

COUNTY OF SEVIER CITY OF RICHFIELD

At the Planning Commission
In and for said City
September 3, 2025

Minutes of the Richfield City Planning Commission meeting held on Wednesday,
September 3, at 6:00 p.m., Chairman Josh Peterson, presiding.

1. Roll Call
2. Administrative actions –
 - a. Conditional Use Permit – Cory McGee – Extend a non-conforming use – extension of a garage/carport at 170 W 500 S.
 - b. Richfield Pediatric Dental - Review the staff report on the application make a final decision to approve, approve with conditions, or deny the application.
3. Discussion Items –
 - a. Kelly Magleby to discuss concept for parking facility at approximately 75 East 100 West
4. Public Hearing –
 - a. Public hearing on proposed updates to the City’s development standards to enhance clarity and completeness.
 5. Recommendations –
 - a. Review proposed updates to the City’s development standards to enhance clarity and completeness and consider recommending them for approval.
 6. Minutes Approval
 - i. Consider approving minutes of meeting hosted August 6, 2025.
 7. Other Business
 8. Adjournment.

1. Roll Call – Roll Call.

Present: Josh Peterson, Blaine Breinholt, Ray Terry, Roxanne Bobo, Wes Kirshner, Wayne Cowley, May Anderson.

2. Administrative actions –

- a. **Conditional Use Permit** – Cory McGee – Extend a non-conforming use – extension of a garage/carport at 170 W 500 S.
McGee said his plan is to enclose an existing carport and make it part of the garage, and then extend a carport off the front of the structure.
Commissioner Breinholt asked if the carport was right on the property line.
McGee said it is.
The neighbors to the east have been approached and they are OK with it.
Commissioner Breinholt said this would be a fire hazard as it would impede access for firefighters going into the backyard.
Commissioner Kirshner asked if McGee bring the existing structure out 30 feet, how close would it be to the neighbor’s home? There is at least 8-feet on the neighbor’s side yard where a side-by-side and a truck are parked.
Breinholt said the code would require both of them to have eight feet on the sides so there is a 16-foot gap between buildings.

1 Chairman Peterson asked how wide the new building would be. McGee stated
2 that it would be the same width as the current car port. Peterson asked if this is
3 a non-conforming use because of the lack of setback in the side yard.

4 Commissioner Kirshner asked what the law is concerning how far the building is
5 supposed to be off of the property line. Deputy Clerk Anderson said for an
6 accessory building, there needs to be three feet for structures that are 10-feet
7 tall or less, or six feet for buildings that are over 10 feet tall. Unless there is a
8 one-hour firewall, in which case it can be one foot off the neighboring property.
9 Also, no drainage should be allowed to drain into the neighbor's yard.

10 Chairman Peterson asked what the commission is approving tonight. Deputy
11 Clerk Anderson said since the structure is already non-conforming, to expand
12 that use the Planning Commission has to sign off on it. This is similar to one that
13 was heard earlier by the commission on 100 West, where the owner wanted to
14 enclose a carport that was non-conforming.

15 Commissioner Breinholt asked how far off the property line it currently is.

16 McGee said it is between a foot and 16-inches. Breinholt said it would need to
17 have a firewall – masonry. A metal building is not a firewall, and in fact metal
18 buildings actually cost more to insure for fire than other types of buildings.

19 Commissioner Cowley asked where the drainage would be.

20 McGee said the roof would drain toward the south and that the neighbor's
21 property is on a higher grade than his.

22 Commissioner Kirshner asked about the percentage of property that can be
23 covered by structures. It would be 50 percent in an RM-11 zone, but this
24 structure would be under that.

25 **Motion: Approve the expansion of the non-conforming use, Action: Approve,**
26 **Moved by Wayne Cowley, Seconded by Roxanne Bobo.**

27 **Vote:** Motion passed (**summary:** Yes = 6, No = 1, Abstain = 0).

28 **Yes:** Josh Peterson, May Anderson, Ray Terry, Roxanne Bobo, Wayne Cowley,
29 Wes Kirshner.

30 **No:** Blaine Breinholt.

- 31
32 b. **Richfield Pediatric Dental** - Review the staff report on the application make a
33 final decision to approve, approve with conditions, or deny the application.
34 Commissioner Brienholt asked where the building would be located. Deputy
35 Clerk Anderson showed the commission its location on the screen. Breinholt
36 asked if the staffing building had had any problems with settling. Deputy Clerk
37 Anderson said he hasn't heard of any, but that much of the area around in the
38 park is known for settlement issues. It used to be an old gravel pit that was used
39 as a landfill for many years.
40 Commissioner Cowley asked if it would be facing Main Street. Deputy Clerk
41 Anderson said it appears to face south, as its parking lot would be connected to
42 the staffing building's parking lot.
43 Commissioner Kirshner asked if there was a site plan included. One was pulled
44 up on the screen for the commission to look at.

