

# River Heights City

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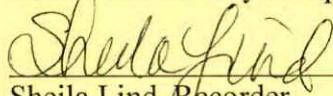
## PLANNING COMMISSION AGENDA

**Tuesday, May 1, 2018**

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

- 7:00 p.m. Pledge of Allegiance and Adoption of Previous Minutes and Agenda
- 7:05 p.m. Discuss a Request for a Parking Lot in an Agricultural Zone
- 7:15 p.m. Discuss Code Changes Pertaining to Home Businesses
- 7:30 p.m. Discuss General Plan Amendments
- 8:15 p.m. Adjourn

Posted this 26<sup>th</sup> day of April 2018

  
\_\_\_\_\_  
Sheila Lind, Recorder

Meeting attachments, drafts of previous minutes and audio recordings can be found on the State's Public Notice Website ([pnn.utah.gov](http://pnn.utah.gov))

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

## River Heights City Planning Commission Minutes of the Meeting May 1, 2018

Present: Commission members: Cindy Schaub, Chairman  
Noel Cooley  
Heather Lehnig  
Chris Milbank

Councilmember Blake Wright  
Recorder Sheila Lind

Excused Commissioner Lance Pitcher

Others Present Ted and Dixie Wilson, Lance Anderson

### Motions Made During the Meeting

#### Motion #1

Commissioner Lehnig moved to “approve the minutes of the April 7, 2018 Commission Meeting.” Commissioner Cooley seconded the motion, which carried with Cooley, Lehnig, Milbank, and Schaub in favor. No one opposed. Pitcher was absent.

### Proceedings of the Meeting

The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie Council Chambers on May 1, 2018.

Pledge of Allegiance: Commissioner Schaub led in the Pledge of Allegiance.

Adoption of Prior Minutes and Agenda: Minutes for the April 17, 2018 Planning Commission Meeting were reviewed with the following change on line 74: “The following paraphrases Ms. Rhoton’s comments. She discussed the number . . . ”

**Commissioner Lehnig moved to “approve the minutes of the April 7, 2018 Commission Meeting.” Commissioner Cooley seconded the motion, which carried with Cooley, Lehnig, Milbank, and Schaub in favor. No one opposed. Pitcher was absent.**

Discuss a Request for a Parking Lot in the Agricultural Zone: Commissioner Schaub invited Lance Anderson, a Conservice representative, to explain their request. Mr. Anderson reminded they applied for a rezone from agricultural to commercial to install a permanent parking lot east of the Conservice Building. A public hearing was held in which residents expressed concern that if the property were rezoned to commercial, that perhaps someday, there would be a commercial building on the property. He thought afterward, if they were allowed to install their parking lot in the agricultural zone, residents may feel more comfortable with this. Conservice doesn’t plan to grow

45 their business anymore in Cache Valley. However, they have a parking need for their current  
46 employees. He wondered what the City's thoughts were on this approach, which would necessitate a  
47 change to the code. If it was adopted, he hoped the code would require the same design guidelines  
48 from the commercial zone.

49 Commissioner Cooley asked Mr. Anderson if he knew of any other areas that allow parking  
50 lots in agricultural zones. He said he wasn't aware of this situation anywhere else. He had never  
51 seen or heard of parking lots not being allowed.

52 Commissioner Schaub asked how soon they are wanting to pave the parking lot. Mr.  
53 Anderson said immediately; their need is now. It was pointed out that the current temporary lot is  
54 not allowed, per the code. Commissioner Milbank read from 10-14-10, which states temporary  
55 parking lots are only allowed in the commercial zone. Mr. Anderson said this was a misunderstanding  
56 and they would like to be in compliance.

57 Commissioner Cooley didn't feel like any kind of parking lot fits in an agricultural zone. He  
58 feels we really need to look at rezoning to a commercial area, one that restricts building on this  
59 property. In looking at the code, it says the Planning Commission must approve a building that meets  
60 the City's code. He asked if this gives them the authority to disallow commercial buildings. Mr.  
61 Anderson believed that as long as they meet code, they must allow the request. In his conversation  
62 with Councilmember Wright, he determined that the agricultural zone in River Heights isn't really  
63 'agricultural,' as far as crops and animals. It is basically used as a buffer zone, which is why he felt his  
64 request for a parking lot in an agricultural zone would be considered, as a way to diminish the public's  
65 concern.

