

**RIVERTON CITY PLANNING COMMISSION
MEETING MINUTES
JUNE 11, 2026**

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
Crystal Keele
Gary Cannon
Shelly Cluff
Monique Beck
Joe Marzo

Staff:

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

1. CALL TO ORDER/ROLL CALL

Chair Darren Park called the Planning Commission Meeting to order at approximately 6:30 p.m. Derrick Stokes led the Pledge of Allegiance.

2. PUBLIC HEARINGS

A. "AUTOCORRECT LLC," PLZ-26-2027, A CONDITIONAL USE APPLICATION FOR A HOME OCCUPATION PROVIDING MOBILE AUTO MECHANIC SERVICES FROM A HOME LOCATED AT 2150 WEST GREGORY AVENUE. APPLICANT — DERRICK STOKES.

Planner Lisa Halversen presented the Staff Report. The application was for a Home Occupation at 2150 West Gregory Avenue in northeastern Riverton. An aerial map and site photograph were reviewed, indicating that the subject property is 0.28 acres and zoned R-4, as are all surrounding properties. The split-level home has an attached two-car garage, and the applicant would use approximately 35 square feet of the garage as an office for his mobile car repair business. All repair work is performed off-site at the customers' locations.

The applicant was granted a Conditional Use Permit ("CUP") in 2021 but his business license subsequently expired. A Condition of Approval for all Home Occupations is that they maintain a current Riverton City business license, and as a result, the CUP was voided when the license lapsed. The applicant had since reinstated his business license and reapplied for the Home Occupation. There had been no neighbor complaints or Code Enforcement action.

Ms. Halversen reported that notices were sent to neighboring property owners, and two comments were received in support of the business. Staff recommended that the CUP be reinstated with the Conditions of Approval outlined in the Staff Report.

In response to a question from Chair Park, Ms. Halversen reported that the business license had lapsed within the past year and was outside of the six-month grace period. The site photograph on display was taken on June 10, 2026.

The applicant, Derrick Stokes, stated that he is a mobile mechanic and all work is performed off-site. The reason for the lapse was that the address registered with the State was no longer his address, and incorrect manager names were listed. He had to correct those issues with the State prior to reapplying with the City.

In response to a question from Chair Park, Mr. Stokes stated that he was in the process of rebuilding a classic 1978 Ford Bronco for his son, and the parts shown in the site photograph were for that vehicle. His house was also under renovation. Items from the garage were temporarily relocated to the driveway but would be placed back in the garage within two days.

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

In response to a question raised by Commissioner Cannon, Ms. Halversen confirmed that neighbors were notified of the request.

Commissioner Cluff moved that the Planning Commission APPROVE Application PLZ-26-2027, "AutoCorrect," a Home Occupation at 2150 West Gregory Avenue, 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 other outside agency 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. Applicant is permitted to use up to 50% of the garage space for business activities.**
- 6. All repair work must be mobile, and performed at other locations.**

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

B. "CREATIVE CABINETS & DESIGN," PLZ-26-2028, AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION TO PICK UP, DELIVER, AND OCCASIONALLY ASSEMBLE CABINETS AT A HOME LOCATED AT 3943 RED TAIL DRIVE. APPLICANTS — TIFFANY & MATT HOLLOWAY.

Ms. Halversen presented the Staff Report and indicated that the application was for a Home Occupation at 3946 Red Tail Drive in southwestern Riverton. The aerial map and site photographs were reviewed. The subject property is 0.54 acres and zoned RR-22, and the house is a rambler with a basement and attached three-car garage. The property is located on a cul-de-sac and has two drive approaches.

The applicants, Tiffany and Matt Hollaway, intended to use the third-car garage space for their cabinet business. Ms. Hollaway meets customers at their homes to design and measure cabinets. They then order the cabinets and install them at the customer's house. They occasionally need to modify cabinets, and the third-car garage will be used to make those adjustments.

