

San Juan County Highway Commercial Moratorium Analysis of Focus Group Meeting Notes and Comments

July 9, 2019

1. SUMMARY

San Juan County recently adopted a 180-day moratorium that temporarily prohibits the approval of commercial development along US-191 where it passes through the San Juan County portion of the Spanish Valley (see a copy of the moratorium ordinance in Appendix A).

Landmark Design has been contracted by the County to assist with the following tasks as part of instituting zoning changes within the six-month deadline of the moratorium:

- *Public engagement and community visioning*
- *Review and analysis of existing plans, policies and ordinances*
- *Development of ordinance alternatives*
- *Development of preferred policies and ordinances*
- *Consultation and revision through the adoption process*

As the first part of public engagement, Landmark Design met with a property owner in the current Highway Commercial Zone and later held a meeting with representatives of the *Northern San Juan County-Coalition (NSJC-C)*, which is a group of residents and property owners from the San Juan County portion of the Spanish Valley. The latter meeting was organized by members of the coalition and was held at the Grand Water & Sewer Service Agency Building on Wednesday, June 26, 2019.

Landmark Design also met with Bryan Torgerson, local representative of SITLA; Walter Bird, San Juan County Planner; and David Everitt, San Juan County Interim County Administrator. Landmark Design has also reached out to representatives of Love's Travel Stops and Country Stores and will continue efforts to meet with them to better understand current proposals for a truck stop within the affected area. Landmark Design also continues efforts to discuss the moratorium with Moab and Grand County Planning staff as part of a coordinated regional planning directive.

The following is a summary of notes taken by Landmark Design during the meeting with representatives of the *Northern San Juan County-Coalition (NSJC-C)* on June 26, 2019, in addition to comments and ideas emailed to Landmark Design between April 20 and July 9, 2019.

This summary is organized into four general categories as follow:

- **SR-191 Highway Commercial Uses and Overnight Accommodations**
- **Dark Skies Ordinance**
- **Love’s Truck Stop**
- **Additional Resident Concerns**

Verbatim copies of focus group notes, comments and materials presented to Landmark Design by the *Northern San Juan County-Coalition (NSJC-C)* are provided as separate appendices (see Appendices B-E).

MEETING AND INPUT FACTS:

Number of NSJC-C Focus Group Attendees Who Signed in: 18

Number of Documents Presented by NSJC-C: 4

Number of Comments Received by Email: 7

Number of Comments Received by Letter: 5

A. SR-191 HIGHWAY COMMERCIAL USES AND OVERNIGHT ACCOMMODATIONS

Numerous comments were received regarding the existing Highway Commercial Zone, as well as proposed Highway Commercial and Flex Development areas addressed in the *Spanish Valley Area Plan* and draft ordinances. There was also some comment and ideas expressed related to Overnight Accommodations.

Comments and ideas focused primarily on determining appropriate development types and the proper placement and location of uses. Residents generally expressed a desire to preserve and enhance the Spanish Valley’s character and the area’s role as a gateway to the Moab area. Some members of the *North San Juan County - Coalition (NSJC-C)* indicated the desire to incorporate strong design guidelines and ordinances related to dark skies, water use and other natural resource and environmental conditions, including noise and noxious fumes as part of achieving this goal.

In general, coalition members would like to see small to medium sized local businesses in highway commercial areas and avoid large scale commercial and industrial uses. Specific commercial uses for the proposed Highway Commercial and Flex zones follow:

- Office space
- Studio space (dance/music/art)

- Day care facilities
- Medical/dental facilities
- Veterinary offices
- Feed stores
- Nurseries and greenhouses
- Auto repair shops
- Light manufacturing (cabinet shops, etc.)
- Storage units
- Convenience stores/small grocery stores
- Bakeries, delis, etc.
- Locally-owned, independent restaurants
- Independent hardware/home supply stores
- Bait and tackle shops
- Water sports rentals
- Gas stations/electric vehicle charging stations
- RV parks/campgrounds
- Hostels
- Family-owned hotels/motels, limited to one story
- Possibly short-term rentals, but only if located in Highway Commercial zones

Specific commercial uses that residents did not want to see in the highway commercial areas include:

- Large chain hotels/motels
- Tourism-related businesses (outfitters, UTV rentals, etc.)
- Heavy industrial
- Big box retail stores
- Chain restaurants

There was general support for controlling overnight accommodations (hotels and motels; bed and breakfast operations; commercial campgrounds and motor home accommodations; and commercial condominiums) along the highway corridor. This was in part to support similar regional efforts currently being considered in Grand County and Moab, and partly to prevent the same patterns being established in the San Juan County Spanish Valley area.

B. DARK SKIES ORDINANCE

It was felt that the Dark Sky Ordinance proposed by Landmark Design to the San Juan County Planning Commission does not contain enough specifics to properly regulate possible sources of light pollution. It was suggested that San Juan County adopt a variation of the ordinances

recently adopted by Moab and Grand County, and that San Juan County contract with Grand County in the enforcement of any Dark Skies Ordinance that is adopted.

C. LOVE'S TRUCK STOP

The majority of comments received dealt with a proposed¹ Love's Truck Stop on the eastern edge of US-191 adjacent to Sunny Acres Lane. Existing uses to the north of the truck stop are primarily residential and the current zoning is commercial. This contentious development proposal is a primary concern of the NSJC-C and served as the catalyst for the formation of the coalition. The following is a summary of the principal concerns regarding the travel plaza:

1. Locating a large truck stop in close proximity to single-family residences that have been there for over 25 years is wrong. These are incompatible uses. The lack of adequate transitions and buffers will degrade the existing uses.
2. Noise from idling truck acerbate the incompatibility between long-standing residential uses and the truck stop.
3. Increased truck and recreational vehicle traffic will have severe negative impacts on the existing uses in the area.
4. Light pollution from a large scale, 24-hour operation and its negative impacts on dark skies and tourism are of great concern. This runs in opposition to the established desire of valley residents to maintain the area as a Dark Sky refuge.
5. Environmental concerns about the storage of fuel and surface runoff in close proximity to Pack Creek are of great concern. Such conflicts pose significant health threats to nearby residents and greater Spanish Valley/Pack Creek Watershed region.
6. A truck stop of this scale and magnitude places strain on limited water resources.
7. Public health concerns about pollution and noxious fumes from idling trucks, particularly on sensitive groups such as senior citizens and young children was also expressed.
8. Public safety concerns including impacts on the ability of police and fire to respond in emergency situations were also indicated. Drug dealing and related crimes such as prostitution and human trafficking were indicated as endemic to such uses.

A few letters of support for the truck stop were also received, which generally expressed support for the added convenience that the truck stop will provide, in addition to the positive role it will play in keeping semitrucks from parking overnight on highway edge in Moab and Grand County portion of the Valley. Supporters also felt the proposed truck stop will bring much needed tax revenue to the area.

¹ Attendees at the NSJC-C focus meeting were told the proposed truck stop had been permitted by San Juan County. It has since been verified that while an application has been received by the applicant, the project has not been approved.

D. ADDITIONAL RESIDENT CONCERNS

Many of the issues that were discussed during the *Northern San Juan County-Coalition (NSJC-C)* focus group concerned issues well beyond those addressed in the moratorium. It was felt that Landmark Design did not adequately address their scope of work related to the moratorium, which led to some confusion of what was being addressed.

Other concerns it was felt should be addressed include the following:

1. Concern over the planning process used in developing the adopted *Spanish Valley Area Plan*. Few of the participants had taken part during the planning process which led to the adoption of the plan in 2018. It was felt by some that the plan does not reflect their vision and therefore the planning process should begin anew.
2. The role of SITLA in planning decisions. It was noted that SITLA had helped pay for previous planning efforts, which was interpreted by some as a clear attempt to influence planning decisions. Likewise, since SITLSA has helped to pay for water and sewer infrastructure in the area, they have had undue influence on the decision-making process.
3. Landmark Design's independence from SITLA. It was noted that Landmark Design has worked not only for San Juan County but with SITLA (and Moab and Grand County) as well. Some expressed concern that this affiliation affects the ability of Landmark Design to remain independent as they prepare planning ideas and options for consideration.
4. The SkyRanch development and its impacts on surrounding residences. It was suggested that planning decisions had been made to benefit of the owner and developer of the project during the preparation of the *Spanish Valley Area Plan* adoption process.
5. Some input indicated that it is best to adopt strict ordinances and let property owners appeal as the *Northern San Juan County-Coalition (NSJC-C)* members are giving up hours of their personal time to make the community a more livable place.

APPENDIX A:
COPY OF SAN JUAN COUNTY HIGHWAY
COMMERCIAL MORATORIUM

ORDINANCE NO. 2019-__

AN ORDINANCE ENACTING A TEMPORARY LAND USE REGULATION THAT PROHIBITS NEW LAND USE APPLICATION PERMITS FOR COMMERCIAL USES IN THE HIGHWAY COMMERCIAL ZONE EXTENDING 1,000 FEET ALONG EACH SIDE OF US HIGHWAY-191 FOR THE LENGTH OF THE ROADWAY IN THE AREA KNOWN AS “SPANISH VALLEY.”

The County Legislative Body of San Juan County ordains as follows:

Section 1: Findings.

- A. The Planning and Zoning Commission and the San Juan County Commissioners are engaged in a future land use planning process for the Spanish Valley Planning area, which includes the Highway Commercial Zone.
- B. The uses permitted in the Highway Commercial Zone of the Spanish Valley Planning area after the current planning process is completed may be significantly different than the uses currently allowed in the existing zoning ordinance.
- C. The current maximum amount of water approved for diversion by San Juan County is 500 acre-feet of ground water from the Moab-Spanish Valley aquifer, and no more water can be approved to be diverted until monitoring data shows no impairment of existing, senior water rights, no impact to the regional groundwater table, no contamination issues, and no adverse effects to the natural environment including the Matheson Wetlands Preserve.
- D. Grand County and the City of Moab have recently enacted temporary 6-month moratoria on new permits for hotels and other overnight accommodations. Due to the immediate proximity of the Spanish Valley planning area to Grand County and the City of Moab planning areas, there is a significant likelihood that developers will turn to the Spanish Valley Highway Commercial Zone to develop their businesses in the very near future.
- E. Accordingly, there is a compelling and countervailing public interest to postpone new commercial and industrial development in the Spanish Valley Highway Commercial Zone until land use ordinances and policies can be given due consideration by Spanish Valley residents, the San Juan County Planning Commission and the San Juan County Commission and enacted via the public process. Further investigation is needed to determine the amount of available water resources for Spanish Valley development, and an informed consideration as to the appropriate allocation between residential and commercial uses for this resource is critically important.
- F. San Juan County needs to evaluate the current economic conditions and opportunities for economic diversity and development in the Spanish Valley Planning area before it is faced with numerous hotels and nightly rental permit applications that will likely occur as a result of Grand County and the City of Moab temporary moratoriums on new permit applications.

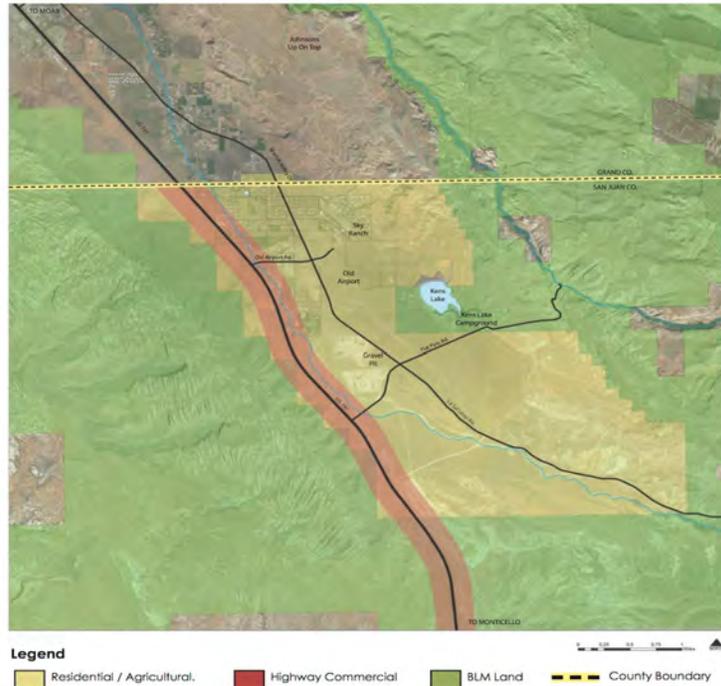
- G. Public comments received on the Spanish Valley Area Plan, adopted April 2018, indicate there is public sentiment that local residents' input has been ignored in regards to the 1000-foot commercial zone directly adjacent to residential areas. There have been requests for reconsideration and revisions to the plan to include a buffer zone to protect residential quality of life.
- H. San Juan County Planning Commission, County Commission, and residents of Spanish Valley Planning Area need time to review and modify, if needed, the Highway Commercial zone's existing ordinances and the proposed ordinances drafted as part of the Spanish Valley Planning Area process before approving any new permits for development in the Highway Commercial zone along Highway 191.

Section 2: Jurisdiction.

Pursuant to Utah Code Title 17-27a-504, the Commission for San Juan County, as the county legislative body, without prior consideration of or recommendation from the planning commission, may enact an ordinance establishing a temporary land use regulation for any part or all of the area within the county. The area known as "Spanish Valley" is within San Juan County. The ordinance may not exceed six months.

Section 3: Definitions.

- A. "Highway Commercial Zone" in Spanish Valley: A zoning corridor 2000 feet wide lying 1000 feet on each side of U.S. Highway 191. Said corridor begins at the intersection of the centerline of U.S. Highway 191 and the San Juan County, Utah and Grand County, Utah boundary and continues in a southerly direction along said centerline to near the top of Blue Hill, identified as the intersection of the centerline of U.S. Highway 191 and the south section line of Section 30, Township 27 South, Range 23 East of the Salt Lake Meridian. The general area is illustrated below as shown in the San Juan County Spanish Valley Area Plan, adopted April 17, 2018.



The Highway Commercial zone allows for a range of commercial uses considered appropriate for a roadway setting. Pursuant to San Juan County Zoning Ordinance 12-2, the commercial uses permitted within the Highway Commercial zone include restaurants or drive-in cafes, ☐ motels, new and used automobile agencies, ☐ farm machinery and equipment sales, nurseries and greenhouses, mobile home sales, mobile home parks, ☐ drive-in theaters, ☐ bowling alleys, other commercial recreation facilities, automobile service stations and auto accessories, ☐ accessory buildings and uses, ☐ other uses approved by the Planning Commission as being in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed uses. All other uses are considered “conditional uses.”

Section 4: Temporary Land Use Prohibition

- A. Temporary Land Use Regulation. Except as expressly provided in Section 4(c)., no new applications will be accepted nor permits given for any commercial development the Highway Commercial Zone upon the effective date of this ordinance. ☐
- B. Effective Date and Duration. Pursuant to Utah Code Title 17 Chapter 53 Section 208 subsection 6, this ordinance shall take effect immediately upon publication in a newspaper of general circulation in San Juan County after the date of its passage by the San Juan County commission. Consistent with Utah Code Title 17 Chapter 27a Section 504 this ordinance is to not exceed six (6) months in duration from its effective date.
- C. Exceptions. The county acknowledges that a number of persons, including entities, may have procured land use entitlements (including land use approvals and building permits) for the

construction of commercial developments, or submitted land use applications that have been deemed complete as of the effective date of this ordinance. In an effort to avoid hardship to those who have relied on existing county regulations, such persons described above who have procured land use entitlements or who have completed land use applications deemed complete by the County or paid all applicable fees as of the effective date of the ordinance shall be excluded from the applicability of this ordinance. In every case, such persons shall still be required to obtain land use permits before such use commences. □

- D. Conflict with Existing Ordinance. This ordinance shall supersede and take precedence over any conflicting ordinances or policies of San Juan County for the six (6) months of its effectiveness. □
- E. Severability. If any provision of this ordinance is found invalid by a court of jurisdiction, the provision shall be severed and the remainder of the ordinance shall be enforced. □
- F. Direction to Staff. Immediately following the passage of this ordinance , it is to be published in the soonest available manner in a newspaper of general circulation. Staff is instructed to make all necessary action to proceed with publication of the ordinance as soon as possible. Staff is also directed to expedite the process to adopt land use ordinances necessary to address the need for predictable land use patterns ahead of the six month expiration date of this temporary land use regulation. □

ADOPTED AND APPROVED by the Board of San Juan County Commissioners this 21st day of May, 2019.

