

# River Heights City

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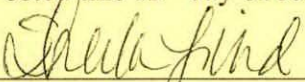
## PLANNING COMMISSION AGENDA

**Tuesday, July 17, 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 and Decide on the Conservice Rezone Request from Agricultural to Commercial (submitted February 27, 2018)
- 7:15 p.m. Discuss the Creation of a Parking Zone
- 7:45 p.m. Discuss Code Changes
- 8:15 p.m. Adjourn

Posted this 12<sup>th</sup> day of July 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

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River Heights City Planning Commission  
Minutes of the Meeting  
July 17, 2018

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

Councilmember Blake Wright  
Recorder Sheila Lind

Others Present Councilmember Wilson, Heather Cairns, Andy Bentley,  
Lance Anderson

## Motions Made During the Meeting

### Motion #1

Commissioner Pitcher moved to “approve the minutes of the June 5, 2018 Commission Meeting with discussed change.” Commissioner Milbank seconded the motion, which carried with Cooley, Lehnig, Milbank, Pitcher and Schaub in favor. No one opposed.

### Motion #2

Commissioner Lehnig moved to “deny Conservices’s request to rezone their property from agricultural to commercial.” Commissioner Pitcher 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 July 17, 2018.

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

Adoption of Prior Minutes and Agenda: Minutes for the June 5, 2018 Planning Commission Meeting were reviewed with one change.

**Commissioner Pitcher moved to “approve the minutes of the June 5, 2018 Commission Meeting with discussed change.” Commissioner Milbank seconded the motion, which carried with Cooley, Lehnig, Milbank, Pitcher and Schaub in favor. No one opposed.**

Discuss and Decide on the Conservice Rezone Request from Agricultural to Commercial (submitted February 27, 2018): Commissioner Schaub felt the original request needed to come to a closure. She asked the opinion of the commissioners on the rezone request.

45 Commissioner Lehnig informed that because her husband works for Conservice, she may need  
46 to recuse herself from a vote, even though she felt she could give an unbiased vote. The other  
47 commissioners felt fine about her voting because she didn't stand to gain financially.

48 Commissioner Milbank pointed out that if they voted in favor of the request, they would be in  
49 violation of the General Plan.

50 **Commissioner Lehnig moved to "deny Conservices's request to rezone their property from  
51 agricultural to commercial." Commissioner Pitcher seconded the motion, which carried with  
52 Cooley, Lehnig, Milbank, Pitcher and Schaub in favor. No one opposed.**

53 Discuss the Creation of a Parking Zone: Commissioner Schaub asked the Commission how  
54 they felt about creating a commercial parking zone that would be city wide, brought about  
55 specifically by Conservice needing additional parking. Currently they are parking on the property in  
56 the gravel. She handed out and discussed a visual map of the area, pointing out that the property  
57 would abut several residential properties.

58 Lance Anderson, Conservice representative, explained they would like to use over half of the  
59 property for parking, up to the existing shed that they would keep for storing maintenance  
60 equipment. Because of the slope, they wouldn't be able to bring the parking lot any closer to the  
61 residential areas. They intend to create a 10-15 foot buffer along their property lines.

62 Commissioner Schaub asked, if the property were terraced, would they take the parking more  
63 to the north. Mr. Anderson explained there is a problem with groundwater and the slope grade is 10-  
64 12% which is too great for parking.

65 Commissioner Milbank asked how the current parking situation is going. Mr. Anderson said  
66 they have to manage the dust and it doesn't meet the demands of the business.

67 Commissioner Pitcher asked if they had prepared a rendering of what they are trying to  
68 achieve. Mr. Anderson said they have designed landscaped islands, buffers and lighting for the lot  
69 which will comply with dark sky. The height of the light poles will be looked at carefully. They will  
70 shield the lights to keep it off other parcels. They don't plan on covered parking. Mr. Pitcher would  
71 like to see road improvements to open 800 South, to give some congestion relief to 100 East.

72 Commissioner Cooley asked if there was a possibility of allowing Conservice their parking lot  
73 under a Conditional Use Permit, rather than create a new zone. He realized the code would need to  
74 be amended, a bit. Councilmember Wright said it would open up other agricultural parcels to request  
75 the same. If others were denied, it would be arbitrary and capricious. Mr. Anderson agreed a zone  
76 change is legislative and a CUP can't be denied if it meets the conditions. As he's thought about it, he  
77 feels parking lots should not be allowed in the agricultural zone.

78 Councilmember Wright said if they create a commercial parking zone, they can decide exactly  
79 where it would be allowed in the General Plan.

80 Commissioner Schaub is having a hard time with the idea of residential neighbors having a  
81 parking lot next to their properties. She'd like to see the parking area not go any farther north than  
82 the berm.

