

Minutes of the **Regular Meeting** of the **Riverdale Planning Commission** held Tuesday, **March 14, 2006** at 6:30 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive, Riverdale, Utah.

Members Present: Don Farr, Chair  
Don Hunt  
Allen Miller  
Norm Searle  
Bart Stevens  
Kathy Tanner

Members Absent: David Coles

Others Present: Randy Daily, Community Development Director  
Jan Ukena, City Planner  
Steve Brooks, City Attorney  
Michelle Douglas, Planning Commission Secretary  
Alan Nicks                      Chris Alder                      Lorin Parks  
Ivan Ray                         Gina Gillingham                      Joyce Hammlton  
John Noorlander                Carla Noorlander                      Del Helms  
Sheila Helms                      Toni Gilbert                         Van Gilbert  
Anna Record                      Marsha Vorinic                      Michele Shaleen  
Lee Cammack                      Pat Crezee                         Kvin Crezee  
Cherie Crezee                      Eleen Poulsen                         Ruth Van Erden  
Norm Frost

Chair Farr called the meeting to order and welcomed all those in attendance. He noted that Commissioner Coles was not present and acknowledged that all other members were in attendance and welcomed Staff.

**Consideration of Minutes**

**Motion** Commissioner Hunt moved to approve the minutes of the Joint City Council/Planning Commission Meeting of January 24, 2006 as proposed; preplanning work session of February 14, 2006 as proposed; for approval of the regular meeting of February 14, 2006 as proposed; and for approval of the regular meeting of February 28, 2006 as proposed; and to waive the reading. Commissioner Miller seconded the motion; the motion passed unanimously.

**Conditional Use Permit / Home Occupation Application**

**Gina Gillingham - Magic Genie Cleaning**

Ms. Gina Gillingham was not present at the meeting; no action was taken.

**Anna Record - Creative Visions Marketing**

Ms. Anna Record was present at the meeting to discuss her conditional use permit for a home occupation business license for an advertising business service. Ms. Record lives in an R-2 zone and she owns her own dwelling.

Ms. Record informed the Commission she would work with another business to advertise businesses on tee-shirts, hat, mugs, etc. The only thing she would utilize at her dwelling is a computer and a phone. Commissioner Tanner inquired if Ms. Record has any advertising at her dwelling. Ms. Record indicated that she does not have any advertising.

**Motion** Commissioner Tanner moved to grant the conditional use permit for a home occupation located at 564 West 5300 South for Anna Record, Creative Visions Marketing, as requested. Commissioner Searle seconded the motion. The motion passed unanimously

**Tabled discussion and recommendation regarding the application for the PRUD for Peacock Ridge located at 5633 South 1200 West**

Mr. Kent Hill and Lorin Parks were present at the meeting regarding the application for the PRUD for Peacock Ridge located at approximately 5633 South 1200 West.

Commissioner Miller said in his opinion, none of the geotechnical reports coincided with one another; in addition, none of the reports have looked at the ground water in the area and how deep it is. He went on to say another issue is the plume. Commissioner Miller stated in good conscience he could not let someone build on a hazard, and in ten years, they would have a different situation than they have now.

Commissioner Tanner referred to the geotechnical report provided by Earthtec, dated March 6, 2006, Page 4, which sites: "Liquefaction, should it occur, would likely cause lateral spreading of the slope which would damage existing homes as well as those planned for the PRUD."

Commissioner Tanner referred to a letter provided by the Davis and Weber Counties Canal Company, dated March 3, 2006. She said that it does not make her feel good that the canal company "believes that there is a consensus amongst the engineers and geologists as to what the impacts of the proposed development will be on the hillside."

Commissioner Tanner went on to address the potential for perched water tables at various locations along the hillside that could create unstable slope conditions. The canal company stated, "We believe that this requires additional testing and sampling at depth greater than those that can be achieved by trenching. Earthtec has indicated that this would be part of more detail study. We agree that it is needed and believe it should be completed prior to lots or building sites being officially established." (Letter date March 3, 2006)

Commissioner Tanner stated every report says additional, additional, and additional; she pointed out it has been a dry year and she questioned what would happen if it were a wet year. She pointed out the presence of all the vegetation on the hillside indicates there is a lot of water presence.

