

**Planning & Zoning Commission Meeting  
County Administrative Offices, Duchesne, Utah  
January 9, 2019 - 5:00 p.m.**

**In Attendance were:**

Brad Wells, Planning Commission, Chairman  
Ken Richens, Planning Commission  
Kathy Giles, Planning Commission  
Bobby Drake, Planning Commission  
Ryan Clark, Planning Commission  
Gary Sorensen, Planning Commission  
Connie Sweat, Planning Commission  
Mike Hyde, Community Development Administrator  
CoraLee Sanchez, Planning Secretary

**Visitors:**

Jerry McFadden	West Star rezone
AJ and Steffannie Kendall	West Star rezone
Mike and Shelley Kendall	West Star rezone
Greg Miles, County Commissioner	
Ron Winterton, County Commissioner	

The Commission members welcomed 2 new members to the Planning Commission Gary Sorensen and Connie Sweat, replacing Allen Lindsay and Ken Moon, whose terms expired.

Past-Chairman Giles opened the nominations for the election of a new chair for the upcoming year. Commissioner Giles nominated Commissioner Wells. The motion was seconded and passed unanimously. Commissioner Sweat nominated Commissioner Richens to serve as vice chair. The motion was seconded and passed unanimously.

Chairman Wells 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 any item on the agenda. There were none, so the meeting proceeded.

**PUBLIC HEARINGS:**

**A. Recommendation to the County Commissioners regarding a request by Mike Kendall to amend the Zoning Map to designate 43.601 acres of commercial land west of the intersection of Highway 40 and Highway 208.**

Mr. Hyde stated Mike & Shelley Enterprises, Inc. and Kendall Investments own nine lots, located on the north side of Highway 40, just west of the Highway 208 intersection. Each lot is at or slightly above five acres in size. The applicants desire a commercial zoning

designation for these lots. The current zoning is A-5, Agricultural, with a five acre minimum lot size. The required public notice has been given to property owners and posted on the county website. The applicant is the only property owner in the proposed rezone area. All property owners within 300 feet of the affected area have been sent a mailed notice of the public hearings.

Mr. Hyde indicated the six criteria for considering a proposed amendment to the zoning ordinance and map:

**1. The overall community benefit of the proposed amendment.**

The overall community benefit of the proposed amendment would be the provision of 46.301 acres of additional commercial land, which may lead to additional job creation from businesses that may locate in the area. Some of the businesses contemplated by the applicant include secure RV storage and RV rentals; which would be convenient for those who recreate in western Duchesne County.

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

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.”*

Mr. Hyde stated 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. The proposed map amendment has been requested to address the preference of the property owner.

**3. Compatibility with the neighborhood.**

Mr. Hyde stated the neighborhood land use is predominately vacant land, with mostly recreational lots, with a few residential uses mixed in. There is no agricultural use occurring in the area due to the lack of irrigation water. The subject lots are bordered on the south by Highway 40; and the noise from and proximity to the highway lessens the desirability of the subject lands for residential or recreational use. The Trans West

Express power transmission line is anticipated to be constructed across the northern section of these lots, which will further detract from residential or recreational use of these lots.

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

The neighborhood has seen little change since the current zoning was established in the late 1990s. The biggest change will be the construction of the Trans West Express power line along the north side of Highway 40 in the near future. The proposed commercial zoning would be a westerly extension of the existing commercial zoning located at the Highway 40 – Highway 208 junction.

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

Mr. Hyde referred the commission to their packets and some aerial photos showing the adjoining properties are predominately vacant parcels and would be unaffected by the proposal. Lands to the north have a conservation easement to maintain them as a wildlife management area. Lands to the west are vacant and lands to the east are small, vacant lots in the Vista Valley Subdivision. Lot 3 of the West Star Properties Subdivision, which is vacant, lies across Highway 40 to the south.

The change of use would require UDOT review of the current driveway approach and potential improvements to meet safety standards. Development on the property would need to meet TriCounty Health Department standards for wastewater disposal and water service and new structures will require a building permit. Water would be obtained from individual wells, which will likely limit the range of potential uses of the property.

**6. Consider the interest of the applicant.**

The interest of the applicants is to rezone the property and create more land suitable for businesses associated with the recreation activities in western Duchesne County.

Mr. Hyde stated 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 adopt the findings and conclusions herein and recommend the County Commissioners' approval of this rezone, requested by Mike & Shelley Enterprises, Inc. and Kendall Investments, changing approximately 46.301 acres of land from Agricultural (A-5) to Commercial.

Mr. Hyde referred the commission to the zoning map in their packets, noting the applicant's property to the north of Highway 40, some vacant lots in the Vista Valley subdivision to the east and Mr. McFadden owning property south of highway 40. Mr. Hyde asked if there were any questions or comments of the staff report.

Commissioner Drake asked about the existing dwelling on the applicant's property and if the roads in the subdivision were county roads. Mr. Hyde stated the is unfinished at this point and the roads are not county maintained roads.

With no other questions Chairman Wells invited the applicant to speak.

Mike Kendall, applicant and owner of Mike and Shelley Enterprises, thanked Mr. Hyde for his efforts and appreciated his comments. Mr., Kendall stated with the additional powerline easements going thru his property making it less inviting for recreational cabin property he is hoping with the commercial zone they can develop the property with some rv storage or maybe a sales office for his business. Nothing is firm currently but we are thinking of the future. The existing building on the property is a garage. There is a foundation for a home that was never completed.

Commissioner Clark asked about the road entering the property. Mr. Kendall stated it will not be county maintained but does meet the current wildland urban interface code requirements.

There was some discussion about the older camp trailer on the property and its removal, possibly building an office and negotiating with the powerline company so the towers do not look like an eyesore.

Chairman Wells asked if there was anyone wishing to speak in favor or against the applicant's request.

Mr. McFadden, an adjoining property owner, stated he thinks Mr. Kendall's request is a good idea and is excited for the future.

With no other questions or comments Chairman Wells closed the public hearing.

Commissioner Drake motioned that the Planning Commission adopt the findings and conclusions herein and recommend the County Commissioners' approval of this rezone, requested by Mike & Shelley Enterprises, Inc. and Kendall Investments, changing approximately 46.301 acres of land from Agricultural (A-5) to Commercial. Commissioner Giles seconded the motion and it passed unanimously.

**NEW BUSINESS:**

None

**Minutes: Approval of the October 10, 2018 minutes:**

Commissioner Giles moved to approve the minutes of the October 10, 2018 meeting. Commissioner Drake seconded the motion and it passed unanimously.

**Commission Comments and Staff Information Items:**

Mr. Hyde reminded the commission about the meeting schedule and stated there would be a meeting on February 6 with at least 1 hearing but there is still time for more applications.

**Adjournment:**

Meeting adjourned at 5:26 p.m.