

River Heights City

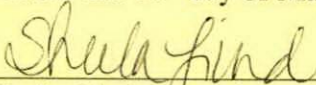
PLANNING COMMISSION AGENDA

Tuesday, June 5, 2018

Notice is hereby given that the River Heights City 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 Code Changes (home occupation definition, define a new commercial parking zone, fence heights, landlord utility service agreement)
- 8:30 p.m. Adjourn

Posted this 31st day of May 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)

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
June 5, 2018

1
2
3
4
5
6 Present: Commission members: Cindy Schaub, Chairman
7 Noel Cooley
8 Heather Lehnig
9 Chris Milbank
10 Lance Pitcher
11
12 Mayor Todd Rasmussen
13 Recorder Sheila Lind
14
15 Excused Councilmember Blake Wright
16
17 Others Present Ted Wilson, Elizabeth Springborn, Heather Cairns
18

19 Motions Made During the Meeting
20

21 Motion #1

22 Commissioner Pitcher moved to “approve the minutes of the May 29, 2018 Commission
23 Meeting with changes.” Commissioner Milbank seconded the motion, which carried with Cooley,
24 Lehnig, Milbank, Pitcher and Schaub in favor. No one opposed.
25
26

27 Proceedings of the Meeting
28

29 The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie Council
30 Chambers on June 5, 2018.

31 Pledge of Allegiance: Commissioner Lehnig led in the Pledge of Allegiance.

32 Adoption of Prior Minutes and Agenda: Minutes for the May 29, 2018 Planning Commission
33 Meeting were reviewed with the following changes: On line 87; “This is yet to be determined”
34 replaced. “It would most likely be the property owner’s responsibility.” On line 89; “three” was
35 changed to “there.” On line 105; “push” was changed to “put.”

36 **Commissioner Pitcher moved to “approve the minutes of the May 29, 2018 Commission
37 Meeting with changes.” Commissioner Milbank seconded the motion, which carried with Cooley,
38 Lehnig, Milbank, Pitcher and Schaub in favor. No one opposed.**

39 Discuss Code Changes (home occupation definition, define a new commercial parking zone,
40 fence heights, landlord utility service agreement): Commissioner Schaub read through the proposed
41 home business definition verbiage from the last meeting. The Commission decided to treat most
42 non-home home businesses on a case by case basis by requiring a Conditional Use Permit.

43 Other code changes on the list were reviewed.

44 Much discussion was had on accessory use buildings; how close they should be allowed to the
45 front setback.

46 Commissioner Milbank felt 10-12-2, subscript 3 was not needed. Commissioner Cooley felt it
47 should be included so properties would maintain a visual of a 10 foot side yard. They decided to
48 increase the front yard setbacks on accessory uses to 30, 30 and 35 in R-1-8, R-1-10 and R-1-12 zones.
49 They also decided to remove subscript 3.

50 Discussion was held on fence heights along a street. Commissioner Cooley felt it would be
51 helpful to differentiate between collector roads compared to subdivision roads. He was inclined to
52 push for a landscaped buffer area next to a collector road and allow property owners to have a six
53 foot fence. Commissioner Milbank brought up the idea of rewriting the subdivision ordinance to
54 require more buffer area in situations where rear yards would be on a road.

55 Based on indecision from the group, Commissioner Schaub suggested putting the fence
56 discussion off until later. Recorder Lind suggested asking PWD Nelson to give his point of view and
57 maybe others who could bring to light more arguments for or against six foot fences on a street.

58 They discussed 10-12-2, sideyard on a street (except corner lot) and decided to leave it as is,
59 since they came up with a few examples in the city.

60 Commissioner Pitcher gave an update to the group that DeLoy Hansen had recently purchased
61 more property along Main Street adjacent to the 700 South area. Mr. Pitcher feels he is buying a lot
62 of property that could be used to provide parking for his employees and questioned why they are
63 pushing the parking into River Heights. Commissioner Lehnig said her knowledge of Mr. Hansen
64 owning all this property changes her opinion on allowing parking in River Heights. Mayor Rasmussen
65 informed, the city attorney said since the code doesn't specifically say parking lots are not allowed in
66 an agricultural zone, a judge would most likely rule in favor of the landowner. If its not in the code it
67 becomes capricious.

68 Commissioners Schaub and Cooley handed out their proposed commercial parking zone draft.

69 Much discussion was had on how they would address the Conservice parking request without
70 allowing other agricultural areas to be turned into parking lots.

