



**RIVERDALE CITY PLANNING COMMISSION AGENDA
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY – SEPTEMBER 24, 2013**

6:00 p.m. – Work Session (City Council Conference Room)

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

Planning Commission Work Session Items

- Planning Commission training
 - o Review and discuss *The Planning Process and the General Plan*
 - o Next training document to be Zoning and the Zoning Ordinance

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

A. Welcome & Roll Call

B. Open Communications

(This is an opportunity to address the Planning Commission regarding your concerns or ideas. Please try to limit your comments to three minutes.)

C. Presentations and Reports

1. Community Development Projects Status Report

D. Consent Items

1. Consideration of meeting minutes from:
 - July 9, 2013 Work Session
 - July 9, 2013 Planning Commission
 - August 27, 2013 Work Session

E. Action Items

1. a. Public hearing to receive and consider public comment on a proposed Rezone request from A-1 to R-1-10 for a residence located at 5759 South Weber Drive
- b. Consideration of a proposed Rezone request from A-1 to R-1-10 for a residence located at 5759 South Weber Drive
Presenter: Michael Eggett, Community Development Director

F. Discretionary Items

G. Adjournment

- The public is invited to attend all Planning Commission meetings.
- In compliance with the Americans with Disabilities Act, persons in need of special accommodation should contact the City Recorder at 394-5541 x 1232.
- This agenda has been properly posted and a copy provided to local news media.

**RIVERDALE CITY
PLANNING COMMISSION AGENDA
September 24, 2013**

AGENDA ITEM: Work Session Items

SUBJECT: Planning Commission training

- Review and discuss *The Planning Process and the General Plan*
- Next training document to be Zoning and the Zoning Ordinance

PETITIONER: Community Development Director

ACTION REQUESTED BY PETITIONER: Review and discuss *The Planning Process and the General Plan*

INFORMATION: Per Community Development Director desire, this item will be placed on the agenda as a permanent and regular item.

- Review and discuss *The Planning Process and the General Plan*

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THE PLANNING PROCESS AND THE GENERAL PLAN



THE PLANNING PROCESS

Background

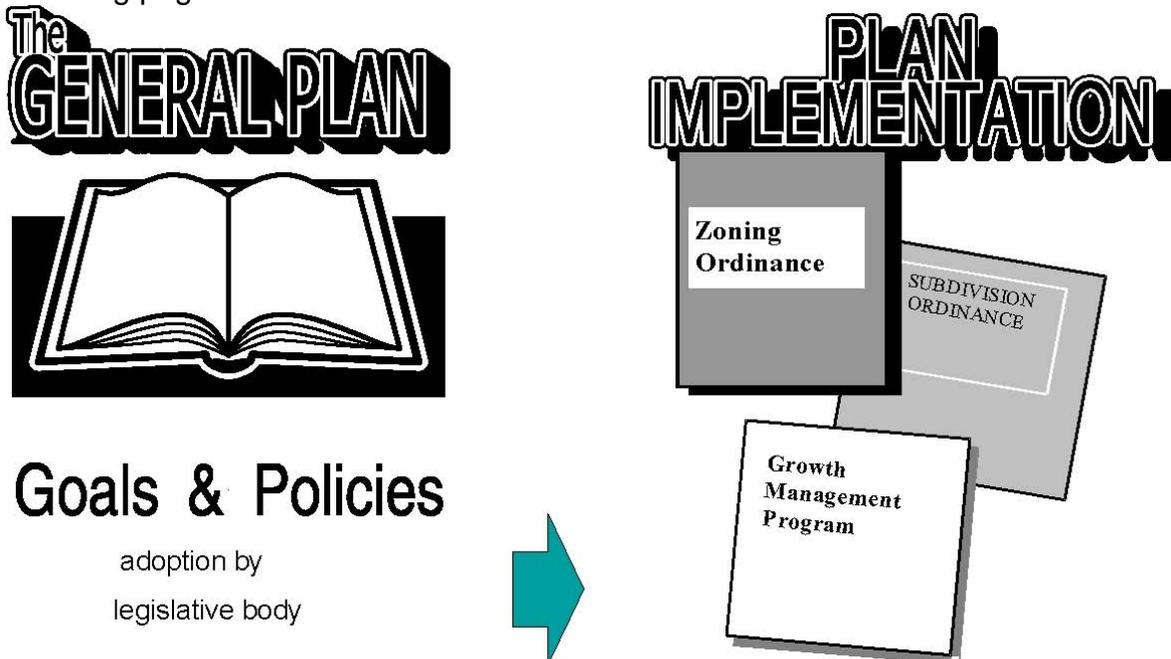
Many people have some common sense notions of what community planning is and why it is important. Few, however, have given the subject enough thought to enable them to describe or explain it, even though they engage in planning in their personal and family life, and certainly in their business activities. In fact, there may even be local planning directors who have difficulty in articulating their needs at budget time when facing the elected officials, many of whom may be quite skeptical of planning.

Land use planning as an official function of local government in America evolved very slowly through the 19th Century and became firmly established in the early years of the 20th Century. Our country had been a nation for nearly a century before people demanded that local governments exercise their Constitutional authority to protect the public health, safety and welfare. Zoning and land use regulation historically received legal recognition before the concept of comprehensive planning was defined and accepted as a function of local government. Daniel Burnham's 1909 Plan of Chicago is often regarded as America's first "comprehensive" plan. This plan, however, was concerned only with publicly owned lands and facilities. The concept of planning the future use of private properties along with inclusion of social and economic considerations was first introduced in the Comprehensive Plan of Cincinnati in 1925. As far back as 1913, the Massachusetts Legislature made it mandatory for all cities more than 10,000 populations to establish planning boards or commissions.

The pioneers of American planning realized that in order to be meaningful and effective, planning should be as free as possible from political pressures. It was also obvious from the beginning that citizen interest and participation were essential to the success of a planning program.

The Two Components of the Planning Process

Many people believe that community planning implies producing a "plan" such as the design of a building or a subdivision. The use of the term "planning," however, reveals that planning is much more than a static plan portrayed on a colored map. Planning may be more clearly perceived as an ongoing community process that consists of *two major components* — depicted graphically on the following page.



With acceptance and adoption by the legislative body, the process moves from the first component (plan) to the second (plan implementation) ... the transition from vision and goals to functional public policy.

The plan embodies the community goals and becomes a guide to public decisionmaking. Following adoption of the plan, the community employs the tools available to implement the plan. A plan, regardless of the time, thought, vision, or expense to produce it, is of no value if it is not put into action, or "plugged into" the decisionmaking process by implementation programs.

It can also be said that a magnificent set of land use regulations and programs set in motion with no guiding vision of the future (a plan) can lead only to public decisions that add up to no focused, comprehensible, or desired results.

Let's make it clear up front ... THE PLAN IS NOT LAND USE ORDINANCE, and THE LAND USE ORDINANCE IS NOT A PLAN! Understanding the distinction between the two is extremely important.

This handbook and program are focused on the first component of the process- THE PLAN, its purpose and preparation.

While many communities (the term includes cities, towns and counties) have developed without the sense of direction provided by a general plan and a sensible planning process, such a practice can be likened to building a home without a blueprint - we all know it can be done, but we are not so sure we would like to live there.

HOW SHALL WE PLAN OUR COMMUNITIES?

“If we are now to reinvest in America, consideration should be given to what kind of America we want to create. Our investments in transit must be supported by land use patterns which put riders and jobs within an easy walk of stations. Our investments in affordable housing should place families in neighborhoods where they can save dollars by using their autos less. Our investments in open space should reinforce regional greenbelts and urban limit lines. Our investments in highways should not unwittingly support sprawl, innercity disinvestment, or random job decentralization. Our investments in inner-cities and urban businesses ought to be linked by transit to the larger region, not isolated by gridlock. Our planning and zoning codes should help create communities, not sprawl.”

Peter Calthorpe, The Next American Metropolis

Our community is a picture of US!

There are two important principles of human nature, one declares that the human physical community reflects the cultural values of its inhabitants; the other tells us that human survival depends upon the satisfaction of the basic human needs, such as food, shelter, companionship and fulfillment. A paradox of human communities is that sometimes certain ephemeral values become an obsession and result in a long term, perhaps imperceptible, deprivation of the important basic needs. An example might be the fascination of our culture with the automobile that mushroomed in the 1920s and was given a major thrust after World War II--and which probably hasn't yet peaked out.

The high value placed on speed and mobility has resulted in a major change in the character and quality of many communities. The human scale and close social interaction that defined "community" and served human need from the dawn of civilization was all but lost in many American urban areas within a human single life span.

The natural environment that has provided sustenance and assured human survival, has also been seriously threatened in many parts of the world by

cultural values that encourage dominance over nature rather than harmony with it.

Supply and Demand

The system of demand and supply that characterizes the dynamic American culture interacts within the natural environmental setting to create our communities. It is critical, therefore, that these systems are guided and balanced to assure that the resulting "built" environment is satisfying and sensitive to and protective of all human needs, the public interest, individual private interests and the environment upon which we depend for life itself. Rural and suburban residents travel regularly to cities to work, obtain medical care, education, and a wide range of other services they need to enrich their lives. Newspapers, radio and television also bring them in constant contact with ideas, news, and services available in the city. Urban and rural interests are increasingly interdependent in the growing metropolitan subregion; what affects one is generally important to the other. The planning of cities, towns and metro areas must be focused more and more upon the importance of local planning conducted within a regional context.

Much attention is focused on human exploitation of natural resources, the misuse of the land, and the increasingly complex organization of urban communities. Again and again the same conclusion is reached - if order is to be created out of chaos, the solution will be found in the process of rational, broadly-based planning and management. Few urban problems stop at the man-made boundary line.

The human community is a dynamic organism that is ever-changing. Every decision that effects physical development or community institutions, and the supporting region, should contribute to achievement of the community's goals - its vision.

Planning must win the hearts and minds of the elected officials...

.. The city council ... the county commission

There are many tools and programs designed to aid in the implementation of the community's long-range general plan. Hours, days, and months may be devoted to the plan preparation effort, and the plan may describe with flawless precision all possible tools and programs that will assure plan implementation. Experience shows, however, that probably the most effective implementation tool will be the "conversion" of the elected officials -- the legislative decision-makers and their advisors.

It is important that the governing body and directors of the administrative

departments are involved as much as possible in the plan preparation process. These officials must feel that the plan and its vision represent their own values and vision, and not just those of the planners or the citizens' committees. The chief administrators and department heads are important as team players because they are normally city hall or courthouse "fixtures," and as such are very influential. Elected officials are the bottom-line decision-makers, without their understanding and support, the plan will never be implemented. [Read the discussion of the legislative body as the "client" of the plan, page 22.]

WHAT, THEN, IS THE PLANNING PROCESS?

The " planning process" is the movement of community planning through the local governmental system - from citizens' visioning, goals and objectives to the articulation of public policy and ultimately to implementation.

The process of planning is the continuing effort to guide the many and varied decisions that must be made, to correct the errors of the past, and to hold serious misjudgments to a minimum.

Fred H. Bair, Jr., in his book *Planning Cities*, offers this definition of the planning process:

City planning is the systematic and continuing application of organized knowledge and foresight in pursuit of clearly defined and properly regulated urban development objectives. Physical form and function, the most obvious manifestations of city planning, are not the only elements of planning concern. The physical city is both the cause and effect of the social and economic city; and social and economic considerations are given increasing weight in urban planning.

As each new subdivision of land occurs -- whether it is for residential, commercial or industrial purposes -- the community of the future takes shape. The use that is made of the land, the physical organization of the developed area, and the resulting population densities, are the primary determinants of the need for municipal facilities and services. Only the development and redevelopment of land can establish the real property tax base of the community.

Logical patterns of land use shaped by the needs and desires of the various interactive development "systems" mentioned above can be established through planning and implemented by zoning and other land use development and management techniques.

The forces of thoughtless, piecemeal, lot-by-lot change are constantly threatening to erode the most desirable qualities or potential of a community. The change is usually slow and imperceptible and by the time the damage is

apparent, the cost of correction may be too great. Not only are the costs of correction great, but urban sprawl places a tremendous financial burden upon local government for the provision of services and infrastructure.

Most people want their community to be attractive and provide a varied and satisfying environment and lifestyle. Whether the community is a rural town, a suburban bedroom community, part of a continuous metropolitan agglomeration, or a tourist resort, its natural resources and the qualities that make it unique can be retained and enhanced only with a strong-willed, continuous community effort—a well-conceived process of decision-making.

Few of us can say honestly that we are satisfied with the environment we are creating within and around our communities. We need to cruise through the center of town at times, looking with as much objectivity as possible, and often we'll become aware of the repulsive and inefficient development that we are permitting to happen.



If the heart of our city or town is a drab, uncared for, and cluttered with signs, billboards. There is cause for legitimate concern.

***If we are honest, we cannot avoid asking, "Is this the best that we can do?"
Very likely it is not.***

The Planning Process is Continuous

Planning is more than the production of a general plan and some regulatory

ordinances. It is an ongoing process. For this reason, the type of planning program a community has adopted needs to be reassessed periodically, at least every 3-5 years, to take into account changing conditions in the community as well as new concepts in planning as they are developed.

For example, a community may have adopted a general plan that describes desired future development patterns, but which lacks a "staging" element for the development of raw ground; the community may wish to update the plan to incorporate the staged approach in order to prevent scattered development throughout the community. An older community may need to shift emphasis in the planning process gradually from development to the redevelopment of some sections of the community as they become old and deteriorated.

WHAT CAN WE EXPECT OF COMMUNITY PLANNING?

A community with an effective planning process is generally a community with bold and enlightened leadership.

•  The basic purpose of planning is to improve and maintain community life and assure that our towns and their regions are satisfying places in which to live. As each community grows and develops and fits into the overall pattern of the region, the region prospers.

•  Change will undoubtedly come to every community. The critical question always is. *What kind of change should it be?* The choice can be influenced considerably by the people who live in and govern each community. Change can be for better or worse; no human community is static. It is a dynamic organism. A community or region will either improve or deteriorate, grow or decline.

•  Well-planned communities generally achieve a high degree of stability. Stability is more likely in a community which has a functional development process and which has articulated its goals and the methods by which it intends to accomplish them. In such a community, planning is important to the individual property owner as it provides assurance that investment in the community will be protected, and the quality of the neighborhood will not be eroded by incompatible development.



But on the other hand ...

There are results that planning cannot and should not be expected to accomplish. In some cases attempts at the improper use of planning have

resulted in failure and misunderstanding of its intended purpose.

. 📌 Planning cannot solve all the ills of any community. The mere fact that there is a planning commission or even a community general plan will not alone result in the correction of past mistakes or even in the prevention of new ones. To be effective, planning must be supported by policymaking and action programs. Far too many communities have fallen victim to the illusion that the unveiling of a spanking new plan is the end of all supportive effort and that the mere existence of a plan means that their worries are over.

. 📌 While it can be said that effective planning and land use regulation can result in more orderly and desirable growth, the process should never be used to build a fence around a community to keep others out. Planning and regulation should be regarded as a means to guide desirable development, not to prevent development.

. 📌 Planning should not be used to advance individual or pressure group interests. Planning, if it is to be useful, must be selfless. It must benefit the entire community - the "public interest."

THE LEGAL AUTHORITY FOR PLANNING

Do we have authority to prepare a community plan, and regulate land use? Yes, we do. The legal authority for local jurisdictions to conduct community planning is based upon three sources:

.**(a) The U.S. Constitution** -- The supreme source of governmental authority to protect the public health, safety and welfare — *the police power authority*.

.**(b) State Constitution and Statutes** -- The police power authority to protect public health, safety and welfare is reserved to the states; defined and described by the Utah State Constitution and state enabling statutes (Utah Code). Authority is delegated by the state through the enabling statutes to local governments (described by local ordinances.)

.**(c) Case law** -- Guidelines are defined by the courts with regard to the administration and application of the various regulations. To a large extent, the scope of valid land use regulation has been and probably will continue to be defined by court decisions.

