

River Heights City

COUNCIL MEETING AGENDA

Tuesday, July 6, 2021

Notice is hereby given that the River Heights City Council will hold its regular council meeting beginning at 6:30 p.m., anchored from the River Heights City Office Building at 520 S 500 E.

The meeting will be held through Zoom. Those wishing to provide comment on any of the agenda items or other topics can do so by email to office@riverheights.org (by noon on the date of the meeting).

Adoption of Previous Minutes and Agenda

Reports and Approval of Payments (Mayor, Council, Staff)

Public Comment

Discuss an Ordinance to Adopt Changes to the City Code, Regarding PUD Zone

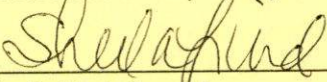
Discuss Changes to the General Plan Land Use Map

Adjourn

To join the Zoom meeting: <https://us02web.zoom.us/j/84397026888>

Dial: 1 346 248 7799, Meeting ID: 843 9702 6888

Posted this 1st day of July 2021



Sheila Lind, Recorder

Attachments for this meeting and previous meeting minutes can be found on the State's Public Notice Website (<https://www.utah.gov/pmn/>).

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

Council Meeting

July 6, 2021

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

Present:	Mayor	Todd Rasmussen
	Council members:	Doug Clausen
		Sharlie Gallup
		Nancy Huntly
		Chris Milbank
		Blake Wright
	Recorder	Sheila Lind
	Public Works Director	Clayten Nelson
	Staff Tech	Joseph Johnson
Excused:	Treasurer	Wendy Wilker
	Finance Director	Clifford Grover
Others Present:	Commissioners Noel Cooley, Heather Lehnig and Cindy Schaub, Bob Ellis, Mike Jablonski, Mary Barrus, Jerry Pence, Kathy Ruggeri, Vern Fielding	
Electronically Present:	Boyd Humphreys, Janet Matthews	

The following motions were made during the meeting:

- Motion #1
Councilmember Clausen moved to “adopt the minutes of the council meeting of June 15, 2021 and the evening’s agenda.” Councilmember Milbank seconded the motion, which passed with Clausen, Gallup, Huntly, Milbank, and Wright in favor. No one opposed.
- Motion #2
Councilmember Wright moved to “pay the bills as listed, as well as the ones listed on the Drive by Treasurer Wilker.” Councilmember Gallup seconded the motion, which passed with Clausen, Gallup, Huntly, Milbank, and Wright in favor. No one opposed.
- Motion #3
Councilmember Gallup moved to “repeal the 10-7 Mixed Use Zone and remove column “M” in 10-12-1.” Councilmember Wright seconded the motion, which carried with Clausen, Gallup, Huntly, Milbank and Wright in favor. No one opposed.

Proceedings of the Meeting:

The River Heights City Council met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers in the River Heights City Building on Tuesday, July 6, 2021 for their regular council meeting. Councilmember Clausen led in the Pledge of Allegiance.

Adoption of Previous Minutes and Agenda: Minutes for the June 15, 2021 meeting were reviewed.

Councilmember Clausen moved to “adopt the minutes of the council meeting of June 15, 2021 and the evening’s agenda.” Councilmember Milbank seconded the motion, which passed with Clausen, Gallup, Huntly, Milbank, and Wright in favor. No one opposed.

Reports and Approval of Payments (Mayor, Council, Staff):

Public Works Director Nelson

- They have installed the boxes and pipe for the 800 South irrigation and storm water improvements. The lids are on back order. Once they arrive and are installed, they will do a test run.
- The rope has broken on the flagpole at the City Building. He thought replacing and updating the pole would be a good eagle scout project. They will see if they can find an interested scout.

Councilmember Huntly

- She reportedly obtained agreements from Logan to use as a starting place for drafting something between River Heights and ProLog Irrigation Company. She would like to invite Steve Thunell (of the irrigation company) to come to a meeting to start the discussion. Mayor Rasmussen suggested she meet with him, another council member and PWD Nelson to work up a preliminary draft before coming to the Council. Ms. Huntly said Mr. Thunell has requested a meeting with the full council, but she will talk to him again. She believes he is not interested in an agreement. Councilmember Milbank reminded that the city collects stormwater fees, which are to be used to upgrade the system. PWD Nelson informed that every time they do a road project a lot of that money goes towards ditch upgrades. The recent 400 South Road project included over \$60,000 in irrigation improvements. Ms. Huntly thought it would be helpful to cut and paste from another city’s agreement to tailor one that would fit River Heights and ProLog.
- She attended a meeting in which COVID relief funds were discussed and how they can be applied for. Councilmember Clausen received information as well, which he turned over to FD Grover.

Councilmember Clausen

- He is planning a city bar-b-que for next Tuesday at 7:00 pm, at the city pavilion. He was hoping the Commission could meet at 6:00 and be finished by 7:00. He and Councilmember Gallup will get all the food. He asked Recorder Lind to notify all who work for the city.
- He presented a decrease in sewer fees of \$2/month and would like the Council to discuss this at the next meeting. Ever since the city fixed the infiltration problems last fall, the flow has gone down. He handed out data which supported his recommendation. He also portrayed how the decrease would affect the budget. He felt the reduction in flow, and therefore costs, should be passed on to the residents.

Councilmember Gallup

- She will check with Treasurer Wilker on some questions she had with the bills.

Councilmember Wright and Recorder Lind didn’t have anything to report.

Treasurer Wilker was absent.

90 Public Comment: Mike Jablonski said he and his neighbors met with Mayor Rasmussen and
91 Councilmember Wright. Part of the discussion was the threat that the owners of the property for sale in
92 Riverdale could annex into Logan if they do not get what they want from River Heights. He suggested the
93 council members meet with an attorney to find out if this could legally happen before they vote on the
94 PUD ordinance. He requested they put off the adoption of the ordinance and extend the moratorium, to
95 allow more time for research and due diligence. He hoped they would read all the comments he and his
96 wife, Cindy had submitted to the Planning Commission. They love living in River Heights and want to stay.

97 Cindy Schaub requested the flag by the restroom be replaced since it was looking shabby.

98 Mary Barrus reported on the Cache Valley Transit District. She has really enjoyed being on their
99 board and going to their meetings. She informed about an upcoming bus rodeo and invited everyone to
100 attend.

101 In the absence of Treasurer Wilker, Mayor Rasmussen presented the list of bills to be paid.

102 **Councilmember Wright moved to “pay the bills as listed, as well as the ones listed on the Drive
103 by Treasurer Wilker.” Councilmember Gallup seconded the motion, which passed with Clausen, Gallup,
104 Huntly, Milbank, and Wright in favor. No one opposed.**

105 Discuss an Ordinance to Adopt Changes to the City Code, Regarding PUD Zone: Mayor Rasmussen
106 said he had talked to the city attorney today, to discuss the best direction to go with the PUD ordinance.
107 He pointed out, the moratorium is nearly up and there are not options to extend it. He suggested
108 repealing the Mixed-Use and PUD sections of the code for the time being, while continuing their work on
109 revising the PUD ordinance. If they do not get it adopted by the time the moratorium is up, the Riverdale
110 property can still be developed within the R-1-12 zone.

111 Mayor Rasmussen hoped they could cover three items tonight: 1) Discuss whether it would be
112 best to keep a stand-alone PUD zone or offer it as an overlay zone. 2) Discuss desired density for PUDs.
113 3) Discuss restrictions or design standards they want to apply to the PUD. He was interested in finding out
114 the council’s disagreements and then prepare to address them at the next meeting, in which the city
115 attorney will attend.

116 Councilmember Wright discussed the PUD as an overlay, which would allow a bonus density by a
117 certain percentage, based on the underlying zone. He identified the parcels that the PUD zone could
118 apply to. He guessed they could make it work as a stand-alone or overlay zone.

