



**PLANNING COMMISSION MEETING**  
117 South Main Street, Monticello, Utah 84535. Commission Chambers  
September 28, 2023 at 6:00 PM

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**MINUTES**

**GENERAL BUSINESS**

**Welcome / Roll Call**

PC Chair Trent Schafer called the meeting to order at 6:00 pm.

**PRESENT**

Chairman Trent Schafer  
Vice-Chairman Lloyd Wilson  
Commissioner Cody Nielson  
Commissioner Melissa Rigg  
Commissioner Ann Austin  
County Administrator Mack McDonald  
County Chief Deputy Attorney Mitch Maughn  
Board of County Commissioner Silvia Stubbs

**Pledge of Allegiance**

The PC conducted the Pledge of Allegiance

**Approval of Minutes**

**1. Approval of July 13, 2023 Planning Commission Meeting Minutes**

Commissioner Schafer added a correction to Chairman Schafer's name being misspelled.

Motion to approve the minutes with the corrections was made by Commissioner Nielson,  
Seconded by Commissioner Austin.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Nielson, Commissioner  
Riggs, Commissioner Austin

**PUBLIC COMMENT**

Public Comment was offered for anything not on the agenda. Public Comment will be allowed for individual Administrative and Legislative Items.

James Heinrits notified the Commission that he was there for the Giddings Preliminary Subdivision and that their intent was to subdivide the property for their children and family.

## **ADMINISTRATIVE ITEMS**

### **2. Consideration of a Conditional Use Permit for the La Sal Junction Airport Helipad. Sarah Day, Foundation Properties, LLC**

#### **Time stamp 16:33 (audio)**

Administrator McDonald explained the recommendation for the motions on the Staff Report and the need to state the conditions as part of the motion or if denying the Conditional Use, state why you are denying and list those reasons for substantial evidence.

Administrator McDonald described the Conditional Use application and the intended use clarifying what was initially described in the previous staff report back in July and provided a list of possible conditions if approving this property for the Conditional Use.

Mr. Russel Robinson, the owner/developer of the property, was present and provided an overview. He does not intend to use this property for tour operations but only for fire or emergency responses, search and rescue or possible utility work. They are not interested in overnight rentals here; the housing will only be used for employee housing.

Commissioner Nielson asked the owner/developer how many hours of flight time for fire fighting or utility work took place in San Juan County?

Mr. Robinson indicated that he did not know but the operations would cover both San Juan and Grant Counties. They would service all this area. Most firefighting takes place from the direct locations, those locations also provide fuel and supplies on site. Here we would be maintaining the helicopters but fueling and supplying big buckets of water would be direct at the firefighting locations themselves. It would not make sense to fly back to this location to get the fuel or water supplies.

Commissioner Schafer asked to review the Foundations Property, LLC Letter of Intent that sets forth the interests of the Foundation Properties regarding the property there and mentioned that this letter touches on a lot of the possible conditions recommended in the staff report.

Mr. Robinson indicated that the first phase of the development would be the helipads next to the original building and placing doors on the hanger would be the most activity that would take place first, the permitting process with the FAA will take some time and then you build to the fire contracts, so the rest would be built a long way into the future but planning this in advance is the way to go.

Commissioner Austin asked how many employees do you think you would have?

Mr. Robinson mentioned they anticipated less than five employees, fire is seasonal, so they would be seasonal as well. Search and rescue can take place anytime of the year but those are few and far in-between.

Commissioner Riggs mentioned they had received a letter/email from Mr. Mike Scherer, he had reached out to the BLM, Forest Service, the State of Utah as well as Grand County and

none of them had been contacted by you regarding this operation, so it is rather surprising. The other thing mentioned in the letter/email that the Federal Government picks and certifies heliport locations always on government land? This letter was a little concerning.

Mr. Robinson mentioned this is a multi-year process to get approved for the 135 Charter from the FAA to operate a utility company to fight fires and then there is a FAA designated employee that rides with and signs off on each of the pilots. It is a long process; it would be kind of like getting the cart before the horse, to reach out for this process before you have an address or place to land. As far as the FAA designation of helipads themselves on government land, that does not make sense. I do not believe that to be correct. There are helipad sites all over across the U.S. on private and public land. Typically, fires are fought in wilderness, National Parks and those machines come in and out when they have a job.

Commissioner Riggs asked what the community benefit will be?

Mr. Robinson indicated that if there is a local fire, having these assets close is a benefit such as the with the Pack Creek fire, that is a benefit. Even if a fire is close to homes in the area, that is a huge benefit. The search and rescue or medical Life Flight response being close is a benefit. You want those assets close by right there. There is tax revenue for employees, helicopters are expensive and is a business so money will be spent there. This will be a nice operation with improvements to the land instead of an eyesore.

Commissioner Austin asked what evidence they have demonstrating a need for additional fire protection services in this area?

Mr. Robinson indicated that they have no evidence but there is a tremendous amount of revenue. Looking at the trend, firefighting just keeps going up and up but varies per season if it is wet or dry. There are times when there are so many fires that there are not enough assets. The need continues to increase, and assets are not available. If there is not enough demand, they will not expand. The first phase includes adding two doors on the current hanger which can hold two helicopters in it already and it is a low risk profile. Those light duty helicopters are typically for spotting. The bigger hanger proposed is for the Blackhawk style that would be carrying heavy water buckets directly fighting fires. I don't have direct proof of demand, but the long-term trend of the industry is growing in demand. That is tragic for our public resources, and they are in jeopardy.

