



RICHMOND CITY PLANNING & ZONING COMMISSION

City Council Chambers
90 South 100 West
Richmond, Utah 84333

The Richmond City Planning & Zoning Commission met in a regularly scheduled meeting at 90 South 100 West Richmond, Utah at 6:30 P.M. on Tuesday, July 5, 2022

Commission Members Present: Jay Bair, Cache Christensen, Jessica Dunyon, Sharik Peck, Brent Wallis

Staff Present: Jeremy Kimpton (City Administrator), Justin Lewis (City Recorder), Terrie Wierenga (City Council), Amber Ervin (City Council), Tucker Thatcher (City Council), Kelly Crafts (City Council) HollyJo Karren (Deputy Treasurer), Reesa Sparrow (Alternate Commissioner)

Others In Attendance: Sheila Nield, Mike Nield, Kimberli Robison, Natali Robison, James Gyllenskog, Jill Peck, Claudia Christensen, Robert Christensen, John Apedaile, Chris Apedaile, David Cavanaugh, Shirley Whitman, Rod Going, Mignon Going, Shawn Brady, Kathryn Abbott, Tami Abbott, Raymond Smith, Tom Roskos, Mateja Savore-Roskos, Craig Reese, Jena Reese, Linda Bair, Carl Bullock, Shalee Peck, Chad Bunn, Kjerstin Lind, Joshua Lind, Cindy Allen Smith, Justin Smith, Amber Smith, Becky Johnson, Rod Johnson, Shelly Schiess, Bart Smith, Pam Ward, Keith Ward, Spencer Stoker, Travis Schroeder, Gretchen Cardall, Mark Cardall, Spencer Williams, James Murray, Janet Bair, Dana Bowden, Fred Hendricks, Brock Meacham, Lynzi Meacham, Ian Hancock, Duane Williams, John Harris, Adrienne Wall, Vern Fielding, Debbie Zilles

Chair Jessica Dunyon called the meeting to order at 6:30 P.M.

Approval of the June 7, 2022 meeting minutes

Minutes from the June 7, 2022 meeting were reviewed. Brent moved that the minutes be approved as submitted. Cache seconded the motion. The motion was unanimously approved.

Discussion and possible vote on the request by Duane Williams for approval of the Final Plat for the Haven Acres minor subdivision, a (4) lot/unit subdivision located at approximately 176 South 300 East. Zoned RMD (Residential Medium Density).

Spencer Williams would like to subdivide the lot; the existing/original home will remain and three other building lots (for purchase) will be created. There are water shares to use for irrigation.

*** A motion was made by Cache to **approve** the request by Duane Williams for approval of the Final Plat for the Haven Acres minor subdivision, a (4) lot/unit subdivision located at approximately 176 South 300 East. Zoned RMD (Residential Medium Density). Jay seconded the motion. **The motion passed 5-0*****

Yes Vote: Bair, Christensen, Dunyon, Peck, Wallis
No Vote: None

Public Hearing for the purpose of discussing Ordinance 2022-10, an Ordinance rezoning Cache County Parcel Number 09-084-0031 from RMD (Residential Medium Density) to MF OVERLAY ZONE (Multiple-Family Dwelling Unit Overlay). The parcel is approximately 2.67 acres and is located at approximately 676 South 100 East.

Mr. Lewis outlined the request for the MF (Multiple Family) Overlay. The request is specific to this 2.67-acre parcel only and is not for a large high-density development. Commissioner Bair pointed out that the Code requires 2,000 feet between MF overlay areas to help disperse them throughout the city. He also reminded citizens that the city is reviewing and updating the current General Plan and encouraged them to stay engaged in the process and provide input.

A letter, signed by over 100 residents, outlining concerns was sent to the Planning Commission before the meeting for members to review.

Commissioner Christensen explained the job of the Commission is to review requests to ensure compliance with the Code; decisions are not based on personal opinions. On that same point, Commissioner Peck pointed out that the Commission sends recommendations to the City Council, which makes the final decision on zone change requests.

