



## LEGISLATIVE STAFF REPORT

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**MEETING DATE:** April 11, 2024

**ITEM TITLE, PRESENTER:** Consideration and Approval of a Conditional Use Permit Allowing for a RV Park at 180 Tera Drive, Moab, Sharell Carlson

**RECOMMENDATION:** Make a motion approving the Conditional Use using the findings and conditions after validating substantial evidence described in the Conditional Use Permit Report created by staff.

Make a motion denying the Conditional Use based on findings of fact due to the following reasons: (statements of findings for substantial evidence)

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### SUMMARY

On April 2, 2024, the County received a Conditional Use Permit Application for The Gathering Place, located at 180 Tera Drive in Spanish Valley from Sharell Carlson.

**Property:**

Parcel: #26S22E357800, 2.57 acres

**Current Zoning:**

This parcel is in the Spanish Valley Residential (SVR) District as per 2021 Zoning Map

The applicant is planning on utilizing existing structures and uses as part of an on-going RV Park. The park has previously been listed as an overnight rental and also contains four (4) dwellings used as long term rentals.

### ORDINANCE SECTIONS

The following Conditional Uses are applicable in association with the Spanish Valley Residential (SVR) zone in Table 1-1:

- Accessory Buildings and Uses
- All other household living uses (5<sup>th</sup> wheels, trailers, etc.)

By definition a CONDITIONAL USE is a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

### **Possible Conditions May Include:**

- Must coordinate with the Division of Drinking Water and the Spanish Valley Special Service District for water system and pass that off through the County Administrator.
- 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. Including having an engineer design the appropriate waste water systems for the uses.
- Must comply with San Juan County business license requirements.

### **HISTORY/PAST ACTION**

The property was purchased by Carlson in 2003. This parcel was historically under Agriculture (A-1) Zone as of the 2011 Ordinance. Within this document it was outlined that “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” are a Conditional Use within the Agricultural Zone. Under this historical context, there is a 1 acre lot minimum, 25-foot front yard setback, 25-foot rear yard setback, and 15-foot side yard setbacks from the property line to any dwelling or accessory buildings. As it exists, under the historical context the property is not in compliance.

The Spanish Valley Ordinance was legally adopted in September 2019 by the San Juan County Board of Commissioners. This document, with the accompanied maps updated and amended in 2021, holds as our current legal directive. The property is currently designated as Spanish Valley Residential (SVR) which defines that “Accessory Buildings and Uses” and “All other household living uses (5th wheel, trailers, etc.)” as a Conditional Use. Every building and lot must have access to either an approved private street or driveway or alley which provides safe and convenient access for servicing, fire protection and required on-site parking. Each lot must uphold our minimum standards for 75-foot lot width, 25-foot front setback, 20-foot rear yard setback, and 8-foot side yard setbacks. A setback is defined as being unobstructed by any part of a structure from the ground to the sky and measured as the horizontal distance between a property line and the furthestmost projection of the structure. The SVR district also requires a minimum spacing of 16 feet between units.

Please refer to Chapter 1: Spanish Valley Residential (SVR) District of the Spanish Valley Development Ordinances for additional information on the current requirements on the property.

In review of prior building applications, it appears that there was a stop work order on September 25, 2019 stating: “Must have electrical contractor. Attempted to pull as Owner/Builder. Stated purpose was for RV hookups. Further information reveals possible purpose to be establishment of rentable RV camp-park spaces (commercial.) SJC P&Z approval signature required for application; may not be possible at present due to current commercial development moratorium in Spanish Valley. A further note on your building permit on May 26, 2020 stated: “Mr. Carlson called with a new RMP WO#6852560. The original was also the same as Daniel Wright (#6684175).”

An owner/builder exception applies only to single-family residences of which the builder is the main inhabitant and in which case an “Owner Builder Certification Agreement” needs to be filed with the State of Utah at the point of construction commencing, which was submitted in September 2019 and January 2022.

At the October 2019 Planning Commission the property was discussed and it was determined that Carlson would need to apply for a Conditional Use Permit. No application was filed at the time.

In January 2024 a neighboring parcel applied to be divided. The process raised questions to the power and water supplies which run on Carlson's property. After further investigation, it was revealed that The Gathering Place was running as an RV Park and with overnight rental units. Administrator Bushnell met with Carlson and others January 23<sup>rd</sup>, 2024 to discuss plans for expansions to commercial uses on properties and she clarified that the use as an overnight RV park was prohibited.

In March 2024 neighbors complained about the RV park and expansions for overnight rentals in the area of Tera Drive. Both phone conversations and emails called for an immediate cease and desist. Carlson then applied for a Conditional Use Permit (as is before us now) and has pulled his listing from online overnight rental booking agencies in an effort to become compliant.