

**RIVERTON CITY PLANNING COMMISSION
MEETING MINUTES
May 28, 2020**

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

Planning Commission Members:

Gary Cannon, Chair
Brian Russell
Dennis Hansen
Kent Hartley
Grant Lefgren
Ed James
Troy Rushton

Staff:

Jason Lethbridge, Development Services Director
Craig Bott, City Attorney
Trace Robinson, City Engineer
Greg Wilson, City Engineer

Chair Gary Cannon called the meeting to order at approximately 6:30 p.m. Commissioner Hansen led the Pledge of Allegiance.

Chair Cannon reminded those present to be respectful of stated opinions and to maintain social distancing standards.

• **PUBLIC HEARINGS**

- 1. SUBDIVISION, RUSSELL WILSON WITH SYMPHONY HOMES IS REQUESTING APPROVAL OF "RIVER RIDGE LANE SUBDIVISION" LOCATED AT APPROXIMATELY 13239 SOUTH LOVERS LANE.**

Development Services Director, Jason Lethbridge, presented the staff report and stated that the above item qualifies for a single-phase subdivision approval. The property was identified on a map displayed. The above matter was included in a previous rezone application and is currently zoned RR-22. The entire area consists of RR-22 and R-1 zoning with large animal rights.

Mr. Lethbridge reviewed the roadways and access connections for the property. He reported that there are two stormwater management areas on each end of the development running east to west. These will consist of two landscaped stormwater ponds and a creek channel with easements.

Fencing for the property will consist of a six-foot Trex-style fence, a six-foot pre-cast concrete fence, and a wrought iron fence with columns. The proposed fencing was determined to meet all ordinance requirements.

The Code requirements for road connectivity were reviewed. Mr. Lethbridge reported that the detention area to the east is an option for the City to create a right of way for the south.

He explained that the conditions for approval are more extensive in the staff report than usual and staff recommended approval.

Commissioner James reported that he read the public comments on the above item and spent time at the property. Connectivity to the north and making the pond institutional were of concern. He further asked if CC&Rs will be appropriate for the development and if the City will be following the zoning for large animals. Mr. Lethbridge explained that the number of animals allowed will be based on the City's zoning requirements and that CC&Rs are required only for the common open spaces. City Attorney, Craig Bott, further stated that the City cannot consider CC&Rs in any decision and they cannot be enforced by the City. They are a contract between individuals. Mr. Lethbridge explained that there is a current stub in the plans of the above item to the north for the potential access. Commissioner James asked if the stub on 13200 South is sufficient to provide access to the north if it is developed residentially. Mr. Lethbridge confirmed that it is and that it meets all City Standards.

Commissioner Rushton asked about the sidewalk requirements for one-half acre or one-acre lots and if there is an advantage to the Trex-style fencing over pre-cast cement. Mr. Lethbridge was unaware of any advantage but stated that the Trex-style fencing was chosen to meet the ordinance requirements. The Commission will ultimately determine the fencing types in the development. Sidewalk requirements are not generally based on zoning, the individual zones do not have requirements for sidewalks. Input from the Land Use Authority and City Engineer will be considered in determining the sidewalk requirements.

Chair Cannon proposed the importance of directing foot traffic off of the road with a sidewalk to the existing business near the neighborhood. He asked what the depth of the sewer is off of River Ridge Lane and if it will be problematic to run a stub line from River Ridge Lane back to the south. Chair Cannon also asked if the potential connectivity to the south at the detention pond should be resolved before the development of the property.

Commissioner Russell reported that there are five-foot-wide sidewalks along each way and asked for the developer to address the 15-foot temporary gravel road that runs parallel to each public road.

Mr. Lethbridge reported that there have been questions about the barn and staff is mindful of it. The east detention pond was also an issue of concern and for the access to meet the minimum requirement. Future frontage or access would be addressed by the Planning Commission. City Engineer, Greg Wilson, reported that the sewer is 15 to 18 feet deep and drains to the east through the proposed development.

Land Manager for Symphony Homes, Russ Wilson, presented a presentation on Symphony Homes history and home designs. The site plan for the above item was reviewed. City code permits horses in the RR-22 zone, however, most homeowners prefer not to have horses. He concurred with information and suggestions from staff.

Russ Wilson explained that the temporary gravel roads are to provide access for the existing residents to the north during construction and will be abandoned when public roads are built.

