

San Juan County Commission Meeting

August 18, 2020

Agenda

11:00 A.M. - Electronic Meeting

Present: Willie Grayeyes - Commission Vice Chair (via Google Hangouts)
Bruce Adams - Commissioner
Mack McDonald - Administrator
John David Nielson - Clerk

Absent: Kenneth Maryboy - Commission Chair

Attendees (via Google Hangouts): William Shott, Linda Simmons, Marcia Shumway,
Kirk Bengé, Scott Burton, Walter Bird, Chad Booth

1. **Invocation**
2. **Public Comment - Public comments will be accepted through the following google meet link. meet.google.com/rzd-wjrs-fah or by phone 1 575-616-5120 (PIN:836050382). There will be a three minute time limit for each person wishing to comment. If you exceed the three minute time limit the meeting controller will mute your line.**

Mack read the agenda into the record. A motion to accept the agenda was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous.

Public Comments -

Carolyn Dailey - Carolyn Dailey requested a moment of silence for all individuals in the county who have lost loved ones due to the coronavirus.

3. **Consent Agenda (Routine Matters) - Mack McDonald, SJC Administrator**
 - a. Meeting Minutes
 - b. Check Registers

Commissioner Adams made a motion to accept the consent agenda. Commissioner Grayeyes 2nd the motion and asked for clarification on the report by Nick Sandberg regarding the BLM's invitation to allow the county to be a consulting party in the Oil & Gas Lease sale process. After clarification was given, voting in favor of accepting the consent agenda was unanimous.

4. **Recognitions, Presentations and Informational Items**

- a. Update from the County Seat TV Programming and Marketing

Chad reviewed with the commission the efforts of the County Seat program to give exposure to rural counties and issues that they face. He explained that an average of 84,000 viewers watch their program weekly. Chad also explained that the program is also viewed on Facebook and YouTube. He explained that the program has given exposure to the issues in Spanish Valley, roads and road conditions on reservation, Chad also urged the commission or others who feel

that an issue should be addressed to call the County Seat so that they know there is something to be addressed. He also stated that the County Seat could help get a local message from county out to media outlets.

b. Rural Co-Working and Innovation Center Grant

Mack asked the commission to approve a letter of support for a grant that the county is applying for. Mack stated that the grant is meant to allow greater access to business people who are traveling through rural areas and need a place to work. He explained that the county would like to use the grant funds to create a work space in the basement of the Monticello Library to allow for individuals traveling through the area to rent the workspace to be able to work remotely. Mack explained that the grant would require the county to make a 25% match which would be done by creating a space in the library for individuals to use. A motion to approve the letter was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous.

c. Muley Point access and proposal of a Visitor-Use project and possible formal dismissal of the complaint of RS2477 for that road - William (Billy) Shott, Superintendent Glen Canyon National Recreation Area

Billy reported to the commissioners of a potential project on Muley Point to allow greater use of the area to visitors. He explained that a donor approached park services with an idea to create an area to accommodate increased visitation. This area would create an accessible trail and a possible campground and RV campground. Billy also explained that an environmental analysis would need to be conducted before the project could continue. Stipulations of the donor would be to preserve the natural beauty and visibility of the area and the abandonment, by the county, of a section of the road leading to Muley Point. Billy explained that the idea behind the project would be to increase and not decrease visitation. Commissioner Adams expressed concern that the donor wanted the county to give up its RS2477 claim and stated that he does not want to abandon the RS2477 claim. He also spoke about a similar project and concern in the Goosenecks State Park area. Billy also suggested that the project area could be opened up to a concession area similar to Halls Crossing. Billy wanted to give the donor an idea of the county's stance on the project. Commissioner Adams stated that he would like to get an opinion from the county attorney and the state attorney general on abandoning the RS2477 claim. Billy explained that there was precedent in abandoning part of a road without weakening a case not to abandon other roads. Commissioner Adams suggested that a project proposal with the abandonment and one without the abandonment be created. Commissioner Grayeyes asked if the proposed project is inside the original area of the Bears Ears National Monument. Billy Shott stated that the proposed project lies outside of the original Bears Ears National Monument.

d. Halls Crossing Concessionaire Services Update - William (Billy) Shott, Superintendent Glen Canyon National Recreation Area

Billy introduced Heidi who gave an update on the Concession Contract at Halls Crossing which has been issued to Aramark. She explained that several projects have been completed to upgrade the Halls Crossing area. Heidi stated that at Glen Canyon National Recreation Area

concession contracts are being granted under the 1998 Concession law as well as the 1965 Concession law. She explained that Halls Crossing and Bullfrog are contracts under the 1965 Concession whose contracts can be extended indefinitely. Heidi then reviewed with the commissioners prospectus procedures. The prospectus is a document on how the contract is treated. She also said that a financial analysis of the business opportunity at Halls Crossing would need to be conducted before any determination is made on whether the Halls Crossing portion of the contract could be broken out separately. Heidi mentioned that the Parks Service has proposed revisions to regulations that govern the concession contracts and encouraged the commission to read and make comments on the regulation changes. Commissioner Adams stated that over the years, he has noticed that business in the Halls Crossing area has been moving over to the Bullfrog marina and that the commission feels that more effort could be made by the concessionaire to provide better services for visitors to Halls Crossing.

e. Clarks Market Thank you letter - Linda Simmons, SJC EMS Director
Linda presented a thank you letter to Clark's Market for their donation of \$2,867.44 to EMS. A motion to approve the thank you letter was made by Commissioner Grayeyes and 2nd by Commissioner Adams who complimented Linda on her work for EMS and also thanked Clarks Market for their donation. Voting in favor was unanimous.

5. Business/Action

a. Consideration of a Purchase Agreement with APCO Institute for Training & Certification Software for 911 Dispatch - Marcia Shumway, SJC Sheriff's Office
Marcia presented a proposed purchase agreement to purchase software that will enhance the dispatcher service and work with the current Spillman system, which is the CAD (Computer Aided Dispatch) program. Marcia also explained that it would also allow the county to certify dispatchers in EMD???, Fire, and Police as well as bring the county in compliance with the ESA??? Standards and Guidelines. The funds in the amount of \$28,532.45 will be paid for with CARES Act funds. Maintenance and recertification costs would be built into the budget each year. A motion to approve the agreement was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous.

b. Consideration of a Purchase Agreement with Motorola Solutions Intellicom Spillman Interface for 911 Dispatch - Marcia Shumway, SJC Sheriff's Office
Marcia presented a purchase agreement with Motorola in the amount of \$9,424.68 to interface with the Spillman system. A motion to approve the contract was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous.

c. Consideration of a contract between San Juan County Public Health Department for Tobacco Contract FY21-FY25 with the Utah Department of Health - Kirk Benge, SJC Public Health Director
Kirk presented, for consideration, a contract to facilitate tobacco prevention in the schools. Kirk stated that an update to the contract allowed for Public Health to enforce e-cigarette and vaping liquids precautions and safety at local vendors which provided an additional \$54,000 in funds.

The update will also allow Public Health to pass through \$81,600 in grants to local community, government, and educational organizations to help prevent substance abuse and tobacco start up. A motion to approve the contract was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous.

- d. Consideration of a contract between San Juan County Public Health Department for Home Visiting FY2017 Early Childhood Utah Funding with the Utah Department of Health - Kirk Benge, SJC Public Health Director

Kirk presented, for consideration, a contract which will fund home visiting efforts in the amount of \$55,000. The visiting would focus on homes with pregnant mothers and children under the age of 6 in areas of poverty. A motion to approve the contract was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous.

- e. Consideration of a contract between San Juan County Public Health Department for Local Health Dept WIC Program with the Utah Department of Health - Kirk Benge, SJC Public Health Director

Kirk presented, for consideration, an amended contract which was signed earlier in the year. Additional funding to the contract brings the amount of the contract to \$132,817. A motion to approve the amended contract was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting in favor was unanimous.

- f. Consideration of a contract between San Juan County Public Health Department 2020-2021 Nurse Home Visiting with the Utah Department of Health - Kirk Benge, SJC Public Health Director

Kirk requested, for consideration, a contract to allow for nurses to visit homes of qualified families and provide services for the period of July 1, 2020 through June 30, 2021. A motion to approve the contract was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous.

- g. Consideration and approval of the Cooperative Agency Agreement with San Juan County and the Aeronautical Operations Division of the State of Utah, Utah Department of Transportation for the Halls Crossing Airport project AIP-16 Rehab RWY 1/19 and Reconstruct RWY 1/19 Lighting (Design & CM) - Mack McDonald, SJC Administrator

Mack presented, for consideration, an agreement that allows for the State of Utah to be the pass through of funds to the Halls Crossing Airport Project. Mack explained that the commission had already approved agreements associated with the project and they would be passing the agreement with the State as part of the project. A motion to approve the agreement was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous.

- h. CONSIDERATION FOR ADOPTION OF A RESOLUTION SUPPORTING THE REPEAL OF HB359 - Mack McDonald, SJC Administrator

Mack presented a resolution requesting the repeal of HB359 which was passed at the end of the previous legislative session without debate or public hearings and comments. He stated that HB359 allows a city to annex county land into their boundaries without getting consent from the county. Mack explained that there would be a special legislative session on August 20th where legislatures would be asked to repeal HB359 and fix the language of the bill and present it as a new bill, HB6007. A motion to adopt the resolution in support of the repeal of HB359 was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous.

- i. Subdivisions for Approval - Scott Burton, SJC Building Department
 - i. Flat Iron Mesa Ranch, Phase 25
 - ii. Dyke/Double R Ranch Amendment
 - iii. Entrada Subdivision Amendment 1
 - iv. Zufelt Subdivision Amendment 1
 - v. San Juan Estates, Phase 3 Lot 33, Amendment 2

Scott presented a subdivision amendment for approval from the commission. He explained that the owner of the lot is subdividing the lot in multiple phases. A motion to approve the subdivision amendment and allow Commissioner Adams to sign the platte map was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous.

- j. **Public Hearing** to solicit public comment, written or oral, on mid-year adjustments to the 2020 General Fund and related budgets

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

John David reviewed with the commission proposed adjustments to the 2020 General Fund and other budgets. He explained that adjustments were made to the budget after reviewing increases and decreases in revenues and expenses from the adopted 2020 budget which resulted in the following changes to the different county funds.

2020 Mid-Year Budget Adjustments

#	Fund	2020 Budget	2020 Adjustment	Revised Budget
10	General Fund	\$14,848,652	\$488,321	\$15,291,973
21	B-Road	\$5,227,923	No Adjustments	\$5,227,923
24	MBA	\$1,362,500	No Adjustments	\$1,362,500
25	Health	\$1,449,576	\$89,856	\$1,359,720
26	EMS	\$726,481	\$552,031	\$1,278,512

46	Road Capital	\$105,000	\$540,000	\$645,000
57	Landfill	\$663,798	No Adjustments	\$663,798
63	Tort Liability	\$240,000	\$12,000	\$252,000
64	Tax Stability	\$135,000	No Adjustments	\$135,000
72	Library	\$555,753	\$105,103	\$450,650

Expenses

10	General Fund	\$14,848,652	\$515,259	\$15,363,911
21	B-Road	\$7,216,890	No Adjustments	\$7,216,890
24	MBA	\$1,362,500	\$126,933	\$1,489,433
25	Health	\$1,176,442	No Adjustments	\$1,176,442
26	EMS	\$726,481	No Adjustments	\$726,481
46	Road Capital	\$50,463	\$1,694,000	\$1,744,463
57	Landfill	\$1,225,927	\$182,000	\$1,043,927
63	Tort Liability	\$240,000	No Adjustments	\$240,000
64	Tax Stability	\$135,000	\$485,000	\$620,000
72	Library	\$574,125	\$69,101	\$505,024

John David also explained that a change from the state had been made which mandated an increase in the contribution percentage provided to state retirement benefits for Tier 2 Public Safety employees. The contribution change increased from 23.13% to 28.10%. John David explained that the county could opt to pay the entire 28.10% of the contribution itself or pay 25.83% and require the employees to contribute the remaining 2.27% from their bi-weekly pay. He also stated that the county had 19 Tier 2 Public Safety employees that would be affected and that as part of the budget adjustments, the entire 28.10% cost had been factored in.

Public Comment -

Monette Clark - Monette asked how much CARES Act funds had been received by the county.

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

k. **CONSIDERATION FOR ADOPTION OF A RESOLUTION ADOPTING MID-YEAR ADJUSTMENTS FOR THE 2020 SAN JUAN COUNTY GENERAL FUND AND RELATED BUDGETS**

John David requested that the commission pass the resolution accepting the mid-year adjustments to the 2020 General Fund and related budgets. A motion was made by Commissioner Adams to pass the resolution adopting the mid-year adjustments to the 2020 budget and related funds and to recommend that the county contribute the newly mandated retirement percentage increase of 28.10% for Tier 2 Public Safety employees. Commissioner Grayeyes 2nd the motion. Voting in favor was unanimous

- l. **Public Hearing** to consider proposed revisions to the San Juan County Spanish Valley Zoning Map as approved by the board of San Juan County Commissioners on November 19, 2019.

Walter explained to the commission that revisions to the current zoning map passed by the commission in November 2019 were being requested by the commission because issues and problems were recognized. The request to make changes to the map were made to the Planning and Zoning Commission in December 2019. Following that request recommended changes to the map were made in June 2020 by the Planning & Zoning Commission. Walter stated that recommended changes were made to commercial zones, A1 zones, PC zones and other designations within Spanish Valley to be in compliance with state law and accommodate residents living in the area. Walter also stated that there was a Public Hearing on the changes and that public comments were received. He said that the Planning & Zoning Commission also agreed to alleviate concerns of Marlene Huckabay whose property would be located in the commercial zone.

A motion to go into public hearing was made by Commissioner Adams and was 2nd by Commissioner Grayeyes. Voting in favor was unanimous.

Public Comment -

Carolyn Dailey - Carolyn stated that even though there have been some good changes made to the map, it also reverts back to the previous zoning in Spanish Valley. Carolyn stated that the map would put existing residential properties into the commercial zone and create split zone properties. She also expressed concern that Marlene Huckabay's property would be put into the commercial zone causing her problems. She asked the commission to send the map back to the Planning & Zoning Commission to make other changes to the map

Marlene Huckabay - Marlene stated that at the meeting on June 11th the Planning & Zoning Commission agreed to keep her property residential. She asked the commission to keep her property residential and was thankful that her feelings were heard and considered.

Monette Clark - Monette agreed with Carolyn Dailey's comments and would like the map to go back to the Planning & Zoning Commission for adjustments. She said that she would like to see adjustments made to properties on an individual basis. She also thanked those who have put work into considering changes to the map.

Ann Austin - Ann stated that she felt that the map is a good compromise and appreciated Lloyd Wilson for reaching out to citizens for their input. She asked that the commission to approve the revisions to the map.

Elise Eler - Elise explained that from SITLAs perspective, the changes to the map are reasonable and asked the commission to approve the map

Liz Thomas - Liz reminded the commissioners that the county hired Landmark Design to create a zoning map in Spanish Valley. She explained that the map passed in November 2019 was a well balanced map that had room for commercial development as well as protected homes and residential areas. She explained that Landmark had fixed split zone parcels that were discovered after the map was passed in November 2019 as well as other tweekes. She stated that the proposed map reverts back to the old map and creates several split zone properties.

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

- m. Consideration for approval proposed revisions to the San Juan County Spanish Valley Zoning Map as approved by the Board of San Juan County Commissioners on November 19, 2019 - Walter Bird, SJC Planning and Zoning Director

Walter stated that the changes made to the map were requested by the San Juan County Commission and that the Planning and Zoning Commission implemented the requested changes. He requested that the commission approve the map with the proposed revisions. A motion by Commissioner Adams was made to approve the map and allow for changes to keep property owner Marlene Huckabay's property as residential. Commissioner Grayeyes did not 2nd the motion because he was concerned that the commission was forcing new zoning onto established residents. Mack McDonald stated that the previous map had rezoned several commercial businesses as residential property and at the direction of the San Juan County Commission he approached the Planning and Zoning Commission with requested changes. The motion to approve the revised map died for lack of a 2nd.

- n. Public Hearing to consider a petition for property owners in the Deer Haven Park Subdivision in LaSal to vacate a portion of Cottontail Lane - Walter Bird, SJC Planning and Zoning Director

A motion to go into public hearing was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting in favor was unanimous.

Walter stated that construction of the Deer Have Park subdivision, created in the early 2000s, did not follow property lines or stay within the right-of-way. The request from LaSal residents is being made to vacate a portion of the road so that amendments could be made to the plat to be in line with what the landscape currently is.

Public Comment -

No public comment

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

A motion to have the county vacate a portion of Cottontail Lane, per the petition from LaSal residents, was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous.

6. Commission Report

Commissioner Adams - Commissioner Adams reported that he will attend a UCIP meeting in Salt Lake City on Thursday and will make it a one day trip.

Commissioner Grayeyes - Commissioner Grayeyes reported that due to health organization, Navajo Nation and other orders, not much is going on. He stated that there are plans to help connect the students in Navajo Mountain.

A motion to adjourn was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous.

Meeting adjourned at 2:15 p.m.

San Juan County
Disbursement Listing
General Fund Checking - Zions 566101143 - 08/12/2020 to 08/18/2020

<u>Payee Name</u>	<u>Reference Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Void Date</u>	<u>Void Amount</u>	<u>Source</u>
Airport IFE Services, Inc	115213	08/18/2020	\$1,100.00			Purchasing
Atlas Scale Co. Inc.	115214	08/18/2020	\$1,650.00			Purchasing
Bastian, Brittney	115215	08/18/2020	\$20.00			Purchasing
Best Deal Spring Inc.	115216	08/18/2020	\$122.65			Purchasing
Blue Mountain Foods	115217	08/18/2020	\$2,742.47			Purchasing
Bluff Library Petty Cash	115218	08/18/2020	\$15.30			Purchasing
Choice NTUA Wireless	115219	08/18/2020	\$92.21			Purchasing
Cintas Corporation #108	115220	08/18/2020	\$72.34			Purchasing
Cloward, Cole	115221	08/18/2020	\$107.50			Purchasing
Deeter, Steve	115222	08/18/2020	\$101.75			Purchasing
Department of Health	115223	08/18/2020	\$250.65			Purchasing
Dominion Energy	115224	08/18/2020	\$23.12			Purchasing
DWR	115225	08/18/2020	\$100.00			Purchasing
Earthgrains / Sara Lee Bakery	115226	08/18/2020	\$54.55			Purchasing
eClinicalWorks LLC	115227	08/18/2020	\$599.00			Purchasing
Emery Telcom	115228	08/18/2020	\$2,121.75			Purchasing
Empire Electric Assoc. Inc.	115229	08/18/2020	\$2,411.29			Purchasing
Fastenal Company	115230	08/18/2020	\$1,005.60			Purchasing
Four Corners Welding & Gas	115231	08/18/2020	\$189.00			Purchasing
Four States Tire & Service	115232	08/18/2020	\$626.94			Purchasing
Frontier	115233	08/18/2020	\$3,376.60			Purchasing
Fuel Network	115234	08/18/2020	\$29,149.08			Purchasing
GHA Technologies Inc	115235	08/18/2020	\$1,632.02			Purchasing
Grand Junction Peterbilt	115236	08/18/2020	\$634.34			Purchasing
Hoggard, Dennis	115237	08/18/2020	\$20.00			Purchasing
Honnen Equipment Co.	115238	08/18/2020	\$14.94			Purchasing
Hood, Jan Conway	115239	08/18/2020	\$50.00			Purchasing
HorsePower	115240	08/18/2020	\$9,000.00			Purchasing
ImageNet Consulting LLC	115241	08/18/2020	\$328.60			Purchasing
Interwest Safety Supply LLC	115242	08/18/2020	\$1,378.99			Purchasing
Jared Randall Plumbing	115243	08/18/2020	\$225.00			Purchasing
Javelina Trading Company	115244	08/18/2020	\$839.88			Purchasing
JCI Billing Services	115245	08/18/2020	\$1,476.00			Purchasing
Jim, Rue Shane	115246	08/18/2020	\$14.00			Purchasing
Jim, RueQuanna	115247	08/18/2020	\$300.00			Purchasing
JVP Inc.	115248	08/18/2020	\$10.96			Purchasing
Kilgore Companies LLC	115249	08/18/2020	\$456,202.01			Purchasing
Larry H. Miller	115250	08/18/2020	\$86.23			Purchasing
LeGrand Johnson Construction	115251	08/18/2020	\$3,238.55			Purchasing
MCI	115252	08/18/2020	\$27.86			Purchasing
Monticello City	115253	08/18/2020	\$100.00			Purchasing
Monticello Home & Auto Supply	115254	08/18/2020	\$381.96			Purchasing
Monticello Mercantile	115255	08/18/2020	\$17.53			Purchasing
Motor Parts	115256	08/18/2020	\$366.91			Purchasing
Mountainland Supply Co	115257	08/18/2020	\$17,322.97			Purchasing
National Institute for Jail Operation	115258	08/18/2020	\$1,854.00			Purchasing
Navajo Sanitation	115259	08/18/2020	\$122.00			Purchasing
Navajo Tribal Utility Authority	115260	08/18/2020	\$285.86			Purchasing
Nelson, Melvin	115261	08/18/2020	\$50.00			Purchasing
Nicholas & Company	115262	08/18/2020	\$4,675.56			Purchasing
Office Depot	115263	08/18/2020	\$286.78			Purchasing
Packard Wholesale Co.	115264	08/18/2020	\$2,059.82			Purchasing
Pelorus Methods Inc	115265	08/18/2020	\$2,300.00			Purchasing
Petty Cash	115266	08/18/2020	\$16.55			Purchasing
Redd's Ace Hardware	115267	08/18/2020	\$66.70			Purchasing
RelaDyne West LLC	115268	08/18/2020	\$1,744.20			Purchasing
Rocky Mountain Home Care	115269	08/18/2020	\$290.00			Purchasing
Rocky Mountain Power	115270	08/18/2020	\$431.55			Purchasing
Safety Supply & Sign Co. Inc.	115271	08/18/2020	\$708.19			Purchasing
San Juan Building Supply Inc.	115272	08/18/2020	\$239.21			Purchasing
San Juan Foundation	115273	08/18/2020	\$25.00			Purchasing
San Juan Health Services	115274	08/18/2020	\$80.00			Purchasing
San Juan Pharmacy Blanding	115275	08/18/2020	\$7.10			Purchasing
San Juan Record	115276	08/18/2020	\$2,331.47			Purchasing
Schafer, Trent	115277	08/18/2020	\$50.00			Purchasing
Simpleview LLC	115278	08/18/2020	\$300.00			Purchasing
Sonderegger Inc.	115279	08/18/2020	\$11,270.45			Purchasing

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Sorenson Advertising, dba Relic Agen	115280	08/18/2020	\$33,798.50			Purchasing
Southeastern Utah District	115281	08/18/2020	\$15.00			Purchasing
Stotz Equipment	115282	08/18/2020	\$230.75			Purchasing
SWANA Beehive Chapter	115283	08/18/2020	\$228.00			Purchasing
Teleflex	115284	08/18/2020	\$677.50			Purchasing
Tiefenbach North America LLC	115285	08/18/2020	\$507.96			Purchasing
Utah Telehealth Network	115286	08/18/2020	\$481.00			Purchasing
Verizon Wireless	115287	08/18/2020	\$361.15			Purchasing
VISA USA INC	115288	08/18/2020	\$2,530.00			Purchasing
Warehouse Supply Ctr Inc	115289	08/18/2020	\$788.25			Purchasing
Waste Management of Colorado	115290	08/18/2020	\$93.74			Purchasing
Wex Bank	115291	08/18/2020	\$71.00			Purchasing
Wheeler Machinery Company	115292	08/18/2020	\$61,300.33			Purchasing
Wilson, Lloyd	115293	08/18/2020	\$107.50			Purchasing
Zion's Way Home Health & Hospice	115294	08/18/2020	\$1,960.60			Purchasing
Zoll Medical Corporation	115295	08/18/2020	\$25.20			Purchasing
			\$671,971.47		\$0.00	

Proposal

Page # _____ of _____ pages

Action Air Inc.
351 S. 1620 E.
Blanding Utah 84511
(435) 678-2020

PROPOSAL SUBMITTED TO: <i>San Juan County</i>	JOB NAME <i>911 System a/c</i>	JOB # <i>2071</i>
ADDRESS <i>117 S. Main St.</i>	JOB LOCATION	
<i>Monticello UT, 84535</i>	DATE <i>8-15-20</i>	DATE OF PLANS <i>N/A</i>
PHONE #	FAX #	ARCHITECT

We hereby submit specifications and estimates for: *Installing new Ducted 2 Ton Low ambient Cooling Air Conditioning System in new 911 System Equipment Room. Bid will include new indoor 2 Ton Evaporator unit mounted on north wall, new 2 Ton A/C Condenser (Low Ambient Cooling) on exterior north wall on wall rack, Misc Materials + Line Set Start up. Bid will exclude electrical to outdoor unit. - \$5500.00*

Installing new 1 Ton Ducted Low ambient Cooling Air Conditioning System in equipment Room in Basement. Bid will include new equipment, Line Set, Labor + Misc Materials to complete Job. \$3000.00

We propose hereby to furnish material and labor - complete in accordance with the above specifications for the sum of:

\$ *eight Thousand Five hundred + no/100 - 8,500.00* Dollars

with payments to be made as follows: *Payment Due 30 Days upon Completion*

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted

Michael J. Ouel

Note - this proposal may be withdrawn by us if not accepted within *60* days.

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature _____

Date of Acceptance _____

Signature _____



UTAH DEPARTMENT OF HEALTH CONTRACT

PO Box 144003, Salt Lake City, Utah 84114
288 North 1460 West, Salt Lake City, Utah 84116

2121709
Department Log Number

212700330
State Contract Number

1. **CONTRACT NAME:** The name of this contract is COVID-19 San Juan County - PPPHEA 2020
2. **CONTRACTING PARTIES:** This contract is between the Utah Department of Health (DEPARTMENT) and the following CONTRACTOR:

PAYMENT ADDRESS

San Juan County
735 S 200 W, Ste 2
Blanding UT, 84511

MAILING ADDRESS

San Juan County
735 S 200 W, Ste 2
Blanding UT, 84511

Vendor ID: 06866HL
Commodity Code: 99999

3. **GENERAL PURPOSE OF CONTRACT:** The general purpose of this contract is to provide COVID-19 contact tracing, infection prevention control and targeted testing.
4. **CONTRACT PERIOD:** The service period of this contract is 06/01/2020 through 11/17/2022, unless terminated or extended by agreement in accordance with the terms and conditions of this contract.
5. **CONTRACT AMOUNT:** The DEPARTMENT agrees to pay \$97,744.00 in accordance with the provisions of this contract. This contract is funded with 100% federal funds, 0% state funds, and 0% other funds.
6. **CONTRACT INQUIRIES:** Inquiries regarding this Contract shall be directed to the following individuals:

CONTRACTOR

Kirk Benge
(435) 359-0038
kbenge@sanjuancounty.org

DEPARTMENT

DCP COVID Response
DCP COVID Response
Ginny Ambernac
(801) 538-6289
gambarnac@utah.gov

7. **SUB – RECIPIENT INFORMATION:**

DUNS: 079815014

Indirect Cost Rate: 0%

Federal Program Name:	Epidemiology and Laboratory Capacity for Infectious Diseases (ELC)	Award Number:	6 NU50CK000536-01-07
Name of Federal Awarding Agency:	Department of Health and Human Services	Federal Award Identification Number:	NU50CK000536
CFDA Title:	Epidemiology and Laboratory Capacity for Infectious Diseases (ELC)	Federal Award Date:	5/18/2020
CFDA Number:	93.323	Funding Amount:	\$97744.00

8. REFERENCE TO ATTACHMENTS INCLUDED AS PART OF THIS CONTRACT:

Attachment A: Special Provisions

9. DOCUMENTS INCORPORATED INTO THIS CONTRACT BY REFERENCE BUT NOT ATTACHED:

- A. All other governmental laws, regulations, or actions applicable to services provided herein.
- B. All Assurances and all responses to bids as provided by the CONTRACTOR.
- C. Utah Department of Health General Provisions and Business Associates Agreement currently in effect until 6/30/2023.

10. This contract, its attachments, and all documents incorporated by reference constitute the entire agreement between the parties and supersedes all prior written or oral agreements between the parties relating to the subject matter of this contract.
-

Intentionally Left Blank

Contract with Utah Department of Health and San Juan County, Log # 2121709

IN WITNESS WHEREOF, the parties enter into this agreement.

