

~~SAN JUAN COUNTY~~ ~~UTAH~~



ZONING ORDINANCE **(Amended Sept. 2011)**

Where a conflict exists between a general provision and a specific provision of this ordinance, the specific provision shall govern, and where multiple provisions impose different standards or requirements, the more restrictive requirement shall apply. Nothing in this ordinance shall be construed to nullify or supersede any applicable provision of local, state, or federal law.

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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, UTAH"

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 access to 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~~ (relocated to chapter 2)

~~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).~~

CHAPTER 1 DEFINITIONS RELOCATED TO CHAPTER 2. OTHER PORTIONS OF CHAPTER 1 MERGED WITH CHAPTER 2 IN IT ENTIRELY RELOCATED TO CHAPTER 1 (ADMINISTRATION)

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. Farm buildings shall be exempt, except when either electric or plumbing will be installed in the buildings, 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 (emphasis added).

Application and Review

- (1) All applications for building permits, except-for single family dwellings and their accessory buildings shall:
 - (a) be submitted to the Building and Zoning Department. 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 with the Planning Commission upon notification and request of the Planning Commission to assure conformity with the intent of the Master Plan and compliance with all applicable ordinances and regulations.
 - (b) then follow the usual process for obtaining a building permit as required by the County.
- (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.

1-6 Planning Commission Review

When a question arises whether proposed architectural and site development plans submitted are consistent with the general objectives of this Ordinance, the Planning Commission shall make a determination. A negative or unfavorable determination by the Planning Commission may be appealed to the Board of County Commissioners, as provided for in this Ordinance.

1-7 Zoning Administrator to Enforce

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

1-8 Permits to Comply with Ordinance

From the time of the effective date of this Ordinance, the Zoning Administrator 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.

1-9 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.

1-10 Powers and Duties of Zoning Administrator

The Zoning Administrator 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 Zoning Administrator 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.

1-11 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 in this Ordinance shall be, and the same hereby is, declared to be unlawful and a public nuisance; and the County Attorney shall, upon request of the governing body, at once commence action or proceeding for abatement and removal of enjoyment 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, maintaining, 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.

1-12 Amendments

The number, shape, boundary, area or zone, or any regulation or any other provision of the Zoning Ordinance may be amended by the Board of County Commissioners 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 Board of County Commissioners.

1-13 Hearing and Publication of Notice

Before finally adopting any such amendment, the Board of County Commissioners shall hold a public hearing thereon. Notice of such a hearing shall be disseminated to the public, in accordance with state law, at least ten (10) days before the scheduled hearing.

1-14 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.

1-15 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 charged, for each separate, identifiable violation, with a Class C Misdemeanor and punishable upon conviction as a class C misdemeanor or by imposing the appropriate civil penalty adopted under the authority of Section 17-27a-101 *et seq.*, Utah Code Annotated (1953, as amended).

CHAPTER 2

LAND USE ADMINISTRATION

2-1 1.3 Planning Commission

(1) Organization

- (a) The Planning Commission shall consist of seven (7) members who shall be appointed by the Board of County Commissioners. In addition to the regular seven (7) members, the Board of County Commissioners may appoint, one (1) non-voting, ex-officio staff member to serve as liaison between the Board of County Commissioners and the Planning Commission and provide administrative support to the Planning Commission. Board of County Commission members may not serve as regular members of the Planning Commission.

(2) Term of Office

- (a) The term of office for regular Planning Commission members shall be staggered so that the terms of at least one (1) member and no more than three (3) members expire each year. As the term of each regular member expires, the vacancy thus created shall be filled by a majority vote of the Board of County Commissioners for a term of four (4) years, so as to maintain the succession of staggered terms of service.
- (b) Terms of all regular members begin on January 1st and expire on December 31st of the 4th year following the year of appointment. If the Board of County Commissioners has not appointed a new member(s) to the Planning Commission at the expiration of term, the current Planning Commission member(s) will remain on the Planning Commission until replaced by appointment of the Board of County Commissioners.
- (c) The ex-officio member shall be appointed by the Board of County Commissioners and shall continue to serve until replaced by appointment of the Board of County Commissioners.
- (d) If a vacancy occurs other than by expiration of term, the Board of County Commissioners by majority vote shall appoint a new member to fill the unexpired term.
- (e) Planning Commission members may be removed for cause from office by 2/3 vote of the Board of County Commissioners prior to the expiration of the appointed term.

(3) Method of Appointment

In early November of each year, the County Administrator shall cause notice of

appointment(s) to be published in a newspaper of general circulation in San Juan County. The Building and Zoning Department shall be responsible for the costs of such advertisement. Such notice shall state the nature and term of the appointment(s), the qualification for such appointment, request written statements of interest and qualifications, and establish a deadline for submittal of such statements, which time shall not be earlier than fifteen (15) days from the date of publication.

(4) Qualifications

Each Planning Commission member shall be a legal San Juan County resident for at least two (2) years prior to appointment.

(5) Powers and Duties

The Planning Commission shall have the following powers and duties pursuant to Section 17-27a-302, Utah Code Annotated (1953, as amended):

- (a) Each countywide planning commission shall, with respect to the unincorporated area of the county, make a recommendation to the county legislative body for:
 - (i) a general plan and amendments to the general plan;
 - (ii) land use ordinances, zoning maps, official maps, and amendments;
 - (iii) an appropriate delegation of power to at least one land use authority to hear and act on a the land use application;
 - (iv) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority;
 - (v) application processes that may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and shall protect the rights of each applicant and third party to require formal consideration of any application by a land use authority; applicant, adversely affected party, or county officer or employee to appeal a land use authority's decision to a separate appeal authority; and participant to be heard in each public hearing on a contested application.

2-2 Appeals

- (1) Appeal Authority. The authority to hear request for variances from the terms of the land use ordinance and appeals from decisions applying the land use ordinances shall be vested in the Board of County Commissioners.
- (2) Appealing Land Use Authority's Decision. An applicant, board, or officer of the County, or any person affected by the land use authority's decision applying a land use ordinance may, within the time period provided in 2-2(3)(a) below, appeal that decision to the Appeal Authority by alleging there is error in any order, requirement, decision, or determination made by the land use authority in the decision applying the land use

ordinance.

- (a) Time to Appeal. Any appeal, pursuant to 2-2(3) above, must be filed in writing to the County Administrator within ten (10) calendar days of the issuance of the written decision applying the land use ordinance.
- (b) Time for Hearing Appeal. The Appeal Authority should hear the appeal within thirty (30) days of the date the appeal was filed.
- (c) Written Statement Setting Forth Theories of Relief Required. The appellant shall deliver to the Appeal Authority and all other participants, five (5) business days prior to the hearing, a written statement setting forth each and every theory of relief she intends to raise at the hearing, along with a brief statement of facts in support thereof.
- (d) Condition Precedent to Judicial Review. No person, board or officer of the County may seek judicial review of any decision applying to the land use ordinance until after challenging the land use authority's decision in accordance with this part. No theory of relief may be raised in the District Court unless it was timely and specifically presented to the Appeals Authority.
- (e) Standard of Review and Burden of Proof on Appeal. The Appeal Authority shall upon appeal, presume that the decision applying the land use ordinance is valid and determine only whether or not the decision is arbitrary, capricious, or illegal. The burden of proof on appeal is on the appellant.
- (f) Due Process Rights. The Appeal Authority shall respect the due process rights of all participants.

2-3 Variances.

- (1) Any person or entity desiring a waiver or modifications of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Appeal Authority for a variance from the terms of the ordinance.
- (2) Pursuant to Utah State law, the Appeal Authority may grant a variance only if:
 - (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.
- (3) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under 2-3(a)(i), the 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.
- (4) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection 2-3(2)(a), the Appeal Authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
- (5) In determining whether or not there are special circumstances attached to the property under Subsection 2-3(2)(b), the 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.
- (6) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- (7) Variances run with the land.
- (8) The Appeal Authority may not grant a use variance.
- (9) 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

serve the purpose of the standard or requirement that is waived or modified.

CHAPTER 2

DEFINITIONS

1-5 Definitions (Relocated from chapter 1)

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).

This LUDMO adopts the definitions for terms set forth in CLUDMA. The following additional terms or modifications of CLUDMA terms used in this LUDMO are defined as follows. ANY TERM NOT DEFINED IN CLUDMA OR HEREIN SHALL BE GIVEN ITS ORDINARY MEANING.

ABATEMENT: The repair, replacement, removal, destruction, correction, or other remedy of a condition which constitutes a violation of this LUDMO or the conditions or terms set by permits, licenses, or other approvals by such means, in such a manner, and to such an extent as an enforcement officer determines is necessary in the interest of the general health, safety, and welfare of County inhabitants.

(1) ~~Accessory Building. Building not used for human occupancy which is secondary to the main structure on the same piece of property such as a shed or garage.~~

ACCESSORY BUILDING: A building or structure, the use of which is incidental and subordinate in size and use to the main building and not intended as a dwelling.

<p>ACCESSORY DWELLING UNIT (ADU): A building other than the primary dwelling which is used as a dwelling on a shared lot with the primary dwelling as either an internal or detached unit, including a long term RV, as defined by State code.</p>	<p>ACCESSORY DWELLING UNIT (ADU). A building other than the primary dwelling which is used as a dwelling on a shared lot with the primary dwelling but is not an internal accessory dwelling unit as defined by State code. It provides all utilities necessary for human occupation, approved by the county board of health and satisfies building and fire code requirements. An ADU may not exceed 50% of the primary dwelling square footage or 1,200 square feet, whichever is smaller. It is also referred to as a mother-in-law dwelling, caretaker dwelling, and similar terms. Unless specifically permitted, an ADU may not be used as a short-term rental</p>
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2026 Proposed	ADOPTED ORDINANCE 2024-01 Signed (1-16-2024) APENDIX B
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ACCESSORY DWELLING UNIT (ADU): A building other than the primary dwelling which is used as a dwelling on a shared lot with the primary dwelling as either an internal or detached unit, including a long term RV, as defined by State code.

ACCESSORY USE: A use that:

1. is customarily incidental to and found in connection with a principal or main use;
2. is subordinate to and serves a principal or main use;
3. is subordinate in extent, area or purpose to the principal or main use;
4. is located on the same lot as the principal or main use; and
5. contributes to the comfort, convenience or necessity of occupants, business or industry of the principal or main use.

~~(1) 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.~~

ADVERSELY AFFECTED PARTY: A person other than a land use applicant who: (a) owns real property adjoining the property that is subject of a land use application or land use decision; or (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

~~(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.~~

~~(1) 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.~~

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: Those areas designated in the Zoning Ordinance of San Juan County, Utah as AG and where the primary permitted land use is as agricultural land.

AIRPORT: Any area of land or water used or intended for landing or takeoff of aircraft

including appurtenant area used or intended for airport buildings, facilities, as well as rights of way together with the buildings and facilities.

AIRPORT APPROACH AREA: ~~Means~~ all that land which lies directly under an imaginary approach surface centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation and coincides with the end of the primary surface.

AIRPORT TRANSITION AREA: ~~Means~~ The land lying under those surfaces extending outward and upward at right angles to the runway centerline.

AIRPORT TURNING AREA: The area of an airport; other than the approach zone, which is used for turning operations of aircraft.

AIRSTRIP: An airfield without normal airport facilities.

ALLEY: A public thoroughfare less than twenty-five feet (25') wide.

ALTERATION: Any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders or interior partitions, or any change in the dimensions or configurations of the roof or exterior walls, as well as any change of location of doors, windows, means of ingress or egress, or any expansion or diminution of a building or structure.

(1) ~~Airport. A landing area used regularly by aircraft for receiving or discharging passengers or cargo. (FAA definition)~~

(1) ~~Airstrip. An airfield without normal airport facilities.~~

(1) ~~Alley: A public thoroughfare less than twenty-five (25) feet wide.~~

(1) ~~Anemometer. An instrument for measuring wind force and velocity.~~

(1) ~~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.~~

(1) ~~Appeal Authority. The person, board, commission, agency, or other body designated by this ordinance to decide an appeal of a decision of a land use application or variance.~~

ALTERED: Any change in the construction or addition to a building that increases or decreases the capacity or changes the use.

ANGLE: The rotation required to superimpose either of two lines on the other.

ARENA: An indoor or outdoor, public or private, commercial or noncommercial facility which is set aside for showing, training or exercising livestock.

ATHLETIC CLUB: An establishment providing facilities for physical development, exercise, sports or recreation. Facilities may include exercise equipment, indoor and/or outdoor racquetball or tennis courts, jogging track, swimming pools, skating rink, indoor bathing, restaurant or snack bar, and sales of athletic equipment. Facilities may be open to the public for a fee, or available only to persons holding membership.

AUTO REPAIR: A building or premises used for the repair of any passenger auto, pickup truck, semi tractor, recreational vehicle or similar vehicles where the repair includes, but is not limited to, the rebuilding of engines, transmissions or differentials
AUTO-WRECKING/SALVAGE YARD: See also definition of Junkyard. Any lot, portion of lot or tract of land used for the storage and keeping of salvage, including scrap metals or other scrap material, or for dismantling or demolition of automobiles or equipment, machinery or parts thereof; provided, that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.

AWNING: A roofed structure constructed of fabric or metal placed so as to extend outward from the building providing a protective shield for doors, windows and other openings with supports extending back to the building, supported entirely by the building.

BARN/AGRICULTURAL BUILDING: An accessory structure upon a lot customarily used for the housing of animals/livestock, storage of crops or feed, and/or machinery used in bona fide agricultural activities.

~~(1) 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 (1/2) or more above grade.~~

BASEMENT: A story more than 50% or fully underground. A basement shall be counted as a story for the purposes of height measurement if its height is one-half (1/2) or more above grade.

