



**RIVERTON CITY
REGULAR CITY COUNCIL MEETING
AGENDA**

August 19, 2014

Notice is hereby given that the Riverton City Council will hold a **Regular City Council Meeting** beginning at **6:00 p.m.** on **August 19, 2014** at Riverton City Hall, located at 12830 South 1700 West, Riverton, Utah.

CLOSED SESSION – 6:00 p.m.

1. Strategy Session to discuss litigation

1. GENERAL BUSINESS – 6:30 p.m. or as soon after as practicable

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Presentations/Reports
 1. Recognition of Boy Scouts
 2. Student Outcomes & Financial Update – *Dr. Johnson, Jordan School District*
4. Public Comments

2. PUBLIC HEARINGS

1. **Public Hearing** - Riverton Center LLC has requested that 2.5 acres located at 1925 West Park Avenue be rezoned from C-D (Commercial Downtown) to RM-8-D (Residential Multi-Family 8 Dwelling Units Per Acre – Downtown) - *Jason Lethbridge, Planning Manager*
 1. **Ordinance No. 14-16** - Rezoning 2.5 Acres located at 1925 West Park Avenue from C-D (Commercial Downtown) to RM-8-D (Residential Multi-Family, 8 Units Per Acre Max Density), Riverton Center, LLC, Applicant
2. **Public Hearing** - Riverton City has proposed amendments to its RM-14-D Zone, addressing Building Setbacks and Fence Requirements - *Jason Lethbridge, Planning Manager*
 1. **Ordinance No. 14-17** - Amending Riverton City Ordinance Section 18.57, Rm-14-D, addressing Building Setbacks and Fencing Standards, Riverton City, Applicant

3. DISCUSSION/ACTION ITEM - *The public is invited to listen to the discussion.*

1. **Resolution No. 14-57** - Approving A Settlement Agreement for a Civil Action filed against Riverton City by Build To Suit, Inc. in the Third Judicial District Court, State of Utah, Case No. 140409977, and a General Release of All Claims, Application No. Pl 14-8001– *Ryan Carter, City Attorney*
2. **Preliminary Plat Subdivision**, The Cottages at Western Springs, 4358 West 12900 South, 61 Single-Family Lots, R4-SD Zone, Brighton Homes Utah LLC, Applicant - *Jason Lethbridge, Planning Manager*
3. Status of Transit Study – *Jeff Hawker, Asst. City Manager*

4. CONSENT AGENDA

1. **Minutes:** RCCM 08-05-14
2. **Bond Releases:** N/A
3. **Resolution No. 14-52** – Allowing the City to issue a PO to Midwest Commercial

- Interiors for the purchase of office furniture for the Police Precinct
4. **Resolution No. 14-53** – Allowing the City to issue a PO to Spacesaver Intermountain for the purchase of evidence lockers for the Police Precinct
 5. **Resolution No. 14-54** – Allowing the City to issue a PO to TV Specialists Inc. for the purchase of integrated conference room equipment for the Police Precinct
 6. **Resolution No. 14-55** – Approving the execution of an Interlocal Cooperation Agreement between Riverton City, the Jordan School District, the City of Bluffdale, Herriman City, the City of South Jordan, the City of West Jordan, and Salt Lake County for the purpose of establishing a mutual goal among the parties
 7. **Resolution No. 14-56** – Authorizing the Mayor to execute an agreement with Patrick and Susan Barnes for the acquisition of a storm drain easement through their property at 951 West River Walk Drive

5. STAFF REPORTS

1. Lance Blackwood, City Manager
2. Safety Training – *Ryan Carter, City Attorney*

6. ELECTED OFFICIAL REPORTS

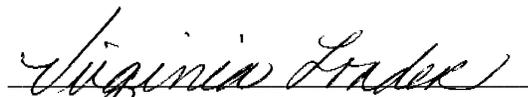
1. Mayor Bill Applegarth
2. Council Member Brent Johnson
3. Council Member Trent Staggs
4. Council Member Sheldon Stewart
5. Council Member Tricia Tingey
6. Council Member Paul Wayman

7. UPCOMING MEETINGS

1. August 26, 2014 - Work Session – 6:30 p.m.
2. September 2, 2014 – Regular City Council Meeting – 6:30 p.m.
3. September 16, 2014 – Regular City Council Meeting – 6:30 p.m.

8. ADJOURN

Dated this 15th day of August 2014


 Virginia Loader, MMC
 Recorder

Public Comment Procedure

At each Regular City Council Meeting any person wishing to comment on any item not otherwise on the Agenda may address the Governing Body during the **Public Comment** period. The comment period is limited to 30 minutes. Any person wishing to comment shall limit their comments to no more than three (3) minutes, unless additional time is authorized by the Mayor. Citizen groups will be asked to appoint a spokesperson, who shall limit their comments to no more than five (5) minutes. All comments shall be directed to the Mayor and City Council. No person addressing the Governing Body during the comment period shall be allowed to comment more than once during that comment period. Speakers should not expect any debate or dialogue with the Mayor, City Council or City Staff during the meeting.

The City Office is an accessible facility. Individuals needing special accommodations or assistance during this meeting shall notify the City Recorder's Office at 801-208-3126, at least two business days in advance of the meeting. Accessible parking and entrance are located on the south end of the building with elevator access to the City Council Chambers located on the second floor. In accordance with State Statute and Council Policy, one or more Council Members may be connected via speakerphone.

Certificate of Posting

I, Virginia Loader, the duly appointed and acting Recorder for Riverton City certify that, at least 24 hours prior to such meeting, the foregoing City Council Agenda was emailed to the Salt Lake Tribune, Deseret News and the South Valley Journal. A copy of the Agenda was also posted in the City Hall Lobby, on the City's Website at www.rivertoncity.com, and on the Utah Public Meeting Notice Website at <http://pmm.utah.gov>.

Dated this 15th day of August 2014

**Virginia Loader, MMC
Recorder**



Issue Paper

Item No. 2.1

Presenter/Submitted By:	Jason Lethbridge, Planning Manager	
Subject: REZONE, PROPOSED REZONE OF 2.5 ACRES LOCATED AT 1925 WEST PARK AVENUE FROM C-D (COMMERCIAL DOWNTOWN) TO RM-8-D (RESIDENTIAL MULTI-FAMILY, 8 UNITS PER ACRE MAX DENSITY), RIVERTON CENTER, LLC, APPLICANT	Meeting Date: August 19, 2014	
	Fiscal Impact: N/A	
	Funding Source: N/A	
Background: <p>This application is for rezone of 2.5 acres located at approximately 1925 West Park Avenue. The property is currently zoned C-D. The surrounding properties to the north is also zoned C-D. The property to the west is zoned C-D, but has the Elderly Housing Overlay in place as well. The properties to the east and south are zoned R-4. The applicant is proposing rezone of the properties to RM-8-D, allowing for multifamily development at a maximum density of 8 units per acre.</p> <p>The property has been zoned Commercial Downtown for many years, and has had several commercial projects. However, the properties location and the adjacent single-family zoning are not well suited for commercial development. Given the ongoing residential development of the properties northeast of this, additional residential development of this ground would be in character with the surrounding area, and would further support the existing commercial development of the downtown area.</p>		
Recommendation: <p>On June 31, 2014, the Planning Commission voted to recommend APPROVAL of this rezone.</p>		
Proposed Motion: <p>"I move the City Council adopt <u>Ordinance No.14-16</u>, rezoning 2.5 acres located at approximately 1925 West Park Avenue from C-D to RM-8-D."</p>		

RIVERTON CITY, UTAH
ORDINANCE NO. 14-16

AN ORDINANCE REZONING 2.5 ACRES LOCATED AT 1925 WEST PARK AVENUE FROM C-D (COMMERCIAL DOWNTOWN) TO RM-8-D (RESIDENTIAL MULTI-FAMILY, 8 UNITS PER ACRE MAX DENSITY), RIVERTON CENTER, LLC, APPLICANT

WHEREAS, the Riverton City Planning Commission has received public input and made a recommendation regarding the above listed rezone; and,

WHEREAS, the City Council has held a public hearing to consider said rezone; and,

WHEREAS, the Riverton City Council has determined that it is in the best interest of the public to rezone the property from C-D (Commercial Downtown) to **RM-8-D (Residential Multi-Family, 8 Units per Acre Max Density, Downtown Area)**

NOW THEREFORE, BE IT ORDAINED by the City Council of Riverton City, Utah as follows:

Section 1. The Riverton City Zoning Map shall be, and hereby is, amended to reflect the changes as shown in Exhibit "A" attached hereto.

Section 2. This ordinance shall take effect upon passage.

PASSED AND APPROVED by the City Council of Riverton, Utah, on this 19th day of August, 2014 by the following vote:

Council Member Sheldon Stewart	___	Yes	___	No
Council Member Brent Johnson	___	Yes	___	No
Council Member Trent Staggs	___	Yes	___	No
Council Member Paul Wayman	___	Yes	___	No
Council Member Tricia Tingey	___	Yes	___	No

RIVERTON CITY

[SEAL]

ATTEST:

Bill Applegarth, Mayor

Virginia Loader, MMC
City Recorder

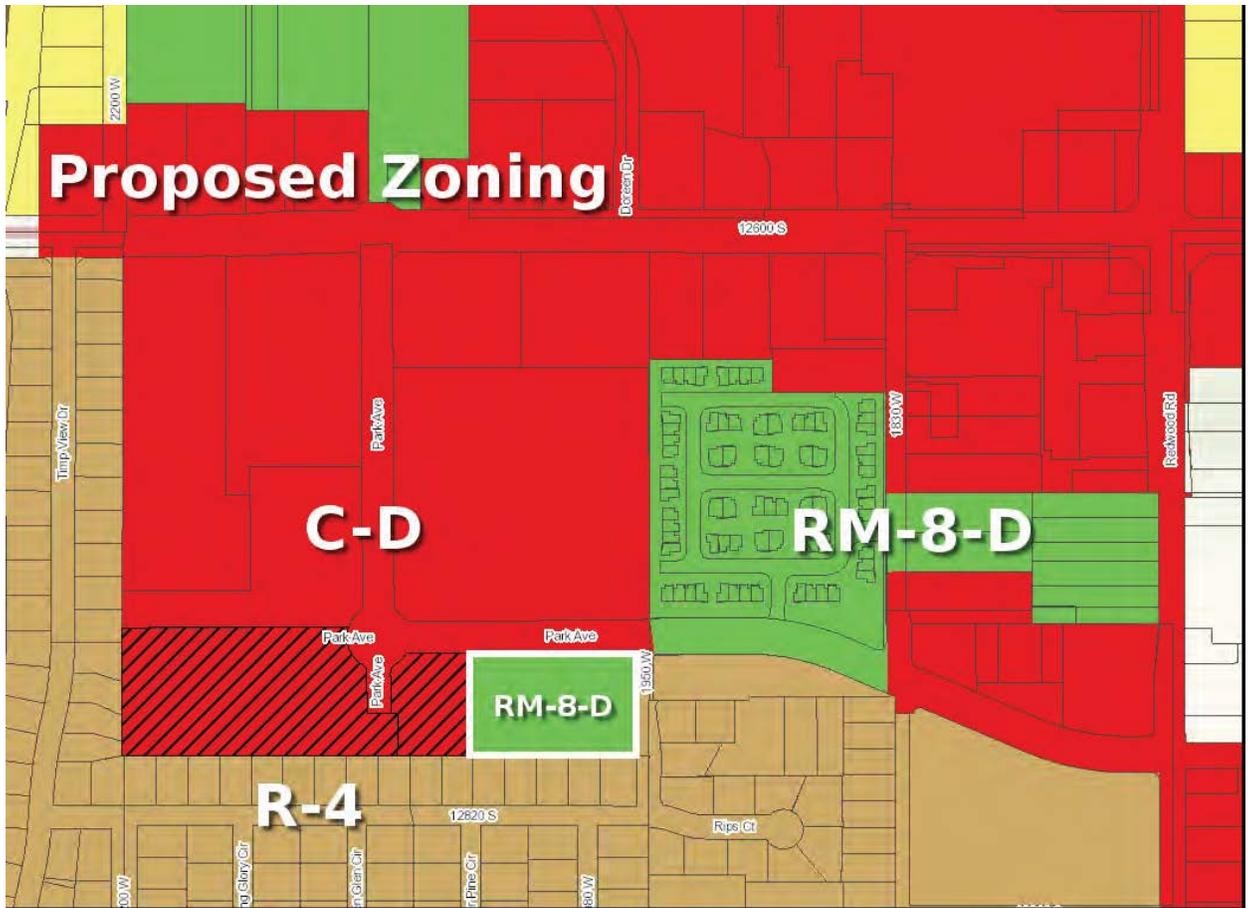


Exhibit A

**RIVERTON CITY
MEMORANDUM**

TO: Honorable Mayor and City Council

FROM: Planning Department

DATE: August 19, 2014

SUBJECT: REZONE, PROPOSED REZONE OF 2.5 ACRES LOCATED AT 1925 WEST PARK AVENUE FROM C-D (COMMERCIAL DOWNTOWN) TO RM-8-D (RESIDENTIAL MULTI-FAMILY, 8 UNITS PER ACRE MAX DENSITY), RIVERTON CENTER, LLC, APPLICANT

PL#: 14-4007

On July 31, 2014, the Planning Commission voted to recommend APPROVAL of this rezone application. Minutes from that meeting are included below. The Planning Commission voted to recommend the following motion:

I move the City Council ADOPT Ordinance #14-16, rezoning 2.5 acres located at approximately 1925 West Park Avenue from C-D to RM-8-D.

BACKGROUND

This application is for rezone of 2.5 acres located at approximately 1925 West Park Avenue. The property is currently zoned C-D. The surrounding properties to the north is also zoned C-D. The property to the west is zoned C-D, but has the Elderly Housing Overlay in place as well. The properties to the east and south are zoned R-4. The applicant is proposing rezone of the properties to RM-8-D, allowing for multifamily development at a maximum density of 8 units per acre.

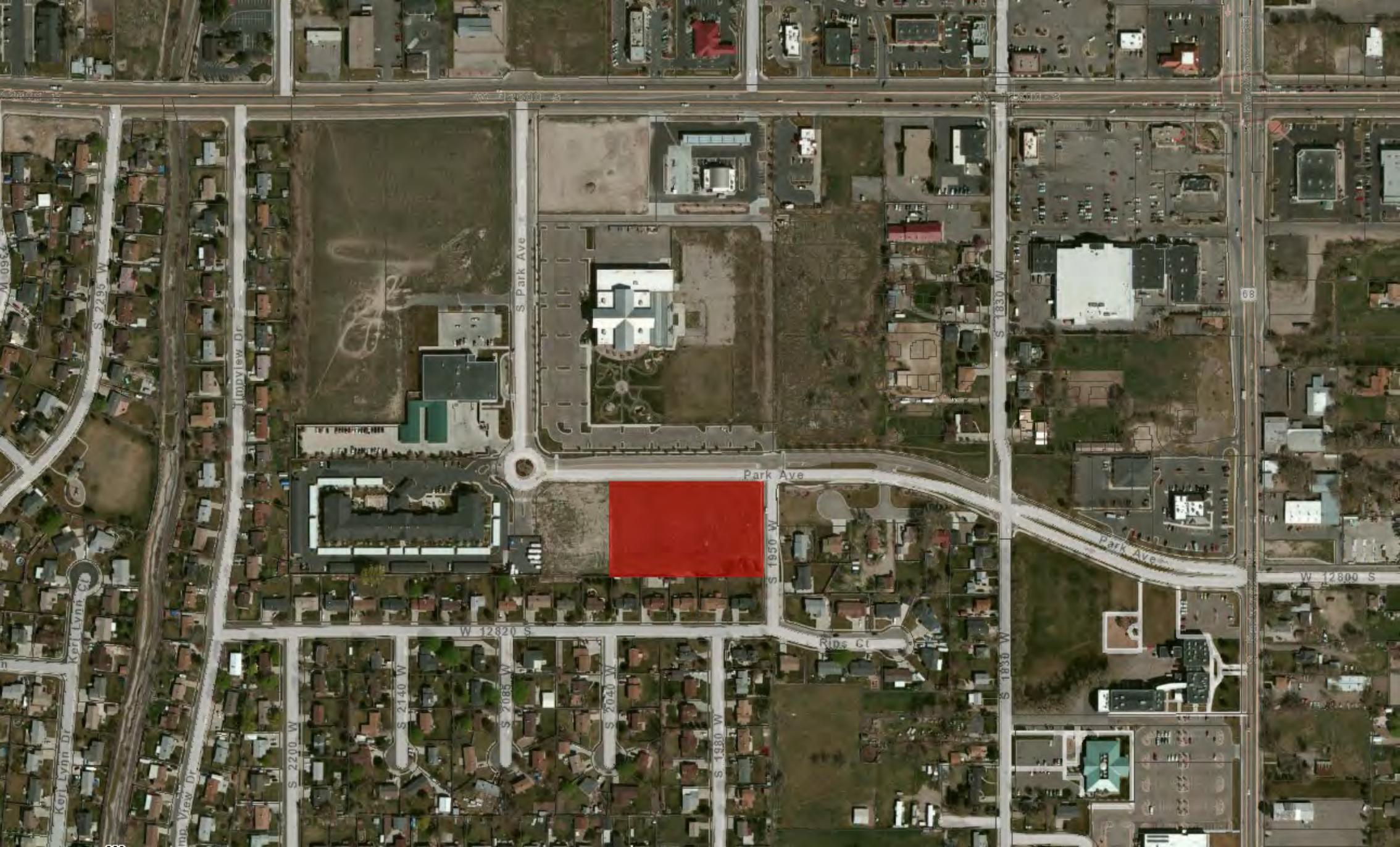
The property has been zoned Commercial Downtown for many years, and has had several commercial projects. However, the properties location and the adjacent single-family zoning are not well suited for commercial development. Given the ongoing residential development of the properties northeast of this, additional residential development of this ground would be in character with the surrounding area, and would further support the existing commercial development of the downtown area.

The proposed 8 unit per acre density is the same that exists on the Residences at Park Avenue project that is in the final stages of development to the northwest. The applicant on this rezone is the developer of that project, and is proposing similar development patterns on this property. The RM-8-D zone has limitations and requirements that will govern development of the property, including requirements for fencing adjacent to incompatible zoning. At this point, this hearing is only to consider the zoning of the properties. Issues and concerns related to the site plan will be reviewed and discussed at a later hearing during which a proposed site plan will be presented. However, as the property and surrounding infrastructure has been intended for potential commercial uses, the infrastructure and access can accommodate the proposed density. The Planning Commission, following a public hearing, recommended approval of this rezone application.

ATTACHMENTS:

The following items are attached for your review:

1. A copy of the Rezone application.
2. An 8.5" x 11" copy of the Current Zoning Map
3. An 8.5" x 11" copy of the Proposed Zoning Map



