



RIVERTON CITY REGULAR CITY COUNCIL MEETING AGENDA

September 3, 2013

Notice is hereby given that the Riverton City Council will hold a **Regular City Council Meeting** beginning at **6:30 p.m.** on **September 3, 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
4. Public Comments

2. STAFF REPORTS

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

3. PUBLIC HEARINGS

1. **Public Hearing** – regarding proposed amendments to the Land Use Element of the Riverton City General Plan, Amendments proposed by Riverton City – *Jason Lethbridge, Planning Manager*
2. **Public Hearing** – regarding a proposed rezone of 37.11 acres located at 2542 W 11800 S from R-3 (Residential 1/3 Acre Lots) to R-4 (Residential ¼ Acre Lots) – Ivory Development, Applicant – *Jason Lethbridge, Planning Manager*
 1. **Ordinance No. 13-13** – Rezoning 37.11 Acres, 2542 West 11800 South, proposed rezone from R-3 to R-4, Ivory Homes, Applicant
3. **Public Hearing** – regarding a proposed rezone of 6.89 acres located at 1863 W 11900 S be rezoned from R-3 (Residential 1/3 Acre Lots) to R-4-SD (Residential ¼ Acre Lots with Specific Development Designation) – Henry Walker Homes, Applicant - *Jason Lethbridge, Planning Manager*
 1. **Ordinance No. 13-15** - Rezoning 6.89 acres located at 1863 West 11900 South from R-3 (Residential 1/3 Acre Lots) to R-4-SD (Residential ¼ Acre Lots with Specific Development Designations), Henry Walker Homes, Applicant
4. **Public Hearing** – regarding a proposed rezone of approximately 13 acres located at 13350 S 3300 W be rezoned from RR-22 (Rural Residential with ½ Acre Min. Lot Size) to R-3 (Residential 1/3 Acre Lots) – Custom Craft Homes, Applicant - *Jason Lethbridge, Planning Manager*
 1. **Ordinance No. 13-14** - Rezoning 13.42 acres located at approximately 3300 West 13260 South from RR-22 (Rural Residential ½ Acre Lots) to R-3 (Residential 14,000 Square Foot Residential Lots), Custom Craft Homes, Applicant

4. DISCUSSION/ACTION ITEMS

1. **Commercial Site Plan**, Rivertowne Professional Plaza, 3018 West 12600 South, C-PO Zone, Gorm Klungervik, Applicant - *Jason Lethbridge, Planning Manager*
2. **Single Phase Subdivision**, Kenadi Cove, 12026 South Redwood Road, 2.87 Acres, 11 Lots, R-4 Zone, Mark Newman, Applicant - *Jason Lethbridge, Planning Manager*

5. CONSENT AGENDA

1. **Minutes:** RCCM 08-20-13
2. **Bond Releases:** N/A

3. **Resolution No. 13-41** – Authorizing the City to enter into a contract with Kilgore Contracting to complete the 1300 West (11940 South to Creekhaven Drive) Road Way Improvement Project
4. **Resolution No. 13-42** – Ratifying the Emergency Repair made to the Maynard Well Pump by Widdision Turbine Service
5. **Resolution No. 13-43** – Approving a Nonexclusive Lease Agreement with Southwest Commonwealth for the use of the Sandra N. Lloyd Community Center
6. **Resolution No. 13-44** - Rescinding an Improvement Agreement with Auburn Fields at Cedar Hollow, LLC for Cedar Hollow Townhomes Phase 1 Subdivision
7. **Ordinance No. 13-16** – Repealing Riverton City Code of Ordinances Chapter 2.130 Campaign Finance Disclosure Requirements

6. ELECTED OFFICIAL REPORTS

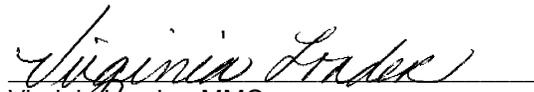
1. Mayor Bill Applegarth
2. Council Member Brent Johnson
3. Council Member Al Leavitt
4. Council Member Sheldon Stewart
5. Council Member Tracy Thaxton
6. Council Member Roy Tingey

7. UPCOMING MEETINGS

1. September 17, 2013 – General Plan Open House General Plan – 5:00 p.m.
2. September 17, 2013 – Regular City Council Meeting – 6:30 p.m.
3. October 1, 2013 – Regular City Council Meeting – 6:30 p.m.
4. October 15, 2013 – Regular City Council Meeting – 6:30 p.m.

8. ADJOURN

Dated this 30th day of August 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, and on the Utah Public Meeting Notice Website at <http://pmn.utah.gov>.

Dated this 30th day of August 2013

Virginia Loader, MMC
 Recorder

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vloader@rivertoncity.com



Issue Paper

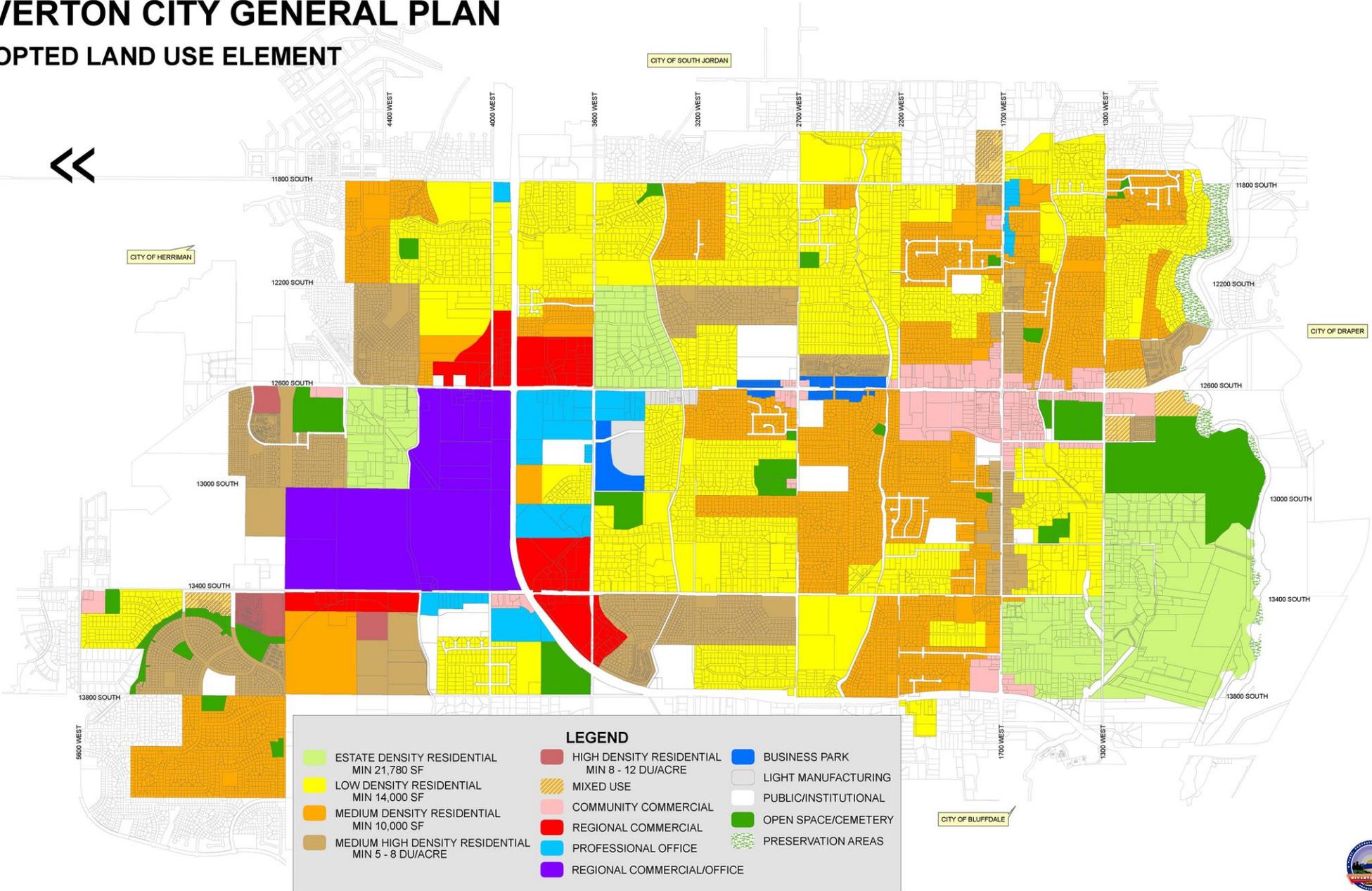
Item No. 3.1

Presenter/Submitted By:	Jason Lethbridge, Planning Manager	
Subject: GENERAL PLAN AMENDMENT, PROPOSED AMENDMENTS TO THE LAND USE ELEMENT OF THE RIVERTON CITY GENERAL PLAN, AMENDMENTS PROPOSED BY RIVERTON CITY	Meeting Date: September 3, 2013	
	Fiscal Impact: N/A	
	Funding Source: N/A	
Background: <p>Riverton City has recently initiated a review of the Riverton City General Plan, Land Use Element. The Land Use Element is a map showing proposed future land uses for properties within Riverton City. Riverton City is proposing amendments to the Land Use Element, to update future land use designations for specific properties within Riverton City. This update primarily affects existing vacant land within the City, but also addresses land use designations for existing developed areas.</p> <p>The Planning Commission, following several work sessions and public hearings, has forwarded a recommended Land Use Map to the City Council. Their proposed amendments are called out on the attached Planning Commission Recommended Land Use Amendment map, with affected areas outlined and the proposed designation indicated. The City Council has reviewed and made initial comments on the Draft at a work session, and included below is a draft copy reflecting those comments, labeled Working Draft. There is also attached a copy of the current plan for comparison of the affected areas. Staff will review the proposed amendments individually as part of this hearing, and also review other areas of the City not specifically addressed in the Planning Commission's recommended plan.</p> <p>This meeting is scheduled as a public hearing, for the City Council to take public comment on the proposed General Plan amendments. The General Plan amendment will come to the Council for a public hearing at a future meeting.</p>		
Recommendation: <p>The Planning Commission recommended APPROVAL of the proposed land use amendments. However, this is scheduled for public hearing on this date, with approval at a future meeting.</p>		
Recommended Motion: <p>I move the City Council table the General Plan Amendment to the Land Use Element Map, to the September 17, 2013 City Council Meeting.</p>		

Current General Plan

RIVERTON CITY GENERAL PLAN

ADOPTED LAND USE ELEMENT

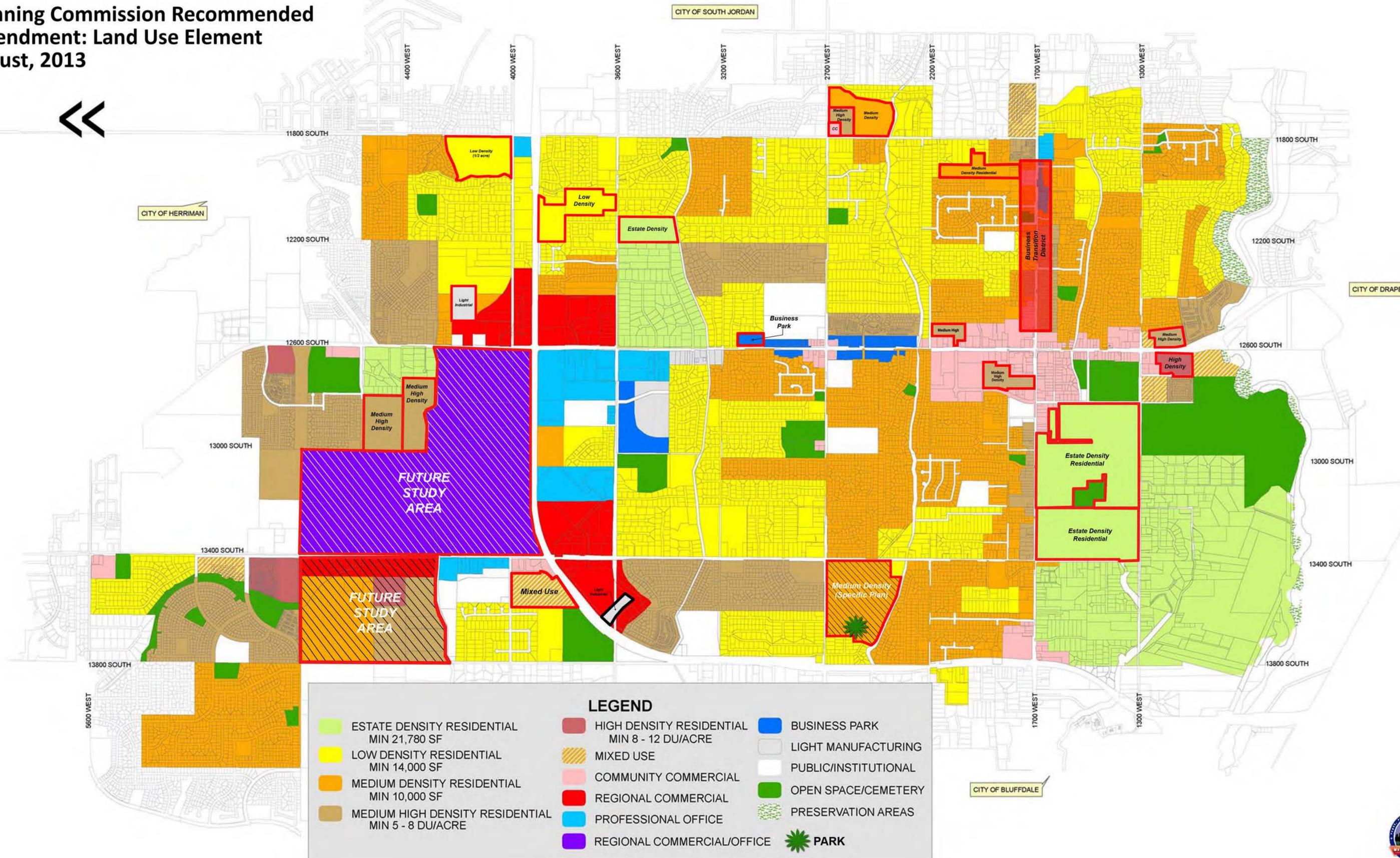


LEGEND					
	ESTATE DENSITY RESIDENTIAL MIN 21,780 SF		HIGH DENSITY RESIDENTIAL MIN 8 - 12 DU/ACRE		BUSINESS PARK
	LOW DENSITY RESIDENTIAL MIN 14,000 SF		MIXED USE		LIGHT MANUFACTURING
	MEDIUM DENSITY RESIDENTIAL MIN 10,000 SF		COMMUNITY COMMERCIAL		PUBLIC/INSTITUTIONAL
	MEDIUM HIGH DENSITY RESIDENTIAL MIN 5 - 8 DU/ACRE		REGIONAL COMMERCIAL		OPEN SPACE/CEMETERY
			PROFESSIONAL OFFICE		PRESERVATION AREAS
			REGIONAL COMMERCIAL/OFFICE		

**Planning Commission's
Recommended General Plan
Amendment**

RIVERTON CITY GENERAL PLAN

Planning Commission Recommended
Amendment: Land Use Element
August, 2013



LEGEND			
	ESTATE DENSITY RESIDENTIAL MIN 21,780 SF		HIGH DENSITY RESIDENTIAL MIN 8 - 12 DU/ACRE
	LOW DENSITY RESIDENTIAL MIN 14,000 SF		BUSINESS PARK
	MEDIUM DENSITY RESIDENTIAL MIN 10,000 SF		LIGHT MANUFACTURING
	MEDIUM HIGH DENSITY RESIDENTIAL MIN 5 - 8 DU/ACRE		PUBLIC/INSTITUTIONAL
	REGIONAL COMMERCIAL/OFFICE		OPEN SPACE/CEMETERY
	FUTURE STUDY AREA		COMMUNITY COMMERCIAL
	FUTURE STUDY AREA		REGIONAL COMMERCIAL
	MIXED USE		PROFESSIONAL OFFICE
	MIXED USE		PARK
	MIXED USE		PARK
	MIXED USE		PARK

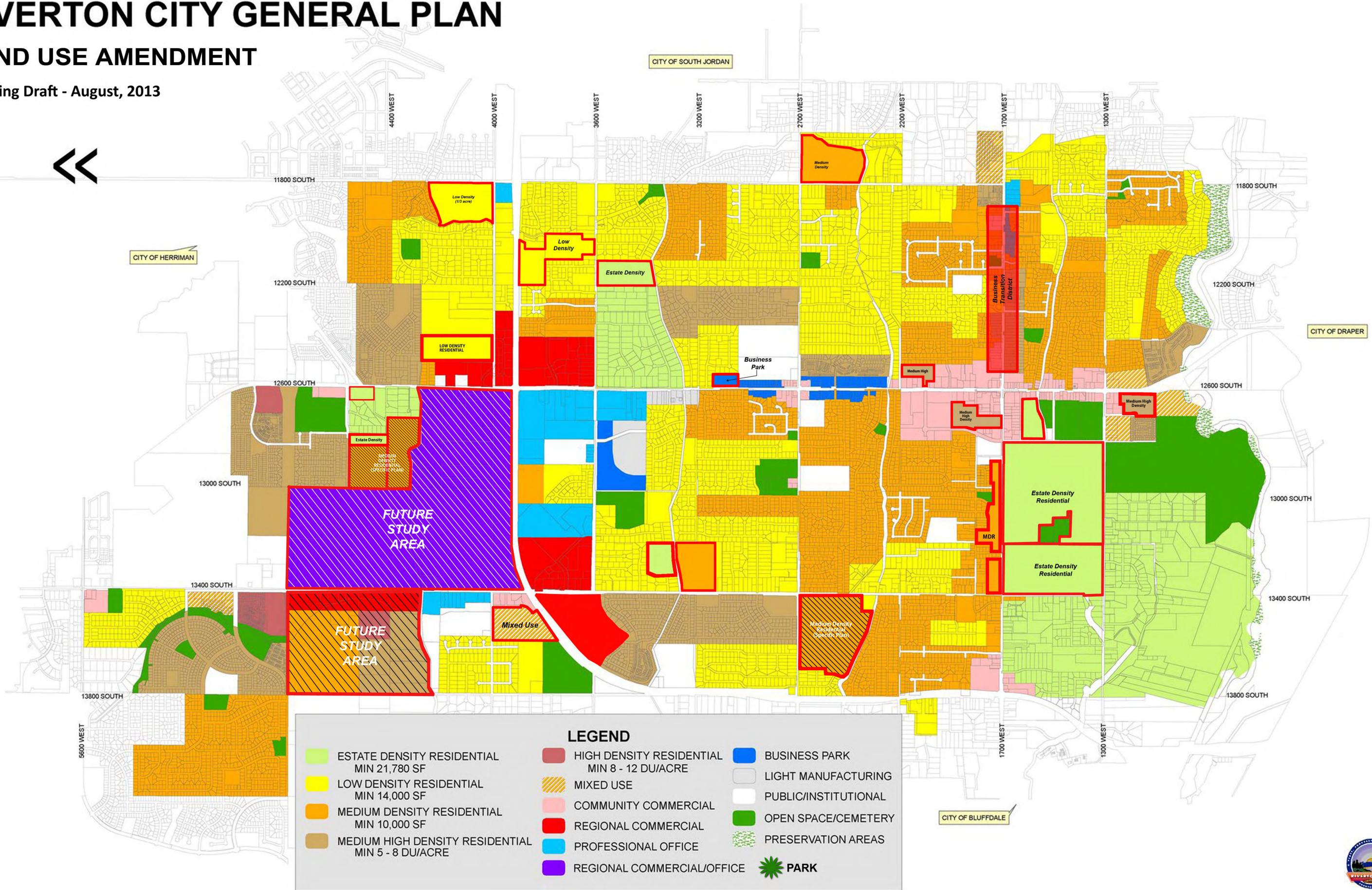


**City Council's
Working Draft General Plan
Amendment**

RIVERTON CITY GENERAL PLAN

LAND USE AMENDMENT

Working Draft - August, 2013



LEGEND					
	ESTATE DENSITY RESIDENTIAL MIN 21,780 SF		HIGH DENSITY RESIDENTIAL MIN 8 - 12 DU/ACRE		BUSINESS PARK
	LOW DENSITY RESIDENTIAL MIN 14,000 SF		MIXED USE		LIGHT MANUFACTURING
	MEDIUM DENSITY RESIDENTIAL MIN 10,000 SF		COMMUNITY COMMERCIAL		PUBLIC/INSTITUTIONAL
	MEDIUM HIGH DENSITY RESIDENTIAL MIN 5 - 8 DU/ACRE		REGIONAL COMMERCIAL		OPEN SPACE/CEMETERY
			PROFESSIONAL OFFICE		PRESERVATION AREAS
			REGIONAL COMMERCIAL/OFFICE		PARK



Planning Commission Minutes

Approved April 25, 2013

**RIVERTON CITY PLANNING COMMISSION
MEETING MINUTES**

April 11, 2013

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

Planning Commission Members:	Staff:
Larry Brown	Jason Lethbridge, City Planner
Dennis Hansen	Andrew Aagard, City Planner
Kent Hartley	Casey Taylor, Assist. City Attorney
Taylor Morrill	
Brian Russell	

Commissioner Dennis Hansen led the Pledge of Allegiance. Commissioner Kent Hartley called the meeting to order.

I. PUBLIC HEARINGS

A. GENERAL PLAN AMENDMENT. PROPOSED AMENDMENTS TO THE LAND USE ELEMENT OF THE RIVERTON CITY GENERAL PLAN. AMENDMENTS PROPOSED BY RIVERTON CITY

Mr. Jason Lethbridge, City Planner, reported that the City is updating its General Plan. He then addressed several areas of the City where the General Plan amendments would apply.

Mr. Lethbridge first addressed the Redwood Road corridor. He displayed a zoning map showing the current General Plan designation for the area, noting that, as it stands, density in that area transitions from high density to larger lots. A group of local citizens has proposed designating the east side of Redwood Road as "estate density residential," which would require lots of at least one-half acre. Mr. Lethbridge noted that the west side of Redwood Road would remain designated for multi-family residential. However, if the Planning Commission would like to align the Redwood Road corridor with the surrounding uses, it may want to address the properties on the west side as well. Mr. Lethbridge explained that any rezone or development proposals not conforming with the General Plan designations would require an applicant to obtain a General Plan amendment. Accordingly, the Planning Commission may want the west side of Redwood Road to match the single-family residential zoning on the east side.

Mr. Lethbridge next addressed the area located on 13400 South west of Bangerter Highway. Currently, the north side of 13400 South is designated for commercial use and the south side allows higher-density residential uses. The City would like to identify the area as one slated for future study. Mr. Lethbridge noted that the main property owner in the area, the Church of Jesus Christ of Latter-day Saints, will conduct extensive studies with the City when it determines to sell its property.

1 Just north of that area, off of Sunday Drive, is an area designated for estate-density
2 residential. The City would like to designate the area for medium-high density residential,
3 which would allow five to eight units per acre for both sides of Sunday Drive from the canal to
4 4570 West.

5
6 Also in that general vicinity is vacant property designated for office use. The City proposes to
7 change that designation to mixed use.

8
9 With respect to the area located at Redwood Road and 11800 South, the current designation
10 is for one-quarter and one-third acre lots. The City proposes changing all of the area to one-
11 quarter acre lot designations, which is consistent with the properties to the south.

12
13 Mr. Lethbridge explained that the Rindlisbacher property at 2700 West 11800 South, which is
14 currently designated for one-third acre lots, would be changed to one-quarter acre lots, five to
15 eight units per acre, with commercial use on the corner. The Carlson parcel, which is located
16 on the southeast corner of 13400 South and 2700 West, is currently designated one-third
17 acre parcels. The City recommends changing the designation to one-quarter acre lots, with
18 the expectation that there will be some additional planning done when the property is
19 developed.

20
21 The Peterson property, which is located near 3600 West and 12000 South, was tentatively
22 proposed to be designated one-third acre lots. However, since the property was recently
23 rezoned to a mixture of one-third and one-quarter acre lots, a more appropriate designation
24 would be 10,000 square foot lots. On the other side of the street, the property is tentatively
25 proposed for estate-density lots, which is consistent with the surrounding properties.

26
27 Mr. Lethbridge then addressed the intersection of 1300 West and 12600 South. The north
28 property, which is behind the Arctic Circle, would be designated medium-high density
29 residential, and the commercial parcel on the south side would be designated high-density
30 residential.

31
32 With respect to the frontage properties along the north corridor of Redwood Road, the
33 proposed designation would be business transition, which would allow residential
34 conversions along with other types of businesses. The City is drafting an ordinance
35 amendment that will establish the parameters of the permitted uses.

36
37 At the corner of 11800 South and 4000 West, the properties would be designated one-third
38 and one-quarter acre lots. A commercial designation proposed for 12600 South would bring
39 the General Plan into conformance with existing zoning and uses. Light industrial areas are
40 proposed for properties immediately north of the new Public Works building and just south of
41 Wal-Mart.

42
43 Mr. Lethbridge reported that staff has received a few questions from residents, but no
44 concerns were voiced. He outlined the process for approving or revising the proposed
45 amendments.

46

1 Commissioners Hartley and Hansen asked about zoning around the Peterson property.
2 Mr. Lethbridge clarified that, as it is now zoned, most of the parcels are one-third acre lots,
3 but some are between one-quarter and one-third of an acre.
4

5 Commissioner Hartley asked about the future study area. Mr. Lethbridge explained that,
6 when the property owners decide to sell the property, the General Plan will have to be
7 amended to identify the permitted land uses. Additionally, based on the nature of the
8 development, transportation and other issues will have to be addressed as well.
9

10 Commissioner Taylor Morrill joined the meeting.
11

12 Commissioner Hartley opened the public hearing.
13

14 Mr. Jeremy Burr addressed the Commission. He is concerned about the area around 11800
15 South and 4000 West, which is proposed for one-quarter acre and one-third acre lots.
16 Mr. Lethbridge clarified that although a developer has expressed interest in the corner lot, the
17 redesignation comes as a result of City planning, not a specific request from a developer.
18 The property is currently zoned for one-half acre lots, and the redesignation would allow
19 smaller lots. Mr. Burr does not want to see the property reduced to one-quarter acre lots.
20

21 Commissioner Hansen expressed concern about putting one-third acre lots next to one-
22 quarter acre lots. Mr. Lethbridge indicated that the surrounding properties are a mixture of
23 one-half acre, one-third acre, and one-quarter acre lots. The General Plan designation would
24 set the minimum permitted lot size, but zoning would regulate exactly where the smaller lots
25 are permitted.
26

27 In response to a question from Mr. Burr, Mr. Lethbridge explained that the Commission will
28 make a decision and the City Council will then make a final decision. Mr. Burr asked whether
29 the trail along Midas Creek will be continued. Mr. Lethbridge indicated the trail will likely
30 cross the creek channel, and then continue along the north side. The continuance would be
31 the developer's responsibility, but the City will maintain it.
32

33 Commissioner Hartley again explained the amendment process and the purpose of the
34 General Plan.
35

36 Mr. Jake Riddle addressed the Commission. He, too, is concerned about development at
37 11800 South and 4000 West. He wants it to stay one-half acre lots.
38

39 Mr. Lance Elsasser, who lives near the intersection of 11800 South and 4000 West, also
40 opposes changing the area to one-quarter acre lots. He thinks the minimum should be one-
41 third acre lots.
42

43 Mr. Wade Davis, who also lives near the intersection of 11800 South and 4000 West, also
44 opposes changing the designation. He thinks the streets are already very busy and cannot
45 accommodate more traffic. He also thinks the smaller lots will negatively impact his property
46 value.
47

1 Mr. Riddle asked why the City is considering one-quarter acre lots in the area of 11800 South
2 and 4000 West. Commissioner Hartley explained that the decision was the result of public
3 input. Moreover, the designation would fit with the City's overall objectives. Mr. Lethbridge
4 noted that there are already some one-quarter acre lots in the area – in both Riverton and
5 South Jordan.

6
7 The City seeks to provide a range of housing opportunities and lot sizes. The lot sizes should
8 also fit within market demand. Mr. Lethbridge also explained that traffic issues must be dealt
9 with no matter what type of development is put in. He pointed out that the General Plan is a
10 potential land use map outlining the range of potential uses and lot sizes that may be
11 appropriate on the property. Commissioner Hartley also indicated that many of the problems
12 raised can be dealt with through design. When the development comes before the City for
13 approval, the residents will be notified and they will have the opportunity to discuss any
14 issues then.

15
16 In response to a question from Mr. Riddle, Mr. Lethbridge emphasized that the City must
17 consider the best land uses for the City as a whole. Some of the considerations are providing
18 a range of development options for property owners, allowing lot sizes and house types that
19 are attractive to buyers, and so forth. The General Plan provides a guideline to establish
20 what types of developments and property uses would be appropriate in an area.

21
22 Mr. Burr also indicated that one-quarter acre lots draw smaller homes, which attracts
23 residents who do not take maintain their property. He thinks larger lots will sell well and
24 would be a better option.

25
26 Commissioner Russell noted that empty nesters often want smaller homes on smaller lots.
27 Market analysts have indicated that, as the baby boomers age, demand for smaller homes
28 will grow. He also indicated that messy people live on all sizes of lots.

29
30 Mr. Elsasser asked about the timeline for the decision-making process. Mr. Lethbridge
31 indicated that, although the City has held open work sessions regarding the General Plan
32 amendments, this is the first public hearing. The Planning Commission will make a
33 recommendation to the City Council, which will make the final decision. Mr. Elsasser asked
34 the Commission to postpone its decision regarding the 11800 South property to allow him
35 time to circulate a petition.

36
37 Mr. John Homer, from the Riverton Heritage Group, inquired whether one of the areas
38 covered by a proposed General Plan amendment is to be designated an estate area.
39 Mr. Lethbridge confirmed that it is.

40
41 In response to a commissioner's question, Mr. Lethbridge estimated that the parcel located
42 on the southwest corner of 11800 South and 4000 West would contain ten more homes if it is
43 developed with one-quarter acre lots rather than one-third acre lots.

44
45 Mr. Davis indicated that builders typically seek to put as many homes as possible on a parcel.
46 He asked how the decision is made as to how many one-third acre lots are permitted and
47 how many one-quarter acre lots are permitted on a parcel. The Commissioners explained

1 that the Planning Commission, along with the applicable land use ordinance, decides the
2 particular lot size restrictions in a subdivision. Mr. Davis is concerned about people building
3 cheap homes on the lots, which will allow investors to flip them.
4

5 Mr. Lethbridge pointed out that the General Plan designation will not change anything on the
6 property. Neither the zoning nor the potential for development will change. If a developer
7 wants to purchase the property for development, he would have to apply for a zone change to
8 allow one-quarter acre lots. At that point, the Planning Commission and City Council may
9 impose restrictions regarding the composition of the development. But the General Plan
10 does not obligate the City to allow one-quarter acre lots on the parcel.
11

12 There were no other public comments. Commissioner Hartley closed the public hearing.
13

14 Commissioner Morrill suggested changing the parcel at 11800 South and 4000 West back to
15 the original designation. A future developer can apply for an amendment if he wants to
16 subdivide into one-quarter acre lots. Commissioner Russell agreed. Commissioner Hansen
17 pointed out that the demand for smaller lot sizes is growing.
18

19 Mr. Lethbridge pointed out that the area boundaries are somewhat arbitrary. The
20 Commission could change the designation for part of a parcel, but leave it the same for
21 another part. He noted that neighboring subdivisions are a mixture of one-quarter, one-third,
22 and one-half acre lots.
23

24 Commissioner Hansen pointed out that the property is currently zoned for one-half acre lots.
25 Changing the General Plan designation to one-third acre lots will still require the developer to
26 apply for rezoning.
27

28 **Commissioner Hansen moved to APPROVE the draft land use amendment as**
29 **presented, with a change to the parcel on the southwest corner of 11800 South and**
30 **4000 West to reflect one-third acre or low density rather than the medium density that**
31 **is designated on the current plan. Commissioner Russell seconded the motion. Vote**
32 **on motion: Bryan Russell – Aye; Taylor Morrill – Aye; Dennis Hansen – Aye; Larry**
33 **Brown – Aye; Kent Hartley – Aye. The motion passed unanimously.**
34
35



Issue Paper

Item No. 3.2

Presenter/Submitted By:	Jason Lethbridge, Planning Manager	
Subject: REZONE, RINDLISBACH PROPERTY REZONE, 37.11 ACRES, 2542 WEST 11800 SOUTH, PROPOSED REZONE FROM R-3 TO R-4, IVORY HOMES, APPLICANT	Meeting Date: September 3, 2013	
	Fiscal Impact: N/A	
	Funding Source: N/A	
Background: <p>Ivory Homes has submitted a rezone application for 37.11 acres located at approximately 2542 West 11800 South. The property is currently zoned R-3, which requires a minimum lot size of 1/3 acre lots. The surrounding property to the north and east is also zoned R-3, but is separated from this property by Midas Creek to the north and a canal to the east. The property to the south, across 11800 South is zoned a mix of RR-22 and R-4. The property to the west, across 2700 West, is in South Jordan City, and is zoned for single family lots.</p> <p>Ivory Homes has requested a rezone of this property to R-4, which would allow for a minimum lot size of 10,000 square feet.</p>		
Recommendation: <p>On June 27, 2013, the Planning Commission voted to recommend APPROVAL of this rezone application.</p>		
Recommended Motion: <p>“I move the City Council adopt <u>Ordinance No. 13-13</u>, rezoning 37.11 acres located at approximately 2542 West 11800 South from R-3 (Residential 1/3 acre lots) to R-4 (Residential ¼ acre lots).”</p>		

RIVERTON CITY, UTAH
ORDINANCE NO. 13-13

**AN ORDINANCE REZONING 37.11 ACRES, 2542 WEST 11800 SOUTH, PROPOSED
REZONE FROM R-3 TO R-4, IVORY HOMES, 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, ¼ ACRE LOTS)**

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 3rd day of September, 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

**RIVERTON CITY
MEMORANDUM**

TO: Honorable Mayor and City Council

FROM: Planning Department

DATE: September 3, 2013

SUBJECT: REZONE RINDLISBACH PROPERTY REZONE, 37.11 ACRES, 2542 WEST 11800 SOUTH, PROPOSED REZONE FROM R-3 TO R-4, IVORY HOMES, APPLICANT

PL NO.: 13-4006 – RINDLISBACH PROPERTY REZONE

June 27, 2013, the Planning Commission voted to recommend APPROVAL of this rezone application. Minutes from that meeting are included below. The Planning Commission recommended the following motion:

I move the City Council APPROVE Ordinance #13-13, rezoning 37.11 acres located at approximately 2542 West 11800 South from R-3 (Residential 1/3 acre lots) to R-4 (Residential ¼ acre lots).

