



**RIVERDALE CITY PLANNING COMMISSION AGENDA
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY – AUGUST 25, 2015**

6:00 p.m. – Planning Commission Work Session Meeting (City Offices)

The purpose of the work session is to review maps, plans, paperwork, etc. No motions or decisions will be considered during this session, which is open to the public.

Planning Commission Work Session Items

Planning Commission Training *to be determined*

6:30 p.m. – Planning Commission Meeting (Council Chambers)

A. Welcome & Roll Call

B. Open Communications

(This is an opportunity to address the Planning Commission regarding your concerns or ideas. Please try to limit your comments to three minutes.)

C. Presentations and Reports

D. Consent Items

1. Consideration of Meeting Minutes from:

June 9, 2015 Regular Meeting

June 9, 2015 Work Session

August 11, 2015 Work Session

E. Action Items

1. a. Public hearing regarding consideration of proposed amendments to Title 10 Chapters 16, 21, and 25
- b. Consideration of recommendation to City Council for amendments to Title 10 Chapters 16, 21, and 25.

F. Discretionary Items

G. Adjournment

In compliance with the Americans with Disabilities Act, persons in need of special accommodation should contact the City Offices (801) 394-5541 at least 48 hours in advance of the meeting.

Certificate of Posting

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Riverdale City limits on this 20th day of August, 2015 at the Riverdale City Hall Noticing Board and on the City website at <http://www.riverdalecity.com/>. A copy was also provided to the Standard-examiner on August 20, 2015.

Jackie Manning
Riverdale City Recorder

**RIVERDALE CITY
PLANNING COMMISSION AGENDA
August 25, 2015**

AGENDA ITEM: D

SUBJECT: Consideration of Meeting Minutes

PETITIONER: City Recorder

ACTION REQUESTED BY PETITIONER: Approve Meeting Minutes from June 9, 2015 and August 11, 2015

INFORMATION:

1. June 9, 2015 Regular Meeting
2. June 9, 2015 Work Session
3. August 11, 2015 Work Session

[BACK TO AGENDA](#)



Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **June 9, 2015 at 6:30 p.m.** at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Blair Jones, Chairman
Steve Hilton, Commissioner
Kathy Eskelsen, Commissioner
David Gailey, Commissioner
Michael Roubinet, Commissioner
Cody Hansen, Commissioner
Lori Fleming, Commissioner

Others Present: Michael Eggett, Community Development Director; Lynette Limburg, Acting City Recorder and members of the public Brett Ormsby, Chet VanOrden and Wayne Brown

A. Welcome & Roll Call

Chairman Jones welcomed everyone to the meeting and stated for the record all members of the Planning Commission are present.

B. Open Communications

Chairman Jones asked for any open communications. There were none.

C. Presentations and Reports

Community Development Director, Michael Eggett gave a brief update on the Community Development report. He reported that At-Home is continuing to progress and their target opening date is the latter part of July. Advanced Auto Parts is ready to start on their tenant improvement of the Nickelcade building. The city is just waiting for them to pick up their building permit. Burger King plans to start their remodel by June 29, 2015.

D. Consent Items

Consideration of meeting minutes from:

May 12, 2015 Work Session

May 12, 2015 Planning Commission

Chairman Jones asked for any changes or corrections to the previous meeting minutes. There were none.

Motion: Commissioner Gailey moved to approve the consent items. Commissioner Eskelsen seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

E. Action Items

1. Consideration of recommendation to the City Council for Good Foundations Academy Site Plan Amendment located at 5101 South 1050 West.

Mr. Eggett stated that Good Foundations Academy is planning an addition to their building. He introduced Brett Ormsby the general contractor from Peck Ormsby Construction who is here tonight representing Good Foundations. They are requesting a site plan amendment to their

property located at 5101 S. 1050 W. A design review meeting required by state statute was held with the contractor for this project on Monday June 8, 2015. Because this is a charter school the city is limited on what they can review. Charter school construction is regulated in the Utah State Code in sections 53A-20-108 and 10-9a-305 respectively. Utah State Code outlines the amount of local jurisdiction involvement allowed in a site plan and development review of any charter school development project. The review for these types of projects is significantly scaled back in comparison to other site plan development reviews. Landscaping and design of the building fall under the state's jurisdiction for review. The property contains approximately 4.31 acres of land and is in the Agricultural A-1 Zone. Some demolition and preparatory work has taken place on the site in anticipation of progressing forward with the site plan amendment. A public hearing is not required for this request. Following discussion of the request the Planning Commission can recommend to the City Council approval of the request as submitted, recommend City Council approval of the request with any additional conditions and requirements, or not recommend City Council approval of the site plan development request with sufficient findings of fact to support the action.

