

San Juan County Commission Meeting
Administration Building - Commission Room
Agenda
November 19, 2019

Present: Kenneth Maryboy - Commission Chair
Willie Grayeyes - Commission Vice Chair
Bruce Adams - Commissioner
Mack McDonald - CAO
John David Nielson - Clerk

Attendees: Elise Erler, Mark Vlastic, Monte Perkins, Jim Sayers, Doug Allen, Marlene Huckabay, Chad Booth, Jean Bondio, Mike Bondio, Albert Holiday, Holly Sloan, Sharon Brussell, Larry Edwards, Colby Smith, Sue Baril, Jimmy Johnson, Kim Henderson, Curtis Henderson, Amer Tumeah, Kim Palmer, Lynda Smrz, Cheryl Bowers, Zac Podmore, John Evans, Dave Focardi, Bill Love, Randy Rarick, Arleen Hurst, Trent Schafer, Ronald Nielson, Shanon Brooks, Scott Burton, Walter Bird

Mark Vlastic - Landmark Design

Mark gave a presentation on the proposed Spanish Valley Planning Ordinances. Mark discussed how 10 new proposed ordinances were created from meetings with property owners, SITLA, and the Northern San Juan County Coalition. Mark explained key changes from previous ordinances. Mark also explained that the San Juan County Planning & Zoning reviewed the new proposed ordinances and recommended changes to eight of the ordinances as well as a recommendation to eliminate two ordinances covering sign & display requirements as well as the overnight accommodations requirements.

Chad Booth - County Seat

Chad Booth came to discuss the County Seat program that he runs. Chad explained that the County Seat has been in operation for 9 years and covers all areas of Utah. He talked about how the County Seat program allows for discussion and information on topics relevant to an area. There was a brief discussion on the different media outlets that could be used by County Seat to provide their programs.

Jim Sayers - Bluff Town Updates

Jim came to the commission to discuss and interlocal agreement between San Juan County and the Town of Bluff. He expressed appreciation for the work that the county administrator, Mack McDonald, has done in helping to further Planning & Zoning and Building Permits in Bluff.

Mack McDonald - CAO

Mack discussed with the commission a Predation Management Contract that would be brought to the commission for approval during the commission meeting. Mack explained that the cost of

the program is split 50/50 between USDA and the county \$3,000 a piece. He also stated that the program helps to mitigate the nuisance of predators on cattle and other livestock.

Clark Hawkins - SJC Road Department

Clark came to the commission with a couple of procurement requests. The first request was to purchase a Bottom Dump Trailer. Clark explained that one bid for trailer was received from Bruckners Truck & Trailer Sales from Farmington, New Mexico. He explained that the trailer purchase was requested because the old trailer was sold for \$8000.

Off the procurement topic, there was a discussion about road maintenance and care with the upcoming anticipated moisture. Clark explained how the road department will handle the road maintenance.

Clark also requested to purchase a used hot oil 8400 gallon trailer. He explained that there is a need to have an additional trailer so that demurge charges from road projects involving the county could be avoided. Clark stated that the cost of the \$12,000 trailer would help to save the county money from additional demurge charges from road projects which reached \$3,000 just during the summer.

Commissioner Maryboy also asked Clark to follow up with the road department on painting a centerline on the highway between Montezuma Creek and Red Mesa.

Nick Sandberg - SJC Planning

Nick updated the commission on the Forest Plan and explained that the process to have a public comment period has slowed down and that the Forest Service will not hold public hearings until 2020. Nick also asked the commission to be considering and make recommendations on possible locations where the public hearings could be held. Once he has recommendations, Nick would pass them along to the Forest Service.

Nick also talked about grazing situations within the county. He explained that the forage conditions are good, but there is a lack of water which would indicate that water hauling will probably be needed on some allotments.

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Mack McDonald read the commission agenda into the record. A motion to adopt the agenda was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

A motion to eliminate items I and J from the agenda was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Commissioners voting in favor of the amended agenda are Commissioners Adams and Commissioner Grayeyes. Voting was unanimous.

A question from an audience member was raised as to the ramifications of items I and J being removed from the agenda. Commissioner Adams explained that the motion to remove I and J from the agenda was because it was the recommendation of the Planning & Zoning Commission to remove those two ordinances from the draft ordinances proposed by Landmark Design. Mack McDonald explained that public comments regarding the eliminated items could still be heard.