Commissioner Wilson discussed that with the Conditions stated in the staff report and what has been discussed, this is like turning down a fire station. With a junk yard across the street, the history of La Sal Junction and the community impact to the Flat Iron Mesa two miles away. He sees this as a low impact on that area. I see no reason to turn this down. It would be a little more give to thought if it was a tour operation, but this is for training of people and the use for emergency response, I see no reason to turn this down.

Mr. Robinson indicated that he did reach out to the Homeowners Association of Flat Iron Mesa and gave his contact information to them to reach out to him with any community member's concerns.

Commissioner Austin asked how much property they owned there, and Mr. Robinson pointed out his parcels that he owned on both sides of the highway. She asked about the other property owners across the street, including the improved gas station across the road and what the owners may want to develop in the future. Commissioner Austin does not see this use as being compatible

for the future of this area and what those owners may want to do with their land in the future. Looking at the uses of this zone; grocery store, barber shop, childcare; I do not see any of these that would be compatible with a helipad. I think it would kill future development for this zone and I would hate to shut the door on this junction with a development like this. We don't know in another 20 years what this junction will look like. It's a good location for the County to do more. If we place all our eggs in one helipad basket, we will not get any of these other uses.

Mr. Robinson indicated that if in 10-20 years Walmart or whoever wanted to buy us out, they would give us a lot more money and it would be a good business decision to move the helipad operations. We can move anywhere; currently we are surrounded by public land on a lot of sides, so we can approach the property without disturbing communities. The property does have a runway that is currently actively used by the Utah Backcountry Pilots Association runway and is on the FAA designated list, even though we do not intend to use it. It has been on the list for decades. Currently other people can use the runway, part is BLM, and it is available for flights. I will not charge for someone landing because I will assume liability if they crash so I keep it open and a public use where it is actively used.

Commissioner Nielson mentioned that he is a little bit with Commissioner Austin, as I read through the uses listed, this use is not listed. I have heartburn with aviation. You can say it is there now, but it really is not, and we would be bringing it into an area that it is not in. The airport in Blanding, it is there, and has been there, so you know what you are getting by moving there. This is different, if I own or lived in Flat Iron Mesa, I would not be happy with it. I don't understand why there, and why you can't build something off an airport where fuel and services are already located.

Commissioner Austin indicated that in the last meeting she mentioned the possibility of having a public hearing for this item. It would be nice to have BLM or Forest Service here advocating for this.

Mr. Robinson spoke with [Jim Jones] he is the only one I have spoken with and is super excited. They have limited resources. They pay \$1,000's of dollars an hour to helicopters called in out of State to bring in outside helicopters that may set there for \$1,000's of dollars. Commissioner Austin asked how this would benefit the BLM? Mr. Robinson indicated they would be right here for the BLM at their back door protecting all this public land we enjoy here instead of having to bring assets in at a higher difficulty and cost.

Commissioner Schafer indicated that he likes the idea. It is surrounded by public lands. No development is going to take place right here. Take-offs and landings can be minimized. I think this location is ideal for all our public lands. I am glad to see something going on here. When I was growing up, there were two gas stations, a runway, houses here, and a café, so I think it is an awesome opportunity. I think it will be a great asset to the County.

Commissioner Wilson asked to review the Conditions in the staff report. Commissioner Riggs added that we can add a condition here that contracts must be in place first. Commissioner Nielson mentioned that it would be hard to get that because the developer must build it first prior to getting FAA approval and must follow those steps first. Commissioner Riggs mentioned that she goes back to Commissioner Austins idea to require letters of support from agencies saying this is a needed facility. Commissioner Austin mentioned that there is a safety issue being close to the highway. Commissioner Wilson indicated that this is no different than the search and rescue location in Grand County right next to the highway and in a substantial neighborhood. It is a much-needed thing especially if you are out in the middle of nowhere and wanting a

helicopter to come and get you, you are not going to care about the houses. Commissioner Austin mentioned we have these existing services; I do not see why we need another. Commissioner Wilson mentioned it took at least three days to get the eight helicopters to help fight the Pack Creek fire. I look at it as it is stated, in this conditional use, where it is emergency response, I am not looking at it as a tour company. This is no different than a police station or fire department. In an emergency it is for the wellbeing of the entire community. Commissioner Austin mentioned it is like trying to add a square peg to a round hole that does not meet our uses in this zone. Administrator McDonald commented that as indicated in the Ordinance that this Zone allows for you to add other uses to the zone through this Conditional Use process. Commissioner Austin asked if they did not agree that it would prevent the future uses from taking place? Commissioner Wilson indicated that the property owners who own the land do not want to place a store here. That's like me coming to you with your house and me telling you I want to place a store there and you must leave. It is the property rights of the owner. Your house may be on Main Street but might be where I want a store, you have rights as a private landowner. Commissioner Austin asked how developable is the SITLA land adjacent to here? Assuming there is a need for it, it is still next to the highway. Commissioner Wilson indicated that this is where it needs to be on a major corridor, within 1,000 feet of the highway commercial. Commissioner Riggs indicated that she thinks that it would be scary having a helicopter land next to Highway 191. Commissioner Nielson indicated that Blanding, Monticello, and Grand County airports are all along the highway. They are quick to get to. It makes sense to have them on a major corridor. Commissioner Schafer indicated it is a great idea to have it here.

