

DUCHESNE COUNTY

PLANNING COMMISSION MEETING

DECEMBER 6, 2023

REQUEST TYPE: Zoning Map Amendment

APPLICANT: Mathew Bell

PROPOSAL: Rezone 20.05 acres of land from Agricultural (A-5) to Agricultural (A-2.5)

LOCATION: Lot 6 of the Larsen Springs Agricultural Subdivision, located in Section 18, Township 1 North, Range 8 West, USM. The subject property is located along the North Fork Road, north of Highway 35, in the Hanna area.

ZONING DESIGNATION: Currently A-5, Proposed A-2.5

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FINDINGS OF FACT

1. PROPOSAL DESCRIPTION

Mathew Bell owns Lot 6 of the Larsen Springs Agricultural Subdivision. The 20.05-acre lot is bisected by the North Fork Road, with approximately 2.9 acres located on the east side of the road and approximately 17.15 acres located on the west side. Mr. Bell would like to sell the 2.9 acres but is unable to do so due to the current 5.0-acre minimum lot size in the A-5 zone. He could sell a 5.0-acre lot bisected by the county road; however, that would require a variance to the county subdivision ordinance (lots less than 20-acres in size are not to be bisected by a road).

Rather than rezone one lot; staff proposed that the entire subdivision be rezoned to give the property owners flexibility to create smaller lots in the future. However, none of the other owners in the subdivision expressed interest in joining the rezone request.

The subdivision is within the Hanna Water District boundary and water could be extended in the future, which would then enable the creation of lots down to one acre in size.

Division of existing lots in the Larsen Spring Agricultural Subdivision would require a plat amendment survey and approval by the TriCounty Health Department and Duchesne County.

2. HISTORY OF EVENTS

September 12, 2023	The application was submitted.
November 6, 2023	The application was deemed complete.
November 16, 2023	Notice mailed to property owners within the rezone area and within three hundred feet (300') of the subject property.
November 22 & 29, 2023	Notice of hearings published in the Uintah Basin Standard.
December 6, 2023	Planning Commission hearing.
December 18, 2023	County Commission hearing.

3. DUCHESNE COUNTY ZONING CODE

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.

B. Notice of public hearings and public meetings on adoption or modification of land use ordinance.

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 (1)(a) shall be:

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

- (i) In at least three public locations within the county; or
 - (ii) On the county's official website; and
 - (c) (i) Published:
 - (A) In a newspaper of general circulation in the area at least 10 calendar days before the public hearing; and
 - (B) On the Utah Public Notice Website at least 10 calendar days before the public hearing; or
 - (ii) mailed at least 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 300 feet of the boundary of the rezone area.
- 3. Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the meeting and shall be posted:
 - (a) In at least three public locations within the county; or
 - (b) On the county's official website. **Findings: The required public notice has been published in the newspaper, mailed to property owners and posted on the county website.**
- 4. (a) If a 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 10 days prior to the scheduled day of the public hearing.
 - (b) The notice shall:
 - (i) Identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments;
 - (ii) State the current zone in which the real property is located;
 - (iii) State the proposed new zone for the real property;
 - (iv) 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;
 - (v) State that the owner of real property may no later than 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;
 - (vi) State the address where the property owner should file the protest;
 - (vii) Notify the property owner that each written objection filed with the county will be provided to the municipal legislative body; and
 - (viii) 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 (2)(c)(ii) for a public hearing on a zoning map or map

amendment, the notice required in this Subsection (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather than sent separately. **Findings: The applicant and the other owners in the Larsen Springs Agricultural Subdivision have been mailed proper notice. Three additional property owners within 300 feet of the affected area (including the US Forest Service and the Ute Indian Tribe) have been sent a mailed notice of the public hearings.**

5. The Planning Commission shall consider all written objections received during the public hearing process and forward a copy of all such objections to the County Commissioners.

