

# River Heights City

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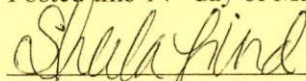
## RIVER HEIGHTS CITY PLANNING COMMISSION AGENDA

**Wednesday, May 20, 2015**

Notice is hereby given that the River Heights City Planning Commission will hold their regular meeting beginning at 7:00 p.m. in the River Heights City Office Building at 520 S 500 E.

- 7:00 p.m. Adoption of Prior Minutes
- 7:05 p.m. Public Hearing to Discuss and Hear Comment on a Conditional Use Permit Submitted by Kari Johnson, to Have a Daycare in Her Home
- 7:20 p.m. Discuss Forwarding the General Plan Changes to the City Council
- 7:25 p.m. Review Code Changes
- 7:45 p.m. Solar Ordinance Discussion
- 8:00 p.m. Casey McFarland Minor Subdivision Final Review
- 8:15 p.m. Adjourn

Posted this 14<sup>th</sup> day of May 2015

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

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

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1 River Heights City Planning Commission  
2 Minutes of the Meeting  
3 May 20, 2015  
4

5 Present: Commission members: Mark Malmstrom, Chairman  
6 Nina Knowles  
7 Danny Petersen  
8 Jim Royle  
9

10 Mayor James Brackner  
11 Councilmember Blake Wright  
12 Public Works Director Clayton Nelson  
13 Minute Taker Krystle Briel  
14

15 Excused: Recorder Sheila Lind  
16 Commissioner Patti Seeholzer  
17

18 Others Present: Kari Johnson, Casey McFarland  
19  
20

21 Motions made During the Meeting

22 Motion #1

23 Commissioner Peterson moved to “approve the minutes of the April 28, 2015  
24 Commission Meeting with corrections. Commissioner Knowles seconded the motion, which  
25 carried.  
26

27 Motion #2

28 Commissioner Peterson moved to “allow Kari Johnson to have a daycare in her home at  
29 490 East 800 South with the conditions outlined in her application: 1) Limit of 16 children at a  
30 time. 2) Hours of operation will be between 7:00 am and 6:00 pm, Monday – Friday. 3) Hours  
31 of outdoor play for the children will be between the hours of 10:00am and 5:00pm, to keep  
32 noise levels to a minimum.” Commissioner Knowles seconded the motion, which carried.  
33

34 Motion #3

35 Commissioner Petersen moved to “forward the Orchard Heights Minor Subdivision Final  
36 Plat to the City Council with the conditions that were addressed in the letter from the city  
37 engineer, dated May 19, 2015. Commissioner Royle seconded the motion, which carried.  
38

Proceedings of the Meeting

The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie Council Chambers on Wednesday, May 20, 2015.

Adoption of Prior Minutes: Minutes for the April 21, 2015 Planning Commission Meeting were reviewed and changes made.

**Commissioner Peterson moved to “approve the minutes of the April 28, 2015 Commission Meeting with corrections. Commissioner Knowles seconded the motion, which carried.**

Public Hearing to Discuss and Hear Comment on a Conditional Use Permit submitted by Kari Johnson, to have a Daycare in Her Home: Kari Johnson stated she plans to become a state licensed care giver. She explained the process for this. No other questions were asked by anyone at the meeting. Commissioner Malmstrom asked about the yard and fencing of her property for daycare operations. She stated that all three sides of her backyard are fenced; her backyard is enclosed. She plans to open for business in July.

**Commissioner Peterson moved to “allow Kari Johnson to have a daycare in her home at 490 East 800 South with the conditions outlined in her application: 1) Limit of 16 children at a time. 2) Hours of operation will be between 7:00 am and 6:00 pm, Monday – Friday. 3) Hours of outdoor play for the children will be between the hours of 10:00am and 5:00pm, to keep noise levels to a minimum.” Commissioner Knowles seconded the motion, which carried.**

Discuss Forwarding the General Plan Changes to the Council: Councilmember Wright explained proposed general plan ADA goals and policies that have been discussed at prior planning commission meetings. Commissioner Malmstrom asked about the cost of updating the city to those standards. Councilmember Wright explained that the policy includes surveying and prioritizing routes that need ADA improvements, particularly those to the elementary school and the city office. Until then, intersections and other road and sidewalk improvements made will include ADA upgrades. Commissioner Malmstrom asked about including other major corridors in addition to the school and city offices routes. Councilmember Wright expressed that addressing all areas of the city will be upgraded eventually. It may become difficult to identify all major corridors outside of the prioritized list already mentioned. There was discussion on the priority areas. All were in favor that changes should be made as time and money allow.

