

River Heights City

River Heights City PLANNING COMMISSION AGENDA

Tuesday, October 22, 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.

Pledge of Allegiance

Adoption of Previous Minutes and Agenda

Public Comment on Land Use

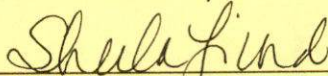
Public Hearing to Discuss a Conditional Use Permit Request from Brittany Cascio to have a Photography Studio at the Old School, Located at 420 S 500 E

Public Hearing to Discuss a Conditional Use Permit Request from the Cache Valley Humanitarian Center to locate their Non-Profit Entity at the Old School, Located at 420 S 500 E

Public Hearing on Changes to the City Code, Including Subdivision Regulations and the Addition of Home-Based Microschools and Micro-Education Entities

Adjourn

Posted this 18th day of October 2024



Sheila Lind, Recorder

To join by Zoom: <https://us02web.zoom.us/j/88937455228>

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

1
2
3 River Heights City Planning Commission
4 Minutes of the Meeting
5 October 22, 2024

6 Present: Commission members: Noel Cooley, Chairman
7 Heather Lehnig
8 Keenan Ryan
9 Cindy Schaub
10 Troy Wakefield
11
12 Councilmember Blake Wright
13 Recorder Sheila Lind
14 Tech Staff Councilmember Chris Milbank

15
16 Others Present: Brittany Cascio, Dwight and Kay Whittaker, Chaiya
17 Wimber, Ross and MaryKay Peterson, Jessica Tenny, Paul
18 and Sydney Griggs, Sheena Halling, Barbara Hoth,
19 Gaylene Merrill, David Thunell, Savannah Merrill, Jess
20 Brown, Kaitlin Parkinson, Cheryl Alder, Dale Hansen
21

22 Electronically Present: Sam Taylor
23

24
25 Motions Made During the Meeting
26

27 Motion #1

28 Commissioner Lehnig moved to “approve the minutes of the October 8, 2024, Commission
29 Meeting, as well as the evening’s agenda.” Commissioner Wakefield seconded the motion, which
30 carried with Cooley, Lehnig, Ryan, Schaub, and Wakefield in favor. No one opposed.
31

32 Motion #2

33 Commissioner Schaub moved to approve the Conditional Use Permit Application of Brittany
34 Cascio to rent spaces 5, 6, and 7 in the old school building with the following conditions:

- 35 1. Mayor Thompson will sign the CUP application
- 36 2. Signed lease in place between tenant and landlord before occupancy
- 37 3. River Heights business owners sub-renting the space need to have a River Heights business
38 license
- 39 4. Sub-renters are required to abide by the Cascio’s rules and information sheet
- 40 5. Sub-renters are required to read and abide by 10-11-6:G, Historic Overlay Zone allowed
41 uses.
- 42 6. Hours of operation: 7:00am-9:30pm

Commissioner Ryan seconded the motion, which carried with Cooley, Lehnig, Ryan, Schaub, and
Wakefield in favor. No one opposed.

45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88

Motion #3

Commissioner Schaub moved to “approve the Conditional Use Permit Application submitted by the Cache Valley Humanitarian Center with the following conditions:

- 1. Mayor Thompson sign the CUP application
- 2. Fully executed lease between landlord and tenant prior to occupancy
- 3. Apply for and receive a business license from River Heights
- 4. Acknowledgement of the overlay zone, 10-11-6:G
- 5. Hours 7:00am – 9:30pm

Commissioner Lehnig seconded the motion, which carried with Cooley, Lehing, Ryan, Schaub, and Wakefield in favor. No one opposed.

Motion #4

Commissioner Lehnig moved to “recommend to the City Council that they approve replacing Title 11, in its entirety, and the changes made to 10-3, 10-10, and 10-21.” Commissioner Wakefield seconded the motion, which carried with Cooley, Lehnig, Ryan, Schaub, and Wakefield in favor. No one opposed.

Motion #5

Commissioner Schaub moved to “pass the code changes, dated October 22, 2024, with noted changes, to the City Council for their approval.” 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 October 22, 2024.

Pledge of Allegiance

Adoption of Prior Minutes and Agenda: Minutes for the October 8, 2024, Planning Commission Meeting were reviewed.

Commissioner Lehnig moved to “approve the minutes of the October 8, 2024, Commission Meeting, 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.

Public Comment on Land Use: Councilmember Wright asked Chaiya Wimber to report on the Boofest (which the Planning Commission had granted a Conditional Use Permit for). Ms. Wimber said it went great. They learned some things to do and not do next time. Mr. Wright was involved in costume judging and saw the whole event as a success. He noted that there could easily have been 60 booths (The Commission only allowed 40). Ms. Wimber said she would consider doing it again next year but would pick another weekend.

Public Hearing to Discuss a Conditional Use Permit (CUP) Request from Brittany Cascio to have a Photography Studio at the Old School, Located at 420 S 500 E: Ms. Cascio explained that she and her husband, Bryan, had dealt with the historic overlay zone when they had their studio in the old Sinclair gas station. They had tentatively chosen the name of “South Light Studio.” They were

80 interested in spaces 5, 6, and 7 for their studio and wanted to allow other groups to use their space,
91 including creatives, classes, small events, and parties. She didn't foresee any problems with parking
92 around the old school. She addressed the rules her renters would need to abide by when renting
93 from them. Commissioner Cooley asked if she had entered into a lease with the city yet. She said
94 they had not. She didn't know when she would get it from Mayor Thompson.

94 Jess Brown, of River Heights, had rented from Cascios before and felt the old school would be
95 a great space to use and liked the idea of the building being repurposed.

96 Ross Peterson was excited to see the old school put to good use. He fully supported Cascio's
97 use of the building. He said they really care and would take care of it.

98 Sheena Halling pointed out that the few photography studios in the valley were missing a
99 large space with a lot of natural light. It was a definite need. She and her husband's businesses could
100 use a space for meeting with clients. She was in full support of Cascio's request.

101 Chaiya Wimber wanted to support what River Heights residents want.

102 David Thunell attended the school as a child. He was very interested in seeing the building
103 put to good use. He said he lived across the street and didn't have any issues with the request.

104 Paul Grigg, a photographer, had used Cascio's previous studio. He said there was a need for
105 this again. He felt Cascios were very good managers.

106 Savannah Merrill was supportive of Brittany Cascio. She said Ms. Cascio had a vision and
107 would make the space beautiful. Ms. Merrill was also a photographer and hoped it worked out for all
108 of them.

109 Jessica Tenny echoed what had already been said. She said Cascios always take care of what
they oversee.

Kaitlin Parkinson said the Cascios make beautiful spaces and supported all that had been said.

112 Commissioner Cooley read a written statement from Jackie Erickson, who expressed her
113 support in the ways that had already been mentioned by others.

114 Commissioner Cooley asked Ms. Cascio if she foresaw any conflict with having the Cache
115 Valley Humanitarian Center using a good portion of the building. Ms. Cascio didn't think there would
116 be any problems with sharing the building with them. Mr. Cooley asked if she had any plans for
117 signage. She said they would like to have a sign on the door of their room. She didn't think a
118 directory was necessary inside or outside of the building. She planned to give out a digital key code
119 to her renters that would only work for the time they had rented.

120 Commissioner Wakefield clarified that the city would have a lease with Ms. Cascio, who would
121 be fully responsible for her renters while they used her space. She agreed and reminded that their
122 renters would be required to sign their contract and agree to the rules.

123 Ms. Cascio handed out a report showing the number of hours they booked out at their last
124 studio, to give an idea of what to expect.

125 Commissioner Schaub asked Ms. Cascio about insurance. She responded that they would
126 have a one-million-dollar liability policy in place. Ms. Schaub was concerned with the combination of
127 traffic between her business and the humanitarian group. Ms. Cascio discussed the number of
128 parking spaces available around the building and across the street, which she felt would be plenty.

129 Commissioner Schaub asked if there was a property management company in place yet.
130 Councilmember Wright said the RFP should be out by now, which would start the process.

131 Commissioner Schaub discussed her concerns regarding the lease agreement. Commissioner
132 Cooley reminded that the commission's job was to only address the use of the building and the

133 surrounding areas. Ms. Schaub requested that Ms. Cascio's rules for her renters include that they
134 abide by the city's overlay zone uses (10-11-6:G).