Time was turned to the developer's partner Brent Kane and property manager to provide his comments. Addressing the importance of this location adjacent to the highway allows emergency vehicles to also get here. Grand County does not run their Search and Rescue out at the Grand County airport because of the confusion. They are constantly in and out so they can use the Highway 191 to land their helicopter at the Sheriff department. That is different here, you do not have to line up with the road, it is surrounded by public lands for a different approach. Regarding SITLA land, they drilled a well, at 100 feet, this well had contaminated water over 100 feet. Finally, they found good water at 760 feet deep which is over \$100,000 for the well. SITLA considered selling the property for a neighborhood housing development, but they discovered there would not be enough available water for all but 5 homes with a well so deep. Up the hill, there are two mine shafts that are the possible contaminating source for water. For agriculture it would be good. We considered the SITLA property.

You could get letters from the Forest Service and BLM, where all you are getting here is another fire fighting operation. They all see the need with the fires we are seeing. With the fire in Moab, I watched daily as that fire burned the forest and they were trying to get airplanes to come it at different angles, verses a helicopter that could have dropped water directly on the homes and could have saved them instead of watching the homes that burned at Pack Creek.

Mr. Robinson addressed the safety of a helicopter. Flights would come in from SITLA land and BLM land. The probability of that being an issue coming in from the highway and homes is super low. The safety factor is bare.

Commissioner Austin asked how we were to know if the helicopter that we see flying is for emergency response or for search and rescue? Mr. Robinson indicated he has a personal helicopter, and that there is no way to know, but it would be crystal clear if it was a tour operation. That is

where the most traffic would be. I would love to have that for the community's benefit that this be a part of this Conditional Use, so that no tours can come out of this facility. I think we have enough watchdogs if they saw tours coming out of here, they would alert you super-fast. The parking lot would not be able to hold a tour operation here where it is so small. You would know it. Commissioner Austin asked about frequency of flights for personal use? Mr. Robinson indicated maybe a couple of times a week for personal use which can hold seven people max. When you have a helicopter, you have a lot of friends, and it is easy to get seven people in it, but that is totally different than a tour operation and totally different than what we are operating here. Commissioner Schafer indicated that the Condition here would be no tour operations. Commissioner Austin mentioned that it doesn't have to be a tour operation in name, but it can still look like it once allowed for personal use in and out. My concern is it could be used for personal transport of friends here and there, the use still the same as a tour operation. Mr. Robinson indicated that he could do that now where he owns the land with the FAA designated runway here, I can legally already use it as such. I want to be a great member of the community and that is why I am here to make myself available and do this. I spent considerable money acquiring this land.

Commissioner Riggs asked Administrator McDonald about the history of the Ordinances and why the Zone does not include the runway? It would have been simpler.

The runway was established back in the 50's and was an active approved FAA runway, we have multiple runways throughout the County that are outback pilot runways, some are partially on BLM and a County Road.

Commissioner Wilson indicated the current Ordinance was modified from older ordinances back in 1978 and now we work from the 2011 Ordinances that do not have it in it.

Public Comment was received from a resident of Old La Sal who owns cabins in that area. We have a lot of cabins and a lot of lakes. Without this use, we are in trouble. Especially if they are close, this operation can put out a fire when it is only one acre before it grows. You will not find anyone in Old La Sal against this.

Public Comment was provided from Mike Scherer who provided the letter to the Commissioners. I reached out to the BLM, State and Forest Service. They all scratched their heads and indicated that Mr. Robinson had not contacted them. If he had, they would tell them that he must be certified. They were the ones that indicated that most are on Government Land. In a discussion yesterday with BLM manager, he was scratching his head with the knowledge they would be fighting fires. This is an important decision for us at Flat Iron Mesa, I am on the Board there. We are a mile and a half to two miles away. We aren't against development, place a Walmart or truck stop, we do not care. If we have someone flying over our property or taking off four or five times a week or more, this is going to affect my quality of life there. Just so you know, at 1000 feet a helicopter generates 78 decibels. At 500 feet it is 80. A firetruck or police siren is at 80 decibels.

Public Comment from Tom Fritz, a question for Mr. Robinson, do you go by Rusty or Russel? Mr. Robinson indicated yes. Do you have an idea of the training hours that will take place? Mr. Robinson indicated no training will take place here. So you will not be apposed as adding that as a condition? Mr. Robinson indicated that he likes that idea. I heard about the private entity who wants to place a private helicopter here. Mr. Robinson indicated that he is the entity with the private helicopter, it is not a firefighting helicopter. For the Commissioners, the Kens Lake

facility is only 12 miles away by helicopter. One mentioned it took eight days to get helicopters to Pack Creek fire, has anyone studied this with meaningful details of how to solve the delay of helicopters?

Public Comments from Sam Wood were received. I am the former President of the HOA listening to Rusty, I want to clarify something mentioned. We were very comprehensive in putting our thoughts together in reviewing this proposal, so the comment he has not heard from us, we did provide our input collectively. I think the Conditions are responsive to our concerns and it is appreciated. One thing not discussed is that it seems odd that the initial impression was it was for tours and where the proposal now is that it is now emergency response. Mr. Robinson indicated that tour operations was never something we proposed, it was only rumors. If you look at our concept, it is not conducive to tours.

