

**RIVERTON CITY PLANNING COMMISSION
MEETING MINUTES
JULY 10, 2025**

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

Planning Commission Members:

Darren Park, Chair
Gary Cannon
Shelly Cluff
Crystal Keele
Evan Matheson
Troy Rushton

Staff:

Tim Prestwich, City Planner
Lisa Halversen, City Planner
Ryan Carter, City Attorney

1. CALL TO ORDER/ROLL CALL

Chair Darren Park called the meeting to order at 6:30 PM.

Chair Park led the Pledge of Allegiance.

2. PUBLIC HEARINGS

A. "LITTLE KIDS HEARTS CUHO," PLZ-25-2029, AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION PROVIDING DAYCARE FOR UP TO 8 CHILDREN AT A HOME LOCATED AT 4578 WEST HEMSWORTH LANE. APPLICANT - ROSIBEL MACHADO DE LEAL.

Lisa Halversen, planner, presented the Staff Report and displayed the aerial view and photographs of the property located at 4578 West Hemsworth Lane in Phase 20 of the Mountain Ridge development. The subject property and all neighborhood properties are zoned SLR. The home is on a corner lot and has a main floor, loft, and basement, as well as a two-car garage and driveway. The Applicant originally requested permission to care for up to eight children per day beginning at 6:00 AM, but was informed that City Code requires a start time of 7:00 AM. The hours had been adjusted to meet that requirement.

The Site Plan was reviewed, indicating that the living room will be the main area for childcare. The bathroom and kitchen will also be utilized. A second room on the main floor will be a designated sleeping area. The applicant intends to stagger pickup and drop-off times. Customers will park in the driveway, and only one customer will park at a time. The applicant was aware that off-street parking must be provided.

Childcare is considered a child group activity and there are special allowances in the City Home Occupation Ordinance. They are allowed more visitors and vehicle trips per day

than other Home Occupations. City Code allows the Planning Commission to approve up to 24 trips per day. Ms. De Leal anticipates a maximum of 16 trips per day.

Ms. Halversen reported that notices were sent to neighboring property owners and no comments were received.

Ms. De Leal will be working with the Utah Department of Workforce Services to obtain a Residential Childcare Certificate, which will allow her to care for up to eight children of various ages. The State recently dropped its requirement for an outdoor fenced play area for this level of childcare but the site will be inspected to ensure compliance with all other requirements.

Ms. Halversen reported that the item was before the Planning Commission because the use will exceed the number of vehicle trips that can be approved by Staff. City Ordinance specifies that any child daycare or other group activity that exceeds eight trips per day is a Conditional Use to be approved by the Planning Commission. Staff recommended approval subject to the conditions listed in the Staff Report.

In response to a question from Commissioner Matheson, Ms. Halversen reported that the Applicant does not have an outdoor play area, but the State no longer requires one. City Code states that they may have a play area, but one is not required. Chair Park added that City Code requires outside play areas to be fenced with a self-locking gate. In response to a follow-up question raised by Chair Park, Ms. Halversen clarified that if the applicant were to watch more than eight children, the State would require an outdoor play area.

Commissioner Cluff asked how many notices were sent to homeowners. Ms. Halversen reported that approximately 65 homeowners received notices.

Josibel De Leal translated for the applicant, Rosibel De Leal. Ms. De Leal stated that she will be helping their mother with the daycare and that they hope to create a family environment where they care for and teach the children with love. It is difficult to leave your children with someone you do not know, and they want to create an environment that makes parents feel good about leaving their children with them. In response to a question from Chair Park, Ms. De Leal stated that this will be their first experience with a daycare.

Commissioner Matheson asked about the target ages for the daycare. Ms. De Leal reported that they plan to have children between six months and four years of age. It will not be limited to Spanish-speaking children. Josibel De Leal is bilingual and she is teaching Rosibel De Leal to speak English. They hope to teach both languages to the children in their care.

