that a proposed use does not need or benefit from pedestrian access, a written request for interpretation may be submitted to the Zoning Administrator describing the use and explaining why pedestrian access should not be required as a condition of the building permit for the proposed use.

Trails

Trails shall be designed as single track and multi-use trails depending on the specific need and conform to the standards in Table 6-1.

**Table 6-1
Trail Design Standards**

	Cross-Slope Range	Min. Trail Width	Min. R.O.W. Width	Clearing		Preferred Surface Materials			
				horizontal	vertical	natural	crushed stone	asphalt	concrete
Single-track Trails	0-20%	3'	6'	1.5' each side of trail	10'	Yes	Yes	No	No
Multi-use Trails	0-10%	12'	15'	1.5' each side of trail	10'	Yes	Yes	Yes	Yes

Easements

Utility Easements Required

Utility easements shall be required unless otherwise approved by the Planning Commission and in commercial and industrial districts.

Minimum Width

The minimum rights-of-way width of each utility easement shall be 5 feet or as otherwise provided according to San Juan County Zoning Ordinance requirements.

Fire Lanes and Emergency Access Easements

Fire lanes and emergency access easements shall be provided according to San Juan County Zoning Ordinance requirements

Drainage Easements

When a proposed subdivision is traversed by an irrigation ditch or channel, natural creek or stream or a proposed drainage easement, an easement shall be provided sufficient for drainage and to allow for maintenance of the drainage system.

Trail Easements

When a proposed subdivision is traversed by a public trail shown on an adopted plan or when the Planning Commission finds that a trail easement can better serve the proposed development than a sidewalk, a minimum 15-foot wide easement shall be provided sufficient for public trail construction, maintenance and access purposes.

Adjoining Areas

When easements in areas adjoining proposed subdivisions are necessary to provide adequate drainage thereof or to serve such subdivisions with utilities, the developer shall obtain such easements.

Drainage

Applicability

Applicants shall provide, at applicant's expense, drainage structures in accordance with the requirements of the San Juan County Zoning Ordinance requirements, which will become integral parts of the existing street or roadway drainage system. The dimensions of all drainage structures must meet San Juan County Zoning Ordinance requirements. Design shall be based on environmentally sound site planning and engineering techniques.

It is especially critical that storm water management systems be designed for an entire drainage basin rather than just for specific sites. If improvements are identified and necessary downstream of the proposed development and no approved capital improvement plan exists to address the necessary improvement, the applicant shall be required to demonstrate that such existing drainage features are adequate to serve the applicant's anticipated development and to protect the public health, safety, and general welfare at full build out under existing zoning. Where such demonstration is not made, the applicant shall be required to install such necessary improvements and may seek pro-rata reimbursement from future downstream development.

Minimum Standards

A. Natural and Historic Drainage Ways

All historic flood and drainage ways shall be protected from alteration such that their primary function as storm water facilities shall be upheld.

B. 100-Year Storm

All drainage and flood control facilities shall be designed to handle the calculated difference between historic flows and the anticipated post-development 100-year frequency storms for maximum period of intensity over the entire drainage basin which the subdivision serves. The "100-year storm" referred to herein shall mean that storm run-off is calculated on the basis of a fully developed watershed.

C. Erosion

Where free fall of water occurs, satisfactory means shall be provided to prevent erosion of soil. Where required, culvers shall have concrete head walls and wing walls.

D. Catch Basins

Catch basins shall be constructed in accordance with the San Juan County Zoning Ordinance requirements.

E. Engineered Design

All drainage shall be designed by a Utah licensed professional engineer and approved according to San Juan County Zoning Ordinance requirements.

Water SupplyGeneral

New development shall provide water supply that is sufficient in terms of quality, quantity and dependability for the proposed development. In making its determination as to whether the proposed water supply meets this standard, the decision-making body shall give substantial weight to the recommendations of state, County and applicable service district authorities and their associated standards. All water systems shall be provided by or through approved water and sewer service agencies and meet all applicable requirements of the San Juan County Zoning Ordinance requirements.

Municipal and District Water Systems

If all or part of a proposed development is within the jurisdiction of an approved public water system, then the applicant must obtain a written certification from the public water service provider stating that it is able to provide an adequate supply of drinking water with adequate quantity, quality and sufficient pressure to meet the needs of the proposed development based on the projected water usage of the development. Individual or common wells or other private water systems shall be permitted only when the subdivision boundary is outside the jurisdiction of an approved public water system able to serve the development.

Signs

See Spanish Valley US-191 Highway Commercial Sign Requirements (Chapter 9)

Chapter 7: Spanish Valley Water Efficient Landscape Requirements

An ordinance establishing minimum water efficient landscape requirements for the non-federal lands in the Spanish Valley within San Juan County. See Land Use Plan on page 28 of the *San Juan County Spanish Valley Area Plan* (adopted April 17, 2018) for a map and general description.

Purpose

Definitions

Applicability of Water Efficient Landscape Ordinance

Landscape Design Standards

Irrigation Design Standards

Landscapes in New Single-family Residential Developments

Prohibition on Restrictive Covenants Requiring Turf

Landscapes in Commercial, Flex and Civic/Institutional Developments

Projects

Plan Review and Construction Inspection for Commercial, Industrial, and Institutional Projects

Purpose

The purpose of this ordinance is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by reducing water waste and establishing a structure for designing, installing and maintaining water efficient landscapes in the San Juan County Spanish Valley.

Definitions

The following definitions shall apply to this ordinance:

Bubbler: An irrigation head that delivers water to the root zone by “flooding” the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.

Check Valve: A device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow.

Controller: A device used in irrigation systems to automatically control when and how long sprinklers or drip systems operate.

Drip Emitter: Drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

Grading Plan: The Grading Plan shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscaped area.

Ground Cover: Material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve (12) inches.

Hardscape: Patios, decks and paths. Does not include driveways and sidewalks.

Irrigation Plan: The irrigation plan shows the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

Landscape Architect: A person who holds a professional license to practice landscape architecture in the state of Utah. Only a Landscape Architect can legally create commercial landscape plans.

Landscape Designer: A person who may or may not hold professional certificates for landscape design/architecture and cannot legally create commercial landscape plans. Landscape Designers generally focus on residential design and horticultural needs of home landscapes.

Landscape Plan Documentation Package: The preparation of a graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance. The Landscape Plan Documentation Package shall include a project data sheet, a Planting Plan, an Irrigation Plan, and a Grading Plan.

Landscape Zone: A portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.

Landscaping: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor artwork, screen walls, fences or benches.

Mulch: Any material such as rock, bark, wood chips or other materials left loose and applied to the soil.

Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.

Planting Plan: A Planting Plan shall clearly and accurately identify and locate new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.

Pop-up Spray Head: A sprinkler head that sprays water through a nozzle in a fixed pattern with no rotation.

Precipitation Rate: The depth of water applied to a given area, usually measured in inches per hour.

Pressure Regulating Valve: A valve installed in an irrigation mainline that reduces a higher supply pressure at the inlet down to a regulated lower pressure at the outlet.

Pressure Compensating: A drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.

Rotor Spray Head: A sprinkler head that distributes water through a nozzle by the rotation of a gear or mechanical rotor.

Runoff: Irrigation water that is not absorbed by the soil or landscape area to which it is applied, and which flows onto other areas.

Spray Sprinkler: An irrigation head that sprays water through a nozzle.

Stream Sprinkler: An irrigation head that projects water through a gear rotor in single or multiple streams.

Turf: A surface layer of earth containing mowed grass with its roots.

Water-Conserving Plant: A plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.

Applicability of Water Efficient Landscape Ordinance

The provisions of this ordinance shall apply to all new and rehabilitated landscapes for public agency projects, private development projects, developer-installed landscape projects in multi-family and single-family residential projects, and homeowner provided landscape improvements within the front, side, and rear yards of single and two-family dwellings.

Landscape Design Standards

- A. Plant Selection. Plants shall be well-suited to the microclimate and soil conditions at the project site. Both native and locally-adapted plants are acceptable. Plants with similar water needs shall be grouped together as much as possible.
 1. Areas with slopes greater than 30% shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization.
 2. Park strips and other landscaped areas less than eight (8) feet wide shall be landscaped with water-conserving plants, that do not include turf.
- B. Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum four (4) inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.
- C. Soil Preparation. Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six (6) inches and amending the soil with organic material as per specific recommendations of the Landscape Designer/Landscape Architect based on the soil conditions.
- D. Tree Selection. Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Trees shall be selected as follows:
 1. Broad canopy trees shall be selected where shade or screening of tall objects is desired;
 2. Low-growing trees shall be selected for spaces under utility wires;
 3. Select trees from which lower branches can be trimmed in order to maintain a healthy growth habit where vision clearance and natural surveillance is a

- concern;
4. Narrow or columnar trees shall be selected where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance;
 5. Street trees shall be planted within existing and proposed park strips, and in sidewalk tree wells on streets without park strips. Tree placement shall provide canopy cover (shade) and avoid conflicts with existing trees, retaining walls, utilities, lighting, and other obstacles; and
 6. Trees less than a two-inch caliper shall be double-staked until the trees mature to a two-inch caliper.

Irrigation Design Standards

- A. **Pressure Regulation.** A pressure regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds 80 pounds per square inch (psi). The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer's recommended pressure for the sprinklers.
- B. **Irrigation Controller.** Landscaped areas shall utilize a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.
- C. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.
- D. Drip emitters or a bubbler shall be provided for each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the County due to the limited number of trees on the project site.
- E. Drip irrigation or bubblers shall be used to irrigate plants in non-turf areas.
- F. Pop-up spray heads shall be at a minimum of four (4) inches in height to clear turf.
- G. Sprinklers shall have matched precipitation rates with each control valve circuit.
- H. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.
- I. Check valves shall be required where elevation differences cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure occurs within the irrigation system due to elevation differences.
- J. Filters and end flush valves shall be provided as necessary for drip irrigation lines.
- K. Valves with spray or stream sprinklers shall be scheduled to operate between 6 p.m. and 10 a.m. to reduce water loss from wind and evaporation.
- L. Program valves for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

Landscapes in New Single-family Residential Developments

- A. Homebuilders and/or developers subdividing lots and/or constructing new single-family residential homes shall offer a water-efficient landscaping option to prospective home buyers. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 10% of the total landscaped area or 1,000 square feet, whichever is less.
- B. Homebuilders and/or developers who construct model homes for a designated subdivision shall have at least one model home with water-efficient landscaping. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 10% of the total landscaped area or 1,000 square feet, whichever is less.
- C. Model homes shall include an informational brochure on water-efficient landscaping.

Prohibition on Restrictive Covenants Requiring Turf

- A. Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable if they:
 - 1. Require the use of turf in landscape areas less than 8 feet wide or require turf in other areas that exceed 10% of the landscaped area; or
 - 2. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
 - 3. Have the effect of prohibiting or restricting compliance with this ordinance or other water conservation measures.

Landscapes in Commercial, Flex and Civic/Institutional Developments

Commercial, Flex and Civic/Institutional landscapes shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 10% of the total landscaped area or 1,000 square feet, whichever is less, outside of active recreation areas such as playfields and sport fields.

Documentation for Commercial, Flex and Civic/Institutional Projects

Landscape Plan Documentation Package. A copy of a Landscape Plan Documentation Package shall be submitted to and approved by the County prior to the issue of any permit. A copy of the approved Landscape Plan Documentation Package shall be provided to the property owner or site manager and to the local retail water purveyor. The Landscape Plan Documentation Package shall be prepared by a registered landscape architect and shall consist of the following items:

- A. Project Data Sheet. The Project Data Sheet shall contain the following:
 - 1. Project name and address;
 - 2. Applicant or applicant agent's name, address, phone number, and email address;
 - 3. Landscape architect's name, address, phone number, and email address; and
 - 4. Landscape contractor's name, address, phone number and email address, if available at this time.

- B. **Planting Plan.** A detailed planting plan shall be drawn at a scale that clearly identifies the following:
1. Location of all plant materials, a legend with botanical and common names, and size of plant materials;
 2. Property lines and street names;
 3. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
 4. Existing trees and plant materials to be removed or retained;
 5. Scale: graphic and written;
 6. Date of design;
 7. Designation of landscape zones, and
 8. Details and specifications for tree staking, soil preparation, and other planting work.
- C. **Irrigation Plan.** A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:
1. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
 2. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
 3. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers, and
 4. Installation details for irrigation components.
- D. **Grading Plan.** A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
1. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements, and
 2. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements.

Plan Review and Construction Inspection for Commercial, Industrial, and Institutional Projects

- A. As part of the Building Permit approval process, a copy of the Landscape Plan Documentation Package shall be submitted to San Juan County staff for review and approval before construction begins.
- B. All installers and designers shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.
- C. Following construction and prior to issuing the approval for occupancy, an inspection shall be scheduled with the San Juan County Building Inspector to verify compliance with the approved landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, contractor or landscape architect and submitted to the County.
- D. San Juan County reserves the right to perform site inspections at any time before, during

or after the irrigation system and landscape installation, and to require corrective measures if requirements of this ordinance are not satisfied.

Chapter 8: Outdoor Lighting and Sign Illumination Standards

An ordinance establishing outdoor lighting and design illumination standards in order to preserve highly-valued dark skies in the region. The ordinance applies to the non-federal lands located in the Spanish Valley within San Juan County. See Spanish Valley Zoning Map for the extents of applicability.

Permitted Signs Illumination

Scope and Applicability

Definitions

Fully Shielded Fixture Requirements

Total Light Output

Lighting Hours

Lighting Color

Specialized Outdoor Lighting Conditions and Standards

Application and Review Procedures

Amortization of Nonconforming Outdoor Lighting

Additional Images

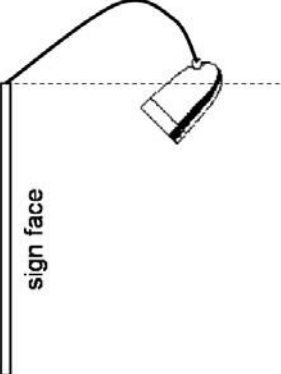
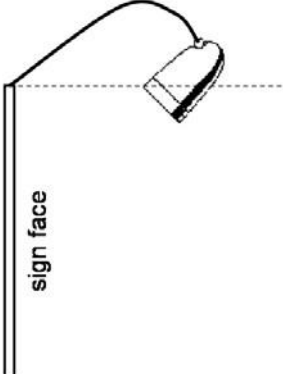
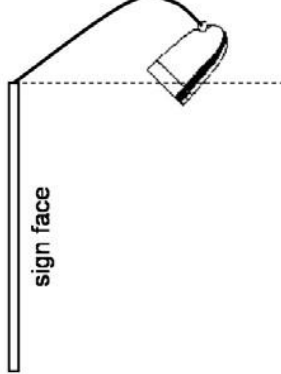
Permitted Sign Illumination

Signs may be unlighted, lighted externally, lighted internally, or backlit. All sign lighting must be designed, directed, and shielded in such a manner that the light source is not visible beyond the property boundaries where the sign is located. Lighting for signs must be directed such that only the sign face is illuminated. All lighted signs must have stationary and constant lighting. All sign lighting is included in the calculation of total light output for a property.

A. Standards for Externally Illuminated Signs:

- Lighting for externally illuminated signs must be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads or properties or into the night sky.
- Lighting for externally illuminated signs must be mounted at the top of the sign (or within 2 feet of the top of a wall mounted sign), except for freestanding monument style signs which may be illuminated by ground mounted lighting.
- Lighting shall consist of no more than four (4) individual fixtures (or lamps) per sign face and produce a maximum of 40,000 lumens per fixture.
- All sign lighting shall be included in the calculation of total light output.
- Table 8-1 shows permitted external sign lighting configurations.

Table 8-1

Permitted and Prohibited External Sign Lighting Configurations		
Allowed		Not Allowed
 <p>sign face</p> <p>Fully Shielded</p>	 <p>sign face</p> <p>Fully Shielded</p>	 <p>sign face</p> <p>Unshielded</p>

B. Standards for Internally Illuminated Signs:

- Only sign text areas and logos may be illuminated on an internally illuminated sign.
- Internally illuminated signs shall use semi-opaque materials for sign text and logos such that the light emanating from the sign is diffused. Transparent or clear materials are not allowed for sign text and logos. Non-text portions of the sign (e.g., background and graphics other than the logo) shall be made of completely opaque material.

C. Standards for Backlit Signs:

- The light source shall not be visible.
- Backlit signs shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign copy are allowed.

D. Standards for Illuminated Window Signs

- Businesses may display a maximum of two (2) illuminated window signs positioned to be primarily visible outside the business structure.
- Illuminated window signs shall not exceed four (4) square feet in area.
- Illuminated window signs shall not be illuminated when the business is closed.

Outdoor Lighting

- A. Encourage outdoor lighting practices that will minimize light pollution, glare, light trespass and sky glow to curtail the degradation of the nighttime visual environment;
- B. Prevent lighting nuisances on properties located in and adjacent to Grand County;
- C. Promote energy conservation;
- D. Improve night-time safety, utility, security, and productivity;
- E. Develop an attractive nighttime appearance in the County;

- F. Minimize lighting health risks arising from inappropriate quantities and qualities of lighting;
- G. Prevent unnecessary or inappropriate outdoor lighting;
- H. Minimize nighttime impacts on nocturnal wildlife;
- I. Facilitate the economic development potential of astro-tourism, and the enhancement of the visitor experience in the Moab Area;
- J. Maintain the rural atmosphere of the County; and
- K. Encourage quality outdoor lighting through the use of efficient bulbs and light sources, fully shielded light fixtures, and limits on the location and uses of outdoor lighting.

Scope and Applicability

- A. All lighting should be consistent with and promote the Purposes set forth in Section [6.6.1].
- B. All exterior outdoor lighting installed after the effective date of this section in all zones in the County shall conform to the requirements established by this section. This Section does not apply to indoor lighting.
- C. All existing outdoor lighting that does not meet the requirements of this Section and is not exempted by this Section shall be considered a nonconforming use or part of a nonconforming structure. ~~subject to the five (5) year amortization schedule outlined in Section [6.6.10(B)(3)] of this LUC.~~

Definitions

- A. “Accent or Architectural Lighting” means lighting of building surfaces, landscape features, statues, and similar items for the purpose of decoration, ornamentation, creation of visual hierarchy, sense of liveliness, or other purpose unrelated to safety, business operation, or essential lighting function.
- B. “Backlight” means all the light emanating behind a luminaire.
- C. “B.U.G. Rating” means backlight, up-light, and glare rating, which exists on a scale of zero to five (0 to 5) and describes the light output of a luminaire.



Image by City of Ft. Collins, Colorado (permission must be obtained)

- D. "Correlated Color Temperature" (CCT) is a specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees Kelvin (K). The CCT rating for a lamp is a general "warmth" or "coolness" measure of its appearance. Lamps with a CCT rating below 3,000 K are usually considered "warm" sources, while those with a CCT above 3,000 K are usually considered "cool" in appearance.
- E. "Direct Illumination" means illumination resulting from light emitted directly from a bulb, luminary, or reflector. This does not include light reflected from other surfaces such as the ground or building faces.
- F. "Fixture" means a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply."

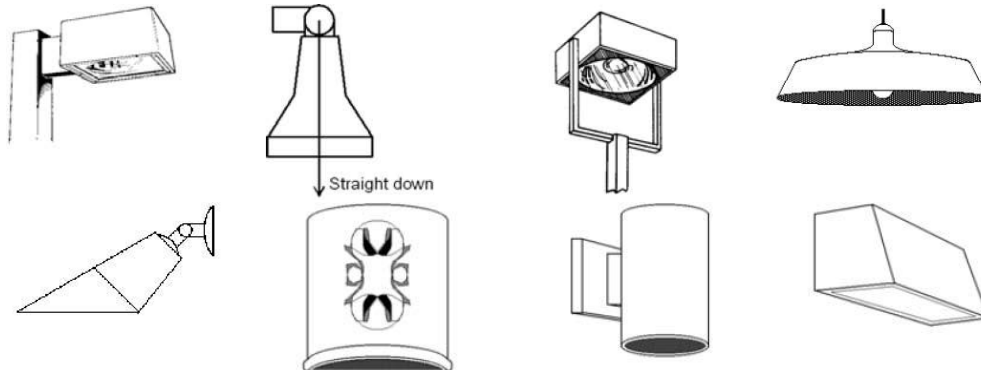
Examples of Acceptable / Unacceptable Lighting Fixtures

<p>Unacceptable / Discouraged Fixtures that produce glare and light trespass</p> <p>Unshielded Floodlights or Poorly-shielded Floodlights</p> <p>Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures</p> <p>Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens</p> <p>Unshielded Streetlight</p> <p>Unshielded Bollards</p> <p>Unshielded Barn Light</p> <p>Louvered 'Marine' style Fixtures</p> <p>Unshielded PAR Floodlights</p>	<p>Acceptable Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night</p> <p>Full Cutoff Fixtures</p> <p>Fully Shielded Wallpack & Wall Mount Fixtures</p> <p>Fully Shielded Fixtures</p> <p>Full Cutoff Streetlight</p> <p>Fully Shielded Barn Light</p> <p>Fully Shielded Walkway Bollards</p> <p>Fully Shielded Decorative Fixtures</p> <p>Fully Shielded 'Period' Style Fixtures</p> <p>Shielded / Properly-aimed PAR Floodlights</p> <p>Flush Mounted or Side Shielded Under Canopy Fixtures</p>
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Illustrations by Bob Crelin © 2005. Rendered for the Town of Southampton, NY. Used with permission

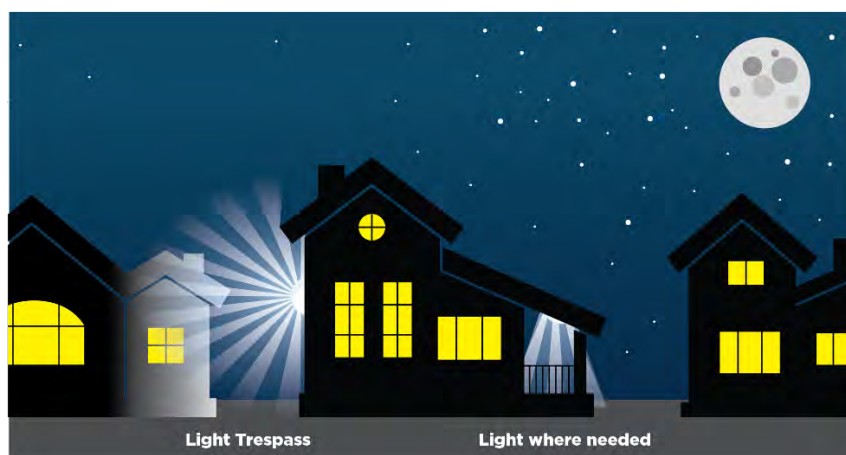
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- G. "Floodlight" means a fixture or bulb designed to "flood" an area with light. A specific form of bulb or fixture designed to direct its output in a specific direction. Such bulbs are often designated by the manufacturer and are commonly used in residential outdoor lighting.
- H. "Fully Shielded Fixture" means an outdoor light fixture constructed and mounted so that the installed fixture emits no light above the horizontal plane. Where a light manufacturer provides a BUG rating, the uplight rating (U) must equal zero (0). Fully shielded light fixtures must be shielded in and of themselves. Surrounding structures, like canopies, are not to be considered when determining if the fixture is fully shielded. Fully shielded fixtures must be appropriately mounted so that the shielding prevents light from escaping above the horizontal and all light is directed downward.



Examples of fully shielded light fixtures

- I. "Glare" means the visual sensation caused by excessive brightness and which causes annoyance, discomfort, or a disability loss in visual performance or visibility.
- J. "Internally Illuminated" as it relates to signs, means any sign which has a light source entirely enclosed within the sign and not directly visible to the eye.
- K. "Light Pollution" means any adverse effect of manmade light. Often used to denote "sky glow" from developed areas, but also includes glare, light trespass, visual clutter and other adverse effects of lighting.
- L. "Light Source" means the part of a lighting fixture that produces light, e.g. the bulb, lamp, or chips on board.
- M. "Light Trespass" means any light that falls beyond the legal boundaries of the property it is intended to illuminate.

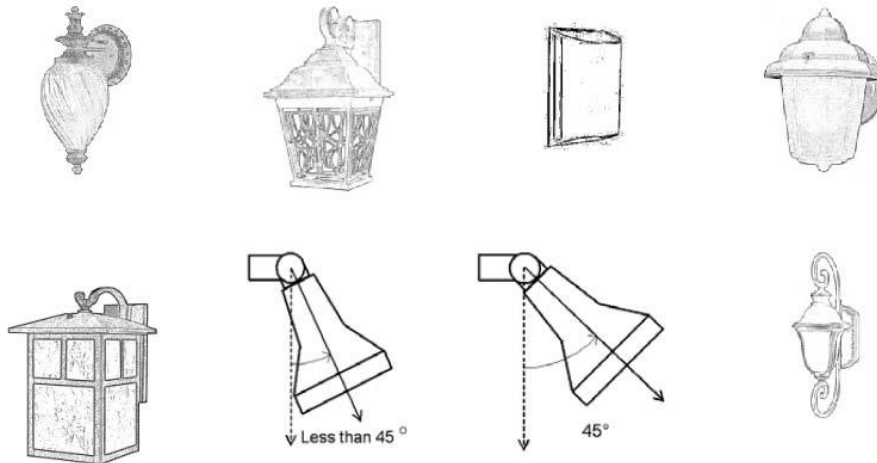


N. "Lumen" means a unit of luminous flux equal to the light emitted by a uniform point source of one candle intensity. Lumens refers to the amount of light emitted by a bulb (more lumens equals brighter light).

Brightness in Lumens	220+	400+	700+	900+	1300+
Standard	25W	40W	60W	75W	100W
Halogen	18W	28W	42W	53W	70W
CFL	6W	9W	12W	15W	20W
LED	4W	6W	10W	13W	18W

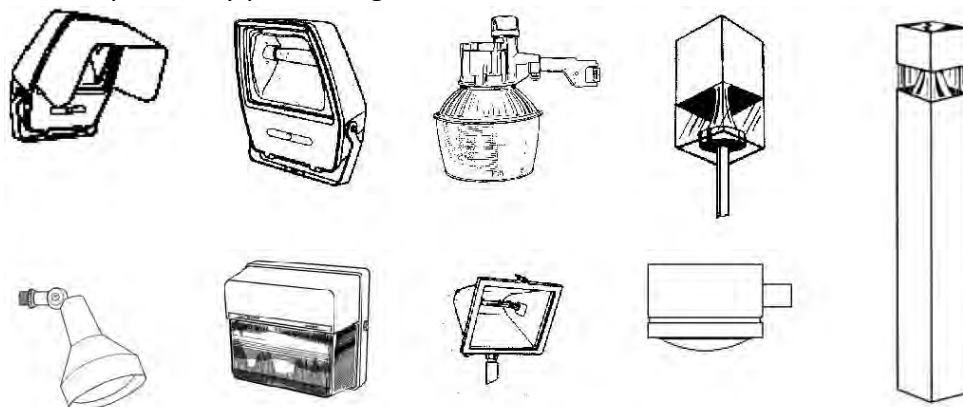
Common relationships between bulb types, wattages and lumen levels

- O. "Luminaire" means the same as "fixture."
- P. "Manufacturer's Catalog Cuts" means a publication or other printed material of a bulb or lighting manufacturer offering visual and technical information about a lighting fixture or bulb.
- Q. "Developed Acre" means the proportionate amount of an acre (43,560 square feet) of land that is converted from raw, undeveloped land into land associated with the permitted principal and accessory uses occurring on a parcel. This includes building footprints, private roads, parking lot surface areas, designated recreational areas, walking paths, stormwater detention and retention facilities, and other lands clearly related to the permitted uses on a parcel. Present and future public rights-of-way, lands with natural slopes greater than 30 percent, jurisdictional wetlands, lands in the 100 year floodplain, public drinking water supply water sources (recharge areas for the aquifer in the Glen Canyon Formation), lands affected by immitigable geo-hazards, riparian habitats, archeological sites, and required open space shall not be included in the calculation of developed acreage.
- R. "Outdoor Light Fixture" means a complete lighting unit consisting of a lamp(s) and ballast(s) (when applicable), together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. Also known as a luminaire, or simply as a fixture.
- S. "Partially Shielded Light Fixture" means an outdoor light fixture constructed and mounted so that the installed fixture emits most of its light above the horizontal plane. Where a light manufacturer provides a BUG rating, the uplight (U) and backlight (B) ratings are greater than zero (0). Light emitted at or above the horizontal plane (sideways or upwards) shall arise solely from incidental decorative elements or strongly colored or diffusing materials such as colored glass or plastic. Fixtures using spot or flood lamps are considered partially shielded if the lamps are aimed no higher than 45 degrees above the vertical plane beneath the fixture.



Examples of partially shielded lighting fixtures

- T. "Recreational Lighting" means lighting used to illuminate sports fields, ball courts, playgrounds, or similar outdoor recreational facilities.
- U. "Skyglow" means the brightening of the nighttime sky resulting from the scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the nighttime sky.
- V. "Spotlight" means a fixture or bulb designed to light a small area very brightly. See definition of Floodlight.
- W. "Total" means the sum of shielded and unshielded light.
- X. "Total outdoor light output" means the total amount of light measured in lumens from all bulbs installed in outdoor lighting fixtures. For bulb types that vary in light output as they age (such as fluorescent and high intensity discharge (HID) bulbs), the initial lumen output as defined by the manufacturer shall be the lumen value used.
- Y. "Tower" means any monopole, antenna, or the like that exceeds eighteen feet (18') in height.
- Z. "Unshielded Fixture" means a fixture that has no shielding at all that would otherwise specifically prevent light emission above the horizontal.



Examples of unshielded light fixtures

- AA. "Uplight" means all the light emanating above the horizontal plane of a luminaire.

Fully Shielded Fixture Requirements

- A. Unless specifically exempted by this Section, all outdoor lighting shall use fully shielded fixtures and shall be installed so light is directed downward with no light emitted above the horizontal plane of the fixture. Where a light manufacturer provides a BUG rating, the upright rating (U) must equal zero (0).



- B. In order to qualify as a "fully shielded" fixture, a light fixture must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as fully shielded. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a light fixture under an eave, canopy, patio cover, or other similar cover does not qualify as fully shielded.
- C. Fixtures must not be placed at a location, angle, or height that directs illumination outside the property boundaries where the light fixtures are located.
- D. Notwithstanding the exemptions in Section 6.6.4.E, all residential and commercial luminaires shall be fully shielded within twenty-five (25) feet of adjacent residential property lines.
- E. Exemptions to Fully Shielded Fixture Requirements:
- All lights exempted by this section shall be included in the calculation for total light output.
 - Fixtures having a total light output less than one thousand (1,000) lumens are exempted from the fully shielded requirement provided the following criteria are met:
 - The fixture has a top that is completely opaque such that no light is directed upwards.
 - The fixture has sides that completely cover the light source and are made of opaque or semi-opaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light. Semi-opaque material such as dark tinted glass or translucent plastic may be used

if the light source is not discernable behind the material. Completely transparent materials, such as clear or lightly tinted colored glass, are not allowed.

- The light source must not be visible from any point outside the property on which the fixture is located.
- Spotlights controlled by motion sensors having a light output less than one thousand (1,000) lumens per lamp are exempted from the fully shielded requirement provided:
 - The fixture is a spotlight or other type of directed light that shall be directed straight down; and
 - The fixture must not be placed in such a manner that results in illumination being directed outside the property boundaries where the light fixtures are located.
 - Lights controlled by motion sensors shall not be triggered by movement or activity located off the property on which the light is located.
- Pathway lights less than eighteen inches (18") in height are exempted from the fully shielded fixture requirement, if the total light output from each pathway light is less than three hundred (300) lumens.
- Temporary exterior lighting intended as holiday or seasonal decorations displayed between November 15 and the following January 15, provided that individual lamps do not exceed 70 lumens and neither cause light trespass nor interfere with the reasonable use and enjoyment of any other property.
- Traffic control signals and devices.
- Temporary emergency lighting in use by law enforcement or government agencies or at their direction.
- The lighting of federal or state flags, provided that the light is a top-down and narrow beam aimed and shielded to illuminate only the flag.

Total Light Output

- A. Commercial. Total outdoor light output shall not exceed fifty thousand (50,000) lumens per developed acre. Streetlights used for illumination of public rights-of-way are excluded from this calculation. Commercial developments shall be permitted a minimum of 5,000 lumens of lighting regardless of parcel size.
 - In non-residential zone districts, partially and unshielded lighting on a property shall not exceed 5,000 lumens per developed acre, and shall be included in the total outdoor light output calculation
- B. Residential. Total outdoor light output shall not exceed ten thousand (10,000) lumens of lighting for parcels one-half (acre), or larger, in size. Parcels smaller than one-half (1/2) acre shall be permitted five thousand (5,000) lumens of lighting regardless of parcel size. Total outdoor light output of any multifamily residential development including five (5) or more separate lots or units shall not exceed twenty thousand (20,000) lumens of lighting per developed acre.

- In residential zones, partially and unshielded lighting on a property shall not exceed 1,000 lumens per lot and shall be included in the total outdoor light output calculation.
- Residential units used for overnight accommodations or other commercial uses shall comply with the residential standards for total light output.

Lighting Hours

- A. Commercial establishments shall turn off all outdoor lighting, except that listed below, by twelve o'clock (12:00) midnight:
 - Businesses open to the public after twelve o'clock (12:00) midnight may leave all outdoor lighting on until one hour after the close of business.
 - Lighting to illuminate the entrance to the commercial establishments.
 - Parking lot and pathway lighting required for the safety of guests or customers.
- B. Recreational lighting (residential and commercial) shall be turned off by ten o'clock (10:00) P.M. or one hour after conclusion of a specific sporting event, whichever is later.

Lighting Color

All exterior lighting shall utilize light sources with correlated color temperature not to exceed 3,000 Kelvin (K).

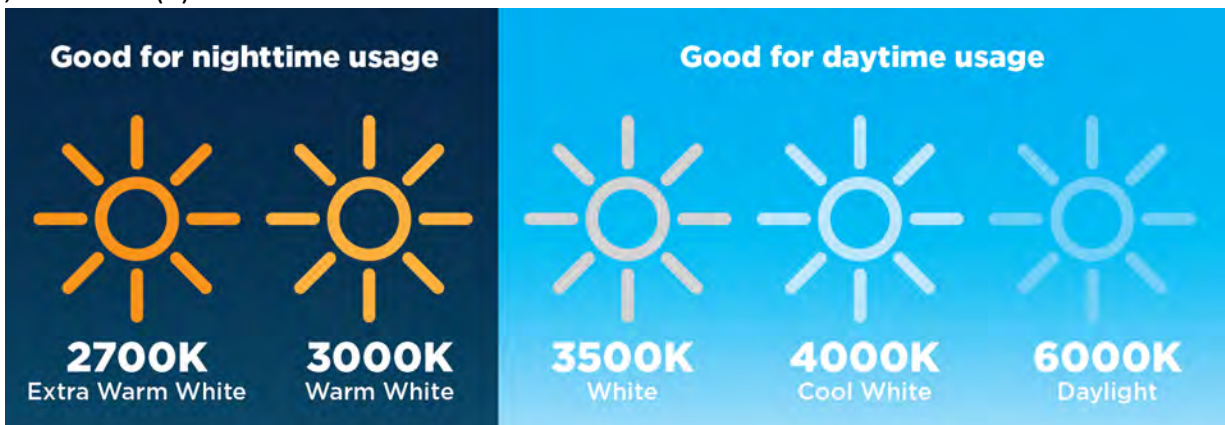


Image by City of Ft. Collins, Colorado and used here with permission.

Specialized Outdoor Lighting Conditions and Standards

- A. Gas station canopies may be illuminated provided all light fixtures are mounted on the undersurface of the canopy and all light fixtures are fully shielded. Merely placing the fixtures on the underside of the canopy does not qualify as fully shielding the light fixture.
- B. Roadway and streetlights are prohibited unless recommended by the County engineer or required by UDOT to provide for the safety of the public. When deemed necessary, streetlights shall utilize lamp types that are fully shielded luminaires that minimize sky glow, light trespass, and other unintended impacts of artificial lighting. All streetlights shall utilize the lowest illuminance levels acceptable to the County engineer and UDOT.
- C. Parking lots may not utilize spot or flood lighting whether mounted on a post or exterior building wall. The overall height of any light post used to illuminate parking lots in

commercial zones shall not exceed twenty-five feet (25'). All post mounted parking lot lights shall be set back from property lines a distance equal to two and one-half (2.5) times the height of the pole unless an internal or external shield prevents the fixture being visible from outside the property boundaries. The overall height of any light post used to illuminate parking lots in residential zones shall not exceed twenty-five feet (25'). All parking lot lighting shall use fully shielded downward directed fixtures. Internal or external shields shall prevent the fixture being visible from outside the parking lots.

- D. Outdoor recreation areas or athletic fields at publicly owned facilities may use illumination to light the surface of play and viewing stands and for the safety of the public. The following standards shall apply to outdoor recreation area or athletic field lighting:
- The recreational lighting does not exceed illuminance levels for class IV sports lighting set by the Illuminating Engineering Society of North America.
 - The recreational lighting provides illuminance for the surface of play and viewing stands, and not for any other areas or applications.
 - Off-site impacts of the lighting will be limited to the greatest practical extent possible
 - The lighting for areas or applications outside the surface of play and viewing stands shall conform to all provisions in this Section.
 - The recreational or athletic facility shall extinguish lighting exempted by this section no later than 10:00 pm or one hour after the end of play, whichever is later.
 - The recreational lighting shall have timers that automatically extinguish lighting to ensure lights are not left on after the curfew or when the facilities are not in use.
- E. Outdoor amphitheatres may use illumination to light the performance area of the amphitheater and for the safety of the public. The following standards apply to all amphitheater lighting:
- Lighting used to illuminate the performance area must be either directed spotlighting or fully shielded lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.
 - Lighting used to illuminate the performance area may only be turned on during performances or rehearsals.
 - Lighting used to illuminate the seating areas, pathways, and other areas of the amphitheater must meet all standards of this Section.
- F. Special events may use illumination to light the event area and for the safety of the public. The following standards apply to all amphitheater lighting:
- Lighting used to illuminate the event area must be either directed spotlighting or fully shielded lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.
 - Lighting used to illuminate the event area may only be turned on during the hours event activities are open to the public or paying guests.
 - Lighting used to illuminate the seating areas, pathways, and other areas of the event must meet all standards of this Section.
- G. All illuminated signs shall comply with the standards of Section 6.5.

Application and Review Procedures

A. Lighting Plan

- All sign permit applications, subdivision applications, site plan applications, building permit applications, and other development review applications within any zone district shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources comply with this code. Lighting plans shall include the following:
 - Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of illumination devices, lamps, supports, shielding and reflectors used and installation and electrical details.
 - Illustrations, such as contained in a manufacturer's catalog cuts, of all proposed lighting fixtures. For commercial uses, photometric diagrams of proposed lighting fixtures are also required. In the event photometric diagrams are not available, the applicant must provide sufficient information regarding the light fixture, bulb wattage, and shielding mechanisms for the planning commission to be able to determine compliance with the provisions of this Section.
 - A table showing the total amount of proposed exterior lights, by fixture type, wattage, lumens, and lamp type.

Approval Procedure

- A. The lighting plan for all new development shall be submitted for approval concurrent with the associated application process.
- ~~B. A certificate of occupancy shall not be issued until such time as the property is subject to a post installation nighttime inspection by the Planning and Zoning Administrator or other county staff.~~

~~Amortization of Nonconforming Outdoor Lighting~~

- ~~A. San Juan County shall require the termination of use of any and all nonconforming outdoor lighting fixtures, structures, lamps, bulbs or other devices that emit or generate light which are not otherwise exempted by this ordinance, pursuant to the amortization schedule contained in this ordinance.~~
- ~~B. All outdoor lighting legally existing and installed prior to the effective date of this Section, and which is not otherwise exempted, shall be considered nonconforming and shall be brought into compliance by the property owner as follows:

 - Immediately as a condition for approval upon application for a building permit, sign permit, conditional use permit, new (nonrenewal) business license, site plan review or similar County permit or review.
 - Immediately in the case of damaged or inoperative nonconforming lighting upon replacement or repair.
 - Within five (5) years from the effective date of this Section for all other outdoor lighting.~~

~~Chapter 9 Spanish Valley Sign and Display Requirements~~

~~An Ordinance Creating the *Spanish Valley Sign Requirements* of the San Juan County Land Use Ordinance for the purpose of managing the design and implementation of signs and displays in the non-federal lands in northernmost portion of the San Juan County Spanish Valley. The ordinance applies to all lands in the Spanish Valley, as indicated in the Spanish Valley Zoning Map.~~

~~Purpose~~

~~Definitions~~

~~Application and Enforcement~~

~~Specific Regulations by Spanish Valley Zoning District~~

~~Design Standards for Commercial Signs~~

~~General Conditions~~

~~Maintenance of Legal Non-conforming Signs~~

~~Non-conforming Signs~~

~~Prohibited Signs~~

~~Variances and Appeals~~

~~Safety and Livability Considerations~~

~~Purpose~~

~~It is in the best interest of the health, safety and welfare of the citizens of San Juan county and the Spanish Valley to regulate signage and advertising, the following regulations are created to~~

- ~~• eliminate potential hazards to motorists and pedestrians; to encourage signs which are integrated with and harmonious to the buildings, setting and sites which they occupy;~~
- ~~• encourage legible signage through the use of excessive and confusing sign displays, thus reducing driver inattention;~~
- ~~• preserve and improve the appearance of the Spanish Valley as a place in which to live and to work, and to create an attraction to non-residents who come here to visit or trade;~~
- ~~• allow each individual business to clearly identify itself and the goods and services which they offer; to safeguard and enhance property values; and~~
- ~~• protect public and private investment in buildings and open space; and~~

~~Definitions~~

~~The change or rearrangement in the structural part of its design, whether by extending on a side, increasing in area, width or height, or moving from one location or position to another.~~

~~Awning~~

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

Building, Front Line of

The line of that face of the building or structure nearest the front line of the lot. This face includes sun parlors, bay windows, covered and/or uncovered porches, whether enclosed or unenclosed, but does not include uncovered steps less than four feet (4') above grade and eaves overhanging less than two feet (2').

Building Line

A vertical surface intersecting the ground along a line at which the front of the building occupies the lot on which it is constructed.

Code Enforcement Officer

The appropriate officer(s) employed by the San Juan County authorized to enforce this chapter.

Electronic Message Center (EMC)

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

Electronic Message Sign View Area

The view area for any EMS shall be measured as follows: beginning from the outside edge of the sign face, measure one hundred fifty feet (150') to each side, then measure at a ninety degree (90°) angle three hundred feet (300') in the direction that the sign is facing, and ninety degree (90°) angle until the two (2) lines intersect.

Face of Sign

The entire area of a sign upon, against or through which any copy, electronic images, graphics or pictures, with or without textual information is placed.

Lot, Corner

A lot abutting on two (2) intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°).

Marquee

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

Monument Sign

A sign whose base is approximately seventy five percent (75%) of the width of the sign and is permanently set on the ground and has an opaque pedestal as part of the sign foundation

which conceals any pole support. Upon approval of the community development director, and where pole supports are not visible, the opaque pedestal may be omitted.

Nonconforming Sign

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

Point of the Beginning or End of Pavement Widening

Ending of pavement widening is that point when the pavement of an interstate highway acceleration or entrance lane fully narrows to the normal width of the main travel lanes. Beginning of pavement widening is that point when the pavement of an interstate highway deceleration or exit lane begins to widen from the normal width of the main travel lanes.

Sign

Means and includes every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, object, device, medium, conveyance or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. The definition of "sign" shall also include the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers. This does not include any flag, badge or ensign of any government or governmental agency erected for and used to identify said government or governmental agency.

Sign, A-frame

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

Sign, Animated

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

Sign Area

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

Sign, Electronic Display Screen

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

Sign, Electronic Message Center

Any sign or portion of a sign, that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed.

Sign, For Sale

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

Sign, Freestanding

A sign supported by a fixed permanent frame or support in the ground.

Sign, Illuminated

A sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

Sign, Lighted

A sign made legible in the absence of daylight by devices which reflect or project light upon it.

Sign, Low-Profile

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

Sign, Off-Premises

advertising sign which directs attention to a use, product, commodity or service not related to the premises.

Sign, Projecting

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

Sign, Property

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

Sign, Roof

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

Regulations and Enforcement

A.—Compliance Required:

—Except as provided in this chapter, no sign shall be erected, raised, moved, extended, enlarged or altered, or have the text of the sign changed, except in conformity with the regulations herein specified for the zone in which it is located.

B.—Construction Standards:

—All signs hereinafter erected in the county shall comply with current standards of the national electrical code, all provisions of this chapter and other applicable ordinances of the county. All component parts shall be equal to Underwriters Laboratories labeled products.

C.—Enforcement:

—The code enforcement officer shall be vested with the duty of enforcing the zoning ordinance and in performance of such duty, he shall be empowered and directed to:

1. *Issue Permits:* Issue permits to construct, alter or repair signs which conform to the provisions of this chapter.
2. *Determine Conformance:* Ascertain that all signs, construction and all reconstruction or modification of existing signs are built or constructed in conformance to the zoning ordinances, building restrictions and building codes.
3. *Issue Citations and Complaints:* Issue citations and/or complaints against violators of this chapter.

D.—Inspections: The code enforcement officer shall make an initial inspection upon the completion of construction, erection, re-erection or remodeling of any sign for which a permit has been issued and an inspection request is made.

E.—Sign Classification: Every sign erected or proposed to be erected within the county shall be classified by the code enforcement officer in accordance with the definitions of signs contained in **Penalties** section of this chapter. Any sign which does not clearly fall within one of the classifications shall be designated to the classification that it most nearly approximates in the opinion of the code enforcement officer in view of its design, location and purpose.

F.—Legal Action: The code enforcement officer shall be empowered to institute appropriate action or proceedings in any case where any sign is erected, constructed, altered, repaired, converted or maintained, or in any case where any sign is used in violation of any county ordinance, including, but not limited to, the zoning ordinance, to accomplish the following purpose: 1) to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; and 2) to restrain, correct or abate such violation.

1. *Issue Notice of Violation:* The code enforcement officer will cause a notice of violation to be issued to the person having charge or control or benefit of any sign found by him to be unsafe or dangerous or in violation of the zoning ordinances of the county.