135 Commissioner Lehnig felt the commission's intent was to have the building vacated by
136 10:00pm. She suggested a curfew of 9:30pm, to give a cushion for occupants to be out of the
137 building by 10:00pm. Commissioner Cooley agreed and suggested it be one of the conditions.

138 Commissioner Schaub felt Mayor Thompson should sign the CUP application, representing the
139 city as the owner of the property being rented. Recorder Lind would take care of this.

140 Councilmember Milbank questioned whether the issuance of a CUP would obligate the city to
141 allow the Cascios use of the building. He pointed out that the building wasn't ready for use and may
142 not be anytime soon if the heat didn't get fixed.

143 Commissioner Cooley suggested Cascios have a signed lease in place before they have
144 occupancy of the building. Commissioner Ryan asked who would sign the lease. Councilmember
145 Wright said it would be the mayor representing the city. He said the boiler was up and going but
146 stopped. Mr. Ryan pointed out that the commission could approve the CUP and Cascios accept the
147 conditions, but it would be up to the mayor to get the lease worked out with them before occupancy.

148 Councilmember Wright brought up that based on city code, Cascio's renters residing in River
149 Heights, needed to have a River Heights business license, if they had a home business.

150 **Commissioner Schaub moved to approve the Conditional Use Permit Application of Brittany
151 Cascio to rent spaces 5, 6, and 7 in the old school building with the following conditions:**

- 152 **1. Mayor Thompson will sign the CUP application**
- 153 **2. Signed lease in place between tenant and landlord before occupancy of rooms 5, 6 and 7**
- 154 **3. River Heights business owners sub-renting the space need to have a River Heights business
155 license**
- 156 **4. Sub-renters are required to abide by the Cascio's rules and information sheet**
- 157 **5. Sub-renters are required to read and abide by 10-11-6:G, Historic Overlay Zone allowed
158 uses.**
- 159 **6. Hours of operation: 7:00am-9:30pm**

160 **Commissioner Ryan seconded the motion, which carried with Cooley, Lehnig, Ryan, Schaub,
161 and Wakefield in favor. No one opposed.**

162 Public Hearing to Discuss a Conditional Use Permit Request from the Cache Valley
163 Humanitarian Center (CVHC) to locate their Non-Profit Entity at the Old School, Located at 420 S 500
164 E: Dwight Whittaker, executive director of the CVHC, explained that their main purpose was to be a
165 community-centered and needs-based organization to help meet the needs of poverty level, low
166 income, homeless, and other individuals within Cache Valley and to help them become more self-
167 reliance and independent. They serve Wellsville to Preston, Idaho. Over the three years of their
168 existence, they have helped close to 10,000 individuals in the Valley. He gave a history of their
169 previous locations. Their current lease was going to expire at the end of December. They were
170 looking to relocate to a space with roughly 4,000 square feet. The school rooms they requested were
171 the gym, stage, and rooms 11, 12, 13, and 14. He explained that another humanitarian center had to
172 move from their location and wanted to join with the CVHC to make quilts and newborn kits. He said
173 he hadn't read through the lease because he hadn't received it yet.

174 Kay Whittaker said they would only be in the building on Tuesdays and Wednesdays between
175 10:00am and 2:00pm, and 6:30pm until 8:30pm, with the possibility of adding another day during the
176 week. They had groups regularly volunteer from USU and other youth/church groups throughout the

177 profit agencies in the valley who order items and then come to the CVHC location to pick up the
178 products. They only provide for those in Cache Valley. Their organization helps those in need as well
179 as the volunteers. She didn't foresee any problems with sharing the building with the Cascios.

180 Cheryl Alder stated that she had been a volunteer at CVHC for quite a while, and she hoped
181 they could use the requested space.

182 Gaylene Crosbie Merrill said she had volunteered with CVHC for almost three years and
183 helped them move a few times. She hoped the city would support them and allow them to stay for a
184 while.

185 Barbara Hoth had set up a volunteer activity for her place of employment at the CVHC. She
186 was moved by the group, and said it was a very positive experience. She liked how they found ways
187 to use recyclable materials on their projects. She would like to see support for the homeless and
188 needy in the valley. While she was there, she also saw homeschoolers volunteering. She felt the
189 River Heights location was a perfect fit for the CVHC. She could foresee their group connecting the
190 residents in River Heights.

191 Chaiya Wimber asked the group how their funding worked and how they could afford the
192 rent. Dwight Whittaker said they had a contribution resource and were also applying for and
193 receiving grants.

194 Dale Hansen, previously the school district administrator, said he and his wife had been
195 involved in volunteering at the center. It was a wonderful opportunity for them. He felt the location
196 would be a benefit to the residents of River Heights and that seniors would enjoy serving there. He
197 named the board of directors and said they would be great neighbors.

198 David Thunell was impressed with the CVHC. He expressed concern with the additional traffic
199 in the evenings. He pointed out that the parking lot west of the building was in bad condition. He
200 suggested a crosswalk from the parking lot to the school front door. He supported the CVHC's use of
201 the building.

202 Commissioner Wakefield noted the dirt piles on the parking lot. He supported upgrading the
203 lot.

204 Commissioner Schaub questioned the hours. Mr. Whittaker specified 10:00am-4:00pm,
205 although the coordinators would probably come at 9:30am and stay until 4:30pm. The evening shifts
206 were from 6:30-8:30.

207 Commissioner Ryan was supportive of the purpose of the CVHC. He asked how the supplies
208 would be delivered. Mr. Whittaker said he and his wife would transport them in the back of their car.

209 Commissioner Cooley asked if the rooms would be used for storage. Mr. Whittaker explained
210 their proposed layout. The sleeping mats would be put together in the gym and stored on the stage
211 until getting picked up. Sewing and quilting would be set up in rooms 11, 12, and 13. Room 14 would
212 be used as their office. Other supplies would be stored in the rooms they were used in.

213 Commissioner Ryan asked the commission what the use would be called, based on the code's
214 list of allowed uses. They determined it would be considered a community center.

215 Discussion was held on the lease. Commissioner Cooley had some questions about it, which
216 he had forwarded to the mayor.

217 Commissioner Schaub moved to "approve the Conditional Use Permit Application submitted
218 by the Cache Valley Humanitarian Center with the following conditions:

- 219 1. Mayor Thompson sign the CUP application
- 220 2. Fully executed lease between landlord and tenant prior to occupancy

- 221 **3. Apply for and receive a business license from River Heights**
222 **4. Acknowledgement of the historic overlay zone, 10-116:G**
223 **5. Hours 7:00am – 9:30pm**

224 **Commissioner Lehnig seconded the motion, which carried with Cooley, Lehing, Ryan, Schaub, and**
225 **Wakefield in favor. No one opposed.**

226 Commissioner Cooley stated the CUPs would become official at their next meeting after the
227 minutes had been approved.

228 Gaylene Merrill asked about keys to the building. They would need about five. Commissioner
229 Cooley said they would work this out with the administration.

230 Public Hearing on Changes to the City Code, Including Subdivision Regulations and the
231 Addition of Home-Based Microschools and Micro-Education Entities: Commissioner Cooley asked
232 Sam Taylor (Landmark Engineers) to review the few subdivision code changes he made after their last
233 meeting, which he did. He reminded that they clarified that the Administrative Land Use Authority
234 (ALUA) would be shared by two bodies: The Planning Commission would act as the ALUA for the
235 preliminary plat application and the Development Review Committee (DRC) would act as the ALUA
236 for the final plat.

237 Commissioner Lehnig asked about the timeline in 11-4-2:C, which required the city respond to
238 a subdivision application within 15 business days. She pointed out that sometimes the Commission
239 didn't meet every two weeks, depending on how the calendar fell. Commissioner Cooley guessed
240 they might have to hold a special meeting, if this were the case.

241 **Commissioner Lehnig moved to “recommend to the City Council that they approve replacing**
242 **Title 11, in its entirety, and the changes made to 10-3, 10-10, and 10-21.” Commissioner Wakefield**
243 **seconded the motion, which carried with Cooley, Lehnig, Ryan, Schaub, and Wakefield in favor. No**
244 **one opposed.**

245 Councilmember Wright clarified that Sam Taylor or Mark Vlasic would be available when the
246 council discussed the revisions on November 19.

