

**Notice of Meeting of the Planning Commission
of the City of Richfield
Sevier County, Utah**

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of Richfield City, Sevier County, Utah, will hold a meeting on Wednesday, December 6, 2023, at the Richfield City Center, Richfield, Utah, commencing at 6:00 p.m.

The agenda for the meeting is as follows: (NOTE: The agenda may be accelerated or the line items may be discussed in any order.)

1. **Roll Call**
2. **Conditional Use Permits/Home Occupation Permits**
 - a. Antoinette Ostrom to request approval to operate a daycare at 195 E 400 N called Children’s Corner Daycare. This is a C-1 use in an RM-11 zone.
 - b. Doug Schut to request approval to operate a woodworking/cabinetry business from his home at 440 West 2300 South. This is a C-1 use in an RR-1 zone.
3. **Short term rentals**
 - a. **Jesse Gettler** – To request approval to operate a short-term rental at 435 S. 400 West. This is a C-1 use in an R1-10 zone, number 12 of 39 in STR Zone 3.
4. **Public hearing –**
 - a. **Zoning change for Todd Riches Trailhead Resort** – Receive comments on Todd Riches’ request to change the city’s General Plan so that he can apply to change the zoning of parcel 1-10-53. The proposal is to change the parcel currently zoned CG, Commercial General, to RM-11, Multiple Residential District.
 - b. **Richfield City Master Transportation Plan** – Receive comments on proposed updates to the Richfield City Master Transportation Plan. Richfield City is proposing various changes and amendments to its master transportation plan to make it more compatible with anticipated needs.
5. **Action on Public Hearings –**
 - a. **Zoning change for Todd Riches Trailhead Resort** – Consider recommending adoption of a change to the city’s General Plan, which would allow for parcel 1-10-53 to be rezoned. The proposal is to change the parcel currently zoned CG, Commercial General, to RM-11, Multiple Residential District.
 - b. **Richfield City Master Transportation Plan** – Consider recommending adoption of the newly updated Master Transportation Plan for Richfield City.
6. **Discussion Item** – Names of planning commission members. Lisa and Susan’s terms are up this month.
7. **Discussion Item** – Future of RM-24 and RM-11 in Richfield. Richfield is updating its general plan and this item is here to get the commission’s thoughts about the amount of RM-24 and RM-11 currently in Richfield, and what the future should hold for future high density housing developments.
8. **Ordinance Amendments** –

- 1 a. Setback requirements – Commercial zones setbacks – Kirt Meacham to request
- 2 the commission consider modifying the ordinance to reduce rear setbacks in
- 3 commercial zones from 20 feet to 10 feet.
- 4 b. Consider amending the Mixed-Use definition as the last sentence in the table
- 5 creates confusion and can be interpreted that it makes more RM-24 zones. It’s
- 6 proposed to strike the last sentence and replace it with “Mixed Use
- 7 developments will be required to follow all multi residential zoning and spacing
- 8 requirements.
- 9 c. Consider removing Mixed-Use from MD and MG zones.
- 10 d. Condominiums – Discuss the one-acre requirement, which may be too
- 11 restrictive and take away development opportunities. An example of a
- 12 development of less than an acre was given of the recently constructed tri-plex
- 13 located at 200 W 600 South.
- 14 e. Short Term Rentals – Discuss options for limiting Short Term Rentals in the city.
- 15 The average household income in the county is approximately \$60,000, and
- 16 most of the STRs are older smaller homes that could be purchased as primary
- 17 residences.

18
19 **9. Minutes Approval**

- 20 i. Consider approving minutes of meeting hosted Nov. 1, 2023.

21 **10. Other Business**

22 **11. Adjournment.**

- 23
24
25 **1. Roll Call -** Present: Josh Peterson, Blaine Breinholt, Susan Jensen, Zach Leavitt and

26 Wayne Cowley.

27 Excused: Lisa White, Wes Kirshner.

28 Others present: Deputy Clerk David Anderson, Antoinette Ostrom, Kurt Meacham,

29 Jesse Gettler, Doug Schut, Todd Riches and Brandon Anderson.

30 **2. Conditional Use Permits/Home Occupation Permits**

- 31 a. **Antoinette Ostrom** to request approval to operate a daycare at 195 E 400 N

32 called Children’s Corner Daycare. This is a C-1 use in an RM-11 zone.

