



**RIVERDALE CITY PLANNING COMMISSION AGENDA
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY – SEPTEMBER 9, 2014**

6:00 p.m. – Work Session (City Council Conference Room)

The purpose of the work session is to review maps, plans, paperwork, etc. No motions or decisions will be considered during this session, which is open to the public.

Planning Commission Work Session Items

- [Planning Commission discussion on Controversial Zoning Decisions](#)

Presenter: Michael Eggett, Community Development Director

6:30 p.m. – Planning Commission Meeting (Council Chambers)

A. Welcome & Roll Call

B. Open Communications

(This is an opportunity to address the Planning Commission regarding your concerns or ideas. Please try to limit your comments to three minutes.)

C. Presentations and Reports

D. Consent Items

1. Consideration of meeting minutes from:
August 26, 2014 Work Session
August 26, 2014 Planning Commission

E. Action Items

1. Consideration of recommendation to the City Council for approval of Good Foundations Academy small subdivision

Presenter: Good Foundations Representative

F. Discretionary Items

G. Adjournment

- The public is invited to attend all Planning Commission meetings.
- In compliance with the Americans with Disabilities Act, persons in need of special accommodation should contact the City Recorder at 394-5541 x 1232.
- This agenda has been properly posted and a copy provided to local news media.

**RIVERDALE CITY
PLANNING COMMISSION AGENDA
September 9, 2014**

AGENDA ITEM: Work Session Items

SUBJECT: Planning Commission training article
○ *Controversial Zoning Decisions*

PETITIONER: Per Community Development Director desire this item will be placed on the agenda as a permanent and regular item.

ACTION REQUESTED BY PETITIONER: Training document review

INFORMATION: *Controversial Zoning Decisions*

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Issues in Land Use Law & Zoning

Is Your Municipality Prepared to Handle Controversial Zoning Decisions?

by Ronald D. Richards Jr.

Introductory Note: Please be sure to consult with your municipality's attorney about the issues covered in this article, especially as planning, zoning, open meeting, and public records laws can differ significantly from state to state.

When an application is submitted for a use that residents in a neighborhood strongly oppose, the commission suddenly sees dozens, sometimes hundreds, flocking to its meeting.

We — and probably you too — have seen this scenario many times, where a municipality has one or two people who regularly attend planning commission meetings. But when an application is submitted for a use that residents in a neighborhood strongly oppose, the commission suddenly sees dozens, sometimes hundreds, flocking to its meeting.

Dealing with “not in my back yard” zoning issues can be challenging for many municipalities. Whether it is wind turbines, gravel or sand mines, composting operations, high-density subdivisions, apartments, or landfills, each municipality should have a process or plan in place to deal with handling these often controversial requests. Faced with a request to approve an unpopular land use proposal, each municipality should consider the following:

1. Understand the Law. If a new or challenging issue arises, make sure your municipality understands the current standard to review the request at hand. Depending on the issue, there may be several statutes or court decisions that govern the board, commission, or council's decision. Be aware of specific laws governing the request at issue.

2. Ordinances. Given the many changes in the law over the last decade, it is hard to keep current. It can be just as hard to keep municipal ordinances compliant with changes in the law. So when faced with a hugely unpopular land use proposal, municipalities should – before diving into public meetings on the request — consider whether their ordinances comply with current state law

or require updating. The municipality should consult with its planner and attorney to make sure the relevant ordinance provisions are up-to-date, that it is complying with all relevant deadlines, and that it considers all applicable laws when making a decision or recommendation.

3. Fee Schedules. Handling certain zoning requests can be very expensive and time-consuming. The municipality may be required to hold special meetings and hire experts. And certain zoning requests can often consume a large portion of municipality's staff time to handle the non-routine aspects that come along with the requests. The municipality should make sure its fee schedules are up-to-date, allowing it to charge or recoup expenses as permitted.

4. Alternative Meeting Location. Unpopular or controversial requests tend to increase the number of people who attend meetings and want to comment. If you know large groups will likely attend the meeting and that your municipal hall is not adequate to accommodate large groups, consider whether to arrange for an alternative meeting location as the law allows.

While not going as far as requiring a municipality to adjourn a meeting to a larger room, some authorities have opined that a public body must exercise "reasonable efforts" to accommodate members of the public who wish to attend, including reconvening in a larger room if it is practical.¹ Certainly, a municipality would be in a better position to make sure the public had the "opportunity to be heard" if it arranged in advance to accommodate larger audiences.

5. Experts. Many zoning requests involve complicated issues for which a municipality should strongly consider retaining outside experts beyond a planner – such as an ecologist, engineer, attorney, hydro-geologist, or other specialist. These experts are critical to assist the municipality in making an informed decision about the request. Though not necessarily critical to have hired such experts in advance, a municipality would do well to have a "short list" of each of those experts ready upon receipt of a controversial application.

6. Freedom of Information Act (FOIA) & Copyright Issues. Along with an increased number of members attending meetings, municipalities that receive a controversial application often see a sharp rise in the number of FOIA (in a number of states referred to as Public Records Act) requests submitted. Requests often seek specific documents, such as a particular part of the initial application documents, or broad categories of documents, such as all e-mails the municipality may have received regarding the request.

A municipality should be ready to respond timely to the FOIA requests and have its corresponding FOIA fee schedule already in place. Relatedly, when responding to FOIA requests, be sure to consider whether applicable federal copyright laws dictate a certain response (such as, e.g., not making a copy of a document that has copyright rights).

7. Follow the Proper Procedure. Though some overlook their importance, following the procedural requirements of the applicable Open Meetings Act ("OMA") and zoning enabling laws could save your municipality from unnecessary, costly litigation.

Often when the applicant, public, or other interested parties do not like the decision, they attempt to collaterally attack it, alleging there were problems with the process.

Often when the applicant, public, or other interested parties do not like the decision, they attempt to collaterally attack it, alleging there were problems with the process. To preempt such an attack, make sure that your municipality provides the notice the applicable zoning laws require for a particular request and gives the notice the OMA requires for regular or special meetings.

Also, avoid making some common mistakes that could result in OMA violation claims. For example, many states' open meeting laws provide that the right to attend a meeting of a public body includes the right to tape-record or videotape the meeting.² Do not ask a member of the public to turn off a video camera.

Further, OMA laws typically gives the public a right to address the public body. Be sure to understand how courts in your state have construed that right to address. A municipality should act accordingly while handling a controversial request.

At one time or another, most public bodies face issues that result in a great deal of public outcry, increased attendance at meetings, and additional scrutiny of the municipality's ordinances and processes. In those situations, the age-old axiom can often unfortunately ring true: "by failing to prepare, you are preparing to fail." In other words, preparing in advance is very helpful in successfully navigating "not in my backyard" zoning requests.



Ron Richards is a partner in the Lansing, Michigan

office of Foster, Swift, Collins & Smith, P.C. He has practiced municipal law for over 10 years, and regularly advises municipal clients on a variety of municipal matters, including handling controversial zoning decisions.

Notes:

1. See e.g., Michigan Office of Attorney General, 1979, [Opinion No. 5614](#). ↩
2. See, e.g., [Michigan Open Meetings Act, MCL 15.263\(1\)](#). ↩

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Tags: [Land Use Law](#), [NIMBYs](#), [Public Participation Techniques](#)

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**RIVERDALE CITY
PLANNING COMMISSION AGENDA
September 9, 2014**

AGENDA ITEM: B

SUBJECT: Open Communications

PETITIONER: Anyone Interested

ACTION REQUESTED BY PETITIONER: Open agenda item provided for any interested person to be able to speak about any topic.

INFORMATION: Per Governing Body desire, this item will be placed on the agenda as a permanent and regular item.

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**RIVERDALE CITY
PLANNING COMMISSION AGENDA
September 9, 2014**

AGENDA ITEM: D

SUBJECT: Consideration of meeting minutes from:
August 26, 2014 Work Session
August 26, 2014 Planning Commission

PETITIONER: City Recorder

ACTION REQUESTED BY PETITIONER: Approve minutes

INFORMATION: See attached minutes as follows:

[August 26, 2014 Work Session](#)

[August 26, 2014 Planning Commission](#)

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Minutes of the **Work Session** of the **Riverdale City Planning Commission** held Tuesday, **August 26, 2014** at 6:02 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Blair Jones, Chairman
Steve Hilton, Commissioner
Michael Roubinet, Commissioner
Kathy Eskelsen, Commissioner
Cody Hansen, Commissioner
Lori Fleming, Commissioner
David Gailey, Commissioner

Others Present: Michael Eggett, Community Development Director; Ember Herrick, City Recorder and no members of the public.