There are basically three areas of concern for the city. Mr. Douglas, Public Works Director notes that the site plan does not show an upgraded storm water system plan for detention of storm water or an oil-water separator. He noted the plan needs to include the entire site.

The fire department is concerned about the turning radius in the parking area for fire trucks. The plans look like it will be too tight for fire apparatus accessibility.

Mr. Eggett states that his concern is with setbacks. He notes that the 30 foot front setback appears to be met as there is no change to the front of current building. The 20 foot side setback is met on south side however it appears that the 20 foot side setback on north side has not been met in back northwestern corner of the addition footprint. He stated that the area in question is quite small and is adjacent to the back corner of a residential property. This concern has been shared with contractor and he is working on this setback issue.

Mr. Ormsby then addressed the commission; he stated that the civil engineer will provide a storm water plan which will include the water-oil separator for Mr. Douglas' approval before construction continues in that area.

The concern of the fire department can be taken care of with taking out two parking stalls and restriping the lanes. The new lanes will accommodate the fire trucks.

He then addressed the setback issue stating that by their measurements the 20 foot setback in the northwest has been met. He is happy to have Mr. Woody the city's building inspector meet with his supervisor to look at the trench dug for the footings and verify that determination of 20 feet.

Commissioner Fleming stated that she is concerned with the traffic congestion when children are being dropped off and picked up for school, especially behind the school. She said that cars are driving up the road and making U-turns in front of the Motor Vu Drive-In. Mr. Ormsby stated that the added parking area and the new drive lane should improve the traffic flow. They will be adding about 22 new parking stalls.

Motion: Commissioner Roubinet moved to forward a favorable recommendation to the City Council for Good Foundations Academy Site Plan Amendment located at 5101 South 1050 West. This recommendation is contingent upon the developer meeting the city's requirements of an upgraded and approved storm water plan, an adequate fire lane on site, and resolution of the 20 foot setback

on the northwest corner of the building. The motion was seconded by Commissioner Hilton.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

2. Consideration of an infill lot development of property located at 4562 South 1150 West.

Mr. Eggett stated that Chet VanOrden has requested a development of an infill lot in an R-2 zone located at 4560 S 1150 W. The property is approximately .49 acres and has a 45 foot frontage on 1150 West that narrows down to approximately 25 feet. The 25 foot area could accommodate and driveway back to the building area of the lot. He noted that a public hearing is not required and according to Title 10 Chapter 12 of the city code the Planning Commission is the land use authority on this request. The lot is currently owned by Wayne Brown and was at one time part of the northwesterly property located at 4560 S 1150 W. At some point these properties were subdivided and the lot was created with insufficient frontage to develop so the infill lot request is before the Commission tonight for review and consideration.

The infill lot development consideration does require that specific requirements and conditions may be imposed upon the property development as outlined by the “Planning Commission, Department of Community Development, Fire Department, Department of Public Works, City Attorney, and City Administration” (Riv City Code 10-12-3(A.)(9.)).

The Planning Commission can approve the request as submitted; approve the request with additional conditions and requirements imposed; or deny the infill lot development request with sufficient findings of fact to support the action.

Mr. Chet VanOrden of 6169 S. 2850 E. Ogden then addressed the Commission and asked if they had questions for him.

Commissioner Roubinet asked Mr. VanOrden if he was aware of the 20 ft. maximum height for the accessory building that he has planned. Mr. VanOrden stated that he has been made aware of that requirement along with the maximum of 1000 sq. ft. for the building. He has looked at his plans and will adjust the height and square footage to be in compliance.

Commissioner Hilton asked if he was aware of the problems with utilities specifically the sewer as the property is below grade. Mr. VanOrden stated that he is aware of that problem and plans to install a pump for the sewer. He will also have to dig under the small canal that runs along the frontage of the property. He has been told by Mr. Douglas of public works that it is only about 4 feet deep.

Commissioner Hansen noted that the plans show a room above the accessory building and asked if that would ever be used as a rental. Mr. VanOrden stated that he had no intention of renting that space. He wants to have a finished space for family to sleep when they come to visit.

Commissioner Hansen also asked about the balcony facing south. It would appear that it would be looking down on a neighbor’s backyard and pool. It was clarified that the balcony would actually be on the north side of the building.

Mr. VanOrden also stated that the power would come from the main line across the street (1150 W). He noted that he likes the lot because it is back off the street where he can gate the property when he is away. He also likes being so close to the freeway yet not being able to hear the freeway noise. He would like to start working on the project as soon as he gets approval from the Planning Commission and the building plans and permits are in order.

