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Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **October 14, 2008** at 6:30 pm at the Riverdale Civic Center, 4600 South Weber Drive.

Members Present:

Allen Miller, Chair  
Brent Ellis, Member  
David Gailey, Member  
Blair Jones, Member  
Norm Searle, Member  
Bart Stevens, Member

Others Present:

Randy Daily, Community Development Director  
Marie Alvord, Planning Commission Secretary

**1. CALL TO ORDER**

Chairman Miller welcomed everyone present and noted that all Planning Commission members were present.

**2. CONSIDERATION OF APPROVAL OF THE MEETING MINUTES.**

Comments were made in the preplanning meeting.

**Motion:** Commissioner Ellis moved to approve the September 23, 2008 Preplanning session minutes with noted corrections and waive the reading.

**Discussion on the Motion:**

Commissioner Searle noted that the regular session minutes need to be approved as well.

**Motion:** Commissioner Ellis moved to approve the September 23, 2008 Preplanning and Regular session minutes with noted corrections and waive the reading. Commissioner Jones seconded the motion.

**Call the Question:**

The motion passed unanimously.

**3. PUBLIC HEARING: PROPOSED AMENDMENTS TO GENERAL PLAN: PUBLIC SAFETY.**

Chairman Miller noted that both public hearings have been noticed properly. He opened the meeting for public comment.

No comments were given.

**Motion:** Commissioner Searle moved to close the public hearing to the proposed amendments to the General Plan: Public Safety. Commissioner Ellis seconded the motion.

**Call the Question:**

The motion passed unanimously.

**4. DISCUSSION AND RECOMMENDATION OF PROPOSED AMENDMENTS TO THE GENERAL PLAN: PUBLIC SAFETY.**

Mr. Daily noted that each Planning Commission member has received the commentary and it is his recommendation that the Planning Commission recommend to the City Council to adopt the changes. Commissioner Ellis asked if the commentary is to be added to the General Plan for the City. Mr. Daily stated that commentary currently exists this is an amendment to that commentary.

**Motion:** Commissioner Searle moved that the Planning Commission forward the recommendation of the proposed amendments to the General Plan: Public Safety and recommend approval. Commissioner Gailey seconded the motion.

**Call the Question:**

The motion passed unanimously.

**5. PUBLIC HEARING: PROPOSED AMENDMENTS TO TITLE 10; CHAPTER 9C: SINGLE-FAMILY AND SINGLE-FAMILY WITH A RENTAL UNIT RESIDENTIAL ZONE.**

Chairman Miller opened the meeting for public comment.

No comment was given.

**Motion:** Commissioner Gailey due to lack of public input moved to close the public hearing for the proposed amendments to Title 10; Chapter 9C: Single-Family and Single-Family with a Rental Unit Residential Zone. Commissioner Ellis seconded the motion.

**Call the Question:**

The motion passed unanimously.

**6. DISCUSSION AND RECOMMENDATION OF PROPOSED AMENDMENTS TO TITLE 10; CHAPTER 9C: SINGLE-FAMILY AND SINGLE-FAMILY WITH A RENTAL UNIT RESIDENTIAL ZONE.**

Mr. Daily noted that each Planning Commission member received proposed language to the amendments of the R-2 Zone and new language pertaining to the amendment of the definition of Family under Title 10. He reviewed that the definition was discussed in a previous meeting and it was requested that staff research how other cities define family. The proposed new language is more suited for Riverdale City, many of the other definitions were similar and some more complicated. Commissioner Searle asked if the amended definition of family will pertain to only the R-2 Zone or all zones or if it will be a standard definition. Mr. Daily noted that it falls in the definition portion of Title 10; 10-2 and the definition will be used for all zoning.