Commissioner Hunt said there seems to be agreements that there are a lack of concurrence with the geotechnical reports. He went on to point out there has been a lack of testing on the north end of property vs. the south end of the property. He noted he is told the lots look stable, but the petitioners want to phase the development into two phases and by phasing the project; they would put in a dead end road. He pointed out that would be against the City Ordinance,

Commissioner Hunt referred to Earthtec's report dated March 6, 2006, page 4 - Earthtec's basic conclusion. "...the proposed development will not significantly effect the slope or existing developments in the area. There are inherent risks when building on any slope, particularly below an operational canal or other water source, which must be accepted by home owners in these areas." Commissioner Hunt stated this stands out to him, "there are inherent risks when built under a canal"; when an individual wants to buy a home. However, the ones being affected are the individuals that are living there right now and that is his concern.

Commissioner Hunt went on to refer to Page 3 of the same report, under "Conclusions". He quoted, "Global stability has shown that the lots are sufficiently stable under current conditions." He went on to say the Builders Alliance Group report, dated March 10, 2005, page 3 goes on to indicate "The steep slopes located below the canal become only marginally stable or unstable if saturated."

Commissioner Tanner expressed concern with fire safety issues; she referred to Commissioner Miller to address those concerns. Commissioner Miller explained he was the first engine on the scene when the Cooley Fire occurred on 1200 West. He went on to explain the some of the problems that occurred during the fire. He noted these were his opinions and not of the Fire Department's nor of the City's.

Commissioner Miller said to justify why they parked the fire engine where they did, which was a 60,000 pound fire engine, was because there was not enough room to park it any where else; in addition, it was parked next to the fire hydrant, which happened to be by the high-tension power lines. He noted they did run fire lines to the home; however, they had to stop fighting the fire until UP&L shut the high-tension power lines down. At which point the situation became a surround and drown. He noted the amount of water they were using to protect the surrounding structures caused flooding in an adjacent home, and they had to pump out the adjacent home during the fire.

Commissioner Miller reiterated in his opinion, having been in the fire service for 10 years, we have no idea how much weight the road will hold; however, we do know how many engines it will take to put out a fire. He went on to say we have not seen any studies or load capacities for the road without it collapsing and that is a big concern to him. Commissioner Miller added they also have to protect the structures below the proposed development and the hillside might not be able to handle the water.

Commissioner Searle referred to the February 14, 2006, meeting when Chief Illum was asked if more than one 73,000-pound truck could be on the road at one time. He recalled that Chief Illum had concerns with that and he did not know.

Commissioner Searle went on to say he has read more than one-inch of fine print, which talks about the instability of the hill and how cutting and grading can cause problems in the hill. He went on to say when Mr. Greg McDonald came before the Planning Commission on March 28, 2006, he indicated that "yes, Earthtec documented springs below the site and there is an issue with springs on the site; and yes, there is the possibility of water contributing to the instability of the hillside." He pointed out there has been a number of dry years and they have not had near that number of wet years.

Commissioner Searle referred a letter provided by the Davis and Weber Counties Canal Company, dated July 7, 2004. He pointed out that one of the things that bothers him is after the canal breach in 1999, the canal company had geotechnical investigations performed by their engineering consultant. The letter indicates, "the existing hillside is stable even under most seismic conditions. However, modifications to the hillside, similar to those that have occurred in the past, have the potential to create a slope stability problem that could result in devastating consequences."

Commissioner Searle said the hillside is less than stable, which contributes to the problem. In addition, there is storm runoff and pavement is an impervious surface. He explained he lives on the east side of Riverdale Elementary school and when the drains work, everything is fine but when they don't, the water comes through their yard and has washed out their foundation and flooded their basement. He stated that things do not always work right.

Commissioner Searle pointed out there are also concerns with the homeowner's association. He questioned who would look out for the association, the costs, snow removal and would the snow have to be hauled from the site.

Discussion briefly followed regarding TCE. Commissioner Searle explained that he worked at the based for years, and he knows that TCE is a toxic substance. Commissioner Tanner inquired if groundwater contaminated with TCE is detrimental to pets or animals. In addition, does moving the groundwater establish the plume to move or groundwater to come to the surface? Mrs. Ukena indicated that she did not know; however, she would get the answer. However, she explained that the levels are way below drinking water standards so she would not think there is a detriment to pets or animals in the area.