Motion: Commissioner Hilton moved to approve the requested infill lot development of property located at 4562 South 1150 West as outlined. This approval being contingent upon meeting any requirements, as reasonable, that may be requested by city staff . Commissioner Fleming seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

F. Discretionary Items

Chairman Jones asked for any discretionary items. Commission Gailey asked if the city has a noise ordinance in place. Mr. Eggett told him yes there is an ordinance and any complaints about noise should be referred to the Police Department.

G. Adjournment

Motion: There being no further business to come before the Planning Commission, Commissioner Gailey moved to adjourn the meeting. Commissioner Eskelsen seconded the motion. The motion passed unanimously. The meeting adjourned at 6:55 p.m.

Approved:

Attest:

Blair Jones, Chairman

Lynette Limburg,
Acting City Recorder

Minutes of the **Work Session** of the **Riverdale City Planning Commission** held Tuesday, **June 9, 2015** at 6:05 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Blair Jones, Chairman
Steve Hilton, Commissioner
Kathy Eskelsen, Commissioner
David Gailey, Commissioner
Michael Roubinet, Commissioner
Cody Hansen, Commissioner
Lori Fleming, Commissioner

Others Present: Michael Eggett, Community Development Director; Lynette Limburg, Acting City Recorder and no members of the public.

Chairman Jones welcomed the Planning Commission members to the work session stating for the record that all were in attendance.

Reports Chairman Jones turned the time over to Mr. Eggett. He reported that At-Home is continuing to progress and their target opening date is the latter part of July. Advanced Auto Parts is ready to begin their remodel. The city is just waiting for them to pick up their building permit. Burger King plans to start their remodel by June 29, 2015. There are no other projects to report with exception of what is on agenda tonight.

Chairman Jones asked for any changes or corrections to the previous meeting minutes. There were none.

He stated the first agenda item is:

1. Consideration of recommendation to City Council for Good Foundations Academy Site Plan Amendment located at 5101 South 1050 West.

Mr. Eggett stated that Brett Ormsby the general contractor will be here tonight to represent Good Foundations. They have begun some demo work on the site which created some concern by the city. There was some miscommunication on the process and the city is trying to resolve that as quickly as possible so that the work can get done before the next school year begins. The city held a design review meeting with the contractor on Monday, June 8th. This review is required by state law. This site plan amendment is regulated under city code 10-8, 10-14 and 10-25 in addition to fire codes. The review and recommendations by the Planning Commission are limited due to this being a charter school. The city can't get into landscaping or actual design of the building, as that is regulated by the state.

An important item of concern is the lack of a storm water plan upgrade. This concern has been communicated to the developer. Mr. Douglas of public works is ok with approval of the site plan with the stipulation that the storm water issues are resolved. The contractor has stated that he will work with Reeves Engineering to get an upgraded plan to the city in order to resolve the issue. It was noted that an oil-water separator is also required in the plan. Mr. Eggett noted concerns from Capt. Hennessy of the fire department stating that the fire lane looks too tight to give adequate access to the rear of the property. Mr. Ormsby has stated that they can take out a few parking stalls and restripe the lanes so that will not be a problem. Commissioner Fleming stated that one of her concerns is that people picking up their children do not use the parking lot. Mr. Eggett said that the plans show additional parking in the back and the front of the building. Hopefully that will help with the problem. No concerns were noted from the police department. Mr. Eggett stated that the northwest corner of the addition to the building is quite close to the property line. There is a 20 foot set-back required. On paper he measures 17 feet. However the contractor has stated that he believes they have met the 20 foot setback requirement. Mr. Eggett stated that the city inspector has checked the trench that has been dug. He stated that if the wall is constructed in the middle of the trench it will meet the 20 foot requirement, but it is likely that that the wall could be closer than 20 feet when built. He noted that it is a small area where the property line angles a little bit. The contractor feels that if it is determined that the 20 foot setback does not appear to be met they can find an onsite solution. It was also noted that the state building inspector does the inspections on the building. The city inspector will receive copies of the inspections for our records

2. Consideration of an infill lot development of property located at 4562 South 1150 West

Mr. Eggett stated that Mr. Chet VanOrden will be here this evening with a request to develop an infill lot at 4562 S 1150 W. The property is .49 acres and has a 45 foot frontage connection to 1150 W that narrows down to 25 feet. Which he stated could accommodate a driveway to the majority of the property. He noted that the Planning Commission is the land use authority on this matter.

