



Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **August 28, 2012 at 6:35 p.m.** at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Brent Ellis, Chairman  
Blair Jones, Vice-Chairman  
Bart Stevens, Commissioner  
Steve Hilton, Commissioner  
Kathy Eskelsen, Commissioner  
Lori Fleming, Commissioner

Members Excused: David Gailey, Commissioner

Others Present: Randy Daily, Community Development Director, Ember Herrick, City Recorder and no members of the public.

**A. Welcome & Roll Call**

Chairman Ellis welcomed everyone to the meeting and stated for the record all members were present except for Commissioner Gailey who is excused. He said the public meeting is being held upstairs as there are no members of the public present.

**B. Open Communications**

Chairman Ellis said there are no members of the public in attendance to speak during tonight's open communications.

**C. Presentations and Reports**

Community Development Director Randy Daily said there are no new items on the Community Development Report.

**D. Consent Items**

Chairman Ellis asked for any changes or corrections to the previous meeting minutes and none were noted.

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

There was no discussion on the motion.

**Call the Question:** The motion passed unanimously.

**E. Action Items**

- 1. Discussion and consideration of request to set a public hearing for September 11, 2012 to allow business to be conducted from tents as an amendment to RCC 3-1-7 and 10-19-9**

Chairman Ellis said the first item on the agenda is consideration of a request to set a public hearing for September 11, 2012 to allow business to be conducted from tents as an amendment to RCC 3-1-7 and 10-19-9. Mr. Daily asked that this agenda item be tabled while he calls the petitioner to see if he is still planning to attend tonight's meeting.

## 2. Consideration of proposed Planning Commission Rules and Procedures

City Attorney Steve Brooks said the Planning Commission is being asked to consider codifying a set of rules and procedures to govern their body with the Chairperson as the authoritative member in charge of conducting the meetings and recognizing speakers during agenda item discussions. According to Mr. Brooks, the Vice-Chair fills in when the Chair is absent under the proposed rules and he asked if there were any questions or concerns about the proposed rules and procedures. Commissioner Hilton asked about protocol and how closely it should be followed during public hearings where the Planning Commission often likes to ask clarifying follow up questions to individuals who are commenting. Mr. Brooks said it is important to follow the rules put in place because allowing debate back and forth between the public and members of the Planning Commission can lead to arguments and long meetings. According to Mr. Brooks, the Chairman can instruct members of the public at a hearing to keep their comments to three to five minutes and to only make statements not already on the record or to appoint one spokesperson for the group.

Commissioner Stevens said under the vacancies or removals section of the proposed rules and procedures he doesn't like the wording that the "Community Development Director shall request that the Mayor and City Council consider an appointment to the vacancy on the Planning Commission at the earliest possible time" because he believes the wording implies the Community Development Director appoints new Planning Commission members. Mr. Daily said his role is simply to tell the Mayor there is a vacancy that needs to be filled. He said the Mayor chooses Planning Commission members from residents in the community who express an interest in serving on the advisory board and the Mayor's choice is subject to Council approval. Commissioner Stevens said in his opinion new appointments should be made to the Planning Commission without staff input and Mr. Brooks said staff has no input on the decision but only informs that Mayor when there is a vacancy that needs to be filled. Mr. Daily said when he is approached by someone who expresses an interest in serving on the Planning Commission he simply refers them to the Mayor. Chairman Ellis said Randy Daily is the Community Development Director and staff liaison assigned to oversee the Planning Commission and he thinks his role is outlined clearly and is appropriate in the proposed Planning Commission Rules and Procedures. Commissioner Stevens said he disagrees because in his opinion the phrase "consider an appointment" is synonymous with making a name recommendation. He said Mr. Daily should "apprise" the Mayor and Council that there is a vacancy that needs to be filled rather than "request that the Mayor and City Council consider an appointment" and he suggested that the proposed language be amended to read "apprise" in place of the word "request". Commissioner Hilton said in his opinion the wording is fine as Mr. Daily is the Planning Commissions liaison and informs the Mayor when there is a vacancy that needs to be filled. Commissioner Hilton said if the Community Development Director or anyone else who is a member of staff or the public wants to make a recommendation to the Mayor about who should be appointed to fill a vacancy on the Planning Commission they can do that but the ultimate decision rests with the Mayor and Council. Mr. Daily stated again for the record that he has no power to choose anyone to serve on the Planning Commission.

Commissioner Stevens said, like some past Council members, as a member of the Planning Commission he looks at every item on the agenda with skepticism and asks why something is being considered at a certain time. He said he feels this is the approach every member of the Planning Commission should adopt and that articulating his views when they are in opposition to

the majority of the Planning Commission is where he sees his power and ability to contribute best to the Planning Commission. Commissioner Jones said the Planning Commission has had weeks to review the proposed draft and suggest changes before tonight's meeting and he said he is not in favor of the Commission staying all night arguing about every line in the proposed rules and procedures. Commissioner Jones said in his opinion the intent of the draft is clear and the City Attorney has indicated that the rules are necessary to help the body accomplish their mandate in an orderly and efficient manner. He recommended the Planning Commission pass the proposed rules and procedures and make changes in the future if issues arise. Commissioner Fleming said Riverdale staff is the heart of the city dealing with city issues daily while members of the Planning Commission only come in twice a month. She said she feels the Planning Commission can work with staff to make decisions that are in the best interest of Riverdale City and its residents and Mr. Daily has worked in his position for years and she trusts him to liaise with the Mayor and Council on the Planning Commission's behalf. Chairman Ellis said the proposed rules and procedures are a working document that can be amended as necessary in the future by consensus. He said there were no guidelines when he was appointed to the Planning Commission and he appreciates this working document because as acting Chairman these rules will help him run public meetings more efficiently and professionally.

