

# River Heights City

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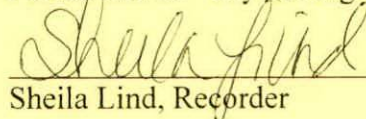
## PLANNING COMMISSION AGENDA

**Tuesday, September 3, 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 to Discuss Changes to the City Code, Regarding CCRs
- 7:15 p.m. Revisions to the General Plan
- 8:15 p.m. Adjourn

Posted this 29<sup>th</sup> day of August 2019

  
Sheila Lind, Recorder

Attachments for this meeting and previous meeting minutes can be found on the State's Public Notice Website ([pmn.utah.gov](http://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

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River Heights City Planning Commission  
Minutes of the Meeting  
September 3, 2019

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

Councilmember Blake Wright  
Recorder Sheila Lind

Absent Commissioner Lance Pitcher

Others Present None

## Motions Made During the Meeting

### Motion #1

Commissioner Lehnig moved to “approve the minutes of the August 20, 2019 Commission Meeting.” Commissioner Milbank seconded the motion, which carried with Cooley, Lehnig, Milbank, and Schaub in favor. No one opposed. Pitcher was absent.

### Motion #2

Commissioner Milbank moved to “pass the Proposed Code Changes of the RHC Code to the city council.” Commissioner Lehnig seconded the motion, which carried with Cooley, Lehnig, Milbank, and Schaub in favor. No one opposed. Pitcher was absent.

## Proceedings of the Meeting

The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie Council Chambers on September 3, 2019.

Pledge of Allegiance: Recorder Lind led in the Pledge of Allegiance.

Adoption of Prior Minutes and Agenda: Minutes for the August 20, 2019 Planning Commission Meeting were reviewed.

**Commissioner Lehnig moved to “approve the minutes of the August 20, 2019 Commission Meeting.” Commissioner Milbank seconded the motion, which carried with Cooley, Lehnig, Milbank, and Schaub in favor. No one opposed. Pitcher was absent.**

Public Hearing to Discuss Changes to the City Code, Regarding CCRs: Commissioner Schaub reviewed the proposed changes, discussed at the last meeting. There was no public in attendance.

43 **Commissioner Milbank moved to “pass the Proposed Code Changes of the RHC Code to the**  
44 **city council.” Commissioner Lehnig seconded the motion, which carried with Cooley, Lehnig,**  
45 **Milbank, and Schaub in favor. No one opposed. Pitcher was absent.**

46 Revisions to the General Plan: Commissioner Schaub began a discussion on her proposed  
47 changes to the Land Use section. Discussion was held on Appendices B & C: Plant and Bird Species  
48 Found Along the Logan River. Commissioner Schaub will check with Cindy Johnson and Mike  
49 Jablonski to see if they would be willing to update the lists, since they were the ones who created the  
50 original lists.

51 Commissioner Schaub discussed the creation of a R-15 zone for larger lots. Commissioner  
52 Cooley said there are a ‘few’ residents who desire larger lots in the city, but questioned whether the  
53 city should create the zone, without a specific request. Councilmember Wright said they could create  
54 an R-15 zone, but didn’t feel the city could label properties that are not currently in River Heights.  
55 They discussed possible areas.

56 Discussion was held on the Riverdale area, which is currently zoned as mixed-use in the  
57 general plan. Councilmember Wright felt they should revisit this area again to determine if this is still  
58 the zone they desire, based on the amount of development in the last ten years.

59 Councilmember Wright will ask the council their opinion on whether to have a designated R-  
60 15 zone.

61 Discussion was held on the Chugg property (east of the elementary school). If this area ends  
62 up in River Heights, Commissioner Lehnig would want them to use their irrigation shares to water  
63 their property landscape. Commissioner Milbank has discussed the 31 ½ shares on this property with  
64 the developer, who was open to ideas, however, the delivery of the water is inconsistent and  
65 unreliable. Commissioner Schaub discussed adding: “Encourage residents to develop and use  
66 secondary water to irrigate their properties,” would will be added in 2.4.3, as policy 2 (bump the  
67 others down).

68 Regarding 2.4.2, Commissioner Cooley said he liked the idea of an adult community on the  
69 property east of the church on 600 East. If the general plan designates this area as single family, it  
70 may preclude that kind of development.