Commissioner Breinholt asked if a soil analysis had been done yet. His concern is that with the collapsible soils in the area. This may be far enough north to that it may not be affected by it, but a soil analysis should be done.

A revised drainage report would be required as per planner Kendall Welch's report. Also, as submitted the plans have general plants, but no species identified.

Also, the issue of onsite parking. According to parking calculation for basement and front, this project would have a deficit. However, the parking could be sufficient if the basement is used for just storage and back of house operations. If that were the case, the project as proposed would have a surplus of three spots at that point, Welch said.

Commissioner Terry asked if it is normal to put conditions on an approval.

Chairman Peterson said the commission should build its motion around approving the use, requiring the developer to meet the drainage requirements, landscaping details and that the City heavily recommends a Geotech analysis, as well as a detailed signage plan.

Commissioner Kirshner stated when they go to dig their basement, going to figure out the soil issue. That would be a more expensive way to discover a possible problem. The Geotech would only work to the advantage of the developer.

Commissioner Cowley asked what other conditions would be needed in all.

Motion: Approve the final application for Richfield Pediatric Dental with the conditions that a Geotech analysis is conducted, the drainage report, signage and parking meets all requirements as outlined in the staff report. **Action:**

Approve, Moved by Wayne Cowley, Seconded by Blaine Breinholt.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Blaine Breinholt, Josh Peterson, Ray Terry, Roxanne Bobo, Wayne Cowley, Wes Kirshner, May Anderson

3. **Discussion Items –**

- a. Kelly Magleby to discuss concept for parking facility at approximately 75 South 100 West.

Magleby was not in attendance. Deputy Clerk Anderson said Magleby had approached him about building a facility at the 75 South 100 West address for the storage of RVs, boats and other equipment in storage bays that could be rented. Deputy Clerk Anderson told him the property is zoned Downtown, and therefore the self-service storage it is not an allowed use in the zone according to the City's adopted use table. Magleby asked the Planning Commission to consider allowing it.

Commissioner Terry said the City needs to fall back on its ordinances, which don't allow it.

Commissioner Breinholt agreed.

Chairman Peterson said the answer is no. All planning commission members agreed.

1
2 4. **Public Hearing –**

- 3 a. Public hearing on proposed updates to the City’s development standards to
4 enhance clarity and completeness. Chairman Peterson opened the hearing at
5 6:43 p.m. Hearing no commentary from the public, Peterson closed the hearing
6 at 6:43 p.m.

7 5. **Recommendations –**

- 8 a. Review proposed updates to the City’s development standards to enhance
9 clarity and completeness and consider recommending them for approval.
10 Commissioner Breinholt and Chairman Peterson both made comments on the
11 shared document.
12 Kendall Welch said there are no issues with the grammatical and formatting
13 corrections. Correct the terminology of parking strip, use the term shoulder
14 parking.
15 Did get revised versions with the proposed changes.
16 Chairman Peterson asked about the ADA Ramps – while the drawings are dated
17 2023, they are still compliant with current day ADA standards, according to
18 Welch.
19 Chairman Peterson said he knows that UDOT has had to update its ADA
20 drawings every year, if not more. He asked if the city is subject to the same
21 requirements. Peterson said he wants engineer Micklane Farmer to pull the
22 federal standards, and if the feds have new drawings, he would like those used.
23 Could be a lawsuit waiting to happen if that goes wrong. This is mostly just
24 cleaning stuff up.
25 **Motion:** Approve recommending the updates with the noted changes with the
26 stipulation of the ADA requirements being updated to current standards,
27 **Action:** Approve, **Moved by** Roxanne Bobo, **Seconded by** Blaine Breinholt.
28 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).
29 **Yes:** Blaine Breinholt, Josh Peterson, Ray Terry, Roxanne Bobo, Wayne Cowley,
30 Wes Kirshner, May Anderson.

31
32 Kendall Welch asked if they need another meeting to discuss the updates.
33 Chairman Peterson said the changes can just be emailed out to the
34 commissioner and if there are concerns, they can email back at that point.
35

36 6. **Minutes Approval**

- 37 i. Consider approving minutes of meeting hosted August 6, 2025.
38 **Motion:** , **Action:** Approve, **Moved by** Ray Terry, **Seconded by** Wes
39 Kirshner.
40 Motion passed unanimously.
41

42 7. **Other Business:**

43 Deputy Clerk provided an update on an issue the Planning Commission may see come
44 before it. A home was purchased on Indian Hill Drive by Rise Community Services for the

1 purpose of being used as group home for individuals with intellectual disabilities. They
2 originally approached the City about getting a business license and were informed they
3 would have to go to the Planning Commission and City Council as this is a C-2 conditional
4 use in a residential zone. Anderson and the City Attorney spent an hour on the phone
5 with Rise the other day, during which Rise committed to providing some documentation.
6 However, while the documentation is nice, the Attorney still feels they should be subject
7 to the City's zoning code and should still have to appear before the commission and the
8 council. On its face there is no reason to deny it, but they have refused to appear before
9 the planning commission.