Commissioner Jones said he had missed at least three consecutive meetings earlier in the year following an emergency medical operation and he asked if the language should be amended to read "unexcused" under the absence of members section. Mr. Daily said meeting attendance is important because the Planning Commission cannot conduct business without a quorum, but he said he only reports an attendance problem to the mayor if a Planning Commission member misses several meetings without being excused. Mr. Brooks said he would clarify the proposed language to read that Planning Commission members can be removed for unexcused absences only, not if they are ill with a medical condition or deployed serving in the armed forces.

**Motion:** Commissioner Hilton moved to adopt the proposed Planning Commission Rules and Procedures with the addition of the word "unexcused" added to the paragraph on absences. Commissioner Fleming seconded the motion.

There was no discussion on the motion.

**Roll Call Vote:** Commissioner Jones, aye; Commissioner Hilton, aye; Commissioner Stevens, nay; Chairman Ellis, aye; Commissioner Eskelsen, aye; Commissioner Fleming, aye; the motion passed with five in favor and one opposed.

- 1. Discussion and consideration of request to set a public hearing for September 11, 2012 to allow business to be conducted from tents as an amendment to RCC 3-1-7 and 10-19-9**

Mr. Daily said that he had spoken with the petitioner Cody Peters who had forgotten about tonight's meeting and respectfully asked that the action item be tabled until the September 11, 2012 meeting so that he could attend and make his case for changing the city's amendment to allow temporary sales from tents in Riverdale. Mr. Daily said he would like Mr. Peters to have an opportunity to personally petition the Council so he recommends granting the petitioner's

request until the next meeting. Mr. Daily said in the interim he will forward a copy of the executive summary to Mr. Peters so that he can review the points made in opposition to his request. Commissioner Stevens said this request has come up in different forms over the years but the Planning Commission's response has been consistent, that tents for temporary sales will detract from the desired look of Riverdale's commercial district. Commissioner Jones said he is in favor of tabling this action item until the next meeting to give the petitioner a chance to make his case in favor of amending the ordinance to the Planning Commission so that he can't argue he didn't have a fair hearing. Mr. Brooks recommended the Planning Commission table this action item until their next meeting.

**Motion:**                    **Commissioner Eskelsen moved to table the request to amend RCC 3-1-7 and 10-19-9 to allow business to be conducted from tents until it can be discussed further at the next Planning Commission meeting on Sept 11, 2012. Commissioner Jones seconded the motion.**

There was no discussion on the motion.

**Call the Question:**    **The motion passed unanimously.**

#### **F. Discretionary Items**

Chairman Ellis asked for any discretionary items and Mr. Daily said there will be a public hearing to discuss amending the city's residential swimming pool regulations at the next Planning Commission meeting.

Commissioner Fleming asked if it would be appropriate for a representative of the city to speak with Layton bank to see if the former Hayward property could be sold as a residential development and if the city would be willing to partner with the developer to conduct the necessary sewer study. Commissioner Fleming said as a Realtor she has a potential buyer who is interested in the property if it can be developed residentially as patio homes. She stated for the record that her involvement in this deal is a conflict of interest with her Planning Commission duties so she would not participate in the discussion or vote if this residential development deal were to move forward. Mr. Daily said he was just recently contacted about one parcel in this area by someone who would like to develop it commercially. He said currently the land is zoned commercial and during the last strategic planning meeting the Council did not express interest in changing the zoning designation unless there is a serious proposal on the table. Mr. Daily said a high density residential townhome proposal had Planning Commission support last fall but was denied by the City Council due to fears about density and that the townhomes wouldn't stay owner occupied over time. Mr. Daily said if the stress on the existing sewer system isn't a roadblock and density can be negotiated low enough to satisfy the Council, he thinks a residential buffer would be a good fit for this area.

Chairman Ellis said during the last Strategic Planning meeting it had been mentioned that the Planning Commission should consistently be updating the General Plan. Mr. Daily said not all of the Planning Commission's General Plan recommendations that were forwarded to the Council with a favorable recommendation were adopted in the last few years. He said the

Housing section of the General Plan is set to be on the Planning Commission's next agenda for a public hearing.

Commissioner Stevens asked why the city didn't limit bingo parlors when they limited smoke shops and gold buyers in the city by population in an ordinance earlier this year. Mr. Brooks said the city is waiting for a ruling from the state on regulating bingo parlors because this issue is the subject of ongoing litigation for Riverdale and other cities in Utah.

**Motion:** There being no further business to come before the Planning Commission, Commissioner Fleming moved to adjourn the meeting. Commissioner Hilton seconded the motion. The motion passed unanimously. The meeting adjourned at 7:14 p.m.

Approved: September 11, 2012

Attest:

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Brent Ellis, Chairman

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Ember Herrick, City Recorder