

# River Heights City

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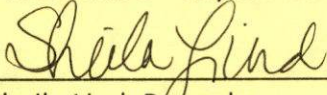
## River Heights City PLANNING COMMISSION AGENDA

**Tuesday, February 13, 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. Public Hearing to Discuss Changes to the City Code
- 7:00 p.m. Discuss Changes to the City Code Regarding Utilities
- 7:05 p.m. Discuss Possible Uses of the Old School
- 7:30 p.m. Adjourn

Posted this 8<sup>th</sup> day of February 2024



Sheila Lind, Recorder

To join the Zoom meeting:

<https://us02web.zoom.us/j/85484818545>

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

River Heights City Planning Commission  
Minutes of the Meeting  
February 13, 2024

Present: Commission members: Noel Cooley, Chairman  
Heather Lehnig, tech staff  
Keenan Ryan  
Cindy Schaub  
Troy Wakefield  
Councilmember Blake Wright  
Recorder Sheila Lind  
Excused Tech Staff Councilmember Chris Milbank  
Others Present: Brian and Brittany Cascio

## Motions Made During the Meeting

### Motion #1

Commissioner Wakefield moved to “approve the minutes of the January 23, 2024 Commission Meeting with minor corrections, as well as the evening’s agenda.” Commissioner Schaub seconded the motion, which carried with Cooley, Lehnig, Ryan, Schaub, and Wakefield in favor. No one opposed.

### Motion #2

Commissioner Lehnig moved to “send the code changes, along with the evening’s revisions to the City Council.” Commissioner Wakefield seconded the motion which passed with Cooley, Lehnig, Ryan, and Wakefield in favor. Schaub 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 February 13, 2024.

### Pledge of Allegiance

Adoption of Prior Minutes and Agenda: Minutes for the January 23, 2024, Planning Commission Meeting were reviewed.

Commissioner Wakefield moved to “approve the minutes of the January 23, 2024 Commission Meeting with minor corrections, as well as the evening’s agenda.” Commissioner Schaub seconded the motion, which carried with Cooley, Lehnig, Ryan, Schaub, and Wakefield in favor. No one opposed.

45 Public Comment on Land Use: Brian Cascio handed out a copy of the city's budget worksheet.  
46 He pointed out that the city had planned to receive 8% of their revenue from the Old School, which  
47 they were no longer going to receive since the Boys and Girls Club abandoned the building. The other  
48 figure he noted was sales tax revenue. He supported the Old School bringing in small businesses  
49 which would add to this revenue fund. Commissioner Cooley informed that the Commission didn't  
50 have any control over the budget. Mr. Cascio clarified he was pointing out that he supported the Old  
51 School bringing in businesses.

52 Brittany Cascio mentioned the city's Historic Overlay Zone which they established a few years  
53 ago and was used for the gas station and a property located at 660 E 400 S. She read the purpose of  
54 the Historic Overlay Zone from the city code and reviewed the key points. She felt the Old School  
55 could be saved and revitalized. She expressed her desire to open another photography studio in the  
56 school. The biggest issue when they used the gas station was parking. At the Old School, this would  
57 no longer be an issue. She said there were a handful of other photographers in River Heights who  
58 would like to benefit from the space as well. She was willing to read their comments. Commissioner  
59 Cooley said it was too early in the process and assured her there would be opportunities for this at a  
60 public hearing, to be held later. She mentioned an old school building in Salt Lake that had been  
61 revitalized and now houses small businesses. She said it was quiet and very nice.

62 Public Hearing to Discuss Changes to the City Code: Commissioner Cooley opened the public  
63 hearing. There were no comments. He reviewed the code changes. As he did so, he asked the  
64 commissioners if they had comments. Commissioner Schaub asked for clarification on "property  
65 line." Mr. Cooley said any asphalt road would need at least a 20-foot setback, regardless of if there  
66 were a property line or not. Councilmember Wright couldn't think of a place this might happen  
67 except in the RPUD zone. He suggested adding the place in which this condition might exist.  
68 Discussion was held on how to change the wording to reflect their intention. They decided to remove  
69 their changes to the setback definition altogether and add a change to the chart in 10-10-2, clarifying  
70 that setbacks on a building with no additional land outside of the building footprint would be  
71 measured from the lot line, property line or right of way line to the building.

72 Discussion was held on short term vacation rentals (STVRs). Commissioner Schaub reminded  
73 that in 2019 the commissioners were adamant that they wanted STVRs to be owner occupied.  
74 Commissioner Cooley reminded they added a 300-foot distance between STVRs to preclude too many  
75 of them in River Heights. Councilmember Wright said he didn't mind if two of them were next door  
76 to each other. He pointed out he would have his say when the changes came to the Council.

77 Discussion and changes were made to the boundary line adjustment section. Commissioner  
78 Schaub felt they were taking out too much of the "recording" section. After researching the State  
79 Code, they adjusted the wording slightly and made other changes in the section.

80 Commissioner Schaub informed that she was fine with all the changes except the one allowing  
81 STVRs in River Heights that were not owner occupied.

