

River Heights City

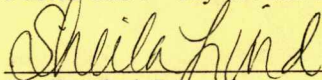
RIVER HEIGHTS CITY PLANNING COMMISSION AGENDA

Wednesday, June 15, 2016

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. Hear Code Revision Ideas Regarding Fence Requirements from Jason Ellis and Nate Bunderson
- 7:20 p.m. Discuss an Additional Commercial Zone
- 7:40 p.m. Discuss Sidewalk Ordinance Revisions
- 7:55 p.m. Clarify City Code Definitions
- 8:00 p.m. Adjourn

Posted this 9th day of June 2016



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

1 River Heights City Planning Commission

2 Minutes of the Meeting

3 June 15, 2016

4
5 Present: Commission members: Mark Malmstrom, Chairman
6 Nina Knowles
7 Danny Petersen
8 Cindy Schaub
9 Jake Zollinger

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11 Councilmember Blake Wright
12 Recorder Sheila Lind

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14 Others Present: Tony Johnson, Nate and Erin Bunderson, Jason and
15 Nichole Ellis, Lucia Rhodes, Elise Reeder

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17 Motions made During the Meeting

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19 Motion #1

20 Commissioner Schaub moved to “approve the minutes of the May 4, 2016 Commission
21 Meeting.” Commissioner Petersen seconded the motion, which carried with Knowles,
22 Malmstrom, Petersen, Schaub and Zollinger in favor. No one opposed.

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24
25 Proceedings of the Meeting

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27 The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie
28 Council Chambers on June 15, 2016.

29 Adoption of Prior Minutes: Minutes for the May 4, 2016 Planning Commission Meeting
30 were reviewed.

31 **Commissioner Schaub moved to “approve the minutes of the May 4, 2016 Commission**
32 **Meeting.” Commissioner Petersen seconded the motion, which carried with Knowles,**
33 **Malmstrom, Petersen, Schaub and Zollinger in favor. No one opposed.**

34 Hear Code Revision Ideas Regarding Fence Requirements from Jason Ellis and Nate
35 Bunderson: Jason Ellis informed that his family and the Bundersons have just moved into the
36 Saddlerock Subdivision. Their backyards face 600 South. They were promised by their builder
37 that they could build a 6-foot fence around their back yard. They found out recently the city
38 code will only allow a 4-foot fence along a street. They have checked with other cities and

39 found they allow 6-foot fences as long as they don't block the view of traffic. He turned in
40 some of the information he had found. Commissioner Malmstrom asked if this information
41 would work in their situation. Mr. Ellis said their property is at least 60 feet from the nearest
42 driveway. The back of their house is about 31 feet from their property line along 600 South.
43 Mr. Malmstrom expressed appreciation for them wanting to work through a code change for
44 the greater good of the people rather than just get a variance for themselves.

45 Commissioner Schaub asked for clarification on his house location. The Bunderson
46 home (950 East) is next to the Luu home and the Ellis home is west of the Bunderson's. They
47 desire their backyards to have a 6-foot fence along the sidewalk on 600 South, as long as it
48 wouldn't impair traffic vision. Commissioner Schaub would like to visit the site before making a
49 decision.

50 Commissioner Peterson expressed concern about a fence preventing storm water from
51 entering the retention area. Nate Bunderson assured he would consider the pond. He invited
52 the Commissioners to come see their situation.

53 Mr. Bunderson reiterated that they aren't seeking special consideration for themselves,
54 but for the city in general. They are eager to help the city find a solution for others in their
55 same situation. As they researched, they found the primary reasons for height restrictions are
56 for safety. Commissioner Schaub asked if he would provide a site drawing. Mr. Bunderson
57 drew a diagram on the white board showing where they would like a 6-foot fence on both his
58 and Ellis' properties.