- ~~2.—*Abate And Remove Unsafe Or Dangerous Sign:* If an unsafe or dangerous sign is not repaired or made safe within five (5) working days after giving said notice, the code enforcement officer shall have the right to at once abate and remove said sign, and the person having charge, control or benefit of any such sign, shall pay to the county within thirty (30) calendar days after written notice is mailed to such person, the costs incurred in such removal.~~
- ~~3.—*Abate And Remove Illegal Sign:* If an illegal sign is not made conforming within thirty (30) calendar days after giving said notice, the code enforcement officer shall have the right to at once abate and remove said sign, and the owner or person having charge, control or benefit of any such sign, shall pay to the county within thirty (30) calendar days after written notice is mailed to such person, the costs incurred in such removal.~~
- ~~4.—*Immediate Removal Authorized:* In the case of an unsafe or illegal sign that is either an immediate hazard or whose primary purpose will have been served, at least in part, before the expiration of the notice period required herein, the code enforcement officer may effect an immediate removal without notice, subject to a subsequent right of hearing by the person receiving benefits therefrom.~~
- ~~5.—*Notice Of Non maintained Abandoned Sign:* The code enforcement officer shall require each non maintained or abandoned sign to be removed from the building or premises when such sign has not been repaired or put into use by the owner, person having control or person receiving benefits of such structure within thirty (30) calendar days after notice of non maintenance or abandonment is given to the owner, person having control or person receiving benefit of such structure.~~
- ~~6.—*Notification:* Notification by the county to persons having charge or control or benefit of any sign found by the code enforcement officer to be unsafe or dangerous or in violation of the zoning ordinance of the county and where the county is contemplating removal of said sign, shall be accomplished by the county utilizing written notice sent according to the administrative code enforcement ordinance.~~
- ~~7.—*Penalty as Alternative:* The code enforcement officer shall have discretionary right to enforce removal or alteration of an unsafe or illegal sign by applying the penalty as provided in the **Penalties** section of this chapter as an alternative to the abatement procedures as provided.~~
- ~~G.—*Right of Appeal:* Any person who has been ordered by the code enforcement officer to alter or remove any sign, or any person whose application for a sign permit has been refused, may appeal to the Planning Commission by serving a written notice to the county within ten (10) days of the order of the code enforcement officer. Such notice shall be considered by the Planning Commission at its next regularly scheduled meeting. Upon filing of said notice of appeal, the code enforcement officer shall take no further action with regard to the removal of the sign involved until the final decision of the Planning Commission on the appeal is known, unless the code enforcement officer finds that the sign involved, by reason of its condition, presents an immediate and serious danger to the public, or comes within the provisions of subsection F4 of this section, in which case he shall proceed immediately as provided in this chapter.~~

~~H.—Application Requirements: All applications for sign permits shall be accompanied by a plan and elevation drawing. The drawings shall be provided digitally in PDF format in a minimum 8 1/2" x 11" format. The plat information shall include sufficient information so that the code enforcement officer can determine whether the proposed sign conforms with the provisions of this chapter.~~

~~1.—Plot Plan Requirements: Specifically, the plat shall show the size of the sign and its location relationship to the following features of the site:~~

- ~~•—Property lines;~~
- ~~•—Existing and proposed buildings or other structures;~~
- ~~•—Control curbs;~~
- ~~•—Parking areas.~~

~~2.—Elevation Drawing Requirements: Specifically, the elevation drawing shall show the following information:~~

- ~~•—Type of sign;~~
- ~~•—Sign display;~~
- ~~•—Sign height;~~
- ~~•—Sign area.~~

~~I.—Sign Permit Required: It shall be unlawful for any person, whether acting as owner, occupant or contractor, or otherwise, to erect, construct, reconstruct, enlarge, locate or alter any sign within the county without first obtaining a sign permit from the county unless exempted from this requirement in this chapter.~~

~~J.—Fee Schedule: A fee as established by the County Commission shall be paid to the county for each sign permit issued under this chapter. The fee will cover the cost of issuance, including the inspection tag.~~

~~Specific Regulations by Specific Spanish Valley Zoning District~~

~~No person shall install or maintain any sign in the county in the following Spanish Valley Zoning District except as herein provided. Signs not allowed in the following subsections are specifically prohibited:~~

~~A.—Spanish Valley Residential District~~

~~—The following provisions regulate signs in the *Spanish Valley Residential District*.~~

~~1.—Low Profile Signs: Two (2) permanent low profile identification signs which state the official name of the residential subdivisions with will be allowed for residential developments; provided, that these signs conform to the following regulations:~~

- ~~•—Shall be located at the entrance of the residential subdivision and be a minimum of ten feet (10') from front property lines.~~
- ~~•—Shall be incorporated into a landscape design scheme.~~
- ~~•—Shall be limited to a maximum of three feet (3') in height from finished grade.~~
- ~~•—Shall be limited to sixteen (12) square feet in area for each sign.~~
- ~~•—Shall be limited to only two (2) signs per subdivision.~~
- ~~•—Shall contain no animation.~~
- ~~•—May not be illuminated.~~

~~2.—Promotional Signs for Residential Developments: Promotional signs shall be allowed for residential developments to promote, market and advertise the entire development offering the property for sale and providing pertinent sales information to the public. Promotional signs are not allowed for the sale of individual lots, homes, or a portion of the development.~~

- ~~●—Signs shall not exceed six feet (6') in height and must be located within the boundaries of the development a minimum of ten feet (10') from a street, shall not project into or be installed on any public right of way and shall not be located within required intersection clear view zones. The signs shall be temporary and shall be removed when all original lots have been sold.~~
- ~~●—Residential developments may have up to two (2) signs offering the project for sale or inspection by the public.~~

~~3.—Property Signs; For Sale, Lease, Or Rent: One temporary on-premises sign identifying the lot or offering the premises for sale, lease, rent, or inspection by the public is permitted and shall not exceed twelve (12) square feet in size. Such sign may be double faced or may be a movable freestanding sign and includes advertising for a model home or an open house at the premises.~~

~~B.—Spanish Valley Planned Community, Highway Commercial and Flex Districts~~

~~—The following provisions regulate signs apply to residential developments in the Spanish Valley Planned Community and Flex Districts:~~

~~1.—Low Profile Signs: Two (2) permanent low profile identification signs which state the official name of the residential subdivisions with will be allowed for residential developments; provided, that these signs conform to the following regulations:~~

- ~~●—Shall be located at the entrance of the residential subdivision and be a minimum of ten feet (10') from front property lines.~~
- ~~●—Shall be incorporated into a landscape design scheme.~~
- ~~●—Shall be limited to a maximum of three feet (3') in height from finished grade.~~
- ~~●—Shall be limited to sixteen (12) square feet in area for each sign.~~
- ~~●—Shall be limited to only two (2) signs per subdivision.~~
- ~~●—Shall contain no animation.~~
- ~~●—May not be illuminated.~~

~~2.—Promotional Signs for Residential Developments: Promotional signs shall be allowed for residential developments to promote, market and advertise the entire development offering the property for sale and providing pertinent sales information to the public. Promotional signs are not allowed for the sale of individual lots, homes, or a portion of the development.~~

- ~~●—Signs shall not exceed six feet (6') in height and must be located within the boundaries of the development a minimum of ten feet (10') from a street, shall not project into or be installed on any public right of way and shall not be located within required intersection clear view zones. The signs shall be temporary and shall be removed when all original lots have been sold.~~

- ~~Residential developments may have up to two (2) signs offering the project for sale or inspection by the public.~~
 - 3. ~~*Property Signs; For Sale, Lease, Or Rent:* One temporary on-premises sign identifying the lot or offering the premises for sale, lease, rent, or inspection by the public is permitted and shall not exceed twelve (12) square feet in size. Such sign may be double faced or may be a movable freestanding sign and includes advertising for a model home or an open house at the premises.~~
- ~~The following provisions regulate signs located in non-residential developments in *Planned Community, Highway Commercial and Flex Districts*~~
1. ~~*Freestanding Signs:* Freestanding signs are permitted subject to the following provisions:~~
 - ~~*Number:* Each parcel of property or commercial complex may have one freestanding sign. One additional freestanding sign is permitted if the property or complex has more than three hundred feet (300') of frontage on a dedicated public street. Where two (2) or more freestanding signs are constructed, they shall be separated by at least one hundred feet (100'). The second pole sign shall not be higher than seventy percent (70%) of the allowed height of the first sign. A third freestanding sign is allowed for properties with more than six hundred feet (600') of frontage on a dedicated street. The fourth freestanding sign, or additional freestanding signs, must be approved by the Planning Commission.~~
 - ~~*Location:* Freestanding and projecting signs shall not project into or over any public street right-of-way. Projecting signs may project a maximum of four feet (4') from the building provided such projecting sign has a minimum ground clearance of ten feet (10') over any sidewalk or street right-of-way. Also, awning signs within the downtown historic district may project over the street right-of-way provided there is a minimum ground clearance of eight feet (8').~~
 - ~~*Height:* Freestanding signs shall not exceed the following heights:~~
 - ~~Signs located within five hundred feet (500') of US-191 shall not exceed thirty feet (30') in height.~~
 - ~~Where two (2) or more pole type signs are allowed, subsequent signs shall not exceed seventy percent (70%) of the allowed height of the main sign.~~
 - ~~The height of signs located on all other streets shall not exceed ten feet (10') from the adjacent natural grade.~~
 - ~~Where the natural grade at the sign location is below the curb elevation, the height may be measured from the curb height, provided the overall sign height is not increased by more than five feet (5'), and the sign is within thirty feet (30') of the curb or right of way boundary.~~
 - ~~*Size:* The area of freestanding signs shall not exceed the following:~~
 - ~~Single tenant freestanding signs within 500' of US-191 shall not exceed seventy five (75) square feet or one square foot of sign area per linear foot of~~

street frontage up to one hundred twenty (120) square feet maximum per sign face.

- Multi tenant signs may have one and one half (1 1/2) square feet of sign area per linear foot of street frontage up to two hundred (200) square feet maximum. A single multi-tenant sign may be allowed up to three hundred (300) square feet if the following occurs:
 - The sign permit is approved subject to a condition which precludes the installation of another freestanding sign; and
 - The sign area does not exceed one and one half (1 and 1/2) square feet per linear foot of street frontage. US 191 may have two (2) square feet of sign area per linear foot of street frontage, up to three hundred (300) square feet maximum.
- On corner lots, the street frontage used to determine size of the primary sign shall be limited to the street upon which the building fronts. Measurement of the street frontage shall include the actual frontage measured to the midpoint of the corner radius. A secondary sign may be allowed on the side street, and its size shall be based on the frontage of the side street.

2.—*Animated Signs:* Animated signs are not be permitted

3.—*Entrance and Exit Signs:* One entrance and exit sign shall be permitted at each driveway entering or leaving the premises. Such signs shall not exceed six (6) square feet in area nor be more than four feet (4') in height from the ground.

4.—*Wall Signs:* Wall signs which are permanently attached or painted with a projection of less than twenty four inches (24"), shall be permitted; provided, that the area of any such sign shall not exceed twenty percent (20%) of the face of the front wall to which it is attached, nor more than ten percent (10%) of the face of a side or rear wall; and further provided, that it does not rise above the roofline or parapet wall.

5.—*Property and Project Construction Signs*

- No more than two (2) signs offering the premises for sale, lease or inspection by the public shall be permitted; provided, that the total area of each sign does not exceed thirty two (32) square feet. Said signs may be modified to indicate that the property has been sold.
- A project construction sign or "coming soon" promotional sign of up to sixty four (64) square feet may be allowed within sixty (60) days of obtaining a building permit for such project. Such sign shall be removed within one year from the date the sign was erected.

6.—*Premises Signs:* Off-premises signs are not be permitted.

7.—*Roof Signs:* Roof signs shall conform to the following provisions:

- Roof signs shall not be higher than the roofline or parapet wall and shall not be larger than twenty percent (20%) of the wall face of the building.
- All roof signs shall be installed or erected in such a manner that the support structure or brace is covered and screened from public view to the extent reasonable to do so.
- Roof signs shall not be animated.

8. ~~*Projecting Signs:* Projecting signs attached to a building shall comply with the following conditions:~~
- ~~Signs projecting over public property may not project more than four feet (4') from a wall of a building, nor project closer than three feet (3') to the back of the curb. A minimum clearance of ten feet (10') above the sidewalk must be maintained.~~
 - ~~Signs projecting over private property may not project more than six feet (6') from a wall of a building.~~
 - ~~Signs shall not extend above the roofline.~~
 - ~~No more than one projecting sign per tenant space and only at the ground level of the building.~~
 - ~~The maximum sign area for projecting signs shall be one square foot of sign area for each linear foot of building frontage up to a maximum of thirty two (32) square feet per sign face (64 square feet maximum for both sides of a projecting sign).~~
9. ~~*Special Standards:* The following special standards for commercial signs shall apply for all signs more than 500' from US-191.~~
- ~~*Freestanding Signs; Design Standards:* Freestanding signs are hereby limited to monument and low profile pole type signs with the following design standards:~~
 - ~~*Height:* The maximum height of the sign shall not exceed ten feet (10') from adjacent natural grade. Where the natural grade at the sign location is below the curb elevation, the height may be measured from the curb or adjacent roadway height, provided the overall sign height is not increased by more than five feet (5'), and the sign is within thirty feet (30') of the curb.~~
 - ~~*Size:* A monument or low profile pole type sign shall be limited in size to seventy five (50) square feet for properties with up to one hundred feet (100') of frontage on a public road. An additional one square foot of sign area may be allowed for each additional two feet (2') of public road frontage up to a maximum size of one hundred twenty (90) square feet per sign~~
 - ~~*Location:* Signs must be located on private property and not within any public right of way. Signs shall not obstruct visibility at driveway entrance and exits, intersections and other points along the roadway.~~
 - ~~*Number:* Each parcel of property or commercial complex may have one monument or low profile pole type sign. One additional monument or low profile pole type sign is permitted if the property has more than two hundred feet (200') of frontage on a public street. Where two (2) freestanding signs are constructed, they shall be separated by at least one hundred feet (100'). A third monument or low profile pole type sign is allowed for properties with more than four hundred feet (400') of frontage on a dedicated public street, and a fourth monument or low profile pole type sign is permitted for properties with six hundred (600) or more feet of public road frontage.~~
 - ~~*Sign Materials:* Sign materials shall be similar to or compatible with the structure which they identify. Signs shall be constructed predominantly of~~

natural materials such as redwood, ceramic tile, masonry, stucco, stone, weathering steel or materials which simulate the referenced materials.

- ~~Color:~~ Bright day glow or fluorescent colors are prohibited. Letters should provide sufficient contrast to be easily legible. Overall color schemes should complement the color scheme of the building. Registered national trademarks are permitted as part of the sign.

~~10. Entrance, Exit Signs; Roof Signs and Projecting Signs:~~ Entrance and exit signs, wall signs, roof signs and projecting signs are permitted subject to provisions contained elsewhere in this chapter.

Design Standards for Commercial Signs

~~A. Pole Sign Design Standards:~~ The following design standards are mandatory:

- ~~1. Sign Cabinets:~~ Sign cabinets shall be integrated into a uniform sign, rather than added to a pole in an ad hoc manner. The modification or addition of a sign cabinet to an existing pole sign with two (2) or more independent sign cabinets shall be subject to review and approval by the community development director, who may at his/her discretion, refer the permit to the Planning Commission for approval.
- ~~2. Painted Plywood Signs:~~ Plywood signs are not permitted for permanent signs, unless approved by the Planning Commission. Sandblasted wood signs are permitted provided they are not higher than ten feet (10'), subject to review and approval by the community development director.
- ~~3. Cladding:~~ All poles supporting signs shall be cladded as a means to improve the appearance of the sign by:
 - ~~Proportionately increasing that portion of the structure that anchors the sign to the ground; and~~
 - ~~Providing a material on the support structure that complements the building architecture.~~
 - ~~Cladding shall primarily be wood, stucco, brick, or rock, duplicating materials which are used on the main building. Metal products may be used if the metal replicates the appearance of a natural material.~~
 - ~~Cladding is not required, if in the opinion of the community development director, the sign contains unique elements that result in a creative flair or defines a product or service with unique design, and the cladding would detract from the creativity of the design.~~
- ~~4. Pole Transition:~~ There shall be a transition between the pole and sign it supports, wherein the cladded pole(s) is widened at the base of the sign to at least fifty percent (50%) of the width of the sign it supports. (See exhibit A attached to the ordinance codified herein.) A transition is not required, if in the opinion of county planning staff, the sign contains design elements which serve a similar purpose and results in an aesthetic sign.
- ~~5. Sign Colors:~~ The exterior surface of the sign structure and frame (excluding sign face), shall have colors similar to the adjacent building or have earth tone colors including black, browns and grays.

~~6.—*Landscaping:* Landscaping shall be provided at the base of the sign at a ratio of ten (10) square feet for every one foot (1') of sign width, with fifty percent (50%) of the landscaped area containing live plant material. The plant materials used shall be expected to mature to heights of one foot (1') or greater. Where a hardship can be demonstrated, the Planning Commission may modify or waive this requirement.~~

~~7.—*Flag Lots:* Businesses on flag lots (i.e., lots with narrow frontage on a public road compared to overall lot size) may be allowed a pole sign larger than the minimum size of seventy five (75) square feet, provided the Planning Commission determines that the size of the sign is in harmony with the intent of this chapter and the size is in keeping with the building and lot size.~~

~~B.—*Sign Guidelines:* The following guidelines are desired and encouraged, but are not mandatory:~~

~~1.—*Theme and Plan:* Where feasible, signs shall be incorporated into a landscape theme and be part of an overall design plan for the property. Aesthetic appeal is a high priority.~~

~~2.—*Height:* As a general principle, signs should be no higher than the adjacent building for which it advertises. However, along US 191 the sign may be taller than the adjacent building in order to provide better visibility but shall not be higher than the maximum height limits set forth in this chapter.~~

General Conditions

~~A.—*Signs Not To Constitute Traffic Hazard:* No sign or other advertising structure shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device, or which makes use of the words “stop,” “drive in,” “danger” or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic. In general, no sign shall be placed within a triangular area with legs thirty feet (30') in length measured along the property lines at a corner.~~

~~B.—*Awnings Over Public Property:* Awnings over public property shall conform to all provisions of the International Building Code governing such structures. It shall maintain a minimum eight foot (8') clearance above the sidewalk or public property and shall have no signs affixed to the awnings or their supports.~~

~~C.—*Temporary Signs:*~~

~~1.— Any sign, banner, or advertising display intended to be displayed out of doors for promotional or other temporary use, shall be considered to be a temporary sign and shall be permitted subject to all provisions of this chapter and provisions contained in the county temporary banner policy.~~

~~2.— Banners shall be allowed according to the county policy regarding temporary banners. The banner policy is available through the community development department. It shall be the responsibility of the applicant to remove temporary banners upon expiration of the permit period.~~

- ~~D.— *Maintenance:* Every sign shall be kept in good condition as to maintenance and repair, including the replacement of defective parts, repainting and cleaning. The ground space within a radius of ten feet (10') from the base of any ground sign shall be kept free and clear of all weeds, rubbish and inflammable material.~~
- ~~E.— *Sign Removal:* Signs identifying a discontinued use on the property shall be removed from the property within thirty (30) calendar days of the time the use was discontinued and shall thereafter be considered to be abandoned.~~
- ~~F.— *Repair of Building Facade:* A damaged building facade as the result of the removal, repair, replacement or installation of any signs shall be repaired by the property owner within thirty (30) calendar days of the time the use was discontinued.~~
- ~~G.— *Moving to New Location:* No sign erected before the adoption of this chapter shall be moved to a new location on the lot or building, or enlarged, or replaced, unless it be made to comply with provisions of this chapter.~~
- ~~H.— *Ownership:* The imprint of the sign owner and sign erector of all signs shall be in plain and public view. Signs not carrying such an imprint will be presumed to be owned by the person in possession of the property on which the sign is located.~~
- ~~I.— *Lights and Lighted Signs*
See ~~**Spanish Valley Outdoor Lighting and Sign Illumination Standards**~~ for requirements.~~
- ~~J.— *Planned Development Layout Location Signs:* The purpose of the layout sign is to aid emergency personnel and visitors to quickly and efficiently locate a particular address or unit. For planned developments with a common address for multiple units there shall be a permanent sign located at all entrances to the project which:~~
- ~~1.— Identifies the development;~~
 - ~~2.— Clearly shows the project address;~~
 - ~~3.— Clearly shows the layout of streets and the units with their individual identification number or letter;~~
 - ~~4.— The sign must be oriented to the view of the reader;~~
 - ~~5.— Shall be incorporated into a landscape feature or design scheme;~~
 - ~~6.— The sign shall contain no animation;~~
 - ~~7.— See ~~**Spanish Valley Outdoor Lighting and Sign Illumination Standards**~~ for lighting requirements~~
 - ~~8.— The sign shall be placed such that persons in vehicles who are stopped to read the sign will not create a safety hazard.~~

Maintenance of Legal Non-conforming Signs

Nonconforming signs shall be required to comply with the requirements of this chapter when any change, other than normal maintenance, is made to the sign. Painting or similar sign repair shall be considered normal maintenance; provided, that the sign content remains basically unchanged. Compliance with current setback requirements may be waived by the Planning Commission when the board determines that relocating an existing sign is not practical.

Non-conforming Signs

- ~~A.— *Alterations:* A nonconforming sign shall not be raised, moved, replaced, extended or enlarged unless said sign is changed so as to conform to all provisions of this title.~~

~~“Alterations” shall also mean the changing of the text of the sign when there is a major change in the use of the property. A major change in use occurs whenever the use changes from one of the following land use categories to another office, retail, food/restaurant service, personal service, entertainment, lodging, repairs, institutional, public utility, manufacturing, and warehouse uses. Any major change in use requires any affected nonconforming sign to conform to all the provisions of this title. Alterations shall not be interpreted to include changing the text of a marquee or changing a copy of an off premises sign.~~

~~B. *Restoration:* Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, collision or any other cause beyond the control of the owner, to the extent of more than sixty percent (60%) of its assessed value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this chapter or shall be removed.~~

~~C. *Unsafe or Dangerous:* The nonconforming nature of a sign shall in no way prevent it from being subject to the provisions of the **Regulations and Enforcement** subsection of this ordinance if it is unsafe or dangerous.~~

Prohibited Signs

~~A. *Signs Attached To Public Property:* No sign, handbill, poster, advertisement or notice of any kind or sort shall be fastened, placed, posted, painted or attached in any way or upon any curbstone, lamppost, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk or street, except signs owned and erected by permission of an authorized public agency as required by law.~~

~~B. *A-Frame and Movable Freestanding Signs:* Portable, temporary A-frame, and movable freestanding signs shall be prohibited. This prohibition applies to signs mounted upon or painted upon vehicles or trailers which are parked primarily for the purpose of calling attention to or advertising a specific business establishment or product.~~

~~C. *Flashing Signs:* Signs which use flashing, blinking, or strobing lights are prohibited. Signs which use subtle lighting changes as part of a video screen, or EMS are permitted.~~

~~D. *Rotating Signs:* Signs which move, rotate, flutter in the wind or make noise are prohibited. Pennants, streamers, and inflatable objects are also prohibited. Temporary banners must be in compliance with the county’s policy on banners.~~

~~E. *Permit Exceptions:* Notwithstanding any of the provisions of this chapter, the following signs and operations shall not require a sign permit; however, any of the following signs included in any other section shall conform to the applicable provisions of this chapter:~~

- ~~1. The changing of the advertising copy or message on a marquee, provided no more than fifteen percent (15%) of the marquee surface will advertise off premises land, products or businesses;~~
- ~~2. Painting, repainting, cleaning and normal maintenance and repair of a sign or sign structure unless a substantial structural change is made;~~
- ~~3. For sale, rent or lease signs, advertising real property, that are thirty two (32) square feet or less in area. Such sign may be double faced;~~

- ~~4. The display of official notices used by any court, or public body, or public official, or the posting of notices by any public officer, in the performance of a duty, or by any person giving legal notice.~~
- ~~5. Directional, warning, exit, parking or similar informational signs of a public or quasi-public nature, provided they have no advertising effect, and signs directed and maintained by an official body or public utility.~~
- ~~6. Any official flag, pennant or insignia of any nation, state, county or other political unit.~~
- ~~7. Nameplates of two (2) square foot maximum area.~~
- ~~8. Bulletin boards not over sixty four (64) square feet in area for public, charitable or religious institutions where the same are located on the premises of said institutions.~~
- ~~9. Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.~~
- ~~10. Wall signs that are painted directly on the wall, provided they do not exceed twenty percent (20%) of the face of the wall on which it is painted.~~

~~Safety and Livability Considerations~~

- ~~A—*County Nonliability:* The county and its agents shall in no way be liable for negligence or failure of the owner, or the person responsible for any damage caused by defective conditions.~~

~~Chapter 10: Spanish Valley Overnight Accommodations Overlay District Requirements~~

~~An ordinance establishing an overnight accommodations overlay district that can be sought for sites located within the Spanish Valley Highway Commercial District. See Spanish Valley Zoning Map for the location of the Highway Commercial District in which the overlay can be applied.~~

~~1) Purpose of Overlay Districts~~

~~2) Purpose and Intent of the Spanish Valley Overnight Accommodations Overlay District~~

~~3) Established Overnight Accommodations~~

~~4) Approval Procedures~~

~~5) Identification on Zoning Maps~~

~~6) Site Master Plan Required~~

~~7) Development Standards~~

~~Part 1 — General Requirements~~

~~Part 2 — Employee Housing, Affordable Housing and Mixed Use Requirements~~

~~Part 3 — Architecture, Density, Massing and Form~~

~~Part 4 — Additional Design Requirements~~

~~Part 5 — Open Space~~

~~Part 6 — Landscape Standards~~

~~Part 7 — Parking Requirements~~

Purpose of Overlay Districts

Overlay districts are established to provide standards addressing unique circumstances or conditions affecting single sites where the development of such sites is of special public concern. Upon approval of special purpose district zoning, the special purpose district replaces the previous base district. Overlay districts are established to provide for certain additional requirements for properties located in one or more base zoning districts.

In addition to the requirements of the underlying base zoning district, the provisions of the overlay district would also prevail in the areas so zoned.

~~1) Purpose and Intent of the Spanish Valley Overnight Accommodations Overlay District~~

~~Overnight accommodations have the potential to be an important part of the Spanish Valley and San Juan County economy. In order to support regional efforts to control the imbalance between such uses and other desired community uses as has taken place in Moab and Grand County, a clear policy is required to ensure the number of hotels and motels, commercial condominiums, bed & breakfasts (B&Bs), lodges and commercial campgrounds are aligned with other essential and desirable uses in the San Juan Spanish Valley and region.~~

~~The *Spanish Valley Overnight Accommodations Overlay Ordinance* is an overlay district for properties located in the Highway Commercial and Highway Flex districts. It addresses both~~

existing and vested overnight accommodations as well as new proposed uses. The purpose of the overlay district is to ensure that existing and future hotels and motels, commercial condominiums, bed & breakfasts (B&Bs), lodges, commercial campgrounds and other commercial overnight accommodation uses are designed and developed in a manner that address the impacts and the increased service needs that they generate. The *Spanish Valley Overnight Accommodations Overlay Ordinance* should be applied to all new proposals to ensure approved projects minimize community impacts and result in tangible community benefits through the application of creative design, the incorporation and support for mixed uses both on-site and elsewhere in the San Juan Spanish Valley, and through the provision and support for public uses and spaces to help support a balanced community structure.

2) Established Overnight Accommodations

Established overnight accommodations (Established Overnight Accommodations), as indicated on the Spanish Valley Zoning Map, shall be considered legal, conforming uses. Established Overnight Accommodations will be allowed to make improvements including new overnight accommodation units within the boundaries of existing property. Specific design and development requirements shall be according to the underlying zone, e.g. the Spanish Valley Highway Commercial District. When the ownership of Established Overnight Accommodations changes, the new owner must comply with the provisions of this *Spanish Valley Overnight Accommodations Overlay Ordinance*.

3) Approval Procedures

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

Table 10-1

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

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

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

~~5) Site Master Plan Required~~

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

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

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

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

~~6) Development Standards~~

~~Part 1 General Requirements~~

~~1. Applicability~~

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

~~2.—Density and Heights~~

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

~~3.—Lots~~

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

~~4.—Lot Configuration~~

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

~~5.—Lot Access~~

~~For Developments fronting U.S. Highway 191~~

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

~~For Developments fronting all other roads~~

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

~~6.—General Open Space Requirements~~

~~The following are requirements for provision of civic open space:~~

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

~~7. Streets and Access Roads~~

~~General Requirements:~~

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

~~8. Road Design Standards~~

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

~~9. Bicycle Facilities~~

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

~~10. Storm Water Management~~

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

~~Part 2 Employee Housing, Affordable Housing and Mixed Use Requirements~~

~~1. General Conditions~~

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

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

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

~~2.—Design and Evaluation Criteria~~

The following are general conditions that will result with a successful mixed use development:

- ~~A.—Incorporates imaginative site and building design with a compatible mixture of land uses that encourage pedestrian, bicycle and other multi-modal access to the proposed development;~~
- ~~B.—Applies sensitive land use and site design that avoids the creation of incompatible land uses;~~
- ~~C.—Mitigates impacts that the project creates with respect to transportation, traffic, noise, public utilities, open space, recreation, public facilities and services, site circulation, solid waste disposal and recycling, water, sewer, storm drain and similar systems;~~
- ~~D.—Protects and preserves the natural environment to the maximum extent possible, including but not limited to conserving water to the greatest degree possible, protecting the water quality of the regional watershed, meditating storm water and floods, and protecting sensitive and critical natural lands and the protection of viewsheds.~~
- ~~E.—Preserves and/or creates open space and outdoor meeting places for the enjoyment of the San Juan County residents, employees of businesses located within the valley, and the general public;~~
- ~~F.—Provides publicly accessible plazas, commons, greens, parks or civic buildings or spaces for social activity and assembly for the community;~~
- ~~G.—Incorporates a mix of employee housing and affordable housing types and ownership patterns;~~
- ~~H.—Includes uses that provide employment opportunities and under-provided goods and services;~~
- ~~I.—Provides a balanced mix of uses that reduce reliance on personal automobiles on a daily basis;~~
- ~~J.—Provides high-quality architectural and site design that is harmonious with the local context, the unique red rock setting and adjacent uses;~~
- ~~K.—Incorporates well-designed and laid-out access roads, parking lots, trails and pathways that are specifically designed for the convenience and safety of pedestrians and cyclists as well as for meeting the needs of vehicles; and~~
- ~~L.—The provision of clustered development to preserve open space and preserving critical viewsheds while still achieving an appropriate overall density for region.~~

~~3.—Mixed Use Development Standards~~

All development and design standards described in this chapter and elsewhere in the code shall apply, in addition to the following mixed use specific standards:

- A. ~~Generally acceptable Uses: residential, commercial, recreational, retail, civic and open space~~
- B. ~~Location of Uses: commercial shops, offices and civic uses shall be located on the ground floor adjacent to the street frontage, with hotel/motel and residential uses provided in all other locations; and~~
- C. ~~Pedestrian oriented Design Required: direct access to pedestrian oriented services is required to promote pedestrian/bicycle uses in the development area.~~

~~Part 3—Architecture, Density, Massing and Form~~

~~1.—General Conditions~~

~~The following are the general physical characteristics of *OA-Hotel/Motel* uses, including associated mixed uses, within the overlay district.~~

- ~~Each building or structure can house a variety of uses depending on the design concept and functional requirements of each development.~~
- ~~All buildings constructed shall be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise noted.~~
- ~~Attached accessory structures are considered part of the principal structure.~~
- ~~Detached accessory structures are permitted and shall comply with all setbacks except the following:

 - ~~Detached accessory structures are not permitted in the front yard.~~
 - ~~Detached accessory structures shall be located behind the principal structure in the rear yard.~~
 - ~~Detached accessory structures shall not exceed the height of the principal structure.~~~~

~~2.—Building Siting~~

- ~~More than one principal structure permitted on a lot.~~
- ~~All setback areas not covered by a building or parking must contain either landscape, patio space, public open space, or a sidewalk/trail.~~

~~3.—Building Height~~

- ~~See existing zone for minimum and maximum height limitations and requirements.~~
- ~~See existing zone for minimum and maximum setback requirements.~~
- ~~Ground stories uses facing the primary street must have a minimum interior height of 12' and a maximum of 14' to facilitate the incorporation of commercial and mixed uses.~~

4.—Building Layout and Configuration

- ~~Ground stories facing the primary street must be occupied by uses other than overnight accommodations. Examples include retail, recreation, commercial, office and civic uses.~~
- ~~Parking may be located within a building or as part of well landscaped and buffered parking lots.~~

5.—Street View Requirements

- ~~For uses located on the ground floor facing the primary fronting street(s), 60% Minimum Ground Story Transparency is required, measured floor to floor. Transparency is any glass in windows and/or doors, including any mullions, that is highly transparent with low reflectance.~~
- ~~Air conditioning units and similar mechanical requirements should be avoided on rooftop locations, and fully screened from view when unavoidable.~~
- ~~Blank Wall Limitations are required on all facades facing the primary street. No rectangular area greater than 30% of a story's facade, as measured from floor to floor may be windowless, and no horizontal segment of a story's facade greater than 10 feet in width may be windowless, unless otherwise approved.~~
- ~~A mix of entrance types may be utilized, aligned with the overarching architectural theme or concept. All buildings must have an easily discernable Principal Entrance located on the primary street side of the principal building.~~
- ~~Street Entrances—the minimum number and maximum spacing between entrances on the ground floor building facade with street frontage to match a clear development design theme or concept is required.~~
- ~~Vertical Facade Divisions—the use of a vertically oriented expression lines or form to divide the facade into increments that enhance the design concept are required. Acceptable elements may include columns, pilasters, scoring lines and other continuous vertical features at least 1.5" in width.~~
- ~~Horizontal Facade Divisions—the use of significant shifts in the façade every 45' at minimum to divide portions of the façade into horizontal divisions. Major dividing elements should be integral to the architectural layout and form of the structure, with minor delineations encouraged through the uses of expressions lines in the form of cornices, belt courses, string courses, or other continuous horizontal divisions.~~

Part 4—Additional Design Requirements

~~The following outlines the district design guidelines that affect a building's appearance and district cohesiveness. They improve the physical quality of buildings, enhance the pedestrian experience, and protect the character of the neighborhood.~~

~~1. Materials and Color~~

- ~~Primary Facade Materials. 80% of each facade shall be constructed of primary materials. For facades over 100 square feet, more than one material shall be used to meet the 80% requirement.~~
- ~~Permitted primary building materials will include high quality, durable, natural materials such as brick and stone; wood lap siding; fiber cement board lapped, shingled, or panel; metal siding; glass. Other high quality synthetic materials may be approved as part of a unified theme or design concept.~~
- ~~Secondary Facade Materials are limited to details and accents. Examples include gypsum reinforced fiber concrete for trim and cornice elements; metal for beams, lintels, trim; and exterior architectural metal panels and cladding.~~
- ~~Exterior Insulation and Finishing Systems (EIFS) is permitted for trim only or on upper floor facades only.~~
- ~~Acceptable Roof Materials include 300 pound or better, dimensional asphalt composite shingles, metal tiles or standing seam, slate, and ceramic tile. Other roof materials may be considered for approval.~~
- ~~Color – main building colors shall be complementary to existing buildings in the area, the surrounding landscape and visual backdrops.~~
- ~~Appropriate Grade of Materials. Commercial quality doors, windows, and hardware shall be used throughout the district.~~

~~2. Windows, Awnings and Shutters~~

- ~~Windows – all upper story windows of overnight accommodation, mixed use and associated buildings shall be recessed and double hung.~~
- ~~Plastic awnings are not permitted. Awning types and colors for each building face shall be coordinated.~~
- ~~If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood.~~

~~3. Balconies~~

- ~~Balconies shall be a minimum of six feet deep and five feet wide.~~
- ~~Balconies that are not integral to the facade shall be independently secured and unconnected to other balconies.~~
- ~~A maximum of 40% of the front and corner side facades, as calculated separately, may be covered with balconies, including street-facing railing and balcony structure.~~

~~4. Treatments at Terminal Vistas~~

- ~~When a street terminates at a parcel, the front or corner side of a building or a significant landscape feature, whether fronting a Primary Street or not, shall terminate the view.~~

~~5.—Building Variety~~

~~Building design shall vary between vertical facade divisions, where required per the Building Types, and from adjacent buildings by the type of dominant material or color, scale, or orientation of that material and at least two of the following:~~

- ~~• The proportion of recesses and projections.~~
- ~~• The location of the entrance and window placement, unless storefronts are utilized.~~
- ~~• Roof type, plane, or material, unless otherwise stated in the Building Type requirements.~~

~~6.—Drive through Uses~~

- ~~• Drive through structures and uses are not allowed.~~

~~Part 5—Open Space~~

~~To provide open space as an amenity that promotes physical and environmental health to project uses and the community, with a primary function of providing access to a variety of active and passive open space types.~~

~~1.—General Requirements~~

~~Developments over 5 acres are required to provide a minimum of 5% total lot size as publicly accessible and usable civic open space. Developer shall work with San Juan County to determine the best and most appropriate location of open space. For parcels under 5 acres, impact fees and other funding will be used as mechanisms to ensure adequate open space is provided.~~

~~All open space provided shall comply with one of the Open Space Types that follow:~~

- ~~• Plaza—a formal, medium scale (0.5 to 1.5 acre) gathering place for civic, social, and commercial purposes. May contain a greater amount of impervious coverage than other open space types. Special features, such as fountains and public art installations, are encouraged.~~
- ~~• Square—a medium scale (1 to 2 acre) open space to gather for civic, social and commercial purposes. Squares are rectilinear in shape and are bordered on all sides by a vehicular right of way, which together with building facades creates its definition.~~
- ~~• Green—an informal, medium scale (0.25 to 2.0 acre) park with active or passive recreation amenities for neighborhood residents within walking distance; mainly fronted by streets.~~
- ~~• Pocket Park—a small scale (.5 to 1.5 acre) open space, that is primarily designed to accommodate a range of active and passive recreation and gathering space uses, primarily local neighbors and residents within walking distance.~~

- ~~Local and Neighborhood Parks~~ — medium to large (3-acre to 10-acre) parks that accommodate both active and passive recreational amenities for local residents and the larger community. Parks have primarily natural plantings and are frequently formed around an existing natural feature such as a water body or stands of trees.
- ~~Regional Parks~~ — large parks typically at least 50 acres in size to accommodate both active and passive recreational activities for local residents and the surrounding community. These parks are typically the site of major recreational features such as sports complexes, aquatic centers, recreation centers and similar amenities. They should be well linked with the surrounds and settings, linked with regional and local trail systems, and primarily utilize natural plantings.
- ~~Greenway~~ — long and linear open spaces that serve to enhance connectivity between open space types and other uses. Greenways often follow a natural feature, such as a river, stream, ravine, or man-made feature, such as a vehicular right-of-way. A greenway may border other open space types.

~~Part 6 Landscape Standards~~

The landscape standards outlined in this section are designed to meet the following goals:

- ~~To provide suitable outdoor settings;~~
- ~~To increase the compatibility of adjacent uses and minimize the adverse impacts created by adjoining or neighboring uses.~~
- ~~To provide responsible and environmentally appropriate green spaces and infrastructure through the use of water efficient landscape design techniques, tools and standards.~~
- ~~To shade large expanses of pavement and reduce the urban heat island effect.~~

~~1. Applicability~~

~~Landscapes, trees and buffers shall be installed as detailed in this section and detailed elsewhere in the county code.~~

~~2. Water Efficient Landscaping~~

~~Refer to Spanish Valley Water Efficient Landscape Requirements.~~

~~3. General Landscape Installation Requirements~~

- ~~The installation of landscaping shall adhere to the following standards.~~
 - ~~National and Regional Standards.~~ Best management practices and procedures according to the nationally and regionally accepted standards shall be practiced. All landscaping and trees shall be installed in conformance with the practices and procedures established by the most recent edition of the American Standard for Nursery Stock (ANSI Z60.1) as published by the American Association of Nurserymen.

- ~~Maintenance and Protection~~— all landscaping and trees shall be maintained according to the most recent edition of the American National Standards Institute, including its provisions on pruning, fertilizing, support systems, lighting protection, and safety.
- ~~Installation~~— landscaping shall be fully installed prior to the issuance of a certificate of completeness.
- ~~Condition of Landscape Materials shall be:~~
 - ~~Healthy and hardy with a good root system.~~
 - ~~Chosen for its form, texture, color, fruit, pattern of growth, and suitability to local conditions.~~
 - ~~Tolerant of the natural and man-made environment, including tolerant of drought, wind, salt, and pollution.~~
 - ~~Appropriate for the conditions of the site, including slope, water table, and soil type.~~
 - ~~Protected from damage by grates, pavers, or other measures.~~
 - ~~Plants that will not cause a nuisance or have negative impacts on an adjacent property.~~
 - ~~Species native or naturalized to San Juan County region, whenever possible.~~
- ~~Minimal use or no use of lawns, turf and similar water-craving landscapes is required.~~

4. ~~Irrigation Systems~~

~~Permanent irrigation, beyond establishment, is required and shall adhere to the following standards:~~

- ~~All irrigation systems shall be designed to minimize the use of water, as detailed in the San Juan County water-conserving landscape ordinance. The use of drip, emitter, bubbler and other water-conserving irrigation systems are required;~~

5. ~~Landscape Maintenance~~

~~All landscaping shall be maintained in good condition at all times to ensure a healthy and orderly appearance:~~

- ~~All required landscape shall be maintained to adhere to all requirements of this ordinance.~~
- ~~Replacing Unhealthy Landscaping.~~ Unhealthy landscaping shall be replaced with healthy, live plants by the end of the next applicable growing season. This includes all plant material that shows dead branches over a minimum of 25% of the normal branching pattern.
- ~~Maintenance Responsibility.~~ The owner is responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing required herein.

- ~~Maintain Quality and Quantity. Maintenance shall preserve at least the same quantity, quality, and screening effectiveness as initially installed.~~
- ~~Fences and Other Barriers. Fences, walls, and other barriers shall be maintained in good repair and free of rust, flaking paint, graffiti, and broken or damaged parts.~~
- ~~Tree topping is not permitted.~~

~~6. Frontage, Side and Rear Buffers~~

~~The purpose of frontage buffers is to lessen the visual impact of vehicular areas visible from the street and adjacent properties. Side and rear buffers minimize the impact that the overnight accommodation development may have on neighboring zones and districts. These should include a landscape design that is engaging, beautiful and appropriate for the specific setting and context. Plants should include a range of perennials, decorative grasses and small shrubs as appropriate for reducing the visual impact of vehicular areas visible from the street while also meeting San Juan County Water Efficient Landscaping requirements.~~

~~7. Interior Parking Lot Landscape~~

~~The intent is to provide shade, minimize paving and associated storm water runoff, and improve the aesthetic look of parking lots. Internal areas not dedicated to parking or drives shall be landscaped with a minimum of one medium or large shade tree for the first 150 square feet and one medium or large shade tree for every 650 sf thereafter.~~

- ~~Each parking space must be located within 50' of a tree planted within parking lot interior. Minimum of 1 shade tree must be planted within parking lot interior or within 4' of parking lot's edge for every 3 parking spaces.~~
- ~~Within 20 years of tree installation, 30% of the interior of the parking lot should be shaded by tree canopy. Shade Structure Requirements~~
- ~~Attractive and well-designed shade structures should be considered an acceptable alternative for meeting the tree shade goal for up to 50% of the interior parking lot requirements.~~

~~Part 7—Parking Requirements~~

~~The parking standards outlined in this section are in addition to currently established standards for the hotel/motel development, and should meet the following goals:~~

- ~~Ensure an appropriate level of vehicle parking, loading, and storage to support a variety of land uses.~~
- ~~Provide appropriate site design standards to mitigate the impacts of parking lots on adjacent land uses and zoning subdistricts.~~
- ~~Provide specifications for vehicular site access.~~

~~1. General Requirements~~

- ~~• Off-street parking spaces shall be provided in conformance with established site design requirements.~~
- ~~• Required Accessible Parking—parking facilities accessible for persons with disabilities shall be in compliance with or better than the standards detailed in the state Accessibility Code, including quantity, size, location, and accessibility.~~
- ~~Required Bicycle Parking:~~
- ~~• Bicycle Parking areas required as described below.~~

~~2. Mixed Use Parking Reductions~~

~~The following reductions may be applied depending on the amount and specific mix of uses:~~

- ~~• Shared Vehicular Parking—an arrangement in which two or more non-residential uses with different peak parking demands use the same off-street parking spaces to meet their off-street parking requirements. Through review of the site plan, up to 100% of the parking required may be waived.~~
- ~~• In order to approve a shared parking arrangement, it must be proved that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.~~

~~3. Bicycle Parking Design~~

~~Bicycle parking shall be designed and located as follows:~~

- ~~• Required bicycle parking spaces shall have minimum dimensions of two feet in width and six feet in length.~~
- ~~• An aisle a minimum of five feet wide shall be provided behind bicycle parking facilities to allow for maneuvering.~~
- ~~• A minimum of two feet shall be provided beside each parked bicycle to allow access. This access may be shared by adjacent bicycles.~~
- ~~• Racks shall be installed a minimum of two feet from any wall or other obstruction. Bicycle parking should be located within 50 feet of the entrance of the use.~~
- ~~• Bicycle parking facilities shall be separated from vehicular parking areas to protect parked bicycles from damage. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.~~
- ~~• Racks and Structures shall be provided for each unprotected parking space and shall be designed to accommodate both chain and U-shaped locking devices supporting the bicycle frame at two points.~~

ORDINANCE NO. 2019-_____**AN ORDINANCE ADOPTING THE SPANISH VALLEY DEVELOPMENT ORDINANCES AND MAP AMENDING THE SAN JUAN COUNTY ZONING ORDINANCE**

WHEREAS, San Juan County (the "County") is authorized, pursuant to Utah Code Section 17-27a-102, UCA (1953, as amended) to enact all ordinances, resolutions, and rules, and may enter into other forms of land use controls and development agreements that they consider necessary and appropriate for the use and development of land; and

WHEREAS, the San Juan County Planning Commission, in conjunction with contractor Landmark Design, has been for years working to draft new ordinances and a map to amend the San Juan County Zoning Ordinance for the Spanish Valley area of San Juan County; and

WHEREAS, notice was given and a public hearing held by the San Juan Planning Commission on October 30, 2019, and the Board of Commissioners of San Juan County on November 19, 2019; and

WHEREAS, the Board of Commissioners of San Juan County finds that enacting the Spanish Valley Development Ordinances and Map amending the San Juan County Zoning Ordinance is necessary to provide for the public health, safety and welfare of the residents of San Juan County.

NOW THEREFORE, it is hereby resolved and ordained that the County Legislative Body of San Juan County hereby amends the San Juan County General Plan and the San Juan County Zoning Ordinance by adopting the Spanish Valley Development Ordinances and Map as follows:

1. The San Juan County Zoning Ordinance is hereby amended to include the attached Spanish Valley Development Ordinances hereto as Exhibit A. All references in the San Juan County Code to the San Juan County Zoning Ordinance are references to the attached ordinances, which shall be held in the County Clerk's Office with the records of the San Juan County Planning Commission; and

2. The Zoning Map of San Juan County is hereby amended to include the attached Zoning Map hereto as Exhibit B. All references in the San Juan County Code to a Zoning Map are references to the attached

Passed, Adopted and Ordered posted this ____ day of November, 2019.

Commission Chair, Kenneth Maryboy

Commission Vice-Chair, Willie Greyeyes

Commissioner, Bruce Adams

ATTEST:

John David Nielson, Clerk / Auditor

ORDINANCE NO. 2019- 02

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ORDINANCES AND MAP AMENDING THE SAN JUAN COUNTY ZONING
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Passed, Adopted and Ordered posted this 19 day of November, 2019.



Commission Chair, Kenneth Maryboy

San Juan County Spanish Valley Development Ordinances
of the
San Juan County Zoning Ordinance

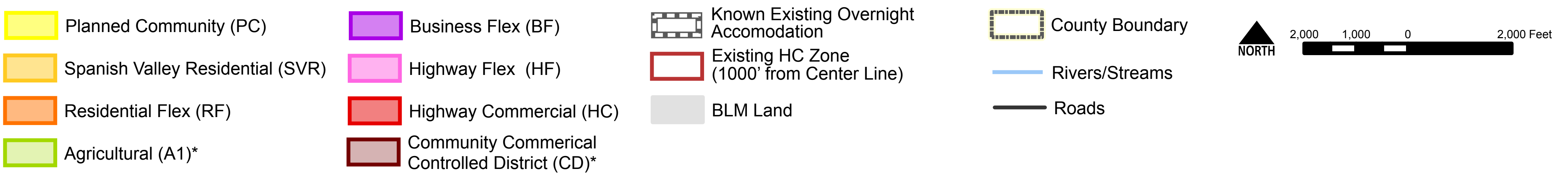
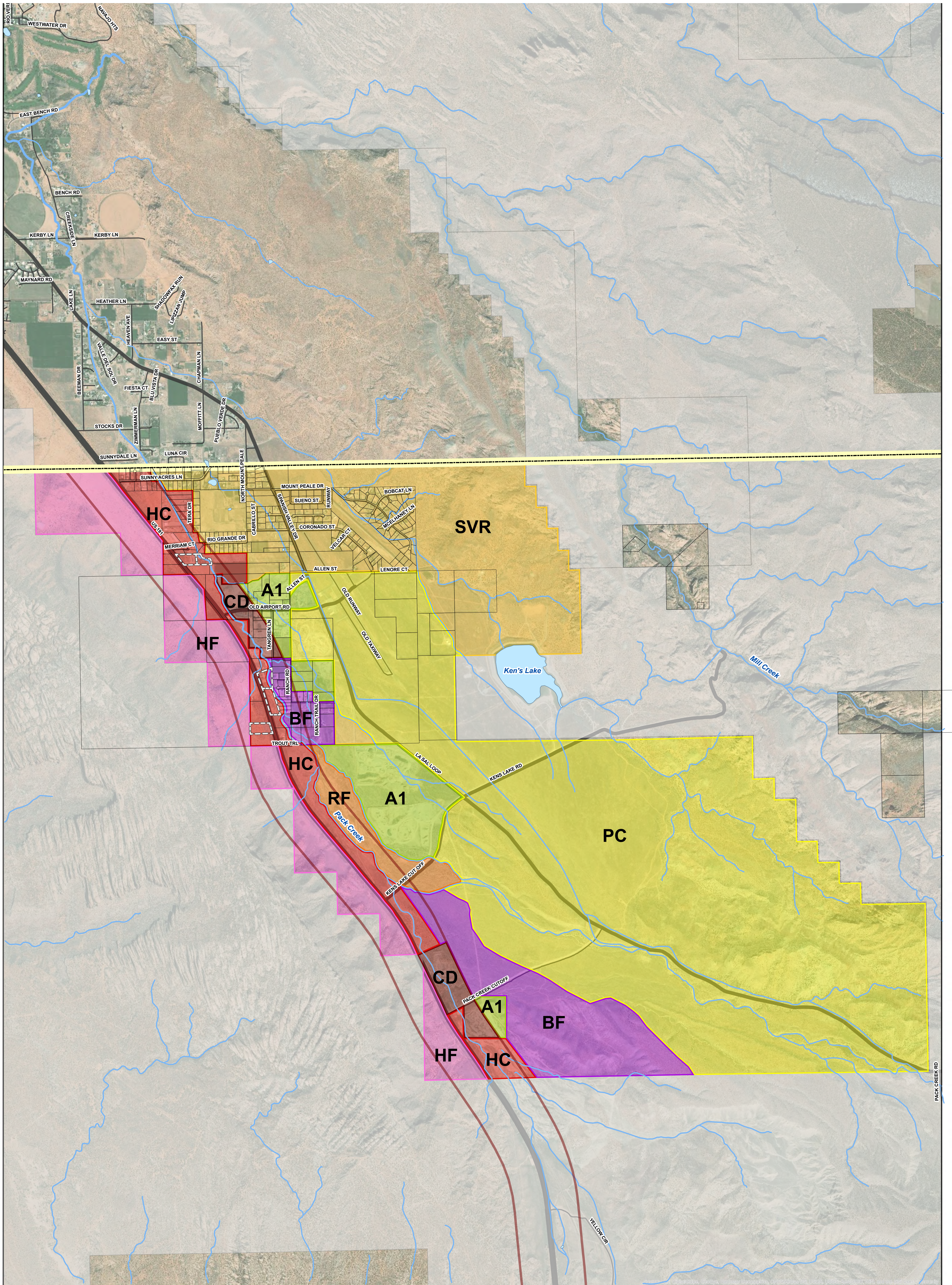
September 13, 2019

Draft

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Spanish Valley Zoning - as Adopted on November 19, 2019



*Disclaimer - Known properties with sand and gravel deposits/operations retain existing zoning per Utah code 17-41-402. Other properties that may exist are subject to the same code.

Chapter 1: Spanish Valley Residential (SVR) District

An Ordinance creating the *Spanish Valley Residential District* of the San Juan County Land Use Ordinance for the purpose of managing growth and development in the non-federal lands in northernmost part of the San Juan County portion of Spanish Valley. See proposed Spanish Valley Zoning Map for applicable locations.

Purpose

Uses

Lot Design Standards

Mix of Housing Types

Constrained Lands

Measurements and Exceptions

District Standards

Subdivision Standards

Streets

Sidewalks and Trails

Easements

Drainage

Water Supply

Purpose

The Spanish Valley Residential (SVR) District is designed primarily to accommodate residential uses in large lot (one-acre or greater) and smaller lot (1/4 acres up to 1 acre) developments. In addition to the Uses and Lot Design Standards of this section, development in this district shall be in compliance with all other applicable provisions of the San Juan County Land Use Ordinance, and shall promote and protect public health, safety, and welfare.

Uses

Uses are allowed in the SVR District in accordance with Table 1-1:

Permitted Uses

Uses identified with a "P" in the table shall be permitted in the SVR District, subject to compliance with all applicable conditions and all other provisions of this Code.

Conditional Uses

Uses identified with a "C" in the table shall be permitted in the SVR District only upon approval of a Conditional Use Permit by the County in accordance with the Conditional Use procedures and standards of the Zoning Ordinance.

Lot Design Standards

All development in the SVR District shall be subject to the following lot design standards, which generally allow for variety in housing and building types while maintaining the overall character of residential neighborhoods. This approach promotes better site layout and energy efficient

development, affordable life-cycle housing, and development intensities that match existing and proposed infrastructure investments.

