

# DUCHESNE COUNTY PLANNING COMMISSION MEETING

## JUNE 5, 2024

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**REQUEST TYPE:** Conditional Use Permit  
**APPLICANT:** Kip Egan, Prime Properties  
Lance Stewart, property owner  
**PROPOSAL:** Commercial Use- Short-term Rental  
**LOCATION:** Parcel # 00-0031-1716  
**ZONING DISTRICT:** A-2½, A-5

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### REPORT CONTENTS

FINDINGS OF FACT .....	2
CONCLUSIONS .....	6
RECOMMENDATION .....	6, 7

## **FINDINGS OF FACT**

### **1. PROPOSAL DESCRIPTION**

Kip Egan of Prime Properties, on behalf of Lance Stewart, proposes to operate a short-term rental on Parcel # 00-0031-1716 north of Hanna in the Stockmore area. As a commercial use the proposed operation is permitted within the A-2½ and A-5 zoning districts with a conditional use permit. This conditional use permit application covers two cabins and would operate continually.

### **2. HISTORY OF EVENTS**

May 1, 2024	The application was submitted.
May 7, 2024	The application was deemed complete.
May 22 & 29, 2024	Notice of Public Hearing published in Uintah Basin Standard.
May 21, 2024	Notice mailed to property owners within 300 feet of the subject property.
June 5, 2024	Planning Commission hearing.

### **3. DUCHESNE COUNTY ZONING CODE**

#### **8-13-1: SCOPE AND PURPOSE:**

A. Issuance: Conditional use permits may be issued as provided by this title for any of the uses for which a conditional use permit is required as identified in the table of uses and the table of site development standards, as set forth in Chapter 6 of this title.

B. Purpose: The purpose of the issuance of a conditional use permit is to allow the proper integration into the county of uses which may be suitable only in specific locations in a zoning district, or only if such uses are designed, arranged or conducted on the site in a particular manner.

C. Conditions: A conditional use permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed land use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use permit may be denied.

#### **8-13-2: APPLICATION FOR PERMIT:**

All requests for a conditional use permit shall be made on the application form provided by the county, detailing the nature of the conditional use request. The applicant shall also provide the necessary information identifying the purpose of the conditional use request, and all required information shall be provided to the planning office twenty-one (21) days prior to the planning commission meeting. The planning commission is authorized to render a final decision on the issuance of a conditional use permit following the review and receipt of a recommendation from the zoning administrator.

#### **8-13-3: PUBLIC HEARING REQUIRED:**

All applications for a conditional use permit shall be made in accordance with the provisions of this title and shall be the subject of a public hearing held before the planning commission for which a

minimum of fourteen (14) days' public notice has been provided and the planning staff notifying all property owners by U.S. mail within three hundred feet (300') of the proposed conditional use.

**8-13-4: FINDINGS AND CONDITIONS FOR APPROVAL:**

A. Findings Required: The planning commission may grant a conditional use permit in compliance with this title if, from the application and the facts presented at the public hearing, it finds:

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.

**Findings: The proposed use will not be unduly detrimental or injurious to property or improvements in any vicinity, and will not be detrimental to public health, safety, or general welfare provided the recommendations found in this report are approved by the Planning Commission as conditions of approval.**

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.

**Findings: 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. The proposal complies with this section of the General Plan as a new business would be supported that will not impact rural residential and agricultural interests.**

The purposes of the Zoning Ordinance are set forth below:

8-1-2: PURPOSE:

A. The purpose of this title is to implement the goals and policies of the county general plan. This title contains standards, provisions and requirements intended to protect the health, safety and welfare of the citizens of the county by ensuring that neighbors, adjacent and neighboring properties are protected from potential negative impacts in the development and use of land and resources. It is the intent of this title to provide a means of ensuring predictability and consistency in the use of land and individual properties, and to guide and direct the development of land.

B. These purposes are met by:

1. Providing the means of implementing the various policies and other provisions of the county general plan;
2. Generally directing and guiding land development so more intense development is located in areas of the county having the necessary services and facilities sufficient to meet the demands of the proposed development;
3. Promoting the public health, safety and general welfare by regulating the location and use of buildings, structures and land for residential, commercial and other specified uses;

4. Protecting landowners from potential adverse impacts from adjoining uses;  
and
5. Directing and managing, through the establishment of use districts, the type, distribution and intensity of activity.