59 Commissioner Malmstrom feels their request is reasonable and doesn't see a safety
60 issue for vehicles. He asked for comments from the Commission. Councilmember Wright
61 reviewed the current city code. He has explained the situation to Appeal Authority Dustin
62 Ericson and asked if he thought a variance could be granted. Mr. Ericson said, "No." Mr.
63 Wright explained the intent of the 4-foot fence in the setback was to keep things esthetically
64 pleasing as one drives down the street. He said he doesn't have a problem with a fence in their
65 situation, but he's not sure how to deal with 6-foot fences all along 1000 East in the future
66 Phase 3). Commissioner Malmstrom pointed out they could all be different fences, as well. Mr.
67 Bunderson informed, even with 4-foot fences, they may not all look alike. Mr. Malmstrom feels
68 it's a whole different view when you drive down a road and see a tall fences along backyards
69 rather than open front yards.

70 Jason Ellis pointed out that a 4-foot fence could be a safety concern for children or
71 animals getting out along a busy road.

72 Councilmember Wright recommended the commissioners drive around the city to
73 contemplate what the impact might be on the community as a whole. He's had some people
74 talk to him about keeping an open visual along 1000 East. He suggested they could limit the
75 allowance of 6-foot fences along a street to a specific zone. They might consider only allowing
76 a certain amount of feet of fence along a road. Commissioner Petersen suggested a 2-3 foot

77 buffer. Mr. Ellis stated there is a sidewalk and planting strip between his property and the
78 road. The city could require certain trees for a buffer.

79 This item will be on the next agenda to review the Commissioner's findings.

80 Councilmember Wright reviewed the process for code changes. In most cases the
81 Council adopts what the Commission recommends. At the quickest, it would take a couple
82 months.

83 Discuss an Additional Commercial Zone: Commissioner Schaub discussed the request
84 from the Cascios to convert Tony Johnson's old gas station into a photography studio. They
85 have obtained signatures from 46 neighbors who are in favor of the idea. Commissioner
86 Schaub stated she would say 'no' for commercial, but she is more open to entertaining the idea
87 based on the historic value of the building, as a point of interest. She has contacted Meg Ryan,
88 of the Utah League of Cities and Towns, to see if River Heights could spot zone. Ms. Ryan said
89 this is a policy choice on a broad level and recommended the city look at the General Plan to
90 see how it fits with the neighborhood. Commissioner Petersen asked Tony Johnson how the
91 interior design would be set up. Mr. Johnson answered it would be a big open studio room.

92 Commissioner Schaub said if a soft commercial zone were created, it would have decibel
93 requirements, number of cars, hours of operation and parking light restrictions. She is
94 considering beyond the photo studio . . . office space, architectural firm, museum, wedding
95 consultant, and other low impact type businesses. She has a long list of businesses that would
96 NOT be allowed. Tony Johnson thinks Logan has a neighborhood commercial zone that allows
97 friendly businesses. Meg Ryan also informed that the League doesn't have a template or
98 verbiage for this type of zoning. The city may need to call an attorney for opinions on this
99 unique situation.

100 Commissioner Petersen discussed the lot size. Mr. Johnson thinks it's just under 8,000
101 square feet.

102 Elise Reeder would rather see this corner as a photography business than a rental home,
103 with renters that may not take care of the property.

104 Commissioner Schaub asked if there are other historical areas in the city. She feels
105 there should be a limit of these areas and recommended moving forward on this consideration.
106 Commissioner Malmstrom asked if she could come up with some verbiage to discuss in a formal
107 way. Ms. Schaub confirmed that she would bring something to the next meeting.

108 Councilmember Wright asked Commissioner Schaub what type of zone she is
109 considering. She answered she is thinking along the lines of historical. Mr. Wright suggested
110 talking to the Logan City Planning Department to see how they dealt with Herm's Inn, which is
111 in a neighborhood. Ms. Schaub will contact Russ Holley at Logan City. Mr. Wright suggested
112 she talk with him about overlay zones and get his opinion on this situation.

113 Discuss Sidewalk Ordinance Revisions: Councilmember Wright read and discussed Code
114 7-2, the sidewalk ordinance, specifically as it applies to property owner's responsibility for new

115 sidewalk. The issue that has brought this up was the 600 East road project. New sidewalk was
116 installed on the east side of the road, in which the property owner should have been billed half
117 the cost. However, the property owner wasn't notified prior to the installation, of his
118 responsibility (nor did he want the sidewalk). During past projects, the city has required
119 property owners to pay their portion.

