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June 2, 2025

**VIA EMAIL ONLY**

San Juan County Planning and Zoning Commission  
c/o Kristen Bushnell  
P.O. Box 9  
117 South Main Street  
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Re: *NSJCC Written Comment for July 10, 2025 Planning Commission Meeting*

Dear Planning and Zoning Commission members:

Since 2019, the Northern San Juan County Coalition (the “Coalition”) has contested the adequacy and legality of the County’s consideration and approval of the application (“Application”) by Love’s Travel Stops and Country Stores (“Love’s”) for a truck stop (the “Truck Stop”) on U.S. Highway 191 near Sunny Acres Lane (the “Sunny Acres Location”). The County’s Administrative Law Judge, Lyn Lloyd Creswell (“ALJ”), has sent the Application back to the San Juan County Planning and Zoning Commission (the “Commission”) a second time because its previous consideration of the facts was inadequate.<sup>1</sup>

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<sup>1</sup> See generally Judge Creswell’s Final Decision, dated August 28, 2024, Exhibit A. The Coalition believes that certain aspects of Judge Creswell’s ruling that are not pertinent to the proceedings before this Commission also are erroneous. See generally Petition for Review of Land Use Decision, September 27, 2024, Case No. 240700028, Exhibit B.

During the Commission meeting on April 10, 2025, a member of the Commission explained, essentially, “We’re not changing at all what we said last time,” and, “We’re not going to go back six months and redo everything we did six months ago.”<sup>2</sup> These statements are legally incorrect and inconsistent with the ALJ’s ruling, which states the facts before the Commission at its last meeting *did not legally support* approving the Truck Stop, and the Commission must consider all relevant facts *before* deciding whether to approve the Truck Stop.<sup>3</sup> Simply reaffirming the decision made previously and describing it with different words is inadequate. The task at hand is to consider *all the facts*, including those not yet fully considered by the Commission, and make an impartial decision about whether to approve the Truck Stop at the Sunny Acres Location.

### **The Facts Do Not Support Approving the Truck Stop**

The 2011 San Juan County Zoning Ordinance (the “Zoning Ordinance”) is clear: “Automobile Service Station, Auto Accessories” and “Restaurant or drive-in café” are “permitted uses” in the Highway Commercial Controlled District sub-zone (“CD-h sub-zone”).<sup>4</sup> The facts, however, do not support squeezing the Truck Stop into these permitted uses. An “automobile,” according to Merriam Webster’s dictionary, is “a. . . four-wheeled automotive vehicle designed for passenger transportation.”<sup>5</sup> Britannica defines it the same way.<sup>6</sup> Merriam Webster defines a “service station” as a “gas station” at which “some service is offered.”<sup>7</sup> Thedailyautomotive.com defines an “automobile service station” as a “place equipped for servicing automobiles, which

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<sup>2</sup> See 4/10/2025 Meeting Video, at 36:25, 51:30 (the video may be accessed at: <https://www.youtube.com/watch?v=7RCERiLfzU0&list=PLFB2nKz9I9znkg30CsKtj7aG0BOEv6xow&index=20>).

<sup>3</sup> See Exhibit A, at p. 93.

<sup>4</sup> See Zoning Ordinance, at § 12-2. The Coalition does not contest that a restaurant is a permitted use or that two or more permitted uses can be combined within the CD-h sub-zone. The sole question, therefore, is whether an “automobile service station” and a “truck stop” are the same thing, which they are not.

<sup>5</sup> See <https://www.merriam-webster.com/dictionary/automobile>.

<sup>6</sup> See <https://www.britannica.com/technology/automobile>.

<sup>7</sup> See <https://www.merriam-webster.com/dictionary/service%20station>.

includes selling gasoline and oil . . . .”<sup>8</sup> When undefined, the law presumes the County Commission intended the ordinary use of these terms when it included them in the Zoning Ordinance.<sup>9</sup> As a result, the plain and ordinary meaning of “automobile service station” cannot be ignored, and the Commission cannot simply assume a broader definition was intended to approve the Truck Stop.

Even Love’s itself does not consider a “truck stop” and an “automobile service station” to be the same. Indeed, on Love’s own Wikipedia page, it draws a distinction between a Love’s “travel stop” and a Love’s “country store:” “Country stores are fueling stations with a convenience store attached” (automobile service station); “Travel stops” are “larger” and include “food from restaurant chains . . . , truck parking spaces, showers and laundry” (the Truck Stop).<sup>10</sup> This difference is readily seen on Interstate 70 in Green River, Utah, where Love’s operates a “country store” gas station across the street from a “travel stop.” On Interstate 70, as drivers approach Exit 160, separate highway placards are posted for a Love’s “travel stop” and a Love’s “gas station.”

