



**PLANNING COMMISSION MEETING**  
117 South Main Street, Monticello, Utah 84535. Commission Chambers  
August 13, 2026 at 6:00 PM

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**AGENDA**

Google Meet – Joining Information

[meet.google.com/oco-znwg-gbt](https://meet.google.com/oco-znwg-gbt)

Phone: (US) +1 478-292-3950 PIN: 675 750 213#

**WELCOME**

**ROLE CALL**

**PUBLIC COMMENT** - *Time reserved for public comment on items or issues not listed on the agenda.*

**GENERAL BUSINESS**

1. Approval of Planning Commission Meeting Minutes from July 9, 2026 (Corey Coleman, Planning)

**Estimated Time:** 5 minutes

**LEGISLATIVE ITEMS**

2. Discussion and possible action regarding a Conditional Use Permit request submitted by Diamond Propane

**Estimated Time:** 15 minutes

**ADMINISTRATIVE ITEMS**

3. Chapter 1 - August 2026 - 2nd Reading

**Estimated Time:** 30 minutes

4. Work Session Discussion

**Estimated Time:** 5 minutes

**BUILDING PERMIT(S) REVIEW**

5. July Building Permit, Inspection Report and Department Update

**Estimated Time:** 15 minutes

**ADJOURNMENT**

**\*\*In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the San Juan County Clerk's Office: 117 South Main, Monticello or telephone 435-587-3223, giving reasonable notice\*\***



**PLANNING COMMISSION MEETING**  
117 South Main Street, Monticello, Utah 84535. Commission Chambers  
July 09, 2026, 2026

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**Minutes**

**CALL TO ORDER AND ADMINISTRATIVE ITEMS**

**WELCOME** (0:00) Trent Schafer

**COMMISSION MEMBERS PRESENT**

Trent Schafer and Shea Walker

**COMMISSION MEMBERS ONLINE**

Lloyd Wilson, TC Garcia, Cody Nielson and Melissa Rigg

**STAFF IN ATTENDANCE**

Corey Coleman, Jens Nielson and Tamra Lewis

**PRAYER**

Pete Black

**PLEDGE OF ALLEGIANCE**

Shea Nielson

**PUBLIC COMMENT**

No conflicts of interest were declared.

**8:00 PM - Jeff Clawson**

Former Senior Planner and Engineer Jeff Clawson thanked the Commission and staff for their continued efforts to modernize the County's land use regulations. He emphasized the importance of consistent code enforcement

and requested clarification regarding the County's definition of a campground, noting previous interpretations had varied over the years.

### **Marjorie Hans Storland**

Marjorie Hans Storland expressed concerns regarding portions of the proposed development code revisions. She stated several requirements exceeded those required by Utah law and discussed agricultural building exemptions. She also voiced concerns regarding survey requirements, site plan review costs, and the financial burden these regulations could place on property owners.

## **GENERAL BUSINESS**

(6:18) The Commission reviewed the minutes from the June 4, 2026 Planning Commission meeting.

**Motion:** Approve the June 4, 2026 minutes.

**Motion by:** Shea Walker

**Second by:** Melissa Rigg

**Vote:** Motion carried unanimously.

## **ADMINISTRATIVE ITEMS**

Not discussed due to the current Babylon Fire Conditions on the Mountain

## **LEGISLATIVE**

### **6:22 PM – Staff Discussion - Subdivision Amendment Policy**

Corey Coleman presented an overview of current subdivision amendment procedures.

Corey explained that staff continues to work through inconsistencies between the 2011 Land Use Ordinance, 2019 Spanish Valley Code and Utah State Code.

Staff requested additional policy direction regarding:

- subdivision amendments
- subdivision vacations
- creation of additional buildable lots

- lot splits
- required signatures
- public hearing requirements

Corey explained the County has been making a significant effort toward greater transparency by notifying neighboring property owners and service providers earlier in the process.

Commissioners discussed when public hearings are required under Utah State law when unanimous property owner signatures are not obtained.

Following discussion, the Commission agreed future applications lacking unanimous consent should proceed through the public hearing process.

### **6:50 PM – Public Hearing for Turkey Trot Estates Subdivision, Lot 3, Permit No. 26094**

The Commission opened a public hearing.

A motion was made by Shea to open a public hearing.

Second by Melissa

Vote: Motion Carried

No public comments were received.

A motion made by Shea to close the public hearing.

Second by Cody

Vote: Motion Carried

### **Staff Report**

Corey Coleman presented the staff report for Permit 26094.

The applicant, Steven Thurlo, requested an amendment to Lot 3 within Turkey Trot Estates.

Staff explained:

- Property located in Spanish Valley Residential Zone
- Single-family dwellings permitted
- All neighboring owners had signed except one
- Remaining owner received proper legal notification
- County GIS improvements have enhanced record keeping for subdivision amendment

### **Commission Discussion**

Commissioners discussed:

- notification requirements
- subdivision amendment procedures
- compliance with State Code

No significant concerns were raised.

### **Motion**

Recommend approval of Permit 26094 to the County Commission.

Motion made by Shea  
Second by Melissa  
Vote: Motion Carried

### **7:05 PM – Public Hearing for Turkey Trot Estates Lot 12, Permit No. 26097**

The Commission opened a public hearing.

Motion was made by Shea  
Second by Lloyd  
Vote: Motion Carried  
No public comments were received.  
A motion made by Melissa to close the public hearing.  
Second by Shea  
Vote: Motion Carried

The hearing was closed.

### **Staff Report**

Corey Coleman presented Permit 26097.

Applicants Morgan and Koi Cook requested approval of an amendment creating an additional buildable lot.

Staff reviewed:

- Highway Commercial zoning
- Overnight Accommodation Overlay
- UDOT access
- Traffic limitations
- Lot dimensions
- Setbacks

## Applicant Comments

Morgan Cook explained previous discussions with UDOT indicated the subdivision was limited by traffic counts to seven units.

The proposed amendment would remain within those limits.

Applicants stated the purpose was to create flexibility for future use including:

- sale of the property
- future residence
- possible short-term rental

## Commission Discussion

Commissioners discussed:

- residential vs commercial zoning (Lloyd and Jens discussed)
- applicability of the overnight accommodation overlay
- historical subdivision approvals
- neighboring property concerns
- protective covenants
- future zoning changes
- possibility of a future multi-use zoning district

## Motion

Recommend approval of Permit 26097 to the County Commission.

Motion made by Shea  
Second by Lloyd  
Vote: **Motion to approve**

**Motion carried.**

## 8:00 PM – Public Hearing, Deer Haven Park, Permit No. 26046

The Commission entered into public hearing.

Motion made by Shea  
Second by Lloyd  
Vote: Motion Carried

## Public Comment

Jeff Clawson opposed the application stating:

- Covenants should be honored
- HOA process should occur first
- no sufficient cause existed
- concerns regarding traffic
- road maintenance
- property values

## **Applicant Presentation**

Applicant Hillary Ananiadis explained the request was to combine two lots into a single parcel.

The applicant stated the purpose was to:

- increase privacy
- create additional open space
- establish a future retirement property
- not increase density
- not create additional development

A motion made by Shea to close the public hearing.

Second by Melissa

Vote: Motion Carried

The hearing was closed.

## **Discussion**

Commissioners discussed:

- shared well agreements
- easements
- water rights
- greenbelt taxation
- CCRs
- HOA procedures
- subdivision precedent
- plat revisions
- well protection zones
- future maintenance responsibilities

The applicant agreed to include:

- 100-foot well protection radius
- shared well easement
- updated plat documentation

Despite discussion, commissioners remained divided regarding whether sufficient "good cause" existed to approve the subdivision vacation.

### **Motion**

Motion to recommend to County Commissioners

Motion made by Lloyd

Second (None)

Trent (Chair) passed chair to Lloyd (Vice Chair)

Trent seconded motion

Vote: Melissa nay, TC nay, Cody nay

Vote was 3–3

Trent took the chair back.

**Motion denied.** Trent told applicant they can reapply if they want to be reconsidered.

### **9:05 PM – Public Hearing, Deer Haven Park, Permit No. 26095**

The Commission opened a public hearing concerning a separate subdivision vacation request.

A motion was made by Shea

Second by Lloyd

Vote: Motion Carried

### **Public Comment**

Jeff Clawson again opposed the request citing:

- lack of good cause
- HOA process
- CCR compliance

Frank Herrman the applicant stated they wished to continue agricultural use of their property and expressed concerns regarding changing HOA policies.

A motion by Lloyd to close the public hearing.

Second by Shea

Vote: Motion Carried

### **Commission Discussion**

Discussion included:

- HOA authority
- County authority
- vacation standards
- planning permit procedures

- County software improvements
- historical subdivision practices

Thomas Garcia stated applicants should first work through their HOA before seeking County approval.

Several commissioners agreed.

### **Motion**

Motion to deny Permit 26095.

Motion made by Melissa

Second by TC

Vote: All agreed to deny except Lloyd was a nay.

**Denial Motion carried.**

### **9:45 PM – Staff Reports**

Corey Coleman discussed:

- significant workload preparing subdivision amendment packets
- over 180 staff hours invested
- ongoing software implementation
- database cleanup
- inspection report improvements
- need for clearer bylaws
- future code updates

Commissioners thanked staff for the extensive preparation.

Thomas Garcia recommended future bylaws include time limits for agenda items.

Staff agreed this would improve meeting efficiency.

### **BUILDING PERMITS**

Building Permit and Inspection Report for June 2026

### **10:05 PM – Inspection Updates**

Corey Coleman reported:

- Daniel Perry residence approximately 80% complete
- Temporary Certificate of Occupancy pending
- Matthew Marshall project nearing completion
- software limitations continue affecting inspection reporting

## 10:15 PM – FUTURE MEETING SCHEDULE

Staff announced Planning Commission meetings will transition to **two meetings per month** beginning in August, held on the **second and fourth Thursdays**.

## ADJOURNMENT

**Motion by:** Cody Nielson

**Second by:** Shea Walker

**Vote:** Motion carried unanimously.

Draft - Pending Approval



## STAFF REPORT

**MEETING DATE:** August 13, 2026

**ITEM TITLE, PRESENTER:** Planning Commission San Juan County Land Use -  
**DIAMOND PROPANE CUP** - La Sal - Aceres - Parcel 28S24E31000

**RECOMMENDATION:**

**1. Approval Motion:**  
*I move to approve the Conditional Use Permit based on the Findings and Conditions, and having found substantial evidence as described in the Conditional Use Permit Document prepared by Staff.*

**2. Denial Motion – Statement of Reasons:**  
*I move to deny the Conditional Use Permit for the following reasons, as outlined in the Statement of Findings for Substantial Evidence.*

### SUMMARY

Diamond Propane LLC is requesting a Conditional Use Permit for an approximately two-acre, unmanned bulk propane storage and refill facility along State Route 46 in northern San Juan County. The facility would serve company delivery trucks and would not include public retail sales.

The proposed development includes one 30,000-gallon above-ground propane tank, a fenced and secured operational yard, controlled access, gravel circulation for delivery and emergency vehicles, limited downward-facing lighting, and required propane-transfer and safety equipment. No permanent sewer or water service is anticipated unless required by the fire authority.

Operations would be limited primarily to daytime refill, delivery, inspection, and maintenance activities. The applicant anticipates minimal traffic and no overnight truck staging. The tank and fenced yard are shown toward the interior of the property, with gravel access extending from the State Route 46 side of the parcel.

### APPLICABLE ORDINANCE

Per the 2011 San Juan County Zoning Ordinance, bulk propane storage and distribution facilities may require Conditional Use Permit review depending on the zoning district, scale of the operation, and potential impacts on surrounding properties.

## STAFF FINDINGS AND REVIEW

The proposed facility is a small, unmanned propane storage site intended to support Diamond Propane's delivery operations. Possible impacts include truck traffic, fire safety, lighting, dust, noise, and visual appearance. These concerns can be addressed through required permits, fencing, site maintenance, and operating conditions.

