



**RIVERTON CITY  
REGULAR CITY COUNCIL MEETING &  
WORK SESSION  
AGENDA**

**May 7, 2013**

Notice is hereby given that the Riverton City Council will hold a **Regular City Council Meeting & Work Session** beginning at **6:30 p.m.** on **May 7, 2013**, at Riverton City Hall, located at 12830 South 1700 West, Riverton, Utah.

**1. GENERAL BUSINESS**

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Presentations/Reports
  1. Recognition of Boy Scout Troops
  2. Proclamation – “National Public Works Week”
  3. Proclamation – “National Water Week”
  4. Riverton Choice Awards for Excellence in Education – Providence Hall – *Councilman Al Leavitt*
4. Public Comments

**2. STAFF REPORTS**

1. Lance Blackwood, City Manager
2. Safety Training – *Ryan Carter, City Attorney*

**3. PUBLIC HEARINGS** – *There are no Public Hearings Scheduled*

**4. DISCUSSION/ACTION ITEMS**

1. **Ordinance No. 13-03** – Rezoning 3.55 Acres located at approximately 11973 South Park Haven Ln from R-3 (Residential 14,000 Square Foot Lots) To R-4 (Residential ¼ Acre Lots), Freiss Development, Applicant – *Jason Lethbridge, Planning Manager*
2. **Resolution No. 13-22** - Tentatively Adopting Tentative Budgets for the 2013-2014 Fiscal Year – *Mayor Applegarth*

**5. CONSENT AGENDA**

1. **Minutes:** RCCM 04-23-13
2. **Bond Releases:** N/A
3. Set Public Hearing Date regarding the Tentative Budget for Fiscal Year 2013-2014 (**June, 4, 2013 and June 18, 2013 at 6:30 p.m.**)
4. Set Public Hearing Date regarding the proposed Compensation for Elective and Statutory Officers and all other Municipal Officers for Fiscal Year 2013-2014 (**June, 4, 2013 at 6:30 p.m.**)
5. Set Public Hearing Date regarding the proposed Municipal Fee Schedule for Fiscal Year 2013-2014 (**June, 18, 2013 at 6:30 p.m.**)
6. Set Public Hearing Date regarding the Final Amended Budget for Fiscal Year 2012-2013 (**June 18, 2013 at 6:30 p.m.**)
7. Wellhead Protection Zone associated with the well located at approximately 1050 West 12300 South – Table to RCCM June 4, 2013 – *Jason Lethbridge, Planning Manager*

**6. ELECTED OFFICIAL REPORTS**

1. Mayor Bill Applegarth
2. Council Member Brent Johnson
3. Council Member Al Leavitt
4. Council Member Sheldon Stewart
5. Council Member Tracy Thaxton
6. Council Member Roy Tingey

**7. UPCOMING MEETINGS**

1. May 14, 2013 – Work Session – 6:30 p.m.
2. May 21, 2013 – Work Session – 6:30 p.m.
3. May 28, 2013 – Work Session – 6:30 p.m.
4. June 04, 2013 – Riverton Redevelopment Agency Meeting - 6:20 p.m.
5. June 04, 2013 – Regular City Council Meeting – 6:30 p.m.
6. June 18, 2013 – Riverton Redevelopment Agency Meeting - 6:20 p.m.
7. June 18, 2013 – Regular City Council Meeting – 6:30 p.m.

**8. WORK SESSION**

1. Discussion of Tentative Budgets for Fiscal Year 2013-2014

**9. ADJOURN – 10 p.m.**

Dated this 2<sup>nd</sup> day of May 2013

  
Virginia Loader, MMC  
Riverton City Recorder

**Public Comment Procedure**

At each Regular City Council Meeting any person wishing to comment on any item not otherwise on the Agenda may address the Governing Body during the Public Comment period. The comment period is limited to 30 minutes. Any person wishing to comment shall limit their comments to no more than three (3) minutes, unless additional time is authorized by the Mayor. Citizen groups will be asked to appoint a spokesperson, who shall limit their comments to no more than five (5) minutes. All comments shall be directed to the Mayor and City Council. No person addressing the Governing Body during the comment period shall be allowed to comment more than once during that comment period. Speakers should not expect any debate or dialogue with the Mayor, City Council or City Staff during the meeting.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify the City Recorder's Office at 801-208-3126, at least 24 hours prior to the meeting. Accessible parking and entrance are located on the south end of the building with elevator access to the City Council Chambers located on the second floor.

**Certificate of Posting**

I, Virginia Loader, the duly appointed and acting Recorder for Riverton City certify that, at least 24 hours prior to such meeting, the foregoing City Council Agenda was emailed to the Salt Lake Tribune, Deseret News and the South Valley Journal. A copy of the Agenda was also posted in the City Hall Lobby, on the City's Website at [www.rivertoncity.com](http://www.rivertoncity.com), and on the Utah Public Meeting Notice Website at <http://pmn.utah.gov>.

Dated this 2<sup>nd</sup> day of May 2013

Virginia Loader, MMC  
Recorder



**RIVERTON CITY, UTAH  
OFFICE OF THE MAYOR**

**PROCLAMATION**

**WHEREAS**, public work services provided in our community are an integral part of our citizens' everyday lives; and

**WHEREAS**, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as streets, water, storm water drainage, engineering, parks and solid waste collection; and

**WHEREAS**, the health, safety and comfort of this community greatly depends on these facilities and services; and

**WHEREAS**, the quality and effectiveness of these facilities, as well as their planning, designs, and construction, is vitally dependent upon the efforts and skill of the public work personnel; and

**WHEREAS**, the efficiency of the qualified and dedicated personnel who staff the public works department is materially influenced by the people's attitude and understanding of the importance of the work they perform;

**NOW THEREFORE**, I, William Applegarth, Mayor of Riverton City, do hereby proclaim the week of May 19<sup>th</sup> through May 25<sup>th</sup>, 2013 as

**“National Public Works Week”**

in Riverton City, and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing public work service and to recognize the contributions which public works personnel make every day to our health, safety, comfort and quality of life.

**PROCLAIMED**, under my hand and Seal of Riverton City, this 7<sup>th</sup> day of May, 2013.

[SEAL]

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**Bill Applegarth, Mayor**

**ATTEST:**

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**Virginia Loader, Recorder**



**RIVERTON CITY  
OFFICE OF THE MAYOR**

**PROCLAMATION**

**PROCLAIMING THE WEEK OF MAY 19-25, 2013 AS  
“WATER WEEK”**

**WHEREAS**, water work services provided in our community are an integral part of our citizens’ everyday lives; and

**WHEREAS**, the support of an understanding and informed citizenry is vital to the efficient operation of the water works systems and programs; and

**WHEREAS**, the health, safety and comfort of this community greatly depends on these facilities and services; and

**WHEREAS**, the quality and effectiveness of these facilities, as well as their planning, designs, and construction, is vitally dependent upon the efforts and skill of the water work officials; and

**WHEREAS**, the efficiency of the qualified and dedicated personnel who staff the Water Department is materially influenced by the people’s attitudes and their understanding of the importance of the work they perform.

**NOW THEREFORE**, I Bill Applegarth, Mayor of Riverton City, do hereby proclaim the week of May 19 through May 25, 2013 as

**“Water Week”**

in Riverton City and call upon all citizens and civic organizations to acquaint themselves with “The Wonders of Water”, along with issues involved in providing our water and to recognize the contributions that water workers make every day to our health, safety, comfort and quality of life.

**PROCLAIMED** this 7<sup>th</sup> day of May 2013.

[SEAL]

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**Bill Applegarth, Mayor**

**ATTEST:**

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**Virginia Loader, Recorder**



## Riverton City Choice Awards

### Featuring Providence Hall Charter School

**May 2013**

**Girl Student: Ruth Pina** – Ruth is a quiet leader who influences other students to be better people. Her infectious smile and demeanor make people smile. She is a high achieving 9<sup>th</sup> grade student as well as a fantastic athlete. Her work ethic is unparalleled. Ruth leads by example and is not afraid to let people know where she stands on an issue and she does so with the utmost respect. We are proud to have Ruth Pina represent Providence Hall Charter School in any capacity.

**Boy Student: Nikolus Barker** - Nik is such an all around good kid and a terrific fifth grader. He shows that he cares for his peers. Nik is the first to volunteer for anything that the school or his classmates need. He participates in all of his classes. He also has some of the finest manners you will ever find. We are proud to nominate Nik Barker as our outstanding student at Providence Hall Charter School.

**Educator: Kami Mecham** - Kami Mecham, has an amazing passion to teach kids to read. She is a wonderful third grade teacher. Kami is always the first to step up and organize fun events for the school. No job is “too big” for her. Kami Mecham helps us make Providence Hall Charter School the “caring school” that kids love to attend.



# Issue Paper

Item No. 4.1

<b>Presenter/Submitted By:</b>	Jason Lethbridge, Planning Manager	
<b>Subject:</b>  <b>REZONE, REZONE 3.55 ACRES LOCATED AT APPROXIMATELY 11973 SOUTH PARK HAVEN LN FROM R-3 (RESIDENTIAL 14,000 SQUARE FOOT LOTS) TO R-4 (RESIDENTIAL ¼ ACRE LOTS), FREISS DEVELOPMENT, APPLICANT</b>	<b>Meeting Date:</b> May 7, 2013	
	<b>Fiscal Impact:</b> N/A	
	<b>Funding Source:</b> N/A	
<b>Background:</b>  <p>Downing Aiken, representing Freiss Development, has submitted an application for rezone of 3.55 acres located at 11973 South Park Haven Lane. The property is currently zoned R-3, as is the property to the south and west. The property to the east is zoned R-4, as is the property to the north. However, the property to the north, across the Midas Creek Channel, is an elementary school.</p> <p>The property is part of the Park Haven Subdivision. That development is zoned R-3, but because of the nature of the original approval in 1998, the majority of the lots within the development are ¼ acre lots. The proposed zoning would allow for development of lots that are consistent with the surrounding properties.</p> <p>At a City Council Meeting held March 5, 2013, the City Council tabled this agenda item to May 7<sup>th</sup>.</p>		
<b>Recommendation:</b>  <p>On February 28, 2013, the Planning Commission voted to recommend approval of this rezone application.</p>		
<b>Recommended Motion:</b>  <p>“I move to adopt <u>Ordinance No. 13-03</u>, rezoning 3.55 acres located at approximately 11973 South Park Haven Lane from R-3 (Residential 14,000 square foot lots) to R-4 (Residential, 10,000 square foot lots) with the inclusion of an SD designation limiting development of the property to six (6) lots.”</p>		

**RIVERTON CITY, UTAH**  
**ORDINANCE NO. 13-03**

**AN ORDINANCE REZONING 3.55 ACRES LOCATED AT APPROXIMATELY 11973 SOUTH PARK HAVEN LN FROM R-3 (RESIDENTIAL 14,000 SQUARE FOOT LOTS) TO R-4 (RESIDENTIAL ¼ ACRE LOTS), FREISS DEVELOPMENT, APPLICANT**

**WHEREAS**, the Riverton City Planning Commission has received public input and made a recommendation regarding the above listed rezone; and,

**WHEREAS**, the City Council has held a public hearing to consider said rezone; and,

**WHEREAS**, the Riverton City Council has determined that it is in the best interest of the public to amend the Riverton City Zoning Map to make the proposed amendment from the current designation of R-3 to **R-4 (Residential Single-Family, 10,000 Square Foot Minimum Lot Size)**

**NOW THEREFORE, BE IT ORDAINED** by the City Council of Riverton City, Utah as follows:

Section 1. The Riverton City Zoning Map shall be, and hereby is, amended to reflect the changes as shown in Exhibit "A" attached hereto.

Section 2. This ordinance shall take effect upon passage.

**PASSED AND APPROVED** by the City Council of Riverton, Utah, on this 7th day of May, 2013 by the following vote:

Council Member Sheldon Stewart	___	Yes	___	No
Council Member Brent Johnson	___	Yes	___	No
Council Member Al Leavitt	___	Yes	___	No
Council Member Tracy Thaxton	___	Yes	___	No
Council Member Roy Tingey	___	Yes	___	No

**RIVERTON CITY**

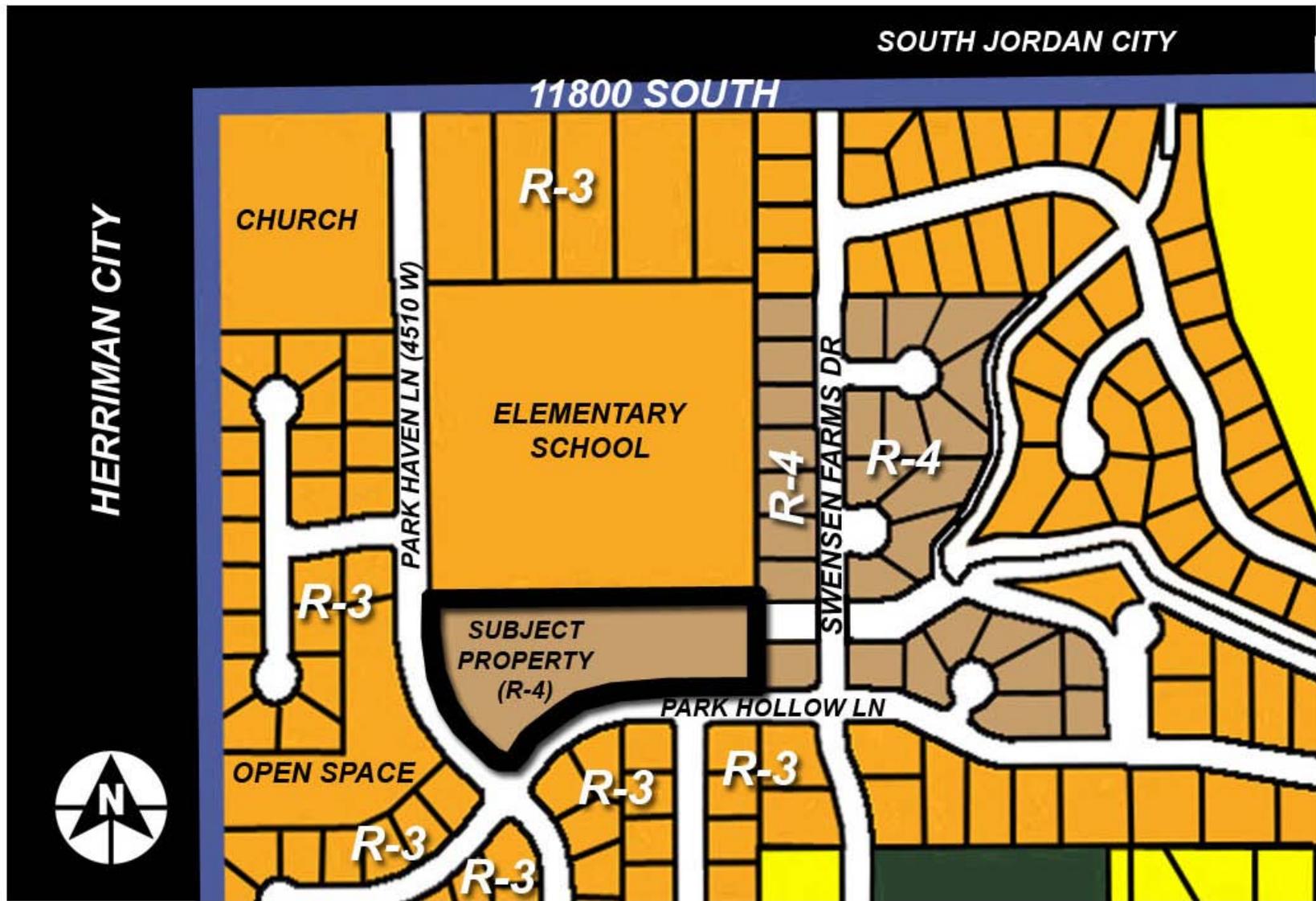
[SEAL]

**ATTEST:**

\_\_\_\_\_  
**Bill Applegarth, Mayor**

\_\_\_\_\_  
**Virginia Loader, MMC**  
**City Recorder**

# Exhibit "A"



7:34:47 PM Boy Scout Carson Park, Troop 829, asked about the City's plans for the vacant lot adjacent to the Post Office Building. It was explained to him that the City does not own that vacant ground.

7:33:56 PM There were no additional public comments and Mayor Applegarth closed the Public Comment period.

#### STAFF REPORTS

There were no Staff Reports.

