

THE STATE OF UTAH
COUNTY OF SEVIER
CITY OF RICHFIELD

At the City Council
In and For Said City
September 24, 2024

Minutes of the Richfield City Council meeting held on Tuesday, September 24, 2024, at 7:00 p.m. in the Council Chambers of the Richfield City office building located at 75 East Center, Richfield, Utah. Mayor Bryan L. Burrows presiding.

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2. 1. CALL TO ORDER
3. 2. OPENING REMARKS
4. 3. PLEDGE OF ALLEGIANCE by invitation
5. 4. ROLL CALL
6. 5. MINUTES APPROVED - Consider a motion to approve the minutes of the meeting held on September 10, 2024.
- 7.
8. 6. BUSINESS
9. a. Consider approving Task Order A with Armstrong/Lochner to develop an Airport Master Plan for a total project cost of \$294,185.
10. b. Consider a request to deny an annexation for Morgan Shaver for property located at approximately Airport Road and 3200 South.
11. c. Review and discuss the findings of the stormwater study completed by Jones and DeMille.
12. d. Planning Commission Report.
13. e. Discuss the 30-foot City property on the south end of the golf course and the possible relocation of the waterline through a proposed subdivision to the south.
14. f. Discuss changes to the Subdivision Ordinance with Kendall Welch and consider adopting Ordinance 2024-12 to accept those changes.
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- 20.
21. 7. OTHER BUSINESS
22. 8. ADJOURNMENT
- 23.
- 24.

25. 1. CALL TO ORDER
26. 2. OPENING REMARKS were offered by Rob Jenson.
27. 3. PLEDGE OF ALLEGIANCE was led by Kip Hansen.
28. 4. ROLL CALL. Bryan Burrows (not voting), Tanner Thompson, Kip Hansen, Kendrick Thomas, Elaine Street, Brayden Gardner, Michele Jolley (not voting) and Rob Jenson (not voting). Also, Trent Lloyd, Edward Nielson, Carson DeMille, Judd Hill, Kylee Boyter, Michelle Olsen, Chris Fullmer, Cameron Chamberlain, Adam Robinson, Parker Vercimak, Morgan Shaver, Chet Thompson, Eric Johnson and David Anderson.
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34. 5. MINUTES APPROVED. The Council reviewed the minutes of the meeting held on September 10, 2024. **Motion:** Approve the minutes of the September 10, 2024, meeting. **Action:** Approve, **Moved by** Elaine Street, **Seconded by** Tanner Thompson. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Kip Hansen, Brayden Gardner, Elaine Street, Kendrick Thomas Tanner Thompson.
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- 38.

1 6. BUSINESS

- 2 a. Consider approving Task Order A with Armstrong/Lochner to develop an
3 Airport Master Plan for a total project cost of \$294,185.

4 Judd Hill representing Lochner addressed the council. He said the airport
5 master plan is a process that is completed approximately every 20 years
6 with a 10-year update. The plan is based on where the airport is currently,
7 how it got there, where it is going and how to get it there. There will be a
8 technical advisory committee that contributes to the plan. There will also
9 be plenty of opportunities for public input. It will take approximately a
10 year and a half to complete.

11 Hill explained the task order of the project. He said the cost estimate
12 provided by Lochner was less than the other proposals.

13 Mayor Burrows said he is excited for the capital improvement plan as it
14 gives a good roadmap for planning ahead. Hill said the plan would be a
15 couple hundred pages. One of the things that has to be on the
16 document is the map laying out where the airport will be in 20 years.

17 Councilmember Thomas asked what type of approach will be used to
18 gather public involvement in the project.

19 A technical advisory committee (TAC) will drive public involvement. The
20 group will include possibly a city council member, the airport manager, a
21 hanger owner, local businesses, representatives of the medical
22 community, chamber of commerce and even wildland fire users of the
23 airport.

