



**RIVERDALE CITY PLANNING COMMISSION AGENDA
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY, APRIL 8, 2025**

5:30 p.m. – Planning Commission Work Session Meeting (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

Ongoing parking discussion

Planning Commission Training (*to be determined*)

6:00 p.m. – Planning Commission Meeting (Council Chambers)

A. Welcome & Roll Call

B. Public Comment

This is an opportunity to address the Planning Commission regarding your concerns or ideas. Please try to limit your comments to three minutes. No action will be taken during public comment.

C. Presentations and Reports

1. Community Development update

D. Consent Items

1. [Consideration of Meeting Minutes from:](#)
March 25, 2025 Work Session
March 25, 2025 Regular Meeting

E. Action Items

1. Motion to un-table the following item:
Consideration and recommendation of a legislative decision to amend Riverdale City Code 10-19-9: Temporary Structures for Seasonal Sales
2. [Consideration to forward a recommendation to City Council to amend Riverdale City Code 10-19-9: Temporary Structures for Seasonal Sales](#)

F. Comments

1. Planning Commission
2. City Staff

G. Adjournment

In compliance with the Americans with Disabilities Act, persons in need of special accommodation should contact the City Offices (801) 394-5541 at least 48 hours in advance of the meeting.

Certificate of Posting

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted on this 3rd day of April 2025 at the following locations: 1) Riverdale City Hall Noticing Board 2) the City website at <http://www.riverdalecity.com/> and 3) the Public Notice Website: <http://www.utah.gov/pmn/index.html>.

Minutes of the **Work Session** of the Riverdale City **Planning Commission** held Tuesday March 25, 2025 at 5:30 p.m., at the Civic Center, 4600 S Weber River Dr, Riverdale City, Weber County, Utah.

Present:

Commissioners:	Kent Anderson, Chair Celeste Noland, Vice Chair Wanda Ney, Commissioner Randy Poulsen, Commissioner Colleen Henstra, Commissioner Alan Bowthorpe, Commissioner
City Employees:	Brandon Cooper, Community Development Director Michelle Marigoni, City Recorder
Excused:	Rikard Hermann, Commissioner
Visitors:	

A. Welcome & Roll Call

The Planning Commission Work Session began at 5:30 p.m. Chair Anderson welcomed everyone to the meeting and stated for the record that all members of the Planning Commission were present, except Commissioner Hermann, who was excused. Members of the city staff were also present.

B. Public Comment

C. Presentations and Reports

The work session was used to discuss potential future concepts and topics. No motions or decisions were considered during this session, which was open to the public. Discussion centered around parking, including history and future needs.

D. Consent Items

1. Consideration of Meeting Minutes from:

January 28, 2025 Work Session
January 28, 2025 Regular Meeting
February 25, 2025 Work Session
February 25, 2025 Regular Meeting

E. Action Items

- Public Hearing to receive and consider public comments regarding the following:
Consideration and recommendation of a legislative decision to amend Riverdale City Code 10-19-9:
Temporary Structures for Seasonal Sales**
- Consideration to forward a recommendation to City Council to amend Riverdale City Code 10-19-9: Temporary Structures for Seasonal Sales**

F. Comments

G. Adjournment

As there was no further business to discuss, the Planning Commission Work Session adjourned at 6:06 p.m.

Date Approved:

Minutes of the **Regular Session** of the Riverdale City **Planning Commission** held Tuesday, March 25, 2025, at 6:00 p.m., at the Civic Center, 4600 S Weber River Drive., Riverdale City, Weber County, Utah.

Present: Commissioners: Kent Anderson, Chair
Celeste Noland, Vice Chair
Wanda Ney, Commissioner
Randy Poulsen, Commissioner
Colleen Henstra, Commissioner
Alan Bowthorpe, Commissioner

City Employees: Brandon Cooper, Community Development Director
Michelle Marigoni, City Recorder

Excused: Rikard Hermann, Commissioner

Visitors:

A. Welcome & Roll Call

The Planning Commission Meeting began at 6:10 p.m. Chair Anderson welcomed everyone to the meeting and stated for the record that all members of the Planning Commission were present except for Commissioner Hermann, who was excused. Members of the city staff were also present.

