

DUCHESNE COUNTY COMMISSION MEETING

SEPTEMBER 22, 2025

REQUEST TYPE: Zoning District Map Amendment

APPLICANT: Dennis Peterson

PROPOSAL: Amend the zoning district of a 6.27-acre parcel from A-5 Agriculture to R-1 Residential.

LOCATION: Parcel # 00-0029-3336 in the North Fork Duchesne River area, north of Highway 35, in the Hanna area

ZONING DISTRICT: A-5 Agriculture, 5.00-acre minimum

REPORT CONTENTS

FINDINGS OF FACT.....	2
CONCLUSIONS	7
DECISION	7

FINDINGS OF FACT

1. PROPOSAL DESCRIPTION

Dennis Peterson proposes an amendment to the zoning district applied to his 6.27-acre property at Parcel # 00-0029-3336, in Section 36, Township 2 North, and Range 9 West, in the North Fork Duchesne River area, north of Hanna. Mr. Peterson proposed to change the zoning district from A-5 Agriculture, 5.00-acre minimum, to R-1 Residential, 1.00-acre minimum, to accommodate a minor subdivision of the property into three separate lots and a remainder. Cabin structures exist with established drinking water sources and permanent access for each of the three proposed lots.

2. HISTORY OF EVENTS

July 30, 2025	The application was submitted.
July 30, 2025	The application was deemed complete.
August 14, 2025	Notice mailed to property owners within 300 feet of the subject property and rezone area.
August 20 through September 3, 2025	Notice posted at the Duchesne County Administration Building and on the Utah Public Notice website.
August 28, 2025	Notice of Public Hearing published in Uintah Basin Standard.
September 3, 2025	Planning Commission hearing and recommendation.
September 22, 2025	County Commission public hearing.

3. DUCHESNE COUNTY ZONING CODE

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:
 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 B1a of this section shall be:
 - a. Mailed to each affected entity at least ten (10) calendar days before the public hearing;
 - b. Posted:
 - (1) In at least three (3) public locations within the county; or
 - (2) On the county's official website; and
 - c. Published:
 - (1) In a newspaper of general circulation in the area at least ten (10) calendar days before the public hearing; and
 - (2) On the Utah public notice website at least ten (10) calendar days before the public hearing; or

- (3) Mailed at least ten (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 three hundred feet (300') of the boundary of the rezone area.
3. Each notice of a public meeting under subsection B1b of this section shall be at least twenty four (24) hours before the meeting and shall be posted:
 - a. In at least three (3) public locations within the county; or
 - b. On the county's official website.

FINDINGS: The required public notice is published in the newspaper, posted in the Duchesne County Administration Building, posted on the Utah Public Notice website, and posted on the Community Development Department's webpage.

4. a. If the 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 ten (10) days prior to the scheduled day of the public hearing.
 - b. The notice shall:
 - (1) Identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments;
 - (2) State the current zone in which the real property is located;
 - (3) State the proposed new zone for the real property;
 - (4) 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;
 - (5) State that the owner of real property may no later than ten (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;
 - (6) State the address where the property owner should file the protest;
 - (7) Notify the property owner that each written objection filed with the county will be provided to the municipal legislative body; and
 - (8) 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 B2c(3) of this section for a public hearing on a zoning map or map amendment, the notice required in this subsection B4 may be included in or part of the notice described in subsection B2c(3) of this section rather than sent separately.

Findings: The applicant and property owners within 300.00 feet of Parcel # 00-0029-3336 have been mailed proper notice.

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.

6. 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 commission pursuant to the procedures established by this section and Utah Code Annotated. The county commission may approve the amendment, revise the proposed amendment and approve the proposed amendment as revised, 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.
- 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 county zoning map, in the Tabiona/Hanna area, provides for smaller lots (one acre minimum) along Highway 35 where culinary water hookups are available. Then, for roughly a mile on each side of the Highway 35 corridor, the zoning is Agricultural (A-2.5) with a 2.5-acre minimum lot size. Farther away from the Highway 35 corridor, the zoning becomes Agricultural (A-5) with a five-acre minimum lot size. This zoning scenario places higher densities along major transportation and utility corridors with lower density moving away from those corridors. This approach is deemed to have community benefit as it fosters orderly development. In this case, the proposal aligns with this approach as the rezoned lands lie along a major county road and within the boundaries of the Hanna Water District.