119 Mayor Rasmussen liked the overlay idea because development would need to match the
120 surrounding zones. He encouraged the attending commissioners to give their opinion, if they felt it would
121 benefit the council’s discussion.

122 Councilmember Wright said the PUD ordinance in front of them would allow 6 dwellings per gross
123 acre. It’s assumed that 20% of the area will be in roads and infrastructure. Also required is 25% open
124 space. This puts it at 9-10 units per net acre.

125 Mayor Rasmussen agreed that River Heights does not need to solve the housing crisis. He also
126 agreed that it is not ethically right to pass the job on to surrounding communities. As homes in River
127 Heights age, they may be torn down and a PUD created. An overlay zone could smartly build out these
128 areas, which could be more affordable. Councilmember Wright said architectural standards would play a
129 big part in this idea. He noted that just because there are 5 acres somewhere, does not mean it should
130 automatically get to have a PUD zone.

131 Mayor Rasmussen suggested by labeling the discussed properties on the general plan map as
132 residential, it would drive a developer to develop something that fits with the surrounding community, or
133 they could apply for an overlay zone. Councilmember Wright suggested they make the PUD zone tight
134 enough to protect councils, present or future, from being arbitrary and capricious.

135 Commissioner Cooley said the pertinent discussion is density. An overlay on a 10-acre piece,
136 would allow about 36 homes. After infrastructure is taken out, it ends up to 6 units per gross acre. If the
137 city decides on an overlay zone, it will end up as regular residential density, because the bonuses go away.

138 Mayor Rasmussen supports higher density that is done well. He does not want the city to direct
139 the PUD areas, because he would like to leave the single-family option available. He suggested applying
140 the PUD to the R-1-8 zone as an option. Commissioner Cooley reminded they were trying to get away
141 from arbitrary approvals.

142 Commissioner Lehnig explained that after the first hearing, they received several comments on
143 how confusing the proposed PUD was. The city has wanted a park in Riverdale area for a long time. If
144 they allow a single-family zone, the park option will be lost. PUDs require open space along with
145 residential.

146 Commissioner Schaub discussed the comparison between PUD and single-family zones. She and
147 Commissioner Pitcher were not in favor of the PUD ordinance. She did not feel River Heights was
148 conducive to increased density and thought the current single-family zones were sufficient for River
149 Heights.

150 Mayor Rasmussen said he had asked the Commission to create a robust PUD that could be used
151 on all the remaining properties. He had in mind a PUD that would allow a transition from lower density to
152 higher density along the borders of the city. He asked if it would be easy enough to designate a certain
153 number of units per acre based on the current zones (8, 10 and 12).

154 Commissioner Schaub asked them to look at the increase on roads, schools, and churches.

155 Councilmember Milbank said PUDs could dramatically change River Heights but did not think the
156 feel of the area would change much by choosing a standalone PUD versus an overlay. He suggested the
157 more important question would be the design.

158 Councilmember Clausen did not think there was a big difference either. He would not mind taking
159 time to meet with the city attorney about the possibility of a boundary adjustment. He was happy with
160 how the Planning Commission drafted the ordinance and was willing to go along with it.

161 PWD Nelson pointed out the number of properties labeled as PUD, which were less than five
162 acres.

163 Councilmember Gallup said that every time the Commission met to discuss the PUD ordinance,
164 they changed it dramatically. She would like more time to go through it. Mayor Rasmussen pointed out
165 that the Commission should be commended; they did a lot of work, and they are not land attorneys. He
166 agreed that the Council could go over it more, but at the end of the day, it will need to be adopted and
167 they will not all like it. The Commission was asked to work through it and present it to the council, which
168 they did, under a short time pressure.

169 Mayor Rasmussen suggested repealing the Mixed-Use and current PUD Ordinances before the
170 moratorium was up (August 2). This would preclude developers from doing anything with higher density
171 until the Council works out the revised PUD ordinance. In the meantime, developers could apply for
172 single family zones if they wanted to move ahead.

173 Councilmember Wright liked the idea of exploring density differences surrounding residential 8,
174 10 and 12 zones, and suggested, they could spell out some things in reference to them. He offered to
175 draft something up, with the help of Commissioner Cooley.

176 Discussion was held on density. Commissioner Cooley suggested deciding if they want open space
177 or not and how to include it or not.

178 Councilmember Milbank said it is difficult to see areas of River Heights going to other cities. He
179 pointed out that large areas were lost because River Heights residents were averse to higher density and

now revenue is lost, and River Heights suffers the consequences. He is for well-planned increased density.

Councilmember Clausen said there are also infrastructure issues with higher density growth.

Mayor Rasmussen said the Riverdale area and residents are part of our community, which is why we do not want to let them go into Logan. If they cannot come to a compromise, he is not willing to break up a community to make something work. He said we need to make sure our community stays intact and that we fight for our Riverdale family.

Councilmember Gallup asked questions regarding "65% of dwellings must be single family detached." She would prefer a higher percentage such as 75%. She asked the Council if they felt the 100-foot buffer or would they prefer a larger one between single and multi-family. She asked who would have ownership of the required open space in a PUD community. If it belonged to an HOA, then it may not be available for other River Heights residents to use. She asked for clarification on the application of a density bonus since it was only mentioned once in 10-10-6. She also asked for an explanation on "visual amenities or development setbacks." She felt "cash in lieu of open space" should go directly to other open space (current or future). Mayor Rasmussen gave some explanations.

Councilmember Huntly said if the reason for a PUD is to provide open space, she did not agree on taking cash rather than providing open space. She wished it would be spelled out. She also did not like the idea of labeling certain areas, which include homes, as a PUD.

Councilmember Wright explained they are not proposing to change the zoning map, only the General Plan map. They are looking at long term planning. Current ownership of properties will not always stay the same.

PWD Nelson supported an overlay zone, rather than a standalone PUD zone. He did not like the idea of labeling properties less than 5 acres as PUD if it did not meet the code. Councilmember Wright agreed to get rid of the ambiguity.

Mayor Rasmussen asked why the 800 South area did not get included as PUD. Commissioner Cooley answered that this area consists of several smaller parcels owned by different people. The only way they would have enough acreage for a PUD is if a person bought many parcels.

Mayor Rasmussen would like to have a specification on the Chugg property (east of the school) so there would be a general idea of what the city would allow. Councilmember Wright said he has always understood that they could not label properties outside of the jurisdiction.

Councilmember Wright asked permission to work on figuring out how the different residential zones would be impacted by an overlay. The council agreed this would be helpful.

Councilmember Gallup said she would prefer 75% single-family dwellings and 25% multi-family. Commissioner Lehnig noted, this will mean the single family lots would be smaller. The more multi units they are willing to go with, the larger single family lots could be.

Councilmember Clausen stated it is difficult for the planning commission to take all the comments and meet all their expectations. He said they have done a lot of work and the council should not be picking it apart too much.

Councilmember Wright gave his opinion on architectural standards. He suggested the specs should be tighter. He said there are very nice designs for multi-family units that look more like single family homes.

Councilmember Milbank asked if they considered a retirement community. Commissioner Cooley said he had brought it up. Councilmember Wright was hopeful that this type of development would fit within the PUD zone.

They discussed scheduling the repeal of the mixed use and PUD zones in the city code.

Councilmember Wright pointed out there had been no public hearing on repealing the PUD ordinance.

226 Mayor Rasmussen will ask the city attorney tomorrow if they need to post notice for a hearing, to be held
227 at the next meeting.

228 Councilmember Milbank explained that the implementation of the mixed-use zone was a reaction
229 to the development of the Lundahl/Davis property and wanting to allow space for possible commercial
230 revenue. Councilmember Wright stated that Logan's current development in the Riverdale area
231 abandoned the plan they had worked with River Heights on. He also suggested that River Heights was
232 probably over-optimistic to think retail would work a few blocks off Main Street.