Those voting aye:

Those voting nay:

Those abstaining:

Absent:

Board of San Juan County Commissioners

Kenneth Maryboy, Chairman

ATTEST:

John David Nielson, County Clerk

APPENDIX B:
FOCUS GROUP MEETING NOTES (VERBATIM)

1. FOCUS GROUP MEETING WITH MARLENE HUCKABAY, PROPERTY OWNER AND ADJACENT TO PROPOSED LOVE'S TRUCK STOP

- There are three buildings on the property – the main house, a guest house (which she calls her "play house") and a small structure built by her son when they first moved to Spanish Valley.
- She has lived on the property for over 25 years.
- It's her haven. She has invested lots of time, energy, money and love into the property.
- She didn't want to live in a subdivision and she fell in love with the property despite its then messy appearance.
- The property consists of 1.9 acres – originally slightly larger, but the county had to take twelve feet along the road when it was improved.
- There is a guest house on the property that she uses when family and friends come to visit. She doesn't rent it out currently and doesn't want/plan to.
- Sounds bounces off of the surrounding cliffs in the valley and so the noise of idling trucks is a major concern for her.
- This was her dream location for a quiet retirement.
- Although many of the residents in the neighborhood oppose the truck stop, her immediate neighbors are not very involved.
- She is very concerned about crime that the truck stop will attract.
- She feels that the \$1.2 million that the truck stop sold for is cheap and that it could have sold for more over time.
- She would like to see a "softer" use that would be a better neighbor (church, medical building, etc.).
- She is concerned about the pollution/toxic air and its effects on the elderly and unborn children.
- Doesn't want to hear the constant "beep, beep, beep" of trucks backing up.
- She is also concerned about light pollution.
- Will there be enough outlets for all 53 truck stalls? Are there models for idle-free truck stops that could be examined? How exactly do truck stops operate?

2. FOCUS GROUP MEETING WITH THE NORTH SAN JUAN COUNTY COALITION

MEETING ATTENDEES:

Clarke Abbey	Kathleen Kelly
Andrew Austin	Bill Love
Ann Austin	Jeff Mattson
Patrick Baril	Chip Mellor
Sue Baril	Diana Pedley
Monette Clark	Tom Rees
Carolyn Dailey	Craig Sanchez
Larry Edwards	Lynda Smirz
E.J. Gore	Kris Westrum

- Immediate concern – wanted detailed, strict ordinances and enforcement
- View themselves as partners not adversaries
- Coalition made up of longtime residents, lawyers, teachers, doctors, etc.
- Want to make and keep Spanish Valley special and strict ordinances are key to making this happen
- Appropriate development in the commercial corridor
 - Needs to match/compliment the quiet, peaceful residential neighborhoods
 - The valley echoes and this need to be accounted for
- A Love's Truck Stop does not match the vision of the General Plan
- Love's will use large amounts of water. Where does this come from?
- Public safety and impacts on police and fire are a concern
- Public health risks from idling trucks, etc. are also a concern. This impacts the entire valley.
- "Free-range" development has no place in a well-planned community
 - This phrase should be struck from the *Spanish Valley Area Plan*
- Would like to see a comprehensive Dark Skies Ordinance (Citizens' Proposal) included verbatim into the new ordinance
 - Feel that this has more diagrams and clearer regulations necessary in the event of a dispute
 - Would like to include portions from Landmark's Dark Skies Ordinances that aren't in the Citizens' Proposal (areas along hillsides, etc.)
 - Enforcement is needed – perhaps can work with Grand County on sharing enforcement official
 - Dark Skies Ordinances need to be valley-wide as it is critical to both tourism and quality of life
- Current (1978) San Juan County code addresses land use conflicts to protect existing property owners – need to verify this is the current adopted code

- Pack Creek is directly behind proposed Love's – creates potential for a catastrophic environment accident
- Trucks are different from the descriptions of automobiles, as defined in the existing code
- Request to disallow Love's to operate in northern San Juan County (see presentation document for more details)
- Concerns regarding availability of water
 - Feel that the water analysis included in the *Spanish Valley Area Plan* was incomplete and misleading (there are many restrictions on availability of water were not included)
 - *Spanish Valley Area Plan* is incorrect in stating there is 1500 AF when 500 AF actually available
 - There are 3 sources of water, but most are expensive (Tens of millions of dollars to get water from Colorado River, for example)
 - Water rights – many pre-date those in San Juan County from this aquifer – need to analyze in greater detail
 - Who owns the water? Hundreds of private lots pre-approved, more than the 500 AF
- Concerns about the adopted *Spanish Valley Area Plan*
 - Concerned about Landmark Design's independence and their affiliation with SITLA
 - Concerned about the make-up of the Advisory Committee (lots of developers/"good ole boys")
 - Feel the opinions of residents were not reflected in the plan
 - Concerned about lack of open space in the plan
 - SITLA doesn't have to follow land use codes so what makes us think they will follow the plan?
- No idling should be allowed within 500-1000 feet of residential units
- Insert/widen (needs to be greater than 25 feet) buffers from residential units and water sources/drainages into the ordinances
- Don't want any light or heavy industrial, big box retailers, or nightly rentals in the highway commercial zone
- Would like to see small, local business to serve the community
- Important to give public input on the new ordinances – how can feedback be given?
- Don't want large scale/industrial uses with lots of noise and air/light pollution
- Overnight accommodations need to be addressed because Moab and Grand County restrictions will go into place soon
- Don't want tourism-based businesses
- Need frontage roads to better facilitate traffic

- Feel like mixing commercial on Spanish Valley Drive isn't necessary as even local businesses could attract unwanted tourist traffic and would prefer commercial stay along the highway (don't like the community centers concept)
- Would like to see impact studies (health, safety, welfare, environmental) required by new ordinances
- Want to see a detailed noise and economic study of the area conducted
- Which areas of the valley are most developable?
- Would Love's Truck Stop use water that would go to other businesses that would be of greater economic benefit?
- Would like overnight accommodations to be highly regulated with strict design standards and focused in the correct areas
- To grow as a special place, need to create homegrown jobs
- New ordinances need more detail particularly relating to allowable land uses
- Don't want the Moab area to become like Aspen, Jackson Hole and other resort/tourism communities with sprawling development – feel the *Spanish Valley Area Plan* will be the catalyst for that kind of development pattern
- Because they are paying for infrastructure, SITLA is the primary driver for all of this
- Want to preserve rural character as an attractive gateway to Moab
- Need to promote local businesses
- Don't want large hotels or big box stores
- Prefer small, inexpensive single-family lots to large multifamily apartments
- Don't want any more truck stops or industrial uses
- Need to go back to the drawing board with the *Spanish Valley Area Plan*
- Remove conditional uses in new ordinances
- Feel that it's best to adopt strict ordinances and let property owners appeal as NSJC-C members are giving up hours of their personal time to make the community a more livable place
- Need a very detailed section for allowable land uses in the new ordinances

**APPENDIX C:
VERBATIM COMMENTS RECEIVED BY EMAIL
(PERSONAL INFORMATION REDACTED)**

Dear Mr. Vlastic,

I am Patrick Baril a long term resident of Spanish Valley (SV) in North San Juan County. I have been reading a lot of various opinions on the future development of SV. I thought I would ask you directly (an expert who is familiar with this topic) your opinions on a few points I need for formulating my own personal opinions.

I am honestly not against development as I believe if we don't plan for the future we will become extinct or at least end up living in a messed up area.

I have been reading FBI statistics, Human Trafficking data, legal lawsuits, etc., about drug trafficking, prostitution, air pollution, safety, property values, etc., with all mostly a large negative impact. I also have been reading FAA rules and regulations on small airstrips.

I do not question the legality of this or the need for revenue gains by SITLA or the County, or even the reasons for changing your original concepts.

I have 2 major concerns that I would like your professional opinion on?

1: The Loves Truck Plaza:

In your original Spanish Valley Area Plan-Preliminary Concepts November 7-8, 2017 I noticed a small commercial footprint where the much larger footprint Loves Truck Plaza is now designated.

Your original concept footprint even has new additional resident development being directly added around this commercial Loves area. This original concept particular area is correctly pictured as having a developed (primarily residential) area surrounding it along with developed (with opportunity for infill).

There are primarily 2 types of commercial developments with those being highly intrusive with surrounding established residential development and those being highly unobtrusive with a whole bunch of in-between levels. It is safe to say that Loves is a highly intrusive business especially with their: light pollution; smog/air diesel fumes pollution; FBI related crime statistics, illegal drug trafficking, prostitution, and more; Vs a non-intrusive type like the 8-5 professional office businesses such as accounting & tax, services, legal services, medical offices, churches, schools, etc

Questions: #1:

What is your professional opinion as to what you feel will happen to the current property values, and the future marketability in selling of these established private quiet residential properties, that will be located in close proximity to the proposed Loves Truck Plaza? (The information I have found is that the general professional real estate agent feel that

property values of current private residential homes will drop or at best remain stagnant with less demand than normal for purchase of private homes located in close proximity to a major truck plaza due to the related high crime rates associated with major truck stops and other nuisance factors.)

Question #2:

What is your professional opinion as to what you feel will happen to the future and current commercial property values, and the marketability of attracting additional new commercial non-intrusive type professional businesses, that may be located in close proximity to the Loves Truck Plaza? (The information I have found is the same for both residential and commercial real estate agents is that unrelated commercial property values will decline with less commercial demand for properties located in close proximity to a major truck stop primarily do to the higher crime rate associated with major truck stops.)

Question #3:

What is your professional opinion on the compatibility of a major truck stop located so close to an established quiet residential neighborhood with present bus routes with only a 25 feet buffer zone being required, possible future school developments, churches, hometown small commercial businesses, etc?

Question #4:

When did you or anyone from your team first learn about the possibility of a major truck stop possible being located in this area?

2: The Sky Ranch (Private Airstrip):

In your April 17, 2018 San Juan County Spanish Valley Area Plan you have that Sky Ranch will be left to follow FAA Rules. The basic rule of the FAA for small airstrips is that there are no basic rules. This is supported in your own documentation Appendix K that has the FAA "Suggested" and "Recommended" regulations listed but no actual rules included.

Questions: #1:

What is your professional opinion as to what you feel will happen to the current property values, and the future marketability in selling of these established private quiet residential properties, that will be located in close proximity to a private airstrip? (The information I have found is that the general professional real estate agents feel that property values of current private residential homes will drop or at best remain stagnant with less demand than normal for purchase of private homes located in close proximity to a small private airstrip due to the related high safety and noise concerns associated with an airstrip and other nuisance factors.)

Question #2:

What is your professional opinion as to what you feel will happen to the future and current central development area property values, and the marketability of attracting additional new commercial non-intrusive type professional businesses, that may be located in close proximity to a private airstrip? (The information I have found is the same for both residential and unrelated commercial properties as far as property values will decline and less demand for properties located in close proximity to a private airstrip due to high safety and noise concerns associated with an airstrip and other nuisance factors.)

Question #3:

What is your professional opinion on the compatibility of a private airstrip located so close to an established quiet residential neighborhood with little to no safety buffer zone being required?

Question #4:

When did you or anyone from your team first learn about the possibility of a private airstrip possible being located in this area?

Mr. Vlasic thank you very much for your professional opinion on these matters as it will go a great distance in curtailing unfounded opinions.

Sincerely,

Patrick Baril

[April 20, 2019]

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I would like you to know my husband and I are in favor of a Loves gas station/truck stop to be built in San Juan County. Even though we live in Grand County, we have friends and relatives that live in San Juan County who are in favor of a Loves. We have used the Loves in Salina, Utah since it was built while we traveled to softball games. It was always clean; had competitive prices; good food, etc.; and super nice employees. We will definitely use the Loves in San Juan County if it is built. We feel that our Grand County Council had no right to send you a letter opposing it. They do not represent us or any of the people who we know. No poll was taken to ask our opinions. Our son was a truck driver for over a year, and we understand the importance of having a truck stop. Right now, we have semi trucks parking off the side of the roads all over Moab. We would like you to continue with your plan to build a Loves in San Juan County Utah.

Sincerely,

9 July 2019

Kathey McNeely

[June 19, 2019]

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Hello,

My name is Nikki Bowen, I am a resident here in San Juan County. I live right next to where the new Loves is projected to go. I know there is a lot of backlash from our community and quite frankly I am a little embarrassed about the actions and remarks made by some. I am writing in today to express the want and need for something like this here in Moab. I think it is a wonderful plan and idea to have a truck stop here. We are a tourist driven town and we have a huge amount of traffic that goes through our town. During big events that we host in Moab such a Jeep Safari, residents such as myself would rather not fight the huge traffic of going all the way to town. It is so congested with traffic and pedestrians that it can be a nightmare to deal with for something as simple as milk or eggs. I know the community has expressed a fear of sex trafficking, lowering home values, noise for residents ... ect. I know there is sex trafficking in the world I know it exists but to label a truck stop or even truck drivers is a bit extreme and ridiculous if you ask me. I live next to the highway now and unless my tv is off I can barely hear emergency vehicles going by. Having any shopping near your home only raises property value, it is the first thing I look for when renting or purchasing a home, shopping and convenience. I honestly feel Moab needs this! We drive through town and see semi-trucks parked on the side of the road and it's dangerous for us for them, why not give them a designated area to stop and rest safely. I hope you continue on with this project as many residents feel the same as I do and many of the complaints are coming from people that do not even live near the site. Thank you so much for your time.

Nikki Bowen

[June 19, 2019]

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I feel that few or none of us understood the purpose of the public meeting with Landmark last week. Landmark wanted our views on what should be done with the new commercial zoning during the moratorium on the 191 highway. Landmark did not care about the lack of water or that the prior approval of Love's may be illegal under the old Land Use Code. These are subject that need to go to the San Juan Commission or the courts not to Landmark.

The goal of the public is to have Landmark include the public's requirements for the new zone in there proposals to P&Z. If P&Z remove our requirements then we can go to the

Commission. The problem is Landmark may not be independent of someone (SITLA) and that someone may be removing our items from the proposal to the County.

This was done by someone in the Master Plan where Landmark was very concerned in the Draft Plan about the location of the airport. All the concern about the airport were eliminated in the Final Plan to the Council. I asked Landmark at the meeting who removed their concerns about the airport from the final Master Plan. Landmark refused to answer the question and that is why I left early. Landmark may be giving all material to someone (???) for editing prior to giving the material to the County and the public for review. If this is happening, this would be unethical by Landmark and by the editing party, since Landmark says they are contracted by the County not by someone else. Everyone should receive Landmark's proposal at the same time. Hopefully we will receive more than silence on this concern.

Bill Love

[June 29, 2019]

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The proposed land Use Code for the commercial zone in San Juan County along Highway 191 needs to have protection of Pack Creek surface and ground water from contamination by industrial development.

The EPA website above considers the storage of petroleum product by service stations and truck stops to be a major source of pollution. Pack Creek underground and above ground is used throughout Spanish Valley for culinary drinking water and agriculture purposes. Pollution above or underground would affect hundreds of people in the northern part of the Valley.

The new proposed Land use Code for Highway 191 in San Juan County Spanish Valley for the Pack Creek channel needs additional protection above those required by the State and Federal governments. **Pack Creek needs a buffer zone of protection from pollution sources.** Utah has list of about 100 Possible pollution Sources that can affect the quality of Water Sources. This list will be sent under separate email. This list includes not only the possibility of direct pollution by petroleum storage tanks above and below ground, but also the storm runoff from contaminated surfaces. Parking up to 100 trucks overnight will result in spillage of diesel fuel and many other chemicals on to the ground.

Pack Creek discharges in to Mill Creek which is classified as a Drinking Water Stream by the State of Utah. Mill Creek discharges into the Colorado River in an area that is critical habitat for several endangered fish under the Endangered Species Act. The area in the Colorado river near the discharge of Mill and Pack Creek has recently been developed into a nursery for endangered fish.

Please include a buffer zone along Pack Creek to protect underground drink water, above ground agriculture, Mill Creek's Drinking Water Status and the EPA Endangered fish in the Colorado

Bill Love

[June 29, 2019]

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To: County officials and Landmark Design,

This email is in regard to designing zoning ordinances for Spanish Valley highway commercial. Landmark Design has requested residents input on what they would like to see in the highway commercial zone.

Before listing what we do want, I strongly believe that the zoning ordinance should be sure to eliminate any development that threatens the residents health, safety, or welfare.

Here are our thoughts on what we would like to see in the highway commercial zoning.

First of all, there are many businesses that exist in Grand and San Juan County that may benefit from moving to Spanish Valley as things potentially develop. I would like to see existing community businesses encouraged to take advantage of opportunities to grow their business in Spanish Valley. We would like to see the following, in no particular order:

office space

studio space (dance/music/art)

day care

veterinarian

feed stores

greenhouse

plant nursery

medical/dental

auto shop

cabinet shop

light manufacturing

9 July 2019

6

Landmark Design

storage units

convenience store/small grocery

Habitat for Humanity Restore (home supply products)

gas station with deli

RV park

camp park

hostel

family owned motel, limited to one story

restaurant (independent)

bait and tackle/convenience store

water sport rental

If we must have overnight rentals, please keep it in the highway commercial zone.

What we don't want to see!!!

