

River Heights City

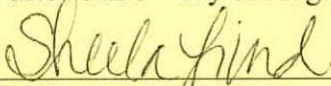
PLANNING COMMISSION AGENDA

Tuesday, August 7, 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 a No-Fault Utility Claim Ordinance
- 7:25 p.m. Discuss the Creation of a Parking Zone
- 8:15 p.m. Adjourn

Posted this 3rd day of August 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
August 7, 2018

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

Councilmember Blake Wright
Recorder Sheila Lind

Others Present Lance Anderson, Heather Cairns

Motions Made During the Meeting

Motion #1

Commissioner Pitcher moved to “approve the minutes of the July 31, 2018 Commission Meeting with a change in line 64.” Commissioner Milbank seconded the motion, which carried with Cooley, Lehnig, Milbank, Pitcher and Schaub 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 August 7, 2018.

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

Adoption of Prior Minutes and Agenda: Minutes for the July 31, 2018 Planning Commission Meeting were reviewed with the revision of line 64: “Ms. Schaub assured Ms. Cairns, she doesn’t want a paved parking lot right in the backyard of any neighbors.”

Commissioner Pitcher moved to “approve the minutes of the July 31, 2018 Commission Meeting with a change in line 64.” Commissioner Milbank seconded the motion, which carried with Cooley, Lehnig, Milbank, Pitcher and Schaub in favor. No one opposed.

Discuss No-Fault Utility Claim Ordinance: Commissioner Schaub explained, Councilmember Clausen has asked the Commission to recommend a no-fault utility claim ordinance, similar to the sample ordinance he gave them. This was brought up due to the recent sewer backup affecting Andy Thunell in June of this year. The clog happened in the main line but because the City wasn’t at fault the City’s insurance wouldn’t cover the damages. However, the City has a no-fault insurance rider in the amount of \$5,000. Mr. Clausen would like this situation addressed by City Code to explain the City’s procedure.

44 Recorder Lind will prepare the draft in the City's code format and forward it to
45 Councilmember Wright for a few clarifications. He will discuss questions he has with Councilmember
46 Clausen. It will come before the Commission at their next meeting for further discussion.

47 Discuss the Creation of a Parking Zone: Commissioner Schaub continued leading a discussion
48 on the ordinance draft. Since last meeting she combined her version and Commissioner Cooley's
49 version, and made the suggested changes.

50 Regarding the buffer area, Lance Anderson was asked what the Conservice plan calls for. He
51 said it varies from 15-20 feet. He prefers 15 feet, which is the same required by Logan City.
52 Commissioner Schaub prefers 20 feet. Commissioner Milbank suggested requiring a fence between
53 properties. Commissioner Lehnig informed that Garden City requires a six foot fence between
54 commercial and residential properties. The Commission generally liked the idea of a 15' buffer as
55 long as a six foot fence was required.

56 Commissioner Schaub wanted the code to state "the fence material needs to be approved by
57 the Commission." Councilmember Wright felt they could describe materials that would and wouldn't
58 be allowed, rather than be involved in the fence design.

59 Discussion was held on free standing solar panels. This is already addressed in the City's code,
60 which will be reviewed and incorporated into the parking zone.

61 They suggested rather than address lighting, to refer to the City's current outdoor lighting
62 ordinance. However, the lighting ordinance needs to be updated to include a section on LED.

63 Heather Cairns clarified that her neighbor's property is zoned partly agricultural and partly
64 residential. The Commissioners will keep this in mind, while drafting the ordinance.

65 The meeting adjourned at 8:35 p.m.

66
67
68
69 _____
Sheila Lind, Recorder

70 _____
71 Cindy Schaub, Commission Chair

Title 8

Chapter 3 River Heights City Ordinance

CHAPTER 14. NO-FAULT UTILITIES CLAIMS

8-14-1. Short title.

8-14-2. Purpose.

8-14-3. Definitions.

8-14-4. Administration and establishment of regulations.

8-14-5. Reimbursement - Application - Time limitations.

8-14-6. Application - Investigation and recommendation.

8-14-7. Criteria for payment.

8-14-8. Maximum payments.

8-14-9. Payment does not imply liability.

8-14-10. Annual budget expenditures.

8-14-11. Claims from other governmental agencies.

8-14-1. Short title.

The ordinance codified in this Chapter shall be known as the "No-fault Utilities Claims Ordinance." (~~Ord. 88-34, 01-04-89~~)

8-14-2. Purpose.