#### PUBLIC HEARINGS

- 1. DAVE FREISS, REPRESENTING FREISS DEVELOPMENT GROUP, HAS REQUESTED A REZONE OF 3.55 ACRES LOCATED AT 11973 SOUTH PARK HAVEN LANE FROM R-3 TO R-4, WHICH WILL ALLOW ¼ ACRE MINIMUM LOT SIZES**

7:36:31 PM Jason Lethbridge, Planning Manager, explained that Downing Aiken, representing Freiss Development, submitted an application for rezone of 3.55 acres located at 11973 South Park Haven Lane. The property is currently zoned R-3, as is the property to the south and west. The property to the east is zoned R-4, as is the property to the north. However, the property to the north, across the Midas Creek Channel, is an elementary school. He said the property is part of the Park Haven Subdivision. That development is zoned R-3, but because of the nature of the original approval in 1998, the majority of the lots within the development are ¼ acre lots. The proposed zoning would allow for development of lots that are consistent with the surrounding properties.

Mr. Lethbridge said that on February 28, 2013 the Planning Commission voted to recommend approval of the rezone application with an SD designation, limiting the number of lots which could be developed to six (6).

7:40:35 PM Council Member Johnson asked if the property were an R3 Zone could there be more than six lots on the property. Mr. Lethbridge indicated it was not a likely possibility.

7:41:11 PM Council Member Tingey said he received a letter from Ms. Hancock and asked that it be distributed to all the Council Members. It was discussed and requested by Mr. Carter that the letter be included during the Public Hearing segment of the meeting.

7:42:06 PM City Attorney Ryan Carter explained that the issue is a small rezone development application, which harbors some controversy for the neighborhood, and it has been a difficult application for staff to process and work through. He said the reason it has been so difficult is because residents in the area probably purchased in the area with the understanding and belief that it would forever be used as open space. He explained that open space means that it would be a park owned by the City or property that was to be privately maintained in perpetuity by the residents of the area.

Mr. Carter said that he reviewed the minutes of different meetings where this item was discussed. He also interviewed different staff members who worked for the City at the time this went through in the year 2000. He said he believed that what was contemplated at one time for the subject property, as well as property further to the west, was that the developer intended the property would be kept as open space and that a Home Owners Association (HOA) would be created in order to care for its ownership, maintenance and use in perpetuity.

Mr. Carter said that a problem occurred sometime after the Subdivision Plat when the CC&R's were created for the HOA, but they did not cover the subject property in any particular way. From what could be ascertained, he said there appears to be no connection between any theoretical Home Owners Association and ownership interest they may have in the subject property. Mr. Carter informed the Council that he has considered the question of whether or not the property that was created when the subdivision plat was originally recorded with the County; whether or not the recording of that had the affect of vesting that property into the hands of the City itself. In other words, is this a public park that was created and that the City actually owns title to today? Mr. Carter said he does not believe so because under the law where property is recorded by subdivision plat, it can vest title of property to a designated recipient. If the language on the plat is clear enough to show intent on the part of the property owner to vest title of that property into another person or entity. In this particular instance, when you look at the subdivision plat that was recorded, and when you look at that particular parcel of property to analyze what the ownership shows, there is only one word that gives any guidance on that particular lot, the word is "open". Mr. Carter said that in order for Riverton City to lay claim to the property, the City would have to assume that by use of the word "open", the developer intended at that time that the property be vested in title and dedicated to the City in some fashion. Mr. Carter said that he does not believe that the single word "open" carries a broad enough meaning to it to be interpreted to mean the City owns the property after the subdivision occurred. He does not believe that it is publically held in title by the City. He then explained that he has not been able to find any evidence that suggests that anyone in the form of a Home Owners Association has any ownership interests in the property. In the absence of those two things, his conclusion as to who owns the property is that the original developer who created this subdivision plat retained ownership of the property at the time the subdivision was created. He further believes that what was anticipated is that it would one day be privately owned by a Home Owners Association. He believes that the developer at the time simply made a mistake by failing to follow through.

Mr. Carter said that Mr. Downing Aiken, one of the original partners of the company at the time the subdivision plat was originally created, was in attendance, along with his attorney. He then said stated that this property is held by an entity, the same company that was in place at the time the subdivision occurred. Mr. Carter said that, in the absence of more specifics, he feels that there is nothing to bar the property from being developed. He also stated that the Development Agreement that was executed between the Developer and the City, which called for dedication of certain things, did not list the subject property among the things that would be dedicated to the City. He believes that indicates a fairly conspicuous absence in the Development Agreement language and if the City ever intended to receive the property they would have included that language in the agreement. However, the Development Agreement is silent about dedicating the park space to the public entity.

Mr. Carter said that some of the minutes from years after the original recording of the subdivision included a special hearing between Steve Young, the managing partner of the company at the time, and the City Council. It appears that Mr. Young invited the City Council to entertain acceptance of this property, which further verifies that the property was privately held by him as the owner. Salt Lake County Tax Assessor records also indicate the property was privately held by the Developer. Mr. Carter said that at the time of the special hearing, the City Council declined to accept Mr. Young's offer. At the time the property offer was declined, the consequence may not have been understood, which was that the City did not receive the property, it remained privately held property and it is developable property.

Mr. Carter confirmed the language on the application and cautioned the City Council that a denial based on a theory that the property should be a park may be construed as arbitrary and capricious, which may set up the possibility of a legal challenge. He reminded them that the issue was a rezone of R3 versus R4.

7:50:39 PM Council Member Tingey asked if the zoning issue regarding the subject property would have any effect on the surrounding properties. Mr. Carter said no that the issues associated with the other properties are co-lateral to this.

7:52:09 PM Council Member Stewart asked if any of the surrounding properties were 1/3 acre properties and Mr. Lethbridge said they are not.

7:52:44 PM Mayor Applegarth made an apology for giving some erroneous information in the past regarding this property. He said he had no ill intentions and he had been under the assumption that the land was not buildable because of its proximity to the creek. He stands corrected and said he has tried to amend his earlier comments.

7:53:40 PM Craig Carlile, Attorney for the applicants, said he would be available to answer any questions regarding the legal issues.

7:55:43 PM Mayor Applegarth explained the proposed rezone application has met all Riverton City Ordinances and General Land Use Laws. He then explained three choices before the City Council; to approve the rezone, to deny the rezone or to table the rezone.

8:04:07 PM Mayor Applegarth and Mr. Lethbridge established an estimate of five buildable lots with the current R3 Zone and six with an R4 Zone.

8:04:56 PM Mayor Applegarth opened a Public Hearing and called for public comments.

8:04:59 PM Council Member Tingey entered into the record a letter from Maridene Hancock and Ryan Carter distributed copies of the letter to the Council Members.

8:05:40 PM **Jessie Hanks** presented a letter with approximately 30 signatures. Mr. Hanks read his letter listing eight major concerns and asked that a vote be postponed for 60 days.

8:10:43 PM **Stewart Merrick** indicated that the developer made specific commitments to get this plat and subdivision approved. He quoted language in the Development Agreement and named the number of potential lots to be developed. Mr. Merrick maintained that the subject property has park like amenities consisting of a paved trail, sprinklers and trees. Because it has

these amenities, he feels that it was the developer completing his obligation for a park or open space. He also stated that the City Park Master Plan lists the park at Park Haven, which he felt was further indication that it was always understood the property was to be left open. He stated that at one time it was intended to turn the property over to an HOA, however, the developer failed to do so. Mr. Merrick stated that the property has not been maintained by the developer for many years but it has been maintained by the City. He asked the Council to deny the R4 Rezone based on the history and the circumstances of the case.

**8:15:41 PM James Ranken** stated that when the preliminary plat was approved by the City, the preliminary plat indicates “open and park area.”

**8:16:29 PM** Mayor Applegarth reminded the public the topic of discussion was a zoning issue.

**8:17:50 PM Maridene Hancock** stated that the original Development Agreement states that no more than 129 lots would be developed. She feels that the rezone should be denied and recommended more time be allowed to study the issue.

**8:19:10 PM** There were no additional comments and Mayor Applegarth closed the Public Hearing.

**8:19:15 PM** City Attorney Ryan Carter discussed the point made by Mr. Marrick in the Development Agreement regarding the maximum number of lots of 129. He then posed the question, “How do you maintain this property in perpetuity after everyone here is gone?” He said there are no provisions for care and maintenance of the property.

**8:23:32 PM** Mayor Applegarth asked Mr. Carter if he felt the Council had a legal basis to make the rezone decision. Mr. Carter said yes.

**8:24:02 PM** Craig Carlisle said that the CC & R’s do not indicate any open area or common area in the development.

**8:26:04 PM** Council Member Tingey asked Mr. Carter if the restrictions regarding the number of lots to be built on the property stay with the property regardless of who owns it. Mr. Carter said that he was not entirely sure that is the case.

**8:31:56 PM** Discussion regarding issues the County may have with regards to the safety, fencing, or flooding of Midas Creek occurred. Additionally, Mayor Applegarth discussed correspondence he had with Mr. Greg Larson regarding payment for culinary water to the property. He again summarized the choices before the Council.

**ORDINANCE NO. 13-03 – REZONING 3.55 ACRES LOCATED AT APPROXIMATELY 11973 SOUTH PARK HAVEN LN FROM R-3 (RESIDENTIAL 14,000 SQUARE FOOT LOTS) TO R-4 (RESIDENTIAL ¼ ACRE LOTS), FREISS DEVELOPMENT, APPLICANT**

Council Member Brent Johnson **MOVED** the City Council **TABLE** Ordinance No. 13-03, rezoning 3.55 acres located at approximately 11973 South Park Haven Lane from R-3 (Residential 14,000 square foot lots) to R-4 (Residential, 10,000 square foot lots) with the

**inclusion of an SD designation limiting development of the property to six (6) lots at this time.** Council Member Johnson (#1) amended the motion for this item to be evaluated in 60 days. Council Member Johnson (#2) amended his motion to be date specific to May 7, 2013. Council Member Al Leavitt **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; 8:43:28 PM Council Member Tingey asked if there were any specific items that needed to be addressed between now and then to help them make a more informed decision. Mayor Applegarth called for a Roll Call Vote. The vote was as follows: Johnson-Yes, Leavitt-Yes, Stewart-Yes, Thaxton-Yes and Tingey-Yes. The motion passed unanimously.

**2. PUBLIC HEARING - RANDY BOWLER IS PROPOSING A REZONE OF APPROXIMATELY 34 ACRES LOCATED AT 12064 S 3600 W FROM R-3 TO R-4-SD, ALLOWING FOR DEVELOPMENT OF ¼ ACRE LOTS WITH ADDITIONAL CONDITIONS LIMITING THE NUMBER OF LOTS AND REGULATING MINIMUM SIZES**

8:46:10 PM Jason Lethbridge, Planning Manager, explained that Randy Bowler submitted an application requesting that 34 acres located at approximately 12064 South 3600 West be rezoned from its existing zoning of R-3 (Residential 14,000 square foot lots) to R-4 (Residential 10,000 square foot lots). As mentioned the property is currently zoned R-3 and is utilized as agriculture. To the north property is zoned R-3 and is utilized as single-family residential. To the south property is zoned R-3 and R-2 (Residential 19,000 square foot lots) and is also utilized as single-family residential. To the west is the Bangerter corridor and to the east, on the adjacent side of 3600 West property is zoned RR-22 (Rural Residential ½ acre lots).

Mr. Lethbridge said the applicant previously submitted an application for rezone of the property to R-4, which would allow ¼ acre lots throughout the development. That application was denied by the City Council. In response to concerns raised during that process, the applicant has proposed an alternative configuration of the property and zoning. Riverton City's ordinances allow for a Specific Development Designation, which is a mechanism to place additional restrictions and requirements on zoning specific to a particular piece of property. The applicant

is proposing the application of the SD Designation to further restrict the development of the property under the proposed R-4 Zone.

Mr. Lethbridge said that on February 28, 2013 the Planning Commission voted to recommend approval of the Rezone Application with the conditions outlined in the Staff report. They made an addition of Condition No. 5. He further stated that staff concurs with the Planning Commission's recommendation of approval.

Discussion regarding the size of developable acres took place. It was determined that there are 34 total acres, 30 acres are developable and the maximum number of buildable homes is 78, which is not a guarantee of 78 but a maximum number.

8:55:16 PM Lynn Bowler stated that the SD zone that comes with the land is not changeable by the developer; only the City Council may change that at a future date if they desire. He also stated that, as a developer, he has met with many of the citizens in the area and is addressing their concerns. Mr. Bowler indicated that he has spoken with Jordan School District who will issue a "Will Serve Letter" for the development.

**RIVERTON CITY  
MEMORANDUM**

**TO:** Honorable Mayor and City Council

**FROM:** Planning Department

**DATE:** March 5, 2013

**SUBJECT:** REZONE, REZONE 3.55 ACRES LOCATED AT APPROXIMATELY 11973 SOUTH PARK HAVEN LN FROM R-3 (RESIDENTIAL 14,000 SQUARE FOOT LOTS) TO R-4 (RESIDENTIAL ¼ ACRE LOTS), FREISS DEVELOPMENT, APPLICANT.

**PL NO.:** 13-4002- CREEKSIDE REZONE

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**On February 28, 2013, the Planning Commission voted to recommend APPROVAL of this rezone application. A record of motion and comment sheet are included below. The Planning Commission specifically added the recommendation that the property be limited to 6 lots via an SD designation. Staff will present additional information on this recommendation at the upcoming meeting. The Planning Commission recommended the following motion:**

I move City Council ADOPT Ordinance #13-03, rezoning 3.55 acres located at approximately 11973 South Park Haven Lane from R-3 (Residential 14,000 square foot lots) to R-4 (Residential, 10,000 square foot lots), with the following addition:

With the inclusion of an S-D designation to the zone limiting development of the property to no more than six (6) lots.

**BACKGROUND**

Downing Aiken, representing Freiss Development, has submitted an application for rezone of 3.55 acres located at 11973 South Park Haven Lane. The property is currently zoned R-3, as is the property to the south and west. The property to the east is zoned R-4, as is the property to the north. However, the property to the north, across the Midas Creek Channel, is an elementary school.

The property is part of the Park Haven Subdivision. That development is zoned R-3, but because of the nature of the original approval in 1998, the majority of the lots within the development are ¼ acre lots. The proposed zoning would allow for development of lots that are consistent with the surrounding properties.

The property itself has some history behind it. In the original subdivision approval, the applicant indicated that the property would be set aside for open space, and it was labeled as such on the recorded plat. However, it was not clear from the language of the applicant's proposals whether the property would be public or private open space. The property was not dedicated to the City and so remained under the ownership of the original developer. Over the course of several years, representatives of the property owners made several proposals to the City for the disposition of the property, including dedication of the ground to the City for use as public open space. The property remains undeveloped and under maintained. The City has determined that it is in the best interests of the City and of this area to allow development of this portion of the property in question, and is working with the owner to address the disposition of the remaining ground. For the property under consideration in this rezone, the proposed R-4 zone would allow future subdivision of the land into ¼ acre lots consistent with the R-4 zone, which will match the development pattern of the surrounding area.

Riverton City's ordinance includes several items for consideration in a rezone, and the following checklist outlines those standards provided for review by the Planning Commission and City Council:

<b>Zoning Ordinance Compliance Checklist</b>	
<b>Meets Criteria</b>	<b>Part 12-200-10 Amendments</b>
<b>Yes / No</b>	1. The proposed amendment will place all property similarly situated into the same zoning classification or in complementary classifications.
<b>Yes / No</b>	2. 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.
<b>Yes / No</b>	3. All uses permitted under the proposed zoning classification amendment will be appropriate in the area to be included in the proposed zoning amendment.
<b>Yes / No</b>	4. The character of the neighborhood will not be adversely affected by any use permitted in the proposed zoning classification.
<b>Yes / No</b>	5. The proposed zoning amendment is consistent with the City's Master Plan.

**ATTACHMENTS:**

The following items are attached for your review:

1. A copy of the Rezone application.
2. An 8.5" x 11" copy of the Current Zoning Map
3. An 8.5" x 11" copy of the Possible Zoning Map
4. An 8.5" x 11" copy of the General Plan Designation
5. An 8.5" x 11" copy of the aerial view.