82 **Commissioner Lehnig moved to "send the code changes, along with the evening's revisions**  
83 **to the City Council." Commissioner Wakefield seconded the motion which passed with Cooley,**  
84 **Lehnig, Ryan, and Wakefield in favor. Schaub opposed.**

85 Discuss Changes to the City Code Regarding Utilities: Recorder Lind explained the reason for  
86 the changes were to require landlords of multi-family dwellings to have the utilities in their name. In  
87 the past it had been difficult to keep track of renters as they moved in and out of these types of units.

88 The Commission agreed to the idea and made a few more changes. Commissioner Cooley announced  
89 the change was ready for the next public hearing.

90 Discuss Possible Uses of the Old School: Commissioner Cooley reminded they had each  
91 received a copy of last week's City Council minutes where they considered the allowance of small  
92 commercial type businesses in the Old School and passed the discussion on to the Planning  
93 Commission.

94 Commissioner Cooley had reviewed the code and felt the Historic Overlay Zone would work;  
95 however he noted several uses listed in the zone, which he felt wouldn't fit in the Old School. He also  
96 pointed out that the building would need to be rezoned since it was currently zoned residential.

97 Commissioner Lehnig asked Commissioner Cooley to elaborate on which uses he didn't think  
98 would work. Mr. Cooley listed, antique store, bike repair, candy making, electrical appliance repair,  
99 floral, etc. His opinion was that due to the type of building and the proximity of the businesses in the  
100 same building, certain businesses wouldn't be ideal.

101 It was brought up that eventually the City Council hoped the building could house the Cache  
102 County Library. However, this could take a few years, so in the interim, they were looking at revenue  
103 options.

104 The Commission liked the idea of using the Historic Overlay Zone. It was agreed it would  
105 require a few changes to fit the neighborhood and building. Commissioner Cooley asked  
106 Commissioner Schaub if she would be willing to work on a draft. She agreed.

107 It was brought up that Recorder Lind didn't want to manage all the rentals. Ms. Lind clarified  
108 that she hadn't said that specifically. She explained that years ago they had a dance group use the  
109 building who was quite difficult to collect rent from. With the building's new key card system, this  
110 shouldn't be a problem. She said she wouldn't mind being part of it but didn't want to deal with  
111 drama between renters. There would also be maintenance and janitorial things to work out.  
112 Commissioner Cooley pointed out that these items weren't their concern. All they were required to  
113 do was to determine how small businesses could be allowed to use the building. He asked them to  
114 look at the current Historic Overlay Zone to determine what they wanted to apply and not apply to  
115 the building.

116 Commissioner Cooley wasn't sure when they could address the issue again since they seemed  
117 to have several things going on at the time. The next meeting would consist of two public hearings:  
118 one for a rezone and another for a Conditional Use Permit review. He determined they could add the  
119 Old School discussion to the next agenda with the understanding that they may not get to it if the  
120 public hearings take too long.

121 Commissioner Cooley discussed the fourth draft of Creekside Estates, received in the past  
122 week. Heritage had made some changes but there were still issues they needed to resolve. They  
123 may schedule another meeting with the Administrative Land Use Authority before it comes back to  
124 the Commission.

125 The meeting adjourned at 8:50 p.m.

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\_\_\_\_\_  
Noel Cooley, Commission Chair

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

Code Change Discussions  
February 13, 2024

**10-2-1: DEFINITIONS**

Setback: 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.~~

*Add changes to 10-10-2.D. 2nd. chart*

*In a R-PUD zone,*

*line*

*edge of the paved road*

**10-10-4: REQUIREMENTS**

- 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 location.

**10-10-4:K ARCHITECTURAL DESIGN STANDARDS**

- 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 with the collection agency environmental standards contracted by the City.

*of the collection agency*

**10-12-1: USE REGULATIONS/**Table 1, Land Use Chart (short term rentals)

83. Short Term Vacation Rental (STVR)<sup>2</sup>, Not Owner Occupied  
Conditional Use in zones A, R, D, and RPUD

<sup>2</sup>Maximum occupancy for an STVR shall be no more than two (2) people per bedroom and up to two (2) residents in one (1) non-bedroom space. An updated contact list of the owners must be submitted to the city office.

Sufficient paved off-street parking must be available for all quest vehicles. All parking will be reviewed before a CUP is granted. (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.

Bump current 83 to 84 and subscript 2 to 3.

## **BOUNDARY LINE ADJUSTMENTS SECTION:**

### **10-21-1: SCOPE**

1. Subject to the provisions of <sup>this</sup> ~~their~~ chapter, when 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
3. Applications for boundary line adjustments ~~and~~ <sup>for</sup> a subdivision amendment or a lot that contains a dwelling may be authorized by the ~~planning commission~~ zoning administrator pursuant to this chapter. (Ord., 1-22-2002)

*administrator*

### **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 <sup>the</sup> subject of a boundary line agreement that is within a subdivision or contains a dwelling unit, shall <sup>the application</sup> be submitted to the zoning administrator for approval. The zoning administrator shall review the application to determine compliance with all provisions, the code and shall approve the application unless:

1. Boundary line adjustment causes the lot size to not meet the minimum zoning requirements and/or
2. Parcel or lot no longer complies with the requirements proscribed under 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)

*Pursuant to Utah Code 10-9a-524-5c, if the city fails to send a written notice within 14 days, the property owner may record the boundary line agreement as if no review was required.*

#### 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 one 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

3/1

*administrator*

*at their expense*

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.



single-family attached housing units 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

<b>Minimum Project Size</b>	3.5 acres
<b>Maximum Density</b>	5.5 dwelling units per gross acre
<b>Maximum Structure Height</b>	35 feet
<b>Off-Street Parking</b>	
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 property immediately adjacent to the building footprint, i.e., front, side, and rear yards.

