

**Planning & Zoning Commission Meeting  
County Administrative Offices, Duchesne, Utah  
June 6, 2018 - 5:00 p.m.**

**In Attendance were:**

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

**Visitors:**

Jared Griffiths, Moon Lake Electric Association.  
Nathan Hall, TriCounty Health Department  
Darrin Brown, TriCounty Health Department  
Greg Miles

Chairman Giles opened the meeting at 5:00 pm and read the rules of order. She 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 proposed amendments of the text of the Duchesne County Zoning Ordinance as proposed by Ordinance #18-365. The proposed ordinance would establish standards and procedures for the siting of wind and solar energy generation facilities in the county. The proposed ordinance would also revise sections of the zoning ordinance associated with definitions, planning commission quorums, legal access requirements, water and sewer requirements, the minimum size of mobile home and RV parks and the occupancy of recreational vehicles in the county.**

Mr. Hyde explained in this case the county is the applicant and in this proposed Ordinance amendment it will clarify a couple of definitions and modify some standards for future development. Specifically Duchesne County proposes to amend its zoning ordinance to address the following.

- A. Section 1. Amend the definitions of “Mobile Home” and “Substantial Damage” to resolve inconsistencies with definitions in the Flood Hazard chapter of the ordinance.
- B. Section 2. Allow no more than one member of a Planning Commission quorum to attend the meeting by electronic means.

- C. Section 3. Amend the requirements for legal access to new lots to recognize the legal access provided by County Class D roads (roads open for public travel but not county-maintained).
- D. Section 4. Clarify the entities involved in making a determination that adequate culinary water is available to new development. Clarify what entity serves as the sanitary sewer authority and when a connection to a public sewer system is required.
- E. Section 5. Remove the requirement that mobile home parks be a minimum of five acres in size.
- F. Section 6. Remove the requirement that RV parks be a minimum of five acres in size.
- G. Section 7. Codify the existing policy that allows an applicant to temporarily occupy an RV when a permanent dwelling is under construction on the site.
- H. Section 8. Adds a new section to regulate solar power plants.
- I. Section 9. Adds a new section to regulate wind energy systems.
- J. Section 10. Amends Section 8-6-1 (Table of Uses) to define which zones allow solar power plants and wind energy systems.

Some 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.**

The amendments have been proposed to address minor issues that have arisen during the administration of the ordinance and to include new regulations for the siting of solar power plants and wind energy systems.

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

The general plan does not specifically address the minor issues associated with the majority of these proposed text amendments. The general plan, on Page 67, does address solar, wind and other forms of energy generation as follows:

*“The development of geothermal, wind and solar energy at large and small scales, for generating electricity for sale or for use on site, on public and private lands throughout the county shall be supported. The County will establish policies, guidelines, and/or goals to support the development of geothermal, wind and solar energy resources on public and private lands in the county.”*

Based on the stated desire to accommodate solar and wind energy development in the County, the county needs to develop a process for such facilities to be sited in a manner compatible with surrounding land uses.

**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.**

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 provide direction for staff administering the ordinance and clarity for citizens reading the ordinance.

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.

Mr. Hyde's recommendation is that the Planning Commission recommend to the Duchesne County Commissioners the approval of the amendments to the Zoning Ordinance as set forth in proposed Ordinance #18-365.

Mr. Hyde asked if there were any questions of the staff report. There were none so the hearing proceeded with Mr. Hyde going through the proposed ordinance, starting with Section 1, amending the definitions for mobile homes and substantial damage.

In Section 2, Commissioner Drake suggested we should include both the chair or vice-chair in order to establish a quorum by phone.

In Section 4, there was some discussion with the Planning Commission and Mr. Brown from TriCounty Health and their rules and the flexibility they need in dealing with the culinary water and sewer issues.

In Section 7, there was some discussion about using a recreational vehicle as a primary residence after they have applied for a building permit during construction. A maximum of one year time period was added.

With the addition of Solar Power Plants and Wind Energy Systems in Sections 8 and 9, Mr. Hyde stated it is a way to establish some minimum requirements and regulations for an efficient use of these energy systems and a way for the county to regulate these solar and energy facilities. The proposed code is based on the Iron County regulations.

There was some discussion about promoting these energy systems in Duchesne County and how the State of Utah and the different counties guide and direct these industries on a case by case basis with minimal impacts to their counties.

Mr. Hyde asked if there were any other question or comments. There were none so the public hearing was closed.

Commissioner Drake motioned that the Planning Commission recommend to the Duchesne County Commissioners the approval of the amendments to the Zoning Ordinance as set forth in proposed Ordinance #18-365 as amended. Commissioner Moon seconded the motion and it passed unanimously.

Mr. Hyde stated the Duchesne County Commissioners will have a public hearing on Monday June 11, 2018 in the Commission Chambers.

**NEW BUSINESS:**

None

**Minutes: Approval of April 4, 2018 minutes:**

Commissioner Wells moved to approve the minutes of April 4, 2018. Commissioner Lindsay seconded the motion and it passed unanimously.

**Commission Comments and Staff Information Items:**

None

**Adjournment:**

Meeting adjourned at 5:54 p.m.