247 Commissioner Cooley reviewed the minor changes the commission had discussed in previous
248 meetings.

249 Commissioner Schaub asked to change the word “project” in 10-13-27:F to “home-based
250 microschool or micro-education entity.” Another minor change was made.

251 **Commissioner Schaub moved to “pass the code changes, dated October 22, 2024, with**
252 **noted changes, to the City Council for their approval.” Commissioner Wakefield seconded the**
253 **motion which carried with Cooley, Lehnig, Ryan, Schaub, and Wakefield in favor. No one opposed.**

254 The meeting adjourned at 8:30 p.m.

255

256

257

258

259

260



Noel Cooley, Commission Chair



Sheila Lind, Recorder

River Heights City Conditional Use Application

For office use	
Date Received:	<u>10/8/24</u>
Hearing Date:	<u>10/22/24</u>
Amount Paid:	<u>100</u>
Approved _____	Denied _____

APPLICANT

Name: Brittany Cascio

Mailing Address: _____

Phone: _____ email: _____

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

PROJECT INFORMATION

Name: Brittany Cascio

Address/Location: 420 S. 500 E. (space 5, 6 + 7)

Property Tax ID: 02-022-0007 Existing Zone: Historic Overlay Zone

What is the current use of the property? _____

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? Varies / by appointment only

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

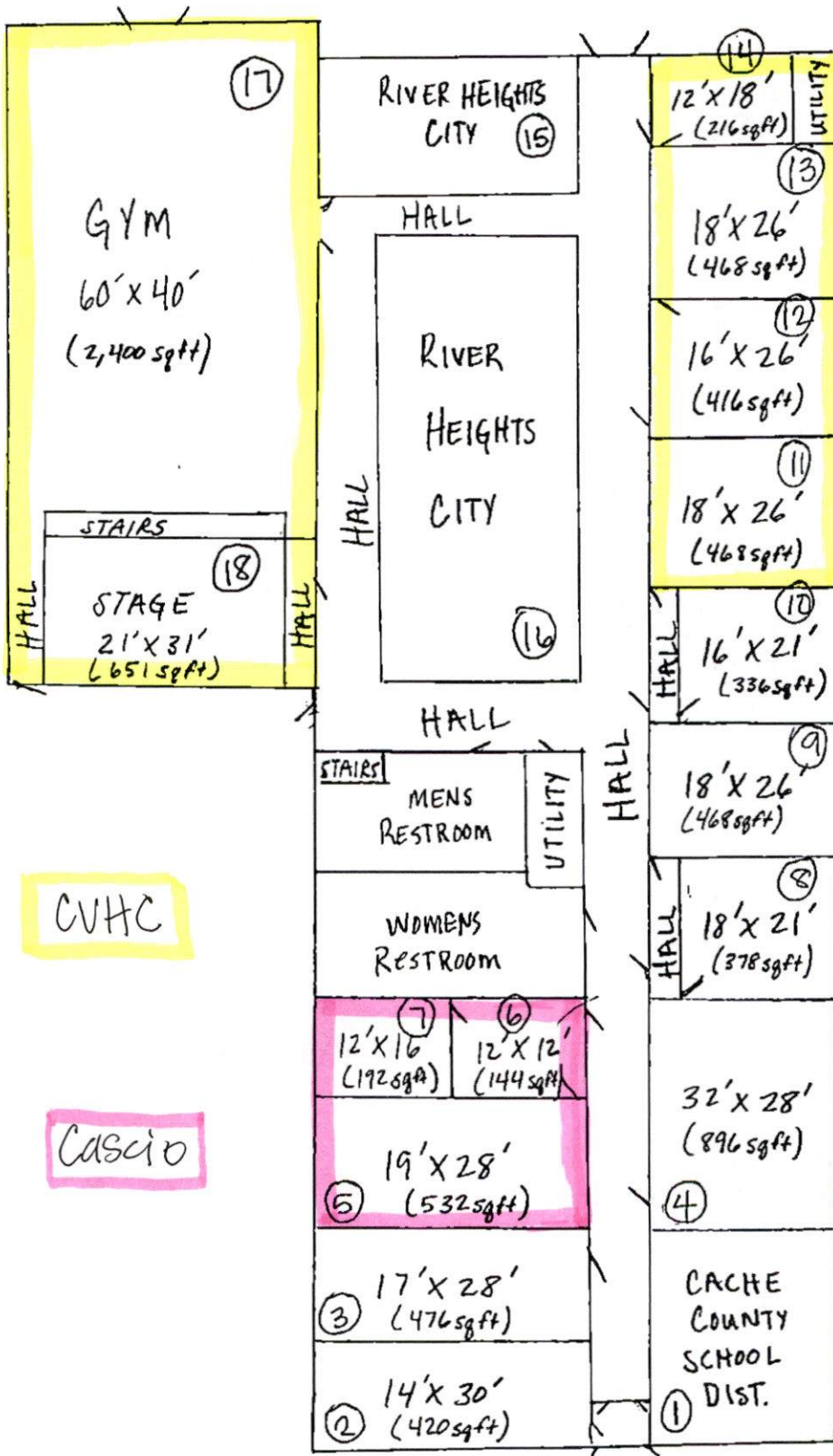
I agree to abide by the River Heights City Sign Ordinance (10-16). Initial BC

Description of Request: On site photography studio / small event space. Used for photography sessions (family, commercial, bridal, etc) and classes for creatives / workshops. Space may also be rented for small parties (bday, showers, family gatherings). Hours of operation will fall within the public hours of 7am-10pm. Renters will use available public parking & follow parking ordinance for time of year.

SUBMITTAL REQUIREMENTS

- Completed and signed application form Max 40 people at one time
- \$100 application fee Each renter will sign a contract & be made aware of the rules / conditions with the historic overlay zone.
- 8 1/2 x 11 copy of plans
- N/A Provide a Fire Protection evaluation from the fire department. 7 days/week

500 East



400 South

CVHC

Cascio

Rules & Info

Welcome to South Light Studio! We are a natural light studio located in Room 6 at 420 S 500 E River Heights, UT 84321. For any questions or assistance please call Brittany, the studio manager at 435.752.0652

Studio Rules:

- Be respectful of other tenants and building common areas such as hallways, bathrooms, and entryways.
- Do not allow yourself or anyone in your party to enter the building until your designated time. There is no congregating of people or storing of items in common areas permitted at any time. Exit the building as soon as your rental time has ended.
- Your rental period includes set up/clean up. Please plan accordingly! We suggest booking additional time for this if needed.
- All food and drink are to be kept to a minimum and not to be consumed on studio furniture. Once you are done using the studio, please take any trash with you and replace all garbage liners.
- No smoking/vaping is permitted in the building or within 25 feet of any entrance, window or air intake.
- No alcoholic beverages or non-prescription or illegal drugs are permitted on the property.
- No one will be admitted who is drunk or under the influence of illegal substances.
- Music/voices are to be kept at reasonable levels and not contain vulgar or offensive language.
- No pets allowed without prior consent from the studio's manager.
- No more than 40 people at one time may occupy the studio during a rental.
- Only one photographer is to be permitted for the contracted time. Additional photographers will result in additional fees. Exceptions may be made for workshops/events with studio manager.
- No nude or partially nude photography is permitted in the studio, which includes boudoir/pin-up photography due to the residential nature of the area and River Heights City ordinances. Photographing individuals in swimming attire needs the approval of the studio's manager before being permitted to be photographed.
- Changing of clothing is to only take place in the portable changing tents provided by the studio. Failure to do so may result in loss of rental privileges.
- South Light Studio reserves the right to use security cameras in the studio. Please be aware that any damage, neglect or misuse of the studio space will be recorded and could be used to prove any wrong doing.

Parking:

Designated parking for the studio is marked on the street or in the parking lot west of the building. Please park in public parking area's only and refrain from parking in front of local residents homes, driveways, or mailboxes. Per River Heights City ordinance, there will be no public street parking from November 15th – March 15th between the hours of 4am and 12pm. Any vehicle illegally parked may be towed. South Light Studio will not be held liable; all towed vehicles are at owner's expense.