<b>Minimum Lot Area</b>	
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 <sup>1</sup>	Varies depending on number of units
<b>Minimum Lot Width</b>	
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	
Three-unit building	95 feet
Four-unit building	120 feet
Five-unit building	145 feet
<b>Setbacks</b>	
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

<sup>1</sup>Multiple Family dwelling unit main floor area including garage is to be 1,150 sq. ft. minimum.

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.

<b>Setbacks</b> <i>(measured from the lot line, property line or right of way line to the building)</i>	
Front Yard (street garage access)	20 feet minimum
Front Yard (alley garage access)	10 feet minimum
Rear Yard (alley garage access)	20 feet minimum <i>(20 foot driveway)</i>
Side Yard on a Street	15 feet minimum adjacent to street
<b>Building Separation</b> (Distance Between Buildings)	
Side Yard (single family detached, duplex)	15 feet
Side Yard (single family attached, multi-family)	20 feet

*10-10-2.D.*

Code Change Discussions

7  
**8-1-8: LANDLORD OF MULTI-UNIT DWELLINGS**

- As is whats there*
- A. ~~Landlords~~ are required to sign up for utility service for each property owned by submitting a Landlord Utility Service Agreement.
- add.* B. Landlords of multi-family dwellings are required to have the account in their name and pay the River Heights City utility bill. At the time of sign-up, a Utility Service Agreement and required deposit need to be submitted.

~~to~~  
*must*

Report Criteria:

- Print Fund Titles
- Page and Total by Fund
- Print Source Titles
- Total by Source
- Print Department Titles
- Total by Department
- All Segments Tested for Total Breaks

Account Number	Account Title	2021-22 Current year Budget	2022-23 Future year Budget
<b>General Fund</b>			
<b>Taxes</b>			
10-31-10	Property Tax	112,000.00	115,000.00
10-31-20	Sales Tax	380,000.00	386,000.00
10-31-30	Franchise Tax	76,000.00	76,000.00
10-31-50	Redemption Taxes	700.00	700.00
10-31-60	UPP Taxes (personal property)	7,500.00	7,500.00
10-31-70	UPP Fees & Lieu (Vehicle Tax)	7,000.00	7,000.00
<b>Total Taxes:</b>		<b>583,200.00</b>	<b>592,200.00</b>
<b>Licenses and Permits</b>			
10-32-10	Zoning Clearance Permits	1,500.00	4,000.00
10-32-20	Home Occupation License	2,300.00	2,300.00
10-32-30	Conditional Use Permits	300.00	400.00
12-40	Subdivision Fees	1,000.00	4,000.00
12-50	Cache County 20% Bldg. Fee	3,000.00	3,000.00
10-32-60	Dog Fees	6,300.00	6,300.00
10-32-65	Sanitation	184,000.00	184,000.00
10-32-70	Impact Fees - Parks	2,000.00	3,000.00
10-32-75	Impact Fees - Roads	9,500.00	9,500.00
10-32-80	Storm Drainage	25,000.00	25,000.00
10-32-85	911	33,000.00	33,000.00
<b>Total Licenses and Permits:</b>		<b>267,900.00</b>	<b>274,500.00</b>
<b>Intergovernmental Revenue</b>			
10-33-10	State Liquor	.00	.00
10-33-20	Class 'C' Road	92,000.00	92,000.00
10-33-25	Park Grant (RAPZ)	5,000.00	5,000.00
10-33-30	Sidewalk Improvement - Propert	.00	.00
10-33-40	Grant - Basement Museum (RAPZ)	.00	.00
10-33-50	Grant - Sidewalk	.00	.00
10-33-55	Grant - Cache County Stimulus	.00	.00
10-33-60	Grant - State of Utah-CARES	.00	.00
10-33-65	Grant - State of Utah- ARPA	.00	.00
<b>Total Intergovernmental Revenue:</b>		<b>97,000.00</b>	<b>97,000.00</b>
<b>Charges for Services</b>			
10-34-10	Parks and Rec. & Rent Park	3,400.00	3,400.00
10-34-15	Ball Diamond Rental	.00	.00
10-34-16	Soccer Field Rental	.00	.00
14-20	T-Ball	.00	.00
14-30	Late Fees	300.00	300.00
10-34-40	School Building Rental Income	6,700.00	90,000.00

$$\frac{386,000}{1,061,003} = .3638$$

36%

$$\frac{90,000}{1,061,003} = .0848$$

8%