

Minutes of the **Regular Meeting** of the **Riverdale Planning Commission** held Tuesday, **September 13, 2005** at 6:30 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Don Farr, Chair
Brent Coleman
Kathy Eskelsen
Don Hunt
Allen Miller
Kathy Tanner

Others Present: Jan Ukena, City Planner
Lieutenant Dave Hansen
Michelle Douglas, Planning Commission Secretary

Alejandro Garcia Vallejo Steven Bell Jeri Spell
Norm Frost

Chair Farr called the meeting to order and welcomed all those in attendance. He acknowledged that all members were in attendance and welcomed Staff.

Consideration of Minutes

Motion Commissioner Hunt moved to approve the minutes of the preplanning work session of August 23, 2005 as proposed; and for approval of the regular meeting of August 23, 2005 as proposed; and to waive the reading. Commissioner Miller seconded the motion; the motion passed unanimously.

Conditional Use Permit / Home Occupation Application

Steven Bell -Candle Holders Classics

Mr. Steven Bell was present at the meeting to discuss his conditional use permit for a home occupation business license for the distribution of candles and candle holders. Mr. Bell lives in an R-2 zone and he owns the dwelling.

Mr. Bell informed the Commission that he works at Richard's Sheet Metal, and he has his product cut out and painted at work; he does not do anything at his home. In addition, he does not make the candles; he purchases Salt City Candles and resells the candles.

Commissioner Tanner inquired how much inventory is kept at the dwelling. Mr. Bell indicated that he keeps approximately 120 to 150 candle holders and about 25 candles. It was questioned if Mr. Bell has clientel that comes to the dwelling. Mr. Bell informed the Commission that he may have a few friends to the home; however, the majority of his product is mailed out. He added that he does not have a sign; his only advertisement is his business card and his website.

Motion Commissioner Tanner moved to grant the conditional use permit for a home occupation located at 651 West 3600 South for Steven Bell, Classic Candles, as requested. Commissioner Eskelsen seconded the motion. The motion passed unanimously.

Alejandro Garcia Vallejo - Ice Cream Vendor

Mr. Alejandro Garcia Vallejo was present at the meeting to discuss his conditional use permit for a home occupation business license as an ice cream vendor. Mr. Vallejo lives in an R-2 zone, and he rents the dwelling. At this time, Mr. Vallejo indicated that he has approval from the landlord; however, he did not have a letter. He indicated that he would get a letter and bring it to Staff.

Mr. Vallejo informed the Commission that he has three ice cream vans; he indicated that one van does not currently work. It was inquired who drives the vans. Mr. Vallejo said that he drives one of the vans and his sister or brother drive the other van; Mr. Vallejo indicated that his sister and brother both live with him.

It was inquired how much inventory Mr. Vallejo keeps in the dwelling. Mr. Vallejo informed the Commission that he has two freezers in the garage and he keeps the remaining inventory in the vans.

Commissioner Eskelsen questioned how Mr. Vallejo keeps the ice cream cold. Mr. Vallejo explained that he connects the vans to electricity at night with extension cords from the garage and he uses dry ice during the day. Commissioner Farr inquired if he has GFI outlets in the garage. It was indicated that Mr. Vallejo has multiple extension cords plugged together. Commissioner Eskelsen inquired if Mr. Vallejo needed a fire inspection. It was noted that Mr. Vallejo would need a fire inspection.

Commissioner Eskelsen inquired where Mr. Vallejo parks his vehicles. It was explained that the vehicles are parked outside, on gravel, on the side of the driveway. Mrs. Ukena inquired if Mr. Vallejo could park his vehicles in the garage. It was noted that Mr. Vallejo does not park in the garage because he needs the space; however, he could park in the garage if he wanted to. Mrs. Ukena inquired if Mr. Vallejo thinks his freezers take up more than 25 percent of his garage. Mr. Vallejo indicated that he utilizes less than 25 percent of the garage.

