

DUCHESNE COUNTY

PLANNING COMMISSION MEETING

OCTOBER 5, 2016

REQUEST TYPE: Zoning Map Amendment – Planned Unit Development Overlay

APPLICANT: Lamont Moon – LG Moon LLC

PROPOSAL: Planned Unit Development designation for the Upper Duchesne River Camp

LOCATION: Along the Duchesne River (between the Warm Springs Retreat Subdivision and Highway 35) in Section 30, Township 1 North, Range 8 West, in the Hanna area.

ZONING DESIGNATION: R-1

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FINDINGS OF FACT

1. PROPOSAL DESCRIPTION

Lamont Moon (LG Moon LLC) owns a 36.64-acre parcel located along the Duchesne River, just south of the intersection of Highway 35 and the North Fork Road. He desires to sell eight campsites along the river, ranging from 0.58 to 2.44 acres in size. Each lot will have a Hanna Water District connection and access to an RV dump station located west of Lot #1.

2. HISTORY OF EVENTS

September 7, 2016	The application was submitted.
September 7, 2016	The application was deemed complete.
September 19, 2016	Notice mailed to property owners within three hundred feet (300') of the subject property.
September 20 & 27, 2016	Notice of hearings published in the Uintah Basin Standard.
October 5, 2016	Planning Commission meeting.
October 17, 2016	County Commission hearing.

3. DUCHESNE COUNTY ZONING CODE

Chapter 8. PLANNED UNIT DEVELOPMENTS (PUD)

8-8-1: SCOPE:

Provision of a planned unit development by this chapter in no way guarantees a property owner the right to exercise the provisions of the planned unit development. Planned unit developments shall be approved by the planning commission only if in their judgment the proposed development fully meets the intent and purpose and requirements of this title.

8-8-2: PURPOSE:

A. The purpose of the planned unit development is to allow diversification in the relationship of various uses and structures to their sites and to permit more flexibility in the design of a development. A planned unit development is a rezoning and the planned unit development constitutes an overlay zone. The application of planned unit concepts is intended to encourage good neighborhood, housing or area design, public health, safety and general welfare, and at the same time, securing the advantages of large scale site planning for residential or commercial developments, or combinations thereof.

B. Planned unit development may be:

1. The development of compatible land uses arranged in such a way as to provide desirable living environments that may include private and common open spaces for recreation, circulation and/or aesthetic uses;
2. The conservation or development of desirable amenities not otherwise possible by typical development standards;
3. Creation of areas for multiple use that are of benefit to the neighborhood or environment of the area.

8-8-3: REQUIRED CONDITIONS:

- A. Minimum Area: No planned unit development shall have an area of less than ten (10) acres. **Findings: The area of the proposed planned unit development is 10.0 acres, which is the minimum size required.**
- B. Location to Public Services and Facilities: All planned unit developments shall be located where adequate public services and facilities are available to meet the needs of residents. **Findings: In this case, the subject camping lots will be provided with culinary water by the Hanna Water District, according to a letter from the district dated March 18, 2016. Sewage disposal would be handled by a RV dump station and wastewater system that was approved by the TriCounty Health Department by letter dated August 17, 2016.**
- C. Public Hearing Required: Since planned unit developments are considered their own zoning district, all applications require a public hearing. **Findings: Public hearings will be held on October 5, 2016 and October 17, 2016 by the Duchesne County Planning Commission and the Duchesne County Commissioners.**
- D. Ownership: The development shall be in single, partnership or corporate ownership, or under option to purchase by an individual or a corporate entity at the time of application, or the application shall be filed jointly by all owners of the property. **Findings: At the time of application, the property is owned by Lamont Moon of LG Moon LLC.**
- E. Structures, Open Spaces: The planning commission shall require such arrangements of structures and common or public open spaces with the site development plan as necessary to assure that adjacent properties will not be adversely affected. **Findings: No structures are being proposed by this planned unit development. Common open space areas are being provided at the RV dump station (2.0 acres) and along the Duchesne River (50 foot wide fisherman's access easement along the west side of the river, totaling 1.73 acres). These open space areas will have no adverse impacts on adjacent properties.**
- F. Height, Intensity of Uses: Height and intensity of buildings and uses shall be arranged around the boundaries of the planned unit development or zones. However, unless conditions of the site so warrant, buildings located on the periphery of the development shall be limited to a maximum height of two (2) stories. **Findings: No buildings are proposed to be constructed within the planned unit development. The eight lots proposed will be RV campsites only.**
- G. Area, Width, Coverage: Lot area, lot width, yard and coverage regulations shall be determined by approval of the site plan. **Findings: The minimum size of an RV space in an RV Park is 35 X 60 feet (.05 acre). The proposed RV lots are .58 acres to 2.44 acres in size, which provides plenty of area and lot width to park RV units to camp on the proposed lots.**

