

River Heights City

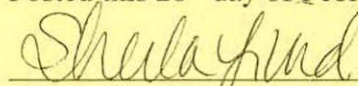
PLANNING COMMISSION AGENDA

Tuesday, March 5, 2019

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. Minor Subdivision Qualification Conference – Jonny Budge/Adam Johnson
- 7:25 p.m. Discuss Proposed Code Updates
- 7:30 p.m. Discuss Airbnb Regulations
- 7:45 p.m. Discuss Weed Control Regulation
- 8:00 p.m. Adjourn

Posted this 28th day of February 2019



Sheila Lind, Recorder

Attachments for this meeting and drafts of previous meeting minutes can be found on the State's Public Notice Website (pmn.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
March 5, 2019

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6 Present: Commission members: Cindy Schaub, Chairman
7 Noel Cooley
8 Heather Lehnig
9 Chris Milbank
10 Lance Pitcher
11
12 Councilmember Blake Wright
13 Recorder Sheila Lind
14
15 Others Present: Jonny Budge, Adam Johnson
16

17 Motions Made During the Meeting
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19 Motion #1

20 Commissioner Pitcher moved to “approve the minutes of the February 19, 2019 Commission
21 Meeting.” Commissioner Milbank seconded the motion, which carried with Cooley, Lehnig, Milbank,
Pitcher and Schaub in favor. No one opposed.
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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 Council
28 Chambers on March 5, 2019.

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

30 Adoption of Prior Minutes and Agenda: Minutes for the February 19, 2019 Planning
31 Commission Meeting were reviewed.

32 **Commissioner Pitcher moved to “approve the minutes of the February 19, 2019 Commission
33 Meeting.” Commissioner Milbank seconded the motion, which carried with Cooley, Lehnig,
34 Milbank, Pitcher and Schaub in favor. No one opposed.**

35 Minor Subdivision Qualification Conference – Jonny Budge/Adam Johnson: Adam Johnson
36 explained he is under contract to buy the property at approximately 550 E 800 S. He would like to
37 divide it into 3 buildable parcels according to the sketch he provided, which showed one lot accessing
38 800 South, one would access 600 East and the third would be a flag lot, accessed by a private lane
39 onto 800 South. Commissioner Schaub was concerned about the flag lot not being allowed by city
40 code. However, she pointed out and showed a picture of the flag lot the city allowed in Saddlerock
41 Phase 3. None could remember why it was allowed at that time.

42 Commissioner Cooley expressed confusion on what the city code required for access to a flag
lot. He asked where the water was located on the back lot for fire protection. Jonny Budge

44 answered that they haven't pinned this down yet. If they get the go ahead tonight, they will visit with
45 PWD Clayton Nelson on which direction they need to go.

46 Commissioner Milbank asked if they had considered a small cul-de-sac. Jonny Budge said if
47 they had to follow code for the city to take ownership of the road, then it would take out a entire lot.

48 Between the Minor Subdivision section 11-4a-4:D and the flag lot information in 10-20-1:D
49 there was a lot of confusion on if a flag lot could be allowed, and if so, how.

50 Commissioner Milbank pointed out, 10-20-1:D.1. stated a flag lot shouldn't be part of a
51 subdivision, however, it doesn't address a minor subdivision. Councilmember Wright felt the intent
52 was to include any type of subdivision.

53 Commissioner Milbank questioned whether Mr. Johnson would go through with purchasing
54 the property if the flag lot wasn't allowed.

55 Commissioner Cooley suggested they could divide it in two now and then later divide off the
56 back of the larger one into a flag lot. Councilmember Wright stated a minor subdivision is anything
57 less than four lots, which would include a two-lot division.

58 Commissioner Milbank questioned the rational for prohibiting a flag lot in a subdivision. No
59 one was sure how to answer.

60 Councilmember Wright discussed private lanes from section 11-5-4. Maintenance for the lane
61 would be taken care of by an agreement between property owners of lots 1 and 2. Adam Johnson
62 eluded that there is a good chance the lot along 800 South would front the private lane, rather than
63 800 South.

64 City Engineer Rasmussen is looking into how to advise on the section along 800 South, owned
65 by the city.

66 Councilmember Wright believes the city wants to limit multiple flag lots in a new subdivision.
67 He questioned why information on flag lots was included in the conditional use section of the code.