Chairman Jones welcomed the Planning Commission members to the work session stating for the record that all were in attendance. Community Development Director Michael Eggett said Pelican Restaurant and Pub has announced their intention of opening on September 1, 2014. Chairman Jones asked if this restaurant is a chain and Mr. Eggett said it will be the third in Utah. Commissioner Hansen asked if it is only for those 21 and older and Mr. Eggett said the restaurant caters to all ages but will have a full service bar. Mr. Eggett said Honey Baked Ham that previously announced they were closing their restaurant has announced it will be reopening for the holiday season and he said Massage Envy and Fergusons Plumbing will also open in the coming weeks. Mr. Eggett said he has received a small subdivision request from Good Foundations Academy. He said this request will be an action item at the Planning Commission's September 9, 2014 meeting and there will also a future request to install a new cell phone tower in Riverdale.

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

Chairman Jones said there are three public hearings scheduled for this evening, the first a public hearing to receive and consider public comment on a proposed amendments to Riverdale City Code 10-13C-13-D14 Driveway and Curb Openings to change "Uniform Building Code" to read "International Building Code" to create consistency. Chairman Jones asked why this change requires a public hearing and Mr. Eggett said the new international fire code was adopted months ago by the Council and the codifier caught a missed reference in Title 10. Mr. Eggett said all changes to Title 10 require a public hearing and that is why even this small change is up for Planning Commission consideration and was included with the other two more substantive public hearing items on tonight's agenda.

Chairman Jones said the second is a public hearing to receive and consider public comment on proposed amendments to the land uses section of Riverdale's General Plan. According to Mr. Eggett, this is the last section of the General Plan that needs to be updated and maps are finally complete reflecting the changes the Planning Commission has been discussing since March. He circulated a clean copy of the proposed changes to the land use section of Riverdale's General Plan with the new maps incorporated in and noted six obsolete zoning designations that have been removed. Mr. Eggett said the 17 acre parcel Riverdale City is in the process of purchasing has been changed from office park to park designation at the request of City Administrator Rodger Worthen.

Commissioner Hilton asked about the designation of land south of Riverside Storage in Area 5 which he believed was zoned R-1 but appears to be A-1 on the general plan map. Commissioner Roubinet asked about the Riverside Golf parcel in Area 8 and Mr. Eggett said the general plan is only a guide and he said if the owners want to create an overlay zone to allow housing to be built around the golf course they could request a zoning change in the future.

Chairman Jones said the third is a public hearing to receive and consider public comment on proposed amendments to Riverdale's Commercial Building Setbacks RCC 10-10A "Commercial Zones (C-1, C-2, C-3) and 10-10B "Planned Commercial Zones (CP-1, CP-2, CP-3. Mr. Eggett said at end of last meeting's work session discussion, consensus was reached to propose the amendment of Riverdale's current 50 foot front commercial setbacks to be amended to 20 feet. He said the Planning Commission asked him to research cities outside of Weber County so he looked at front commercial setbacks in Logan, Brigham City, Layton, Farmington and Bountiful and found that all five cities have 10 to 20 foot front setbacks in their commercial zones. Chairman Jones asked if Mr. Eggett also research other cities that have transportation corridors similar to Riverdale Road and Mr. Eggett said Bountiful has 500 West, Layton has Hill Field Road and Logan has Main Street, which he argued are all similar to Riverdale Road. Mr. Eggett said Farmington has a special provision requiring an additional foot of front setback for every one foot increase in building height over 20 feet and he said he would be happy to review all five cities' setback policies further during tonight's public meeting.

Chairman Jones asked for discretionary items and Commissioner Hansen asked for an update about any new parcels assembled in the 550 West Project Area and Mr. Eggett said there are no new purchases to report at this time. There were no additional discretionary items noted.

Mr. Eggett said tonight's training document *Great Places for All Ages* identifies three considerations that planners should consider to accommodate their aging residents: transportation, land use, and housing. He said as residents age many stop driving and so they want safe public transportation and affordable housing near public services and amenities. Mr. Eggett said more walkable communities also benefit a younger demographic with families and he asked for any questions or comments and none were noted.

There being no further business, the Planning Commission adjourned at 6:23 p.m.

Approved: September 9, 2014

Attest:

Blair Jones, Chairman

Ember Herrick, City Recorder

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Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **August 26, 2014 at 6:30 p.m.** at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Blair Jones, Chairman
Steve Hilton, Commissioner
David Gailey, Commissioner
Kathy Eskelsen, Commissioner
Lori Fleming, Commissioner
Michael Roubinet, Commissioner
Cody Hansen Commissioner

Others Present: Michael Eggett, Community Development Director; Ember Herrick, City Recorder and no members of the public.

A. Welcome & Roll Call

Chairman Jones welcomed everyone to the meeting and stated for the record all members of the Planning Commission are present.

B. Open Communications

Chairman Jones said there are no members of the public present to speak during the open communications portion of the meeting.

C. Presentations and Reports

Community Development Director Michael Eggett said the only update to the Community Development Report is the anticipated openings of Pelican Restaurant and Pub, Massage Envy and Ferguson Plumbing.

D. Consent Items

1. **Consideration of meeting minutes from:
July 22, 2014 Work Session
July 22, 2014 Planning Commission
August 12, 2014 Work Session**

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

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

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

E. Action Items

1. a. **Public hearing to receive and consider public comment on a proposed amendments to Riverdale City Code 10-13C-13-D14 Driveway and Curb Openings to change “Uniform Building Code” to read “International**

Building Code” to create consistency

b. Consideration of recommendation to the City Council for proposed amendment of all references of “Uniform Building Code” to read “International Building Code” to create consistency

Chairman Jones opened the public hearing to receive and consider public comment on a proposed amendments to Riverdale City Code 10-13C-13-D14 Driveway and Curb Openings to change “Uniform Building Code” to read “International Building Code” to create consistency. He noted there are no members of the public present to comment.

Motion: Commissioner Gailey moved to close the public hearing. Commissioner Hansen seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

Mr. Eggett said this is a housekeeping item to create consistency in Riverdale City’s Code by changing all references of a “uniform building code” to an “international building code”. According to Mr. Eggett, the international building standards were previously adopted by the Council but this reference in Title 10 was missed until the codifier brought it to staff’s attention and he said the proposed change has been reviewed by City Attorney Steve Brooks.

Motion: Commissioner Roubinet moved to forward to the City Council a favorable recommendation for proposed amendment of all references of “Uniform Building Code” to read “International Building Code” to create consistency. Commissioner Fleming seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

2. a. Public hearing to receive and consider public comment on proposed amendments to the Land Uses section of Riverdale’s General Plan

b. Consideration of recommendation to the City Council about proposed amendments to the Land Uses section of Riverdale’s General Plan

Chairman Jones opened the public hearing to receive and consider public comment on proposed amendments to the Land Uses section of Riverdale’s General Plan. He noted there are no members of the public present to comment.

Motion: Commissioner Hilton moved to close the public hearing. Commissioner Roubinet seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

Mr. Eggett said staff has been working with the Planning Commission to update Riverdale’s General Plan for more than a year and this is the final section. He said the latest changes to the land use section including updated maps were included in the packet and he noted the removal of

six obsolete zoning designations and he asked for any questions or comments. Commissioner Hilton commended city staff for their efforts to update this advisory document. Commissioner Hansen noted the change of a 17 acre parcel on River Park Drive from office park to community park designation in anticipation of Riverdale City's purchase of the land and Mr. Eggett said the sale of the land is still in process and this zoning change was made at the request of City Administrator Rodger Worthen.