BATCHING APARTMENT: A dwelling unit occupied by three (3) or more batching singles which are jointly utilizing the kitchen facilities of the dwelling unit.

BEARING: An angle (on a survey) less than 90° within a quadrant defined by cardinal directions.

BED AND BREAKFAST/BOARDING HOUSE: A single-family residence occupied by an owner-operator, with no more than eight (8) bedrooms located in the main residence, providing temporary accommodations (for compensation) on a nightly basis, not to exceed thirty (30) days.

~~(1) Bed & Breakfast/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.~~

BIG BOX RETAIL: Any single retail store with a gross main floor area of over forty thousand (40,000) square feet.

BLOCK: An area of land entirely bounded by streets.

(1) ~~Building.~~ Any structure having a roof supported by columns or walls for the housing –or enclosure of persons, animals or chattels.

(1) ~~Building, Accessory.~~ A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building.

(1) ~~Building, Height of.~~ The vertical distance from the average finished grade surface to the highest point of the building roof or coping.

BUILDING OFFICIAL: The officer or other designated authority appointed by the county to administer and enforce provisions of the building code.

~~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.

~~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.

BUILDING, MAIN: The building or buildings on a site which houses the main use.

~~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

~~Conditional Use.~~ 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.

~~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.

CAMPING: A recreational or temporary activity (less than 20 consecutive days per calendar year) which involves staying overnight in the open, in a tent, or a trailer, camper, RV, or other recreational vehicle.

CAMPING, COMMERCIAL: Camping where, for a fee, a hospitality company, business, or

other individual provides a form of recreational, temporary lodging (like a tent, yurt, trailer, RV, or similar structure) or a location to erect such a structure for a fee.

CAMP PARK: A location for commercial camping consisting of two or more campsites.

CARPORT: A private garage not completely enclosed by walls or doors. For the purposes of this ordinance, a carport shall be subject to all of the regulations prescribed for a private garage.

CERTIFICATION: The confirmation of an official document or a copy thereof by an authorized official.

CHILDCARE CENTER: A childcare facility that regularly provides custodial care for six (6) or more children during the part of any day.

CHILDCARE, HOME: Childcare operated on residential premises.

CHURCH OR TEMPLE: A building, together with its accessory buildings and uses, where persons regularly assemble for worship, which building, together with its accessory buildings and uses, is maintained and controlled by a religious body.

CLINIC, DENTAL AND MEDICAL: A building in which a group of physicians, dentists and allied professional assistants are associated for the carrying on of their professions, including a dental or medical laboratory. "Clinic" does not include inpatient care or operating rooms for major surgery.

CLUDMA: The County Land Use, Development, and Management Act, currently codified as Utah Code sections 17-27a-101 *et seq.*, and as hereafter amended.

CLUSTERING: A subdivision or development design technique that concentrates the buildings or lots on a part of the site or sites to allow the remaining land to be used for recreation, common open space, preservation of travel corridors, and/or environmentally sensitive areas.

COLLATERAL: Funds or some other valuable pledged as security against a promise to repay or perform certain actions.

COMMERCIAL USE: The purchase, sale or transaction involving the disposition of any article, substance, commodity or service; the maintenance or conduct of offices, professions or recreation or amusement enterprises and intended to be conducted for profit, and also including the renting of business offices, sales display premises, and short-term rentals.

COMMON AMENITIES: Amenities provided for the residents of a development that are owned in common by residents of the development.

COMMON AREA: An area of common ownership of the residents designed to serve the

recreational, open space or other similar needs of owners within the development and is not a commercial use. Common areas may include, but are not limited to: outdoor space, landscaping, fences, clubhouses, tennis courts, golf courses, swimming pools and other jointly used and owned space approved as part of the proposal.

COMMUNITY USE: The uses that have the primary purpose of serving the educational, recreational, religious or governmental needs of the community in general. Such uses may include churches, public and private educational institutions, private nonprofit recreation grounds, public parks, public buildings, public facilities, cemeteries and other similar uses. This definition shall not include such uses as detention facilities, halfway houses, alcohol rehabilitation centers and other similar uses.

CONDOMINIUM: The ownership of a single unit in a multi-unit project or structure which may be combined with an undivided interest in the common areas and facilities of the property and meeting all requirements of the condominium ownership act of the state of Utah.

CONFIGURATION: The shape of a boundary or perimeter line, the shape of a lot, block or subdivision.

CONSERVATION EASEMENT: An easement voluntarily placed on property to ensure that no future development will occur. The easement will be held by a third party and maintained in perpetuity.

(H) 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.

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.

DRAINAGE DITCH: Any system of canals or ditches naturally existing or constructed to carry surface and/or subsurface water to a natural stream, whether or not the ditches or canals carry water filed upon by individuals to be used for irrigation purposes.

DRIVEWAY: Private access for vehicles to a residence, parking space, garage or other structure.

DWELLING: A building designed or used for residential occupancy, including one-family, two-family, multi-family, manufactured homes, modular homes, and apartment structure; but shall not include boarding, rooming or lodging houses, tents, trailers, RVs that are not long-term RV dwellings, motels, motor courts, motor lodges, cottage camps, or any short-term rentals or uses primarily for transient residential uses.

~~(1) Dwelling. Any building, or portion thereof, which is designed for use for residential purposes, except hotels, apartment hotels, bed & breakfast/boarding houses, lodging houses, tourist courts and apartment courts.~~

~~(1) 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.~~

~~(1) Dwelling, Multiple-family. A building arranged or designed to be occupied by three (3) or more families,~~

DWELLING, MULTIPLE-FAMILY: A dwelling or group of dwellings on one lot containing separate living units for three (3) or more families having separate or joint entrances or a two-family dwelling on a single lot.

Dwelling, Single-family. A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

DWELLING, SINGLE-FAMILY: A building designed for and occupied exclusively by one family on a separate lot and not sharing any common wall.

~~(1) Dwelling, Two-family. A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.~~

DWELLING, TWO-FAMILY: A dwelling sharing a common wall or walls or floor to ceiling, but each unit being located on an individual lot including twin-homes and townhomes.

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.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT: A right, such as a right of way, afforded a person to make limited use of another's real property.

EATERY / FOOD ESTABLISHMENT: Any establishment where foods or beverages are prepared for consumption and consumption occurs in either the building, on the premises or within a motor vehicle parked thereon, or off premises.

ELECTRONIC MESSAGE CENTER (EMC): Any sign, or portion thereof, that displays electronic images, graphics or pictures, with or without textual information. Such a sign has the capability of being changed or altered by electronic means on a fixed display screen composed of a series of lights, including light emitting diodes (LEDs), fiber optics, plasma displays, light

bulbs, or other illumination devices within the display area where the message is displayed. EMS includes computer programmable, microprocessor controlled electronic or digital displays.**ENCLOSED STORAGE, COMMERCIAL:** A building or structure, or portion thereof, used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-serving basis.

ENFORCEMENT OFFICER: The director of the planning and zoning department, building inspector, sheriff or their authorized representative, or some other duly assigned officer of the county that is authorized as the agent charged with the enforcement of the provision of this title.

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.

(1) **Evaporation Pond.** Artificial ponds with very large surface areas that are designed to efficiently evaporate water by sunlight and exposure to the ambient temperatures.

(1) **EXPANSION:** An increase in the size of an existing structure or use, including physical size of the property, building, parking and other improvements.

(1) ~~**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.~~

FAMILY: An individual or two (2) or more persons related by law, blood, marriage or adoption, or up to four (4) unrelated persons, living together in a single dwelling unit and maintaining a common household.

FAMILY CARE HOME: A dwelling wherein room, board, care and supervision are provided by the resident family in a home setting to persons who are handicapped, mentally ill or developmentally disabled and who are provided with a program of services, including training in vocational and recreational activities. To qualify, the dwelling must be approved or operated by an agency of the Utah state government.

FAMILY DAYCARE CENTER: A dwelling or place of business wherein a resident family provides ordinary care and supervision during customary daytime periods to non-related persons.

FARM: An operation in which land is used for the production of food, feed or fiber.

FARM ANIMALS: Animals and fowl such as commonly used for food or fiber production, or as a beast of burden, for commercial, recreational, or pleasure purposes.

FARM INDUSTRY: The keeping and raising of farm animals and/or fowl for domestic or commercial use, such as fur farms, livestock feed yards, pig farms, dairy farms, stables, ranches and similar uses, and accessory uses thereto.

FENCE: A structure erected to provide privacy or security that delineates a private space or is used to constrain animals.

FENCE, SIGHT OBSCURING: A fence that is three feet (3') or more in height that is constructed or planted in such a fashion that causes fifty percent (50%) or more opaqueness at any angle of view through such a fence.

(H) Fire Hazard. Any situation, process, material or condition that may cause a fire or explosion or provide a ready fuel supply to augment the spread or intensity of the fire or explosion and that poses a threat to life or property.

(H) 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.

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: The flood from whatever source having a one percent (1%) chance of being equaled or exceeded in any given year, otherwise commonly referred to as the one hundred (100) year flood. Areas (100-year flood areas) as defined in FEMA's federal insurance rate map.

FLOODPLAIN DATA: Information that defines the boundary of a floodplain, either mapped or given in elevations.

FRONTAGE: All the property fronting one (1) side of the street between intersecting or intersecting 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.

~~(1) 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 designed 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.~~

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 parcel occupied by a multiple dwelling, the private garage may be designed 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.

(4) **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.

GARAGE/YARD SALE: The sale of personal belongings in a residential zone, which sale is conducted by a legal resident of the premises or their designee.

GASOLINE, RETAIL: A building or premises used for the sale of gasoline and limited amounts of other oil products. Such premises may also include the sale of food products.

(4) **General Plan.** The document adopted by the county that sets forth general guidelines for proposed future development of the unincorporated land within the county.

GENERAL PLAN, SAN JUAN COUNTY: The document adopted by the county that sets forth general guidelines for proposed future development of the unincorporated land within the county.

GLAMPING: Glamorous Camping (or Glamping) means a form of Camping where a hospitality company, business, or other individual provides a form of lodging, whether in a tent or yurt or similar structure, where guests can experience the positive aspects of camping without the "uncomfortable" negatives. The amenities found at glamping sites far exceed those found at a traditional camping site and may include supporting structures.

GLAMPING LOT: A unit of land not less than two thousand (2,000) square feet and consists of not more than one (1) glamping unit.

GLAMPING UNIT: A canvas-like structure designed to be used or occupied for transient and recreational purposes. Canvas-like structures include, but are not limited to: tents, yurts, teepees, covered wagons, etc. No glamping unit as herein defined shall be located, placed, used, or occupied for long-term residential purposes.

GLAMP-GROUND: An area consisting of more than one (1) glamping unit.

GRADE PLANE: A reference plane, representing the average of the finished ground level, adjoining the building at all exterior walls.

~~(1) **Geologic Hazard.** One of several types of adverse geologic conditions capable of causing damage or loss of property and life.~~

~~(1) **Gravel Pit.** A pit from which gravel is obtained.~~

GRAVEL PIT: See critical infrastructure material and operations as defined in Utah Code Ann. §17-27a-1001 and its successors.

HARD SURFACE: An impermeable, dust free surface, such as concrete or asphalt. Road base

does not qualify.

HANGAR: An accessory building specifically designed or suited for the storage of aircraft and aircraft related materials. Hangars must be located with unobstructed access to an airport or airstrip.

~~(1) 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.~~

HOME OCCUPATION: A nonresidential activity, conducted primarily within a dwelling unit which is clearly secondary to the use of the dwelling for residential purposes, and does not involve the use of any accessory building or yard space or activity, outside of the main building, not normally associated with residential use, and may not constitute a nuisance.

HOMEOWNER'S ASSOCIATION (HOA): An incorporated nonprofit organization operating under recorded land agreements through which: a) each lot/homeowner is automatically a member; and b) each lot is automatically subject to a proportionate share of the expenses for the organization's activities and interest, such as maintaining and operating open spaces, landscaping, common property or facilities.

HOSPITAL: An institution licensed by the state of Utah providing inpatient health services for human beings, and primarily medical or surgical care of the sick or injured, and such other services and accessory uses as normally provided for its administration and operation

HOSPITALITY RENTALS: Bed and Breakfasts/Boarding Houses, Commercial Camping, Glamping, Hotels, Lodging Houses, Motels, Private Camps/Resorts, RV Parks, Tourist Courts, RV/Trailer Camps, Single Sleeping Units, and similar commercial uses renting a Structure (or a room in a

Structure) for the purpose of overnight or longer occupancy by the renter. Excludes Short-term Rentals.

~~(1) Hotel. A building designed for or occupied as the temporary abiding place of sixteen (16) or more individuals who are, for compensation, lodged.~~

HOTEL: Any structure or group of structures with more than 5 single sleeping units intended for short-term rental in which the egress is internal to each single sleeping unit.

~~(1) Household Pet. Animals or fowl ordinarily permitted in the house, and kept for company or pleasure such as dogs, cats, and small caged birds, but not including a sufficient number of dogs~~

~~to constitute a kennel, as defined in this Ordinance.~~

HOUSEHOLD PET: Animals, fish, or fowl ordinarily permitted in the house and kept for company or pleasure and not for profit, such as dogs, cats, fish, and small birds, but not including a sufficient number of dogs to constitute a kennel. Household pets shall not include chickens or any animals that are prone to inflicting harm or discomfort, or endangering the health, safety or welfare of any person or property, or are defined herein as animal units, or are otherwise regulated by Utah Code Title 23. The number of household pets shall be limited to that allowed by the provisions of each respective zone as set forth in this title.

HYBRID VIOLATIONS: Violations that do not comply with the San Juan County residential code and are non-compliant with this STR ordinance restrictions.

