

# River Heights City

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## RIVER HEIGHTS CITY PLANNING COMMISSION AGENDA

**Wednesday, September 20, 2017**

Notice is hereby given that the River Heights City Planning Commission will hold their regular meeting beginning at 7:00 p.m. in the River Heights City Office Building at 520 S 500 E.

- 7:00 p.m. Adoption of Prior Minutes
- 7:05 p.m. Continued Presecketch Conference with Ironwood Construction
- 8:00 p.m. Discuss Code Changes Regarding Noise as a Nuisance, Home Occupation Licensing, and Setbacks
- 8:15 p.m. Adjourn

Posted this 14<sup>th</sup> day of September 2017

  
Sheila Lind, Recorder

In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Sheila Lind, (435) 770-2061 at least 24 hours before the meeting.

# River Heights City

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River Heights City Planning Commission  
Minutes of the Meeting  
September 20, 2017

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- Present: Commission members: Mark Malmstrom, Chairman  
Danny Petersen  
Lance Pitcher  
Cindy Schaub (attended electronically)  
Jake Zollinger
- Mayor James Brackner  
Councilmembers Blake Wright  
Dixie Wilson  
Doug Clausen  
Recorder Sheila Lind
- Others Present: Jeff Jackson, Paul Tullis, Gayle Brackner, Elaine Thatcher, Katie and Austin Ball, Gene Spaulding, Georgiana Clausen, Erika Zollinger, Rich Johnson, Kent Fryer

### Motions made during the Meeting

Motion #1  
Commissioner Petersen moved to “approve the minutes of the September 6, 2017 Commission Meeting with the correction noted.” Commissioner Pitcher seconded the motion, which carried with Malmstrom, Petersen, Pitcher, Schaub and Zollinger in favor. No one opposed.

### Proceedings of the Meeting

The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie Council Chambers on September 20, 2017. Commissioner Malmstrom announced Commissioner Schaub was in attendance electronically.

Adoption of Prior Minutes: Minutes for the September 6, 2017 Planning Commission Meeting were reviewed with a minor change made.

**Commissioner Petersen moved to “approve the minutes of the September 6, 2017 Commission Meeting with the correction noted.” Commissioner Pitcher seconded the motion, which carried with Malmstrom, Petersen, Pitcher, Schaub and Zollinger in favor. No one opposed.**

Continued Preseketch Conference with Ironwood Construction: Jeff Jackson presented a new design, based on items suggested at the last meeting. They put the buffers back on the 3 corners of the Chugg property. All the single-family lots are between 10,000 and 12,000 square

45 feet. Eight lots are larger than 12,000. They have increased the number of active adult lots to  
46 52. The number of townhomes were lowered to 66. The road in the parks area was brought  
47 further north. They still have just over a mile of walking trails. He noted the city's PUD  
48 ordinance would allow them to put 177 units on this property; they are 3 units under. They  
49 have 15 acres of open space. The sale of the Church property is likely, but still needs to pass  
50 through two more committees. They have asked for a concept that doesn't have an access  
51 onto 600 East. If this becomes the case, they would leave the current church pavilion as is.

52 Commissioner Malmstrom commended Mr. Jackson on the number of changes he  
53 addressed.

54 Commissioner Schaub expressed a desire to leave the large pine trees surrounding the  
55 current pavilion. She thanked Mr. Jackson for the colored drawings.

56 Mr. Jackson disclosed that the Church is looking for property for an additional church.  
57 They have asked if he would be willing to sell them three acres in the northeast area of the  
58 Chugg property if they are unable to secure another location. He has said he would certainly  
59 consider this.

60 Mr. Jackson discussed the ingress and egress of the development. Regarding Spring  
61 Creek Road, they would be required to build it, but not the bridge. Providence is looking into  
62 that since they will be funneling a lot of traffic down this road.

63 Commissioner Malmstrom expressed further concern with the exit onto 600 East. It's  
64 positioned in-between two intersections and will funnel much of the development's traffic to  
65 this egress. Mr. Jackson said they are considering gating the active adult area, which would  
66 divert traffic onto Spring Creek rather than toward 600 East.

67 Commissioner Schaub asked if each townhome building has four units. Mr. Jackson  
68 answered there are two triplexes, but the rest are four-plexes. All the front doors will be  
69 toward the road. The garages will be in back on allies.