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

Use Category	Specific Use
RESIDENTIAL USES	
Dwelling, single-family	P
Dwelling, two-family (duplex)	P
Dwelling, Manufactured	P
Accessory Buildings and Uses	P/C
All other household living uses (5 th wheels, trailers, etc.)	C
CIVIC AND INSTITUTIONAL USES	
Day Care	C
Educational Facilities, Public	P
Educational Facilities, Private	C
Government Facilities and Public Institutions	C
Institutions, Private or Non-Profit	C
Medical Facilities	C
Places of Worship	P
Utilities	C
PARKS, OPEN SPACE AND AGRICULTURAL USES	
Parks and Open Spaces, Public	P
Parks and Open Spaces, Private	C
Farmland, Grazing and Pasture	P
Animal Husbandry - small animals (pigs, goats, lambs, etc.)	P
Animal Husbandry - large animals (cows, cattle, horses, etc.)	P (=/> 1 acre lots only)

Minimum Requirements

Every building erected or installed must be located on, and every plat submitted for approval must show, a lot or building parcel that meets the minimum requirements of at least one lot type permitted under this article, based on underlying zoning and subdivision type.

Every building and lot must have direct access to one of the following:

1. A public street
2. An approved private street or driveway
3. A public or private street via a public or private alley

All structures must be located on lots or parcels that provide safe and convenient access for servicing, fire protection and required on-site parking. No lot shall be approved that does not meet the minimum lot area requirements of this Code except in the following cases:

1. Nonconforming lots
2. Public Utilities

The uses and densities listed in this chapter are allowed by right unless otherwise expressly stated. Each project must comply with all of the applicable development standards of this chapter.

Residential Density and Dimensional Standards

Residential development shall be subject to the maximum density and minimum dimensional standards of the SVR District in accordance with Table 1-2.

TYPE 1 developments shall have demonstrated access to a municipal water and sewer system.

TYPE 2 developments have no access to municipal water and sewer systems and will rely on private wells and septic systems as described elsewhere in this Code.

**Table 1-2
Residential Density and Dimensional Standards**

STANDARD	TYPE 1	TYPE 2
Max. Density (dwelling units/acre)	4	1
Min. Parcel Size (SF)	10,890	43,560
Min. Front Yard and Street Side Yard setback	25'	25'
Min. Interior Side Yard setback	8'	8'
Min. Rear Yard setback	20'	20'
Min Lot Width	75'	75'
Max. Bldg. Coverage (% of lot)	40%	40%
Max. Height Principal Structure	Three stories not to exceed 35'	Three stories not to exceed 35'
Max. Height Accessory Structure	Two stories not to exceed 24'	Two stories not to exceed 24'
Fence Height	6' max, 4' max for front yard	6' max, 4' max for front yard

Mix of Housing Types

Two-family homes may comprise no more than 50 percent of the total dwelling units of any proposed SVR District subdivision. In no case shall the SVR District density of four dwelling units per acre be exceeded for the overall subdivision site.

Constrained Lands

Constrained lands include lands with natural slopes greater than 30 percent, jurisdictional wetlands, lands in the 100-year floodplain, public drinking water supply sources (recharge areas for wells and aquifers), lands affected by unmitigable geo-hazards, and riparian habitats unless mitigated by a licensed engineering study.

Constrained lands in all developments and subdivisions shall be identified on plats and remain unoccupied by buildings or impervious surfaces.

Land Suitability

Land deemed to be environmentally unsuitable shall not be platted for residential occupancy, or for such other uses as may increase danger to health, life, or property, or aggravate erosion or flood hazard. Such land within the plat shall be restricted for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsafe living conditions.

The County shall not approve the subdivision of land if it is determined that the site is not suitable for platting and development purposes.

Measurements and Exceptions

Lot Area

Lot area refers to the amount of horizontal land area within lot lines. No building permit or development approval shall be issued for a lot that does not meet the minimum lot size requirements of this chapter, with the following exceptions:

Lot Area Reduction for Public Purpose

When an existing lot is reduced as a result of conveyance to a federal, state or local government or homeowners association for a public purpose and the remaining area is at least three-quarters of the required minimum lot size for the SVR District in which it is located, the remaining lot shall be deemed to be in compliance with the minimum lot size standards of this chapter.

Utility Facilities

Utility facilities using land or an unoccupied building requiring less than 1,000 square feet of site area are exempt from the minimum lot size requirements of the SVR District.

Required Yards (Setbacks)

Setback refers to the unobstructed and unoccupied open space between a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed by any part of a structure from the ground to the sky and measured as the horizontal distance between a property line and the furthestmost projection of the structure, except as provided otherwise in this chapter.

A. Front Yard Setback

1. Corner Lots

For lots with frontage on two intersecting public or private streets, such a lot shall be considered to have two front lot lines and shall comply with front yard setbacks from each front lot line.

2. Double Frontage Lots

Where lots have double frontage, running through from one street to another, a required front yard setback shall be provided on both streets.

B. Cul-De-Sacs

Notwithstanding any other provisions of this chapter, lots fronting on a cul-de-sac shall have a minimum frontage of 30 feet and a minimum lot width of 40 feet.

Maximum Height

A. Measurement

1. **Buildings**

Building height shall be determined by measuring the vertical distance between the lowest point where the wall face of the building intersects finished grade around the perimeter of the building (or structure other than fences, telecommunications and microwave towers, and antennas) and the highest point on the building.

2. **Fences and Walls**

Height of fences or walls shall be measured as the vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall.

Building Coverage

A. Measurement

The maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings.

B. Permitted Exceptions

Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, open swimming pools, or roof overhangs of less than 5 feet.

District Standards

All principal residential structures in the SVR District shall comply with the following requirements:

1. All properties shall be designed in accordance with the requirements of the Water Efficient Zoning Ordinance.
2. The minimum spacing between dwellings shall be 16 feet, with an additional 8 feet per story provided between buildings for every story over 2 stories.
3. 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. Required skirting shall be 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. 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.
 - 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.
 - h. Shall comply with current building code requirements, the standards of this ordinance, and in accordance with current FHA and HUD guidelines.
 - i. Shall allow only one manufactured home per designated lot (manufactured home communities shall be permitted as part of a Planned Community only).
4. The keeping of no more than four (4) large animals and livestock shall be considered a permitted use on parcels with more than one acre and less than 5 acres. These standards shall not be applicable to parcels larger than 5 acres.
 5. The keeping of no more than four (4) small agricultural animals (sheep, pigs, goats, etc.) shall be considered a permitted use on parcels with more than one-half acre and less than 5 acres. These standards shall not be applicable to parcels larger than 5 acres.
 6. Barns, stables, coops, animal sheds or similar structures shall be set back at least 100 feet from existing dwellings and 20 feet from any open waterway. Surface drainage from such structures shall not be permitted to drain into a natural stream or into a drainage way that drains into a natural stream and shall comply with State of Utah Health Code.

Subdivision Standards

Applicability

All plats and subdivision of land within the SVR District shall conform to the following rules and regulations.

Lot Configuration

The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall not be less than those specified as minimum standards by the SVR District. The depth and width of properties shall be adequate to provide for the off-street service, parking facilities and fire/safety requirements required in the Zoning Ordinance.

Side Lot Lines

Side lot lines shall be substantially at right angles to street lines unless otherwise approved by the Planning Commission.

Street Frontage Required

Each new lot or building tract shall front upon a public street.

Double Frontage Lots

Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic or to overcome specific disadvantages of topography and orientation.

Flag Lots

Flag-shaped or panhandle shaped lots may be created in either TYPE 1 or TYPE 2 developments if all of the following requirements are met:

1. The lot has at least 25 feet of frontage on a dedicated public street, which frontage served as access only to the subject lot or parcel.
2. The "handle" portion of the lot is at least 25 feet in width, and not more than 250 feet in length.
3. The body of the lot meets the lot area and lot width and setback requirements of the applicable TYPE.

Large Lots

Where the area is divided into larger lots than for normal San Juan County building sites and, in the opinion of the Planning Commission, any or all of the tracts are susceptible to being re-subdivided, the original subdivision shall be such that the alignment of future street dedications may conform to the general street layout in the surrounding area and so that the larger tracts may be later subdivided in conformance with the requirements of this Code and the minimum standards specified by the applicable zoning district.

StreetsApplicability

All developers shall be required to construct streets within the subdivision in accordance with San Juan County Code requirements.

Street Layout

Unless otherwise approved by the Planning Commission, provisions shall be made for the extension of streets. All streets shall bear a logical relationship to the topography and to the location of existing or planned streets on adjacent properties. Adequate local streets shall be provided to accommodate the subdivision and provide access to lots. The arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection to existing principal streets in surrounding areas; or

2. Conform to a plan for a neighborhood or planned unit development approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or where neighborhood design makes a varied plan appropriate.

Street Connections

The system of streets designated for a subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivision(s); and where no adjacent connections are platted, must in general be the reasonable projection of streets in the nearest subdivided tracts, and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith. Reserve strips of land controlling access to or egress from other property or to or from any street or alley or having the effect of restricting or damaging the adjoining property for subdivision purposes shall not be permitted in any subdivision unless such reserve strips are conveyed to San Juan County in fee simple.

Half Right-of-Way (R.O.W.)

Half streets shall be prohibited except where essential to the reasonable development of the subdivision and where the Planning Commission finds it will be practicable to require the dedication for the other half of a street when adjoining property is subdivided.

Street Intersections

More than two streets intersecting at a point shall be avoided, except where it is impractical to secure a proper street system otherwise. Intersections shall be as near 90 degrees as possible and in no cases shall the intersection angle being less than 60 degrees.

Street Jogs

Non-intersecting streets with centerline offset of less than 125 feet shall not be approved.

Dead-End Streets

Dead-end streets, except for cul-de-sacs, shall be prohibited unless they are designed to connect with future streets on adjacent lands that have not been platted. In cases where these types of dead-end streets are allowed, a temporary turnaround with a minimum radius of 50 feet shall be constructed.

Cul-de-sacs

Cul-de-sacs shall meet the San Juan County Code requirements. Ordinarily, cul-de-sacs are discouraged as they do not result in a continuity of existing streets or streets pattern and may be used only where unusual drainage or land ownership configurations exist that make other designs impractical.

Highway Access Permit

A Highway Access Permit must be approved by UDOT for each new subdivision with direct access to a state or federal highway. Turn lanes, frontage road(s), curb and gutter may be required along the entire highway frontage if required by UDOT.

Street Design Standards

Street and alley widths, curves, grades design speed and centerline radius shall meet San Juan County Code requirements.

Turn By-Passes and Turn Lanes

Right-turn by-passes or left-turn lanes may be required at the intersection of collector streets if traffic conditions indicated they are needed. Sufficient rights-of-way shall be dedicated to accommodating such lanes when they are required.

Street Names and Numbers

All street names shall be as established subject to approval of San Juan County Code requirements. When streets are in alignment with existing streets, any new streets shall be named according to the streets with which they correspond. Streets which do not fit into an established street-naming pattern shall be named in a manner which will not duplicate or be confused with existing streets within the Spanish Valley Area Plan or its environs.

Street lighting

Street Lighting shall conform to Spanish Valley Outdoor Lighting and Sign Illumination Standards. The developer shall pay the costs of purchasing and installing all street lighting equipment. Street lighting design plans shall be subject to the approval of designated San Juan County Staff. The type of equipment, method of installation and location of the wiring and light poles shall meet the minimum standards and requirements of the electric company from which electricity is to be purchased. All street lighting shall be shielded and directed toward the ground so as to minimize horizontal view and visibility of the light source. All intersections with a major collector street shall have at least one streetlight.

Sidewalks and TrailsApplicability

This section is intended to ensure adequate pedestrian access is available to serve uses that need and benefit from such access. If a builder or property owner believes that a proposed use does not need or benefit from pedestrian access, a written request for a waiver may be submitted to the Zoning Administrator describing the use and explaining why pedestrian access should not be required as a condition of the building permit for the proposed use.

Trails

Trails shall be designed as single track and multi-use trails depending on the specific need and conform to the standards in Table 1-3.

**Table 1-3
Trail Design Standards**

	Cross-Slope Range	Min. Trail Width	Min. R.O.W. Width	Clearing		Preferred Surface Materials			
				horizontal	vertical	natural	crushed stone	asphalt	concrete
Single-track Trails	0-20%	3'	6'	1.5' each side of trail	10'	Yes	Yes	No	No
Multi-use Trails	0-10%	12'	15'	1.5' each side of trail	10'	Yes	Yes	Yes	Yes

Easements

Utility Easements Required

Utility easements shall be provided in all residential areas unless otherwise approved by the Planning Commission and in commercial and industrial districts, except that the Planning Commission may waive the requirement where other definite and assured provision is made for service access consistent with and adequate for the uses proposed.

Minimum Width

The minimum rights-of-way width of each utility easement shall be 5' minimum or as required by the utility authority.

Fire Lanes and Emergency Access Easements

Fire lanes and emergency access easements 20 feet in width shall be provided where required by the fire authority having jurisdiction.

Waterway Easements

When a proposed subdivision or development is traversed by an irrigation ditch or channel, natural creek or stream, or a proposed drainage easement, an easement shall be provided sufficient for drainage and to allow for maintenance of the drainage system.

1. The minimum right-of-way width of each drainage easement shall be 10 feet minimum for canals and ditches, or as otherwise required by the canal or ditch authority and/or San Juan County requirements.
2. Buffers shall be a minimum of 50-feet from top of bank on both sides of Pack Creek and 25 feet from the top of bank on both sides of other perennial and ephemeral streams to preserve the stream corridors and provide adequate access easement for drainage, flood control and storm water maintenance. Parks, trails and underground utility easements are acceptable uses within the stream buffer; fences, walls and other structures are not permitted within the buffer.

Trail Easements

When a proposed development or subdivision is traversed by a public trail shown on an adopted plan or when the Planning Commission finds that a trail easement can better serve the proposed development than a sidewalk, an easement shall be provided sufficient for

public trail construction, maintenance and access purposes according to San Juan County Code requirements.

Adjoining Areas

When easements in areas adjoining proposed subdivisions are necessary to provide adequate drainage thereof or to serve such subdivisions with utilities, the developer shall obtain such easements.

Drainage

Applicability

Applicants shall provide, at applicant's expense, drainage facilities in accordance with the requirements of the San Juan County Code requirements which will become integral parts of the canal, ditch, waterway, and street or roadway drainage system. The dimensions of all drainage structures must be approved by San Juan County prior to installation and as required for easements elsewhere in this code. Design shall be based on environmentally sound site planning and engineering techniques. It is especially critical that storm water management systems be designed for an entire drainage basin rather than just for specific sites. If improvements are identified and necessary downstream of the proposed development and no approved capital improvement plan exists to address the necessary improvement, the developer shall be required to demonstrate that such existing drainage features are adequate to serve the anticipated development and to protect the public health, safety, and general welfare at full build out under existing zoning. Where such demonstration is not made, the applicant or developer shall be required to install such necessary improvements.

Minimum Standards

A. Natural and Historic Drainage Ways

All historic flood and drainage ways shall be protected from alteration such that their primary function as storm water facilities shall be upheld.

B. 100-Year Storm

All drainage and flood control facilities shall be designed to handle the calculated difference between historic flows and the anticipated post-development 100-year frequency storms for maximum period of intensity over the entire drainage basin which the subdivision serves, 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. Erosion

Where free fall of water occurs, satisfactory means shall be provided to prevent erosion of soil.

D. Catch Basins and Culverts

Catch basins and culverts shall be constructed in accordance with the San Juan County Code requirements

E. Engineered Design

All drainage shall be designed by a Utah licensed professional engineer and approved by San Juan County authorities.

Water Supply

General

New development shall provide water supply that is sufficient in terms of quality, quantity and dependability for the proposed development. In making its determination as to whether the proposed water supply meets this standard, the decision-making body shall give substantial weight to the recommendations of State, County and applicable service district authorities and their associated standards. All water systems shall be provided by or through approved water and sewer service agencies and meet all applicable requirements of the San Juan County Code requirements.

Municipal and District Water Systems

If all or part of a proposed development is within the jurisdiction of an approved public water system, then the applicant must obtain a written certification from the public water service provider stating that it is able to provide an adequate supply of drinking water with adequate quantity, quality and sufficient pressure to meet the needs of the proposed development based on the projected water usage of the development. Individual or common wells or other private water systems shall be permitted only when the subdivision boundary is outside the jurisdiction of an approved public water system able to serve the development.

Chapter 2: Spanish Valley Planned Community (PC) District

An ordinance creating the *Spanish Valley Planned Community (PC) District* of the San Juan County Land Use Ordinance for the purpose of creating a new zone (PC Zone) to accommodate large-scale master-planned development in the non-federal lands in the San Juan County portion of the Spanish Valley. See proposed Spanish Valley Zoning Map for applicable locations.

Purpose

Land Use Districts

Minimum Requirements

Permitted Uses

Conditional Uses

Planning and Approval Process for PC Zones

PC Zone Plan

Community Structure Plan (CSP)

Project Plan/Subdivision Plat

Site Plan Review

Development Standards

- (A) Open Space and Common Areas
- (B) Fencing, Screening, Clear Vision
- (C) Architectural Standards
- (D) Water-conserving Landscaping Requirements
- (E) Lighting
- (F) Other Requirements

Development Agreement

Purpose

The purpose of the Spanish Valley Planned Community (PC) District is to provide a regulatory tool that allows large properties in the San Juan County portion of the Spanish Valley to be developed in accordance with a specific plan designed to achieve the following:

1. To promote and protect the public health, safety, and welfare.
2. To implement the objectives and policies of the *San Juan County General Plan*.
3. To facilitate development within the San Juan County portion of the Spanish Valley in accordance with the *Spanish Valley Area Plan* that was adopted as part of the general plan. This plan promotes high quality, innovative and creative development that includes a mixture of uses, building types, varying densities and lot sizes and sufficient diversity of housing types to meet the full life-cycle housing needs of local residents, a variety of mixed use, commercial and flex uses, adequate amenities, and the preservation of open space.
4. To safeguard and enhance environmental amenities and the quality of development.
5. To attain the physical, social, and economic advantages resulting from comprehensive and orderly planned use of land resources.
6. To lessen vehicular traffic congestion and assure convenience of access.

7. To secure safety from fire, flood, and other natural dangers.
8. To provide for adequate light, air, sunlight, and open space.
9. To promote and encourage conservation of scarce resources.
10. To preserve the unique landforms, views and environmental qualities of the Spanish Valley.
11. To prevent overcrowding of land and undue concentration of population.
12. To facilitate the creation of a convenient, attractive, and harmonious community with a desirable living and working environment with unique identity and character.
13. To attain a desirable balance of residential and other land uses.
14. To promote a pedestrian friendly environment that encourages transit and bicycle use.
15. To expedite the provision of adequate and essential public services.
16. To promote economical and efficient use of the land and water.
17. To provide a process for the initiation, review, and regulation of large-scale, comprehensively planned development that affords flexibility within the context of an overall development program and specific, phased development plans coordinated with the provision of necessary public services and facilities.

This chapter establishes an approval and entitlement process to promote thoughtful and efficient land use patterns that would otherwise be difficult under typical zoning ordinances. The Spanish Valley area may have more than one PC Zone.

PC Zone(s) may include residential neighborhoods and subdivisions; neighborhood commercial centers; business, research and educational campuses; highway commercial and flex development areas; and parks and open space with convenient pedestrian access and connections. Individual structures within each PC Zone may contain mixed uses. Permitted densities may be higher than those permitted in surrounding districts.

Land Use Districts

Each PC Zone shall establish land uses and development patterns, densities, and standards unique to that zone. Upon approval, through the process set forth in this chapter, the land uses and development patterns and densities shall be established pursuant to the PC Zone Plan and one or more development agreement(s) and accompanying Community Structure Plan(s). Specific land uses proposed in the PC Zone may only be established in conformance with provisions of this chapter.

Each PC Zone may consist of any number or combination of the following land use districts that shall be identified in the Community Structure Plan as provided in this chapter.

Central Development Areas

These are the flattest, least sensitive and easiest-to-develop sites in the Spanish Valley, which makes them suitable for a wide range of residential and park/open space uses. These are the preferred areas for locating higher residential density and mixed-use neighborhood centers, where a mix of residential, locally-scaled commercial and civic services will be provided. 4-5 residential units/ERUs per acre.

Perimeter Development Areas

These areas are relatively isolated, located in the foothills and topographically challenged edges of the Spanish Valley. They are proposed for lower-density residential uses and earmarked for long-term, phased development. 1-2 residential units/ERUs per acre. Cluster development, conservation subdivisions and larger lot single-family uses are generally supported in these areas.

Highway Commercial Development Areas

These areas support highway-based commercial uses located along U.S. Highway 191. As specifically detailed in the Highway Commercial ordinance, uses should meet the needs of the Spanish Valley and nearby region, as well as the travelling public. 6-12 residential units/ERUs per acre.

Flex Development Areas

These areas are divided into three specific types of flex development:

- *Highway Flex*
- *Business Flex*
- *Residential Flex*

Flex areas are generally located in close proximity to U.S. Highway 191 and intended to accommodate a range of uses focused on creating an economic base for the Spanish Valley and San Juan County. While flex uses should generally be designed and developed according to the requirements of this chapter for the PC Zone, there are separate ordinances for each type of flex development.

The range of uses accommodated within the three flex development areas should be professionally designed as coordinated. Projects. Buffers and transitions should be provided between distinctly different uses (such as residential neighborhoods, business uses, distribution uses, highway commercial, specialty residential uses and campuses). 4-5 residential units/ERUs per acre.

Neighborhood Centers

Two Neighborhood Centers are envisioned at the intersection of Spanish Valley Road and Old Airport Road, and the intersection of Spanish Valley Road and Ken's Lake Road. These areas are envisioned to become mixed-use centers that serve the local retail and service needs of the Spanish Valley. Development should emphasize small-scale retail, commercial and recreational uses, in addition to higher-density residential (single and multi-family), public and semipublic uses, and open space uses. Neighborhood Center residential densities are generally the highest permitted in the Spanish Valley, ranging from 6 to 12 residential units/ERUs per acre.

Parks and Open Space

These areas include natural lands and maintained parks that are designed and developed to provide and preserve outdoor recreational activities. A range of types and sizes of parks and open space should be provided to meet the needs of Spanish Valley residents.

Minimum Requirements

The minimum requirements for the PC Zone establishes the basic standards of development. The landowner or developer is encouraged to provide more than the minimum requirements, incorporating additional parks and open space, higher standards of design, and additional amenities as part of creating a superlative community park and open space system.

Large Planned Community:

Each PC Zone of this type shall contain a minimum of 200 acres. If the PC Zone contains multiple owners, the owners/developers may, if necessary, to reach the 200-acre threshold or if the owners/developers desire, combine their properties for planning approval and development purposes. It is anticipated that the resulting projects will be better designed and developed and will include higher density uses and a range of uses and residential types.

Small Planned Community:

Each PC Zone of this type shall contain a minimum of 20 acres under single ownership. This area will allow up to four (4) residential units per acre, and a range of residential units and types.

Manufactured Home Planned Community:

Each PC Zone of this type shall contain a minimum of 10 acres under single ownership and a maximum density as established by FHA and HUD.

A Site Plan shall be prepared, approved and filed with the findings of fact as part of the approval. Each manufactured home site in a Manufactured Home Community shall be clearly designated. Development plans shall comply with the applicable requirements of this chapter and the required Site Plan shall be drawn to scale and shall explicitly illustrate at least the following features:

1. Location and dimensions of all project boundaries.
2. Location of pavement on adjoining street rights-of-way.
3. Location and dimensions of any permanent improvements existing or planned within the Manufactured Home Planned Community, including but not limited to the following:
 - a. Improved surfaces for common driveways, off-street parking and recreation areas;
 - b. Buildings for management, maintenance and recreational purposes;
 - c. Recreational facilities;
 - d. Fences and walls;
 - e. Underground utilities;

- f. Outdoor lighting fixtures; and
- g. The location of pipelines and systems for potable water distribution, sewage collection and fire protection, including location of all fire hydrants.

Permitted Uses

Large Planned Community:

The following uses may be conducted in all areas within a PC Zone of more than 200 acres:

- All uses described in the *Spanish Valley Area Plan (2018)*, which was adopted as part of the San Juan County General Plan, as follow:
 - Residential uses of various types and lot sizes including single family detached; single family attached; multifamily residential; town homes; loft apartments; residential units above ground floor retail or office; and manufactured home communities;
 - Local retail, service, office, and mixed-use housing at designated Neighborhood Centers;
 - A mix of permitted uses (including office/commercial, office/residential, retail/residential) within designated Neighborhood Centers;
 - Small-scale, local businesses that support the day-to-day shopping and service needs of the community, such as restaurants, cafes, restaurants, drycleaners, clinics and offices.
 - Home-based businesses;
 - Health-care facilities;
 - Public facilities, such as schools, libraries, and civic buildings;
 - Private schools and civic/cultural facilities;
 - Common areas, such as parks, plazas, playgrounds, and trails;
 - Churches and other religious facilities;
 - Day-care facilities;
 - Open space, including landscaped areas and areas in natural vegetation, waterways, parks, trails and recreational areas;
 - Business, distribution, specialty residential and commercial as described for the three Flex Development Areas; and
 - Other accessory uses which are ancillary and designed to serve the foregoing uses.

Small Planned Community:

The following uses may be conducted in all areas within a PC Zone of more than 20 acres:

- All uses described in the *Spanish Valley Area Plan (2018)*, which was adopted as part of the San Juan County General Plan, as follow:
 - Residential uses of various types and lot sizes including single family detached; single family attached; multifamily residential; town homes; loft apartments;

- residential units above ground floor retail or office; and manufactured home communities;
- Local retail, service, office, and mixed-use housing at designated Neighborhood Centers;
 - A mix of permitted uses (including office/commercial, office/residential, retail/residential) within designated Neighborhood Centers;
 - Small-scale, local businesses that support the day-to-day shopping and service needs of the community, such as restaurants, cafes, restaurants, drycleaners, clinics and offices.
 - Home-based businesses;
 - Health-care facilities;
 - Public facilities, such as schools, libraries, and civic buildings;
 - Private schools and civic/cultural facilities;
 - Common areas, such as parks, plazas, playgrounds, and trails;
 - Churches and other religious facilities;
 - Day-care facilities;
 - Open space, including landscaped areas and areas in natural vegetation, waterways, parks, trails and recreational areas; and
 - Other accessory uses which are ancillary and designed to serve the foregoing uses.

Manufactured Home Planned Community:

The following uses may be conducted in those areas within a PC Zone of more than 10 acres suitable for a Manufactured Home Planned Community:

- All uses described in the *Spanish Valley Area Plan (2018)*, which was adopted as part of the San Juan County General Plan, as follow:
 - Residential uses of various lot sizes for single family manufactured communities;
 - Home-based businesses;
 - Common areas, such as parks, plazas, playgrounds, and trails;
 - Day-care facilities;
 - Open space, including landscaped areas and areas in natural vegetation, waterways, parks, trails and recreational areas; and
 - Other accessory uses which are ancillary and designed to serve the foregoing uses.

Conditional Uses

The approved PC Zone Plan or Community Structure Plan may include provisions for specific land uses identified as either a permitted or a conditional use within a given PC Zone and may include uses listed elsewhere in this chapter or additional uses. While generally discouraged, some conditional uses are anticipated in the approved PC Zone Plan, which shall require the approval of the Planning & Zoning Commission, and which may be established by development agreement. Conditional uses, if any, are subject to review and approval as set forth in the San Juan County Code. Design standards for conditional uses shall be included with the applicable Project Specific Standards.

Planning and Approval Process for PC Zone

Development within the PC Zone will require the following plans to be prepared and submitted for approval in accordance with this chapter: PC Zone Plan, Community Structure Plan, and Project Plans and/or Subdivision Plat approval as applicable. The planning and approval process and approving bodies are summarized in Table 2-1:

**Table 2-1
Planning and Approval Process for PC Zone**

APPLICATION	COVERED AREA	WHAT IS DESCRIBED IN PLAN	APPROVAL LEVEL
PC Zone Plan (Rezone)	Total land area to be rezoned to PC Zone.	Land area to be rezoned with land use table outlining: <ul style="list-style-type: none"> ▪ proposed permitted and conditional uses, ▪ maximum number of residential units, and ▪ maximum square feet of nonresidential development. ▪ Preliminary Community Structure Plan (CSP). 	Planning Commission (recommendation) and County Commission (adoption)
Community Structure Plan (CSP)	Total land area that was rezoned to PC Zone above.	<ul style="list-style-type: none"> ▪ Community Structure Plan (CSP). ▪ Master Plans of major systems and the inclusion of development standards for the larger development such as major roadways, infrastructure, open space networks, general location of neighborhoods, etc. 	Planning Commission
Development Agreement	Total land area that was rezoned to PC Zone above.	The contract between San Juan County and the individual or entity that owns or controls the subject property, detailing the obligations of both parties, specifying the standards and conditions that will govern development of the property, and describing the vested interests of both parties.	Planning Commission (recommendation) and County Commission (adoption)
Project Plan and/or Subdivision Plat	Multiple phases of development within a CSP for master subdivision approval followed by phased subdivision plats.	Show major development parcel locations, open space system, and major infrastructure associated with roadways. Final plats indicate lot layouts and development regulations.	Planning Commission
Site Plan	Individual sites within the development.	Final site development requirements.	Staff

(A) PC Zone Plan

At the time of application for rezoning, a PC Zone Plan shall be submitted to the Planning Commission for review and recommendation to the County Commission. Following recommendation by the Planning Commission, a PC Zone Plan shall be submitted for review and approval by the County Commission. The approved PC Zone Plan may be amended through standard rezoning procedures.

The PC Zone Plan application shall contain the following information:

1. Name of planned community;
2. Names, addresses, and phone numbers of applicant and property owner(s);
3. Map showing PC Zone location, legal/boundary description, acreage, scale, and north arrow;
4. Land use concept plan accompanied by a table showing the land use district types and acreages of all proposed permitted and conditional uses, the maximum number of dwelling units, Floor Area Ratios (FARs), and the total acreage of open space in the PC Zone and areas (in square footage or acreage) of the various non-residential land uses proposed in the PC Zone;
5. Map showing existing waterways, major utilities, easements, storm water conveyances, flood boundaries, and other relevant infrastructure; and
6. Adjacent parcels, owners, and land uses.

Upon approval, the PC Zone shall constitute an amendment to the Spanish Valley Area Plan for the area covered by the approved PC Zone Plan. The conditions and limitations agreed to in the approval of the PC Zone Plan shall confer a vested right to proceed with the development process established in this chapter for the property(s) included within the applicable PC Zone, including the number of dwelling units and the square footage of nonresidential uses reflected in the approved PC Zone.

(B) Community Structure Plan (CSP)

Following approval of the PC Zone Plan, a Community Structure Plan (CSP) shall be established for all or a portion of the area covered by the PC Zone. The CSP shall be accompanied by a development agreement that codifies the CSP, which shall be submitted for review and recommendation by the Planning Commission, and then review and approval by the County Commission. The CSP shall contain a contiguous area of some or all of the area within the PC Zone that includes one or more of the following land use districts types as indicated in the *Spanish Valley Area Plan (2018)* and described in these San Juan County Spanish Valley Development Ordinances:

- *Central Development Area*
- *Perimeter Development Area*
- *Flex Development Area*
- *Highway Commercial Development Area*
- *Neighborhood Center*

- *Open Space*

Each CSP shall show the following:

1. Name of the planned community;
2. Names, addresses, and phone numbers of applicant and property owner(s);
3. Map showing CSP location, legal/boundary description, acreage, scale, and north arrow;
4. Map showing proposed land use district boundaries, and acreages;
5. Table showing the maximum number of dwelling units, open space acreage, and acreage(s) of the various non-residential land uses;
6. Master circulation system plan, including a street network; pedestrian, bicycle, and equestrian trail systems; identification of street alignments and right-of-way widths: illustrative cross sections which accommodate and specify vehicular, pedestrian, and bicycle use in the right-of-way. Pedestrian and bicycle trail systems shall connect the land use districts, schools and open space areas, and provide linkages to other trail systems in existing or future areas of the PC Zone and adjacent facilities within adjacent municipal jurisdictions of the Spanish Valley;
7. Map showing existing and proposed waterways and water bodies, major utilities and easements, wells and water sources, water protection areas and similar public health areas; surface and sub-surface storm water drainage systems, flood boundaries and flood control facilities;
8. Map showing adjacent parcels, their owners, and their uses;
9. Map showing 40-foot contours and significant topographic features within or adjacent to the CSP property;
10. Documentation of existing and proposed secondary (irrigation) water rights, shares, and usage, if any;
11. Open space plan providing general descriptions and locations of major open spaces;
12. Standards that govern the design and maintenance of major public infrastructure improvements (including but not limited to streets, sidewalks, street and parking lighting, paving, street furniture, trails); and
13. Detailed standards that govern general building placement, massing, and other key design criteria (CSP Design Standards).

The Planning Commission shall have the discretion to not provide a positive recommendation to the County Commission, who shall have the discretion to approve or disapprove each CSP on the basis of the following: (1) the failure of the proposed CSP to include all of the elements required in this section; (2) the failure of the proposed master circulation system identified in the CSP to adequately serve the communities within the PC Zone; (3) the failure of the proposed major infrastructure identified in the CSP to provide adequate service to the communities within the PC Zone; or (4) the inclusion of land uses in the CSP not permitted or conditionally permitted under this chapter. In approving a CSP, the Planning Commission may recommend, and the County Commission may impose, reasonable conditions of approval to mitigate reasonably anticipated detrimental impacts in accordance with San Juan County Zoning Ordinance.

The conditions and limitations agreed to in the approval of the PC Zone Plan shall confer a vested right to proceed with the development process established in this chapter for the property(s) included within the applicable PC Zone, including the number of dwelling units and the square footage of nonresidential uses reflected in the approved PC Zone.

(C) Development Agreement

Following approval of the PC Zone Plan and the Community Structure Plan, a Development Agreement shall be prepared as a legal contract between San Juan County and the individual or entity that owns or controls the subject property, detailing the obligations of both parties, specifying the standards and conditions that will govern development of the property, and describing the vested interests of both parties.

(D) Project Plan/Subdivision Plat

Upon approval of the PC Zone Plan, Community Structure Plan and Development Agreement, a Project Plan shall be submitted for review that outlines project specific standards (Project Specific Standards) establishing in substantial detail the character and nature of the design of public and private improvements within the area covered by the applicable Project Plan for the applicable portion of the PC Zone covered by the Project Plan. The purpose of the Project Plan is to allow for the creation and approval of a fully-integrated development plan for a specifically identified portion of land within the applicable PC Zone.

A Project Plan should include vertical and horizontal mixtures of uses on one or more proposed lots, parcels or units located within the boundaries of the proposed Project Plan. Therefore, the Project Plan may include one or more Subdivision Plats and Site Plans and may identify a combination of proposed subdivisions and/or condominium projects, one or more of which may be submitted concurrently for review and approval with the Project Plan. The Project Plan shall be reviewed by the Staff prior to submittal to the Planning Commission for approval.

A Subdivision Plat may include a variety of land uses including condominium projects. Each Subdivision Plat submitted shall be reviewed by the Staff prior to submittal to the Planning Commission for approval. Subdivision Plats (preliminary and final) shall be submitted and approved in accordance with San Juan County Code requirements.

Application and approval of a preliminary or final Subdivision Plat may occur before submission of a Project Plan provided Project Specific Standards are submitted and approved contemporaneously with such Subdivision Plat application and approvals; and provided, further, that the Project Specific Standards and Subdivision Plat will ultimately be incorporated into an approved Project Plan. The preliminary and final plats shall conform to the applicable CSP standards as well as all applicable Project Specific Standards, including any supplemental Project Specific Standards proposed and approved by the Planning Commission in connection with the applicable final plat.

(E) Site Plan Review

Site plans (Site Plans) may be reviewed concurrently with a Project Plan or Subdivision Plat. Any proposed commercial, office, industrial, multi-family residential, open space, parks, or institutional developments and alterations to existing developments shall be located on legal lots of record created by metes and bounds conveyance with the approval of the Staff or pursuant to Subdivision Plats and shall meet the Site Plan review requirements. All San Juan County Spanish Valley Development Ordinances and requirements shall be met in preparing Site Plan applications and in designing and constructing the development. Where applicable, building permits may not be obtained nor shall any site work be performed prior to Site Plan approval.

Development Standards

(A) Open Space and Common Areas

Open Space includes common areas, parks, trails, natural areas and/or farmland that provide and preserve recreational, agricultural, or other similar uses in the PC Zone as approved by the Planning Commission. Common areas include landscaped areas (including landscaping around schools and other civic buildings), athletic fields, parks, natural open spaces and trail corridors, gathering places such as plazas, commons, exterior courtyards, public recreational facilities, landscaped medians or park strips that exceed standards, but do not include landscaped areas contained within the Spanish Valley public street cross sections. The applicable CSP Standards and Project Specific Standards shall govern the use and character of the Open Spaces, including common areas. Each PC Zone shall contain a minimum of 25 percent of the gross acreage in Open Spaces. These areas shall be designated in the applicable Project Plan and separately identified on any applicable final Subdivision Plat or Site Plan. Open Space recorded as a lot or lots in subdivisions or as common area in condominium plats and shall be maintained with open space or conservation easements or such other arrangement as is approved by the Planning Commission in connection with Project Plan or subdivision or condominium approval.

(B) Yard Requirements

Yard requirements shall be determined and governed by the applicable Project Specific Standards established pursuant to the requirements of this Chapter. The following minimum requirements shall apply in the PC Zone:

1. Minimum yard areas shall be measured from the front, side and rear lines of lots, condominium private ownership yard areas (where building footprint is not recorded) or from accesses, driveways, or streets (where no property lines or private ownership yard areas exist).
2. Buildings may not be located within a public right of way or utility easement.

(C) Fencing, screening, maintaining clear vision along roadways

Fencing, screening and clear vision requirements shall be determined and governed by the applicable Project Specific Standards established pursuant to the requirements of this Chapter. The following requirements shall apply in the PC Zone:

1. All mechanical equipment, antennas, loading and utility areas, and trash receptacles shall be screened from street view with architectural features or walls consistent with materials used in the associated buildings as more specifically set forth in the applicable Project Specific Standards.
2. Fences and landscape materials, except for mature trees which are pruned at least 7 feet above the ground, shall not exceed 4 feet in height within a 30-foot triangular area formed by the edge of a driveway and the street right-of-way line or within a 30-foot triangular area formed by the right-of-way lines of intersecting streets.

(D) Architectural standards

Architectural requirements shall be determined and governed by the Project Specific Standards established pursuant to the requirements of this Chapter. The following architectural standards and requirements shall apply in the PC Zone.

1. Architectural design of buildings and building materials shall be established in the Project Specific Standards.
2. All building materials shall be high quality, durable, and low maintenance.
3. The applicable Project Specific Standards shall address exterior relief of buildings, design of all sides of buildings, and architectural compatibility of buildings.
4. Maximum building heights shall be three stories or 35 feet.

(E) Landscaping requirements

Landscaping requirements shall be determined and governed by the applicable Project Specific Standards established pursuant to the requirements of this Chapter. The following landscaping requirements shall apply in the PC Zone.

1. Water-wise landscaping as detailed in the proposed Spanish Valley Water Efficient Landscape ordinance will be required to ensure that the limited water resources available in the region are used wisely and conserved. Specific water-wise landscaping standards which apply to the Spanish Valley Area Plan shall be required.
2. The applicable Project Specific Standards shall address the landscaping and proper maintenance of required front, side, and rear yards of lots and private ownership areas in the PC Zone.
3. All areas of lots and parcels in the PC Zone not designated for open space, parking, buildings, or other hard surfacing shall be landscaped and properly maintained.
4. Designated open space shall remain in a natural condition, cultivated or landscaped, as applicable, and properly maintained in accordance with the proposed Spanish Valley Water Efficient Landscape ordinance. The PC Zone shall be landscaped and properly irrigated and maintained by the applicable property owners in the PC Zone unless otherwise approved by San Juan County. All park strip areas shall be installed by the developer and properly maintained by the applicable property owners in the PC Zone. A plan for funding of on-going maintenance of street landscaping by the property owners shall be presented for approval by Staff at the time of Site Plan approval.

(F) Lighting

Lighting requirements shall be determined and governed by the proposed Spanish Valley Outdoor Lighting and Sign Illumination Requirements.

(G) Other Requirements

The following requirements shall apply in the PC Zone.

1. All development areas shall be graded according to San Juan County Code requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
2. Incorporation of Low Impact Design (LID) storm water practices shall be required wherever possible.
3. The applicable owners shall properly maintain all private areas of individual lots or parcels.
4. The specific requirements of this Chapter may be modified as the County Commission deems appropriate pursuant to the terms of the applicable development agreement.
5. All common area improvements including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, street lights, and signs not specifically dedicated to or accepted for ownership or maintenance by San Juan County shall be perpetually maintained by the applicable owners or their agents through a special taxing district, homeowners association with power to assess and collect fees for maintenance, or other assessment and maintenance mechanisms acceptable to the County Commission.
6. Improvements for which San Juan County agrees to accept maintenance responsibility shall be reviewed by the applicable service provider for compliance with adopted standards prior to approval.

Development Agreement

In conjunction with the approval of a PC Zone Plan, Community Structure Plan, and Project Plan, the developer and/or landowner and San Juan County Commission shall enter into one or more Development Agreement(s) reflecting all conditions of approval and terms of the applicable CSP and such other matters as the County Commission and developer/landowner may agree.

The County Commission chair shall sign all Development Agreements and shall only approve the Development Agreement associated with the applicable CSP. Without regard to future amendments, additions or changes to this Ordinance, the County Commission may agree, in such Development Agreements, that the developer/landowner may advance development applications for projects within the applicable CSP pursuant to the planning and approval processes set forth in this chapter, or such other process as is specifically agreed upon pursuant to a Development Agreement approved by the County Commission. Such Development Agreement(s) may further identify a process for approving amendments to an approved PC Zone Plan, CSP, Project Plan, Subdivision Plat or Site Plan, which shall be approved by the County Commission to the extent such a process differs from San Juan County Zoning Code.

Chapter 3: Spanish Valley Residential Flex Planned Community (RF) District

An ordinance clarifying the specific uses and relationships between uses within the *Residential Flex Planned Community (RF) District* (RF Zone). The requirements for a Large Planned Community development detailed for the PC Zone shall otherwise apply. See proposed Spanish Valley Zoning Map for applicable locations.

Permitted Uses

A range of residential and housing are the primary uses permitted in this district. Other uses including parks, open space, commercial, business and similar uses shall be permitted within and in proximity to the large gravel pit(s) located in this area, once extraction operations are complete and site mitigation efforts are underway. All development should be planned as part of large-scale and coordinated design and planning efforts. A wide-range of residential uses, including single-family, multi-family, townhomes, employee housing and similar uses may be included as part of mixed-use, transitional development.

Conditional Uses

None

Uses Subject to the Spanish Valley Overnight Accommodations Overlay

- Hotels and Motels
- Commercial Condominiums for short-term rentals
- Bed and Breakfasts (B&Bs), lodges and resorts
- Commercial campgrounds
- All other variations of overnight accommodations intended for nightly rentals¹

Development Standards

The following development standards shall apply in addition to and/or in conjunction with the standards established for Planned Community (PC) developments:

1. No non-residential uses within the RF Zone shall be permitted within 100' of an adjacent residential district boundary or an existing residential use. Residential uses within the RF Zone should be designed and located as transitions to adjacent to nearby residential neighborhoods and uses.
2. Maximum height should be a maximum of three stories or 35 feet to help preserve views.
3. A minimum 50-foot buffer shall be provided between Residential Flex uses and the top of bank for the Pack Creek drainage; a minimum buffer of 25 feet shall be provided

¹ *Ibid.*

between Residential Flex uses and the top of bank of all other streams, creeks, canals and drainages.

Chapter 4: Spanish Valley Business Flex Planned Community (BF) District

An ordinance clarifying the specific uses and relationships of uses within the *Business Flex Planned Community (BF) District (BF Zone)*. Unless specifically mentioned in this chapter, the requirements for Planned Community development detailed for the PC Zone shall apply. See proposed Spanish Valley Zoning Map for applicable locations.

Permitted Uses

A wide-range of business operations shall be the primary uses. These shall include business parks, large-format commercial and office uses, ancillary and support uses and smaller-scale commercial uses as appropriate. A range of residential uses, including employee housing, short-term visitor housing and similar specialty residential uses may be included as part of large-scale, coordinated and flexible business-centric developments within the BF Zone.

Conditional Uses

None.

Uses Subject to the Spanish Valley Overnight Accommodations Overlay

- Hotels and Motels
- Commercial Condominiums for short-term rentals
- Bed and Breakfasts (B&Bs), lodges and resorts
- Commercial campgrounds for motorized and/or non-motorized users
- All other variations of overnight accommodations intended for nightly rentals²

Development Standards

The following development standards shall apply in addition to and/or in conjunction with the standards established for Planned Community developments:

1. No business or commercial uses shall be permitted within 500 feet of an adjacent residential district. Residential uses are permitted throughout the BF District but should be concentrated in the eastern extents of the area to provide transitions with nearby and adjacent residential neighborhoods and uses.
2. Maximum building height should generally be a maximum of three stories or 35 feet. This will help preserve views and reduce the visual impact of BF Zone development.
3. A minimum 50-foot buffer shall be provided between Business Flex uses and the top of bank for the Pack Creek drainage; a minimum buffer of 25 feet shall be provided between Business Flex uses and top of bank for smaller drainages.

² *Overnight rentals in residential neighborhoods and other zones of the Spanish Valley Zoning Map are addressed in separate San Juan County ordinances.*

4. One truck stop is specifically permitted as a conditional use in this Business Flex district south of Pack Creek Cutoff Road. No residential use shall be permitted within 500 feet of this use. Specific site development and environmental controls shall be established as part of approving the preliminary and final plat plan, with a requirement of protecting the health, safety and welfare of the community.

Chapter 5: Spanish Valley Highway Flex Planned Community (HF) District

An ordinance clarifying the specific uses and relationships of uses within the *Highway Flex Planned Community (HF) District* (HF Zone). Unless specifically mentioned in this chapter, the requirements for a Large Planned Community development detailed for the PC Zone shall otherwise apply. See proposed Spanish Valley Zoning Map for applicable locations.

Permitted Uses

The wide range of commercial uses detailed in the Highway Commercial Zone shall apply. These uses shall primarily be developed as part of large-scale, coordinated and flexible commercial-centric developments. A wide-range of residential uses, including employee housing, short-term visitor housing, and similar uses may be included as part of large-scale, coordinated and flexible commercial-centric developments.

Conditional Uses

None.

Uses Subject to the Spanish Valley Overnight Accommodations Overlay

- Hotels and Motels
- Commercial Condominiums for short-term rentals
- Bed and Breakfasts (B&Bs), lodges and resorts
- Commercial campgrounds
- All other variations of overnight accommodations intended for nightly rentals³

Development Standards

The following development standards shall apply in addition to and/or in conjunction with the standards established for Highway Commercial District:

No Highway Flex uses shall be permitted within 500 feet of an adjacent residential district unless U.S. Highway 191 separates the two uses.

1. Residential uses should generally be concentrated in discrete rincons/alcoves located along the cliff slopes on the west side of U.S. Highway 191 to separate those uses from other uses in the HF Zone.
2. Maximum building height should generally be a maximum of three stories or 35 feet to help preserve views.
3. A minimum 50-foot buffer shall be provided between Highway Flex uses and the top of bank for the Pack Creek drainage; a minimum buffer of 25 feet shall be provided between Highway Flex uses and top of bank for smaller drainages.

³ *Ibid.*

Chapter 6: Spanish Valley Highway Commercial (HC) District

An ordinance creating the *Spanish Valley Highway Commercial (HC) District (HC Zone)* of the San Juan County Zoning Ordinance for the purpose of controlling development in the non-federal lands in the Spanish Valley within San Juan County. See the proposed Spanish Valley Zoning Map for applicable locations and the Land Use Plan in the *San Juan County Spanish Valley Area Plan* (adopted April 17, 2018) for a general description.

Purpose

Uses

Conditional Uses

Special Provisions

Signs

Constrained Lands

District Standards

Subdivision Standards

Streets

Sidewalks and Trails

Easements

Drainage

Water Supply

Signs

Purpose

To provide a district where highway commercial uses along U.S. Highway 191 are permitted, as supported in the *San Juan County Spanish Valley Area Plan (2018)* and *San Juan County General Plan (2018)*. Specific uses should include establishments offering goods and services to motorists, and provide for non-pedestrian-oriented retail, wholesale, service and repair activities which do not contribute to the creation of unattractive, congested and unsafe highway conditions, with access provided primarily from driveways linking to east/west arterial roads linked to U.S. Highway 191, from UDOT-approved access driveways on U.S. Highway 191 in the short-term and via anticipated frontage roads along U.S. Highway 191 in the long-term.

Permitted Uses

The following is a list of typical permitted uses. The list is not exclusive. Any use not specifically listed but determined by the Planning Commission to be similar in purpose, intent or use shall be permitted.

- Banks and other financial institutions including savings, loan, and finance/mortgage institutions
- Barber shops, beauty shops and other personal service uses
- New and used automobile sales and rentals

- Automobile fuel sales and associated convenience stores
- Automobile service stations including minor and major auto repair work, providing all repair work is conducted wholly within a completely enclosed building.
- Auto accessories, farm machinery and equipment sales
- Nurseries and greenhouses
- Mobile home sales
- Restaurants
- Groceries/ Supermarkets
- Live/work units
- General Retail/Services
- Movie theaters and similar entertainment uses
- Bowling alleys and other commercial recreation facilities
- Accessory buildings and uses
- New and used boat and other marine or sport equipment sales and service,
- Customary accessory buildings and uses
- Enclosed storage, flex-office and similar uses
- Governmental facilities
- Commercial, civic, institutional and business campuses
- Electric vehicle charging stations, including but not limited to EV charging station, rapid charging station, battery exchange stations
- Bus terminals
- Day care centers, nursing or convalescent homes, and health care facilities
- Retail sales and services such as building materials, hardware and farm supply outlets
- Offices and related business activities
- Residential units above the first floor of primary uses (owner occupied or long-term lease/rental only)

Conditional Uses

- Any use encompassing buildings or structures in excess of 40,000 square feet
- Any project in excess of 10-acres
- Small-scale, local retail and service businesses such as, cafes, green grocers, day care centers, boutiques, dry cleaners and similar goods and services
 - Shall only be permitted as clustered, pre-designed centers that area minimum of three -acres in extent with limited and controlled access points from the adjacent street, coordinated and shared parking, etc.
- Any drive-in or drive-through uses
- Truck stops shall be considered as conditional uses for the portion of the HC Highway Commercial District south of Ken's Lake Cutoff Road only. No residential uses shall be permitted within 500 feet of this segment of the BF Zone, and no more than one truck stop shall be permitted within the BF Zone. Specific site development and environmental controls shall be established as part of the conditional use, preliminary plat and final plat approval process, with a focus on protecting the health, safety and welfare of the nearby residents and the community as a whole. All local, county, state

and federal laws shall be considered as part of such review. No more than one truck stop may be located along US-191 within the San Juan County portion of the Spanish Valley.