B. Public Comment

Commissioner Anderson asked if any members of the public had comments. There were none.

C. Presentations and Reports

Mr. Cooper provided updates on upcoming projects and ongoing business developments:

- Mission BBQ is underway, Honey Baked Ham is looking for another location in Riverdale.
- WFRC awarded Riverdale \$200,000 for master planning.
- Trader Joe's is getting through permitting, it is anticipated to be complete in October.
- America First is almost done with the pile driving on the hillside. They are working on the parking structure and Building A, so more noise can be expected.
- Ken Garff is almost complete.
- Riverdale Townhomes are starting to go up.
- Coleman Vu Estates has a completed model home.
- Panera Bread's building is going up quickly. An easement has been granted by Starbucks for access to 300 West, but no easement has been granted by Shake Shack yet.
- DXL is almost complete.

D. Consent Items

1. Consideration of Meeting Minutes from:

January 28, 2025 Work Session and Regular Meeting
February 25, 2025 Work Session and Regular Meeting

Chair Anderson asked if there were any corrections to the minutes. Commissioner Poulsen moved to approve the consent items. Commissioner Bowthorpe seconded the motion, which passed unanimously in favor.

E. Action Items

1. **Public Hearing to receive and consider public comments regarding the following:
Consideration and recommendation of a legislative decision to amend Riverdale City Code 10-19-9:
Temporary Structures for Seasonal Sales**

The planning commission discussed a request from McFarland Family Farms to amend the city code regarding temporary structures and seasonal sales, particularly for roadside stands. The farm, which sells produce to grocery stores and operates stands in other areas, couldn't attend due to a last-minute conflict.

The current code (Section 10-19-9) regulates temporary structures and seasonal product sales but is vague and restrictive. It only allows such sales in A1 zones on-site where the produce is grown, barring McFarland Farms from setting up in Riverdale since their produce comes from West Weber. The code, amended in 2013, also defines seasonal products narrowly (e.g., excluding year-round fruits and vegetables), causing confusion.

The proposal aims to clarify the code by permitting temporary structures for seasonal sales in C3 zones (along Riverdale Road) as well as A1 zones, replacing the current waiver process with a temporary use permit requiring a site plan. A condition is that vendors in C3 zones must have a state sales tax certificate, though agricultural exemptions (like McFarland's) complicate this.

Examples of allowed structures include fireworks stands and snow cone shacks, while produce stands from off-site farms remain restricted unless grown on-site in A1 zones.

Discussion highlighted concerns about fairness to local businesses paying sales tax, potential competition with stores like Walmart, and liability (shared between stand operators and property owners on private land). Suggestions included relaxing the sales tax requirement to benefit residents with access to fresh produce, though this raised legal and competitive equity issues. The proposed 15-week duration and other standards (e.g., operating hours, self-contained setups) were debated, with flexibility offered for adjustments.

McFarland Farms operates in less-regulated rural areas elsewhere, but Riverdale's urban context drives stricter rules.

Mr. Cooper invited commissioners to modify the proposal or table it, as the petitioner requested, to allow their input at a future meeting.

Motion: Commissioner Bowthorpe moved to open the public hearing

Second: Commissioner Ney

Vote:

Commissioner Poulsen:	Yes
Commissioner Bowthorpe:	Yes
Commissioner Anderson:	Yes
Commissioner Henstra:	Yes
Commissioner Ney:	Yes
Commissioner Noland:	Yes
Commissioner Hermann:	Absent

Public Comment: None.

Motion: Commissioner Ney moved to close the public hearing

Second: Commissioner Noland

Vote:

Commissioner Ney:	Yes
Commissioner Hermann:	Absent
Commissioner Bowthorpe:	Yes
Commissioner Ney:	Yes
Commissioner Henstra:	Yes
Commissioner Poulsen:	Yes
Commissioner Anderson:	Yes

2. Consideration to forward a recommendation to City Council to amend Riverdale City Code 10-19-9: Temporary Structures for Seasonal Sales

The representative from McFarland Farms was unable to attend and hoped to have the decision tabled. Commissioner Ney asked if there were any regulations on the food sold. This is regulated by the health department. There was discussion about sales tax, competition with standing businesses.