ILLEGAL USE: Any use of land or a structure which is inconsistent with current codes and/or was inconsistent with previous codes in effect when the use of structure was established.

ILLEGAL LOT: An illegal lot is any lot or parcel of land which was not created in conformance with the county ordinance in effect at the time the lot was recorded.

~~(1) **Industry.** The organized action of making of goods and services for sale.~~

JUNK: Any scrap, waste, reclaimable material or debris whether or not stored or used in conjunction with dismantling, processing, salvage, storage, disposal or other use or disposition. "Junk" includes, but is not limited to, tires, furniture, tools, paper, rags, plastics, cordage, scrap iron or other metal, glass, building materials, machinery and appliances, or parts thereof, brush, wood and lumber, solid waste, and vehicles and parts thereof.~~(1) **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.~~

JUNK YARD: An open area where junk, used or secondhand materials are bought, sold, exchanged, processed or dismantled for parts. An automobile wrecking yard or a salvage yard is also considered a "junkyard". The use of buildings used in conjunction with an operation does not exclude the operation from the definition unless the operation is wholly within the buildings and there is no outside storage.

~~(1) **Kennel.** The keeping of three (3) or more dogs, at least four (4) months old.~~

~~(1) **Land Use Application.** An application required by the county's land use ordinance.~~

~~(1) **Land Use Authority.** The person, board, commission, agency, or other body designated by the local legislative body in this ordinance to act upon a land use application.~~

~~(1) **Land Use Ordinance.** A planning, zoning, development, or subdivision ordinance of the county, but does not include the general plan.~~

~~(1) **Land Use Permit.** A permit issued by the land use authority.~~

~~(1) Legislative Body. The county legislative body.~~

LAND DIVISIONS: Land that is proposed to be divided by a platted or minor subdivision.

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.

LIVESTOCK FEEDLOT: A feeding operation on a parcel of land where livestock are conditioned for market on a year-round basis and where the feed is brought to the yard, as contrasted to feed obtained through grazing the animals on the premises.

~~(1) Local District. Any entity created under state law—Local Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.~~ **LOCAL DISTRICT:** As defined by Utah Code Title §§17B, 17C, 17D.

~~(4) Lodging House.~~ A building where lodging only is provided for compensation to five (5) or more, but not to exceed fifteen (15) persons. See short-term rental.

LONG TERM RENTAL: The renting of a single sleeping unit(s) that includes provisions for living, sleeping, eating, cooking and sanitation for a period of 28 days or longer or a dwelling unit for a period of 28 days or longer. An accessory building may not be used as a long-term rental or for human occupancy.

LONG TERM RV DWELLING: An RV, including a park model RV, that is used as a dwelling.

~~(1) Lot. A parcel of land 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 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 one~~

~~(1) lot.~~ **LOT:** As defined in Utah Code Title §17-27a-103 et seq.

~~(1) Lot Area. The total gross land area of a parcel of land, not including street right of ways dedicated to the public.~~ **LOT AREA:** The horizontal area within the exterior lines of the lot, exclusive of any area in a public or private way open to public uses.

~~(1) 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.~~

LOT, CORNER: A lot bounded by two (2) or more abutting and intersecting street lines that has frontage on multiple sides.

~~(4) Lot Depth. The horizontal distance between the front yard and the rear lot lines measured in the main direction of the side lot lines.~~

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 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.

[LOT FRONTAGE: That part of a front lot line that abuts a street.](#)

(+) **Lot Interior.** A lot other than a corner lot.

(+) **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 zoning administrator shall designate the rear lot line.

(+) **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.

(+) **Lot Width.** The horizontal distance between the side lot yard lines, ~~measured at the required front yard setback line or rear yard setback line, whichever is shorter.~~

[MANUFACTURED HOME: A home or other building of new construction which has been assembled fully, or in material part, upon another site, or in a factory, and moved to the site upon which it is to be permanently assembled by truck, timber, dolly or similar conveyance; and which is placed upon a permanent foundation in compliance with the provisions of the HUD code.](#)

[MARQUEE: A sign designed and constructed for the purpose of changing the message regularly by movable letters or electric means.](#)

(+) **Mining.** Mining is the extraction of valuable minerals or other geological materials from the earth usually from an ore body, vein or (coal) seam. Materials recovered by mining include base metals, precious metals, iron, uranium, coal, diamonds, limestone, oil shale, rock salt and potash. Also to include, drilling, testing, mining related storage facilities whether they be underground or above-ground.

[MINING PROCESSING: The refining, smelting, separating, sifting, crushing, or similar processes used to prepare materials gathered during mining for their final intended use.](#)

(+) ~~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, made ready for occupancy except for connections to utilities and other minor work. Pre-sectionalized, modular, or prefabricated houses not placed on permanent foundations, shall be regarded as mobile homes.~~

[MOBILE HOME: Means a transportable factory-built housing unit built in accordance with the Federal Manufactured Housing and Safety Standards Act \(HUD Code\).](#)

~~(1) 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 for mobile home parks.~~

~~(1) 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.~~

~~(1) Moderate Income Housing. Housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.~~

~~(1) 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~~

~~(1) 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.~~

MOTEL: Any structure or group of structures with more than 5 single sleeping units intended for short-term rental in which the egress is external to each single sleeping unit.

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.

~~(1) 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.~~

~~(1) Nonconforming Building or Structure. A building or structure or portion thereof, lawfully existing before its current lands use designation and because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.~~

NONCONFORMING LOT OF RECORD: A lot or parcel that: (a) legally existed as a developable lot before its current land use or zoning designation; (b) has been shown continuously to be an independently existing piece of property since its creation or since enactment of zoning (June 1978) ; (c) has not decreased in size since its creation, except for lot line adjustments, as defined in CLUDMA; and (d) because of one or more subsequent land use ordinance changes does not conform with the minimum size, width, frontage, depth or other applicable dimensional requirements of the zone where the lot is located.

NONCONFORMING SIGN: A sign or sign structure or portion thereof lawfully existing at the time this chapter or amendment thereto became effective, which does not conform to all height, area and yard regulations prescribed in the zone in which it is located, or other regulations of this chapter.

(4) **Nonconforming Use.** A use of land that legally existed before its current land use designation, regulations has been maintained continuously since the time the land use ordinance regulation governing the land changed became effective, and because of one or more subsequent zoning changes land use ordinance changes, does not conform to the regulations that now govern the use of the land.

NUISANCE: A nuisance is anything that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. Something (as an act, object, or practice) that invades or interferes with another's rights or interests (as the use or enjoyment of property) by being offensive, annoying, dangerous, obstructive, or unhealthful.

OFFICIAL: Any elected official or their designated deputy of San Juan County or the appointed Administrative Assistant, Building Inspector, Surveyor, Subdivision Administrator, or Planning Administrator of San Juan County.

(4) **Oil and Gas Exploration.** Exploration for Hydrocarbon (oil and gas) is the search by petroleum geologists and geophysicists for hydrocarbon deposits beneath the Earth's surface, such as oil and natural gas. Oil and gas exploration are grouped under the science of petroleum geology.

(4) **OWNER/BUILDER:** An individual who takes the role of a general contractor when building their own home. The State of Utah requires an affidavit on all owner/builder projects.

OWNER OF RECORD: The individual named on a deed that has been recorded at the San Juan County Recorder's Office.

(4) **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.

(4) **Parking Space.** Space within a building, lot or parking lot for the parking or storage of one (1) automobile.

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 parcel, lot, block or subdivision which encloses and separates that piece from adjacent pieces.

(4) **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.

PLANNING ADMINISTRATOR: The San Juan County official appointed by the San Juan County

Commission as the San Juan County Planning Administrator, whose duties include overseeing and managing the San Juan County Planning & Building Department, acting as the land use authority for subdivisions, and the implementation, administration and enforcement of the planning and zoning portions of this Title.

PLANNING COMMISSION: 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.

~~(1) Plat. A map or other graphical representation of lands being laid out and prepared in accordance with State law.~~

PLAT, FINAL: Map or chart of a subdivision, PUD, condominium, or other proposed development that has been accurately sited or surveyed and located on the ground so that streets, alleys, blocks, lots, and other divisions thereof can be identified - to be recorded with the County Recorder upon approval by the Board of San Juan County Commissioners.

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.

PRIVATE CAMP / RESORT: Land used for recreational purposes such as ATV/off-road vehicle, rock climbing, mountain biking, racing, river raft base camp, swimming, hunting, event venues, or similarly supported commercial recreational uses along with their associated structures and/or complexes.

PRIVATE PARK: An area of land intended for outdoor enjoyment by the general public subject to the legal restrictions placed by the owner, which may have affiliated facilities used for conservation, recreation, assembly, concession, amusement, administration and the like, and which is owned by a private entity or person, or operated in its entirety as a non-commercial use.

PRIMITIVE CAMP: Dispersed camping in remote areas with limited amenities and/or services.

~~(1) Public Agency. The federal government, the state, a county, municipality, school district, special service district, or other political subdivision of the state, or a charter school.~~

~~(1) Public Hearing. A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.~~

~~(1) Public Meeting. A meeting that is required to be open to the Public under state law~~

~~(1) Public Notice. Notice widely disseminated to the public through broadcast media such as~~

newspaper, radio, television, in a conspicuous public place or the internet, in conformance with state law.

PUBLIC PARK: An area of land intended for outdoor enjoyment by the general public, which may have affiliated facilities used for conservation, recreation, assembly, concession, amusement, administration and the like, and which is owned by a governmental entity, or operated in its entirety as a non-commercial use.

~~Record of Survey Map. A map of a survey of land prepared in accordance with state law.~~

RENEWABLE ENERGY: Energy derived from natural processes that are replenished at a faster rate than they are consumed. Including solar power, wind power, hydroelectricity, geothermal energy, and biomass.

RIGHT-OF-WAY: Legal right to use or cross over the property of another.

ROAD: See Street.

ROAD, COUNTY: A road or highway designated as a County road and maintained by San Juan County.

ROAD, MAINTENANCE AGREEMENT: An agreement between two or more parties that outlines the rights and responsibilities of the parties to construct, maintain, and repair occupant or emergency vehicle access to private parcels.

ROAD, PRIVATE: A road 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.

RV: "Recreational Vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use that is either self-propelled or pulled by another vehicle. This includes: a travel trailer; a camping trailer; a motor home; a fifth wheel trailer; RV; and a van designed for overnight use.

RV PARK: A space occupied by three or more mobile homes, or-RVs, including park model RVs, being used as recreational or long term RV dwellings longer than 180 calendar days per year.

SEAL: An embossed emblem, figure, symbol, word, letter, etc., used as attestation or evidence of authenticity.

SECTION LINE: The line delineating the boundary of a section of land in the United States Public Land Survey System.

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.

SEXUALLY ORIENTED BUSINESS: As defined in Utah Code §17-50-331.

SHOPPING STRIP: A group or cluster of retail or service-oriented businesses that share a parking lot area with limited ingress and egress to the parking area.

<p>SHORT-TERM RENTAL (STR): Excluding Hospitality Rentals, the renting of any structure for the purpose of overnight occupancy for a period less than 28 days by the renter. Short-term Rentals include vacation rentals, transient rentals, short-term vacation rentals, resort dwelling units, nightly rentals, condominium rentals, glamping, commercial camping, mini-hotel/motel rentals, cabin rentals, trailer/RV rentals, and all other similar uses, variations, and combinations in which a structure is rented as overnight accommodation for a period less than 28 days. An Accessory Building may not be used as a short-term rental.</p>	<p>SHORT-TERM RENTAL. A dwelling or a portion of a dwelling that the owner of record or the lessee dwelling or the portion of dwelling leases to another for occupancy for fewer than 30 consecutive days.</p>
<p>Proposed</p>	<p>ADOPTED ORDINANCE 2024-01 Signed (1-16-2024) APENDIX B</p>

(H) **SIGN:** Means and includes every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, object, device, medium, conveyance or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. The definition of “sign” shall also include the sign structure, supports, lighting system and any attachments,

ornaments or other features used to draw the attention of observers.

This does not include any flag, badge or ensign of any government or governmental agency erected for and used to identify said government or governmental agency.

SIGN, A-FRAME: A temporary and/or movable sign constructed with two (2) sides attached at the top so as to allow the sign to stand in an upright position.

SIGN, ANIMATED: A sign which involves motion or rotation of any part by mechanical or artificial means or displays flashing or intermittent lights, time, temperature and electronic type message center.

SIGN AREA: The area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign areas, only one side of a back-to-back or double faced sign covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty-five degrees (45°). In relation to signs that do not have a frame or separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

SIGN, ELECTRONIC DISPLAY SCREEN: Any sign or portion of a sign that displays an electronic image or video, which may or may not include text. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.

SIGN, FOR SALE: A temporary sign placed on a lot offering that specific property for sale, lease or rent, and limited to twelve (12) square feet in sign area. The on-premises sign may advertise a model home or open house.

SIGN, ILLUMINATED: A sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper, or by devices which reflect or project light upon it.

SIGN, LOW-PROFILE: On premises or identification signs having a maximum height of six feet (6'), incorporated into some form of landscape design scheme or planter box.

SIGN, OFF-PREMISES: Advertising sign which directs attention to a use, product, commodity or service not related to the premises.

SIGN, PROJECTING: A sign attached to a building or other structure and extending in whole or in part more than twenty-four inches (24") beyond any wall of the building or structure.

SIGN, PROPERTY: A sign related to the property upon which it is located and offering such property for sale or lease, or advertising contemplated improvements, or announcing the name of the builder, owner, designer or developer of the project, or warning against trespassing.