The Police Power and State Enabling Legislation

The Tenth Amendment to the Constitution of the United States reserves to the states all powers that were not specifically delegated to the federal government by the Constitution. One of the powers reserved to the states is the "police power." Police power, as interpreted by the courts, permits the states to enact laws that promote the order, safety, morals, and general welfare of society. The authority to regulate land use and zoning falls within the general police powers

of the states.

The authority to conduct land use planning is delegated to the cities, towns and counties, as political subdivisions of the state, by enabling legislation that is enacted by the legislature and articulated in the state statutes (*Utah Code*).

While there are other statutes that endow local governments with the authority to plan for specific kinds of development or redevelopment, the broad powers that enable the governing bodies of cities and towns to engage in planning and land use regulation are found in the state enabling legislation.

UTAH CODE

Utah Code Title 10, Municipalities, Chapter 9, and Title 17a, Counties, Chapter 27a, The Land Use Development and Management -Part 4, The General Plan, are both reprinted in the Appendix to this handbook. It is very important that local officials become familiar with the Code provisions.

THE GENERAL PLAN

DEFINITION OF THE GENERAL PLAN

The general or comprehensive plan, as a published document adopted by the local government, becomes the official statement for the community that establishes and articulates the policies for future physical development. The general plan document describes the community's goals for its future and carries the goals through an analysis of the community to the policies and programs for goal implementation. The general plan embodies the statements of policy and description of the programs that will implement the policies. "Master plan" is a traditional description

— "city development plan" and "comprehensive plan" are also used. The term "general plan" is used by the Utah Code, and is preferred.

The Plan is a Compass



The importance of the general plan as a policy document cannot be overemphasized. The plan is a compass for the community. It indicates the course a community has chosen, and is a navigational tool which aids in following the course of development chartered by a community's representatives

and its people. No two communities need follow the same course, but without goals and a plan it is difficult to know what course, if any, a community is following. It is also difficult, if to identify the point at which the community wanders from its goals. *This does not mean that once set the course cannot be altered.* As with the ship at sea, when there are compelling reasons that suggest a need for change, someone in command, armed with adequate information and authority, should make the decision to alter the course. The plan should be designed initially to be up-datable; there should be a built-in mechanism to provide for mid-course corrections as changing needs or unforeseen events alter original goals.

A successful plan must be based upon thorough and accurate research. Using the data and insight gained by analysis of the research data, the various policy judgments of the plan are synthesized and presented as a unified document. That document, adopted by the local governing body, must be designed to be understandable, published, and made available to the public at large and still remain a policy statement useful as a guide to officials of the community.

THE PURPOSES OF THE GENERAL PLAN

The planner and author, T. J. Kent, proposed, in his book *The Urban General Plan*, six fundamental purposes of the general plan:

1. To improve the physical environment of the community as a setting for human activities--to make it more functional, beautiful, healthful, interesting, and efficient

This purpose is in accord with the broad objective of local government to promote and protect the health, safety, morals, order, convenience, prosperity and general welfare of the community. These responsibilities are exercised through the police power that is granted to local governments. The police power extends to many functions of government--beyond the functions of the police force.

2. To promote the public interest, the interest of the community at large, while respecting and protecting the interests of individuals or special interest groups within the community.

The comprehensive nature of the general plan contributes to this purpose, for it facilitates consideration of the relationship of any development issue to the overall physical development of the entire community. Because the plan is based on facts and on studies that attempt to be thorough and impartial, it helps to prevent arbitrary, capricious, and biased decisions.

The definition of what is the "public interest" is based largely upon how the courts have described it over the years. It is generally described as the public desire for health, safety, social equity, environmental quality, social choice and amenity.

3. To facilitate the democratic determination and implementation of the public policies that guide the community's physical development.

The plan is primarily a policy instrument. The plan constitutes an official declaration of the community's long-range goals and provides the basis for the programs that will accomplish the goals. By placing the responsibility for determining policies on the elected officials and providing an opportunity for citizen participation, the plan facilitates the democratic process.

4. To bring professional and technical knowledge to bear on the making of political decisions concerning the physical development of the community.

This purpose is intended to promote wiser decision-making, to achieve informed, constructive government. Through the general plan, the special knowledge of the professional planner is brought into the democratic political process.

5. To affect political and technical coordination in community development.

Political coordination signifies that a majority of the community is working toward the same ends. Technical coordination means that a logical relationship exists among the physical elements of the plan [see page 16], and the most efficient planning and scheduling of actual improvements is in place so as to avoid conflict, duplication and waste.

6. To inject long-range considerations into the determination of short-range actions. This is intended to achieve coordination through time, and to attempt to assure that day-to-day decisions will lead to achievement of longer-range (20-30 years) community goals. The extensive use of forecasts and the establishment of long-range concerns are significant features of the general planning process. The plan represents an effort to add the important time dimension to the decision-making process.

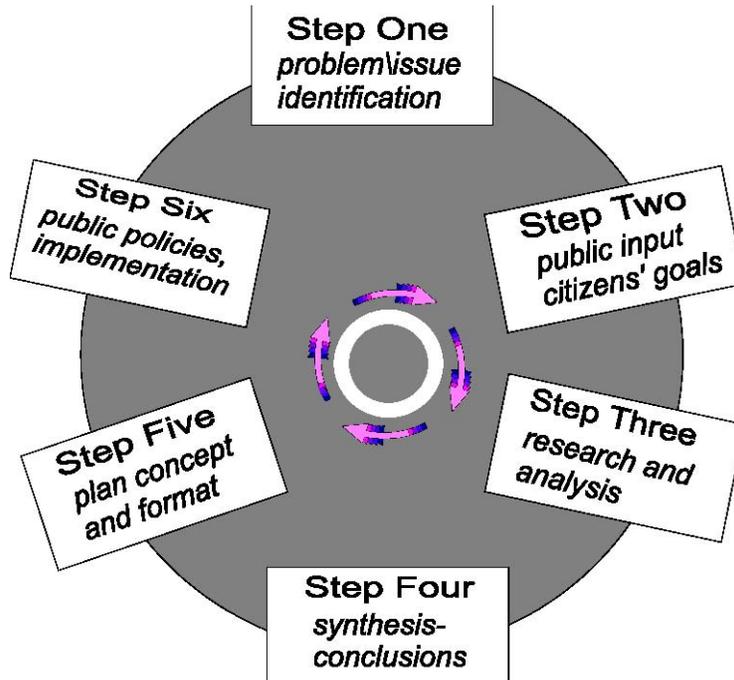
Steps to Plan Preparation

If you are going to plan, plan well and plan for action. If you aren't going to plan well and plan for action, don't mess with it.

Fred H. Bair, Jr., *PLANNING CITIES*

When the jurisdiction has a planning commission functioning and has provided for a professional staff or a consultant, it is ready to undertake preparation of the general plan.

There are logical steps to general plan production which are basic and quite typical. The steps to plan production are not prescribed by any formalized or standard format and may vary in methodology, step sequencing and final product. The steps described below are offered for information and guidance. It is important to understand that the diagram emphasizes the cyclical process of general plan preparation.



Planning is an ongoing process. When the public policies and implementing programs are in place, the cycle should be repeated.

STEP ONE

Problem & Issue Identification

When the professional staff or consultants who will assist the planning commissioners are selected, it is advisable for them to initiate a series of meetings, as needed, with the commission and other local officials, to identify important community issues, problems, needs, and pressures.

Such meetings are described as "scoping." The purpose is to gain first impressions and a consensus among appropriate and knowledgeable officials with regard to the type and scale of community needs and the resources that will be necessary to satisfy those needs.

STEP TWO

Goal - Setting Public Input

This vital step in the process of establishing community goals is citizen participation. Methods by which the attitudes and opinions of the local citizenry will be ascertained must be determined. Some suggestions follow:

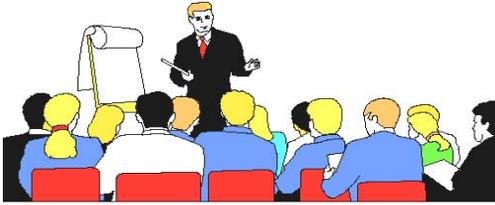
Community Surveys

Depending upon the size of the community, it may be advisable to consider conducting a community survey. Local officials often believe that collectively they understand the spectrum of values, attitudes and characteristics of their community. Despite their confidence, however, a well-conceived and professionally conducted community survey is almost invariably very revealing, sometimes surprising, and always highly useful. The type of survey selected can be by mail-out, door-to-door or telephone. Each has its advantages and disadvantages.

Whatever method is determined to work best for the community, the survey can generate some highly important information. First, the survey may include questions seeking demographic characteristics of the population and will provide an up-to-date estimate of such information as family size, age, employment (type and location), family income, type of residence, etc. The most recent US Census data is useful, but is generally several years out of date. The survey might also include questions asking each family where they most frequently acquire specific goods and services; this information can be very useful for economic development planning.

The survey can provide an opportunity to gain responses to important community issues. Questions might ask for opinions evaluating the quality of public services, attitudes toward growth and new development, proposed improvements, services needed, and so forth. The survey often becomes one of the most useful resources for the development of community goals.

Citizen Participation



Of critical importance to goal development in the planning process is the direct personal involvement of the citizens. It is possible that the community has permanent citizen organizations in place and functioning, such as neighborhood community councils. If so, the task of mobilizing the citizens for the preparation of planning goals could be assigned to this organization with guidance provided by the planning commission, staff or consultant. Most communities do not have an ongoing citizen advisory organization that is ready to jump into the process. In such case, a decision will have to be made as to the most effective method of gaining citizen participation.

The citizens should have a clear understanding and appreciation of their individual roles in helping to articulate the goals for their community.

It is important to make an effort to encourage all elements of the population to take part. This effort should not overlook the youth of the community. Some communities have involved high school students and found that they contributed important insights.

If a sufficient number of citizens make the effort to participate, it will be important and most effective to organize them into appropriate subcommittees. Each subcommittee should be assigned to one of the several specific topics of community interest that are tailored to address important community issues or problems (such as neighborhood or residential development, public parks and recreation, downtown improvement, traffic and streets, community growth, etc.) The subcommittees would be asked to develop goals for their topic of concern and produce a written statement

Other techniques have been employed for involving citizens. Some communities have preferred to target specific individuals for participation, and they are specially invited to attend. This technique may assure that the most knowledgeable or motivated residents will be taking part, however, it also bears the potential of being regarded as undemocratic or an attempt to "stack" the citizens' process with a particular point of view.

Next to the preparation of the citizens' goals themselves, the entire citizens' participation effort has a secondary purpose of assuring that all citizens have the opportunity to take part in the planning so that it will represent a consensus of the cultural values of the community. Community support for the final plan may depend to a great extent upon the citizens' perception of their participation (or

their opportunity for participation) in plan preparation. The fact that a well advertised, open and honest program for citizen participation was provided can contribute to a defense of the plan and its content in the event of criticism or legal challenge.

CITIZEN GOALS

There is a difference of opinion among planners as to whether the major data gathering and analysis step (described below) should occur before citizen participation. It is believed by some that the goal-setting stage will be enhanced by providing the citizens access to the data and its analysis. Others prefer that goal-setting precede data-gathering and analysis because, first of all, the citizens are involved immediately, and, secondly, the citizen input and ideas can suggest directions for the research and analysis. This latter alternative usually allows for re-involvement of the citizens' committees after the research and analysis stage to synthesize the goals with the research data and make modifications to the goals, as necessary. Either method has produced valid results.

The difficulty of arriving at a consensus for community development through a series of formalized goals is often evidenced when conflicting or contradicting goals are submitted by various interest groups that may be represented in the citizens' committees.

In order to overcome the adverse effect of the conflicts expressed by the various interest groups on the total planning process, it is necessary that input be obtained from as many such groups as possible. The local officials who are conducting the citizens' sessions should provide for a meeting at which the conflicting goals are presented to the entire group and differences discussed and resolved. Once the various groups become aware of the manner in which their interests affect others, and they themselves are affected by a particular issue, there will emerge, hopefully, a more unified statement of community goals and objectives.

The goal statement

Goals are general statements that express very broad ideals for the future of the community. Citizen committees should be directed to keep goal statements as broad as possible to confirm the community's resolve to achieve a great environmental or social ideal. An example might be: "This city should remain primarily a residential community and every effort should be made to maintain the residential atmosphere that now exists." Goal statements can be followed by more specific "objectives" suggesting how the goals might be achieved. A logical objective in support of this goal would be: "Future residential subdivision design should discourage fast, through traffic."

STEP THREE

Data gathering Research & Analysis

This step of plan production is normally regarded as the work conducted by the professional staff or consultant. In some communities, planning commission members may participate or contribute data or information.

Research is generally regarded as demanding the skill and time commitment of a professional. Much of the data that will be gathered and reviewed will be that which is generated or published by one of the various regional, state or federal government agencies and private institutions. Researchers in Utah are advantaged to have access to an abundance of relevant and current data available to them. Ideally, if there is a local planning staff, a major portion of the needed data will have already been gathered and made a part of the planning department's data base. The skill of the researcher is based upon his or her ability to know what information is needed and where to find it. The experienced professional knows also that merely collecting and reporting information is of no great value to the research effort. The challenge of research is the ability to interpret the data intelligently and creatively to gain the greatest possible knowledge and insight from it.

The Elements of the General Plan Required and Optional



Data gathering will concentrate on the elements that are identified by the Land Use Development and Management Act as the minimum required for a general plan. These elements are described in

Section 10-9a-403(2) or 17-27a-403(2).

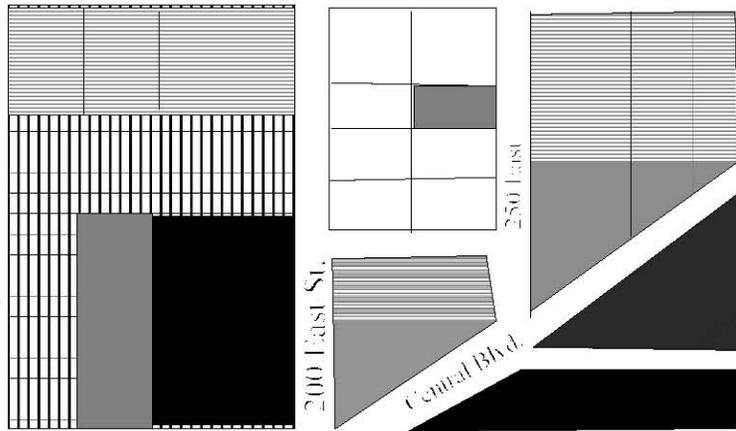
The required elements are:

- . • Land Use;
- . • Transportation;
- . • Moderate Income Housing.(cities only) These elements are briefly described on the following pages along with other elements that are regarded as important after the minimum requirement.

Land Use and The Land Use Plan

This element provides the basic recommendation for the location and relationship of the various land uses anticipated to be allowed in the jurisdiction during the life of the general plan. Existing land use is surveyed, mapped and described. The land use The social and housing analysis will help the citizens to understand each other and the characteristics of the local population; relating the social characteristics and the condition of housing and other elements of the built environment. Demographic data will help in determination of housing needs for the future -such as, where will residents live if when they their families are grown and they want to remain in the city.

element is presented as the Land Use Plan - a map of the desired distribution of the various land uses throughout the community. The plan will establish patterns of development as applied to a base map of the area to be planned. The Land Use Plan allows analysis of compatibility of land uses, Computer programs allow development of a land use map with the dominant use of each parcel of land ownership identified by color. The sample shown here is a land use map in black and white - a mapping method that can be used if color is not available.



Transportation and Circulation



Master Street Plan
Functional Classification
Regional Transportation Programs
Transit Oriented Design

The transportation and circulation element is concerned primarily with the quality of the street network and the efficiency of traffic movement. The development of a master street plan will allow for planning of traffic access to proposed future growth areas. This element will include functional classification of the local street system, current and projected traffic volumes on major streets. Accident rates, locations and trends and projections. Regional transportation planning critical. Regional planning underway or available in the area of the community will be accessed and will provide the broad context for transportation planning.

