

**Planning Commission Meeting  
County Administration Building  
Duchesne, UT  
June 1, 2022 – 5:00 pm**

**In Attendance:**

Gary Sorensen, Planning Commission Chairman  
Bobby Drake, Planning Commissioner  
Ken Richens, Planning Commissioner  
Connie Sweat, Planning Commissioner

Mike Hyde, Community Development Administrator  
Mike Gottfredson, Assistant Community Development Director  
Becky Broadhead, Executive Secretary of Community Development

**Visitors**

None

Chairman Sorensen opened the meeting at 5:00 pm. He asked if any of the Planning Commission Members had any ex-parte contacts or conflicts of interest associated with any item on the agenda. There were none so the meeting proceeded.

**Public Hearing**

A. Recommendation to the County Commissioners regarding an amendment to the Duchesne County Zoning Ordinance to prohibit the placement or occupancy of additional mobile homes manufactured prior to June 15, 1976 (the effective date of the HUD manufactured home safety code). Mr. Hyde presented the following:

**FINDINGS OF FACT**

1. **PROPOSAL DESCRIPTION** Duchesne County proposes to amend its zoning ordinance to prohibit the placement of additional pre-1976 HUD code manufactured or mobile homes in areas under county zoning jurisdiction.

2. **HISTORY OF EVENTS**

May 5, 2022 The application was submitted.  
May 5, 2022 The application was deemed complete.  
May 18 & 25, 2022 Notice of Hearings published in the Uintah Basin Standard  
June 1, 2022 Planning Commission hearing  
June 13, 2022 County Commissioner's hearing

3. **ZONING ORDINANCE:**

The procedure for considering amendments to the zoning map or text are set forth below:

**SECTION 8-1-7: AMENDMENTS TO TITLE AND MAP:**

A. Application: A proposed amendment to this title and map may be initiated by any property owner, any person residing in the county, any business owner, the county commission, planning commission, board of adjustment or the county staff by filing an application for zoning ordinance and map amendment. **Findings: The applicant is Duchesne County.**

B. Notice of Public Hearings and Public Meetings:

1. The county shall give:

- a. Notice of the date, time, and place of the first public hearing to consider the adoption or modification of a land use ordinance; and
- b. Notice of each public meeting on the subject.

2. Each notice of a public hearing under subsection B.1.a. of this section shall be:

- a. Mailed to each affected entity at least ten (10) calendar days before the public hearing;
- b. Posted:

(1) In at least three (3) public locations within the county; or

(2) On the county's official website; and

c. Published:

(1) In a newspaper of general circulation in the area at least ten (10) calendar days before the public hearing; and

(2) On the Utah public notice website at least ten (10) calendar days before the public hearing; or

(3) Mailed at least ten (10) days before the public hearing to:

(A) Each property owner whose land is directly affected by the land use ordinance change; and

(B) Each adjacent property owner within three hundred feet (300') of the boundary of the rezone area.

3. Each notice of a public meeting under subsection B. 1. b. of this section shall be at least twenty-four (24) hours before the meeting and shall be posted:

a. In at least three (3) public locations within the county; or

b. On the county's official website.

4. a. If the county plans to hold a public hearing in accordance with section 17-27a-502 of the Utah code to adopt a zoning map or map amendment, the county shall send a courtesy notice to each owner of private real property whose property is located entirely or partially within the proposed map at least ten (10) days prior to the scheduled day of the public hearing.

b. The notice shall:

- (1) Identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments;

- (2) State the current zone in which the real property is located;
- (3) State the proposed new zone for the real property;
- (4) Provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted;
- (5) State that the owner of real property may no later than ten (10) days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment;
- (6) State the address where the property owner should file the protest;
- (7) Notify the property owner that each written objection filed with the county will be provided to the municipal legislative body; and
- (8) State the location, date, and time of the public hearing described in section 17- 27a-502 of the Utah code.

c. If a county mails notice to a property owner in accordance with subsection B. 2. c. (3) of this section for a public hearing on a zoning map or map amendment, the notice required in this subsection B. 4. may be included in or part of the notice described in subsection B. 2. c. (3) of this section rather than sent separately. Duchesne County Ordinance #22-398 June 1, 2022 Page (4)

5. The planning commission shall consider all written objections received during their public hearing process and forward a copy of all such objections to the county commissioners.

