

River Heights City

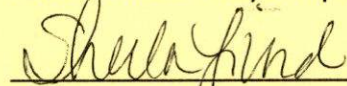
River Heights City PLANNING COMMISSION AGENDA

Tuesday, April 26, 2022

Notice is hereby given that the River Heights Planning Commission will hold its regular meeting beginning at **6:30 p.m.**, anchored from the River Heights City Office Building at 520 S 500 E. Attendance can be in person or through Zoom.

- 6:30 p.m. Pledge of Allegiance
- 6:35 p.m. Adoption of Previous Minutes and Agenda
- 6:40 p.m. Public Comment on Land Use
- 6:50 p.m. Public Hearing to Discuss Code Changes
- 7:05 p.m. Review Tree Ordinance Changes
- 8:00 p.m. Adjourn

Posted this 21st day of April 2022



Sheila Lind, Recorder

To join the Zoom meeting:

<https://us02web.zoom.us/j/81939964324?pwd=YjNUaUVKME5lNXU4QWxmOE1WQ25mZz09>

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

In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Sheila Lind, (435) 770-2061 at least 24 hours before the meeting.

River Heights City

River Heights City Planning Commission

Minutes of the Meeting

April 26, 2022

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6 Present: Commission members: Heather Lehnig, Chair
7 Lance Pitcher
8 Cindy Schaub
9 Troy Wakefield
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11 Councilmember Blake Wright
12 Recorder Sheila Lind
13 Tech Staff Councilmember Chris Milbank
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15 Excused Commissioner Noel Cooley
16
17 Also Present David Thunell
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Motions Made During the Meeting

Motion #1

21
22 Commissioner Pitcher moved to "send the code change updates to the city council."
23
24 Commissioner Wakefield seconded the motion, which carried with Lehnig, Pitcher, Schaub, and
25 Wakefield in favor. Cooley was absent.
26

Motion #2

27
28 Commissioner Pitcher moved to "send the code change updates to the city council."
29 Commissioner Wakefield seconded the motion, which carried with Lehnig, Pitcher, Schaub, and
30 Wakefield in favor. Cooley was absent.
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Proceedings of the Meeting

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35 The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council
36 Chambers on April 26, 2022. In the absence of Chairman Cooley, Commissioner Lehnig chaired the
37 meeting.

Pledge of Allegiance

38
39 Adoption of Prior Minutes and Agenda: Minutes for the April 12, 2022, Planning Commission
40 Meeting were reviewed with a few minor changes.

41 Commissioner Pitcher moved to "approve the minutes of the April 12, 2022, Commission
42 Meeting with corrections, as well as the evenings agenda." Commissioner Schaub seconded the
43 motion, which carried with Lehnig, Pitcher, Schaub, and Wakefield in favor. No one opposed.
44 Cooley was absent.

45 Public Comment on Land Use: There was none.

46 Public Hearing to Discuss Code Changes: Commissioner Lehnig opened the discussion and
47 read a request from Councilmember Wright, which asked if the Commission would consider adding a
48 new paragraph below letter "B." in 10-13-22 and as the last sentence in 10-13-23 . . . "All sewage
49 from any recreational vehicle shall be disposed of in an approved septic or sanitary sewer system or
50 legally disposed of outside city limits." The Commissioners agreed to add this to the next code
51 amendment discussion.

52 At the next meeting Commissioner Lehnig planned to bring a draft for sidewalk changes.
53 Commissioner Pitcher informed he had looked over Providence City's accessory dwelling code and
54 felt River Heights could borrow some of their verbiage.

55 **Commissioner Pitcher moved to "send the code change updates to the city council."**
56 **Commissioner Wakefield seconded the motion, which carried with Lehnig, Pitcher, Schaub, and**
57 **Wakefield in favor. Cooley was absent.**

58 David Thunell arrived at the meeting.

59 Review Tree Ordinance Changes: Commissioner Schaub suggested creating a new Chapter 16
60 in Section 10, entitled Tree City USA. She explained some of the items she had questions on. She
61 asked for clarification on the authority section, which led into a discussion.