Props/Furniture:

You are welcome to use bed, linens, couches, chairs, etc. If you need to move around the furniture that's fine just be careful to not damage or scratch anything. When leaving the studio please put everything back just as it was when you arrived and clean up after yourself. If anything needs cleaning or is damaged during your shoot please let studio manager know ASAP!

Scheduling/Rescheduling:

Rentals are subject to availability and will only be reserved after payment is received. If for any reason you are unable to use your reserved time, you must contact the studio manager 48 hours before your scheduled rental. You then have the option to reschedule your rental within 30 days or be refunded 50% of the rental fee. No refunds will be given after the 48 hour mark has passed.

Lockup/Liability:

Once you are done using the studio please make sure the door is locked upon exiting. You are liable for the studio during your rental, please take care of it. Any complaints from other renters after your rental due to cleanliness or occupying the studio past your designated time may revoke your ability to use the studio in the future.

Thank you for using South Light Studio

Brittany Cascio
Studio Manager



FW: Input for tonight's discussion about photography studio

From Noel Cooley <nhcooley@comcast.net>

Date Tue 10/22/2024 6:09 PM

To Sheila Lind <office@riverheights.gov>

-----Original Message-----

From: Jacki Erickson <jskerickson@icloud.com>

Sent: Tuesday, October 22, 2024 11:16 AM

To: nhcooley@comcast.net

Subject: Input for tonight's discussion about photography studio

Hello,

This is for the meeting tonight, concerning the potential photography studio space that the Cascio's will be discussing.

My name is Jacki Erickson, I live on Stewart Hill drive and I have been a photographer here in the valley for over 10 years. When the Sinclair station was the photography studio known as "Station Studio", My clients and I loved going there for photo sessions. I also went to a couple of classes there, which were so fun! I have to say, I have really missed having Station Studio as an option for me and my clients! There are a couple of other studios in the valley, but they are smaller and the light is not as good as Station Studio's light was. Now that it's not there any more, I drive all the way to Brigham City for a good studio option. If one of the classrooms in the old school became a photography studio, That would really benefit me, my clients, other photographers in the valley, and their clients! I know that when they were running Station Studio, The Cascio family worked very hard to keep it a positive addition to the community. I have no doubt they will do the same with this future endeavor. They love and care about River Heights and want the best for the community.

Thank you,

Jacki Erickson

435-770-8842

SS Hour Comparison

	2017	2018	2019	2020	Monthly Avg.	Operating Hours (7-10)	SS Avg. Hours	Weekdays (9-5)
Jan.		59.47	63.08	102.15	74.90	465	16%	40%
Feb.	30.40	60.95	41.87	63.87	49.27	420	12%	38%
Mar.	46.81	62.31	80.39	27.42	54.23	465	12%	36%
Apr.	34.06	32.33	84.68	16.05	41.78	450	9%	39%
May	15.08	29.48	37.84	55.16	34.39	465	7%	38%
Jun.	29.58	13.59	13.29		18.82	450	4%	37%
Jul.	15.22	24.24	26.75		22.07	465	5%	40%
Aug.	20.79	15.43	29.31		21.84	465	5%	36%
Sep.	31.93	30.17	27.59		29.90	450	7%	39%
Oct.	26.25	56.83	60.10		47.73	465	10%	40%
Nov.	81.27	99.46	75.44		85.39	450	19%	36%
Dec.	48.76	72.76	66.66		62.73	465	13%	40%

River Heights City Conditional Use Application

For office use	
Date Received:	<u>10/9/24</u>
Hearing Date:	<u>10/22/24</u>
Amount Paid:	<u>100</u>
Approved _____	Denied _____

APPLICANT

Name: Cache Valley Humanitarian Center
 Mailing Address: _____
 Phone: _____ email: _____
 Please check one of the following: owner buyer renter agent other

PROJECT INFORMATION

Name: Cache Valley Humanitarian Center (CVHC)
 Address/Location: Elementary School Building
 Property Tax ID: _____ Existing Zone: _____
 What is the current use of the property? City + School offices

How many employees will be working at this location including applicant, immediate family, and non-family members? There will be 4-20 volunteers, Tues + Wed Weekly
 How many vehicles will be coming and going daily, weekly, or monthly? between the hours of 10:00 AM + 2:00 PM. Some volunteers may come on
There will be 5-12 vehicles when the volunteers come to the center.
 I agree to abide by the River Heights City Parking Ordinance (10-14). Initial non

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

Description of Request: The Cache Valley Humanitarian Center is a non-profit organization that is striving to meet the needs of poverty level, low income + homeless individuals by providing essential items for them; such as Newborn kits, Hygiene kits, Back to school kits, sleeping mats, coats + quilts. We are seeking permission to rent about 4,000 sq. ft. in the old school building to continue our service to the citizens of Cache Valley who are in need. We coordinate with 3 school districts + 30 other non profit organizations. We do not serve those in need directly. we are requesting the gym, stage, classroom

SUBMITTAL REQUIREMENTS

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

(with the possible, if of adding a third day)
 Tues + Wed Evenings from 6:30 - 8:30 PM; 10-20 volunteers

11, 12, 13 + 14.

PROPOSED CHANGES TO THE CITY CODE
October 12, 2024

10-3 ADMINISTRATION AND ENFORCEMENT, Table of Contents

Insert

10-3-4: Development Review Committee (DRC)

10-3-5: Administrative Land Use Authority (ALUA)

Bump remaining section numbers down to become 10-3-6 through 10-3-15.

10-3-3: PLANNING COMMISSION

- B. Powers and Duties: The powers and duties of the planning commission shall be as stated in Utah Code Annotated as amended, and act as the approval authority for preliminary plats.

Insert two new sections

10-3-4: DEVELOPMENT REVIEW COMMITTEE (DRC)

- A. The Development Review Committee is the administrative land use authority whose purpose is to receive, review, and consider the final plat, and if all requirements and standards are met, issue final plat approval.
- B. The DRC is comprised of the following members: city attorney, public works director, city engineer, and a citizen planner with demonstrated experience, education, certification and knowledge in city and land use planning. These individuals are to provide their respective expertise in the technical and policy requirements and standards regarding development applications subject to the development review provisions of this Title and other city ordinances.

10-3-5: ADMINISTRATIVE LAND USE AUTHORITY (ALUA)

- A. An administrative land use decision-making body. The River Heights Planning Commission shall act as the approval authority for preliminary plat. The Development Review Committee (DRC) shall act as the approval authority for the final plat and for minor subdivisions.
- B. Powers and Duties: The powers and duties of the ALUA shall be as stated in Utah Code Annotated as amended.

10-10-3: PROCEDURE

- A. The application, review and approval procedures for a R-PUD development are described in Title 11, Chapter 4 (Review and Plat Requirements) of this code. Additional requirements are described in this Chapter. The R-PUD application is a two-stage process, whereby the zoning of the subject property must first be changed to R-PUD as part of a legislative

approval. Once the zoning change has been approved, the applicant may then apply for a subdivision plat as described in Title 11, Chapter 4 (Review and Plat Requirements) of this code.

10-10-4 REQUIREMENTS

RPUD Applications shall generally follow the Preliminary Plat submittal requirements contained in Title 11-4, with additional requirements as follows:

Replace "developer" with "applicant" in: 10-10-3:B, 10-10-4:A, C, D, F(thrice), L.1, M.1.b, M.1.b.(4), N, 10-10-5:2.b.(1), (2)(thrice), (5)(thrice), 10-10-7, A, B, D.1 & 2, E(twice), F, 10-10-8:D:4(twice)

10-21-1 SCOPE

- A. ~~Subject to the provisions of this 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).~~
- B. ~~Adjoining property owners executing a boundary line agreement shall follow the procedure as annotated in Utah code 10-9a-524-2a~~
- C. ~~Applications for boundary line adjustments for a subdivision amendment or a lot that contains a dwelling may be authorized by the planning commission zoning administrator pursuant to this chapter.~~

Applications for boundary line adjustments and subdivision amendments may be authorized by the planning commission pursuant to this chapter.