S Park Ave

Park Ave

S 1950 W

S 1830 W

W 12800 S

W 12820 S

Rids Ct

S 1630 W

S 2200 W

S 2140 W

S 2085 W

S 2040 W

S 1980 W

Jumpview Dr

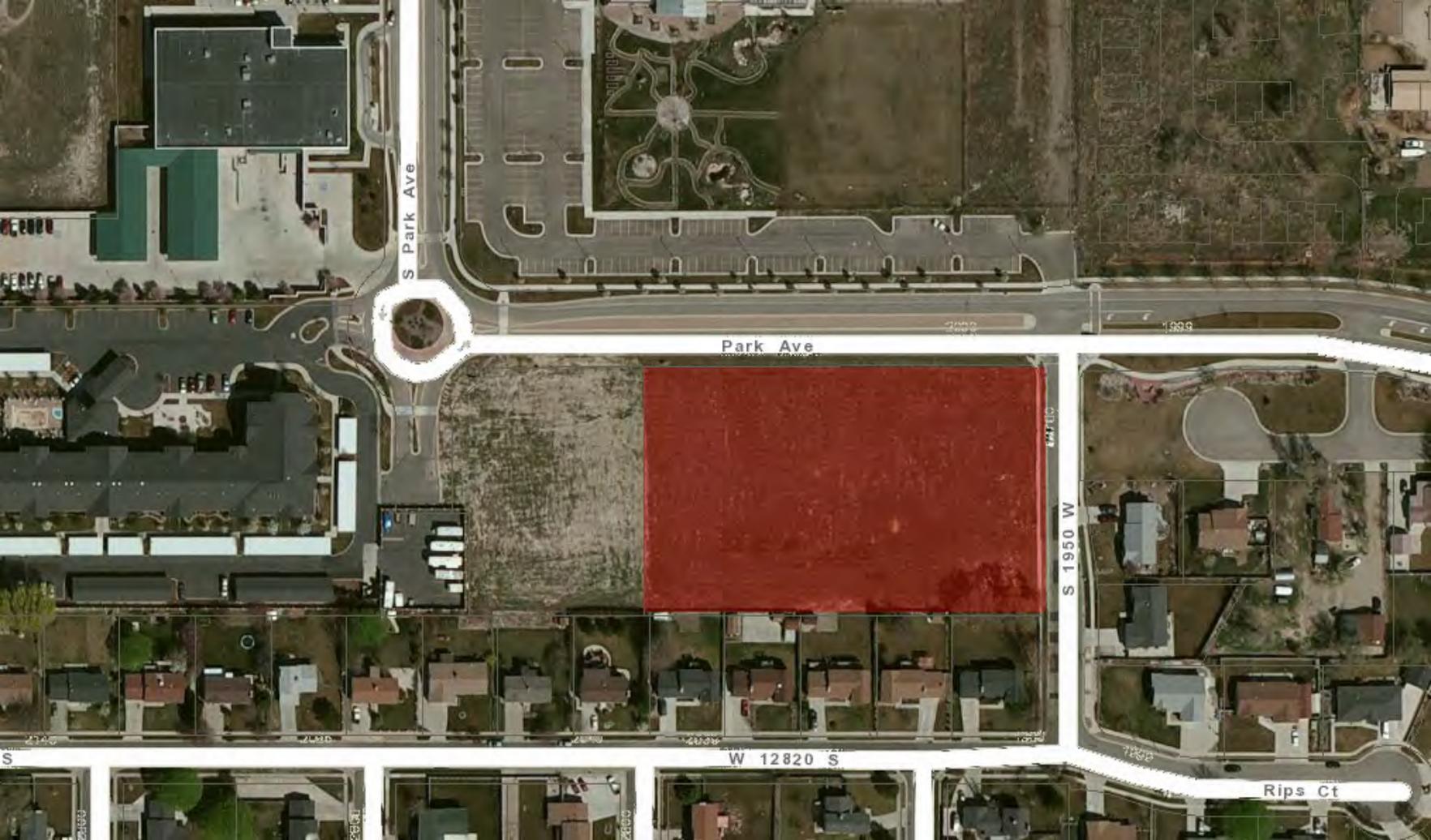
S 2295 W

Kerl Lynn Ct

Kerl Lynn Dr

Jump View Dr

68



S Park Ave

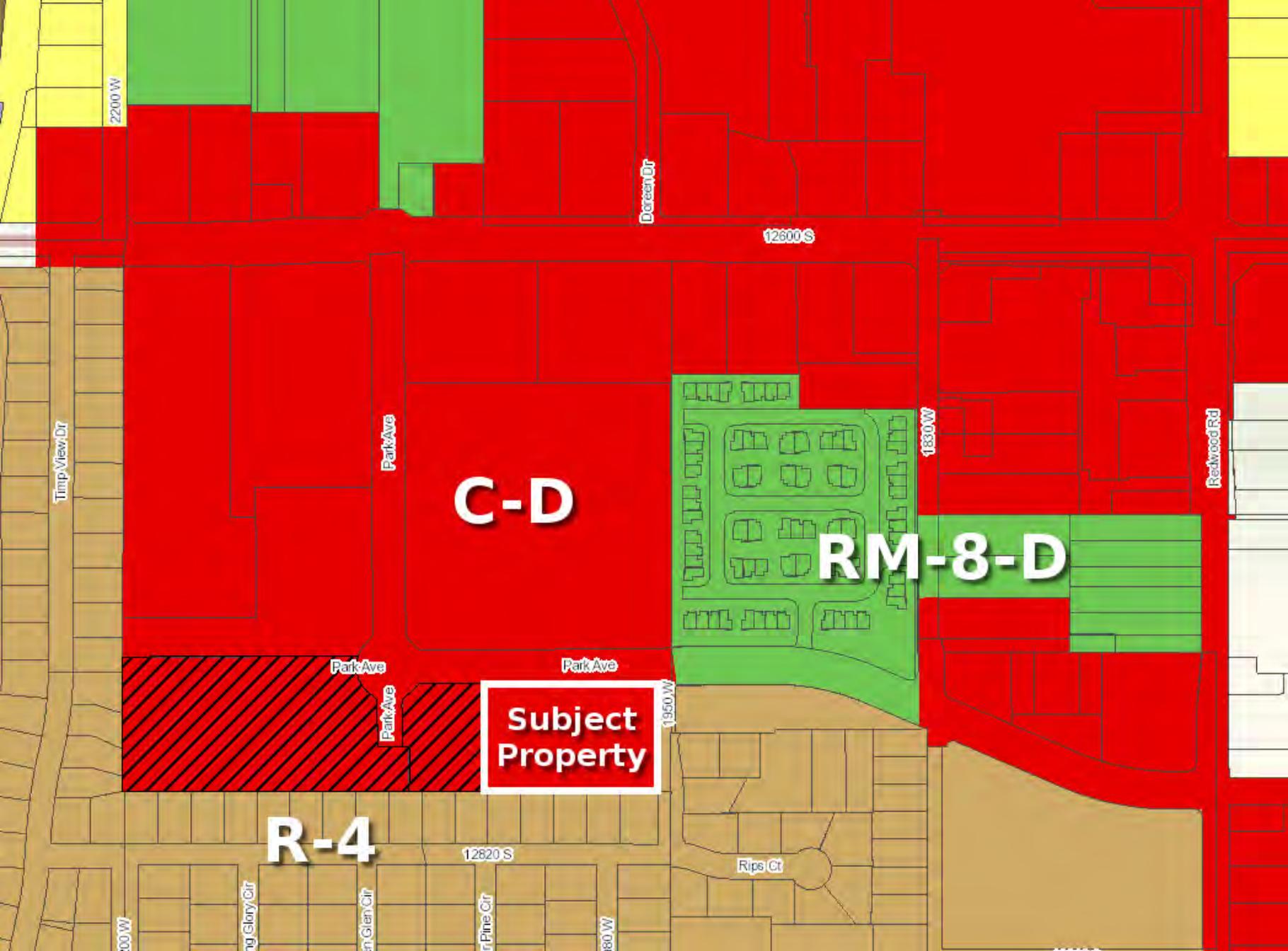
Park Ave

1399

S 150 W

W 12820 S

Rips Ct



C-D

RM-8-D

**Subject
Property**

R-4

2200 W

Doreen Dr

12600 S

1830 W

Redwood Rd

Timp View Dr

Park Ave

Park Ave

Park Ave

Park Ave

1950 W

12820 S

Rips Ct

2000 W

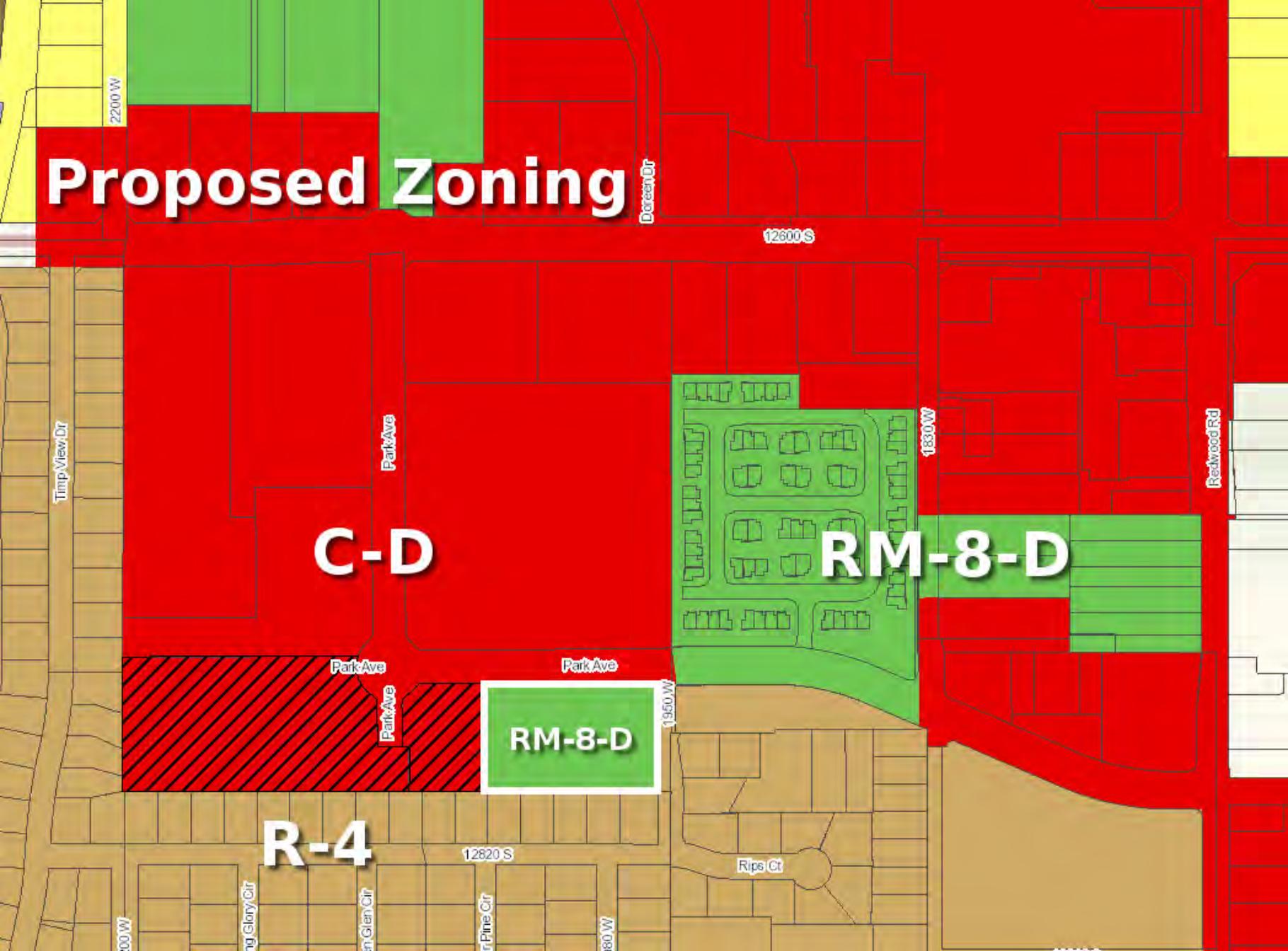
Glory Cir

Glen Cir

Pine Cir

1880 W

Proposed Zoning



C-D

RM-8-D

RM-8-D

R-4

1 **Commissioner Hartley seconded the motion. Vote on motion: Dennis Hansen – Aye;**
2 **Kent Hartley – Aye; James Endrizzi – Aye; Scott Kochevar – Aye; James Webb – Aye.**
3 **The motion passed unanimously.**
4

5 **C. REZONE, PLZ-14-4007, PROPOSED REZONE OF 2.5 ACRES LOCATED AT 1925**
6 **WEST PARK AVENUE FROM C-D-EHO (COMMERCIAL DOWNTOWN) TO RM-8-D**
7 **(RESIDENTIAL MULTI-FAMILY, 8 UNITS PER ACRE MAX DENSITY), RIVERTON**
8 **CENTER, LLC, APPLICANT.**
9

10 Mr. Aagard presented the staff report and described the surrounding properties. The
11 properties to the north and west are also zoned Downtown Commercial, and the property to
12 the south is zoned R-4. The property to the east is zoned R-4, and there is a portion of
13 property to the northeast that is zoned RM-8-D.
14

15 The subject property has been zoned Commercial Downtown for many years and has had
16 several commercial projects. The property's location and the adjacent single-family zoning,
17 however, are not well suited for commercial development. Mr. Aagard stated that given the
18 ongoing residential development of the properties northeast of this location, additional
19 residential development of the property ground will be in character with the surrounding area.
20 Furthermore, it will provide additional support to the existing commercial development of the
21 downtown area. It was noted that a commercial application has not come forward on this
22 property for at least 10 years. Staff recommended approval of the proposed rezone.
23

24 Chair Russell opened the public hearing.
25

26 An unidentified woman asked why the proposed location was selected and noted that it will
27 still be next to a small portion of commercial. She was also concerned that residents will
28 utilize their garages as storage space, rather than for parking cars, which would cause
29 additional problems. She voiced her opposition to the project.
30

31 Ray Lopez agreed that Park Avenue is currently a dead location as far as commercial
32 development is concerned. However, he also felt that if the City waits long enough, the
33 commercial development will eventually start to flow to the area. Mr. Lopez pointed out that
34 once the commercial property is used for another purpose, it will never have the potential to
35 be a commercial site ever again. While he was not opposed to owner occupied townhomes
36 in the proposed location, he was of the opinion that the area still has commercial potential.
37

38 Talmage Henz voiced his support for the proposed rezone.
39

40 Sidney Bowen preferred residential to commercial, and stated that the existing townhomes
41 have provided excellent neighbors.
42

43 Brad Reynolds explained that they would be building exactly what is now built to the
44 northeast. The units would be owner occupied, not rental units.
45

46 Cecile Paige stated that she has lived in Riverton her entire life.
47

1 Heather Henz voiced her support for the proposed rezone. Mrs. Henz requested that speed
2 bumps or other considerations be made regarding the increased traffic flow that will occur in
3 the neighborhood.

4
5 Tom Curtain commented, but his comments were not transmitted to the recording.

6
7 There were no further public comments. Chair Russell closed the public hearing.

8
9 Commissioner Hansen commented that he likes the proposed development and how it will
10 benefit the community.

11
12 **Commissioner Hansen moved that the Planning Commission recommend APPROVAL**
13 **of the rezone application, rezoning 2.5 acres located at approximately 1925 West Park**
14 **Avenue from C-D to RM-8-D. Commissioner Webb seconded the motion. Vote on**
15 **motion: Dennis Hansen – Aye; Kent Hartley – Aye; James Endrizzi – Aye; Scott**
16 **Kochevar – Aye; James Webb – Aye. The motion passed unanimously.**

17
18 **D. PRELIMINARY SUBDIVISION PLAT, PLZ-14-2002, THE COTTAGES AT WESTERN**
19 **SPRINGS, 4358 WEST 12900 SOUTH, 61 LOTS, R-4-SD ZONE, BRIGHTON**
20 **HOMES, APPLICANT.**

21
22
23 Mr. Aagard presented the staff report and presented an aerial photo of the property. He
24 described the zoning of the surrounding properties. He explained that in December 2013, the
25 Riverton City Council approved a request by the applicant to rezone the subject property to
26 R-4-SD. He noted that this zoning type has specific conditions attached to it that are not
27 included in the standard R-4 zoning. Mr. Aagard presented the proposed subdivision plat,
28 and noted that currently there are two existing access points. One of the accesses is off of
29 Dutchman Lane, which is a public right-of-way. The other is from 12600 South. Two
30 additional accesses are also planned for the future, one of which will be a canal to the east,
31 as well as another access point off of Sunday Drive.

32
33 The lot distribution and utility easements were reviewed. Mr. Aagard noted that building
34 cannot take place on those easements. Therefore, Brighton Homes submitted a landscaping
35 plan for those areas. The landscaping will entail foot trails and grass and will not include
36 trees. The fencing for the R-4-SD zoning requires six foot solid vinyl fencing along the north
37 and east property lines. There will also be six-foot solid masonry fencing along the north and
38 west property lines. Mr. Aagard explained that the applicant is planning to phase the
39 subdivision into two phases. Each phase will have a final plat review before the Planning
40 Commission. Staff recommended approval of the proposed subdivision subject to the
41 conditions set forth in the staff report.

42
43 Chair Russell asked if Brighton Homes will be required to install all of the streets and access
44 points as part of during Phase I, or if those projects will also be separated into phases. City
45 Engineer, Gordon Miner, replied that the phasing plan was not part of the Engineering
46 Department's approval process. He explained that every phase stands alone and that dead
47 end streets will need to have temporary turnarounds. Commissioner Hansen remarked that



Issue Paper

Item No. 2.2

Presenter/Submitted By:	Jason Lethbridge, Planning Manager	
Subject: ORDINANCE AMENDMENT, RM-14-D, ADOPTING AMENDMENTS TO BUILDING SETBACK REQUIREMENTS AND COLLECTOR STREET FENCING STANDARDS, REVISIONS PROPOSED BY RIVERTON CITY	Meeting Date: August 19, 2014	
	Fiscal Impact: N/A	
	Funding Source: N/A	
Background: <p>Riverton City is proposing several amendments to the existing RM-14-D ordinance. That ordinance allows for multi-family development at a maximum density of 14 units per acre in the Downtown area. The ordinance was originally adopted with a standard multi-family development as a model, which included the assumption of front-loaded garages. The City recently approved a development in the Downtown area which is zoned RM-14-D, and for which the developer has included rear-loaded, or “alley-loaded” garages. This amendment clarifies the language in the RM-14-D ordinance for site plans with such garage arrangements.</p> <p>The other proposed amendment is to Section 18.57.170, which requires collector street fencing where a project would abut Redwood Road or 12600 South. The amendment will make the RM-4-D ordinance language consistent with Riverton City’s fencing ordinance and site plan standards, which allows discretion on the part of the Council in fencing decisions.</p>		
Recommendation: <p>On June 31, 2014, the Planning Commission voted to recommend APPROVAL of this amendment.</p>		
Proposed Motion: <p>“I move the City Council adopt <u>Ordinance No.14-17</u> - amending sections 18.57.070, Setback Requirements, and 18.57.170, Fencing, as described in Exhibit “A”.”</p>		

RIVERTON CITY, UTAH
ORDINANCE NO. 14-17

AN ORDINANCE AMENDING RIVERTON CITY ORDINANCE SECTION 18.57, RM-14-D, ADDRESSING BUILDING SETBACKS AND FENCING STANDARDS, RIVERTON CITY, APPLICANT

WHEREAS, the Riverton City Planning Commission has received public input and made a recommendation regarding the above listed ordinance amendment; and,

WHEREAS, the City Council has held a public hearing to consider said amendment; and,

WHEREAS, the Riverton City Council has determined that it is in the best interest of the public to amend Riverton City Ordinance Section 18.57.

NOW THEREFORE, BE IT ORDAINED by the City Council of Riverton City, Utah as follows:

Section 1. The Riverton City Ordinance Section 18.57 shall be, and hereby is, amended to reflect the changes as shown in Exhibit "A" attached hereto.

Section 2. This ordinance shall take effect upon passage.

PASSED AND APPROVED by the City Council of Riverton, Utah, on this 19th day of August, 2014 by the following vote:

Council Member Sheldon Stewart	___ Yes	___ No
Council Member Brent Johnson	___ Yes	___ No
Council Member Trent Staggs	___ Yes	___ No
Council Member Paul Wayman	___ Yes	___ No
Council Member Tricia Tingey	___ Yes	___ No

RIVERTON CITY

[SEAL]

ATTEST:

Bill Applegarth, Mayor

Virginia Loader, MMC
City Recorder

Chapter 18.57 RM-14-D RESIDENTIAL ZONE

Sections:

18.57.010	Purpose.
18.57.020	Permitted uses.
18.57.030	Conditional uses.
18.57.040	Permitted accessory uses.
18.57.050	Area requirements.
18.57.060	Design standards.
18.57.070	Setback requirements.
18.57.080	Square footage of dwelling units.
18.57.090	Building height.
18.57.100	Multi-unit development standards.
18.57.110	Parking and access.
18.57.120	Trash storage.
18.57.130	Vehicle storage.
18.57.140	Standards for open space.
18.57.150	Fencing.
18.57.160	Swimming pools.

18.57.010 Purpose.

To provide areas of medium residential density with the opportunity for varied housing styles within the downtown area, with a maximum density of fourteen dwelling units per gross acre. [Ord. 12-10 § 1 (Exh. A).]

18.57.020 Permitted uses.

- (1) Condos or townhomes (attached or detached).
- (2) Residential planned developments.
- (3) Parks and open spaces (public).
- (4) Household pets (two maximum).

18.57.030 Conditional uses.

- (1) Public and quasi-public buildings and uses.
- (2) Independent senior citizen housing.
- (3) Other compatible uses, not elsewhere specified, approved by the city council after recommendation by the planning commission.

18.57.040 Permitted accessory uses.

- (1) Accessory Buildings. Garage, shed, and any building on a foundation (maximum one story or 15 feet).
- (2) Accessory Structures. Pools and jacuzzis, subject to this chapter.
- (3) Recreation Facilities. Basketball courts, tennis courts, and similar structures.

18.57.050 Area requirements.

Exhibit "A"

(1) Area. Each application pursuant to this chapter must be for a parcel or parcels within the downtown area, as defined in Figure 1 attached to the ordinance codified in this chapter.

(2) Parcel Size. Each application pursuant to this chapter shall be for a site of not less than two acres.

(3) Percent Open Space. Each development in the RM-14-D zone shall have a minimum of 25 percent of the site reserved for common open space.

18.57.060 Design standards.

The treatment of buildings, materials and exterior appurtenances shall create an aesthetically pleasing site that is compatible with structures in the immediate area. Exterior materials for all buildings in the RM-14-D zone shall include brick, stucco, stone, or other decorative masonry products including fiber-cement siding as approved by the city council upon recommendation from the planning commission. A minimum of 25 percent of the exterior shall be brick or stone. Vinyl and wood siding are not permitted. However, shake shingles may be permitted as an accent material as approved. All sides of dwellings shall receive equal design consideration, particularly where they may be readily viewed by pedestrians and motorists, or from adjacent properties.

18.57.070 Setback requirements.

(1) Front Yard Setback. The minimum setback shall be 20 feet from the top back of curb which abuts an internal public or private driveway or road if no sidewalk exists, or 20 feet from back of sidewalk if a sidewalk is installed. Where a unit includes rear loaded garages, the front setback shall be a minimum of 15 feet from top back of curb.

(2) Side Yard Setback. All buildings shall have a setback of 10 feet between detached buildings. Where a side yard is located contiguous with an external public street, the side yard setback shall not be less than 15 feet. The side yard setback from an internal driveway, road, and/or parking area shall be 10 feet from top back of curb.

(3) Rear Yard Setback. All buildings shall have a rear setback of 20 feet from top back of curb when adjacent to an external public right-of-way. Where a rear yard is set back from an internal driveway, road and/or parking area the setback shall be 10 feet from top back of curb. Where a unit includes rear loaded garages off internal roadways, the setback shall be a minimum of 5 feet from edge of roadway. Parking areas shall have a setback of 10 feet from the property line. Adjacent to a single-family residential zone, a minimum of seven feet depth of landscaping shall be installed along that property line.

(4) Setbacks shall be measured to foundation.

(5) Accessory Buildings and Uses.

(a) Enclosed garage units may be placed upon the property line providing all provisions of the current Building Code are met.

18.57.080 Square footage of dwelling units.

A minimum finished living area square footage shall be 900 square feet.

18.57.090 Building height.

The maximum height for all buildings and structures in the RM-14-D zone shall be no more than 35 feet or two and one-half stories. Accessory buildings shall be a maximum of 18 feet in height.

18.57.100 Multi-unit development standards.

Dwelling units may be clustered in common wall construction. Such units may have no more than two walls in common with other dwelling units, not including units situated above other dwelling units.

18.57.110 Parking and access.

The following requirements shall be followed when planning parking for a multifamily or condominium project:

- (1) Restrictions on Corner Lots. On any corner lot, no driveway shall be closer than 20 feet to the point of intersection as measured at the property line.
- (2) Restrictions of Driveways on Collector Streets. Residential units may not access directly onto any collector or arterial street.
- (3) Minimum Number of Parking Spaces. Multiple-family developments shall have a minimum of two off-street parking spaces per dwelling unit, at least one of which shall be in an enclosed garage. Driveways on individual units may be counted as an off-street parking space only if there is a minimum driveway depth of 20 feet from back of sidewalk. Guest parking shall be provided as approved by the city council as part of the site plan approval process.
- (4) Internal Roadways. Internal roadways may be publicly or privately maintained as approved by the city council. Public or publicly maintained roadways may not be gated or otherwise obstructed. Internal roadway dimensions and configuration, including curb and gutter, shall be as approved in the site plan, upon recommendation from the city engineer and Unified Fire Authority. However, sidewalks shall not be publicly owned or maintained unless approved as such by the city council. The city council may allow a monolithic sidewalk without a park strip as part of the overall site plan approval. On private roads or driveways, sidewalks shall be installed as approved during the site plan approval process. All paved surfaces shall meet minimum standards of construction as specified in the Riverton City standards and specifications manual. Internal public rights-of-way and roadways may be included in the gross density calculations as approved by the city council.
- (5) Utilities on Public Rights-of-Way. As approved by the city council upon recommendation from the city engineer, public utilities may be placed within an easement or easements outside of the public right-of-way.
- (6) Other Requirements. Parking in the RM-14-D zone shall follow all other applicable parking regulations as listed in Chapter [18.145](#) RCC.

18.57.120 Trash storage.

No junk or trash shall be stored in an open area. All common trash receptacles or materials must be screened from public streets and adjacent properties with a solid decorative masonry enclosure with solid vinyl or comparable solid gating, or must be stored within an enclosed building. Storage of commercial goods or materials is expressly prohibited.

18.57.130 Vehicle storage.

- (1) RV Storage. RV, boat, or other recreational vehicle storage is not permitted in the RM-14-D zone.

18.57.140 Standards for open space.

Open space shall be maintained by the owner and shall meet the following minimum requirements:

- (1) Grading. All areas shall be properly graded so as to cause no drainage problems to adjacent homes or other uses.
- (2) Turf. All open space shall be sodded or seeded to provide a visually pleasing as well as functional space for appropriate activities.
- (3) Native Vegetation. Where it is deemed appropriate by the city, native grasses and plants may be used along equestrian trails, bicycle paths, etc. Steps will be taken by developers to guard against such spaces becoming a fire hazard or haven for insects.

Exhibit “A”

(4) Trees. All areas shall have a minimum number of both deciduous and evergreen trees to provide for shade and to provide visual relief and a source of rural atmosphere.

The following shall be required:

(a) A minimum of 15 trees per acre shall be planted and maintained within the project, with tree type, placement, and caliper as approved by Riverton City.

(b) Tree types, placement, and caliper shall be designated in the approved project landscape plan.

(c) Irrigation. All areas shall be watered by an installed irrigation system.

(5) Landscaping Guarantees. Whenever a residential dwelling is constructed, landscaping in the form of lawn, trees, or other plantings or landscape features, except for areas covered by walls, driveways, and other structures, shall be installed before issuing a certificate of occupancy.

All landscaping shall be of sufficient quality, durability and survivability. Landscaping and open spaces shall be watered by a pressurized irrigation system installed to meet the watering needs of all flora.

(6) Amenities. Amenities within a development, such as a clubhouse, gazebo, pool, tot lot or play area, or similar amenities, must be proposed and approved as part of the overall site plan. The City Council and Planning Commission may amend, add to, or otherwise modify proposed amenities or types of amenities, based on the size of the project, unit types, projected demographics and other considerations.

18.57.170 Fencing.

(1) Collector Street Fencing. All developments that have dwelling units adjacent to, or abutting onto, a collector or arterial street shall have decorative masonry collector street fencing, in compliance with Chapter [18.155](#) RCC unless otherwise approved by the City Council as part of the site plan approval process..

(2) Incompatible Land Uses. All properties adjacent to or abutting a single-family residential or commercial zone shall install decorative masonry fencing at a minimum of six feet in height. However, the city council, upon recommendation from the planning commission, may allow for alternative fence type and height based on current and proposed future land use of adjacent properties.

(3) Height Requirements. No wall or fence higher than eight feet shall be erected or maintained in any private rear yard nor shall any wall, fence, opaque hedge, or screening material be erected or maintained in any required front yard in excess of three feet in height, except that any fence erected within 10 feet of any driveway and exceeding two feet in height shall be of visually non-obstructive material and shall be used to provide a safe distance for pedestrian and street traffic.

(4) Corner Lots. No wall, fence, opaque hedge, or screening material in excess of two feet shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at point equal to the required setback lines.

(5) Fencing Design. Required perimeter fencing shall be of a consistent design and type, with both internal and external sides of the fence similarly decorated and colored.

18.57.180 Swimming pools.

Any private swimming pool not completely enclosed within a building having solid walls shall be set back at least five feet from all property lines, and any public swimming pool not completely enclosed within a building having solid walls shall be set back at least 10 feet from all property lines. Any swimming pool shall be completely surrounded by a nonaccessible wall or fence having a height of at least six feet in which there shall be no openings larger than 36 square inches except for gates which shall be equipped with self-closing and self-latching devices, with latches placed a minimum of five feet above finished grade of the fence.

**RIVERTON CITY
MEMORANDUM**

TO: Honorable Mayor and City Council

FROM: Planning Department

DATE: August 19, 2014

SUBJECT: ORDINANCE AMENDMENT, RM-14-D, ADOPTING AMENDMENTS TO BUILDING SETBACK REQUIREMENTS AND COLLECTOR STREET FENCING STANDARDS, REVISIONS PROPOSED BY RIVERTON CITY.

On July 31, 2014, the Planning Commission voted to recommend APPROVAL of this ordinance amendment. Minutes from that meeting are included below. The Planning Commission recommended the following motion:

I move City Council ADOPT Ordinance #14-17, amending sections 18.57.070, Setback Requirements, and 18.57.170, Fencing, with amendments as follows:

- Section 18.57.070 (1) shall include the following: “Where a unit includes rear loaded garages, the front setback shall be a minimum of 15 feet from top back of curb.”
- Section 18.57.070 (3) shall include the following: “Where a unit includes rear loaded garages off internal roadways, the setback shall be a minimum of 5 feet from edge of roadway.”
- Section 18.57.170(1) shall read as follows: All developments that have dwelling units adjacent to, or abutting onto, a collector or arterial street shall have decorative masonry collector street fencing, in compliance with Chapter 18.155 RCC *unless otherwise approved by the City Council as part of the site plan approval process.* (Amendment in italics)

BACKGROUND:

Riverton City is proposing several amendments to the existing RM-14-D ordinance. That ordinance allows for multi-family development at a maximum density of 14 units per acre in the Downtown area. The ordinance was adopted with a standard multi-family development as a model, which included the assumption of front-loaded garages. The City recently approved an in the Downtown area which is zoned RM-14-D, and for which the developer has included rear-loaded, or “alley-loaded” garages. This amendment clarifies the language in the RM-14-D ordinance for site plans with such garage arrangements. Staff is proposing the following amendments to the sections of the RM-14-D zone addressing front and rear setbacks:

- Section 18.57.070 (1) shall include the following: “Where a unit includes rear loaded garages, the front setback shall be a minimum of 15 feet from top back of curb.”
- Section 18.57.070 (3) shall include the following: “Where a unit includes rear loaded garages off internal roadways, the setback shall be a minimum of 5 feet from edge of roadway.”

