

# River Heights City

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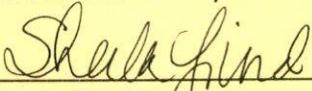
## River Heights City PLANNING COMMISSION AGENDA

**Tuesday, January 9, 2024**

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
- 6:32 p.m. Adoption of Previous Minutes and Agenda
- 6:35 p.m. Public Comment on Land Use
- 6:40 p.m. Election of a Chair and Vice Chair for 2024
- 6:45 p.m. Public Hearing to Discuss a Conditional Use Permit Application from River Heights City to Renovate the City's Lower Wellhouse
- 7:00 p.m. Discuss Revising the Setback Definition and Correct City Code 10-10-4:B  
*Discuss Short-Term Vacation Rentals*
- 7:15 p.m. Discuss Revisions to the Boundary Adjustment Section of City Code
- 7:45 p.m. Adjourn

Posted this 4<sup>th</sup> day of January 2024

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

To join the Zoom meeting:

<https://us02web.zoom.us/j/88143045275>

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

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

# River Heights City

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River Heights City Planning Commission  
Minutes of the Meeting  
January 9, 2024

Present: Commission members: Noel Cooley, Chairman  
Heather Lehnig  
Keenan Ryan  
Cindy Schaub, electronic  
Troy Wakefield

Councilmember Blake Wright  
Recorder Sheila Lind

Excused Tech Staff Councilmember Chris Milbank

Others Present: Councilmember Lance Pitcher, Bessie Wakefield,  
Marianne Christian

## Motions Made During the Meeting

### Motion #1

Commissioner Lehnig moved to “approve the minutes of the December 12, 2023, Commission Meeting with corrections, as well as the evening’s agenda, with the addition of a discussion on short term vacation rentals.” Commissioner Wakefield seconded the motion, which carried with Cooley, Lehnig, Ryan, Schaub, and Wakefield in favor. No one opposed.

## Proceedings of the Meeting

The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers on January 9, 2024.

### Pledge of Allegiance

Adoption of Prior Minutes and Agenda: Minutes for the December 12, 2023, Planning Commission Meeting were reviewed.

**Commissioner Lehnig moved to “approve the minutes of the December 12, 2023, Commission Meeting with corrections, as well as the evening’s agenda, with the addition of a discussion on short term vacation rentals.” Commissioner Wakefield seconded the motion, which carried with Cooley, Lehnig, Ryan, Schaub, and Wakefield in favor. No one opposed.**

Public Comment on Land Use: There was none.

Election of a Chair and Vice Chair for 2024: Commissioner Lehnig nominated Commissioner Cooley to continue to serve as commission chair through 2024. All agreed. Commissioner Schaub nominated Commissioner Lehnig to serve as vice chair. All agreed (except Commissioner Lehnig).

45 Public Hearing to Discuss a Conditional Use Permit Application from River Heights City to  
46 Renovate the City's Lower Wellhouse: Commissioner Cooley discussed written comment submitted  
47 by Anna Lisa Davidson. He asked Recorder Lind to take her requests to the council since some of the  
48 things addressed were items the planning commission didn't have authority to assist with. Mr.  
49 Cooley stated that after talking to the city attorney, he discovered that the city didn't need a public  
50 hearing for a well they've had for many years.

51 Discuss Revising the Setback Definition and Correct City Code 10-10-4:B: Commissioner  
52 Cooley discussed his proposed changes to the setback definition, which included instances where  
53 property lines may not exist. Councilmember Wright explained that its purpose was to address  
54 situations in the RPUD zone. The upcoming Creekside Estates didn't have property lines around their  
55 townhomes. They claimed the unit is the property line. Mr. Wright explained the someone must  
56 own the building and they need to show where the property line is for the building. Mr. Cooley said  
57 they want to be able to address optimum parking situations, which a property line could dictate.  
58 Commissioner Schaub didn't think they should state, "where a property line doesn't exist" because  
59 each building would have property lines. Mr. Cooley explained that it would depend on how the  
60 developer dictated where the lot lines were. It may be from the building. It's either a property line  
61 or a lot line. Ms. Schaub asked if this could be discussed with Attorney Jenkins. Mr. Cooley said he  
62 had discussed it and the attorney said to remove "public." Councilmember Wright said it has to do  
63 with the Creekside PUD (and others that may follow). The city needed to ask for clarification on the  
64 Creekside plan. Based on their answer, the suggested verbiage could change. The commissioners  
65 (except Schaub) were fine with taking the verbiage to a public hearing.