BACKGROUND

Ivory Homes has submitted a rezone application for 37.11 acres located at approximately 2542 West 11800 South. The property is currently zoned R-3, which requires a minimum lot size of 1/3 acre lots. The surrounding property to the north and east is also zoned R-3, but is separated from this property by Midas Creek to the north and a canal to the east. The property to the south, across 11800 South is zoned a mix of RR-22 and R-4. The property to the west, across 2700 West, is in South Jordan City, and is zoned for single family lots.

Ivory Homes has requested a rezone of this property to R-4, which would allow for a minimum lot size of 10,000 square feet. Riverton City's Land Use Map of the General Plan lists the property as Low Density Residential, which recommends a minimum lot size of 14,000 square feet. The Planning Commission has recently forwarded a recommended amendment to the General Plan Land Use Map which included this property, with a recommendation that this property be designated for Medium Density, to allow for ¼ acres lots, Medium High Density, which allows up to 5-8 units per acre, and an area of commercial at the intersection. The City Council has not yet taken action on the proposed amendments.

As stated above, this property is bordered on the west and south by major roadways. The north boundary is the Midas Creek Channel, and the west is a canal and associated right-of-way. As such, with the exception of three homes on 11800 South, there are no residential lots or development that are directly adjacent to the project area. It should be noted that while there has been significant comment and concern expressed by the public regarding the perceived differences in quality and value of property between 1/3 and ¼ acre lots, there no quantifiable differences in quality or value between the two densities. Riverton City's requirements and standards are identical in the R-3 and R-4 zones, with the exception of lot size and lot width. Home size and quality tend to be consistent within a development regardless of lot size, and the relative difference in number of lots does not create significant additional impacts to roads, schools, or other infrastructure. Establishing property value is a very fluid and complex calculation, and the assumption that development of lots similar in use but smaller than those adjacent to a project will negatively impact surrounding property values is simply not accurate. The R-4 zone is consistent with the development pattern of this area, and with the surrounding properties and neighborhoods. Directly to the south of this property there is a neighborhood zoned for and developed primarily at ¼ acre lots, with ½ acre lots surrounding it. There are developments throughout Riverton City where, either by zoning or by design of the subdivision, there are lots ranging from ¼ to 1/3 acre in size intermingled, and those projects have and will continue to function as cohesive neighborhoods.

In addition, while Riverton City has an obligation to insure that land uses are compatible with surrounding neighborhoods and properties, the City also has a compelling interest in meeting the needs of all of current and future citizens. This includes those who desire or prefer larger lots, as well as those who are interested in a slightly smaller lot. A rezone of this property to allow for lots of ¼ acre and larger will help to provide development that is consistent with all of the standards of the City, and that will help Riverton City meet the needs of a growing segment of the population that is looking the level of quality Riverton City requires of development on a ¼ acre lot.

It should be emphasized that this hearing is only to discuss the land use and zoning of the subject properties. Issues like fencing, road widths, etc will be addressed during the subdivision process which will follow at a later time.

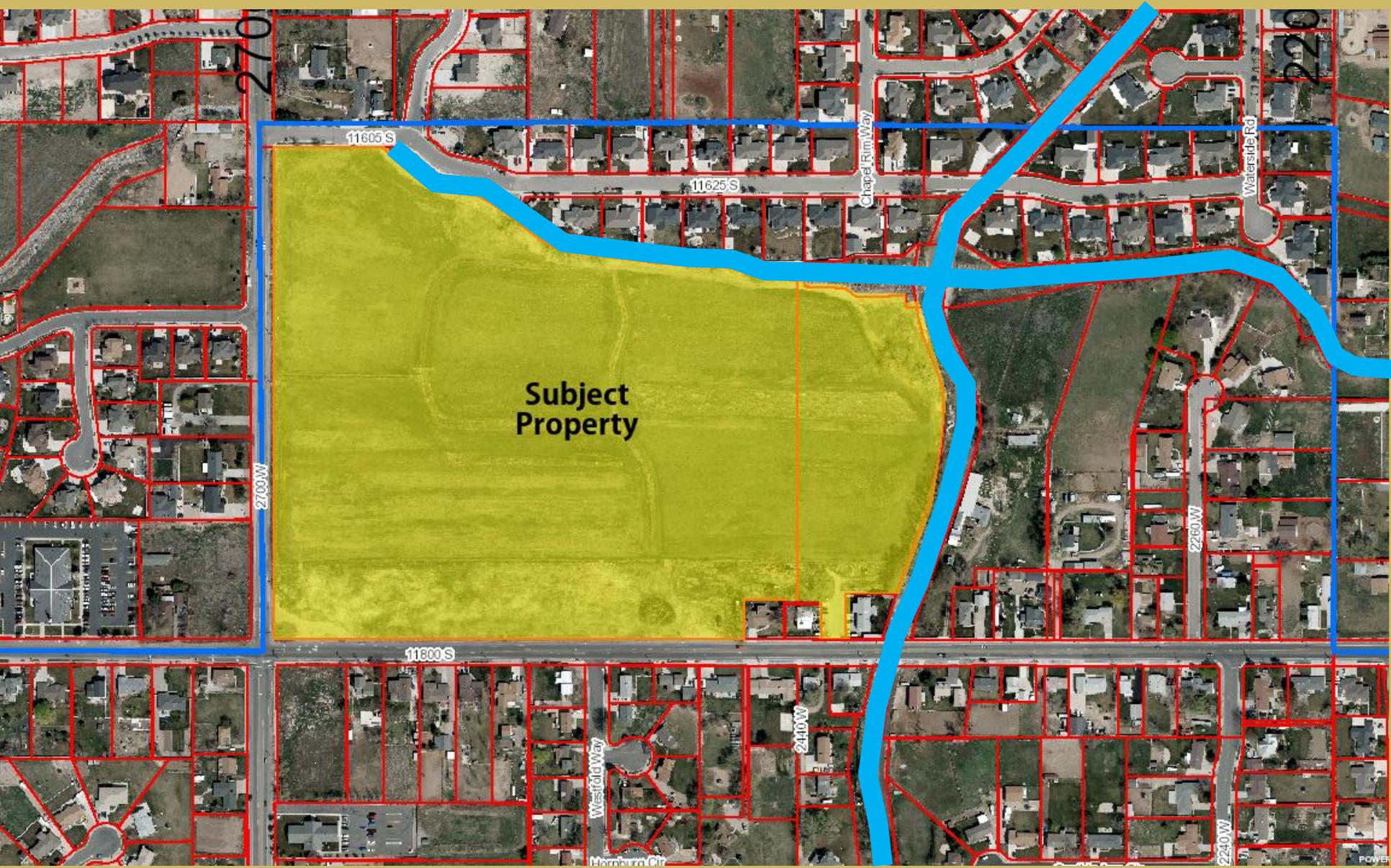
Riverton City's ordinance includes several items for consideration in a rezone, and the following checklist outlines those standards provided for review by the Planning Commission and City Council:

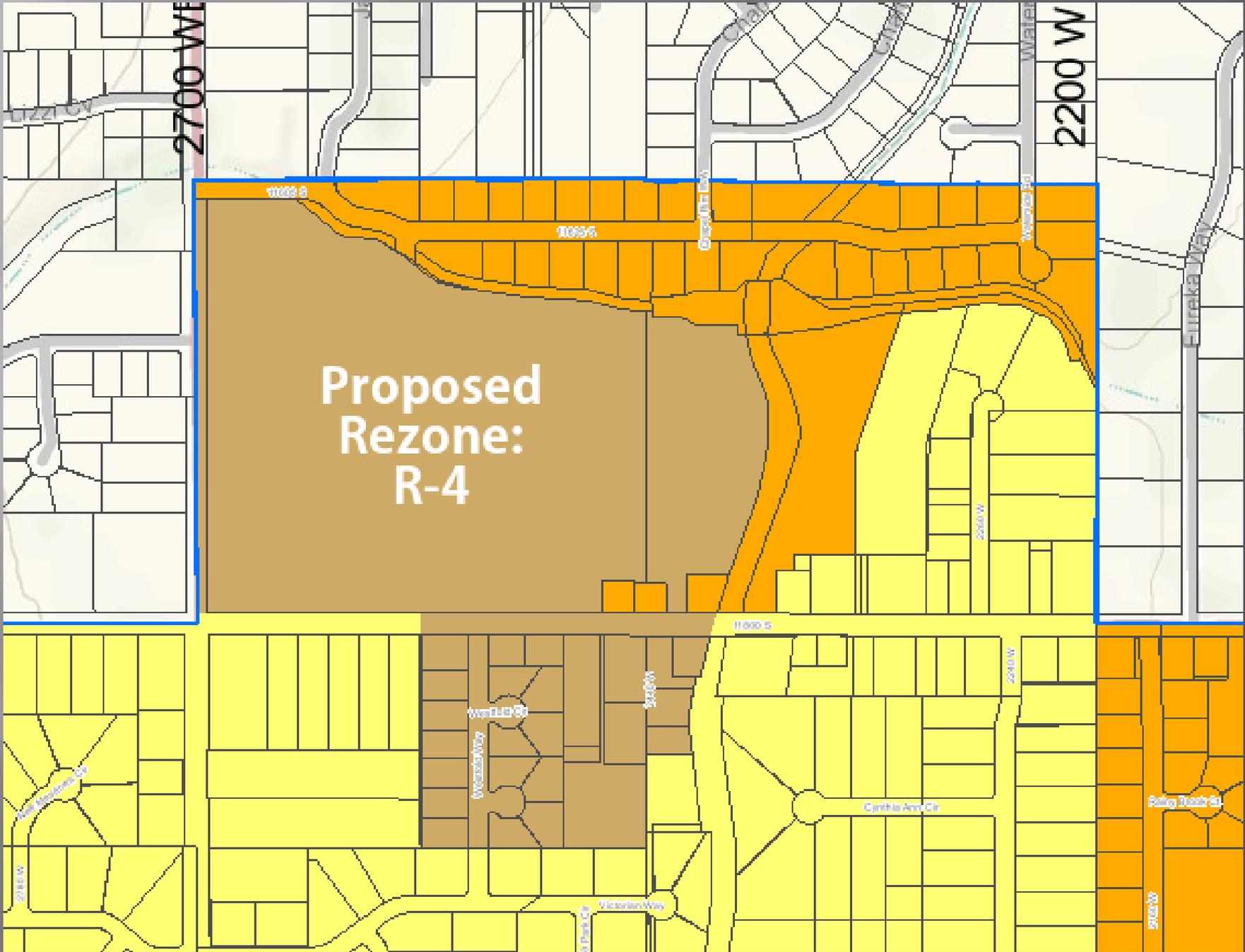
Zoning Ordinance Compliance Checklist	
Meets Criteria	Part 12-200-10 Amendments
Yes / No	<p>1. The proposed amendment will place all property similarly situated into the same zoning classification or in complementary classifications.</p> <p><i>The proposed R-4 zone is a classification that is complimentary with all of the surrounding properties. There are no properties with animal rights directly adjacent to this project.</i></p>
Yes / No	<p>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.</p> <p><i>The R-4 zone allows for single family residential use, which is in the general public interest.</i></p>
Yes / No	<p>3. All uses permitted under the proposed zoning classification amendment will be appropriate in the area to be included in the proposed zoning amendment.</p> <p><i>The uses permitted in the R-4 zone are appropriate to the property, which has access to all required services and infrastructure.</i></p>
Yes / No	<p>4. The character of the neighborhood will not be adversely affected by any use permitted in the proposed zoning classification.</p> <p><i>The introduction of single family lots under the R-4 zone will maintain the character of the neighborhood, with no adverse impacts to the surrounding properties.</i></p>
Yes / No	<p>5. The proposed zoning amendment is consistent with the City's Master Plan.</p> <p><i>The current General Plan designates this property as Low Density Residential, which suggests a minimum lot size of 1/3 acre. However, the Planning Commission's recommended amendment would allow lots sizes of ¼ acre, and this amendment is under review by the City Council.</i></p>

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.





Proposed
Rezone:
R-4

Difference From R-3 to R-4

	R-3	R-4
Minimum Lot Size	14,000 sf	10,000 sf
Minimum Lot Width	90 feet	80 feet
Front/Rear/Side Setbacks	25/25/ 10&8	SAME
Minimum Home Size	1200/1560	SAME
Building Standards	SAME	SAME

R-4



R-3









1 RIVERTON CITY PLANNING COMMISSION
2 MEETING MINUTES

3
4 June 27, 2013

5
6 The Riverton City Planning Commission convened at 6:30 p.m. in the Riverton City
7 Civic Center at 12830 South 1700 West, Riverton, Utah.

8
9 Planning Commission Members: Staff:
10
11 Kent Hartley, Chair Jason Lethbridge, Planning Manager

12 Larry Brown

13 Cade Bryant

14 Dennis Hansen

15 Taylor Morrill

16 Scott Kochevar (excused at 8:00 pm)

17
18 Brian Russell was excused.

19
20 Commissioner Bryant led the Pledge of Allegiance. Chair Kent Hartley called the
21 meeting to order.

22
23 I. PUBLIC HEARINGS

24
25 A. 13-4006, REZONE RINDLISHBACH PROPERTY REZONE, 37.11 ACRES, 2542
26 WEST 11800 SOUTH, PROPOSED REZONE FROM R-3 TO R-4, IVORY HOMES,
27 APPLICANT.

28
29 Planning Manager, Jason Lethbridge, presented the staff report and stated that public
30 comments offered up several questions such as the history of when the current zoning was
31 established, and under what circumstances. The zoning dates back to at least 1995, and the
32 property was initially zoned at R-14, which is the zone that became R-3. The surrounding
33 properties are ½ and ¼ acre in size. The area across from the canal to the north is
34 developed as R-3. In 2004, there was an application put forward to add an SD Designation
35 to the existing R-3 zone. This allowed some flexibility in the lot sizes as well as specific
36 conditions. The application was ultimately denied.

37
38 When assessing the surrounding properties, one of the main issues was the compatibility of
39 zoning. Previous standards allowed some variability in lot sizes. The majority of the homes
40 most directly adjacent to the current re-zone proposal are below the 14,000 square foot
41 threshold, which is currently what the R-3 zone requires. The R-4 zone allows a minimum lot
42 size of 10,000 square feet; however, typically with cul-de-sacs and varying dimensions,
43 12,000 square foot lots have become more of a trend in certain areas. In reviewing the
44 compatibility of lot sizes, especially in terms of quality, size, and type of home to be built
45 within the R-4 zone, it was reported to be important to understand and to consider that in the
46 subdivision adjacent to this property, there are lots that fall below 14,000 square feet.
47 Therefore, developing this property at R-3 under the current standards would allow lots that
48 are slightly larger than some lots in the adjacent development.

49

1 Another difference between the R-3 and R-4 zones was that R-3 zoning requires a minimum
2 width of 90 feet and R-4 allows for a minimum of 80 feet. Outside of the identified
3 differences, all other ordinance requirements remained the same.
4

5 A frequent concern when considering a re-zone was that there would be a reduction in quality
6 or home size. Mr. Lethbridge pointed out that there is no data to support this claim. For
7 example, there are homes on R-4 lots with sufficient side yards to store RV pads and similar
8 equipment. On the other hand, there are homes in the R-3 zone that are built as close to the
9 property line as possible.
10

11 It was noted that several factors are considered when discussing property value. However,
12 simply having smaller lots adjacent to slightly larger lots does not have as significant of an
13 impact on the value as it is perceived to.
14

15 The current General Plan designates the property for minimum 1/3 acre lots. The Planning
16 Commission forwarded a recommendation to the City Council for 1/4 acre lots for the
17 properties to the north and east, with an area for higher density lots of 5 to 8 units per acre,
18 as well as an area for commercial designation. The Council had not yet acted on the
19 recommendation.
20

21 The Commission expressed concern about the increased traffic flow would result from having
22 100 homes on a 37-acre lot. Mr. Lethbridge stated that there was not a traffic study
23 conducted specifically for this application. However, traffic data on the adjacent streets was
24 collected by the City's Engineering Department as part of the Transportation Master Plan.
25 The roads were sized to accommodate the projected traffic. The difference between R-3 and
26 R-4 was not significant enough to trigger a change. There will be roadway improvements that
27 will be part of the development, such as the addition of curb, gutter, and sidewalk. Once the
28 zoning is established, a complete subdivision design will be presented to include
29 transportation.
30

31 Based on the findings, staff recommended approval of the proposed rezone.
32

33 The public hearing was opened.
34

35 Chris Gamvroulas of Ivory Homes requested that at the conclusion of the hearing, he be
36 given time to address questions or concerns presented by the public. The Commission was
37 willing to grant his request.
38

39 Delise Bowles inquired as to whether changing the zoning to R-4 would preclude the
40 suggestion to the City Council that it would no longer be a risk of the 5 to 8 units per acre and
41 commercial area on the corner. The Commission answered in the affirmative.
42

43 Clyde Page stated that his family has lived in Riverton for several years. They were initially
44 drawn to the area for the open space. In 2004 when the last proposal was made, similar
45 concerns by neighborhood residents were expressed. The issues included open space,
46 property values, safety, traffic, and road infrastructure. Regarding staff's presentation,
47 Mr. Page stated that the demonstration does not reflect the designation of 80 to 90-foot

1 widths. He also stated that the difference of 10,000 to 14,000 square feet is significant with
2 regard to openness and space. Mr. Page remarked that the road infrastructure cannot
3 handle a 20% traffic increase.
4

5 Cathleen Clemens stated that Ivory typically builds two-story homes. She expressed concern
6 that construction of new homes would eliminate any view that the homeowners have
7 currently. This would in turn affect their quality of life. She noted that a new entry would be
8 added to their street and that there is already more traffic on that particular street than is
9 warranted based on the number of homes in the subdivision.
10

11 Curtis Timothy expressed concern with the impact rezoning will have on traffic. He stated that
12 there are over 40 children from zero to 16 years of age who reside in the affected
13 neighborhoods who are frequently out in the streets. His suggestion was to push all of the
14 traffic to other major surrounding roads, rather than funnel traffic through the neighborhoods.
15

16 Jason Baron stated that while he supports progress, he would like to hear more about how
17 the rezone will benefit the community and not just Ivory Homes. He stated that if it will only
18 increase traffic, it does benefit the neighborhood.
19

20 Troy Tebbs' main concerns weren't with the quality of the Ivory Homes product, but with the
21 traffic flow and the risk it poses for neighborhood children. He also addressed issues relative
22 to more children moving into the area. He stated that most elementary schools are already at
23 capacity. He was concerned that adding an additional 100 homes, and approximately 300
24 new children, the schools will not be able to support the number of students and the quality of
25 education will suffer as a result.
26

27 An unidentified neighbor of Mr. Tebbs and Mr. Timothy in the Jackson Downs neighborhood,
28 noted that 2700 West does not have a right turn lane going south, which will cause drivers to
29 drive through the neighborhoods to avoid the lights. He presented the Commission with a
30 petition from the Jackson Down's neighborhood addressing the traffic issue.
31

32 Kent Moore pointed out that while the zoning will result in higher density and more children in
33 the neighborhood, there are no plans to add recreational areas for children to play. The
34 result will be for children to go to the park and in doing so will cross a busy road. Mr. Moore
35 asked if any consideration was given in the plans to including crosswalks or a recreational
36 area.
37

38 Farrell Brough expressed concern with high density housing in the area because his family,
39 along with many others in his neighborhood, moved to Riverton for the quality of life and
40 larger lots. He wanted the zoning to remain unchanged in order to maintain continuity with
41 the surrounding properties.
42

43 Mary Fisher, a former public school teacher at Oquirrh Hills Middle School, stated that one of
44 the reasons she left the school was because her class sizes ranged from 37 to 47 students.
45 She also noted that the schools are built "pod-style" which means that there are no windows,
46 no air conditioning, and poor heating. Several fire and safety issues are posed by having so
47 many students. These challenges make it difficult for students to learn and teachers to teach.

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Lisa Stocking spoke on behalf of her family, stating that they are opposed to the rezoning. They have lived in the area all their lives, and have watched the area develop over time. They felt that 1/3 acre lots are a reasonable size and should remain that way. Ms. Stocking also spoke to the traffic issue and expressed concern with traffic being funneled through the neighborhood rather than onto surrounding major streets.

Justin Mann was not necessarily opposed to the R-4 zoning but was interested in Ivory's intent behind proposing the change, how many homes would actually meet the minimum requirements, and how many residences they might build that are on lots greater than 14,000 square feet. Understanding these factors would help him be more open to R-4 zoning. If, however, Ivory plans to build at the minimums he would be less inclined to support the rezone. Staff explained that at this point, the only decision was based on the zoning rather than the conceptual building details.

Sheldon Astle was not opposed to the development but was concerned about the schools and children. He stated that there are other approved developments in the area and the schools are currently at double their capacity. He stressed the importance of developing responsibly for the sake of the children.

Steven Cannon, a Jackson Downs resident, lives on a ½ acre lot. He noted that even though his home was built at the minimum 90-foot width and setback requirements, it would still be difficult to fit an RV on his property. He also noted that even if he had an RV, it would most likely bother his neighbors because it would be very close to their home. He explained that going to 80 feet would significantly limit his personal space.

Jim Hollingston reported that he moved to the area over three years ago. Within five months there were already four accidents at the 11800 South intersection. He noted that it is a very dangerous road and asked if there will be any changes to the intersection to accommodate the excess travel.

Doug Winters stated that he and his wife take their grandchildren to school each day, and in the morning 11800 South is backed up all the way to Redwood Road, which makes the right-hand turn lane impossible to access.

Russ Newman expressed concerns about traffic. He explained that when he built his home, the City allowed him to build a pre-cast concrete wall up to the street. At that time the City indicated that there could never be a thru street because of the visibility to the east. Mr. Newman also spoke to the issue of increased traffic through the neighborhood and stated drivers will want to avoid the major roads to get to the new development.

Barbara Winters expressed concerns with mitigation. She noted that construction puts children and families at risk due to the effects it has on traffic. She stated that something should be done to mitigate the difficulties before being faced with the crisis. As a former Granite School District teacher she understood the affect that overcrowding has on students and teachers. She asked the Commission to consider the kind of stress the proposed change could have.

1
2 There were no further public comments. The public hearing was closed.

3
4 Mr. Lethbridge clarified that the General Plan is a long-range planning document that the City
5 uses to guide the development of property. It is a map that identifies the long-range planning
6 for the area. It typically speaks more to range of use and lot sizes than specific development.
7 The General Plan does not indicate what can currently be done on the property and identifies
8 the uses that the City envisions for the future. It is a document that is updated periodically.

9
10 Mr. Lethbridge stated that the City is currently in the process of updating the General Plan
11 during which time the Planning Commission considers areas of concern and makes
12 recommendations to the City Council on long-range planning, which establishes thresholds.
13 For this particular property, the Planning Commission recommended ¼ acre lots along the
14 north and east, and at the corner an area of potentially 5 to 8 units per acre as well as
15 commercial. This does not mean that this is the only option allowable for the property but
16 indicates that the Planning Commission has reviewed the potential for that type of use. It
17 was noted that Ivory Homes applied for a change in zoning. They asked that the zone
18 change dictate what can be developed on the property now and in the future. The request
19 was only for ¼ acre lots. They are not asking for 5 to 8 units per acre or for commercial
20 development on the corner. The next step was for the City Council to take the Planning
21 Commission's recommendations and make a determination about what they expect on a
22 property. They had not had an opportunity to do that.

23
24 Chris Gamvroulas of Ivory Homes described the calculative differences between the two
25 different lot sizes and stated that there will be 7 to 11 additional homes on the property, as
26 opposed to 37+ homes. Mr. Gamvroulas addressed the traffic concerns expressed. He
27 stated that the philosophy that less housing equates to less traffic is a fallacy. He explained
28 that families that live in larger homes typically have larger families, require more vehicles, and
29 make more car trips per day.

30
31 Mr. Gamvrulas spoke for the future residents and explained that when Charter Point Road
32 was built, it was designed to connect the neighborhoods rather than create a cut-through.
33 From a land-planning standpoint, adding roads to neighborhoods is intended to connect the
34 neighborhoods and disperse traffic rather than create more traffic on the surrounding arterial
35 roads. Mr. Gamvroulas provided examples that showed that fewer homes won't necessarily
36 equate to fewer children in the area.

37
38 The Commission asked staff to identify the access points for the proposed site. Mr.
39 Lethbridge explained that the City has ownership of 11800 South and 2700 West (to the
40 center line) which gives the City control of the accesses along those roads. 11800 South is
41 entirely a City right-of-way. A full review had not been conducted of the subdivision;
42 however, several new intersections and general traffic management were considered.
43 Construction of bridges to cross the canals would be a joint responsibility and part of the
44 negotiation process between Ivory Homes and Riverton City.

45
46 A question was raised as to whether the east property is land-locked. Potential access points
47 include access through a neighboring cul-de-sac, access off of 11800 South, as well as some

1 frontage. Another potential access across the canal would be discussed based on the
2 availability of funding.

3
4 With regard to the 11800 South intersection, the City was to make changes to accommodate
5 current and future projected traffic. The City's engineering staff will address those plans and
6 coordinate with the developer as part of the review process.

7
8 Commissioner Morrill stated that the public has spoken, and suggested the Commission
9 honor their request. He was not opposed to leaving the zoning as is.

10
11 **Commissioner Brown moved to recommend approval to the City Council for PL 13-**
12 **4006, Rindlishbach Property rezone, 37.11 acres, located at 2542 West 11800 South,**
13 **proposed rezone from R-3 to R-4. Commissioner Hansen seconded the motion. Vote**
14 **on motion: Larry Brown – Aye; Dennis Hansen – Aye; Kent Hartley – Aye; Taylor**
15 **Morrill – Nay; Scott Kochevar – Aye; Cade Bryant – Aye. The motion passed 5-to-1.**

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**Material Submitted
by the Applicant**



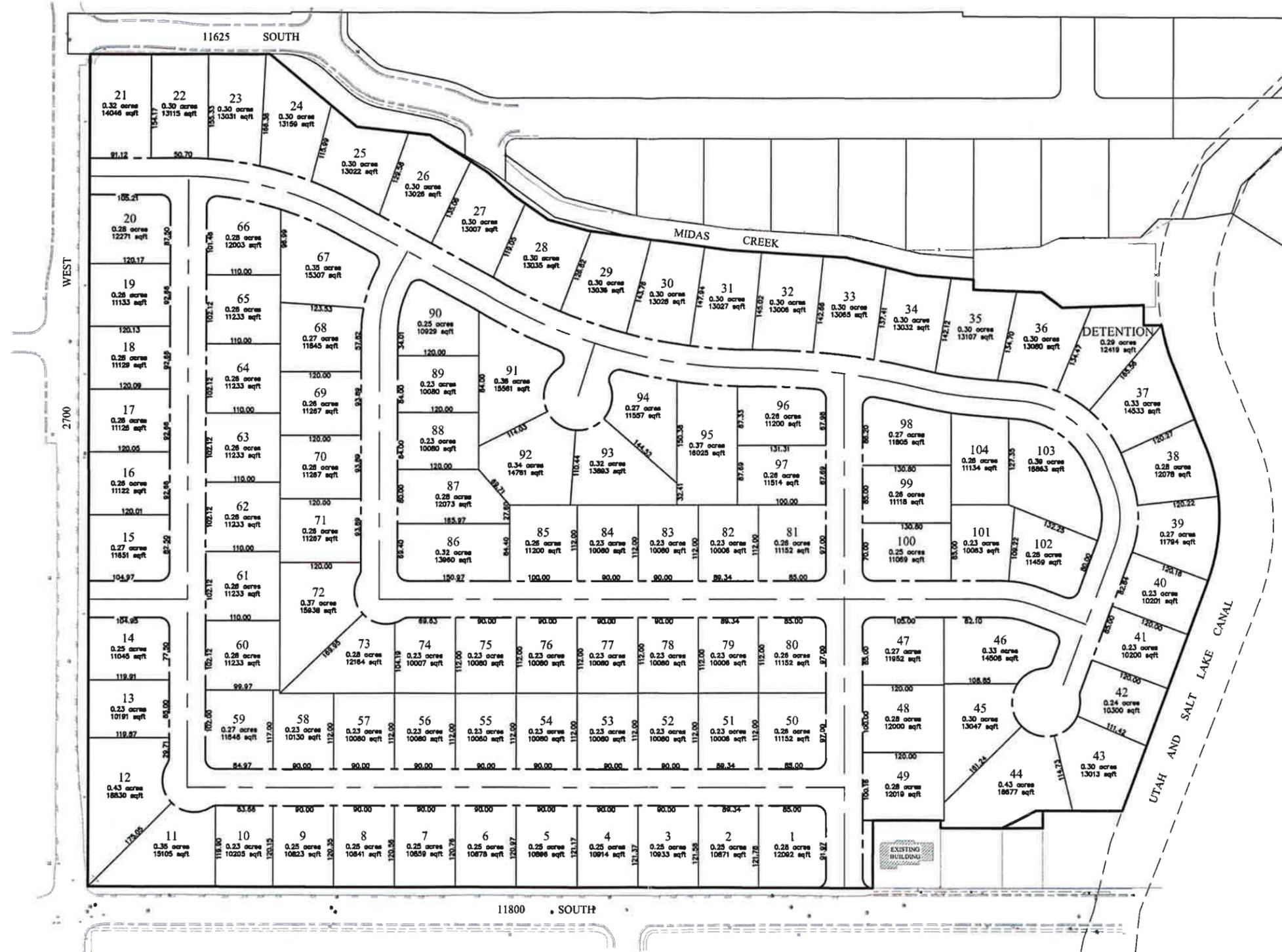
RINDLESBACH FARMS

2700 WEST 11800 SOUTH, RIVERTON

CONCEPT NARRATIVE

LOCATED AT: 2700 WEST 11800 SOUTH, RIVERTON

ORIGINAL PROPERTY	36.72 ACRES
SINGLE FAMILY LOTS	104
TOTAL DENSITY	2.83 UNITS/ACRE



GENERAL NOTE:

INFORMATION PROVIDED IS THE FROM THE BEST AVAILABLE DATA AT TIME OF PREPARATION AND MAY CHANGE AT ANYTIME FOR ANY REASON. PLAN SHOWN IS FOR ILLUSTRATIVE PURPOSES ONLY.

