



LEGISLATIVE STAFF REPORT

MEETING DATE: September 12, 2024

ITEM TITLE, PRESENTER: Consideration and Approval of a Conditional Use Permit Allowing for a Private Airstrip, Old La Sal, Steven Redd

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

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

SUMMARY

On April 14, 2024, the County received a Conditional Use Permit Application for an Airstrip to be located on the north side of Hwy 46 in Old La Sal to for private use by Steven Redd.

Property:

Parcel: #28S25E265401 & 28S25E350001, collectively 222.21 acres

Current Zoning:

This parcel is currently zoned as Agricultural as per 2013 Zoning Map

The applicant is planning on improving access to the site by constructing a small, personal use dirt airstrip for occasional use. The airstrip will be 80 feet wide and 5,200 feet long and will consist of compacted dirt.

ORDINANCE SECTIONS

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

Airport/Airstrip is considered a Conditional Use in the Agricultural (A-1) Zone as per the 2011 Zoning Ordinance (Section 11-2). By definition, a **CONDITIONAL USE** is a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

In authorizing any Conditional Use, the Planning Commission shall impose such requirements and conditions as are necessary for the protection of adjacent properties and public welfare. The Planning Commission shall not authorize a Conditional Use Permit unless the evidence presented is such to establish:

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

Possible Conditions May Include:

- *Administrative Staff will coordinate with the County airport engineering firm on safety & hazards mitigation recommendations. This review will be approved by staff prior to issuance of building permit and/or business license. Engineering consultant expenses will be covered by the applicant at actual cost.*
- *Flight patterns must avoid current residential areas to the furthest extent possible to protect the public health, safety, and welfare of residents in this area.*
- *The extent of buffer and safety zones must be within the owner's property boundary.*
- *Must comply with all building code and permit requirements.*
- *Must comply with any state or federal fire restrictions.*
- *Must comply with San Juan County business license requirements.*

HISTORY/PAST ACTION

The original application was received on April 14, 2024. Administrator Bushnell advised the applicant that a new ordinance document and associated maps were set to be adopted by the beginning of July and that could change the process. With the on-going delays of the new ordinance adoption the application was considered at the July 11th, 2024, Planning Commission under the county's current 2011 ordinance.

Under the 2011 Ordinance, property is within AG and airstrips are Conditional Use. With the speculation of the new ordinance adoption this property would continue to be under AG and would continue to require a Conditional Use Permit. While this document is not yet legally adopted, and we must uphold the 2011 allowable uses, it is noted that this applicant's project continues to be in line with the speculative future uses.

The proposal was heard at the July 11, 2024, Planning Commission Meeting. However, due to a discrepancy of the formalities of a public hearing vs. public comments, and the lack of allowing for a full staff report and presentation from the applicant, this proposal was tabled until the next meeting and a Public Hearing was requested for that time. The Planning Commissioners also requested more clarification regarding the site topography, adjacent landowners' information, and county airport engineering requirements prior to voting on this proposal.

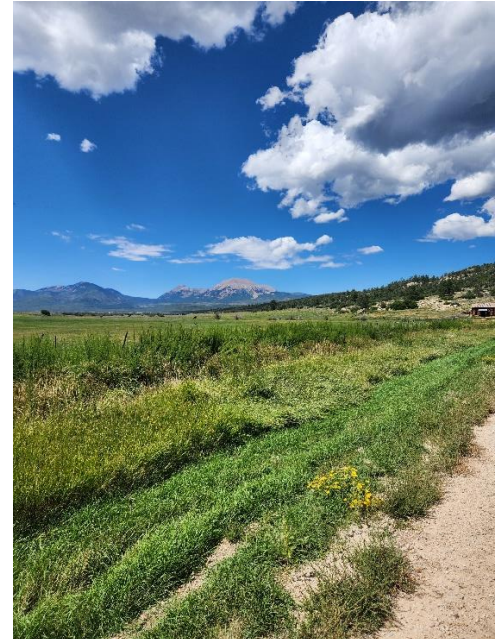
Steven Redd and SAR Ranch Legacy LLC, own 960 acres in the area. He is currently finishing a house within the next few months on the property. The current use of land is in association with agriculture through ranching, pasture/feed fields, and open space.



West End of Proposed Airstrip



East End of Proposed Airstrip



Topography

The Notice of a Public Hearing was posted physically and electronically on Thursday, August 29, 2024, and affected property owners were mailed a notice via hard copy through USPS.

There are four (4) affected property owners within a one (1) mile radius of the proposed airstrip. All affected property owners are to the north/north-west of the proposed site.

James Blankenagel owns parcels #28S25E261800 & #28S25E252400, collectively 160 acres. Both parcels were acquired in April 2012. James resides in La Sal, Utah. The parcels are currently under Greenbelt tax designations and contain several stock ponds.

Curtis Wells owns parcels #28S25E263600 / #28S25E263601 / #28S25E270001 / #28S25E270002, collectively 146.6 acres. The first of parcels was acquired in November 2021. Curtis resides in Moab, Utah. The parcels are currently under Greenbelt and Secondary Cabin tax designations. He submitted and was approved for a Conditional Use Permit on August 11, 2022, for 61 glamping/cabin units with a 50 room hotel/lodge (please see the attached resources as submitted July 18, 2022). See attached materials.