Public Comments from Beth Jankoski, as a future resident out at Flat Iron Mesa. Is there truly a need for this type of service out here in San Juan County? She also indicated concerns about an open runway. Utility work has not been touched on and what helicopter would be used for towers and safe electrical. I am concerned about the personal use of helicopters; seems it is open-ended. Why would you need all the staff housing. Mr. Robinson indicated that the housing is for construction, and for operations. The runway will never get a lot of use when it is not a paved runway, but it does provide a means for safety to planes during bad weather concerns. It has been there for years and won't get a lot of traffic. The AStar is a typical light helicopter for utility work. I own a H130 which is a same frame, just a little bigger for visibility. The planned Blackhawk is more for larger heavy firefighting. They are harder to fly. My helicopter is the quietest helicopter in its class, a single turbine engine with an enclosed tail rutter specifically for noise reduction. They use these in Las Vegas operations, built to be safe, quiet and visible. Some community members in Moab drew a circle around the area, we would do the same here. I am very connected to the aviation community, even with concerns on other properties, let me know and I can let them know.

Public Comments were received from Kiley Miller who indicated that the noise from this would be impactful, and noise would bounce off of things. I can hear them from miles away coming to my house. The noise impact from this development would have a huge impact on the community of Flat Iron Mesa, Bridger Jack, Browns Hole, the back country would all be hugely impacted. I was told by the BLM they have no interest and do not need assistance from Rusty. In terms of safety from these helicopters, one flew over Pack Creek Ranch and crashed on the mountain. They are not safe and crash. I was there when the Pack Creek fire took place. The airplanes and helicopters there did everything to fight that fire and save property. The wind was a major problem that impacted helicopters that were trying to fly. They could not fly in the wind. This development will be hugely impactful on this region and there is no way Rusty and his buddies will be able to zigzag around and miss all of the communities.

Commissioner Austin asked if it was reasonable to ask for letters of support from BLM or the Forest Service, something from our agencies to show they are on board and encourage this development? Commissioner Wilson recommended a Condition that, instead of letters, we place a Condition that this is the only use, so if they do not get contracts, it is on them. If they do not get contracts, and active with the use in a year, and request an extension and show they are complying with the Conditional Use. That there are no noise complaints, and they are keeping within the Conditional Use. Mr. Robinson indicated that to get the facility and helicopter carded and a contract, it takes multiple years. Commissioner Wilson indicated they

can come back in a year; it gives us an opportunity to look at this again for compliance. Commissioner Austin indicated that this does not prevent them from using this for private use. Commissioner Wilson indicated that they can already use their private property for private flights here and this does not address the concern raised by the community.

The County Chief Deputy Attorney recommended doing this in two parts, considering first if this use is allowed as a Conditional Use, and then if not allowed no further discussion is needed. If allowed, can any negative impacts be reasonably mitigated.

Commissioner Nielson mentioned that this use is not prohibited, so it is allowed. It is in a commercial zone next to an existing runway.

Administrator McDonald indicated that in the ordinance it states that all other uses than those listed can be a Conditional Use.

Commissioner Wilson mentioned that all other uses can be conditional use.

Commissioner Nielson stated for the minutes that there is already an FAA approved airport already as an existing use on this property.

Commissioner Schafer added the Conditional Use of no training, include all these that are in the staff report.

Commissioner Nielson mentioned that this use is seasonal for the most part. With other operations, wind in the area, that there are so few flights down by Kayenta that if you are willing to give it a try, then I am willing to give you a chance.

Commissioner Wilson mentioned that we will also see you in a year, so we will know where you are at and give the opportunity for public comments from the Community.

A discussion then took place with the Conditional Uses in the Staff Report. The UDOT highway condition should be removed. Nighttime flights should be allowed. It is tough, but to have it as a restriction could be detrimental. An aviation easement is restricting and limits approach and takeoff as well as restrictions for heights of buildings. Mr. Robinson mentioned that this condition would be a struggle forcing directional landing. Sometimes the wind will require you to take a different path. Primary flight path will be over the public lands but if safety prevents that, then we need to have flexibility. A five-mile radius is there. Mr. Robinson mentioned that if we are responding to an emergency or weather dictates otherwise for safety reasons that would be difficult. We could add additional language to this condition allowing for emergency purposes or safety reasons. The sound wall is a concern and landing on a windy day. Mr. Robinson indicated we are coming in from the west, but sound walls would be difficult.

Commissioner Wilson reviewed each condition with the Planning Commission and Mr. Robinson and made a motion with the following conditions:

- *No more than three (3) helicopters can be located on the property at a time.*
- *No Training allowed.*
- *Lighting must meet dark sky initiatives where possible unless helipad safety standards prevent it.*



- *Employee Housing shall not be used as over-night or short-term rentals*
- *No tour operations can take place on this property*
- *The flight path for helicopters approach and takeoff can only be from the Northeast of the property unless safety, weather or emergency dictates a different flight path.*
- *To the extent reasonably possible, all helicopters must adhere to the Helicopter Association International guidelines related to noise abatement as published in the "Fly Neighborly Guide", as amended from time to time, and the helicopter manufacturer's noise abatement guidelines.*
- *Must comply with any state or federal fire restrictions*
- *Must comply with all building permit requirements*
- *Must comply with San Juan County Health Department requirements and Utah State water system requirements.*
- *Must comply with San Juan County business license requirements*
- *Must return in a year for an update and public comments to extend the conditional use.*
- *The Commission finds that the proposed use by the applicant is permissible as an allowed use as a conditional use.*

Commissioner Schafer asked for a second to the Motion. Commissioner Schafer passes the Chair to Vice-Chair Commissioner Wilson and seconds the Motion.

Voting Yea: Chairman Schafer, Commissioner Nielson, and Commissioner Wilson.

Voting Nea: Commissioner Austin and Commissioner Riggs.

Motion Carries.