*****6:43 P.M. Public Hearing Opened*****

Justin Smith is one of the residents who signed the letter sent to the Commission. He briefly outlined some of the concerns including the fact that it is unknown what will be developed if the overlay is approved. The plan can change if the property is sold after an overlay is approved. There is already congestion on 600 South with North Cache and the medical facility (Sterling Urgent Care) on the corner. Adding more people to that area will impact traffic, sewer, water pressure, building height, and possibly easements. Residents who live in the area expect a certain lifestyle and the majority are opposed to a request for more density in this area. He does not see how this will be a benefit.

Commissioner Christensen asked Mr. Smith if he could put together some information related to sewer concerns. Mr. Smith said some of this would be the developer's responsibility.

Commissioner Bair said the road widths in the area are standard within the city.

Commissioner Christensen said it is often a good idea to avoid widening roads because of the costs; people tend to psychologically think they can go faster.

Mr. Smith is concerned that this is spot zoning and questioned what would keep others from requesting something similar. Commissioner Christensen explained that it would be an overlay on the current zone; rules and regulations are required, including the fact that an MF overlay could not be approved within 2,000 feet of another.

Carl Bullock owns property adjacent to this parcel. He moved from Colorado in November 2021 because he found the character of the area to be appealing. This proposal will radically

alter that character and will impact property values negatively. He would like to see better public noticing. Mr. Lewis explained what is required and how meeting information is noticed. Mr. Bullock would like to see the process revisited and changed.

Commissioner Peck moved to Richmond fifteen years ago and was excited about his view. Since then, 32 homes have been built behind his property and his view has changed but he now has many great neighbors. This is a unique time and it is difficult to find housing. He would like to know what the applicant's intent is.

Councilmember Wierenga said the agenda needs to be followed, the applicant can address the Commission following the public input portion.

Many members of the audience voiced frustration about making comments before hearing from the applicant.

Kjerstin Lind agreed with Mr. Bullock's concerns about public noticing. She did not receive an email until a few days ago which did not give residents much time, especially over a holiday weekend. Chairperson Dunyon noted the schedule for both the Planning Commission and City Council meetings and encouraged residents to check the City's website for information on those meetings.

Ms. Lind is concerned about speeding on 600 South; more traffic will make this problem worse.

Cindy Smith pointed out that property ownership can always change, even after it is rezoned, so there is no guarantee as to what could be built. She cited 345 West Main Street as an example. The parcel was sold by the owner and now the current property management company refuses to maintain the property. She is worried about the potential aesthetics and affecting property values. She encouraged residents to attend public meetings and to participate in the General Plan update. It is a great opportunity to learn, voice concerns, and provide input.

Commissioner Christensen said multi-family housing studies have shown that it tends to increase property values. Members of the audience asked for specific data. Commissioner Wallis said there is no local database to pull information from so he cannot speak to that issue as he does not have the appropriate data. He said typically, within the valley, it is specific zoning rather than overlays. He cited the dense housing around Lee's Marketplace in Smithfield that creates "a walkable community", which is one of the philosophies for successful MF development. Hyrum has overlays like Richmond which distributes MF development throughout the city. There is verbiage in the Code about preservation of the basic semi-rural feel and density of the current zone. The way the current Code is written speaks to Justin Smith's worry about "spot zoning". There are pros/cons that can be debated about spreading this type of development throughout the city.

Councilmember Wierenga explained that the purpose of the overlay is to spread multi-family development throughout the city. Structures will have to meet all requirements within the Code. This request is being discussed and reviewed by the Commission, who will forward a

recommendation to the City Council for a final decision. She encouraged residents to attend public meetings, especially the next City Council meeting.

Commissioner Bair noted that residents can access the Code via the City's website. The MF Overlay information can be found in Part 12-1030. He also pointed out that multi-family development requires at least 40% of open space.

Bart Smith has lived next to this property for over 40 years. He believes approving this request would "mess up the neighborhood" and is concerned with how this would work and where the water will come from.

Commissioner Christensen said the City is currently at 40% water capacity. Lower Foods recently went on their own well. The City Council is looking into water issues, especially for future growth. Xeriscaping and water-wise landscaping is being encouraged. Mr. Kimpton said water conservation efforts are required to be added to the Master Plan.

