

River Heights City

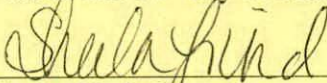
PLANNING COMMISSION AGENDA

Tuesday, March 19, 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. Public Hearing for a Kennel Conditional Use Permit - Kevin and Lindsey Wilcox
- 7:20 p.m. Revisit Minor Subdivision Proposal - Jonny Budge/Adam Johnson
- 7:45 p.m. Review Fence Ordinance Changes
- 8:00 p.m. Review Code Changes: Weeds, Airbnb, Zone Regulations and Other
- 8:15 p.m. Adjourn

Posted this 14th day of March 2019



Sheila Lind, Recorder

Attachments for this meeting and drafts of previous meeting minutes 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
March 19, 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 Recorder Sheila Lind
13 Public Works Director Clayton Nelson
14
15 Excused Commissioner Lance Pitcher
16 Councilmember Blake Wright
17
18 Others Present: Kevin and Lindsey Wilcox, Jonny Budge, Adam Johnson
19 and Bob Johnson
20
21

Motions Made During the Meeting

Motion #1

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25 Commissioner Cooley moved to “approve the minutes of the March 5, 2019 Commission
26 Meeting with noted change.” Commissioner Milbank seconded the motion, which carried with
27 Cooley, Lehnig, Milbank, and Schaub in favor. Pitcher was absent. No one opposed.
28

Motion #2

30 Commissioner Milbank moved to “approve the Wilcox Kennel Conditional Use Permit with the
31 following conditions: It will expire when they move and the permit is for three dogs only.”
32 Commissioner Cooley seconded the motion, which carried with Cooley, Lehnig, Milbank, and Schaub
33 in favor. Pitcher was absent. No one opposed.
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35

Proceedings of the Meeting

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38 The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie Council
39 Chambers on March 19, 2019.

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

41 Adoption of Prior Minutes and Agenda: Minutes for the March 5, 2019 Planning Commission
42 Meeting were reviewed with a change on line 72; “meet commission approval for a minor
subdivision” was replaced with “fall under the minor subdivision plan but, still would require an

44 application, planning commission approval and then go to the city council for consideration and final
45 approval.”

46 **Commissioner Cooley moved to “approve the minutes of the March 5, 2019 Commission**
47 **Meeting with noted change.” Commissioner Milbank seconded the motion, which carried with**
48 **Cooley, Lehnig, Milbank, and Schaub in favor. Pitcher was absent. No one opposed.**

49 Public Hearing for a Kennel Conditional Use Permit – Kevin and Lindsey Wilcox: Commissioner
50 Schaub read from the Wilcox’s application. Lindsey Wilcox explained they didn’t plan on getting a
51 third dog. They were fostering it and now they love it and want to keep it. Commissioner Schaub
52 read a letter in support of the Wilcox’s request from their neighbors, the Baileys. Ms. Wilcox said
53 their dogs are very well behaved and don’t bark. Commissioner Milbank reviewed the code criteria
54 for kennels. The Commissioners felt fine about the request. Commissioner Schaub would like to add
55 a condition that the Kennel Permit goes away if the Wilcoxes move from their home.

56 **Commissioner Milbank moved to “approve the Wilcox Kennel Conditional Use Permit with**
57 **the following conditions: It will expire when they move and the permit is for three dogs only.”**
58 **Commissioner Cooley seconded the motion, which carried with Cooley, Lehnig, Milbank, and**
59 **Schaub in favor. Pitcher was absent. No one opposed.**

60 Revisit Minor Subdivision Proposal – Jonny Budge/Adam Johnson: Commissioner Schaub
61 stated they have spent many days re-reading the code book, concerning flag lots. She agreed parts of
62 the code are not really clear. She read from Council member Wright’s email. He hadn’t had enough
63 time or information to form an opinion on how to handle the flag lot request. He did suggest
64 cleaning up the ordinance language a bit so it would be more understandable.

65 Commissioner Schaub pointed out that two lots could front 800 South, based on the amount
66 of property frontage. She clarified that the flag lot in Saddlerock Phase 3 was approved because the
67 city didn’t want the homeowner to have driveway access onto 1000 East. She believes the intent of
68 the code, is to allow a flag lot if the property doesn’t meet the minimum standard requirements.
69 Commissioner Cooley read from the definition of a flag lot in 10-2: “A lot not having the required
70 frontage upon a public street, but having access to a public street, together with required yards and
71 area requirements as required by this title.” He felt this makes the decision more clear.