The Site Plan was reviewed, and Ms. Halversen indicated that the business box truck will be parked behind a fence in the second drive approach. A room in the home will also be used for the business. No customers or employees visit the home. The applicants anticipated minimal occasional noise that would not be noticeable outside the garage. Tools used include an air compressor, drill, nail gun, and a commercial table saw with a dust vacuuming system. The Fire Marshall will perform a site visit as part of the business license application and will decide at that time if annual inspections are necessary. Business hours are anticipated to be between 7:00 a.m. and 7:00 p.m. Monday through Friday.

Ms. Halversen reported that the application was before the Planning Commission as the applicants intended to use less than 50% of the garage space for the business. Notices were mailed to neighboring property owners within 300 feet of the subject property, and no comments were received.

Commissioner Cluff asked for more information on how often the garage space will be used to modify cabinets. Ms. Halversen stated that the applicants indicated it would happen occasionally.

Mr. Hollaway stated that they closed their larger business three to four years previously and now work directly with distributors. They will use the garage one to two times per week. Cabinets are delivered approximately once per week and assembled in the garage. Ms. Hollaway stated that she meets with customers at their homes.

In response to a question from Chair Park, Mr. Hollaway stated that they previously owned a cabinet shop in Bluffdale. They do not build cabinets, but they do assemble them.

Ms. Hollaway indicated that the manufacturer sometimes assembles them. In response to a follow-up question from Commissioner Cannon, Mr. Hollaway confirmed that they work in the business full-time.

Commissioner Beck asked about custom cabinets and the amount of sawdust that will be generated. Mr. Hollaway stated that if a customer needs a cabinet customized, he will do so, but he cannot make cabinets. He has a small dust collector but does not use it often. Most cutting is performed on the jobsite. Approximately 95% of the work performed at his home is assembling cabinets with a drill and glue.

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

Commissioner Keele moved that the Planning Commission APPROVE Application PLZ-26-2028, "Creative Cabinets & Design", at 3943 Red Tail Drive, 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 other outside agency 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. No business activity may take place outside the home before 7:00 a.m. or after 7:00 p.m.**
- 6. Applicant is permitted to use up to 50% of the garage space for business activities.**

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

C. "GEORGE REZONE," PLZ-26-4001, AN APPLICATION TO REZONE APPROXIMATELY 1.80-ACRES LOCATED AT 12345 AND 12363 SOUTH REDWOOD ROAD FROM THE RR-22 (SINGLE-FAMILY RESIDENTIAL, 1/2 ACRE MINIMUM LOT SIZE) ZONE TO THE RM-6 ZONE. THE RM-6 ZONE ALLOWS DETACHED SINGLE-FAMILY UNITS, WITH MINIMUM LOT SIZE OF 5,000 SF AND DENSITY OF 6 UNITS PER ACRE.

City Planner, Tim Prestwich, reported that he would be presenting items C and D in conjunction, as the properties are adjacent.

Aerial, Zoning, and Land Use Maps were reviewed. The Prince Rezone consists of two non-contiguous 0.90-acre parcels north and south of the George Rezone properties, which are two contiguous properties totaling approximately 1.80 acres. The George properties are separated from the Prince property to the south by a City-owned parcel. All properties were designated Medium-High Density Residential, which coincides with the RM-8 and RM-6 Zones. The applicants requested to rezone from RR-22 to RM-6. Adjoining residential properties to the east were zoned R-3, and a park was also adjacent to the subject properties. Parcels to the north were rezoned RM-6-SD in 2022. Mr. Prestwich reported that a number of developers had called about the subject properties, but none had been able to assemble enough parcels for a subdivision until now.

The RM-6 Zone has the following requirements:

- 5,000-square-foot minimum lot size
- Minimum width: 50 feet
- Minimum depth: 80 feet
- Detached units only
- Setbacks:
 - Front: 15 feet
 - Garage: 20 feet
 - Side: 5 feet
 - Rear: 5 feet
 - When adjacent to existing single-family zoning, side setbacks increase to eight feet, and the rear setback increases to 25 feet.