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

Commissioner Cluff moved that the Planning Commission APPROVE Application PLZ-25-2029, “Little Kids Hearts,” at 4578 West Hemsworth Lane, subject to the following:

Conditions:

- 1. The site, structures, and use shall remain in compliance with any and all applicable Riverton City Standards and Ordinances, specifically the City Home Occupation Ordinance (18.190) and applicable Building and Fire Codes.**
- 2. Applicant must obtain and maintain a Riverton City business license.**
- 3. Applicant must obtain and maintain applicable State and Health Department approvals.**
- 4. Home Occupation must operate within the Fixed Standards, and applicable Qualifications and Conditions as outlined in the Home Occupation Ordinance, and with this approval.**
- 5. The Home Occupation may have up to eight children per day, including the applicant’s own children.**
- 6. Maximum vehicle trips shall not exceed 16 trips per day.**
- 7. No business activity may take place after 7:00 p.m.**
- 8. Pick-up and drop-off times will be staggered to reduce traffic congestion.**

Commissioner Park seconded the motion. The motion passed with the unanimous consent of the Commission.

- B. “RM-6 ROADS/ ACCESS ORDINANCE AMENDMENT,” PLZ-25-5005, RIVERTON CITY IS PROPOSING CHANGES TO THE LAND USE AND DEVELOPMENT CODE, SECTION 18.45 “RM-6 RESIDENTIAL ZONE” IN RIVERTON CITY CODE.**

City Planner, Tim Prestwich, presented the Staff Report and stated that a letter from an interested party, Alan Prince, was included with the Staff Report for Planning Commission review. Mr. Prince has a potential project on Redwood Road that will be affected by the proposed amendment.

The RM-6 Residential Multi-Family Zone allows six units per acre and has been applied in six areas of the City, including Riverton Cove, Sycamore Glen, Harvest Gardens, and The Homestead. Two properties on Redwood Road that are designated high-density residential in the General Plan were also rezoned to RM-6 in 2022. RM-6 began as a multi-family zone, but standards were later added to allow for small, detached houses on 5,000-square-foot lots. Some language in the ordinance still references multifamily developments, and proposed changes will remove those references. Additionally, when the multi-family standard was removed, the standard for roads was also removed. As a result, any RM-6 development would be required to have public streets with a minimum 54-foot right-of-way. Small lot and mixed-housing developments in Riverton use private roads extensively, which benefits both the developer and the City. All existing RM-6 projects have private roads, and some also have public roads. The proposed change would add the standard for private streets back into the ordinance.

RM-6 Zone requirements include:

- Minimum project area: 0.50 acres on major corridors or 1.5 acres on other roads.
- Maximum project area: 15 acres.
- Minimum lot size: 5,000 square feet.
- Minimum lot width of 50 feet or depth of 80 feet.
- Setbacks:
 - Front: 15 feet to the front of the house or 20 feet to the garage.
 - Side: 5 feet.
 - Rear: 15 feet if adjoining RM-6, multifamily, or commercial developments, or 25 feet if adjoining single-family residential.
- Maximum building height: 35 feet.

Mr. Prestwich reported that Staff did not intend to change the setback requirements. However, Mr. Prince expressed concern that the variable rear setback will cause consistency issues and requested that the Commission consider recommending a 15-foot rear setback for all RM-6 developments.

The proposed private road standards were adapted from current standards for private lanes in the R-4 Zone. They indicate a preference for public roads, but in cases where a public road would be impractical, the developer can request that a Conditional Use for a private road be approved by the Planning Commission.

Other similar standards include:

- Private roads cannot cut off access to other properties.
- The road can have a shorter cross-section than a standard City street.
- Fire access and turnarounds are required.
- Setbacks will be measured to the edge of the right-of-way.

Different standards were recommended due to the smaller lot sizes in the RM-6 Zone. In other zones, 20% to 30% of each lot may become part of the private lane. If that were allowed in the RM-6 Zone, it would create net lot sizes of 3,700 square feet, which Staff believes is too small. Mr. Prestwich noted that if the Planning Commission was comfortable with including the private lane as part of the lot area, Staff could further research the issue.

Two road width categories were proposed for the zone. Category 1 would require 20 feet of paved surface width, as is required in all other residential zones. Category 2 would apply to subdivisions with three or more lots and would require 26 feet of paved surface width. The Fire Code requires 26 feet to allow parking on one side of the road. The Planning Commission could also require a wider road and sidewalks based on the number of lots and context.

The Planning Commission could also require a developer to make provisions for connecting a private road to adjacent properties. This would be helpful for the deep lots on Redwood Road, as it could limit the number of driveways onto Redwood Road and lessen traffic impacts. This requirement would be evaluated on a case-by-case basis. As previously referenced, the road area could not be counted toward the minimum lot size.