62 David Thunell stated the meanings of authority and director are gaged toward a larger city,
63 with more staff in the tree department. Mr. Thunell felt PWD Nelson supported a tree board, of
64 which he could be a member of, not to get large lists of things he would need to do. Commissioner
65 Schaub suggested Mr. Nelson could drive around looking for bad trees on city property. Mr. Thunell
66 said the trees currently belonging to the city are few and not much of a nuisance.

67 Councilmember Wright suggested not using the word 'authority,' but rather 'advisor' or
68 'liaison,' someone who reports back to the council.

69 Councilmember Milbank said he met with PWD Nelson today and discussed the budget for
70 Arbor Days. Mr. Thunell said anything tree or shrub related could go toward that budget.

71 Mr. Thunell said the chairman of the tree board could be given the authority to take care of
72 the city's trees, which made sense to the commission.

73 Councilmember Wright reviewed that the board is made up of a member of the council, public
74 works, and three citizens. They discussed the board and wondered if five was too many for a city the
75 size of River Heights. They decided three members would be sufficient. Mr. Thunell suggested at
76 least one member have some background on or knowledge of trees. They wondered about requiring
77 a member be a certified arborist. Mr. Thunell suggested the requirement of a "verifiable background
78 in the care and maintenance of trees."

79 They continued discussion on edits.

80 Commissioner Schaub read written comment from Cindy Johnson. The board went back to
81 some discussion based on Ms. Johnson's comments.

82 Commissioner Schaub explained the updates she made to the Street Tree Planting and
83 Selection Guide, which included updates to URL numbers, phone numbers and the date.

84 Councilmember Wright suggested Commissioner Schaub look through the code to make sure
85 there is consistency on her new section, compared with all other mentions to trees in the code, even
86 using the same language.

87 Commissioner Schaub will clean up the changes discussed to have ready for the next meeting.

88 The meeting adjourned at 7:55 p.m.

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Heather Lehnig, Commission Chair

Sheila Lind, Recorder

River Heights City Suggested Code Changes

April 2022

5-2-1: DEFINITIONS

Kennel: Land or buildings used in the keeping of up to and no more than ~~three (3)~~ four (4) ~~or more~~ dogs over four (4) months old.

5-2-4:A. Kennel Permits

1. No residence within River Heights shall at any time own or license more than four (4) dogs. Each residence must obtain and maintain a kennel license when owning, harboring, or boarding three (3) or at most four (4) dogs.

Move current paragraphs 1, 2, and 3 down to become 2, 3, and 4.

10-4-1: ZONES ESTABLISHED

~~MU — Mixed Use Zone~~

10-12-2:B. Nonresidential Space Requirement Chart

Nonresidential Uses** (delete **)

~~** See Title 10 Chapter 7 for Mixed Use Zone yard requirements.~~

10-13-4: EVERY DWELLING TO BE ON A ZONING LOT

... except for dwellings ~~in the mixed use zone~~ or within a planned unit development ...

10-14-1:B Applicability

5. ... listed in the commercial ~~or mixed-use~~ zones.

Table 10-14-1-1 Parking By Land Use Category

Commercial ~~and Mixed Use~~ Zones (heading within the table)

10-14-4: PARKING LOT REQUIREMENTS

B. Location of Parking: ... Within commercial ~~and mixed-use~~ zones, the City may ...

D. All parking for Commercial ~~and Mixed~~ Uses must be designed properly by painted lines or other approved methods.

10-15-5: LANDSCAPING PERFORMANCE (MINIMUM REQUIREMENTS)

A. For Commercial ~~and Mixed Use~~:

11-4-2: PRELIMINARY PLAT

A. Submittal Process: ... regularly scheduled planning commission meeting.

Cindy Schaub's recommendations 4-11-2022:

(Revisions made during
4-26-22 P+Z meeting.)

TITLE 7	TITLE 10
CHAPTER 11	Chapter 16

TREE CITY USA

I believe the sections below should be re-numbered consecutively beginning with 10-16-1.

FYI:

Title 10, Chapter 13 covers supplementary requirements and procedures within zones (avoids duplications within codes)

Title 10, Chapter 14 covers Parking,

Title 10, Chapter 15 covers Landscaping.

It seems reasonable this should be Chapter 16 since we are referencing trees. (FYI, Logan City lists this in a standalone section, not Public Service/Works).