70 The Commission was more favorable to this plan than the last one.

71 Paul Tullis asked about adequate parking. Mr. Jackson explained each townhome unit  
72 has 2.5 spaces per unit. In the alleyways and on the road will be extra parking. Elaine Thatcher  
73 asked about parking in the active adult area. Mr. Jackson responded they would each have a  
74 two-car garage and two spaces in their driveway. Ms. Thatcher said that is not going to be  
75 sufficient. Commissioner Pitcher asked about previous discussions of a clubhouse, which may  
76 contain a parking area. Mr. Jackson explained they will have a pavilion which will be available  
77 to all those in the development, but they can still adjust it. Ms. Thatcher is worried about losing  
78 the current church pavilion since it's a good one. Mr. Jackson said that isn't his call. If the  
79 Church decides it is going to come down, a new one would be built east of the church building.

80 Gene Spaulding asked the intention on the soccer fields. Mr. Jackson said this would be  
81 decided between them and the city. The intent is still very much in flux. They have left enough  
82 space for a soccer field, if it's decided on.

83 Austin Ball questioned their market research. He asked about the demand for  
84 townhomes. Mr. Jackson assured townhomes are very much in demand. Their original plan  
85 started with 116 townhomes and now they're down to 66. The market says they can sell many  
86 more than this. Mr. Ball asked about the demand for single-family homes. Mr. Jackson  
87 explained they are targeting three different demographics and plan to build out within 3-4  
88 years. Mr. Ball felt there is a demand for larger lots, executive style homes and asked how they

89 would provide for this. Mr. Jackson responded it isn't their desire to meet this demand. The  
90 mass majority cannot afford homes this size. This generation wants smaller lots.

91 Roxanne Bilbao reminded the Commission there is a flip side to the townhouse plan.  
92 Her sons live in townhomes, which are 10 and 20 years old and they are getting run down.  
93 They are transient, not enough parking, crime rates are up, parties, meth labs, the police are  
94 there regularly, no background checks on tenants, the CCR's are not followed, etc. They would  
95 not live there if they weren't single. It's not a great environment for families.

96 Commissioner Malmstrom asked what the city code said about rentals to singles. He  
97 was told no more than 3 unrelated persons are allowed.

98 Mr. Jackson said their townhomes will be very nice products. They can use professional  
99 management to enforce the CCRs. They will say no unit can be rented for longer than 12  
100 months. There are ways to address everything Ms. Bilbao brought up.

101 Commissioner Malmstrom asked if there could be something incorporated into the city  
102 ordinance that sinks teeth into the property management company to make sure their CCRs are  
103 followed. He asked for examples of good management. Mr. Jackson said the fast growing  
104 product mix in Utah is townhomes. The main reason is because of price. He pointed out the  
105 Rupp project by the golf course still looks very nice after 10 years.

106 Rich Johnson asked why the city would want townhomes in River Heights.  
107 Councilmember Wright informed the state requires cities to meet requirements for low-income  
108 housing. However, given the mix of homes currently in River Heights, the demand is satisfied  
109 without the townhomes.

110 Commissioner Petersen said River Heights is a small community that doesn't need to  
111 introduce townhomes. The more he thinks about it, the more he feels it's a bad fit. Mr.  
112 Jackson stated his strong opinion is that nice townhomes are needed.

113 Gene Spaulding said the bottom line is this is a business deal for them. Condos are a  
114 good idea in a transitional community. Townhomes are not a good fit after 10 years.  
115 Blackhawk is very transient. He understands it from a business standpoint, but not from the  
116 city side.

117 Commissioner Schaub expressed the possibility of River Heights not allowing  
118 townhomes, someone else purchasing the property, annexing to Providence and building a lot  
119 of townhomes.

120 Commissioner Petersen explained the transitions in a city, which go from commercial, to  
121 townhomes, to smaller homes and then larger homes.

122 Commissioner Schaub would like to see more parking and a clubhouse of some sort.

123 Kent Fryer said in Sweden he saw what socialism does to communities. Most people  
124 can't afford a home and they live in high-rises. He doesn't want people to live in chicken coops.  
125 He doesn't want to see anything more dense than twin homes. He can't imagine raising  
126 children in a townhome. It's not healthy. He's adverse to the townhomes.