Dr. Mateja Savore-Roskos has lived in the area for ten years. Her primary concern is related to public health and safety, which is her area of expertise. The area is not equipped to manage the increased pedestrians and traffic. Poorly maintained and incomplete sidewalks increase the risk/likelihood of accidents. Currently, there are very few, if any, complete sidewalks in this area. Commissioner Christensen agreed that sidewalks need to be better maintained and has been brought up as one of the top priorities. He noted the 300 East sidewalk/trail improvement. The city has a trails committee that works on how to find funding to help develop improved walking areas. New construction requires sidewalks as part of the development. The city has a program that can help homeowners with funding for the improvement of sidewalks.

Craig Reese asked what necessitates road widening; Mr. Kimpton said the City Engineer works with the Transportation Master Plan in making those types of decisions. The Engineer was excused from tonight's meeting.

Mr. Reese has been working from home since the onset of COVID-19. He resides on State Street and counted traffic for nine hours and it averaged one vehicle every four minutes. Additional housing in this area will only create more congestion and safety issues. State Street has high speeds as well as farm and recreational vehicles that travel on it. Commissioner Christensen said pervasive speeding usually means there is an issue with the design of the road and enforcement is not always the most effective solution. There are ways to design roads for slower speeds.

David Cavanaugh asked the audience for a show of hands of those who think this request is a bad idea. The majority of the audience raised their hands.

Commissioner Christensen asked if this type of housing is a good idea for the city, but a bad idea for this location; Tom Roskos said that was a "leading question" in the way it was asked.

Mr. Cavanaugh said this time of the meeting should be for public comment rather than Commissioner's comments and rebuttal, which is cutting into the public's time. He purchased and combined three lots when he moved to the area. In reference to affordable housing, he

noted that when he was younger, he could not afford to live in his parents' neighborhood. Traffic from this development will come down 400 South, which is already congested. There are many families with young children who live along the street. This subject parcel is also located on top of a steep hill. He said, "just because the Code says you can do it, doesn't mean it's a good idea". Chairperson Dunyon agreed and said she has worked hard to have the home she resides in. Her immediate concern is for the implications to the adjacent lots.

Tom Roskos said he was impassioned about the way Commissioner Christensen framed his earlier question because he realizes it does not, please the Commission to hear people indicate that they do not want something "in their backyard". He is in favor of people moving into Richmond and enjoying their quality of life, but he would like the city to be thoughtful about where development and growth is located. He is a psychologist by trade and would like more information, and to know the sources, about the comment made about road widths. Crowding, congestion, noise, safety issues, and light pollution all have a psychological impact. Even though 35 feet is the height limit, this parcel is on a steep slope, so the height would seem higher relative to the homes around it.

Chad Bunn thanked the Commission for their service. His father served on the Commission over 40 years ago; he understands the hard decisions the members need to make. He grew up in Richmond, and although he no longer lives in the area, he loves the area. Although he is not sure what the development will be, but he struggles with the idea of putting in high-density housing (with the possibility of low-income housing) in the middle of an established block. He is not opposed to multi-family development but does not think this is the right location. He asked if there are federal/state funds involved if the property is developed into multi-family housing; Chairperson Dunyon said she does not think so.

Kathryn Abbott said to say that she does not want development in Richmond is hypocritical; however, she thinks it should be located in the proper location. During times when busses are parked at North Cache, the traffic congestion is terrible, more development will only create more safety issues.

Adrienne Wall Harris moved to the property next to the subject property in 2019. She will do better to be more active in the community. She asked the Commission if they are a neutral body; Chairperson Dunyon questioned the nature of her question and whether she was referencing political parties. Ms. Harris said she did not appreciate the rebuttal comments from Commission members during the public input. Chairman Dunyon indicated that the members are neutral and felt that the conversations have been more of an educational dialogue than a defensive position. Ms. Harris asked if/when the public could offer input about the specifics of the development rather than just the rezone request. Mr. Kimpton explained that a request for a zone change is a legislative decision, which requires a public hearing. The recommendation of the Commission will be sent to the City Council for consideration. A public hearing is not required on all projects; however, residents are encouraged to come to all meetings. Ms. Harris expressed frustration that residents cannot voice concerns about the specific details of the development because they are unknown. She has lived next to multi-family development and has seen the changes it can make. She worked in law enforcement and has seen the need for increased police. She agrees with the concerns that have been previously expressed. Her home is a result of many years of hard work and this could impact them directly.

