Approved: PC 9.12.24

RIVERTON CITY PLANNING COMMISSION
MEETING MINUTES
AUGUST 22, 2024

The Riverton City Planning Commission convened at approximately 6:30 p.m. in the Riverton City Hall, 12830 South Redwood Road, Riverton Utah.

Planning Commission Members:	**Staff:**
Evan Matheson, Chair	Jason Lethbridge, Development Services Director
Gary Cannon	Lisa Halverson, City Planner
Shelly Cluff	Ryan Carter, City Attorney
Crystal Keele	Tim Prestwich, City Planner
Darren Park	Matt Cassel, City Engineer
Troy Rushton	
Chris Knudsen, Alternate	

1. CALL TO ORDER/ROLL CALL

Chair Evan Matheson called the meeting to order at approximately 6:30 PM. The Pledge of Allegiance was led by Commissioner Park.

2. PUBLIC HEARINGS

A. MY STORAGE RIVERTON 2 AMENDED, PLZ-24-8012, AN AMENDED SITE PLAN FOR A STORAGE FACILITY TO BE LOCATED AT 13487 SOUTH 5600 WEST. THIS ITEM HAS BEEN CONTINUED FROM THE PRIOR MEETING ON AUGUST 8, 2024.

City Planner, Tim Prestwich, presented the Staff Report and stated that the plans reviewed were not what the applicant intended to build, he informed staff immediately before the meeting that he wanted to make site plan changes. He was informed that the plan should not be approved tonight and the decision was made to continue the matter to this meeting. The necessary corrections, however, remained incomplete. Mr. Prestwich asked that the issue be continued to the next meeting. If there are further delays, the application will be removed from the agenda and the applicant required to pay re-noticing fees.

Commissioner Cluff moved that the Planning Commission CONTINUE PLZ-24-8012, My Storage Riverton Amendment 2, and Conditional Use Permit to the next Planning Commission Meeting. The motion was seconded by Commissioner Keele. The motion passed with the unanimous consent of the Commission.

Mr. Prestwich reported that staff received the Building Permit plans for Walmart a few days after the last meeting and there was a noticeable change to the front façade that had not been part of the Planning Commission approval. As a result, the matter will be coming back to the Commission at the next meeting. It was noted that there is a new configuration for their pickup and a small change to the front of the building.

B. CODE TEXT AMENDMENT PLZ-24-5003, RIVERTON CITY IS CONSIDERING CHANGES TO CHAPTER 18.225 'ACCESSORY STRUCTURES' OF THE RIVERTON CITY LAND USE AND DEVELOPMENT CODE. THE CHANGES ARE SPECIFIC TO THE USE OF STORAGE/CARGO CONTAINERS AS ACCESSORY STRUCTURES.

Development Services Director, Jason Lethbridge, presented the Staff Report and stated that the matter pertains to cargo and storage containers. Riverton City Code has never permitted cargo or storage containers on residential property and they are expressly prohibited. These containers have existed in the City but they have remained largely unnoticed. In recent years, they have increased. The City has not made a targeted effort to enforce them but complaints have led to site visits and a great need for enforcement. Containers were not permitted, and action was required. The Code prohibits storage containers. Efforts were made to address the situation. Containers are readily available, inexpensive, and secure. A compromise has been sought in the Code and it was determined that any structure greater than 200 square feet must utilize exterior materials that match the home.

Enclosing a cargo container in compliant materials reclassifies it as an accessory structure. An example was provided where a container was enclosed in siding matching the main dwelling. This approach was deemed compliant with the Code. This method has been successful, with several instances following this process.

Information was posted on the City website about how to bring cargo containers into compliance. The State Building Code was changed to remove the foundation requirement for large structures, making it easier to use cargo containers. The primary issue now is exterior materials. This Code was implemented in consultation with the City Attorney's Office and the Council and is necessary due to the increase in cargo containers and related cases.

The amendment aims to clarify the City's Code on cargo containers, specifying that while storage containers are prohibited, they may be used as the internal structure of an accessory building. All other City Code provisions apply, including setbacks, lot coverage limitations, and the prohibition of stacking containers. Cargo container doors must be painted a single color and being free from logos or alphanumeric characters. The Code does not specify door materials or roof types for accessory buildings but ensures that cargo containers do not retain unsightly markings. Exterior materials of cargo containers must meet the same standards as accessory structures and comply with setbacks and Code provisions. For agricultural structures, materials other than those present in the home are allowed if used exclusively for feed or storage of agricultural equipment or animals. However, cargo containers used agriculturally must still adhere to the same exterior material standards as accessory structures.

