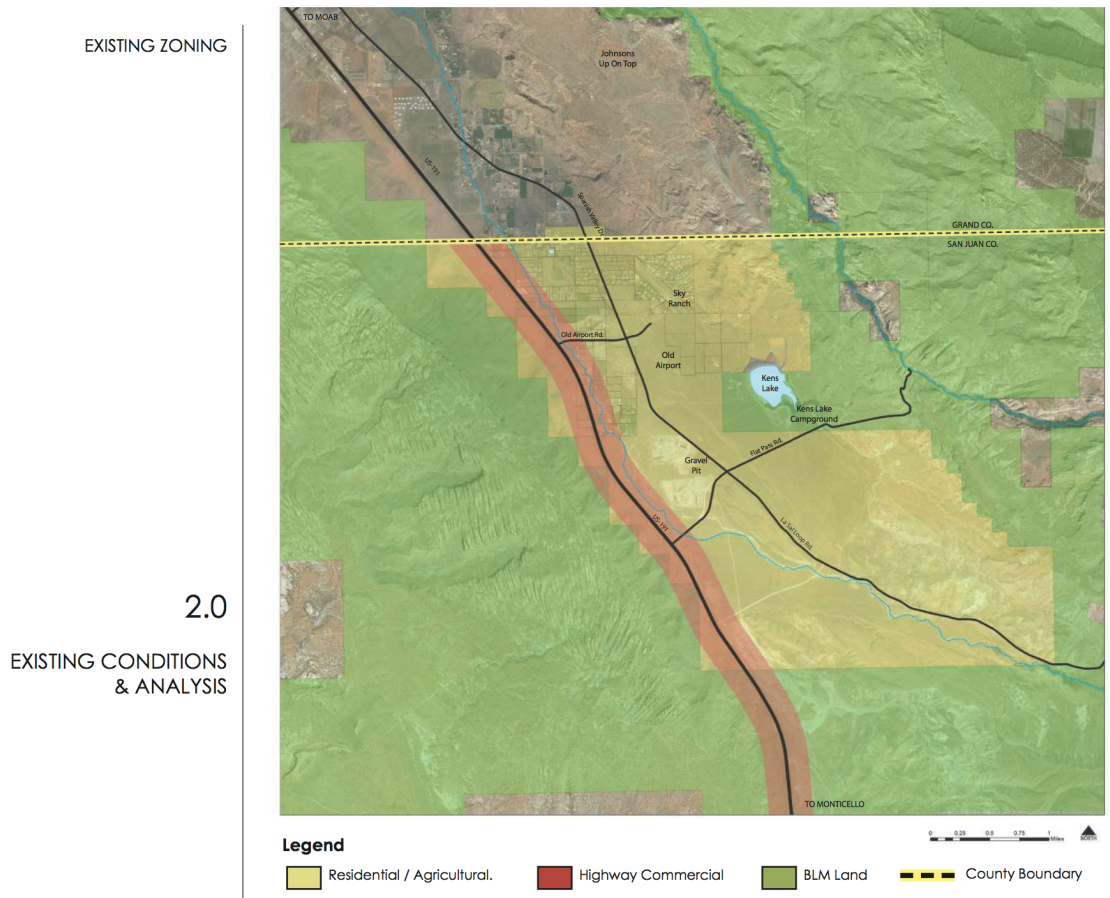


RESOLUTION NO. 2019 - _____

RESOLUTION OF SAN JUAN COUNTY, UTAH, APPROVING AN ORDINANCE ENACTING A TEMPORARY LAND USE REGULATION PROHIBITING NEW LAND USE APPLICATIONS FOR PERMITS FOR COMMERCIAL USES IN THE HIGHWAY COMMERCIAL ZONE, WHICH EXTENDS 1,000 FEET ALONG BOTH SIDES OF US-191 FOR THE LENGTH OF THE ROADWAY IN SPANISH VALLEY

WHEREAS, the Spanish Valley Planning Area is currently controlled by two zones in the San Juan County Zoning Ordinance, the Agricultural zone and Highway Commercial zone. The Commercial zone extends 1,000 feet along both sides of US-191 for the length of the roadway, permitting a range of commercial uses considered appropriate for a roadway setting. Pursuant to San Juan County Zoning Ordinance 12-2, the commercial uses permitted within the Highway Commercial zone include restaurants or drive-in cafes, motels, new and used automobile agencies, farm machinery and equipment sales, nurseries and greenhouses, mobile home sales, mobile home parks, drive-in theaters, bowling alleys, other commercial recreation facilities, automobile service stations and auto accessories, accessory buildings and uses, other uses approved by the Planning Commission as being in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed uses. All other uses are considered “conditional uses.”



WHEREAS, Utah Code 17-27a-504(1)(a) states:

“A county legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the county if:

- (i) The legislative body makes a finding of compelling, countervailing public interest; or
- (ii) The area is unregulated.”