33 Antoinette Ostrom said there is plenty of parking to accommodate what she is

34 proposing, which is a daycare out of her home. Ostrom said the daycare is her

35 dream job. The business would consist of six children in her home from 6 a.m.

36 and 5:30 p.m.

37 Commissioner Jensen asked if there would be any employees, which Ostrom

38 said there would be none.

39 The home, located on a corner lot, also features a substantial back yard, as well

40 as parking along the front and side. Cars would only be at the home to drop off

41 and pick up the children.

42 Commissioner Leavitt reminded Ostrom that a fire inspection is also a

43 requirement of operating a daycare.

1 **Motion made by Commissioner Breinholt** to approve the proposal. **Commissioner**
2 **Jensen seconded the motion. The motion passed** with Josh Peterson, Blaine Breinholt,
3 Susan Jensen, Zach Leavitt and Wayne Cowley voting aye.

- 4 b. **Doug Schut** requested approval to operate a woodworking/cabinetry business
5 from his home at 440 West 2300 South. This is a C-1 use in an RR-1 zone.
6 He'd be the only employee, providing cabinets for perhaps one kitchen a
7 month. The home behind his shop is approximately 150-feet away from any
8 neighbors in the Meadows Subdivision. The shop is not going to result a
9 nonstop production type of noise.

10 The would not be any customers coming in, and deliveries for materials would
11 be only occasionally at the beginning of each job.

12 To start the stop would be used primarily in the evenings as well as Fridays and
13 Saturdays. Once Mr. Schut retires from his fulltime job, he would eventually go
14 8-5, to help supplement his penton. Mr. Schult would pick up hardware himself.
15 He would also order the doors, essentially cutting sheet goods, and building
16 boxes and drawers.

17 **Motion made by Commissioner Breinholt** to approve the business. **The motion**
18 **was seconded by Commissioner Cowley. The motion carried** with Josh
19 Peterson, Blaine Breinholt, Susan Jensen, Zach Leavitt and Wayne Cowley voting
20 aye.

21
22 3. **Short term rentals**

- 23 a. **Jesse Gettler requested** approval to operate a short-term rental at 454 South
24 400 West. This is a C-1 use in an R1-10 zone, number 12 of 39 in Short-Term
25 Rental Zone 3.

26 This is a small, one-bedroom home Gettler wants to convert from long term to
27 short-term rental use. Gettler said its 400 West address provides good access to
28 all the activities in town.

29 **Motion made by Commissioner Brienholt** to approve the short-term rental.

30 **Commissioner Leavitt seconded the motion. The motioned carried** with Josh Peterson,
31 Blaine Breinholt, Susan Jensen, Zach Leavitt and Wayne Cowley voting aye.

32
33 4. **Public hearing –**

- 34 a. **Zoning change for Todd Riches Trailhead Resort –** Todd Riches has requested to
35 change the city's General Plan so that he can apply to change the zoning of
36 parcel 1-10-53. The proposal is to change the parcel currently zoned CG,
37 Commercial General, to RM-11, Multiple Residential District.

38 Riches said he wants to be able provide both short-term shares in a
39 condo/hotel/timeshare type of arraignment, as well as the ability for people to
40 purchase a full unit and own it outright as a residence. In order to do that, the
41 property's zoning has to be changed.

42 Chairman Peterson opened the hearing at 6:12 p.m. Hearing no comments from
43 the public, he closed the hearing at 6:13 p.m.

- 1
2 b. **Richfield City Master Transportation Plan** – Receive comments on proposed
3 updates to the Richfield City Master Transportation Plan. Richfield City is
4 proposing various changes and amendments to its master transportation plan
5 to make it more compatible with anticipated needs.
6 Chairman Peterson opened public the hearing at 6:13 p.m. and hearing no
7 comments from public on the plan, closed the hearing at 6:14 p.m.