Kelly & Rochell Denney own parcel #28S25E270000, 10.7 acres. This parcel was obtained in April 2020. They reside in Moab, Utah. The parcel is currently under a Secondary Residential tax designation and looks like it serves as a vacation cabin.



Nicole Talley owns parcel #28S25E271800, 2.0 acres. This parcel was obtained in April 2018. She resides in Yreka, California. The parcel is currently under a Secondary Cabin tax designation and looks like it is uninhabitable.



----- Forwarded message -----

From: **McDaniel, Kirt** <Kirt.McDaniel@woolpert.com>

Date: Fri, Aug 9, 2024 at 12:52 PM

Subject: RE: San Juan County Project Review

To: McDonald, Mack <mmcdonald@sanjuancounty.org>

Cc: Nielsen, Kirk <Kirk.Nielsen@woolpert.com>, Holder, Trent <Trent.Holder@woolpert.com>

Mack,

We have reviewed the documents and FAA and state regulations and standards. As far as we can tell, there are no state or federal regulations governing such landing strips or helipads; however, it is our recommendation that FAA guidelines and standards are considered.

Here are our comments on the Airstrip and Heliport:

Pine Lodge Airstrip:

- The owner of the house north of the end of the airstrip may not like aircraft operating in close proximity (500')
- The house could present a hazard to departing/arriving aircraft due to its location to the end of the runway
- We looked at existing FAA obstacles (usually these are antennas) in the area and there are none within close proximity
- The airstrip is near Lasal Creek and there may be environmental considerations, i.e., USACE 404 permit, that would be required before construction

From a desk top review, neither proposal raised red flags for safety. Both proposals will require FAA Form 5010-5, Airport Master Record, to be filed with the FAA. This form is used when establishing a new private-use landing area to notify the FAA that the landing area is now operational. A link to the form is: <https://www.faa.gov/documentLibrary/media/Form/5010-5-airport-master-record.pdf>,

There will not be any additional expenses charged to the County for our review and recommendations.

Call if you have questions.

Thanks, and have a great weekend!

Kirt

Kirt McDaniel, P.E.

Project Manager

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Emailed letter from August 14, 2024

San Juan County Planning and Zoning Committee,

I am submitting these comments for the consideration of the committee with respect to the project of a private airstrip on Redd Summit Ranches in Old La Sal.

La Sal, and this subject land in particular, has been the heart of ranching in northern San Juan County since the late 1800's, and has been owned by the family of Steve Redd since the 1920's. Ranching is his heritage and his business – one that has contributed substantially to the community and local economy for the past 100 years. The land in Old La Sal is where the cattle pass through between the summer and winter grazing areas and is used as the primary pasture to transition the cattle each spring and fall. Steve has made considerable investments here in recent years, including adding pivot irrigation systems, building works shops, and relocating new corrals to improve the functionality and upgrade the capacity of the facilities. This land has been, is, and will continue to be the most clear definition of agriculture use for many, many years to come.

The issue before the committee is simply whether the proposal to add an air strip to the property meets the zoning regulations applicable to the agriculture zoning where the ranch is located. The concern expressed by the committee members at the July 11, 2024, meeting was in regards to the 'harmonious' application to existing use. Since the existing use is agriculture, specifically ranching, I would like to suggest several ways in which the airstrip will enhance the agricultural use of the property upon which it will be constructed.

- a) Provide increased access to the ranch for the owner and other professional services such as veterinary and breeding personnel that are contracted at various times to provide services in this remote area.
- b) Allow maintenance and operational supplies to be delivered in a timely manner including equipment repair parts and other supplies such as breeding materials that must remain frozen until time of use.
- c) Enable more efficient location and oversight of the livestock on the ranch by facilitating aerial observation and head counts in remote areas inaccessible by other means.
- d) Staging of aircraft used in aerial range seeding and fertilization applications.
- e) Facilitate aerial timber and range inventory estimates for planning and implementation of best use practices.

In recognition of the concerns of the neighbor to the north, the airstrip will be modified to have a displaced threshold 1000 ft from the northern end of the airstrip. This will allow a reasonable space from the property line without compromising the safety of the landing aircraft. It would also be acceptable to limit the type of aircraft to small, normal or utility airplanes and light sport aircraft if deemed necessary by the committee.

On average, it is anticipated that about one flight per week will be normal operation frequency. In the busy times this could be a little more frequent, while there may also be weeks and even months when no flights will occur.

The houses off the southeast end of the airstrip are owned by Redd Summit Ranches and are part of the ranch operation, and therefore not a factor with respect to possible complaints. The house most

directly aligned with the centerline of the airstrip is approximately 1200 ft away and 40 ft lower than the SE end of the airstrip, so approaching aircraft will be higher and descending when passing over the house, while departing aircraft will be climbing, therefore it will not be a factor for approaching or departing aircraft.

Thank you for your consideration,

Bruce Nebeker, Redd Summit Ranches