

Riverton City
REGULAR CITY COUNCIL MEETING
Minutes
January 19, 2016

Riverton City Hall
12830 South 1700 West
Riverton, Utah 84065

Attendance:

Mayor William R. Applegarth

Council Members:

Council Member Brent Johnson
Council Member Trent Staggs
Council Member Sheldon Stewart
Council Member Tricia Tingey
Council Member Paul Wayman

City Staff:

Lance Blackwood, City Manager - *Excused*
Virginia Loader, Recorder
Ryan Carter, City Attorney
Jason Lethbridge, Planning Manager
Trace Robinson, Public Works Director
Rosie Rivera, Riverton Precinct Chief
Lisa Dudley, Admin. Services Director

A. GENERAL BUSINESS

1. Call to Order and Roll Call

Mayor Applegarth called the Riverton City Council Meeting to order at 6:30 p.m. and conducted a roll call. Council Members Johnson, Staggs, Stewart, Tingey, and Wayman were present.

Pledge of Allegiance – A Boy Scout led the Pledge of Allegiance.

1. Presentations/Reports

a. Recognition of Boy Scout Troops

Mayor Applegarth recognized Boy Scouts that were in attendance.

2. Public Comments

Mayor Applegarth called for public comments.

Tish Buroker reported that Community Development Block Grant (CDBG) Meetings had begun and she said they received 26 grant requests totaling approximately \$3.4 million; however, she said that \$1.6 million grant money was available. She then reported that meetings had begun in regards to “Get in the River Festival”. She said that prior to the festival, on May 12th a Conservation Project would be held up and down the river.

There were no further public comments and Mayor Applegarth closed the public comment period.

Mayor Applegarth then held a Moment of Silence in honor of UPD Officer Doug Barney, who was recently shot and killed in the line of duty. Chief Rivera then reported that Officer Richie was also shot at the same incident and he was still in the hospital following surgery. She said a Candlelight Vigil for Officer Barney would be held Wednesday night behind Holladay City Hall.

B. PUBLIC HEARINGS

General Plan Amendment - Suburban Land Reserve has applied for amendment to the Riverton City General Plan Land Use Element and adoption of a Master Development Agreement and Specific Development District for approximately 543 acres located generally between the Bangerter Highway and Mountain View Corridor on the north and south sides of 13400 South

Jason Lethbridge, Development Services Director, explained that Suburban Land Reserve, Inc. submitted an application for development of approximately 543 acres located generally on the western boundary of Riverton City between 13800 South and 12600 South. He said the property was currently zoned Planned Commercial Center, R-3, and SD designations associated with the undeveloped Hamilton Farms Specific Plan, but the majority of the property had been farm land and was currently undeveloped. He said the application included an amendment to the Riverton City General Plan Land Use Map, designating the property for “Mixed Use”, a rezone of the property to a Specific Development designation, which included development and design standards, and adoption of a Master Development Agreement for the project. He said the Planning Commission and City Council had previously reviewed and approved a separate Development Agreement for the CenterCal Project, which was part of the overall project area but would be governed by that agreement.

Mr. Lethbridge further explained that the project area included a significant portion of the undeveloped land west of the Bangerter Highway, and was bisected by 13400 South. He said North of that roadway, the property was bordered on the east by the Bangerter Highway and on the west by the Mountain View Corridor. That portion of the project covered a portion of the major power transmission corridor as well as the Kern River Gas Line, and the Welby Jacob Canal. He said there were long term plans for a transit line that would run through the project area along what would be the 13200 South right-of-way. He continued that South of 13400 South, the property lies between the Welby Jacob Canal to the east and the Mountain View Corridor to the west, and was crossed by the Rose Creek Channel, and adjacent to 13400 South on the north side there was an existing storage unit facility that was not part of the project, and several existing structures and properties on the south that were not either.

Mr. Lethbridge explained that the zoning for the property would be under Section 18.125 of the Land Use Ordinance, which allowed for the creation of Specific Development Districts, which essentially allowed for the adoption of a zoning ordinance that was specific to a property or project, and was the zoning that was utilized on master planned communities in Riverton, such as Monarch Meadows, Western Springs, and Canyon View. He said the proposed Specific Development District (SDD), in general, allowed for the following on the project:

The overall residential density would be seven (7) units per gross acre, and that density was allowed to be distributed throughout the project area. The overall number of units could not exceed the maximum of 7 units per acre, which resulted in approximately 3800 units over the project. However, some areas of the project would develop as single family lots and would locally be lower than seven units per acre, while others would develop as high density multi-family and the density in those areas may be much higher than seven units per acre. Residential units from areas of the project that develop as commercial or office use would be allowed to be distributed elsewhere in the project.