### **3. Consideration of a Conditional Use Permit Amendment Allowing for a RV Park for Wolf Springs Ranch located in La Sal, Brian Ballard**

**Time stamp 1:47:04 (audio)**

Administrator McDonald described the staff report and provided a history regarding the original Conditional Use application from back in October of 2021 where the adjacent properties were approved with conditions but this property was removed from that approval as the Planning Commission directed the property owner and applicant to have the San Juan County Public Health Department reviews the water availability and that the Utah Division of Drinking water review this property for the RV Park.

Commissioner Wilson asked if this was originally designed? The applicant Mr. Ballard indicated it was not denied or tabled, that the Commission recommended that he check with Public Health regarding the water and fire protection resources from the pond as a secondary water source and for fire protection.

Mr. Ballard indicated that he has done that and the email from the Division of Drinking Water has been provided and in the packet.

Commissioner Schafer asked if the pond runs year around and if it stays full? Mr. Ballard stated it is sourced from a spring and does stay full year around.

No public comments were provided.

Commissioner Nielson made a motion to approve the Conditional Use with the following conditions:

- *Must comply with any state or federal fire restrictions*
- *Must comply with all building permit requirements*
- *Must comply with San Juan County Health Department requirements and Utah State water system requirements.*
- *Must comply with San Juan County business license requirements*

Commissioner Riggs seconded the Motion.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Nielson, Commissioner Riggs, and Commissioner Austin

Motion Carries.

## LEGISLATIVE ITEMS

### 4. **Consideration of a Temporary Conditional Use Permit Application for 1231 Deer Park Drive, Elk Meadows, Daniel Perry**

**Time stamp 1:53:50 (audio)**

Administrator McDonald described the staff report and provided a summary of the Zoning and Temporary Conditional Use Permit request for the use of a temporary use of a Recreational Vehicle incidental to construction work. It is allowable within the Zone but only as a Temporary Conditional Use while the applicant constructs his cabin.

Mr. Perry described his application request.

No public comments were provided.

Commissioner Nielson made a motion approving the Temporary Conditional Use Permit with the following Conditions:

- Must comply with any State or Federal Fire restrictions*
- Must comply with all building permit requirements*
- Must comply with San Juan County Health Department requirements and the State of Utah water system requirements.*

Commissioner Wilson seconded the Motion.

Mr. Perry asked if the Temporary Conditional Use Permit is only valid for 6-months? Commissioner Schafer explained that it is but can have three additional extensions.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Nielson, Commissioner Riggs and Commissioner Austin

### 5. **Consideration and Approval of the Valley Estates Subdivision Utility Easement. Shik Han**

**Time stamp 1:57:55 (audio)**

Administrator McDonald described the staff report and provided a summary of the Utility Easement modifications and the need to adjust the Easement for connections and to accommodate the Balance Rock Resort Easement and access.

Commissioner Austin asked if these two properties work together? Mr. Han indicated yes, they do and with access as well. Mr. Han provided a history of the Easement being established prior to Balance Rock Resort and the current Easement which is now being realigned for access 50 feet to the east.

Commissioner Wilson described the change so that it will not conflict with the design of adjacent property.

Commissioner Wilson made a motion approving the modifications and relocation of the Utility Easement for Phase 1.

Commissioner Austin seconded the motion.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Nielson, Commissioner Riggs and Commissioner Austin

Motion Carries.

**6. Consideration and Approval of the Canyon Shadow Subdivision, Amendment No. 1, Easement Establish Survey. Shik Han**

**Time stamp 2:01:01 (audio)**

Administrator McDonald discussed the staff report and provided a summary of the Utility Easement modifications, unit 7B changing to unit 7B1. Wilson Lane is labelled and is now 40-foot-wide and a 25-foot Utility Easement.

Commissioner Wilson added additional comments regarding the Amendment to get water and sewer from Tangren across Highway 191. He also included changes that need to be made to Amendment No. 1, which includes the Signature Board with Loyd and Andrea added, and because of the extension of the road width there needs to be a signature line added for Carl Tangren.

Commissioner Austin made a Motion approving the Canyon Shadow Subdivision Amendment No. 1 with the changes to the signature board.

Commissioner Nielson seconded the Motion.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Nielson, Commissioner Riggs and Commissioner Austin

Motion Carries.

**7. Preliminary Plat Review for Amendment II, Lot 29, San Juan Estates, Phase III, 33 North McElhaney Lane**

**Time stamp 2:04:34 (audio)**

Administrator McDonald described the staff report and provided a summary of the Preliminary Plat review findings of the subdivision for one parcel becoming three parcels.

Commissioner Schafer asked if those changes and requests were provided to the applicant? Administrator McDonald advised that they have been provided these comments as we have reviewed their Plats. In addition to it, Administrator McDonald described some of the requested changes for the Plat prior to Final Plat approval.

The Commission discussed the Zoning Ordinance items that apply to Plat Maps regarding Minor Subdivisions, Private Roads and Overnight Rentals in the County Ordinances. One concern expressed was Overnight Rentals being prohibited on the language possibly being placed on Plats and the Overnight Accommodations Overlay Districts applications within the Zones of Spanish Valley.

Commissioner Austin indicated that we really need to have further discussions for Overnight Rentals on our Agenda in a meeting to get the Overnight Rentals cleared up. We should make this a priority. Why can't we fix these, this can be done in a month?

Commissioner Austin asked if we are keeping the language on here? Commissioner Schafer indicated that we have to.

