

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.

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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.

June 5, 1978

SAN JUAN COUNTY UTAH

ZONING ORDINANCE

San Juan County Zoning Ordinance

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CHAPTER 1

GENERAL PROVISIONS

1-1 Short Title

This Ordinance shall be known and may be so cited and pleaded as the

"ZONING ORDINANCE OF SAN JUAN COUNTY"

1-2 Purpose

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

1-3 Interpretation

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

1-4 Conflict

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

1-5 Definitions

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

- (1) Agriculture. The tilling of the soil, the raising of crops, horticulture and gardening, including the grazing and pasturing of domestic animals, but not including any agricultural business or industry, such as fruit-packing plants, fur farms,

animal hospitals or similar uses.

- (2) **Agricultural Industry or Business.** An industry or business involving agricultural products in packaging, treatment, sales, intensive feeding, or storage, including but not limited to animal feed yards, fur farms, commercial milk production, food packaging or processing plants, commercial poultry or egg production and similar uses as determined by the planning commission.
- (3) **Alley.** A public thoroughfare less than twenty-five (25) feet wide.
- (4) **Animal Unit.** One (1) cow, one (1) horse, five (5) sheep or goats, or an equivalent number of smaller animals or fowl as determined by the Planning Commission.
- (5) **Basement.** A story partly underground. A basement shall be counted as a story for the purposes of height measurement if its height is one-half ($\frac{1}{2}$) or more above grade.
- (6) **Boarding House.** A building with not more than five (5) guest rooms, where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons.
- (7) **Building.** Any structure having a roof supported by columns or walls for the housing - or enclosure of persons, animals or chattels.
- (8) **Building, Accessory.** A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building.
- (9) **Building, Height of.** The vertical distance from the average finished grade surface to the highest point of the building roof or coping.
- (10) **Building Line.** A line parallel to the front, side or rear lot line and established at the point where that lot line is closest to any part of the building or structure exclusive of the ordinary projections of skylight, sills, belt courses, cornices, chimneys, flues and ornamental features which do not project into a yard more than two and one-half (2-1/2) feet, and open or lattice enclosed fire escapes, fireproof outside stairways and balconies open upon fire towers which do not project into a yard more than five (5) feet.
- (11) **Building, Main.** The, principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing a principal use upon a lot.
- (12) **Car Port.** A private garage not completely enclosed by walls or doors. For the purposes of this Ordinance, a car port shall be subject to all of the regulations prescribed for a private garage

- (13) Conditional Use. A use of land for which a conditional use permit is required, pursuant to this Ordinance.
- (14) Condominium. The ownership of a single unit in a multi-unit project, together with an undivided interest in the common areas and facilities of the property.
- (15) Corral. A space, other than a building, less than one (1) acre in area, or less than one hundred (100) feet in width, used for the confinement of animals.
- (16) Dwelling. Any building, or portion thereof, which is designed for use for residential purposes, except hotels, apartment hotels, boarding houses, lodging houses, tourist courts and apartment courts.
- (17) Dwelling, Farm or Ranch. A building to provide housing for migratory or temporary farm workers, persons permanently working on a farm or ranch, or for family members of the main household who are engaged full-time in operating the farm or ranch.
- (18) Dwelling, Multiple-family. A building arranged or designed to be occupied by three (3) or more families.
- (19) Dwelling, Single-family. A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.
- (20) Dwelling, Two-family. A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.
- (21) Dwelling Unit. One or more rooms in a dwelling, apartment hotel or apartment motel, designed for or occupied by one (1) family for living or sleeping purposes and having one (1) but not more than one (1) kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units.
- (22) Family. One or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined.
- (23) Frontage. All the property fronting one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.
- (24) Garage, Private. An accessory building designed or used for the storage of not more than four (4) automobiles owned and used by the occupants of the building to which it is accessory, provided that on a lot occupied by a multiple dwelling, the private garage may be de-

signed and used for the storage of one and one-half (1-1/2) times as many automobiles as there are dwelling units in the multiple dwelling, if the garage and dwelling have a roof or wall in common. A private garage may not be used for storage of more than one (1) truck for each family dwelling upon the premises, and no such truck shall exceed two and one-half (2-1/2) ton capacity.

- (25) **Garage, Public.** A building or portion thereof, other than a private garage designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.
- (26) **Home Occupation.** Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is not display, nor stock in trade. The home occupation shall not include the sale of commodities except those which are produced on the premises, and shall not involve the use of any accessory building or yard space or activity, outside of the main building, not normally associated with residential use. Home occupation shall include the use of the home by a physician, surgeon, dentist, lawyer, clergyman, engineer, or other professional persons for consultation or emergency treatment but not for the general practice of his profession. In all cases where a home occupation is engaged in, there shall be no advertising of said occupation, no window displays, or signs except as hereinafter permitted, and no employees employed.
- (27) **Hotel.** A building designed for or occupied as the more or less temporary abiding place of sixteen (16) or more individuals who are, for compensation, lodged, with or without meals, and in which no provision is made for cooking in any individual room or suite.
- (28) **Household Pet.** Animals or fowl ordinarily permitted in the house, and kept for company or pleasure such as dogs, cats, and canaries, but not including a sufficient number of dogs to constitute a kennel, as defined in this Ordinance.
- (29) **Junk Yard.** The use of any lot, portion of a lot, or tract of land for the storage, abandonment of junk, including scrap metals or other, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.
- (30) **Kennel.** The keeping of three (3) or more dogs, at least four (4) months old.
- (31) **Lodging House.** A building where lodging only is provided for compensation to five (5) or more, but not to exceed fifteen (15) persons.
- (32) **Lot.** A parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot area as are required by this

Ordinance, having frontage upon a street or upon a right-of-way, approved by the Board of Adjustment, or upon a right-of-way not less than sixteen (16) feet wide.

Except for group dwellings and guest houses, not more than one (1) dwelling structure shall occupy any one (1) lot.

- (33) Lot Area. The total gross land area of a parcel of land, not including street right-of-ways dedicated to the public.
- (34) Lot, Corner. A lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five (135) degrees.
- (35) Lot Depth. The horizontal distance between the front yard and the rear lot lines measured in the main direction of the side lot lines.
- (36) Lot Line, Front. For an interior lot, the lot line adjoining the street; for a corner lot or through lot, the lot line adjoining either street, as elected by the lot owner.
- (37) Lot, Interior. A lot other than a corner lot.
- (38) Lot Line, Rear. Ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length within the parcel, parallel to and at a maximum distance from the front lot line. In cases where these definitions are not applicable, the building inspector shall designate the rear lot line.
- (39) Lot Line, Side. Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line.
- (40) Lot Width. The horizontal distance between the side lot lines, measured at the required front yard setback line or rear yard setback line, whichever is shorter.
- (41) Mobile Home. A detached, single-family dwelling unit of not less than thirty (30) feet in length, designed for long-term occupancy, and to be transported on its own wheels or on a flatbed or other trailers or detachable wheels; containing a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections provided for attachment to appropriate external systems, and ready for occupancy except for connections to utilities and other minor work. Presectionalized, modular, or prefabricated houses not placed on permanent foundations, shall be regarded as mobile homes.
- (42) Mobile Home Park. A space designed and approved by the local jurisdiction for occupancy by mobile homes, to be under a single ownership or management, and meeting

all requirements of the zoning ordinance and mobile home park ordinance for mobile home parks.

- (43) Mobile Home Subdivision. A subdivision designed and intended for residential use where the lots are to be individually owned or leased, and occupied by mobile homes exclusively.
- (44) Modular Home. A permanent dwelling structure built in prefabricated units, which are assembled and erected on the site, or at another location and brought as a unit to the site; said modular home is classed as a mobile home until it is placed on a permanent foundation and complies with all governing building codes.
- (45) Motel. A building or group of buildings for the drive-in accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.
- (46) Natural Waterways. Those areas, varying in width, along streams, creeks, gullies, springs, or washes which are natural drainage channels as determined by the Building Inspector, and in which areas no buildings shall be constructed.
- (47) Nonconforming Building or Structure. A building or structure or portion thereof, lawfully existing at the time this Ordinance became effective, which does not conform to all the height, area, and yard regulations herein prescribed in the zone in which it is located.
- (48) Nonconforming Use. A use which lawfully occupied a building or land at the time this Ordinance became effective and which does not conform with the use regulations of the zone in which it is located.
- (49) Parking Lot. An open area, other than a street, used for parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.
- (50) Parking Space. Space within a building, lot or parking lot for the parking or storage of one (1) automobile.
- (51) Planned Unit Development (PUD). An integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements.
- (52) Story. The space within a building included between the surface of any floor and the surface of the ceiling next above.

- (53) Story, Half. A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds ($2/3$) of the floor immediately below it.
- (54) Street. A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than twenty-five (25) feet wide, which has been made public by right of use and which affords the principal means of access to abutting property.
- (55) Structure. Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.
- (56) Structural Alterations. Any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.
- (57) Subdivision, Cluster. A subdivision of land in which the lots have areas less than the minimum lot area of the district in which the subdivision is located, but which complies with the cluster subdivision provisions of this Ordinance and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide low-density character for the residential lots in the subdivision.
- (58) Tourist Court. Any building or group of buildings containing sleeping rooms, with or without fixed cooking facilities designed for temporary use by automobile tourists or transients, with a garage attached or parking space conveniently located to each unit, including auto courts, motels, or motor lodges.
- (59) Trailer Camp. Any area or tract of land used or designed to accommodate two (2) or more automobile trailers or camping parties.
- (60) Use, Accessory. A subordinate use customarily incidental to and located upon the same lot occupied by a main use.
- (61) Use, Main. The principal function or use of the land and/or building or structure.
- (62) Yard. A space on the lot, other than a court, unoccupied and unobstructed from the ground upwards, by buildings, except as otherwise provided herein.
- (63) Yard, Front. A space extending across the full width of a lot, between the front building line and the front lot line. The depth of the front yard is the minimum distance between the front lot line and the front building line.
- (64) Yard, Rear. A space extending across the full width of a lot, between the rear building line and the rear lot line. The depth of the rear yard is the minimum distance between the rear lot line and the rear building line.

- (65) Yard, Side. A space extending along the full depth of a lot, between the side building line and the side lot line. The "width" of the side yard shall be the minimum distance between the side lot line and the side building line.

Building Permit Required

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

1-7 Application and Review

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

1-8 Planning Commission Approval

The Planning Commission, or the Building Inspector when authorized by the Planning Commission, shall determine whether proposed architectural and site development plans submitted are consistent with the general objectives of this Ordinance, and shall give or withhold approval accordingly. Denial of approval by the Building Inspector may be

appealed to the Planning Commission, and denial by the Planning Commission may be appealed to the County Commission, as provided for in this Ordinance.

1-9 Building Inspector to Enforce

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

1-10 Permits to Comply with Ordinance

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

1-11 Powers and Duties of Building Inspector

It shall be the duty of the Building Inspector to inspect or cause to be inspected all buildings in course of construction or repair. He shall enforce all of the provisions of this Ordinance, entering actions in the courts when necessary and his failure to do so shall not legalize any violations of such provisions. The Building Inspector shall not issue any permit unless the plans of the proposed erection, construction, reconstruction, alteration and use fully conform to all zoning regulations then in effect.

1-12 Nuisance and Abatement

Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Ordinance, and any use of land, building or premise established, conducted or maintained contrary to provisions this Ordinance shall be, and the same hereby is, declared to be unlawful and a public nuisance; and the local attorney shall, upon request of the governing body, at once commence action or proceeding for abatement and removal of enjoinder thereof in a manner provided by law, and take other steps as will abate and remove such building or structure, and restrain or enjoin any person, firm, or corporation from erecting, building, maintainin or using said building or structure or property contrary to the provisions of this Ordinance. The remedies provided for herein shall be cumulative and not exclusive.

1-13 Amendments

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

1-14 Hearing and Publication of Notice

Before finally adopting any such amendment, the County Commission shall hold a public hearing thereon. At least thirty (30) days notice of the time and place of the meeting shall be given by at least one (1) publication in a newspaper of general circulation in the County.