Housing and Social Conditions



Moderate Income Husing Planning
Neighborhood structure
Survey of housing quality and condition
Crime statistics

Environmental Analysis

*Topography Climate, microclimate Major natural features — potential hazards
Man-made environmental impacts Lands suitable for development (suitability
analysis)*

The environmental analysis will identify lands that are most suitable for development as well as potential natural hazards that could result in loss of life or property. The identification of the environmentally suitable lands for future growth will be helpful for potential developers as well as the decision-makers as they review development proposals and estimate holding capacity.

Population and Growth Analysis

*Estimates of current population
Projections of future population--area holding capacity
Demographics -- population characteristics
Family size
Age
Employment
Family income
Current Land Use - Holding capacity*

Economic Base Analysis

*Property and sales tax resources and trends Local government
revenues/expenditures Employment and average family income Major
community employers Community's primary and secondary market areas and
major competition*

The economic base analysis can provide an important data base for community economic development efforts as well as long-range planning. Not only is a good diagnosis of the community's economic health important for local decision-makers, but a community with well-researched and complete information can make it available immediately to potential investors or developers

Public Facilities and Utilities

Current condition and future demand for water, sewer, power,

etc.

Parks, playgrounds, and open space

Local government office - police and fire facilities

Schools — adequacy and conditions

The public facilities element involves the various publicly provided activities such as parks, playgrounds, schools, public safety and civic buildings. This analysis will identify areas of the community where parks or playgrounds are needed most, and determine adequacy of utilities to service anticipated growth.

Visual and Aesthetic Quality -- Community Design

Survey of visual assets and liabilities

Preparation for urban design study.

Studies of specific visual problems

Potential for historic or cultural preservation

A thorough analysis of the visual quality of the community can contribute to recommendations for community design and the urban design elements. The survey will focus attention upon the potential for improving the appearance of the community which can contribute considerably to local pride as well as helping to achieve economic development goals. A visual survey offers an interesting insight into the cultural values of the residents.

As data is gathered and research advances to a point at which the quantity and quality of the information is sufficient, researchers should begin their final analysis. There should be adequate information to develop chronological trends which illustrate the direction the community is going in such elements as economic development, tax base, and many others. Similar information about neighboring communities should be gathered in order to assess the subject community's competitive position in the region, and allow comparison. It is important that the data be reviewed thoughtfully and creatively in order for the analysis to be most useful. As the insights emerge, it is advisable for the professionals to work closely with the planning commission and local officials to assure their understanding and support before final publication.

STEP FOUR

Synthesis & Conclusions

In the pursuit of a plan which has a solid set of achievable goals and objectives, it is important for the preparers of the plan to review their analysis and compare it with the citizens' goal statements. This allows an opportunity to test the goals statements with the realities of the community's economic base, growth projections, and other important conclusions derived from the analysis.

The result of this review may suggest that the citizens' goals be modified to respond more closely to community capabilities and assure implementation. Any modifications should, of course, be presented to the citizen groups at public meetings with citizen involvement. This summarizing of the data and synthesis with citizen input allows the development of final conclusions. The summary and conclusions will provide the rationale and background for the development of the policies and implementing programs -- the guidance system. The conclusions provide the logical starting point when it comes time to review and up-date the plan.

STEP FIVE

Plan Concept & Format

As conclusions and recommendations materialize, the participants must perceive the community concept, or urban form, that will satisfy citizen goals and fulfill the purpose of the plan. The plan document should offer alternatives for the final concept. The quality and clarity of the plan document will contribute to its success.

The Plan Concept

There are many concepts for the form of the community. The popular or "trendy" concept for ideal community form changes periodically. The most effective and acceptable concept that is selected should be based upon local capabilities, values, and a careful review of the alternatives. The choice of community form will evolve from a review and understanding of alternatives, and the consideration of the conclusions of the research — basic grasp of the environmental constraints, economic base, growth potential and desired or supportable densities. The choice of concept may be based upon a goal to prevent future sprawl, avoid sensitive lands, or reduce traffic congestion.

Sustainability --

There is considerable research currently available describing the need for all human communities to protect important natural resources and assure a liveable environment for future generations. This deserves serious investigation and understanding. Basically, the goal of sustainability is to establish sustainable communities by balancing economic development and environmental protection in accord with the carrying capacity of the land.

Sustainability treats the conservation of the natural environment and the development of the human community as equally important. The urban form that enables sustainability may vary, but generally emphasizes compact development, mixed residential and commercial uses, opportunities for social interaction and participation, and preservation of open spaces.

Walkable Communities/Smart Growth

Citizens and professionals who are working together to prepare a general plan should take the opportunity to explore contemporary plan concepts. Many of these have been carefully conceived to address the changes in our national lifestyle and values, and the negative consequences of perpetuating past mistakes. This is important even in the areas that seem to be remote from the congestions and sprawl

— the point is that those problems can possibly be avoided by creative and thoughtful planning well in advance of the impact.

It is of great interest to Utahns that well-planned communities are an important part of this state's heritage. The Plat of the City of Zion, a concept for human-scaled, nurturing towns and cities was created by LDS Church Founder Joseph Smith, and brought across the plains by the pioneers and implemented by Brigham Young. The concepts contained in the Plat of Zion were ahead of their time. Many of them are reflected in the contemporary concepts that are gaining interest in many areas of the USA - the call for "Walkable Communities and Smart Growth. These ideas are driven by the perception of the need to reduce

dependence upon the automobile and return to urban environment that is socially cohesive, diverse, and interactive. The preparation for the general plan should include careful consideration of community design concepts.

PLAN FORMAT

The plan document should be designed to clarify a logical progression from citizen goals through insightful research to plan concept and finally to recommended implementation policies. The visual quality and clarity of the plan document will contribute considerably to its acceptance and understanding by citizens as well as elected officials. The plan document, or at least a useful summary, should be suitable for easy reference by decision-makers. If the general plan is regarded as insignificant or incomprehensible, it will be ignored and its message soon forgotten.

Clear recommendations for implementation of each proposed policy is essential. This is emphasized by Step Six.



STEP SIX
**Public Policies
Implementation
Strategies**

When the legislative body adopts the plan, it has accepted a set of policies that accompanied the plan recommendations. If the plan does not offer recommended policies, they must be prepared, following the plan goals, and adopted to assure plan implementation.

The concept for a result-oriented planning process places great emphasis upon the interaction and partnership of the planning commission and professional planners, with the decision-makers and upon an understanding of the political process. The policies establish the decision-makers' commitment to the goals of the plan, and the identification of the implementing programs by which the policies will be translated into action. The most common programs for implementation include land use regulations (zoning, subdivision standards), and redevelopment activities.

A policy statement should be brief, specific and unambiguous in order that a decision-maker can understand its full implications and commit confidently to its

implementation. The example of an objective, offered in Step Five, above, ("Future residential subdivision design should discourage fast, through traffic.") is close to being an acceptable policy statement. It might be even more specific, however, and declare: "Maximum vehicular speeds on local residential streets, as identified in the Master Street Plan, shall be 25 miles per hour."

An example of policies related to programs.

Opportunities and Problems: X City, located in the eastern part of Y County, contains a number of relatively large lakes which could serve as excellent recreation areas. However, many homes with inadequate sewer systems have been constructed near the shoreline which has resulted in increasing pollution of the lake. In addition, a feedlot located on a stream which feeds the lake has contributed to the excessive algae growth in the lake (problem).

Policies

1. Locate and establish community parks adjacent to lakes to serve the recreation needs of the community and also to provide public access to the lakes.
2. Control the density of residential development along lakeshore.
3. Ensure that private sewer systems for lakeshore homes are adequate.

Programs

1. Acquire 100 acres adjacent to the west end of the lake for park purposes during the next year. Council action.
2. Enact shoreland zoning ordinance to control residential development along the lakes. Planning Commission prepare and recommend to the Council
3. Prepare a lakeshore development plan. Planning Commission shall work with the Public Works Department and seek a qualified consultant.

The general plan may be expressed graphically in both maps and in statements describing the major policies, standards, plans and programs intended to guide physical development.

Planning maps show relationships to be sought among the major features and land uses of the city--its neighborhoods, businesses, institutional and industrial centers and its major streets. They may also show the proposed distribution of public facilities, such as schools, and can identify major land-reservations, such as parks. Because the community plan deals with a geographically defined area, maps and their overlays are very important. Maps can be of special value to

illustrate the need for changes in the transportation network and the alternative proposals for development. Maps used in conjunction with supporting data provide a visual tool for the planning commission to point out potential problems and opportunities.

WHO IS THE CLIENT OF THE GENERAL PLAN??

The general plan is an important public policy document. It is important to determine the primary user of the plan--the client whose requirements must be met first. The different views on the primary client of the plan follow from the different concepts of the role of city planning in local government.

T. J. Kent, Jr., author of the *Urban General Plan*, suggests that the city council or county commission, as the legislative policy-makers, should be the principal client of the general plan. Land use planning is primarily a policy-making activity of the governing body. Every important physical development policy with which the local government is involved must eventually come before the city council or county commission for final determination and action. Effective community planning cannot be sustained without the responsible participation of the legislative body. The Utah Code, Titles 10 and 17, *Land Use Development and Management*, empowers the legislative body with authority to approve the general plan.

The general plan, thus, should be conceived primarily as a legislative policy document, rather than a complex technical instrument to be understood only by the professional staff and possibly some members of the planning commission. In reality, every planning decision of significance must be made in the council or commission chamber; such decisions cannot be made in the planning office. Those who initially formulate a plan must follow through and present it, with its controversial judgments exposed, to the members of the council. The professional planners must seek to make their technical findings and professional judgments convincing to the council members and commissioners.

The general plan should include the recommended policies for community development. If the planning commission and the elected officials find that they disagree, they should work together to resolve the differences. The policies should represent the focus of understanding and agreement between the planners and the legislative body.

Some planners argue that elected officials do not have the time to acquire an understanding of a plan or to take part in its preparation. It is true that deliberation over the general plan will occupy much of the time of the elected officials, but, from the viewpoint of the community as a whole, this is one of their most important responsibilities. The plan is often controversial in one respect or

another, and will demand attention.

Ad hoc decision-making

Unfortunately, there are elected officials who may avoid their responsibility for policy development and implementation. They may be reluctant to commit themselves to long-range policies which may one day prove bothersome or embarrassing. They want to reserve the option to make all decisions on an ad hoc basis without regard for consistency. They call this ad hoc procedure "deciding an issue on its merits." This attitude increases the opportunities for favoritism and allows the elected officials to decide an issue by counting up the potential votes on both sides.

The majority of elected officials, fortunately, prefer to deal with problems and needs by establishing long-range policies and maintaining consistency in their actions. They recognize the need for guidance as they review the diverse, complex physical development issues that come before them each week. A frequently asked question at council/commission meetings is: "What is our policy on an issue such as this?" Rather than referring to previous decisions, regarded as precedents, on similar matters, the question would be better answered by referring to well-conceived policies expressed in a general plan.

ADOPTING THE GENERAL PLAN

The Land Use Development and Management Act, Titles 10 and 17 of the Utah Code, enables local governments to conduct planning and zoning activities. The Act provides identical steps for municipalities and counties to adopt the general plan. The steps are contained in Sections 10-9a-404 and 17-27a-404.

The steps are as follows:

- (1)(a) After competing a proposed general plan for all or part of the area within the municipality (county), the planning commission shall schedule and hold a public hearing on the proposed plan.
 - (b) The planning commission shall provide reasonable notice of the public hearing at least 14 days before the date of the hearing.
 - (c) After the public hearing, the planning commission shall make changes to the proposed general plan.
- (2) The planning commission shall then forward the proposed plan to the legislative body.
- (3)(a) The legislative body shall hold a public hearing on the proposed general plan recommended to it by the planning commission.
 - (b) The legislative body shall provide reasonable notice of the public

hearing at least 14 days before the date of the hearing.

(4) After the public hearing, the legislative body may make any modifications to the proposed general plan that it considers appropriate.

(5) The legislative body may:

(a) adopt the proposed general plan without amendment;

(b) amend the proposed general plan and adopt or reject it as amended;

or:

(c) reject the proposed general plan.

The Utah Code further provides:

(6)(a) The general plan is an advisory guide for land use decisions.

(b) The legislative body may adopt an ordinance mandating compliance with the general plan. [See paragraph below.]

Section 303 (6)(b) allows the local government to require that all land use regulations comply with the general plan. It is considered by many that the ideal planning process is one that insists that all land use regulations and decisions follow the goals and guidelines of the general plan. This option of requiring consistency was introduced into the state enabling legislation at the time of the 1991 recodification. Some local governments have established their commitment to the plan and the process by enacting a "consistency" ordinance. Others prefer to retain flexibility, or have not yet found a satisfactory definition of "compliance."

PRESERVING THE INTEGRITY OF THE
PLAN AND THE PLANNING PROCESS

The challenge of private interests.

It is all too clear that private forces act upon the local market to determine location, land uses, and the quality and form of construction in ways that exclude most public reviews and controls. The very nature of the free market places most private decisions beyond the formal framework of public planning. The resulting relationship may be traditional, but to conclude that it is a satisfactory one for the future ignores the fundamental dilemma of the community. Private rights must be respected, but there are also occasions when they must be subordinated to the public interest.

The public interest.

The "public interest" which the makers of planning policy aspire to reflect is under constant challenge by the very nature of human ego, self-interest and the basic pluralism of our society. Planning provides some well-defined ideals, but there is usually a gap between ideal and practice, and the ideals of planning can be

approached through the day-to-day compromises and adjustments made by planning administrators and elected officials.

It is well for public planners, indeed for all public officials, to recognize without undue cynicism, the nature of political power and the impact it has on public policy. Through understanding, the public official may cope more effectively with those elements of power which seek to be self-serving only. At the same time, it is necessary to cultivate community support for the planning process if it is to be successful.

PROFESSIONAL ASSISTANCE

Planning commissioners are generally not professional planners and are not expected to be qualified to conduct the technical research and analysis, or to deal with complex legal interpretations. For this reason, a planning consultant, or other source of technical planning assistance, should be called upon to assist in plan preparation and review. A planning commission should, at least, provide for professional planning assistance during the production of the general plan.

The governing body may be resistant to encouraging the acquisition of professional assistance because of a perceived high cost. Hiring a professional planner is challenging for both the commission and the elected officials. It is advisable to hire the best qualified assistance that the budget will allow. Cutting corners in the acquisition of guidance on complex and technical matters can prove to be poor economy.

Sources of technical planning assistance range from that provided by other governmental agencies (county, region or state), a planning consultant, or installation of a full-scale planning department with a planning director. When community leaders decide to seek outside assistance, they have the following options available.

Help from other government agencies --Some county planning agencies in Utah provide direct planning assistance for a variety of services to the municipalities within their jurisdiction using specific contractual arrangements. These services may vary, but often include staffing the planning commission, assisting in the development and implementation of general plans and zoning ordinances, or assisting in the review of development proposals.

The staffs of the seven regional associations of government in Utah (AOGs) are equipped to provide information and assistance to local governments. The AOGs can provide assistance to local governments in many aspects of planning and land use regulation. The Associations of Government serve Utah counties as follows:

Bear River Association, Logan -- Box Elder, Cache, Rich

*Wasatch Front Regional Council, Bountiful -- Davis, Morgan, Salt Lake,
Tooele, Weber*

Mountainlands Association, Provo -- Summit, Utah, Wasatch

Uintah Basin Association, Roosevelt -- Daggett, Duchesne, Uintah

*Six-County Association, Richfield -- Juab, Millard, Piute, Sanpete, Sevier,
Wayne*

South East Association, Price -- Carbon, Emery, Grand, San Juan

*Five County Association, St. George -- Beaver, Garfield, Iron,
Kane, Washington*

The advantage of working with other government agencies is that the agencies and the counties may be able to underwrite a portion of the cost of the planning program through the use of funding sources available to them.

