

River Heights City

River Heights City PLANNING COMMISSION AGENDA

Tuesday, June 23, 2026

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.

Pledge of Allegiance

Adoption of Previous Minutes and Agenda

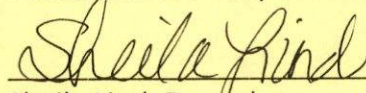
Public Comment on Land Use

Further Discussion on the Accessory Dwelling Unit (ADU) Ordinance

Continued Review of General Plan Edits

Adjourn

Posted this 22nd day of June 2026



Sheila Lind, Recorder

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

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

River Heights City

River Heights City Planning Commission

Minutes of the Meeting

June 23, 2026

Present: Commission members: Noel Cooley, Vice Chairman
Anna Lisa Davidson
Troy Wakefield

Councilmember Mark Malmstrom
Recorder Sheila Lind

Excused Commissioners Keenan Ryan
Steve Roberts

Others Present: None

Motions Made During the Meeting

Motion #1

Commissioner Wakefield moved to “approve the minutes of the June 9, 2026, Commission Meeting, as well as the evening’s agenda.” Commissioner Davidson seconded the motion, which carried with Cooley, Davidson, and Wakefield in favor. No one opposed. Roberts and Ryan were absent.

Motion #2

Commissioner Davidson moved to “designate the area between 400 South and 600 South and approximately 700 East and 750 East on the General Plan Land Use Map as a Senior Citizen PUD Zone.” Commissioner Wakefield seconded the motion, which carried with Cooley, Davidson, and Wakefield in favor. No one opposed. Roberts and Ryan were absent.

Proceedings of the Meeting

The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers on June 23, 2026.

Pledge of Allegiance

Adoption of Prior Minutes and Agenda: Minutes for the June 9, 2026, Planning Commission Meeting were reviewed.

Commissioner Wakefield moved to “approve the minutes of the June 9, 2026, Commission Meeting, as well as the evening’s agenda.” Commissioner Davidson seconded the motion, which

44 **carried with Cooley, Davidson, and Wakefield in favor. No one opposed. Roberts and Ryan were**
45 **absent.**

46 Public Comment on Land Use: There was none.

47 Further Discussion on the Accessory Dwelling Unit (ADU) Ordinance: Commissioner Cooley
48 said he had reviewed the insertions from City Attorney Jenkins and felt they had covered everything
49 the Commission had talked about.

50 Commissioner Davidson noted there was punctuation that needed to be corrected.

51 Commissioner Cooley suggested they ask for a review and comments from the city engineer
52 and public works director. Recorder Lind would pass the ADU ordinance on to them and request their
53 comments back by one week, if possible, which would allow for the scheduling of a public hearing at
54 the Commission's next meeting.

55 Commissioner Davidson asked about impact fees for external ADUs, as well as monthly utility
56 fees. She didn't find anything in the city's code which would clarify the two items. The Commissioners
57 thought an external ADU would cause an impact to the city's systems and felt impact fees should be
58 charged, but maybe not inspection and connection fees (since they wouldn't be connecting utilities in
59 the street). Recorder Lind stated that the city had a policy in place addressing the requirement of
60 multi-units within a house paying double for water, sewer, and stormwater. Commissioner Cooley
61 pointed out that the current internal dwelling units hadn't paid impact fees. Recorder Lind would ask
62 for the opinion of Engineer Rasmussen and Public Works Director Nelson and forward their responses
63 to the Commissioners. Commissioner Cooley didn't feel the impact fees needed to be addressed in
64 the ADU Ordinance, but maybe in another appropriate area of the code.

65 Councilmember Malmstrom wondered about lowering the required 11,000 sqft requirement
66 for property size for an external ADU. There could be a situation of someone having just under 11,000
67 sqft, but enough space to meet setbacks. Others reminded him that the code stipulated that this
68 situation could go through the variance process.

69 Commissioner Cooley summarized that they were okay with the code as it stood but wanted
70 clarification on whether impact fees would apply or not.

71 Commissioner Davidson had found other sections in the code which she felt should be looked
72 at based on the passage of the ADU ordinance. She was advised to send her suggestions to Recorder
73 Lind who would put them together with other code changes for a future discussion.

74 All agreed the public hearing for the ADU ordinance would be postponed until they received
75 input from the engineer and public works director on the items they had discussed.