DESIGNED BY:





Issue Paper

Item No. 3.4

Presenter/Submitted By:	Jason Lethbridge, Planning Manager	
Subject: REZONE, REZONE 6.89 ACRES LOCATED AT 1863 WEST 11900 SOUTH FROM R-3 (RESIDENTIAL 1/3 ARE LOTS) TO R-4-SD (RESIDENTIAL ¼ ACRE LOTS, SPECIFIC DEVELOPMENT DESIGNATION), HENRY WALKER HOMES, APPLICANT	Meeting Date: September 3, 2013	
	Fiscal Impact: N/A	
	Funding Source: N/A	
Background: <p>Henry Walker Homes has previously submitted an application to rezone properties located at 1863 West 11900 South. That application for rezone to R_4 was denied by the City Council. The applicant has proposed via a new application rezone to R-4-SD, the 'SD' signifying a Specific Development designation. This designation allows the City to make additional requirements on the zoning, such as an increase in minimum required square footage, architectural requirements, etc. The applicant proposed several restrictions that are reflected in the Planning Commission's recommendation. The Commission also included the limitation on number of lots, specifying no more than 17 lots. The applicant accepted that limitation.</p>		
Recommendation: <p>On July 18, 2013, the Planning Commission voted to recommend APPROVAL of this rezone application.</p>		
Recommended Motion: <p>"I move the City Council adopt <u>Ordinance No. 13-15</u>, rezoning 6.89 acres located at approximately 11900 South 1863 West from R-3 (Residential 1/3 acre lots) to R-4-SD (Residential ¼ acre lots, Specific Development Designation), with the following SD designations:</p> <ol style="list-style-type: none"> 1. The maximum number of residential lots shall be seventeen (17). 2. The development shall include the following: <ol style="list-style-type: none"> a. Full perimeter fencing b. Standard 3-car garage c. Mix of housing types d. Ornamental street trees in park strips e. Pedestrian mobility and connections to surrounding neighborhoods." 		

RIVERTON CITY, UTAH
ORDINANCE NO. 13-15

AN ORDINANCE REZONING 6.89 ACRES LOCATED AT 1863 WEST 11900 SOUTH FROM R-3 (RESIDENTIAL 1/3 ARE LOTS) TO R-4-SD (RESIDENTIAL ¼ ACRE LOTS WITH SPECIFIC DEVELOPMENT DESIGNATIONS), HENRY WALKER HOMES, 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-SD (RESIDENTIAL, SINGLE FAMILY, ¼ ACRE LOTS WITH SPECIFIC DEVELOPMENT DESIGNATIONS)**

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, with SD Designations as follows:

1. The maximum number of residential lots shall be seventeen (17).
2. The development shall include the following:
 - a. Full perimeter fencing
 - b. Standard 3-car garage
 - c. Mix of housing types
 - d. Ornamental street trees in park strips
 - e. Pedestrian mobility and connections to surrounding neighborhoods

Section 2. This ordinance shall take effect upon passage.

PASSED AND APPROVED by the City Council of Riverton, Utah, on this 3th day of September, 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

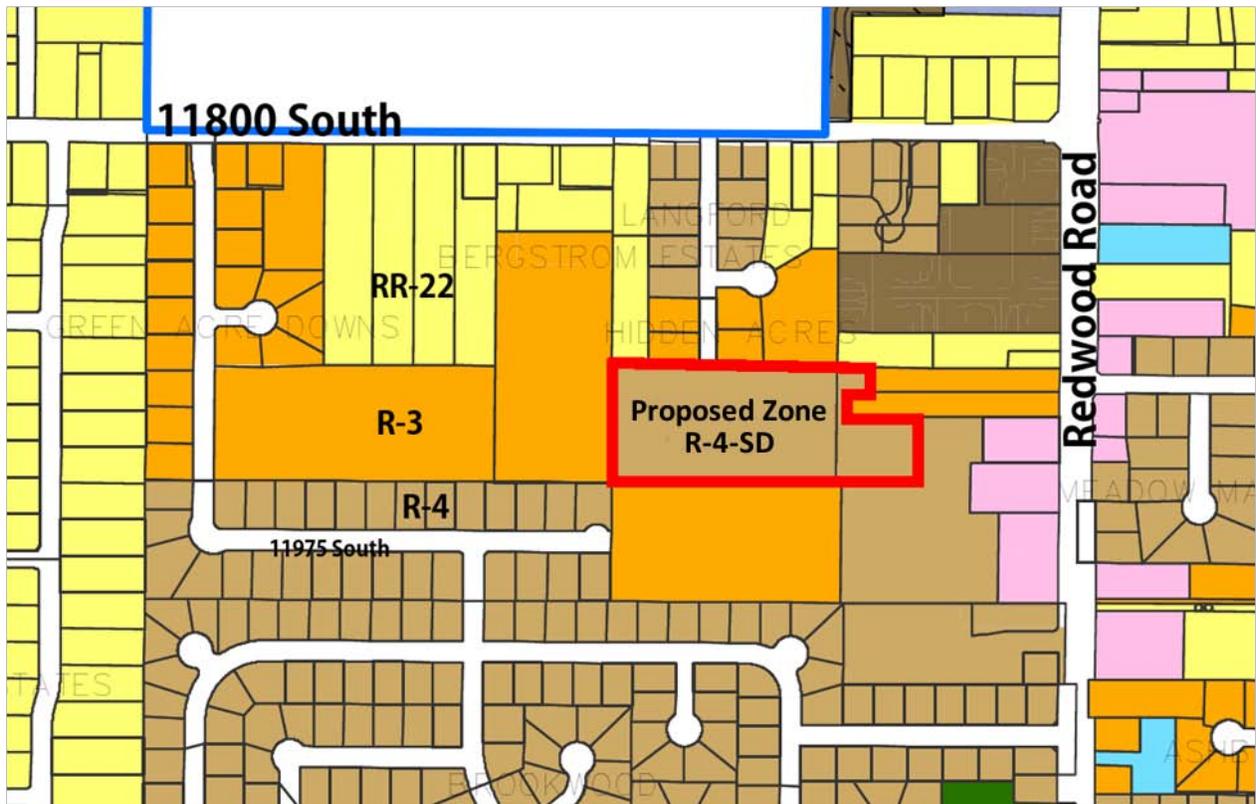


Exhibit A 1

**RIVERTON CITY
MEMORANDUM**

TO: Honorable Mayor and City Council

FROM: Planning Department

DATE: September 3, 2013

SUBJECT: REZONE, REZONE 6.89 ACRES LOCATED AT 1863 WEST 11900 SOUTH FROM R-3 (RESIDENTIAL 1/3 ACRE LOTS) TO R-4-SD (RESIDENTIAL ¼ ACRE LOTS, SPECIFIC DEVELOPMENT DESIGNATION), HENRY WALKER HOMES, APPLICANT.

PL NO.: 13-4004 – HENRY WALKER HOMES REZONE

On July 18th, the Planning Commission voted to recommend APPROVAL of this rezone application. Minutes from that meeting are included below. The Planning Commission recommended the following motion:

I move the City Council ADOPT Ordinance #13-15, rezoning 6.89 acres located at approximately 11900 South 1863 West from R-3 (Residential 1/3 acre lots) to R-4-SD (Residential ¼ acre lots, Specific Development Designation), with the following SD designations;

1. The maximum number of residential lots shall be seventeen (17).
2. The development shall include the following:
 - a. Full perimeter fencing
 - b. Standard 3-car garage
 - c. Mix of housing types
 - d. Ornamental street trees in park strips
 - e. Pedestrian mobility and connections to surrounding neighborhoods

BACKGROUND

Henry Walker Homes has previously submitted an application to rezone properties located at 1863 West 11900 South. That application for rezone to R_4 was denied by the City Council. The applicant has proposed via a new application rezone to R-4-SD, the 'SD' signifying a Specific Development designation. This designation allows the City to make additional requirements on the zoning, such as an increase in minimum required square footage, architectural requirements, etc. The applicant proposed several restrictions that are reflected in the Planning Commission's recommendation. The Commission also included the limitation on number of lots, specifying no more than 17 lots. The applicant accepted that limitation.

The property in question is currently zoned R-3 (Residential, 14,000 square foot lots). The properties are currently vacant with the exception of the easternmost property, which has a residential structure that will be removed once the property is developed. The property to the south is currently zoned R-3, but is an L.D.S. Church meetinghouse and play field. The property to the east is zoned R-4 and R-3, and the properties to the north and west are zoned R-3.

The general plan currently designates these properties as Medium Density Residential which carries a density of 4 units per acre or 10,000 square foot lots. This rezone request is compliant with that designation. The R-4 zone provides a reasonable density for this area, consistent with the existing ¼ acre lot subdivisions to the south, and compatible with the existing R-3 lots adjacent to the north.

It should be emphasized that this hearing is only to discuss the land use and zoning of the subject properties. Issues like storm drainage, irrigation rights, road widths, etc will be addressed during the subdivision process which will follow at a later time. However, several road connections exist which will provide excellent connectivity for this property, with existing connections to the north and south, and with future connections to the west and to Redwood Road to the east as the area continues to develop.

It should be noted that while there has been significant comment and concern expressed by the public regarding the perceived differences in quality and value of property between 1/3 and 1/4 acre lots, there no quantifiable differences in quality or value between the two densities. Riverton City's requirements and standards are identical in the R-3 and R-4 zones, with the exception of lot size and lot width. Home size and quality tend to be consistent within a development regardless of lot size, and the relative difference in number of lots does not create significant additional impacts to roads, schools, or other infrastructure. Establishing property value is a very fluid and complex calculation, and the assumption that development of lots similar in use but smaller than those adjacent to a project will negatively impact surrounding property values is simply not accurate. The R-4 zone is consistent with the development pattern of this area, and with the surrounding properties and neighborhoods. To the southwest of this property there is a neighborhood zoned for and developed primarily at 1/4 acre lots.. There are developments throughout Riverton City where, either by zoning or by design of the subdivision, there are lots ranging from 1/4 to 1/3 acre in size intermingled, and those projects have and will continue to function as cohesive neighborhoods.

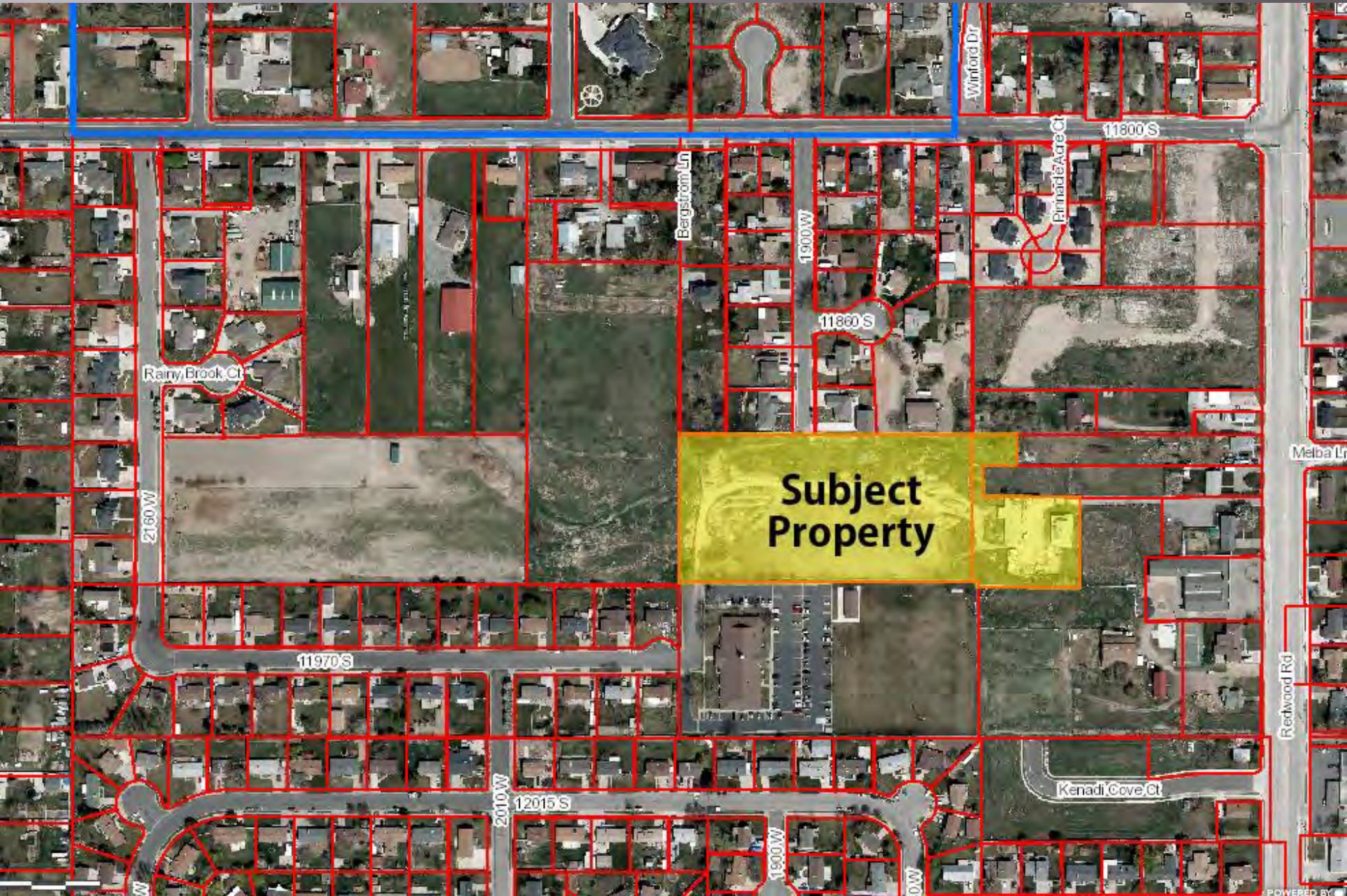
Riverton City's ordinance includes several items for consideration in a rezone, and the following checklist outlines those standards provided for review by the Planning Commission and City Council:

Zoning Ordinance Compliance Checklist	
Meets Criteria	Part 12-200-10 Amendments
Yes / No	<p>1. The proposed amendment will place all property similarly situated into the same zoning classification or in complementary classifications.</p> <p><i>The proposed R-4 zone is a classification that is complimentary with all of the surrounding properties. There are no properties with animal rights directly adjacent to this project.</i></p>
Yes / No	<p>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.</p> <p><i>The R-4 zone allows for single family residential use, which is in the general public interest.</i></p>
Yes / No	<p>3. All uses permitted under the proposed zoning classification amendment will be appropriate in the area to be included in the proposed zoning amendment.</p> <p><i>The uses permitted in the R-4 zone are appropriate to the property, which has access to all required services and infrastructure.</i></p>
Yes / No	<p>4. The character of the neighborhood will not be adversely affected by any use permitted in the proposed zoning classification.</p> <p><i>The development of single family lots under the R-4 zone will maintain the character of the neighborhood, with no adverse impacts to the surrounding properties.</i></p>
Yes / No	<p>5. The proposed zoning amendment is consistent with the City's Master Plan.</p> <p><i>The zoning is consistent with the City's current Master Plan.</i></p>

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.



**Subject
Property**

Rainy Brook Ct

Bergstrom Ln

1900W

11860 S

Pinnacle Acre Ct

11800 S

2160W

11970 S

2010W

12015 S

1800W

Kenadi Cove Ct

Winford Dr

Redwood Rd

Melba Ln

11800 South

Redwood Road

RR-22

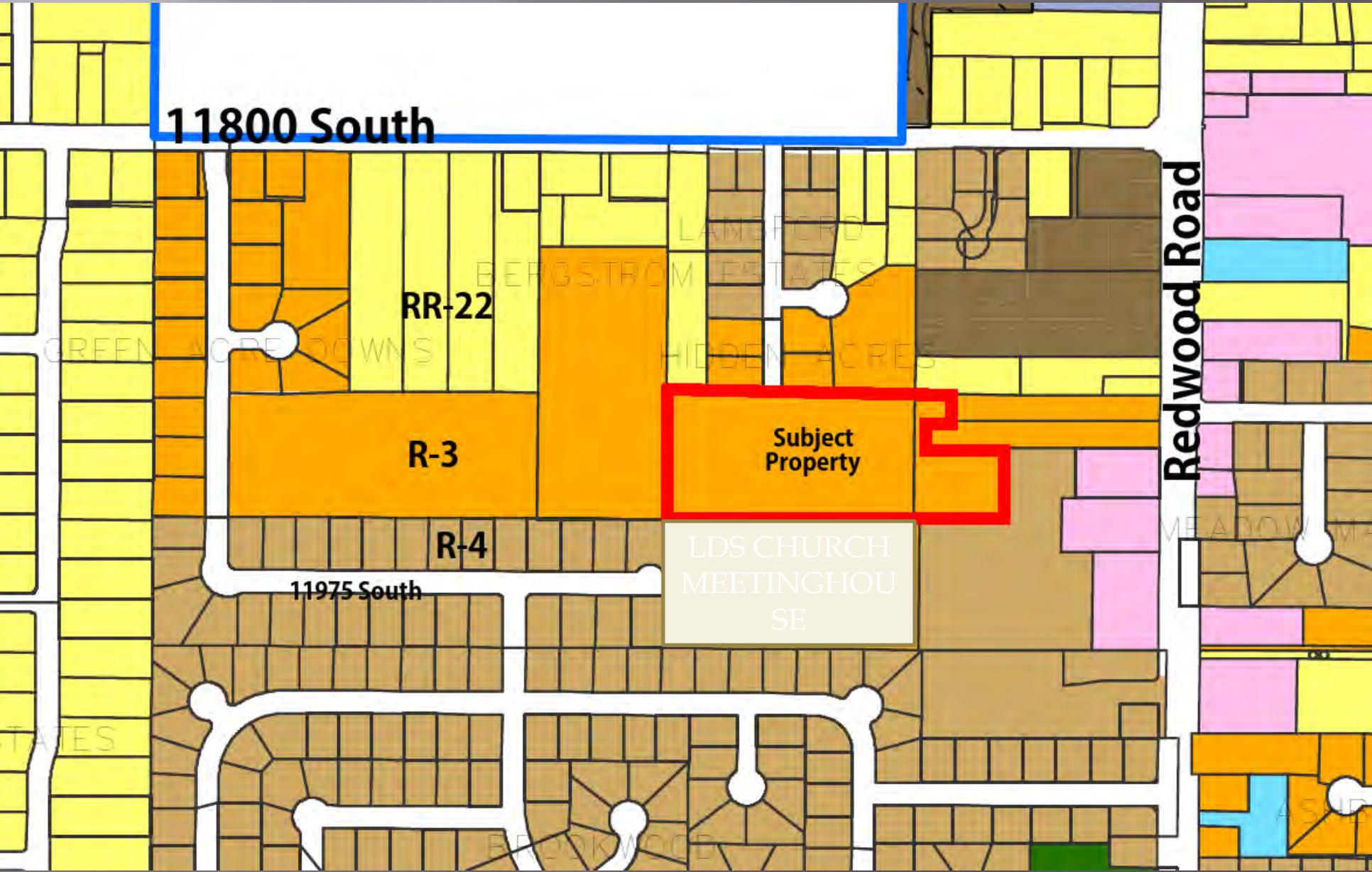
R-3

R-4

11975 South

Subject Property

LDS CHURCH
MEETINGHOUSE
SE

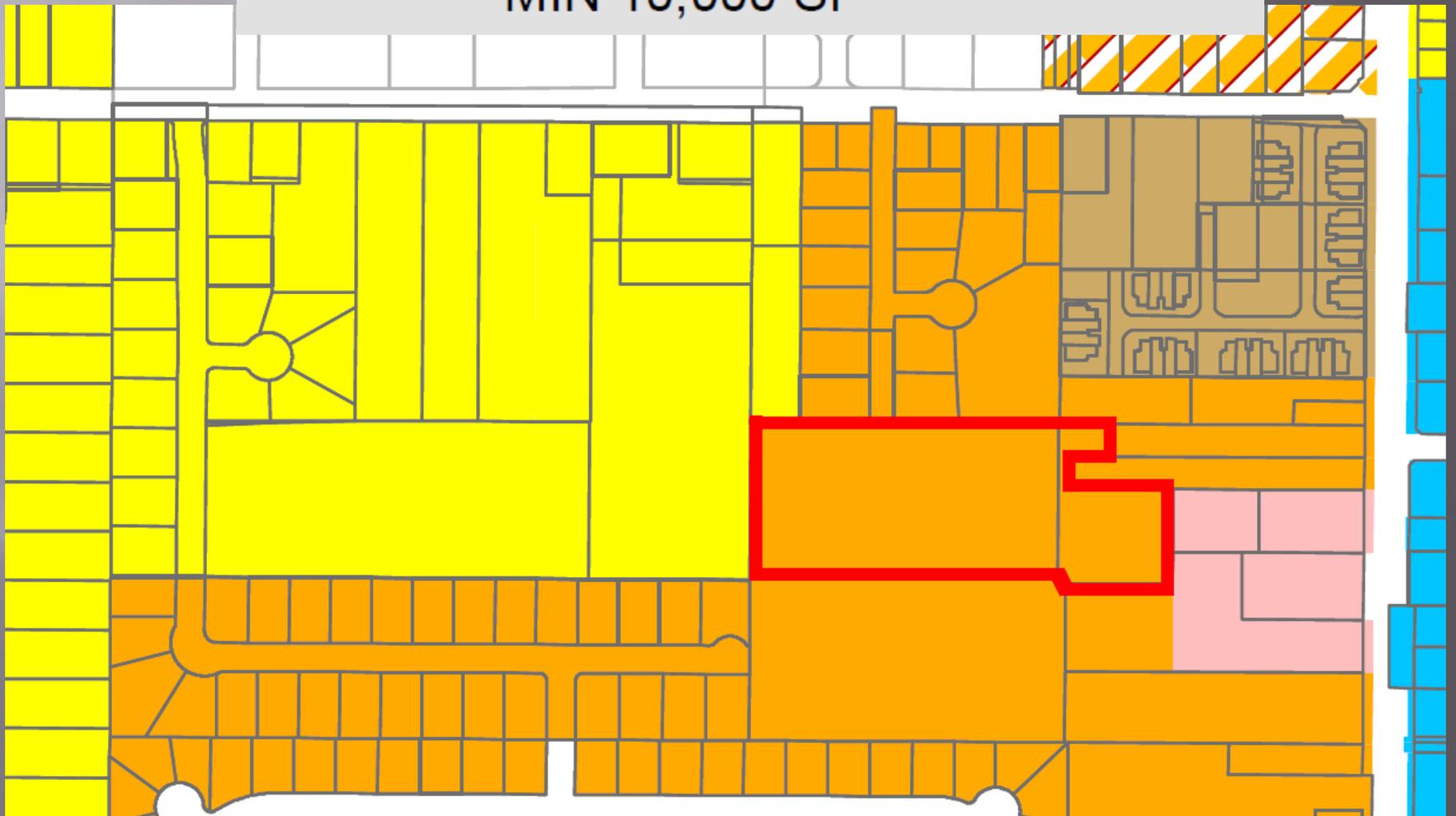




LOW DENSITY RESIDENTIAL
MIN 14,000 SF



MEDIUM DENSITY RESIDENTIAL
MIN 10,000 SF



11800 South

RR-22

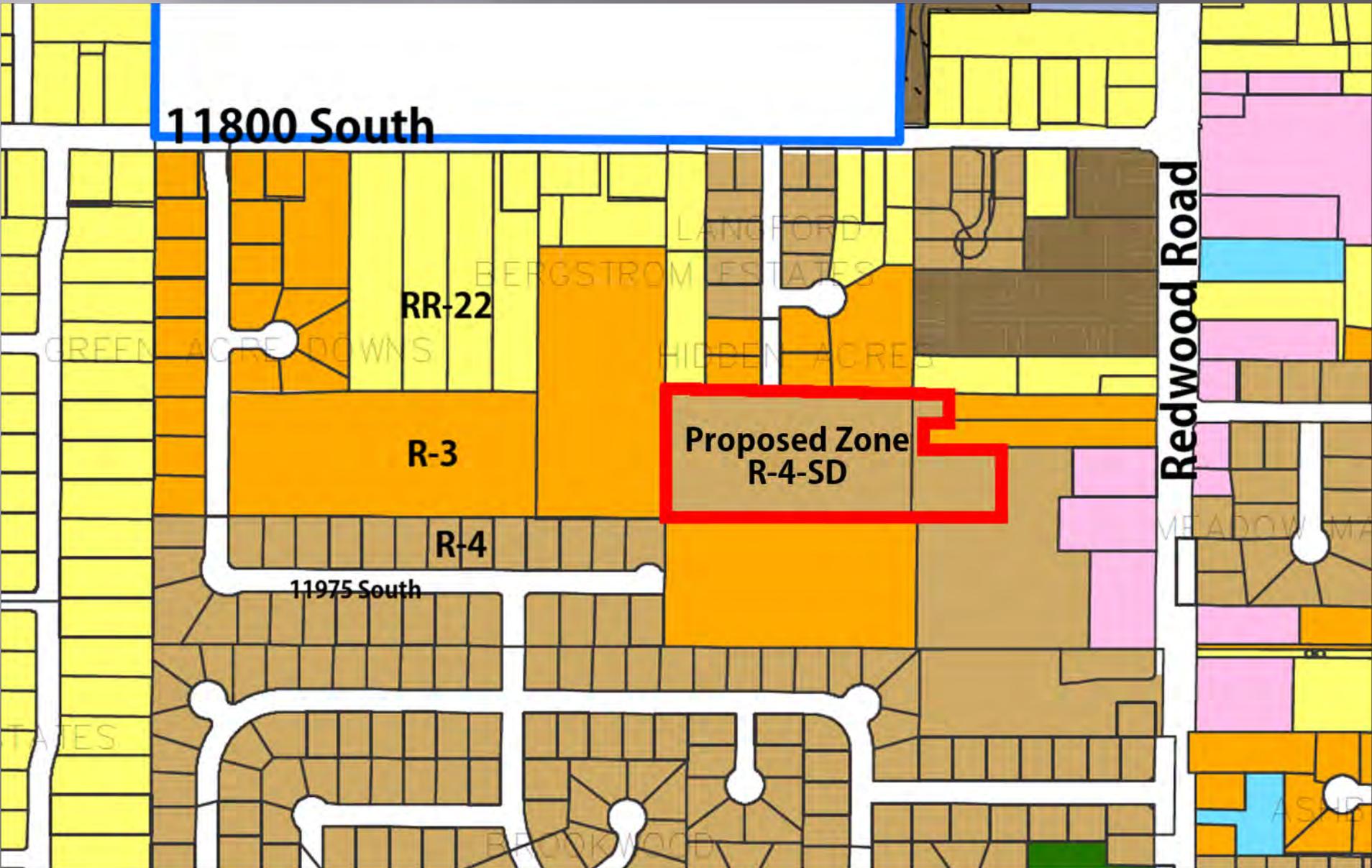
R-3

**Proposed Zone
R-4-SD**

R-4

11975 South

Redwood Road



1 RIVERTON CITY PLANNING COMMISSION
2 MEETING MINUTES

3
4 July 18, 2013

5
6 The Riverton City Planning Commission convened at 6:30 p.m. in the Riverton City
7 Civic Center at 12830 South 1700 West, Riverton, Utah.

8
9 Planning Commission Members:

Staff:

10
11 Larry Brown
12 Cade Bryant
13 Dennis Hansen
14 Kent Hartley
15 Taylor Morrill

Andrew Aagard, City Planner

16
17 Commissioner Dennis Hansen led the Pledge of Allegiance. Commissioner Taylor
18 Morrill called the meeting to order.

19
20 I. PUBLIC HEARINGS

- 21
22
23 A. **13-4004, REZONE**, REZONE 6.89 ACRES LOCATED AT 1863 WEST 11900
24 SOUTH FROM R-3 (RESIDENTIAL 1/3 ACRE LOTS) TO R-4-SD (RESIDENTIAL
25 ¼ ACRE LOTS WITH SPECIFIC DEVELOPMENT DESIGNATION), HENRY
26 WALKER HOMES, APPLICANT.

27
28 Mr. Aagard explained that the proposal was presented to the Planning Commission and City
29 Council recently and was initially denied. The current zoning is R-3. The properties to the
30 east and north are similarly zoned R-3 which is one-third acre, single-family zoning, with
31 some scattered R-4, one-half acre zoning and the RM-8 project on the corner. There is one
32 lot on the north that is zoned RR-22, and then the properties to the south are zoned R-4, with
33 one-quarter acre lot sizes. The property directly to the south is zoned R-3, however, it is an
34 LDS church meetinghouse and will remain the same despite the single-family zoning.

35
36 The proposal was to rezone to R-4 with an SD designation, which is the smallest allowable lot
37 size and requires additional regulations. The applicant, Henry Walker Homes, submitted
38 another application and has made several changes. The SD designation allows the City to
39 outline specific requirements, restrictions, and allowances based on the unique
40 circumstances of the property. This tool is not used widely; however, it has been used
41 recently to address concerns that have come up in the rezone process.

42
43 Points of access include:

- 44
45 • From the north there will be a road that will run through the development which will tie
46 into the west;
47
48 • A road to the south;

- A road that will tie in to the east down through existing and pending development; and
- Access to Redwood Road.

The new property will provide transition between developments.

The public hearing was opened.

Leslie Mascaro from (Henry Walker Homes) explained that since the last visit, Henry Walker Homes has received a positive recommendation from the Planning Commission. They have held extensive community outreach with the neighbors, during which time they were able to discuss their product and purpose. Within the general land use plan, it is appropriate to rezone to one-quarter acre lots. Ms. Mascaro explained that Henry Walker Homes is not trying to maximize density on the property. In describing the layout, she indicated that there are four stubbed roads within the project. On the layout, "Parcel A" is used as a detention basin for the area, including four subdivisions adjacent to their property. Because this provides some infrastructure, all they need is one additional lot.

The maximum lot yield for both zones with the R-3 zoning is 16 lots. In the R-4 zoning, they would be able to maximize their density up to 22 lots. They are not, however, requesting 22 lots and are requesting only one additional lot to help offset infrastructure costs, such as the stubbed lots and detention basin. Ms. Mascaro reviewed their product type and stated that the company has been around for about three years. The homes are priced from high the \$300,000s to low \$400,000s. They include materials such as rock, stone, and hardy board in their architecture as well as several pop-out features and a wide variety of floor plans and exterior options. Ms. Mascaro explained that if they obtain the desired zoning, they have promised the adjacent property owners that they will provide perimeter fencing to ensure privacy. They will also ensure three-car garages, which will increase home values, place ornamental street trees around the neighborhood, and pedestrian connections to other streets.

Mr. Aagard explained that although the church property is zoned R-4, five weeks ago the rezone proposal was denied in order to keep the subject property in alignment with the other two properties directly to the west, which were approved many years ago as R-3, and denied a change to R-4. He noted that the church and open lot will not be developed, which means there will be a separation. All of the property along the north and west sides will be zoned R-3. Changing from R-3 to R-4 lots will separate them from the meetinghouse and other surrounding R-3 lots. Mr. Aagard disagreed with Ms. Mascaro that the change fulfill the purpose of offsetting infrastructure costs, with the impression that infrastructure costs would be paid for by the sale of the homes on both of the lots to the west. Mr. Aagard also expressed interest in seeing what the difference would be if the zoning remained as R-3 and how many fewer lots there would be as a result.

It was noted by the Commission that Henry Walker Homes is not developing any of the other parcels surrounding the property. A separate developer came in for rezoning on the properties to the west and is pursuing development there.

1
2 There were no further public comments. The public hearing closed.