Mr. Prestwich indicated that RM-6 is treated like a single-family zone and is compatible with residential uses in those zones. It had recently been applied in three locations in the City with positive results. The applicant for Item C, David George, was not in attendance but had authorized Item D applicant, Alan Prince, to speak on his behalf.

Three comments were received in response to the public notices for both projects and shared with the Planning Commission. City Attorney, Ryan Carter, reported that when considering Land use applications, the Planning Commission should concentrate on the best use for the property.

Commissioner Cluff asked for more information on the City-owned parcel. Mr. Prestwich reported that the property is zoned for a park but was currently vacant. The applicant had approached the City Council about developing the park, but that was separate from the current applications. The Grundman property that was rezoned in 2022 had not yet been developed, and no application was pending.

Mr. Prince stated that he and Mr. George had known each other for over 30 years and had spent a considerable amount of time developing a plan for the properties. They were currently working through Redwood Road access restrictions and in talks with the City regarding acquiring the vacant parcel. If all issues were resolved, the resulting single-family subdivision would add approximately \$30 million to the Riverton City tax base. He distributed information on homes he developed on similarly sized lots in Sandy. They intended to develop detached single-family homes that conform to all RM-6 requirements.

Mr. Prince indicated that the abandoned homes on the property would be renovated, and the existing dilapidated sheds would be removed. They were in talks to acquire the Grundman properties. If acquired, it would allow for two new accesses onto Redwood Road and require that seven accesses be removed.

Chair Park remarked that the Grundman properties were under a Special Designation and could not be incorporated into the development. Mr. Prince stated that a petition to rezone the property RM-6 with no special designation would be pending if the properties were acquired.

Mr. Prince stated that he had developed similar projects in Syracuse, Centerville, Murray, Draper, Provo, Pleasant Grove, Lehi, Bluffdale, Herriman, and Riverton, and he believed they could create a fantastic community on the properties.

In response to a question raised by Chair Park, Mr. Prince stated that one Grundman parcel had two existing accesses onto Redwood Road. Removing the seven access points and creating two central accesses was mandated by the Utah Department of Transportation ("UDOT"). They also required a masonry wall along Redwood Road. The proposal would increase safety for the neighborhood. In response to a follow-up question, he confirmed that they had a contract in place with the current property owners and hoped to have one with the City soon.

Chair Park opened the public hearing.

Lacy Uhl gave her address as 12418 South Redwood Road and stated that she and her husband did not arrive at the decision to sell their home to a developer easily. It was their dream to raise a family in his grandfather's home, but they had realized that the lifestyle they hoped to live there was no longer possible. They have to stop several lanes of traffic to pull a horse trailer in and out of the property. They also wanted to start a family, and it did not feel like a safe place to do so. She liked Mr. Prince's idea of installing a wall and moving the entrance so it will be safer for future families to live there.

Johann Leiflang stated that he had lived on the southernmost property for 37 years. When he moved in, Redwood Road was two lanes with an irrigation ditch and no sidewalks. Every property had horses. He would prefer that his property be developed with single-family homes and was in favor of the rezone.

Casey Kaas stated that he owned the northernmost property and was in favor of rezoning. The property had been in his family for 100 years. Although it was hard to see change, the change was needed and would be good for the community.

Shalauna Waters stated that is a realtor with Better Homes and Gardens Real Estate Momentum and represented Ms. Uhl and Mr. Kaas in their efforts to sell their home. The property had been on the market for 100 days. Although the RM-22 parcel should attract single-family buyers, none were interested in the property. All interest was from developers who want to develop it and the surrounding properties. The vacant Grundman properties were hurting their home's value because it is hard to attract a family that wants to raise small children when there are vacant houses to the north. When Mr. Kaas' grandfather purchased the property, it was a beautiful place to raise a family, but it is no longer safe to allow small children to play in the yard. They hoped to sell the property and purchase a similar one that allows animal rights, but they could not get the equity out of the property under its current zoning.