The reduced rear setback placing the garage closer to the rear drive or alley will serve to prevent parking outside the garages along the alley, which would block the drive.

The other proposed amendment is to Section 18.57.170, which requires collector street fencing where a project would abut Redwood Road or 12600 South. The amendment will make the RM-14-D ordinance language consistent with Riverton City's fencing ordinance and site plan standards, which allows discretion on the part of the Council in fencing decisions. Staff is therefore proposing the following addition to that section:

- 18.57.170 Fencing.
Collector Street Fencing. All developments that have dwelling units adjacent to, or abutting onto, a collector or arterial street shall have decorative masonry collector street fencing, in compliance with Chapter 18.155 RCC *unless otherwise approved by the City Council as part of the site plan approval process.*

The Planning Commission recommended approval of the ordinance amendments as outlined above.

ATTACHMENTS:

The following items are attached:

1. A copy of the proposed ordinance amendment.

Chapter 18.57 RM-14-D RESIDENTIAL ZONE

Sections:

18.57.010	Purpose.
18.57.020	Permitted uses.
18.57.030	Conditional uses.
18.57.040	Permitted accessory uses.
18.57.050	Area requirements.
18.57.060	Design standards.
18.57.070	Setback requirements.
18.57.080	Square footage of dwelling units.
18.57.090	Building height.
18.57.100	Multi-unit development standards.
18.57.110	Parking and access.
18.57.120	Trash storage.
18.57.130	Vehicle storage.
18.57.140	Standards for open space.
18.57.150	Fencing.
18.57.160	Swimming pools.

18.57.010 Purpose.

To provide areas of medium residential density with the opportunity for varied housing styles within the downtown area, with a maximum density of fourteen dwelling units per gross acre. [Ord. 12-10 § 1 (Exh. A).]

18.57.020 Permitted uses.

- (1) Condos or townhomes (attached or detached).
- (2) Residential planned developments.
- (3) Parks and open spaces (public).
- (4) Household pets (two maximum).

18.57.030 Conditional uses.

- (1) Public and quasi-public buildings and uses.
- (2) Independent senior citizen housing.
- (3) Other compatible uses, not elsewhere specified, approved by the city council after recommendation by the planning commission.

18.57.040 Permitted accessory uses.

- (1) Accessory Buildings. Garage, shed, and any building on a foundation (maximum one story or 15 feet).
- (2) Accessory Structures. Pools and jacuzzis, subject to this chapter.
- (3) Recreation Facilities. Basketball courts, tennis courts, and similar structures.

18.57.050 Area requirements.

- (1) Area. Each application pursuant to this chapter must be for a parcel or parcels within the downtown area, as defined in Figure 1 attached to the ordinance codified in this chapter.
- (2) Parcel Size. Each application pursuant to this chapter shall be for a site of not less than two acres.

(3) Percent Open Space. Each development in the RM-14-D zone shall have a minimum of 25 percent of the site reserved for common open space.

18.57.060 Design standards.

The treatment of buildings, materials and exterior appurtenances shall create an aesthetically pleasing site that is compatible with structures in the immediate area. Exterior materials for all buildings in the RM-14-D zone shall include brick, stucco, stone, or other decorative masonry products including fiber-cement siding as approved by the city council upon recommendation from the planning commission. A minimum of 25 percent of the exterior shall be brick or stone. Vinyl and wood siding are not permitted. However, shake shingles may be permitted as an accent material as approved. All sides of dwellings shall receive equal design consideration, particularly where they may be readily viewed by pedestrians and motorists, or from adjacent properties.

18.57.070 Setback requirements.

(1) Front Yard Setback. The minimum setback shall be 20 feet from the top back of curb which abuts an internal public or private driveway or road if no sidewalk exists, or 20 feet from back of sidewalk if a sidewalk is installed. Where a unit includes rear loaded garages, the front setback shall be a minimum of 15 feet from top back of curb.

(2) Side Yard Setback. All buildings shall have a setback of 10 feet between detached buildings. Where a side yard is located contiguous with an external public street, the side yard setback shall not be less than 15 feet. The side yard setback from an internal driveway, road, and/or parking area shall be 10 feet from top back of curb.

(3) Rear Yard Setback. All buildings shall have a rear setback of 20 feet from top back of curb when adjacent to an external public right-of-way. Where a rear yard is set back from an internal driveway, road and/or parking area the setback shall be 10 feet from top back of curb. Where a unit includes rear loaded garages off internal roadways, the setback shall be a minimum of 5 feet from edge of roadway. Parking areas shall have a setback of 10 feet from the property line. Adjacent to a single-family residential zone, a minimum of seven feet depth of landscaping shall be installed along that property line.

(4) Setbacks shall be measured to foundation.

(5) Accessory Buildings and Uses.

(a) Enclosed garage units may be placed upon the property line providing all provisions of the current Building Code are met.

18.57.080 Square footage of dwelling units.

A minimum finished living area square footage shall be 900 square feet.

18.57.090 Building height.

The maximum height for all buildings and structures in the RM-14-D zone shall be no more than 35 feet or two and one-half stories. Accessory buildings shall be a maximum of 18 feet in height.

18.57.100 Multi-unit development standards.

Dwelling units may be clustered in common wall construction. Such units may have no more than two walls in common with other dwelling units, not including units situated above other dwelling units.

18.57.110 Parking and access.

The following requirements shall be followed when planning parking for a multifamily or condominium project:

(1) Restrictions on Corner Lots. On any corner lot, no driveway shall be closer than 20 feet to the point of intersection as measured at the property line.

(2) Restrictions of Driveways on Collector Streets. Residential units may not access directly onto any collector or arterial street.

(3) Minimum Number of Parking Spaces. Multiple-family developments shall have a minimum of two off-street parking spaces per dwelling unit, at least one of which shall be in an enclosed garage. Driveways on individual units may be counted as an off-street parking space only if there is a minimum driveway depth of 20 feet from back of sidewalk. Guest parking shall be provided as approved by the city council as part of the site plan approval process.

(4) Internal Roadways. Internal roadways may be publicly or privately maintained as approved by the city council. Public or publicly maintained roadways may not be gated or otherwise obstructed. Internal roadway dimensions and configuration, including curb and gutter, shall be as approved in the site plan, upon recommendation from the city engineer and Unified Fire Authority. However, sidewalks shall not be publicly owned or maintained unless approved as such by the city council. The city council may allow a monolithic sidewalk without a park strip as part of the overall site plan approval. On private roads or driveways, sidewalks shall be installed as approved during the site plan approval process. All paved surfaces shall meet minimum standards of construction as specified in the Riverton City standards and specifications manual. Internal public rights-of-way and roadways may be included in the gross density calculations as approved by the city council.

(5) Utilities on Public Rights-of-Way. As approved by the city council upon recommendation from the city engineer, public utilities may be placed within an easement or easements outside of the public right-of-way.

(6) Other Requirements. Parking in the RM-14-D zone shall follow all other applicable parking regulations as listed in Chapter [18.145](#) RCC.

18.57.120 Trash storage.

No junk or trash shall be stored in an open area. All common trash receptacles or materials must be screened from public streets and adjacent properties with a solid decorative masonry enclosure with solid vinyl or comparable solid gating, or must be stored within an enclosed building. Storage of commercial goods or materials is expressly prohibited.

18.57.130 Vehicle storage.

(1) RV Storage. RV, boat, or other recreational vehicle storage is not permitted in the RM-14-D zone.

18.57.140 Standards for open space.

Open space shall be maintained by the owner and shall meet the following minimum requirements:

(1) Grading. All areas shall be properly graded so as to cause no drainage problems to adjacent homes or other uses.

(2) Turf. All open space shall be sodded or seeded to provide a visually pleasing as well as functional space for appropriate activities.

(3) Native Vegetation. Where it is deemed appropriate by the city, native grasses and plants may be used along equestrian trails, bicycle paths, etc. Steps will be taken by developers to guard against such spaces becoming a fire hazard or haven for insects.

(4) Trees. All areas shall have a minimum number of both deciduous and evergreen trees to provide for shade and to provide visual relief and a source of rural atmosphere.

The following shall be required:

(a) A minimum of 15 trees per acre shall be planted and maintained within the project, with tree type, placement, and caliper as approved by Riverton City.

(b) Tree types, placement, and caliper shall be designated in the approved project landscape plan.

(c) Irrigation. All areas shall be watered by an installed irrigation system.

(5) Landscaping Guarantees. Whenever a residential dwelling is constructed, landscaping in the form of lawn, trees, or other plantings or landscape features, except for areas covered by walls, driveways, and other structures, shall be installed before issuing a certificate of occupancy.

All landscaping shall be of sufficient quality, durability and survivability. Landscaping and open spaces shall be watered by a pressurized irrigation system installed to meet the watering needs of all flora.

(6) Amenities. Amenities within a development, such as a clubhouse, gazebo, pool, tot lot or play area, or similar amenities, must be proposed and approved as part of the overall site plan. The City Council and Planning Commission may amend, add to, or otherwise modify proposed amenities or types of amenities, based on the size of the project, unit types, projected demographics and other considerations.

18.57.170 Fencing.

(1) Collector Street Fencing. All developments that have dwelling units adjacent to, or abutting onto, a collector or arterial street shall have decorative masonry collector street fencing, in compliance with Chapter [18.155](#) RCC unless otherwise approved by the City Council as part of the site plan approval process.

(2) Incompatible Land Uses. All properties adjacent to or abutting a single-family residential or commercial zone shall install decorative masonry fencing at a minimum of six feet in height. However, the city council, upon recommendation from the planning commission, may allow for alternative fence type and height based on current and proposed future land use of adjacent properties.

(3) Height Requirements. No wall or fence higher than eight feet shall be erected or maintained in any private rear yard nor shall any wall, fence, opaque hedge, or screening material be erected or maintained in any required front yard in excess of three feet in height, except that any fence erected within 10 feet of any driveway and exceeding two feet in height shall be of visually non-obstructive material and shall be used to provide a safe distance for pedestrian and street traffic.

(4) Corner Lots. No wall, fence, opaque hedge, or screening material in excess of two feet shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at point equal to the required setback lines.

(5) Fencing Design. Required perimeter fencing shall be of a consistent design and type, with both internal and external sides of the fence similarly decorated and colored.

18.57.180 Swimming pools.

Any private swimming pool not completely enclosed within a building having solid walls shall be set back at least five feet from all property lines, and any public swimming pool not completely enclosed within a building having solid walls shall be set back at least 10 feet from all property lines. Any swimming pool shall be completely surrounded by a nonaccessible wall or fence having a height of at least six feet in which there shall be no openings larger than 36 square inches except for gates which shall be equipped with self-closing and self-latching devices, with latches placed a minimum of five feet above finished grade of the fence.

1 RIVERTON CITY PLANNING COMMISSION
2 MEETING MINUTES

3
4 July 31, 2014

5
6 The Riverton City Planning Commission convened at 6:30 p.m. in the Riverton City
7 Municipal Building, 12830 South 1700 West, Riverton, Utah.

8
9 Planning Commission Members: Staff:

10
11 James Endrizzi
12 Kent Hartley
13 Brian Russell
14 Dennis Hansen
15 Scott Kochevar
16 James Webb

Andrew Aagard, City Planner
Casey Taylor, Deputy City Attorney
Gordon Miner, City Engineer

17
18 Commissioners Cade Bryant was excused from the meeting. It was noted that
19 Commissioner Webb arrived late.

20
21 Chair Brian Russell called the meeting to order. Commissioner Hartley led the Pledge
22 of Allegiance.

23
24 I. PUBLIC HEARING

25
26 A. **ORDINANCE AMENDMENT**, RM-14-D, AMENDMENTS TO BUILDING SETBACK
27 REQUIREMENTS AND COLLECTOR STREET FENCING STANDARDS, REVISIONS
28 PROPOSED BY RIVERTON CITY.

29
30 City Planner, Andrew Aagard, presented the staff report. He explained that Riverton City is
31 proposing amendments to the existing RM-14-D Ordinance, which allows for multi-family
32 development at a maximum density of 14 dwelling units per acre in Riverton City's downtown
33 area. The ordinance was adopted with a standard multi-family development as a model,
34 which included the assumption of front-loaded garages.

35
36 Mr. Aagard explained that there is currently an application for the Planning Commission and
37 City Council for approval in the downtown area, which is zoned RM-14-D, and for which the
38 developer has proposed rear-loaded or alley-loaded garages. The current standards for
39 building setbacks in the RM-14-D Zone do not allow for this model, in that an alley-loaded
40 garage sits much closer to the internal roadway, than would a standard configuration. Under
41 the right circumstances, this type of layout may be advantageous for the City to allow.
42 Mr. Aagard read the first two amendments as proposed by staff. He stated that the proposed
43 amendments will allow for a layout that includes rear-loaded garages. The reduced rear
44 setback placing the garage to the alley will prevent parking outside the garages along the
45 alley, which would otherwise block the drive.

46
47 Mr. Aagard explained that the ordinance currently specifies solid masonry fencing on the
48 subject property lines. However, as the downtown area develops, there may be situations

1 where more open fencing is desirable. Mr. Aagard then read the third proposed amendment,
2 which addressed the matter.

3
4 Chair Russell opened the public hearing. There were no public comments. Chair Russell
5 closed the public hearing.

6
7 Mr. Aagard responded to a question posed by Commissioner Hansen and noted that the
8 current front setbacks are 20 feet, and the rear setbacks are 10 feet. There was additional
9 discussion regarding the language of the proposed amendments.

10
11 **Commissioner Hansen moved that the Planning Commission recommend APPROVAL**
12 **of the ordinance amendments to sections 18.57.170, Fencing, with the following**
13 **amendments:**

14
15 **Section 18.57.070 (1) shall include the following: "Where a unit includes rear loaded**
16 **garages, the front setback shall be a minimum of 15 feet from top back of curb."**

17
18 **Section 18.57.070 (3) shall include the following: "Where a unit includes rear loaded**
19 **garages off internal roadways, the setback shall be a minimum of five feet from edge of**
20 **roadway."**

21
22 **Section 18.57.170 (1) shall read as follows: All departments that have dwelling units**
23 **adjacent to, or abutting onto, a collector or arterial street shall have decorative**
24 **masonry collector street fencing, in compliance with Chapter 18.155 RCC *unless***
25 ***otherwise approved by the City Council as part of the site plan approval process.***
26 **(Amendment in italics.)**

27
28 **Commissioner Kochevar seconded the motion. Vote on motion: Brian Russell – Aye;**
29 **Dennis Hansen – Aye; Kent Hartley – Aye; James Endrizzi – Aye; Scott Kochevar –**
30 **Aye. The motion passed unanimously. James Webb was not present for the vote.**

31
32 **B. MULTI-FAMILY SITE PLAN, PLZ-14-8006, RIVERTON PEAKS MULTI-FAMILY**
33 **DEVELOPMENT, 12700 SOUTH REDWOOD ROAD, RM-14-D ZONE, 88 UNITS,**
34 **APPROXIMATELY 6.4 ACRES, NEWMAN CONSTRUCTION, APPLICANT.**

35
36 Mr. Aagard presented the staff report and described the surrounding properties. To the
37 north, the property is zoned Downtown Commercial. The property to the west is zoned
38 Downtown and RM-8-D. The property to the east is zoned RR-22 and the property to the
39 south is zoned RM-14-D. Mr. Aagard displayed the proposed site plan and noted that the
40 units are predominantly townhome style with a mix of row-style units clustered around a
41 common courtyard. The detached units will be part of the overall development and the yard
42 areas will be included in the open space maintained by the homeowners' association (HOA.)
43 Mr. Aagard explained that the detached units were included in the plan to preserve the
44 single-family detached feel of the area as the homes across the street are similar in nature.

45
46 In relation to the aforementioned ordinance amendments, the units all have rear-entry and
47 rear-access garages. There will be one thoroughfare extending through the middle of the



Issue Paper

Item No. 3.1

Presenter/Submitted By:	Ryan Carter, City Attorney	
Subject: Approve a Resolution authorizing the execution of a Settlement Agreement between Build to Suit, Inc. and Riverton City	Meeting Date: 08/19/2014	
	Fiscal Impact:	
	Funding Source:	
Background: <p>On January 9, 2014, Build To Suit, Inc. submitted an application requesting commercial site plan approval for property located at 13503 South Hamilton View Road (3600 West). The applicant proposed the construction of a plasma donation facility at this location. At public hearings held before both the planning commission and the city council, questions arose as to whether a plasma donation center should be allowed in the Commercial Regional Zone, and therefore whether or not the application should be approved.</p> <p>On July 15, 2014, the city council voted to deny the commercial site plan application. Build To Suit, Inc. subsequently filed a lawsuit with the Third Judicial District (Case No. 140409977) seeking to overrule the city council's decision. With the lawsuit pending, Riverton City has been in negotiations with Build To Suit, Inc. in an attempt to resolve all pending legal matters. A settlement agreement has been prepared which will allow approval of Build To Suit, Inc.'s commercial site plan application.</p>		
Recommendation: <p>Approve a Resolution authorizing the execution of a settlement agreement and general release of all claims against Riverton City.</p>		
Recommended Motion: <p>"I move that the Riverton City Council approve <u>Resolution No. 14-57-</u> authorizing the execution of a settlement agreement and general release of all claims."</p>		

RIVERTON CITY, UTAH
RESOLUTION NO. 14-57

A RESOLUTION APPROVING A SETTLEMENT AGREEMENT FOR A CIVIL ACTION FILED AGAINST RIVERTON CITY BY BUILD TO SUIT, INC. IN THE THIRD JUDICIAL DISTRICT COURT, STATE OF UTAH, CASE NO. 140409977, AND A GENERAL RELEASE OF ALL CLAIMS, APPLICATION NO. PL 14-8001

WHEREAS, pursuant to Utah Code §§ 10-1-202 and 10-9a-801, a person may challenge in district court a municipality's land use decisions made in the exercise of or in violation of the provisions of Utah law; and

WHEREAS, on January 9, 2014, Build To Suit, Inc. submitted an application requesting commercial site plan approval for property located at 13503 South Hamilton Road (3600 West) (the "Property"); and

WHEREAS, on July 15, 2014, the commercial site plan application was denied by the Riverton City Council; and

WHEREAS, a lawsuit presently pending was filed in the Third Judicial District, State of Utah (Case No. 140409977) by Build To Suit, Inc., which lawsuit challenges Riverton City's denial of the application as a denial without substantial evidence in the record and as arbitrary, capricious, or illegal pursuant to Utah Code § 10-9a-801(3)(c); and

WHEREAS, pursuant to Utah Code § 63G-7-602, the Riverton City Council is empowered to "compromise and settle any action" against the City, after conferring with the City's legal counsel; and

WHEREAS, Riverton City and its attorney have thoroughly considered the recommendations of Riverton's city planners in favor of approval for the application and have analyzed Build To Suit, Inc.'s claims in the lawsuit, the likelihood of success by both parties on appeal, and the time and resources associated with seeing the appeal to its conclusion;

NOW THEREFORE BE IT RESOLVED by the Riverton City Council as follows:

1. Riverton City intends and is hereby authorized to take steps necessary to resolve the lawsuit filed by Build To Suit, Inc. and so as to avoid the costs and risk associated with seeing the lawsuit to its conclusion. Accordingly, a Settlement Agreement by and between Riverton City and Build To Suit, Inc. attached hereto as Exhibit "A" is hereby approved. The Mayor is hereby authorized to execute the Settlement Agreement.

2. The application for commercial site plan approval made January 9, 2014, by Build To Suit, Inc., is hereby approved as described in the attached Settlement Agreement and other submittals tendered to Riverton City by Build To Suit, Inc. The parties are hereby authorized to execute whatever documents are necessary to formalize said approval.

3. Riverton City staff and legal counsel are further authorized to take and complete all necessary actions to carry out the directives contained in this resolution.

4. This resolution shall take effect upon passing.

PASSED AND ADOPTED by City Council of Riverton, Utah, this 19th day of August, 2014 by the following vote:

Council Member Brent Johnson	___	Yes	___	No
Council Member Trent Staggs	___	Yes	___	No
Council Member Sheldon Stewart	___	Yes	___	No
Council Member Trish Tingey	___	Yes	___	No
Council Member Paul Wayman	___	Yes	___	No

RIVERTON CITY

[SEAL]

Bill Applegarth, Mayor

ATTEST:

Virginia Loader, MMC
City Recorder

SETTLEMENT AGREEMENT AND GENERAL RELEASE OF ALL CLAIMS

Build to Suit, Inc., an Iowa corporation, **Jason Harder**, an individual, **GRD Riverton, LLC**, a Utah limited liability company, (collectively herein referred to as “Build to Suit”), and **Riverton City**, a municipality and political subdivision of the State of Utah (“City”), (sometimes collectively referred to as the “Parties”), hereby enter into this Settlement Agreement and General Release of All Claims (the “Agreement”) as of this ____ day of _____, 2014, for the purpose of settling and resolving certain claims, controversies and disputes between them on the terms and conditions and for the considerations set forth below.

1. Intent of the Parties. There is a dispute between the Parties with respect to the approval of a site plan for the proposed tenant Plasma Center, Application No. PL-14-8001 (the “Application”), which resulted in the filing of that certain legal action now pending in the Third Judicial District Court for Salt Lake County, West Jordan Department, State of Utah, captioned Build to Suit, Inc., et al. v. Riverton City, Case No. 140409977 (the “Litigation”). Without waiving or conceding their respective positions in the Litigation, it is the intent and purpose of the Parties to this Agreement to fully and completely settle, compromise and resolve all claims and controversies between them arising out of or in any way referring or relating to the Application and the Litigation.

2. Court Approval and Dismissal of Litigation. The Parties hereby agree that a stipulation and order shall be executed by counsel for the Parties and filed in the Third Judicial District Court, seeking approval of this Agreement, which shall be incorporated as part of the order of dismissal subject to approval of the Court, and dismissing the Litigation with prejudice and upon the merits, with all parties to bear their own costs and attorney’s fees.

3. Approval of Site Plan Application for Tenant Plasma Center. As part of this Agreement, the City hereby grants approval of Site Plan Application No. PL-14-8001 for the tenant Plasma Center with the following conditions:

1. Storm drainage systems and accommodation comply with Riverton City standards and ordinances, and with the recommendations of the Riverton City Engineering Division.
2. An interim storm drainage and erosion control plan and an access management plan be approved by the City prior to any construction or grading on the site.

3. The site and structures comply with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.
4. Any and all rooftop equipment shall be screened from view with architectural features such as; parapet walls, wing walls or screens as shown on Exhibit A (Exterior Building Elevations).
5. Aluminum composite panels on the north end of the building be replaced with stone used on the building as shown on Exhibit A.
6. Left-turn arrows and striping shall be added to the existing southbound left-turn lanes on 3600 West, as approved by the City Engineer, as shown on Exhibit B (Overall Site Plan).
7. Lighting be reviewed by the applicant to minimize impacts.
8. All biological waste material shall be disposed of according to applicable standards and requirements. (See Note 1 on Exhibit B).
9. In accordance with Riverton City Ordinance, dumpsters shall not be emptied nor trash collected in any manner from this site between the hours of 10 p.m. and 7 a.m. (See Note 2 on Exhibit B).
10. Screening for HVAC on the roof to be similar in color and general appearance to the building. Not chain link fencing.
11. Wall Height, grade of landscape. Wall behind the building should be 8 feet high, grade should allow the building to sit lower. Build to Suit agrees to remove and replace existing 6' wall with like kind 8' wall provided that consent and construction easements can be obtained from all adjacent property owners on opposite side of the fence and those property owners move / remove their property from existing fence and construction easement area. Currently dirt from planters and additional fence prevent replacement from occurring.
12. Trees should be 2-3 inch caliper, consistent with other trees in the area (flowering pear, maple). Pine trees to be 8'. Trees should be large and planting and fast growing.
13. Lighting/shields. All lighting shall be appropriately located and screened to minimize light pollution upon neighboring properties, as shown on Exhibit B.
14. Earth tone colors to remain consistent with surrounding buildings. Building color shown on Exhibit A.

15. Signage posted stating “No Loitering” and enforced by local law enforcement. Two signs shall be posted as shown as Exhibit B.

It is further understood and agreed that while the City has reviewed and approved the Site Plan for tenant Plasma Center, Build to Suit and tenant Plasma Center shall be required to comply with all other applicable requirements of the Riverton City Code with respect to the construction and operation of the tenant Plasma Center.

4. General Release of Claims.

As part of this Agreement, Build to Suit, for and on behalf of itself and its agents, indemnitors, insurers, successors, and assigns, hereby releases and forever discharges the City, together with its elected officials, appointed officials, employees, agents, indemnitors, insurers, successors, and assigns, from any and all claims, demands, liabilities, damages, causes of action, costs and expenses, including attorney’s fees, arising out of or in any way related to the Application and the Litigation. The foregoing release shall be conditioned upon approval of this Agreement by order of the court prior to the dismissal of the Litigation.

5. Integration. This Agreement contains the entire agreement and understanding of the Parties with respect to the subject matter hereof, and integrates all prior conversations, discussions or undertakings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the Parties hereto.

6. Counterparts. This document may be executed in one or more counterparts, which together shall constitute one and the same document.