Commissioner James asked what the percentage of water is on the property being discussed and where the water is currently coming from. Mr. Wilson reported that most of the water is on the proposed property and comes from a culvert on the opposite side of Lovers Lane. The pond area was dug out by the previous owner to provide easier access to the water for their livestock. Symphony Homes obtained a Stream Alteration Permit from the State and is currently realigning the pond to its original condition.

Commissioner Rushton referred to a letter submitted from Tamera Larson regarding the agreement on the fencing between the proposed property and the property she retains. Mr. Wilson reported that Ms. Larson agreed to the fence and to share in the cost.

Commissioner Lefgren asked if the garages will be recessed. Mr. Wilson stated that the garages will be in front of the homes and that there will be a setback.

Chair Cannon opened the public hearing.

Barbara Dillman, a Lovers Lane resident, stated that Lovers Lane is not a wide road. She was concerned with the small access on 13200 South and the new traffic generated from the 16 homes in the potential development.

Brad Gilson, a resident and former Riverton City Engineer, was present representing Ken Olson who is the property owner to the south. Mr. Gilson reviewed the water study and stated that Mr. Olson suggested that the retention pond be moved to his property to prevent the point discharge and potential impact on his property. In response to a question, Mr. Wilson reported that the retention pond is to be located on the low end of the two proposed developments. Commissioner Lefgren asked why the developer had not accepted Mr. Olson's offer.

Mr. Bott clarified that the land to the east, where the retention pond will go, is where the connecting road is planned to go to the south. When the road is constructed, the City will move the retention pond. Moving the retention pond to the location of the connecting road will hamper development.

Chair Cannon asked if moving both retention ponds to the middle of the property had been discussed and if doing so would decrease the density. Mr. Gilson responded that this has been discussed with the developer and it did not decrease the number of lots.

Commissioner James asked where the connectivity would be if the retention pond was located to the south. Mr. Gilson explained that if the pond were in the far northeast corner of Mr. Olson's property, on the south side of the proposed development, the connectivity would be on the south side of Lot 112. A drainage and the easement would be placed between Lot 112 and the lot next to it. Mr. Gilson confirmed that the creek has been piped.

Mr. Bott explained that it is the developer's choice to determine where the contents of the property are located. The Commission's function is only to determine if the plan submitted meets the City requirements.

Commissioner James was interested in good planning and was looking at connectivity for the future to prevent potential issues.

Dorreen Waldorf, a Lovers Lane resident, expressed concern with additional traffic as a result of the proposed development. The water concern begins on the west side of Lovers Lane, crosses the road, and moves onto the subject property item and Mr. Olson's property. The water then runs south and is shared with multiple residents on Lovers Lane who use the water for their horses. This water has been undisturbed and is safe for animals to drink. She was concerned that the water will not be safe to drink if it is redirected.

Tom Scribner, an attorney from Utah County, was present on behalf of Mr. Olson and addressed the drainage concern. Gilson Engineering completed a study for the drainage and designed a plan that will result in 700 gallons of water per minute. Mr. Scribner reported that the current Engineering Plan is 14 years old and does include the entire process. He recommended that the issue be addressed immediately and that the project be postponed until the engineers are on the same page.

Dale Bennett from Benchmark Engineering was representing the engineer and surveyor of record for the developer. He reported that Symphony Homes had Bowen and Collins conduct a study that showed that the discharge from future development meets City requirements. During a 100-year storm, the drainage will be flooded and have a substantial amount of water regardless of the property. Mr. Bennett reviewed the Drainage Plan in the current site plan. He explained that the proposed system will reduce the flow of water. Every property has been accounted for and the design meets City requirements.

City Engineer, Trace Robinson, stated that lag time and the drainage area needs to be considered. He reviewed the history and the City's plan to reduce the amount of water draining to this area.

Mr. Olson asked that the comments submitted by Morgan Hamilton and Lori Olson be read aloud. Commissioner Rushton reported they are in the record and have been read by the Planning Commission Members. Mr. Olson read from the City Code concerning connectivity and expressed concern with being landlocked when stub roads should be established. He felt that the City was ignoring the Code requirements. Mr. Olson reported that Mr. Lethbridge approached a neighbor asking if there was interest in a stub road. Symphony Homes agreed to give Mr. Olson a 30-foot access. He agreed to take the stormwater and pay for all of the improvements to upgrade the system but Symphony Homes did not honor the agreement. Water on the proposed development does not drain to Butterfield Creek as has been reported. Mr. Olson disagreed with the current situation and stated that a stub road should be required.