24 There will also be public hearings – an open house situation where people
25 can give their feedback. Some items will be presented to the public at
26 large, others just to the TAC. Some 90.63 percent of the total cost of the
27 project will be paid by the Federal Aviation Administration, with 4.685
28 percent will be paid by the Utah Department of Transportation, and the
29 rest being paid by Richfield City.

30 **Motion:** Approve Task Order A with Lochner to develop an Airport Master
31 Plan for a total project cost of \$294,185. **Action:** Approve, **Moved by** Kip
32 Hansen, **Seconded by** Tanner Thompson. **Vote:** Motion carried by
33 unanimous roll call vote (**summary:** Yes = 5). **Yes:** Kip Hansen, Brayden
34 Gardner, Elaine Street, Kendrick Thomas Tanner Thompson.

- 35
36 b. Consider a request to deny an annexation for Morgan Shaver for property
37 located at approximately Airport Road and 3200 South. Shaver said his
38 hope is to create a minor subdivision, but he has no appetite to annex into
39 the city.

40 Airport Manager Adam Robinson said there are some concerns about this
41 property because of some new state laws concerning airports.

42 Judd Hill said a law passed by the Utah Legislature affecting chapter 72-10-
43 403 of state law requires municipalities to create an airport protection zone
44 to a radius of 5,000 feet around the runway. This would be a protective zone
45 for compatible use with airports. All municipalities have to have it adopted
46 by Jan. 1, 2025. Even if it's not in the city limits, the entities that surround the
47 airport are still required to adopt the zone – in this case Sevier County and
48 Central Valley. The goal is to minimize effects on airports and make sure
49 there is compatible uses surrounding them. Specifically the things to be

1 avoided in these zones are residences, churches, schools and areas of high
2 population concentrations. One for the safety aspect, two for the noise
3 factor as airplanes are inherently noisy.

4 Another facet of it is once an aircraft is airborne, it's in federal airspace and
5 under federal jurisdiction. The land use restrictions are related to the federal
6 law of the protected air space.

7 Mayor Burrows said when the flight school from Southern Utah University
8 lands at the airport, it will be flying right over this area and it will be at all
9 hours of the night.

10 Shaver said he's not sure what to make of what Hill was saying. Hill said he
11 would provide the documents that provide for the new guidelines to the
12 city in the morning. The barrier would be 5,000 feet from the pavement of
13 the runway in all directions. The reason for this is that Utah is being proactive
14 and protective as there are airports in the country are being shut down due
15 to urban sprawl, resulting in the loss of assets that represent huge
16 investments.

17 Councilman Thompson said this would be a detriment to the value of all
18 the land around the airport. He asked if this means that no homes can be
19 built within the 5,000-foot radius after Jan. 1.

20 Shaver said to his understanding there was already a protected area
21 around the airport. Hill said what currently is in place is aimed more at the
22 types of materials around the airport, but the overlay zone is a measure
23 aimed more at making sure developments are airport compatible.

24 Shaver asked if it would still be able to build a home in the overlay zone,
25 but with a specific height restriction. Hill said it's about more than just height.
26 He said the biggest complaint about airports is the noise factor, and there
27 is nothing illegal about an airplane flying around at 3 a.m. on Christmas
28 morning. Avigation easements are used stating things can be built, but only
29 to a certain height, or for a light industrial use, or they can include specific
30 deeded restrictions. The intent of the state law is to protect the airport
31 infrastructure.

32 Councilmember Hansen said the same law would apply whether the
33 property is in the county or the city, so it doesn't really affect the request to
34 deny annexation.

35 The town is three miles long, and the 5,000-foot overlay zone may make
36 one mile of it unusable to housing development, said Councilmember
37 Thompson. We have to choose whether we want an airport or a town.

38 Judd said the Federal government will make strong recommendations, but
39 not a hard and fast law. Since the property is not in the city, the county
40 would have to come up with the same zoning restrictions.

41 There have been downed airplanes in the very area Shaver is discussing,
42 according to Police Chief Trent Lloyd.

43 If the city denies the annexation, Shaver would have to pursue his
44 subdivision and building permits from the county. He may also have to get
45 denial of annexation from Central Valley Town, as the property also lies
46 within its annexable area.