Councilmember Wright discussed changing the proposed future zoning in the general plan of city-owned land surrounding the city offices. The parcels are currently proposed in the general plan to be R-1-8. The proposal would change the parcels to Parks and Rec zone. All were in favor.

76 Two Wilson properties along 800 South, which Conservice is interested in purchasing  
77 was discussed. It has been proposed that the two properties be labeled as 'commercial' rather  
78 than 'agricultural.' This brought up concern about the small piece of land that would remain  
79 agricultural to the north of the lots in question. It was discussed that Conservice would like to  
80 purchase the land for parking, on the condition that it could be zoned as proposed.  
81 Commissioner Malmstrom suggested that these changes to the General Plan be tabled until the  
82 intentions of Conservice, with regard to that specific property, become clearer.  
83 Councilmember Wright felt that the decision on these parcels was not holding up construction  
84 of the Conservice project and thought it would be wise to discuss the proposal with Conservice  
85 personnel prior to the planning commission acting.

86 Review Code Changes: Councilmember Wright gave a review of the code changes the  
87 Planning Commission is being asked to consider.

88 Mayor Brackner asked if there is anything about an appeals board in the code.  
89 Councilmember Wright explained that in the past there has been a board in place consisting of  
90 about five people, however, some cities have gone to a one person appeal adviser (usually an  
91 attorney), which is something the city agrees with. Mayor Brackner, with the advice and  
92 consent of the city council, asked Robert Atwood to be the appeal authority for the city and Mr.  
93 Atwood has agreed to this. The planning commission appreciated the information.

94 Councilmember Wright asked if the planning commission would entertain the idea of  
95 holding a public hearing so that the proposed code changes could be sent on to the city council for  
96 approval. The Commission was in favor. Commissioner Royle pointed out a few grammatical  
97 errors, which will be passed on to Recorder Lind for correcting.

98 Solar Ordinance Discussion: Commissioner Knowles explained that she and  
99 Commissioner Seeholzer have been working on combining the two prior templates into one.  
100 Their goal was to keep things simple and clean. She presented the rough draft, without  
101 definitions added. It was agreed upon by the group that some definitions need to be included  
102 in the final ordinance. Ms. Knowles asked for input on other additions. Councilmember Wright  
103 mentioned he thought that ground-mounted solar panels are currently restricted in the  
104 proposed ordinance, which leaves some homes without any options for solar panels, if their  
105 roof is too steep. Commissioner Malmstrom agreed there should be options for home owners in  
106 this category. It was discussed that one option might be to allow ground-mounted panels only if  
107 roof-mounted panels were not possible. He was concerned with the city giving the impression  
108 they are against solar panels. All were in favor that there needs to be options in these cases.

109 Mayor Brackner commented about the possibility of having neighbor tree problems.  
110 Commissioner Knowles explained that there is currently an easement clause in the ordinance  
111 which addresses this. Ms. Knowles asked the commissioners to review the current draft and  
112 come to the next meeting with any changes that they would like. If this ordinance is finished in  
113 time, the group would like to send it to Council, along with the other code changes.