SIGN, ROOF: A sign erected partly or wholly on or over the roof of a building, including ground supported signs that rest on or overlap a roof twelve inches (12") or more.

SINGLE SLEEPING UNIT: An area, structure, or group of structures that provides room or space for 1 or more persons that cannot be less than 70 square feet and shall not be less than 7 feet in any horizontal dimension and is not more than 1,000 square feet. Each additional 1,000 square feet constitutes a new single sleeping unit regardless of its actual use.

SOLAR PANEL: A component of a photovoltaic system that is made out of a series of photovoltaic cells arranged to generate electricity using sunlight.

STOCK PROOF FENCE: A fence designed to contain or prevent cattle, horses, sheep or other domestic animals from entering or leaving the fenced area.

STORAGE YARD: A place where space is rented for the storage of personal property in either an open yard or an enclosed building.

(+) **Story.** The space within a building included between the surface of any floor and the surface of the ceiling next above.

(+) **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.

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

STREET: Any rights-of-way under public or private ownership for public use designed for the travel of motorized vehicles to enter and exit through passage and to include the ways used for internal circulation of traffic.

(+) **Structure.** Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

(+) **Structural Alterations.** Any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

SUBDIVIDE: Any division of an existing parcel of land that results in a Subdivision in accordance with this Ordinance.

SUBDIVIDER: Any person or agent of a person who causes land to be subdivided per the definition of subdivide in this ordinance.

SUBDIVISION, HIGH DENSITY: When a subdivision has ten (10) or more lots within a concentrated area.

SUBDIVISION, PHASE(S): Carrying out a subdivision in gradual stages. Subdivision phase(s)

may not be a single lot and must be contiguous to other parts of the subdivision.

SUBDIVISION IMPROVEMENT AGREEMENT:

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

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 and the collateral, to insure the improvements are constructed.

SUBDIVISION, MINOR: Shall mean the division of four (4) or less lots and are exempted from the platting process, but are subject to specific requirements as outlined in Chapter 7.

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, including, but not limited to, property corners, benchmarks, and PLSS corner locations.

SWIMMING POOL: A portable or permanent structure above or below grade, designed to hold water eighteen inches (18") deep or greater and/or two hundred fifty (250) square feet or greater surface area and intended for therapeutic or recreational purposes. This definition does not include an ornamental reflecting pool, fishpond or other type of pool not used for swimming and/or wading, and must be located and designed so as not to create a hazard.

~~(1) Subdivision. Any land that is divided, re-subdivided or proposed to be divided 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, or development either on the installment plan or upon any and all other plans, terms, and conditions. It also includes the division or development of land by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument except as provided in state law, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial uses. It does not include a bona fide division or partition of agricultural land for agricultural purposes, a recorded agreement between owners of adjoining properties adjusting their mutual boundary if no new lots are created, and the adjustment does not violate land use ordinances.~~

TANGENTIAL USE: Any use other than the permitted primary use under the existing zoning regulation that occurs 1) less than thirty (30) cumulative days in a twelve (12) month period 2) is not a nuisance and 3) is not a prohibited use under the land use regulation.

TITLE VIOLATION: Any person, firm or corporation, in the use or occupation of a building, structure or land, intentionally fails to abide by or to fulfill any condition legally imposed under the provisions of this title in approving any permit, site plan or variance, shall be considered to be a violation of the provisions of this title punishable under Chapter 3 Section

14 and Utah State Code; and any structure made or existing or any use of land used or occupied in violation of any condition legally imposed in approving any permit, site plan or variance under the provisions of this title shall be subject to abatement under Chapter 3 Section 14.

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 intervals.

~~(1) 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.~~

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; see short-term rental.

TRANSIENT: Occupancy of a dwelling unit or sleeping unit for not more than twenty-eight (28) days.

TRUCK STOP: A facility or grouping of facilities that dispenses motor fuel or other petroleum products for truck tractors and similar commercial vehicles; and also may provide amenities such as showers, overnight customer parking, restaurants, or other traveler conveniences.

~~(1) RV/Trailer Camp. Any area or tract of land used or designed to accommodate two (2) or more automobile trailers or camping parties.~~

~~(1) Unincorporated. The area outside of the incorporated areas of a county.~~

~~(1) Use, Accessory. A subordinate use customarily incidental to and located upon the same lot occupied by a main use.~~

~~(1) Use, Main. The principal function or use of the land and/or building or structure~~

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, incorporated area, local entity or portion thereof and return it to pre-subdivided, or incorporated status.

~~(1) Variance. An authorization by the Planning Commission~~ **Administrative Law Judge**, acting as the Land Use **Appeal** Authority pursuant to state law, relative to specific parcel of land for a modification of a zone's standard height, bulk, area, width, setback, or separation requirement; ~~as distinguished from a conditional use, the allowing of a use not listed as permitted in a zone, or any other change in zoning requirements.~~ **Variances do not apply to changes of use.**

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.

(+) **Yard.** A space on the lot, other than a court, unoccupied and unobstructed from the ground upwards, by buildings, except as otherwise provided herein.

(+) **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.

(+) **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 side lot and the rear building line.

(+) **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.

YURT: A tent-like structure consisting of a wooden base and frame with a canvas outer covering, which may be easily dismantled and moved.

(+) **Wind Turbine.** A turbine that is powered by the wind.

(+) ~~Zoning Map. A map, adopted as part of a land use ordinance that depicts land use zones, overlays, or districts.~~

CHAPTER 2

LAND USE—ADMINISTRATION

1-6—Planning Commission

(6)—Organization

(b)—~~The Planning Commission shall consist of seven (7) members who shall be appointed by the Board of County Commissioners. In addition to the regular seven (7) members, the Board of County Commissioners may appoint, one (1) non-voting, ex-officio staff member to serve as liaison between the Board of County Commissioners and the Planning Commission and provide administrative support to the Planning Commission. Board of County Commission members may not serve as regular members of the Planning Commission.~~

(7)—Term of Office

(f)—~~The term of office for regular Planning Commission members shall be staggered so that the terms of at least one (1) member and no more than three (3) members expire each year. As the term of each regular member expires, the vacancy thus created shall be filled by a majority vote of the Board of County Commissioners for a term of four (4) years, so as to maintain the succession of staggered terms of service.~~

(g)—~~Terms of all regular members begin on January 1st and expire on December 31st of the 4th year following the year of appointment. If the Board of County Commissioners has not appointed a new member(s) to the Planning Commission at the expiration of term, the current Planning Commission member(s) will remain on the Planning Commission until replaced by appointment of the Board of County Commissioners.~~

(h)—~~The ex-officio member shall be appointed by the Board of County Commissioners and shall continue to serve until replaced by appointment of the Board of County Commissioners.~~

(i)—~~If a vacancy occurs other than by expiration of term, the Board of County Commissioners by majority vote shall appoint a new member to fill the unexpired term.~~

(j)—~~Planning Commission members may be removed for cause from office by 2/3 vote of the Board of County Commissioners prior to the expiration of the appointed term.~~

(8)—Method of Appointment

~~In early November of each year, the County Administrator shall cause notice of~~

appointment(s) to be published in a newspaper of general circulation in San Juan County. The Building and Zoning Department shall be responsible for the costs of such advertisement. Such notice shall state the nature and term of the appointment(s), the qualification for such appointment, request written statements of interest and qualifications, and establish a deadline for submittal of such statements, which time shall not be earlier than fifteen (15) days from the date of publication.

(9) — Qualifications

Each Planning Commission member shall be a legal San Juan County resident for at least two (2) years prior to appointment.

(10) — Powers and Duties

The Planning Commission shall have the following powers and duties pursuant to Section 17-27a-302, Utah Code Annotated (1953, as amended):

- (b) — Each countywide planning commission shall, with respect to the unincorporated area of the county, make a recommendation to the county legislative body for:
 - (i) — a general plan and amendments to the general plan;
 - (ii) — land use ordinances, zoning maps, official maps, and amendments;
 - (iii) — an appropriate delegation of power to at least one land use authority to hear and act on a the land use application;
 - (iv) — an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority;
 - (v) — application processes that may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and shall protect the rights of each applicant and third party to require formal consideration of any application by a land use authority; applicant, adversely affected party, or county officer or employee to appeal a land use authority's decision to a separate appeal authority; and participant to be heard in each public hearing on a contested application.

1-7 — Appeals

- (3) — Appeal Authority. The authority to hear request for variances from the terms of the land use ordinance and appeals from decisions applying the land use ordinances shall be vested in the Board of County Commissioners.
- (4) — Appealing Land Use Authority's Decision. An applicant, board, or officer of the County, or any person affected by the land use authority's decision applying a land use ordinance may, within the time period provided in 2-2(3)(a) below, appeal that decision to the Appeal Authority by alleging there is error in any order, requirement, decision, or determination made by the land use authority in the decision applying the land use

~~ordinance.~~

- ~~(a) — Time to Appeal. Any appeal, pursuant to 2-2(3) above, must be filed in writing to the County Administrator within ten (10) calendar days of the issuance of the written decision applying the land use ordinance.~~
- ~~(b) — Time for Hearing Appeal. The Appeal Authority should hear the appeal within thirty (30) days of the date the appeal was filed.~~
- ~~(c) — Written Statement Setting Forth Theories of Relief Required. The appellant shall deliver to the Appeal Authority and all other participants, five (5) business days prior to the hearing, a written statement setting forth each and every theory of relief she intends to raise at the hearing, along with a brief statement of facts in support thereof.~~
- ~~(d) — Condition Precedent to Judicial Review. No person, board or officer of the County may seek judicial review of any decision applying to the land use ordinance until after challenging the land use authority's decision in accordance with this part. No theory of relief may be raised in the District Court unless it was timely and specifically presented to the Appeals Authority.~~
- ~~(e) — Standard of Review and Burden of Proof on Appeal. The Appeal Authority shall upon appeal, presume that the decision applying the land use ordinance is valid and determine only whether or not the decision is arbitrary, capricious, or illegal. The burden of proof on appeal is on the appellant.~~
- ~~(f) — Due Process Rights. The Appeal Authority shall respect the due process rights of all participants.~~

~~1-8 — **Variances.**~~

- ~~(10) — Any person or entity desiring a waiver or modifications of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Appeal Authority for a variance from the terms of the ordinance.~~
- ~~(11) — Pursuant to Utah State law, the Appeal Authority may grant a variance only if:
 - ~~(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.~~
- ~~(12) — In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under 2-3(a)(i), the 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.~~~~
- ~~(13) — In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection 2-3(2)(a), the Appeal Authority may not find an unreasonable hardship if the hardship is self-imposed or economic.~~
- ~~(14) — In determining whether or not there are special circumstances attached to the property under Subsection 2-3(2)(b), the 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.~~~~
- ~~(15) — The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.~~
- ~~(16) — Variances run with the land.~~
- ~~(17) — The Appeal Authority may not grant a use variance.~~
- ~~(18) — 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~~**serve the purpose of the standard or requirement that is waived or modified.**~~

Chapter 3

This chapter is not included in this packet and will be reworked prior to consideration at a future meeting.

Chapter 4

This chapter is not included in this packet and will be reworked prior to consideration at a future meeting.

Chapter 5

This chapter is not included in this packet and will be reworked prior to consideration at a future meeting.

CHAPTER 6

CONDITIONAL USES

~~6-1 — Definition of Conditional Use~~

~~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.~~

Section 1 Purpose

Although each zone has permitted land uses that are generally compatible, other land uses are more intensive and produce special impacts that can be made compatible only through conditional regulation. If properly and carefully planned, these conditional uses may become harmonious and appropriate.

6-2 Permit Required

A conditional use permit shall be required for all uses listed as conditional uses in the district regulations where they are, or will be located, or if the use is specified as conditional use elsewhere in this Ordinance.

~~6-3 — No Presumption of Approval~~

~~The listing of a conditional use in any table of permitted and conditional uses found in Chapter 11, Subsection 11-2 of this Ordinance for each category of zoning district does not constitute an assurance or presumption that such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this chapter and with the standards for the district in which it is located, in order to determine whether the conditional use is appropriate at the particular location.~~

Section 2: PROCEDURE

- A. The Planning Commission may, where authorized and subject to the procedures and standards set forth in this Chapter, consider and conditionally grant or deny an application for a conditional use permit. The Planning Commission may adopt an approved application form to be used. There is no presumption of approval for any conditional use, regardless of any table or listing of uses found in this LUDMO or otherwise created by the County.
- B. Upon the receipt of a conditional use application, the Planning Administrator shall, within a reasonable time, review the proposed conditional use request, ensure it is complete (including that the required fees have been paid), follow the notice requirements of this Chapter, and submit a staff report to the Planning Commission attaching any written objections received with recommendations from the Planning Administrator.

- C. The staff report should include a recommendation for approval or denial and suggest reasonable conditions that should be adopted if the permit is approved to mitigate all reasonably anticipated detrimental effects of the proposed use in accordance with the standards set forth in this Chapter. If the Planning Administrator concludes that no reasonable condition would adequately mitigate a reasonably anticipated detrimental effect of the proposed use, the Planning Administrator shall recommend denial of the conditional use permit.
- D. Each conditional use permit the Planning Commission approves shall contain: (1) a permit number assigned to the permit approval, (2) a clear list of the conditions imposed, (3) the date the conditional use is approved, and (4) an expiration date. The approved conditional use permit shall be recorded on the parcel for which it was approved.

6-3 Application

~~A conditional use permit application shall be made to the Zoning Administrator as provided by this Ordinance. The Zoning Administrator shall submit the application to the Planning Commission, except that the Planning Commission may authorize the Zoning Administrator to grant, attach conditions 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.~~

Section 3: MINIMUM CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

A. An applicant shall submit a completed conditional use permit application containing at least the following information. If items listed are determined to be unnecessary in a specific circumstance, the Planning Administrator may waive the requirement. Conversely, if additional information is needed in a specific circumstance, the Planning Administrator may request reasonable additional information. For certain conditional uses specified in the following chapters, additional information may be required.