66 Commissioner Cooley wondered if allowing this request would set a precedence. Mr.  
67 Anderson suggested considering if this would create a problem in another area of the City.

68 Commissioner Schaub brought up the lighting ordinance and was concerned parking lots emit  
69 too much light. Commissioner Cooley said this part of the code needs to be updated. He feels  
70 parking lots can meet the ordinance. Mr. Anderson said the restriction that needs to be made is the  
71 height of the pole, which would cut down on the amount of light.

72 In answer to a question posed at a previous meeting, Mr. Anderson said Conservice offers  
73 their employees reserved parking spots for a fee. They used to park on one side of the street, but the  
74 City has put up no parking signs.

75 Commissioner Schaub said she has driven past at different times of the day and there always  
76 seems to be empty stalls.

77 Commissioner Milbank suggested they each try to come up with any unintended  
78 consequences to allowing Conservice's request. The Commissioner would also like some feedback  
79 from the Council.

80 Mr. Anderson reminded their rezone request is still tabled.

81 Discuss Code Changes Pertaining to Home Businesses: Commissioner Schaub explained Steve  
82 Thunell's request for a home business in the home next door to his (which he owns and his son lives  
83 in).

84 Commissioner Milbank discussed his proposed revision of 3:1: Home Occupation Definition:  
85 "A legal use or business, conducted within a dwelling or upon residential property. Business activity  
86 shall be clearly and obviously subordinate to the main purpose of the home as a residence. The  
87 owner of the business must live in the home or in an adjacent home which shares a common

property line. If an adjacent home is to be used for the home occupation it must remain clearly and obviously a residential dwelling.”

Councilmember Cooley brought up some points he felt should be addressed, including: 1) The owner should still be required to get a Conditional Use Permit. 2) The property of the residence could be restricted to sharing one property line with the business, not two. 3) The primary use of the home with the business should be used for residential by the owner or a renter (something along this line). Changes were made.

Discussion was held on an existing home occupation in a home where there is not a resident living there. Commissioner Milbank pointed out one would never know, driving by, that there was a business inside. It looks just like a home. Recorder Lind informed the home and business belong to Mike Jablonski. He applied for and was granted a Conditional Use Permit a number of years ago.

Commissioner Milbank felt the overall objective is to maintain River Heights as a quiet residential community yet still allow residents to do things which won't disturb their neighbors or the community standard. However, caution should be taken when the code is rewritten.

Ted Wilson pointed out the City doesn't need to re-write the ordinance for every request that comes up. Commissioner Milbank felt the City should try to accommodate the needs of the people who live in River Heights, which can be a fine line.

Steve Thunell suggested adding “a portion of an adjacent home can be used as long as the main purpose remains residential.” Commissioner Schaub added, “maintaining a residential appearance at all times.”

The verbiage was discussed further. Commissioner Milbank will work on the changes discussed and send them out before the next meeting.

Councilmember Wright suggested this ordinance change be lumped together with other revisions, such as the parking lot issue. They planned to discuss it one more time at the next meeting and possibly have a public hearing the first week in June.

Discuss General Plan Amendments: Commissioner Schaub discussed her suggested changes to the Land Use section of the General Plan.

Commissioner Cooley has heard of petitions which were turned into the City and wondered what the City will do with them. He was told there really are two petitions, one for R-15000 lots and another for no townhomes. Councilmember Wright feels they need to be considered. However, he isn't sure 15,000 square foot lots would be needed in all future annexed areas in River Heights.

Recorder Lind handed out changes to the General Plan, which were discussed in 2015 and never adopted. These ideas will be reviewed and possibly incorporated into this year's changes.

The meeting adjourned at 8:15 p.m.