Motion Commissioner Eskelsen moved to grant the conditional use permit for a home occupation located at 1137 West 4175 South for Alejandro Garcia Vallejo, Ice Cream Vendor, with the condition that an on-site inspection be conducted by the Fire Department and Mr. Vallejo provides a letter of permission from the property owner indicating that he can conduct a business in the home. Commissioner Hunt seconded the motion. The motion passed unanimously

Jeri Spell - Spell's Daycare

Ms. Jeri Spell was present at the meeting discuss her conditional use permit for a home occupation business license for a home day care. Ms. Spell informed the Commission that she has been providing home daycare for 16 years and she just moved to Riverdale City from Roy City. She went on to say she had her Fire inspection and she just needs to remove an extension cord and put some plate switches back in place and she would be able finalize her inspection with the Fire Department.

Commissioner Tanner inquired if Ms. Spell owned the home. Ms. Spell indicated that she did. It was inquired if she has a sign. Ms. Spell informed the Commission that she has a sign in her front

yard. The Commission informed Ms. Spell that a home occupation can only have a sign that is 2 square feet and the sign has to be attached to the home.

Lieutenant Hansen, Riverdale Police Department, informed the Commission that two officers responded to Ms. Spell's home on August 24, 2005, to arrest her son, Cody Spell on a warrant. At that time, the two officers discovered a meth pipe in her son's pocket, and he told the two officers that his mom knew he smoked meth in the home. Lieutenant Hansen indicated at the time of the arrest, there were four young juveniles and a baby in the home and the children could be at risk. Lieutenant Hansen went on to explain that meth is an extremely toxic drug.

Ms. Spell stated that she did not know that Cody was doing that (smoking meth in the dwelling).

Lieutenant Hansen reiterated that both officers were present when Mr. Spell indicated that his mother knew he smoked meth in the dwelling and both officers indicated such in their police reports. In addition, Mr. Spell had waived his Miranda Rights at that point and did say his mother was aware of the situation.

Mrs. Ukena reported that the City's records indicate that Ms. Spell does not own the home; she inquired if she owns the home or if she is renting the home? Ms. Spell indicated that she is renting the home with an option to purchase the home. Mrs. Ukena indicated that Ms. Spell would need to get a letter from the actual owner of the property.

Commissioner Tanner inquired if there is an on-going investigation with the situation and would Mr. Spell go to court. Commissioner Miller questioned if Ms. Spell's son, Cody Spell, still lived at the dwelling. Ms. Spell indicated that her son Cody does still live at the dwelling.

Commissioner Tanner stated she would like to ask Staff what their recommendation is regarding the current situation. Lieutenant Hansen indicated that he would be very concerned with the possibility of this going on and with the glass pipe in his (Cody Spell's) pocket. He went on to say Mr. Spell stated to the Officers that his mom knows and she is allowing him to be in the home and she allows him to smoke meth.

Commissioner Hunt said it is apparent that Ms. Spell needs to make a living; however, he questioned what liability this would make to the City if the Commission were to allow this to go on and they know about the situation; he further questioned if the safety of the public were at risk. Commissioner Hunt stated he thought it might be appropriate to put the application on hold at this time.

At this time, Ms. Spell left the meeting.

Commissioner Miller referred to §10-18-1 K, Home Occupations, Hazardous Conditions: the home occupation shall not create a hazard by using flammable, explosive or other dangerous materials. Commissioner Miller pointed out in this circumstance, the home occupation would fall under dangerous materials if there were a conviction. Commissioner Hunt noted it is not the fact that Ms. Spell is producing this condition in the home, but he sees the necessity to protect the children in her care.

Lieutenant Hansen said that Ms. Spell indicated that she has been in business for 16 years but the only reason she is getting a business license is because an Officer responded to her home because of her son. He went on to say an Officer asked her where her business license was and she did not have one and at that time and she had four children and an infant in her care.

Commissioner Farr inquired what the outcome would be with the Police Department if the Commission denied the application. Lieutenant Hansen informed the Commission he could not say. He explained that the incident is only a misdemeanor; however, if he is convicted it shows there is a problem in the home.

Commissioner Miller questioned if DCFS was called regarding the situation. Lieutenant Hansen indicated he was not sure. He noted that the issue became a concern when the Officers asked, "Does your mom know", and Mr. Spell indicated that his mother was aware of the situation.