Mr. Lethbridge said the applicant, in a previous meeting, presented to the Planning Commission the proposed review and approval process for the project, which was defined more specifically in the Master Development Agreement (MDA).

Mr. Lethbridge said that the SDD zone did divide the project area into five (5) Community Plan Areas, for which basic standards and uses were identified; CPA-1, adjacent to the Western Springs subdivision, did include requirements for single family lots within a transition area from that subdivision, and CPA-3, which was the CenterCal Development. Beyond those areas, he said no other specific designations of residential, commercial, or other land uses were made within the project area. Under the Master Development Agreement and the SDD zoning, the distribution of residential and commercial land uses would be at the developer's discretion.

Mr. Lethbridge said the applicant would serve as the Master Developer of the property, but actual development would be accomplished through 'sub-developers' at various scales. The MDA establishes the Master Developer Review Committee (MDRC), which would function in a similar fashion to a Home Owner's Association, maintaining internal standards separate from City zoning and requirements, and reviewing from the Master Developer's side potential development prior to forwarding to the City applications for development within the project area. The Master Developer created a design guide that would focus the review of the MDRC prior to submittal of applications to the City, but the City's review would be based on the standards in the SDD, and where that document was silent, the Riverton City ordinances and standards. The approval process would follow the current City standard, with applications submitted to staff for review prior to presentation to the Planning Commission for action.

Mr. Lethbridge said the project would include dedication of community space, which would consist of an interconnected trail system within and throughout the project, as well as a potential community center in partnership with Salt Lake County. There would be additional private open space within the project development areas. He said that, as part of the development, the Rose Creek Channel, which currently curves to the north around the farmland, would be realigned to a more direct east-west route, allowing for a greater development depth from 13400 South. The creek channel realignment would include a trail system along the channel.

Mr. Lethbridge explained that there were two main documents included in the application; the MDA was predominantly the legal and procedural framework for the project, and the SDD was the zoning ordinance, including development and design standards.

Mr. Lethbridge said that on January 7, 2016, the Planning Commission voted to recommend approval of the proposed application as follows:

“I move the Planning Commission recommend, for approximately 543 acres located generally at the intersection of the Mountain View Corridor and 13400 South as described herein, approval of the proposed General Plan amendment to Mixed Use, the adoption of the Master Development Agreement and Specific Development District documents as included herein, and rezoning the described property to said Specific Development District, with the following recommendations:

1. Language be added to the SDD that in the 250 transition zone in CPA-1 the setbacks be mirrored with existing setbacks to the north.
2. Language be added to the SDD that in the transition zone in CPA-2 the setbacks be mirrored with existing setbacks to the north.
3. Perimeter fencing be required adjacent to noncompatible uses at the north end of CPA-4 unless otherwise waived by the property owners. Fencing type per Riverton City fence ordinance.
4. The commercial building materials standard in the SDD be adjusted to eliminate the reference “At least 25%” in the required materials, and add “finished” prior to the listing of “wood” as a material.
5. The word “finished” be added prior to the word “wood” where wood is listed as an allowed material.
6. Section 6.1.3 of the Master Development Agreement be amended to enable the Planning Commission authority to review and approve community scale and block scale plans concurrently with the review of a detail plan.”

Mr. Lethbridge said that on January 12, 2016, the City Council discussed the proposed application and made recommendations.

Dan McCay, representing SLR, presented background information of the SLR property.

Mayor Applegarth said that the initial concept for the project began in June 2014. He then briefly explained the proposed project and some of the commercial uses that would be included in the project.

Mayor Applegarth opened a Public Hearing and called for public comment.

Patrick White commended the Council for the project and spoke of the City’s moto, which included progress. He said he was in favor of the progress the City was making and that the project would be a commercial benefit to the City and it would be the crown jewel of the City.

Doug Young spoke on behalf of the Hamilton Family and said they were very excited and happy to see the project go forward.

Michelle Johnson said she was excited for the project and said that it would be a great project. She then expressed her concern regarding increased traffic that it would bring.

Dan McCay clarified that he not only represented SLR but he also served as Riverton City’s State Representative.