The 30,000-gallon propane tank and related equipment will need approval from the Utah State Fire Marshal and must meet all required safety standards, including setbacks, emergency shutoffs, signage, fire extinguishers, access, and security.

Because the site accesses State Route 46, any required UDOT approval will need to be obtained. The access and circulation area should safely accommodate delivery trucks and emergency vehicles.

Lighting should be shielded and directed downward. Routine operations should generally occur during daytime hours. The gravel site should also be maintained to control dust, erosion, and runoff.

Staff finds that the proposed use can be compatible with the surrounding rural area if all required permits are obtained and the recommended conditions are followed.

## CONDITIONS

1. The project shall be developed substantially in accordance with the approved Conditional Use Permit narrative and site plan. Material changes shall require County review and may require an amendment to the Conditional Use Permit.
2. Before installation or operation, the applicant shall obtain all required permits and approvals from the Utah State Fire Marshal and other authorities having jurisdiction.
3. The propane tank, transfer equipment, fencing, gates, emergency shutoffs, signage, fire extinguishers, vehicle-impact protection, and required separation distances shall comply with all applicable codes and approved plans.
4. The applicant shall obtain any required UDOT access, encroachment, or right-of-way approval for access from State Route 46 before construction or operation.
5. Emergency access shall be maintained at all times. Gates shall include an emergency-access method approved by the applicable fire authority.
6. The facility shall not operate as a public retail fueling station unless separately reviewed and approved by the County.
7. Overnight staging or storage of delivery trucks is not permitted unless approved through an amendment to this Conditional Use Permit.
8. Routine operations shall occur primarily during daytime hours. After-hours activity shall be limited to emergency or essential service needs.
9. All required building, electrical, grading, sign, and other permits shall be obtained before the associated work begins.
10. The propane storage and transfer facility shall be operated and maintained in accordance with applicable fire-safety requirements.
11. Required vegetation clearance and defensible space shall be maintained around the propane tank and operational area in accordance with applicable fire-code requirements and direction from the fire authority.
12. The applicant shall comply with all applicable County, state, and federal requirements. Failure to comply with the conditions of approval may result in enforcement action or review and possible revocation of the Conditional Use Permit in accordance with applicable County procedures.

## QUESTIONS FOR THE APPLICANT/COMMISSION

A) *Are there any additional conditions the Planning Commission would like considered?*

# Conditional Use Permit (CUP) – Summary Development Plan

## Diamond Propane – North Service Area Bulk Propane Facility

San Juan County, Utah

**Applicant:** Diamond Propane LLC

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## Project Overview

Diamond Propane proposes to develop a small, unmanned propane bulk storage and refill facility on approximately 2 acres in northern San Juan County, Utah. The purpose of the facility is to improve operational efficiency, reduce travel time for propane delivery trucks, and provide reliable propane supply service to customers located in the northern portion of Diamond Propane's service territory.

The proposed site will include:

- One (1) 30,000-gallon above-ground propane storage tank
- A circular gravel drive for truck circulation and refill access
- Controlled access gate
- Security fencing surrounding the tank area
- Minimal site lighting for safety and security
- Required safety setbacks and emergency access
- Limited ancillary equipment associated with propane transfer operations

The facility will function primarily as a bulk refill point for company delivery trucks and is not intended to operate as a public retail fueling station.

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## Proposed Site Improvements

### Propane Storage Tank

- One 30,000-gallon above-ground propane tank
- Installed in accordance with:
  - NFPA 58 standards
  - State Fire Marshal requirements

- San Juan County land use regulations
- Tank positioned near the center of the property to maximize safety setbacks

## Access & Circulation

- Circular gravel driveway surrounding the tank
- Designed to accommodate:
  - Bobtail propane delivery trucks
  - Service vehicles
  - Emergency response vehicles
- All-weather gravel surface for year-round access

## Fencing & Security

- Security fencing around operational equipment
- Locked access gate
- Warning signage and safety placards as required by code

## Lighting

- Limited downward-facing LED lighting
- Intended solely for operational safety and security
- Designed to minimize impacts on neighboring properties and dark skies

## Drainage & Surface Conditions

- Existing site grading will largely remain natural
- Minimal disturbance anticipated
- Gravel surfacing intended to reduce dust and erosion

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## Operations Summary

The proposed facility is intended to serve as a logistical support location for propane distribution activities in northern San Juan County.

### Typical Operations Include:

- Delivery trucks entering the site
- Refilling propane delivery vehicles from the bulk storage tank
- Periodic propane deliveries to replenish the bulk tank
- Limited maintenance and inspection activities

### **Operational Characteristics:**

- No public retail sales
  - No overnight truck staging
  - Minimal daily traffic
  - Primarily daytime operations
  - Unmanned except during refill activities
- 

## **Compatibility With Surrounding Area**

The proposed use is low intensity in nature and compatible with rural and agricultural land uses commonly found within San Juan County. The project will generate minimal traffic, minimal noise, and limited visual impact.

The facility supports essential rural infrastructure by improving propane distribution reliability and emergency response capabilities for area residents and businesses.

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## **Health, Safety & Environmental Considerations**

Diamond Propane will comply with all applicable federal, state, and local safety regulations governing propane storage and handling.

### **Safety Measures Include:**

- NFPA 58 compliance
- Required tank setbacks
- Emergency shutoff equipment
- Fire extinguisher stations
- Clearly marked hazard signage
- Routine inspection and maintenance procedures
- Controlled site access

The site will be operated in a manner designed to minimize environmental impacts and maintain safe operations for employees, neighboring properties, and the public.

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## **Utilities**

The facility is expected to require minimal utilities.

Potential utility connections may include:

- Limited electrical service for lighting and security
  - No sanitary sewer demand anticipated
  - No permanent water service anticipated unless required by fire authorities
- 

## Traffic Impact

Traffic generated by the facility is expected to be minimal and primarily limited to:

- Diamond Propane delivery trucks
- Periodic propane supply transport trucks
- Occasional maintenance vehicles

The circular driveway design allows vehicles to safely enter and exit the property without backing movements.

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## Economic & Community Benefits

The proposed facility will provide several benefits to San Juan County residents and customers, including:

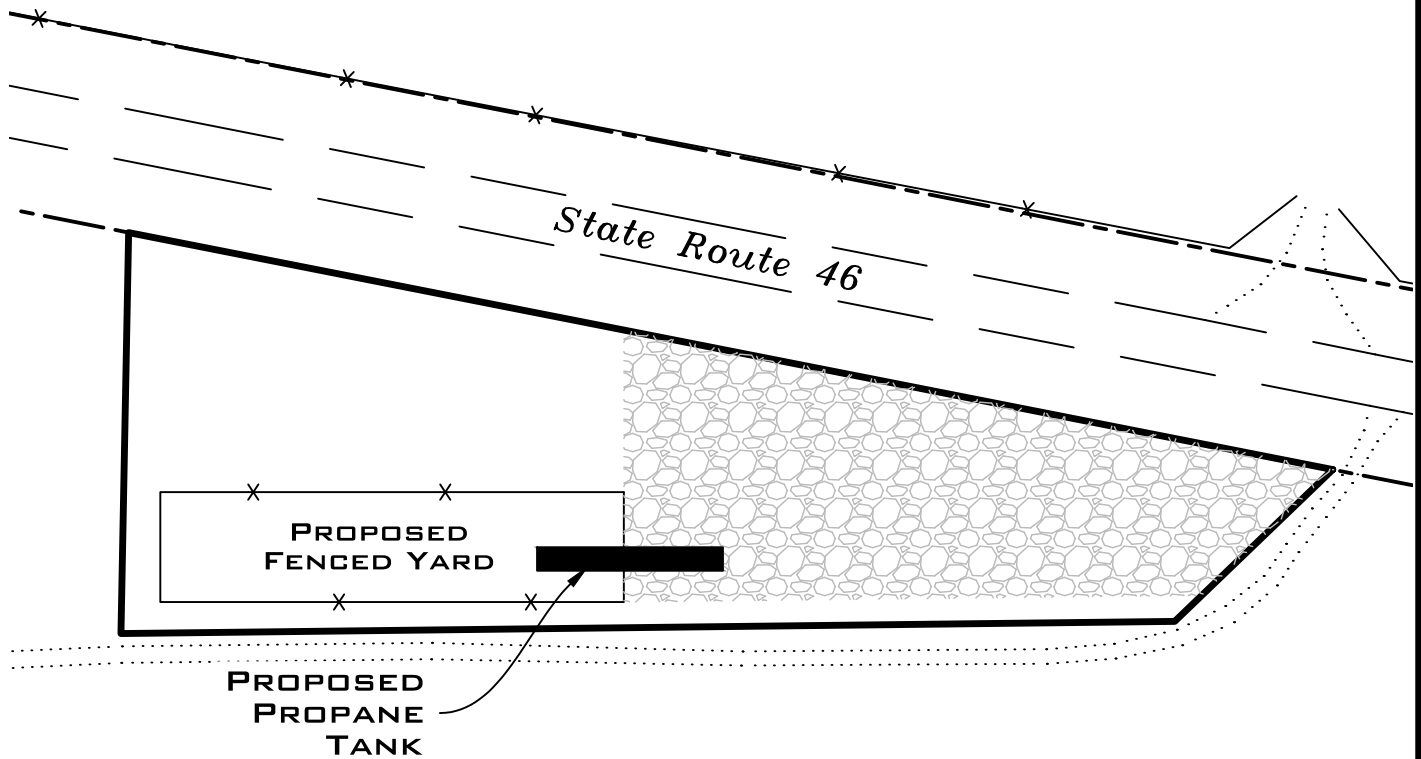
- Improved propane delivery efficiency
  - Faster service response times
  - Increased reliability during winter demand periods
  - Reduced fuel consumption and operational travel distances
  - Enhanced emergency supply capability for rural communities
- 

## Conclusion

Diamond Propane respectfully requests approval of a Conditional Use Permit for the proposed propane bulk storage and refill facility. The project is designed to be safe, low impact, and compatible with surrounding rural land uses while supporting critical energy infrastructure needs within northern San Juan County, Utah.

# PROPOSED SITE LAYOUT

DIAMOND PROPANE  
LA SAL, UTAH



## LEGEND

ABBREVIATIONS LINES SYMBOLS

|  |                       |
|--|-----------------------|
|  | PROPERTY LINE         |
|  | PROPOSED FENCE LINE   |
|  | HIGHWAY R.O.W. LINE   |
|  | EXISTING EDGE ASPHALT |
|  | EDGE GRAVEL/DIRT ROAD |
|  | PROPOSED GRAVEL       |

# SIZE COMPARISON

## 30,000 GALLON PROPANE TANK

Approx. 69 ft long  
Approx. 10–11 ft diameter

## F-350 TRUCK

Approx. 22 ft long



Approx. 22 ft

Approx. 69 ft

Approx.  
10–11 ft  
diameter



Both objects shown in side view and placed on the same ground line for clear size comparison.

**FOR ILLUSTRATION PURPOSES ONLY**

Approximate visual comparison; not intended for engineering, permitting, siting, or construction measurements.

## Property Owner's Affidavit

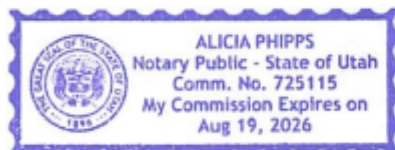
I (we) T. Lowry Redd aka Esq. Liv-A-Ride, being first duly sworn, depose and that I (we) am (are) the current owner(s) of the property involved in this application; that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

T. Lowry Redd  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

State of Utah )  
Grand M:  
County of San Juan )

Subscribed and sworn to before me this 30 day of June, 2026.