1-15 Licensing

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

1-16 Penalties

Any person, firm or corporation whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this Ordinance shall be guilty of a misdemeanor and punishable as provided by law. Such persons, firm or corporation who intentionally violate this Ordinance shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, continued, or permitted by such person, firm or corporation, and shall be punishable as herein provided.

CHAPTER 2 BOARD OF ADJUSTMENT

2-1 Board - Number of Members - Appointment, Term and Removal, Vacancies

The Board of Adjustment shall consist of five (5) members, each to be appointed by the legislative body for a term of five (5) years, provided that the term of one member shall expire each year. Any member may be removed for cause by the appointing authority upon written charges and after public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member, but not more than one, of the Planning Commission shall be a member of the Board of Adjustment.

2-2 Duties and Powers of Board

- (1) To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of this article or of any ordinance adopted pursuant thereto.

To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.

To authorize upon appeal such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, provided that the spirit of the ordinance shall be observed and substantial justice done. Before any variance may be authorized, however, it shall be shown that;

- (a) The variance will not substantially affect the comprehensive plan of zoning in the county and that adherence to the strict letter of the ordinance will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan.
- (b) Special circumstances attached to the property covered by the application which do not generally apply to the other property in the same district.
- (c) That because of said special circumstances, property covered by application is deprived of privileges possessed by other properties in the same district, and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

2-3 Special Questions:

- (1) Where a zone boundary line divides a lot in a single ownership at the time of the passage of this Ordinance, the Board may permit a use authorized on either portion of such lot to extend not more than fifty (50) feet into the other portion of the lot.
- (2) The Board may permit the building of a dwelling upon a lot which does not have frontage on a street.
- (3) Where a parcel of land is at least one and one-half ($1\frac{1}{2}$) times as wide and one and one-half ($1\frac{1}{2}$) times as large in area as required for a lot in the zone, or one and one-quarter ($1\frac{1}{4}$) times as wide and one and one-quarter ($1\frac{1}{4}$) times as large in area as required for two (2) lots in the zone, the parcel may be divided into two (2) lots or three (3) lots respectively.

2-4 Vote Necessary for Reversal

The concurring vote of three members of the Board shall be necessary to reverse any order, requirement or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any such ordinance, or to affect any variation in such ordinance.

2-5 Decision on Appeal

In exercising the above-mentioned powers such Board may in conformity with the provisions of this article reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

CHAPTER 3

SUPPLEMENTARY AND QUALIFYING REGULATIONS

3-1 Effect of Chapter

The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this Ordinance.

3-2 Lots in Separate Ownership

The requirements of this Ordinance as to minimum lot area or lot width shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land in the event that such lot or parcel of land is held in separate ownership at the time this Ordinance becomes effective.

3-3 Yard Space for One Building Only

No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this Ordinance, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

3-4 Every Dwelling to be on a "Lot"

Every dwelling shall be located and maintained on a "lot" as defined in this Ordinance.

3-5 Separately Owned Lots - Reduced Yards

On any lot under a separate ownership from adjacent lots and of record at the time of passage of this Ordinance, and such lot having a smaller width than required for the zone in which it is located, the width of each of the side yards for a dwelling may be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be if the required lot width, provided that in interior lots the smaller of the two yards shall be in no case less than five (5) feet, or larger than eight (8) feet, and for corner lots the street side yard shall be in no case less than ten (10) feet or the other side yard be less than five (5) feet.

3-6 Private Garage with Side Yard - Reduced Yards

On any interior lot where a private garage, containing a sufficient number of parking spaces to meet the requirements of this Ordinance, has a side yard equal to the minimum side yard required for a dwelling in the same zone, the width of the other side yard for the dwelling may be reduced to equal that of the minimum required side yard; and on any lot where such garage has such side yard the rear yard of the dwelling may be reduced to fifteen (15) feet, provided the garage also has a rear yard of at least fifteen (15) feet.

3-7 Sale or Lease of Required Space

No space needed to meet the width, yard, area, coverage, parking or other requirements of this Ordinance for lot or building may be sold or leased away from such lot or building.

3-8 Sale of Lots Below Minimum Space Requirements

No parcel of land which has less than the minimum width and area requirement for the zone in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot, except by permit of the Board of Adjustment.

3-9 Yards to be Unobstructed - Exceptions

Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard, the ordinary projections of skylight, sills, belt courses, cornices, chimneys, flues and other ornamental features shall not project into a yard more than two and one half (2-1/2) feet, and open or lattice enclosed fire escapes, fireproof outside stairway and balconies open upon fire towers projecting into a yard not more than five (5) feet.

3-10 Area of Accessory Buildings

No accessory building nor group of accessory buildings in any residential zone shall cover more than twenty-five (25) percent of the rear yard.

3-11 Additional Height Allowed

Public, semi-public utility buildings, when authorized in a zone, may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each otherwise established building line at least one (1) foot for each additional foot of building height above the normal height limit required for the zone in which the building is erected.

3-12 Minimum Height of Main Buildings

No dwelling shall be erected to a height less than one story above grade.

3-13 Maximum Height of Accessory Buildings

No building which is accessory to a one-family, two-family, three-family or four-family dwelling shall be erected to a height greater than one (1) story or twenty feet.

3-14 Clear View of Intersecting Streets

In all zones which require a front yard, no obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street lines except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers; and pedestal-type identification signs and pumps at gasoline stations.

CHAPTER 4

NONCONFORMING BUILDING AND USES

4-1 Maintenance Permitted

A nonconforming building or structure may be maintained.

4-2 Repairs and Alterations

Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use.

4-3 Additions, Enlargements, and Moving

- (1) A building or structure occupied by a nonconforming use and a building or structure nonconforming as to height, area or yard regulations shall not be added to or enlarged in any manner or moved to another location on the lot except as provided by subsection (2) hereof.
- (2) A building or structure occupied by a nonconforming use or a building or structure nonconforming as to height, area or yard regulations may be added to or enlarged or moved to a new location on the lot upon a permit authorized by the Board of Board of Adjustment, which may issue, provided that the Board of Adjustment after hearing, shall find;
 - (a) The addition to, enlargement of, or moving of the building will be in harmony with one or more of the purposes of this Ordinance as stated in Chapter 1, Section 2, hereof, and shall be in keeping with the intent of the Ordinance.
 - (b) That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure.

4-4 Alteration Where Parking Insufficient

A building or structure lacking sufficient automobile parking space in connection therewith as required by this Ordinance may be altered or enlarged provided additional automobile parking space is supplied to meet the requirements of this Ordinance for such alteration or enlargement.

4-5 Restoration of Damaged Buildings

A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake or other calamity of Act of God or the public enemy, may be restored and the occupancy or use of such building structure or part thereof, which existed at the time of such damage or destruction may be

continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently pursued to completion.

4-6 One Year Vacancy

A building or structure or portion thereof occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by a nonconforming use for a continuous period of one (1) year, except for dwellings and buildings to house animals and fowl, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.

4-7 Continuation of Use

The occupancy of a building or structure by a nonconforming use, existing at the time this Ordinance becomes effective, may be continued.

4-8 Occupation Within One Year

A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one (1) year after the use became a nonconforming use.

4-9 Change of Use

The nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

4-10 Expansion of Use Permitted

A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.

4-11 Nonconforming Use of Land

The nonconforming use of land, existing at the time this Ordinance becomes effective may be continued, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or on any portion thereof, is abandoned or changed, any future use of such land shall be in conformity with the provisions of this Ordinance.

CHAPTER 5

PARKING REQUIREMENTS, LOADING SPACE, AND MOTOR VEHICLE ACCESS

5-1 Off-street Parking Required

There shall be provided at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provisions for ingress and egress by standard-sized automobiles as hereafter provided.

5-2 Size

The dimensions of each off-street parking space shall be at least nine (9) feet by twenty (20) feet for diagonal or ninety-degree (90) spaces; or nine (9) by twenty-two (22) feet for parallel spaces, exclusive of access drives or aisles, provided that in parking lots of not less than twenty (20) parking spaces the building inspector may approve a design allowing not more than twenty (20) per cent of such spaces to be not less than seven and one-half (7-1/2) feet by fifteen (15) feet to be marked and used for compact automobiles only.

5-3 Parking Space for Dwellings

In all residential zones there shall be provided in a private garage, or in an area properly located for a future garage, space for the parking of one (1) automobile for each dwelling unit in a new dwelling, or each dwelling unit added in the case of the enlargement of an existing building.

5-4 Parking Space for Building or Uses Other Than Dwellings

For a new building, or for any enlargement or increase in seating capacity, floor area or guest rooms of any existing main building, there shall be at least one (1) permanently maintained parking space of not less than one hundred eighty (180) square feet net area as follows:

1. For church, school, college and university auditoriums and theaters, general auditoriums, stadiums and other similar places of assembly, at least one (1) parking space for every ten (10) fixed seats provided in said buildings or structures.
2. For hospitals, at least one (1) parking space for each two (2) beds including infants' cribs and children's beds. For medical and dental clinics at least ten (10) parking spaces, providing that three (3) additional parking spaces shall be provided for each doctor or dentist having offices in such clinic in excess of three doctors or dentists.
3. For tourist courts and apartment motels, at least one (1) parking space for each individual sleeping or living unit; for hotels and apartment hotels, at least one (1) parking space for each two (2) sleeping rooms, up to and including the first twenty (20) sleeping rooms,

and one (1) parking space for each three (3) sleeping rooms over twenty (20) sleeping rooms.

4. For boarding houses, lodging houses, dormitories, fraternities or sororities at least one parking space for every three (3) persons for whose accommodation the building is designed or used.
5. For restaurants or establishments that serve meals, lunches, or drinks to patrons either in their cars or in the building, for retail stores selling directly to the public, and for dance halls and recreational places of assembly, at least one (1) space for each two hundred (200) square feet of floor space in the building, or one (1) space for each two (2) employees working on the highest employment shift, or five (5) parking spaces, whichever requirement is greater.
6. For mortuaries, at least thirty (30) parking spaces; for liquor stores, at least twenty (20) parking space.
7. For all business or industrial uses not listed above, one (1) parking space for each two (2) employees working on the highest employment shift.

5-5 Location of Parking Spaces

Parking spaces as required above shall be on the same lot with the main building, or, in the case of buildings other than dwellings, may be located not farther than five hundred (500) feet therefrom.

5-6 Parking Lot Regulations

Every parcel of land hereafter used as a parking lot shall be paved with a surfacing material of oil, asphalt or concrete composition and shall have appropriate bumper guards where needed as determined by the Building Inspector. Any lights used to illuminate the lot shall be so arranged as to reflect the light away from adjoining premises in any residential zone.

5-7 Off-street Truck-Loading Space

On the same premises with every building, structure or part thereof, erected and occupied or increased in capacity after the effective date of this Ordinance for manufacturing, storage, warehouse, goods display, department store, grocery store, hotel, hospital, mortuary, laundry, dry cleaning or other use similarly involving the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading services in order to avoid undue interference with public use of streets or alleys. Such space, unless otherwise adequately provided for, shall include a minimum of ten (10) feet by twenty-five (25) feet loading space with a minimum of fourteen (14) feet height clearance for every twenty thousand (20,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of building floor use for above mentioned

purposes, or for every twenty thousand (20,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of land-use for above mentioned purposes.

5-8 Access Requirements

Service stations, roadside stands, public parking lots, and all other businesses requiring motor vehicle access shall meet the requirements as hereinafter provided.

- (1) Access shall be by not more than two (2) roadways for each one hundred (100) feet or fraction thereof of frontage on any street.
- (2) No two (2) of said roadways shall be closer to each other than twelve (12) feet, and no roadway shall be closer to a side property line than three (3) feet.
- (3) Each roadway shall be not more than thirty-five (35) feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.
- (4) No roadway shall be closer than ten (10) feet to the point of intersection of two property lines at any corner as measured along the property line, and no roadway shall extend across such extended property line.
- (5) In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted roadways. On the two ends and street side of each such island shall be constructed a concrete curb, the height, the location and structural specifications of which shall be approved by the Building Inspector.
- (6) Where there is no existing curb and gutter or sidewalk, the applicant may, at his option, install such safety island and curb, or, in place thereof, shall construct along the entire length of the property line, except in front of the permitted roadways, a curb, fence, or pipe rail, not exceeding two (2) feet or less than eight inches in height.