6. The county commission is designated as the land use authority for zoning text or map amendments. The commission shall consider the proposed zoning ordinance text or map amendment and the recommendation of the planning commission pursuant to the procedures established by this section and Utah Code Annotated. The county commission may approve the amendment, revise the proposed amendment and approve the proposed amendment as revised, or reject the proposed amendment. There is no minimum area or diversity of ownership requirement for a zone designation. Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or the invalidity of a county decision.

**Findings: The public notice requirements have been met by publication of the hearings notice in the Uintah Basin Standard on May 18 & 25, 2022, on the county website, posting in the county administration building and, in the Utah Public Notice website. Planning Commission agendas are emailed to affected entities and interested parties one week in advance of the meeting.**

C. Criteria for Approval: In considering a proposed amendment to the zoning ordinance and map, the applicant shall identify, and the planning staff, planning commission and the county commission shall consider, the following factors:

1. The overall community benefit of the proposed amendment; **Findings: The amendments have been proposed primarily to address the health and safety issues associated with pre-1976 manufactured or mobile homes. In addition, community benefits would also accrue from requiring newer manufactured or mobile homes that are not only safer, but more visually appealing and less impactful to property values.**

2. Consistency with the goals and policies of the general plan; **Findings: The general plan does not specifically address the issue of manufactured or mobile home age but the plan does encourage the provision of affordable housing. While pre-1976 manufactured or mobile homes may indeed be affordable, it is often not cost effective or practical to bring such homes into compliance with the 1976 HUD safety code. Even with the approval of this ordinance, 1976 and newer HUD compliant manufactured and mobile homes could still be placed in the County and offer an affordable housing alternative.**

3. Compatibility with the neighborhood; **Findings: This criterion is not applicable as the proposed amendment would affect all areas that allow single family dwellings.**

4. What changes have occurred in the neighborhood since the zoning ordinance and map or latest amendment was enacted; **Findings: This criterion is not applicable as the proposed amendment would affect all areas that allow single family dwellings.**

5. Whether a change in the use for the affected properties will unduly affect the uses of adjoining properties; and **Findings: This criterion is not applicable as the proposed Duchesne County Ordinance #22-398 June 1, 2022 Page (5) amendment would affect all areas that allow single family dwellings. However, requiring new installations of manufactured or mobile homes to meet the 1976 HUD safety code will reduce the risk of fire or visual blight that could affect adjoining properties.**

6. Consider the interest of the applicant. **Findings: The County is the applicant in this case and has an interest in amending its zoning ordinance to cease the flow of potentially unsafe manufactured or mobile homes into the county.**

D. Effect of Amendment: An amendment to the zoning ordinance and map shall not authorize the development of land. After an amendment has been approved by the county commission, no development shall occur until the required development permits and licenses have been issued by the county.

### **CONCLUSIONS**

1. The request complies with the text amendment criteria in Section 8-1-7 of the Zoning Ordinance.

2. The request is valid.

Mr. Hyde recommended that the Planning Commission recommend to the Duchesne County Commissioners the approval of the amendments to the Duchesne County Zoning Ordinance as set forth in proposed Ordinance #22-398.

Commissioner Drake asked Mr. Hyde if the 1976 Mobile Homes or older that are already in Duchesne County will be considered grandfathered in? Mr. Hyde said they will be grandfathered in. Commissioner Sweat moved to recommend to the County Commissioners the amendment to the Duchesne County Zoning Ordinance regarding Mobile Homes, Commissioner Drake seconded the motion, and the motion passed unanimously.

### **Minutes: Approval of May 4, 2022 Minutes**

Commissioner Sorenson moved to approve the minutes of the May 4, 2022 meeting. Commissioner Drake seconded the motion and it passed unanimously.

**Commission Comments**

None

**Adjournment**

After a motion to adjourn from Commissioner Sorenson and a second from Commissioner Richens, the meeting adjourned at 5:40 pm.