83 Lance Anderson showed a rendering of an idea they are considering, which showed the  
84 parking area nearly up to the existing shed.

85 Commissioners Cooley and Pitcher agreed a new commercial parking zone would be the best  
86 option. The General Plan would show where the City would allow it.

87 Commissioner Milbank felt this would be setting a precedence of changing the Plan just for  
88 one request.

89 Lance Anderson pointed out that Conservice's commercial zone is already in the right location  
90 on 100 East. To keep the parking next to it makes more sense to the east than to have it cross 100  
91 East on the west. Leaving the area gravel will continue to be a mess. A finished parking lot would  
92 have curb, gutter and landscaping.

93 The majority of the Commission felt a commercial parking zone would be the way to go.  
94 Lance Anderson said he likes what River Heights already has in its existing commercial zone, which  
95 could be the base for the parking zone.

96 Commissioner Milbank felt River Heights was being pushed into this, although he agreed  
97 maybe their job is to work out situations like this. Commissioner Pitcher would rather look at a  
98 landscaped parking lot than a parking garage. Commissioner Milbank agreed. Commissioner  
99 Schaub's vote was no. She was looking out for the majority of neighbors.

100 Lance Anderson asked where they were on the General Plan changes. Commissioner Schaub  
101 explained it has been on hold.

102 Commissioner Schaub handed out commercial parking zone drafts of hers and Commissioner  
103 Cooley's. She asked the Commission to review the drafts before the next meeting.

104 Councilmember Wright pointed out there is a parking lot section in the current city code and  
105 recommended referencing back to that rather than duplicating language.

106 Discuss Code Changes: Councilmember Wright reviewed the suggested changes that had not  
107 been previously discussed.

108 Commissioner Milbank asked if there was a conclusion on six foot fences on rear yards. Andy  
109 Bentley interjected, he has spent nearly \$10,000 on an attorney to get a six foot fence on his back  
110 yard along 1000 East. He felt it would be nice to have the Commission reconsider this so he won't  
111 have to keep spending so much money on his attorney. He said he won't stop until he gets a six foot  
112 fence and assured if any of them lived along 1000 East they would want the same. Councilmember  
113 Wright informed this issue is in the hands of the attorney so the Commission didn't need to address  
114 it.

115 Andy Bentley said Dan Hogan did this same thing in a subdivision in Providence and now he's  
116 done it again. The property owners are willing to come to terms and form a committee if they all get  
117 a six foot fence. He said they will be applying to amend the Saddlerock Phase 3 Final Subdivision Plat.

118 Commissioner Milbank said he completely sides with the residents, unless a six foot fence  
119 causes a traffic hazard or another safety issue. Why should cars driving by receive a greater esthetic  
120 preference than the landowner?

121 Commissioner Lehnig explained she is a runner and has had some scary safety experiences  
122 because there was no where for her to jump out of the way of a car. Andy Bentley said it will only  
123 affect four homes. He stated he doesn't care about the jogger because he cares about his family.  
124 They didn't know about the four foot fence rule before they bought their lots or they wouldn't have  
125 done it.

126 Commissioner Pitcher said two potential property owners called him before purchasing; he  
127 told them about the rule on the plat, so they knew.

128 Commissioner Milbank asked why there is a preference to cars that drive by and joggers that  
129 could go on another route. Why the worry about a corridor effect at the expense of the property  
130 owners? Commissioner Schaub said 1000 is a long road for a corridor.

131 Andy Bentley announced he might go out to his back yard hot tub naked, then the City would  
132 allow him a six foot fence.

133 Commissioner Cooley asked for the easement dimensions and was told there is a three foot  
134 planting strip, four foot sidewalk and another five foot easement to property lines. Councilmember  
135 Wright reminded they had discussed the use of landscaping to create a privacy buffer.

136 Councilmember Wright said a six foot fence along a backyard sidewalk will most often be one  
137 foot off the sidewalk. Commissioner Schaub stated she doesn't like this look with the two properties  
138 on 600 South. Commissioner Milbank said he doesn't like it either but, still sides with the property  
139 owner.

140 Commissioner Pitcher would like to revisit this topic at the next meeting after he has had time  
141 to drive by certain areas. He asked if the City had plans to landscape 1000 East after the fences are  
142 up. Councilmember Wright said no because, all city right-of-ways are installed and maintained by the  
143 adjacent landowners. Andy Bentley added, it's assumed that property owners will but they don't  
144 have to. Commissioner Pitcher reminded its in the code.

145 Commissioner Cooley asked how the City violated their our own code by not allowing 1000  
146 East residents to build a six foot fence. He was told it was just for this final plat of Saddlerock Phase  
147 3, due to the issue of 1000 East.

148 It was decided that a public hearing would be held at the next meeting (July 31) for code  
149 changes that had been agreed upon thus far.