10-21-3 AUTHORITY

~~Pursuant to Utah Code 10-9a-524-5a, if a parcel that is the subject of a boundary line agreement is within a subdivision or contains a dwelling unit, the application shall be submitted to the zoning administrator for approval. The zoning administrator shall review the application to determine compliance with provisions of the code and shall approve the application unless the:~~

- A. ~~Boundary line adjustment causes the lot size to not meet the minimum zoning requirements and/or~~
- B. ~~Parcel or lot no longer complies with the requirements proscribed under River Heights City Ordinance 10-12.~~

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.

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. Pursuant to Utah Code 10-9a-524(5)(c), 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.~~ 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 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.

10-21-5 PUBLIC HEARING REQUIRED

~~No public hearing is required unless the zoning administrator deems one necessary.~~ The planning commission shall hold a duly noticed public hearing in accordance with section 10-3-9 of this title.

10-21-6: ~~RECORDING REQUIRED~~

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

10-21-6 RECORDING NOT REQUIRED

Approved lot line adjustment applications are not required to be recorded.

Title 11 SUBDIVISION REGULATIONS, Title Page

Minor Subdivisions 4A 5

Previous Chapters 5 and 6 are renamed as Chapters 6 and 7

11-2: DEFINITIONS

ADMINISTRATIVE LAND USE AUTHORITY: ~~Consists of varied members including the mayor, zoning administrator, planning commission chairperson, public works director, and city engineer.~~ The local authority designated to review and approve applications to subdivide land. The River Heights Planning Commission shall serve this role for preliminary plat applications; and the Development Review Committee (DRC) shall serve the role for final plat and minor subdivision applications.

APPEAL AUTHORITY: An appeal authority has been created by the legislative body of River Heights City, Utah, pursuant to state statute. See River Heights City, Utah, land use (zoning) ordinance of this code (title 10 of this code) Subdivision Administration and Enforcement requirements (Title 11, Chapter 3) and the Land Use (Zoning) Ordinance (Title 10) of this code.

APPLICANT: A person who makes a formal application for a subdivision.

~~**DEVELOPER:** Any legal entity or individual who subdivides a parcel of land. The entity may also be referred to as a subdivider.~~

DEVELOPMENT REVIEW COMMITTEE (DRC): The administrative land use authority responsible for receiving, reviewing and considering final plat and minor subdivision applications. If all requirements and standards are met, the DRC shall issue final plat approval. The committee is comprised of the city attorney, public works director, city engineer, and a citizen planner with demonstrated experience, education, certification and knowledge in city planning and land use planning. These individuals are to provide their respective expertise in the technical and policy requirements and standards regarding development applications subject to the development review provisions of this Title and other city ordinances.

~~**MINOR SUBDIVISION:** A minor subdivision application that involves dividing divides a parcel of land into three (3) or less fewer lots in which the subdivided lots are on a that either front on a dedicated city street (parallel to the street), or in which the subdivided lots lay are located immediately to the rear of a lot and behind the parcel of land being subdivided (perpendicular to the street) and involve either accessed by a dedicated public street or nondedicated street (private lane).~~

~~**MONUMENT:** A mark affixed to a permanent or semipermanent object along a line of survey to furnish a datum level. See definition of Bench Mark.~~

~~**OWNER:** The person, partnership, corporation, or other entity in which is vested the fee simple title of the property, which may or may not be intended to be subdivided, unless otherwise clearly indicated.~~

PLANNING COMMISSION: The River Heights City planning commission, unless another planning commission is specifically named or referenced. The planning commission shall act as the approval authority for preliminary plat.

PRELIMINARY APPROVAL: An approval with or without recommended alterations, given to a preliminary plat by the ~~planning commission~~ Administrative Land Use Authority (ALUA) and provides the necessary authority to proceed with the preparation of the final plat.

~~**VARIANCE BOARD:** See definition of Appeal Authority.~~

11-3-9: Appeals (Add to 11-3 Table of Contents)

11-3-4: FEES

Any and All persons requesting approval on preliminary plats, final plats and construction drawings and specifications for the construction of improvements shall have first paid all fees required as set forth by the most recent prevailing fee schedule adopted by the city. The fee schedule shall include, but shall not be limited to, office checking, ALUA review services, legal and field engineering fees . . .

11-3-7: Violations

Replace "planning commission" with "city."

Insert new section

11-3-9: APPEALS

- A. Appeal Process: Two distinct appeals may be requested by the applicant once the four subdivision review cycles have been exhausted and the 20-day Final review period has passed.
1. For disputes regarding public improvements or engineering standards, the city will assemble a three-person panel that will meet within 10 business days of receiving a request from the applicant. This panel of experts shall include:
 - a. One licensed engineer designated by the municipality.
 - b. One licensed engineer designated by the land use applicant.
 - c. One licensed engineer, agreed upon, and designated by the two designated engineers.
 2. Members appointed to the panel may not have an interest in the application. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee, and the municipality pays the other 50%.
 3. The panel's decision is final, unless the municipality or applicant petition for district court review within 30 business days once the final written appeal decision has been issued.
 4. For all other disputes, the municipality shall refer to the designated appeal authority upon request by the applicant (see Title 10-3-2 Appeal Authority).

Title 11, Chapter 5 6

Replace "planning commission" with "ALUA" in: 11-6-1:A and 11-6-1:GD.4

11-56-1: CONSTRUCTION OF PUBLIC IMPROVEMENTS

Renumbered as C. (not B1.)

- C. Amount: The amount of the security of performance shall be equal to at least one and one-half (1½) times the reasonable value of the improvement required herein, as determined by the subdivider's engineer and approved by the city engineer, may not exceed the sum of 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and 110% of the amount of the bond to cover administrative costs incurred by the municipality to complete the improvements, if necessary.

B.2-5 becomes B.1-4

C. becomes D.

11-6 7: DESIGN STANDARDS

Replace "planning commission" with "ALUA" in: 11-7-1, 11-7-1:A, B & C(twice), 11-7-3:V, and 11-7-6:D.3.e.

Replace "subdivider" with "applicant" in 11-7-1:C(twice), 11-7-2(twice), 11-7-3:Q, 11-7-3:V (twice), 11-7-4:B, C, D, & E, 11-7-5:E & F, 11-7-6:A & B(both twice), 11-7-7:A, 11-7-7:C & D(twice), and 11-7-7:E.

TITLE 11

CHAPTER 4

REVIEW AND PLAT REQUIREMENTS

SECTION:

- 11-4-1: Development Review Process
- 11-4-2: Preliminary Plat
- 11-4-3: Final Plat

11-4-1: DEVELOPMENT REVIEW PROCESS

A. Intent:

1. By the time an applicant creates a preliminary plat, both the applicant and the city have made a substantial investment in time and money. In addition, once the preliminary plat has been completed, it is difficult and expensive to rework the plans for the project.
2. To better meet the needs of the city and the applicant, the city has adopted the following development review process, which requires subdivision applications and approvals to be administrative decisions, whereby an application must be approved if it meets the approved requirements in this ordinance. This is also intended to remove discretion in the decision-making process.
3. The following subdivision process applies to all residential project types, except for Minor Subdivisions (see City Code 11-5 Review and Plat Requirements - Minor Subdivisions).
4. **Review Cycle.** There shall be no more than four (4) total review cycles. The first review cycle will be performed by the Planning Commission for the Preliminary Plat; the remaining review cycles will be performed by the Development Review Committee for the Final Plat. A single review cycle shall be considered complete when:
 - a. A complete Application is submitted to the Administrative Land Use Authority;
 - b. The Administrative Land Use Authority Review is complete;
 - c. The Applicant Response to Review is complete; and
 - d. The Administrative Land Use Authority provides a written statement to the Applicant stating completion of the review cycle and next required steps for approval.
5. **Review Cycle, Exceptions.**
To protect public health and safety or to enforce state or federal law,

additional review cycles may be required when necessitated by the Applicant adjustments to a plan set that modifies infrastructure requirements.

- a. **Additional Time for Review.** If the Applicant does not submit a revised plan within twenty (20) business days after notification by the Administrative Land Use Authority that a modification or correction is required, the Administrative Land Use Authority shall have an additional twenty (20) business days to respond.

