

River Heights City

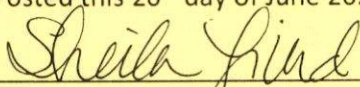
River Heights City PLANNING COMMISSION AGENDA

Tuesday, June 25, 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 Address a Request from Zac and Haylie Cunningham for a Conditional Use Permit to Run an Online Business at 367 E 700 S
- 7:00 p.m. Discuss State Code on Home Based Micro-Education Entities
- 7:15 p.m. Discuss Changes to the Subdivision Ordinance
- 7:30 p.m. Adjourn

Posted this 20th day of June 2024



Sheila Lind, Recorder

To join the Zoom meeting:

<https://us02web.zoom.us/j/85421329925>

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
June 25, 2024

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

Councilmember Blake Wright
Recorder Sheila Lind
Tech Staff Councilmember Chris Milbank

Others Present: Zac and Haylie Cunningham, Ken and Geri Sorensen,
Brian Anderson, Marcia Baker, Jason Sipes

Motions Made During the Meeting

Motion #1

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

Motion #2

Commissioner Schaub moved to “approve the Conditional Use Permit Request from Zac and Haylie Cunningham for a business to be operated at 367 E 700 S, with the conditions listed on the application, with the addition of no chemicals associated with the business, and the permit would go away upon Mr. Sorensen moving from the property. Commissioner Ryan seconded the motion which passed 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 June 25, 2024.

Pledge of Allegiance

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

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

45 Public Comment on Land Use: Brian Anderson noted there are deer that run through River
46 Heights, causing problems in resident's yards. Several years ago, some residents in Providence had
47 the same problem and their city changed the code to allow eight foot fences for side and rear yards.
48 He asked that River Heights consider the same.

49 Public Hearing to Address a Request from Zac and Haylie Cunningham for a Conditional Use
50 Permit to Run an Online Business at 367 E 700 S: Commission Chair Cooley asked the Cunninghams
51 to explain their request. Zac Cunningham said he and his wife plan to launch a leather and craft
52 business in his grandfather's garage behind his house, located at 367 E 700 S. All sales would be done
53 online. There would be no traffic coming to the location. Their machines would be fairly quiet. The
54 loudest noise would be light hammering. Their hours would be Mon-Sat from 9-5, eventually. Haylie
55 Cunningham said they would bring in all the materials in their own vehicles so no deliveries would be
56 made to the location.

57 Jason Sipes, of 638 Summerwild, felt they had a fantastic idea and was in full support. Other
58 neighbors he had talked to were also in support.

59 Marcia Baker, of 339 E 700 S, said she loves her neighbors, but they have had their issues with
60 noise. One neighbor has a lawn care and snow removal business. They are pretty quiet, and it seems
61 to run smoothly. However, on occasion she had smelled diesel. There had been a problem with
62 barking dogs, which had gotten better, with the city's help. They still bark some. Another neighbor
63 had an unfinished shop in his yard. There were some places on the shop with shedding plastic that
64 had blown into her yard, but her concerns were minimal. She was glad to hear that the Cunninghams
65 business would be low noise. She had concerns with them working inside the metal shed on hot
66 days. She was also worried about their noise combined with the noises of other neighbors. She had
67 enjoyed the peace and quiet and hoped it could stay that way. She asked the Commission to consider
68 how they would handle another request with noise added to their neighborhood.

69 Ken Sorensen said he built a woodworking shop some time ago. There was no air
70 conditioning, but it had heat. He had told his grandson that if there's noise, they won't put up with it.
71 He believed that they would keep it quiet and was in favor of having him there. They would make
72 sure the neighbors were okay with whatever activity was going on, and hoped they would come to
73 him if there ever was a problem.

74 Brian Anderson voiced his support for the business. He agreed the neighborhood had a few
75 noises, as do all neighborhoods.

76 Commissioner Wakefield asked about the process Mr. Cunningham would be using on the
77 leather. Mr. Cunningham explained he would be doing most of it by hand, but as he could afford it,
78 he would get machines to do the work, which would be very low noise. If the business got too big
79 they would move to another location.

80 Commissioner Lehnig asked if the shop had running water, if they would be dyeing the leather
81 at the location and what they planned to do with the waste. Mr. Cunningham responded that there
82 was a hose for water, he wouldn't be coloring the leather there, and the amount of waste would be
83 very minimal. They would remove it themselves. Haylie Cunningham said she would be creating vinyl
84 stencils that would also have very little waste.

85 Commissioner Schaub asked if Ken Sorensen had signed the CUP application, as the property
86 owner. Recorder Lind affirmed that he had.

87 Commissioner Lehnig wondered, if there were ever complaints would they be directed to the
88 property owner or business owner. Commissioner Wakefield felt that either way, the issue would be
89 taken care of.