He said that Wayne Brown is the current owner of the property and it was originally part of the parcel at 4560 South. At some point the lot was subdivided. With that division the lot in question does not have enough frontage to develop therefore, the infill lot development request is before the Planning Commission this evening.

It was asked if the Planning Commission is approving the site plan tonight. Mr. Eggett stated that approval can be made with the development meeting the criteria for the zone as stated in code section 10-12-3. The drive aisle will need to accommodate fire apparatus. Commissioner Fleming noted that this type of development at some point in the past must have been approved. Mr. Eggett stated the utilities will be a problem as the property sits lower than the crown of the road. This will be a problem for the sewer connection. A single family dwelling request is the best option that the city could get for this property and that is what Mr. VanOrden is requesting. He has no plans for a multi-

family dwelling. It was also noted that the lot can accommodate an accessory building however; it will have to meet city requirements.

Chairman Jones asked for any discretionary items and none were noted.

There being no further business, the Planning Commission adjourned at 6:28.m.

Approved: June 23, 2015

Attest:

Blair Jones, Chairman

Lynette Limburg
Acting City Recorder



Minutes of the **Work Session** of the **Riverdale City Planning Commission** held Tuesday, **August 11, 2015** at 6:00 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Steve Hilton, Vice Chairman
Kathy Eskelsen, Commissioner
David Gailey, Commissioner
Michael Roubinet, Commissioner
Cody Hansen, Commissioner
Lori Fleming, Commissioner

Excused: Blair Jones, Chairman

Others Present: Michael Eggett, Community Development Director

No members of the public were present.

Commissioner Hilton welcomed the Planning Commission members to the work session stating for the record that all were in attendance, with the exception of Blair Jones, who is excused.

Reports: No community development report was discussed in this meeting.

Commissioner Hilton stated the first agenda item is:

B. Discussion Regarding proposed amendments for Title 10: Chapter 16, 21, and 25.

Mr. Eggett reviewed the Executive Summary regarding proposed language amendments to Title 10 Chapter 16 “Signs”, Chapter 21 “Subdivisions”, and Chapter 25 “Development in All Zones”.

Mr. Eggett first discussed the changes to Title 10 Chapter 16, as proposed by the City Attorney, relative to timelines of political sign posting and other minor changes relative to political signs concerns.

Mr. Eggett then discussed the changes to Title 10 Chapter 21 and Chapter 25, as proposed by the Community Development Department, regarding project improvement warranty administration as found within each chapter respectively. Proposed amendments included changing the warranty period of any development improvements

from two years to one year to be in alignment with Utah State Codes, the addition of new language indicating that a subdivider or developer may have a legal representative present development plans on the subdivider/developer's behalf, and the addition of improvement performance requirements language to Title 10, Chapter 25, Section 7 by using language already found in Title 10, Chapter 21, Section 6 of the City Code.

Commissioner Fleming noted concerns relative to removing language associated with the placement of political signs sixty days prior to an election. Commissioner Fleming stated there may be concerns associated with signs staying up for a lengthy period of time throughout the City and suggested the addition of some kind of timeline that may be more accommodating. Commissioner Fleming further noted concerns relative to the potential for excessive placement of political signs throughout the City for any extended period of time and how that may impact the street views of the City. Mr. Eggett explained that, per his understanding from the City Attorney, this is a public property and free speech matter and encouraged the members of the Planning Commission and/or the public who may be interested to contact the City Attorney if they have any follow-up questions regarding these proposed changes.

C. Set Public Hearing Dates for Proposed Amendments.

Mr. Eggett discussed the need to schedule a public hearing for these proposed changes to the City Code, if the Planning Commission is comfortable with the proposed amendments. Mr. Eggett suggested that the public hearing would be advertised for August 25th at 6:30 PM. Commissioners Hilton and Fleming discussed the potential for members of the public to have interest in the sign ordinance revisions and requested that the City Attorney provide a legal review of the sign ordinance proposed amendments to the Planning Commission that is also available to the public for review prior to the next meeting's consideration of proposed amendments. The Planning Commission agreed unanimously to move forward with the notice and posting for the public hearing for August 25th, 2015 at 6:30 PM to consider the proposed changes to the City Code as noted in this meeting.