76 Continued Review of General Plan Edits: Commissioner Cooley pointed out the goal insertions
77 he suggested in the Infrastructure and City Utilities Chapter. The others agreed with them. They
78 discussed the area they wanted to designate as a Senior Citizen PUD Zone was between 400 South
79 and 600 South, and between 700 East and 750 East.

80 **Commissioner Davidson moved to "designate the area between 400 South and 600 South**
81 **and approximately 700 East and 750 East on the General Plan Land Use Map as a Senior Citizen PUD**
82 **Zone." Commissioner Wakefield seconded the motion, which carried with Cooley, Davidson, and**
83 **Wakefield in favor. No one opposed. Roberts and Ryan were absent.**

84 Commissioner Davidson discussed a couple proposed changes to the code regarding
85 occupancy which would be put on the list for next time they approved code changes.

86 Commissioner Cooley recapped: No public hearing would be held on the ADU Ordinance until
87 an engineer and public works review had been done. Mr. Cooley pointed out that impact fees and

88 utility billing changes could be handled by the City Council since those items didn't relate to land use.
91 He wanted to schedule the public hearing for the General Plan edits at the same time as the ADU
92 Ordinance hearing. If other ordinance changes were ready, they would also entertain them at the
93 hearing.

94 The meeting adjourned at 7:20 p.m.

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Noel H Cooley
Noel Cooley, Vice Commission Chair

Sheila Lind
Sheila Lind, Recorder

Accessory Dwelling Unit Code Draft

June 23, 2026

Includes City Attorney suggestions

10-13-28: ACCESSORY DWELLING UNITS

- A. Purpose:
1. Provide a limited, neighborhood compatible option for additional housing on existing single-family parcels.
 2. Ensure accessory dwelling units remain accessory to and subordinate to the primary dwelling.
 3. Preserve neighborhood character through clear standards for size, placement, parking, and appearance.
 4. Ensure basic life safety and code compliance through required inspection prior to occupancy.
- B. Intent:
1. This ordinance is intended to create a regulated framework for accessory dwelling units, consistent with River Heights City regulations.
- C. Applicability:
1. An accessory dwelling unit (hereafter "ADU") is allowed only on a residential zoned parcel containing a lawfully existing single-family dwelling.
 2. Only one ADU is allowed per zoning parcel. A single parcel may not contain both an internal accessory dwelling unit (hereafter "IADU") and a detached accessory dwelling unit (hereafter "DADU").
- D. Approval Required:
- A Zoning Clearance Permit is required for construction, conversion, or establishment of an ADU, in addition to any permits required by the Cache County Building Department.
- E. Owner Occupancy:
1. Shared Ownership Prohibited. The parcel whereby a primary dwelling and an ADU are located must be owned by the same legal owner.
 2. Owner Occupancy Required. As to any ADU, the owner of the parcel shall occupy either: the primary dwelling unit located on the parcel; or the ADU located on the parcel.
 - a. For the purposes of this Section, "occupy" shall mean that the owner maintains, either the primary dwelling or ADU, as the owner's principal place of residence for a majority of the calendar year.
 - b. If the owner of the parcel is held by a legal entity, at least one individual associated with that entity, including but not limited to a member, manager, trustee, beneficiary, shareholder, partner, officer, director, or other person with an ownership or controlling interest in the entity, shall occupy either the primary dwelling unit or the ADU as such individual's principal place of residence.
 - c. Upon request by the City, documentation reasonably sufficient to establish compliance with this Section, including but not limited to voter registration records,

driver license address, utility bills, trust documents, operating agreements, or otherwise shall be provided to the City to satisfy compliance with this Section.