47 **Motion:** Approve Morgan Shaver's request for a denial of annexation for
48 property located at approximately Airport Road and 3200 South. **Action:**
49 Approve, **Moved by** Kip Hansen, **Seconded by** Brayden Gardner. **Vote:**
50 Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Kip

1 Hansen, Brayden Gardner, Elaine Street, Kendrick Thomas Tanner
2 Thompson.
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- 4 c. Review and discuss the findings of the stormwater study completed by
5 Jones and DeMille. Engineer Parker Vercimak addressed the council
6 concerning the stormwater drainage study.

7 The FEMA Building Resilient Infrastructure and Communities (BRIC) study is
8 a wide net to help communities deal with hazard mitigation, specifically
9 due to reducing the risk of flooding in this case. This is a much larger scale
10 than a normal storm water drainage plan would be. In the process, the
11 team looked at upper watersheds that can impact the city, as well as
12 how the city's drainage impacts those inflows from above. Doing this has
13 allowed the team to pull out a storm water master plan for the city, but
14 not a fully functional one. The team has tried to leverage the funding as
15 much as possible to the city's benefit. The study was 75 percent funded by
16 FEMA. It allowed the team to look at known issues, such as flooding on
17 south Main Street as well as the Cottonwood Wash. It's been looked at a
18 higher level than just the city. There was a GIS evaluation of all critical
19 drainage structure in the city currently. The hydrology of the city as well as
20 the west mountain was also taken into consideration.

21 It was also important to look at the impact of rain during a storm event
22 that has started areas to the south and west flowing, but then being
23 compounded by rain directly in the city. All of the process was guided by
24 FEMA. The areas above the city were evaluated on a 100-year storm
25 event basis, while the items in the city were looked at on a 25-year storm
26 event basis.

27 There were also some cost estimates created for various projects in the
28 study. A report that satisfies the BRIC requirements as well as a handful of
29 exhibits were included in the study.

30 There are currently two drainage detention basins that help the town –
31 the Cottonwood to the north and the Dairy Canyon to the south. Both
32 function and do good for the city. Sevier County is pursuing PL566 funding
33 through the NRCS to build the Flat Canyon debris basin. While it won't
34 directly impact Richfield City, it will mitigate flows that reach the state
35 canal and can have an effect in town.

36 The flows out of Tank Canyon and Lind Canyon right now are unmitigated,
37 with flows hitting the state canal. However, staff said the city hasn't had a
38 lot of impact from either of those canyons. The study did suggest there is a
39 possibility for large flows from either canyon under the right conditions.

40 Dairy and Cottonwood both have quite a bit of sediment in them. They
41 do need to be cleaned out at some point.

42 Built in the 1980s, it was built to a less strenuous standard than what would
43 be required currently. The peak outflow is 180 CFS, while the inflow is quite
44 high. Generally, there isn't a lot of trouble with the outflow until Glenwood
45 Road. The capacity in the channel on the Glenwood Road is only 130
46 CFS, so it is undersized for what is coming out of the Cottonwood. A
47 possible upsizing of the channel should be pursued, perhaps in a
48 partnership with UDOT. The channel is important as it takes much of the