90 **Commissioner Schaub moved to “approve the Conditional Use Permit Request from Zac and**
91 **Haylie Cunningham for a business to be operated at 367 E 700 S, with the conditions listed on the**
92 **application, with the addition of no chemicals associated with the business, and the permit would**
93 **go away upon Mr. Sorensen moving from the property. Commissioner Ryan seconded the motion**
94 **which passed with Cooley, Lehnig, Ryan, Schaub, and Wakefield in favor. No one opposed.**

95 Discuss State Code on Home Based Micro-Education Entities: Commission Chair Cooley
96 informed that there had recently been an application made to the city for a micro-school. The
97 application was withdrawn since the bill hadn’t become law yet and the applicant had a time
98 constraint. He reviewed the bill and what it allowed. He felt the biggest concern was that it
99 permitted a micro-school in all zones. There were concerns with what a micro-school might bring to
100 a neighborhood, which included traffic and parking issues.

101 Commissioner Schaub asked if the allowance of a micro-school was mandatory or optional.
102 Councilmember Wright clarified that it would need to be considered in any zone where an application
103 was made.

104 Commissioner Cooley discussed the definition explained in 53G-6-201. He pointed out that
105 Section (10)(a) of 10-9a-305, stated that the city could consider parking, traffic, hours of operation, a
106 business license, safety, as well as a few other standards.

107 Commissioner Lehnig brought up the section that discussed that each classroom in the facility
had to have an exit directly to the outside at the level of exit, which seemed unclear to the
commissioners.

110 Commissioner Cooley said he brought up the topic so they could think about how they wanted
111 to address it in the city’s zoning. He asked for ideas. Councilmember Wright felt it should probably
112 be addressed in the land use chart. He listed several things that should be spelled out, which were
113 discussed earlier by Commissioner Cooley. He also informed that the city attorney was also unclear
114 what was meant by an outside exit directly to the outside at the level of exit.

115 Commissioner Lehnig suggested some locations in the institutional section of the city’s code
116 where it could be addressed. They weren’t sure where to spell out the detailed requirements.
117 Commissioner Cooley suggested Chapter 13, Supplementary.

118 Parking was discussed. Commissioner Cooley felt the number of parking spots should be
119 based on the number of employees, which would be tied to the number of students. They agreed
120 safety issues needed to be in the code somewhere, as well as a required distance between another
121 like business. Mr. Cooley felt everything in Section 10 of the state code should be addressed in the
122 city code.

123 It was agreed that conditions should be listed in the city’s code so the zoning administrator
124 would have reasons to agree or disagree with the application. Councilmember Milbank felt the
125 current code already addressed parking, noise, drop-off and pick-up regulations.

126 Commissioner Lehnig suggested they understand the difference between home-based
127 microschool and micro-education entity. Commissioner Cooley explained that a home-based
128 microschool would be less than 16 students and could be in a home (35 square feet per student). A
micro-education entity could have up to 100 students and would need a space larger than a home.

130 Commissioner Cooley supposed that if an application was submitted for a microschool while
131 they were determining how to address it, the city could have them wait until they were finished with
132 their work on it. He asked commissioners to consider how they wanted to address it. It would be
133 further discussed at a later meeting.

134 Discuss Changes to the Subdivision Ordinance: Commissioner Cooley said he and
135 Commissioner Lehnig both went to a training put on by the Utah League of Cities and Towns, where
136 they learned that the River Heights subdivision code didn't comply with state code. The League had
137 put together an outline of what each section should cover. They learned there was \$14,000 available
138 to small cities to hire a planner to work with the city on bringing the code into compliance. Mr.
139 Cooley said he had reached out to Sunrise, Landmark and Logan Redevelopment to gather more
140 information on the process but none of the companies had responded. Councilmember Wright said
141 he could reach out to Sam Taylor, of Landmark Design, to see if he could look at the city's code and
142 give an estimate on how many hours it would take to update it.

143 Commissioner Cooley felt the subdivision application should list all the requirements, so
144 applicants would know exactly what was required of them. He discussed some of the differences
145 between the state code and the current city code. The city's code should be sufficient for a
146 developer to look at and know that if they met the guidelines, they should be granted their request.
147 Mr. Cooley felt the city could benefit from a planner who knew more about what needed to happen
148 than the Planning Commission.

149 Commissioner Lehnig suggested that when trainings were offered the commissioners should
150 go. It was very informative. She felt supported as a representative from a small town. Commissioner
151 Schaub was interested in watching it if it was recorded. She would check the League's website.

152 Commissioner Lehnig said she also learned the importance of the affordable housing yearly
153 report. All the reports are looked at individually and reported to the State.