Motion Commissioner Coleman moved to table the conditional use permit for a home occupation located at 5505 South 1200 West for Jeri Spell, Spell's Daycare, until all the court and legal issues are resolved, she provides a letter from the landlord, the sign in the front yard is taken care of and Ms. Spell follows up with her fire inspection. Commissioner Tanner seconded the motion. The motion passed unanimously

Discussion and Recommendation to the City Council regarding a Boundary Adjustment between Riverdale City and Washington Terrace located at approximately 5450 South 600 West

Mr. Norm Frost was present at the meeting to discuss the boundary adjustment, which he and Mr. Ted Combe are petitioning. The property consists of 16.0658 acres +/-, is owned by Mr. Ted Combe, and is zoned R-2.

Mr. Frost informed the Commission that he started working on the proposed project approximately three months ago and at that time, he came to Riverdale City. He went on to explain when he approached Riverdale City with his proposal; he was informed there is no way that Riverdale has adequate water to service the area so they have been pursuing a boundary adjustment since.

Mr. Frost explained that he was just notified of these questions pertaining to his petition and these are his responses to those questions. At this time, Mr. Frost presented the Commission with a packet of questions and answers, which Staff had presented him previously.

Mr. Frost addressed the first question. He explained that he could not make the 4-plex non-conforming to Riverdale City Ordinance that is already non-conforming; he is not the individual that made the parcel on-conforming. It was already made non-conforming when the property was subdivided.

Mrs. Ukena explained that the County plat shows the southern property line for the 4-plex as 122.58 feet. On the plat Mr. Frost is presenting for the boundary adjustment, it only shows that parcel as having a southern property line of 100 feet. Mrs. Ukena stated that they could not make that parcel even more nonconforming.

Mr. Frost said the only thing he can say is the County plat is wrong. Mrs. Ukena indicated that the City realizes the parcel is already non-conforming; however, 22 feet has to be resolved and the County plat shows it as 122 feet. It is still an issue with Riverdale City.

Mr. Frost addressed the issue regarding the 3,454 square foot lot (Weber County I.D. 07-073-0029), which is located on 5900 South. Staff indicated to Mr. Frost that the lot would need to be included in the boundary adjustment, made into a legal size lot, or combined into the property to the east or west.

Mr. Frost informed the Commission that Mr. David Combe owns the parcel and he owns the adjoining parcel to the west. Mrs. Ukena indicated all they need to do is eliminate the lot line and combine the two parcels.

Discussion followed regarding isolating a section of Riverdale City to the north and creating an island due to the boundary change. Mrs. Ukena inquired how wide of a strip of land Mr. Frost would keep, which would keep Riverdale City connected to the rest of the dwellings to the north. Mr. Frost indicated that he thought it was one or two feet. Mrs. Ukena stated she believes he cannot do that; however, she would have to recheck state law regarding such. Mr. Frost indicated that they could; they have done it several times.

Mr. Frost informed the Commission that they have resolved all issues with the City's Engineer (Gilson Engineering). He noted that the only thing they fixed with the legal description for the boundary adjustment.

Mr. Frost explained that both Mr. Ted Combe and David Combe would be included in the boundary adjustment. Mrs. Ukena explained the reason there is a question regarding this is because at one point Mr. Daily received a call from Mr. Ted Combe and he expressed that they did not want their property realigned into Washington Terrace. Mr. Frost informed the Commission there was a misunderstanding and once Mr. Ted Combe understood the situation, he changed his mind. Both Mr. Ted and David Combe are okay with the boundary adjustment and their property being in Washington Terrace.

Discussion followed regarding issues pertaining to Public Works. It was noted where the two 4-plexes are situated and the home next to it, do not have sewer service; they are on a septic system. Mr. Moulding has also indicated that there are five homes in the area that do not have sewer service. As it shows right now, the drain field for the two 4-plexes is not located on the parcel; it is located in the proposed boundary adjustment area to the west. Mrs. Ukena indicated that she believes the drain field has to be on your own property; however, she will have to check with the Health Department to verify this.