Hymie Holinger stated that he lives near the park and was opposed to rezoning the properties. He agreed that it is dangerous to get in and out on Redwood Road, but believed it would be much worse if the properties were rezoned and developed as discussed, as it would create eight new ingress points. The Planning Commission had indicated that the City was working on a new master plan, and he did not believe any properties should be rezoned until it was completed. The plan for the parcels should minimize access to Redwood Road, and they should not allow 100 new homes and associated traffic in the small area between Riverton Chase Drive and 12600 South.

There were no further comments. The public hearing was closed.

Commissioner Cluff stated that the proposal represented the highest and best use of the land as few uses could compete in function. She agreed that traffic would be a challenge, but it was one that the developer and UDOT would address. She was in favor of the request.

In response to a question from Commissioner Keele, it was reported that Redwood Road was not separated by a median in that area. Commissioner Keele agreed with Commissioner Cluff that combining the parcels was the highest and best use.

Commissioner Marzo asked about other rezones in the area. Mr. Prestwich reported that a property on 13200 South, an infill development near the library, and the Ivory Homes development were zoned RM-6. Lots near the rodeo grounds were similar to RM-6, as were some portions of Sycamore Glen. Commissioner Marzo stated that he was typically not in favor of increasing density, but it made sense to do so on the subject properties.

Commissioner Cannon stated that it was refreshing to consider a request to build single-family homes, as most recent rezoning requests were for RM-14. The Planning Commission must consider the highest and best use for the City, and more single-family homes are needed in downtown Riverton. He applauded the developer for working with multiple owners to assemble the properties.

Commissioner Beck agreed with Commissioner Cannon. There had been so many requests for higher density that she had difficulty supporting them, but she was in favor of the current applications.

Chair Park stated that the developer had hurdles to clear, but it was encouraging that they had already approached UDOT and established how many access points would be allowed. He was encouraged that the requested zoning was for single-family dwellings, as public comments received on other requests had emphasized that the community does not want multi-family density. He was in favor of the application.

Commissioner Cannon moved that the Planning Commission recommend APPROVAL of Application PLZ-26-4001, "George Rezone," thus rezoning the approximately 1.80 acres located at 12345 and 12363 South Redwood Road to RM-6. Commissioner Keele seconded the motion. The motion passed with unanimous consent of the Commission.

- D. PRINCE REZONE," PLZ-26-4005, AN APPLICATION TO REZONE TWO PARCELS OF ABOUT 0.90-ACRES EACH, LOCATED AT 12341 AND 12389 SOUTH REDWOOD ROAD FROM THE RR-22 ZONE (SINGLE-FAMILY RESIDENTIAL, ½-ACRE MINIMUM LOT SIZE) TO THE RM-6 ZONE. THE RM-6 ZONE ALLOWS DETACHED SINGLE-FAMILY UNITS, WITH A MINIMUM LOT SIZE OF 5,000 SF AND DENSITY OF 6 UNITS PER ACRE.**

This item was heard in conjunction with Item C.

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

Commissioner Cluff moved that the Planning Commission recommend APPROVAL of Application PLZ-26-4005, "Prince Rezone," thus rezoning the approximately 1.80 acres located at 12341 and 12389 South Redwood Road to RM-6. Commissioner Beck seconded the motion. The motion passed with unanimous consent of the Commission.

E. "WINDOW SIGNAGE AMENDMENT," PLZ-26-5006, A PROPOSAL BY RIVERTON CITY TO AMEND RIVERTON CITY SIGN CODE 18.150.

Mr. Prestwich reported that the item was before the Planning Commission due to a recent enforcement action. During the investigation, it was determined that the ordinance language needed to be updated.

Window signs can be painted, affixed to the outside or inside, or attached to a blind inside the window. The ordinance indicated that no more than 50% of the total window area could be covered, but did not define whether that applied per pane or to the entire window area. Staff research indicated that compared to nearby cities, 50% is a generous allowance, but the definition needed to be clarified.