Commissioner Wilson hopes that we can because Overnight Rentals do not belong in the Spanish Valley Residential. You noted on here that the Utility Easements are 15 feet on these, the residents can also use their driveway easements for utilities if they add the language to it. The properties surrounding this were all from the original subdivision which had 7.5 feet on each side of the property line for their water and sewer. These have nothing in here for water and sewer. If there are more than 4 lots in here, then we have required the firetruck roundabout.

Because these are Preliminary reviews, no motion is made for approval, only suggestions made to the Plats were provided.

#### **8. Preliminary Plat Review: Turkey Trot Estate, Phase 1, Lot 22 Amended**

**Time stamp 2:29:17 (audio)**

Administrator McDonald described the staff report and staff findings that needed to be corrected on the Plat from the request from property owner Marla Greenhalgh to subdivide Turkey Trot Estates, Phase 1, Lot 22 amended to subdivide this property into three separate parcels.

Because these are Preliminary reviews, no motion is made for approval, only suggestions made to the Plats were provided.

#### **9. Preliminary Plat Review: 2023 San Juan Estates, Lot 2 Amended**

**Time stamp 2:30:54 (audio)**

Administrator McDonald described the staff report and staff findings that needed to be corrected on the Plat from the request of the property owner Taylor Manning to subdivide San Juan Estates, Lot 2 amended into 4 separate parcels.

Applicant Taylor Manning commented and provided updates that have been provided to the Plat with the language for the maintenance of the road and a more official line for the retaining wall.

Commissioner Wilson indicated that the drainage from the older wash is no longer an issue. Administrator McDonald indicated that the slope of the other property being higher required that that property does not drain into the other properties.

Because these are Preliminary reviews, no motion is made for approval, only suggestions made to the Plats were provided.

## **10. Preliminary Plat Review: Cedar Springs Preliminary Plat**

### **Time stamp 2:33:42 (audio)**

Administrator McDonald described the staff report and staff findings that needed to be corrected on the Plat from the request from James Heinritz on behalf of Scott and Tiffany Giddings for the amendment of Cedar Springs Plat off Brown's Canyon Road located outside of Blanding City.

Administrator McDonald pointed out the wash and drainage as a concern. Commissioner Wilson and Commissioner Nielson mentioned that the lots are huge, so they are not concerned with the wash being that there is developable space higher than the wash.

Commissioner Nielson asked about language on the private road? Administrator McDonald pointed out the roads and turn-around.

Commissioner Riggs asked if developers would ever put the footprint of the building on these, so we know they are not building in a wash? Commissioner Wilson answered that they would not at the subdivision stage. Our Building Department should review the location of the homes, where utilities are coming in, and the adjacency to the wash so that if there are concerns that need to be mitigated with the location of the wash, the Building Department would need to catch those.

Commissioner Nielson expressed a concern in the Maintenance Agreements and what is in those documents? They bind the lot and should be specific and detailed. I don't have a problem with the private road, but the agreement needs to be detailed.

Commissioner Wilson mentioned that buyers really should do their homework so that they are aware of what they are buying, and that Title Companies should help them and point out the Maintenance Agreement.

Commissioner Wilson indicated that we should make a requirement for what is in a Maintenance Agreement and likes the fact that the County is trying to create a Road Standard for public and private.

Because these are Preliminary reviews, no motion is made for approval, only suggestions made to the Plats were provided.

## **11. Spanish Valley Telecommunications Tower Discussion**

**Time stamp 2:44:40 (audio)**

Administrator McDonald described the request from Tierney Rowe, Vice President Tower Development to consider a Telecommunications Tower to be placed in Spanish Valley located in the Highway Commercial Zone close to Highway 191 and Sunny Acres on Parcel 26S22E3454126 behind an existing residential property within this zone.

Commissioner Nielson indicated that he was all for this project. Commissioner Wilson indicated that after the Pack Creek Fire, it was noted by Moab Valley Fire that there was no cell phone reception that could aid in emergency response in this area. There is zero reception out in this area.

Administrator McDonald indicated that this is an essential service that is provided nowadays and cannot be prohibited. Administrator McDonald also pointed out the height being 125 feet high, and it really should have a light on the top of the tower.

Commissioner Wilson indicated that there is another tower in the Spanish Valley area that has a light on it, and no one hardly notices it other than when they are driving by the tower.

Commissioner Riggs indicated that this is 10 stories tall and expressed a concern about a tall tower in Moab Valley. It is also less than two miles away from a ridge that is 1700 feet higher than the tower, so it is not going to have great coverage. This is similar to a tower in Santa Fe where the County placed a tower, and the public opposed a tower that all of the sudden appears out of nowhere.

Administrator McDonald mentioned that I had asked the same questions of the developer and looked for other options. The Developer indicated that the height and along the highway for better coverage throughout the valley and where if it were up on the hill, it would not have as good of coverage. You will see this tower right as you come down the highway and into this valley all the way through Spanish Valley to Moab.

Commissioner Nielson asked if this is the color and look of the towers?

Administrator McDonald also discussed the safety of the tower where it will collapse in place rather than something that will fall over on buildings.

Commissioner Schafer asked if they have met with the property owner? Administrator McDonald indicated that they have.

Commissioner Wilson indicated that we live out here in Spanish Valley and this is essential to us. We have no services, not even internet. This is part of our future. Without this, we do not have what we need to have to live our everyday lives and run our businesses.

Commissioner Riggs asked if there is a better way that we can do this? Commissioner Wilson answered that we still need this, we need to have the safety and we need to have the communications. We need to have everything we can have to be a community, especially for emergencies. Once past La Grand, there is nothing for services. It is important that we have the emergency response.