Commissioner Wallis reminded residents that they can voice their concerns to the city council members as well.

Chairperson Dunyon said the city has made great improvements over the past few years and has made tremendous positive steps. Richmond is ahead of other communities in the valley in terms of ordinances that help promote thoughtful and intentional growth.

Amber Smith agrees with the concerns that have been voiced. People live in this area for a reason, the area has been zoned for single-family dwellings. Multi-family development could change the lifestyle many have worked hard for. There is a need for multi-family housing; however, there are better locations that can be considered. She hopes the Commission will carefully consider the concerns of the residents.

Sheila Nield asked about what the City is planning to do regarding getting their own Police Department, whether the School District has been contacted, and whether the property will be maintained because it is currently not taken care of. Chairperson Dunyon said contacting the School District is not part of the Commission's discretion.

Councilmember Wierenga has been taking notes of the concerns. These are all vital issues that need to be addressed in the General Plan. To afford a police department, property taxes would need to be raised. Currently, Richmond contracts with the Cache County Sheriff's Office which has a substation in the City. The School District is a stakeholder and will be impacted by the General Plan. UDOT (Utah Department of Transportation) controls the highway. Based on responses from citizens and stakeholders, decisions about the General Plan update will be made. She asked all residents to participate in the process. Emails with concerns can be sent to her and/or other City Council members. She encouraged citizens to be part of the solution, the need for constructive feedback is important to build a community that retains the rural atmosphere that is desired.

Janet Bair said her husband used to be the Fire Chief, but there are not enough Fire Department volunteers, so Smithfield responds to Fire/EMS calls. Councilmember Ervin said the response time from Smithfield was often quicker than waiting for volunteers to come to the Richmond station. Ms. Bair said more taxes are needed to have Smithfield cover Richmond.

Rod Going likes the overlay system because it spreads multi-family development throughout the city. He is concerned about this rezone because of infrastructure, slope, sewer, and water. He thinks there may be a safer place for the overlay.

Councilmember Wierenga pointed out that there is a Sewer & Water Master Plan. Any type of development will be reviewed by the City Engineer. There are slopes and sensitive land overlays that are also applicable. Many checks and balances are considered for any type of development.

Kimberli Robison pointed out that some of the fire hydrants do not work and asked if it could be related to water pressure.

*****8:08 P.M. Public Hearing Closed*****

Discussion and possible vote on Ordinance 2022-10.

John Apedaile, the project applicant, expressed frustration and disappointment that none of the residents have talked with him, instead, they are voicing concerns and complaints at a public meeting. He feels that no one cares what his feelings and needs are. He purchased this property as an investment and feels the best utilization for his investment will be townhomes. The property can currently accommodate six single-family homes. He understands how zoning works and the requirement for the 2,000-foot distance between multi-family developments.

Commissioner Bair asked how many units he is anticipating. Mr. Apedaile said there will be two phases for a total of 16 units. Each unit will have a 2-car garage. He has not started the design process because it has not been rezoned. Applying for the overlay is the first step in the process. He understands that it will have to meet all applicable requirements.

Commissioner Wallis asked about the landscaping/maintenance plan. Mr. Apedaile said there will be an HOA (Homeowner's Association) set up to take care of lawn/snow care. He also answered that the units will be available for both rent and to own. Chairperson Dunyon asked if he would be opposed to subdividing into six building lots for single-family homes; Mr. Apedaile said he is not opposed to that notion. He owns other townhomes in the valley and thinks this will be a good fit. He pointed out that he lives across the street, so it is his community as well, and he wants this to be a nice development. He has not put money into the design at this point because it has not been rezoned. Mr. Kimpton pointed out that even if the overlay is approved, Mr. Apedaile could still run the risk of not being able to meet all the requirements.

Commissioner Bair asked about the proposal for sewer, especially given the slope condition. Mr. Apedaile said he will work with the City Engineer.