Motion: Commissioner Noland moved to table the item until April 8, 2025.

Second: Commissioner Poulsen

Vote:

Commissioner Noland:	Yes
Commissioner Hermann:	Absent
Commissioner Henstra:	Yes
Commissioner Bowthorpe:	Yes
Commissioner Ney:	Yes
Commissioner Anderson:	Yes
Commissioner Poulsen:	Yes

Motion passed with 6 in favor and 1 absent.

F. Comments

1. Commissioner Anderson recognized Chief Warren for being selected as Chief of the Year. He appreciates his hard work and dedication. Commissioner Noland added that recent events show the difficult job the officers have.
2. Commissioners continued discussion with Mr. Cooper from the work session, as they had run out of time. The discussion centered on parking, including history, current city code, and future considerations.

G. Adjournment

As there was no further business to discuss, Commissioner Poulsen moved to adjourn. Commissioner Noland seconded the motion. All were in favor and the Planning Commission meeting adjourned at 7:35 p.m.

Date Approved:

Body: Planning Commission

Topic: Zoning Text Amendment

PUBLIC HEARING, consideration and recommendation on a legislative amendment to amend Riverdale City Code 10-19-9: Temporary Structures for Seasonal Sales

Department: Community Development

Director: Brandon Cooper

Staff/Presenter: Brandon Cooper

Contact: bcooper@riverdalecity.com

Requested Timeline:

Planning Commission Meeting – March 25, 2025 / April 8, 2025
City Council Meeting – April 15, 2025

Executive Summary

In March 2025, Staff received a request from McFarland Family Farms to place a temporary structure in the City for the purpose of selling seasonal produce items. McFarland Family Farms is a 250-acre farm located in West Weber that provides produce to local grocery stores and at local roadside farm stands.

Temporary Structures for Seasonal Sales and the definition of Seasonal Items are regulated under **Riverdale City Code 10-19-9**. Currently, this code limits the definition of seasonal items to:

“products that are available or primarily in demand only during certain seasons of the year or products that are associated with recognized state or government holidays or products that are regulated for sale by the state of Utah.

“Seasonal products” include, but are not limited to, the following items: Christmas tree lot; Shaved ice/snow cone; State regulated fireworks. Because of the availability of local and imported fruits, vegetables and flowers that are available year-round are not considered to be seasonal products.

As a result, the request from McFarland Family Farms to place a roadside stand within city limits is not permitted due to the non-seasonality of their products. In response, McFarland Family Farms is requesting an amendment to Riverdale City Code 10-19-9.

Applicable Ordinances

Riverdale City Zoning Ordinance Title 10 Chapter 19 Section 9: Temporary Structures for Seasonal Sales

Analysis and Draft Code Language

Draft code language is below, proposing **Red Text** as new language and **Strike Through Text** to be eliminated.

https://library.municode.com/ut/riverdale_city/codes/city_code?nodeId=TIT10ZOSURE_CH19C_OUS

10-19-9: TEMPORARY STRUCTURES FOR SEASONAL SALES:

~~The community development director or his/her designee may waive certain of the requirements of the codes adopted in this code to permit the erection and use of temporary structures for the sale of seasonal merchandise under the following conditions:~~

~~A. Application: The person making application for the waiver of such requirements shall file with the community development director or his/her designee, an application, in writing, in such form and containing such information as shall be determined by the community development director or his/her designee consistent with this chapter. Said application shall include an informal site plan drawn to scale showing the size of the proposed structure and its location in relation to the other structures and improvements on the site plan of the location on file with the city. No such temporary seasonal structure shall be permitted to be located upon any parcel of property for which there is not an existing approved site plan on file with the city.~~

~~B. Factors for Consideration: In considering whether to recommend approval or denial of the requested waiver, the community development director or his/her designee shall consider the following factors:~~

- ~~1. The degree of deviation from the codes adopted in this code.~~
- ~~2. The effect the proposed structure will have on the safety of persons and property.~~
- ~~3. The benefit of the sale of the proposed merchandise to city residents and customers of city business licensees.~~
- ~~4. The aesthetic appearance of the proposed structure.~~
- ~~5. The effect on pedestrian and vehicle traffic in the area, including traffic within the existing site plan.~~
- ~~6. The size of the proposed structure. It is the intent of this section that waivers be granted only to small structures not exceeding two hundred (200) square feet in size. See also section 3-1-7 of this code.~~

