

SCOPE OF PLANNING DEPARTMENT

The intent and purpose of the Planning & Zoning Department is to provide guidance and a set of regulations to promote property rights to private landowners, businesses and developers to encourage investment and growth in our communities. It is the responsibility of the Planning Administrator and Planning Commission to support positive land use decisions.

Our proposed 2024 San Juan County Land Use, Development, and Management Ordinance is a response to outdated zoning concerns from our current standing 2011 Ordinance. Zoning ordinances are a living document with the intent to be continuously reevaluated to address on-going community needs.

Planning & Zoning's scope is limited to land use. The maps and use table provided outline a proposal for the types of uses permitted (or conditional) in each zoning district. A "Permitted Use" means that the property owner may proceed under that use (obtain a building permit, open a business of that type, etc). A "Conditional Use" means that this type of use is allowed but will need to go to the Planning Commission for approval to address concerns for safety and wellness of the surrounding neighborhood.

Clarification on Community Discussions

TAXES AND GREENBELT STATUS

Taxes and Greenbelt status are not tied to zoning designations. Yearly taxes are assessed based on what is physically happening at the property. Property assessments are done at the site or by using satellite data. There are several categories that can be assigned to a property. All property has land, so the value of the land will be your base. Additional valuations will be added such as a primary residence, sheds/garages, commercial space, secondary cabin, and others that best describe the physical undertakings on the property. Once all assets are assessed this "Taxable Value" is multiplied by the tax rate of your area (ex. La Sal tax rate is 0.011459). This number is what you will owe the county in taxes for that year.

Utah's Greenbelt Exemption (or the Farmland Assessment Act, FAA) allows for land (over 5 acres) to be taxed on its productive capacity instead of the market value. The property owner must have the intent of using the land for agricultural revenue. Open space does not qualify for "Agricultural Revenue". Applications for Greenbelt Exemption are frequently audited for compliance.

Our Assessor's Office is currently undertaking the tedious task of correcting historic Greenbelt Exemptions. You would have previously received a letter if this applies to your property. There were older assumed Greenbelt Exemptions that never had an application. If this applies to you, you will need to fill out a Greenbelt Application with the San Juan County Assessor's Office.

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NONCONFORMING USE & ANIMAL RIGHTS

Uses which have been commenced legally prior to the adoption of the proposed ordinance, or for which permits were properly issued and are acted upon in a timely manner, shall be considered as nonconforming uses. Uses that were unlawful prior to the enactment of the new ordinance, shall not become legal by the enactment of the new ordinance.

The purpose of “Nonconforming” is to control and gradually eliminate those uses of land or structures that, although legal at the time of their establishment or erection, do not now conform to the land use regulations of the current zone within which they are situated. This allows for the ideals of each designated zone to be realized over time.

The current 2011 Ordinance states that “Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises” are allowed in Rural Residential and Agricultural Zones. If this currently applies to you, you are in compliance.

The new proposed agricultural uses within a Residential Zone are as follows:

The keeping of no more than four (4) large animals (e.g., cows/cattle, horses) shall be considered a permitted use on lots/parcels with more than one acre and less than 5 acres. These standards shall not be applicable to parcels larger than 5 acres.

The keeping of no more than four (4) small agricultural animals (e.g., sheep, pigs, goats, chickens, and waterfowl) shall be considered a permitted use on parcels with more than one-half acre and less than 5 acres. These standards shall not be applicable to parcels larger than 5 acres.

Barns, stables, coops, animal sheds or similar structures shall be set back at least 100 feet from existing dwellings and 20 feet from any open waterway. Surface drainage from such structures shall not be permitted to drain into a natural stream or into a drainage way that drains into a natural stream and shall comply with State of Utah Health Code and local San Juan County Health Department regulations.

Agriculture, as defined in this title, which does not occupy more than 33% of the lot/parcel, is permitted.

WATER RIGHTS

The State of Utah controls water right designations. There was a recent audit of existing wells in which property owners need to verify their use and flow rates. This is handled directly with the State Office. San Juan County has no jurisdiction over water rights.

Utah Division of Water Rights
WaterRights@utah.gov
801-538-7240

MORTGAGE RATES & HOMEOWNERS INSURANCE

Zoning has no control over your mortgage or your homeowner’s insurance. Mortgages are based on what your building and insurance is based on what you actually built. Please contact these entities directly if you have questions or concerns.

RESORTS, SOLAR FARMS & OTHER CONDITIONAL USES

We have several recreational resorts already in the area. Camp Resorts are allowed under a Conditional Use. This means that applicants would have to apply and gain approval from the Planning Commission. Conditional Uses must be fulfilled within a year and maintain those stipulations throughout the operation of that use.

There is a solar farm company looking at a facility in La Sal proper. They have several parcels they are currently evaluating along the Highway 46 and Markal Street. The company is doing an initial feasibility study and have not made an application at this time. If they do want to proceed, they will have to apply for a Conditional Use Permit at which time public due process will happen.

I have not heard anything about Uranium Processing or Storage Facilities county-wide. The storage facility in Blanding is one of two in the nation. The infrastructure it would take to build a second facility in La Sal seems unfeasible since there's already one in Blanding.

PERMANENT RV RESIDENTS

Permanently living in an RV or Camp Trailer is not allowed outside of a designated and county approved RV Park. This is a growing problem for all cities and counties across our nation right now. There will be very clear guidelines in the new ordinance of limiting the amount of RV's allowed per property and the stipulations of which they may be stored on the property.

A Temporary RV Permit may be obtained with the intent of providing shelter while building a residence. This permit must be applied for and approved by the Planning Administrator. Permits are good for one-year with requested extensions if substantial progress is shown on permanent housing.

Any other concerns from the community that need clarity?