Motion: Commissioner Gailey moved to forward to the City Council a favorable recommendation for proposed amendments to the Land Uses section of Riverdale's General Plan. Commissioner Eskelsen seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

3. a. **Public hearing to receive and consider public comment on proposed amendments to Riverdale's Commercial Building Setbacks RCC 10-10A "Commercial Zones (C-1, C-2, C-3) and 10-10B "Planned Commercial Zones (CP-1, CP-2, CP-3**
- b. **Consideration of recommendation to the City Council on proposed amendments to Riverdale's Commercial Building Setbacks RCC 10-10A "Commercial Zones (C-1, C-2, C-3) and 10-10B "Planned Commercial Zones (CP-1, CP-2, CP-3**

Chairman Jones opened the public hearing to receive and consider public comment on proposed amendments to Riverdale's Commercial Building Setbacks RCC 10-10A "Commercial Zones (C-1, C-2, C-3) and 10-10B "Planned Commercial Zones (CP-1, CP-2, CP-3. He noted there are no members of the public present to comment.

Motion: Commissioner Eskelsen moved to close the public hearing. Commissioner Roubinet seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

Mr. Eggett said the proposal is to amend Riverdale's current 50 foot commercial building front setback requirement to 20 feet which is typical for other Weber County cities and cities that have that have busy roads similar to Riverdale Road including Farmington, Bountiful, Logan, Brigham City and Layton. He said Farmington requires an additional foot of front setback for each foot in height for commercial buildings over 20 feet. Commissioner Hilton asked if staff is recommending less than 20 feet and Mr. Eggett said 20 feet front setbacks for commercial buildings is the recommendation of staff. He said if a request for less than 20 feet is received in the future staff could help the applicant apply for an overlay zone designation. Commissioner Hansen asked if this proposed change will have a negative impact on current landscaping, parking or signage and if staff will still have berming or screening authority and the ability to require cross access parking agreements for commercial developments. Mr. Eggett said this proposed setback change should have no impact on established businesses and berming and screening standards won't be affected. He said there is a section in Riverdale's commercial

zoning code that gives the Planning Commission and City Council oversight of parking configuration and should allow them to object if a business wants to have the rear of their building facing Riverdale Road.

Mr. Eggett said reciprocal parking agreements are typically worked out between two businesses with approval and oversight of the city and he said the parking requirements won't change with this proposed amendment. Chairman Jones asked for additional comments or questions and none were noted.

Motion: Commissioner Hilton moved to forward to the City Council a favorable recommendation for proposed amendments to Riverdale's Commercial Building Setbacks RCC 10-10A "Commercial Zones (C-1, C-2, C-3) and 10-10B "Planned Commercial Zones (CP-1, CP-2, CP-3. Commissioner Hansen seconded the motion.

Chairman Jones asked for discussion on the motion and there was none.

Call the Question: The motion passed unanimously.

F. Discretionary Items

Chairman Jones asked for any discretionary items saying he read a Standard Examiner letter to the editor recently from an individual complaining that he decided not to buy a home in Riverdale because a tree and rope swing over a popular swimming hole were cut down. Mr. Eggett said the tree and rope swing were on Union Pacific Railroad property and they cut the tree down after Riverdale City staff notified them about liability implications.

Mr. Eggett asked for consensus to wait on the purchase of Planning Commission issued iPads at the end of September or early October. Commissioner Hilton said the rumor is that Apple will make an announcement about new products on September 9, 2014 and there was unanimous consensus to wait. Mr. Eggett apologized on behalf of Mayor Searle for the late Strategic Planning meeting on August 19, 2014 and said next year's joint meeting will likely be held on a fifth Tuesday next year. Commissioner Hansen suggested the meeting be held after a Planning Commission meeting as those meetings rarely go longer than an hour and Mr. Eggett said he will pass along that recommendation. Mr. Eggett asked the Planning Commission members to let staff know if they are planning on attending an upcoming ULCT training and to get their tax paperwork turned in by September 11, 2014.

G. Adjournment

Motion: There being no further business to come before the Planning Commission, Commissioner Hansen moved to adjourn the meeting. Commissioner Fleming seconded the motion. The motion passed unanimously. The meeting adjourned at 6:54 p.m.

Approved: September 9, 2014

Attest:

Blair Jones, Chairman

Ember Herrick, City Recorder

**RIVERDALE CITY
PLANNING COMMISSION AGENDA
September 9, 2014**

AGENDA ITEM: E1

SUBJECT: Consideration of recommendation to the City Council for approval of Good Foundations Academy small subdivision

PETITIONER: Good Foundations Academy

INFORMATION:

[Executive Summary](#)

[GFA-CHS Small Subdivision PC Review](#)

[Engineer Review letter](#)

[RE: access agreement](#)

[Department Staff Reports – GFA Elem Subdivision](#)

[GFA Elem-CHSA Application](#)

[Final Plat 20140904](#)

[GFA-CHSA access and sewer agreement](#)

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Planning Commission Executive Summary

For the Commission meeting on: 09-09-2014

Petitioner: Good Foundations Academy and Christian Heritage Schools Association

Summary of Proposed Action

Good Foundations Academy and Christian Heritage Schools Association have applied for a Small Subdivision review and approval of a proposed two-lot subdivision located at approximately 5101 South 1050 West and 5103 South 1050 West in an Agricultural A-1 zone. Small subdivision applications are governed by City Code 10-21-12 "Small Subdivisions; Special Provisions" when certain criteria have been met as part of the application. A public hearing is not required to consider this proposal. Educational Facilities are permitted uses within the Agricultural A-1 Zones of the City. Following the presentation and discussion of the proposal, the Planning Commission may make a motion showing support or no support for a recommendation to the City Council for approval of the proposed GFA Elementary Subdivision.

Title 10 Ordinance Guidelines (Code Reference)

This Small Subdivision/Site Plan review is regulated under City Code 10-21 "Subdivisions", specifically 10-21-12 "Small Subdivisions; Special Provisions", and is affected by City Codes 10-8 "Agricultural Zones (A-1, A-2)", 10-14 "Regulations Applicable to All Zones", and 10-15 "Parking, Loading Space; Vehicle Traffic and Access".

The Small Subdivisions section of the City Code states specifically:

10-21-12: SMALL SUBDIVISIONS; SPECIAL PROVISIONS:

A preliminary plan shall be required for all subdivisions but under the conditions listed below, approval of the preliminary plan by the planning commission and by the city council shall be authorization for the subdivider to sell lots within the subdivision covered by the preliminary plan by metes and bounds, and the requirements of a final plan shall be waived. When final plans are not required, the subdivider shall provide such improvements on existing streets within the subdivision as shall be required by the city council. Final plans shall not be required where all of the following conditions exist:

- A. The subdivision consists of not more than ten (10) lots.
- B. The subdivision does not require the dedication of any land for street or other public purposes.
- C. The subdivision is not traversed by the mapped lines of a proposed street or a street to be widened as shown on the major street plan.
- D. Each of the lots in the subdivision meets the frontage, width and area requirements of this title, or has been granted a variance from such requirements by the board of adjustment. (1985 Code § 19-40-11)

The proposed subdivision parcel (5101 S 1050 W) was historically established as part of the approved Chuck's Subdivision. This property has since been operating as a private school and over the last few years

has been operating as the Good Foundations Academy Elementary School. The applicants have recently discussed the possibility of Good Foundations purchasing a large majority of the 5.23 acres and leaving Christian Heritage Schools with about an acre of the property which would include the small outbuilding west of the school. The western outbuilding has been used recently as a daycare and was an operating as an office/classroom before this use. In order for the purchase process to move forward, it is required for Good Foundations to work with Christian Heritage Schools to work towards the potential subdivision of this parcel. The GFA Elementary Subdivision would replace the Chuck's Subdivision if this proposed subdivision becomes approved by the City leadership in the future.

Attached with this executive summary is a document entitled "Small Subdivision/Site Plan Review - Eames Subdivision"; this is a supplementary document addressing items on the Preliminary Site Plan application and as directed by 10-21-12. Also attached, following this executive summary, are comments from the contracted City Engineer and Public Works Department; no comments were received from the Fire Department or Police Department which likely means they did not have any concerns to discuss. The Planning Commission should discuss these summaries and any concerns raised by staff.

Staff encourages the Planning Commission to review this matter, including concerns outlined herein, and then discuss with the petitioner any outstanding concerns associated with this application. Staff would then recommend that the Planning Commission act accordingly to make a motion showing support or not showing support for a recommendation to the City Council for approval of the proposed GFA Elementary Subdivision (as discussed above), based upon sufficient findings of fact to support the Planning Commission action.