120 Councilmember Wright said Councilmember Wilson asked that the code be revisited,
121 regarding sidewalks. She informed that when 700 South received sidewalk years ago, it was
122 done piecemeal because some property owners refused to pay their portion, therefore they
123 didn't get sidewalk in front of their house. Since 700 South sidewalk is on the upcoming capital
124 projects list, the Council has asked the Commission to revisit the ordinance to see if they can
125 come up with a better way to administer this. The Council generally feels, if it's a city project
126 then the city should pay for it. If a homeowner requests a sidewalk, then the city would pay
127 half. Commissioners Petersen and Malmstrom feel the city should pay when it's their project.
128 Citizens are not usually planning ahead to pay for a sidewalk.

129 Councilmember Wright reminded that new development would still be required to
130 install their own sidewalks. He asked them to look at paragraphs A and B to consider how to
131 reword it, in the case of city improvements.

132 Commissioner Malmstrom brought up different scenerios, such as; if the property
133 owners want the city to pay for half a sidewalk that was ruined due to their own tree roots. He
134 pointed out there are creative ways to take care of this situation. Property owners are required
135 to maintain the park strip. The city has a planting guide for the types and size of trees that can
136 be planted in these areas. Councilmember Wright desires a procedure that would prevent the
137 city from being able to order residents to cut their trees down.

138 Commissioner Malmstrom asked each commission member to come up with concepts
139 they think would to work. They will discuss it again at the next meeting.

140 Councilmember Wright stated, the city is usually really good at giving a heads up to
141 residents when they will be required to contribute on a project. This one just slipped through
142 the cracks.

143 Clarify City Code Definitions: Commissioner Zollinger discussed the Adult-Oriented
144 Business definition. (He was assigned to revise the definition so it was different than the
145 Sexually-Oriented Business definition.) He reported that the city's definition is similar to that of
146 other cities. His opinion was to leave it, to prevent people from trying to get around the
147 definition to hopes of being able to do what they want to do. Councilmember Wright observed
148 there was no definition in Chapter 3-3, the Adult-Oriented Business section, which he felt would
149 be helpful. They discussed the definition located in 3-4 and decided to remove, ". . . and which
150 constitute at least fifteen percent of the floor space . . ." The revised definition will be copied
151 into chapter 3-3 as 3-3-2 (the other sections will bump down). Councilmember Wright
152 suggested adding other definitions or reference the definitions in 3-4.

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The meeting adjourned at 8:40 p.m.

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Sheila Lind, Recorder

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Mark Malmstrom, Chairman

Ellis Family

950 E 550 S
River Heights, UT 84321
(435) 764-3616
jason.ellis@aggiemail.usu.edu

Bunderson Family

968 E 550 S
River Heights, UT 84321
(404) 556-8448
Nate.Bunderson@ASIRobots.com

25th May 2016

Dear committee members Schaub, Petersen, Zollinger, Malmstrom, and Knowles,

The Bundersons moved to Cache Valley from Atlanta a year and a half ago. Our daughter has been attending River Heights elementary since then and because of the great experience we have had with this school and community we only considered River Heights when choosing a permanent home. We are looking forward to being a part of the community and contributing however we can.

The Ellis family is from Cache Valley and have deep roots in River Heights. Former mayor and spouse, Dean and Evelyn Ellis, are Jason's grandparents. Bob and Debbie are his parents. Jason and Nicole currently have one two year old daughter Abigail.

We understand that building a safe and happy community like River Heights requires effort and we especially appreciate the efforts of those who serve in the local government.

We are seeking a change to the River Heights fence height restrictions. Obviously we are primarily motivated by safety and privacy concerns for our own families on our own property. However since we anticipate being a part of the community long term we do not seek a short-term solution or exception/variance for ourselves. Rather, we want to help find a longer-term solution that will benefit the community overall. In particular we would like to propose a change to the existing regulations that we believe will:

- Ensure the safety of motorists and pedestrians,
- Reduce the number of variance requests that will come before the planning committee as River Heights continues to grow,
- Ensure the safety and privacy of citizens, and
- Reduce overall restrictions on private property.