Commissioner Searle pointed out there are many concerns with the proposed application and the Planning Commission needs to consider all of the concerns and issues when looking out for the citizens.

Commissioner Hunt said he has thought as he has walked the property and read the various documents. He noted he is taking into consideration a letter the petitioners submitted during the February 28, 2006, Planning Commission meeting, which indicates "Phase 2 - Needs further study as per Earthtec's report. Anytime you develop slopes greater than 30% or have a factor of 1.3 to 1.5 are special study zones, as per the uniform building code. Even though nine lots are shown in this phase, further study would need to be to be done before determining if all nine could be built." Commissioner Hunt expressed concern that all the lots in Phase 2 have a steep slope and questioned the possibility of the nine lots in Phase 2, which would affect Phase 2 and the ability of the road going all the way through.

Commissioner Hunt inquired of Mrs. Ukena if the City's Ordinance requires a road to be a through street. The Petitioner's letter provided to the Commission on February 28, 2006, states, "... We have reviewed the other plans with our engineers, and they feel they met all requirements of the state for public safety and welfare. We could find nothing in the Cities ordinances that said a private road has to be a through street, yet that is what has been required of us."

Mrs. Ukena informed the Commission that it is considered a road whether it is a private road or a public road. She went on to explain a dead-end road cannot go more than 400-feet per City Ordinance.

Chair Farr referred to the State of Utah Department of Natural Resources, Geological Survey Report, dated November 14, 2005, pages 1 and 2. He quoted three areas of the report. Page 1, "Earthtec (2005) provides a site plat as we requested showing lot configurations and building pad locations in relation to their delineated special-study zone. Most of the "pads" (presumably to building pads) shown on the plat are partially on the toe of the steeper slope and within the special-study zone. Although in their geotechnical report Earthtec (2004) recommended that no excavations be conducted which steepen the toe of the slopes in the special-study zone,"...

Page 2, "The regional water table is generally deep, as shown in Earthtec's slope-stability models in which the ground-water level is below basal slide surfaces, yielding adequate factors of safety. The geologic evidence for historical, mostly shallow landslides in the slope, both above and below the canal, indicates that transient, shallow perched ground-water tables develop in slopes due to rainfall, snowmelt, and, in the past, canal leakage. The principal hazard from shallow landslides upslope is from damage and burial in the runout zone. Earthtec (2005) estimates potential runout for deep-seated landslides to be 20 to 40 feet and indicates the lots are within potential landslide runout zones"

Page 2, "Earthtec (2005) indicates modeling shows saturated conditions below the canal due to leakage causes the slopes to become marginally stable under static conditions and unstable under pseudo-static conditions."

Chair Farr said with that in mind, that he would refer to Earthtec's report dated August 20, 2005. page 1. "As homes are designed, a plan showing home location and grading should be reviewed by our office for each lot to verify that the proposed construction will not effect stability of the site." He went on to refer to the Geotechnical report dated August 30, 2004, page 3. "In the geotechnical report we made the comment that canal leakage could cause saturation of the slopes below the canal making them only marginally stable... this saturated section would become unstable under even a minor earthquake."

Chair Farr explained he went onto the property today and there is evidence of water on the property. He questioned what kind of factors there would be if the petitioners relocated the existing pond.

Chair Farr reference the Applied Geotechnical Engineering Consultants geotechnical report, dated March 10, 2006, page 2 - Earthtec Conclusion. 1. "The steep slopes on the west side of the property are marginally stable and we recommend that they be delineated as a 'special study zone'. This area should not be developed..." 3. "The steep slopes located below the canal become only marginally stable or unstable if saturated."

Commissioner Searle referred to the Terracon report dated April 22, 2000. He noted that the report states, "...their findings indicated that the existing slopes along the subject portion of the canal appear to be grossly stable, although the factor of safety is less than the desired minimum of

1.5 Much of the canal alignment east of the penstocks is located on terrain that has been modified by landslide activity. Stability analyses indicate that elevated groundwater levels could induce slope instability under static conditions. Some layers of subsurface soils could liquefy during a moderate earthquake."