There being no further comments, Mayor Applegarth closed the Public Hearing.

At the request of Mayor Applegarth, Council Members expressed their concerns as follows:

Council Member Stewart:

1. SDD 6.b.vi: Clarified the following: ... “if wood, they shall be finished framed wood panel fence.”
2. SDD Exhibit D: Street Matrix Type: Street Type/Collector – Sidewalks: delete “One side required” under Connector-Major/Connector-Minor

Council Member Staggs thanked those who had been involved in the project to date and said it was a historic event for the City and he spoke of the benefits to the community. He then recommended the following changes:

1. MDA 7.1.b: All three “up to” be deleted and “contiguous” be added to (1) four (4) contiguous acres ... (2) four (4) contiguous acres ... and (3) ten (10) contiguous acres in CPA (5).
2. 1.2.46: “...of Section 7.1 herein and any schools not be included in the calculation of the Maximum Residential Units.”

Council Member Johnson clarified that the infrastructure that was going through the property was a sewer line from Herriman to increase capacity for their growth. He said that the City had not done anything except to enter agreement with the Sewer District for that line. He then spoke of his excitement for the project and for the good it would bring to Riverton City and its residents.

Council Member Wayman spoke of a best and worst case scenario and asked what would prevent SLR from selling to a different developer who would build the project out that might not be in the best interest of the City. Mr. Wayman was assured that if there were any changes made to MDA, it was a requirement to obtain City Council’s approval. Dan McCay then addressed questions from Mr. Wayman regarding parking and the sale of land parcels within the project.

Council Member Tingey said she had been asked by residents why the project was not taken to a public vote. She explained it was not a public vote issue and property owners could develop their property in compliance of the ordinances of the City. She expressed her concerns regarding density. Dan McCay explained proposed transition zones and Ms. Tingey asked the developers to take in to consideration the existing residents.

Following discussion, Mayor Applegarth reminded the Council Member that any changes in the document were delegated to the City Council.

Ordinance No. 16-01 – Amending the General Plan Amendment to Mixed Use, approving and adopting the Master Development Agreement and Specific Development District Documents, as included herein, and rezoning to said Specific Development District approximately 550 Acres located generally at the intersection of the Mountain View Corridor and 13400 South, as described herein, Suburban Land Reserve, Inc, Applicant

Council Member Sheldon Stewart **MOVED** the City Council adopt **Ordinance No. 16-01** -

For approximately 550 acres located generally at the intersection of the Mountain View Corridor and 13400 South as described herein, including the General Plan amendment to Mixed Use, the adoption of the Master Development Agreement and Specific Development District documents as included herein, and rezoning the described property to said Specific Development District, as shown in the attached Exhibits, with the conditions outlined in the Staff Report, and as enumerated herewith. Council Member Trent Staggs **SECONDED** the motion. Mayor Applegarth called for discussion on the motion and then called for a roll call vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

Mayor Applegarth moved to Discussion/Action Item B.2

C. DISCUSSION/ACTION ITEMS

Resolution No. 16-05 - Approving the Execution of the Infrastructure Development Agreement with Suburban Land Reserve, Inc. regarding certain real property located in Riverton, Utah

Ryan Carter explained that Suburban Land Reserve, Inc. (SLR) was the owner of certain real property located in Riverton City lying generally between Bangerter Highway to the East; Mountain View Corridor to the West; approximately 12800 South to the North; and the border between Riverton City and Herriman to the South. He said the property was currently undeveloped, but development was expected to occur in the foreseeable future under the terms of a Master Development Agreement by and between Riverton.

Mr. Carter said staff believed it was in the City's best interest to facilitate the roadways, utilities, and infrastructure near, through, and across the property in order to provide better connectivity, traffic flows, and other benefits to the City and its residents. He said the City believed that such construction of roadways, utilities, and infrastructure through and across the property would provide positive economic and other impacts for its residents. He said SLR was willing to allow the improvements to be constructed and dedicated property necessary to enable construction of improvements.

Mr. Carter explained that SLR and the City had agreed to certain terms and provisions relating to the development and installation of improvements as contained in the Infrastructure Development Agreement. He spoke of Indemnification and Liability terms within the agreement.

At the request of Mayor Applegarth, Council Members expressed their concerns as follows:

In response to Council Member Wayman, Mayor Applegarth and Staff spoke of funds that were available for CenterCal to begin the infrastructure.