Mr. Lethbridge did not know the individual Mr. Olson was referring to and stated that he has not had any communication with property owners to the south other than Mr. Olson. In addition, he has not made any offers on behalf of the City.

Megan McDougal, a Lovers Lane resident, reported that her home has been flooded due to rain. The water is important to the neighborhood and has a significant impact on the community and animals in the area. There are no sidewalks and the residents know to be careful when children are walking to school. Traffic will increase with 16 homes and a small access into the neighborhood will be an issue.

John Wheatley, a Riverton resident and Vice President of Symphony Homes, stated that the subdivision is designed with a natural high point in the land. A portion of the water naturally drains to the east and naturally drains to the west hence the two retention ponds on the east and west sides. An engineer designed them to meter out the water. Due to the size of Mr. Olson's property, he could build an access road to Lovers Lane to accommodate more homes. Symphony Homes does not need to provide access and will charge Mr. Olson for a sewer because it devalues the lots.

Scott McDougal, a Lovers Lane resident, reported that he shares an easement through Mr. Olson's property to access his home. The beauty of the area was described. The pond attracted his family to the area when they were looking to buy a home. The pond is what makes Lovers Lane unique. This development will detract from the beauty of the area. Mr. McDougal asked the Commission to consider this. He pointed out that his basement has been flooded on at least two occasions in the last three years due to water issues.

Kevin Anderson, a land use attorney representing Symphony Homes, pointed out the following:

1. Staff has determined that the proposal satisfies the City standards.
2. Concerning connectivity, the City has proposed the south connectivity or stub road because the property to the south will provide the most efficient access to the proposed development, which is consistent with City requirements.
3. With respect to drainage, the Drainage Plan in the site plan is reduced by one-third of the current plan.

The above three issues demonstrate that the plan, as proposed, satisfies the City requirements and should be approved.

Perry Newman, an abutting property owner, reported that his property line is to the west and north. His grandfather previously owned the subject property. He asked who owns the property and if the irrigation water that puddles to the south of the barn weekly has been considered. He read a comment from another neighbor. Riverton City's Connectivity Code was reviewed and Mr. Newman stated that if the City does not require logical connectivity with associated utilities, the City is ignoring the Code and eliminating the ability to follow the Code for connections, public health, sewer, and water.

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

Mr. Wilson reported that Tamara Larson continues to irrigate her field and the remainder property. She has an irrigation detention basin and irrigates her field with sprinklers and the run-off water comes down a ditch. It was noted that the photograph displayed of Mr. Olson was not taken on the subject property. Ms. Larson drains the water through a stormwater inlet that is piped to the Sewer District property. The culvert was analyzed for a possible stormwater connection but will not be allowed by the Sewer District. Mr. Olson can run sewer to Lovers Lane and would need to pump uphill to get to the sewer line if he received a connection from Symphony Homes. The Sewer District is not requiring Symphony Homes to provide a sewer connection to Mr. Olson or Mr. Hasbrook.

Commissioner Rushton asked if the City will be required to use eminent domain to add the land necessary to complete the connectivity to the south. Mr. Lethbridge responded that it is a possibility and suggested further options to resolve the issue. Commissioner James stated that this depends on future ownership. Mr. Lethbridge stated that the Commission can require the additional ground be added as a condition of approval.

Commissioner Lefgren asked if an easement in a setback affects the lot premium of a property. Mr. Wilson stated that it does and that Symphony Homes will charge Mr. Olson for the sewer easement because people are not willing to pay the price for the lot with the sewer easement. Mr. Lethbridge reviewed the sewer requirements and stated that it is recommended that an arrangement be made between property owners to acquire the necessary easement.

Chair Cannon reviewed the history of the area and reported that there are two separate ditch issues. The irrigation water on Ms. Larson's property is a different canal than the one that services Mr. Olson's property.

Commissioner Lefgren asked what the long-term traffic plan is for more homes in the area considering emergency access, secondary access, etc. Greg Wilson reported that a traffic study is usually requested. In this situation, a traffic memo was requested and it was determined that traffic is an inconvenience; however, it will not impact the drivability of Lovers Lane. Commissioner Lefgren asked if the residents would use a dirt road if emergency vehicles occupy the neighborhood road. Mr. Wilson reported that the road will be paved when the land to the south is developed. In response to a question, Russ Wilson reported that currently Symphony Homes maintains the dirt road and he assured the Commission that it will meet Fire Code. Mr. Lethbridge reported that the City's Fire Marshall participates in the review of site plans.