Chair Farr referred to the letter present to the Commission from the petitioners on February 28, 2006, page 2. "It is true that no development can be shown to be free of all hazards. Major seismic events could be devastating to Riverdale, Weber County and much of the Wasatch Front. But, that has not stopped development. We know there are concerns; however, the experts have stated that our property is suitable for development. "

Chair Farr stated he has stated some of the things in the petitioner's geotechnical report, and the petitioners are aware there are hazards. He pointed out the petitioners currently have three existing approved building lots, and they should be able to develop their property. He went on to say the Commission should take into consideration the safety of the residents of Riverdale.

**Motion:** Commission Hunt stated based on the evidence and information the Planning Commission has been presented and gone over and tried to weigh the pros and cons; the evidence is inconclusive. The hillside is instable due to snowmelt and rainfall; he would move to recommend to deny the application for the Planned Residential Development Unit (PRUD) for Peacock Ridge. In addition, there are uncontrollable landslides, undocumented natural springs and water in the area shown by the existing trees and vegetation and uncontrollable natural soil saturations. Furthermore, I know the petitioners have the rights to develop the three lots they have but to develop this PRUD is not in the best interest of the City or its residents. Commissioner Miller seconded the motion.

Discussion followed the motion. Commission Tanner inquired if other items should be added to the motions, which would clarify the findings of facts; items such as, fire safety issues, life safety issues for existing and future residents and existing documentation. Mr. Brooks noted that those findings of fact would need to be made in a written findings of fact to include everyone's concern's and objections. Commission Tanner withdrew her amendment request.

**Call the question:**

The motion passed unanimously.

**Tabled discussion and recommendation regarding the application for the PRUD for The Pines at Combe Farms located at 575 West 5400 South**

Mr. Norm Frost was present at the meeting to discuss his application for a Planned Residential Unit Development (PRUD), The Pines at Combe Farms, located at 575 West 5400 South.

Chair Farr informed Mr. Frost that the Commission was under the impression they were going to receive a geotechnical report and information regarding to the drainage for the site for this evening's discussion. Mr. Frost indicated that none of those items were brought up during the last meeting. Chair Farr asked Mr. Douglas to refer to the meeting minutes of February 28, 2006, which was the last time they spoke with Mr. Frost regarding his PRUD application.

Ms. Douglas referred to page 9 of the February 28, 2006, Planning Commission minutes:

"Mr. Williams inquired if a geological plan has been completed to see about the natural drainage off those lots; could that require some landscaping modification to the homes above. Mr. Frost explained the geotechnical study is still in the process of being completed. If there are problems, they will be taken care of."

Mr. Frost indicated the geotechnical report has been completed and as far as the basics of the report, the west side of the property was studied more than anything else - the property is mostly rock.

Chair Farr explained to Mr. Frost it is hard for the Commission to make a recommendation without the information they need. Mr. Frost inquired what information Chair was talking about. Chair Farr indicated in the minutes of February 28, 2006, a geotechnical report was referred to. He went on to say the Commission has asked for things, and they cannot make a recommendation without a geotechnical report.

Mr. Frost indicated there is a culvert and storm sewer and those items have been addressed. Chair Farr reiterated the Planning Commission cannot make a recommendation regarding his PRUD application until they have a geotechnical report, and they will consider the item table until they have the report.

Commissioner Tanner inquired what the possibility of making the roads public roads instead of private roads. Mr. Frost indicated Pine Circle is 40-feet; and if they make it 60-feet; he would lose all of those proposed lots. He noted they do not have the required setback requirements. It was inquired if Mr. Frost would be installing sidewalk, curb and gutter along the road. Mr. Frost informed the Commission he would be on both sides of the road.

Commissioner Tanner questioned if Mr. Frost considered putting in some bigger homes. Mr. Frost asked why the Commission would think that when there are already bigger homes in the area and why would they differentiate from what they have already proposed. He went on to say they have spent a lot of money on their study and it would be nice to have some nice homes on the hillside. He added that the "bigger homes" don't work for them and it wouldn't be a nice community for them. Mr. Frost noted that these are retired people that like these types of communities, which do not add to the school system and that was one of the things the residents in the area were concerned about during the public hearing.

Commissioner Hunt inquired how Mr. Frost could designate how many people could live in a home and could he actual do that. Mr. Frost informed the Commission that yes, they can designate the number of individuals living in a dwelling and if individuals want to live in the development, they cannot have any children. Commissioner Miller questioned who would enforce the rule. Mr. Frost explained the homeowner's association would enforce it.