68 Commissioner Schaub asked for negative impacts for allowing Mr. Johnson to include a flag lot
69 in his minor subdivision. They didn't come up with any. Commissioner Pitcher noted there are others
70 in the city, which don't seem to be a problem. Each commissioner felt fine about the presented
71 configuration.

72 The Commission agreed Mr. Johnson's basic plan would fall under the minor subdivision plan
73 but, still would require an application, planning commission approval and then go to the city council
74 for consideration and final approval.

75 Councilmember Wright suggested the lane could be treated as a 20' private lane, but
76 recommended they check with the fire department to make sure it met their specifications.

77 Commissioner Pitcher asked if they were planning to build on the lots or just develop. They
78 answered they would divide and then sell them.

79 Discuss Proposed Code Updates: Recorder Lind presented the upcoming code changes that
80 have been suggested over the past few months, which will be discussed in more detail at a later date.

81 Councilmember Wright had a suggestion in regards to a fence in a rear yard on a street. He
82 would agree to a four-foot solid fence with two feet transparent on top. The Commission agreed.

83 Councilmember Wright suggested cleaning up the flag lot verbiage during the code revision
84 discussions. It would be beneficial if it was easier to understand and located in the minor subdivision
85 section, rather than in the conditional use section. The private lane information could be cleared up,
86 as well. Commissioner Milbank agreed to work on this.

87 Discuss Airbnb Regulations: Commissioner Milbank said he has talked to Logan City, who said
88 they currently don't allow airbnbs because they don't have a licensing system set up for them yet.
89 They are working on regulations which would require licensing. He reviewed his handout which
90 defined 'vacation rentals,' 'short-term rentals,' and 'home-sharing.' Airbnbs charge a transient tax
91 which the city may want to look into. He will continue to try to get a hold of the person at Logan City
92 who can tell him which direction they are heading with their regulations since River Heights may want
93 their requirements to be similar.

94 Discuss Weed Control Regulations: Due to the time, this item was postponed until the next
95 meeting. Commissioner Lehnig asked that everyone review her weed handout and make
96 recommendations as they see fit.

97 The meeting adjourned at 8:25 p.m.

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99
100
101 _____
Sheila Lind, Recorder

102 _____
103 Cindy Schaub, Commission Chair

OPTION 1

800 SOUTH

600 EAST

165' (145')

20'

LOT 1
20,047 SQ FT (17,618 SQ FT)
0.460 (.404) ACRES

PRIVATE ROAD

165' (145')
165'

LOT 2
20,047 SQ FT
0.460 ACRES

121.50'

82'