72 PWD Nelson pointed to the design and arrangement of lots in the surrounding area. They
73 nearly all have 80 foot frontages. He believes flag lots are allowed in certain cases to protect
74 property owners that don’t meet the required frontage, and sees a flag lot as a last option.

75 Adam Johnson mentioned one of the reasons they went with the flag lot design has to do with
76 needing a sewer easement along the east side. They thought it could run under a private driveway.

77 Jonny Budge asked how the easement is incorporated with the setbacks. He was told that it
78 would most likely be located within the setback and wouldn’t take away anything from the frontage
79 measurement, which is measured from property line to property line.

80 PWD Nelson cautioned, they may have a hard time getting the sewer to flow from lot 3 to 800
81 South. The line is deep but there seems to be significant drop in elevation to lot 3. This lot most
82 likely won’t be allowed a basement.

83 Commissioner Schaub stated that their minor subdivision plan would not be approved with
84 the flag lot option. However, if they wanted to submit a plan for two lots fronting 800 South, they
85 could go right to the application process.

87 PWD Nelson informed they are in the process of inspecting the sewer manholes. As they do
88 so, they will record the depth of the line on 800 South. He should have the information in a couple
89 days.

89 Recorder Lind pointed out when the sewer line was installed on 800 South there was a lot of
90 ground water, so much so that it added quite a bit of complication to the project. PWD Nelson said
91 currently there is ground water at two feet in this area.

92 Review Fence Ordinance Changes: PWD Nelson discussed the proposed changes. He would
93 like to not require permits for fences any longer. He explained the recent fence issue on 1000 East,
94 which could have been avoided if the city didn't sign permits. There is another situation where two
95 neighbors have requested a fence, but they don't agree on the property line. One permit has been
96 signed and the other hasn't because it could get the city in the middle of a lawsuit between
97 neighbors. River Heights is the only city in the valley that still signs fence permits. He suggested
98 strengthening the code and making it more clear and then get the information out to the citizens so
99 they will be aware of the rules. If a non-compliant fence is brought to the city's attention the
100 homeowner will be required to bring it into code.

101 Mr. Nelson also recommended not allowing a six-foot solid fence along a street for safety and
102 sight reasons. He suggested the allowance of a six-foot transparent or a four-foot solid fence.
103 Commissioner Milbank was concerned about no privacy with a transparent fence, (in an area that
104 didn't cause a safety concern) and sees it as an intrusion of privacy. PWD Nelson didn't see these
105 concerns as issues. He pointed out there are driveways along roads and fences cause safety issues.
106 The best situation is where a person can have a clear view all the way down a street for 20 feet into
properties. It's true there are not driveways on 1000 East along Saddlerock, but there is a stricter
rule on the plat for this situation.

109 Commissioner Schaub pointed out that the homeowners along 1000 East didn't end up being
110 allowed to have six-foot fences along 1000 East after the variance meeting was over because the final
111 plat is the more restrictive covenant.

112 PWD Nelson would like to see non-compliant fences come into compliance at the time they
113 are replaced.

114 Commissioner Milbank pointed out that the homes with six-foot fences along the retention
115 ponds on 600 South don't seem to be a problem. He suggested new developments should allow a 20
116 foot buffer between the street and rear yard. PWD Nelson agreed. He said when developers come in
117 and push as many lots as they can get, it creates a lot of corner lots and fence issues. He'd like to see
118 the city look out for potential problems during the subdivision application stage.

119 PWD Nelson asked how they wanted to address walls versus fences. Commissioner Schaub
120 stated Logan City has addressed it in their code. Mr. Nelson sees a wall/fence combination only being
121 allowed at six feet. A six-foot fence on a four-foot wall is a 10 foot drop if someone jumps over it. He
122 worries about having his signature on the permit because it increases the city's liability.

123 The Commissioners agreed to all the suggested changes, including not allowing chain link
124 fences in any front setback or along a road. Although, Commissioner Milbank doesn't favor not
125 allowing six-foot fences along a road, provided the fence doesn't pose a safety issue by obstructing
126 view of traffic.