General Plan Guidance (Section Reference)

The General Plan use for this area is currently set as "Instituional" and this proposed project complies with this land use.

Legal Comments - City Attorney



Steve Brooks, Attorney

Administrative Comments - City Administrator

Good & proper DIVISION OF LAND -



Rodger Worthen, City Administrator



Small Subdivision Review – GFA Elementary Subdivision 5101 South 1050 West

Completed by Mike Eggett, Community Dev. Director on 9/3/2014, updated on 9/4/2014

Recommendation: City staff recommends that the Planning Commission examine and review items associated with this small subdivision review and make recommendations if applicant has satisfied approval criteria. Items of consideration or note have been highlighted in yellow for potential discussion purposes. Please note due to City Code 10-21-12, applicant is only required to provide a preliminary plan to Planning Commission and City Council for review and approval purposes with this small subdivision.

Date Plan Submitted to City: <small>(Must be at least two weeks prior to Planning Commission meeting)</small>	July 10, 2014; updated on August 26, 2014
Date Application Submitted to City:	July 10, 2014
Date Fee Paid:	Paid on July 10, 2014 and August 20, 2014 (see receipt for detail)
Small Subdivision/Site Plan – Preliminary Requirements	Departmental Review Comments
<i>PLAT SHEET</i>	
Owner’s name, address, and phone number	Christian Heritage School shown as owner with address and phone
Developer’s name, address, and phone number	Good Foundations Academy shown on developer with address and phone
Approving agency’s name and address: Utility companies if applicable	None (if applicable) shown
Consulting Engineer’s name, address, and phone number	Gardner Engineering shown as engineer with address and phone
Licensed Land Surveyor’s name, address, phone number, signature, and seal	Gardner Engineering shown as engineer with address and phone
Date	Yes – September, 2014
Revision block with date and initials	Revision block shown with date and initials
Sheet number and total sheets	No sheet number (only one sheet provided)
<u>General</u>	
Street names	Yes, shown on drawing

Layouts of lots with lot numbers	Lot numbers 1 and 2 shown
Adjacent tract ownership and tax identification numbers	Tax identification numbers and ownership information shown
Scale (minimum 1"=50' to 1"=10')	Yes, scale is showing within allowed range
North arrow	Yes
Existing easements, structures, and utility lines: Approval to cross, use, or relocate	Yes, shown on drawing; approval to cross or use adjacent easements, utilities, etc. provided by "Easement and Maintenance Agreement" document
Space for notes	Yes, adequate space available
Contours	Yes shown
Public areas	All public areas shown and identified
<u>Vicinity Map</u>	
Street names	Yes, shown
Site location	Yes, shown
North arrow	Yes, shown
Scale	Yes, appropriate
<u>Layout</u>	
Street Names	Yes, shown on drawing
Layouts of lots with lot numbers	Lot numbers 1 and 2 shown
Bearings and distances for all property lines and section ties	Yes, shown, <u>verify accuracy with Engineer Review comments</u>
Boundary and legal description	Yes, shown, <u>verify accuracy with Engineer Review comments</u>
Adjacent tract ownership and tax identification numbers	Tax identification numbers and ownership information shown
Scale (minimum 1"=50')	Yes, scale is showing within allowed range
North arrow	Yes
Owner's dedication certificate for subdivision (Notary Acknowledgement)	Yes, shown, <u>verify accuracy with Engineer Review comments</u>
Landscaping (location and type with area calculations)	Not shown, discuss with applicant, not major concern due to existing landscaping
Location of exterior lighting devices, signs, and outdoor advertising	Yes
Location of underground tanks, dumpsters, etc	Dumpster enclosures shown, <u>tanks not shown and may not be applicable</u>

<u>Additional Information</u>	<u>Verify accuracy of information with City Engineer comments</u>
Benchmark	Yes
Basis of bearings	Yes
Legend	Yes
Center line stationing	Yes
Existing natural ground	Not shown and not of concern
<u>New and Existing Buildings</u>	
Height and Size	Shown as existing, no new buildings proposed
Location, setbacks, and all dimensions	Existing building locations shown, no new
Type of construction	NA
Type of occupancy and proposed uses	Elementary School Use and A-1 uses allowed
<u>New and Existing Walls and Fences</u>	
Location, design, and height	Existing fences shown
Materials proposed for construction	None proposed at current time
<u>New and Existing Parking</u>	
Location, area, and layout of off-street parking (size of stalls, regular and handicapped)	Refer to "Easement and Maintenance Agreement" document regarding joint access and joint use parking; refer to City 10-15 for more;
<u>New and Existing Ingress and Egress</u>	
Location and size of points of ingress and egress for motor vehicles and internal use	Existing points of lot ingress/egress are labeled and properly identified;
<u>New and Existing Streets</u>	<u>Verify accuracy of information with City Engineer comments</u>
All access points	Existing access points are shown and labeled
Center lines	Yes, this is shown
Right-of-way lines	Existing shown and labeled
Face of curb lines	Existing shown and labeled
Centerline slope	Not applicable
Signing and striping	Existing shown and labeled
Light poles	Not applicable
Street lights	Not applicable

Street name signs	Not applicable
Stop signs	Existing signs shown, but not labeled where applicable
UDOT approval (if required for project)	Not applicable
Sidewalk (4' side with 4" of road base or 6' side with 6" of road base through the approach)	Existing shown and labeled
Planting Strip	Existing shown and labeled
<u>New and Existing Storm Drainage</u>	
Top of curb elevations	Not applicable
Slope of gutter	Not applicable
Manholes	Not applicable
Invert elevations	Not applicable
Length, size, slope, and type of mains and laterals	Existing shown and labeled, defer to Engineer Review comments as applicable
Location of catch basins	Existing shown where applicable
Ditches, location and ownership	None nearby project
Approval to pipe, reroute or use	Not shown or noted, if approval is necessary
Calculations for retention system	Discuss with developer to verify additional retention needs if any for project; defer to City Engineer
<u>New and Existing Sanitary Sewers</u>	
Manholes	Not applicable
Invert elevations	Not applicable
Length, size, type, and slope of mains and laterals	Joint use agreement for shared sewer lateral has been drafted and provided
<u>New and Existing Water Lines</u>	
Length, size, type, and slope of mains and laterals	Will need to be installed in conformance to size, type, and slope standard of Riverdale City
Location, size, and type of water meters, valves, and fire hydrants	Water meter locations and existing fire hydrants identified; will need to be installed in conformance to size, type, and slope standard or Riverdale City per note
<u>New and Existing Gas Lines</u>	
Size and type	Existing shown and labeled
<u>New and Existing Electrical Lines</u>	

Size, location, and type	Location shown; <u>size and type not shown</u>
Location of power poles	Existing shown and labeled
<u>New and Existing Telephone Lines</u>	
Location of poles, junction boxes, and manholes	Shown and labeled as applicable
<u>New and Existing Cable TV Lines</u>	
Location of lines (if applicable)	Shown and labeled as applicable
<i>DETAILED DRAWINGS</i>	
Cross section of roadway (minimum 8" road base and 3" asphalt)	Not applicable
Cross section of curb and gutter (standard 30" high back)	Not applicable
Gutter inlet box with bicycle safe grate	Not applicable
Cleanout box	Not applicable
Thrust blocking	Not applicable
Special energy dissipating or drop manholes	Not applicable
<i>ADDITIONAL INFORMATION</i>	
Soils report	Not currently shown or provided
Drainage and runoff calculations	Discuss with developer to verify additional drainage if any for project; <u>defer to City Engineer</u>
Water right transfer documentation	Not provided (not needed for this project)
Copy of protective covenants, codes, and regulations for development	Not applicable
8 ½" x 11" copy of plat	Yes, provided along with digital copy of plat
<u>OTHER ITEMS</u>	
Building elevation renderings	Not applicable
Zoning compliance	Yes, A-1, <u>educational institutions are permitted</u>
Use compliance	Yes, A-1, <u>educational institutions are permitted</u>
Engineering comments and letter of approval recommendation	Engineering comments, along with Public Works; Fire Department, and Police Department comments were not provided
All Planning Commission and City Staff conditions for approval have been met	In process – currently recommendation for approval of the subdivision needs to be provided by Planning Commission before advancing to review for approval by City Council

5 September 2014

Riverdale City
4600 South Weber River Drive
Riverdale, Utah 84405

Attn: Mike Eggett, Community Development Director/RDA Deputy Executive Director
Proj: **GFA Elementary Subdivision**
Subj: Plat Review

Dear Mike,

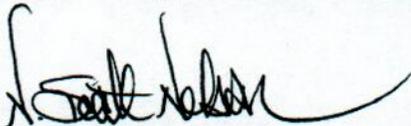
I have reviewed the above referenced Plat drawing and recommend approval.

