



## LEGISLATIVE STAFF REPORT

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**MEETING DATE:** July 11, 2024

**ITEM TITLE, PRESENTER:** Consideration and Approval of a Conditional Use Permit Allowing for a Heliport for Desert Rose Tours, Chimney Park Road and Highway 191, Amer Tumeh

**RECOMMENDATION:** Make a motion approving the Conditional Use using the findings and conditions as provided by staff (state each condition as part of the motion).  
Make a motion denying the Conditional Use based on findings of fact due to the following reasons: (statements of findings for substantial evidence).

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### SUMMARY

On June 16, 2024, the County received a Conditional Use Permit Application for a Heliport to be located at Chimney Park Road and Highway 191 to operate under Desert Rose Tours, LLC from Amer Tumeh.

**Property:**

Parcel: portion of SITLA #40S22E050000, 5.0 acres

**Current Zoning:**

This parcel is currently zoned as Highway Commercial as per 2013 Zoning Map

The applicant is planning to build a sixty foot (60') by seventy foot (70') metal building to operate tour business and hanger a helicopter. There will be a lobby, storage, mechanic shop and staff housing within an eighteen foot (18') by twenty-four foot (24') built-out portion of the building. The building will be adjacent to a concrete helipad designed as per FAA guidelines.

Site improvements will include security fencing with gated access, driveway and parking areas, solar panel system for power, water system via well, and an engineered septic tank and leech field.

### ORDINANCE SECTIONS

The Highway Commercial Zone is designated to provide, in appropriate locations, a district where agriculture, industrial, commercial and residential uses may exist in harmony, based on planned development for mutual benefit and flexible location of uses.

The following uses are permitted in Highway Commercial as per the 2011 Zoning Ordinance (Section 12-2):

- Restaurant or drive-in Café
- Motels
- New and Used Automobile Agency
- Farm Machinery and Equipment Sales
- Nurseries and Greenhouses
- Mobile Home Sales & Mobile Home Parks
- Drive-In Theater
- Bowling Alley, other commercial recreational 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.

All other uses than those listed are allowed through a Conditional Use Permit. By definition a **CONDITIONAL USE** is a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

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

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

**Possible Conditions May Include:**

- *Administrative Staff will coordinate with the County airport engineering firm on safety & hazards mitigation recommendations. This review will be approved by staff prior to issuance of building permit and/or business license. Engineering consultant expenses will be covered by the applicant at actual cost.*
- *Flight patterns must avoid current residential areas to the furthest extent possible to protect the public health, safety, and welfare of residents in this area.*
- *The extent of buffer and safety zones must be within owner's property boundary.*
- *Employee Housing units shall not be used as an over-night or short-term rental.*
- *Must comply with all building code and permit requirements.*
- *Must comply with any state or federal fire restrictions.*
- *Must comply with San Juan County business license requirements.*

**HISTORY/PAST ACTION**

There is no past history at this time.