We have been researching zoning restrictions on fence heights in other communities. One concept that seems to be popular is the "Sight Visibility Triangle". The idea is that more restrictive fence height limits are reserved for specific areas (particularly near intersections and driveways) to ensure road safety. Fence height limits are more relaxed elsewhere to balance privacy concerns.

Currently the River Heights City Code under 10-12-2 AREA REGULATIONS reads that in all zones fences shall not exceed 4 feet in height when on a street. We are proposing that in areas where visibility is not impaired the height restriction be increased to 6 feet in height for rear and side yards.

Included in the following pages are code examples from other Utah Cities. We encourage you to review their codes in preparation for the upcoming meeting. Thank you for your consideration of this code change. We look forward to working with you.

Sincerely,

Nate and Erin Bunderson

Jason and Nicole Ellis

Proposal for changes to River Heights City Code regarding fence height

Current Language in Title 10 Chapter 12 "Zone Regulations":

Fences and Walls (max. height in feet)	A	R-1-8	R-1-10	R-1-12	PUD
Front Yard	4	4	4	4	4
Side Yard (interior lot)	6	6	6	6	6
Side Yard (on street)	4	4	4	4	4
Rear Yard	6	6	6	6	6
Rear Yard on a street	4	4	4	4	4

Proposed Language changes to enhance safety and reduce restrictions on private property

We propose that the following changes apply to all residential zones unless there is a compelling reason to restrict it to some zones.

Fence and wall restrictions for all residential zones are as follows:

1. Maximum Height:
 - a. Front Yard = **4** feet max
 - b. Rear & side yard = **6** feet max
 - c. Corner yard = **6** feet max. (behind front of home)
2. No fence or wall is allowed within the **40** feet sight distance triangle of street intersections.
3. A building permit is required prior to the construction of any fence taller than **6** feet.
4. Call "Blue Stakes" at 1-800-662-4111 **three (3)** days before you dig. All utility departments (gas, water, electric) should be contacted prior to fence installation regarding meter access requirements and policies.

Taylorsville, UT city code:

[http://www.taylorsvilleut.gov/downloads/community_development/dev_code_ch_28 - fencing retaining walls - cc 04 20 2011.pdf](http://www.taylorsvilleut.gov/downloads/community_development/dev_code_ch_28_-_fencing_retaining_walls_-_cc_04_20_2011.pdf)

Taylorsville Development Code

Chapter 13A-28 – Fencing/Retaining Walls

Chapter 13A-28 – FENCING/RETAINING WALLS

13A-28-01 Purpose

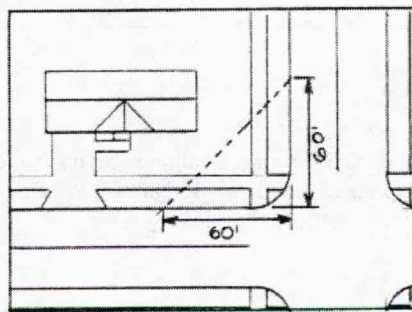
The purpose of this Chapter is to create minimum and maximum fencing and retaining wall standards for residential and commercial areas within the City.

13A-28-02 Effect of Section on Covenants, Agreements, etc.

This Chapter shall not nullify the more restrictive provisions of covenants, agreements, ordinances, or laws but shall prevail notwithstanding such provisions which are less restrictive.

13A-28-03 Fences - Residential Standards

- A. **Side Yards and Rear Yards.** In any required side or rear yard on lots, the height of fences shall not exceed 6 feet, unless otherwise allowed herein.
- B. **Front Yards.** Fences in required front yards shall be allowed provided that solid type fences shall not exceed 3 feet, and open type fences, e.g., wrought iron, shall not exceed 4 feet.
- C. **Corner Lots.** In addition to the other provisions contained in this Section, fences located on corner lots shall be subject to the following provisions:
 - 1. Any fence, wall, and/or hedge on the front yard setback shall not exceed 3 feet if opaque construction or 4 feet if open construction.
 - 2. In the side yard setback that fronts on a street, height up to 6 feet shall be allowed beyond 60 feet from the intersection measured from the intersecting extended curb lines. Height within the 60-foot area shall conform to the requirements of a front yard setback.



