

River Heights City

COUNCIL MEETING AGENDA Tuesday, November 2, 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 in person and through Zoom. **As of January 1, 2022, Zoom meetings will be discontinued unless the need arises.**

Adoption of Previous Minutes and Agenda

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

Public Comment

Review the Residential Planned Unit Development (R-PUD) Ordinance Draft

Review the Proposed Changes to the General Plan Land Use Map

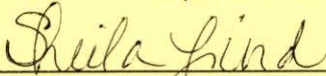
Discuss Repealing the Land Use Moratorium

Adjourn

To join the Zoom meeting: <https://us02web.zoom.us/j/81314017382>

Dial: 1 346 248 7799, Meeting ID: 813 1401 7382

Posted this 30th day of October 2021



Sheila Lind, Recorder

Those wishing to provide comments on any of the agenda items can do so by email to office@riverheights.org (by noon on the date of the meeting).

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

November 2, 2021

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7 Present: Mayor Todd Rasmussen
8 Council members: Doug Clausen, electronic
9 Sharlie Gallup
10 Nancy Huntly
11 Chris Milbank
12 Blake Wright
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14 Recorder Sheila Lind
15 Treasurer Wendy Wilker, electronic
16
17 Excused: Public Works Director Clayton Nelson
18 Finance Director Cliff Grover
19
20 Others Present: See attached roll
21

22 The following motions were made during the meeting:
23
24

25 Motion #1

26 Councilmember Gallup moved to “adopt the minutes of the council meeting of October 19, 2021,
27 and the evening’s agenda.” Councilmember Wright seconded the motion, which passed with Clausen,
28 Gallup, Huntly, Milbank, and Wright in favor. No one opposed.
29

30 Motion #2

31 Councilmember Wright moved to “pay the bills as listed and instruct the mayor to hold the check
32 to Cache Valley General Contractors until he can verify the actual amount.” Councilmember Huntly
33 seconded the motion, which passed with Clausen, Gallup, Huntly, Milbank, and Wright in favor. No one
34 opposed.
35

36 Proceedings of the Meeting:

37

38 The River Heights City Council met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers in the
39 River Heights City Building on Tuesday, November 2, 2021, for their regular council meeting.

40 Councilmember Gallup led in the Pledge of Allegiance.

41 Mayor Rasmussen announced that voting on the R-PUD ordinance and General Plan Land Use
42 Map has been postponed until November 16, when a public hearing will be scheduled.

43 Adoption of Previous Minutes and Agenda: Minutes for the October 19, 2021, meeting were
reviewed.

45 Councilmember Gallup moved to “adopt the minutes of the council meeting of October 19,
46 2021, and the evening’s agenda.” Councilmember Wright seconded the motion, which passed with
47 Clausen, Gallup, Huntly, Milbank, and Wright in favor. No one opposed.

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

49 Councilmember Milbank

- 50 • He reported that Bio West plans to have the Stewart Hill Park Plans finished by December. He
51 hopes to have bids out by January.
- 52 • A contract has been signed with Design West to design concept plans for the city center master
53 plan.
- 54 • The RAPZ money received in 2020 and 2021 has been used to purchase picnic tables.
- 55 • He noted that the dirt and aggregate piles on the Stewart Hill property may need to be relocated
56 as the project gets underway.

57 Councilmember Huntly

- 58 • Councilmember Huntly would like to get concurrence on a brochure that would address sidewalk
59 repair code requirements, which would make clear who is responsible for what. Mayor
60 Rasmussen summarized: If a resident damages the sidewalk (this does not include tree root
61 damage), they will be responsible to repair/replace. If a sidewalk needs repair/replacement (that
62 isn't caused by a resident), the city will repair/replace the sidewalk. If there is a root problem, the
63 city will remove the sidewalk section(s). Once removed, the resident will need to mitigate the root
64 issue by one of the approved methods (approved by the city arborist). Once that mitigation is
65 verified, the sidewalk will be installed. Ms. Huntly will bring a brochure draft to the council by
66 early December.

67 Councilmembers Clausen, Gallup and Wright didn't have anything.

68 Public Works Director Nelson and Finance Director Grover were absent.

69 Recorder Lind

- 70 • She informed that it's time to renew the franchise agreement the city has with Rocky Mountain
71 Power, which is done by ordinance. She asked if it could be on the next agenda.
- 72 • She gave an update on TextMyGov. She has received some training on it and the system is now
73 live and a link is on the city's website. She had them practice by texting the number and then
74 typing in the word, "agenda." The response is a link to where a person can find information about
75 the word they texted.
- 76 • The other thing TextMyGov is set up for is to allow residents to sign-up for city alerts. They plan
77 to do a soft start with the program by delivering flyers to a small area of residents within the next
78 couple weeks. By January, all residents will receive a flyer of instructions on how to sign up.
79 Anyone can do it now by going to the link on the website.
- 80 • She discussed election results and where to find them. Cache County will post them on their
81 website, after which she will post them on the city's website and FB page.

82 Pay Bills

83 Mayor Rasmussen explained (regarding the bill from Cache Valley General Contractors) that the
84 contractor did the project incorrectly and would need to come back and fix it. Therefore, the amount of
85 the invoice may change.

86 Councilmember Wright moved to “pay the bills as listed and instruct the mayor to hold the
87 check to Cache Valley General Contractors until he can verify the actual amount.” Councilmember
88 Huntly seconded the motion, which passed with Clausen, Gallup, Huntly, Milbank, and Wright in favor.
89 No one opposed.

91 Mayor Rasmussen encouraged the public to read through the previous council discussions to find
92 out how they arrived at the current draft of the PUD ordinance. He asked for their dialogue in two weeks.

93 Public Comment: Commissioner Schaub of 880 River Heights Boulevard asked a question
94 concerning the R-PUD ordinance draft in which Councilmember Wright responded.

95 Ruthann Nelson, a crossing guard for the school, informed of a sidewalk problem at 600 East 600
96 South, where children have fallen. Also, at this corner there is an area where the rain puddles and when
97 it's cold it freezes and is a hazard. She asked if these two things could be fixed right away.

98 Tyson Glover said his wife (who is also a crossing guard) has mentioned the same two issues. He
99 said he likes the progress on the R-PUD ordinance. He'd like to see the minimum project size lowered to 2
100 acres. He suggested that 5.5 units per gross acre is not enough density to make it profitable. He has run
101 numbers and couldn't come up with anything that would work with less than 50% open space. He felt the
102 PUD needed to be consistent and be able to allow for affordable housing which won't be accomplished by
103 the way it's written now. He didn't agree with each dwelling unit having its own water meter and
104 recommended one meter per development, where the HOA would bill the residents.