5-9 Location of Gasoline Pumps

Gasoline pumps shall be set back not less than eighteen (18) feet from any street line to which the pump island is vertical and twelve (12) feet from any street line to which the pump island is parallel, and not less than ten (10) feet from any residential or agricultural zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line.

CHAPTER 6

CONDITIONAL USES

6-1 Purpose of Conditional Use Provisions

Certain uses which may be harmonious under special conditions and in specific locations within a district, but be improper under general conditions and in other locations, are classed as conditional uses within the various districts and require conditional use permits.

6-2 Permit Required

A conditional use permit shall be required for all uses listed as conditional uses in the district regulations or else where in this Ordinance. A conditional use permit may be revoked upon failure to comply with conditions precedent to the original approval.

6-3 Application

A conditional use permit application shall be made to the Building Inspector as provided in this Ordinance. He shall submit the application to the Planning Commission, except that the Planning Commission may authorize the Building Inspector to grant or deny conditional use permits, subject to such limitations or qualifications as are deemed necessary.

Applications for a conditional use permit shall be accompanied by maps, drawings, statements, or other documents as required by the Planning Commission.

6-4 Fees

The application for any conditional use permit shall be accompanied by the appropriate fee as determined by the County Commission.

6-5 Public Hearing

No public hearing need be held. However, a hearing may be held if the Building Inspector or the Planning Commission shall deem a hearing to be necessary and in the public interest.

6-6 Determination

The Planning Commission, or upon authorization, the Building Inspector, may permit a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this Ordinance. 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. 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 regulations and conditions specified in this Ordinance for such use.
3. The Planning Commission shall itemize, describe, or justify the conditions imposed on the use.

6-7 Appeals of Decision

Any person shall have the right to appeal the decision of the Building Inspector to the Planning Commission. Appeals from the decision of the Planning Commission shall be to the County Commission.

6-8 Inspection

Following the issuance of a conditional use permit by the Building Inspector or the Planning Commission, the Building Inspector shall approve an application for a building permit, and shall insure that development is undertaken and completed in compliance with said conditional use and building permit.

6-9 Time Limit

- (1) A conditional use permit for temporary uses may be issued for a maximum period of six (6) months, with renewals at the discretion of the Planning Commission for not more than three (3) successive periods thereafter.
- (2) Unless there is substantial action under a conditional use permit within a maximum period of one (1) year of its issuance, the said permit shall expire. The Planning Commission may grant a maximum extension for six months, when deemed in the public interest.

CHAPTER 7

PLANNED UNIT DEVELOPMENT

7-1 Purpose

The purpose of the planned unit development is to allow diversification, in the relationship of various uses and structures to their sites, and to permit more flexibility in the use of such sites. The application of planned unit concepts is intended to encourage good neighborhood, housing, or area design, thus insuring substantial compliance with the intent of the district regulations and other provisions of this Ordinance relating to the public health, safety, and general welfare, and at the same time securing the advantages of large-scale site planning for residential, commercial or industrial developments, or combinations thereof.

7-2 Definition

Planned unit development, for the purposes of this Ordinance, shall mean an integrated design for development of residential, commercial, or industrial uses, or combinations of such uses in which one or more of the regulations, other than use regulations of the District in which the development is to be situated, is waived or varied to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements as specified in this Chapter.

7-3 Planned Unit Development Permit

Planned unit developments may be allowed by Planning Commission approval in any zoning district. No such planned unit development permit shall be granted unless such development will meet the use limitations of the zoning district in which it is located, including planned unit developments in planned districts, and meet the density and other limitations of such districts, except as such requirements may be lawfully modified as provided by this Chapter or by district regulations. Compliance with the regulations of this Ordinance in no sense excuses the developer from the applicable requirements of the subdivision ordinance, except as modifications thereof are specifically authorized in the approval of the application for the planned unit development.

7-4 Required Conditions

- (1) No planned unit development shall have an area less than that approved by the Planning Commission as adequate for the proposed development.
- (2) A planned unit development which will contain uses not permitted in the zoning district in which it is to be located will require a change of zoning district and shall be accompanied by an application for a zoning amendment, except that any residential use shall be considered a permitted use in a planned unit development which allows residential uses and shall be governed by density, design, and other requirements of the planned unit development permit.

- (3) The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
- (4) The Planning Commission shall require such arrangements of structures and open spaces within the site development plan as necessary to assure that adjacent properties will not be adversely affected.
 - (a) Density or land use intensity shall in no case be more than twenty-five (25) percent higher than allowed in the zoning district, except not more than ten (10) percent higher in residential districts.
 - (b) Where feasible, least height and intensity of buildings and uses shall be arranged around the boundaries of the development.
 - (c) Lot area, width, yard, height, density and coverage regulations shall be determined by approval of the site development plan.
- (5) Preservation maintenance and ownership of required open spaces within the development shall be accomplished by:
 - (a) Dedication of the land as a public park or parkway system, or,
 - (b) Granting to the County a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of an Owners Association established with articles of association and bylaws which are satisfactory to the governing body, or,
 - (c) Complying with the provisions of the Condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities.
- (6) Landscaping, fencing and screening related to the several uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the Planning Commission for approval, together with other required plans for the development.
- (7) The size, location, design and nature of signs, if any, and the intensity and direction of area or floodlighting shall be detailed in the application.
- (8) A grading and drainage plan shall be submitted to the Planning Commission with the application.

- (9) A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed.
- (10) The proposed use of the particular location shall be shown as necessary or desirable, to provide a service or facility which will contribute to the general well-being of the neighborhood and the community.
- (11) It shall be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity of the planned unit development.

7-5 Uses Allowed

Subject to the review and approval of the Planning Commission, uses allowed in a planned unit development shall be those uses allowed in the Planned District or other zoning district in which the planned unit development is to be located; provided, that for the purposes of this Chapter and Ordinance, multiple-family dwellings may be allowed in a planned unit development approved in a single-family zoning district, provided the overall density of the development does not exceed ten (10) percent above the density normally allowed for single-family dwellings in said District.

7-6 General Site Plan

Application shall be accompanied by a general site plan showing, where pertinent:

- (1) The use or uses, dimensions, sketch elevations, and locations of proposed structures.
- (2) Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds landscaping and other open spaces.
- (3) Architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationship of the uses.
- (4) Such other pertinent information, including residential density, coverage, and open space characteristics, shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.

7-7 Review by Planning Commission

In order that it may approve a planned unit development, the Planning Commission shall have authority to require that the following conditions (among others it deems appropriate) be met by the applicant:

- (1) That the proponents of the planned unit development have demonstrated to the satisfaction of the Planning Commission that they are financially able to carry out the proposed project.
- (2) That the proponents intend to start construction within one (1) year of the approval of the project and any necessary zoning district change, and intend to complete said construction, or approved stages thereof, within four (4) years from the date construction begins.
- (3) That application for planned unit development in planned districts meets the requirements of such districts, including the requirements of the general development plan.
- (4) That the development is planned as one complex land use rather than as an aggregation of individual and unrelated buildings and uses.
- (5) That the development as planned will accomplish the purpose outlined in Section 7-1.

7-8 Scope of Planning Commission Action

In carrying out the intent of this Chapter, the Planning Commission shall consider the following principles:

- (1) It is the intent of this Chapter that site and building plans for a planned unit development shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The Commission may require the applicant to engage such a qualified designer or design team.
- (2) It is not the intent of this section that control of the design of a planned unit development by the Planning Commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this Section that the control exercised be the minimum necessary to achieve the purpose of this Chapter.
- (3) The Planning Commission may approve or disapprove an application for a planned unit development. In an approval, the Commission may attach such conditions as it may deem necessary to secure compliance with the purposes set forth in Section 7-1. The denial of an application for a planned unit development by the Planning Commission may be appealed to the County Commission.

7-9 Construction Limitations

- (1) Upon approval of a planned unit development, construction shall proceed only in accordance with the plans and specifications approved by the Planning Commission, and in conformity with any conditions attached by the Commission to its approval.

- (2) Amendments to approved plans and specifications for a planned unit development shall be obtained only by following the procedures here outlined for first approval.
- (3) The Building Inspector shall not issue any permit for any proposed building, structure or use within the project unless such building, structure, or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.

CHAPTER 8

MOBILE HOMES AND MOBILE HOME PARKS

8-1 Purpose

To require that mobile home developments will be of such character as to promote the objectives and purposes of this Ordinance; to protect the integrity and characteristics of the districts contiguous to those in which mobile home parks are located; and to protect other use values contiguous to or near mobile home park uses.

8-2 Location and Use

No occupied mobile home shall be located anywhere within the County except in a licensed mobile home park or as living quarters where the total enclosed, usable floor space of the unit is not less than five hundred (500) square feet, provided with adequate foundation and skirting, and located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this Ordinance for the district in which the dwelling structure is located.

8-3 Mobile Home Parks - Approval

Mobile home parks may not be constructed unless first approved by the Planning Commission, after review of plans for said mobile home park which satisfy the Commission that the said development will:

- (1) Be in keeping with the general character of the district within which the development is to be located.
- (2) Have written approval from the State Division of Health.
- (3) Be limited to nine (9) units per acre, except mobile homes may be clustered, provided that the total number of units does not exceed the number permitted on one (1) acre multiplied by the number of acres in the development. The remaining land not contained in individual lots, roads, or parking, shall be set aside and developed as parks, playground and service areas for common use and enjoyment of occupants of the development and of the visitors thereto.
- (4) An overall plan for development of a mobile home park shall be submitted to the Planning Commission for review. The plan shall be drawn to scale no smaller than one (1) inch to fifty (50) feet. At least six (6) copies of the plan shall be submitted. The plan shall show:
 - (a) The topography of the site represented by contours shown at not greater intervals than two (2) feet when required by the Planning Commission.
 - (b) The proposed street and mobile home space layout.

- (c) Proposed reservations for parks, playground and open space.
 - (d) Tabulations showing per cent of area to be devoted to parks, playgrounds and open spaces, number of mobile home spaces, and total area to be developed.
 - (e) Proposed locations of parking spaces.
 - (f) Generalized landscaping and utility plan, including locations of water, electricity, gas lines, fire hydrants.
 - (g) Any other data the Planning Commission may require.
- (5) Applications for approval shall be in writing, submitted to the Planning Commission at its regular meeting and shall be granted or denied within thirty (30) days, unless an extension of such time is approved by the applicant. An application denied by the Planning Commission may be appealed to the County Commission, which appeal must be made in writing within ten (10) days after the denial is made by the Planning Commission.
- (6) Standards and requirements for mobile home parks shall be as provided:
- (a) Storm drainage facilities shall be so constructed as to protect residents of the development as well as adjacent property owners. Such facilities shall be of sufficient capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development.
 - (b) To accommodate anticipated traffic, roadways shall be designed including the following standards, unless modified by an approved planned unit development plan:
 - One-way traffic: A minimum of fifteen (15) feet in width plus extra width as necessary for maneuvering mobile homes.
 - Two-way traffic: A minimum of thirty (30) feet in width.
 - Entrance roadways: A minimum of thirty-six (36) feet in width.
 - Access: Each mobile home park shall have at least two (2) accesses to public streets.
 - (c) In a mobile home park, no home or add-on shall be located closer than twenty (20) feet from the nearest portion of any other home or add-on. All such homes and add-ons shall be set back at least ten (10) feet from road curbs or walks. If the mobile home tongue remains attached, it shall be set back a minimum of six (6) feet from road curbs or walks. All mobile homes shall be set back at least fifteen (15) feet from any boundary of the mobile home park.

- (d) Off-street parking shall be provided at the rate of two (2) parking spaces per mobile home space, and each such parking space shall have a minimum width of ten (10) feet and the minimum depth of twenty (20) feet. In no case shall the parking space be located farther than one hundred (100) feet from the mobile home space it is designed to serve.