233 Councilmember Milbank discussed the city's current financial situations, the cost of upcoming
234 projects and the question of whether the city was generating enough to cover it all. Councilmember
235 Wright believed the council had been very careful with the projects they have done and the amount of
236 money they have on hand. Councilmember Huntly reminded there are funds available that just need to
237 be applied for.

238 **Councilmember Gallup moved to "repeal the 10-7 Mixed Use Zone and remove column "M" in**
239 **10-12-1." Councilmember Wright seconded the motion, which carried with Clausen, Gallup, Huntly,**
240 **Milbank and Wright in favor. No one opposed.**

241 Mayor Rasmussen summed up what would happen next:

- 242 • Councilmember Wright will work on getting the density spelled out in the different zones.
- 243 • The city attorney will attend the next meeting to discuss ramifications.
- 244 • Talk with attorney tomorrow about holding a public hearing to repeal the existing PUD ordinance.
- 245 • Council needs to be thinking of restrictions and design standards they would like to see.

246 Councilmember Clausen would like to avoid a long-drawn-out discussion on whether to have an
247 overlay zone or stand alone. Councilmember Wright anticipated that after working on it with
248 Commissioner Cooley, it will become obvious whether it should be one or the other. He hoped to have
249 their findings and suggestions to the council a few days before the next meeting.

250 Discuss Changes to the General Plan Land Use Map: They discussed and agreed that the City
251 Office and Old School properties should be zoned Parks and Recreation, as well as the parcel in the
252 Saddlerock Subdivision with a storm water retention tank located under it. PWD Nelson suggested also
253 labeling the storm drain parks in Saddlerock as Parks and Rec.

254 Councilmember Wright said Mike Jablonski and Cindy Johnson have asked not to have their
255 property included in the PUD zone because they are looking into a conservation easement.

256 The meeting adjourned at 9:00 p.m.

257
258
259
260 _____
261 Sheila Lind, Recorder

262 _____
Todd A. Rasmussen, Mayor

River Heights City Bills To Be Paid

June 30, 2021

	Payee	Description	Admin.	P&Z	Parks/Rec	Pub. Safety	Com. Aff.	Roads	Water	Sewer	Total
1	Aleena Astle	Youth Council Supplies					\$110.40				\$110.40
2	Cache Humane Society	Clean up of Account from August 2020				\$150.00					\$150.00
3	Cache Valley Publishing	Planning Public Hearing Ad		\$48.10							\$48.10
4	City of Logan	911, Sewer, Garbage	\$14,829.66			\$2,037.00				\$11,864.00	\$28,730.66
5	Comcast	Monthly Internet	\$28.24						\$28.23	\$28.22	\$84.69
6	Dominion Energy	Gas	\$179.36		\$10.13			\$3.05	\$72.88	\$3.05	\$268.47
7	Forsgren & Associates Inc.	Consulting, JP Subdivision, Lower Well	\$1,097.50						\$770.00		\$1,867.50
8	Hilco Plumbing	Supplies for Fixes			\$404.55						\$404.55
9	Logan City	Water Consumption							\$655.15		\$655.15
10	Rocky Mountain Power	Electricity	\$317.48		\$58.39	\$25.55		\$1,171.22	\$3,404.69	\$22.28	\$4,999.61
11	Roto Rooter	Soccer Porta Potty			\$100.00						\$100.00
12	Rupp Waste Container	City Clean Up Dumpsters					\$594.00				\$594.00
13	South Fork Hardware	Float Supplies					\$31.35				\$31.35
14	Text My Gov	Software Management & Support	\$1,500.00								\$1,500.00
15	Thomas Petroleum	Fuel City Vehicles			\$33.83			\$33.82	\$33.82	\$33.82	\$135.29
16	Utah League of Cities & Towns	One time Technical Assistance Assessment	\$500.00								\$500.00
17	Utah Local Government Trust	Annual Autos, Bldgs, Monthly Workers C	\$281.87		\$432.94			\$1,321.82	\$1,674.30	\$1,762.41	\$5,473.34
18	Xavier Hey	Concert in the Park					\$350.00				\$350.00
19											\$0.00
20											
21											
22											
23											
24											
25											
26											
27											
28											
29											
30											
31											
32											
33											
34											
35											
36											
37											
38											
39											
40											
41											
42											
43											
44											
45											
46											

Page 1 SubTotals

\$18,734.11 \$48.10 \$1,039.84 \$2,212.55 \$1,085.75 \$2,529.91 \$6,639.07 \$13,713.78 \$46,003.11

Page 1 Total Amount to \$46,003.11

River Heights City Bills To Be Paid

July 6, 2021

	Payee	Description	Admin.	P&Z	Parks/Rec	Pub. Safety	Com. Aff.	Roads	Water	Sewer	Total
1	JUNE \$										\$0.00
2	Blue Stakes	Email Notifications Billable	\$43.81						\$43.81	\$45.15	\$132.77
3	Peterson Plumbing Supply	Water Repairs & Maint							\$894.30		\$894.30
4	Lowe's	Shop Supplies for smal Maint etc./Wet/dry			\$47.64			\$47.64	\$47.64	\$47.65	\$190.57
5	Sharlie Gallup	Craft Day					\$73.92				\$73.92
6	Verizon Wireless	Monthly Cell Phones	\$55.01						\$55.01	\$55.02	\$165.04
7	Secure Instant Payments	Monthly Billing	\$17.82						\$17.81	\$17.82	\$53.45
8											\$0.00
9											\$0.00
10	JULY \$										\$0.00
11	Caselle	Monthly Billing	\$91.69						\$91.66	\$91.65	\$275.00
12											\$0.00
13											\$0.00
14											\$0.00
15											\$0.00
16											\$0.00
17											\$0.00
18											\$0.00
19											\$0.00
20											\$0.00
21											\$0.00
22											\$0.00
23											\$0.00
24											\$0.00
25											\$0.00
26											\$0.00
27											\$0.00
28											\$0.00
29											\$0.00
30											\$0.00
31											\$0.00
32											\$0.00
33											\$0.00
34											\$0.00
35											\$0.00
36											\$0.00
37											\$0.00
38											\$0.00
39											\$0.00
40											\$0.00
41											\$0.00
42											\$0.00
43											\$0.00
44											\$0.00
45											\$0.00