It is the purpose of this Chapter to compensate persons for loss sustained as the result of a break or backup in a city-owned and maintained watermain or sewer line, regardless of fault on the part of the City, within the restrictions, limitations, and other provisions of this Chapter. (~~Ord. 2007-08, 04-18-2007~~), (~~Ord. 88-34, 01-04-89~~)

8-14-3. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated:

(1) "City" means Tooele City Corporation, a political subdivision of the state of Utah.

(2) "City Attorney" means the City Attorney or his/her designee.

(3) "Person or applicant" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, or any other legal entity (except the United States Government or any of its agencies, or the state of Utah and any of its political subdivisions) or their legal representatives, agents, or assigns.

(4) "Political subdivision" means any political subdivision of the state of Utah, including state departments and agencies, cities, towns, counties, and school districts. (~~Ord. 2007-08, 04-18-2007~~), (~~Ord. 88-34, 01-04-89~~)

8-14-4. Administration and establishment of regulations.

The Mayor may establish regulations sufficient to provide for the handling of such claims and disbursement of those funds which are set aside for payment of claims under this Chapter. (~~Ord. 2007-08, 04-18-2007~~), (~~Ord. 88-34, 01-04-89~~)

8-14-5. Reimbursement - Claims - Time limitations.

All claims for reimbursement under this Chapter must comply with the Governmental Immunity Act of Utah, Utah Code Annotated §63-30d-101 *et seq.*, as amended, and be submitted to the City Recorder within thirty (30) days after the incident giving rise to the loss occurs. (~~Ord. 2007-08, 04-18-2007~~); (~~Ord. 88-34, 01-04-89~~)

8-14-6. Claims - Investigation and recommendation.

Claims received by the City Recorder shall be referred to the Department of Public Works for investigation and recommendation. The Department's report shall be forwarded to the City Attorney for determination under the criteria of this Chapter. All payments authorized by the City Attorney shall be made by the Director of the Department of Public Works. (~~Ord. 2007-08, 04-18-2007~~), (~~Ord. 88-34, 01-04-89~~) City of River Heights ^{Mayor}

8-14-7. Criteria for payment.

(1) The determination as to whether to make payment of a claim submitted pursuant to this Chapter shall be based on the following criteria:

(a) Whether an eligible claimant suffered an otherwise uninsured property loss, caused by breach or backup of a City-owned water main or sewer line, under circumstances where the claimant acted responsibly to avoid the loss; and,

(b) If so, whether the extent of the loss has been adequately substantiated.

(2) The following shall result in the denial of a claim:

- (a) Claim not timely submitted;
- (b) Loss fully covered by private insurance;
- (c) Claimant ineligible under the terms of this Chapter;
- (d) Loss caused by an irresponsible act of the claimant, claimant's agent, or member of claimant's business or household; or
- (e) Loss or eligibility unsubstantiated.

(3) The following shall result in reduction of payment:

- (a) Loss partially covered by private insurance;
- (b) Loss exceeds funding limits of this Chapter, Ordinance
- (c) Verification of loss inadequate or incomplete; or

(d) Claimant did not cause the problem but failed to act responsibly to minimize the loss. (~~Ord. 2007-08, 04-18-2007~~), (~~Ord. 88-34, 01-04-89~~)

8-14-8. Maximum payments.

(1) Payments under this Chapter shall not exceed \$10,000 per claim. 5,000 per claim.

(2) For budgeting purposes, payments under this Chapter shall not exceed \$100,000 per fiscal year. However, the City Council may, in its sole discretion and without amendment to this Section, budget additional funds in any given fiscal year by Resolution. (~~Ord. 2007-~~)

Ordinance

~~08, 04-18-2007); (Ord. 88-34, 01-04-89)~~

8-14-9. Payment does not imply liability- Release required.

(1) Any payment of a claim made under this Chapter shall not be construed as an admission of, nor does it imply, any negligence or responsibility on the part of the City. Any payment made under this Chapter is strictly voluntary on the part of the City.

(2) This Chapter shall not in any way supersede, change, or abrogate the Government Immunity Act of Utah, and its application to the City, or establish in any person a right to sue the City under this Chapter.

(3) Any payment of a claim made under this Chapter and accepted by the claimant shall constitute a full and complete release of any and all claims against the City, its officers, employees, and agents for any damage or loss arising from the incident.

