



**RIVERDALE CITY PLANNING COMMISSION AGENDA
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY – AUGUST 27, 2019**

6:00 p.m. – Planning Commission Work Session Meeting (City Offices)

The purpose of the work session is to review maps, plans, paperwork, etc. No motions or decisions will be considered during this session, which is open to the public.

Planning Commission Work Session Items -Planning Commission Training *to be determined*

6:30 p.m. – Planning Commission Meeting (Council Chambers)

A. Welcome & Roll Call

B. Public Comment

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

C. Presentations and Reports

D. Consent Items

1. [Consideration to approve meeting minutes from](#)
August 13, 2019 Work Session
August 13, 2019 Regular Meeting

E. Action Items

1.
 - a. Public Hearing: to receive and consider comments regarding the proposed amendments to Municipal Code 10-14-11 "Swimming Pool, Swim Spa and Hot Tub, Family".
 - b. [Consideration to forward recommendation to the City Council regarding proposed amendments to Municipal Code 10-14-11 "Swimming Pool, Swim Spa, and Hot Tub, Family".](#)
Presented by: Mike Eggett, Community Development

F. Discretionary Items

G. Adjournment

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

Certificate of Posting

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Riverdale City limits on this 26th day of August, 2019 at the following locations: 1) Riverdale City Hall Noticing Board 2) the City website at <http://www.riverdalecity.com/> 3) the Public Notice Website: <http://www.utah.gov/pmn/index.html> and 4) A copy was also provided to the Standard-Examiner.

Shalee Evans

Riverdale City Recorder

**RIVERDALE CITY
PLANNING COMMISSION AGENDA
August 27, 2019**

AGENDA ITEM: D1

SUBJECT: Consideration to Approve Meeting Minutes

PRESENTER: Shalee Evans, City Recorder

INFORMATION: a. [August 13, 2019 Work Session](#)
b. [August 13, 2019 Regular Meeting](#)

[BACK TO AGENDA](#)

Minutes of the **Work Session** of the Riverdale City **Planning Commission** held Tuesday, August 13, 2019 at 6:00 p.m., at the Civic Center in the Administrative Offices, 4600 S Weber River Dr., Riverdale City, Weber County, Utah.

Present:

Commissioners:	Robert Wingfield, Chairman Kathy Eskelsen, Commissioner Blair Jones, Commissioner Steve Hilton, Commissioner Wanda Ney, Commissioner
Absent:	Amy Ann Spiers, Commissioner Rikard Hermann, Commissioner
City Employees:	Mike Eggett, Community Development Shalee Evans, City Recorder

The Planning Commission Work Session meeting began at 6:00 p.m. Chairman Wingfield welcomed the Planning Commissioners to the Work Session and stated for the record that all were in attendance, with the exception of Commissioner Spiers and Commissioner Hermann.

Presentations and Reports:

Chairman Wingfield turned the time over to Mike Eggett, the Community Development Director who reported the following:

- UDOT will be doing a presentation to the City Council either August 20th or September 3rd 2019.
- Multiple activity decisions being made on I-15 corridor. It has not impacted Riverdale as of yet.
- The Babies R Us building is currently in process of having change of use to a furniture store.
- The corner building with Starbucks is still in the process of being demoed.
- Sam's club is in the middle of a major re-build.
- Coleman farms building permits are currently on hold.
- The assisted living center is working on getting a demo permit to get a further building permit.

There was a discussion regarding a prior rezone request. Mike Eggett noted that the rezone was approved through the City Council.

Consent Items:

Chairman Wingfield asked for any changes or corrections to the minutes for July 9, 2019 Regular and Work Session Planning Commission meeting. There were no requested changes.

Mr. Eggett noted the second consent item, consideration to set a Public Hearing for August 27th, 2019 Planning Commission meeting for the purpose of forwarding a recommendation to the City Council regarding proposed amendments to Municipal Code 10-14-11 "Swimming Pool, Swim Spa and Hot Tub, Family".

It was noted that one motion could be used to approve both consent items.

Discretionary Items:

There were no discretionary items for this meeting.

Adjourn:

Having no further business to discuss the Planning Commission adjourned at 6:27 p.m. to convene into their Regular Planning Commission Meeting located in the Council Chambers.