Otherwise, the minimum requirements for a conditional use application are:

1. A site plan showing the existing ground conditions, including terrain, drainage, any existing buildings, and other site conditions prior to any demolition or grading, and showing the north arrow and scale;
2. A plan identifying the subject site in relation to adjoining public streets, residential uses, and the surrounding adjacent properties in which it is located with north arrow and scale; The boundaries of the site, and any easements of record or known prescriptive easements;
3. Topography with contours shown at intervals of not more than two feet (2');
4. Vegetation type and location;

5. Soil type and load carrying capacity information;
6. One hundred (100) year floodplain and high groundwater areas, known spring and seep areas, and ditches or canals;
7. All existing roads, fences, irrigation ditches, and drainage facilities;
8. Location of public utility facilities and easements;
9. Site plan of the proposed conditional use, showing building locations and proposed landscaping;
10. Proposed road locations and other circulation features;
11. Proposed finished grade;
12. Proposed drainage, drainage works, retaining walls, and erosion control plans;
13. Proposed location of all site improvements, such as plazas, tennis courts, pools, or similar improvements;
14. Proposed easements for new utility services or relocated utility services;
15. Designations by proposed ownership of areas shown on site plan as being part of a condominium unit, common area, or dedicated open space;
16. General architectural concept elevation profile drawings of proposed buildings;
17. Lighting and signage plans;
18. View-shed analysis or photo simulations;
19. A preliminary title report showing title to the property vested in the applicant, the encumbrances, covenants, easements and other matters affecting the title, and a legal description of the site, with attached copies of any covenants or easements mentioned in the title report;
20. A development schedule indicating phased development, if any, and the estimated completion date for the project; A general description of the project, the prospective tenants or occupants, whether condominium ownership, timeshare ownership, or nightly rental uses are proposed, and the proposed property management structure for any timeshare or nightly rentals;
21. Proposed location of any satellite receiving stations; and
22. Other information as may be reasonably useful or necessary for the meaningful review of the project, as requested by the planning staff.

~~6-4~~ **Determination**

- ~~(1) The Planning Commission, or upon authorization, the Zoning Administrator, shall approve 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:~~

~~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 intent, spirit, regulations and conditions specified in this 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.~~
- ~~(3) The Planning Commission shall itemize, describe, or justify the conditions imposed on the use.~~

6-5 Fees

The application for any conditional use permit shall be accompanied by the appropriate fee as determined by the Board of County Commissioners and as listed in the County's Fee Schedule Ordinance.

6-6 Public Hearing

~~A public hearing on a conditional use permit application may be held if the Planning Commission shall deem a hearing to be necessary and in the public interest.~~

Section 4: PUBLIC HEARING PROCEDURE FOR CONDITIONAL USE PERMITS

Upon considering an application for a conditional use permit, the Planning Commission may decide to hold a public hearing on the application. If the Planning Commission decides to hold a public hearing, the Planning Administrator shall ensure that the hearing is scheduled for the next available Planning Commission meeting and properly noticed.

A. If held, the public hearing shall be conducted in the following order:

- (1) Presentation of the application by staff;
- (2) Statement from the applicant;
- (3) Statement(s) from the public;
- (4) Response from the applicant; and
- (5) Questions directed to the applicant from the Planning Commission.

6-7 Appeals of Decision

Any person aggrieved by a decision of the Planning Commission or the Zoning Administrator regarding the issuance, denial or revocation or amendment of a conditional use permit may appeal such decision to the Board of County Commissioners whose decision shall be final. All appeals to the Board of County Commissioners must be in writing and filed with such within thirty (30) days of the date of decision appealed from.

The decision of the Board of County Commissioners may be appealed to the District Court

provided such appeal is filed within thirty (30) days of the Commission decision. Such appeal shall be filed with the County Administrator's office and the court clerk.

6-8 Inspection

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

~~6-9 Substantial Action Required~~

~~Unless there is a substantial action under a conditional use permit with one (1) year of its issuance, the permit shall expire. The Planning Commission may grant one extension up to six (6) months, when it is deemed in the public interest.~~

Section 5: GENERAL STANDARDS AND FINDINGS REQUIRED

- A. These standards shall be in addition to any standards set forth in this LUDMO for the zone wherein the proposed conditional use will be established or the specific conditional uses addressed in the following chapters. If there is a conflict between these standards and those set forth for the appropriate zone or conditional use, the more specific standard controls. The County shall not issue a conditional use permit unless the Planning Commission finds or requires, as applicable:
- 8 The proposed use otherwise complies with all requirements of this LUDMO;
 - 9 If the proposed use is related to a business, the business shall maintain a business license;
 - 10 The use will be harmonious, or will be made so by the imposition of appropriate conditions, with adjacent structures in use, location, scale, mass, design, and traffic patterns;
 - 11 The reasonably anticipated detrimental visual or safety impacts caused by the proposed use can be and will be adequately mitigated with imposed conditions;
 - 12 The use is consistent with the LUDMO and the current San Juan County San Juan County General Plan;The reasonably anticipated detrimental effects of any planned or reasonably anticipated future expansion in use or scale can be and will be adequately mitigated through imposed conditions;
 - 13 All reasonably anticipated detrimental effects of the proposed use's lighting, parking, location, character, traffic impact on adjacent and collector streets can be and will be adequately mitigated through imposed conditions;
 - 14 The proposed use's reasonably anticipated detrimental effects on drainage, erosion, soil stability, wildlife, dust, odor, noise, and vibrations can be and will be adequately

mitigated through imposed conditions;

- 15 The proposed use will not, or with adequate mitigating conditions will not, place an unreasonable financial burden on the County; and

The proposed use, as conditioned, will not have a reasonably anticipated detrimental effect on the health, safety, welfare; including infrastructure, roads, water, sewer, electric, fire and police, solid waste collection, etc. of the residents and visitors of San Juan County.**Section 6: TRANSFERABILITY, TIME FOR PERFORMANCE, EXPIRATION, MODIFICATION**

- (1) A conditional use permit is transferable with the title to the underlying property so that an applicant may convey or assign an approved project without losing the approval, so long as all conditions continue to be met. The applicant cannot transfer the permit off the site for which the approval was granted.
- (2) For all conditions capable of being satisfied prior to operation or occupancy, proof of compliance shall be submitted to the Planning Administrator before occupancy or operation commences. For any conditions that can only be satisfied after occupancy, proof of compliance shall be submitted to the Planning Administrator within three months of occupancy or operation.
- (3) Unless otherwise specified in the motion granting a conditional use permit, if the approved use has not started within 12 months from the approval date, the permit shall expire. Once any portion of the conditional use or any construction related thereto begins, the conditions related thereto become immediately operative and must be strictly obeyed. Upon showing evidence of substantial work toward commencing the conditional use, the Planning Commission may extend the time to commence work for another year.
- (4) To amend a permit, the permittee shall follow the same process required for obtaining a permit and the other provisions of this and other applicable chapters apply as they would to an initial application..
- (5) The Planning Administrator, upon receiving documented substantial evidence of noncompliance and in consultation with the County Attorney, may submit a request to the Planning Commission to revoke a previously granted conditional use permit. An action to revoke a conditional use permit is considered an enforcement action, and the Planning Administrator (as the enforcement officer) may, but is not required, to follow the process outlined in Chapter 2 Section 11 before submitting such a request. If a request to revoke a conditional use permit is made, the Planning Administrator shall send written notice of the request to the permittee at the address provided to the County at least 10 days before the Planning Commission meeting at which the request will be considered. All documentary evidence that the Planning Administrator intends to provide to the Planning Commission shall be provided to the permittee at least three days before the Planning Commission meeting.

6-10 Revocation

~~A conditional use permit shall be revocable by the Planning Commission at any time due to failure of the permittee to observe any condition specified or failure to observe other requirements of this Ordinance in regard to the maintenance and improvements or conduct of the use or business as approved. The County shall also have a right of action to compel offending structures or uses to be removed at the cost of the violator or owner.~~

~~No conditional use permit shall be revoked until a hearing is held by the Planning Commission. The permittee shall be notified in writing of such hearing. The notification shall state the grounds for complaint or reasons for revocation, and the time and location of the hearing. At the hearing, the permittee shall be given an opportunity to be heard. The permittee may call witnesses and present evidence. Upon conclusion of the hearing, the Planning Commission shall determine whether the permit should be revoked.~~

Section 7: REVOCATION

If a request to revoke a conditional use permit is presented to the Planning Commission, that body shall hold a evidentiary hearing to consider evidence. The Planning Administrator and the permittee shall provide all evidence supporting or opposing the request to revoke at least 24 hours before the hearing, including any information about enforcement actions taken by the Planning Administrator before making the request to revoke. At the hearing, the Planning Administrator will provide a statement supporting revocation. The permit holder may then provide a statement opposing revocation. The Planning Commission may ask questions of both.

- (1) The Planning Commission may revoke a conditional use permit only if:
 - (1) The conditional use permit was obtained by mistake of fact, misrepresentation, or fraud; or
 - (2) The permittee is not complying with conditions imposed upon the conditional use permit.

6-11 Temporary Permit

A temporary use permit may be issued for any use listed as a conditional use for that zone for no longer than six (6) months and may be extended for an equivalent period with a maximum of three

- (3) extensions.

Chapter 7

This chapter is not included in this packet and will be reworked prior to consideration at a future meeting.

Chapter 8

This chapter is not included in this packet and will be reworked prior to consideration at a future meeting.

Chapter 9

This chapter is not included in this packet and will be reworked prior to consideration at a future meeting.

Chapter 10

This chapter is not included in this packet and will be reworked prior to consideration at a future meeting.

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 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 brush land 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 adverse 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 or 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, "-".

	MU-1 RR	A-1 AG	RR-1 R
(1) Accessory buildings and uses customarily incidental to permitted areas Accessory Building(s) *supports primary use and may not be used for human occupancy	P	P	P
(2) Accessory uses and buildings customarily incidental to conditional uses Accessory Building(s) *supports primary use and may not be used for human occupancy	CP	CP	CP
(3) Temporary buildings for *uses incidental to construction work, including living quarters, for a of guards or night-watchman; - such 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 of 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	C
i. Forest industry, such as a saw mill, wood products plant, or others	P	P	C
(5) Apiary (Commercial Beekeeping)	P	P	P
(6) Airport/Airstrip Air Transport Overlay Zone *including airports, airstrips, heliports, and hangar homes	C	CP	CP
(7) Aviary	PC	P	C
(8) 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
		MU-1 RR	A-1 AG	RR-1 R
	(9) Dude ranch; family vacation ranch	€	€	€
	(10) Dwellings			
	a. Single family dwellings: Provided that one additional dwelling on at least one half (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. Dwelling, Single-Family	P	P	P
	b. Pre HUD Code Manufactured (mobile) Homes. Pre HUD Code Homes are homes built prior to the MHCSS, 24 CFR 3280, which became effective on June 15, 1976. See NCCBCS/ANSI A225.1, Annex D) **Any use not listed is not allowed	-	-	-
	c. Two family dwellings Dwelling, Two-Family / Duplex	€P	€P	€P
	1. Seasonal home or cabin	P	P	P
	2. Farm or ranch housing (including mobile homes)	P	P	P
	(11) Home occupation / Cottage Industries	P	P	P
	(12) Household pets	P	P	P
	(13) Kennel	P-C	P-C	€
	(14) Mine, quarry, gravel pit, rock crusher, concrete batching plant, or asphalt plant, oil wells, steam wells. Mining	P	P	€
	(15) Evaporation ponds *not associated with Type 3 Animal Density operations	C	C	€
	(16) Power generation Energy Production, Commercial *includes oil/gas, solar, wind farms, geothermal, biofuels, etc	€	C	
	(17) Renewable energy — solar, wind farms Energy Production, Commercial *includes oil/gas, solar, wind farms, geothermal, biofuels, etc	€	C	
	(18) 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. Parks, Private	C	€P	C
	(19) Motor Park Raceways	€	C	€

(20) Public stable, riding academy or riding ring, horse show barns or facilities Stables / Arenas / Boarding Stalls (Equine Services)	C	CP	C
	MU-1 RR	A-1 AG	RR-1 R
(21) 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 Public Uses or Quasi Public Uses *dams/reservoirs, cemeteries, libraries, fire stations, community centers, non-profit institutions, etc.	C	C	C
(22) Signs	P	P	P
One identification sign, not to exceed thirty two (32) sq. ft. in total surface area	P	P	P
One development sign, not to exceed thirty two (32) sq. ft. in total surface area	P	P	P
One civic sign, not to exceed sixteen (16) sq. ft. in total surface area	P	P	P
One real estate sign, not to exceed eight (8) sq. ft. in total surface area	P	P	P
One residential sign, not to exceed two (2) sq. ft. in total surface area	P	P	P
(23) Wind Turbine(s), Anemometer(s)	C	C	C

KEY: "P" = PERMITTED USE (ALLOWED) "C" = CONDITIONAL USE PERMIT REQUIRED "--" = PROHIBITED (NOT ALLOWED) **Any use not listed is not allowed. Any combination of permitted uses is a permitted use. Additional uses shall be requested as a Zoning Amendment.