3
4 **Commissioner Hansen moved to recommend APPROVAL of Application # PL13-4004,**
5 **REZONE, rezoning 6.89 acres located at 1863 West, 11900 South from R-3 (residential**
6 **one-third acre lots) to R-4-SD (residential one-quarter acre lots with specific**
7 **development designation) based on the following conditions:**

8
9 **1. The maximum number of residential lots will be 17.**

10
11 **2. The item addressing price point should be stricken.**

12
13 **Commissioner Bryant seconded the motion. Vote on motion: Taylor Morrill – Aye;**
14 **Dennis Hansen – Aye; Larry Brown – Aye; Cade Bryant – Aye; Kent Hartley – Aye. The**
15 **motion passed unanimously.**
16

**Material Submitted
by the Applicant**



HENRY WALKER
H O M E S

Manchester Fields

Riverton, Utah



HENRY WALKER
H O M E S

Total Possible Units

Total Unit Count

R-3: 16 Lots

R-4: 22 Lots

Our Unit Count: 17 Lots



HENRY WALKER
H O M E S

Architecture



HENRY WALKER

H O M E S



Nantucket





HENRY WALKER

H O M E S



St. Augustine





HENRY WALKER

H O M E S



Copenhagen





HENRY WALKER

H O M E S





HENRY WALKER H O M E S



Dartmouth





HENRY WALKER H O M E S



Dublin





HENRY WALKER H O M E S



Prescott





HENRY WALKER H O M E S



Belmont





HENRY WALKER

H O M E S



Marseille





HENRY WALKER

H O M E S



Berlin II





HENRY WALKER

H O M E S



Belmont





HENRY WALKER
H O M E S

Manchester Fields Proposals

- ❖ Full perimeter fencing (condition of rezone)
- ❖ Standard 3-car garage (condition of rezone)
- ❖ Mix of housing types
- ❖ Ornamental street trees in park strips (condition of rezone)
- ❖ Price point: High 300k to low 400k
- ❖ Pedestrian mobility and connections to surrounding neighborhoods



Issue Paper

Presenter/Submitted By:	Jason Lethbridge, Planning Manager	
Subject: REZONE, REZONE 13.42 ACRES LOCATED AT APPROXIMATELY 3300 WEST 13260 SOUTH FROM RR-22 (RURAL RESIDENTIAL ½ ACRE LOTS) TO R-3 (RESIDENTIAL 14,000 SQUARE FOOT RESIDENTIAL LOTS), CUSTOM CRAFT HOMES, APPLICANT	Meeting Date: September 3, 2013	
	Fiscal Impact: N/A	
	Funding Source: N/A	
Background: <p>Custom Craft Homes has submitted an application requesting that three parcels located at approximately 3300 West 13260 South totaling 13.42 acres be rezoned from RR-22 (Rural Residential ½ acre lots) to R-3 (Residential 14,000 square foot lots). The surrounding properties are all zoned RR-22 and a have a minimum of half an acre thus carrying with them the right to have large animals. Along the east is a canal.</p> <p>The current General Plan designates these properties as low-density residential. This designation suggests a lot size minimum of 14,000 square feet. The R-3 zoning that is being requested by the applicant does comply with the General Plan. However, while the General Plan designation allows for a minimum lot size of 1/3, it does not preclude the development of larger lots within the area, especially if determined to be appropriate to the surrounding area by the Planning Commission and/or City Council. An application requesting the rezoning of this property was heard by the Planning Commission and City Council in April and June of 2012.</p>		
Recommendation: <p>On July 18, 2013, the Planning Commission voted to recommend DENIAL of this rezone application.</p>		
Recommended Motion <p>“I move the City Council deny <u>Ordinance No. 13-14</u>, the proposed rezone of three properties located at 13204 S 3300 W, 13207 S 3300 W and 13350 S 3300 W from RR-22 to R-3.”</p>		

RIVERTON CITY, UTAH
ORDINANCE NO. 13-14

AN ORDINANCE REZONING 13.42 ACRES LOCATED AT APPROXIMATELY 3300 WEST 13260 SOUTH FROM RR-22 (RURAL RESIDENTIAL ½ ACRE LOTS) TO R-3 (RESIDENTIAL 14,000 SQUARE FOOT RESIDENTIAL LOTS), CUSTOM CRAFT HOMES, 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 RR-2 to **R-3 (RESIDENTIAL, SINGLE FAMILY, 1/3 ACRE LOTS)**

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 3rd day of September, 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

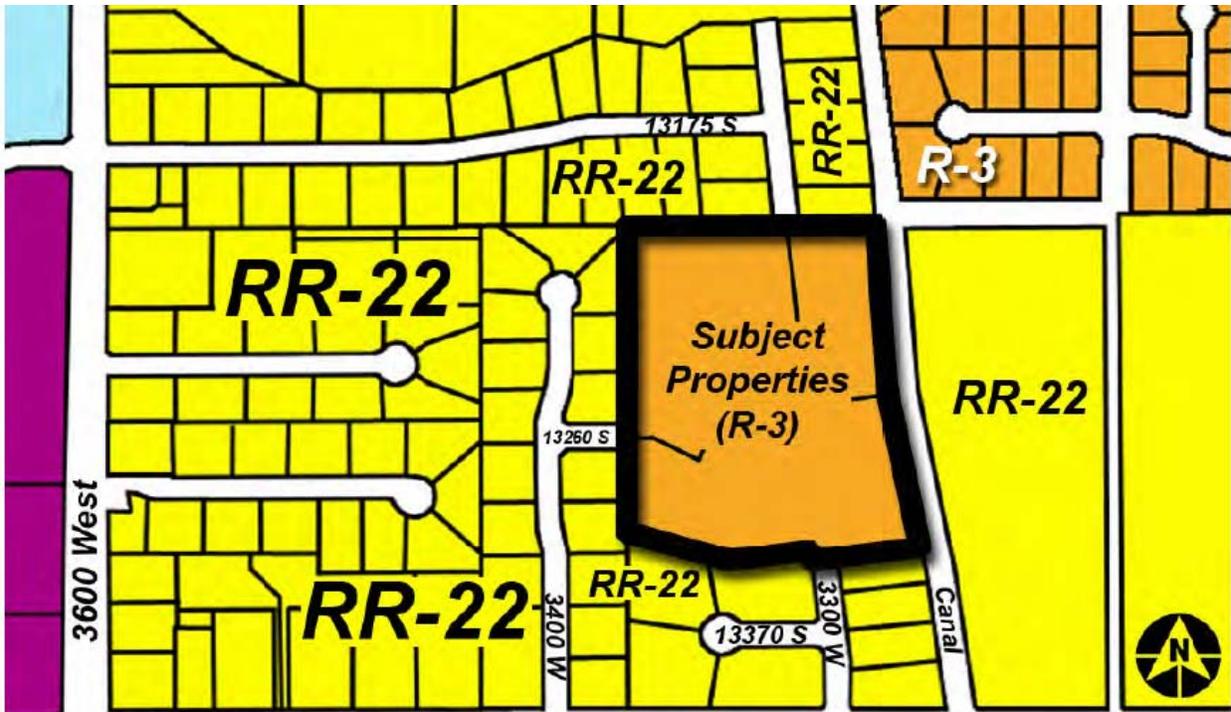


Exhibit A 1

**RIVERTON CITY
MEMORANDUM**

TO: Honorable Mayor and City Council

FROM: Planning Department

DATE: September 3, 2013

SUBJECT: REZONE, REZONE 13.42 ACRES LOCATED AT APPROXIMATELY 3300 WEST 13260 SOUTH FROM RR-22 (RURAL RESIDENTIAL ½ ACRE LOTS) TO R-3 (RESIDENTIAL 14,000 SQUARE FOOT RESIDENTIAL LOTS), CUSTOM CRAFT HOMES, APPLICANT.

PL NO.: 13-4007 - CUSTOM CRAFT HOMES REZONE

On July 18, the Planning Commission voted to recommend DENIAL of this rezone application. Minutes from that meeting are attached below. The Planning Commission recommended the following motion:

I move the City Council DENY Ordinance #13-14, the proposed rezone of three properties located at 13204 S 3300 W, 13207 S 3300 W and 13350 S 3300 W from RR-22 to R-3.

BACKGROUND

Custom Craft Homes has submitted an application requesting that three parcels located at approximately 3300 West 13260 South totaling 13.42 acres be rezoned from RR-22 (Rural Residential ½ acre lots) to R-3 (Residential 14,000 square foot lots). The surrounding properties are all zoned RR-22 and have a minimum of half an acre thus carrying with them the right to have large animals. Along the east is a canal.

It has long been anticipated that development would occur in this area evidenced by the three streets that terminate into this property. 3300 West has two stubs into the property on the north and the south. 13260 South also stubs into the property along the west.

The current General Plan designates these properties as low-density residential. This designation suggests a lot size minimum of 14,000 square feet. The R-3 zoning that is being requested by the applicant does comply with the General Plan. However, while the General Plan designation allows for a minimum lot size of 1/3, it does not preclude the development of larger lots within the area, especially if determined to be appropriate to the surrounding area by the Planning Commission and/or City Council. An application requesting the rezoning of this property was heard by the Planning Commission and City Council in April and June of 2012.

The R-3 zone does not allow large animals. When situations where zones that allow large animals are next to zones that do not allow them the ordinance requires fencing able to withstand impacts from large animals. The standard fencing approved to satisfy this requirement has typically been 6' pre-cast concrete panel fencing. It should be noted that changing the zoning of the parcels in question will have no impact on the ability of neighboring property owners to own large animals.

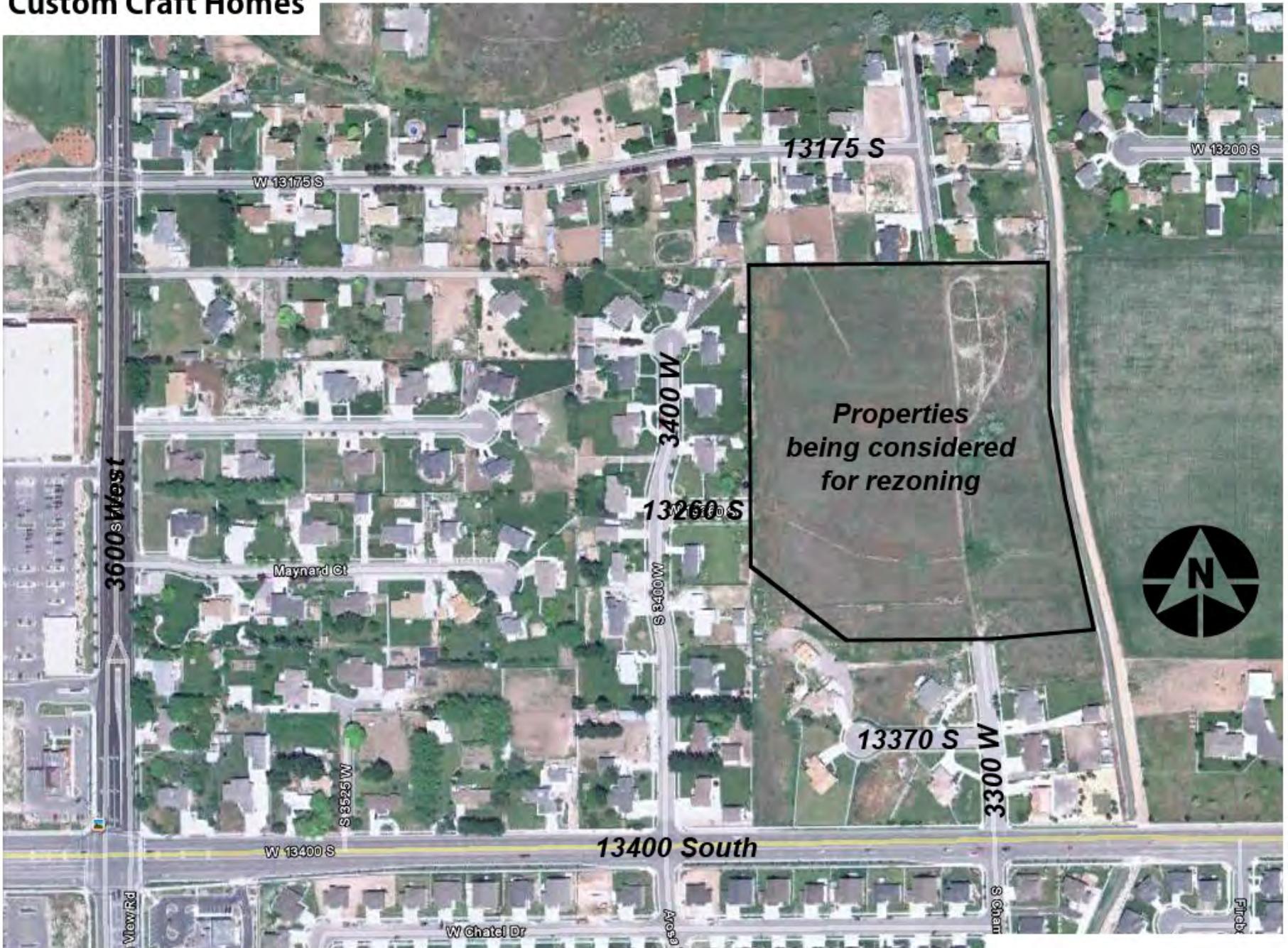
Zoning Ordinance Compliance Checklist	
Meets Criteria	Part 12-200-10 Amendments
Yes / No	1. The proposed amendment will place all property similarly situated into the same zoning classification or in complementary classifications.
Yes / No	2. All uses permitted under the proposed zoning amendment are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

ATTACHMENTS:

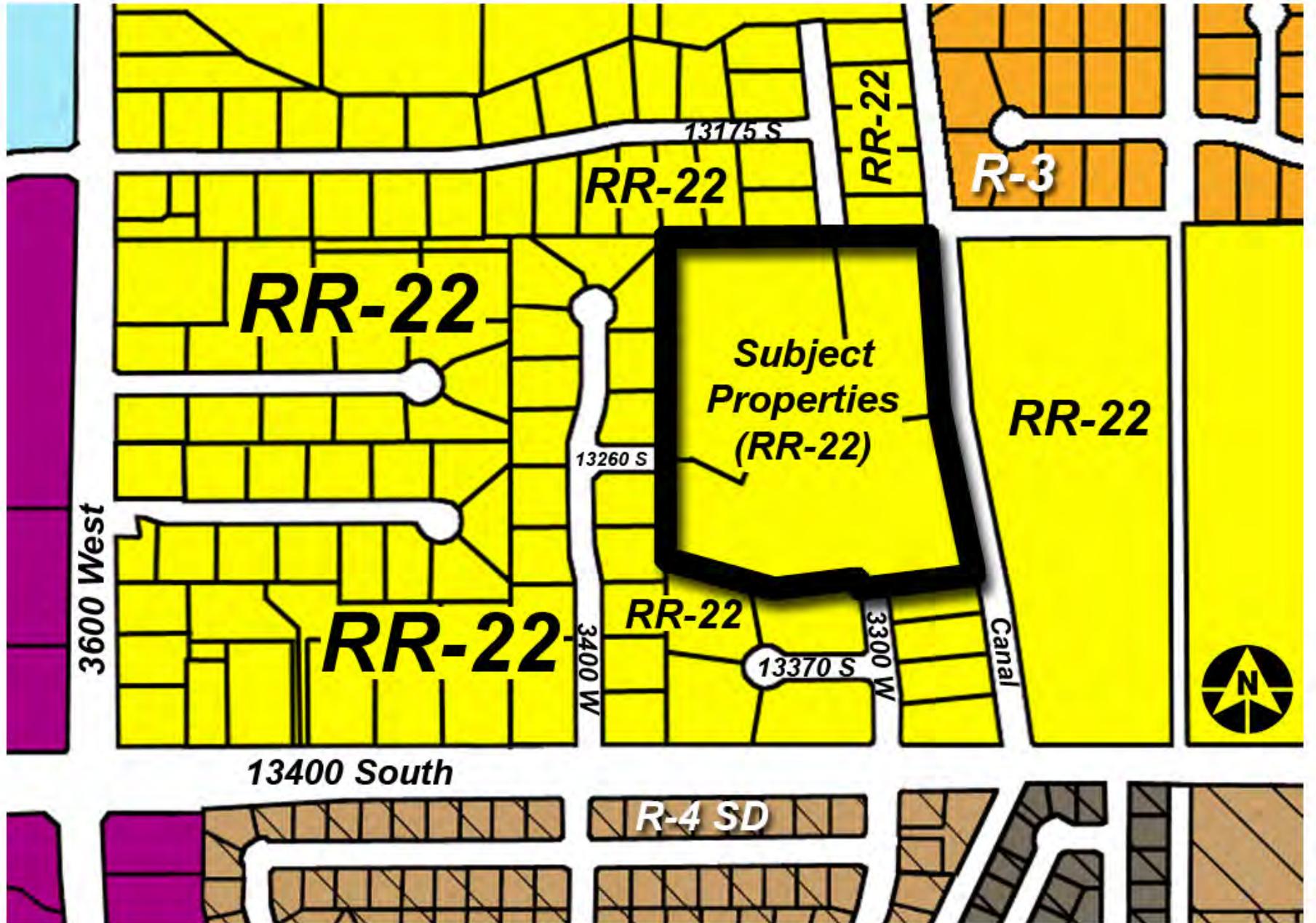
The following items are attached for your review:

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.

Custom Craft Homes

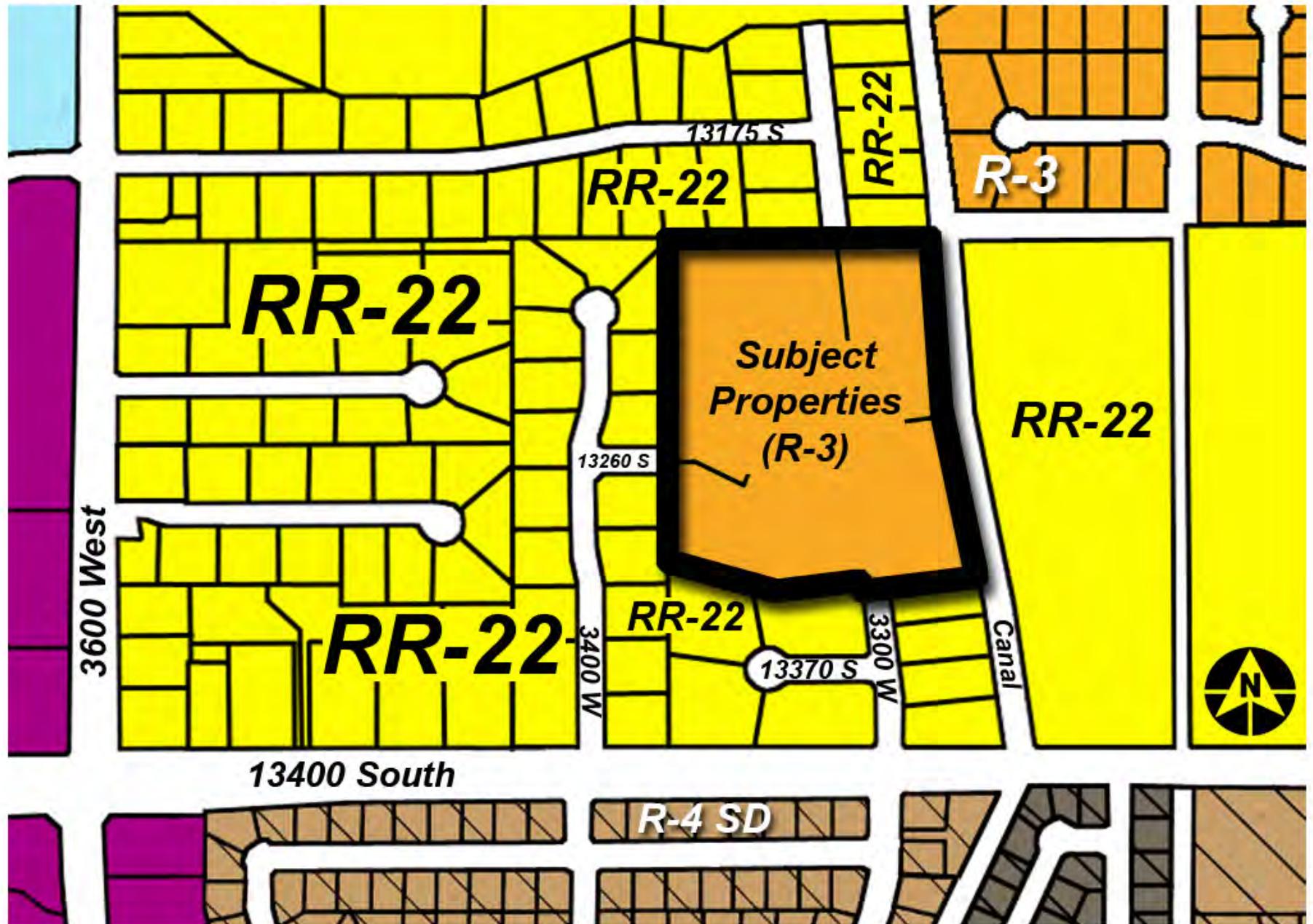


Custom Craft Homes



Current Zoning

Custom Craft Homes



Proposed Zoning

1 RIVERTON CITY PLANNING COMMISSION
2 MEETING MINUTES

3
4 July 18, 2013

5
6 The Riverton City Planning Commission convened at 6:30 p.m. in the Riverton City
7 Civic Center at 12830 South 1700 West, Riverton, Utah.

8
9 Planning Commission Members: Staff:
10
11 Larry Brown Andrew Aagard, City Planner
12 Cade Bryant
13 Dennis Hansen
14 Kent Hartley
15 Taylor Morrill
16

17 Commissioner Dennis Hansen led the Pledge of Allegiance. Commissioner Taylor
18 Morrill called the meeting to order.

19
20 I. PUBLIC HEARINGS

- 21
22 A. **13-4007, REZONE**, REZONE 13.42 ACRES LOCATED AT APROXIMATELY
23 3300 WEST 13260 SOUTH FROM RR-22 (RURAL RESIDENTIAL ½ ACRE
24 LOTS) TO R-3 (RESIDENTIAL 14,000 SQUARE-FOOT RESIDENTIAL LOTS),
25 CUSTOM CRAFT HOMES, APPLICANT.
26

27 City Planner, Andrew Aagard, presented the staff report and stated that the property is
28 located just north of 13400 South and east of the 3600 West intersection. The 13.42-acre
29 property was indentified on a map displayed. Mr. Aagard explained that the property is
30 currently zoned RR-22 as are the surrounding properties. The RR-22 is a one-half acre
31 single-family designation that carries large animal rights. Across the canal that runs along
32 the east side of the property, there is an area zoned R-3, which allows from one-third acre
33 minimum lot sizes, and does not carry animal rights. To the south of the project, the
34 Hamilton's Specific Plan is zoned R-4 with lots slightly smaller than one-quarter acre.
35

36 Points of access include:

- 37
38 • 3300 West, which connects to 13400 South;
39
40 • An access point to the north; and
41
42 • 13260 South accesses the property from the West.
43

44 Another application was submitted one year earlier and denied by the City Council. By
45 definition RR-22 zoning is considered an incompatible zone in that buffering is required
46 where there are properties without animal rights such as in the R-3 Zone. Against properties
47 that have animal rights, there are fencing requirements. The Planning Commission and City
48 Council have the discretion to look at other mitigation measures. Previous discussion

1 included issues such as appropriate road connections. Mr. Aagard explained that tonight's
2 discussion will focus primarily on land use. He explained that there are three sub streets that
3 will ultimately remain with any development of the property, regardless of zoning density.
4

5 The Commission asked Mr. Aagard what changes have been made from the previous
6 application within the past year. Mr. Aagard explained that the request is the same; however,
7 it is a different applicant making the request with a different proposal. Currently nothing is
8 outlined in the ordinance limiting the number of times a request can be submitted, or a
9 specific time span between requests.
10

11 Mr. Aagard explained that the minimum requirements for home sizes are the same,
12 regardless of lot size. There is nothing inherent in the RR-22 Zone that would require or
13 obligate a builder to do something more than what might occur on an R-3. The primary
14 difference in this situation is the presence of animal rights on RR-22 and the potential to have
15 horses and other animals on the properties. With the surrounding properties, any animals in
16 existence on those lots are permitted by the zoning as long as they are kept appropriately
17 and within the standards of the city. Those rights cannot be taken away or removed from the
18 property simply because new residents move in and register complaints or may not have
19 animal rights. The home standards will be the same amongst the lots.
20

21 The public hearing was opened.
22

23 Steve White, an adjacent property owner, was aware that this is a repetitive request. He
24 stated that the Planning Commission approved the last request; however, the City Council did
25 not. Mr. White agreed with the previous rulings that the zoning remain as it is with one-half
26 acre lots.
27

28 James Brown was present on behalf of Custom Craft Homes and stated that they have
29 worked to address some of the previous problems identified. A cul-de-sac was included in
30 order to address the issue of traffic flow on a road that was originally designed to connect to
31 another road at the top of the property. The current request has fewer lots and the focus is
32 on some of the larger lots to the outside that will act as a buffer zone. The plan was drawn
33 from lots of 11,000 to 18,000 square feet in size, which are as large as .42 acres. They are
34 different sizes and there are sewer lines that run through the property in three different
35 directions that sections off, which makes the planning process difficult. Mr. Brown stated that
36 they have adapted the road system to address the previous concerns which weren't
37 adequately addressed in previous proposals. The current design also includes plans to help
38 the City connect to the adjacent property for anticipated zoning that will occur. Mr. Brown
39 proposed building a bridge to beautify the community. A packet was presented prior to the
40 meeting containing information on some of the other custom built homes Custom Craft
41 Homes is currently building in Salt Lake County.
42

43 Mr. Brown stated that the value of surrounding homes will increase if Custom Craft Homes
44 builds in the subdivision. The smallest home they have constructed cost \$300,000 for just the
45 home. As a result, they do not consider the kind of applicants that have submitted
46 applications in the past. Mr. Brown believed that if the residents were to understand Custom
47 Craft Homes as a builder, they would discover that they will gain a lot of value and have

1 respectful neighbors due the kind of investors who are attracted to the new development.
2 CC&Rs would also be adopted in order to maintain high standards. The number of lots would
3 be determined by the shape of the land and the allocation of sewage. The average lot size is
4 14,000 square feet, however, Custom Craft Homes is asking for flexibility in order to avoid
5 sewer lines going through the middle of homes.

6
7 Harold Stukey posed several questions to both the Planning Commission and builder. He
8 first asked how many times one can request rezoning of property. It was reported that a
9 rezone application can be considered as many times as it is presented. Mr. Stukey asked the
10 builder if he was aware of the feelings of the neighboring property owners, and stated that
11 many residents are adamant about not wanting the zoning to be changed. They feel that
12 their opinions have been ignored and not properly taken into consideration. He stated that
13 the neighbors will continue to speak against all requests. Mr. Stukey felt that all builders
14 promise to improve and enhance the neighborhood; however, not all deliver on those
15 promises. Mr. Stukey reported that he came to Riverton for the space and appeal of a rural
16 area. As other property owners constructed homes, they built with the same intent to
17 maintain the ideal of open space. He found it discouraging for property owners to
18 consistently have builders propose plans in order to make changes to the attributes that
19 initially attracted neighboring homeowners. Mr. Stukey asked what purpose the bridge would
20 serve, as it would only lead to another property that is not yet developed. His preference was
21 that the property remain unchanged.

22
23 James Brown understood Mr. Stukey's concerns and acknowledged that previous applicants
24 may not have fully addressed the issues. He stated that the homes presented in the packet
25 are planned for lots smaller than what is currently zoned. To keep the zoning at one-half acre
26 lots would result in very small homes on large lots. He stated that having substantial
27 amounts of land can either be beneficial or detrimental; detrimental in the sense that people
28 often will store old items such as cars in their yard. He explained that the current proposal
29 includes suggestions from neighbors on the surrounding properties, in order to take their
30 concerns into consideration. In creating the proposal, Custom Craft Homes gained
31 favorability in terms of product and price over other builders who have proposed development
32 plans in the past. Custom Craft Homes would recruit neighbors to help create CC&Rs.
33 Mr. Brown stated that the bridge will be a solution to a potential problem. The motive for
34 rezoning the property to one-third acre lots from one-half acre lots is to appeal to more
35 buyers based on affordability for a diverse population of investors.

36
37 There were no further public comments. The public hearing closed.

38
39 In response to a question raised about the section across the canal, Mr. Aagard informed the
40 Commission that discussion with the property owners has begun on a conceptual level;
41 however, no applications are currently pending. He anticipates it will be some time before
42 applications are submitted. There was interest expressed among property owners in
43 exploring available options on the property; however, Mr. Aagard was unable to speculate on
44 a specific time frame.

45

1 The Commission recommended that regardless of the outcome of tonight's meeting, that an
2 open house or other method of outreach be held in order to get support from the
3 neighborhood before presenting the request to the City Council.
4

5 Commissioner Bryant stated that as a neighbor on a nearby property he enjoys seeing
6 horses, but is often bothered by the chickens and roosters. He acknowledged the concerns
7 of property owners without animal rights being close to homes that do have animal rights.
8

9 **Commissioner Bryant moved to recommend DENIAL of Application # PL 132-4007**
10 **rezoning three properties located at 13204 South 3300 West, 13207 South 3300 West,**
11 **and 13350 South 3300 West from RR-22 to R-3. Commissioner Brown seconded the**
12 **motion. Vote on motion: Taylor Morrill – Aye; Dennis Hansen – Nay; Larry Brown –**
13 **Aye; Cade Bryant – Aye; Kent Hartley – Aye. The motion passed 4-to-1.**
14



Issue Paper

Item No. 4.1

Presenter/Submitted By:	Jason Lethbridge, Planning Manager	
Subject: COMMERCIAL SITE PLAN, RIVERTOWNE PROFESSIONAL PLAZA, 3018 WEST 12600 SOUTH, C-PO ZONE, GORM KLUNGERVIK, APPLICANT	Meeting Date: September 3, 2013	
	Fiscal Impact: N/A	
	Funding Source: N/A	
Background: <p>Gorm Klungervik has submitted an application for commercial site plan approval of the Rivertowne Professional Plaza commercial site plan, located at 3018 West 12600 South. The property is zoned C-PO (Commercial Professional Office) and is currently vacant. Property the west is zoned C-PO but is still utilized as residential. To the east property is zoned RR-22 (Rural Residential ½ acre lots) and to the north property is also zoned RR-22 and are utilized as residential. South of 12600 South property is zoned R-4 (Residential ¼ acre lots).</p> <p>The applicant is proposing a multi-building-pad multi-building commercial development. The parking area will be the common area maintained by an agreement with the owners of the individual pad sites within the development. There will be 5 individual building pad sites between 5000 and 6000 square feet along the east and north property lines. A subdivision plat creating these lots as well as the common area, shown as lot A on the plat, is being considered for approval along with the site plan.</p>		
Recommendation: <p>On August 22, 2013, the Planning Commission voted to recommend APPROVAL of this Commercial Site Plan application.</p>		
Recommended Motion: <p>“I move the City Council approve the Rivertowne Professional Plaza Commercial Site Plan, Application Number PL-12-8005, located at 3018 West 12600 South, with the conditions outlined in the Staff Report.”</p>		

**RIVERTON CITY
MEMORANDUM**

TO: Honorable Mayor and City Council

FROM: Development Review Committee

DATE: August 22, 2013

SUBJECT: COMMERCIAL SITE PLAN, RIVERTOWNE PROFESSIONAL PLAZA, 3018 WEST 12600 SOUTH, C-PO ZONE, GORM KLUNGERSVIK, APPLICANT.

PL NO.: 12-8005– RIVERTOWNE PROFESSIONAL PLAZA SITE PLAN

On August 22, 2013, the Planning Commission voted to recommend APPROVAL of this Commercial Site Plan application. A record of motion and comment for that meeting are attached below. The Planning Commission recommended the following motion:

I move the City Council APPROVE the Rivertowne Professional Plaza commercial site plan, application number PL-12-8005, located at 3018 West 12600 South, with the following conditions:

1. Storm drainage systems and accommodation comply with Riverton City standards and ordinances, and with the recommendations of the Riverton City Engineering Division.
2. An interim storm drainage and erosion control plan and an access management plan be approved by the City prior to any construction or grading on the site.
3. The site and structures comply with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.
4. Building pads 2 – 5 shall be landscaped with sod and include an irrigation system until development shall occur on the pad.
5. Building architecture for building pads 2 – 5 shall be approved by Planning prior to building permit issuance and shall resemble the original building constructed in the development.

BACKGROUND:

Gorm Klungersvik has submitted an application for commercial site plan approval of the Rivertowne Professional Plaza commercial site plan, located at 3018 West 12600 South. The property is zoned C-PO (Commercial Professional Office) and is currently vacant. Property the west is zoned C-PO but is still utilized as residential. To the east property is zoned RR-22 (Rural Residential ½ acre lots) and to the north property is also zoned RR-22 and are utilized as residential. South of 12600 South property is zoned R-4 (Residential ¼ acre lots).

The applicant is proposing a multi-building-pad multi-building commercial development. The parking area will be the common area maintained by an agreement with the owners of the individual pad sites within the development. There will be 5 individual building pad sites between 5000 and 6000 square feet along the east and north property lines. A subdivision plat creating these lots as well as the common area, shown as lot A on the plat, is being considered for approval along with the site plan.

There will be one access into the site from 12600 South, a UDOT controlled road way. Staff has required that a cross access easement be recorded on the plat. This is done to provide commercial access to the commercial parcel to the west in the case that UDOT requires shared access.

Only lot #1 is proposed to have a structure constructed on it at this time. Lots 2-5 will be constructed later as development occurs. Condition #5 requires that when each of those lots develops the Planning Department shall approve the architectural appearance of each building prior to a building permit being issued and the new buildings shall resemble the original building in the development.

The proposed architecture for building #1 fits in well with the architectural requirements of the C-PO zone. The single-story structure has a pitched roof and no exposed roof top mechanical equipment. The exterior of the building includes a stone wainscot around the perimeter of the building and a stone emphasized entry. Upper wall materials are synthetic stucco. Corners of the building feature stucco quoins.

Staff has also added condition #4 that requires the applicant to landscape and maintain the vacant pads in sod and a functioning irrigation system until those pads develop.

Fencing is required with this site plan. The northern property line is adjacent to residential zoning and land uses. Therefore the ordinance requires 8' solid masonry fencing. There are also some residential zones east of the proposed development, however, these properties are master planned for commercial and therefore the fencing requirement along these properties may be waived.

Staff is recommending approval with the conditions listed above.