Commissioner Farr indicated that he is concerned that leach fields have penetrated across the field. Mr. Frost said Mr. Combe sold the 4-plex property; however, they could look into the situation. Commission Hunt pointed out there are proposed lots backing up to the existing dwellings on 5400 South; he questioned if there could be issues with septic systems in that area as well. It was noted that the homes on 5400 South and 600 West receive sewer service according to Mr. Moulding.

Mr. Frost indicated that he could get with Mr. Moulding and Ted Combe and resolve any issues very quickly. Mrs. Ukena said in the process of the boundary adjustment, the City's residents couldn't be removed from their sewer lines. In addition, she questioned if provisions would be made for the residents that do not have sewer service now. Mr. Frost questioned why he would be responsible for providing sewer for the residents in Riverdale City; however, they could connect at their own expense. Mrs. Ukena explained the question comes in if the sewer comes within 300 feet of the residence; it does not matter what city it is located in. She went on to explain it is state law that an individual hooks into a sewer system. Mrs. Ukena indicated that would be a question for the City Attorney to answer. Mr. Frost stated that he would look into that.

Discussion followed regarding the water service for Mr. Ted and David Combe. It was questioned if they would continue to receive water service from Riverdale City. It was noted that by Riverdale City Ordinance, out of City service would be double the monthly rate. Mr. Frost indicated that both homes would be reconnected to Washington Terrace's water service.

Mrs. Ukena said she did not know, but the water system in the area might be a looping system and a looping system is a better system for fire service. She went on to say she did not know what affect that will have on the water system in the area. It was noted if the water service is looped to 5437 and 5425 (the two 4-plexes), they will have to put a different easement in place.

Mr. Frost stated there isn't anything that cannot be changed. He went on to say to get a boundary adjustment, they have to go to the City Council and have a public hearing. As of right now, if they go to the City Council next week, the public hearing would be on December 6, 2005. He said he would appreciate it if they could approve it subject to these things.

Mrs. Ukena noted there is one more thing; she said there is a lot behind the 4-plexes that has been left out of the boundary adjustment, which creates an illegal lot. Mr. Frost explained that was discovered after the fact and needs to be added in (into the legal description).

Commissioner Farr indicated that right now, there is a sewer system; he questioned where the sewer system was located. Mr. Frost explained the sewer system comes in by the two Combe homes and goes straight down the hill into Riverdale City's sewer system. Mrs. Ukena added that it is her understanding there is an agreement between Riverdale City and Washington Terrace for Washington Terrace's sewer system to dump into Riverdale's system.

Commissioner Farr inquired where the new development's sewer would dump. Mr. Frost explained the new development would go into Washington Terrace's easement. Commissioner Farr clarified there is no need for a pump station. Mr. Frost indicated there would not be a pump station; the sewer would go into Washington Terraces existing sewer.

Commissioner Farr questioned why the City would want to adjust its boundary with Washington Terrace. Mrs. Ukena explained there is not enough water for fire flow and pounds per square inch (PSI). Commissioner Farr pointed out the City has an agreement with Washington Terrace for sewer; why couldn't the City have an agreement with Washington Terrace for water.

Mr. Frost explained he spoke with Mr. Moulding, and Mr. Moulding said the development would never go through. In addition, he put the development before Mayor Burrows, and Mayor Burrows said it would never go through.

Commissioner Farr inquired where Washington Terrace was getting their water. Mr. Frost explained that Washington Terrace has water resources in the area; Washington Terrace has an above ground tank in the area.

Commissioner Farr inquired if Mr. Frost knew how many Washington Terrace homes Riverdale City serviced for sewer in the area. Mr. Frost said he was not aware. Mrs. Ukena indicated that would be a part of the easement agreement between the cities.

Commissioner Hunt noted in preplanning meeting, the Commission had a question regarding sales tax issues and the 2006 Legislation. He questioned if it is a mute point or if it should be a point made for the record. He said there is a possibility of the sales tax distribution being changed from point of sales to a population base and questioned how many homes were in the proposed development. Mr. Frost indicated that the proposed development is currently 54 patio homes. Mrs. Ukena noted that would be approximately 150 residents, which is mute point.