The staff of the Center for Public Policy & Administration, University of Utah, is always ready and willing to answer questions and provide help and resources.

Assistance of a planning consultant --The community may decide to hire a planning consultant to assist local officials in developing a plan. If this approach is selected, care should be exercised in interviewing, selecting and hiring the consultant to ensure that there is no misunderstanding about the type of studies the consultant should conduct, the costs of such services, and the consultant's experience and qualifications.

SUMMARY

The Plan as a Legal Defense

Establishing a general plan prior to the adoption of a zoning ordinance is not only good planning practice, but is the best legal defense of a zoning ordinance. Land use regulations will enjoy a far more secure position in the event of legal challenge if they are supported by a thorough and approved community general, or comprehensive, plan. The courts normally are not inclined to question policies and programs contained in an adopted general plan, or an ordinance based on such a plan, unless the particular zoning provision is clearly arbitrary or exceeds the police power. If a community has failed to adopt a general plan, the courts are less likely to uphold a legally challenged zoning provision since there would

be a lack of evidence of explicit community policy to support the regulations.

The planner, the planning commission members, or the local administrator, may believe they are powerless before an awesome coalition of opposition.

It should be pointed out that detractors are generally concerned about the community and may be willing to re-evaluate their special interests with respect to the broader good and an enlightened public policy. The planner and the planning commission members, employing sensitive, continuous contact with community leaders and their representatives, are in a unique position to educate, influence, and thereby affect behavior.

If the planning process is to be successful, it must be regarded by the community as something other than abstract design. Like wealth or social status, skill and knowledge can be transformed into influence and power. The potential for power and influence, however, is not the equivalent of its exercise

Should the plan be changed??

Fred Bair offers a profound concluding observation:

A comprehensive plan is of course essential to the best kind of community development. It should be a carefully-designed composite of objectives and priorities and controls, based on the best possible analysis and balancing of needs, trends, potentials, resources and desires. But a plan, as such, is a summation of what your present knowledge and foresight indicate what you should do farther along in time. As you get farther along in time, you will know more about what you should do at that particular juncture , and you may change your ideas about that seems to be on down the road.

So a plan, with its train of regulatory devices, is for changing. And in planning, nothing is more important than the principles which guide changes in the plan.

It is necessary both to have a plan and to know when and why and how to change it. Unless the changes come as new knowledge and wisdom is acquired, the plan becomes the dead hand of the past and it points uselessly in all directions at once. But if the basic principles are sound, changes guided by those principles will be sound, and the plan as it changes some of its exterior forms will continue to be a consistently functional guide to action.

Frederick H. Bair, Jr., *Bair Facts*, Chandler-Davis Publishing Company, NJ.

APPENDIX

Utah Code Land Use Development and Management Act Title 10, Chapter 9a - Municipalities

General Plan

10-9a-401. General plan required -- Content.

(1) In order to accomplish the purposes of this chapter, each municipality shall prepare and adopt a comprehensive, long-range general plan for:

- (a) present and future needs of the municipality; and
- (b) growth and development of all or any part of the land within the municipality.

(2) The plan may provide for:

- (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;
- (b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
- (c) the efficient and economical use, conservation, and production of the supply of:
 - (i) food and water; and
 - (ii) drainage, sanitary, and other facilities and resources;
- (d) the use of energy conservation and solar and renewable energy resources;
- (e) the protection of urban development;
- (f) the protection or promotion of moderate income housing;
- (g) the protection and promotion of air quality;
- (h) historic preservation;
- (i) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity; and
- (j) an official map.

(3) Subject to Subsection **10-9a-403(2)**, the municipality may determine the comprehensiveness, extent, and format of the general plan.

10-9a-402. Information and technical assistance from the state.

Each state official, department, and agency shall:

- (1) promptly deliver any data and information requested by a municipality unless the disclosure is prohibited by Title 63, Chapter 2, Government Records Access and Management Act; and
- (2) furnish any other technical assistance and advice that they have available to the municipality without additional cost to the municipality.

10-9a-403. Plan preparation.

(1) (a) The planning commission shall provide notice, as provided in Section **10-9a-203**, of its intent to make a recommendation to the municipal legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing its recommendation.

(b) The planning commission shall make and recommend to the legislative body a proposed general plan for the area within the municipality.

(c) The plan may include areas outside the boundaries of the municipality if, in the planning commission's judgment, those areas are related to the planning of the municipality's territory.

(d) Except as otherwise provided by law or with respect to a municipality's power of eminent domain, when the plan of a municipality involves territory outside the boundaries of the municipality, the municipality may not take action affecting that territory without the concurrence of the county or other municipalities affected.

(2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:

- (i) a land use element that:
 - (A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and
 - (B) may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;
- (ii) a transportation and traffic circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that the planning commission considers appropriate, all correlated with the population projections and the proposed land use element of the general plan; and
- (iii) for cities, an estimate of the need for the development of additional moderate income housing within the city, and a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.
 - (b) In drafting the moderate income housing element, the planning commission:
 - (i) shall consider the Legislature's determination that cities should facilitate a reasonable opportunity for a variety of housing, including moderate income housing:
 - (A) to meet the needs of people desiring to live there; and
 - (B) to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life; and
 - (ii) may include an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate income housing within the planning horizon, which means or techniques may include a recommendation to:
 - (A) rezone for densities necessary to assure the production of moderate income housing;
 - (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;
 - (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;
 - (D) consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the city;
 - (E) consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;
 - (F) consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity; and
 - (G) consider utilization of affordable housing programs administered by the Department of Community and Culture.
- (3) The proposed general plan may include:
 - (a) an environmental element that addresses:
 - (i) the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and
 - (ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;
 - (b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;
 - (c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:
 - (i) historic preservation; and
 - (ii) the diminution or elimination of blight; and
 - (iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;
 - (d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected municipal revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;
 - (e) recommendations for implementing all or any portion of the general plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other

appropriate action;

(f) provisions addressing any of the matters listed in Subsection **10-9a-401(2)**; and

(g) any other element the municipality considers appropriate.

10-9a-404. Public hearing by planning commission on proposed general plan or amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection by legislative body.

(1) (a) After completing its recommendation for a proposed general plan, or proposal to amend the general plan, the planning commission shall schedule and hold a public hearing on the proposed plan or amendment.

(b) The planning commission shall provide notice of the public hearing, as required by Section **10-9a-204**.

(c) After the public hearing, the planning commission may modify the proposed general plan or amendment.

(2) The planning commission shall forward the proposed general plan or amendment to the legislative body.

(3) The legislative body may make any revisions to the proposed general plan or amendment that it considers appropriate.

(4) (a) The municipal legislative body may adopt or reject the proposed general plan or amendment either as proposed by the planning commission or after making any revision that the municipal legislative body considers appropriate.

(b) If the municipal legislative body rejects the proposed general plan or amendment, it may provide suggestions to the planning commission for its consideration.

(5) The legislative body shall adopt:

(a) a land use element as provided in Subsection **10-9a-403(2)(a)(i)**;

(b) a transportation and traffic circulation element as provided in Subsection **10-9a-403(2)(a)(ii)**; and

(c) for all cities, after considering the factors included in Subsection **10-9a-403(2)(b)(ii)**, a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.

10-9a-405. Effect of general plan.

Except as provided in Section **10-9a-406**, the general plan is an advisory guide for land use decisions, the impact of which shall be determined by ordinance.

10-9a-406. Public uses to conform to general plan.

After the legislative body has adopted a general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan.

10-9a-407. Effect of official maps.

(1) Municipalities may adopt an official map.

(2) (a) An official map does not:

(i) require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances provided in Subsection (2)(b)(iii); or

(ii) require a municipality to immediately acquire property it has designated for eventual use as a public street.

(b) This section does not prohibit a municipality from:

(i) recommending that an applicant consider and accommodate the location of the proposed streets in the planning of a development proposal in a manner that is consistent with Section **10-9a-508**;

(ii) acquiring the property through purchase, gift, voluntary dedication, or eminent domain; or

(iii) requiring the dedication and improvement of a street if the street is found necessary by the municipality because of a proposed development and if the dedication and improvement are consistent with Section **10-9a-508**.

10-9a-408. Biennial review of moderate income housing element of general plan.

(1) The legislative body of each city shall biennially:

(a) review the moderate income housing plan element of its general plan and its implementation; and

(b) prepare a report setting forth the findings of the review.

- (2) Each report under Subsection (1) shall include a description of:
- (a) efforts made by the city to reduce, mitigate, or eliminate local regulatory barriers to moderate income housing;
 - (b) actions taken by the city to encourage preservation of existing moderate income housing and development of new moderate income housing;
 - (c) progress made within the city to provide moderate income housing, as measured by permits issued for new units of moderate income housing; and
 - (d) efforts made by the city to coordinate moderate income housing plans and actions with neighboring municipalities.
- (3) The legislative body of each city shall send a copy of the report under Subsection (1) to the Department of Community and Culture and the association of governments in which the city is located.
- (4) In a civil action seeking enforcement or claiming a violation of this section or of Subsection **10-9a-404(5)(c)**, a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

Title 17-Chapter 27a-Counties

General Plan

17-27a-401. General plan required -- Content -- Provisions related to radioactive waste facility.

- (1) In order to accomplish the purposes of this chapter, each county shall prepare and adopt a comprehensive, long-range general plan for:
- (a) present and future needs of the county; and
 - (b) growth and development of all or any part of the land within the unincorporated portions of the county.
- (2) The plan may provide for:
- (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;
 - (b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
 - (c) the efficient and economical use, conservation, and production of the supply of:
 - (i) food and water; and
 - (ii) drainage, sanitary, and other facilities and resources;
 - (d) the use of energy conservation and solar and renewable energy resources;
 - (e) the protection of urban development;
 - (f) the protection or promotion of moderate income housing;
 - (g) the protection and promotion of air quality;
 - (h) historic preservation;
 - (i) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity; and
 - (j) an official map.
- (3) (a) The plan shall include specific provisions related to any areas within, or partially within, the exterior boundaries of the county, or contiguous to the boundaries of a county, which are proposed for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as these wastes are defined in Section **19-3-303**. The provisions shall address the effects of the proposed site upon the health and general welfare of citizens of the state, and shall provide:
- (i) the information identified in Section **19-3-305**;
 - (ii) information supported by credible studies that demonstrates that the provisions of Subsection **19-3-307(2)** have been satisfied; and
 - (iii) specific measures to mitigate the effects of high-level nuclear waste and greater than class C radioactive waste and guarantee the health and safety of the citizens of the state.
- (b) A county may, in lieu of complying with Subsection (3)(a), adopt an ordinance indicating that all proposals for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste

or greater than class C radioactive waste wholly or partially within the county are rejected.

(c) A county may adopt the ordinance listed in Subsection (3)(b) at any time.

(d) The county shall send a certified copy of the ordinance under Subsection (3)(b) to the executive director of the Department of Environmental Quality by certified mail within 30 days of enactment.

(e) If a county repeals an ordinance adopted pursuant to Subsection (3)(b) the county shall:

(i) comply with Subsection (3)(a) as soon as reasonably possible; and

(ii) send a certified copy of the repeal to the executive director of the Department of Environmental Quality by certified mail within 30 days after the repeal.

(4) The plan may define the county's local customs, local culture, and the components necessary for the county's economic stability.

(5) Subject to Subsection **17-27a-403**(2), the county may determine the comprehensiveness, extent, and format of the general plan.

17-27a-402. Information and technical assistance from the state.

Each state official, department, and agency shall:

(1) promptly deliver any data and information requested by a county, unless the disclosure is prohibited by Title 63, Chapter 2, Government Records Access and Management Act; and

(2) furnish any other technical assistance and advice that they have available to the county without additional cost to the county.

17-27a-403. Plan preparation.

(1) (a) The planning commission shall provide notice, as provided in Section **17-27a-203**, of its intent to make a recommendation to the county legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing its recommendation.

(b) The planning commission shall make and recommend to the legislative body a proposed general plan for the unincorporated area within the county.

(c) (i) The plan may include planning for incorporated areas if, in the planning commission's judgment, they are related to the planning of the unincorporated territory or of the county as a whole.

(ii) Elements of the county plan that address incorporated areas are not an official plan or part of a municipal plan for any municipality, unless it is recommended by the municipal planning commission and adopted by the governing body of the municipality.

(2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:

(i) a land use element that:

(A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and

(B) may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;

(ii) a transportation and traffic circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that the planning commission considers appropriate, all correlated with the population projections and the proposed land use element of the general plan; and

(iii) an estimate of the need for the development of additional moderate income housing within the unincorporated area of the county, and a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.

(b) In drafting the moderate income housing element, the planning commission:

(i) shall consider the Legislature's determination that counties should facilitate a reasonable opportunity for a variety of housing, including moderate income housing:

(A) to meet the needs of people desiring to live there; and

(B) to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life; and

(ii) may include an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate income housing within the planning horizon, which means or techniques may include a recommendation to:

- (A) rezone for densities necessary to assure the production of moderate income housing;
 - (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;
 - (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;
 - (D) consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the county;
 - (E) consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;
 - (F) consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity; and
 - (G) consider utilization of affordable housing programs administered by the Department of Community and Culture.
- (3) The proposed general plan may include:
- (a) an environmental element that addresses:
 - (i) the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and
 - (ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;
 - (b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;
 - (c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:
 - (i) historic preservation; and
 - (ii) the diminution or elimination of blight; and
 - (iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;
 - (d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected county revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;
 - (e) recommendations for implementing all or any portion of the general plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;
 - (f) provisions addressing any of the matters listed in Subsection **17-27a-401(2)**; and
 - (g) any other element the county considers appropriate.

17-27a-403. Plan preparation.

- (1) (a) The planning commission shall provide notice, as provided in Section **17-27a-203**, of its intent to make a recommendation to the county legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing its recommendation.
 - (b) The planning commission shall make and recommend to the legislative body a proposed general plan for the unincorporated area within the county.
 - (c) (i) The plan may include planning for incorporated areas if, in the planning commission's judgment, they are related to the planning of the unincorporated territory or of the county as a whole.
 - (ii) Elements of the county plan that address incorporated areas are not an official plan or part of a municipal plan for any municipality, unless it is recommended by the municipal planning commission and adopted by the governing body of the municipality.
- (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:
- (i) a land use element that:
 - (A) designates the long-term goals and the proposed extent, general distribution, and location of land for

housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and

(B) may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;

(ii) a transportation and traffic circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that the planning commission considers appropriate, all correlated with the population projections and the proposed land use element of the general plan; and

(iii) an estimate of the need for the development of additional moderate income housing within the unincorporated area of the county, and a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.

(b) In drafting the moderate income housing element, the planning commission:

(i) shall consider the Legislature's determination that counties should facilitate a reasonable opportunity for a variety of housing, including moderate income housing:

(A) to meet the needs of people desiring to live there; and

(B) to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life; and

(ii) may include an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate income housing within the planning horizon, which means or techniques may include a recommendation to:

(A) rezone for densities necessary to assure the production of moderate income housing;

(B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;

(C) encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;

(D) consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the county;

(E) consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;

(F) consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity; and

(G) consider utilization of affordable housing programs administered by the Department of Community and Culture.

(3) The proposed general plan may include:

(a) an environmental element that addresses:

(i) the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and

(ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;

(b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;

(c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:

(i) historic preservation; and

(ii) the diminution or elimination of blight; and

(iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;

(d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected county revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;

(e) recommendations for implementing all or any portion of the general plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other

appropriate action;

- (f) provisions addressing any of the matters listed in Subsection **17-27a-401(2)**; and
- (g) any other element the county considers appropriate.

17-27a-405. Effect of general plan.

(1) Except for the mandatory provisions in Subsection **17-27a-401(3)(b)** and Section **17-27a-406**, the general plan is an advisory guide for land use decisions, the impact of which shall be determined by ordinance.