# Creekside Rezone



**Aerial View**

# Creekside Rezone

SOUTH JORDAN CITY

11800 SOUTH

HERRIMAN CITY

CHURCH

R-3

ELEMENTARY  
SCHOOL

R-4

R-4

PARK HAVEN LN (4510 W)

SWENSEN FARMS DR

R-3

SUBJECT  
PROPERTY  
(R-3)

PARK HOLLOW LN

OPEN SPACE

R-3

R-3

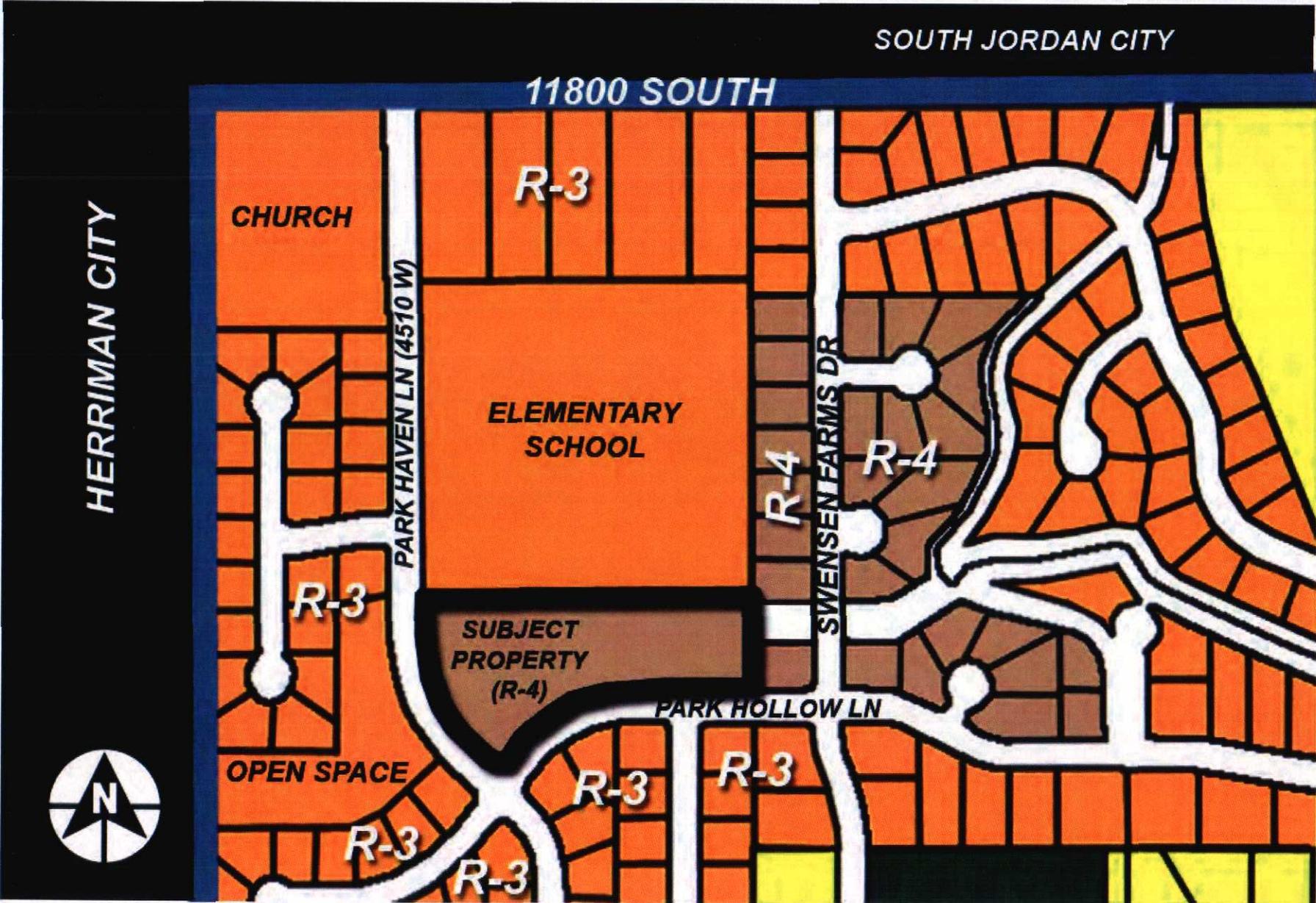
R-3

R-3



Current Zoning

# Creekside Rezone

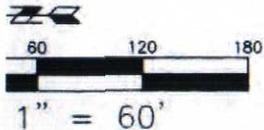


*Proposed Zoning*

'35"E  
.01

POINT OF BEGINNING

T=	R=	L=	C=
15.00	15.00	23.56	21.21
6.40	15.00	12.09	11.77
14.85	15.00	23.41	21.10
15.25	15.00	23.81	21.39
163.53	350.00	305.96	296.31
93.26	200.00	174.53	169.05
186.52	400.00	349.07	338.10
130.57	280.00	244.35	236.67
31.65	800.00	63.26	63.25
31.65	800.00	63.26	63.25
47.97	50.00	237.69	69.23
45.66	544.78	91.11	91.01
44.43	530.00	88.64	88.54



$\Delta=07^{\circ} 05' 01''$   
 $R=303^{\circ} 27' 21'' E$   
 $T=22.28$   
 $R=360.04$   
 $L=44.51$   
 $C=44.48$



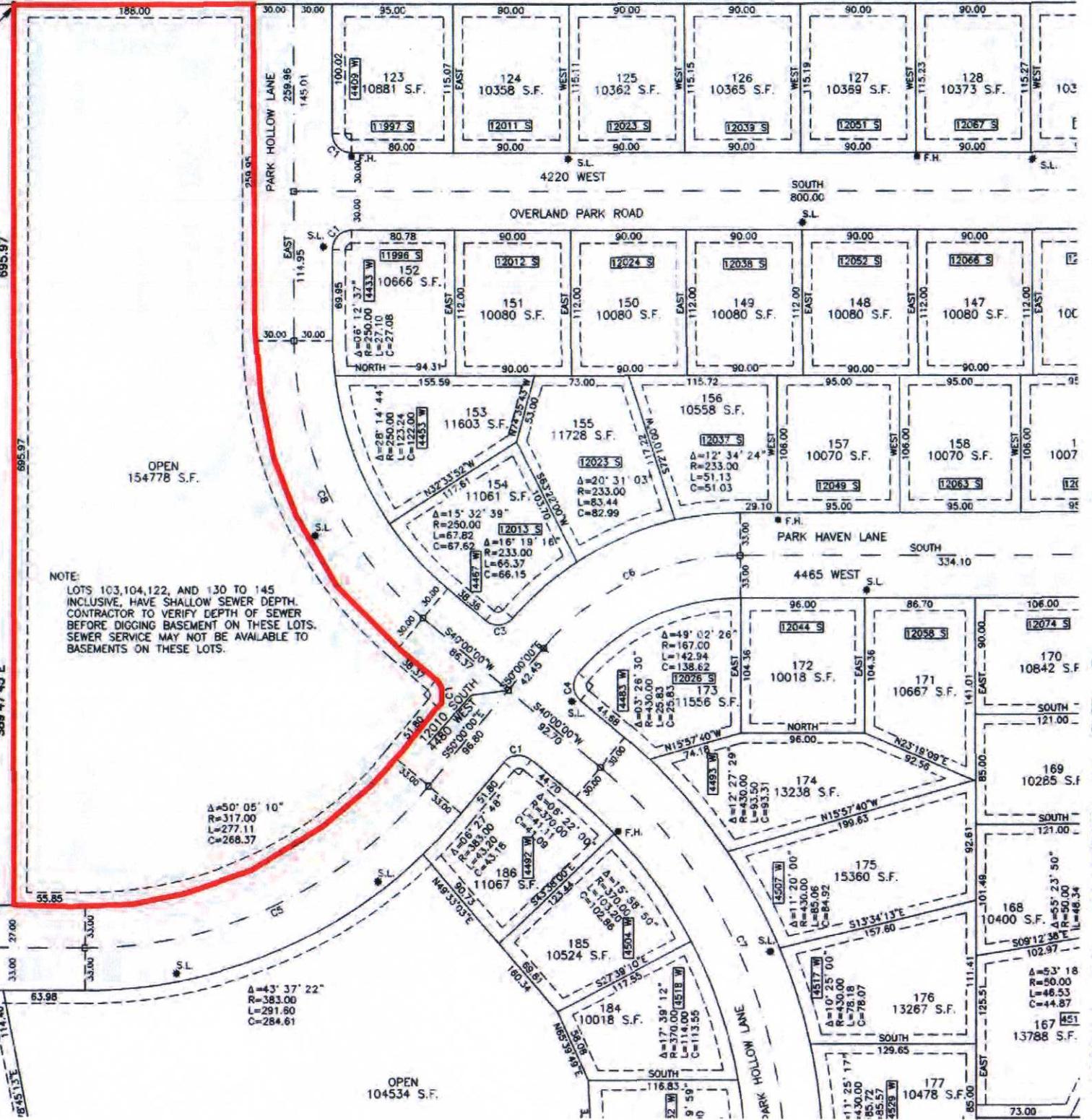
$\Delta=07^{\circ} 05' 01''$   
 $CB=N03^{\circ} 27' 21'' W$   
 $T=26.37$   
 $R=426.04$   
 $L=52.67$   
 $C=52.64$

$\Delta=07^{\circ} 05' 01''$   
 $CB=N03^{\circ} 27' 21'' W$   
 $T=22.28$   
 $R=360.04$   
 $L=44.51$   
 $C=44.48$

$\Delta=09^{\circ} 34' 58''$   
 $R=500.00$   
 $L=83.62$   
 $C=63.53$

$\Delta=09^{\circ} 34' 58''$   
 $R=500.00$   
 $L=83.62$   
 $C=63.53$

NOTE:  
 LOTS 103,104,122, AND 130 TO 145  
 INCLUSIVE, HAVE SHALLOW SEWER DEPTH.  
 CONTRACTOR TO VERIFY DEPTH OF SEWER  
 BEFORE DIGGING BASEMENT ON THESE LOTS.  
 SEWER SERVICE MAY NOT BE AVAILABLE TO  
 BASEMENTS ON THESE LOTS.



MATTHEW TO C...

1 Commissioner Kochevar seconded the motion. Vote on motion: Dennis Hansen –  
2 Aye; Scott Kochevar – Aye; Cade Bryant – Aye; Kent Hartley – Aye; Taylor Morrill –  
3 Aye. The motion passed unanimously.  
4

5 B. REZONE

6 13-4002, REZONE 3.55 ACRES LOCATED AT APPROXIMATELY 11973  
7 SOUTH PARK HAVEN LANE FROM R-3 (RESIDENTIAL 14,000 SQUARE  
8 FOOT LOTS) TO R-4 (RESIDENTIAL ¼ ACRE LOTS). FREISS  
9 DEVELOPMENT, APPLICANT.  
10

11 Mr. Aagard indicated that the applicant would like to rezone 3.55 acres located at  
12 approximately 11973 South Park Haven Lane from R-3 (Residential 14,000 square foot lots)  
13 to R-4 (Residential one-quarter acre lots). Properties to the south and west of the subject  
14 parcel are currently zoned R-3. The properties to the east and north are zoned R-4, but an  
15 elementary school occupies the parcel to the north.  
16

17 The subject parcel is part of the Park Haven subdivision, which developed under the R-3  
18 zone. Many of the parcels in the development, however, are one-quarter acre lots. The  
19 proposed zoning would allow for development of lots consistent with the surrounding  
20 properties. In the original subdivision approval, the applicant indicated that the subject  
21 property would be set aside for open space and it was labeled as such on the recorded plat.  
22 But it was not clear whether the property would be public or private open space. The  
23 property was not dedicated to the City, so it remained under the ownership of the original  
24 developer. Over the course of several years, the property owners proposed several options  
25 for disposition of the property, but the property remains undeveloped and under maintained.  
26 The City has determined that it is in the best interest of the City and the community to allow  
27 development of the property.  
28

29 The proposed R-4 zone would allow future subdivision of the land into one-quarter acre lots,  
30 which will match the development pattern of the surrounding area. Mr. Aagard displayed a  
31 graphic identifying the sizes of the various lots in the subdivision.  
32

33 Following Mr. Aagard's report, Mr. Carter provided a brief overview of the history of the  
34 parcel. He explained that when the original project was approved by the City Council in the  
35 1990s, the original developer offered to deed the subject parcel to the City for use as a park.  
36 The City, however, did not accept the property. Instead, the City asked the developer to  
37 improve the property as open space park land for the benefit of the surrounding community,  
38 with the understanding that the property would be owned and maintained by a homeowners'  
39 association. The developer, however, failed to properly establish the HOA and the parcel has  
40 become a nuisance and an eye sore. The property owner would now like to develop the  
41 portion of the property that can be developed, and he would like to deed the undevelopable  
42 portion over to the City. Mr. Carter emphasized that the current owner has the right to  
43 develop the property, as it is zoned R-3.  
44

45 Commissioner Hansen opened the public hearing.  
46

1 Mr. Greg Reed, who lives very near the subject parcel, does not believe the R-4 zone would  
2 be compatible with the surrounding parcels, which are zoned R-3. Mr. Carter explained that,  
3 as contemplated, three of the proposed lots would exceed the R-3 minimum lot size, but  
4 three of the lots would be just smaller than required by the R-3 zone. Mr. Reed opposes the  
5 rezoning.

6  
7 Mr. Dick Ludlow, who lives on Spring Circle, expressed his concern about elimination of the  
8 existing trail. Children use the trail to get to school, and its elimination will result in kids  
9 walking along the street. He also asked about potential impacts to drainage of Midas Creek.  
10 Mr. Carter pointed out that there are sidewalks available for the children to use. He also  
11 stated that the City Engineering Department has considered the drainage issue and  
12 determined that the creek will need to be protected. Improvements will be made along the  
13 banks to ensure continued drainage.

14  
15 Ms. Meridene Hancock, who lives just west of the subject property, objects to rezoning the  
16 property. She thinks six homes on the parcel would be too many. Ms. Hancock also  
17 indicated that the original developer was permitted to construct homes on one-quarter acre  
18 lots, with the understanding that he would dedicate 30% of the project to open space. She  
19 does not think there will be enough open space if the City allows the subject parcel to be  
20 developed.

21  
22 Mr. Carter indicated that he examined the zoning conditions of the project but did not find  
23 anything requiring the developer to dedicate a portion of the project to open space. But even  
24 if 30% open space had been required, the City Council may reconsider that decision.  
25 Mr. Carter again pointed out that the property has never been rezoned to open space, but  
26 has remained residential. Subdivision approval is unnecessary in this instance.

27  
28 Ms. Courtney Palmer asked whether the City could install a walking path in the portion of the  
29 property near Midas Creek. Mr. Carter is unsure whether a path would be feasible, but such  
30 a request can be considered when the subdivision application is considered.

31  
32 Mr. Dave Freiss, Freiss Development Group, stated that he believes he could meet the R-3  
33 zoning requirement if he does not deed the Midas Creek portion to the City. He also pointed  
34 out that many of the lots in the existing subdivision are smaller than his proposed lots.  
35 Mr. Freiss understands that the project may be a shock to neighboring property owners who  
36 believed that the parcel is a community park, but, at this point, his company is trying to fix the  
37 problem left by the original developer.

38  
39 Mr. James Franken, who lives on the south side of Park Haven, asked why the subdivision  
40 has one-quarter acre lots if the entire project was zoned R-3. Mr. Carter was unsure, but  
41 speculated that the developer may have omitted the creek channel area when he rezoned the  
42 other lots. Mr. Franken observed that, if the property is now zoned R-4, a new developer  
43 could build on one-quarter acre lots. Mr. Carter does not believe that more lots could be  
44 created, as the configuration is limited by the creek channel.

45  
46 Ms. Debbie Reed, who lives just west of the subject property, is concerned about potential  
47 flood damage caused by Midas Creek. Mr. Carter explained that, although the drainage

1 issue will be more fully addressed during the subdivision application process, the County will  
2 not allow private development to interfere with the creek channel.

3  
4 Mr. Steven Clark, who also lives just west of the subject property, believes that the developer  
5 must have made some type of agreement with the City that allowed him to build on one-  
6 quarter acre lots. Mr. Carter offered to provide a summary of the meeting minutes where the  
7 zoning was discussed.

8  
9 Ms. Tamara Harris, who lives on Hersey Park Court, was told that the land south of Midas  
10 Creek and east of Park Haven was dedicated open space. Although the City assured her  
11 that the developer had met all of the requirements regarding bank stabilization along the  
12 creek channel, the bank is eroding more and more with each spring's run off. She contacted  
13 the City regarding the erosion, but she was referred to the County. The County examined the  
14 bank, and told her it was completely inadequate and did not meet the permit requirements.  
15 She believes her financial investment, rights, and safety have been compromised and that  
16 the new development will hurt her neighborhood further. Ms. Harris believes that the stream  
17 bed must be altered to provide enough buildable space on the lots.

18  
19 Mr. Jesse Hanks, who also lives west of the subject property, also opposes the zone change.  
20 But, in the event the application is approved, he would like to see a maximum number of lots  
21 established as a condition of the zone change. Mr. Carter indicated that the Planning  
22 Commission may, in its discretion, recommend approval of the application with an SD  
23 designation capping the number of lots at six.