1 inner-city drainage, and serves as an artery for drainage. The concrete
2 portions work well, but turns in it and places where it is clogged with
3 weeds and other refuse cause issues.
4 Storm drainage in town is partnered and coupled with irrigation water.
5 However, there are gates that drop in and create problems. Flooding
6 coming under the freeway near the Sawdust Pits has also recently been a
7 problem. The city crew is working on removing a culvert to city property
8 that has been plugged in the past.
9 Most of the infrastructure the city has for storm drainage functions well.
10 The problem is that Main Street gets overwhelmed because there is not
11 storm drainage between it and 400 West, 400 West gets overwhelmed by
12 irrigation water and storm water intermingling. The problem compounds.
13 Some simple things, such as additional grates could be implemented to
14 help with some of these issues. Other issues would only be fixed by a large
15 scale \$30 million or so project, which is what it would take for the storm
16 drainage to be designed according to FEMA requirements. One portion
17 of that would include a basin off of Tank and Lind Canyon, and feed out
18 through 40-inch pipes to the Glenwood Road. FEMA won't pay for intown
19 drainage projects, but it would pay for the backbone of a 40-inch pipe
20 that takes it out of town.
21 The study identified three primary trunk lines to take drainage out of town
22 – 300 North, Annabella Road and from 530 South to 1300 South. There is a
23 cost ratio benefit of greater than one, even though it has a price tag of
24 \$30 million.
25 Some smaller projects that can be tackled currently include additional
26 grates, better canal banks and other manageable projects. There is
27 funding available for the trunk lines through FEMA, but the chances of
28 getting it is slim. This would be a high-risk effort with the cost of applying.
29 The City could apply as a supplemental project to the county's once its
30 Flat Canyon project is complete. CIB could be another potential funding
31 source. The U.S. Army Corps of Engineers also has some funding options.
32 One of the most attainable would be to team with UDOT on projects
33 within the city.
34 A lot of entities throughout the state have an established storm water
35 utility. Without the formal establishment, the city is essentially operating a
36 storm water utility out of its general fund without any dedicated funds.
37 There is no way to generate revenue for it without a utility. Could be
38 started as low as \$1 per month. At \$5 per residence, there could be up to
39 \$15,000 a month, or \$180,000 a year, which could all be used to solve
40 drainage issue. There are 72 entities in the state that operate one, with an
41 average fee of \$6.18 per residence.
42 There is storm water infrastructure along the Annabella Road currently,
43 which may be used to dump excess storm water from the canal to help
44 prevent flooding downstream. Currently 400 West has drainage that drains
45 into it. That would help solve some problems the city has had with the
46 canal in that area.
47 Councilmember Thompson asked what would need to be done to
48 encourage development in the Sawdust Pits area, and if Tank or Lind

1 canyons would affect it. Tank would not, but Lind would have to be
2 mitigated in order for development to occur in the area west of I-70. There
3 is also local drainage from the eastern face of the hills in the area that
4 would need to be considered.

5 Councilmember Thomas asked if this type of project would be able to
6 make it so the city wouldn't have to require developments to retain their
7 own storm water. Vercimak said if the three main arteries could be
8 installed, it would open up opportunities to not require detention basins in
9 the future. However, without having a place for the water to go, that
10 wouldn't be feasible at this point. The detention basins are designed to
11 deal with an additional amount of water generated by the
12 developments, so the City is still dealing with a portion of water that is still
13 routed into the current structure.

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- 15 d. Zoning Administrator David Anderson gave a report on the Sept. 4
16 Planning Commission meeting. The first item the commission discussed was
17 a request by Jared Cephalia to add a second drive through at his
18 business plaza development at the corner of Main Street and 400 South.
19 There were concerns about the routing, the traffic effects on 400 South
20 and Main Street. The Commission granted approval conditional on
21 Cephalia getting permission from UDOT to add the drive through. Audrey
22 Knight requested conditional use permit to operate an animal grooming
23 business at 92 South Main Street. This was granted by the commission.
24 Tyson Curtis requested a conditional use to establish a commercial retail
25 business at the old Pizza Hut site. This was granted. Curtis is actually
26 coming back to the commission in October, as he was able to purchase
27 some property to the south and is updating the plans.
28 Braden Seegmiller requested a conditional use for the Roots at Richfield
29 development, a multi-family apartment facility. This item was tabled as
30 the Commission wanted clarification as to whether the bottom floor
31 counted toward the three-floor limit, or if it was looked at as a basement.
32 Seegmiller will be coming back to the commission on Oct. 2, and then
33 likely to the City Council on Oct. 8.
34 Kellie Lindgren, America Garcia and Jessica Prescott requested a
35 conditional use permit to operate a business called Black Rabbit Tattoo at
36 46 N. Main Street. The main condition was that it be well maintained. This
37 was approved.
38 Wendy Roberts requested a conditional use permit for a cargo container
39 to be placed at Flying J. They are replacing some old storage sheds with
40 the container. The request was approved.
41 A discussion about the sign ordinance was tabled as the person who
42 requested it was unable to attend. Councilmember Thompson said he
43 would like Richfield to relook at the sign ordinance as he feels its

1 antiquated. Anderson said the commission agrees and it is on the radar
2 for a future discussion.