150 The meeting adjourned at 8:20 p.m.

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Sheila Lind, Recorder

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Cindy Schaub, Commission Chair

PH March 15

RIVER HEIGHTS CITY

520 South 500 East \* 435-752-2646

Application for Project Review

Type of Application

Subdivision Minor Subdivision Flag Lot  Rezone Boundary Adjustment Commercial Development

Applicant CONSERVIVE HOLDINGS II, LLC Phone Number 866.947.7379 email address djenkins@conserve.com
AGENT: LANCE ANDERSON 435.713.0099 lance@cachelandmark.com \*

Mailing Address, City, State, Zip 595 S RIVERWOODS PKWY, STE 300, LOAN, UT 84301-6891
Property Owner of Record Phone Number

- SAME AS ABOVE

Mailing Address, City, State, Zip - SAME AS ABOVE

Project Name CONSERVIVE

Property Address 370E 800S County Parcel ID Number 02-027-0046, 02-027-0047

Size of Lot Both lots at 0.88ac Size of Building Number of Dwellings/Units/Lots (2) EXISTING PARCELS

Describe the proposed project - REMOVE OF TWO EXISTING PARCELS FROM AGRICULTURAL TO COMMERCIAL.

We certify we are the developer and record owner of this property and we consent to the submittal of application.

Developer Date Property Owner Date 2/27/18

**Meeting Schedule**

The River Heights Planning Commission meets on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday's of each month at 7:00 p.m. Applications are due by 2:00 p.m. two weeks prior to the meeting.

**Application Fee Schedule**

Flag Lot	150.00
Minor Subdivision, PUD	
Sketch Plan	200.00
Final Plat	400.00
Subdivision/PUD	
Sketch Plan	200.00
Preliminary Plat (10 lots and under)	1500.00
Final Plat	500.00
Preliminary Plat (11 lots and over)	3000.00
Final Plat	800.00
Commercial Development	
Sketch	250.00
Preliminary Layout and Design Review	200.00
Final Layout	400.00
Petition for Zone Change	300.00
Boundary Line Adjustment	150.00

The applicant shall submit the names and addresses of all property owners within 300 feet of any part of the applicant's property. This information should be obtained from the County Recorder's Office located at 179 North Main, Logan.

River Heights City shall have the city engineer review the preliminary and final plats for all proposed subdivisions. The cost for all subdivision engineering review shall be billed to and paid for by River Heights City. River Heights City will then bill the developer for 100% of the actual cost incurred by the city for the engineering review of the plan. Payment is required within thirty (30) days from the time the bill is sent. The applicant/developer shall be responsible for all legal expenses and costs by the city for collection of any fees required herein. The final plat shall not be reviewed by the city until the costs to review the preliminary plat and any attorney fees incurred, have been paid in full, by the developer.

  
 \_\_\_\_\_  
 Signature of Applicant/Developer

2/27/18  
 \_\_\_\_\_  
 Date WT

**Checklist of needed items**

- Application
- Property owners names and addresses
- Current Cache County Recorders Plat map showing applicant's property and adjacent properties
- Plat map with all information required (Flat Lot, subdivisions, minor subdivisions and commercial development)
- Fee

For City Use Only:

Amt Paid <u>300.00</u>	Date Received <u>2/28/18</u>	Receipt # _____	By <u>SJ</u>
Amt Paid _____	Date Received _____	Receipt # _____	By _____
Amt Paid _____	Date Received _____	Receipt # _____	By _____