**Findings: If the applicant meets the conditional use permit criteria and complies with the conditions of approval, the purposes of the Zoning Ordinance will be met.**

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.

**Findings: The subject property is 10.84 acres with one, 1,722 ft<sup>2</sup> cabin. Access is from 11100 N in Hanna, a Class D. The nearest dwelling is about 700.00 feet from the proposed camping areas. Properties bordering Parcel #00-0031-1716 are private.**

**The property is sufficiently large for the proposed commercial use. Short-term rentals could be accommodated. The proposed use can operate in a manner that is not detrimental to surrounding property owners if noise is controlled pursuant to the Duchesne County Nuisance Ordinance and trespass is discouraged.**

B. Conditions:

1. In approving a conditional use permit, the planning commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of the county general plan and to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses in the general vicinity. Minimum conditions shall be included for produced water disposal facilities, extraction of earth products and residential treatment or secure treatment facilities as indicated in section 8-13-5 of this chapter.
2. When approving a conditional use permit, the planning commission may impose such requirements and conditions as follows: location, construction, maintenance, odor control, operation, site planning, traffic control, dust control, noise, time limits and other items for the conditional use permit as deemed necessary for the protection of adjacent properties and the public interest. The planning commission may require guarantees or other evidence that such conditions will be met and complied with.

**8-13-5-5: ADDITIONAL CONDITIONS**

A. Landscaping, Design

**Findings: no landscaping is required to buffer the proposed use from surrounding uses. There is a gate to the property.**

B. Parking

**Findings: Customers are anticipated to park in the cleared parking area on the property. Ingress and egress locations will need to comply with Wildland Urban Interface standards. Parking areas must be constructed with a durable and dustless surface material.**

C. Streets, Water, Sewer, Fire Protection:

**Findings:**

- a. **Streets:** The applicant proposes guests use 11100 N, a Class D road to access Highway 35.
- b. **Water:** Water is provided by a well (Water Right 43-10852). All drinking water sources must be approved by TriCounty Health. TriCounty Health may require testing of the water source prior to commercial use.
- c. **Wastewater:** Any facility connected to an onsite wastewater system must be approved by TriCounty Health, the wastewater authority.
- d. **Fire Protection:** All roads, site structures and appurtenances must comply with the Wildland Urban Interface code, and other State or Federal regulations.

D. Signs:

**Findings:** Signs may not exceed 32 ft<sup>2</sup> and should not be illuminated. Signs must be approved by the Community Development Office and may need to be approved by the Department of Building Safety, prior to installation.

E. Nuisances:

**Findings:** The applicant must follow all junk, solid waste, dust, and noise ordinance requirements.

- The Duchesne County nuisance ordinance defines “junk” as “all inoperative motor vehicles, motor vehicle parts, abandoned automobiles and vehicles, machinery, machinery parts, appliances or appliance parts, iron or other metal, glass, paper, lumber, wood, or other waste or discarded material.” (Duchesne County Code 3-1-4)
- The Duchesne County solid waste ordinance defines “solid waste” as “all putrescible and nonputrescible solid and semisolid wastes, such as refuse, garbage, rubbish, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes and shall include other discarded material classified as solid waste by state and federal law or regulation.” (Duchesne County Code 3-4-3)

No junk or solid waste is apparent on the property. Junk and solid waste are not allowed under this proposal to be stored on the property at any time.

Impacts to public health, safety, and welfare due to nuisances will be sufficiently mitigated if the applicant follows the recommendations proposed in this report. If dust or noise complaints are received by Duchesne County, the applicant shall be notified to mitigate these issues.

F. Operating Hours:

**Findings:** Applicant proposes to operate from year-round for approximately 12-15 nights per month. All hours must follow the County’s noise ordinance standards. The Duchesne County Nuisance Ordinance allows noise 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.**

**8-13-6: TERM OF PERMIT:**

Unless there is substantial action under a conditional use permit within a period of eighteen (18) months of its issuance, the permit shall be considered null and void.

**8-13-7: REVOCATION OR MODIFICATION OF PERMIT:**

A. Authority: If there is cause to believe that grounds exist for revocation or modification of an approved conditional use permit, the planning commission shall hold a public hearing on the question of modification or revocation of a conditional use permit granted under the terms and the provisions of this title.