3 story chain hotels

UTV rentals

Finally, if Love's corporation must develop the land it purchased from SITLA on Sunny Acres, please encourage Love's to change its plan from truck stop to another type of its enterprise, such as Love's storage facilities or franchised hotels. It is a trade off, but less threatening to residents well being (however, water could still be an issue). There is no denying that a truck stop is needed, but please put it somewhere that is not adjacent to existing homes. San Juan County should really go to bat for these residents because it could be argued that they have neglected their constituents here for quite a long time and San Jan County should know what that feels like more than anybody.

Thanks for hearing our input,

Ann and Andrew Austin

[July 2, 2019]

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Thanks for working with the citizens of Northern San Juan county. Hopefully our suggestions and desires will be listened to, AND incorporated into the ordinances this time.

If the dark skies ordinance is still in limbo at the time all this goes back to the county, please use the more complete and heavily researched Moab/Grand County ordinance. After all, we are all part of the same valley.

I have been giving done thought too preferred businesses. Basically anything non polluting (either in air, noise, water or light-at night) would be acceptable

Some examples

Acceptable:

Laundromat

Retail

Outfitters (though I despise untrained people going out on ATV's)

Electric vehicle charging station

Bakery

Offices/office park

Indoor shooting range

Unacceptable

-Any industry that allows odors, fumes or noise to escape the premises,

eg chrome plating shop that doesn't use state of the art recapture,

-Truck stop/travel plaza or similar with whatever clever name they want to put on it.

-urine cake factory

I know you are working on these right now so I'm sending this out. I may add more if I think of other important points.

Dave Focardi

[July 4, 2019]

APPENDIX D:
VERBATIM COMMENTS RECEIVED BY LETTER
(PERSONAL INFORMATION REDACTED)

RICHARD E. WROBLESKI



May 9, 2019

Ms. Natalie Randall
Economic Development director
San Juan County, Utah

Re: Love's Travel Center

Dear Ms. Randall,

I am in support of approving a Love's Travel Center in the Moab, Utah area. My family and I are from the Lake Tahoe, Nevada area and spend a lot of time traveling in my 40' Monaco RV. We visit the Moab area regularly riding mountain bikes or hiking, then on to Farmington New Mexico for the annual international high school rodeo.

It is difficult at best to find a fueling station large enough to fit my RV in the Moab area. And if I'm out of diesel fuel, it becomes a real problem. Love's can handle that size of vehicle. I strongly support this development as it will help me, as well as the economic development of the area. Feel free to call me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Richard E. Wrobleski'.

Richard E. (Rick) Wrobleski

May 21, 2019

San Juan County Commission

117 South Main Street

Monticello, Utah 84535

Dear Commissioner Grayeyes,

I am a board certified Obstetrician Gynecologist who has retired to Southeastern Utah and live in Northern San Juan County. I have attended multiple meetings about the Love's truck stop in the residential area of Spanish Valley.

As an Ob/gyn, my concern is the effect air pollutants will have on reproductive age women in Spanish Valley. The American College of Obstetricians and Gynecologists calls the evidence ***sufficiently robust*** linking exposure to toxic environmental agents and adverse reproductive outcomes such as low birth weight babies and birth defects. The attached article lists the most common air pollutants as carbon monoxide, lead, ground level ozone, particulate matter, nitrogen dioxide and sulfur dioxide. A primary source for these pollutants is motor vehicles.

Not only will the current residents of Spanish Valley be dealing with 53 running diesel engines but their unborn children will also. And all will potentially suffer for it.

Sincerely

Lynda Smirz MD FACOG

Colby A. Smith and Holly Sloan



June 24, 2019

San Juan County Planning
and Zoning Commission
117 South Main Street
Monticello, Utah 84535

Dark Skies Ordinance

Dear Commissioners:

During the San Juan County Planning and Zoning Commission meeting on June 13, 2019, you requested citizen feedback on the differences between the draft Dark Skies ordinances that had been submitted by Landmark Design and by a group of concerned citizens from in or near the Spanish Valley. We addressed some of those differences during the meeting and provide this letter in response to your request. The comments below are our own and may differ from the views of others in the Spanish Valley area. We urge you to seek the broadest possible citizen input on this important issue.

Dark Skies have become an increasingly important issue to people living in rural communities and are recognized internationally as a significant aspect of our natural surroundings. As a result, in an area like Spanish Valley, which is adjacent to two National Parks that draw more than a million visitors a year, the issue takes on added significance. In the southern part of Spanish Valley located within northern San Juan County, the local economy is, and as growth continues is likely to remain, integrally connected with the City of Moab, southern Grand County and Arches and Canyonlands National Parks. Tourism is the primary engine behind the local economy, even if other businesses also develop in the area. This adds to the importance of taking proactive steps to protect the attractiveness of local natural resources, and the night sky is one of those resources. Grand County and the City of Moab already have recognized this by passing a comprehensive night sky ordinance. That ordinance, in turn, was patterned after a similar ordinance in Flagstaff, Arizona, which abuts both Grand Canyon National Park and Sedona. Flagstaff, in fact, has been recognized by the International Dark-Sky Association as an International Dark Sky Community for its efforts.

We have always been impressed by comments from out-of-town visitors at our home at Pack Creek Ranch, when they remark as much about the impressiveness of the night sky, as they do about the arches, hoodoos and vistas of Arches and Canyonlands. Many of us are accustomed to the local night sky, but for visitors who do not come from rural areas, the night sky can be one of the most memorable aspects of their experience. This makes the night sky an asset to

be preserved. In the same way that no one would want trash to be strewn across the landscape of Arches, so too we believe it is important to strive to avoid errant light from obscuring the local dark skies.

We have reviewed the two proposals and are struck by several important differences:

- **Down Lighting.** The exclusive focus of the Landmark proposal is on regulating the direction of light emitted by outdoor fixtures located in Spanish Valley. In this regard, the two proposals are nearly identical, because the Citizen Proposal also focuses on down lighting and minimizing light trespass and unnecessary lighting. The Landmark proposal discusses the use of “full cutoff fixtures,” while the Citizen Proposal discusses the use of “fully shielded fixtures,” but the meaning of these two terms appears to be nearly identical. The Citizen Proposal, however, contains more specifics about what defines and is permitted for fully shielded fixtures. We will discuss below why we believe the added specificity will make compliance and enforcement much easier throughout the community.
- **Regulation of Total Light Output, Light Color and Lighting Hours.** In addition to the direction of light, the Citizen Proposal also addresses issues related to the total output of light from a single location, the color of the light and the hours during which lights may be used. None of these issues are addressed by the Landmark Proposal. We consider this an important difference and one that makes the Citizen Proposal more effective. For example, an ordinance that addresses only the direction of light does not and cannot limit the impact of indirect lighting that may reflect off other surfaces, such as the ground or buildings. An ordinance that addresses the total output of light at a particular location helps to limit the impact of reflected light. Similarly, the color of lighting makes a significant difference. Anyone who has put the wrong bulb in a reading lamp knows that lighting that is too white creates a glare that makes reading difficult. While a warmer, more yellow bulb, is more comfortable for the eyes. The Citizen Proposal assures the use of warmer color in the lighting, which is less intrusive.
- **Non-Conformance.** As was discussed at the June 13 meeting, another difference between the two proposals is that the Landmark proposal asks existing community members to “voluntarily bring nonconforming exterior lighting into compliance.” The Citizen Proposal, on the other hand, requires anyone who obtains a building permit or renews a business license to bring their outdoor lighting into compliance. It also requires that any damaged or inoperative fixture be replaced with a compliant fixture. Finally, it requires that all outdoor lighting be brought into compliance within five years. With its focus on building permits and business license renewals, the Citizen Proposal addresses one comment made at the last Commission meeting – that businesses should be required to more expeditiously address the issue of non-compliance than residential users. In fact, the Landmark proposal does not require anyone – whether a business or a residence – to ever update an existing fixture, even if that fixture fails and needs to be replaced and even if the owner obtains a building permit. In our view, an ordinance that

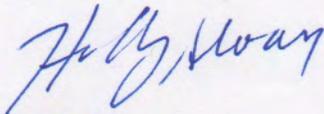
forever grandfathers in non-conforming uses is not as effective or attractive as an ordinance that reasonably requires compliance when changes are made to a property or as time goes by. Even under Chapter 4 of San Juan County's existing Zoning Ordinance, the County is empowered to require non-conforming users to come into conformance after a "reasonable time period" that allows the owner to recover the investment in the non-conforming aspect of their property. With respect to non-conforming lighting fixtures, in our view, a five-year period is more than enough time to recoup or amortize anyone's investment in a fixture. In addition, we believe that many fixtures can be brought into full compliance simply by using a new light bulb that is designed to redirect the light emanating from the fixture.

- **Enforceability.** Neither proposal specifically calls for pro-active enforcement of the new requirements, except where permission is sought for new development, new structures or reconstruction. For new projects, proposals will be required to address how the owner or builder plans to comply with the new requirements. For existing structures or residents, as was recognized at the June 13 meeting, the most likely reason for enforcement will arise only if there is a complaint. From a practical standpoint, this means that for both proposals, the impetus for existing owners and residents to comply will be voluntary. When complaints are made, however, the additional specificity of the Citizen Proposal will make it much easier for neighbors to discuss with one another any differences of opinion, with the hope that they can work out a resolution that does not involve County personnel. Where building and code enforcement personnel are asked to become involved, the more specific Citizen Proposal will make it easier to determine whether a particular use is or is not compliant. For example, the Landmark proposal says that parking lot lighting "shall meet the requirements of this ordinance;" whereas the Citizen Proposal specifies that parking lot lighting may not be on poles higher than 25 feet and may not be closer to the edge of the parking lot than 2.5 times the height of the pole on which the lights are mounted. If an enforcement issue arises, neighbors will find it much easier to determine whether the lighting is compliant with the requirement of the Citizen Proposal and, if called upon to do so, County personnel will find it much easier to resolve any disputes. In our view, the specificity of the Citizen Proposal will eliminate more subjectivity from the enforcement process – which will be beneficial for both owners and residents, and County enforcement personnel.
- **Other.** The Landmark Proposal specifically addresses certain lighting situations that are not specifically addressed by the Citizen Proposal, such as lighting along "hillsides, ridgelines and special cases," lighting of "towers" and lighting of "gas stations canopies." It may be useful to add these specific matters to the Citizen Proposal, so long as the requirements are consistent with other aspects of that Proposal.

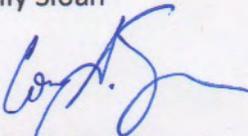
Our review of the two proposals has led us to conclude that the comprehensiveness of the Citizen Proposal, along with its consistency with already-existing dark sky ordinances in the Spanish Valley, should make it the starting place for any dark sky ordinance in the San Juan County portion of Spanish Valley – or throughout San Juan County, if the Commission so

decides. In addition to the points outlined above, we believe it is very important for the same dark sky regulations to exist across all of Spanish Valley, regardless of where the County Line may be. The geography of Spanish Valley and its proximity to significant national parks and other recreational lands that draw millions of visitors each year – and on which the economy of Spanish Valley relies – makes consistency into an imperative. Especially as new development occurs in the San Juan County portion of Spanish Valley, a vague or difficult to enforce dark sky ordinance could significantly impact and diminish an important community asset – the night sky that we all admire, but cannot take for granted.

Very truly yours,



Holly Sloan



Colby A. Smith

By Electronic Mail

- cc: Kenneth Maryboy (*by electronic mail*)
Chair, San Juan County Commission
Bruce Adams (*by electronic mail*)
San Juan County Commissioner
Willie Greyeyes (*by electronic mail*)
San Juan County Commissioner
Dave Everitt (*by electronic mail*)
Interim Administrative Officer
Walter Bird (*by electronic mail*)
San Juan County Director of Planning and Zoning

June 26, 2019

Mark Vlastic, President
Landmark Design, Inc.
850 S. 400 W., Studio 104
SLC, UT 84101

Dear Mr. Vlastic,

Thank you for taking my comments pursuant to Landmark's current project of revising the Proposed Highway Commercial Zone of Spanish Valley Development Plan. I support and will assist however I can to ensure that a new Highway Ordinance be adopted by the San Juan County Commission prior to expiration of the 6-month moratorium period.

I grew up in Spanish Valley during the 1950s and 60s. My father had an auto repair business and junk yard along Pack Creek right before the hill drops down into Moab valley. I lived in Denver for 17 years; I have lived back in the Valley now for 20 years (returning in 1998). I have a unique perspective on this Valley that others do not have. I've seen it like it was during the uranium boom; my parents were born and raised in Moab and are lifelong residents. I have lived in Spanish Valley, San Juan County for 13 years.

I will give my general thoughts about the highway commercial zone and also include some of my thoughts about the residential and other zones in Spanish Valley. I live at the intersection of West Coronado St. and Spanish Valley Drive, which has become a very busy corner during the past 13 years. Every vehicle drives by my house. I am impacted every day by vehicular noise, especially ATV's, motorcycles, my neighbor's large, commercial trucks that he was able somehow to get into our subdivision, starting his own home business right behind my house. Vehicles gearing up and roaring past my house are a major problem for me, as is the constant dust from the unpaved access road in my subdivision.

What to do about existing neighborhoods who have been allowed to "develop" haphazardly is one thing that my neighborhood needs badly. I am for having provision in Ordinances that San Juan County pay for fixing the problems that the County let happen, due to lax oversight for many decades.

Regarding Highway Commercial: The following may or may not already be addressed in the Proposed Highway Commercial Zone Ordinance, or it may be addressed, but not strictly enough.

- Protection for the public against pollution of all types, including noise, light, air, water, and visual (the viewscape). This is a compelling public concern and there are no separate ordinances yet that provide for public welfare, health, and safety. These types of problems are more likely to originate in the Highway Commercial Zone.
- A unity of appearance as one drives down the highway, i.e. some unifying factors that all businesses need to conform to. Trees between the frontage road and the highway is the idea I have, using native species that do not use a lot of water. Each business should also be required to maintain a front line of trees on their property. In this way, if they are ugly, they will be hidden from view. Also, the businesses allowed in Highway Commercial should be required to have landscape plans and provide a certain

percentage of tree shade for their parking lots; also xeriscape shrubs, flowers, and small amounts of buffalo grass, or similar.

- Do not promote “strip malls” along the frontage road – in my view, these are ugly and unappealing to locals, they do not promote a community feeling at all.
- Highway Commercial should restrict building heights to two stories only, for highway commercial – including hotels, condo communities, professional buildings, agricultural buildings, etc. Width boundaries should prevent hotels and condo developments, campgrounds, and “strip malls” from packing together too tightly. More of an old-fashioned, “cozy” look should be favored in project design and building architecture, perhaps by tax incentives or other incentives. The city of Santa Fe adopted strict codes that require all businesses to have the “adobe” look and the results are beautiful. Spanish Valley should consider trying for a consistent look along the highway, whether it is “adobe” or something else, but large metal buildings with no trees to hide them are unacceptable in my opinion.
- I am against truck plazas of any kind within Spanish Valley. There are plenty of places for truck plazas to locate outside Spanish Valley, still within San Juan County. If Love’s Company does not want to do that, other Truck Plaza companies MAY want to.
- The homes that exist in the highway commercial zone right now should receive extra consideration and protections against businesses being built next to them. Wide boundaries and other mitigations should be given, especially to those people who resided there before the 2009? Highway ordinance was adopted by San Juan County.

Additionally, I support the following:

- Maintain the general rural character and nature of the Valley, including along the Highway Commercial Zone.
- Preserve and enhance our dark skies, using the Dark Sky Ordinance already adopted by Grand County. This will ensure continuing of the look of the whole Valley, including south (Spanish Valley) and north (Moab valley), so that the whole valley will enjoy dark skies. Enforcement will be easier if San Juan County ends up contracting with Grand County for an official to enforce the ordinance, which will be enforced only when complaints happen. I favor a fine on violators, as well.
- NO to big commercial developments — i.e. box stores, large hotels, nightly-rental condo complexes, truck stops/plazas, light or heavy industrial developments, airports/heliports (comm’l or private), warehouses/distribution centers, utility transmission substations, waste facilities, oil refineries, and the like.
- YES to small and medium size businesses that serve local residents (rather than bringing more tourists into Spanish Valley) - restaurants, day care, gas stations, auto repair, medical facilities, greenhouses/farm stand, etc.
- YES to a separately located “town center” with dense businesses, such as in old downtown Moab and in Palisade, Colorado. Community feeling is generated with a protective environment, away from Highway Commercial, affording sidewalk seating outside coffee shops, tree-lined streets, grocery and drug stores, general stores, library, county/city government building, community center, etc. I guess this could be done along the frontage road of Highway 191, or it could be at the intersection of Old Airport Road and Spanish Valley Drive, as is currently conceived.
- I am very concerned about keeping residential areas residential, rather than turning them into nightly rental areas, unbeknownst to the neighboring residents. This is what has happened in my subdivision.
- I am also concerned that the Spanish Valley Development Plan NOT foster more poverty in Spanish Valley, but fosters businesses that help residents be more self-sufficient by growing their own food (community gardens), and creating jobs in niche markets, such as greenhouse/hydroponic produce

businesses that focus on local, regional, and niche markets. Also light industrial, such as Synergy and Gearheads new flashlight gadget manufacturing, and Sore No More business that are in Grand County.