66 Marianne Christian arrived at the meeting and was asked if she had comments. She explained  
67 that she owned a home in Logan along the river and received a notice of a wellhouse that was  
68 constructed. She asked if there would be any other expansions or revisions. Commissioner Cooley  
69 stated there would be no additional modifications. She asked if the pump would be noisy when it  
70 was turned on. She was assured it wouldn't be loud at all.

71 Discuss Short-Term Rentals: Commissioner Cooley reminded that the last time they discussed  
72 short-term rentals they had questions on how to handle parking and the number of guests allowed to  
73 stay. Commissioner Lehnig had done some research and explained her findings. She suggested two  
74 people per bedroom, plus two. Commissioner Wakefield asked if the number was for day and night.  
75 They clarified it meant overnight. They brought up overnight parking. Councilmember Wright  
76 pointed out that during the winter they all need to park off-street. During the summer, some could  
77 park on the street. Commissioner Schaub suggested a maximum of four cars no matter how many  
78 people were allowed. Some suggested no on-street parking at all. Commissioner Cooley pointed out  
79 that the conditional use permit could address more of the specifics, so they wouldn't need to get as  
80 specific in the code. Councilmember Wright felt the code should have enough specifications so  
81 Airbnb owners wouldn't come in and try to strong arm the Commission.

82 Commissioner Schaub would like to not allow Airbnbs in River Heights at all. The other  
83 commissioners agreed it would come up again, so they wanted to address it now. They continued a  
84 parking discussion, which included not allowing cars to be parked on landscaped areas.

85 Discussion was had on requiring the property owner to live in River Heights.

86 Commissioner Cooley asked Commissioner Lehnig to revise her draft, incorporating the things  
87 they had discussed. They also discussed where it should be placed in the code and decided to insert

88 it as 83 (10-12-1, Table 1) and bump auto repair to 84. Ms. Lehnig will get changes to Recorder Lind  
to prepare for the next code change hearing.

90 Discuss Revisions to the Boundary Adjustment Section of City Code: Commissioner Cooley  
91 said he and Councilmember Wright met with Attorney Jenkins to discuss state code changes  
92 regarding boundary adjustments, which was the reason for the city code changes. Currently, the city  
93 code says every boundary adjustment needs city approval, however state code doesn't require public  
94 hearings in most instances. The main thing it states is that parties can agree and then record the  
95 adjustment. However, if there was a dwelling on the lot where the boundary adjustment was taking  
96 place, the city may require a hearing. Mr. Cooley read through and explained his proposed changes.  
97 He had sent his proposal to the city attorney but hadn't heard back yet. It basically stated the city  
98 doesn't need to be involved. Councilmember Wright said he envisioned a boundary adjustment  
99 would be reviewed by the zoning administrator and not need to go to the Planning Commission.

100 Commissioner Schaub read from the Utah State Code. She wasn't convinced the city should  
101 take out the public hearing portion. Commissioner Cooley said the state code says the city may  
102 require a public hearing, based on certain conditions. Basically, it wasn't really needed.  
103 Councilmember Wright said the revisions are based on the new state code and the portions being  
104 removed were based off the old state code. Ms. Schaub felt the code should require a time frame for  
105 recording. They agreed on 90 days.

106 Commissioner Schaub brought up that state code required cities to act on an application  
107 within 14 days. Councilmember Wright will check with the city attorney.

108 Commissioner Cooley suggested tabling the changes until the attorney's response. He asked if  
109 they were okay with sending it to a public hearing if the attorney was okay with it. They agreed.

110 Commissioner Cooley informed that the administrative land use authority group had met with  
111 Heritage Landholdings to discuss their Creekside Estates PUD plan. He felt the plan was ready to  
112 come to the Planning Commission, even though there were still plenty of concerns from the city  
113 engineer. He verified that each commissioner would be available in two weeks to discuss their plan.  
114 They all said they would be available. He then asked that they each go through the RPUD code and  
115 the subdivision requirements before the meeting, making sure they were familiar with city  
116 requirements. He cautioned that they need to stick as close to the city code as possible. They can  
117 make minor allowances if needed. Engineer Rasmussen would be in attendance to address his  
118 concerns and he was hoping PWD Nelson would also be in attendance. He was hoping to get the  
119 commission on a site visit, but now the property was covered with snow. He said they would decide  
120 about the visit later. Commissioner Wakefield asked if the development was allowed to have a road  
121 into the church parking lot. Mr. Cooley clarified that it was an emergency road only and they had  
122 approval from the church.