3. Temporary Absence. Owner occupancy may be temporarily waived only upon adequate showing of a qualifying absence under the following:
 - a. Qualifying Reasons. The absence must result from one of the following bona fide circumstances:
 - (1) Military service or deployment;
 - (2) Medical treatment or recuperation for the owner or an immediate family member;
 - (3) Religious or Employment-related relocation, assignment, or sabbatical;
 - (4) Full-time educational enrollment at an accredited institution; or
 - (5) Other extenuating circumstances as approved in writing by the zoning administrator only upon a showing of good cause.
 - b. Required Notice and Application. Prior to the absence, or within thirty days of an unanticipated qualifying event, the owner shall submit a written application to the zoning administrator that includes:
 - (1) Certification that the applicant has, prior to filing, been an owner occupant of the subject property for 24 continuous months.
 - (2) A description of the qualifying reason with supporting documentation;
 - (3) The anticipated start and end dates of the absence;
 - (4) A forwarding address for the owner;
 - (5) The name, address, and phone number of a local responsible agent residing within 30 miles of the property who is authorized to act on the owner's behalf; and
 - (6) The owner's signed attestation of intent to return and resume owner occupancy.
 - c. Duration and Renewal
 - (1) An initial waiver shall not exceed 12 months.
 - (2) The owner may apply for up to two renewals of 12 months each, not to exceed 36 months of cumulative absence.
 - (3) Each renewal application must be submitted at least 30 days before the current waiver period expires and must include updated documentation demonstrating the continued qualifying reason and intent to return.
 - d. Notice of Return Within 30 days of returning to the property, the owner shall provide written notice to the zoning administrator confirming resumption of owner occupancy.
 - e. Revocation The zoning administrator may revoke a waiver if:
 - (1) The owner fails to maintain a current forwarding address or local agent responsible on file;
 - (2) The property is used in a manner inconsistent with applicable zoning or occupancy requirements during the absence;
 - (3) The owner fails to submit a timely renewal application; or
 - (4) Evidence indicates the owner has failed to materially comply or does not intend to return to the property.
 - f. Appeals Any denial or revocation of a waiver may be appealed to the Appeal Authority in accordance with the City Code within 30 days of the decision.
 - g. Violations Failure to comply with any provision of this section shall constitute *inter-alia* a violation of the owner-occupancy requirement and shall be subject to the penalties and enforcement as set forth in the code.

F. Standards, Conditions, and Requirements:

1. As to All ADUs:

- a. Subordinate Size: Any ADU must be subordinate in size to the primary dwelling in accordance with ADU standards herein.
- b. City Standards: The design and size of an ADU shall conform with all applicable City Ordinances and Resolutions.
- c. Occupancy Limits: Occupancy is limited to two (2) people per bedroom
- d. Appearance and Neighborhood Compatibility
 - (1) The street view of a DADU shall be substantially similar in design as the street view of the primary dwelling unit, such that the appearance of the property remains that of a single-family residence.
 - (2) Entrances. Any new streetside entrance added to the primary dwelling parcel for the purpose of establishing an ADU access shall be located on the side or rear of the primary dwelling.
- e. Parking
 - (1) Parking requirements. Two off-street parking spaces must be provided for any ADU, in addition to any parking requirements required by City Ordinance. Nothing in this Section shall be construed as altering, satisfying, or impacting parking requirements for the primary dwelling as set forth by City Ordinance. Parking must follow Chapter 10-14.
 - (2) Parking impacts. Winter parking conditions, street safety, and neighborhood congestion shall be considered.
- f. Utilities
 - (1) One service. The primary dwelling and ADU shall share utility services to the maximum extent allowed by the utility provider, including water and sanitary sewer service lines.
 - (2) One billing point. Municipal billing shall be directed to the property owner, and the owner shall be solely liable for municipal bills issued.
 - (3) Owner will be billed for each separate dwelling on the property on one bill.
 - (A) Water: Billed at the monthly base rate times the number of units. Overage credit will be given for each unit.
 - (B) Sewer: Billed the monthly rate times the number of units.
 - (C) Garbage: Billed for the number of cans on the property.
 - (D) 911 charge: Billed the monthly rate times the number of units.
- g. Living Space: An ADU shall maintain complete independent living facilities for one or more people including permanent provision for living, sleeping, eating, cooking, and sanitation on a year-round basis.
- h. Rental Term and Leasing
 - (1) Minimum rental term: An ADU and the primary dwelling may not be rented for periods of less than ninety (90) days.
 - (2) No occupant of an ADU shall be permitted to sublease any portion of the ADU to another individual.
- i. Addresses:
 - (1) Each ADU shall have a separate and unique address from that of the primary dwelling, as directed by the Post Office.
- j. Revocation and Enforcement
 - (1) Revocation: ADU approval may be revoked for noncompliance with the conditions of approval or any provision of Title 10.