The goal has been to ensure fairness by requiring that sheds and accessory buildings comply with standards for exterior materials and setbacks. Cargo containers must meet the same standards as other accessory buildings, making it a matter of Code rather than just policy. The Council is discussing the approach they want to take for the foreseeable future.

Different cities in Utah have adopted various approaches, from allowing containers with restrictions to banning them outright. The Commission can make recommendations for regulations. Staff's effort has been to formalize the policy that has been in practice.

Commissioner Rushton questioned the definition of agricultural purpose, whether it must be on an agricultural zone or if an acre parcel with animal rights would qualify as agricultural when a container is moved in. Mr. Lethbridge explained that the structure would have to match the home. Agricultural structures include those used exclusively for growing plants, storing farm animals and/or feed, or equipment used for commercial agriculture on parcels of at least 20 acres. To be agricultural, the structure must be wholly used for the storage of animals or feed, or be a greenhouse. Cargo containers do not qualify as greenhouses. Structures that are only partially used for agricultural purposes, such as storing lawnmowers or hay, are not classified as agricultural.

Animal rights must be present to claim agricultural use. Barns must meet architectural requirements, including exterior materials that are appropriate and complementary. Flexibility is provided for materials but the structure must remain complementary to the area. The standard is subjective and has not been widely applied due to fewer agricultural uses in the City. Issues have rarely arisen as efforts are made to blend the structures with the property. Subjectivity results from the broad nature of agricultural uses, which may include features like horse corrals.

The amendment does not cover commercial or industrial uses for containers in agri-industrial zones. Containers are banned in those zones, except for shipping purposes. Commercial properties will be addressed separately. The amendment focuses on residential properties. Stacking containers would be prohibited as they would not comply with building and safety codes regarding access and attachment. Allowing stacking would trigger additional requirements that are difficult to meet while maintaining the classification of the containers as accessory structures.

Commissioner Cannon inquired about challenges related to cargo containers, noting increased resident complaints. The enforcement program was acknowledged as excellent, but questions were raised about enforcement procedures and fines. It was noted that the demand for containers has increased while prices have decreased due to their use for housing. The question was about the procedure followed when zoning enforcement demands container removal. The response clarified that "grandfathered" or "legal non-conforming" containers, while legal when installed, do not meet the current Code. New codes do not retroactively affect existing structures. However, as these containers were never legal, enforcement actions cannot consider their duration on the property.

Individuals have had cargo containers for years, but they were never legal, and there was no mechanism to permit them. When Code enforcement identifies a violation, the initial approach is to inform the property owner of the Code and the violation, encouraging voluntary compliance. If voluntary compliance is not achieved, a citation is issued, and the matter may end up in court. Paying a fine and keeping the cargo container in place is not an option. There is no legal mechanism to allow the container to stay through the payment

of a fine or community service. As a compromise, containers can be brought into compliance as an accessory structure. Once compliance is met, the container is no longer considered a cargo container but a legal accessory structure. Even if the City later bans them, the structure would remain legal as it meets the criteria of an accessory structure.

Commissioner Cannon asked about fines for non-compliance. It was reported that a judge would impose fines if the matter goes to court, potentially daily, until compliance is met. While forced removal has not occurred, the City has intervened in cases like weed abatement. Efforts have been made to work with individuals to either enclose the structures or have them voluntarily removed. Ultimately, if the matter goes to court, the Judge decides the penalties and their escalation.

Commissioner Park expressed concerns about Section H and wording regarding storage containers. The need to clarify that stacking restrictions apply to all listed items was suggested. The recommendation was made to revise the wording to specify that none of the containers described in the subsection may be stacked. Additionally, a concern was raised about the agricultural usage section, which requires exterior building materials for a storage or cargo container used as an agricultural structure, except for doors and roof areas. It was noted that a prior requirement to paint doors a single color and remove all logos and alphanumerics might be contradicted by the final sentence, potentially allowing rusted or unappealing appearances on doors in agricultural settings.