B. Conditions: A conditional use permit may be modified or revoked if the planning commission finds that one or more of the following conditions exist:

1. The conditional use permit was obtained in a fraudulent manner.
2. The use for which the conditional use permit was granted has now ceased for at least six (6) consecutive calendar months.
3. One or more of the conditions of the conditional use permit have not been met.

C. Modification by Planning Commission: Additionally, the conditions under which a conditional use permit was originally approved may be modified by the planning commission without the consent of the property owner or operator, if the planning commission finds that the use or related development constitutes or is creating a demonstrated nuisance. Should reclamation be necessary, complete restoration, to such an extent that the area will not depreciate the surrounding property or impair the beauty of the landscape, shall be accomplished within a twelve (12) month time frame.

**CONCLUSIONS**

1. The request will comply with the Conditional Use Permit requirements found in Title 8 Zoning Regulations of the Duchesne County Code if conditions are imposed.
2. The request is valid.

**RECOMMENDATION**

Recommended Motion: I move for the approval of the conditional use permit requested by Kip Eagan of Prime Properties, on behalf of Lance Stewart, for the operation of a short-term rental in one cabin located on Parcel # 00-0031-1716 north of Hanna in the Stockmore area, subject to the following conditions:

1. A Duchesne County business license shall be obtained prior to commencing operations and maintained for the duration of this conditional use permit.
2. The parking and driveways be maintained as a dustless surface. The applicant shall immediately take action to mitigate nuisances following any complaints due to dust or noise.
3. No junk or solid waste may be stored at the campground. Any report of junk or solid waste at campground will require the operator to promptly remove such material or vehicle(s).

4. The driveway and parking areas shall meet WUI code standards as determined by the Duchesne County Fire Marshall, prior to the start of business operations, and said standards shall always be maintained.
5. 11100 N must be maintained by the applicant to accommodate traffic for the duration of this conditional use permit.
6. Signs must follow Duchesne County Code 8-9-14, 8-13-5-5-D. To be compatible with the character of the A-5 zoning district, signs must comply with the following:
  - a. Placed on premise only (includes on a gate or fence);
  - b. Are not internally lit;
  - c. Does not exceed 32 square feet per sign;
  - d. Does not encroach into Highway 40 right of way.
7. Business operations must adhere to the Duchesne County noise ordinance (3-1-4-G).
8. Drinking water and wastewater facilities must be approved by TriCounty Health Department. Written approval from TriCounty Health shall be provided to the Duchesne County Community Development Department confirming well water quality for commercial use prior to commercial operation.
9. The "Short Term Rental Restrictions for Single Family Dwellings" document established by the Duchesne County Building Official shall remain in force for the duration of this conditional use permit. To ensure compliance and prior to occupancy by the public, the applicant shall request an inspection by the Department of Building Safety to ensure that the required safety standards have been met. This inspection has an additional fee paid to the Department of Building Safety.
10. No trespassing signs shall be placed conspicuously between campsites and neighbors' properties to discourage and prevent trespass.
11. The Transient Room Tax [TRT] shall be collected from guests.

Respectfully submitted:



Mike Gottfredson AICP  
Deputy Director of Community Development, Duchesne County

May 1, 2024

Dear Mike,

I hope this letter finds you well. I'm writing to describe the short-term rental business located at **45013 West 11100 North, Hanna, UT 84031**. In essence, short-term rentals involve leasing out furnished accommodations for a brief period, often ranging from a few nights to several weeks. This model has gained significant traction due to its flexibility and convenience for both hosts and guests.

One of the primary platforms facilitating this business is Airbnb, which has revolutionized the way people travel and find accommodations. Hosts can list their properties, whether it's a spare room, apartment, or entire house, on these platforms, offering travelers a diverse range of options beyond traditional hotels.

For hosts, short-term rentals present an opportunity to generate supplemental income by leveraging their existing properties. It allows them to monetize unused space and cover expenses such as mortgage payments or property maintenance costs. Additionally, hosting can foster cultural exchange and provide a more personalized experience for guests.

Some Specifics About This Particular Property:

Year-Round Rental: YES, approximately 12-15 nights per month.