AK  
Notary Public

Residing in Moon Utah

My Commission expires: 08/19/2026



## STAFF REPORT

**MEETING DATE:** August 13, 2026

**ITEM TITLE, PRESENTER:** Chapter 1 San Juan County (LUDMO)

**RECOMMENDATION:** No formal action is required at this time; staff will continue to update and refine reference materials to support the Planning Commission.

**Purpose:**

Review and discuss proposed revisions to Chapter 1 of the San Juan County Land Use Development and Management Ordinance (LUDMO).

**Background and Discussion:**

Chapter 1 establishes the general framework for administration of the County's land-use ordinance. Several provisions are outdated, duplicated elsewhere, or use terminology that no longer reflects current County practices.

The proposed revision retains the general intent of the existing ordinance while reorganizing and updating the language for clarity and consistency. Definitions are proposed to be relocated to the definitions chapter, with related administrative provisions consolidated into Chapter 1.

**Staff Approach:**

Based on direction received during the June meeting, staff returned to the 2011 Ordinance as the primary framework and used the 2025 draft and other reference materials to assist with updates. This has required combining and reorganizing portions of the 2011 Chapters 1 and 2.

The intent is not to substantially expand County authority, but to create a clearer and more practical framework emphasizing property rights, voluntary compliance, reasonable enforcement, and a clear path to compliance.

**Staff Recommendation:**

Staff has completed a working draft for the second reading. Supporting materials are included in the packet for transparency and to show how the proposed language was developed.

Staff recommends continued review and direction from the Planning Commission. Recommended changes and legal review, where necessary, will be incorporated into the next draft.

# PROPOSED DRAFT

## NOT ADOPTED 2nd Reading

Item 3.

### **SECTION 1: SHORT TITLE**

These ordinances shall be known as the Land Use Development and Management Ordinance (LUDMO) and may be so cited and pleaded. Whenever a reference is made to this code as the San Juan County land use or development code, or to any portion hereof, or to any ordinance of San Juan County, Utah, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

### **SECTION 2: PURPOSE AND INTENT**

This LUDMO and the regulations and restrictions contained herein are adopted and enacted for the purposes enumerated in CLUDMA, including:

- I. providing for health, safety, and welfare
- II. promoting prosperity;
- III. improving morals, peace, good order, comfort, convenience, and aesthetics;
- IV. protecting tax base;
- V. securing economy in governmental expenditures;
- VI. fostering agricultural and other industries;
- VII. protecting both urban and nonurban development;
- VIII. protecting and ensuring access to sunlight for solar energy devices;
- IX. providing fundamental fairness in land use regulation;
- X. facilitating orderly growth and allowing growth in a variety of housing types; and
- XI. protecting property values.

This LUDMO shall be construed to further its purposes and to promote the objectives and characteristics of the respective zones.

### **SECTION 3: AUTHORITY**

It is hereby recognized to be within the authority delegated to San Juan County to approve the subdivision and development of land, amendment of plats or adjustment of lot lines, rezoning of property, amendments to the San Juan County General Plan, and approval of site plans pursuant to the guidance of the San Juan County General Plan and CLUDMA, for the orderly, planned, efficient, and economic development of San Juan County. Unless otherwise designated, the San Juan County legislative body shall be the Land Use Authority for all applications requiring legislative action. Non-legislative actions are delegated as follows: A. The Planning Commission shall be the Land Use Authority for:

# PROPOSED DRAFT

## NOT ADOPTED 2nd Reading

Item 3.

1. Conditional Use Permits
2. Recommendation to San Juan County Commission
3. X
4. X
5. X
- 6.

B. The San Juan County Planning Administrator shall be the Land Use Authority for the following applications unless a public hearing is required:

1. Non-Conforming Use Determinations;
2. Temporary Uses;
4. Commercial Site Plans;
5. Commercial Off-Street Parking Reductions;
8. Boundary Line Adjustments; and
9. Minor Subdivisions.

C. Building Official

1. Building Permits;  
Certificates of Occupancy

### **SECTION 4: INTERPRETATION AND APPLICABILITY**

This Ordinance shall not supersede or nullify any more restrictive provision of another applicable ordinance or law. Where another applicable ordinance or law is less restrictive, the provisions of this Ordinance shall control.

The County may consider applicable private covenants, agreements, or restrictions when reviewing an application; however, such consideration shall not constitute interpretation, approval, administration, or enforcement of those private provisions. Compliance with private covenants, agreements, or restrictions shall remain the responsibility of the property owner and other parties having authority to enforce them.

### **SECTION 5: CONFLICTING PROVISIONS**

County departments, officials, and employees shall issue land-use permits, approvals, and licenses in accordance with this LUDMO. No approval shall be issued for a use or development that conflicts with this LUDMO. An approval issued in material conflict with this LUDMO shall be invalid to the extent permitted by law.

This LUDMO is supplemental to other applicable County ordinances and state and federal laws. Controlling state or federal law shall govern in the event of a conflict.

Valid development agreements entered into by the County shall remain effective according to their terms and applicable law.

The County may consider private covenants and deed restrictions but shall not interpret or enforce them. If provisions within this LUDMO conflict, the more specific provision shall control.

# PROPOSED DRAFT

## NOT ADOPTED 2nd Reading

Item 3.

### **SECTION 6: BUILDING PERMIT REQUIRED**

Construction, reconstruction, alteration, enlargement, relocation, or change of occupancy of a building or structure shall not begin until all required permits and approvals have been obtained, unless exempt under applicable law.

A structure qualifying for the agricultural exemption under Utah Code § 15A-1-204(11), as amended, is exempt from building permit requirements. Before construction begins, the property owner shall submit an Agricultural Building Exemption Form demonstrating that the proposed structure qualifies for the exemption. Filing or approval of the form does not create an exemption for a structure that does not otherwise qualify under state law.

The agricultural exemption does not apply to a dwelling, human habitation, or any other ineligible use or occupancy.

Electrical, plumbing, mechanical, or other regulated work associated with an exempt agricultural structure remains subject to applicable permit and inspection requirements unless separately exempt by law.

Required land-use, health, fire, access, utility, and other agency approvals shall be obtained as applicable.

### **SECTION 7: APPLICATION AND REVIEW – RESERVED**

### **SECTION 8: PLANNING COMMISSION DETERMINATION**

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

### **SECTION 9: ADMINISTRATION and ENFORCEMENT AUTHORITY**

#### **I. 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.

#### **II. Permits to Comply with Ordinance**

From the time of the effective date of this Ordinance, Staff 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.

# PROPOSED DRAFT NOT ADOPTED 2nd Reading

Item 3.

## **III. Powers and Duties of Building Official**

It shall be the duty of the Building Official to inspect or cause to be inspected all buildings.in compliance with the adopted code

## **IV. 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.

## **SECTION 10: NUSIANCE AND ABATEMENT**

Any building, structure, land use, or premises erected, constructed, altered, enlarged, converted, moved, maintained, or used in violation of this Ordinance is unlawful and constitutes a public nuisance.

Upon direction from the governing body, the County Attorney may initiate any action or proceeding authorized by law to abate, remove, restrain, or enjoin the violation.

The remedies provided in this section are cumulative and do not limit any other remedy available to the County.

## **SECTION 11: LICENSING**

County departments, officials, and employees authorized to issue land-use permits or licenses shall comply with this LUDMO. A land-use permit or license shall not be approved or issued if the proposed use, building, structure, or activity conflicts with this LUDMO.

A permit or license issued in error or in conflict with this LUDMO does not authorize a violation and may be suspended, revoked, modified, or otherwise addressed in accordance with this LUDMO and applicable law.

## **SECTION 12: COMPREHENSIVE ENFORCEMENT PROCEDURE**

### **I. Purpose**

The purpose of this section is to obtain compliance with this LUDMO while respecting private property rights. Whenever reasonable, the County shall seek voluntary correction before imposing penalties or pursuing court action. The County may act immediately when a violation creates an immediate and substantial threat to public health, safety, or welfare or constitutes a serious public nuisance.

### **II. Enforcement Authority**

The Planning and Building Department may investigate alleged violations, issue notices, enter into voluntary compliance agreements, and refer matters to the County Attorney. Entry onto

# PROPOSED DRAFT

## NOT ADOPTED 2nd Reading

Item 3.

private property shall occur only with the consent of the owner or lawful occupant, pursuant to applicable inspection authority or a warrant, or as otherwise permitted by law.

### III. Responsibility for Violations

A person who creates, causes, maintains, knowingly permits, or has legal responsibility for a violation is responsible for correcting it. The County may direct enforcement to the property owner, permit holder, occupant, contractor, operator, or other responsible person, as appropriate.

### IV. Voluntary Compliance

Before formal enforcement, the County may contact the responsible person to explain the violation, identify the corrective action needed, and provide a reasonable time to comply. The County may enter into a written voluntary compliance agreement establishing the required corrections and completion date. Extensions may be granted for good-faith progress, hardship, weather, contractor availability, or other reasonable circumstances. Informal contact is not required when immediate enforcement is necessary to protect public health or safety or when the responsible person has previously been notified of the same violation.

### V. Notice of Violation

If voluntary compliance is not achieved, the County may issue a written Notice of Violation containing:

1. The property location;
2. A description of the violation;
3. The corrective action required;
4. A reasonable deadline for correction;
5. The possible penalties or enforcement actions; and
6. Any applicable appeal rights.

The correction period shall consider the seriousness of the violation, the risk to public health or safety, weather conditions, the availability of labor or materials, and demonstrated good-faith efforts to comply.

### VI. Civil Penalties

If a violation is not corrected by the required deadline, the County may impose civil penalties in accordance with an adopted penalty schedule and applicable law. In determining the penalty, the County may consider the seriousness and duration of the violation, public health and safety, cooperation, good-faith correction efforts, repeated violations, and financial hardship. Payment of a penalty does not authorize the violation or remove the duty to correct it.

### VII. Public Nuisances and Emergency Action

A violation that substantially affects public health, safety, sanitation, neighboring property, or the lawful use of property may be treated as a public nuisance. Except in an emergency, the County shall provide notice and a reasonable opportunity to correct the nuisance before undertaking abatement. When an immediate and substantial threat exists, the County may take only the action reasonably necessary to address the threat, as permitted by law.

### VIII. Additional Remedies

The County may pursue any lawful remedy, including injunction, civil enforcement, criminal prosecution, abatement, removal, permit suspension or revocation, and recovery of authorized

# PROPOSED DRAFT

## NOT ADOPTED 2nd Reading

Item 3.

costs. A violation may be prosecuted as a Class C misdemeanor when authorized by Utah law. Any permit suspension or revocation shall include the notice and appeal rights required by law.

### **IX. Appeals**

A final administrative enforcement decision may be appealed according to the procedures and deadlines established by this LUDMO. Unless an immediate threat to public health or safety exists, additional civil penalties shall not accrue while a timely appeal is pending.

### **X. Enforcement Discretion**

The County may consider the seriousness of the violation, public health and safety, available resources, cooperation, and the likelihood of voluntary correction when determining how to proceed. Failure to enforce a provision in one instance does not waive the County's authority to enforce that provision in the future.

### **XI. Cumulative Remedies**

The remedies provided in this section are cumulative and nonexclusive. The County may use one or more lawful remedies as reasonably necessary to obtain compliance.

### **SECTION 13: SEVERABILITY**

Should any section, paragraph, sentence, clause, or phrase of this LUDMO be declared unconstitutional or invalid for any reason, the remainder of this LUDMO shall not, to the extent possible, be affected thereby.

### **SECTION 14: CONFLICTING PROVISIONS**

The provisions of this LUDMO are in addition to all other County ordinances (unless otherwise stated), the laws of the State of Utah, and the laws of the United States. This LUDMO shall not supersede any development or other agreements entered into by the County where private land use regulations in deeds or covenants are more restrictive than this title. Whenever a conflict exists between this LUDMO and state or federal laws, or private land use regulations in deeds or covenants, the more restrictive provision shall apply to the extent allowed by law. The more specific provisions of this LUDMO dealing with specific zones, subdivision types, and types of uses, shall prevail over general provisions.