The proposed text was as follows:

Window Sign means signs, including posters, messages, or displays painted, attached, or otherwise displayed on the interior or exterior of a window or door so as to be visible from outside the building. Window sign does not include illuminated or flashing signs. Window sign does not include brown, black, white, tan, gray, or reflective tint, if such tint material is separate and distinct from sign area(s), and is plain and free of any writing, pictorial representation, illustration, emblem, symbol, design, or other figure of similar character.

Window signs are allowed for ground-floor tenants only, and may only advertise or otherwise reference the business, goods, services, etc. specific to that tenant space. Window signs shall not be located as to block clear view of exits or entrances or to create a safety hazard. A window sign shall not disrupt the reasonable visibility of law enforcement personnel into the business, as determined by authorized law enforcement representatives.

- a. Window signs shall not cover more than 50% of any single window, nor more than 33% of the entire surface area of all windows on each building face. A single window is any window, or section of windows, that is separated from another window by six inches or more. A window included within a door is always considered a separate window.*

The following would be added to Section 18.150.120 Exceptions and Qualifications for Specific Sign Types:

(16) Window Signs. Window signs are only allowed as described in 18.15.090(11).

Mr. Prestwich reported that the new language would help Staff enforce the rules they already believed were in place and better communicate the requirements to business owners. The amendment was initiated at the direction of Mayor Buroker and with the support of the City Council.

In response to a question raised by Commissioner Cluff, Mr. Prestwich clarified that because a sign permit is not required, law enforcement would only determine whether a sign disrupts reasonable visibility if a problem arose. Commissioner Cluff stated that the language was too vague, as the business owner would have no way of knowing whether their signage met law enforcement requirements prior to its installation. Chair Park agreed that the language was too subjective and needed to be clarified. Commissioner Cluff stated that the line regarding law enforcement could be omitted because if the windows are not more than 50% covered, visibility should be maintained. Chair Park agreed.

Commissioner Cannon referred to the language regarding ground-floor tenants and asked if a tenant occupying both floors could then advertise on second-floor windows. He also questioned whether a ground-floor unit that is four feet below grade would be considered the main floor. His recommendation was that the language be further clarified. Chair Park stated that if the intent was to only allow signs in ground-floor windows, that should be specified.

Mr. Prestwich asked for Planning Commission input on whether signage should be allowed on the second floor as well. Commissioner Cannon was in favor of only allowing signs in ground-floor windows, but the issue of ground-floor units being below grade needed to be addressed. Chair Park asked if a dentist on the second floor, for example, would be able to add a sign with the business name in the window.

Mr. Prestwich stated that the language could be modified to state that window signs may only advertise or otherwise reference the business, goods, or service specific to that tenant space. Signs on upper floors would then fall under the 50% rule.

Commissioner Cannon asked about using a measurement such as "eight feet above top of curb." Chair Park stated that Mr. Prestwich's suggestion would address the issue as it would allow any business to install signage regardless of its elevation.

Commissioner Cluff was in favor of the more lenient option and allowing any business to have window signs specific to their business as recommended by Mr. Prestwich. If it became a problem, they could then reconsider.

Chair Park indicated that the 33% building-wide coverage restriction would need to be modified to address multi-tenant buildings and asked if it could be changed to read, "Window signs shall not cover more than 33% of any single unit's window area." Mr. Prestwich recommended amending the language to better define the window area as "any window or section of windows in front of a tenant space." That would ensure that all tenants in multi-tenant buildings have the same access to window signs.

In response to a question raised by Chair Park, Mr. Prestwich reported that the request was initiated due to a Code Enforcement action regarding a logo on blinds that covered every window at a business. The original question was whether a logo on blinds was a window sign or blinds.

Mr. Prestwich reported that, as the item was not time sensitive, he would make the changes as discussed and bring it back to the Planning Commission for review.