WHEREAS, the Planning and Zoning Commission and the San Juan County Commissioners are engaged in a future land use planning process for the Spanish Valley Planning Area, including the Highway Commercial zone.

WHEREAS, the uses permitted in the Highway Commercial zone of the Spanish Valley Planning Area after the current planning process is completed may be significantly different than the uses currently allowed in the existing Zoning Ordinance.

WHEREAS, San Juan County currently lacks data regarding culinary water availability in Spanish Valley that would be available to service new development, both residential and commercial.

WHEREAS, the United States Geological Survey is finalizing a report that includes findings from a recently completed multiyear groundwater study of the Spanish Valley/Moab Area Watershed, which found that safe yield for the Area is less than previously estimated (about 11-13,000 acre-feet per year rather than 18-22,000 acre-feet per year), and San Juan County anticipates the need for a multi-agency, intergovernmental groundwater management plan.

WHEREAS, the maximum amount of water approved for diversion by San Juan County is 500 acre-feet of groundwater from the Moab-Spanish Valley aquifer, and no more water can be approved to be diverted until monitoring data show no impairment of existing, senior water rights, no impact to the regional groundwater table, no contamination issues, and no adverse effects to the natural environment including at the Matheson Wetlands Preserve.

WHEREAS, further investigation is needed to determine the amount of available water resources for Spanish Valley development, and an informed consideration as to the appropriate allocation between residential and commercial uses for this scarce resource.

WHEREAS, commercial developments, including for overnight accommodations, restaurants, greenhouses and nurseries, service stations, recreation areas, and others, results in water usage that greatly diminishes available and financially viable water resources for residential development.

WHEREAS, Grand County and the City of Moab have recently enacted temporary 6-month moratoriums on new permits for hotels and other overnight accommodations. Due to the immediate proximity of the Spanish Valley Planning Area to Grand County and the City of Moab planning areas, there is great likelihood that developers of hotels, other overnight

accommodations and other commercial businesses will turn to the Spanish Valley highway commercial zone to procure lands to develop their businesses in the very near future.

WHEREAS, before the land rush from Grand County to Spanish Valley begins, there is a compelling, countervailing public interest to postpone new commercial and industrial development in the Spanish Valley Highway Commercial zone until land use ordinances and policies can be given due consideration by Spanish Valley residents, the planning commission and the county commission and enacted via the public process.

WHEREAS, San Juan County needs to evaluate the current economic conditions and opportunities for economic diversity and development in the Spanish Valley Planning Area before it is faced with numerous hotel and nightly rental permit applications that will likely occur as a result of Grand County and the City of Moab temporary moratoriums on new permit applications for this type of development.

WHEREAS, public comments received on the Spanish Valley Area Plan, adopted April, 2018, noted that residents of Spanish Valley have been ignored by San Juan County government and that the county government approves any type of development application that is received, with little, if any, assessment of impacts to, or input from Spanish Valley residents, and that the 1000-foot highway commercial zone directly adjacent to residential areas is incompatible with residential uses and should be reconsidered and revised to provide a buffer to protect private property and homeowners' financial investments and quality of life.

WHEREAS, San Juan County Planning Commission, County Commission, and residents of Spanish Valley Planning Area need time to review and modify, if needed, the Highway Commercial zone's existing ordinances and the proposed ordinances drafted as part of the Spanish Valley Planning Area process before approving any new permits for development in the Highway Commercial zone along Highway 191.

NOW, THEREFORE, BE IT RESOLVED:

Section 1: Temporary Land Use Regulation. Except as expressly provided in Section 3, no new applications or permits for any commercial development shall be approved in the Highway Commercial zone upon the Effective Date, as defined in Section 2.

Section 2: Effective Date and Duration. This ordinance shall take effect immediately upon passage ("Effective Date") and shall continue for six (6) months, following which it shall automatically expire with no further action of the County Commission.

Section 3: Exceptions. The County acknowledges that a number of "persons," including entities, may have procured land use entitlements (including land use approvals and building permits) for the construction of commercial developments, or submitted land use applications that have been deemed complete, as of the Effective Date. In an effort to avoid hardship to those who have relied in good faith upon existing County regulations, such persons described above who have procured land use entitlements or who have submitted land use applications

deemed complete by the County shall be excluded from the applicability of this ordinance. In every case, such persons shall still be required to obtain land use permits before such use commences.

Section 4: Conflict. This ordinance shall supersede and take precedence over any conflicting ordinances or policies of San Juan County.

Section 5: Severability. If any provision of this ordinance shall be found invalid by a court with jurisdiction, the provisions shall be severed and the remainder of the ordinance shall be enforced without the severed provision

PASSED, ADOPTED AND APPROVED by the Board of San Juan County Commissioners this _____ day of _____ 2019.

Those voting aye:

Those voting nay:

Those abstaining:

Absent:

Board of San Juan County Commissioners

Kenneth Maryboy, Chairman

ATTEST:

John David Nielson, County Clerk/Auditor