11-4-2: PRELIMINARY PLAT

A. Pre-application Meeting:

1. **Intent:** The purpose of a pre-application meeting is to allow the applicant the opportunity to share proposed project plans with the administrative land use authority (ALUA). It also allows the ALUA to share thoughts and ideas with the applicant regarding the proposed plans.
2. The city recommends that a pre-application meeting is held as a course of procedure. However, a pre-application meeting is optional and cannot be mandated. If requested, a pre-application meeting shall be held within 5 business days of an applicant request.
3. If an applicant requests that a pre-application meeting is held, the ALUA will comment on the compatibility of the proposed development with the general plan, the zoning ordinance, this title, and other ordinances and/or city regulations and policies.

B. Preliminary Subdivision Application Approval: The Planning Commission shall act as the administrative land use authority that receives, reviews, considers and issues its approval of preliminary plat subdivisions. It is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the General Plan and Zoning Ordinance, and other pertinent ordinances, regulations, documents, standards and requirements. After reviewing the preliminary plat and determining that it meets all the applicable preliminary requirements and standards, the Planning Commission may approve, approve with conditions, or disapprove of the preliminary plat to the Development Review Committee.

C. The Planning Commission shall review the preliminary plat and may visit the site of the proposed subdivision if deemed appropriate. The applicant must submit the application within 16 business days prior to a scheduled Planning Commission meeting. The Planning Commission must review the subdivision application within 15 business days from the date a complete application has been received.

D. The Planning Commission will discuss the application and the findings of their review during a regularly scheduled Planning Commission meeting, which may include a single public hearing to receive public comment, although a public hearing is not required and is not recommended.

- E. Submittal Process: Twelve (12) 11"x17" hard copies and one (1) digital copy in pdf format of the preliminary plat shall be submitted to the City for review by the ALUA.
1. After completion of the required reviews, the ALUA shall approve, conditionally approve, or reject the preliminary plat.
- F. Preliminary Plat Requirements: The preliminary plat shall comply with the following requirements:
1. Basic Information: In a title block located along the bottom or right-hand side of the twenty-four inch by thirty six inch (24" x 36") plat sheet, the following shall appear:
 - a. The proposed name of the subdivision.
 - b. The location of the subdivision, including the address, the section, the township, and the range.
 - c. The names and addresses of the owner, and applicant, if other than the owner. Also include an affidavit or certificate of clear title to the effect that the applicant is the owner of, or that he is authorized by the owner in writing to make application for, the land proposed to be subdivided. The affidavit or certificate shall state clearly in which status the applicant makes his application, and if it is in the latter status, a copy of said written authorization from the owner shall be submitted with the preliminary plat.
 - d. A signed statement shall be provided for decision by the ALUA from each of the utility companies involved, stating that they have reviewed the plat, that they approve the plat as it relates to their company, that they agree with placing all of their utilities underground within the rights-of-way or utility easements as shown on the plans and are willing to provide the needed service for the development. The signed statements shall also include descriptions of any restrictions that will be imposed by the utility companies, any fees that will be assessed by the utility companies to install the utilities and any timetables that the utility companies might use to install their respective utilities.
 - e. Signature blocks for the city engineer, fire department and solid waste department approval.
 - f. A block for the ALUA approval by the signature of the chairperson of the ALUA; and
 - g. Date of preparation, scale as previously determined (at least 100 feet to the inch), and north arrow.
 2. Existing Conditions: The preliminary plat shall also show all appropriate and pertinent information either shown on the site analysis map or discussed during the development review process. At a minimum, the following shall be shown:

- a. The location of the nearest legal monument.
- b. The boundary of the proposed subdivision and the acreage included.
- c. All property under control of the applicant, even though only a portion may be subdivided. Where the plat submitted only covers part of the applicant's tract, a sketch of the prospective street system of the unplatted parts of the applicant's land shall be submitted, and the street system of the part submitted shall be considered in light of existing master street plans or other studies.
- d. The location, width, and names of all existing streets within two hundred feet (200') of the subdivision and of all prior platted streets or other public ways, railroad and utility rights of way, parks, and other public open spaces, permanent easements and section and corporation lines within and adjacent to the tract.
- e. The location of wells, proposed, active and abandoned, and of all reservoirs within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries.
- f. Existing sewers, water mains, culverts, or other underground facilities within the tract and to one hundred feet (100') beyond the tract boundaries, indicating pipe sizes, grades, manholes and their exact locations.
- g. Existing ditches, canals, natural drainage channels and open waterways and any proposed realignments within the tract and to one hundred feet (100') beyond the tract boundaries.
- h. Boundary lines of adjacent tracts of unsubdivided land, showing ownership; and
- i. Contours at vertical intervals of not more than two feet (2'), excepting in mountainous or otherwise steep areas where a more practical interval would be warranted.
- j. Current zoning.
- k. Date of preparation, graphic and numerical scale of drawing, and north arrow.

3. Site Analysis

- a. Intent: The purpose of having a site analysis map completed is to better understand what parts of the land are buildable, what must be left alone, and what features the community may want to preserve.
- b. Process: The applicant prepares a site analysis map of the property of the proposed project site. The site analysis map shall be prepared in a digital pdf format and shall include all existing resources, including, but not limited to:

- (1) A contour map (request for these maps can be made from the U.S. Geological Survey [USGS]).
- (2) A map showing soil types (requests for these maps can be made through the Soil Conservation Service [SCS]).
- (3) A map showing flood hazard areas, including the 100-year recurrence interval flood; or where such data is not available, the maximum flood of record.
- (4) A map showing potential geographical hazards, e.g., earthquake fault lines.
- (5) Environmental features such as streams, slopes, wetlands, and floodplains.
- (6) Historical sites and buildings.
- (7) Cultural features.
- (8) Unusual vegetation.
- (9) Wildlife habitats and paths.
- (10) Unusual rock formations.
- (11) Any other features that make the property distinctive. (See title 10, chapter 11 of this code for additional information.)

4. Site Visit:

- a. Intent: Seeing the property and its features will aid in understanding the dimensions and elements of the property. Important features may be very different than they appear on paper; not all natural resources are alike or have the same value. Before the ALUA agrees to modifications of the property, they should know the full impact on the surrounding area.
 - b. Process: Once the Preliminary Plat has been submitted, the ALUA may decide to visit the site. If a site visit is held, the applicant will be invited to join. The results of the site visit used to help to determine whether the preliminary application complies with applicable local regulations, and whether it shall be approved and proceed for Final Subdivision review.
5. Proposed Plan: The preliminary plat shall also show all appropriate and pertinent information required to facilitate a thorough review process. At a minimum, the following shall be shown:
- a. The layout of the streets, showing location, widths, and other dimensions of proposed streets (designated by actual or proposed names and numbers), crosswalks, alleys, and easements.

- b. The layout, numbers, and typical dimensions of lots.
 - c. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use by property owners in the subdivision.
 - d. Building setback lines as required by code.
 - e. Easements for water, sewers, drainage, utility lines and other purposes, as required code and/or utility company requirements.
 - f. The layout of culinary water (including fire hydrants) and sanitary sewer improvements that will provide service to each lot in the subdivision.
 - g. The location of light poles.
 - h. Typical street cross sections and grades of streets where required by code.
 - i. A tentative plan or method by which the applicant proposes to handle storm water drainage for the subdivision.
 - j. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision. Said agreements shall be presented to the ALUA at the time of preliminary plat submission.
- G. If the preliminary application complies with applicable local regulations, it shall be approved and proceed to Final Subdivision review. The ALUA shall return one signed copy of the plat to the applicant with any conditions attached. Other signed copies shall be forwarded to each of the interested city departments. The ALUA shall retain one signed copy of the plat for its files.
- H. If the preliminary plat is rejected, the ALUA shall return a signed copy of the plat bearing the reason for the rejection.
- I. The receipt of a signed copy of the approved preliminary plat shall authorize the applicant to proceed with the preparation of the final plat and construction documents. In the event a final plat is not submitted for at least one phase of the proposed subdivision within twelve (12) months following approval of the preliminary plat, such prior approvals shall be void and the applicant shall again be required to submit a sketch plan as per this title. When a subdivision is developed in phases, the final plat for a second phase and any subsequent phases must be submitted for approval within two years of the previous phase approval, or as extended by the City Council. If a second phase and any subsequent phases are not submitted within two years of the previous phase approval, the preliminary plat and sketch plan approval for all phases not submitted shall be void.