Commissioner Cluff moved that the Planning Commission CONTINUE the Proposed Amendments to Riverton City Code Sections 18.150.040, 18.150.090, and 18.150.120 to a future meeting. Commissioner Beck seconded the motion. The motion passed with unanimous consent of the Commission.

3. DISCUSSION ITEMS

A. TRAINING BY CITY ATTORNEY RYAN CARTER

Mr. Carter reported that the training would cover videos that had been distributed previously to the Planning Commission.

Regarding the ethics training segment, Mr. Carter stated that the likelihood the Commission would encounter fraud was very low. However, they could face a conflict of interest if a Commissioner had a business interest in the outcome of a land use application. Staff is aware of each Commissioner's career and ensures that any conflicts of interest are disclosed and that the Commissioner does not participate in voting if there is a probable conflict. It is possible someone could accept a kickback in exchange for a vote, but he did not believe the Planning Commission needed training to understand that such an action would violate the law. If there were questions regarding pecuniary benefits from participating in a land use application, he encouraged the Commissioners to discuss the matter with his office.

Chair Park asked about applicants lobbying individual Commissioners prior to a meeting. Mr. Carter reported that there is no explicit statute against speaking to citizens. The term "lobbying" can include activities like campaign donations. Chair Park clarified that the question was in regard to applicants trying to persuade Commissioners. Mr. Carter stated that the most important thing that is done in Planning Commission meetings is often the most overlooked: building a record to support a decision. That is why there is dialogue with Staff and a public hearing, and why meetings are recorded and minutes prepared detailing those decisions. If a decision is challenged, the courts will review the record to determine what happened in the hearing and decide whether the decision was legal.

If a land use applicant approaches a Planning Commissioner off the record, they are not able to make their persuasive strength felt on the record and are not helping themselves. He encouraged the Commissioners to explain to the applicant that speaking to them individually does not help their application. They should present their argument to the full Planning Commission in a recorded meeting. If they persuade an individual Commissioner, but there is nothing on the record to serve as the basis for their decision, it does not help their cause. An inexperienced developer may feel insecure about the meeting and try to hedge against the possibility of being embarrassed or voted down by contacting individual Commissioners. That is an amateurish mistake that experienced developers do not make.

They need to understand that it is counterproductive and will not maximize their chance of receiving a favorable decision that is defensible over time.

Planning Commissioners are charged with the duty of making decisions based on what happens in meetings. It is not illegal to have conversations outside of recorded meetings, but it never benefits the applicant and always increases the chance that real harm to the application can occur.

Commissioner Cannon stated that the past year had been hard because people he has known for 50 years had spoken out about development along the Redwood Road corridor. Mr. Carter stated that Planning Commissions are required by law to consist of people who live in the community they serve, so they have a personal investment and connection to the process. However, it is important that they maintain professionalism and remain neutral and impartial in the decisions they make. Residents sometimes have unreasonable expectations, which can make it hard for the Planning Commissioners. Attendance standards are outlined in code, but he would not fault a Commissioner for not attending a meeting because there was too much pressure on them. There are seven Planning Commissioners, which maximizes the chance of obtaining a quorum when there are issues. He had seen the public display very ugly behavior toward Planning Commissioners, including walking up to a Commissioner and photographing them after an unpopular decision, which is an overt threat. He encouraged anyone feeling undue pressure over a particular agenda item to speak with him.

In response to a question raised by Commissioner Keele, Mr. Carter stated that a Commissioner should recuse themselves if they stand to receive a direct pecuniary benefit from a decision. If they work in real estate, approve a subdivision application, and are eventually involved in the sale or purchase of one of the homes, that is not a conflict of interest. There should be no financial connection at the time the decision is made. If a Commissioner was concerned about a specific agenda item, they should ask his opinion on the matter. They were also free to recuse themselves or abstain from voting. Abstention is the right of each Planning Commissioner, but it can cause difficulty for the City, and Mr. Carter cautioned the Commission not to overuse or abuse the privilege.