CHAPTER 9

CONSTRUCTION SUBJECT TO GEOLOGIC, FLOOD, OR OTHER
NATURAL HAZARD

9-1 Requirements

- (1) When the Planning Commission or the Zoning Administrator deems it necessary, any application for a conditional use permit, a planned unit development approval, or a building or use permit, shall be accompanied by a geologic and soils survey report for the land, lot or parcel for which application approval is sought. The report shall be prepared at applicant's expense by a geologist or soils engineer and shall show the suitability of soils on the property to accommodate the proposed construction, and any discernible flood or earthquake hazards.
- (2) Whenever a geologic and soils survey report indicates a parcel to be subject to unusual potential or actual hazards, the applicant shall meet the special conditions required by the Planning Commission or zoning administrator, to reduce or eliminate such hazard, or if such conditions cannot be met, or will not be met, the application shall be denied.

CHAPTER 10

ZONING DISTRICTS

10-1 Establishment of Zoning Districts

For the purposes of this Ordinance, San Juan County is divided into the following listed zoning districts:

- (a) Multiple Use District MU-40
- (b) Agricultural District A-10
- (c) Rural Residential RR-22
- (d) Controlled District CD
- (e) Indian Reservation District IR

10-2 Filing of Ordinance and Map

This Ordinance and map shall be filed in the custody of the County Clerk and may be examined by the public subject to the reasonable regulations established by said clerk.

10-3 Rules for Locating Boundaries

Where uncertainty exists as to the boundary of any District, the following rules shall apply:

- (1) Wherever the District boundary is indicated as being approximately upon the center line of a street, alley, or block, or along a property line, then, unless otherwise definitely indicated on the map, the center line of such street, alley, block or such property line, shall be construed to be the boundary of such District.
- (2) Whenever such boundary line of such District is indicated as being approximately at the line of any river, irrigation canal, or other waterway, or railroad right-of-way, or public park or other public land, or any section line, then in such case, the center of such stream canal or waterway, or of such railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of such District.
- (3) Where such District boundary lines cannot be determined by the above rules their location may be found by the use of the scale appearing upon the map.
- (4) Where the application of the above rule does not clarify the District boundary location, the Board of Adjustment shall interpret the map.

CHAPTER 11

MULTIPLE USE, AGRICULTURAL, RURAL RESIDENTIAL DISTRICTS

11-1 Purpose

- (1) Multiple Use. To establish areas in mountain, hillside, canyon, mountain valley, desert and other open and generally undeveloped lands where human habitation would be limited in order to protect land and open space resources; to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and scatteration of population; to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation; to avoid excessive damage to watersheds, water pollution, soil erosion, danger from brushland fires, damage to grazing, livestock raising, and to wildlife values; and, to promote the health, safety, convenience, order, prosperity, and general welfare of the inhabitants of the community.
- (2) Agricultural . 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 inimical to the continuance of agricultural activity.
- (3) Rural Residential. To promote and preserve, in appropriate areas, conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities. These districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

11-2 Use Regulations

No building, structure or land shall be used and no building, structure shall be hereafter erected, structurally altered enlarged or maintained, except as allowed in the districts as shown as "permitted uses" indicated by a "P" in the appropriate column, or as "conditional uses", indicated by a "C" in the appropriate column. If a use is not allowed in the district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-". If a regulation applies in the district, it is indicated in the appropriate column by a numeral to show the linear or square feet, or acres required, or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash, "-".

	MTU-40	A-10	RR-22
(1) Accessory buildings and uses customarily incidental to permitted areas	P	P	P
(2) Accessory uses and buildings customarily incidental to conditional uses.	C	C	C
(3) Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work	C	C	C
(4) Agriculture and Forestry			
a. Agriculture, except grazing and pasturing of animals.	P	P	P
b. Agriculture, including grazing and pasturing of animals	P	P	P
c. Agriculture, business or industry	P	P	C
d. Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises	P	P	P
e. Nursery or green house, wholesale or retail, fruit/vegetable stand	P	P	P
f. The tilling of soil, the raising of crops, horticulture and gardening	P	P	P
g. Farms devoted to raising and marketing chickens, turkeys or other fowl or poultry, fish or frogs, including wholesale, and retail sales.	P	P	C
h. Forestry, except forest industry	P	P	-
i. Forest industry, such as a saw mill, wood products plant, or others.	P	P	C
(5) Apiary	P	P	P
(6) Aviary	P	P	C
(7) Cluster subdivision of single family dwellings:			
a. Provided that the residential density is not increased by more than one hundred (100) percent for the district based on single-family units	-	-	C
b. Provided that the area, in acres, of the parcel is not less than	-	-	5
(8) Dude ranch; family vacation ranch	C	C	P

(9)	Dwellings:			
a.	Single-family dwellings	P	P	P
	Provided that one additional dwelling on at least ½ acre per unit for an employee, seasonal worker or a member of the property owners immediate family may be allowed subject to approval by Planning Commission and the Board of Health.	A	A	A
b.	Two-family dwellings	C	C	C
c.	Seasonal home or cabin	P	P	P
d.	Farm or ranch housing (including mobile homes)	P	P	P
(10)	Home occupation	P	P	P
(11)	Household pets	P	P	P
(12)	Kennel	P	P	C
(13)	Mine, quarry, gravel pit, rock crusher, concrete batching plant, or asphalt plant, oil wells or steam wells	P	P	C
(14)	Power generation	C	C	-
(15)	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 accessory.	C	C	C
(16)	Public stable, riding academy or riding ring, horse show barns or facilities	C	C	C
(17)	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	C	C	C
(18)	Signs			
a.	One identification sign, not to exceed thirty two (32) sq. ft. in sign area.	P	P	P
b.	One development sign, not to exceed thirth two (32) sq. ft. in area.	P	P	P
c.	One civic sign, not to exceed sixteen (16) square feet in sign area.	P	P	P
d.	One real estate sign, not to exceed eight (8) square			

	feet in area.	P	P	P
e.	One residential sign, not to exceed two (2) square feet in area.	P	P	P
11-3	Area Regulations			
	The minimum lot area in acres for any main use in the districts regulated by this chapter shall be	2.5	2.5	1
11-4	Width Regulations			
	The minimum width in feet for any lot in the districts regulated by this chapter, except as modified by planned unit developments or cluster subdivisions, shall be	660	330	100
11-5	Frontage Regulations			
	The minimum frontage in feet for any lot in the districts regulated by this chapter on a public street or a private street approved by the governing body shall be	25 50	25 60	25 30
11-6	Front Yard Regulations			
	The minimum depth in feet for the front yard for main buildings shall be <i>property line</i>	25 50	25 50	25 30
11-7	Rear Yard Regulations			
	The minimum depth in feet for the rear yard in the districts regulated by this chapter shall be:			
	For main buildings	25 60	25 60	25 30
	For accessory buildings	1	1	1
11-8	Side Yard Regulations			
	The minimum side yard in feet for any dwelling other main or accessory buildings in districts regulated by this chapter shall be	15	15	15
	And a total width of the two (2) required side yards of not less than	30	30	30
	except on corner lots two (2) front and two (2) rear yards are required	A	A	A
11-9	Height Regulations			
	The maximum height for all buildings and structures in districts regulated by this chapter shall be:			
	In feet	35	25	35
	In number of stories	2.5	2.5	2.5
11-10	Coverage Regulations			
	The maximum coverage in percent for any lot in the districts regulated by this chapter shall be	-	-	20

Chapter 12

Controlled District CD

12-1 Purpose

To provide, in appropriate locations, where agriculture, industrial, commercial and residential uses may exist in harmonious relationships, based on planned development for mutual benefit and flexible location of uses.

12-2 Permitted Uses

Agriculture, Residential, Commercial, Highway Commercial, and Industrial (Industrial subject to approval). In addition to the uses regulated in RR-22 districts, the following uses may be permitted by variance within each sub-zone.

Community Commercial CDe

Grocery Store
 Drug Store
 Automobile Service Station
 Bakery
 Dry Cleaning and Laundry Pickup
 Beauty Shop
 Barber Shop
 Ice Cream Store
 Variety Store
 Medical and Dental Offices
 Professional Office
 Public Utilities, public and quasi-public
 Stores, shops and offices supplying commodities or performing services such as department stores, specialty shops, banks, business offices, and other financial institutions and personal service enterprises.
 Restaurants, beer taverns, pool hall lounges, theaters, similar enterprises provided that all uses be conducted within buildings.
 Business and technical schools, and schools and studios of photography, art, music and dance.
 Bowling alley, dance hall, roller skating rink.
 Carpenter shops, electrical, plumbing, heating and air conditioning shops, printing and publishing or lithographic shops, mortuaries, and furniture upholstering shops, provided all uses shall be within and enclosed building.
 New car dealers.
 Garages for minor repairs of automobiles.

Garages for storage of automobiles, commercial parking lots.
Hotels and Motels.

Any other similar retail business or service establishments which the Planning Commission funds to be consistent with the purpose of this chapter and which will not impair the present or future use of adjacent properties.

Highway Commercial CDh

Restaurant or drive-in cafe

Motels

New and Used Automobile Agency

Farm Machinery and Equipment Sales

Nurseries and Greenhouses

Mobile Home Sales

Mobile Home Park

Drive-in Theater

Bowling Alley, other commercial recreation facilities

Automobile Service Station, 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.

12-3 Conditional Uses

All other uses than those listed.

12-4 Special Provisions

1. Within the CD District there may exist three sub-zones, CDc - Community Commercial, CDh - Commercial Highway, CDi - Industrial. Designation of such sub-zones shall be the responsibility of the Board of County Commissioners upon the recommendation of the County Planning Commission.

2. Applications for conditional uses or requests for variances in CD district must first have appropriate sub-zone designation. Such designation shall become part of the official county zone plan. Applicants are required to provide a reproducible mylar or linen and three (3) copies of detailed site plan drawings of their proposed use and sub-zone boundary including:

- a. Format size not less than 8 1/2" x 11" or greater than 24" x 36".
- b. Precise dimension at a convenient engineering scale.
- c. Locations of all existing structural and improvements (buildings, roads, fences, ditches and canals, utility systems), and other information as required by Planning Commission within five hundred (500) feet of the proposed sub-zone boundary.

- 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.
3. No commercial or industrial building shall be erected within twenty five (25) feet of a residential building or residential district boundary. Commercial or industrial buildings within one hundred (100) feet of a residential district boundary shall not exceed the height limitations of that district.
4. The Planning Commission shall review all pertinent information on the proposed sub-zone designation and submit their recommendation to the County Commission. The County Commission shall advertise for and hold a public hearing after which they may so designate the sub-zone by ordinance.
5. The following uses require an approval from the Planning and Zoning Commission prior to any use:

Industrial CDi

Manufacture of any of the following products from raw materials: acids, asphalt, carbide, caustic soda, carbon or bone black, cellulose, charcoal, chlorine, creosote, fertilizer, hydrogen, industrial alcohol, nitrates of an explosive nature, plastics, portland cement, potash, synthetic resins and fibers. Any of the following processes: distillation of wood or bone; nitrating of cotton or other materials; reduction, refining smelting and alloying of metals or metal ores and radioactive materials; refining of petroleum and petroleum products; slaughtering and packing of animals larger than poultry and rabbits; tanning of raw, green, or salted hides of skins. Automobile salvage and wrecking operations, and industrial metal, rag, glass or paper salvage operations provided that all operations are conducted within a solid view obscuring wall or fence not less than eight (8) feet in height.