105 Janet Humpherys Mathews, of Riverdale Avenue, thanked the council for waiting to vote on the
106 PUD and moratorium. She asked if Logan City had allowed people to build on River Heights' reservoir
107 right of way. Commissioner Cooley clarified that the city owns 2 acres near the deer fence in Logan. A
108 right of way was purchased with the property and it has been built on it, which was allowed by Logan City.
109 Ms. Mathews asked if the council had considered the additional water that would be needed to support
110 future developments. Mayor Rasmussen said they have had lengthy discussions with the city engineer,
111 public works and each other. If the Chugg property were to come back to River Heights, they would need
112 to re-evaluate.

113 Jason Thompson discussed a letter he and his wife submitted to the Council, which he read from.
114 They are not in support of 5.5 units per gross acre and suggested 4 units instead. He felt the drastic
115 increases in allowed densities for development in River Heights, with the very little land left available for
116 development diverges significantly from what he believes most citizens want. He urged the council to be
117 aware of more than just density and encouraged them to have a final draft that they sit with for a while to
118 mull it over.

119 Mary Seager brought up an email she sent to the council earlier in the week. The minimum
120 number of units per gross acre the developers are asking for is six at the bare minimum. She hopes they
121 would consider this.

122 Cindy Schaub asked if they have an official hydrologist report on the city's water supply.
123 Councilmember Wright said the city engineer has been heavily involved and commented on water
124 availability and storage. Ms. Schaub would like to err on the side of caution. Councilmember Clausen
125 explained they have looked at all the potential developments. It's possible that higher density may use
126 less water than residential lots, depending on where they get their water from. He felt they had done
127 their homework through all the discussions they'd had.

128 Tyson Glover said it would help the citizens if the city engineer could publish a statement on this
129 to the public. He also recommended using the term "slightly marginal more density" rather than high
130 density, which the PUD zone is not.

131 Councilmember Wright pointed out that there is water data in the General Plan.

132 Diane Poulsen said they have yet to hear any solutions on ingress and egress for the Riverdale
133 area. Mayor Rasmussen said the city doesn't get involved in figuring out transportation because they
134 don't know what the developer wants. The developer is going to bear the cost and they should be
135 involved in the design although, the city will have the final say. He agreed Riverdale is tricky so it will be
interesting and difficult.

136 Brian Beardall noted that the General Plan states the city has two sources of water. He asked if
137 the city was saying they will use ProLog water if they don't have enough culinary. Councilmember
138 Milbank said this is a possibility in some areas. Discussion was held on water restrictions. Mayor
139 Rasmussen pointed out that River Heights didn't run out of water this summer, nor did they ask their
140 citizens to cut back.

141 Jason Thompson said he pulled information from the General Plan and pointed out that during the
142 summer, usage is close to capacity. Councilmember Clausen said water availability is very separate from
143 water storage. The city pumps water during the night because it costs less in electricity. If more water is
144 needed, they can pump during the day, directly into the lines. Mr. Thompson was grateful for the
145 explanation.

146 Commissioner Noel Cooley made some clarifications on the General Plan. The state says an
147 additional 600 dwellings could be added due to capacity and water shares. He suggested reading further
148 in the General Plan for more explanation. He also noted the city has two other wells which can access for
149 water.

150 Review the Residential Planned Unit Development (R-PUD) Ordinance Draft: Councilmember
151 Wright reviewed the inclusion of the last meeting's comments. A developer told him this week they could
152 make this ordinance work for them. Discussion was held on the number of units gross and net and what
153 5.5 dwelling units per gross acre would look like.

154 He explained how they came up with lot widths.

155 They discussed the number of maximum acreages for a PUD. Councilmember Wright guessed
156 most residents would not want to see this type of development on less than 3.5-acre parcels.

157 Commissioner Cooley said he had seen PUD ordinances allow 2 acres up to 5. Tyson Glover supported
158 smaller than 3.5.

159 Councilmember Wright discussed architecture and asked if they would want to regulate the back
160 of the buildings, as well as the front. They agreed to take out "front" and "sides" for trim and/or shutters,
161 which would require them on all sides of the building.

162 Councilmember Huntly brought up the first sentence in 10-10-6:A. She thought they wanted cash
163 in-lieu substitutions to only be used for purchase of land for open space and not for amenities. The
164 Council agreed that the words "or amenities" should have been and will be deleted from the current R-
165 PUD draft ordinance. Mayor Rasmussen said it would be the city's discretion for open space in another
166 area, not a buyout for the developer.

167 Discussion was held on single water meters, rather than one meter for the whole development.
168 Public Works Director Nelson supported individual meters. The city engineer and attorney both agreed,
169 based on past experiences they had dealt with.

170 Councilmember Gallup asked if there were enough teeth in the compliance section.

171 Councilmember Wright said the city attorney recommended this section, so it should cover the city.

172 Councilmember Wright pointed out that how the buildings look will be very important. They are
173 not allowing anything higher than 2 stories. 65% of units in a R-PUD must be single-family detached.
174 Minimum lot size for single-family detached housing is 5,000 sq. ft. This should accommodate over-55
175 developments, which River Heights residents generally seem to support. They are trying to keep the
176 building materials high grade. The attorney has helped to add language so the city can negotiate with
177 developers on what residents want. The ordinance gives the city the ability to say NO. Both the city
178 attorney and engineer have reviewed the homeowner's association section thoroughly to make sure it is
179 reasonable since they have experience with them.

180 Councilmember Wright said the attorney has recommended another public hearing on the draft,
181 due to the changes and length of time it's taken for the revisions. Mr. Wright does not agree to sit on it

183 for 30 days. They have worked on it for many months with all city discussions and revised drafts available
184 to the public. He didn't see any reason to delay.

185 Review the Proposed Changes to the General Plan Land Use Map: Councilmember Huntly clarified
186 a few differences in the maps the Planning Commission is working on and the land use one they have
187 passed to the Council. She suggested not labeling properties as PUD if they have an existing single-family
188 home. They compared the map to the General Plan Land Use and Sensitive Area draft map, which will be
189 discussed at the Planning Commission in one week and found a few discrepancies.

189 Councilmember Clausen took leave of the meeting at 8:15 p.m.

190 Councilmember Wright suggested tabling the discussion until after the Planning Commission
191 passes the other General Plan maps to the Council. He agreed that the Jablonski/Johnson property
192 doesn't need to be noted as PUD at this point.

193 Mayor Rasmussen asked Councilmember Wright to explain why the Barrus and Ruggeri properties
194 were labeled as Parks and Rec. Mr. Wright said it was part of an idea the Planning Commission envisioned
195 during their 2009 revisions of the General Plan. He wondered, at this point, considering R-PUD could
196 possibly be designated in the area, if the city should show where the open space is going to go. He will
197 recommend to the Commission that they not show these properties as Parks and Rec. Perhaps they could
198 show this along the river instead. He explained the purpose of the General Plan maps is to show the
199 world what the property could be in the future. The courts have sided with cities when they deny zoning
200 requests that go against a properly adopted General Plan.