A motion to recall the agenda for discussion was made by Commissioner Grayeyes. Commissioner Maryboy 2nd the motion. Commissioners voting in favor are Commissioners Maryboy and Grayeyes. Commissioner Adams voted against the motion.

A motion to adopt the agenda as written for discussion was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous

A motion to approve the October 15, 2019 and November 5, 2019 Commission Meeting Minutes was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Citizen Comments:

Albert Holiday - Albert, Oljato Chapter Vice President, talked to the commission about the state of the roads on the reservation and to asked the commission for a status report on when the roads will be improved. He explained that the safety of the school kids and buses is very important. He also asked for a roundabout and a front end loader

Jean Bondio - Jean asked the county to support the September 13, 2019 recommendations of Landmark, the experts hired by the county to create the ordinances.

Bill Love - Bill talked about the importance of not building in a flood plain or a flood channel. He also talked about having an ordinance to protect stream beds for insurance purposes.

A motion to go into Public Hearing was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

Mack offered some instructions to those offering comments during the public comment period regarding being civil and respectful to those presenting. Commissioner Maryboy opened up the public hearing to individuals who wish to make comments on the proposed ordinances by Landmark Design listed below:

- a. Spanish Valley Residential (SVR) District
- b. Spanish Valley Planned Community (PC) District
- c. Spanish Valley Residential Flex Planned Community (RF) District
- d. Spanish Valley Business Flex Planned Community (BF) District
- e. Spanish Valley Highway Flex Planned Community (HF) District
- f. Spanisg Valley Highway Commercial (HC) District
- g. Spanish Valley Water Efficient Landscape Requirements
- h. Spanish Valley Outdoor Lighting and Sign Illumination Requirements
- i. Spanish Valley Sign and Display Requirements
- j. Spanish Valley Overnight Accommodations Overlay District Requirements
- k. Amendment of Chapter 11:
- l. Adoption of a new Section 4 Article II.

Public Comments:

Elise Eler - Elise, representing SITLA, explained that SITLA has participated in the moratorium process and in general supports the proposed ordinances created by Landmark Design. Elise also commented on a couple of zoning elements within the ordinances. First she talked about the Highway Commercial District and the point of moving from conditional vs allowed use. She explained how keeping it as conditional use would allow the county to react more quickly to potential problems. Second, Elise recommended that the county keep the Sign and Display Requirement ordinance. Elise also spoke in favor of the Overnight Accommodations

Requirement and Map #3 with the caveat that the A1 pockets are included. Elise explained that any ordinance could be adjusted over time to accommodate growth.

Larry Edwards - Larry spoke on the importance of a compromise and accepting it. He believed that the ordinances submitted by Landmark Design on September 13, 2019 should be the ordinances that are approved by the San Juan County Commission.

Sharon Brussell - Sharon stated that Landmark Design has worked very hard to achieve common ground resulting in the September 13, 2019 ordinances and encouraged the commission to adopt and move forward with the September 13, 2019 ordinances presented by Landmark Design.

Bill Love - Bill encouraged the commission to vote in favor of the September 13, 2019 ordinances and asked the commission to pass a resolution requiring that ordinance amendments be given a 30 day review period before they are passed.

Colby Smith - Colby talked about the different versions of maps up for approval by P & Z and stated that during the P & Z meeting there was no discussion on the differences between the proposed maps, only a map two. Colby also explained that at the same P & Z meeting, the P & Z commission made amendments to map two without providing transparency as to why the changes were being made. He stated that the P & Z did a disservice to the county commission by proposing a map without allowing for transparency of the changes.

Marlene Huckabay - Marlene asked the commission to consider the future when considering the proposed ordinances.

Linda Smrz - Linda stated that she is happy with what Landmark Design has proposed and encouraged the commission to adopt the September 13, 2019 ordinances presented by Landmark Design.

Holly Sloan - Holly appreciated the opportunity to meet new people and hear different opinions. She explained that changes could be made later, if needed, after more discussion, but encouraged the commission to adopt the proposed September 13, 2019 ordinances and map #3

Jeff Mattson - Jeff spoke about the Spanish Valley Area Plan from 2017 and its 10 guiding principles. He believes that the Landmark Design ordinances from September 13, 2019 follow the guiding principles and that the P & Z ordinances go against several of the guiding principles.