CONTRACTOR

STATE

By: _____
Kenneth Maryboy Date
County Commission Chair

By: _____
Shari A. Watkins, C.P.A. Date
Director, Office Fiscal Operations

Attachment A: Special Provisions
COVID-19 San Juan County - PPPHEA 2020
Effective Date: June 1, 2020

I. DEFINITIONS:

- A. "Advertising and publicity matters" include; artwork, graphics, layout, scripts, etc.
- B. "HEA" means Healthcare Enhancement Act.
- C. "PPP" means Payroll Protection Program.
- D. "Quarter" means each 90-day period starting January 1.
- E. "Subrecipient" means Contractor.

II. FUNDING:

- A. Total funding is \$97,744.00.
 - 1. \$97,744.00 for the period June 1, 2020 to November 17, 2022.
- B. This is a Cost Reimbursement contract. The DEPARTMENT agrees to reimburse the SUBRECIPIENT up to the maximum amount of the contract for expenditures made by the SUBRECIPIENT directly related to the performance of this contract.
- C. The Federal funds provided under this agreement are from the Federal Program and award as recorded on the Contract Pages.
- D. Pass-through Agency: Utah Department of Health.
- E. Number assigned by the Pass-through Agency: State Contract Number, as recorded on Page 1 of the Contract.

III. INVOICING:

- A. In addition to the General Provisions of the contract the SUBRECIPIENT shall include one column for each funding source in the Monthly Expenditure Report.
 - 1. PPPHEA - Contact tracing.
 - 2. PPPHEA - Infection, Prevention and Control
 - 3. PPPHEA - Targeted testing.
- B. In addition to the General Provisions of the contract the SUBRECIPIENT shall submit the June invoice no later than July 15.

IV. RESPONSIBILITIES OF SUBRECIPIENT:

- A. For all activities the SUBRECIPIENT shall:
 - 1. Attend monthly DEPARTMENT coordination meetings.
- B. For contact tracing the SUBRECIPIENT shall:
 - 1. Recruit, hire and train no less than one (1) full time equivalent no later than 90 days after the effective date of the contract.
 - 2. Complete the case investigation, preferably within 24 hours after receiving the lab result.
 - a) Complete all minimum data elements in UT-NEDSS, when available.
 - b) Enter the "optimal" data elements into UT-NEDSS at the SUBRECIPIENT's discretion.
 - 3. Complete contact tracing, preferably within 24 hours after completing the case investigation.

4. Route cases to DEPARTMENT at the SUBRECIPIENT's discretion.
 - C. For infection, prevention and control the SUBRECIPIENT shall:
 1. Provide activities to support long term care facilities investigation in coordination with DEPARTMENT.
 - D. For targeted testing the SUBRECIPIENT shall:
 1. Propose locations to deploy the rapid testing machines.
 - a) Priority given to: geographic clusters of infectious disease, worksites, and healthcare settings.
- V. REPORTS:
- A. For contact tracing, epidemiology staff and targeted testing the SUBRECIPIENT shall:
 1. Provide a report each quarter, no later than the 15th day of the month after the quarter ends.
 - a) Include the number of contact tracers hired, trained and deployed.
 - B. For infection, prevention and control the SUBRECIPIENT shall:
 1. Provide a report for each quarter, no later than the 15th day of the month after the quarter ends.
 - a) Include the activities provided.
- VI. PROGRAM CONTACT:
- A. The day to day operations and dispute contact is Ginny Ambrenac, gambrenac@utah.gov, (801) 538-6289.
- VII. PUBLICITY:
- A. In addition to the General Provisions of the contract the SUBRECIPIENT shall submit and receive written approval on all advertising and publicity matters funded by and relating to this contract before production.
- VIII. DISPUTE RESOLUTION:
- A. If any dispute arises between the parties during the activities described by this Contract, the parties agree to seek a resolution through open communication and dialogue.
 - B. Either party may request a conference to resolve a disputed issue (consistent with Utah Admin. Code R380-10-3, which supports dispute resolution at the lowest level possible).
 - C. If a resolution cannot be reached, DEPARTMENT may bring supervisory personnel into the process to facilitate resolving issues and achieving agreement.
 - D. The provisions in Section B. and C. are not mandatory.
 - E. If a dispute is not resolved within 30 days of DEPARTMENT decision, DEPARTMENT's decision is considered the "initial agency determination," as defined by Utah Admin. Code R380-10-2(3).
 - F. These provisions do not preclude or affect the provisions, rights, limitations, or timelines for appealing DEPARTMENT actions that are provided or required by Utah Code §§ 26-23-2, 26-1-4.1 or 26-1-7.1, Utah Admin. Code R380-10, or the Utah Administrative Procedures Act (Utah Code § 63G-4).

- G. In the event of any conflict between the Dispute Resolution provisions in the Special Provisions of this Contract with applicable law or rules, the provisions of the applicable law or rules shall control.



SAN JUAN COUNTY COMMISSION

Kenneth Maryboy	Chairman
Willie Grayeyes	Vice-Chair
Bruce Adams	Commissioner
Mack McDonald	Administrator

September 8, 2020

Nicollee Gaddis-Wyatt
Field Manager
Moab field Office
Bureau of Land Management
82 East Dogwood
Moab, Utah 84532

Re: Section 106 Process for Canyon Rims Travel Management Plan

Dear Ms. Gaddis-Wyatt:

Thank you for your letter of August 5, 2020, explaining the efforts your office has made to comply with the Settlement Agreement (January 13, 2017), Programmatic Agreement (November 2018) and the National Historic Preservation Act in the reconsideration of currently designated roads in the Canyon Rims Travel Management Area. Your letter states these efforts have included a literature review, development of a cultural resources occurrence potential map, site re-visits and new Class III archaeological surveys. We understand that these efforts were done in consultation with tribes, interested parties and the Utah State Historic Preservation Office.

It appears that your office has made a good faith effort to comply with the Settlement Agreement, Programmatic Agreement and applicable law. We have no reason to contest your efforts or to disagree with your proposed determinations of National Register eligibility or your proposed finding of no adverse effects to historic properties from designation of these roads.

We appreciate being part of the consulting process and look forward to continued engagement in this travel management planning effort.

Sincerely,

Kenneth Maryboy
Commission Chairman

August 18, 2020

Summary of Section 106 Consultation Efforts for Canyon Rims Travel Management Plan

Canyon Rims Travel Management Area

- 102, 889 acres (BLM, State and private)
- 274 miles of existing designated routes
- 231 miles of routes proposed for designation in Preferred Alternative

Area of Potential Effect (APE)

- 'Direct' APE – 15 meters either side of a route
- 'Indirect' APE – known sites within ¼ mile either side of route centerline

119 archaeological surveys in the TMA since 1978

Most during 2006-2013 during planning for large seismic projects

461 sites identified in previous archaeological surveys

- 316 sites in 'Indirect' APE
- 96 sites in 'Direct' APE
- Majority of sites are small lithic scatters

27 National Register sites re-visited (sites that may be impacted by a route)

16 of these sites were determined to no longer be National Register-eligible (all were sites with a relatively small number of lithic flakes in shallow dunes – BLM determined that these do not have the potential to address research questions)

New Class III surveys

- 488 acres in 46 route segments inventoried in 'Direct' APE (these are areas that had not been previously surveyed)
- 6 new archaeological sites found
 - 2 lithic scatters, 1 ancient petroglyph panel, 1 modern petroglyph panel, 1 historic corral, uranium mine adits
- 2 of new sites (ancient panel and mine adits) determined to be National Register-eligible

Site re-visits and documentation indicate that the 2008 RMP designated routes are not adversely affecting these cultural sites.

BLM proposes that designation of these existing routes would not diminish the integrity or physical characteristics of these cultural sites.

Rec'd 8-13-20



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Moab Field Office
82 East Dogwood
Moab, Utah 84532

Nick Sandberg
San Juan County
117 South Main Street, P.O. Box 9
Monticello, 84535

Re: Identification Efforts Consultation and Proposed Finding of Effect for the Canyon Rims Travel Management Plan

Dear Mr. Sandberg:

The Bureau of Land Management (BLM) Moab Field Office (MFO) would like to follow up on our consultation efforts with San Juan County regarding the MFO's Canyon Rims Travel Management Area (TMA) Travel Management Plan (TMP). We seek your comments on our identification efforts, which currently include a literature review, site revisits, and Class III archaeological survey, as well as the proposed findings of these identification efforts. The BLM also seeks your comments on our proposed determinations of eligibility (located in Tables 3 and 4 of Appendix B) and a proposed finding of no adverse effect to historic properties.

Background

As required by the Settlement Agreement reached in the case titled *Southern Utah Wilderness Alliance, et al. v U.S. Department of the Interior, et al.*, this undertaking is a reconsideration of all currently designated motorized routes that are open to the public on BLM lands within the Canyon Rims TMA. The routes within the Canyon Rims TMA were designated as open to the public as part of Moab's 2008 Resource Management Plan (RMP). As directed, the BLM is reconsidering the designation of each route using updated administrative information (e.g., rights-of-ways), public use, natural and cultural resources information, state and local government input, tribal input, and public comments. After consideration, the BLM will designate each route as either open or closed to public use. The BLM will not be building any new routes as part of this undertaking and the BLM has no authority to designate roads on lands administered by other agencies or under private ownership. The BLM is also not reconsidering routes closed as part of the 2008 RMP, though it is possible this may come up through public input.

The Undertaking

As noted in our invitation to consult letter dated June 6, 2019 and depicted in the enclosed map located in Appendix A, the Canyon Rims TMA is comprised of two noncontiguous pieces, both of which are located south of Moab and west of U.S. Highway 191. The northern portion encompasses the BLM lands between the Colorado River to the south, Dead Horse Point State

INTERIOR REGION 7 • UPPER COLORADO BASIN

COLORADO, NEW MEXICO, UTAH, WYOMING

Park to the north and Canyonlands National Park to the west (this area is commonly known as the Shafer Basin). The larger southern portion of the TMA encompasses most of the area between Kane Spring Canyon to the east and the Field Office boundary to the south and west. Both boundaries primarily follow the canyon rims of the dominant topographic features of the area. The TMA area encompasses 102,889 acres, 90,955 of which are administered by the BLM.

The undertaking consists of designating individual travel routes which would comprise an off-highway travel network consisting of a maximum of 274 miles route (Alternative A); however, the current preferred alternative (Alternative C) consists of only 231 miles of routes. Routes consist of both maintained B roads and a network of D roads throughout the two portions of the Canyon Rims TMA. The roads serve as a transportation network for access to recreational opportunities such as overlooks.

Identification Efforts

The settlement agreement as well as a *Programmatic Agreement among the Advisory Council on Historic Preservation, The Bureau of Land Management – Utah, and the Utah State Historic Preservation Office Regarding National Historic Preservation Act Responsibilities for Travel and Transportation Management Undertakings* (TM PA), which was executed in November of 2018, direct BLM efforts to identify historic properties (sites eligible for the National Register of Historic Places) and assess the effects to those properties.

The first step in this process was to develop an area of potential effects (APE). In a letter dated July 23, 2019 we sought input on our proposed APE. We received comments from five of the interested parties that requested to be consulted on this undertaking. The BLM considered these comments, but because the Moab Field Office Resource Management Plan (RMP) does not allow for off-route travel, the BLM made the decision to define a “direct” APE as a 15-meter corridor on either side of the routes within the TMA, which is in accordance with Stipulation III.1.b. of the TMPA. The maximum possible routes (274 miles) were used to develop this APE so the “direct” APE consists of 3,814 acres. In addition, the BLM is considering known sites up to a ¼ mile away from the centerline to assess the potential “indirect” and cumulative effects that could potentially result from this undertaking. This is the “indirect” APE, which was also based on the maximum route mileage, and it encompasses 71,555 acres.

The TM PA directs the BLM to use three steps to identify potential effects to historic properties within these areas. These efforts included a literature review, site revisits, and Class III archaeological survey. These methods and their findings are described below.

Literature Review and Cultural Resource Potential Map

As directed in Stipulation III.A.2. of the TM PA, the BLM must complete and/or update a literature review and cultural resource potential map prior to designating routes. This began in 2016 with the development of the MFO Class I Inventory. Among other things, the Class I Inventory included an extensive compilation of known cultural resource data, which were used to defined future research directions and the data need that guided our eligibility determinations. The Class I Inventory also used existing cultural resources data and key environmental variables to develop a series of predictive models that defined areas of high, medium and low cultural resource potential. As directed by the TM PA, the BLM consulted with tribes, other interested

parties, and the Utah State Historic Preservation Office (SHPO) in the development and finalization of this Class I Inventory. For the purpose of this specific identification effort, the literature review was supplemented using the most recent archaeological GIS data to provide a basis for previously surveyed areas and previously documented sites. The results of this literature review are described below.

One hundred nineteen (119) archaeological surveys have been conducted in the TMA since 1978. The majority of the survey acreage was investigated between the years of 2006 and 2013 when compliance was completed for large seismic projects that were proposed in the area. Table 1 reports the acres that have been surveyed for the TMA, both for the “indirect” APE and the “direct” APE.

Table 1 Acres Previous Surveys in the Canyon Rims TMA

Area	Acres Previously Surveyed
TMA (102,889 acres)	13,8603.82 (13.74%)
Indirect APE (71,555 acres)	13,809.42 (19.29%)
Direct APE (3,814 acres)	2862.79 (74.86%)

Chapter 8 of the Class I Inventory describes predictive modeling that was completed to define areas of high, medium, and low potential for cultural resources. Since the development of the predictive model in 2016, there has not been enough subsequent work in the Canyon Rims TMA to warrant a meaningful update. The Class I Inventory included the development of predictive models for different cultural resource types and ecoregions; however, the analysis for this identification effort used the composite model because it offers the best means for identifying the areas of sensitivity for all cultural resource types in the Canyon Rims TMA.

Table 2 Cultural Resource Potential

Area	High Potential Acreage	Medium Potential Acreage	Low Potential Acreage
Travel Management Area	12,091 (12%)	56,403 (55%)	34364 (33%)
Indirect APE	10438 (11%)	55825 (56%)	33032 (33%)
Direct APE	6662 (7%)	54426 (60%)	30128 (33 %)

Past surveys identified 461 previously recorded sites in the TMA, 316 sites in the “indirect” APE, and 96 sites in the “direct” APE. The majority of these sites consist of relatively small scatters of cryptocrystalline lithic flakes; some of sites also contain ground stone, other tools, and features like hearths, or storage cysts. Other sites in the TMA consist of historic features related to historic ranching practices and past uranium mining in the area.

Site Revisits

Stipulation III.A.3. directs the BLM to revisit previously recorded sites that have the potential of being affected by the undertaking. As noted above, 96 sites have been previously recorded in the Direct APE. The site documentation for each of these sites was examined, and sites that were determined eligible, had roads listed as an impact and/or were a type of site likely to be impacted

by route designation were selected to be revisited. Twenty-seven sites were revisited between 2017 and 2020. Table 3 in Appendix B describes these sites and the results of the revisit.

Chapter 6 of the Class I Inventory describes future research directions and identify data needs based on a compilation of known cultural resources data. Based on this information, BLM has determined that 16 of the sites revisited are no longer eligible for the National Register of Historic Places (NRHP). One of these sites was initially recorded in 2006 and consists of 209 lithic flakes located in shallow residual dunes. The other 15 sites were recorded during a large survey done in 2013. Each of these consist of fewer than 200 lithic flakes located in shallow residual dunes. All 16 sites were determined eligible for the important information they could potentially contribute to our understanding of prehistory. After revisiting these sites and considering the research directions and data needs defined in the MFO Class I Inventory, the BLM believes that these sites do not have the potential to contribute data to address research questions (e.g. tool stone procurement or technology) that have been identified in the Class I Inventory. All of these sites contain a relatively small number of lithic flakes comprised of a locally available and ubiquitous cryptocrystalline (chert/chalcedony) stone source. These sites are all located in shallow residual dunes that may contain additional debitage but features in these sites would be unlikely to occur.

In accordance with the TM PA, updated site records will be completed for sites that were recorded before 2010, sites that have changed since they were initially recorded, and for sites that the BLM has determined to no longer be eligible for the NRHP; these will be submitted to the SHPO with our finalized finding of effect.

Class III Survey

As directed by Stipulation III.A.4.b. of the TM PA, a Class III archaeological survey was also completed to help identify potential effects to historic properties. The survey consisted of 488 acres divided into 46 route segments in the "direct" APE. One hundred twenty-six (126) acres of the survey were completed in high probability areas that had not been previously subject to archaeological survey. In addition to the high potential areas, the survey also included 277 acres in medium probability areas and 84 acres low probability areas that had not been previously surveyed. Six new archaeological sites were identified and documented as a result of the survey. Site descriptions, proposed NRHP eligibility determinations, and observed effects are listed in Table 4 in Appendix B. As described in Stipulation III.A.5. of the TM PA, additional Class II survey as defined by the TM PA may be completed in the future.

Summary and Finding of Effect

To summarize, the BLM has made a reasonable and good faith effort to identify effects to historic properties. This effort meets the standards required by the settlement agreement and those set forth in the TM PA and included a literature review and cultural resource potential map, site revisits, and new Class III survey. Twenty-seven sites were revisited, and 6 new sites were identified and documented for a total of 33 sites. Please refer to Tables 3 and 4 in Appendix B for more information on these sites. The BLM proposes that 20 of these sites are eligible for the NRHP. Revisits and documentation at these sites indicate that the routes designated in the 2008 RMP are not adversely affecting these sites. The BLM proposes that it is reasonable and foreseeable that designation of these existing routes would not diminish the aspects of the

integrity or the physical characteristics of the sites that convey their significance under Criteria A, C, and/or D as described in National Register Bulletin 15.

To this end, we are seeking your comments regarding the identification efforts that have been completed to date for this undertaking and any information you wish to share about cultural resources within the TMA. Finally, consistent with Stipulation IV.C. the BLM seeks your input on our proposed finding of no adverse effects to historic properties.

If you wish to provide input, it may be done in either of the following ways: You may send a letter to the Moab Field Office or you may email Lori Hunsaker (contact information below). If possible, please send us your input by September 5, 2020 (30 days). If you are interested in additional information about the identification efforts or the sites identified, please contact Lori Hunsaker. If you are interested in additional information about this project, please visit BLM's ePlanning website. To find the page for the Canyon Rims TMP: 1) Please navigate to <https://eplanning.blm.gov>, 2) Click the "Text Search" tab just above the map, 3) Click "Advanced Search" at the bottom, 4) Type "DOI-BLM-UT-Y010-2018-0220-OTHER_NEPA" into the NEPA number search field towards the bottom of the page. A link to the TMA's ePlanning pages will appear at the very bottom of the page. Once there, you can navigate through the Canyon Rims TMP pages using the links at the left-hand edge of the page.

Thank you for your engagement and input on this project. If you have any questions regarding this consultation effort, please contact BLM archaeologist Lori Hunsaker at (435)-259-2137 or lhunsaker@blm.gov.

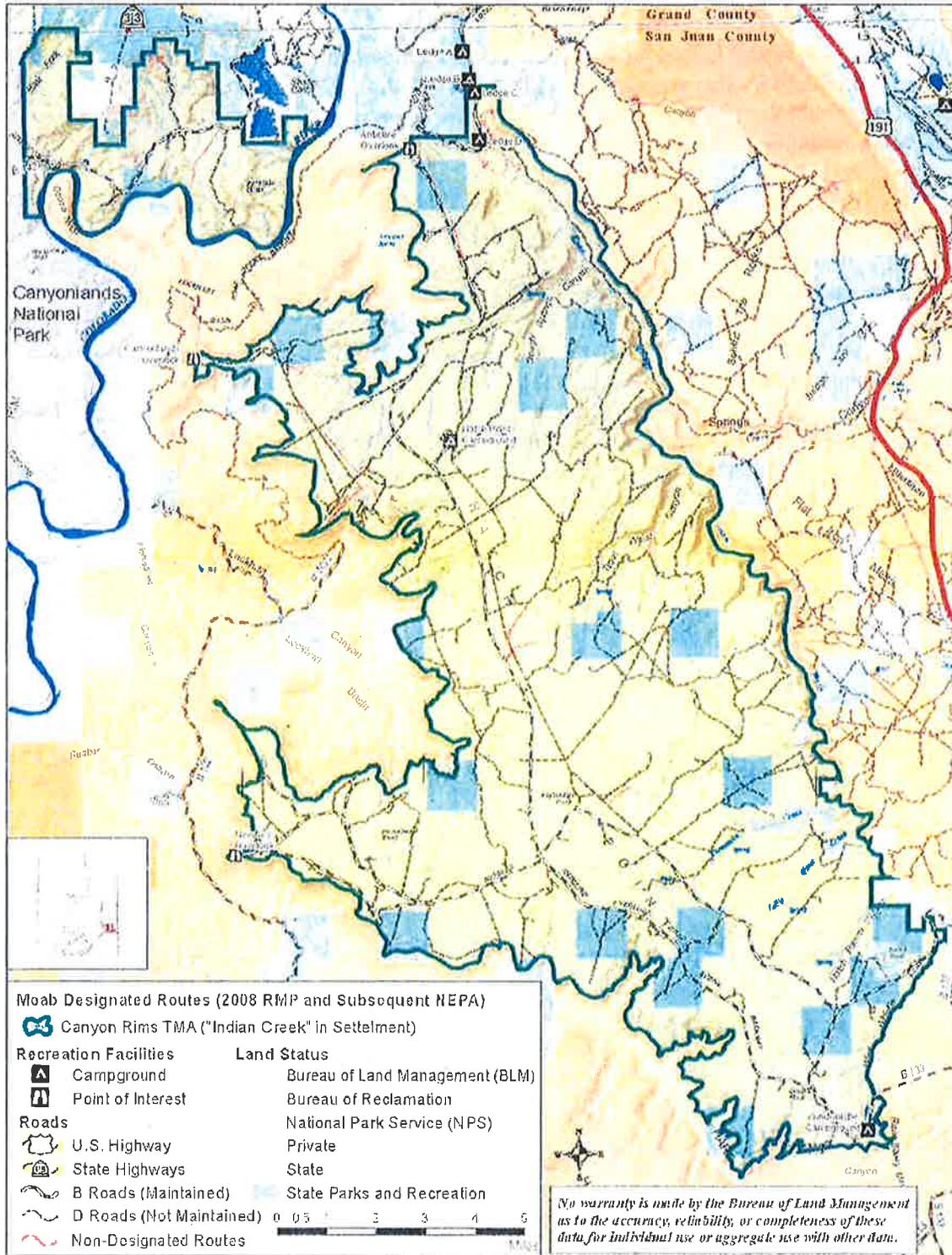
Sincerely,



Nicollee Gaddis-Wyatt
Field Manager

Enclosures

Appendix A – Canyon Rim Travel Management Area



Appendix B - Table 3 Site Revisits, Proposed National Register of Historic Places (NRHP) Determinations, and Proposed Effects

Site #	Site Description	Year last recorded	Proposed NRHP Eligibility Determination	Proposed Effect	Effect Justification
42SA16867	Lithic scatter (n=835), petroglyphs, and 3 potential hearths	2015	Eligible, Criteria C and D	No adverse effect	The currently designated route does not diminish the aspects of integrity that convey the significance of the site's physical design, nor does it diminish the information potential of the petroglyphs or the 3 potential hearths.
42SA17970	Lithic scatter (n=500+) and ground stone (n=14)	1986	Eligible, Criterion D	No adverse effect	The currently designated route does not diminish the aspects of integrity that may address important research questions identified in the MFO Class I.
42SA21602	Lithic scatter (n=200+) and possible hearth	1991	Eligible, Criterion D	No adverse effect	The currently designated route is located northeast of the site and does not diminish the aspects of integrity that may address important research questions identified in the MFO Class I.
42SA26879	Lithic scatter (n=122), ground stone, and possible slab-lined cist	2006	Eligible, Criterion D	No adverse effect	The currently designated route is located at least 50 feet from the possible cist and does not diminish the aspects of integrity that may address important research questions identified in the MFO Class I.
42SA26909	Lithic Scatter (n=209)	2006	Not eligible	N/A	N/A

Appendix B - Table 3 Site Revisits, Proposed National Register of Historic Places (NRHP) Determinations, and Proposed Effects

42SA28166	Campsite including lithic scatter (n=500+), Archaic projectile point, ground stone, fire cracked rock features, and a deflated hearth.	2013	Eligible, Criterion D	No adverse effect	The currently designated route does not diminish the aspects of integrity that may address important research questions identified in the MFO Class I.
42SA28711	Lithic scatter (n=25) and 2 possible hearths	2010	Eligible, Criterion D	No adverse effect	The currently designated route does not diminish the aspects of integrity that that may address important research questions identified in the MFO Class I.
42SA29918	Lithic scatter (n=234) and historic lambing pen and artifacts from 1930s-1940	2011	Eligible, Criterion D	No adverse effect	The majority of the site is located on lands administered by SITLA. However, the currently designated routes are located north and east of the site and do not diminish the aspects of integrity that that may address important research questions identified in the MFO Class I.
42SA30571	Lithic scatter (n=166)	2013	Not eligible	N/A	N/A
42SA30576	Lithic scatter (n=104)	2013	Not eligible	N/A	N/A
42SA30577	Lithic scatter (n=136)	2013	Not eligible	N/A	N/A
42SA30578	Lithic scatter (n=172)	2013	Not eligible	N/A	N/A
42SA30580	Lithic scatter (n=89) obsidian	2013	Not eligible	N/A	N/A
42SA30587	Lithic scatter (n=60)	2013	Not eligible	N/A	N/A

Appendix B - Table 3 Site Revisits, Proposed National Register of Historic Places (NRHP) Determinations, and Proposed Effects

42SA30588	Lithic scatter (n=159) and Archaic Projectile Point	2013	Not eligible	N/A	N/A
42SA30599	Lithic scatter (n=148)	2013	Not eligible	N/A	N/A
42SA30609	Lithic scatter (n=37)	2013	Not eligible	N/A	N/A
42SA30621	Lithic scatter (n=303), ground stone, and possible deflated hearth	2013	Eligible, Criterion D	No adverse effect	The currently designated route is located at least 10 feet from the possible hearth and does not diminish the aspects of integrity that may address important research questions identified in the MFO Class I.
42SA30624	Lithic scatter (n=63)	2013	Not eligible	N/A	N/A
42SA30625	Lithic scatter (n=124)	2013	Not eligible	N/A	N/A
42SA30626	Lithic scatter (n=233)	2013	Not eligible	N/A	N/A
42SA30627	Lithic scatter (n=179) and micro debitage (n=300)	2013	Eligible, Criterion D	No adverse effect	The currently designated route is located along the southeastern boundary of the site and does not diminish the aspects of integrity that may address important research questions identified in the MFO Class I.
42SA30636	Lithic scatter (n=300)	2013	Eligible, Criterion D	No adverse effect	N/A

Appendix B - Table 3 Site Revisits, Proposed National Register of Historic Places (NRHP) Determinations, and Proposed Effects

42SA30645	Lithic scatter (n=9) and a mano	2013	Not eligible	N/A	N/A
42SA30658	Mine adit dwelling (Peaceful Place)	2013	Eligible, Criterion C	No adverse effect	The currently designated route does not diminish the aspects of integrity that convey the sites physical design, and construction
42SA30659	Lithic scatter (n=259)	2013	Not eligible	N/A	N/A
42SA30662	Lithic scatter (n=89), Elko Corner Notch, historic trough, and rock alignment	2013	Eligible, D	No adverse effect	The currently designated route is located along the northwest boundary of the site and does not diminish the aspects of integrity that may address important research questions identified in the MFO Class I.

