

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
November 2, 2016 - 5:00 p.m.**

In Attendance were:

Ken Moon, Planning Commission, Chairman
Bobby Drake, Planning Commission
Kathy Giles, Planning Commission
Edward Roberts, Planning Commission
Allen Lindsay, Planning Commission
Brad Wells, Planning Commission
Ken Richens, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Debra Lindsay

Chairman Moon opened the meeting at 5:00 pm and read the rules of order. He asked if any of the Planning Commission Members had any ex-parte contacts or conflicts of interest associated with the agenda. There were none, so the meeting proceeded.

PUBLIC HEARINGS:

A. Recommendation to the County Commissioners regarding Ordinance #16-354; an ordinance repealing the current flood zone regulations and replacing them with regulations that will enable the County to apply to FEMA for participation in the National Flood Insurance Program.

Mr. Hyde stated Duchesne County proposes to amend its zoning ordinance to repeal the current flood zone regulations and replace them with flood zone regulations that will enable the county to apply for participation in the National Flood Insurance Program (NFIP).

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

Mr. Hyde explained 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 commissionis forwarded to the County Commissioners pursuant to the procedures established by the ordinance and Utah Code Annotated. The county commission may approve the amendment, revise the proposed amendment, 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.

Mr. Hyde stated the public notice requirements have been met by publication of the hearings notice in the Uintah Basin Standard on October 18 and 25, 2016, posting on the county website, 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.

The criteria for approval in considering a proposed amendment include the following:

1. The overall community benefit of the proposed amendment.

Mr. Hyde stated the amendments have been proposed to enable the county to apply for participation in the National Flood Insurance Program. The county applied for participation in the NFIP in 2005 and adopted a flood hazard ordinance; however, the ordinance was worded to become effective only after flood insurance rate maps were prepared for the county by the Federal Emergency Management Agency (FEMA). In 2005, the County was told that FEMA would provide such mapping for Duchesne County after more populated counties were mapped. However, after 11 years, the county has still not received flood zone maps and we now understand that the county will not be mapped and allowed to participate in the NFIP until the ordinance proposed today, and an accompanying resolution, are passed by the County Commissioners.

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

Mr. Hyde indicated the general plan does not specifically address flood hazards but does state that the County will maintain “zoning ordinances and development regulations consistent with the County’s overall development preferences and objectives.” The county desires that citizens be able to apply for federal flood insurance, even though such insurance may be expensive due to the lack of flood zone maps, based on the best available science. The proposed text amendment will address this development preference and objective.

3. Compatibility with the neighborhood.

This criterion is not applicable in this case as the proposed zoning ordinance amendments are applicable county-wide; not just to a specific property or neighborhood.

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

This criterion is not applicable in this case as the proposed zoning ordinance amendments are applicable county-wide; not just to a specific property or neighborhood.

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

Mr. Hyde stated the proposal is not for a zoning map amendment in which the change of use of the subject property could be analyzed for impacts on adjoining properties. Thus, this criterion is not applicable.

6. Consider the interest of the applicant

The County is the applicant in this case and has an interest in amending its zoning ordinance to enable the County to participate in the National Flood Insurance Program. This will allow citizens to obtain federal flood insurance.

Mr. Hyde's recommendation is the Planning Commission recommend to the Duchesne County Commissioners the approval of the amendments to the Zoning Ordinance as set forth in proposed Ordinance #16-354.

Mr. Hyde asked if there were any questions.

Commissioner Drake asked if there were any formal zones already in the county. Mr. Hyde stated that flood zones currently exist only in Duchesne City and Myton City. Section 8.7.7. of the proposed amendment will establish areas of special flood hazard based on the best available information.

Commissioner Lindsay asked if the rural areas in the county will be included in the mapping process. Mr. Hyde stated with the exception of tribal lands within the county everything would be mapped; focusing on those areas of private land.

With no one in the audience to speak either in favor or opposed to the proposal Chairman Moon closed the public hearing.

Commissioner Drake motioned to recommend to the Duchesne County Commissioners the approval of the amendments to the Zoning Ordinance as set forth in proposed Ordinance #16-354. Commissioner Richens seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of October 5, 2016 minutes:

Commissioner Giles moved to approve the minutes of October 5, 2016. Commissioner Lindsay seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

Mr. Hyde reviewed the zoning map, explaining the different zones, colors and the legend for the zoning map each member received at the meeting after Chairman Moon requested a copy for everyone at the October 5th meeting. Mr. Hyde explained the process for zoning map amendments and encouraged the Commission to make suggestions for potential changes.

Adjournment:

The meeting adjourned at 5:30 p.m.