

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
August 2, 2017 - 5:00 p.m.**

In Attendance were:

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

Visitors:

Carl Armknecht	Bed and Breakfast CUP
Deb Lindsay	
Ben Henderson	New Business
Mike Hawley	New Business

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

PUBLIC HEARINGS:

A. Request by Carl Armknecht for a Conditional Use Permit to operate a Bed and Breakfast Inn at 42308 W Tabby Swale Road, in the Hanna area.

Mr. Hyde referred the commission to their packets and some site and aerial photos of the property and stated the applicant is seeking approval to operate a Bed & Breakfast Inn within a portion of an existing single family dwelling, located on the Duchesne River, northwest of Hanna. The applicant will continue to reside at the location to oversee the operation. The property is zoned A-2.5, which is an agricultural zone with a 2.5-acre minimum lot size. A Bed & Breakfast Inn is allowed in the A-2.5 zone with a conditional use permit.

The conditional use criteria are as follows:

- 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.**

Mr. Hyde stated 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 and ensure that all applicable health and safety codes are met.

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.

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/tourism 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.

Mr. Hyde stated the subject property is 5.68 acres in size and the owner has an additional 6.26 acres of land across the Duchesne River (there are no improvements across the river). The property contains an existing home and the proposed Bed & Breakfast portion is designed to accommodate four guests (two per bedroom). One of the bedrooms will be in an accessory building on the riverbank. The home is set back about 200 feet from the county road to the south and is well-screened by vegetation from the road and surrounding residences. The nearest homes are located about 620 feet to the west (Linda Watson), 640 feet to the northeast (William Evans), 375 feet to the southwest (Rick Stott) and 580 feet to the south (Travis Iverson). The site is certainly large enough to accommodate the existing home and the needed parking areas for guest vehicles.

The additional criteria include:

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 referred to the site photos that reveal there is mature landscaping on the property that is more than sufficient to buffer the proposed use from surrounding properties. Fencing exists to contain two llamas and one alpaca present on the site. Additional fencing is being constructed to separate these animals from areas to be used by guests and to allow the entry gate to remain open for guests.

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.

The driveway into the home is single lane, but is cleared on both sides enough to allow vehicles to pass, if needed. Site photos reveal that there is adequate room for parking on the property and the owner intends to bring in more gravel to create parking spaces near the home. Before opening for business, the owner will need to bring in additional gravel to improve these intended parking areas.

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 to the Tabby Swale Road (County Road #1). The county road alternates from pavement to gravel and back to pavement in this vicinity. There is a single-lane bridge over the Duchesne River but there is adequate signage to warn motorists. No need for additional road right of way has been identified in this area. Existing roads are sufficient for the small amount of traffic that would be generated by the proposal.

The property receives water from a private well. The Hanna Water District currently does not have a water main in this area. The proposed business will have an impact on water usage at the property no greater than that of an average Utah family. The Utah Division of Water Rights staff indicated by phone that no change to the water rights for the well would be necessary. However, if the well water has not been tested in the past year, it should be tested before being utilized by bed & breakfast guests. The TriCounty Health Department office in Roosevelt can assist with well water testing. The property has an onsite wastewater disposal system. The TriCounty Health Department has expressed no concerns with the proposal as the number of bedrooms in the home is staying the same and they will not be occupied full time.

There are no water lines or fire hydrants located in the vicinity. However, there may be building and fire code standards that will need to be met before a portion of the single family dwelling may be changed to a Bed & Breakfast Inn. The applicants will need to discuss such building and fire code requirements with the County Building Official and Fire Chief and install any required measures before altering the use of the structure and before opening for business.

D. Signs: Regulation of signs.

The applicant has an existing sign ("Rancho Sin Vacas") hanging at the front entry gate and plans to add a Bed & Breakfast sign on this structure. No off-premise or lighted signage has been requested, which will help maintain 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 finds that a nuisance exists from "the gathering of any number of persons upon premises, either public or private, and the

creation of excessive noise from the collective voices of such persons between the hours of nine thirty o'clock (9:30) P.M. and seven o'clock (7:00) A.M. Excessive noise means noise that is plainly audible within any dwelling unit that is not the source of the sound." 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. These quiet times should be posted on the premises and on internet marketing locations. Having the owner present at the site should help solve noise issues.