Uses Subject to the Spanish Valley Overnight Accommodations Overlay⁴

- Hotels and Motels
- Commercial Condominiums for short-term rentals
- Bed and Breakfasts (B&Bs), lodges and resorts
- Commercial campgrounds
- All other variations of overnight accommodations intended for nightly rentals

Special Provisions

- Applications for conditional uses are required to provide detailed site plan drawings (Site Plan) of their proposed use as follows:
 - Format size not less than 8-1/2" x 11" or greater than 24" x 36".
 - Precise dimension at a standard scale.
 - Location of all existing structures and improvements (buildings, roads, fences, ditches and canals, utility systems) and other information as required by Planning Commission.
 - Proposed methods of providing utility needs including water, sewer, electrical, and fuel services, vehicular access and parking, and appropriate methods for dealing with any special site problems such as storm water drainage.
- No buildings used for commercial or industrial purposes shall be erected within 50 feet of an existing residential building or a residential district boundary. Buildings used for commercial and industrial purposes that are located within 100 feet of a residential district boundary shall not exceed the height limitations of the corresponding residential district.
- All Highway Commercial uses must have direct frontage and/or a physical parcel connection by street to U.S. Highway 191. Sites lacking such relationships will be limited to uses and development conditions of the adjacent Spanish Valley Residential District.

Lot Design Standards

All development in the HC Zone shall be subject to the following lot design standards, which generally allow for a variety of uses and building types while maintaining the overall character of a highway commercial district. This approach promotes better site layout and development relationships that match existing and proposed infrastructure investments.

Minimum Requirements

Every building erected or installed must be located on, and every plat submitted for approval must show, a lot or building parcel that meets the minimum requirements of at

⁴ *Ibid.*

least one use permitted under this chapter, based on underlying zoning and subdivision type. No minimum lot size is required in the highway commercial district.

Every building and lot must have direct access to a public street or frontage road. All structures must be located on lots or parcels that provide safe and convenient access for servicing, fire protection and required on-site parking. No lot shall be approved that does not meet the minimum lot area requirements of this chapter except in the following cases:

1. Nonconforming lots
2. Public Utilities

The uses and densities listed in this chapter are allowed by right unless otherwise expressly stated. Each project must comply with all of the applicable development standards of this chapter.

Constrained Lands

Constrained lands include lands with natural slopes greater than 30 percent, jurisdictional wetlands, lands in the 100-year floodplain, public drinking water supply sources (recharge areas for wells and aquifers), lands affected by unmitigable geo-hazards, riparian habitats, and archeological sites.

Constrained lands in all HC Zone developments shall be identified on plats and remain unoccupied by buildings or impervious surfaces.

Land Suitability

Land deemed to be environmentally unsuitable shall not be platted for residential occupancy, or for such other commercial or industrial uses as may increase danger to health, life, or property, or aggravate erosion or flood hazard. Such land within the plat shall be restricted for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsafe living conditions.

The County shall not approve the subdivision of land if it is determined that the site is not suitable for platting and development purposes.

District Standards

For all principal structures in the HC Zone, the front yard, side and rear yards facing the highway, other streets and within 25 feet of a residential use or residential district shall be landscaped in accordance with the requirements of the Water Efficient Landscape chapter (Chapter 7) of the San Juan County Land Use Ordinance.

Subdivision Standards

Applicability

All plats and subdivision of land within the HC Zone shall conform to the following rules and regulations.

Lot Configuration

The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall not be less than those specified as minimum standards by the HC Zone. The depth and width of properties shall be adequate to provide for the off-street service, parking facilities and fire/safety requirements required in the San Juan County Zoning Ordinance.

Side Lot Lines

Side lot lines shall be substantially at right angles to street lines unless otherwise approved by the Planning Commission.

Street Frontage Required

Each new lot or building tract shall front upon a public street.

Double Frontage Lots

Double frontage lots shall be avoided, except where essential to provide separation from traffic or to overcome specific disadvantages of topography and orientation.

Flag Lots

Flag-shaped or panhandle shaped lots may be created if all of the following requirements are met:

1. The lot provides access to a residential or agricultural use.
2. The lot has at least 20 feet of frontage on a dedicated public street, which frontage served as access only to the subject lot or parcel.
3. The "handle" portion of the lot is at least 20 feet in width, and not more than 250 feet in length.
4. The body of the lot meets the lot area and lot width and setback requirements of the applicable TYPE.

Large Lots

Where the area is divided into larger lots than for normal San Juan County building sites and, in the opinion of the Planning Commission, any or all of the tracts are susceptible to being re-subdivided, the original subdivision shall be such that the alignment of future street dedications may conform to the general street layout in the surrounding area and so that the larger tracts may be later subdivided in conformance with the requirements of this chapter and the minimum standards specified by the applicable zoning district.

StreetsApplicability

All developers shall be required to construct streets in accordance with requirements of the San Juan County Code requirements.

Street Layout

Unless otherwise approved by the Planning Commission, provisions shall be made for the extension of streets. All streets shall bear a logical relationship to the topography and to the location of existing or planned streets on adjacent properties. Adequate local streets shall be provided to accommodate the subdivision and provide access to lots. The arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection to existing principal streets in surrounding areas; or
2. Conform to a plan for a neighborhood or planned unit development approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or where neighborhood design makes a varied plan appropriate.

Street Connections

The system of streets designated for a subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivision(s); and where no adjacent connections are platted, must in general be the reasonable projection of streets in the nearest subdivided tracts, and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith. Reserve strips of land controlling access to or egress from other property or to or from any street or alley or having the effect of restricting or damaging the adjoining property for subdivision purposes shall not be permitted in any subdivision unless such reserve strips are conveyed to San Juan County in fee simple.

Half Right-of-Way (R.O.W.)

Half streets shall be prohibited except where essential to the reasonable development of the subdivision and where the Planning Commission finds it will be practicable to require the dedication for the other half of a street when adjoining property is subdivided.

Street Intersections

More than two streets intersecting at a point shall be avoided, except where it is impractical to secure a proper street system otherwise. Intersections shall be as near 90 degrees as possible and in no cases shall the intersection angle being less than 60 degrees.

Street Jogs

Non-intersecting streets with centerline offset of less than 125 feet shall not be approved.

Dead-End Streets

Dead-end streets, except for cul-de-sacs, shall be prohibited unless they are designed to connect with future streets on adjacent lands that have not been platted. In cases where these types of dead-end streets are allowed, a temporary turnaround with a minimum radius of 100 feet shall be constructed.

Cul-de-sacs

Cul-de-sacs shall meet the San Juan County Zoning Ordinance requirements. Ordinarily, cul-de-sacs are discouraged as they do not result in a continuity of existing streets or streets pattern and may be used only where unusual drainage or land ownership configurations exist that make other designs impractical.

Highway Access Permit

A Highway Access Permit must be approved by the Utah Department of Transportation (UDOT) for each new property or subdivision with direct access to a federal or state highway. Turn lanes, frontage road(s), curb and gutter may be required along the entire highway frontage if required by UDOT.

Street Design Standards

Street and alley widths, curves, grades design speed and centerline radius shall meet San Juan County Zoning Ordinance requirements.

Street Names and Numbers

All street names shall be as established subject to approval of San Juan County Zoning Ordinance requirements. When new streets are in alignment with existing streets, any new streets shall be named according to the existing streets with which they correspond. Streets which do not fit into an established street-naming pattern shall be named in a manner which will not duplicate or be confused with existing streets within the Spanish Valley Area Plan or its environs.

Street lighting

Street Lighting shall conform to San Juan County Zoning Ordinance requirements. The developer shall pay the costs of purchasing and installing all street lighting equipment. Street lighting design plans shall be subject to the approval of the County Engineer. The type of equipment, method of installation and location of the wiring and light poles shall meet the minimum standards and requirements of the electric company from which electricity is to be purchased. All intersections with a major collector street shall have at least one streetlight.

Sidewalks and TrailsApplicability

This section is intended to ensure adequate pedestrian access is available to serve uses that need and benefit from such access. If a builder or property owner believes that a proposed use does not need or benefit from pedestrian access, a written request for interpretation may be submitted to the Zoning Administrator describing the use and explaining why pedestrian access should not be required as a condition of the building permit for the proposed use.

Trails

Trails shall be designed as single track and multi-use trails depending on the specific need and conform to the standards in Table 6-1.

**Table 6-1
Trail Design Standards**

	Cross-Slope Range	Min. Trail Width	Min. R.O.W. Width	Clearing		Preferred Surface Materials			
				horizontal	vertical	natural	crushed stone	asphalt	concrete
Single-track Trails	0-20%	3'	6'	1.5' each side of trail	10'	Yes	Yes	No	No
Multi-use Trails	0-10%	12'	15'	1.5' each side of trail	10'	Yes	Yes	Yes	Yes

Easements

Utility Easements Required

Utility easements shall be required unless otherwise approved by the Planning Commission and in commercial and industrial districts.

Minimum Width

The minimum rights-of-way width of each utility easement shall be 5 feet or as otherwise provided according to San Juan County Zoning Ordinance requirements.

Fire Lanes and Emergency Access Easements

Fire lanes and emergency access easements shall be provided according to San Juan County Zoning Ordinance requirements

Drainage Easements

When a proposed subdivision is traversed by an irrigation ditch or channel, natural creek or stream or a proposed drainage easement, an easement shall be provided sufficient for drainage and to allow for maintenance of the drainage system.

Trail Easements

When a proposed subdivision is traversed by a public trail shown on an adopted plan or when the Planning Commission finds that a trail easement can better serve the proposed development than a sidewalk, a minimum 15-foot wide easement shall be provided sufficient for public trail construction, maintenance and access purposes.

Adjoining Areas

When easements in areas adjoining proposed subdivisions are necessary to provide adequate drainage thereof or to serve such subdivisions with utilities, the developer shall obtain such easements.

Drainage

Applicability

Applicants shall provide, at applicant's expense, drainage structures in accordance with the requirements of the San Juan County Zoning Ordinance requirements, which will become integral parts of the existing street or roadway drainage system. The dimensions of all drainage structures must meet San Juan County Zoning Ordinance requirements. Design shall be based on environmentally sound site planning and engineering techniques.

It is especially critical that storm water management systems be designed for an entire drainage basin rather than just for specific sites. If improvements are identified and necessary downstream of the proposed development and no approved capital improvement plan exists to address the necessary improvement, the applicant shall be required to demonstrate that such existing drainage features are adequate to serve the applicant's anticipated development and to protect the public health, safety, and general welfare at full build out under existing zoning. Where such demonstration is not made, the applicant shall be required to install such necessary improvements and may seek pro-rata reimbursement from future downstream development.

Minimum Standards**A. Natural and Historic Drainage Ways**

All historic flood and drainage ways shall be protected from alteration such that their primary function as storm water facilities shall be upheld.

B. 100-Year Storm

All drainage and flood control facilities shall be designed to handle the calculated difference between historic flows and the anticipated post-development 100-year frequency storms for maximum period of intensity over the entire drainage basin which the subdivision serves. The "100-year storm" referred to herein shall mean that storm run-off is calculated on the basis of a fully developed watershed.

C. Erosion

Where free fall of water occurs, satisfactory means shall be provided to prevent erosion of soil. Where required, culvers shall have concrete head walls and wing walls.

D. Catch Basins

Catch basins shall be constructed in accordance with the San Juan County Zoning Ordinance requirements.

E. Engineered Design

All drainage shall be designed by a Utah licensed professional engineer and approved according to San Juan County Zoning Ordinance requirements.

Water SupplyGeneral

New development shall provide water supply that is sufficient in terms of quality, quantity and dependability for the proposed development. In making its determination as to whether the proposed water supply meets this standard, the decision-making body shall give substantial weight to the recommendations of state, County and applicable service district authorities and their associated standards. All water systems shall be provided by or through approved water and sewer service agencies and meet all applicable requirements of the San Juan County Zoning Ordinance requirements.

Municipal and District Water Systems

If all or part of a proposed development is within the jurisdiction of an approved public water system, then the applicant must obtain a written certification from the public water service provider stating that it is able to provide an adequate supply of drinking water with adequate quantity, quality and sufficient pressure to meet the needs of the proposed development based on the projected water usage of the development. Individual or common wells or other private water systems shall be permitted only when the subdivision boundary is outside the jurisdiction of an approved public water system able to serve the development.

Signs

See Spanish Valley US-191 Highway Commercial Sign Requirements (Chapter 9)

Chapter 7: Spanish Valley Water Efficient Landscape Requirements

An ordinance establishing minimum water efficient landscape requirements for the non-federal lands in the Spanish Valley within San Juan County. See Land Use Plan on page 28 of the *San Juan County Spanish Valley Area Plan* (adopted April 17, 2018) for a map and general description.

Purpose

Definitions

Applicability of Water Efficient Landscape Ordinance

Landscape Design Standards

Irrigation Design Standards

Landscapes in New Single-family Residential Developments

Prohibition on Restrictive Covenants Requiring Turf

Landscapes in Commercial, Flex and Civic/Institutional Developments

Projects

Plan Review and Construction Inspection for Commercial, Industrial, and Institutional Projects

Purpose

The purpose of this ordinance is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by reducing water waste and establishing a structure for designing, installing and maintaining water efficient landscapes in the San Juan County Spanish Valley.

Definitions

The following definitions shall apply to this ordinance:

Bubbler: An irrigation head that delivers water to the root zone by “flooding” the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.

Check Valve: A device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow.

Controller: A device used in irrigation systems to automatically control when and how long sprinklers or drip systems operate.

Drip Emitter: Drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

Grading Plan: The Grading Plan shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscaped area.

Ground Cover: Material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve (12) inches.

Hardscape: Patios, decks and paths. Does not include driveways and sidewalks.

Irrigation Plan: The irrigation plan shows the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

Landscape Architect: A person who holds a professional license to practice landscape architecture in the state of Utah. Only a Landscape Architect can legally create commercial landscape plans.

Landscape Designer: A person who may or may not hold professional certificates for landscape design/architecture and cannot legally create commercial landscape plans. Landscape Designers generally focus on residential design and horticultural needs of home landscapes.

Landscape Plan Documentation Package: The preparation of a graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance. The Landscape Plan Documentation Package shall include a project data sheet, a Planting Plan, an Irrigation Plan, and a Grading Plan.

Landscape Zone: A portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.

Landscaping: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor artwork, screen walls, fences or benches.

Mulch: Any material such as rock, bark, wood chips or other materials left loose and applied to the soil.

Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.

Planting Plan: A Planting Plan shall clearly and accurately identify and locate new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.

Pop-up Spray Head: A sprinkler head that sprays water through a nozzle in a fixed pattern with no rotation.

Precipitation Rate: The depth of water applied to a given area, usually measured in inches per hour.

Pressure Regulating Valve: A valve installed in an irrigation mainline that reduces a higher supply pressure at the inlet down to a regulated lower pressure at the outlet.

Pressure Compensating: A drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.

Rotor Spray Head: A sprinkler head that distributes water through a nozzle by the rotation of a gear or mechanical rotor.

Runoff: Irrigation water that is not absorbed by the soil or landscape area to which it is applied, and which flows onto other areas.

Spray Sprinkler: An irrigation head that sprays water through a nozzle.

Stream Sprinkler: An irrigation head that projects water through a gear rotor in single or multiple streams.

Turf: A surface layer of earth containing mowed grass with its roots.

Water-Conserving Plant: A plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.

Applicability of Water Efficient Landscape Ordinance

The provisions of this ordinance shall apply to all new and rehabilitated landscapes for public agency projects, private development projects, developer-installed landscape projects in multi-family and single-family residential projects, and homeowner provided landscape improvements within the front, side, and rear yards of single and two-family dwellings.

Landscape Design Standards

- A. Plant Selection. Plants shall be well-suited to the microclimate and soil conditions at the project site. Both native and locally-adapted plants are acceptable. Plants with similar water needs shall be grouped together as much as possible.
 1. Areas with slopes greater than 30% shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization.
 2. Park strips and other landscaped areas less than eight (8) feet wide shall be landscaped with water-conserving plants, that do not include turf.
- B. Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum four (4) inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.
- C. Soil Preparation. Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six (6) inches and amending the soil with organic material as per specific recommendations of the Landscape Designer/Landscape Architect based on the soil conditions.
- D. Tree Selection. Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Trees shall be selected as follows:
 1. Broad canopy trees shall be selected where shade or screening of tall objects is desired;
 2. Low-growing trees shall be selected for spaces under utility wires;
 3. Select trees from which lower branches can be trimmed in order to maintain a healthy growth habit where vision clearance and natural surveillance is a

- concern;
4. Narrow or columnar trees shall be selected where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance;
 5. Street trees shall be planted within existing and proposed park strips, and in sidewalk tree wells on streets without park strips. Tree placement shall provide canopy cover (shade) and avoid conflicts with existing trees, retaining walls, utilities, lighting, and other obstacles; and
 6. Trees less than a two-inch caliper shall be double-staked until the trees mature to a two-inch caliper.

Irrigation Design Standards

- A. **Pressure Regulation.** A pressure regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds 80 pounds per square inch (psi). The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer's recommended pressure for the sprinklers.
- B. **Irrigation Controller.** Landscaped areas shall utilize a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.
- C. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.
- D. Drip emitters or a bubbler shall be provided for each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the County due to the limited number of trees on the project site.
- E. Drip irrigation or bubblers shall be used to irrigate plants in non-turf areas.
- F. Pop-up spray heads shall be at a minimum of four (4) inches in height to clear turf.
- G. Sprinklers shall have matched precipitation rates with each control valve circuit.
- H. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.
- I. Check valves shall be required where elevation differences cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure occurs within the irrigation system due to elevation differences.
- J. Filters and end flush valves shall be provided as necessary for drip irrigation lines.
- K. Valves with spray or stream sprinklers shall be scheduled to operate between 6 p.m. and 10 a.m. to reduce water loss from wind and evaporation.
- L. Program valves for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

Landscapes in New Single-family Residential Developments

- A. Homebuilders and/or developers subdividing lots and/or constructing new single-family residential homes shall offer a water-efficient landscaping option to prospective home buyers. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 10% of the total landscaped area or 1,000 square feet, whichever is less.
- B. Homebuilders and/or developers who construct model homes for a designated subdivision shall have at least one model home with water-efficient landscaping. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 10% of the total landscaped area or 1,000 square feet, whichever is less.
- C. Model homes shall include an informational brochure on water-efficient landscaping.

Prohibition on Restrictive Covenants Requiring Turf

- A. Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable if they:
 - 1. Require the use of turf in landscape areas less than 8 feet wide or require turf in other areas that exceed 10% of the landscaped area; or
 - 2. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
 - 3. Have the effect of prohibiting or restricting compliance with this ordinance or other water conservation measures.

Landscapes in Commercial, Flex and Civic/Institutional Developments

Commercial, Flex and Civic/Institutional landscapes shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 10% of the total landscaped area or 1,000 square feet, whichever is less, outside of active recreation areas such as playfields and sport fields.

Documentation for Commercial, Flex and Civic/Institutional Projects

Landscape Plan Documentation Package. A copy of a Landscape Plan Documentation Package shall be submitted to and approved by the County prior to the issue of any permit. A copy of the approved Landscape Plan Documentation Package shall be provided to the property owner or site manager and to the local retail water purveyor. The Landscape Plan Documentation Package shall be prepared by a registered landscape architect and shall consist of the following items:

- A. Project Data Sheet. The Project Data Sheet shall contain the following:
 - 1. Project name and address;
 - 2. Applicant or applicant agent's name, address, phone number, and email address;
 - 3. Landscape architect's name, address, phone number, and email address; and
 - 4. Landscape contractor's name, address, phone number and email address, if available at this time.

- B. **Planting Plan.** A detailed planting plan shall be drawn at a scale that clearly identifies the following:
1. Location of all plant materials, a legend with botanical and common names, and size of plant materials;
 2. Property lines and street names;
 3. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
 4. Existing trees and plant materials to be removed or retained;
 5. Scale: graphic and written;
 6. Date of design;
 7. Designation of landscape zones, and
 8. Details and specifications for tree staking, soil preparation, and other planting work.
- C. **Irrigation Plan.** A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:
1. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
 2. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
 3. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers, and
 4. Installation details for irrigation components.
- D. **Grading Plan.** A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
1. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements, and
 2. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements.

Plan Review and Construction Inspection for Commercial, Industrial, and Institutional Projects

- A. As part of the Building Permit approval process, a copy of the Landscape Plan Documentation Package shall be submitted to San Juan County staff for review and approval before construction begins.
- B. All installers and designers shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.
- C. Following construction and prior to issuing the approval for occupancy, an inspection shall be scheduled with the San Juan County Building Inspector to verify compliance with the approved landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, contractor or landscape architect and submitted to the County.
- D. San Juan County reserves the right to perform site inspections at any time before, during

or after the irrigation system and landscape installation, and to require corrective measures if requirements of this ordinance are not satisfied.

Chapter 8: Outdoor Lighting and Sign Illumination Standards

An ordinance establishing outdoor lighting and design illumination standards in order to preserve highly-valued dark skies in the region. The ordinance applies to the non-federal lands located in the Spanish Valley within San Juan County. See Spanish Valley Zoning Map for the extents of applicability.

Permitted Signs Illumination

Scope and Applicability

Definitions

Fully Shielded Fixture Requirements

Total Light Output

Lighting Hours

Lighting Color

Specialized Outdoor Lighting Conditions and Standards

Application and Review Procedures

Amortization of Nonconforming Outdoor Lighting

Additional Images

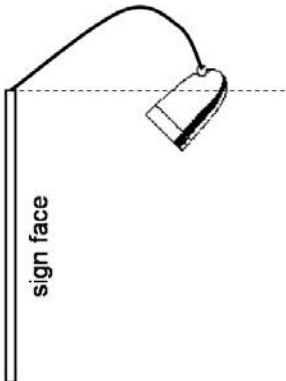
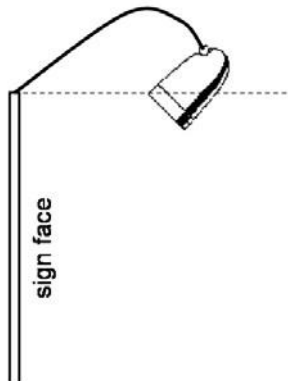
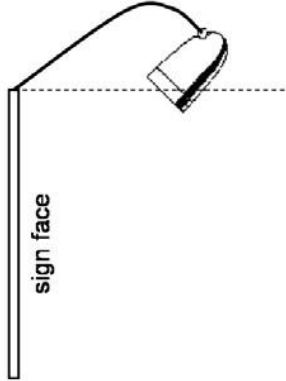
Permitted Sign Illumination

Signs may be unlighted, lighted externally, lighted internally, or backlit. All sign lighting must be designed, directed, and shielded in such a manner that the light source is not visible beyond the property boundaries where the sign is located. Lighting for signs must be directed such that only the sign face is illuminated. All lighted signs must have stationary and constant lighting. All sign lighting is included in the calculation of total light output for a property.

A. Standards for Externally Illuminated Signs:

- Lighting for externally illuminated signs must be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads or properties or into the night sky.
- Lighting for externally illuminated signs must be mounted at the top of the sign (or within 2 feet of the top of a wall mounted sign), except for freestanding monument style signs which may be illuminated by ground mounted lighting.
- Lighting shall consist of no more than four (4) individual fixtures (or lamps) per sign face and produce a maximum of 40,000 lumens per fixture.
- All sign lighting shall be included in the calculation of total light output.
- Table 8-1 shows permitted external sign lighting configurations.

Table 8-1

Permitted and Prohibited External Sign Lighting Configurations		
Allowed		Not Allowed
 <p>sign face</p> <p>Fully Shielded</p>	 <p>sign face</p> <p>Fully Shielded</p>	 <p>sign face</p> <p>Unshielded</p>

B. Standards for Internally Illuminated Signs:

- Only sign text areas and logos may be illuminated on an internally illuminated sign.
- Internally illuminated signs shall use semi-opaque materials for sign text and logos such that the light emanating from the sign is diffused. Transparent or clear materials are not allowed for sign text and logos. Non-text portions of the sign (e.g., background and graphics other than the logo) shall be made of completely opaque material.

C. Standards for Backlit Signs:

- The light source shall not be visible.
- Backlit signs shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign copy are allowed.

D. Standards for Illuminated Window Signs

- Businesses may display a maximum of two (2) illuminated window signs positioned to be primarily visible outside the business structure.
- Illuminated window signs shall not exceed four (4) square feet in area.
- Illuminated window signs shall not be illuminated when the business is closed.

Outdoor Lighting

- A. Encourage outdoor lighting practices that will minimize light pollution, glare, light trespass and sky glow to curtail the degradation of the nighttime visual environment;
- B. Prevent lighting nuisances on properties located in and adjacent to Grand County;
- C. Promote energy conservation;
- D. Improve night-time safety, utility, security, and productivity;
- E. Develop an attractive nighttime appearance in the County;

- F. Minimize lighting health risks arising from inappropriate quantities and qualities of lighting;
- G. Prevent unnecessary or inappropriate outdoor lighting;
- H. Minimize nighttime impacts on nocturnal wildlife;
- I. Facilitate the economic development potential of astro-tourism, and the enhancement of the visitor experience in the Moab Area;
- J. Maintain the rural atmosphere of the County; and
- K. Encourage quality outdoor lighting through the use of efficient bulbs and light sources, fully shielded light fixtures, and limits on the location and uses of outdoor lighting.

Scope and Applicability

- A. All lighting should be consistent with and promote the Purposes set forth in Section [6.6.1].
- B. All exterior outdoor lighting installed after the effective date of this section in all zones in the County shall conform to the requirements established by this section. This Section does not apply to indoor lighting.
- C. All existing outdoor lighting that does not meet the requirements of this Section and is not exempted by this Section shall be considered a nonconforming use or part of a nonconforming structure subject to the five (5) year amortization schedule outlined in Section [6.6.10(B)(3)] of this LUC.

Definitions

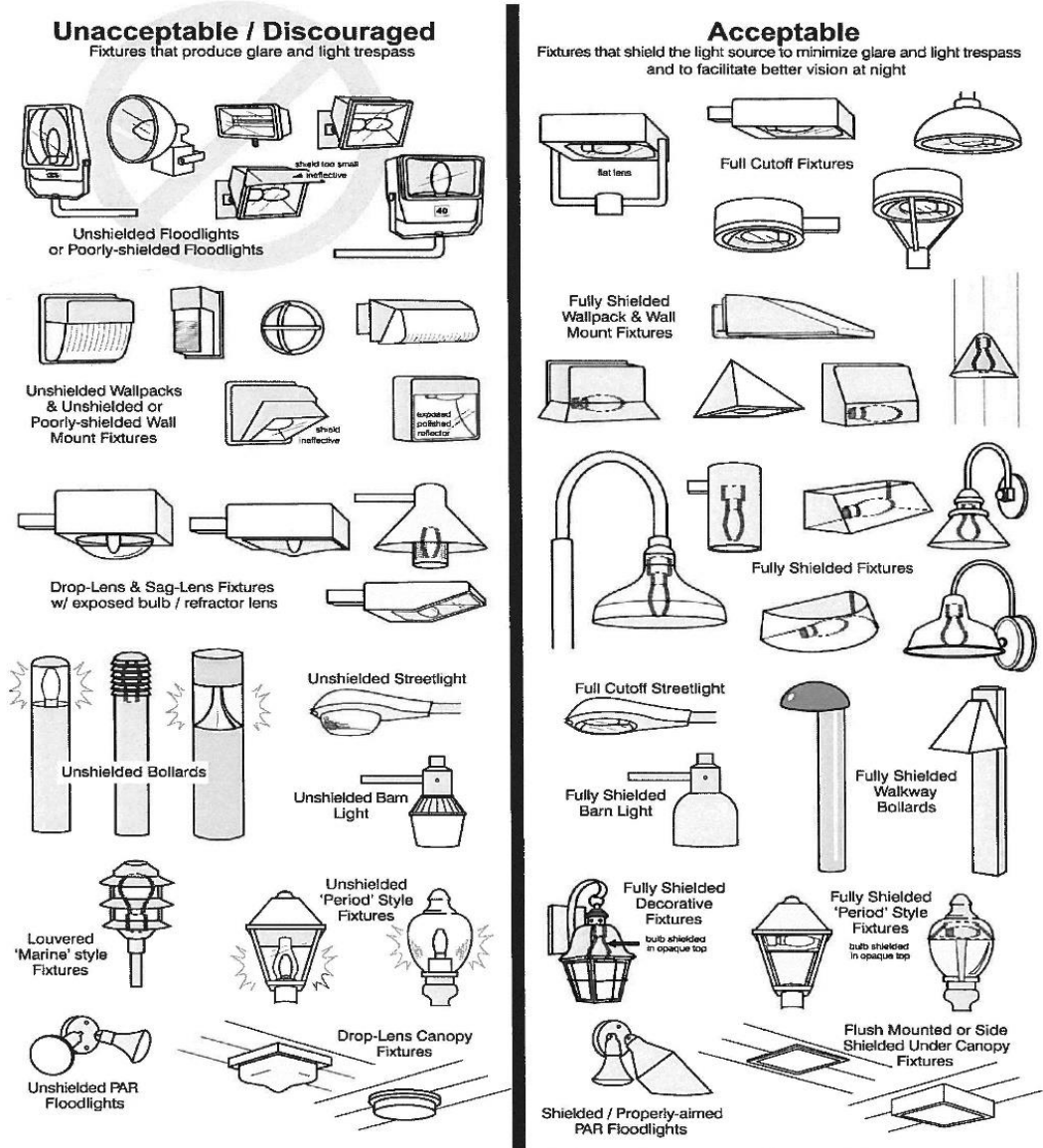
- A. “Accent or Architectural Lighting” means lighting of building surfaces, landscape features, statues, and similar items for the purpose of decoration, ornamentation, creation of visual hierarchy, sense of liveliness, or other purpose unrelated to safety, business operation, or essential lighting function.
- B. “Backlight” means all the light emanating behind a luminaire.
- C. “B.U.G. Rating” means backlight, up-light, and glare rating, which exists on a scale of zero to five (0 to 5) and describes the light output of a luminaire.



Image by City of Ft. Collins, Colorado (permission must be obtained)

- D. "Correlated Color Temperature" (CCT) is a specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees Kelvin (K). The CCT rating for a lamp is a general "warmth" or "coolness" measure of its appearance. Lamps with a CCT rating below 3,000 K are usually considered "warm" sources, while those with a CCT above 3,000 K are usually considered "cool" in appearance.
- E. "Direct Illumination" means illumination resulting from light emitted directly from a bulb, luminary, or reflector. This does not include light reflected from other surfaces such as the ground or building faces.
- F. "Fixture" means a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply."

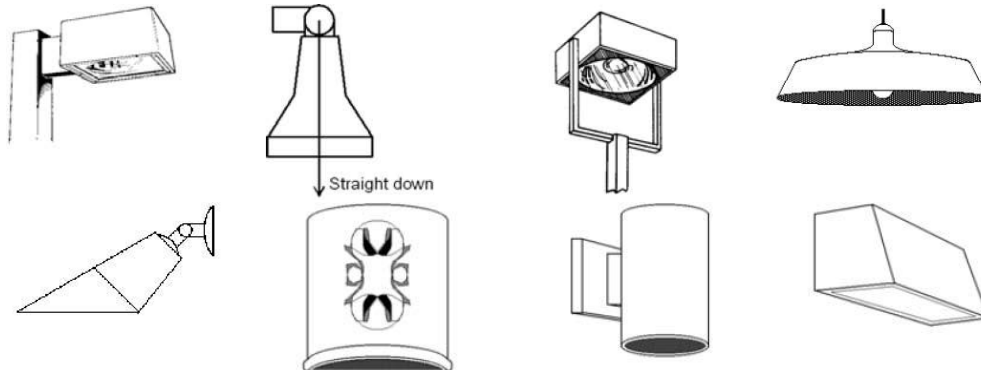
Examples of Acceptable / Unacceptable Lighting Fixtures



Illustrations by Bob Crelin © 2005. Rendered for the Town of Southampton, NY. Used with permission

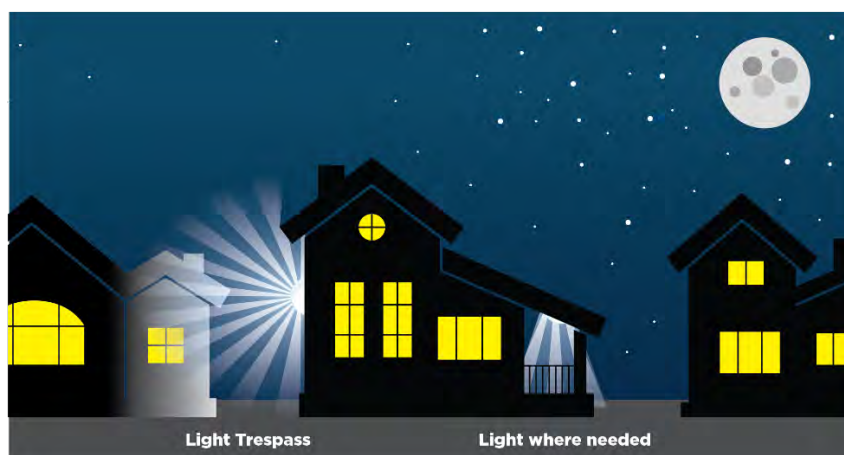
Used by premission

- G. "Floodlight" means a fixture or bulb designed to "flood" an area with light. A specific form of bulb or fixture designed to direct its output in a specific direction. Such bulbs are often designated by the manufacturer and are commonly used in residential outdoor lighting.
- H. "Fully Shielded Fixture" means an outdoor light fixture constructed and mounted so that the installed fixture emits no light above the horizontal plane. Where a light manufacturer provides a BUG rating, the uplight rating (U) must equal zero (0). Fully shielded light fixtures must be shielded in and of themselves. Surrounding structures, like canopies, are not to be considered when determining if the fixture is fully shielded. Fully shielded fixtures must be appropriately mounted so that the shielding prevents light from escaping above the horizontal and all light is directed downward.



Examples of fully shielded light fixtures

- I. "Glare" means the visual sensation caused by excessive brightness and which causes annoyance, discomfort, or a disability loss in visual performance or visibility.
- J. "Internally Illuminated" as it relates to signs, means any sign which has a light source entirely enclosed within the sign and not directly visible to the eye.
- K. "Light Pollution" means any adverse effect of manmade light. Often used to denote "sky glow" from developed areas, but also includes glare, light trespass, visual clutter and other adverse effects of lighting.
- L. "Light Source" means the part of a lighting fixture that produces light, e.g. the bulb, lamp, or chips on board.
- M. "Light Trespass" means any light that falls beyond the legal boundaries of the property it is intended to illuminate.

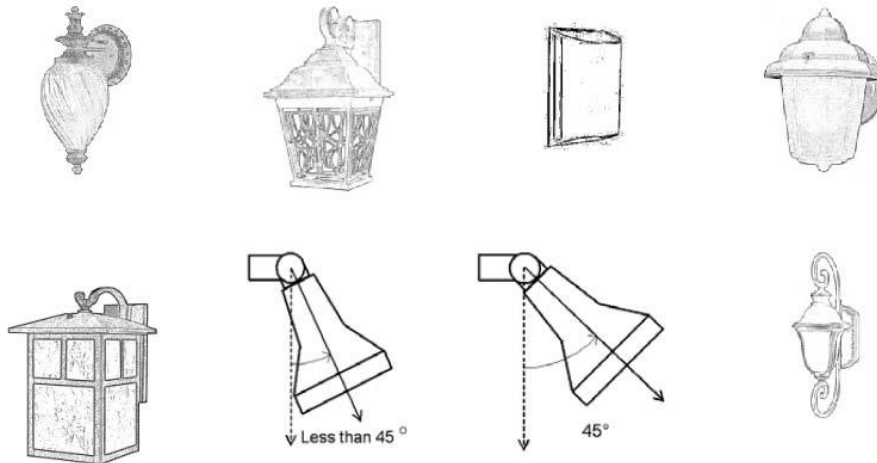


N. "Lumen" means a unit of luminous flux equal to the light emitted by a uniform point source of one candle intensity. Lumens refers to the amount of light emitted by a bulb (more lumens equals brighter light).

Brightness in Lumens	220+	400+	700+	900+	1300+
Standard	25W	40W	60W	75W	100W
Halogen	18W	28W	42W	53W	70W
CFL	6W	9W	12W	15W	20W
LED	4W	6W	10W	13W	18W

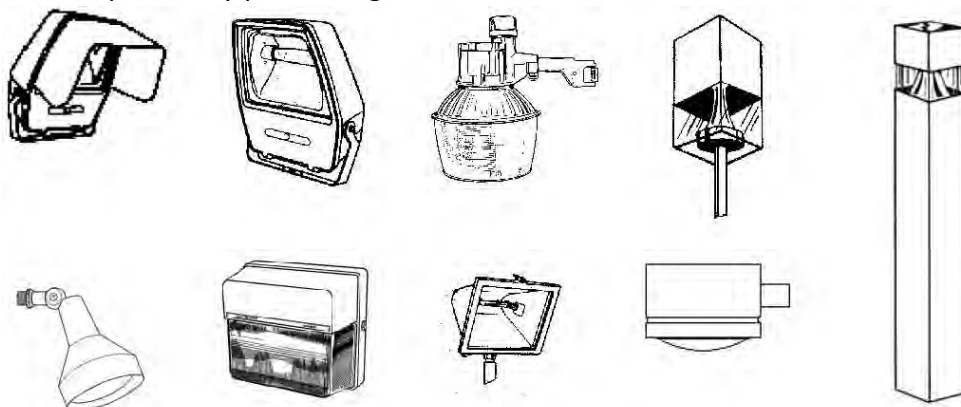
Common relationships between bulb types, wattages and lumen levels

- O. "Luminaire" means the same as "fixture."
- P. "Manufacturer's Catalog Cuts" means a publication or other printed material of a bulb or lighting manufacturer offering visual and technical information about a lighting fixture or bulb.
- Q. "Developed Acre" means the proportionate amount of an acre (43,560 square feet) of land that is converted from raw, undeveloped land into land associated with the permitted principal and accessory uses occurring on a parcel. This includes building footprints, private roads, parking lot surface areas, designated recreational areas, walking paths, stormwater detention and retention facilities, and other lands clearly related to the permitted uses on a parcel. Present and future public rights-of-way, lands with natural slopes greater than 30 percent, jurisdictional wetlands, lands in the 100 year floodplain, public drinking water supply water sources (recharge areas for the aquifer in the Glen Canyon Formation), lands affected by immitigable geo-hazards, riparian habitats, archeological sites, and required open space shall not be included in the calculation of developed acreage.
- R. "Outdoor Light Fixture" means a complete lighting unit consisting of a lamp(s) and ballast(s) (when applicable), together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. Also known as a luminaire, or simply as a fixture.
- S. "Partially Shielded Light Fixture" means an outdoor light fixture constructed and mounted so that the installed fixture emits most of its light above the horizontal plane. Where a light manufacturer provides a BUG rating, the uplight (U) and backlight (B) ratings are greater than zero (0). Light emitted at or above the horizontal plane (sideways or upwards) shall arise solely from incidental decorative elements or strongly colored or diffusing materials such as colored glass or plastic. Fixtures using spot or flood lamps are considered partially shielded if the lamps are aimed no higher than 45 degrees above the vertical plane beneath the fixture.



Examples of partially shielded lighting fixtures

- T. "Recreational Lighting" means lighting used to illuminate sports fields, ball courts, playgrounds, or similar outdoor recreational facilities.
- U. "Skyglow" means the brightening of the nighttime sky resulting from the scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the nighttime sky.
- V. "Spotlight" means a fixture or bulb designed to light a small area very brightly. See definition of Floodlight.
- W. "Total" means the sum of shielded and unshielded light.
- X. "Total outdoor light output" means the total amount of light measured in lumens from all bulbs installed in outdoor lighting fixtures. For bulb types that vary in light output as they age (such as fluorescent and high intensity discharge (HID) bulbs), the initial lumen output as defined by the manufacturer shall be the lumen value used.
- Y. "Tower" means any monopole, antenna, or the like that exceeds eighteen feet (18') in height.
- Z. "Unshielded Fixture" means a fixture that has no shielding at all that would otherwise specifically prevent light emission above the horizontal.



Examples of unshielded light fixtures

- AA. "Uplight" means all the light emanating above the horizontal plane of a luminaire.

Fully Shielded Fixture Requirements

- A. Unless specifically exempted by this Section, all outdoor lighting shall use fully shielded fixtures and shall be installed so light is directed downward with no light emitted above the horizontal plane of the fixture. Where a light manufacturer provides a BUG rating, the upright rating (U) must equal zero (0).



- B. In order to qualify as a "fully shielded" fixture, a light fixture must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as fully shielded. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a light fixture under an eave, canopy, patio cover, or other similar cover does not qualify as fully shielded.
- C. Fixtures must not be placed at a location, angle, or height that directs illumination outside the property boundaries where the light fixtures are located.
- D. Notwithstanding the exemptions in Section 6.6.4.E, all residential and commercial luminaires shall be fully shielded within twenty-five (25) feet of adjacent residential property lines.
- E. Exemptions to Fully Shielded Fixture Requirements:
- All lights exempted by this section shall be included in the calculation for total light output.
 - Fixtures having a total light output less than one thousand (1,000) lumens are exempted from the fully shielded requirement provided the following criteria are met:
 - The fixture has a top that is completely opaque such that no light is directed upwards.
 - The fixture has sides that completely cover the light source and are made of opaque or semi-opaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light. Semi-opaque material such as dark tinted glass or translucent plastic may be used

if the light source is not discernable behind the material. Completely transparent materials, such as clear or lightly tinted colored glass, are not allowed.

- The light source must not be visible from any point outside the property on which the fixture is located.
- Spotlights controlled by motion sensors having a light output less than one thousand (1,000) lumens per lamp are exempted from the fully shielded requirement provided:
 - The fixture is a spotlight or other type of directed light that shall be directed straight down; and
 - The fixture must not be placed in such a manner that results in illumination being directed outside the property boundaries where the light fixtures are located.
 - Lights controlled by motion sensors shall not be triggered by movement or activity located off the property on which the light is located.
- Pathway lights less than eighteen inches (18") in height are exempted from the fully shielded fixture requirement, if the total light output from each pathway light is less than three hundred (300) lumens.
- Temporary exterior lighting intended as holiday or seasonal decorations displayed between November 15 and the following January 15, provided that individual lamps do not exceed 70 lumens and neither cause light trespass nor interfere with the reasonable use and enjoyment of any other property.
- Traffic control signals and devices.
- Temporary emergency lighting in use by law enforcement or government agencies or at their direction.
- The lighting of federal or state flags, provided that the light is a top-down and narrow beam aimed and shielded to illuminate only the flag.

Total Light Output

- A. Commercial. Total outdoor light output shall not exceed fifty thousand (50,000) lumens per developed acre. Streetlights used for illumination of public rights-of-way are excluded from this calculation. Commercial developments shall be permitted a minimum of 5,000 lumens of lighting regardless of parcel size.
 - In non-residential zone districts, partially and unshielded lighting on a property shall not exceed 5,000 lumens per developed acre, and shall be included in the total outdoor light output calculation
- B. Residential. Total outdoor light output shall not exceed ten thousand (10,000) lumens of lighting for parcels one-half (acre), or larger, in size. Parcels smaller than one-half (1/2) acre shall be permitted five thousand (5,000) lumens of lighting regardless of parcel size. Total outdoor light output of any multifamily residential development including five (5) or more separate lots or units shall not exceed twenty thousand (20,000) lumens of lighting per developed acre.

- In residential zones, partially and unshielded lighting on a property shall not exceed 1,000 lumens per lot and shall be included in the total outdoor light output calculation.
- Residential units used for overnight accommodations or other commercial uses shall comply with the residential standards for total light output.

Lighting Hours

- A. Commercial establishments shall turn off all outdoor lighting, except that listed below, by twelve o'clock (12:00) midnight:
 - Businesses open to the public after twelve o'clock (12:00) midnight may leave all outdoor lighting on until one hour after the close of business.
 - Lighting to illuminate the entrance to the commercial establishments.
 - Parking lot and pathway lighting required for the safety of guests or customers.
- B. Recreational lighting (residential and commercial) shall be turned off by ten o'clock (10:00) P.M. or one hour after conclusion of a specific sporting event, whichever is later.

Lighting Color

All exterior lighting shall utilize light sources with correlated color temperature not to exceed 3,000 Kelvin (K).

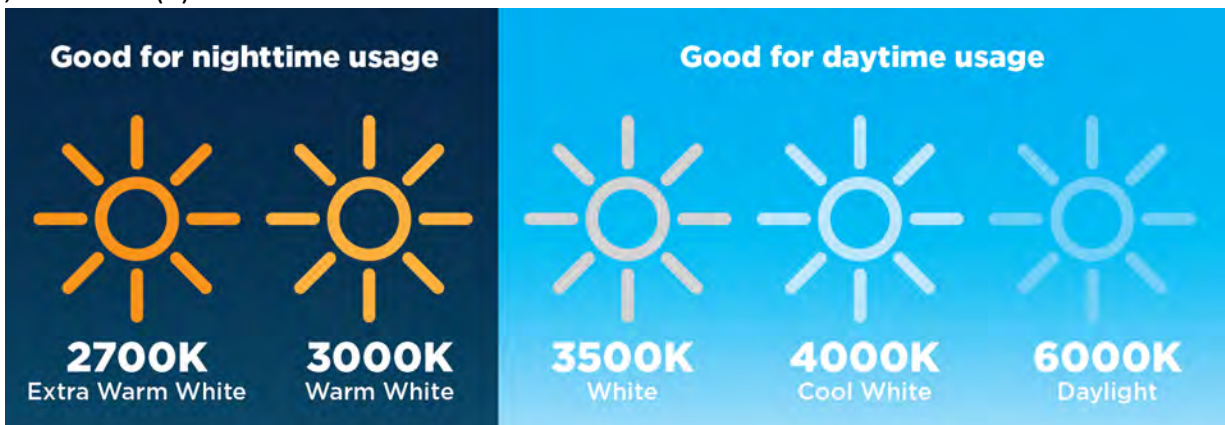


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Specialized Outdoor Lighting Conditions and Standards

- A. Gas station canopies may be illuminated provided all light fixtures are mounted on the undersurface of the canopy and all light fixtures are fully shielded. Merely placing the fixtures on the underside of the canopy does not qualify as fully shielding the light fixture.
- B. Roadway and streetlights are prohibited unless recommended by the County engineer or required by UDOT to provide for the safety of the public. When deemed necessary, streetlights shall utilize lamp types that are fully shielded luminaires that minimize sky glow, light trespass, and other unintended impacts of artificial lighting. All streetlights shall utilize the lowest illuminance levels acceptable to the County engineer and UDOT.
- C. Parking lots may not utilize spot or flood lighting whether mounted on a post or exterior building wall. The overall height of any light post used to illuminate parking lots in

commercial zones shall not exceed twenty-five feet (25'). All post mounted parking lot lights shall be set back from property lines a distance equal to two and one-half (2.5) times the height of the pole unless an internal or external shield prevents the fixture being visible from outside the property boundaries. The overall height of any light post used to illuminate parking lots in residential zones shall not exceed twenty-five feet (25'). All parking lot lighting shall use fully shielded downward directed fixtures. Internal or external shields shall prevent the fixture being visible from outside the parking lots.

- D. Outdoor recreation areas or athletic fields at publicly owned facilities may use illumination to light the surface of play and viewing stands and for the safety of the public. The following standards shall apply to outdoor recreation area or athletic field lighting:
- The recreational lighting does not exceed illuminance levels for class IV sports lighting set by the Illuminating Engineering Society of North America.
 - The recreational lighting provides illuminance for the surface of play and viewing stands, and not for any other areas or applications.
 - Off-site impacts of the lighting will be limited to the greatest practical extent possible
 - The lighting for areas or applications outside the surface of play and viewing stands shall conform to all provisions in this Section.
 - The recreational or athletic facility shall extinguish lighting exempted by this section no later than 10:00 pm or one hour after the end of play, whichever is later.
 - The recreational lighting shall have timers that automatically extinguish lighting to ensure lights are not left on after the curfew or when the facilities are not in use.
- E. Outdoor amphitheatres may use illumination to light the performance area of the amphitheater and for the safety of the public. The following standards apply to all amphitheater lighting:
- Lighting used to illuminate the performance area must be either directed spotlighting or fully shielded lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.
 - Lighting used to illuminate the performance area may only be turned on during performances or rehearsals.
 - Lighting used to illuminate the seating areas, pathways, and other areas of the amphitheater must meet all standards of this Section.
- F. Special events may use illumination to light the event area and for the safety of the public. The following standards apply to all amphitheater lighting:
- Lighting used to illuminate the event area must be either directed spotlighting or fully shielded lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.
 - Lighting used to illuminate the event area may only be turned on during the hours event activities are open to the public or paying guests.
 - Lighting used to illuminate the seating areas, pathways, and other areas of the event must meet all standards of this Section.
- G. All illuminated signs shall comply with the standards of Section 6.5.

Application and Review Procedures

A. Lighting Plan

- All sign permit applications, subdivision applications, site plan applications, building permit applications, and other development review applications within any zone district shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources comply with this code. Lighting plans shall include the following:
 - Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of illumination devices, lamps, supports, shielding and reflectors used and installation and electrical details.
 - Illustrations, such as contained in a manufacturer's catalog cuts, of all proposed lighting fixtures. For commercial uses, photometric diagrams of proposed lighting fixtures are also required. In the event photometric diagrams are not available, the applicant must provide sufficient information regarding the light fixture, bulb wattage, and shielding mechanisms for the planning commission to be able to determine compliance with the provisions of this Section.
 - A table showing the total amount of proposed exterior lights, by fixture type, wattage, lumens, and lamp type.

Approval Procedure

- A. The lighting plan for all new development shall be submitted for approval concurrent with the associated application process.
- B. A certificate of occupancy shall not be issued until such time as the property is subject to a post installation nighttime inspection by the Planning and Zoning Administrator or other county staff.