Appendix B - Table 4 Newly Identified Sites, Proposed National Register of Historic Places (NRHP), and Proposed Effects

Site #	Site Description	Year last recorded	Proposed NRHP Eligibility Determination	Proposed Effect	Effect Justification
42SA32485	Lithic scatter (n=200)	2017	Not eligible	N/A	N/A
42SA32486	Five uranium mine adits and associated artifact scatter	2017	Eligible, Criterion A	No adverse effect	The currently designated route does not diminish the aspects of integrity that convey the importance of uranium mining in the area.
42SA32487	Historic corral and artifact scatter	2017	Not eligible	N/A	N/A
42SA32488	Lithic scatter (n=57) and ground stone (n=2)	2017	Not eligible	N/A	N/A
42SA32489	Petroglyph panel	2017	Eligible, Criteria C and D	No adverse effect	The currently designated route does not diminish the aspects of integrity that convey the significance of the site's physical design or the data potential of the imagery.
42SA32490	Modern petroglyph panel	2017	Not eligible (modern graffiti mimicking rock art)	N/A	N/A



SAN JUAN COUNTY COMMISSION

Kenneth Maryboy Chairman
Willie Grayeyes Vice-Chair
Bruce Adams Commissioner

September 1, 2020

Slate Stewart, Resource Specialist
School and Institutional
Trust Lands Administration
2031 South Industrial Park Road
Richfield, Utah 84701

Re: Range Improvement Project #RIP 851 (Tank Bench Mesa Water Well and Pipeline)

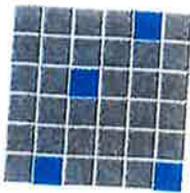
Dear Mr. Stewart:

San Juan County supports the proposed drilling of a livestock water well and installation of a solar pump system along with 3400 feet of buried water pipeline and two livestock water troughs on SITLA lands on Tank Bench in southern San Juan County. The proposal is consistent with the 2017 San Juan County Resource Management Plan (RMP) which supports the implementation of range improvement projects such as water wells, tanks and associated facilities which support proper livestock grazing and improved range conditions.

We appreciate this notification and opportunity to comment.

Sincerely,

Kenneth Maryboy
Chairman



State of Utah
School & Institutional
Trust Lands Administration

Gary R. Herbert
Governor

Spencer J. Cox
Lieutenant Governor

David Ure
Director

2031 South Industrial Park Road
Richfield, UT 84701
435-896-2559
435-896-0349 (Fax)
www.trustlands.utah.gov

August 18, 2020

San Juan County Commissioners
117 South Main
Monticello, UT 84535

RE: Range Improvement Project (RIP) 851: "Tank Bench Mesa Water Well and Pipeline System" Resource Development Coordinating Committee (RDCC) Project 75423

Dear Commissioners:

This letter is to inform you that the School and Institutional Trust Lands Administration (SITLA) recently submitted the above referenced proposal for a RIP within your County, to the RDCC registry.

Enclosed for your review is a copy of the RDCC posting and a map containing general information about the RIP proposal. This information can also be found online in the RDCC Project Management System.

Please review the enclosed information at your convenience and submit any comments or concerns by September 8, 2020.

Feel free to contact me with any questions you may have at (435)893-2981.

Sincerely,

Wendy Campbell for
Slate Stewart
Resource Specialist

SS/wec

Enclosures (2 pgs.)

View Project

Project #75423

[view] [edit]

[Close]

Key Info:

Sponsor: **School and Institutional Trust Lands Administration**
Title of Action: **Tank Bench Mesa Water Well & Pipeline System**
Project Start Date: **10/05/2020**
Location: **T. 40 S., R. 21 E., Sec. 16: S2NE4, S2 (within)**
Location/Supplemental Attachment:
Counties: **San Juan**
Has local government been contacted? **Yes**
Date Local Government was Contacted: **08/18/2020**
Acquisition: **No**
Date of Acquisition: **N/A**
Have the state representative and state senator been contacted? **No**

Project abstract:

School Trust Lands Administration has received an application to drill a water well and install a solar pump system. A trough will be installed at the wellhead and approximately 3,400 ft. of pipeline ripped in to a second trough location. A cultural resource survey will be required prior to any disturbance activity.

Local government's response?

A copy of this posting was sent as notification. No response to date.

How is the local government(s) likely to be impacted?

No negative impacts anticipated.

Possible significant impacts likely to occur:

Increased utilization and trampling in a small area immediately surrounding the new troughs with improved and decreased utilization overall throughout the surrounding areas.

Consistency Review

No Consistency Review Document

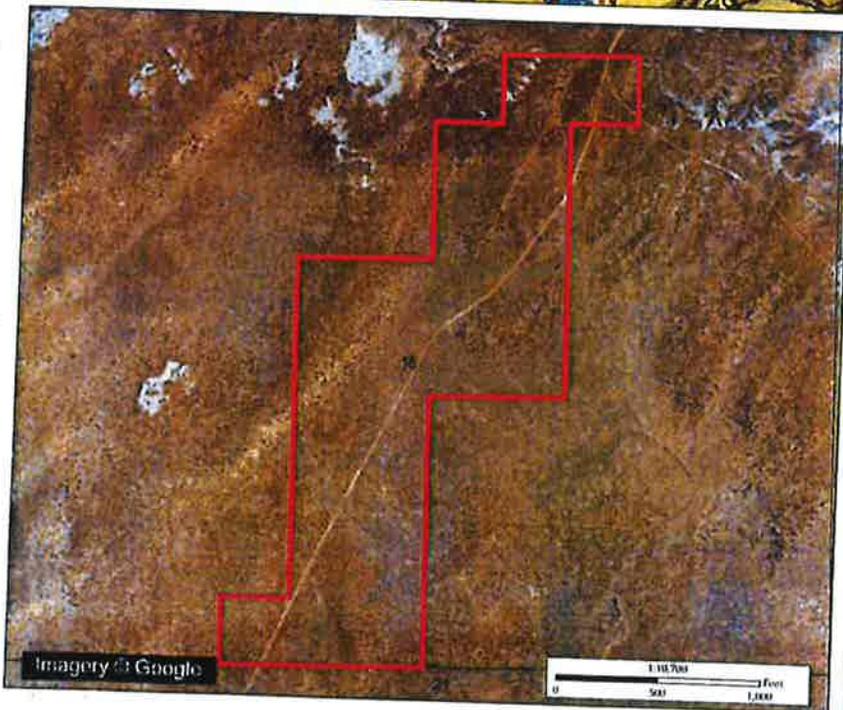
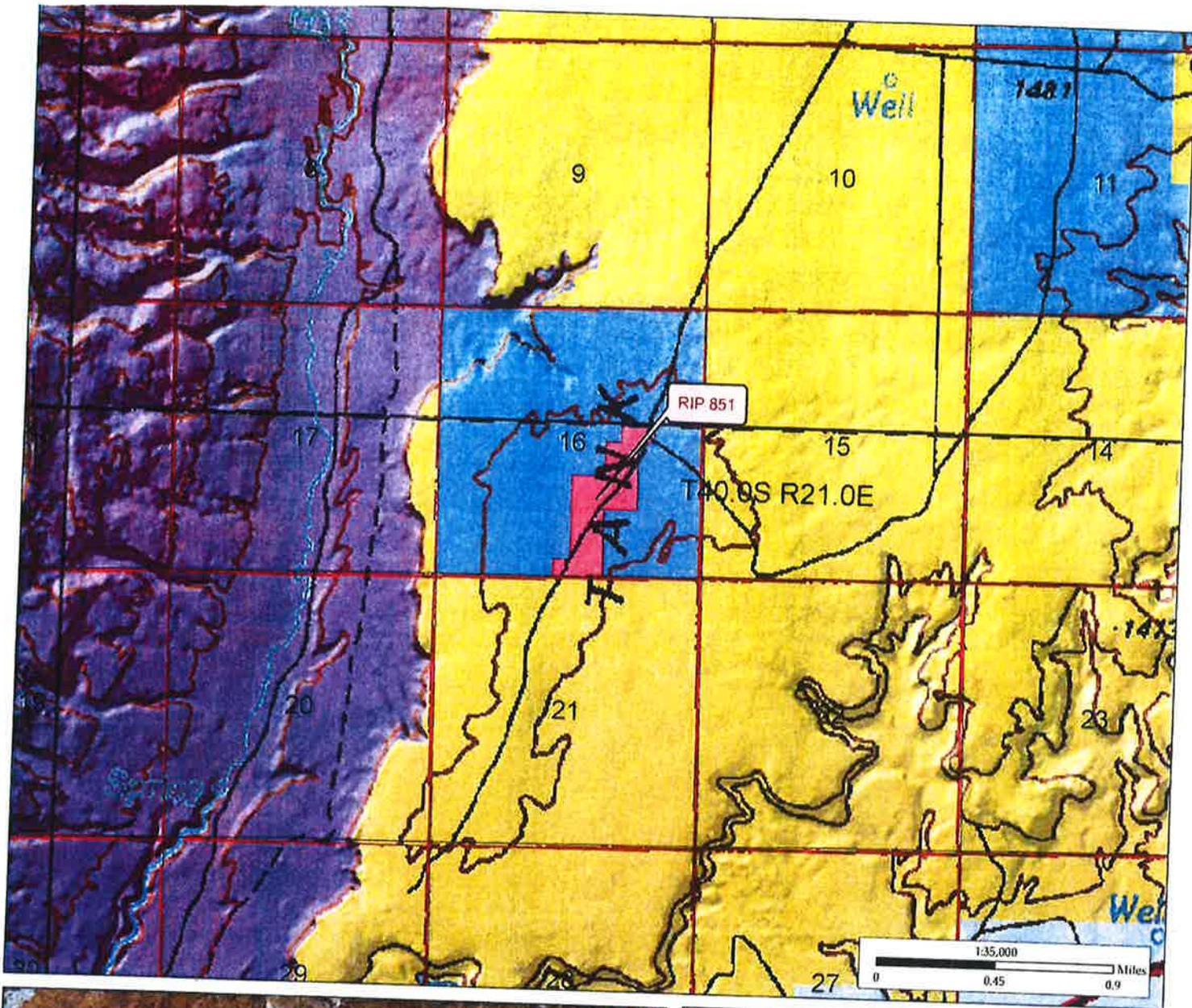
Record of Decision

No Record of Decision Document

State Comments

No State Comments

For further information please contact project manager



Tank Bench Mesa Water Well and Pipeline System

Township 40 South, Range 21 East, SLB&M;
Section 16:
San Juan County



State of Utah
Salt Lake & Western
Trust Lands Administration
User Name: gisuser
August 18, 2025 11:11 A

Land Ownership and Administration

- Bureau of Land Management
- Bureau of Reclamation
- Bunkhead Jones Land Use Lands
- National Recreation Area
- National Parks, Monuments & Historic Sites
- National Forest
- National Wilderness Area
- National Wildlife Refuge
- Other Federal
- Military Reservations and Corps of Engineers
- Private
- State Trust Lands
- State Sovereign Land
- State Parks and Recreation
- State Wildlife Reserve/Management Area
- Other State
- Tribal Lands

■ Range Improvement Project



N



Coordinate System: NAD 1983 UTM Zone 12N
Projection: Transverse Mercator

This representation on this map is for REFERENCE USE ONLY and is not suitable for legal, engineering, or surveying purposes. Users of this information should verify or consult the primary state and information sources to ascertain the accuracy of the information. MTLA provides this data in good faith and shall in no event be liable for any incorrect results, or any special, indirect or consequential damages in any party, arising out of or in connection with the use of the inability to use the data herein.

Local parcels, land boundaries and associated MTLA data layers may have been adjusted to allow for visual "fit" to the Surface Ownership Land Status data in previous versions maintained by MTLA to reflect current trust land status and surface ownership, lakes, rivers, streams, highways, roads, county and state boundaries are distributed by the Utah Automated Geographic Reference Center and/or other sources as specified. Current uses of present were generated from USGS 10 meter DEM.

Please Note: While MTLA seeks to verify data for accuracy and content, discrepancies may exist within the data. Acquiring the most updated MTLA membership GIS data may require contacting the GIS staff directly at 801-535-5100 or TLA-GIS@utah.gov. The MTLA GIS department welcomes your comments and concerns regarding the data and will attempt to resolve issues as they are brought to our attention. Color: Aerial Photo © Google Imagery © Utah High Resolution.



SAN JUAN COUNTY COMMISSION

Kenneth Maryboy Chairman
Willie Grayeyes Vice-Chair
Bruce Adams Commissioner

September 1, 2020

Slate Stewart, Resource Specialist
School and Institutional
Trust Lands Administration
2031 South Industrial Park Road
Richfield, Utah 84701

Re: Range Improvement Project #RIP 780-A (East League Horn Pasture Water Well System II)

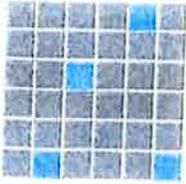
Dear Mr. Stewart:

San Juan County supports the proposed drilling of a livestock water well and installation of a solar pump system along with 1500 feet of buried water pipeline and two livestock water troughs on SITLA lands on Bluff Bench in southern San Juan County. The proposal is consistent with the 2017 San Juan County Resource Management Plan (RMP) which supports the implementation of range improvement projects such as water wells, tanks and associated facilities which support proper livestock grazing and improved range conditions.

We appreciate this notification and opportunity to comment.

Sincerely,

Kenneth Maryboy
Chairman



State of Utah
School & Institutional
Trust Lands Administration

2031 South Industrial Park Road
Richfield, UT 84701
435-896-2559
435-896-0349 (Fax)
www.trustlands.utah.gov

Gary R. Herbert
Governor

Spencer J. Cox
Lieutenant Governor

David Ure
Director

August 19, 2020

San Juan County Commissioners
117 South Main
Monticello, UT 84535

RE: Range Improvement Project (RIP) 780-A: "*East League Horn Pasture Water Well System II*" Resource Development Coordinating Committee (RDCC) Project 75424

Dear Commissioners:

This letter is to inform you that the School and Institutional Trust Lands Administration (SITLA) recently submitted the above referenced proposal for a RIP within your County, to the RDCC registry.

Enclosed for your review is a copy of the RDCC posting and a map containing general information about the RIP proposal. This information can also be found online in the RDCC Project Management System.

Please review the enclosed information at your convenience and submit any comments or concerns by September 9, 2020.

Feel free to contact me with any questions you may have at (435) 893-2981.

Sincerely,

Wendy Campbell for
Slate Stewart
Resource Specialist

SS/wec

Enclosures (2 pgs.)

View Project

[\[view\]](#) [\[edit\]](#)

Project #75424

[Close](#)

Key Info:

Sponsor: School and Institutional Trust Lands Administration
Title of Action: East League, Horn Pasture Water Well System
Project Start Date: 10/05/2020
Location: T. 40 S., R. 22 E., Sec. 23: NW4 (within)
Location/Supplemental Attachment:
Counties: San Juan
Has local government been contacted? Yes
Date Local Government was Contacted: 09/14/2020
Acquisition: No
Date of Acquisition: N/A
Have the state representative and state senator been contacted? No

Project abstract:

School Trust Lands Administration has received an application to drill a water well and install a solar pump system. A trough will be installed at the wellhead and approximately 1,500 ft of pipeline ripped in to a second trough location. A cultural resource survey will be required prior to any disturbance activity.

Local government's response?

A copy of this posting was sent as notification. No response to date.

How is the local government(s) likely to be impacted?

No negative impacts anticipated.

Possible significant impacts likely to occur:

Increased use and trampling will likely occur on the areas immediately surrounding the new trough locations. A more even use will likely occur over a greater area resulting in improved rangeland conditions. Wildlife will benefit from the additional water sources.

Consistency Review

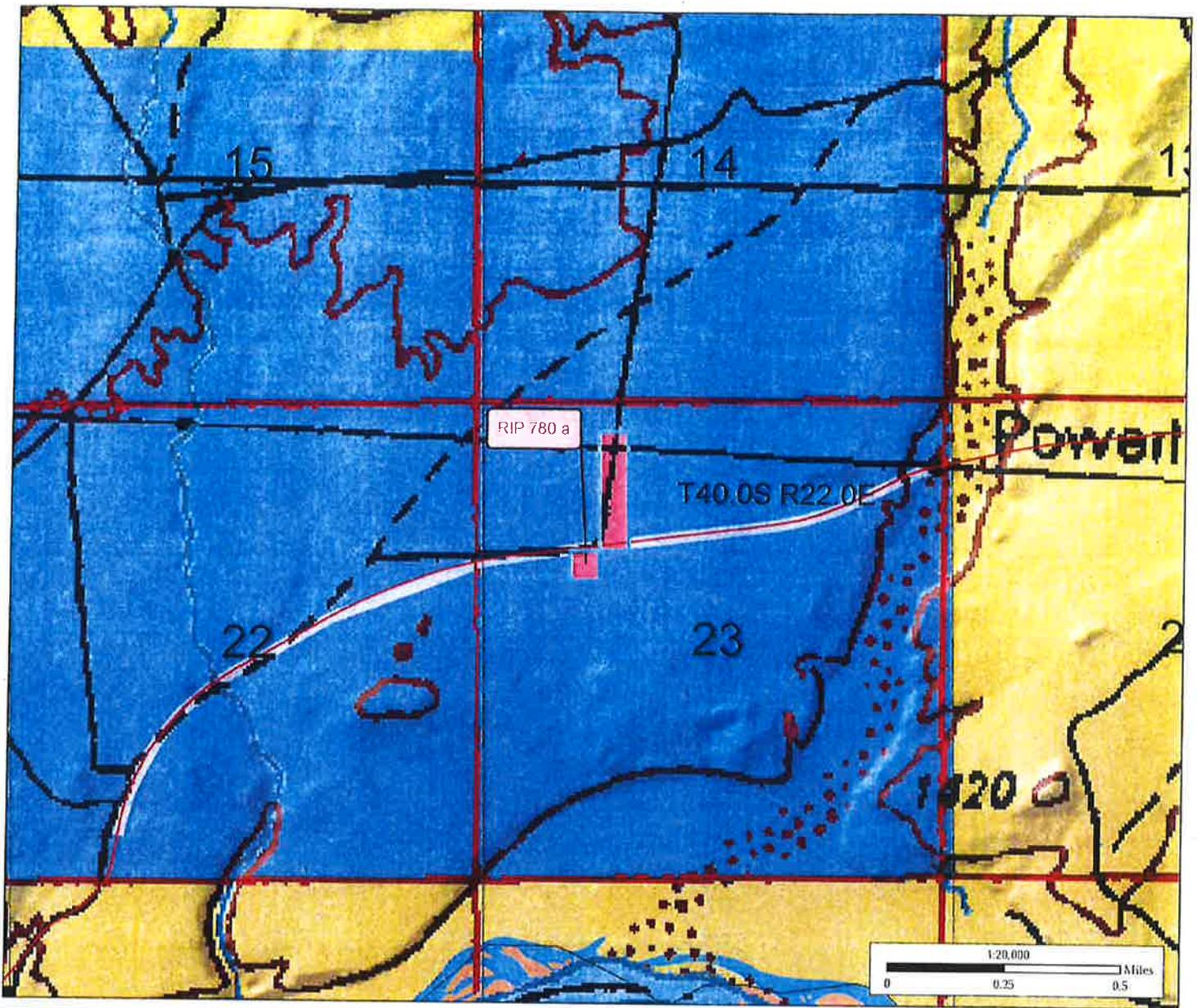
No Consistency Review Document

Record of Decision

No Record of Decision Document

State Comments

No State Comments



East League Horn Pasture Water Well System #2
 Township 40 South, Range 22 East, SLB&N;
 Section 23:
 San Juan County



- Land Ownership and Administration**
- Bureau of Land Management
 - Bureau of Reclamation
 - Bunkford Jones Land Use - Lands
 - National Recreation Area
 - National Parks, Monuments & Historic Sites
 - National Forest
 - National Wilderness Area
 - National Wildlife Refuge
 - Other Federal
 - Military Reservations and Corps of Engineers
 - Private
 - State Trust Lands
 - State Sovereign Land
 - State Parks and Recreation
 - State Wildlife Reserve/Management Area
 - Other State
 - Tribal Lands

■ Range Improvement Project



Coordinate System: NAD 1983 UTM Zone 12N
 Projection: Transverse Mercator

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Land parcels, home boundaries and associated NIT A data layers in this layer have been adjusted in order to meet "best fit". The surface ownership/land status data (if present) are maintained by SLA to reflect current land status and surface ownership. Lakes, rivers, streams, highways, roads, canals and state boundaries are distributed by the Utah Automated Geographic Reference Center and for other sources as specified. Contour lines (if present) were generated from USGS 10-meter DEM.

These Data: While SLA works to verify data for accuracy and content, discrepancies may exist with the data. Acquiring the most updated NIT A ownership/SLA data may require contacting the GIS staff directly: 801-538-5160 or TIA.GIS@utah.gov. The NIT A GIS department welcomes your comments and concerns regarding the data and will attempt to resolve issues as they are brought to our attention. Color Aerial Photo (Google Images) - 4 km x 4 km Resolution

Imagery © Google



SAN JUAN COUNTY COMMISSION

Kenneth Maryboy Chairman
Willie Grayeyes Vice-Chair
Bruce Adams Commissioner

September 1, 2020

Slate Stewart, Resource Specialist
School and Institutional
Trust Lands Administration
2031 South Industrial Park Road
Richfield, Utah 84701

Re: Range Improvement Project #RIP 848 (Southeastern Upland Game Guzzler Phase II)

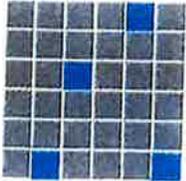
Dear Mr. Stewart:

San Juan County supports the proposed construction of two wildlife guzzlers (collection apron, storage tank and small water trough) on SITLA lands along the east bench of lower South Cottonwood Wash in southern San Juan County. The proposal is consistent with the 2017 San Juan County Resource Management Plan (RMP) which recognizes the importance of wildlife to the County and supports the management of wildlife consistent with population goals and healthy habitats.

We appreciate this notification and opportunity to comment.

Sincerely,

Kenneth Maryboy
Chairman



State of Utah
School & Institutional
Trust Lands Administration

for scaled quail
mule deer

2031 South Industrial Park Road
Richfield, UT 84701
435-896-2559
435-896-0349 (Fax)
www.trustlands.utah.gov

Gary R. Herbert
Governor

Spencer J. Cox
Lieutenant Governor

David Ure
Director

August 18, 2020

San Juan County Commissioners
117 South Main
Monticello, UT 84535

RE: Range Improvement Project (RIP) 848: "*Southeastern Upland Game Guzzler Phase II*"
Resource Development Coordinating Committee (RDCC) Project 75403

Dear Commissioners:

This letter is to inform you that the School and Institutional Trust Lands Administration (SITLA) recently submitted the above referenced proposal for a RIP within your County, to the RDCC registry.

Enclosed for your review is a copy of the RDCC posting and a map containing general information about the RIP proposal. This information can also be found online in the RDCC Project Management System.

Please review the enclosed information at your convenience and submit any comments or concerns by September 8, 2020.

Feel free to contact me with any questions you may have at (435)893-2981.

Sincerely,

Wendy Campbell for
Slate Stewart
Resource Specialist

SS/wec

Enclosures (2 pgs.)

View Project

[view] [edit]

Project #75403

Close

Key Info:

Sponsor: **School and Institutional Trust Lands Administration**
Title of Action: **Southeastern Upland Game Guzzler Phase II**
Project Start Date: **09/25/2020**
Location: **T. 39 S., R. 21 E., Sec. 36: E2NW4 (Within), T. 40 S., R. 21 E., Sec. 12: NE4SE4 (Within)**
SLB&M
Location/Supplemental Attachment:
Counties: **San Juan**
Has local government been contacted? **Yes**
Date Local Government was Contacted: **08/18/2020**
Acquisition: **No**
Date of Acquisition: **N/A**
Have the state representative and state senator been contacted? **No**

Project abstract:

Trust Lands Administration has received an application to construct two wildlife guzzlers at two separate locations on west side of Bluff Bench. The guzzlers will consist of a 10 ft. by 12 ft. apron and a 500 gallon tank with a fence around the guzzler components to prevent livestock use.

Local government's response?

A copy of this posting was sent as notification. No response to date.

How is the local government(s) likely to be impacted?

No negative impacts anticipated.

Possible significant impacts likely to occur:

Improved habitat and/or wildlife use areas.

Consistency Review

No Consistency Review Document

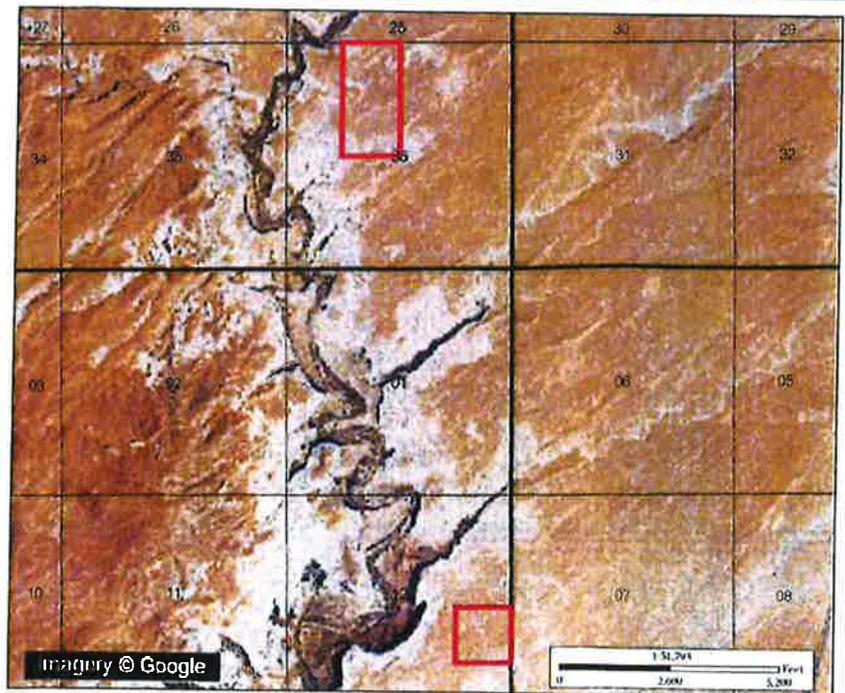
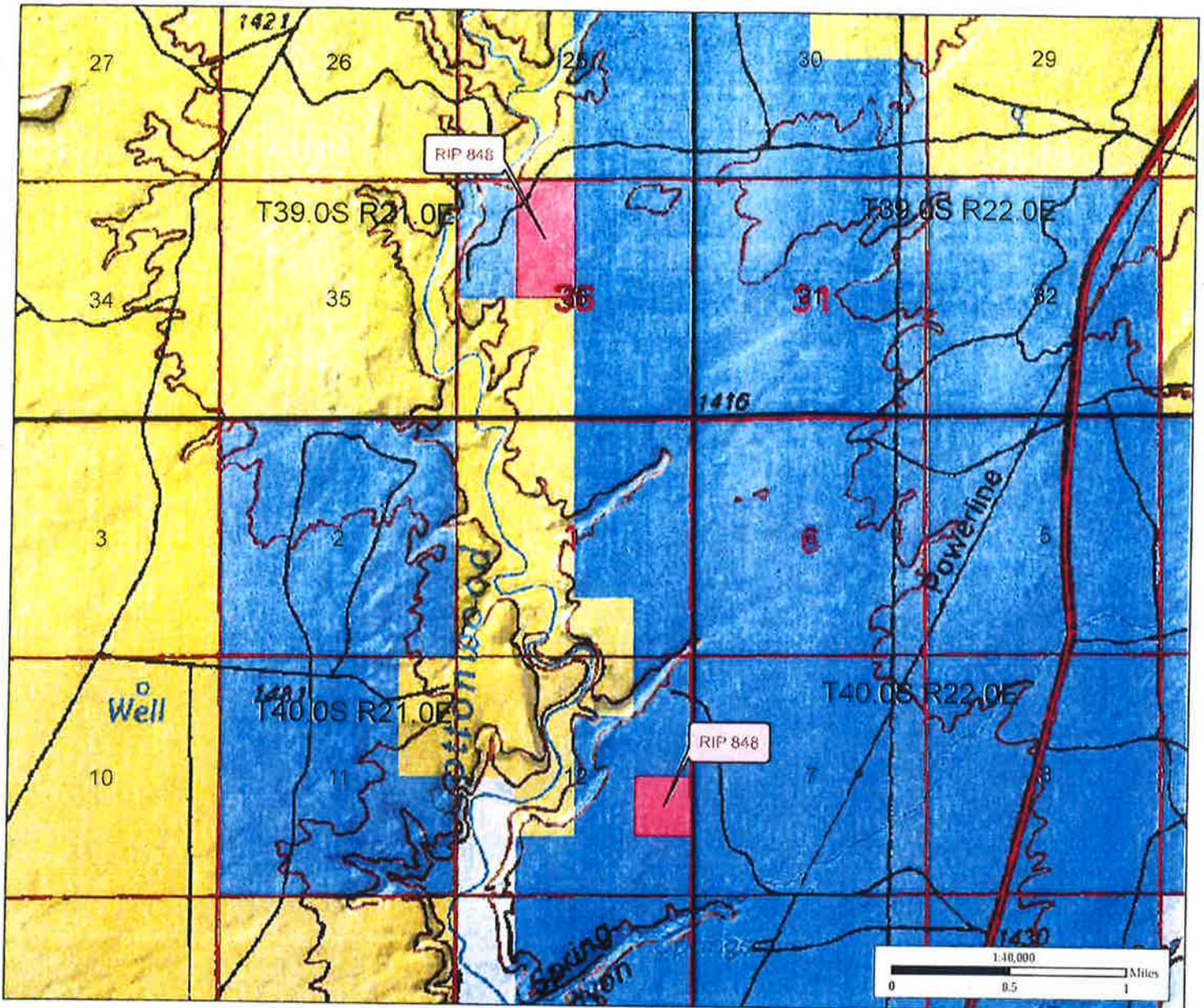
Record of Decision

No Record of Decision Document

State Comments

No State Comments

For further information please contact project sponsor.



