

**RIVERTON CITY PLANNING COMMISSION
MEETING MINUTES**

January 24, 2019

The Riverton City Planning Commission convened at 6:30 p.m. in the Riverton City Municipal Building, 12830 South 1700 West, Riverton, Utah.

Planning Commission Members:

**Brian Russell, Presiding
Dennis Hansen
Kent Hartley
Ed James
Troy Rushton
James Endrizzi**

Staff:

**Tim Prestwich, Planning
Craig Bott, Deputy City Attorney
Brian Moore, Engineering**

Chair Russell called the meeting to order. Commissioner Endrizzi led the Pledge of Allegiance.

• **PUBLIC HEARINGS**

1. **COMMERCIAL SITE PLAN, IHC ROSE CREEK CLINIC EXPANSION, A COMMERCIAL SITE PLAN LOCATED AT APPROXIMATELY 5541 WEST 13400 SOUTH, LEVI LLOYD REPRESENTING IHC HEALTH SERVICES, APPLICANT.**

City Planner, Tim Prestwich, presented the site plan for the IHC Rose Creek Clinic expansion at the address listed above. He identified the location on an aerial map displayed and stated that the property surrounding the existing building is owned by IHC, but the proposed expansion would not use all of the property. There is an existing fence around the IHC parcel separating the C-G zone from the park and the RR-22 zoning adjacent. Mr. Prestwich presented photographs of the existing building, which was built in 2011. The proposed expansion would be on the south end of the building. The parking area would be increased to meet the requirements with the increased square footage of the building. He then showed the building elevations, which match the existing structure. Mr. Prestwich noted that the elevations show metal panels on the west elevation. The C-G zoning ordinance does not prohibit metal as a material, but it was not listed as an approved material either. Metal had been used in multiple places in the City as an accent material, and the original IHC building has metal panels. Staff recommended approval with the conditions listed in the staff report.

The applicant, Levi Lloyd, identified himself as an architect with VCBO Architecture who is working on the IHC expansion. During the design process for the original building, staff requested that the metal paneling be scaled back to become an accent material, which they did. The panels now proposed are consistent with what was existing. He noted that

IHC was looking at branding standards to be used on all of their buildings, and the metal panels were part of that.

Chair Russell stated that the addition alone may have too much metal, but the building as a whole was fine. It looked like an accent material.

Chair Russell opened the public hearing.

Scott Wardle, a resident of the neighborhood on Rose Water Drive, stated that his home was directly south of the park. He was excited about the expansion because he was told by the City that bathrooms would be put in the park when the clinic is expanded. The City could tap into the water and sewer lines with the clinic expansion. He wanted to be sure that this was still part of the plan. Mr. Wardle stated that the neighborhood does not have pedestrian access to 5600 West and he requested that the City install a walkway along the fence.

Mr. Prestwich had not heard of the restrooms being installed. Mr. Wardle stated that this was a discussion they had had with the City Council and the Mayor.

Debra Nash, a resident, echoed Mr. Wardle's request for a pedestrian walkway.

There were no further public comments. Chair Russell closed the public hearing.

Commissioner Hansen requested that staff investigate the indications from the City Council and Mayor's Office regarding restrooms. The restrooms and walkway were not something that could be addressed as part of the application.

Commissioner Hansen moved that the Planning Commission APPROVE Application #PLZ-18-8011 – IHC, Rose Canyon Clinic Expansion located at approximately 5541 West 13400 South with the following conditions:

- 1. Storm drainage systems and accommodations comply with Riverton City standards and ordinances, and with the recommendations of the Riverton City Engineering Division, including a Long-Term Storm Water Management Plan (LTSWMP) and Storm Drain Easements were applicable.**
- 2. Address remaining staff redline comments on the plans and/or plat.**
- 3. A Land Disturbance Permit must be issued by the City prior to any construction activities, including preliminary site clearing and fill.**
- 4. The site and structures comply with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.**

5. **The applicant must obtain final approval from utility providers.**
6. **All rooftop mechanical equipment shall be screened from view by parapet walls.**

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

2. CONDITIONAL USE HOME OCCUPATION, DLM PEST CONTROL, LOCATED AT 11917 SOUTH LAUREL CHASE DRIVE, DEON MCQUISTON, APPLICANT.