The need for consistent application of the rules was highlighted. Concerns were raised about a potential loophole undermining the requirement for consistent building materials. The oversight was acknowledged, and the intention to ensure consistency was noted. A picture was presented showing a container wrapped in siding that was considered unattractive compared to a more appealing container. The preference for aesthetically pleasing containers was expressed, with agreement that a more attractive option was preferable to one that was merely painted but still unappealing.

A traditional accessory structure built to the same dimensions with a flat roof and wrapped in siding would be compliant and could be as objectionable as a similar cargo container. However, providing an option to build something more aesthetically pleasing, as shown in the picture, could result in a structure that is more attractive to the eye and to neighbors compared to a siding-wrapped container. This option would require additional staff effort to ensure a pleasing structure is built and maintained. Allowing the creation of a more visually appealing structure, if chosen, would be preferred. The challenge lies in setting or recommending a standard that prohibits something visually pleasing while mandating a less attractive option.

Architectural and material standards are subjective. An example was provided of a structure deemed by an individual to be the pinnacle of accessory design, with pride, pleasure, and excitement expressed by them. Permission was requested to use pictures of the structure in presentations, and there was a desire to attend the meeting to view it. Subjective opinions vary widely, with some considering a structure the worst thing in the neighborhood while others find it beautiful. The challenge is to set regulations that allow individuals to build

structures they find pleasing while preventing unattractive or substandard buildings. The challenge with architectural and material standards is their subjective nature. Subjective opinions vary widely, with some considering a structure unattractive while others find it beautiful. Regulations must balance allowing individuals to build pleasing structures while preventing unattractive or substandard buildings. While minimum standards are necessary, individuals should have the option to exceed them. Restricting them to the lowest common denominator is unjust. To address this issue equitably, standards for cargo containers should align with those for other structures, such as those covered in corrugated metal or other materials ensuring fairness and consistency in regulations.

Caution must be taken if it is stated that as long as a cargo container is painted attractively, its use is permitted. The translation of this allowance into practical terms needs to be examined carefully. A delineation must be made between stick frame structures and cargo containers. Some Cities establish separate standards for storage containers and accessory structures, which could be adopted. Consideration of other alternatives should prompt a reassessment, particularly when driving through the City. While rusty and unpleasant cargo containers present an issue, the goal is to ensure that the City presents a pleasant appearance to visitors and residents. The objective is to convey that the City is a clean, attractive place. Differing opinions may exist.

A clarifying question was posed about the Code requirement for structures of 200 square feet or greater. For structures below 200 square feet, the standard is compatibility, addressing items like tough sheds or similar kits that do not require siding. One possibility is raising the threshold to 350 square feet in the Building Code, so such structures would not need to be attached to a foundation. Most cargo containers are 300 to 350 square feet. A container under 200 square feet would need to meet setbacks and easements. For structures below 200 square feet, raising the threshold to 350 square feet for all accessory structures was considered. This approach would cover nearly all cargo containers.

Commissioner Keele stated that the main difference between vinyl siding and a shipping container is the orientation of the grooves. She was not opposed to raising the threshold. A question was raised about structures greater than 200 square feet with masonry exteriors. The front-facing side of the accessory structure must be entirely masonry. The applicability of this to a shipping container facing forward was questioned. It was responded that doors and garage doors are excluded from the requirement. A veneer can be used for a small amount of brick. Raising the threshold to 350 square feet could address the challenge of matching materials for all accessory structures.

A couple of years back the State changed the requirements for cities, stating that brick, stone, or any specific material could no longer be required on the exterior of homes. The City can no longer mandate that a home have a certain amount of brick or other materials on the front. This State law did not extend to accessory structures. While City Code allows materials on the home to be used on the accessory structure, corrugated metal is technically possible. Raising the threshold was suggested to allow for cargo containers. It was stated that if a house were entirely stucco, a stucco finish on a shipping container might seem excessive. Painting the container could achieve a similar effect. The focus was on crafting

Code that accommodates both ends of the spectrum while avoiding unintended consequences. Staff offered to return with examples of how the Code would apply in both situations, with a willingness to continue the discussion and provide further examples if needed.