Commissioner Farr stated the question is could the City do an agreement with Washington Terrace for water. Mrs. Ukena indicated she could not speak for Public Works; and that is an issue for Public Works. He went on to say the other issue is the limited number of residents they have and the services they can provide in the area. Commissioner Miller explained the Fire Department has a mutual aid agreement with Washington Terrace and when there is a call in either Riverdale City or Washington Terrace, both cities are paged and respond. Lieutenant Hansen indicated the Police Department has a mutual aid agreement as well.

Mr. Frost explained that he originally came into the City in March and they were told they could not come in. He expressed frustration that coming before the Planning Commission has been a long process and Staff has had the petition for approximately two months.

Commissioner Farr indicated that Mr. Frost is asking the Commission to make a hard decision.

Mrs. Ukena explained that she has Mr. Moulding e-mail dated August 2, 2005, which she thought Mr. Moulding, forwarded everything to Mr. Frost. She went on to explain when she found out that was not the case; she faxed everything to Mr. Frost in September.

Mr. Frost appealed to the Commission. He inquired if it is just a water issue and they can work all the issues out, could the Commission make a recommendation to the City Council.

Commissioner Farr stated the Commission wants to make sure they look at the issue with the water and see if they can make an agreement without changing the boundary line.

Motion Commissioner Tanner moved to oppose the proposed boundary adjustment to the City Council between Riverdale City and Washington Terrace located at approximately 5450 South 600 West for the reason there are too many unresolved issues to recommend

approval with all the problems, concerns and unanswered questions of the Planning Commission - primary why can't Riverdale City supply water to the area and to let the City Council resolve the issues. Commissioner Eskelsen seconded the motion. The motion passed unanimously.

Discussion regarding proposed amendments to Title 10, Chapter 14 Regulations Applicable to All Zone, Specifically Subsection 11 (§10-14-11), Swimming Pool, Family Information

Commissioner Hunt referred to the proposed amendments to the ordinance and indicated the amendments are more of a negative impact to the adjacent neighbor. He mentioned it is not a big deal and they are okay; however, the adjacent neighbors are who will be impacted by the proposed amendments.

Mrs. Ukena indicated she believes when the ordinance was written, it was written the way it is because pool equipment was much louder than it is now. She went on to say pool equipment is much quieter; it is quieter than air conditioning equipment.

It was inquired who is behind the proposed amendments. Mrs. Ukena indicated that it is no one in particular. She explained that the department has had residents come in to request a pool in their yard and Staff has had to deny the use because a pool will not fit in the yard.

Commissioner Farr said he has seen individuals putting ponds in their yards, and he inquired the possibility of enforcing ponds as well. Mrs. Ukena explained the idea of an ordinance is to be able to enforce it; she questioned if the City could really regulate it. She indicated that Commissioner Farr has a valid point.

Mrs. Ukena informed the Commission that she spoke with eight cities, and the average location of a pool or accessory machinery is an average of 16 feet from any dwelling on any adjoining lot (so she went with 20 feet) and she changed the ordinance to read "not less than the required side yard setback in any zone from any interior property line". She went on to say there are three cities that do not have any requirements.

Commissioner Tanner questioned why the Commission was discussing the proposed amendments now if they had to conduct a public hearing. It was explained the Commission did not have to amend the ordinance if they did not want to. If the Commission does not want to hold a public hearing, it is more economical to find out first if the Commission will consider amending the ordinance prior to publishing the advertisement.

Motion Commissioner Miller moved to set a public hearing on October 25, 2005, to consider amendments to Title 10, Chapter 14, Regulations Applicable to All Zones, specifically Subsection 11 (§10-14-11) Swimming Pool, Family

With no further business to come before the Commission at this time, Commissioner Miller moved to adjourn the meeting. Commissioner Tanner seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 8:10 p.m.

*Riverdale Planning Commission
September 13, 2005*

Attest:

Approved: September 27, 2005

Michelle Douglas
Planning Commission Secretary

Don Farr
Chair