201 Mayor Rasmussen asked if the city would want to call out every property for what they want to
202 see in the future, rather than label it agricultural. Councilmember Wright said they could do this,
203 however, all properties come into the city as agricultural before a rezone request to another zone. Mr.
204 Wright will bring this up with the Planning Commission to see if they want to label some of the properties
205 that currently show agricultural.

206 Councilmember Wright reviewed the needed changes he could see on the General Plan maps.

207 Councilmember Milbank asked if the Planning Commission had given thought to adding a
208 commercial area near Concervice since 800 South will open at some point. Mr. Wright said they hadn't
209 discussed it.

210 Discuss Repealing the Land Use Moratorium: Mayor Rasmussen stated this will be postponed.


211 The meeting adjourned at 8:35 p.m.

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Sheila Lind, Recorder

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Todd A. Rasmussen, Mayor

Please print your name on the roll.

Rob Ellis

Attended through zoom

Bryd Humphreys

Brian Beardall

Howard Demars

Marcia Baker

Vern Fielding

Bessie Wakefield

Jesse

Mary Barrus

Diane H. Paulson

Janet Matthews

Mary Sawyer

Ryan Sawyer

Drew Clements

Michael Johnson

Ruth Ann Johnson

Michael Nelson

Jason Thompson

Noel Cooley

Ginny Schaub

Jerry & Renee

Gayle Renee

Donny Johnson

Terry Petersen

Tyson Glover

Bonnie Barnes

River Heights City Bills To Be Paid

November 2, 2021

	Payee	Description	Admin.	P&Z	Parks/Rec	Pub. Safety	Com. Aff.	Roads	Water	Sewer	Total
1	10-39 Online Services	Web Host Fee	\$35.00								\$35.00
2	AllTech	Phones/Fax	\$24.32						\$24.32	\$24.32	\$72.96
3	Cache Valley General Contractors	Curb Cut & Repour/459 E 400 S						\$3,200.00			\$3,200.00
4	Cache Valley Publishing	Paper Ads	\$262.60	\$44.54							\$307.14
5	City of Logan	Garbage, 911, Sewer	\$14,874.75			\$2,034.00				\$13,370.06	\$30,278.81
6	Comcast	Monthly Internet	\$28.24						\$28.23	\$28.22	\$84.69
7	Core & Main	Riser Boxes/Valves							\$214.21		\$214.21
8	Dominion Energy	Gas	\$35.41		\$17.01		\$9.47	\$77.12	\$9.47		\$148.48
9	Jami Thunell	Cleaning of Old School	\$720.96								\$720.96
10	Kilgore Companies	Asphalt Road Repairs						\$145.80			\$145.80
11	Logan City	Water Consumption							\$809.01		\$809.01
12	NAPA Auto Parts	Generator			\$224.75			\$224.75	\$224.75	\$224.75	\$899.00
13	Nathan Call	Overpayment on Impact Fees	\$350.00								\$350.00
14	Peterson Plumbing Supply	Meter Gaskets							\$88.00		\$88.00
15	Precision Concrete Cutting	Sidewalk Grinding						\$11,972.62			\$11,972.62
16	Roto Rooter	Porta Potty Soccer			\$100.00						\$100.00
17	Secure Instant Payments, LLC	Monthly Billing	\$16.10						\$16.10	\$16.09	\$48.29
18	South Fork Hardware	Winterize Restroom			\$41.43						\$41.43
19	Thomas Petroleum	Fuel for City Vehicles			\$101.87			\$101.88	\$101.88	\$101.88	\$407.51
20	Total Tree Care	Chipping & Tree Clean Up/Early Storm	\$14,384.25								\$14,384.25
21	Verizon Wireless	Monthly Cell Phone	\$54.82						\$54.82	\$54.84	\$164.48
22	LATE ADD ON										
23	Mendon City Corporation	Rental for Christmas Party	\$270.00								\$270.00
24	City of Logan Wastewater Treatment Imp	Waste Water Impact Fee								\$2,433.00	\$2,433.00
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Page 1 SubTotals

\$31,056.45 \$44.54 \$485.06 \$2,034.00 \$15,654.52 \$1,638.44 \$16,262.63 \$67,175.64

Page 1 Total Amount to be Paid \$67,175.64

TITLE 10

CHAPTER 10

RESIDENTIAL PLANNED UNIT DEVELOPMENT ZONE

SECTION:

- 10-10-1: Intent
- 10-10-2: Regulations
- 10-10-3: Procedure
- 10-10-4: Requirements
- 10-10-5: Open Space
- 10-10-6: In Lieu Substitutions for Open Space Requirements
- 10-10-7: Development Agreement
- 10-10-8: Water, Sewer and Road Requirements
- 10-10-9: Failure to Comply with Regulations

10-10-1: INTENT

The intent of this zone is to encourage efficient utilization of land that is suitable in size, location, and character, to develop a sense of community, and to ensure compatibility within the surrounding neighborhoods and environment. This is accomplished by allowing greater diversity of lot design, flexibility in the placement of buildings, clustering of dwelling units, amenities, well-planned circulation, the creation and consolidation of open spaces, and attractive entrances. These provisions are intended to create more attractive and desirable environments within River Heights City while ensuring compliance with the intent, objectives and purposes of this title and the city's general plan.

10-10-2: REGULATIONS

- A. The following uses are permitted in the Residential Planned Unit Development (R-PUD) zone:
 - 1. Single-family detached (SFD) housing
 - 2. Single-family duplex housing
 - 3. Single-family attached housing
 - 4. Multiple family attached housing (shall not exceed five (5) units per building)
 - 5. Parks and Recreation
- B. A minimum of 65% of all dwelling units in a R-PUD shall be single-family detached housing. If a R-PUD is development designated for those over 55 years of age, single-family attached housing may count toward one half (1/2) of the minimum 65% requirement.

C. All buildings shall be limited in height to two (2) stories above grade.

D. Lot Regulations:

Minimum Project Size	3.5 acres
Maximum Density⁴	5.5 dwelling units per gross acre
Maximum Structure Height	35 feet
Off-Street Parking	
Single-Family Detached	4 per dwelling unit
Single-Family Attached	2 per dwelling unit + 0.5 guest/unit
Duplex	2 per dwelling unit + 0.5 guest/unit
Multiple Family (2+ bedrooms)	2 per dwelling unit + 0.5 guest/unit

The following regulations apply when a building is to be sold with additional property outside of the building footprint.