8 5. **Action on Public Hearings** –

- 9 a. **Zoning change for Todd Riches Trailhead Resort** – The commission considered
10 recommending adoption of a change to the city’s General Plan, which would
11 allow for parcel 1-10-53 to be rezoned from CG, Commercial General, to RM-11,
12 Multiple Residential District – allowing for greater flexibility in how the
13 proposed Trailhead Resort can operate.
14 Commissioner Breinholt said he feels like it’s a great development.
15 **Commissioner Jensen made the motion** to recommend to the City Council an
16 amendment to the city’s general plan to allow parcel 1-10-53 to be rezoned
17 from CG, Commercial General, to RM-11, Multiple Residential District.
18 **Commissioner Breinholt seconded the motion. The motion passed** with Josh
19 Peterson, Blaine Breinholt, Susan Jensen, Zach Leavitt and Wayne Cowley voting
20 aye.

- 21
22 b. **Richfield City Master Transportation Plan** – The commission discussed
23 recommending adoption of the newly updated Master Transportation Plan for
24 Richfield City.
25 The commission went through each tab of the plan’s online format.
26 Commissioner Leavitt asked Chairman Peterson about the process the Utah
27 Department of Transportation uses in recommending signals at intersections.
28 Chairman Peterson explained signals cause congestion, while un-signalized roads
29 will have flow. The idea is to find the balance between the two. To qualify for a
30 new signal, it has to meet certain warrants. This is done through a traffic study,
31 looking at turn movements, stops, class or road, volume of road traffic. There is
32 a set number of warrants that need to be met in the traffic study in order to
33 trigger a signal installation on a UDOT road.
34 Commissioner Leavitt asked if the metrics would be used when determining if a
35 signal would be placed at the intersection at 1500 South and Main. Chairman
36 Peterson said UDOT personnel are working on that intersection currently.
37 The Master Transportation Plan’s story map shows the project overview and
38 how the City is growing, and its projected growth in the future. It also includes
39 demographics on housing, average income and other contextual data.
40 The plan also includes maps that show the existing roads, and the proposed
41 changes. The maps also show which types of roads are proposed – minor or
42 major collectors, arterial, etc. There is also a map which shows what materials
43 each road is made of – paved, gravel or dirt.

1 The maps also illustrate what type of improvements are anticipated, and where,
2 as well as traffic averages and speed averages. There is also a heat map, which
3 shows crash data.

4 Active transportation is another component of the plan, which includes
5 proposed bicycle and walking paths. This includes proposed extensions of
6 Richfield's walking and biking path to the south and the north. One portion of
7 the southern extension is moving forward, between the Rotary Park and 1300
8 South, with design and construction tentatively set for next year. There are two
9 options for future expansion of this trail to the south.

10 One road discussed was 100 East between 500 South and 800 South.
11 Commissioner Breinholt said there are portions of the proposed road
12 improvements on 100 East where the right-of-way is very tight. There have
13 been some preliminary discussions about obtaining additional right-of-way in
14 the area, according to Deputy Clerk Anderson.

15 Commissioner Breinholt also asked about the road project at Centennial Park,
16 noting that the area was once basically a landfill and settling could be a
17 continual issue.

18 Brandon Anderson asked what is the city doing to ensure the roads are built
19 according to what is outlined in the plans. He said it is good to plan ahead, but
20 was interested in how the city would make sure the plan is followed.

21 When an applicant goes through a zone change or subdivision process, they are
22 required to follow the master transportation plan, Chairman Peterson said. New
23 developers will be required to install improvements, the same as with previous
24 developments.

25 Commissioner Jensen said hopefully city engineers are looking at the master
26 transportation plan prior to approving developments.

27 **Commissioner Leavitt motioned** to recommend approval of adoption of the
28 updated Master Transportation Plan. **Commissioner Cowley seconded** the
29 motion. **The motion carried** with Josh Peterson, Blaine Breinholt, Susan Jensen,
30 Zach Leavitt and Wayne Cowley voting aye.

- 31
32 6. **Discussion Item** – Names of planning commission members. Commissioner White and
33 Jensen's terms are up this month. After six years on the commission, Commissioner
34 Jensen said she plans on spending more time with family. She has one name submitted
35 already.

36 Anyone else on the commission is invited to submit names of candidates to Deputy
37 Clerk Anderson or City Manager Michele Jolley.

- 38
39 7. **Discussion Item** – Future of RM-24 and RM-11 in Richfield.

40 Chairman Peterson said this is an item the city council asked the commission to
41 consider. He said the RM-24 got away from the City before a handle was put on it.

