

ORDINANCE #24-415

**A TEMPORARY LAND USE REGULATION PROHIBITING
SUBDIVISIONS OVER FOUR PARCELS OR LOTS WITHIN DUCHESNE
COUNTY**

WHEREAS, Utah Code § 17-27a-504 (1)(a) of the Utah Code authorizes Duchesne County to enact a temporary land use ordinance, *establishing a temporary land use regulation for any part or all of the area within the county if the legislative body makes a finding of compelling, countervailing public interest;* and,

WHEREAS, Utah Code § 17-27a-504 (1)(b) authorizes the *prohibition or regulation of the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval*, which regulation shall be temporary but is not expressly limited by time so long as compelling, countervailing public interest continues to justify it; and,

WHEREAS, Duchesne County has adopted the Duchesne County Land Use Regulations, for the purpose of regulating land use, subdivision and development in Duchesne County in accordance with the General Plan; and,

WHEREAS, from time to time the County adopts ordinances to modify the Land Use Regulations and General Plan so they align with current and future infrastructure capacity; and,

WHEREAS, Duchesne County has experienced significant growth in the unincorporated areas of the county over the past few years; and,

WHEREAS, the General Plan in Section 1. Land Use, Private Lands states: 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 economic and social well-being of County residents; and,

WHEREAS, Duchesne County intends to assess availability of essential services in the unincorporated areas of the county; and,

WHEREAS, subdivisions exempt from plat requirements found in Utah Code § 17-27a-605(2), that qualify as agricultural land, are not being used as such; and,

WHEREAS, Duchesne County intends to examine its Land Use Regulations and adopt new regulations in the near future; and,

WHEREAS, for the reasons articulated above, the Duchesne County Commission finds that compelling, countervailing public interests justify prohibiting the subdivision of lots greater than four.

NOW, THEREFORE, The County Legislative Body of Duchesne County ordains as follows:

SECTION 1. Finding of Compelling Countervailing Public Interest. Pursuant to Section 17-27a-504 of the Utah Code, the Duchesne County legislative body finds that, potential unavailability of essential services, constitutes a compelling, countervailing public interest that justifies temporary land use regulations. Subdivisions of more than four lots or parcels shall be prohibited for up to 180 days in order to assess availability of essential services.

SECTION 2. Location. These temporary land use regulations shall apply to the unincorporated areas of Duchesne County.

SECTION 3. Uses Prohibited. Prohibits temporarily the subdivision of more than four lots or parcels.

SECTION 4. Duration. This temporary zoning ordinance shall remain in effect until March 15, 2025 unless earlier amended, modified, or repealed. This temporary land use regulation shall not exceed 180 days.

SECTION 5. Effective Date. It is the opinion of the legislative body of Duchesne County that this Ordinance is necessary for the immediate preservation of peace, health, and safety of the county and its inhabitants. Therefore, pursuant to Utah Code § 17-53-208(6), this Ordinance shall take effect immediately upon publication in the Uintah Basin Standard.

DATED this 16th day of September 2024.

ATTEST:

DUCHESNE COUNTY
BOARD OF COMMISSIONERS

Chelise Jessen
Chelise Jessen
County Clerk/Auditor

Irene Hansen
Irene Hansen, Chair

Tracy Killian
Tracy Killian, Commissioner

Greg Miles
Greg Miles, Commissioner

Document Notarization Information

STATE OF UTAH
COUNTY OF 18
On the 16 day of September 2024
personally appeared before me Irene Hansen,
Tracy Killian, Greg Miles
the signer(s) of the foregoing instrument who duly
acknowledged to me that he/they executed the same
Notary Public Melissa Hughes
Residing at: 134 N. Center St. Duchesne
Commission Expires: 8-24-2025