- 3 e. Discuss the 30-foot City property on the south end of the golf course and
4 the possible relocation of the waterline through a proposed subdivision to
5 the south.

6 To start the discussion, Mayor Burrows said the city has already been
7 working on installing a waterline through the 30-foot easement. If it is
8 moved, it will cost extra time and environmental review.

9 Engineer Parker Vercimak addressed the council, showing a map that
10 had three options for routing the line. The first one already has been
11 permitted for environmental impacts. If it is moved to one of the other two
12 routes, it will result in the environmental permitting having to be redone –
13 a process that will take up to eight weeks. However, if it is rerouted, it
14 could on the low end be a wash as far as costs go, but on the high end it
15 could benefit the city.

16 Councilmember Hansen asked if it is rerouted at this point, would it cause
17 issues with the federal funding that is in place. Vercimak said it would not.
18 He said typically the engineering is done first and the permitting second.
19 However, due to the nature of the funding through the USDA, they were
20 required to do the environmental permitting first.

21 The first option would run the waterline through the easement and along
22 property lines to the east and north, and then back to the east along the
23 city's golf course. The second option would run the line through the
24 existing easement and directly to the east to Airport Road. The final option
25 would move the waterline to the south along 1600 West in anticipation of
26 a subdivision, and then follow a similar route to the second option.

27 There are still two to three property owners to obtain easements from no
28 matter the route ultimately chosen. There would be \$15,000 to \$30,000 in
29 savings depending on the alternate route chosen.

30 Councilmember Gardner said he doesn't favor the first option as it
31 borders the golf course through much of its route. Going with one of the
32 other options would open more property up to future development.
33 The second option would be the biggest savings, while the third would be
34 a more modest savings. A straight line with fewer fittings would be the best
35 for the city moving forward.

36 Councilmember Hansen said with the savings compiled with the extra
37 cost of more environmental review, it would likely be some \$8,000 in price
38 difference.

39 Councilmember Thomas asked if the six to eight weeks is an issue when it
40 comes to the funding of the project. It wouldn't be, according to
41 Vercimak. It could be as short as two to three, but as long as six to eight
42 weeks to make the changes.

43 Councilmember Gardner asked if there are potential problems with
44 easements with property owners in the area. He said JJ Lund is in favor of
45 the project, and he's confident some of the other property owners in the
46 area would be supportive of it.

1 There have been discussions with the Fullmers about the waterline routing.
2 The only one who hasn't been approached is John Schena.

3 Mayor Burrows said Schena is OK with the project as long as it doesn't go
4 through his field, but it could go through his dyke.

5 Councilmember Thompson said he is in favor of whatever creates more
6 single-family building lots in town. He asked which would be the most
7 favorable to doing that.

8 By installing the first option along with current easement, it could create
9 the possibility of a developer installing another waterline 140 feet to the
10 south at some future point, which would duplicate the line in the area and
11 create future increased liability for the city. Part of what the developers
12 would be required to do is pay for the extra cost of running the pipe to the
13 south as part of the third option, which Gardner favors. It would be a win-
14 win for everyone.