### **SECTION 15: CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS**

It is the intent of the San Juan County Commission that the provisions of this LUDMO are part of the San Juan County Code as adopted; and that the provisions of this LUDMO may be renumbered, re-lettered, and the organizational nomenclature changed in order to accomplish such intentions. Regardless of whether such inclusion in the San Juan County Code is accomplished, the County may renumber, re-letter the LUDMO and correct typographical and clerical errors that do not affect the LUDMO's intent without holding a public hearing by filing a corrected or recodified copy of the same with the San Juan County Clerk/Auditor's office.

### **SECTION 16: PAYMENTS**

## 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"~~

These ordinances shall be known as the Land Use Development and Management Ordinance (LUDMO) and may be so cited and pleaded. Whenever a reference is made to this code as the San Juan County land use or development code, or to any portion hereof, or to any ordinance of San Juan County, Utah, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

#### 1-2 Purpose and intent

~~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.~~

This LUDMO and the regulations and restrictions contained herein are adopted and enacted for the purposes enumerated in CLUDMA, including:

- I. providing for health, safety, and welfare
- II. promoting prosperity;
- III. improving morals, peace, good order, comfort, convenience, and aesthetics;
- IV. protecting tax base;
- V. securing economy in governmental expenditures;
- VI. fostering agricultural and other industries;
- VII. protecting both urban and nonurban development;
- VIII. protecting and ensuring access to sunlight for solar energy devices;
- IX. providing fundamental fairness in land use regulation;
- X. facilitating orderly growth and allowing growth in a variety of housing types; and

XI. protecting property values.

This LUDMO shall be construed to further its purposes and to promote the objectives and characteristics of the respective zones.

### ~~1-3~~ Interpretation Authority

~~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.~~

It is hereby recognized to be within the authority delegated to San Juan County to approve the subdivision and development of land, amendment of plats or adjustment of lot lines, rezoning of property, amendments to the San Juan County General Plan, and approval of site plans pursuant to the guidance of the San Juan County General Plan and CLUDMA, for the orderly, planned, efficient, and economic development of San Juan County. Unless otherwise designated, the San Juan County legislative body shall be the Land Use Authority for all applications requiring legislative action. Non-legislative actions are delegated as follows: A. The Planning Commission shall be the Land Use Authority for:

1. Conditional Use Permits
2. Recommendation to San Juan County Commission
3. X
4. X
5. X
- 6.

B. The San Juan County Planning Administrator shall be the Land Use Authority for the following applications unless a public hearing is required:

1. Non-Conforming Use Determinations;
2. Temporary Uses;
3. ~~Occupation Certificates;~~
4. Commercial Site Plans;
5. Commercial Off-Street Parking Reductions;
6. ~~Building Relocations;~~
7. ~~Building Permits;~~
8. Boundary Line Adjustments; and
9. Minor Subdivisions.

C. Building Official

1. ~~Occupation Certificates;~~ Certificates of Occupancy
2. ~~Building Relocations;~~
3. Building Permits;

#### 1-4 ~~Conflict~~ Interpretation and Applicability

##### Option 1 – Original

~~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.~~

##### Option 2

This Ordinance shall not supersede or nullify any more restrictive provision of another applicable ordinance or law. Where another applicable ordinance or law is less restrictive, the provisions of this Ordinance shall control.

The County may consider applicable private covenants, agreements, or restrictions when reviewing an application; however, such consideration shall not constitute interpretation, approval, administration, or enforcement of those private provisions. Compliance with private covenants, agreements, or restrictions shall remain the responsibility of the property owner and other parties having authority to enforce them.

#### 1-5 ~~Conflict~~ **CONFLICTING PROVISIONS**

##### Option 1

All departments, officials, and employees of San Juan County authorized to issue land use permits and licenses shall do so in conformance with the provisions of this LUDMO. No land use permit or license for a use, building, or purpose shall be issued where the same would be in conflict with the provisions of this LUDMO. A land use permit or license, if issued in conflict with the provisions of this LUDMO shall be null and void.

##### Option 2 recommended

County departments, officials, and employees shall issue land-use permits, approvals, and licenses in accordance with this LUDMO. No approval shall be issued for a use or development that conflicts with this LUDMO. An approval issued in material conflict with this LUDMO shall be invalid to the extent permitted by law.

This LUDMO is supplemental to other applicable County ordinances and state and federal laws. Controlling state or federal law shall govern in the event of a conflict.

Valid development agreements entered into by the County shall remain effective according to their terms and applicable law.

The County may consider private covenants and deed restrictions but shall not interpret or enforce them. If provisions within this LUDMO conflict, the more specific provision shall control.

## 1-6—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)

### 1-6 Building Permit Required

Option 1 – Rewrite of Existing Code; See Option 2 for Alternative Language

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 Official Inspector. Farm Agricultural buildings shall be exempt when constructed in accordance to XXXXX, 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).

Option 2 – recommended

Construction, reconstruction, alteration, enlargement, relocation, or change of occupancy of a building or structure shall not begin until all required permits and approvals have been obtained, unless exempt under applicable law.

A structure qualifying for the agricultural exemption under Utah Code § 15A-1-204(11), as amended, is exempt from building permit requirements. Before construction begins, the property owner shall submit an Agricultural Building Exemption Form demonstrating that the proposed structure qualifies for the exemption. Filing or approval of the form does not create an exemption for a structure that does not otherwise qualify under state law.

The agricultural exemption does not apply to a dwelling, human habitation, or any other ineligible use or occupancy.

Electrical, plumbing, mechanical, or other regulated work associated with an exempt agricultural structure remains subject to applicable permit and inspection requirements unless separately exempt by law.

Required land-use, health, fire, access, utility, and other agency approvals shall be obtained as

applicable.

### **Application and Review (reserved)**

- (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 an 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.~~

### **1-7 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~~ **may** 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.

### **1-8 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.

### **1-9 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.

### **1-10 Powers and Duties of Building Inspector Official**

It shall be the duty of the Building Inspector Official to inspect or cause to be inspected all buildings ~~in course of construction or repair~~ in compliance with the adopted code

### **1-11 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.

### **1-12 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 enjoinder 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.~~

Any building, structure, land use, or premises erected, constructed, altered, enlarged, converted, moved, maintained, or used in violation of this Ordinance is unlawful and constitutes a public nuisance.

Upon direction from the governing body, the County Attorney may initiate any action or proceeding authorized by law to abate, remove, restrain, or enjoin the violation.

The remedies provided in this section are cumulative and do not limit any other remedy available to the County.

### **1-13 Amendments address in the subdivision chapter(s)**

~~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.~~

#### **~~1-14~~ Hearing and Publication of Notice ~~Addressed in state Law~~**

~~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.~~

#### **~~1-15~~ 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.~~

County departments, officials, and employees authorized to issue land-use permits or licenses shall comply with this LUDMO. A land-use permit or license shall not be approved or issued if the proposed use, building, structure, or activity conflicts with this LUDMO.

A permit or license issued in error or in conflict with this LUDMO does not authorize a violation and may be suspended, revoked, modified, or otherwise addressed in accordance with this LUDMO and applicable law.

#### **~~1-16~~ 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).~~

Option 2 – Comprehensive Enforcement Procedure; Requires Legal Review

#### **Section 11. Penalties and Enforcement**

##### **I. Purpose**

The purpose of this section is to obtain compliance with this LUDMO while respecting private property rights. Whenever reasonable, the County shall seek voluntary correction before imposing penalties or pursuing court action. The County may act immediately when a violation creates an immediate and substantial threat to public health, safety, or welfare or constitutes a serious public nuisance.

##### **II. Enforcement Authority**

The Planning and Building Department may investigate alleged violations, issue notices, enter into voluntary compliance agreements, and refer matters to the County Attorney. Entry onto private property shall occur only with the consent of the owner or lawful occupant, pursuant to

applicable inspection authority or a warrant, or as otherwise permitted by law.

### **III. Responsibility for Violations**

A person who creates, causes, maintains, knowingly permits, or has legal responsibility for a violation is responsible for correcting it. The County may direct enforcement to the property owner, permit holder, occupant, contractor, operator, or other responsible person, as appropriate.

### **IV. Voluntary Compliance**

Before formal enforcement, the County may contact the responsible person to explain the violation, identify the corrective action needed, and provide a reasonable time to comply. The County may enter into a written voluntary compliance agreement establishing the required corrections and completion date. Extensions may be granted for good-faith progress, hardship, weather, contractor availability, or other reasonable circumstances. Informal contact is not required when immediate enforcement is necessary to protect public health or safety or when the responsible person has previously been notified of the same violation.

### **V. Notice of Violation**

If voluntary compliance is not achieved, the County may issue a written Notice of Violation containing:

1. The property location;
2. A description of the violation;
3. The corrective action required;
4. A reasonable deadline for correction;
5. The possible penalties or enforcement actions; and
6. Any applicable appeal rights.

The correction period shall consider the seriousness of the violation, the risk to public health or safety, weather conditions, the availability of labor or materials, and demonstrated good-faith efforts to comply.

### **VI. Civil Penalties**

If a violation is not corrected by the required deadline, the County may impose civil penalties in accordance with an adopted penalty schedule and applicable law. In determining the penalty, the County may consider the seriousness and duration of the violation, public health and safety, cooperation, good-faith correction efforts, repeated violations, and financial hardship. Payment of a penalty does not authorize the violation or remove the duty to correct it.

### **VII. Public Nuisances and Emergency Action**

A violation that substantially affects public health, safety, sanitation, neighboring property, or the lawful use of property may be treated as a public nuisance. Except in an emergency, the County shall provide notice and a reasonable opportunity to correct the nuisance before undertaking abatement. When an immediate and substantial threat exists, the County may take only the action reasonably necessary to address the threat, as permitted by law.

### **VIII. Additional Remedies**

The County may pursue any lawful remedy, including injunction, civil enforcement, criminal prosecution, abatement, removal, permit suspension or revocation, and recovery of authorized

costs. A violation may be prosecuted as a Class C misdemeanor when authorized by Utah law. Any permit suspension or revocation shall include the notice and appeal rights required by law.

### **IX. Appeals**

A final administrative enforcement decision may be appealed according to the procedures and deadlines established by this LUDMO. Unless an immediate threat to public health or safety exists, additional civil penalties shall not accrue while a timely appeal is pending.

### **X. Enforcement Discretion**

The County may consider the seriousness of the violation, public health and safety, available resources, cooperation, and the likelihood of voluntary correction when determining how to proceed. Failure to enforce a provision in one instance does not waive the County's authority to enforce that provision in the future.

### **XI. Cumulative Remedies**

The remedies provided in this section are cumulative and nonexclusive. The County may use one or more lawful remedies as reasonably necessary to obtain compliance.

## **Section 14: SEVERABILITY**

Should any section, paragraph, sentence, clause, or phrase of this LUDMO be declared unconstitutional or invalid for any reason, the remainder of this LUDMO shall not, to the extent possible, be affected thereby.

## **Section 15: CONFLICTING PROVISIONS**

The provisions of this LUDMO are in addition to all other County ordinances (unless otherwise stated), the laws of the State of Utah, and the laws of the United States. This LUDMO shall not supersede any development or other agreements entered into by the County where private land use regulations in deeds or covenants are more restrictive than this title. Whenever a conflict exists between this LUDMO and state or federal laws, or private land use regulations in deeds or covenants, the more restrictive provision shall apply to the extent allowed by law. The more specific provisions of this LUDMO dealing with specific zones, subdivision types, and types of uses, shall prevail over general provisions.