71 Commissioner Milbank pointed out that designating so many single family zones goes against  
72 the affordable housing section. Councilmember Wright felt affordable housing developments would  
73 most likely happen in the mixed use areas. With the future expansion to the west of the city, this  
74 seems the most likely area to meet the city’s affordable housing quota.

75 Commissioner Cooley said he was at the cross section of 700 South 100 East. He noted a bus  
76 had stopped there and students were crossing to the south side of 700 South and walking to the  
77 gravel of 100 East. He wondered if the city held any liability since there was no sidewalk on the south  
78 side of 700 South. Recorder Lind will check with PWD Nelson or the mayor about the situation.  
79 Councilmember Wright pointed out that the city budgets about \$10,000/year for sidewalks,  
80 especially for ADA compliance.

81 The meeting adjourned at 8:30 p.m.

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84 \_\_\_\_\_  
Sheila Lind, Recorder

85 \_\_\_\_\_  
86 Cindy Schaub, Commission Chair

Proposed Changes to RHC Code  
September 3, 2019

10-1-3: INTERPRETATION

The provisions of this title are in addition to all other city ordinances, the laws of the state, the laws of the United States, and applicable common law. The ordinances shall not supersede any private land use regulations in deeds or covenants which are more restrictive. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law. ~~The city does not enforce private restrictive covenants, nor shall any such covenant have the effect of modifying the regulations herein.~~  
(Ord., 1-22-2002)

11-1-2: INTERPRETATION

The provisions of this subdivision title are in addition to all other city ordinances, the laws of the state, the laws of the United States, and applicable common law. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law. ~~The city does not enforce private restrictive covenants, nor shall any such covenant have the effect of modifying the regulations herein.~~  
(Ord., 8-12-2003)

11-4-3:C. Final Plat Requirements

3. Conditions, Covenants and Restrictions (CCRs): CCRs shall be approved by the planning commission, together with the final plat, and approved by the city council. The CCRs will thereupon be recorded with the final plat. (Move current 3 and 4 to become 4 and 5.)

11-4A-5: CONDITIONS, COVENANTS AND RESTRICTIONS (CCR) PROTECTIVE COVENANTS

~~Protective covenants~~ CCRs shall be approved by the planning commission, together with the final plat, and approved thereafter by the city council. ~~The covenants~~ CCRs shall thereupon be recorded with the final plat. ~~of all minor subdivisions and shall include at least the following:~~

- ~~A. A statement indicating that the developer must provide minimum fire protection as outlined in section 11-4A-4E of this article.~~
- ~~B. A statement informing lot owners that the required improvements must be in place before any of the lots will be eligible for building permits;~~
- ~~C. A statement informing lot owners that any further divisions of the improved lots will be prohibited;~~
- ~~D. A description of those areas or easements to be designated for storm drainage and utilities;~~
- ~~E. A statement indicating that the lot owners will be responsible for all road maintenance and services related to all interior roads which are not dedicated; and~~
- ~~F. All nondedicated streets must be identified as such and remain the responsibility of the landowners. (Ord. 16-3-96, 10-22-1996)~~

- b. Create a plan and project priority list for sidewalk rehabilitation and new construction.
- c. Establish a reasonable timeline for achieving all ADA compliant upgrades to sidewalk infrastructure.

**REVIEWING STOPPED HERE.....**

~~2.4.9~~ Goal: Plan for a small commercial zone.

**Policies:**

1. The commercial zone shall be adequately buffered from all residential zones so that noise, lighting, and traffic that may be generated by a commercial zone does not significantly impact residential zones.
2. The commercial zone must not cause a significant burden on City services.
3. The general purpose of commercial zoning is to promote the general welfare and sound economic development of River Heights City and to encourage the best use of land in areas most appropriate for the location of commercial establishments. Toward that end, separate zoning areas are established in which specified land uses may be permitted. Two different commercial areas in the community: Commercial and Mixed-use, will best serve to define commercial enterprises which will conform to the unique physical and geographic settings of two different locals within the City. The Commercial zone will comprise the southwest area of River Heights that abuts a Providence City boundary line. *The Mixed-use zone has a separate set of bylaws unique to its neighborhood and its location in the Riverdale area of River Heights.(?)* Both the Commercial and Mixed-use areas were created to help better achieve planning goals expressed by the community; the bylaws for each responding to and addressing the unique conditions and circumstances of each area.