127 Commissioner Malmstrom said he lived up the street from townhomes in Providence for  
128 19 years. There was a big turnover. People would leave after they had a couple kids. He  
129 summed up the concerns heard tonight, which were not favorable to townhomes. The single-  
130 family and active adult ideas are okay. Mr. Jackson expressed frustration that there is nothing  
131 giving on the city's side in return for the open space. If they load the property up with single-  
132 family homes all the greenspace goes away except for what is fenced in someone's yard. They

133 are willing to invest a lot of money to keep open space in exchange for townhomes. If everyone  
134 doesn't care about greenspace, they can get rid of it all.

135 Jake Zollinger asked those in attendance if they would rather see greenspace and  
136 townhomes or all single-family. Rich Johnson and Kent Fryer definitely want all single-family.

137 Mayor Brackner said the city needs more park/green space now and will need more if  
138 this large subdivision is added.

139 Rich Johnson asked if the city could require open space in single-family developments.  
140 He was informed the city has no control of this property at this point since it's not in River  
141 Heights. Mr. Jackson said if the property goes to Providence the Church property won't be  
142 included and they will go back to their plan with townhomes along 1000 East. Mr. Johnson  
143 feels the developer is creating fears for River Heights.

144 Rob Gines said Providence is approving townhomes all over their city. The scariest thing  
145 about this situation is that the property could go to Providence and River Heights would have  
146 no control. Councilmember Wilson suggested maybe River Heights should annex it.  
147 Commissioner Petersen agreed but doesn't want townhomes.

148 Paul Tullis said he would give up the trails to have all single-family. People can walk on  
149 the sidewalks.

150 Mr. Jackson informed the project is profitable as all single family. He believes in multi-  
151 use homes. They promote growth. He sees this as an opportunity for River Heights citizens to  
152 reach out to a mixture of people. Austin Ball asked why he won't address larger size lots if he  
153 believes in diversity. Mr. Jackson pointed out there are larger lots. Katie Ball explained she  
154 values diversity but there are a ton of starter homes. They (and a number of people they  
155 know), can't find a lot to accommodate a larger home that would also have extra property. She  
156 feels there are a number of people in the valley that want to grow and can't. She sees this  
157 development as suffocating people to have to leave at some point. Commissioner Petersen  
158 agreed.

159 Commissioner Wright pointed out this development process is in the pre-sketch stage.  
160 The next step will be the sketch plan. The Commission will hold a public hearing and then  
161 advise the Council. If the Commission says 'no,' the Council could say 'yes' and visa versa. He  
162 feels the new look is much better aesthetically, and appreciated the reduction of townhomes.  
163 If the pavilion moves he would like to see the church parking lot not access directly onto 600  
164 East. He doesn't see the location of a 650 South road as a concern. He would like the Weston  
165 property to be shown on the plat and where an access could be someday. He sees parking as a  
166 large problem in the active adult area.

167 Councilmember Wright informed he has seen some really nice single-family attached  
168 homes, which would be like a duplex. He asked Mr. Jackson if he'd be willing to do these in  
169 place of townhomes and the city would give up some open space. Mr. Jackson said there is  
170 always a demand in affordability. Mr. Wright suggested high end single-family attached along  
171 the creek and some that are more affordable. He hates to give up greenspace but is grateful for  
172 all they have done in their designs. Mr. Jackson's first reaction is he doesn't think they can get  
173 near 66 units of single-family shared, which will affect them economically.

174 Mr. Jackson asked if the style and niceness of the townhomes makes a difference. He  
175 handed out some renderings of some different styles of townhomes.

176 Elaine Thatcher said she would be interested in a one-story twin home. Mr. Jackson said  
177 they are not opposed to taking some of the buildings down to one level and make a bigger  
178 footprint. For the project to work as mixed use, they are close to the lowest possible number  
179 on units at 174. If they come to River Heights and are required to drop more multi-units they  
180 would change their whole plan to all single family. He owes it to his company and himself to  
181 explore Providence if River Heights doesn't feel townhomes are a good fit. If he can stay in the  
182 discussion by tweaking a few of the townhomes he is willing to continue to negotiate. He is not  
183 willing to scrap the townhomes without talking first to Providence (which would only involve  
184 the Chugg property). Commissioner Malmstrom asked what would happen to the church  
185 property if they went to Providence. Mr. Jackson answered that it wouldn't be developed. His  
186 best economic interested is to not mess with the church property and go to Providence with all  
187 single-family homes. If they can't get sewer through the church property, they have to go to  
188 Providence, unless River Heights will allow a lift station, which public works has already said no  
189 to.