24  
25 Mr. Gary Cannon, a Riverton resident, identified that the developer could, with a few lot line  
26 adjustments, meet the R-3 zoning requirements. He is concerned that deepening the lots  
27 would create the flooding and drainage issues identified by Ms. Harris. Mr. Cannon recalled  
28 that, for a time, lot sizes were averaged, which may account for the one-quarter acre lots in  
29 the subdivision.

30  
31 Mr. Rick Van Stavren, a Riverton resident, asked whether the homes built will match the  
32 neighborhood. Commissioner Hartley clarified that a larger square footage is required in the  
33 R-3 zone, but the Planning Commission can require that the homes built meet the larger  
34 square footage even in the R-4 zone. Mr. Carter indicated that the homes built would be  
35 similar in size to the existing homes in the subdivision, since the square footage requirements  
36 are the same as they were when the existing homes were built. The City Council may, in its  
37 discretion, limit the homes to one story, but it is uncommon.

38  
39 Miss Merrilee Hancock, who lives across the street from the subject property, knows children  
40 who walk to school using the sidewalk across the property. She thinks some of the older  
41 children may make poor choices.

42  
43 There were no additional public comments. Commissioner Hartley closed the public hearing.

44  
45 A commissioner asked Mr. Carter if the public's continued use of the sidewalk has created a  
46 prescriptive easement. Mr. Carter was unsure, as the prescriptive easement ordinance deals

1 with roadways and not sidewalks. Further, courts generally require at least twenty years of  
2 use before they will recognize a walking easement.

3  
4 Commissioner Hartley expressed his concern that if the City denies the rezone application,  
5 the developer will simply deepen the lots to meet the R-3 requirement. Such a configuration  
6 would reduce the property granted to the City and would likely interfere with the creek  
7 channel. Mr. Carter agreed, noting that the County is very interested in facilitating  
8 development or improvement of the property.

9  
10 Commissioner Kochevar moved to recommend **APPROVAL** of application #PL 13-4002,  
11 rezoning 3.55 acres located at approximately 11973 South Park Haven Lane from R-3  
12 (Residential 14,000 square foot lots) to R-4 (Residential, 10,000 square foot lots), with  
13 the condition that the property be given an SD designation limiting the number of lots  
14 to six. Commissioner Hansen seconded the motion. Vote on motion: Dennis Hansen  
15 – Aye; Scott Kochevar – Aye; Cade Bryant – Nay; Kent Hartley – Aye; Taylor Morrill –  
16 Nay. The motion passed.

17  
18 **II. DECISION ITEM**

19  
20 A. MINOR SUBDIVISION

21 PL#12-1003, FOUR LOT SUBDIVISION, BOWEN PARK PHASE I, LOCATED  
22 AT 13616 SOUTH REDWOOD ROAD.

23  
24 Mr. Aagard stated that the application is for a four-lot minor subdivision to be located at  
25 13616 South Redwood Road. The property is zoned R-4, as is the property to the west.  
26 Property to the north is zoned RR-22. Property to the south, across Western Charm Drive, is  
27 zoned C-G (Gateway Commercial), but it is currently used for single-family homes. An aerial  
28 photograph of the area was displayed.

29  
30 The subject property, which is 1.27 acres, has one existing home. The proposed subdivision  
31 would create four lots, with the existing home remaining on one of the lots. All of the  
32 proposed lots would meet or exceed the minimum requirements of the R-4 zone, and the  
33 subdivision complies with the ordinance requirements. The applicant has coordinated the  
34 Redwood Road frontage with UDOT, as Redwood Road is administered by the State, but  
35 staff recommends requiring that no access shall be permitted directly on to Redwood Road.  
36 This requirement should not create a problem since all of the lots will front on Western Charm  
37 Drive.

38  
39 The property north of the subject parcel is zoned RR-22, which allows large animals.  
40 Accordingly, solid masonry fencing will be required along that property line. Six-foot collector  
41 street fencing will be required along Redwood Road. The existing home on the property  
42 accesses Redwood Road, so the fencing requirement should be suspended until the old  
43 home is razed and a new home is constructed. Staff recommends approval of the application  
44 with the conditions listed in the staff report.

45  
46 A commissioner asked the applicant whether the neighbors have voiced any concerns about  
47 the subdivision. The applicant indicated that he has not received a single call regarding his



# Issue Paper

Item No. 4.2

<b>Presenter/Submitted By:</b>	Mayor Applegarth	
<b>Subject:</b>  Fiscal Year 2013-2014 Tentative Budgets	<b>Meeting Date:</b> May 7, 2013	
	<b>Fiscal Impact:</b>	
	<b>Funding Source:</b>	
<p><b>Background:</b></p> <p>The following procedural steps are required as the Fiscal Year 2013-2014 budgets are adopted:</p> <p>UCA 10-6-111(1) On or before the first regularly scheduled meeting of the governing body in the last May of the current period, the budget officer shall prepare for the ensuing fiscal period, on forms provided by the state auditor, and file with the governing body, a tentative budget for each fund for which a budget is required.</p> <p>(3) Each tentative budget shall be reviewed, considered, and tentatively adopted by the governing body in any regular meeting or special meeting called for the purpose and may be amended or revised in such manner as is considered advisable prior to public hearings, except that no appropriation required for debt retirement and interest or reduction of any existing deficits pursuant to Section <b>10-6-117</b>, or otherwise required by law or ordinance, may be reduced below the minimums so required.</p>		
<p><b>Recommendation:</b></p> <p>Approve Resolution No. 13-22 as presented.</p>		
<p><b>Recommended Motion:</b></p> <p>"I move to adopt <u>Resolution No. 13-22</u> - Tentatively Adopting Tentative Budgets for the 2013-2014 Fiscal Year."</p>		

**RIVERTON CITY, UTAH**  
**RESOLUTION NO. 13-22**

**A RESOLUTION OF THE RIVERTON CITY COUNCIL TENTATIVELY  
ADOPTING TENTATIVE BUDGETS FOR THE 2013-2014 FISCAL YEAR**

**WHEREAS**, State law requires the filing of a tentative budget for each municipality located within the State of Utah; and

**WHEREAS**, the tentative budget complies with the requirements set out in U.C.A. § 10-6-111; and

**WHEREAS**, the budget shall be reviewed, considered, and tentatively adopted by the governing body and may be amended or revised in such manner as is considered advisable prior to public hearings.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of Riverton City as follows:

1. That Riverton City, a municipal corporation, hereby tentatively adopts their Tentative Budgets for the Fiscal Year beginning July 1, 2013 and ending June 30, 2014, attached hereto.
2. This Resolution shall become effective immediately upon passage.

**PASSED AND ADOPTED** by the City Council of Riverton City on this 7<sup>th</sup> day of May 2013 by the following vote:

Council Member Brent Johnson	_____	Yes	_____	No
Council Member Al Leavitt	_____	Yes	_____	No
Council Member Sheldon Stewart	_____	Yes	_____	No
Council Member Tracy Thaxton	_____	Yes	_____	No
Council Member Roy Tingey	_____	Yes	_____	No

**RIVERTON CITY**

[SEAL]

\_\_\_\_\_  
**Bill Applegarth, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Virginia Loader, MMC**  
**City Recorder**



# Issue Paper

Item No. 5

<b>Presenter/Submitted By:</b> Mayor Applegarth	
<b>Subject:</b> Consent Agenda	<b>Meeting Date:</b> May 7, 2013
	<b>Fiscal Impact:</b>
	<b>Funding Source:</b>
<b>Background:</b>	
<p><b>5. CONSENT AGENDA</b></p> <ol style="list-style-type: none"> <li>1. <b>Minutes:</b> RCCM 04-23-13</li> <li>2. <b>Bond Releases:</b> N/A</li> <li>3. <u>Set Public Hearing Date</u> regarding the Tentative Budget for Fiscal Year 2013-2014 (<b>June, 4, 2013 and June 18, 2013 at 6:30 p.m.</b>)</li> <li>4. <u>Set Public Hearing Date</u> regarding the proposed Compensation for Elective and Statutory Officers and all other Municipal Officers for Fiscal Year 2013-2014 (<b>June, 4, 2013 at 6:30 p.m.</b>)</li> <li>5. <u>Set Public Hearing Date</u> regarding the proposed Municipal Fee Schedule for Fiscal Year 2013-2014 (<b>June, 18, 2013 at 6:30 p.m.</b>)</li> <li>6. <u>Set Public Hearing Date</u> regarding the Final Amended Budget for Fiscal Year 2012-2013 (<b>June 18, 2013 at 6:30 p.m.</b>)</li> <li>7. <u>Wellhead Protection Zone</u> associated with the well located at approximately 1050 West 12300 South – Table to RCCM June 4, 2013 – <i>Jason Lethbridge, Planning Manager</i></li> </ol>	
<b>Recommendation:</b>	
Approve the Consent Agenda.	
<b>Recommended Motion:</b>	
“I move to approve the Consent Agenda as presented.”	

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**Riverton City**  
**REGULAR CITY COUNCIL MEETING**  
**Minutes**  
**Tuesday, April 23, 2013**

**Riverton City Hall**  
**12830 South 1700 West**  
**Riverton, Utah 84065**

---

10 **Attendance:**

11  
12 Mayor William R. Applegarth

13  
14 **Council Members:**

15 Council Member Brent Johnson  
16 Council Member Al Leavitt  
17 Council Member Sheldon Stewart  
18 Council Member Tracy Thaxton  
19 Council Member Roy Tingey

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**City Staff:**

Lance Blackwood, City Manager  
Ryan Carter, City Attorney  
Virginia Loader, Recorder  
Jason Lethbridge, Planning Manager  
Jeff Hawker, Asst. City Manager  
Trace Robinson, Public Works Director  
Sheril Garn, Public Services Director  
Rod Norton, UPD Chief

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47

**Citizens:** Michael Johnson, Wyoma Darlington, Merillee Booren, Rebecca Barber, Rebecca Evans, Margo Chapman, Loni Larsen, Fred Larsen, Karen Hansen, Kathy Larsen, Dave & Sharon Carter, Alan Weston, Greg & Kathy Hunter, Dollores B Shelledn, Angela Healy, Marci Seegmiller, Chris Seegmiller, Samantha Seegmiller, Burton Clark, Bruce R. Baird, Cameron Francis, Paul Van Komen, Tadd Casper, Holly Casper, Richard and Adelle Dorrance

**GENERAL BUSINESS**

**Call to Order and Roll Call** - Mayor Applegarth called the meeting to order at 6:36 p.m. and welcomed those in attendance. He then conducted a Roll Call and Council Members Johnson, Leavitt, Stewart, Thaxton and Tingey were present.

[6:39:26 PM](#) **Pledge of Allegiance** – Scout Troop 1201, directed the Pledge of Allegiance.

**PRESENTATIONS/REPORTS:**

[6:42:02 PM](#) Mayor Applegarth read the following Proclamations.

**1. ARBOR DAY PROCLAMATION** – proclaiming **April 26, 2013** as “**Arbor Day**” in Riverton City, and encouraging all residents and visitors to become active in planting, promoting, and preserving trees throughout the year.

1 **2. MUNICIPAL CLERKS WEEK PROCLAMATION** – proclaiming **May 5 through**  
2 **May 11, 2013 as “Municipal Clerks Week”** in Riverton City, and extend our appreciation to  
3 Municipal Clerks, Virginia Loader, MMC, and Joy Johnson, CMC, and to all Municipal Clerks  
4 for the vital services they perform and their exemplary dedication to the communities they  
5 represent.

6  
7 **PUBLIC COMMENTS**

8  
9 [6:50:52 PM](#) Mayor Applegarth called for public comments. There were no public comments and  
10 Mayor Applegarth closed the Public Comment period.

11  
12 **STAFF REPORTS**

13  
14 [6:51:44 PM](#) **Lance Blackwood, City Manager** – May 7<sup>th</sup> the Mayor’s Budget will be submitted  
15 to the City Council.

16  
17 [6:52:35 PM](#) **Safety Training Report - Ryan Carter, City Attorney** – Reported on the Incident  
18 Review Board, which shows a need for heavy equipment training. He also discussed Utah Law  
19 and how it applies to all City Employees regarding purchasing procedures and reported that  
20 training would be forthcoming.

21  
22 **DISCUSSION/ACTION ITEMS**

23  
24 **1. RESOLUTION NO. 13-16 - CONSIDERATION AND ADOPTION OF A**  
25 **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERTON, UTAH**  
26 **(THE “ISSUER”), AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE**  
27 **THAN \$5,700,000 AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE**  
28 **REFUNDING BONDS, SERIES 2013 AND RELATED MATTERS**

29  
30 [6:54:22 PM](#) Ryan Carter, City Attorney, presented information regarding the issuance and sale of  
31 Water Revenue Refunding Bonds, Series 2013. He explained that in the year 2011, the Council  
32 authorized issuance of certain water revenue refunding bonds, conveniently titled “Water  
33 Revenue Refunding Bonds, Series 2011 (the “2011 Bonds”). The Riverton City Council opted to  
34 issue the Series 2011 bonds to repay water revenue bonds issued in 2003, because interest rates  
35 on sums borrowed under said revenue bonds had declined. Since the year 2004, interest rates  
36 have declined yet again. The Series 2004 Bonds were issued at an interest rate of 5%; current  
37 market conditions will likely enable Riverton City to issue water revenue bonds at an interest  
38 rate of 4%. Thus, current market conditions call for Riverton City to undergo once again the  
39 process to refinance its water revenue bonds by issuing new water revenue bonds to repay the  
40 2004 bonds and pay off the new debt incurred at the lower interest rate.

41  
42 Mr. Carter said that if the proposed parameters Resolution is adopted, it will authorize Riverton  
43 City to issue a new series of revenue bonds, conveniently titled “City of Riverton, Utah Water  
44 Revenue Bonds, Series 2013” (the “2013 Bonds”); provided, however that certain market  
45 conditions fall into place. The Series 2013 Bonds will be used solely to: (a) refund all or a  
46 portion of the outstanding 2011 Bonds, (b) fund a debt service reserve fund, if necessary, and (c)  
47 pay costs of issuance of the Series 2013 Bonds, pursuant to this Resolution. In other words, he  
48 said the City shall not be incurring additional debt by issuance of the 2013 bonds after the 2011

1 Bonds are repaid and issuance costs are paid as well. He said that actions taken will occur with  
2 consultation from the City’s Financial Adviser, Lewis Young Robertson & Burningham.

3  
4 [6:56:42 PM](#) Laura Lewis, Lewis Young Robertson & Burningham stated that the Water Revenue  
5 Refunding Bonds are replacing the issued Water Revenue Refunding Bonds, Series 2004 rather  
6 than Series 2011.

7  
8 [6:55:59 PM](#) Council Member Tracy Thaxton **MOVED to adopt Resolution No. 13-16,**  
9 **authorizing the issuance and sale of not more than \$5,700,000.00 aggregate principal**  
10 **amount Water Revenue Refunding Bonds, in the year 2013, to replace the issued Water**  
11 **Revenue Refunding Bonds, Series 2011, in the event certain market conditions render**  
12 **replacement of the Series 2011 Bonds to be beneficial to the City, and provided bond**  
13 **issuance satisfies the parameters described herein. (A friendly amendment was made to**  
14 **change Series 2011, wherever mentioned, to Series 2004.)** Council Member Roy Tingey  
15 **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; there being  
16 none, he called for a Roll Call Vote. The vote was as follows: Johnson-Yes, Leavitt-Yes,  
17 Stewart-Yes, Thaxton-Yes and Tingey-Yes. **The motion passed unanimously.**

18 **PUBLIC HEARINGS**

19  
20 **1. CONSIDERATION OF A PETITION TO CLOSE A NORTHERN PORTION OF**  
21 **REEVES LANE – *Continued From RCCM 04-02-13***

22  
23 [6:58:07 PM](#) Ryan Carter, City Attorney, presented the following summary regarding a petition  
24 received to close a northern portion of Reeves Lane:

25  
26 “March 5, 2013, residents located in the Windy River Subdivision submitted a  
27 petition asking Riverton City to consider whether to “prevent access between the  
28 planned development of the Peter Coats Property and Reeves Lane.” Otherwise,  
29 stated, this petition seeks closure of the northern end of Reeves Lane by vacating  
30 a small segment of the street, or by erecting a security gate which allows ingress  
31 and egress for public safety vehicles and City public works vehicles. Because  
32 either scenario would prevent public access to and from property to the north of  
33 Reeves Lane, this petition request must be processed as though it proposes to  
34 vacate a portion of the street, regardless of the final result.