Amortization of Nonconforming Outdoor Lighting

- A. San Juan County shall require the termination of use of any and all nonconforming outdoor lighting fixtures, structures, lamps, bulbs or other devices that emit or generate light which are not otherwise exempted by this ordinance, pursuant to the amortization schedule contained in this ordinance.
- B. All outdoor lighting legally existing and installed prior to the effective date of this Section, and which is not otherwise exempted, shall be considered nonconforming and shall be brought into compliance by the property owner as follows:
 - Immediately as a condition for approval upon application for a building permit, sign permit, conditional use permit, new (nonrenewal) business license, site plan review or similar County permit or review.
 - Immediately in the case of damaged or inoperative nonconforming lighting upon replacement or repair.
 - Within five (5) years from the effective date of this Section for all other outdoor lighting.

Chapter 9 Spanish Valley Sign and Display Requirements

An Ordinance Creating the *Spanish Valley Sign Requirements* of the San Juan County Land Use Ordinance for the purpose of managing the design and implementation of signs and displays in the non-federal lands in northernmost portion of the San Juan County Spanish Valley. The ordinance applies to all lands in the Spanish Valley, as indicated in the Spanish Valley Zoning Map.

Purpose

Definitions

Application and Enforcement

Specific Regulations by Spanish Valley Zoning District

Design Standards for Commercial Signs

General Conditions

Maintenance of Legal Non-conforming Signs

Non-conforming Signs

Prohibited Signs

Variances and Appeals

Safety and Livability Considerations

Purpose

It is in the best interest of the health, safety and welfare of the citizens of San Juan county and the Spanish Valley to regulate signage and advertising, the following regulations are created to

- eliminate potential hazards to motorists and pedestrians; to encourage signs which are integrated with and harmonious to the buildings, setting and sites which they occupy;
- encourage legible signage through the use of excessive and confusing sign displays, thus reducing driver inattention;
- preserve and improve the appearance of the Spanish Valley as a place in which to live and to work, and to create an attraction to non-residents who come here to visit or trade;
- allow each individual business to clearly identify itself and the goods and services which they offer; to safeguard and enhance property values; and
- protect public and private investment in buildings and open space; and

Definitions

The change or rearrangement in the structural part of its design, whether by extending on a side, increasing in area, width or height, or moving from one location or position to another.

Awning

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

Building, Front Line of

The line of that face of the building or structure nearest the front line of the lot. This face includes sun parlors, bay windows, covered and/or uncovered porches, whether enclosed or unenclosed, but does not include uncovered steps less than four feet (4') above grade and eaves overhanging less than two feet (2').

Building Line

A vertical surface intersecting the ground along a line at which the front of the building occupies the lot on which it is constructed.

Code Enforcement Officer

The appropriate officer(s) employed by the San Juan County authorized to enforce this chapter.

Electronic Message Center (EMC)

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

Electronic Message Sign View Area

The view area for any EMS shall be measured as follows: beginning from the outside edge of the sign face, measure one hundred fifty feet (150') to each side, then measure at a ninety degree (90°) angle three hundred feet (300') in the direction that the sign is facing, and ninety degree (90°) angle until the two (2) lines intersect.

Face of Sign

The entire area of a sign upon, against or through which any copy, electronic images, graphics or pictures, with or without textual information is placed.

Lot, Corner

A lot abutting on two (2) intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees (135°).

Marquee

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

Monument Sign

A sign whose base is approximately seventy-five percent (75%) of the width of the sign and is permanently set on the ground and has an opaque pedestal as part of the sign foundation

which conceals any pole support. Upon approval of the community development director, and where pole supports are not visible, the opaque pedestal may be omitted.

Nonconforming Sign

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

Point of the Beginning or End of Pavement Widening

Ending of pavement widening is that point when the pavement of an interstate highway acceleration or entrance lane fully narrows to the normal width of the main travel lanes. Beginning of pavement widening is that point when the pavement of an interstate highway deceleration or exit lane begins to widen from the normal width of the main travel lanes.

Sign

Means and includes every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, object, device, medium, conveyance or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. The definition of "sign" shall also include the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers. This does not include any flag, badge or ensign of any government or governmental agency erected for and used to identify said government or governmental agency.

Sign, A-frame

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

Sign, Animated

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

Sign Area

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

Sign, Electronic Display Screen

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

Sign, Electronic Message Center

Any sign or portion of a sign, that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed.

Sign, For Sale

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

Sign, Freestanding

A sign supported by a fixed permanent frame or support in the ground.

Sign, Illuminated

A sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

Sign, Lighted

A sign made legible in the absence of daylight by devices which reflect or project light upon it.

Sign, Low-Profile

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

Sign, Off-Premises

advertising sign which directs attention to a use, product, commodity or service not related to the premises.

Sign, Projecting

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

Sign, Property

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

Sign, Roof

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

Regulations and Enforcement

A. *Compliance Required:*

Except as provided in this chapter, no sign shall be erected, raised, moved, extended, enlarged or altered, or have the text of the sign changed, except in conformity with the regulations herein specified for the zone in which it is located.

B. *Construction Standards:*

All signs hereinafter erected in the county shall comply with current standards of the national electrical code, all provisions of this chapter and other applicable ordinances of the county. All component parts shall be equal to Underwriters Laboratories labeled products.

C. *Enforcement:*

The code enforcement officer shall be vested with the duty of enforcing the zoning ordinance and in performance of such duty, he shall be empowered and directed to:

1. *Issue Permits:* Issue permits to construct, alter or repair signs which conform to the provisions of this chapter.
2. *Determine Conformance:* Ascertain that all signs, construction and all reconstruction or modification of existing signs are built or constructed in conformance to the zoning ordinances, building restrictions and building codes.
3. *Issue Citations and Complaints:* Issue citations and/or complaints against violators of this chapter.

D. *Inspections:* The code enforcement officer shall make an initial inspection upon the completion of construction, erection, re-erection or remodeling of any sign for which a permit has been issued and an inspection request is made.

E. *Sign Classification:* Every sign erected or proposed to be erected within the county shall be classified by the code enforcement officer in accordance with the definitions of signs contained in **Penalties** section of this chapter. Any sign which does not clearly fall within one of the classifications shall be designated to the classification that it most nearly approximates in the opinion of the code enforcement officer in view of its design, location and purpose.

F. *Legal Action:* The code enforcement officer shall be empowered to institute appropriate action or proceedings in any case where any sign is erected, constructed, altered, repaired, converted or maintained, or in any case where any sign is used in violation of any county ordinance, including, but not limited to, the zoning ordinance, to accomplish the following purpose: 1) to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; and 2) to restrain, correct or abate such violation.

1. *Issue Notice of Violation:* The code enforcement officer will cause a notice of violation to be issued to the person having charge or control or benefit of any sign found by him to be unsafe or dangerous or in violation of the zoning ordinances of the county.

2. *Abate And Remove Unsafe Or Dangerous Sign:* If an unsafe or dangerous sign is not repaired or made safe within five (5) working days after giving said notice, the code enforcement officer shall have the right to at once abate and remove said sign, and the person having charge, control or benefit of any such sign, shall pay to the county within thirty (30) calendar days after written notice is mailed to such person, the costs incurred in such removal.
 3. *Abate And Remove Illegal Sign:* If an illegal sign is not made conforming within thirty (30) calendar days after giving said notice, the code enforcement officer shall have the right to at once abate and remove said sign, and the owner or person having charge, control or benefit of any such sign, shall pay to the county within thirty (30) calendar days after written notice is mailed to such person, the costs incurred in such removal.
 4. *Immediate Removal Authorized:* In the case of an unsafe or illegal sign that is either an immediate hazard or whose primary purpose will have been served, at least in part, before the expiration of the notice period required herein, the code enforcement officer may effect an immediate removal without notice, subject to a subsequent right of hearing by the person receiving benefits therefrom.
 5. *Notice Of Non-maintained Abandoned Sign:* The code enforcement officer shall require each non-maintained or abandoned sign to be removed from the building or premises when such sign has not been repaired or put into use by the owner, person having control or person receiving benefits of such structure within thirty (30) calendar days after notice of non-maintenance or abandonment is given to the owner, person having control or person receiving benefit of such structure.
 6. *Notification:* Notification by the county to persons having charge or control or benefit of any sign found by the code enforcement officer to be unsafe or dangerous or in violation of the zoning ordinance of the county and where the county is contemplating removal of said sign, shall be accomplished by the county utilizing written notice sent according to the administrative code enforcement ordinance.
 7. *Penalty as Alternative:* The code enforcement officer shall have discretionary right to enforce removal or alteration of an unsafe or illegal sign by applying the penalty as provided in the **Penalties** section of this chapter as an alternative to the abatement procedures as provided.
- G. *Right of Appeal:* Any person who has been ordered by the code enforcement officer to alter or remove any sign, or any person whose application for a sign permit has been refused, may appeal to the Planning Commission by serving a written notice to the county within ten (10) days of the order of the code enforcement officer. Such notice shall be considered by the Planning Commission at its next regularly scheduled meeting. Upon filing of said notice of appeal, the code enforcement officer shall take no further action with regard to the removal of the sign involved until the final decision of the Planning Commission on the appeal is known, unless the code enforcement officer finds that the sign involved, by reason of its condition, presents an immediate and serious danger to the public, or comes within the provisions of subsection F4 of this section, in which case he shall proceed immediately as provided in this chapter.

- H. **Application Requirements:** All applications for sign permits shall be accompanied by a plan and elevation drawing. The drawings shall be provided digitally in PDF format in a minimum 8 1/2" x 11" format. The plat information shall include sufficient information so that the code enforcement officer can determine whether the proposed sign conforms with the provisions of this chapter.
1. *Plot Plan Requirements:* Specifically, the plat shall show the size of the sign and its location relationship to the following features of the site:
 - Property lines;
 - Existing and proposed buildings or other structures;
 - Control curbs;
 - Parking areas.
 2. *Elevation Drawing Requirements:* Specifically, the elevation drawing shall show the following information:
 - Type of sign;
 - Sign display;
 - Sign height;
 - Sign area.
- I. *Sign Permit Required:* It shall be unlawful for any person, whether acting as owner, occupant or contractor, or otherwise, to erect, construct, reconstruct, enlarge, locate or alter any sign within the county without first obtaining a sign permit from the county unless exempted from this requirement in this chapter.
- J. *Fee Schedule:* A fee as established by the County Commission shall be paid to the county for each sign permit issued under this chapter. The fee will cover the cost of issuance, including the inspection tag.

Specific Regulations by Specific Spanish Valley Zoning District

No person shall install or maintain any sign in the county in the following Spanish Valley Zoning District except as herein provided. Signs not allowed in the following subsections are specifically prohibited:

A. Spanish Valley Residential District

The following provisions regulate signs in the *Spanish Valley Residential District*.

1. *Low Profile Signs:* Two (2) permanent low profile identification signs which state the official name of the residential subdivisions with will be allowed for residential developments; provided, that these signs conform to the following regulations:
 - Shall be located at the entrance of the residential subdivision and be a minimum of ten feet (10') from front property lines.
 - Shall be incorporated into a landscape design scheme.
 - Shall be limited to a maximum of three feet (3') in height from finished grade.
 - Shall be limited to sixteen (12) square feet in area for each sign.
 - Shall be limited to only two (2) signs per subdivision.
 - Shall contain no animation.
 - May not be illuminated.

2. *Promotional Signs for Residential Developments:* Promotional signs shall be allowed for residential developments to promote, market and advertise the entire development offering the property for sale and providing pertinent sales information to the public. Promotional signs are not allowed for the sale of individual lots, homes, or a portion of the development.
 - Signs shall not exceed six feet (6') in height and must be located within the boundaries of the development a minimum of ten feet (10') from a street, shall not project into or be installed on any public right-of-way and shall not be located within required intersection clear view zones. The signs shall be temporary and shall be removed when all original lots have been sold.
 - Residential developments may have up to two (2) signs offering the project for sale or inspection by the public.
3. *Property Signs; For Sale, Lease, Or Rent:* One temporary on-premises sign identifying the lot or offering the premises for sale, lease, rent, or inspection by the public is permitted and shall not exceed twelve (12) square feet in size. Such sign may be double faced or may be a movable freestanding sign and includes advertising for a model home or an open house at the premises.

B. *Spanish Valley Planned Community, Highway Commercial and Flex Districts*

The following provisions regulate signs apply to residential developments in the *Spanish Valley Planned Community and Flex Districts*.

1. *Low Profile Signs:* Two (2) permanent low profile identification signs which state the official name of the residential subdivisions with will be allowed for residential developments; provided, that these signs conform to the following regulations:
 - Shall be located at the entrance of the residential subdivision and be a minimum of ten feet (10') from front property lines.
 - Shall be incorporated into a landscape design scheme.
 - Shall be limited to a maximum of three feet (3') in height from finished grade.
 - Shall be limited to sixteen (12) square feet in area for each sign.
 - Shall be limited to only two (2) signs per subdivision.
 - Shall contain no animation.
 - May not be illuminated.
2. *Promotional Signs for Residential Developments:* Promotional signs shall be allowed for residential developments to promote, market and advertise the entire development offering the property for sale and providing pertinent sales information to the public. Promotional signs are not allowed for the sale of individual lots, homes, or a portion of the development.
 - Signs shall not exceed six feet (6') in height and must be located within the boundaries of the development a minimum of ten feet (10') from a street, shall not project into or be installed on any public right-of-way and shall not be located within required intersection clear view zones. The signs shall be temporary and shall be removed when all original lots have been sold.

- Residential developments may have up to two (2) signs offering the project for sale or inspection by the public.
3. *Property Signs; For Sale, Lease, Or Rent:* One temporary on-premises sign identifying the lot or offering the premises for sale, lease, rent, or inspection by the public is permitted and shall not exceed twelve (12) square feet in size. Such sign may be double faced or may be a movable freestanding sign and includes advertising for a model home or an open house at the premises.

The following provisions regulate signs located in non-residential developments in *Planned Community, Highway Commercial and Flex Districts*

1. *Freestanding Signs:* Freestanding signs are permitted subject to the following provisions:
- *Number:* Each parcel of property or commercial complex may have one freestanding sign. One additional freestanding sign is permitted if the property or complex has more than three hundred feet (300') of frontage on a dedicated public street. Where two (2) or more freestanding signs are constructed, they shall be separated by at least one hundred feet (100'). The second pole sign shall not be higher than seventy percent (70%) of the allowed height of the first sign. A third freestanding sign is allowed for properties with more than six hundred feet (600') of frontage on a dedicated street. The fourth freestanding sign, or additional freestanding signs, must be approved by the Planning Commission.
 - *Location:* Freestanding and projecting signs shall not project into or over any public street right-of-way. Projecting signs may project a maximum of four feet (4') from the building provided such projecting sign has a minimum ground clearance of ten feet (10') over any sidewalk or street right-of-way. Also, awning signs within the downtown historic district may project over the street right-of-way provided there is a minimum ground clearance of eight feet (8').
 - *Height:* Freestanding signs shall not exceed the following heights:
 - Signs located within five hundred feet (500') of US-191 shall not exceed thirty-feet (30') in height.
 - Where two (2) or more pole type signs are allowed, subsequent signs shall not exceed seventy percent (70%) of the allowed height of the main sign.
 - The height of signs located on all other streets shall not exceed ten feet (10') from the adjacent natural grade.
 - Where the natural grade at the sign location is below the curb elevation, the height may be measured from the curb height, provided the overall sign height is not increased by more than five feet (5'), and the sign is within thirty feet (30') of the curb or right-of-way boundary.
 - *Size:* The area of freestanding signs shall not exceed the following:
 - Single tenant freestanding signs within 500' of US-191 shall not exceed seventy-five (75) square feet or one square foot of sign area per linear foot of

street frontage up to one hundred twenty (120) square feet maximum per sign face.

- Multi-tenant signs may have one and one-half (1 1/2) square feet of sign area per linear foot of street frontage up to two hundred (200) square feet maximum. A single multi-tenant sign may be allowed up to three hundred (300) square feet if the following occurs:
 - The sign permit is approved subject to a condition which precludes the installation of another freestanding sign; and
 - The sign area does not exceed one and one-half (1 and 1/2) square feet per linear foot of street frontage. US-191 may have two (2) square feet of sign area per linear foot of street frontage, up to three hundred (300) square feet maximum.
 - On corner lots, the street frontage used to determine size of the primary sign shall be limited to the street upon which the building fronts. Measurement of the street frontage shall include the actual frontage measured to the midpoint of the corner radius. A secondary sign may be allowed on the side street, and its size shall be based on the frontage of the side street.
2. *Animated Signs:* Animated signs are not be permitted
 3. *Entrance and Exit Signs:* One entrance and exit sign shall be permitted at each driveway entering or leaving the premises. Such signs shall not exceed six (6) square feet in area nor be more than four feet (4') in height from the ground.
 4. *Wall Signs:* Wall signs which are permanently attached or painted with a projection of less than twenty four inches (24"), shall be permitted; provided, that the area of any such sign shall not exceed twenty percent (20%) of the face of the front wall to which it is attached, nor more than ten percent (10%) of the face of a side or rear wall; and further provided, that it does not rise above the roofline or parapet wall.
 5. *Property and Project Construction Signs*
 - No more than two (2) signs offering the premises for sale, lease or inspection by the public shall be permitted; provided, that the total area of each sign does not exceed thirty-two (32) square feet. Said signs may be modified to indicate that the property has been sold.
 - A project construction sign or "coming soon" promotional sign of up to sixty-four (64) square feet may be allowed within sixty (60) days of obtaining a building permit for such project. Such sign shall be removed within one year from the date the sign was erected.
 6. *Premises Signs:* Off-premises signs are not be permitted.
 7. *Roof Signs:* Roof signs shall conform to the following provisions:
 - Roof signs shall not be higher than the roofline or parapet wall and shall not be larger than twenty percent (20%) of the wall face of the building.
 - All roof signs shall be installed or erected in such a manner that the support structure or brace is covered and screened from public view to the extent reasonable to do so.
 - Roof signs shall not be animated.

8. *Projecting Signs:* Projecting signs attached to a building shall comply with the following conditions:
- Signs projecting over public property may not project more than four feet (4') from a wall of a building, nor project closer than three feet (3') to the back of the curb. A minimum clearance of ten feet (10') above the sidewalk must be maintained.
 - Signs projecting over private property may not project more than six feet (6') from a wall of a building.
 - Signs shall not extend above the roofline.
 - No more than one projecting sign per tenant space and only at the ground level of the building.
 - The maximum sign area for projecting signs shall be one square foot of sign area for each linear foot of building frontage up to a maximum of thirty two (32) square feet per sign face (64 square feet maximum for both sides of a projecting sign).
9. *Special Standards:* The following special standards for commercial signs shall apply for all signs more than 500' from US-19.
- *Freestanding Signs; Design Standards:* Freestanding signs are hereby limited to monument and low profile pole type signs with the following design standards:
 - *Height:* The maximum height of the sign shall not exceed ten feet (10') from adjacent natural grade. Where the natural grade at the sign location is below the curb elevation, the height may be measured from the curb or adjacent roadway height, provided the overall sign height is not increased by more than five feet (5'), and the sign is within thirty feet (30') of the curb.
 - *Size:* A monument or low profile pole type sign shall be limited in size to seventy-five (50) square feet for properties with up to one hundred feet (100') of frontage on a public road. An additional one square foot of sign area may be allowed for each additional two feet (2') of public road frontage up to a maximum size of one hundred twenty (90) square feet per sign
 - *Location:* Signs must be located on private property and not within any public right-of-way. Signs shall not obstruct visibility at driveway entrance and exits, intersections and other points along the roadway.
 - *Number:* Each parcel of property or commercial complex may have one monument or low profile pole type sign. One additional monument or low profile pole type sign is permitted if the property has more than two hundred feet (200') of frontage on a public street. Where two (2) freestanding signs are constructed, they shall be separated by at least one hundred feet (100'). A third monument or low profile pole type sign is allowed for properties with more than four hundred feet (400') of frontage on a dedicated public street, and a fourth monument or low profile pole type sign is permitted for properties with six hundred (600) or more feet of public road frontage.
 - *Sign Materials:* Sign materials shall be similar to or compatible with the structure which they identify. Signs shall be constructed predominantly of

natural materials such as redwood, ceramic tile, masonry, stucco, stone, weathering steel or materials which simulate the referenced materials.

- *Color:* Bright day-glow or fluorescent colors are prohibited. Letters should provide sufficient contrast to be easily legible. Overall color schemes should complement the color scheme of the building. Registered national trademarks are permitted as part of the sign.
10. *Entrance, Exit Signs; Roof Signs and Projecting Signs:* Entrance and exit signs, wall signs, roof signs and projecting signs are permitted subject to provisions contained elsewhere in this chapter.

Design Standards for Commercial Signs

- A. *Pole Sign Design Standards:* The following design standards are mandatory:
1. *Sign Cabinets:* Sign cabinets shall be integrated into a uniform sign, rather than added to a pole in an ad hoc manner. The modification or addition of a sign cabinet to an existing pole sign with two (2) or more independent sign cabinets shall be subject to review and approval by the community development director, who may at his/her discretion, refer the permit to the Planning Commission for approval.
 2. *Painted Plywood Signs:* Plywood signs are not permitted for permanent signs, unless approved by the Planning Commission. Sandblasted wood signs are permitted provided they are not higher than ten feet (10'), subject to review and approval by the community development director.
 3. *Cladding:* All poles supporting signs shall be cladded as a means to improve the appearance of the sign by:
 - Proportionately increasing that portion of the structure that anchors the sign to the ground; and
 - Providing a material on the support structure that complements the building architecture.
 - Cladding shall primarily be wood, stucco, brick, or rock, duplicating materials which are used on the main building. Metal products may be used if the metal replicates the appearance of a natural material.
 - Cladding is not required, if in the opinion of the community development director, the sign contains unique elements that result in a creative flair or defines a product or service with unique design, and the cladding would detract from the creativity of the design.
 4. *Pole Transition:* There shall be a transition between the pole and sign it supports, wherein the cladded pole(s) is widened at the base of the sign to at least fifty percent (50%) of the width of the sign it supports. (See exhibit A attached to the ordinance codified herein.) A transition is not required, if in the opinion of county planning staff, the sign contains design elements which serve a similar purpose and results in an aesthetic sign.
 5. *Sign Colors:* The exterior surface of the sign structure and frame (excluding sign face), shall have colors similar to the adjacent building or have earth tone colors including black, browns and grays.

6. *Landscaping*: Landscaping shall be provided at the base of the sign at a ratio of ten (10) square feet for every one-foot (1') of sign width, with fifty percent (50%) of the landscaped area containing live plant material. The plant materials used shall be expected to mature to heights of one foot (1') or greater. Where a hardship can be demonstrated, the Planning Commission may modify or waive this requirement.
 7. *Flag Lots*: Businesses on flag lots (i.e., lots with narrow frontage on a public road compared to overall lot size) may be allowed a pole sign larger than the minimum size of seventy-five (75) square feet, provided the Planning Commission determines that the size of the sign is in harmony with the intent of this chapter and the size is in keeping with the building and lot size.
- B. *Sign Guidelines*: The following guidelines are desired and encouraged, but are not mandatory:
1. *Theme and Plan*: Where feasible, signs shall be incorporated into a landscape theme and be part of an overall design plan for the property. Aesthetic appeal is a high priority.
 2. *Height*: As a general principle, signs should be no higher than the adjacent building for which it advertises. However, along US-191 the sign may be taller than the adjacent building in order to provide better visibility but shall not be higher than the maximum height limits set forth in this chapter.

General Conditions

- A. *Signs Not To Constitute Traffic Hazard*: No sign or other advertising structure shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device, or which makes use of the words "stop," "drive in," "danger" or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic. In general, no sign shall be placed within a triangular area with legs thirty feet (30') in length measured along the property lines at a corner.
- B. *Awnings Over Public Property*: Awnings over public property shall conform to all provisions of the International Building Code governing such structures. It shall maintain a minimum eight foot (8') clearance above the sidewalk or public property and shall have no signs affixed to the awnings or their supports.
- C. *Temporary Signs*:
 1. Any sign, banner, or advertising display intended to be displayed out of doors for promotional or other temporary use, shall be considered to be a temporary sign and shall be permitted subject to all provisions of this chapter and provisions contained in the county temporary banner policy.
 2. Banners shall be allowed according to the county policy regarding temporary banners. The banner policy is available through the community development department. It shall be the responsibility of the applicant to remove temporary banners upon expiration of the permit period.

- D. *Maintenance*: Every sign shall be kept in good condition as to maintenance and repair, including the replacement of defective parts, repainting and cleaning. The ground space within a radius of ten feet (10') from the base of any ground sign shall be kept free and clear of all weeds, rubbish and inflammable material. The code enforcement officer shall inspect and enforce this pursuant to enforcement requirements of this chapter.
- E. *Sign Removal*: Signs identifying a discontinued use on the property shall be removed from the property within thirty (30) calendar days of the time the use was discontinued and shall thereafter be considered to be abandoned.
- F. *Repair of Building Facade*: A damaged building facade as the result of the removal, repair, replacement or installation of any signs shall be repaired by the property owner within thirty (30) calendar days of the time the use was discontinued.
- G. *Moving to New Location*: No sign erected before the adoption of this chapter shall be moved to a new location on the lot or building, or enlarged, or replaced, unless it be made to comply with provisions of this chapter.
- H. *Ownership*: The imprint of the sign owner and sign erector of all signs shall be in plain and public view. Signs not carrying such an imprint will be presumed to be owned by the person in possession of the property on which the sign is located.
- I. *Lights and Lighted Signs*
See **Spanish Valley Outdoor Lighting and Sign Illumination Standards** for requirements.
- J. *Planned Development Layout Location Signs*: The purpose of the layout sign is to aid emergency personnel and visitors to quickly and efficiently locate a particular address or unit. For planned developments with a common address for multiple units there shall be a permanent sign located at all entrances to the project which:
 1. Identifies the development;
 2. Clearly shows the project address;
 3. Clearly shows the layout of streets and the units with their individual identification number or letter;
 4. The sign must be oriented to the view of the reader;
 5. Shall be incorporated into a landscape feature or design scheme;
 6. The sign shall contain no animation;
 7. See **Spanish Valley Outdoor Lighting and Sign Illumination Standards** for lighting requirements
 8. The sign shall be placed such that persons in vehicles who are stopped to read the sign will not create a safety hazard.

Maintenance of Legal Non-conforming Signs

Nonconforming signs shall be required to comply with the requirements of this chapter when any change, other than normal maintenance, is made to the sign. Painting or similar sign repair shall be considered normal maintenance; provided, that the sign content remains basically unchanged. Compliance with current setback requirements may be waived by the Planning Commission when the board determines that relocating an existing sign is not practical.

Non-conforming Signs

- A. *Alterations*: A nonconforming sign shall not be raised, moved, replaced, extended or enlarged unless said sign is changed so as to conform to all provisions of this title. "Alterations" shall also mean the changing of the text of the sign when there is a major change in the use of the property. A major change in use occurs whenever the use changes from one of the following land use categories to another office, retail, food/restaurant service, personal service, entertainment, lodging, repairs, institutional, public utility, manufacturing, and warehouse uses. Any major change in use requires any affected nonconforming sign to conform to all the provisions of this title. Alterations shall not be interpreted to include changing the text of a marquee or changing a copy of an off premises sign.
- B. *Restoration*: Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, collision or any other cause beyond the control of the owner, to the extent of more than sixty percent (60%) of its assessed value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this chapter or shall be removed.
- C. *Unsafe or Dangerous*: The nonconforming nature of a sign shall in no way prevent it from being subject to the provisions of the **Regulations and Enforcement** subsection of this ordinance if it is unsafe or dangerous.

Prohibited Signs

- A. *Signs Attached To Public Property*: No sign, handbill, poster, advertisement or notice of any kind or sort shall be fastened, placed, posted, painted or attached in any way or upon any curbstone, lamppost, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk or street, except signs owned and erected by permission of an authorized public agency as required by law.
- B. *A-Frame and Movable Freestanding Signs*: Portable, temporary A-frame, and movable freestanding signs shall be prohibited. This prohibition applies to signs mounted upon or painted upon vehicles or trailers which are parked primarily for the purpose of calling attention to or advertising a specific business establishment or product.
- C. *Flashing Signs*: Signs which use flashing, blinking, or strobing lights are prohibited. Signs which use subtle lighting changes as part of a video screen, or EMS are permitted.
- D. *Rotating Signs*: Signs which move, rotate, flutter in the wind or make noise are prohibited. Pennants, streamers, and inflatable objects are also prohibited. Temporary banners must be in compliance with the county's policy on banners.
- E. *Permit Exceptions*: Notwithstanding any of the provisions of this chapter, the following signs and operations shall not require a sign permit; however, any of the following signs included in any other section shall conform to the applicable provisions of this chapter:
 1. The changing of the advertising copy or message on a marquee, provided no more than fifteen percent (15%) of the marquee surface will advertise off premises land, products or businesses.
 2. Painting, repainting, cleaning and normal maintenance and repair of a sign or sign structure unless a substantial structural change is made.
 3. For sale, rent or lease signs, advertising real property, that are thirty-two (32) square feet or less in area. Such sign may be double faced.

4. The display of official notices used by any court, or public body, or public official, or the posting of notices by any public officer, in the performance of a duty, or by any person giving legal notice.
5. Directional, warning, exit, parking or similar informational signs of a public or quasi-public nature, provided they have no advertising effect, and signs directed and maintained by an official body or public utility.
6. Any official flag, pennant or insignia of any nation, state, county or other political unit.
7. Nameplates of two (2) square foot maximum area.
8. Bulletin boards not over sixty-four (64) square feet in area for public, charitable or religious institutions where the same are located on the premises of said institutions.
9. Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.
10. Wall signs that are painted directly on the wall, provided they do not exceed twenty percent (20%) of the face of the wall on which it is painted.

Safety and Livability Considerations

- A *County Nonliability*: The county and its agents shall in no way be liable for negligence or failure of the owner, or the person responsible for any damage caused by defective conditions.

Chapter 10: Spanish Valley Overnight Accommodations Overlay District Requirements

An ordinance establishing an overnight accommodations overlay district that can be sought for sites located within the Spanish Valley Highway Commercial District. See Spanish Valley Zoning Map for the location of the Highway Commercial District in which the overlay can be applied.

- 1) Purpose of Overlay Districts
- 2) Purpose and Intent of the Spanish Valley Overnight Accommodations Overlay District
- 3) Established Overnight Accommodations
- 4) Approval Procedures
- 5) Identification on Zoning Maps
- 6) Site Master Plan Required
- 7) Development Standards
 - Part 1 General Requirements
 - Part 2 Employee Housing, Affordable Housing and Mixed Use Requirements
 - Part 3 Architecture, Density, Massing and Form
 - Part 4 Additional Design Requirements
 - Part 5 Open Space
 - Part 6 Landscape Standards
 - Part 7 Parking Requirements

Purpose of Overlay Districts

Overlay districts are established to provide standards addressing unique circumstances or conditions affecting single sites where the development of such sites is of special public concern. Upon approval of special purpose district zoning, the special purpose district replaces the previous base district. Overlay districts are established to provide for certain additional requirements for properties located in one or more base zoning districts.

In addition to the requirements of the underlying base zoning district, the provisions of the overlay district would also prevail in the areas so zoned.

1) Purpose and Intent of the Spanish Valley Overnight Accommodations Overlay District

Overnight accommodations have the potential to be an important part of the Spanish Valley and San Juan County economy. In order to support regional efforts to control the imbalance between such uses and other desired community uses as has taken place in Moab and Grand County, a clear policy is required to ensure the number of hotels and motels, commercial condominiums, bed & breakfasts (B&Bs), lodges and commercial campgrounds are aligned with other essential and desirable uses in the San Juan Spanish Valley and region.

The *Spanish Valley Overnight Accommodations Overlay Ordinance* is an overlay district for properties located in the Highway Commercial and Highway Flex districts. It addresses both

existing and vested overnight accommodations as well as new proposed uses. The purpose of the overlay district is to ensure that existing and future hotels and motels, commercial condominiums, bed & breakfasts (B&Bs), lodges, commercial campgrounds and other commercial overnight accommodation uses are designed and developed in a manner that address the impacts and the increased service needs that they generate. The *Spanish Valley Overnight Accommodations Overlay Ordinance* should be applied to all new proposals to ensure approved projects minimize community impacts and result in tangible community benefits through the application of creative design, the incorporation and support for mixed uses both on-site and elsewhere in the San Juan Spanish Valley, and through the provision and support for public uses and spaces to help support a balanced community structure.

2) Established Overnight Accommodations

Established overnight accommodations (Established Overnight Accommodations), as indicated on the Spanish Valley Zoning Map, shall be considered legal, conforming uses. Established Overnight Accommodations will be allowed to make improvements including new overnight accommodation units within the boundaries of existing property. Specific design and development requirements shall be according to the underlying zone, e.g. the Spanish Valley Highway Commercial District. When the ownership of Established Overnight Accommodations changes, the new owner must comply with the provisions of this *Spanish Valley Overnight Accommodations Overlay Ordinance*.

3) Approval Procedures

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

Table 10-1

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

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

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

5) Site Master Plan Required

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

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

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

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

6) Development Standards

Part 1 General Requirements

1. Applicability

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

2. Density and Heights

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

3. Lots

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

4. Lot Configuration

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

5. Lot Access

For Developments fronting U.S. Highway 191

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

For Developments fronting all other roads

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

6. General Open Space Requirements

The following are requirements for provision of civic open space:

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

7. Streets and Access Roads

General Requirements.

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

8. Road Design Standards

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

9. Bicycle Facilities

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

10. Storm Water Management

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

Part 2 Employee Housing, Affordable Housing and Mixed Use Requirements

1. General Conditions

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

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

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

2. Design and Evaluation Criteria

The following are general conditions that will result with a successful mixed-use development:

- A. Incorporates imaginative site and building design with a compatible mixture of land uses that encourage pedestrian, bicycle and other multi-modal access to the proposed development;
- B. Applies sensitive land use and site design that avoids the creation of incompatible land uses;
- C. Mitigates impacts that the project creates with respect to transportation, traffic, noise, public utilities, open space, recreation, public facilities and services, site circulation, solid waste disposal and recycling, water, sewer, storm drain and similar systems;
- D. Protects and preserves the natural environment to the maximum extent possible, including but not limited to conserving water to the greatest degree possible, protecting the water quality of the regional watershed, meditating storm water and floods, and protecting sensitive and critical natural lands and the protection of viewsheds.
- E. Preserves and/or creates open space and outdoor meeting places for the enjoyment of the San Juan County residents, employees of businesses located within the valley, and the general public;
- F. Provides publicly-accessible plazas, commons, greens, parks or civic buildings or spaces for social activity and assembly for the community;
- G. Incorporates a mix of employee housing and affordable housing types and ownership patterns;
- H. Includes uses that provide employment opportunities and under-provided goods and services;
- I. Provides a balanced mix of uses that reduce reliance on personal automobiles on a daily basis;
- J. Provides high-quality architectural and site design that is harmonious with the local context, the unique red rock setting and adjacent uses;
- K. Incorporates well-designed and laid-out access roads, parking lots, trails and pathways that are specifically designed for the convenience and safety of pedestrians and cyclists as well as for meeting the needs of vehicles; and
- L. The provision of clustered development to preserve open space and preserving critical viewsheds while still achieving an appropriate overall density for region.

3. Mixed Use Development Standards

All development and design standards described in this chapter and elsewhere in the code shall apply, in addition to the following mixed-use specific standards:

- A. Generally-acceptable Uses: residential, commercial, recreational, retail, civic and open space
- B. Location of Uses: commercial shops, offices and civic uses shall be located on the ground floor adjacent to the street frontage, with hotel/motel and residential uses provided in all other locations; and
- C. Pedestrian-oriented Design Required: direct access to pedestrian-oriented services is required to promote pedestrian/bicycle uses in the development area.

Part 3 Architecture, Density, Massing and Form

1. General Conditions

The following are the general physical characteristics of *OA-Hotel/Motel* uses, including associated mixed uses, within the overlay district.

- Each building or structure can house a variety of uses depending on the design concept and functional requirements of each development.
- All buildings constructed shall be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise noted.
- Attached accessory structures are considered part of the principal structure.
- Detached accessory structures are permitted and shall comply with all setbacks except the following:
 - Detached accessory structures are not permitted in the front yard.
 - Detached accessory structures shall be located behind the principal structure in the rear yard.
 - Detached accessory structures shall not exceed the height of the principal structure.

2. Building Siting

- More than one principal structure permitted on a lot.
- All setback areas not covered by a building or parking must contain either landscape, patio space, public open space, or a sidewalk/trail.

3. Building Height

- See existing zone for minimum and maximum height limitations and requirements.
- See existing zone for minimum and maximum setback requirements.
- Ground stories uses facing the primary street must have a minimum interior height of 12' and a maximum of 14' to facilitate the incorporation of commercial and mixed uses.

4. Building Layout and Configuration

- Ground stories facing the primary street must be occupied by uses other than overnight accommodations. Examples include retail, recreation, commercial, office and civic uses.
- Parking may be located within a building or as part of well-landscaped and buffered parking lots.

5. Street View Requirements

- For uses located on the ground floor facing the primary fronting street(s), 60% Minimum Ground Story Transparency is required, measured floor to floor. Transparency is any glass in windows and/or doors, including any mullions, that is highly transparent with low reflectance.
- Air conditioning units and similar mechanical requirements should be avoided on rooftop locations, and fully-screened from view when unavoidable.
- Blank Wall Limitations are required on all facades facing the primary street. No rectangular area greater than 30% of a story's facade, as measured from floor to floor may be windowless, and no horizontal segment of a story's facade greater than 10 feet in width may be windowless, unless otherwise approved.
- A mix of entrance types may be utilized, aligned with the overarching architectural theme or concept. All buildings must have an easily-discernable Principal Entrance located on the primary street side of the principal building.
- Street Entrances – the minimum number and maximum spacing between entrances on the ground floor building facade with street frontage to match a clear development design theme or concept is required.
- Vertical Facade Divisions - the use of a vertically oriented expression lines or form to divide the facade into increments that enhance the design concept are required. Acceptable elements may include columns, pilasters, scoring lines and other continuous vertical features at least 1.5" in width.
- Horizontal Facade Divisions - the use of significant shifts in the façade every 45' at minimum to divide portions of the façade into horizontal divisions. Major dividing elements should be integral to the architectural layout and form of the structure, with minor delineations encouraged through the uses of expressions lines in the form of cornices, belt courses, string courses, or other continuous horizontal divisions.

Part 4 Additional Design Requirements

The following outlines the district design guidelines that affect a building's appearance and district cohesiveness. They improve the physical quality of buildings, enhance the pedestrian experience, and protect the character of the neighborhood.

1. Materials and Color

- Primary Facade Materials. 80% of each facade shall be constructed of primary materials. For facades over 100 square feet, more than one material shall be used to meet the 80% requirement.
- Permitted primary building materials will include high quality, durable, natural materials such as brick and stone; wood lap siding; fiber cement board lapped, shingled, or panel; metal siding; glass. Other high quality synthetic materials may be approved as part of a unified theme or design concept.
- Secondary Facade Materials are limited to details and accents. Examples include gypsum reinforced fiber concrete for trim and cornice elements; metal for beams, lintels, trim; and exterior architectural metal panels and cladding.
- Exterior Insulation and Finishing Systems (EIFS) is permitted for trim only or on upper floor facades only.
- Acceptable Roof Materials include 300 pound or better, dimensional asphalt composite shingles, metal tiles or standing seam, slate, and ceramic tile. Other roof materials may be considered for approval.
- Color - main building colors shall be complementary to existing buildings in the area, the surrounding landscape and visual backdrops.
- Appropriate Grade of Materials. Commercial quality doors, windows, and hardware shall be used throughout the district.

2. Windows, Awnings and Shutters

- Windows - all upper story windows of overnight accommodation, mixed use and associated buildings shall be recessed and double hung.
- Plastic awnings are not permitted. Awning types and colors for each building face shall be coordinated.
- If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood.

3. Balconies

- Balconies shall be a minimum of six feet deep and five feet wide.
- Balconies that are not integral to the facade shall be independently secured and unconnected to other balconies.
- A maximum of 40% of the front and corner side facades, as calculated separately, may be covered with balconies, including street-facing railing and balcony structure.

4. Treatments at Terminal Vistas

- When a street terminates at a parcel, the front or corner side of a building or a significant landscape feature, whether fronting a Primary Street or not, shall terminate the view.

5. Building Variety

Building design shall vary between vertical facade divisions, where required per the Building Types, and from adjacent buildings by the type of dominant material or color, scale, or orientation of that material and at least two of the following:

- The proportion of recesses and projections.
- The location of the entrance and window placement, unless storefronts are utilized.
- Roof type, plane, or material, unless otherwise stated in the Building Type requirements.

6. Drive-through Uses

- Drive-through structures and uses are not allowed.

Part 5 Open Space

To provide open space as an amenity that promotes physical and environmental health to project uses and the community, with a primary function of providing access to a variety of active and passive open space types.

1. General Requirements

Developments over 5 acres are required to provide a minimum of 5% total lot size as publicly-accessible and usable civic open space. Developer shall work with San Juan County to determine the best and most appropriate location of open space. For parcels under 5 acres, impact fees and other funding will be used as mechanisms to ensure adequate open space is provided.

All open space provided shall comply with one of the Open Space Types that follow:

- Plaza – a formal, medium-scale (0.5 to 1.5 acre) gathering place for civic, social, and commercial purposes. May contain a greater amount of impervious coverage than other open space types. Special features, such as fountains and public art installations, are encouraged.
- Square - a medium-scale (1 to 2 acre) open space to gather for civic, social and commercial purposes. Squares are rectilinear in shape and are bordered on all sides by a vehicular right-of-way, which together with building facades creates its definition.
- Green – an informal, medium scale (0.25 to 2.0 acre) park with active or passive recreation amenities for neighborhood residents within walking distance; mainly fronted by streets.
- Pocket Park – a small-scale (.5 to 1.5 acre) open space, that is primarily designed to accommodate a range of active and passive recreation and gathering space uses, primarily local neighbors and residents within walking distance.

- Local and Neighborhood Parks – medium to large (3-acre to 10 acre) parks that accommodate both active and passive recreational amenities for local residents and the larger community. Parks have primarily natural plantings and are frequently formed around an existing natural feature such as a water body or stands of trees.
- Regional Parks – large parks typically at least 50-acres in size to accommodate both active and passive recreational activities for local residents and the surrounding community. These parks are typically the site of major recreational features such as sports complexes, aquatic centers, recreation centers and similar amenities. They should be well linked with the surrounds and settings, linked with regional and local trail systems, and primarily utilize natural plantings.
- Greenway – long and linear open spaces that serve to enhance connectivity between open space types and other uses. Greenways often follow a natural feature, such as a river, stream, ravine, or man-made feature, such as a vehicular right-of-way. A greenway may border other open space types.

Part 6 Landscape Standards

The landscape standards outlined in this section are designed to meet the following goals:

- To provide suitable outdoor settings;
- To increase the compatibility of adjacent uses and minimize the adverse impacts created by adjoining or neighboring uses.
- To provide responsible and environmentally-appropriate green spaces and infrastructure through the use of water efficient landscape design techniques, tools and standards.
- To shade large expanses of pavement and reduce the urban heat island effect.

1. Applicability

Landscapes, trees and buffers shall be installed as detailed in this section and detailed elsewhere in the county code.

2. Water Efficient Landscaping

Refer to Spanish Valley Water Efficient Landscape Requirements.

3. General Landscape Installation Requirements

The installation of landscaping shall adhere to the following standards.

- National and Regional Standards. Best management practices and procedures according to the nationally and regionally accepted standards shall be practiced. All landscaping and trees shall be installed in conformance with the practices and procedures established by the most recent edition of the American Standard for Nursery Stock (ANSI Z60.1) as published by the American Association of Nurserymen.

- Maintenance and Protection – all landscaping and trees shall be maintained according to the most recent edition of the American National Standards Institute, including its provisions on pruning, fertilizing, support systems, lighting protection, and safety.
- Installation – landscaping shall be fully installed prior to the issuance of a certificate of completeness.
- Condition of Landscape Materials shall be:
 - Healthy and hardy with a good root system.
 - Chosen for its form, texture, color, fruit, pattern of growth, and suitability to local conditions.
 - Tolerant of the natural and man-made environment, including tolerant of drought, wind, salt, and pollution.
 - Appropriate for the conditions of the site, including slope, water table, and soil type.
 - Protected from damage by grates, pavers, or other measures.
 - Plants that will not cause a nuisance or have negative impacts on an adjacent property.
 - Species native or naturalized to San Juan County region, whenever possible.
- Minimal use or no use of lawns, turf and similar water-craving landscapes is required.

4. Irrigation Systems

Permanent irrigation, beyond establishment, is required and shall adhere to the following standards.

- All irrigation systems shall be designed to minimize the use of water, as detailed in the San Juan County water-conserving landscape ordinance. The use of drip, emitter, bubbler and other water-conserving irrigation systems are required,

5. Landscape Maintenance

All landscaping shall be maintained in good condition at all times to ensure a healthy and orderly appearance.

- All required landscape shall be maintained to adhere to all requirements of this ordinance.
- Replacing Unhealthy Landscaping. Unhealthy landscaping shall be replaced with healthy, live plants by the end of the next applicable growing season. This includes all plant material that shows dead branches over a minimum of 25% of the normal branching pattern.
- Maintenance Responsibility. The owner is responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing required herein.

- Maintain Quality and Quantity. Maintenance shall preserve at least the same quantity, quality, and screening effectiveness as initially installed.
- Fences and Other Barriers. Fences, walls, and other barriers shall be maintained in good repair and free of rust, flaking paint, graffiti, and broken or damaged parts.
- Tree topping is not permitted.

6. Frontage, Side and Rear Buffers

The purpose of frontage buffers is to lessen the visual impact of vehicular areas visible from the street and adjacent properties. Side and rear buffers minimize the impact that the overnight accommodation development may have on neighboring zones and districts. These should include a landscape design that is engaging, beautiful and appropriate for the specific setting and context. Plants should include a range of perennials, decorative grasses and small shrubs as appropriate for reducing the visual impact of vehicular areas visible from the street while also meeting San Juan County Water Efficient Landscaping requirements.

7. Interior Parking Lot Landscape

The intent is to provide shade, minimize paving and associated storm water runoff, and improve the aesthetic look of parking lots. Internal areas not dedicated to parking or drives shall be landscaped with a minimum of one medium or large shade tree for the first 150 square feet and one medium or large shade tree for every 650 sf thereafter.

- Each parking space must be located within 50' of a tree planted within parking lot interior. Minimum of 1 shade tree must be planted within parking lot interior or within 4' of parking lot's edge for every 3 parking spaces.
- Within 20 years of tree installation, 30% of the interior of the parking lot should be shaded by tree canopy. Shade Structure Requirements
- Attractive and well-designed shade structures should be considered an acceptable alternative for meeting the tree shade goal for up to 50% of the interior parking lot requirements.

Part 7 Parking Requirements

The parking standards outlined in this section are in addition to currently established standards for the hotel/motel development, and should meet the following goals:

- Ensure an appropriate level of vehicle parking, loading, and storage to support a variety of land uses.
- Provide appropriate site design standards to mitigate the impacts of parking lots on adjacent land uses and zoning subdistricts.
- Provide specifications for vehicular site access.

1. General Requirements

- Off-street parking spaces shall be provided in conformance with established site design requirements.
- Required Accessible Parking - parking facilities accessible for persons with disabilities shall be in compliance with or better than the standards detailed in the state Accessibility Code, including quantity, size, location, and accessibility. Required Bicycle Parking.
- Bicycle Parking areas required as described below.

2. Mixed-Use Parking Reductions

The following reductions may be applied depending on the amount and specific mix of uses.

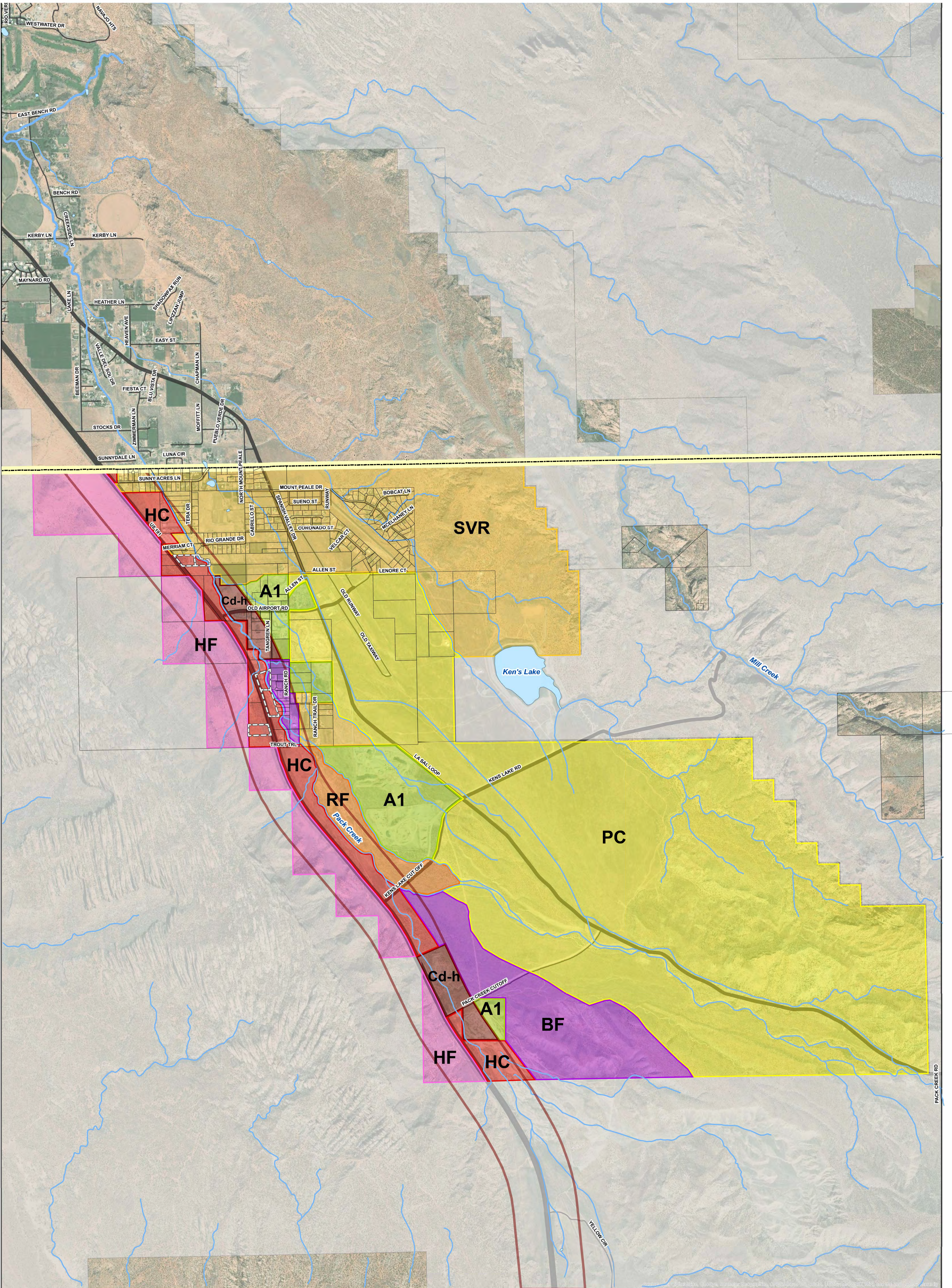
- Shared Vehicular Parking - an arrangement in which two or more non-residential uses with different peak parking demands use the same off-street parking spaces to meet their off-street parking requirements. Through review of the site plan, up to 100% of the parking required may be waived.
- In order to approve a shared parking arrangement, it must be proved that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.