71 Commissioner Milbank asked Mayor Rasmussen how he would like them to proceed. Mayor
72 Rasmussen said after talking to the attorney and looking at land use laws, the direction we are going
73 could be considered arbitrary. He has backed off on the spot zone idea. However, he thinks it's
74 worth working with the landowner, to get something the City might be happy with, rather than them
75 pushing something on the City that would have a worse effect on the surrounding residents. At a
76 minimum, he'd like to preclude parking in other agricultural zones to the east. If there are activities
77 we don't want, we need to decide what they are. He reminded, the judge will likely always rule on
78 the side of the landowner. He suggested looking at how other cities handle parking lots.

79 Commissioner Cooley said Smithfield is the only city in the valley that allows parking in their
80 agricultural zone but, they clarify what is and isn't allowed.

81 Mayor Rasmussen suggested a moratorium on rezoning to commercial parking until the
82 General Plan has been revised to state where this zone would be allowed. The Commission was
83 confused on how to move ahead in a legal and correct manner. Mayor Rasmussen recommended
84 moving forward in the way they felt would be right. Commissioner Cooley felt it will take some real
85 thought on how to allow some parking lots but preclude others from having parking lots.

86 Commissioner Milbank suggested defining agricultural with a certain amount of green space.

87

88 Commissioner Schaub asked Mayor Rasmussen for guidance from the city attorney to know
89 what is legal. They don't want to spin their wheels preparing something the attorney may say can't
90 be done.

91 Commissioner Milbank pointed out they are discussing spot zoning just this one property.
92 Commissioner Cooley wondered how they could allow the new zone to only one property without
93 specifically pointing out that property.

94 Mayor Rasmussen will discuss the Commission's concerns with Attorney Jenkins and get back
95 with them.

96 The meeting adjourned at 8:45 p.m.

97
98
99

100 Cindy Schaub
101
102 Cindy Schaub, Commission Chair

Sheila Lind
Sheila Lind, Recorder

Code Changes for Discussion – June 5, 2018

3-1-3 and 10-2-1 (home occupation definition)

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.~~ The exterior of any home based business shall maintain the appearance of a residential dwelling at all times. Conditional use of that property will become void when the business owner moves from the home.

3-1-4:A.1. Home Occupation Licenses/Permitted Uses Requiring A Conditional Use Permit and License

Add:

j. Business Location: If an owner doesn't reside in the home where business is conducted.

5-2-4:A.2 Kennel Permits

Any Kennel Conditional Use Permit issued pursuant to this section shall automatically expire on December 31, immediately following date of issue. During the first two (2) months of each year the licensee shall apply for a renewal of the kennel license and pay the required fee. Any application made after March 1, except an application for a new establishment opening subsequent to that date, shall be accompanied by a late application fee in addition to the regular permit fee.

8-1-6: LANDLORD UTILITY SERVICE AGREEMENT

Landlords are required to sign the River Heights Landlord Utility Service Agreement as held in the River Heights City Office for each property they rent in River Heights.

10-12-2: AREA REGULATIONS (fences and walls)

~~Subscript 3. If the accessory building is located within 10 feet behind the front setback, the principle use sideyard setbacks will apply.~~

Subscript 4. Corner Lots: (See figure 10-12-2) (1-2018, 3-13-18) When the rear yard of a corner lot is adjacent to the front yard of a neighboring lot, a 6 foot (6') fence is allowed in the part of the corner lot's rear and side yard that is adjacent to the neighboring lot's front-yard setback area. All fences on corner lots shall comply with 10-13-~~14~~15: Clear View of Intersecting Streets.

Revisit rear yard on a street – 6 feet in all zones

~~Revisit side yard on a street (except corner lot) – is this possible?~~

Add new commercial parking zone as Chapter 22 of Title 10.

Incorporate the previously adopted Historic Landmark Overlay Zone as Chapter 23 in Title 10 of the City Code.

10-13-15: CLEAR VIEW OF INTERSECTING STREETS

. . . Trunks of trees, ~~fence posts~~, light or telephone poles or other small vertical protrusions not more than twelve inches (12") in diameter shall be permitted.

10-12-2

| | | | |
|----------------|------------------|------------------|------------------|
| Accessory Uses | R-1-8 | R-1-10 | R-1-12 |
| front yard | 25 30 | 25 30 | 30 35 |