(4) Any payment of a claim made under this Chapter shall be expressly conditioned upon the City first receiving a written release of liability, signed and notarized by the claimant, in a form acceptable to the City Attorney. (~~Ord. 2007-08, 04-18-2007); (Ord. 88-34, 01-04-89)~~)

City of River Heights

8-14-10. Annual budget expenditures.

The ~~Department of Public Works~~ is authorized to provide for and include within its budget a fund from which payment of claims may be made pursuant to this Chapter. (~~Ord. 2007-08, 04-18-2007); (Ord. 88-34, 01-04-89)~~)

Ordinance

8-14-11. Claims from other governmental agencies.

Notwithstanding any other provisions of this Chapter, no claim shall be accepted from the United States or any of its departments or agencies, or from the state of Utah or any of its political subdivisions. (~~Ord. 2007-08, 04-18-2007); (Ord. 88-34, 01-04-89)~~)

Ordinance

Chapter 22: SPECIFIC COMMERCIAL ZONE PARKING (CZP)

SECTION

(Revised 8-7-18; Noel and Cindy's ideas are combined)

- 10-22-1 INTENT
- 10-22-2 PURPOSE
- 10-22-3 PERMITTED USES
- 10-22-4 CONDITIONAL USES
- 10-22-5 DESIGN REVIEW AND APPROVAL
- 10-22-6 SITE PLAN REVIEW REQUIRED
- 10-22-7 ARCHITECTURAL STANDARD
- 10-22-8 LANDSCAPING REQUIREMENTS
- 10-22-9 WALLS, FENCES, AND SCREENING.... *(SOFTSCAPE FENCING...trees ??)*
- 10-22-10 PARKING LOT LIGHTING
- 10-22-11 DARK SKY COMPLIANT
- 10-22-12 SENSITIVE AREA OVERLAY ZONES
- 10-22-13 SLOPES/DRAINAGE/STORM WATER
- 10-22-14 SNOWPLOWING/STORAGE OF PLOW/ NOISE RESTRICTIONS/HOURS
- 10-22-15 SETBACKS
- 10-22-16 FINAL PLANS/TIME FRAME
- 10-22-17 RESTRICTIONS OF ZONING
- 10-22-18 SUPPLEMENTARY REGULATIONS

10-22-1: DECLARATION OF LEGISLATIVE INTENT

It is the intent of the City of River Heights to establish a COMMERCIAL PARKING ZONE (CPZ). This use is to minimize disruptions and is not to conflict with the atmosphere of the surrounding residential neighborhood, ~~nor bring about noxious or nuisance activities.~~

10-22-2: PURPOSE: Provide additional one level parking area for ^{an} adjacent, established commercial use.

10-22-3: PERMITTED USES: Parking only.

10-22-4: CONDITIONAL USES: None.

10-22-5: DESIGN REVIEW AND APPROVAL

The proposals for design review and approval shall follow guidelines set forth in Title 10, Chapter 14

10-22-6: SITE PLAN REVIEW REQUIRED

Concurrent with any request to rezone property to the Commercial Parking Zone, a preliminary project plan shall be submitted for review and recommendation to the City.

Property Owner and a representative of The River Heights City Council must meet to review the proposed preliminary project plan/site plans in order to prevent un-necessary non-compliance issues. Items to be addressed shall include, but not limited to, allocation of parking stalls, ingress/egress, location/types of landscaping, placement/types of lighting, materials to be used, etc.

*From Noel's (Revised 7-31-18)
10-22-6*
*From Noel's - (Revised 7-31-18)
10-22-7*

The planning commission shall review and approve all commercial parking site plans and follow the application, hearing, notice and appeals procedure as outlined in the subdivision ordinance. Final approval of the site plan is vested with the City Council, after approval (**recommendation ??**) by the Planning Commission.

Said preliminary project plan shall be drawn to scale and shall contain the following information:

- A. Location of all existing and buildings and structures on the site, including an indication of the proposed uses;
- B. The location of all parking spaces, driveways, and points of vehicular ingress and egress;
- C. A conceptual landscaping plan showing planting materials to be used together with the location of fences, walls, trees, hedges, and decorative materials shall be provided.

10-22-7: ^{DESIGN}~~ARCHITECTURAL~~ STANDARD

- A. The commercial parking zone site shall be designed in accordance to chapter 10-14-3 (Street and Roadway Parking Standards); 10-14-4 (Parking Lot Requirements) Parking requirements.
- B. ~~The~~ _____ shall be the approval agency in determining architectural style (~~Ord. 1-22-2002 ??~~)
- C. All parking spaces shall be hard surfaced with asphaltic cement or concrete and shall have paved access from a public street.