10 This has caused some issues among neighbors who are concerned that they haven't
11 gone through the process and are locating a business with 24/7 staff and a clientele with
12 needs that undefined in a public forum.

13 Chairman Peterson asked to see the house on the map.

14 Commissioner Breinholt said it has caused an uproar in the neighborhood. However,
15 there is nothing wrong with housing people with disabilities in the neighborhood, they
16 are not going to hurt anything, but they do need to go through the proper channels to
17 get their business license.

18 Deputy Clerk said that is the conversation he has had with Rise – it's not so much a
19 question of would they be allowed to do it, it's question of process. He said he doesn't
20 have the authority to approve it, it can only be approved by the council with a
21 recommendation from the commission. He said he believes the lack of transparency has
22 fed the uproar from neighbors as they don't know what exactly it is, and if it would
23 affect their neighborhood.

24 Commissioner Breinholt said most people haven't really found out about what's really
25 going on. He said Rise does need to come the planning commission.

26 Commissioner Kirshner said if he were a neighbor, he'd want those answers as well. Is it
27 three or 30 people?

28 Chairman Peterson said he wants the disability defined. If it is going to be sex offenders,
29 then he is going to say no.

30 Deputy Clerk Anderson said as far as he knows, this is being used for those with
31 disabilities who need help with things like cooking meals, hygiene and other things. He
32 said Rise has an aggressive attorney who is pushing against it based on discrimination
33 laws. However, Anderson said the City has no interest in discriminating against people,
34 only in following the legal process. They are still running a business in a residential zone.
35 Chairman Peterson said they are acting as though they are a state facility, but they are
36 not, and are subject to Richfield's zoning ordinance.

37 Commissioner Terry said the Planning Commission looks forward to them coming to the
38 meeting to discuss this issue.

39 Chairman Peterson reminded the commission that there could be a lot of public interest
40 in this, and if there is input from the public, it is not the commissioners' place to respond
41 or debate, just listen.

42 Deputy Clerk Anderson said the commission won't need a public hearing. However, the
43 neighbors are on the City Council agenda to discuss the issue.
44

1 Chairman Peterson said RM-11 information was included in the packet. It was in the
2 form of an ordinance proposed last year limiting the size of RM-11 developments, but
3 the City Council rejected it. One change that needs to be made is the size of the
4 restriction. During the City Council meeting he attended, Peterson said City
5 Councilmember Brayden Gardner said five acres. Peterson said six acres would be a
6 good number for the maximum size. Richfield City doesn't want to be St. George and
7 have six blocks of high-density homes. There should be uniqueness to the community, as
8 well as keeping the small feel of it.

9 Commissioner Breinholt said in some developments there is not enough room for
10 parking without vehicles hanging over the sidewalk.

11 Commissioner Cowley said he has children in Cedar City who live in a townhome type
12 development that is claustrophobic.

13
14 Another issue Deputy Clerk Anderson put information in the packet for the commission
15 to look at is the issue of developments that are put into lots sideways and providing
16 enough room for vehicles the back in and out. Its something not a lot of communities
17 have addressed.

18 Commissioner Kirshner said he doesn't see how someone parked in the west unit can
19 get out when people are parked in front of the east units. This is an issue that's going to
20 arise again in the future.

21 Deputy Clerk Anderson said he has a developer who is trying to do the same thing on a
22 lot that is already no-conforming due to its lack of width, so it is an issue that should be
23 addressed.

24 Commissioner Breinholt said they used to require a minimum of 8 feet on one side and
25 10 on the other side. Currently setbacks are 8 feet on each side.

26
27 Chairman Peterson said he will always complain about the Movie Theater parking lot:

28 Commissioner Breinholt asked about the trailer up the street.

29 Commissioner Anderson spoke about the fact that many times after a big fire,
30 surrounding towns have a lot of flooding. She said it may be a good idea for Richfield City
31 to look into some hydraulic engineering for Richfield as a preventative measure against
32 possible flooding.

33 One advantage the City has is that its two major flood drainages have detention basins,
34 according to Chairman Peterson. Those and the installation of Interstate 70 have done a
35 lot of good as far as flooding goes in Richfield, said Commissioner Breinholt. He asked if
36 Richfield is still in the flood plain.

37 Deputy Clerk Anderson said he was at a meeting a few weeks prior where they discussed
38 it, and it sounds like FEMA is finally going to update the flood zone maps for the region.

39 May Anderson asked about the master plan for the City. She is interested in the
40 walkability aspect of the plan and how the city is planning to create a more walkable
41 community in the future.

42
43 **Adjournment.** Motion: , Action: Adjourn, Moved by Blaine Breinholt, Seconded by Wes
44 Kirshner.

- 1 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).
- 2 **Yes:** Blaine Breinholt, Josh Peterson, May Anderson, Ray Terry, Roxanne Bobo, Wayne
- 3 Cowley, Wes Kirshner.

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