Minutes of the Regular Meeting of the Riverdale City Planning Commission held Tuesday, August 13, 2019, at 6:30 p.m., at the Civic Center, 4600 S Weber River Dr., Riverdale City, Weber County, Utah.

Present: Commissioners: Robert Wingfield, Chairman
Kathy Eskelsen, Commissioner
Blair Jones, Commissioner
Steve Hilton, Commissioner
Wanda Ney, Commissioner

City Employees: Mike Eggett, Community Development
Shalee Evans, City Recorder

Excused: Amy Ann Spiers, Commissioner
Rikard Hermann, Commissioner.

Visitors:

A. Welcome & Roll Call

The Planning Commission Meeting began at 6:32 p.m. Chairman Wingfield welcomed everyone to the meeting and stated for the record that all members of the Planning Commission were present. Except for Commissioner Spiers and Commission Hermann

B. Public Comment

There were no public comments.

C. Presentations and Reports

Chairman Wingfield turned the time over to Mr. Eggett who reported the following:

- UDOT will be doing a presentation to the City Council either August 20th or September 3rd 2019.
- Multiple activity decisions being made on I-15 corridor. It has not impacted Riverdale as of yet.
- The Babies R Us building is currently in process of having change of use to a furniture store.
- The corner building with Starbucks is still in the process of being demoed.
- Sam's club is in the middle of a major re-build.
- Coleman farms building permits are currently on hold.
- The assisted living center is working on getting a demo permit to get a further building permit.

D. Consent Items

1. Consideration to approve meeting minutes from the Planning Commission Meeting held on July 9, 2019.

Chairman Wingfield asked for changes or corrections to the Planning Commission meeting minutes for the July 9, 2019 Work Session and Regular Meeting. There were no changes requested.

2. Consideration to set a Public Hearing for August 27th, 2019 Planning Commission meeting for the purpose of forwarding a recommendation to the City Council regarding proposed amendments to Municipal Code 10-14-11 "Swimming Pool, Swim Spa and Hot Tub, Family".

Mr. Eggett explained that a resident went in front of the City Council and requested a setback change from 7 feet to 5 feet. He would like to see the change to be able to put a swimming pool in by the end of this year.

MOTION: Commissioner Jones moved to approve consent items meeting minutes as written.
Commissioner Hilton seconded the motion.

There was no discussion regarding this motion.

CALL THE QUESTION: The motion passed unanimously in favor of the motion.

E. Action Items

There were no Action items.

F. Discretionary Items

There were no discretionary items.

G. Adjournment

MOTION: There being no further business to discuss, Commissioner Jones moved to adjourn the meeting. Commissioner Eskelsen seconded the motion; all voted in favor.

The meeting adjourned at 6:41 p.m.

Robert Wingfield
Planning Commission Chair

Shalee Evans
City Recorder

Date Approved:

**RIVERDALE CITY
PLANNING COMMISSION AGENDA
August 27, 2019**

AGENDA ITEM: E1 A&B

SUBJECT: Consideration of recommendation to City Council for approval of proposed City Code change to the swimming pool ordinance (as found in Title 10, Chapter 14, Section 11), approve the proposed code changes with recommended modifications, table the matter to allow more time to gather additional information, or not approve the proposed City Code change to the swimming pool ordinance, subject to the presentation of the appropriate findings of facts to support the conclusion. Should this request be made, this matter would then proceed to the City Council for their review and consideration.

PRESENTER: Mike Eggett, Community Development Director

ACTION REQUESTED: Recommendation to the City Council

INFORMATION:

- a. [Exec Summ Swimming Pools Amend – PC \[20190827\]](#)
- b. [Dept Staff Reports – Swim Pool Code Amend \[20190822\]](#)
- c. [Research Swim Pool Change Request \[20190822\]](#)
- d. [RCC 10-14-11 Swimming Pool Code Amended](#)
- e. [Public hearing notice documentation](#)

[BACK TO AGENDA](#)



Planning Commission Executive Summary

For the Commission meeting on: 8-27-2019

Petitioner: Mike Loughton (via public commentary)

Summary of Proposed Action

During the City Council meeting on July 16, 2019, public commentary was provided by resident Mike Loughton regarding the swimming pool ordinances, as found in Title 10, Chapter 14, Section 11. During his commentary he requested that the City reevaluate the setback requirement for the location of a swimming pool on a residential dwelling lot. He requested that the City consider changing the setback standard from 7 feet to 5 feet from any interior property line.