General Comments:

1. An **electronic copy** of the completed Plat drawings must be submitted to the Public Work Department via our office for record keeping upon completion and approval of the project drawings.

Should you have any questions feel free to contact our office for any clarifications.

Sincerely,
CEC, Civil Engineering Consultants, PLLC.



N. Scott Nelson, P.E.
City Engineer

Cc. Shawn Douglas, Public Works Director
Jeff Woody, Building Official and Inspector

Ember Herrick

From: N. Scott Nelson <scott.ceceng@comcast.net>
Sent: Friday, August 29, 2014 9:06 AM
To: Mike Eggett
Cc: Shawn Douglas
Subject: RE: access agreement

Hello Mike,

The Access agreement appears okay - This is really a private issue. You may want to have Steve Brooks take a look at it.

N. Scott Nelson, P.E.

Civil Engineering Consultants, PLLC
5141 South 1500 West
Riverdale, Utah 84405
801.866.0550
801.866.0551 (fax)
scott.ceceng@comcast.net

-----Original Message-----

From: Mike Eggett [mailto:MEggett@riverdalecity.com]
Sent: Wednesday, August 27, 2014 11:17 AM
To: scott.ceceng@comcast.net; Shawn Douglas; Roger Bodily; Dave Hansen
Cc: Rodger Worthen; Steve Brooks; Jeff Woody
Subject: FW: access agreement

Scott, Shawn, and Chiefs:

Here is the legal documentation that has been prepared in support of the cross-access agreement and shared sewer agreement. Please review this as part of the Good Foundations Academy subdivision review.

Thank you and sincerely,

Mike Eggett

From: Carter Randall [mailto:Carter@ppc-utah.com]
Sent: Tuesday, August 26, 2014 3:07 PM
To: Mike Eggett
Cc: cnteam@ppc-utah.com
Subject: access agreement

Mike,

Here is the updated access agreement. Thanks for taking some time with me today.

Carter
Carter Randall

PPC UTAH

Principal Broker/Owner

801.393.2733 office

801.540.1408 mobile

801.621.1199 fax

www.ppc-utah.com<<http://www.ppc-utah.com/>>

[Description: Description: Description: Description: ppcemail5.jpg]

DEPARTMENTAL STAFF REPORTS – 9/5/2014

From: Shawn Douglas
Sent: Fri 9/5/2014 7:17 AM
To: Mike Eggett
Subject: GFA Subdivision

Looks okay to me. Are they still going to escrow or bond for the water lateral. Thanks

Shawn Douglas

Riverdale City Public Works

801-394-5541 Ext. 1217

Riverdale City

4600 S. Weber River Drive

Riverdale, UT 84405

From: Dave Hansen – Police Department
Sent:
To:
Subject:

No comments/review report from the Police Department provided.

From: Roger Bodily – Fire Department
Sent: Fri 4/11/2014 11:01 AM and 4/17/2014 7:47 AM
To: Mike Eggett
Subject: RE: Eames Subdivision - Two Lot, Zero Lot line Single-Family Dwelling development proposal review

No comments/review report from the Fire Department provided.



Riverdale City

Community Development
4600 So. Weber River Drive
Riverdale, Utah 84405

RIVERDALE CITY PLANNING COMMISSION APPLICATION FOR COMMERCIAL SUBDIVISION SITE PLAN APPROVAL

CASE NO: 2014-04 DATE SUBMITTED: 7-10-2014

APPLICANT'S NAME: GOOD FOUNDATIONS ACADEMY

ADDRESS: 5101 SO. 1050 W. RIVERDALE UT.

PHONE: 801-393-2953 TAX I.D. NO: 083540002

ADDRESS OF SITE: 5101 SO. 1050 W. RIVERDALE UT

APPLICANT'S INTEREST: OWNER OF PROPOSED 2 LOT SUB

Application is hereby made to the Riverdale City Planning Commission requesting that a commercial subdivision consisting of 2 lots be approved on 5.23 AC. of property in the A-1 (CHURCH/EDUCATIONAL INSTITUTION) zone in accordance with the attached site plan.

Signature of Applicant

Signature of Property Owner

I authorize _____ to act as my representative in all matters relating to this application.

Signature of Property Owner

NOTE: A fee will be charged at the time the site plan is submitted for review - \$50 per lot/unit
Fee: \$ 100.00 - Paid in full Date paid: Paid by Christian Heritage School Application
2 lot subdivision

Planning Commission set public hearing: Yes No Date of Public Hearing: _____

Planning Commission scheduled to hear this application for site plan approval on:

Date: _____ Decision of Commission: _____

City Council scheduled to hear this application for site plan approval on:

Date: _____ Decision of Council: _____

RIVERDALE CITY CORPORATION
4600 SOUTH WEBER RIVER DRIVE
RIVERDALE UT 84405

394-5541

Receipt No: 15.482393

Aug 20, 2014

CHRISTIAN HERITAGE SCHOOL

Previous Balance:	.00
MISCELLANEOUS - ZONING AND SUB FEE CHS SUB	50.00
10-34-1500 ZONING & SUB. FEES	
<hr/>	
Total:	50.00
<hr/>	
CASH	50.00
Total Applied:	50.00
<hr/>	
Change Tendered:	.00
<hr/>	

08/20/2014 02:41PM



Riverdale City

Community Development
4600 So. Weber River Drive
Riverdale, Utah 84405

RIVERDALE CITY PLANNING COMMISSION APPLICATION FOR COMMERCIAL SUBDIVISION SITE PLAN APPROVAL

CASE NO: 2014-04 DATE SUBMITTED: 7-10-14
 APPLICANT'S NAME: CHRISTIAN HERITAGE SCHOOL
 ADDRESS: S1200 S 1050 W RIVERDALE UT 84405
 PHONE: Don Enlow - 801-560-3551 TAX I.D. NO: 87-0493635
 ADDRESS OF SITE: S1200 S 1050 W RIVERDALE UT 84405
 APPLICANT'S INTEREST: Property Owner

Application is hereby made to the Riverdale City Planning Commission requesting that a commercial subdivision consisting of 2 (number of lots) lots be approved on 5.23 Ac. (sq. ft./acreage) of property in the A-1 (Church/Edu. Institution) zone in accordance with the attached site plan.

Justin Parker
Signature of Applicant

Justin Parker
Signature of Property Owner

I authorize Klint Whitney, Gardner Engineering to act as my representative in all matters relating to this application.