Commissioner Matheson asked if the container structures require a foundation. The response was that while a foundation may not be necessary, it could be required for stability. If used as an Accessory Dwelling Unit (“ADU”), different standards apply. Most cities that allow cargo containers prohibit them from being used as ADUs due to the costs associated with running utilities and installing a foundation. Using a cargo container as a living space would likely require a foundation.

For agricultural purposes, a requirement was established for land of 20 acres or more. This was intended for commercial agricultural purposes, as large farming operations used Quonset huts and other structures. Commissioner Rushton emphasized that what a neighbor does is not of concern. Using stacked shipping containers for housing was discussed, noting existing projects downtown and considering it as an option. The focus should be on ensuring that the exterior matches requirements, rather than how the structure is assembled. He proposed eliminating the restriction on stacking.

The challenge of avoiding subjectivity in language was acknowledged. Consistent language is needed for current and future applications. Agricultural regulations have subjectivity due to the variety of agricultural buildings. Staff could return with examples or ideas for accommodating these uses.

Commissioner Rushton stated that when windows and doors are added, a structure starts to look like a building, unlike a simple box used for storage. Although not a house, it appears to be built for a purpose, possibly as an ADU. He mentioned that no cargo containers in the City are currently being used as ADUs. An example was shared of a container converted into a "she shed," gym, and sauna, serving as extra outdoor living space. A previous case involved a coffee shop planning to use shipping containers as the structural base but ultimately decided to build a traditional structure.

Mr. Lethbridge stated that a Conditional Use Permit process could address questions of appeal, involving public input to ensure equitable decisions. This would prevent appeal decisions from being made by just one person, allowing neighbors and others to participate. The application was noted to be limited, similar to greenhouses, allowing for specific criteria and public hearings. It was suggested that instead of requiring matching siding, the structure could be required to be in the same color palette. The importance of preventing unsightly containers was acknowledged, despite small houses being built with stacked containers that meet engineering and Code requirements. Mr. Lethbridge stated that a hasty decision should be avoided to prevent unintended consequences. He stated that additional information would be prepared and brought back to the Commission for further review and feedback.

Commissioner Cluff suggested adding details to the guidelines regarding exterior issues, such as rust, in addition to specifying no logos or alphanumeric characters on doors. This would provide an enforcement mechanism. A question was raised about the number of violations related to storage containers. It was responded that approximately half a dozen to a dozen cases had been addressed over the summer. These cases involved bringing property owners into compliance by adding exterior surfacing. The violations were not tied to the condition of the containers but to their failure to meet City regulations. The increased focus on this issue was attributed to the City Council's decision to enhance the Code enforcement division. Previously, Code enforcement was primarily complaint-driven, but it now has a more proactive approach. The issue is growing due to the increasing marketability and affordability of these containers, which can easily be placed on properties. This matter requires careful consideration.

One other point was raised regarding the wide range of different categories of these structures. A recommendation for staff was suggested, proposing the consideration of some form of exceptional use or conditional use direction.

Commissioner Park moved that the Planning Commission CONTINUE PLZ-24-5003, the Code Text Amendment to the next Planning Commission Meeting. The motion was seconded by Commissioner Knudsen. The motion passed with the unanimous consent of the Commission.

C. CODE TEXT AMENDMENT PLZ-24-5004, RIVERTON CITY IS CONSIDERING CHANGES TO CHAPTER 18.190 'HOME OCCUPATIONS' OF THE RIVERTON CITY LAND USE AND DEVELOPMENT CODE. THE CHANGES ARE TO CLARIFY CODE RELATING TO THE PROCESS OF APPEALING DECISIONS ABOUT HOME OCCUPATIONS.

Mr. Prestwich presented the Staff Report and stated that the application is to change Title 18 of the City Code, which pertains to land use. Chapter 191 specifically addresses home occupations, which have been permitted in Riverton for a long time. A home occupation refers to a business activity conducted at a residence. The Code outlines provisions that allow these activities to occur simply, without requiring formal submissions to Staff. Such activities can range from minimal office use within the home to a permitted home occupation. If stricter criteria are met, the home occupation may involve customer visits and additional activities at the home.