Council Member Brent Johnson suggested that more additional conduits be installed for future use and prevention of roadway boring.

In response to Council Member Tingey, Public Works Director Trace Robinson explained UDOT's timeline for the East West 13200 South Road off Mountain View Corridor.

Council Member Staggs asked if any fiber connections were part of the current plan. The answer was no; however, some conduits may allow for fiber.

Discussion was held regarding the agreement, specifically “No. 2 Plans”, and “No. 3 Construction of Improvements”, and Council Member Stewart requested that the references to the exhibits be clarified. Mr. Stewart also spoke of “D. Disruption to Current Use.” City Attorney Ryan Carter said that a License Agreement would need to be prepared in favor of both SLR and Riverton City. Mr. Stewart then asked about “15.A. Liability Insurance and Limits” and Mr. Carter assured him that he was comfortable with the language in the agreement.

Resolution No. 16-05 - Approving the execution of the Infrastructure Development Agreement with SLR, regarding certain real property located in Riverton, Utah

Council Member Trent Staggs **MOVED** the City Council adopt **Resolution No. 16-05 - Approving the execution of the Infrastructure Development Agreement with SLR, regarding certain real property located in Riverton, Utah, with the items discussed.** Council Member Brent Johnson **SECONDED** the motion. Mayor Applegarth called for discussion on the motion and then called for a roll call vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

Mayor Applegarth thanked City Manager Lance Blackwood for his expertise and knowledge regarding the project process and said without Mr. Blackwood the project would not have happened.

PUBLIC HEARINGS *Continued*

Rezone - Rezoning 1.14 Acres of property located at 2051 West Park Avenue from C-D EHOV (Commercial Downtown Elderly Housing Overlay) to RM-8-D (Residential Multi-Family 8 Units Per Acre - Downtown), Brad Reynolds Construction, Applicant

Jason Lethbridge, Development Services Director, explained that Brad Reynolds Construction requested that property located at 2051 West Park Avenue be rezoned from C-D EHOV (Commercial Downtown Elderly Housing Overlay) to RM-8-D (Residential Multi-Family 8 Units per Acre Downtown). He said to the west property was zoned C-D EHOV and was utilized as Coventry Cove, an independent senior living facility. He said to the east property was zoned RM-8-D and was under construction as a multi-family development; to the north property was zoned C-D (Commercial Downtown) and was utilized as an educational facility; and to the south property was zoned R-4 (Residential 10,000 square foot lots) and was single-family homes.

Mr. Lethbridge said the applicant desired to rezone 1.14 acres in order to expand the existing development to the east. He said the applicant was also the owner and builder of the development to the east, and by rezoning the property to RM-8-D, the City would entitle the developer to construct ten more residential units similar to those currently under construction to the east.

Mr. Lethbridge said that on January 14, 2016, the Planning Commission voted to recommend approval of the rezone application.

Mayor Applegarth opened a Public Hearing and called for public comment; there being none, he closed the Public Hearing.

Ordinance No. 16-02 – Rezoning 1.14 Acres located at 2051 West Park Avenue from C-D EHOV (Commercial Downtown Elderly Housing Overlay) to RM-8-D (Residential Multi-Family 8 Units per Acre Downtown)

Council Member Tricia Tingey **MOVED** the City Council adopt **Ordinance No. 16.02** - **Rezoning 1.14 acres located at 2051 West Park Avenue from C-D EHOV to RM-8-D and amending the Riverton City General Plan from Community Commercial to Medium High Density Residential.** Council Member Trent Staggs **SECONDED** the motion. Mayor Applegarth called for discussion on the motion and then called for a roll call vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

Ordinance Amendment - Amending Title 18.70.050 Lot Coverage Requirements of the C-G (Commercial Gateway Zone) for Storage Units, Riverton 4.5 LLC, Applicant

Jason Lethbridge, Development Services Director, explained that a few months ago Riverton City amended its Table of Commercial Uses allowing neighborhood storage units to be permitted in the C-G Zone as Conditional Use Permits, and since that time a ripple effect of that text change had been realized. He said by permitting storage units within the zone, it should be expected that the entire site would be utilized as storage units, not just a portion of the site. By limiting storage units to 35% building pad coverage was counterproductive to the intent of a storage unit use, as it would leave a large majority of the property left open to open asphalt storage areas, etc. In such cases the open property could be used to store boats, RVs and other large equipment, however, such storage was sightly. Riverton City would be much better served to have that potential open storage enclosed in a storage unit building where unsightly materials were stored behind doors.