Justin Parker
Signature of Property Owner

NOTE: A fee will be charged at the time the site plan is submitted for review - \$50 per lot/unit

Fee: \$ 50.00 + 50.00
2 lot subdivision

Date paid: 7-10-14 + 8-28-2014

Planning Commission set public hearing: Yes No Date of Public Hearing: _____

Planning Commission scheduled to hear this application for site plan approval on:

Date: _____ Decision of Commission: _____

City Council scheduled to hear this application for site plan approval on:

Date: _____ Decision of Council: _____

RIVERDALE CITY CORPORATION
4600 SOUTH WEBER RIVER DRIVE
RIVERDALE UT 84405

394-5541

Receipt No: 15.481033

Jul 10, 2014

CHRISTIAN HERITAGE SCHOOL

Previous Balance:		.00
MISCELLANEOUS - MISCELLANEOUS		50.00
10-34-1500 ZONING & SUB. FEES		
<hr/>		
Total:		50.00
<hr/>		
CHECK	Check No: 792	50.00
Total Applied:		50.00
<hr/>		
Change Tendered:		.00
<hr/>		

07/10/2014 12:07PM

GFA ELEMENTARY SUBDIVISION
 A PART OF THE NORTHEAST QUARTER OF SECTION 13, T5N, R2W AND A PART OF
 THE NORTHWEST QUARTER OF SECTION 18, T5N, R1W, S.L.B. AND M.
 RIVERDALE CITY, WEBER COUNTY, UTAH
 SEPTEMBER, 2014

BOUNDARY DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 5 NORTH, RANGE 2 WEST, AND A PART OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY.
 BEGINNING AT A POINT WHICH IS 627.98 FEET NORTH 00°47'55" EAST ALONG THE SECTION LINE AND 6.4 FEET WEST FROM THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 13; RUNNING THENCE SOUTH 36°25'56" EAST 97.08 FEET; THENCE SOUTH 34°31'56" EAST 98.29 FEET TO THE WEST RIGHT OF WAY LINE OF 1050 WEST STREET; THENCE SOUTH 15°49'41" WEST 439.61 FEET ALONG SAID WEST RIGHT OF WAY LINE TO AN EXISTING FENCE; THENCE NORTH 73°41'44" WEST 451.22 FEET ALONG SAID FENCE TO THE EASTERLY BOUNDARY LINE OF LOT 1 CHUCKS SUBDIVISION; THENCE ALONG THE EASTERLY AND NORTHERLY BOUNDARY LINE OF SAID LOT 1 THE FOLLOWING TWO (2) COURSES: (1) NORTH 15°49'40" EAST 158.83 FEET; (2) NORTH 79°13'35" WEST 109.09 FEET TO THE EAST RIGHT OF WAY LINE OF 1150 WEST STREET; THENCE ALONG SAID EAST RIGHT OF WAY LINE NORTH 10°46'26" EAST 141.65 FEET; THENCE SOUTH 79°33'50" EAST 245.91 FEET; THENCE NORTH 12°48'56" EAST 124.96 FEET TO AN EXISTING FENCE; THENCE THREE (3) COURSES ALONG SAID EXISTING FENCE AS FOLLOWS: (1) SOUTH 79°50'13" EAST 11.53 FEET; (2) NORTH 12°39'01" EAST 101.80 FEET; (3) SOUTH 79°41'33" EAST 176.62 FEET TO THE POINT OF BEGINNING. CONTAINING 5.225 ACRES.

OWNER'S CERTIFICATE OF CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, _____, PRESIDENT OF GOOD FOUNDATIONS ACADEMY, A UTAH NON PROFIT CORPORATION, WHICH IS THE OWNER OF THE TRACT OF LAND DESCRIBED HEREON AS GFA ELEMENTARY SUBDIVISION, DO HEREBY MAKE THIS CERTIFICATE FOR AND ON BEHALF OF SAID CORPORATION BY AUTHORITY OF A RESOLUTION OF THE BOARD OF DIRECTORS OF SAID CORPORATION, THAT SAID CORPORATION HAS CAUSED A SURVEY TO BE MADE, AND THIS RECORD OF SURVEY MAP, CONSISTING OF (1) PAGE TO BE PREPARED, THAT SAID CORPORATION HAS CONSENTED TO AND DOES HEREBY CONSENT TO THE RECORDATION OF THIS RECORD OF SURVEY MAP IN ACCORDANCE WITH THE UTAH SUBDIVISION ACT. IN WITNESS WHEREOF I HAVE SET MY HAND AND AFFIXED THE CORPORATE SEAL THIS _____ DAY OF _____, 2014.

OWNER'S DEDICATION

WE THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN HEREON AND NAME SAID TRACT "GFA ELEMENTARY SUBDIVISION", AND DO HEREBY:
 A) GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED HEREON AS PUBLIC UTILITY EASEMENTS, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PRIVATE STREETS, PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES, IRRIGATION CANALS OR FOR THE PERPETUAL PRESERVATION OF WATER CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY THE GOVERNING AUTHORITY, WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED WITHIN SUCH EASEMENTS.
 B) GRANT AND CONVEY TO THE GFA ELEMENTARY SUBDIVISION LOT OWNERS, ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS SHARED/JOINT ACCESS AND PARKING FOR PURPOSES FOR THE BENEFIT OF EACH LOT OWNER IN COMMON WITH ALL OTHERS IN THE SUBDIVISION THAT THE SHARED ACCESS/ PARKING AREAS REMAIN OPEN AND UNENCUMBERED EXCEPT FOR APPROVED INGRESS, EGRESS, AND PARKING PURPOSES.

ACKNOWLEDGMENT

SIGNED THIS _____ DAY OF _____, 2014
 _____ PRESIDENT

ACKNOWLEDGMENT

State of Utah)
 County of _____)
 On this _____ day of _____, 2014, personally appeared before me _____ whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he/she is the _____ of _____ PRESIDENT GOOD FOUNDATIONS ACADEMY and that said document was signed by him/her in behalf of said "Corporation by Authority of its Bylaws, or (Resolution of its Board of Directors), and said _____ acknowledged to me that said "Corporation executed the same.
 Notary Public _____

SURVEYOR'S CERTIFICATE

I, KLUINT H. WHITNEY DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22 PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; AND THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENT AS REPRESENTED ON THIS PLAT, AND THIS PLAT OF GFA ELEMENTARY SUBDIVISION IN RIVERDALE CITY, UTAH, HAS BEEN DRAWN CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS IN THE WEBER COUNTY RECORDERS OFFICE AND FROM SAID SURVEY MADE BY ME ON THE GROUND. I FURTHER CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF RIVERDALE CITY CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.
 SIGNED THIS _____ DAY OF _____, 2014

OWNER
 CHRISTIAN HERITAGE SCHOOL
 5101 SOUTH 1050 WEST
 RIVERDALE UT 84405
 801-393-4475

DEVELOPER
 GOOD FOUNDATIONS ACADEMY
 5101 SOUTH 1050 WEST
 RIVERDALE UT 84405
 801-393-2953

SIGNATURE

COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____
 FILED FOR RECORD AND RECORDED _____, AT IN _____ BOOK _____ OF OFFICIAL RECORDS, PAGE _____, RECORDED FOR _____

COUNTY RECORDER

BY: _____ DEPUTY

Date	Revisions	Date
9/4/14	ADDED REVISION BLOCK	9/4/14
	Designed KHW	
	Drafted KHW	
	Checked KHW	