Southeastern Upland Game Guzzler Phase II

Township 39 South, Range 21 East, SLB&M Section 36;
 Township 40 South, Range 21 East, SLB&M Section 12;
 San Juan County



Land Ownership and Administration

- Bureau of Land Management
- Bureau of Reclamation
- Bunkhead-Jones Land Use Lands
- National Recreation Area
- National Parks, Monuments & Historic Sites
- National Forest
- National Wilderness Area
- National Wildlife Refuge
- Other Federal
- Military Reservations and Corps of Engineers
- Private
- State Trust Lands
- State-Sovereign Land
- State Parks and Recreation
- State Wildlife Reserve/Management Area
- Other State
- Tribal Lands

■ Range Improvement Project

Commodity by Soil: NAD 1983 UTM Zone 12N
 Projection: Transverse Mercator



Data represented on this map is for REFERENCE ONLY and is not suitable for legal, engineering, or surveying purposes. Users of this information should review or verify the primary data and information sources to ascertain the reliability of the information. BLM provides this data on good faith and shall not be liable for any inaccuracies, in any special, indirect or consequential damages to any party, arising out of all its communications with the user or the inability to use the data herein.

Land parcels, lease boundaries and associated BLM data information have been adjusted to allow for visual "best fit". The boundary ownership land status data (if present) are maintained by BLM to reflect current land status and surface ownership. Lakes, rivers, streams, highways, roads, county and state boundaries are distributed by the Data Automated Geographic Reference Center and for other sources as specified. Elevation data if present were generated from USGS 1:250,000 DEM.

Disclaimer: While BLM works for only data for location and content, its agencies may exist within the data. Acquiring the most updated BLM ownership GIS data may require contacting the City staff directly. BLM-SM 5100 or TIA (GIS) staff.gov. The BLM-GIS department welcomes your comments and concerns regarding the data and will attempt to resolve issues as they are brought to our attention. (Color Aerial Photo Google Imagery - 6 inch High Resolution)

Contract with Utah Department of Health and San Juan County, Log # 1620903

IN WITNESS WHEREOF, the parties enter into this agreement.

CONTRACTOR

STATE

By: _____
Kenneth Maryboy Date
County Commission Chair

By: _____
Shari A. Watkins, C.P.A. Date
Director, Office Fiscal Operations

Attachment A: Special Provisions
FY2016 Minimum Performance Standards- San Juan County Amendment 5
Effective Date: July 1, 2020

I. DEFINITIONS:

- A. "Subrecipient" means Contractor.

II. FUNDING:

- A. New total funding is \$354,344.00.
1. \$58,132.00 for the period July 1, 2015 to June 30, 2016.
 2. \$60,908.00 for the period July 1, 2016 to June 30, 2017.
 3. \$59,983.00 for the period July 1, 2017 to June 30, 2018.
 4. \$59,057.00 for the period July 1, 2018 to June 30, 2019.
 5. \$58,132.00 for the period July 1, 2019 to June 30, 2020.
 6. \$58,132.00 for the period July 1, 2020 to June 30, 2021.
- B. The DEPARTMENT agrees to advance up to 25% of the annual award each quarter to the SUBRECIPIENT.
- C. The DEPARTMENT shall adjust the fourth quarter payment to reflect actual expenditures submitted by the SUBRECIPIENT.

III. RESPONSIBILITIES OF THE SUBRECIPIENT:

The SUBRECIPIENT shall:

- A. Use these funds to comply with Utah Administrative Code, Rule R380-40. Local Health Department Minimum Performance Standards.



EMPG Application Form - County

[Print PDF](#) [Cancel](#)

2019 EMPG Application ?

Please refer to the most recent state guidance for a list of eligibility requirements as well as information on EMPG.

For additional information on EMPG refer to the Notice of Funding Opportunity put out by FEMA.

For information on receiving Federal Awards refer to [2 CFR 200](#).

Do not complete this application until you have read, at least, the current guidance.

Applicant Jurisdiction & Address ?

Jurisdiction: San Juan County EOC

Mailing Address

Address: Po Box 9
City: Monticello
County: San Juan County
State: Utah
Zip Code: 84535

Reimbursement Address

Same As Above:
Address: 117 S Main Street
City: Monticello
State: Utah
Zip Code: 84535

Grant Officials ?

CURRENT FISCAL YEAR DESIGNATION OF EMPG GRANT OFFICIALS

Emergency Management Program Director

Name: Tammy Gallegos
Daytime Phone Number: 435-587-3225
Email Address: tgallegos@sanjuancounty.org

Grant Financial Officer

Name: Tammy Gallegos
Daytime Phone Number: 435-587-3225
Email Address: tgallegos@sanjuancounty.org

Authorized Official

Name: Kenneth Maryboy
Daytime Phone Number: 435-587-3225
Email Address: kmaryboy@sanjuancounty.org

Grant Point of Contact

Name: Tammy Gallegos

Daytime Phone Number: 435-587-3225

Email Address: tgallegos@sanjuancounty.org

EMPG Staffing Pattern & Emergency Manager Certification

CURRENT FISCAL YEAR
EMPG STAFFING
PATTERN

FULL TIME EMPLOYEES (38+ hours per week)	Employment Status	Is this person PDS Certified?	Has this person completed the National Emergency Management Basic Training?
THREE QUARTER TIME EMPLOYEES (32 hours per week)			

NAME:	Tammy Gallegos	Half Time	Yes	Yes
-------	----------------	-----------	-----	-----

POSITION:	Emergency Manager
-----------	-------------------

NAME:	Natalie Freestone	Quarter Time	Yes	Yes
-------	-------------------	--------------	-----	-----

POSITION:	Deputy Emergency Manager
-----------	--------------------------

NAME:	David Gallegos	Quarter Time	Yes	Yes
-------	----------------	--------------	-----	-----

POSITION:	Emergency Mgt Logistics
-----------	-------------------------

NAME:

POSITION:

NAME:

POSITION:

Budget Detail Worksheet

Per 2 CFR 200, jurisdictions must certify: charges for their salaries and wages will be supported by periodic certifications that the employees worked solely on that program for the period covered by the certification. These certifications will be prepared at least semi annually and will be signed by the employee or supervisory official having first hand knowledge of the work performed by the employee.

Expense Type	Estimated Cost
Emergency Manager Salary and Benefits	\$ 46879
Travel	\$ 5000
Administrative Expenses (3% max)	\$ 5500
Community Outreach	\$ 3000
Planning Expenses	\$ 2000
Training Expenses	\$ 3000
Exercise Expenses	\$ 1000
Emergency Management Support Staff Expenses	\$ 26804
Other Funds	\$ 10000
Total Emergency Management Budget	\$ 103,183.00
FUNDING AVAILABLE TO MEET 50/50 MATCH	\$ 51,591.50

Cost sharing and matching shall be accepted from the applying jurisdiction by submitting a signed Match Certification Form and by meeting all of the following criteria:

1. Verifiable from the sub-recipient's records
2. Are not included as a match for another federal grant program
3. Are necessary and reasonable for accomplishment of program objectives
4. Are allowable under applicable cost principles
5. Are not paid by another federal award
6. Are provided for in the approved budget by FEMA

Please submit additional match if circumstances allow. The additional funds make it possible for other jurisdictions to continue with their Emergency Management Program.

Base Funding Eligibility Requirements Required?

Yes By checking this box, you are indicating that you will complete each base requirement necessary to receive EMPG funding.

1. Employ a fulltime or part time emergency manager. (cannot be a contracted position)
2. Meet all Federal requirements such as Equal Opportunity Employer, Drug-Free Workplace, Single Audits, Federal Funding Accountability and Transparency Reporting, comply with 2 CFR 200 policies, etc.
3. Cities shall submit a letter/E-mail from their respective County EM endorsing their participation in EMPG with their application.
4. New applicants must complete IS 100, 200, 700, 800 and submit a Training and Exercise Plan spanning the current year prior to submitting their application. Exceptions will be considered on a case by case basis.
5. Complete and report on all performance standards listed within the current guidance.
6. Full participation and compliance with DEM's Grant Monitoring Program.

Required Attachments ?

Required Documents to be submitted with the application:

FFATA is required before Progress can be filled out.

For FFATA and Match Certification:

1. Click on the download link for the required document.
2. Choose the save option.

For all attachments:

1. Open file from saved location.
2. Fill out form (ensure it is complete).
3. Attach the completed form below.

Submit your signed FFATA

Submit your signed Match Certification

Submit a copy of your jurisdictions most recent Training and Exercise Plan

Submit a copy of your jurisdiction's most recent signed promulgation letter (signature page) from your EOP.

Complete and pass the Pre-Award Risk Assessment Survey

Miscellaneous Attachments ?

Miscellaneous Attachment1

Miscellaneous Attachment2

Miscellaneous Attachment3

Miscellaneous Attachment4

(View any of these attachments in Application Summary page after saving this application form.)

Certification ?

CERTIFICATION: This Application, together with the attachments constitutes the annual work plan for the emergency management program of the applicant listed below. The undersigned certify that all grant requirements have been met and agree to exert their best efforts to accomplish all activities listed in the work plan and progress reports.

Click to digitally sign
Signature Acquired
Click to digitally sign
Signature Acquired

Emergency Manager
Authorized Official
Original Signature

Date
Date

EMPG Administrator 

Amount Awarded: 0.00

EMPG Fiscal Year: 2020

Remove Record:

 Print PDF  Cancel

Drought Declaration 9-2-2020-1

Declaration Declaring the Existence of a Drought Emergency in San Juan County, Utah Pursuant to U.C.A. 17-8-7

Whereas, the drought conditions thus far in 2020, creating a threat to human health and safety, the environment, the agricultural industry, potential wildfire rise, impacts to culinary, secondary and agriculture water supplies; as well as the general economy of San Juan County; and

Whereas, the ongoing drought will likely cause many livestock producers in San Juan County to reduce the size of their herds and force many of them to import feed from other states which will create a major financial impact on livestock producers; and

Whereas, the continued lack of adequate precipitation, coupled with insect infestations and plant stress, will likely result in less than normal agricultural production upon San Juan County farms and ranches through 2020, as well as a reductions of forage growth on the public and private rangelands within San Juan County; and

Whereas, the use of public and private rangelands within San Juan County will likely be severely restricted or even temporarily suspended as a result of the continued lack of precipitation; and

Whereas, the long range weather forecast does not predict significant increases in precipitation in San Juan County and the State of Utah in general during 2020; and San Juan County is in the category of severe drought.

Whereas, with the current conditions fire restrictions have been put into place and that the availability for firefighting resources are expected to be limited; and

Whereas, fire restrictions and drought conditions will likely impact the visitor and tourism industry as many will make plans to go to other areas; and

Whereas, drought conditions will impact the ability of the San Juan County Road Department to properly and adequately maintain the county's roads;

Now therefore, be it hereby resolved as follows:

Section 1. Declaration of Drought Emergency. Pursuant to 17-8-7, Utah Code Annotated, 1953, as amended, we, the San Juan County Commission, do hereby declare that a drought emergency exists within the jurisdictional boundaries of San Juan County, Utah.

Section 2. The provisions of this declaration and the provisions adopted or incorporated by reference are severable and the provisions of other resolutions in conflict with this resolution are hereby repealed.

Section 3. In the opinion of the San Juan County Commission, it is necessary for the preservations of the peace, health and safety of the County and the inhabitants thereof that this resolution take effect immediately after approval and adoption.

Approved and Adopted by the San Juan County Commission, State of Utah on the _____ day of _____, 2020.

San Juan County, a political subdivision of the State of Utah

Kenneth Maryboy, San Juan County Commission Chair

Attest:

[Seal]

John David Nielson
San Juan County Clerk/Auditor

U.S. Drought Monitor Utah

August 25, 2020
 (Released Thursday, Aug. 27, 2020)
 Valid 8 a.m. EDT

Drought Conditions (Percent Area)

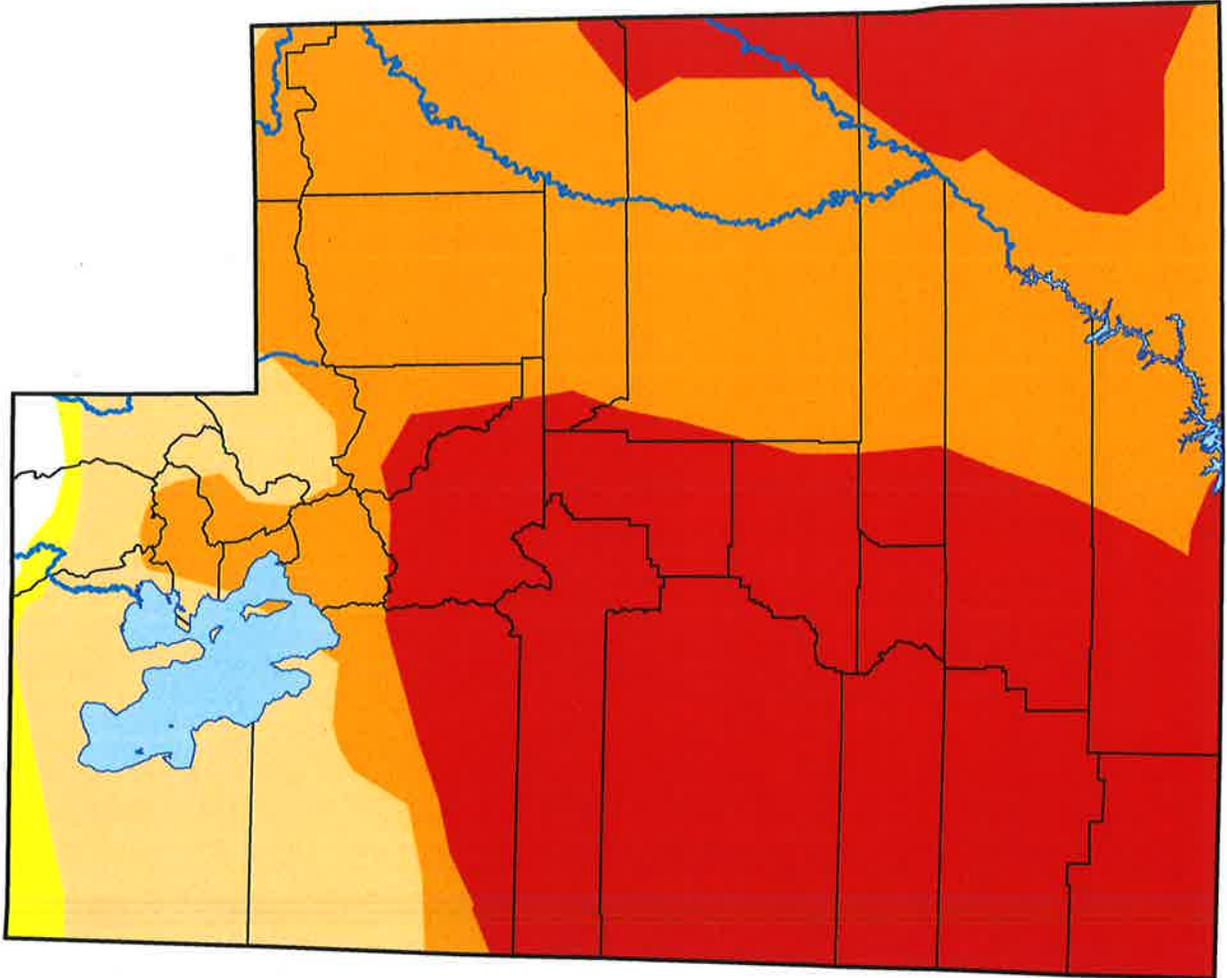
	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	0.65	99.35	97.91	83.67	46.04	0.00
Last Week 08-18-2020	1.23	98.77	97.87	78.88	28.60	0.00
3 Months Ago 05-26-2020	9.44	90.56	80.73	15.08	0.00	0.00
Start of Calendar Year 12-31-2019	17.19	82.81	55.72	30.47	0.00	0.00
Start of Water Year 10-01-2019	45.82	54.18	29.59	0.00	0.00	0.00
One Year Ago 08-27-2019	81.74	18.26	1.09	0.00	0.00	0.00

Intensity:

-  None
-  D0 Abnormally Dry
-  D1 Moderate Drought
-  D2 Severe Drought
-  D3 Extreme Drought
-  D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

Author:
 David Simeral
 Western Regional Climate Center



ORDINANCE No. 2020-_____

AN ORDINANCE ESTABLISHING
THE ADMINISTRATIVE
HEARING PROGRAM WITHIN SAN JUAN COUNTY

WHEREAS, the Board of San Juan County Commissioners has determined that administrative enforcement of the duly adopted rules and regulations as well as the provisions of the San Juan County Ordinances, Policies, Procedures and applicable State statutes (altogether referred to herein as “code”) is in the best interests of the citizens of the County; and

WHEREAS, Utah Code Annotated § 17-53-228 formulates the process for Counties to establish an administrative hearings and procedures process to review and decide matters relating to the violation, enforcement, or administration of a County’s civil ordinance, including an ordinance related to the following: (a) a building code; (b) planning and zoning; (c) animal control; (d) licensing; (e) health and safety; (f) County employment; (g) sanitation; and

WHEREAS, adopting an Administrative Hearing Program will aid in code enforcement, creates a process in which an administrative decision bearing financial implications can be reviewed and disputed, it imposes a process where civil penalties for code violations can be reviewed as well as establishes an appropriate due process protections for a party participating in an administrative hearing; and

WHEREAS, adopting an Ordinance establishing the Administrative Hearing Program will allow appeals for administrative, legislative, and executive decisions to be appealed through a process by a neutral third-party Administrative Law Judge in accordance with State Code; and

WHEREAS, the Board of San Juan County Commissioners have contracted with an Administrative Law Judge to review and decide matters relating to the violation, enforcement, or administration of a County civil ordinance including those aforementioned ordinances and administration thereof; and

WHEREAS, this ordinance includes those actions of a County Service District.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SAN JUAN COUNTY COMMISSIONERS AS FOLLOWS:

Section 1. SEVERABILITY: If any provision or clause of this Ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications hereof which can be implemented without the invalid provision, clause or application hereof. To this end, the provisions and sections of this Ordinance are declared to be severable.

Section 2. EFFECTIVE DATE: This ordinance shall take effect, fifteen (15) days after enactment, and after depositing of a copy in the Clerk/Auditor's Office and publication in a newspaper having general circulation in the County, as required by Utah Code Annotated section 17-53-208.

PASSED AND APPROVED on this _____ day of _____ 2020.

Kenneth Maryboy, Chair

Board of San Juan County Commissioners

Attest:

John David Nielsen, County Clerk

Chapter 1 - ADMINISTRATIVE HEARINGS

1.22.000 - Purpose and Intent.

The Board of San Juan County Commissioners (Commission) find that the enforcement of this code, the adopted rules and regulations and applicable State statutes altogether referred to herein as "code") is an essential public function. Code enforcement is vital to the protection of the public's health, safety and quality of life. The Commission therefore recognizes that enforcement starts with the drafting of precise regulations that can be effectively applied in administrative code enforcement hearings, judicial proceedings, land-use decisions, administrative processes affording a hearing, and personnel decisions. The Commission finds that a comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gain compliance with these regulations. Failure to comply with an administrative code enforcement order may require the County to file a criminal or civil action to gain compliance. For specified County action, or a decision made by a County Official, as more particularly defined and designated in published San Juan County ordinances or policies, in which an adverse administrative decision by the County results in detriment to a person, it is the purpose and intent of the County to afford that person due process of law by way of an Administrative Hearing. Due process shall require proper notice of the nature of the administrative decision and the opportunity to be heard, a hearing before a fair and impartial Administrative Law Judge, the right to present evidence, the right to cross-examination, the right to be represented by an attorney or other advocate, the right to receive an adequate explanation of the reasons justifying any resulting administrative order.

1.22.010 – Scope.

The provisions of this chapter may be applied to all violations of this code, the adopted rules and regulations and applicable State statutes. It has been designed as an additional remedy for the County's use in achieving compliance with County ordinances and in achieving compliance with the rules and regulations. Nothing in this chapter is intended to grant any authority to enforce its rules and regulations under this chapter unless the Commission adopts by ordinance the code enforcement programs.

1.22.020 – Existing Law Continued.

The provisions of this chapter do not invalidate any other provisions of this code, other County ordinances, but shall be read in conjunction therewith as an additional remedy. By establishing performance standards and obligations to act, it is the intent of the Commission that San Juan County employees and officers, as well as employees and officers of County Districts, exercise discretionary authority in pursuit of an essential governmental function and that any such

standards or obligations shall not be construed as creating a ministerial duty for purposes of tort liability.

1.22.030 - Definitions.

The following words and phrases, whenever used in this chapter, shall be applied as defined in this section, unless a different meaning is specifically defined elsewhere in this chapter and specifically stated to apply:

"Administrative Citation" means a citation issued to a responsible person that gives notice of a violation and the civil fee for such violation.

"Administrative Hearing" a hearing held pursuant to the procedures established by this chapter and at the request of a person charged with a violations or appealing a decision made by the Commission, San Juan County officers, as well as employees and officers of County Districts.

"Administrative Order" means an order issued by an Administrative Law Judge. The order may include an order to enter upon private property to abate a violation of the San Juan County Zoning Ordinance, to pay civil fees and administrative costs, to reverse or modify decisions of the County as provided in published San Juan County ordinances or policies, or take any other action as authorized or required by this chapter and applicable state codes.

"Administrative Process" means a process decision of which a hearing is appropriate for items of administrative decisions such as property nuisance violation, abatement actions, landfill ordinance violations, right-of-way encroachment permit denials, Authority Having Jurisdiction (AHJ) and Fire Chief decisions based on fire code violations, or challenges to County bids and contract awards.

"Administrative Law Judge" means a person appointed or designated to preside over Administrative Hearings.

"Appellant" means the individual requesting a hearing to appeal a decision made.

"County" San Juan County

"Commission" the Board of San Juan County Commissioners representing the Legislative and Executive Body of San Juan County.

"County Administrator" the Chief Administrative Officer of San Juan County.

"County action" means a notice of violation and summons, an administrative citation, an itemized statement of costs, a notice of emergency abatement or other notice of any other adverse County decision for which the right to an Administrative Hearing is specifically provided by ordinance

"County Official" means an Elected Official, Commissioners, County Chief Administrative Officer, County Department Director, or County Building Inspector.

"Enforcement Official" any person authorized to enforce violations of any applicable laws or the adopted rules and regulations including, but not limited to, code enforcement officers, fire

marshals, fire wardens, sheriff deputies, inspectors, building inspectors, the building official, health inspectors, health officials or any other County employee charged with issuing violations of County or State statutes.

"Itemized statement of costs" means a written notice to a responsible person, itemizing the County's actual costs and administrative cost of abating a code violation, ordering payment of those costs and advising the responsible person of the right to contest the reasonableness of the costs at an Administrative Hearing.

"Notice of Compliance" a document issued by the County representing that a property complies with the requirements outlined in the Notice of Violation, and that all outstanding civil fees and costs have been satisfied (either by being paid in full, or a subsequent administrative or judicial decision has resolved the outstanding debt).

"Notice of Emergency Abatement" means a written notice that informs a responsible person of emergency abatement actions taken by the County and provides and itemized statement of costs for those actions.

"Notice of Violation and Summons" means a written notice that informs a responsible person of code violations, orders certain steps to correct the violations, demands appearance at an Administrative Hearing, and sets forth a date and time for the hearing.

"Person" means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization or the manager, lessee, agent, sergeant, officer or employee of any of them or any other entity that is recognized by law as the subject of rights or duties. For purposes of this chapter, "person" also indicates a person whose interest is adverse to the County at an Administrative Hearing.

"Property Owner" the recorded owner of real property as shown on the records of the County Recorder or Assessor.

1.22.040 - Request for Administrative Hearing.

- A. Where the right to an Administrative Hearing has been established by San Juan County, a person having that right may request an Administrative Hearing, if the request is filed within ten (10) business days from the date of service of one of the following:
1. Itemized statement of costs as defined in 1.22.030 has been issued in a Notice of Violation of a code violation to a responsible person.
 2. Administrative citation as defined in 1.22.030 has been issued in a Notice of Violation of a code violation to a responsible person.
 3. A decision made by a land use appellant, a board or Officer of the County, or an adversely affected party may after approval of a written decision issued by the County, appeal that decision to the Administrative Hearing Judge by alleging that there is error in any order, requirement, decision, or determination made by the Planning Commission, Commission, County Administrator or Director of Planning in the administration or interpretation of the land use ordinance.
 4. An administrative process decision as defined in 1.22.030.

- B. Notice of emergency abatement as defined in 1.22.030 has been issued in a Notice of Violation of a code violation to a responsible person; or
 - 1. Notice of any other County action where the right to an Administrative Hearing is provided under any published San Juan County ordinance or policy.
- C. The request for an Administrative Hearing shall be made in writing addressed to the office of the County Clerk.
- D. The request shall comply with the following requirements:
 - 1. It shall be in writing;
 - 2. It shall contain a legible, plain statement of the reason or reasons that the person requesting the hearing is entitled to relief from the County action;
 - 3. It shall be accompanied by a copy of the itemized statement of costs, administrative citation, notice of emergency abatement, or other notice of County action for which the hearing is requested;
 - 4. It shall contain the name of the person requesting the hearing and the address to which all notices and orders shall be mailed;
 - 5. It shall be dated and signed by the person requesting the hearing; and
 - 6. It shall be filed with the County Clerk.
- E. The County may initiate an Administrative Hearing by service and filing of a Notice of Violation and Summons. Service of the Notice of Violation and Summons shall be served by any of the following methods, unless different provisions are otherwise specifically stated to apply:
 - 1. Regular mail, postage prepaid, to the last known address of the property owner or other responsible person;
 - 2. Posting the notice conspicuously on or in front of the property. If not inhabited, the notice must also be mailed as in subsection A1 of this section;
 - 3. Personal service; or
 - 4. Published in a newspaper of general circulation once a week for a period of two (2) weeks.
- F. Within twenty calendar (20) days after receiving a request for an Administrative Hearing or the service of a Notice of Violation and Summons, the Administrative Law Judge shall schedule a date, time and place for the Administrative Hearing. Failure to hold the hearing within twenty (20) days of the request shall not be a basis for reversal of the County action. No adverse action, except an emergency abatement, shall be taken pending the Administrative Hearing.
- G. Failure to request an Administrative Hearing within ten (10) calendar days from the date of service of any of the notices in subsection (A) above shall constitute a waiver of the right to an Administrative Hearing and the right to an appeal.

1.22.050 - Notification of Administrative Hearing.

- A. Notice of the date, time, and place of the Administrative Hearing shall be served upon the person requesting the hearing no later than five (5) County business days in advance of the hearing. Failure to provide timely notice of the hearing shall result in the continuation of the

hearing. No adverse action will be taken or imposed by the County, with the exception of emergency abatement action, pending the hearing.

- B. Except in the case of an Notice of Violation and Summons, the notice shall be served by mailing it to the address designated in the request for hearing and shall be deemed to have been served on the third business day following the date of mailing. Service of the Notice of Violation and Summons shall be served by any of the following methods, unless different provisions are otherwise specifically stated to apply:
1. Regular mail, postage prepaid, to the last known address of the property owner or other responsible person;
 2. Posting the notice conspicuously on or in front of the property. If not inhabited, the notice must also be mailed as in subsection A1 of this section;
 3. Personal service; or
 4. Published in a newspaper of general circulation once a week for a period of two (2) weeks.
- C. Upon service of the Notice or Notice of Violation and Summons, the person receiving the service shall be required to attend the Administrative Hearing at the appointed date and time.