Mr. Lethbridge said the applicant for the Riverton Towne Storage Site Plan proposed to be located at 4425 West 12600 South, requested in their application that 60% of the property be permitted to have building coverage; however, their Site Plan showed only 39% of the site covered by buildings. It should also be noted that the other commercial zone in Riverton where storage units were permitted limits building pad coverage to 40%. He said there were existing storage units within that zone that had constructed within that 40% coverage requirement.

Mr. Lethbridge said that on January 14, 2016, the Planning Commission voted to recommend approval of the ordinance amendment.

Mayor Applegarth opened a Public Hearing and called for public comment; there being none, he closed the Public Hearing.

Ordinance No. 16-03 – Amending Section 18.70.050 Lot Coverage, in the Commercial Gateway Zone of the Riverton City Land Use Code as described in Exhibit “A”, Riverton 4.5 LLC, Applicant

Council Member Paul Wayman **MOVED the City Council adopt Ordinance No. 16-03 - Amending Section 18.70.050 lot coverage, of the Riverton City Land Use Code as described in Exhibit “A”**. Council Member Sheldon Stewart **SECONDED** the motion. Mayor Applegarth called for discussion on the motion and then called for a roll call vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

Rezone – Rezoning 7.6 Acres of property located at 11877 South Reeves Lane from A-5 (Agricultural 5 Acre Lots) to R-3 (Residential 14,000 Square Foot Lots), Ivory Land Development, Applicant

Jason Lethbridge, Development Services Director, explained that Ivory Homes submitted a rezone application for 7.6 acres located at approximately 11877 South Reeves Lane. He said the property was currently zoned A-5, which was a residential/agricultural zone that required a minimum lot size of five (5) acres. He said the property to the north was in South Jordan City and was zoned for single family residential lots. Also, the property to the west was zoned R-3, while the property to the south was zoned A-5, and the property to the east is the Jordan River Parkway and the river itself.

Mr. Lethbridge said that Ivory Homes requested a rezone of the property to R-3, which would allow for a minimum lot size of 14,000 square feet. He said that Riverton City's Land Use Map of the General Plan listed the property as “Preservation Area”, which identified areas of potential natural or biological significance. That designation was not intended as an indicator by the City that use of the ground was prohibited, or that the City had made plans for public purchase or use of the property. He said the current zoning of A-5, allowed for development within the area while addressing the intent of the General Plan designation to preserve the character of the area. Access to the property would most likely be to an existing stub road to the north in South Jordan City and through existing frontage from the property to Reeves Lane at the southwest portion of the site.

Mr. Lethbridge said that on January 14, 2016, the Planning Commission voted to recommend denial of the application.

Chris Gamvroulus, Ivory Homes, addressed the Council and described what he said were key points to the rezone application.

Russell Sorenson, resident, presented a summary of the history of re-zoning of the Jordan River bottom in 1992/1993, which is on file in the Recorder's Office.

Mayor Applegarth opened a Public Hearing and called for public comment.

Justin Bear - an attorney representing Dave & Sherri Carter, referred to a letter he had submitted to the Planning Commission. He mentioned the five requirements that were on a Riverton City zone application and stated that he felt the application was not in compliance. He felt that an R-3 Zone was not in compliance with the concept of a preservation area. He requested denial of the application.

Hani Makar spoke in opposition to the rezone application a spoke of a petition that had 160 signatures. He also said the reason for purchasing his home was that his family enjoyed the views from their property. He said he was disturbed that tall two story homes were being proposed and said he was opposed to the development of the land with the purpose of high density housing.

Marci Segmiller said that because of the proximity to the Jordan River, many of the home owners in the neighborhood had spent thousands of dollars to shore up their homes and install extra French drains. She said those efforts had not decreased the settling they were all experiencing and the danger for water issues and damages. She felt their home was too close to the river and was against development of the area.

Colby Wells referred to his mother Jan Wells and spoke of her involvement in the community. He said she had serious concerns when Reeves Lane was first developed. He said he felt the views and mountain landscape had not been diminished in recent years with development and spoke in favor of the rezone.

Brian Reeves spoke of his brother Dave Reeves. He commented on the protection of individual rights and asked Council to approve his brother's request.

Fred Larsen said he wanted to maintain the views and was concerned with wetland issues. He spoke in opposition of the rezone and said it should be denied.