A. Commercial Zone:

The main purpose of the Commercial zone is to make best use of land situated near main collector streets and highways. Allowed in the Commercial zone are some commercial uses that offer services and products typically found along roads with a high amount of traffic.

B. Mixed-use Zone:

The purpose of the Mixed-use zone is to shape a village environment with economic vitality, community orientation and mixed-use environment in the 100 East Area. A village environment is characterized by pleasant architectural styles, attractive streetscapes, intimate pedestrian atmosphere, and a true mixed-use environment. This area can be a place where people may comfortably grab a bite to eat, make a variety of stops for business and pleasure, and converse with friends and acquaintances. It is desirable that the area's streetscape reflect a pedestrian orientation rather than one that serves the automobile.

① Be sure to address land use 10 acres

**Policy:** Maintain and update, as needed, the storm water runoff plan for River Heights, coordinated with Logan and Providence.

**2.4.6 Goal:** Preserve and protect sensitive areas.

**Policies:**

1. Prohibit building on steep slopes.
2. Encourage land owners along the Logan River to preserve the riparian vegetation along the river, including the over story (trees) and the under story (shrubs, etc.)
3. Encourage land owners along the Logan River to remove concrete and asphalt riprap from the riverbank and replace it with native trees and shrubs.
4. Require structures to be set back at least 30 feet from the Logan River.
5. View jurisdictional wetlands as an opportunity for wetland preservation. Educate developers of the need to comply with the Clean Water Act when planning developments in wetlands.

**2.4.7 Goal:** Establish an urban forestry program.

**Policies:**

1. Retain the street tree ordinance. This is a work and action plan that provides clear guidance for planting, maintaining and removing of trees from streets, parks and other public places.
2. Apply for Tree City USA, proclaim Arbor Day in River Heights, (National Arbor Day is the last Friday in April) and plant some new trees.
3. The city budget should allow, through assessment or donation, \$2.00            per capita for urban forestry.
4. The City should encourage residents to replace trash trees with better quality trees.
5. Developers of new areas need to adhere to the green space guidelines(where are these ?) for new developments.

**2.4.8 Goal:** Plan pedestrian and bicycle paths.

**Policies:**

1. Ensure safe pedestrian traffic to and from River Heights City Offices, River Heights Elementary School and other traffic crossing zones.
2. Plan for a pedestrian/bicycle path where possible.
3. Plan for future trails commencing at the City's pump house, eventually connecting to Temple View Drive and Denzil Stewart Nature Park.  
*#111 at corner of 600 East and RH Blvd.  
↑ and beyond*
4. Require that pedestrian and bicycle movement across any new or existing roads be central to the design of any new or improvement road projects.
5. Comply with Title II standards of the Americans with Disabilities Act concerning sidewalk accessibility design standards.
  - a. Assess all ADA sidewalk deficiencies within the City.

8. ~~Limit rental occupancy of homes to \_\_\_\_\_%. Minimum of \_\_\_\_\_% of homes to be owner occupied.~~
9. Any additional land annexed East of 1000 East should have allowances for a recreational park.
10. Any additional land annexed West of 1000 East, South of 600 South, East of River Heights Elementary school, and running southerly along Spring Creek should have allowances for a recreational park.
11. Retain a conditional use permit for a kennel license (the keeping of three or more dogs). Include sitting review and guidelines for dog enclosures.

**2.4.2 Goal:** Newly annexed areas of the City should maintain an agricultural atmosphere until the owners request further development.

**Policies:**

1. All newly annexed areas shall come into the City zoned for agriculture use or greenbelt/open space.
2. Allow parcels smaller than five acres in size to be annexed into River Heights under the agricultural zone.
3. Any County designed property to be zoned from Agricultural to SFR Residential.