114 Casey McFarland Minor Subdivision Review: Commissioner Malmstrom gave Mr.  
115 McFarland the floor to present his final plat. Mr. McFarland stated that his engineer has been  
116 in contact with the city's engineer about the issue of his garage being over the sewer line. He  
117 has sent in a proposal that he, with his engineer, have drawn up. No one in attendance had the  
118 chance to read this proposal. PWD Nelson explained to Mr. McFarland why the cost of moving  
119 the sewer line now, will be a lot less than doing it later. Mr. McFarland asked if something  
120 where to happen right now... "what would the city do?" Councilmember Wright let Mr.  
121 McFarland know that with the current location of the easement, the city has the right to repair  
122 any sewer problem or leak, which could include tearing down his studio or carport, at least  
123 temporarily, if required. Mr. McFarland was advised to take his financial concerns to the city  
124 council to see if the city might be willing to share in the cost of relocating the sewer line. He is  
125 hoping the Council will consider pitching in with the cost of helping make things right. He would  
126 like to be on the Council Agenda for May 26, 2015.

127 **Commissioner Petersen moved to "forward the Orchard Heights Minor Subdivision**  
128 **Final Plat to the City Council with the conditions that were addressed in the letter from the**  
129 **city engineer, dated May 19, 2015. Commissioner Royle seconded the motion, which carried.**

130 Commissioner Malmstrom read the above referenced letter for everyone to hear the  
131 conditions.

132 The meeting adjourned at 8:41 p.m.

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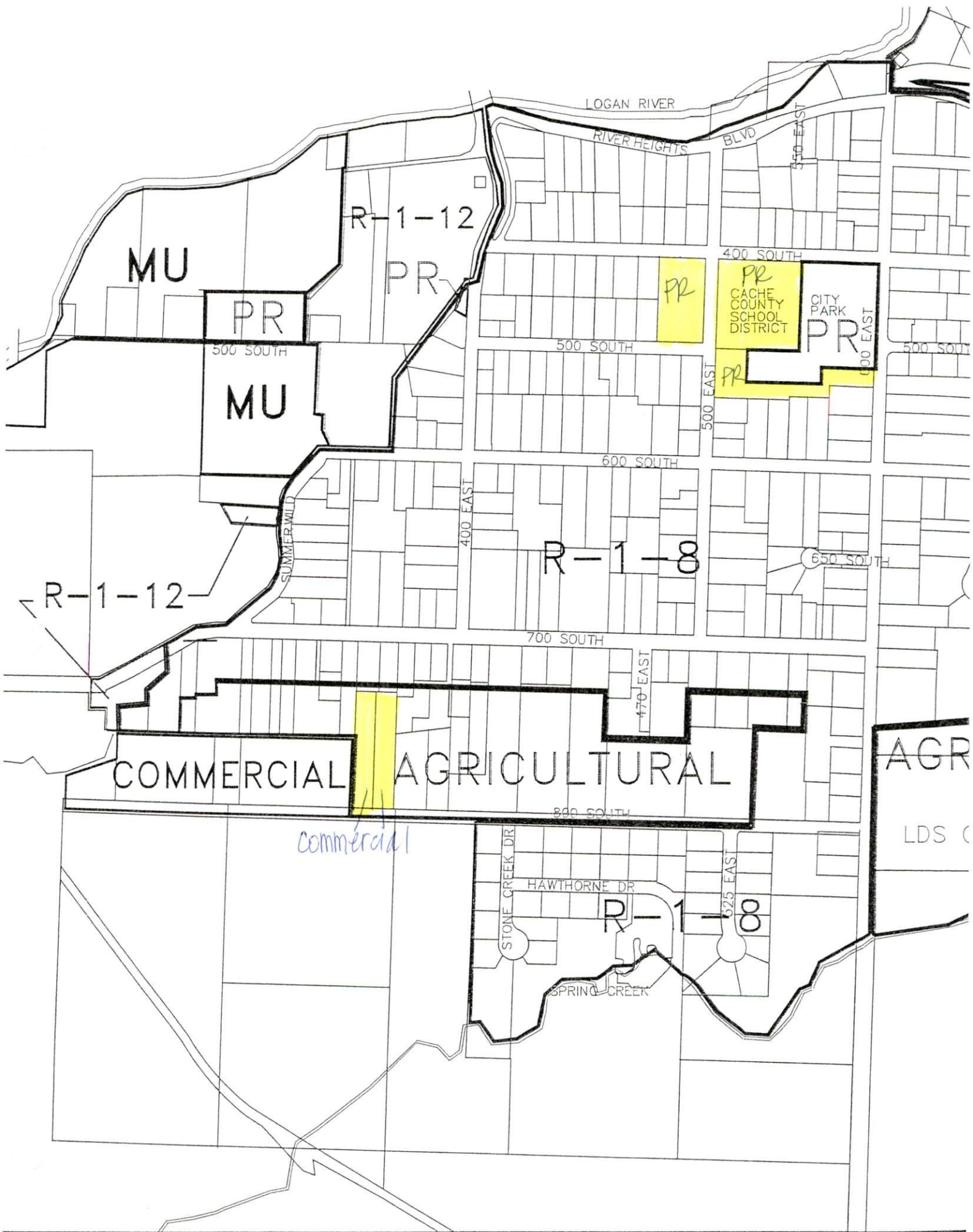
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139 \_\_\_\_\_  
Mark Malmstrom, Chairman