Residential (R)
Rural Residential RR-1 (2011)
Residential Flex Planned Community
RF District (2019 SVO)

Rural Residential (RR)
Multiple Use MU-1 (2011)

Agricultural (AG)
Agricultural AG-1 (2011)

Highway Commercial (HC)
Business Flex Planned Community BF
District 2019 SVO)
Highway Flex Planned Community HF
District 2019 SVO)
Highway Commercial HC District 2019
SVO)

Industrial (I)
Controlled Districts CD (2011)

Accessory Building(s) *supports primary use and may not be used for human occupancy

P

P

P

P

P

Agricultural Industry *including animal feed yards, fur farms, production of agrochemicals, feed manufacturing, etc.

-

-

C

C

C

Agricultural Production, Storage & Sales *including hay, grain, and other feeds

-

P

P

P

P

Agricultural Commercial Farms & Ranches *including wholesale and retail space

-

C

P

P

P

Air Transport Overlay Zone *including airports, airstrips, heliports, and hangar homes

-

-

C

C

C

Apiary (Commercial Beekeeping)

-

C

P

P

P

Auction House (livestock)

-

C

P

P

P

Automobile Sales / Rentals (new & used)

-

C

P

P

P

Automotive Accessories / Farm Machinery / Equipment Sales

-

C

P

P

P

Automobile Service Stations / Auto Repair *does not include a junk or salvage yards

-

C

P

P

P

Aviary / Hatchery

-

C

P

P

P

Bakery Products / Commercial Manufacturing

-

C

P

P

P

Bakery / Confectionery / Deli Counters

C

C

P

P

P

Bank / Financial Institutions

C

C

P

P

P

Barber & Beauty Shops / Cosmetic Services

C

C

P

P

P

Big Box Retail

-

-

C

P

P

Bicycle Shops

C

C

P

P

P

RV & Boat Storage Yard

-

C

P

P

P

Bowling Alley

-

C

P

P

P

Building Materials / Hardware Stores

-

C

P

P

P

Bus Terminals

-

C

P

P

P

Butcher Shops

C

P

P

P

P

Cabinet / Woodworking Shops

-

C

P

P

P

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Camp Parks / Resorts / Glamping	-	C	C	C	C
Cannery / Commercial Manufacturing	-	-	C	P	P
Childcare Center *does not include home occupation childcare	C	C	C	C	-
Chemical / Drug Manufacturing	-	-	C	C	C
Church / Temple / Place of Worship	P	P	P	P	-
Clinic / Health Care Services *including medical, dental, therapy and others	C	P	P	P	P
Concrete / Gypsum / Plaster Productions	-	-	P	P	P
Confectionery / Commercial Manufacturing	-	C	P	P	P
Contractor Services / Construction Yards	-	C	P	P	P
Dairies / Dairy Products Manufacturing	-	C	P	P	P
Dance / Yoga / Martial Arts Studio	C	C	P	P	P
Dwelling, Single-Family	P	P	P	C	-
Dwelling, Two-Family / Duplex	P	P	P	C	-
Dwelling, Multiple-Family / Apartments	P	P	P	C	-
Dwelling, Accessory Units (ADU's)	P	P	P	C	-
Dwelling, On-Site Staff Housing / Second Floor Units *must be secondary to primary commercial use and cannot be subdivided to primary use	C	P	P	P	P
Dwelling, Manufactured Home / Tiny Home *units must be permanently affixed	P	P	P	P	-
Dwelling, RV / Trailer for Long Term Use *minimum lot size of 0.5 acre and are connected to approved water, power, and sewer/septic	P	P	P	P	-
Educational Facility Public	P	P	P	P	-
Electric Vehicle Charging Stations (public use)	C	C	C	P	P
Enclosed Storage, Commercial	-	C	P	P	P
Energy Production, Commercial *includes oil/gas, solar, wind farms, geothermal, biofuels, etc	-	-	C	C	C
Equipment Rental & Storage *excluding vehicular/ATV rentals	-	C	P	P	P

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Evaporation Ponds *not associated with Type 3 Animal Density operations	-	C	C	C	C
Event / Conference Centers	-	C	P	P	P
Fabrication of Apparel	-	C	P	P	P
Fabrication of Electronics	-	C	P	P	P
Fabrication of Manufactured or Tiny Homes	-	C	P	P	P
Fabrication of Metal Products	-	C	P	P	P
Flex Office and Warehousing	-	C	P	P	P
Food Preparations / Commercial Manufacturing	-	C	C	C	C
Forest Industry / Sawmills / Wood Products	-	C	P	P	P
Fuel Service Storage & Sales (propane, etc.)	-	C	P	P	P
Funeral Home / Mortuary	-	C	P	P	P
Fur Goods Manufacturing / Taxidermy	-	C	P	P	P
Gas Stations / Truck Stops / Associated Convenience Stores & Services	-	C	C	P	P
Golf Courses	-	-	P	P	P
Government Facilities	C	P	P	P	P
Gravel Pits / Critical Infrastructure *Vested critical infrastructure materials operations as defined in Utah Code 17-27a-1001 et seq.	-	-	P	P	P
Grocery Stores / Supermarkets	C	C	P	P	P
Gyms / Fitness Centers / Indoor Climbing	C	P	P	P	P
Home Occupations / Cottage Industries	P	P	P	P	P
Hospitals	-	C	P	P	P
Hotels / Motels	-	C	C	P	C
Junk / Salvage Yard	-	C	C	C	P
Kennels	-	C	C	C	C
Laundering / Dry Cleaning	C	C	C	P	P
Leather Works & Products / Taxidermy	C	C	P	P	P
Manufacturing, General *all other types not specifically designated elsewhere	-	-	C	C	C
Manufacturing of Beverages	-	C	C	P	P
Manufacturing of Glass / Glassware	-	C	C	P	P

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Manufacturing of Grain Mill Products	-	C	P	P	P
Manufacturing of Hardware Products	-	C	P	P	P
Manufacturing of Heating / Plumbing Equipment	-	C	P	P	P
Manufacturing of Meat Products	-	C	P	P	P
Manufacturing of Paper Products	-	C	P	P	P
Manufacturing of Rubber Products	-	C	P	P	P
Manufacturing of Scientific Instruments	-	C	P	P	P
Manufacturing of Telecommunication Equipment	-	C	P	P	P
Manufacturing of Textiles	-	C	P	P	P
Marine Equipment Sales & Service	-	C	P	P	P
Media Productions	C	C	P	P	P
Mining	-	-	C	C	C
Mining, Raw Processing / Separation	-	-	C	C	C
Movie Theater	-	C	C	P	P
Nursery / Greenhouses / Farm Stands	C	P	P	P	P
Nursing / Rehabilitation Homes / Assisted Living / Group Homes / Adult Care Facilities	C	C	C	P	P
Office Space	C	C	P	P	P
Paint / Powder Coating Shops	-	C	P	P	P
Park / Open Space, Public	P	P	P	P	P
Parks, Private	C	C	P	P	P
Pet Stores / Pet Grooming	C	P	P	P	P
Printing / Publishing	-	C	P	P	P
Public Uses or Quasi Public Uses *dams/reservoirs, cemeteries, libraries, fire stations, community centers, non-profit institutions, etc.	-	C	C	C	C
Public Utility Support Buildings	C	C	C	C	C
Raceways	-	-	C	C	C
Restaurants, Fast Food / Drive-Through	C	C	C	P	C
Restaurants, Food Truck Vendors *not including temporary permitted events	C	C	P	P	C
Restaurants, Dine-In Seating	C	C	P	P	C

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Retail, General *all other types not designated elsewhere	-	C	C	P	P
Retail, Wholesale Products	-	C	C	P	P
RV Camp / Hunting Camp (seasonal) *with use of 180 days per calendar year	-	P	P	P	P
RV & Trailer Parks *3 or more RV's/Camp Trailers unit hook ups on a parcel	-	C	C	P	C
RV Storage Yards	-	C	P	P	P
Sales Office for Manufactured Homes	-	C	C	P	C
Sexually Oriented Businesses / Adult Entertainment	-	-	-	-	- P
Short Term Rentals / Overnight Accommodations	-	P	P	P	P
Signs	P	P	P	P	P
Silviculture (timber production)	-	C	P	P	P
Stables / Arenas / Boarding Stalls (Equine Services)	-	C	P	P	P
Stone Products Manufacturing	-	-	C	P	P
Storage Yard *all other types not specifically designated elsewhere	-	C	C	P	P
Telecommunication Towers	C	C	C	C	C
Temporary Buildings *uses incidental to construction work, including living quarters of guards or night-watch; such buildings must be removed upon completion of the construction work.	C	C	C	C	C
Transfer Stations & Landfills	-	-	C	C	C
Veterinarian / Animal Clinics	-	C	P	P	P

Chapter 12

This chapter is not included in this packet and will be reworked prior to consideration at a future meeting.

CHAPTER 13

INDIAN RESERVATION DISTRICT (IR)

13-1 Purpose

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

13-2 Permitted Uses

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

APPENDIX A

CHAPTER 6 SUBDIVISIONS

ADOPTED DECEMBER 31, 2024

CHAPTER 6 SUBDIVISIONS

Section 1: SUBORDINATION TO STATE LAW

- A. This LUDMO is subordinate to controlling state law, particularly CLUDMA at Utah Code Title 17, Chapter 27a, Part 6. Applicants should consult the statute before this Chapter's provisions, which supplement state law.

Section 2: DESIGNATION OF ADMINISTRATIVE AUTHORITY FOR SUBDIVISION APPLICATIONS

- A. The Planning Administrator is authorized to review and approve both preliminary and final subdivision applications. All subdivision applications, including those for single-family homes, two-family homes, townhomes, minor and major subdivisions, shall be reviewed and approved administratively, provided they comply with the requirements of this chapter and other applicable land use ordinances.

Section 3: CONSOLIDATION OF PRELIMINARY AND FINAL APPLICATION PROCESSES

- A. The County's process combines the preliminary and final plat review processes for all subdivisions to expedite approval and minimize administrative overhead. Applicants must submit a complete subdivision application that includes all subdivision improvement plans, which will undergo a single administrative review.

Section 4: SUBDIVISION PLAT APPLICATION REQUIRED

- 23. Unless expressly excepted by statute or this LUDMO, subdividers must submit a subdivision plat application to the San Juan County Planning & Building Department for approval.

Section 5: REVIEW CYCLE LIMITS AND TIMELINE

- (12) A maximum of four review cycles shall be allowed for each subdivision application by the county. Each review shall be completed within 20 business days. The County shall provide specific citations for required modifications, which shall be logged in an index of requested changes. Applicants must provide a written explanation for any declined modifications.
- (13) Subject to Section (1), unless the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in the County's plan review is waived. A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

- (14) If an applicant makes a material change to a subdivision improvement plan set, the County has the discretion to start the review process at the first review of the application, but only with respect to the portion of the plan set that the material change substantially affects.
- (15) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the County's previous review cycle, the County may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
- (16) In addition to revised plans, an applicant shall provide a written explanation in response to the County's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction. If an applicant fails to address a review comment in the response, the review cycle is not complete, and the subsequent review cycle by the County may not begin until all comments are addressed.

Section 6: APPEALS PROCESS FOR SUBDIVISION APPLICATIONS

- 16 An applicant or adversely affected property owner aggrieved by a decision of the Planning Administrator may appeal to the appeal authority consistent with state law and this LUDMO, including disputes involving subdivision improvement plans, an appeal panel consisting of licensed engineers may be convened as per Utah Code section 17-27a-507(5)(d).

Section 7: SUBDIVISION PLAT APPLICATION AND SUBMISSIONS

- (9) The subdivider shall file an application for subdivision approval with the Planning Administrator. The application shall include a plat showing all the property the subdivider is seeking to subdivide and the following:
- A letter of intent signed by the applicant subdivider that explains the purpose of the application and includes all requests and justifications for variances, exceptions, and waivers;
 - A copy of a title report for the property to be subdivided as proof of ownership. A subdivider shall include an affidavit or declaration under penalty of perjury of ownership executed by all owners of the property, or, if the property is owned by a corporation, an authorized officer. If the applicant is acting as the property owner's agent, documentation of the applicant's authority to act for the owner;
 - If the required title report reveals any liens or mortgages on the subdivision property or any part thereof, a consent to record plat signed and executed by the

mortgagee or lien holder, which shall be required and recorded simultaneously with the approved subdivision plat;

- As applicable, a copy of all restrictive covenants on the property that must be recorded with the approved subdivision plat with the San Juan County Recorder (the covenants shall explicitly and prominently state that the County has no responsibility for enforcing the covenants and that the subdivider, owners association, or lot purchasers, as applicable, are solely responsible for enforcing the covenants);
- As applicable, a road maintenance agreement signed by the San Juan County Road Superintendent.
- A plat map no smaller than an 18"x 24" (ARCH C) or 24"x36" (ARCH D) size matte mylar drawn in black ink or a black line positive mylar of the same. The plat map may contain and satisfy required elements of the improvement plan. It shall display the following:
 - The subdivision name, location (San Juan County, State of Utah), designation as a subdivision plat, total land area in acres, legal description of the total land area of the subdivision referenced to section, township, range, baseline, meridian, county, state, and municipality (if applicable), date of the drawing scaled 1:100 (or large if possible), dates of original drawing and subsequent revisions and sheet number, and north arrow;
 - The location and description of all section lines, corners, and permanent survey monuments in or near the subdivision giving the basis of bearings and the distance and course to two or more PLSS or Government survey monuments (GLO, BLM, County, City, Townsite);
 - Multiple phases with the same subdivision name shall be identified as "Phase 1", "Phase 2," and so forth;
 - 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" and lots within separate phases not having the same number as any other lot in any other phase of the subdivision;
 - Lots within different phases of the same subdivision shall be numbered sequentially without regard to phase boundaries or may be distinctly numbered (e.g., 101, 102, 103 in Phase 1; 201, 202, 203 in Phase 2; etc.);
 - Lots shall be addressed as per County addressing standards;
 - vii. The dimensions of proposed lots and blocks calculated and shown in decimal feet to a precision of two decimal places (hundredth of a foot) 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), all closed within a hundredth of a foot;
 - The total numbers of units by kind and their location;
 - The exterior boundary lines of the proposed subdivision drawn in a heavy solid line encompassing all planned phases (at all lines bearing breaks, points of curve,

and points of tangency, a symbol shall be placed to indicate a change of direction) and the length of subdivision perimeter boundary lines expressed in feet and decimals thereof and the value of all required bearings and angles dimensioned in degrees, minutes, and seconds (boundary closures must close within a hundredth of a foot);