Chair Park remarked that abstaining from an item could result in the Planning Commission losing quorum. Mr. Carter indicated that it is helpful for his office to know about any potential conflicts prior to the meeting so that a determination can be made.

Commissioner Marzo asked about the process for individual Planning Commissioners bringing requests before the Commission. For example, what would be the process if he wanted to acquire his neighbor's property to expand his lot. Mr. Carter stated that they could bring forward and speak on the application and then recuse themselves from the vote. Their status as Planning Commissioners did not affect their right as citizens to due process. Commissioner Cannon stated that he had been in that situation and asked Mr. Carter for guidance.

Mr. Carter reported that the YouTube video training was slightly dated. A master plan map created by Joseph Smith in 1833 was used as evidence that land use planning was used in the development of Salt Lake City. However, that error did not negate the point that Salt Lake City was the first city in the United States that was master planned in a way that showed in advance where all major roads would go before it was settled. That is unique, as usually, communities naturally aggregate around resources and grow organically, and as a result, the roadway system is disorganized. Just like it would be disorienting for him to live in another community, it would be disorienting for someone who grew up elsewhere to move to the area. Joseph Smith had the idea to plan the streets in a grid.

When Salt Lake City was settled, some decisions were made that suited current needs but were no longer practical. For example, they wanted most of the downtown roads to be wide enough to turn a team of horses around in the street, which created modern-day urban decay because the excessive roadway width is unnecessary by modern standards. Some city blocks were also awkwardly sized.

Land use changes are inevitable, and Planning Commissioners must accept that fact. When Mayor Applegarth and six other incumbent mayors in Salt Lake County were voted out of office, the number one stated reason was land use decisions. They were allowing more density, and the public was angry at the decisions they made to facilitate growth. The Planning Commission must be capable of seeing beyond voters' complaints and remain true to its duties.

The State Legislature is applying pressure for cities to find better ways to create affordable housing. Mr. Carter is skeptical about their motives, as the legislature largely consists of land developers. There was some talk about moving land use planning to the State level, but there was no evidence that it would result in a beneficial change to the processes. In response to a question from Chair Park, Mr. Carter stated that he could not recall any other states that had done so. States do not have the resources to consider resources such as utility distribution. Local planning staff acquire local knowledge and have a good understanding of the logistics required to implement a land use plan.

Mr. Carter reported that the video incorrectly cited Title 10, Chapter 9A, but the Utah Legislature had moved the Land Use, Development, and Management Act ("LUDMA") to Title 10, Chapter 20.

Chapter 10-20-101(1) outlines the purposes of land use decisions as follows:

- Provide for the health, safety, and welfare;
- Promote the prosperity;
- Improve the morals, peace, good order, comfort, convenience, and aesthetics of each municipality;
- Protect the tax base;
- Secure economy in governmental expenditures;
- Foster the state's agricultural and other industries;

- Protect both urban and nonurban development;
- Protect and ensure access to sunlight for solar energy devices;
- Provide fundamental fairness in land use regulation;
- Facilitate orderly growth, allow growth in a variety of housing types, and contribute toward housing affordability; and
- Protect property values.

Per Chapter 10-20-101(2), Planning Commissioners advance and support the above values through a variety of land use tools and consider:

- Uses;
- Density;
- Open spaces;
- Structures;
- Buildings;
- Energy efficiency;
- Light and air;
- Air quality;
- Transportation and public or alternative transportation;
- Infrastructure;
- Street and building orientation;
- Width requirements;
- Public facilities; and
- Fundamental fairness in land use regulation.

All of the above issues are material and can serve as a basis for a vote on rezoning a property. Rezoning is a legislative decision that belongs exclusively to the legislative branch of government, as it is policy-based.