Page 1 SubTotals

\$208.33

\$47.64

\$73.92

\$47.64

\$1,150.23

\$257.29

\$1,785.05

Page 1 Total Amount to be paid \$1,785.05

Logan City Sewer Rates/Gallons for River Heights City

Month/Year	Sewer Treatment			Sewer Collection			Conversion	Percent	Total
	1000 gallons	Rate/1000	Treatment Fee	1000 gallons	Rate/1000	Collection Fee			
Jan-17	5,035.90	5,035.90	\$4,655.69	5,039.00	5,039.00	\$2,055.99	596.00	\$4,736.57	
Feb-17	6,422.00	6,422.00	\$5,908.14	6,432	6,432,000	\$2,683.00	595.00	\$4,576.26	
Mar-17	7,013.00	7,013.00	\$6,459.28	7,019.000	7,019,000	\$2,877.29	595.00	\$9,370.47	
Apr-17	6,339.00	6,339,000	\$7,563.08	6,339	6,339,000	\$1,353.15	595.00	\$10,939.57	
May-17	6,113.00	6,113,000	\$5,713.04	6,112	6,112,000	\$2,566.62	595.00	\$8,296.96	
Jun-17	5,381.00	5,381,000	\$4,591.53	5,381	5,381,000	\$2,206.31	595.00	\$7,393.79	
Jul-17	7,650.00	7,650,000	\$6,954.00	7,650	7,650,000	\$3,025.59	595.00	\$9,943.50	
Aug-17	8,511.00	8,511,000	\$12,497.25	8,511	8,511,000	\$3,065.51	595.00	\$20,972.06	
Sep-17	8,139.00	8,139,000	\$12,005.75	8,139	8,139,000	\$2,238.65	595.00	\$19,179.40	
Oct-17	6,139.00	6,139,000	\$16,005.40	6,139	6,139,000	\$2,713.65	595.00	\$19,054.36	
Nov-17	6,536.00	6,536,000	\$12,265.45	6,539	6,539,000	\$1,698.66	595.00	\$14,553.56	
Dec-17	5,979.00	5,979,000	\$12,265.45	5,979	5,979,000	\$1,614.31	595.00	\$13,905.28	
Jan-18	6,103.00	6,103,000	\$12,591.15	6,103	6,103,000	\$1,607.81	595.00	\$14,193.96	
Feb-18	6,139.00	6,139,000	\$12,591.15	6,139	6,139,000	\$1,669.43	595.00	\$14,254.78	
Mar-18	5,336.00	5,336,000	\$10,918.30	5,336	5,336,000	\$1,433.02	595.00	\$12,391.31	
Apr-18	6,277.00	6,277,000	\$13,802.85	6,277	6,277,000	\$1,403.93	595.00	\$15,207.64	
May-18	6,377.00	6,377,000	\$13,802.85	6,377	6,377,000	\$1,270.59	595.00	\$14,736.94	
Jun-18	6,979.00	6,979,000	\$13,933.95	6,979	6,979,000	\$1,435.39	595.00	\$15,364.04	
Jul-18	5,404.00	5,404,000	\$11,078.50	5,404	5,404,000	\$1,453.89	595.00	\$12,527.28	
Aug-18	5,079.00	5,079,000	\$11,078.50	5,079	5,079,000	\$1,257.29	595.00	\$12,327.21	
Sep-18	4,760.00	4,760,000	\$10,757.50	4,76	4,760,000	\$1,253.50	595.00	\$12,077.80	
Oct-18	4,567.00	4,567,000	\$10,314.41	4,567	4,567,000	\$1,231.25	595.00	\$11,549.31	
Nov-18	4,359.00	4,359,000	\$9,618.56	4,356	4,356,000	\$1,169.11	595.00	\$10,802.68	
Dec-18	3,773.00	3,773,000	\$9,536.58	3,773	3,773,000	\$1,038.11	595.00	\$9,569.69	
Jan-19	5,627.00	5,627,000	\$12,712.02	5,627	5,627,000	\$1,079.39	595.00	\$14,421.31	
Feb-19	5,669.00	5,669,000	\$12,069.18	5,669	5,669,000	\$1,593.26	595.00	\$14,678.04	
Mar-19	5,275.00	5,275,000	\$13,006.30	5,275	5,275,000	\$1,553.83	595.00	\$14,556.15	
Apr-19	6,601.00	6,601,000	\$14,904.08	6,608	6,608,000	\$1,294.15	595.00	\$16,723.24	
May-19	6,749.00	6,749,000	\$15,143.70	6,745	6,745,000	\$1,021.5	595.00	\$17,099.45	
Jun-19	6,303.00	6,303,000	\$13,893.40	6,319	6,319,000	\$1,653.19	595.00	\$15,543.59	
Jul-19	4,700.00	4,700,000	\$10,832.78	4,678	4,678,000	\$1,268.81	595.00	\$11,593.59	
Aug-19	4,878.00	4,878,000	\$12,067.44	4,878	4,878,000	\$1,507.26	595.00	\$13,449.59	
Sep-19	4,730.00	4,730,000	\$11,730.41	4,73	4,730,000	\$1,277.10	595.00	\$13,012.50	
Oct-19	4,581.00	4,581,000	\$11,511.35	4,582	4,582,000	\$1,354.18	595.00	\$12,910.50	
Nov-19	4,136.00	4,136,000	\$10,197.24	4,136	4,136,000	\$1,116.77	595.00	\$11,409.00	
Dec-19	3,697.00	3,697,000	\$9,004.56	3,647	3,647,000	\$964.69	595.00	\$10,664.25	
Jan-20	5,325.00	5,325,000	\$13,106.00	5,325	5,325,000	\$1,477.25	595.00	\$14,678.75	
Feb-20	5,249.00	5,249,000	\$13,106.00	5,242	5,242,000	\$1,477.25	595.00	\$14,678.75	
Mar-20	5,189.00	5,189,000	\$12,083.78	5,187	5,187,000	\$1,406.49	595.00	\$14,499.25	
Apr-20	5,349.00	5,349,000	\$13,004.51	5,346	5,346,000	\$1,448.62	595.00	\$15,454.25	
May-20	5,349.00	5,349,000	\$13,004.51	5,346	5,346,000	\$1,448.62	595.00	\$15,454.25	
Jun-20	5,399.00	5,399,000	\$13,170.64	5,395	5,395,000	\$1,435.65	595.00	\$14,971.25	
Jul-20	6,312.00	6,312,000	\$15,693.78	6,312	6,312,000	\$1,704.24	595.00	\$17,393.00	
Aug-20	4,551.00	4,551,000	\$12,474.23	4,551	4,551,000	\$1,228.27	595.00	\$13,698.00	
Sep-20	4,131.00	4,131,000	\$11,381.09	4,139	4,139,000	\$1,113.51	595.00	\$12,494.00	
Oct-20	4,040.00	4,040,000	\$12,021.91	4,044	4,044,000	\$1,119.80	595.00	\$13,147.00	
Nov-20	4,054.00	4,054,000	\$10,787.42	4,054	4,054,000	\$1,094.53	595.00	\$12,197.00	
Dec-20	3,765.00	3,765,000	\$10,278.45	3,765	3,765,000	\$1,076.55	595.00	\$11,350.00	
Jan-21	3,931.00	3,931,000	\$10,391.43	3,931	3,931,000	\$1,061.39	595.00	\$11,447.00	
Feb-21	3,804.00	3,804,000	\$10,391.43	3,804	3,804,000	\$1,027.59	595.00	\$11,427.00	
Mar-21	3,475.00	3,475,000	\$9,056.75	3,475	3,475,000	\$938.25	595.00	\$10,463.00	
Apr-21	3,172.00	3,172,000	\$10,597.58	3,172	3,172,000	\$1,018.44	595.00	\$11,511.00	
May-21	3,451.00	3,451,000	\$10,401.13	3,451	3,451,000	\$931.27	595.00	\$11,338.00	
Jun-21	3,943.00	3,943,000	\$10,764.59	3,943	3,943,000	\$1,064.61	595.00	\$11,864.00	
Total	347,432.00	347,432,000	\$656,260.65	347,913	347,913,000	\$112,215.68	\$3,110.00	\$793,959.76	

**Rates the Sewer Collection Rate of \$0.27/1000 gal for Jul-17 had been used and based on this shows as \$0.41/1000 gal
 ***Valley Wide Increase in Flow starting in April-17

	2017	2016	Net Change	Change
Jan	5,039,000	4,975,000	64,000	1.3%
Feb	6,832,000	4,894,000	1,938,000	31.2%
Mar	7,019,000	5,111,000	1,908,000	37.3%
Apr	8,199,000	5,465,000	2,734,000	49.9%
May	6,312,000	5,393,000	919,000	15.0%
Jun	5,381,000	5,243,000	138,000	2.7%
Jul	7,450,000	5,293,000	2,157,000	42.3%
Aug	6,511,000	5,084,000	1,427,000	27.1%
Sep	8,295,000	5,198,000	3,097,000	61.4%
Oct	8,189,000	5,897,000	2,292,000	39.1%
Nov	6,298,000	5,399,000	899,000	16.7%
Dec	5,979,000	4,164,000	1,815,000	44.2%
YTD Total	82,951,000	62,052,000	20,899,000	31.7%