~~7. The degree of self containment of the structure as contrasted to the need for outside utility connections.~~

~~8. The availability of restroom facilities for persons using the structure.~~

~~9. The past experience and character of the applicant.~~

~~10. Compatibility of the proposed structure and use with the existing site plan on file with the city.~~

~~11. The permanency of the proposed operations. It is the intent of this section that the structure be used for the sale of seasonal merchandise. Under no conditions shall the structure be permitted to remain longer than fifteen (15) weeks. It is not the intent of this section that the waiver be granted for a weekend or other short duration of time.~~

~~12. No more than one portable structure for seasonal sale shall be allowed per site or shall it be closer than one thousand (1,000) linear feet, for each street side, to the next nearest portable structure.~~

~~13. No more than one business that sells a single commodity shall be allowed for each requested seasonal sales portable structure conditional use permit.~~

~~C. Definition of Seasonal Items: Seasonal items are limited to products that are available or primarily in demand only during certain seasons of the year or products that are associated with recognized state or government holidays or products that are regulated for sale by the state of Utah.~~

~~"Seasonal products" include, but are not limited to, the following items:~~

~~Christmas tree lot~~

~~Shaved ice/snow cone~~

~~State regulated fireworks~~

~~Because of the availability of local and imported fruits, vegetables and flowers that are available year round these are not considered to be seasonal products. The sale of fruits and vegetables in the A-1/A-2 zones is regulated by section 10-8-2 of this title.~~

~~D. Advice of Officials: The community development director or his/her designee may seek the advice of the fire department, public works department, city attorney or city engineer prior to the denial or approval of the proposed portable structure. (Ord. 830, 2-5-2013.)~~

10-19-9: - TEMPORARY STRUCTURES FOR SEASONAL SALES:

Purpose

The purpose of this section is to allow for the temporary sale of certain seasonal products in designated areas of Riverdale City while ensuring compatibility with existing land uses and maintaining public safety, aesthetics, and accessibility.

Permitted Uses

The following seasonal product sales are permitted:

1. Fresh fruits and vegetables (e.g., farmers' markets, roadside stands).
2. Holiday-related items (e.g., pumpkins, Christmas trees, fireworks).
3. Other temporary seasonal goods as approved by the Community Development Director (e.g., shaved ice/snow cones).

Zoning Districts & Locations

Temporary Structures for Seasonal Sales may be permitted as follows:

- **Commercial** – Conditional Use in C-3 commercial zones with adequate parking and access.
- **Agricultural (A-1, A-2)** – Allowed as a permitted use for roadside stands for fruit or vegetables produced only on the premises
- **Residential (R-1, R-2, R-3)** – not permitted

Operational Standards

1. **Permit Requirement** – A temporary use permit is required for all seasonal sales. The person making application for such permit shall file with the community development director or his/her designee, an application, in writing, in such form and containing such information as shall be determined by the community development director or his/her designee consistent with this chapter. Said application shall include an informal site plan drawn to scale showing the size of the proposed structure and its location in relation to the other structures and improvements on the site of the location within the city. No such temporary seasonal structure shall be permitted to be located upon any vacant parcel of

property or parcel of property for which there is not an existing approved site plan on file with the city. All persons or entities doing business in Riverdale City, except for those exempt by Utah State law, shall provide to the City a copy of the State certificate listing the appropriate Riverdale City point of sale code as a prerequisite to receiving a temporary use permit.

2. **Duration** – Under no conditions shall the structure or use be permitted to remain longer than fifteen (15) weeks
3. **Hours of Operation** – Sales shall occur between **8:00 AM and 9:00 PM** to minimize disturbances to surrounding areas.
4. **Site/Structure Requirements** –
 - Must be located on private property with written owner consent.
 - Cannot obstruct public sidewalks, driveways, or fire lanes.
 - Adequate on-site parking must be provided.
 - All structures shall be self-contained with no utilities provided by adjacent businesses or facilities.
 - The size of the proposed temporary structure shall not exceed two hundred (200) square feet in size.
 - No more than one temporary structure for seasonal sale shall be allowed per site nor shall it be closer than five hundred (500) linear feet, for each street side, to the next nearest temporary structure for seasonal sale.
5. **Signage** – Temporary signage must comply with city sign ordinances and be removed within 24 hours after sales conclude.
6. **Health & Safety** – All vendors selling food products must comply with Weber-Morgan Health Department regulations.
7. **Waste Management** – Vendors must maintain cleanliness and provide trash receptacles for customer use.