Mr. Prestwich presented a diagram of the proposed requirements, indicating that the total buildable area on a 5,000-square-foot lot would be between 2,600 and 2,800 square feet if the rear setback was changed to 15 feet for all properties. As currently written, lots abutting single-family residential zones would have a smaller buildable area to accommodate the 25-foot rear setback. If the private road was part of the lot, the buildable area would decrease to between 1,260 and 1,760 square feet with a 15-foot setback.

Notice of the proposed amendment was posted and no responses were received. Mr. Prince's comments were based on questions regarding his potential project on Redwood Road.

In response to a question from Commissioner Cannon, Mr. Prestwich confirmed that the buildable square footage was inclusive of a 500-square-foot garage. Commissioner Cannon stated that Utah has the largest average square footage in the country at 2,800 square feet. The next largest is 2,200 square feet. 80% of Utah homes have more bathrooms than occupants. People are spending more time in outdoor recreation areas than in their yards, and luckily, the City has created those public areas for families to enjoy. He noted that the footprint of a home on a 5,000-square-foot lot would be approximately 800 square feet, and he preferred a larger front setback to allow for more off-street parking.

In response to a question raised by Commissioner Matheson, Mr. Prestwich reported that City Code would still allow private roads to be included in the lot size calculations in all

other residential zones, as those zones have much larger lots. Lots in the RM-6 Zone are 50% smaller than those in the smallest single-family zone, R-4.

Commissioner Rushton remarked that because the ordinance did not set a minimum dwelling size, it could open the door to tiny homes with 500-square-foot garages. Mr. Prestwich clarified that the State prohibits minimum footprint requirements. Those minimums will be moved from all sections of the Code over time, but cannot be enforced. Commissioner Rushton indicated that the garage takes up a significant amount of space and asked if they should consider removing the garage requirement. It has been projected that the average home price in Utah will be \$1 million by 2030, and he believes the City should do everything it can to encourage reasonable development.

Commissioner Rushton referred to Section 18.45.050, Area Requirements, which would allow the City Council to approve this type of development on a 0.50-acre parcel, and asked if Staff believed it would enable infill developments on single parcels. Mr. Prestwich stated that it would encourage the development of the two parcels on Redwood Road. Staff has also received inquiries about the possibility of building two Accessory Dwelling Units ("ADU") on one parcel, which is prohibited. However, a portion of the parcel could be rezoned RM-6 subdivided to create two 5,000-square-foot lots at the rear of the home, and accomplish that goal.

Commissioner Rushton asked why garages are required. Mr. Prestwich reported that they have been required by City Code for his entire career, and he was unsure why the requirement was originally put in place. People now expect a garage for parking or storage, and he was unsure if a builder would be willing to build homes without them.

In response to a question from Commissioner Rushton, Commissioner Cannon stated that there would be a market for homes with single garages or without garages, and they could compete with townhomes. Commissioner Rushton stated that Lark and Copperton had very small homes on small lots, and they were great communities.

Chair Park asked if they should consider only requiring a one-car garage. Mr. Prestwich stated that currently, all single-family detached dwellings require a two-car garage, but the standard could be changed in this zone. He clarified that the existing RM-6 developments are not considered affordable housing; the average home price is \$600,000. The purpose of the amendment is to allow private roads to decrease development costs and open more properties to the possibility of development. All parties involved were aware of the increase in housing costs, but the challenge is in finding someone to build the lower-cost product.

Chair Park stated that people may see the goal of the amendment as encouraging more affordable housing, but that is not what will happen because developers do not have an appetite for lower-end, affordable homes. They will build high-end products in the RM-6 Zone. He believes the amendment will offer an opportunity for infill projects in areas like Redwood Road, but does not believe it will create affordable housing.

Commissioner Cluff stated that a bill was passed in the last Legislative Session that addresses affordable housing and prohibits municipalities from requiring garages on single-family attached or detached dwellings that are owner-occupied affordable housing. Mr. Prestwich stated that the change will be accommodated as soon as it is requested. Commissioner Keele noted that the bill included a requirement that the property be deed-restricted for owner occupation for at least 10 years.

Commissioner Keele noted that the original amendment addressed private roads and asked if the Planning Commission should be considering Mr. Prince's request regarding setbacks at that time. Mr. Prestwich stated that the item was advertised as amendments to the RM-6 Zone, so changes to setbacks could be included in the motion. Commissioner Keele was in favor of keeping the setbacks as-is. She understood Mr. Prince's point, but it would allow larger, expensive homes on the small lots in the zone, and she did not believe that was the City's goal.