  
Cindy Schaub, Commission Chair

  
Sheila Lind, Recorder

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## 2 LAND USE

Current land use is almost exclusively single family residential. There are a few apartments in the City, however, no apartment complexes are allowed under current zoning. The city is divided into three residential density zones allowing for 8,000 square foot lots, 10,000 square foot lots, and 12,000 square foot lots. There are also Planned Unit Development, Commercial and Mixed-use zones available but they have been used on a very limited basis to date.

Intense development of commercial use is occurring on land adjacent to River Heights to the west and southwest in the cities of Logan and Providence. **Community leaders of the City recognize the need for commercial zoning within River Heights for a number of reasons: KEEP?**

1. Landowners of properties adjacent to current commercial use will likely want the option to zone commercially;
2. In some cases it may be the best "use" fit for the area;
3. There is an increased revenue need to support city infrastructure; and
4. It is important to design commercial and mixed-use zones that will best serve the City.

An ordinance establishing an Agricultural Zone was passed by the City Council in 1998. All land annexed in the City is placed under this zone. The agricultural zone allows the integration of residential areas with open space.

### 2.1 PARKS AND OPEN SPACE

Few things define the ambiance and general attractiveness of a city more than its parks and open spaces.

At present, there are four developed parks in the City: Heber Olsen Park, the playing fields behind the **new River Heights** elementary school, the DUP Park, and the Hillside Park.

Heber Olsen Park is six acres in size and is next to the former elementary school and city office building. Within this park is Ryan's Place Park (playground), built in the spring of 2007. Adjacent to Ryan's Place Park are tennis courts, playing fields and a pavilion area for public use.

**(where?)**

In 1997, the City transferred approximated 8.4 acres, near 600 South and 800 East, to the Cache County School District. That land had been set aside by the City for a park. The Cache County School District uses that land for outside recreation grounds and playing fields (softball, soccer, etc). Under an agreement made with the School District in 1997, the School District allows these recreational grounds and playing fields to be used by residents of the City and the general public. The public can use the fields at any time except during school hours. This land is, therefore, part of the River Heights City park system. The total area of these recreation grounds and playing fields is 5.6 acres.

**(What does DUP Stand for? ---Daughters of Pioneers? )**

The DUP Park, located at 400 East and 450 South, is 0.13 acres. Hillside Park, north of River Heights Boulevard and east of 600 East, is 0.27 acres. **(Where new bench is?)**

The National Recreation and Park Association recommend as a guideline **(9.5 acres )**6-25 to

40.5 acres of park land per 1,000 residents. Counting the recreation grounds near the elementary school, River Heights is within the recommendation at nine acres per 1,000 residents. If River Heights reaches its potential population of 3,850 (update? \_\_\_\_\_) it will be at 3.84 (update? \_\_\_\_\_) acres per thousand people.

In the future there is the possibility of two additional park areas: one in the Riverdale area (where?) and the second on Stewart Hill Drive where the City presently owns 3.58 acres.

## 2.2 GEOLOGY

River Heights is located on firm ground. None of the existing neighborhoods in River Heights are built on land said to be unstable for development. A study by Evans, McCalpin, and Holmes, Department of Geology, Utah State University, published in 1996 indicates this. Appendix A contains details about the geology of River Heights.

## 2.3 SENSITIVE LANDS

Sensitive areas in and near River Heights include the Logan River corridor, the Spring Creek drainage, and steep slopes. There may also be wetlands in some of the undeveloped fields in River Heights. Spring Creek is located between River Heights and Providence City. Steep slopes separate the upper terrace of River Heights from the Riverdale neighborhood, the Logan River, and the area in Logan known as the Island.

### 2.3.1 Logan River Corridor

The Logan River provides about 3,000 feet of the border between Logan City and River Heights, in the Riverdale neighborhood. This area has the potential for flooding, but the River Heights side of the river is higher than the Logan side and thus less susceptible to flooding. Landowners in Riverdale report that the Logan River did not overflow its banks during the 1983 flood. Flood plain maps (where to find info to update?) provided by the Cache County recorder indicate that the Logan River corridor, in River Heights, would not be inundated by a 100-year flood.

The Logan River corridor provides valuable wildlife habitat. The river and its associated riparian vegetation provide habitat for a variety of bird species. These species are listed in appendix B (update?) of this document. Appendix C (update?) lists the native plant species in the riparian zone along the Logan River.