7. Amendment. This Agreement or the rights and obligations contained herein may not be modified, superseded, or supplemented except by an instrument in writing signed by the parties hereto.

8. Additional Acts. The parties shall do such further acts and things and shall execute and deliver such additional documents and instruments as may be necessary or reasonably requested by a party or its counsel to obtain approvals or other benefits described herein.

9. Authorization. Each individual executing this Agreement does thereby represent and warrant to the other signers that the individual has been duly authorized to execute and deliver this Agreement in the capacity and for the party specified.

10. Mutual Participation in Document Preparation. Each party has participated materially in the negotiation and preparation of this Agreement and any related items; in the event a dispute concerning the interpretation of any provision of this Agreement or any related

item, the rule of construction to the effect that certain ambiguities are to be construed against the party drafting a document will not apply.

11. No Third-Party Beneficiary Interests. Nothing contained in this Agreement is intended to benefit any person or entity other than the Parties to this Agreement; and no representation or warranty is intended for the benefit of, or to be relied upon by, any person or entity which is not a party to this Agreement.

12. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon, the Parties hereto and their respective heirs, representatives, officers, agents, employees, members, successors and assigns.

WHEREFORE, the parties have executed the foregoing to be effective the date first appearing above.

[Signatures and Acknowledgments on Next Page]

BUILD TO SUIT, INC., an Iowa corporation

By: _____
Its: _____

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On this _____ day of _____, 2014, before me personally appeared, _____ known to me to be the person who executed the Settlement Agreement and General Release of All Claims herein in behalf of Build to Suit, Inc. and acknowledged to me that he/she executed the same for the purposes therein stated.

Notary Public

By: _____
Jason Harder

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On this _____ day of _____, 2014, before me personally appeared, _____ known to me to be the person who executed the Settlement Agreement and General Release of All Claims herein and acknowledged to me that he/she executed the same for the purposes therein stated.

Notary Public

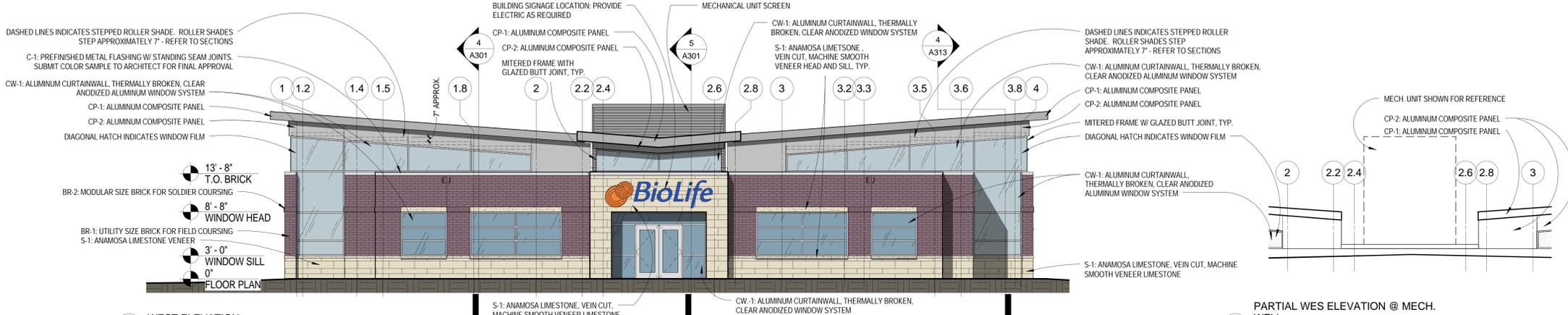
EXTERIOR ELEVATIONS GENERAL NOTES:

1. EXPOSED GAS PIPING OR ELECTRICAL CABINET TO BE PAINTED 'BIOLIFE BRONZE'. COORDINATE COLOR W/ ARCHITECT.
2. BRICK CONTROL JOINT LOCATIONS TO USE CAULK SE-1. REFER TO EXTERIOR ELEVATION FINISHES SCHEDULE.
3. ALL EXTERIOR LINTELS ABOVE DOORS AND WINDOWS TO BE GALVANIZED STEEL. DO NOT PAINT.

EXTERIOR FINISHES SCHEDULE:

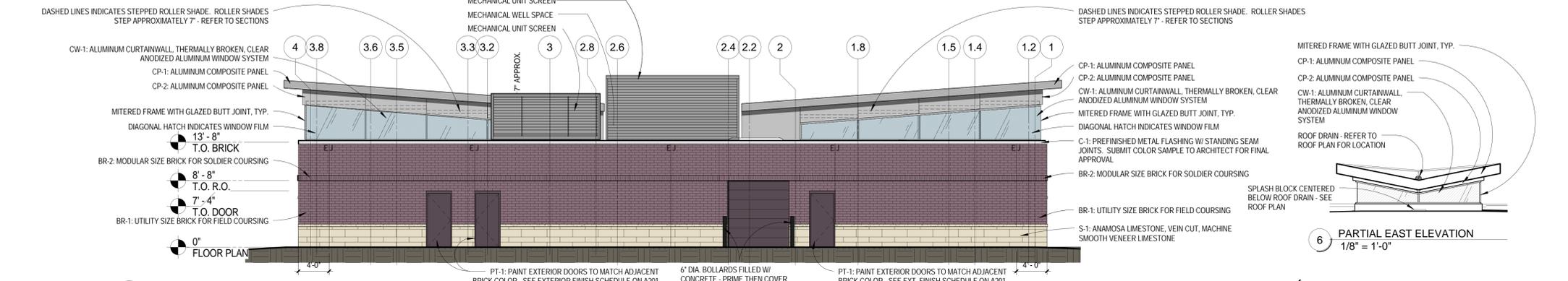
BR-1: UTILITY BRICK COLOR: WELSFORD IRONSPOT MANUFACTURER: SIOUX CITY BRICK & TILE CO. NOTE: PROVIDE COLORLESS COATING FOR ALL BRICK FOR MOISTURE AND GRAFFITI PROTECTION.
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C-1: PREFINISHED METAL FLASHING COLOR: GRAY TYPE: .040 ALUMINUM
CP-1: ALUMINUM COMPOSITE PANEL COLOR: DARK GRAY MANUFACTURER: ALPOLIC MATERIALS NOTE: OPEN JOINT SYSTEM - NO SEALANT AT JOINTS.
CP-2: ALUMINUM COMPOSITE PANEL COLOR: LIGHT GRAY MANUFACTURER: ALPOLIC MATERIALS NOTE: OPEN JOINT SYSTEM - NO SEALANT AT JOINTS.
CW-1: ALUMINUM CURTAINWALL WINDOW SYSTEM FINISH: CLEAR ANODIZED
PT-1: FIELD PAINT COLOR: BIOLIFE BRONZE MANUFACTURER: SHERWIN WILLIAMS ORDER #: 1338-0026881
SE-1: EXTERIOR CAULK COLOR: BASF-BROWN-2000 IRV10 MANUFACTURER: SONNEBORNE
S-1: ANAMOSA LIMESTONE VENEER FINISH: VEIN CUT, MACHINE SMOOTH MANUFACTURER: WEBER STONE CO. PHONE: (319) 462-3581 NOTE: PROVIDE COLORLESS COATING FOR ALL STONE FOR MOISTURE AND GRAFFITI PROTECTION.
ST-1: ALUMINUM STOREFRONT WINDOW SYSTEM FINISH: CLEAR ANODIZED

NOTE: GAS PIPING AND ELECTRICAL CABINET TO BE PAINTED BIOLIFE BRONZE, PT-1 - SEE A201 EXTERIOR FINISHES SCHEDULE.



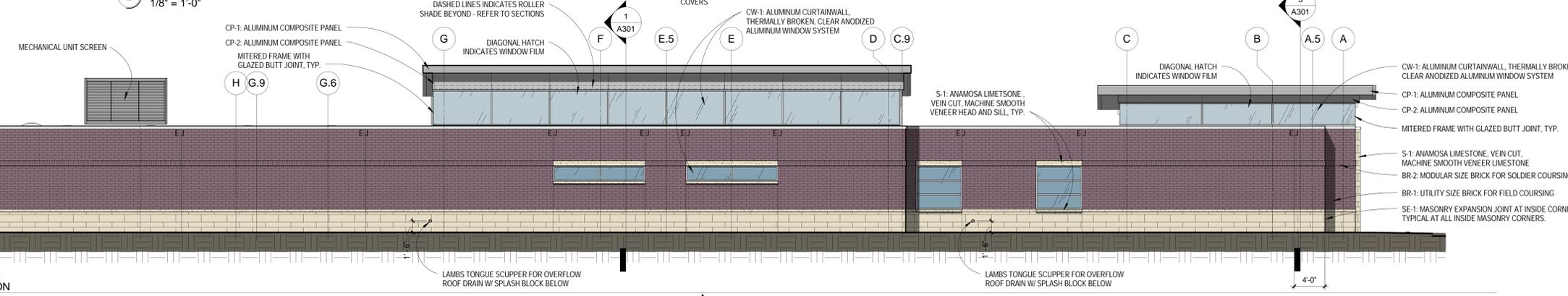
1 WEST ELEVATION
1/8" = 1'-0"

5 PARTIAL WES ELEVATION @ MECH. WELL
1/8" = 1'-0"

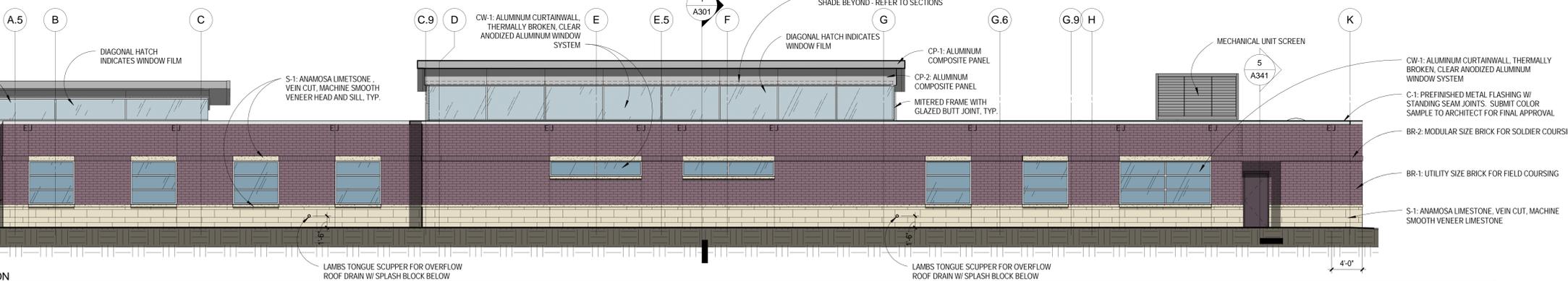


2 EAST ELEVATION
1/8" = 1'-0"

6 PARTIAL EAST ELEVATION
1/8" = 1'-0"



3 NORTH ELEVATION
1/8" = 1'-0"



4 SOUTH ELEVATION
1/8" = 1'-0"

LOT 12 A

SITE TABULATION			
TOTAL SITE:	138,030 SF	3.17 ACRES	100%
BUILDING:	16,692 SF	0.38 ACRES	12.1%
HARDSCAPE:	66,164 SF	1.59 ACRES	47.9%
LANDSCAPE:	55,174 SF	1.19 ACRES	40.0%

PARKING	
PARKING REQUIRED - (MEDICAL OR DENTAL OFFICES, CLINICS): ONE (1) PARKING STALL PER 200 SF OF GROSS FLOOR AREA: 16,692 SF / 200 SF = 84 STALLS	
PARKING PROVIDED:	
OPEN	138 Stalls
ADA STALLS	6 Stalls
TOTAL STALLS PROVIDED	144 Stalls

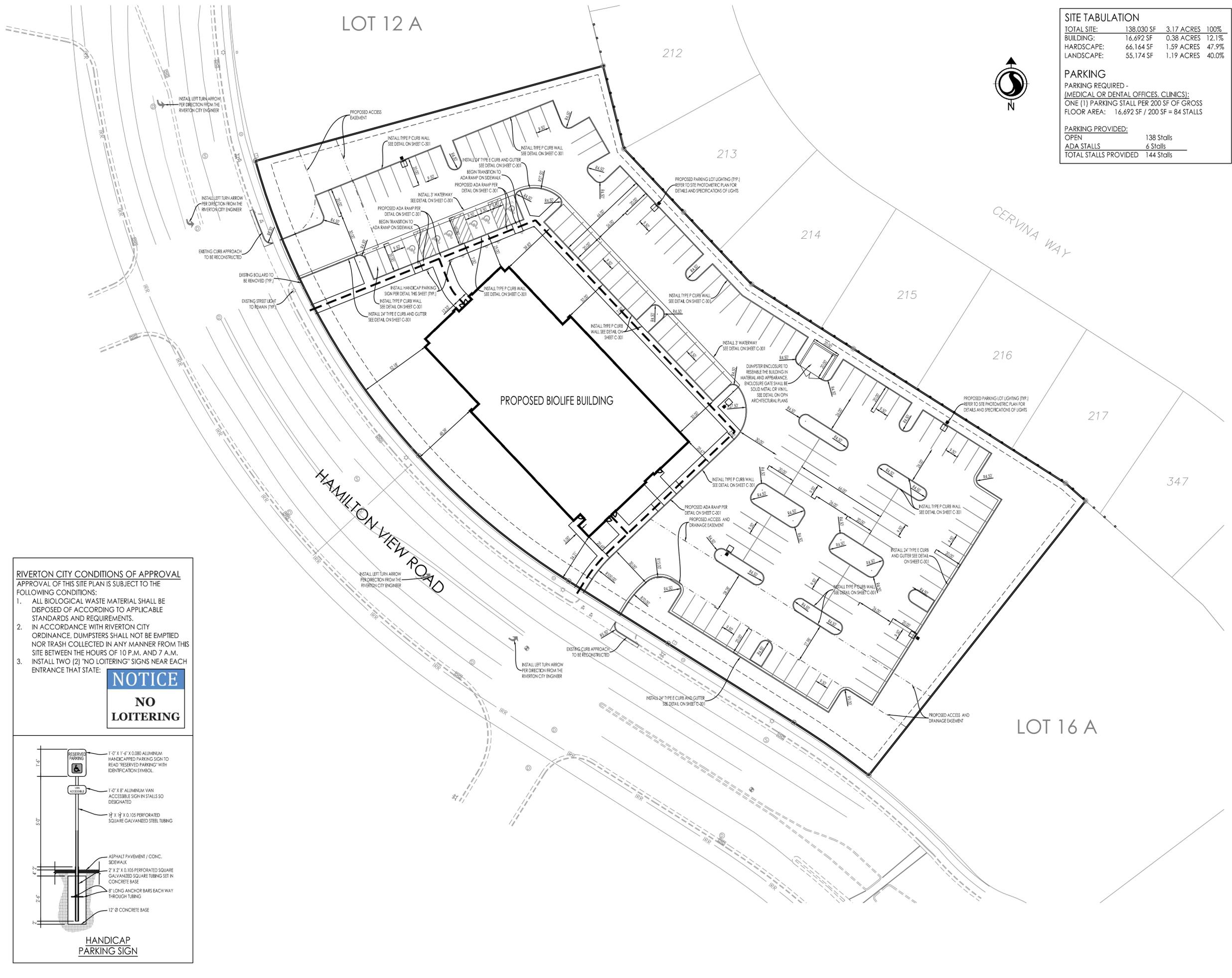


3995 South 700 East, Suite 300
Salt Lake City, Utah 84107
www.stantec.com

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The Contractor shall verify and be responsible for all dimensions. DO NOT scale the drawing - any errors or omissions shall be reported to Stantec without delay. The Copyrights to all designs and drawings are the property of Stantec. Reproduction or use for any purpose other than that authorized by Stantec is forbidden.

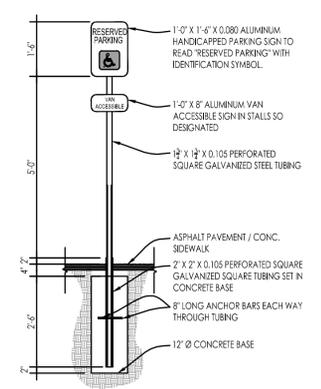
Owner/Project



Legend	
	PROJECT BOUNDARY
	ROADWAY CURB AND GUTTER
	SIDEWALK
	RIGHT-OF-WAY
	EXISTING SANITARY SEWER
	EXISTING WATER LINE
	EXISTING STORM DRAIN LINE
	EXISTING 1' CONTOURS
	EXISTING 1' CONTOURS (4447)
	PROPOSED STORM DRAIN LINE
	PROPOSED HOODED INLET, CLEANOUT, YARD DRAIN
	SANITARY SEWER LATERAL LINE
	1 1/2\"/>
	EXISTING FIRE HYDRANT
	PROPOSED SWALE
	ADA ACCESSIBLE ROUTE
	2% MAX. CROSS SLOPE
	5' MAX. RUNNING SLOPE

RIVERTON CITY CONDITIONS OF APPROVAL
APPROVAL OF THIS SITE PLAN IS SUBJECT TO THE FOLLOWING CONDITIONS:

- ALL BIOLOGICAL WASTE MATERIAL SHALL BE DISPOSED OF ACCORDING TO APPLICABLE STANDARDS AND REQUIREMENTS.
- IN ACCORDANCE WITH RIVERTON CITY ORDINANCE, DUMPSTERS SHALL NOT BE EMPTIED NOR TRASH COLLECTED IN ANY MANNER FROM THIS SITE BETWEEN THE HOURS OF 10 P.M. AND 7 A.M.
- INSTALL TWO (2) "NO LOITERING" SIGNS NEAR EACH ENTRANCE THAT STATE:



Revision	By	Appd.	YY.MM.DD	
3	RIVERTON CITY SUBMITTAL	SDJ	JRJ	14.03.06
2	RIVERTON CITY SUBMITTAL	SDJ	JRJ	14.02.10
1	RIVERTON CITY SUBMITTAL	SDJ	JRJ	14.01.08

File Name:	SDJ	JRJ	EKW	14.02.10
01165-101sp.dwg	Dwn.	Chkd.	Dsgn.	YY.MM.DD

Permit-Seal



Client/Project
BUILD TO SUIT, INC
 1805 STATE STREET, STE 101
 BETTENDORF, IA 52722

BIOLIFE PLASMA CENTER
 Riverton, Utah

Title
OVERALL SITE PLAN

Project No. 186201165	Scale 1"=30'	Sheet C-101	Revision 0
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X:\20862\c\civ\186201165\drawing\sheet\01165-101sp.dwg 20/10/2017 2:53:57 PM By: Wmiers, GTC ORIGINAL SHEET - ARCH D

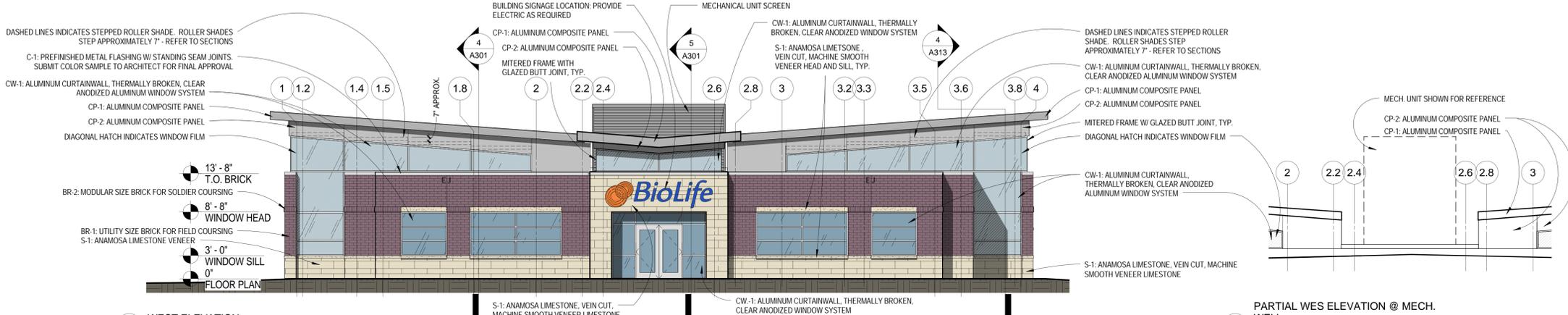
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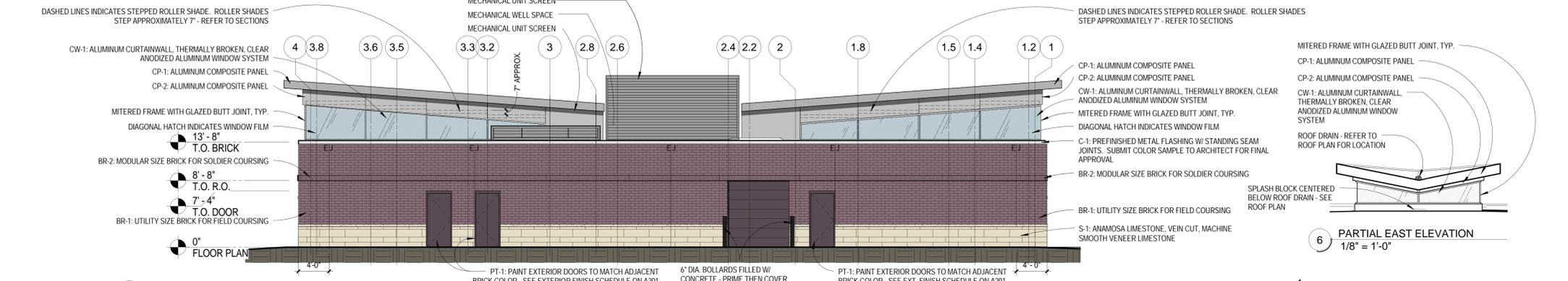
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NOTE: GAS PIPING AND ELECTRICAL CABINET TO BE PAINTED BIOLIFE BRONZE, PT-1 - SEE A201 EXTERIOR FINISHES SCHEDULE.



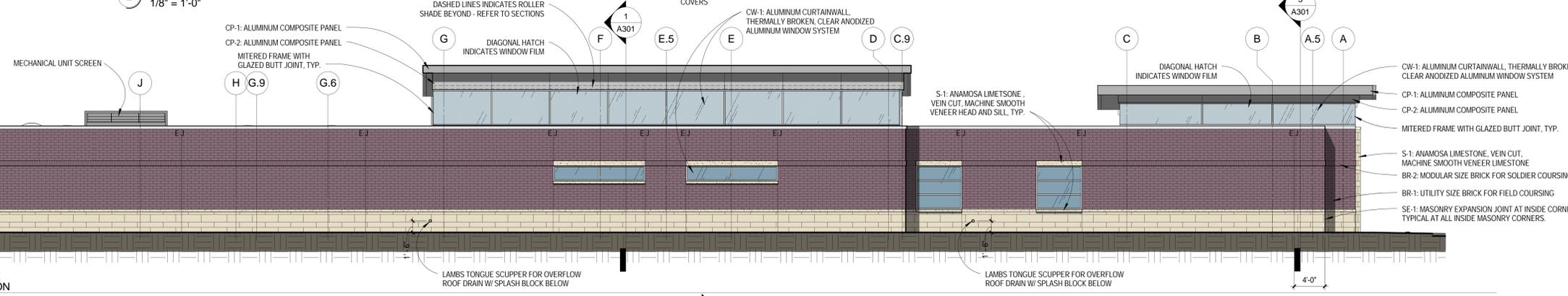
1 WEST ELEVATION
1/8" = 1'-0"

PARTIAL WEST ELEVATION @ MECH. WELL
1/8" = 1'-0"

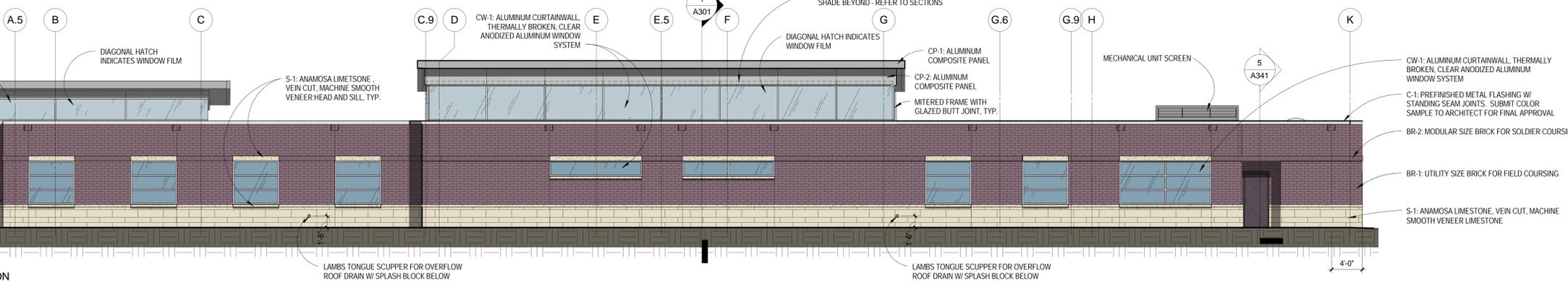


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6 PARTIAL EAST ELEVATION
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3 NORTH ELEVATION
1/8" = 1'-0"



4 SOUTH ELEVATION
1/8" = 1'-0"



Issue Paper

Item No. 3.2

Presenter/Submitted By:	Jason Lethbridge, Planning Manager	
Subject: PRELIMINARY PLAT SUBDIVISION, THE COTTAGES AT WESTERN SPRINGS, 4358 WEST 12900 SOUTH, 61 SINGL-FAMILY LOTS, R4-SD ZONE, BRIGHTON HOMES UTAH LLC, APPLICANT	Meeting Date: August 19, 2014	
	Fiscal Impact: N/A	
	Funding Source: N/A	
Background: <p>Brighton Homes LLC has submitted an application requesting preliminary plat approval for a subdivision of land located at approximately 4358 West 12900 South. The property is zoned R-4 SD (Residential 10,000 square foot lots Specific Development). The Specific Development of this zoning district includes additional requirements that were not contained in the R-4 zoning district and will be discussed later in this report. Property to the north is zoned RR-22 (Rural Residential). Property to the east and south is zoned PCC (Planned Commercial Center) and is listed in Riverton's General Plan as "Future Study Area." Properties to the west are zoned R-1 (Residential 1 acre lots) and RR-22.</p> <p>The applicant is proposing to subdivide 22.91 acres into 61 single-family residential lots ranging in size from 7,000 square feet up to 45,000 square feet. In December of 2013 the Riverton City Council approved a request by the applicant to rezone the property to R-4 SD. The SD, meaning Specific Development, attached additional requirements for subdivision that are not found in the standard R-4 zoning code. Those conditions are included in this staff report.</p>		
Recommendation: <p>On June 31, 2014, the Planning Commission voted to recommend APPROVAL of this application.</p>		
Proposed Motion: <p>"I move the City Council approve Application #14-1002 The Cottages at Western Springs preliminary plat subdivision, located at approximately 4358 West 12900 South with the conditions outlined in the Staff Report."</p>		

**RIVERTON CITY
MEMORANDUM**

TO: Honorable Mayor and City Council

FROM: Development Review Committee

DATE: August 19, 2014

SUBJECT: PRELIMINARY PLAT SUBDIVISION, THE COTTAGES AT WESTERN SPRINGS, 4358 WEST 12900 SOUTH, 61 SINGL-FAMILY LOTS, R4-SD ZONE, BRIGHTON HOMES UTAH LLC, APPLICANT.