3. Bicycle Parking Design

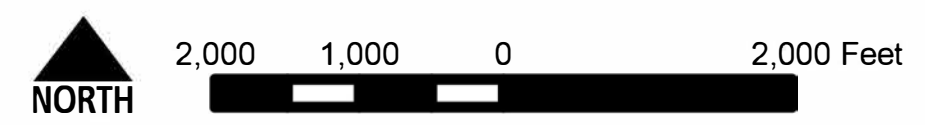
Bicycle parking shall be designed and located as follows.

- Required bicycle parking spaces shall have minimum dimensions of two feet in width and six feet in length.
- An aisle a minimum of five feet wide shall be provided behind bicycle parking facilities to allow for maneuvering.
- A minimum of two feet shall be provided beside each parked bicycle to allow access. This access may be shared by adjacent bicycles.
- Racks shall be installed a minimum of two feet from any wall or other obstruction. Bicycle parking should be located within 50 feet of the entrance of the use.
- Bicycle parking facilities shall be separated from vehicular parking areas to protect parked bicycles from damage. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
- Racks and Structures shall be provided for each unprotected parking space and shall be designed to accommodate both chain and U-shaped locking devices supporting the bicycle frame at two points.

Spanish Valley Zoning - as Adopted on November 19, 2019



- | | | | |
|----------------------------------|---------------------------------------|---|-----------------|
| Planned Community (PC) | Business Flex (BF) | Known Existing Overnight Accomodation | County Boundary |
| Spanish Valley Residential (SVR) | Highway Flex (HF) | Historic Cd-h Boundary (1000' from Center Line) | Rivers/Streams |
| Residential Flex (RF) | Highway Commercial (HC) | BLM Land | Roads |
| Agricultural (A1)* | Controlled District - Highway (Cd-h)* | | |



*Disclaimer - Known properties with sand and gravel deposits/operations retain existing zoning per Utah code 17-41-402. Other properties that may exist are subject to the same code.

Matthew J. Ball
Attorney at Law
mball@parrbrown.com

February 1, 2024

VIA EMAIL

San Juan County Planning and Zoning Commission
c/o Mitchell Maughan
mmaughan@sanjuancounty.org

*Re: Sketch Plan Application submitted by Love's Travel Stops & Country Stores, Inc.
on May 3, 2019 (the "Application")*

Dear Commissioners:

We represent Love's with respect to the Application and submit what follows in the hope that it will be helpful to you as you consider the merits of the Application. The purpose of this letter is to convince you that the Application should be reviewed under the San Juan County zoning ordinance in effect on May 3, 2019. This letter will first set forth the relevant facts and then discuss applicable law.

Factual Background

Love's was founded in 1964 and is headquartered in Oklahoma City. Love's operates more than 600 locations in 42 states providing motorists with clean, safe places to buy fuel, food and travel items. Love's seeks approval of its plan to construct a travel stop on a 13-acre site along Highway 191 in Spanish Valley. Love's submitted the Application for such travel stop to Grand County's Community Development department on a Grand County form and paid the associated fee required by Grand County. Love's did so pursuant to the Interlocal Agreement Between San Juan County and Grand County for Plan Review and Building Inspection Services, dated February 21, 2017, which was then in force. That agreement provided, in relevant part, that "Grand [County] shall be responsible to conduct plan reviews of all building plans for building projects in [the Spanish Valley]." Moreover, the agreement authorized Grand County "to collect and retain from each applicant for building inspection services such building and inspection fees as Grand [County] would assess for similar applications within Grand County."

Grand County personnel transmitted the Application to San Juan County for consideration. One week later, on May 10, 2019, Walter J. Bird, San Juan County's Planning and Zoning Director, wrote to Love's and advised that "[u]nder San Juan County's code, this proposal [*i.e.*, the Application] is for a commercial development in a commercial zone so there is nothing additional that Love's needs to do at this time."

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The zoning ordinance in effect in May 2019 was adopted (or most recently amended) in 2011. San Juan County began considering the adoption of a new or amended zoning ordinance for Spanish Valley in spring 2018, approximately a year before the Application was submitted. Almost two weeks after the Application was approved, the San Juan County Commission adopted an ordinance imposing a six-month moratorium on future development in Spanish Valley. The moratorium went into effect soon thereafter (but was not retroactive and thus had no effect on the previously approved Application). During the moratorium, in November 2019, the San Juan County Commission adopted a new zoning ordinance for Spanish Valley (consideration of which began, as noted, early in the prior year). The new ordinance made “[a]ny project in excess of 10-acres” a conditional, rather than permitted, use.

Legal Analysis

Under Utah’s County Land Use, Development, and Management Act, Utah Code Ann. § 17-27a-101, *et seq.* (“CLUDMA”), an applicant for a land use approval is entitled (1) to have their application reviewed under the zoning ordinance in effect on the date their application for approval is complete, and (2) to have their application approved if it conforms to the land use regulations in effect at that time unless, before the application was submitted, the county “formally initiates proceedings to amend the county’s land use regulations in a manner that would prohibit approval of the application.” *Id.*, § 17-27a-508(1)(a). If the county initiates proceedings to amend its regulations before an application is submitted, but 180 days pass and no amendment that would prohibit the proposed land use occurs, the applicant is entitled to have their application reviewed under the existing regulations. *See id.*, § 17-27a-508(1)(b).

The following analysis explains, first, that the Application was complete when submitted on May 3, 2019. We go on to show, second, that while proceedings to amend the zoning ordinance were initiated by or in spring 2018, those proceedings had been going on for well over 180 days by the time the Application was submitted and had not resulted in an amendment that prohibited Love’s proposed land use. As a result, the Application must be reviewed under the zoning ordinance in effect as of May 3, 2019, and not under a later-adopted ordinance. We conclude by urging you to follow the law and recognize that Love’s Application is entitled to approval.

1. The Application was Complete when Submitted.

The Application was complete when submitted on May 3, 2019. “A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.” Utah Code

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Ann. § 17-27a-508(1)(c). Importantly, the zoning ordinance in effect in May 2019 did not prescribe the “form” in which the Application was to be submitted.¹

Love’s submitted the Application in the required form and paid the appropriate fee. This conclusion is mandated by at least two facts. First, the Interlocal Agreement between San Juan County and Grand County that was in effect in May 2019 obliged Love’s to submit the Application to Grand County and pay the fee required by Grand County. Love’s undisputedly submitted the Application to Grand County on Grand County’s Sketch Plan Application form. The form required the concurrent submission of a sketch plan—a “[c]onceptual drawing”—showing such things as natural and man-made features on the subject property. The Application included just such a drawing. The form also called for the payment of a \$550.00 application fee, which Love’s paid. The completeness of the Application is demonstrated, second, by the fact that San Juan County’s Planning and Zoning Director, Mr. Bird, acknowledged receipt of the Application and advised Love’s that “there is nothing additional that Love’s needs to do at this time.” Mr. Bird obviously would not have conveyed this message to Love’s if the Application had been incomplete.

The Northern San Juan County Coalition (the “Coalition”), which opposes the Application, has argued that the Application was incomplete because Love’s failed to apply for either a conditional use permit or a variance. A conditional use permit or variance was required, the Coalition contended, because Love’s proposed travel stop was not a permitted use under the relevant zoning ordinance. The Coalition is wrong; the zoning ordinance in effect in May 2019 expressly authorized Love’s intended use of the subject property.

Section 12-2 of the County’s zoning ordinance (which had been amended in 2011) was titled “Permitted Uses” and listed “Agriculture, Residential, Commercial, Highway Commercial, and Industrial.” The ordinance went on to state that “[i]n additional [*sic*] to the uses regulated in RR-22 districts, the following uses may be permitted by variance within each sub-zone.” Zoning Ordinance of San Juan County, Utah § 12-2. The ordinance did not create any “RR-22 districts” and instead of proceeding to list uses other than “Agriculture, Residential, Commercial, Highway Commercial, and Industrial,” the ordinance identified permitted commercial and highway commercial uses. Since the ordinance specifically permitted listed uses and, as explained herein, Love’s travel stop was a specifically permitted use, the ordinance’s provision for variances is irrelevant.²

¹ The zoning ordinance included requirements for building permit applications. *See* Zoning Ordinance of San Juan County, Utah § 1-6(1)(a). The Application was not for a building permit, however.

² A variance can be granted to alleviate unnecessary hardship on a landowner caused by unique physical circumstances that preclude development of the property in strict accordance with the zoning code. For example, a variance may change minimum set-back requirements, building

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The travel stop is proposed to be located in an area of the County that was zoned “Highway Commercial CDh.” The Highway Commercial zone was a subzone of the “Controlled District.” Zoning Ordinance of San Juan County, Utah § 12. The purpose of the Controlled District zone was to provide a “district where agriculture, industrial, commercial and residential uses may exist in harmony.” *Id.*, § 12-1. In other words, the ordinance contemplated residential and commercial uses of land in the same general areas. The expressly permitted uses within the “Highway Commercial” subzone included restaurants and drive-in cafes, as well as automobile service stations and “[a]ccessory [b]uildings and uses.” *Id.*, § 12-2. In addition to specifying these (and other) uses, the ordinance also permitted “[o]ther uses . . . in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed uses.” *Id.* The Application described a travel stop fitting squarely within the ordinance’s specific descriptions and which is certainly “in harmony” with them. Indeed, the Application seeks approval of a travel stop consisting of a fast-food restaurant with a drive-through, a convenience store, fueling stations for passenger vehicles and trucks, and 143 parking spaces.

The Coalition contends that the travel stop proposed by Love’s is not an automobile service station, but a “Truck Stop” and thus not a permitted use. Characterizing the travel stop as something other than an automobile service station does not mean that Love’s proposed use is prohibited. First, the term “truck stop” is not a legal term or referenced in the County’s zoning ordinance and it has no fixed definition. Second, the travel stop is inarguably intended to serve passenger vehicles. In addition to facilities for trucks, the Application seeks approval for 16 passenger vehicle fueling stations and 90 vehicle parking stalls. The proposed travel stop is, therefore, an automobile service station. That the travel stop will serve both trucks and passenger vehicles does not deprive it of its character as an automobile service station. Third, the dictionary defines an automobile to be a “motor vehicle for road use with an enclosed passenger compartment.” Oxford Desk Dictionary and Thesaurus, (American Ed. 2007), at p. 48. This definition is clearly broad enough to encompass a truck and thus the proposed travel stop is a natural fit in the County’s Highway Commercial CDh zone.

The travel stop would be a permitted use even if its vehicle fueling and parking elements were not well within the zoning ordinance’s provision for automobile service stations. In addition to automobile service stations the ordinance also permitted such uses as farm machinery and equipment sales, drive-in theaters and, as noted, “[o]ther uses . . . in harmony” with them. A fueling station for trucks is plainly similar in nature to, and in harmony with, an automobile service

height and floor area limits, as well as similar dimensional issues. On the other hand, a conditional use permit is granted to allow a use that is not permitted as a matter of course, but which can be approved if the landowner is able to meet the conditions imposed by the land use authority. *See Krejci v. City of Saratoga Springs*, 2013 UT 74, ¶¶ 35-36, 322 P.3d 662; *see also* Zoning Ordinance of San Juan County, Utah §§ 2-3 (variances) & 6-1, *et seq.* (conditional uses).

station. Precisely the same functions and activities take place in both instances: fuel tanks are filled, fluids are topped-off and windshields are cleaned, for example. Likewise, a parking stall for a passenger vehicle is similar in nature to a parking stall for a truck. To the extent an automobile service station and a “truck stop” differ at all, they do so only in terms of the size of their facilities and merely because trucks are larger than passenger vehicles. Restricting vehicle size in the Highway Commercial CDh zone was clearly not the County’s concern when it adopted the zoning ordinance. Indeed, the ordinance expressly permitted farm machinery and equipment sales. And, since the travel stop is a permitted use, a conditional use permit or variance were unnecessary. Love’s Application was thus complete when submitted.

2. Post-May 3, 2019 Amendments to the Zoning Ordinance are Irrelevant.

The Application should be reviewed under the zoning ordinance in effect as of May 3, 2019 without regard to any later-adopted new or amended ordinance. CLUDMA provides that a land use application is entitled to approval if it conforms to the regulations in effect when submitted unless, before the application is submitted, “in the manner provided by local ordinance . . . the county formally initiates proceedings to amend the county’s land use regulations in a manner that would prohibit approval of the application.” Utah Code Ann. § 17-27a-508(1)(a)(ii)(B). The statute is clearly intended to protect a county’s prerogative to effect and manage change within its boundaries. The Coalition maintains that the County initiated proceedings to amend the zoning ordinance for Spanish Valley before the Application was submitted and in such a way as to prohibit the proposed travel stop. However, recognizing that the uncertainty necessarily created by proposed but not adopted land use regulations would be detrimental over the long term, CLUDMA also recognizes that even if the county has commenced amendment proceedings before an application is submitted,

The county shall process an application without regard to proceedings the county initiated to amend the county’s ordinances . . . if:

- (i) 180 days have passed since the county initiated the proceedings; and
- (ii) (A) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted.³

Id., § 17-27a-508(1)(b). In other words, a new zoning ordinance may effectively govern land use even before adoption, but not for longer than six months.

³ Subparagraph (B) provides that an application may not be reviewed under an existing ordinance if the county adopted a temporary ordinance in the prior 12 months that would prohibit approval. Love’s is aware of no such temporary ordinance passed prior to or in effect at the time the Application was submitted.

Prior to the Application, San Juan County did not have an ordinance defining what it means to initiate formal proceedings to amend land use regulations. The County still has no such ordinance. It is nonetheless clear that amendment proceedings were well underway, at the latest, by spring 2018. According to the San Juan County Spanish Valley Area Plan ([sv final plan 4-17-2018 compressed.pdf \(sanjuancounty.org\)](#)), the County began the process of amending its zoning ordinance in or about 2017 by creating an advisory committee. The Board of San Juan County Commissioners was briefed on the planning process by a Salt Lake City design company called Landmark Design in August 2017, public meetings took place the following month and a formal Area Plan was published in April 2018. Significantly, the fourth and final section of the Area Plan, entitled “Guidelines and Ordinances,” clearly contemplated a new zoning ordinance and specifically enumerated “Key Principles to be Considered when Developing Guidelines and Ordinances for the Spanish Valley.” Consideration of potential development ordinances followed and on April 3, 2019, Landmark Design presented drafts of new land use regulations to the San Juan County Planning and Zoning Commission. No new ordinance was adopted until November 2019, however.

These facts make it clear that well over 180 days passed between the time the County initiated proceedings to amend its land use regulations by spring 2018 and May 3, 2019, when the Application was submitted. Since the zoning ordinance was not changed until approximately six months after the Application was submitted, the law plainly dictates that the Application must be reviewed under the ordinance in effect on May 3, 2019 without regard to the fact that amendment proceedings had been initiated prior to that time. That a development moratorium went into effect after the Application was submitted does not affect this conclusion. *See* Utah Code Ann. § 17-27a-508(1)(e) (“county may not impose on an applicant . . . a requirement that is not expressed in . . . a county ordinance effect on the date that the applicant submits a complete application”).

Conclusion

In CLUDMA, Utah’s legislature established a presumption of entitlement which serves to protect the applicant. A landowner who submits a land use application is entitled to approval if they seek permission to develop land consistent with existing regulations. *See* Utah Code Ann. § 17-27a-508(1)(a). Love’s proposed travel stop is consistent with the zoning ordinance in effect on May 3, 2019. That zoning ordinance expressly permitted precisely the types of uses comprising a Love’s travel stop: restaurants or drive-in cafés, automobile service stations, and accessory buildings and uses. Moreover, travel stops are obviously necessary and appropriate along major highways and the County’s Planning and Zoning Director recognized as much when he approved the Application. The Coalition’s labeling the proposed development a “truck stop” and freighting that term with negative connotations is contrary to Utah law, which requires the consideration of Love’s Application under the ordinance in effect when the Application was submitted. Love’s Application was entitled to approval in 2019 and it remains so today.

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Thank you for your consideration.

Sincerely,

PARR BROWN GEE & LOVELESS, P.C.



Matthew J. Ball

Cc (via email): Bart Kunz
 Karolina Roberts
 Hugh Long
 Jeff Balls

ClydeSnow
 ATTORNEYS AT LAW
 CLYDE SNOW & SESSIONS
 A PROFESSIONAL CORPORATION

February 1, 2024

Dear Planning and Zoning Commission members:

As directed by Deputy County Attorney Mitchell Maughan, the Northern San Juan County Coalition (the “Coalition”) submits this memorandum to the San Juan County Planning & Zoning Commission (“Planning Commission”) to be considered in connection with the application (“Application”) by Love’s Travel Stops and Country Stores (“Love’s”) for a 13-acre truck stop (“Truck Stop”) to be constructed along Highway 191 near Sunny Acres Lane, just south of the Grand County line (the “Sunny Acres Location”).¹

Summary

This matter has been sent to the Planning Commission by the Seventh District Court after the court determined that then-Zoning Administrator Walter Bird acted illegally when he approved the Truck Stop in May 2019. The District Court held that the Truck Stop does not fall within any of the expressly permitted uses for the Controlled District Highway Commercial (“CD-h”) sub-zone of the then-applicable 2011 Zoning Ordinance. Pursuant to these court rulings, the Planning Commission must resolve two issues:

- First, whether the Love’s Application should be considered under the 2011 Zoning Ordinance or the 2019 Spanish Valley Ordinances?
- Second, if the 2011 Zoning Ordinance applies, is there “substantial evidence” that establishes that a truck stop is an “[o]ther use” that should be permitted because it is “in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed [permitted] uses?”

For reasons detailed below, the answer to the first issue is that the Love’s Application is incomplete and therefore cannot be considered vested under the 2011 Zoning Ordinance. The Application was presented as a “sketch plan” on a Grand County application form that has no counterpart under the 2011 Zoning Ordinance. Love’s never sought a variance, which is required for a permitted use in the CD-h sub-zone, or a Conditional Use Permit (“CUP”), which is required for all non-permitted uses in that

¹ Exhibit 2, Application.

zone. The Application also failed to provide the information normally required by the Planning Commission before considering an Application and even failed to provide all the information required by the Grand County sketch plan form. The Love's Application is therefore incomplete and must be rejected.

If Love's were to attempt to amend or supplement its application to make it complete, the Utah Code mandates that the application would have to be reviewed under the law applicable when the application is "complete[d]." Today, the 2019 Spanish Valley Ordinances affirmatively disallow a truck stop at the Sunny Acres Location, meaning that the Application, once completed, would have to be denied. The zoning changes for Spanish Valley were already underway when Love's rushed its Application to Mr. Bird for approval. Thus, Love's has no vested right to rely on the 2011 Zoning Ordinance.²

The answer to the second question – i.e. the outcome if the Application is considered under the 2011 Zoning Ordinance – similarly requires that the Love's Application be denied. The Utah Property Rights Ombudsman determined in 2012 that a "truck stop is a distinct land use with significantly different impacts than those associated with the component parts." It is therefore inappropriate to conclude that a "truck stop" may be "implied" because other allowed uses share similarities with certain aspects of the truck stop. The 24/7/365 truck stop contemplated by Love's is not "in harmony" with other permitted uses in the CD-h sub-zone and should not be allowed at the Sunny Acres Location. The Love's Application therefore must be denied even if it is considered under the 2011 Zoning Ordinance.

Background Facts

After adopting a new Area Plan for Spanish Valley in 2018 (the "Area Plan"),³ the San Juan County Board of Commissioners (the "Board") further retained Landmark Design, a community planning and design firm based in Salt Lake City, to develop new land use regulations implementing the Area Plan, which included changes to the CD-h sub-zone. By December 18, 2018 (approximately five months before the Application was approved by Mr. Bird), the Planning Commission had already reviewed proposed ordinances from Landmark Design and had made recommendations to the Board. On April 3, 2019 (more than a month before Mr. Bird's approval), a representative of Landmark Design made a presentation to the Planning Commission regarding the draft land use regulations.

During the Planning Commission meeting on April 3, 2019, the Planning Commission and members of the public discussed a proposed temporary moratorium on

² See Utah Code § 17-27a-508(1)(a)(ii) (providing that where "the county [has] formally initiate[d] proceedings to amend the county's land use regulations in a manner that would prohibit approval of the application as submitted" there is no vesting).

³ Exhibit 13, Area Plan.

commercial development in Spanish Valley that was expected to be implemented while the proposed ordinances recommended by Landmark Design were reviewed and finalized (the “Development Moratorium”). During the Board’s work meeting on April 16, 2019, Commissioner Willie Grayeyes proposed the Development Moratorium for the Board’s consideration and vote. However, Commissioner Grayeyes’ resolution was not brought to a vote because then-County Administrator Kelley Pehrson requested additional time for the County’s administrative staff to review the proposal.

On April 25, 2019, Mr. Pehrson emailed a representative of the School and Institutional Trust Lands Administration (“SITLA”), the owner of the land for the proposed Love’s Truck Stop, to inform SITLA that the Development Moratorium would “return” for consideration at the Board’s May 7 meeting. Within *seven minutes* of receiving that email, the SITLA representative emailed a representative of Love’s to convey this news.⁴ Love’s hastily prepared a “Sketch Plan Application” on a Grand County form for its proposed 13-acre Truck Stop. The Application was submitted to Grand County eight days later, on May 3, 2019.

The Love’s Application, which was not disclosed to the public until months later, described the proposed Truck Stop as 13.06 acres in size, including 8.27 acres of impervious surfaces. The Application said the proposed Truck Stop would include 16 automobile fueling positions and five truck fueling bays, 90 automobile parking spaces and 53 truck parking spaces. The Application indicated the proposed Truck Stop would “be operational and staffed 24 hours a day/365 days a year.”⁵

The SITLA property where Love’s proposed to build its Truck Stop was part of the CD-h sub-zone described in Section 12-2 of the 2011 Zoning Ordinance as it existed on May 3, 2019. The “permitted uses” for the CD-h sub-zone included “Automobile Service Station, Auto Accessories” and “Restaurant or drive-in cafe,” but did not allow for truck stops, commercial parking lots, tractor-trailer fueling, or other uses contemplated by the Application. Love’s did not apply for a variance, which is required for approval of a permitted use in the CD-h sub-zone. Love’s also did not apply for a CUP, even though all non-permitted uses required a CUP.

On May 10, 2019, Walter J. Bird, the County’s Planning and Zoning Director, sent a letter to Love’s stating that the County had received the Application and because the proposal was “for a commercial development in a commercial zone . . . there is nothing additional that Love’s needs to do at this time” – thereby approving the Application. This purported approval is what the District Court found to be illegal.⁶

⁴ Exhibit 6, County-SITLA-Love’s Correspondence.

⁵ Exhibit 2, Application.

⁶ Exhibit 4, Order on Petitioner’s Motion for Summary Judgment.

After multiple delays requested by County staff, the Development Moratorium was finally passed by the Board on May 21, 2019. It went into effect with a 6-month duration. Before the end of the Moratorium, the Board adopted the 2019 Spanish Valley Ordinances.⁷

Appeal History

Within days of learning of Mr. Bird's approval letter, the Coalition appealed to the County's Appeal Authority. The County refused to recognize the appeal and refused to hold appeal proceedings, leaving the Coalition no alternative but to further appeal to the courts. Ultimately, the Utah Court of Appeals ruled that the Coalition had standing to appeal and had timely exercised its right to appeal. A further appeal attempt by Love's and the County was rejected by the Utah Supreme Court.

The Court of Appeals sent the case back to the Seventh District Court, which then granted the Coalition's motion for summary judgment, determining that the Zoning Administrator (Mr. Bird) had acted illegally in approving the Application. The Court observed that "[t]he proposed Love's Travel Stop is neither explicitly a restaurant nor an automobile service station, yet it might be both things (and more). In other words, it is a mixed use and mixed uses are not explicitly permitted under the [2011] Zoning Ordinance."⁸ The District Court ruled that the Planning Commission should have been consulted to determine whether Love's mixed-use proposal would be "in harmony with the intent of the neighborhood commercial zone and similar in nature to the [permitted] uses" in the CD-h sub-zone.⁹

The District Court expressly declined to determine whether the Love's Application should now be reviewed under the 2011 Zoning Ordinance or the 2019 Spanish Valley Ordinances.¹⁰ The Court determined that the selection of applicable law should be made at the County level, after the Planning Commission had "considered the application, determined whether it is complete, [and] made any other reviewable factual determinations about the record."¹¹ These further actions by the Planning Commission on remand will be subject to the parties' right to further appeal.

Legal Standards Governing the Planning Commission's Review

In accordance with the District Court's rulings, the Planning Commission must first determine whether the 2011 Zoning Ordinance or the 2019 Spanish Valley Ordinances apply to its deliberations. Under the Utah Code, an application for land use approval is governed by "the applicable land use regulations, land use decisions, and

⁷ Exhibit 12, 2019 Spanish Valley Zoning Ordinance.

⁸ Exhibit 4, Order on Petitioner's Motion for Summary Judgment

⁹ Exhibit 13, 2011 Zoning Ordinance at § 12-2.

¹⁰ Exhibit 5, Judgment.

¹¹ *Id.*

development standards in effect when the applicant submits a complete application and pays all applicable fees.” Utah Code § 17-27a-508(1)(a)(ii). “A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.” Utah Code § 17-27a-508(1)(c). Further, an applicant is not entitled to substantive review under existing land use regulations where “the county [has] formally initiate[d] proceedings to amend the county’s land use regulations in a manner that would prohibit approval of the application as submitted.” Utah Code § 17-27a-508(1)(a)(ii).

The second question posed by the District Court is whether a truck stop should be implied as a permitted use under the 2011 Zoning Ordinance (if that ordinance applies), because it is an “other use[]” that is “in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed [permitted] uses.”¹²

In deciding these issues, the Planning Commission is “bound by the terms and standards of applicable zoning ordinances and [is] not at liberty to make land use decisions in derogation thereof.” *Springville Citizens for a Better Community v. City of Springville*, 1999 UT 25, ¶ 30, 979 P.2 332. When a county makes a land use decision in “disregard [of] its mandatory ordinances,” the land use decision is “illegal” and subject to judicial review. *Id.*; Utah Code § 17-27a-801(3)(d)(i).

Analysis of the Issues

1. The Application Is Incomplete and Must Be Rejected

An applicant’s right to consideration of a land use application under existing ordinances becomes vested only after the application is “complete.” To be complete, the applicant must comply with all applicable ordinances and pay all applicable fees. Utah Code § 17-27a-508(1)(a), (c). The Planning Commission regularly receives submissions requesting permission to proceed with projects – ranging from overnight accommodations overlay approval, conditional use permits, plat approvals or site plan approvals for construction of permitted uses (most recently a cell tower). Before those submissions come before the Planning Commission for review, applicants frequently work with County staff to provide additional or revised information to make sure the Planning Commission has all the information it needs to consider the application. Only then, when the application is complete, is it submitted for Planning Commission review.

Under the standards this body would normally apply to that process, the Love’s application must be considered incomplete. For a project of the magnitude and impact of the proposed truck stop, it is inconceivable that the documents submitted would not normally prompt staff, or this Commission, to seek additional information before deeming the application ready for review.

¹² Exhibit 13, 2011 Zoning Ordinance at § 12-2.

First, Love's failed to apply for a variance or a CUP, even though a variance is required for any permitted use in the CD-h sub-zone and a CUP is required for any other use. The 2011 Zoning Ordinance sets forth a list of specific uses that are permitted in the CD-h sub-zone. All permitted uses in the CD-h sub-zone "may be permitted by variance." "All other uses than those listed" are conditional uses.¹³ As the District Court observed, a truck stop is not listed among the permitted uses, although automobile service stations and restaurants are separately listed. "Other uses" also can be permitted under the 2011 Zoning Ordinance if "approved by the Planning Commission as being in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed uses."¹⁴ If a truck stop is considered an "other use" that is permitted, then a variance is required; if it is not a permitted use, then a CUP is required.

The Love's Application never addressed or purported to comply with any of these provisions. It never claimed to be permitted as an automobile service station or restaurant (or even a combination of the two) and never sought Planning Commission approval as an "other use" "in harmony" with the sub-zone. It never filed the form required by San Juan County to seek a variance¹⁵ and never provided the information necessary to obtain a variance.¹⁶ Nor did the Application seek a CUP or provide the form San Juan County requires applicants for a CUP to submit as part of the application process.¹⁷

Second, the Love's Application, submitted on Grand County's Sketch Plan application form, failed to provide the kind of detailed information normally requested by the Planning Commission. The 2011 Zoning Ordinance requires applicants seeking permission to build in the CD-h sub-zone to provide "detailed site plan drawings" at a "convenient engineering scale" and include the "location of all existing structures and improvements" and "[p]roposed methods providing utility needs" and "stormwater drainage."¹⁸ When considering the information that would be needed to make the application "complete," it is also instructive to look at the requirements for seeking a building permit in San Juan County, which 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 adjacent streets, north arrow and property lines, existing grades and proposed new grades."¹⁹

Here, Love's did not provide architectural drawings of any kind, or any detailed site development plans drawn to scale. Potential building locations and ground treatment are indicated in only the most general terms and only for the hard surface areas. Existing

¹³ Exhibit 3, 2011 Zoning Ordinance at §§ 12-2, 12-3.

¹⁴ *Id.* at § 12-2

¹⁵ <https://sanjuancounty.org/sites/default/files/fileattachments/planning/page/3421/sjcvarianceform17.pdf>

¹⁶ Exhibit 13, 2011 Zoning Ordinance at § 2-3.

¹⁷ <https://sanjuancounty.org/sites/default/files/fileattachments/planning/page/3401/conduseperforms15.pdf>

¹⁸ Exhibit 13, 2011 Zoning Ordinance at § 12-4(2).

¹⁹ *Id.* at § 1-6(1)(a).

grades and proposed new grades are not shown. In fact, the Love's Application even failed to provide all the information requested by Grand County's sketch plan form.²⁰ For example, the form (pages 2-3) requires topography to be shown at 5-foot intervals and all easements or rights-of-way necessary to drainage. It also requires the type and layout of water supply and sewage treatment systems to be shown. A vicinity topography map also is required. None of these items were included in the Love's submission. Love's even acknowledged that more information needed to be provided regarding stormwater drainage: "A detailed analysis of the pre-and post-development conditions using ICPR routing software will be provided."²¹ To the best of the Coalition's knowledge, that information has never been provided.

Third, Love's failed to pay the proper fee for its application. Love's submitted an application fee of \$550 to Grand County. Love's did not submit any application fee to San Juan County and there is no evidence that Grand County ever forwarded the fee to San Juan County.

The failure of Love's hastily-prepared-application to seek a mandatory variance or CUP and to provide the same kind of detailed information normally presented to this body renders the Application incomplete. This incompleteness means that Love's never had a vested right to have the application reviewed under the 2011 Zoning Ordinance, and the Application, which still is not complete, should be rejected on that basis alone.²²

2. The Application Must Be Denied Under the 2019 Spanish Valley Ordinances

Even if the Love's Application had been complete when submitted on May 3, 2019 (which it was not), it would still not be entitled to substantive review under the 2011 Zoning Ordinance. The Utah Code states that an applicant is not entitled to substantive review under existing land use regulations if it is incomplete or if, at the time of submission, "the county [has] formally initiate[d] proceedings to amend the county's land use regulations in a manner that would prohibit approval of the application as submitted." Utah Code § 17-27a-508(1)(a)(ii).

Here, the County had formally initiated proceedings to amend the Zoning Ordinance for Spanish Valley prior to Love's submission of its Application on May 3,

²⁰ Exhibit 2, Application.

²¹ *Id.* at p. 1.

²² The many shortcomings of the Love's Application are not saved by the Interlocal Agreement between Grand County and San Juan County. The Interlocal Agreement relates only to building inspections and permit administration. The Interlocal Agreement requires Grand County to "refer all inquiries and matters pertaining to the San Juan zoning ordinances, subdivision ordinance and fee schedules to the San Juan County Building Department." The Interlocal Agreement does not waive the application requirements in the 2011 Zoning Ordinance or allow the use of Grand County forms, and does not authorize Grand County to make land use decisions on behalf of San Juan County or collect application fees on its behalf. Nor does it appear from the record that Grand County took any action with respect to the Application other than to forward the Application (but not the fees) to San Juan County.

2019. The Area Plan had been adopted in 2018, and the Planning Commission and the Board had been reviewing proposed ordinances prepared by Landmark Design since December of 2018, including at the April 3, 2019 Planning Commission meeting. The zoning changes to the CD-h sub-zone were specifically part of the ongoing planning and amendment process.

Love's was fully aware of the forthcoming zoning amendments and rushed to submit its Application before the Development Moratorium went into effect.²³ Love's gambled that if it rushed a sketch plan to friendly County staff, it could get a rubber stamp before the Board enacted the contemplated ordinance changes or the Development Moratorium. This is exactly the type of behavior that the Utah Code prohibits: interested parties cannot thwart the legislative process by rushing an application through while revisions to land use ordinances are underway.

Thus, there are two independent reasons why the Application cannot be reviewed under the 2011 Zoning Ordinance. Not only was the Application incomplete when submitted, but the County had already formally initiated revisions to the zoning regulations applicable to Spanish Valley. If Love's were to now attempt to complete its application or file the forms necessary to seek a variance or CUP, the Utah Code dictates that the application would need to be evaluated under the ordinance in effect at the time of completion – i.e., the current 2019 Spanish Valley Ordinances.

The 2019 Spanish Valley Ordinances expressly limit truck stops to the “portion of the HC Highway Commercial District south of Ken's Lake Cutoff Road only” and to the portion of the BF Business Flex District “south of Pack Creek Cutoff Road.”²⁴ The Spanish Valley Ordinances also require a CUP for a truck stop and impose other restrictions on proximity to existing residential structures, none of which are met here.²⁵ For these reasons, the Spanish Valley Ordinances mandate that the application must be denied at the currently proposed Sunny Acres Location.

3. Even Under the 2011 Zoning Ordinance, the Application Should Be Denied

For the reasons already discussed, the Love's Application should be rejected as incomplete or evaluated only under the 2019 Spanish Valley Ordinances. Nevertheless, if the Planning Commission were to reach the issue of whether the proposed truck stop would be “in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed [permitted] uses,” it should conclude that there is nothing harmonious about a truck stop at the Sunny Acres Location and should deny the Application.

²³ See Exhibit 6, County-SITLA-Love's Correspondence.

²⁴ Exhibit 12, 2019 Spanish Valley Ordinance at ch. 6, p. 32; ch. 4, p. 29.

²⁵ *Id.* at pp. 32-33.

A 2012 Opinion by the Utah Property Rights Ombudsman provides significant guidance on how to address this issue under the 2011 Zoning Ordinance.²⁶ The Ombudsman Opinion arose from a dispute between the City of Wellsville, Utah, and Garyn Perrett, who proposed to build a truck stop in Wellsville’s commercial CH zone. The Wellsville zoning ordinance provided that all uses in the commercial zone required a CUP, and further provided that only 17 enumerated uses would be allowed, even under a CUP. Among the allowed uses were “automobile service station, auto accessories,” “[c]ar and/or truck wash,” [c]onvenience store, including self-service gas pumps,” [r]epair and maintenance of motor homes, campers, RV trailers and utility trailers,” and “[r]estaurant or drive-in café.” *Id.* p. 3. This list is broader than the list of 11 specifically permitted uses in the CD-h sub-zone in San Juan County. In the Wellsville case, the issue before the Ombudsman was whether the proponent of the truck stop would be allowed to apply for a CUP, because it was similar enough to the enumerated uses for which a CUP was allowed. The Ombudsman said “no”:

A truck stop . . . is a different and distinct use, and not just a group of component parts. A truck stop is commonly understood to be a business catering to larger tractor-trailer rigs, in addition to automobile traffic. In general, a truck stop requires a large parcel and large buildings. They also alter traffic patterns, because they are intended to attract commercial trucking traffic. Accommodations for the larger tractor-trailers is a unique impact of a truck stop, and so it is more than just a “supersized” gas station. . . . A truck stop is a distinct land use with significantly different impacts than those associated with the component parts. It is therefore inappropriate to conclude that a “truck stop” may be “implied” because other allowed uses are somewhat similar. Even if the proposed facility consists of a combination of otherwise allowed uses, because a truck stop is substantially different, it cannot be allowed without an ordinance amendment.²⁷

In the Wellsville case, the Ombudsman concluded that the landowner could not seek a CUP, because a truck stop could not be “implied” as an allowed use under the Wellsville ordinance. Similarly, under the 2011 Zoning Ordinance, the Ombudsman’s opinion strongly suggests that a truck stop is not an “[o]ther use” that is “in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed [permitted] uses.”²⁸ As highlighted by the Ombudsman, a truck stop is more than just the sum of its parts and can be expected to have a far more significant impact – even in a commercial zone – than an automobile service station, restaurant, or a combination of them.

²⁶ Exhibit 1, Utah Ombudsman Opinion No. 115.

²⁷ *Id.*, p. 6.

²⁸ Exhibit 13, 2011 Zoning Ordinance at § 12-2.

As any highway user knows, the Ombudsman’s analysis makes good sense. Cars using a typical automobile service station arrive, add fuel, use the associated convenience store, and move down the highway. They rarely stay for extended periods. Even at 24/7/365 automobile service stations, cars are seldom allowed to stay overnight. At a truck stop, on the other hand, drivers stop to not only fuel their rigs and seek a meal but also are allowed to stay for mandatory rest periods. During these stays, rigs are often parked for many hours with engines, cooling units and air conditioning running. Exhaust fumes are emitted and carried to neighboring communities, as is the noise from humming engines. The amount of fuel that must be stored on site to fuel large rigs, and the amount of fuel carried in the tanks of those rigs, creates a far greater possibility of major fuel spills and contamination of local water resources – including Pack Creek, which runs near the Sunny Acres Location. As the Ombudsman correctly observed, the traffic patterns of large rigs also are different than those associated with automobiles. Those rigs accelerate and decelerate more slowly than automobiles, which increases the risks of accidents as trucks enter or leave the highway. The volume of traffic also increases when compared to automobiles, because rigs purposefully seek out truck stops, whereas cars stop as a matter of convenience. All of these differences between a truck stop and other uses permitted in the CD-h sub-zone reinforce the Ombudsman’s conclusion that a truck stop cannot be implied as “in harmony” with the other permitted uses.²⁹

For the same reasons highlighted by the Ombudsman, the Love’s Application should be denied, because it is not “in harmony” with permitted uses and no CUP was ever sought.

Conclusion

For the reasons set forth above, the Planning Commission should deny the Love’s Application so that the property in question can be sold to an owner who would use it in accordance with the current Spanish Valley Ordinances. Love’s should be advised to explore locations south of Ken’s Lake Cutoff Road, which also are owned by SITLA, for its proposed truck stop.

Respectfully submitted,

CLYDE SNOW & SESSIONS



Matthew A. Steward
Shaunda L. McNeill

²⁹ Attached as Exhibits 7-11 are statements from Spanish Valley residents describing how the Truck Stop would affect them and their communities.

By Certified U.S. Mail

San Juan County Planning and Zoning Commission
c/o Mitchell Maughan, Esq.
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Appendix of Exhibits

1. Utah Property Rights Ombudsman Advisory Opinion, No. 115
2. Love's Sketch Plan Application
3. Court of Appeals Ruling
4. District Court Memorandum Opinion: Order on Petitioner's Motion for Summary Judgment and Respondent's Cross-Motion for Summary Judgment
5. District Court Judgment
6. County-SITLA-Love's Correspondence
7. Declaration of Marlene Huckabay
8. Declaration of Susan Baril
9. Declaration of Pat Baril
10. Declaration of David Focardi
11. Declaration of Colby Smith
12. 2019 Spanish Valley Zoning Ordinance: accessible at <https://sanjuancounty.org/planning/page/spanish-valley-ordinances>
13. 2011 San Juan County Zoning Ordinance: accessible at <https://sanjuancounty.org/sites/default/files/fileattachments/planning/page/3381/zoningordinance092011.pdf>
14. 2018 Area Plan: accessible at <https://sanjuancounty.org/planning/page/spanish-valley-ordinances>

Exhibits to Coalition's Memorandum dated February 1, 2024

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2. Love's Sketch Plan Application
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13. 2011 San Juan County Zoning Ordinance: accessible at <https://sanjuancounty.org/sites/default/files/fileattachments/planning/page/3381/zoningordinance092011.pdf>
14. 2018 Area Plan: accessible at <https://sanjuancounty.org/planning/page/spanish-valley-ordinances>

Exhibit 1
Utah Property Rights Ombudsman Advisory
Opinion No. 115

Advisory Opinion #115

Parties: Garyn Perrett and Wellsville City

Issued: August 28, 2012

TOPIC CATEGORIES:

B: Conditional Use Applications

Other Topics(v): Interpretation of Ordinances

An ordinance should be interpreted to give effect to its intent, as evidenced by its plain language. Discretion allowed to a local government to interpret and apply its own ordinances cannot extend to the point where the ordinance's language is completely ignored. A use that is not listed as an allowed use cannot be "implied" because some similar uses are listed, if the proposed use is significantly different from those listed.

DISCLAIMER

The Office of the Property Rights Ombudsman makes every effort to ensure that the legal analysis of each Advisory Opinion is based on a correct application of statutes and cases in existence when the Opinion was prepared. Over time, however, the analysis of an Advisory Opinion may be altered because of statutory changes or new interpretations issued by appellate courts. Readers should be advised that Advisory Opinions provide general guidance and information on legal protections afforded to private property, but an Opinion should not be considered legal advice. Specific questions should be directed to an attorney to be analyzed according to current laws.



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GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

State of Utah Department of Commerce

OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN

Item 6.

ADVISORY OPINION

Advisory Opinion Requested by: Garyn Perrett
Local Government Entity: Wellsville City
Applicant for the Land Use Approval: Greenville Corner LLC
Type of Property: Commercial Development
Date of this Advisory Opinion: August 28, 2012
Opinion Authored By: Elliot R. Lawrence
Office of the Property Rights Ombudsman

Issues

May a City's zoning ordinance be interpreted as allowing a truck stop se when that use is not allowed by the ordinance's language?

Summary of Advisory Opinion

A statute or ordinance should be interpreted to give effect to the intent of the ordinance, as evidenced by its plain language. It must be presumed that the language used was chosen advisedly, including terms which were not included. The City's ordinance does not include "truck stop" as an allowed use, and it must be presumed that the City Council could have included the term if it so chose.

Statutory construction rules which favor approval of land uses, and allow discretion to local governments must respect the language of the ordinance, and are not excuses to ignore ordinances or insert terms that were not adopted through the legislative process. Because a truck stop is a distinct land use, with unique impacts, it cannot be implied as an allowable use because a truck stop is similar to allowed uses. The distinction between the allowed uses and a truck stop is too great to simply ignore the plain language of the ordinance.

Review

A Request for an Advisory Opinion may be filed at any time prior to the rendering of a final decision by a local land use appeal authority under the provisions of UTAH CODE ANN. § 13-43-205. An advisory opinion is meant to provide an early review, before any duty to exhaust administrative remedies, of significant land use questions so that those involved in a land use application or other specific land use disputes can have an independent review of an issue. It is hoped that such a review can help the parties avoid litigation, resolve differences in a fair and neutral forum, and understand the relevant law. The decision is not binding, but, as explained at the end of this opinion, may have some effect on the long-term cost of resolving such issues in the courts.

A Request for an Advisory Opinion was received from Garyn Perrett on April 16, 2012. A copy of that request was sent via certified mail to Ruth P. Maughan, of Wellsville City, at 75 East Main Street, Wellsville, Utah. 84339. The City received that copy on April 25, 2012.

Evidence

The following documents and information with relevance to the issue involved in this Advisory Opinion were reviewed prior to its completion:

1. Request for an Advisory Opinion, with attachments, submitted by Garyn Perrett, received by the Office of the Property Rights Ombudsman on April 16, 2012.
2. Additional Materials submitted by Mr. Perrett, received May 10, 2012.
3. Additional Materials submitted by Mr. Parrett, received May 15, 2012.
4. Response from Greenville Corner, LLC (property owner), submitted by Steve Kyriopoulos, received May 17, 2012.
5. Reply to Greenville Corner, submitted by Garyn Perrett, received May 30, 2012.
6. Response from Wellsville City, submitted by Bruce L. Jorgensen, Olson & Hoggan, PC, received June 1, 2012.
7. Reply submitted by Mr. Perrett, received June 20, 2012.
8. Reply submitted by Mr. Kyriopoulos, received June 21, 2012.
9. Material submitted by Robert Bolton, received July 2, 2012.
10. Reply submitted by Mr. Jorgensen, received July 10, 2012.
11. Reply submitted by Mr. Perrett, received July 17, 2012.
12. Reply submitted by Mr. Jorgensen, received July 23, 2012.
13. Reply submitted by Mr. Perrett, Received July 25, 2012.

Background

Greenville Corner, LLC owns 12 acres in Wellsville, at the intersection of Highway 89/91 and 400 South.¹ The property consists of three parcels, all of which are zoned “CH” (Highway

¹ A map of the area identifies the cross street as both “400 North” and “4700 South” (which may be the designation from another jurisdiction).

Commercial) by the City. The property is located on the east side of the highway, and the surrounding properties on that side of the road are also zoned commercial. There are a few residential properties directly across the highway, and some commercial businesses across 400 South.² A railroad track borders these commercial properties. The Greenville Corner property is not developed, but the owners have allowed a temporary produce stand to be placed near the intersection during summer months. The property's owners indicate that a service station was located on the property in the past, but that building was demolished several years ago.

Greenville Corner proposes to construct and operate a truck stop on the property. According to the preliminary plans, access to the truck stop would be directly from Highway 89/91, a short distance from the intersection, with another access point located on 400 North.³ The proposed truck stop facility described in the application is fairly typical: A convenience store, vehicle maintenance, a car wash, and fuel sales. It would provide fuel, food, and other supplies for travelers and truck drivers. A site plan indicates a pad for a future restaurant, a future RV parking area, and parking areas for semi trucks and trailers. It is not clear whether the facility would include amenities such as showers and a laundry for truck drivers.

The 400 North access point appears to align with the intersection of 900 East, a local road that leads in a southeasterly direction to join "Main Street" (also designated as State Highway 101). There are several homes along 900 East, all south of the railroad tracks, and several hundred feet away from the Greenville Corner property.

All uses in the CH zone are conditional. There are no permitted uses.⁴ "Only such uses and facilities as are specifically authorized in this chapter and title as permitted and conditional uses shall be allowed. All other uses and facilities are prohibited." WELLSVILLE CITY CODE. § 10-17-6.⁵ There are 17 conditional uses approved for the CH zone including "Automobile service station, auto accessories;" "Car and/or truck wash;" "Convenience store, including self-service gas pumps;" "Repair and maintenance of motor homes, campers, RV trailers and utility trailers;" and "Restaurant or drive-in café." *Id.*, 10-9E-3.

The proposed truck stop garnered opposition from neighboring property owners, including at least one who owns a home on 900 East. These citizens claim that a truck stop will have adverse effects on the community, such as reduced property values, smoke and particulate matter from truck exhausts, increased noise, and increased traffic in residential neighborhoods. The citizens submitted materials detailing the health effects of diesel smoke, noise studies conducted at truck facilities, and crime statistics from Perry, Utah, which has a truck stop.⁶ Realtors provided opinions on how the proposed facility might impact the values of nearby properties. The citizens also cited to the City's subdivision ordinance, stating that the proposed truck stop didn't meet the criteria listed in that ordinance. Finally, the citizens argued that a truck stop is not specifically

² Overall, the immediate area around the property appears to be rural, with some commercial development along Highway 89/91, and a few homes. The property is bounded on the east and north by agricultural land.

³ The access from Highway 89/91 requires approval from the Utah Department of Transportation.

⁴ "The purpose of the CH zone is to provide commercial areas on major highways for the location of traveler services and highway oriented commercial uses." WELLSVILLE CITY CODE, § 10-9E-1.

⁵ Title 10 of the City Code is the "Zoning Ordinance of Wellsville City, Utah". *Id.* § 10-1-1.

⁶ Perry is located along I-15. It is approximately the same size as Wellsville.

included on the list of conditional uses in the City's ordinance, and so the City cannot approve the truck stop.

The City and Greenville Corners answer that any nuisance conditions would be dealt with through regulation, in the same way that nuisance conditions would be dealt with on any property. In a similar manner, any problems with crime would be dealt with through enforcement. The City noted that the proposed truck stop was not a subdivision, so the subdivision ordinance did not apply.

The City argues that because a truck stop is similar to other uses listed in the CH zone, it is reasonable to conclude that a truck stop should be allowed. The City explains that the CH zone is intended for travel-related commercial uses on highways, and that the list of conditional uses includes automotive sales and service, RV and motor home sales and service, fuel sales, car/truck wash, and restaurant. The City and Greenville Corners argue that these allowed conditional uses are all components of truck stops, so it is reasonable to conclude that a truck stop may be approved in a CH zone.

Analysis

The City's Zoning Ordinance Does Not Include "Truck Stop" as an Allowed Conditional Use, so the Proposed Facility Cannot be Approved as a Truck Stop.

Because the City's zoning ordinance does not list "truck stop" as an allowed conditional use, Greenville Corner's proposed facility cannot be approved. It is acknowledged that the proposed facility consists of component parts which are allowed as conditional uses. Some of the approved uses are typical components of a truck stop, such as fuel sales, automobile service station, convenience store, restaurant, and car or truck wash. Any or all of these components could be approved on the Greenville Corner property, but a truck stop is more than just a combination of uses approved for the CH zone. It is improper to presume that by including such individual components on the list of allowed conditional uses the City had impliedly chosen to allow truck stops as well.