- (2) Notice and cure: The City shall provide written notice stating the violation and allow fourteen days to cure before revocation, unless an emergency condition exists.
 - (3) Appeal: A decision to revoke may be appealed pursuant to the City's appeal procedures.
- 2. As to IADUs:
 - a. Appearance and Neighborhood Compatibility:
 - (1) The street view of an IADU shall be substantially similar in design as the street view of the primary dwelling unit, such that the appearance of the property remains that of a single-family residence.
 - b. Entrances:
 - (1) An IADU shall have at least one (1) independent entrance from the primary dwelling.
 - (2) To the extent permitted by the design of the IADU, all entrances for the IADU shall be located in such a manner as to not be visible from the street view.
 - c. Maximum Size:
 - (1) An IADU shall not exceed forty percent (40%) of the gross floor area of the primary dwelling, excluding any garage area.
 - d. Interior Access:
 - (1) An IADU shall maintain an internal connection to the primary dwelling through a door, hallway, stairway, or other interior access point.
- 3. As to DADUs:
 - a. Location:
 - (1) A DADU may only be located on a parcel of property exceeding eleven thousand (11,000) square feet.
 - b. Maximum Size. A DADU may not exceed the lesser of:
 - (1) Forty percent (40%) of the gross floor area of the primary dwelling, excluding any garage area; or
 - (2) In the event a DADU is an extension of or part of an accessory building, the DADU portion shall be no more than 1,200 sq ft.
 - c. Setbacks, Height, and Placement
 - (1) Setbacks.
 - (A) Side Yard: DADU building must be located at least 10 feet from the primary building and have a minimum side yard of five (5) feet except the street side yard on a corner parcel shall be a minimum of twenty (20) feet.
 - (B) Front Yard: If the DADU is in a side yard, setback must meet the front setback requirement of the primary building in the residential zone where it is located. Side yard must be at least five (5) feet.
 - (C) Rear Yards: Five (5) feet. Corner parcels rearing on the side yard of another parcel, the minimum rear yard shall be ten (10) feet.
 - (D) DADUs are not allowed in any utility easement and shall be located at least five (5) feet from such.
 - (2) Height. The DADU shall not exceed the lesser of:
 - 1. The height of the primary dwelling; or
 - 2. If above an accessory building (shop or garage), a maximum of thirty-five (35) feet.

- permitting, or otherwise any applicable building code.
- (3) Placement on parcel. The DADU shall be located to reduce neighborhood impacts and shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics of surrounding the DADU, including:
 - (A) Window placement and privacy
 - (B) Landscape screening
 - (C) Fencing
 - (D) Door placement
 - (E) Access and circulation
 - (F) Outdoor lighting
 - (G) Snow storage and winter parking needs
 - d. Sewer: Residential units that use an existing septic tank for sewer must obtain a permit from the health department for a DADU.

G. Revocation:

1. The City may suspend or revoke any ADU approval or permit upon determination that an ADU is in violation of this Section, any applicable approval condition, or any applicable code requirement.
2. Upon revocation, an ADU shall be vacated and shall not be occupied until compliance is achieved and approval is reinstated.

Code Changes Affected by the Addition of ADU Code

10-2 DEFINITIONS

Add the following:

ACCESSORY DWELLING UNIT (ADU):	A habitable residential dwelling unit added to, created within, or detached from a primary single-family dwelling and contained on one parcel.
DETACHED ACCESSORY DWELLING UNIT, (DADU):	A subordinate residential dwelling unit that is detached from the primary single-family dwelling, located on the same zoning parcel, and that meets all requirements of Title 10, including the requirements of 10-13-28.
INTERNAL ACCESSORY DWELLING UNIT (IADU):	A second dwelling unit that is part of a primary dwelling on a parcel.
PRIMARY DWELLING:	The principal single family detached dwelling on a parcel.
OWNER OCCUPIED:	The legal owner of record occupies either the primary dwelling or the ADU as the owner's primary residence.

10-12-1: ZONE REGULATIONS, Table 1 Land Use Chart

Land Use Description	A	R-1-8	R-1-10	R-1-12	SCPUD
<u>Accessory Dwelling Unit (ADU)</u>		<u>P</u>	<u>P</u>	<u>P</u>	

10-12-A: AREA REGULATIONS, Table 2, Residential Space Requirement Chart

Residential Uses	A	R-1-8	R-1-10	R-1-12	SCPUD
<u>Detached Accessory Dwelling Uses (in feet)</u>					
<u>Front Yard</u>		<u>20</u>	<u>20</u>	<u>25</u>	<u>*</u>
<u>Side Yard⁴</u>		<u>5</u>	<u>5</u>	<u>5</u>	<u>*</u>
<u>Side Yard on a Street</u>		<u>20</u>	<u>20</u>	<u>20</u>	<u>*</u>
<u>Rear Yard⁵</u>		<u>5</u>	<u>5</u>	<u>5</u>	<u>*</u>
<u>Height⁶</u>					<u>-</u>

Superscript 4: DADU must be located at least Ten (10) feet from primary building.