Ann Austin - Ann spoke about adapting to the changing conditions and working with the P & Z to compromise in different areas. Ann spoke in favor of the county commission adopting the ordinances and map #3

Ryan Holyoak - Ryan, representing LeGrand Johnson, stated that after an examination of the land use code it was found that the proposed ordinances are in violation of HB 288 and that adjustments were made by the P & Z to make the proposed ordinances compliant with the law. He encouraged the commission not to pass any ordinances that are against law. After Ryan's comments, there was a brief discussion about zoning, properties, and the boundaries of the proposed map #3

Amy Weiser - Amy came to the commission expressing support for the recommendations made by the P & Z. She explained that the P & Z did a great job at balancing the concerns and property rights of landowners in Spanish Valley. She asked that if the proposed ordinances from September 13th and map #3 were adopted, that they included changes and adjustments recommended by the P & Z.

Dave Focardi - Dave agreed with SITLA in adopting the Landmark proposals. He also talked about a 50 foot buffer in Pack Creek that was struck off by the P & Z until more data on a floodplain was being looked at evaluated. Dave also explained that having a sign ordinance allows for a starting point when considering what is good signage and discussed how signage affects property owners.

Jeannie Weidensee - Jeannie explained that she does not agree with the recent P & Z recommendations regarding the sign and lightning ordinance. She encouraged the commission to adopt the Landmark Design ordinances.

Shanon Brooks - Shanon spoke about compromise and stated that the P & Z is not disregarding Landmark Design's recommendations with the exception of a few points.

Monette Clark - Monette Clark explained that Landmark Design's proposed ordinances were a result of listening to the community and community concerns.

Kim Henderson - Kim spoke in support of the ordinances recommended by P & Z. She spoke about smart, economic growth that would bring revenue to San Juan County and stated that the revised ordinances by the P & Z as well as map #4 would be the best option for future growth.

Curtis Henderson - Curtis thanked the P & Z commission on their work with the proposed ordinances and encouraging a diverse economy and responsible future growth.

Trent Schafer - Trent, from P & Z, explained that private property rights of citizens was the main reason why the P & Z recommended changes to the proposed ordinances from Landmark Design. He explained that the P & Z listened to all of the people and made recommendations to avoid government overreach.

Scot Flannery - Scot, a member of the P & Z, explained why certain recommendations such as wording for Truck Stops, the Pack Creek buffer, PC zone changes, and signage were

proposed by the P & Z commission. Scoot also mentioned that map #3 fails to address zoning for certain properties and that the P & Z sought to communicate with property owners on how they would like their property zoned.

Cheryl Bowers - Cheryl explained that the P & Z commission are individuals appointed by the county commission to make important decisions.

Cheryl also asked the commission to consider development within the county which would create revenue and growth. Cheryl asked the commission to respect the role of the P & Z and their recommendations when making their decisions.

A motion to leave the public hearing was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Mack McDonald, San Juan County Administrator, explained the differences between map #4 in the proposed ordinance and map #3 which was recommended several times during the public comment period as well as other.

Commissioner Maryboy spoke about the efforts of Landmark Design, the P & Z Commission, and citizens to create ordinances that work for the people who live there.

Planning and Zoning Ordinances consideration for Approval

AN ORDINANCE ADOPTING THE SPANISH VALLEY DEVELOPMENT ORDINANCES AND MAP AMENDING THE SAN JUAN COUNTY ZONING ORDINANCE

Commissioner Grayeyes made a motion to approve the ordinance as presented on the agenda and to accept map #3, with the modification that adds to A1 to map #3.

There was a discussion on how modifying map #3 by adding the A1 (gravel pit areas) would affect other areas already included within map #3. Commissioner Adams suggested that the commission adopt map #4 instead of map #3. Commissioner Grayeyes felt like the P & Z waited until the last minute to make changes to the proposed ordinances and map. He wanted to see the people of Spanish Valley work with the P & Z. He also suggested that Spanish Valley work towards becoming a town. Commissioner Adams explained that the P & Z did do their job and worked with property owners to determine how zoning would affect property owners within in the zoning area.