123 Recorder Lind would get in touch with Heritage to make sure they would be available and  
124 ready for the next meeting.

125 A public hearing was tentatively scheduled for one month.

126 Commissioner Schaub asked if there was a Creekside plan that showed the widths of the  
127 streets. Commissioner Cooley noted that all the roads were according to code. He reminded that  
128 Engineer Rasmussen would be in attendance at their next meeting to advise them.

129 The meeting adjourned at 8:10 p.m.

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

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Noel Cooley, Commission Chair

# River Heights City Conditional Use Application

For office use	
Date Received:	<u>12/21/23</u>
Hearing Date:	<u>1/9/24</u>
Amount Paid:	<u>0</u>
Approved _____	Denied _____

### APPLICANT

Name: River Heights City  
Mailing Address: 520 South 500 East  
Phone: 435.752.2646 email: office@riverheights.org  
Please check one of the following:  owner  buyer  renter  agent  other

### PROJECT INFORMATION

Name: Lower Well Renovation  
Address/Location: 400 East Riverdale Rd.  
Property Tax ID: 02-015-0029 Existing Zone: R12  
What is the current use of the property? River Heights Well  
How many employees will be working at this location including applicant, immediate family, and non-family members? 1  
How many vehicles will be coming and going daily, weekly, or monthly? One per day or less  
I agree to abide by the River Heights City Parking Ordinance (10-14). Initial JGM - River Heights City  
I agree to abide by the River Heights City Sign Ordinance (10-16). Initial JGM - River Heights City  
Description of Request: Request for upgrade of River Heights City's well and structure, landscape.

### SUBMITTAL REQUIREMENTS

- Completed and signed application form
- N/A \$100 application fee
- 8 1/2 x 11 copy of plans
- Provide a Fire Protection evaluation from the fire department.

**ACKNOWLEDGMENT OF RESPONSIBILITY**

I certify that I am making an application for the described action to the City and that I am responsible for complying with all City requirements in regard to this request. I realize in order to do any construction on the property, I will be required to obtain a Zoning Clearance Permit from River Heights City and possibly a County Building Permit. I also agree to meet the ordinances and standards of River Heights City for any improvements. The documents and/or information I have submitted are true and correct. I understand that my application is not deemed complete until the Planning Commission has reviewed the application and has given their approval in the form of a permit. I understand additional fees may be charged for the City's review of the proposal (including, but not limited to, engineering and attorney fees). I agree to reimburse River Heights City for any costs of enforcement including reasonable attorney fees, and/or any other costs of enforcement incurred by the City resulting from my failure to comply with the Land Use Ordinance and terms of this Conditional Use Permit.

Signature of Applicant(s)

Janet G. Mathews for River Heights City  
Sign

Janet G. Mathews  
Print

12/21/2023  
Date

\_\_\_\_\_  
Sign

\_\_\_\_\_  
Print

\_\_\_\_\_  
Date

**AFFIRMATION OF SUFFICIENT INTEREST**

I hereby affirm I am the fee title owner of the above described property or I have written authorization from the owner to pursue the described action with a copy of the authorization attached.

\_\_\_\_\_  
Sign

\_\_\_\_\_  
Date







Sheila Lind &lt;office@riverheights.org&gt;

**Comments for Public Hearing January 9, 2024**

1 message

Anna Lisa Davidson &lt;anna.lisa.d@outlook.com&gt;

Sat, Jan 6, 2024 at 4:00 PM

To: River Heights City Office &lt;office@riverheights.org&gt;

Planning Commission Members,

I was shocked to get a letter this week about the Conditional Use Permit concerning the city's well-house and landscaping upgrade. The upgrade has been happening all summer and is still ongoing. Shouldn't this letter and the public hearing have happened many, many months ago??? I understand that things get missed or forgotten, but a sentence in the letter acknowledging the mistake or misstep would have been a good thing to include.

As the resident with a home closest to the well, we have been inconvenienced multiple times while the construction was going on, both personally and as a business owner. Construction workers, contractors, city personnel, etc have blocked the entrance to my driveway, making it difficult to leave via my vehicle or for flute students to park to come to flute lessons. Riverdale Avenue is not really a road, but a one-rod lane. There is BARELY enough room for two standard-sized vehicles to pass each other, let alone wider and longer construction vehicles and equipment. Even if a worker parked on one side of the lane, if they were within 30 feet of my driveway it was difficult to back up without possibly hitting one of their vehicles. There were days we wanted to use our cargo trailer but could not, because there wasn't room to pull it out or back it in.