## **Section 16: CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS**

It is the intent of the San Juan County Commission that the provisions of this LUDMO are part of the San Juan County Code as adopted; and that the provisions of this LUDMO may be renumbered, re-lettered, and the organizational nomenclature changed in order to accomplish such intentions. Regardless of whether such inclusion in the San Juan County Code is accomplished, the County may renumber, re-letter the LUDMO and correct typographical and clerical errors that do not affect the LUDMO's intent without holding a public hearing by filing a corrected or recodified copy of the same with the San Juan County Clerk/Auditor's office.

## CHAPTER 2

### LAND USE ADMINISTRATION

~~2-1~~ ~~1.3 Planning Commission~~ **Bylaws as adopted County Board of Commissioners San Juan County Ordinance 2020-03A, March 15, 2022**

~~(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 1<sup>st</sup> and expire on December 31<sup>st</sup> of the 4<sup>th</sup> 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 Moved to Chapter 3**

- (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.~~ Moved To chapter 3

- ~~(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 Land Use, Development, and Management Ordinance (LUDMO) adopts the definitions for terms set forth in County Land Use, Development, and Management Act (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,

## 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"~~

These ordinances shall be known as the Land Use Development and Management Ordinance (LUDMO) and may be so cited and pleaded. Whenever a reference is made to this code as the San Juan County land use or development code, or to any portion hereof, or to any ordinance of San Juan County, Utah, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

#### 1-2 Purpose and intent

~~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.~~

This LUDMO and the regulations and restrictions contained herein are adopted and enacted for the purposes enumerated in CLUDMA, including:

- I. providing for health, safety, and welfare
- II. promoting prosperity;
- III. improving morals, peace, good order, comfort, convenience, and aesthetics;
- IV. protecting tax base;
- V. securing economy in governmental expenditures;
- VI. fostering agricultural and other industries;
- VII. protecting both urban and nonurban development;
- VIII. protecting and ensuring access to sunlight for solar energy devices;
- IX. providing fundamental fairness in land use regulation;
- X. facilitating orderly growth and allowing growth in a variety of housing types; and

XI. protecting property values.

This LUDMO shall be construed to further its purposes and to promote the objectives and characteristics of the respective zones.

### ~~1-3~~ Interpretation Authority

~~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.~~

It is hereby recognized to be within the authority delegated to San Juan County to approve the subdivision and development of land, amendment of plats or adjustment of lot lines, rezoning of property, amendments to the San Juan County General Plan, and approval of site plans pursuant to the guidance of the San Juan County General Plan and CLUDMA, for the orderly, planned, efficient, and economic development of San Juan County. Unless otherwise designated, the San Juan County legislative body shall be the Land Use Authority for all applications requiring legislative action. Non-legislative actions are delegated as follows: A. The Planning Commission shall be the Land Use Authority for:

1. Conditional Use Permits
2. Recommendation to San Juan County Commission
3. X
4. X
5. X
- 6.

B. The San Juan County Planning Administrator shall be the Land Use Authority for the following applications unless a public hearing is required:

1. Non-Conforming Use Determinations;
2. Temporary Uses;
3. ~~Occupation Certificates;~~
4. Commercial Site Plans;
5. Commercial Off-Street Parking Reductions;
6. ~~Building Relocations;~~
7. ~~Building Permits;~~
8. Boundary Line Adjustments; and
9. Minor Subdivisions.

C. Building Official

1. ~~Occupation Certificates;~~ Certificates of Occupancy
2. ~~Building Relocations;~~
3. Building Permits;

#### 1-4 ~~Conflict~~ Interpretation and Applicability

##### Option 1 – Original

~~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.~~

##### Option 2

This Ordinance shall not supersede or nullify any more restrictive provision of another applicable ordinance or law. Where another applicable ordinance or law is less restrictive, the provisions of this Ordinance shall control.

The County may consider applicable private covenants, agreements, or restrictions when reviewing an application; however, such consideration shall not constitute interpretation, approval, administration, or enforcement of those private provisions. Compliance with private covenants, agreements, or restrictions shall remain the responsibility of the property owner and other parties having authority to enforce them.

#### 1-5 ~~Conflict~~ **CONFLICTING PROVISIONS**

##### Option 1

All departments, officials, and employees of San Juan County authorized to issue land use permits and licenses shall do so in conformance with the provisions of this LUDMO. No land use permit or license for a use, building, or purpose shall be issued where the same would be in conflict with the provisions of this LUDMO. A land use permit or license, if issued in conflict with the provisions of this LUDMO shall be null and void.

##### Option 2 recommended

County departments, officials, and employees shall issue land-use permits, approvals, and licenses in accordance with this LUDMO. No approval shall be issued for a use or development that conflicts with this LUDMO. An approval issued in material conflict with this LUDMO shall be invalid to the extent permitted by law.

This LUDMO is supplemental to other applicable County ordinances and state and federal laws. Controlling state or federal law shall govern in the event of a conflict.

Valid development agreements entered into by the County shall remain effective according to their terms and applicable law.

The County may consider private covenants and deed restrictions but shall not interpret or enforce them. If provisions within this LUDMO conflict, the more specific provision shall control.

## 1-6—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)

### 1-6 Building Permit Required

Option 1 – Rewrite of Existing Code; See Option 2 for Alternative Language

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 Official Inspector. Farm Agricultural buildings shall be exempt when constructed in accordance to XXXXX, 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).

Option 2 – recommended

Construction, reconstruction, alteration, enlargement, relocation, or change of occupancy of a building or structure shall not begin until all required permits and approvals have been obtained, unless exempt under applicable law.

A structure qualifying for the agricultural exemption under Utah Code § 15A-1-204(11), as amended, is exempt from building permit requirements. Before construction begins, the property owner shall submit an Agricultural Building Exemption Form demonstrating that the proposed structure qualifies for the exemption. Filing or approval of the form does not create an exemption for a structure that does not otherwise qualify under state law.

The agricultural exemption does not apply to a dwelling, human habitation, or any other ineligible use or occupancy.

Electrical, plumbing, mechanical, or other regulated work associated with an exempt agricultural structure remains subject to applicable permit and inspection requirements unless separately exempt by law.

Required land-use, health, fire, access, utility, and other agency approvals shall be obtained as

applicable.

### **Application and Review (reserved)**

- (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 an 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.~~

### **1-7 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~~ **may** 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.

### **1-8 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.

### **1-9 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.

### **1-10 Powers and Duties of Building Inspector Official**

It shall be the duty of the Building Inspector Official to inspect or cause to be inspected all buildings ~~in course of construction or repair~~ in compliance with the adopted code

### **1-11 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.

### **1-12 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 enjoinder 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.~~

Any building, structure, land use, or premises erected, constructed, altered, enlarged, converted, moved, maintained, or used in violation of this Ordinance is unlawful and constitutes a public nuisance.

Upon direction from the governing body, the County Attorney may initiate any action or proceeding authorized by law to abate, remove, restrain, or enjoin the violation.

The remedies provided in this section are cumulative and do not limit any other remedy available to the County.

### **1-13 Amendments address in the subdivision chapter(s)**

~~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.~~

#### **~~1-14~~ Hearing and Publication of Notice ~~Addressed in state Law~~**

~~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.~~

#### **~~1-15~~ 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.~~

County departments, officials, and employees authorized to issue land-use permits or licenses shall comply with this LUDMO. A land-use permit or license shall not be approved or issued if the proposed use, building, structure, or activity conflicts with this LUDMO.

A permit or license issued in error or in conflict with this LUDMO does not authorize a violation and may be suspended, revoked, modified, or otherwise addressed in accordance with this LUDMO and applicable law.

#### **~~1-16~~ 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).~~

Option 2 – Comprehensive Enforcement Procedure; Requires Legal Review

#### **Section 11. Penalties and Enforcement**

##### **I. Purpose**

The purpose of this section is to obtain compliance with this LUDMO while respecting private property rights. Whenever reasonable, the County shall seek voluntary correction before imposing penalties or pursuing court action. The County may act immediately when a violation creates an immediate and substantial threat to public health, safety, or welfare or constitutes a serious public nuisance.

##### **II. Enforcement Authority**

The Planning and Building Department may investigate alleged violations, issue notices, enter into voluntary compliance agreements, and refer matters to the County Attorney. Entry onto private property shall occur only with the consent of the owner or lawful occupant, pursuant to

applicable inspection authority or a warrant, or as otherwise permitted by law.

### **III. Responsibility for Violations**

A person who creates, causes, maintains, knowingly permits, or has legal responsibility for a violation is responsible for correcting it. The County may direct enforcement to the property owner, permit holder, occupant, contractor, operator, or other responsible person, as appropriate.

### **IV. Voluntary Compliance**

Before formal enforcement, the County may contact the responsible person to explain the violation, identify the corrective action needed, and provide a reasonable time to comply. The County may enter into a written voluntary compliance agreement establishing the required corrections and completion date. Extensions may be granted for good-faith progress, hardship, weather, contractor availability, or other reasonable circumstances. Informal contact is not required when immediate enforcement is necessary to protect public health or safety or when the responsible person has previously been notified of the same violation.

### **V. Notice of Violation**

If voluntary compliance is not achieved, the County may issue a written Notice of Violation containing:

1. The property location;
2. A description of the violation;
3. The corrective action required;
4. A reasonable deadline for correction;
5. The possible penalties or enforcement actions; and
6. Any applicable appeal rights.

The correction period shall consider the seriousness of the violation, the risk to public health or safety, weather conditions, the availability of labor or materials, and demonstrated good-faith efforts to comply.

### **VI. Civil Penalties**

If a violation is not corrected by the required deadline, the County may impose civil penalties in accordance with an adopted penalty schedule and applicable law. In determining the penalty, the County may consider the seriousness and duration of the violation, public health and safety, cooperation, good-faith correction efforts, repeated violations, and financial hardship. Payment of a penalty does not authorize the violation or remove the duty to correct it.

### **VII. Public Nuisances and Emergency Action**

A violation that substantially affects public health, safety, sanitation, neighboring property, or the lawful use of property may be treated as a public nuisance. Except in an emergency, the County shall provide notice and a reasonable opportunity to correct the nuisance before undertaking abatement. When an immediate and substantial threat exists, the County may take only the action reasonably necessary to address the threat, as permitted by law.

### **VIII. Additional Remedies**

The County may pursue any lawful remedy, including injunction, civil enforcement, criminal prosecution, abatement, removal, permit suspension or revocation, and recovery of authorized

costs. A violation may be prosecuted as a Class C misdemeanor when authorized by Utah law. Any permit suspension or revocation shall include the notice and appeal rights required by law.

### **IX. Appeals**

A final administrative enforcement decision may be appealed according to the procedures and deadlines established by this LUDMO. Unless an immediate threat to public health or safety exists, additional civil penalties shall not accrue while a timely appeal is pending.

### **X. Enforcement Discretion**

The County may consider the seriousness of the violation, public health and safety, available resources, cooperation, and the likelihood of voluntary correction when determining how to proceed. Failure to enforce a provision in one instance does not waive the County's authority to enforce that provision in the future.

### **XI. Cumulative Remedies**

The remedies provided in this section are cumulative and nonexclusive. The County may use one or more lawful remedies as reasonably necessary to obtain compliance.

## **Section 14: SEVERABILITY**

Should any section, paragraph, sentence, clause, or phrase of this LUDMO be declared unconstitutional or invalid for any reason, the remainder of this LUDMO shall not, to the extent possible, be affected thereby.

## **Section 15: CONFLICTING PROVISIONS**

The provisions of this LUDMO are in addition to all other County ordinances (unless otherwise stated), the laws of the State of Utah, and the laws of the United States. This LUDMO shall not supersede any development or other agreements entered into by the County where private land use regulations in deeds or covenants are more restrictive than this title. Whenever a conflict exists between this LUDMO and state or federal laws, or private land use regulations in deeds or covenants, the more restrictive provision shall apply to the extent allowed by law. The more specific provisions of this LUDMO dealing with specific zones, subdivision types, and types of uses, shall prevail over general provisions.