Approval Authority

The community development director shall have approval authority for all temporary structures for seasonal sales and seasonal sales items, and may seek the advice of the fire department, public works department, city attorney or city engineer prior to the denial or approval of the proposed temporary structure.

Appeal

The decision of the community development director may be appealed to the planning commission by filing such appeal within ten (10) calendar days after the final decision was made by the community development director. The planning commission may uphold or reverse the decision of the community development director and impose any additional conditions that it

may deem necessary in granting an appeal. The decision of the planning commission shall be final.

Enforcement & Penalty

Any person who shall violate any of the provisions of this chapter shall, upon conviction, be guilty of a class C misdemeanor and punished as is provided in section 1-4-1 of this code. The Community Development Department and Code Enforcement Division shall oversee compliance.

Approval Standards

A decision to amend the zoning text is a matter committed to the legislative discretion of the City Council and is not controlled by one standard. In determination of a recommendation, the Commission may consider some guiding principles before there is a change in code standards:

- Is there sufficient justification for the proposed amendment?
- Does the proposal further the specific statements and purposes of the zoning ordinance?
- Is the proposal consistent with the General Plan?
- Does the proposed amendment create a conflict with any other section of the title or General Plan, or does it create an unlevel playing field in the market?
- Have the potential effects of the proposed amendment been determined not to be detrimental to public health, safety, or welfare and represent an overall community benefit?
- Does the proposal implement best current, professional practices of urban planning, design, and engineering practices?

Conformance with General Plan

The General Plan is a resident-driven vision for the City and its future. The vision is set forth in seven (7) elements which are guiding principles and implementation practices. The Economic Development section – Implementation recommends to “*regularly evaluate and update economic development strategic plans to ensure strategies and policies remain relevant and the City adapts to changing environments*” and “*regularly evaluate land use regulations to remove barriers related to economic development and sustainability.*”

Potential Actions:

Following the presentation and discussion of the proposal, the Planning Commission may make:

- 1) a motion to recommend **APPROVAL** to the City Council of amendments to RCC 10-19-9
- 2) a motion to recommend **APPROVAL WITH MODIFICATIONS** to the City Council of amendments to RCC 10-19-9
- 3) a motion to recommend **DENIAL** to the City Council of amendments to RCC 10-19-9
- 4) a motion to **TABLE** the matter to a later date

Staff Recommendation

The exclusive sale of seasonal garden or farm crops or seedlings and plants sold during the harvest season is exempt from collecting sales tax if sold by:

- The agricultural producer
- An employee of the producer, or
- A member of the producer's immediate family

If the producer, producer's employee, or producer's immediate family member sells anything other than the producer's qualifying seasonal crops, the producer is operating a retail establishment and must collect sales tax on all sales. Caution must be taken when allowing seasonal or transient, non-tax paying entities to potentially impact the function, aesthetic, and flow of an approved commercial site within the City. Staff recommends further discussion and modifications to the proposed amendment to RCC 10-19-9.

Chapter 10-19-9 – Seasonal Sales; Temporary Structures for Seasonal Sales

Purpose

The purpose of this section is to allow for the temporary sale of certain seasonal products in designated areas of Riverdale City while ensuring compatibility with existing land uses and maintaining public safety, aesthetics, and accessibility.

Permitted Uses

The following seasonal product sales are permitted:

1. Fresh fruits, vegetables, and flowers (e.g., farmers' markets, roadside stands).
2. Holiday-related items (e.g., pumpkins, Christmas trees, fireworks).
3. Other temporary seasonal goods as approved by the Community Development Director (e.g., shaved ice/snow cones).