190 Commissioner Malmstrom asked Mr. Jackson if he would look at single-family attached.  
191 He responded it will take away the greenspace and he doesn't think the city will like it.

192 Paul Tullis has changed his opinion since hearing what Mr. Jackson had to say. He would  
193 support townhomes. Mr. Jackson would like to bring a new style of product to Cache Valley.  
194 He's confident it will work out because they are doing it in other communities. He is willing to  
195 design some (10-15) single story units on the ends of the townhomes. He also said if the  
196 demand is strong for active adult, they would be willing to change their numbers.

197 Mr. Jackson would like to move to the sketch plan with this if he thinks the city is going  
198 the same direction with them and if there will be give and take on both sides. Councilmember  
199 Wright stated after the Commission holds a hearing and they pass it to the Council, the Council  
200 will ask a lot of questions about maintenance, HOAs and how it will be managed for years down  
201 the road. Mr. Jackson said they are prepared to answer these questions. He asked where the  
202 city stands on townhomes. Councilmember Wright suggested he present whatever he wants,  
203 based on what he has heard this evening.

204 Commissioner Pitcher likes the new plan and the way all their concerns from the last  
205 meeting have been addressed. He agreed the adult living area needs more parking and a  
206 clubhouse. Commissioner Malmstrom would support the loss of some greenspace to get more  
207 parking.

208 Commissioner Zollinger likes the look, as a whole and feels it's probably less dense than  
209 Providence would do. He also agrees there should be more parking in the active adult. He has  
210 watched townhomes and has dealt with HOAs and hasn't liked them. However, he can foresee  
211 a professional company doing a better job.

212 Commissioner Malmstrom is not in favor of townhomes or an access on 600 East. He  
213 likes the rest of it.

214 Commissioner Petersen does not feel River Heights needs any townhomes.

215 Commissioner Schaub is in favor of the entire project, including the townhomes. She  
216 would like to see some one level units on the ends of the townhomes.

217 Councilmember Wright asked Mr. Jackson if he would consider larger lots in the 1000  
218 East area, maybe 1/3 acre since there appears to be a demand. Mr. Jackson would consider  
219 this.

220 Discuss Code Changes Regarding Noise as a Nuisance, Home Occupation Licensing, and  
221 Setbacks: Councilmember Wright explained the changes made to the home occupation  
222 ordinance since he and Recorder Lind met after the last meeting. Discussion was held on the  
223 number of vehicles at a home occupation location at a time. They felt more than two vehicles  
224 at a time would require a CUP. After discussion, they also decided to delete the requirement  
225 for a CUP for those that have a state license.

226 Councilmember Wright explained a memo from the League which had other helpful  
227 information which they incorporated into what they already had.

228 Councilmember Wright suggested Commissioner Pitcher spend some time coming up  
229 with more specifics on the OHV ordinance. Recorder Lind will pull the past notes for Mr.  
230 Pitcher to review and discuss at the beginning of a future meeting.

231 Discussion was held on the setback suggestions. The Commission liked the  
232 recommendations. There was some concern about an 8-foot side yard being too narrow. They  
233 decided to leave them as 10 feet, and change the R-12 zone to 10 feet as well.

234 Councilmember Wright asked if they wanted to reconsider disallowing utility vehicles  
235 parked on a public road. They decided to stick with their decision to leave the code as it is.

236 They decided to hold off on the OHV changes in order to have time to come up with  
237 more specifics.

238 A public hearing to discuss code changes will be scheduled for the next meeting.

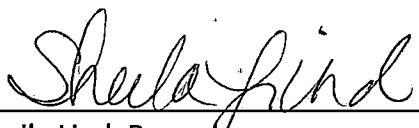
239 Councilmember Wright asked how the members felt about changing commission  
240 meetings back to Tuesday, since he has a conflict on Wednesdays. Commissioner Zollinger,  
241 Malmstrom and Zollinger can't come on Tuesday. They agreed Thursday at 7:00 would work for  
242 all of them. Mr. Wright will ask for Council approval at their next meeting.