Superscript 5: Corner parcel rearing side of another parcel, minimum rear yard shall be 10 feet.

Superscript 6: Reference 10-13-28:G.2.

~~10-13-3: YARD SPACE FOR ONE BUILDING ONLY~~

~~No required yard or other open space around an existing building, or hereafter provided around any building, which is needed to comply with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on the lot whereon a building is to be erected or established.~~

~~10-13-4: EVERY DWELLING TO BE ON A ZONING LOT~~

~~Only one building which contains a dwelling shall be located and maintained on a "zoning lot", as defined in section 10-2-1 of this title, except for dwellings within a planned unit development.~~

10-13-7: ACCESSORY BUILDINGS PROHIBITED AS LIVING QUARTERS

Living and sleeping quarters in any building other than the main residential building are prohibited.

- A. Living and sleeping quarters in any building other than the main residential building are prohibited.
- B. Exception. A detached accessory dwelling unit (DADU) is permitted only when approved by the City and operated in compliance with Section 10-13-28 of this title.

General Plan

Suggested Edits – June 23, 2026

Chapter 2, LAND USE (first paragraph)

Current land use is almost exclusively single family residential. There are a few apartments in the city, however, no apartment complexes are allowed under current zoning. The city is divided into three residential density zones allowing for 8,000 square foot lots, 10,000 square foot lots, ~~and~~ 12,000 square foot lots, and a fourth zone dedicated to senior citizens. This zone allows for smaller lots of 6,000 sq ft. Some residents of River Heights have requested 15,000 square foot lots, but at present no zone of that size exists. There are commercial zones available, but they have been used on a limited basis to date.

D. LAND USE GOALS AND STRATEGIES

Goal 1 River Heights should be primarily a residential community of single-family homes. It should continue to have an atmosphere of pleasant and quiet residential living.

Strategies:

- a. Growth in the City should be paced by the City's ability to provide services.
- b. Retain a lighting ordinance which preserves a dark sky.
- c. Retain zones allowing homes on 8,000, 10,000 and 12,000 square foot lots.
- ~~d. Consider developing a senior citizen PUD that could serve those 55 and above.~~
- e. Allow the creation of a residential estate zone.
- f. Any additional land annexed East of 1000 East should have allowances for a recreational park.

Goal 2 Newly annexed areas of the city should maintain an agricultural atmosphere until owners request further development.

Strategies:

- a. All newly annexed land shall continue to come into the City zoned agricultural.
- b. Allow parcels smaller than five acres in size to be annexed into River Heights under the agricultural zone.

Goal 3 Develop a zone to establish an area that is dedicated to an attractive area that is limited to senior citizens, age 55 and above.

Strategies:

- a. Identify area(s) for a Senior Citizen Housing Planned Unit Development.
- b. Encourage efficient utilization of land that is suitable in size, location, and character, to develop a sense of community, and to ensure compatibility within the surrounding neighborhoods and environment.

- c. Provide adequate accommodation for senior citizens, where lifestyles are less burdensome and more convenient for residents to perform daily activities.
- d. Create attractive and desirable environments within River Heights City while ensuring compliance with the objectives and purposes of this title and the city's general plan.

Renumber Goals 3-10

TRANSPORTATION GOALS AND STRATEGIES, Goal 3

Strategies:

- a. River Heights is pursuing a Master Transportation Plan to document transportation needs (see River Heights 2026 Transportation Study). Roads identified in the plan should be developed or improved to accommodate current and future traffic projections. It is anticipated that the following streets, either existing or as they are developed in the future, are to be collector or function as collector streets:

INFRASTRUCTURE AND CITY UTILITIES

A. WATER

Goal ~~Use preventative steps to warn citizens of potential source contamination.~~ Maintain and improve water system and services.

B. SEWER (Add goal before strategies.)

Goal: Maintain a sewer collection system that is efficient and economical, meeting local, state, and federal requirements.

Strategies:

- ~~f. Maintain a sewer collection system that is efficient and economical, meeting local, state, and federal requirements.~~
- gf. Review, update and maintain the current sanitary sewer management plan as needed.
- hj. Continue cleaning and video inspection of the sewer collection system.
- ij. Educate the public on unacceptable discharges into the sewer system, including problems with home sump pumps.

D. EASEMENTS (Location of Service Lines)

Goal City officials make valiant attempts to reduce the visual proliferation of overhead lines, poles and equipment in existing neighborhoods, especially along major transportation corridors and within prime and identified vistas, preserve utility easements, and locations of cable, telephone, and fiber lines.