### 2.3.2 Spring Creek and Wetlands

Spring Creek is the natural drainage for most of River Heights and Providence. It currently serves as a boundary between the two cities from approximately 800 East to 400 East. From approximately 700 East heading west, Spring Creek is bordered by residential neighborhoods. **Developers have left buffers between homes and the waterway;** in some areas park like features have been developed near and around the waterway. Stone Creek Subdivision has built a retention pond for storm water runoff and irrigation purposes.

In this region wetlands include marshes, bogs, wet meadows, shrub wetlands, forested wetlands, and similar areas. Wetlands are protected under section 404 of the Clean Water Act and a permit is required to fill or destroy wetlands. Permits are issued by the United States Army

Corps of Engineers (COE). Pursuant to section 404(c) of the Clean Water Act, the Environmental Protection Agency has veto power over the issuance of section 404 permits for certain reasons.

Wetland delineation, performed by the COE or a wetland ecologist as certified by the COE, must be conducted to determine the boundaries of any wetlands that may exist near Spring Creek or in any other part of River Heights, prior to implementation of any development activities that may affect those wetlands. It is the responsibility of land developers to determine if wetlands exist on any sites that are to be developed. If wetlands are found, it is their responsibility to obtain the required permits from the COE before wetlands can be filled. In most cases, mitigation will be required to compensate for the filling of a wetland. Wetland mitigation usually includes the creation, restoration, or enhancement of an acreage of wetlands comparable to or greater than the wetland acreage impacted. In some cases, wetland preservation may be acceptable as mitigation.

### 2.3.3 Steep Slopes

The slopes that separate the upper terrace of River Heights from the Logan River and the Riverdale area are too steep to build on. At present, there are no structures on the slopes. Due to the obvious problems associated with building on these slopes it is doubtful that anyone will propose building on them. These slopes are covered with trees and vegetation. **At present there is a zoning ordinance that requires buildings near and on slopes greater than twenty-five degrees to have adequate provision by siting, retaining walls, landscaping, terracing, etc. to maintain site stability and to prevent erosion. (Where in code?)**

## 2.4 LAND USE GOALS AND RECOMMENDATIONS

**2.4.1 Goal:** **River Heights should be primarily a residential community of single family homes.** It should continue to have an atmosphere of pleasant and quiet residential living.

### Policies:

1. Growth in the City should be paced by the City's **ability to provide services.**
2. Retain a lighting ordinance which **preserves a dark sky.**
3. Retain a City policy for **moderate income housing** as required by state law.
4. **Retain zones** allowing homes on 8,000, 10,000 and 12,000 square foot lots.
5. Retain a **Planned Unit Development (PUD)** ordinance in the City Code. Encourage, owner occupied, single family units in a PUD. **Require open space in PUDs.**
6. Retain a conditional use permit for a **kennel license (this does not seem to fit here)** (the keeping of three or more dogs). Include sitting review and guidelines for dog enclosures.

**2.4.2 Goal:** Newly annexed areas of the City should maintain an agricultural atmosphere until the owners request further development.

### Policies:

1. All newly annexed areas shall come into the City zoned for agriculture use or greenbelt/open space.

2. Allow parcels smaller than five acres in size to be annexed into River Heights under the agricultural zone.

**2.4.3 Goal:** Maintain an attractive, aesthetically pleasing community with open spaces available for public use.

**Policies:**

1. Encourage private landowners to preserve open space.
2. Require new subdivisions to set aside land for city parks either by paying an impact fee for parks or by requiring that land be dedicated to the City for parkland.
3. Encourage citizens to reduce air pollution through decreased driving and increased bicycle and pedestrian travel.
4. Encourage citizens to adhere to air quality conditions and heed recommendations to not burning on “yellow” and “red” pollution days.
5. Encourage citizens to be mindful of limited landfill and energy resources and therefore, recycle as much as possible.
6. Preserve City owned Stewart Hill land for future park/open space.