1.22.060 - Appointment and qualifications of the Administrative Law Judge.

- A. The County Administrator with the consent of the County Commission, shall appoint an Administrative Law Judge to preside at Administrative Hearings.
- B. The Administrative Law Judge shall serve for a term of three years and, during that three-year term, shall be subject to removal by the County Administrator only for cause.
- C. Cause for removal may be for any conduct unbecoming a hearing officer, dereliction of assigned duties, or the existence of a bias or conflict of interest that might affect impartiality of decisions.
- D. A person appointed to serve as an Administrative Law Judge shall either be law trained or have significant experience with the requirements and operation of Administrative Hearing processes. The person shall be free from any bias or conflict of interest that might affect impartiality of decisions.
- E. An Administrative Law Judge is subject to disqualification for bias, prejudice, interest, or any other reason for which a judge may be disqualified in a court of law. The Administrative Law Judge shall promulgate rules and procedures for disqualification and replacement.

1.22.070 - Powers of Administrative Law Judge.

- A. An Administrative Law Judge shall have authority to hold an Administrative Hearing for violations of the San Juan County Zoning Ordinance and such other matters as specifically designated by published ordinance or policy.
- B. An Administrative Law Judge may continue a hearing for good cause shown by one of the parties or if the Administrative Law Judge independently determines that due process has not been adequately afforded to a party.
- C. At the request of any party to an Administrative Hearing, an Administrative Law Judge may sign subpoenas for witnesses, documents, and other evidence where the attendance of the witness or the admission of evidence is deemed helpful by the Administrative Law Judge to

decide issues at the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena.

- D. The Administrative Law Judge may modify civil fees or fines upon a finding of good cause. The Administrative Law Judge may reduce the fines to what is just and equitable under the circumstances; however, in connection with an appeal regarding an itemized statement of costs, the Administrative Law Judge may not order the responsible person to pay less than actual costs incurred by the County and shall require the responsible person to pay the administrative costs as established in the consolidated fee schedule.
- E. The Administrative Law Judge shall have the authority to reverse or modify the administrative decision of a County official.
- F. An Administrative Law Judge has continuing jurisdiction over the subject matter of an Administrative Hearing for the purposes of: granting a continuance; ordering compliance by issuing an administrative order; ensuring compliance of that order; authorizing the County to enter upon private property to abate a violation; modifying an administrative order, assessing costs of abatement, assessing civil fines; or, where extraordinary circumstances exist, granting a new hearing.
- G. An Administrative Law Judge may require a responsible person to post a performance bond to ensure compliance with an administrative order, but only if agreed to by the enforcement official handling the matter for the County.
- H. An Administrative Law Judge shall not make any order that would require or allow a person to violate state law or County ordinance.

1.22.080 - Procedures at Administrative Hearing.

- A. Administrative Hearings are intended to be informal in nature. Formal rules of evidence and discovery shall not apply; however, upon request made in writing reasonably in advance of a hearing, the County shall provide to a person requesting a hearing the opportunity to review documents, photographs or other tangible evidence it intends to present at the hearing and shall provide a list of the witnesses it intends to call at the hearing. Failure to request discovery shall not be a basis for a continuance. Complainant information shall not be disclosed or released unless the complainant is a witness at the hearing. The procedure and format of the Administrative Hearing shall follow duly adopted policies and procedures.
- B. The County shall bear the burden of proof to establish the existence of a violation of published County ordinances or policies other than those in a land-use appeal.
- C. In a land-use appeal, the burden of proof shall be borne by the appellant.
- D. Such proof shall be established by a preponderance of the evidence.
- E. Each party shall have the opportunity to cross-examine witnesses and present evidence in support of the case. A written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance. Testimony may be given by telephone or other electronic means.
- F. Administrative Hearings shall be held at the County administrative offices, open to the public and shall be recorded; however, at the discretion of the Administrative Law Judge, Administrative Hearings may be held at the location of a violation as long as adequate provision is made to preserve a verbatim record of the hearing.

- G. The person shall have the right to be represented by an attorney or other advocate. If an attorney will be representing a responsible person at a hearing, notice of the attorney's name, address, and telephone number shall be given to the County attorney at least one day prior to the hearing. If such notice is not given, the hearing may be continued at the County's request.
- H. The burden to prove any raised defenses shall be upon the party raising any such defense and shall be established by a preponderance of the evidence.
- I. Administrative Hearings may be held on Mondays through Fridays, excluding County holidays, between the hours of eight a.m. and nine p.m.

1.22.090 - Failure to attend Administrative Hearing.

A person who fails to appear at an Administrative Hearing shall be deemed to have waived all rights in connection with the hearing, including the right to appeal. Provided that proper notice of the hearing has been given as provided in published San Juan County ordinances, policies and procedures, an administrative order may be entered against a person based upon the failure to appear.

1.22.100 - Administrative order.

- A. A person and the County may enter into a stipulated agreement, which shall be signed by both parties. Such agreement may be entered as an administrative order. Entry of such agreement shall constitute a waiver of the right to an Administrative Hearing and the right to appeal.
- B. Within ten (10) business days after all evidence and testimony are presented, the Administrative Law Judge shall issue a written administrative order that affirms, rejects or modifies the notice of violation and summons, itemized statement of costs, administrative citation, notice of emergency abatement or other County action.
- C. If affirmed, the administrative order shall specify the evidence supporting the Administrative Law Judge's decision and the action required to satisfy the order.
- D. The Administrative Law Judge may assign the party who prevails at the Administrative Hearing to prepare findings of fact and conclusions of law.
- E. An Administrative Law Judge may issue an administrative order that requires a person to cease from violating published County ordinance, policy, or procedure, and to take any necessary corrective action.
- F. An Administrative Law Judge may order the County to enter the property and abate all violations, including the removal of animals in violation of applicable published County requirements. Whenever an order of abatement is entered, the Administrative Law Judge shall order the responsible person to pay to the County the actual costs of the abatement and the administrative costs of the County to perform the abatement.
- G. An Administrative Law Judge may revoke a kennel permit, an animal license, the right to possess animals as provided in published County ordinance or policy.
- H. As part of an administrative order, an Administrative Law Judge may establish specific deadlines for the payment of fees and costs, and condition the total or partial assessment of civil fees on the responsible person's ability to take necessary corrective actions by specified

deadlines. Such fees shall continue to accrue until the responsible person complies with the Administrative Law Judge's decision and corrects the violation.

- I. An administrative order imposing civil fines for failure to abate a violation of the County code by a stated deadline, shall continue to accrue additional fines until the responsible person complies with the Administrative Law Judge's decision and corrects the violation but shall not exceed one thousand dollars (\$1,000.00).
- J. An Administrative Law Judge may schedule subsequent review hearings as may be necessary or as requested by the County to ensure compliance with an administrative order.
- K. An Administrative Law Judge may order a person to post a performance bond to ensure compliance with an administrative order, but only if agreed to by the enforcement official handling the matter for the County.
- L. An Administrative Law Judge may revoke or suspend a beer license, a building permit, or permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on the property, or any permits pertaining to the use and development of real property or a structure where a violation is located as provided in published San Juan County ordinance or policy.
- M. An administrative order shall become final on the date of signing by an Administrative Law Judge.
- N. An administrative order shall be served on all parties.
- O. An Administrative Law Judge may take any action reasonably necessary to obtain compliance with the applicable County ordinances.
- P. An Administrative Law Judge may assess civil fines and costs of abatement and administrative costs to a responsible person.

1.22.110 - Failure to comply.

- A. It shall be unlawful for any person to fail to comply with the terms and deadlines set forth in a final administrative order.
- B. A violation of this section shall be a class B misdemeanor.
- C. Upon failure of a person to comply with the terms and deadline set forth in the administrative order, the County may use all appropriate legal means to recover the civil penalties and administrative costs to obtain compliance.

1.22.120 - San Juan County Employee Appeal Procedures.

A. Employee Appeals.

Employee appeals for the County shall consist of the County's Administrative Law Judge appointed or designated pursuant to the procedures set forth in this code.

B. Non-appealable Actions.

- 1. No probationary, temporary/seasonal, or part-time employee, or appointed employee has the right to appeal any disciplinary action.
- 2. No employees have appeal rights for verbal warnings, written reprimands, or involuntary reassignment for disciplinary purposes which do not affect the employee's rate of pay.

3. Unless specifically provided by this section, no employee has the right to appeal a termination, transfer or pay reduction which is made for a non-disciplinary reason, such as a reduction in force, furlough, reorganization, or a broadly applicable reduction in salary which affects multiple employees in a department.
4. No employees have appeal rights for suspension from employment without pay for two (2) days or less.
5. No appeal is allowed from discharge or involuntary reassignment due to loss of state or federal licensure or certifications which are required for the employee's position.

C. Appealable Rights for Merit Employees.

1. Merit employees have the right to appeal any disciplinary action resulting in:
 - i. Dismissal, termination or release from employment;
 - ii. Demotion;
 - iii. Suspension from employment without pay for more than two (2) days; or Involuntary transfer for a disciplinary purpose to a position with less remuneration.

D. Appealing to the Administrative Law Judge

1. Employees desiring to file an appeal must submit their written notice of appeal, describing in detail the grounds for the appeal with any supporting documentation, to the County recorder within ten (10) business days following the disciplinary action giving rise to the appeal, or an employee will be deemed to have waived all appeal rights.
2. A copy of the appeal shall also be filed with the employee's supervisor and the human resource department. Upon receipt by the County recorder of the employee's appeal, a date and time shall be set for the Administrative Law Judge to convene a hearing to hear the appeal. All appeal documents will then be forwarded to the Administrative Law Judge.
3. Hearings and decision of the Administrative Law Judge shall be held and rendered as soon as reasonably practicable, with no unreasonable delay. The Administrative Law Judge may allow an enlargement of time for hearing preparations, if good cause is shown, but this subsection may not extend the amount of time during which an appealing employee may timely submit a notice of appeal.
4. All parties to the appeal shall be entitled to appear at the appeals hearing in person and to be represented by counsel, to have the hearing open to the public, to confront witnesses whose testimony is to be considered, and to examine the evidence to be considered by the Administrative Law Judge.
5. The Administrative Law Judge may request the appointment of independent medical or other technical experts, in the Administrative Law Judge's sole discretion, if the Administrative Law Judge believes that the expert's opinion is necessary for the resolution of the case.
6. Submission of Documentation:

- i. All documentation to be presented at the appeals hearing shall be made available by each party upon written request of the party seeking the documentation at least five (5) business days prior to the scheduled hearing date; all requests for documents shall be considered to be ongoing up to and through the time of the hearing.
 - ii. Any party to any appeal may, no later than five (5) business days prior to the date of the appeal hearing or cutoff date for a decision, submit to the Administrative Law Judge a written brief, no more than ten pages in length, with supporting documentation, which articulates that party's arguments and position regarding the subject matter of the appeal.
 - iii. Copies of all written briefs shall be concurrently forwarded to the opposing party, and a reply brief may be submitted in response no later than two (2) business days prior to the hearing date or cutoff date for a decision.
7. The Utah Rules of Evidence, Utah Rules of Civil Procedure, and Utah Administrative Code do not apply to Administrative Hearings. Hearings are conducted to be fundamentally fair to the parties and to provide due process. The Administrative Law Judge may entertain objections in order to maintain decorum and to address issues of relevance.
8. With the exception of a request for an order requiring the release of documents which have been requested or scheduling matters, no prehearing motions shall be entertained by the Administrative Law Judge.
9. In the Administrative Law Judge's discretion, parties may convene for a prehearing conference with the Administrative Law Judge to discuss relevant issues, such as anticipated witnesses or the scope of the appeal.
10. Record of the Hearing. An audio recording of the hearing shall be kept and all exhibits received in evidence at the hearing shall be maintained.

E. Appeals from Disciplinary Actions. The proceedings for appeals from disciplinary actions are bifurcated.

1. During the first phase of the proceedings, the Administrative Law Judge considers evidence of the charges upon which the discipline was based. The County bears the burden of proving the charges by a preponderance of the evidence.
 - i. If the Administrative Law Judge sustains all of the charges, then it shall proceed to the second phase of the hearing, described herein.
 - ii. If the Administrative Law Judge sustains none of the charges, then the Administrative Law Judge shall overturn the disciplinary action.
 - iii. If the Administrative Law Judge sustains some, but not all, of the charges, then the Administrative Law Judge shall refer the decision back to the department director for reconsideration of the disciplinary decision, in light of the Administrative Law Judge's findings. A referral back to the department director is an interlocutory order, and is not subject to appeal. The department director may decrease the severity of, modify, withdraw, or retain the disciplinary decision previously made. If the department director fails to

respond to the Administrative Law Judge within three (3) business days from the Administrative Law Judge's referral, then the Administrative Law Judge shall proceed as if the department director has not changed the disciplinary decision.

2. During the second phase of the proceedings, the Administrative Law Judge considers whether the misconduct warranted the sanction imposed by the department director. The Administrative Law Judge gives broad deference to the department director's choice of punishment, and reviews that decision for an abuse of discretion. The disciplined employee bears the burden of proving an abuse of discretion by clear and convincing evidence.

- i. A department director abuses his or her discretion if the sanction is arbitrary, capricious or illegal.
- ii. When considering whether the sanction is arbitrary, capricious or illegal, the Administrative Law Judge may consider whether the discipline imposed is:
 - a) Disproportionate in light of the circumstances: or
 - b) Inconsistent with previous sanctions imposed by the department upon similarly situated employees pursuant to the department's or County's own policies.
- iii. If the Administrative Law Judge finds that the disciplined employee has carried the burden of establishing an abuse of discretion, then the Administrative Law Judge shall overturn the disciplinary action.

3. The disciplined employee may waive challenge to either phase of the proceedings at any time. In the absence of a clear, written waiver, the proceedings will proceed through both phases.

F. Appeals from discharge or reassignment due to fitness for duty determinations.

1. In cases of discharge or transfer to a position of less remuneration due to a determination that the individual is unfit to report to duty due to a medical condition, the employee has the right to appeal that decision.
2. In cases of fitness for duty appeals, the County bears the burden of proving by a preponderance of the evidence that the circumstances warrant the action taken.

G. The Administrative Law Judge shall render a final decision in writing and may:

1. Sustain the County's action; or
2. Overturn the County's action;
 - i. If the County's action is overturned, the human resource department, or designee, shall remove the record of the overturned action from the employee's personnel file and retain it separately, which record shall be designated as private pursuant to Utah law.
 - ii. The Administrative Law Judge shall reinstate any loss of pay associated with an overturned action, but in the case where an employee has taken

employment elsewhere, the amount shall be reduced by any amounts the employee earned from other employment during this period of time.

- iii. If a department director reduces the severity of the disciplinary decision, then the Administrative Law Judge shall reinstate any loss of pay which would not have been incurred, if the reduced discipline had been initially imposed.

H. The Administrative Law Judge shall transmit a copy of its decision to the employee, the department director, the human resources department, and the County Recorder for certification. The County Recorder shall certify the decision by placing the County's official seal on the document, and the date of certification.

1.22.130 – Land Use Appeal.

- A. A land use decision may be appealed by neighboring property owners and other affected persons.
- B. Utah Code requires that San Juan County, which regulates zoning, create a process to hear appeals from zoning decisions through an appeals hearing process. The County has contracted with an Administrative Law Judge as the hearing officer for the County.
- C. The Administrative Law Judge is authorized to consider appeals of administrative land use decisions, and may grant variances to zoning regulations. The Administrative Law Judge may not amend land ordinances, ignore ordinances, or use “appeals” as a means of waiving required regulations but perform these functions in accordance with Utah Code § 17-27a-701 to 708.
- D. The appellant has the burden of proving that the Planning Commission, Commission, County Administrator or Director of Planning has erred.
- E. The Administrative Law Judge will perform a review of all factual matters regarding the appeal including factual matters on record as to substantial evidence for each essential finding of fact.
- F. The Administrative Law Judge shall determine the correctness of the Planning Commission, Commission, County Administrator or Director of Planning’s interpretation and application of the plain meaning of the land use regulations; and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.
- G. The Administrative Law Judge’s decision is a quasi-judicial act.
- H. Only a decision in which the Planning Commission, Commission, County Administrator or Director of Planning has applied a land use regulation to a particular land use application, person, or parcel can receive an Administrative Hearing.
- I. The decision of the Administrative Law Judge takes effect on the date when the Administrative Law Judge issues a written decision. This written decision will be made in a timely manner and in accordance with the Administrative Law Judge’s Contract.
- J. In accordance with Utah Code § 17-27a-801(2) (a), the written decision, constitutes a final decision or final action Utah Code § 17-27a-801(4).

San Juan County Aged Tax Claim Agreement

This agreement is entered into as of this ___ day of August, 2020, by and between [SAN JUAN COUNTY] ("San Juan County") and LISBON VALLEY MINING CO. LLC, a Utah limited liability company ("LVMC" or the "Company"). San Juan County and LVMC are collectively referred to as, the "Parties."

WHEREAS, LVMC owes property tax liabilities, including fees and interest, to San Juan County from 2015 through 2019, in the amount of \$1,768,447.91 (the "Outstanding Tax Liability"). LVMC has been unable to pay the Outstanding Tax Liability as a result of low copper prices and, more recently, the economic impact from the COVID-19 global pandemic. The Company is in negotiations with a financial group to make a substantial investment in the Company which would facilitate the re-start copper production and mining operations during Q4 2020 and a restructuring of the Company's balance sheet. With the new investment, the Company anticipates immediately rehiring fifty (50) employees, with a total employee base of ninety-five by December 2021; and

WHEREAS, in order to attract investment into the business, it is in the best interest of LVMC to enter into an agreement with San Juan County to resolve the Outstanding Tax Liability through scheduled payments and relief from accrued penalty fees and interest; and

WHEREAS, San Juan County is desirous of promoting business and employment within its jurisdiction and supports the Company's efforts to bring in new investment to re-start mining operations and add employees to its payroll.

NOW, THEREFORE, for good and valuable consideration the Parties agree as follows:

1. Repayment Schedule and Release of Fees and Interest.

- (a) San Juan County hereby waives and releases LVMC for that portion of the Outstanding Tax Liability relating to penalties, fees and accrued interest in the amount of \$311,779.52 (the "Waived Liability"), which shall be irrevocable when the Adjusted Tax Liability (defined below) is paid in full. For the avoidance of doubt, no further interest shall accrue or fees imposed so long as LVMC does not cause a material default (which is not cured under any applicable period of time) under this agreement with respect to the Outstanding Tax Liability.
- (b) In full and final satisfaction of the Outstanding Tax Liability, beginning on the last day of the month immediately following the re-start of mining operations (re-start is currently anticipated to be in November 2020), LVMC will make sixty (60) monthly payments of \$24,277.81 (each a "Progress Payment") to San Juan County totaling \$1,456,668.39 (the "Adjusted Tax Liability"). Each payment will be made on the last day of each month. If the last day falls on a weekend, federal or state bank holiday, the payment will be made the next business day.
- (c) LVMC will pay its 2020 property tax by June 30, 2021 and shall make all future annual property tax payments on the 31st of March of the following year. This paragraph (c) shall survive the expiration or termination of this Agreement.

2. **Term and Termination.** This Agreement shall be effective from the date hereof and shall continue until the Adjusted Tax Liability it paid in full (the "Term"). This Agreement may be terminated only upon the written consent of the Parties.

3. **Adequate Assurance.** Both parties agree they have no reasonable grounds for insecurity regarding the performance of any obligation by the other Party under this Agreement.

4. **Representations of the Parties.** LVMC represents and warrants to San Juan County that (i) it is duly organized and validly existing and while in reclamation is pursuing a strategy to exit reclamation and re-start copper production and mining operations, (ii) it is making all efforts possible to have all regulatory approvals from all jurisdictions necessary for it to perform legally its obligations under this Agreement, (iii) the execution, delivery and performance of this Agreement are within its power, have been duly authorized by all necessary action and do not violate any of the terms and conditions in its governing documents, any contracts to which it is a Party or any law applicable to it, (iv) this Agreement when entered into constitutes its legally valid and binding obligation enforceable against it in accordance with its term.

San Juan County represents that it has received all necessary approvals (including, but not limited to, the approval of the San Juan County Commission) to enter into, execute and take and perform any action under this Agreement and its performance under this Agreement is within its power and does not violate any of the terms and conditions of the County or applicable law, regulation, ordinance or similar rule.

5. **Governing Law; Exclusive Jurisdiction.** Utah law governs any Proceeding brought by one party against the other party arising out of this contract. If either party brings any Proceedings against the other party arising out of this contract, that party may bring that Proceeding only in a state court located in San Juan County, Utah (for claims that may only be resolved through the federal courts, only in a federal court located in Salt Lake City, Utah), and each party hereby submits to the exclusive jurisdiction of such courts for purposes of any such proceeding.

6. **Default.** LVMC's failure to make a Progress Payment that is uncured within 10 days of the scheduled payment date shall constitute a default of this Agreement. Within thirty days of the expiration of any cure period, LVMC shall provide written notice of such default to the San Juan County Commission and will appear at the next scheduled San Juan County Commission meeting following such default to address the default and possible remedies. LVMC's failure to make a Progress Payment within the applicable cure period (or is not otherwise excused or waived by the San Juan County Commission) will result in the reinstatement of the Waived Liability.

7. **Notice Requirements.**

- (a) All notices are required to be given in writing and shall be deemed given when delivered either by (i) hand delivery, (ii) certified or registered mail, postage prepaid and addressed to the address set forth herein for the Party being notified,

(iii) email transmission with receipt confirmed, or (iv) recognized overnight delivery service addressed or directed as follows below. Either Party may change its address for notices by written notice to the other Party consistent with this Section 7.

- (b) Correspondence Address: Notices of all agreement matters shall be addressed as follows:

When to San Juan County:

San Juan County
P.O. Box 338
117 South Main Street
Monticello, UT
84535
Attn: John David Nielson / Clerk &
Auditor

When to LVMC:

Lisbon Valley Mining Co. LLC
PO Box 400
Moab, UT 84532
Phone: 435-686-9950
Facsimile: 435-259-6960
Attn: George Shaw and Controller

8. Counterparts. This Agreement may be executed in any number of counterparts, each of which will be deemed an original and all of which will constitute one and the same instrument. Such counterparts will be delivered by one party to the other by facsimile or other electronic transmission, and such counterparts shall be valid for all purposes.

9. Assignment Restricted. Except with the prior written consent of the other party, each party shall not transfer, including by merger (whether that party is the surviving or disappearing entity), consolidation, dissolution, or operation of law:

- (a) Any discretion granted under this contract;
- (b) Any right to satisfy a condition under this contract;
- (c) Any remedy under this contract; or
- (d) Any obligation imposed under this contract.

10. Invalidity. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement, which shall remain in full force and effect pursuant to the terms hereof.

11. Severability. The parties acknowledge that if a dispute between the parties arises out of this contract or the subject matter of this contract, the parties desire the court to interpret this contract as follows:

- (a) With respect to any provision that it holds to be unenforceable, by modifying that provision to the minimum extent necessary to make it enforceable or, if that modification is not permitted by law, by disregarding that provision; and
- (b) If an unenforceable provision is modified or disregarded in accordance with this section, by holding that the rest of the contract will remain in effect as written.

12. Complete Agreement. This Agreement is the complete and exclusive statement of the entire understanding of the parties regarding the subject matter hereof, and supersedes all previous agreements or understandings regarding the same, whether written or oral. This agreement may not be amended, nor may any portion hereof be waived, except in a writing duly executed by the parties hereto.

IN WITNESS WHEREOF, the Parties hereto have caused their authorized representatives to execute this Agreement effective on the date first above written.

SAN JUAN COUNTY

By: _____
Kenneth Maryboy, Chair
San Juan County Board of County Commissioners

Date: _____

ATTEST:

John David Nielson
San Juan County Clerk/Auditor

Date: _____

LISBON VALLEY MINING CO. LLC

By: _____

Authorized Person

Spanish Valley

PC Zone Application and Preliminary Community Structure Plan



December 20, 2019

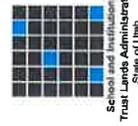


Table of Contents

1.0 SITE CHARACTERISTICS.....	1
2.0 LEGAL DESCRIPTION	6
3.0 ZONING, LAND USE & LAND OWNERSHIP.....	7
4.0 TRANSPORTATION.....	21
5.0 UTILITIES AND INFRASTRUCTURE.....	27

Property Owner and Applicant:
School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102
(801) 538-5100

1.0 - Site Characteristics

The School and Institutional Trust Lands Administration (SITLA) is considering developing approximately 5,245 acres in unincorporated San Juan County in the Spanish Valley immediately south of the northern county line near Moab. This project is currently known as Spanish Valley. The proposed development area is entirely owned by SITLA and is planned to be served by the Spanish Valley Water & Sewer Improvement District (SVWSID).

Existing Land Use and Form

The Spanish Valley is surrounded by large areas of open land that contribute to the broad views and unique vistas found here. Such areas also provide wildlife habitat and places to engage in outdoor activities and recreation. Ken's Lake is a reservoir located just east of the project area and is managed by the Bureau of Land Management (BLM). The area includes a campground with more than three miles of hiking trails. Fishing in the reservoir is popular, although boating is limited to non-motorized craft. Beyond the project area, much of land is managed by the BLM.

Geology and Landform

The Spanish Valley is a northwest-southeast trending valley that merges with the Colorado River north of Moab. The main geologic features in the area are the Glen Canyon Group sandstones and the La Sal Mountains. The Glen Canyon Group rocks form the steep walls on both sides of the Spanish Valley, as well as the mesas and dendritic canyons for which the area is famous.

Precipitation and Groundwater Recharge

The Spanish Valley averages 15 inches of precipitation annually. Most of this precipitation is lost to evapotranspiration, with only 0.25 inches infiltrating down and recharging the groundwater. Summer precipitation is usually in the form of thunderstorms, which are localized, intense and short-lived. Winter precipitation is less localized, less intense and of longer duration. The gradual melting of winter snow allows more time for precipitation to infiltrate and recharge the groundwater, especially during spring melting of the winter snowpack at higher altitudes.

The main source of groundwater recharge in the Spanish Valley occurs in the La Sal Mountains to the east. The slopes of the mountains are covered in areas by talus, which readily absorbs snowmelt runoff and precipitation. Several springs discharge from the sides of Spanish Valley, especially from the eastern side.

Drainage

PACK CREEK

Pack Creek is an intermittent stream through the study reach with flowing water occurring during periods of snow melt and rainfall events. The creek bed is dry much of the year (see **Figure 1**). The water table is deep in the valley floor and the stream channel lacks riparian vegetation. It flows through the study area and conveys storm runoff to Mill Creek which flows to the Colorado River. The tributary drainage area to Pack Creek in San Juan County is shown on **Figure 2**. Pack Creek is a critical resource for the project area and provides a natural storm drainage outlet for Spanish Valley. Pack Creek also represents a flood hazard for portions of Spanish Valley.

Mill Creek and Pack Creek both drain from the mountains east of Spanish Valley and are similar hydrologically. The Grand County Flood Insurance Study (FIS) provides hydrologic information for both creeks. The FIS provides an estimate for the 1 percent annual exceedance event (100-Year flood) for Pack Creek including the methodology used to arrive at the estimated flow rate. The FIS explains that historically Mill Creek had a USGS stream gage that recorded streamflow and peak streamflow. The period of record included 1915-1917 and 1975 to 1993 which provided about 20 years of peak streamflow data. A statistical analysis using the Army Corps of Engineers program HEC-FIA and the available peak streamflow data was used to estimate the 100-year flood for Mill Creek. Stream gage records for Pack Creek were very limited (about 5 years of records) and therefore a combination of regional regression equations and the results from the Mill Creek analysis were used to estimate the 100-year flood for Pack Creek.

The Flood Insurance Study (FIS) defines a 100-year flowrate for Pack Creek at Mill Creek Drive of 7,120 cfs which includes a drainage area of 57.4 square miles. The Pack Creek drainage area tributary to the SITLA lands in Spanish Valley is about 43.8 square miles. Assuming a linear relationship between drainage area and peak flow, the estimated peak flow on Pack Creek for a drainage area of 43.8 square miles is 5,430 cfs.