\_\_\_\_\_  
Krystle Briel, Recorder



# Proposed Amendments to the River Heights City General Plan April 2015

## 2.4.8 Goal: Plan Pedestrian and Bicycle Paths

### Policies:

1. Ensure safe pedestrian traffic to and from River Heights City Offices, River Heights Elementary School and other traffic crossing zones.
2. Plan for a pedestrian/bicycle path where possible.
3. Require that pedestrian and bicycle movement across any new roads be central to the design of any new road project.
4. Comply with Title II standards of the Americans with Disabilities Act concerning sidewalk accessibility design standards.
  - a. Assess all ADA sidewalk deficiencies within the city.
  - b. Create a plan and project priority list for sidewalk rehabilitation and new construction.
  - c. Establish a reasonable timeline for achieving all ADA compliant upgrades to sidewalk infrastructure.

### Land Use Map

1. Extend PR zone on the city block to include all city owned property (02-022-0006).
2. Change School District property on 400 South 500 East (02-022-0007) from R-1-8 to PR.
3. Change Old Church property (02-016-0019) from R-1-8 to PR.
4. Change parcels 02-027-0047 and 02-027-0046 on 800 South from Agricultural to Commercial.

## Code Change Considerations - 2015

1-5-5:E.2. Minimum Vote Required: The minimum number of yes votes required to pass any ordinance, resolution or to take any action by the city council, unless otherwise prescribed by law, shall be a majority of the members of the quorum, but shall never be less than three (3).

- a. Any ordinance, resolution or motion of the city council having fewer favorable votes than required herein shall be deemed defeated and invalid, except a meeting may be adjourned to a specific time by a majority vote of the city council even though such majority vote is less than that required herein.
- b. ~~A majority of the members of the city council, regardless of number, may fill any vacancy in the city council.~~

**Letter 'a' of this section will be combined with number '2' (since 'b' will be removed).**

1-5-6: ELECTRONIC MEETING; PROCEDURE

- A. Prior to or at the beginning of an electronic meeting, the mayor shall verify that property notice of the meeting was given pursuant to Utah Code Annotated, unless closed under said State Code.
- B. Prior to or at the beginning of the electronic meeting or portion of the electronic meeting in which nonpresent members will be participating, the Mayor shall confirm that the nonpresent members are connected via electronic means (i.e.: telephonic or telecommunications conference).
- C. The electronic connection shall be such that all members, both present and nonpresent, may hear the proceedings of the meeting, or portion of the meeting, in which they are participating.
- D. If voting is required, the Mayor shall require a roll call vote, so that the nonpresent members' votes may be counted.
- E. The Mayor shall require all participants in the electronic meeting to verbalize their statements and responses, so that the nonpresent members may hear them.
- F. The Mayor shall require that all visual aids and written materials not available to the nonpresent members be verbally described.

**Insert the above as 1-5-6 and bump current 1-5-6 to 1-5-7.**

1-6-6 CITY RECORDER AND CITY TREASURER

- A. Appointment: On or before the first Monday in February following a city election, the mayor, with the advice and consent of the city council, shall appoint a qualified person to each of the offices of city recorder and city treasurer.