Zoning Districts & Locations

Temporary Structures for Seasonal Sales may be permitted as follows:

- **Commercial** – Conditional Use in C-3 commercial zones with adequate parking and access.
- **Agricultural (A-1, A-2)** – Allowed as a permitted use for roadside stands for fruit or vegetables produced only on the premises
- **Residential (R-1, R-2, R-3)** – not permitted in any residential zone

Operational Standards

1. **Permit Requirement** – A temporary use permit is required for all seasonal sales. The person making application for such permit shall file with the community development director or his/her designee, an application, in writing, in such form and containing such information as shall be determined by the community development director or his/her designee consistent with this chapter. Said application shall include an informal site plan drawn to scale showing the size of the proposed structure and its location in relation to the other structures and improvements on the site of the location within the city. No such temporary seasonal structure shall be permitted to be located upon any vacant parcel of property or parcel of property for which there is not an existing approved site plan on file with the city. All persons or entities doing business in Riverdale City, except for those exempt by Utah State law, shall provide to the City a copy of the State certificate listing the appropriate Riverdale City point of sale code as a prerequisite to receiving a temporary use permit.
2. **Duration** – Under no conditions shall the structure or use be permitted to remain longer than fifteen (15) weeks
3. **Hours of Operation** – Sales shall occur between **8:00 AM and 9:00 PM** to minimize disturbances to surrounding areas.

4. **Site/Structure Requirements** –

- Must be located on private property with written owner consent.
- Cannot obstruct public sidewalks, driveways, or fire lanes.
- Adequate on-site parking must be provided.
- All structures shall be self-contained with no utilities provided by adjacent businesses or facilities.
- The size of the proposed temporary structure shall not exceed two hundred (200) square feet in size.
- No more than one temporary structure for seasonal sale shall be allowed per site nor shall it be closer than five hundred (500) linear feet, for each street side, to the next nearest temporary structure for seasonal sale.

5. **Signage** – Temporary signage must comply with city sign ordinances and be removed within 24 hours after sales conclude.

6. **Health & Safety** – All vendors selling food products must comply with Weber-Morgan Health Department regulations.

7. **Waste Management** – Vendors must maintain cleanliness and provide trash receptacles for customer use.

Approval Authority

The community development director shall have approval authority for all temporary structures for seasonal sales and seasonal sales items and may seek the advice of the fire department, public works department, city attorney or city engineer prior to the denial or approval of the proposed temporary structure.

Appeal

The decision of the community development director may be appealed to the planning commission by filing such appeal within ten (10) calendar days after the final decision was made by the community development director. The planning commission may uphold or reverse the decision of the community development director and impose any additional conditions that it may deem necessary in granting an appeal. The decision of the planning commission shall be final.

Enforcement & Penalty

Any person who shall violate any of the provisions of this chapter shall, upon conviction, be guilty of a class C misdemeanor and punished as is provided in section 1-4-1 of this code. The Community Development Department and Code Enforcement Division shall oversee compliance.



**RIVERDALE CITY
PLANNING COMMISSION
PUBLIC HEARING NOTICE**

Riverdale City gives notice that on Tuesday, March 25, 2025, at 6:00 p.m., at the Riverdale City Civic Center, 4600 South Weber River Drive, Riverdale, Utah, the Planning Commission will hold a public hearing to receive and consider public comments regarding the following:

**Consideration and recommendation of a legislative decision to amend
Riverdale City Code 10-19-9: Temporary Structures for Seasonal Sales**

The proposed amendment would modify the section to include fresh fruits and vegetables as seasonal products, as well as make general grammatical and formatting improvements.

The public is invited to review and inspect all information available concerning such proposal(s) at the Riverdale City Offices during the regular office hours, 8:00 a.m. to 5:00 p.m. Monday through Friday. The public or any interested parties may present written or oral testimony to the Riverdale City Planning Commission concerning the proposed action at the aforementioned time and place.

Certificate of Posting

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Riverdale City limits on this 14th day of March, 2025 at the following locations: 1) Riverdale City Hall Noticing Board 2) Riverdale City website at <http://www.riverdalecity.com/> 3) the Public Notice Website: <http://www.utah.gov/pmn/index.html> .

Michelle Marigoni
Riverdale City Recorder