35  
36 Developer’s concerns aside, a decision to vacate or install a security gate at the  
37 northern end of Reeves Lane would violate Riverton street standards found in  
38 Title 17 of the Riverton City Municipal Code. Either scenario eliminates any  
39 right of the public to travel through the area. Because the public’s right of way  
40 would come to and end at the northern point of Reeves Lane under either option,  
41 the street would be considered a cul de sac under Municipal Code standards.

42  
43 Section 17.20.010 of the Riverton City Code requires that streets created in a  
44 subdivision shall be located so they “will connect with existing streets. Streets  
45 shall be located and designed so that the adjoining land shall not be diminished in  
46 value. If the adjoining land is zoned for residential use, streets shall be located so  
47 that the adjacent land may be most efficiently subdivided.” In other words, streets  
48 must be designed in such a way that they do not isolate an undivided parcel of

1 land, and encourage development of the same.  
2

3 Occasionally, street designs call for cul-de-sacs, but they are permitted only in  
4 limited instances. Section 17.20.010 of the Riverton City Code restricts the extent  
5 cul-de-sacs can be included in a street design. It states, “Minor terminal streets  
6 (cul-de-sacs) shall not be longer than 450 feet from the centerline of the adjoining  
7 street to the center of the cul-de-sac.” Reeves Lane would become a minor  
8 terminal street (or a cul-de-sac) upon closure of the north end either by vacating  
9 or installing a security gate. Indeed, Reeves Lane currently meets the definition  
10 of a cul-de-sac because it does not connect with additional streets on either end of  
11 Reeves Lane. Because Reeves Lane is longer than 450 feet from the center line of  
12 Lampton View Drive, its current design is in violation of Riverton Municipal  
13 Code. In other words, Reeves Lane is an illegal street.  
14

15 The 450 foot maximum length standard found in Riverton Municipal Code for  
16 minor terminal streets was in existence at the time Reeves Lane was originally  
17 constructed. The legislative body of Riverton City understood that granting  
18 subdivision approval for Reeves Lane would create an illegal street, but this  
19 violation of the Riverton Municipal Code was overlooked because the developer  
20 of Reeves Lane represented to the Riverton City Council that a development in  
21 South Jordan City would connect the north end of Reeves Lane to streets in South  
22 Jordan, which would eventually lead to 11400 South Street. According to records  
23 kept regarding development approval for the Windy River Subdivision, the  
24 subdivision applicant stated that development in South Jordan would occur within  
25 6 months of granting subdivision approval for Reeves Lane. One might infer  
26 from these records that the Council fudged a little on upholding the City’s length  
27 standards for cul de sacs, due to the close timing of development expected in  
28 Riverton and South Jordan. The development in South Jordan, as described by  
29 the developer, is now 17 years overdue.  
30

31 In retrospect, the City Council should not have allowed building permits for any  
32 lots on Reeves Lane which were located at a distance greater than 450 Feet from  
33 Lampton View Drive. Alternatively, the City Council could have required the  
34 Windy River Subdivision to be developed in phases to restrict the development of  
35 Reeves lane to 450 feet from Lampton View Drive. In either event, approval to  
36 build homes on Reeves Lane beyond the 450 foot limit should not have occurred  
37 until, at minimum, the City Council received word that South Jordan had granted  
38 subdivision approval to the north of Reeves Lane. The problem we face with this  
39 situation in the present day is: any decision by the current Riverton City Council  
40 to vacate the public’s right of way or install a security gate would, in itself,  
41 constitute a violation of Riverton City Code. Thus, this office cannot recommend  
42 either vacating Reeves Lane or installing a security gate, unless or ordinances  
43 regarding streets standards are first amended to allow a legal means to  
44 accommodate the petitioners request.”  
45

46 Mr. Carter then presented the following options for the City Council to consider:  
47

- 1 • Adopt an ordinance to vacate the northern portion of Reeves Lane at the location  
2 described in Exhibit A provided by City staff. (Note: although this is provided as an  
3 option, it is not recommended by the City Attorney’s office given the City’s current  
4 standards regarding cul-de-sacs under Riverton City Municipal Code, Section 17.20.010)  
5
- 6 • Adopt an ordinance to close the public’s right of way at the northern end of Reeves Lane  
7 as described in Exhibit B and install a security gate which solely allows the ingress and  
8 egress of public safety vehicles, and public works vehicles. An ordinance which would  
9 enable this option is enclosed with this issue paper. (Note: although this is provided as an  
10 option, it is not recommended by the City Attorney’s office given the City’s current  
11 standards regarding cul de sacs under Riverton City Municipal Code, Section 17.20.010).  
12
- 13 • Continue this matter until June 18, 2013 and direct staff to craft an ordinance which  
14 provides objective standards by which the Riverton City Council may install security  
15 gates in lieu of requiring interconnectivity of all minor streets within Riverton City, and  
16 further direct staff to return to the council no later than June 4, 2013 with said ordinance  
17 for consideration and possible adoption.  
18
- 19 • Move to decline the request of petitioners and keep Reeves Lane open to connect with  
20 future development in South Jordan City.  
21

22 [7:04:35 PM](#) Bruce Baird, Counsel for McKeon Land and Ivory Homes, stated he wished to make  
23 a public record regarding this issue. He stated that closing this street would be a bad idea. Gating  
24 is not a good idea because it is bad land planning, bad transportation planning, bad emergency  
25 planning and bad government to change an ordinance to accommodate some people who are  
26 making a lot of noise. He said It may well come back to bite the City in the future. He said that  
27 once you tailor an ordinance you are open to future pressure to tailor it again. He further stated  
28 that his firm strongly opposes the possible closure of this road. He continued by stating his firm  
29 does not oppose the proposed gating, “although we think it is a bad idea”. It is a bad idea because  
30 you will end up with 51 homes with a single access point; fifty-one homes with one point of  
31 access is not wise emergency planning. He then stated for the record that his firm will not oppose  
32 the gating of the subdivision but they will oppose the closure of the road.  
33

34 [7:07:50 PM](#) Council Member Al Leavitt said he supports City Attorney Ryan Carter crafting an  
35 ordinance amendment.  
36

37 [7:08:23 PM](#) Council Member Sheldon Stewart commented on the implications of thinking in the  
38 moment. He feels that a negative message will be sent with this type of ordinance. He said that a  
39 gate is a physical and mental statement of division and the future of the area needs to be  
40 considered.  
41

42 Mayor Applegarth said that he is in support of a new ordinance and stated that Ivory Homes has  
43 been the good guy in this process and deserves recognition by the residents. He then opened a  
44 Public Hearing and called for public comments.  
45

46 [7:11:19 PM](#) **Cameron Francis**, spokesperson for the neighborhood, discussed concerns  
47 addressed by Council Member Stewart. He stated that this gate would be a natural boundary

1 between cities and feels it is acceptable. He also thanked Mr. Baird and Ivory Homes for not  
2 opposing the proposed gate. Mr. Francis said that he and his neighbors love Reeves Lane and  
3 want to keep it the quiet little sleepy neighborhood that it has become.  
4

5 [7:15:20 PM](#) **Angela Healy** said they are not just a bunch of self serving residents living on a  
6 street that they don't want a lot of traffic coming down. She said they are deeply concerned about  
7 the safety of people using the streets and of property values. Ms. Healy stated that her group has  
8 worked very hard to improve the situation, not only for people of Riverton, but for the people of  
9 South Jordan as well.  
10

11 [7:17:20 PM](#) **Paul Van Komen** discussed the original plans for connecting to 11400 South;  
12 clarified that 11400<sup>th</sup> South was not a street when this development was initially completed but  
13 said 11400 South turned into a four lane highway. He discussed the connecting streets, Marco  
14 Polo Lane, Palisade Rim Drive, and South Jana Lynn Drive. Mr. Van Kommen made reference  
15 to Riverton City Code 17.5.020; which states the number one purpose is to promote the health  
16 safety and general welfare of the residents of the city. He said he is hopeful that something can  
17 be worked out for a gate that does not allow continuous flow of traffic.  
18

19 [7:24:32 PM](#) **A resident** requested that all access to the bike trail remains undisturbed. He stated  
20 that during the construction phase we have an agreement with South Jordan City that all Reeves  
21 Lane access will be blocked during the construction phase.  
22

23 There were no additional comments.  
24

25 [7:30:19 PM](#) Mr. Ryan Carter clarified information regarding the completion of 11400 South. He  
26 also informed Council that they would need to make a motion regarding Reeves Lane based on  
27 the suggestions as outlined.  
28

29 [7:29:42 PM](#) Council Member Al Leavitt **MOVED to continue this matter until June 18, 2013**  
30 **and direct staff to craft an ordinance which provides objective standards by which the**  
31 **Riverton City Council may install security gates in lieu of requiring interconnectivity of all**  
32 **minor streets within Riverton City, and further direct staff to return to the Council no later**  
33 **than June 4, 2013 with said ordinance for consideration and possible adoption.** Council  
34 Member Brent Johnson **SECONDED** the motion. Mayor Applegarth called for discussion on  
35 the motion; there being none, he called for a Roll Call Vote. The vote was as follows: Johnson-  
36 Yes, Leavitt-Yes, Stewart-No, Thaxton-Yes and Tingey-Yes. **The motion passed 4 to 1.**  
37

### 38 **CONSENT AGENDA**

39

40 [7:32:46 PM](#) Mayor Applegarth presented the following Consent Agenda:  
41

1. **Minutes:** WS 03-19-13, RCCM 04-02-13
2. **Bond Releases:** N/A
3. **Resolution No. 13-17** – Approving the purchase of a standby diesel engine generator system from Cummins Rocky Mountain for the Public Works Facility
4. **Resolution No. 13-18** – Approving the Polling Locations for the 2013 Municipal Elections

5. **Resolution No. 13-19** – Authorizing the City to enter into a contract with Vinyl Industries to furnish and install a concrete fence at the Pueblo Del Montana Park
6. **Resolution No. 13-20** - Authorizing the Mayor to sign an Addendum to an Agreement with Ted G. Severe & Beverly Severe, located at 4177 West 13400 South, Riverton, Utah (13400 South Road Widening)
7. **Resolution No. 13-21** – Authorizing the City to contract with Hidden Peak Electric to complete the 2013 Streetlight Refurbishing Project

1  
2 [7:33:30 PM](#) Council Member Al Leavitt **MOVED to approve the Consent Agenda as**  
3 **presented.** Council Member Tracy Thaxton **SECONDED** the motion. Mayor Applegarth  
4 called for discussion on the motion; there being none, he called for a Roll Call Vote. The vote  
5 was as follows: Johnson-Yes, Leavitt-Yes, Stewart-Yes, Thaxton-Yes and Tingey-Yes. **The**  
6 **motion passed unanimously.**

#### 7 8 **MAYOR/COUNCIL REPORTS**

9  
10 **Mayor Bill Applegarth** – No report

11  
12 **Council Member Roy Tingey** – No report

13  
14 **Council Member Sheldon Stewart** – [7:35:58 PM](#) Wanted to thank staff for spending time  
15 to clarify some issues he has had the last few weeks. He feels that City Staff has been awesome  
16 to work with.

17  
18 **Council Member Tracy Thaxton** – No report

19  
20 **Council Member Brent Johnson** – [7:36:15 PM](#) reported on feed back from residents that  
21 live next to the cemetery. Residents are concerned with the continual breaking of bollards used  
22 as traffic barriers. Mr. Johnson feels the City Engineers should address the water damaged areas,  
23 sprinklers, the damaged and uneven sod as well as the 90° turns, which make navigation difficult  
24 on the roads.

25  
26 Mayor Applegarth informed Council Members that any cemetery re-design and sprinkler issues  
27 which are not covered by warranty will need to be covered by the fund balance or the rainy day  
28 fund and would require approval from the City Council. Council Members all agreed to making  
29 necessary road improvements and repairs.

30  
31 **Council Member Al Leavitt** – [7:44:04 PM](#) attended a luncheon honoring special students in  
32 law enforcement and stated it was very impressive.

#### 33 34 **UPCOMING MEETINGS**

35  
36 Mayor Applegarth reviewed the following upcoming meetings:

- 37 1. May 07, 2013 – Riverton Redevelopment Agency Meeting - 6:20 p.m.
2. May 07, 2013 – Regular City Council Meeting – Budget Work Session - 6:30 p.m.
3. May 14, 2013 – Work Session – 6:30 p.m.
4. May 21, 2013 – Work Session – 6:30 p.m.

5. June 04, 2013 – Riverton Redevelopment Agency Meeting - 6:20 p.m.
6. June 04, 2013 – Regular City Council Meeting – 6:30 p.m.
7. June 18, 2013 – Riverton Redevelopment Agency Meeting - 6:20 p.m.
8. June 18, 2013 – Regular City Council Meeting – 6:30 p.m.

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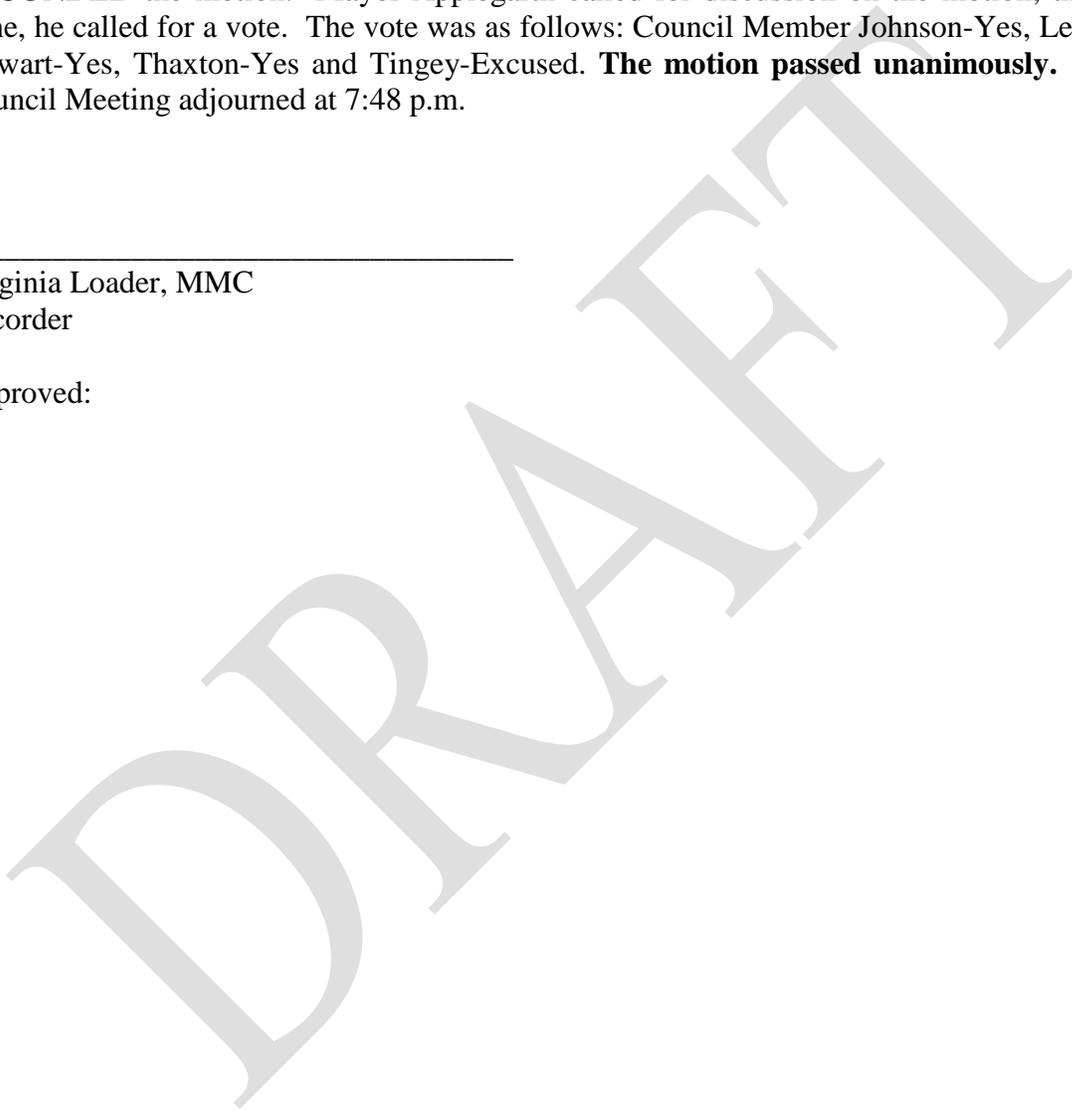
**8. ADJOURN**

[7:48:45 PM](#) Council Member Tracy Thaxton **MOVED to adjourn**. Council Member Al Leavitt **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; there being none, he called for a vote. The vote was as follows: Council Member Johnson-Yes, Leavitt-Yes, Stewart-Yes, Thaxton-Yes and Tingey-Excused. **The motion passed unanimously**. The City Council Meeting adjourned at 7:48 p.m.