15 Mayor Burrows said he doesn't see it as a win-win, as that option would
16 see the city giving up a 30-foot easement. He said it could prove to be a
17 valuable access to that portion of the golf course, as there is pond there
18 that needs dredging from time to time. He said years ago the city made a
19 deal with the Elk's Lodge to put in a cart path and a green on its property
20 – it was considered a win-win. But when the Elk's dissolved, private
21 individuals tried to purchase the Elk's Lodge property, and didn't want the
22 green and cart path on the property any more. It would have cost the
23 city hundreds of thousands of dollars to redesign the course and move the
24 green and the cart path. The city ended up having the purchase the Elk's
25 Lodge as it was cheaper. Mayor Burrows said he doesn't understand why
26 the city would give up the easement.

27 Councilmember Gardner said it wouldn't just be giving up the easement,
28 but trading it for an eventual dedicated roadway 140-feet to the south.

29 Mayor Burrows said in speaking with the John Schena, who the easement
30 was set aside for, Schena wants the easement to remain.

31 Chris Fullmer said the value of the property is in the aesthetics – it hasn't
32 done anyone any good or harm in any way. Fullmer said the goal is to
33 have some golf course frontage. It's basically weeds now, and it would
34 help the development move forward if it were maintained.

35 The developer would have to pay the cost of running the waterline to the
36 south either way, so it only makes sense for them to pay the extra cost,
37 Councilmember Gardner said.

38 Chet Thompson said he has had discussions with Schena in which he
39 agreed the easement could follow the path of the proposed road to the
40 south and through one of the lots on the end of a cul-de-sac.

41 Mayor Burrows said Schena had indicated that he still needed to discuss
42 the issue with his son-in-law, daughter and lawyer. Schena is concerned
43 about his interest in the area. There seems to be a disconnect between
44 what Schena has said and what is being presented to the council. The
45 Mayor said he doesn't see a compelling reason for the city to give up its
46 easement.

47 Fullmer said the third option on the waterline would open up not just the
48 proposed subdivision Chet Thompson would like to put in, but also

1 property to the south and southwest to future development. It would have
2 the potential for nearly 20 acres of property for subdivisions. However, if it
3 the subdivision doesn't occur, nothing in the area will develop in the
4 foreseeable future.

5 Councilmember Thompson said the biggest need for the city is for single
6 family building lots, why not trade one easement for another? Mayor
7 Burrows said anyone who puts a subdivision in will have to put a road in
8 regardless of the easement that's already in place. The access to the golf
9 course is the important thing.

10 The city has used it within the last couple of years to install an irrigation
11 line.

12 Councilmember Gardner said he doesn't see any need for it. Another
13 property owner in the area, JJ Lund, would also be willing to grant Schena
14 an easement to his farm. Lund is also in favor of the waterline.

15 The road to the west that borders property owned by Gates Nowers lines
16 up with the cart path. The city has an agreement with Nowers to not take
17 down his billboard sign, Fullmer said. He said the property to the northwest
18 is also awaiting development. Mayor Burrows said the waterline will help
19 the property to the northwest develop.

20 Water is only one of the utilities that has to be addressed, Councilmember
21 Hansen said. Sewer is also important to address. Currently the sewer
22 terminates at the edge of the Fullmer property in question.

23 Engineer Carson DeMille said there would likely need to be a lift station in
24 order to feed into the sewer's current termination point.

25 Councilmember Thomas asked if there is a way to maintain a smaller
26 easement along the golf course. Fullmer asked if the city would be willing
27 to maintain and incorporate the easement into the actual golf course,
28 perhaps with grass or other landscaping that makes it look good.

29 City Administrator Jolley asked how far into the easement Fullmer's
30 irrigation line is. It is actually to the south of the easement near the canal
31 and not near the golf course.

32 Councilmember Gardner said his main concern with the easement is the
33 maintenance. He said along the perimeter of the golf course, it is some of
34 the weediest area around the course.

35 Councilmember Thompson said Mr. Fullmer has been a good neighbor to
36 the city and doesn't understand why something that could result in ten
37 building lots wouldn't be something the city would jump at.