1 Commissioner Breinholt said he thinks the RM-24 is fine, and that supply and demand
2 will determine the future developments. Commissioner Jensen said the current ones
3 seem to have filled up, which Breinholt said shows there is a demand.
4 Commissioner Leavitt said there is a shortage of housing across the state, and areas like
5 Richfield are prime to absorb some of that need.
6 However, and influx of people could make the rural nature of the community a thing of
7 the past, Commissioner Cowley said.
8 Commissioner Breinholt said the area isn't growing fast, with a population that has
9 doubled in 50 years.
10 If the state is going to invest in development of rural communities, Chairman Peterson
11 said he would like to see the investments be made in infrastructure, businesses and
12 industry, not just housing. Commissioner Leavitt said there is some economic
13 development money that will become available for that purpose from the governor's
14 office of economic development, as well as federal funds.
15 One concern is when the city approves these RM-24 projects, the question is always
16 asked if they are going to be subsidized, said Chairman Peterson. While the subsidized
17 housing is great for the people who live in it, they also tend to tax the community in
18 other ways – putting strain on local charities, churches, foodbank and other ways.
19 Deputy Clerk Anderson pointed out that federally subsidized housing may not be
20 addressing local needs, as people relocate to the area for the express purpose of
21 utilizing the subsidized housing.
22 Commissioner Leavitt said there are times that you do import it, but also the need
23 exists, and sometimes when the housing is concentrated in one area it makes it more
24 visible. The need is spread out, but when subsidized housing is created, it's dealing
25 what's already happening.
26 Chairman Peterson said many of the people living in the Eagle View development are
27 from out of the state with no apparent ties to the area.
28 Commissioner Breinholt asked what can be done to stop it, to which Chairman
29 Peterson said there likely isn't a way to. He said it would be beneficial if the city were to
30 be able to have a voice in when subsidized housing is created.
31 One example, is the apartment complex near Walmart, which was presented to the city
32 under the premise that it would serve as housing for the employees of a meat packing
33 operation. However, the meat packing operation hasn't materialized and the
34 apartments are now subsidized.
35 Commissioner Cowley said the exact same thing happened to Smith's meats. They sold
36 property in Salt Lake City that was supposed to be condos, but was turned into
37 subsidized housing. That's where they got the idea for what they did in Richfield.
38 Chairman Peterson said these are things to consider when it comes to zone changes.
39 One area where the issue may come to a head is a parcel of land SITLA [Utah School
40 and Institutional Trust Lands Administration] purchased south east of the where Motel
41 6 was located. He said the planning commission voted not to annex the land, but then
42 the city council decided to go ahead and annex it. Now SITLA is working to create
43 higher density housing on the property.

1 Chairman Peterson said he doesn't believe they have looked into RM-24 spacing,
2 because it won't meet it.

3 Leavitt said SITLA wants to make sure funding continues to flow into the school trust
4 fund, and development and sale of property is one way to do that.

5
6 **8. Ordinance Amendments –**

- 7 a. Setback requirements – Contractor Kurt Meacham requested the city to reduce
8 commercial zones setbacks from 20 feet to 10 feet.

9 Meacham is working with a dermatology clinic on a building expansion. He said
10 even with the expansion, they would have plenty of parking.

11 The property owner would like to go closer than 10-feet if at all possible and
12 add more space to the building, Meacham said.

13 Commissioner Breinholt said the proposal is in an area where commercial and
14 residential meet, which could be a factor.

15 One big issue could be the fire access, said Commissioner Cowley.

16 Determining the what the original reason was for the setback in the ordinance
17 would be important, Commissioner Breinholt said.

18 Commissioner Jensen said one reason for the setback may be illustrated by the
19 Lin's Market building, which is built within a few feet of the sidewalk, making it
20 rough for the residential homes in the area. However, there isn't a road behind
21 this one.

22 If the city changed the ordinance, it's been opened up, Commissioner Jensen
23 said. The back property is kind of useless, but once you change the ordinance,
24 it's changed for everyone.

25 Chairman Peterson said he would like to know the fire code before making any
26 decision on it.

27 Deputy Clerk Anderson asked how tall the building would be, citing the
28 ordinance's provision that the setback could also be determined by height of
29 the building. Meacham said it would be approximately 34-36 feet in height,
30 which would work against the proposal under the current ordinance.