In response to a question, Russ Wilson reported that Symphony Homes will ticket those who encroach into the right-of-way, so emergency vehicles can access the area. Commissioner Hansen stated that it is significant to address Lovers Lane with a City perspective.

Commissioner James stated that there is conflicting testimony regarding the above matter. Technical answers are in conflict and connectivity has not been resolved with the intent of the General Plan and ordinance. The proposal does not meet the full standard of the City's subdivision ordinance. Commissioner James suggested tabling the matter to resolve a consensus of connectivity and determine the impact of the pond issues.

In response to a comment, Mr. Lethbridge stated that all the departments involved have reached a consensus and recommended approval of the current plan. Commissioner James stated that there are no solid connectivity plans on the north of the development. Two separate professionals have provided opposite opinions on the flood issues.

Commissioner Rushton commented that the above matter meets City requirements.

Commissioner Russell moved to approve Application PLZ 20-1002, River Ridge Lane Subdivision, to be located at 13239 South Lovers Lane, as shown on the accompanying plans with the following conditions:

- 1. Address any outstanding Riverton City staff redline comments on the plans and include on the recorded plat Public Utility easements as described in the civil plans.**
- 2. Storm drainage systems and accommodations comply with Riverton City Standards and ordinances, and with the recommendations of the Riverton City Engineering Division.**
- 3. The applicant shall complete a Long-Term Stormwater Management Plan or Storm Water Maintenance Plan according to Riverton City standards and ordinances.**
- 4. A Land Disturbance Permit must be issued by the City prior to any construction or grading on the site.**
- 5. The site and structures comply with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes, including access to the existing equestrian structure to the east.**
- 6. The applicant must obtain any necessary approvals or permits from applicable outside agencies or jurisdictions.**
- 7. Site fencing shall be as described in the approved plan set.**
- 8. The approved pond areas shall:**
 - a. Conform to the most recent City review for flood and water quality control systems that must be dedicated and maintained by City, particularly but not limited to:**
 - (i) Revise the pond system to conform to all City maintenance access standards.**

- (ii) **Address the drywell system relative to the high-water table and subsoil percolation rates. Design to drain within 48 hours.**
 - (iii) **Bring all conveyance structures and appurtenance up to City Design Standards.**
 - (iv) **Capture summer irrigation nuisance water, infiltrate prior to inlet structure through offline system, design by-pass for flood flows, and prevent scour of offline system.**
 - (v) **Capture urban trash and debris prior to inlet structure through offline system without using a siphon type system (snout), design by-pass for flood flows, and prevent scour of offline containment of urban trash and debris.**
9. **The Applicant shall provide for the construction of a connecting road pursuant to the approved plans.**
10. **Parcel B must be transferred to the City with the recordation of the approved plat.**

Commissioner Lefgren requested that the small parcel of land for the connection be required as a condition. The amendment died for lack of a second.

The original motion was seconded by Commissioner Hansen. Vote on motion: Commissioner Russell-Aye; Commissioner Hansen-Aye; Commissioner Hartley-Aye; Commissioner Rushton-Aye; Commissioner Lefgren-Aye, Commissioner James-Nay. The motion passed 5-to-1.

2. **AMENDED CONDITIONAL USE, KENNETH OLSON IS SEEKING AN AMENDMENT TO A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT FOR A PRIVATE LANE LOCATED AT 13265 SOUTH LOVERS LANE.**

Mr. Lethbridge presented the staff report and stated that the above item was approved by the Planning Commission in November of 2017. The property was identified on a map displayed. The applicant made application for an amendment to the original approval including two conditions that address the width of the private lane. Mr. Lethbridge read Conditions 4 and 5 and reported that Mr. Olson is bound by the written minutes of the meeting. The updated plan was on a map displayed.

Chair Cannon opened the public hearing.

Mr. Olson referred to the audio recording from the November 2017 Planning Commission Meeting and stated that the Commission approved the conditional use permit with a 25-foot lane for an access easement and 20 feet for the second home. Mr. Olson claimed that the minutes were written incorrectly and inconsistent with the motion made by the Commission.