(2) The legislative body may adopt an ordinance mandating compliance with the general plan, and shall adopt an ordinance requiring compliance with all provisions of Subsection **17-27a-401(3)(b)**.

17-27a-406. Public uses to conform to general plan.

After the legislative body has adopted a general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan.

17-27a-407. Effect of official maps.

(1) Counties may adopt an official map.

(2) (a) An official map does not:

(i) require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances provided in Subsection (2)(b)(iii); or

(ii) require a county to immediately acquire property it has designated for eventual use as a public street.

(b) This section does not prohibit a county from:

(i) recommending that an applicant consider and accommodate the location of the proposed streets in the planning of a development proposal in a manner that is consistent with Section **17-27a-507**;

(ii) acquiring the property through purchase, gift, voluntary dedication, or eminent domain; or

(iii) requiring the dedication and improvement of a street if the street is found necessary by the county because of a proposed development and if the dedication and improvement is consistent with Section **17-27a-507**.

17-27a-408. Biennial review of moderate income housing element of general plan.

(1) The legislative body of each county with a population over 25,000 shall biennially:

(a) review the moderate income housing plan element of its general plan and its implementation; and

(b) prepare a report setting forth the findings of the review.

(2) Each report under Subsection (1) shall include a description of:

(a) efforts made by the county to reduce, mitigate, or eliminate local regulatory barriers to moderate income housing;

(b) actions taken by the county to encourage preservation of existing moderate income housing and development of new moderate income housing;

(c) progress made within the county to provide moderate income housing, as measured by permits issued for new units of moderate income housing; and

(d) efforts made by the county to coordinate moderate income housing plans and actions with neighboring counties and municipalities.

(3) The legislative body of each county with a population over 25,000 shall send a copy of the report under Subsection (1) to the Department of Community and Culture and the association of governments in which the county is located.

(4) In a civil action seeking enforcement or claiming a violation of this section or of Subsection **17-27a-404(6)(c)**, a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

17-27a-409. State to indemnify county regarding refusal to site nuclear waste -- Terms and conditions.

If a county is challenged in a court of law regarding its decision to deny siting of a storage or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste or its refusal to provide municipal-type services regarding the operation of the storage or transfer facility, the state shall indemnify, defend, and hold the county harmless from any claims or damages, including court costs and

attorney fees that are assessed as a result of the county's action, if:

(1) the county has complied with the provisions of Subsection **17-27a-401(3)(b)** by adopting an ordinance rejecting all proposals for the siting of a storage or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste wholly or partially within the boundaries of the county;

(2) the county has complied with Subsection **17-34-1(3)** regarding refusal to provide municipal-type services; and

(3) the court challenge against the county addresses the county's actions in compliance with Subsection **17-27a-401(3)(b)** or **17-34-1(3)**.

**RIVERDALE CITY
PLANNING COMMISSION AGENDA
September 24, 2013**

AGENDA ITEM: B

SUBJECT: Open Communications

PETITIONER: Anyone Interested

ACTION REQUESTED BY PETITIONER: Open agenda item provided for any interested person to be able to speak about any topic.

INFORMATION: Per Governing Body desire, this item will be placed on the agenda as a permanent and regular item.

[BACK TO AGENDA](#)

**RIVERDALE CITY
PLANNING COMMISSION AGENDA
September 24, 2013**

AGENDA ITEM: C

SUBJECT: Community Development Projects Status Report

ACTION REQUESTED BY PETITIONER: Information only.

INFORMATION: Opportunity for the Community Development Director to present any updates or information on follow-up issues to the Planning Commission.

[Community Development Report](#)

[BACK TO AGENDA](#)



COMMUNITY DEVELOPMENT PROJECTS STATUS REPORT
September 20, 2013



Intermountain Healthcare has opened a billing office in the Brook Haven office building at 4933 South 1500 west.



Batteries + Bulbs has received their Certificate of Occupancy and will open in the coming week at 4093 S. Riverdale Road.



Firehouse Subs has announced their intention to open a location at 4197 Riverdale Road next to JC Penny.



EZ Pawn is preparing to open a store in the strip mall in front of Shopko at 4068 S. Riverdale Road.

Seasonal Developments (Halloween)



Halloween City has opened at 4177 S. Riverdale Road.



Spirit Halloween Super Store has opened at 1070 W. Riverdale Road.



Castle of Chaos haunted house has opened at 1134 W. Riverdale Road.



**RIVERDALE CITY
PLANNING COMMISSION AGENDA
September 24, 2013**

AGENDA ITEM: D

SUBJECT: Consideration of meeting minutes from:
July 9, 2013 Work Session
July 9, 2013 Planning Commission
August 27, 2013 Work Session

PETITIONER: City Recorder

ACTION REQUESTED BY PETITIONER: Approve minutes

INFORMATION: See attached minutes as follows:

[July 9, 2013 Work Session](#)

[July 9, 2013 Planning Commission](#)

[August 27, 2013 Work Session](#)

[BACK TO AGENDA](#)



Minutes of the **Work Session** of the **Riverdale City Planning Commission** held Tuesday, **July 9, 2013** at 6:05 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Brent Ellis, Chairman
Michael Roubinet, Commissioner
Kathy Eskelsen, Commissioner
Steve Hilton, Commissioner
Lori Fleming, Commissioner
David Gailey, Commissioner
Blair Jones, Vice-Chairman

Others Present: Michael Eggett, Community Development Director; Ember Herrick, City Recorder and no members of the public.

Chairman Ellis welcomed the Planning Commission members to the work session stating for the record that all were in attendance except for Commissioner Hilton who is expected shortly. Community Development Director Michael Eggett said Batteries + Bulbs, Spherion and In-N-Out Burger are nearing completion and Hokulia Shave Ice is currently open for business.

Commissioner Hilton joined the meeting in progress.

Mr. Eggett said he would like to use the first 10 minutes of each work sessions for Planning Commission training and he asked for feedback about his proposal. Commissioner Fleming said she is eager to learn new information about how the Planning Commission functions and she said that she would welcome training. Commissioner Eskelsen and Chairman Ellis said they would also both support additional training resources. Mr. Eggett said the information he is planning on using was created by the University of Utah and he will send a training module to the Planning Commission before each meeting and then the group can discuss what they have learned during the work session. He said his objective it to give members the tools and knowledge they need to serve more effectively on Riverdale's Planning Commission.

Chairman Ellis asked for any corrections to the previous meeting minutes and none were noted.

Chairman Ellis said the first item on the agenda is a Basin Enterprises LLC request for review and consideration of a Conditional Use Permit to allow U-Haul Rentals behind the Sinclair Gas Station at 686 W. Riverdale Road in a C-3 Zone. Mr. Eggett said the petitioner want to use six stalls located in the back of the Sinclair station along the fence with Carey's Motorcycle Center to store U-Haul trucks that will be available to rent.

Commissioner Jones asked what size of U-Haul trucks the petitioner is planning to rent from this location and if trailers will be available for rent too and if so, where the hitches will be installed at the proposed location as space is limited. He said he has concerns about the aesthetic appearance of the commercial district and visibility for vehicles pulling into and out of the parking lot with large trucks possibly obscuring their view. Mr. Eggett said these are good questions to ask the petitioner during tonight's public meeting. Commissioner Fleming said there are currently two entrances into Sinclair on the South side and she has concerns that traffic congestion could become a problem for vehicles entering and exiting from 700 West with large moving trucks parked in the proposed stalls. She said most Sinclair patrons use the far entrance and large moving trucks could obscure their view creating a safety hazard or blind curve as cars come around the corner. Commissioner Eskelsen said she observed a large truck pulling out of Sinclair that crossed through three lanes of traffic to successfully exit the station. She said the Planning Commission should also evaluate if there will be sufficient room for delivery and fuel trucks if the proposed parking spaces are occupied with U-Haul trucks. Commissioner Gailey said the Planning Commission should allow the petitioners to present their proposal and hear their arguments in favor of the second business at this location before deciding against allowing U-Hauls.

Mr. Eggett said City Administrator Larry Hansen has reviewed the proposal and recommends the entire rear parking area be finished with asphalt where there is currently gravel. He said Riverdale Building Inspector Jeff Woody has requested the petitioner relocate their dumpsters to screen them and improve the appearance of the area. Chairman Ellis said the garbage bins will need to be moved to a new area so that waste removal vehicles can access the dumpsters without impacting the stored U-Hauls.

Chairman Ellis said the second item on the agenda is a presentation by Sego Homes and Garbett Homes of a new conceptual design layout for a multi-family townhome development located at 900 West and River Park Drive. Mr. Eggett said the land is currently zoned for an office park and would need to be changed to an MFROZ designation to accommodate townhomes but tonight the petitioner is simply interested in getting feedback from the Planning Commission about their conceptual site plan. He said the proposal has been reviewed by Community Development, Public Works and the Fire Department and City Administrator Larry Hansen and their comments and concerns were included in the executive summary included in the packet. Mr. Eggett said the concerns noted include the fact that the two styles of townhomes in the proposal don't correlate to look aesthetically similar and there is insufficient visitor parking and the narrow street width and dead end street are not ideal for on street parking or emergency vehicles access. He said Public Works Director Shawn Douglas expressed concern about the length of the driveways not being able to accommodate a truck without impeding sidewalk traffic. Mr. Eggett said the popular fisherman trail access will be replaced with a trail system on the west side of the development but it is unclear how the public will be able to access the new trail amenity or where they will park their vehicles. He said there are building limitations associated with the current FEMA flood map which the property owner DDR has appealed that will impact the property unless they are repealed.

Commissioner Fleming said young families are attracted to these types of developments and she is concerned that there are no play areas for children and the demographic won't be able to afford higher flood insurance required for homes located in the flood plain. She said once a homeowner's association is established, Riverdale City will not be able to have input on the rules required of homeowners who live in this community and these townhomes could become rental properties. Commissioner Fleming said she is a real estate agent and there are vacant townhomes for rent throughout Riverdale and she doesn't believe there is a market for 106 additional units. She said many of the units will have windows facing a mobile home park or the back of commercial buildings like Wal-Mart and she said in her opinion this is not a desirable view that will help the townhomes sell. Commissioner Hilton said some of the trailers in the adjacent mobile home park have more square footage than the townhomes in this proposed development and he has concerns about the density. He said the Planning Commission has already rejected two or three other proposals for high density housing on this property because the consensus of the Planning Commission is that they would like to see this land developed as it is currently zoned into a business park. Commissioner Hilton said some of the proposals the Commission previously reviewed had features that were desirable for the community and he doesn't think there is sufficient justification to approve this request. Chairman Ellis said this proposed development will be twice as dense as the adjacent mobile home park. Commissioner Fleming said she would be willing to consider a proposal for single family homes with more family oriented amenities or play fields.

Commissioner Gailey asked if the proposed concept plan has the minimum green space required by the city for these types of developments and Mr. Eggett said the Planning Commission could require a reasonable percentage of green space as a condition of the development's final approval. Commissioner Jones asked if any of the proposed development is a protected wetland and Mr. Eggett said not at this location but north of the proposed development by JoAnn Fabric and Craft Store. Commissioner Roubinet asked if a study has been done to determine what the impact of the additional traffic from this proposed development will be on the area and Commissioner Gailey said sewer and water impact studies should also be required. Mr. Eggett said no studies have been commissioned by Sego or Garbett homes at this time. Commissioner Eskelsen said she is concerned about the fire hazards identified by Riverdale Fire Chief Roger Bodily

Mr. Eggett said in accordance with Riverdale City ordinance this proposed site plan will not go to the City Council unless it receives a favorable recommendation from the Planning Commission for a rezone request. Commissioner Hilton asked what action the petitioner is requesting tonight and Mr. Eggett said they want to know if there is support for their multifamily development proposal to proceed to preliminary application.

Chairman Ellis asked for any discretionary items and Commissioner Fleming asked for an update on action to require a townhome developer with units for rent on 4400 S. to comply with their development agreement with Riverdale City requiring the units be owner occupied. She said if the city doesn't require developers to comply with the agreements they have in place there is no point in entering into these agreements. Commissioner Fleming produced a picture of the development with a "For Rent" sign out front and said once a renter enters into a one year lease the city will be powerless to require that property be owner occupied until the lease expires. She said Riverdale City

allowed the developer to temporarily rent his townhomes out because he claimed he was having trouble selling them during the recession but now the housing market is stronger she believes the original agreement should be honored and the units sold, not rented. Mr. Eggett said Mr. Hansen has been in discussions with the developer on this subject recently following direction from the Redevelopment Agency Board and he said he would pass on Commissioner Fleming's concern to Mr. Hansen.

There were no additional comments or questions and there being no further business, the Planning Commission adjourned at 6:31 p.m. to convene into their regular session.

Approved: September 24, 2013

Attest:

Brent Ellis, Chairman

Ember Herrick, City Recorder

DRAFT



Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **July 9, 2013 at 6:34 p.m.** at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Brent Ellis, Chairman
Kathy Eskelsen, Commissioner
Steve Hilton, Commissioner
Lori Fleming, Commissioner
Michael Roubinet, Commissioner
David Gailey, Commissioner
Blair Jones, Vice-Chairman

Others Present: Michael Eggett, Community Development Director; Ember Herrick, City Recorder and six members of the public including Michael Haggerty, Chris Terry, Steve Heil, Patrick Erskine, Wayne Corbridge and Richard Welch.

A. Welcome & Roll Call

Chairman Ellis welcomed everyone to the meeting and stated for the record all members of the Planning Commission are present.

B. Open Communications

Chairman Ellis invited any members of the public present to speak during the open communications portion of the meeting.

Riverdale Resident Gary Boatright said he is a longtime resident and would be disappointed to see tonight's proposal for townhomes approved by the Planning Commission. Mr. Boatright said Riverdale doesn't need to develop every open space in the city and there are already many vacant homes in the community for sale and rent and additional high density housing will not contribute to the good of the community. He said he would be in favor of leaving the land as undeveloped green space because regardless of what the federal government says, in his opinion this area is in a dangerous flood plain and is not suitable for any type of housing.

C. Presentations and Reports

Community Development Projects Status Report

Community Development Director Michael Eggett said Batteries + Blubs, Spherion and In-N-Out Burger are expected to open soon and Hokulia Shave Ice is currently operating under a seasonal business license. He asked for any questions or comments and there were none.

D. Consent Items

June 25, 2013 Work Session

June 25, 2013 Planning Commission

Chairman Ellis asked for any changes or corrections to the previous meeting minutes and none were noted.

Motion: Commissioner Eskelsen moved to approve the consent items. Commissioner Fleming seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

E. Action Items

1. Review and consideration of a Conditional Use Permit for Basin Enterprises LLC to allow U-Haul Rentals behind the Sinclair Gas Station at 686 W. Riverdale Road in a C-3 Zone

Chairman Ellis said the first item on the agenda is a request for review and consideration of a Conditional Use Permit for Basin Enterprises LLC to allow U-Haul Rentals behind the Sinclair Gas Station at 686 W. Riverdale Road in a C-3 Zone. Mr. Eggett said the conditional use applicant would like to use six parking stalls behind the existing convenience store for U-Haul rentals. He said city staff has reviewed the proposal and is recommending the section of the parking lot that is loose gravel be paved and trash receptacles behind the store moved and screened. Steve Heil with Basin Markets distributed photos of six U-Haul vehicles parked behind Sinclair in the last of 15 existing parking spaces to show the Planning Commission what is being proposed. He said the Sinclair store in Riverdale is interested in offering U-Haul truck rentals to customers as an additional service and he said that other Sinclair stores in Utah have done this and the response has been positive. Mr. Heil said the portion of the rear parking lot that isn't paved was created and used to temporarily park equipment by UDOT during an earlier phase of the Riverdale Road widening project. He said Basin Enterprises has no plans to pave that area of the parking lot at this time but is willing to relocate and screen their dumpsters along the back of store. Chairman Ellis said moving the waste receptacles will open up the back parking lot and allow more room for the rental trucks to pull in and out and be stored. Commission Hilton asked if the petitioner would be willing to memorialize in writing that the U-Haul trucks will only occupy six of Sinclair's parking spaces as part of his conditional use permit and Mr. Heil agreed to the request.