38 Chet Thompson said he would eventually like to have some kind of
39 boundary, but not a wall, creating a defined boundary between the city
40 owned and privately-owned property. He said the easement could be
41 maintained as part of the golf course, or the city could abandon the
42 easement and the homeowners would wind up maintaining it, with
43 Schena's access coming through to the south. It's not really about the
44 city, but it's about Schena's needs. The piece in question is half the size of
45 the council room. Chet said he is open to buying it, but it would have to
46 be reasonable.

1 Mayor Burrows said in the past, easements the city has given up in the
2 past have become issues. This creates hesitancy to give up easements in
3 the future.

4 Councilman Hansen said he would like to get more information about
5 three things before considering this issue as an action item. First, he would
6 like to talk with John Schena. Next, he would like to discuss it with the
7 City's golf course staff. Finally, he would like to have a more definite figure
8 on what moving the waterline would cost if the city were to shift it.

9 Mayor Burrows asked if the third option on the waterline we used, how
10 would the city access it at the end of the proposed cul-de-sac. It would
11 be through Schena's new easement.

12 Fullmer asked if the city decides to keep the easement, if it would
13 consider incorporating it into the golf course so that it is more aesthetically
14 pleasing.

15 Councilmember Thomas said he feels the City should try to
16 accommodate the development. The City can still have the easement,
17 but it needs to decide if it is willing to commit future resources to
18 maintaining it.

19 Hansen asked what the vision is for the area. Thompson's presentation
20 included a map that shows that the lots are good sized, single family type
21 home lots.

22 Fullmer said if Chet Thompson does what he is planning, it would put
23 property to the southwest owned by Eric Torgerson contiguous to the city
24 so it could also be annexed. If not, the Torgerson property would be
25 developed in the county. Fullmer said without Chet's property, he would
26 not pursue annexation of any of his property in the area in the
27 foreseeable future.

28 Councilmember Hansen said with the new airport restrictions that came to
29 light earlier in the meeting, any development in the are may not be
30 allowed. Airport Manager Adam Robinson said development may be
31 allowed, but only under the conditions that people have a formalized
32 understanding that the airport is functioning in the area and they have to
33 accept any risk and noise associated with it.

- 34
35 f. Discuss changes to the Subdivision Ordinance with Kendall Welch and
36 consider adopting Ordinance 2024-12 to accept those changes.
37 Welch addressed the council concerning the proposed changes to the
38 City's subdivision ordinance. The amendment addressed quite a few
39 issues. First was House Bill 476, which clarified the review process for
40 developments. There was some ambiguity in the state statute, so HB476
41 was created to clarify the process and help expedite developments.
42 Next, the amendment also addresses issues in the City's larger code
43 revision project. There was a need to create some consistency in layout
44 and language, especially between titles 16 (Subdivisions) and 17 (Zoning).
45 The item was tabled last month to give the council more time to review it.
46 If there are still questions about it, it may be appropriate to have a work
47 session between the council and planning commission, or even just with
48 the council.

1 Councilmember Hansen said in a parliamentary point of order, to address
2 this issue correctly, it would require a proper motion to approve it, and
3 then discuss and amend the motion at that point.

4 The deadline for this amendment to be adopted is November, although
5 there is some give in that. The cost to do the work is being paid through
6 state funding, so it does need to be completed by the end of the year.

7 Councilmember Hansen asked if some of the changes by the Legislature
8 went into effect in May. Welch said there were some minor amendments
9 that did go into effect earlier this year. The real crux of the bill dealt with
10 the application process for single family, two family and townhomes.

11 Hansen also asked if there was a lot of pushback from the Utah League of
12 Cities and Towns.

13 Welch said it was a continuation of the discussion when the language in
14 2023 was approved. It was clear early on they would need a clean-up bill,
15 which has been the focus of Welch's work. The amendment clarifies a few
16 statements, and a few things need adjustment to be compliant with the
17 intent of the Legislature. Adoption of this amendment should put the city
18 in compliance with the intent of the clean-up bill.

