

# Clarification on Community Concerns

## SCOPE OF PLANNING DEPARTMENT

The intent and purpose of the Planning & Zoning Department is to provide guidance and a set of regulations to promote property rights to private landowners, businesses and developers to encourage investment and growth in our communities. It is the responsibility of the Planning Administrator and Planning Commission to support positive land use decisions.

Our proposed 2024 San Juan County Land Use, Development, and Management Ordinance is a response to outdated zoning concerns from our current standing 2011 Ordinance. Zoning ordinances are a living document with the intent to be continuously reevaluated to address on-going community needs.

Planning & Zoning's scope is limited to land use. The maps and use table provided outline a proposal for the types of uses permitted (or conditional) in each zoning district. A "Permitted Use" means that the property owner may proceed under that use (obtain a building permit, open a business of that type, etc). A "Conditional Use" means that this type of use is allowed but will need to go to the Planning Commission for approval to address concerns for safety and wellness of the surrounding neighborhood.

## TAXES AND GREENBELT STATUS

Changing the zoning status of your property will not affect its greenbelt status. The Farmland Assessment Act of 1969, as amended, allows for favorable tax treatment of certain property used for agricultural purposes commonly referenced as "Greenbelt".

Generally speaking, to qualify for Greenbelt, a property must:

- Consist of 5 acres or more under common ownership
- Be devoted to agricultural use, (although agricultural use can be a secondary use of the land)
- The operation is managed in such a way that there is a reasonable expectation of profit.

Changing the zoning of property does not change the tax status of the property. Changing the use of the property may have tax consequences. Property used for commercial purposes is taxed differently than property containing a personal residence. Vacant land is taxed differently than improved property. If you have a change in use, this may affect your tax obligations.

There are other requirements and also exceptions. If you have any interest in learning more, please contact:

**Rick Meyer**  
**435-587-4131**  
[rmeyer@sanjuancounty.org](mailto:rmeyer@sanjuancounty.org)

## NONCONFORMING USE & ANIMAL RIGHTS

Uses which have been commenced legally prior to the adoption of the proposed ordinance, or for which permits were properly issued and are acted upon in a timely manner, shall be considered as nonconforming uses. Uses that were unlawful prior to the enactment of the new ordinance, shall not become legal by the enactment of the new ordinance.

The purpose of “Nonconforming” is to control and gradually eliminate those uses of land or structures that, although legal at the time of their establishment or erection, do not now conform to the land use regulations of the current zone within which they are situated. This allows for the ideals of each designated zone to be realized over time.

The current 2011 Ordinance states that “Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises” are allowed in Rural Residential and Agricultural Zones. If this currently applies to you, you are in compliance.

The new proposed agricultural uses and animal rights within a each zone are defined within the 2025 Land Use, Development and Management Ordinance document.

## WATER RIGHTS

Changing the zoning of property does not affect its water rights. The State of Utah controls water right designations. There was a recent audit of existing wells in which property owners need to verify their use and flow rates. This is handled directly with the State Office. San Juan County has no jurisdiction over water rights.

**Utah Division of Water Rights**

**[WaterRights@utah.gov](mailto:WaterRights@utah.gov)**

**801-538-7240**

## MORTGAGE RATES & HOMEOWNERS INSURANCE

There has been a lot of misinformation based upon some of your concerns about mortgage rates and homeowner’s insurance. Changing the zoning does not affect your mortgage rates or homeowner’s insurance. Any proposed change in use of the property may affect future mortgage rates or insurance. For example, commercial property or income property traditionally has higher mortgage rates than residential property.

## RESORTS, SOLAR FARMS & OTHER CONDITIONAL USES

We have several recreational resorts already in the area. Camp Resorts are allowed under a Conditional Use. This means that applicants would have to apply and gain approval from the Planning Commission. Conditional Uses must be fulfilled within a year and maintain those stipulations throughout the operation of that use.

There is a solar farm company looking at a facility in La Sal proper. They have several parcels they are currently evaluating along the Highway 46 and Markal Street. The company is doing an initial feasibility study and have not made an application at this time. If they do want to proceed, they will have to apply for a Conditional Use Permit at which time public due process will happen.

I have not heard anything about Uranium Processing or Storage Facilities county-wide. The storage facility in Blanding is one of two in the nation. The infrastructure it would take to build a second facility in La Sal seems unfeasible since there's already one in Blanding.

## PERMANENT RV RESIDENTS

Permanently living in an RV or Camp Trailer is not allowed outside of a designated and county approved RV Park. This is a growing problem for all cities and counties across our nation right now. There will be very clear guidelines in the new ordinance of limiting the amount of RV's allowed per property and the stipulations of which they may be stored on the property.

A Temporary RV Permit may be obtained with the intent of providing shelter while building a residence. This permit must be applied for and approved by the Planning Administrator. Permits are good for one-year with requested extensions if substantial progress is shown on permanent housing.

Any other concerns from the community that need clarity?