Ian Spencer said he enjoyed the fact that he was able to see a lot of nature from his home. He said he supported denial of the rezone and asked Council to reject the proposal.

Doug Young said he was opposed to the placement of a charter school, or other allowed uses in the zone, and said that residential home development would be a better choice.

J.D. Dunn spoke of the spacious lot sizes proposed with the rezone and said he was confident that Ivory Homes would build a quality product. He spoke in favor of the zone change.

Angela Healy said that waiting for the results of geo tech studies and soil studies until after the rezone would be a mistake. She said similar studies did not protect the homes or homeowners who currently live on Reeves Lane. She said it was too risky of any area for development and spoke in opposition of the rezone.

Unidentified man commented that in 1999 residents were promised there would be no homes built behind them. He said he felt that property values would be decreased if the rezone were to occur and homes built that would diminish his view. He spoke in opposition and encouraged denial of the proposed rezone.

Denise Rich expressed her concerns regarding water levels, and flooding issues. She said she was opposed to the rezone and requested denial.

Jane Spence, Realtor, said that property values were already being affected because of the water issues. She described the negative impact that potential buyers see, such as sump pumps and other water issues, and she requested denial.

Sharon Carter spoke in opposition of the rezone and mentioned three previous mayors and Councils who had denied rezone of the property. She said she was worried about flooding issues.

Phil Staggs asked the Council to consider all alternatives. He said that most people with flooding issues do not see the issues until ten or more years into their home. He said he had personally installed pilings in homes and said he was concerned about the potential for flooding.

Paula Spencer read a statement representing Justin Coleman, who was opposed to the rezone and impending development.

Lonnie Larsen, Real Estate Agent, said she could not recommend the area to her clients because of the springs along the ridge in the area. She said she was also concerned about the loss of view from her property.

Tish Buroker spoke in opposition to the potential development and said was more concerned about the water table than a potential flooding issue.

Margo Chapman expressed her concern regarding an increase of traffic on River Walk and Reeves Lane and requested denial.

Alicia Dunn said that the land had been farmed and that they had a hard time getting water on this land at times. She said her father had the right to sell the property.

Dave Reeves thanked his neighbors and Riverton Staff and Council for their help. He gave a brief history of the land and requested approval of the proposed rezone.

Paul Van Komen spoke in opposition to the development and spoke of five requirements necessary for a zoning ordinance rezone.

Susan Serine expressed her opposition citing the water issues in that area. She said she was worried about the springs and ponds that are natural to the area.

Cassie Ostler said she owned a lot in the area and said she was completely aware of any water concerns with her lot. She said it was a calculated risk she was willing to take, and she expressed her concern with the discord in the neighborhood.

Jeff Diehl, Realtor for over 15 years, said the area was a great location for a development and he was surprised that the proposal from Ivory Homes did not include a higher density level.

Gina Lewis spoke in opposition to the proposed rezone.

There being no further comments, Mayor Applegarth closed the Public Hearing.

Riverton City Attorney Ryan Carter discussed case law examples of similar rezone issues. He reviewed the requirements for “Zoning Ordinance Compliance Checklist” as found in Riverton City Code as follows:

“18.135.020 Amendments.

The zoning map and use restrictions may be amended by the city council from time to time, but any amendment shall be first submitted to the planning commission for its review and comment. No proposed amendment affecting the number, shape, boundary or zoning classification of any zone shall be adopted unless the proposed zoning ordinance amendment complies with the following criteria:

(1) The proposed amendment will place all property similarly situated into the same zoning classification or in complementary classification.

(2) That all uses permitted under the proposed zoning amendment are in the general public interest and not merely in the interest of an individual or small group.

(3) All uses permitted under the proposed zoning classifications amendment will be appropriate in the area to be included in the proposed zoning amendment.

(4) The character of the neighborhood will not be adversely affected by any use permitted in the proposed zoning classifications.

(5) The proposed zoning amendment is consistent with the city’s master plan.

Before adopting any amendment to this title the city council shall hold a public hearing. Notice of the time and place of the hearing shall be given by at least one publication in a newspaper of general circulation in the city, at least 15 days before the hearing. The cost of publication shall be paid by the applicant for the zoning change.