ATTACHMENTS:

The following items are attached for your review:

1. A copy of the Site Plan application
2. An 8½"x11" copy of the Zoning Map
3. An 8 ½ "x11" copy of the Aerial Views
4. An 11"x17" copy of the Master Site Plan.
5. An 11"x17" copy of the Site Plan and Landscape Plans.
6. An 11"x17" copy of the building elevations

PL No. 12-8005Date 6/27/12

Application

Site Plan

- A. Applicant's Name GORM KLUNGERVIK
Home Address 2550 DIMPLE DELL ROAD
City SANDY State UTAH Zip 84092
Telephone # _____ Mobile # 801 860 4676
E-mail Address advantage-one@hotmail.com Fax # 801 553 0547
- B. Primary Contact Person GORM KLUNGERVIK
Address _____
City _____ State _____ Zip _____
Telephone # _____ Mobile # _____
E-mail Address _____ Fax # _____
- C. Project Information
- Name of Proposed Business RIVERTOWNE PROFESSIONAL PLAZA
 - Address 3018 WEST 12600 SOUTH
 - Description of the Proposed Business PROFESSIONAL OFFICE CAMPUS
 - Sidwell/Tax ID# 27-28-351-012 Total Acreage of the Site 1.39
 - Current Zoning of the Proposed Site C-PO
Zoning of Adjacent Parcels: North RP-22 South _____ East C-PO West C-PO
 - Current Use of the Land RESIDENTIAL
 - Number of Existing Structures 3
 - Describe the Proposed Use and Structures for the Site PROFESSIONAL OFFICES
 - Did this Project Require a Rezone? Yes / No If Yes, PL# _____
 - Did this Project Require a Conditional Use Permit? Yes / No If Yes, PL# _____

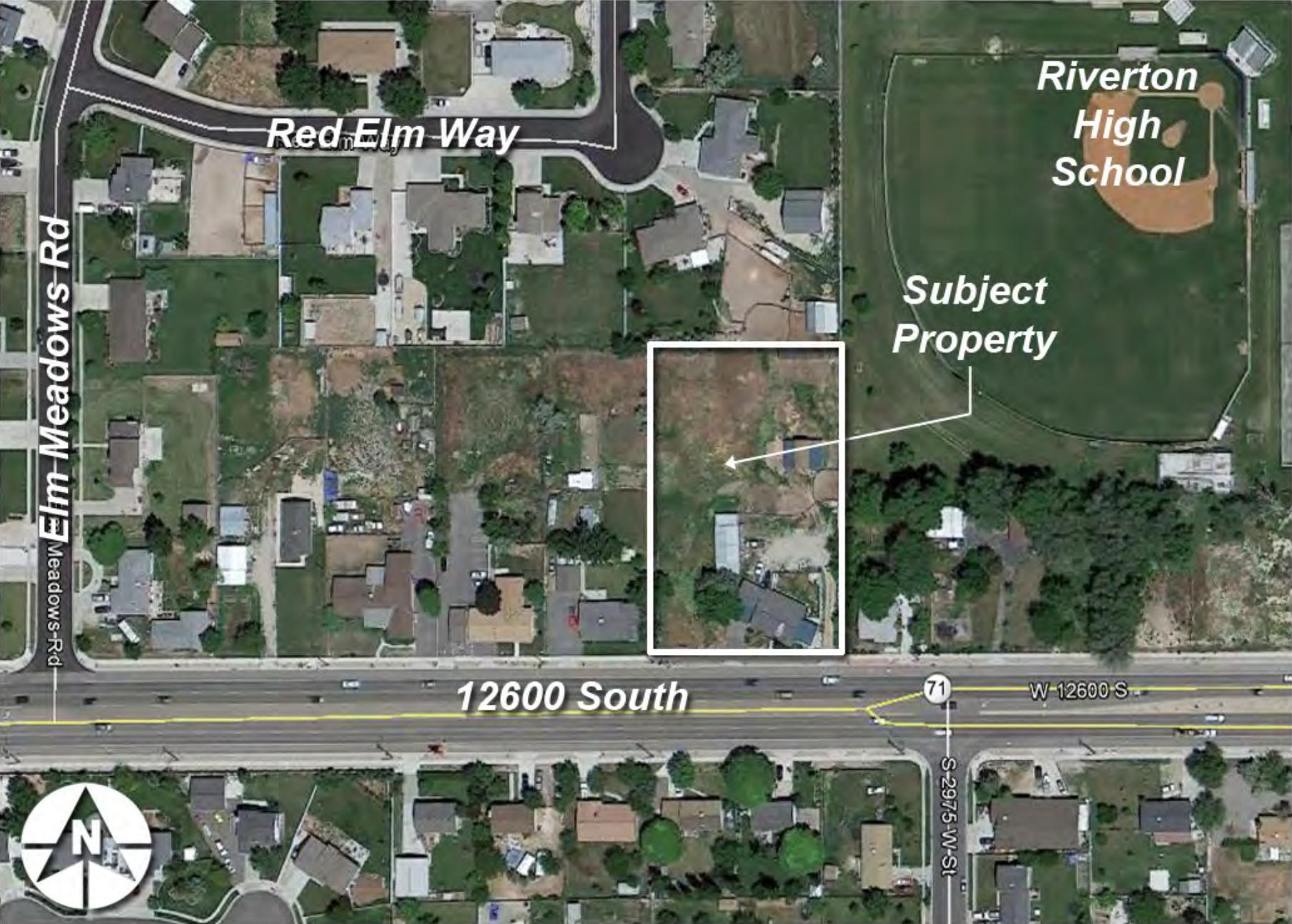
By signing this application, I acknowledge that I have read and understood the application, ordinances, checklists, etc, associated with this application, and that any and all required drawings, plans, and other submittals are included and complete. All drawings and plans, and the proposed development, must comply with the requirements of the Engineering Plan Review Checklist, Riverton City Standards and Specifications, and all applicable Riverton City ordinances and standards.

Applicant's Signature_____
Date

You will receive a letter following the Planning Commission and City Council meeting providing status of your application

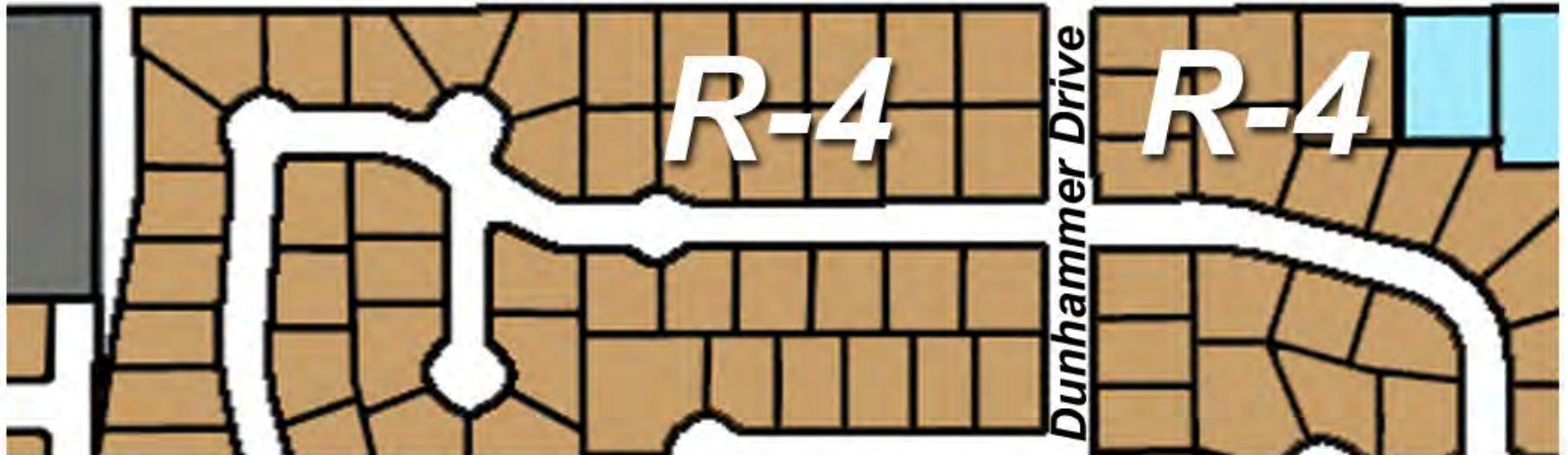
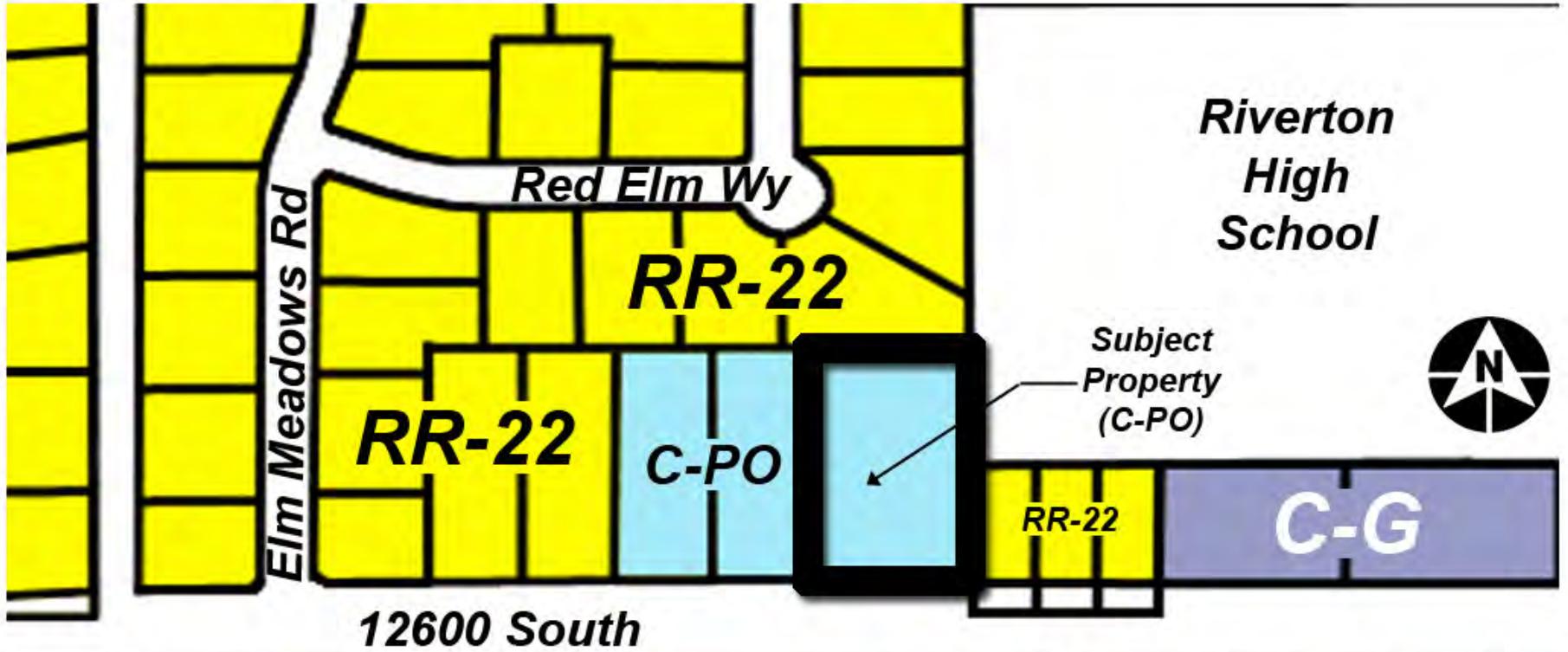
S:\Planning\Applications\Site Plan.doc Revised 07/08

Rivertowne Professional Plaza

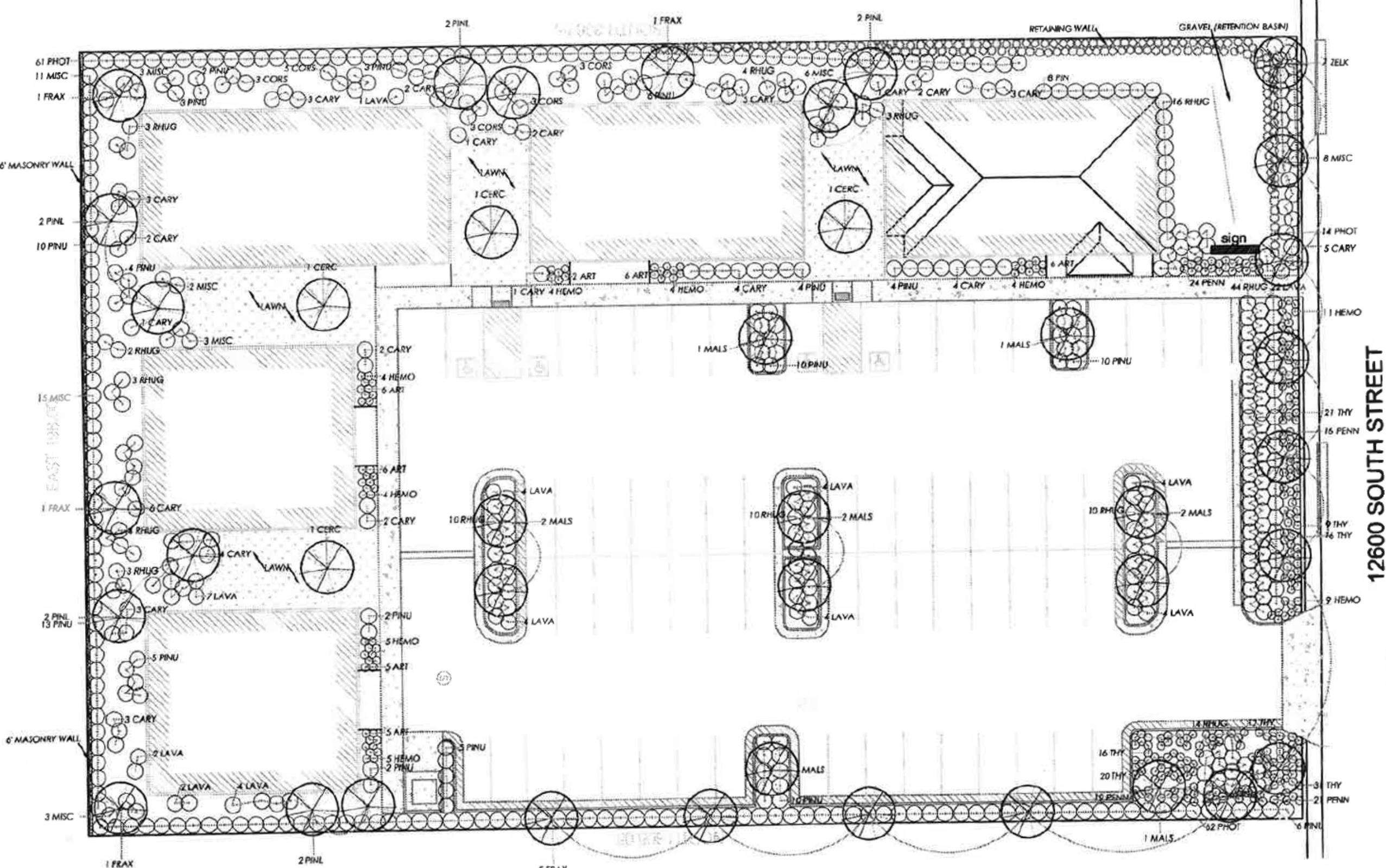


Aerial View

Rivertowne Professional Plaza



Zoning Map



12600 SOUTH STREET

6' MASONRY WALL

6' MASONRY WALL

RETAINING WALL

GRAVEL (RETENTION BASIN)

sign

61 PHOT
11 MISC
1 FRAX
2 PINE
10 PINU
15 MISC
1 FRAX
2 PINE
13 PINU
3 MISC
1 FRAX
2 PINE

ZELK
8 MISC
14 PHOT
5 CARY
1 HEMO
21 THY
16 PENN
9 THY
16 THY
9 HEMO
3 THY
2 PENN
6 PINU

2 PINE

1 FRAX

2 PINE

1 FRAX

2 PINE

5 FRAX

1 MALS

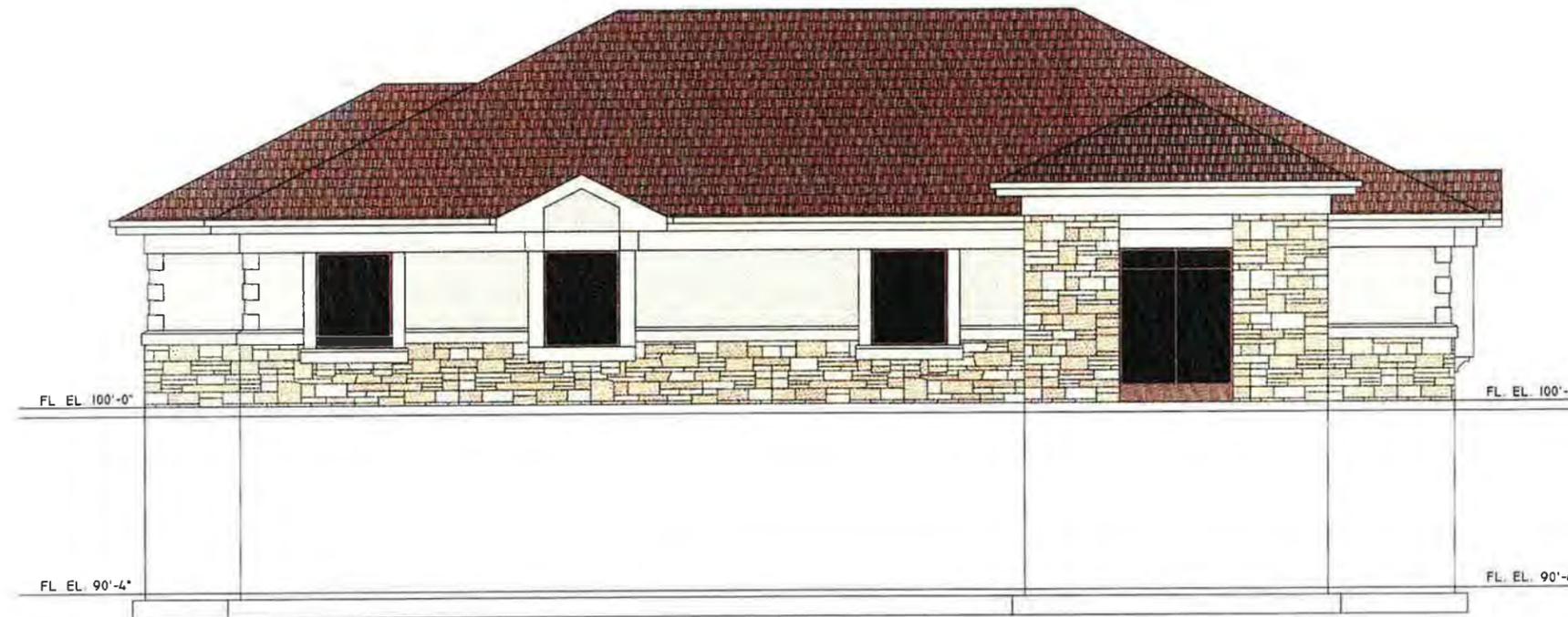
6 PINU



SOUTH BUILDING ELEVATION

EXTERIOR FINISH MATERIALS

- FOUNDATION WALL - RUBBED CONCRETE
- WAINSCOTT - SYNTHETIC STONE
- SILL ABOVE WAINSCOTT - FOAM W/ SYNTHETIC STUCCO
- WALL ABOVE WAINSCOTT - SYNTHETIC STUCCO
- POPOUTS AND CORBELS @ WINDOWS - FOAM W/ SYNTHETIC STUCCO
- COINS @ OUTSIDE BUILDING CORNERS - FOAM W/ SYNTHETIC STUCCO
- CORNICE BELOW SOFFIT - FOAM W/ SYNTHETIC STUCCO
- EXTERIOR GLAZING & ENTRIES - POWDER COATED ALUM. W/ LOW E GLASS
- REAR STAIR ENTRY - H.M. DOOR & FRAME - PAINTED
- SOFFIT, FACIA, GUTTERS & DOWNSPOUTS - ALUMINUM W/ FACTORY FINISH
- ROOFING - 30YR ARCHITECTURAL COMPOSITION SHINGLES



WEST BUILDING ELEVATION

STAMP

REVISIONS

PYRAMID 180, LC - GORM (801) 860-4676
 RIVER TOWNE PROFESSIONAL PLAZA
 3018 WEST 12600 SOUTH
 RIVERTON, UTAH

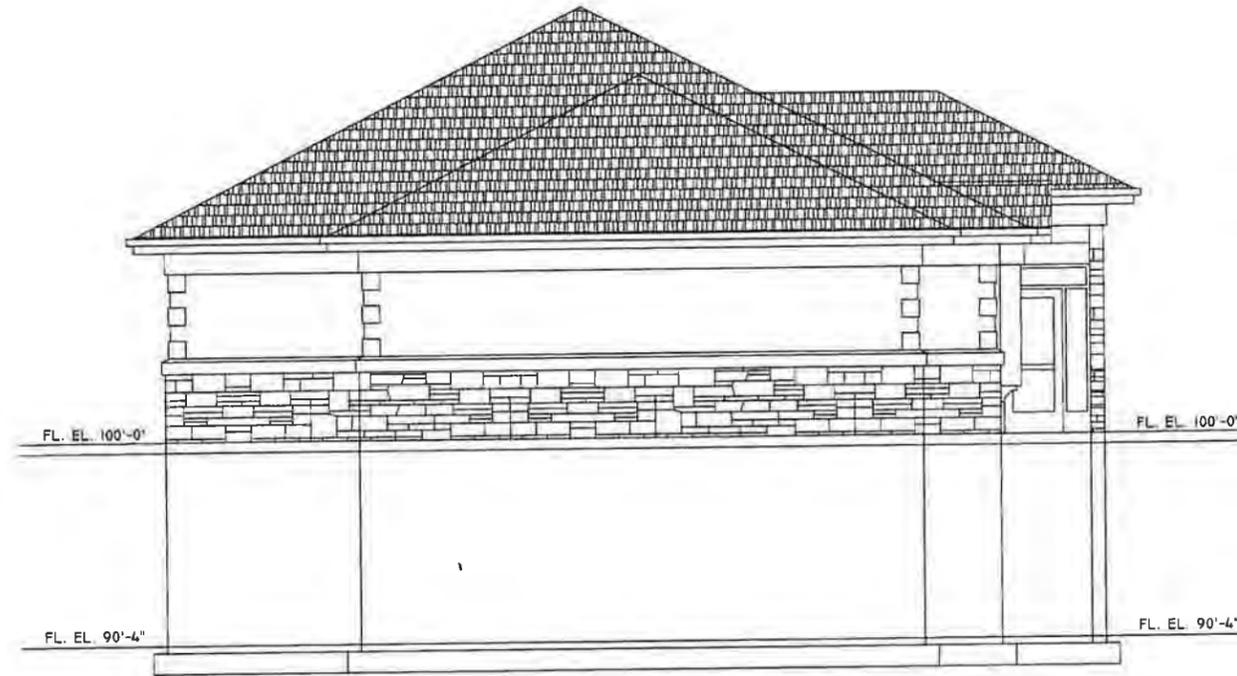
**HILTON
 ASSOCIATES
 ARCHITECTS**

5122 E. WHITEWATER DR.
 SALT LAKE CITY, UTAH
 84121
 (801) 671-0406

DRAWN BY
 TBH
 DATE
 6/26/12
 SCALE
 1/4"=1'-0"

SHEET TITLE
 EXTERIOR
 BUILDING
 ELEVATIONS

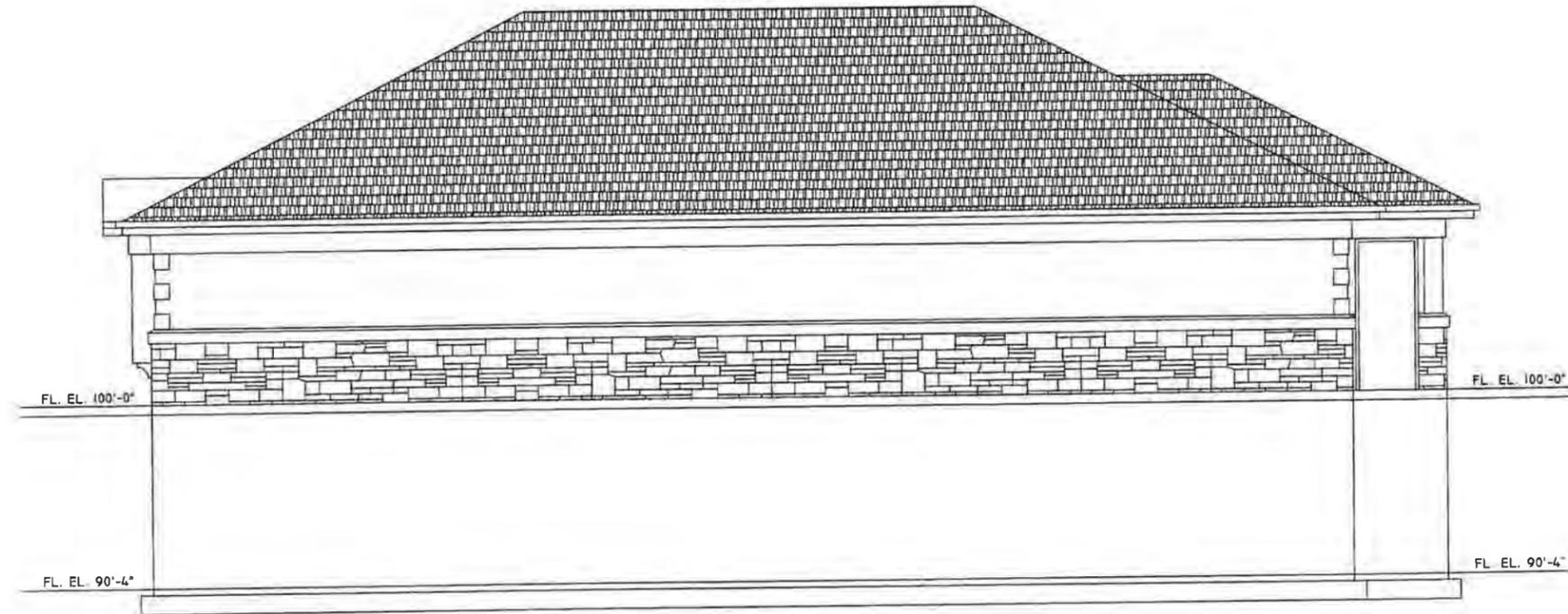
SHT. NO.
A03



NORTH BUILDING ELEVATION

EXTERIOR FINISH MATERIALS

- FOUNDATION WALL - RUBBED CONCRETE
- WAINSCOTT - SYNTHETIC STONE
- SILL ABOVE WAINSCOTT - FOAM W/ SYNTHETIC STUCCO
- WALL ABOVE WAINSCOTT - SYNTHETIC STUCCO
- POPOUTS AND CORBELS @ WINDOWS - FOAM W/ SYNTHETIC STUCCO
- COINS @ OUTSIDE BUILDING CORNERS - FOAM W/ SYNTHETIC STUCCO
- CORNACE BELOW SOFFIT - FOAM W/ SYNTHETIC STUCCO
- EXTERIOR GLAZING & ENTRIES - POWDER COATED ALUM. W/ LOW E GLASS
- REAR STAIR ENTRY - H.M. DOOR & FRAME - PAINTED
- SOFFIT, FACIA, GUTTERS & DOWNSPOUTS - ALUMINUM W/ FACTORY FINISH
- ROOFING - 30YR ARCHITECTURAL COMPOSITION SHINGLES



EAST BUILDING ELEVATION

REVISIONS

PYRAMID 180, LC - GORM (801) 860-4676
 RIVER TOWNE PROFESSIONAL PLAZA
 3018 WEST 12600 SOUTH
 RIVERTON, UTAH

HILTON
 ASSOCIATES
 ARCHITECTS

3122 E. WHITEWATER DR
 SALT LAKE CITY, UTAH
 84121
 (801) 671-0406

DRAWN BY
 TBH
 DATE
 6/26/12
 SCALE
 1/4"=1'-0"

SHEET TITLE
 EXTERIOR
 BUILDING
 ELEVATIONS

SHT. NO.
 A04

Planning Commission Record of Motion

Meeting Date: August 22, 2013

Item: Rivertowne Professional Plaza

Agenda Item# 1B

	Brian Russell	Dennis Hansen	Kent Hartley	Cade Bryant	Taylor Morrill	Scott Kochevar	Larry Brown
Motion		✓					
Second						✓	

Motion(s): Motion # 1 (if multiple motions)

I move that the Planning Commission recommend approval of the Rivertowne Professional Plaza commercial site plan, application number PL-12-8005, located at 3018 west 12600 south with the following conditions:

1. Storm drainage systems and accommodation comply with Riverton City standards and ordinances, and with the recommendations of the Riverton City Engineering Division.
2. An interim storm drainage and erosion control plan and an access management plan be approved by the City prior to any construction or grading on the site.
3. The site and structures comply with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.
4. Building pads 2 – 5 shall be landscaped with sod and include an irrigation system until development shall occur on the pad.
5. Building architecture for building pads 2 – 5 shall be approved by Planning prior to building permit issuance and shall resemble the original building constructed in the development.

VOTE:

	Brian Russell	Dennis Hansen	Kent Hartley	Cade Bryant	Taylor Morrill	Scott Kochevar	Larry Brown
AYE	✓	✓	✓			✓	✓
NAY							
ABSTAIN							

- PASS
 FAIL



Issue Paper

Item No. 4.2

Presenter/Submitted By:	Jason Lethbridge, Planning Manager	
Subject: <u>SINGLE PHASE SUBDIVISION, KENADI COVE, 12026 SOUTH REDWOOD ROAD, 2.87 ACRES, 11 LOTS, R-4 ZONE, MARK NEWMAN, APPLICANT</u>	Meeting Date: September 3, 2013	
	Fiscal Impact: N/A	
	Funding Source: N/A	
Background: <p>This application is for a Single Phase Subdivision for property located at approximately 12026 South Redwood Road. The property is zoned R-4, as are the properties to the west and the south. The property to the north is zoned R-4 and C-N (Commercial Neighborhood). The proposed development consists of eleven (11) lots, all of which access from Kenadi Cove Court, a public street that will be stubbed at the north property line for future connectivity as those properties develop.</p> <p>This subdivision was originally approved by both the Planning Commission and City Council in 2005. However, although improvements were made to the site, the developer did not record a subdivision plat and therefore never formally divided the ground. In such circumstances, Riverton City ordinance states that the City's approval shall lapse after one (1) year. The applicant is proposing moving forward with development of the subdivision, but was required to reapply for and receive subdivision approval by the City.</p>		
Recommendation: <p>On August 22, 2013, the Planning Commission voted to recommend APPROVAL of this Single Phase Subdivision application.</p>		
Recommended Motion: <p>"I move the City Council approve Application No. 13-1003, the Kenadi Cove Single Phase Subdivision, located at approximately 12026 South Redwood Road with the conditions outlined in the Staff Report."</p>		

**RIVERTON CITY
MEMORANDUM**

TO: Honorable Mayor and City Council

FROM: Development Review Committee

DATE: September 3, 2013

SUBJECT: SINGLE PHASE SUBDIVISION, KENADI COVE, 12026 SOUTH REDWOOD ROAD, 2.87 ACRES, 11 LOTS, R-4 ZONE, MARK NEWMAN, APPLICANT.

PL NO.: 13-1003 – Kenadi Cove

On August 22, 2013, the Planning Commission voted to recommend APPROVAL of this Single Phase Subdivision application. A record of motion and comment for that meeting are attached below. The Planning Commission recommended the following motion:

I move the Planning Commission recommend APPROVAL of application #13-1003, the Kenadi Cove Single Phase Subdivision, located at approximately 12026 South Redwood Road with the following conditions:

1. Driveway access for all lots, including Lot 11, shall be from Kenadi Cove Court, with no direct access to/from Redwood Road.
2. Storm drainage systems and installation shall comply with Engineering Department requirements and standards.
3. Any and all irrigation ditches associated with the property be addressed, with disposition of the irrigation systems approved by Riverton City and the proper irrigation company or users.
4. The subdivision comply with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.
5. Collector street fencing (6' solid masonry) be installed along the lots that are adjacent to Redwood Road.

BACKGROUND:

This application is for a Single Phase Subdivision for property located at approximately 12026 South Redwood Road. The property is zoned R-4, as are the properties to the west and the south. The property to the north is zoned R-4 and C-N (Commercial Neighborhood). The proposed development consists of eleven (11) lots, all of which access from Kenadi Cove Court, a public street that will be stubbed at the north property line for future connectivity as those properties develop.

This subdivision was originally approved by both the Planning Commission and City Council in 2005. However, although improvements were made to the site, the developer did not record a subdivision plat and therefore never formally divided the ground. In such circumstances, Riverton City ordinance states that the City's approval shall lapse after one (1) year. The applicant is proposing moving forward with development of the subdivision, but was required to reapply for and receive subdivision approval by the City.

