

River Heights City

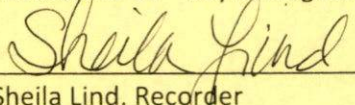
River Heights City PLANNING COMMISSION AGENDA

Tuesday, August 27, 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. Further Discussion on Home-Based Micro-Education Entities
- 7:30 p.m. Adjourn

Posted this 22nd day of August 2024



Sheila Lind, Recorder

To join the Zoom meeting:

<https://us02web.zoom.us/j/89256875272>

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

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
August 27, 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: None

Motions Made During the Meeting

Motion #1

Commissioner Wakefield moved to “approve the minutes of the July 30, 2024, Commission Meeting with 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.

Proceedings of the Meeting

The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers on August 27, 2024.

Pledge of Allegiance

Adoption of Prior Minutes and Agenda: Minutes for the July 30, 2024, Planning Commission Meeting were reviewed.

Commissioner Wakefield moved to “approve the minutes of the July 30, 2024, Commission Meeting with 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.

Public Comment on Land Use: There was none.

Further Discussion on Home-Based Mico-Education Entities: Councilmember Wright reviewed the few changes he made to Commissioner Cooley’s draft. He explained where he proposed to put the new information in the city’s code and noted the wording was a simplified version of the State Code, with a few additions where cities were allowed latitude. He had removed the review requirement by the zoning administrator because he didn’t think it was necessary. However, after talking it over with Mr. Cooley, they wanted to add it back in as a method for reviewing the requirements of the city and state code. He also discussed F.2. about adult-oriented businesses and

45 alcohol and admitted he didn't understand it. He changed the hours of operation to match the city's
46 current noise ordinance.

47 Commissioner Cooley clarified that the only zone possible for adult-oriented business was the
48 commercial zone with a conditional use permit.

49 Councilmember Wright said he found out that Group E is education and Class B is business in
50 the International Building Code (IBC). They have different regulations and since they're extensive he
51 didn't think it was necessary to describe them in this ordinance. Applicants can refer to the IBC.

52 Commissioner Cooley felt someone from the city should review a micro-education request.
53 He supported designating this to the zoning administrator. They discussed whether there should be
54 an application to initiate the process and give the zoning administrator information needed to
55 accomplish the review. They added, "Applications will be reviewed and approved by the city zoning
56 administrator" which they included in the introduction paragraph of 10-13-27.

57 They discussed placement of the use in the Land Use Chart and decided to list it under
58 Institutional and Special Service Uses. Microschool would become 41 and Micro-education as 42.
59 Cemetery would be bumped to 43.

60 Commissioner Schaub had a few suggestions which were discussed and revised.

61 Councilmember Milbank asked if a Conditional Use Permit could be required. He didn't find in
62 the state code that it wasn't allowed. Councilmember Wright stated the use must be permitted in all
63 zones. He looked further into the state code. The code stated the city must "consider" the use in all
64 zones. Mr. Milbank felt the wording opened the door for a process of consideration. Mr. Wright
65 suggested they wouldn't add conditions, however the applicant would need to show how they would
66 comply with state and city codes.

67 Commissioner Ryan suggested the request come to the Commission for consideration to make
68 sure they are meeting the guidelines. Councilmember Wright liked the idea and would run it past the
69 city attorney. Commissioner Cooley asked that he have it reviewed before the next meeting.

70 Commissioner Cooley and Councilmember Wright reported they had met with a consultant
71 from Landmark Design who was working on the subdivision code changes (required by recent
72 changes to the State Code). They had reviewed a lot of the city's ordinance with him and will meet
73 with him again before the September 10 Commission Meeting. They hoped the consultant would
74 attend to present his draft to the Commission.


75 The changes would take the approval of any subdivision out of the hands of the Commission.
76 They would still be able to see the plan proposal. PUD approvals would go through a 3-step process
77 through a committee. They suggested the committee consist of the mayor, commission chair,
78 engineer, public works director, a planner and possibly the attorney. No council members could be
79 on the committee, and possibly not the mayor. Subdivisions would start with a basic design at the
80 Planning Commission. If it were decided that it met the city's code, they would hold a public hearing
81 and then recommend it to the City Council. Once they approved it, it would go to the committee.
82 Councilmember Wright indicated they could choose that process or not. State code says that only
83 single-family homes and duplexes were required to go through that process. The city could choose
84 whether other uses would go through the process or not. They said there seemed to be some
85 confusion on how to combine the state code and city code concerning the process. There were
86 certainly parts of it that the city needed to decide how they wanted the process to go. The
87 Commission's job would be to make sure the design met the code. A public hearing would be held by
88 the committee/land use authority. Each time they met for any discussions; it would be done in an

90 open meeting. There could only be four meetings between the preliminary and final plats. The city
91 would have deadlines to meet. If they weren't met, the application would be considered approved.
92 Commissioner Cooley said he and Councilmember Wright were pushing to recommend a pre-
93 application, although they couldn't require it.