12-5 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 the Planning Commission may require that signs shall not exceed one (1) sq. ft. of sign area for each one (1) linear foot of street frontage abutting the development portion of the property, provided that any one sign for any one business shall not exceed fifty (50) sq.ft. and 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

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

12-6 Boundaries

1. Boundaries for all Controlled District (CD) zones shall be established by the Board of County Commissioner who may from time to time amend the number, shape and area of such districts provided those changes shall be first reviewed by the Planning Commission and a public hearing.
2. Description of all Controlled Districts (CD) zones should be included as part of this section of the County Zoning Ordinance, and changes in some shall be written in similar language and made part of this section.
3. Controlled District (CD) boundaries.
 - a) An area parallel to all State Highways extending outwardly one thousand (1000) feet each direction from the center line of said highways and terminating at County Boundaries, or municipal corporate or service area boundaries.
 - b) All of the area, except that within the corporate limits of Monticello City, in Township 33 South, Range 23 East Sections 25 and 36; Township 33 South, Range 24 East, Sections 30 and 31.
 - c) All of the area, except that within the corporate limits of Blanding City, in Township 36 South, Range 22 East, Sections 22, 23, 26, 27, 34, and 35; Township 37 South, Range 22 East, Sections 2, 3, 10, 11, 14, and 15
 - d) All of the area, except that within the boundaries of the Bluff Service Area, in Township 40 South Range 21 East, Sections 23, 24, 25, 26; and Township 40 South Range 22 East, Sections 19 and 30.
 - e) All of the area in Section 14, Township 30 South Range 20 East.
 - f) All of the area in the West half of Section 4 and the East Half of Section 5, Township 29 South Range 23 East
 - g) All of the area in Sections 10, 11, 12, 13, 14 and 15 Township 37 South, Range 18 East.
 - h) All of the area, except that in the boundaries of Natural Bridges National Monument, in Sections 14, 15, 22 and 23, in Township 37 South, Range 18 East.
 - i) All of the area in Sections 21 and 28, Township 39 South, Range 16 East.
 - j) All of the area within the boundaries of San Juan County in Sections 21, 22, 27, 28, 33, and 34 in Township 33 South, Range 14 East.

- k) All of the area within the boundaries of San Juan County in Sections 14, 15, 16, 17, 20, 21, 22, 23, 26, 27, 28, 29 and 30 in Township 38 South Range 11 East.
- l) All of the sections and 7 in Township 42 South, Range 19 East.

CHAPTER 14

ADOPTION

14-1 Effect on Previous Ordinances and Maps

The existing ordinances covering zoning, in their entirety, and including the maps heretofore adopted and made a part of said ordinances are hereby superseded and amended to read as set forth herein; provided, however, that this Ordinance, shall be deemed a continuation of previous ordinances and not a new enactment, in so far as the substance of revisions of previous ordinances is included in this Ordinance, whether in the same or in different language; and this Ordinance shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming use and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or nonconforming.

14-2 Effective Date

This ordinance shall take effect upon its adoption.

Passed by the San Juan County Board of County Commissioner this 5 day of June,

1978

Edward S. Boyle (signature on file)
Chairman

Attest: Clytie Barber (signature on file)

CHAPTER 13

INDIAN RESERVATION DISTRICT IR

13-1 Purpose

To provide areas in appropriate locations where the various Indian Tribes may exercise self determination.

13-2 Permitted Uses

All uses and conditions there of are subject to approval by the authorized representatives of the Indian Tribal jurisdictions of which they are a part.



**SUBDIVISION ORDINANCE
SAN JUAN COUNTY, UTAH
AMENDED APRIL 2016**

**SUBDIVISION ORDINANCE
SAN JUAN COUNTY, UTAH**

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ARTICLE I. GENERAL PROVISIONS

Section 1. Title

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

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

Section 2. Purpose

The purpose of this ordinance is to:

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

Section 3. Jurisdiction

- A. As provided by state law, this Subdivision Ordinance shall apply to all land in the unincorporated portion of San Juan County, Utah except for lands that are owned or under the legal jurisdiction of the United States, State of Utah, or the Navajo or Ute Nations.
- B. The County is enabled by state law to control all of the land within the unincorporated portion of San Juan County by virtue of the County Land Use Development Act (LUDMA) Section 17-27a-101, et seq. UCA (1953, as amended) excepting those lands exempted in Part A of this Section.

Section 4. Prohibited Acts and Penalties

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

Section 5. Amendments

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

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

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

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

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

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

Section 6. Severability

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

Section 7. Effective Date

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

Section 8. Definitions

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

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

Agricultural – the tilling of the soil, raising of crops, horticulture, including the grazing and pasturing of domestic animals, but not including any agricultural business such as fruit packing plants, fur farms, animal hospitals or similar uses.

Agricultural Land - land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including: forages and sod crops, grains and feed crops, livestock, trees and fruits, or vegetables, nursery, floral, and ornamental stock; or land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government.

Agricultural Zone District – those areas designated in the Zoning Ordinance of San Juan County, Utah as A-1 and where the primary permitted land use is agriculture.

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

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

Arc – a segment of a (surveyed) curve.

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

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

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

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

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

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

County – San Juan County, Utah.

Culinary – water intended for human consumption, usually required to meet certain health standards.

Dedication – the conveyance of land or an easement thereon through a final plat or other instrument to a public agency or to one or more persons for a specific purpose.

Delineate – to draw or trace the outline of.

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

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

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

Escrow deposit – the placement of cash in a special account held by a bank or other financial institution to be released upon completion of specific tasks such as construction of a road.

First lien and restriction of sale – a form of collateral wherein the County places a lien on one or more lots in a subdivision and prohibits the sale of those lots until specified public improvements have been satisfactorily completed.

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

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

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

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

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

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

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

Letter of credit – a document issued by a bank or other financial institution which guarantees a subdivider or developer a specific amount of credit and which can be called by the County for failure to perform specified improvements.

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

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

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

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

Lot line adjustment - the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record pursuant to state law.

Lot width - the horizontal distance between the side yard lines.

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

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

Mylar - (1) a thin polyester material that when drawn upon can be reproduced on a blue or black line print. (2) the official copy of a subdivision plat.

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

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

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

Performance bond - a form of collateral, issued by a bonding company which guarantees a specified amount of money to be paid in the event of failure to perform by a subdivider, or other person.

Perimeter boundary - a line around any piece of property such as a lot, block or subdivision which encloses and separates that piece from adjacent pieces.

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

Planning Commission, San Juan County - is a seven (7) member board appointed by the Board of San Juan County Commissioners. The Planning Commission serves the community by hearing and making a variety of decisions on San Juan County planning and zoning issues that impact the County and its residents. For the purposes of this ordinance, the Planning Commission may be the land use authority.

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

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

Plat, preliminary – the map or maps of a proposed subdivision, and specified supporting materials prepared in sufficient detail to permit the evaluation of the subdivision prior to final engineering design and survey.

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

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

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

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

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

Road – See Street, public.

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

Road, private - a road or driveway on privately-owned property, limited to the use of the owner or a group of owners who share the use and maintain the road without assistance from the County. A private road has not been given to or accepted by the County for public use and maintenance.

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

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

Sewer system, private – a system for treatment and disposal of household sewage that is owned by an individual or several individuals and designed to serve the owners property only e.g., septic tank and leach field systems.

Sewer system, public – an approved sanitary sewer system containing transmission lines and treatment facilities owned and operated by a public entity such as a municipality or special district.

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

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

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

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

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

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

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

Subdivision, phase(s) - carrying out a subdivision in gradual stages. Subdivision phase(s) may not be one lot and must be contiguous to other parts of the subdivision.

Subdivision Administrator — the official or employee of San Juan County appointed by the Board of County Commissioners to administer this Ordinance. For the purposes of this ordinance, the Subdivision Administrator may be the land use authority.

Subdivision Improvement Agreement — a contract between a subdivider or developer and the County which specifies the required public improvements to be constructed in or in support of a subdivision including the estimated costs and the method of guarantee the collateral, to insure the improvements are constructed.

Storm water detention — the holding of storm water on a particular site through the use of swales or structures that are designed to release the water at a specified rate.

Survey monument — an object placed or built to identify a survey reference point, usually a section corner on the land.

Topographical contours — horizontal lines on a map indicating an elevation above a specified point, usually sea level, and containing intermittent lines in intervals usually of two (2) feet, five (5) feet or other specified distances.

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

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

Vacate — 1) to abandon or relinquish a right to use a specific piece of land such as a road, right of way, or easement, or 2) to void a subdivision or portion thereof and return it to unplatted status.

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

Vicinity map — a small scale map shown as an insert on a larger map that indicates the location of a subdivision or other pieces of land in relation to a much larger geographic area.

Water system, private — a source of water and the transmission lines owned by one or more persons to serve only their property, i.e.: an individual domestic well.

Water system, public — a source of water, including transmission lines and treatment facilities owned by a public entity such as a municipality or special district to provide water to their residents.

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

ARTICLE II. PLATTING REQUIREMENTS

Section 1. General Procedures

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

Section 2. Preliminary Plat

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

4. payment of the processing fee for a preliminary plat approval shall be included. Such fees will be those approved by the Board of County Commissioners in a county Fee Schedule which may be revised from time to time;
5. a preliminary plat map with six (6) copies which shall be on a 24"x 36" sheet or a legible quality print of a matte mylar drawn in black ink or a black line positive mylar of the same and shall contain the following information:
 - a. project name, distinct from any subdivision on a plat recorded in the county recorder's office, type of proposal (preliminary plat), legal description of the total land area referenced to township, range, section; county and state, date of the drawing, scale 1 :100 or larger, and north arrow;
 - b. vicinity map with north arrow (scale of 1"=2000' preferred) with an emphasis on the major roadway network and any existing subdivisions within one (1) mile of the proposal;
 - c. boundary lines of the proposed subdivision drawn in a heavy solid line;
 - d. existing and/or proposed zoning district boundary lines;
 - e. existing topographical contours with intervals of five (5) feet or less within the tract and at least one hundred feet (100') immediately adjacent thereto. In the absence of available five foot contour data, the contour intervals must be deemed acceptable by the San Juan County Surveyor.
 - f. all parcels of land to be dedicated for public use or reserved for the use of all property owners in the proposed subdivision together with the purpose and conditions of such reservations. This shall include the names, locations and widths of proposed right-of-way of streets and alleys, together with total lineal footage of streets and alleys.
 - g. location, width and purpose of all existing and/or proposed public and/or private easements including existing and/or proposed sanitary sewers, utility main lines, culverts, storm sewers and storm water detention areas located within the tract and at least one hundred feet (100') immediately adjacent thereto.
 - h. dimensions of proposed lots and blocks calculated to the nearest foot.
 - i. drainage channels, wooded areas and other significant natural features within the tract and at least one hundred feet (100') immediately adjacent thereto.

- j. location, widths and names of all existing and/or platted rights-of-way for streets or other public ways within the tract and at least one hundred feet (100') immediately adjacent thereto, railroad right-of-way, section lines and/or other such features.
- k. the boundary and source of reference of any one-hundred year floodplain shall be shown on the preliminary plat. In the absence of reliable floodplain data, any areas of the plat that are known to be subject to flooding shall be delineated and noted on the plat map.
- l. perimeter fence line, if required, delineated and a description of the type and height of the fence.
- m. site development details:
 - 1) total land area in acres;
 - 2) existing zoning of the property; and
 - 3) total number of proposed dwelling units.
- 6. names and addresses of the owner(s), subdivider and surveyor;
- 7. a letter describing the water and sanitary sewer facilities proposed for the subdivision;
 - a. if either the water or sanitary sewer facilities are to be part of an approved public system, the application shall also include confirmation from the entity providing the sewer and water services, that such services are, or will be available to the subdivision;
 - b. if either the water or sanitary sewer facilities are to be individual wells and septic systems for each lot, the letter will include a statement that the wells and septic systems will be installed in conformance with the rules and regulations of the Utah Division of Environmental Health; and
 - c. if either the water or sewer facilities are to be private systems designed to serve multiple lots, the letter shall include a statement that such systems shall be installed in conformance with the rules and regulations of the Utah Division of Environmental Health.
- 8. estimated construction costs for roads and related facilities for the water supply and distribution systems, for sanitary sewer collection and treatment systems, storm drainage facilities and other such public facilities that may be required. The subdivider shall also state the form of collateral that will be provided to insure that such improvements will be completed. The forms of collateral that are

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

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

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

Section 3. Final Plat

- A. Intent. The Final Plat is the last stage in the subdivision approval process. At this stage the subdivider is responsible for delineation and dedication of all public rights-of-way and easements, dedication of other public lands, if required, and final lot and block configuration. In addition, all public improvements associated with the subdivision are identified and quantified, and the subdivider is required to enter into a Subdivision Improvements Agreement with the County which guarantees that the appropriate improvement costs are borne by the subdivider.
1. No request for Final Plat approval shall be considered by the Board of County Commissioners until the Preliminary Plat has been approved by the Planning Commission and all conditions of approval set forth in the Resolution approving the Preliminary Plat have been satisfied. The Final Plat approval process shall not be used to amend or revise the approved Preliminary Plat or the conditions of approval of the Preliminary Plat. Any revisions or amendments to the Preliminary Plat, or to the conditions, must be approved by the Planning Commission by an amendment to the Preliminary Plat prior to the Board of County Commissioners hearing of the Final Plat.