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 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), encourage walking and biking and reduces energy consumption.”

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 neighborhood is characterized by being one of twenty private properties set on forty acres surrounded by U.S. Forest Service land to the north, west and east and private land to the south. There are private lands between the site and Highway 35 that are recreational in nature, with the exception being the Stockmore Ranger Station. Under this proposal, the zoning would change the property to residential, with the minimum lot size changing from 5.00 acres to 1.00 acres. Of the surrounding twenty properties, fifteen are under 2 ½ acres in size, with thirteen even being less than one acre. Only one property is assessed as agricultural land. The remaining properties are recreational in nature. Seventeen of the twenty properties have cabins or homes on premises. The nature of the proposed change is not expected to cause incompatibility with other land uses in the neighborhood.

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

Findings: All cabins built in the neighborhood were constructed prior to 1997, with the majority built during the Sixties and Seventies. A more recent change saw the U.S. Forest Service transfer ownership of certain surplus portions of the Stockmore Ranger Station to the Ute Indian Tribe. The proposed rezoning is not anticipated to facilitate new development of any kind in the area.

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

Findings: Lands immediately surrounding the property are owned by private property owners and are predominantly secondary residential/recreational parcels. None of the uses of adjoining properties would be adversely affected by the proposal.

Land uses allowed in the R-1 zone are less agricultural in nature than those allowed in the A-5 zone. Table 1 shows the differences in permitted (P) uses, uses allowed with a conditional use permit (CU), and uses prohibited (X) between the A-5 Agriculture and R-1 Residential zoning districts.

6. Consider the interest of the applicant.

Findings: the interest of the applicant is to rezone the property and enable a minor subdivision of the land to three lots and a remainder. This property was originally four lots but was combined into one parcel for simplicity many years ago. However, the applicant would like to separate their property into the separate lots they held originally. Proposed lots have guaranteed access and drinking water from shared water wells, managed through a shared water well agreement.

- 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. (Ord. 13-314, 7-8-2013)

Table 1 Table of Uses Between the A-5 Agriculture and R-1 Residential Zoning Districts

LAND USE	ZONING DISTRICT	
	A-5	R-1
Agricultural retail sales/products processing and storage	P	CU
Airstrip	CU	X
Cabinet shop	X	CU
Car wash	X	CU
Cemetery	P	X
Convenience store	X	CU
Fish farm	P	X
Flare gas power generation facility	CU	X
Guest ranch	CU	X
Home occupations	P	P/CU
Industrial uses	CU	X
Junkyard	CU	X
Kennel	P	X
Labor camp	CU	X
Large, concentrated animal feeding operation	CU	X
Laundry, self-service	X	CU
Livestock auction facility	P	X
Meat or poultry processing facility	P	X
Medical cannabis pharmacy	P	X
Membership club	P	CU
Motel/hotel	X	CU
Nursing home	X	CU
Power plant, including a solar power plant	CU	X
Produced water disposal facility	CU	X
Reception center	X	CU
Restaurant	X	CU
Sawmill	CU	X
Sign, off premises advertising	CU	X
Surface or subsurface mining of critical infrastructure materials and other minerals or resources	CU	X
Temporary use/stands for the retail sales of produce grown on the premises	P	CU
Unlicensed motor vehicle, as not herein defined as a "junkyard"	P	CU
Wind energy system, commercial	CU	X

CONCLUSIONS

1. The request complies with the Zoning Map Amendment criteria of the Duchesne County Zoning Code.
2. The request is valid.

DECISION

Recommended Motion: I move to approve this zoning district amendment of Parcel #00-0029-3336, requested by Dennis Peterson, changing 6.27 acres of land from A-5 Agricultural to R-1 Residential.