Commissioner Gailey asked what types of storage trucks will be available for rent from this location and Mr. Heil said they will only rent moving trucks. Commissioner Jones asked if trailers and hitches will also be available for rent at this location and if staff will service the trucks and wire trailers in Riverdale. U-Haul Representative Patrick Erskine said if a customer wants to rent a trailer they will be directed to U-Haul's Ogden location at 34th Street and Wall Avenue where all truck maintenance and wiring will be performed. Commissioner Gailey reminded the petitioner that if at any time they want to expand the scope or area of their U-Haul rentals they will need to amend their Conditional Use Permit.

Commissioner Jones said he is also concerned about the impact to traffic flow with the rental trucks pulling out of Sinclair's parking lot onto 700 West and crossing several lanes of traffic to reach Riverdale Road. Mr. Heil said staff will instruct customers renting trucks to make a right hand turn onto 700 West and take the roundabout to access Riverdale Road but they cannot prohibit left hand turns. Chairman Ellis said his concerns are that the rental trucks not block customer's entrance to Sinclair and don't obscure the ability of vehicles pulling out to see oncoming traffic. He asked about the petitioner's plan when customers return the vehicles and he recommended the entire rear parking area be paved as suggested by Riverdale City staff to create a designated drop off area for the rental vehicles. Mr. Heil said signage will direct customers where to return the U-Haul vehicles and he said a store employee will inspect and park the trucks in one of the six assigned stalls at the time they are returned. He said Sinclair is

anticipating a low volume of truck rentals at this location and traffic impact is expected to be very minimal. Commissioner Jones said when U-Haul trucks pull in they must be careful not to block traffic using the convenience store's drive in window or gas pumps and Mr. Heil said he has sufficient staff to move the vehicles quickly. Commissioner Hilton asked if additional staff will be hired and where employees will park with six fewer parking spaces behind the store now occupied by U-Haul trucks. Mr. Heil said they are only anticipating three or four truck rentals a week so additional staff will not be necessary and his employees currently park in front near the landscaped area or use alternative transportation. Commissioner Gailey asked if Riverdale's sign regulations will impact the addition of a U-Haul sign at this location and Eggett said this business will be licensed separately from the Sinclair and has no intent to add a commercial U-Haul sign at this time. There were no additional comments or questions.

Motion: Commissioner Hilton moved to approve the conditional use permit application to allow U-Haul Rentals behind the Sinclair Gas Station at 686 W. Riverdale Road in a C-3 Zone with the stipulation that no more than six vehicles be parked in the six most northern parking spaces, that the garbage dumpsters be moved and screened, and that the business owner establish a plan for returning the vehicles that will avoid impeding traffic. Commissioner Fleming seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

2. Presentation by Sego Homes and Garbett Homes of new conceptual design layout of a multi-family townhome development located at 900 West and River Park Drive

Chairman Ellis said the second item on the agenda is a presentation by Sego Homes and Garbett Homes of a new conceptual design layout of a multi-family townhome development located at 900 West and River Park Drive. Mr. Eggett said representatives from both companies are present and he introduced petitioners Wayne Corbridge and Richard Welch. Mr. Eggett reviewed staff concerns listed in the executive summary including narrow road width and a hammerhead street making maneuverability difficult for emergency vehicles, driveways too short to accommodate long vehicles so that they jut out and impede sidewalk traffic, concerns the visitor parking is insufficient, no plan for public access to the river and the perceived incompatibility of the two builders' home styles. Mr. Corbridge said Sego and Garbett Homes have worked together on projects in the past and pride themselves on building affordable homes that utilize solar power for energy efficiency. He said his company has received national awards and wants to start a new development in Riverdale because the research his company has done indicates that there is a demand for townhomes near services and Riverdale's commercial district.

Chairman Ellis said in recent years the Planning Commission has heard several similar proposals to build high density housing on this parcel of land and he encouraged the developers to address the concerns identified by staff as roadblocks to this townhome development instead of giving the Commission their sales pitch. Mr. Welch said the development plan is for 106 Garbett homes and 54 Sego homes which he said is lower density than other proposals previously considered by the Planning Commission. He said the two developers can blend their architecture colors, styles and materials to create a more uniform appearance for the development. Mr. Welch said the narrow roads proposed will calm traffic and allow for more green space and the

proposed 20 foot long driveways are two feet longer than the townhomes he built at Daybreak in South Jordan, Utah. He said each townhome will have a two car garage and space for two more vehicles to be parked in the driveway to accommodate visitor parking. Mr. Corbridge said if the Planning Commission agrees to rezone this property to a Multi-Family Residential Overlay Zone (MFROZ) the developer will have greater flexibility in street widths and home setbacks. He said the site plan calls for a quarter stall of guest parking per unit and this is typical for these types of communities. Mr. Corbridge said the hammerhead street complies with minimum street requirements but if the Fire Department has concerns about emergency vehicle access the issue can be readdressed. He said a professional management company will be responsible for maintaining the roads and organizing snow removal for the development after it is built. Mr. Corbridge said the existing fisherman's access will be replaced with a river trail and the public will be free to access the river by using the sidewalk which will be located in the park strip around the development.

Commissioner Fleming said her biggest concerns are that there is no designated place for children to play and there appears to only be one entrance into this development of 160 homes. Mr. Corbridge said there are three proposed ways to enter the development, two accessible by vehicle and one for pedestrian traffic and possibly emergency vehicles. He said he reviewed the proposals previously submitted to the Planning Commission for high density housing at this location and felt like Sego and Garbett homes have created a reasonable proposal for consideration by lowering the density to nine and a half homes per acre. Commissioner Fleming asked where the snow will be piled in the winter and what the price of these homes will be and Mr. Corbridge said \$160,000 for a two bedroom and \$180,000 for a three bedroom townhome. Mr. Welch said his duplexes range from 15,000 to 16,500 square feet and will start at \$200,000 with the homes nearest River Park Drive being able to accommodate a basement. Commissioner Fleming said young families won't be able to afford the mortgage, homeowners association fees and higher flood insurance required for homes located in FEMA's flood plain. Mr. Corbridge said if he builds one foot above flood plain level homeowners won't have to pay the higher flood insurance rates and he said that he is confident DDR will be able to convince FEMA to amend their current flood map. Commissioner Fleming said she is a realtor and in her experience all homes located in a flood plain are required to pay higher flood insurance rates. Mr. Eggett said DDR appealed FEMA's new flood map in February 2013 but there is no indication of when the agency will make a determination about this section of the Weber River in Riverdale, Utah. Mr. Corbridge indicated on his site plan where snow could be piled in the winter and an area near the river designated as being a play area/retaining pond. Commissioner Fleming asked about the size of the children's play area and Mr. Corbridge said he did not know the dimensions. Commissioner Fleming said if that is the only play area for 160 homes she doesn't feel it will be sufficient and she also expressed concerns about its proximity to the river and how accessible it will be to residents who live at the other end of the development. Mr. Corbridge said the typical townhome demographic has few children residents. Commissioner Eskelsen said detention basins near the river should not be considered a suitable play area for children.

Commissioner Gailey said many of the existing homeowners that live south of this proposed development are elderly and he asked how proposed lighting and noise will impact the adjacent neighborhood. Mr. Corbridge said street lanterns in the development will be on photocells. Chairman Ellis said from an aerial view of the proposed site plan the roads in this townhome development would be even narrower than the mobile home park to the South and he said he cannot support a proposal when Riverdale's Fire Chief is not comfortable emergency vehicles could navigate through the street design in an emergency situation. He said he also has concerns

there is insufficient visitor parking and he asked where guests will park if a homeowner hosts a party. Mr. Corbridge said some areas have five additional parking spaces for visitors while others have ten. He said typically parties are staggered and guests could also park on River Park Drive. Commissioner Roubinet said there isn't room for parking on River Park Drive since the Council requested the road be striped to create bike lanes and Mr. Corbridge said the sidewalks along this road will be wider and could accommodate bike traffic. Chairman Ellis said Utah law prohibits anyone over the age of 14 from riding a bike on a sidewalk. He said he is also concerned about the children's play area being so near the river and Mr. Corbridge said it will be a picnic area located next to the river trail. Chairman Ellis asked how the public will access the trail and where there will be available parking for non-residents and Mr. Corbridge said the park and trail will be created for residents and maintained by the HOA but will also be open to the public that can access it by walking on the sidewalk from River Park Drive to the trail. Chairman Ellis said residents want this parcel to remain open space or to be developed into an office park in accordance with its current zoning as there is no public support for more high density housing on River Park Drive adjacent to an existing mobile home park. DDR Representative Chris Terry said there is no market for office space in Riverdale and Chairman Ellis said the two large Brook Haven office buildings have added several new tenants in the past few months and is nearly at capacity suggesting there is a demand for office space in Riverdale.

Commissioner Fleming asked the developers if they would consider lowering density to create a more family friendly residential area with play fields, a clubhouse and swimming pool to foster a sense of community. Mr. Corbridge said the cost of the property requires that at least 160 units be built to make this development profitable and he said in his opinion high density housing is the best use of this property because it isn't visible from Riverdale Road and therefore won't likely sell as an office park. Commissioner Fleming said she would support a proposal to build single family homes with yards and Mr. Welch said many of the lots won't support basements because of the shallow ground water and where the sewer line is located. Commissioner Fleming asked about the possibility of creating a retirement development with patio homes all on one level and Mr. Welch said that would require wider lots and the property is too expensive to justify lower density housing.

Mr. Eggett said the Planning Commission needs to give direction to the petitioners so that they can determine if they want to proceed with their proposal. Commissioner Roubinet said there is no public support for more high density housing in Riverdale and he would not support this proposal. Commissioner Roubinet said Riverdale has multiple apartment complexes and three mobile home parks and does not need additional transitory housing. He said he would support a housing proposal that was half the density of Sego and Garbett's proposal that would appeal to permanent residents that want to stay in Riverdale and invest in the community long term. Commissioner Hilton said he agrees with all of the concerns expressed by his fellow commissioners and he too feels that Riverdale has an abundance of affordable housing and there is no public support for more high density housing in this area. He thanked the petitioner for considering the Planning Commission's request to reduce density at this location and said he acknowledges that they are considered reputable builders but there does not appear to be any support for a housing development on this parcel of land. Chairman Ellis said he also appreciates the work the petitioners went to on their presentation but there is no support on the Planning Commission or from the residents of Riverdale to rezone this property for high density housing. He said he does not feel that the petitioners successfully addressed the concerns expressed by staff and members of the Planning Commission during tonight's meeting and he said that he would not support this townhome/duplex proposal by Sego and Garbett homes.

Mr. Eggett said if this area were to be rezoned MFROZ the developer would have 18 months to start the development before the land would resort back to its original office park zoning. He said if for any reason the development did not materialize a new petitioner would need to start the process all over again by applying for a MFROZ rezone. There were no additional comments or questions

No action was taken on this item.

F. Discretionary Items

Chairman Ellis asked for any discretionary items and Mr. Eggett reminded the members of the Planning Commission that they are invited to the Mayor's Business Luncheon at Noon on Thursday July 11, 2013 at the Recreation Center and are also welcome to attend the Meet the Candidates night from six to eight that same evening at the Senior Center.

Motion: There being no further business to come before the Planning Commission, Commissioner Eskelsen moved to adjourn the meeting. Commissioner Roubinet seconded the motion. The motion passed unanimously. The meeting adjourned at 7:53 p.m.

Approved: September 24, 2013

Attest:

Brent Ellis, Chairman

Ember Herrick, City Recorder



Minutes of the **Work Session** of the **Riverdale City Planning Commission** held Tuesday, **August 27, 2013** at 6:09 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Brent Ellis, Chairman
Michael Roubinet, Commissioner
Kathy Eskelsen, Commissioner
Steve Hilton, Commissioner
Lori Fleming, Commissioner
David Gailey, Commissioner

Members Excused: Blair Jones, Vice-Chairman

Others Present: Michael Eggett, Community Development Director; Ember Herrick, City Recorder and no members of the public.

Chairman Ellis welcomed the Planning Commission members to the work session stating for the record that all were in attendance except for Commissioner Jones who asked to be excused and Commissioner Roubinet who is expected shortly.

Community Development Director Michael Eggett said the work session will begin with a review and group discussion of the training materials: *The Planning Commission* and *A Collection of Terms: Commonly Heard in Local Government and in Land Use Planning*. Mr. Eggett said his objective is to give members the tools and knowledge they need to serve more effectively on Riverdale's Planning Commission. Mr. Eggett said the articles that were included in the Planning Commission packet were written after the Land Use Development Management Act of 2007 passed. According to Mr. Eggett, U.S. court rulings have historically ruled in favor of Planning Commissions' decisions when disputes have arisen over planning and zoning issues. He reviewed what makes a good planning commissioner, what their duties are and said members can fulfill their roles well if they follow the recommendations in the article to make decisions in harmony with Title 10 and Riverdale's General Plan, which he said is a fluid document and should be updated regularly.

Mr. Eggett said the Planning Commission makes land use recommendations to the City Council and he gave a brief overview of the role of chairperson and how Robert's Rules of Order should be used to conduct all official meetings. He said the group should meet together at least once a month even if there are no action items to consider and he said diplomacy is important with all members of the Commission able to express differing opinions respectfully to their colleagues and to developers with proposals.

Chairman Ellis said he liked the quote from the reading materials that states: “you have not converted a man simply because you have silenced him” and he said he is grateful that Riverdale is not like some other cities where public officials get into highly publicized conflicts that end up as newspaper headlines. He said he likes a diversity of opinions as long as consensus can be respected and elected and appointed officials act in the best interest of the community they represent. Commissioner Gailey said in his opinion Planning Commission members shouldn’t serve if they have a personal agenda that prevents them from doing what is in the best interest of the majority of Riverdale’s 8,500 residents. Commissioner Eskelsen said she likes serving on a Planning Commission where all the members seem to have a similar vision for the development of the community and are willing to send a clear message to commercial developers that are looking to maximize their profits and don’t always act in the best interest of surrounding neighborhoods.

Mr. Eggett said Riverdale City has a history of using paid consultants to help define master development and transportation plans for the city. Chairman Ellis said years ago he was interviewed by consultants but was disappointed to see that his input was not heeded and many unrealistic plans were proposed for his West Bench neighborhood. Commissioner Gailey said there hasn’t been much negative public input at Planning Commission meetings since Riverside Storage was built and the lawsuit associated with that property was resolved and Chairman Ellis said a proposed ordinance to allow chickens in residential zones also got a lot of public comment. Chairman Ellis said in his opinion future lawsuits can be prevented if the Planning Commission regularly updates Riverdale’s General Plan.

Mr. Eggett discussed ethics and what behavior is not appropriate for Planning Commission members to engage in if they have a conflict of interest on an item being deliberated. He said *A Collection of Terms: Commonly Heard in Local Government and in Land Use Planning* is a good reference for all Planning Commission members. Commissioner Fleming said she would like to see more planning and zoning training seminars at next year’s Utah League of Cities and Towns Conference as there are no classes covering land use scheduled for this year’s convention to train Planning Commission members. She said she would also be interested in attending events where Planning Commissioners from different cities discuss solutions to common issues and take advantage of their combined expertise and experience. Mr. Eggett said the majority of classes at this year’s conference are focused on implementing the Affordable Care Act. Commissioner Gailey said years ago when he served on Riverdale’s Planning Commission he attended a good training for new planners in Bountiful where cities along the Wasatch Front compared their general plans. Commissioner Eskelsen said she attended one training years ago where Riverdale was portrayed in a negative light as a city that had ruined its neighborhoods by selling out to commercial businesses.

Commissioner Roubinet joined the meeting in progress.