31 Commissioner Leavitt said he would like to look at the fire code and see what is
32 allowed. Commissioner Breinholt said there has to be some type of reasoning
33 for why the setbacks are set the way they are.

34 Chairman Peterson suggested a subcommittee look at the fire code and talk
35 with other cities to see if they can determine the reasoning behind the setback.
36 Commissioners Breinholt and Cowley are assigned to the subcommittee.

- 37
38 b. Consider amending the Mixed-Use definition as the last sentence in the table
39 creates confusion and can be interpreted that it makes more RM-24 zones. The
40 original proposal was to strike the last sentence and replace it with "Mixed Use
41 developments will be required to follow all multi residential zoning and spacing
42 requirements."

1 Planning specialist Kendall Welch submitted a definition that would read as
2 follows: *“Mixed Use. Developments that provide for multiple complementary
3 and compatible uses or purposes within a shared building (i.e., vertical mixed
4 use) or development area (i.e., horizontal mixed use). Mixed use may include
5 uses such as, but not limited to, residential housing, recreational amenities,
6 professional office spaces including medical and religious assembly, general
7 commercial or retail uses. For mixed use involving residential and commercial
8 uses, a mix of 33 percent non-residential and 66 percent residential is required,
9 and shall be determined by the square footage of the proposed building or
10 development. No mixed use involving residential uses shall exceed the density of
11 the zoning district in which the mixed use is located (if established), the
12 established density of contiguous zones abutting the subject property, or the
13 recommended density as outlined on the future land use map in the City’s
14 adopted General Plan whichever is the lesser density.”*

15 Chairman Peterson said the proposal is fairly wordy. He said he preferred more
16 succinct phrasing of the definition – “Mixed Use developments will be required
17 to follow all multi-residential zoning and spacing requirements.”

18 It is something that will have to be considered on a case by case basis. We’re
19 not going to want to create islands of zoning, according to Chairman Peterson.

20 **Commissioner Cowley moved** to use the last sentence of the definition written
21 by Peterson and as stated in the agenda. **Commissioner Breinholt seconded** the
22 motion. **The motion carried** with Josh Peterson, Blaine Breinholt, Susan Jensen,
23 Zach Leavitt and Wayne Cowley voting aye.

- 24
25 c. Consider removing Mixed-Use from MD and MG zones. People are not likely
26 going to do mixed-use in the MD and MG zones.

27 Commissioner Breinholt said a veterinarian clinic, where the clinic is located on
28 the ground floor and a residence is located above, is becoming a more common
29 occurrence. He said that’s a mixed use. An overnight boarding facility for horses
30 with a residence built into it could also be considered mixed use.

31 Commissioner Jensen said those instances would be single residences, not an
32 apartment complex. Those types of facilities would be more aimed at on-call
33 staff than a residence.

34 Chairman Peterson asked if the mixed use should be taken out of the industrial
35 and manufacturing zones currently.

36 It depends on the situation, Brienholt said. He said while some people may not
37 want a situation where they are living in the same building as their horses, some
38 people do as shown by a project he has been working on.

39 An overnight clinic would be a situation where someone would be working all
40 night, not necessarily living in the facility.

41 With the scenarios presented, perhaps the right thing is to leave it in,
42 Commissioner Jensen said.

1 **Commissioner Breinholt motioned** to recommend leaving mixed use as a C-2
2 use in industrial and manufacturing zones. **Commissioner Leavitt seconded** the
3 motion. The motion passed with **Josh Peterson, Blaine Breinholt, Susan Jensen,**
4 **Zach Leavitt and Wayne Cowley voting aye.**
5

- 6 d. Condominiums – The commission discussed the one-acre requirement, which
7 may be too restrictive and take away development opportunities. An example
8 of a development of less than an acre was given of the recently constructed tri-
9 plex located at 200 W 600 South.

10 Commissioner Peterson said he couldn't disagree with the idea that the
11 development was nice in utilizing a parcel of land smaller than an acre.

12 However, is a four-plex and a tri-plex the same definition as a condominium?

13 Commissioner Cowley asked what the property tax requirements are. Is it a
14 single property tax divided amongst the tenants, or is each individual paying
15 their own property tax?