When an activity exceeds the thresholds of a permitted use and meets the definition of certain conditional uses, it must be reviewed by the Planning Commission as a conditional use home occupation. All home occupations seeking either Staff review or Planning Commission review must meet the nine fixed standards. If these standards are met, Staff approval may be granted unless a decision is made to bring the matter before the Commission. Additionally, Section 18.190.080 requires a conditional use permit for certain activities, making it mandatory for them to be presented to the Commission.

The Commission's input may also be sought if an activity closely resembles those on the Prohibited Home Occupations list but does not exactly match it, to determine whether the activity should be considered prohibited. A public hearing will be held for home occupation applications that meet all the fixed standards but fail to meet the qualifications. The Planning Commission may deny, approve, or approve with conditions any home occupation application, but none of the fixed standards may be altered or waived. Applications for home occupation permits will be noticed for a public hearing, with neighbors invited to participate. This process often reveals additional insights from neighbors.

The responsibility for paying the fees will rest with the applicant. Points one through four remain unchanged. A potential issue arises with point five, which states that the Planning Commission acts as the land use authority for conditional use home occupations. However, the City Council shall act as the appeal authority, serving in a quasi-judicial manner as the final arbiter of issues involving the interpretation or application of the home occupation land use Codes.

Item six states that appeals must be made within 30 days to the Board of Adjustment. Conflicting information exists regarding the appeal body, with references to either the Board of Appeals or the City Council. According to City Code and State Code, the Board of Adjustment is not identified as the City Council. The Staff's proposal seeks to clarify this by removing the reference to the City Council in section number five. Section 18.9500 specifies that the appeal authority refers to the Code, indicating that any person has the right to appeal the decision of the Land Use Authority for conditional uses to the Board of Adjustment. This change aims to ensure that appeals are directed to the Board of Adjustment rather than the City Council.

The Board of Adjustment is independent, separate from the Planning Commission. It is not involved in legislative changes. The Planning Commission functions as an administrative decision-making body. If an appeal is made regarding an alleged error in a decision by the Land Use Authority, the Board of Adjustment hears the appeal and determines the outcome.

Under Utah law, the Board of Adjustment was previously required to be a committee of equal size and stature to the Planning Commission. A change to the Land Use Development and Management Act ("LUDMA") allows the Board of Adjustment to be a committee of one and members no longer need to be residents. Experts can instead be hired. This change was made because Boards of Adjustment often have to deny requests mandated by the Code, which was challenging when board members are also neighbors. This led to frequent errors. In Riverton, the board was colloquially referred to as the Board of Approval due to its tendency to approve requests that might not have been appropriate.

The board was converted to a single expert, land use attorney Craig Hall. The expert is highly qualified, follows the law closely, and is fair-minded. The State Code allowed cities to change the appeal process to review the record and procedures, ensuring that correct procedures were followed and that the notice was proper. The Board of Adjustment is not intended to reassess the merits of the decision. The focus of the appeal is solely on whether procedures were followed and if the decision was supported by the Code. This quasi-judicial

function ensures that appeals address legal and procedural matters, not just unpopular decisions. A simple change is proposed, affecting only Section 18.190, to eliminate the reference to the City Council and clarify that the Board of Adjustment is the appeal authority.

Commissioner Rushton asked if the Commission could hear outcomes of appeals heard by Boards of Adjustment. It was noted that the meetings are open to the public. The information is useful to confirm that decisions were upheld on merit. Appeals occur infrequently. Recent notable appeals involved Lover's Lane and the last piece of agriculturally zoned land. These high-stakes cases involve attorneys, rigorous motions, and disputes. Generally, there have been few appeals. The board primarily deals with granting variances for properties with limitations.

If a decision is not agreed upon, it is taken directly to the Board of Adjustment. The application is treated as a fresh submission. If an appeal reveals improper handling, it is used as a training opportunity. The outcome is reported back, detailing what happened and how improvements should be made.

Commissioner Rushton moved that the Planning Commission APPROVE PLZ-24-5004, the Code Text Amending Riverton City Code Chapter 18.190 "Home Occupations" of the Riverton City Land Use and Development Code. The motion was seconded by Commissioner Cannon. The motion passed with the unanimous consent of the Commission.