- B. ~~Ex Officio Auditor: The city recorder is ex officio the city auditor and shall perform the duties of that office. (2005 Code)~~

Letter 'A' of this section will be combined with the heading (since 'B' will be removed).

3-1-8D. Any home businesses, services or activities that could become disruptive to the neighborhood.

3-2C-1 Definitions

CUSTOMER: A. ~~Subject to subsections B and C of this definition, the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract.~~  
**Remove A. Renumber B&C as A&B.**

B. For purposes of this article, "customer" means:

1. The person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract; or
2. If the end user is not the person described in subsection B1 of this definition, the end user of telecommunications service.

C. "Customer" does not include a reseller:

1. Of telecommunications service; or
2. For mobile telecommunications service, of a serving carrier under an agreement to serve the customer outside the telecommunications provider's licensed service area.

3-4-4 Definitions

ADULT MOTION PICTURE THEATER: A commercial establishment which:

- A. Excludes minors from the showing of any two consecutive ~~exhibitions (repeated showings of any single presentation shall not be considered a consecutive exhibition); or~~
- B. As its principal business, shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT THEATER: A theater, concert hall, auditorium, or similar commercial establishment which:

- A. Holds itself out as such a business; or
- B. Excludes minors from the showing of any two consecutive exhibitions (repeated performance of the same presentation shall not be considered a consecutive exhibition); or

5-2-1 ~~Adoptions~~ Fostering: The temporary sheltering of any lost, stray or otherwise homeless animal for a period of time not to exceed thirty (30) days. River Heights City recognizes the need for individuals to care for and shelter stray animals when this occurs. After the thirty (30) day period, all ordinances apply with regards to the vaccinations and licensing of the adopted animal(s). Adoptions that cause a household to exceed the legally permitted number of animals per household are subject to the approval of River Heights City and require a kennel conditional use permit. It is a violation of city ordinance to adopt animals for the express purpose of resale or profit. Adoptions are to proceed in cooperation with the River Heights City animal control officer. **(Omit definition of 'adoptions')**

5-2-3 A. Dog License Required:

1. All dogs must be licensed each year, except as otherwise provided herein, to a person eighteen (18) years of age or older. Any person owning, possessing or harboring any dog within the city shall obtain a license for such animal within thirty (30) days after the dog reaches the age of four (4) months, or within thirty (30) days of the acquisition of such dog or presence of such dog within the city. Initial licensing requires completing a standard form, which requests name, address and telephone number of the applicant and the breed, gender of the animal and whether it has been spayed or neutered. The form also asks for pertinent information regarding rabies vaccinations. ~~and a~~ Annual renewals require the presentation of a valid rabies certificate of vaccination at the time of application for a license. For a dog under the age of six (6) months, the city may accept certification from a licensed veterinarian that the owner has deposited funds for spaying or neutering. A spayed or neutered dog may be licensed at the reduced fee. Refer to current fee schedule held at the city office. Said initial license shall be effective for one year until March 1 of the following year and must be renewed annually thereafter.
2. License renewals ~~applications~~ must be submitted annually to the city. Proof of rabies vaccination and fees will be due March 1st and delinquent March 2nd of each year. Late application will be charged a \$10 late fee per month for every month of delinquency. If dogs are not licensed, their owners will be in violation of the law and issued a citation, utilizing a standard form, which requests name, address and telephone number of the applicant and the breed, sex, color and age of the animal; the form also asks for pertinent information regarding rabies vaccinations. (moved to 1.) Refer to current fee schedule held at the city office. (moved to 1.)

3. ~~The licensing application, proof of rabies vaccination and fees will be due March 1st and delinquent March 2nd of each year. Late application will be charged a \$10 late fee per month for every month of delinquency. If dogs are not licensed, their owners will be in violation of the law and issued a citation.~~  
**(moved to #2, delete #3)**

5-2-4:D.2. Notice provided for under this section shall be deemed to have been properly served when ~~the original law inspection report form or other~~ notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by certified mail to the last known address of the permit holder. A copy of such notice shall be filed with the records of the city. (Ord. 04-06-08, 6-8-2004)

5-2-5:H 12. When a pet or stray is found in any city park, except Stewart Hill Drive Park. (Add.)