Comments were received by Ms. Rowe where she provided a history of the tower initially beginning in 2017 in San Juan County, going to Grand County and then back due to public clamoring for a site here for a long time. The height allows us to communicate with the other towers in the area as this is a tower with additional tenants. This tower, which is mainly for Verizon Wireless, will also be able to house other carriers like T-Mobile, AT&T, Dish, and is for propagation of the signal and co-location of additional tenants. We performed an engineering study by a third party that shows the need for this height and location. Originally, we proposed 130 feet but now we are down to 125 feet. The reason for the oxidized finish, this would be more congruous with transmission lines on the other side of the road.

Commissioner Wilson asked if up on the hill by the water tower if this would be a better location? Ms. Rowe mentioned that for now we are trying to be in line with the other towers for optimal interaction with them and as north as possible. There is a tower just three miles up as well as the other two. Once we have the backbone then we can begin filling in the other areas with towers depending on needs.

Commissioner Riggs asked about the height of the other towers? Ms. Rowe indicated she would have to check on the height but thought that they were 80 feet tall.

Commissioner Austin asked about the base of the tower and if she is experienced with the wind and Spanish Valley. Ms. Rowe indicated we design these for exposure, wind and soil type and they are experienced with this region. We also design the tower with a break point that will bend in the case of catastrophic failure.

Commissioner Nielson indicated he does not live there but likes the location. The location is not necessarily a photo op location. Commissioner Wilson indicated that he was right, they take pictures toward a different location back to the east.

## **12. San Juan County Subdivision and Overnight/Short-Term Rental Changes Discussion**

### **Time stamp 3:06:28 (audio)**

This Short-Term rental items was tabled.

Administrator McDonald shared the example of a checklist process for the Subdivision Ordinance. This will provide the Planning Commission and the subdividers a checklist prior to coming to the Planning Commission reviewing Plats. Commissioner Nielson liked the fact that we brought Preliminary Plats to the Planning Commission. Commissioner Wilson indicated that in the past, staff used to do all the Preliminary and only brought Final. Administrative McDonald indicated that we need to find a way to speed up the processes here for developers. This gives subdividers a process to follow.

Commissioner Austin questioned about the process, as the Commission we sometimes make suggested changes, how do we know these are done? Administrator McDonald mentioned that staff would work with the subdivider to make the changes prior to signatures.

Commissioners discussed the possibilities of the checklist. Administrator McDonald indicated that he will send the checklist out for everyone's review.

## **PUBLIC HEARING for an Overnight Accommodations Overlay for 33 East Merriam Court.**

**Time stamp 3:21:40 (audio)**

Motion to open the public hearing was made by Commissioner Wilson.

Seconded by Commissioner Austin.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Austin, Commissioner Nielson, and Commissioner Riggs.

Administrator McDonald provided details regarding the request for an Overnight Accommodations Overlay for 33 East Merriam Court.

Commissioner Wilson indicated that this is just the first step.

Commissioner Riggs asked about Fun-Stays property and why they are not in an overlay district. Commissioner Wilson indicated that the use there existed prior to the new Zoning Ordinances, and they are an existing use prior to the changes.

Administrator McDonald continued to describe their request and pointed out the increased vehicle use on Merriam Court.

Ms. Cook, the applicant stated that she approached UDOT and does not need a traffic study where we are under seven vehicles.

Commissioner Austin indicated that if the neighbors do the same, at what point do you need to have a traffic study and who pays for it? Mr. Cook indicated that the highway approach is a concern, especially with the traffic. They addressed the concern with UDOT and not having a turn lane there. They brought up the school bus issues on that road and UDOT does not see it as a concern at this point. If we added a couple of feet of asphalt, it would solve the problem, we do not need a turn lane, all they must do is extend the asphalt and the problem would be solved. The road is plenty wide.

Commissioner Austin asked what is your sleeping capacity? Ms. Cook indicated there are three bedrooms downstairs and four bedrooms upstairs. To give you a vision of the project, mortgage costs are high, and this will help us out. We originally asked to subdivide and add additional single-family homes, but the Zoning does not allow for it. This was our only option.

Commissioner Wilson indicated that if there is, it has never been applied. This is the first time that Planning and Zoning has not allowed it. In the past, we have allowed residential in a Commercial Zone. The Ordinance is black and white, and it shows what uses are permitted. Single-Family residential is not a use permitted.

Commissioner Austin indicated that we should allow for residential in the area. Before purchasing, we spoke with Planning and Zoning and knew that the only option we had was Overnight Rentals in this Zone and that is the only current option to help provide extra income to help with our mortgage.

Commissioner Austin asked about the future design of the Highway ? Commissioner Schafer mentioned it is supposed to be a four-lane highway.



Administrator McDonald indicated that Zoning can also be used to shape future uses. In a planning module, you really want commercial facing the highway and residential back in. This helps to shape what the future is to become. Commissioner Austin mentioned that this is an existing residential neighborhood, and it should be a special case. Commissioner Wilson indicated that this preexisting. Which values you the most? Ms. Cook indicated that the nightly rentals are the best option. My question is should we make it a resort and not subdivide or RV stalls? Commissioner Wilson mentioned you can still subdivide and have the other two houses and sell them as Overnight Rentals, have them in the Overlay and it will bring in additional money to you. Mr. Cook brought up that we want to be good neighbors, we could have put RV stalls in and bring in extra revenue and develop into a house later. We love to have the option of residential and short-term rentals. This also helps the community, and the community uses. This provides extra housing and more tax revenue.

