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## COUNTY OF SEVIER CITY OF RICHFIELD

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

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

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9 1. Roll Call

10 2. Administrative actions –

11 a. Conditional Use Permit – Cory  
12 McGee – Extend a non-conforming  
13 use – extension of a garage/carport  
14 at 170 W 500 S.

15 b. Richfield Pediatric Dental - Review  
16 the staff report on the application  
17 make a final decision to approve,  
18 approve with conditions, or deny the  
19 application.

20 3. Discussion Items –

21 a. Kelly Magleby to discuss concept  
22 for parking facility at approximately  
23 75 East 100 West

24 4. Public Hearing –

25

26 1. **Roll Call – Roll Call.**

27 **Present: Josh Peterson, Blaine Breinholt, Ray Terry, Roxanne Bobo, Wes Kirshner,**

28 **Wayne Cowley, May Anderson.**

29

30 2. **Administrative actions –**

31 a. **Conditional Use Permit** – Cory McGee – Extend a non-conforming use –  
32 extension of a garage/carport at 170 W 500 S.

33 McGee said his plan is to enclose an existing carport and make it part of the  
34 garage, and then extend a carport off the front of the structure.

35 Commissioner Breinholt asked if the carport was right on the property line.  
36 McGee said it is.

37 The neighbors to the east have been approached and they are OK with it.  
38 Commissioner Breinholt said this would be a fire hazard as it would impede  
39 access for firefighters going into the backyard.

40 Commissioner Kirshner asked if McGee bring the existing structure out 30 feet,  
41 how close would it be to the neighbor's home? There is at least 8-feet on the  
42 neighbor's side yard where a side-by-side and a truck are parked.

43 Breinholt said the code would require both of them to have eight feet on the  
44 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 Breinholt 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.

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

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

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

12 Commissioner Terry asked if it is normal to put conditions on an approval.  
13 Chairman Peterson said the commission should build its motion around  
14 approving the use, requiring the developer to meet the drainage requirements,  
15 landscaping details and that the City heavily recommends a Geotech analysis, as  
16 well as a detailed signage plan.

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

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

22 **Motion:** Approve the final application for Richfield Pediatric Dental with the  
23 conditions that a Geotech analysis is conducted, the drainage report, signage  
24 and parking meets all requirements as outlined in the staff report. **Action:**  
25 Approve, Moved by Wayne Cowley, Seconded by Blaine Breinholt.

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

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

30 3. **Discussion Items –**

31 a. Kelly Magleby to discuss concept for parking facility at approximately 75 South  
32 100 West.

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

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

42 Commissioner Breinholt agreed.

43 Chairman Peterson said the answer is no. All planning commission members  
44 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.

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.

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.

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.

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.

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.

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.

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.

DRAFT