On any property requested for rezoning (except for rezoning initiated by the city to implement general planning objectives), the applicant shall be required to post the property in question with a notification of rezoning which states the zone classification being requested and the time and place of public hearing. The signs shall be obtained from the city and be posted at 500-foot intervals around the property and on all corners at least 15 days prior to the public hearing. All adjacent property owners and all owners within 1,000 feet shall be notified 15 days prior to the date of the hearing. Mailed notification shall comply with requirements set forth by the city. Cost and responsibility of such posting and notification shall be borne by the applicant. [Code 1997 § 12-200-010.]”

A discussion regarding from previous City Council and Mayor’s on preservation areas in general along the river occurred.

An Ivory Homes representative presented a summary a “preservation area” definition, as stated in Riverton Code. He discussed Utah case law which stated that “you do not own the view unless you own the land.” He also stated that, for a number of engineering reasons, the ground level would be raised about 5 to 7 feet as was done in the Sterling River Development. He mentioned that Ivory Homes had the longest structural warranty of any builder in the business, which was a 10 year structural warranty. He said the best use of the property would be to rezone it for 13 lots of .4 acres each. He requested the Council approve the rezone request so they could move forward.

Council Member Tingey asked questions regarding the warranty that Ivory Homes offered and expressed concerns about potential water issues.

Chris, Ivory Homes Engineer, stated that the current soils report from the Reeves Lane area showed water levels between 5.5 feet and 7.5 feet below the ground. He said basements in the nearby Sterling River Subdivision were at the existing ground level, which gave five feet of separation from water.

Council Member Trent Staggs offered thanks to all the residents who attended the meeting. He thanked Ivory Homes for their quality product and for the nice developments currently under construction in the City. He said that he had been pro-development within the City but felt the proposed thirteen potential lots were a different situation. Mr. Staggs referred to the Planning Packet that was provided and said in 1993 that property was zoned one acre lots from the River up to the Bluff; also, Mr. Sorenson's information said that there was an accommodation made that made sure the property owner Mr. Reeves was not unduly impacted financially. Mr. Staggs said that, in his perception, the A5 designation was put in place but a higher density, one acre to 1/3 Acre lots, was given from Reeves Lane up to Lampton View. He said a change to the zoning now would impact the people living along Reeves Lane, because they knew of the A5 zoning when they bought the property. He said the proposal was a rezone of a property that was A5 to something greater, and he felt the property rights of the seller were not being infringed and he would be able to sell the property with the current classification. Mr. Staggs said the proposed rezone would infringe upon the property rights of the people residing on the east side of Reeves Lane.

Council Member Trent Staggs **MOVED** that the City Council **DENY Ordinance No. 16-04 - Rezoning 7.6 acres located at approximately 11877 South Reeves Lane from A-5 (Residential 1/3 acre lots) to R-4 (Residential ¼ acre lots)**. Council Member Tricia Tingey **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; there being none, he called for a roll call vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion to DENY passed unanimously.**

D. CONSENT AGENDA

Mayor Applegarth presented the following Consent Agenda:

1. Minutes: RCCM 01-12-16, ECCM 01-14-16
2. Bond Releases:
a. Royal Farms Phase 2 – 90% Performance Release

Council Member Trent Staggs **MOVED** that the City Council **approve the Consent Agenda**. Council Member Brent Johnson **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; there being none, he called for a roll call vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

E. STAFF REPORTS

Ryan Carter, Acting City Manager, called for Staff Reports and there were none.

F. ELECTED OFFICIAL REPORTS

Mayor Applegarth – No report.

Council Member Johnson – No report.

Council Member Staggs – requested an update of the gate on Reeves Lane.

Council Member Stewart – No report.

Council Member Tingey – No report.

Council Member Wayman No report.

G. UPCOMING MEETINGS

Mayor Applegarth reviewed the following upcoming meetings:

UTA Open House - February 3 - 5:00-8:00 p.m.

1. January 26, 2016 – 6:30 p.m. – Regular City Council Meeting & Strategic Planning
2. February 02, 2016 – 6:30 p.m. – Regular City Council Meeting
3. February 09, 2016 – 6:30 p.m. – Regular City Council Meeting & Strategic Planning
4. February 16, 2016 – 6:30 p.m. – Regular City Council Meeting & Strategic Planning

H. ADJOURN

Council Member Paul Wayman **MOVED to adjourn**. Council Member Trent Staggs **SECONDED** the motion. Mayor Applegarth called vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.** The meeting adjourned at 11:24 p.m.

Approved: CC 01-26-16