D. CODE TEXT AMENDMENT PLZ-24-5005, RIVERTON CITY IS CONSIDERING CHANGES TO CHAPTER 18.135.200 'TEMPORARY COMMERCIAL USES' IN THE RIVERTON CITY LAND USE AND DEVELOPMENT CODE. THE CHANGES ARE TO CLARIFY THE MAXIMUM DURATION AND FREQUENCY FOR SUCH USES.

Mr. Prestwich presented the Staff Report and stated that the Code amendment clarifies the regulations concerning temporary commercial uses. The Code currently regulates seasonal uses like Christmas tree lots, fireworks stands, and agricultural stands. The amendment defines temporary commercial uses as those not exceeding 60 days in duration within 12 months, with two approvals allowed per year. Fireworks stands have a specific exception. These uses must be conducted on lots developed under an approved site plan, with an exception for home occupations. Any parcel used for temporary commercial purposes must comply with all applicable Codes and standards. Two additional minor changes include requiring information about parking and circulation and specifying the dates of operation. These changes aim to clarify the duration and the properties where temporary commercial uses are allowed.

Commissioner Rushton asked how shaved ice stands would be affected. It was reported that existing stands have been operating for that duration of time. However, new operations would be limited to 60 days under the proposed amendment. An option was requested for extending the operation period to 90 or 100 days, particularly for seasonal businesses. One option would be to extend the maximum allowed duration for all uses to 90 days. An

exception similar to that for fireworks stands could be carved out. However, narrowly defining the extension could exclude other similar uses. It was recommended to consider extending the 60-day period for a broader category, such as seasonal food vendors, rather than just one specific type of business. A recommendation for additional time could be included in a motion, with the language crafted and presented to the City Council for a final decision.

A question was raised as to whether applicants can request an extension or variance of the 60-day limit. A concern was raised regarding the need for specific criteria for granting extensions. The possibility of crafting criteria was suggested. It was noted that longer periods of temporary use could be problematic due to lack of parking spaces or drive aisles. Seasonal uses previously required Conditional Use Permits. Crafting Code for extensions might be challenging. Limiting these uses impacts businesses, particularly parking, drive aisles, and fire lanes. Allowing an additional 60-day period with a more substantial review by the Planning Commission could be a solution.

It was noted that the discussion is not targeted at any specific use. The approval process was acknowledged but challenges such as space utilization and dragging mud were identified. All temporary businesses need approval from the property owner. Traffic mitigation or other issues should not arise as the property owner allows the use. Complaints would likely come from adjoining property owners.

The comment was made that when snow shacks are operated or a temporary shop opens, it can lead to concerns from brick-and-mortar store owners. As long as these operations are temporary, this concern is addressed. Many of the uses are sponsored by or associated with existing businesses. The Conditional Use Permit could address the extension issue. A direction can be included in the motion and the language can be assembled for the Council.

Commissioner Knudsen asked about the origin of the 60-day duration. It was reported that the 60-day duration was chosen as a round number to accommodate various seasonal businesses. There was nothing particularly significant about the number 60 but it was chosen to balance the needs of these businesses without allowing them to operate long enough to become almost semi-permanent. It was asked whether alignment with others addressing the same issue was considered and if they were looked into. Clarification was sought regarding the comparison with Codes in other cities. It was confirmed that other cities were considered, as they likely face similar challenges.

Some cities were found to allow longer durations, while at least one had a limit of three weeks, representing the two ends of the spectrum. The 60-day duration was categorized as slightly more generous. However, it was noted that the goal was to find a balance for various uses, with the vast majority, including firework stands, Christmas tree lots, and corn sales, expected to be easily accommodated within that 60-day period. It was acknowledged that only a few outliers could potentially present a challenge.

A question was raised as to whether carving out a seasonal food vendor could be done without negatively impacting brick-and-mortar stores. Concern was raised about creating a

situation where some vendors who were grandfathered in due to prior licensing, may be allowed to operate successfully while new entrants are not afforded the same opportunity.

It was noted that Hokulea Snow Shack operates under a different standard due to being licensed when a Conditional Use Permit was required for temporary uses, acknowledging this as a concern. The idea of seasonal food vendors, who are primarily fair-weather businesses, was suggested as a potential solution to address this issue. However, it was clarified that mobile food trucks do not fall under this discussion.