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Virginia Loader, MMC  
Recorder

Approved:





## Issue Paper

Item No. 5.7

<b>Presenter/Submitted By:</b>	Jason Lethbridge, Planning Manager	
<b>Subject:</b>  <b>WELLHEAD PROTECTION ZONE ADOPTION,          ESTABLISHING A WELLHEAD PROTECTION          ZONE ASSOCIATED WITH AN EXISTING WELL AT          1050 WEST 12300 SOUTH, RIVERTON CITY</b>	<b>Meeting Date:</b> May 7, 2013	
	<b>Fiscal Impact:</b> N/A	
	<b>Funding Source:</b> N/A	
<b>Background:</b>  <p>Riverton City has recently constructed a new well located at approximately 1050 West 12300 South. With that well in place, Riverton City is proposing the establishment of a Wellhead Protection Zone associated with the new well site. The Wellhead Protection Ordinance regulates above and below-ground land use and construction that may impact the well and its source areas. This will primarily affect certain types of commercial uses within the wellhead protection area, as well as uses requiring below ground tanks or drilling. The Wellhead Protection Zone will not affect most residential property owners, and the restrictions are most stringent in the areas closest to the well site.</p> <p>A map of the proposed wellhead protection zone is attached below showing the affected areas.</p>		
<b>Recommendation:</b>  <p>This item is scheduled to be heard by the Planning Commission prior to adoption by the City Council. We recommend the item be tabled to the June 4<sup>th</sup>, 2013 meeting.</p>		
<b>Recommended Motion:</b>  <p>“I move to Table the proposed adoption of a Wellhead Protection Zone associated with the well located at approximately 1050 West 12300 South to the June 4, 2013 City Council Meeting.”</p>		

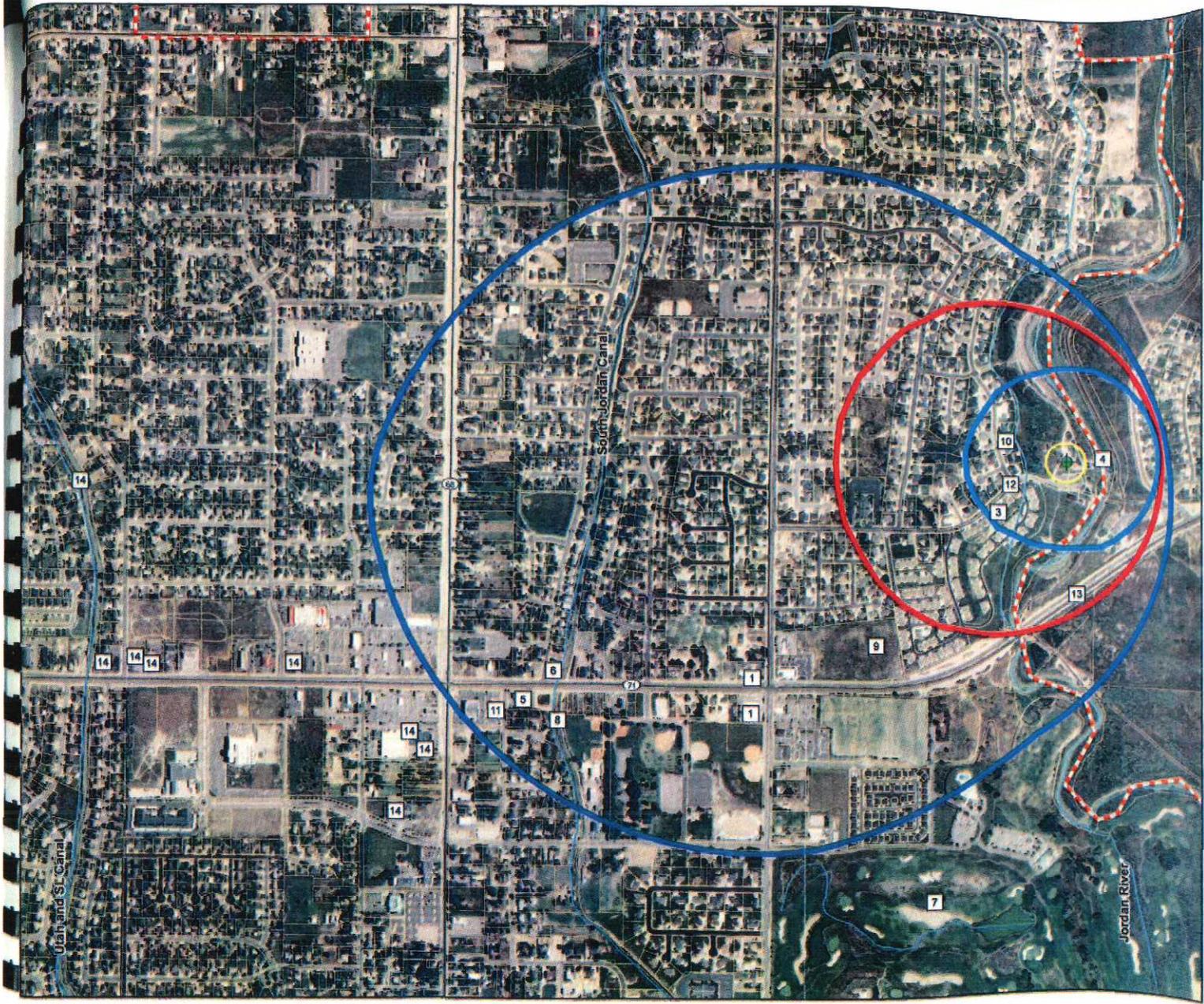
**FIGURE 3-1  
DWSP PLAN SOURCE  
PROTECTION ZONES  
GREEN WELL  
RIVERTON CITY, UTAH**

August 2012

- Legend
-  Well (Location approximate)
  -  DWSP Zone 1 (100-ft Radius)
  -  DWSP Zone 2 (250 day)
  -  DWSP Zone 3 (3 year)
  -  DWSP Zone 4 (15 year)
  -  Municipal Boundary
  -  Parcel Boundary



1 INCH = 500 FEET



District 3 as current terms expire and an appropriate vacancy on the Commission becomes available.

7:30:53 PM Mayor Pro Tempore Leavitt opened a Public Hearing and called for public comments; there being none, he closed the Public Hearing.

**ORDINANCE NO. 13-06 – AMENDING SECTION 2.95, PLANNING COMMISSION, ESTABLISHING PLANNING COMMISSION DISTRICT BOUNDARIES TO MATCH ADOPTED CITY COUNCIL DISTRICT BOUNDARIES, PROPOSED BY RIVERTON CITY**

7:31:16 PM Council Member Tracy Thaxton **MOVED** to adopt Riverton City **Ordinance No. 13-06, amending Section 2.95, Planning Commission and setting Planning Commission District Boundaries to correspond to the adopted City Council District Boundaries.** Council Member Brent Johnson **SECONDED** the motion. Mayor Pro Tempore Leavitt called for discussion on the motion, there being none, he called for a Roll Call Vote. The vote was as follows: Johnson-Yes, Leavitt-Yes, Stewart-Yes, Thaxton-Yes and Tingey-Yes. **The motion passed unanimously.**

**4. PUBLIC HEARING - PROPOSED UPDATES TO RIVERTON CITY'S WELLHEAD PROTECTION ORDINANCE, AND ADOPTION OF A WELLHEAD PROTECTION AREA LOCATED GENERALLY AT 12400 SOUTH 700 WEST**

7:32:18 PM Jason Lethbridge, Planning Manager, explained that Riverton City recently constructed a new well located at approximately 1050 West 12300 South. With the well in place Riverton City is proposing the establishment of a Wellhead Protection Zone associated with the new well site. The Wellhead Protection Ordinance regulates above and below-ground land use and construction that may impact the well and its source areas. This will primarily affect certain types of commercial uses within the wellhead protection area, as well as uses requiring below ground tanks or drilling. The Wellhead Protection Zone will not affect most residential property owners, and the restrictions are most stringent in the areas closest to the well site. A map of the proposed wellhead protection zone was displayed showing the affected areas. Mr. Lethbridge said that the item was brought to the Council for public comment only and recommended that the item be Tabled to the City Council Meeting on May 7, 2013.

Mayor Pro Tempore Leavitt opened a Public Hearing and called for public comments.

7:36:23 PM **Karla Ishom** said that in order to access existing wellheads people have to go through their property. She then asked about the future of the wellheads. Mr. Lethbridge referred her to Scott Hill, Water Director, and said he would be in contact with her.

There were no additional comments and Mayor Pro Tempore Leavitt closed the Public Hearing.

7:38:18 PM Council Member Roy Tingey **MOVED** to **CONTINUE** the proposed adoption of a Wellhead Protection Zone associated with the well located at approximately 1050 West 12300 South to the May 7, 2013 City Council Meeting. Council Member Sheldon Stewart **SECONDED** the motion. Mayor Pro Tempore Leavitt called for discussion on the

motion; there being none, he called for a Roll Call Vote. The vote was as follows: Johnson-Yes, Leavitt-Yes, Stewart-Yes, Thaxton-Yes and Tingey-Yes. **The motion passed unanimously.**

**5. PUBLIC HEARING - PROPOSED AMENDMENTS TO THE FISCAL YEAR 2012-2013 BUDGET**

7:39:24 PM Lisa Dudley, Finance Director, presented proposed budget amendments to the City Council and asked for any questions or comments.

7:39:56 PM Mayor Pro Tempore Leavitt opened a Public Hearing and called for public comments; there being none, he closed the Public Hearing.

**RESOLUTION NO. 13-12 – APPROVING AMENDMENTS TO THE 2012-2013 FISCAL YEAR BUDGET**

Council Member Tracy Thaxton **MOVED to move to adopt Resolution No. 13-12 – Amending the Budget for the 2012-2013 Fiscal Year.** Council Member Brent Johnson **SECONDED** the motion. Mayor Pro Tempore Leavitt called for discussion on the motion; there being none, he called for a Roll Call Vote. The vote was as follows: Johnson-Yes, Leavitt-Yes, Stewart-Yes, Thaxton-Yes and Tingey-Yes. **The motion passed unanimously.**

**DISCUSSION/ACTION ITEMS**

**MINOR SUBDIVISION, TWO (2) LOT MINOR SUBDIVISION AMENDING PARCEL “A” OF PLAT A OF THE MCMILLAN FARMS SUBDIVISION LOCATED AT 3623 WEST 12125 SOUTH, R-3 ZONE, PETERSON DEVELOPMENT, APPLICANT**

7:41:25 PM Jason Lethbridge, Planning Manager, explained the Peterson Development has submitted an application requesting a minor subdivision of an existing parcel located in the McMillan Farms Subdivision. The minor subdivision will amend Parcel “A” of Plat “A” of the McMillan Farms Subdivision. The parcel is located at 3623 West 12125 South. It is currently zoned R-3 (Residential 1/3 acre lots) and is utilized as a storm water collection pond. Property to the north is zoned R-2 (Residential 19,000 square foot lots). To the west property is zoned R-3 as is the property to the south that is currently utilized as a church meeting house. To the east on the adjacent side of 3600 West property is zoned RR-22 (Rural Residential ½ acre lots) and is used as agriculture.

Mr. Lethbridge said the applicant has proposed to split a .71 acre storm water collection pond. After the improvements to 3600 West and the construction of a City owned and maintained storm water collection facility on the eastern side of 3600 West, the pond is no longer necessary and has reverted back to the developer as buildable lots. Therefore the old pond will be filled and split into two single-family building lots. Both lots are larger than the minimum 14,000 square feet required by the R-3 Zone and both lots exceed the minimum requirements for frontage and lot widths.

Mr. Lethbridge said that on March 12, 2013 the Planning Commission voted to recommend approval of amending parcel “A” of plat A of the McMillan Farms Subdivision, located at 3623 West 12125 South, with the following conditions:

---

**Chapter 18.115**  
**GROUNDWATER PROTECTION OVERLAY (OV-GP) ZONE<sup>1</sup>**

Sections:

<u>18.115.010</u>	Title, applicability, and authority.
<u>18.115.020</u>	Purpose and intent.
<u>18.115.030</u>	Definitions.
<u>18.115.040</u>	Extent and designation of recharge areas and protection zones.
<u>18.115.050</u>	Permitted uses, conditional uses, and prohibitions within recharge areas and protection zones.
<u>18.115.060</u>	Management strategies and performance standards.
<u>18.115.070</u>	Exclusions and exemptions.
<u>18.115.080</u>	Enforcement, violation, and penalties.
<u>18.115.090</u>	Other.
<u>18.115.100</u>	Liability.
<u>18.115.110</u>	Administration.

**18.115.010 Title, applicability, and authority.**

(1) Title. This chapter shall be known as the model drinking water source protection ordinance. The provisions of this chapter shall be effective within the boundaries of the city of Riverton, Utah, and shall set prohibitions and restrictions to prevent contamination of the public drinking water supply in the city as a result of hazardous and toxic substances entering the groundwater, including wells not owned by the city. This chapter shall be liberally construed to effect the purposes set forth herein.

(2) Applicability. It shall be the responsibility of any person owning real property and/or owning or operating a business within the jurisdiction of the city to conform and comply with the applicable provisions contained in this chapter. Ignorance of this provision shall not excuse any violations of the provisions of this chapter.

(3) Authority. The city of Riverton has the authority to adopt this chapter to facilitate compliance with drinking water source protection regulations pursuant to the Municipal Land Use, Development, and Management Act, Section 10-9a-101 et seq., Utah Code Annotated 1953, UAC R309-113, and other such authorities and provisions as in the statutory and common law of the state of Utah. [Ord. 4-21-98-2 § 1 (Exh. A § 12-251-005). Code 1997 § 12-335-005.]

**18.115.020 Purpose and intent.**

The purpose of this chapter is to protect, preserve, and maintain existing and potential public drinking water sources in order to safeguard the public health, safety and welfare of city residents and visitors. The intent of this chapter is to establish and designate drinking water source protection zones and groundwater recharge areas for all sources of public drinking water within city boundaries and jurisdiction. This chapter establishes criteria for regulating the storage, handling, use or production of hazardous or toxic substances within identified areas where groundwater is, or could be, affected by the potential contaminant source. This shall be accomplished by the designation and regulation of property uses and conditions that may be maintained within such zones or areas. Unless otherwise specified, the provisions of this chapter apply to new development and/or handling, movement, and storage of potentially hazardous materials.

The degree of protection afforded by this chapter is considered adequate for regulatory purposes. This chapter does not ensure that public drinking water sources will not be subject to accidental or intentional contamination, nor does it create liability on the part of the city, or an officer or employee thereof, for any damages to the public water supplies from reliance on this chapter or any administrative order lawfully made thereunder.

A notice to cease or an exemption issued under this chapter shall not relieve the owner of the obligation to comply with any other applicable federal, state, regional or local regulation, rule, ordinance or requirement, nor shall said notice or exemption relieve any owner of any liability for violation of such regulations, rules, ordinances, or requirements. [Ord. 4-21-98-2 § 1 (Exh. A § 12-251-010). Code 1997 § 12-335-010.]

#### **18.115.030 Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be defined as follows:

"Abandoned well" means a well the use of which has been permanently discontinued or is in such a state of disrepair that it cannot be used for its intended purpose or for observation purposes.

"Best management practices (BMPs)" means a practice or combination of practices determined to be the most effective practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution to a level compatible with water, soil, and air quality goals.

Biosolids. See "Sludge."

"City" shall mean the city of Riverton, Utah.

"Closure" means the cessation of operation of a facility, or any portion thereof, and the act of securing such facility or portion thereof to ensure protection of groundwater in accordance with the appropriate state, federal, and local regulations applicable to the specific facility and with the provisions of this chapter.

"Code" means the Riverton City Code.

"Code inspector" means any authorized agent or employee of the city whose duty is to assure code compliance.

Collection Area. See "Protection zone," "Primary recharge area" and "Secondary recharge area."

"Continuous transit" means the nonstop movement of a mobile vehicle except for stops required by traffic laws.

"Council" means the city council of the city of Riverton, Utah.

"Department" means the public agency, division, or department designated by the city of Riverton to enforce the provisions of this chapter. For the city of Riverton, the department is the planning and zoning department and building department, in consultation with the water and engineering departments, with ultimate authority resting with the engineering department.