Mr. Prestwich presented the staff report regarding a request for a Conditional Use Permit to run a home occupation called DLM Pest Control. He presented an aerial photograph of the neighborhood and identified the subject property, which is located in the R-3 zone. Mr. Prestwich conducted research regarding the use, including speaking with the applicant, the State of Utah and the Department of Agriculture, and the Fire Marshal. He reported that the applicant had been licensed for several years in West Jordan as a home occupation and recently moved to Riverton. He obtained a State license as a Commercial Pesticide Applicator, and he specifically applied pesticide to foundations of new construction for termites. The pesticides were to be kept in tanks on the truck or delivered to the construction site. The State does not regulate how the pesticide is stored other than stating that it needs to be locked up.

Mr. Prestwich spoke to the Director of the Pesticide Division of the Department of Agriculture and was informed that there are already several licenses for pesticides in Riverton City. The Director also explained that the pesticides being used are low risk and can be purchased at Home Depot or from Amazon. The City ordinance prohibits pesticides and dangerous chemicals if it reaches a threshold where the Fire Department requires an operator's license or permit. The Fire Marshal had no concerns with the product. Based on this information, it was staff's opinion that the use is not hazardous within the guidelines of the State, and they recommended approval.

Commissioner James said that the Conditional Use Permit will run with the land. He asked if there was any concern about some other pesticide being brought to the site with the State of Utah's approval. He wondered if the City could impose tighter restrictions than the State.

Deputy City Attorney, Craig Bott, stated that the State will not allow dangerous materials in a residential environment. He did not think they could limit the Conditional Use Permit to this specific pesticide because it will change as termites become resistant to it.

Commissioner Hansen felt that Conditions 3 and 4 in the staff report would address Commissioner James' concerns. Chair Russell noted that Condition 4 identified local laws, which would be the City and the Fire Marshal.

Commissioner Rushton asked if the City had a process by which they review or inspect Conditional Use Permits in the City to ensure that the nature of the business has not

changed. Mr. Bott stated that if a business changes fundamentally, the Conditional Use Permit is abandoned.

Mr. Prestwich reported that business licenses needed to be renewed annually, and one of the questions the owner has to answer is if the business has changed. The City did not have enough staff members to go out and inspect each of the home occupations, although Mr. Prestwich would like to be able to do that. More importantly, he wanted to get a GIS layer showing where all of the home businesses were in the City. Currently, the Code was being enforced on a complaint basis.

Chair Russell opened the public hearing. There were no public comments. Chair Russell closed the public hearing.

Commissioner Rushton asked the applicant about the amount of pesticides he would be storing.

The applicant, Deon McQuiston, stated that most of the product would be carried in the truck. Four to eight gallons may be stored in the garage, but primarily they will pick up the product on the way to the job site. The home will be used to store his vehicle and to do billing and bookkeeping. His son and son-in-law also have trucks but they are kept at their residences. No customers will come to the home.

Commissioner Hansen moved that the Planning Commission APPROVE Application #PLZ-19-2001 – DLM Pest Control located at 11917 South Laurel Chase Drive subject to the following conditions:

- 1. The site, structure, 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 approvals and certifications from the Department of Agriculture and other government agencies that regulate the business and use of commercial pesticide products.**
- 4. Pesticides and associated equipment shall only be kept, used, and disposed of in accordance with local, state, and federal laws.**

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

3. REVIEW OF LAND USE CODE, REVIEW AND DISCUSSION OF RIVERTON CITY LAND USE REGULATIONS RELATING TO RESIDENTIAL FACILITIES, TREATMENT CENTERS, AND REHABILITATION FACILITIES, PRESENTATION BY RIVERTON CITY LEGAL DEPARTMENT.