Mr. Eggett said the decisions made by the Planning Commission could have some legal implications for the city but because the body simply makes recommendations to the City Council they are not held to the same level of scrutiny as elected officials. He said it is important to follow due process and allow all petitioners to go through the steps as outlined in city ordinance to avoid lawsuits claiming a developer was not given an opportunity to go through the approval process with their request. Chairman Ellis said it is also important that Planning Commission members realize they cannot make unreasonable requests or requirements to discourage developers if there isn't city, state or federal precedence for the conditions. He said he is proud that the actions of the Planning Commission haven't precipitated a lawsuit against the city in the six years that he has served on Riverdale's Planning Commission. Commissioner Roubinet said if there are issues with a proposal the Planning Commission has questions on they aren't required to vote on it immediately and they do have the option to table the action item. Commissioner Hilton said any items that are tabled will need to be revisited by the Planning Commission at a future meeting. He said if the proposal doesn't meet the criteria, if, for example, it doesn't conform to the zoning of the area, the Planning Commission is within its purview to deny the request.

Mr. Eggett said the training article also warned against spot zoning one area without a legitimate reason or finding of fact and seizing land without just compensation and a legitimate eminent domain argument. He said often a code seems sufficient until it is applied and determined to be too vague requiring clarification to avoid future lawsuits against the city. Mr. Eggett asked for any additional comments or questions and there were none.

Mr. Eggett said the Planning Commission will consider a rezone request from petitioner Harmon Jensen at their September 10, 2013 meeting for his property on South Weber Drive. According to Mr. Eggett, the land is currently zoned A-1 preventing Mr. Jensen from selling his parcel on the west with an existing home and building a new home on the parcel to the east. Mr. Eggett said he is recommending Mr. Jensen apply for his land to be rezoned to R-1-10. He said he would also like to hold a public hearing to discuss amending the Land Use Master Plan for this area to change the agricultural zoning to a low or moderate density residential designation. Commissioner Roubinet said he lives in this same area and it took him a year to get permission from HAFB and UDOT before he could build his home to ensure that he wasn't in the protected landing zone for F-16s and could put in a new driveway on South Weber Drive. Commissioner Fleming confirmed no residential development is allowed in HAFB's F-16 landing zone. Mr. Eggett said he hasn't advised Mr. Jensen to speak with HAFB or UDOT yet and Commissioner Hilton said it would be wise to make sure there are no obstacles from either entity to this rezone request before a public hearing is held because it is unnecessary to rezone the land if it isn't developable. Commissioner Fleming said there is also the plume issue to consider where chemicals from HAFB have leached into the soil in the hill above Mr. Jensen's land. She said his property appears to be near a contamination pump test site and if it is in the red zone HAFB will not allow Mr. Jensen to do any new construction on his land.

Chairman Ellis said he also agrees that the Planning Commission should not be considering any rezone requests associated with this property until the possible issues associated with the land identified by Commissioners Roubinet and Fleming have been resolved. Commissioner Hilton said he would rather see Mr. Jensen rezone his property to R-2 like other similarly zoned properties in the area rather than R-1-10 where he would be the only parcel with that designation in the area. Commissioner Fleming said the HAFB plume was discussed in 2011 by Riverdale's Planning Commission and she pulled up the map included in the packet and verified that Mr. Jensen's land does not appear to be in a red prohibited zone.

Mr. Eggett said the only remaining issue is to have Mr. Jensen petition UDOT about the possibility of putting in a second drive way to the new proposed home or having the two homes share one driveway. He said the Planning Commission could approve the rezone request at their next meeting with the condition that Mr. Jensen secures letters from HAFB and UDOT to be filed with the city along with his rezone request before beginning construction on his new home. There were no additional comments or questions.

Commissioner Gailey was excused from the meeting.

Chairman Ellis asked for any discretionary items and Commissioner Fleming asked Mr. Eggett if Cameron Cook had contacted him with a request to take three buildings lots that were recently consolidated into one parcel and break them up again a larger subdivision combining with adjacent property. Mr. Eggett said he has not heard from Mr. Cook and Commissioner Fleming said engineering work is being done and this request will probably be ready for the September 17, 2013 Planning Commission agenda. She said she will not vote on the request because she has a conflict of interest as the realtor marketing the properties.

Chairman Ellis asked how Riverdale's City Ordinance regulates horses in an R-2 residential zone and Mr. Eggett said he will research this issue and let the Planning Commission know if the use is appropriate.

Commissioner Fleming asked about the status of Garbett and Segó Homes' high density housing proposal on Weber River Drive and Mr. Eggett said he has been informed that Garbett Homes has pulled out of the deal and Segó Homes is determining whether or not to proceed with an amended proposal. Commissioner Fleming said she had agreed to meet with the developers after they amended their proposal for the Planning Commission and Chairman Ellis said he had told the developers that he would not meet with them privately.

Mr. Eggett said the next training scheduled for the September 10, 2013 during the Planning Commission work session will be on the General Plan. Members of the Planning Commission asked the city recorder to send them pdf copies of the training materials and a copy of Riverdale City's zoning map, separate from the meeting packet.

There were no additional comments or questions and there being no further business, the Planning Commission adjourned at 7:08 p.m.

Approved: September 10, 2013

Attest:

Brent Ellis, Chairman

Ember Herrick, City Recorder

DRAFT

**RIVERDALE CITY
PLANNING COMMISSION AGENDA
September 24, 2013**

AGENDA ITEM: E1

- SUBJECT:** 1. a. Public hearing to receive and consider public comment on a proposed Rezone request from A-1 to R-1-10 for a residence located at 5759 South Weber Drive
- b. Consideration of a proposed Rezone request from A-1 to R-1-10 for a residence located at 5759 South Weber Drive

PETITIONER: Harmon Jensen

INFORMATION: [Executive Summary](#)

[Ordinance 846](#)

[Notice of Public Hearing](#)

[Rezone Application and proof of payment](#)

[Map and legal description](#)

[Affected Entities Notice List](#)

[Certification of Sign Placement](#)

[BACK TO AGENDA](#)



Planning Commission Executive Summary

For the Commission meeting on: 9-24-2013

Petitioner: Harmon Jensen, City Resident

Summary of Proposed Action

Harmon Jensen has applied for a rezone of his property located at 5759 South Weber Drive from the current A-1 zoning to a proposed R-1-10 zoning for this location which contains approximately .79 acres of land. A public hearing has been scheduled to receive and consider public comment on the proposed amendment to the zoning map. Following the public hearing, the Planning Commission may make a recommendation to the City Council regarding this rezone request.

Title 10 Ordinance Guidelines (Code Reference)

This rezone request is regulated under City Code 10-5 "Rezone Requests" and is affected by City Codes 10-8 "Agricultural Zones", 10-9B "Single Family Residential Zones (R-1-10, R-1-8, R-1-6, R-1-4.5)", and 10-20 "Nonconforming Buildings and Uses".

The petitioner's property was developed as a single family residential dwelling in 1904 and has been maintained accordingly since then. According to the petitioner, his property has not been used as an agricultural property for many years, nor has his neighboring properties. Further the petitioner asserts that there is not sufficient available useful land on the property for current agricultural use.

Due to standards established in City Code 10-20 "Nonconforming Buildings and Uses", the petitioner is not currently allowed to enlarge the footprint of his current home, nor would he be allowed to build an entirely new home on the lot because the lot is smaller than the required minimum building lot size for an A-1 zone (40,000 square feet minimum required). At current time, the petitioner's building lot is considered a legal nonconforming lot in an A-1 zone; his desire is to rezone the property into legal conformance for future use.

On his application submission, the petitioner does state that he may have interest in dividing the lot in the future. The current Planning Commission consideration of the rezone request does not provide for consideration or significant discussion opportunity of a subdivision as part of this request. The petitioner should be made aware that this rezone review and potential approval does not provide any entitlement for the property to be subdivided. Any desire for a future property subdivision would require a follow-up small subdivision application and review process by the Planning Commission and City Council (as outlined in City Code 10-21-12).

Additionally, the applicant has been notified to contact UDOT regarding driveway access concerns along South Weber Drive and the applicant has been directed to contact Hill Air Force Base planning regarding the AICUZ/APZ locations adjacent to the petitioner's property. Staff has made the petitioner aware that these items may be discussed during the Planning Commission meeting.

The applicant has submitted his proposed rezone request application along with required documents for consideration and discussion purposes with the Planning Commission (please see attached documents).

Public hearing notifications required by State and City Codes have been completed in conformance with the standards established by these Codes (please see attached documents).

Staff would encourage the Planning Commission to review this matter, including concerns outlined herein, and then discuss with the petitioners concerns raised by staff and public commentary, in addition to any items of discussion and concern raised by the Planning Commission. Staff would then recommend that the Planning Commission act accordingly to recommend or not recommend the rezone to the City Council based upon sufficient findings of fact to support the Planning Commission recommendation.

Below are excerpts from City Codes (as listed above) that have direct application to this rezone request:

Title 10 Chapter 8 Subsection 5 SITE DEVELOPMENT STANDARDS (A-1 Zone):

	Permitted Uses
Minimum lot area	40,000 square feet
Minimum lot width	150 feet
Minimum yard setbacks:	
Front	30 feet
Side dwelling	10 feet with total width of 2 side yards not less than 24 feet
Other main building	20 feet each side

Title 10 Chapter 9B Subsection 4 SITE DEVELOPMENT STANDARDS (A-1 Zone):

Residential Zones	R-1-10
Minimum lot areas (in square feet)	10,000
Minimum lot width:	80 feet
Minimum yard setbacks:	
Front:	30 feet
Side:	
Dwelling	10 feet
With total width not less than	24 feet

A. Maintenance; Regulations:

1. The nonconforming use of a building or structure existing at the time of the applicable zoning regulations became or becomes effective may be continued.
2. A vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the building or structure became nonconforming.
3. A nonconforming use may be extended to include the entire floor area of the existing building in which it was conducted at the time use became nonconforming.
4. Except by permit of the board of adjustment as provided in [chapter 4](#) of this title, the nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made to a conforming use, the use shall not thereafter be changed back to a nonconforming use. (1985 Code § 19-11-4)

B. Abandonment By Nonuse: The nonconforming use of a building or structure or portion thereof shall be deemed abandoned by nonuse during a continuous period of one year. If a nonconforming use of any such building or structure or portion thereof has been or shall be abandoned, the same shall not thereafter be occupied or used except for a use which conforms to the use regulations of the zone in which it is located. (1985 Code § 19-11-5)

10-20-3: NONCONFORMING USE OF LAND:

A nonconforming use of a tract of land or portion thereof may be continued. No such nonconforming use of land shall in any way be expanded or extended either on the same or any adjoining tract of land. A nonconforming use of land shall be deemed vacant by nonuse immediately upon permanent discontinuation of the nonconforming use. If a nonconforming use of land has been or shall be deemed vacant, such land shall not thereafter be used or occupied except for a use which conforms to the use regulations of the zone in which the use is located. (1985 Code § 19-11-6)

10-20-4: NONCONFORMING USE COMPLIANCE:

Any building, structure or use for which a valid building permit has been issued and actual construction was lawfully begun prior to the effective date hereof, or amendments to this chapter, may be completed and used in accordance with the plans, specifications and permit on which said building permit was granted. "Actual construction" is hereby defined to be the actual placing of construction materials in their permanent position, fastened in a permanent manner, actual work in excavating a basement or the demolition or removal of an existing structure begun preparatory to rebuilding; provided, that in all cases actual construction work shall be diligently carried on until the completion of the building or structure involved. (1985 Code § 19-11-7)

10-20-5: SIGNS PERMITTED WITH NONCONFORMING USES:

- A. Residential Zones: Nonconforming uses in residential zones; one sign per use. One square foot of sign area per lineal foot of building frontage, with a maximum of fifty (50) square feet.
- B. Other Than Residential Zones: Nonconforming uses in other than residential zones; one sign per use. Area of the sign shall be in accordance with the provisions of the regulations set forth in [chapter 16](#) of this title, for the respective zone in which the nonconforming use is located. (1985 Code § 19-11-8)

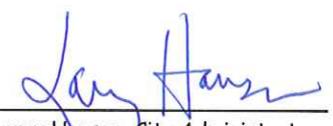
General Plan Guidance (Section Reference)

Legal Comments - City Attorney



Steve Brooks, Attorney

Administrative Comments - City Administrator



Larry Hansen, City Administrator



ORDINANCE NO. 846

AN ORDINANCE AMENDING THE CITY'S LAND USE MAP, TO CHANGE THE LAND USE DESIGNATION OF LAND LOCATED AT 5759 SOUTH WEBER DRIVE FROM A-1 TO R-1-10; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the Riverdale City, pursuant to the Municipal Land Use Development and Management Act, and in accordance with all of its terms and provisions, has prepared and adopted a Comprehensive Plan; and

WHEREAS, as part of that Plan, the City has outlined future and projected growth and development goals, desires and intentions and provided for the planning and mapping of said matters; and

WHEREAS, Harmon Jensen (Petitioner) has .79 acres of land currently zoned A-1, located at 5759 South Weber Drive in Riverdale City, Weber County; and

WHEREAS, the Petitioner is requesting to change zoning designation on the property listed in the Riverdale City Land Use Map from the current designations of A-1 (Agricultural) to a land use designation of R-1-10 (Residential) for the subject property; and

WHEREAS, the Riverdale City Planning Commission has held a duly advertised public hearing on September 24, 2013, to receive comments on the proposed amendment and has considered all comments received as required by state law and local ordinance and has recommended approval of the petition to amend the land use map; and

WHEREAS, the City Council of the Riverdale City has conducted a duly advertised public meeting on the proposed amendment; and

WHEREAS, the City Council finds that the proposed amendment ordinance is in the best interest of the citizens of the City of Riverdale.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RIVERDALE, UTAH, AS FOLLOWS:

Section 1. Future Land Use Map Designation

That the Land Use Map designation is hereby amended from a A-1 (Agricultural) to a land use designation of R-1-10 (Residential) for the property legally described and outlined in the attached Exhibit(s) (attached hereto and incorporated by reference), and that the Maps shall be hereby amended as outlined and shall read as set forth therein and be hereby incorporated and adopted into the City's General Plan and said updates shall replace currently existing portions in conflict therewith and, along with any and all unchanged portions of the currently existing Plan,

shall be known as the Riverdale City General Plan and be on file in the Riverdale City Recorder's Office and readily available for public inspection.

Section 2. Authorization to Make Changes.

The Planning and Community Development Department is further authorized to make the necessary map change to the Comprehensive Plan to reflect the change authorized by this Ordinance.

Section 3. Repeal of Conflicting Ordinances.

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 5. Transmittal to the Weber County Recorder.

The Community Development Department shall take all necessary steps to insure that the intent of this Ordinance is duly recognized and recorded.

Section 6. Inclusion in the Comprehensive Plan.

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Comprehensive Plan of the City of Riverdale, Utah; that the section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

Section 7. Effective Date.

The effective date of this amendment shall be effective immediately.

PASSED, ADOPTED AND ORDERED POSTED this 1st day of October, 2013.

Bruce Burrows, Mayor

Attest:

Ember Herrick, City Recorder

Exhibit A

Exhibit B



Riverdale
City

Administrative Offices
4600 So. Weber River Drive
Riverdale, Utah 84405

September 5, 2013

Notice of Public Hearing

Riverdale Planning Commission
Tuesday, September 24, 2013
Which begins at 6:30 p.m.

Riverdale Civic Center
4600 Weber River Drive
Riverdale, Utah

Riverdale City's Planning Commission will hold a public hearing to receive and consider public comment on a proposed rezone request from A-1 to R-1-10 for a residence located at 5759 South Weber Drive in Riverdale. All residents are invited and encouraged to attend.

- The public is invited to attend all public meetings.
- In compliance with the Americans with Disabilities Act, persons who have need of special accommodations should contact the City Recorder at 394-5541.