- I am against a private airport in the middle of residential housing, regardless of the fact that the airport was there first. There is a compelling public safety issue, with this and airports should be restricted from Spanish Valley altogether, due to the capricious winds – the reason Moab abandoned their airport out here in the 1960s.
- I am concerned about housing density in residential zones, especially allowing existing home lots, where people are living, to be split into ¼ acre lots. I am OK with ½ acre lots, as Landmark originally proposed. Wherever this sort of “minor subdivision” takes place, ordinances should have strict requirements on access roads, building location, etc. I feel that ALL such subdivision must require both P&Z and County Commission approval.
- I want all subdivisions of over, say over 6 houses, to require that the developer pave the main roads in the subdivision. San Juan County should pay for and pave of existing subdivisions that have ended up with terrible dust problems due to dirt roads (such as my subdivision). San Juan County was lax in not requiring this of developers. Most importantly, the new Ordinances do not require paving, either? Paving should be required of the developer.
- I am in favor of keeping the current hay fields and fostering lots of open space. Parks are great and we should have one built right away for the large number of school children who live here.

This letter is NOT inclusive by any means, but in general, my goal is to maintain Spanish Valley’s rural, character and quiet residential neighborhoods, rather than creating zoning that will encourage the Valley to become a 20 mile stretch of hotels, truck stops, warehouse centers, etc.

Thank you for considering my comments. I will be advocating that the entire Spanish Valley Development Plan and corresponding Ordinances be re-examined through a more widely publicized public process. Landmark Design has done an incredible amount of work already and none of this should be lost.

Thank you,

Monette Clark

To: Landmark Consulting Group
San Juan County Commissioners

Gentlemen and/or Ladies,

There is no argument that Love's Truck Stop with 53 diesel bays will radically change our several decades old neighborhood and destroy the peace and quiet that have caused more and more people to build and live in Spanish Valley, and have a very adverse effect on our property values. *The negative effects of Love's location will be multiplied by its location in what is literally a valley.*

Love's thirteen acres will sit at the edge of several hundred homes, in some cases abutting the backyards of families who have lived here for over a quarter of a century. Not only will lifestyle and peace of mind be lost, property values will plummet.

San Juan, counts on residential property taxes for revenue. If Love's or other commercial developments are allowed to build here, it will not only negatively affect our property values but the county's residential tax base.

Ordinances need to be put into place now to protect us both!

Thank you,
Elizabeth Gore

[REDACTED]

[REDACTED]

APPENDIX E:
MATERIALS PRESENTED TO LANDMARK DESIGN
BY THE NORTH SAN JUAN COUNTY - COALITION

Kathleen Kelly

OPENING REMARKS: June 26, 2019

NSJC and Landmark Designs Meeting

Good evening, and thank you for being here,

My name is Kathleen Kelly. I am an independent management consultant and a resident of Spanish Valley.

I have been asked by our Coalition to set the stage tonight with a quick overview of some of our concerns. **Our immediate mission is to have San Juan County put into place very specific, detailed and strict ordinances that will lead to, as your website says, the improvement of quality of life and the creation of healthier communities.** We would like to have input all through the process of developing new ordinances.

We want to become partners, not adversaries. Your website says *“we believe that public participation often results in new and better planning and design ideas.”* Our group has some very strong skill sets, including several attorneys, physicians, school teachers, HR professionals, and very long time residents.

Spanish Valley is a gateway community to two National Parks. Let’s make it really special. Strict enforcement of strict ordinances is the key: developers and land owners don’t like them but in the long run, they make for much stronger, healthier communities.

Among others, here are 4 specific issues that you’ll hear more about tonight:

First: *Appropriate* development in the commercial corridor. It should be developed in a way that complements the plan’s vision for a quiet residential area, not in a way that is at odds with that.

For instance, mega hotels, big box retail, waste facilities, overnight rentals, industrial facilities, a huge truck plaza would hugely impact the peace and quiet of the neighborhoods and throughout the valley. Best would be small to medium size businesses to serve local residents as well as visitors.

In the S V. Area Plan, Guiding Principle #1 is— *“Preserve Spanish Valley’s night sky and quiet rural-setting through the use of zoning ordinances.”* Wonderful! But right out the gate, that would be intensively violated by a 13 acre 53 semi-truck stall, 24 hours a day truck plaza. The noise and pollution will affect all of Spanish Valley. So how did that happen?

Second, Water is a huge issue, and Bill Love has some great information for us tonight.

We are completely mystified on where you think the water will be coming from to develop the valley. We need to strategically think about allocation – and why one business should be able to use 9,000 gallons per day.

Third, Public Safety has not been addressed at all in the plan. Grand County is already stretched to the limit; Monticello is far away. Where are police and fire stations located? Who will pay for them? Per ordinance, police and fire presence should be evaluated and addressed by developers.

Fourth, Public Welfare, including health risks

Commercial development creates new risks that are not present in agricultural communities. The plan does not address Increased health risks, or noise or pollution. One of the physicians in our group has told us about the many health risks from pollutants from idling trucks, and the health issues that result from hearing noise 24 hours a day. This is not just an issue for the immediate neighborhood around the proposed truck plaza, the whole valley. . We need a strong, enforceable noise ordinance. Developers need to address health risks.

Finally, I would like to point out Guiding principal #10: Strike a balance between “free-range” development and too much control.” Free-range should not be at the bottom of this scale; it shouldn’t even be mentioned.

Free range development, or anything even part way up the balance scale from it, has absolutely no place in Spanish Valley. An example is having a housing development with an airplane landing strip that abuts a main road used by school buses and neighbors. Anything even resembling “free range development” is **Never ever good in community planning.** The phrase should be struck.

NORTHERN SAN JUAN COUNTY
- COALITION

PRESENTATION TO:

LANDMARK DSIGN INC.

June 26, 2019

ORDER OF PRESENTATION

Scope

Dark Sky Ordinance

Comparative Analysis

San Juan County Utah Zoning
Ordinances

Request for Disallowance

Environmental Impact Study

Request

Noise Ordinance

Idling Ordinance

Venting Ordinance

Noxious Ordinance

Nuisance Ordinance

Northern San Juan County – Coalition SCOPE

The Master Plan thus far created by Landmark and approved by the Commission makes clear that no one wants the southern part of Spanish Valley to become an industrial park. The bulk of the development planned by SITLA and others is for a residential community. That goal should have significant implications for what is appropriate development in the commercial corridor, which borders the areas planned for residential development. As noted by Landmark in the Spanish Valley Area Plan adopted on April 17, 2018, the southern Spanish Valley is emerging as a “community unto itself, with a unique character, charm and allure” that has resulted in “desires for better housing, better planning, better use of water and land, more amenities and services, and a better quality of life.” The commercial corridor should be developed in a manner that compliments these goals, not in a manner that is at odds with them. To that end, we have put together some thoughts on goals that could be developed into appropriate ordinances. These include the following:

1. Refining the Definition of the Commercial Corridor and Protecting Existing Uses. The moratorium affects what has been referred to as the "commercial corridor" that runs 1,000 feet on either side of U.S. 191. We wonder why the commercial corridor is so wide and whether that corridor should take into account existing uses. For example, if there is an existing residence in that corridor, perhaps the corridor should not be 1,000 feet wide at that point but should be narrower and should be drawn to create a buffer around the existing structure. In changing what had been agricultural land until 2009 into a commercial corridor, such conflicts are inevitable. While 1,000 feet is a nice round number and easy to define, we think it may be worthwhile to ask which areas are okay for a 1,000-foot corridor and which are not? Indeed, the County's Spanish Valley Area Plan significantly reduces the amount of space along Highway 191 dedicated to core commercial uses to roughly 200 acres. Moreover, in defining commercial space along the highway, the Area Plan avoided abutting residential areas, except at the Love's location, see map below (commercial zone in red; Love's is the distinct triangle at the top surrounded by residential land).

(Sorry, but this won't reproduce in email, but look at page 34 of the approved Spanish Valley Area Plan document on the Landmark website)

2. Resource Utilization and Zoning Density. We have all been appropriately focused on the use of water resources by planned commercial and residential developments. This is critically important. We wonder whether a good way to address this issue is to focus on the density of development and competing uses of a scarce resource. Anyone who wants to engage in development activities, whether they are building a truck stop or a new residential development, should be required as part of the permit process to show how their development will impact known and available water resources, how their development will affect potential future developments that may want to use the same resource and what plans they have made to conserve scarce resources like water. The onus should be on the development to show the P&Z Commission and the County Commission that their proposal is an appropriate use of the resource and that it will leave sufficient resources available for others to use in the future. No development should be allowed to preempt other beneficial future uses of the land, simply

because it got there first and consumed all the available resources. Planning should be more thoughtful than first-in-time, first-in-line. This is consistent with the Spanish Valley Area Plan, which contemplates building a sustainable community.

We question whether some of the planned development densities in the Spanish Valley Area Plan are consistent with the goal of sustainability. The Area Plan calls for densities of 4-5 units per acre in the central development area and of 1-2 units per acre in the area designated for single-family large-lot specialty residential. This compares with current practice that normally requires 1 unit per acre. While it makes sense to allow some areas of higher-density development to accommodate rental units and affordable housing, an average density of 4-5 units per acre is extremely high and would be a significant challenge to existing resources, especially water. We believe these suggested densities should be cut in half – at least until the County has arranged for the availability of additional known and accessible water resources. (We've included this comment, but we recognize it is not related directly to the commercial corridor.)

3. Public Safety. We think public safety is another important issue to address as part of the planning and permitting process. The County has not made any specific plans to invest in any infrastructure (other than water and sewer) as part of the development process in southern Spanish Valley. The Spanish Valley Area Plan does not specifically call for the establishment of any firehouse or police station in the newly developed community. Commercial development, in particular, can create increased demands for fire and police presence that should be evaluated in connection with any new commercial development. And it likely will not be possible to continue to rely on Grand County resources, which are already taxed by Grand County's own problems. Before a new commercial development takes place, the developer should be required to assess the impact of the development on public safety and show how existing infrastructure can meet that impact. For example, an Ordinance might provide that no fuel station could be located more than a certain number of miles from a fire house, in order to address the fire hazard associated with such operations or the possibility of a fuel or other hazardous spill. Similarly, a business that is likely to present a need for increased police presence in the community should be required to show that police resources are sufficiently close and robust enough to address the increased impact of new development. These kinds of issues will serve as a reminder to the County Commissioners that development within the County comes with associated costs. One way to address the increased burdens a commercial development may place on county resources is through use or franchise taxes specifically tied to the need for additional public safety resources.

4. Public Welfare, Including Health and Related Concerns. Commercial development often creates new risks that are not present in agricultural or residential communities. These risks include increased traffic and related hazards, increased noise, increased pollution and related health risks. The Spanish Valley Area Plan currently address only the first of these risks, by calling for the establishment of frontage corridors to facilitate entry and exit from the busy Highway 191. Other risks, such as noise, pollution and related health concerns are not addressed by the Area Plan. These should be important parts of any Ordinance covering the commercial corridor. Communities commonly restrict or outlaw truckers' use of air brakes in their communities. This is the least that should be required in southern Spanish Valley. More restrictions likely would be appropriate, especially if a business in the commercial corridor will involve operations that continue into the evening or begin in the early morning. 24-hour operations could have their own standards, so as to avoid threats to the peace and quiet of the community we all hope will continue to grow in the southern Spanish Valley. In addition, as

part of the permit application process, new commercial developments should be required to present an assessment of the potential pollution and health risks that may emanate from their operations, and a plan for mitigating or ameliorating those risks.

We believe that many commercial establishments will have no problem meeting these kinds of requirements. Most businesses do not present risks to public safety or welfare. For example, a new convenience or grocery store or office building in the commercial corridor should have no problem meeting these kinds of requirement. Other businesses may face greater challenges, but that is appropriate, because those business are likely to present greater risks to the public good. While any proposed commercial enterprise should have an opportunity to make a case that they will fit appropriately into the community and enhance the quality of life for the residents, some businesses appropriately should be required to persuade the county of those facts. In some cases, such business should also be asked to share a greater portion of the burden placed upon the community to support their operations. In some rare cases, where a proposed commercial enterprise cannot adequately address the impacts the business will have on the community, it may be appropriate to disallow the permit – and any Ordinance should be clear that the County Commission and the P&Z Commission are fully empowered to deny a permit in the interest of protecting the safety, health and welfare of the community.

Please feel free to share this note with others. As noted above, we will convert it into a letter. Of course, thoughts or comments are welcomed.

Best regards,

Colby

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Colby A. Smith



COMMENT: Moab Fire Department has 2 paid employees, the rest are volunteers. Response time to a burning tanker truck, ground fire, hazard spill, etc., could be lengthy. There is a private residence 25 feet to the north of this Loves area. What would be her time to escape if this happen in the middle of a night?

Dark Sky Ordinance - Outdoor Lighting and Sign Illumination Standards for Spanish Valley Planning Area of San Juan County

Purpose

The Purposes of the Dark Sky Ordinance are to:

- A. Encourage outdoor lighting practices that will minimize light pollution, glare, light trespass and sky glow to preserve the natural dark of the night sky and to curtail the degradation of the night time visual environment;
- B. Prevent lighting nuisances on properties located in and adjacent to the Spanish Valley Area;
- C. Promote energy conservation;
- D. Improve night-time safety, utility, security, and productivity;
- E. Develop an attractive nighttime appearance in the Spanish Valley Area;
- F. Minimize lighting health risks arising from inappropriate quantities and qualities of lighting;
- G. Prevent unnecessary or inappropriate outdoor lighting;
- H. Minimize nighttime impacts on nocturnal wildlife;
- I. Facilitate the economic development potential of astro-tourism, and the enhancement of the visitor experience in the Spanish Valley Planning Area;
- J. Maintain the rural atmosphere of the Spanish Valley Area; and
- K. Encourage quality outdoor lighting through the use of efficient bulbs and light sources, fully shielded light fixtures, and limits on the location and uses of outdoor lighting.

Scope and Applicability

- A. All lighting should be consistent with and promote the Purposes set forth in the **Purpose Section**.
- B. All exterior outdoor lighting installed after the effective date of this Ordinance in all zones in the Spanish Valley Planning Area shall conform to the requirements established by this Ordinance. This Ordinance does not apply to indoor lighting.
- C. All existing outdoor lighting that does not meet the requirements of this Section and is not exempted by this chapter shall be considered a nonconforming use or part of a nonconforming structure subject to the five (5) year amortization schedule outlined in **the Amortization of Nonconforming Outdoor Lighting Section** of this Ordinance.

Definitions

For purposes of this chapter, words, phrases and terms used herein shall have the meanings assigned to them by this section:

“Accent or Architectural Lighting” means lighting of building surfaces, landscape features, statues, and similar items for the purpose of decoration, ornamentation, creation of visual hierarchy, sense of liveliness, or other purpose unrelated to safety, business operation, or essential lighting function.

“Backlight” means all the light emanating behind a luminaire.

“B.U.G. Rating” means backlight, uplight, and glare rating, which exists on a scale of zero to five (0 to 5) and describes the light output of a luminaire.



Image by City of Ft. Collins, Colorado and used here with permission.

“Correlated Color Temperature” (CCT) is a specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees Kelvin (K). The CCT rating for a lamp is a general "warmth" or "coolness" measure of its appearance. Lamps with a CCT rating below 3,000 K are usually considered "warm" sources, while those with a CCT above 3,000 K are usually considered "cool" in appearance.

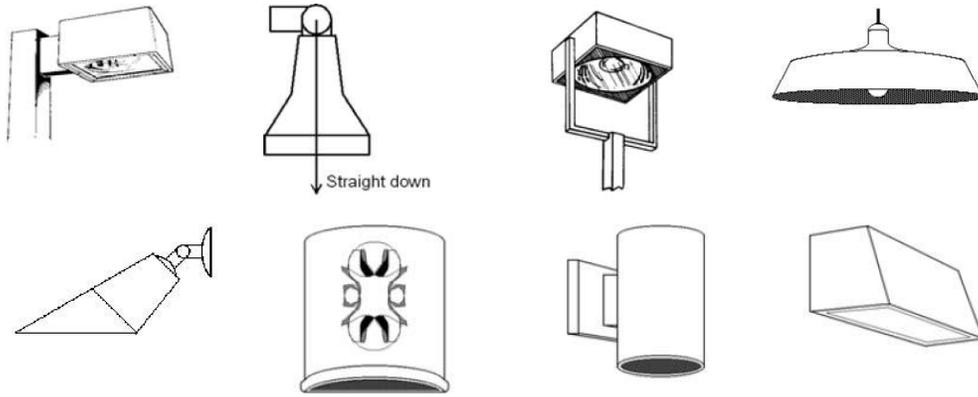
“Direct Illumination” means illumination resulting from light emitted directly from a bulb, luminaire, or reflector. This does not include light reflected from other surfaces such as the ground or building faces.