Commissioner Matheson's opinion was that a 15-foot setback was adequate for the smaller lots. A smaller backyard would be easier to care for.

Commissioner Rushton reported that Mr. Prince has worked in 19 different municipalities and platted 40 subdivisions and has now identified the opportunity to create a new product. Other cities like Lehi are addressing affordable housing by allowing small homes without garages, and the State has enabled that to happen. His opinion was that Staff should make any recommended changes, obtain input from other developers, and bring the item back to the Commission on August 14, 2025. He believes it will be a different type of product that could compete against townhomes.

Chair Park was in favor of not including the road in the lot size calculations, but allowing the universal 15-foot rear setback. He asked for the Commission's opinion on those matters. Commissioner Cannon referred to Sugar House, which has off-street parking, one-car or no garages, and very small houses. Small homes on small lots have been proven to work. He believed they should also consider property tax and road maintenance issues. Regardless of what was approved, he was confident that a developer would build something that people would buy.

Commissioner Rushton referred to the hair salon that was considered at the previous meeting and noted that the community has a large number of children, whereas his neighborhood is aged out. The proposed development standards would allow family homes to be built, and he believes it would have a renewal effect within the community.

Commissioner Cluff stated that most of the RM-6 projects will be infill, and they will likely abut existing residential neighborhoods. She asked how mindful the City should be of those existing homes and asked about the current ADU setback requirements. Mr. Prestwich reported that ADUs only require a five-foot setback. Commissioner Cluff

stated that her concern had been alleviated; special privilege was not necessary for homes if an ADU was allowed such a small setback.

Mr. Prestwich clarified that a developer could build a small-lot subdivision currently, but they could not include a private road. The requirement for a public road increases development costs and prohibits the development of some smaller parcels. The amendment would address that issue.

Commissioner Rushton asked if keeping the private road separate and reducing the rear setback would encourage development of smaller homes and noted that garages can no longer be required. The state has also prohibited the enforcement of any exterior materials standards. In response to his question, Commissioner Cannon stated that the cheapest exterior material is Oriented Strand Board ("OSB").

Commissioner Cluff was in favor of not including the private road in the lot size calculations, as well as changing the rear setback requirement from 25 to 15 feet. Commissioner Matheson agreed.

Commissioner Park suggested that the Planning Commission make a recommendation to the City Council. The item could then be brought back before the Commission for further discussion at the Council's discretion. Commissioner Rushton noted that because Mr. Prince has identified a parcel for development, they should move quickly. Chair Park stated that with Mr. Prince's contacts, discussions on the matter were taking place, and they should be able to receive additional input to help with the decision.

Commissioner Matheson asked if it would be appropriate to invite Mr. Prince to a meeting to discuss the item. Chair Park stated that all meetings are public, and a personal invitation was likely not necessary. Commissioner Rushton concurred. The City Council is the Land Use Authority, and Mr. Prince understands the process. It would be more appropriate for him to attend the City Council meeting.

Commissioner Cluff moved that the Planning Commission recommend APPROVAL of Application PLZ-25-5005 "RM-6 Zone Ordinance Amendment," amending the Land Use and Development Code Section 18.45 "RM-6 Residential Zone" in Riverton City Code, as amended to adjust the rear yard setback to a universal 15 feet rather than a variable setback. Commissioner Matheson seconded the motion. The motion passed with the unanimous consent of the Commission.

3. DECISION ITEMS

A. NONE.

4. DISCUSSION ITEMS

A. NONE.

5. MINUTES

A. PLANNING COMMISSION MINUTES FROM MAY 22, 2025, MEETING.

Commissioner Matheson moved that the Planning Commission **APPROVE** the Planning Commission Meeting Minutes of May 22, 2025, as reported. Commissioner Cluff seconded the motion. The motion passed with the unanimous consent of the Commission.

B. PLANNING COMMISSION MINUTES FROM JUNE 26, 2025 MEETING.

Commissioner Park moved that the Planning Commission **APPROVE** the Planning Commission Meeting Minutes of June 26, 2025, as reported. Commissioner Cluff seconded the motion. The motion passed with the unanimous consent of the Commission.

6. ADJOURNMENT

The meeting adjourned at approximately 7:34 PM.