B. Final Plat Requirements

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

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

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

C. Process

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

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

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

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

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

D. Actions Required Prior to Recording the Final Plat

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

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

Section 4. Subdivision Improvement Agreements

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

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

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

Section 5. Design Standards

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

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

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

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

2. All lots shall abut a dedicated street or county road, or a street or road that has become public by right of use, or a private street for which there is a (recorded) maintenance agreement; and-
3. No single lot shall be transected by a municipal or county boundary line or by a special service area or special service district boundary, a public road or street, or a private road or street which can legally be used by property owners other than the owner of the lot.

C. Public Streets.

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

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

D. Private Roads.

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

E. Sidewalks and Pedestrian Walkways.

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

F. Sanitary Sewage.

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

G. Water Supply.

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

H. Storm Drainage.

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

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

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

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

J. Fire Protection.

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

K. Utilities.

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

L. Easements and Rights-of-Way.

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

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

Section 6. Resubdivisions

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

Section 7. Administrative Resubdivisions

- A. Intent. An Administrative Resubdivision may only be used for changes and revisions that have been determined by the Subdivision Administrator to be minor engineering, planning or administrative changes or revisions. An Administrative Resubdivision shall be approved by the Subdivision Administrator if :
1. the land has already been subdivided and there exists an approved and recorded final plat;
 2. no additional right-of-way dedications or public improvements are necessary;
 3. no perimeter boundary of an existing subdivision plat is affected;
 4. the perimeter of boundaries of the administrative plat coincide with the existing lots and blocks; and
 5. the number of lots shall not be substantially increased and all lots shall be in conformance with the County Zoning Ordinance in affect at the time the Administrative Subdivision is approved.

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

Section 8. Amendments and Vacations

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

Section 9. Exemptions, Waivers, Variances and Appeals

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

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

B. Waivers.

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

C. Variances.

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

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

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

- b. The Subdivision Administrator shall evaluate the application using the criteria of Subsection (1) above and shall approve or deny the request.
 - c. If the Subdivision Administrator determines that the variance shall be denied, the applicant may appeal the decision to the Planning Commission acting as the appeal authority who shall uphold or overturn the Subdivision Administrator's decision.
 - i. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
 - ii. The appeal authority may not grant a use variance.
 - iii. In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
 - (A) mitigate any harmful affects of the variance; or
 - (B) serve the purpose of the standard or requirement that is waived or modified.
 - d. The Preliminary or Final Plat application which includes or is the subject of a variance request shall not be scheduled for consideration by the Board of County Commissioners until all variance requests have been either approved or denied by the Subdivision Administrator and/or the Planning Commission.
- D. Appeals. In the event that any person disagrees with the Subdivision Administrator's interpretation of the language of this ordinance or his /her decision(s) made when acting as the land use authority, they may appeal the interpretation or decision(s) to the Planning Commission acting as the appeal authority.

**APPENDIX "A" COUNTY
ZONING ORDINANCE
REGULATIONS
CHAPTER 11**

WIDTH REGULATIONS

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

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

FRONTAGE REGULATIONS

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

25	25	25
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FRONT YARD REGULATIONS

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

25	25	25
A	A	A

REAR YARD REGULATIONS

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

For main buildings	25	25	25
For accessory buildings	5	5	5

SIDE YARD REGULATIONS

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

5	5	5
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HEIGHT REGULATIONS

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

In feet	35	35	35
In number of stories	2.5	2.5	2.5

APPENDIX "B" COUNTY

PUBLIC STREET DESIGN STANDARDS

1. STREET TYPES

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

2. STREET WIDTHS

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

3. STREET DESIGN STANDARDS

- A. Before any street is accepted by San Juan County for maintenance, the street must be constructed to the width requirement. A minimum of nine inch (9") compacted depth of base material must be placed on the street. Of this base material, the surface must consist of a minimum of three inches (3") of one inch (1") or three-quarter inch ($\frac{3}{4}$ ") crushed gravel. This material must be accepted by the San Juan County Road Department and if deemed necessary, testing of the material and compaction may be required by the engineer. If such testing is required, this shall be done at the expense of the subdivider.
- B. Asphalt Surfaces – If the street is constructed to an asphalt surface, the surface depth must be a minimum of three inches (3") to be accepted for maintenance by San Juan County. Asphalt and compaction must be accepted by the San Juan County Road Department and, if deemed necessary, testing of the material and compaction may be required by the engineer. If such testing is required, this shall be done at the expense of the subdivider.

- i. All newly constructed subdivision roads in Spanish Valley shall have an asphalt surface.
- C. Unless deemed otherwise by the San Juan County Road Department, the minimum grade for all streets shall be one-half percent (0.5%). The maximum grade allowed for residential streets is eight percent (8%) and for collector streets is six percent (6%). Where the observance of this requirement is unfeasible, an exception may be granted. Streets should be leveled, when possible, to a grade of less than four percent (4%) for a distance of at least fifty feet (50') approaching all intersections.
- D. Whenever possible, streets shall intersect at right angles. When streets meet at acute angles, a reasonable radius will be required.
- E. Dead end streets will have a turn-around (cul-de-sac) with a minimum radius of fifty feet (50'). Dead end streets should not exceed five hundred feet (500') in length if possible.
- F. No more than four (4) streets shall enter an intersection.
- G. Vertical curves shall be used at all changes of grade exceeding one percent (1%). Horizontal curves shall be required if street lines deflect more than five degrees (5°). The minimum centerline radius for residential streets shall be one hundred fifty feet (150'). Collector streets shall be three hundred feet (300').
- H. Curb and gutter – The minimum widths of streets which have curb and gutter shall be forty feet (40') on residential streets and fifty feet (50') for collector streets. All measurements are from the back of the curb to the back of the curb.
- I. Cattle guards – Any cattle guards required or installed, shall be in compliance with the County Cattle guard policy and shall be of a width and construction approved by the San Juan County Road Department.
- J. Signs – The sub divider shall provide and install any required signs on roads or streets as required by the Manual of Uniform Traffic Control Devices and by the San Juan County Road Department.
- K. Gates – No gates, whether locked or unlocked, shall be allowed on any roads or streets accepted by the County.
- L. Public Streets – All roads or streets accepted by the County are considered public roads and access by the public cannot be limited by the subdivider or future owners of any of the lots within the subdivision.
- M. Drainage/Curb and Gutter - In the absence of curb and gutter, the sub-divider shall provide a street drainage plan detailing potential impacts to county roads and

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

- N. New Streets - When a subdivision is considered to be high density. San Juan County may require the sub-divider to pave the road with a minimum of a two lift armor coat consisting of one lift using a three-quarter inch ($\frac{3}{4}$ ") dirty gravel chip and the second lift using a one-half inch ($\frac{1}{2}$ ") clean gravel chip; or as determined by the County a compacted asphalt mat consisting of a minimum two inch (2") depth when fully compacted may be required.
- O. Existing Streets - San Juan County may consider on a case by case basis the upgrading of officially accepted roads that meet San Juan County standards in high density subdivisions with at least ten (10) or more lots, or when conditions in the subdivision may cause safety or health related issues.

4. EASEMENTS

- A. Easements for utilities such as poles, wires, conduits, gas lines, water lines, etc. shall be located at the rear of all lots whenever possible. The width shall be a minimum of fifteen feet (15'), which can be divided between adjoining lots.
- B. If front line easements are required, a minimum of fifteen feet (15') shall be allocated. All easements shall be designed so as to provide efficient installation of utilities.
- C. If front line easements are required and are within the right-of-way of any road or street - sufficient and proper compaction of any underground lines shall be required. Testing of compaction shall be at the expense of the subdivider.
- D. All utilities shall be provided in compliance with all of the required building codes covering such installation.

ORDINANCE No. 2020- 11

AN ORDINANCE ESTABLISHING
THE ADMINISTRATIVE
HEARING PROGRAM WITHIN SAN JUAN COUNTY

WHEREAS, the Board of San Juan County Commissioners has determined that administrative enforcement of the duly adopted rules and regulations as well as the provisions of the San Juan County Ordinances, Policies, Procedures and applicable State statutes (altogether referred to herein as "code") is in the best interests of the citizens of the County; and

WHEREAS, Utah Code Annotated § 17-53-228 formulates the process for Counties to establish an administrative hearings and procedures process to review and decide matters relating to the violation, enforcement, or administration of a County's civil ordinance, including an ordinance related to the following: (a) a building code; (b) planning and zoning; (c) animal control; (d) licensing; (e) health and safety; (f) County employment; (g) sanitation; and

WHEREAS, adopting an Administrative Hearing Program will aid in code enforcement, creates a process in which an administrative decision bearing financial implications can be reviewed and disputed, it imposes a process where civil penalties for code violations can be reviewed as well as establishes an appropriate due process protections for a party participating in an administrative hearing; and

WHEREAS, adopting an Ordinance establishing the Administrative Hearing Program will allow appeals for administrative, legislative, and executive decisions to be appealed through a process by a neutral third-party Administrative Law Judge in accordance with State Code; and

WHEREAS, the Board of San Juan County Commissioners have contracted with an Administrative Law Judge to review and decide matters relating to the violation, enforcement, or administration of a County civil ordinance including those aforementioned ordinances and administration thereof; and

WHEREAS, this ordinance includes those actions of a County Service District.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SAN JUAN COUNTY COMMISSIONERS AS FOLLOWS:

Section 1. SEVERABILITY: If any provision or clause of this Ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications hereof which can be implemented without the invalid provision, clause or application hereof. To this end, the provisions and sections of this Ordinance are declared to be severable.

Section 2. EFFECTIVE DATE: This ordinance shall take effect, fifteen (15) days after enactment, and after depositing of a copy in the Clerk/Auditor's Office and publication in a newspaper having general circulation in the County, as required by Utah Code Annotated section 17-53-208.

PASSED AND APPROVED on this 2nd day of SEPTEMBER 2020.



Kenneth Maryboy, Chair

Board of San Juan County Commissioners

Attest:



John David Nielsen, County Clerk

Chapter 1 - ADMINISTRATIVE HEARINGS

1.22.000 - Purpose and Intent.

The Board of San Juan County Commissioners (Commission) find that the enforcement of this code, the adopted rules and regulations and applicable State statutes altogether referred to herein as "code") is an essential public function. Code enforcement is vital to the protection of the public's health, safety and quality of life. The Commission therefore recognizes that enforcement starts with the drafting of precise regulations that can be effectively applied in administrative code enforcement hearings, judicial proceedings, land-use decisions, administrative processes affording a hearing, and personnel decisions. The Commission finds that a comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gain compliance with these regulations. Failure to comply with an administrative code enforcement order may require the County to file a criminal or civil action to gain compliance. For specified County action, or a decision made by a County Official, as more particularly defined and designated in published San Juan County ordinances or policies, in which an adverse administrative decision by the County results in detriment to a person, it is the purpose and intent of the County to afford that person due process of law by way of an Administrative Hearing. Due process shall require proper notice of the nature of the administrative decision and the opportunity to be heard, a hearing before a fair and impartial Administrative Law Judge, the right to present evidence, the right to cross-examination, the right to be represented by an attorney or other advocate, the right to receive an adequate explanation of the reasons justifying any resulting administrative order.

1.22.010 - Scope.

The provisions of this chapter may be applied to all violations of this code, the adopted rules and regulations and applicable State statutes. It has been designed as an additional remedy for the County's use in achieving compliance with County ordinances and in achieving compliance with the rules and regulations. Nothing in this chapter is intended to grant any authority to enforce its rules and regulations under this chapter unless the Commission adopts by ordinance the code enforcement programs.

1.22.020 - Existing Law Continued.