“Fixture” means a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.”

“Floodlight” means a fixture or bulb designed to "flood" an area with light. A specific form of bulb or fixture designed to direct its output in a specific direction. Such bulbs are often designated by the manufacturer and are commonly used in residential outdoor lighting.

“Fully Shielded Fixture” means an outdoor light fixture constructed and mounted so that the installed fixture emits no light above the horizontal plane. Where a light manufacturer provides a BUG rating, the uplight rating (U) must equal zero (0). Fully shielded light fixtures must be shielded in and of themselves. Surrounding structures, like canopies, are not to be considered when determining if the fixture is fully shielded. Fully shielded

fixtures must be appropriately mounted so that the shielding prevents light from escaping above the horizontal and all light is directed downward.



Examples of fully shielded light fixtures.

“Glare” means the visual sensation caused by excessive brightness and which causes annoyance, discomfort, or a disability loss in visual performance or visibility.

“Internally Illuminated” as it relates to signs, means any sign which has a light source entirely enclosed within the sign and not directly visible to the eye.

“Light Pollution” means any adverse effect of manmade light. Often used to denote "sky glow" from developed areas, but also includes glare, light trespass, visual clutter and other adverse effects of lighting.

“Light Source” means the part of a lighting fixture that produces light, e.g. the bulb, lamp, or chips on board.

“Light Trespass” means any light that falls beyond the legal boundaries of the property it is intended to illuminate.

“Lumen” means a unit of luminous flux equal to the light emitted by a uniform point source of one candle intensity. Lumens refers to the amount of light emitted by a bulb (more lumens equals brighter light).

Common Relationships between bulb types, wattages and lumen levels

Brightness in Lumens	220+	400+	700+	900+	1300+
Standard	25W	40W	60W	75W	100W
Halogen	18W	28W	42W	53W	70W
CFL	6W	9W	12W	15W	20W
LED	4W	6W	10W	13W	18W

“Luminaire” means the same as “fixture.”

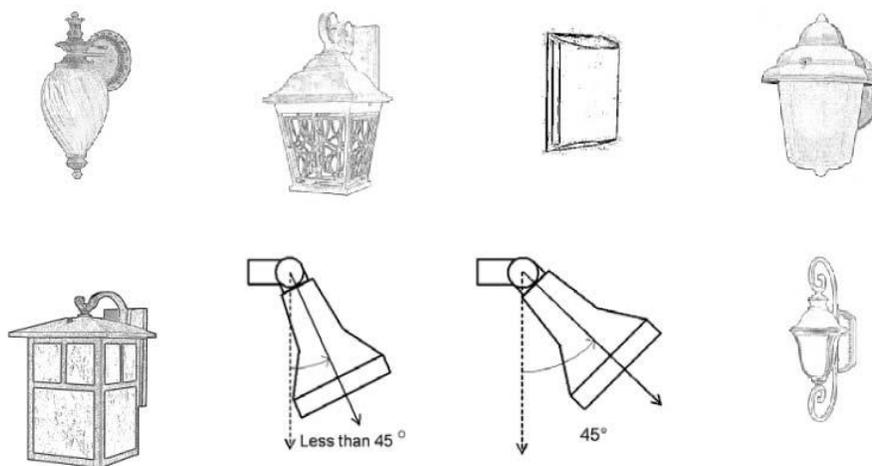
“Manufacturer's Catalog Cuts” means a publication or other printed material of a bulb or lighting manufacturer offering visual and technical information about a lighting fixture or bulb.

“Developed Acre” means the proportionate amount of an acre (43,560 square feet) of land that is converted from raw, undeveloped land into land associated with the permitted principal and accessory uses occurring on a parcel. This includes building footprints, private roads, parking lot surface areas, designated recreational areas, walking paths, storm water detention and retention facilities, and other lands clearly related to the permitted uses on a parcel. Present and future public rights-of-way, lands with natural slopes greater than 30 percent, jurisdictional wetlands, lands in the 100 year floodplain, public drinking water supply water sources (recharge areas for the

aquifer in the Glen Canyon Formation), lands affected by immitigable geo-hazards, riparian habitats, archeological sites, and required open space shall not be included in the calculation of developed acreage.

“Outdoor Light Fixture” means a complete lighting unit consisting of a lamp(s) and ballast(s) (when applicable), together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. Also known as a luminaire, or simply as a fixture.

“Partially Shielded Light Fixture” means an outdoor light fixture constructed and mounted so that the installed fixture emits most of its light above the horizontal plane. Where a light manufacturer provides a BUG rating, the uplight (U) and backlight (B) ratings are greater than zero (0). Light emitted at or above the horizontal plane (sideways or upwards) shall arise solely from incidental decorative elements or strongly colored or diffusing materials such as colored glass or plastic. Fixtures using spot or flood lamps are considered partially shielded if the lamps are aimed no higher than 45 degrees above the vertical plane beneath the fixture.



Examples of partially shielded lighting fixtures

“Recreational Lighting” means lighting used to illuminate sports fields, ball courts, playgrounds, or similar outdoor recreational facilities.

“Skyglow” means the brightening of the nighttime sky resulting from the scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one’s ability to view the nighttime sky.

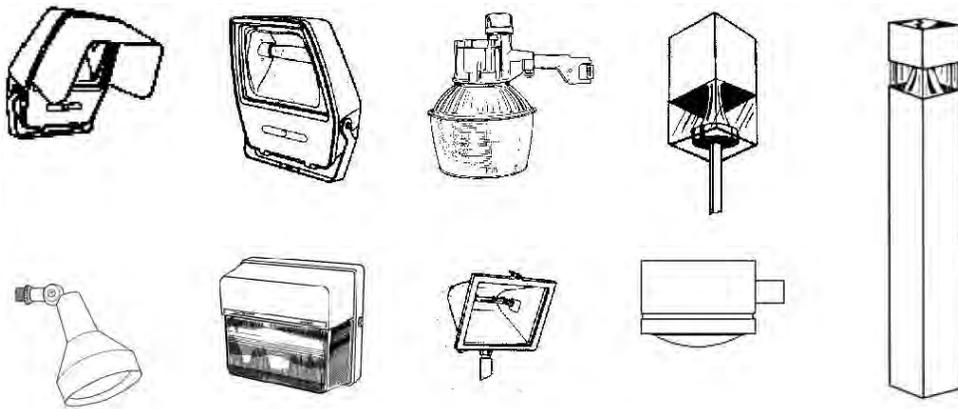
“Spotlight” means a fixture or bulb designed to light a small area very brightly. See definition of Floodlight.

“Total” means the sum of shielded and unshielded light.

“Total outdoor light output” means the total amount of light measured in lumens from all bulbs installed in outdoor lighting fixtures. For bulb types that vary in light output as they age (such as fluorescent and high intensity discharge (HID) bulbs), the initial lumen output as defined by the manufacturer shall be the lumen value used.

“Tower” means any monopole, antenna, or the like that exceeds eighteen feet (18') in height.

“Unshielded Fixture” means a fixture that has no shielding at all that would otherwise specifically prevent light emission above the horizontal.



Examples of unshielded light fixtures.

“Uplight” means all the light emanating above the horizontal plane of a luminaire.

Fully Shielded Fixture Requirements

- A. Unless specifically exempted by this Section, all outdoor lighting shall use fully shielded fixtures and shall be installed so light is directed downward with no light emitted above the horizontal plane of the fixture. Where a light manufacturer provides a BUG rating, the uplight rating (U) must equal zero (0).
- B. In order to qualify as a "fully shielded" fixture, a light fixture must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as fully shielded. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a light fixture under an eave, canopy, patio cover, or other similar cover does not qualify as fully shielded.
- C. Fixtures must not be placed at a location, angle, or height that directs illumination outside the property boundaries where the light fixtures are located.
- D. Notwithstanding the exemptions in Section E, below, all residential and commercial luminaires shall be fully shielded within twenty-five (25) feet of adjacent residential property lines.
- E. Exemptions to Fully Shielded Fixture Requirements:
 1. All lights exempted by this section shall be included in the calculation for total light output.
 2. Fixtures having a total light output less than one thousand (1,000) lumens are exempted from the fully shielded requirement provided the following criteria are met:
 - a. The fixture has a top that is completely opaque such that no light is directed upwards.
 - b. The fixture has sides that completely cover the light source and are made of opaque or semi-opaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light. Semi-opaque material such as dark tinted glass or translucent plastic may be used if the light source is not discernable behind the material. Completely transparent materials, such as clear or lightly tinted colored glass, are not allowed.

- c. The light source must not be visible from any point outside the property on which the fixture is located.
3. Spotlights controlled by motion sensors having a light output less than one thousand (1,000) lumens per lamp are exempted from the fully shielded requirement provided:
 - a. The fixture is a spotlight or other type of directed light that shall be directed straight down; and
 - b. The fixture must not be placed in such a manner that results in illumination being directed outside the property boundaries where the light fixtures are located.
 - c. Lights controlled by motion sensors shall not be triggered by movement or activity located off the property on which the light is located.
4. Pathway lights less than eighteen inches (18") in height are exempted from the fully shielded fixture requirement, if the total light output from each pathway light is less than three hundred (300) lumens.
5. Temporary exterior lighting intended as holiday or seasonal decorations displayed between November 15 and the following January 15, provided that individual lamps do not exceed 70 lumens and neither cause light trespass nor interfere with the reasonable use and enjoyment of any other property.
6. Traffic control signals and devices.
7. Temporary emergency lighting in use by law enforcement or government agencies or at their direction.
8. The lighting of federal or state flags, provided that the light is a top-down and narrow beam aimed and shielded to illuminate only the flag.
9. An applicant requesting approval for lighting that does not conform to these standards shall follow the procedures and findings requirements set forth in the **San Juan County Zoning Ordinance Section 2-3, Variances.**

Total Light Output

- A. Commercial. Total outdoor light output shall not exceed fifty thousand (50,000) lumens per developed acre. Streetlights used for illumination of public rights-of-way are excluded from this calculation. Commercial developments shall be permitted a minimum of 5,000 lumens of lighting regardless of parcel size.
 1. In non-residential zone districts, partially and unshielded lighting on a property shall not exceed 5,000 lumens per developed acre, and shall be included in the total outdoor light output calculation
- B. Residential. Total outdoor light output shall not exceed ten thousand (10,000) lumens of lighting for parcels one-half (acre), or larger, in size. Parcels smaller than one-half (1/2) acre shall be permitted five thousand (5,000) lumens of lighting regardless of parcel size. Total outdoor light output of any multifamily residential development including five (5) or more separate lots or units shall not exceed twenty thousand (20,000) lumens of lighting per developed acre.

1. In residential zones, partially and unshielded lighting on a property shall not exceed 1,000 lumens per lot, and shall be included in the total outdoor light output calculation.
2. Residential units used for overnight accommodations or other commercial uses shall comply with the residential standards for total light output.

Lighting Hours

- A. Commercial establishments shall turn off all outdoor lighting, except that listed below, by twelve o'clock (12:00) midnight:
 - a. Businesses open to the public after twelve o'clock (12:00) midnight may leave all outdoor lighting on until one hour after the close of business.
 - b. Lighting to illuminate the entrance to the commercial establishments.
 - c. Parking lot and pathway lighting required for the safety of guests or customers.
- B. Recreational lighting (residential and commercial) shall be turned off by ten o'clock (10:00) P.M. or one hour after conclusion of a specific sporting event, whichever is later.

Lighting Color

All exterior lighting shall utilize light sources with correlated color temperature not to exceed 3,000 Kelvin (K).

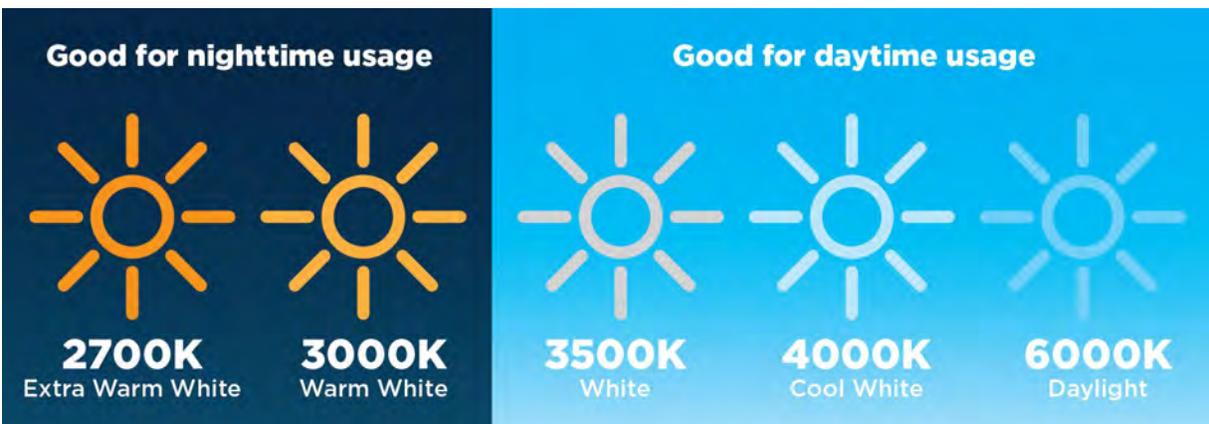


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Specialized Outdoor Lighting Conditions and Standards

- A. Gas station canopies may be illuminated provided all light fixtures are mounted on the undersurface of the canopy and all light fixtures are fully shielded. Merely placing the fixtures on the underside of the canopy does not qualify as fully shielding the light fixture.
- B. Roadway and street lights are prohibited unless recommended by the County engineer or required by UDOT to provide for the safety of the public. When deemed necessary, streetlights shall utilize lamp types that are fully shielded luminaires that minimize sky glow, light trespass, and other unintended impacts of

artificial lighting. All streetlights shall utilize the lowest illuminance levels acceptable to the County engineer and UDOT.

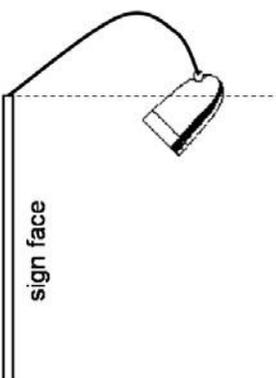
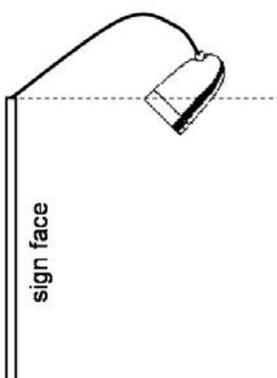
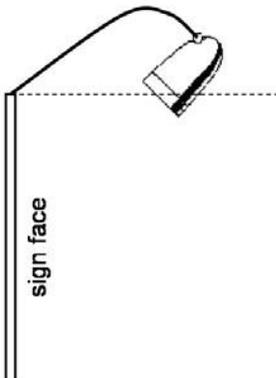
- C. Parking lots may not utilize spot or flood lighting whether mounted on a post or exterior building wall. The overall height of any light post used to illuminate parking lots in commercial zones shall not exceed twenty-five feet (25'). All post mounted parking lot lights shall be set back from property lines a distance equal to two and one-half (2.5) times the height of the pole unless an internal or external shield prevents the fixture being visible from outside the property boundaries. The overall height of any light post used to illuminate parking lots in residential zones shall not exceed twenty-five feet (25'). All parking lot lighting shall use fully shielded downward directed fixtures. Internal or external shields shall prevent the fixture being visible from outside the parking lots.
- D. Outdoor recreation areas or athletic fields at publicly owned facilities may use illumination to light the surface of play and viewing stands and for the safety of the public. The following standards shall apply to outdoor recreation area or athletic field lighting:
 - 1. The recreational lighting does not exceed illuminance levels for class IV sports lighting set by the Illuminating Engineering Society of North America.
 - 2. The recreational lighting provides illuminance for the surface of play and viewing stands, and not for any other areas or applications.
 - 3. Off-site impacts of the lighting will be limited to the greatest practical extent possible
 - 4. The lighting for areas or applications outside the surface of play and viewing stands shall conform to all provisions in this Chapter.
 - 5. The recreational or athletic facility shall extinguish lighting exempted by this Section no later than 10:00 pm or one hour after the end of play, whichever is later.
 - 6. The recreational lighting shall have timers that automatically extinguish lighting to ensure lights are not left on after the curfew or when the facilities are not in use.
- E. Outdoor amphitheatres may use illumination to light the performance area of the amphitheater and for the safety of the public. The following standards apply to all amphitheater lighting:
 - a. Lighting used to illuminate the performance area must be either directed spotlighting or fully shielded lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.
 - b. Lighting used to illuminate the performance area may only be turned on during performances or rehearsals.
 - c. Lighting used to illuminate the seating areas, pathways, and other areas of the amphitheater must meet all standards of this Section.
- F. Special events may use illumination to light the event area and for the safety of the public. The following standards apply to all amphitheater lighting:
 - a. Lighting used to illuminate the event area must be either directed spotlighting or fully shielded lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.