154 The meeting adjourned at 7:45 p.m.

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Sheila Lind, Recorder

Noel Cooley, Commission Chair

River Heights City Conditional Use Application

For office use	
Date Received:	<u>6/13/24</u>
Hearing Date:	<u>6/25/24</u>
Amount Paid:	<u>100-</u>
Approved _____	Denied _____

APPLICANT

Name: Zac and Haylie Cunningham

Mailing Address: _____

Phone: _____ email: _____

Please check one of the following: owner buyer renter agent other

PROJECT INFORMATION

Name: Zayham Leather and Craft

Address/Location: 367 E 700S Logan UT 84321

Property Tax ID: 02-027-0004 Existing Zone: R-1-8

What is the current use of the property? residential

How many employees will be working at this location including applicant, immediate family, and non-family members? 2

How many vehicles will be coming and going daily, weekly, or monthly? 1

I agree to abide by the River Heights City Parking Ordinance (10-14). Initial ZC (N)

I agree to abide by the River Heights City Sign Ordinance (10-16). Initial ZC (N)

Description of Request: See attached

SUBMITTAL REQUIREMENTS

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

We want to launch an online leather and craft business that will operate out of my grandfather's shop located behind his house. Our business hours will be officially set from Monday through Saturday, 9 am to 5 pm. This schedule is designed to provide us with the flexibility to expand as needed. However, it is essential to note that our initial operations will primarily be on Saturdays, and we will gradually extend to other days as the business grows.

We aim to manage this business as a side venture, ensuring a balance with our other commitments. Therefore, we will not be working all six days or for the full hours each day. We do not anticipate being at the shop for a full 8-hour day on any given day, especially in the initial stages.

Since our business is conducted online, there will be no increase in foot traffic or additional vehicular traffic in the area. We will maintain minimal impact on the neighborhood, with only one vehicle parked in the field or driveway during the summer and in the driveway during the winter. All materials received and products made will be shipped from another location, ensuring no additional delivery truck frequency.

Our unique, high-quality products include leather keychains, wallets, bags, purses, and wall decor. We are committed to maintaining a quiet and peaceful environment; our tools and machinery are designed to operate without producing noticeable noise, except for a small amount that might be heard if standing close to the shop.

This setup not only allows us to run our business efficiently but also ensures minimal disruption to our surrounding community. We are dedicated to contributing positively to the area while pursuing our passion for leather and craft.

LONG TITLE

General Description:

This bill provides a home-based microschool and micro-education entity with certain similar duties, requirements, waivers, and rights as private and charter schools.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a county and municipality to consider a home-based microschool and micro-education entity as a permitted use in all zoning districts within a county and municipality;
- ▶ identifies the occupancy requirements to which a micro-education entity is subject;
- ▶ requires a local school board to excuse a student who attends a home-based microschool or micro-education entity under certain circumstances;
- ▶ provides that an instructor of a school-age child who attends a home-based microschool or micro-education entity is solely responsible for instruction, materials, and evaluation;
- ▶ prohibits a local school board from requiring a home-based microschool or micro-education entity to provide teaching credentials, submit to inspection, and conduct testing;
- ▶ prevents government entities from regulating home-based microschool and micro-education entity food preparation and distribution under certain circumstances;
- ▶ requires a home-based microschool and micro-education entity to register as a business;
- ▶ exempts a student who attends a home-based microschool or micro-education entity from immunization requirements; and
- ▶ makes technical and conforming changes

Utah Code Sections Affected:

AMENDS:

- 10-9a-103, as last amended by Laws of Utah 2023, Chapters 16, 327 and 478
- 10-9a-305, as last amended by Laws of Utah 2023, Chapter 16
- 10-9a-529, as last amended by Laws of Utah 2023, Chapter 16
- 17-27a-103, as last amended by Laws of Utah 2023, Chapters 15, 327 and 478
- 17-27a-305, as last amended by Laws of Utah 2023, Chapter 15
- 32B-1-102, as last amended by Laws of Utah 2023, Chapters 328, 371 and 400
- 53G-6-201, as last amended by Laws of Utah 2021, Chapters 113, 261 and 427
- 53G-6-706, as last amended by Laws of Utah 2019, Chapter 293
- 53G-9-301, as last amended by Laws of Utah 2023, Chapter 328

ENACTS:

- 53G-6-212, Utah Code Annotated 1953

Section 2, Section 10-9a-305 is amended to read:

- (f) (i) A micro-education entity may operate in a facility that meets Group E Occupancy requirements as defined by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a).
- (ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i):
- (A) may have up to 100 students in the facility; and
- (B) shall have enough space for at least 20 net square feet per student.
- (g) A micro-education entity may operate in a facility that is subject to and complies with the same occupancy requirements as a Class B Occupancy as defined by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a), if:
- (i) the facility has a code compliant fire alarm system and carbon monoxide detection system;
- (ii) (A) each classroom in the facility has an exit directly to the outside at the level of exit or discharge; or
- (B) the structure has a code compliant fire sprinkler system;
- (iii) the facility has an automatic fire sprinkler system in fire areas of the facility that are greater than 12,000 square feet; and
- (iv) the facility has enough space for at least 20 net square feet per student.
- (h) (i) A home-based microschool is not subject to additional occupancy requirements beyond occupancy requirements that apply to a primary dwelling, except that the home-based microschool shall have enough space for at least 35 net square feet per student.
- (ii) If a floor that is below grade in a home-based microschool is used for home-based microschool purposes, the below grade floor of the home-based microschool shall have at least one emergency escape or rescue window that complies with the requirements for emergency escape and rescue windows as defined by the International Residential Code, as incorporated by Section 15A-1-210.
- (10) Nothing in Subsection (7) prevents a political subdivision from:
- (a) requiring a home-based microschool or micro-education entity to comply with municipal zoning and land use regulations that do not conflict with this section, including:
- (i) parking;
- (ii) traffic; and
- (iii) hours of operation;
- (b) requiring a home-based microschool or micro-education entity to obtain a business license;
- (c) enacting municipal ordinances and regulations consistent with this section;
- (d) subjecting a micro-education entity to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging; and
- (e) imposing regulations on the location of a project that are necessary to avoid risks to health or safety.

Section 5, Section 17-27a-305 is amended to read:

(f) (i) A micro-education entity may operate a facility that meets Group E Occupancy requirements as defined by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a).

(ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i):

(A) may have up to 100 students in the facility; and

(B) shall have enough space for at least 20 net square feet per student;

(g) A micro-education entity may operate a facility that is subject to and complies with the same occupancy requirements as a Class B Occupancy as defined by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a), if:

(i) the facility has a code compliant fire alarm system and carbon monoxide detection system;

(ii) (A) each classroom in the facility has an exit directly to the outside at the level of exit discharge; or

(B) the structure has a code compliant fire sprinkler system;

(iii) the facility has an automatic fire sprinkler system in fire areas of the facility that are greater than 12,000 square feet; and

(iv) the facility has enough space for at least 20 net square feet per student.

(h) (i) A home-based microschool is not subject to additional occupancy requirements beyond occupancy requirements that apply to a primary dwelling, except that the home-based microschool shall have enough space for at least 35 square feet per student.

(ii) If a floor that is below grade in a home-based microschool is used for home-based microschool purposes, the below grade floor of the home-based microschool shall have at least one emergency escape or rescue window that complies with the requirements for emergency escape and rescue windows as defined by the International Residential Code, as incorporated in Section 15A-1-210.

(10) Nothing in Subsection (7) prevents a political subdivision from:

(a) requiring a home-based microschool or micro-education entity to comply with local zoning and land use regulations that do not conflict with this section, including:

(i) parking;

(ii) traffic; and

(iii) hours of operation;

(b) requiring a home-based microschool or micro-education entity to obtain a business license;

(c) enacting county ordinances and regulations consistent with this section;

(d) subjecting a micro-education entity to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, cub cut, traffic circulation, and construction staging; and

(e) imposing regulations on the location of a project that are necessary to avoid risks to health or safety.

(11) Notwithstanding any other provision of law, the proximity restrictions that apply to community locations do not apply to micro-education.

53G-6-201. Definitions.

As used in this part:

(1) (a) "Absence" or "absent" means the failure of a school-age child assigned to a class or class period to attend a class or class period.

(b) "Absence" or "absent" does not mean multiple tardies used to calculate an absence for the sake of a truancy.

(2) "Educational neglect" means the same as that term is defined in Section 80-1-102.

(3) (a) "Home-based microschool" means an individual or association of individuals that:

(i) registers as a business entity in accordance with state and local laws; and

(ii) for compensation, provides kindergarten through grade 12 education services to 16 or fewer students from an individual's residential dwelling, accessory dwelling unit, or residential property.

(b) "Home-based microschool" does not include a daycare.

(4) "Instructor" means an individual who teaches a student as part of a home-based microschool or micro-education entity.

(5) (a) "Micro-education entity" means a person or association of persons that:

(i) registers as a business entity in accordance with state and local laws; and

(ii) for compensation, provides kindergarten through grade 12 education services to 100 students or fewer.

(b) "Micro-education entity" does not include:

(i) a daycare;

(ii) a home-based microschool;

(iii) a private school; or

(iv) a school within the public education system.

53G-6-212. Home-based microschool and micro-education entity waivers and exemptions.

(1) A home-based microschool or micro-education entity:

(a) may form to provide education services to school-age children; and

(b) is not an LEA, a public school, or otherwise a part of the public education system.

(2) A local health department may not require a home-based microschool or micro-education entity to obtain a food establishment permit or undergo an inspection in order to prepare or provide food if staff of the home-based microschool or micro-education entity does not prepare and serve food.

Section 11. Effective date

This bill takes effect on May 1, 2024.