LOT 3
13,530 SQ FT
0.311 ACRES

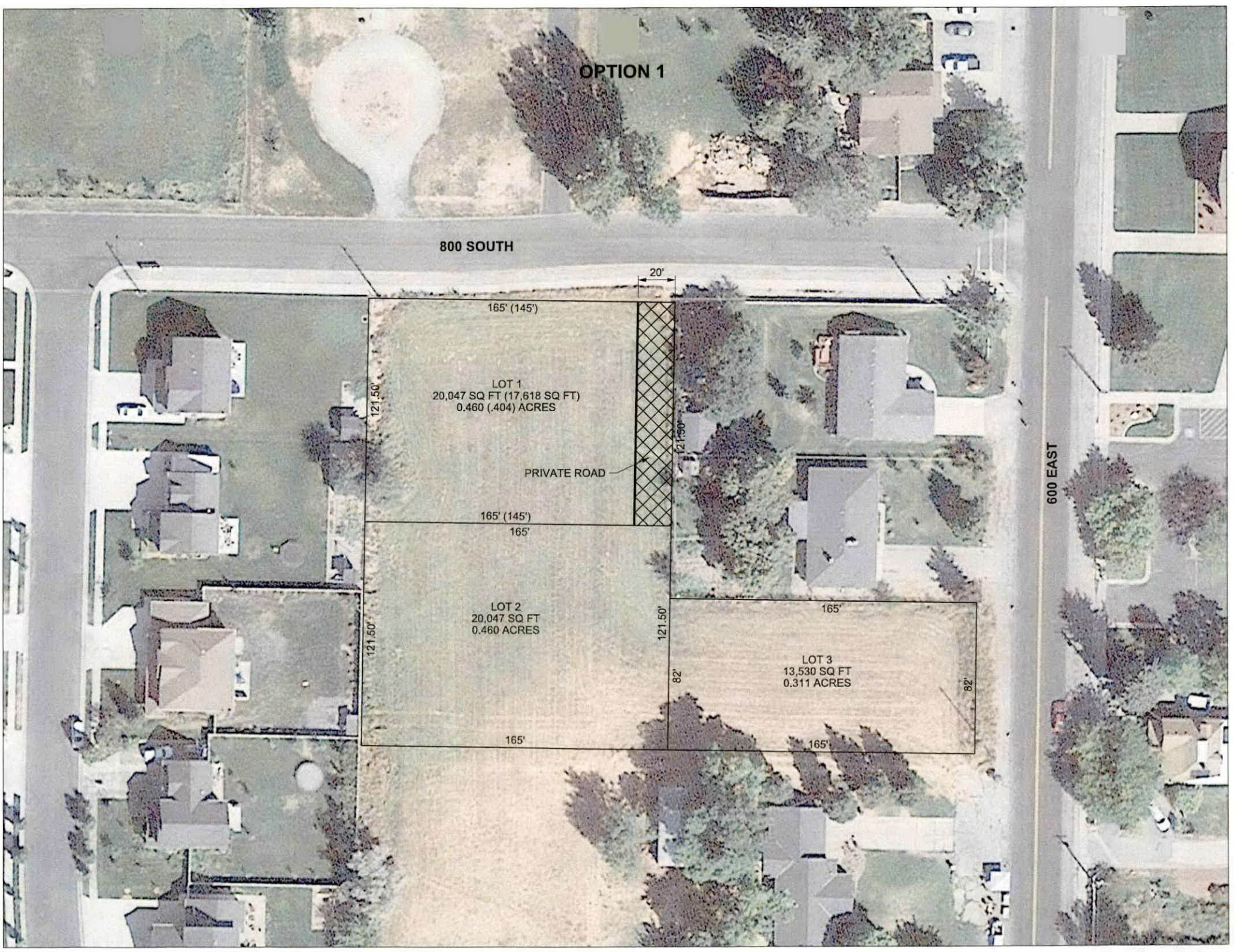
165'

82'

121.50'

121.50'

165'





S 525 E

02-284-0001

02-284-0002

02-284-0003

02-092-0070

02-092-0040

E 800 S

02-092-0041

02-092-0042

S 600 E

02-

02-

FLAG LOT discussion , 3-5-2019

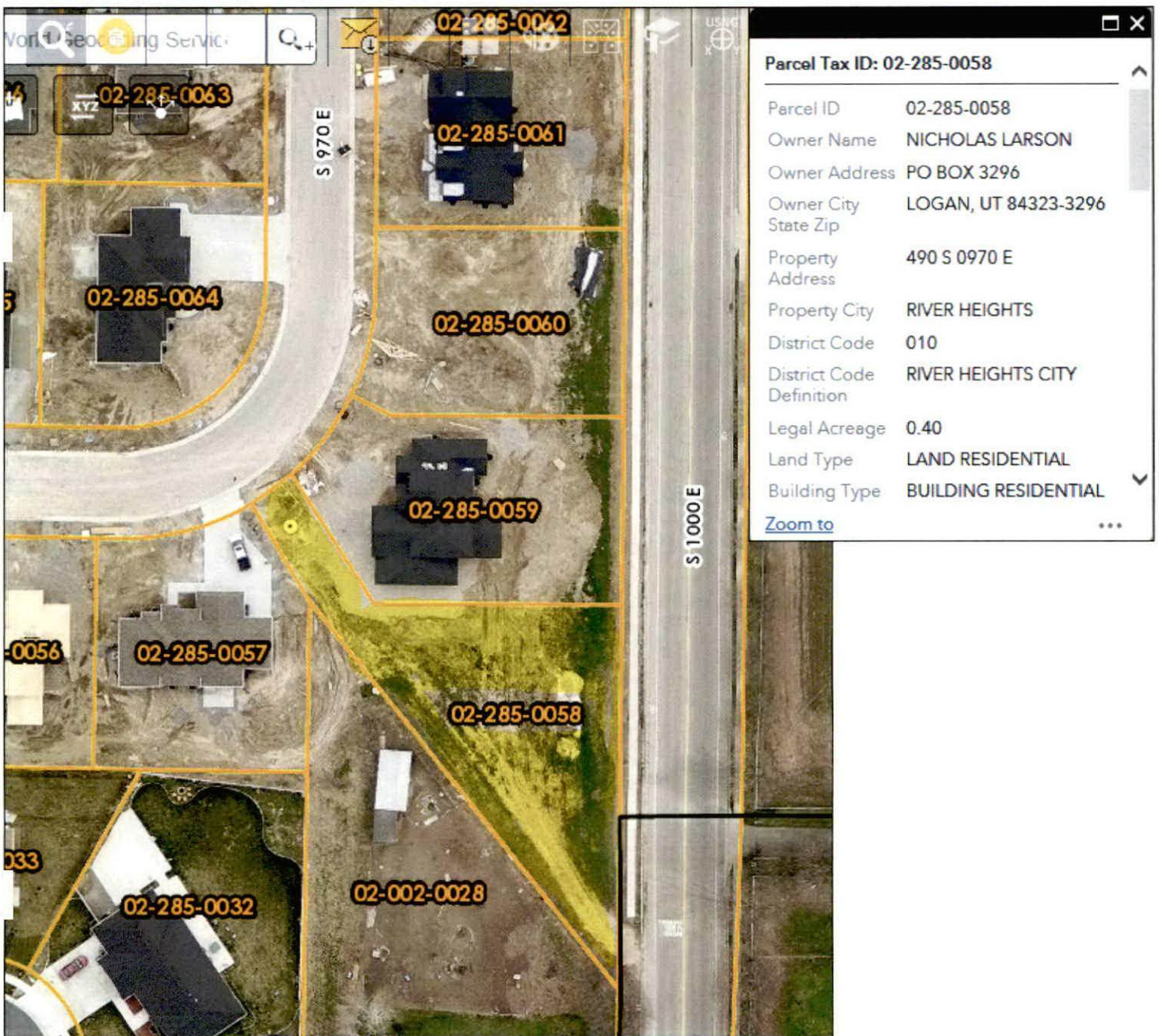
Cindy: I recall that when Saddlerock 3 was being proposed on 1000 East, Dan Hoggan was trying to work with the "chicken people" on the corner for the creation of a "more square" lot and it was not "red flagged" at that point. I questioned the legality of the flag lot at that time but was advised it was acceptable. I see that the flag lot was created and is now owned by Nicholas Larsen.