- b. Lighting used to illuminate the event area may only be turned on during the hours event activities are open to the public or paying guests.
- c. Lighting used to illuminate the seating areas, pathways, and other areas of the event must meet all standards of this Section.

G. All illuminated signs shall comply with the standards of the Permitted Signs Illumination Section, below.

Permitted Signs Illumination

- 1. Signs may be unlighted, lighted externally, lighted internally, or backlit. All sign lighting must be designed, directed, and shielded in such a manner that the light source is not visible beyond the property boundaries where the sign is located. Lighting for signs must be directed such that only the sign face is illuminated. All lighted signs must have stationary and constant lighting. All sign lighting is included in the calculation of total light output for a property.
 - a. Standards for Externally Illuminated Signs:
 - 1. Lighting for externally illuminated signs must be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads or properties or into the night sky.
 - 2. Lighting for externally illuminated signs must be mounted at the top of the sign (or within 2 feet of the top of a wall mounted sign), except for freestanding monument style signs which may be illuminated by ground mounted lighting.
 - 3. Lighting shall consist of no more than four (4) individual fixtures (or lamps) per sign face and produce a maximum of 40,000 lumens per fixture.
 - 4. All sign lighting shall be included in the calculation of total light output.

Permitted and Prohibited External Sign Lighting Configurations		
Allowed		Not Allowed
 <p>sign face</p> <p>Fully Shielded</p>	 <p>sign face</p> <p>Fully Shielded</p>	 <p>sign face</p> <p>Unshielded</p>

- b. Standards for Internally Illuminated Signs:
 - 1. Only sign text areas and logos may be illuminated on an internally illuminated sign.
 - 2. Internally illuminated signs shall use semi-opaque materials for sign text and logos such that the light emanating from the sign is diffused. Transparent or clear materials are not allowed for sign text and logos. Non-text portions of the sign (e.g., background and graphics other than the logo) shall be made of completely opaque material.
- c. Standards for Backlit Signs:
 - 1. The light source shall not be visible.
 - 2. Backlit signs shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign copy are allowed.
- d. Standards for Illuminated Window Signs
 - 1. Businesses may display a maximum of two (2) illuminated window signs positioned to be primarily visible outside the business structure.
 - 2. Illuminated window signs shall not exceed four (4) square feet in area.
 - 3. Illuminated window signs shall not be illuminated when the business is closed.

Application and Review Procedures

A. Lighting Plan

All sign permit applications, subdivision applications, site plan applications, building permit applications, and other development review applications within any zone district shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources comply with this Ordinance. Lighting plans shall include the following:

- 1. Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of illumination devices, lamps, supports, shielding and reflectors used and installation and electrical details.
- 2. Illustrations, such as contained in a manufacturer's catalog cuts, of all proposed lighting fixtures. For commercial uses, photometric diagrams of proposed lighting fixtures are also required. In the event photometric diagrams are not available, the applicant must provide sufficient information regarding the light fixture, bulb wattage, and shielding mechanisms for the planning commission to be able to determine compliance with the provisions of this Section.
- 3. A table showing the total amount of proposed exterior lights, by fixture type, wattage, lumens, and lamp type.

B. Approval Procedure:

- 1. The lighting plan for all new development shall be submitted for approval concurrent with the associated application process.

2. A certificate of occupancy shall not be issued until such time as the property is subject to a post installation nighttime inspection by the **Planning and Zoning Director and/or Building Inspector**.

Amortization of Nonconforming Outdoor Lighting

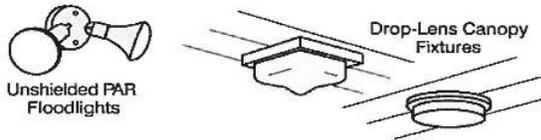
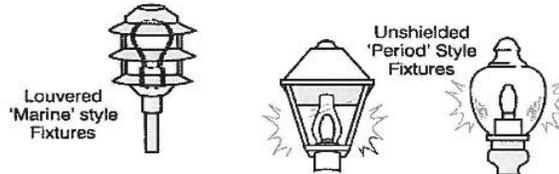
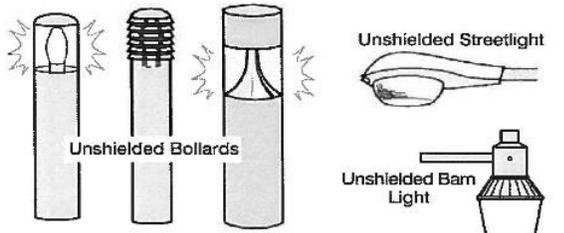
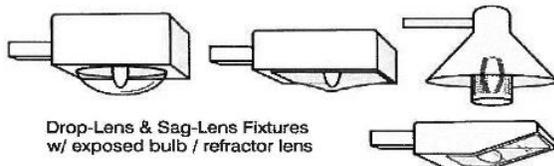
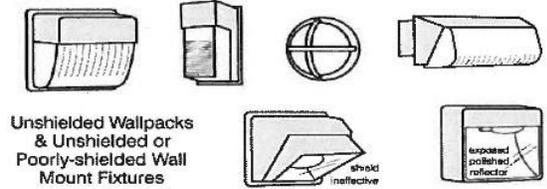
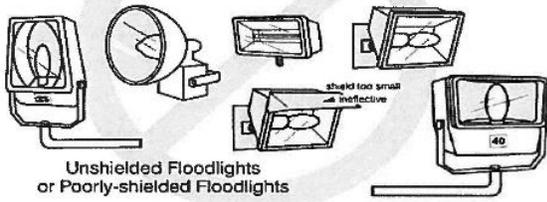
- A. The County shall require the termination of use of any and all nonconforming outdoor lighting fixtures, structures, lamps, bulbs or other devices that emit or generate light which are not otherwise exempted by this Section, pursuant to the amortization schedule contained in this **Amortization Section B**, below.
- B. All outdoor lighting legally existing and installed prior to the effective date of this Section, and which is not otherwise exempted, shall be considered nonconforming and shall be brought into compliance by the property owner as follows:
 1. Immediately as a condition for approval upon application for a building permit, sign permit, conditional use permit, new (nonrenewal) business license, site plan review or similar County permit or review.
 2. Immediately in the case of damaged or inoperative nonconforming lighting upon replacement or repair.
 3. Within five (5) years from the effective date of this Section for all other outdoor lighting.

Additional Images:

Examples of Acceptable / Unacceptable Lighting Fixtures

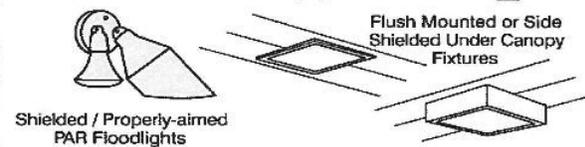
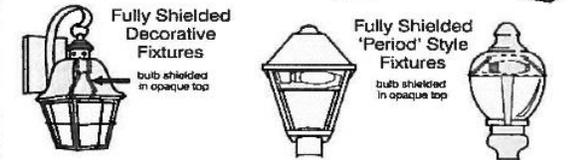
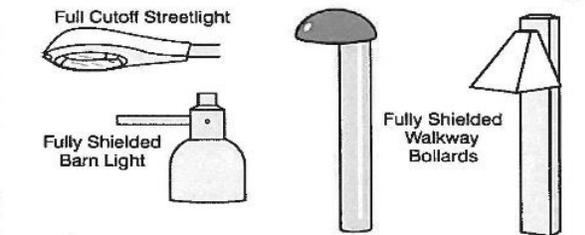
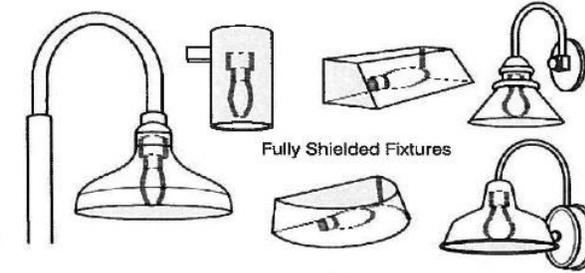
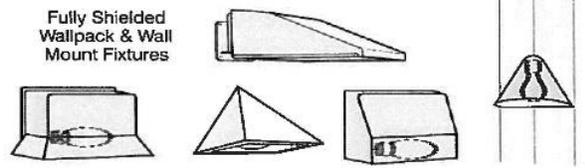
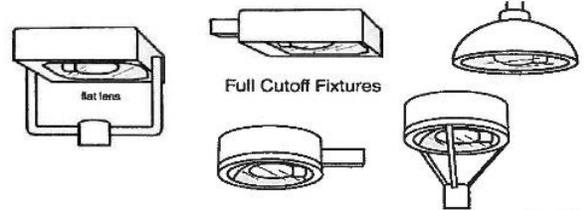
Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Illustrations by Bob Crelin © 2005. Rendered for the Town of Southampton, NY. Used with permission.

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Colby A. Smith and Holly Sloan



June 24, 2019

San Juan County Planning
and Zoning Commission
117 South Main Street
Monticello, Utah 84535

Dark Skies Ordinance

Dear Commissioners:

During the San Juan County Planning and Zoning Commission meeting on June 13, 2019, you requested citizen feedback on the differences between the draft Dark Skies ordinances that had been submitted by Landmark Design and by a group of concerned citizens from in or near the Spanish Valley. We addressed some of those differences during the meeting and provide this letter in response to your request. The comments below are our own and may differ from the views of others in the Spanish Valley area. We urge you to seek the broadest possible citizen input on this important issue.

Dark Skies have become an increasingly important issue to people living in rural communities and are recognized internationally as a significant aspect of our natural surroundings. As a result, in an area like Spanish Valley, which is adjacent to two National Parks that draw more than a million visitors a year, the issue takes on added significance. In the southern part of Spanish Valley located within northern San Juan County, the local economy is, and as growth continues is likely to remain, integrally connected with the City of Moab, southern Grand County and Arches and Canyonlands National Parks. Tourism is the primary engine behind the local economy, even if other businesses also develop in the area. This adds to the importance of taking proactive steps to protect the attractiveness of local natural resources, and the night sky is one of those resources. Grand County and the City of Moab already have recognized this by passing a comprehensive night sky ordinance. That ordinance, in turn, was patterned after a similar ordinance in Flagstaff, Arizona, which abuts both Grand Canyon National Park and Sedona. Flagstaff, in fact, has been recognized by the International Dark-Sky Association as an International Dark Sky Community for its efforts.

We have always been impressed by comments from out-of-town visitors at our home at Pack Creek Ranch, when they remark as much about the impressiveness of the night sky, as they do about the arches, hoodoos and vistas of Arches and Canyonlands. Many of us are accustomed to the local night sky, but for visitors who do not come from rural areas, the night sky can be one of the most memorable aspects of their experience. This makes the night sky an asset to

be preserved. In the same way that no one would want trash to be strewn across the landscape of Arches, so too we believe it is important to strive to avoid errant light from obscuring the local dark skies.

We have reviewed the two proposals and are struck by several important differences:

- **Down Lighting.** The exclusive focus of the Landmark proposal is on regulating the direction of light emitted by outdoor fixtures located in Spanish Valley. In this regard, the two proposals are nearly identical, because the Citizen Proposal also focuses on down lighting and minimizing light trespass and unnecessary lighting. The Landmark proposal discusses the use of “full cutoff fixtures,” while the Citizen Proposal discusses the use of “fully shielded fixtures,” but the meaning of these two terms appears to be nearly identical. The Citizen Proposal, however, contains more specifics about what defines and is permitted for fully shielded fixtures. We will discuss below why we believe the added specificity will make compliance and enforcement much easier throughout the community.
- **Regulation of Total Light Output, Light Color and Lighting Hours.** In addition to the direction of light, the Citizen Proposal also addresses issues related to the total output of light from a single location, the color of the light and the hours during which lights may be used. None of these issues are addressed by the Landmark Proposal. We consider this an important difference and one that makes the Citizen Proposal more effective. For example, an ordinance that addresses only the direction of light does not and cannot limit the impact of indirect lighting that may reflect off other surfaces, such as the ground or buildings. An ordinance that addresses the total output of light at a particular location helps to limit the impact of reflected light. Similarly, the color of lighting makes a significant difference. Anyone who has put the wrong bulb in a reading lamp knows that lighting that is too white creates a glare that makes reading difficult. While a warmer, more yellow bulb, is more comfortable for the eyes. The Citizen Proposal assures the use of warmer color in the lighting, which is less intrusive.
- **Non-Conformance.** As was discussed at the June 13 meeting, another difference between the two proposals is that the Landmark proposal asks existing community members to “voluntarily bring nonconforming exterior lighting into compliance.” The Citizen Proposal, on the other hand, requires anyone who obtains a building permit or renews a business license to bring their outdoor lighting into compliance. It also requires that any damaged or inoperative fixture be replaced with a compliant fixture. Finally, it requires that all outdoor lighting be brought into compliance within five years. With its focus on building permits and business license renewals, the Citizen Proposal addresses one comment made at the last Commission meeting – that businesses should be required to more expeditiously address the issue of non-compliance than residential users. In fact, the Landmark proposal does not require anyone – whether a business or a residence – to ever update an existing fixture, even if that fixture fails and needs to be replaced and even if the owner obtains a building permit. In our view, an ordinance that

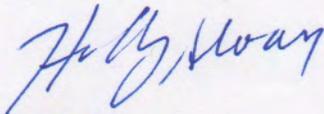
forever grandfathers in non-conforming uses is not as effective or attractive as an ordinance that reasonably requires compliance when changes are made to a property or as time goes by. Even under Chapter 4 of San Juan County's existing Zoning Ordinance, the County is empowered to require non-conforming users to come into conformance after a "reasonable time period" that allows the owner to recover the investment in the non-conforming aspect of their property. With respect to non-conforming lighting fixtures, in our view, a five-year period is more than enough time to recoup or amortize anyone's investment in a fixture. In addition, we believe that many fixtures can be brought into full compliance simply by using a new light bulb that is designed to redirect the light emanating from the fixture.

- **Enforceability.** Neither proposal specifically calls for pro-active enforcement of the new requirements, except where permission is sought for new development, new structures or reconstruction. For new projects, proposals will be required to address how the owner or builder plans to comply with the new requirements. For existing structures or residents, as was recognized at the June 13 meeting, the most likely reason for enforcement will arise only if there is a complaint. From a practical standpoint, this means that for both proposals, the impetus for existing owners and residents to comply will be voluntary. When complaints are made, however, the additional specificity of the Citizen Proposal will make it much easier for neighbors to discuss with one another any differences of opinion, with the hope that they can work out a resolution that does not involve County personnel. Where building and code enforcement personnel are asked to become involved, the more specific Citizen Proposal will make it easier to determine whether a particular use is or is not compliant. For example, the Landmark proposal says that parking lot lighting "shall meet the requirements of this ordinance;" whereas the Citizen Proposal specifies that parking lot lighting may not be on poles higher than 25 feet and may not be closer to the edge of the parking lot than 2.5 times the height of the pole on which the lights are mounted. If an enforcement issue arises, neighbors will find it much easier to determine whether the lighting is compliant with the requirement of the Citizen Proposal and, if called upon to do so, County personnel will find it much easier to resolve any disputes. In our view, the specificity of the Citizen Proposal will eliminate more subjectivity from the enforcement process – which will be beneficial for both owners and residents, and County enforcement personnel.
- **Other.** The Landmark Proposal specifically addresses certain lighting situations that are not specifically addressed by the Citizen Proposal, such as lighting along "hillsides, ridgelines and special cases," lighting of "towers" and lighting of "gas stations canopies." It may be useful to add these specific matters to the Citizen Proposal, so long as the requirements are consistent with other aspects of that Proposal.

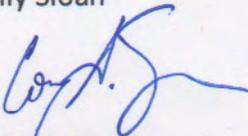
Our review of the two proposals has led us to conclude that the comprehensiveness of the Citizen Proposal, along with its consistency with already-existing dark sky ordinances in the Spanish Valley, should make it the starting place for any dark sky ordinance in the San Juan County portion of Spanish Valley – or throughout San Juan County, if the Commission so

decides. In addition to the points outlined above, we believe it is very important for the same dark sky regulations to exist across all of Spanish Valley, regardless of where the County Line may be. The geography of Spanish Valley and its proximity to significant national parks and other recreational lands that draw millions of visitors each year – and on which the economy of Spanish Valley relies – makes consistency into an imperative. Especially as new development occurs in the San Juan County portion of Spanish Valley, a vague or difficult to enforce dark sky ordinance could significantly impact and diminish an important community asset – the night sky that we all admire, but cannot take for granted.