PL NO.: 14-1002– The Cottages at Western Springs Preliminary Subdivision

On July 31, 2014, the Planning Commission voted to recommend APPROVAL of this Preliminary Plat application. The Planning Commission specifically added conditions 9 and 10 to the proposed motion. Minutes from that meeting are included below. The Planning Commission recommended the following motion:

I move the City Council APPROVE application #14-1002 The Cottages at Western Springs preliminary plat subdivision, located at approximately 4358 West 12900 South with the following conditions:

1. Storm drainage systems and installation shall comply with Engineering Department requirements and standards.
2. Any and all irrigation ditches associated with the property be addressed, with disposition of the irrigation systems approved by Riverton City and the proper irrigation company or users.
3. The subdivision shall comply with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.
4. Easements encumbering buildable space on lots 208, 209, 111 and 124 shall be vacated prior to plat recordation.
5. Landscaping in open space areas shall be installed as proposed on submitted landscape plans and shall be included in the final plat subdivision submittal.
6. Perimeter fencing shall consist of a minimum of six (6) foot solid vinyl on the north and east property lines, with solid masonry along the south.
7. Sunday drive, in its entirety, shall be dedicated to Riverton City extending from the southern boundary line north to 12600 South.
8. Improvements to Sunday Drive shall be according to Riverton City Engineering Department requirements and standards and shall extend north to 12600 South.
9. All required fencing be completed with Phase 1.
10. Total lot yield is not guaranteed with approval of Preliminary Plat.

BACKGROUND:

Brighton Homes LLC has submitted an application requesting preliminary plat approval for a subdivision of land located at approximately 4358 West 12900 South. The property is zoned R-4 SD (Residential 10,000 square foot lots Specific Development). The Specific Development of this zoning district includes additional requirements that were not contained in the R-4 zoning district and will be discussed later in this report. Property to the north is zoned RR-22 (Rural Residential). Property to the east and south is zoned PCC (Planned Commercial Center) and is listed in Riverton's General Plan as "Future Study Area." Properties to the west are zoned R-1 (Residential 1 acre lots) and RR-22.

The applicant is proposing to subdivide 22.91 acres into 61 single-family residential lots ranging in size from 7,000 square feet up to 45,000 square feet. In December of 2013 the Riverton City Council

approved a request by the applicant to rezone the property to R-4 SD. The SD, meaning Specific Development, attached additional requirements for subdivision that are not found in the standard R-4 zoning code. These conditions were as follows:

1. Overall density shall not exceed four (4) units per acre, excluding ground within the project area under separate ownership.
2. Perimeter fencing shall consist of a minimum of six (6) foot solid vinyl on the north and east property lines, with solid masonry along the south.
3. All open space, including utility corridors where allowed by the utility company, shall be included in a landscape plan to be approved as part of the subdivision application.
4. All homes within the development shall meet Riverton City's minimum exterior material standards, with the exception that vinyl siding and aluminum or other metal siding shall be prohibited.
5. Lots shall be configured with a minimum of ½ acre lots along the north property line and a minimum of 1/3 acre lots adjacent Sunday Drive. These lots will comply with the requirements of the RR-22 and R-3 zones respectively.

The sixth condition established permitted uses, conditional uses, and other related development standards such as lot size, lot width, building setbacks, building height, fencing and minimum living area square footage. Those conditions are included in this staff report.

After reviewing the preliminary plat subdivision application and going through a couple of revisions staff is confident in stating that the proposed subdivision does meet and comply with the minimum standards as required by the R-4 SD zoning ordinance.

The land that is proposed to be subdivided has access from Dutchman Lane, a 44 foot wide public right-of-way and from Sunday Drive which provide connectivity to 12600 South. Sunday Drive is currently a private road and will be dedicated to Riverton City as a public street once the plat has been recorded and the improvements accepted by Riverton City after installation. Sunday drive will be widened to a 54' wide publicly owned and maintained right-of-way extending north to 12600 South. A stub street is also proposed on the east side of the subdivision where it is anticipated a canal crossing will be constructed and the road connected with future development occurring on the parcel to the east. It is also anticipated that Sunday Drive at the southern end of the subdivision will connect with future public roads in this location.

The subdivision is laid out with larger ½ acre lots along the north where adjacent to RR-22 zoning with animal rights. Along Sunday Drive will be lots of 14,000 square feet or larger. Internal lots and lots adjacent to the canal will range in size from 7,000 square feet to larger depending upon the location of the parcel. There are significant easements extending through the property. Parcel 1, 2, 3 and 7 include a significant easement that is in favor of Rocky Mountain Power and structures and trees are prohibited within this easement. Parcels 4, 5 and 6 are easements pertaining to the Kern River gas line and contain significant building restrictions. These parcels may still be landscaped and utilized as open space by the development. The applicant has submitted landscape plans showing these parcels landscaped with sod, an asphalt walking path, benches, and some low lying landscaped areas including shrubs, boulders and perennial beds. These landscaped areas will be maintained by the development's Home Owners Association and not by Riverton City.

The current preliminary plat shows additional easements encumbering the buildable areas of lots 208, 209, 111 and 124. A note has been included on the preliminary plat that these easements will be vacated or abandoned. Condition #4 addresses this. If for some reason these easements cannot be vacated the applicant will be required to combine lots in order to ensure a buildable lots is created. A plat cannot be recorded until resolution of these easements has been verified.

The applicant will be installing all improvements to Sunday Drive including on the eastern side a 5' sidewalk, a 5' park strip that will be maintained by adjacent property owners, curb and gutter and asphalt extending to curb and gutter on the western side. Future improvements such as side walk and park strip on the western side will be installed as future development occurs. There is also a 1 acre parcel adjacent to Sunday Drive that is not participating in this development. Sidewalk and park strip will not be installed along the frontage of this property.

The R-4 SD zoning requires a minimum of 6' solid vinyl fencing along the north property line where adjacent to RR-22 zoning and 6' solid vinyl fencing along the canal. Solid masonry fencing is required to be installed along the southern property line where adjacent to PCC zoning.

It should be emphasized that this is the Preliminary Plat in which the overall subdivision is reviewed. The applicant is proposing to construct this development in phases. Each phase will still be required to undergo a final plat application and review prior to recordation of a subdivision plat.

ATTACHMENTS:

The following items are attached:

1. Copies of the vicinity, zoning, and aerial maps identifying the property.
2. A copy of the proposed subdivision plat.



PL No. 14-1002

Date 03-31-14

Application Subdivision

Preliminary Plat Single Phase Final Plat

A. Applicant's Name BRIGHTON HOMES UTAH LLC
 Home Address 320 WEST 500 SOUTH SUITE 210
 City BOUNTIFUL State UTAH Zip 84010
 Telephone # 801-397-9755 Mobile # 801-803-1090
 E-mail Address taylor@brightonhomes-utah.com Fax # 801-397-9808

B. Primary Contact Person TAYLOR SPENDLAVE
 Address 320 WEST 500 SOUTH SUITE 210
 City BOUNTIFUL State UT Zip 84010
 Telephone # 801-397-9755 Mobile # 801-803-1090
 E-mail Address taylor@brightonhomes-utah.com Fax # 801-397-9808

C. Project Information

- Subdivision Name COTTAGES AT WESTERN SPRINGS
- Subdivision Address 4358 WEST 12900 S
- Sidwell/Tax ID# 27-31-200-007-000 Total Acreage of the Site 28.44 22.91
- Current Zoning of the Proposed Site 27-31-200-042-000
 Zoning of Adjacent Parcels North R-22 South C-6 East C-6 West R-22 R-1
- Total acreage of the property 22.91 Number of lots 61
 Gross Density 2.66 UNITS PER ACRE Net Density _____
- Type of requested development PRELIMINARY PLAT
 Regular Subdivision _____ SD Zone P.U.D. Overlay _____

By signing this application, I acknowledge that I have read and understood the application, ordinances, checklists, etc. associated with this application, and that any and all required drawings, plans, and other submittals are included and complete. All drawings and plans, and the proposed development, must comply with the requirements of the Engineering Plan Review Checklist, Riverton City Standards and Specifications, and all applicable Riverton City ordinances and standards.

Applicant's Signature

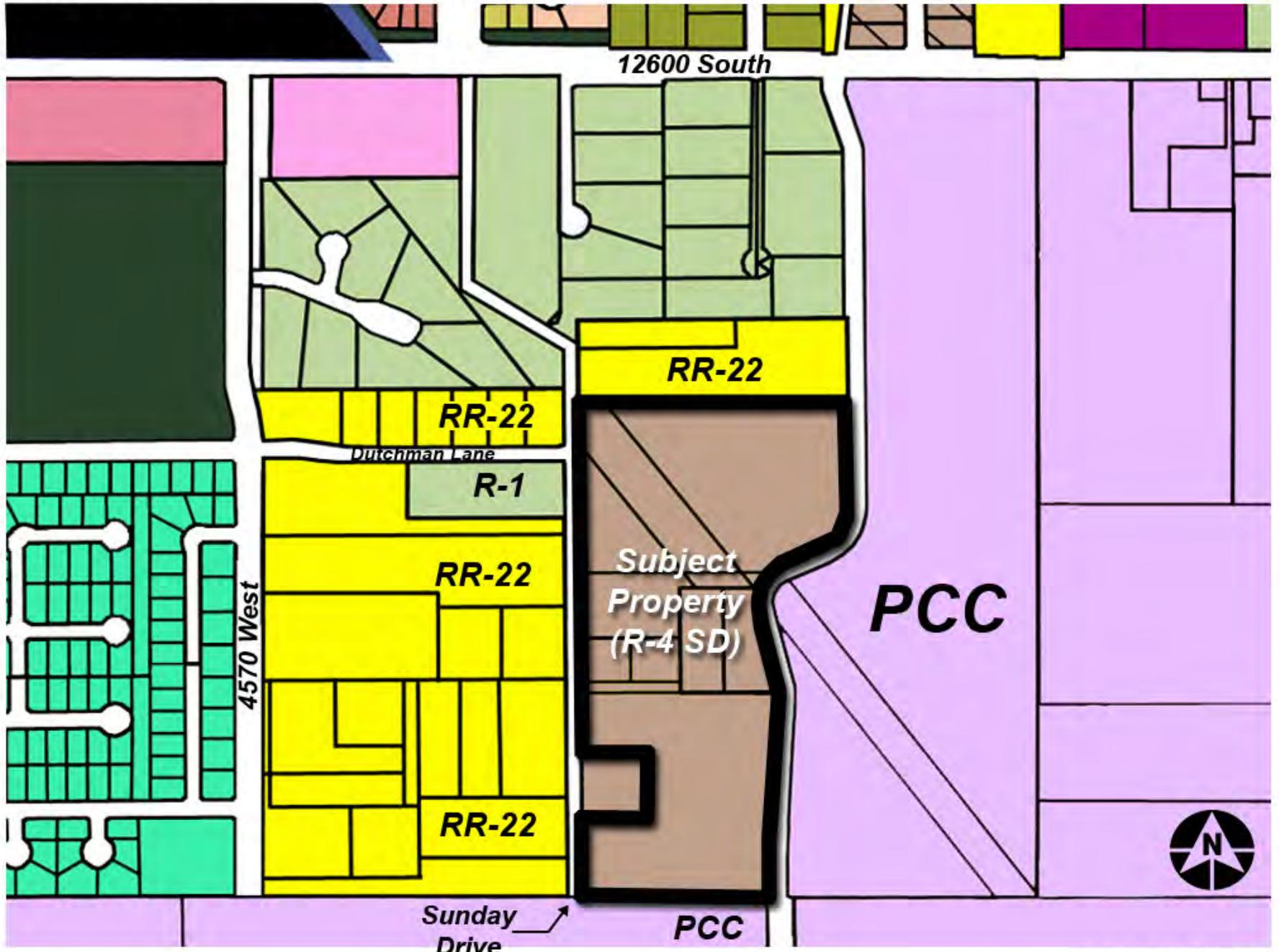
Date

03-31-14

You will receive a letter following the Planning Commission and City Council meeting providing status of your application

S:\Planning\Applications\Subdivision.doc Revised 07/08

THE COTTAGES AT WESTERN SPRINGS

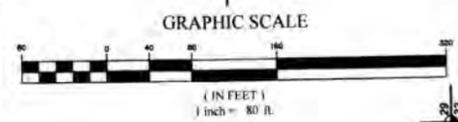


ZONING MAP



VICINITY MAP
N.T.S.

PRELIMINARY PLAT
OF
THE COTTAGES AT WESTERN SPRINGS
LOCATED IN THE NE 1/4 & NW 1/4 OF SECTION 31, T3S, R1W, SLB&M.
RIVERTON CITY, UTAH
SALT LAKE COUNTY, UTAH



SURVEYOR'S CERTIFICATE
I, DENNIS P. CARLISLE, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NUMBER 172675 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREFTER TO BE KNOWN AS:
THE COTTAGES AT WESTERN SPRINGS
AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

NORTHEAST CORNER OF SECTION 31, T3S, R1W, SLB&M 2008 2.5" BRASS COUNTY MONUMENT
MEASURED: N0°17'43"E 2,437.12
(A.P. NO. 17407)

NORTH CORNER OF SECTION 31, T3S, R1W, RIVET & STRADDLES (FOUND)
MEASURED: N0°17'43"E 2,437.12
(A.P. NO. 17407)

NORTHWEST CORNER OF SECTION 31, T3S, R1W, SLB&M RIVET & STRADDLES (FOUND)
MEASURED: N0°17'43"E 2,437.12
(A.P. NO. 17407)

MEASURED: N89°18'00"E 80.00
MEASURED: N89°31'48"W 2,656.97
(A.P. NO. 17407)

MEASURED: N89°31'48"W 2,656.97
(A.P. NO. 17407)

MEASURED: N89°31'48"W 2,656.97
(A.P. NO. 17407)



PLAT PREPARED BY
FOCUS
ENGINEERING AND SURVEYING, L.L.C.
502 WEST 8360 SOUTH
SALT LAKE COUNTY, UTAH 84118

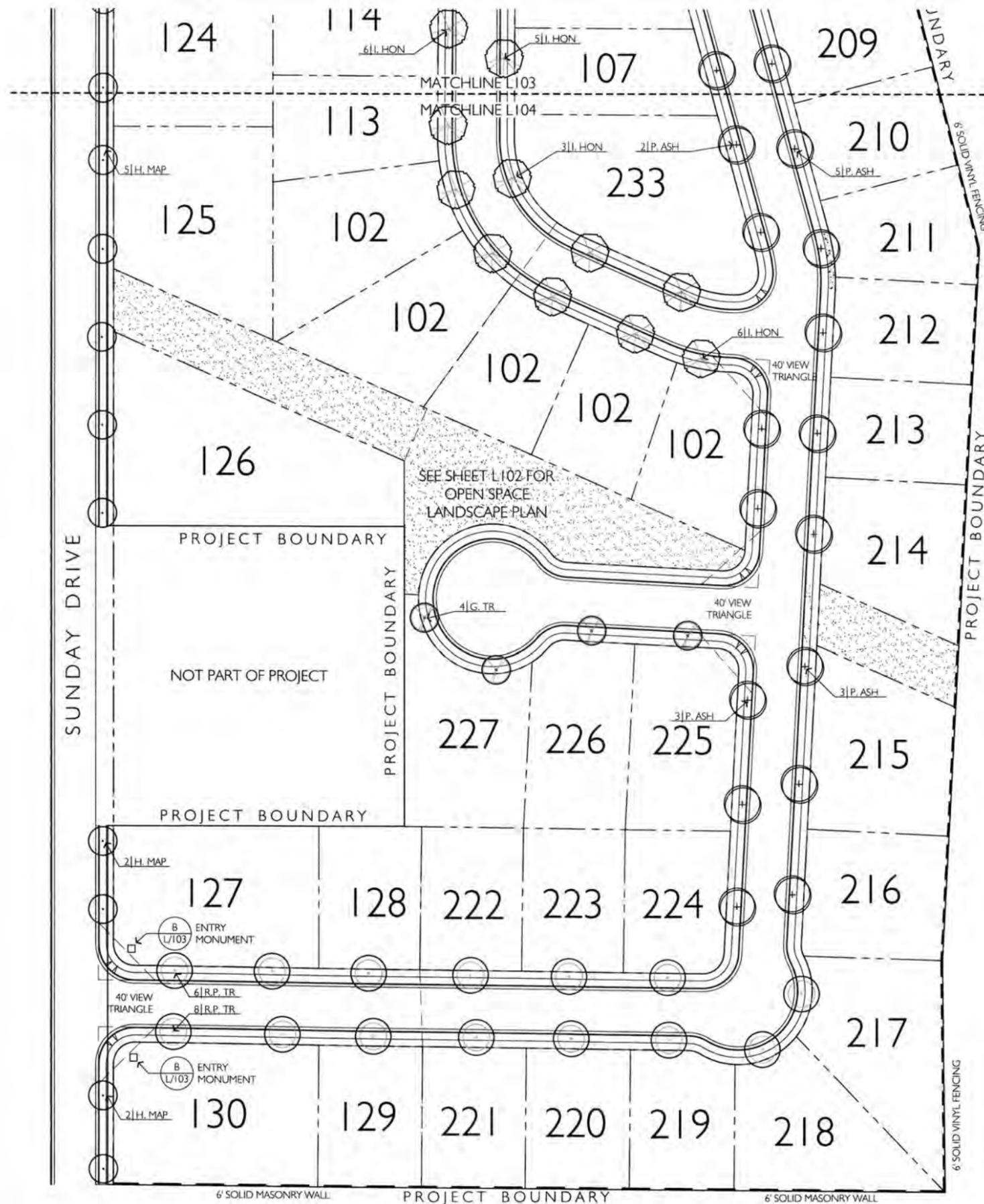
OWNER/DEVELOPER
BRIGHTON HOMES
320 WEST 500 SOUTH, SUITE 210
BOUNTIFUL, UTAH 84010
PH: 801-397-9755

EASEMENT NOTE:
ALL EASEMENTS ENCUMBERING THE BUILDABLE AREAS OF LOTS WILL BE VACATED OR ABANDONED



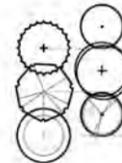
SHEET 1 OF 2
PRELIMINARY PLAT
THE COTTAGES AT WESTERN SPRINGS
LOCATED IN THE NE 1/4 & NW 1/4 OF SECTION 31, T3S, R1W, SLB&M.
RIVERTON CITY, UTAH
SALT LAKE COUNTY, UTAH
RECORDED #
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE
REQUEST OF:
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
SALT LAKE COUNTY RECORDER

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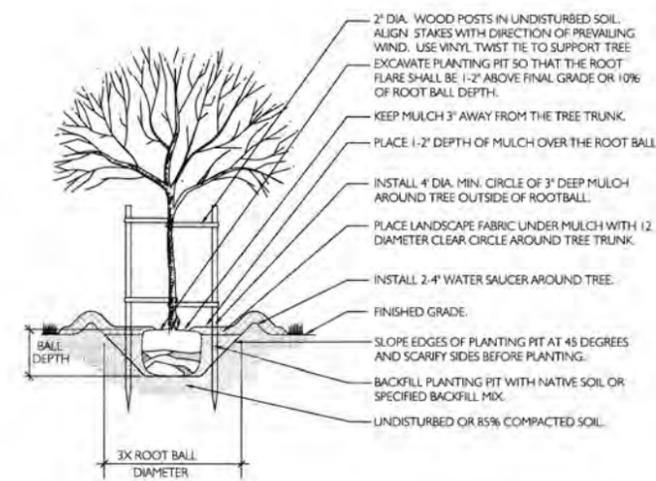


LANDSCAPE SCHEDULE

QNTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
DECIDUOUS and EVERGREEN TREES				
H. MAP 20	ACER CAMPESTRE	HEDGE MAPLE	2" Cal.	30' O.C.
P.S. MAP 10	ACER TRUNCATUM x ACER PLAT. 'WARRENRED'	PACIFIC SUNSET MAPLE	2" Cal.	30' O.C.
P. ASH 27	FRAXINUS PENNSYLVANICA 'PATMORE'	PATMORE ASH	2" Cal.	30' O.C.
I. HON 20	GLEDITISA TRIACANTHOS INERMIS 'IMPERIAL'	IMPERIAL HONEYLOCUST	2" Cal.	30' O.C.
G. TREE 4	KOELRUTERIA PANICULATA	GOLDENRAIN TREE	2" Cal.	30' O.C.
R.P. TR 14	SOPHORA JAPONICA 'REGENT'	REGENT PAGODA TREE	2" Cal.	30' O.C.



3" DIA. STEEL TREE RING w/ MULCH - WOOD MULCH, MEDIUM - EACH TREE
 FENCING
 6' SOLID VINYL FENCING
 6' SOLID MASONRY WALL



B TREE PLANTING
NOT TO SCALE



Drawn By: Scott B.