## **Section 16: CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS**

It is the intent of the San Juan County Commission that the provisions of this LUDMO are part of the San Juan County Code as adopted; and that the provisions of this LUDMO may be renumbered, re-lettered, and the organizational nomenclature changed in order to accomplish such intentions. Regardless of whether such inclusion in the San Juan County Code is accomplished, the County may renumber, re-letter the LUDMO and correct typographical and clerical errors that do not affect the LUDMO's intent without holding a public hearing by filing a corrected or recodified copy of the same with the San Juan County Clerk/Auditor's office.

## CHAPTER 2

### LAND USE ADMINISTRATION

#### ~~2-1~~ ~~1.3 Planning Commission~~ **Bylaws as adopted County Board of Commissioners San Juan County Ordinance 2020-03A, March 15, 2022**

##### ~~(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 1<sup>st</sup> and expire on December 31<sup>st</sup> of the 4<sup>th</sup> 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~~ **Moved to Chapter 3**

- (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.~~ Moved **To chapter 3**

- ~~(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 Land Use, Development, and Management Ordinance (LUDMO) adopts the definitions for terms set forth in County Land Use, Development, and Management Act (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,

## 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

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).

- (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.
- (2) 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.
- (3) Agriculture. The tilling of the soil, the raising of crops, horticulture and

FOR REFERENCE SAN JUAN COUNTY  
ADOPTED CODE (2011)

(92) Variance. An authorization by the Planning Commission, acting as the Land Use 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.

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

(94) 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.

(95) 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.

(96) 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.

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

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

## **1-6 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

**FOR REFERENCE SAN JUAN COUNTY  
ADOPTED CODE (2011)**

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.

#### **1-7 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.

#### **1-8 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.

#### **1-9 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.

#### **1-10 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.

#### **1-11 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

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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.

### **1-12 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 enjoinderment 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.

### **1-13 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.

### **1-14 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.

### **1-15 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.

### **1-16 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).

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## CHAPTER 2

### LAND USE – ADMINISTRATION

#### 2-1 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 1<sup>st</sup> and expire on December 31<sup>st</sup> of the 4<sup>th</sup> 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

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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

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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;

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- (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
  - (b) serve the purpose of the standard or requirement that is waived or modified.

## CHAPTER 2 GENERAL PROVISIONS

### **Section 1: PURPOSE**

This LUDMO and the regulations and restrictions contained herein are adopted and enacted for the purposes enumerated in CLUDMA, including:

- i) providing for health, safety, and welfare;
- ii) promoting prosperity;
- iii) improving morals, peace, good order, comfort, convenience, and aesthetics;
- iv) protecting tax base;
- v) securing economy in governmental expenditures;
- vi) fostering agricultural and other industries;
- vii) protecting both urban and nonurban development;
- viii) protecting and ensuring access to sunlight for solar energy devices;
- ix) providing fundamental fairness in land use regulation;
- x) facilitating orderly growth and allowing growth in a variety of housing types;
- xi) and protecting property values.

This LUDMO shall be construed to further its purposes and to promote the objectives and characteristics of the respective zones.

### **Section 2: SHORT TITLE**

These ordinances shall be known as the Land Use Development and Management Ordinance (LUDMO) and may be so cited and pleaded. Whenever a reference is made to this code as the San Juan County land use or development code, or to any portion hereof, or to any ordinance of San Juan County, Utah, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

### **Section 3: AUTHORITY PROVISIONS**

It is hereby recognized to be within the authority delegated to San Juan County to approve the subdivision and development of land, amendment of plats or adjustment of lot lines, rezoning of property, amendments to the San Juan County General Plan, and approval of site plans pursuant to the guidance of the San Juan County General Plan and CLUDMA, for the orderly, planned, efficient, and economic development of San Juan County. Unless otherwise designated, the San Juan County Commission shall be the Land Use Authority for all applications requiring legislative action. Non-legislative actions are delegated as follows:

#### **A. The Planning Commission shall be the Land Use Authority for:**

##### **1. Conditional Use Permits**

2. Minor Plat Amendments
  - a) Combining two or more lots, all of which are owned by the same owner, and none of which have been dedicated for public use, common use, or a similar designation;
  - b) Modification of plat title, notes, or labels so long as they were not placed on the plat due to findings or conditions adopted by the San Juan County legislative body; or
  - c) Amendments applied for and signed by all affected property owners in the original subdivision and that do not increase density or significantly affect the layout of infrastructure, open space, or common areas; or
3. Final Subdivision Plats

B. The San Juan County Planning Administrator shall be the Land Use Authority for the following applications unless a public hearing is required:

1. Non-Conforming Use Determinations;
2. Temporary Uses;
3. Home Occupation Certificates;
4. Commercial Site Plans;
5. Commercial Off-Street Parking Reductions;
6. Building Relocations;
7. Building Permits;
8. Boundary Line Adjustments; and
9. Minor Subdivisions.

#### **Section 4: LICENSES TO CONFORM**

All departments, officials, and employees of San Juan County authorized to issue land use permits and licenses shall do so in conformance with the provisions of this LUDMO. No land use permit or license for a use, building, or purpose shall be issued where the same would be in conflict with the provisions of this LUDMO. A land use permit or license, if issued in conflict with the provisions of this LUDMO shall be null and void.

#### **Section 5: BUILDING PERMITS REQUIRED**

No building or structure shall be constructed, reconstructed, altered, or moved unless either the issuance of a building permit by the San Juan County Planning & Building Department or specifically exempted by Utah Code as acknowledged in writing by the Department. No provision of this LUDMO is intended to exempt a building permit requirement.

#### **Section 6: BUILDING PERMIT APPLICATIONS; LOT PLAN REQUIRED**

All applications for building permits for new construction (and not interior remodels) shall be accompanied by:

- A. A lot plan drawn to scale showing the actual dimensions of the lot to be built upon, the size and location of existing buildings, buildings to be erected and existing buildings on adjacent property, and such other information as may be deemed necessary by the San Juan County Planning Administrator or the San Juan County Building Inspector for the enforcement of this LUDMO;
- B. When property boundaries are unclear or undetermined, a complete and accurate legal description of the property that is the subject of the application, together with a certified survey of the property showing any conflict with adjoining property, overlaps, or discrepancies between the legal description and any existing fence lines; and
- C. When the road upon which the lot has frontage is unimproved, the boundaries of said road are not clearly ascertainable, or there is any question by the San Juan County Planning Administrator, San Juan County Building Inspector, or the San Juan County Surveyor whether the physical road is within the platted right of way, a certified survey of the road showing any conflict between the physical and platted right of way is required.

### **Section 7: PERMITS TO COMPLY WITH LAND USE REGULATIONS**

- A. Permits shall not be granted for the construction, reconstruction, or alteration of any building or structure, or for the moving of a building onto a lot, or for the change of the use of any land, building, or structure if such construction, alteration, moving, or change in use violates any of the provisions of any San Juan County ordinance.
- B. No sewer service line and/or wastewater treatment facility, no water service line and/or water facility, or electrical utilities shall be installed if the use served violates this LUDMO.
- C. No electrical utility line shall be installed to serve any parcel or lot without the San Juan County Planning & Building Department's approval of a site plan.

### **Section 8: PARCELS WITH MULTIPLE ZONES**

Parcels with multiple land-use designations may request a zone change of the parcel to the preferred land-use zone designated for the parcel. The applicant's zone change request shall be favored if it is consistent with the current San Juan County General Plan's intent. An application for a zone change for a parcel with multiple land-use zoning designations is exempt from the map requirements set forth in this LUDMO.

## **Section 9: CERTIFICATE OF OCCUPANCY AND LAND USE COMPLIANCE**

**A. Unlawful To Occupy** - It shall be unlawful to use or occupy, or to permit the use or occupancy of, any building or premises until a Certificate of Occupancy and land use compliance shall have been issued for the premises and/or building by San Juan County. It shall also be unlawful to occupy any building which has different use or different occupancy than provided for specifically in the certificate of occupancy and land use compliance.

**B. Issuance of Certificates** - Unless withheld under this LUDMO or other law, a certificate of occupancy and land use compliance will be issued by the San Juan County Planning & Building Department when a building is completed and has passed final inspection. A new certificate shall be required any time the number of dwelling units increases.

**C. Information Required on Certificates** - The following information shall be made a part of any certificate of occupancy and land use compliance issued by the San Juan County Planning & Building Department:

1. Residential Certificates

- a) The number of residential units in the building or buildings. (If there is more than one building, the number of dwelling units should be listed separately for each building).
- b) Number of families residing or anticipated to live in the building.
- c) The number of legal off-street parking spaces, sized to conform to this LUDMO and being provided on the premises.
- d) A notice directed to the owner of the building or premises that any change in use of the building or premises will require the issuance of a new certificate.

2. Commercial, Industrial, and Institutional Certificates:

- a) The proposed maximum number of employees on the premises.
- b) The number of off-street parking spaces sized to conform to this LUDMO and provided for employees on the site.
- c) The number of off-street parking spaces sized to conform to this title and provided for customers or visitors.
- d) The number and type of restroom facilities provided.
- e) The square foot area within the building used for each separate use.
- f) A signed certificate by the owner of the building or premises, or his authorized agent, stating that the information and conditions set forth in the application are true and will be maintained upon the site in this condition.
- g) A notice directed to the owner of the premises stating that a change in use in the intended occupancy of the building will require the issuance of a new certificate.

## Section 10: CONSTRUCTION AND USE TO CONFORM TO PLANS

Building permits or certificates of occupancy and land use compliance issued on the basis of plans and specifications approved by the Planning Administrator or Building Inspector authorize only the use, arrangement, and construction set forth in the approved application, plans, and specifications. The use, arrangement, or construction at variance with that authorized in said plans and specifications shall be deemed a violation of this LUDMO.

## Section 11: ENFORCEMENT ACTIONS

The provisions of this LUDMO shall be administered by the San Juan County Planning & Building Department under the supervision of the San Juan County Commission. An Enforcement Officer may investigate alleged violations of this LUDMO or conditions or terms of permits and licenses and may initiate enforcement actions if violations are found to exist. An enforcement officer is authorized to make examinations and investigations of all real property in the County, as allowed by law, to determine whether the responsible person is complying with the provisions of this LUDMO. By accepting a land use permit or license from the County, the permittee or licensee agrees to cooperate in compliance examinations and investigations. Such agreement shall be stated in all land use application forms prepared by the County. Upon discovering a violation, the County Attorney's office shall, at its discretion, file enforcement actions in court as necessary. The County's non-enforcement of any of the requirements of this LUDMO or conditions or terms imposed through land use permits or licenses issued by the County shall not operate to waive or estop the County from pursuing later enforcement actions. A permit or license issued in violation of this LUDMO has no force or effect.

- A. **Responsibility for Land Use Violation** - Anyone found to have committed a violation of this LUDMO or any condition or term imposed through this LUDMO is responsible for correcting the violation. In the event the person responsible for a violation cannot be ascertained after the exercise of due diligence, the County may also institute proceedings as allowed by this section or controlling law against the property on which the violation is found.
- B. **Finding of Land Use Violation** - If, after investigating, an enforcement officer has determined that a land use violation exists, the enforcement officer may attempt to have the responsible person correct the violation in accordance with this section. The officer may pursue any remedy or combination of remedies available under this LUDMO, state, or federal. Nothing in this section shall be interpreted to prohibit the County from engaging in its standard prosecution practices without first having to comply with the provisions of this section. In the event a responsible person cannot be ascertained, the County shall post notice on the property on which a land use violation has occurred and may institute proceedings against the property itself as allowed by law.

**C. Notice of Violation** - Except as otherwise provided by this LUDMO, whenever a land use violation is found to exist and an Enforcement Officer determines action should be taken, the Enforcement Officer shall first serve written notice to the responsible person before other remedies in this section are taken.