The differences between an “automobile service station” and a “truck stop” are also readily apparent to any traveler. Automobiles typically stop at a service station for fuel and to use the convenience store. Visits tend to be short, with cars completing their transactions and moving on. Commercial trucks, on the other hand, have mandatory rest periods and often park for long periods, including overnight. Unlike automobiles, truck motors run for long periods to operate cooling units. Truck diesel engines are also larger than car engines, making more noise and creating more

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<sup>8</sup> See <https://thedailyautomotive.com/what-is-automobile-service-station-your-ultimate-guide/>.

<sup>9</sup> See *Muddy Boys, Inc. v. Dep’t of Com., Div. of Occupational & Pro. Licensing*, 2019 UT App 33, ¶ 16, 440 P.3d 741, 745 (“Where a statutory term is undefined, we must endeavor to determine its plain and ordinary meaning. . . . Dictionaries, other sections of the [statute], judicial opinions, and treatises may be useful tools in this endeavor”).

<sup>10</sup> See <https://en.wikipedia.org/wiki/Love's>. This distinction can be confirmed by searching in Google Maps for “Love’s Country Store” locations. On the resulting list of locations, some are a “Country Store” and referred to as a “gas station;” others are a “Travel Stop” and referred to as a “truck stop.” These are clearly distinct uses.

pollution. Trucks also require more room to stop and accelerate, meaning they require different traffic patterns than standard service stations – longer acceleration and deceleration lanes.

Notably, these factual differences between a “truck stop” and an “automobile service station” prompted Utah’s Property Rights Ombudsman to conclude that a “truck stop” was not “similar to” a “convenience store, including self-service gas pumps” (i.e. “automobile service stations”) or a “truck wash:”

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.<sup>11</sup>

Under the ALJ’s ruling, the Commission cannot simply ignore these factual differences between a “truck stop” and an “automobile service station.” Rather, for each of the differences highlighted in the preceding paragraphs and elsewhere in the Coalition’s prior briefing, the Commission must find specific, supportable facts explaining why those differences are irrelevant under the Zoning Ordinance. When fairly and objectively considered, this is not possible.

The Zoning Ordinance also allows the Commission to authorize a use, such as a “truck stop,” if the use is “in harmony with the intent of the neighborhood commercial zone and similar in nature to [permitted] uses.”<sup>12</sup> However, the Truck Stop is not “in harmony” with the neighborhood and is not at all similar to other permitted uses. If the County Commission had intended to allow “truck stops” in the CD-h sub-zone, it could have done so in 2011. But it did not.

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<sup>11</sup> See Ombudsman Opinion No. 115, Exhibit C, at p. 6.; *see also* The Coalition’s February 1, 2024 Memorandum, Exhibit D, at pp. 8-10 (providing additional analysis on why the Truck Stop is not a “permitted use”).

<sup>12</sup> See Zoning Ordinance, at § 12-2.

When considering “harmony” within the CD-h sub-zone, it is also important to note that residential uses have historically been permitted and should be respected. In prior meetings, some Commissioners have suggested that residents like Marlene Huckabay should not have been allowed to move into the CD-h sub-zone. But agricultural and residential uses have been permitted since at least 1978.<sup>13</sup> It is neither fair nor legally correct to tell residents like Ms. Huckabay that they should have known that a “truck stop” could be constructed next door when the Zoning Ordinance makes clear that only “automobile service station[s]” are permitted.<sup>14</sup>

The Commission is not bound by the decision it previously made to approve Love’s Application. The ALJ has already determined that decision was flawed and required further factual consideration and support. If the Commission concludes, after further review of the facts, that the Truck Stop cannot be supported as a “permitted use” or a harmonious use within the neighborhood, it has the power to deny the Application and without question should do so. There is no doubt that other better and lawful locations for the Truck Stop exist, some of them only a mile away.<sup>15</sup>

Sincerely,

A handwritten signature in blue ink, appearing to read 'Matthew A. Steward', with a stylized, cursive script.

Matthew A. Steward  
Emma D. Tanner

Enclosures  
cc: Bart Kunz

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<sup>13</sup> See 1978 Zoning Ordinance, Exhibit F, at § 12-1; *see also* Zoning Ordinance § 12-1 (describing the Controlled District as “a district where agricultural, industrial, commercial and residential uses may exist in harmony”) and § 12-2 (citing “Agricultural, Residential, Commercial, Highway Commercial and Industrial” uses as permitted).

<sup>14</sup> See *generally* Declaration of Marlene R. Huckabay, Exhibit E (discussing how the Truck Stop will impact her).

<sup>15</sup> The Commission also has the authority to seek more information from Love’s or impose conditions on the Love’s Application before approving it. For example, the Commission could ask Love’s to submit studies of noise or pollution impacts of the Truck Stop before approving it. The Commission also could require Love’s to modify the proposal by moving the location of buildings or truck parking spaces to mitigate the impact on the neighborhood. These types of changes could provide the Commission with additional factual information to incorporate into its deliberations and final findings and conclusions.