To develop a design 100-year flood hydrograph for Pack Creek and tributaries, a storm runoff model was prepared. An HEC-HMS rainfall runoff model using the SCS curve number approach was developed using design precipitation estimates from NOAA Atlas 14. Curve numbers were estimated based on available soil data and land cover conditions observed during a field visit. The watershed was then divided into subbasins of similar hydrologic characteristics (see **Figure 2**). The initial model run indicated a flowrate below the anticipated 5,430 cfs. The curve number for each subbasin was increased by 1 (for example a CN of 71 was raised to 72) and rerun and the model produced a peak flowrate of 5,200 cfs. The difference between the computed peak

Figure 1 – Pack Creek Channel in Valley Floor

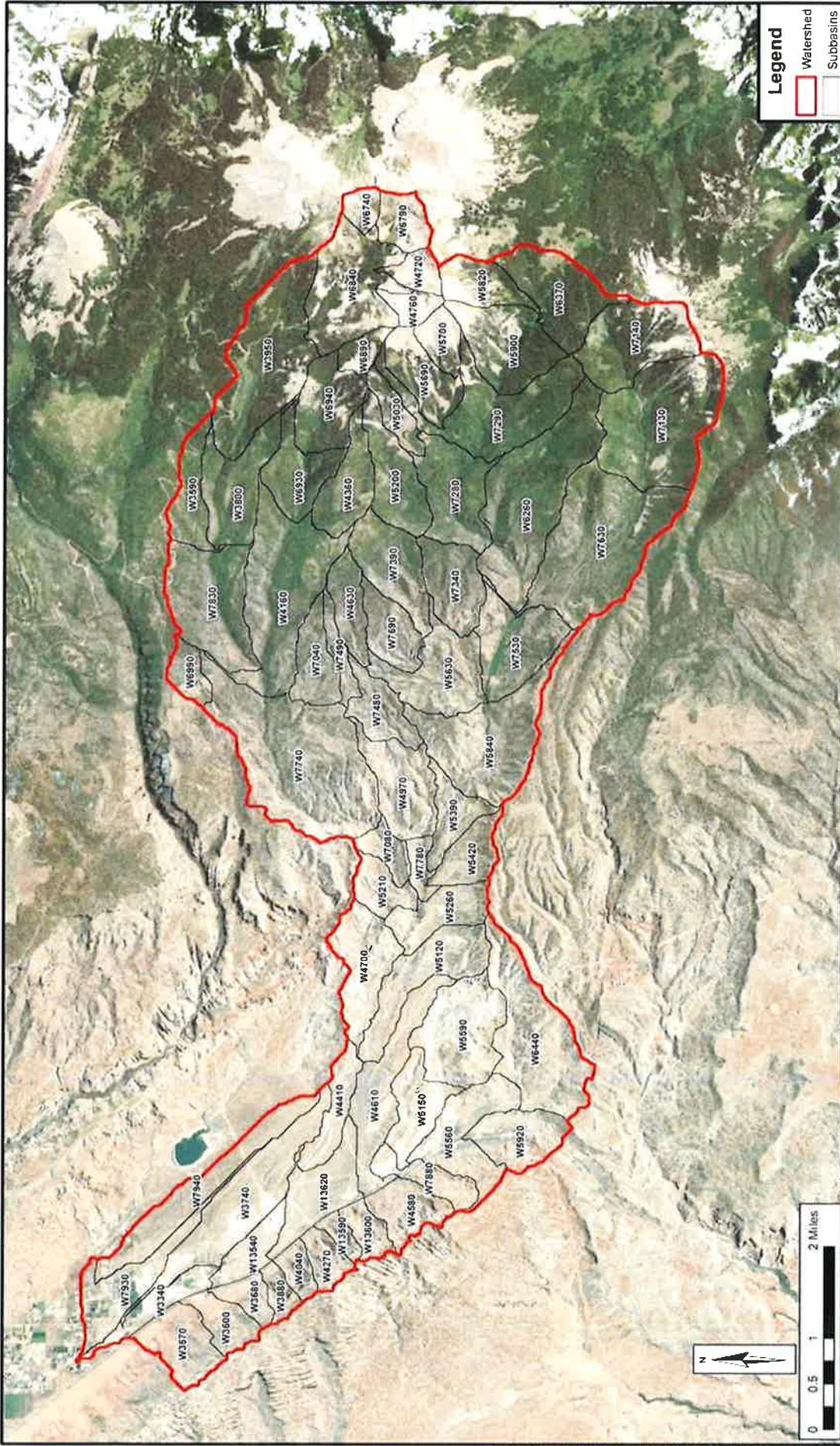


flowrate and the estimated peak flowrate based on the adjusted FIS flowrates for Pack Creek was less than 5% and was considered an adequate calibration for the purposes of this project. The computed outflow hydrograph was then used as a boundary condition in the hydraulic model used to estimate the 100-year floodplain.

Pack Creek poses a flood hazard risk to a significant portion of the San Juan County Spanish Valley floor. Results of a 2-dimensional flood analysis of the project area are presented on **Figure 3**. The braided nature of the channel network in the southern end of the valley is evidence of an alluvial fan. Above the valley floor, Pack Creek flood flows are confined in mountain ravines which have high gradients and convey large quantities of eroded sand, rock, and boulders out onto the valley floor. On the valley floor land slopes are reduced and flood flow velocities are reduced depositing sediment and debris, forming a fan shape. The erosion/deposition process results in channel braiding where channels are alternately cut and filled with sediment.

A majority of the San Juan County Spanish Valley floor is mapped by the Natural Resource Conservation Service as hydrologic soil group A with high infiltration rates (see **Figure 4**).

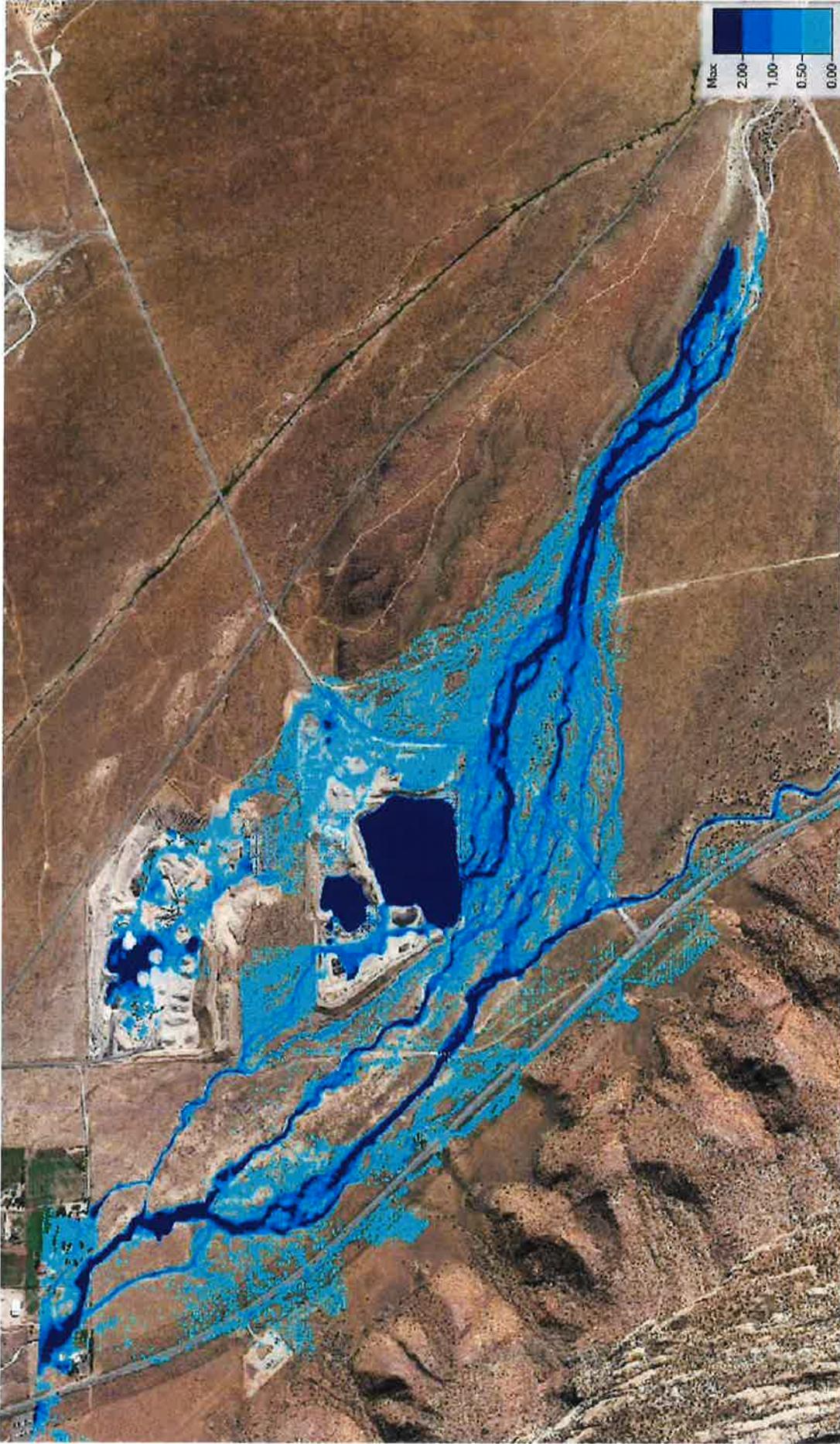
Figure 2 – Pack Creek Tributary Area



Prepared by Hansen, Allen & Luce



Figure 3 – Pack Creek Flood Analysis showing depth below surface in meters



Prepared by Hansen, Allen & Luce



3.0 - Zoning and Land Use

Existing Zoning

As illustrated in the accompanying diagram (see **Figure 6**), the application area is currently controlled by eight zones in the San Juan County Zoning Ordinance, as follows:

Spanish Valley Residential (SVR)

The Spanish Valley Residential (SVR) District is designed primarily to accommodate residential uses in large lot (one-acre or greater) and smaller lot (1/4 acres up to 1 acre) developments. In addition to the Uses and Lot Design Standards of this section, development in this district shall be in compliance with all other applicable provisions of the San Juan County Land Use Ordinance, and shall promote and protect public health, safety, and welfare.

Planned Community (PC)

The purpose of the Spanish Valley Planned Community (PC) District is to provide a regulatory tool that allows large properties in the San Juan County portion of the Spanish Valley to be developed in accordance with a specific plan. A PC Zone or PC Zones may include residential neighborhoods and subdivisions; neighborhood commercial centers; A PC Zone may include residential neighborhoods and subdivisions; neighborhood commercial centers; commercial centers; flex development areas that may comprise residential, business and highway business, research and educational campuses and facilities depending on the specific type of flex zone (see (Residential, Business and Highway Flex descriptions that follow). The District will also include parks, open space and trails and associated systems, with convenient and well planned roadways, pedestrian accesses and connections. Individual structures within each PC Zone may contain mixed uses. Permitted densities may be higher than those permitted in surrounding districts.

Residential Flex (RF)

These areas are meant to serve as a transition between adjacent residential, commercial and business areas. These areas may include residential neighborhoods and subdivisions; neighborhood commercial centers; business, research and educational campuses; highway commercial and flex development areas; well-planned roadways; and parks and open space with convenient pedestrian access and connections. Individual structures within each PC Zone may contain mixed uses. Permitted densities may be higher than those permitted in surrounding districts.

Business Flex (BF)

A wide-range of business operations shall be the primary uses. These shall include business parks, large-format commercial and office uses, ancillary and support uses and smaller-scale commercial uses as appropriate. A range of residential uses, including employee housing, short-term visitor housing and similar speciality residential uses

may be included as part of large-scale, coordinated and flexible business-centric developments within the BF Zone.

Highway Flex (HF)

The wide range of commercial uses as detailed in the Highway Commercial Zone shall apply. These uses shall primarily be developed as part of large-scale, coordinated and flexible commercial-centric developments. A range of speciality residential uses may also be proposed, including employee housing, short-term visitor housing, and similar uses as part of large-scale, coordinated and flexible commercial-centric developments.

Highway Commercial (HC)

A district where highway commercial uses along U.S. Highway 191 are permitted, as supported in the San Juan County Spanish Valley Area Plan (2018) and San Juan County General Plan (2018). Specific uses should include establishments offering goods and services to motorists, and provide for non-pedestrian-oriented retail, wholesale, service and repair activities which do not contribute to the creation of unattractive, congested and unsafe highway conditions, with access provided primarily from driveways linking to east/west arterial roads linked to U.S. Highway 191, from UDOT-approved access driveways on U.S. Highway 191 in the short-term and via anticipated frontage roads along U.S. Highway 191 in the long-term.

Spanish Valley Water Efficient Landscape Requirements

An ordinance establishing minimum water efficient landscape requirements for the non-federal lands in the Spanish Valley within San Juan County. See Land Use Plan on page 28 of the San Juan County Spanish Valley Area Plan (adopted April 17, 2018) for a map and general description. The purpose of this ordinance is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by reducing water waste and establishing a structure for designing, installing and maintaining water efficient landscapes in the San Juan County Spanish Valley.

Outdoor Lighting and Sign Illumination Standards

An ordinance establishing outdoor lighting and design illumination standards in order to preserve highly-valued dark skies in the region. The ordinance applies to the non-federal lands located in the Spanish Valley within San Juan County.

Spanish Valley Sign and Display Requirements

An Ordinance Creating the Spanish Valley Sign Requirements of the San Juan County Land Use Ordinance for the purpose of managing the design and implementation of signs and displays in the non-federal lands in northernmost portion of the San Juan County Spanish Valley.



Spanish Valley Overnight Accommodations Overlay District Requirements

An ordinance establishing an overnight accommodations overlay district that can be sought for sites located within the Spanish Valley Highway Commercial District. See Spanish Valley Zoning Map for the location of the Highway Commercial District in which the overlay can be applied. Overlay districts are established to provide standards addressing unique circumstances or conditions affecting single sites where the development of such sites is of special public concern. Upon approval of special purpose district zoning, the special purpose district replaces the previous base district. Overlay districts are established to provide for certain additional requirements for properties located in one or more base zoning districts. In addition to the requirements of the underlying base zoning district, the provisions of the overlay district would also prevail in the areas so zoned.

Controlled District - Highway (Cd-h)

An ordinance establishing Highway Commercial and other uses within 1,000' of either side of US-191 as both permitted and conditional uses. The indicated areas on the zoning map are properties and operations known and reported have valuable mineral deposits and are to remain as zoned per Utah Code 17-41-402. Similar properties may exist where the same or similar conditions apply. The zone includes other uses and other regulations that supersede those otherwise applicable in the Spanish Valley.

Agricultural (A1)

An ordinance intended to promote and preserve conditions favorable to agriculture and maintenance of greenbelt open spaces, including single-family residences, ranches and cabins; two-family residences are permitted as a conditional uses, and additional single-family units may be approved on a case-by-case basis for the use of employees and family members. The indicated areas on the zoning map are properties and operations known and reported have valuable mineral deposits and are to remain as zoned per Utah Code 17-41-402. The zone includes other uses and other regulations that supersede those otherwise applicable in the Spanish Valley.

Proposed Zoning

All lands within the Legal Description are proposed to be part of the Spanish Valley Planned Community (PC) Zone. As illustrated in **Figure 7**, the PC zone incorporates all of the zoning assumptions and requirements of the existing zoning illustrated in **Figure 6** and described in the preceding section.

Existing Land Use

Existing land use is predominantly vacant, including the remnants of an abandoned airfield located east of Spanish Valley Drive in the northern extents of the site. Two gravel extraction operations are located north of Flat Pass Road and west of Spanish

Valley Drive. A small portion of the dam wall and of Ken's Lake is located within the boundaries of one parcel.

Proposed Land Use

The types of uses proposed within the proposed PC Zone correspond to those described in the Spanish Valley Area Plan (2018), shown in **Figure 8**, which was adopted as part of the San Juan County General Plan and include the following:

Central Development Areas

These are the flattest, least sensitive and easiest-to-develop areas in the Spanish Valley, which make them suitable for a wide range of residential and park/open space uses. These are the preferred areas for locating higher-density residential uses and mixed-use neighborhood centers, where a mix of residential, local commercial and civic services will be provided.

Perimeter Development Areas

These areas are relatively isolated, located in the foothills and topographically challenged edges of the Spanish Valley. These areas are proposed for lower-density residential uses.

Flex Development Areas

These areas are located in close proximity to US-191 and are intended to establish an economic base for the Spanish Valley. These areas should be buffered from nearby residential neighborhoods and allow a range of business, distribution, highway commercial, and specialty residential uses.

Highway Commercial Development Areas

These areas take advantage of the location along US-191, providing sites for highway-based commercial uses that meet community and regional needs.

Neighborhood Centers

These areas support mixed-use centers that serve the local retail and service needs of the Spanish Valley. Development emphasizes small-scale retail, commercial and recreational uses. These locations also include limited residential (single and multi-family), public/semi-public uses, and open space uses. Neighborhood Center residential densities are generally the highest permitted in the Spanish Valley.

Open Space

Landscaped areas including parks, natural areas or farmland that are established to provide and preserve outdoor recreational, agricultural, or other similar uses. In addition to the open space district, areas of open space may also be provided within the other land use districts.



Figure 6 – Existing Zoning Map

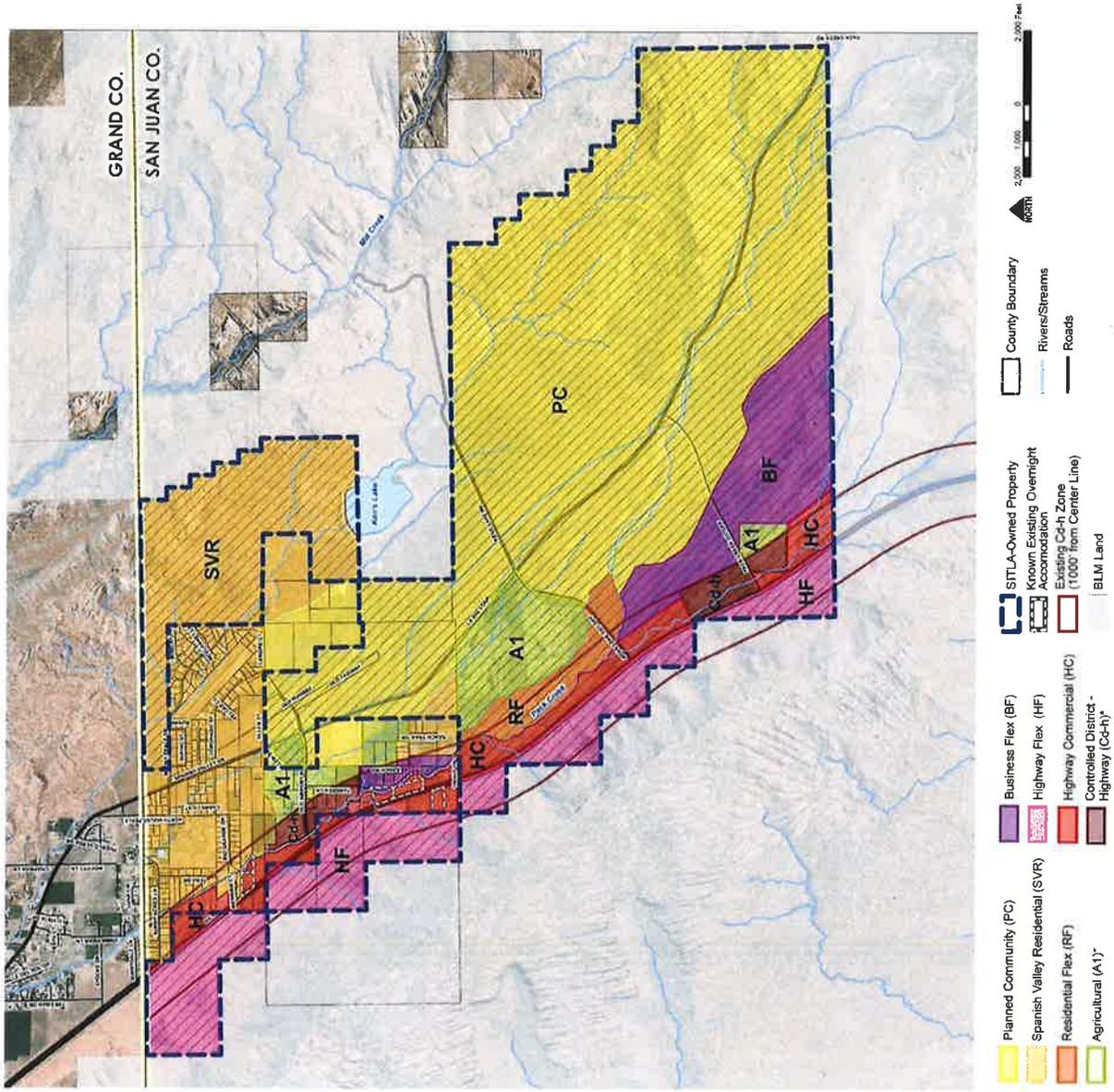
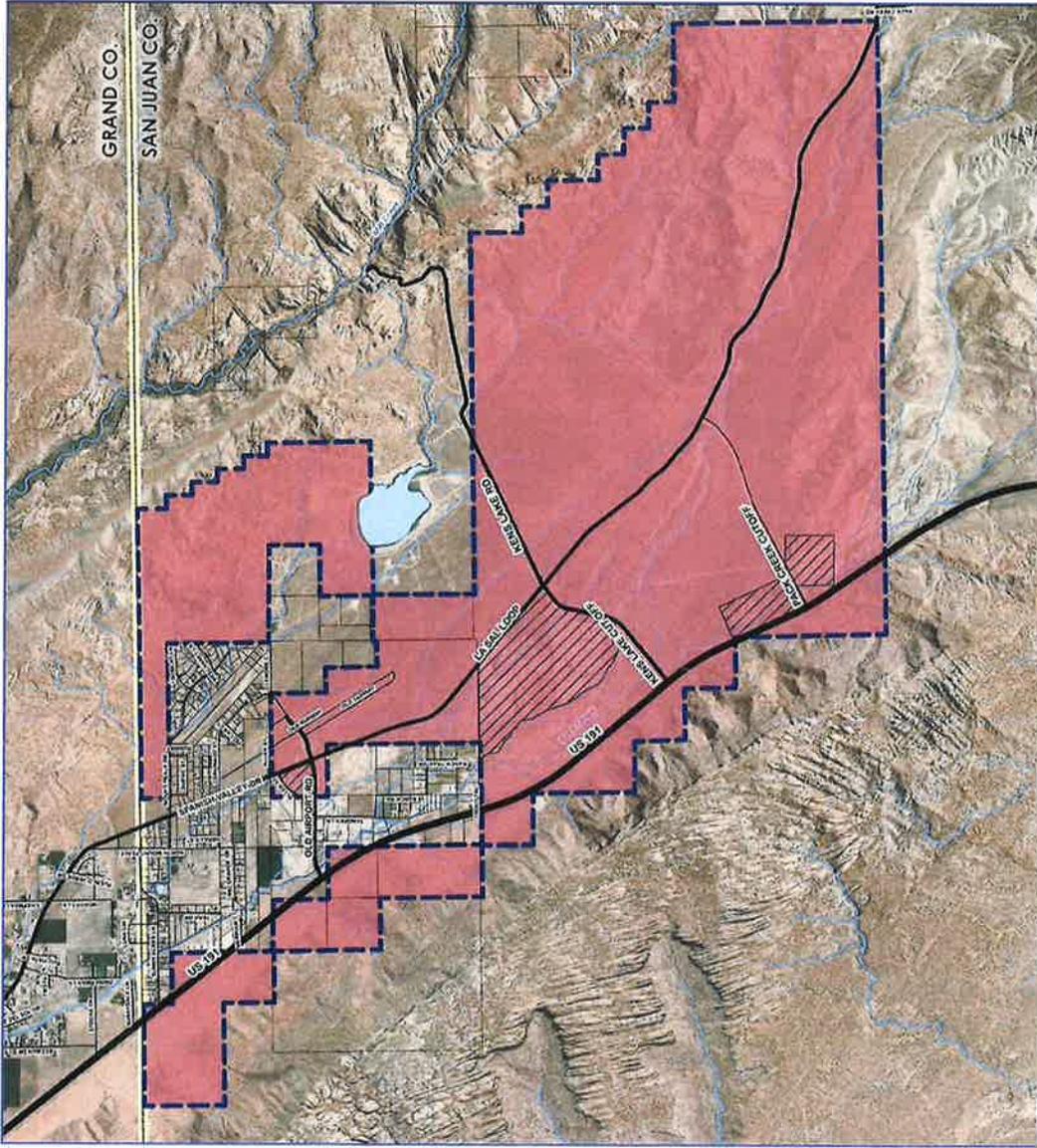


Figure 7 -- Proposed PC Zone Map



Existing Ownership

As illustrated in the Existing Land Ownership Map (see **Figure 9**) the properties contained in this application are wholly owned by SITLA. The project area is primarily surrounded by private land to the north and public land elsewhere.

Unique Features, Topography and Site Conditions

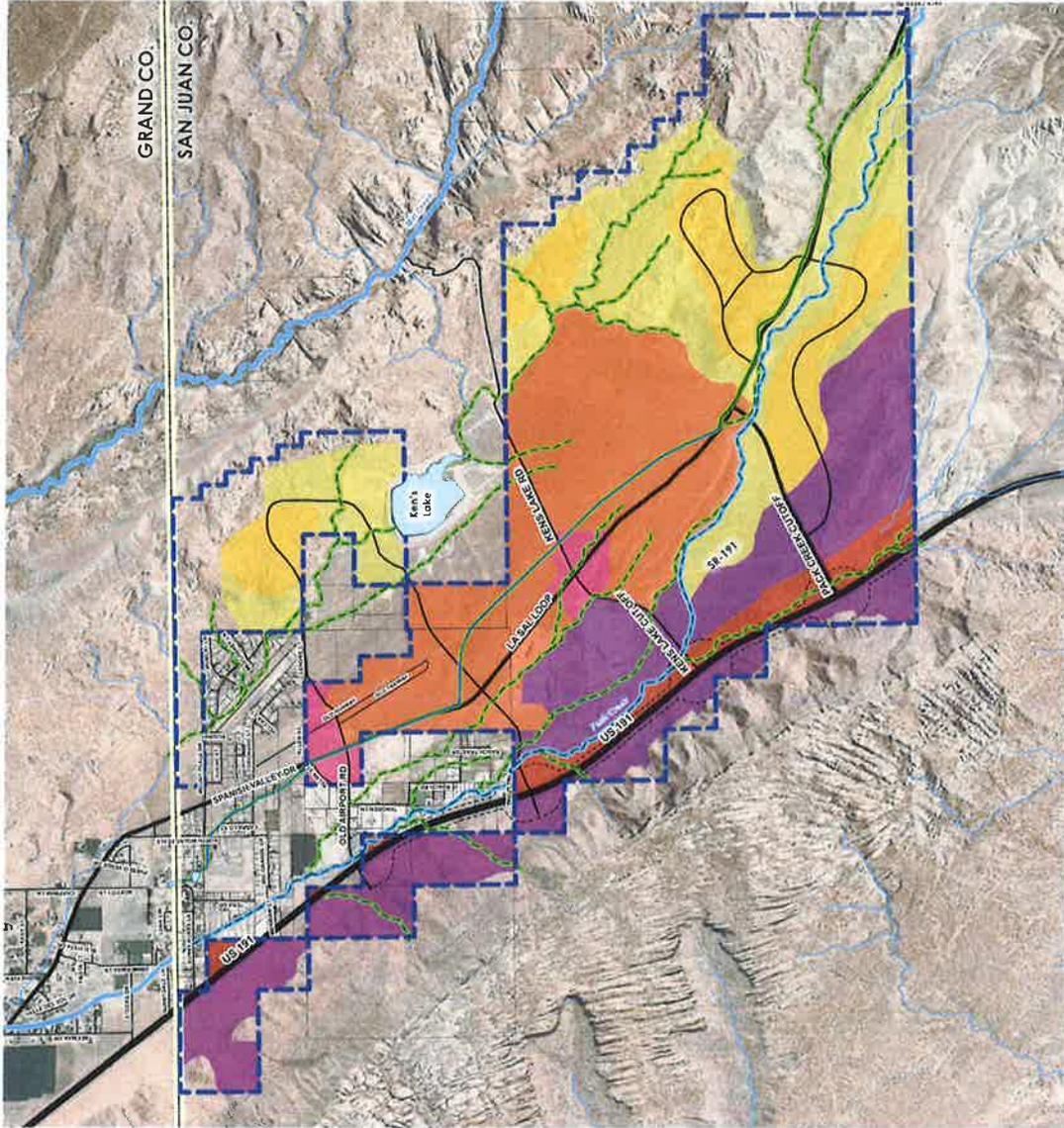
The planning for this area has been carefully considered to leverage the best qualities of the special landscape and setting as part of a fully-integrated and unified community. The densest and most intensive uses are concentrated along major roads and at key intersections in the center of the Spanish Valley, transitioning to less dense and less intense residential uses toward the east and west peripheries. The layout and design of distinct neighborhoods to the east balances regional commercial and similar highway-based uses to the west along US-191. The planning concept incorporates a robust open space system interlinked with a network of trail corridors, community parks and open space amenities. Topographic conditions have been well-considered throughout, featuring the most intensive uses along Spanish Valley Drive, which is also the flattest portion of the site. Lower density residential uses are concentrated in the eastern slope with similar transitions used to avoid environmental and safety issues related to Ken's Lake and Sky Ranch Airfield. Historic, geologic and natural features such as springs, ancient check dams and drainage ways are preserved within the parks and open spaces, ensuring that the unique sense of place and historic context of the area is preserved and branded as the area transforms and develops.