Mr. Prestwich explained that the intent of the above item was to review and discuss the residential facilities ordinance. The Commissioners were emailed a copy of the ordinance with redlines and comments from the Legal Department.

Mr. Bott stated that an issue had come up in the City with individuals who were desirous to develop group homes in residential areas. The City was not involved in any current litigation, but it did bring up the issue of whether the existing standards relative to group homes was sufficient. The Legal Department reviewed the existing Code and was proposing to eliminate two sections of statutes and replace them with the one before the Commission.

Commissioner Rushton reviewed the proposed language and the Utah Fair Housing Act that was referenced in the ordinance. He asked about individuals with alcohol addictions. Mr. Bott stated that alcohol addiction is considered a disability under both State and Federal Law. Drinking itself is not a disability, but the addiction is.

Commissioner Rushton expressed concern about dangerous persons being allowed at the facilities and Mr. Bott explained that facilities designed for people who are "out of control" would not be allowed in the City. Commissioner Rushton suggested not allowing persons with a violent history or criminal record. Mr. Bott said that the City could control the people that come in based on the business plan. The Legal Department tried to draft the language so that there was minimal risk of having violent individuals in these homes. However, it was impossible to eliminate every risk. Commissioner Rushton wanted to see more criteria listed in the language. Allowing group homes would make the residents nervous, so they needed to be sure that the language is accurate. Mr. Bott believed that the proposed language would comply with State and Federal Code, while giving the City latitude.

Chair Russell opened the public hearing.

Joseph White, Director of the Foundation for Family Life, commented that they have had a couple of homes in Riverton, and they had been good experiences. He had been involved with the foundation for eight years. One obstacle they faced was that people are willing to give others a second chance, but not in their neighborhoods. Ms. White explained that their focus was helping these individuals change their lives, find and maintain a job, and get back on their feet. It would be difficult for the City to micromanage the program because they already have a lot of State and Federal regulations to follow. He noted that many of the individuals in the homes have records of domestic abuse or other violent crimes, but that violence was usually brought on by the influence of drugs or alcohol.

Commissioner Hansen asked how long an individual would stay in the home. Mr. White explained that they commit to a 16-week program, but some could stay longer. If someone

isn't progressing or reverting, they are expelled from the program. They conducted a study early on that followed the individuals one year out of the program, and only 17% ended up back in jail. They review thousands of applications and there is no magic formula to determine who will and will not be successful in the program.

Commissioner Hansen was upset that Mr. White did not have any hard data to show the turnover of a group home and other things that would be useful to the Commission in making these decisions. Mr. White explained that they are a non-profit organization, and they simply don't have the funds to collect the desired data.

There was discussion regarding the program fees. Mr. White made it clear that the individuals are not renters. Commissioner Rushton suggested that the ordinance include some sort of cost mechanism so that the individuals in the program are paying for a Hearing Officer. He did not want Riverton City to have to pay that cost. Mr. White stated that they would not be allowed to do that under the Federal Fair Housing Act.

There were no further public comments. Chair Russell closed the public hearing.

Mr. Bott suggested that the Commission defer any decision on the issue until a future meeting. This would allow the Commissioners to review the proposed language, ask questions, and submit potential changes.

Commissioner Hansen moved to TABLE the Residential Facility Ordinance to allow the Commission time to review the language, pose any questions to staff so that they can bring back additional items to a future meeting. Commission Hartley seconded the motion. The motion passed with unanimous consent of the Commission.

- **MINUTES**

1. **DECEMBER 13, 2018**
2. **JANUARY 10, 2019**

Commissioner Hansen moved that the Planning Commission APPROVE the minutes from the January 10, 2019 Planning Commission Meeting, as written. Commissioner Rushton seconded the motion. The motion passed unanimously with one abstention. Commissioner James abstained from the vote.

- **ADJOURNMENT**

The meeting adjourned at approximately 8:00 p.m.