Minimum Lot Area	
Single-Family Detached	5,000 sq ft
Single-Family Attached (street garage access)	9,167 sq ft
Single-Family Attached (alley garage access)	8,334 sq ft
Duplex	7,500 sq ft
Multiple Family ²	Varies depending on number of units
Minimum Lot Width	
Single-Family Detached	60 feet
Single-Family Attached (street garage access)	55 feet
Single-Family Attached (alley garage access)	50 feet
Duplex	100 feet
Multiple Family	
<u>Three-unit building</u>	<u>95 feet</u>
<u>Four-unit building</u>	<u>120 feet</u>
<u>Five-unit building</u>	<u>145 feet</u>
Setbacks	
Front Yard (street garage access)	20 feet minimum
Front Yard (alley garage access)	10 feet minimum
Rear Yard (street garage access)	10 feet minimum
Rear Yard (alley garage access)	20 feet minimum
Side Yard (single family detached, duplex)	7.5 feet minimum
Side Yard (single family attached, multi-family)	10 feet minimum
Side Yard on a Street	15 feet minimum adjacent to street

² Multiple Family dwelling unit main floor area including garage is to be 1,150 sq. ft. min.

When a building is to be sold with no additional land outside of the building footprint, minimum lot areas and minimum lot widths need not apply. The following regulations will apply in these circumstances.

Setbacks	
Front Yard (street garage access)	20 feet minimum
Front Yard (alley garage access)	10 feet minimum
Rear Yard (alley garage access)	20 feet minimum
Side Yard on a Street	15 feet minimum adjacent to street
Building Separation (Distance Between Buildings)	
Side Yard (single family detached, duplex)	15 feet
Side Yard (single family attached, multi-family)	20 feet

10-10-3: PROCEDURE

- A. The application, review and approval procedures for a R-PUD development are described in Title 11, Chapter 4 (Review and Plat Requirements) of this code. Additional requirements are described in this Chapter.
- B. If the final plat of a R-PUD is not recorded within nine (9) months following approval of the development, the approval is void and the developer must begin the application, review, and approval procedures over.

10-10-4: REQUIREMENTS

- A. In addition to items required for the site analysis (11-4-1 C.), the developer shall provide a written statement that describes the impact the development will have on natural features of the area. Include any measures taken to mitigate negative conditions that occur as a result of the project.
- B. In addition to items required for the sketch plan submission (11-4-1 F.), the conceptual site plan shall show approximate building locations, proposed road layouts, general parking layouts, proposed open spaces, anticipated public and private amenities and their locations.
- C. In addition to items required for the preliminary plat submission (11-4-2 B.), the developer shall include dimensions and locations of areas to be reserved for vehicular and pedestrian circulation, proposed parking, ingress, and egress. Proposed circulation patterns including private driveways, public and private streets, and pedestrian and bicycle paths shall also be included. Description and placement of fences, walls and solid waste enclosures shall be shown.
- D. In addition to items required for the preliminary plat submission (11-4-2 B.), the developer shall submit preliminary architectural plans and landscape plans. The architectural plans shall comply with the architectural standards described below. The preliminary landscape plan shall show general location and types of plants to be installed as well as preliminary calculations demonstrating that landscape requirements have been met.
- E. The final plat submittal shall include fully designed and engineered drawings for the

site plan, architectural plans, landscape plan and parking plan, with these plans meeting all the requirements outlined herein and which may be added as a condition of the sketch plan (conceptual) or preliminary plat approval. This is in addition to any plat and construction drawings which are required as part of the subdivision of property described in Title 11, Chapter 4.

- F. The developer's engineer shall prepare, as part of the construction documents, an estimate of the cost of construction of all the public improvements. The city engineer shall review the estimate of the cost of construction for the purpose of determining the amount required as security of performance. The security of performance required is to assure the city that all improvements are constructed in conformance with all relevant city ordinances, regulations, and standards, and to assure the city that all expenses incurred for labor and materials used in the construction of the same are paid for by the developer. The amount of the security of performance shall be equal to at least one and one-half (1-1/2) times the reasonable value of the improvements required, as determined by the developer's engineer, and approved by the city engineer. The security of performance will be placed in an escrow account. The city may hold five percent (5%) of the security of performance provided by the subdivider until one year following the final inspection by the city engineer, or for such other period of time less than one year as the city deems necessary to ensure compliance as set forth in this Chapter and Title 11.
- G. The city shall require the applicant to submit for recording covenants, conditions and restrictions which will provide adequate guarantees for the permanent retention and maintenance of open space area, landscaping, natural features, private streets, other privately owned infrastructure, and architectural design standards. The covenants, conditions and restrictions shall include, at a minimum, provisions for:
1. The establishment of a perpetual, irrevocable homeowners' association;
 2. A notice to subsequent owners of the need to obtain city approval of changes to the R-PUD, which may require either an amendment to the final development plan or a conditional use permit;
 3. A provision granting the city the consent of the homeowners' association and each of its members, after providing notice to each property owner and holding a public hearing, to create a special assessment area comprised of all homes and lots within the R-PUD, to finance the cost of reasonably necessary maintenance, repair, or replacement of commonly owned essential public infrastructure such as streets, sidewalks, street lighting, water systems, etc., in the event of dissolution or default by the homeowners' association;
 4. A provision defining "default" by the homeowners' association which shall include, at minimum, the failure of the homeowners' association, after receiving six (6) months' notice of default from the city, to take reasonable steps to remedy its failure to levy, collect and budget assessments sufficient to provide for reasonably necessary maintenance, repair or replacement of commonly owned essential public infrastructure which has become unsafe, unsound or functionally obsolete as determined by the city engineer.
- H. Modifications and Conditions May be Imposed. The planning commission and city

council may impose modifications and conditions including, but not limited to, street capacities of the area, ingress and egress to adjoining streets, internal traffic, signs, lighting, building bulk, architectural style and location, and open space characteristics, as stated in the River Heights Subdivision Ordinance.

- I. The development must be planned as one complex land use rather than as an aggregation of individual and unrelated buildings and uses.
- J. Proposed R-PUDs adjacent to existing single-family homes must place single-family homes adjacent to the existing homes unless otherwise buffered by a 100-foot-wide open space and landscaped buffer. If a road is installed in the 100-foot-wide buffer, a minimum landscaped area of 25 feet shall be maintained on each side of the road.
- K. Architectural Design Standards (for all housing except single-family detached)
 1. All new buildings must incorporate a defined architectural style 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.
 - a. Exterior Materials. Buildings within a development shall have a mix of complementary exterior materials to avoid all buildings looking the same. The city council will either appoint a design review committee, or the planning commission and city council will approve all exterior building materials and building elevations. All exterior materials shall be suitable for the climate and exposure in which the development is located and shall, to the greatest extent possible, be maintenance free. Primarily durable materials including stucco, brick, fiber cement, decorative block or other high-grade materials as approved by the city, shall be used. River Heights City reserves the right to reject any proposed building material it feels is not in harmony with this requirement.
 - b. Elevations. For buildings over one story, elements to differentiate levels may be appropriate. These may include change of materials, dormers, cornices, or other elements, as approved by the city. Architectural wall variation between units to differentiate dwellings may also be appropriate and may be required by the city. These may include vertical articulation, variation of materials or other elements, as approved by the city. Trim and/or shutters is required on all front and side elevations windows unless the design of the building is such that trim and/or shutters is not compatible with the overall architectural style.
 - c. Roofs. Pitched roofs are encouraged.
 - d. Garages
 - (1) Each single-family detached unit, single-family duplex unit and single-family attached unit is required to have a minimum two-car garage which shall be attached to the main structure and shall be of the same or complimentary architectural materials as the primary residence.
 - (2) Multiple family units are encouraged to have garages, but garages are not