September 5, 2013

TO: Standard Examiner Legal Notices

PUBLIC NOTICE

Riverdale City gives notice that on Tuesday, September 24, 2013, during the regular Planning Commission meeting, which begins at 6:30 p.m., at the Riverdale City Civic Center, 4600 South Weber River Drive, Riverdale, Utah, a public hearing will be held to receive and consider public comment on a proposed rezone request from A-1 to R-1-10 for a residence located at 5759 South Weber Drive in Riverdale.

Publish one time by September 14, 2013.

PROOF OF PUBLICATION REQUIRED

Please acknowledge receipt of notice by return fax or e-mail to:

Ember Herrick
City Recorder
Phone: 801-436-1232
Fax: 801-399-5784
eherrick@riverdalecity.com

Notice received by Standard Examiner _____
Date

By: _____
Name

OGDEN PUBLISHING CORP
PO BOX 12790
OGDEN UT 84412-2790

ORDER CONFIRMATION

Salesperson: LEGALS

Printed at 09/12/13 10:19 by dmailo

Acct #: 100310

Ad #: 531896

Status: N

RIVERDALE CITY CORP
4600 S WEBER RIVER DR
RIVERDALE UT 84405-3782

Start: 09/14/2013 Stop: 09/14/2013
Times Ord: 1 Times Run: ***
LEGL 2.00 X 13.00 Words: 73
Total LEGL 26.00
Class: 30090 LEGALS
Rate: LEGAL Cost: 48.09
Affidavits: 1

Contact: EMBER HERRICK
Phone: (801)394-5541ext
Fax#: (801)399-5784ext
Email: @riverdalecity.com
Agency:

Descript: HEARING 9/24
Given by: EMAIL EMBER HERRICK
Created: dmail 09/12/13 10:07
Last Changed: dmail 09/12/13 10:13

PUB ZONE ED TP START INS STOP SMTWTFS
SE A 97 W 09/14/13 1 09/14/13 SMTWTFS

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

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Pub.: September 14, 2013.

531896



Riverdale City

Community Development
4600 So. Weber River Drive
Riverdale, Utah 84405

RIVERDALE CITY REZONE REQUEST APPLICATION

DATE SUBMITTED AUG. 16, 2013 FEE SCHEDULE: **\$250**

APPLICANT NAME HARMON JENSEN PHONE NUMBER: 801-726-4408

APPLICANT ADDRESS 5759 S WEBER DR
RIVERDALE

ADDRESS OF SITE SAME

PROPERTY OWNER HARMON JENSEN

PRESENT ZONING A1

PRESENT USE: RESIDENCE

PROPOSED ZONING R1 - (R-1-10)^{ME}

PROPOSED USE: RESIDENCE - BUILD NEW HOME

PROPERTY ACREAGE: .8

Answer the following questions with specifics on a separate sheet. This information will be forwarded to the Planning Commission members for review.

- A. Why should the present zoning be changed?
- B. How is the proposed change in harmony with the City General Plan for this area?
- C. If the proposed change is not in harmony, what conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?
- D. How is the change in the public interest as well as the applicant's desire?


Signature of Applicant


Signature of Property Owner

I authorize _____ to act as my representative in all matters relating to this application.



APPLICATION REQUIREMENTS AND PROCEDURE FOR REZONE REQUEST

1. The applicant shall submit to the City Recorder the following:
 - a. Completed REZONE REQUEST APPLICATION formally requesting a rezone and stating the reasons for the request.
 - b. PROPERTY PLAT MAP of the area of the requested rezone. Plats are available at the Weber County Recorder's Office.
 - c. LEGAL DESCRIPTION of the subject property.
 - d. REZONE REQUEST FEE of \$250 as established by resolution of the Riverdale City Council.

2. The Planning Commission, following the public hearing, will consider action to approve or deny the rezone request. The Planning Commission may take up to thirty (30) days following the public hearing to act on the rezone request. The decision of the Planning Commission will be forwarded to the City Council with the Planning Commission recommendation. The City Council will then make the final decision. If the request is approved, an ordinance will be signed and filed. The application / property owner may obtain a copy of the ordinance if desired.

3. If approved, the rezone will become effective upon posting of the ordinance.

Planning Commission scheduled public hearing:

Date: _____ Decision: _____

City Council consideration of application:

Date: _____ Decision: _____

Request for Zone Change for 5759 South Weber Dr.

Zoning should be changed from A-1 to R 1-10 because-

1. The land and adjoining properties on the west side of South Weber Dr. are residential and have not been used as agricultural properties for many years.
2. There is not sufficient available useful land on the property for agricultural purposes.
3. This property (as well as many others) is less than 40,000 square feet and according to present statutes, the home cannot be enlarged or improved upon.
4. If it can't be re-zoned and or divided, I cannot build a new house or even make significant additions to the present structure.
5. There is plenty of space for a new lot for a new house. By dividing the present lot in half, there will still be 17,000 sq. ft. for each lot, which is still larger than the lot to the south.

Zoning will be in harmony with areas to the west.

Between the 5451 (which zoning has already been changed to R-10) on the north end of South Weber Dr to the 5765 property on the south, all lots with the exception of one are less than 40,000 square feet and presently none are using any of their land for agricultural purposes. Some properties do not have the land for additional buildings because of the hill to the west. My property does. (See property info for properties on S. Weber Dr. below)

Zoning change is in the public interest.

1. Because it will allow the property owner(s) to upgrade and build.
2. Because it will be adding to the beauty of the city and increasing property values.
3. It will make zoning more homogeneous and consistent with property usage.

Address	Current Zone	Square Feet	
5431	R 1-10	13,504	
5528	RE-20	20,037	Backs up to S Weber
5536	RE-20	20,037	Backs up to S Weber
5548	RE-20	20,037	Backs up to S Weber
5562	RE-20	29,620	Backs up to S Weber
5591	A-1	57,063	
5651	A-1	31,799	
5671	A-1	26,136	
5749	A-1	30,928	
5759	A-1	34,412	
5765	A-1	13,504	

SECTION 19, T.5N., R.1W., S.L.B. & M.

IN RIVERDALE CITY

SCALE 1" = 200'

TAXING UNITS: 26, 39

SEE PAGE 76



SEE 070760021

UTAH POWER & LIGHT CO
070780012
TU 26

JOHN F FLYNN
(070780019)
2.88 AC±
TU 26

WILLIAM L MAXWELL
& W/LINDA FAE
070780048
22.53 AC±
TU 26

SEE PAGE
77

HIGGS SUB
DONALD E HIGGS
REVOCABLE TRUST
1/2 ETAL
070780014
2.73 AC±
TU 26

HIGGS SUB
SEE PAGE 565

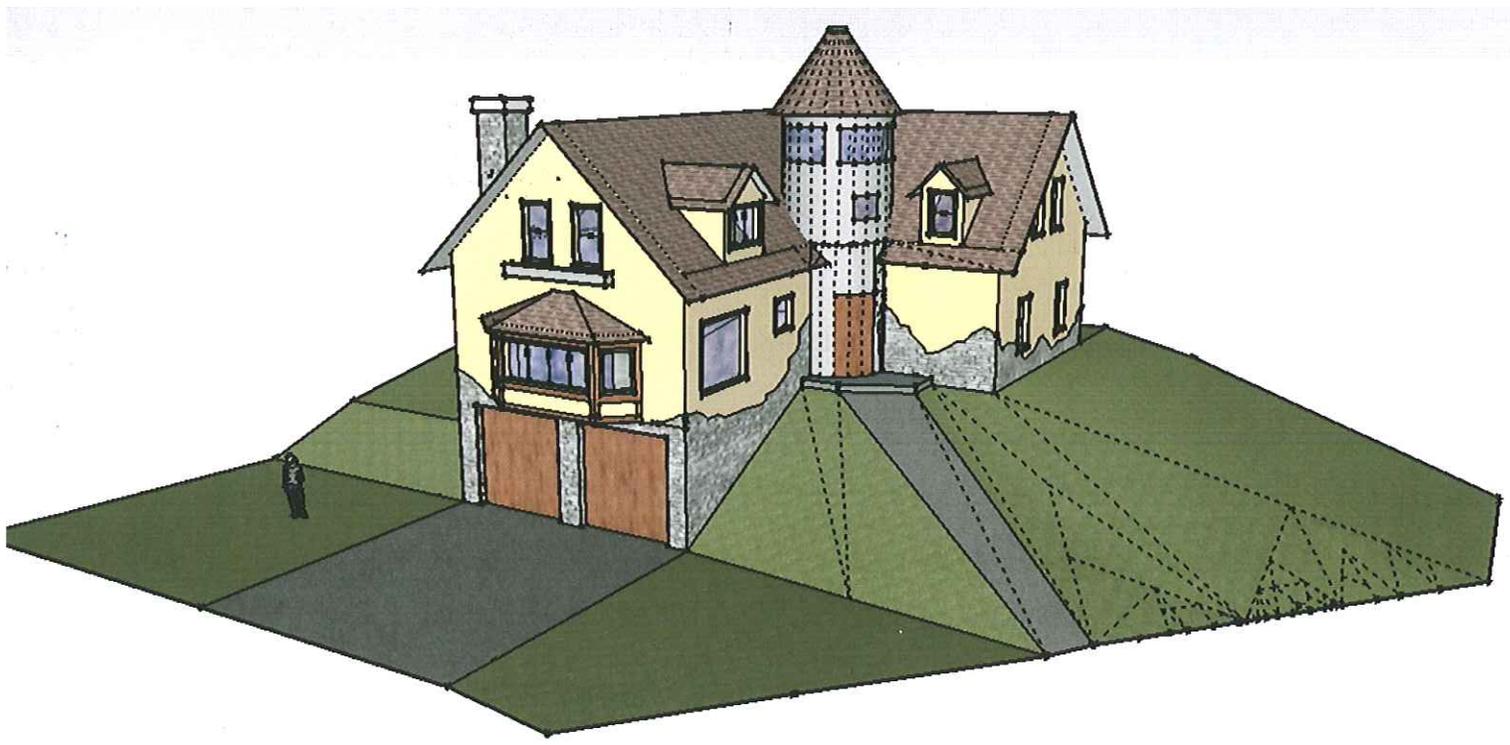
ROBERT J MILNE ETAL TR
(070780044)
10.788 AC±
TU 26

UNITED STATES OF AMERICA
070780001
TU 39

*NOTE: BEARING BASE FOR U.P. & L.
CO'S PROPERTY LINES IS TAKEN AS
N 89°27' W ON NORTH LINE OF
NW 1/4. THE DIFFERENCE IS 0°35'

SEE PAGE 77





RIVERDALE CITY CORPORATION
4600 SOUTH WEBER RIVER DRIVE
RIVERDALE UT 84405

394-5541

Receipt No: 15.464275

Aug 20, 2013

JENSEN, HARMON

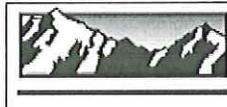
Previous Balance:	.00
MISCELLANEOUS - REZONE	250.00
10 34-1500 ZONING & SUB. FEES	

Total:	250.00
--------	--------

CHECK	Check No: 3273	250.00
Total Applied:		250.00

Change Tendered:	.00
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08/20/2013 01:47PM



Weber County Parcel Search

2380 Washington Blvd Ogden, Utah

[Weber County Home](#) -
 [Parcel Search](#) -
 [Interactive Maps](#)

Current Taxes	Ownership Info	Tax History	Property Characteristics	Delinquent Taxes
----------------------	-----------------------	--------------------	---------------------------------	-------------------------

Today's Date: 09/04/2013

<--Back to Search

Parcel # 07-078-0023

Ownership Info

<table style="width: 100%;"> <tr> <td style="width: 20%;">Owner</td> <td>JENSEN, HARMON</td> </tr> <tr> <td>Property Address</td> <td>5759 S WEBER DR RIVERDALE 84405</td> </tr> <tr> <td>Mailing Address</td> <td>5759 S WEBER RIVER DR OGDEN UT 84405</td> </tr> <tr> <td>Tax Unit</td> <td>26</td> </tr> </table>	Owner	JENSEN, HARMON	Property Address	5759 S WEBER DR RIVERDALE 84405	Mailing Address	5759 S WEBER RIVER DR OGDEN UT 84405	Tax Unit	26	<p style="text-align: center;">View in Geo-Gizmo</p> <hr/> <p style="text-align: center;">Plat Map</p> <hr/> <p style="text-align: center;">Plat Map Last Uploaded: <i>06 Aug 2013</i></p> <p style="text-align: center;">07-078 View PDF</p> <p style="text-align: center;">Viewing Plat Maps requires Adobe Reader </p> <hr/> <p style="text-align: center;">Dedication Plat</p> <hr/> <p style="text-align: center;">No Dedication Plats found</p>
Owner	JENSEN, HARMON								
Property Address	5759 S WEBER DR RIVERDALE 84405								
Mailing Address	5759 S WEBER RIVER DR OGDEN UT 84405								
Tax Unit	26								

Current References

Entry #	Book	Page	Recorded Date
1999734			18-DEC-03
Kind of Instrument SP WARRANTY DEED			

Prior Parcel Numbers

No Prior Serial Numbers Found

Legal Description

** For Tax Purposes Only **

PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING 1301 FEET SOUTH AND 236.3 FEET EAST AND NORTH 54D15'EAST 509.02 FEET AND SOUTH 5D55' EAST 210.10 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 19, AND RUNNING THENCE NORTH 57D15' EAST 180.09 FEET TO COUNTY ROAD; THENCE SOUTH 15D47'EAST 125.20 FEET, THENCE SOUTH 37D EAST 68.66 FEET, MORE OR LESS, TO THE NORTHERLY CORNER OF PROPERTY CONVEYED TO SHANNONB KAPP BY DEED RECORDED NOVEMBER 17, 1959 IN BOOK 630 OF RECORDS, PAGE 101, ENTRY NO. 324651; THENCE SOUTH 52D48' WEST TO U S HIGHWAY; THENCE NORTHWESTERLY ALONG SAID HIGHWAY TO A POINT SOUTH 5D55' EAST FROM BEGINNING; THENCE NORTH 5D55' WEST 115.99 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

Copyright © Weber County - 2380 Washington Blvd Ogden, UT 84401

Affected Entities Notice Listing Information

Affected entity notice was sent to the following groups on the dates listed below.

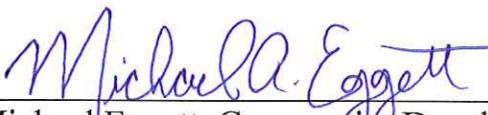
1. UDOT – Region One: sent on Sept 5, 2013
2. Weber School District: sent on Sept 10, 2013
3. Weber County Government: sent on Sept 10, 2013
4. Roy Water Conservancy District: sent on Sept 10, 2013
5. Weber Basin Water Conservancy District: sent on Sept 10, 2013
6. Comcast: sent on Sept 10, 2013
7. Century Link: sent on Sept 10, 2013
8. Rocky Mountain Power: sent on Sept 10, 2013
9. Questar Gas: sent on Sept 10, 2013
10. Hill Air Force Base: sent on Sept 10, 2013



CERTIFICATION OF SIGN PLACEMENT

This is to certify that on this 10th day of September, 2013, I supervised the placement of a sign on property located at 5759 South Weber River Drive, Riverdale, Utah as a notice of a rezone request. I further certify that said sign was posted in compliance with all requirements of Riverdale Municipal Ordinance Code 10-5-3(A).

Dated this 10th day of September, 2013.



Michael Eggett, Community Development Director



 **Riverdale**
City

**NOTICE OF
REZONE REQUEST**

FOR INFORMATION, CONTACT RIVERDALE CITY AT:
801-394-5541 x 1215

**RIVERDALE CITY
PLANNING COMMISSION AGENDA
September 24, 2013**

AGENDA ITEM: F1

SUBJECT: Discretionary Items

PETITIONER: Elected, Appointed, and Staff

ACTION REQUESTED BY PETITIONER: Open agenda item provided for comments or discussion on discretionary items.

[BACK TO AGENDA](#)