Respectfully submitted:



Mike Gottfredson AICP

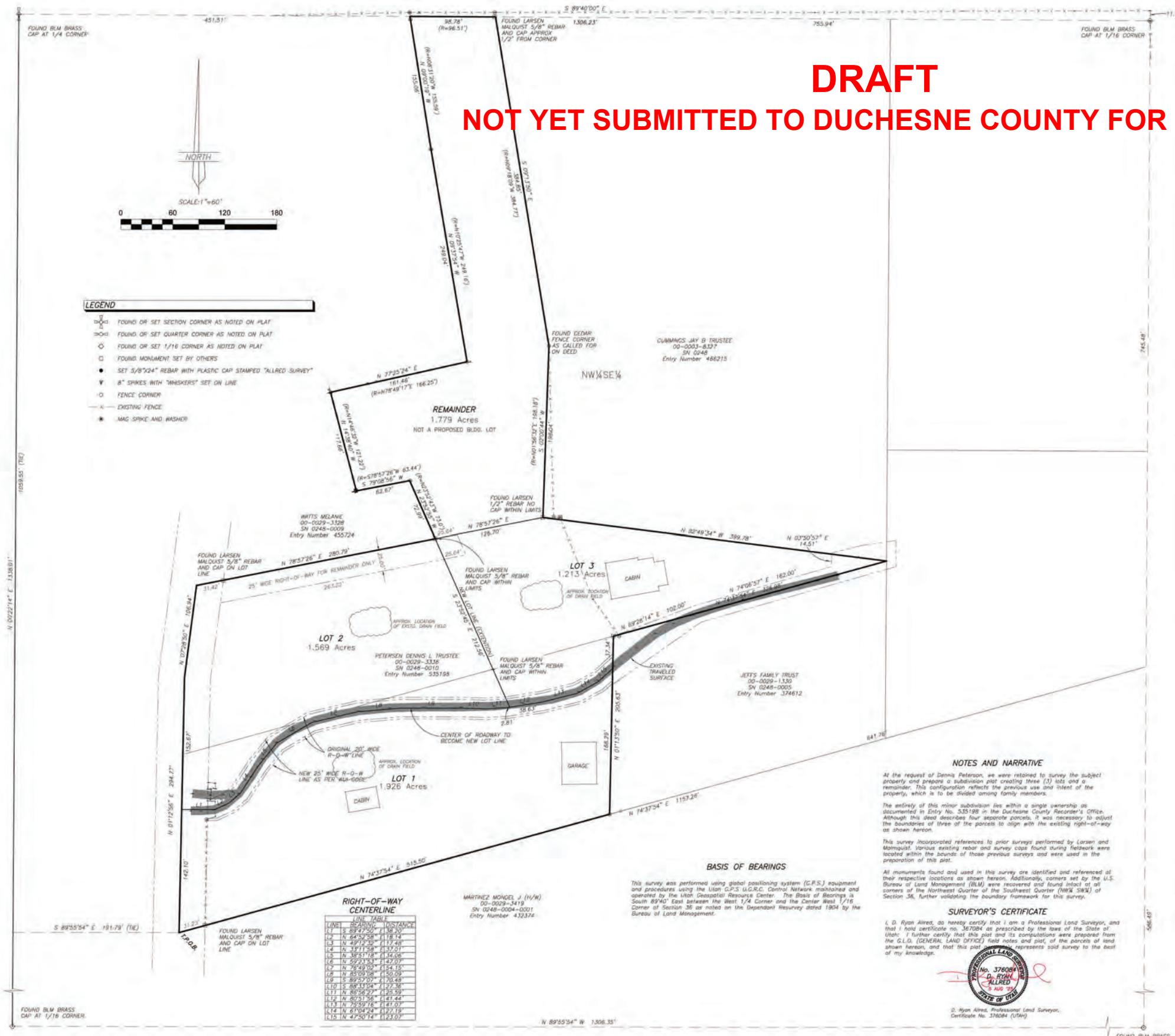
Deputy Director of Community Development

C:\Users\mikeg\Documents\Land Use\Amendments\Rezone\2025\090325\Peterson Rezone\Peterson Rezone Commission Staff Report.docx