Discussion followed regarding the geotechnical report. Mr. Frost explained the report has indicated that the area is okay with the exception of one part, which has sloughed off in the past - many years ago. He indicated that the engineers created a test pit of a maximum of 12  $\frac{1}{2}$  feet, and they have said that Mr. Frost has to stay off that slope. Mr. Frost informed the Commission that he asked the engineer how far off the slope he has stay, and he has not received an answer as of yet.

Commissioner Miller asked if Mr. Moulding has said the City sewer and water would be adequate to handle the proposed development or do what Mr. Moulding recommends you have to do to make it adequate. Commissioner Miller stated he would like something in writing from Mr. Moulding that says the City sewer and water will be adequate to handle the proposed development.

Mr. Frost explained they are creating their own water system, and he has gone over the plan with Mr. Moulding. He went on to explain the sewer is through Washington Terrace and it is more than adequate. Commissioner Miller acknowledged that was fine; he would just like Mr. Frost to bring in the documentation. In addition, he would like to see something that would show how the groundwater runoff would be maintained.

Commissioner Farr inquired if Mr. Frost could bring the Commission something, which would show what the proposed building would look like. At this time, Mr. Frost presented the Commission with photographs of the proposed homes.

Discussion followed regarding open space. Mr. Frost explained there would be vegetation and grass on the south side with a gazebo. In addition, over by the four-plexes, which has quite a steep hill, they will have a landscape engineer see what will hold that area the best and build a retaining wall.

Commissioner Tanner referred to the photographs of the proposed dwellings; she noted that there does not appear to be any parking on the road. She inquired if it is in the restrictive covenants that there cannot be any parking on the roads. Mr. Frost informed the Commission that is correct; the homeowners are not able to park on the road. He went on to explain the homeowner's associations are very active and they are good people. They have a certain way they want to do things, and they will have an individual's car towed away. In addition, they put in extra parking spaces.

It was inquired if Mr. Frost had spoken to Mr. Stevens about the road connection to Adams Avenue. Mr. Frost said he has not talked to Mr. Stevens as of yet, but they said they were going to do the road connection in the Spring.

Chair Farr questioned what the size of the proposed dwellings were. Mr. Frost noted the size of the homes would be between 1,800 square feet and 2,200 square feet. Chair Farr said he has seen the homes at the Ridge PRUD, and he was wondering if Mr. Frost could upscale the homes in his proposed development somewhat like the Ridge; at least the nicer homes that would overlook the area.

Mrs. Combe informed the Commission they have had several people come and talked to them that are excited about being able to come and live at a place that is nice and serve their purpose. She went on to say people that do not have children; that are in their age limit; and would be for them. Mrs. Combe explained these same people have gone through the homes in Harrisville and they are excited that they could come and live in a place as nice as this.

Mr. Frost informed the Commission they could do a lot of little thing; however, it just adds to the price of the home. He went on to say they had two homes for sale in Harrisville and one of the

homes sold in two days. Mr. Frost stated he knows the Commission wants to make the report correct and make it a nice community; however, they want to make it affordable.

Commissioner Searle said his wife's parents live in a community like the one being proposed and it's immaculate and well kept. He added that you do not see any trash and it is well kept. Mr. Frost stated when they handed over the homeowner's association, there was approximately \$50,000 in their fund.

Commissioner Steven noted that he lives next to The Ridge PRUD and everything is taken care (the garbage remove, snow removal, etc.); however, the residents do not get any of the City's benefits. He questioned if there was a chance Mr. Frost could get a 60-foot road so the City could take care of those items for the future residents. Mr. Frost explained in Harrisville, the residents don't pay for garbage twice; however, they do pay for snow removal. He went on to say with the 60-foot road they would loose lots.

Chair Farr asked Mr. Frost if there is something he would consider in his proposed development. He explained it is a knuckle instead of a cul-de-sac on the east end of the proposed development. Chair Farr asked Mrs. Ukena to present the proposed idea to Mr. Frost. Mrs. Ukena presented the proposed knuckle to Mr. Frost. Mrs. Ukena pointed out the cul-de-sac with six lots and the proposed knuckle with the same six lots. All they would have to do is take away the open space, which is on a very steep slope anyway.