required provided that at least one (1) covered parking space is provided for each dwelling unit. Garages may be attached or detached from the primary structure, but the use of attached, recessed garages is strongly encouraged. Front-loaded garages may not protrude beyond the front plane of the main building façade by more than ten (10) feet.

2. Accessory Buildings. Accessory buildings privately owned by individual homeowners shall not be permitted in any commonly held area.
3. Porches, Decks and Overhangs. To provide architectural variety to the development, the use of covered porches, decks and overhangs is encouraged. Such porches, decks and overhangs shall be integrated into the design of the structure to avoid the appearance of “add-on” elements.
4. Solid Waste. Each dwelling unit shall have a solid waste container. Dumpsters or large solid waste containers shall be provided for required open space areas. Solid waste containers and dumpsters shall be shielded or screened with a proper enclosure. Enclosures shall be approved by the city. Solid waste collection shall comply with Logan City Environmental Standards.

L. Landscape Plan

1. The developer shall submit a landscape documentation package, which shall be prepared by a licensed landscape architect. The package shall include planting and irrigation plans for the entire site (except for single-family detached, privately-owned lots), specifically those areas which will be held in common ownership. The landscape documentation package shall be submitted to and approved by the city as part of the construction documents submission. The documentation package shall consist of the following:
 - a. Landscaping Plan. A detailed landscaping plan shall be drawn at a scale that clearly identifies the following:
 - (1) Location of all plant materials, a legend with botanical and common names, and size of plant materials;
 - (2) Property lines and street names;
 - (3) Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
 - (4) Existing trees and plant materials to be removed and retained;
 - (5) Designation of landscape zones; and
 - (6) Details and specification for tree staking (trees less than a two-inch caliper must be double staked until the trees mature to two-inch caliper), soil preparation, and other planting work.
 - b. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:

- (1) Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including the point of connection components, backflow preventer, meter, etc.;
 - (2) Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
 - (3) Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers; and
 - (4) Installation details for irrigation components.
- c. Landscape Grading Plan. In addition to grading plans required by the subdivision ordinance, a landscape grading plan shall be drawn at the same scale as the planting plan and shall contain the following information:
- (1) Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas, and other site improvements;
 - (2) Existing and finished contour lines and spot elevations as necessary to illustrate proposed landscape forms and related site improvements;
 - (3) Grades shall slope away from the structures as required by the International Building Code.

M. Landscaping Standards

1. All required landscaping shall be installed prior to the city issuing any certificate(s) of occupancy for structures in the development, unless seasonal conditions make installation unfeasible, in which case the applicant shall provide cash security or its approved alternative for all landscaping, which landscaping shall be installed by the following May 31st. The cash security or approved alternative is in addition to the security of performance for the overall development.
 - a. Applicability. This section applies to all front, side, and rear yard landscaping as well as any required open space and common area landscaping which is referenced herein.
 - b. Materials. Landscaping shall be planted with substantial live plant material including plants, shrubs, trees, sod, etc., for the purpose of buffering, screening, and improving the visual quality of the site. Wherever possible on the project, developers are encouraged to use Low-Impact Development (LID) techniques and materials.
 - (1) Plant Selection. Plants selected for landscape areas shall be well suited to the climate and soil conditions at the project site. Plants with similar water needs shall be grouped together as much as possible. Drought tolerant plants are encouraged. Areas with slopes greater than twenty-five

percent (25%) shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization.

- (2) Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum four-inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature.
- (3) Size of Trees. The following standards apply to trees used in the required landscaping of the development.
 - (A) Deciduous trees shall have a minimum caliper size of two inches (2").
 - (B) Ornamental trees shall have a minimum caliper size of one and one-half inches (1.5").
 - (C) Evergreen trees shall have a minimum height of six feet (6').
- (4) Xeriscaping. The developer is encouraged to use xeriscaping for a portion of the required landscaping.
- (5) Vegetation Protection. The property owner must protect existing significant vegetation during any development activity. Development plans must show all significant vegetation within twenty feet of a proposed development.
- (6) Removal. No landscaping may be removed without replacement of equal quality. This shall include the installation of healthy plant materials as well as a tree for tree replacement as governed by this ordinance. Utility contractors and others that disturb landscaped areas shall restore disturbed landscaping to previous condition.

N. Mailboxes. The developer shall coordinate placement of clustered mailboxes with the United States Postal Service.

O. Miscellaneous Site Development Standards

1. Walkways and Paths. Each development shall include common area pedestrian-friendly walkways and paths. Where possible, such walkways and paths shall connect to a larger trail system. The general location and design of such walkways and paths shall be presented as part of the preliminary site plan. The construction type, size and exact location shall be part of the final development of each phase. All walkways and paths shall be provided with adequate safety lighting.
2. Fixtures and Appurtenances. The type and location of any fixtures or appurtenances (lighting, benches, bike racks, etc.) shall be submitted as part of the final development plan of each phase and shall be approved by the city.
3. Public Infrastructure. All public infrastructure improvements shall be constructed according to the River Heights City design standards and specifications.

4. Lighting. To maintain the residential character and to shield the lighting from shining on to another residence or lot, all lighting within a development governed by these Standards shall be Dark Sky compliant and comply with the Outdoor Lighting Ordinance, Title 9, Chapter 3.
5. Signage. All signage shall comply with the River Heights City sign ordinance.