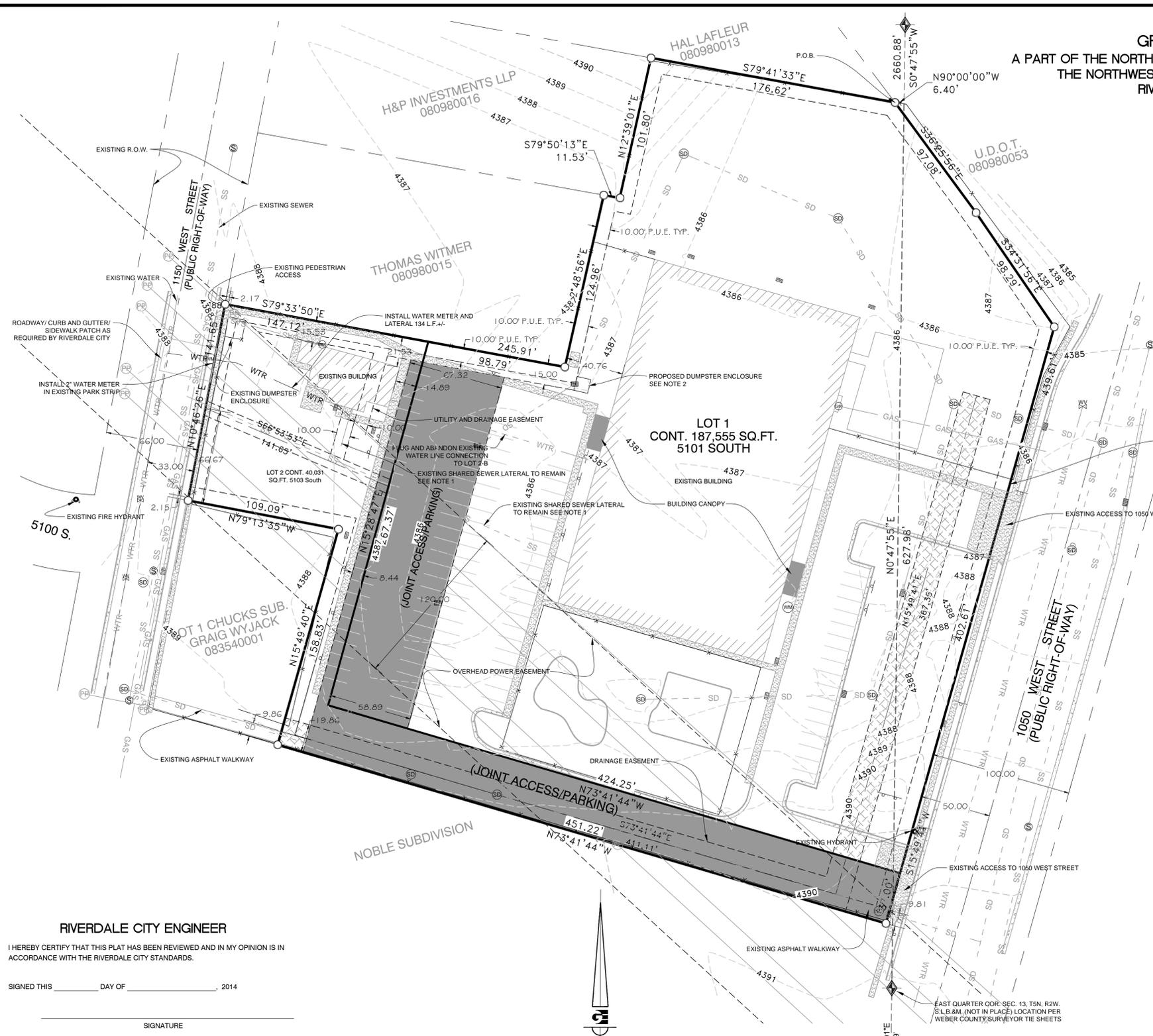
- WEBER COUNTY MONUMENT AS NOTED
- SET 24" REBAR AND CAP MARKED GARDNER ENGINEERING
 - PROPERTY LINE
 - - - ADJACENT PARCEL
 - - - SECTION LINE
 - - - EXISTING UTILITY EASEMENT
 - × EXISTING FENCE
 - (EDGE OF PAVEMENT)
 - (CABLE LINE)
 - (CONCRETE, SIDEWALKS & CURB LINES)
 - (FIBER OPTIC LINE)
 - (ALL GAS RELATED FACILITIES)
 - (PAINTED STRIPING)
 - (POWER)
 - (SANITARY SEWER PIPES AND STRUCTURES)
 - (STORM DRAIN PIPES AND STRUCTURES)
 - (TOP BACK CURB)
 - (WATER LINES AND STRUCTURES)
 - ← GUY WIRE
 - Ⓜ ELECTRIC MANHOLE
 - Ⓜ ELECTRIC METER
 - Ⓜ ELECTRIC VAULT
 - Ⓜ TRANSFORMER
 - Ⓜ AIR CONDITIONER UNIT
 - Ⓜ TELEPHONE MANHOLE
 - Ⓜ TELEPHONE PEDESTAL
 - Ⓜ CABLE BOX
 - Ⓜ STORM DRAIN MANHOLE
 - Ⓜ STORM DRAIN INLET
 - Ⓜ EXISTING SIGN
 - Ⓜ POWER POLE
 - Ⓜ SANITARY MANHOLE
 - Ⓜ CLEAN OUT
 - Ⓜ GAS METER
 - Ⓜ COMMUNICATIONS BOX
 - Ⓜ WATER VALVE
 - Ⓜ FIRE HYDRANT
 - Ⓜ WATER MANHOLE
 - Ⓜ WATER METER

NARRATIVE:

THE PURPOSE OF THIS SURVEY WAS TO DO A TWO LOT SUBDIVISION OF THE PROPERTY AS SHOWN AND DESCRIBED HEREON. THE SURVEY WAS ORDERED BY GOOD FOUNDATIONS ACADEMY CHARTER SCHOOL. THE CONTROL USED TO ESTABLISH THE BOUNDARY WAS THE EXISTING WEBER COUNTY SURVEY MONUMENTATION SURROUNDING SECTION 13, TOWNSHIP 5 NORTH, RANGE 2 WEST, OF THE SALT LAKE BASE AND MERIDIAN. THE BASIS OF BEARING IS A LINE BETWEEN THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 13 AND THE WITNESS CORNER TO THE EAST QUARTER CORNER OF SAID SECTION 13, WHICH BEARS SOUTH 00°48'01" WEST, UTAH NORTH, NAD 83, STATE PLANE GRID BEARING. THE PROPERTY FALLS WITHIN FEMA FLOOD ZONE X (AREAS OF 0.2% ANNUAL CHANCE FLOOD) PER FEMA MAP NUMBER 49057C0417E WITH AND EFFECTIVE DATE OF DECEMBER 16, 2005. THE PROPERTY CURRENTLY SITES IN RIVERDALE CITY ZONE A-1.

NOTES:

- SHARED SEWER LATERAL BETWEEN LOT 1 AND LOT 2.
- DUMPSTER ENCLOSURE ARE TO COMPLY WITH CURRENT RIVERDALE CITY ZONING ORDINANCE.
- ACCESS AND SHARED PARKING PURSUANT TO THE EASEMENT AND AGREEMENT RECORDED AS ENTRY NO. _____ DATED _____ ON FILE AT THE WEBER COUNTY RECORDERS OFFICE.



RIVERDALE CITY ENGINEER

I HEREBY CERTIFY THAT THIS PLAT HAS BEEN REVIEWED AND IN MY OPINION IS IN ACCORDANCE WITH THE RIVERDALE CITY STANDARDS.

SIGNED THIS _____ DAY OF _____, 2014

SIGNATURE

RIVERDALE CITY PLANNING COMMISSION APPROVAL

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE RIVERDALE CITY PLANNING COMMISSION ON THE _____ DAY OF _____, 2014

CHAIRMAN, WEBER COUNTY PLANNING COMMISSION

RIVERDALE CITY APPROVAL

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT, THE DEDICATION PUBLIC UTILITY EASEMENTS AND FINANCIAL GUARANTEE OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION, THEREON ARE HEREBY APPROVED AND ACCEPTED BY THE CITY COUNCIL OF RIVERDALE CITY, UTAH

THIS _____ DAY OF _____, 2014

MAYOR

ATTEST:

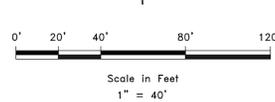
TITLE:

RIVERDALE CITY ATTORNEY

I HAVE EXAMINED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION PLAT AND IN MY OPINION THEY CONFORM WITH THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND AFFECT.

SIGNED THIS _____ DAY OF _____, 2014

SIGNATURE



WEBER COUNTY WITNESS MONUMENT (FOUND BRASS CAP MON WITH PUNCH CANNOT DECIPHER INSCRIPTION)

SOUTHEAST CORNER OF THE NORTHEAST QUARTER SEC. 13, T5N, R2W, S.L.B. & M. FOUND U.S. G.L.O. BRASS CAP MONUMENT GOOD CONDITION 1941

5150 SOUTH 375 EAST OGDEN UTAH 84405 (801) 478-0202

WHEN RECORDED MAIL TO:

MAIL TAX STATEMENTS TO:

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EASEMENT AND MAINTENANCE AGREEMENT

THIS EASEMENT AND MAINTENANCE AGREEMENT (the "Agreement") is made and entered into on June ____, 2014, by and between CHRISTIAN HERITAGE SCHOOLS ASSOCIATION, INC., a Utah nonprofit corporation ("CHSA"), and GOOD FOUNDATIONS ACADEMY CHARTER SCHOOL, a Utah nonprofit corporation ("GFA"), with reference to the following facts:

RECITALS

A. CHSA is the owner of certain real property situated in the County of Weber, Utah, and more particularly described in Exhibit "A" attached hereto and made a part hereof (the "CHSA Parcel").

B. GFA Owner is the owner of certain real property situated in the County of Weber, Utah, and more particularly described in Exhibit "B" attached hereto and made a part hereof (the "GFA Parcel"). Part of the GFA Parcel includes certain driveways and parking areas that service both the GFA Parcel and the CHSA Parcel, which are adjacent to each other.