Chair Farr pointed out Mr. Frost would not even know how many lots he would be able to have until he had his geotechnical report.

Commissioner Stevens asked Mr. and Mrs. Combe if the Commission could go out and walk the property. He stated he was rather intrigued with the property. He noted as a young child he played on their property. Mrs. Combe indicated they were welcome to come and look at the property.

Mr. Frost informed the Commission there was one issued with the Washington Terrace sewer. Washington Terrace has said they could use the sewer; however, they are negotiating what they want them to pay for it. He went on to explain, in the past, Washington Terrace granted Mr. Combe an easement to utilize the sewer, and they are trying to find that paper. They are going back to the original engineer.

It was pointed out that the sewer easement is the "heart" of Mr. Frost's proposal. Mr. Frost indicated not for the PRUD but for the subdivision. He inquired if they could put the sewer agreement off until preliminary review. Commission Hunt indicated there is a consequence if that fail (getting the agreement for the sewer easement); he inquired if that could be approved as a conditional item. Mrs. Ukena indicated that the Planning Commission could approve it as a conditional item. Mrs. Ukena noted that Mr. Frost was upset with her today because this was not a preliminary site plan review today but now he does not have the agreement for the sewer easement.

Chair Farr reiterate the Commission does not have the geotechnical report. Mr. Frost inquire if he provides the geotechnical report to the City prior to the next meeting, could they move forward during the next meeting with the agreement for the sewer easement with Washington Terrace as a

condition that it come forward during the preliminary review. Chair Farr said keep in mind the Commission has to have everything by March 28, 2006. Mrs. Ukena corrected Chair Farr that Staff has to have everything by Monday, March 20, 2006.

Ms. Douglas asked the Commission to clarify for Mr. Frost everything he needed to provide to the Commission for the March 28, 2006, meeting to move forward on his PRUD Application. The Commission informed Mr. Frost that he needed to provide the following items: his geotechnical report, drainage information, storm water information, his agreement for the sewer easement with Washington Terrace (if he can get it), and Chief Illum provide a memo to the Planning Commission indicating the fire hydrant spacing needed to be 300 feet. [An item that was not listed at this point in the meeting, but told to Mr. Frost during the meeting was a letter from Mr. Moulding indicating the City's water will be adequate to handle the proposed development]

**Motion** Commissioner Tanner moved to adjourn the meeting for five minutes. Commissioner Hunt seconded the motion. The motion passed unanimously. The meeting adjourned from 7:58 p.m. to 8:08 p.m.

**Tabled Discussion and Recommendation pertaining to the public hearing for Riverdale City's Zoning and Subdivision Regulations amendments, Title 10. The public hearing addressed amendments to Chapters: §10-13G, the Mixed-Use Zone; §10-22, the Planned Residential Unit Development (PRUD) Ordinance; §10-9C, Residential Zone - Article C. Single-Family and Single-Family with Rental Unit Residential Zone (R-2); §10-10A, the Commercial Zone; §10-11A, the Manufacturing Zone; §10-14-12, the Nonresidential Development Landscape Requirements; §10-28, Residential Landscaping; and §10-16-7, Off-Premises Signs**

Mrs. Ukena recalled during the last meeting the Planning Commission held the actual public hearing and the agenda item was table for discussion; and at this time, she would like to go over each section they are proposing to amend.

**§10-13G, Mixed-Use Zone**

Mrs. Ukena recalled the Mixed-Use zone was originally approved in July 2005 and it was pointed out during a meeting that it could not be distinguished between the commercial and residential site development standards; therefore those sections were better identified.

Mrs. Ukena added when the Planning Commission recommended the ordinance, they recommended it with a list of uses; however, when the City Council approved the Ordinance in 2005, it got into a huge debate and the Council did not approve the Ordinance with the "list of uses"; they approved the Ordinance with the language that all uses in a mixed use zone will be designated as conditional and will be allowed conditional use permit.

Mrs. Ukena said they decided that would be a bit dangerous and in addition, to the list of uses, they decided that some uses may or may not be good in some places. The purpose of Mixed-Use is to be utilized between commercial and residential, which is a mix that would be allowed. She said it has to be the right place at the right time, and at this time, we do not have a way to deny a use that the City deems is not in the right place. She noted the whole paragraph does not read well (10-13G-4 Uses). Mrs. Ukena said if any of the Commission members have any ideas, it would be helpful. She added that a developer's agreement would go along with the conditional uses.