At the conclusion of his commentary, the Council was asked for a consent vote to decide if this would be a matter for further discussion in the future. On August 6, 2019, the City Council briefly discussed this request, and at the conclusion of the discussion in the matter, the Council by consent vote sent this matter to the Planning Commission for discussion and review.

On August 13, 2019, this matter was set for a public hearing and to be reviewed by the Planning Commission for tonight's meeting. The public hearing regarding this proposed code amendment has been posted and advertised in accordance with State Code. No public comments have otherwise been provided.

Following discussion of the matter, the Planning Commission may take action to recommend City Council approve the proposed City Code change to the swimming pool ordinance (as found in Title 10, Chapter 14, Section 11), approve the proposed code changes with recommended modifications, table the matter to allow more time to gather additional information, or not approve the proposed City Code change to the swimming pool ordinance, subject to the presentation of the appropriate findings of facts to support the conclusion. Should this request be made, this matter would then proceed to the City Council for their review and consideration.

Title 10 Ordinance Guidelines (Code Reference)

Swimming Pool, Swim Spa, and Hot Tubs for Family requests are regulated under City Code Title 10, Chapter 14, Section 11. A copy of this code is included herein below for your use and review:

10-14-11: SWIMMING POOL, SWIM SPA AND HOT TUB, FAMILY:

A family above or in ground swimming pool, swim spa and hot tub shall be permitted in the rear yard of a dwelling as an accessory use, provided the following requirements are met:

- A. Location: The location of such family swimming pool, swim spa, hot tub or accessory machinery shall not be less than seven feet (7') from any interior property line or if an easement exists on the property the pool, spa or tub must be completely off the easement. On corner lots, the distance from said pool to the property line facing on a street shall not be less than the required side yard for an accessory building in that zone.
- B. Enclosure; Lighting: An outside family swimming pool shall be completely enclosed by a substantial fence

of not less than six feet (6') in height and any lights used to illuminate said pool or its accessories shall be so arranged as to reflect the light away from the adjoining premises.

C. Pool Covers: In addition to the setback and fencing requirements set forth herein, it is strongly recommended that pool owners utilize pool covers that comply with the most current personal liability insurance standards.

D. Side Yard Location: If a property has sufficient side yard to accommodate a pool, spa or hot tub in meeting all of the above requirements while also maintaining the required side yard setback (from property line to any portion of the structure) for the zone it is located in, then the pool, spa or hot tub may be located in the side yard. (Ord. 818, 10-2-2012)

City Staff commentary and research findings have also been included in your packet regarding the existing Riverdale City swimming pool standard and the standards established within other neighboring cities.

Staff would encourage the Planning Commission to discuss this matter and then take appropriate action to recommend City Council approve the proposed City Code change to the swimming pool ordinance (as found in Title 10, Chapter 14, Section 11), approve the proposed code changes with recommended modifications, table the matter to allow more time to gather additional information, or not approve the proposed City Code change to the swimming pool ordinance, subject to the presentation of the appropriate findings of facts to support the conclusion.

General Plan Guidance (Section Reference)

The General Plan is not applicable to this request other than this area is Master Planned for "Residential - Low Density" use.

Legal Comments - City Attorney

Steve Brooks, Attorney

Administrative Comments - City Administrator

Rodger Worthen, City
Administrator

DEPARTMENTAL STAFF REPORTS – 8/22/2019

From: Shawn Douglas

Sent:

To: Mike Eggett

Subject:

No comment provided as of yet.

Shawn Douglas

Public Works Director

801/394/5541 ext.1217

Sdouglas@Riverdalecity.com

From: Steve Brooks

Sent: Thu 8/22/2019 11:14 AM

To: Mike Eggett

Subject: RE: Swimming pool standard review and pool commentary response requested

I do not know why or remember any particular reason why it was set at 7 feet.

sb

From: Jeff Woody

Sent: Thu 8/22/2019 3:00 PM

To: Mike Eggett

Subject: RE: Swimming pool standard review and pool commentary response requested

Mike, my concern with reducing the pool setback would be if a utility company needed to dig in the right of way it could compromise the pools foundation.

