

CHAPTER 1 ADMINISTRATION

1.1 Short Title

These ordinances shall be known as the San Juan County Land Use Development and Management Ordinance (“LUDMO”) and may be so cited and pleaded.

1.2 Purpose and Intent

This LUDMO is adopted and enacted for the purposes authorized by Utah law, including promoting the public health, safety, and welfare; facilitating orderly growth and development; protecting property rights; preserving agricultural and rural character; protecting property values; ensuring adequate public facilities and infrastructure; and providing for the fair and consistent administration of land use regulations.

1.3 Authority

This LUDMO is adopted pursuant to the authority granted to counties under the Utah Municipal Land Use, Development, and Management Act (“CLUDMA”), Utah Code Title 17, Chapter 27a, as amended.

1.4 Interpretation and Applicability

A. Minimum Requirements

In interpreting and applying the provisions of this LUDMO, the requirements contained herein are declared to be the minimum requirements necessary to promote the public health, safety, and welfare.

B. Applicability

The provisions of this LUDMO shall apply to all land, buildings, structures, uses, development activity, permits, and land use applications within the unincorporated areas of San Juan County unless otherwise specifically exempted by federal law, state law, or this LUDMO.

C. Rules of Interpretation

Words used in the present tense include the future; words in the singular include the plural; and words in the plural include the singular. The word “shall” is mandatory and the word “may” is permissive.

D. Conflicts

Where a provision of this LUDMO imposes greater restrictions or higher standards than are required by other applicable ordinances, regulations, easements, covenants, or laws, the provisions of this LUDMO shall control to the extent allowed by law.

E. Construction

The provisions of this LUDMO shall be construed to:

1. Further the purposes of this LUDMO and applicable Utah law;
2. Promote orderly growth and development;
3. Protect property rights while preserving the public health, safety, and welfare; and
4. Ensure fair and consistent administration and enforcement of land use regulations.

1.5 Planning Commission

A. Establishment

The Planning Commission is established pursuant to Utah law and shall consist of members appointed by the County Commission.

B. Powers and Duties

The Planning Commission shall perform the duties assigned by Utah law and this LUDMO, including review of land use applications, recommendations regarding ordinances and amendments, and other duties delegated by the County Commission.

C. Terms and Appointments

Planning Commission appointments, qualifications, terms, vacancies, and removal procedures shall be governed by County policy and applicable state law.

1.6 Land Use Authority

A. Legislative Authority

The County Commission shall serve as the legislative land use authority for matters requiring legislative action unless otherwise delegated by ordinance.

B. Administrative Authority

The Planning Administrator, Building Official, Zoning Administrator, Planning Commission, Hearing Officer, or other designated official or body may serve as the land use authority for non-legislative actions as delegated by this LUDMO or County policy.

C. Delegation

Administrative duties and application review authority may be delegated as authorized by Utah law.

1.7 Appeals Authority

A. Establishment

The County Commission, Hearing Officer, or other designated body shall serve as the Appeal Authority as provided by this LUDMO.

B. Appeals

Any person adversely affected by a land use decision may appeal such decision in accordance with the procedures and timelines established by this LUDMO and Utah law.

C. Standard of Review

The Appeal Authority shall review decisions for compliance with applicable ordinances, adopted standards, and applicable law.

1.8 Variances

A. Authority

The Appeal Authority may grant variances only in accordance with Utah law and the standards established in this LUDMO.

B. Standards

Variances may only be granted upon findings that:

1. Literal enforcement would cause unreasonable hardship;
2. Special circumstances apply to the property;
3. The variance is necessary for the enjoyment of substantial property rights;
4. The variance will not substantially affect the General Plan or public interest; and
5. The spirit and intent of this LUDMO are preserved.

C. Use Variances Prohibited

The Appeal Authority may not grant use variances.

1.9 Building Permits Required

No building or structure shall be constructed, reconstructed, altered, enlarged, moved, or occupied unless all required permits and approvals have been obtained as required by this LUDMO, the adopted construction codes, and applicable law.

1.10 Permit Applications and Site Plans

A. Complete Applications Required

Applications shall be submitted in a form approved by the County and shall include all information necessary for review.

B. Site Plans

Applications for development may require site plans, surveys, legal descriptions, utility information, drainage information, roadway access information, and other materials necessary to evaluate compliance with this LUDMO.

C. Additional Information

The County may require additional information reasonably necessary to determine compliance with applicable regulations.

1.11 Certificates of Occupancy and Land Use Compliance

A. Occupancy Prohibited Without Approval

No building, structure, or use shall be occupied until a Certificate of Occupancy or Land Use Compliance has been issued where required.

B. Compliance Required

Certificates shall only be issued upon determination that the development complies with applicable permits, approvals, and adopted codes.

C. Change of Use

A new certificate may be required upon change in use, occupancy, intensity, or number of dwelling units.

1.12 Enforcement

A. Enforcement Authority

The County may investigate violations and enforce the provisions of this LUDMO through administrative, civil, criminal, or other lawful remedies.

B. Violations

Any use, structure, subdivision, development activity, or occupancy established contrary to this LUDMO shall constitute a violation.

C. Notices of Violation

The County may issue written notices requiring corrective action within specified timeframes.

D. Civil and Criminal Remedies

Violations may be subject to civil penalties, misdemeanor prosecution, permit revocation, abatement, injunctions, liens, or other remedies authorized by law.

E. Continuing Violations

Each day a violation continues may constitute a separate offense.

1.13 Expiration of Applications and Approvals

Applications, permits, approvals, and development authorizations shall expire in accordance with timelines established by this LUDMO unless extended pursuant to approved procedures.

1.14 Fees

The County may establish fees for applications, permits, inspections, appeals, enforcement actions, and related administrative processes. Applications shall not be considered complete until required fees have been paid.

1.15 Amendments

This LUDMO, zoning maps, and related land use regulations may be amended in accordance with Utah law and the procedures established by this LUDMO.

1.16 Public Hearings and Notice

Public hearings and notice requirements shall be conducted in accordance with applicable Utah law and County procedures.

1.17 Licenses and Permits to Conform

No County permit, license, approval, or authorization shall be issued in conflict with this LUDMO or other applicable law. Any permit issued in error or in conflict with this LUDMO may be revoked or declared void.

1.18 Severability

If any section, subsection, sentence, clause, or phrase of this LUDMO is held invalid, such decision shall not affect the validity of the remaining portions of this LUDMO.