The City's ordinances cannot be interpreted to allow a truck stop on the parcel. There is no question that "truck stop" is not on the list of allowable uses in Wellsville City's CH zone. Section 10-9E-3 of the Wellsville City Code lists 17 conditional uses which are allowed in the CH zone. Those listed uses do not include "Truck stop," or any term similar to "truck stop." In fact, the term does not appear at all in the City's ordinances. As is explained below, the City's code cannot be reasonably interpreted to allow truck stops in the CH zone.

A. Standards of Statutory Interpretation.

Statutory interpretation begins with the plain language of the ordinance. "When interpreting statutes, our primary objective . . . is to give effect to the legislature's intent. To discern legislative intent, we look first to the statute's plain language. In doing so, we presume that the legislature used each word advisedly and read each term according to its ordinary and accepted

meaning. Additionally, we read the plain language of the statute as a whole and interpret its provisions in harmony with other statutes in the same chapter.” *Selman v. Box Elder County*, 2011 UT 18, ¶ 18, 251 P.3d 804, 807 (quotations and alterations omitted).

Three specific paradigms of statutory interpretation are important to this analysis: First, “the expression of one should be interpreted as the exclusion of another.” *Biddle v. Washington Terrace City*, 1999 UT 110, ¶ 30, 993 P.2d 875, 879. In other words, an omission in an ordinance should be given effect by a presumption that the omission was purposeful. *Id.*; see also *Carrier v. Salt Lake County*, 2004 UT 98, ¶ 30, 104 P.3d 1208, 1216. Secondly, “since zoning ordinances are in derogation of a property owner’s use of land . . . any ordinance prohibiting a proposed use should be strictly construed in favor of allowing the use.” *Id.* 2004 UT 98, ¶ 31, 104 P.3d at 1217. Finally, a local government’s interpretation of its own ordinances is allowed “some level of non-binding deference . . .” *Fox v. Park City*, 2008 UT 85, ¶ 11, 200 P.3d 182.

B. The City’s Ordinances Cannot be Interpreted as Allowing a Truck Stop as an “Implied” Use Based on Possible Similarity to Other Allowed Uses.

Using the statutory interpretation rules listed above, the language of the City’s ordinance cannot support a conclusion that a truck stop may be approved because it is somewhat similar to allowed conditional uses. The plain language of § 10-9E-3 approves 17 conditional uses for the CH zone.⁷ It must be presumed that the City Council chose those 17 uses advisedly, and also chose not to include certain uses, including truck stops.⁸ Thus, the legislative intent, evidenced by the plain language of § 10-9E-3, is that truck stops are not allowed uses in the CH zone.

The 17 listed conditional uses allow a fair range of activity, but that range cannot be stretched to include a truck stop. Although a truck stop is similar to some of the allowed uses, it is nevertheless a significantly different land use than those listed in the CH zone. The City and the property owner argue that a truck stop should be allowed because that use is similar enough to some of the uses listed, particularly automotive sales and service, fuel sales, repair and maintenance of RV and motor homes, and even farm equipment sales. Admittedly, this argument is not without merit. In fact, the proposed facility is comprised of four allowed uses: (1) Fuel sales, (2) convenience store, (3) car wash, and (4) auto/truck service.⁹ The plans also show a truck parking area, a future restaurant site, and an RV parking area.¹⁰ Truck stops generally include these components.¹¹

⁷ There are no permitted uses in the CH zone. WELLSVILLE CITY CODE, § 10-9E-2; see also *id.*, § 10-17-6 (Uses not listed as permitted or conditional are prohibited.)

⁸ It is not necessary to prove that the City Council expressly rejected “truck stop” as an allowable use. It is presumed that if the City Council had wished to include “truck stop” as an allowed use, it would have.

⁹ “Convenience store, including self-service gas pumps” is listed as a use in the CH zone.

¹⁰ RV parking is not a listed use, but “parking lot” is. It is not clear whether the proposed RV parking would include hookups for short-term RV camping.

¹¹ The City code does not have a definition of “truck stop,” nor is one found in the Utah Code. Salt Lake City adopted the following definition, which appears to be typical: “TRUCK STOP: A building site and structures where the business of maintenance, servicing, storage or repair of trucks, tractor-trailer rigs, eighteen (18) wheel tractor-trailer rigs, buses and similar commercial or freight vehicles is conducted, including the sale and dispensing of motor fuel or other petroleum products and the sale of accessories or equipment for trucks and similar commercial

A truck stop, however, is a different and distinct land use, and not just a group of component parts. A truck stop is commonly understood to be a business catering to larger tractor-trailer rigs, in addition to automobile traffic. In general, a truck stop requires a large parcel and large buildings.¹² They also alter traffic patterns, because they are intended to attract commercial trucking traffic.¹³ Accommodations for the larger tractor-trailers is a unique impact of a truck stop, and so it is more than just a “supersized” gas station. In addition, a combination of component uses in a single location would have a greater impact than simply the sum of the impacts attributed to each individual part. Accordingly, this Opinion must conclude that a truck stop is more than just a combination of component parts. Even though the proposed facility is an aggregate of allowed uses, those uses cannot somehow combine to allow a different and unique use that is not included in the City’s ordinances.

As stated above, the City’s interpretation of its own ordinances enjoys a level of “non-binding deference.” This deference, however, must operate within the language of the ordinance, and cannot justify inserting uses or terms not found in the language approved by the City. If the City approved a distinct land use not listed in its ordinance simply because that use is somewhat similar to allowed uses, the City would effectively be amending its ordinance without proper approval.¹⁴ This position undermines the City’s authority to regulate land use, and would dilute the City’s ordinances to little more than general guidelines. In fact, if this approach is followed, a truck stop could be approved in any of the City’s other commercial zones, because they include uses “similar” to a truck stop, such as service stations, restaurants, motels, fuel sales, etc. The City could, of course, amend § 10-9E-3 to include “truck stop” as an allowable use.¹⁵ It cannot, however, ignore its own ordinances and grant approval to a use that is not listed.¹⁶

C. The City Could Approve Any of the Uses Listed in § 10-9E-3.

Although the current language of § 10-9E-3 does not allow a truck stop on the Greenville Corner property, the City may approve any of the other listed uses. Local governments may designate uses as being “conditional,” meaning that approval may require compliance with additional conditions meant to mitigate the impact of the use. *See* UTAH CODE ANN. § 10-9a-507(1).¹⁷ If a

vehicles. A truck stop may also include overnight sleeping accommodations and restaurant facilities.” SALT LAKE CITY CODE, § 21A.62.040.

¹² The Office of the Property Rights Ombudsman researched how other jurisdictions regulate truck stops. There were fairly consistent references to the area and size of buildings, as well as commercial trucking traffic.

¹³ The primary customers of a truck stop are not from the local area, although local citizens may stop there as well.

¹⁴ Along the same lines, the rule that land use ordinances should be construed in favor of the property owner must also respect the language of the ordinance. While the rule favors property owners, it is not justification to simply ignore an ordinance in order to achieve a desirable outcome.

¹⁵ This Opinion should not be read as disparaging truck stops. They are perfectly acceptable businesses providing valuable services to travelers.

¹⁶ *See* UTAH CODE ANN. § 10-9a-509(2) (“A municipality is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances”).

¹⁷ “Conditional use” means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. *Id.*, § 10-9a-103(5).

use is designated as conditional, the local government must also adopt standards that the conditional uses must meet. *Id.*¹⁸ Conditional uses cannot be designated unless standards of compliance are also adopted by ordinance.

Uses are often designated as conditional because there may be detrimental impacts associated with the use. The existence of detrimental impacts, however, does not doom a proposed use. An application for a conditional use may only be denied if the detrimental impacts cannot be mitigated through reasonable conditions.

- (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
- (b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

Id., § 10-9a-507(2). In essence, standards are goals or objectives, and the conditions are the means to meet those goals. Adopting objective, measureable standards encourages fairness and provides the means to gauge success or failure of the conditions.

Conclusion

A local government may designate uses as conditional, but must also adopt compliance standards for the uses. The Wellsville City Code does not provide for a “truck stop” as a conditional use in the CH zone. It must be presumed that the City Council left the term out advisedly, and if it wants to include truck stop, it may amend the ordinance. A truck stop is a distinct land use with significantly different impacts than those associated with the component parts. It is therefore inappropriate to conclude that a “truck stop” may be “implied” because other allowed uses are somewhat similar. Even if the proposed facility consists of a combination of otherwise allowed uses, because a truck stop is substantially different, it cannot be allowed without an ordinance amendment.

Brent N. Bateman, Lead Attorney
Office of the Property Rights Ombudsman

¹⁸ The standards do not necessarily need to apply to all conditional uses. An ordinance may designate conditional uses, and also adopt standards tailored to apply to specific uses, or even to conditional uses in specific zones.

NOTE:

This is an advisory opinion as defined in § 13-43-205 of the Utah Code. It does not constitute legal advice, and is not to be construed as reflecting the opinions or policy of the State of Utah or the Department of Commerce. The opinions expressed are arrived at based on a summary review of the factual situation involved in this specific matter, and may or may not reflect the opinion that might be expressed in another matter where the facts and circumstances are different or where the relevant law may have changed.

While the author is an attorney and has prepared this opinion in light of his understanding of the relevant law, he does not represent anyone involved in this matter. Anyone with an interest in these issues who must protect that interest should seek the advice of his or her own legal counsel and not rely on this document as a definitive statement of how to protect or advance his interest.

An advisory opinion issued by the Office of the Property Rights Ombudsman is not binding on any party to a dispute involving land use law. If the same issue that is the subject of an advisory opinion is listed as a cause of action in litigation, and that cause of action is litigated on the same facts and circumstances and is resolved consistent with the advisory opinion, the substantially prevailing party on that cause of action may collect reasonable attorney fees and court costs pertaining to the development of that cause of action from the date of the delivery of the advisory opinion to the date of the court's resolution.

Evidence of a review by the Office of the Property Rights Ombudsman and the opinions, writings, findings, and determinations of the Office of the Property Rights Ombudsman are not admissible as evidence in a judicial action, except in small claims court, a judicial review of arbitration, or in determining costs and legal fees as explained above.

MAILING CERTIFICATE

Section 13-43-206(10)(b) of the Utah Code requires delivery of the attached advisory opinion to the government entity involved in this matter in a manner that complies with Utah Code Ann. § 63-30d-401 (Notices Filed Under the Governmental Immunity Act).

These provisions of state code require that the advisory opinion be delivered to the agent designated by the governmental entity to receive notices on behalf of the governmental entity in the Governmental Immunity Act database maintained by the Utah State Department of Commerce, Division of Corporations and Commercial Code, and to the address shown is as designated in that database.

The person and address designated in the Governmental Immunity Act database is as follows:

Thomas G. Bailey, Mayor
City of Wellsville
75 E. Main Street
Wellsville, UT 84339

On this _____ day of August, 2012, I caused the attached Advisory Opinion to be delivered to the governmental office by delivering the same to the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the person shown above.

Office of the Property Rights Ombudsman

Exhibit 2

Love's Sketch Plan Application

**Proposed Love's Travel Stops and Country Stores, Inc.
May 3, 2019**

Love's Travel Stops and Country Stores, Inc. (the "**Applicant**") submits this application for Sketch Plan for a commercial development (the "**Project**"). We are requesting approval of the Sketch Plan Application to allow the development of a Travel Center that will access U.S. Highway 191.

The proposed development property consists of 1 tract totaling approximately 13.06 acres. This tract is within the county limits of San Juan County and in the jurisdiction of Grand County as shown in the Sketch Plan dated 5/3/19. The existing surrounding land use is commercial and the current property zoning is Controlled District-Highway (CD-H).

Project Description

The project will consist of the following:

- | | |
|--|----------------------|
| a) Convenience Store: | ±7,862 s.f. |
| b) Fast Food Restaurant with Drive-Through | ±3,252 s.f. |
| c) Interior Fast Food Restaurant: | ±2,536 s.f. |
| d) Auto Area Fueling Stations: | 8 MPD's/16 Positions |
| e) Auto Area Parking Spaces: | 90 |
| f) Truck Area Fueling Stations: | 5 Bays |
| g) Truck Area Parking Spaces: | 53 |

The proposed development will be operational and staffed 24 hours a day/365 days a year.

The information provided above is approximate and subject to minor adjustments during the final planning and plan preparation for the project.

Utilities:

Sewer service will be provided from the existing Grand County gravity sewer system that is located along U.S Highway 191.

Water service will be provided from the existing Grand County water main that is located along U.S. Highway 191.

Stormwater/Drainage:

Stormwater runoff for the Project will be captured onsite via inlets and concrete flumes, and will be conveyed to a detention facility designed to attenuate the adequate volume of runoff per County and State requirements. This detention facility will discharge into the existing ditch located along U.S. Highway 191, within the Utah Department of Transportation owned right of way. A detailed analysis of the pre- and post-development conditions using ICPR routing software will be provided.

Environmental Impact

The total Project site boundary area is 13.06 acres. Of the 13.06 acre site 8.27 acres will be impervious surfaces. The remaining 4.79 acres will be pervious surfaces that include buffer areas, retention areas, and grassed open areas. The proposed Impervious Surface Ratio (ISR) is 63 percent.

There are no proposed environmental impacts planned with the development with respect to wetlands, resource protection areas or any other environmentally sensitive areas.

The property is currently covered by natural grass. The general topography of the property drains to the North. Water quality and water quantity runoff from this development will be handled through the use of Best Management Practices (BMP). These BMP's will provide compliance with County and State regulations and will include structural measures to control runoff from the site. During construction and land disturbing activities standard erosion control devices will be utilized to minimize erosion on the site and downstream siltation.

School Impacts

There are no impacts to schools with this development.

Public Services

We do not anticipate any adverse impacts to County services for the Project beyond the normal and customary services that would be provided for a retail development of this nature.

Other Impacts

We do not anticipate any impacts to historic sites or structures with this development or within the vicinity of this development. Likewise we do not know of any impacts to any rare, endangered, or irreplaceable species or natural areas that would be affected by this development.



COMMUNITY DEVELOPMENT
ENGINEERING & PLANNING

SKETCH PLAN APPLICATION

Grand County Courthouse: 125 E. Center St. Moab, UT 84532; Phone: (435)259-1343

FOR OFFICE USE ONLY		
Date of Submittal: _____	Sketch Plan Processing Fees: \$550.00	
Submittal Received by: _____	Amount Paid: _____	Fees Received by: _____

CONTACT INFORMATION

Property owner: State of Utah School and Institutional Trust Lands Administration
 Address: 675 E. 500 South, Suite 500, Salt Lake City, UT 84102
 Phone: 801-538-5100 or 435-259-7417 cell: 435-259-9565 fax: 801-538-5118 or 435-259-7473
 Email address: bryantorgerson@utah.gov or eliseerler@utah.gov

Engineer (if applicable): N/A
 Address: _____
 Phone: _____ cell: _____ fax: _____
 Email address: _____

Property owner representative: Kym Van Dyke
 Address: P.O. Box 26210, Oklahoma City, OK 73126
 Phone: (405) 749-1744 cell: _____ fax: (405- 749-9122
 Email address: Kym.VanDyke@loves.com

PROJECT INFORMATION

Project name: Love's Travel Stops & Country Stores
 General location of the property: Along HWY 191, near the San Juan / Grand County line
 Size of the subject property: 13.06 acres Number of lots: 1
 Surrounding land uses: Commercial
 Current Zoning: Controlled District-Highway Cd-h district

REQUIRED – Each of the following agencies will review for their ability to serve the proposed development through adequate existing and future easements, or provide a letter with detailed requirements for the proposed development. Applicants are encouraged to consult each of the following agencies prior to submitting a development application. Grand County Community and Economic Development staff will request approval letters or signatures from each agency after a complete application is submitted.

Moab Valley Fire Department
 Grand County Road Supervisor
 Grand Water and Sewer Service Agency
 Rocky Mountain Power
 FEMA Floodplain Administrator

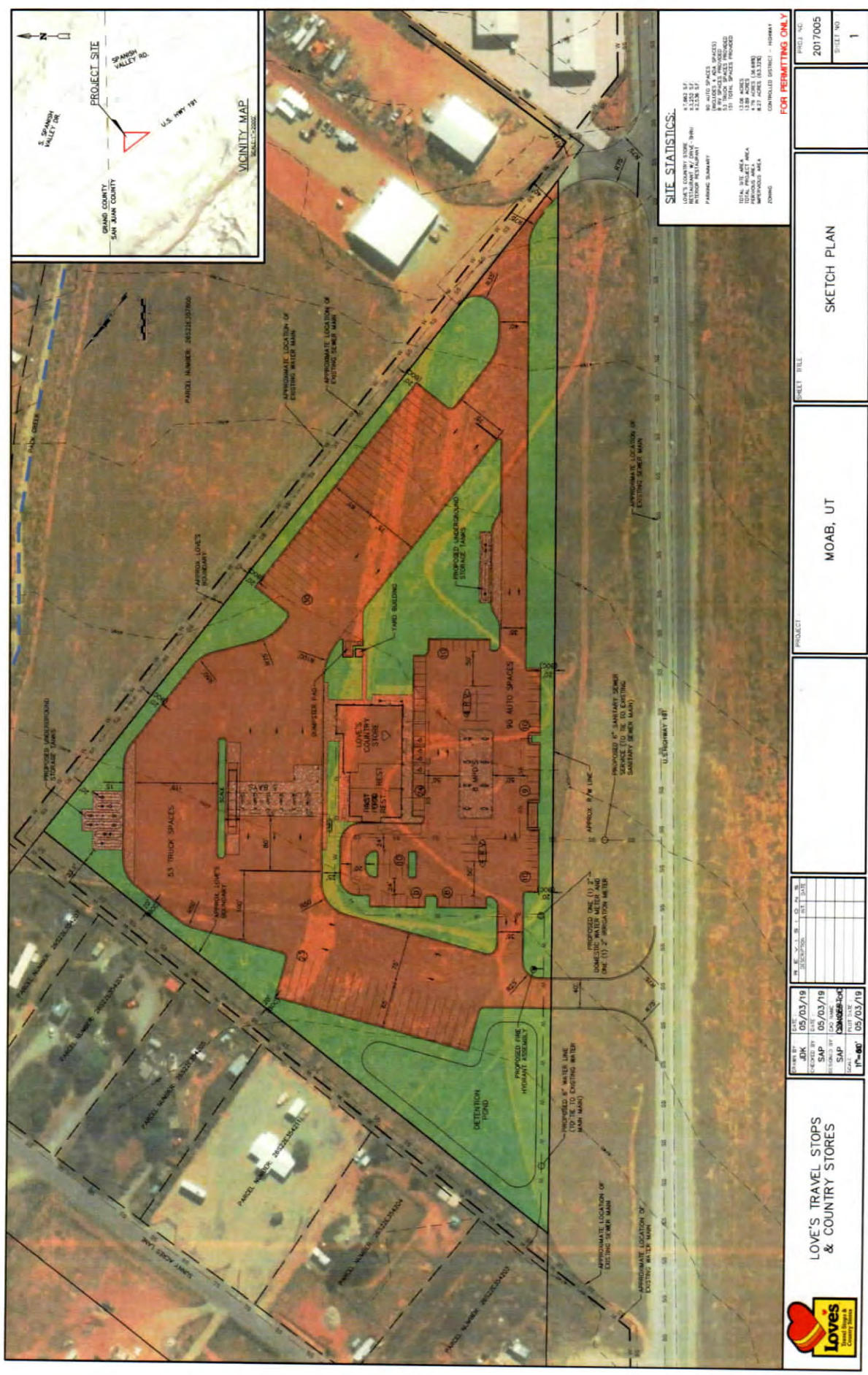
SUPPORTING MATERIALS

Sketch plan applications shall contain, at a minimum, the following supporting materials through the approval process according to the following submittal schedule:

1. **APPLICATION SUBMISSION.** Two complete sets of all supporting materials shall be submitted with this application. These complete sets should include one large (24" x 36") and an electronic copy sent to the Planning Department.
2. **POST MEETING.** If the revised sets of plans are not approved as submitted corrected sets of plans shall be submitted that comply with the Planning Commission's approval.

Sketch Plan. The subdivision sketch plan shall include conceptual plans for the entire parcel. Such plan shall require at a minimum the following information:

1. Conceptual drawing
2. A conceptual drawing of the lot and street layout drawn at a scale of not less than 1 inch = 200 feet and including the following:
3. Proposed number of lots and the approximate area of the individual lots;
4. Topographic contours at 5 foot intervals and all easements or rights-of-way necessary for drainage within or without the boundaries of the subdivision;
5. Significant natural features of the site including streams, lakes, natural drainage lines, vegetation type, and other similar features;
6. Man-made features such as existing buildings, irrigation ditches, utility lines and easements, bridges, culverts, drainage systems, mines or mine dumps;
7. Zone district boundaries;
8. General land use divisions into residential types, commercial, industrial, community facilities, and open space including proposed boundaries of public use or common areas; parking area, total number of dwelling units and total square footage of non-residential space;
9. Type and layout of water supply and sewage treatment system proposed;
10. Acreage of the entire tract and the area to the nearest one-half acres and percent of total area to be devoted to open space;
11. The name and location of a portion of adjoining subdivisions shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivisions in sufficient detail to show actually the existing streets and alleys and other features that may influence the layout and development of the proposed subdivisions; where adjacent land is not subdivided, the name of the owner of the adjacent



SITE STATISTICS:

LOVE'S COUNTRY STORE
INTERIOR RESTAURANT

PARKING SUMMARY:

- 4,198 SF
- 10 AUTO SPACES PROVIDED
- 8 TRUCK SPACES PROVIDED
- 10 TOTAL SPACES PROVIDED

TOTAL PROJECT AREA:
138 ACRES
IMPROVED AREA:
4.77 ACRES (3.51%)
CONTROLLED DISTRICT: - HONOLULU

FOR PERMITTING ONLY


DATE: 05/03/19	PROJECT: SKETCH PLAN
DESIGNED BY: SAP	PROJECT NO: 2017005
DRAWN BY: SAP	SHEET NO: 1
SCALE: 1"=50'	
DATE PLOTTED: 05/03/19	
PROJECT: MOAB, UT	
LOVE'S TRAVEL STOPS & COUNTRY STORES	



200700010 00009

Item 6.

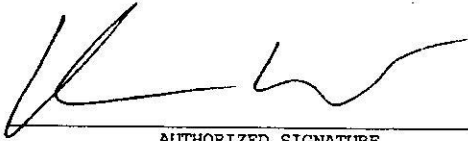
THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

 <p>CHIPOLA ENGINEERING GROUP</p>	<p>CHIPOLA ENGINEERING GROUP, INC 4420 JACKSON ST. MARIANNA, FL 32448</p>	<p>HANCOCK BANK 63-1278/631</p>	<p>002372 5/3/2019</p>
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PAY TO THE ORDER OF **Grand County Community Development** \$ ****550.00**

Five Hundred Fifty and 00/100*** DOLLARS**

Grand County Community Development

Memo 
AUTHORIZED SIGNATURE

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

Exhibit 3

Court of Appeals Ruling

2023 UT App 12

THE UTAH COURT OF APPEALS

NORTHERN SAN JUAN COUNTY COALITION,
Appellant and Cross-appellee,

v.

SAN JUAN COUNTY,
Appellee,

LOVE'S TRAVEL STOPS & COUNTRY STORES,
Intervenor, Appellee, and Cross-appellant.

Opinion

No. 20210235-CA

Filed February 2, 2023

Seventh District Court, Monticello Department
The Honorable Don Torgerson
No. 200700010

Matthew A. Steward and Shaunda L. McNeill,
Attorneys for Appellant and Cross-appellee

Barton H. Kunz II, Alex J. Goble, and Kendall G.
Laws, Attorneys for Appellee

Matthew J. Ball and Jeffery A. Balls, Attorneys for
Intervenor, Appellee, and Cross-appellant

SENIOR JUDGE KATE APPLEBY authored this Opinion, in which
JUDGES GREGORY K. ORME and RYAN D. TENNEY concurred.¹

APPLEBY, Senior Judge:

¶1 The Northern San Juan County Coalition (the Coalition) appeals the district court's dismissal of its petition for review. The district court determined that it did not have subject matter

1. Senior Judge Kate Appleby sat by special assignment as authorized by law. *See generally* Utah R. Jud. Admin. 11-201(7).

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jurisdiction to hear the petition because of the Coalition's failure to exhaust its administrative remedies in its challenge to a land use decision by San Juan County (the County) approving a planned travel stop of Love's Travel Stops & Country Stores (Love's). In response, Love's cross-appeals the district court's preliminary determination that the Coalition had standing to file its petition. We affirm the court's decision as it relates to the cross-appeal but reverse its decision on each of the points raised by the Coalition's appeal.

BACKGROUND

¶2 Because of increased development in Spanish Valley (in northern San Juan County), the County retained a community planning firm to create a new area plan, and the plan was adopted in April 2018. As new zoning ordinances were created to implement the plan, the planning commission considered a possible development moratorium. The moratorium was first proposed on April 16, 2019, but its adoption was postponed as the result of a county official's request and other procedural delays.

¶3 Love's, having been alerted to the impending moratorium, submitted a sketch plan application for a commercial development on May 3, 2019. The proposed development was a travel center on approximately thirteen acres of land, including a convenience store, a drive-through fast food restaurant, gas pumps, ninety automobile parking spaces, and fifty-three truck parking spaces. The County responded on May 10 (the May 10 Letter), acknowledging receipt of the application and stating, "Under San Juan County's code, this proposal is for a commercial development in a commercial zone so there is nothing additional that Love's needs to do at this time."

¶4 Before Love's plan was approved, there was "active community involvement" and "substantial public clamor about the possibility of a Travel Stop in Spanish Valley." The Coalition

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emerged in this milieu when, on March 23, 2019, Carolyn Dailey, a community member, sent an email to neighbors and other community members announcing the Coalition’s formation, with the purpose “to have our voice heard in our county government.” The Coalition held its first meeting in early April and continued to meet regularly. On May 21, the County held a commissioners’ meeting at which Dailey spoke on the Coalition’s behalf in support of the proposed development moratorium. Dailey also spoke out against “a Love’s truck stop with 53 diesel truck parking slots to be built within 25 feet of residential neighborhoods.” The County thereafter adopted the moratorium at this meeting.

¶5 On June 6, Dailey emailed the interim county administrator, asking whether Love’s would be subject to the moratorium and asking, “We would also like to know whether Love’s was able to get applications, fees, etc[.] rushed through the process to be issued a permit before the Moratorium deadline— or tell me who to contact to get that information?” The following day, June 7, the administrator responded,

According to the County Planning and Zoning staff, [Love’s] applied for the permit to have the truck stop there and they engaged in substantial activities in anticipation of the development long before the moratorium was in place (I found references to the truck stop in news articles published in March). So they’re likely vested in that sense.

The San Juan County zoning code . . . reads so permissively that it is tough to see how that kind of use would not be permitted there with the current zoning language.

I think the best person to talk with is probably Brian Torgerson with [the Utah School and Institutional Trust Lands Administration] at this

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point, but I will continue to learn about the situation as well.

¶6 This response prompted Jeannie Bondio, another Coalition member, to file a request with the County pursuant to the Government Records Access and Management Act (the GRAMA Request). Bondio filed her request on June 11 and asked the County to provide any permit applications submitted by Love's, any County determination or evaluation of such applications, any fees paid, and all communications between the County and Love's regarding the proposed travel stop.

¶7 The County responded to the GRAMA Request on June 26. Although the response did not provide all documents requested, it produced Love's sketch plan application and the May 10 Letter. This was the first date upon which the Coalition had actual notice of any approval expressed by the County.

¶8 Ten days later, on July 6, Bondio sent a letter (the Bondio Letter) to the San Juan County Commission (the Commission) following up on the GRAMA Request. She first addressed the dearth of records she received in response to her broad request. She then specifically referenced zoning ordinances with which Love's sketch plan application failed to comply. She concluded her letter with a request that the Commission "investigate this matter immediately[] and issue a decision" as to whether Love's sketch plan had been determined to be in compliance with existing zoning ordinances and whether the application was "deemed complete."

¶9 After months with no response from the Commission, the Coalition retained counsel and sent a letter to the Commission on December 16, asking it to hold a hearing to address the issues raised in the Bondio Letter. Upon further prompting, the County eventually responded to counsel on March 13, 2020, explaining that the Commission would not hold a hearing on the matter

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because the Coalition had failed to appeal within ten days of the May 10 Letter.

¶10 The Coalition petitioned the Seventh District Court, seeking review of the matter. Upon the County’s request, Love’s was joined as a necessary party to the action. Eventually, the Coalition and the County filed cross-motions for summary judgment, with the Coalition arguing that the undisputed facts showed the County did not follow the law in approving Love’s plan and the County arguing, in part, that the Coalition lacked standing because it did not exhaust its administrative remedies. Around this same time, Love’s filed a motion to dismiss, also arguing that the Coalition failed to exhaust its administrative remedies and additionally asserting that the Coalition lacked associational standing.

¶11 After a hearing, the district court granted the County’s motion for summary judgment and Love’s motion to dismiss. The court determined that the Coalition had associational standing to bring its claims but had not exhausted its administrative remedies because (1) the Coalition could not rely on the Bondio Letter as an appeal on its behalf since it was not sent in a representative capacity, (2) the Bondio Letter was not an appeal in any event, and (3) the Bondio Letter was untimely. The court therefore concluded that it lacked subject matter jurisdiction. The Coalition now appeals each of the determinations regarding the exhaustion of administrative remedies, and Love’s cross-appeals, challenging the court’s determination as to associational standing.

ISSUES AND STANDARDS OF REVIEW

¶12 The Coalition challenges several aspects of the district court’s dismissal of its claims, specifically, those determinations as to the exhaustion of administrative remedies. “Whether a court lacks subject matter jurisdiction due to a party’s failure to exhaust administrative remedies is a question of law, reviewed for

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correctness.” *Republic Outdoor Advert., LC v. Utah Dep’t of Transp.*, 2011 UT App 198, ¶ 12, 258 P.3d 619 (quotation simplified).

¶13 Love’s challenges the district court’s determination as it relates to whether the Coalition had associational standing to pursue its claims. “When evaluating standing at the motion-to-dismiss stage, the question of standing is primarily a question of law, which we review for correctness.” *In re John Edward Phillips Family Living Trust*, 2022 UT App 12, ¶ 22, 505 P.3d 1127 (quotation simplified).

ANALYSIS

I. Exhaustion of Administrative Remedies

A. Representative Capacity

¶14 The district court determined that the Coalition did not exhaust its administrative remedies because it could not rely on the Bondio Letter as an appeal to the Commission. The court, citing Utah’s assumed name statute, reasoned that this was so because “at the time of the Bondio Letter, the Coalition was not authorized by Utah law to transact any business as an association and could not designate an agent.” The court also determined that the Bondio Letter was not an appeal by the Coalition because it “did not transact business in the name of the Coalition” and because “an undisclosed agency relationship does not meet the Zoning Ordinance’s requirement that the person affected file the appeal.” The Coalition argues that the assumed name statute did not prevent Bondio from acting as an agent when she sent the letter and that she did not need to disclose her agency relationship to act on behalf of the Coalition. We agree.

¶15 Utah’s assumed name statute provides that “[a] person who carries on, conducts, or transacts business in this state under an assumed name, whether that business is carried on, conducted, or transacted as an individual, association, partnership,

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corporation, or otherwise,” shall file a certificate with the State within thirty days “after the time of commencing to carry on, conduct, or transact the business.” Utah Code § 42-2-5(2), (3). Although the Coalition filed a certificate to satisfy this statute before it filed its petition in the district court, it had not done so at the time the Bondio Letter was sent to the Commission. The Coalition argues that this failure has no effect on whether Bondio and other Coalition members could act as agents for the Coalition. Love’s responds that the Coalition’s interpretation “would render the statute meaningless by making compliance with a purportedly mandatory statute entirely voluntary (and depriving Utah’s citizens of the protection the statute is obviously intended to provide).” We disagree.

¶16 The assumed name statute “is primarily for the convenience of the public rather than protection of the public.” *Platt v. Locke*, 358 P.2d 95, 98 (Utah 1961) (quotation simplified). The penalties for noncompliance with the statute are identified as (1) a prohibition of maintaining any action in the Utah courts and (2) a possible assessment of a late filing fee. *See* Utah Code § 42-2-10. Although failure to comply with the statute prohibits an aggrieved party from maintaining an action in court, it does not prohibit such a party from challenging a land use decision with the appropriate local appeal authority. And “it is generally recognized that the legislature in passing [the assumed name statute] did not intend, in addition to subjecting the offender to an express penalty, also to impose the additional penalty of refusing [the offender] any relief on the contract or transactions entered into without compliance with the statute.” *Platt*, 358 P.2d at 98 (quotation simplified); *see also* *Fillmore Products, Inc. v. Western States Paving, Inc.*, 561 P.2d 687, 689 (Utah 1977) (“This court has not applied the general rule of denying relief to unlicensed persons . . . inflexibly or too broadly.”); *cf. Olsen v. Reese*, 200 P.2d 733, 736 (Utah 1948) (“The authorities are fairly uniform to the effect that failure to obtain a license which is required by a statute enacted solely for revenue purposes does not render contracts made by the offending party void. On the other hand, contracts

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made by an unlicensed contractor when in violation of a statute passed for the protection of the public are held to be void and unenforceable.”). Thus, although the Coalition could not, at the time the Bondio Letter was sent, maintain an action *in court*, it could (and did) appeal *to the Commission*.

¶17 Furthermore, even when an entity fails to timely file the required certificate, our case law is clear that such oversight can be cured upon filing. See *Wall Inv. Co. v. Garden Gate Distrib., Inc.*, 593 P.2d 542, 544 (Utah 1979) (“[The plaintiff]’s *early* failure to comply with the assumed name statute does not disqualify it as a plaintiff in this suit. The only sanction associated with non-compliance is denial of the non-complying entity’s access to the courts, and that sanction is removed on compliance.” (emphasis added)); *Elite Legacy Corp. v. Schvaneveldt*, 2016 UT App 228, ¶ 53, 391 P.3d 222 (relying on precedent where an entity “conducted business under an unregistered, assumed name” and where we held that this fact did not “make the complaint a nullity on its face” (quotation simplified)); *Graham v. Davis County Solid Waste Mgmt. & Energy Recovery Special Service Dist.*, 1999 UT App 136, ¶ 15, 979 P.2d 363 (determining that an unincorporated association that had never filed under the assumed name statute “could have cured the deficiencies in the complaint by filing”). Thus, the interpretation advanced by Love’s is far too restrictive.

¶18 We now turn to the question of whether Bondio could have been acting on behalf of the Coalition when her letter used the first-person pronoun “I” instead of “we” and made no reference to the Coalition. An agent can act on behalf of an entity even when the agent “acts in his own name without disclosing his principal,” and “this is true even though the third person dealing with the agent did not learn of the existence of the principal until after the [action] was completed.” *Garland v. Fleischmann*, 831 P.2d 107, 110 (Utah 1992) (quotation simplified). Thus, the question is not whether the County could discern from the Bondio Letter that it was sent on behalf of the Coalition but, rather, whether it was actually sent on the Coalition’s behalf.

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¶19 Ample record evidence demonstrates that the Bondio Letter was sent on the Coalition’s behalf. First, there is evidence that the GRAMA Request (which the Bondio Letter addressed) was made in a representative capacity. The day after the GRAMA Request was sent, the Coalition held a meeting, the notes from which reflect that “we have made a GRAMA request” and that the results of that request “will determine our strategy.” And when the response to the GRAMA Request was received, it was promptly circulated among Coalition members. Next, the Bondio Letter itself was circulated on the Coalition listserv the same morning it was sent to the Commission. Finally, there is evidence that Bondio worked with other members of the Coalition in preparing both the GRAMA Request and the resulting Bondio Letter.

¶20 Thus, because the late filing under the assumed name statute did not prevent the formation of an agency relationship between the Coalition and Bondio, and because there is evidence supporting the Coalition’s assertions that Bondio was acting on its behalf when she sent the Bondio Letter, the district court’s determination that the Coalition did not file the appeal is erroneous.

B. Requirements of an Appeal

¶21 The relevant county ordinance provides that “any person affected by the land use authority’s decision applying a land use ordinance may . . . 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.” San Juan County, Utah, Zoning Ordinance § 2-2(2) (2011); *see also* Utah Code § 17-27a-703(1). The district court determined that the Bondio Letter did not identify the land use decision being appealed or an error made by the decision. We disagree.

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¶22 The Bondio Letter begins by expressing frustration with the apparent “shell game” going on in relation to the travel stop and the County’s reluctance to reveal the truth. In support of this, the letter discusses the GRAMA Request being answered by production of only (1) the sketch plan application and (2) the May 10 Letter stating “there is nothing additional that Love’s needs to do at this time.” The Bondio Letter notes that no documents were provided showing any determination that Love’s application was complete or showing any evaluation of the application. The Bondio Letter goes on to elaborate on two zoning ordinance sections that were not followed according to the information disclosed, concluding that “[t]he ‘sketch plan application’ Love’s submitted on May 3 does not appear to comply with the requirements of the existing San Juan County Zoning Ordinance, specifically sections 12-2 and 12-4,” and that the application was therefore not complete before the moratorium became effective. The Bondio Letter’s final section, captioned “Conclusion and Request,” states,

The County must comply with its own Zoning Ordinance. I request that the County Commission investigate this matter immediately, and issue a decision as to whether:

1. Love’s ‘sketch plan application’ has been determined by the County to be in compliance with its existing Zoning Ordinance; and
2. The Commission considers Love’s sketch plan application to be a land use application that has been ‘deemed complete’ as of the effective date of the Temporary Moratorium Ordinance as well [as] Utah Code 17-27a-5[0]8.

The Bondio Letter concludes, “I look forward to your response soon.”

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¶23 Thus, the Bondio Letter did mention Love’s sketch plan application, the May 10 Letter stating the position that nothing more was required, and the specific ordinances that the County allegedly violated in relation to such a position. And the Bondio Letter asked the Commission to review the matter and “issue a decision” on it. Under the facts of this case, we determine that this was sufficient to constitute an appeal under the appeal ordinance. *See San Juan County, Utah, Zoning Ordinance § 2-2(2) (2011).*

¶24 Both Love’s and the County find fault with the Bondio Letter’s failure to specifically include the word “appeal” or to request a hearing. But they provide no authority indicating that those specific words are required.² And to the extent that the Bondio Letter was not more specific in singling out the May 10 Letter as the County’s erroneous decision, that is largely the result of its expressed (and understandable) uncertainty that the May 10 Letter—hardly the paradigm of clarity itself—was intended to function as a land use decision. Nonetheless, the Bondio Letter raised the May 10 Letter’s language that nothing more was required and argued against that proposition, pointing to the specific ordinances that it argued would render such a position erroneous, and asked the Commission to investigate and “issue a decision” on the matter. Thus, the Bondio Letter clearly challenged the assertion of the May 10 Letter.

¶25 In sum, because the Bondio Letter referred to the May 10 Letter and specified which ordinances were inconsistent with the position expressed therein, the Bondio Letter met the requirements for an appeal under the related ordinances.

2. Love’s also argues that because the Bondio Letter was submitted via email to the county administrator, it does not satisfy the requirement that an appeal “must be filed in writing to the County Administrator,” *see San Juan County, Utah, Zoning Ordinance § 2-2(2)(a) (2011)*. But this contention is not supported by any authority or reasoned analysis, and we decline to consider it further.

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Therefore, the district court's determination to the contrary is erroneous.

C. Timeliness

¶26 The parties agree that the relevant ordinance requires anyone appealing a land use decision in San Juan County to submit the appeal "within ten (10) calendar days of the issuance of the written decision applying the land use ordinance." San Juan County, Utah, Zoning Ordinance § 2-2(2)(a) (2011). And they recognize that the appeal window does not begin with the issuance of the land use decision but, rather, when the appealing party "receive[s] actual or constructive notice of the issuance of [the land use decision]." *Fox v. Park City*, 2008 UT 85, ¶ 25, 200 P.3d 182.

¶27 The Coalition argues that it was not until the June 26 response to the GRAMA Request that the Coalition received actual notice of the County's May 10 Letter, which is the decision relevant to this case. The Coalition therefore argues that its appeal was timely, having been filed on July 6, just ten days after receipt of the response to the GRAMA Request. Although the Coalition recognizes the concept of constructive notice, it contends that the events relied on by the district court would not have provided earlier constructive notice of the County's decision. We agree.

¶28 The district court concluded that three events gave the Coalition earlier constructive notice of the County's decision. First, the court relied on the "substantial public clamor" about the possibility of the truck stop being approved and the "active community involvement" on the matter, including involvement by members of the Coalition. Second, the court pointed to comments Dailey made during a public meeting on May 21 that referred to specific details from the truck stop project, and the court inferred from these comments that the Coalition knew by

Northern San Juan County Coalition v. San Juan County

that date that Love’s had submitted an application.³ Third, the court relied on the interim county administrator’s June 7 email stating that Love’s “had applied for the permit after ‘substantial activities in anticipation of the development,’ and [was] ‘likely vested.’” But we agree with the Coalition that none of these events constituted constructive notice that *a decision* on the application had been made.

¶29 In *Fox v. Park City*, 2008 UT 85, 200 P.3d 182, the Utah Supreme Court discussed the constructive notice that would start running the time to appeal. The supreme court stated, “Generally, if a party does not receive actual notice of the issuance of the permit, the party receives constructive notice that a building permit has been issued when construction begins.” *Id.* ¶ 27. But this is not the only way constructive notice can occur. *Id.* For example, “the permit holder may devise some method of his own for ensuring that members of the public will be chargeable with knowledge of the permit and his building intentions, such as posting a visible and informative sign on the property prior to construction.” *Id.* (quotation simplified). That is, after a transparent action that would clearly convey to affected parties that a decision has been made, those parties will be chargeable with knowledge of the land use decision. Either way, the permit holder has “the responsibility of providing notice of the permit’s *issuance*, whether it be by beginning construction or by some other means.” *Id.* ¶ 34 (emphasis added).

¶30 But the events relied upon by the district court were not such actions. They did not clearly put the Coalition on notice that a decision had been made. Unlike the start of construction that would communicate that a building permit must have been acquired, the actions here—public clamor, knowledge of an

3. The Coalition does not accept this inference drawn by the court. But because we disagree with the district court’s timeliness determination, we need not further address the validity of this inference.

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application, and being informed that Love’s was “likely” vested as a result of the activities it had taken in anticipation of approval—do not clearly indicate that the County had made a decision. And because the short ten-day appeal period starts running upon receipt of constructive notice, *see id.* ¶ 24, it cannot be the case that alerting a party to events that typically occur *prior* to a land use decision being made qualifies as constructive notice of the subsequent decision itself. Indeed, if we allowed notice of an application’s pending or submitted status to constitute constructive notice, it could “effectively strip[] potentially aggrieved parties of their right to appeal.” *See id.* This is because whenever a party became aware of an application’s existence more than ten days before a county acted on the application, then the ten-day appeals period would have commenced and would have completely run before there even existed any decision to appeal.⁴

¶31 Thus, we do not agree that knowledge of precursor events indicating an impending land use decision is sufficient to constitute constructive notice of the issuance of that land use decision. Instead, the time for the Coalition to file its appeal began to run with receipt of the GRAMA response on June 26, thus making its July 6 appeal timely. The district court’s determination to the contrary was erroneous.

4. To the extent Love’s argues that the June 7 email constitutes not just notice that an application had been filed, but also notice that it had been approved, we disagree. The language of the email is unlike the “visible and informative sign” that the *Fox* court opined would convey constructive notice. *See Fox v. Park City*, 2008 UT 85, ¶ 27, 200 P.3d 182 (quotation simplified). Instead, the language of this email was vague and uncertain, stating only that Love’s was “likely vested” and hypothesizing that it was unlikely the proposed use “would not be permitted,” and then directing Dailey where to obtain more information. That language clearly suggests that a decision had not yet been made.

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II. Associational Standing

¶32 Rule 17(d) of the Utah Rules of Civil Procedure provides, “When two or more persons associated in any business either as a joint-stock company, a partnership or other association, not a corporation, transact such business under a common name, . . . they may sue or be sued by such common name.” Utah R. Civ. P. 17(d). Love’s contests the district court’s determination that the Coalition could appropriately bring suit under this rule, specifically challenging whether the Coalition transacted business, as required by the rule.

¶33 As an initial matter, we agree with the Coalition that Love’s defines “transacted business” far too narrowly when it argues that the Coalition did not transact business because it “does not claim to have ever contracted with anyone, acquired or transferred any asset, spent any money or purchased any service.” The factors relevant to determine whether an entity has “transacted business” depend heavily on the type of business in which the entity typically engages. So although the factors in a for-profit company likely will include many activities with economic implications, the relevant factors will be different for a non-profit association with other organizational goals.

¶34 For example, in a previous case we determined that “an unincorporated, voluntary environmental watch-dog association” met the requirements of rule 17(d) where it had “act[ed] under a common name for several years *in monitoring and working to improve air quality in Davis County.*” *Graham v. Davis County Solid Waste Mgmt. & Energy Recovery Special Service Dist.*, 1999 UT App 136, ¶ 12, 979 P.2d 363 (emphasis added). And even in a case involving a bank—an entity whose business clearly revolved around financial transactions—one factor the court listed as relevant was decidedly non-financial: “how the business holds itself out to the public.” *Hebertson v. Willowcreek Plaza*, 895 P.2d 839, 840 (Utah Ct. App. 1995), *aff’d*, 923 P.2d 1389 (Utah 1996).

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Thus, more factors are relevant to whether an entity “transacted business” than simply those involving financial transactions.

¶35 In its determination of standing, the district court noted,

There is evidence in the litigation record that the Coalition has engaged in fundraising efforts. Its efforts have expanded and it is involved with general development in the Spanish Valley. The efforts reflect its stated purpose of community activism and advocacy. And it filed its assumed name designation with the State on the day it filed for judicial review. Considering all of the Coalition’s activities by the time this case was filed, the court is persuaded that the Coalition could sue as an association

Love’s takes issue with this conclusion and argues that there was no record evidence supporting the court’s observation that the Coalition engaged in fundraising.

¶36 Although there are at least some record references to the Coalition’s fundraising, many other facts in the record support the district court’s ultimate conclusion that the Coalition had standing to bring its claims. Specifically, there is evidence that the Coalition conducted many activities to transact its business of “hav[ing] our voice heard in our county government,” such as holding frequent meetings, recruiting members, “monitoring planning and zoning developments in the County, attending and speaking at County Commission and Planning and Zoning Commission meetings,” “organizing [public] letter-writing campaigns, meeting individually with public officials and planning consultants, and engaging with the media on news stories and sending Letters to the Editor.” These activities show that the Coalition transacted business under a common name, and they support the district court’s standing determination. We

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therefore decline to disturb the district court’s standing determination.⁵

CONCLUSION

¶37 We disagree with the district court on each aspect of its determination as to the exhaustion of administrative remedies. The Bondio Letter was an adequate, timely filed appeal on the Coalition’s behalf. We therefore reverse the court’s summary judgment and dismissal, and we remand for further proceedings.

¶38 As to Love’s cross-appeal, we agree with the district court that the Coalition had associational standing to pursue its claims on appeal. We therefore decline to disturb this portion of the district court’s decision.

5. The County also argues that there can be “no basis for associational standing” where there exists no single member of the Coalition that both filed an appeal of and was adversely affected by the county’s decision. *See generally* Utah Code § 17-27a-801(1)–(2) (requiring an “adversely affected party” to exhaust administrative remedies before challenging a land use decision in district court). But as discussed above, *see supra* Part I.A, the Bondio letter was an appeal on behalf of the Coalition; thus, *the Coalition* filed the appeal. And *the Coalition* also has standing as an adversely affected party because at least one of its members owns property adjoining the land intended for the travel stop. *See* Utah Code § 17-27a-103(2) (including in the definition of “adversely affected party” a person who “owns real property adjoining the property that is the subject of a land use application or land use decision”); *Utah Chapter of Sierra Club v. Utah Air Quality Board*, 2006 UT 74, ¶ 21, 148 P.3d 960 (“An association . . . has standing if its individual members have standing and the participation of the individual members is not necessary to the resolution of the case.”). Thus, this argument is not well taken.

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of February, 2023, a true and correct copy of the attached OPINION was sent by standard or electronic mail to be delivered to:

MATTHEW A. STEWARD
SHAUNDA L MCNEILL
CLYDE SNOW & SESSIONS
MAS@CLYDESNOW.COM
SLM@CLYDESNOW.COM

MATTHEW J. BALL
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BARTON H KUNZ II
KUNZ PC
BKUNZ@KUNZPC.COM

HONORABLE DON TORGERSON
SEVENTH DISTRICT, MONTICELLO

SEVENTH DISTRICT, MONTICELLO
ATTN: ADRIENNE GARCIA
montscan@utcourts.gov



Judicial Secretary

TRIAL COURT: SEVENTH DISTRICT, MONTICELLO, 200700010
APPEALS CASE NO.: 20210235-CA

Exhibit 4

District Court Memorandum Opinion

IN THE SEVENTH JUDICIAL DISTRICT COURT
IN AND FOR SAN JUAN COUNTY, STATE OF UTAH

<p>NORTHERN SAN JUAN COUNTY COALITION</p> <p style="text-align: center;">Petitioner,</p> <p>vs.</p> <p>SAN JUAN COUNTY; and BOARD OF SAN JUAN COUNTY COMMISSIONERS,</p> <p style="text-align: center;">Respondents,</p> <p style="text-align: center;">and</p> <p>LOVE'S TRAVEL STOPS & COUNTRY STORES, INC.</p> <p style="text-align: center;">Intervenor.</p>	<p>ORDER ON PETITIONER'S MOTION FOR SUMMARY JUDGMENT AND RESPONDENT'S CROSS-MOTION FOR SUMMARY JUDGMENT</p> <p>Case No. 200700010</p> <p>Judge Don M. Torgerson</p>
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Before the court are cross motions for summary judgment filed by petitioner Northern San Juan County Coalition ("Coalition") and respondents San Juan County and the San Juan County Commission (collectively "County"). Since originally deciding the motions, the court received remand from the Utah Court of Appeals holding that summary judgment should not have been granted for the County because the Coalition had standing and filed an adequate, timely appeal. Having reconsidered the motions, briefing, and argument, the court now decides the motions as explained below.