ISSUE DESCRIP.	DATE
	4.05.2014

REV	DESCRIPTION	DATE

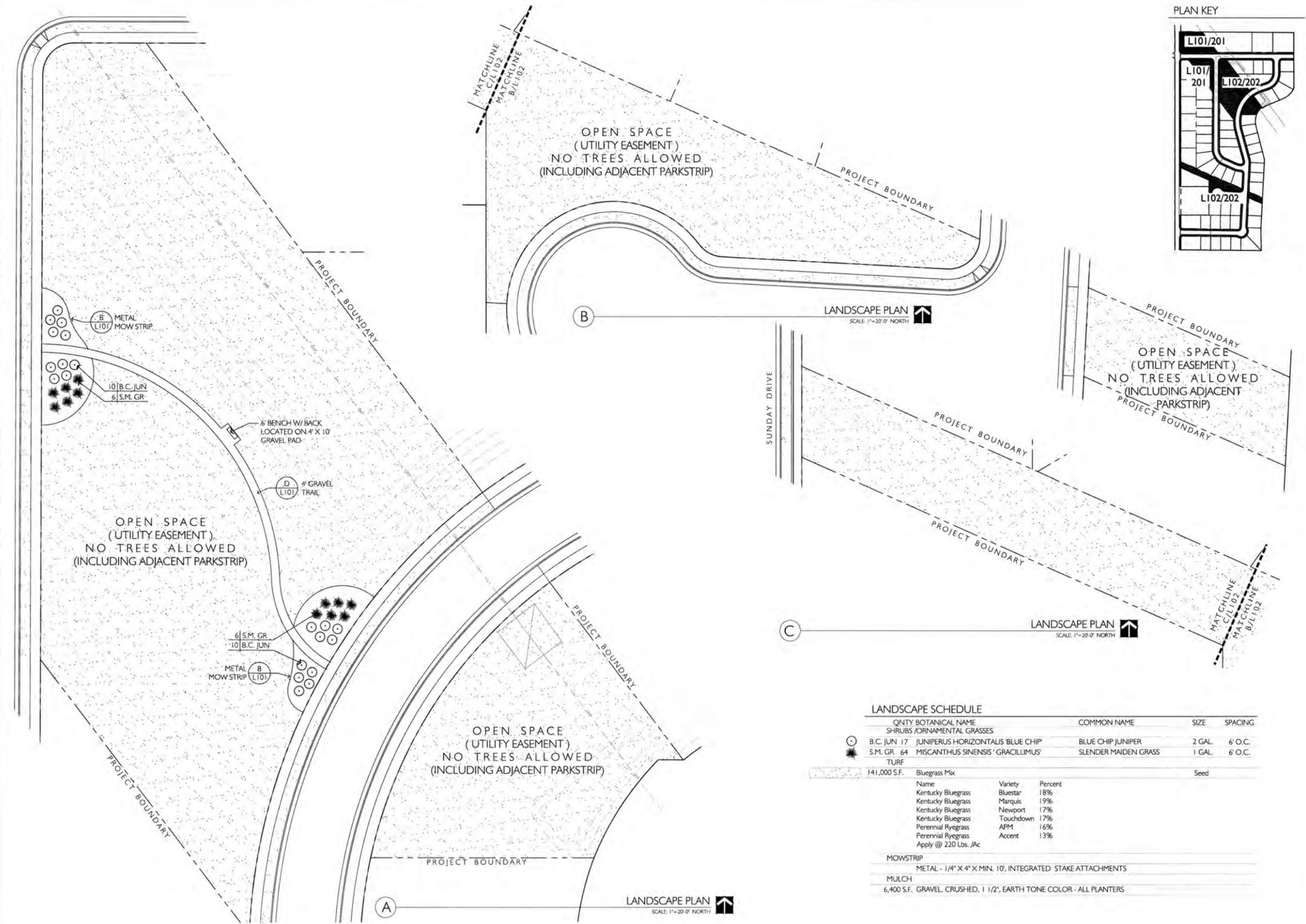
THE COTTAGES AT WESTERN SPRINGS
 RIVERTON, UTAH

BRIGHTON HOMES
 320 WEST 500 SOUTH, SUITE 210
 BOUNTIFUL, UTAH 84010
 801.299.1700

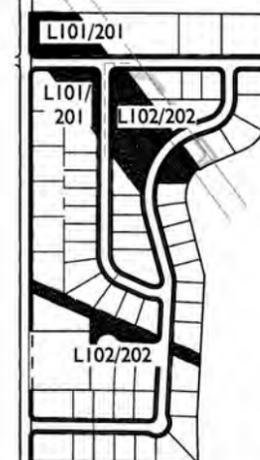
CITY SITE PLAN REVIEW

STREET TREE PLAN

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PLAN KEY



LANDSCAPE PLAN
SCALE: 1"=20'-0" NORTH

LANDSCAPE PLAN
SCALE: 1"=20'-0" NORTH

LANDSCAPE PLAN
SCALE: 1"=20'-0" NORTH

LANDSCAPE SCHEDULE

QNTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
17	JUNIPERUS HORIZONTALIS 'BLUE CHIP'	BLUE CHIP JUNIPER	2 GAL.	6' O.C.
64	MISCANTHUS SINENSIS 'GRACILLIMUS'	SLENDER MAIDEN GRASS	1 GAL.	6' O.C.
	TURF			
141,000 S.F.	Bluegrass Mix			Seed

Name	Variety	Percent
Kentucky Bluegrass	Bluestar	18%
Kentucky Bluegrass	Marquis	19%
Kentucky Bluegrass	Newport	17%
Kentucky Bluegrass	Touchdown	17%
Perennial Ryegrass	APM	16%
Perennial Ryegrass	Accent	13%

- MOWSTRIP
METAL - 1/4" X 4" X MIN. 10', INTEGRATED STAKE ATTACHMENTS
- MULCH
6,400 S.F. GRAVEL, CRUSHED, 1 1/2", EARTH TONE COLOR - ALL PLANTERS

STB DESIGN
 LANDSCAPE ARCHITECTURE & LAND PLANNING
 1473 SOUTH 1100 EAST
 SUITE B
 SALT LAKE CITY, UTAH 84105
 801.554.6146
 STBDESIGNLLC.COM



Drawn By: Scott B.

ISSUE DESCRIP.	DATE
	4.05.2014

REV. DESCRIPTION	DATE

THE COTTAGES AT WESTERN SPRINGS
 RIVERTON, UTAH
 BRIGHTON HOMES
 320 WEST 500 SOUTH, SUITE 210
 BOUNTIFUL, UTAH 84010
 801.299.1700

CITY SITE PLAN REVIEW

LANDSCAPE PLAN

L102

HARVEY PROPERTIES LLC
23-31-20081066

NOTE FROM CERTIFYING ENGINEER:
I HEREBY CERTIFY THAT THIS DESIGN FOR THE ON-SITE DRAINAGE OF THIS DEVELOPMENT WAS PREPARED BY ME (OR UNDER MY DIRECT SUPERVISION) IN ACCORDANCE WITH THE PROVISIONS OF THE RIVERTON CITY STORM WATER DESIGN STANDARDS AND REGULATIONS, AND WAS DESIGNED TO COMPLY WITH THE PROVISIONS THEREOF. I UNDERSTAND THAT RIVERTON CITY DOES NOT AND WILL NOT ASSUME LIABILITY FOR DRAINAGE FACILITY DESIGN.

NOTES:
1. A RIGHT-OF-WAY ENCROACHMENT PERMIT MUST BE OBTAINED FROM THE RIVERTON CITY PRIOR TO DOING ANY WORK IN THE RIGHT-OF-WAY. CONTACT AARON ROBERTS AT 801-208-3195.
2. STORM RETENTION FOR THIS SUBDIVISION WILL BE HANDLED BY A RETENTION POND LOCATED IN THE OPEN SPACE WHICH MAY INCLUDE A GRAVEL LINED BOTTOM TO INCREASE CAPACITY. IT IS ALSO BEING CONSIDERED TO USE THE ALTERNATIVE PARK STRIP RETENTION POND METHOD. A DETERMINATION AND FINAL DESIGN WILL BE PROVIDED WITH FINAL DRAWINGS.
3. ALL CONSTRUCTION TO RIVERTON CITY STANDARDS
4. ALL OVERHEAD POWER WILL BE REMOVED OR RELOCATED UNDERGROUND AS PER POWER COMPANY AND RIVERTON CITY REQUIREMENTS.

LEGEND

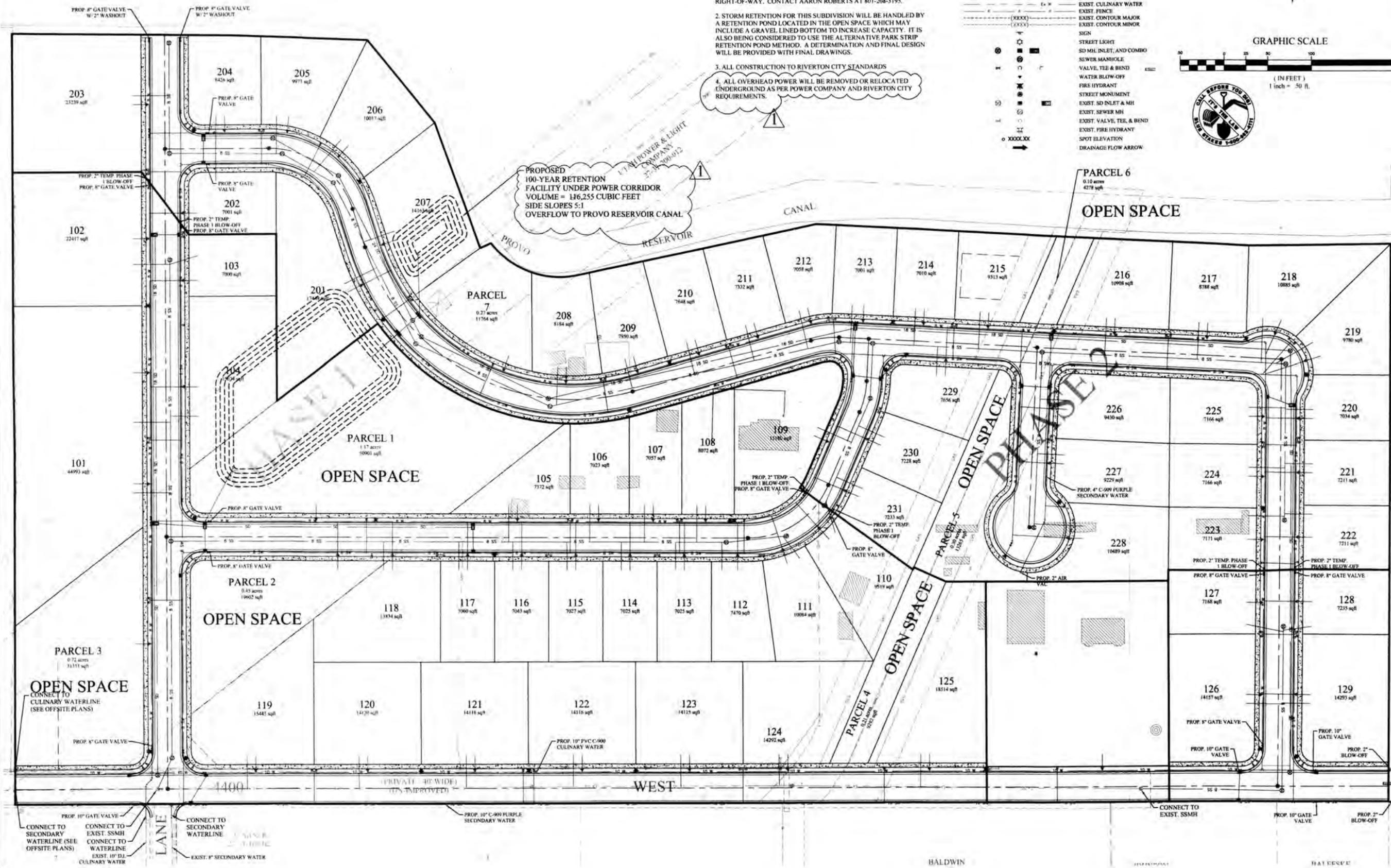
---	BOUNDARY
---	ROW
---	CENTERLINE
---	LOT LINE
---	EASEMENT
15 50	15" STORM DRAIN
8 50	8" SANITARY SEWER
8 W	8" PVC C900 CULINARY WATER
8 SW	8" PVC CL 200 SECONDARY WATER
15 100	15" IRRIGATION WATER
8 LD	8" LAND DRAIN
---	CONTOUR MAJOR
---	CONTOUR MINOR
---	EXIST. STORM DRAIN
---	EXIST. SANITARY SEWER
---	EXIST. CULINARY WATER
---	EXIST. FENCE
---	EXIST. CONTOUR MAJOR
---	EXIST. CONTOUR MINOR
---	SIGN
---	STREET LIGHT
---	SD MH, INLET, AND COMBO
---	SEWER MANHOLE
---	VALVE, TEE & BEND
---	WATER BLOW-OFF
---	FIRE HYDRANT
---	STREET MONUMENT
---	EXIST. SD INLET & MH
---	EXIST. SEWER MH
---	EXIST. VALVE, TEE, & BEND
---	EXIST. FIRE HYDRANT
---	SPOT ELEVATION
---	DRAINAGE FLOW ARROW



FOCUS
ENGINEERING AND SURVEYING, LLC
502 WEST 8360 SOUTH
SANDY, UTAH 84070 PH: (801) 352-0075
www.focusnh.com



THE COTTAGES AT WESTERN SPRINGS
RIVERTON CITY, SALT LAKE COUNTY, UTAH
UTILITY PLAN



REVISION BLOCK

#	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

UTILITY PLAN
Scale: 1"=50'
Date: 06/18/14
Sheet:
Drawn: DP
Job #: 13-094

Exhibit "B" – Specific Development Designations

1. Overall density shall not exceed four (4) units per acre, excluding ground within the project area under separate ownership.
2. Perimeter fencing shall consist of a minimum of six (6) foot solid vinyl on the north and east property lines, with solid masonry along the south.
3. All open space, including utility corridors where allowed by the utility company, shall be included in a landscape plan to be approved as part of the subdivision application.
4. All homes within the development shall meet Riverton City's minimum exterior material standards, with the exception that vinyl siding and aluminum or other metal siding shall be prohibited.
5. Lots shall be configured with a minimum of ½ acre lots along the north property line and a minimum of 1/3 acre lots adjacent Sunday Drive. These lots will comply with the requirements of the RR-22 and R-3 zones respectively.
6. Remaining lots within the development shall comply with the following requirements:

(a) **Permitted uses.**

Single family dwelling.

Accessory uses and buildings customarily incidental to a permitted use.

(b) **Conditional Uses.**

Home Occupations. Public schools churches

(c) **Lot area.**

The minimum lot area shall be 7,000 square feet.

(d) **Lot width.**

The minimum lot width shall be 60 feet measured at the front yard setback line.

(e) **Lot Depth.**

The minimum lot depth shall be 90 feet.

(f) **Front yard.**

Main Building: Twenty-five (25) foot minimum front yard setback measured to foundation.

(g) **Side yards.**

Main Building: Five (5) feet minimum side yard setback measured to foundation.

On corner lots, the street side yard setback shall be fifteen (15) feet from the right-of-way.

Accessory Buildings: Any and all requirements of Riverton City Ordinance 18.225, Accessory Structures, shall apply.

(h) **Rear yard.**

Main Building: The minimum rear yard setback shall be 15 feet.

Accessory Building: Any and all requirements of Riverton City Ordinance 18.225, Accessory Structures, shall apply.

(i) **Minimum Living Area Square Footage**

The minimum finished living area square footage shall be 900 square feet for a single story dwelling unit and 1,200 square feet for a two story or split level dwelling unit.

(j) **Maximum building height.**

Main Buildings. 35 feet. No dwelling shall contain less than one story.

Accessory buildings. Any and all requirements of Riverton City Ordinance 18.225, Accessory Structures, shall apply.

(k) **Fencing**

Fencing for all residential lots shall be based upon the following criteria:

- i) Rear yard fencing shall be a maximum of six (6) feet in height.
- ii) Fencing constructed within the front yard setback shall a maximum of three (3) feet in height.
- iii) Fencing materials shall consist of stone, brick, stucco, textured concrete, vinyl and /or similar materials.
- iv) Fencing along collector and/or arterial streets shall be constructed to Riverton City standards.

1 Heather Henz voiced her support for the proposed rezone. Mrs. Henz requested that speed
2 bumps or other considerations be made regarding the increased traffic flow that will occur in
3 the neighborhood.

4
5 Tom Curtain commented, but his comments were not transmitted to the recording.

6
7 There were no further public comments. Chair Russell closed the public hearing.

8
9 Commissioner Hansen commented that he likes the proposed development and how it will
10 benefit the community.

11
12 **Commissioner Hansen moved that the Planning Commission recommend APPROVAL**
13 **of the rezone application, rezoning 2.5 acres located at approximately 1925 West Park**
14 **Avenue from C-D to RM-8-D. Commissioner Webb seconded the motion. Vote on**
15 **motion: Dennis Hansen – Aye; Kent Hartley – Aye; James Endrizzi – Aye; Scott**
16 **Kochevar – Aye; James Webb – Aye. The motion passed unanimously.**

17
18 **D. PRELIMINARY SUBDIVISION PLAT, PLZ-14-2002, THE COTTAGES AT WESTERN**
19 **SPRINGS, 4358 WEST 12900 SOUTH, 61 LOTS, R-4-SD ZONE, BRIGHTON**
20 **HOMES, APPLICANT.**

21
22
23 Mr. Aagard presented the staff report and presented an aerial photo of the property. He
24 described the zoning of the surrounding properties. He explained that in December 2013, the
25 Riverton City Council approved a request by the applicant to rezone the subject property to
26 R-4-SD. He noted that this zoning type has specific conditions attached to it that are not
27 included in the standard R-4 zoning. Mr. Aagard presented the proposed subdivision plat,
28 and noted that currently there are two existing access points. One of the accesses is off of
29 Dutchman Lane, which is a public right-of-way. The other is from 12600 South. Two
30 additional accesses are also planned for the future, one of which will be a canal to the east,
31 as well as another access point off of Sunday Drive.

32
33 The lot distribution and utility easements were reviewed. Mr. Aagard noted that building
34 cannot take place on those easements. Therefore, Brighton Homes submitted a landscaping
35 plan for those areas. The landscaping will entail foot trails and grass and will not include
36 trees. The fencing for the R-4-SD zoning requires six foot solid vinyl fencing along the north
37 and east property lines. There will also be six-foot solid masonry fencing along the north and
38 west property lines. Mr. Aagard explained that the applicant is planning to phase the
39 subdivision into two phases. Each phase will have a final plat review before the Planning
40 Commission. Staff recommended approval of the proposed subdivision subject to the
41 conditions set forth in the staff report.

42
43 Chair Russell asked if Brighton Homes will be required to install all of the streets and access
44 points as part of during Phase I, or if those projects will also be separated into phases. City
45 Engineer, Gordon Miner, replied that the phasing plan was not part of the Engineering
46 Department's approval process. He explained that every phase stands alone and that dead
47 end streets will need to have temporary turnarounds. Commissioner Hansen remarked that

1 by this same assumption, none of the fencing would need to be done until Phase II, with the
2 exception of the fencing on the south property line.

3
4 Commissioner Webb asked if roads will be built across the existing easements where there
5 are no existing structures. Mr. Aagard answered in the affirmative and noted that Rocky
6 Mountain Power has issued an easement to build roads across the corridor. Commissioner
7 Hansen asked if fencing will be allowed on the easement. Mr. Aagard replied that they will
8 not allow the fencing because the corridor is under Rocky Mountain Power's ownership.
9 Therefore, residential property owners will only be able to fence their property, which is up to
10 the edge of the easement. Mr. Aagard further noted that the fencing is typically installed per
11 phase.

12
13 Commissioner Endrizzi reminded the Commission that this item is only the preliminary plat,
14 and a final plat will be reviewed later. Mr. Miner added that the engineering review at the
15 preliminary plat level is minimal and there is still a great deal of engineering work that needs
16 to be done. After all of the necessary review has been completed, some lots may be
17 determined to be unfeasible. Mr. Aagard stated that in some residential developments, a
18 condition of approval has been that all required fencing should be installed during Phase I.

19
20 Chair Russell opened the public hearing. There were no public comments. The public
21 hearing was closed.

22
23 **Commissioner Hartley moved that the Planning Commission recommend APPROVAL**
24 **of Application Number 14-1002, The Cottages at Western Springs preliminary plat**
25 **subdivision, located at approximately 4358 West 12900 South subject to the following**
26 **conditions:**

- 27
- 28 1. **Storm drainage systems and installation shall comply with the Engineering**
29 **Department requirements and standards.**
 - 30
31 2. **Any and all irrigation ditches associated with the property be addressed, with**
32 **disposition of the irrigation systems approved by Riverton City and the proper**
33 **irrigation company or users.**
 - 34
35 3. **The subdivision shall comply with any and all applicable Riverton City standards**
36 **and ordinances, including the International Building and Fire Codes.**
 - 37
38 4. **Easements encumbering buildable space on lots 208, 209, 111 and 124 shall be**
39 **vacated prior to plat recordation.**
 - 40
41 5. **Landscaping in open space areas shall be installed as proposed on submitted**
42 **landscape plans and shall be included in the final plat subdivision submittal.**
 - 43
44 6. **Perimeter and fencing shall consist of a minimum of six (6) foot solid vinyl on**
45 **the north and east property lines, with solid masonry along the south.**
- 46

- 1 **7. Sunday Drive, in its entirety, shall be dedicated to Riverton City extending from**
2 **the southern boundary line north to 12600 South.**
- 3
- 4 **8. Improvements to Sunday Drive shall be according to Riverton City Engineering**
5 **Department requirements and standards and shall extend north to 12600 South.**
- 6
- 7 **9. All fencing be completed as part of Phase I.**
- 8
- 9 **10. Lot yield is not guaranteed with the preliminary plat.**

10
11 **Commissioner Kochevar seconded the motion. Vote on motion: Dennis Hansen – Aye;**
12 **Kent Hartley – Aye; James Endrizzi – Aye; Scott Kochevar – Aye; James Webb – Aye.**
13 **The motion passed unanimously.**

14
15 **E. SINGLE PHASE SUBDIVISION, PLZ-13-1014, RIVERTON SPRINGS, 13601 SOUTH**
16 **1200 WEST (LOVER'S LANE), 15 LOTS, RR-22 ZONE, TODD DEMARETS,**
17 **APPLICANT.**

18
19 Mr. Aagard presented the staff report and displayed an aerial photo of the subject property.
20 He explained that the properties located to the north, south and east are all zoned R-1, and
21 the property to the west is zoned RR-22. The subdivision will gain access from Lover's Lane,
22 which is a public right-of-way. The subdivision will also be laid out in such a way that River
23 Springs Road will be placed along the northern boundary of the property, with lots along the
24 south. A smaller street, Pond Hollow Road, will extend from River Springs Road and
25 terminate in a stub on the southern property line. It will, therefore, serve as a future access if
26 the properties to the south ever develop. A temporary turnaround will be installed at this
27 location, per the standards set forth by the Fire Department. River Springs Road will
28 terminate at the eastern end of the property in a cul-de-sac turnaround, which will measure
29 100 feet.

30
31 There are sensitive areas included in the proposed subdivision as well. At the center of the
32 development there is a delineated wetland that will require a 25-foot buffer. It will be the
33 responsibility of the development to maintain that area if maintenance is ever required.
34 Improvements to Lover's Lane will be required in order bring in the existing road up to current
35 codes for development access. Due to slope issues in the area, the improvements will be
36 extensive and require an area greater than the typical 54-foot wide right-of-way. Parcels C
37 and B will be included in the right-of-way as areas of cut and fill, as related to the construction
38 of the improvements to Lover's Lane. Riverton City's Engineering Division will oversee and
39 approve the plans for the construction improvements, due the unique circumstances involved.
40 There is no fencing required as part of the subdivision approval, as all properties are zoned
41 for large animals. All lots from the subdivision meet or exceed the RR-22 zone's
42 requirements for lot width, lot frontage, and lot size.

43
44 Commissioner Webb asked if the proposed subdivision was in the 100-year flood plain.
45 Mr. Aagard explained that the matter has been addressed during the planning process. It
46 was noted that the main issue is with ground water, rather than rain water. The conditions as



Issue Paper

Item No. 3.3

Presenter/Submitted By:	Jeff Hawker, Asst. City Manager	
Subject: Process review and update for transit studies	Meeting Date: August 19, 2014	
	Fiscal Impact: N/A	
	Funding Source: N/A	
<p>Background:</p> <p>Among other entities, Riverton City participated in the Southwest Salt Lake County Transit Feasibility Study (2010) and is now participating in the Southwest Salt Lake County Transit Study (present).</p> <p>Staff will review these studies for the City Council, as well as other relevant regional planning activities from the perspective of technical processes and opportunities for public involvement – both past and future.</p>		
<p>Recommendation:</p> <p>None</p>		
<p>Recommended Motion:</p> <p>None</p>		

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Riverton City
REGULAR CITY COUNCIL MEETING
Minutes
August 5, 2014

Riverton City Hall
12830 South 1700 West
Riverton, Utah 84065

10 **Attendance:**

11
12 Mayor William R. Applegarth

13
14 **Council Members:**

15 Council Member Brent Johnson
16 Council Member Trent Staggs
17 Council Member Sheldon Stewart - *Excused*
18 Council Member Tricia Tingey
19 Council Member Paul Wayman

20
21 **City Staff:**

22 Lance Blackwood, City Manager
23 Virginia Loader, Recorder
24 Ryan Carter, City Attorney
25 Jason Lethbridge, Planning Manager
26 Sheril Garn, Parks & Recreation Director
27 Lisa Dudley, Finance Director
28 Trace Robinson, Public Works Director
29 Rod Norton, Riverton Precinct Chief
30 UFA Representative

31
32
33 **Citizens:** Michael S. Johnson, Wyoma Darlington, Merillee Boren, Perry Newman, Norma
34 Bench, Mark Newman, Dennis Page, Boy Scouts,

35
36
37
38
39 **1. GENERAL BUSINESS**

40
41 **Call to Order and Roll Call**

42
43 [6:30:38 PM](#) Mayor Applegarth called the meeting to order at 6:30 p.m. and welcomed those in
44 attendance. He then conducted a Roll Call and Council Members Johnson, Staggs, and Wayman
45 were present. Council Member Sheldon Stewart was excused.

46
47 **Pledge of Allegiance** – Boy Scout Troop 16 directed the Pledge of Allegiance.

Presentations/Reports

Recognition of Boy Scout Troops

Mayor Applegarth recognized Boy Scout from Troops 1258 and 180 that were in attendance and they introduced their Troop members and leaders.

Public Comments

1 [6:35:36 PM](#) Mayor Applegarth explained the public comment procedure and called for public
2 comments.

3
4 [6:36:03 PM](#) **Rick Stelm** spoke in favor of allowing chickens on smaller lots in Riverton City and
5 said he hoped adjustments could be made to the ordinance to allow them. Mayor Applegarth
6 explained that a presentation would be made and discussion would be made later in the meeting
7 regarding chickens.

8
9 There being no further comments, Mayor Applegarth closed the public comment period.

10
11 **2. PUBLIC HEARINGS** – There were no Public Hearings scheduled.

12
13 **3. DISCUSSION/ACTION ITEMS**

14
15 1. **Multi-Family Site Plan, Riverton Peaks, 12700 South Redwood Road, RM-14-D**
16 **Zone, 88 Units, 6.4 Acres (Approx), Newman Construction, Applicant**

17
18 [6:39:07 PM](#) Jason Lethbridge, Planning Manager, explained an application for Site Plan approval
19 for the Riverton Peaks multifamily project. The project consists of 88 units on approximately 6.4
20 acres located at 12700 South Redwood Road. The property is zoned RM-14-D, a multifamily
21 zone with a maximum density of fourteen (14) units per acre. The surrounding property to the
22 north, Commercial Downtown, and the property to the south is zoned RM-14-D, but is currently
23 occupied by the Riverton Hardware Store. The properties to the west across Redwood Road is a
24 mix of RM-8-D and Commercial Downtown, and the property to the east across 1630 West is
25 zoned RR-22. The only property line shared directly with an incompatible use is the south line
26 adjacent to the Riverton Hardware property.