D. Discretionary Items.

Commissioner Hilton invited discussion regarding any discretionary items. Mr. Eggett discussed discretionary items including an upcoming training opportunity for Planner's Day through the annual Utah League of Cities and Towns convention held in Salt Lake City, City administration's efforts to participate in a Federal Resiliency Grant request to gain funding to restore and improve areas of shoreline along the Weber River in an effort to protect property interests in the City, and the future plans for meetings of the Riverdale Park Committee. Commissioner Gailey noted that he had concerns regarding heat risks of playground equipment and encouraged the Riverdale Park development contractor to plan for playground equipment that doesn't heat up and potential injure users of the

equipment. Mr. Eggett briefly discussed the current status of RDA development areas in the City.

E. Adjournment.

There being no further business, the Planning Commission adjourned at 6:26 PM.

Approved:

Blair Jones, Chairman

Attest:

Mike Eggett
Community Development Director

**RIVERDALE CITY
PLANNING COMMISSION AGENDA
August 25, 2015**

AGENDA ITEM: E

SUBJECT: Public Hearing for Consideration of recommendation to the City Council for amendments to Title 10, Chapters 16, 21, and 25

PETITIONER: Mike Eggett, Community Development Director

ACTION REQUESTED BY PETITIONER: Review the proposed amendments and make a recommendation to the City Council.

INFORMATION:

[Executive Summary](#)

[Sign Memo](#)

[1. Title 10: Chapter 16](#)

[2. Title 10: Chapter 21](#)

[3. Title 10: Chapter 25](#)

[Public Notice](#)

[Proof of Publication](#)

[BACK TO AGENDA](#)



Planning Commission Executive Summary

For the Commission meeting on: 8-25-2015

Petitioner: Riverdale City

Summary of Proposed Action

The information provided, following this executive summary document, reflects areas of the Riverdale City Code that should be considered for amendment in order to comply with and match established Utah State Codes. All proposed changes are in Title 10 of the City Code and are located specifically in Chapters 16 "Signs", 21 "Subdivisions", and 25 "Development in All Zones" respectively. Proposed amendments to Title 10, Chapter 16 have been submitted by the City Attorney in order to clarify the political or campaign signs section of the this chapter. Proposed amendments to Title 10, Chapters 21 and 25 have been submitted by the City's Community Development Director in an effort to be in full compliance with Utah State Codes as it relates to the performance improvement warranty time period allowed for developments (along with some other minor language amendment and clean-up). All proposed changes have been reviewed by the City Attorney for clarity, accuracy, and legality checks. When considering amending the City Code, there is a requirement for there to be a scheduled public hearing which is scheduled to be heard during this Planning Commission meeting if desired and has been noticed in accordance with legal requirements.

Following the public hearing, the Planning Commission is expected to review this information and then provide a recommendation to the City Council for approval of the proposed amendments to Title 10 Chapters 16, 21, and 25 as provided hereafter, or make revisions to the suggested amendments to these Chapters of City Code, or not recommend approval of the proposed amendments, as attached, to the City Council. This matter will be submitted to the City Council for their review and consideration upon receiving recommendations from the Planning Commission.

Title 10 Ordinance Guidelines (Code Reference)

This matter was brought before the Planning Commission during the last work session on August 11th, 2015 wherein the proposed amendments were discussed and no changes were suggested at that time. As requested, it has been communicated to the City Attorney to provide some analysis regarding the proposed sign ordinance amendments and this requested legal analysis is provided following the executive summary.

Proposed amendments to the Riverdale City Code are found in the following locations of the City Code:

- Title 10, Chapter 16 "Signs"
- Title 10, Chapter 21 "Subdivisions"
- Title 10, Chapter 25 "Development in All Zones"

General Plan Guidance (Section Reference)

No general plan sections are directly impacted by the proposed amendments to the City Code.

Legal Comments - City Attorney

Steve Brooks, Attorney

Administrative Comments - City Administrator

Rodger Worthen, City
Administrator

MEMO

To: Riverdale City Planning Commission
From: Steve Brooks
Subject: Political Campaign Signs
Date: August 20, 2015

Political campaign signs are a form of speech protected by US Const, Am I and Const 1963, art 1, Sec. 5. Although it is not completely protected, the US Supreme Court has noted the importance of political speech when it stated that 'political speech is entitled to the fullest possible measure of constitutional protection.' *City Council v Taxpayers for Vincent*, --- US at ---; 104 S Ct 2118, 2135; 80 L Ed 2d 772, 794 (1984). In addition, communication by signs and posters is a form of speech. A candidate or other campaign committee who use posters and signs in political campaigning are entitled to the fullest measure of constitutional protection. *Baldwin v Redwood City*, 540 F2d 1360 (CA 9, 1976), cert den, sub nom *Leipzig v Baldwin*, 431 US 913; 97 S Ct 2173; 53 L Ed 2d 223 (1977).

