

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
September 7, 2016 - 5:00 p.m.**

In Attendance were:

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

Visitors:

None

At this time Mr. Hyde called the applicant and invited her to participate on a conference call since they live in Wyoming and could not attend the hearing.

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. Commissioner Giles stated the Young's property is in her neighborhood but she does not feel there will be any bias with her decision. With no objections the meeting proceeded.

PUBLIC HEARINGS:

A. Request by Guy and Sandy Young for a Conditional Use Permit to operate a resort lodge at 43501 West Highway 35 in the Hanna area.

Mr. Hyde stated the applicant is seeking approval to convert an existing single family dwelling to a "resort lodge" for weekly vacation rentals (maximum of 26 weeks of the year). Visitors would have access to the Duchesne River via an existing fisherman's access on the north side of their property. The property is currently listed on the VRBO website advertising weekly rentals [with a two-night minimum stay] between May 26 and November 30, 2016. Transient room tax is collected as part of this service. The applicants intend to retire at this location in the future. The property is zoned R-1, which is a residential zone with a one-acre minimum lot size. A resort lodge is allowed in the R-1 zone with a conditional use permit.

The conditional use permit criteria include:

1. The proposed use at the proposed location will not be unduly detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety or general welfare.

The proposed use has the potential to be detrimental to other property owners and the public health, safety and general welfare if conditions are not imposed to maintain the residential character of the business site.

2. The proposed use will be located and conducted in compliance with the goals and policies of the county general plan and the purposes of this title.

Mr. Hyde stated the Duchesne County General Plan states that future growth and development decisions should be made with sensitivity to rural residential and agricultural interests. The plan indicates that the county wishes to encourage business activity and support efforts to recruit new businesses, retain existing businesses and assist with the expansion of existing businesses. In light of these plan policies, the Conditional Use request should be approved to provide a site for a new recreation business, provided that conditions of approval are imposed to protect rural residential interests in the area. Such businesses are required to obtain a Duchesne County business license and collect transient room taxes from guests.

3. That the property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that will not be materially detrimental to adjoining and surrounding properties.

The subject property is 1.5 acres in size. The property contains an existing log home that has two bedrooms, two baths and can sleep up to six guests. The home is set back about 80 feet from the north property line and a greater distance from the west, east and north lines. The nearest home is located about 220 feet north of the subject building. Another home is located about 320 feet to the east; across Highway 35. The site is large enough to accommodate the existing home and the needed parking areas for guest vehicles.

Additional conditions specified include the following:

A. Landscaping, Design: That the site will be suitably landscaped and maintained and that the design, setbacks, fences, walls and buffers of all buildings and other structures are adequate to protect property and preserve and/or enhance the appearance and character of the area.

Mr. Hyde stated as the site photos reveal, while the log home is attractive and well-maintained, the grounds around the home are not. The site is covered with dry grass and weeds and does not provide for usable outdoor recreation space for resort lodge guests. Before issuance of a business license for the resort lodge, the applicants should be required to submit a site landscaping plan to the county for review and approval by the Community Development Director. This plan should include the types and locations of landscaping planned and an estimated time schedule for the installation.

B. Parking: Provisions of parking facilities, including vehicular ingress and egress, loading and unloading areas and the surfacing of parking areas and driveways to specified standards.

Mr. Hyde indicated the site photos reveal that the driveway leading from Highway 35 to the resort lodge is a rough, cobble rock road and that vehicle parking is not well-defined by an all-weather gravel surface. Before issuance of a business license for the resort lodge, the applicants should be required to submit an ingress-egress and parking plan to the county for review and approval by the Community Development Director. This plan should include the types and locations of driveway and parking improvements planned and an estimated time schedule for the installation.

C. Streets, Water, Sewer, Fire Protection: The provision of required street and highway dedication and improvements, and adequate water supply, sewage disposal and fire protection.

Mr. Hyde stated the property is accessed from Utah Highway 35, which has a right of way width of 100 feet. No needs for additional right of way or highway improvements have been identified at this location. The property receives water from the Hanna Water District. The proposed business will have a very minimal impact on water usage at the property. Use of the resort lodge for a maximum of 26 weeks per year will result in less water usage than a single family dwelling occupied year-round. The property has an onsite wastewater disposal system. Use of the resort lodge for a maximum of 26 weeks per year will result in less sewage generation than a single family dwelling occupied year-round. A fire hydrant has been installed on the Hanna Water system across Highway 35 from the home. However, there may be other building and fire code standards that will need to be met before the log cabin may be changed from a single family dwelling to a resort lodge. The applicants will need to discuss building and fire code requirements with the County Building Official and Fire Chief and install any required measures before the issuance of a Certificate of Occupancy for the new use and before opening for business.