Relationship of the Proposed Spanish Valley – PC Zone with the General Plan

The proposed zone change supports the vision established in the recently adopted San Juan County Spanish Valley Area Plan (2018), shown in **Figure 8**, which was adopted as a chapter of the San Juan County General Plan. The Preliminary Community Structure Plan (see **Figure 10**) outlines the preliminary layout of the new community with highway-based uses along US-191 and a variety of residential and supportive commercial/community uses located within the center of the Spanish Valley. The community is further enhanced by two Neighborhood Centers at key intersections on either end of Spanish Valley Drive and by the seamless integration of an extensive park and open space system, encompassing drainages and multi-purpose trails. US-191, Spanish Valley Drive and four east/west collector roads form the primary road system, which is planned to support multiple modes of traffic and movement in the long-term. The planning concept incorporates and conserves key natural features including wet lands, Dry Creek, smaller drainages, springs and unique landscape features, which will help maintain the unique sense of place and connectivity with the natural beauty of the site and surroundings.

As indicated in **Figure 7**, there are existing sand and gravel operations within the application area where Utah code 17-41-402 applies, requiring that the existing zoning remain in place. It is assumed that these sites may one day also be developed according to the vision indicated in **Figure 10** once extraction operations are finalized.

Figure 10 – Preliminary Community Structure Plan



Legend

-  Flex Development Areas (601 acres)
-  Highway Commercial Development Areas (253 acres)
-  Neighborhood Centers (123 acres)
-  Central Development Areas (540 acres)
-  Perimeter Development Areas - land most suitable for development (60 acres)
-  Perimeter Development Areas - primarily parks and open space/more detailed analysis needed to determine development potential (265 acres)
-  Drainages/potential trail corridors
-  Canals/potential trail corridors
-  Pack Creek
-  SR-191
-  Spanish Valley Drive
-  Collector roads
-  Frontage roads

Note: Development boundary indicated by blue dashed line



Figure 11 – Land Use Table

LAND USE	ACRES	% OF TOTAL ACRES	ACRES OF OPEN SPACE	% OF TOTAL ACRES DEDICATED TO OPEN SPACE	ASSUMPTIONS	CALCULATIONS	PROJECTED UNITS	% OF TOTAL UNITS	PROJECTED SF	% OF TOTAL SF
Neighborhood Center	123	2.3%	37	0.1%	Mix of residential, office, commercial and similar uses proposed as part of creating a discernible mixed-use town. Uses may be mixed vertically or horizontally. 30% of acreage is assumed to be dedicated to trails, open space, local parks, etc. It is assumed that 50% of the area will be dedicated to residential uses with an average density of 8 units per acre. The remaining 50% is assumed as office, commercial and similar uses with an F.A.R. of 0.25.	$(0.5 \times 123) \times 8$ $(0.5 \times 123 \times 0.25) \times 43,560$	492	5.4%	670,000 SF	11.7%
Central Development Areas	1,193	22.7%	358	6.8%	A wide range of housing types and forms, including townhomes, apartments and single-family homes. 30% of acreage is assumed to be dedicated to trails, open space, local parks, etc. Average density of 4.5 units per acre.	$1,193 \times 4.5$	5,368	55.7%	-	-
Perimeter Development Areas	1,622	30.9%	487	9.3%	Located along the eastern edges of the development areas, these neighborhoods are relatively isolated, located in the foothills and topographically challenged edges of the valley. 30% of acreage is assumed to be dedicated to trails, open space, local parks, etc. Clustered Development is the preferred pattern and an average density of 1.5 units per acre is assumed.	$1,622 \times 1.5$	2,433	25.2%	-	-
Flex Development Areas	1,197	22.8%	359	6.8%	A range of business, distribution, highway commercial and specialty residential uses in response to market opportunities and conditions. 30% of acreage is assumed to be dedicated to trails, open space, local parks, etc. 25% of land is assumed as specialty residential uses with an average density of 4.5 units per acre. All other uses are assumed for the remaining 75% of land with a F.A.R. of 0.1.	$(0.25 \times 1,197) \times 4.5$ $(0.75 \times 1,197 \times 0.1) \times 43,560$	1,346	14.0%	3,910,000 SF	68.5%
Highway Commercial Development Areas	260	5.0%	78	1.5%	Highway-based commercial uses along US-191 to meet community and regional needs. 30% of acreage is assumed to be dedicated to trails, open space, local parks, etc. Assumed F.A.R. of 0.1.	$(260 \times 0.1) \times 43,560$	-	-	1,130,000 SF	19.8%
Excluded Open Space	850	16.2%	850	16.2%	Areas with environmental and physical constraints limiting economic feasibility of development.	-	-	-	-	-
TOTAL	5,245	100	2,169	40.7%	-	-	9,639	100%	5,710,000 SF	100

Note: the calculation methodology is the same as used in the San Juan County Spanish Valley Area Plan (2018)



Parks, Trails and Open Space

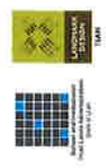
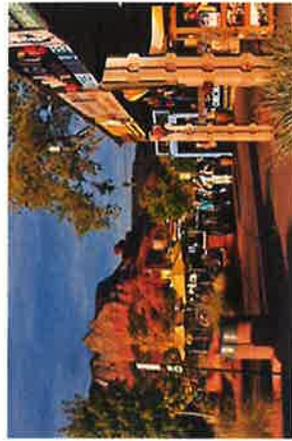
The primary open space system includes a range of natural lands, major trail corridors and parks. The trails system is extensive and fully-connected, linking community destinations, parks and open spaces in the area with regional facilities. A finer-grain system of trails, parks and open spaces will be included as part of detailed site design as the development process moves along, and will focus on meeting the park, trails and open space needs of individual neighborhoods and sub-districts.



Neighborhood Centers

These areas are focused around two key intersections along Spanish Valley Drive that will become the main community service centers. Development is envisioned to encompass all sides of the intersections in order to create unified and thriving destinations.

These mixed-use districts will include concentrated areas of local commercial and civic services as well as a range of multifamily types. Each node is approximately 60 acres in size, and should be carefully designed to reflect the vernacular forms and historic themes of the region.



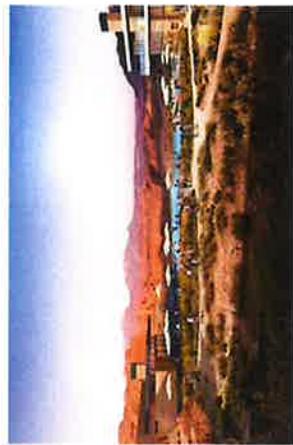
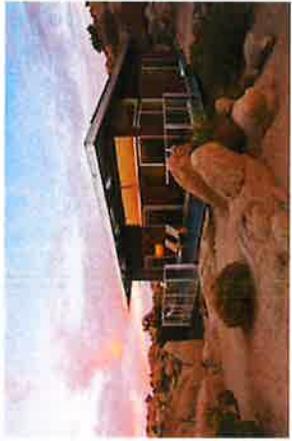
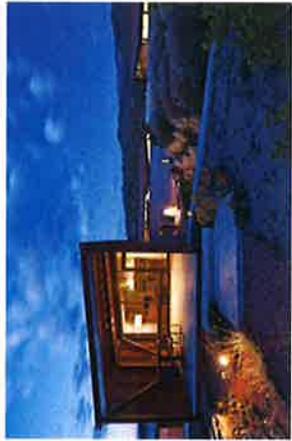
Central Development Areas

This category encompasses a range of residential forms, styles and densities, all laid out as part of engaging and coordinated neighborhoods. Townhomes, apartments and small lot single-family residential uses are envisioned to be the dominant form. Each area should include a range of neighborhood amenities, such as local gardens, parks, and trails. Sensitive lands and soils will need to be carefully assessed as part of the detailed design process to follow.



Perimeter Development Areas

Particularly suitable for the eastern foothills adjacent to current and planned open space systems, these areas are envisioned to take the form of single-family, large lot, specialty residential and ranch-type uses that are well-suited to the challenging terrain. The preferred pattern for these areas is Clustered Development. All types of development in these areas should respond to the topography and be sited in a way that blends into the landscape. This will ensure that views of the Spanish Valley are preserved for all residents and visitors to enjoy. In addition, sensitive lands and soils will need to be carefully assessed as part of the detailed design process to follow.



Flex and Highway Commercial Development Areas

Flex Development Areas provide opportunities to establish an economic base for the valley. Located along US-191, they are well-located to capitalize on highway traffic and access. These areas should be buffered from nearby residential neighborhoods, incorporating a flexible development approach that allows a range of office, distribution, highway commercial and specialty residential uses in response to market opportunities and conditions.

Highway Commercial Development Areas take advantage of the location along US-191, providing sites for a range of highway-based commercial uses to meet community and regional needs. For all areas, sensitive lands and soils will need to be carefully assessed as part of the detailed design process to follow.



Existing Transportation System

As illustrated in the Preliminary Community Structure Plan (see **Figure 10**), the Spanish Valley area is primarily served by US-191 and Spanish Valley Drive. US-191 is a state-maintained roadway, classified as a “System Priority-Rural Importance” (access category 2) roadway by the Utah Department of Transportation (UDOT). US-191 has one travel lane in each direction and acceleration/deceleration lanes at intersections. As identified and controlled by UDOT, a “Regional – Urban Importance” access classification allows minimum signalized intersection spacing of one mile (5,280 feet), minimum unsignalized street spacing of 1,000 feet, and minimum driveway spacing of 1,000 feet. The posted speed limit on US-191 in the area is 65 mph. According to UDOT records, UDOT has a designated right-of-way (ROW) of 400 feet along much of the US-191 corridor in Spanish Valley. Some sections of the roadway have as low as 100 feet of ROW, particularly between MP 117 and MP 118.5. The existing average daily traffic (ADT) on US-191 is approximately 8,000 vehicles per day.

Spanish Valley Drive is a county-maintained roadway, classified as a “major collector” roadway by UDOT. The roadway has one travel lane in each direction and a posted speed limit of 40 mph. Spanish Valley Drive serves as a direct connection to La Sal Loop Road, which is a scenic loop road through the La Sal Mountains. The existing ADT on Spanish Valley Drive is approximately 1,500 vehicles per day. Other public roads in the Spanish Valley area include Sunny Acres Lane and Old Airport Road.

Residential Land Use Assumptions

The Preliminary Community Structure Plan (see **Figure 10**) and Land Use Table (see **Figure 11**) present the approximate location and number of units of residential use. To summarize, the area is anticipated to include 9,640 Equivalent Residential Units (ERUs) in mixed-use development areas. While specific floor area has yet to be determined, it can be estimated to be slightly less than one million square feet assuming the average residential unit or ERU is 2,000 square feet. Specific building heights have yet to be confirmed.

Non-Residential Land Use Assumptions

Non-residential uses are anticipated to be concentrated in the Neighborhood Center, Highway Commercial, and Flex Development areas. These areas comprise approximately 843 acres. It is anticipated that there will be approximately 3,735,000 square feet of non-residential use in the Spanish Valley development area, based on the following assumptions:

- 0.25 Floor-to-Area Ratio (FAR) in Town Center
- 0.1 FAR in Highway Commercial and Flex Development

Future Roadways and Traffic Volumes

As illustrated in the Preliminary Community Structure Plan (see **Figure 10**), it is proposed that an additional major roadway be added in the east-west direction to connect US-191 to Spanish Valley Drive. These east-west connectors will create a grid-like transportation network for efficient travel and traffic management. In order to determine the necessary cross-sections of these roadways in addition to US-191 and Spanish Valley Drive, future traffic volumes were projected for the area.

Specific land uses were assigned to each planned area within Spanish Valley. Trip generation, or traffic volumes to and from these land uses, was estimated using trip generation rates published in the Institute of Transportation Engineers (ITE), Trip Generation, 10th Edition, 2017. The daily trip generation for the beginning phases is shown in the Trip Generation table (see **Figure 12**). As shown, it is anticipated that all land uses in the full build-out of the beginning phases generally north of Flat Pass Road will generate approximately 78,827 daily trips.

The trip generation was assigned to the roadway network based on the type of trip and the proximity of project access points to major streets, high population densities, and regional trip attractions. Existing travel patterns observed during data collection also provide helpful guidance to establishing these distribution percentages. As illustrated in the ADT Map (see **Figure 13**), 55 percent of the daily trips were assigned to/from the north, 12 percent were assigned to/from the south, and 33 percent were assigned completely within the internal Spanish Valley network.

The assigned daily trip generation was added to the existing ADT volumes, and the resulting projected volumes are shown in the ADT Map (see **Figure 13**). Based on the projected full build-out volumes, it is recommended that US-191 have a 5-lane cross-section, Spanish Valley Drive and the east-west connectors have 3-lane cross-sections, and local roadways have 2-lane cross-sections. These cross-sections are illustrated in the Proposed Cross-Sections diagram (see **Figure 14**). As shown, many of the 3-lane cross-sections have been designed with enough pavement to go to a 5-lane cross-section if that becomes necessary.

Note: Further road and transportation analyses will be conducted for the entire PC Zone in the Community Structure Plan as required.



Figure 12 – Trip Generation: Spanish Valley Beginning Phases Buildout

San Juan County - Spanish Valley TS													
Trip Generation													
Pod	Land Use ¹	Acres	# of Units	Unit Type	Trip Generation	% Entering	% Exiting	Pass-by Reduction	Net Trips Entering	Net Trips Exiting	Total Daily Trips		
1	Recreational Homes (260)	65.74	164	Dwelling Units	570	50%	50%	0%	285	285	570		
2	Recreational Homes (260)	60.06	240	Dwelling Units	834	50%	50%	0%	417	417	834		
3	General Office Building (710) [fitted curve equation]		206	1,000 Sq. Ft. GFA	2,140	50%	50%	0%	1,070	1,070	2,140		
	Multifamily Housing (Low-Rise) (220)		246	Dwelling Units	1,820	50%	50%	0%	910	910	1,820		
	Supermarket (850)	58.98	26	1,000 Sq. Ft. GFA	2,778	50%	50%	25%	1,042	1,042	2,084		
	Elementary School (520)		500	Students	946	50%	50%	0%	473	473	946		
4	Multifamily Housing (Low-Rise) (220)	37.69	264	Dwelling Units	1,956	50%	50%	0%	978	978	1,956		
5	Single-Family Detached Housing (210)	53.91	216	Dwelling Units	2,112	50%	50%	0%	1,056	1,056	2,112		
6	Multifamily Housing (Low-Rise) (220)	42.35	296	Dwelling Units	2,198	50%	50%	0%	1,099	1,099	2,198		
7	Single-Family Detached Housing (210)	90.77	363	Dwelling Units	3,406	50%	50%	0%	1,703	1,703	3,406		
8	Multifamily Housing (Low-Rise) (220)	24.61	172	Dwelling Units	1,260	50%	50%	0%	630	630	1,260		
9	Single-Family Detached Housing (210)	33.79	135	Dwelling Units	1,372	50%	50%	0%	686	686	1,372		
10	Single-Family Detached Housing (210)	69.66	279	Dwelling Units	2,674	50%	50%	0%	1,337	1,337	2,674		
11	Single-Family Detached Housing (210)	44.48	178	Dwelling Units	1,768	50%	50%	0%	884	884	1,768		
12	Multifamily Housing (Low-Rise) (220)	20.24	142	Dwelling Units	1,034	50%	50%	0%	517	517	1,034		
13	Single-Family Detached Housing (210)	32.15	129	Dwelling Units	1,316	50%	50%	0%	658	658	1,316		
14	Single-Family Detached Housing (210)	66.93	268	Dwelling Units	2,576	50%	50%	0%	1,288	1,288	2,576		
15	High-Turnover (Sit-Down) Restaurant (932)		6	1,000 Sq. Ft. GFA	674	50%	50%	25%	253	253	506		
	Multifamily Housing (Low-Rise) (220)		246	Dwelling Units	1,820	50%	50%	0%	910	910	1,820		
	Elementary School (520)	63.99	500	Students	946	50%	50%	0%	473	473	946		
16	General Office Building (710) [fitted curve equation]		223	1,000 Sq. Ft. GFA	2,310	50%	50%	0%	1,155	1,155	2,310		
	General Light Industrial (110)	133.97	233	1,000 Sq. Ft. GFA	1,156	50%	50%	0%	578	578	1,156		
	Public Park (411)		90	Acres	72	50%	50%	0%	36	36	72		
17	Multifamily Housing (Low-Rise) (220)	23.95	168	Dwelling Units	1,230	50%	50%	0%	615	615	1,230		
18	Shopping Center (820) [fitted curve equation]		17	1,000 Sq. Ft. GLA	1,802	50%	50%	25%	676	676	1,352		
	General Light Industrial (110)	38.02	149	1,000 Sq. Ft. GFA	740	50%	50%	0%	370	370	740		
	High-Turnover (Sit-Down) Restaurant (932)		5	1,000 Sq. Ft. GFA	50	55%	45%	25%	21	17	38		
19	Shopping Center (820) [fitted curve equation]		16	1,000 Sq. Ft. GLA	1,730	50%	50%	25%	649	649	1,298		
	General Light Industrial (110)	37.69	148	1,000 Sq. Ft. GFA	736	50%	50%	0%	368	368	736		
	High-Turnover (Sit-Down) Restaurant (932)		4	1,000 Sq. Ft. GFA	40	55%	45%	25%	17	14	31		
20	General Light Industrial (110)		342	1,000 Sq. Ft. GFA	1,698	50%	50%	0%	849	849	1,698		
	Shopping Center (820) [fitted curve equation]	98.06	85	1,000 Sq. Ft. GLA	5,384	50%	50%	25%	2,019	2,019	4,038		



Figure 14 – Proposed Street Cross-Sections

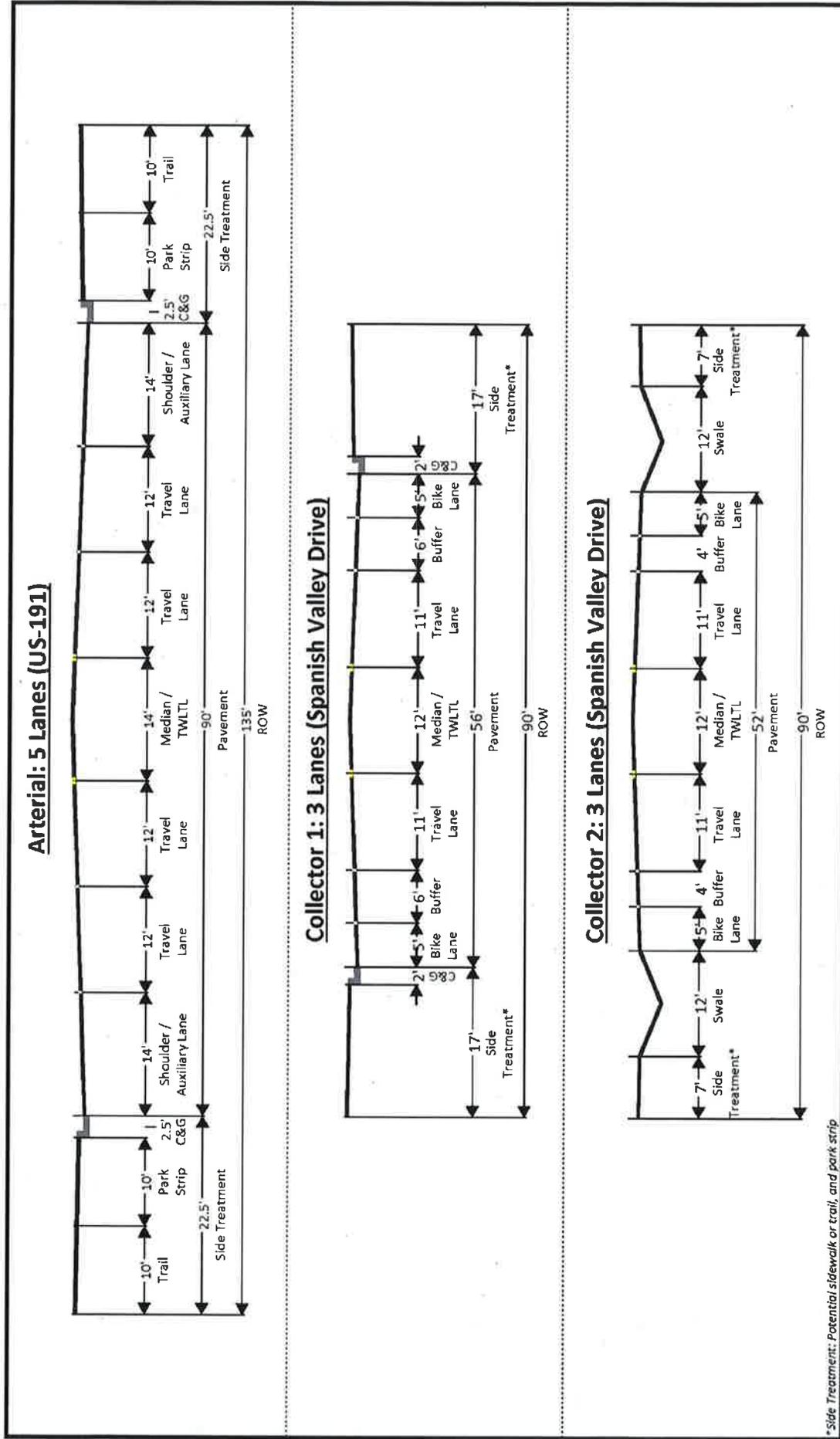
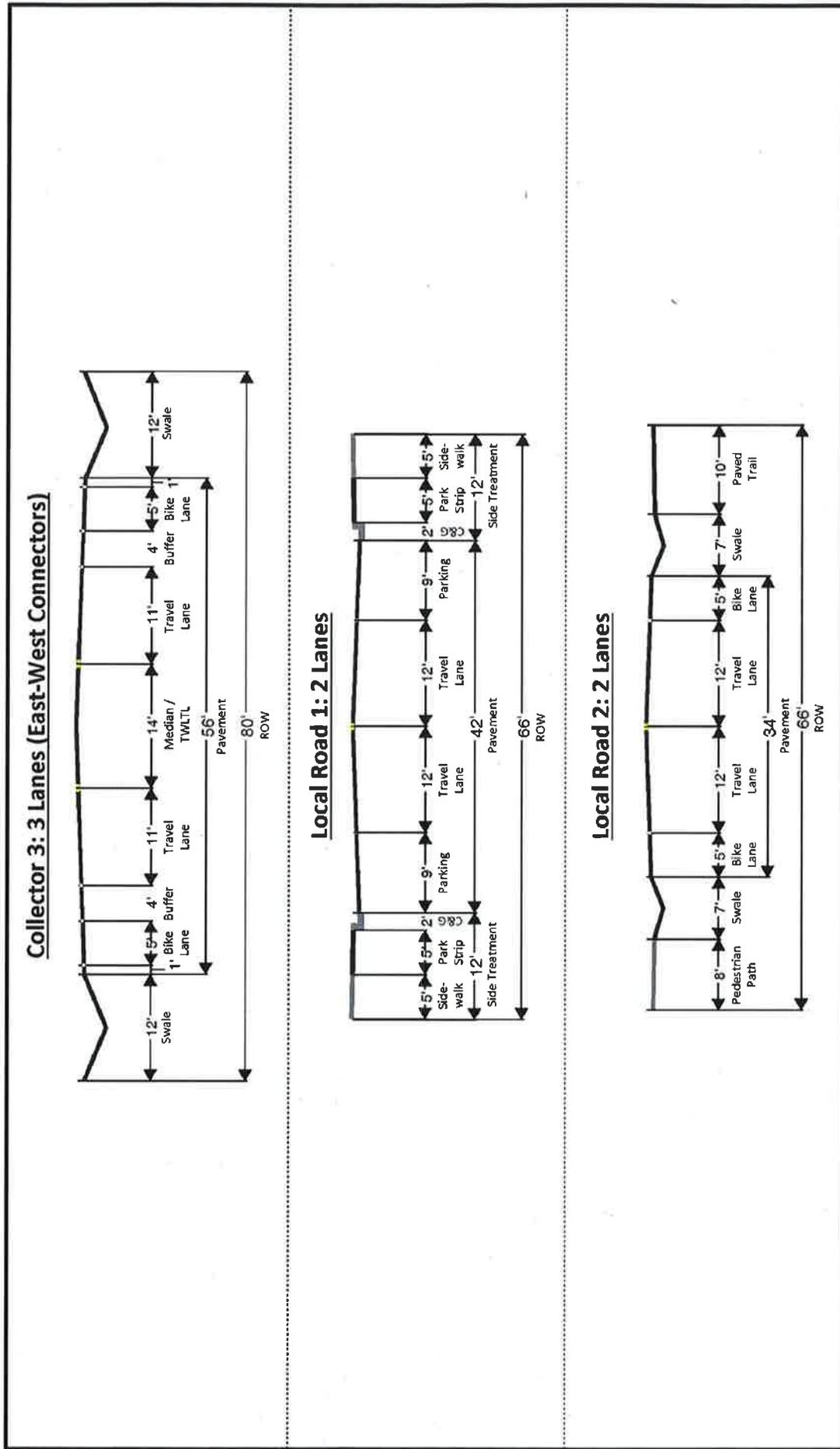


Figure 14 (Cont.) – Proposed Street Cross-Sections



5.0 - Utilities and Infrastructure

Existing and Proposed Utilities and Infrastructure

Spanish Valley Water and Sewer Special Service District (District) oversees water and sewer services for its services area in the San Juan County (County) portion of the Spanish Valley. The County oversees storm drain and flood control for the County's service area in the Spanish Valley. Transportation in the area is overseen by the County. The proposed project is expected to develop approximately 9,640 equivalent residential connections (ERCs) in commercial, mixed use, attached-unit residential and single family detached residential development. SITLA understands that the existing utility infrastructure will have to be expanded and construction of new infrastructure will be required to serve the development. The purpose of this summary is to provide a qualitative overview of existing utilities and SITLA's intent to expand and provide service to the Spanish Valley development area. Each utility is discussed by subject below.

SANITARY SEWER INFRASTRUCTURE

The District is installing a new sanitary sewer collection system to service existing residents in the County's portion of the Spanish Valley. The sewer system will have capacity for 747 ERCs. The sewer system will consist of 8" sewer collection lines that flow into a 10" trunk line, which is owned and maintained by Grand Water and Sewer Service Agency (GWSSA).

SITLA understands that the District does not currently have capacity to serve all of the project and expects that existing infrastructure will need to be expanded to serve the additional ERCs in the Spanish Valley development area. SITLA will work with the District to determine the long-term impacts to the system and the best course of action for improvements for the District. Improvements are expected, but not limited to, construction of new sewer collection and transmission lines.

POWER, GAS AND COMMUNICATIONS INFRASTRUCTURE

SITLA will work with Rocky Mountain Power, Dominion Energy, Frontier Communications and Emery Telcom to supply services to the project area.

WATER INFRASTRUCTURE

The District is developing a source, distribution and storage system to supply culinary water to the County's portion of the Spanish Valley, which includes i) a well facility with capacity for 576 ERCs, ii) a distribution system with 8", 10" and 12" lines, and iii) a 500,000 gallon storage tank near the well facility with a capacity of 800 ERCs.

SITLA understands that the District does not currently have capacity to serve all of the

development area and expects that existing culinary water infrastructure will need to be expanded significantly to serve the additional ERCs in the project. SITLA will work with the District to determine the long-term impacts to the culinary water system and the best course of action for improvements for the District. Improvements are expected, but not limited to, construction of new source, distribution and storage facilities.