Moreover, the Court has emphasized the requirement that any encroachment upon speech must be no greater than is essential to the furtherance of the state interest. *US v O'Brien*, 391 US 367; 88 S Ct 1673; 20 L Ed 2d 672, reh den, 393 US 900; 89 S Ct 63; 21 L Ed 2d 188 (1968), *Police Dep't of Chicago v Mosley*, supra; *Grayned v City of Rockford*, supra.

The majority of courts nationwide have declared unconstitutional restrictions that limit the erection of political campaign signs to a specified time preceding an election. In *City of Antioch v Candidates' Outdoor Graphic Service*, 557 F Supp 52 (ND Cal, 1982), the court struck down an ordinance restricting the placement of political signs to a period of 60 days before an election. Embracing the general test of reasonableness for time, place and manner restrictions, the court concluded that the time restriction there involved was not reasonable. Although the court found the interest significant, limiting political campaign signs to 60 days without similar limitation on other types of signs was held to be a fatal selective exclusion based on content. Citing *Linmark Associates, Inc v Willingboro*, supra, the court stated: '[A municipality] must regulate evenhandedly; those which selectively discriminate on the basis of content or subject matter offend the Equal Protection Clause.' 557 F Supp at 57. Thus, the court concluded that sixty days is not enough time to accommodate the public interest in being informed about an upcoming election. The Federal District Court in *Orazio v Town of North Hempstead*, 426 F Supp 1144 (ED NY, 1977), struck down an ordinance limiting placement of political signs to six weeks preceding an election. The court analyzed the ordinance in light of *Police Dep't of Chicago v Mosley*, et al, distinguished *Lehman v City of Shaker Heights*, supra, and concluded that 'no time limit on the display of pre-election political signs is constitutionally permissible under the First Amendment.' 426 F Supp at 1149. In *Van v Travel Information Council*, supra, the court, citing *Orazio v Town of North Hempstead*, supra, found invalid an administrative rule that imposed a

limitation on the posting of political signs on land adjoining state highways to 60 days preceding an election. It held that the limitation imposed an impermissible restriction upon political speech, emphasizing that there were no adequate alternatives to small, easily mobile, political signs. Quoting from *Baldwin v Redwood City*, supra, the court agreed that because "means of political communication are not entirely fungible, political posters have unique advantages." 628 P2d at 1226.

At least 2 Utah lower Court cases against Draper (*Larsen v. Draper City* 2004) and Mapleton (*Johnson v. Mapleton*) have addressed the exact same issue and both resulted in resolutions in which city ordinances were changed by removing any restrictions on time limitations prior to an election. Also a case against Ogden for location of a sign likewise resulted in a change of an ordinance. The argument being that it is a violation of one's political free speech rights to place restrictions on a political campaign sign in their own yard or own property to support or oppose an issue or candidate and that the state's interest in regulating that does not rise to the level required to impose such limitations as to a certain number of allotted days or location.

A second issue is that with the change in the states voting process by mail, deadlines and time restrictions do not work like they use to and the amount of time allotted can be very restrictive.

Riverdale's current Ordinance, with the restriction on when you can place signs before an election (primary or final) would more than likely be held unconstitutional as currently written.

10-16-3:

D. Political Or Campaign Signs:

1. Political or campaign signs are permitted in accordance with the following provisions; provided, that any such sign shall be erected not earlier than sixty (60) days prior to the election at which time the candidates or measure will be voted upon and shall be removed within ten (10) fifteen (15) days after such final election, campaign or event.

2. No political or campaign sign shall be placed within one hundred fifty feet (150') from a public polling place. "Polling place" shall mean the physical place in a community where multiple ballots and absentee ballots are cast. (Ord. 812, 8-21-2012)

3. No political or campaign sign may be placed in such a manner as to create a safety hazard or constitute a public nuisance of any kind or nature whatsoever. The community development director, public works director or police chief shall determine whether the placement of a political or campaign sign constitutes a safety hazard or public nuisance, and upon such determination shall remove said sign so that the safety hazard or public nuisance no longer exists. (Ord. 812, 8-21-2012; amd. Ord. 815, 9-25-2012)

4. Political signs cannot be placed on public property or on private property without the property owner's permission.

Title 10, Chapter 21 SUBDIVISIONS

[10-21-1: GENERAL PROVISIONS:](#)

[10-21-2: DEFINITIONS:](#)

[10-21-3: SCOPE OF REGULATIONS:](#)

[10-21-4: APPLICATION FOR SUBDIVISION:](#)

[10-21-5: PRELIMINARY PLAN:](#)