The provisions of this chapter do not invalidate any other provisions of this code, other County ordinances, but shall be read in conjunction therewith as an additional remedy. By establishing performance standards and obligations to act, it is the intent of the Commission that San Juan County employees and officers, as well as employees and officers of County Districts, exercise discretionary authority in pursuit of an essential governmental function and that any such

standards or obligations shall not be construed as creating a ministerial duty for purposes of tort liability.

1.22.030 - Definitions.

The following words and phrases, whenever used in this chapter, shall be applied as defined in this section, unless a different meaning is specifically defined elsewhere in this chapter and specifically stated to apply:

"Administrative Citation" means a citation issued to a responsible person that gives notice of a violation and the civil fee for such violation.

"Administrative Hearing" a hearing held pursuant to the procedures established by this chapter and at the request of a person charged with a violations or appealing a decision made by the Commission, San Juan County officers, as well as employees and officers of County Districts.

"Administrative Order" means an order issued by an Administrative Law Judge. The order may include an order to enter upon private property to abate a violation of the San Juan County Zoning Ordinance, to pay civil fees and administrative costs, to reverse or modify decisions of the County as provided in published San Juan County ordinances or policies, or take any other action as authorized or required by this chapter and applicable state codes.

"Administrative Process" means a process decision of which a hearing is appropriate for items of administrative decisions such as property nuisance violation, abatement actions, landfill ordinance violations, right-of-way encroachment permit denials, Authority Having Jurisdiction (AHJ) and Fire Chief decisions based on fire code violations, or challenges to County bids and contract awards.

"Administrative Law Judge" means a person appointed or designated to preside over Administrative Hearings.

"Appellant" means the individual requesting a hearing to appeal a decision made.

"County" San Juan County

"Commission" the Board of San Juan County Commissioners representing the Legislative and Executive Body of San Juan County.

"County Administrator" the Chief Administrative Officer of San Juan County.

"County action" means a notice of violation and summons, an administrative citation, an itemized statement of costs, a notice of emergency abatement or other notice of any other adverse County decision for which the right to an Administrative Hearing is specifically provided by ordinance

"County Official" means an Elected Official, Commissioners, County Chief Administrative Officer, County Department Director, or County Building Inspector.

"Enforcement Official" any person authorized to enforce violations of any applicable laws or the adopted rules and regulations including, but not limited to, code enforcement officers, fire

marshals, fire wardens, sheriff deputies, inspectors, building inspectors, the building official, health inspectors, health officials or any other County employee charged with issuing violations of County or State statutes.

"Itemized statement of costs" means a written notice to a responsible person, itemizing the County's actual costs and administrative cost of abating a code violation, ordering payment of those costs and advising the responsible person of the right to contest the reasonableness of the costs at an Administrative Hearing.

"Notice of Compliance" a document issued by the County representing that a property complies with the requirements outlined in the Notice of Violation, and that all outstanding civil fees and costs have been satisfied (either by being paid in full, or a subsequent administrative or judicial decision has resolved the outstanding debt).

"Notice of Emergency Abatement" means a written notice that informs a responsible person of emergency abatement actions taken by the County and provides an itemized statement of costs for those actions.

"Notice of Violation and Summons" means a written notice that informs a responsible person of code violations, orders certain steps to correct the violations, demands appearance at an Administrative Hearing, and sets forth a date and time for the hearing.

"Person" means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization or the manager, lessee, agent, sergeant, officer or employee of any of them or any other entity that is recognized by law as the subject of rights or duties. For purposes of this chapter, "person" also indicates a person whose interest is adverse to the County at an Administrative Hearing.

"Property Owner" the recorded owner of real property as shown on the records of the County Recorder or Assessor.

1.22.040 - Request for Administrative Hearing.

- A. Where the right to an Administrative Hearing has been established by San Juan County, a person having that right may request an Administrative Hearing, if the request is filed within ten (10) business days from the date of service of one of the following:
 1. Itemized statement of costs as defined in 1.22.030 has been issued in a Notice of Violation of a code violation to a responsible person.
 2. Administrative citation as defined in 1.22.030 has been issued in a Notice of Violation of a code violation to a responsible person.
 3. A decision made by a land use appellant, a board or Officer of the County, or an adversely affected party may after approval of a written decision issued by the County, appeal that decision to the Administrative Hearing Judge by alleging that there is error in any order, requirement, decision, or determination made by the Planning Commission, Commission, County Administrator or Director of Planning in the administration or interpretation of the land use ordinance.
 4. An administrative process decision as defined in 1.22.030.

- B. Notice of emergency abatement as defined in 1.22.030 has been issued in a Notice of Violation of a code violation to a responsible person; or
 - 1. Notice of any other County action where the right to an Administrative Hearing is provided under any published San Juan County ordinance or policy.
- C. The request for an Administrative Hearing shall be made in writing addressed to the office of the County Clerk.
- D. The request shall comply with the following requirements:
 - 1. It shall be in writing;
 - 2. It shall contain a legible, plain statement of the reason or reasons that the person requesting the hearing is entitled to relief from the County action;
 - 3. It shall be accompanied by a copy of the itemized statement of costs, administrative citation, notice of emergency abatement, or other notice of County action for which the hearing is requested;
 - 4. It shall contain the name of the person requesting the hearing and the address to which all notices and orders shall be mailed;
 - 5. It shall be dated and signed by the person requesting the hearing; and
 - 6. It shall be filed with the County Clerk.
- E. The County may initiate an Administrative Hearing by service and filing of a Notice of Violation and Summons. Service of the Notice of Violation and Summons shall be served by any of the following methods, unless different provisions are otherwise specifically stated to apply:
 - 1. Regular mail, postage prepaid, to the last known address of the property owner or other responsible person;
 - 2. Posting the notice conspicuously on or in front of the property. If not inhabited, the notice must also be mailed as in subsection A1 of this section;
 - 3. Personal service; or
 - 4. Published in a newspaper of general circulation once a week for a period of two (2) weeks.
- F. Within twenty calendar (20) days after receiving a request for an Administrative Hearing or the service of a Notice of Violation and Summons, the Administrative Law Judge shall schedule a date, time and place for the Administrative Hearing. Failure to hold the hearing within twenty (20) days of the request shall not be a basis for reversal of the County action. No adverse action, except an emergency abatement, shall be taken pending the Administrative Hearing.
- G. Failure to request an Administrative Hearing within ten (10) calendar days from the date of service of any of the notices in subsection (A) above shall constitute a waiver of the right to an Administrative Hearing and the right to an appeal.

1.22.050 - Notification of Administrative Hearing.

- A. Notice of the date, time, and place of the Administrative Hearing shall be served upon the person requesting the hearing no later than five (5) County business days in advance of the hearing. Failure to provide timely notice of the hearing shall result in the continuation of the

hearing. No adverse action will be taken or imposed by the County, with the exception of emergency abatement action, pending the hearing.

- H. Except in the case of an Notice of Violation and Summons, the notice shall be served by mailing it to the address designated in the request for hearing and shall be deemed to have been served on the third business day following the date of mailing. Service of the Notice of Violation and Summons shall be served by any of the following methods, unless different provisions are otherwise specifically stated to apply:
1. Regular mail, postage prepaid, to the last known address of the property owner or other responsible person;
 2. Posting the notice conspicuously on or in front of the property. If not inhabited, the notice must also be mailed as in subsection A1 of this section;
 3. Personal service; or
 4. Published in a newspaper of general circulation once a week for a period of two (2) weeks.
- I. Upon service of the Notice or Notice of Violation and Summons, the person receiving the service shall be required to attend the Administrative Hearing at the appointed date and time.

1.22.060 - Appointment and qualifications of the Administrative Law Judge.

- A. The County Administrator with the consent of the County Commission, shall appoint an Administrative Law Judge to preside at Administrative Hearings.
- J. The Administrative Law Judge shall serve for a term of three years and, during that three-year term, shall be subject to removal by the County Administrator only for cause.
- K. Cause for removal may be for any conduct unbecoming a hearing officer, dereliction of assigned duties, or the existence of a bias or conflict of interest that might affect impartiality of decisions.
- L. A person appointed to serve as an Administrative Law Judge shall either be law trained or have significant experience with the requirements and operation of Administrative Hearing processes. The person shall be free from any bias or conflict of interest that might affect impartiality of decisions.
- M. An Administrative Law Judge is subject to disqualification for bias, prejudice, interest, or any other reason for which a judge may be disqualified in a court of law. The Administrative Law Judge shall promulgate rules and procedures for disqualification and replacement.

1.22.070 - Powers of Administrative Law Judge.

- A. An Administrative Law Judge shall have authority to hold an Administrative Hearing for violations of the San Juan County Zoning Ordinance and such other matters as specifically designated by published ordinance or policy.
- N. An Administrative Law Judge may continue a hearing for good cause shown by one of the parties or if the Administrative Law Judge independently determines that due process has not been adequately afforded to a party.
- O. At the request of any party to an Administrative Hearing, an Administrative Law Judge may sign subpoenas for witnesses, documents, and other evidence where the attendance of the witness or the admission of evidence is deemed helpful by the Administrative Law Judge to

- decide issues at the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena.
- P. The Administrative Law Judge may modify civil fees or fines upon a finding of good cause. The Administrative Law Judge may reduce the fines to what is just and equitable under the circumstances; however, in connection with an appeal regarding an itemized statement of costs, the Administrative Law Judge may not order the responsible person to pay less than actual costs incurred by the County and shall require the responsible person to pay the administrative costs as established in the consolidated fee schedule.
 - Q. The Administrative Law Judge shall have the authority to reverse or modify the administrative decision of a County official.
 - R. An Administrative Law Judge has continuing jurisdiction over the subject matter of an Administrative Hearing for the purposes of: granting a continuance; ordering compliance by issuing an administrative order; ensuring compliance of that order; authorizing the County to enter upon private property to abate a violation; modifying an administrative order, assessing costs of abatement, assessing civil fines; or, where extraordinary circumstances exist, granting a new hearing.
 - S. An Administrative Law Judge may require a responsible person to post a performance bond to ensure compliance with an administrative order, but only if agreed to by the enforcement official handling the matter for the County.
 - T. An Administrative Law Judge shall not make any order that would require or allow a person to violate state law or County ordinance.

1.22.080 - Procedures at Administrative Hearing.

- A. Administrative Hearings are intended to be informal in nature. Formal rules of evidence and discovery shall not apply; however, upon request made in writing reasonably in advance of a hearing, the County shall provide to a person requesting a hearing the opportunity to review documents, photographs or other tangible evidence it intends to present at the hearing and shall provide a list of the witnesses it intends to call at the hearing. Failure to request discovery shall not be a basis for a continuance. Complainant information shall not be disclosed or released unless the complainant is a witness at the hearing. The procedure and format of the Administrative Hearing shall follow duly adopted policies and procedures.
- U. The County shall bear the burden of proof to establish the existence of a violation of published County ordinances or policies other than those in a land-use appeal.
- V. In a land-use appeal, the burden of proof shall be borne by the appellant.
- W. Such proof shall be established by a preponderance of the evidence.
- X. Each party shall have the opportunity to cross-examine witnesses and present evidence in support of the case. A written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance. Testimony may be given by telephone or other electronic means.
- Y. Administrative Hearings shall be held at the County administrative offices, open to the public and shall be recorded; however, at the discretion of the Administrative Law Judge, Administrative Hearings may be held at the location of a violation as long as adequate provision is made to preserve a verbatim record of the hearing.

- Z. The person shall have the right to be represented by an attorney or other advocate. If an attorney will be representing a responsible person at a hearing, notice of the attorney's name, address, and telephone number shall be given to the County attorney at least one day prior to the hearing. If such notice is not given, the hearing may be continued at the County's request.
- AA. The burden to prove any raised defenses shall be upon the party raising any such defense and shall be established by a preponderance of the evidence.
- BB. Administrative Hearings may be held on Mondays through Fridays, excluding County holidays, between the hours of eight a.m. and nine p.m.

1.22.090 - Failure to attend Administrative Hearing.

A person who fails to appear at an Administrative Hearing shall be deemed to have waived all rights in connection with the hearing, including the right to appeal. Provided that proper notice of the hearing has been given as provided in published San Juan County ordinances, policies and procedures, an administrative order may be entered against a person based upon the failure to appear.

1.22.100 - Administrative order.