As brick-and-mortar food vendors have increased, the number of seasonal food vendors has decreased since they initially filled a niche that is now more widely available. It was agreed that carving out a category for seasonal food vendors could be a reasonable approach to addressing the extension issue.

The comment was made that language can be included to clarify that selling additional items such as soda at a fireworks stand, does not change the primary function of the business. The primary function must remain food delivery or service. This amendment is considered more of a housekeeping task and it was suggested that the item could be continued for further review to ensure the language addresses all concerns before being forwarded to the Council.

A question was raised as to whether the current wording is duplicative of other cities' regulations or if it is an original effort. It was acknowledged that the proposed amendment is a combination of both approaches. The primary issue being addressed is the clarification of duration, which currently is not specified in the Code, leaving it unclear whether the 60-day limit applies to a single occurrence or multiple occurrences.

The amendment aims to fix this ambiguity, and while doing so, additional considerations were made to address other related issues. It was suggested that the language could include an exception for seasonal food vendors, allowing them up to 120 days, which could be incorporated into the motion. The belief was expressed that with this clarification, the language would be sufficient to effectively administer the regulations.

The time duration for existing businesses under Conditional Use Permits was not specified in days but is typically given as a period from April to August, which is approximately 120 days. The intention is to align any new exceptions, such as for shaved ice stands, with this duration to ensure consistency. It was noted that the exact details would need to be reviewed and brought back for further clarification.

Chair Matheson opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Rushton moved that the Planning Commission APPROVE PLZ-24-5005, the Code Text amending Section 18.135.200 of the Riverton City Land Use and Development Code to clarify the maximum duration and frequency for temporary commercial uses subject to the following changes:

1. **Allowing up to 100 days for summer seasonal food establishments.**

2. **The duration for new temporary commercial uses would be aligned with the current conditional use permit duration for existing businesses in the City.**

The motion was seconded by Commissioner Keele. The motion passed with the unanimous consent of the Commission.

3. DECISION ITEMS

A. None.

4. DISCUSSION ITEMS

A. REVISIONS TO RIVERTON CITY'S ARCHITECTURAL STANDARDS IN COMMERCIAL ZONES.

Mr. Lethbridge presented the Staff Report and stated that the intent of the discussion is to determine how tools for administering the Code should be crafted, rather than focus on specific types of buildings or architecture. The City Council will drive many standards and the role of the Planning Commission is to administer these standards. The discussion will center on how to develop and apply these tools effectively. Information was provided on architectural standards, including soft standards, which offer broad categories and historical characteristics as part of the current Code.

A certain number of architectural standards must be identified, but not all are required. A soft checklist may be used to require a building to meet five of a range of standards. Examples include a color palette with a broad spectrum and guidelines for building scale and massing. Soft standards provide general direction but are open to interpretation, while hard or fixed standards are more specific and binary, such as maximum building heights or material restrictions. The discussion should focus on the comfort level with these standards and how they will be administered. Feedback is needed on the effectiveness of different tools for evaluating commercial projects. Examples of architectural standards from other Cities, such as South Jordan, show varying levels of complexity and criteria for building materials and design considerations.

A few hard standards are present but discretion is left to Staff and the Planning Commission. South Jordan City Code starts with fixed standards but allows for substantial discussion and discretion by land use authorities, resulting in diverse architectural looks. Sandy City's approach is more detailed featuring a 39-page document with specific material examples and detailed requirements, reducing discretion. Feedback was sought on the type of standards and tools that will be most useful for evaluating and approving commercial projects.

Commissioner Rushton stated that the architects he consulted raised questions about the intent behind the standards. He clarified to them that the goal is not to recreate a historic downtown but to establish a desired aesthetic. Suggestions included using a point system for rating building materials and design features, similar to Salt Lake City's approach. Innovative features such as outdoor seating were recommended to enhance a walkable downtown environment, while drive-thrus were discouraged. The idea of using a point system to evaluate materials and design was highlighted as a potential tool for clarity.

It was noted that the Council recognizes the need to broaden and modernize the current standards, which are from a different century. Interest in maintaining a consistent look downtown while allowing for updated designs has been expressed. Discussions also involved seeking input on how to make the process more efficient and clear, avoiding subjective decision-making. The Council is committed to updating the standards to ensure clarity and effectiveness in decision-making.