Very truly yours,



Holly Sloan



Colby A. Smith

By Electronic Mail

- cc: Kenneth Maryboy (*by electronic mail*)
Chair, San Juan County Commission
Bruce Adams (*by electronic mail*)
San Juan County Commissioner
Willie Greyeyes (*by electronic mail*)
San Juan County Commissioner
Dave Everitt (*by electronic mail*)
Interim Administrative Officer
Walter Bird (*by electronic mail*)
San Juan County Director of Planning and Zoning

SAN JUAN COUNTY UTAH ZONING ORDINANCE

<http://sanjuancounty.org/sjc-content/documents/Zoning%20ordinance.pdf>

6-6 Determination

The Planning Commission, or upon authorization, the Building Inspector, may permit a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this Ordinance.

In authorizing any conditional use the Planning Commission shall impose such requirements and conditions as are necessary for the protection of adjacent properties and the public welfare.

The Planning Commission shall not authorize a conditional use permit unless the evidence presented is such to establish

1. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity, and

2. That the proposed use will comply with regulations and conditions specified in this Ordinance for such use.

3. The Planning Commission shall itemize, describe, or justify the conditions imposed on the use.

[“Pursuant to San Juan County Zoning Ordinance 12-2, the commercial uses permitted within the Highway Commercial zone include restaurants or drive-in cafes, motels, new and used automobile agencies, farm machinery and equipment sales, nurseries and greenhouses, mobile home sales, mobile home parks, drive-in theaters, bowling alleys, other commercial recreation facilities, automobile service stations and auto accessories, accessory buildings and uses, other uses approved by the Planning Commission as being in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed uses. All other uses are considered “conditional uses.”]

CHAPTER 9

CONSTRUCTION SUBJECT TO GEOLOGIC, FLOOD, OR OTHER NATURAL HAZARD

9-1 Requirements

(1) When the Planning Commission or the Zoning Administrator deems it necessary, any application for a conditional use permit, a planned unit development approval, or a building or use permit, shall be accompanied by a geologic and soils survey report for the land, lot or parcel for which application approval is sought. The report shall be prepared at applicant's expense by a geologist or soils engineer and shall show the suitability of soils on the property to accommodate the proposed construction, and any discernable flood or earthquake hazards,

(2) Whenever a geologic and soils survey report indicates a parcel to be subject to unusual potential or actual hazards, the applicant shall meet the special conditions required by the Planning Commission or zoning administrator, to reduce or eliminate such hazard, or if such conditions cannot be met, or will not be met, the application shall be denied.

Highway Commercial CDh

Restaurant or drive-in cafe

Motels New and Used Automobile Agency Farm Machinery and Equipment Sales

Nurseries and Greenhouses

Mobile Home Sales

Mobile Home Park

Drive-in Theater

Bowling Alley, other commercial recreation facilities

Automobile Service Station,

Auto Accessories

Accessory Buildings and uses

Other uses approved by the Planning Commission as being in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed uses.

12-6 Boundaries

1. Boundaries for all Controlled District (CD) zones shall be established by the Board of County Commissioners who may from time to time amend the number, shape and area of such districts provided those changes shall be first reviewed by the Planning Commission and a public hearing.
2. Description of all Controlled Districts (CD) zones should be included as part of this section of the County Zoning Ordinance, and changes in some shall be written in similar language and made part of this section.
3. Controlled District (CD) boundaries.

A. An area parallel to all State Highways extending outwardly one thousand (1000) feet each direction from the center line of said highways and terminating at County Boundaries, or municipal corporate or service area boundaries.

14-2 Effective Date

This ordinance shall take effect upon its adoption.

Passed by the San Juan County Board of County Commissioner this 5 day of June, 1978

Edward S: Boyle (signature on file) Chairman

Attest: Clytie Barber (signature on file)

Ordinance No. 1984-1

UTAH SITLA: In 1994 the Utah Legislature created the School and Institutional Trust Lands Administration as an independent agency to manage and develop trust land assets.

Definitions: via Wikipedia, Webster's Dictionary, etc.

Automobile: a road vehicle, typically with four wheels, powered by an internal combustion engine or electric motor and able to carry a small number of people.

Automotive Service Station: a place equipped for servicing automobiles, as by selling gasoline and oil, making repairs, etc. a place that provides some service, as the repair of equipment, or where parts and supplies are sold, provided, dispensed, etc.

Truck: A truck or lorry is a motor vehicle designed to transport cargo. Trucks vary greatly in size, power, and configuration; smaller varieties may be mechanically similar to some automobiles. Commercial trucks can be very large and powerful and may be configured to be mounted with specialized equipment, such as in the case of refuse trucks, fire trucks, concrete mixers, and suction excavators. Strictly speaking, a commercial vehicle without a tractor or other articulation is a "straight truck" while one designed specifically to pull a trailer is not a truck but a "tractor".^[1]

Modern trucks are largely powered by diesel engines, although small to medium size trucks with gasoline engines exist in the US, Canada, and Mexico. In the European Union, vehicles with a gross combination mass of up to 3.5 t (7,700 lb) are known as light commercial vehicles, and those over as large goods vehicles.

Truck Stop: The truck stop originated in the United States in the 1940s as a reliable source of diesel fuel not commonly available at filling stations. This, coupled with the growth of the Interstate Highway System, led to the creation of the professional haulage and truck stop industries. They generally consist of, at the very least, a diesel grade fueling station with bays wide and tall enough for modern tractor/trailer rigs, plus a large enough parking area to accommodate from five to over a hundred trucks and other heavy vehicles. **Truck stops should not be confused with rest areas or motorway service areas which cater mostly to cars** and are often run by or leased from a government or toll-way corporation.

REQUEST FOR DISALLOWANCE OF LOVES TO OPERATE IN THE NSJC AREA

In violation of: **SAN JUAN COUNTY UTAH ZONING ORDINANCE; CHAPTER 12 CONTROLLED DISTRICT CD; 12-2 Permitted Uses; Community Commercial CDc** : The NSJC-C request the disallowance of a Loves Truck Plaza in the commercial zone along HWY 191 (or any other type of truck plaza type of business) in the Highway Commercial CDh Zone of Northern San Juan County – Spanish Valley area – defined as Hwy Marker 110 approximately north direction to the San Juan County – Grand county Line

Note: The NSJC-C is requesting that all commercial ordinances presented should also apply to the entirety of all zones in this above area described.

Violation of existing Ordinance of 1978.

Additional Resident Health and Well Being Concerns:

Vent pipe emissions from storage tanks at gas stations: Implications for setback distances:

<https://www.ncbi.nlm.nih.gov/pubmed/30292117>

Vent emission factors were 10 times higher than previous estimates.

<https://www.aridtech.com/ARID-Columbia-Hopkins-Article.pdf>

Diesel Exhaust and Cancer: <https://www.cancer.org/cancer/cancer-causes/diesel-exhaust-and-cancer.html>

Crime-FBI: https://archives.fbi.gov/archives/news/stories/2010/november/cargo_111210/cargo_111210

Serial Killers: <https://www.latimes.com/archives/la-xpm-2009-apr-05-me-serialkillers5-story.html>

Crime on truck drivers' demand for prostitutes, fake jewelry and drugs:

<http://www.landlinemag.com/Magazine/2001/Feb/Features/prostitutes-jewelry-dugs.aspx>

Humane Sex Trafficking:

<https://humantraffickinghotline.org/sites/default/files/Sex%20Trafficking%20at%20Truck%20Stops%20AAG.pdf>

OSHA Diesel Exhaust: <https://www.osha.gov/SLTC/dieselexhaust/>

EPA Leaking of underground storage tanks and ground and surface water:

<https://www.epa.gov/ust/leaking-underground-storage-tanks-corrective-action-resources>

Benzene from fuel storage tanks and Diesel Exhaust, one of the contaminants released from LUSTs, has been classified by the USEPA⁴³ and the Department of Health and Human Services (DHHS) as a known **human carcinogen** that causes acute myelocytic leukemia and bone marrow depression.⁴⁰ Furthermore, benzene exposure may cause excessive bleeding and affect the immune system, increasing the probability of infection. Aside from the direct release of benzene into the atmosphere, inhalation of benzene may also occur through a process called vapor intrusion where benzene and other VOCs move through soils and into nearby apartment buildings, thus contaminating indoor air.⁴⁰ When inhaled at high levels, benzene may cause confusion, dizziness, rapid or irregular heartbeat, and loss of consciousness.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3980862/>

More data available upon request:

http://co.untah.ut.us/document_center/CommunityDevelopment/Ord_12_18_2017_01_Uintah_County_Zoning_Code.pdf

Separate Environmental Impact Study Request for both Loves and Sky Ranch

LOVES

Based on the potential impacts of the proposed project, including cumulative impacts, and the comments received during the public review we request the SJC Commissioners require Loves to hire and fund an independent contractor approved by the SJC Commissioners to perform a comprehensive Environmental Impact Study (EIS). The EIS will be based on both Federal/National Standards as well as State and County Standards, and produce a comprehensive Environmental Impact Report (EIR) on their findings. The EIR should be prepared to analyze potential impacts of the proposed project with respect to the following environmental issues to include but not limited to TBD:

- Aesthetics, Air Quality, Diesel Exhaust, Hydrology and Water Quality, Possible Contamination of Pack Creek, Compatibility with Residential Land Use and Planning, Mineral Resources, Biological Resources, Noise, Cultural Resources, Population and Housing, Tribal Cultural Resources, Public Services, Geology and Soils, Recreation, Greenhouse Gas Emission, Transportation/Traffic, Hazards and Hazardous Materials, Utilities/ Service Systems, Police-Fire-EMS Systems, Effects on Venting-idling-noise-Nuisances, etc.

SKY RANCH:

Same request for Sky Ranch with respect to the Safety, Health, and Well Being of residents and residential areas put in harm's way by the potentially dangerous placement of an airstrip in the center of a long established residential area.

San Juan County-Spanish Valley Noise Ordinance

Regulations adopted by reference:

The provisions of the Salt Lake Valley Health Department Health Regulation 21 entitled "Community Noise Pollution Control," as currently adopted by the *San Juan County-Spanish Valley Noise Ordinance* as amended, are hereby incorporated in their entirety by reference. Copies of such regulation shall be on file with the S.J. County recorder and available for examination by any person.

General prohibition of noise.

In addition to the specific prohibitions outlined in this chapter, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unreasonable, unnecessary, or unusual noise that:

- A. Disturbs the health or safety of a reasonable person of normal sensitivity within any receiving property; or
- B. Creates a public nuisance, defined as an act or condition created by a person who unlawfully commits or omits to perform any duty, which either:
 - 1. Seriously injures, or endangers the health or safety of, any person;
 - 2. Seriously renders a person insecure in life; or
 - 3. Endangers the environment.

Additionally, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any noise that is plainly audible at a Type A (Single Family Residence) or Type B (2 or more Family Residence) receiving property between the hours of ten p.m. and seven a.m.

Indoors.

- A. No person shall emit, nor shall any person cause, allow, permit, or fail to control the emission of any stationary noise source so as to exceed the maximum sound pressure level set forth in Table 1 at the end of this chapter when measured indoors of a multi-dwelling-unit building or multi-use property. Measurements shall not be taken in areas which receive only casual noise in non-habitable areas such as hallways, closets, and bathrooms.
- B. The transmission of vibrations that cannot be measured with a sound level meter are not restricted by this chapter.

Specific noise restrictions.

- A. Bells and Clocks. No person shall sound, operate, or permit the sounding or operation of an electronically amplified signal from any bell, chime or clock between the hours of ten p.m. and seven a.m. for longer than five minutes in any one hour so as to cause a noise nuisance.
- B. Fixed Sirens, Whistles, and Horns. No person shall sound, nor shall any person cause, allow, permit, or fail to control the sounding of, any whistle, horn, or siren used as a signal for commencing or suspending work, or for any other purpose so as to cause a noise nuisance, except when used as a signal of an emergency or imminent danger.
- C. Hawkers and Peddlers. No person shall offer for sale, distribute, solicit, or sell anything by shouting or outcry within three hundred feet of a Type A or Type B property use. The provisions of this subsection shall not be construed to prohibit the selling by shouting or outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, and other similar public entertainment events.
- D. Motor Vehicles.
 - 1. Horns and Other Signaling Devices. No person shall sound any horn or audible signaling device on any motor vehicle, except to prevent or avoid an accident. Any advertisement or solicitation which encourages or requests a person to honk their horn in violation of this chapter is expressly prohibited.
 - 2. Motorsports. No person shall allow or conduct any sponsored or sanctioned motorsport activities in such a manner that emits a sound pressure level which exceeds the maximum allowable sound pressure levels set forth in Table 1 at the end of this chapter when measured at a Type A or Type B property use.
 - 3. Standing Motor Vehicles. No person shall operate, nor shall any person cause, allow, permit, or fail to control the operation of, any motor vehicle to remain in an idling mode or condition for:
 - a. A consecutive period of two minutes or longer;
 - b. Any period of time while the vehicle is left unattended; or
 - c. So as to cause a noise nuisance.
 - d. Within 500 feet of any residential area.

Any required structure to mitigate sound/noise travel distances and levels must be constructed to sufficient equivalent specifications of an **Acoustical Sound Barrier**.

Music and sound amplification.

With the exception of declaring an emergency, no person shall operate, play, nor shall any person cause, allow, permit, or fail to control the operation or playing of any personal or commercial sound amplification, or sound reproduction equipment, or musical instruments, or similar devices in such a manner:

- A. So as to exceed the maximum allowable sound pressure levels set forth in Table 1 at the end of this chapter when measured at a Type A or Type B property use;
- B. Which emits a plainly audible noise at a Type A or Type B property use between the hours of ten p.m. and seven a.m.;
- C. That causes a crowd noise nuisance at a Type A or Type B property use between the hours of ten p.m. and seven a.m.

And others as appropriate

In interpreting and applying the provisions of this chapter, the requirements contained herein are declared to be the minimum required for the purposes set forth. Notwithstanding the foregoing, whenever the provisions of this chapter conflict with any other ordinances pertaining to the same subject, the more restrictive provisions shall prevail.

Table 1
Maximum Permissible Sound Pressure Levels (L_{eq}) Table

Receiving Property Use*	Between 10:00 p.m. and 7:00 a.m.	Between 7:00 a.m. and 10:00 p.m.
Type A	5 dBA above ambient sound not to exceed 50 dBA	10 dBA above ambient sound not to exceed 60 dBA
Type B	5 dBA above ambient sound not to exceed 55 dBA	10 dBA above ambient sound not to exceed 65 dBA
Type C	5 dBA above ambient sound not to exceed 70 dBA	10 dBA above ambient sound not to exceed 70 dBA
Type D	5 dBA above ambient sound not to exceed 75 dBA	10 dBA above ambient sound not to exceed 75 dBA

The permitted **noise level** using A-weighted decibels (the unit environmental **noise** is usually measured in) is: 34 dBA (decibels adjusted) if the underlying **level** of **noise** is no more than 24 dBA.

Excessive noise. **Excessive noise** is any **noise** that is under human control and unreasonably interferes with the peace, comfort and convenience of any person.

San Juan County-Spanish Valley Idling Ordinance

Whereas:

The EPA emissions standards aim to cut the pollution caused when truckers either keep their engines on, or use small diesel-fueled auxiliary power units, or APUs, to cool or heat their cabs and run household appliances while parked.

The Environmental Protection Agency's new 1,690-page greenhouse gas pollution rule book is a requirement to slash the particulate emissions coughed out by the idling diesel engines of heavy-duty trucks.

The new EPA emissions standards aim to cut the pollution caused when truckers either keep their engines on, or use small diesel-fueled auxiliary power units, or APUs, to cool or heat their cabs and run household appliances while parked. The Environmental Protection Agency classification of Engine Exhaust-Diesel being classified as **Group A: "Human Carcinogen"**. - "This group is used only when there is sufficient evidence from epidemiologic studies to support a causal association between exposure to the agents and cancer" along with such items as Polychlorinated biphenyls, dioxin-like, Asbestos, Mustard gas (Sulfur mustard), etc.

It is a significant source of pollution caused by trucks. Long-haul truckers park for long periods of time, both to sleep and to comply with regulations requiring rest breaks and limiting the number of hours they can drive during a day or week. They need power in their cabins to cook, watch television and keep the temperature at a comfortable level.

Regulators see limiting truck idling as a crucial way to reduce carbon emissions and particulate matter from trucks, which account for about 20 percent of the greenhouse gas emissions produced by the U.S. They are requiring the industry to slash pollution from the APUs by as much as 95 percent by 2024.