19 City Attorney Eric Johnson said the law was passed by the Legislature, it
20 took effect in May, and the Legislature is giving communities until
21 November 1 to implement certain portions of that law. The key thing to
22 implement is an accelerated review process. The amendments also
23 include a variety of other provisions that are maybe not legislatively
24 mandated, and could be pushed back. Maybe strip the legislatively
25 mandated ones out, pass those, and then work the others in later.

26 Welch said there was a policy discussion catalog, which explained what
27 was mandated and what was recommended by Welch and her team as
28 part of the ongoing code update process.

29 Councilmember Hansen said Richfield does want to be compliant and
30 doesn't want to be labeled as a malcontent as that label sticks for a long
31 time and affects the city in a lot of scenarios.

32 Councilmember Thomas asked since some of the provisions affect city
33 staff, how does the staff feel about implementing it at this point?

34 Administrator Jolley said the staff is already working to implement the new
35 law and has been working with Welch on creating new
36 applications/checklists so things are not missed. That's been an issue in the
37 past as there are somethings in the zoning ordinance, and some in the
38 subdivision ordinance that people have to comply with. Part of the
39 conversation was the integrate it into one application to make it easy for
40 the developer and even the public at large to understand the process.
41 The City still has to follow its existing ordinance, but is also working to start
42 implementing the new process where it can.

43 Mayor Burrows asked about the limit of four review cycles. Administrator
44 Jolley said the city has the option of doing those review cycles at
45 preliminary or at final, and staff has favored doing it at the preliminary
46 phase. Mayor Burrows said that would allow staff to see the whole
47 application and project at that point.

Councilmember Gardner thanked the council for tabling the issue for a month so they could take a deeper look at it. He said he is favorable for most of the amendment. He said there are some things in it that may need a deeper look.

Some of them are how to deal with zoning. One question is who is the Land Use Hearing Officer? In the past the city has contracted with Sunrise Engineering to be the LUHO, but now it could be Welch.

It also puts the burden of interpreting the ordinance on the zoning administrator. Working with developers could be a big bus for Zoning Administrator David Anderson to jump in front of. That can be complicated, which is a liability for the city and a burden for the Zoning Administrator.

Jolley said Anderson doesn't just make those interpretations on his own and consults with other members of the staff. Anderson said he is good at asking lots of questions.

Gardner said there is a timing issue he would like to revisit as well as a fee for the checklist. Welch said the fee could be implemented, but it could also be a freebie.

Another issue is the 180-day timeline. He said he'd rather see it be 365-days, which would give developers the time they would need to secure financing and do the other things they need to do after getting approval from the city. This would also go into minor and major subdivisions; a minor is not the same as a 60-acre development and each would have to be looked at differently.

Administrator Jolley said currently it is 365, and Welch said that could be adjusted. Gardner said the city should approve the amendment as presented and then later drill down into the individual issues that need adjustment.

Motion: Approve the proposed amendment to the city's subdivision ordinance with ordinance 2024-12 . **Action:** Approve, **Moved by** Brayden Gardner, **Seconded by** Kip Hansen. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Kip Hansen, Brayden Gardner, Elaine Street, Kendrick Thomas Tanner Thompson.

7. Other Business –

Financial Director Rob Jenson said during the last meeting the council approved up to \$10,000 for lighting of the new pickleball courts at the Rotary Park.

However, the bid came in at \$14,700. Jenson brought the issue to the council to decide if they would allow the additional cost.

The council came to a consensus to allow for it.

Councilmember Thompson said Jodi Solt is heading up a group that is going to put lights on the trees along Main Street. They would fall under the city's liability insurance, and will need to have a permit from UDOT to complete the project. They also have a limited number of lights for every tree, so they are planning to put them on every other tree.

8. ADJOURNMENT **Motion:** Adjourn. **Action:** adjourn, **Moved by** Kendrick

1 Thomas, **Seconded by** Elain Street. **Vote:** Motion carried by unanimous roll
2 call vote (**summary:** Yes = 5). **Yes:** Kip Hansen, Brayden Gardner, Elaine
3 Street, Kendrick Thomas Tanner Thompson

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