10-10-5: OPEN SPACE

- A. R-PUDs shall provide a minimum open area ("required open space"). Required open space shall be land areas that are not occupied by buildings, structures, parking areas (including private driveways), streets or alleys. Said required open space shall be devoted to landscaping, preservation of natural features, open pavilions, and recreational areas. Required open space areas shall be contiguous, not a collection of remnants, nor the area immediately surrounding housing units ("common area").
- B. The required open space requirement for a R-PUD is twenty-five percent (25%) of the gross acreage of the development.
- C. The required open space should be large enough for the use of all residents of the development or the general public, if deeded to the city. Such spaces 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 on the development property and not buildable, shall be preserved and may be considered part of the required open space calculation if contiguous to the rest of the development's required open space.
- E. Trails are required in R-PUDs. Location of trails shall conform to the city's Trail and Park Master Plan and the Cache County Trail Master Plan.
- F. Required Open Space Amenities. An R-PUD with 40-100 dwelling units must provide a playground. An R-PUD with more than 100 dwelling units must provide a playground and pavilion. Alternate amenities of equal value and utility may be provided, if approved by the city.
- G. Playground. A playground area provided for children twelve years old and younger ~~to play on~~ shall be provided. Each playground must include features that 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 six (6) features.
- H. Type of Ownership Allowed for Required Open Space
 1. General. Required Open Space in the R-PUD zone shall remain undivided and may be owned and managed by a homeowners' association at the election of the city. The city reserves the option to own and maintain the required open space but is not required to do so. If the city allows a homeowners' association to own

and manage the required open space, a narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, and utilities of the required open space. If, at any time, the ownership of required 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 required open space.

2. Ownership Standards. Required open space within a development shall be owned, 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 required open space. Dedication shall take the form of a fee simple ownership. The city may, but shall not be required to, accept required open space.
 - b. Homeowners' Association (HOA). The required open space and associated facilities as well as lands immediately surrounding housing units or buildings (known as "common area") may be held in common ownership by a homeowners' association.
 - (1) The developer of the subdivision shall provide documentation showing a proforma, articles of organization and by-laws of the intended HOA, prior to the formation of the HOA.
 - (2) The developer of the subdivision shall endow the newly formed HOA 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 ensure 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.
 - (3) The HOA shall be responsible for maintenance of insurance and taxes, enforceable by liens placed by the city.
 - (4) In the event of a proposed transfer of required open space by the HOA to the city, notice of such action shall be given to all property owners within the development.
 - (5) All improvements to the required open space held in common or intended to be held in common by the HOA shall be approved by the city, 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 required open space is required by the developer, all incomplete improvements for the required open space shall be secured through a security of performance posted by the developer. A development plan shall be submitted by the developer that identifies the timeline and completion of amenities. The city engineer is hereby authorized to set the security of performance in an amount that ensures the completion of said amenities.

- c. The HOA shall have or hire adequate staff to administer common facilities and properly and continually maintain the required open space.

3. Maintenance Standards

- a. The owner of the required open space shall be responsible for maintenance and the raising of all monies required for operations, maintenance, and physical improvements to the required open space 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.
- b. In the event the maintenance organization, or any successor organization, shall, at any time after establishment of a development containing required open space, fail to maintain the required open space 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 required open space in reasonable condition.
- c. Failure to adequately maintain the required open space 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. Further, the city shall be authorized to correct the maintenance violation of the required open space and bill the owner or occupant.
- d. Should any city bill for maintenance of the required open space 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.
- e. The following shall be fulfilled and shall be recorded on the face of the final plat:

"If, at any time, the ownership of required open space is changed to another form of ownership allowed by River Heights City in its Residential Planned Unit Development ordinance, the ownership change must be approved by the city and the city must be provided the first right to accept or acquire the required open space."

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

- A. 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.

- B. Approval Required Prior to Recordation. Recordation of a final plat for a R-PUD utilizing a cash in-lieu substitution may not occur until the in-lieu substitution is approved and finalized.

10-10-7: DEVELOPMENT AGREEMENT

The developer and the city shall enter into a development agreement, approved by the city attorney, that includes the following:

- A. The developer shall construct and complete the project in accordance with the approved plans and in accordance with city ordinances. The terms of the contract shall be binding upon all successors of the R-PUD.
- B. A clause stating that if the final plat is not recorded with nine (9) months following approval of the development, said development approval is void and the developer must begin the application, review and approval procedures over again.
- C. Acknowledgment that the landscape documentation package shall be provided to the city, approved, and installed as part of the project before occupancy permits are issued. Also include a description of the landscaping cash security or approved alternative, if required.
- D. Acknowledgement of provisions required in 10-10-4 G. of this chapter including:
 - 1. Establishment of a perpetual, irrevocable homeowner's association (HOA) prior to any occupancy permits are issued. The owner/developer shall constitute a pseudo-HOA until sufficient occupants are available to establish an association according to covenants, conditions, and restrictions.
 - 2. The developer will provide to the city covenants, conditions, and restrictions (CC&Rs) of the HOA, including its bylaws, articles of incorporation and methods for permanent retention and maintenance of required open space and common areas, landscaping, natural features, private streets, other privately-owned infrastructure and that architectural design standards will be followed. 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 recording 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.
 - 3. A notice to subsequent owners of the need to obtain city approval of changes to the P-RUD, which may require either an amendment to the final development plan or a conditional use permit;
 - 4. Acknowledgement that a special assessment area will be created to finance the cost of reasonably necessary maintenance, repair or replacement of commonly owned essential public infrastructure in the event of dissolution or default by the HOA;
 - 5. A provision defining "default" by the HOA.

- E. Acknowledgement that the HOA shall be organized by the developer and be operated with financial subsidization by the developer, before the sale of any lots within the development.
- F. Acknowledgement that membership in the HOA is automatic (mandatory) for all purchasers of 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.
- G. Acknowledgement that the HOA shall be responsible for the following:
 - 1. Maintenance of all secondary water systems in the R-PUD.
 - 2. Maintenance of grounds, plants, trees, shrubs, sod, etc. in accordance with the landscaping plan.
 - 3. Maintenance of private streets, parking lots, sidewalks, playgrounds and other items described in the CC&Rs.
- H. Acknowledgement that city utility billings, and any other city-issued billings, will be paid by residents of individual units or the HOA for the required open space and common areas, as designated by the CC&R declaration of management policies, covenants and restrictions setting forth the responsibilities and duties of the owners, renters, or occupants within the R-PUD.
- I. Acknowledgement that all applicable fees will be charged by the city in accordance with a fee schedule set by the city council.
- J. A description of the required security of performance.
- K. Details of the development plan identifying the timeline and completion of required open space amenities. Information regarding the security of performance set by the city engineer ensuring the completion of said amenities shall also be included.
- L. Other documents that the city deems necessary to carry out the intent of this title.

10-10-8: WATER, SEWER AND ROAD REQUIREMENTS

The design and construction of improvements in a R-PUD shall comply with the design standards in Title 11, Chapter 6 as well as the following.

- A. Water Systems
 - 1. Culinary Water System
 - a. The culinary water system shall provide service to each dwelling unit. Each dwelling shall have a water meter.
 - b. All master meters for common areas and required open space shall be set in the public right-of-way.