The idling rules are part of the federal government's recently publish Phase 2 standards to reduce greenhouse gas emissions from trucks. The emissions standards were developed jointly by the EPA and the National Highway Traffic Safety Administration.

The EPA has supported other forms of idle-reduction technologies on the market, including battery-electric APUs. The battery packs are charged while the truck is running.

IdleAir and Shore Power Technologies provide electricity connections (electrification stations), which has become an increasingly popular idling alternatives for vehicles at truck stops.

IdleAir and Shore Power are available at just 100 locations nationwide according to the Federal Highway Administration. IdleAir, Shore Power, or equivalent electrification stations will be required in SJC-Spanish Valley for all new truck plaza/service station construction where vehicles may wish to park for extended periods of time of 15 minutes or longer. (None of the 4,500 trucks in C.R. England's massive fleet are equipped with APUs. The company relies on IdleAir's services for its drivers' power needs, said Ron Hall, vice president of equipment and fuel for C.R. England.)

Northern San Juan County-Spanish Valley Idling Ordinance

2 minutes accumulative in and one location:

No idling allowed within 500 feet of any residential home or area. 1000 feet of any school.

COMPENDIUM OF IDLING REGULATIONS: Updated: January 2019 Utah

Logan 2 minutes: Logan City Code §10.52.270(b)

No limit if 90°F for health or safety reasons; EX: Clear windshields - Emergency vehicles - Vehicle inspection - Maintenance or diagnostics - Manufacturers' specifications - Power auxiliary equipment - Recharge hybrid vehicles - Housing service animals

Utah, Park City 1 minutes: Park City Municipal Code 9-10 Park City, Environmental Sustainability

Fines: Warnings – 1 st – 3 rd offenses; (NOTE: State Law now allows for fines after just 1 warning.) \$40 – subsequent offenses - Traffic conditions - Emergency situations - Power auxiliary equipment including refrigeration units - Repair or inspection - Health or safety - Manufacturers' specifications

Salt Lake City Code §12.58: 2 minutes: Salt Lake City, "Idle Free" www.slco.gov/sustainability Utah

Fines: Warning – 1 st – 3 rd offenses; (NOTE: State Law now allows for fines after just 1 warning.) \$135 – subsequent offenses; EX: Traffic controls - Heating or cooling if 90°F for health or safety reasons - Clear windshields - Emergency vehicles - Vehicle inspection - Maintenance or diagnostics - Manufacturers' specifications - Power auxiliary equipment - Recharge hybrid vehicles - Housing service animals.

Salt Lake County 2 minutes: Salt Lake County Health Department Regulation #22 4.1.1 Salt Lake County Health Department, slco.org/health/air-quality Utah

Fines: Warnings – 1 st – 3 rd offenses; (NOTE: State Law now allows for fines after just 1 warning.) ≤\$1,000 – subsequent offenses; EX: Traffic conditions - Power refrigeration unit - Repair or diagnostics - Power auxiliary equipment - Manufacturers' specifications - Emergency vehicles,

Sandy City 1 minute: Sandy City Traffic Code §164 Sandy City, sandy.utah.gov

Fines: Warning – 1 st – 3 rd offenses; (NOTE: State Law now allows for fines after just 1 warning.) ≤\$750 – subsequent offenses; EX: Traffic controls - Power auxiliary equipment including refrigeration units - Manufacturers' specifications - For health or safety reasons - Clear windshields - Maintenance, diagnostics or inspection - Emergency vehicles

Utah, Summit County 1 minutes: Summit County Code §6-4-1 Summit County, Utah summitcounty.org

Fines: Warning – 1 st – 3 rd offenses; (NOTE: State Law now allows for fines after just 1 warning.) \$60 – subsequent offenses; EX: Traffic controls - Power auxiliary equipment including refrigeration units - Manufacturers' specifications - For health or safety reasons - Clear windshields - Maintenance, diagnostics or inspection.

Northern San Juan County Venting Ordinances

Ordinance for Storage Tank Venting

At gas stations and truck stops, fuel vapors are released into the atmosphere from storage tanks through vent pipes. Little is known about when releases occur, their magnitude, and their potential health consequences. Our goals were to quantify vent pipe releases and examine exceedance of short-term exposure limits to benzene around gas stations. At two US gas stations, we measured volumetric vent pipe flow rates and pressure in the storage tank headspace at high temporal resolution for approximately three weeks. Based on the measured vent emission and meteorological data, we performed air dispersion modeling to obtain hourly atmospheric benzene levels. For the two gas stations, average vent emission factors were 0.17 and 0.21 kg of gasoline per 1000 L dispensed. Modeling suggests that at one gas station, a 1-hour Reference Exposure Level (REL) for benzene for the general population (8 ppb) was exceeded only closer than 50 m from the station's center. At the other gas station, the REL was exceeded on two different days and up to 160 m from the center, likely due to non-compliant bulk fuel deliveries. A minimum risk level for intermediate duration (>14-364 days) benzene exposure (6 ppb) was exceeded at the elevation of the vent pipe opening up to 7 and 8 m from the two gas stations. Recorded vent emission factors were >10 times higher than estimates used to derive setback distances for gas stations. Setback distances should be revisited to address temporal variability and pollution controls in vent emissions.

Buffer Zone for venting benzene from fuel storage tanks

No closer than 1000 feet for any school, park, residential home or area, recreational facilities, etc.

<https://www.ncbi.nlm.nih.gov/pubmed/30292117>

Northern San Juan County Noxious Odor Ordinances

A noxious odor is ANY aroma of such intensity that it becomes apparent and/or offensive to others. Any odor can become noxious or offensive when it is too strong. Some examples are cigarette, cigar, or pipe smoke; gasoline and diesel exhaust, asphalt plant fumes, etc.

Symptoms could include:

Exposure to **odors** could result in health effects ranging from none, to mild discomfort, to more serious **symptoms**. Some chemicals with strong **odors** may cause eye, nose, and throat or lung irritation. Strong **odors** may cause some people to feel a burning sensation that leads to coughing, wheezing or other breathing problems.

[Odors & Health - New York State Department of Health](#)

<https://www.health.ny.gov/publications/6500/index.htm>

Diesel Exhaust Fumes as they are not only noxious but they are also harmful carcinogenic to humans.

Exposure to Asphalt fumes can cause headache, dizziness, nausea and vomiting. (3 complaints from NSJC-C members) Asphalt fumes are also possibly carcinogenic.

Any other fumes that are rated at a level (1-Are) or (2-May be) carcinogenic to humans.

Minimum of 1000 feet from schools, residents, parks, etc. This may be extended to a distance sufficient to escape the order or effects of the order based on fumes intensity, saturation, prevailing winds, etc.

Northern San Juan County Nuisance Ordinances

Nuisance is Effective 5/14/2019

78B-6-1101. Definitions -- Nuisance -- Right of action -- Agriculture operations.

- (1) A nuisance is anything that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. A nuisance may be the subject of an action.
- (2) A nuisance may include the following:
 - (a) drug houses and drug dealing as provided in Section 78B-6-1107;
 - (b) gambling as provided in Title 76, Chapter 10, Part 11, Gambling;
 - (c) criminal activity committed in concert with two or more persons as provided in Section 76-3-203.1;
 - (d) criminal activity committed for the benefit of, at the direction of, or in association with any criminal street gang as defined in Section 76-9-802;
 - (e) criminal activity committed to gain recognition, acceptance, membership, or increased status with a criminal street gang as defined in Section 76-9-802;
 - (f) party houses that frequently create conditions defined in Subsection (1); and
 - (g) prostitution as provided in Title 76, Chapter 10, Part 13, Prostitution.
- (3) A nuisance under this part includes tobacco smoke that drifts into a residential unit a person rents, leases, or owns, from another residential or commercial unit and the smoke:
 - (a) drifts in more than once in each of two or more consecutive seven-day periods; and
 - (b) creates any of the conditions under Subsection (1).

Add in symptoms may have physical, mental, behavioral affects

Master Plan Water Analyses for Spanish Valley is Incomplete and Misleading to the Public

Your final Master Plan is incomplete and misleads the public to assume that there is ample water available today or in the near future for development of Spanish Valley. As you stated in the Master Plan, the San Juan County Spanish Valley Special District (District) does have a water right for 1500-acre feet. However, the many restriction by Utah on this water right will require additional expenditures of tens of millions of dollars to develop the sources. The district is limited by the restrictions to producing only 500 acer feet of underground water from their well.

The possibility of producing more water from this well is very small. The available water in our underground aquifer per the new USGS study is 6000 to 8,000 acer feet. The available water has been over allocated by 200 percent. The Utah Division of Water Rights is currently adjudicating the water rights in the valley to reduce this over allocation. Both Moab City and Grand County combined have sufficient prior water rights to own all the available underground aquifer. San Juan County's Water Right has a priority of 2017.

The District will need to develop water from the Colorado River to meet the earlies growth proposed in the Master Plan. Developing Colorado River Water for culinary purposes will require tens of millions of dollars. The cost of pumping and processing the water will make the water one of the most expenses culinary water in the state. There are no plans by the district to develop water from the Colorado River.

Your Master Plan needs to provide the residents of Spanish Valley with the information that the available water is limited to 500 acer feet or approximately 800 lots and that there are no current plans to develop more sources.

Insufficient Water for Approved Subdivisions in Spanish Valley San Juan County

San Juan County as approved an unknown number of Subdivisions over the last 20 to30 years. The number of approved lots in the subdivisions is also unknown. The attached map is the half section of land surrounding the Sky Ranch airport. This area has over 176 approved lots for development. The section of land to the west and south west contains more approved subdivisions and many more lots waiting for development.

The subdivisions and lots approved for development in the last 30 or more years have first rights to the 500-acre feet of available water.

Large scale commercial developments such as Loves Truck Stop should not be provided water until it is determined how much water is needed to develop the lots currently approved by San Juan County.

Allocation of the available water can be done by the District. The current District's Board was appointed by a prior County Commission and will not protect the rights of the small land owners in the valley. The District Board needs to be elected by the residents of the water district. This selection should be part of next year's general election.

Bill love

San Juan County

PLAN OF SAN JUAN COUNTY, UTAH

SECTION 36, T26S, R22E, SALT LAKE MERIDIAN, UTAH

N 89° 51' E

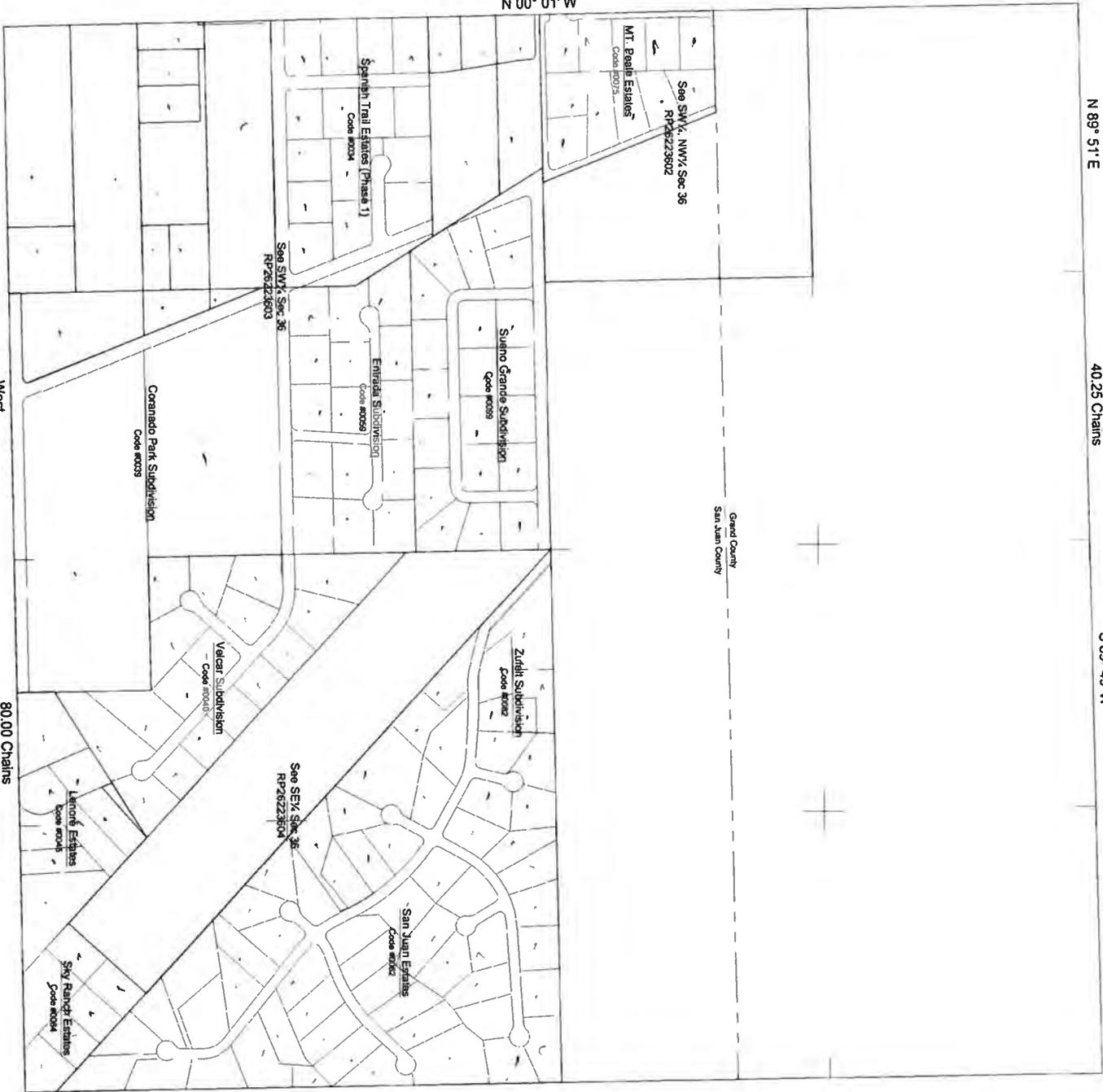
40.25 Chains

S 89° 49' W

40.05 Chains



N 00° 01' W



This plat was created pursuant to Utah Code Annotated 1993, as amended, section 172(1) solely for the purposes set forth therein and is based upon information provided by recorded owners. Salt Lake County assumes no liability for errors, omissions, variations, gaps or overlaps.



9/20/08
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Landmark Design Comments - 6/26/19 Carolyn Dailey

Thank you for having this meeting to hear our concerns. I am Carolyn Dailey from [REDACTED]. I am an active member of the NSJC Coalition and have spoken at SJC Commissioners' Meetings. I also sent you a letter several years ago during the public comment period for the Spanish Valley Development Plan before it was finalized. My concerns are still the same today.

I do not want to see our Moab Valley turned into an Aspen or Jackson Hole where you drive through miles of suburbs, hotels and huge shopping complexes before you finally arrive at the quaint old downtown district that you have come to see.

It is natural for change to occur over time in a community and this change does need to be managed. But your Spanish Valley Development Plan will be the initiating cause of large scale development that otherwise would not have happened on its own.

The driving force behind this is SITLA who wants to get more money for their lands than they would with the current zoning. They have "given" \$ 2 Million for water and sewer infrastructure, but they have not done this for the public good. It is a business investment to make more money later with this infrastructure in place. Of course residents are going to sign up for water and sewer services, but that does not mean they want the proposed future development going along with it.

Here is what I want to see happen:

- I want to preserve the rural character of Spanish Valley and make it an even more beautiful and inviting entry way to Moab.
- I want to keep any new commercial development only along the HWY 191 corridor and then only allow small

- businesses that serve needs of the community – like a small coffee shop with donoughts!
- I do not want Spanish Valley Drive to become “Main Street” with commercial businesses of any kind.
 - I do not want large shopping centers and big stores like Walmart and Lowe’s, which put smaller local businesses out of business.
 - I do not want large hotels or more overnight condo rentals because we already have too many of these in the Moab Valley. We already are overwhelmed with visitors!
 - I know that affordable housing is needed, but let’s make it affordable with small inexpensive lots and not have high density cheap housing.
 - And I want to have large buffer zones between all commercial and residential areas.
 - But most importantly, for compelling reasons of public safety, health and general welfare too numerous to list now, I do not want any large truck stop complexes like Love’s, any kind of industrial operations, nor any airports or heliports allowed in Spanish Valley.

In sum, I, and I think all of us here, do not want a “Moab South” or “Spanish Valley City.” We want to keep the rural character – we want to essentially keep it feeling like it is!!!

Please go back to the drawing board with your development plan and simplify it. Please create very strict Dark Sky, Noise, Idling and Air Quality ordinances that will prevent the kinds of changes we do not want. Please do what is in the interest of the public good and not the money making developers.

Thank you for your consideration of my views.