- An indication that all subdivision corners have been surveyed (monuments representing all lot corners shall be set and identifiable on the ground in accordance with state law);
- A designation of the zone or zones in which the subdivision is located and, when applicable, the existing zone boundary lines;
- If requested by the Planning Administrator or County Surveyor, topographic contours with intervals of five feet or less within the subdivision and of at least 50 feet immediately adjacent thereto. If five-foot contour data is unavailable, the contour intervals must be deemed acceptable by the County Surveyor;
- The following signature blocks, executed except for the Planning Administrator and Recorder: San Juan County Planning Administrator, San Juan County Health Department, San Juan County Recorder, San Juan County Attorney, San Juan County Surveyor, San Juan County Road Department, San Juan County Fire Official, consents of private easement owners, and the subdivision property owner's and mortgagee's certificate of dedication of public land, rights of way,

<p align="center">SJC Health Department</p> <p>Approved this _____ Day of _____, 20____</p> <p align="center"><i>Example Only</i></p> <p align="center"><small>(Printed name of Health Official if known)</small> Health Official</p>	<p align="center">Owners Dedication</p> <p>OWNER'S DEDICATION AND CONSENT TO RECORD Know all men by these presents that the undersigned are the owners of the above described tract of land, and hereby cause the same to be divided into lots, parcels and streets, together with easements as set forth to be hereafter known as _____ (Name of Subdivision/Plat) and do hereby dedicate for the perpetual use of the public all roads and other areas shown on this plat as intended for public use. The undersigned owner hereby conveys to any and all public utility companies a perpetual, nonexclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines. The undersigned owners also hereby convey any other easements as shown and/or noted on this plat to the parties indicated and for the purposes shown and/or noted hereon this _____ Day of _____, 20____</p> <p>By: _____, Owner <small>(If all printed name exactly as it appears on the vesting deed)</small></p> <p>By: _____, Owner <small>(If all printed name exactly as it appears on the vesting deed)</small></p>
<p align="center">Approval as to Form</p> <p>Approved this _____ Day of _____, 20____</p> <p align="center"><i>Example Only</i></p> <p align="center"><small>(Printed name of Signing Official if known)</small> SJC Attorney</p>	<p align="center">Acknowledgement</p> <p>State of Utah, County of San Juan, on the _____ Day of _____, 20____ personally appeared before me _____ and proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is (are) subscribed to this instrument, and acknowledged that he (she/they) executed the same freely and voluntarily for the purposes stated herein.</p> <p>My commission expires _____, 20____.</p> <p align="center">_____ Notary Residing in _____ County.</p> <p align="right"><i>Notary's Seal</i></p>
<p align="center">SJC Recorder</p> <p>State of Utah, County of San Juan, Recorded at the request of _____</p> <p>Date: _____ Time: _____</p> <p>Book: _____ Page: _____ Fee: _____</p> <p align="center"><i>Example Only</i></p> <p align="center"><small>(Printed name of Signing Official if known)</small> SJC Recorder</p>	
<p align="center">SJC Surveyor</p> <p>Approval in accordance with information and records on file in this office.</p> <p align="center"><i>Example Only</i></p> <p align="center">_____ Date SJC Surveyor</p> <p align="right"><i>Surveyor's Seal</i></p>	

There shall be a separate acknowledgement block for each signing owner in the owner's dedication

and easements, with space for notarization in the following forms:

- 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, including the names, locations, and widths of public rights-of-way, railroad rights-of-way, access easements to public rights-of-

way, adjacent roads and rights-of-way, including at least 50 feet of the property surrounding the plat. Any property not a road that is offered for dedication to the public shall be fully dimensioned by lengths and bearings or angles with the area marked “public”;

- The radii, arc lengths, chord lengths, and chord directions for curvilinear streets and radii of all property returns;
- The identification, location, and dimensions of all easements for public services or utilities as per the improvement plan;
- As applicable, a note disclosing that there are restrictive covenants on the property and an acknowledgment that the County has no responsibility for enforcing the covenants.
- Drainage channels, wooded areas, and other significant natural features within the platted area and at least the 50 feet of the property surrounding the plat.
- The boundary and source of reference to any 100-year floodplain. 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;
- As applicable, perimeter fence line, delineated and a description of the type and height of the fence;
- Names and addresses of the owners, subdividers, and surveyor preparing the plat; and
- A certification by the surveyor making the plat that the surveyor:
 - Holds a license in accordance with the state's Professional Engineers and Land Surveyors Licensing Act;
 - Has completed a survey of the property described on the plat in accordance with state law, including seal and the date of survey, and has verified all measurements;
 - Has resolved any and all boundary issues with adjoining properties to said subdivision; and
 - Has placed monuments as represented on the plat.
- Written communication from the San Juan County or Utah State Fire Marshal regarding the County’s ability to provide fire protection and the fire suppression required or recommended for the proposed subdivision;
- Written communication from the San Juan County Sheriff regarding any public safety concerns or recommendations for the proposed subdivision;
- A certification from the San Juan County Treasurer’s Office that all taxes owing on the property are paid, including rollback taxes from any previous greenbelt exemption;
- A vicinity map with north arrow (scale of 1"=2,000' preferred) showing the major roadway network, the ownership of lands abutting the subdivision, and any existing subdivisions adjacent to the proposed subdivision;
- Two sets of preliminary construction plans for public improvements prepared in

accordance with the improvement plan and the design standard requirements of this LUDMO; and

- Other documents and information may be deemed necessary by the Planning & Building Department.

(10) All lots within the subdivision shall conform to the following standards:

- Lots shall meet the width, depth, frontage, and lot size requirements for the zone in which the lot is located, as specified in this LUDMO;
- 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 road maintenance agreement; and
- No single lot shall cross the boundary of a County or other political subdivision, a public road or street, or a private road or street that can legally be used by property owners other than the owner of the lot.

(11) The application will not be considered complete until the required information and compliant plat are submitted with the requisite fee.

Section 8: SUBDIVISION IMPROVEMENT PLAN SUBMISSION

(5) With the subdivision application and in addition to the submissions identified in the foregoing Section, the subdivider shall also provide a subdivision improvement plan. All subdivision improvement plans, including civil engineering plans for infrastructure and utilities, shall be submitted with the plat application. The application will not be deemed complete until all required plans have been reviewed and approved by the Planning Administrator.

(6) The improvement plan shall include the following, some of which may be included on the plat:

(a) The location, width, and purpose of all existing and/or proposed public and/or private roads, rights of way, easements, including existing and/or proposed culinary, irrigation, and fire suppression water lines and hydrants, sanitary sewers, other utility main lines, culverts, storm sewers, and storm water detention areas located within the plat and at least 50 feet of the property surrounding the plat;

(b) A letter describing:

- The culinary, irrigation, and fire suppression water and sanitary sewer facilities proposed for the subdivision; and
- Estimated construction costs for planned public facilities, including roads (including, where applicable, curb, gutter, and sidewalks), water (culinary, irrigation, and fire suppression), sanitary sewer, storm drainage, and other such public facilities that may be required. The subdivider shall also state the form of

collateral that will be provided to ensure that such improvements will be completed;

- (c) If culinary water is to be provided by individual lot or group wells or sanitary sewer is to be provided by individual or group septic or similar waste disposal, the letter describing the water and sanitary facilities must include a statement that the wells or septic or similar waste disposal facilities will be constructed and function in conformance with the rules and regulations of the Utah Department of Environmental Quality and the San Juan County Health Department;
- (d) If either 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 are contracted to be, available to serve the subdivision;
- (e) If the proposed subdivision is within 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 proof of notice of its application to such entity;
- (f) If the subdivider intends 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, and the County Road Department must agree to the dedication:
 - Before proceeding with any road work, placement of any underground utilities, and/or acquisition of any road materials, the subdivider must provide the San Juan County Road Department with a copy of the approved preliminary plat and set up an onsite meeting with the Road Department representative to review all aspects of the roads within the subdivision;
 - The subdivider may be required, at its 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 road work to be accomplished with an inspection schedule;
 - The subdivider may be required to enter into a road maintenance agreement with the County governing the responsibility for maintaining dedicated and accepted public roads, and such agreement shall be executed and recorded as a condition of the final subdivision plat approval;
 - If the subdivider proceeds with any of the work on roads within the subdivision that intends to dedicate to the public without the approval and/or inspection of the Road Department representative, the County may, in its discretion, choose not accept the dedication of the roads onto the county system and in such case shall not be responsible for any type of maintenance duty;
 - If the subdivider intends to place of any type of water, sewer, septic, telephone, cable television, fire hydrant, etc. line within the right-of-way of any planned public roads, it must comply with the county road standards and provide adequate

- certification of compliance or compensate the County for inspecting such for compliance; and
- For subdivisions built in “No Winter Maintenance” areas, private snow removal is required unless the subdivision is planned to be—and buyers are provided adequate notice that it is—seasonal, and such requirement shall be set forth in the road maintenance agreement;
 - 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 still may be required to obtain the approval of the Road Department and any other State, Federal, or Tribal authority for all subdivision access roads that originate off of County, State, Federal, or Tribal roads and other safety factors such as placement and financial responsibility of signs and other items; and
 - If a subdivision is being developed off an unimproved county road, the Road Maintenance Agreement must include improvements to such road to match the County Road Standard of the road at the access point;
- (g) In order to guarantee that the required county roads and, if specified, other public facilities including but not limited to drainage, water, fire suppression, and sanitary sewer facilities are constructed in accordance with the applicable standards and to guarantee that the cost of the required public improvements are borne by the subdivider and not the public, the subdivider may be required to enter into a subdivision improvement agreement with the County.
- If required, the agreement must be fully executed prior to the approval of the subdivision.
 - If required, the agreement shall be structured as determined by the Planning Administrator, at a minimum describing the public improvements to be provided by the subdivider and include unit and total costs, the form and amount of an improvement completion assurance to be provided for the public improvements, and the basis for forfeiture of the assurance and assumption of responsibility by the County;
- (h) A drainage plan, the design of which shall accommodate runoff from the entire subdivision and the historical runoff from areas adjacent to and upstream of the subdivision in accordance with the following minimum standards.
- (i) All historic flood and drainage ways shall be protected from alteration such that their primary function as storm water drainages shall be upheld;
- All drainage and flood control facilities shall be designed to handle the calculated difference between historic flows and the anticipated post-development 100-year frequency storms for maximum period of intensity over the entire drainage basin which the subdivision serves, or other standards required by San Juan County Code. The “100-year storm” referred to herein shall mean that storm run-off is calculated on the basis of a fully developed watershed;
 - All drainage shall be designed by a Utah licensed professional engineer, in

- accordance with any requirements of the Utah Department of Environmental Quality for managing storm water;
- The design shall insure that runoff from the developed subdivision shall not exceed the historical volumes and velocities discharged onto adjacent property;
 - The drainage system plans submitted with a preliminary plat application shall include:
 - All proposed surface drainage structures; and
 - All appropriate design details, dimensions, construction materials and elevations;
 - The drainage design for each phase shall show how the drainage is consistent with the master drainage plan of all phases; and
 - The County Road Department may require a Road Maintenance Agreement on or around any drainage which may have an impact on any existing or planned road;
- (j) Except as otherwise provided below, each lot in a subdivision shall be served with an approved piped sanitary sewer system.
- 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 Utah Department of Environmental Quality and the San Juan County Health Department, and applicants shall provide proof of the necessary permits and certifications from those entities;
- (k) Except as otherwise provided below, each lot in the subdivision shall be served with an approved public water system.
- 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 culinary water systems shall be in compliance with the requirements of the Utah Department of Environmental Quality and the San Juan County Health Department, and applicants shall provide proof of the necessary permits and certificates from those entities.
 - If stock ponds are present, the outer perimeter of the berm must be at least one-hundred feet (100') from any adjoining property line;
- (l) In consultation with the Planning Administrator and the County Fire Marshal, the County may require a subdivider to provide substantial improvements to provide fire protection for the subdivision when the size of the subdivision/development and the number of lots proposed along with other factors would otherwise jeopardize the health, safety, and general welfare of the residents of the subdivision. Such improvements may include, but not be limited to, fire hydrants, water storage for fire protection, other water systems, and participation in the acquisition of firefighting equipment and facilities to house such equipment. Refer to the San Juan County Fire Policy for anticipated requirements. If required, fire hydrants will be spaced every

500 feet.