Mr. Olson attempted to play a recording of the Planning Commission Meeting from that evening but was not able to.

Mr. Scribner stated that this is an error and can be added to the original approval.

Commissioner Rushton asked if a wider road would assist in the applicant's future goals. Mr. Scribner stated that the applicant does not desire a wider road because the currently approved lane will cost a significant amount of money.

Mr. Lethbridge stated that the minutes were approved by the Planning Commission and not altered at any point before or after the approval. The Commission can amend the conditional use permit. Eliminating Condition 4 will allow the lane width to be reduced.

Mr. Gilson stated that the measurements required in the current approval will not work from a design perspective because of the curve in the lane.

Ms. McDougal stated that she listened to the recording and that the written minutes were incorrect.

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

Commissioner Hansen asked why it has taken 2.5 years for the applicant to acknowledge the error. The staff member responsible for the previous application documented in the meeting minutes that the lane could be 25 feet on the access easement. When the original request for the approval was made there were no edits to the eight Conditions provided. This may have been suggested and missed by the Commission. In response to a question, Mr. Lethbridge reported that the 20-foot lane will meet all requirements for emergency vehicles. The Fire Department reviewed the matter and did not have any issues.

Commissioner Hansen moved to approve PLZ 20-2015, amending the Conditional Use Permit for a Private Lane located at 13265 South Lovers Lane originally approved November 9, 2017, as follows:

- 1. Remove Condition #4 from the original approval.**

The motion was seconded by Commissioner Hartley. The motion passed with the unanimous consent of the Commission.

- 3. GENERAL PLAN, RIVERTON CITY IS PROPOSING AMENDMENTS TO THE LAND USE ELEMENT OF THE GENERAL PLAN. – THIS ITEM WILL BE CONTINUED TO THE NEXT MEETING.**

Mr. Lethbridge presented the staff report and stated that the above item was discussed at a previous meeting with the intention that a continuation of public comment to be held at this meeting. Staff was approached by a stakeholder of one of the properties being considered and requested the opportunity to present information to the City before the Commission

discusses the General Plan. Staff recommended this matter be continued to the June 11, 2020 meeting.

Commissioner Rushton described the process of approving a General Plan. There is a significant amount of consideration within each district and he asked if it is beneficial to begin the process from the start. Mr. Lethbridge explained that the Commission can determine the procedure. The process has been belabored; however, the intention was not to rush the Commission into any decisions. Commissioner Rushton asked if a work session could be scheduled to discuss the General Plan before the June 11 meeting and if there is time for public notice. Mr. Lethbridge confirmed that it can be scheduled and properly noticed.

Commissioner Rushton moved to recommend that the Planning Commission continue the item to the June 11, 2020 meeting and schedule a Work session for June 4, 2020, or when able to assemble a quorum. The motion was seconded by Commissioner Russell. The motion passed with the unanimous consent of the Commission.

DECISION ITEMS

There were no decision items.

DISCUSSION ITEMS

4. RESIDENTIAL LOT STANDARDS, DISCUSSION OF CURRENT STANDARDS FOR RESIDENTIAL LOT SIZE AND SHAPE.

Mr. Lethbridge presented the staff report and stated that there has been discussion on parcels of land with awkward configurations. The City does not have an ordinance that specifies a minimum width. Prohibiting flag lots and setting a minimum width to a lot are ideas to address the issue.

Commissioner Lefgren stated that private lanes that service one lot should be calculated into the acreage of the land. Mr. Lethbridge stated the private lane ordinance will be reviewed and setbacks and lot size calculations addressed. Commissioner Lefgren stated that there is a need for a minimum on the width of those awkward parcels.

Mr. Lethbridge reported that another discussion item is what constitutes an irregular lot. There is a need to define it and an example was given to illustrate the concern.

There were no objections or concerns from the Commission. Mr. Lethbridge offered to bring the matter back in the next ordinance amendment package.

MINUTES

a. April 23, 2020

Commissioner Hansen moved to approve the minutes from April 23, 2020. Commissioner Russell seconded the motion. The motion passed with the unanimous consent of the Commission.

b. May 14, 2020

Commissioner Hansen moved to approve the minutes from October 10, 2019. Commissioner Hartley seconded the motion. The motion passed with the unanimous consent of the Commission.

5. ADJOURNMENT

The meeting adjourned at approximately 8:53 p.m.