94 The new subdivision code needed to be adopted by the end of the year.

95 At the next meeting they planned to discuss microschoools again and hopefully hear from the
96 consultant concerning the subdivision code revisions.

97 The meeting adjourned at 7:30 p.m.

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Sheila Lind, Recorder

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Noel Cooley, Commission Chair

HOME-BASED MICROSCHOOLS AND MICRO-EDUCATION ENTITIES

Add to 10-2-1 DEFINITIONS:

HOME-BASED MICROSCHOOL: An individual or association of individuals that A) register as a business entity in accordance with state and local laws; and B) for compensation, provide kindergarten through grade 12 education services to 16 or fewer students from an individual's residential dwelling, apartment, or residential property. *"Home-based microschool" does not include a daycare.*

MICRO-EDUCATION ENTITY: A person or association of persons that A) register as a business entity in accordance with state and local laws; and B) for compensation, provide kindergarten through grade 12 education services to 100 students or fewer. ~~The facility must have enough space for at least 20 net square feet per student.~~ *"Micro-education entity" does not include: a daycare; a home-based microschool; a private school; or a school within the public education system.*

10-13-27: HOME-BASED MICROSCHOOLS AND MICRO-EDUCATION ENTITIES

Home-based microschools and micro-education entities are permitted uses in all zones subject to the requirements of Utah Code Annotated 10-9a-305 and the following regulations. *Applications will be reviewed and approved by the city zoning administrator.*

A. Business License: A business license must be obtained from the city as described in Title 3 of this code. A fire safety inspection is required with the initial business license approval and annually, prior to the business license renewal.

subject to Utah Code Annotated 53G-6-201 and 53G-6-211 and as defined in

B. Applicable Zoning and Land Use Regulations:

1. A home-based microschool shall comply with the area, setback, and height regulations for each zoning district as listed in Section 10-12-2 Area Regulations.
2. A micro-education entity, as per Utah Code Annotated 10-9a-305(7), may operate in a facility that meets Group E Occupancy or a Class B Occupancy as defined by the International Building Code, and shall comply with the area, setback, and height regulations for each zoning district as listed in Section 10-12-2 Area Regulations.
3. These lists are not all-inclusive. Additional rules and regulations may apply. See Utah Code Annotated 10-9a-305.

C. Parking:

1. Off-street parking requirements for all zoning districts are described in Chapter 10-14.
2. In addition to the dwelling unit parking requirements listed in Section 10-14-1, a home-based microschool shall provide sufficient parking and needed facilities for employees and customers completely and entirely on the homeowner's land containing the primary dwelling or an adjacent parcel owned by the homeowner.
3. The applicant(s) for a home-based microschool or a micro-education entity shall provide a parking plan.

D. Traffic Plan: The applicant(s) for a home-based microschool or a micro-education entity shall provide a traffic plan depicting the desired routes for all modes of transportation.

E. Hours of Operation: The hours of operation shall be between the hours of 7:00 AM and 10:00 PM. The applicant(s) for a home-based microschool or a micro-education entity shall include the normal hours of operation on the application for a business license.

F. Regulations on the Location of a Project that are Necessary to Avoid Risks to Health or Safety:

PC review application for compliance w/ state and city code??

1. Chapter 10-11 Sensitive Areas defines nondevelopable sensitive areas and potentially developable sensitive areas; and lists the regulations and requirements for development in sensitive areas.
2. A designated zone within the city allows for an adult-oriented business or a business which sells alcohol. A micro-education entity is prohibited from a location which would otherwise defeat the purpose for the zone unless the micro-education entity provides a waiver.

10-12-1 Land Use Chart

Institutional and Special Services

41. microschool

42. micro-education

43. cemetery

(lines 44-49, intentionally left blank)