- If such fire protection improvements are required, these shall be made at the expense of the subdivider/developer and shall meet all fire protection standards as provided in state code, the San Juan County Fire Policy, and other applicable standards. All required systems shall be tested and accepted by the County prior to the issuance of any building permit;
- (m) Each property owner/subdivider is responsible for fencing out in all zones to allow domestic animals to graze without trespassing onto farms, subdivisions, or other private property.
- In newly established subdivisions:
 - The subdivider shall construct a stock-proof perimeter fence around the entire subdivision prior to any lot being sold. This shall be a condition of approval. The height, fence type, and materials shall be as approved by the Planning Commission during the subdivision application process.
 - A subdivider may request, and the Planning Administrator may approve, an exemption from the fencing requirement only if any one of the following criteria are met:
 - The proposed subdivision is completely surrounded by developed land;
 - The proposed subdivision is within the future annexation area of a nearby municipality and within 100 feet of a municipal boundary; or
 - The proposed subdivision is enclosed by property already enclosed with a stockproof fence.
 - If the subdivider obtains an exemption from the fencing requirement, that exemption must be reflected on the plat so as to place others on notice of the exemption.
 - If the subdivider does not obtain an exemption from the fencing requirement, a stock-proof fencing proposal shall be submitted with the plat application;
- (n) 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
- (o) is necessary for the safety of the public, the Planning Administrator may require designed sidewalks, curb and gutter, or pedestrian rights-of-way.
- Drainage/Curb and Gutter – In the absence of curb and gutter, a subdivider shall provide a street drainage plan detailing potential impacts to county roads and streets. The subdivider shall be required to provide and install culverts or other drainage structures as required by the County; and
- (p) The Planning Administrator may require that a sufficient improvement completion assurance be provided by the subdivider to cover the cost of the public improvements required by the subdivision improvement agreement and ensure the completion of improvements within the period specified. The amount of the assurance shall be 110% of the estimated cost of the improvements. The assurance shall be in the form of an escrow deposit, performance bond, irrevocable letter of credit, or, in special

circumstances approved at the County's discretion, 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 current market value of the property is equal to, or greater than, the estimated cost of the public improvements. The Planning Administrator may accept one or a combination of the types of assurance listed above.

- Unless otherwise agreed between the applicant and the County, as improvements are completed, the subdivider may apply to the Planning Administrator for release of all or part of the improvement completion assurance.
- Before releasing any part of the improvement completion assurance, the Planning Administrator shall confirm with the San Juan County Road Department or San Juan County Building Inspector, as applicable, that the planned public roads or other improvements have been completed or are in that part completed commensurate with the portion of the assurance sought to be released in conformance with county standards.
- Upon confirmation that the planned public roads or other improvements have been, in conformance with county standards, completed or are in that part completed commensurate with the portion of the improvement completion assurance sought to be released, the Planning Administrator shall authorize the release of part or all of the assurance as applicable, less 10% for the County's administrative costs, except that the Planning Administrator shall retain 10% of the assurance for one year in order to ensure that the improvements have been properly constructed.

Section 9: RECORDING OF THE APPROVED PLAT

(7) A. No plat approval is effective until it has been recorded. No approved plat shall be recorded until:

- The plat is approved and signed by the Planning Administrator;
- If an improvement agreement has been required, the approved and executed agreement has been filed with the San Juan County Clerk;
- If a road maintenance agreement has been required, the approved and executed agreement is delivered to the Planning Administrator for recording with the final subdivision plat;
- If a mortgagee's or lien holder's consent to record plat has been required, the executed consent has been delivered to the Planning Administrator for recording with the final subdivision plat; and
- A copy of the restrictive covenants, if any, for recording.

(8) Upon a subdivision plat's approval, the Planning Administrator shall hold the approved

subdivision plat and the other required documents for recording until the Planning Administrator confirms that:

- The applicant has tendered the full recording fee to the San Juan County Recorder;
- If required, the applicant has provided the improvement completion assurance in the agreed form and amount;
- If required, the applicant has tendered the impact fees due and in the correct amount; and
- The required agreements, approvals, and other records have been provided.

(9) Once the Planning Administrator confirms compliance as required by Subparagraph (3), the Planning Administrator shall cause the approved subdivision plat and the applicable documents to be recorded with the San Juan County Recorder, executed by the Recorder, and a copy of the recorded and stamped subdivision plat and recorded documents delivered to the applicant.

(10) The applicant must provide the Planning Administrator the materials and fees required by Subparagraph (3) within 30 days of the Planning Administrator's signing of the subdivision plat or it will be voidable if the applicant cannot show good cause for the delay. If the applicant does not provide the required materials and fees within six months, the subdivision plat shall be void.

Section 10: OPTIONAL PRE-APPLICATION PROCESS

(6) An applicant may request a pre-application meeting with the Planning Administrator to discuss a concept plan and receive initial feedback. The Planning Administrator shall schedule the meeting within 15 business days of receiving the request. At the pre-application meeting, the Planning Administrator shall provide or make available:

(7) Copies of applicable land use regulations;

- A complete list of standards required for the project;
- Preliminary and final application checklists; and
- Feedback on the concept plan to assist the applicant in preparing a complete subdivision application.

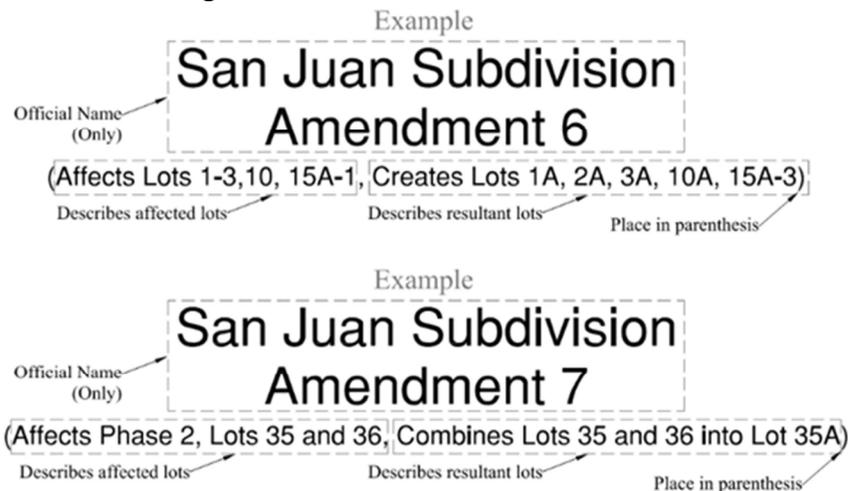
(8) Participation in a pre-application meeting is optional, and the feedback provided shall be advisory only, intended to help the applicant understand the requirements and streamline the formal application process.

Section 11: AMENDMENTS AND VACATIONS

(5) A lot owner may file with the San Juan County Planning & Building Department an application for subdivision amendment with a plat meeting the requirements set forth in

CLUDMA Chapter 6 and those sections of this LUDMO applicable to initial subdivision plat approvals.

- A proposed subdivision amendment shall be named to correlate with the original subdivision and the sequentially numbered amendment. Each new amendment to the original approved subdivision plat shall increase by an increment of one. Below the subdivision name and number, in parenthesis, shall be listed the affected lots and the resultant lots or changes.



- The amended plat shall include the following signature blocks: San Juan County Planning Administrator, San Juan County Health Department, San Juan County Recorder, San Juan County Attorney, San Juan County Surveyor, consents of private easement owners, and the subdivision property owner’s and mortgagee's certificate of dedication of public land, rights of way, and easements, with space for notarization in the same form as required above for all other final subdivision plats.
- The amended plat shall include signature blocks for each property owner within the plat.

(6) The application petition shall also include proof of written notice to:

- The owners of record of lots within the plat affected by the plat revision;
 - Adjoining owners; and
 - If the subdivision includes one, the owners’ association.
- (7) Upon determining that the application is complete, including the payment of required fee, and does not seek to amend or vacate a public street or easement, the Planning Administrator shall:
- Provide notice to affected entities, if required; and
 - Treat the application as one for an initial subdivision and follow that process.
- (8) If the proposed amended plat seeks to amend or vacate a public street or easement, the process for that amendment or vacation shall be that provided in CLUDMA.

- (9) The Board of County Commissioners may vacate all or a portion of a subdivision plat by passing and recording an ordinance.
- (10) The amended plat shall become effective upon recording. The Planning Administrator shall follow the same procedure for recording as that for recording the initial plat and the same requirements and limitations apply.

Section 12: EXEMPTION FROM PLATTING REQUIREMENTS AND WAIVERS

- (11) **Small Subdivision** - A subdivider may create a small subdivision of four or fewer lots without a plat by filing an application with the Planning Administrator that provides sufficient information for the County to find that the statutory requirements for a small subdivision have been met:
- In addition to the statutory requirements, each lot in the proposed subdivision must have access to a public or private road or an easement to access a public or private road directly and must comply with the applicable zoning.
 - Upon determining that a small subdivision application is complete, including the payment of the required fees, and complies with the applicable requirement, the Planning Administrator shall:
 - Certify the subdivision's compliance in writing;
 - Record the written certification; and
- (12) Keep the certification on file in the San Juan County Planning & Building Department. **Waivers**
- The Planning Administrator may in its discretion waive certain requirements for a subdivision application or for all or a portion of the required processing fees. All waiver requests must be submitted to the Planning Administrator in writing explaining the reasons for the waiver request. The request must be presented contemporaneously with the application for which it is being sought.
 - Waivers of submittal requirements may be granted by the Planning Administrator upon finding that the particular requirements are not necessary for the application's consideration.
 - A waiver of part or all the required processing fees for a subdivision application may be granted by the Planning Administrator only on finding that the County's review time will be significantly less than the time required for the typical subdivision application.

APPENDIX B

SHORT TERM RENTAL

SPANISH VALLEY

ADOPTED JANUARY 16, 2024

SAN JUAN COUNTY

ORDINANCE NO. 2024-01

**AN ORDINANCE TO AMEND THE SAN JUAN COUNTY ZONING ORDINANCE TO
CLARIFY THAT SHORT-TERM RENTAL USE IS
PROHIBITED IN THE SPANISH VALLEY RESIDENTIAL (SVR) DISTRICT**

WHEREAS the Board of San Juan County Commissioners did not intend to allow short-term rental in the Spanish Valley Residential (SVR) District when it enacted the San Juan County Spanish Valley Development Ordinances of the San Juan County Zoning Ordinance (SVDO);

WHEREAS the Board of San Juan County Commissioners understands that, nonetheless, short-term rental is occurring in the SVR District;

WHEREAS the Board of San Juan County Commissioners further understands that it is disputed by some owners of property within the SVR District whether the SVDO prohibits short-term rental in the SVR District;

WHEREAS these disputes have resulted in administrative and legal action against San Juan County;

WHEREAS clarifying that short-term rental is a prohibited use in the SVR District promotes the prosperity, peace, good order, comfort, and convenience of the County and its inhabitants and protects property rights; and

WHEREAS the Board of San Juan County Commissioners is the legislative body of San Juan County, Utah and is therefore authorized by the laws of the State of Utah to enact ordinances and rules and make regulations, not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by state law, and as are necessary and proper to provide for the safety, and preserve the health, promote the prosperity, improve the morals, peace, and good order, comfort, and convenience of the County and its inhabitants, and the protection of property in the County:

**NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF SAN JUAN COUNTY
ORDAINS AS FOLLOWS:**

(1) The San Juan County Zoning Ordinance section 153.005 is amended to add the following definitions at the appropriate location in the alphabetical list of definitions:

ACCESSORY DWELLING UNIT (ADU). A building other than the primary dwelling which is used as a dwelling on a shared lot with the primary dwelling but is not an internal accessory dwelling unit as defined by State code. It provides all utilities necessary for human occupation, approved by the county board of health, and satisfies building and fire code requirements. An ADU may not exceed 50% of the primary dwelling square footage or 1,200 square feet, whichever is smaller.

It is also referred to as mother-in-law dwelling, caretaker dwelling, and similar terms. Unless specifically permitted, an ADU may not be used as a short-term rental.

SHORT-TERM RENTAL. A dwelling or a portion of a dwelling that the owner of record or the lessee of the dwelling or the portion of a dwelling leases to another for occupancy for fewer than 30 consecutive days.

(2) The San Juan County Spanish Valley Development Ordinances of the San Juan County Zoning Ordinance, Chapter 1, Spanish Valley Residential (SVR) District is amended as follows:

(A) The following language is inserted at the end of the section on **Uses**:

No short-term rental is allowed in the SVR District, and the Spanish Valley Overnight Accommodations Overlay shall not be applied to the SVR District. Regardless of the number of occupants, no hotel, apartment hotel, motel, tourist court, apartment court, commercial condominium for short-term rental, bed and breakfast (B&B), boarding house, lodging house, resort, commercial campground, or any other variation of overnight accommodation intended for nightly rental is permitted in the SVR District.

(B) **Table 1-1, Spanish Valley Residential (SVR) District Uses** is amended to include the parenthetical (excluding short-term rental) following the **RESIDENTIAL USES** category heading, adding Accessory Dwelling Unit use, and distinguishing the specific use status of Accessory Buildings and Uses such that the **RESIDENTIAL USES** section of **Table 1-1** shall appear as follows:

**Table 1-1
Spanish Valley Residential (SVR) District Uses**

Use Category	Specific Use
RESIDENTIAL USES (excluding short-term rental)	
Dwelling, single-family	P
Dwelling, two-family (duplex)	P
Dwelling, Manufactured	P
Accessory Buildings	P
Accessory Dwelling Unit	P
Accessory Uses	C
All other household living uses (5th wheels, trailers, etc.)	C

The remainder of **Table 1-1, Spanish Valley Residential (SVR) District Uses** remains unchanged.

(3) Once enacted, this Ordinance shall be published on the San Juan County website's Planning and Zoning page until publication by the County's code service provider.

PASSED AND ADOPTED by action of the Board of San Juan County Commissioners for San Juan County in an open meeting this 16th day of January 2024.

Voting Aye: _____

Voting Nay: _____

ATTEST:

SAN JUAN COUNTY BOARD OF
COMMISSIONERS:

Lyman Duncan, Clerk/Auditor

Jamie Harvey, Chair

APPENDIX C

GENERAL PLAN

ADOPTION 2018

SUPPLEMENTARY – RESOURCE MANAGEMENT

SEPTEMBER 2022

SUPPLEMENTARY – LAND USE

JANUARY 2026