- A. A person and the County may enter into a stipulated agreement, which shall be signed by both parties. Such agreement may be entered as an administrative order. Entry of such agreement shall constitute a waiver of the right to an Administrative Hearing and the right to appeal.
- CC. Within ten (10) business days after all evidence and testimony are presented, the Administrative Law Judge shall issue a written administrative order that affirms, rejects or modifies the notice of violation and summons, itemized statement of costs, administrative citation, notice of emergency abatement or other County action.
- DD. If affirmed, the administrative order shall specify the evidence supporting the Administrative Law Judge's decision and the action required to satisfy the order.
- EE. The Administrative Law Judge may assign the party who prevails at the Administrative Hearing to prepare findings of fact and conclusions of law.
- FF. An Administrative Law Judge may issue an administrative order that requires a person to cease from violating published County ordinance, policy, or procedure, and to take any necessary corrective action.
- GG. An Administrative Law Judge may order the County to enter the property and abate all violations, including the removal of animals in violation of applicable published County requirements. Whenever an order of abatement is entered, the Administrative Law Judge shall order the responsible person to pay to the County the actual costs of the abatement and the administrative costs of the County to perform the abatement.
- HH. An Administrative Law Judge may revoke a kennel permit, an animal license, the right to possess animals as provided in published County ordinance or policy.
- II. As part of an administrative order, an Administrative Law Judge may establish specific deadlines for the payment of fees and costs, and condition the total or partial assessment of civil fees on the responsible person's ability to take necessary corrective actions by specified

deadlines. Such fees shall continue to accrue until the responsible person complies with the Administrative Law Judge's decision and corrects the violation.

- JJ. An administrative order imposing civil fines for failure to abate a violation of the County code by a stated deadline, shall continue to accrue additional fines until the responsible person complies with the Administrative Law Judge's decision and corrects the violation but shall not exceed one thousand dollars (\$1,000.00).
- KK. An Administrative Law Judge may schedule subsequent review hearings as may be necessary or as requested by the County to ensure compliance with an administrative order.
- LL. An Administrative Law Judge may order a person to post a performance bond to ensure compliance with an administrative order, but only if agreed to by the enforcement official handling the matter for the County.
- MM. An Administrative Law Judge may revoke or suspend a beer license, a building permit, or permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on the property, or any permits pertaining to the use and development of real property or a structure where a violation is located as provided in published San Juan County ordinance or policy.
- NN. An administrative order shall become final on the date of signing by an Administrative Law Judge.
- OO. An administrative order shall be served on all parties.
- PP. An Administrative Law Judge may take any action reasonably necessary to obtain compliance with the applicable County ordinances.
- QQ. An Administrative Law Judge may assess civil fines and costs of abatement and administrative costs to a responsible person.

1.22.110 - Failure to comply.

- A. It shall be unlawful for any person to fail to comply with the terms and deadlines set forth in a final administrative order.
- RR. A violation of this section shall be a class B misdemeanor.
- SS. Upon failure of a person to comply with the terms and deadline set forth in the administrative order, the County may use all appropriate legal means to recover the civil penalties and administrative costs to obtain compliance.

1.22.120 - San Juan County Employee Appeal Procedures.

A. Employee Appeals.

Employee appeals for the County shall consist of the County's Administrative Law Judge appointed or designated pursuant to the procedures set forth in this code.

TT. Non-appealable Actions.

1. No probationary, temporary/seasonal, or part-time employee, or appointed employee has the right to appeal any disciplinary action.
2. No employees have appeal rights for verbal warnings, written reprimands, or involuntary reassignment for disciplinary purposes which do not affect the employee's rate of pay.

3. Unless specifically provided by this section, no employee has the right to appeal a termination, transfer or pay reduction which is made for a non-disciplinary reason, such as a reduction in force, furlough, reorganization, or a broadly applicable reduction in salary which affects multiple employees in a department.
4. No employees have appeal rights for suspension from employment without pay for two (2) days or less.
5. No appeal is allowed from discharge or involuntary reassignment due to loss of state or federal licensure or certifications which are required for the employee's position.

UU. Appealable Rights for Merit Employees.

1. Merit employees have the right to appeal any disciplinary action resulting in:
 - i. Dismissal, termination or release from employment;
 - ii. Demotion;
 - iii. Suspension from employment without pay for more than two (2) days; or
Involuntary transfer for a disciplinary purpose to a position with less remuneration.

VV. Appealing to the Administrative Law Judge

1. Employees desiring to file an appeal must submit their written notice of appeal, describing in detail the grounds for the appeal with any supporting documentation, to the County recorder within ten (10) business days following the disciplinary action giving rise to the appeal, or an employee will be deemed to have waived all appeal rights.
2. A copy of the appeal shall also be filed with the employee's supervisor and the human resource department. Upon receipt by the County recorder of the employee's appeal, a date and time shall be set for the Administrative Law Judge to convene a hearing to hear the appeal. All appeal documents will then be forwarded to the Administrative Law Judge.
3. Hearings and decision of the Administrative Law Judge shall be held and rendered as soon as reasonably practicable, with no unreasonable delay. The Administrative Law Judge may allow an enlargement of time for hearing preparations, if good cause is shown, but this subsection may not extend the amount of time during which an appealing employee may timely submit a notice of appeal.
4. All parties to the appeal shall be entitled to appear at the appeals hearing in person and to be represented by counsel, to have the hearing open to the public, to confront witnesses whose testimony is to be considered, and to examine the evidence to be considered by the Administrative Law Judge.
5. The Administrative Law Judge may request the appointment of independent medical or other technical experts, in the Administrative Law Judge's sole discretion, if the Administrative Law Judge believes that the expert's opinion is necessary for the resolution of the case.
6. Submission of Documentation:

- i. All documentation to be presented at the appeals hearing shall be made available by each party upon written request of the party seeking the documentation at least five (5) business days prior to the scheduled hearing date; all requests for documents shall be considered to be ongoing up to and through the time of the hearing.
 - ii. Any party to any appeal may, no later than five (5) business days prior to the date of the appeal hearing or cutoff date for a decision, submit to the Administrative Law Judge a written brief, no more than ten pages in length, with supporting documentation, which articulates that party's arguments and position regarding the subject matter of the appeal.
 - iii. Copies of all written briefs shall be concurrently forwarded to the opposing party, and a reply brief may be submitted in response no later than two (2) business days prior to the hearing date or cutoff date for a decision.
- 7. The Utah Rules of Evidence, Utah Rules of Civil Procedure, and Utah Administrative Code do not apply to Administrative Hearings. Hearings are conducted to be fundamentally fair to the parties and to provide due process. The Administrative Law Judge may entertain objections in order to maintain decorum and to address issues of relevance.
- 8. With the exception of a request for an order requiring the release of documents which have been requested or scheduling matters, no prehearing motions shall be entertained by the Administrative Law Judge.
- 9. In the Administrative Law Judge's discretion, parties may convene for a prehearing conference with the Administrative Law Judge to discuss relevant issues, such as anticipated witnesses or the scope of the appeal.
- 10. Record of the Hearing. An audio recording of the hearing shall be kept and all exhibits received in evidence at the hearing shall be maintained.

WW. Appeals from Disciplinary Actions. The proceedings for appeals from disciplinary actions are bifurcated.

- 1. During the first phase of the proceedings, the Administrative Law Judge considers evidence of the charges upon which the discipline was based. The County bears the burden of proving the charges by a preponderance of the evidence.
 - i. If the Administrative Law Judge sustains all of the charges, then it shall proceed to the second phase of the hearing, described herein.
 - ii. If the Administrative Law Judge sustains none of the charges, then the Administrative Law Judge shall overturn the disciplinary action.
 - iii. If the Administrative Law Judge sustains some, but not all, of the charges, then the Administrative Law Judge shall refer the decision back to the department director for reconsideration of the disciplinary decision, in light of the Administrative Law Judge's findings. A referral back to the department director is an interlocutory order, and is not subject to appeal. The department director may decrease the severity of, modify, withdraw, or retain the disciplinary decision previously made. If the department director fails to

respond to the Administrative Law Judge within three (3) business days from the Administrative Law Judge's referral, then the Administrative Law Judge shall proceed as if the department director has not changed the disciplinary decision.

2. During the second phase of the proceedings, the Administrative Law Judge considers whether the misconduct warranted the sanction imposed by the department director. The Administrative Law Judge gives broad deference to the department director's choice of punishment, and reviews that decision for an abuse of discretion. The disciplined employee bears the burden of proving an abuse of discretion by clear and convincing evidence.
 - i. A department director abuses his or her discretion if the sanction is arbitrary, capricious or illegal.
 - ii. When considering whether the sanction is arbitrary, capricious or illegal, the Administrative Law Judge may consider whether the discipline imposed is:
 - a) Disproportionate in light of the circumstances; or
 - b) Inconsistent with previous sanctions imposed by the department upon similarly situated employees pursuant to the department's or County's own policies.
 - iii. If the Administrative Law Judge finds that the disciplined employee has carried the burden of establishing an abuse of discretion, then the Administrative Law Judge shall overturn the disciplinary action.
 3. The disciplined employee may waive challenge to either phase of the proceedings at any time. In the absence of a clear, written waiver, the proceedings will proceed through both phases.
- XX. Appeals from discharge or reassignment due to fitness for duty determinations.
1. In cases of discharge or transfer to a position of less remuneration due to a determination that the individual is unfit to report to duty due to a medical condition, the employee has the right to appeal that decision.
 2. In cases of fitness for duty appeals, the County bears the burden of proving by a preponderance of the evidence that the circumstances warrant the action taken.
- YY. The Administrative Law Judge shall render a final decision in writing and may:
1. Sustain the County's action; or
 2. Overturn the County's action;
 - i. If the County's action is overturned, the human resource department, or designee, shall remove the record of the overturned action from the employee's personnel file and retain it separately, which record shall be designated as private pursuant to Utah law.
 - ii. The Administrative Law Judge shall reinstate any loss of pay associated with an overturned action, but in the case where an employee has taken

- employment elsewhere, the amount shall be reduced by any amounts the employee earned from other employment during this period of time.
- iii. If a department director reduces the severity of the disciplinary decision, then the Administrative Law Judge shall reinstate any loss of pay which would not have been incurred, if the reduced discipline had been initially imposed.

ZZ. The Administrative Law Judge shall transmit a copy of its decision to the employee, the department director, the human resources department, and the County Recorder for certification. The County Recorder shall certify the decision by placing the County's official seal on the document, and the date of certification.

1.22.130 -- Land Use Appeal.

- A. A land use decision may be appealed by neighboring property owners and other affected persons.
- B. Utah Code requires that San Juan County, which regulates zoning, create a process to hear appeals from zoning decisions through an appeals hearing process. The County has contracted with an Administrative Law Judge as the hearing officer for the County.
- C. The Administrative Law Judge is authorized to consider appeals of administrative land use decisions, and may grant variances to zoning regulations. The Administrative Law Judge may not amend land ordinances, ignore ordinances, or use "appeals" as a means of waiving required regulations but perform these functions in accordance with Utah Code § 17-27a-701 to 708.
- D. The appellant has the burden of proving that the Planning Commission, Commission, County Administrator or Director of Planning has erred.
- E. The Administrative Law Judge will perform a review of all factual matters regarding the appeal including factual matters on record as to substantial evidence for each essential finding of fact.
- F. The Administrative Law Judge shall determine the correctness of the Planning Commission, Commission, County Administrator or Director of Planning's interpretation and application of the plain meaning of the land use regulations; and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.
- G. The Administrative Law Judge's decision is a quasi-judicial act.
- H. Only a decision in which the Planning Commission, Commission, County Administrator or Director of Planning has applied a land use regulation to a particular land use application, person, or parcel can receive an Administrative Hearing.
- I. The decision of the Administrative Law Judge takes effect on the date when the Administrative Law Judge issues a written decision. This written decision will be made in a timely manner and in accordance with the Administrative Law Judge's Contract.
- J. In accordance with Utah Code § 17-27a-801(2) (a), the written decision, constitutes a final decision or final action Utah Code § 17-27a-801(4).

SAN JUAN COUNTY

Spanish Valley Area Plan



Adopted April 17, 2018