[10-21-6: FINANCIAL GUARANTEES FOR IMPROVEMENTS:](#)

[10-21-7: FINAL PLAT:](#)

[10-21-8: CONSTRUCTION PLANS AND PROFILES:](#)

[10-21-9: DESIGN STANDARDS:](#)

[10-21-10: PARKS, SCHOOL SITES, OTHER PUBLIC PLACES:](#)

[10-21-11: IMPROVEMENTS:](#)

[10-21-12: SMALL SUBDIVISIONS; SPECIAL PROVISIONS:](#)

[10-21-13: ENFORCEMENT AND PERMITS:](#)

[10-21-14: PENALTY:](#)

10-21-6: FINANCIAL GUARANTEES FOR IMPROVEMENTS:

Prior to the final plat being presented to the ~~planning commission~~city council for approval, the subdivider/developer (~~not his agent or contractor or an individual with legal authority acting on behalf of the subdivider/developer~~) shall, at the discretion of the city, satisfy one of the following requirements:

- A. Escrow Deposit: Enter into a developer's agreement with the city and furnish satisfactory proof of an escrow deposit in favor of the city in an amount equal to the cost of the improvements required for the subdivision, plus ten percent (10%) of said costs, with said amounts to be released pursuant to the terms and conditions of the developer's agreement.
- B. Performance Bond: Enter into a developer's agreement with the city and furnish to the city a developer's performance bond in an amount equal to one hundred twenty-five percent (125%) of the cost of the improvements required for the subdivision, with said bond to be released pursuant to the terms and conditions of the developer's agreement. (1985 Code § 19-40-5.1)

10-21-11: IMPROVEMENTS:

A. Time Of Construction: The improvements listed in this section shall not be installed prior to recording the final plat. No improvements shall be installed until their location and specifications are approved by the city engineer. Water and sewer mains and laterals and fire hydrants shall be installed prior to the installation of road base, curbs, gutters, and the surfacing of streets.

B. Performance Guarantees:

1. Before final plat approval by the city council, the subdivider shall have satisfied the financing requirements of section [10-21-6](#) of this chapter. The required performance guarantees are to assure the actual construction of the following improvements within a period of two (2) years in a

manner satisfactory to and in an amount specified by the city council. Improvements include part or all of the following: streets, curbs, gutters, water supply systems, fire hydrants, sewer systems, surface water disposal systems, protection from hazards of canals and ditches, safety fences, street trees, monuments, or other improvements required by the city council. (Ord. 766, 9-7-2010)

2. Sidewalks shall be installed by the building contractor at the same time as the said contractor installs driveways and walkways on individual lots. Said installation of sidewalks shall be completed and in good repair at or before the time an application for occupancy is made to the community development director. (Ord. 854, 5-6-2014)

3. The developer shall be responsible for the satisfactory performance of improvements dedicated to the city for a period of ~~two (2)~~ one (1) years after inspection and final acceptance by the city. These improvements include, but are not limited to: streets, curbs, gutters, sidewalks, water main lines, fire hydrants, sewer mains and manholes, storm sewer mains and catch boxes, monuments, and street signs which are in a dedicated easement and are controlled solely by the city.

4. The developer's engineer shall, as each improvement is installed, certify, in writing, that the installed improvements meet city standards and that said improvements have been completed as approved by the city. Said written certification shall be delivered to the city engineer, who shall make periodic on site inspections for plan review and to verify the certification of the developer's engineer. The developer's engineer shall provide evidence to the satisfaction of the city engineer that the installed improvements meet city standards before the developer shall be allowed to proceed with other improvements on the development, or to begin construction of buildings or structures in the subdivision.

5. In the event a utility easement or easements are provided to the city in connection with the installed improvements, the utility line shall be placed as close to the center of said easement as is reasonably possible. (Ord. 766, 9-7-2010)

C. Standards: Standards for design, construction, specifications and inspection of street improvements, curbs and gutters, sidewalks and drainage facilities shall be prepared by the city engineer, standards of design and procedure by the planning commission, standards for water distribution and sewage disposal facilities by the state board of health and city engineer, and similar standards for fire hydrants by the city engineer and fire department. Such standards and rules and regulations, and any amendments thereto, before becoming effective, shall be adopted or amended by the city council as a part of this chapter after recommendation by the planning commission and shall be available to the public. (Ord. 815, 9-25-2012)

Commented [ME1]: Update required to be in compliance with Utah State Code definition of "Improvement warranty period" as found in UCA 10-9a-103(20)

Title 10, Chapter 25 DEVELOPMENT IN ALL ZONES

10-25-1: GENERAL PROVISIONS:

10-25-2: DEFINITIONS:

10-25-3: SCOPE OF CHAPTER:

10-25-4: PREAPPLICATION SKETCH PLAN:

10-25-5: PRELIMINARY PLAN REQUIRED:

10-25-6: DESIGN STANDARDS:

10-25-7: IMPROVEMENTS:

10-25-7: IMPROVEMENTS:

A. Time Of Construction: The improvements listed in this section shall be installed prior to final inspection and issuance of a certificate of occupancy except as provided in subsection B of this section. No improvements shall be installed until their design and specifications are reviewed by the city engineer for conformance with this chapter. Water and sewer mains and laterals and fire hydrants shall be installed prior to the installation of road base, curbs, gutters, sidewalks and the surfacing of streets.

B. Performance Bonds:

1. In lieu of actual completion of the improvements listed in this section and before final approval by the city council, the developer may deposit with the city ~~recorder~~-a surety or cash bond to ensure the actual construction of said improvements within a period of two (2) years after final approval by the city council in a manner satisfactory to and in an amount specified by the council. Improvements shall include part or all of the following: streets, curbs, gutters, sidewalks, water supply systems, fire hydrants, sewer systems, surface water disposal systems, protection from hazards of canals and ditches, safety fences, landscaping, monuments, street signs, or other improvements required by the city council and planning commission.

2. The developer shall be responsible for the satisfactory performance of improvements dedicated to the city for a period of ~~two (2)~~one (1) years after inspection and final acceptance by the city. These improvements include, but are not limited to: streets, curbs, gutters, sidewalks, water main lines, fire hydrants, sewer mains and manholes, storm sewer mains and catch boxes, monuments, and street signs which are in a dedicated easement and are controlled solely by the city. (Ord. 701, 5-6-2008)

3. Prior to the final plat being presented to the City Council for approval, the subdivider/developer (or an individual with legal authority acting on behalf of the subdivider/developer) shall, at the discretion of the city, satisfy one of the following improvement performance requirements:

a. Escrow Deposit: Enter into a developer's agreement with the city and furnish satisfactory proof of an escrow deposit in favor of the city in an amount equal to the cost of the improvements required for the subdivision, plus ten percent (10%) of said costs, with said amounts to be released pursuant to the terms and conditions of the developer's agreement.

Commented [ME2]: Update required to be in compliance with Utah State Code definition of "Improvement warranty period" as found in UCA 10-9a-103(20)

b. Performance Bond: Enter into a developer's agreement with the city and furnish to the city a developer's performance bond in an amount equal to one hundred twenty-five percent (125%) of the cost of the improvements required for the subdivision, with said bond to be released pursuant to the terms and conditions of the developer's agreement.

C. Standards: Standards for design, construction, specifications and inspection of street improvements, curbs and gutters, sidewalks and drainage facilities shall be prepared by the city engineer, standards of design and procedure by the planning commission, standards for water distribution and sewage disposal facilities by the state board of health and city engineer, and similar standards for fire hydrants by the city engineer and fire department. Such standards and rules and regulations, and any amendments thereto, before becoming effective, shall be adopted or amended by the city council as a part of this chapter after recommendation by the planning commission and shall be available to the public. (Ord. 815, 9-25-2012)



Public Hearing Notice Riverdale City - Planning Commission

The Riverdale City Planning Commission will hold a public hearing on Tuesday, August 25, 2015, beginning at 6:30PM, in the Council Chambers at the Riverdale City Civic Center, 4600 South Weber River Drive, to receive and consider public comment concerning amendments to Title 10 Chapters: 16 "Signs", 21 "Subdivisions", and 25 "Development in All Zones". The proposed language can be viewed at www.riverdalecity.com or at the Riverdale Civic Center. All interested parties are welcome to attend.

In compliance with the Americans with Disabilities Act, persons in need of special accommodation should contact the City Offices (801) 394-5541 at least 48 hours in advance of the meeting.

Certificate of Posting

The undersigned, duly appointed City Recorder, does hereby certify that the above notice was posted within the Riverdale City limits on this 12th day of August, 2015 at the Riverdale City Hall Noticing Board and on the City website at <http://www.riverdalecity.com/>. A copy was also provided to the Standard-examiner on August 12, 2015 to be published on August 19, 2015.

Jackie Manning
Riverdale City Recorder

STANDARD EXAMINER
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Email: @riverdalecity.com
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Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

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PUBLIC HEARING NOTICE
Riverdale City-Planning Commission

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Pub.: August 16, 2015.

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