1. The notice of violation shall contain:
  - a) The location of the land use violation, if the same is stationary;
  - b) A description of what constitutes the violation;
  - c) A list of the acts necessary to correct the violation ("corrective action");
  - d) A warning period, including a completion date in which the responsible person may cure the violation before civil fines are assessed ;
  - e) A statement of the actions the County may take if the violation is not corrected within the warning period; and
  - f) A statement that the responsible person may enter into a voluntary correction agreement during the warning period to prevent further action by the County.
2. The written notice shall be delivered personally or sent via registered mail to the responsible person's address as shown on the records of the San Juan County Recorder and to any other person who may be responsible for the violation.
3. The written notice shall serve to start any warning periods provided in this section, commencing upon delivery of notice. If the violation remains uncured once the warning period expires, the civil penalties shall begin to accrue in accordance with this section.
4. In cases where an Enforcement Officer determines that a delay of enforcement would pose a danger to the public health, safety, or welfare or would otherwise compromise the effective enforcement of this LUDMO, the Enforcement Officer may seek immediate enforcement under Subsection (F)(2) without prior written notice.

#### **D. Civil Fines**

1. Civil fines shall be assessed against the responsible person for uncorrected land use violations beginning on the day following the completion date (as stated in either the notice of violation or the voluntary corrective action agreement). The amount of such fine shall be at least \$50.00 for each day the violation continues after the completion date.
2. Daily Violation: Each day a violation is continued or maintained after the completion date shall give rise to a separate civil fine. All applicable fines shall cease the day following receipt by the enforcement officer of written notice from the responsible person that the corrective action is complete. The County may waive any fees accrued if corrective action is completed. Within five business days following written notice, the enforcement officer shall inspect and, if compliant, pass off the corrective action

- as completed or, if not completed, shall apply fines retroactively to the date notification was received and fines shall continue to accrue in accordance with this section.
3. Civil fines assessed under this Section are cumulative. Payment of a civil fine assessed under this section does not relieve the responsible person from the duty to correct the land use violation. The civil fine constitutes a personal obligation of the responsible person or a lien against the subject property, as the case requires. Any civil fine assessed must be paid to the County within 30 calendar days of notice of its imposition.
  4. The San Juan County Attorney is authorized to take appropriate action to negotiate the amount of the civil fine, collect the fine, determine the time period in which the fine shall be paid, and take any other action necessary to resolve the fine.
  5. As directed by the San Juan County Attorney, the County may exercise all lawful means to collect the civil fine, whether in person or in rem. The County may also collect reasonable attorney fees and costs incurred in collecting the civil fine where allowed by law. The County may also collect pre- and post-judgment interest on such civil fines as allowed by law.
  6. The incurrence of civil fines under this section shall not limit the available remedies available to an enforcement officer or the San Juan County Attorney under this Section.
- E. **Voluntary Corrective Action** - An enforcement officer may allow a violator to take voluntary corrective action. Voluntary corrective action allows a violator to correct the land use violation within a specified time and according to specified conditions set by the County in a voluntary corrective action agreement. If the violator completes the voluntary corrective action within the time and according to the terms set by the County, the County will take no further action against the violator for that violation. This enforcement method is discretionary.
1. Contents of a written voluntary corrective action agreement shall include the following:
    - a) The name and address of the violator;
    - b) The street address of the land use violation or a description sufficient to identify the building, structure, premises, or land upon or within which the land use violation exists;
    - c) A description of the land use violation;
    - d) The necessary corrective action to be taken, and a date or time by which correction or abatement must be completed ("completion date"), which period shall not be longer than six months from the date the agreement is entered into;

- e) An agreement by the violator that the County may inspect the premises as reasonable and as the County deems necessary to determine compliance with the voluntary corrective action;
  - f) An agreement by the violator that, if the terms of the agreement are not met, the County may:
    - i) Issue a civil fine or criminal citation;
    - ii) Correct the violation itself and recover its costs and expenses from the violator, including by placing a lien on the involved property; and
    - iii) Pursue any other legal remedy available;
  - g) An agreement by the violator waiving any right to appeal the enforcement officer's finding of a land use violation and the specific corrective action required by the voluntary corrective action agreement; and
  - h) An acknowledgement by the person responsible that failure to comply with the voluntary corrective action agreement may be grounds for criminal prosecution.
2. The enforcement officer may grant an extension of time for correcting the land use violation set by the voluntary corrective action agreement if the violator has shown due diligence and/or substantial progress in abating the land use violation but unforeseen circumstances render correction or abatement under the original conditions unattainable.
  3. The enforcement officer will suspend further enforcement action and monetary fines for the violation once a voluntary corrective action agreement has been executed. However, the violator shall may be liable for any fines that accrued before the voluntary corrective action agreement was executed.
  4. Failure to complete the corrective action by the completion date shall constitute an additional violation and shall be handled in accordance with this section, except that no further notice need be given before enforcement proceedings are initiated. The County may proceed on the violation pertaining to failure to comply with the voluntary corrective action and/or the original land use violation. Monetary fines shall be imposed from either the date of the initial violation or the day following the failure to comply with the voluntary corrective action and shall continue to accrue thereafter as set forth in this Section.

## F. Abatement by County

1. Failing to correct a violation constitutes a Class B misdemeanor. Upon conviction of the violating party, a court may authorize the County to enter upon the subject property and remove, correct, or abate the condition that is subject to the violation. The County shall provide the court with an itemized statement of all expenses incurred in the abatement reduced for and request payment within 60 days as restitution. The court may authorize seizure of personal property as restitution.
2. Whenever a land use violation constitutes an immediate and emergent threat to the public health, safety, or welfare or to the environment, the County, when feasible and allowed by law, may summarily and without prior notice correct or abate the condition. Notice of such abatement, including the reason for it, shall be given to the violator as soon as reasonably possible after the correction or abatement.
3. During an abatement proceeding, any personal property constituting a LUDMO violation may be confiscated as part of the abatement process. Any personal property that has been confiscated will be held pending order of restitution. The owner may recover the property upon showing that the LUDMO violation has been corrected or that substantial efforts, as determined by the enforcement officer, have been made to correct the land use violation; provided, however, that the property owner pay the cost of storage of the personal property. If, after 90 days of the property being confiscated, the property owner fails to claim the confiscated property, and after the County complies with the requirements of Utah Code, as currently amended, the County may dispose of the property, including sale at auction, disposal, etc., and seek to collect the cost of storage from the property owner. The County may also pursue any other remedy as allowed by law.
4. Any and all costs incurred by the County in the abatement of a land use violation under the provisions of this LUDMO or other county ordinance shall constitute a lien against the property upon which such land use violation existed, which lien shall be filed, proven, and collected as provided for by law. Such lien shall be noticed to all persons from the time of its recording and shall bear interest at the legal rate thereafter until satisfied.

- G. **Civil Enforcement** - Appropriate actions and proceedings may be taken by the County in law or in equity to prevent any violation of this LUDMO, to prevent unlawful construction, to recover damages, including the cost, if any, of correcting the land use violation, to restrain, correct, or abate a violation, and to prevent illegal occupancy of a building, structure, or premises.

**Nonexclusive Remedies, Building Permits, Certificates of Occupancy and Land Use**

**Compliance, Etc.** – The County may take any or all of the actions listed in this LUDMO to abate, enjoin, or correct a land use violation, including against any person or entity that creates, causes, or allows a land use violation to exist, and to recover damages for such violation. The County may withhold, suspend, or revoke building permits, certificates of occupancy and land use compliance, and other permits and licenses to enforce this LUDMO and the conditions and terms of permits and licenses issued hereunder. The abatement of a land use violation does not prejudice the right of the County or any person to recover damages or penalties for its past existence. Notwithstanding the procedures outlined in this section, the County may also enforce this LUDMO and the conditions and terms of permits and licenses issued hereunder as provided under State law.

**Section 12: EXPIRATION OF APPLICATIONS AND APPROVALS**

A. Except as provided in Subsection (F), if an applicant has not taken any action on an application for 12 months, the application shall be deemed abandoned and denied and any vested right to proceed with the application expired.

**B. Building Permits**

1. A building permit shall expire if:
  - a) Construction requiring inspection is not begun within 180 days from the date the building permit was issued; or
  - b) If work authorized by such permit is suspended or abandoned for a period of 180 days after the commencement.
2. The Building Inspector may grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.
3. Regardless of the number of extensions granted, a building permit shall expire if construction is not completed, and a certificate of occupancy and land use compliance is not obtained, within five years from the date the building permit was issued. The San Juan County Planning & Building Department may, upon written request and for good cause shown, extend the time to complete construction and obtain a certificate of occupancy and land use compliance for a period of time not to exceed one additional year. Such extensions shall be in writing and shall state the date the extension expires.

C. Except as provided in Subsection (F), approval of developments shall expire if application for preliminary or phased preliminary plan application has not been submitted for decision and diligently advanced by the applicant within five years from the date of

receiving master plan, physical constraints, density determination, and/or concept plan approval. Projects that have already been approved prior to the effective date of this LUDMO shall have six months to file a preliminary application or a phased preliminary plan application and advance applications and approvals as required to avoid the expiration of the approvals.

1. Phased preliminary applications must be advanced within the timelines of the phased preliminary plan approval, which shall not be for more than five years between each preliminary application, and cumulatively may not be for more than 10 years from the preliminary plan approval, or the approvals will expire.
  2. Projects that have had Master Plan, Physical Constraints, and Density Determinations granted, have maintained these approvals, and so long as they have entered into an agreement with a Special Service District to reserve water, have paid all fees to maintain the water reservation, and the water reservation remains in effect through the Special Service District, that project shall have six months to file a preliminary application or a phased preliminary application, and advance applications and approvals as required to avoid the expiration of the approvals. The burden shall be on the applicant to prove they qualify for this exception as part of their application for Preliminary Application.
- D. Except as provided in Subsection (F), preliminary approvals of developments shall expire if an application for final approval has not been submitted for decision within one year from the date of receiving preliminary approval.
- E. Except as provided in Subsection (F), final approval of a subdivision development shall expire if the plat is not recorded within one year from the date of receipt of final approval by the Planning Commission.
- F. Upon written request of an applicant, permittee, or licensee, the expiration date of an application or approval, as the case may be, may be extended for 90 days, provided that:
1. An application for an extension of time is submitted prior to the expiration date; and
  2. The Planning Commission or its designee finds, based on substantial evidence placed in the record:
    - a) Substantial progress is being made toward obtaining approval of the application, or in the exercise of the development rights authorized by an approval, as the case may be;
    - b) In the case of an application, no changes to this LUDMO have occurred or are being considered that may affect the application; and

- c) In the case of an issued permit, license, or other approval, any conditions or terms of the permit, license, or other approval are still viable based on currently applicable requirements of this LUDMO.
- 3. In no case shall an extension be granted for more than 12 months from the original expiration date.

G. Unless otherwise provided or noted thereon, final subdivision plats, once recorded, do not expire except as provided in CLUDMA.

### **Section 13: PAYMENT OF FEES**

Any application shall not be considered complete until the applicant has submitted a complete application, including payment of all fees as required by this LUDMO. Unless otherwise provided, fees are nonrefundable. Payment of the appropriate fee is no guarantee that an application will be approved.

### **Section 14: SEVERABILITY**

Should any section, paragraph, sentence, clause, or phrase of this LUDMO be declared unconstitutional or invalid for any reason, the remainder of this LUDMO shall not, to the extent possible, be affected thereby.

### **Section 15: CONFLICTING PROVISIONS**

The provisions of this LUDMO are in addition to all other County ordinances (unless otherwise stated), the laws of the State of Utah, and the laws of the United States. This LUDMO shall not supersede any development or other agreements entered into by the County where private land use regulations in deeds or covenants are more restrictive than this title. Whenever a conflict exists between this LUDMO and state or federal laws, or private land use regulations in deeds or covenants, the more restrictive provision shall apply to the extent allowed by law. The more specific provisions of this LUDMO dealing with specific zones, subdivision types, and types of uses, shall prevail over general provisions.