Jeff Woody

Riverdale City

Building Official

Ph: 801-394-5541 ext. 1216

Email: jwoody@riverdalecity.com

He also stated to me in a conversation that he sees there being a concern if a utility provider or other subgrade provider on the residential property would need to dig a trench. Having a pool that close to the property line would make it difficult to maintain a 45 degree angle in the trench to adequately maintain and support the existing pool structure and wall from within the trench. Otherwise, he felt the

current standard could only otherwise be justified due to possible noise, lights, and other potential complaints from surrounding property owners in proximity to the pool edge and location.

From: Randy Koger
Sent: Mon 8/22/2019 (discussion)
To: Mike Eggett
Subject: RE: Swimming pool standard review and pool commentary response requested

Stated to me in a conversation that he does not see any issue or concerns relative to the fire department associated with this proposed setback amendment.



Fire Marshal/Code Enforcement Officer
Riverdale City
801-436-1241

From: Rodger Worthen
Sent: 8/22/2019 12:54 PM
To: Mike Eggett
Subject: RE: Swimming pool standard review and pool commentary response requested

Mike-

I have no concerns with amending this code.

RW

From: Mike Eggett
Subject: Swimming Pool code change proposal

I tend to echo pretty much all of Jeff's comments. I also would add that the standard public utility easement (PUE) in Riverdale City for many years was set at 7 feet. It could be that this standard of 7 feet was originally established in an extra effort to further keep the pool location off of the PUE in future subdivisions after the date of the 7 feet setback standard being established. This would create a code redundancy that was an effort to keep pools away from having conflicts with the PUE in subdivisions on residential lots.

Research Code Change Request – Swimming Pools in South Ogden, Washington Terrace, and Roy City

South Ogden City

- Talked with Building Inspector Jeff Barfuss and City Recorder Leesa Kapetanov on 8/22/2019 at 10:35 AM: Swimming pool setbacks standard not changed in South Ogden City, refer back to South Ogden city ordinance; never considered an ordinance change, only discussed a measurement location concern to the pool on a specific pool issue on a resident's property; always has been 10 feet from property line to water's edge or pool equipment structure.

- City Code:

10-14-12: SWIMMING POOL, FAMILY:

A family swimming pool shall be permitted in the rear yard of a dwelling as an accessory use, provided the following requirements are met:

A. Location: The location of such family swimming pool or accessory machinery shall not be less than ten feet (10') from any interior property line. On corner lots, the distance from the pool to the property line facing on a street shall not be less than the required side yard for an accessory building in that zone.

B. Enclosure: An outside family swimming pool shall be completely enclosed by a substantial fence of not less than six feet (6') in height and any lights used to illuminate said pool or its accessories shall be so arranged as to reflect the light away from the adjoining premises. A substantial fence shall mean any fence that would not allow passage by any person and one that would feature a self-locking gate if a gate is utilized. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

Washington Terrace City

- Jeff Monroe discussion at 10:50AM on 8/22/2019; used to be 10 foot setback standard for a pool; Mayor requested the pool standard be investigated and possibly changed to fit a pool on the lot to 5 foot due to a residential complaint; originally 10 feet tied to the public utility easement (PUE) on the property; code amendment to 5 feet was approved by the City Council; house allowed within 5 feet in the city and so why not a pool at that time set back to 5 feet; was approved with understanding 5 feet from structure, property line; still needs 6 foot fencing surrounding pool structure; was approved a few years ago in end of 2015; no complaints so far relative to nuisances with pools, with the exception of Air BNB locations on a few occasions – ordinance passed to regulate Air BNB hours for use of pool, hot tubs, spas.

- City Code:

17.48.010 Family Swimming Pools

A family swimming pool shall be permitted in the rear of a dwelling as an accessory use provided the following requirements are met

1. A swimming pool may cover the area within a rear yard and not located within an easement unless the construction of that pool would require the need to vary from existing ordinance. A variance for the pool to be allowed to be constructed on the easement would need to be obtained.
2. The pool or spa may not be closer than five (5) feet to the property line measured at water's edge.
3. Minimum setback requirements from property lines are as follows:
 1. Front Yard: No pool allowed within a front yard.
 2. Rear Yard: Five feet (5') Min.
 3. Side Yard: Five feet (5') Min. within the fence line of the property.
 4. Easement: Setbacks shall comply with all easement regulations
4. An outside family swimming pool shall be completely enclosed by a substantial fence not less than five feet (5') in height, and any lights used to illuminate the pool or its accessories shall be so arranged as to reflect the light away from the adjoining premises.