COMMON 60 FOOT SIGHT VISIBILITY TRIANGLE

Chapter 28 - Figure 1 – Illustration of a Common 60 foot Sight Visibility Triangle

Chapter 13A-28 – Fencing/Retaining Walls
Last Revision Date: March 15, 2011

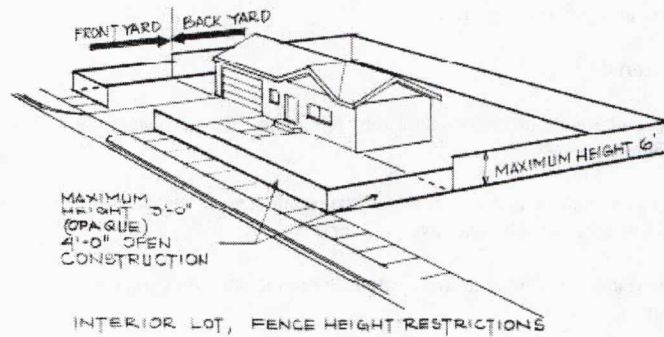
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Taylorsville Development Code

Chapter 13A-28 – Fencing/Retaining Walls

3. A clear view zone shall be maintained free of fencing, except a see through fence or a view obscuring fence no higher than 3 feet in height when a driveway exists on the adjacent lot within 10 feet of the shared property line. The clear view zone refers to the portion of the corner lot lying within a triangular area formed by measuring back 10 feet from the point where the interior property line shared with the adjacent lot meets the property line along the public right-of-way.



Sandy, UT city code:

http://sandy.utah.gov/fileadmin/downloads/comm_dev/planning_and_zoning/zoning_administration/land_development_code/Chapter_28_Fencing.pdf

15A-28-03 Fences - Residential Standards

2. In the side yard setback that fronts on a street, height up to 6 feet shall be allowed beyond 60 feet from the intersection measured from the intersecting extended curb lines. Height within the 60 foot area shall conform to the requirements of a front yard setback.

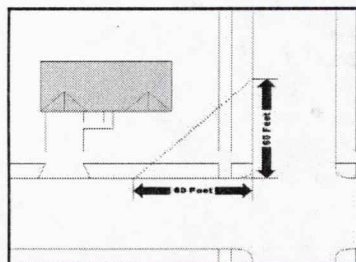
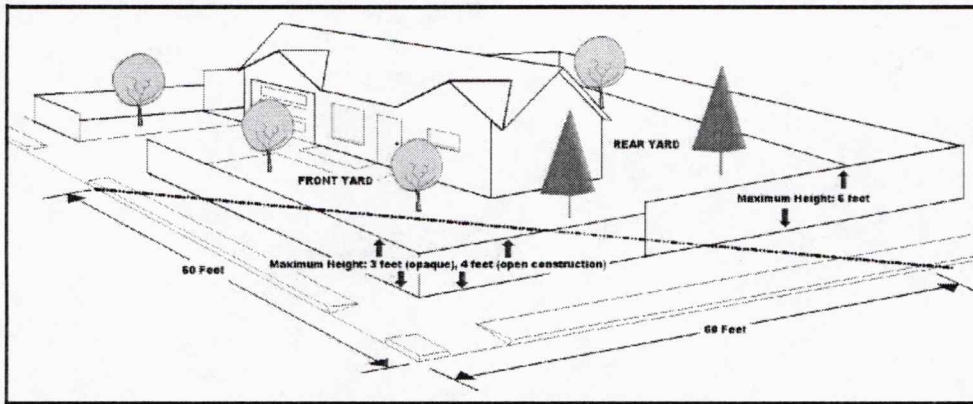


Illustration of a common 60 foot Sight Visibility Triangle



Fence Figure #2 - Corner Lot Fence Height Restrictions

North Logan, UT city code:

<http://www.ci.north-logan.ut.us/CityCode/Title12C%20-%20Land%20Use%20-%20Zoning.pdf>

12C-108. Wall, Fence or Hedge. Height of fences, hedges, or shrubs.

No fence or wall or similar structure shall be erected in any required front, rear or side yard to a height in excess of six (6) feet except for accessory buildings and structures permitted herein.