My students and some parents voiced their concern that they would hit a vehicle or their vehicle would be hit. Sometimes a young student was dropped off at the top of the hill and had to walk down to my house because a parent was concerned or the road was blocked. Then there's the tight radius and steep hill that the well is situated on that complicates the transportation issue.

I personally spoke with the project manager and kindly asked him and any workers to not park in such a way as to make it difficult for anyone to enter or exit my driveway. He did so but either did not or could not pass this request on to other contractors. I had to go out and speak with people nearly weekly for a time. Finally, I went and personally purchased two NO PARKING signs to install on the Humpherys property, with messages on them not to park between the signs. This worked pretty well, for the most part, though I doubt it was legal.

Another issue was the tractor bucket and concrete chunks that were left for months at the top of the hill, partially on our property, making it very difficult some days to safely navigate up or down the hill.

Oh, and my mailbox, which was often blocked, is on the side of the road where they like to park. It is now no longer standing upright, but has been bumped at least once or twice since the beginning of December and will need repair.

I also purchased extra landscape stakes to mark our property lines, because vehicles were (and still are) making detours around construction vehicles and equipment. Some were run over and damaged by a contractor in the late summer. I wasn't home at the time but a neighbor was

present when it happened and told me the worker would come by later to work out payment for the stakes, which never happened.

These parking issue(s) could have been avoided if either the Planning Commission or the City Council had taken care of and announced the public comment for the conditional use permit BEFORE the project began.

I would like to be reimbursed for the 2 no parking signs and 6 damaged landscape stakes, as I believe the city was negligent in their duties to 1) inform us of the project ahead of time, 2) hold a public comment session, and 3) properly take care that nearby residents would be impacted in the least negative manner.

I would like to comment on the exterior lighting of the building. I am glad that there is lighting, as the streetlight that used to be there was inadequate and often blocked by trees. The new lighting is quite bright, as there are at least 6 exterior lights from our home's viewpoint and I would like to request that the lighting be dimmed just a bit or have them blocked somehow from projecting too far at night.

How does the city plan to repair the existing asphalt that was on the hill and part way down the lane in front of our home? It was already not in the best of shape and now has more damage from the wear and tear of construction materials and vehicle traffic. I speak mainly to the crumbling road edges and the expanded potholes.

I would like to request that the trees that were removed to facilitate construction be replaced because we enjoyed having vehicle and pedestrian traffic noise mitigated by the foliage that used to be there. Some taller bushes at least would be welcome. If a plan to do so already exists, it is not obvious from the printout that was included with the letter we received.

When is the project expected to be completed? I need to know so that I can inform my students to not have to be on the lookout any longer for huge piles of gravel or tractors.

Despite these complaints and requests, I have been pleased by the professional manner in which all construction workers conducted themselves while working on the new wellhead and building. They were kind and courteous. I often enjoyed stopping to talk with them about their work and progress. Also, the building is beautiful and well-built, a huge improvement over the preexisting one. I am comforted that there is no longer a marmot family living under the building that will try to consequently invade my yard. LOL!

Thank you for your consideration and I look forward to a response to my questions and request for reimbursement and repair.

*Anna Lisa Davidson*

435-757-5040

MBA, Utah State University

Davidson Flute Studio - <https://davidsonflutestudio.com>

Code changes to 10-10 -A & B to correspond to changes in subdivision ordinances.

- A. In addition to items required for the site analysis (11-4-1 C. 3), 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~~ concept plan submission (11-4-1 ~~F-C~~ 4.), 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

New Definition of Setback definition in 10 - 2

The shortest distance between the property line and the foundation wall, vertical supports, cantilevers, porches or steps over thirty inches (30") in height or the main frame of the building. Where a property line does not exist, the setback shall be measured from the lot line or public road right of way to the foundation wall, vertical supports, cantilevers, porches or steps over thirty inches (30") in height or the main frame of the building.

## Short-Term Vacation Rental

Maximum occupancy for an STVR shall be no more than two (2) people per bedroom, plus two (2) people. An updated contact list of the owners must be submitted to the city office. A minimum of one (1) off-street parking space shall be provided for each STVR. When STVR occupancy exceeds four (4) people, one (1) additional off-street parking space shall be provided for every additional three (3) people. (All winter parking must comply with city ordinances). The STVR owner is responsible for regulating noise generated by visitor stays. No STVR can be within 300 feet of another STVR. Landscape must be maintained and comply with River Heights City landscaping ordinances. Property owners may contract with third parties, including tenant agreements, to provide management and maintenance services required under this section, however property owners shall remain liable for any deficiencies or violations of this section. STVR owners must have primary residency in River Heights City.

