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## Love's Travel Stop decision delayed after tie-breaking vote walks out

San Juan County Planning Commission stalls verdict on proposed 13-acre Spanish Valley travel stop, extending nearly six-year zoning and legal battle.

By Andrew Christiansen

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A decision on whether a proposed Love's Travel Stop in Spanish Valley qualifies as a permitted or harmonious use under San Juan County's 2011 zoning ordinance — nearly six years after the project first surfaced — will wait at least another month.



Photo caption: The proposed 13-acre site for a Love's Travel Stop lies just south of Sunny Acres Lane in Spanish Valley, where residents have raised environmental and zoning concerns. File photo

The San Juan County Planning Commission on July 10 voted unanimously, with three members absent, to table the question until its next meeting on Aug. 14. The nearly five-hour meeting underscored how divisive the 13-acre truck stop proposal remains. Love's wants to build the facility just south of Sunny Acres Lane — just across the county line separating San Juan from Grand — with fuel pumps for passenger vehicles and semis, an attached convenience store, parking for dozens of trucks and showers for drivers.

Love's spokesperson Lauren Daniels wrote in a statement the company isn't currently able to provide more specific information regarding next steps assuming the project does move forward, estimated timeline and site-specific information including exact number of parking spaces.

In the meeting, public comment stretched for more than an hour, with most residents urging the county to oppose the project. They questioned whether the truck stop is compatible with the zoning ordinance that was in effect when it was proposed, and also raised concerns about diesel emissions, noise, crime, property values and long-term impacts on Spanish Valley's growth as a residential area.

Several also criticized Commission Chair Trent Schafer for giving Love's representative Kym Van Dyke extra time to speak during public comment. Tensions rose further when a resident in the front row interrupted Planning Administrator Kristen Bushnell as she was reviewing the county's efforts to keep the public involved in updating the general plan and land use ordinance — despite a formal pause from the San Juan County Commission. The man interjected that Bushnell hadn't been in the office at all and urged her to "just tell the truth." Bushnell warned that he could be removed for continuing to disrupt the meeting.

Moments later, Schafer suggested ending the meeting altogether. When another commissioner asked what he meant, Schafer replied, "I'm just done," before he packed up his things and left — removing what would have been the board's tie-breaking fifth vote. The meeting paused amid further arguments, and a sheriff's deputy was called in to help keep the peace, something the county has done at past meetings on the truck stop.

### **Long legal road over zoning definitions**

At the center of the dispute is whether the proposed Love's is substantially the same as an "automobile service station," or otherwise sufficiently harmonious with uses listed in the county's 2011 Central Development Highway ordinance. If so, it could proceed under existing zoning. If not, it might require a conditional use permit or zone change.

The battle began in 2019, when then-Planning Director Walter Bird approved Love's application as a permitted use without a planning commission vote. That decision was later challenged in court by nearby residents and business owners organized as the Northern San Juan County Coalition.

In 2023, Seventh District Judge Don Torgerson ruled Bird had overstepped his authority by interpreting an ambiguity in the zoning code without sending it to the commission, sending the question back for a formal vote.

In February 2024, the San Juan County Planning Commission voted 3-2 that the truck stop was effectively comparable to a gas station and could be approved under the existing ordinance. Commissioners Ann Austin and Melissa Riggs dissented, pointing to a 2012 Utah Property Rights Ombudsman opinion that truck stops generally create “significantly different impacts” than allowed uses.

That decision led to another appeal by the coalition. In late 2024, Administrative Law Judge Lyn Creswell ruled the county hadn’t backed up its approval with substantial evidence and returned the matter to the commission, instructing it to more closely examine whether the project is substantially similar to or harmonious with an automobile service station. The coalition appealed Creswell’s decision, arguing he overstepped by laying out a roadmap to approval, but agreed to pause the case while the county reconsidered.

### **Split commission wrestles with local impacts**

At the July 10 meeting, Planning Commissioner Ann Austin argued the proposed Love’s was fundamentally different from what the county’s 2011 Central Development Highway ordinance allows, pointing to the company’s own application materials filed with Utah Trust Lands Administration that repeatedly describe the project as a “truck stop” or “travel center.”

“An automobile service station is not the same thing as a truck stop or a travel center, as demonstrated by the applicant’s own language,” she said.

Austin listed nearby homes, short-term rentals and people living above or inside business park units, questioning whether this was truly the kind of harmony the county intended.

“Having them subjected to all of these hazards?” she asked, pointing to the scale and 24-hour nature of the project, along with concerns over diesel emissions, noise and light.

Planning Commissioner T.C. Garcia questioned whether people actually live in some of the spaces Austin referenced. Bushnell replied that she wasn’t sure how legal it is, “but yes, there are people sleeping in these garages.”

Austin moved to rule that the project wasn’t a permitted use and would instead require a conditional use permit. The motion failed for lack of a second. With the board split 2-2, Commissioner Cody Nielson suggested tabling the decision, which passed unanimously.

### **Resident concerns, calls for mitigation and next steps**

Many residents, including members of the Northern San Juan County Coalition, argued the proposed 24-hour truck stop could saddle Spanish Valley with heavy truck traffic, diesel fumes,

increased crime and long-term hits to property values — undermining plans for it to grow as a healthy residential area.

Coalition member Holly Sloan said the group has repeatedly asked the county and Love's to discuss more mitigation measures — such as electric plug-ins to reduce idling, higher sound barriers or extensive landscaping — but no talks have materialized.

“I am not at all confident that they are going to address our biggest concerns around health, safety, quality of life and compatibility with existing uses that are there,” Sloan said.

Nearby homeowner Susan Carter, who lives within 1,000 feet of the site, urged the commission to consider peer-reviewed research on diesel particulates and long-term health risks, especially for children and seniors.



Photo caption: The years-long controversy over a proposed Love's Travel Stop in northern San Juan County could come to a conclusion next month. File photo courtesy of Love's Travel Stops/Wikimedia Commons.

“It's kind of like you're knowingly turning a blind eye to what data is available to tell you that you're putting a community at harm's risk,” she told The Times-Independent.

Erin Greenley, who bought a live-work unit just behind the proposed truck stop last year, said she and her husband might abandon plans to start a small business there if it moves forward.

“The environmental impact of it is concerning,” she told The Times-Independent. “It just seems absolutely bogus, and it doesn't belong there, and it sets up the future of the city to be awful.”

At the meeting, Love's representative Kym Van Dyke said the company has made several design changes over the years in response to public concerns. The plan moves truck parking and fuel tanks more than 300 feet south, adds an eight-foot wall and includes a detention pond to help protect nearby homes. Van Dyke said the plan handed out to commissioners at the meeting features 69 truck spaces — more than before — and 81 car spaces, slightly fewer than earlier designs.

Others called on the commission to push Love's for more studies on air quality, noise, traffic and preventing fuel spills near Pack Creek.

Daniels said that Love's takes "residents' concerns seriously and partners with the community and officials throughout the development process to hear and address questions and concerns."

Daniels added that when a new Love's is built, it "adds value for all customers, including residents."

"A typical location adds 50 plus jobs to the community, and Love's is a significant economic contributor to the communities we join," she wrote.

The San Juan County Planning Commission is expected to revisit the core question at its next meeting on Aug. 14. Whether that leads to a final approval under the 2011 code or another appeal from the coalition, which Sloan said was possible, the nearly six-year fight shows no sign of ending.

"Nobody wants to be in this kind of conflict with the county," Sloan said. "It's expensive for us and for the county ... It's really unfortunate, but a truck stop would be a pretty tough pill to swallow in a community that's hoping to grow and foster a real healthy and safe community."

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