10-22-8: LANDSCAPING REQUIREMENTS

The following landscaping provisions shall apply in the Commercial Parking Zone:

- A. The areas adjacent to a public street shall be maintained with suitable landscaping of plants, shrubs, trees, grass, and similar landscaping materials. The landscaping plan shall be approved by the City Council as to type, size and amount of landscaping.
- B. Plantings: Plantings in front setbacks may not impede the vision of traffic.
- C. Parking Areas: Parking areas shall be landscaped around the periphery and at the end parking rows in accordance with the landscaping plan approved as part of the project plan approval procedure. Landscaping shall adhere to the existing Landscaping regulation in accordance with Chapter 10-15-8, Parking Lot Landscaping.
- D. *A minimum of a 20' landscape perimeter buffer is required if the Commercial Parking lot is adjacent to any residential zone.*

10-22-9: WALLS, FENCES (*Do we want ??*) AND SCREENING (softscaping/trees/bushes)

- A. Fencing: The Commercial Parking Zone area shall be fenced around the periphery of the area not adjacent to existing parking lot in accordance with Zoning Title 10-12-2, Area Regulations, sub-paragraph B: Nonresidential Space Requirements Chart.

10-22-10: PARKING LOT LIGHTING

- A. Parking lot lighting shall be provided to meet industry standards for outdoor lighting of the intended use. (5-2014, 8-26-14) (Title 9, Chapter 3) .
- B. Solar Panels permitted. *(only on rooftops if parking is covered ?)*

10-22-11: ~~DARK SKY COMPLIANT~~ *(Noel suggests striking this)*

~~Parking lot lighting shall be compliant with the International DARK-SKY Association Joint IDA-IES Model Lighting Ordinance (MLO). See <http://darksky.org/our-work/public-policy/mlo/>.~~

10-22-12 : SENSITIVE AREA OVERLAY ZONES

The Commercial Parking Zone shall comply and adhere to the Sensitive Area Overlay zones as outlined in Sections:

- 10-11-1 Intent
- 10-11-2: Flood Overlay Zone (OF)
- 10-11-3: Slope Overlay Zone (OS)
- 10-11-4: High Water Table Overlay Zone (OW)
- 10-11-5: Earthquake Fault Overlay Zone (OE)

10-22-13: SLOPES/DRAINAGE/STORM WATER:

- A. The parking lot area within the Commercial Parking Zone shall not exceed a maximum slope of _____ . Where other site functions are located on steep terrain, terracing of the non-parking areas shall be required.

10-22-14: SNOW PLOWING/STORAGE OF SNOWPLOW/NOISE RESTRICTIONS/HOURS

- A. All snowplow equipment shall be stored within an enclosed building. The storage building shall be within the required setbacks and not visible from any public right of way. (Ord., 1-22-2002)
- B. If an existing building is found to be unsafe, the building can be rebuilt on the same site and in the same footprint as the original building.
- C. *Hours of operation of snowplow: Same as current City Code ?*

10-22-15: SETBACKS *(Noel indicates this is covered in 10-22-10)*

10-22-16: FINAL PLANS/TIME FRAME

- A. All final plans must be approved by the City Council after a formal recommendation from the River Heights Planning Commission ("Commission").
- B. Upon approval of a final site plan by the City Council, no building or uses of land other than those depicted on such plan shall be permitted.

- C. Any failure to submit a final project plan within one (1) year from date of submission of the preliminary project plan shall terminate all proceedings and render the preliminary plan null and void.
- D. Completion of the parking lot must be completed within one (1) year from the date the final approval plan is signed by the City Council.

10-22-17: RESTRICTIONS OF ZONING

Street level parking only. (*Covered parking okay?*)

Passenger vehicle parking only. No buses, RV's, heavy equipment, or other such large modes of transportation allowed.

No signage on property.

No overnight parking. (*Noel suggests striking this.*)

No building, structure, or parking garage shall be constructed in this zone.

No dust, odor, smoke, vibration, intermittent light, excessive light, glare or noise shall be emitted which is discernible beyond the premises, except for normal traffic movements.

Upon approval of the final site plan by the City Council, no building or uses of land other than those depicted on such plan shall be permitted.

10-22-18: SUPPLEMENTARY REGULATIONS

Uses within this zone shall also comply with the applicable requirements set forth in the provisions of the land use ordinance.