DRAFT NOT YET SUBMITTED TO DUCESNE COUNTY FOR REVIEW

RECORD OF SURVEY OF A
MINOR SUBDIVISION
FOR
DENNIS PETERSON

SECTION 36, TOWNSHIP 2 SOUTH, RANGE 9 WEST
UINTAH SPECIAL BASE AND MERIDIAN
DUCESNE COUNTY, UTAH



1. THE OVERALL COMMUNITY WOULD BENEFIT FROM THE PROPOSED AMENDMENT BY RIGHTING A WRONG.

- a) THE COUNTY ALLOWED AN ILLEGAL SUBDIVISION OF THE PROPERTIES IN THE 70'S.
- b) THE COUNTY ALLOWED 12 LOTS OF 1/2 ACRE (MORE OR LESS) WHEN THE ZONING WAS 10 ACRES.
- c) THE COUNTY ALLOWED 6 CABINS TO BE BUILT ON 1 ACRE OR MORE IN THE 80'S.
- d) THE COUNTY ALLOWED ME TO PURCHASE AND RECORD AL 1.75 ACRE LOT THAT WAS LAND LOCKED. NO ACCESS.
- e) ACCESS ROADS WERE NEVER SURVEYED RESULTING IN 2 LAWSUITS.
- f) 4 OF THE LOTS WERE MARRIED INTO ONE. AT MY REQUEST, THE COUNTY PROVIDED THE DESCRIPTION AS TO AVOID 4 DIFFERENT TAX NOTICES. I WAS NOT MADE AWARE THAT IT COULD NOT BE REVERSED WITHOUT A ZONING CHANGE.
- g) I OBTAINED STATE UNDERGROUND WATER RIGHTS ON ALL 4 LOTS 43-12143, 43-12144, 43-12145

h) SURFACE WATER RIGHTS FOR 3.5 ACRE FT. WAS OBTAINED THROUGH A 2015 LAWSUIT CASE NO. 130800045.

i) EACH OF THE FOUR LOTS HAVE A POWER POLL.

j) 2 LOTS HAVE PERMITTED CABINS

2. THIS AMENDMENT WOULD BRING THE EXISTING LAND INTO THE PROPER ZONING TO ALLOW OWNERSHIP OF THE LAND.

3 - THE SURROUNDING AND ATTACHED CABINS ARE ON MOSTLY $1\frac{1}{2}$ LOTS.

4 - THERE HAS BEEN A HOA (SWIFT CREEK)
ALL 7 LOTS ARE $2\frac{1}{2}$ AREA.

5 - THE ADJOINING PROPERTIES WOULD NOT BE AFFECTED AS THE ACCESS ROAD WILL REMAIN THE SAME.

6 - WE ARE NOW 80 yrs OLD AND NO LONGER ABLE TO CARE FOR THE PROPERTY, AND WE NEEDS TO MOVE ON. PROPOSED TAXES FOR 2025 ARE 6,288.98 AND THE COUNTY REFUSED TO PLOW THE ROADS IN THE WINTER, I CANNOT AFFORD TO LIVE IN DUCHESENE COUNTY...

I HAVE ALSO OBTAINED Ryan Aurelio
TO DO A SURVEY OF THE ORIGINAL PARCELS
AND PROVIDE DESCRIPTION OF SUCH. THE
SURVEY WAS DONE 7-28-2025, AND
I SHOULD HAVE IT FOR THE PLANNING
COMMISSIONS MEETING SEPT. 1, 2025

LePeterson 7-30-25

I HEREBY SUBMIT THIS MAP IN SUPPORT OF
APPLICATION _____ AS A TRUE
REPRESENTATION OF MY KNOWLEDGE AND BELIEF.

(Print Name) CLINTS PETERSEN

(Signature) John Louis Peters

255-1
ANDREA
JENSEN
.29AC.

255-4
RICHARD N FLORES
LYDIA ANN FLORES
1.87AC.

100
255-2
CHESTER
BOB
NEW
.34AC.

255
D. EMERSON
2,15AC.

248-8
JACK A. EVANS
MICKEY G. EVANS
TRUSTEE
.89AC.

248-10
DENNIS L. PETERSON
RUTH ANN PETERSON

**LOT 1
43-12143**

248-9
BOB WATTS
MELANIE WATTS
43AC.

248-10
DENNIS L. PETERSON
RUTH ANN PETERSON
1.5 AC
6.27AC.

248-10
DENNIS L. PETERSON
RUTH ANN PETERSON
3AC.
6.27AC.

**LOT 2
43-12144
00-2206**

248 10
DENNIS L. PETERSON
RUTH ANN PETERSON

7AC.

1.77AC.
6.27AC.

EXISTING WELL

1

1

2485

JEFFS FAMILY TRUST
150AC. (3,50AC.)

LOT 3
43-12145
00-2207

248-4-1
REFUGIO S. MARTINEZ
RAQUEL J. MARTINEZ
5.70AC.

DENNIS PETERSON WATER RIGHTS AND SHARED WATER WELL LOCATION