Sewer Treatment/Collections Analysis by Month
2018 vs 2017

	2018	2017	Volume	Net Change	%	Change
Jan	6,103,000	5,039,000	1,064,000	21.1%	21.1%	
Feb	6,129,000	6,432,000	(1,303,000)	-4.5%	-4.5%	
Mar	5,216,000	7,019,000	(1,803,000)	-24.1%	-24.1%	
Apr	6,777,000	8,199,000	(1,422,000)	-17.3%	-17.3%	
May	6,337,000	6,211,000	126,000	2.0%	2.0%	
Jun	6,797,000	5,381,000	1,416,000	26.3%	26.3%	
Jul	5,404,000	7,650,000	(2,246,000)	-27.4%	-27.4%	
Aug	6,032,000	8,511,000	(2,479,000)	-29.1%	-29.1%	
Sep	4,765,000	8,295,000	(3,530,000)	-42.6%	-42.6%	
Oct	4,567,000	8,189,000	(3,622,000)	-44.2%	-44.2%	
Nov	4,256,000	6,298,000	(2,042,000)	-31.9%	-31.9%	
Dec	3,773,000	5,979,000	(2,206,000)	-36.9%	-36.9%	
YTD Total	63,266,000	62,863,000	(17,707,000)	-21.3%	-21.3%	

Sewer Treatment/Collections Analysis by Month
2019 vs 2018

	2019	2018	Volume	Net Change	%	Change
Jan	5,627,000	6,103,000	(476,000)	-7.8%	-7.8%	
Feb	5,664,000	6,129,000	(465,000)	-7.5%	-7.5%	
Mar	5,155,000	5,216,000	(61,000)	-1.2%	-1.2%	
Apr	6,604,000	6,777,000	(169,000)	-2.5%	-2.5%	
May	6,243,000	6,337,000	(94,000)	-1.5%	-1.5%	
Jun	6,130,000	6,797,000	(667,000)	-9.8%	-9.8%	
Jul	4,763,000	5,404,000	(641,000)	-12.9%	-12.9%	
Aug	4,070,000	5,032,000	(962,000)	-19.1%	-19.1%	
Sep	4,750,000	4,765,000	(15,000)	-0.3%	-0.3%	
Oct	4,682,000	4,567,000	115,000	2.5%	2.5%	
Nov	4,136,000	4,256,000	(120,000)	-2.8%	-2.8%	
Dec	3,642,000	3,773,000	(128,000)	-3.4%	-3.4%	
YTD Total	63,269,000	65,254,000	(1,947,000)	-3.0%	-3.0%	

Sewer Treatment/Collections Analysis by Month
2020 vs 2019

	2020	2019	Volume	Net Change	%	Change
Jan	5,235,000	5,627,000	(392,000)	-6.9%	-6.9%	
Feb	5,242,000	5,664,000	(422,000)	-7.4%	-7.4%	
Mar	5,187,000	5,155,000	32,000	0.6%	0.6%	
Apr	5,647,000	6,604,000	(957,000)	-14.5%	-14.5%	
May	5,346,000	6,243,000	(897,000)	-14.4%	-14.4%	
Jun	5,195,000	6,130,000	(935,000)	-15.3%	-15.3%	
Jul	6,312,000	4,763,000	1,549,000	32.5%	32.5%	
Aug	4,551,000	4,070,000	481,000	11.8%	11.8%	
Sep	4,133,000	4,750,000	(617,000)	-13.0%	-13.0%	
Oct	4,004,000	4,682,000	(678,000)	-14.5%	-14.5%	
Nov	4,054,000	4,136,000	(82,000)	-2.0%	-2.0%	
Dec	3,765,000	3,642,000	123,000	3.4%	3.4%	
YTD Total	58,363,000	63,269,000	(4,906,000)	-7.8%	-7.8%	

Sewer Treatment/Collections Analysis by Month
2021 vs 2020

	2021	2020	Volume	Net Change	%	Change
Jan	5,311,000	5,235,000	76,000	1.4%	1.4%	
Feb	3,804,000	5,242,000	(1,438,000)	-27.4%	-27.4%	
Mar	3,475,000	5,187,000	(1,712,000)	-33.0%	-33.0%	
Apr	3,772,000	5,647,000	(1,875,000)	-33.2%	-33.2%	
May	3,453,000	5,346,000	(1,893,000)	-35.4%	-35.4%	
Jun	3,943,000	5,195,000	(1,252,000)	-24.1%	-24.1%	
Jul	0	6,312,000	6,312,000	100.0%	100.0%	
Aug	0	4,551,000	4,551,000	100.0%	100.0%	
Sep	0	4,133,000	4,133,000	100.0%	100.0%	
Oct	0	4,004,000	4,004,000	100.0%	100.0%	
Nov	0	4,054,000	4,054,000	100.0%	100.0%	
Dec	0	3,765,000	3,765,000	100.0%	100.0%	
YTD Total	22,376,000	59,361,000	(37,985,000)	-64.0%	-64.0%	

Proposed Sewer Rate Reduction of \$2.00 per month

A. 675 connections $\$2.00 \times 12 \times 675 = \$16,200.00$ (cost to revenue) Budget is \$360,000

B. Savings vs. Budget (Charges from Logan)

Budget is \$175,000

Estimated actual charges per year because of less flow $\$12,000 \times 12 = \$144,000$

Difference $\$175,000 - \$144,000 = \$31,000$

SPEAK S-L-O-W-L-Y

Public Comment for July 6, 2021, CC Meeting

Last night we had a productive meeting of Riverdale residents, as requested by Councilman Blake Wright, which Mayor R. also attended. Thanks again to you both!

Councilman Clausen, at the May 25 public hearing, you said "we are not attorneys," regarding boundary changes. You are correct.

Given the real, implied, or imagined threat that the project proponents for a high-density development in Riverdale may make a move to transfer their property, taking others with them (against our will) from River Heights into Logan, you, all of you, as our elected officials have an obligation to exercise **due diligence** about this. You are our representatives; it is your responsibility. We want you to look out for our interests, as residents of River Heights.

SPEAK S-L-O-W-L-Y

We expect you to fully understand how a boundary adjustment works, and our standing to protest, if it comes to that, which we sincerely want to avoid.

There is a remedy.

The obvious thing for this governing body to do is to get a complete briefing about boundary changes, and disconnections, this from the City Attorney. We have also sought legal advice about this.

So – we think all of you should get this briefing before you vote on the proposed PUD ordinance, so you know what could happen if the project proponents are unhappy with the PUD ordinance outcome and a make a move to pull out of River Heights. You must not let that real, implied, or imagined threat to influence your vote.

Our review of the state law, as non-lawyers, shows that you could extend the moratorium, as you have good reason to do so. This will give you more time. You will not get into trouble for taking time to get it right.

People will say, well, you had six months. True. But I do not think you, as a governing body, fully understand the law about boundary changes and our standing to

protest if it comes to that. You are within your rights, I hope and believe, to continue with your due diligence, by extending the moratorium.

SPEAK S-L-O-W-L-Y

As to being part of River Heights, this is the desire of all Riverdale residents. We are not the unwanted child of River Heights. I served on the Planning Commission for two years, and on the CC for four years. My neighbor, Mary Barrus, having more fortitude than me, served on the CC for two terms, eight years total.

We play by the rules, and we try to be good citizens. All of us love living in River Heights.

Finally, we failed to persuade the Planning Commission to go with the May 25 draft of the PUD ordinance, as opposed to the high-density ordinance that they passed. We copied you on all our written correspondence. Please consider all the comments we submitted to P&Z. You have copies of our correspondence with P&Z.