Commissioner Jones asked if it was too late to change the wording to the ordinance. Mr. Daily said that it is not too late and now is the time to make any changes. Commissioner Jones recommended that the ordinance include that the duplex be owner occupied or have a local property management representative. He feels that the ordinance may create more problems if it limits it to owner occupied. Mr. Daily stated that rather than require the owner be a resident the city could require a property management contact within close proximity may be a better way to go. This will give the city a contact person to deal with nuisances. Commissioner Ellis stated that this would make the ordinance less restrictive and keep a contact within the state for the duplex. Mr. Daily asked for the language if it should read property management company or a person. Commissioner Searle recommended that it read property manager therefore it could be a person or a company. Mr. Daily stated to require a property management person that has the ability to abate nuisances and address life safety concerns is a good requirement. Commissioner Jones noted that the person be given the power of attorney or something similar.

Commissioner Searle voiced concern for the duplexes that are currently owner occupied if this would encourage those to no longer be so occupied. Mr. Daily stated that the concern is if it is excessive or

violates property owner rights to put such a condition on ownership of the duplex. Commissioner Jones stated that he is worried that legally it would not pass to require the owner occupation and if a manager is required it would be less of a risk to be illegal. Mr. Daily stated that it may be a good way to accomplish the city's goal in creating landlord accountability without violating a constitutional right.

Commissioner Gailey asked if the city could require a license for the duplex. Mr. Daily stated that staff has looked into that possibility and discovered that State of Utah laws prohibits the requirement of a license for a duplex. Discussion was held on licensing. Mr. Daily requested that the Planning Commission place in the motion the language of the changes they would like to see and they will be included in the changes forwarded to the City Council. He also noted that if they would like to review the changes before they go the City Council this can be tabled. Commissioner Searle asked if another public hearing would be required. Mr. Daily said another public hearing is not required to table the item and discuss it again.

**Motion:** Commissioner Searle moved that the recommendation for the proposed amendments to Title 10; Chapter 9C: Single-Family and Single-Family with a Rental Unit Residential Zone be tabled until such time suggested changes can be incorporated into the language of the ordinance.

**Discussion on the Motion:**

Mr. Daily asked if the Planning Commission agreed to the amended language pertaining to the definition of family. It was noted that the Planning Commission recommends the new language.

Commissioner Gailey asked that the recommendation include the legal opinion of Mr. Brooks. Commissioner Jones asked if the definition of Property Manager needs to be included in Title 10. Mr. Daily noted that the definition does not need to be included and requested that legal counsel review and comments be added to the motion.

**Motion:** Commissioner Searle moved that the recommendation for the proposed amendments to Title 10; Chapter 9C: Single-Family and Single-Family with a Rental Unit Residential Zone be tabled until such time suggested changes can be incorporated into the language of the ordinance and legal counsel is given for both the definition of family and property manager to determine the verbiage is in compliance with state and federal law. Commissioner Jones seconded the motion.

**Call the Question:**

The motion passed unanimously.

**7. DISCRETIONARY BUSINESS**

Commissioner Searle noted that he had questions pertaining to the PRUD Ordinance and the Subdivision Ordinance. He read 10-22-5G: *Applicability of Subdivision Regulations: The subdivision ordinance, chapter 21 of this title, as is now and hereafter may exist applies to all developments.* He stated that his interpretation of this is that chapter 21 in entirety pertains to all developments including street lighting and street width. Commissioner Searle asked how much the subdivision ordinance applies to the PRUD ordinance noting that it would help make the PRUD a nicer area. He feels this is an important clause in the PRUD ordinance. Mr. Daily agreed that there are problems with the PRUD ordinance and explained that anytime there is a specific requirement in an ordinance it overrules the general requirements. A discussion was held on past PRUD's and other cities efforts in creating similar ordinances. Mr. Daily noted that the City Council will be reviewing and commenting on the recommendation to rescind the ordinance and have small lot subdivisions.

**8. ADJOURNMENT.**

There being no further business to come before the Planning Commission, Commissioner Gailey moved to adjourn the meeting. Commissioner Ellis seconded the motion. The motion passed unanimously. The meeting was adjourned at 7:06 pm.

Attest:

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Marie Alvord,  
Planning Commission Secretary

Approved:

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Allen Miller, Chair