Cindy: Is that the same situation that we are being asked to look at and create at the upcoming meeting ?
Sheila: Yes

Cindy: So does that mean he could request all 3 lots at the same time?

Sheila: Its up to the commission, how they/you want to proceed.

FLAG LOT IN SADDLEROCK 3 SUBDIVISION



Sheila: In reading through the flag lot ordinance (10-20-1:D.1), I'm not sure our code will allow a flag lot in the case of the proposed minor subdivision . . .

1. **The lot shall not be part of a developing subdivision** and will abut the city maintained street for a minimum distance of thirty five feet (35') on a cul-de-sac or twenty eight feet (28') for a flag lot (12 foot minimum hard surface access road with parallel all weather surface shoulders - the sum of the two shall not be less than 8 feet.) The access road and landscaped side yards provide for the minimum emergency equipment access of twenty feet (20') as well as a landscaping buffer. The length of the access road and location of the residence on the lot shall not exceed the four hundred fifty foot (450') minimum distance requirement from the furthest point of the residence to the nearest fire hydrant. Fire officials may require a shorter minimum distance based on varying physical and topographic features. Appropriately sized plant materials are encouraged along the access road. **Single lot proposals only shall be considered.**

If I understand this correctly, they can't apply for a flag lot with their minor subdivision, however, they can apply for two lots now and then after its finished up, they can come back and apply for the flag lot. It seems odd to not do it all at once. Perhaps you interpret this differently . . .

Proposed Code Changes
March 2019

Underline show additions
Strike-out show deletions

3-1-4: HOME OCCUPATION LICENSES

- A. Permitted Uses Requiring a Conditional Use Permit
 - 1. . . . Impacts to the neighborhood will be evaluated in the following areas:
 - a. Employees: One or more who do not reside in the home (If employees don't come to the home this would have no impact to the neighborhood.)

10-8-4: SITE DEVELOPMENT STANDARDS

All parcels in the commercial zone shall comply with all applicable ordinances, the Public Works Construction Specifications and with the following standards: . . .

10-8-4: SITE DEVELOPMENT STANDARDS (commercial zone)

- H. Snow Storage: A snow storage plan is required and shall be noted on the final plat.

10-11-6: HISTORIC LANDMARK OVERLAY ZONE AT 594 South 400 East

- H. Uses Not Permitted
 - 1. Aerobic Studio, Dance Studio (allow?)