02-027-0030

02-027-0032

02-027-0034

02-027-0037

02-027-0038

02-027-0041

02-027-0044

02-027-0046

02-027-0045

02-027-0047

02-027-0048

02-027-0050

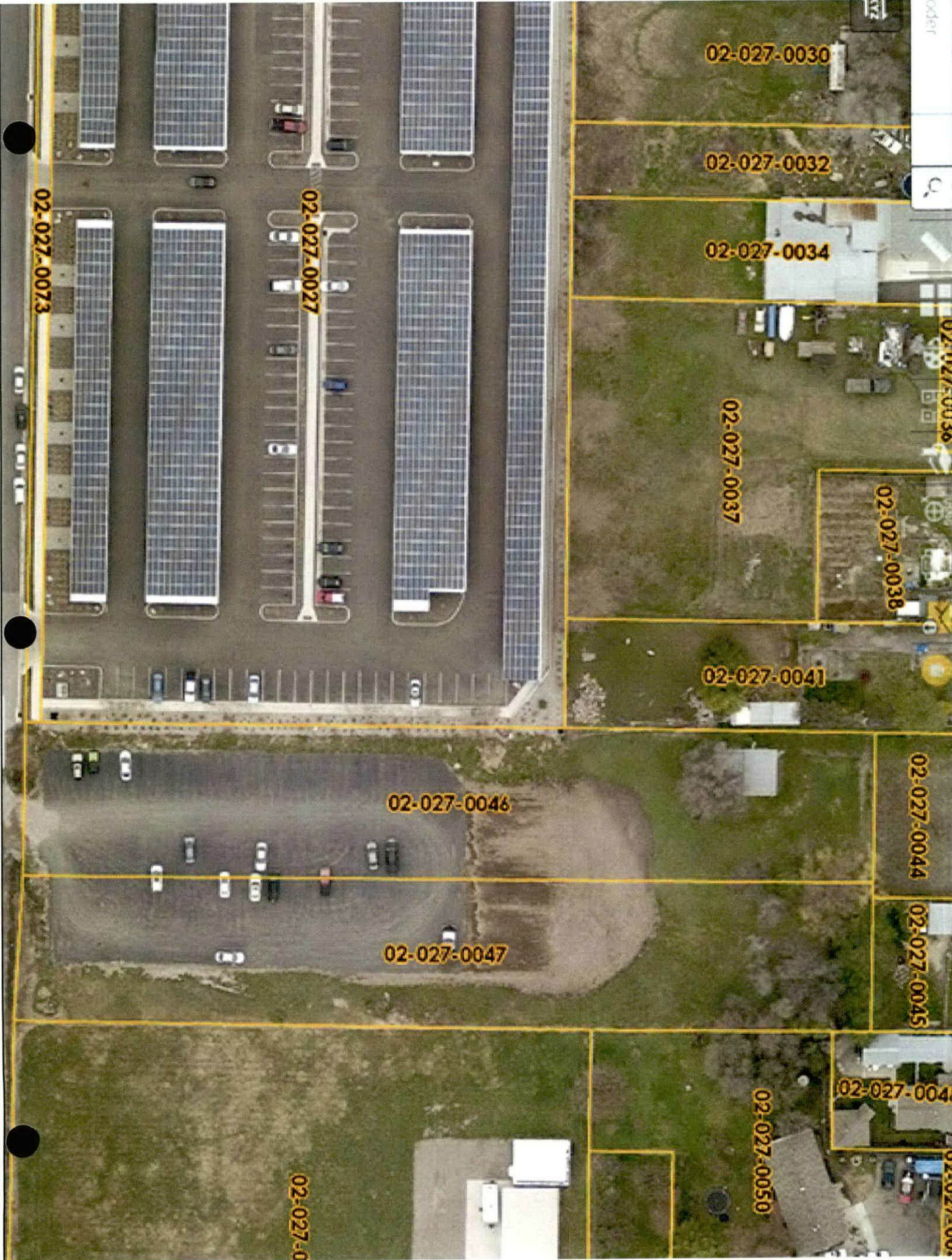
02-027-0051

02-027-0073

02-027-0027

02-027-0036

02-027-0072





## Code Changes for Discussion – July 17, 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.

### **3-5-9: PERMITS AND BADGES**

A. ~~Issuance: The City Recorder shall issue to each solicitor, an identification badge containing the words "Permitted Solicitor", the number of the permit, in letters with figures easily discernible from a distance of five feet (5').~~

1. The City Recorder shall issue to each solicitor, an identification badge containing the words "Permitted Solicitor", the number of the permit badge, in letters with figures easily discernible from a distance of five feet (5'). *(moved from above)*
2. A permit will be issued with a permit number, expiration date, solicitor and company information and signature of licensing administrator. Permit shall be carried by the registered solicitor at all times while soliciting in the city.

**\* 8-1-1: UTILITY SERVICE AGREEMENT REQUIRED FOR EACH RESIDENCE**

Each residence receiving utility services from River Heights City is required to have a Utility Service Agreement on file with the City Office.

*(Add this section and bump other sections down.)*

**8-1-7: 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.

**\* 10-11 SENSITIVE AREA AND OTHER OVERLAY ZONES (rename the chapter)**

**\* 10:11-6: HISTORIC LANDMARK OVERLAY ZONE AT 594 SOUTH 400 EAST**

*(Add this previously adopted ordinance to the code book.)*

**10-12-2: AREA REGULATIONS (Accessory Uses)**

	A	R-1-8	R-1-10	R-1-12
Front Yard	50	<del>25</del> <u>30</u>	<del>25</del> <u>30</u>	<del>30</del> <u>35</u>

**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 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

**\*10-13-8: STORAGE OF JUNK AND DEBRIS IN RESIDENTIAL ZONES PROHIBITED**

No yard or other open space surrounding an existing building in any ~~agricultural or residential~~ zone, or which is hereafter provided around any building in any ~~agricultural or residential~~ zone, shall be used for the storage of junk, debris or obsolete vehicles; and no land shall be used for such purposes, except as specifically provided for by this title. (Ord., 1-22-2002)

**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.

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