- H. Density: Density of dwelling units per acre may be doubled as allowed in the district in which the planned unit development is located. **Findings: The subject property is zoned R-1 due to the availability of Hanna Water. The usual minimum lot size would be one acre. The ten acre site could thus have up to ten lots, which is more than what is being proposed by this PUD. In this case, reducing the lot sizes below one acre is acceptable given that wastewater disposal does not occur on the lots but at an RV dump station within the common area of the PUD.**
- I. Cluster Development: The minimum area requirement may be reduced to a specific minimum lot size for cluster development. **Findings: The minimum area requirement of one acre is proposed to be reduced in this case, with lots of .58, .71, .73, .81, .86, .89, .98 and 2.44 acres in size. Clustering these smaller camping lots allows for establishment of a common area for the wastewater disposal system at the RV dump site.**
- J. Minimum Open Space: The common or public open space minimum required for a planned unit development shall be twenty five percent (25%) of the total acreage. **Findings: The planned unit development contains 10.0 acres, which results in an open space minimum of 2.5 acres. Common open space areas are being provided at the RV dump station (2.0 acres) and along the Duchesne River (50 foot wide fisherman's access easement along the west side of the river, encompassing 1.73 acres). The total open space calculates to 3.73 acres, which exceeds the minimum standard.**
- K. Preservation, Maintenance And Ownership of Open Space: Preservation, maintenance and ownership of required common or public open space within the development shall be accomplished by:
1. Dedication of the land as a public park or parkway system; or
 2. Complying with the provisions of the condominium ownership act, Utah Code Annotated section 57-8-1 et seq., as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities.
- Findings: The applicant will need to prepare a legal document, to record with the plat, establishing an entity that will oversee the maintenance and repair of the RV dump station and associated common areas.**
- L. Landscaping, Fencing, Screening: Landscaping, fencing and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the planning commission, together with other required plans for the development. **Findings: The development plan has been presented to the Planning Commission. No landscaping is needed to supplement the natural trees and grasses in this river bottom area. No fencing or screening is needed given the proposed use as camp sites.**

8-8-4: SUPPLEMENTARY REGULATIONS:

The applicant shall submit a planned unit development plan for the total area within the proposed development. If the planned unit development is to be developed on a phase basis, each phase shall be of such size, composition and arrangement that its construction, marketing and operation is feasible as a unit independent of any subsequent phases. Final approval shall be given only to one phase at a time. The county subdivision ordinance, as it now or hereafter exists, applies to all preliminary and final planned unit development plats. The general site plan shall show, where pertinent:

- A. The use or uses, dimensions, sketch elevations, and locations of proposed structures;
Findings: The proposed use is for RV campsites. The plan submitted shows the dimensions of each site and the locations of common areas. No permanent structures are proposed.
- B. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds, landscaping and other open spaces; **Findings: Pedestrian access is being retained along the riverbank for recreational purposes. Each lot will have sufficient space for RV parking. No public uses are being proposed. Open space areas will have natural landscaping.**
- C. Total number of acres in proposed development; **Findings: The total acreage in the development is 10.0 acres.**
- D. Such other pertinent information, including, but not limited to, residential density, coverage and open space characteristics shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this title.
Findings: The fact that the proposed development is limited to camping lots rather than residential development makes it reasonable and desirable to apply regulations and requirements differing from those ordinarily required by the zoning ordinance.