10-12-1: ZONE REGULATION REQUIRMENTS (bump sections 1 and 2 down to become 3 and 4)

- A. A Zoning Clearance Permit is required when constructing or adding a structure to the property. Structures include, but are not limited to: house, house addition, garage, carport, shed, deck, covering for a deck, patio or porch, ground mounted solar panels, swimming pool and commercial building.
- B. One application is required per structure and per person.
- C. Public works director and zoning administrator will sign permit or respond within 10 working days.
- D. Failure to comply with restrictive covenants (including any limiting conditions contained within recorded plat map) and/or situational safety concerns shall be grounds for denial of a Zoning Clearance Permit.
- E. Applicant should consult Cache County Building Department to determine if a building permit is required.

10-14-4: PARKING LOT REQUIREMENTS

- F. Snow Storage: A snow storage plan is required and shall be noted on the final plat.

10-15-12: MAINTENANCE AND UPKEEP OF LANDSCAPING

D. Park Strips (define maintenance requirements)

10-15 LANDSCAPING

Add a section to address noxious weeds and the procedure for getting rid of them. (10-15-14, bump Compliance to 10-15-15??)

10-22-8: DESIGN STANDARDS (commercial parking zone)

D. Snow Storage: A snow storage plan is required and shall be noted on the final plat.

11-6-2: LOCAL MINIMUM STANDARDS AND SPECIFICATIONS

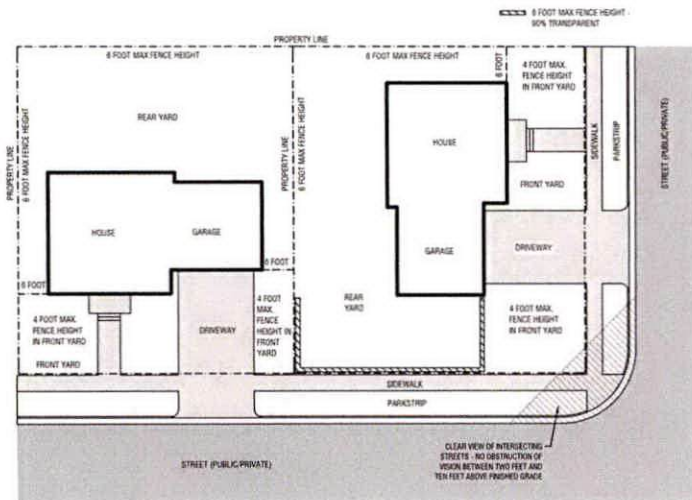
Standards for design, construction specifications, and inspection of street improvements, curbs, gutters, sidewalks, storm drainage and flood control facilities shall be provided by the city engineer; standards for water distribution and sewage disposal facilities by the board of health; and similar standards for fire protection by the fire department. All subdividers shall comply with the standards established by such departments and agencies of the city, county and state; provided, that such standards shall be approved by the city council. These standards, ~~in addition to~~ the Public Works Construction Specifications, and the general standards listed below shall be used by all subdividers.

Address Airbnbs

10-20-D1 - Flag lot

10-12-4: FENCE REGULATIONS

- A. Fences and Walls Maximum Height
1. Front Yard: 4 feet
 2. Side Yard, Interior Lot: 6 feet
 3. Side Yard on a Street (except corner lot): 4 feet or, 6 feet 90% transparent
 4. Side Yard on a Street (corner lot): 4 feet or, 6 feet 90% transparent (See 10-23-5)
 5. Rear Yard: 6 feet
 6. Rear Yard on a street (except corner lot): 4 feet or 6 feet 90% transparent
 7. Rear Yard on a Street (corner lot): 4 feet or, 6 feet 90% transparent
- B. No Permit Required: The City does not issue permits for fences. HOWEVER, fences built outside city code regulations will be brought into compliance at the owners' expense.
- C. Replacement of a Fence: When replacing an existing fence, the new fence must be brought into compliance with the current city code.
- D. No Chain Link: Chain link is not allowed in the front yard, side yards on a street, and rear yards on a street.
- E. Corner Lots: 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 (4 feet or, 6 feet transparent is required within setback). All fences on corner lots shall comply with 10-13-15: Clear View of Intersecting Streets shown in the following figure.



How to address walls . . .

- Is a wall treated as a fence?
- If a fence and wall are combined, what is the height restriction?