Mrs. Ukena informed the Commission that a lot of the cities are in the same dilemma; we are almost zoning each piece of property a different zone. Mrs. Ukena said if someone wants to challenge use because a use is okay in one area and not okay in another area, all we have to do is list our reasons. Commissioner Tanner said she believes they still need to think about this ordinance a little bit more. Mrs. Ukena indicated that Staff is still very comfortable with the uses. She pointed out that the sexually oriented businesses are not allowed in the Mixed-Use Zone; in a Mixed-Use zone you are mixing residential and commercial together and I don't think you can do that and add in that element next to a residential zone.

**Motion** Commissioner Miller moved to table §10-13G, Mixed-Use Zone, until March 28, 2006, until further clarification is available. Commissioner Hunt seconded the motion. The motion passed unanimously.

**§10-22, Planned Residential Unit Development (PRUD) Ordinance**

Mrs. Ukena stated it is Staff's recommendation to delete the Planned Residential Unit Development Ordinance (PRUD) in its entirety and rewrite it. She went on to say North Ogden has also deleted their PRUD ordinance and are in the process of rewriting their ordinance.

Mrs. Ukena explained the current PRUD Ordinance is allowed in *all* residential zones; however, it is not specified as a permitted or conditional use in the R-2 zone. Mrs. Ukena reiterated it is her recommendation to take it out of the City's Code in its entirety.

Commissioner Hunt inquired what would happen if a petitioner came in with an application for a PRUD after it was deleted (if the Council did in fact delete it from the City's Code). Mrs. Ukena said Staff would tell the petitioner the City does not have a PRUD Ordinance. She went on to say PRUD's are inherently problems. She went on to say, all the road in the City would become 60-feet, and when roads are not 60-feet, fire trucks cannot get through and it becomes a life safety issue.

**Motion** Commissioner Tanner moved to delete §10-22, Planned Residential Unit Development (PRUD) Ordinance, in its entirety and reserve Chapter 22 for future consideration of a new PRUD Ordinance. Commissioner Hunt seconded the motion. The motion passed unanimously.

At this time, Chair Farr had to excuse himself from the meeting at 8:20 p.m. Vice-Chair took over the meeting at this time.

**§10-9C, Residential Zone - Article C. Single-Family and Single-Family with Rental Unit Residential Zone (R-2)**

Mrs. Ukena said the Planning Commission assumed and interpreted in the R-2 zone when a rental unit was created within a single-family dwelling, it had to be owner occupied. She noted that was a gray area, and they are going to say, "Only owner-occupied homes can create single rental unit...." She went on to say they do not want absentee landlords in our City.

Mrs. Ukena pointed out during the public hearing it was questioned what would happen to existing single-family homes with rental units. At that time, it was explained the homes would be grandfathered, and once the home was sold, it could not be marketed as a duplex; however, Staff added additional language to address this specific issue to clear up the grey area. "Existing units

will be grandfathered until the property is sold and the new owner must be a residence of one of the units."

**Motion** Commissioner Tanner moved to amend §10-9C, Residential Zone - Article C. Single-Family and Single-Family with Rental Unit Residential Zone (R-2), by adding the language "Only owner-occupied homes can create". In addition, add the additional language "Existing units will be grandfathered until the property is sold and the new owner must be a residence of one of the units.". Commissioner Miller seconded the motion. The motion passed unanimously.

**§10-14-12, the Nonresidential Development Landscape Requirements and §10-28, Residential Landscaping**

Mrs. Ukena informed the Planning Commission that the Ordinance was back before the Planning Commission because the City Council did not feel like Staff advertised the public hearing correctly (as residential landscaping being added to nonresidential development landscape requirements), and they want those additional requirements added to Chapter 28, Residential Landscaping Ordinance.

Mrs. Ukena explained the City Council made a few amendments to the proposed changes when it was submitted; such as, xeriscape and decorative landscaping. She noted the Council decided they were different but allowed it.