11-4-3: FINAL PLAT

- A. Purpose: To provide formal review and approval of the proposed subdivision by the Development Review Committee before a subdivision plat is recorded. The

final plat and construction plans submitted shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure.

B. Final Plat Review Process:

1. The Development Review Committee shall review the final plat and construction plans and determine compliance with all standards and criteria set forth in this Ordinance and all other applicable ordinances of the City and the State of Utah.
2. If the Development Review Committee determines that the final plat is in conformity with the requirements of this Title, other applicable ordinances, and any reasonable conditions, that all fees have been paid as required, and that the City is satisfied with the final plat of the subdivision, it may approve the final plat.
3. If the Development Review Committee determines that the final plat is not in conformity with this Title or other applicable ordinances, it may disapprove the final plat specifying the reasons for such disapproval. No final plat shall have any force or effect unless the same has been approved by the Development Review Committee, City Engineer, City Attorney, and signed by the Mayor and City Recorder.

C. The Review Cycle is Capped:

1. **A maximum of three review cycles is permitted during the Final Plat review process.** A review cycle is not considered complete until the applicant has adequately addressed all redlines identified by the municipality. The city may only add new redlines after the first review cycle in response to changes made by the applicant or if a correction is necessary to protect public health or safety, or to enforce state or federal law.
2. The Development Review Committee shall complete a review of the plat within twenty 20 business days per review cycle after it is submitted for review. If the final plat complies, the City Engineer shall sign the plat in the appropriate signature block. If the final plat or the construction plans do not comply, they shall be returned to the developer with comment.

D. Signing and Recording of Final Subdivision Plat:

The Mayor shall endorse approval of the plat after the Bond Agreement has been approved by the Development Review Committee, and all the conditions of the resolution pertaining to the plat have been satisfied. With fully engineered construction drawings approved by the city, an approved final plat shall be recorded in the office of the county recorder.

E. Submittal Process: One PDF digital copy and two (2) full size (24"x36") and eight (8) reduced size (11"x17") hard copies of the final plat shall be submitted to the City for ALUA review.

1. Construction Documents Submittal: The applicant shall submit, with the final plat, construction drawings prepared in accordance with city construction

specifications. Two (2) copies and one Mylar are required to be submitted to the city. The applicant shall also submit an estimate of the cost of construction along with the construction documents.

2. Final Plat Signatures: Upon approval of the construction drawings by the city engineer, he/she shall place their signature on the final plat. Upon receiving approval and signatures from the county board of health (if required), the applicant shall submit the approved plat, after all fees have been paid to the city. If approved by the ALUA, the mayor shall place his or her signature upon the final plat, and at the appropriate time, cause the approved plat to be submitted to the city attorney. After the "security of performance", as defined in section 11-2-1 and described in section 11-5-1 of this title, has been properly posted and the development agreement verified, the city attorney shall place signature upon the final plat and shall have the plat recorded in the county recorder's office solely at the applicant's expense. At the time of recording, the city attorney shall have recorded any and all restrictions placed upon all lots stating that the city will not issue any building permit for the approved subdivision until minimum improvements, as specified in this title, are complete.

F. Final Plat Requirements: The final plat shall comply with the following requirements:

1. Basic Information: The final plat shall be prepared in accordance with the requirements of this title and be:
 - a. Prepared by a land surveyor, licensed in the state, on Mylar. Other mediums and/or technologies utilized by a land surveyor may be used when approved by the city. The name and contact information of the land surveyor shall be shown on the final plat.
 - b. Drawn to a scale of not less than one inch equaling one hundred feet (1" = 100') and shall indicate the base heading of true north. The top of the plat shall be either north or east, whichever - accommodates the drawing most effectively.
 - c. Prepared on a twenty-four inch by thirty-six inch (24" x 36") reproducible Mylar medium. It shall have a one and one-half inch (1 1/2") border on the left side and a one-half inch (1/2") border on the remaining sides.
 - d. Shown with workmanlike execution in every detail. A poorly drawn or illegible plat is sufficient cause for rejection.
2. Description and Delineation: The final plat shall show the following:
 - a. The name of the subdivision as approved by the ALUA.
 - b. Accurate angular and lineal dimensions for all lines, angles and curves used to describe boundaries, streets alleys, easements, setbacks, areas to be reserved for public use and important features.
 - c. An identification system for all lots, blocks, and names of streets. Lot lines shall show dimensions in feet and hundredths. Metric measurements will become acceptable upon official U.S. government

approval of the metric system for all such measurements.

- d. The street address for each lot, as assigned by the applicant and approved by the city. The north and west sides of the street shall be numbered odd and the south and east shall be numbered even.
- e. True angles and distances to the nearest established street lines of official monuments which shall be accurately described in the plat and shown by the appropriate symbols.
- f. Radii, internal angles, points of curvatures, tangent bearings, and the length of all arcs.
- g. The accurate location of all monuments to be installed shown by the appropriate symbol. All United States, state, county, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.
- h. The dedication to the city of all improvements, which shall include, but shall not be limited to, streets, waterworks, sewer works, etc., included in the proposed subdivision.
- i. Street monuments installed by the applicant's engineer or land surveyor at points designated on the final plat as approved by the city engineer. Standard precast monuments will be furnished by the applicant and placed as approved.
- j. Rebar lot pins shall be shown on the plat and placed at each lot corner in the field prior to final approval.
- k. Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for the common use of all property owners
- l. All boundary, lot, and other geometrics (bearings, distances, curved data, etc.) on the final plat posed to an accuracy of not less than one part in five thousand (1/5000).
- m. A statement that all expenses involving the necessary improvements or extensions for a culinary water system, sanitary sewer system, natural gas or other piped in gas, electrical service, telephone service, cable or satellite service, grading and landscaping, storm drainage systems, curbs and gutters, fire hydrants, pavement, sidewalks, signage, street lighting and other improvements shall be paid for by the applicant.
- n. Boundary description of the subdivision.
- o. Standard forms for the following, subject to future form revisions and additions when needed or required:

- (1) A registered land surveyor's certificate of survey as applicable under state law.
 - (2) The owner's signature of dedication.
 - (3) A notary public's acknowledgment.
 - (4) The city engineer's certificate of approval. The City Engineer shall serve as the culinary water and sanitary sewer authority. (6-2006, 5-9-06)
 - (5) The county board of health's certificate of approval if a septic tank system is used for sewage disposal.
 - (6) The city's signature of approval by the mayor.
 - (7) The city attorney's certificate of approval.
 - (8) The county surveyor's certificate of approval.
 - (9) The county recorder's stamp of approval according to requirements prior to final plat approval.
3. Conditions, Covenants and Restrictions (CCRs): CCRs, together with the final plat, shall be approved by the ALUA. The CCRs will thereupon be recorded with the final plat.
 4. Building Lots and Building Permits: Building lots in the approved subdivision may be sold after the final plat has been recorded. The lots, however, shall have recorded restrictions placed upon them stating that the city will not issue any building permit for any lot until minimum improvements, as specified by city ordinance, are complete. A building permit may be issued, however, if a waiver is signed stating that the city has no liability or responsibility to the applicant.
 5. Subdivision Completion Agreement: The applicant shall enter into and sign an agreement, after the security of performance has been properly posted, which shall indicate a timetable for completion of minimum and final improvements.

(6-2024-11-19-24)

TITLE 11

CHAPTER 5

REVIEW AND PLAT REQUIREMENTS - MINOR SUBDIVISIONS

SECTION:

- 11-5-1: Applicability
- 11-5-2: Procedure for Approval
- 11-5-3: Submittal Process
- 11-5-4: Required Improvements
- 11-5-5: Conditions, Covenants and Restrictions

11-5-1: APPLICABILITY

The provisions of this article apply only to minor subdivisions, where a parcel of land is subdivided into three (3) or fewer lots that either front a dedicated city street or are located to the rear of a lot and are accessed by a dedicated or non-dedicated street (private lane).

11-5-2: PROCEDURE FOR APPROVAL

The procedure for obtaining approval of a minor subdivision is a simplified subdivision plat review and approval process.