C. In order to establish easements for ingress to, egress from and parking for the CHSA Parcel, and to make reasonable arrangements for the payment of the costs and expenses of maintaining such easements between the property owners using such easements, the parties desire to enter into this Agreement.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

AGREEMENT

1. Easement. GFA Owner and CHSA Owner hereby grant, to each other, reciprocal easements over, in and through those parts of the driveways and parking areas that lie along the border of the real property each owns, being the easterly border of the CHSA Parcel and the westerly border of the GFA Parcel, respectively, subject to the terms of this Easement. Moreover, GFA Owner hereby grants to CHSA Owner an access (ingress and egress) and

parking easement over, in and through that part of the driveway that lies along the southerly border of the GFA Parcel.

2. Description. The easements granted in this Agreement (the "Easements") are non-exclusive easements. The Easements are perpetual, subject to the termination conditions set forth below, and is for the use and benefit of the occupants of the CHSA Parcel and the GFA Parcel, and their guests, licensees and invitees.

3. Scope and Purpose. The Easements are established for the purposes of ingress, egress and parking purposes including, without limitation, the following:

(a) Vehicular and pedestrian access over and across the driveways for ingress to and egress from the GFA Parcel and the CHSA Parcel; and

(b) The right of the GFA Owner and the CHSA Owner, and their guests, licensees and invitees to use the Easements for parking, as established by the respective owners on their parcels from time-to-time.

4. Reasonable Use. Any entrance upon or movement across the Easements by any person whose rights arise under this Agreement shall be conducted such that it does not damage the driveways or any improvements thereon, or unreasonably interfere with the rights of free use and enjoyment of the driveways or any improvement located thereon by other persons whose rights arise under this Agreement, or otherwise unreasonably increase the burden on the driveways and improvements located thereon. Any person damaging the driveways or improvements located thereon shall repair and/or replace any damage they may cause such that it meets the reasonable approval of the owner of such damaged parcel. Any person found to be in violation of this paragraph shall be liable for any and all damages at law or in equity associated with or arising under such violation. In addition, no owner of any part of the Easements shall make any use of the Easements which shall unreasonably interfere with any person's free use and enjoyment of the Easements. Any activity on the part of any owner of any part of the Easements which is reasonably related to the normal use or sale of any portion of the CHSA Parcel or GFA Parcel, respectively, shall not be deemed an unreasonable interference.

5. Right of GFA Owner to Relocate any Part of Driveways and Parking Areas. The parties hereto contemplate that over time, certain of the properties served by the driveways and parking areas may be redeveloped in such a manner that the driveways and parking areas may need to be relocated. Notwithstanding the location of the driveways and parking areas as depicted in Exhibit "C" hereto, the GFA Owner shall have the right to relocate the driveways and parking areas on the GFA Parcel, without the consent of any person, including, without limitation, the CHSA Owner, or their successors and assigns, provided, however, that (a) any such relocation shall be at the sole expense of the GFA Owner, and (b) that no such relocation shall materially and adversely interfere with the use and enjoyment of the CHSA Parcel.

6. Term. This Agreement, and the Easements granted hereunder, shall be deemed effective for all purposes as of the date first set forth above, and shall continue in perpetuity.

7. Maintenance of Driveways and Parking Areas. The GFA Owner, and its successors and assigns, shall have the exclusive right, duty and obligation to maintain and repair the driveways and parking areas. CHSA Owner hereby grants a non-exclusive easement to GFA Owner to perform such maintenance and repairs. Subject to the provisions of Section 4 above, GFA Owner shall be solely responsible for all costs and expenses related to such repair and maintenance.

8. Maintenance of Remainder of Parcels, Insurance and Taxes. Notwithstanding the foregoing, GFA Owner and CHSA Owner shall continue to be responsible for and pay or cause to be paid all maintenance (other than as reserved to the GFA Owner under Section 7 above), insurance and taxes, including, without limitation, real estate taxes and special assessments, applicable to the GFA Parcel and CHSA Parcel, respectively, regardless of the Easements and interests granted or created by this Agreement.

~~9. Utility Cost Sharing. The costs of all utilities sewer charges (the "Utility Costs"), including culinary water, garbage and electricity (the "Class A Utilities") and secondary water (the "Class B Utilities") (collectively, the "Utilities") shall be paid by the GFA Owner. The CHSA Owner shall reimburse the GFA Owner for a portion of the Utility Costs as follows: an amount equal to Twenty five Dollars (\$25.00) per month.~~

~~(a) For Class A Utilities, the CHSA Owner shall pay to the GFA Owner an amount equal to Twenty five Dollars (\$25.00) per month.~~

~~(b) For Class B Utilities, the CHSA Owner shall pay to the GFA Owner an amount equal to twenty percent (20%) of the amount billed to the CHSA.~~

~~(c) The Utility Costs shall be billed by the GFA Owner to the CHSA Owner on a monthly basis. The GFA Owner shall include with such bill the actual amount of the Class B Utilities charges for the month. Within fifteen days of receiving the bill from the GFA Owner, the CHSA Owner shall pay the same to the GFA Owner.~~

~~(d) This sharing of Utility Costs shall continue until the earlier of the following:~~

~~(i) The mutual agreement of the GFA Owner and the CHSA Owner;~~
or

~~(ii) The Utilities are separately supplied to the GFA Parcel and the CHSA Parcel.~~

10.9. Notices. All notices, requests, demands, and other communications hereunder shall be in writing and shall be delivered in person or sent by registered or certified mail, postage prepaid, commercial overnight courier with written verification of receipt or by telecopy facsimile. A notice shall be deemed given: (a) when delivered by personal delivery (as evidenced by the receipt); (b) two (2) business days after deposit in the mail if sent by registered or certified mail; (c) one (1) business day after having been sent by commercial overnight courier

(as evidenced by the written verification of receipt); or (d) on the date of confirmation if telecopied. Notices shall be addressed as set forth below, but any addressee may change its address by written notice in accordance herewith.

11.10. General Provisions.

(a) Entire Agreement. This Agreement (including Exhibits attached) constitutes the entire agreement and understanding between the parties with respect to the subject matter contained herein, and supersedes any prior agreement and understanding about the subject matter hereof. This Agreement may be modified or amended only by a written instrument executed by the parties hereto.

(b) Headings. The subject headings of the sections and paragraphs of this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions.

(c) Severability. If any term or provision of this Agreement shall, to any extent, be held invalid or unenforceable, the remaining terms and provisions of this Agreement shall not be affected thereby, but each remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

(d) Waiver. No waiver of any breach of any of the easements, covenants and/or agreements herein contained shall be construed as, or constitute, a waiver of any other breach or a waiver, acquiescence in or consent to any further or succeeding breach of the same or any other covenant and/or agreement.

(e) Successors and Assigns. Each covenant and condition contained in this Agreement shall inure to the benefit of and be binding on the parties to this Agreement and their respective heirs, executors, administrators, personal representatives, successors and assigns, except as otherwise provided herein.

(f) Recording. A fully executed counterpart of this Agreement shall be recorded in the Office of the County Recorder of Weber County, Utah.

(g) Attorneys' Fees and Costs. If any legal action or any other proceeding is brought for the enforcement of this Agreement, or because of an alleged dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the successful or prevailing party or parties shall be entitled to recover reasonable attorneys' fees and other

costs incurred in that action or proceeding, in addition to any other relief to which it or they may be entitled, including the fees and costs incurred in enforcing any judgment which may be obtained in said action.

(h) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Utah.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

CHSA OWNER:

CHRSTIAN HERITAGE SCHOOL ASSOCIATIONS, INC.,
a Utah nonprofit corporation

By: _____

Name: _____

Its: _____

GFA OWNER:

GOOD FOUNDATIONS ACADEMY CHARTER SCHOOL,
a Utah nonprofit corporation

By: _____

Name: _____

Its: _____

**RIVERDALE CITY
PLANNING COMMISSION AGENDA
September 9, 2014**

AGENDA ITEM: F1

SUBJECT: Discretionary Items

PETITIONER: Elected, Appointed, and Staff

ACTION REQUESTED BY PETITIONER: Open agenda item provided for comments or discussion on discretionary items.

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