In addition, the Council gave discretion if a property owner has wetlands. She explained the old ordinance did not allow that as a part of the landscaping ordinance; however, now a developer can utilize up to five percent. She said this is to encourage the developer to not just fence the wetlands off and neglect them but to enhance them. Mrs. Ukena stated she thought it was a good incentive.

**Motion** Commissioner Miller moved to approve the amendments to §10-14-12, Nonresidential Development Landscape Requirements and §10-28, Residential Landscaping with the addition of the §10-14-12 Residential amendments added to the Chapter 28 and leave the rest as written. Commissioner Tanner seconded the motion. The motion passed unanimously.

**§10-16-7, Off-Premises Signs**

Mrs. Ukena referred to the amendments to off-premises signs, which the Commission has discussed numerous times. She pointed out that previously the included I-84 in the amendments; however, Mr. Daily called it to her attention that UDOT does not allow billboards along I-84. Therefore, the amendment only addressed off-premises signs along the I-15 corridor.

Mrs. Ukena went on to explain the City currently has a couple of legal non-conforming off-premises signs along Riverdale Road and the only way they can keep them is if they are kept in good maintenance and repair.

Commissioner Tanner inquired what would happen if Red Roof Inn became a Holiday Inn; would the off-premise sign have to be removed. Mrs. Ukena informed the Commission they would be able to keep the sign because it is an existing sign. Commission Hunt indicated to him a sign is a structure and it is a use. Commissioner Tanner questioned if they would be able to enlarge the sign. Mrs.

Ukena indicated that she did not know for sure; she would have to check the City's Code to verify Commissioner Tanner's question.

Commissioner Miller referred to §10-16-7 (B) Nonconforming Business Signs: "Any business signs made nonconforming by this chapter shall be reviewed by the planning commission which may allow the sign to remain or require the sign to be removed."

**Motion** Commissioner Tanner moved to accept the amendment to §10-16-7, Off-Premises Signs as presented. Commissioner Searle seconded the motion. The motion passed unanimously.

**§10-10A, the Commercial Zone and §10-11A, the Manufacturing Zone**

Mrs. Ukena indicated this amendment is a tough amendments; she noted that she hoped the Commission looked at the uses. She went on to say she does not have a big issue with what is currently being done; however, the Ordinance needs to come into compliance with what is currently being done. She pointed out that the Commission has to remember any use listed in the Commercial or Manufacturing zone is a permitted use or a conditional use.

Mrs. Ukena informed the Commission what they need to do in considering any site plan, is the use whether it is permitted or conditional. The reason being, the City has always had permitted uses referred to Chapter 25, Commercial and Manufacturing Developments; however, §10-10A and §10-11A do not refer permitted uses to Chapter 25. It is just the way the City has gone through the process. She indicated if you want to continue to follow this process they need to add language to bring the City's Ordinance into compliance. However, if they want to allow a permitted use to be a permitted use without being referred to Chapter 25, then they could keep the Ordinance the way it is.

Mrs. Ukena explained Chapter 25 makes a petitioner jump through more of a process. She noted that she is hesitant because developers are upset over the timeline of the process; however, she does not have a problem going through the process of Chapter 25. She explained the City covered itself on the conditional uses but not on the permitted uses.

**Motion:** Commissioner Tanner moved to table the amendments to §10-10A, Commercial Zone and §10-11A, Manufacturing Zone, Commissioner Miller seconded the motion. The motion passed unanimously.

**Discretionary Business**

Mrs. Ukena asked the Planning Commission to keep in mind the City Council is the legislative body and they legislate what Staff and the Planning Commission do. They make the rules, which are our rules and Staff and the Planning Commission follow them. She went on to say this is a process we need to understand; as well as planner and attorneys. She said if we keep asking questions, we will try to get someone in here to explain these things to the Planning Commission. In regards to the recommend amendments, the City Council may not accept the amendments; however, that is okay - they are the legislative body that makes the rules.

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Commissioner Tanner stated she would like to make a recommendation; she said if a petitioner is not prepared to be on the agenda; they should be removed from the agenda. She believes it is a waste of the Commission's time.

With no further business to come before the Commission at this time, Commissioner Miller moved to adjourn the meeting. Commissioner Searle seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 9:00 p.m.

Attest:

Approved: March 22, 2006

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Michelle Douglas  
Planning Commission Secretary

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Don Farr  
Chair