- A. The Applicant shall submit a Minor Subdivision application to the Development Review Committee (DRC), which must review, approve, or reject the final plat.
- B. The Review Cycle is Capped. A maximum of three review cycles is permitted for determination of Final Approval. The DRC must complete each review cycle within 20 business days following submittal and acceptance of the original application, and 20 days for each subsequent review cycle as applicable.
- C. A review cycle is not considered complete until the applicant has adequately addressed any redlines identified by the municipality. The city may only add new redlines after the first review cycle in response to changes made by the applicant or if a correction is necessary to protect public health or safety, or to enforce state or federal law.
- D. With fully engineered construction drawings approved by the city, an approved final plat is recorded in the office of the county recorder.

11-5-3: SUBMITTAL PROCESS

- A. Application to Development Review Committee:
 - 1. The applicant must complete and file an application with the DRC.

2. The following items shall be included or accompany the application:
 - a. Legal description of the proposed lots.
 - b. Site plan drawn to scale showing the layout of the proposed lots in relation to the existing roads, buildings, fences, topographical features of the property, utilities and utility easements, distances and dimensions of the proposed lots and other features, and any proposed improvements.
 - c. A non-refundable application fee in such amount as established by resolution of the city council.
- B. Minor Subdivision Review and Approval Process:
 1. Eight (8) copies of the application site plan as described herein drawn to scale shall be submitted to the DRC for consideration.
 2. The Development Review Committee shall review the application and determine compliance with all standards and criteria set forth in this Ordinance and all other applicable ordinances of the City and the State of Utah.
 3. If the Development Review Committee determines that the minor subdivision application is in conformity with the requirements of this Title, other applicable ordinances, and any reasonable conditions, that all fees have been paid as required, and that the City is satisfied with the final plat of the subdivision, it may approve the final plat.
 4. If the Development Review Committee determines that the final plat is not in conformity with this Title or other applicable ordinances, it may disapprove the final plat specifying the reasons for such disapproval. No final plat shall have any force or effect unless the same has been approved by the Development Review Committee, City Engineer, City Attorney, and signed by the Mayor and City Recorder.
- C. The receipt of a signed copy of the approved preliminary plat shall authorize the applicant to proceed with the preparation of the final plat and construction documents.
 1. Upon the approval of the DRC, with or without modification, the final plat may then be recorded in the office of the county recorder.
 2. The plat shall be recorded no more than one year after the date of approval unless an extension is granted by the city council.
 3. Any waivers as to the requirements for improvements or any postponement of the obligation to complete such improvements must be specifically approved by the city council as a prerequisite to the approval and recording of the final plat.
- D. Improvements:

1. Construction plans for the required improvements shall meet the standards of this title and shall be submitted to the city engineer for approval prior to the recording of the final plat.
2. No final plat shall be approved by the DRC until the city engineer has signed the final contract in which the developer agrees to construct the required improvements as shown in the plat, construction plans and supporting documents. The improvements in said contract must be completed and approved before any building permit shall be issued for the construction of buildings upon the lots, unless waived or postponed by the city council, with the conditions of waiver or postponement being specified in a written agreement between the developer and the city.

E. Appeals: The appeals process described in Title 11-3-9 shall apply.

11-5-4: REQUIRED IMPROVEMENTS

The following improvements shall be required for minor subdivisions:

A. Water Supply:

1. Culinary water rights and well drilling permits must be secured to accommodate the culinary needs of the proposed development, or approved arrangements made for the hookup of the minor subdivision to the city water system.
2. In addition to the culinary water supply, a plan for an adequate amount of water, and distribution thereof (fire hydrants) to fulfill fire protection requirements shall also be approved and developed. Where no domestic water source is proposed by the subdivider the words "no proposed domestic water source" shall appear on the final plat.

B. Sewage Disposal: The developer must provide for sewage disposal, including the possibility of a dry line sewer by connection with the city sewer system unless the city engineer deems it unreasonable, not feasible, or unnecessary, and the planning commission and city council approve the waiver or postponement of the requirement for a wet or dry line sewer, with the conditions of such waiver or postponement being set forth in written agreement between the developer and the city. In cases where connections to the city sewer lines are not made, the developer must obtain a permit for each lot according to its capacity to support an individual septic tank and drain field system from the county health department.

C. Storm Water Drainage: The developer must obtain an approval from the city engineer for the storm water drainage system impact to assure that any increase in storm water drainage will not flow from the minor subdivision to adjacent properties or irrigation ditches unless drainage easements have been first obtained from such property owners or relevant irrigation companies.

D. Street Improvements: Streets which are interior and/or act as ingress/egress to minor subdivisions shall have a minimum width of twenty-two feet (22') paved with

six and one-half foot (6 1/2') graveled shoulders on each side, and a thirty five foot (35') right of way. On inner block developments (perpendicular to a dedicated city street), there must be adequate turnaround capacity on the dedicated streets to accommodate public safety and garbage collection vehicles. The standards for such roads shall be set forth in the other chapters of this title, unless specifically waived by the commission and upon the approval of the city engineer. The commission may waive any requirements as to the construction of roads which are not dedicated and are interior; provided, that all roads shall be shown on the plat and specifically that the words "this road is not dedicated" and "no public maintenance of this road" must appear on these streets as they appear on the final plat. The commission may waive any requirements. for curb, gutter and sidewalk. Construction of streets for minor subdivisions, unless waived, shall be governed by the same standards as apply to regular subdivisions.

- E. Fire Protection: The subdivider must provide and obtain approval of a fire protection system. The system must be based upon the recommendations of the fire marshal and approved by the city engineer, and may consist of either fire hydrants, water storage or such systems as would be approved by the fire marshal and city engineer.

11-5-5: CONDITIONS, COVENANTS AND RESTRICTIONS (CCRs)

CCRs shall be approved by the DRC, together with the final plat. The CCRs shall thereupon be recorded with the final plat.

(6-2024, 11-19-24)

Suggested Code Changes
October 22, 2024

9-4-4: SOLAR ENERGY SYSTEM REQUIREMENTS:

~~K. A solar energy system shall not be constructed until a building/zoning permit has been approved and issued. (Delete because 9-4-4:B&G.6 address ground-mounted.)~~

10-2-1 DEFINITIONS:

Add

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. Micro-education entity does not include: a daycare; a home-based microschool; a private school; or a school within the public education system.

10-12-1: USE REGULATIONS

Table 1, Land Use Chart

<u>Land Use Description</u>	<u>A</u>	<u>R</u>	<u>C</u>	<u>PR</u>	<u>RPUD</u>	<u>CP</u>
Institutional and Special Service Uses						
40. School, public or private	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
41. <u>Home-based Microschool</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
42. <u>Micro-Education Entity</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
44.43. Cemetery (Lines 42 44 -49, intentionally left blank)				<u>P</u>		

C. Classification of New and Unlisted Uses

1. Should the commission determine that the new or unlisted use for all intents and purposes, is listed under another name or category, they shall so inform the zoning administrator ~~and/or building inspector~~ to proceed; accordingly, or

10-12-3: FENCE AND WALL REGULATIONS WITHIN SETBACKS

- D. Fire hydrants and water meters shall not have access blocked by fences or walls for a radius radius of four (4) feet. Front Access shall be totally open and unrestricted.

Add

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

Home-based microschoools and micro-education entities as defined in Utah Code Annotated 53G-6-201, are permitted uses in all zones, subject to the requirements of Utah Code Annotated 10-9a-305 and 53G-6-211 and the following regulations.

A home-based microschool or micro-education entity application will be reviewed by the planning commission for compliance with state and city codes. When the planning commission determines state and city regulations have been met, they will recommend the city zoning administrator approve the application.

- 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.
- 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 8:00 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:
- Home-based Microschool or a Micro-education Entity*
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.
- This chapter also*
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.

Add

10-15-12: LANDSCAPING AROUND FIRE HYDRANTS AND WATER METERS

Fire hydrants and water meters, whether in a public right-of-way or on private property, shall not have access blocked by landscaping for a radius of four (4) feet. Access shall be totally open and unrestricted.

(Bump current 10-15-12, 10-15-13, and 10-15-14 down to 10-15-13, 10-15-14, and 10-15-15.)