

Planning Commission Minutes

November 20, 2024

2:00 P.M.

Those present were Garfield County Planning Commission Chairman Elaine Baldwin, Vice Chairman Judy Drain, Dani Harding, Britney Feller, Simone Griffen, Public Works Director David Dodds Garfield County Commissioner Dave Tebbs Garfield County Planner Kaden Figgins, and Planning Commission Secretary Anne Excell. Planning Commission members Allen Henrie and Tony Dinges were excused.

PLEDGE: Kaden Figgins

PRAYER: Britney Feller

MINUTES:

A motion was made by Britney Feller to approve the minutes from September 18, 2024 with changes. The motion was seconded by Dani Harding. Motion passed.

A motion was made by Britney Feller to adopt the agenda. The motion was seconded by Dani Harding. Motion passed.

Public Hearing-Zone Change, Agricultural to Commercial, Ariel Jessop, 1595 South Red Sand Palance Road, Cannonville, UT 84712, Parcel 10-0016-0077

Kaden Figgins showed the project location by the Georgetown Cemetery, south of Cannonville. The proposed project is 7 lodging units. A traffic study has been done and a turning lane would not be necessary, and access is currently ok.

Kaden Figgins has concerns on the access as it is currently through the cemetery parcel then onto Ariel Jessop's parcel.

Brittney Feller made a motion to go into public hearing. Dani Harding seconded the motion. Motion approved.

- Bill Scofield, Mayor of Cannonville, concerned with the Red Rock Ride blocking the cemetery road and access to Mr. Jessop's property. It's not a clean access to a commercial property. Mr. Jessop has an easement to go through the cemetery property to access his property. Necessary utility infrastructure is already installed, just awaiting connection.
- Kaden Figgins asked about the current maintenance agreement on the road? David Dodds said that Garfield County maintains the road that goes through Kane County.
- Eric McDonald asked if 7 is just the starting point? Mr. Jessop said that is his goal. Kaden Figgins said that there is not a limit for commercial, the only limits the development might have is the water.

- Britney Feller asked why is this property is not annexed into Cannonville town? Bill Scofield stated oversight mostly.

Britney Feller made a motion to exit public hearing. Dani Harding seconded the motion. Motion approved.

A motion was made by Britney Feller to approve the Zone Change, Agricultural to Commercial, Ariel Jessop, 1595 South Red Sand Palance Road, Cannonville, UT 84712, Parcel 10-0016-0077. The motion was seconded by Simone Griffen. Motion approved.

Public Hearing-Short Term Rental Ordinance Amendments

There has been a request to consider amending the Short Term Rental ordinance. The most recent change was in March 2024, stating that Short Term Rentals would be fined \$1,000 for each stuck or stranded guest, and added a 1 mile cap from any asphalt or chip sealed public roadway. There have been 2 proposals to increase from 1 mile to 3 miles or change the language to allow exceptions. The current request is for a property on Elk Horn Road, north of Paunsaugunt Cliffs, parallels Hwy 89. It can be accessed by the old Fly Shop. Property is located about 2 miles off of an asphalt/chip sealed road. The property was purchased through a 1031 exchange for the sole purpose of using it as a short term rental. Property owners are requesting a change to the ordinance. If not amended by the planning commission, they can request a variance for their specific property.

Elaine Baldwin said she has concerns about it only being 1 mile. 2 other counties have a 3 mile and a 5 mile. She is fine with changing it because we might run into this frequently.

John Compagno, property owner, says their plan is to use the property as a Short-Term Rental for a while and then retire here eventually.

Britney Feller asked if they have a plan for when snow gets deep or the road becomes impassible? Mr. Compagno states that he has equipment and will help with keeping road open for himself and his neighbors.

Britney Feller made a motion to go into public hearing. Dani Harding seconded the motion. Motion approved.

- Simone Griffen looked at other counties and had seen 5 mile buffer zones in theirs. Supports extending so that it's not so restrictive.
- Elaine Baldwin reminded the property owner that the planning commission has to look at all sides.
- Kaden Figgins said this distance requirement was not to limit short term rentals, but to account for the health and safety concerns. Would support changing it to 3 miles, but never 5 miles.
- David Dodds, Garfield County Public Works Director, wouldn't personally recommend more than 1 mile. Suggests a variance in this situation due to a misunderstanding. Recommends clearing up the wording in the ordinance.
- Simone Griffen asked how can we advocate for D roads if we're not allowing use on them after a certain mile. They have greater affects than short term rentals. David Dodds

stated that D roads usually are for public access to public lands. Commission wants to see developments adjacent to cities so they can be annexed in the future.

- Britney Feller said a sign on the road would be helpful. David Dodds said street signage has been ordered and will be installed soon. Britney clarified that she meant a sign saying year round access is not guaranteed.
- Commissioner David Tebbs thinks 1 mile is too short. Would like to see the distance expanded for 5 months of the year since it is the snow we're worried about. Supports 3 mile restriction.
- Simone supports 3 miles. Business can help sustain communities as we are forced into a tourism economy.

Britney Feller made a motion to exit public hearing. Simone Griffen seconded the motion. Motion approved.

A motion was made by Simone Griffen to extend the 1 mile limit to 3 miles, and add clarifying language that mileage will be measured along the road traveled and not as the crow flies to section 10 of Short-Term Rental Ordinance. The motion was seconded by Britney Feller. Motion approved.

Conditional Use Permit: Short-Term Rental, Robin Compagno, 1990 E Sevier Circle, Panguitch, UT 84759, Parcel-16-0067-0003

Kaden Figgins said they have already passed the short-term rental inspection and business license. This can be approved as long as the short-term rental ordinance amendments are approved by the county commission.

A motion was made by Britney Feller to approve the Conditional Use Permit: Short-Term Rental, Robin Compagno, 1990 E Sevier Circle, Panguitch, UT 84759, Parcel-16-0067-0003 contingent that the Short-Term Rental Ordinance amendments are approved by the county commission. The motion was seconded by Simone Griffen. Motion approved.

Business:

Next meeting is scheduled for December 18, 2024. Kaden Figgins suggested the Clear Sky Resort. He will get a location and schedule logistics and will let the planning commission know.

Britney Feller made a motion to adjourn. The meeting adjourned at 3:12 pm