SECTION:

~~7-11-1: Purpose~~

~~7-11-2: Definitions~~

~~7-11-3: Authority~~

~~7-11-4: Tree Advisory Board~~

~~7-11-5: Tree Planting and Care Standards~~

~~7-11-6: Prohibition Against Harming Public Trees~~

~~7-11-7: Adjacent Owner Responsibility~~

~~7-11-8: Certain Trees Declared a Nuisance~~

~~7-11-9: Violations and Penalty~~

~~7-11-10: Appeals~~

~~7-11-11: Savings and Repeal~~

~~7-11-12: Severability~~

~~7-11-1: PURPOSE~~

~~To enhance the quality of life and the present and future health, safety, and welfare of all citizens, to enhance property values, and to ensure proper planting and care of trees on public property, the City Council herein delegates the authority and responsibility for managing public trees, creates a Tree Advisory Board, establishes practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.~~

Section 1: Purpose

Establish practices governing the proper planting and care of trees on public property. To enhance the quality of life and future health, safety, and welfare of all citizens; to enhance property values. Make provision for the emergency removal of trees on private property under certain conditions. Accept the authority and responsibility given to the Tree Advisory Board as created by the City Council.

7-11-2: DEFINITIONS

As used in this Article, the following words and phrases shall have the meanings indicated:

DAMAGE: Any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

NUISANCE: Any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety and welfare.

PARK STRIP: The area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

PUBLIC PROPERTY: All grounds and rights-of-way (ROWS) owned or maintained by the City.

PUBLIC TREE: Any tree or woody vegetation on city-owned or city-maintained property or rights-of-way.

TOP or TOPPING: The non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

7-11-3: AUTHORITY

~~A. Delegation of authority and responsibility. The Tree Advisory Board, hereinafter referred to as the "Director" "Board", under the authority of the Director of the Public Works Department and/or his designee, shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of ways, city parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.~~

B. Coordination among city departments: All city departments will coordinate as necessary with the ~~Director "Board"~~ ^{the} and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, easements and other public properties not under direct jurisdiction of the Director. ^{or pruning} ^{advise on planting...}

~~C. Interference: No person shall hinder, prevent, delay, or interfere with the Director Board or agents while engaged in carrying out the execution or enforcement of this Ordinance.~~ ^{City}

7-11-4: TREE ADVISORY BOARD

The City Council hereby creates a "Tree Advisory Board," hereinafter referred to as the "Board."

A. Duties: The Board shall act in an advisory capacity ~~to the Director of Public Works~~ ^{and} shall:

1. Coordinate and promote Arbor Day activities;
2. Review and update a five-year plan to plant and maintain trees on city property;
3. Support public awareness and education programs relating to trees;

4. Review city department concerns relating to tree care;
5. Submit an annual report of its activities to the city council;
6. Assist with the annual application to renew the Tree City USA designation;
7. Develop of a list of recommended trees for planting on city property, and a list of prohibited species; and
8. Other duties that may be assigned by City Council.

three (3)

B. Membership: The Board shall consist of four ~~FIVE~~ members approved by City Council. Members of the Board will serve without compensation.

One member of the Board shall be a City Council member, one member of the Board shall be a Public Works Director, and the remaining three Board members shall be citizens of ~~River Heights~~ and one member a person with verifiable experience in the area of care and maintenance of trees.

C. Term of office: Board members shall be appointed for three-year staggered terms. If a vacancy shall occur during the term of any member, a successor shall be appointed by City Council.

D. Officers: The Board shall annually select one of the members to serve as chair, may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.

E. Meetings: The Board shall meet annually. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed.

~~7-11-5~~: TREE PLANTING AND CARE STANDARDS

A. Standards: All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.

B. Requirements of franchise utility companies: The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.

C. Preferred species list: The ~~Director of the Tree Advisory Board Chair~~ shall maintain and update as needed, a list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in heights at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission, other species may be planted with written approval from the ~~Public Works Director or Director of the Tree Advisory Board Chair~~.