Clarification was sought regarding which century is referred to by turn of the century. Dissatisfaction was noted with the prevalence of beige tones in color palettes, with a personal preference expressed for more glass in building designs. Concerns about birds striking glass windows were mentioned. It was suggested that while this issue might be beyond the scope of the current Code, language to address it could be considered. The possibility of adjusting standards to allow more flexibility in glass use, while addressing concerns, was acknowledged as a potential direction for the Planning Commission.

Commissioner Knudsen stated that the subjectivity of current soft standards makes administration challenging. It was suggested that more fixed and harder standards, while still allowing flexibility for diversity in approvals, would be beneficial. The process for reviewing commercial site plans was discussed. A proposal was made to introduce a conceptual discussion early in the process to gather feedback on architectural direction and refine plans before they reach the Planning Commission. This approach could help balance subjective areas and reduce pressure during final decisions by providing earlier opportunities for input.

Commissioner Park emphasized the need for balance in standards, advocating against rigid guidelines that limit diversity and creativity. While acknowledging the simplicity of fixed standards, it was noted that they could stifle architectural innovation. The suggestion was made to explore Salt Lake City's point system to understand how it evaluates and weighs design elements, potentially providing a flexible framework for diversity while maintaining quality. Concerns about the current soft standards and their difficulty in application were mentioned. The need for a system that allows for both creative architectural designs and practical standards was highlighted. The potential issue with overly specific documents, such as Sandy City's outdated design standards, was noted, emphasizing the importance of flexibility over time.

Standards that lock in specific time periods, such as the turn-of-the-century standard, are outdated and no longer applicable. Maintaining current and relevant documents is

challenging, as seen in outdated images and standards used by Sandy City. Keeping such documents updated and relevant is difficult, leading to infrequent consultation.

Enforcing standards consistently is important to avoid conflicts between City documents and current practices. Standards should be practical and clear for both the Planning Commission and developers. Tools and procedures should be effective and not cumbersome. A points system or scoring method could provide a clearer framework for evaluating projects. This system should be understandable to both developers and architects. As the City approaches a stage with fewer new buildings and more renovation projects, new procedures will be considered to address changes to existing structures effectively. This approach will help manage alterations to buildings that were previously compliant with certain standards.

Commissioner Keele commented on the successful execution of the project across the street and observed a change in cohesion in variations further west. Historic elements like clock towers and wood window shutters were deemed less necessary, but wood and glass were appreciated. Gary's building design and Mountain View Village were recognized for their effective use of materials. A balance must be struck to ensure protection against inconsistencies while achieving a cohesive and attractive overall design.

Commissioner Cluff supported the use of broad standards that allow flexibility while including terminology to address deviations from the norm. Terms such as cohesive architecture were suggested to avoid extremes, like the example of a building painted electric green or hot pink, which might be deemed excessive. The quality of materials, as highlighted by South Jordan, was endorsed to ensure a broad spectrum of acceptable designs. This approach would help in moderating extreme proposals while accommodating the creative designs of most architects.

Commissioner Matheson agreed on incorporating hard standards for cohesiveness but suggested reducing the required number of standards from five to four. Concerns were raised about avoiding extreme designs and the potential usefulness of a point system. The term cohesive was endorsed to ensure new developments blend with existing buildings and protect against extreme designs. The discussion was preliminary, with plans for a future joint session with the City Council to refine and update the standards. The City Council acknowledged the need to update the standards, prompted by recent developments, and agreed that changes are overdue. The goal is to provide clear tools and formats for both the Planning Commission and developers.

It was clarified that conversations with Council Members can be open but for official records, discussions should occur in open meetings. Communications such as emails can be preserved and included in the record. Informal conversations with Council members are not prohibited but building a record through formal channels is recommended for defending decisions and the Code.

5. MINUTES

A. MINUTES FROM THE PLANNING COMMISSION MEETING HELD ON AUGUST 8, 2024.

Commissioner Cluff moved that the Planning Commission APPROVE the Planning Commission Meeting Minutes of August 8, 2024, as reported. Commissioner Keele seconded the motion. The motion passed with the unanimous consent of the Commission.

6. ADJOURNMENT

The meeting adjourned at approximately 8:45 PM.