D. Signs: Regulation of signs.

The applicants have indicated they would like to place a banner advertising the resort lodge either on the fence along Highway 35 or attached to the deck. Due to the short height of the highway fence and the height of the grass and weeds between the pavement and the fence, a banner would likely work best on the deck. Permission to place a banner on the highway right of way fence would have to be received from Region 3 of the Utah Department of Transportation. Signage will need to be non-illuminated and kept within 32 square feet in size to protect the residential character of the area.

E. Nuisances: The mitigation of nuisance factors, such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances and radiation.

The Duchesne County Nuisance Ordinance allows noise from motor vehicles between the hours of 7:00 A.M and 9:30 P.M. on weekdays, 8:00 A.M. to 9:30 P.M. on Saturdays and 9:00 A.M. to 9:30 P.M. on Sundays. Conditions should be considered to ensure that noise from guests, which could disturb surrounding residents, does not

occur earlier or later than these allowed times.

F. Operating Hours: The regulation of operating hours for activities affecting normal schedules and functions.

The proposed resort lodge would operate a maximum of 26 weeks annually. Regulating hours of operation is not practical and hours of use would vary depending on the arrival and departure of guests and the frequency of rental use.

Mr. Hyde's recommendation is that the Planning Commission approve the Conditional Use Permit requested by Guy and Sandy Young, subject to the following conditions:

1. Before opening for business:
 - A. The applicants shall obtain a Certificate of Occupancy from the Duchesne County Building Official and Fire Chief to change the use of the building to accommodate the resort lodge usage.
 - B. The applicants shall submit a site landscaping plan to the county for review and approval by the Community Development Director. This plan should include the types and locations of landscaping planned and an estimated time schedule for the installation.
 - C. The applicants shall submit an ingress-egress and parking plan to the county for review and approval by the Community Development Director. This plan should include the types and locations of driveway and parking improvements planned and an estimated time schedule for the installation.
 - D. The applicants shall obtain a county business license.
2. Permission to place a banner on the highway right of way fence would have to be received from Region 3 of the Utah Department of Transportation. Signage shall be limited to one non-illuminated sign, no greater than 32 square feet in size, to protect the residential character of the area.
3. Noise on the property, associated with resort lodge guests, shall be limited, to the hours between 7:00 A.M and 9:30 P.M. on weekdays, 8:00 A.M. to 9:30 P.M. on Saturdays and 9:00 A.M. to 9:30 P.M. on Sundays. Such rules for "quiet time" shall be provided to guests in writing and be posted inside the cabin.
4. The applicants shall maintain compliance with Utah State Tax Commission regulations for the collection of the transient room tax from guests.

Mr. Hyde asked if there were any questions of the staff report. There were none.

Chairman Moon invited the applicant to speak.

Mrs. Sandy Young, property owner and applicant thanked the commission for the remote access and Mr. Hyde for his efforts on this permit. Mrs. Young stated it was their intention to live in and retire at this home. As many of you know, due to the downfall in the economy in the basin, they have had to relocate. In the effort to keep our home and hopefully move back to the Basin we are hoping to make it a vacation rental for 26 weeks out of the year. It is their intention to get the landscaping finished but for now they will keep it mowed and looking nice.

Chairman Moon asked if there were any questions.

Commissioner Drake asked what the time frame will be for the driveway and the landscaping. Mrs. Young stated they hope to do it in three phases, first the driveway and parking areas this fall, second the landscaping around the cabin next spring and third will be the walkout basement area with a patio and potential fire pit below the deck.

Chairman Moon asked if there were any other questions. There were none and with no one in the audience to speak, the hearing was closed.

Commissioner Drake motioned to approve the Conditional Use Permit requested by Guy and Sandy Young, subject to the conditions stated in the staff report. Commissioner Wells seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of August 3, 2016 minutes:

Commissioner Wells moved to approve the minutes of August 3, 2016. Commissioner Drake seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

None

Adjournment:

The meeting adjourned at 5:20p.m.