Commissioner Austin indicated that prior to UDOT improving that access, just make sure your guest know where they are going, show up in the day and do not have vacation brain on. Mr. Cook indicated that there are concerns with the Highway.

Commissioner Schafer asked if there are any Public Comments. None were provided.

**Time Stamp 3:41:51 (audio)**

Motion to close the public hearing was made by Commissioner Wilson

Seconded by Commissioner Riggs.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Austin, Commissioner Nielson, and Commissioner Riggs

Motion to approve the Overnight Overlay District to 33 East Merriam Court was made by Commissioner Wilson.

Seconded by Commissioner Riggs

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Austin, Commissioner Nielson, and Commissioner Riggs

**PUBLIC HEARING for the September 2023 Spanish Valley Zoning Map Updating Recent Approved Overlays and Zoning**

**Time stamp 3:44:38 (audio)**

Motion to open the public hearing was made by Commissioner Wilson.

Seconded by Commissioner Nielson.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Austin, Commissioner Nielson, and Commissioner Riggs

Administrator McDonald described the Zoning maps with the approvals that have taken place and that the Overlays that have been approved need to be clearly indicated. The new map has more details and the Overlays crosshatched. The rezones that have taken place are also provided. SITLA's approval for the Community Structure Plan, that is missing so it needs to be updated since it does not encompass all of SITLA lands. SITLA has been approved as a different process so that needs to be updated. This map today represents everything current.

Commissioner Wilson indicated multiple properties that are existing as Overnight Rentals that have been approved. Administrator McDonald indicated that these are existing. Commissioner Wilson indicated that the map Mark created had them as existing and highlighted.

Commissioner Riggs asked if we should have a Non-Conforming Overnight Overlay area?

Commissioner Austin indicated that they have different allowances in those Zones. In existing they do not have to comply with some of the conditions of an Overlay.

Commissioner Wilson indicated that we don't because we were already there but if we change the use, we lose it. No one will change the use.

Administrator McDonald mentioned that with non-conforming, you were supposed to work to eliminate those uses in the future. Commissioner Wilson indicated that he had discussed this and there is not a sunset as long as you keep within that use.

Commissioner Austin asked if all those properties in that non-conforming could apply for an Overlay District and can be conforming? Yes, but the use is already the use. Commissioner Wilson indicated there is no way that I can come in through the current processes and have the exceptions that I have. You have to start all over again. The Overlay process needs to be removed. In our new Ordinance it mentions it can be Conditional Use, but only in the Highway Commercial.

Public Comments were then received by the following:

Shik Han who expressed concern about where he lives in this area as a resident with a family trying to boost the economy. Overlays are always a second thought. Your Zoning plan and Master plan was never in sync. Now you have to go through all of these legal languages to navigate. Do you as a property conform with these guidelines? It highlights my entire neighborhood where you have the gravel pits Zoned as Agriculture A-1. They will never be agriculture. You have Business Flex, Highway Flex, Neighborhood Flex and then this little island of Spanish Valley Residential that is sandwiched with all these Zones around it, it is like having multiple personalities around it. You have a school, a quarry, residential, an outdoor school and guiding company, and Overnight Rentals. As a Planning Commission you are to ensure consistency and conformity, our neighborhood was completely left off back in 2019. In the future, this piece needs to become Residential Flex. When SITLA PC comes in, they will do the highest and best use, there is no guarantee, I will be surrounded by houses. All of these properties here are handcuffed. I would encourage you to look at the maps and zoning here.

Commissioner Wilson advised that changes be made to a single lot that is Commercial with one piece that is 41 acres that is in the Planned Community, which is Grand County's, that should not be in the PC Zone. It should also be Spanish Valley Residential. When you change the map, we should consider making these changes or at least providing the baseline Residential Flex.

Administrator McDonald mentioned that the purpose of the flex is supposed to be this flexible progressive change into the other Zones.

Mr. Han mentioned you have your buffers in the commercial to the residential. Residential Flex or Control District would be my recommendation.

Commissioner Wilson indicated that the Control District should not even be there. All we had here was Highway Commercial and Agriculture A-1. This was established in the 1970's and then changed in 2019.

Commissioner Austin asked how the gravel pits can be A-1? Commissioner Wilson answered that because they are an established use, and you cannot change their Zoning. That was the Zone they existed in.

Commissioner Shafer asked if this is an action item?

Administrator McDonald mentioned you can approve it with changes, or this can be tabled for clarification.

The Commission discussed conforming and non-conforming use. If we change the Ordinance, then all of this goes away. Commissioner Wilson pointed out that his concern is that by removing the existing, then he cannot apply for an Overlay District or if he wants to add on to a home, he cannot because he would lose the use. Commissioner Nielson mentioned that you should lose that use if you are not conforming. Commissioner Austin mentioned we should use the language in the Land Use Plan.

Commissioner Riggs asked if we have to approve this tonight or can we postpone it until these items are cleared up.

Commissioner Austin would like to see this with the SITLA change.

Motion to table was made by Commissioner Nielson.

Seconded by Commissioner Wilson.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Austin, Commissioner Nielson, and Commissioner Riggs

## **ADJOURNMENT**

### **Time stamp 4:13:59 (audio)**

Motion to adjourn was made by Commissioner Nielson.

Seconded by Commissioner Wilson.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Austin, Commissioner Nielson, and Commissioner Riggs