Chairperson Dunyon said it is difficult to approve a rezone without knowing the details about what will be developed and wondered if this is the best location for an overlay.

Commissioner Wallis asked what type of restrictions and/or conditions could be imposed. Mr. Kimpton said the Commission can make recommendations for the City Council to consider. Mr. Lewis pointed out that contingencies cannot be added that are not already included in the ordinance. Mr. Kimpton noted that the intent of setbacks, open space, height, and other requirements are meant to help control density.

Commissioner Peck thinks, in fairness, it is good to know what is possible if it is rezoned. If it sells, a new owner could have a different vision.

Commissioner Wallis has concerns about the comments related to water pressure, he would like to have more information. Mr. Apedaile said they have not had problems since the cement tank was put built. Mr. Kimpton said some residents to the west do not experience as many problems as those to the east; some are due to the elevation and are in a different pressure zone.

Commissioner Wallis said it can be difficult to balance the right of a property owner to use their land as they see fit, while still trying to preserve an overall benefit to the community. All decisions are important. Based on the size of the property and zone, it might only allow for eleven total units.

Chairperson Dunyon would like to see Richmond kept more rural and agricultural.

Mr. Lewis clarified for Commissioner Christensen that there would need to be a legal basis to table a decision and continue to another meeting.

A motion was made by Brent to **recommend approval** to the City Council for Ordinance 2022-10, an Ordinance rezoning Cache County Parcel Number 09-084-0031 from RMD (Residential Medium Density) to MF OVERLAY ZONE (Multiple-Family Dwelling Unit Overlay). The parcel is approximately 2.67 acres located at approximately 676 South 100 East. Cache seconded the motion. **The motion passed 4-1.**

Yes Vote: Bair, Christensen, Peck, Wallis

No Vote: Dunyon

A ten-minute recess was taken, the meeting reconvened at 8:51 P.M.

Public Hearing for the purpose of discussing Ordinance 2022-12, an Ordinance rezoning Cache County Parcel Number 09-043-0014 from A-10 (Agricultural 10-Acre) to HC (Highway Commercial). The parcel is approximately 17.71 acres and is located at approximately 600 North 200 West.

8:52 P.M. Public Hearing Opened

There were not any comments or questions.

8:53 P.M. Public Hearing Closed

Discussion and possible vote on Ordinance 2022-12.

Spencer Stoker lives in Burley, Idaho where they have property that is used seasonally for a straw maze and pumpkin patch which has been very successful. He would like to do the same thing on this property. Mr. Kimpton noted that the staff did not have concerns with the proposal.

Commissioner Christensen asked if there would be food trucks. Mr. Stoker said it is not currently planned but could be a potential item. He also noted that they are meeting with UDOT on July 19th to discuss access. They will work through all applicable requirements and can coordinate with schools for activities/field trips focusing on agricultural education.

Chairperson Dunyon likes the plan and thinks it will provide a good place for family activities. Commissioner Peck grew up working on a farm and likes that this honors that heritage.

***A motion was made by Jay to **recommend approval** to the City Council for Ordinance 2022-12, an Ordinance rezoning Cache County Parcel Number 09-043-

0014 from A-10 (Agricultural 10-Acre) to HC (Highway Commercial). The parcel is approximately 17.71 acres and is located at approximately 600 North 200 West. Cache seconded the motion. **The motion passed 5-0.*****

Yes Vote: Bair, Christensen, Dunyon, Peck, Wallis

No Vote: None

Discussion and possible vote on Ordinance 2022-07, an Ordinance amending Richmond City Municipal Code, Title 12-000 "Land Use, Development & Management (LUDMO)", Chapter 12-900 "Zones", Part 12-905-2 "Permitted Uses" and Chapter 12-500 "Administration", Part 12-502 "Annexation of Land into Richmond City".

Mr. Lewis outlined the minor changes. Accessory buildings and use would be added under 12-905-2 as a permitted use and the reference to the Planning Commission being involved in the annexation process would be removed because that is a City Council responsibility.