Michael Jablonski
July 6, 2021

higher-density →

Proposed Ordinance Changes

June 22, 2021

Repeal 10-7 Mixed Use Zone

Remove column "M" in 10-12-1

Replace current 10-10 with the following:

RESIDENTIAL PLANNED UNIT DEVELOPMENT ZONE

SECTION:

- 10-10-1: Intent
- 10-10-2: Use Regulations
- 10-10-3: Special Provisions
- 10-10-4: Requirements
- 10-10-5: Open Space
- 10-10-6: In Lieu Substitutions for Open Space Requirements

10-10-1: INTENT AND PURPOSE

The purpose of a R-PUD zone is to encourage ~~imaginative and~~ efficient utilization of land, to develop a sense of community, and to ensure compatibility with in the surrounding neighborhoods and environment. ~~Applicants apply for the~~ An application for specific zoning and density designation to be applied is made, allowing them to receive the density outlined herein in exchange for public amenities. ~~This is accomplished by providing~~ This zone may provide greater flexibility in ~~the placement~~ the location of buildings on the land, the creation and consolidation of open spaces, and the clustering of dwelling units. These provisions are intended to create more attractive and more desirable environments within River Heights City. An R-PUD zone may incorporate a development theme ~~which~~ includes the elements of usable open spaces, diversity of lot design, amenities, a well-planned circulation system, and attractive entrances as part of the design. ~~The combination of all these elements is necessary for the development of a R-PUD.~~ Because of ~~the substantial~~ certain public advantages of a planned unit development, it is the intent of this zone to allow development ~~hereunder~~ where tracts that are suitable in size, location and character are allowed for the select uses and structures ~~proposed are planned and developed as units for a~~ unified and coordinated manner. In such circumstances, ~~where municipal planning and private development may effectively proceed together, it is necessary and appropriate that there be requirements and regulations other than on a lot by lot or subdivision basis to provide flexibility and innovation is allowed~~ in site planning and land use ~~relationships~~ while also ensuring substantial compliance with the intent, objectives and purposes of this title and the city's general plan.

10-10-2: SPECIAL PROVISIONS

- A. An R-PUD may be applied on properties designated ~~as such~~ in the River Heights City General Plan.
- B. Minimum development site: The minimum total area for an R-PUD shall be 5 acres ~~unless otherwise approved by the City~~.
- C. Maximum density: The maximum density of an R-PUD Zone shall be 6 units per gross acre.
- D. The design of public streets within an R-PUD shall follow the applicable city standards for width of right of way and construction. All streets within an R-PUD, in ~~a residential zone~~s shall be public streets. (Exception would be private drive isle.)
- E. Within residential zones, R-PUDs ~~should~~ ~~could~~ incorporate walking and biking trails and pathways for the use and enjoyment of residents. These trails and pathways may vary in width from five (5) to ten feet (10') depending on their intended use. Consideration shall be given for ~~their~~ connectivity or inclusion into the citywide network of trails identified in the city's general plan. Where appropriate, equal consideration for trails and pathways shall be given within residential zones.
- F. Individual private parking stalls and parking structures shall avoid direct access to public streets classified as collector ~~streets~~ in the River Heights transportation master plan. Driveways serving three (3) units or more may be allowed to access such streets, provided they are located at ~~a~~ minimum of two hundred feet (200') from another driveway or public street, on a collector street, when measured from the centerline of the driveway to the centerline of another driveway or street.

Commented [JJ1]: Public street as in maintained by the city or maintained by the HOA?

Commented [JJ2]: What constitutes a public drive isle?

Commented [JJ3]: Should, but not required?

10-10-3: REGULATIONS

The following buildings, structures and uses of land shall ~~comply be permitted upon compliance~~ with the requirements set forth in this title: Multiple-family dwellings (~~shall~~ ~~could~~ not exceed four (4) units per structure), patio homes, single-family attached, single-family that are conventional dwellings. A minimum of 65% of all dwelling units in a R-PUD, ~~shall~~ ~~must~~ be single family detached. All buildings will be limited to two stories above grade.

Commented [JJ4]: Should or shall?

10-10-4: REQUIREMENTS

- A. Preliminary Plat Required: All R-PUDs shall require a preliminary plat and site plan. The zoning designation shall be based upon the preliminary plat.
- B. R-PUDs ~~must~~ ~~shall~~ comply with ~~all~~ requirements ~~contained within the~~ of River Heights Subdivision Ordinances, ~~as amended~~.
- C. Site Plan required: Application shall be accompanied by architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationship of the uses: The use or uses, dimensions, sketch elevations, and General locations of proposed dwellings and other structures.
- D. Architectural Design Standards for multi-family dwellings: All new buildings must incorporate a defined architectural ~~le~~ style. A recognized architectural style shall be one which is recognized by design professionals as having basis in classical, historical or academic architectural design styles. The following elements shall be incorporated into the design of each building:
 - 1. Primarily durable, materials including stucco, brick, fiber cement, decorative

- block or other materials as approved by City Council.
2. For buildings over one story, vertical separation elements to differentiate levels. These may include cChange of materials, dormers, cornices, or other elements, as approved by the cCity cCouncil.
 3. Architectural wall variation between units to differentiate dwellings. These may include vertical articulation, variation of materials or other elements, as approved by City Council.
- E. Dimensions and locations of areas to be reserved and k for vehicular and pedestrian circulation, proposed parking, ingress, and egress. Proposed circulation pattern including private driveways, public and private streets, and pedestrian and bicycle paths.
 - F. A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed.
 - G. A maintenance plan which defines the responsible parties for all open space areas and amenities shall be provided and incorporated into the development agreement. (See Section 10-10-5)
 - H. Modifications and Conditions May be Imposed: The planning commission and city council may impose modifications and conditions in consideration of factors, such as size and location, street capacities of the area, ingress and egress to adjoining streets, internal traffic, signs and lighting, building bulk and location, including residential density, coverage, and open space characteristics as stated in the River Heights Subdivision Ordinances.
 - I. Applicants must start construction within one (1) year of the approval of the project and any necessary zoning district change, and complete construction, or approved stages thereof, within four (4) years from the date construction begins.
 - J. The development must be planned as one complex land use rather than as an aggregation of individual and unrelated buildings and uses.
 - K. Proposed R-PUD adjacent to existing single-family homes must place single family homes adjacent to the established single-family homes unless otherwise buffered by 100-foot width of open space including a landscaped Buffer as defined within this chapter.
 - L. Playground: an area provided for children to play on. Each Playground must be designed for children twelve and younger. A playground must include features to appeal to children within the above age group including some of the following: slides, monkey bars, ladders, tunnels, climbers, bridges, ramps, platforms, etc. All playground equipment must be of commercial grade. Each playground must include a minimum of 6 features.

Commented [JJ5]: What is k

Commented [JJ6]: Need to be cautious here on "size and location" and "density". While you may be able to trade density for other land in the city, the commission and council need to follow the zoning classifications in the ordinance and cannot make modifications in violation of the ordinance.

10-10-5: OPEN SPACE

- A. R-PUDs shall provide a minimum open area for residents and/or occupants of such development. Open space shall be land areas that are not occupied by buildings, structures, parking areas (including private driveways), streets or alleys. Said open space shall be devoted to landscaping, preservation of natural features, open pavilions, and recreational areas. Required "base" open space areas shall be contiguous, not a collection of remnants.
- B. The open space requirement for R-PUD zone will be 25% of gross acreage.
- C. The open space should be large enough for the use of all residents of the project or the general public. Such spaces, minimum of a half-acre, should include improvements such as playgrounds, pathways, pavilions, play courts, and areas

of significant native vegetation. Specific improvements shall be approved by the City