This petition arises from a decision by the County's Zoning Administrator on May 10, 2019 granting concept approval for a Love's Travel Stop in northern San Juan County. The project has proposed facilities for a convenience store, fast food restaurant, automobile fueling stations and parking, and tractor-trailer fueling stations and parking. The Zoning Administrator apparently determined that the project was a permitted use, stating that the "...proposal is for a commercial development in a commercial zone so there is nothing additional that Love's needs to do at this time."

Upon learning of the approval, the Coalition appealed the land use decision. Under Chapter 2-2(2)(b) of the Zoning Ordinance of San Juan County, Utah (“Zoning Ordinance”) the Board of County Commissioners should have heard the Coalition’s appeal within 30 days after it was filed. But the Commissioners never heard the appeal and the Coalition’s petition for judicial review eventually followed.

RULING AND CONCLUSIONS OF LAW

On a petition for judicial review, a district court must presume that a decision of a land use authority is valid unless the decision is arbitrary and capricious, or illegal.¹ And “illegal” means that the decision is “based on an incorrect interpretation of a land use regulation” or “is contrary to law”.² Thus, the central question before the court is whether the Zoning Administrator complied with the Zoning Ordinance when issuing his concept approval for the Love’s Travel Stop.

The Zoning Administrator is authorized by the Board of County Commissioners to enforce the Zoning Ordinance.³ But “...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.”⁴ And if there is a question about whether development plans are “...consistent with the general objectives of this Ordinance, the Planning Commission shall make a determination.”⁵

The Coalition argues that the Zoning Administrator’s approval was illegal because a “truck stop” is not an explicit permitted use under the Zoning Ordinance and required either a conditional use permit or a variance before it could be approved—both of which require Planning Commission authorization. The County and Intervenor both argue that it is a permitted use as an “automobile service station” and could be approved by the Zoning Administrator as it was.

¹ Utah Code §17-27a-801(3)(b)

² *Id.* at 3(c).

³ Zoning Ordinance 1-8.

⁴ *Id.* at 1-11.

⁵ *Id.* at 1-7.

Among the permitted uses in the Zoning Ordinance Highway Commercial CDh zone are “Restaurant or drive-in café” and “Automobile Service Station, Auto Accessories.”⁶ Also permitted are “Other uses approved by the Planning Commission as being in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed uses.”

The Zoning Administrator approved the Love’s Travel Stop concept because, in his interpretation, it was a “commercial development in a commercial zone.” But the record contains no explanation for his conclusion. He did not identify which permitted use he was approving or explain why he believed the project fell within the CDh Zone’s enumerated permitted uses. Since his decision required him to interpret an ambiguity in the Zoning Ordinance rather than simply apply explicitly identified zoning regulations, the court finds that his decision to approve was illegal.

The Zoning Administrator has little authority to interpret, and no authority to expand the coverage of the Zoning Ordinance. In fact, he may only issue a permit if the plans “fully conform to all zoning regulations then in effect.” Any ambiguity in the Ordinance or application beyond its explicit terms require Planning Commission approval. And Love’s application here required interpretation that was beyond the Zoning Administrator’s limited authority. For example, are mixed uses still permitted uses under the ordinance? Does an “automobile service station” include fueling stations for commercial heavy trucks?

The proposed Love’s Travel Stop is neither explicitly a restaurant nor an automobile service station, yet it might be both things (and more). In other words, it is a mixed use and mixed uses are not explicitly permitted under the Zoning Ordinance. Instead, the Planning Commission (not this court) must first determine from substantial evidence whether this project is “an automobile service station,” a “restaurant,” or both. And if so, whether two or more permitted uses can be combined and still be in harmony with the Highway Commercial zone.

And because the Planning Commission must decide those questions and determine whether the use also requires a variance or conditional use permit, the

⁶ *Id.* at 12-2.

Zoning Administrator's approval exceeded his limited grant of authority under the Zoning Ordinance and was illegal.

Because the Zoning Administrator's decision was illegal, the court REVERSES the concept approval and REMANDS this matter to the Planning Commission to reconsider Love's land use application.

Petitioner is ordered to submit a proposed judgment for the Court's consideration.

Dated: 10/2/2023

By: 
Don M. Torgerson
District Court Judge



Exhibit 5

District Court Judgment



SEVENTH DISTRICT COURT - MONTICELLO SAN JUAN COUNTY, STATE OF UTAH	
<p>NORTHERN SAN JUAN COUNTY COALITION,</p> <p style="text-align: center;">Petitioner/Plaintiff,</p> <p>v.</p> <p>SAN JUAN COUNTY, BOARD OF SAN JUAN COUNTY COMMISSIONERS,</p> <p style="text-align: center;">Respondent/Defendant,</p> <p>LOVE’S TRAVEL STOPS & COUNTRY STORES, INC.</p> <p style="text-align: center;">Intervenor.</p>	<p>JUDGMENT (Court Modified)</p> <p>Case No. 200700010</p> <p>Judge: Don M. Torgerson</p>

On October 2, 2023, following a remand from the Utah Court of Appeals, this Court issued an Order on Petitioner’s Motion for Summary Judgment and Respondent’s Cross-Motion for Summary Judgment (the “Order”).

The court has considered Love’s objection to the Coalition’s proposed order. And the court has again reviewed the Coalition’s demand that Love’s land use application be reviewed under the land use regulations in effect today. As before, the court declines the invitation to specify the version of law on remand. That issue is not ripe and cannot be determined on the record before the court. As presently situated, specifying the law on remand would constitute an advisory decision without record evidence since the factfinder (Planning Commission) has not yet considered the application,

determined whether it is complete, or made any other reviewable factual determinations about the application.

Based on the findings and conclusions stated in the Order, the Court GRANTS Petitioner’s Motion for Summary Judgment and DENIES Respondent’s Cross-Motion for Summary Judgment.

Pursuant to Utah Code Section 17-27a-801(3)(d), the Court REVERSES the land use decision wherein Respondent approved Intervenor’s land use application and REMANDS this matter to Respondent’s land use authority to consider Love’s land use application and issue a land use decision consistent with the Order and applicable law.

As there are no outstanding claims remaining before the Court, this order constitutes the Court’s final judgment.

_____ END OF ORDER _____

**NOT VALID UNTIL EXECUTED AND ENTERED BY THE COURT AS INDICATED
BY THE DATE AND SEAL AT THE TOP OF THE FIRST PAGE OF THIS DOCUMENT**

Exhibit 6

County-SITLA-Love's Correspondence



Elise Erler <eliseerler@utah.gov>

Re: [EXT] Fwd: Proposed resolution

1 message

Kym Van Dyke <Kym.VanDyke@loves.com>
To: Elise Erler <eliseerler@utah.gov>
Cc: "Torgerson, Bryan" <bryantorgerson@utah.gov>

Thu, Apr 25, 2019 at 3:11 PM

Thanks for the clarification.

Sent from my iPhone

On Apr 25, 2019, at 2:40 PM, Elise Erler <eliseerler@utah.gov> wrote:

Kym,
My voicemail to you earlier this week may have contained incorrect information. Please see the explanation below from Kelly Pehrson, the County Administrator.

On another topic, Ryan Hales, transportation planner/engineer, will be on vacation from May 1st, returning to work on May 13th. As i recall, he was looking into UDOT access to US-191 for you.

Let me know if you have any questions.

Regards,
Elise

----- Forwarded message -----

From: **Kelly Pehrson** <kpehrson@sanjuancounty.org>
Date: Thu, Apr 25, 2019 at 2:33 PM
Subject: Re: Proposed resolution
To: Elise Erler <eliseerler@utah.gov>

It will return on May 7th to a commission meeting. Just wow you know just passing a resolution doesn't trigger a moratorium. By state code it has to be an ordinance and in order to pass an ordinance you have to hold a public hearing . Kendall advised the commission of this but I don't know if they full grasp it yet.

Sent from my iPhone

On Apr 25, 2019, at 2:27 PM, Elise Erler <eliseerler@utah.gov> wrote:

Kelly,
On April 16, 2019, did the Commission table the resolution (6-mo moratorium for SV commercial) proposed during work session? If so, when does that resolution return to the Commission agenda? Would that return be in work session or at the formal commission meeting?

Thanks,
Elise

Love's Travel Stops & Country Stores, Inc.

From the Love's Family of Companies: This email neither constitutes an agreement to conduct transactions by electronic means nor creates or amends any legally binding contract or enforceable obligation in the absence of a fully signed written contract authorizing the same. This email, and any attachments and/or documents linked to this email may contain confidential and/or proprietary information and are nonetheless intended to be viewed and used legally by the individual(s) to whom addressed. Please immediately delete from your system any email you receive from us in

error. Any views or opinions in this email or any attachment are solely those of the author and do not necessarily represent those of our companies.

Exhibit 7

Declaration of Marlene Huckabay

Matthew A. Steward (#7637)
Shaunda L. McNeill (#14468)
CLYDE SNOW & SESSIONS
One Utah Center, 13th Floor
201 South Main Street
Salt Lake City, Utah 84111-2216
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mas@clydesnow.com
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Attorneys for Plaintiff

**IN THE SEVENTH JUDICIAL DISTRICT COURT
IN AND FOR SAN JUAN COUNTY, STATE OF UTAH**

<p>NORTHERN SAN JUAN COUNTY COALITION,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>SAN JUAN COUNTY, BOARD OF SAN JUAN COUNTY COMMISSIONERS,</p> <p style="text-align: center;">Defendant.</p>	<p style="text-align: center;">DECLARATION OF MARLENE HUCKABAY</p> <p style="text-align: center;">Case No. 200700010</p> <p style="text-align: center;">Judge Don M. Torgerson</p>
--	---

I, Marlene Huckabay, state and declare as follows:

1. I am over the age of eighteen and make this Declaration on my own knowledge regarding matters to which I would be competent to testify at trial.
2. I am a founding member of the Northern San Juan County Coalition.
3. I have been a resident of San Juan County since 1994.
4. My address is 4376 Sunny Acres Lane.
5. I purchased my home in Spanish Valley because of the beautiful views and the rural setting.

6. The proposed location for the Love's truck stop borders on my property.
7. I am opposed to the construction of the truck stop for many reasons.
8. First, I oppose the truck stop because I am concerned about my health and that of my visiting family and neighbors. The truck stop will produce diesel exhaust and gas vapors, which are known to cause cancer. These fumes will not only affect me when I am doing yard work and sitting on my deck; they will also seep into my house through cracks and openings and – more importantly – will be drawn inside the house through my swamp cooler during the summer months.
9. Second, I oppose the truck stop because I am concerned about my safety. I am a woman of advanced age, and I live alone. I am afraid of living next door to the vice and crime that truck stops attract and feel like I would be an easy target for burglary, vandalism, and violence.
10. Third, I oppose the truck stop because it would destroy nearly everything I love about my neighborhood and property by generating light pollution and noise and obstructing the beautiful views I currently enjoy.
11. Fourth, I oppose the truck stop because it will cause my home to lose value. Over the past 28 years, I have invested large amounts of time and energy, as well as large amounts of money, into creating a landscaped and comfortable home. Some of the larger expenditures have been for water and sewer connection, solar panels, a new metal roof, and a guest house. I do not want to lose my investment because of this truck stop.
12. Fifth, I oppose the truck stop because the construction alone will cause significant dust, noise, and other disruption to me and my property.

13. Sixth, I oppose the truck stop because it may lead to a shortage of water in the Spanish Valley and may harm the aquifer that is the source for my well.

Pursuant to Utah Code Ann. § 78B-5-705, I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

DATED this 7th day of April 2020.

/s/ Marlene Huckabay
Marlene Huckabay
Signed by Shaunda L. McNeill with permission of
Marlene Huckabay

Exhibit 8

Declaration of Susan Baril

Matthew A. Steward (#7637)
 Shaunda L. McNeill (#14468)
 CLYDE SNOW & SESSIONS
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 201 South Main Street
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Attorneys for Plaintiff

**IN THE SEVENTH JUDICIAL DISTRICT COURT
 IN AND FOR SAN JUAN COUNTY, STATE OF UTAH**

NORTHERN SAN JUAN COUNTY
 COALITION,

Plaintiff,

v.

SAN JUAN COUNTY, BOARD OF SAN
 JUAN COUNTY COMMISSIONERS,

Defendant.

DECLARATION OF SUSAN BARIL

Case No. 200700010

Judge Don M. Torgerson

PRIVATE DOCUMENT

I, Susan Baril, state and declare as follows:

1. I am over the age of eighteen and make this Declaration on my own knowledge regarding matters to which I would be competent to testify at trial.
2. My husband, Pat Baril, and I are members of the Northern San Juan County Coalition.
3. My husband and I have been residents of San Juan County since 2011.
4. Our address is 4670 Sunny Acres Lane.

5. We purchased our home in the Spanish Valley because of the dark night skies, clean air, and the small-community atmosphere.

6. I am deeply concerned about the proposed Love's truck stop. The truck stop would be located approximately 440 yards or one-quarter mile from our home. At this distance, the diesel fumes, gas vapors, noise, and light pollution would reach our home and property.

7. I am aware that diesel exhaust and fumes are highly hazardous to human health.

8. I am particularly vulnerable to exhaust and fumes because of the compromised condition of my lungs. I have a history of mycoplasma pneumonia, which led to viral encephalitis. That illness permanently and significantly compromised my lung function. Since that time, I have had pneumonia several times. Because of my compromised lungs, I experience shortness of breath more easily than most people and am vulnerable to any fumes that affect oxygen saturation or lung function.

9. I am concerned because having a truck stop in our neighborhood would change the atmosphere of the neighborhood. It would no longer feel like an intimate, rural community.

Pursuant to Utah Code Ann. § 78B-5-705, I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

DATED this 3rd day of April 2020.



Susan Baril

Signature Certificate

RightSignature
Easy Online Document Signing

 Document Reference: Y54GECJPM4YHZPIBBIFJVU



Susan Baril
Party ID: KCBHSTIAW3Z3DMHSCKFES4
IP Address: 50.109.205.138

VERIFIED EMAIL: barilsue@aol.com

Electronic Signature:

Multi-Factor
Digital Fingerprint Checksum

923987590fbcca5ff3694d56f7e222c295dd0430



Timestamp

2020-04-03 09:49:03 -0700

2020-04-03 09:49:02 -0700

2020-04-03 09:48:12 -0700

2020-04-02 14:23:03 -0700

Audit

All parties have signed document. Signed copies sent to: Susan Baril and Barbara Reissen.
Document signed by Susan Baril (barilsue@aol.com) with drawn signature. - 50.109.205.138
Document viewed by Susan Baril (barilsue@aol.com). - 50.109.205.138
Document created by Barbara Reissen (breissen@clydesnow.com). - 65.126.127.66



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Exhibit 9

Declaration of Pat Baril

Matthew A. Steward (#7637)
 Shaunda L. McNeill (#14468)
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Attorneys for Plaintiff

**IN THE SEVENTH JUDICIAL DISTRICT COURT
 IN AND FOR SAN JUAN COUNTY, STATE OF UTAH**

NORTHERN SAN JUAN COUNTY
 COALITION,

Plaintiff,

v.

SAN JUAN COUNTY, BOARD OF SAN
 JUAN COUNTY COMMISSIONERS,

Defendant.

DECLARATION OF PAT BARIL

Case No. 200700010

Judge Don M. Torgerson

PRIVATE DOCUMENT

I, Pat Baril, state and declare as follows:

1. I am over the age of eighteen and make this Declaration on my own knowledge regarding matters to which I would be competent to testify at trial.
2. My wife, Susan Baril, and I are members of the Northern San Juan County Coalition.
3. My wife and I have been residents of San Juan County since 2011.
4. Our address is 4670 Sunny Acres Lane.

5. We purchased our home in the Spanish Valley because of the dark night skies, clean air, and the small-community atmosphere.

6. I am deeply concerned about the proposed Love's truck stop. The truck stop would be located approximately 440 yards or one-quarter mile from our home. At this distance, the diesel fumes, gas vapors, noise, and light pollution would reach our home and property.

7. I have read extensively from the scientific literature on the health effects of diesel exhaust and fumes. I am aware, among other things, that the World Health Organization's International Agency for Research on Cancer classifies diesel exhaust as a "Group 1" "known carcinogen." Attached as Exhibit 1 is a true and correct copy of a press release announcing this designation and explaining the significance of "Group 1" designation.

8. I am aware that the U.S. Environmental Protection Agency (EPA) has concluded that diesel exhaust "is likely to be carcinogenic to humans by inhalation." The EPA's 2002 Health Assessment Document for Diesel Engine Exhaust is available at"

https://cfpub.epa.gov/si/si_public_record_report.cfm?Lab=NCEA&dirEntryId=29060&simpleSearch=1&searchAll=diesel.

9. I am also aware of a 2018 study by Columbia University and Johns Hopkins University on the fuel vapors that are released through vents in fuel storage tanks at gas stations and truck stops. The study found that the amount of fuel vapors through these vent pipes was 10 times more than previously estimated. The study calls for setback regulations to be recalculated and increased accordingly. Attached as Exhibit 2 is a true and correct copy of an abstract of the published study.

10. I am particularly concerned about the diesel exhaust and fuel vapors because my wife has a compromised respiratory system, as explained in her separate Declaration. She would be particularly vulnerable to the exhaust and fumes because of her condition.

11. I am concerned because the truck stop would use a significant amount of the 5,000 acre feet of water allocated to the San Juan County portion of the Spanish Valley each year. By my calculation, Love's would use approximately 5-10% of that amount.

12. I am concerned because having a truck stop in our neighborhood would change the atmosphere of the neighborhood. It would no longer feel like an intimate, rural community.

Pursuant to Utah Code Ann. § 78B-5-705, I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

DATED this 2nd day of April 2020.



Pat Baril

Exhibit 1

PRESS RELEASE
N° 213

12 June 2012

IARC: DIESEL ENGINE EXHAUST CARCINOGENIC

Lyon, France, June 12, 2012 -- After a week-long meeting of international experts, the International Agency for Research on Cancer (IARC), which is part of the World Health Organization (WHO), today classified diesel engine exhaust as **carcinogenic to humans (Group 1)**, based on sufficient evidence that exposure is associated with an increased risk for lung cancer.

Background

In 1988, IARC classified diesel exhaust as *probably carcinogenic to humans (Group 2A)*. An Advisory Group which reviews and recommends future priorities for the IARC Monographs Program had recommended diesel exhaust as a high priority for re-evaluation since 1998.

There has been mounting concern about the cancer-causing potential of diesel exhaust, particularly based on findings in epidemiological studies of workers exposed in various settings. This was re-emphasized by the publication in March 2012 of the results of a large US National Cancer Institute/National Institute for Occupational Safety and Health study of occupational exposure to such emissions in underground miners, which showed an increased risk of death from lung cancer in exposed workers (1).

Evaluation

The scientific evidence was reviewed thoroughly by the Working Group and overall it was concluded that there was *sufficient evidence* in humans for the carcinogenicity of diesel exhaust. The Working Group found that diesel exhaust is a cause of lung cancer (*sufficient evidence*) and also noted a positive association (*limited evidence*) with an increased risk of bladder cancer (Group 1).

The Working Group concluded that gasoline exhaust was possibly carcinogenic to humans (Group 2B), a finding unchanged from the previous evaluation in 1989.

Public health

Large populations are exposed to diesel exhaust in everyday life, whether through their occupation or through the ambient air. People are exposed not only to motor vehicle exhausts but also to exhausts from other diesel engines, including from other modes of transport (e.g. diesel trains and ships) and from power generators.

Given the Working Group's rigorous, independent assessment of the science, governments and other decision-makers have a valuable evidence-base on which to consider environmental standards for diesel exhaust emissions and to continue to work with the engine and fuel manufacturers towards those goals.

Increasing environmental concerns over the past two decades have resulted in regulatory action in North America, Europe and elsewhere with successively tighter emission standards for both diesel and gasoline engines. There is a strong interplay between standards and technology – standards drive technology and new technology enables more stringent standards. For diesel engines, this required changes in the fuel such as marked decreases in sulfur content, changes in engine design to burn diesel fuel more efficiently and reductions in emissions through exhaust control technology.

However, while the amount of particulates and chemicals are reduced with these changes, it is not yet clear how the quantitative and qualitative changes may translate into altered health effects; research into

IARC: Diesel engines exhaust carcinogenic

this question is needed. In addition, existing fuels and vehicles without these modifications will take many years to be replaced, particularly in less developed countries, where regulatory measures are currently also less stringent. It is notable that many parts of the developing world lack regulatory standards, and data on the occurrence and impact of diesel exhaust are limited.

Conclusions

Dr Christopher Portier, Chairman of the IARC working Group, stated that “The scientific evidence was compelling and the Working Group’s conclusion was unanimous: diesel engine exhaust causes lung cancer in humans.” Dr Portier continued: “Given the additional health impacts from diesel particulates, exposure to this mixture of chemicals should be reduced worldwide.”(2)

Dr Kurt Straif, Head of the IARC Monographs Program, indicated that “The main studies that led to this conclusion were in highly exposed workers. However, we have learned from other carcinogens, such as radon, that initial studies showing a risk in heavily exposed occupational groups were followed by positive findings for the general population. Therefore actions to reduce exposures should encompass workers and the general population.”

Dr Christopher Wild, Director, IARC, said that “while IARC’s remit is to establish the evidence-base for regulatory decisions at national and international level, today’s conclusion sends a strong signal that public health action is warranted. This emphasis is needed globally, including among the more vulnerable populations in developing countries where new technology and protective measures may otherwise take many years to be adopted.”

Summary evaluation

The summary of the evaluation will appear in [The Lancet Oncology](#) as an online publication ahead of print on June 15, 2012.

(1) JNCI J Natl Cancer Inst (2012) doi:10.1093/jnci/djs034
<http://jnci.oxfordjournals.org/content/early/2012/03/05/jnci.djs034.abstract>; and
JNCI J Natl Cancer Inst (2012) doi: 10.1093/jnci/djs035
<http://jnci.oxfordjournals.org/content/early/2012/03/05/jnci.djs035.abstract>

(2) Dr Portier is Director of the National Center for Environmental Health and the Agency for Toxic Substances and Disease Registry at the Centers for Disease Control and Prevention (USA).

For more information, please contact

Dr Kurt Straif, IARC Monographs Section, at +33 472 738 507, or straifk@iarc.fr;
Dr Lamia Tallaa, IARC Monographs Section, at +33 472 738 385, or tallaal@iarc.fr;
Nicolas Gaudin, IARC Communications Group, at +33 472 738 478, or com@iarc.fr;
Fadela Chaib, WHO News Team, at +41 79 475 55 56, or chaibf@who.int.

Link to the **audio file** posted shortly after the media briefing:

http://terrance.who.int/mediacentre/audio/press_briefings/

About IARC

The International Agency for Research on Cancer (IARC) is part of the World Health Organization. Its mission is to coordinate and conduct research on the causes of human cancer, the mechanisms of carcinogenesis, and to develop scientific strategies for cancer control. The Agency is involved in both epidemiological and laboratory research and disseminates scientific information through publications, meetings, courses, and fellowships.

IARC: Diesel engines exhaust carcinogenic

Annexes

Evaluation groups - Definitions

Group 1: The agent is carcinogenic to humans.

This category is used when there is *sufficient evidence of carcinogenicity* in humans. Exceptionally, an agent may be placed in this category when evidence of carcinogenicity in humans is less than *sufficient* but there is *sufficient evidence of carcinogenicity* in experimental animals and strong evidence in exposed humans that the agent acts through a relevant mechanism of carcinogenicity.

Group 2.

This category includes agents for which, at one extreme, the degree of evidence of carcinogenicity in humans is almost *sufficient*, as well as those for which, at the other extreme, there are no human data but for which there is evidence of carcinogenicity in experimental animals. Agents are assigned to either Group 2A (*probably carcinogenic to humans*) or Group 2B (*possibly carcinogenic to humans*) on the basis of epidemiological and experimental evidence of carcinogenicity and mechanistic and other relevant data. The terms *probably carcinogenic* and *possibly carcinogenic* have no quantitative significance and are used simply as descriptors of different levels of evidence of human carcinogenicity, with *probably carcinogenic* signifying a higher level of evidence than *possibly carcinogenic*.

- **Group 2A: The agent is probably carcinogenic to humans.**
This category is used when there is *limited evidence of carcinogenicity* in humans and *sufficient evidence of carcinogenicity* in experimental animals. In some cases, an agent may be classified in this category when there is *inadequate evidence of carcinogenicity* in humans and *sufficient evidence of carcinogenicity* in experimental animals and strong evidence that the carcinogenesis is mediated by a mechanism that also operates in humans. Exceptionally, an agent may be classified in this category solely on the basis of *limited evidence of carcinogenicity* in humans. An agent may be assigned to this category if it clearly belongs, based on mechanistic considerations, to a class of agents for which one or more members have been classified in Group 1 or Group 2A.
- **Group 2B: The agent is possibly carcinogenic to humans.**
This category is used for agents for which there is *limited evidence of carcinogenicity* in humans and less than *sufficient evidence of carcinogenicity* in experimental animals. It may also be used when there is *inadequate evidence of carcinogenicity* in humans but there is *sufficient evidence of carcinogenicity* in experimental animals. In some instances, an agent for which there is *inadequate evidence of carcinogenicity* in humans and less than *sufficient evidence of carcinogenicity* in experimental animals together with supporting evidence from mechanistic and other relevant data may be placed in this group. An agent may be classified in this category solely on the basis of strong evidence from mechanistic and other relevant data.

Group 3: The agent is not classifiable as to its carcinogenicity to humans.

This category is used most commonly for agents for which the evidence of carcinogenicity is *inadequate* in humans and *inadequate* or *limited* in experimental animals.

Exceptionally, agents for which the evidence of carcinogenicity is *inadequate* in humans but *sufficient* in experimental animals may be placed in this category when there is strong evidence that the mechanism of carcinogenicity in experimental animals does not operate in humans.

Agents that do not fall into any other group are also placed in this category.

An evaluation in Group 3 is not a determination of non-carcinogenicity or overall safety. It often means that further research is needed, especially when exposures are widespread or the cancer data are consistent with differing interpretations.

IARC: Diesel engines exhaust carcinogenic

Group 4: The agent is *probably not carcinogenic to humans*.

This category is used for agents for which there is *evidence suggesting lack of carcinogenicity* in humans and in experimental animals. In some instances, agents for which there is *inadequate evidence of carcinogenicity* in humans but *evidence suggesting lack of carcinogenicity* in experimental animals, consistently and strongly supported by a broad range of mechanistic and other relevant data, may be classified in this group.

Evidence for studies in humans - Definition

As shown previously, the evidence relevant to carcinogenicity is evaluated using standard terms. For studies in humans, evidence is defined into one of the following categories:

Sufficient evidence of carcinogenicity: The Working Group considers that a causal relationship has been established between exposure to the agent and human cancer. That is, a positive relationship has been observed between the exposure and cancer in studies in which chance, bias and confounding could be ruled out with reasonable confidence. A statement that there is *sufficient evidence* is followed by a separate sentence that identifies the target organ(s) or tissue(s) where an increased risk of cancer was observed in humans. Identification of a specific target organ or tissue does not preclude the possibility that the agent may cause cancer at other sites.

Limited evidence of carcinogenicity: A positive association has been observed between exposure to the agent and cancer for which a causal interpretation is considered by the Working Group to be credible, but chance, bias or confounding could not be ruled out with reasonable confidence.

Inadequate evidence of carcinogenicity: The available studies are of insufficient quality, consistency or statistical power to permit a conclusion regarding the presence or absence of a causal association between exposure and cancer, or no data on cancer in humans are available.

Evidence suggesting lack of carcinogenicity: There are several adequate studies covering the full range of levels of exposure that humans are known to encounter, which are mutually consistent in not showing a positive association between exposure to the agent and any studied cancer at any observed level of exposure. The results from these studies alone or combined should have narrow confidence intervals with an upper limit close to the null value (e.g. a relative risk of 1.0). Bias and confounding should be ruled out with reasonable confidence, and the studies should have an adequate length of follow-up. A conclusion of *evidence suggesting lack of carcinogenicity* is inevitably limited to the cancer sites, conditions and levels of exposure, and length of observation covered by the available studies. In addition, the possibility of a very small risk at the levels of exposure studied can never be excluded.

In some instances, the above categories may be used to classify the degree of evidence related to carcinogenicity in specific organs or tissues.

Exhibit 2

Science of The Total Environment

Volume 650, Part 2, 10 February 2019, Pages 2239-2250

Vent pipe emissions from storage tanks at gas stations: Implications for setback distances

Markus Hilpert^a Ana Maria Rule^b Bernat Adria-Mora^a Tedmund Tiberi^c

<https://doi.org/10.1016/j.scitotenv.2018.09.303>Get rights and content

Highlights

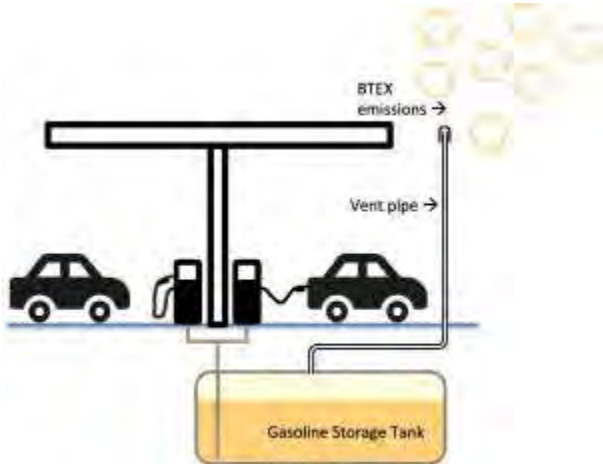
- At gas stations, fuel vapors are released from storage tanks through vent pipes.
- We measured vent pipe flow rates and tank pressure at high temporal resolution.
- Vent emission factors were >10 times higher than previous estimates.
- Modeling was used to examine exceedance of benzene short-term exposure limits.

Abstract

At gas stations, fuel vapors are released into the atmosphere from storage tanks through vent pipes. Little is known about when releases occur, their magnitude, and their potential health consequences. Our goals were to quantify vent pipe releases and examine exceedance of short-term exposure limits to [benzene](#) around gas stations. At two US gas stations, we measured volumetric vent pipe flow rates and pressure in the storage tank headspace at high [temporal resolution](#) for approximately three weeks. Based on the measured vent emission and meteorological data, we performed air dispersion modeling to obtain hourly atmospheric benzene levels. For the two gas stations, average vent emission factors were 0.17 and 0.21 kg of gasoline per 1000 L dispensed. Modeling suggests that at one gas station, a 1-hour Reference Exposure Level (REL) for benzene for the general population (8 ppb) was exceeded only closer than 50 m from the station's center. At the other gas station, the REL was exceeded on two different days and up to 160 m from the center, likely due to non-compliant bulk fuel deliveries. A minimum risk level for intermediate duration (>14–364 days) benzene exposure (6 ppb) was exceeded at the elevation of the vent pipe opening up to 7 and 8 m from the two gas stations. Recorded vent emission factors were >10 times

higher than estimates used to derive setback distances for gas stations. Setback distances should be revisited to address temporal variability and pollution controls in vent emissions.

Graphical abstract



Signature Certificate

RightSignature
Easy Online Document Signing

 Document Reference: ZL8NI3JMEJEPCURL6KSFJS



Pat Baril
Party ID: M7HZ35J442IXGX4ZYJUU5A
IP Address: 74.214.251.20

VERIFIED EMAIL: pbaril52@aol.com

Electronic Signature:

Multi-Factor
Digital Fingerprint Checksum

27b698943ed5a8e461d530eca603345233861972



Timestamp

2020-04-02 16:48:49 -0700

2020-04-02 16:48:48 -0700

2020-04-02 16:47:10 -0700
2020-04-02 14:24:37 -0700

Audit

All parties have signed document. Signed copies sent to: Pat Baril and Barbara Reissen.
Document signed by Pat Baril (pbaril52@aol.com) with drawn signature. - 74.214.251.20
Document viewed by Pat Baril (pbaril52@aol.com). - 74.214.251.20
Document created by Barbara Reissen (breissen@clydesnow.com). - 65.126.127.66



This signature page provides a record of the online activity executing this contract.

Exhibit 10

Declaration of David Focardi

Matthew A. Steward (#7637)
 Shaunda L. McNeill (#14468)
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Attorneys for Plaintiff

**IN THE SEVENTH JUDICIAL DISTRICT COURT
 IN AND FOR SAN JUAN COUNTY, STATE OF UTAH**

NORTHERN SAN JUAN COUNTY
 COALITION,

Plaintiff,

v.

SAN JUAN COUNTY, BOARD OF SAN
 JUAN COUNTY COMMISSIONERS,

Defendant.

DECLARATION OF DAVID FOCARDI

Case No. 200700010 Judge

Don M. Torgerson

PRIVATE DOCUMENT

I, David Focardi, state and declare as follows:

1. I am over the age of eighteen and make this Declaration on my own knowledge regarding matters to which I would be competent to testify at trial.
2. I am a geologist and field biologist.
3. My wife, Jennifer Weidensee, and I are founding members of the Northern San Juan County Coalition.
4. My wife and I have been residents of San Juan County since 2005. From 1993 to 2005, we were residents of Grand County.

5. Our address is 4900 Sunny Acres Lane.
6. Before we purchased our home, we visited the home one evening to lie on the front and back porches and experience the night sky and the noise levels. The sky was pitch black, except for the moon and stars, and there was almost no noise caused by humans. Based on this experience, as well as the proximity of the Colorado River, mountains, canyons, and hiking trails, we bought the house.
7. Our home has cathedral windows in the living room with breathtaking views of the La Sal Mountains, as well as views of the Moab Rim (consisting of red rock walls) from the other windows in the house. The Love's truck stop would be located between our home and the Moab Rim.
8. Our home is approximately one-third of a mile from the truck stop site. At that distance, diesel exhaust and fumes would reach our home, as would engine noise.
9. The glow of the lights at the truck stop would be visible from our home and would interfere with the dark sky.
10. My wife and I are concerned that our property value will be affected. We own not only our home but also three acres to the east of our home.
11. The infrastructure of our neighborhood is not adequate to support a truck stop. Any trucks needing to circle the block or that get lost will end up on very small residential streets with blind corners and limited weight capacities.
12. My wife and I are concerned that leaks from the fuel tanks at the truck stop, as well as run-off pollution from the truck stop, will poison the aquifer that feeds the well on our


property. This well supplies our drinking water and is the sole source of drinking water on our property.

13. From a broader environmental perspective, I am concerned because the truck stop would be in the Pack Creek drainage area, which is a recharge area for some of the shallow aquifers and which ultimately feeds into the Colorado River. (See the U.S. Geologic Survey's Evaluation of Groundwater Resources in the Spanish Valley Watershed, Grand and San Juan Counties, Utah, available at <https://pubs.er.usgs.gov/publication/sir20195062>.)

14. For all these reasons, I am opposed to the Love's truck stop.

Pursuant to Utah Code Ann. § 78B-5-705, I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

DATED this 3 day of April 2020.


/s/ _____
David Focardi

Signature Certificate

RightSignature
Easy Online Document Signing

 Document Reference: J759ZRJB9IDGFK8MG9HPJ8



David Focardi
Party ID: U6VCUTJBAJ6PLV58CSK24W
IP Address: 174.195.135.123
VERIFIED EMAIL: datawrangler81@gmail.com

Electronic Signature:

Multi-Factor
Digital Fingerprint Checksum

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Timestamp

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2020-04-03 13:16:01 -0700

2020-04-03 13:12:27 -0700

2020-04-03 11:47:26 -0700

Audit

All parties have signed document. Signed copies sent to: David Focardi and Barbara Reissen.
Document signed by David Focardi (datawrangler81@gmail.com) with drawn signature. - 174.195.135.123
Document viewed by David Focardi (datawrangler81@gmail.com). - 174.195.135.123
Document created by Barbara Reissen (breissen@clydesnow.com). - 65.126.127.66



This signature page provides a record of the online activity executing this contract.

Exhibit 11

Declaration of Colby Smith

Matthew A. Steward (#7637)
 Shaunda L. McNeill (#14468)
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 201 South Main Street
 Salt Lake City, Utah 84111-2216
 Telephone (801) 322-2516
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slm@clydesnow.com

Attorneys for Plaintiff

**IN THE SEVENTH JUDICIAL DISTRICT COURT
 IN AND FOR SAN JUAN COUNTY, STATE OF UTAH**

NORTHERN SAN JUAN COUNTY
 COALITION,

Plaintiff,

v.

SAN JUAN COUNTY, BOARD OF SAN
 JUAN COUNTY COMMISSIONERS,

Defendant.

DECLARATION OF COLBY A. SMITH

Case No. 200700010

Judge Don M. Torgerson

PRIVATE DOCUMENT

I, Colby A. Smith, state and declare as follows:

1. I am over the age of eighteen and make this Declaration on my own knowledge regarding matters to which I would be competent to testify at trial.
2. My wife, Holly Sloan, and I are founding members of the Northern San Juan County Coalition.
3. My wife and I have lived in San Juan County since 1995.
4. Our address is 20 Take the Other Road in the Pack Creek Ranch community south and east of Spanish Valley.

5. We are aware that on April 17, 2018, San Juan County adopted an Area Plan for Spanish Valley that envisions decades of future development and the establishment of a community of up to 14,000 people. This Area Plan includes development that reaches up to the doorstep of the Pack Creek community in which we have lived for close to 25 years.

6. In general, we are supportive of the development contemplated by the Area Plan and look forward to the establishment of a thriving community in the San Juan County portion of Spanish Valley (subject, of course, to the limited water supply in the area). For this reason, we have been surprised and concerned that San Juan County officials appeared to approve the Love's Truck Stop as the gateway project for this new community without even attempting to follow the County's own procedures and requirements for approving such a development.

7. As the first significant new project in this newly planned community, we fear that the Truck Stop will set an unfortunate tone for future development. Had the County followed its policies and procedures for a development of this kind, we and other community members would have had the opportunity to let our views be known in proceedings before the San Juan County Planning Commission and the San Juan County Commission. We never had this opportunity because the County did not follow its own requirements.

8. We are especially concerned that certain County officials appeared to rush through the approval of the truck stop – circumventing the County's requirements in the process – while knowing that the County Commission was considering a Development Moratorium that would have temporarily suspended the ability of Love's to seek approval of its plans. We were advocates for the Development Moratorium and from our perspective part of the purpose of the Development Moratorium was to allow the County Commission to consider whether zoning

changes should have been made in light of the Area Plan. The zoning changes that were enacted before the moratorium expired no longer would allow a truck stop at the location proposed for Love's. However, the new ordinances would allow a truck stop further south in Spanish Valley in a location further removed from existing development.

9. As property owners in northern San Juan County, we believe it is vital to require the County, the Board of Commissioners, the Planning Commission, and other County personnel to uphold the policies and procedures for land use approvals contained in County ordinances and procedures. As members of the community, we have been directly injured because we never had the opportunity afforded to us by the County's Ordinances to have input into the County's decision-making processes for a development with impacts as significant as Love's Truck Stop.

10. My wife and I also will be adversely affected by the proposed Love's Truck Stop because it will increase traffic and congestion on Highway 191, which is the main thoroughfare through Spanish Valley that we take when we drive to Moab to purchase groceries or other supplies.

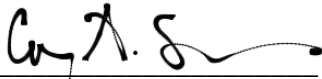
11. Our views and air quality also will be impacted by the emission of light and diesel exhaust fumes from the Truck Stop.

12. In order to show the location of certain Northern San Juan County Coalition members relative to the proposed Love's Truck Stop, I have prepared a map using information from the GAIA GPS website, which includes an overlay that shows land ownership. The map is attached as Exhibit 1. I redacted the names of landowners who are not Coalition members participating in these proceedings. The distance measurements shown on the map were

determined using the GAIA GPS waypoint feature, which can measure distances from point-to-point on the map.

Pursuant to Utah Code Ann. § 78B-5-705, I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

DATED this 7th day of April 2020.



Colby A. Smith

Signature Certificate

RightSignature
Easy Online Document Signing

 Document Reference: 3YLAPFJBX5RKWIJ6U4K9H3



Colby A. Smith
Party ID: BTXG52JBTK5IM9BJX9AFWC
IP Address: 172.103.37.11

VERIFIED EMAIL: casmith101@gmail.com

Electronic Signature:

Multi-Factor
Digital Fingerprint Checksum

917359e9c5f98e69bb8407a477e2ffab0d381b7a



Timestamp

2020-04-07 11:51:56 -0700

2020-04-07 11:51:56 -0700

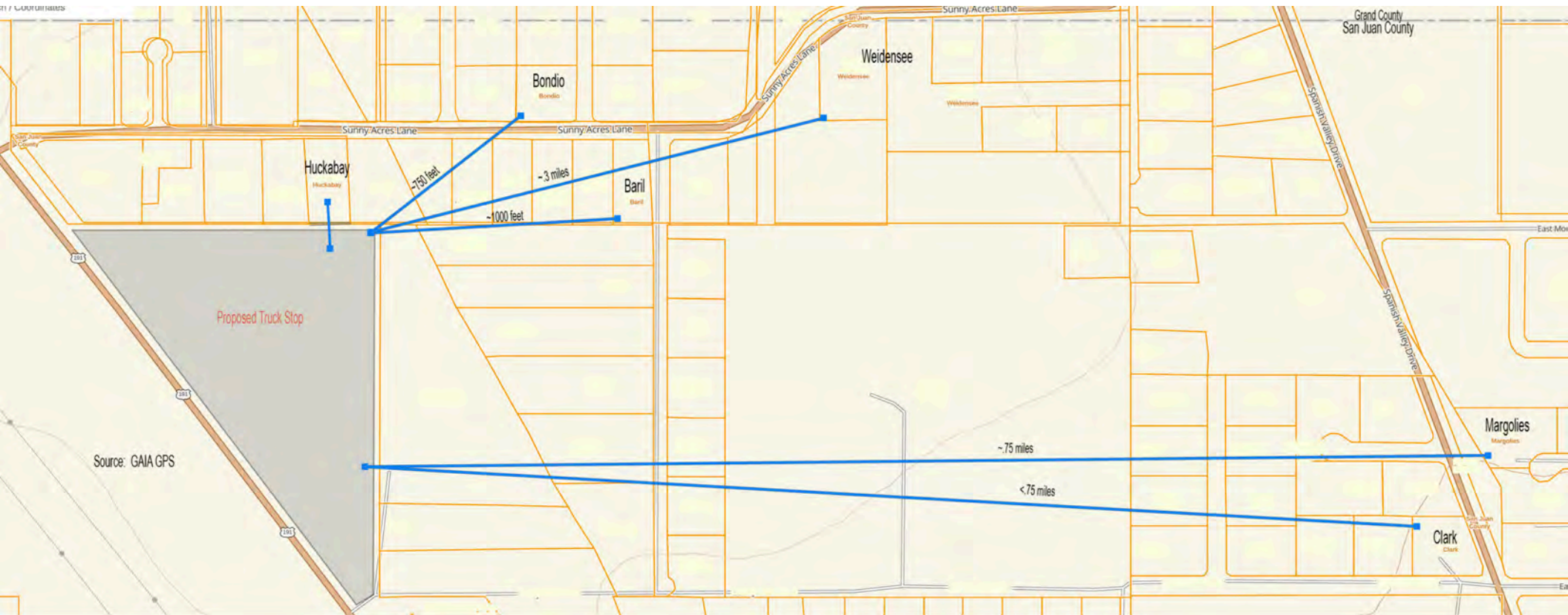
2020-04-07 11:48:29 -0700
2020-04-07 11:24:52 -0700

Audit

All parties have signed document. Signed copies sent to: Colby A. Smith and Barbara Reissen.
Document signed by Colby A. Smith (casmith101@gmail.com) with drawn signature. - 172.103.37.11
Document viewed by Colby A. Smith (casmith101@gmail.com). - 172.103.37.11
Document created by Barbara Reissen (breissen@clydesnow.com). - 65.126.127.66



This signature page provides a record of the online activity executing this contract.



February 5, 2024

Mack McDonald, County Administrator: mmcdonald@sanjuancounty.org
Trent Schafer, Chair San Juan County Planning and Zoning Commission:
t_schafer@hotmail.com
Kristin Bushnell, Planning Administrator: kbushnell@sanjuancounty.org

Sunny Acres Resident Comments in Opposition to Proposed Love's Truck Stop on Sunny Acres Lane/Highway 191

My wife and I have lived at 4463 Sunny Acres Lane, Moab since 1992, for 32 years. We respectfully urge San Juan County to reject the truck stop proposed by Love's in a residential area so close to homes.

The proposed giant truck stop would be, without a doubt, a major health threat to local residents, an enormous traffic hazard, and would destroy the quality of life that residents enjoy in our beautiful neighborhood due to massive air pollution, noise, traffic, bright lights, and destruction of the character of our neighborhood and community.

I suffer from "moderate to severe" asthma, as diagnosed by my physician. If Love's giant truck stop project is approved, I would have no choice but to sell my home that I love in order to protect my health.

The Utah Department of Environmental Quality and their air quality program have important information about the health impacts of exposure to diesel emissions.

DEQ's website has a document entitled "Health Effects: Be Idle Free – What You See...and Can't See...Can Hurt You." This document states "While children, the elderly, and people with respiratory ailments are most vulnerable to the pollutants from vehicle exhaust, these emissions affect everybody. Pollutants released during idling have been linked to the increased incidence of asthma, allergies, lung and heart disease, and cancer."

I have included the full text of the Utah Department of Environmental Quality document below, with a citation so you can read it on their website for yourself.

San Juan County and SITLA should protect the health of residents, not the bank account of a giant out of state corporate polluter based in Oklahoma.

Please protect our health, and the health and well being of our neighbors and community.

Finally, please forward these comments to the Planning and Zoning Commissioners.

Thank you,

Bradley Angel

bradleyangel5@yahoo.com

[Health Effects: Be Idle Free - Utah Department of Environmental Quality](#)

Health Effects: Be Idle Free

What You See ... and Can't See ... Can Hurt You

Idling can be bad for your health. While children, the elderly, and people with respiratory ailments are most vulnerable to the pollutants from vehicle exhaust, these emissions affect everybody. Pollutants released during idling have been linked to the increased incidence of asthma, allergies, lung and heart disease, and cancer.

Idling emissions include nitrogen oxides (NO₂), volatile organic compounds (VOCs), carbon monoxide (CO) and fine particulates (PM_{2.5}). All of these pollutants carry health risks. Carbon monoxide interferes with the blood's ability to carry oxygen to the brain, heart, and other tissues, causing headaches and fatigue. Ozone, created by chemical reactions between oxygen and nitrogen oxides, can cause inflammation in the lungs, decrease lung capacity, and irritate bronchial passages. VOCs, which along with NO₂ contribute to the formation of ozone, have the potential to cause cancer. PM_{2.5} fine particulates lodge deeply in the lungs, causing respiratory problems and providing an entry point for toxic pollutants into the lungs.

Children are at particular risk because they breathe more rapidly than adults and inhale more air per pound of body weight. Children also spend a considerable amount of time outdoors during the summer and fall, when ozone levels are typically higher. Exposure to these pollutants is associated with increased frequency of childhood illnesses and can contribute to the development of asthma and other respiratory ailments.

Many people do not realize that engines release more harmful emissions when idling than driving. Modern engines are designed to run most efficiently at higher temperatures. Because engines run at a lower temperature when idling, they do not fully combust fuel injected into the combustion chamber. This incomplete combustion releases a chemically complex toxic brew into the air.

Diesel exhaust is especially harmful. The Environmental Protection Agency (EPA) regards these emissions as a major health risk to the public. Scientists have yet to identify a safe level of exposure to diesel exhaust. People who live in urban areas or near major roads and highways suffer a greater incidence of respiratory problems due to the higher concentrations of exhaust in these areas. Diesel emissions from idling school buses pose a danger to children and have been at the heart of idle reduction efforts throughout the country.

Surprisingly, exposure to most auto pollutants, including VOCs and CO, is much higher inside vehicles than outside. Drivers caught in traffic jams on highways, idling outside a school or sitting at drive-through inhale more toxic pollutants than people standing outside the car.

Reducing unnecessary idling reduces exposure to these toxic pollutants and improves the respiratory health not only of sensitive populations but also healthy individuals.

Dave Focardi <datawrangler81@gmail.com>

Mon, Feb 5, 2:28 PM (22 hours ago)

to Mack, t_schafer, me

To my respected Planning and Zoning board members

My name is Dave Focardi, I live on Sunny Acres Lane, I am a board member of the San Juan Spanish Valley Service District, but do not represent them in any capacity on this matter.

I don't want to hear any baloney on how I don't like truckers. My Dad was a trucker until he retired, rated for triples and hazmat.

The reason the Truck stop lawyers are so technical about their timing of submitting an application to Grand county is because the intent of the law preventing Claim Jumping on zoning ordinances is clearly being violated here.

And submitting the application to Grand County? What is that all about? Does that mean all development applications in northern San Juan County get submitted to Grand County?! How do you members of the San Juan Planning Commission feel about that?

I didn't submit my garage build application to Grand County, though some of the inspections during building may have been done by Grand County.

Why is SITLA still interested in this deal? 13 acres for 1.3 million? You could put 2 hotels in there and generate far more tax money for the county and revenue for the Service District. You also wouldn't have 53 idling semi's parked in your neighborhood each night.

And finally, search Utah DEQ Environmental Incidents Database for Loves,

https://eqspillsps.deq.utah.gov/Search_Public.aspx

You will find about 5 minor ones in the last ten years. That's a pretty good record. Let's say Love's has the best record of all truck stop operators. That's still 5 in ten years. Why chance any spills parked on top of the Pack Creek drainage, the recharge area for the Valley Fill aquifer, one of the two main aquifers in our valley? Even if there are technically no spills, everyone here who gets gas notices an occasional drop or two coming off the nozzle onto the ground when you fill your vehicle. Do you want that going into our water for the next 50 years?

That alone is enough legal cover to deny this application on the basis of the health and well being of the community, the most important consideration of any planning and zoning commission.

Thank you for hearing my concerns and for making the right decision for the health of our community.

Permit Report

01/04/2024 - 01/31/2024

Permit #	Permit Date	Residential or Commercial	Building Address	Building CityStateZip	Applicant Name	Description
24003	1/18/2024	Mixed Use	1000 east Wolf springs Retreat rd	Lasal Utah 84530	Brian Ballard	Hobbit type structure for sleeping only. no power no sewer or water
24002	1/16/2024		17 Pritchett Arch Trail	Moab Utah 84532	Jason and Gretchen Goldsmith	single family residential
24001	1/10/2024	Residential	Lot 25, Bobby Lane	Lasal, UT 84530	Kenny Lindsay	Primary Residence

Total Records: 3

1/30/2024