8-8-5: PUBLIC HEARING:

All applications for a planned unit development shall be made in accordance with the provisions of this title and shall be the subject of a public hearing held before the planning commission for approval, for which a minimum of fourteen (14) days' public notice has been provided, and the planning staff notifying all property owners by U.S. mail within three hundred feet (300') of the proposed planned unit development. The applicant shall provide all required information to the planning office twenty one (21) days prior to the planning commission meeting. **Findings: The required public notice has been given.**

8-8-6: PLANNING COMMISSION AUTHORITY:

The planning commission is authorized to render a final decision of approval or disapproval for an application for a planned unit development. In addition, the planning commission may attach such conditions as it may deem necessary to ensure compliance with the purposes set forth in

section [8-8-2](#) of this chapter. If approved, the proposed planned unit development has met the subdivision preliminary approval and then may proceed to development in accordance with the county subdivision ordinance, using the same criteria as final plat approval. **Findings: Section 8-8-2 (A) of the zoning ordinance provides that a Planned Unit Development constitutes an amendment of the zoning map, which can only be approved by Ordinance adopted by the County Commissioners. Also, Section 8-8-7 (A) below refers to County Commission approval of a PUD. Thus, a public hearing will be held by the County Commissioners as well.**

8-8-7: CONSTRUCTION LIMITATIONS:

- A. Conformance to Plan Required: Upon approval of a planned unit development, construction shall proceed only in accordance with the plans and specifications approved by the planning commission and the county commissioners, and in conformity with any conditions attached by the commissioners to its approval. Amendments to approved plans and specifications for a planned unit development shall be approved by the county commission and shown on the approved plans.
- B. Building Permit: The building official or any other county department shall not issue any permit for any proposed building, structure, activity or use within the project unless such building, structure, activity or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.
- C. Certificate of Occupancy: The building official shall issue a certificate of occupancy for any building or structure upon its completion in accordance with the approved development plan.

Findings: No residential units are included in the PUD proposal. Building permits will be required for certain structures, such as storage sheds over 200 square feet in size, carports or Ramada's to cover RV pads.

8-8-8: FEES:

Fees for planned unit developments shall be the same as a zone ordinance/map amendment, plus each lot shall be assessed the same as a subdivision application for both preliminary and final plat stages. **Findings: The fee for a zoning map amendment has been paid. Since the number of lots (8) is within that allowed for minor subdivisions, no fee has been charged for the subdivision review.**

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 given.**
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: All property owners in the affected area have been sent a mailed notice of the public hearings.**

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.

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 benefit of establishing the PUD overlay zone at this location is that persons who have been allowed to camp along the Duchesne River on the applicant's property will now be able to purchase their camp sites.

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 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 proposed PUD is located in a recreational area and will continue the use of the subject property for recreational purposes.

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

Findings: There have been no changes in the neighborhood that would run counter to the establishment of the proposed camping lots at this location.

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

Findings: No change of use is being proposed. The PUD would simply allow those who have been camping at this location to be able to purchase their camp sites.

6. Consider the interest of the applicant.

Findings: The interest of the applicant is to respond to the wishes of those who have historically camped at this location to be able to purchase their camp sites.

- 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 and the Planned Unit Development standards of the Duchesne County Zoning Code, provided that conditions are imposed.
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 Planned Unit Development and associated overlay zone, requested by Lamont Moon (LG Moon LLC), designating 10.0 acres of land as the Upper Duchesne River Camp PUD. The PUD plat may not be recorded until the applicant prepares and records a legal document establishing an entity responsible for the maintenance and repair of the RV dump station and the common areas within the development.

Mike Hyde, AIPC
Community Development Director