"Discharge" shall mean and include, but not be limited to, spilling, leaking, seeping, pouring, injecting, emitting, emptying, disposing, releasing, or dumping regulated substances to the soils, air, groundwaters, or surface waters of the city. Release does not include the use of a regulated substance in accordance with the appropriate use intended or specified by the manufacturer of the substance; provided, that such use is not prohibited by federal, state, or local regulations. Release shall not include releases specifically authorized by federal or state permits.

"Drinking water source protection review committee" shall be the public utilities department determined by the city of Riverton, and whose purpose is to make determinations regarding delineation of protection areas and zones.

"Drinking water source protection zone" means an area within which certain practices are mandated to protect groundwater flowing to public drinking water wells.

"Drinking water supply spring" means a drinking water spring to supply water, which has been permitted or intended for consumptive use.

"Drinking water supply well" means a drinking water well to supply water, which has been permitted or intended for consumptive use.

"DWSP" means drinking water source protection.

"EPA" means the U.S. Environmental Protection Agency.

"Groundwater" means any water which may be drawn from the ground.

"Groundwater discharge area" means an area where the direction of groundwater movement is upward from the principal aquifer to the shallow unconfined aquifer. Discharge areas, determined by the United States Geological Survey (USGS), are shown on Exhibit 2 in RCC 18.115.110.

"Groundwater divide" means the topographical and/or the geological strata that physically divides the groundwater flow of one primary recharge area from another.

"Groundwater TOT" shall mean time of travel for groundwater.

"Handle" means to use, generate, process, produce, package, treat, store, or transport a regulated substance in any fashion.

"Hazardous waste" means as defined by the United States EPA.

"Nonresidential activity" means all activity that is not designated as residential.

"Operating permit" means a permit to operate a facility handling regulated substances under this chapter. The department of building, zoning, and licensing will issue the permit for the city of Riverton, Utah.

"PCS" shall mean potential contaminant source.

"Person" means an individual, firm, partnership, corporation, association, joint venture, governmental entity or other legal entity, and shall include the plural as well as singular.

"Petroleum product" shall include fuels (gasoline, diesel fuel, kerosene, and mixtures of these products), lubricating oils, motor oils (new and used), hydraulic fluids, and other similar petroleum-based products.

"Primary recharge area" shall mean the areas depicted on Exhibit 2 in RCC 18.115.110.

"Protection zone" means delineation zones of the drinking water source protection zone, as summarized in RCC 18.115.040(2).

"PWS" shall mean public water system.

"Regulated substances" means substances (including degradation and interaction products) which because of quantity, concentration, or physical, chemical (including *ignitability*, *corrosivity*, *reactiveness* and *toxicity*), infectious characteristics, radiomutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (nondegradability) in nature, or any other characteristics relevant to a particular material may cause significant harm to human health and/or the environment (including surface and groundwater, plants, and animals).

"Residential activity" means any building or structure or portion thereof that is designed for or used for residential purposes and any activity involving the use or occupancy of a lot for residential purposes. Residential activity shall include those customary and accessory residential activities associated with the principal permitted use of a lot for residential purposes as set out in this title.

"SARA Title III" means the Superfund Amendment and Reauthorization Act section found in 40 CFR 300 through 302, pertaining to emergency response and right-to-know.

"Secondary containment" means any system that is used to provide release detection and release prevention, such as trays under containers, floor curbing or other systems designed to hold materials or liquids that may discharge from containers holding regulated substances. Examples include a double-walled tank, a double-walled integral piping system, or a single-walled tank or integral piping system that is protected by an enclosed concrete vault, liner, or an impervious containment area.

"Secondary recharge area" shall mean the areas depicted on Exhibit 2 in RCC 18.115.110.

"Septic holding tank" means a watertight receptacle, used to contain septic waste, the contents of which are extilated and disposed of at a waste disposal facility.

"Septic tank system" means a generally watertight receptacle connected to a drain field that allows liquid from the tank to enter the soil. The system is constructed to promote separation of solid and liquid components of domestic wastewater, to provide decomposition of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system.

"Sludge" or "biosolids" means the solids separated from wastewater during the wastewater treatment process.

"Solid waste disposal facility" means any solid waste management facility, which is the final resting place for solid waste, including landfills, and incineration facilities that produce ash from the process of incinerating solid waste.

"Solid waste transfer facility" means a site the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility. It does not include green boxes, compactor units, permanent dumpsters, and other containers from which such wastes are transported to a landfill or other solid waste management facility.

"Travel time contour" means the locus of points that form a line of any configuration in space from which groundwater particles on that line theoretically take an equal amount of time to reach a given destination, such as a well or a wellfield, as predicted by the Refined Salt Lake Valley MODFLOW/MODPATH model copyrighted.

"UAC" shall mean the Utah Administrative Code.

"USGS" shall mean the United States Geological Survey.

"Well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development, or artificial recharge of groundwater.

"Wellfield" means an area of land which contains one or more drinking water supply wells. [Amended during 2011 recodification; Ord. 4-21-98-2 § 1 (Exh. A § 12-251-015). Code 1997 § 12-335-015.]

#### **18.115.040 Extent and designation of recharge areas and protection zones.**

(1) Recharge Area and Protection Zone Map. The extent of the recharge areas and the protection zones may be seen on the recharge area and protection zone map, Exhibit 2 in RCC 18.115.110. The recharge area and protection zone map was completed January 1997, and is incorporated and made a part of this chapter. The recharge area boundary lines have been located along streets and/or section lines for convenience of assessing which prohibitions and restrictions apply to a specific property. This map shall be on file with the city of Riverton, and shall be maintained by the city and public water systems whose groundwater resources lay within the city of Riverton boundaries and jurisdiction. Any amendments, additions, or deletions to this map shall be by the city and/or the public water system following written notice after approval by the drinking water source protection review committee. The committee shall publish notice at least 30 days prior to consideration.

(2) Designation of Recharge Areas and Protection Zones.

(a) The following recharge areas and protection zones are hereby designated within the city of Riverton:

- (i) Primary recharge area, as determined by the USGS (see Exhibit 2 in RCC 18.115.110).
- (ii) Secondary recharge area, as determined by the USGS (see Exhibit 2 in RCC 18.115.110).
- (iii) Protection Zone No. 1 shall be the area within a 100-foot radius from the well or margin of the collection area.
- (iv) Protection Zone No. 2 shall be area within a 250-day groundwater TOT to the margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.
- (v) Protection Zone No. 3 shall be the area within a three-year TOT to the margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.
- (vi) Protection Zone No. 4 shall be the area within a 15-year TOT to the margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

(b) In determining the location of properties and facilities within the areas and zones depicted on the drinking water source protection overlay map, the following rules shall apply:

- (i) Property located wholly or partially in a recharge area or a protection zone on the overlay map shall be governed by the restrictions applicable to that recharge area or protection zone.
- (ii) Properties located within more than one recharge area or protection zone as shown on the overlay map shall be governed by the restrictions applicable to the most restrictive protection zone.

(3) Review of Recharge Area and Protection Zone Map. The recharge area and protection zone map shall be reviewed at least one time every five years or more frequently if determined appropriate by the city of Riverton. Failure to conduct this review shall not affect the validity of the existing approved map. The basis for updating the map may include, but is not limited to, the following:

- (a) Changes in technical or scientific knowledge in the areas of geohydrology, hydraulics, and geology.
- (b) Changes in wellfield configuration.
- (c) Changes in pumping rates for the wellfield.
- (d) Development of new wells, wellfields, and/or springs.
- (e) Changes in water quality. [Ord. 4-21-98-2 § 1 (Exh. A § 12-251-020). Code 1997 § 12-335-020.]

**18.115.050 Permitted uses, conditional uses, and prohibitions within recharge areas and protection zones.**

(1) Releases. No person shall discharge or permit the discharge of any regulated substances or petroleum products, whether treated or untreated, to soils, air, groundwater, or surface water in any recharge area or protection zone, that may have a deleterious effect upon the groundwater in the city of Riverton, unless the release is in compliance with federal, state, and local regulations.

(2) Prohibitions and Restrictions. Table 18.115.060 is a summary matrix of potential contamination sources and their prohibited, permitted, or conditional use in the protection zones referenced in RCC 18.115.040(2).

(3) Review of Development Plans. A registered geologist who has demonstrated expertise in the assessment of recharge rates shall review all development plans that lie within the primary recharge area. Any development that will result in a loss of the beneficial use of groundwater or that may have an adverse or negative effect upon local groundwater quality shall be rejected. Plans that are rejected may be revised by the developer and resubmitted to the city of Riverton for subsequent review by a registered geologist. Developments that do not lie within either the primary or secondary recharge area may proceed with the development plan processing requirements of the city of Riverton. [Ord. 4-21-98-2 § 1 (Exh. A § 12-251-025). Code 1997 § 12-335-025.]

**18.115.060 Management strategies and performance standards.**

(1) Toxic, Hazardous, and Other Materials Handling Regulations. The general classes of substances to be regulated under this chapter shall be those set forth in the generic regulated substances list which is presented as Exhibit 1 in RCC 18.115.110. The regulated substances shall include those set forth in the most current lists, as amended from time to time, entitled Identification and Listing of Hazardous Materials (40 CFR 261, Subpart D) and List of Extremely Hazardous Substances (40 CFR 355, Appendices A and B), and which are in a form that they are, all or in part, capable of entering the groundwater.

The use and storage of regulated substances in designated protection zones and recharge areas shall be allowed; provided, that the quantities of these substances do not exceed the reportable quantity for each regulated substance, as designated in 40 CFR 302 (pursuant to Section 311 of the Clean Water Act). An applicant may be exempted from the provisions of this chapter; provided, that he or she demonstrates to the department and to the Utah Division of Drinking Water Quality that the regulated substances pose no hazard to groundwater.

Table 18.115.060 identifies uses that have varying potentials to contaminate groundwater sources. These uses have been classified according to the risk of contamination in each protection zone as follows:

- (a) Permitted Uses (P). The risk of contamination is considered relatively low in the specified zone if regulatory requirements and best management practices are implemented and, therefore, the use is permitted.
- (b) Conditional Uses (C). The risk of contamination is moderate in the specified zone. The planning commission may permit the use only after conditional use review and approval. Approval is subject to implementation of best management practices and the planning commission may establish compliance with other reasonable conditions. The Utah Division of Drinking Water Quality shall review all conditional use requests.
- (c) Prohibited Uses (X). The risk of contamination is very high in the specified zone. The use is not permitted.

**Table 18.115.060**

**Use Matrix for Potential Contamination Sources**

Potential Contamination Source	Protection Zone					Related Reg
	Primary Recharge	Secondary Recharge	Zone 1	Zone 2	Zones 3 and 4	
Abandoned wells	X	X	X	X	X	UAC R655-4, 12.2 for requir abandon wells

Potential Contamination Source	Protection Zone					Related Reg
	Primary Recharge	Secondary Recharge	Zone 1	Zone 2	Zones 3 and 4	
Agricultural pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas	C	C	X	C	C	FIFRA (40 CF 157); RCRA § Utah Pesticide Act
Airport maintenance and fueling sites	C	C	X	C	C	Stormwater; L
Appliance repair	P	P	X	P	P	RCRA Subtitle
Auto operations and fleet vehicle maintenance facilities (commercial):	C	C	X	C	C	
• Dealership maintenance departments						RCRA Subtitle Pretreatment
• Tire						
• Auto body						
• Engine repair						
• Rust proofing						
• Oil and lube shops						Used Oil (UAC 15)
• Vehicle rental with maintenance						
Beauty salons	C	P	X	C	P	
Boat building and refinishing	C	P	X	C	C	RCRA Subtitle
Car washes	C	P	X	P	P	Pretreatment
Cemeteries, golf courses, parks, and plant nurseries	C	C	X	C	C	FIFRA
Chemical reclamation facilities	C	C	X	C	C	RCRA Subtitle
Chemigation wells	C	C	X	X	C	UIC
Concrete, asphalt, and tar companies	C	C	X	C	C	
Dairy farms and animal feed lots (more than 10 animal units)	C	P	X	X	P	UPDES (UAC
Dry cleaners (with on-site chemicals)	C	C	X	X	P	RCRA Subtitle Pretreatment
Dry cleaners (without on-site chemicals)	P	P	X	P	P	
Embalming services	C	C	X	C	C	Pretreatment
Farm operations						

Potential Contamination Source	Protection Zone					Related Reg
	Primary Recharge	Secondary Recharge	Zone 1	Zone 2	Zones 3 and 4	
• Dump sites	X	C	X	C	C	Used Oil (UAC 15); Solid and Haz (RCRA Subtitle C)
• Maintenance garages	C	C	X	C	C	Used Oil; RCF C
• Manure piles (<100 cubic feet-residential, 3,600 cubic feet-agricultural)	C	C	X	C	P	UPDES (UAC Groundwater R317-6)
Food processing, meat packing, and slaughter houses	C	C	X	X	P	UPDES (UAC Pretreatment)
Fuel, oil, and heating oil distribution and storage facilities	X	C	X	C	C	Subsections (5) of this section
Furniture stripping, painting, and finishing businesses	C	C	X	C	C	RCRA Subtitle C
Gasoline service stations (including underground storage tanks)	C	C	X	C	C	Local zoning and use regulatory guidelines
Hospitals and medical, dental, and veterinary offices	C	C	X	C	C	Solid and Haz
Industrial manufacturers of: chemicals, pesticides, herbicides, paper products, leather products, textiles, rubber, plastic, fiberglass, silicone, glass, pharmaceuticals, and electrical equipment, etc.	X	C	X	C	C	Subsections (5) and (7) of section; FIFR, Subtitle C
Industrial waste disposal/impoundment areas	X	C	X	X	C	Groundwater R317-6); RCF C
Junk and salvage yards	X	C	X	C	C	
Landfills and transfer stations	X	C	X	C	P	UDSW, Solid Rules (UAC R315-320); subsection (12) of this section; RCRA Subtitle C
Laundromats	C	P	X	P	P	Pretreatment
Machine shops, metal plating, heat treating, smelting, annealing, and descaling facilities	X	C	X	C	C	Pretreatment; Subtitle C
Mining operations						
• Radiological	C	C	X	P	P	UAC R313-25 Groundwater R317-6)

Potential Contamination Source	Protection Zone					Related Req
	Primary Recharge	Secondary Recharge	Zone 1	Zone 2	Zones 3 and 4	
• Sand and gravel excavation and processing	C	P	X	P	P	Construction (R317-1)
Municipal wastewater treatment plants	C	C	X	X	P	UDDWQ, Des Requirements Wastewater C Treatment, an Disposal Syst R317-3)
Photo processing and print shops	C	C	X	C	C	Pretreatment
Railroad yards	C	P	X	P	P	Used Oil
Residential pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas	C	P	X	C	C	
Residential underground storage tanks	X	C	X	C	P	UAC R311-20 205 and R311
RV waste disposal stations	C	C	X	X	P	UAC R392
Salt and salt-sand piles	C	C	X	C	C	Subsection (1 section
Septic tank drain field systems	X	C	X	X	C	UDDWQ, Indi Wastewater C Systems (UAC 501 – R317-5 Department o Code of Wast Regulations, F and V
Stormwater detention basin and snow storage sites	C	C	X	C	P	
Toxic chemical storage and oil pipelines	X	X	X	X	X	Subsections (5) of this sect
Wood preservative treatment facilities	X	C	X	C	C	
Stormwater: UAC R317-8-3.9(1)(a) – (d) Pretreatment: Contact local municipal wastewater plant UAC: Utah Administrative Code UDDWQ: Utah Division of Drinking Water Quality		UDOGM: Utah Division of Oil, Gas, and Mining UDSW: Utah Division of Solid Waste RCRA: Resource Conservation and Recovery Act				

(2) Storage Containers. All regulated substances shall be stored in suitable containers to reduce the chance for the substances to be accidentally introduced into the environment. These storage containers shall be product-tight and, except where provided elsewhere in this chapter, shall be provided with a means to control spillage (primary containment) and to contain or drain off spillage and fire-protection water discharged in the storage area (secondary containment).

Storage containers which are stored outside must be covered or mounted to prevent the accumulation of rain or other water on the top of the container, or the degradation of the top, sides or bottom of the

container, in a manner that would lead to the reduction of the integrity of the container. Defective storage containers shall be removed from service for repair or disposal in accordance with local, state, and federal standards.

(3) Secondary Containment. Where secondary containment is required, it shall be constructed of a material of sufficient structural integrity and composition to contain the required capacity of liquids and not be structurally weakened as a result of contact with the discharge of the regulated substance to be contained. The material shall be free of cracks, joints, gaps, or other imperfections that would allow leakage through the containment material.