- D. Areas with natural features worthy of preservation, which are not buildable, such as canyons or slopes, ridgelines, wetlands, stream or creek corridors, utility corridors, wildlife habitat, geologically sensitive areas, and significant views and vistas.
- E. Open Space Amenities: An R-PUD with 50-100 dwelling units must provide a playground. An R-PUD with greater than 100 dwelling units must provide a playground and pavilion. Alternate amenities of equal value and utility may be provided, as approved by the City.
- F. Playground Definition: an area provided for children to play on. Each Playground must be designed for children twelve and younger. A playground must include features to appeal to children within the above age group including some of the following: slides, monkey bars, ladders, tunnels, climbers, bridges, ramps, platforms, etc. All playground equipment must be of commercial grade. Each playground must include a minimum of 6 features.
- G. Type of Ownership Allowed for Open Space:
 - 1. General:
 - a. Open space in the R-PUD zone shall remain undivided and may be owned and managed by a homeowners' association, the city, or a recognized land trust or conservancy. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities and open space within undivided lands. If, at any time, the ownership of open space is changed to another form of ownership allowed herein, the ownership change must be approved by the City and the City must be provided the first right to accept or acquire the open space.
 - b. The ownership of all or any portion of open space shall not change by transfer, deeding, quitclaim, purchase, or by any other method, without the review and approval by the City. Leasing, renting or use by any entity or person other than the homeowners' association of any portion of the open space shall be reviewed and approved by the City.
 - 2. Ownership Standards: Open space within a development shall be owned, ~~administered~~ ~~administered~~ ~~administered~~ and maintained by any of the following methods, either individually or in combination, and subject to approval by the city.
 - a. Offer of Dedication: The city shall have the first and last offer of dedication of undivided lands in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The city may, but shall not be required to, accept undivided lands; provided, that:
 - (1) Such land is accessible to the residents of the city;
 - (2) There is no cost of acquisition other than any cost incidental to the transfer of ownership such as title insurance; and
 - (3) The city agrees to and has access to maintain such lands. Where the city accepts dedication of open space (undivided lands) that contain improvements, the city may require the posting of financial security to ensure satisfactory functioning and structural integrity of improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.

- b. Homeowners' Association (HOA): The open space (undivided lands) and associated facilities may be held in common ownership by a homeowners' association. The HOA shall be formed and operated under the following provisions:
- (1) The developer shall provide covenants, conditions and restrictions (CC&Rs) of the association, including its bylaws, articles of incorporation and methods for maintaining the open space (undivided lands). The CC&Rs shall be reviewed and approved in content and form by the City. Acceptance of the CC&Rs by the City will be contingent upon meeting the intent and conditions required by this code. The CC&Rs will be approved by the City prior to filing the final plat. The CC&Rs will be recorded by the City attorney at the county recorder's office at the time of the filing of the final plat.
 - (2) The association shall be organized by the developer and be operated with financial subsidization by the developer, before the sale of any lots within the development.
 - (3) Membership in the association is automatic (mandatory) for all purchasers of commercial spaces, ~~residences~~ ~~residences~~, or lots therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified in the CC&Rs.
 - (4) The association shall be responsible for maintenance of insurance and taxes on undivided lands, enforceable by liens placed by the city.
 - (5) The members of the association shall share equitably the costs of maintaining and developing such open space (undivided lands). Fees shall be determined by the association and assessed and deposited in an escrow account. Shares shall be defined within the association bylaws.
 - (6) The developer of the subdivision shall endow the newly formed homeowners' association with funds equivalent to ten percent (10%) of the development cost for all common improvements which shall be used by the HOA to operate, maintain and insure the HOA for the first year that the association begins to operate independently of the developer. Funds shall be deposited in the checking account in the name of the HOA within ten (10) days after the day which the HOA begins to operate independently of the developer.
 - (7) In the event of a proposed transfer, within the methods herein permitted, of open space (undivided lands) by the homeowners' association, or of the assumption of maintenance of the open space (undivided lands) by the city, notice of such action shall be given to all property owners within the development.
 - (8) All improvements to the open space (undivided lands) held in common or intended to be held in common by the HOA shall be installed, completed and accepted prior to the beginning of the second phase of construction, or if the project is not phased, prior to sale of all lots. If phasing of the improvements to the open space (undivided lands) is required by the developer, all incomplete improvements for the open space (undivided lands) shall be secured through a bond posted by the developer.

- (9) The association shall have or hire adequate staff to administer common facilities and properly and continually maintain the open space (undivided lands).
- (10) The homeowners' association may lease undivided lands to any other qualified person, or corporation, for operation and maintenance of open space (undivided lands) by lease agreement, which shall provide:
- (A) The residents of the development shall at all times have access to the open space (undivided lands) contained therein;
 - (B) The open space (undivided lands) to be leased shall be maintained for the purposes set forth in this title; and
 - (C) The operation of facilities within the open space (undivided lands) may be for the benefit of the residents only, or may be open to the residents of the city, at the election of the developer and/or homeowners' association, as the case may be;
 - (D) The lease shall be subject to the approval of the City and any transfer or assignment of the lease shall be further subject to the approval of the city. Lease agreements shall be recorded with the county recorder within thirty (30) days of the execution and a copy of the recorded lease shall be filed with the City.
- c. Conservation Easement: A conservation easement shall be established to provide a permanent preservation of the open space (undivided lands). The easement shall be indicated on the recorded plat and state the ownership of the easement and reference the maintenance agreement also recorded with the final plat stating the standards of upkeep as defined in these subdivision regulations.
- d. Transfer of Easements to Private Conservation Organization: With the recommendation of the planning commission and the permission of the City council, an owner may transfer easements or ownership to a private nonprofit organization, among whose purposes it is to conserve open space (undivided lands); provided, that:
- (1) The organization is acceptable to the city, and is a bona fide conservation organization with perpetual existence;
 - (2) The conveyance contains appropriate provision for proper reverter or retransfer in the event the organization becomes unwilling or unable to continue carrying out its functions; and
 - (3) A maintenance agreement acceptable to the planning commission and the city council is entered into by the developer and the organization.
3. Maintenance Standards:
- a. The following standards shall be fulfilled and shall be recorded on the face of the final plat: River Heights City shall have the right, but not the duty, to require, and if necessary, perform, at the organization's expense, landscaping, maintenance and snow removal, as applicable, within the open space areas if the organization fails adequately to perform such. The city may take this action when asked to take over improvements or maintenance tasks by an organization. The city council may also take such action when it determines the need based on a historical pattern of lack of care and maintenance. In the event River Heights City exercises this right, the city shall be entitled to recover any associated costs and attorney fees. This notation shall not be amended or deleted without the approval of River

Commented [JJ7]: Must define Qualified Person

Commented [JJ8]: The City should put this at the end of this so they have ultimate say. Part "b" should be first. Option for the City to maintain the property should be last.

Heights City.

- b. The owner of the open space (undivided lands) shall be responsible for maintenance and the raising of all monies required for operations, maintenance or physical improvements to the open space (undivided lands) through annual dues, special assessments, etc. The maintenance organization shall be authorized, under its bylaws, to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.
- c. In the event that the maintenance organization, or any successor organization, shall, at any time after establishment of a development containing open space (undivided lands), fail to maintain the open space (undivided lands) in reasonable order and condition in accordance with the development plan, the city may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the open space (undivided lands) in reasonable condition.
- d. Failure to adequately maintain the open space (undivided lands) in reasonable order and condition constitutes a violation of this title. The city is hereby authorized to give notice, by personal delivery or by United States postal service, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within twenty (20) days. Further, the city shall be authorized to assume maintenance of the open space (undivided lands) in such a manner as it deems appropriate.
- e. Should any bill or bills for maintenance of the open space (undivided lands) by the city be unpaid by January 1 of each year, a lien shall be filed against the premises in the same manner as other municipal claims. A late fee of fifteen percent (15%) annually shall be added to such bills, and the city shall be entitled to recover any costs and attorney fees incurred collecting or recovering any such amounts due to the city.
- f. Access by Public upon Completion of Improvements within Undivided Lands: The public shall have access, when mutually agreed by all parties, including the city. Lots designed with the rear facing open spaces shall be accessible at all times and all locations. At no time shall public access be denied unless unsafe conditions exist or unless approved by the city. Public access within undivided lands shall be allowed only where identified and allowed within the approval documents.