Management Company: Kip Egan, Prime Properties – Contact Info Below

Number of Overnight Guests Requesting: 10

Number of Bedrooms: 4

Number of Bathrooms: 2

Listing Platform: Airbnb, Vrbo, Direct Booking (Primeprops.co)

Thank you for considering this application. If you have any further questions or would like to discuss this topic in more detail, please don't hesitate to reach out.

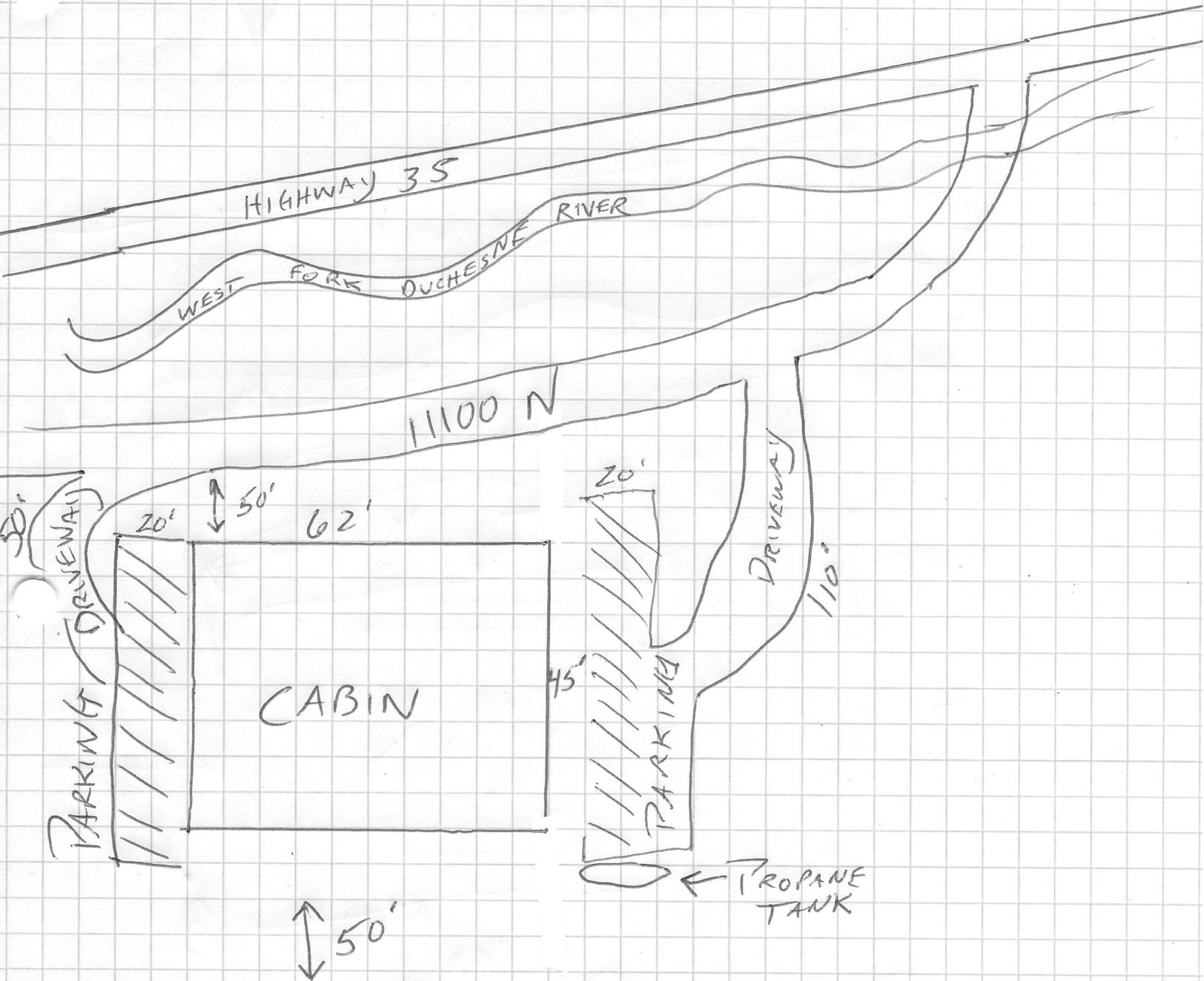
Best regards,

*Kip Egan*

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MOUNTAIN SIDE