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

The applicant has indicated the proposed Bed & Breakfast Inn would operate throughout the year. Regulating hours of operation is not practical and hours of use would vary depending on the arrival and departure times of guests.

Mr. Hyde stated TriCounty Health Department has indicated to the applicant that when twelve or fewer guests are being served food; there is no need for a food handlers' permit (four guests at a time are anticipated at this facility). The applicant indicates that breakfast will most likely be provided to guests by the nearby Sandstone Pizza and Grill business, located on Highway 35 about ¼ mile to the north of this site.

Bed and Breakfast guests will have access to two bedrooms and will share a bathroom and the kitchen/dining area (all located on the ground floor). The applicant plans to use Airbnb to market the facility and arrange for reservations and payment of the room tax.

Mr. Hyde's recommendation is that the Planning Commission approve the Conditional Use Permit requested by Carl Armknecht, subject to the following conditions:

1. Before opening for business, the applicant shall:
 - A. Obtain permits and make alterations as necessary to comply with Building and Fire Code standards and obtain a Certificate of Occupancy or other form of authorization from the Duchesne County Building Official and Fire Chief.
 - B. Complete the improvement of graveled parking spaces near the home.
 - C. Have the private well water tested, if it has not been tested in the past year.
 - D. Ensure that a process is established and maintained via Airbnb and/or the Utah State Tax Commission to collect the room tax from clients.
 - E. Obtain a county business license.
2. Noise on the property, associated with Bed & Breakfast Inn guests, shall be limited; with quiet time between the hours of 9:30 P.M. and 7:00 A.M. Such rules for "quiet time" shall be provided to guests in writing (via posting on the premises and on internet marketing locations).
3. No off-premise or lighted signage is authorized by this permit.
4. Food service shall be offered in accordance with TriCounty Health Department standards.

Mr. Hyde asked if there were any questions of the staff report. There were none so the applicant was invited to speak.

Carl Armknecht, land owner and applicant, thanked Mr. Hyde for his efforts in preparing the staff report and his assistance getting him thru this process. Mr. Arnknecht is excited to start this business to supplement his investment in the area. He feels it will be an asset to the community and for the public that visits Duchesne County.

He asked if the commission had any question's for him.

Commissioner Roberts asked if he was ok with the conditions of approval, Mr Armknecht stated he was.

Commissioner Moon asked if he was going to live there and operate the business year round. The applicant stated that was the plan for now.

Chairman Giles asked if there were any other questions or comments. There were none and with no one in the audience either in favor or opposed to the applicants request, the hearing was closed.

Commissioner Roberts motioned to approve the Conditional Use Permit requested by Carl Armknecht, subject to the conditions stated in the staff report. Commissioner Moon seconded the motion and it passed unanimously.

NEW BUSINESS:

A. Work Session with Jones & DeMille Engineering to discuss the Draft Duchesne County Transportation Master Plan in advance of the September 6, 2017 public hearing and recommendation to the County Commissioners.

Mr. Hyde welcomed Ben Henderson, Public Works Director and Mike Hawley from Jones and DeMille Engineering and explained to the commission that this project started in 2013 and has taken a little longer than expected to be completed but has been approved by the Transportation Special Service District #2. Mr. Hyde is hoping with the work session, the commission will get familiar with the details of the master plan and be ready to send it on to the County Commissioners for their approval next month.

Mr. Hawley gave a power point presentation with some of the important details and concerns the county is dealing with in providing a safe and efficient transportation system.

There were some comments and discussion with the Planning Commission, Mr. Hyde and Mr. Hawley about the contents of the plan, some of the safety concerns with the conditions of the roads and road maintenance throughout the county, the mapping data that is available and the impacts and potential mitigation of the transportation problems in Duchesne County.

There were no members of the public present to comment on the plan. The Commission was encouraged to finish review of the draft plan in advance of the September 6th public hearing.

Minutes: Approval of June 7, 2017 minutes:

Commissioner Wells moved to approve the minutes of June 7, 2017.
Commissioner Richens seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

None

Adjournment:

Meeting adjourned at 6:25p.m.