- c. All dwelling units shall be individually protected by an approved backflow prevention device.
 - d. All water lines shall be located, maintained, repaired, and governed by approved CC&Rs from the service side of the meter to the shutoff valve in the dwelling unit.
 - e. All units will comply with the adopted plumbing code.
2. Sprinkler System for Outside Irrigation
 - a. The outdoor sprinkler system shall be approved by the city.
 - b. Each system shall be serviced by a separate meter.
 - c. Each system shall be serviced by an approved backflow prevention assembly designed for sprinkler systems.
 - d. Each backflow protection unit shall be registered with the city and have a certified test submitted to the city annually prior to the start of the irrigation season.
 - e. Each sprinkler system shall be sized in accordance with the adopted plumbing code.
 - f. Sprinkler systems that have the option of being connected to a non-potable water supply must be approved by the city.
 3. Storm Water System
 - a. Storm water systems shall meet the requirements of the subdivision ordinance, and city and state standards.
 - b. The HOA shall be responsible for repairs and maintenance of all privately-owned storm water infrastructure.
- B. Sewer Systems
1. A sewer system will be installed to service a R-PUD in accordance with city standards.
 2. No R-PUD shall be approved without connecting to the River Heights City public sewer system. All units must be connected to the system.
 3. In addition to the city sewer ordinance, this section will provide specific requirements:
 - a. Each dwelling unit shall be serviced with a building sewer line which will not be less than four (4) inches in diameter.

- b. A dwelling unit drain/sewer shall go directly to the common area and will not pass through, under or over any other dwelling unit or building.
- c. A dwelling unit sewer shall be serviced by a common sewer. The common sewer may service more than one dwelling unit; however, the common sewer will be sized according to the presently adopted plumbing code.
- d. A dwelling unit clean out shall be provided as per the adopted plumbing code. Clean outs for the common sewer shall also be according to the plumbing code with the addition of a clean out with a brass cap at the property line. There will also be a clean out at the farthest upstream end of the pipe. This clean out shall be in the commons area and shall also have a brass cap or manhole cover. Additional clean outs may be required based on length and bends as per the plumbing code.

C. Monthly Billing for Services

1. Monthly Billing for Utilities and Other Services.

- a. Each dwelling unit will be billed by the city at the established rates.
 - b. Any structure other than a dwelling unit, as well as common areas and required open space, will be billed to the HOA at established rates.
 - c. Fees for the outdoor sprinkler systems of common area and required open space areas will be billed to and paid by the HOA.
 - d. Each dwelling unit will have a solid waste container and will be billed at established rates. Dumpsters or large solid waste containers shall be provided for required open space areas and will be billed at established rates.
2. Monthly Billing for Storm Water. Storm water fees will be based on the current rate schedule and will be included on the monthly utility billing to each dwelling unit or the HOA where applicable.

D. Right-of-Way (ROW): Public and Private

1. All ROWs will be designed and constructed in accordance with city specifications.
2. A R-PUD must provide for pedestrian traffic, either in connection with the ROW or in another suitable location within the R-PUD.
3. A R-PUD must plan for storm water generated by ROWs.
4. Public ROW. Main roads (collector, minor and local streets) will be installed by the developer at the developer's expense and deeded to the city.
5. Private ROW. Private ROWs may be allowed in a R-PUD subject to the following requirements:
 - a. All private ROWs must meet city specifications.

- b. Private ROWs will be accessed from main roads (public ROWs.)
- c. Locations of private ROWs will be negotiated with the city during the development review and approval process.

10-10-9: FAILURE TO COMPLY WITH REGULATIONS

In case of failure or neglect to comply with any and all conditions as established by law and the supporting documents of the R-PUD, the city, in addition to other available remedies, may refuse to issue additional building permits and stop construction until violations or noncompliant conditions have been eliminated.

DRAFT

Date: October 31, 2021

Re: Current Proposed Version of R-PUD

Attn: Mayor and City Council Members:

First of all, we wanted to take a moment to thank each of you for the time and hard work put into the drafting and deliberations on the Residential Planned Unit Development Zone (Title 10, Chapter 10). This has been a long and painstaking process with a lot of emotions and opinions on all sides. Please bear in mind that our following comments relate to the Riverdale area but do take into account other possible future R-PUD locations in River Heights.

As the proposed R-PUD stands with the draft dated October 26, 2021, ***we strongly request the Council to NOT pass the R-PUD or lift the current development moratorium*** until after the General Plan is approved and after the public has been given ample time to review a complete, unchanging, draft of the PUD ordinance agreed upon for release to the public, a version without any further pending changes.

While significant progress has been made since the first draft, there are still several areas of major concern that should be addressed. These include:

1. **(10:10-2-B)** Could this language be strengthened by saying, "If an R-PUD is a development ***designated for and limited to*** those 55 years of age and older...?"
2. **(10:10-2-D)** Current proposed densities are substantially higher than surrounding neighborhoods, which does not ensure the sought "compatibility within the surrounding neighborhoods and environment." Early conversations about density included discussions about 4 units per gross acre, which is much more reasonable than the currently proposed 5.5. Even earlier discussions based the maximum allowable density on providing a "density bonus" as a percentage that is actually based on the existing zoning in the surrounding neighborhoods, which would come even closer to ensuring "compatibility within the surrounding neighborhoods" by actually taking current densities into consideration.

The River Heights General Plan states that "current land use is almost exclusively single family residential." This has been the case since River Heights' incorporation as a town in 1934. Drastic increases in the allowed densities for development in River Heights with the very little land left available for development diverges significantly from what I believe the majority of River Heights' citizens want for their city.

In the current General Plan for River Heights, adopted February 10, 2009, a clear caution is given with regard to water availability in cases of drought. The General Plan reads: "It would be prudent for River Heights City officials to be mindful of the possible effects of prolonged drought and unanticipated growth via high-density housing (PUD,

condominiums, apartments), either or both of which could introduce the need for more water in the future.

In the current proposed revision to the General Plan dated October 12, 2021, an interesting addition with absolutely no data to support it is being proposed to be added. It reads: "Medium density housing will have either equal or less impact on culinary water than irrigation from single family lots on the culinary system. Under any condition sustained growth will tax the culinary water storage system." This is a qualitative statement, without evidence, as opposed to the results of a quantitative analysis. The claim "...less impact," is not supported.

While under any growth condition the culinary water storage system will be taxed, it is wrong to imply that 77 units of high-density housing will tax the water system less than development in the same area under current single family density housing zoning for R1-8, R1-10, or R1-12. For such a statement to be true, it must be assumed that the single family homes are all irrigating lawns using culinary water and not some other source, that the amount of water used to irrigate one lawn for a single family home is more than the amount used for culinary purposes by two or three families that would occupy the same space in denser housing, and that the PUD will not be using culinary water, as well, to maintain the open spaces and parks required in their design. At the least, data should be presented to confirm that all of these assumptions are based in fact before including statements that may or may not be true in order to support higher housing densities.