243 The meeting adjourned at 9:40 p.m.

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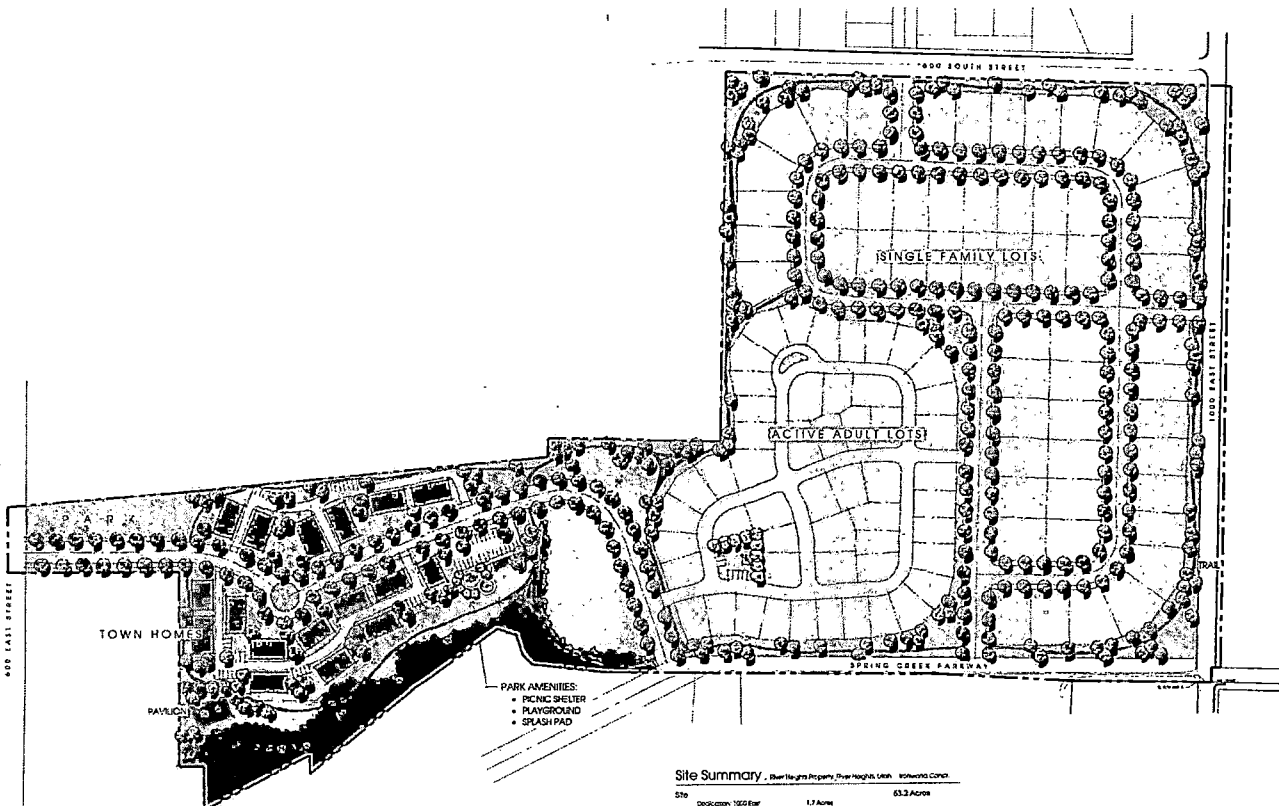
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Sheila Lind, Recorder

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Mark Malmstrom, Chairman

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- PARK AMENITIES:**
- PICNIC SHELTER
  - PLAYGROUND
  - SPLASH PAD

**Site Summary** - River Heights Property, River Heights, Utah - Ironwood Const.

Site	63.2 Acres	
Development: 1000 East	1.7 Acres	
Development: Spring Creek Parkway	1.2 Acres	
Net Acre	50.3 Acres	
Units:	124	
Single Family Lots	50 Lots	52 UAC
1000 - 1000 East	40 UAC	
1000 - 1000 East	2 UAC	
Active Adult Single Family Lots: 60 x 100 ft minimum	52 Lots	47 UAC
1000 - 1000 East		
Average lot = 4,800 sq. ft.		
Clear parking: 17 ft min. per unit	60 Units	12.2 UAC
Open spaces: 6.0 Acres		
Clear parking: 30 ft x 10 ft min. per unit		
Net Density	3.1 Units/Acre	
Stairs:	9.0 Acres	
Open Space	14.9 Acres	29.6%
Pool	0.2 Acres	
Runoff and Inlet	0.1 Acres	
Townhomes	2.6 Acres	