The development will share storm water management facilities with the commercial development directly north, and easements are in place on the proposed plat to facilitate this. Also, when the project was originally approved in 2005, the right-of-way for the public road approved with the sidewalk in a public-access easement within the lots, and the road was constructed based on this design. As the original approval had lapsed, the applicant applied for a received a variance from the Board of Adjustment to keep the road configuration as it was originally designed. The proposed plat, based on this variance, shows the sidewalks within an easement on each lot.

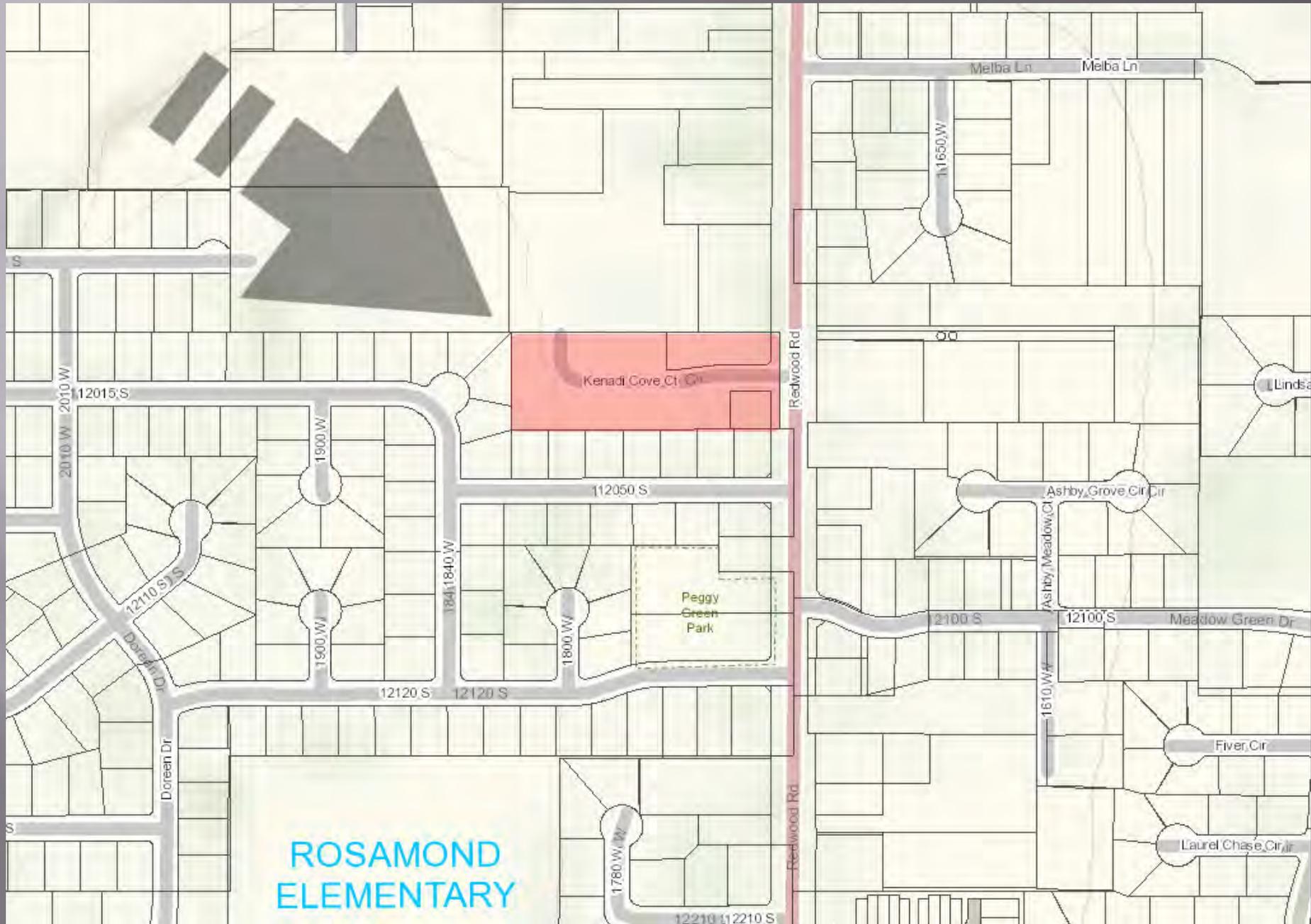
The majority of the property is surrounded with R-4 zoning, which as a compatible use does not require the installation of fencing by the developer. The area of commercial zoning at the northeast corner has an approved commercial use, the Montessori School, on the property, and that development was required to install fencing along that property as a condition of approval. The only areas that require fencing by this residential developer are the lots than are adjacent to Redwood Road. City Ordinance requires collector-street fencing to be installed. The standard for this type of fencing is 6' solid masonry, and this is indicated on the submitted drawings. The existing driveway to Redwood Road on Lot 11 will be relocated to access from Kenadi Cove Court, the internal roadway. The subdivision also includes a temporary turnaround for emergency vehicles which is within an easement on the property to the north. The easement for that turnaround is on file with the City, and will be recorded with the subdivision plat.

Staff is recommending APPROVAL of this Single Phase Subdivision, with the conditions outlined above.

ATTACHMENTS:

The following items are attached:

1. Copies of the vicinity, zoning, and aerial maps identifying the property.
2. A copy of the proposed subdivision plat.



ROSAMOND
ELEMENTARY

Kenadi Cove Ct, Ct

Peggy
Green
Park

Lindsa

Fiver Cir

Laurel Chase Cir, Jr

Melba Ln Melba Ln

1650 W

00

Ashby Grove Cir Cir

Ashby Meadow Ct

2100 S

12100 S

Meadow Green Dr

1610 W

Doreen Dr

2010 W 2010 W

12015 S

12110 S S

1900 W

1500 W

1841 1840 W

1800 W

12120 S

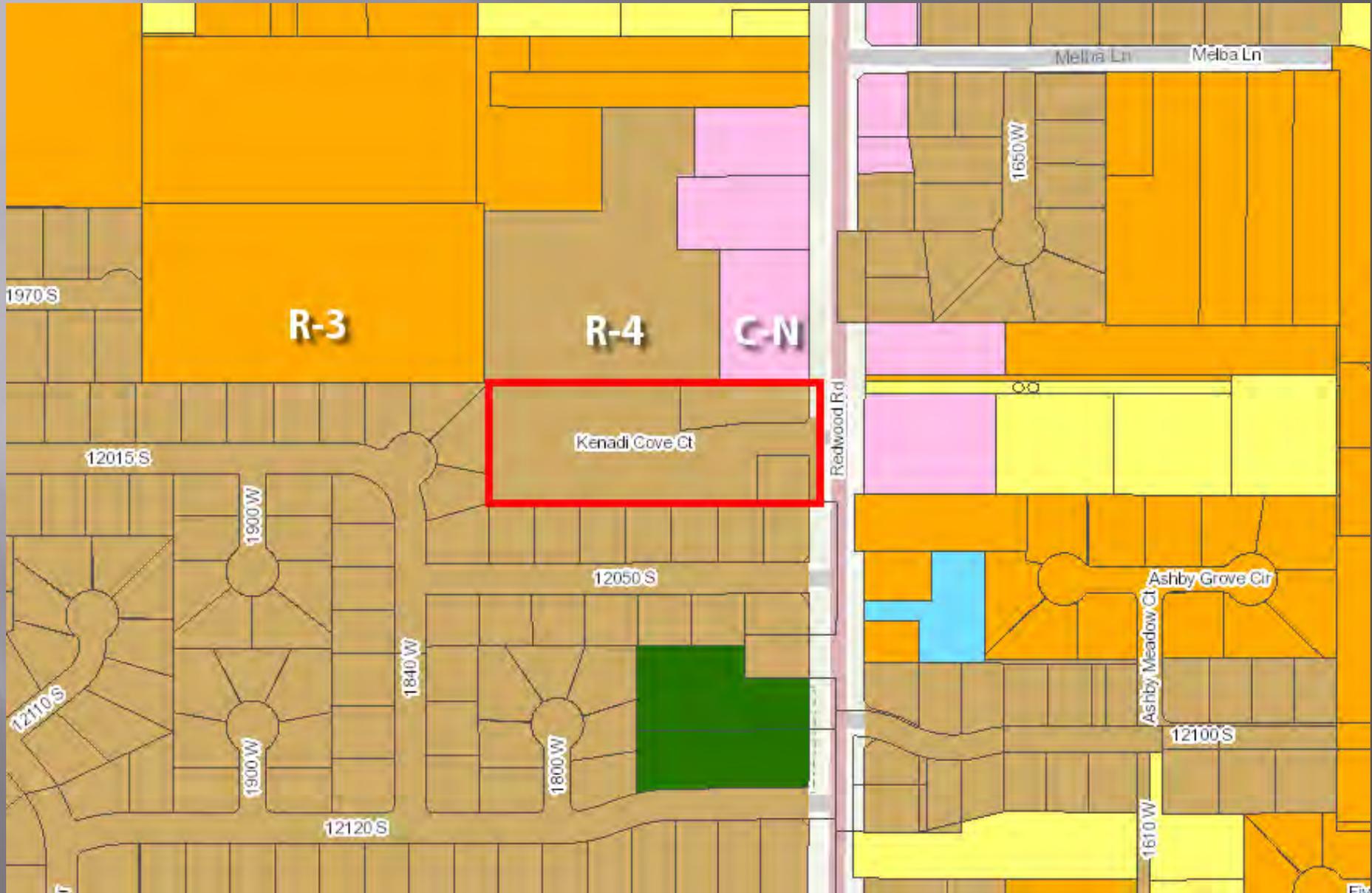
12120 S

1780 W W

12210 12210 S

Redwood Rd

Redwood Rd





11970S

Melba Ln

1630W

Kenadi Cove Ct

Redwood Rd

12015 S

1900W

12050 S

Ashby Grove Cir

12100S

1900W

1840W

1800W

Ashby Meadow Ct

12120 S

12100 S

1610W

Fiver Cir



Kenadi Cove Ct

Redwood Rd

12050 S



Kenadi Cove Ct
KENADI PARK COURT
(12015 SOUTH SOUTH)

Redwood Rd

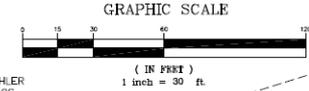
12050 S

KENADI COVE SUBDIVISION PHASE 1

LOCATED IN THE NORTHWEST QUARTER OF SECTION 27,
TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
RIVERTON CITY, SALT LAKE COUNTY, UTAH

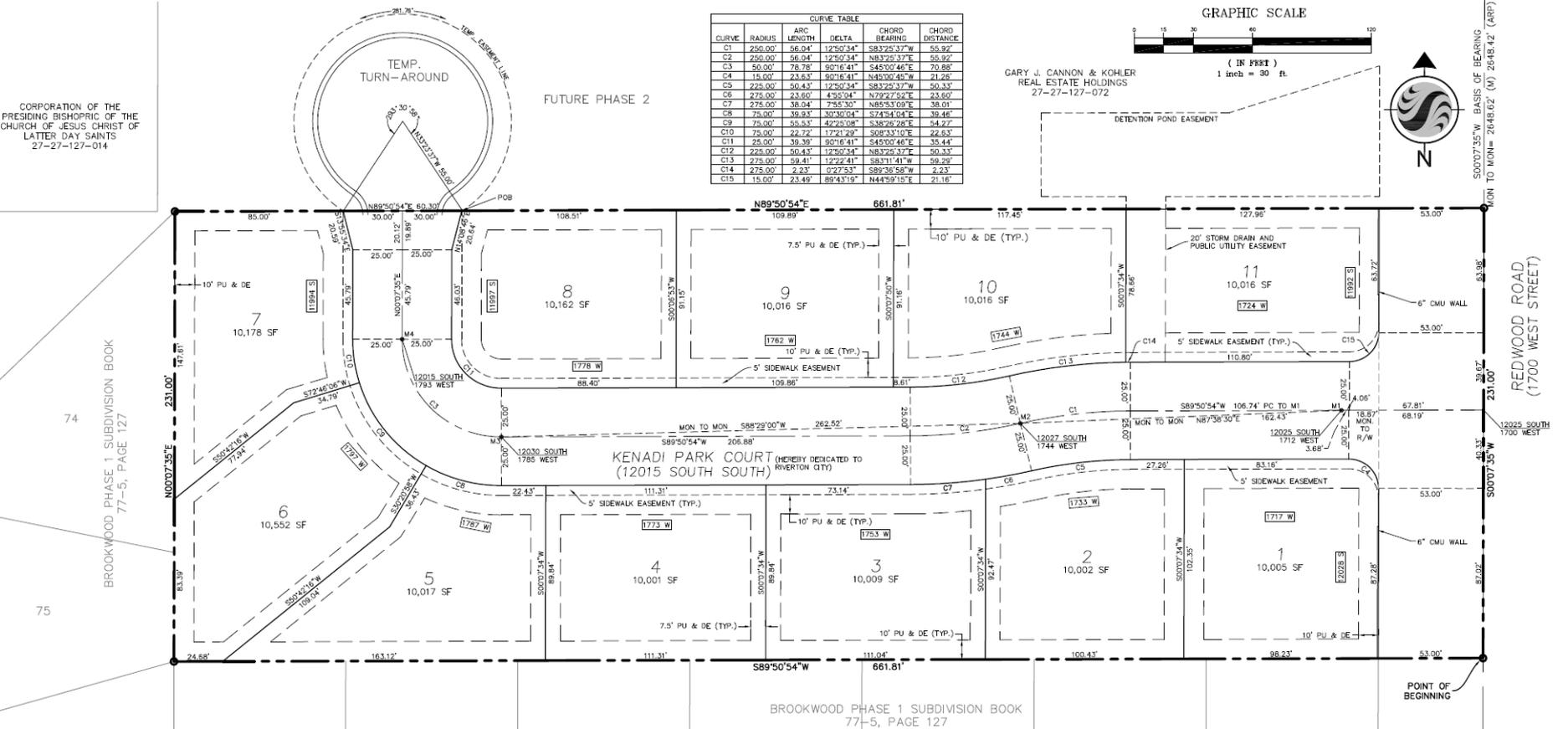
NORTH QUARTER CORNER OF SECTION 27
TOWNSHIP 3 SOUTH, RANGE 1 WEST,
SALT LAKE BASE & MERIDIAN

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C1	250.00'	56.04'	12°50'34"	S83°25'37"W	55.92'
C2	250.00'	56.04'	12°50'34"	N83°25'37"E	55.92'
C3	50.00'	78.78'	90°16'41"	S45°00'46"E	70.88'
C4	18.00'	23.63'	90°16'41"	N40°00'46"W	21.26'
C5	225.00'	50.43'	12°50'34"	S83°25'37"W	50.33'
C6	225.00'	50.43'	12°50'34"	N83°25'37"E	50.33'
C7	275.00'	38.04'	7°54'30"	N85°53'09"E	38.01'
C8	75.00'	39.83'	30°30'04"	S74°34'04"E	39.46'
C9	75.00'	35.53'	42°22'08"	S38°28'28"E	34.27'
C10	75.00'	22.72'	12°21'29"	S89°33'10"E	22.53'
C11	25.00'	39.38'	90°16'41"	S45°00'46"E	35.44'
C12	225.00'	50.43'	12°50'34"	N83°25'37"E	50.33'
C13	225.00'	59.41'	12°22'41"	S83°14'11"W	59.29'
C14	275.00'	2.23'	0°22'53"	S89°36'58"W	2.23'
C15	15.00'	23.49'	89°43'19"	N44°59'15"E	21.16'



MON TO MON = 2648.62' (M) 2648.42' (APP)

CORPORATION OF THE
PRESIDING BISHOPIC OF THE
CHURCH OF JESUS CHRIST OF
LATTER DAY SAINTS
27-27-127-014



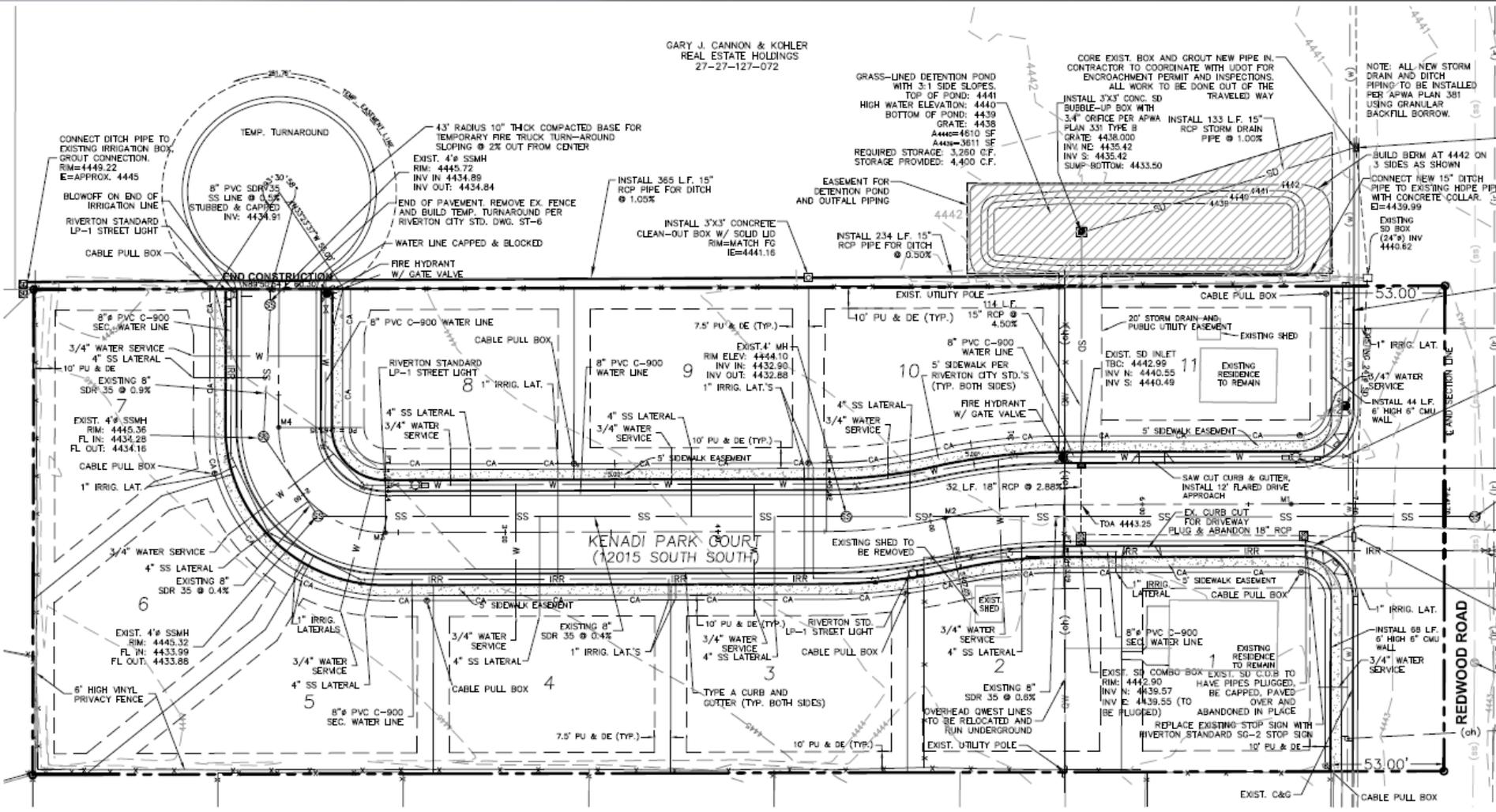
BROOKWOOD PHASE 1 SUBDIVISION BOOK
77-5, PAGE 127

REDWOOD ROAD
(1700 WEST STREET)

POINT OF BEGINNING

BROOKWOOD PHASE 1 SUBDIVISION BOOK
77-5, PAGE 127

GARY J. CANNON & KOHLER
REAL ESTATE HOLDINGS
27-27-127-072



GRASS-LINED DETENTION POND
WITH 3:1 SIDE SLOPES.
TOP OF POND: 4441
HIGH WATER ELEVATION: 4440
BOTTOM OF POND: 4439
GRATE: 4438
A440=4610 SF
A443=3611 SF
REQUIRED STORAGE: 3,250 CF.
STORAGE PROVIDED: 4,400 CF.

CORE EXIST. BOX AND GROUT NEW PIPE IN.
CONTRACTOR TO COORDINATE WITH UDOT FOR
ENCROACHMENT PERMIT AND INSPECTIONS.
ALL WORK TO BE DONE OUT OF THE
TRAVELED WAY
INSTALL 3'X3' CONC. SD
BUBBLE-UP BOX WITH
PLAN 331 TYPE B
GRATE: 4438.000
INV. NE: 4435.42
INV. S: 4435.42
SUMP-BOTTOM: 4433.50
INSTALL 133 L.F. 15"
RCP STORM DRAIN
PIPE @ 1.00%

NOTE: ALL NEW STORM
DRAIN AND DITCH
PIPING TO BE INSTALLED
PER APWA PLAN 381
USING GRANULAR
BACKFILL BORROW.

BUILD BERM AT 4442 ON
3 SIDES AS SHOWN
CONNECT NEW 15" DITCH
PIPE TO EXISTING HOPE PIPE
WITH CONCRETE COLLAR.
E=4439.99
EXISTING
SD BOX
(24") INV
4440.62

KENADI PARK COURT
(12015 SOUTH SOUTH)

REDWOOD ROAD

Planning Commission Record of Motion

Meeting Date: August 22, 2013

Item: Kenadi Cove Subdivision

Agenda Item# 1A

	Brian Russell	Dennis Hansen	Kent Hartley	Cade Bryant	Taylor Morrill	Scott Kochevar	Larry Brown
Motion	✓						
Second							✓

Motion(s): Motion # 1 (if multiple motions)

I move the Planning Commission recommend APPROVAL of application #13-1003, the Kenadi Cove Single Phase Subdivision, located at approximately 12026 South Redwood Road with the following conditions:

1. Driveway access for all lots, including Lot 11, shall be from Kenadi Cove Court, with no direct access to/from Redwood Road.
2. Storm drainage systems and installation shall comply with Engineering Department requirements and standards.
3. Any and all irrigation ditches associated with the property be addressed, with disposition of the irrigation systems approved by Riverton City and the proper irrigation company or users.
4. The subdivision comply with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.
5. Collector street fencing (6' solid masonry) be installed along the lots that are adjacent to Redwood Road.

VOTE:

	Brian Russell	Dennis Hansen	Kent Hartley	Cade Bryant	Taylor Morrill	Scott Kochevar	Larry Brown
AYE	✓	✓	✓			✓	✓
NAY							
ABSTAIN							

PASS
 FAIL



Issue Paper

Item No. 5

Presenter/Submitted By: Mayor Applegarth	
Subject: Consent Agenda	Meeting Date: September 3, 2013
	Fiscal Impact:
	Funding Source:
<p>5. CONSENT AGENDA</p> <ol style="list-style-type: none"> 1. Minutes: RCCM 08-20-13 2. Bond Releases: N/A 3. <u>Resolution No. 13-41</u> – Authorizing the City to enter into a contract with Kilgore Contracting to complete the 1300 West (11940 South to Creekhaven Drive) Road Way Improvement Project 4. <u>Resolution No. 13-42</u> – Ratifying the Emergency Repair made to the Maynard Well Pump by Widdision Turbine Service 5. <u>Resolution No. 13-43</u> – Approving a Nonexclusive Lease Agreement with Southwest Commonwealth for the use of the Sandra N. Lloyd Community Center 6. <u>Resolution No. 13-44</u> - Rescinding an Improvement Agreement with Auburn Fields at Cedar Hollow, LLC for Cedar Hollow Townhomes Phase 1 Subdivision 7. <u>Ordinance No. 13-16</u> – Repealing Riverton City Code of Ordinances Chapter 2.130 Campaign Finance Disclosure Requirements 	
<p>Recommendation:</p> <p>Approve the Consent Agenda as presented.</p>	
<p>Recommended Motion:</p> <p>“I move to approve the Consent Agenda as presented.”</p>	

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Riverton City
REGULAR CITY COUNCIL MEETING
Minutes
Tuesday, August 20, 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

20
21 **City Staff:**

Lance Blackwood, City Manager
Ryan Carter, City Attorney
Joy Johnson, Deputy Recorder
Trace Robinson, Public Works Director
Jason Lethbridge, Planning Manager

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Citizens: Michael Johnson, Wyoma Darlington, Kirt Beratto, Juanita Rees, Kathy Beratto, Cody NB, Ralph Winberg, Barbara Winberg, Leslee Shreve, Merilee Booren, Paul Waymen, Clyde Page, Sheila Winberg, La Daine Boska, Zachary Boska, Brian Beckstead, Norma Bench, Mitch Curtis, Grace Payne, Laura Morrison, Douglas Winters, Barbara Winters, Jason Bible

GENERAL BUSINESS

Call to Order and Roll Call - Mayor Applegarth called the meeting to order at 6:30 p.m. and welcomed those in attendance. He then conducted a Roll Call and Council Members Johnson, Leavitt, Stewart, Thaxton and Tingey were present.

Pledge of Allegiance – Eric Sandstrom, Unified Fire Authority, directed the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor Applegarth explained the public comment procedure and welcomed public comments.

[6:32:20 PM](#) **Stewart Anderson** stated there was only one member on the Park Committee; the Council had announced that a committee would be selected and they failed to follow through.

[6:33:19 PM](#) **Gina Nokes** thanked the Mayor and Council for the opportunity to speak then read a July 2010 newsletter article regarding the renovation the Main Park. She said there was not enough public input, the citizens committee was comprised of two people, and she felt the public was not informed properly. She said the Council said they would hold open houses, which did not happen.

1 [6:35:42 PM](#) **Heidi Christiansen** said the Council Members were good men and she quoted “It is
2 not common for the voice of the people to desire anything contrary to that which is right.
3 However, it is common for the lesser part of the people to desire that which is not right.” She
4 stated that the voice of the people is the majority and the lesser part is the minority and the few
5 people who submitted the plan for the park design are not the majority. She then stated that the
6 only way to know who the majority is and what their desire would be to require a vote of all the
7 people. Ms. Christiansen stated it would be arrogant and narrow minded to assume who the
8 majority is and that a public vote is what should happen. She then asked the Council Members to
9 take a step back; to hold open houses and to allow additional designs to be submitted. She told
10 Council Members if they had come to the meeting with their minds made up, to please
11 reconsider. She asked the Council to vote no and let the voice of the people be heard.
12

13 [6:38:57 PM](#) **Clyde Page** spoke of the proposed Rindlesbacher Rezone. He stated that the recent
14 Planning Commission Meeting convinced him that Staff had already aligned with Ivory Homes.
15 He asked the Council to please vote no when the item comes to the City Council Agenda for a
16 rezone from R-3 to R-4.
17

18 [6:40:25 PM](#) **Peter Christiansen** thanked the Mayor and Council for what they do on behalf of
19 the City. He stated that the City Council has not had the best information given to them regarding
20 the designs of the Main City Park. He said the park is a historic people’s park and during the
21 recent design phase little citizen input was heard. Mr. Christiansen then said that a majority of
22 the people who voted in the last mayoral election are in favor of having more input in the design
23 of the park.
24

25 [6:43:32 PM](#) **Ralph Windberg** spoke in opposition to changing the park around. He feels that
26 the Rodeo Arena should be moved to the River Bottoms as proposed 30 years ago. He said that
27 the Rodeo grounds are a dust and dirt problem for his renters.
28

29 [6:45:11 PM](#) **Brian Beckstead** quoted Thomas Jefferson then stated that the Mayor and Council
30 were chauvinistic when they voted for a \$19 million bond and then told the residents of the City
31 how they were going to spend it. He stated that the federal government, which is us as tax
32 payers, had just bailed out Wall Street. He spoke of the ballfields; the people who helped develop
33 the fields, and the thousands of boys who have played ball on the fields. Mr. Beckstead
34 expressed his disappointment in the Mayor and Council and said he feels alienated. He spoke of
35 the citizens committee and his disapproval that so few people were involved. He then stated that
36 the citizens should have voted on the bond. He said the Council had an opportunity to vote at the
37 meeting and asked them to allow a couple of baseball fields in the Main Park.
38

39 [6:48:07 PM](#) **Dr. Douglas Winters** spoke of the proposed changes in the General Plan,
40 particularly the Rindlesbacher property. He said that in the current General Plan the property is
41 designated as 1/3 acre lots and the Planning Commission approved draft land use of the area in
42 April with most of the adjoining properties being approximately one acre lots or larger. Mr.
43 Winters said that if the General Plan is changed for that particular area, zoning changes are sure
44 to follow and he does not want that. He said that, according to one appraiser at a recent South
45 Jordan City Council Meeting, the proposed change would lower property value of every existing
46 property in the area. He said the Riverton and South Jordan neighbors in that area share common
47 schools and traffic issues. He then said he was impressed when the Council addressed a similar

1 rezone issue in their last Work Session and asked the Council to consider his concerns, as
2 opposed to the desires of the developers.

3
4 [6:51:13 PM](#) **Mitch Curtis** thanked the Council Members that he met with in the last several
5 weeks. He said he was frustrated and disappointed in the City Council. He echoed what had
6 been said in previous comments, especially regarding public input. He stated that on the east side
7 of town he has no place to practice baseball with his boys; the west side has no community parks
8 and the east side does. He said he was voting against the current plan on the redesign of the park.

9
10 [6:54:31 PM](#) **Teveka Melanson** thanked the Mayor and Council Members for listening to the
11 citizens group. She said that there could have been better information regarding the redesign of
12 the park and there should have been more input from the citizens. She said that the Council
13 Members she had spoken to stated that the process had fallen short. She also said her group had
14 approximately 1,300 people sign a petition hoping to get a vote and she said it was not baseball
15 versus the rest of the City. Ms. Melanson said that now her kid can't play fall baseball and other
16 kids now have to play in other cities. She thanked the Council for taking the time to talk to listen
17 to citizens on both sides of the issue and she recommended sending out a mailer in the water bill
18 and asking people to vote. She said the topic of the City Park was bringing the City alive and it is
19 possible to create an amazing City Park if the citizens of both sides are involved. She then asked
20 the Council to reject the plan.

21
22 [6:59:36 PM](#) **Unidentified citizen** said he was representing his age group of 23 year olds and
23 that Riverton was about tradition, which is fading away. He said the old farm fields are gone and
24 the down town area was on life support. He said the park that had been there for 50 to 60 years
25 and he reminded the City Council that their job as representatives was to listen to the voice of the
26 people and to do what they say. As an economics major, he said he has seen the numbers of how
27 Riverton was going and it is not growing nearly as fast as the surrounding cities; "South Jordan,
28 Draper, and Herriman are leaving us in the dust." He said there was one grocery store that was
29 not even open on Sundays, forcing support of other city's economy. He asked the Council to vote
30 no and allow the people to decide what to do in their park.

31
32 [7:02:23 PM](#) **Laraine Boska** said she wanted to bring some of the baseball fields back. She told
33 Council Members that they were not the Kings and they should not be able to decide. She said
34 she liked the park design but her group wants other amenities in the Park and more input.

35
36 [7:04:11 PM](#) **Lisa Anderson** thanked the Mayor and City Council for listening. Being the mother
37 of two boys who play super league baseball, she said she worked hard to support the petition
38 signing initiative. She said the needs have changed and that Riverton needs to reroute some
39 baseball fields so that more kids can play baseball.

40
41 [7:06:05 PM](#) **Tony Bearden** said the Council needs to reconsider because of the revenue brought
42 in by the Holiday Oil and others. He said he wants baseball fields in the new park and that no
43 one wants to play those other games in the park. He also said he received an incorrect notice for
44 a re-zone issue.

45
46 **Jason Lethbridge, City Planner**, said a correction had been mailed and residents should be
47 receiving new notices.

1 [7:08:52 PM](#) There were no further public comments and Mayor Applegarth closed the Public
2 Comment period.

3
4 **PUBLIC HEARINGS** – There were no Public Hearings scheduled.

5
6 **DISCUSSION/ACTION ITEMS**

7
8 **3.1 Site Plan, Renovations to City Park, 12800 South 1300 West (Approx.), proposed by**
9 **Riverton City**

10
11 Jason Lethbridge, Planning Manager, explained that Riverton City proposed significant
12 renovations to its Main Park located at 12800 South 1300 West. The park currently consists of
13 approximately 36 acres and includes sports and playground facilities, pavilion and stage areas,
14 parking, the Riverton rodeo grounds, and the former City Hall building. Property along the west
15 boundary of the park previously held the Riverton Public Works site, but those buildings were
16 demolished following the completion of the new Public Works facility on the west side of town.
17 The property is predominantly zoned Parks/Open Space, with the parcels where the Public
18 Works site and the old City Hall building zoned Professional Office. The park use is conditional
19 in C-PO zone so a Conditional Use Permit was approved by the Planning Commission for those
20 specific areas. The properties to the south, east, and west are residentially zoned, and the
21 properties to the north, adjacent to 12600 South, are zoned with a mix of commercial and
22 residential zones.