### **Section 16: CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS**

It is the intent of the San Juan County Commission that the provisions of this LUDMO are part of the San Juan County Code as adopted; and that the provisions of this LUDMO may be renumbered, re-lettered, and the organizational nomenclature changed in order to accomplish such intentions. Regardless of whether such inclusion in the San Juan County Code is accomplished, the County may renumber, re-letter the LUDMO and correct typographical and clerical errors that do not affect the LUDMO's intent without holding a public hearing by filing a corrected or recodified copy of the same with the San Juan County Clerk/Auditor's office.



## STAFF REPORT

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**MEETING DATE:** August 13, 2026

**ITEM TITLE, PRESENTER:** Building Report and Department Update

**RECOMMENDATION:** No formal action is required at this time; staff will continue to update and refine reference materials to support the Planning Commission.

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### Building Department Update

Building and inspection reports are included in the packet for review. Staff will also provide an update on the upcoming NEC training scheduled for September 3–4 in Moab and Blanding, featuring UL Solutions Regional Manager Christopher Jensen. We have started meeting with inspectors from Moab, Grand County, and Blanding to discuss industry trends, inspection practices, and opportunities for better regional coordination. These discussions have created a good opportunity to coordinate a regional meeting in conjunction with the training and continue strengthening communication and consistency among neighboring jurisdictions.



# UTAH ELECTRICAL CONTINUING EDUCATION

*State-required classes for electrical professionals*



## SEPTEMBER 3-4, 2026

**Primary Location:** Moab, Utah

**Remote Location:** USU Building, Blanding

*Other locations may be added*

## PRESENTED BY

### Christopher Jensen

Regulatory Services Manager  
Codes and Regulatory Services  
UL Solutions  
Distinguished Member of Technical Staff  
William Henry Merrill Society



### Questions or intent to attend:

Please contact your local building department, or Tamra or Corey with San Juan County.

✉ **Tamra Lewis:** [tlewis@sanjuancountyut.gov](mailto:tlewis@sanjuancountyut.gov)

✉ **Corey Coleman:** [ccoleman@sanjuancountyut.gov](mailto:ccoleman@sanjuancountyut.gov)

## TEMPORARY SIGN-UP

Scan the QR code to provide your intent to attend while the final sign-up process is being completed.



**Scan to sign up**

# Permit Inspection Report

07/01/2026 - 07/31/2026

| Permit # | City or County  | Status    | Owner Name               | Description                                                               | Inspection Status   |
|----------|-----------------|-----------|--------------------------|---------------------------------------------------------------------------|---------------------|
| 25055    | San Juan County | Closed    |                          | Final                                                                     | APPROVED            |
| 26129    | San Juan County | Closed    | Sam Randolph             | Electrical Inspection. She will call when ready. Doing it all in one day. |                     |
| 26114    | San Juan County | In Review |                          | Power                                                                     | NOT APPROVED        |
| 26125    | San Juan County | Open      | Raymond C. Hennessey     | Rebar inspection                                                          | CONDITONAL APPROVAL |
| 25130    | San Juan County | Open      |                          | Insulation                                                                | APPROVED            |
| 25119    | San Juan County | Open      |                          | Insulation Inspection                                                     | APPROVED            |
| 23102    | San Juan County | Open      | Look RV RESORT, LLC      | Final Inspection                                                          | CONDITONAL APPROVAL |
| 23037    | San Juan County | Open      | Patrick Adams            | Final                                                                     | NOT APPROVED        |
| 26045    | San Juan County | Open      |                          | CO                                                                        | CONDITONAL APPROVAL |
| 26018    | San Juan County | Open      | austin                   |                                                                           |                     |
| 26030    |                 | Closed    |                          | Final Inspection                                                          | APPROVED            |
| 26079    | San Juan County | Open      | Yackey Richard K-Trustee | Rebar in Pool. Gate code is 5150#                                         | APPROVED            |
| 24064    | San Juan County | Open      |                          | 4way                                                                      | APPROVED            |
| 26120    | San Juan County | In Review |                          | Pandora 7 WO# 7366253                                                     | APPROVED            |
| 23102    | San Juan County | Open      | Look RV RESORT, LLC      | Temporary occupancy 60 Days                                               | CONDITONAL APPROVAL |
| 23148    | San Juan County | Open      |                          |                                                                           |                     |

| Permit # | City or County  | Status    | Owner Name                      | Description                | Inspection Status   |
|----------|-----------------|-----------|---------------------------------|----------------------------|---------------------|
| 25130    | San Juan County | Open      |                                 |                            |                     |
| 26018    | San Juan County | Open      | austin                          |                            |                     |
| 26093    | San Juan County | In Review | Virgle Ellis                    |                            |                     |
| 25109    | San Juan County | Closed    |                                 | Well House                 | APPROVED            |
| 25079    |                 | Closed    |                                 | Final Inspection           | APPROVED            |
| 26015    | San Juan County | In Review | Kenneth William & Candy Kaign   | Insulation                 | APPROVED            |
| 26005    | San Juan County | Open      |                                 | 4way insulation            | CONDITONAL APPROVAL |
| 25131    | San Juan County | Open      | Michael & Michelle Halls        | Power to Panel             | APPROVED            |
| 26058    | San Juan County | In Review |                                 | Sheeting                   | APPROVED            |
| 26099    | San Juan County | Open      | Marshall Mabley                 |                            |                     |
| 26068    | San Juan County | Open      | KM REAL ESTATE ENTERPRISE S LLC | Final Inspection           | APPROVED            |
| 26039    | San Juan County | In Review |                                 | Power Order #7580798       | APPROVED            |
| 26068    | San Juan County | Open      | KM REAL ESTATE ENTERPRISE S LLC | Power order # 7543387      | APPROVED            |
| 26077    | San Juan County | In Review |                                 |                            |                     |
| 26078    | San Juan County | In Review | Jim Blankenagel                 |                            |                     |
| 26103    | San Juan County | Open      | Dale Brown                      |                            | APPROVED            |
| 26018    | San Juan County | Open      | austin                          | Footings                   | CONDITONAL APPROVAL |
| 26030    |                 | Closed    |                                 | Power Work Order # 7574235 | APPROVED            |
| 25109    | San Juan County | Closed    |                                 | Well House inspection      | CONDITONAL APPROVAL |

| Permit # | City or County  | Status | Owner Name                      | Description              | Inspection Status   |
|----------|-----------------|--------|---------------------------------|--------------------------|---------------------|
| 26068    | San Juan County | Open   | KM REAL ESTATE ENTERPRISE S LLC | 4-way                    |                     |
| 26068    | San Juan County | Open   | KM REAL ESTATE ENTERPRISE S LLC | Sewer Inspection         | CONDTIONAL APPROVAL |
| 25027    | San Juan County | Open   |                                 | Certificate of Occupancy | APPROVED            |
| 26055    | San Juan County | Open   |                                 |                          | APPROVED            |
| 24022    | San Juan County | Open   |                                 | Meter Base Inspection    | APPROVED            |
|          |                 |        |                                 |                          |                     |

Total Records: 40

8/7/2026

# Permit Report

7/1/2026 - 07/31/2026

| Permit # | Permit Date | Residential or Commercial | Building Address                         | Building CityStateZip | Description                                      | Main Status |
|----------|-------------|---------------------------|------------------------------------------|-----------------------|--------------------------------------------------|-------------|
| 26131    | 7/30/2026   | Residential               | Blankenagel Subdivision                  | La Sal, UT            | Subdivision Amendment                            | In Review   |
| 26130    | 7/30/2026   | Residential               | 928 N. 350 E.                            | Blanding, UT 84511    | Power                                            | Closed      |
| 26129    | 7/30/2026   | Residential               | 365 S. 100 W.                            | Monticello, UT 84535  | Power                                            | Closed      |
| 26128    | 7/29/2026   |                           | 71 E Hickman Flats Rd                    | Monticello, UT 84535  | Add a generator hook up to outside breaker panel | In Review   |
| 26127    | 7/28/2026   | Residential               | 72 Tangren Drive                         | Moab, Utah, 84532     | Residential                                      | In Review   |
| 26126    | 7/28/2026   |                           | 31 South Woodland Road                   | La Sal, UT, 84530     | Primary residence                                | In Review   |
| 26125    | 7/28/2026   | Residential               | 1087 Coal Bed CYN Rd.                    | Monticello, UT 84535  | Primary Residence                                | Open        |
| 26124    | 7/27/2026   | Residential               | SAME                                     | SAME                  | BUILDING FRONT PORCH ON HOUSE                    | In Review   |
| 26123    | 7/27/2026   | Residential               | San Juan Estates                         |                       | New Subdivision                                  | In Review   |
| 26122    | 7/27/2026   |                           |                                          |                       |                                                  |             |
| 26121    | 7/24/2026   | Residential               | 1166 Frosty Lane                         | Blanding              | Personal Woodworking Shop and Vehicle Storage    | In Review   |
| 26120    | 7/23/2026   |                           | Pandora 7 address GPS location in Photos | La Sal Utah 84530     | Electrical                                       | Open        |
| 26119    | 7/22/2026   | Residential               | 782 W 1100 N                             | Blanding Utah 84511   | Guest house                                      |             |
| 26118    | 7/22/2026   | Residential               | 782 W 1100 N                             | Blanding Utah 84511   | Residential family home                          | In Review   |

| Permit # | Permit Date | Residential or Commercial | Building Address                 | Building CityStateZip   | Description                              | Main Status |
|----------|-------------|---------------------------|----------------------------------|-------------------------|------------------------------------------|-------------|
| 26117    | 7/22/2026   | Residential               | 2112 E. Browns Canyon Rd         | BLANDING                | Carport for camper storage               | In Review   |
| 26116    | 7/21/2026   | Residential               | 17 N McElhaney Lane              | Moab, UT 84532          | Lot Split                                | In Review   |
| 26115    | 7/20/2026   | Commercial                |                                  |                         | Phase II Hospitality Development         | In Review   |
| 26114    | 7/18/2026   | Residential               | 646 E. Browns Canyon Rd.         | Blanding, Utah, 84511   | Temp for well power until house is built | In Review   |
| 26113    | 7/16/2026   |                           | Pandora 15 south pine ridge road | La Sal Utah 84530       | Electrical                               | In Review   |
| 26112    | 7/16/2026   |                           | Pandora 1 south pine ridge road  | La Sal Utah 84530       | 480 volt fan 400 amp service             | In Review   |
| 26111    | 7/15/2026   | Residential               | 19 N Entrada Cir                 | Moab UT 84532           | Patio shade structure                    | In Review   |
| 26110    | 7/14/2026   |                           | 16 N. Porcupine Lane             | La Sal, UT 84530        |                                          | In Review   |
| 26109    | 7/13/2026   | Residential               | 513 Blue Mountain Ridge          | Monticello, Utah, 84535 | Primary Residence                        | In Review   |
| 26108    | 7/13/2026   |                           | 27 Wilcox Road                   | LaSal                   | Inspection                               | In Review   |
| 26107    | 7/10/2026   |                           | 400 Lisbon Rd.                   | Monticello, UT 84535    | Man Camp                                 | In Review   |
| 26106    | 7/6/2026    | Residential               | 792 W Center St                  | Blanding, UT 84511      | Garage                                   | In Review   |
| 26105    | 7/6/2026    | Residential               | 1105 S. Montezuma Canyon Rd      | Monticello, UT 84535    | Modular Home Living                      | In Review   |
| 26104    | 7/2/2026    |                           | 86N Cabrilla St                  | Moab, Ut, 84532         | Upgrade 100A service to 400A Service     | Open        |
|          |             |                           |                                  |                         |                                          |             |

Total Records: 28

8/7/2026