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12C-3

Hyde Park City Fence Ordinance:

<http://hydepark.utahlinks.org/docs/P42-100012.pdf>

12.80.70 A. Corner lot fences. Any owner of a corner lot desiring to fence the same must designate at the time of obtaining a building permit for construction of a dwelling the front yard and side yard of said lot. Any fence constructed on said owner's lot cannot exceed seven (7') feet in height, and may be constructed one (1) foot from the side yard property line of said lot or one (1) foot from the sidewalk, if the sidewalk is placed within the property. This space must be improved and maintained by the homeowner; so long as a forty (40') feet clear view of intersecting streets is maintained. The clear view is calculated as a triangular area, forty (40') feet from the street intersection right of way lines. Along the rear lot lines, if the adjoining property has a drive approach or curb-cut within ten (10') feet of the property line, no obstruction, that would obstruct the view of drivers, shall be placed within a triangular area formed by said property line and street right-of-way and connecting them at points ten (10') feet from the intersection of these lines.

Petition for Cascio Photography Studio

By signing this form I am in favor of Cascio Photography using the building 594 S 400 E in River Heights. I have been informed of their intent to use the space as a studio/office for their own use, as well as a place for other photographer's in the community upon approval. I acknowledge that this will be a by appointment only and low-impact business. I agree that the improvement of this corner will be a great benefit to the area I live in and the surrounding community.

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
1. Bill Hanover	415 E 600 So.	753-9540
2. Rockie Ricks	574 S 400 E	(435) 799-3735
3. Carmu Ricks	574 S 400 E	435 799-3735
4. LaVar Rasmussen	428 E 6 th So	435 ⁷⁵ -3589
5. JoAnne Rasmussen	428 E 6 th So	435 752-3589
6. FZR	799 Stewart Hill Dr.	435-881-9357
7. Suzanne Kover	487 E 600 S	435) 764-2599
8. Phyllis Belles	467 E 600 S.	435-755-6758
9. Shanae Y. Ames	464 E 600 S	435-750-8787
10. Vatah Fowler	471 E 600 S	435-757-9287
11. Mary Grogger	450 E 600 S	752-3785
12. Andy Whaley	447 E 600 S	701-603-0096
13. Marilyn Blauer	437 E 600 S	752-2649
14. Pat Blauer	423 E 600 S	435-752-3588

15.

16. Barbara R. Board 620 S 400E (435) 752-5490
17. IRMA ESTRADA 418 E. 600 S. (435) 374-9367
18. Darcie Ward 634 S. 400E. (435) 764-3562
19. Jena Petsson 650 S 400E (435) 554-0173
20. Amy Full 680 SO. 400E. (435) 752-7736
21. M. K. 675 S. 400E 435-757-7617
22. Dana Thompson 446 Riverdale Ave. (801) 473-3703
23. Jason Thompson 446 Riverdale Ave. (435) 232-4275
24. Heather Ripplinger 630 S 700 E 435-750-7087
25. Jessica Tenny 436E 600S 435-230-5639
26. Lana Hanover 415 E 600S 435 760-6885
27. Lindsey Wiltshire 408e 600S 435-760-3011
28. Casey McFarland 921 Orchard Dr. 435-881-9795
29. Bessie Wakefield 473E 500S 435-770-4341
30. Mary Wakefield 473E 500S 435-770-1385
31. ~~Tracy Wakefield~~ 473E 500S 435-770-0331
32. Kay Peterson 752-7132 ↖ 391 E. 600 S.

33.

34. Edick Matthews

485 So. 400 E, 752-7389

35.

Tessa Eby

SP S. 400 E

840-0248

36.

- Demar Rae Sparrow

318 E 600 S -

435-754-6504

37.

Greta Semrow

752-7577-362 E 600 So

38.

Marque Olsen

752-4098

383 East 600 So

39.

Shirlaine Holtman

890-8315

605 E 400 E River Heights.

40.

Niede Smith

787-8371

648 Summerwild Ave River Heights

41.

Samantha Grom

760-7932

110 E 500 S

42.

Harm Oull

(970) 988-4733

385 E 700 S R. H.

43.

Casey Hibbard

435-512-5374

585 S. 500 E. R. H.

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