~~FYI: Our current code 10-15-7 states max 25 feet in height for Ornamental trees, not 20 feet. It also gives three classes of trees, not two. Our current code 10-15-7 (A) states only "shade" trees are to be planted in park strips. Do we want to amend 10-15-7 (A) to include Ornamental trees in park strips?~~

D. Planting distances: The ~~Director Tree Advisory Board~~ shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection (see code section 10-13-15) of or within ~~ten (10) feet~~ **FIFTEEN (15) feet** of a fire hydrant.

~~FYI: Our current section 10-15-7 states 15 feet from a fire hydrant.~~

E. Planting trees under electric utility lines Only trees listed as Ornamental trees on the official city tree species list may be planted under or within fifteen (15) lateral feet of any overhead utility wire. ~~FVI: Our current code says ornamental trees can be 25 feet in height. Is this contradictory?~~

NOTE: The River Heights Tree Selection and Planting Guide brochure contains a list of trees within each class that are (1) acceptable and appropriate for our climate, and (2) a list of trees that are prohibited for planting along streets or within park strips. This brochure is available at the City office.

7-11-6: PROHIBITION AGAINST HARMING PUBLIC TREES

A. It shall be unlawful for any person, firm or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the ~~Director~~ Board.

B. It shall be unlawful for any person, firm or corporation to attach any cable, wire, signs, hammock, slackline, or any other object to any street, park, or public tree.

C. It shall be unlawful for any person, firm or corporation to "top" any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the ~~Director~~ Board.

D. Any person, firm, corporation, or city department performing construction near any public tree(s) shall consult with the ~~Director~~ BOARD and shall employ appropriate measures to protect the tree(s), according to procedures contained in the Best Management Practices (BMPs) for "Managing Trees During Construction" published by the International Society of Arboriculture.

E. Each violation of this section as determined and notified by the ~~Director~~ Board shall constitute a separate violation, punishable by fines and penalties under Section 9, in addition to mitigation values placed on the tree(s) removed or damaged in violation of this section.

7-11-7: ADJACENT OWNER RESPONSIBILITY

typo

PP
This should be same wording as 10-15-6

A. The owner of land adjacent to any city street or highway, when acting within the provisions of this Ordinance, may plant and maintain trees in the adjacent park strip area. Property owners are responsible for the reasonable and routine maintenance of trees and other landscaping in the adjacent park strip area.

B. No property owner shall allow a tree, or other plant growing on his or her property or within the adjacent park strip to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the ~~Director~~ City shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the City may undertake the necessary work and charge the cost to the property owner.

7-11-8: CERTAIN TREES DECLARED A NUISANCE

A. Any tree, or limb thereof, on private property determined by the ~~Director~~ the Board ~~an elected City Official~~ to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the City may require its treatment or removal.

B. Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The City may remove such trees at the owner's expense if the owner does not comply with treatment and/or removal as specified by the Director or an elected City Official within the written notification period, within 90 calendar days of notification.

(see code section 10-15-7 (F))

→ the City
Potential hazardous situations may be addressed as needed.

C. The City may elect to assist property owners mitigate the unforeseen immediate cost of tree removal by implementing a repayment plan. Such mitigation would be a reimbursement to the City for expenses expended on behalf of the property owner. (see code section 10-15-7 - Remediation of Trees)

~~7-11-9. VIOLATIONS AND PENALTY~~

~~Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense. It shall be the responsibility of the City Council to impose such fines.~~

~~7-11-10. APPEALS~~

~~Appeals to decisions by the Director, the Tree Advisory Board, or penalties imposed after violations of this ordinance, shall be heard by City Council.~~

~~7-11-11. SAVINGS AND REPEAL~~

~~All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.~~

~~7-11-12. SEVERABILITY~~

~~Should any word, sentence, clause, paragraph, or provision of this Ordinance be held to be invalid or unconstitutional the remaining provisions of this Ordinance shall remain in full force and effect.~~

Street Tree Planting and Selection Guide

River Heights City, Utah

April 2022

Trees are a valuable component of our city. Trees clean the air we breathe, muffle city noise, harbor wildlife in their canopies, cool houses with their dense shade and increase property values. But perhaps most of all, trees provide a natural beauty which softens the harsh city landscape. Trees truly enhance the quality of life for all River Heights City residents.

Unfortunately, not all trees are properly planted and cared for. Growth characteristics including height, spread and branching structure limit the usefulness of some trees in certain locations. Streets, buildings, and sidewalks also limit the space available for tree growth and must be considered when selecting a tree. The goal of River Heights City is to select trees that are well matched to planting sites so they survive and become assets to the community.