If a decision can be reasonably supported, courts will respect the power of the legislative branch of government. However, there must be a record supporting the decision. For example, earlier in the meeting, Commissioner Cluff made a good comment about a land use decision, which helped build the record that served as a basis for the decision. Courts will infer that there is a connection between the vote and the comments that were made. However, there were not a lot of comments about that item, and in that case, the Planning Commissioners' personal thoughts about the application are given equal dignity to public comments. If a Commissioner has an opinion that was not well fleshed out in public comments, they should state it on the record.

Chair Park stated that in many decisions, the Planning Commission is bound by statute and their personal opinions do not matter. Mr. Carter clarified that the statement applies to decisions that are administrative in nature but does not apply to legislative actions like recommendations on rezoning.

After the policy decision is made to rezone a property, the applicant will return with a Site Plan. The Planning Commission must then make an administrative decision on whether the Site Plan complies with City Code. There will be areas where the Commission has some discretion and they must make the best choice based on the record in front of them, but their discretion is much narrower. The Staff Report will indicate whether the decision is administrative or legislative, and the general rule is that more discretion can be applied to legislative decisions.

There are two ways to alter a result on appeal or with a variance. The criteria for granting a variance are as follows:

1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of land use ordinances.
 - In determining whether or not enforcement of a land use ordinance would cause unreasonable hardship, the variance authority may not find an unreasonable hardship if the hardship is self-imposed or economic. If the request for a variance is based on cost, that is economic. If it is based on the fact that they already purchased the incorrect material, that is self-imposed.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
4. The variance will not substantially affect the general plan and will not be contrary to the public interest.

In response to a question raised by Chair Park, Mr. Carter reported that variances were previously granted by the Board of Adjustment, but that body did not function as intended because in response to pressure from the community they departed from their legal authority to make decisions. When Utah law changed to allow cities to hire individual experts to serve as a hearing officer or administrative law judge, Riverton hired Craig Hall, a seasoned land use attorney who had worked with the City for over 10 years but would be retiring soon.

Mr. Carter spoke on the concept of vesting. Vesting applies if a more restrictive regulation is adopted, for example, shortening the allowed building height in residential zones. Property owners are entitled to land use approval based on the ordinances that are in effect at the time they file a completed application, including payment and all required documentation. Vesting establishes fair play between the City and the developer. Code is frozen at the time the completed application is filed, and any subsequent changes are not brought to bear upon that project.

Commissioner Cluff asked if an application would be considered vested if it was knowingly submitted incomplete or in error. Mr. Carter stated that Staff determines whether an application is complete, and incomplete applications are not vested. In some cases, an application may be submitted with a Site Plan that is missing a few salient features, and its completeness is determined in the review process. Some engineering firms submit incomplete designs and build the project based on Staff redlines, but if the plans are drawn to scale, the property has been surveyed, etc., it may be considered vested.

Mr. Carter reported that the Planning Commission's yearly ethics training requirement had been met. At the Commission's request, additional training sessions could be scheduled to discuss the new land use tools available to encourage affordable housing or other topics. Utah land use law had grown in line with development, but it was a much more established area of law than it was 20 years ago. For example, there was no structure around conditional uses, and as a result, the legislature now requires that the basis for denial of a conditional use must be found in an ordinance. Conditional uses can only be denied if they create an impact that cannot be mitigated.

Chair Park asked if the matter is complicated when the Planning Commission sets additional conditions above those recommended by Staff. Mr. Carter stated that he would address any potential issues as they occur. Public comments may bring up issues that Staff had not considered, and it is reasonable to set conditions to offset negative impacts to the neighborhood. Mr. Carter sometimes suggests additional conditions to address those concerns.

4. MINUTES

A. PC MEETING MINUTES FROM THE MAY 28, 2026, PLANNING COMMISSION MEETING.

Commissioner Cluff moved that the Planning Commission APPROVE the Planning Commission Meeting Minutes of May 28, 2026, as presented. Commissioner Keele seconded the motion. The motion passed with the unanimous consent of the Commission.

5. ADJOURNMENT

The meeting adjourned at approximately 8:42 PM.