**2.4.3 Goal:** Maintain an attractive, aesthetically pleasing community with open spaces available for public use.

**Policies:**

1. Encourage private landowners to preserve open space.
2. Require new subdivisions to set aside land for city parks either by paying an impact fee for parks or by requiring that land be dedicated to the City for parkland. <sup>25' 30'</sup>
4. Require a ~~30'~~ green space buffer zone for any new development which is adjacent to a **transportation corridor**. (Add this to the TRANSPORTATION section too)
5. All new roads to run in a grid pattern for uniform vehicular traffic control, <sup>where possible.</sup> (Clayten's suggestion due to snow plowing)
6. Encourage citizens to reduce air pollution through decreased driving and increased bicycle and pedestrian travel.
7. Encourage citizens to adhere to the "no idling" vehicular laws.
8. Encourage citizens to adhere to air quality conditions and heed recommendations to not burning on "yellow" and "red" pollution days.
9. Encourage citizens to be mindful of limited landfill and energy resources and therefore, recycle as much as possible.
10. Preserve City owned **property** at Stewart Hill, **adjacent to Providence City Cemetery**, for future park/open space.

**2.4.4 Goal:** The City boundary should ultimately go east to the ~~U.S. Forest Service land boundary~~ and should go south to Spring Creek, continue west along Spring Creek to Providence and Logan on the west. River Heights needs to consider adjacent land for potential annexation. These considerations may include best use and fit for the environment of the community.

**2.4.5 Goal:** Maintain a plan for excessive storm water runoff.

# Encourage Residents to develop and use secondary water to irrigate their properties.

Logan City boundary

approximately 700 East heading west, Spring Creek is bordered by residential neighborhoods. Developers have left buffers between homes and the waterway; in some areas park like features have been developed near and around the waterway. Stone Creek Subdivision and **Saddlerock Subdivision, Phases 1 and 2** has have built a retention ponds for storm water runoff and irrigation purposes.

In this region wetlands include marshes, bogs, wet meadows, shrub wetlands, forested wetlands, and similar areas. Wetlands are protected under section 404 of the Clean Water Act and a permit is required to fill or destroy wetlands. Permits are issued by the United States Army Corps of Engineers (COE). Pursuant to section 404(c) of the Clean Water Act, the Environmental Protection Agency has veto power over the issuance of section 404 permits for certain reasons.

Wetland delineation, performed by the COE or a wetland ecologist as certified by the COE, must be conducted to determine the boundaries of any wetlands that may exist near Spring Creek or in any other part of River Heights, prior to implementation of any development activities that may affect those wetlands. It is the responsibility of land developers to determine if wetlands exist on any sites that are to be developed. If wetlands are found, it is their responsibility to obtain the required permits from the COE before wetlands can be filled. In most cases, mitigation will be required to compensate for the filling of a wetland. Wetland mitigation usually includes the creation, restoration, or enhancement of an acreage of wetlands comparable to or greater than the wetland acreage impacted. In some cases, wetland preservation may be acceptable as mitigation.

### 2.3.3 Steep Slopes

The slopes that separate the upper terrace of River Heights from the Logan River and the Riverdale area are too steep to build on. At present, there are no structures on the slopes. Due to the obvious problems associated with building on these slopes it is doubtful that anyone will propose building on them. These slopes are covered with trees and vegetation. At present there is a zoning ordinance that requires buildings near and on slopes greater than twenty-five degrees to have adequate provision by siting, retaining walls, landscaping, terracing, etc. to maintain site stability and to prevent erosion.

Where in Code?  
See 10-11

## 2.4 LAND USE GOALS AND RECOMMENDATIONS

**2.4.1 Goal:** River Heights should be primarily a residential community of single family homes. It should continue to have an atmosphere of pleasant and quiet residential living.

### **Policies:**

1. Growth in the City should be paced by the City's ability to provide services.
2. Retain a lighting ordinance which preserves a dark sky.
3. **Promote use of LED light fixtures when and wherever possible.**
4. Retain a City policy for moderate income housing as required by state law.
5. Retain zones allowing homes on 8,000, 10,000 and 12,000 square foot lots.
6. **Create a zone (specific area ?) allowing homes on 15,000 square foot lots.**
7. Retain a Planned Unit Development (PUD) ordinance in the City Code. Encourage, owner occupied, single family units in a PUD. Require open space in PUDs.



is, therefore, part of the River Heights City park system. The total area of these recreation grounds and playing fields is 5.6 acres.

The DUP Park, located at 400 East and 450 South, is 0.13 acres. Hillside Park, north of River Heights Boulevard and east of 600 East, is 0.27 acres and Saddle Rock Park located north of 600 South is 0.29 acres. \_\_\_\_\_

The **In 2018**, the National Recreation and Park Association recommend as a guideline 6.25 to 40.5 **10.1** acres of park land per 1,000 residents. Counting the recreation grounds near the elementary school, River Heights is within the recommendation at nine acres per 1,000 residents. If River Heights reaches its potential population of 3,850 **3282** (*per Heather's calc*) it will be at 3.84 **3.25** acres per thousand people.