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 county zoning map, in the Tabiona/Hanna area, provides for smaller lots (one acre minimum) along Highway 35 where culinary water hookups are available. Then, for roughly a mile on each side of the Highway 35 corridor, the zoning is Agricultural (A-2.5) with a 2.5-acre minimum lot size. Farther away from the Highway 35 corridor, the zoning becomes Agricultural (A-5) with a five-acre minimum lot size. This zoning scenario places higher densities along major transportation and utility corridors with lower density moving away from those corridors. This approach is deemed to have community benefit as it fosters orderly development. In this case, the proposal aligns with this approach as the rezoned lands lie along a major county road and within the boundaries of the Hanna Water District.

2. Consistency with the goals and policies of the general plan;

Findings: The General Plan contains the following statements regarding private land use:

“Duchesne County feels that residential, commercial, and industrial development on private land should be allowed to continue in a responsible manner and in locations that contribute to the economic and social well-being of County residents. The County will continually review and amend its existing ordinances as necessary to accurately and adequately reflect the land-use preferences of Duchesne County residents.”

“The County supports orderly and responsible residential, commercial, industrial, and recreational growth and feels that there are areas within the County suited to accommodate these types of development.”

“Duchesne County, through its zoning ordinance, encourages a mixture of land uses which helps shorten commuter trips, reduces vehicle miles traveled (VMT), encourages walking and biking and reduces energy consumption.”

The rezoning criteria of Section 8-1-7 of the zoning ordinance are established to aid the Planning Commission and County Commissioners in determining which land use districts are appropriate in specific areas of the county. If those criteria are met, it can be presumed that the proposal will be consistent with the general plan.

3. Compatibility with the neighborhood;

Findings: The neighborhood is characterized by U.S. Forest Service land to the north, west and east of the Larsen Springs subdivision and Ute Indian tribal land to the south. There are private lands between the site and Highway 35 that are recreational in nature, with the exception being the Stockmore Ranger Station. Under this proposal, the zoning would remain agricultural; only the minimum lot size would change (from 5.0 acres to 2.5 acres). The nature of the proposed change is not expected to cause incompatibility with other land uses in the neighborhood.

4. What changes have occurred in the neighborhood since the zoning ordinance and map or latest amendment was enacted;

Findings: The neighborhood has changed somewhat since the current zoning was established in the late 1990s. Some recreational or second home uses have been established on previously vacant parcels to the south along Highway 35 and the North Fork Road. The Larsen Springs Agricultural Subdivision was a major change; creating nine new lots in 2009. A more recent change saw the U.S. Forest Service transfer ownership of certain surplus portions of the Stockmore Ranger Station to the Ute Indian Tribe. The proposed rezoning would facilitate the continued slow development of recreational uses in the area.

5. Whether a change in the use for the affected properties will unduly affect the uses of adjoining properties; and

Findings: Lands to the north, west and east of the subdivision are managed as part of the Duchesne Ranger District of the Ashley National Forest. Lands to the south of the subdivision are mostly owned by the Ute Indian Tribe. There are some private lands along the North Fork Road that are predominately vacant or secondary residential/recreational parcels. None of the uses of adjoining properties would be adversely affected by the proposal.

Land uses allowed in the A-2.5 zone are very similar to those allowed in the A-5 zone. However, according to the Table of Uses in Section 8-6-1 of the zoning ordinance, certain land uses that are permitted outright in the larger lot size zone (A-5) typically require a conditional use permit in the smaller lot size zone (A-2.5). There are some land uses (such as airstrips, cemeteries, concentrated animal feeding operations, industrial uses, junkyards, livestock auctions, produced water disposal facilities, sawmills and mining operations) that are allowed in the A-5 zone conditionally but not

allowed in A-2.5 due to the opportunity for smaller lot sizes and resulting incompatibility.

6. Consider the interest of the applicant.

Findings: The interest of the applicant is to rezone the property and enable the sale of approximately 2.9 acres of land on the east side of the North Fork Road; facilitated by the 2.5-acre minimum lot size of the proposed A-2.5 zone.

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 Zoning Map Amendment criteria of the Duchesne County Zoning Code.
2. The request is valid.

RECOMMENDATION

Recommended Motion: I move that the Planning Commission adopt the findings and conclusions herein and recommend the County Commissioners' approval of this rezone, requested by Mathew Bell, changing 20.05 acres of land from Agricultural (A-5) to Agricultural (A-2.5).

Mike Hyde, AICP
Community Development Director