127 The Commission agreed the fence changes were ready for a public hearing at the next
meeting.

Public hearing date: Mar 19, 2019

River Heights City
Kennel Conditional Use Permit Application
The Keeping of Three or More Dogs

Name of Dog Owner: Kevin & Lindsey Wilcox Date: 3/4/19

Phone #: _____ Email: _____

Address: 286 S. 800 E. River Heights 03-074-0006

Number of dogs requested: 3 Property for animal support (sq ft): .28 acre residential lot.

Description of shelter provided, care of animals, etc: dogs will live inside

our home year round. Backyard is fully fenced.

dogs are part of our family and never left outside

if we aren't home. They pretty much go everywhere

with us, but if we run errands (for example) then they

just stay in the house and rest. Excessive barking

is never allowed. Dogs are very well trained.

Currently have 2 nine year old dogs & have been fostering a rescue yellow lab pup for the past week. Would like to adopt her. Application fee is \$100 and is nonrefundable. She is approx. 6 months old. Spayed & vaccinated on 2/26/19

Date paid 3/4/19 Check number 654 By SJ

After receipt of the application and fee, the city will schedule a public hearing with the Planning Commission, within one month. Neighbors within 300 feet of your property will be notified of your request, intent and of the hearing.

If granted, the conditional use permit shall be on indefinite duration, non-transferrable but subject to revocation for violation of City Code or regulation, or failure to meet imposed conditions. Revocation will be only by majority vote of the River Heights City Council after written notice to the permit holder has been served and a hearing has been held.

March 18, 2019

Commissioner Schaub,

The Bailey family at 247 S 800 E have NO reservations about the Wilcox family being granted a kennel permit. They are very conscientious dog owners! Their three make much less impact in the way of noise than some single dog homes in the neighborhood.

Sincerely,


Craig and JoDean Bailey

blakewright@riverheights.org

Mar 19,
2019, 1:06
AM (1 day
ago)

to Cynthia, Clayton, me

Cindy,

Moving forward, I think we (the planning commission and the city council) have to decide if we want to allow flag lots. And if we do, how we access them. Then, either way, we need to clean up the ordinance. Personally, I think there is a place for flag lots. They should be the exception, not the rule, however. It sounds like there's already discussion taking place. That's good.

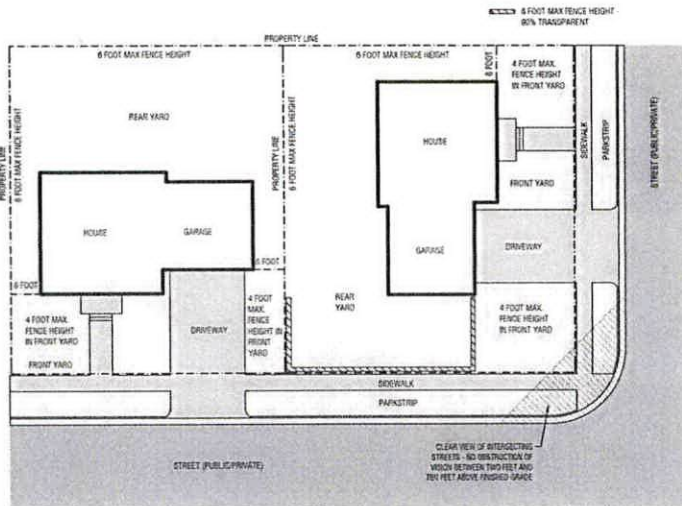
Concerning the Budge subdivision... It seems obvious to me that the intent of the ordinance was to allow flag lots, otherwise why would they be included in the ordinance? What I wish I could tell you is what is meant by "a developing subdivision." I just don't remember what the intent was. I agree with Mr. Budge that the flag lot option provides more usable parcels. On the other hand, having both parcels abut 800 South provides for better sight lines and utility connections. I guess I would have to be part of the discussion tomorrow evening to form an opinion that I could base a vote on, if I were on the planning commission.

I know that's not much help, but I'm confident that if you (the planning commission) hear all the arguments tomorrow, you can give reasonable direction to Mr. Budge.

Thanks,
Blake

10-12-4: FENCE REGULATIONS

- A. Fences and Walls Maximum Height *from sidewalk or road grade*
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?~~

If the above is adopted then . . .

10-3-4:B Requirements; Zoning Clearance Permit: . . . required for the following:

2. Fences in the required setbacks;

10-12-2:A Remove "Fences and Walls" section of Table 2, including note 3 and figure 10-12-2.