

Appeals court alters decision for Spanish Valley Loves Truck Stop, sends lawsuit back to 7th District Court

By Doug McMurdo
Times-Independent

Opponents of a plan to build a Love's Travel Stop just south of the Grand-San Juan county line scored a significant legal victory February 2 when the Utah Court of Appeals reversed a district court judge that previously dismissed the case.

Appellate judges found that Seventh Judicial District Judge Don Torgerson's analysis had been flawed when he ruled the Northern San Juan County Coalition, an opponent of the travel stop, had no standing when it sought to force San Juan County to prove it followed its own zoning laws when it approved the project.

The Court of Appeals reversed Torgerson's granting a summary judgment to San Juan County and a dismissal on behalf of Love's, which is acting as a third-party intervenor in the case. The 13-acre site would butt up against a residential neighborhood that lies just across the line in Grand County.

The coalition filed the lawsuit after alleg-

ing San Juan County failed to follow its own ordinances when it approved the plan for the truck stop at Highway 191 and Sunny Acres Lane after it submitted only a "sketch plan" for the project.

Attorneys for San Juan County and Love's argued that the coalition had no standing to bring a lawsuit, but appellate judges found the coalition did more than enough to establish it did before remanding the case for further proceedings.

"We couldn't be happier," said Holly Sloan, a coalition member and attorney. "In terms of where we go from here, it goes back to the Seventh District Court ... and hopefully we'll now get a hearing on a case we've already filed [Tuesday, Feb. 7]."

Sloan said the coalition will seek the same relief San Juan and Love's sought — a summary judgment in which the judge would rule in their favor without further litigation.

Sloan said the coalition is not opposed to Love's plans, just its location. Offering an olive branch of sorts, she also said the Utah Schools

and Institutional Trust Lands Administration manages "a lot of land" in northern San Juan County, including the site where Love's plans to build.

She said over the past year, SITLA has planned "for much more development" on land it manages in northern San Juan County, and that its planning has "been robust and thoughtful and has shown more regard" for residents in the area than it had in the past.

"Hopefully, at some point this will be a win-win for everybody," said Sloan.

In its appeal, the Northern San Juan County Coalition argued Torgerson erred when he ruled his court did not have subject matter jurisdiction because the coalition failed to exhaust its administrative remedies when it challenged San Juan County's approval of the truck stop.

Kate Appleby, a senior judge on the Utah Court of Appeals, wrote an exhaustive ruling. She delved into recent history in northern San Juan County, where development began to increase in 2018, prompting the San Juan County Commission to hire a firm tasked with creating an area plan that was adopted in April of that year.

Appleby noted the San Juan County Planning Commission considered placing a moratorium on development until new zoning ordi-

in April 2019, but it was postponed at the urging of an unnamed San Juan County official. There were also procedural delays.

"Love's, having been alerted to the impending moratorium, submitted a sketch plan application for a commercial development on May 3, 2018," wrote Appleby. "The proposed development was a travel center on approximately 13 acres of land, including a convenience store, a drive-through fast food restaurant, gas pumps, 90 automobile parking spaces, and 53 truck parking spaces."

One week later, according to Appleby, San Juan County responded to Love's and, after acknowledging it had received the sketch plan, wrote: "Under San Juan County's code, this proposal is for a commercial development in a commercial zone so there is nothing additional that Love's needs to do at this time."

The appellate court also noted that before the Love's plan was approved, there was "active community involvement" and "substantial public clamor about the possibility of a [truck stop] in Spanish Valley."

Coalition members filed GRAMA requests asking the county to provide any permit applications Love's submitted and any work the county did in evaluating the project. The county could only provide the sketch plan.

Snow Report

CAMP JACKSON FEBRUARY 14 REPORT

16.7" of water in 49" of snow
9.6" is multi-year average
27.2" in 2005 is multi-year high
2.7" in 1996 is multi-year low
Current snow is 174% of normal
La Sal snow is 169% of normal



NANCES could be created