27
28 Mr. Lethbridge explained that the units were predominantly townhome style, with a mix of row-
29 style units and units clustered around a common courtyard. The site includes 12 detached units,
30 primarily located facing onto 1630 West, to create a street presence more consistent with the
31 single-family developments on the east side of 1630 West. He said the detached units would be
32 part of the overall development and the yard areas would be included in the open space
33 maintained by the HOA. Also, the unit architecture would consist of a mix of masonry, stucco,
34 and fiber-cement siding material. Mr. Lethbridge said the project would include a combination of
35 sidewalks and internal walkways to allow for pedestrian movement through the project and along
36 the adjacent roadways. The units all include an attached garage; however, the garages would all
37 be rear access, meaning the internal driveways along the rear of the units would provide common
38 access to each garage. He said that all internal roadways would be private, and no unit would
39 directly access any public street.

40
41 Mr. Lethbridge said that on June 31, 2014, the Planning Commission voted to recommend
42 approval of the application with the following conditions:

- 43
44 1. Solid masonry fencing be installed along the south property lines at a minimum eight
45 (8) feet in height.
46 2. Building architecture comply with approved architectural drawings as well as the
47 architectural requirements found in the RM-14-D zoning ordinance, including the
48 requirement for twenty-five (25) percent of the exterior to be brick or stone.

- 1 3. Road and right-of-way improvements to Redwood Road comply with the standards
2 and requirements of the Utah Department of Transportation and all UDOT permits
3 required for that road shall be secured prior to construction.
- 4 4. Landscaping within the project boundaries comply with the approved landscaping
5 plan, and be wholly maintained by the Home Owners Association or property owners.
- 6 5. The site and associated infrastructure shall comply with the requirements and
7 standards of the Riverton City Engineering Department, and no construction shall
8 commence until final technical approval has been granted based on required
9 submittals.
- 10 6. The site and structures comply with any and all applicable Riverton City standards
11 and ordinances, including the International Building and Fire Codes.
- 12 7. Increase the number of parking stalls by 50%.

13
14 Mr. Lethbridge proposed the following possible alternative: “The CC&Rs for this project shall
15 restrict each unit to no more than 2 vehicles to be verified by the City Attorney prior to
16 recordation.”

17
18 Mr. Lethbridge then said the Site Plan had been reviewed and approved by Staff and by the Fire
19 Department.

20
21 [6:50:59 PM](#) City Attorney Ryan Carter explained the term CC&R, which is Conditions,
22 Covenants, and Restrictions for a particular development, which are enforced by the developer
23 until all units are sold and then they are enforced by the Homeowner’s Association for that
24 development.

25
26 Various alternatives for additional parking were discussed at length, after which fencing was
27 discussed.

28
29 [7:10:41 PM](#) Mark Newman, Developer, said it was his intent for the project to be perfect. He
30 said he had visited many development sites much like his proposal and there had not been any
31 problems with the split rail fencing that he was proposing to install along Redwood Road.

32
33 [7:12:49 PM](#) Brief discussion was held regarding UDOT’s project to widen Redwood Road and
34 Trace Robinson said that Mr. Newman had been working with UDOT regarding his project.

35
36 [7:13:43 PM](#) Council Member Brent Johnson **MOVED the City Council approve the Riverton**
37 **Peaks Development, a multi-family site plan, to be located at 12700 South Redwood Road**
38 **with the conditions outlined in the Staff Report with one exception and that’s No. 7 to**
39 **reword that to increase guest parking as much as can reasonably be achieved.** Council
40 Member Paul Wayman **SECONDED** the motion. Mayor Applegarth called for discussion on the
41 motion. [7:14:27 PM](#) Council Member Trent Staggs **made a Substitute Motion to add to that**
42 **the 2 vehicle per unit restriction in the CC&Rs.** Council Member Tricia Tingey **SECONDED**
43 the motion. Mayor Applegarth called for discussion on the motion; there being none, he called
44 for a Roll Call Vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, and
45 Wayman-Yes. **The motion passed unanimously.**

- 46
47 2. **Discussion of Incorporation of unused City Property on the North West side of**
48 **the Water Department High Tank**
49

1 [7:15:28 PM](#) Scott Hill, Water Director, explained that currently Riverton City has some unused
2 land on the North West side of the City's High Tank, which is located at the intersection of
3 Murdock Peak Drive and Rosecrest Road, Herriman, Utah. Herriman City is building a park in
4 the surrounding area and would like to landscape the unused property along with their park.
5 Herriman City has suggested that Riverton City's property would be used for a splash pad, open
6 green space, a pavilion and some parking. Herriman City would build, landscape, and maintain
7 the unused land. The land currently has no landscaping and it is covered by sagebrush and
8 weeds.

9
10 Mr. Hill said that City staff does not recommend transferring ownership of Riverton City
11 property to Herriman to facilitate the development and Herriman City does not appear interested
12 in acquiring Riverton City's property at this time. However, some sort of negotiation would need
13 to take place to establish which entity would be responsible for maintenance of the property,
14 which entity would be responsible for 3rd party liability, and the duration of time any sort of
15 agreement between the parties would remain in effect.

16
17 Mr. Hill said that Staff requests permission to negotiate with Herriman to establish the essential
18 terms whereby Herriman City may landscape and use Riverton City Property on the North West
19 side of the Water Department High Tank. He said that any final agreement would be returned to
20 the Council at a later date, with the understanding that Council will be at liberty to reject the
21 agreement when approval is sought.

22
23 [7:17:21 PM](#) Mr. Hill explained that the only money required by Riverton City would be for
24 fencing the City's property, which had previously removed. He also said that, when Rocky
25 Mountain Power is on that property for the project, he would like to use them to run telemetering
26 for that property.

27
28 All Council Members concurred with negotiating an agreement with Herriman City, which
29 would be presented to the Council for their approval at a later date. City Attorney Ryan Carter
30 mentioned issues that need to be addressed such as third party liability issues with the park and
31 the time period they would want to occupy the property.

32
33 [7:24:35 PM](#) Council Member Trent Staggs said he would like to see the agreements and the
34 fiscal impact of the fence, and in the structure of any lease agreement, he assumed that any
35 amount the City receives would at least cover the cost of any City improvements in order to
36 make the park available. Mr. Hill explained that whether or not Herriman City does the lease, the
37 City still needs to construct a fence there. Mayor Applegarth said that cities typically do not
38 charge each other in lease agreements.

39 40 3. Discussion – Ordinance Amendment to allow Residential Chickens

41
42 [7:25:31 PM](#) Ryan Carter, City Attorney explained that current zoning for properties that do not
43 have animal rights only permit up to two "household pets", which also includes chickens.
44 Several residents that live in residential areas without animal rights have expressed interest in
45 allowing more than two chickens on their property for the purpose of food production.

46
47 Jason Lethbridge, Planning Manager, said this issue was last considered by the Council on April
48 6, 2010. At that time, Staff commented on recent developments from other cities in Utah and SL
49 counties in relation to their chicken ordinances. The council voted unanimously at that time to

1 postpone any ordinance regarding the keeping of chickens in residential areas. He said that
2 recent developments in South Jordan and surrounding cities have allowed for up to 6 chickens
3 (no roosters) in permitted residential zones with at least 10,000 square feet.
4

5 [7:27:21 PM](#) Discussion was held regarding Riverton City's current ordinance, as well as Salt
6 Lake County and South Jordan City's standards regarding chickens on residential property.
7

8 [7:37:30 PM](#) Mayor Applegarth suggested that any amendment be kept simple because it would
9 otherwise be very difficult to enforce, especially with having only one Code Enforcement
10 Officer. Discussion ensued regarding implications that may occur with the implementation of
11 setback requirements.
12

13 Mr. Lethbridge was instructed to prepare a simple amendment to increase the number of
14 chickens allowed from two to six, with no roosters allowed. He said an amendment to the
15 ordinance would have to go to the Planning Commission and then back to the City Council for a
16 public hearing and Council action.
17

18 4. CONSENT AGENDA

19
20 [7:44:58 PM](#) Mayor Applegarth presented the following Consent Agenda:
21

1. **Minutes:** RCCM 07-15-14
2. **Bond Releases:** N/A
3. **Resolution No. 14-50** – Ratifying the approval of Change Order #6 given to Peck Ormsby Construction allowing them to continue working on the Police Precinct Project
4. **Resolution No. 14-51** - Authorizing the execution of a Settlement Agreement between Riverton City, Wadsworth Brothers Construction Company, Inc., and Utah Department of Transportation for work associated with 13400 South street from 4000 West to the Mountain View Corridor identified under Federal Aid Project No. F-LC35(199) – *Trace Robinson, Public Works Director*

22
23 Council Member Trent Staggs then **MOVED the City Council approve the Consent Agenda**
24 **as listed.** Council Member Brent Johnson **SECONDED** the motion. Mayor Applegarth called
25 for discussion on the motion; there being none, he called for a Roll Call Vote. The vote was as
26 follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, and Wayman-Yes. **The motion passed**
27 **unanimously.**
28

29 5. STAFF REPORTS

30
31 [7:45:31 PM](#) **City Manager Lance Blackwood** – called for the following Staff Reports:
32

33 [7:45:37 PM](#) **Chief Norton** – Invited everyone to the upcoming Night Out Against Crime; he
34 spoke of the restructuring within the Riverton Precinct. He also spoke of the progress of the new
35 Riverton Precinct building. He then reported that over the past 20 months there had consistently
36 been a decline in crime in Riverton City.
37

38 **UFA Representative** – No Report

1
2 [7:49:52 PM](#) **Trace Robinson, Public Works Director**, spoke of catastrophic storms in that had
3 occurred in the past week. He then displayed pictures of stormdrain improvements in Roseceek
4 at 4000 West, Mountain View Park, Foothills Park, Riverton Village Park, that kept those areas
5 from flooding as they had done in the past.

6
7 [7:53:27 PM](#) **Sheril Garn, Parks and Recreation Director**, led discussion regarding the
8 Riverton City Cemetery. She presented pictures of public owned/managed cemeteries as well as
9 private sector cemeteries. She then presented the current Riverton Cemetery Rules and
10 Regulations and asked for clarification from the Council regarding signage, level of staff
11 enforcement and Council's definition of decorations.

12
13 As a result of discussions, the Council concurred to have the cemetery committee meet to clarify
14 the rules and regulations, signage and allowable decorations. City Manager Lance Blackwood
15 stressed the importance of simplicity, of making rules and living by them, and insuring that the
16 City Council and Staff are united and consistent in fairly enforcing the rules. The Council
17 concurred to plainly post simple rules so they can be enforced.

18 19 **Safety Training**

20
21 [8:31:34 PM](#) City Attorney Ryan Carter reported that the employee safety incentive rewards
22 program was being changed into a three tier program with risk assessments being prepared for
23 each group. He then spoke of a recent vehicle accident where an employee had been cited.

24 25 **6. ELECTED OFFICIAL REPORTS**

26
27 **Mayor Bill Applegarth** – [8:34:56 PM](#) reported that he forwarded a letter to the Council with a
28 request to make the City's landscape ordinance stricter. However, he said that the City Code
29 Enforcement Officer does not feel that the City needs to increase their standards at the present
30 time, keeping in mind that once an ordinance is adopted it needs to be enforced. Council Member
31 Trent Staggs said he would like to get more help in the Code Enforcement area and asked that
32 this issue be revisited in a Work Session to be held on September 30, 2014.

33
34 Mayor Applegarth said that Ryan Carter sent an Interlocal Agreement with the Jordan School
35 District to the Council Members. He explained that the agreement had been issued to all cities in
36 the District because of South Jordan City's recent desire to withdraw from the District. Although
37 South Jordan will remain in the District at this time, a new Interlocal Agreement has been
38 prepared and will be included in the Consent Agenda at the August 19th Regular City Council
39 Meeting for Council's approval.

40
41 Mayor Applegarth reported on his recent trip to Washington D.C. He reported that the mayors
42 from Draper, Herriman, and Riverton met with senators and congressmen there regarding
43 transportation issues. He said that UTA is very well thought of in Washington D.C. and Utah is
44 in their plans for transit funding. He encouraged the Council to attend Railvolution, which is a
45 great education opportunity regarding transit. He spoke in favor of light rail in Riverton City and
46 made the following suggestions: 1. Consider the local need to have transit; 2. Consider the
47 system needs; and 3. Consider the transportation system needs. He said transit is a great
48 opportunity for Riverton City and Riverton City has a lot to offer transit with the PRI property,
49 the Mountain View Corridor and the widening of 13400 South, which would provide property

1 for increased economic development. Mayor Applegarth concluded with a report of his visit to
2 the Library of Congress.

3
4 **Council Member Brent Johnson** – [8:57:34 PM](#) reported a safety concern in the construction
5 area of the Police Precinct building. He then thanked staff for their work on cemetery.

6
7 **Council Member Trent Staggs** – [9:00:36 PM](#) thanked staff for removal of weeds in his district.
8 He then spoke of a City owned street located at 1900 West that does not have sidewalks. He then
9 thanked Trace Robinson for the overlay on a street. He also thanked Lance Blackwood, Sheril
10 Garn, Trace Robinson and Council Member Paul Wayman regarding an issue regarding the
11 Jordan Parkway. He then spoke of issues he wanted to discuss at an upcoming Work Session.

12
13 **Council Member Sheldon Stewart** – Excused

14
15 [9:03:51 PM](#) **Tricia Tingey** – Asked about a Youth Court and inquired about the traffic light on
16 Pasture Road on 12600 South.

17
18 **Council Member Paul Wayman** – [9:10:35 PM](#) spoke of the City's water tanks in Herriman and
19 asked if the City would be interested in selling their property to Herriman. He then said he had
20 tried to get more information regarding UTA and their preferred alternative for light rail and
21 asked about their upcoming public hearings. Mayor Applegarth said that the preferred alternative
22 would need to be determined by the City Council; however, he said the issue was that the
23 preferred route had to be buildable. Mr. Wayman said he did not feel that the process was as
24 public as he thought it should be. Mr. Blackwood said that Asst. City Manager Jeff Hawker
25 would explain the process in the August 19th City Council Meeting under Staff Reports.

26 27 **7. UPCOMING MEETINGS**

28
29 [9:19:56 PM](#) Mayor Applegarth reviewed the following upcoming meetings:

- 30
1. August 19, 2014 - Regular City Council Meeting – 6:30 p.m.
 2. August 26, 2014 - Work Session – 6:30 p.m.
 3. September 2, 2014 - Regular City Council Meeting – 6:30 p.m.

31 32 **8. ADJOURN**

33
34 [9:20:24 PM](#) Council Member Paul Wayman **MOVED to adjourn the City Council Meeting.**
35 Council Member Tricia Tingey **SECONDED** the motion. Mayor Applegarth called for
36 discussion on the motion; there being none, he called for a vote. The vote was as follows:
37 Council Member Johnson-Yes, Staggs-Yes, Stewart-Yes, and Wayman-Yes. **The motion passed**
38 **unanimously.** Mayor Applegarth declared the meeting adjourned at 9:20 p.m.

39
40
41
42
43 _____
44 Virginia Loader, MMC

45 Recorder

46 Approved: Pending Minutes



Issue Paper

Item No. 4.3

Presenter/Submitted By:	Craig Calvert, Purchasing Manager	
Subject: Request permission to Issue a Purchase Order to Midwest Commercial Interiors for the purchase of office furniture for the Police Precinct	Meeting Date: August 19, 2014	
	Fiscal Impact: \$90,626.20	
	Funding Source: 74-54-709	
Background: The furniture selected is Steelcase and is available through State Contract #MA-147; however, this furniture is also available through a GSA contract. The City is eligible to purchase from Midwest Commercial Interiors referencing the State Contract or the GSA Contract.		
Recommendation: Staff's recommendation is to issue a PO to Midwest Commercial Interiors for the purchase of office furniture for the Police Precinct.		
Recommended Motion: "I move the City Council approve <u>Resolution No. 14-52</u> - allowing the City to issue a PO to Midwest Commercial Interiors for the purchase of office furniture for the Police Precinct."		

RIVERTON CITY, UTAH
RESOLUTION NO. 14-52

**A RESOLUTION ALLOWING THE CITY TO ISSUE A PO TO MIDWEST
COMMERCIAL INTERIORS FOR THE PURCHASE OF OFFICE FURNITURE FOR
THE POLICE PRECINCT**

WHEREAS, Riverton City is required by ordinance to approve any contract that exceeds \$25,000 in a public meeting; and,

WHEREAS, the furniture is needed for the Police Precinct; and,

WHEREAS, the Police Chief has selected Steelcase Furniture; and,

WHEREAS, Steelcase Furniture is available to be purchased from a State Contract.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF
RIVERTON CITY AS FOLLOWS:**

1. Riverton City approves the purchase of office furniture for the Police Precinct from Midwest Commercial Interiors.
2. This resolution shall become effective upon passing.

PASSED AND ADOPTED by the City Council of Riverton, Utah, this 19th day of August by the following vote:

Council Member Brent Johnson	___	Yes	___	No
Council Member Trent Staggs	___	Yes	___	No
Council Member Sheldon Stewart	___	Yes	___	No
Council Member Paul Wayman	___	Yes	___	No
Council Member Tricia Tingey	___	Yes	___	No

RIVERTON CITY

[SEAL]

Bill Applegarth, Mayor

ATTEST:

Virginia Loader, MMC
City Recorder



Issue Paper

Item No. 4.4

Presenter/Submitted By:	Craig Calvert, Purchasing Manager	
Subject: Request permission to Issue a Purchase Order to Spacesaver Intermountain for the purchase of evidence lockers for the Police Precinct.	Meeting Date: August 19, 2014	
	Fiscal Impact: \$27,316.58	
	Funding Source: 74-54-709	
Background: <p>The evidence locker selected is the Spacesaver locker. These lockers are available through State Contract #MA-1943. The City is eligible to purchase from Spacesaver Intermountain referencing the State Contract.</p>		
Recommendation: <p>Staff's recommendation is to issue a PO to Spacesaver Intermountain for the purchase of evidence lockers for the Police Precinct.</p>		
Recommended Motion: <p>"I move the City Council approve <u>Resolution No. 14-53</u> - allowing the City to issue a PO to Spacesaver Intermountain for the purchase of evidence lockers for the Police Precinct."</p>		

RIVERTON CITY, UTAH
RESOLUTION NO. 14-53

**A RESOLUTION ALLOWING THE CITY TO ISSUE A PO TO SPACESAVER
INTERMOUNTAIN FOR THE PURCHASE OF EVIDENCE LOCKERS FOR THE
POLICE PRECINCT**

WHEREAS, Riverton City is required by ordinance to approve any contract that exceeds \$25,000 in a public meeting; and,

WHEREAS, the lockers are needed for the Police Precinct; and,

WHEREAS, the Police Chief has selected Spacesaver lockers; and,

WHEREAS, Spacesaver lockers are available to be purchased from a State Contract.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF
RIVERTON CITY AS FOLLOWS:**

1. Riverton City approves the purchase of evidence lockers for the Police Precinct from Spacesavers Intermountain.
2. This resolution shall become effective upon passing.

PASSED AND ADOPTED by the City Council of Riverton, Utah, this 19th day of August by the following vote:

Council Member Brent Johnson	___	Yes	___	No
Council Member Trent Staggs	___	Yes	___	No
Council Member Sheldon Stewart	___	Yes	___	No
Council Member Paul Wayman	___	Yes	___	No
Council Member Tricia Tingey	___	Yes	___	No

RIVERTON CITY

[SEAL]

Bill Applegarth, Mayor

ATTEST:

Virginia Loader, MMC
City Recorder



Issue Paper

Item No. 4.5

Presenter/Submitted By:	Craig Calvert, Purchasing Manager	
Subject: Request permission to Issue a Purchase Order to TV Specialists Inc. for the purchase of integrated conference room equipment for the Police Precinct.	Meeting Date: August 19, 2014	
	Fiscal Impact: \$26,312.57	
	Funding Source: 74-54-709	
Background: <p>The integrated conference room equipment consists of an interactive touch screen TV, mounting equipment, wall plate and sound system. This equipment is available through State Contract #MA-516. The City is eligible to purchase from TV Specialists Inc. referencing the State Contract.</p>		
Recommendation: <p>Staff's recommendation is to issue a PO to TV Specialists Inc. for the purchase of integrated conference room equipment for the Police Precinct.</p>		
Recommended Motion: <p>"I move the City Council approve <u>Resolution No. 14-54</u> - allowing the City to issue a PO to TV Specialists Inc. for the purchase of integrated conference room equipment for the Police Precinct."</p>		

RIVERTON CITY, UTAH
RESOLUTION NO. 14-54

**A RESOLUTION ALLOWING THE CITY TO ISSUE A PO TO TV SPECIALISTS INC.
FOR THE PURCHASE OF INTEGRATED CONFERENCE ROOM EQUIPMENT FOR
THE POLICE PRECINCT**

WHEREAS, Riverton City is required by ordinance to approve any contract that exceeds \$25,000 in a public meeting; and,

WHEREAS, the integrated conference room equipment is needed for the Police Precinct; and,

WHEREAS, the equipment is available to be purchased from a State Contract.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF
RIVERTON CITY AS FOLLOWS:**

1. Riverton City approves the purchase of integrated conference room equipment for the Police Precinct from TV Specialists Inc.
2. This resolution shall become effective upon passing.

PASSED AND ADOPTED by the City Council of Riverton, Utah, this 19th day of August by the following vote:

Council Member Brent Johnson	___ Yes	___ No
Council Member Trent Staggs	___ Yes	___ No
Council Member Sheldon Stewart	___ Yes	___ No
Council Member Paul Wayman	___ Yes	___ No
Council Member Tricia Tingey	___ Yes	___ No

RIVERTON CITY

[SEAL]

Bill Applegarth, Mayor

ATTEST:

Virginia Loader, MMC
City Recorder



Issue Paper

Item No. 4.6

Presenter/Submitted By:	Ryan Carter, City Attorney	
Subject: <p>Approve a Resolution authorizing the execution of an Interlocal Cooperation Agreement with the Jordan School District, Bluffdale, Herriman, South Jordan, West Jordan and Salt Lake County for the purpose of establishing a mutual goal among the parties.</p>	Meeting Date: 08/19/2014	
	Fiscal Impact:	
	Funding Source:	
Background: <p>The Jordan School District (“District”) has negotiated at length with Riverton City, Bluffdale, Herriman, South Jordan, West Jordan and Salt Lake County (the “Cities”) to prevent further attempts by any particular city to disconnect from the District’s existing boundary and create a new school district. The end result of these negotiations is described in the enclosed Interlocal Agreement. Under the terms of the Interlocal Agreement, the District has agreed, among other things, to develop a long range plan which describes future development of District facilities with direct input from the Cities. The District also agrees to work cooperatively with the Cities to identify sites for District facilities which will not interfere with long range planning objectives of the Cities. This latter point is especially important to Riverton City because the District owns several acres of land in close proximity to the farming operation which is under the ownership of Property Reserve, Inc. in the vicinity of 13400 South, to the west of Bangerter Highway.</p> <p>Other features of the Agreement include (without limitation):</p> <ul style="list-style-type: none"> • Mayors of the above described Cities will be allowed to participate in District Board meetings, including some closed sessions. • Mayors will be entitled to weigh in on the design and construction of District facilities. • District shall provide Mayors with a plan which describes how supplemental funding from the Utah Legislature will be offset with other revenues, once the Utah Legislature eliminates said supplemental funding. 		
Recommendation: <p>Approve a Resolution authorizing the execution of an Interlocal Cooperation Agreement with the Jordan School District, Riverton City, Bluffdale, Herriman, South Jordan, West Jordan and Salt Lake County to coordinate the future development of District facilities.</p>		
Recommended Motion: <p>“I move that the City Council approve <u>Resolution No. 14-55</u> - authorizing the execution of the Interlocal Cooperation Agreement between Jordan School District, Riverton City, Bluffdale, Herriman, South Jordan, West Jordan and Salt Lake County to coordinate the future development of District facilities.”</p>		

**RIVERTON CITY, UTAH
RESOLUTION NO. 14-55**

**A RESOLUTION APPROVING THE EXECUTION OF AN INTERLOCAL
COOPERATION AGREEMENT BETWEEN RIVERTON CITY, THE JORDAN
SCHOOL DISTRICT, THE CITY OF BLUFFDALE, HERRIMAN CITY, THE CITY OF
SOUTH JORDAN, THE CITY OF WEST JORDAN, AND SALT LAKE COUNTY FOR
THE PURPOSE OF ESTABLISHING A MUTUAL GOAL AMONG THE PARTIES**

WHEREAS, UTAH CODE ANN. § 11-13-202 provides that any two or more public agencies may enter into an agreement with one another for joint or cooperative actions; and

WHEREAS, the Jordan School District (“District”), Riverton City, the City of Bluffdale, Herriman City, the City of South Jordan, the City of West Jordan, and Salt Lake County (jointly referred to as the “Cities”) are public agencies as defined by Chapter 11-13, UTAH CODE ANNOTATED; and

WHEREAS, the District and the Cities (jointly referred to as the “Parties”) desire to enter into an Interlocal Cooperation Agreement (the “Agreement”) with a mutual goal to provide school children attending District schools with a quality education at a reasonable cost to taxpayers by financing and building appropriate schools in the appropriate places at appropriate times; and

WHEREAS, the Parties believe that the mutual goal can be furthered by meaningful collaboration among the Parties in order to reach a consensus on the topics listed in the terms of the Agreement; and

WHEREAS, the City Council of Riverton City does hereby determine that it is in the best interests of the health, safety, and welfare of the citizens of Riverton City to approve the Agreement.