3. **(10-10-1), (10-10-4-C)** It is stated in the "INTENT" section of the proposed R-PUD that ensuring compatibility within the surrounding neighborhoods and environment is accomplished by "allowing greater diversity of lot design, flexibility in the placement of buildings, clustering of dwelling units, amenities, **well-planned circulation**, the creation of consolidation of open spaces, and attractive entrances." To my knowledge, to date, no thorough investigation of ingress and egress issues has been done for the Riverdale area. No professional opinions or engineering evaluations have been sought by the Mayor or City Council to question the ingress and egress possibilities for the Riverdale area. Yet a draft will be coming before the Council for vote that would allow for densities of 5.5 dwelling units per gross acre, potentially placing up to an additional 77 units in the Riverdale area. Most homes will have 2+ vehicles with a potential vehicle impact of 154+ additional vehicles in the Riverdale area even with ingress and egress questions still unanswered! In Riverdale, physical constraints associated with the land, the Logan River, and the topography make it difficult to conceive how "well-planned circulation" of high density housing can be achieved even with the potential for taking of private property from other residents of the neighborhood who may or may not be willing to sell. Without further investigation, engineering studies, and fact-finding, Riverdale cannot be considered a suitable location for the highest housing density in River Heights.
4. **(10-10-4-K-d-2)** In section 1 of this subsection, single family units are required to have a minimum of a two-car garage. Requiring garages for multi-family units would decrease the risk of violations related to outside storage, etc. and would help to ensure the

compatibility within the surrounding neighborhoods and environment. We would like to propose that the Council visit the idea of requiring a minimum of a one-car garage for each multi-family unit.

5. **(10-10-5-H-2-c), (10-10-5-H-3-c)** These subsections are vague. The latter states that "failure to adequately maintain the required open space in reasonable order and condition constitutes a violation of this title." Words such as "properly," "adequately," and "reasonable" leave a lot of room for interpretation. Would it not be in the City's best interest to put stronger language here requiring the maintenance and upkeep of open space or common areas?
6. **(10-10-6-A)** This section states that "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."
 - a. In an area such as Riverdale, the removal of the open space requirement of 25% changes the scope and breadth of the development project to a point that it would completely violate the "INTENT" of the R-PUD.

Please add a section 10-10-10 entitled "ANTICIPATED OUTCOMES," expressing exactly what could be expected by building a PUD in compliance with the proposed PUD ordinance. Such outcomes should be something the public and residents would enjoy, including existing residents living adjacent to a PUD. Our gauging of public input is that the neighbors are fearful of the outcome of this proposed ordinance in its current form, people that have a vested interest in the outcome.

Please feel free to reach out to us with any questions, comments, or concerns.

Sincerely,



Jason and Dana Thompson
446 Riverdale Ave.
River Heights, Utah 84321
jasonedwardthompson@gmail.com
435-232-4275 cell

November 1, 2021

To: Mayor and Council, River Heights, Utah

From: Michael Jablonski
Cynthia Johnson

Re: City Council Agenda for November 2, 2021

Dear Mayor and Council:

Please accept and consider these comments regarding your meeting agenda items for the November 2, 2021, City Council Meeting, including the proposed PUD ordinance, the proposed land use map, and the current moratorium on development in the city.

First, let me remind you that as you consider the maximum allowed density in the PUD ordinance, that all residents of Riverdale signed a letter to you, dated March 9, against high density housing in our neighborhood. You have also seen a willingness for us to compromise, as we are reasonable citizens. Yet we remain opposed to ultra-high-density zoning in Riverdale. It is perfectly reasonable for us to object to such a profound zoning change to our neighborhood. Our views, as residents, are reasonable.

We request that you do not lift the current moratorium until:

1. You have adopted the General Plan.
2. You have settled on a final draft of the PUD ordinance.
3. A 30-day public comment period on your final draft of the PUD ordinance.
4. A public hearing, before the City Council, on the PUD ordinance.
5. A vote, up or down, on the proposed PUD ordinance.
6. Figuring out how to provide ingress and egress for a PUD in Riverdale, a complex issue which everyone seems to be ignoring.

We realize this will take considerable time. You only have one chance, however, to get it right.

Discussion

You have a public hearing scheduled on the General Plan next week. In the proper order, the General Plan should come first, followed by zoning ordinances

codifying those plans and desires into law. You should finish and adopt the General Plan before you adopt the PUD ordinance.

Why not?

A public hearing on the General Plan is only a week away. The General Plan should lay out the conceptual goals for a PUD ordinance. Development of a PUD ordinance has dominated your City Council agendas for most of this year, yet PUDs get scant attention in the General Plan.

Because high density PUDs will have a profound effect on the City of River Heights, we think you, as our elected officials, should come to an agreement on the PUD ordinance, putting a final draft before the public for a 30-day comment period, followed by a public hearing before the City Council.

Because it has taken you the better part of a year to write the proposed PUD ordinance, shouldn't we citizens have ample time to review and comment on your final draft?

Other

The proposed land use map should be part of the General Plan, not a stand-alone item before the City Council.

This issue about a boundary change in Riverdale, forcing our property into Logan, is of great concern to us. We have concluded, by our own research and after getting legal advice, that we have legal standing to protest a boundary change, making it difficult for the project proponents to prevail on this possibility, particularly if the City supports us in opposing a boundary change. Please share your thoughts on this with us, as your stand on this could be crucial to the outcome.

Respectfully,

Michael Jablonski
Cynthia Johnson

Marcia Baker <bakerme_2@icloud.com>

Oct 30, 2021, 12:51 PM
(2 days ago)

to me

Dear City Council:

The community has expressed disagreement with moving forward with the building of R-PUD's. I realize that there is a need for affordable housing in the valley and providing PUD's might help some, but I doubt that it addresses this challenge adequately. The rent of a unit may likely be out of reach for most needy people.

However, I oppose any development in River Heights, particularly ones allowing multiple units.

Here's why:

1. We do not know the limits of our water sources in terms of number of people, agriculture and business needs. Sources of water are unstable and experts say that this instability will continue. A study to determine water source and capacity needs to be conducted before anyone moves into River Heights.
2. Our schools, in River Heights and in Cache County, are at or above capacity. Roads will be stressed. And other services to support families will not be adequate to meet needs of additional people. While more people will pay taxes to meet these needs, data tells us that high density areas almost always need to raise taxes to meet the additional burden. Please learn from the experiences in other urban areas and plan ahead.
3. I object to 10-10-6: Accepting Cash in Lieu of Open Space. Again, data from experts in urban development find that green spaces in high density areas lower crime and contribute to good mental health. Crime and mental health can cost taxpayers a lot in increased taxes for law enforcement and other health/human services. Please at least strike this from the draft.

Please consider the data and provide for the well-being of River Heights citizens, especially our children.

Respectfully,

Marcia Baker