In the future there is the possibility of two additional park areas: one in the Riverdale area and the second on Stewart Hill Drive where the City presently owns 3.58 acres.

## 2.2 GEOLOGY

River Heights is located on firm ground. None of the existing neighborhoods in River Heights are built on land said to be unstable for development. A study by Evans, McCalpin, and Holmes, Department of Geology, Utah State University, published in 1996 indicates this. Appendix A contains details about the geology of River Heights.

## 2.3 SENSITIVE LANDS

Sensitive areas in and near River Heights include the Logan River corridor, the Spring Creek drainage, and steep slopes. There may also be wetlands in some of the undeveloped fields in River Heights. Spring Creek is located between River Heights and Providence City. Steep slopes separate the upper terrace of River Heights from the Riverdale neighborhood, the Logan River, and the area in Logan known as the Island.

### 2.3.1 Logan River Corridor

The Logan River provides about 3,000 feet of the border between Logan City and River Heights, in the Riverdale neighborhood. This area has the potential for flooding, but the River Heights side of the river is higher than the Logan side and thus less susceptible to flooding. Landowners in Riverdale report that the Logan River did not overflow its banks during the 1983 flood. Flood plain maps provided by ~~the Cache County recorder~~ indicate that the Logan River corridor, in River Heights, would not be inundated by a 100-year flood.

The Logan River corridor provides valuable wildlife habitat. The river and its associated riparian vegetation provide habitat for a variety of bird species. These species are listed in appendix B of this document. Appendix C lists the native plant species in the riparian zone along the Logan River.

*FEMA*  
*mike/cindy Jablonski ?*

### 2.3.2 Spring Creek and Wetlands

Spring Creek is the natural drainage for most of River Heights and Providence. It currently serves as a boundary between the two cities from approximately 800 East to 400 East. From

*"K" Scott  
has  
copy?*

# AMENDED 6-17-19 by Cindy Schaub

Update  
Green  
Code?  
Book?

## 2 LAND USE

Current land use is almost exclusively single family residential. There are a few apartments in the City, however, no apartment complexes are allowed under current zoning. The city is divided into three residential density zones allowing for 8,000 square foot lots, 10,000 square foot lots, and 12,000 square foot lots. 15,000 square foot lots have been requested by residents of River Heights but at present no lots of that size exist. There are also Planned Unit Development, Commercial and Mixed-use zones available but they have been used on a very limited basis to date.

Intense development of commercial use is occurring on land adjacent to River Heights to the west and southwest in the cities of Logan and Providence. Community leaders of the City recognize the need for commercial zoning within River Heights for a number of reasons:

Keep?

1. Landowners of properties adjacent to current commercial use will likely want the option to zone commercially;
2. In some cases it may be the best "use" fit for the area;
3. There is an increased revenue need to support city infrastructure; and
4. It is important to design commercial and mixed-use zones that will best serve the City.

An ordinance establishing an Agricultural Zone was passed by the City Council in 1998. All land annexed in the City is placed under this zone. The agricultural zone allows the integration of residential areas with open space.

### 2.1 PARKS AND OPEN SPACE

Few things define the ambiance and general attractiveness of a city more than its parks and open spaces.

At present, there are ~~four~~ **five** developed parks in the City: Heber Olsen Park, the playing fields behind the ~~new~~ **River Heights Elementary School**, the DUP Park, and the Hillside Park, and **Saddlerock Park**.

Heber Olsen Park is six acres in size and is next to the former elementary school and city office building. Within this park is Ryan's Place Park (playground), built in the spring of 2007. Adjacent to Ryan's Place Park are tennis courts, playing fields and a pavilion area for public use.

In 1997, the City transferred approximated 8.4 acres, near 600 South and 800 East, to the Cache County School District. That land had been set aside by the City for a park. The Cache County School District uses that land for outside recreation grounds and playing fields (softball, soccer, etc). Under an agreement made with the School District in 1997, the School District allows these recreational grounds and playing fields to be used by residents of the City and the general public. The public can use the fields at any time except during school hours. This land