23
24 Mr. Lethbridge said that on August 8, 2013, the Planning Commission voted to recommend
25 approval of the Site Plan for the Riverton City the Main Park renovation with the following
26 conditions:

- 27
28 1. Storm drainage systems, installation and easements shall comply with Engineering
29 Department requirements and standards.
30 2. Existing trees within the park area should be maintained wherever feasible, with tree
31 removal coordinated closely with the City.
32 3. Building architecture be as shown on the attached renderings.
33 4. Fencing along the canal be six foot solid masonry consistent with the existing fence
34 design.

35
36 [7:14:18 PM](#) Mayor Applegarth asked if the council had any comments

37
38 Council Member Johnson **MOVED to TABLE the Site Plan Motion as presented tonight,**
39 **and to be entertained again in not more than 30 days, to include additional public comment**
40 **and the total impact of changes that may occur.** There was no SECOND and **the Motion**
41 **died for lack of second.**

42
43 Council Member Leavitt stated that many comments had been heard on the Main Park issue and
44 he expressed appreciation for all the work that had been done. He said he admired the baseball
45 people who have figured out a way to earn a living off baseball; however, 80% of the people
46 whom he has spoken with were in favor of the Park Design. He also said that he had been told
47 that the Baseball people had run the City for 25-30 years and they would like all of the citizens to

1 use the park, not just the baseball people. He said he has studied the plan provided by the citizens
2 that included a four-plex baseball complex but the plan provided no parking.

3
4 Mr. Leavitt said that the Super League people, who are making money off baseball, should take
5 the responsibility and build a facility for their own leagues. The City of Riverton has built a \$6
6 million facility, which meets most of the needs of the boys who want to play ball in the City
7 Recreational Leagues. He said it was not the City's responsibility to build and fund ball fields for
8 the Super Leagues. The people who are making money in the Super Leagues should find a way
9 to build a facility that would provide for the needs of the 1,700-2,000 boys who want to play in a
10 Super League. He said that Riverton City had fulfilled its responsibility to provide baseball for
11 the community with the new fields located at CR Hamilton.

12
13 [7:19:17 PM](#) Council Member Thaxton agreed with Council Member Leavitt and said that he
14 grew up in Riverton and played on those same fields and they held a special place in his heart; he
15 also had children who played on the old baseball fields. He said the City had provided an
16 adequate facility for baseball but said he also spoke with lacrosse, soccer, and football people
17 who expressed a desire to have equal time and space for their sports as well.

18
19 [7:20:04 PM](#) Council Member Sheldon Stewart **MOVED to approve the Site Plan for the**
20 **Riverton City Main Park renovation, located at approximately 12800 South 1300 West,**
21 **with the conditions outlined in the Staff Report.** Council Member Leavitt **SECONDED** the
22 motion. Mayor Applegarth called for discussion on the motion; there being none, he called for a
23 Roll Call Vote. The vote was as follows: Johnson-NO, Leavitt-Yes, Stewart-Yes, Thaxton-Yes
24 and Tingey-Yes. **The motion passed 4 to 1.**

25
26 **3.2 Site Plan, Public Safety Building and Civic Center Open Space Renovations, 12800**
27 **South Redwood, proposed by Riverton City**

28
29 [7:21:34 PM](#) Jason Lethbridge, Planning Manager, said Riverton City is proposing the
30 construction of a new Public Safety building just north of the existing Civic Center building at
31 the intersection of 12800 South and Redwood Road. In addition, the City is proposing
32 renovation of the existing open space at that location. The building and renovations to the open
33 space require site plan approval.

34
35 Mr. Lethbridge said the building and associated parking would be for the Salt Lake Valley Law
36 Enforcement Service Area (SLVLESA), which provides police services to Riverton City.
37 SLVLESA currently occupy space in a commercial development off 1300 West, which is
38 insufficient for their needs. The proposed building would provide the space and parking
39 necessary for SLVLESA, and would help to incorporate public safety services into the overall
40 Civic Center Campus. The building has been designed to match the architecture of the existing
41 Civic Center, and would be constructed with additional parking just north of the building. The
42 parking area for the building would be enclosed with a wrought iron fence, and would not be
43 available for public use. The building would utilize the existing access points on Park Avenue
44 and Redwood Road.

45
46 Mr. Lethbridge also discussed the trees on the subject property. He said there are Siberian Elm
47 trees that are quite old, they are not ageing well, and they are not healthy. He also said that wind
48 storms have taken their toll on the trees; the branches are brittle and pose a safety hazard. After

1 serious evaluation and consultation, it is the opinion of the arborists that the trees should be
2 removed. He said the proposed site plan does include the replacement of the trees.

3
4 [7:28:39 PM](#) Council Member Stewart commented that plans of the open space in the back of the
5 proposed site plan should be discussed at some time in the future.

6
7 [7:29:33 PM](#) Council Member Tingey **MOVED to approve the Site Plan for the SLVLESA**
8 **Public Safety Building and Civic Center open space renovations, located at approximately**
9 **12800 South Redwood Road, with the conditions outlined in the Staff Report.** Council
10 Member Leavitt **SECONDED** the motion. Mayor Applegarth called for discussion on the
11 motion; there being none, he called for a Roll Call Vote. The vote was as follows: Johnson-Yes,
12 Leavitt-Yes, Stewart-Yes, Thaxton-Yes and Tingey-Yes. **The motion passed unanimously.**

13
14 **3.3 Final Site Plan, South Valley Compounding Pharmacy located at 12600 South 3796**
15 **West, C-R Zone, Marty Biljanic, Applicant**

16
17 [7:30:38 PM](#) Jason Lethbridge, Planning Manager, stated that Marty Biljanic representing the
18 South Valley Compounding Pharmacy, submitted an application for final site plan approval for a
19 commercial parcel located at 3796 West 12600 South. The property is currently zoned C-R
20 (Regional Commercial) and is currently vacant. To the east property is zoned C-R and is
21 occupied by an existing but currently vacant bank structure with the Granite Credit Union
22 located just north of that. Property to the north is zoned C-R and is vacant. Property the west is
23 also zoned C-R and is vacant. It should be noted that an application to develop this property has
24 been submitted and is currently under review. To the south property is zoned C-R and is
25 occupied by the IHC Riverton Hospital.

26
27 Mr. Lethbridge said the applicant proposed the construction of a retail building that would
28 include a pharmacy business, as well as additional retail commercial spaces. The parcel is lot #8
29 of the previously approved Riverton Meadows Commercial Development and is 28,284 square
30 feet in size. The proposed layout of the property places the new building at the north end of the
31 parcel with the building fronting south towards 12600 south. The back of the building would be
32 at the north adjacent to an existing privately owned and maintained access road.

33
34 Mr. Lethbridge said that on August 8, 2013, the Planning Commission voted to recommend
35 approval of the Site Plan application with the following conditions:

- 36
37 1. Storm drainage systems, installation and easements shall comply with Engineering
38 Department requirements and standards.
39 2. Building architecture for the public safety building be as shown on the attached
40 renderings.
41 3. Final architectural design of the proposed plaza structure be reviewed and approved
42 prior to construction.
43 4. All rooftop mechanical equipment be screened from view.
44 5. The site and structures shall comply with any and all applicable standards and
45 ordinances, including the International Building and Fire Codes.
46
47

1 [7:32:47PM](#) Council Member Thaxton **MOVED to approve the South Valley Compounding**
2 **Pharmacy Final Site Plan, application number PL-138001, located at 3796 West 12600**
3 **South with the conditions outlined in the Staff Report.** Council Member Stewart
4 **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; there being
5 none, he called for a Roll Call Vote. The vote was as follows: Johnson-Yes, Leavitt-Yes,
6 Stewart-Yes, Thaxton-Yes and Tingey-Yes. **The motion passed unanimously.**

7
8 **3.4 Master Site Plan Amendment, Bangerter-Redwood Master Site Plan Fencing, 13728**
9 **South Redwood Road (Northwest corner of the intersection of Bangerter Highway and**
10 **Redwood Road), C-G Zone, Howard Kent of Bangerter-Redwood LLC, Applicant**

11
12 [7:33:24 PM](#) Jason Lethbridge, Planning Manager, presented an application for and amendment to
13 the fencing requirement of the Commercial Master Site Plan for a 6-lot commercial development
14 located at the northwest corner of the intersection of Bangerter Highway and Redwood Road.
15 The property is zoned C-G (Gateway Commercial). Properties directly north of the subject
16 parcel are zoned R-3 (Residential 1/3 acre lots) and C-G. To the west properties are zoned R-4
17 (Residential ¼ acre lots) and RR-22 (Rural Residential ½ acre lots). South is the Bangerter
18 Highway and Bluffdale City and to the east is Redwood Road with property beyond zoned C-G
19 and R-1 (Residential 1 acre lots).

20
21 Mr. Lethbridge said the site plan was approved in 2009 and the developer had recently begun
22 construction of the approved Burt Brother's Tire Store on the property. In 2009, the Planning
23 Commission recommended approval of the site with a requirement for solid vinyl fencing along
24 the north property line, where the development is adjacent to future commercial development.
25 The City Council, however, in their action on the Master Site Plan, required an eight (8) foot
26 solid masonry fence along that north property line. The applicant requested an amendment to the
27 original approval allowing a solid vinyl fence along that property line. Also, he said the
28 applicant requested that the installation of fencing along the west property line be required once
29 development of the western half of the property occurs.

30
31 Mr. Lethbridge said that on August 20, 2013 the Planning Commission voted to recommend
32 approval of the fencing amendment to the Master Site Plan with the following conditions:

- 33
34 1. Fencing along the north property line be vinyl where adjacent to existing commercial
35 zoning.
36 2. Fencing along the west property line be installed prior to issuance of a building
37 permit for any pad site or building on the western half of the property.
38

39 [7:38:18 PM](#) Council Member Leavitt spoke of 8-foot masonry fencing being required along the
40 back property line of the property. The Council concurred that fencing be installed and in place
41 prior to any building permits being issued for the back piece.

42
43 [7:41:32 PM](#) Discussion regarding current fencing occurred and Mayor Applegarth commented
44 about the durability of vinyl fencing and his concerns regarding the strength and reliability of
45 that product as compared to solid masonry fencing.
46

1 [7:42:22 PM](#) Council Member Tingey spoke of fencing that is built too early and asked if there
2 was enough distance between the subject property and the residents on the back half. Mr.
3 Lethbridge said there was sufficient distance to offer protection from construction noise and
4 debris. He also stated the current property owner was keeping horses on the residential side.
5

6 [7:46:46 PM](#) Developer Howard Kent requested vinyl fencing and discussed possible
7 development strategies and opportunities for the property. He said that solid masonry fencing
8 would make development cost prohibitive; however, based on the Council's decision, he said he
9 would begin work on fencing, which would be completed before Burt Brothers opens in
10 September.
11

12 [7:50:14 PM](#) Council Member Johnson asked if fencing was currently in place during
13 construction, and what would prevent the horses from accessing the property. He stated that
14 upon completion of Burt Brothers, if temporary fencing was still in place, it would be a liability
15 issue. He said that parents and children waiting for a car repair at Burt Brothers would have
16 access to the horses.
17

18 Mr. Kent said he planned to put a Jersey barrier and chain link fencing around the back.
19

20 Council Member Johnson asked about the storm drain for the property and its direction of flow.
21 Mr. Lethbridge said that the staff at Burt Brothers and City staff had already engineered and
22 placed a storm drain pond near the Redwood Road side of the property.
23

24 [7:55:03 PM](#) Council Member Tingey **MOVED to approve the Amendment to the Fencing**
25 **Requirement of the Bangerter/Redwood Master Site Plan located at 13728 South Redwood**
26 **Road with the following condition:**
27

- 28 **1. Fencing along the west property line is installed prior to issuance of a building**
29 **permit for any pad site or building on the western half of the property.**
30

31 **Council Member Tingey clarified his motion to require pre-cast masonry fencing**
32 **along the north property also.**
33

34 Council Member Stewart **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-Yes, Thaxton-Yes and Tingey-Yes. **The motion passed**
37 **unanimously.**
38

39 **3.5 Minor Subdivision, Two (2) lot minor Subdivision, Timothy Meadows, (Approx.)**
40 **13211 South 3600 West, RR 22 Zone, Presley Timothy, Applicant**
41

42 [7:56:05 PM](#) Jason Lethbridge, Planning Manager, stated that Presley Timothy submitted an
43 application to subdivide an existing 1.25 acre parcel into two single family residential lots. The
44 property is located at 13211 South 3600 West and is zoned RR-22 (Rural Residential ½ acre
45 lots). The property is currently occupied by one single-family residential dwelling. Surrounding
46 properties on the north, east and south are all zoned RR-22 and are all of similar single-family
47 residential uses. To the west, on the adjacent side of 3600 West property is zoned C-R
48 (Commercial Regional) and C-PO (Commercial Professional Office).

1 Mr. Lethbridge further explained that the property, as it currently exists, accesses a private lane
2 that extends east from 3600 West and provides access to 3 additional properties. The existing
3 home sits on the eastern half of the property thus enabling the applicant to split the lot into two
4 parcels. It is proposed that the parcel be divided into two wedge shaped parcels. Lot 1 would
5 front onto 3600 West and would be 21,796 square feet or ½ acre. Lot 2 would retain the house
6 and would be 32,656 square feet or slightly larger than ¾ acre. The new property line that would
7 split the lot would provide a new side yard setback to the existing home of eighteen (18) feet, far
8 exceeding the minimum required by ordinance of eight (8) feet. Both new lots exceed the
9 minimum lot size of 21,780 square feet as required by the RR-22 Zone.

10
11 Mr. Lethbridge said that on August 8, 2013 the Planning Commission voted to recommend
12 approval of the Minor Subdivision application with the following conditions:

- 13 1. Storm drainage systems, installation and easements shall comply with Engineering
14 Department requirements and standards.
- 15 2. Any and all irrigation ditches on or adjacent to the property be piped and/or moved,
16 with size and design of any proposed ditch or pipe such matching the existing system.
- 17 3. The subdivision comply with any and all applicable Riverton City standards and
18 ordinances, including the International Building and Fire Codes
19
20

21 [7:59:36 PM](#) Council Member Leavitt **MOVED to approve PL-13-105, The Timothy Meadows**
22 **Subdivision, located at 13211 South 3600 West, with the conditions outlined in the Staff**
23 **Report.** Council Member Thaxton **SECONDED** the motion. Mayor Applegarth called for
24 discussion on the motion; there being none, he called for a Roll Call Vote. The vote was as
25 follows: Johnson-Yes, Leavitt-Yes, Stewart-Yes, Thaxton-Yes and Tingey-Yes. **The motion**
26 **passed unanimously.**

27 28 **CONSENT AGENDA**

29
30 Mayor Applegarth presented the following Consent Agenda:

- 31 1. **Minutes:** RCCM 07-16-13, WS 08-06-13
2. **Bond Releases:**
 1. Beck Estates – 90% Performance
3. **Resolution No. 13-37** – Agreement for Architect Services for Riverton Precinct
Building
4. **Resolution No. 13-38** – Agreement with Lyndon Jones for 1830 West Road
Improvement Project
5. **Resolution No. 13-39** – Ratification of Mountain View Park Pavilion/Exercise Stations
6. **Resolution No. 13-40** – Surplus Vehicles

32
33 Council Member Stewart **MOVED to approve the Consent Agenda as presented.** Council
34 Member Tingey **SECONDED** the motion. Mayor Applegarth called for discussion on the
35 motion; there being none, he called for a Roll Call Vote. The vote was as follows: Johnson-Yes,
36 Leavitt-Yes, Stewart-Yes, Thaxton-Yes and Tingey-Yes. **The motion passed unanimously.**

37
38

1 **STAFF REPORTS**

2
3 [8:01:02 PM](#) **Lance Blackwood, City Manager**, called for Staff Reports. Chief Norton said he
4 was very pleased with the approval of the Site Plan for a new Police Station.

5
6 **Safety Training**

7
8 Ryan Carter, City Attorney, said that the Utah Local Governments Trust has initiated a Driver
9 Policy Program to standardize a policy for employees who drive City vehicles. He said that Staff
10 will do routine checks of driving records to ensure that no employee is driving a City vehicle
11 while under a suspended driving restriction.

12
13 **ELECTED OFFICIAL REPORTS**

14
15 **Mayor Bill Applegarth** – said he would send a copy of his newsletter article to each Council
16 Member prior to final publication. He thanked the Council for all the effort and work they put
17 into the City Council, especially regarding the park issue. He said that many of the Council
18 Members had met with citizens until late last night. He thanked them and said they did
19 everything they could to gather the information needed to make the decision required.

20
21 [8:05:15 PM](#) **Council Member Brent Johnson** – thanked Lance Blackwood for his attention to
22 the cemetery in the last few days. He believed there were problems and the cemetery was had
23 been put on the back shelf for several months. He said he was very disappointed and that the
24 cemetery was a disgrace and it was despicable that there had not been any sod placed on one
25 grave since April. He said Lance has met with architects and contractors and improvements
26 would be made to the cemetery. He then said he feels that time is a great burden for what is
27 required of members of the City Council. He expressed appreciation for the time put in by all
28 Council Members. He then explained that his decision regarding a “no” vote regarding the Main
29 Park Site Plan was not a baseball decision, or because he was a baseball person, but it had to do
30 with what was right.

31
32 [8:08:26 PM](#) **Council Member Al Leavitt** – spoke of the lighting on Quail Ridge Circle and
33 discussion was held regarding new lights that have been ordered as replacements for some of the
34 older and outdated street lights.

35
36 [8:09:53 PM](#) **Council Member Sheldon Stewart** – thanked Wyoma Darlington and Mike
37 Johnson for attending every Council Meeting. He then commented on the lights on Monarch
38 Meadows Parkway, which seem to have a serious wiring or technical problem. Discussion was
39 held regarding the 13400 South Project and Trace Robinson, Public Works Director, addressed
40 Council Member Stewart’s questions. Mr. Stewart also mentioned a drainage issue on Morning
41 Cloak. He then mentioned dead trees (approximately 15-20) on Shaggy Peak Drive and offered
42 his assistance in removing the dead trees.

43
44 **Mayor Applegarth** – commented on the need for a traffic study west of the Bangerter on 13400
45 South. Mr. Robinson replied that as soon as the Federal Highway Commission finished their
46 portion of the project, adjustments could then be made.

1 [8:15:16 PM](#) **Council Member Tracy Thaxton** – thanked Chief Norton for the successful “Night
2 Out Against Crime.” He said there was great support from the community and thanked the UPD
3 and the UFA for their support.
4

5 [8:15:56 PM](#) **Council Member Roy Tingey** – discussed the need for improved reporting on
6 issues in the parks and park strips in the entire City and suggested that the night crew or mowing
7 crews do more reporting on issues. He also mentioned the storage of wood chips in the parking
8 lot at Canyon View Park and requested that wood chips be stored at the Public Works Facility
9 rather than in park parking lots.
10

11 **UPCOMING MEETINGS**

12
13 Mayor Applegarth reviewed the following tentative upcoming meetings:
14

1. September 3, 2013 – Regular City Council Meeting – 6:30 p.m.
2. September 17, 2013 – Regular City Council Meeting – 6:30 p.m.
3. October 1, 2013 – Regular City Council Meeting – 6:30 p.m.

15 16 **ADJOURN** [8:17:19 PM](#)

17
18 Council Member Tingey **MOVED to adjourn**. Council Member Stewart **SECONDED** the
19 motion. Mayor Applegarth called for discussion on the motion; there being none, he called for a
20 vote. The vote was as follows: Council Member Johnson-Yes, Leavitt-Yes, Stewart-Yes,
21 Thaxton-Yes and Tingey-Yes. **The motion passed unanimously**. The City Council Meeting
22 adjourned at 8:17 p.m.
23
24
25

26
27 _____
28 Virginia Loader, MMC
29 Recorder

30 Approved:



Issue Paper

Item No. 5.3

Presenter/Submitted By:	Craig Calvert, Purchasing Manager	
Subject: Request permission to enter into a contract with Kilgore Contracting to complete the 1300 West (11940 South to Creekhaven Drive) Road Way Improvement Project.	Meeting Date: September 3, 2013	
	Fiscal Impact: \$314,272.25	
	Funding Source: 45-60-705	
Background: <p>1300 West from 11940 South to Creekhaven Drive does not have curb, gutter and sidewalk. This project is to add curb, gutter and sidewalk as well as other improvements on 1300 West from 11940 South to Creekhaven Drive. An Invitation for Bid was issued and a tabulation is attached.</p>		
Recommendation: <p>Staff's recommendation is to enter into a contract with Kilgore Contracting to complete the 1300 West (11940 South to Creekhaven Drive) Road Way Improvement Project.</p>		
Recommended Motion: <p>"I make a motion to approve Resolution No. <u>13-41</u> - Authorizing the City to contract with Kilgore Contracting to complete the 1300 West (11940 South to Creekhaven Drive) Road Way Improvement Project."</p>		

RIVERTON CITY, UTAH
RESOLUTION NO. 13-41

**A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH
KILGORE CONTRACTING TO COMPLETE THE 1300 WEST (11940 SOUTH TO
CREEKHAVEN DRIVE) ROAD WAY IMPROVEMENT PROJECT**

WHEREAS, Riverton City is required by ordinance to approve any contract that exceeds \$25,000 in a public meeting; and,

WHEREAS, the Riverton City Engineer would like to improve 1300 West from 11940 South to Creekhaven Drive.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF
RIVERTON CITY AS FOLLOWS:**

Section 1. Riverton City approves the execution of a contract with Kilgore Contracting to complete the 1300 West (11940 South to Creekhaven Drive) Road Way Improvement Project.

Section 2. This resolution shall become effective upon passing.

PASSED AND ADOPTED by the City Council of Riverton, Utah, on this 3rd day of September 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

Bid #CC13-273 1300 West RIP Project			Kilgore		Miller Paving		Acme Construction		Granite Construction		Wasatch West	
Specification/Plan Reference Number(s)	Quant.	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
Mobilization and Demobilization	1	LS	18,000.00	18,000.00	7,100.00	7,100.00	22,250.00	22,250.00	21,968.00	21,968.00	Did not submit itemized pricing.	
Construction Surveying	1	LS	2,750.00	2,750.00	1,820.00	1,820.00	1,550.00	1,550.00	4,000.00	4,000.00		
Traffic Control	1	LS	8,115.00	8,115.00	11,000.00	11,000.00	10,190.00	10,190.00	22,000.00	22,000.00		
Site Clearing	1	LS	3,000.00	3,000.00	3,340.00	3,340.00	10,620.00	10,620.00	3,500.00	3,500.00		
Remove Tree, 19 to 50 Inch Circumference	5	EA	270.00	1,350.00	247.00	1,235.00	267.00	1,335.00	300.00	1,500.00		
Remove Tree, 51 to 99 Inch Circumference	3	EA	270.00	810.00	520.00	1,560.00	267.00	801.00	300.00	900.00		
Remove Asphalt Concrete Pavement	8600	SF	0.60	5,160.00	0.50	4,300.00	0.65	5,590.00	0.45	3,870.00		
Remove Concrete Curb and Gutter	525	LF	4.95	2,598.75	4.25	2,231.25	2.75	1,443.75	3.50	1,837.50		
Remove Concrete Approach, Sidewalk, Flatwork, ADA Ramp	3420	SF	1.00	3,420.00	0.79	2,701.80	1.10	3,762.00	1.00	3,420.00		
Roadway Excavation	1030	CY	33.75	34,762.50	25.50	26,265.00	18.00	18,540.00	22.00	22,660.00		
Embankment Fill	35	CY	11.85	414.75	18.00	630.00	63.00	2,205.00	8.00	280.00		
14" x 23" Elliptical Concrete Pipe, Class HE III (18" equivalent)	141	LF	65.20	9,193.20	100.00	14,100.00	89.15	12,570.15	105.00	14,805.00		
Storm Drain Catch Basin (APWA Plan 315 Single Grate)	3	EA	2,475.00	7,425.00	1,860.00	5,580.00	2,190.00	6,570.00	2,650.00	7,950.00		
Storm Drain Cleanout Box (APWA Plan 331 Type B)	3	EA	2,475.00	7,425.00	3,000.00	9,000.00	2,080.00	6,240.00	3,250.00	9,750.00		
Pedestrian Access Ramp (APWA Plan 235)	5	EA	1,915.00	9,575.00	1,720.00	8,600.00	1,680.00	8,400.00	2,500.00	12,500.00		
Concrete Sidewalk, 4" thick	2756	SF	4.80	13,228.80	4.60	12,677.60	4.50	12,402.00	4.50	12,402.00		
30" Concrete Curb and Gutter (APWA Plan 205 Type A)	1249	LF	19.35	24,168.15	22.00	27,478.00	24.50	30,600.50	22.00	27,478.00		
Concrete Driveway Approach and Sidewalk 6" thick	2532	SF	5.35	13,546.20	6.40	16,204.80	4.50	11,394.00	5.00	12,660.00		
Dip Driveway Approach (APWA Plan 215)	1925	SF	5.25	10,106.25	6.30	12,127.50	4.95	9,528.75	6.25	12,031.25		
Concrete Flatwork, 4" thick	1623	SF	4.80	7,790.40	4.60	7,465.80	4.50	7,303.50	4.50	7,303.50		
UTBC Driveway, 5" Thick, Grade 3/4	588	SF	2.00	1,176.00	1.45	852.60	3.15	1,852.20	1.65	970.20		
Colored Concrete Parkstrip	2006	SF	6.70	13,440.20	10.20	20,461.20	6.35	12,738.10	6.50	13,039.00		
Reinforced Concrete Sidewalk, 6' 0" Wide (Detail 5, Sheet DT-02)	123	LF	37.40	4,600.20	60.00	7,380.00	76.30	9,384.90	36.00	4,428.00		
Reinforced Concrete Sidewalk, 6' 8" Wide (Detail 3, Sheet DT-01)	98	LF	46.85	4,591.30	64.00	6,272.00	90.90	8,908.20	54.00	5,292.00		
Waterway Transition Structure (APWA Plan 213)	2	EA	1,315.00	2,630.00	1,170.00	2,340.00	2,290.00	4,580.00	2,300.00	4,600.00		
6 Foot Waterway (APWA Plan 211)	35	LF	30.65	1,072.75	67.00	2,345.00	84.00	2,940.00	28.00	980.00		
Asphalt Concrete Pavement Section (6" ACP, 8" UTBC)	10789	SF	4.25	45,853.25	3.80	40,998.20	4.00	43,156.00	4.00	43,156.00		
Asphalt Concrete Pavement Section (3" ACP, 8" UTBC)	2473	SF	2.85	7,048.05	2.70	6,677.10	4.20	10,386.60	3.25	8,037.25		
Asphalt Concrete Driveway (3" ACP, 4" UTBC)	893	SF	3.20	2,857.60	2.75	2,455.75	4.50	4,018.50	4.00	3,572.00		
Adjust Manhole to Grade	1	EA	685.00	685.00	400.00	400.00	524.00	524.00	1,050.00	1,050.00		
Adjust Water Valve to Grade	4	EA	475.00	1,900.00	320.00	1,280.00	315.00	1,260.00	900.00	3,600.00		
Relocate Water Meter	5	EA	1,085.00	5,425.00	1,700.00	8,500.00	1,260.00	6,300.00	2,000.00	10,000.00		
Adjust Water Meter to Grade	5	EA	270.00	1,350.00	290.00	1,450.00	105.00	525.00	925.00	4,625.00		
Street Light, LP-4	1	EA	8,810.00	8,810.00	9,000.00	9,000.00	7,610.00	7,610.00	9,000.00	9,000.00		
Relocate Fire Hydrant and Valve	1	EA	1,990.00	1,990.00	2,230.00	2,230.00	4,200.00	4,200.00	9,000.00	9,000.00		
Install New Fire Hydrant and Valve	1	EA	4,340.00	4,340.00	7,000.00	7,000.00	6,820.00	6,820.00	12,000.00	12,000.00		
Relocate Secondary Water Service Assembly	4	EA	1,085.00	4,340.00	1,840.00	7,360.00	1,260.00	5,040.00	1,000.00	4,000.00		
Adjust Secondary Water Service Assembly to Grade	4	EA	270.00	1,080.00	1,650.00	6,600.00	105.00	420.00	925.00	3,700.00		
Turf Sod	2021	SF	0.55	1,111.55	0.77	1,556.17	0.45	909.45	0.60	1,212.60		
Top Soil, 4" Thick	2021	SF	0.65	1,313.65	1.27	2,566.67	0.65	1,313.65	0.70	1,414.70		
Mailbox Assembly	8	EA	245.00	1,960.00	140.00	1,120.00	267.00	2,136.00	325.00	2,600.00		
4 ft Black Vinyl-Coated Chain Link Fence	248	LF	16.40	4,067.20	18.50	4,588.00	16.25	4,030.00	18.00	4,464.00		
6 ft Black Vinyl-Coated Chain Link Fence	123	LF	20.15	2,478.45	23.40	2,878.20	19.90	2,447.70	22.00	2,706.00		
Rock Mulch, 3" thick	1218	SF	1.50	1,827.00	1.02	1,242.36	1.05	1,278.90	1.70	2,070.60		
Sprinkler System Relocation/Protection/Adjust/Repair	1	LS	3,695.00	3,695.00	2,300.00	2,300.00	7,400.00	7,400.00	4,000.00	4,000.00		
4" SOLID Line, WHITE Pavement Marking Paint	1475	LF	0.40	590.00	0.18	265.50	0.15	221.25	0.16	236.00		
4" SOLID Line, YELLOW Pavement Marking Paint	2355	LF	0.40	942.00	0.18	423.90	0.15	353.25	0.16	376.80		
4" SKIP Line, YELLOW Pavement Marking Paint	2355	LF	0.11	259.05	0.18	423.90	0.05	117.75	0.05	117.75		
Total				314,272.25		326,383.30		334,167.10		363,063.15		405,635.00



Issue Paper

Item No. 5.4

Presenter/Submitted By:	Craig Calvert, Purchasing Manager	
Subject: Request permission to ratify the emergency repair made to the Maynard Well Pump by Widdision Turbine Service.	Meeting Date: September 3, 2013	
	Fiscal Impact: \$41,807.50	
	Funding Source: 45-71-269	
Background: The Maynard Well Pump stopped working and required an emergency repair. The City has established a price agreement contract with Widdision Turbine Service to make these types of emergency repairs. In order to make the repairs as soon as possible Widdision Turbine Service was contacted and was asked to make the necessary repairs to get the pump working again.		
Recommendation: Staff's recommendation is to ratify the emergency repair made to the Maynard Well Pump by Widdision Turbine Service.		
Recommended Motion: "I make a motion to approve <u>Resolution No. 13-42</u> to ratify the emergency repair made to the Maynard Well Pump by Widdision Turbine Service."		

RIVERTON CITY, UTAH
RESOLUTION NO. 13-42

**A RESOLUTION RATIFYING THE EMERGENCY REPAIR MADE TO THE
MAYNARD WELL PUMP BY WIDDISON TURBINE SERVICE**

WHEREAS, Riverton City is required by ordinance to approve any purchase that exceeds \$25,000 in a public meeting; and,

WHEREAS, the Maynard Well Pump stopped working; and,

WHEREAS, it becomes an emergency when a well pump is not working; and,

WHEREAS, the Water Director determined that it needed to be fixed as soon as possible.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF
RIVERTON CITY AS FOLLOWS:**

Section 1. Riverton City ratifies the emergency repair made to the Maynard Well Pump by Widdison Turbine Service.

Section 2. This resolution shall become effective upon passing.

PASSED AND ADOPTED by the City Council of Riverton, Utah, this 3rd day of September 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. 5.5

Presenter/Submitted By:	Ryan Carter, City Attorney	
Subject: Approve a resolution of a nonexclusive lease agreement with SouthWest Commonwealth for the use of the Sandra N. Lloyd Community Center for approximately 4 hours per week.	Meeting Date: 9-03-2013	
	Fiscal Impact: SouthWest Commonwealth agrees to pay \$350 per month for the duration of the lease.	
	Funding Source: N/A	
Background: The City was approached by a non-profit organization called SouthWest Commonwealth (“SouthWest”), seeking a lease agreement for the use of the Sandra N. Lloyd Community Center. SouthWest consists of approximately 20 families. Its goal is to serve the community and build relationships. SouthWest would like to hold its weekly meeting in the Sandra N. Lloyd Community Center for approximately 4 hours. During that time, it will provide mentors and classes to become active citizens in the community.		
Recommendation: Staff recommends that the Council adopt a resolution authorizing a non-exclusive lease agreement with Southwest Commonwealth.		
Recommended Motion: “I move the Council adopt <u>Resolution No. 13-43</u> - authorizing the execution of a non-exclusive lease agreement with SouthWest Commonwealth for use of the Sandra N. Lloyd Community Center.”		