HISTORY

Adopted by Ord. 18-88 §1(6)(P) on 1/1/1988

Amended by Ord. [15-08](#) on 11/18/2015

Roy City Code

10-10-43 SWIMMING POOL, PRIVATE

All swimming pools and tanks (hereinafter "pools") whether they are above or below ground that have a depth of thirty inches (30") or more OR has a capacity of two thousand five hundred (2,500) gallons or more shall be considered an accessory use. All pools shall be located in the rear or side yard area of the lot and be set back at least five (5) feet from all property lines and a minimum of fifteen (15) feet from any dwelling on adjacent property. Pools shall be completely surrounded by a screened fence or wall having a height of six (6) feet. Gates shall be lockable and equipped with self-closing and self-latching hardware. Fences and gates shall not have openings larger than four (4) square inches. Any lighting shall be installed, directed, and arranged to illuminate the pool area and not adjacent properties.

HISTORY

Adopted by Ord. [18-15](#) on 7/17/2018

Ogden City Code

15-13-11: SWIMMING POOL; FAMILY:

A family swimming pool shall be permitted in the side and rear yard of a dwelling as an accessory use, provided the following requirements are met:

A. Location: The location of such family swimming pool or accessory machinery shall not be less than ten feet (10') from any interior property line. On corner lots, the distance from said pool to the property line facing on a street shall not be less than the required side yard for an accessory building in that zone.

B. Fence: An outside family swimming pool shall be completely enclosed by a substantial fence of not less than six feet (6') in height and any lights used to illuminate said pool or its accessories shall be so arranged as to reflect the light away from adjoining premises. A

"substantial fence" shall mean any fence that would not allow passage by any person.

(Ord. 72-13, 7-6-1972; amd. Ord. 88-37, 9-8-1988; Ord. 90-52, 10-25-1990)

Other neighboring city research can be made available upon request to City Staff (prior to the meeting would be most advantageous).

10-14-11: SWIMMING POOL, SWIM SPA AND HOT TUB, FAMILY:

A family above or in ground swimming pool, swim spa and hot tub shall be permitted in the rear yard of a dwelling as an accessory use, provided the following requirements are met:

- A. Location: The location of such family swimming pool, swim spa, hot tub or accessory machinery shall not be less than ~~seven-five~~ feet (57') from any interior property line or if an easement exists on the property the pool, spa or tub must be completely off the easement. On corner lots, the distance from said pool to the property line facing on a street shall not be less than the required side yard for an accessory building in that zone.
- B. Enclosure; Lighting: An outside family swimming pool shall be completely enclosed by a substantial fence of not less than six feet (6') in height and any lights used to illuminate said pool or its accessories shall be so arranged as to reflect the light away from the adjoining premises.
- C. Pool Covers: In addition to the setback and fencing requirements set forth herein, it is strongly recommended that pool owners utilize pool covers that comply with the most current personal liability insurance standards.
- D. Side Yard Location: If a property has sufficient side yard to accommodate a pool, spa or hot tub in meeting all of the above requirements while also maintaining the required side yard setback (from property line to any portion of the structure) for the zone it is located in, then the pool, spa or hot tub may be located in the side yard. (Ord. 818, 10-2-2012)



**RIVERDALE CITY
PUBLIC HEARING NOTICE**

Riverdale City gives notice that on Tuesday, August 27, 2019 during the regular Planning Commission Meeting, which begins at 6:30 p.m., at the Riverdale City Civic Center, 4600 South Weber River Drive, Riverdale, Utah, the Planning Commission will hold a public hearing to receive and consider public comments regarding proposed amendments to Municipal Code 10-14-11 "Swimming Pool, Swim Spa and Hot Tub, Family".

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

Certificate of Posting

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Riverdale City limits on this 14th day of August, 2019 at the following locations: 1) Riverdale City Hall Noticing Board 2) Riverdale City website at <http://www.riverdalecity.com/> 3) the Public Notice Website: <http://www.utah.gov/pmn/index.html>.

This notice is scheduled to be published in the Standard Examiner on Saturday August 17, 2019.

Shalee Evans
Riverdale City Recorder