**2.4.4 Goal:** The City boundary should ultimately go east to the U.S. Forest Service land boundary and should go south to Spring Creek, continue west along Spring Creek to Providence and Logan on the west. River Heights needs to consider adjacent land for potential annexation. These considerations may include best use and fit for the environment of the community.

**2.4.5 Goal:** Maintain a plan for excessive storm water runoff.

**Policy:** Maintain and update, as needed, the storm water runoff plan for River Heights, coordinated with Logan and Providence.

**2.4.6 Goal:** Preserve and protect sensitive areas.

**Policies:**

1. Prohibit building on steep slopes.
2. Encourage land owners along the Logan River to preserve the riparian vegetation along the river, including the over story (trees) and the under story (shrubs, etc.)
3. Encourage land owners along the Logan River to remove concrete and asphalt riprap ??? from the riverbank and replace it with native trees and shrubs.
4. Require structures to be set back at least 30 feet from the Logan River.
5. View jurisdictional wetlands as an opportunity for wetland preservation. Educate developers of the need to comply with the Clean Water Act when planning developments in wetlands.

**2.4.7 Goal:** Establish an urban forestry program.

**Policies:**

1. Retain the street tree ordinance. This is a work and action plan that provides clear guidance for planting, maintaining and removing of trees from streets, parks and other public places.



2. Apply for Tree City USA, proclaim Arbor Day in River Heights, (National Arbor Day is the last Friday in April) and plant some new trees.
3. The city budget should allow, through assessment or donation, \$2.00 per capita for urban forestry.
4. The City should encourage residents to replace trash trees with better quality trees.
5. Developers of new areas need to adhere to the green space guidelines for new developments.

**2.4.8 Goal:** Plan pedestrian and bicycle paths.

**Policies:**

1. Ensure safe pedestrian traffic to and from River Heights Elementary School and other traffic crossing zones.
2. Plan for a pedestrian/bicycle path where possible.
3. Require that pedestrian and bicycle movement across any new roads be central to the design of any new road projects.

**2.4.9 Goal:** Plan for a small commercial zone.

**Policies:**

1. The commercial zone shall be adequately buffered from all residential zones so that noise, lighting, and traffic that may be generated by a commercial zone does not significantly impact residential zones.
2. The commercial zone must not cause a significant burden on City services.
3. The general purpose of commercial zoning is to promote the general welfare and sound economic development of River Heights City and to encourage the best use of land in areas most appropriate for the location of commercial establishments. Toward that end, separate zoning areas are established in which specified land uses may be permitted. Two different commercial areas in the community: Commercial and Mixed-use, will best serve to define commercial enterprises which will conform to the unique physical and geographic settings of two different locals within the City. The Commercial zone will comprise the southwest area of River Heights that abuts a Providence City boundary line. The Mixed-use zone has a separate set of bylaws unique to its neighborhood and its location in the Riverdale area of River Heights. Both the Commercial and Mixed-use areas were created to help better achieve planning goals expressed by the community; the bylaws for each responding to and addressing the unique conditions and circumstances of each area.

**A. Commercial Zone:**

The main purpose of the Commercial zone is to make best use of land situated near main collector streets and highways. Allowed in the Commercial zone are some commercial uses that offer services and products typically found along roads with a high amount of traffic.

**B. Mixed-use Zone:**

The purpose of the Mixed-use zone is to shape a village environment with economic vitality, community orientation and mixed-use environment in the 100 East Area. A village environment is characterized by pleasant architectural styles, attractive streetscapes, intimate pedestrian atmosphere, and a true mixed-use environment. This area can be a place

## Home Occupation Definition

Chris Milbank

Apr 28 (2 days ago)

to Sheila

### HOME OCCUPATION:

A legal use or business, conducted within a dwelling or upon residential property. Business activity shall be clearly and obviously subordinate to the main purpose of the home as a residence. The owner of the business must live in the home or in an adjacent home which shares a common property line. If an adjacent home is to be used for the home occupation it must remain clearly and obviously a residential dwelling.

### Questions:

Can a person renting a home operate a home occupation?

Could one renting a home also rent an adjacent home and run a business out of it?

How is it assured that the adjacent home remains clearly and obviously a residential dwelling?