Proposed Storm Drainage Facilities

Pack Creek is a critical resource for the study area, providing a natural storm drainage outlet for Spanish Valley. Pack Creek also represents a flood hazard for portions of Spanish Valley. Careful planning is needed to assure that Pack Creek is not adversely impacted by development and that new developments are adequately protected from flood hazards.

FLOOD HAZARD MITIGATION

A large portion of the southern area of Spanish Valley is affected by an alluvial fan associated with Pack Creek (see Figure 3). Two strategies are often used to protect developments from flood hazards on alluvial fans. These systems are normally designed to provide protection for floods up to the 1% chance flood event.

- **Debris basin and channelization.** A debris basin is placed above the alluvial fan to slow the flow out of the canyon mouth sufficiently to remove debris, bed load, and suspended sediments. The downstream conveyance system is enhanced to provide for the conveyance of the 1% chance flood event.
- **Protection of Individual Developments.** Specific areas on the fan can be protected through use of levees with sufficient height and armoring to protect the development from debris flows.

STORM DRAINAGE SYSTEM

The major storm drainage system in newly developing residential areas or business districts should generally be designed for the 100-year event (flood event with a 1% chance of being equaled or exceeded in any given year) with the objective of preventing major damage and loss of life. This does not mean that storm drain pipe systems should be designed for the 100-year event. It means that the combination of storm sewers and channelized surface flow should be designed together to provide adequate flood protection to homes.

Low Impact Development

An approach that can be used for long term storm water management is Low Impact Development (LID). LID techniques minimize the directly connected impervious area



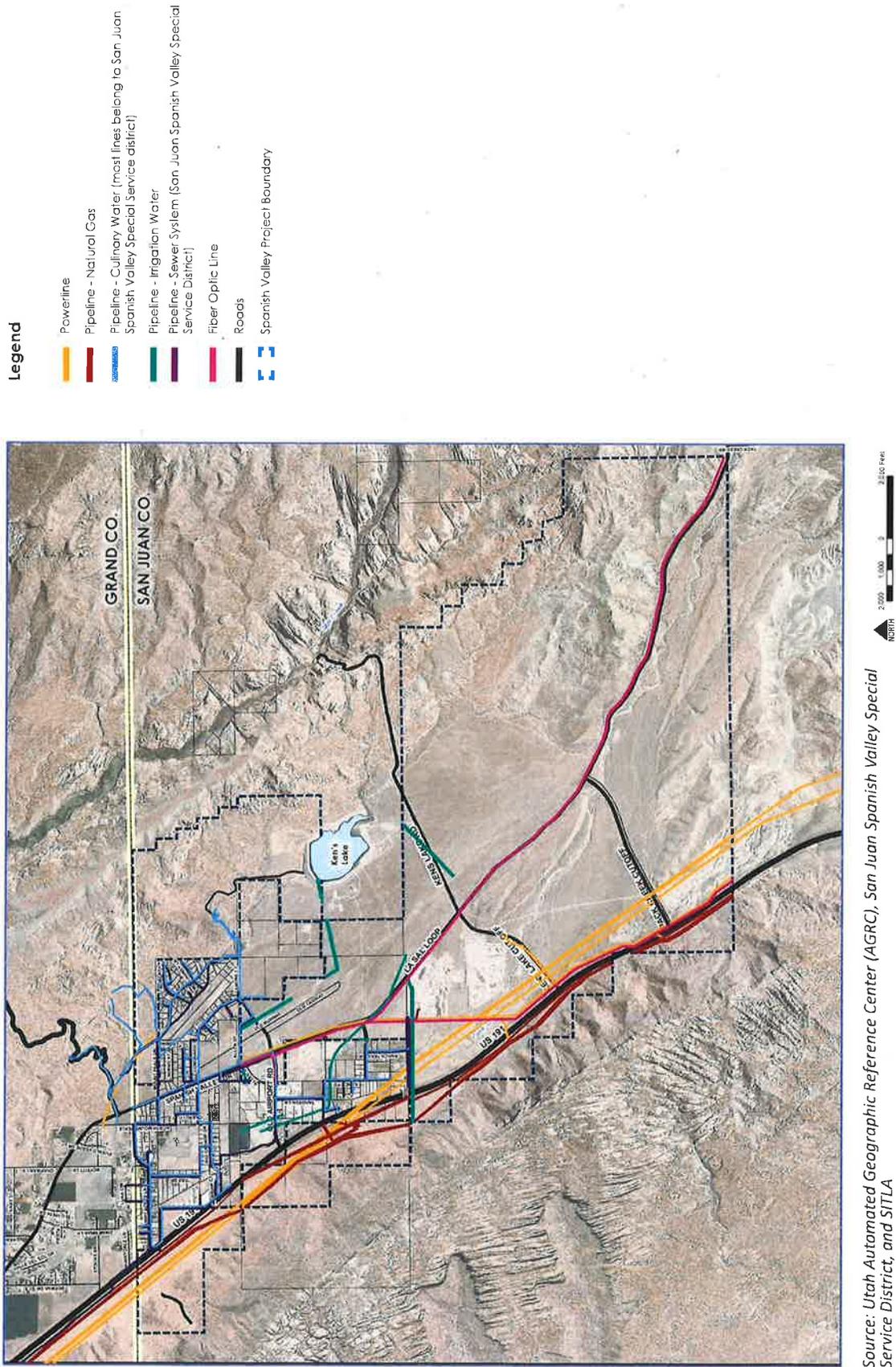
and infiltrate runoff from impervious areas near the source of the runoff, emphasizing conservation and use of on-site natural features and constructed swales to protect water quality. LID practices are especially helpful in areas of high soils permeability and low slopes.

Inherent in development is the increase of impervious area as roads, driveways, sidewalks, parking lots and buildings are constructed. Storm runoff from impervious areas can exceed ten times the runoff from natural areas. LID practices can help mitigate the effects of increased impervious areas by providing opportunities for infiltration near the source of the runoff. For example, in areas of suitable soils, the runoff from sidewalks and homes can be infiltrated prior to running off into the storm drain collection system. Stormwater detention basins are an effective means of reducing downstream runoff peak flow effects.

The Utah Department of Environmental Quality Division of Water Quality (DWQ) has recently made available a draft "Guide to Low Impact Development within Utah" (Utah LID Guide, Michael Baker International, September 2018). The Utah LID Guide describes alternate means of implementing low impact development practices. A key to low impact development is providing, to the extent practical, the infiltration of storm water near the source. Starting in 2019, municipalities who are permitted under the DWQ to discharge storm water will be required to develop an LID approach for new development and redevelopment projects. A key objective is the retention and infiltration on-site of the runoff from the 90th percentile storm event. The 90th percentile storm event for Spanish Valley is about 0.53 inches of rain.

Most of the soils in Spanish Valley are highly permeable and are conducive to LID practices. In particular the use of dry wells (sumps) to infiltrate runoff from roads and developments could be used to reduce the volume of runoff. Long term infiltration performance of dry wells requires pretreatment devices to remove organic material (leaves, loose bark, etc.) and sediments from flows prior to the dry well.

Figure 15 – Existing Utilities and Easements



Source: Utah Automated Geographic Reference Center (AGRC), San Juan Spanish Valley Special Service District, and SITLA

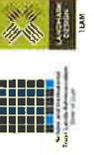
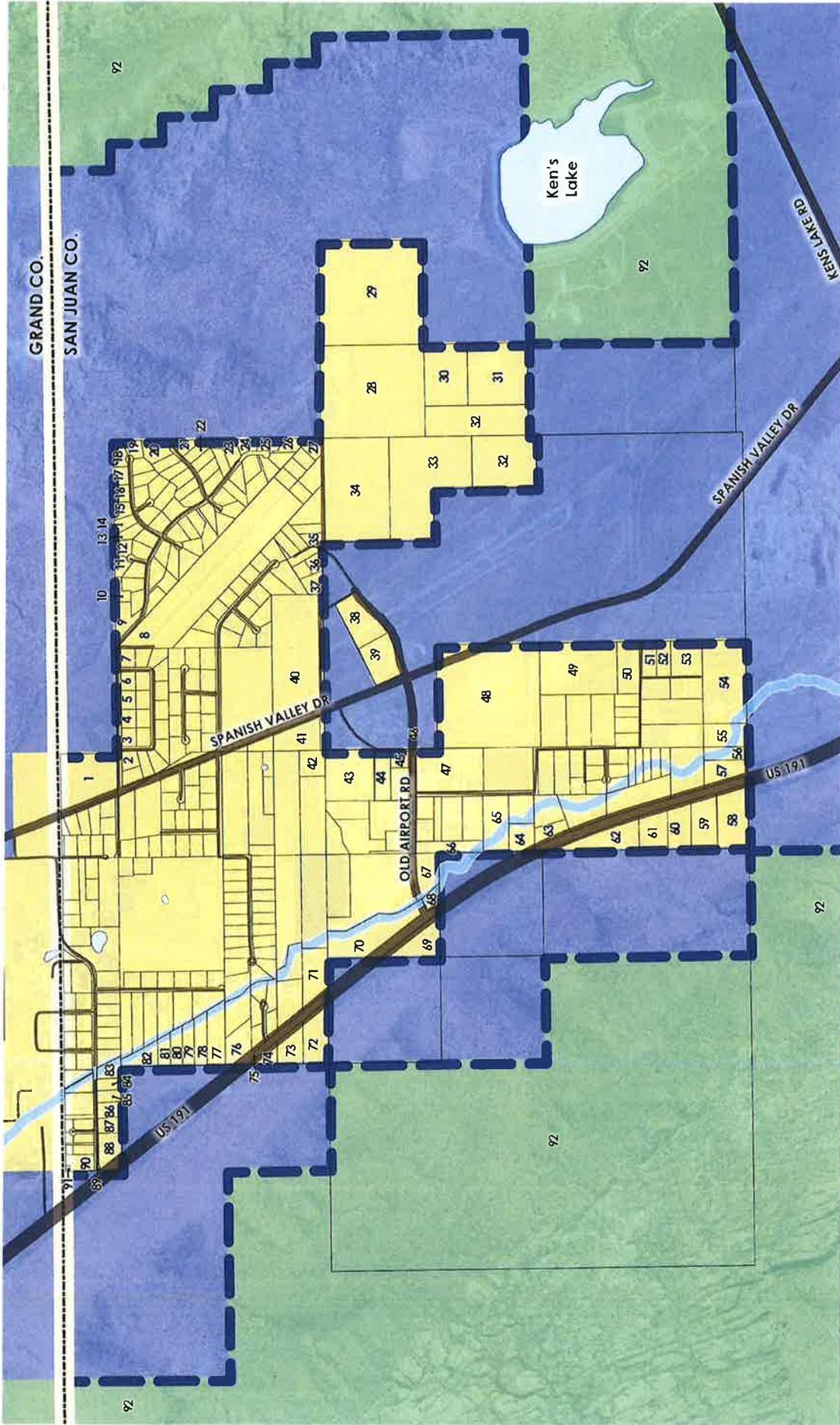


Figure 17- Adjacent Ownership (Enlargement of Figure 9 - Existing Ownership Map)



Legend

- Spanish Valley Project Boundary
- Private BLM
- SITLA

Spanish Valley - PC Zone Application
July 31, 2020

Legend

- NORTH
- SITLA
- BLM

Figure 17 (continued)

NUMBER ON MAP		PARCEL NUMBER	Owner
1		26S22E363600	Kenneth E. Bates, Julia Bates, Harley Edward Bates and Dorothy Lorraine Bates
2		000990000020	Business Resolutions, LLC, Trustee of the Moab Development Trust dated September 26, 2014
3		0009900000180	Business Resolutions, LLC, Trustee of the Moab Development Trust dated September 26, 2014
4		0009900000190	Business Resolutions, LLC, Trustee of the Moab Development Trust dated September 26, 2014
5		0009900000200	Business Resolutions, LLC, Trustee of the Moab Development Trust dated September 26, 2014
6		0009900000130	Business Resolutions, LLC, Trustee of the Moab Development Trust dated September 26, 2014
7		0009900000120	Business Resolutions, LLC, Trustee of the Moab Development Trust dated September 26, 2014
8		26S22E367801	Business Resolutions, LLC, Trustee of the Moab Development Trust dated September 26, 2014
9		0008200000010	Lester Zufelt and Laura Zufelt, Trustees of The Lester and Laura Zufelt Family Living Trust dated July 29, 2005
10		0008200000030	Lester Zufelt and Laura Zufelt, Trustees of The Lester and Laura Zufelt Family Living Trust dated July 29, 2005
11		000620010030	Kevin L. Irvine and Tina M. Irvine
12		000620010040	Samuel Adam Mealey
13		0006200000070	Stanley Jay Madsen and Evyonne Lynn Madsen
14		0006200000080	Pamela J. Sewell
15		0006200000090	Philip D. Atkins and Linda Duran McKelvey-Atkins
16		0006200000100	Brandon Melvin Williams and Courtney Richens, and Raymond A. Richens
17		0006200000110	Kristine M. Rogers and Lane C. Wille

NUMBER ON MAP		PARCEL NUMBER	Owner
18		0006200000120	James FW, Trustee of the FW James Revocable Living Trust dated May 20, 2016
19		0006200000130	Maxine D. Starr
20		000620000033B	Skeet Lammert and Teressa Lammert
21		0006200000340	Ronald G. Hacker and Paula C. Hacker
22		0006200000350	Alfred M. Cymbaluk and Jennifer L. Anderson-Cymbaluk
23		000620000049A	Daniel George McPherson
24		0006200000500	Philip A. Snyder
25		0006200000510	Dominic Lee
26		0006200000520	Dominic Lee
27		0006400A1010	Business Resolutions, LLC, Trustee of the Moab Development Trust dated September 26, 2014
28		27S23E063001	Melinda G. Elkin and Karl K. Spielman, Trustees of the Spielman and Elkin Revocable Trust dated June 14, 1999
29		27S23E062400	Stephen P. Johnston and Kathleen M. Johnston, Trustees of the Stephen P. Johnston and Kathleen M. Johnston Pre-Death Revocable Living Trust under agreement effective June 30, 2011
30		27S23E063000	Melinda G. Elkin and Karl K. Spielman, Trustees of the Spielman and Elkin Revocable Trust dated June 14, 1999
31		27S23E063600	Timothy O'Neil and Beverly B. O'Neill
32		27S22E011800	Betty E. Thomas and William Thomas, Trustees of the Betty E. and William Thomas Family Trust dated October 26, 1999
33		27S22E010002	William Thomas, Trustee of the William Thomas Family Trust dated October 26, 1999



Figure 17 (continued)

NUMBER ON MAP	PARCEL NUMBER	Owner
34	27S22E010001	Melinda G. Elkin and Karl K. Spielman, Trustees of the Spielman and Elkin Revocable Trust dated June 14, 1999
35	000450000030	Ronald Tazz Robinson and Kellie Warden
36	00045000006B	Mitch K. Kelling
37	000450000070	Mitch K. Kelling
38	27S22E012400	Local Building Authority of San Juan Health Service District
39	27S22E010700	San Juan County
40	00039000000D	Grand County
41	26S22E366602	Red Rock Partners LLC
42	26S22E366006	Brian C. Backus and Kelsie P. Backus
43	27S22E013000	LeGrand Johnson Construction Company
44	27S22E013008	LeGrand Johnson Construction Company
45	27S22E013007	Aron Ryan and Richard A. Ryan
46	27S22E013013	San Juan County
47	27S22E013606	LeGrand Johnson Construction Company
48	27S22E014200	Grand County
49	27S22E014800	LeGrand Johnson Construction Company
50	27S22E014802	LeGrand Johnson Construction Company
51	00056000004A	Gregory S. Williams
52	00056000004B	Gregory J. Mefret and Michelle L. Mefret
53	000560000050	Edward K. Tangren, Trustee of The Tangren Family Trust dated November 6, 1996
54	000560000060	Michael H. Bynum and Gina Giffin
55	000560000070	Michael H. Bynum and Gina Giffin
56	000800000010	Karl G. Tangren and Joylyn Johnson
57	000800000020	Karl G. Tangren and Joylyn Johnson

NUMBER ON MAP	PARCEL NUMBER	Owner
58	27S22E016001	IUC Properties LLC
59	27S22E016002	Rim View LLC
60	27S22E016003	Rim View LLC
61	27S22E015402	Ivan's Property Holdings, LLC
62	27S22E015405	Ivan's Property Holdings, LLC
63	27S22E013603	Kelly Sheets and Samantha Sheets
64	27S22E013602	Kane Creek LLC
65	27S22E013601	LeGrand Johnson Construction Company
66	27S22E013600	LeGrand Johnson Construction Company
67	27S22E020003	LeGrand Johnson Construction Company
68	27S22E020005	John Benjamin Gunn
69	27S22E020004	Shocker Holdings LLC
70	27S22E020002	(1/2 int) Ferrie Arthur Mathie, surviving Co-trustee of the Catherine LuPreal Summerhays Mathie Inter Vivos Trust and (1/2 int) Ferrie A. Mathie, surviving Co-trustee of the Catherine LuPreal Summerhays Mathie Family Trust
71	26S22E359004	Ronald J. Holyoak and Katherine F. Holyoak, Trustees of the Holyoak Family Trust dated April 30, 2003
72	26S22E358400	R & K Holyoak Properties, LLC
73	26S22E358401	Grand County
74	26S22E358402	Grand County
75	26S22E359000	Robertta H. Knuston and Wynona Dalton, Trustees of the Holyoak Family Trust



Figure 17 (continued)

NUMBER ON MAP	PARCEL NUMBER	Owner
76	000850010010	Tactical Lighting Solutions, LLC
	000850010020	James S. Pate
	000850010030	Dale Reynolds
	000850010040	Donald Gerard Bellio and Barbara Bellio, Trustees of the Donald Gerard Bellio Living Trust dated March 9, 2001
	000850010050	Doran J. Michaels
	000850010060	Dustin Frandsen
	000850010070	Jeffrey P. Peterson and Sarah D. Peterson
	000850010080	David R. Stuab and Elizabeth R. Stuab
	000850010090	David R. Stuab and Elizabeth R. Stuab
		NOTE: These 9 parcels are in a subdivision adjacent to SITLA land. The subdivision contains a "common area" which directly borders SITLA land and each lot owner receives a 1/9 interest in the "common area".
77	26S22E357805	Carroll Drilling LLC
78	26S22E357806	D&D Investments and Development LLC
79	26S22E357820	Wada Thompson Properties
80	26S22E357810	Thomas Howard Balsley
81	26S22E357830	Star Point LLC
82	26S22E357840	RREM Holdings, LLC
83	26S22E354207	Aletha Butcher
84	26S22E354206	Marlene R. Huckabay, Trustee of the Marlene Rumel Huckabay Living Trust dated August 28, 1997
85	26S22E354205	Corina Lynn Santos
86	26S22E354211	Earl Dwight Johnston and Dorothy Sue Johnston
87	26S22E354204	Sean G. McArthur
88	26S22E354203	John R. Krist

NUMBER ON MAP	PARCEL NUMBER	Owner
89	26S22E354214	San Juan County
90	26S22E354209	Matt R. Zunich and Kelly J. Zunich
91	26S22E354210	Chris Williams and Thippaphonh Williams
92	n/a	USA (Bureau of Land Management)





Kendall G Laws
San Juan County Attorney

klaws@sanjuancounty.org
Fax: (435) 587-3119

P.O. Box 850
Monticello, Utah 84535
Phone: (435) 587-2128

August 13, 2020

REVIEW OF SITLA PC ZONE APPLICATION IN SPANISH VALLEY

Dear Commissioners:

At the June 23rd commission meeting, it was requested by the board that I address four issues pertaining to the "PC Zone Application" (Hereafter referred to as "Application") submitted by SITLA for their property in San Juan Spanish Valley.

The request was that my analysis be made available to the public for their education as well. With that purpose in mind, I will answer only the issues posed by the Commission and will not go beyond that scope. However, I would encourage the Commission to direct the Planning Commission to conduct a thorough review of San Juan County Spanish Valley Development Ordinances (hereafter referred to as "Ordinance") as soon as possible. It is important to remember that procedurally, the current Ordinance was originally presented as a draft in September 2019 and this draft version was approved by the Commission in November 2019 rather than one of the other, more refined versions that were presented to the Commission for approval. For that reason, serious considerations should be made for directing the Planning Commission to review and revise this Ordinance.

It is important to note that the application from SITLA must be processed through the ordinance as it stands today. Therefore, while the county should review and repair the ordinance, desired revisions cannot factor into the current decision before the Board.

Summarize the SITLA Application

The Application is very thorough. SITLA appears to be working directly with Landmark Design, the same company that the County hired to create the ordinance, to ensure absolute

compliance with the ordinance. The Application as provided by SITLA is also accompanied by a Preliminary Community Structure Plan. It appears that SITLA provided this preliminary plan in order to provide the County with as much information about their prospective development plans as they have available. It is important to note that SITLA's *Preliminary* Community Structure Plan cannot be used to combine the PC Zone Plan (Step 1) with the Community Structure Plan (Step 2). The only thing before the County Commission at this time is the PC Zone Plan (Step 1).

Explain the process, application, and vestiture triggers contained in the Ordinance

The Spanish Valley Planned Community (PC) District process contains five distinct steps. Each step will be briefly explained as well as any rights of the developer that vest at the respective steps.

I. PC Zone Plan (Rezone)

- a. This is the step that is currently before the County Commission.
- b. The PC Zone Plan is essentially a request to rezone property that is not unlike the rezoning process that takes place from residential to commercial or commercial to industrial for example.
- c. The property covered by this step is the total land area to be rezoned to the PC Zone and in the Application is identified as a Large Planned Community.
- d. PC Zone Plan is submitted to the Planning Commission for review and recommendation and then adopted by the County Commission.
- e. PC Zone Plan Application must contain the following information:
 - i. Name of Planned Community;
 - ii. Names, Addresses, and phone numbers of applicant and property owner(s);
 - iii. Map showing PC Zone location, legal boundary description, acreage, scale, and an arrow indicating "north";
 - iv. Land use concept plan accompanied by a table showing the land use district types and acreage of all proposed permitted and conditional uses, the maximum number of dwelling units, Floor Area Ratios, and

the total acreage of open space in the PC Zone and areas (in square footage or acreage) of the various non-residential land uses proposed in the PC Zone;

- v. Map showing existing waterways, major utilities, easements, storm water conveyances, flood boundaries, and other relevant infrastructure; and
 - vi. Adjacent parcels, owners, and land uses.
- f. Once the PC Zone Plan is approved, it becomes an amendment to the Spanish Valley Area Plan for the area approved and the approved PC Zone Plan **shall confer a vested right to proceed with the development process as established in the Ordinance for all property included within the PC Zone.**
- i. This vestiture includes number of dwelling units and the square footage of nonresidential uses reflected in the approved PC Zone.
2. Community Structure Plan (CSP)
- a. This step requires submittal of master plans of major systems and the inclusion of development standards for things like major roadways, infrastructure, open space networks, general location of neighborhoods, etc.
 - b. The Planning Commission makes recommendations and the County Commission has **limited authority** to deny approval of the CSP. Note: the table in the ordinance is inconsistent with the body of the ordinance on this subject.
 - c. CSPs can be for portions of the PC Zone or the entire PC Zone may be included in one CSP.
 - d. The specific requirements for a CSP application are included in the ordinance at 2(B). However, since that is not the step currently before the Commission, and for the sake of brevity, all 13 requirements are not included here.
 - e. Disproval of a CSP can only occur under one of the following four circumstances:
 - i. Failure of the proposed CSP to include all of the elements required in the Ordinance;

- ii. Failure of the proposed master circulation system identified in the CSP to adequately serve the communities within the PC Zone;
- iii. Failure of the proposed major infrastructure identified in the CSP to provide adequate service to the communities within the PC Zone; and
- iv. The inclusion of land uses in the CSP not permitted or conditionally permitted in the Ordinance.
- v. When approving a CSP, reasonable conditions may be imposed to mitigate reasonably anticipated detrimental impacts in accordance with the County's Zoning Ordinance. Note: The County Zoning Ordinance does not contemplate PC Zones as adopted in the Spanish Valley Development Ordinance.
- vi. While the language in the CSP section appears to be in error, the only reasonable interpretation of the vesting language in the section is that denying approval of a CSP cannot interfere with the previously vested rights granted during the PC Zone Plan step.

3. Development Agreement

- a. Creates a legal contract between San Juan County and the owner(s)/developer(s) of the subject property. Details the obligations of both parties, specifying the standards and conditions that will govern the development and describe the vested interests of the parties. The language of this section presupposes that full vesting has already taken place.

4. Project Plan and/or Subdivision Plat

- a. Outlines the character and nature of the design of improvements within the specific project or subdivision. *Contains substantial detail.*
- b. Shows the uses of individual properties and parcels
- c. Must be approved by County staff before being submitted to the Planning Commission for approval.
- d. Preliminary and Final plats must be submitted and approved according the San Juan County Code requirements.

- e. Preliminary and final plats must conform to the applicable CSP standards from Step 2 as well as all project specific standards proposed and approved by the Planning Commission in connection with the final plat.

5. Site Plan Review

- a. This step may be done concurrently with Step 4.
- b. All Ordinance requirements shall be met in preparing the Site Plan applications and in designing and constructing the development
- c. Building permits may not be obtained and work cannot begin on the site prior to the Site Plan approval
- d. Site Plan approval is provided by County Staff.

Options available to the County when processing the Application under the Ordinance

As long as this PC Zone Application (application for rezone) complies with the six requirements set forth on page 20 of the Ordinance, the County cannot deny the rezone application. See section below for analysis of the Application.

It is also important to note that the proposed uses in SITLA's Application appear to match the current zones (other than they will now be in a PC zone), and that they are entitled to the use and approval at this stage. See Utah Code Ann. §17-27a-508.

Furthermore, much of the property involved in the proposed PC Zone is already zoned PC and therefore nothing will change on that portion of SITLA property, and SITLA is already entitled to present use in those areas as the land is currently zoned. Also, as SITLA's PC Zone Plan Application appears to incorporate the existing zoning currently in place on the areas of its property not zoned as PC, the County would not have grounds to deny proposed development under the existing zoning as their proposal appears to already contemplate entitled uses. However, by adding the property not currently zoned PC to the PC Zone may give the County more influence and participation in the process than if SITLA were to simply proceed with development in the zones as they presently exist.

Does the Application satisfy the first step of the process set forth in the Ordinance?

The Application does satisfy the requirements of the first step of the Ordinance. SITLA submitted the Application for PC Zone (essentially a simple rezone request) to the Planning Commission. The Planning Commission made a recommendation to the County Commission and that is where we presently find ourselves.

The six requirements of the PC Zone application are all met as follows:

1. The name of the planned community:
 - a. Spanish Valley (Cover Page)
2. Name, addresses, and phone numbers of the applicant and property owner(s):
 - a. School Institutional Trust Lands Administration
 - b. 675 East 500 South, Suite 500, Salt Lake City, Utah 84102
 - c. (801)538-5100
 - d. (Bottom Left of Table of Contents Page)
3. Map showing PC Zone location, legal boundary description, acreage, scale, and north arrow:
 - a. Page 6 of the Application Titled 2.0 Legal Description and including Figure 5 and Figure 7 (page 10)
4. Land use concept plan accompanied by a table showing the land use district types and acreage of all proposed permitted and conditional uses, the maximum number of dwelling units, Floor Area Ratios, and the total acreage of open space in the PC Zone and areas (in square footage or acreage) of the various non-residential land uses proposed in the PC Zone:
 - a. Contained in 3.0 Zoning and Land Use from pages 7 through 20 including Figures 10 and 11.
5. Map showing existing waterways, major utilities, easements, storm water conveyances, flood boundaries, and other relevant infrastructure:
 - a. Figure 16 (page 30), discussion of Pack Creek drainage in Section 1.0 (pages 1-2) and Figures 1-3.

- b. Figure 15 (page 29) and discussion in Section 5.0 (pages 27-28).
 - c. Section 4.0 (page 21) and figures 12-14 (pages 22-26).
6. Adjacent parcels, owners, and land uses:
- a. Figures 6 (page 9), Figure 9 (page 13) and Figure 17. Discussion on Page 12.

CONCLUSION

It is my legal opinion and analysis that the PC Zone Application, as supplemented by SITLA on July 31, 2020 meets the requirements for this step in the process under the San Juan County Ordinances.

Sincerely,



Kendall Laws
San Juan County Attorney