Planting Guide

The best way to ensure a healthy and safe street tree is to start by planting the tree correctly. There are a few things to remember when planting. Follow these planting directions:

1. Select one of the species in the Tree Selection Guide for planting.
2. Before choosing the planting location contact Blue Stakes (800-662-4111) for location of underground utilities.
3. Dig the planting hole at least twice the width of the root ball and as deep as the root ball.
4. Prune circling or protruding roots and remove any twine from the canopy.
5. Handle root ball with extreme care. Minimize as much as possible any crumbling, cracking and splitting of the root ball.
6. After gently placing the tree in the hole, remove wire and burlap if stability of the root ball allows. If not, remove only the top two rows of wire and an equal amount of burlap. Cut vertical slits in the burlap that remains. Do not fold burlap into the hole.
7. Use the soil removed from the hole to backfill. Minimize air pockets by removing soil clumps, rocks, sod and folded burlap.
8. Thoroughly water. Allow water to soak deeply into the site.
9. Place three to four inches of mulch over the planting site. Avoid direct contact between mulch and the trunk of the tree.
10. Check moisture content of the backfill and root ball weekly to determine how much and how often to water.
11. To remove a tree from a container, gently lay it down. Push on the sides and bottom of the container to break contact between the root ball and container. Hold the trunk near the surface of the soil and push/pull the container away from the root ball. Slide the container off the root ball. Do not pull on the trunk. If the root ball is too large for this process it may be necessary to cut the container off after the tree is placed in the planting site.

Utah State University Extension Bulletin NC 460, *Selecting and Planting Landscape Trees*, is an excellent reference. <https://forestry.usu.edu/files/selecting-and-planting-landscape-trees.pdf>

Visit other useful websites at:

<https://extension.usu.edu/#>

Tree Selection Guide

Learning about a tree's shape, mature height and spread will help in selecting the right tree for the right location. Consider the planting site. Does the location have adequate irrigation? Are there any overhead wires? How wide is the park strip? Once the location has been considered, it is then time to select a tree that will best fit the location.

The trees in this guide are generally tolerant of local temperature and moisture extremes (hardiness) and have characteristics that make them useful as street trees. Each tree in the guide is listed with its botanical and common names followed by a short narrative with general information. All of the trees have been divided into classes dependent on the height, width and spacing requirements that the trees will need at maturity. These divisions are described as follows:



Sheila Lind <office@riverheights.org>

Fwd: comment on the proposed changes to the Tree Ordinance

1 message

Cindy Schaub <cindy_schaub@hotmail.com>
To: RH-Sheila Lind <sheila@riverheights.org>

Tue, Apr 26, 2022 at 8:11 PM

Date: April 26, 2022 at 10:10:21 AM MDT
To: Cindy Schaub <cindy_schaub@hotmail.com>
Cc: Noel Cooley <nhcooley@comcast.net>
Subject: comment on the proposed changes to the Tree Ordinance

Good morning:

I have read through the proposed changes to the Tree Ordinance and I have two comments:

Under Authority, Letter A: The proposed ordinance states: ".....This shall include the removal of trees that may threaten electrical, gas," I would suggest that the ordinance allow for the removal *or pruning* of trees that threaten electrical and other utilities. Rocky Mountain Power prunes trees in our neighborhood annually to protect the electrical wires and it would be a shame if all of those trees were removed instead.

Under Tree Planting and Care Standards, Letter C: Considering the prolonged drought conditions we are experiencing and the benefit of shade trees in reducing water requirements for lawns that are protected by them from direct sunlight, it would seem to be best to require that the park strip trees be shade trees with broader canopies than ornamental trees. There are already provisions for requiring ornamental trees in park strips that have overhead electrical lines (Letter E). Shade from the trees may also reduce energy expenditures on air conditioning late in the day when the shade reaches the houses as the sun goes down. In my opinion, it would be best to require shade trees wherever there are no overhead lines in order to maximize water and energy savings.

Thank you for your efforts to encourage good husbandry and proliferation of trees in River Heights.

Cindy Johnson
125 E 500 S