**RIVER HEIGHTS PROPERTY**  
 Ironwood Construction - 50 East 2500 North - North Logan, Utah  
 City, Utah

**R. MICHAEL KELLY**  
 CONSULTANTS  
 LAND PLANNING • LANDSCAPE ARCHITECTURE  
 101 West 200 South • Salt Lake City, Utah 84119



Proposed Code Changes  
September 20, 2017

**3-1-4: HOME OCCUPATION LICENSES** (Replace with the following)

A) Permitted Uses Requiring a Conditional Use Permit and License

1. Home occupations which have an external impact greater than the impact of a normal residential use are required to obtain a CUP and (if granted) a city business license. Impacts to the neighborhood will be evaluated in the following areas:

- a. Employees: One or more who do not reside in the home.
- b. Use of an accessory building.
- c. Traffic: More than six (6) ~~customers- vehicles~~ and/or two (2) deliveries per day.  
(add # of vehicles at a time?) ~~4 cars~~. More than two (2) vehicles parked  
customer  
at the residence at the same time.
- d. Offensive Odor.
- e. Visual: Outside ~~display associated with the home occupation~~ or storage of supplies, equipment, materials and heavy equipment such as backhoes, cranes, etc. Posting of signage.
- f. Excessive daytime noise.
- g. Additional license: ~~Required~~ licensing by another entity. (revisit?)
- h. Complaints: Neighbors or others being impacted in these or other unforeseen ways.
- i. Safety: ~~Activities that may create a safety concern or~~ any use dealing with explosive, hazardous or toxic materials.

j. Remodel: Alteration of the dwelling site or the structure's exterior.

k. Use of public facilities: Any use that causes an additional demand of public facilities or services.

2. Conditional Use Permits are reviewed by and must be approved by the Planning Commission. Applicants must adhere to the Conditional Use Permit procedure.

B) No license required when operated only occasionally by an individual under 18 years old.

~~(deleted: 2) If the off-site impact is less than the normal impact of the home., added #1 as part of B)~~

C) Occupations not permitted; see 10-12-1:A

**3-1-5: FEE FOR LICENSE; ~~EXEMPTION~~ (made penalty and exemption their own sections)**

A) Fee Schedule: There shall be a business license fee schedule in such amounts as established by resolution of the city council. The license shall be effective for the calendar year in which it is issued.

B) ~~Renewal; Penalty: Renewals are Due~~ prior to January 1.

C) Penalty: If renewal applications <sup>for a license</sup> are not received in the city office on or before <sup>January 1</sup> ~~this date~~, a penalty in such amount as established by the city council will be assessed.

~~D) Exemption: No license fee shall be imposed on any person engaged in business for solely religious, charitable, or other types of strictly nonprofit purpose which is tax exempt in such activities under the laws of the United States and the state. (Ord. 04-06-09, 6-8-2004)~~

**3-1-6: FEE EXEMPTION**

A home occupation owner can apply for fee exemption if the business has no negative impacts to the neighborhood (see 3-1-4).

Rename 3-1-6 as 3-1-7.

Delete sections 3-1-7, 8 and 9.

Rename 3-1-10, 11, 12 and 13 to 3-1-8, 9, 10 and 11

**5-4-5:A.**

2. Use of noisy machinery after 10:00 p.m. or before 7:00 a.m., except for the following:

- a. Necessary services and/or emergencies as approved by the mayor or public works director.

- b. Commercial construction requiring special installation times, such as the pouring of large quantities of concrete or laying large quantities of asphalt paving, and as approved by the Mayor or the Public Works Director.

**Title 6**

Add a sentence which states the city follows state code. **(Needs clarification)**

*Postponed for a future mtg. Sheila and Lance to review.*

**10-12-2: AREA REGULATIONS**

- A. Residential Space Requirement Chart: The minimum lot sizes and setback distances for residential uses are listed in the following table 2:

Table-2; Residential-Space-Requirement-Chart

<u>Residential Uses</u>	<u>A</u>	<u>R-1-8</u>	<u>R-1-10</u>	<u>R-1-12</u>	<u>PUD</u>			
Lot Setbacks								
Principal Uses (in feet):								
Front Yard	50	25	20	25	20	30	25	*
Side Yard (interior lot)	20	40	**** 8/10	40	8/10	12	10	*
Side Yard (on street)	30	25	20	25	20	30	25	*
Rear Yard	30	20	15	25	15	30	20	*