A motion was made by Cache to **recommend approval** to the City Council for Ordinance 2022-07, an Ordinance amending the Richmond City Municipal Code, Title 12-000 "Land Use, Development and Management (LUDMO)", Chapter 12-900 "Zones", Part 12-905-2 "Permitted Uses" and Chapter 12- 500 "Administration", Part 12-502 "Annexation of Land into Richmond City". Sharik seconded the motion. **The motion passed 5-0.**

Yes Vote: Bair, Christensen, Dunyon, Peck, Wallis

No Vote: None

Continued discussion on the General Plan update

Councilmember Wierenga explained that the General Plan is being updated. It is a guiding document that will be in place for the next ten years to guide future growth. The plan will address transportation, housing, trails, sidewalks, and water conservation. An Open House was held on June 21, 2022. There were approximately 60 people who attended. She briefly reviewed the topics (listed in order of the number of votes received):

Housing Issues:

- Identifying areas best suited for community growth.
- Identifying areas best suited for community growth.
- Creating a program to transfer development rights for housing (Preserves low-density in "sending districts" in exchange for increased density in "receiving districts").
- Increasing supply of senior housing (low maintenance, assisted living, full care).
- Increasing diversity of housing options,
- Increasing supply of middle-income housing.
- Increasing the supply of rental units.
- Rezoning to facilitate/incentivize housing development.
- Increasing supply of low-income housing.
- Increasing the supply of accessory dwelling units.
- Redevelopment of other land uses into housing.
- Amending land use regulations to permit more types of housing.
- Increasing the supply of housing for families.

- Increasing the supply of housing for first-time homebuyers.
- Implementing incentives to increase population density.
- Improving public perception of housing options.
- Reducing parking requirements to increase buildable area.
- Utilizing subsidies (provide financial assistance) or other revenue to waive construction fees.
- Creating a land-trust program for moderate-income housing.

Land Issues:

- Preserving a rural or small-town community character.
- Providing more opportunities for open space and recreation.
- Identifying areas that should be protected, preserved, or conserved.
- Preserving historic buildings.
- Expanding and/or improving city parks.
- Limiting the development of sensitive areas.
- Adopting hillside development standards.
- Providing new city parks in conjunction with new residential development.
- Encouraging infill development of vacant lots.
- Encouraging development near existing infrastructure.
- Identifying areas most likely to develop and annex into the city.
- Identifying areas suitable for higher density development.
- Enforcing adopted standards.
- Providing more opportunities for mixed-use zones.
- Providing more opportunities for commercial development.
- Simplifying zoning standards.
- Updating subdivision and development standards.
- Providing more opportunities for industrial development.

Transportation Issues:

- Improving the condition of sidewalks.
- Improving the connectivity of sidewalks.
- Improving the connectivity of recreational trails.
- Improving the safety of walking/biking routes to schools.
- Identifying capital improvements needed to support growth.
- Improving traffic management.
- Improving lighting to encourage better use of walking/biking routes.
- Adopting minimum standards for new roads/development.
- Providing walking/biking routes to commercial/professional areas.
- Providing more pedestrian routes and bike lanes.
- Improving the condition of recreational trails.
- Implementing traffic calming measures.
- Improving the condition of existing vehicular routes.
- Providing/Improving ADA accessibility.
- Improving the safety of walking/biking routes.
- Improving the connectivity of vehicular routes.
- Providing more opportunities for public transportation.
- Identifying opportunities for collaboration with other users.

Water Issues:

- Increasing water storage capacity.
- Conducting water master planning for supply, demand, storage, and distribution.
- Protecting sensitive areas like wetlands and floodplains from development.
- Protecting water resources from pollution.
- Exploring options for tiered water usage rates.
- Promoting water-efficient landscaping.
- Educating the public about water-conserving measures.
- Improving public perception of low-water landscaping.
- Expanding sewer/water service to support growth.
- Creating a water budget.
- Providing incentives for low water landscaping existing development.
- Providing incentives for low water landscaping new development.
- Providing water-saving fixtures and devices to residents.
- Adopting community water conservation policies.
- Creating a community water conservation program.

The next Planning Commission meeting will be Tuesday, August 2, 2022.

***A motion was made by Cache to adjourn at 9:28 P.M., Jay seconded the motion.
The motion passed unanimously. ***

Minutes submitted by Debbie Zilles

Planning Commission Chairperson