NOW THEREFORE BE IT RESOLVED by the Governing Body of Riverton City as follows:

1. The Interlocal Cooperation Agreement is hereby approved, and the Mayor is authorized to execute the Agreement upon verification that the Agreement has been approved as to legal form by the City Attorney.
2. This resolution shall take effect upon passing.

PASSED AND ADOPTED by the City Council of Riverton, Utah, and this 19th day of August 2014 by the following vote:

Council Member Brent Johnson	_____	Yes	_____	No
Council Member Trent Staggs	_____	Yes	_____	No
Council Member Sheldon Stewart	_____	Yes	_____	No
Council Member Trish Tingey	_____	Yes	_____	No

Council Member Paul Wayman

Yes No

RIVERTON CITY

[SEAL]

Bill Applegarth, Mayor

ATTEST:

**Virginia Loader, MMC
Recorder**

INTERLOCAL COOPERATION AGREEMENT

This Interlocal Cooperation Agreement (“Agreement”) is entered among the following entities:

1. the Jordan School District (“District”) acting through its elected Board of Education (the “Board”);
2. five cities including the City of Bluffdale, Herriman City, Riverton City, the City of South Jordan, and the City of West Jordan; and
3. Salt Lake County representing unincorporated portions of the County located within the jurisdictional boundaries of the District, including also the Township of Copperton.

The five cities and the unincorporated areas of Salt Lake County are jointly referred to as the “Cities”. The District and the Cities which choose to execute this Agreement are jointly referred to as the “Parties”.

Recitals

1. The Parties are public agencies as defined by Chapter 11-13, UTAH CODE ANN. (the “Interlocal Cooperation Act”). Section 11-13-202 of the Interlocal Cooperation Act provides that any two or more public agencies may enter into an agreement with one another for joint or cooperative action.

2. The desired mutual goal (“Mutual Goal”) of the Parties is to provide school children attending District schools with a quality education at a reasonable cost to taxpayers by financing and building appropriate schools in the appropriate places at appropriate times.

3. The parties believe that the “Mutual Goal” can be furthered by meaningful collaboration among the District, the Board, and the Cities. To that end, the Parties acknowledge that if the District and the Cities are able to reach consensus on the topics addressed below, such will enhance and promote the Mutual Goal.

Agreement

1. Rolling Five-year Plan: The Board will provide the Cities with a five year plan (the “Plan”) describing school buildings and administration facilities to be constructed or remodeled (“Facilities” or “Facility”) within the District. Preliminary information which constitutes a part of the Plan was provided by the Board to the Cities on July 22, 2014. An overview of the complete Plan will be presented by the Board to the Cities by October 31, 2014 with an update of the complete Plan to be provided thereafter at the beginning of each District fiscal year. To promote collaboration among the District and the Cities, the Plan will be circulated by the Board to the Cities prior to its adoption at the beginning of each District fiscal year, and prior to any proposed changes or amendments to the Plan, with the intent to allow the Cities an opportunity to review and discuss the Plan with the Board, including also opportunities for the Cities to assist the District in property acquisition efforts and financing strategies.

It is the intent of the Parties that the Plan will facilitate a unified voice among the District and the Cities to enable adequate financing of school facilities and operations, as well as locating properties for such facilities in appropriate locations and for a cost acceptable to taxpayers, the Cities and the District. The Cities will provide information they may have available to the District relative to population growth, land use planning, and economic development which the Parties mutually identify as relevant to the Plan.

a. *Elements of the Plan:* The Plan will include the following elements:

- i. the type of each Facility contemplated;
- ii. the anticipated, approximate time each Facility will be constructed and operational;
- iii. the anticipated, approximate location of each Facility;
- iv. the anticipated, approximate cost of each Facility; and
- v. the anticipated funding mechanism for each Facility.

b. *Land for Facilities:* With regard to purchasing or retaining land for Facilities, together the Board will work with the Cities to identify appropriate locations for Facilities. The District will acquire land or site Facilities in a manner which, where possible, results in the following:

- i. avoids areas planned for commercial, office, and mixed use development identified in the general plans of the Cities;
- ii. maximizes student ability to walk to schools;
- iii. avoids locating school buildings in high traffic areas including major and minor collector streets; and
- iv. compliments the land use planning of the Cities.

2. Mayor Participation in Jordan School Board Meetings: To promote collaboration as envisioned by the Parties, the mayor of each of the Cities or the designee of a mayor ("Mayor" or "Mayors"), will be allowed to "attend and participate" ("Participate") in Board meetings. Participate includes "sitting-at-the-table" with Board members, engaging in discussions, asking questions, making requests of the Board, offering opinion and perspective, but does not include voting. The Parties understand and acknowledge that attendance and participation includes all Board meetings, except those closed to the public under the Utah Open Meetings Act for the purpose of discussing the character, or professional competence, or physical or mental health of individual employees of the District, unless otherwise set forth in this Agreement.

The Mayors recognize that the primary right and responsibility of operating the Jordan School District lies with the Board. Consequently, the Cities acknowledge that generally the interest of the Mayors is to Participate in closed meetings where matters involving the overall governance of the District are involved such as discussing the character or professional competence of the "Superintendent" or "Deputy Superintendent", discussing the purchase, sale, exchange, or lease of real property, or discussing matters that have a specific impact on the Cities or a city, as opposed to the Mayors Participating in closed meetings where the meeting being closed is for strategy sessions to discuss pending or reasonably imminent litigation, for collective bargaining discussions, or for other routine operational matters of the District. The Parties also acknowledge that State law provides that Mayors Participate in Board meetings as currently set

forth in UCA § 53A-3-409(3)(a). The Mayors shall not Participate in closed meetings involving the character, professional competence, or physical or mental health of District employees, except for discussions involving the performance of the Superintendent and Deputy Superintendent. The Cities acknowledge and agree that their respective Mayors will not further disclose any information discussed in a closed session meeting unless and until such information has been made public by the Board—either directly or through the District’s administration—and that any premature disclosure of closed meeting discussions shall constitute a basis for exclusion from future closed meetings. Moreover, unless or until such information has been made public by the Board or District, no Mayor shall use or divulge information obtained in a closed meeting to negatively impact or otherwise impair the District’s ability to consummate a proposed purchase, sale, exchange, or lease of real property even in the event of a disagreement between the Board and Mayors regarding the proposed transaction.

To facilitate the attendance of Mayors, the regular meetings of the Board will be held on the 2nd and 4th Tuesday of each month. Emergency and special meetings may be scheduled as needed in the discretion of the Board. As currently provided by State law, the Board will provide notice of all meetings to each Mayor. Unless otherwise directed by a Mayor, such notice may be accomplished by contacting the City Recorder of each City. Each city will provide the District with an updated list of contact information for those individuals to be notified.

In the event the Mayors’ current statutory right to Participate in Board meetings is clarified or amended by future legislation, the terms of such legislation shall supersede the provisions of this paragraph.

3. Evaluation of District Real Property: To successfully implement the Plan contemplated in this Agreement, the Parties recognize the importance of collaboration to develop a unified message to the taxpayers of the Cities and of the Board relative to financing necessary and desired school facilities and operations, at an acceptable cost to the taxpayers, in appropriate locations.

For the Board and the Cities to meaningfully collaborate together to accomplish such, it is important that the Cities have a clear understanding of the real property assets of the District ("Assets"). To that end, the District will examine and evaluate all Assets to identify how each Asset correlates with the Plan and how each Asset will promote the Mutual Goal of the Parties. Preliminary Asset information was provided by the District to the Cities on July 22, 2014. The Board will provide a full report on the examination and evaluation of Assets ("Asset Report") to the Cities by September 30, 2014, providing also an updated Asset Report prior to the beginning of each succeeding District fiscal year. The Cities will lend information and expertise available to the Cities through their professional staffs to the District as the Parties determine useful and appropriate relative to developing the Asset Report.

The Board will use its best efforts to ensure that the Asset Report contains the following information regarding each Asset, unless such information is included in the Plan, in which case the Asset Report will specify the location of such information in the Plan:

- a. the date of acquisition of the Asset;
- b. the purpose for which the Asset was acquired;

- c. the anticipated Plan for use or disposal of the Asset;
- d. the anticipated Plan for use or disposal of any excess property which is part of a parcel where Facilities are currently sited or planned to be sited;
- e. the anticipated plan for disposition of any Asset where Facilities are not planned or sited;
- f. the original purchase price of the Asset;
- g. the current estimated fair market value of the Asset; and
- h. deed restrictions or encumbrances on the Asset;

4. Facility Design and Construction Methods: The District currently has in place a process for the planning, construction, and operation of Facilities ("District Process") which includes also committees involving the Board, select District staff, and select members of the community including parents of students as well as construction and design professionals. The Board believes the Mayors may not fully understand the District Process and desires that the Mayors gain that understanding. The Mayors have raised questions regarding the District Process, its adequacy, and the resulting cost, location, and timing for Facilities. Given the defeat by voters of the recent District bond proposal, the Mayors are also concerned that needed funding for future growth and operation of schools will be difficult for the District to realize. The Mayors are concerned that in the past information regarding the District Process as well as the cost, location, and timing for the construction and operation of Facilities has not been timely forthcoming to the Cities and taxpayers who live within the boundaries of the District. Further the Mayors desire input into the design philosophy, the construction philosophy, and decision making philosophy regarding Facilities to the end of facilitating a plan to accommodate growth of the District which is acceptable to voters who will fund future District operations.

To facilitate resolving the concerns of the Parties, the Board and the Mayors agree to the following which shall occur before any action is taken to (i) build or remodel Facilities, (ii) to place a bond measure of the ballot to raise taxes for funding Facilities, or (iii) to acquire, lease, or dispose of Assets:

a. *Current Status of Information, Processes, and Philosophy*: Through a method in which the Board and the Mayors will participate, the District will familiarize the Board and the Mayors with the District Process. In addition, the Board and the Mayors will review the Plan and the Asset Report to assure all issues and components contemplated by this Agreement are included.

b. *Review of the Plan, the District Process, and the Asset Report*: Upon completion of the Current Status review noted above, but no later than September 30, 2014, an advisory group ("Advisory Group") will be formed, chaired by one member of the Board selected by the Board, one Mayor (and not a Mayor's designee) from among the five cities selected by the Mayors, and one District staff member. The Parties shall use good faith efforts to reach mutual agreement regarding the selection of the District staff member; however, in the event the Parties are unable to agree, the Board shall have the right to appoint the District staff member. In addition to the chairs, any member of the Board and any Mayor of the Cities may serve as a member of the Advisory Group. The purpose for the Advisory Group will be to make recommendations to the Parties as to modifications to the District Process, recommendations as to modification to and implementation of the Plan, and recommendations to address in a manner acceptable to the Parties, the following issues:

- i. the disposition of Assets;
- ii. design and construction methods to assure the most efficient and effective use of taxpayer dollars including cost saving building methods, energy saving building methods, unnecessary building features, use of land, low cost and low maintenance landscape designs and features, construction timelines, and ways to reduce change orders; and
- iii. the use of "outside" or "third party" design and construction professionals in the District Process. The Parties recognize the value of using professionals who have not been previously engaged by the District or otherwise awarded bids by the District to benefit from "new" or "fresh" perspectives. Likewise, the Parties recognize the value of using professionals who have experience in the design and construction of education facilities within the District and the results of their designs and projects. It will be the task of the Advisory Group to balance the benefits of using both categories of professionals in making recommendations to the Board and Mayors.

As both the Mayors and the Board recognize the need to work expeditiously on the above matters, it is anticipated that the Advisory Group will make a final report of its findings and recommendations jointly to the Board and the Mayors by December 31, 2014.

In the event the Board disagrees with any or all of the Advisory Group's recommendations regarding the District Process or Plan it shall have no obligation to adopt said recommendation(s).

5. Legal Counsel: The Board will initiate the hiring of Board legal counsel through an RFP process as soon as possible. A copy of the RFP will be provided to any interested party.

6. Legislative Concerns Impacting the Parties: The Parties recognize and acknowledge the ongoing impact of current and future State law on District funding and District governance as well as the need for and benefit of the Board and the Cities actively participating in the State Legislative process. The Parties also recognize and acknowledge that the "taxing effort" and "tax willingness" of the residents of the Cities, who are also the same taxpayers who fund District education efforts, is limited. Further, the Parties acknowledge the primary property tax funding source for District education efforts as well as for services provided by Cities comes from commercial property taxes and the vibrant economic development of Cities. Consequently for the District to successfully fund education efforts, the District needs the support of Mayors and the Cities. To accomplish such the Parties agree to the following actions:

- a. Supplemental Funding: The supplemental funding to the District ("Supplemental Funding") provided by the Utah State Legislature resulting from the split of the Canyon's School District ends in 2016. As part of the Plan, the Board will address the end of Supplemental Funding and provide the Cities with available information concerning the impact of the Supplemental Funding on the operation of the District along with the Board's anticipated plan (including replacement funding) to deal with such impact by December 31, 2014.

- b. Land Use: The Parties will engage in dialog with one another and with the State Legislature regarding legislation to require school districts, charter schools, and private schools to obtain land use approvals through and consistent with established land use processes of cities.
- c. Bussing: The Parties will discuss State mandated bussing standards including the option of legislation to reduce the 1.5 mile requirement for elementary school bus routes and increase funding for student bussing during the 2015 legislative session and, if necessary, during future sessions.
- d. State-wide Equalization: The Parties will engage in dialog with one another and with the State Legislature regarding legislation for state wide equalization.

7. Future Relationship of Collaboration/Dispute Resolution: The Parties agree to work collaboratively together for the promotion and benefit of the children attending schools in the District. Issues, concerns, or suggestions brought to the attention of the Board and the Mayors will be given thoughtful and deliberate consideration in the process of forming opinions and in decision making.

Although the five cities within the Jordan School District boundaries, the Township of Copperton, and unincorporated areas in Salt Lake County, are referred to collectively as the Cities, it is the intent of the Parties who execute this Agreement that this Agreement apply to the Board and to each entity comprising the Cities individually. The decision by any entity comprising the Cities to not sign this Agreement shall not affect the intent and mutual commitments of the entities that do sign. Should all entities which comprise the Cities not execute this Agreement, the term Parties shall refer collectively to the District acting through its Board and those entities which comprise the Cities which do execute this Agreement.

In the spirit of mutual collaboration, in the event of a disagreement regarding the interpretation of the terms of this Agreement, or any Party's compliance with same, written notice of the disagreement or alleged non-compliance shall be submitted to the chairs of the Advisory Group and the Parties to this Agreement. Any Party alleged to be in breach of this Agreement shall have a minimum of 30 days after receipt of written notice of the alleged breach in which to cure same. The Parties agree to work together in a good faith effort to resolve the disagreement or alleged breach before resorting to any other remedy that may be available at law or in equity.

8. Term of this Agreement: The Parties acknowledge that a significant motive for this Agreement is to implement a framework within which the trust necessary among the Parties can develop to sustain the Mutual Goal and the principles cited in this Agreement, without resort to mandates in State law or other external tools. In addition, it is a significant motive of the Board to avoid efforts by one or more Cities to create one or more new school districts from within the current District boundaries. To that end, it is intended that this Agreement will remain in effect for one year after its Effective Date, which for purposes of this paragraph shall be considered to be the latest date indicated on the signature lines below. The Parties may mutually agree to extend the duration of this Agreement for successive one-year terms by executing a written statement to that effect, signed by the Parties, prior to the expiration of this Agreement.

9. Termination of this Agreement. This Agreement may be terminated as follows:
 - a. Upon the mutual written consent of all Parties:
 - b. By the District or by the Cities, by written notice to each of the Mayors and Board President respectively, within 30 days of the initiation of the process to create a new school district pursuant to the provisions of Utah Code Ann. § 53A-2-118 or 53A-2-118.1.

10. No Separate Entity/Purpose/Administration. This Agreement shall not create any separate legal or administrative entity or body. There shall be no joint acquisition or ownership of property and, therefore, it will not be necessary to dispose of property on the termination of this Agreement. Rather, the purpose of this Agreement is to provide a framework for the collaboration among the parties to achieve the Mutual Goal described in Recital 2 of this Agreement. The cooperative undertaking of the Parties shall be administered by the Advisory Group described in Paragraph 4.b. Subject to the foregoing, each party shall be responsible for its respective properties, operations, expenses, and budgets.

11. Effective Date. This Agreement will not take effect until: (a) it has been approved by all Parties, as required by Utah Code Ann. § 11-13-202(2), (b) it has been submitted to the attorney authorized to represent each Party for review as to proper form and compliance with law, as required by Utah Code Ann. § 11-13-203, and (c) it has been filed with the keeper of records of each Party, as required by Utah Code Ann. § 11-13-209.

12. Interlocal Cooperation Act: The Parties acknowledge that this Agreement is subject to the Interlocal Cooperation Act and agree (i) to the provisions and procedures contained in the Act, and (ii) to process, approve, manage, and archive this Agreement in accordance with the provisions of the Act.

IN WITNESS WHEREOF that Parties have executed this Agreement as indicated below.

Jordan School District:

Attorney for Jordan School District:


 Richard S. Osborn
 President

31 Jul 2014
 Date


 Reviewed: form and compliance with law

City of Bluffdale:

ATTEST:

 Derk Timothy
 Mayor

Date

 City Recorder

Attorney for City of Bluffdale:

 Reviewed: form and compliance with law

Herriman City:

ATTEST:

Carmen Freeman
Mayor

Date

City Recorder

Attorney for Herriman City:

Reviewed: form and compliance with law

City of Riverton:

ATTEST:

William R. Applegarth
Mayor

Date

City Recorder

Attorney for Riverton City:

Reviewed: form and compliance with law

City of South Jordan:

ATTEST:

David L. Alvord
Mayor

7/31/14
Date

Anna M. West
City Recorder

Attorney for City of South Jordan:

Reviewed: form and compliance with law





Issue Paper

Item No. 4.7

Presenter/Submitted By:	Trace Robinson, Public Works Director	
Subject: <p>A resolution authorizing the Mayor to execute an agreement with Patrick and Susan Barnes for the acquisition of a storm drain easement through their property at 951 West River Walk Drive.</p>	Meeting Date: August 19, 2014	
	Fiscal Impact: \$7,132	
	Funding Source: 65-60-700	
Background: <p>As part of the Lampton View and River Walk Drive Storm Drain Improvement project the City needs to connect pipes from River Walk Drive to an existing City storm drain system. Staff identified a route for the pipe and has met with residents Patrick and Susan Barnes to negotiate the purchase of a storm drain easement across the east side of their property. The agreement with the Barnes includes compensation for the easement and details about how their yard will be restored after the pipe is installed.</p> <p>Just Compensation is based on an appraisal report prepared according to the Uniform Standards of Professional Appraisal Practice by an MAI, CRE Appraiser for a similarly situated storm drain easement and Salt Lake County Assessors valuations.</p>		
Recommendation: <p>Staff recommends approval of Resolution No. 14-56.</p>		
Proposed Motion: <p>“I move the City Council approve <u>Resolution No. 14-56</u> - authorizing the Mayor to execute an Agreement with Patrick and Susan Barnes for the acquisition of a storm drain easement through their property at 951 West River Walk Drive.”</p>		

RIVERTON CITY, UTAH
RESOLUTION NO. 14-56

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PATRICK AND SUSAN BARNES FOR THE ACQUISITION OF A STORM DRAIN EASEMENT THROUGH THEIR PROPERTY AT 951 WEST RIVER WALK DRIVE

WHEREAS, Riverton City has a need to extend a storm drain pipe from River Walk Drive southward into an existing City storm drain system; and

WHEREAS, Riverton City has identified a pipe route through the Barnes property at 951 West River Walk Drive; and

WHEREAS, City staff have negotiated with the Barnes for the purchase of a Storm Drain Easement;

WHEREAS, Patrick and Susan Barnes are willing to sell the City an Easement.

NOW THEREFORE BE IT RESOLVED by the Governing Body of Riverton City as follows:

1. The Mayor is hereby authorized to sign, on behalf of the City, an Agreement with Patrick and Susan Barnes for the acquisition of a Storm Drain Easement through the Barnes property at 951 West River Walk Drive.
2. This Resolution shall take effect immediately.

PASSED AND ADOPTED this first day of July 2014 by the following vote:

Council Member Brent Johnson	_____ Yes	_____ No
Council Member Al Leavitt	_____ Yes	_____ No
Council Member Sheldon Stewart	_____ Yes	_____ No
Council Member Tracy Thaxton	_____ Yes	_____ No
Council Member Patricia Tingey	_____ Yes	_____ No

RIVERTON CITY

[SEAL]

Bill Applegarth, Mayor

ATTEST:

Virginia Loader, MMC
Recorder

RIVERTON CITY

Easement Agreement

Project Name: Lampton View SD 2014
Parcel: 27-26-176-024
Property Address: 951 West River Walk Drive
Grantor(s): Patrick & Susan Barnes

Project No.: SWU-170-14 v1.3
Owner Phone Number: Susan Cell: 801-671-5080
Patrick Cell: 801-865-0940

IN CONSIDERATION of the foregoing hereinafter set forth, it is mutually agreed by the parties as follows:

1. Patrick & Susan Barnes, the grantors, agree to grant and convey to Riverton City, the City, :
 1. A 10-ft wide permanent easement (1,373 sf) for the installation of storm drain pipes. The easement is located on the east side of the grantors property, and is described precisely in the easement document.
2. Grantors also hereby grant to Riverton City, its contractors, employees, and assigns License to enter in and upon other areas of their yard to perform work and make improvements or repairs to the grantors property as described in this agreement. It is anticipated that work will primarily be done adjacent to the permanent easement between the east side of the grantors house and the grantors east property line. But also includes other areas of the yard such as by the fire pit and for sprinkler repairs. This Temporary License to enter is only for the installation of the pipe and the restoration of the grantors property. It begins when this agreement is signed and ends when the improvements and repairs on the grantors property are completed.
3. Riverton City agrees to pay the Grantors:
 1. \$5,5897 for the permanent easement.
 2. \$200 for the Temporary License to Enter.As shown on the accompanying Just Compensation.
4. The City will pay for Title Work and Recording Fees associated with closing and recording this easement. If a Title company is used the City will select the Title Company.
5. If a partial release or reconveyance is necessary, the City will pay for the application and recording fees, and for appraisals, land surveys or other studies required by the mortgage company.
6. The City will meet with the owners prior to construction to test the existing sprinkler system. Sprinklers in the easement and work area may be cut and the City will install a temporary system during construction. The Grantors will coordinate with the contractor for sprinkling times. The City will notify the contractor to work with the grantors to maintain a sprinkling system and run times. After construction the sprinklers will be returned in a similar working order as before construction. Grantors will follow the contractor's recommendations for watering newly placed sod.
7. The City will remove the rocks on the earthen embankment east of the house and install an interlocking block wall. The wall will begin at the northeast corner of the grantors house, and go eastward then south through a radius until it meets or nearly meets the easement line(about 7-ft east of house). Then the block wall will run parallel to the easement line (the distance between the wall and house will increase) until the grades match. The block wall will be tan color and capped with a 2" capstone.
8. The two shrubs east of the north east corner of the house will be removed and not replaced. 15 ft of landscape curbing and 40 sf of bark mulch will also be removed and not replaced. The City will pay the grantors \$150 (\$75 each) for the shrubs, \$45 for the curbing and \$40 for mulch as shown on the accompanying Just Compensation.
9. The fire pit and surrounding flagstone patio: Prior to the contractor beginning work, the grantors will remove the fire pit and flag stone and store the materials elsewhere on the grantors property so that it doesn't impact the work described in this agreement or the easement. If the work is completed before the contractor begins work the city will pay the grantors an additional \$300. If the fire pit and flag stone are in place when work begins the City will remove them and stack them in the grantors yard but makes no warranties or promises regarding the condition of the materials. The city will install base course for the new patio and fire pit in an area equal to the area of the existing fire pit and patio. The grantors will show the City where new patio and pit will be located. Riverton City will pay the grantors \$500 to import new setting material and rebuild the fire pit and flag stone patio.

10. The storm drain pipe and trenches will be installed according to Riverton City Standards and Specifications and will be structurally strong enough to withstand vehicle traffic. After installation and during the 1-year contractor warranty period the City will inspect the Storm Drain line for settling or other defects.
11. Property within the permanent easement and other areas disturbed by the contractor as part of this project will be returned in as good or similar manner as was first entered in by the Contractor as part of the construction project, except as otherwise noted in this agreement.
12. All work done under this agreement shall conform to all applicable building, fire, and sanitary laws, ordinances, specifications and regulations relating to such work, and shall be done in a good and workman like manner.
13. This Agreement is a complete agreement and final understanding between the parties. Other prior discussions representations, agreements or other considerations expressed between the parties but not made a part of this Agreement are not binding upon any party to this Agreement. Grantors understand this agreement is an option until approved by Riverton City.

Initial Payment to the Grantors \$6,832
Conditional Payment to the Grantors \$300
Total Payment to the Grantors \$7,132

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first below.

By 
 Tim Prestwich, Acquisition Agent

8 Aug 14
 Date

By _____
 Approved by Riverton City

_____ Date

<u></u>	<u>8/14/14</u>
Patrick Barnes	Date
<u></u>	<u>8/14/14</u>
Susan Barnes	Date