RIVERTON CITY, UTAH
RESOLUTION NO. 13-43

**A RESOLUTION APPROVING A NONEXCLUSIVE LEASE AGREEMENT WITH
SOUTHWEST COMMONWEALTH FOR THE USE OF THE SANDRA N. LLOYD
COMMUNITY CENTER**

WHEREAS, SouthWest Commonwealth is a non-profit organization desiring to enter into a lease agreement for the use of the Sandra N. Lloyd Community Center; and

WHEREAS, the lease is nonexclusive and would run for a period of nine (9) months under the terms of the agreement; and

WHEREAS, Riverton City agrees to lease the Sandra N. Lloyd Community Center to SouthWest Commonwealth in accordance with the terms of the nonexclusive lease agreement.

**NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF
RIVERTON CITY AS FOLLOWS:**

1. It is deemed to be in the best interest of the citizens of Riverton City to allow SouthWest Commonwealth to enter into a nonexclusive lease agreement for the use of the Sandra N. Lloyd Community Center.
2. Mayor is authorized to execute the agreement for and in behalf of Riverton City, upon confirmation said agreement has been approved as to legal form by the Riverton City Attorney.
3. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED by the City Council of Riverton, Utah, on this 3rd day of September 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
Recorder

LEASE AGREEMENT

This Lease Agreement ("Lease") is entered into as of this ____ day of _____, 2013, by and between Riverton City (hereinafter collectively referred to as "Landlord") and SouthWest Commonwealth, 12087 Janice Drive, Riverton, Utah 84065, a Utah nonprofit corporation ("Tenant").

1. Property. Landlord hereby grants to Tenant a nonexclusive lease of The Sandra N. Lloyd Community Center, main floor, excluding office spaces, storage areas, southwest freight elevator, and the southwest staircase, as more particularly described in Exhibit "A," incorporated herein by reference. (the "Building") and surrounding parking lot and landscaping (the "Premises"), located at 12830 South Redwood Road, Riverton, Utah. Tenants right to use the parking areas on the Premises are nonexclusive. Tenant's right to use the Building and the Premises shall be limited ____ day per week, specifically Thursday, beginning at the time of _____ and ending at the time of _____.

2. Term.

(a) *Initial Term*. The term of this Lease shall be for a period of 9 months, commencing on September 1, 2013, and ending on May 31, 2014 ("Lease Term").

(b) *Renewal Options*. Tenant is not entitled to renewal options under this Lease Agreement.

(c) *Cancellation*. Landlord and Tenant acknowledge that several issues affecting the property may ultimately render Tenant's occupancy of the same to be undesirable for either Landlord or Tenant. If over the term of the lease any issue arises affecting the property and either party determines in its sole discretion that it desires to terminate the lease, then either party shall be entitled to do so. Landlord and Tenant shall each have option to terminate the lease, for any reason or for no reason, by giving the other party sixty (60) days written notice of its intent to terminate the lease.

3. Rent. Tenant agrees to pay to Landlord as basic annual rent (the "Basic Rent") at such place as Landlord may designate without prior demand therefore and without any deduction or offset whatsoever, the sum of Three Thousand, One Hundred Fifty Dollars (\$3,150.00) for the full lease term. Said rental amount shall be paid in equal monthly installments of Three Hundred Fifty Dollars (\$350.00) during each full month of the lease term. Said Basic Rent shall be due and payable on the first day of each month.

4. If any installment of rent or any other sum due from Tenant is not received by Landlord within ten (10) days after said amount is due, then Tenant shall also pay to Landlord a late charge equal to Ten percent (10%) of any such overdue amount. Any late charge(s) assessed to Tenant shall be compounded each additional 30 days the rent installment remains unpaid after it becomes due.

5. Security Deposit. No security deposit is due to Landlord upon execution of this Lease. Nothing contained in this paragraph shall in any way diminish or be construed as waiving by Landlord of any other rights or remedies provided elsewhere herein, or by law.

6. Default. In the event of default by Tenant in respect to any of its obligations under this Lease, including, but not limited to, the payment of Basic Rent or Additional Rent, Landlord may use, apply, or retain all or any part of the security deposit for the payment of any unpaid Basic Rent or Additional Rent, or for any other amount which Landlord may be required to expend by reason of the default of the Tenant, including any damages or deficiency in the reletting of the Leased Premises, regardless of whether or not the accrual of such damages or deficiency occurs before or after an eviction. Tenant shall, upon five (5) days written demand, deposit cash with Landlord in an amount sufficient to restore the security deposit to its original amount.

7. Repairs. During the term of this Lease, Tenant shall be responsible for repairing any damages incurred by Tenant to the Premises. Tenant shall clean areas occupied by Tenant by the end of each day Tenant occupies the Premises.

8. Condition of the Premises. Tenant accepts the Premises in the condition they are in at the time of its occupation of the Premises. Tenant acknowledges that except as specifically stated in this Lease, neither Landlord nor any agent of Landlord has made any representation as to the condition of the Premises or the suitability of the Premises for Tenant's intended use. Tenant represents and warrants that it has made its own inspection of and inquiry regarding the condition of the Premises as well as zoning and is not relying on any representations of Landlord or any agent of Landlord with respect thereto.

9. Utilities, Taxes. Landlord shall be responsible for all utilities including, but not limited to, power, heat, water, and sewer.

10. Limitation of Landlord's Liability. Tenant shall not be able to effectuate any abatement or reduction of rent by reason of Landlord's failure to provide or furnish any of the foregoing utilities or services if such failure was reasonably beyond the control of Landlord. In no event shall Landlord be liable for loss or injury to persons or property, however, arising, occurring in connection with, or attributable to any failure to furnish such utilities or services even if within the control of Landlord.

11. Insurance. At Tenant's sole expense, Tenant shall, during all terms of this Lease Agreement, keep in full force and effect a policy of public bodily injury and property damage liability insurance with respect to the Premises, with a combined single limit of not less than Two Million Dollars (\$2,000,000.00) per occurrence. The policy shall name Landlord, its elected officials, appointed officials, employees, agents and volunteers as insured, and shall contain a clause that the insurer will not cancel or change the insurance policy without first giving Landlord thirty (30) days prior written notice. Such insurance shall include an endorsement permitting Landlord to recover damage suffered due to act or omission of Tenant, notwithstanding being named as an additional "Insured Party" in such policies. Such insurance may be furnished by Tenant under any blanket policy carried by it or under a separate policy therefor. The insurance shall be with an insurance company approved by Landlord and a copy of the paid-up policy evidencing such insurance or a certificate of insurer certifying to the issuance of such policy shall be delivered to Landlord. If Tenant fails to provide such insurance, Landlord may do so and charge the same to Tenant, which invoice shall be paid by Tenant within ten (10) days of receipt. Tenant will not permit said Premises to be used for any purpose which would

render the insurance thereon void or cause cancellation thereof or increase the insurance risk or increase the insurance premiums in effect just prior to the commencement of this Lease.

12. Use/Alterations. Tenant may use the Premises for education related activities for children and families affiliated with the InSight Liberal Arts education program and all other lawful uses incident thereto. Tenant shall not do or permit anything to be done in or about the Premises nor bring or keep anything therein which will in any way increase the existing rate or affect any fire or other insurance upon the Premises or the Building of which the Premises maybe a part or any of its contents, or cause a cancellation of any insurance policy covering the Premises or said Building or any part thereof or any of its contents. Tenant shall not permit more than one hundred persons to occupy the building at the same time. Tenant will comply with all applicable federal, state or local laws, ordinances and regulations relating to the Premises and its use and operation by Tenant. Tenant agrees not to keep, use or permit to be kept or used on the Premises any flammable fluids, explosives or any "hazardous substance", "solid waste", or "hazardous waste" which would be a violation of any federal, state or local law or ordinance. Tenant shall not commit or suffer to be committed any waste in or upon the Premises without Landlord's prior written consent, which consent shall not be unreasonably withheld or delayed.

13. Signs. Tenant may not place any signs on the Premises for the purpose of indicating the nature of the business carried on by Tenant in the Premises.

14. Entry By Landlord. Landlord shall have the right to enter and inspect the Premises at any time, without notice to Tenant.

15. Indemnity. Tenant, as a material part of the consideration to be rendered to Landlord under this Lease, shall defend, indemnify and hold Landlord exempt and harmless from any claims, suits, actions, demands, causes of action, liabilities, losses or expenses, including reasonable attorneys' fees, arising in connection with any damage or injury to any person, or the goods, wares and merchandise of any person, arising from the use of the Premises by Tenant, or from the failure of Tenant to keep the Premises in good condition and repair, as herein provided. Also, Tenant warrants that it will make no use of the Premises which may cause contamination of the Building, improvements and the soil and ground water. Accordingly, Tenant indemnifies and agrees to hold the Landlord harmless with regard to any claim for, but not limited to, damage to the Landlord's property or any other property or person. This indemnification shall survive the termination of this Lease.

16. Assignment and Subletting. Tenant may not assign, transfer, mortgage, pledge, hypothecate or encumber this Lease or any interest therein, and may not sublet the Premises or any part thereof, without the prior written consent of Landlord.

17. Default; Remedies.

a. The occurrence of any of the following shall constitute a default under this Lease by Tenant:

(i) Any failure by Tenant to pay the rent or any other monetary sums required to be paid hereunder (where such failure continues for ten (10) days after written notice that such amount is due);

(ii) A failure by Tenant to observe and perform any other provision of this Lease to be observed or performed by Tenant where such failure continues for fifteen (15) days after notice thereof by Landlord to Tenant; or

(iii) In the event of any such default, Landlord may, at any time thereafter, without limiting Landlord in the exercise of any right or remedy at law or in equity which Landlord may have reason of such default or breach:

(iv) Terminate Tenant's right to possession of the Premises by any lawful means, in which case this Lease shall terminate and Tenant shall immediately surrender possession of the Premises to Landlord. In such event, Landlord shall be entitled to recover from Tenant all damages incurred by Landlord by reason of Tenant's default, including (i) the worth at the time of the award of the unpaid rent and other charges which Landlord had earned at the time of the termination; (ii) the worth at the time of the award of the amount by which the unpaid rent and other charges which Landlord would have earned after termination until the time of the award exceeds the amount of such rental loss that Tenant proves Landlord could have reasonably avoided; (iii) the worth at the time of the award of the amount by which the unpaid rent, and other charges which Tenant would have paid for the balance of the Lease Term after the time of award exceeds the amount of such rental loss that Tenant proves Landlord could have reasonably avoided; and (iv) any other amount necessary to compensate Landlord for all the detriment proximately caused by Tenant's failure to perform its obligations under the Lease or which in the ordinary course of things would be likely to result therefrom, including, but not limited to, any costs or expenses Landlord incurs in maintaining or preserving the Premises after such default, the cost of recovering possession of the Premises, expenses of reletting, including necessary renovation or alteration of the Premises, Landlord's reasonable attorneys' fee incurred in connection therewith, and any real estate commission paid or payable.

(v) Pursue any other remedy now or hereafter available to Landlord under the laws or judicial decisions of the state in which the Premises is located.

18. Landlord's Default. Landlord shall be in default hereunder if it fails to perform any of its obligations due under this Lease within thirty (30) days of Tenant's written notice of the default to Landlord, or such longer period of time as may be reasonably necessary to cure the default.

19. Attorney Fees. If Tenant or Landlord shall be in breach or default under this Lease, such party (the "Defaulting Party") shall reimburse the other party (the "Nondefaulting Party") upon demand for any costs or expenses that the Nondefaulting Party incurs in connection with any breach or default of the Defaulting Party under this Lease, whether or not suit is commenced or judgment entered. Such costs shall include legal fees and costs incurred for the negotiation of a settlement, enforcement of rights or otherwise.

20. Holding Over. If Tenant remains in possession of all or any part of the Premises after the expiration of the term hereof, with the express consent of Landlord, such tenancy shall be from month to month only, and not a renewal hereof or an extension of any further term, and in such case, rent and other monetary sums due hereunder shall be payable at the time specified

in this Lease and such month to month tenancy shall be subject to every other term, covenant and agreement contained herein, except that (i) there shall be no options to renew this Lease; and (ii) the rent due hereunder shall be 150% of the rent then in effect during the last month of the Lease Term, plus any other charges payable under this Lease.

21. Entire Agreement. This Lease, along with any exhibits, constitutes the entire agreement between Landlord and Tenant relative to the Premises. This Lease may be altered, amended or revoked only by an instrument in writing signed by both Landlord and Tenant. Landlord and Tenant agree that all prior or contemporaneous oral agreements between and among themselves and their agents or representatives relative to the leasing of the Premises are merged in or revoked by this Agreement.

22. Binding Effect: Choice of Law. Subject to any provisions hereof restricting assignment or subletting by Tenant, all of the provisions hereof shall bind and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns. In the event of a sale or transfer of the Property, Landlord shall be relieved of all obligations under this Lease arising out of any act, occurrence or omission occurring after the date of such transfer. This Lease shall be governed by the laws of the State of Utah.

23. Notices. Any and all notices required or permitted hereunder shall be given in writing and personally delivered or sent by registered or certified mail, return receipt requested, postage prepaid, addressed as set forth below:

To Landlord:

Lance Blackwood
Riverton City Manager
12830 S. Redwood Rd

To Tenant:

24. Time of Essence. Time if of the essence of this Lease and each and all of its provisions.

25. Authority of Signatories. All persons signing this Lease warrant his or her authority to do so and to bind their party's successors in interest.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Lease the day and year first above written.

LANDLORD:

TENANT:

By: _____

By: _____

Print: Bill Applegarth

Print: _____

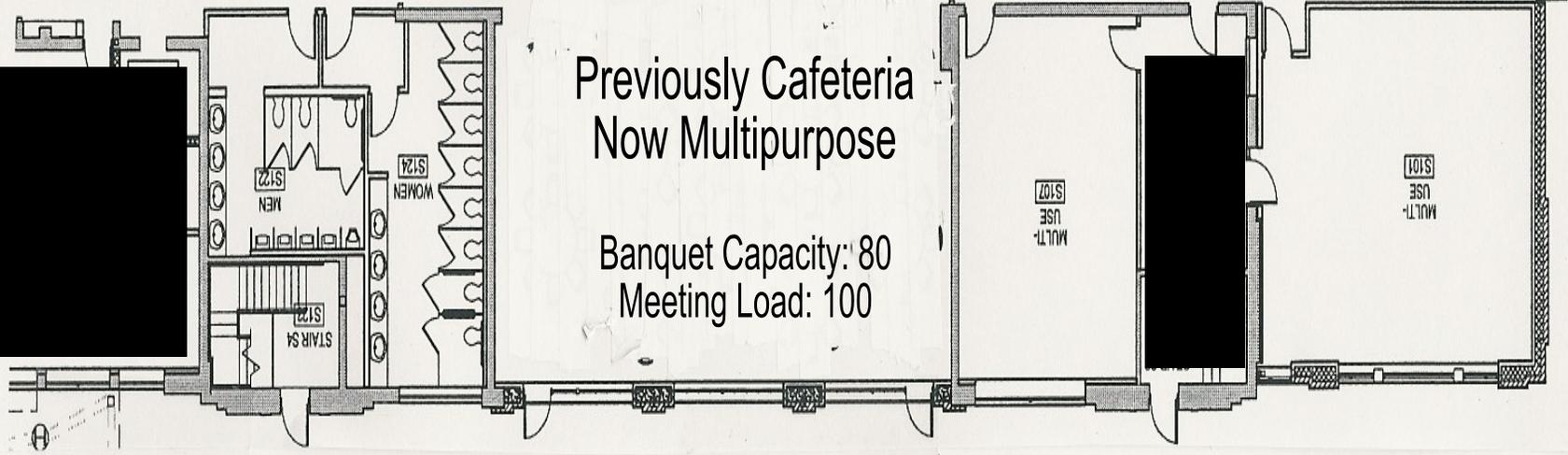
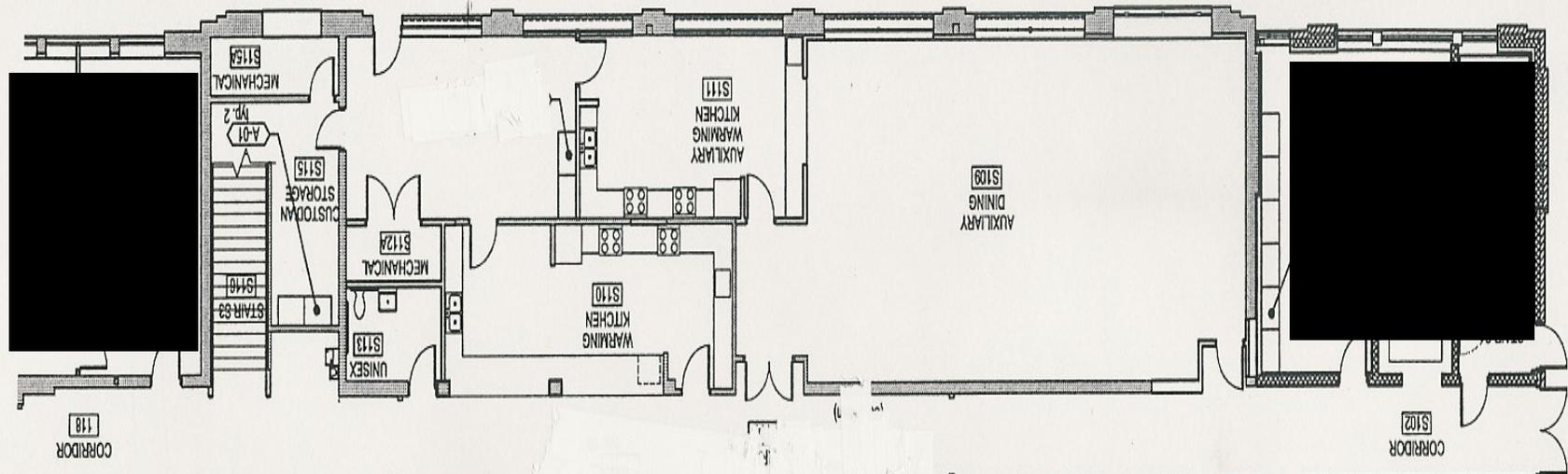
Title: Mayor

Title: _____

ATTEST:

City Recorder

EXHIBIT A
(Premises Description)



Previously Cafeteria
Now Multipurpose

Banquet Capacity: 80
Meeting Load: 100



Issue Paper

Item No. 5.6

Presenter/Submitted By:	G. Trace Robinson, Public Works Director	
Subject: Rescind an agreement to guarantee installation of public improvements within the Cedar Hollow Townhomes Phase 1 Subdivision.	Meeting Date: 09-03-2013	
	Fiscal Impact: \$ N/A	
	Funding Source: N/A	
Background: <p>Cedar Hollow Townhomes Phase 1 (“Cedar Hollow”) is a subdivision project located at approximately 11800 South Redwood Road, Riverton, Utah. The developers of Cedar Hollow executed an ordinary agreement to guarantee the installation of public improvements described in the Subdivision Plat. This sort of an agreement is required whenever a subdivision plat is recorded; however, such an agreement is unnecessary before a subdivision plat is recorded. The developers of Cedar Hollow have not recorded the subdivision plat, and will not do so in the immediate future.</p> <p>The developers of Cedar Hollow would prefer to rescind the existing agreement for the time being and re-execute an agreement to guarantee the public improvements within Cedar Hollow at such time the developers are prepared to record the subdivision plat. Riverton City staff agrees that such an agreement is unnecessary under the circumstances and believes such an agreement is permissible.</p>		
Recommendation: <p>It is recommended that approval be given to rescind the existing agreement with the developers of Cedar Hollow.</p>		
Recommended Motion: <p>“I move to approve <u>Resolution No. 13-44</u> - authorizing the Mayor to rescind its agreement with Cedar Hollow Townhomes to guarantee the installation of public improvements within the Cedar Hollow Townhomes Phase I Subdivision.”</p>		

RIVERTON CITY, UTAH
RESOLUTION NO. 13-44

**A RESOLUTION RESCINDING AN IMPROVEMENT AGREEMENT WITH AUBURN
FIELDS AT CEDAR HOLLOW, LLC FOR CEDAR HOLLOW TOWNHOMES PHASE
1 SUBDIVISION**

WHEREAS, Auburn Fields at Cedar Hollow, LLC (the “Developer”) executed an agreement with Riverton City on April 3, 2013 for the installation of public improvements described in the Cedar Hollow Townhomes Phase 1 subdivision plat (“Cedar Hollow”); and

WHEREAS, this sort of agreement is required whenever a subdivision plat is recorded; however, the Developer of Cedar Hollow is not ready to record the subdivision plat at this time; and

WHEREAS, Riverton City agrees to rescind the existing agreement with the Developer and re-execute an agreement to guarantee the public improvements within Cedar Hollow at such time the Developer is prepared to record the subdivision plat.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF RIVERTON CITY AS FOLLOWS:

1. It is deemed to be in the best interest of the citizens of Riverton City to rescind the existing agreement with the Developer of Cedar Hollow.
2. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED by the City Council of Riverton, Utah, on this 3rd day of September 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
Recorder



Issue Paper

Item No. 5.7

Presenter/Submitted By:	Virginia Loader, Recorder	
Subject: <u>Ordinance No. 13-16</u> – Repealing Riverton City Code of Ordinances Chapter 2.130 Campaign Finance Disclosure Requirements	Meeting Date: September 3, 2013	
	Fiscal Impact:	
	Funding Source:	
Background: Riverton City adopted the Riverton Code of Ordinances in 1997 and as part of that Code Section 2.130 Campaign Finance Disclosure Requirements was adopted. The City follows the Utah Code for Municipal Primary and General Elections and feels its citizens are better served by following Utah Code Annotated 1953, Title 10, Chapter 3, Section 208 for Campaign Finance Disclosure in Municipal Election.		
Recommendation: Approve an ordinance repealing Chapter 2.130 re. Campaign Finance Disclosure Requirements and follow Utah Code Annotated 1953, Title 10, Chapter 3, Section 208 for Campaign Finance Disclosure in Municipal Election.		
Recommended Motion: “I move the City Council approve <u>Ordinance No. 13-16</u> – repealing Riverton City Code of Ordinances Chapter 2.130 Campaign Finance Disclosure Requirements.”		

RIVERTON CITY, UTAH
ORDINANCE NO. 13-16

**AN ORDINANCE REPEALING RIVERTON CITY CODE OF ORDINANCES
CHAPTER 2.130 CAMPAIGN FINANCE DISCLOSURE REQUIREMENTS**

WHEREAS, Riverton City is a local political subdivision of the State of Utah, authorized and organized under the provision of Utah law; and

WHEREAS, a municipal election will occur in Riverton City in the fall of 2013; and

WHEREAS, the State law references: Campaign finance statement in municipal election, see Section 10-3-208, Utah Code Annotated 1953, as attached; and

WHEREAS, the Riverton City Council finds and determines that the interests of Riverton City, its taxpayers are better served by following Utah Code Annotated 1953, Title 10, Chapter 3, Section 208 for Campaign finance disclosure in municipal election.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF RIVERTON CITY AS FOLLOWS:

- Section 1. Riverton City Code of Ordinances, Chapter 2.130 Campaign Finance Disclosure Requirements, adopted by the Riverton City Council as part of the 1997 Riverton Code of Ordinances, is hereby repealed.
- Section 2. This Ordinance shall take effect upon publication or upon posting as required by law. The Riverton City Recorder is hereby authorized to reformat this ordinance and codify the same within the Riverton City Municipal Code in a manner deemed appropriate to the City Recorder, provided such reformatting or codification does not result in a material change to the substantive provisions of this Ordinance.

PASSED AND ADOPTED by the City Council of Riverton, Utah, on this 3rd day of September, 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]

ATTEST:

Bill Applegarth, Mayor

Virginia Loader, MMC
City Recorder

Title 10 Chapter 3 Section 208

[<< Previous Section \(10-3-205.5\)](#)Download Options: [PDF](#) | [RTF](#) | [WordPerfect](#)[Next Section \(10-3-301\) >>](#)[Title 10 Utah Municipal Code](#)[Chapter 3 Municipal Government](#)[Section 208 Campaign finance disclosure in municipal election.](#)

10-3-208. Campaign finance disclosure in municipal election.

(1) As used in this section:

(a) "Reporting date" means:

(i) 10 days before a municipal general election, for a campaign finance statement required to be filed no later than seven days before a municipal general election; and

(ii) the day of filing, for a campaign finance statement required to be filed no later than 30 days after a municipal primary or general election.

(b) "Reporting limit" means for each calendar year:

(i) \$50; or

(ii) an amount lower than \$50 that is specified in an ordinance of the municipality.

(2) (a) (i) Each candidate for municipal office:

(A) shall deposit a campaign contribution in a separate campaign account in a financial institution; and

(B) may not deposit or mingle any campaign contributions received into a personal or business account.

(ii) Each candidate for municipal office who is not eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement:

(A) no later than seven days before the date of the municipal general election; and

(B) no later than 30 days after the date of the municipal general election.

(iii) Each candidate for municipal office who is eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement no later than 30 days after the date of the municipal primary election.

(b) Each campaign finance statement under Subsection (2)(a) shall:

(i) except as provided in Subsection (2)(b)(ii):

(A) report all of the candidate's itemized and total:

(I) campaign contributions, including in-kind and other nonmonetary contributions, received before the close of the reporting date; and

(II) campaign expenditures made through the close of the reporting date; and

(B) identify:

(I) for each contribution that exceeds the reporting limit, the amount of the contribution and the name of the donor;

(II) the aggregate total of all contributions that individually do not exceed the reporting limit; and

(III) for each campaign expenditure, the amount of the expenditure and the name of the recipient of the expenditure; or

(ii) report the total amount of all campaign contributions and expenditures if the candidate receives \$500 or less in campaign contributions and spends \$500 or less on the candidate's campaign.

(3) (a) As used in this Subsection (3), "account" means an account in a financial institution:

(i) that is not described in Subsection (2)(a)(i)(A); and

(ii) into which or from which a person who, as a candidate for an office, other than a municipal office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a municipal office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

(b) A municipal office candidate shall include on any campaign finance statement filed in accordance with this section:

(i) a contribution deposited in an account:

(A) since the last campaign finance statement was filed; or

(B) that has not been reported under a statute or ordinance that governs the account; or

(ii) an expenditure made from an account:

(A) since the last campaign finance statement was filed; or

(B) that has not been reported under a statute or ordinance that governs the account.

(4) (a) A municipality may, by ordinance:

(i) provide a reporting limit lower than \$50;

(ii) require greater disclosure of campaign contributions and expenditures than is required in this section; and

(iii) impose additional penalties on candidates who fail to comply with the applicable requirements beyond those imposed by this section.

(b) A candidate for municipal office is subject to the provisions of this section and not the provisions of an ordinance adopted by the municipality under Subsection (4)(a) if:

(i) the municipal ordinance establishes requirements or penalties that differ from those established in this section; and

(ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the ordinance as required in Subsection (5).

(5) Each municipal clerk or recorder shall, at the time the candidate for municipal office files a declaration of candidacy, and again 14 days before each municipal general election, notify the candidate in writing of:

(a) the provisions of statute or municipal ordinance governing the disclosure of campaign contributions and expenditures;

(b) the dates when the candidate's campaign finance statement is required to be filed; and

(c) the penalties that apply for failure to file a timely campaign finance statement, including the statutory provision that requires removal of the candidate's name from the ballot for failure to file the required campaign finance statement when required.

(6) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the municipal clerk or recorder shall:

(a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and

(b) make the campaign finance statement filed by a candidate available for public inspection by:

(i) (A) posting an electronic copy or the contents of the statement on the municipality's website no later than seven business days after the statement is filed; and

(B) verifying that the address of the municipality's website has been provided to the lieutenant governor in order to meet the requirements of Subsection [20A-11-103\(5\)](#); or

(ii) submitting a copy of the statement to the lieutenant governor for posting on the website established by the lieutenant governor under Section [20A-11-103](#) no later than two business days after the statement is filed.

(7) (a) If a candidate fails to file a campaign finance statement before the municipal general election by the deadline specified in Subsection (2)(a)(ii)(A), the municipal clerk or recorder shall inform the appropriate election official who:

(i) shall:

(A) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or

(B) if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

(ii) may not count any votes for that candidate.

(b) Notwithstanding Subsection (7)(a), a candidate who files a campaign finance statement seven days before a municipal general election is not disqualified if:

(i) the statement details accurately and completely the information required under Subsection (2)(b), except for inadvertent omissions or insignificant errors or inaccuracies; and

(ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

(8) A campaign finance statement required under this section is considered filed if it is received in the municipal clerk or recorder's office by 5 p.m. on the date that is it due.

(9) (a) A private party in interest may bring a civil action in district court to enforce the provisions of this section or an ordinance adopted under this section.

(b) In a civil action under Subsection (9)(a), the court may award costs and attorney fees to the prevailing party.

Amended by Chapter 190, 2012 General Session

Amended by Chapter 190, 2012 General Session

Amended by Chapter 230, 2012 General Session

Amended by Chapter 230, 2012 General Session

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Who represents me?



State Senate

350 North State, Suite 320

PO Box 145115

Salt Lake City, Utah 84114

Telephone: (801) 538-1035

Fax: (801) 326-1475

Remember my Legislators



House of Representatives

350 North State, Suite 350

PO Box 145030

Salt Lake City, Utah 84114

Telephone: (801) 538-1029

Fax: (801) 326-1544



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- Title 4 (Reserved)
- + Title 5 BUSINESS LICENSES AND REGULATIONS
- + Title 6 ANIMALS
- Title 7 (Reserved)
- + Title 8 HEALTH AND SAFETY
- + Title 9 PUBLIC PEACE, MORALS AND WELFARE
- + Title 10 VEHICLES AND TRAFFIC
- + Title 11 MUNICIPAL PROPERTY
- + Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES
- + Title 13 PUBLIC UTILITIES AND SERVICES
- Title 14 (Reserved)
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- Title 16 (Reserved)
- + Title 17 SUBDIVISIONS
- + Title 18 LAND USE AND DEVELOPMENT
- CROSS-REFERENCE TABLE
- ORDINANCE TABLE

Chapter 2.130 CAMPAIGN FINANCE DISCLOSURE REQUIREMENTS

Sections:

- [2.130.010](#) Definitions.
- [2.130.020](#) Filing of disclosure reports.
- [2.130.030](#) Time of filing.
- [2.130.040](#) Contents of statements.
- [2.130.050](#) Public information.
- [2.130.060](#) Penalty for noncompliance.

2.130.010 Definitions.

“Candidate” shall mean any person who files a declaration of candidacy for an elective office of the city; or is nominated by a committee or party; or received contributions or made expenditures or consents to another person receiving contributions or making expenditures with a view to bringing about such person’s nomination or election to such office; or causes, on his behalf, any written material or advertisement to be printed, published, broadcast, distributed or disseminated which indicates an intention to seek such office.

“Contribution” shall mean monetary and nonmonetary contributions such as in-kind contributions of tangible things but shall not include personal services provided without compensation by individuals volunteering their time on behalf of a candidate.

“Election” shall mean both primary and final elections.

“Expenditure” shall mean a purchase, payment distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any candidate. [Code 1997 § 4-1-11.]

2.130.020 Filing of disclosure reports.

Each candidate for elective offices shall file with the city recorder dated, signed, and sworn financial reports which comply with this chapter. [Code 1997 § 4-1-12.]

2.130.030 Time of filing.

The reports required by this chapter shall be filed at least 14 days before both the primary and general elections, and at least once within two months following the final election.

[Code 1997 § 4-1-13.]

2.130.040 Contents of statements.

(1) The statement filed 14 days before the election shall include:

- (a) A list of each contribution of more than \$50.00 received by the candidate, and the name of the donor.
- (b) An aggregate total of all contributions of \$50.00 or less received by the candidate.
- (c) A list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.

(2) The statement filed two months after the elections shall include:

- (a) A list of each contribution of more than \$50.00 received after the cutoff date for the statement filed 14 days before the election, and the name of the donor.
- (b) An aggregate total of all contributions of \$50.00 or less received by the candidate after the cutoff date for the statement filed 14 days before the election.
- (c) A list of all expenditures for political purposes made by the candidate after the cutoff date for the statement filed 14 days before the election, and the recipient of each expenditure. [Code 1997 § 4-1-14.]

2.130.050 Public information.

The statements required by this chapter shall be public documents and shall be available for public inspection and copying during all regular city business hours. [Code 1997 § 4-1-15.]

2.130.060 Penalty for noncompliance.

Any candidate who fails to comply with this chapter is guilty of an infraction. [Code 1997 § 4-1-16.]



The Riverton City Code is current through Ordinance No. 13-12, passed June 4, 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.

City Website:
<http://www.rivertoncity.com/>
City Telephone: (801) 254-0704
[Code Publishing Company](#)
[eLibrary](#)