In City Code this could go under 10-12-1

Listed under "Commercial and Retail uses"

Agriculture (Conditional)

Residential (Conditional)

Commercial (Permitted) same as Bed and Breakfast

RPUD (conditional)???

The paragraph would be footnote (3) and put at the end.

OR

The paragraph can go in 10-12-1 as a new section (B).

Updating B to C, C to D, and D to E.

TITLE 10  
CHAPTER 21  
BOUNDARY LINE ADJUSTMENTS  
SECTION:

- 10-21-1: Scope
- 10-21-2: Intent
- 10-21-3: Authority
- 10-21-4: Review
- 10-21-5: Public Hearing Required
- 10-21-6: Recording Required

10-21-1: SCOPE

If properly executed and acknowledged as required by state law, an agreement between owners of adjoining property that designates the boundary line between the adjoining properties acts, upon recording in the office of the recorder of the county in which each property is located, as a quitclaim deed to convey all of each party's right, title, interest, and estate in property outside the agreed boundary line that had been the subject of the boundary line agreement or dispute that led to the boundary line agreement. (Utah State Code 10-9a-524-1).

(2) Adjoining property owners executing a boundary line agreement shall follow the procedure as annotated in Utah code 10-9a-524-2a

Applications for boundary line adjustments ~~and for a~~ subdivision amendment or a lot that contains a dwelling may be authorized by the ~~planning commission~~ zoning administer pursuant to this chapter. (Ord., 1-22-2002)

10-21-2: INTENT

No boundary line adjustment shall result in the creation of a new lot or parcel. Lots within a subdivision may be combined; provided, that no increase in the number of lots results. (Ord., 1-22-2002)

10-21-3: AUTHORITY

~~Pursuant to Utah Code Annotated as amended, this title designates and grants the zoning administrator authority, with or without a petition, to consider any proposed vacation, alteration to a subdivision plat, any portion of a subdivision plat, or any street, lot or alley contained in a subdivision plat, or boundary line adjustment, at a public hearing. (4-2010, 7-13-10)~~

Pursuant to Utah Code 10-9a-524-5a, if a parcel that is subject of a boundary line agreement that is within a subdivision or contains a dwelling unit, the request shall submitted to the zoning administer for review. If the following conditions are created with the boundary adjustment, the request will be denied.:

1. Boundary line adjustment causes the lot size to not meet the minimum zoning requirements wherein the lot is located. or
2. Parcel or lot no longer meets the zoning requirement of River Heights City Ordinance 10-12.

#### 10-21-4: REVIEW

The petition to change the boundaries shall include signatures from the representatives of each lot or parcel affected by the boundary line adjustment, and any necessary signatures from holders of liens, mortgages or easements affected by the boundary line adjustment. The petition shall also include a legal description of the agreed upon boundary line of each parcel or lot after the boundary line is changed. After reviewing said application, the zoning administrator shall circulate a map of the proposed adjustment to all affected city departments, planning commission, and to the affected parties. If the zoning administrator determines that approves the application does not include signatures from at least one record owner representing each parcel or lot, said administrator shall follow the procedures prescribed in Utah Code Annotated, as amended and this title as amended. (4-2010, 7-13-10)

#### 10-21-5: PUBLIC HEARING REQUIRED

~~The planning commission shall hold a duly noticed public hearing in accordance with section 10-3-9 of this title. (Ord. 04-12-14, 1-11-2005, eff. retroactive to 12-14-2004) (3-2020, 5-19-20) The following conditions shall require~~ No public hearing is required unless the zoning administrator deems it is necessary.

#### 10-21-6: RECORDING REQUIRED

~~Following the final approval of the planning commission, the property owners shall submit the executed deeds, any required maps and other documentation to the city, along with the appropriate cost of recording the legal descriptions with the county recorder. The city attorney shall record the deeds. In accordance with state law, if a boundary line adjustment results in the need for dedication of a public right of way or other public dedication, a plat shall be required at the expense of the applicant. Any approved adjustment that has not been presented for recording to the City County within ninety (90) days of the date of approval shall be deemed to have expired. (Ord., 1-22-2002) (8-2017, 11-28-17)~~

Once the zoning administrator has approved the application, the parties shall submit their agreement and legal description of the boundary adjustment to county to be recorded.

include 14-day turnaround by city or approved for recording?