Commissioner Grayeyes amended his motion to approve the ordinance as presented on the agenda including map #4 which includes the A1 areas.

Commissioner Adams made a substitute motion to use the P & Z commission's recommendations as of November 19, 2019 which includes map #4 and to include all of the A1 properties. The motion died for lack of a 2nd.

County Administrator, Mack McDonald read through the proposed ordinance and explained which recommended P & Z ordinances were included.

Commissioner Maryboy 2nd the motion made by Commissioner Grayeyes. Mack McDonald asked if the motion included the ordinances from September 13, 2019 or the ordinances recommended by the P & Z and then discussed some of the confusing language that the P & Z commission cleaned up to create consistency.

Commissioner Grayeyes amended his motion to approve the ordinances presented by Landmark Design on September 13, 2019 including map #3 with the adjustments to the A1 areas.

Mack McDonald explained that the exhibits mentioned in the proposed county ordinance which Commissioner Grayeyes made a motion to adopt would be the ordinances recommended by Landmark Design from September 13th and map #3.

Commissioners voting in favor of the motion were Commissioners Marboy and Commissioners Grayeyes. Commissioner Adams voted against the motion.

AN ORDINANCE AMENDING CHAPTER 11; MULTIPLE USE, AGRICULTURAL, RURAL RESIDENTIAL DISTRICTS ADOPTION, SPECIFICALLY SUBSECTION 11-3 OF THE SAN JUAN COUNTY ZONING ORDINANCE (2011)

After Mack McDonald read the ordinance into the record, Commissioner Adams made a motion to approve the ordinance. Commissioner Grayeyes 2nd the motion. Voting in favor was unanimous.

AN ORDINANCE ADOPTING A NEW SECTION 4 OF ARTICLE II. PLATTING REQUIREMENTS FOR ALL ZONES IN SAN JUAN COUNTY IN THE SAN JUAN COUNTY SUBDIVISION ORDINANCE (2016) CREATING A MINOR SUBDIVISION ORDINANCE.

After Mack McDonald read the ordinance into the record, a motion to approve the ordinance was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting in favor was unanimous.

Monte Perkins - SJC Maintenance

A request to approve capital improvements was made by Mack McDonald for Monte Perkins. A motion to approve capital improvements was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Scott Burton - SJC Planning and Zoning

Scott presented several subdivisions for approval:

1. Hummingbird Nest - which is located south of Blanding on Brown's Canyon Road. A motion to approve the subdivision was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

2. LaSal Acres Amendment No. 1 - amends an existing subdivision by decreasing the lot by an acre. A motion to approve the subdivision was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.
3. Cannon Rancho Amendment No. 3 - the amendment divides one lot into two. A motion to approve the amendment was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.
4. Flat Iron Mesa Ranch, Phase XXIV - the amendment adds a 7.5 acre parcel to the subdivision. A motion to approve the amendment was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Randy Rarick - SJC Landfill

Randy requested the purchase of frontend loaders which was approved via email. A motion to ratify the decision was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Randy requested to table the purchase of a custom scaling system. A motion to table the request was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

Clark Hawkins - SJC Road Department

Mack requested that the items presented by Clark Hawkins, during the Work Meeting, for purchase, a bottom dump trailer and a hot oil trailer be approved. A motion to approve the procurement requests was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

RT Nielson - San Juan County School Superintendent

A motion to approve a Teacher's Incentive resolution was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

John David Nielson - SJC Clerk

John David presented the results of the 2019 Special Election for approval. He stated that the canvassed results for Proposition 10 also included voter turnout by precinct and the number of rejected ballots and the reasons why they were rejected. A motion to approve the canvassed results was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

Mack McDonald - SJC CAO

Mack made a request for the commission to approve the predator contract that was discussed during the Work Meeting. A motion to approve the predator contract was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

John David Nielson - SJC Clerk

John David requested that the taxes for Robert Johnston for 2018 be given a commission abatement. A motion to approve the request was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

A motion to convene LBA was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

A motion to authorize a request to reimburse was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

A motion to leave LBA was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

A motion to adjourn commission meeting was made by Commissioner Adams.

Meeting adjourned at 1:47 pm