16 Commissioner Jensen said even if it were just one tax, it would be on a larger
17 piece of property and infrastructure.

18 There is a difference between a townhome and a condo.

19 Commissioner Leavitt looked up the tax code and said each individual pays their
20 own property tax in a condominium, as well as one's share for the common
21 areas.

22 If the one-acre requirement is taken out, as long as it fits the setback and fire
23 code requirements, why limit it to one acre or larger, Leavitt said. The proposal
24 would be to take out the acre requirement, but keeping everything else.

25 It would be a way to provide more affordability, according to Peterson.

26 The removal of the requirement could also help address the housing shortage
27 issue, Commissioner Breinholt said.

28 Commissioner Leavitt motioned to remove the one-acre requirement for
29 condos. Commissioner Breinholt seconded the motion. The motion carried with
30 **Josh Peterson, Blaine Breinholt, Susan Jensen, Zach Leavitt and Wayne Cowley**
31 **voting aye.**
32

- 33 e. **Short Term Rentals** – Discuss options for limiting Short Term Rentals in the city.
34 The average household income in the county is approximately \$60,000, and
35 most of the STRs are older, smaller homes that could be purchased as primary
36 residences.

37 Commissioner Jensen said the commission has extensively discussed ideas for
38 limiting short-term rentals and she feels the plan in place is a viable one.

39 There are currently very few affordable or starter homes in Sevier County,
40 maybe four or five? Smaller homes are being purchased as investments, locking
41 out the people who make average income in the county.

1 Commissioner Leavitt said using the calculation of 28 percent of median
2 household income at \$60,000 a year, the payment would be \$1,400 a month to
3 meet the federal guideline.

4 Currently short-term rentals are based off a percentage per area. One question
5 that arose is if that should be converted into a solid number, Chairman Peterson
6 said. This would give hotels that are looking to develop a hard number on the
7 cap of short-term rentals as they are evaluating potential developments.
8 Peterson said it could be adjusted every five years.

9 Commissioner Leavitt is in favor of looking at it and adjusting every three years
10 to balance the wants of investors with the needs of the housing industry.

11 If it is based on value, it becomes complex, Commissioner Jensen said. She said
12 square footage, garages, bedrooms or even the natural increase of value over
13 time, it's a very tough thing to maintain. Maybe the city could identify areas
14 where homes are older and more affordable and increase restrictions there?

15 On the market currently, there are currently two homes for sale in Richfield that
16 would hit that \$1,400 a month price point, according to Commissioner Leavitt.
17 Commissioner Peterson asked if price point is something that could be the
18 limiting factor. However, price points are often in flux. He said last year average
19 income was \$44,000, but this year it increased to \$60,000.

20 Commissioner Breinholt asked how does the city stop people from buying
21 homes for investment?

22 Leavitt said if those homes are used as long-term housing, it would be helpful.
23 Long-term rental solves housing for Richfield residents, Commissioner Jensen
24 said. Short-term rentals do not. Jensen said she had hoped the new
25 development by Walmart would have alleviated the demand for housing in the
26 area, but it's still difficult to find a three-bedroom unit to rent.

27 The units by Walmart are based on a sliding scale, so there is an income
28 restriction, Commissioner Leavitt said.

29 Maybe we leave this alone, and let it run its course, Chairman Peterson said. At
30 some point the Legislature will likely force some type of regulation.

31 The restrictions would probably be a lot tighter now if not for the attorney
32 telling the city it couldn't be tighter, Commissioner Jensen said.

33 **9. Minutes Approval**

34 i. Consider approving minutes of meeting hosted Nov. 1, 2023.

35 ii. **Commissioner Breinholt motioned** to approve the minutes.

36 **Commissioner Jensen seconded** the motion. The motion carried with
37 **Josh Peterson, Blaine Breinholt, Susan Jensen, Zach Leavitt and Wayne**
38 **Cowley voting aye**

39 **10. Other Business - None**

40
41 **11. Adjournment - Commissioner Breinholt motioned** to adjourn. **Commissioner Leavitt**
42 **seconded the motioned. The motion carried** with Josh Peterson, Blaine Breinholt,
43 Susan Jensen, Zach Leavitt and Wayne Cowley voting aye.