10-10-6: IN LIEU SUBSTITUTIONS FOR OPEN SPACE REQUIREMENTS |

- A. **Purpose:** The city finds that land in other locations may be substituted for open space requirements where it is advantageous to preserve important land. For this purpose, the City may allow a developer to develop land required for open space if equivalent or greater land is identified and situated in another location and acceptable to the city (referred to as "in lieu substitutions" or "in lieu open space substitutions" hereafter).
- B. **Approval Required Prior to Recordation:** Recordation of a final plat for a subdivision utilizing an approved density bonus and an ~~in-lieu-in-lieu~~ substitution may not occur until in lieu substitutions are approved, finalized and effective.
- C. **Hazardous Lands Not Acceptable:** An application for a density bonus and for an in lieu substitution may be approved, for open space land in another

Commented [JJ9]: There probably should be a requirement that the in lieu substitution space be connected to the R-PUD. If it is not in the same area, the purpose of the open space is frustrated and a person could assert that because the purpose of the open space is frustrated for the R-PUD, they are not required to comply with the statute

location, only when such proposed in lieu substitution of open space land is absent hazards to development such as, but not limited to, steep slopes, geologic hazards, unstable soils, floodplains, wetlands, riparian areas or water source protection areas. In no case shall such hazardous lands be used for the original development density or the bonus density. Where agricultural land is being substituted, equally productive or more productive agricultural land must be substituted.

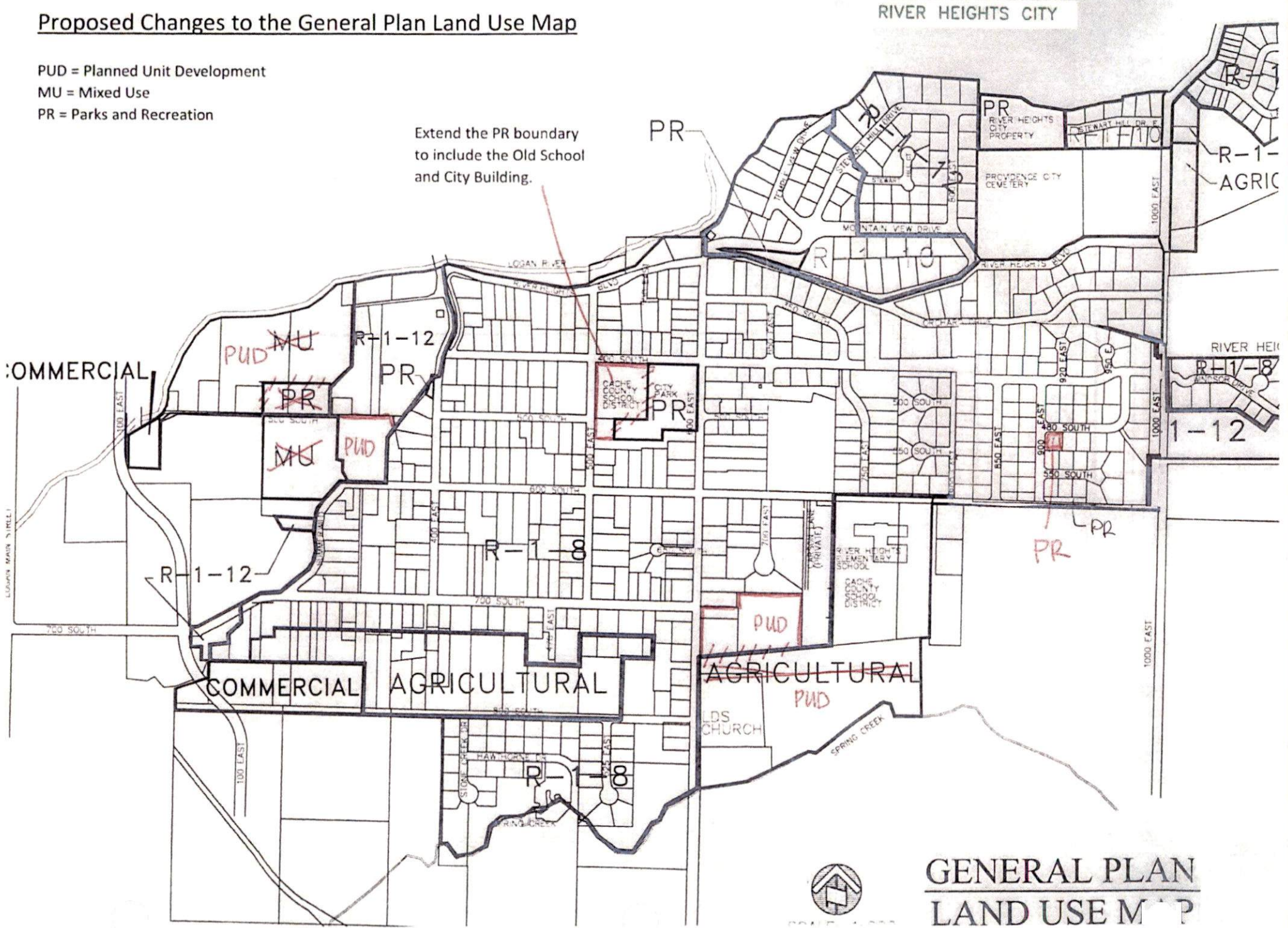
- D. Use of Land Limited: For the purpose of in lieu substitutions, use of the in lieu open space land shall be limited to the following:
1. Recreation active use: play fields, parks, trails, playgrounds, related parking;
 2. Recreation passive use: trails, wild lands, natural landscapes;
 3. Conservation easements held by a recognized conservation organization or other type of ownership as permitted by this code; and/or
 4. Visual amenities or development setbacks.
- E. Equal Value Required: In lieu substitutions of land intended to fulfill the requirements for open space may be allowed when it is factually established, by a qualified land appraiser that the substituted land is equal in land area and/or at least equal in value to land compared with the original development property. The city must agree to and approve the land areas to be appraised, both from the original site and the proposed substituted site, prior to the appraisal. The appraiser will be selected by and contract with the city. The fees for the appraisals will be reimbursed to the city at cost by the developer.
- F. Variation in Use or Substitution Not Permitted: Any land which has been dedicated, set aside, platted or otherwise approved as open space may not be substituted or used.
- G. Types of Open Space Substitutions Available: The following options are available to developers to satisfy approved in lieu substitutions for density bonus and open space requirements:
1. Cash in Lieu: The city may, at its sole discretion, accept cash in lieu of open space or amenity requirements where such funds can be more effectively used to acquire land or amenities at a more appropriate or significant location consistent with the general plan and the parks and recreation master plan. Cash in lieu payments shall not be accepted until a qualified appraisal is provided by the city, at the cost of the applicant, identifying the value of the original land for which the in lieu substitution is proposed, based on the use that will be permitted if the open space requirement is removed, and for which cash in lieu shall be offered. The city shall have the option to use in lieu funds for uses for park improvements.
 2. Land in Lieu: The city may, at its sole discretion, accept land in-lieu of open space requirements under the following conditions:
 - a. The proposed land to be substituted is consistent with the General plan and the parks and recreation master plan;
 - b. Other land is acceptable to and approved by the city as open space in a location determined by the city to be a substitute site;
 - c. Acceptable and approved land is dedicated to the city with unencumbered title; and
 - d. Such in lieu substitution for open space is retained in use and ownership consistent with other acceptable forms of open space ownership in this chapter.

Commented [JJ10]: An HOA owns the land that is not connected to the R-PUD and the members of the HOA do not live adjacent to the open space. Members of the HOA will then insist that the open space land be sold or deeded to the City. Now the city has the burden to maintain the open space when originally the city did not plan on that expense. Or the land is sold and the buyer sues to remove the restrictions on the land because the purpose of the open space, detailed in the statute is frustrated. Perhaps cash in lieu is the only acceptable in lieu solution, if any.

Proposed Changes to the General Plan Land Use Map

- PUD = Planned Unit Development
- MU = Mixed Use
- PR = Parks and Recreation

Extend the PR boundary to include the Old School and City Building.



RIVER HEIGHTS CITY

GENERAL PLAN
LAND USE MAP