The secondary containment system shall have sufficient capacity to contain (a) 10 percent of the volume of all containers and 100 percent of the volume of the largest single container, whichever is greater, plus (b) the design flow rate of the automatic fire extinguishing system (for 20 minutes) for the area or room in which the storage is located. If the storage area and/or containment area is open to rainfall, the secondary containment system must also accommodate the volume of a 24-hour rainfall as determined by a 25-year storm frequency. Liquid that accumulates in the secondary containment system shall be removed in as timely a manner as necessary to prevent overflow of the system. Nonhazardous liquids may be drained in accordance with applicable local regulations. If the collected material is a hazardous waste under 40 CFR 261, it must be managed as a hazardous waste in accordance with all applicable requirements of 40 CFR 262 through 266.

Vacuum suction devices, absorbent scavenger materials or other devices approved by the department shall be present on site or available to facilitate the removal or further containment of spilled regulated substances. Devices or materials shall be available in sufficient magnitude so as to at least control and collect the total quantity of regulated substances that the containment system is designed to contain. Emergency containers shall be present and of such capacity as to hold the total quantity of regulated substances plus absorbent material.

(4) Regulated Substances Emergency Management Plan. An emergency plan shall be prepared and filed with the department, the fire department, the police department, and the PWS indicating the procedures that will be followed in the event of the release of a regulated substance so as to control and collect all such spilled material in such a manner as to prevent it from discharging into any storm or sanitary drains or the ground. Facilities which have had, or appear to have had, unauthorized discharges to soil or groundwater shall be required by the department to submit a regulated substances management plan for the facility. The written plan will be used to demonstrate to the department that the facility owner or operator understands the procedures and has the proper equipment to handle regulated substances within the guidelines of this chapter. The plan should not be implemented without the approval of the department.

(5) Reporting of Spills. Any spill of a regulated substance in excess of the nonaggregate quantity thresholds established by the list of hazardous waste (40 CFR 261, Subpart D), 40 CFR 261 Appendix VIII, Hazardous Constituents, and EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances under CERCLA (40 CFR 302) shall be reported by telephone to the city and designated water utility within one hour of discovery of the spill. Cleanup shall commence immediately upon discovery of the spill. A full written report shall be submitted to the city within 15 days of discovery of the spill.

(6) Best Management Practices. Under the provisions of this chapter, all potential contamination sources within the city's boundaries shall incorporate and utilize best management practices (BMPs) in their operations. BMPs that reduce the potential for spills and leaks at a site to occur and enter groundwater shall be construed within the context of this chapter to include, but not be limited to, structural and nonstructural practices, conservation practices, and operation and maintenance procedures as specified by the Utah Department of Drinking Water Quality and the U.S. Environmental Protection Agency.

(7) Underground Storage Tanks. Installation of any new underground storage tanks used to store regulated substances for either residential or nonresidential activities in recharge areas and protection zones

designated under RCC 18.115.040(2) and (3) shall require a secondary containment system for the tank and associated underground piping, and an automatic leak detection system.

A permit from the Division of Environmental Remediation and Response shall be required for the removal or closure of USTs. The permit shall require that leaking tanks be pumped dry and removed from the ground by a state-licensed company. If removal of the UST(s) is not feasible, the lines shall be disconnected and capped and the tank shall be filled with an inert substance such as washed sand.

Best management practices implementation is required for all underground storage tanks.

(8) Septic Tank Systems. No person shall place, maintain, or operate on-site sewage disposal from a septic tank within the primary recharge area, Zone No. 1 or 2, or within 300 feet of any public street in which a public sewer is laid. Septic systems in Zone Nos. 3 and 4 shall comply with the Utah State Department of Health Care of Waste Disposal Regulations, Parts IV and V.

Nonresidential activities that have septic tank systems shall have installed a four-inch-diameter vertical pipe with a locked cap or locked top in the top of the septic tank. This monitoring pipe shall be located in a manner which will permit ready access by department personnel to extract representative samples to check for improper/unauthorized disposal of regulated substances.

A septic holding tank that does not discharge into the soil would be preferred. The contents of a septic holding tank are removed, and can be treated or disposed of at an appropriate facility.

(9) Sewage Collection, Transmission and Disposal. No person shall discharge treated or untreated sewage in any area not specifically designated for that purpose by the department. The owner or operators of any wastewater treatment plant, sanitary sewer, force main, gravity sewer, or lateral shall notify the department within 24 hours of discovering a break that may or does result in the leakage of sewage. Emergency telephone numbers will be prominently displayed on all sewage lift stations within Zone Nos. 1, 2, 3, and 4, and the primary recharging area.

All leaking sewage collection and transmission pipes shall be repaired or replaced. New sewage collection and transmission pipes shall be installed according to acceptable construction standards and shall have routine inspections during and after construction.

No person shall place, maintain, or operate a wastewater treatment plant within Zone No. 1 or 2.

(10) General Stormwater Management. All future stormwater management systems to be constructed and implemented for facilities within the protection zones and recharge areas shall be permitted in accordance with applicable local, state, and federal laws and regulations.

The discharge of stormwater into drainage wells or open sinkholes shall be prohibited without some form of treatment. This treatment shall be applied to at least the first one-half inch of runoff from the area tributary to the well or open sinkhole.

The clean water and stormwater regulations require municipalities and industries to identify, monitor, and limit urban runoff that may enter rivers, thus potentially affecting groundwater quality.

(11) Deicing Salt Storage and Application. Deicing salt shall be stored on an impermeable pad and shall be covered. Deicing salt application shall use best management practices and shall evaluate substitute products and technologies.

(12) Landfills. Expansion or creation of new landfills is prohibited in the primary recharge area and Zone Nos. 1 and 2. Existing landfills in the Primary Recharge Area or in Protection Zone No. 1 shall be required to comply with the provisions of UAC R315-301-1 through R315-301-5. Landfills shall develop and implement a landfill monitoring program. The monitoring shall include the vadose zone and groundwater. If the monitoring detects contamination, the following corrective measures may be required:

(a) Cover the landfill with suitable low-permeability materials and minimize the application of supplemental water to reduce infiltration of moisture.

(b) Install groundwater containment and treatment actions, additional monitoring, and erosion controls as required.

(13) Environmental Quality Monitoring. Facilities which have had, or appear to have had, unauthorized releases to soil or groundwater shall be required by the department to monitor soil and groundwater in and adjacent to the facility. At the request of the department, the facility will submit a monitoring plan for department review. The plan shall be implemented with the approval of the department. Facilities that undergo closure may be required to monitor soil and groundwater in and adjacent to the facility subject to closure. The operator of the facility will pay for all costs associated with the closing and monitoring of the site. [Amended during 2011 recodification; Ord. 4-21-98-2 § 1 (Exh. A § 12-251-030). Code 1997 § 12-335-030.]

#### **18.115.070 Exclusions and exemptions.**

Exclusions and exemptions shall not pertain to Zone Nos. 1 and 2 within 100 feet of the wellfield in the recharge areas.

(1) Exclusions. The following substances are not subject to the provisions of this chapter; provided, that these substances are handled, stored, and disposed of in a manner that does not result in an unauthorized release or cause contamination of the groundwater:

(a) Required substances stored at residences that do not exceed 10 pounds or five gallons and used for personal, family, or household purposes.

(b) Commercial products limited to use at the site solely for office or janitorial purposes when stored in total quantities of less than 20 pounds, or 10 gallons.

(c) Prepackaged consumer products available through retail sale to individuals for personal, family, or household use, that are properly stored.

(d) Water-based latex paints.

(e) Fertilizers and treated seed (except as noted in this chapter).

(f) Pesticide products and materials intended for use in weed abatement, pest control, erosion control, soil amendment or similar applications when applied in accordance with manufacturer's instructions, label directions, and nationally recognized standards.

(g) Compressed gases.

(h) Substances or mixtures that may pose a hazard but are labeled pursuant to the Federal Food, Drug, and Cosmetic Act.

(2) Continuous Transit. The transportation of any regulated substance(s) through any protection zone or recharge area shall be allowed; provided, that the transporting vehicle is in continuous transit.

(3) Vehicular and Lawn Maintenance Fuel and Lubricant Use. The use of any petroleum product solely as an operational fuel in the vehicle or lawn maintenance fuel tank or as a lubricant in such a vehicle shall be exempt from the provisions of this chapter. These spent products shall be properly disposed of in compliance with applicable federal, state, and local regulations. [Ord. 4-21-98-2 § 1 (Exh. A § 12-251-035). Code 1997 § 12-335-035.]

#### **18.115.080 Enforcement, violation, and penalties.**

(1) Inspections. The department shall be granted the right, under this chapter, to enforce the provisions of this chapter for the city of Riverton. An authorized officer of the city of Riverton or the PWS has the right to

conduct inspections of facilities to determine compliance with this chapter. The authorized officer or the PWS shall inform the department and other city entities, as deemed appropriate, of the results of the inspection and whether violations were noted. The authorized officer of the city of Riverton shall enforce the provisions of this chapter without regard to whether the wells within the city of Riverton boundaries are owned by the city of Riverton. Noncompliance with the provisions of this chapter is a violation. If the facility is not complying with the requirements of this chapter, penalties (i.e., citations of noncompliance, orders to cease operations or administrative penalties) may be assessed. This chapter regulates businesses within the protection zones and primary and secondary recharge areas within the city.

(2) Notice of Violations. Whenever it is determined that there is a violation of this chapter or the regulations promulgated pursuant hereto, the notice of violation shall:

- (a) Be in writing;
- (b) Be dated and signed by the authorized city agent that made the inspection or determined the violation;
- (c) Specify the violation or violations;
- (d) Provide a specific date that the violations will be corrected by;
- (e) State that if the violation is not corrected by a specific date a hearing may be requested before the city.

If a potential contaminant source (PCS) is out of compliance with the provisions of this chapter, but does not pose an immediate threat to public health, then a written warning of violation may be issued within 30 days. The person has the opportunity to show a good faith effort to correct an unintentional violation within a reasonable amount of time. A cease and desist order shall be issued by the city if the PCS is found not to employ BMPs and there is an immediate threat to public health and safety or if the violation is not corrected within the time frame specified in a written warning previously issued to the PCS. In the event that the PCS fails to comply with a cease and desist order within the specified time period, the city may initiate proceedings for issuance of penalties and other relief as necessary.

Any PCS or person found in violation of any provision of this chapter will be served with a written notice stating the nature of the violation and providing a reasonable time frame for compliance. Violations of the provisions of this chapter constitute a misdemeanor, punishable as provided by law. In the event of a spill, leak or discharge of a regulated substance, if it deems the activity to pose a real and present danger of contaminating surface or groundwater which would normally enter the public water supply, the city has the authority under this chapter to cause cessation of said activity or use of regulated substance, require administrative controls to mitigate said danger and/or cause the provision of pollution control and abatement activities. A facility is in violation of this chapter if use of regulated substances in a protection zone or primary or secondary recharge area exceeds 20 gallons or 160 pounds at any time. The total use of regulated substances may not exceed 50 gallons or 400 pounds in any 12-month period.

(3) Appeals. Persons cited under the enforcement provisions of subsections (1) and (2) of this section shall be afforded a process for appealing the ruling of the department. If the appeal pertains to a written warning of violation requesting the PCS to correct an unintentional violation in a reasonable amount of time, the PCS can submit to the department a written statement demonstrating compliance or explaining a process for coming into compliance. The written response is required no later than 30 days from the date of issuance of the warning.

If the appeal pertains to a cease and desist order issued by the department, the PCS can submit a written appeal response no later than 10 days from the date of issuance of the order. The written appeal shall contain:

- (a) Documentation of compliance; or

(b) Response to specific violations cited in the cease and desist order and the remedial actions planned to bring the facility into compliance; and

(c) Schedule for compliance.

Upon receipt of the written appeal, the department shall be required to review the appeal within 10 days of its receipt and respond to the PCS. If the department determines that the written response from the PCS is adequate and noncompliance issues are addressed, the PCS will be notified by mail and no further action is required. If the department determines that the appeals response is inadequate, the PCS may request a hearing before the department. This hearing shall be held within 30 days of receiving the cease and desist order and shall remain in effect until the hearing is conducted. [Amended during 2011 recodification; Ord. 4-21-98-2 § 1 (Exh. A § 12-251-040). Code 1997 § 12-335-040.]

#### **18.115.090 Other.**

(1) Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and other restrictions, including land use codes or development regulations, conflict or overlap, whichever imposes the most stringent restrictions shall prevail.

(2) Disputes. Disputes arising from the delineation of DWSP zones and primary and secondary recharge areas shall be directed to the drinking water source protection review committee to review specific detailed delineation maps showing the boundaries. The boundaries have been defined, for ease of implementation of this chapter, according to major city streets.

(3) Review of This Chapter. The city, the drinking water source protection review committee, and all water utilities whose wells and/or springs lay within the city boundaries shall review the provisions of this chapter at least once every five years, or more frequently if determined appropriate by the city, to determine its applicability and may incorporate changes as deemed appropriate. [Ord. 4-21-98-2 § 1 (Exh. A § 12-251-045). Code 1997 § 12-335-045.]

#### **18.115.100 Liability.**

Any person subject to regulation under this chapter shall be liable with respect to regulated substances emanating on or from the person's property for all cost of removal or remedial action incurred by the city or the PWS and for damages for injury to, destruction of, or loss of natural resources, including the reasonable cost of assessing such injury, destruction, or loss from the release or threatened release of a regulated substance as defined by this chapter. Such removal or remedial action by the city or the PWS may include, but is not limited to, the prevention of further contamination of groundwater, monitoring, containment, and cleanup or disposal of regulated substances resulting from spilling, leaking, pumping, pouring, emitting, or dumping of any regulated substance or material which creates, or is expected to create, an emergency hazardous situation. [Amended during 2011 recodification; Ord. 4-21-98-2 § 1 (Exh. A § 12-251-050). Code 1997 § 12-335-050.]

#### **18.115.110 Administration.**

The policies and procedures for administration of any protection zone or primary and secondary recharge area established under this chapter, including without limitation those applicable to nonconforming uses, exceptions, enforcement and penalties, shall be the same as provided in any existing zoning ordinance in the city, as the same is presently enacted or may from time to time be amended.

### **Exhibit 1**

#### **Generic Regulated Substance List**

Acidic and basic cleaning solutions

Animal dips  
Antifreeze and coolants  
Arsenic and arsenic compounds  
Battery acids  
Bleaches and peroxide  
Brake and transmission fluid  
Brine solution  
Casting and foundry chemicals  
Caulking agents and sealants  
Cleaning solvents  
Corrosion and rust preventatives  
Cutting fluids  
Degreasing solvents  
Disinfectants  
Dyes  
Electroplating solutions  
Engraving and etching solutions  
Explosives  
Fertilizers  
Fire extinguishing chemicals  
Food processing waste  
Formaldehyde  
Fuels and additives  
Glues, adhesives and resins  
Greases  
Hydraulic fluid  
Indicators  
Industrial and commercial janitorial supplies  
Industrial sludges and stillbottoms  
Inks, printing, and photocopying chemicals  
Laboratory chemicals  
Liquid storage batteries  
Medical, pharmaceutical, dental, veterinary, and hospital solutions  
Mercury and mercury compounds  
Metal finishing solutions  
Oils  
Painting solvents  
Paints, primers, thinners, dyes, stains, wood preservatives, varnishing and cleaning compounds  
Pesticides and herbicides

Photo development chemicals  
 Plastic resins, plasticizers and catalysts  
 Poisons  
 Polishes  
 Polychlorinated biphenyls (PCBs)  
 Pool chemicals  
 Processed dust and particulates  
 Radioactive sources  
 Reagents and standards  
 Refrigerants  
 Roofing chemicals and sealers  
 Sanitizers, disinfectants, bactericides, and  
 algacides  
 Soaps, detergents and surfactants  
 Solders and fluxes  
 Stripping compounds  
 Tanning industry chemicals  
 Transformer and capacitor oils and fluids  
 Wastewater  
 Water and wastewater treatment chemicals

## Exhibit 2

### Map of Primary and Secondary Recharge Areas<sup>2</sup>

[Ord. 4-21-98-2 § 1 (Exh. A § 12-251-055). Code 1997 § 12-335-055.]

<sup>1</sup>Code reviser's note: Ord. 11-16 repeals Ord. 4-21-98-2, but the repeal was not intended to affect this chapter. The intent was to repeal only those provisions of Ord. 4-21-98-2 relating to areas of flood hazard (formerly codified in Code 1997 § 12-350).

<sup>2</sup>Code reviser's note: Exhibit 2 is on file with the city.

**The Riverton City Code is current through Ordinance No. 13-05, and legislation passed through March 5, 2013.**

Disclaimer: The City Recorder's Office has the official version of the Riverton City Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

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