

May 27, 2025

To: County Commission

San Juan County

117 South Main

Monticello, UT 84535

Attn: Commissioner Stubbs

Commissioner Harvey

Commissioner Maughan

Cc: Mr. Mack McDonald

This letter approximates my comments at the 6/3/2025 Commission Meeting.

Dear Commissioners,

My name is Karl Spielman, and I am the property owner of 72 acres in northern Spanish Valley at 185 Planesfield Drive, Moab, UT. 84532. I am engaged in a legal action arising from an appeal to a San Juan County Board of Commissioners decision of February 16<sup>th</sup>, 2021 concerning the Sky Ranch Phase II Subdivision.

Since December of 2017, and for 6 years now, I have been objecting to the process by which the County has allowed the Sky Ranch property to expand their structures and the intensity of their use without any of the required legal adherence to the County's own zoning ordinances. County administrators have admitted this in numerous statements and emails that are on record. In 6 years, I have not lied to the County nor exaggerated the potential hazards associated with planning an airport. Careful planning with regards to airport design are practiced in every county and municipality across America. The FAA encourages these entities to use the design criteria that has been compiled over many years of hard-won knowledge concerning safety. Why has San Juan County refused to acknowledge what amounts to a three-dimensional hazard to the neighbors and residents of Spanish Valley, and not sought out professional help to plan Sky Ranch properly? San Juan County has three airports within the County on which they consulted with such firms. The almost intentional negligence when it was stated that the County "had no safety expert", so could not advise the Commissioners when they asked for more information to make their decision, was patently false and has caused great damage to me and my family. I have been forced to protect, through expensive legal channels, the value of my property from having it appropriated as a 'safety zone' to enable the Sky Ranch airport.

At the time of my appeal, the 2019 Spanish Valley Residential ordinances (SVR) had created a special "district" in North San Juan County to accommodate logical growth in this area. Prior to that, the 2011 zoning ordinances were in effect. In the 2019 SVR, airports were purposely not included as an allowable feature, being discontinued from the previous 2011 ordinances because common sense prevailed. Airports are very special, disruptive and dangerous features, creating what amounts to a three-dimensional hazard and as such face many more zoning requirements than almost any other county land feature. They do not belong in residential areas. And make no mistake, County documents show that the Federal Aviation Administration has told San Juan County, that airport zoning requirements are the responsibility of County Planners, not the FAA, and has invited the County to use their design criteria in

the case that San Juan County has not yet developed their own. It should be a part of whatever new ordinances that eventually govern the County, that any developer applying for an airport, be required to submit the requisite “stamped engineering documentation”, (Proposed Ordinances Ch. 7a Section 1A, Para 2) to eliminate man-made hazards, using the oversight of an established airport engineering and consulting firm such as San Juan County and its municipalities are already familiar with, ie, Armstrong Consultants or Woolpert, (formerly JVIation), or the like. It would be ill-advised for the County’s Planning and Zoning Commissioners to try and create their own airport design criteria in an uninformed and haphazard manner. Any overlooked criteria would create questions of legitimacy and liability for the County. Why not contact firms that the County already deals with and which already use the FAA’s Advisory Circular 150-5300-13a *Airport Design* to inform the ordinance?

The State of Utah agrees. Take note; Utah Code, Chapter 10, Aeronautics Act 72-10-116 Restrictions on use of lands or waters of another:

**(1)(b) The use of private landing fields must not impose a hazard upon persons, or the property of others.**

This is in keeping with San Juan County’s Proposed Ordinances Chapter 3, Section1 (i) provide for the health, safety, and welfare, and (xi) protect property values

A properly designed airport minimizes but does not eliminate all hazards associated with aviation. **Those hazards must be contained on the airport property** or property controlled by the developer. In Chapter 7a, Section 13 A, B or C, of the 2024 Proposed Ordinances, ANY restrictions placed on adjoining properties to an airport would be considered a “Taking” by the county planners that allowed it. Section 13 should be clarified to mean that these restrictions must be imposed on the developer, that he shall maintain these transition areas and the commensurate hazards upon the development’s property and not the property of others. I suggest that San Juan County planners consult with one of the airport engineering firms listed above, so that a proper set of design parameters be encoded in the ordinances. Failure to do so invites continuing legal action from County residents as well as future liability issues should injury or death occur. The last 6 years of debate on this subject has created a predicate on which future injured parties will base their cases. The hazards spawned by airports never go away as long as they are in use. They can only be managed intelligently.

Additionally, the Sky Ranch airport no longer has a nonconforming use due to massive alterations to the property in 2017, for which Conditional Use Permits or Building Permits were neither discussed nor granted. I would think that the County Planners would feel that their right and duty to review projects of the scope of the alteration to Sky Ranch was obfuscated by the developer’s unilateral actions without permission. The public, in the form of neighbors and residents, was also robbed of their right to comment and review such a large change near their own properties. The airport is inappropriate in its location to the future of Spanish Valley, and it could be converted to a residential subdivision with greater value to the developer and to the County.

I cannot ignore the defense of my property, and at this point, I cannot see how the County can continue to ignore their responsibility to step in and thoroughly evaluate the Sky Ranch airport.

Karl Spielman

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