5-2-6:A Rabies Vaccination Required For Dogs: The owner or person having the charge, care, custody and control of a dog four (4) months of age or over shall have said animal vaccinated within thirty (30) days after it reaches said age. Any person permitting any such animal to habitually be on or remain, or be lodged or fed within such person's house, yard or premises shall be responsible for said vaccination. Unvaccinated dogs over four (4) months of age acquired by the owner or moved into the jurisdiction must be vaccinated thereafter ~~every twenty four (24) months with a modified virus rabies vaccine approved by the city.~~ as required by law. **(Currently, the rule is that rabies are due one year after original shot and every 3 years after that.)**

5-2-6B.2. Any unvaccinated animal may be reclaimed prior to disposal by payment of impound fees, bringing license current and by obtaining a rabies vaccination, if needed within ~~seventy two (72) hours of release.~~

5-3-3 **REGISTRATION**

~~Chickens shall not be kept on a residential lot or parcel unless person keeping chickens first registers with the City.~~

A. ~~\_\_\_\_\_ The registrant shall acknowledge the rules set forth in this section of the River Heights City Code and shall, as a condition of filing the registration, agree to comply with such rules.~~

B. ~~\_\_\_\_\_ The cost of filing a registration shall be as shown on the Consolidated Fee Schedule adopted by the City Council.~~

C. ~~\_\_\_\_\_ The registration shall be good for one (1) year and shall be renewed annually.~~

D. ~~\_\_\_\_\_ The City recommends that chicken owners have each of their chickens \_\_\_\_\_ vaccinated.~~

**(Strike this sections since there is no procedure set up to register chickens.)**

7-1-1: In Line Skating and Skateboarding **(move this section to 5-1B-1 Offences and Crimes)**

7-5-5:A Franchise Application: To obtain a franchise to construct, own, maintain or provide services through any system within the city, to obtain a renewal of a franchise granted pursuant to this chapter or to obtain the city approval of a transfer of a franchise, as provided subsection 7-5-7A2 of this chapter, granted pursuant to this chapter; an

application must be filed with the city ~~on the form attached to the ordinance codified herein as exhibit A~~, which is hereby incorporated by reference and on file in the city office. The application form may be changed by the mayor so long as such changes request information that is consistent with this chapter. Such application form, as amended, is incorporated by reference. (Ord. 2-98, 3-24-1998; amd. 2005 Code)

9-2-7 COLLECTION OF IMPACT FEES

The collection of impact fees shall be as follows:

- A. Except as set forth in subsection B of this section, the impact fees for all new development shall be calculated and collected in conjunction with the application for the Zoning Clearance Permit ~~first building permit or electrical permit, certificate of compliance or occupancy~~, or other permit subsequent to development plan approval for such development, whichever occurs first in time.
- B. For other uses not ~~ultimately~~ requiring a building Zoning Clearance Permit, ~~electrical permit, certificate of compliance or occupancy, or other permit subsequent to development plan approval~~, the fee shall be calculated and collected at the time of approval of the development plan. (Ord. 99-08, 8-10-1999)

9-3 Outdoor Lighting:  
Need to add a section on LED lighting.  
The whole chapter needs to be revised.

10-2-1 BUILDING HEIGHT  
 The vertical distance as measured from the highest point of the roof of the building, not including a chimney, vane, mechanical equipment screen, or un-inhabited building mechanical-electrical equipment space down to the point representative of the average finished grade of the land around the perimeter of the building.

10-12-1 Table 1, Land Use Chart

<u>Land Use Description</u>	<u>A</u>	<u>R1</u>	<u>C1</u>	<u>PR</u>	<u>PUD</u>	<u>MU</u>
<b>Residential</b>						
1. Dwelling, single family detached	P	P			P	C
2. Dwelling, single family attached					P	C
3. Dwelling, two family					P	C
4. Dwelling, Multi Family						P
5. Residential Facility for Elderly Persons	C	C	P		C	C
6. Residential Facility for Persons with a Disability	C	C	P		C	C
7. Secondary Residential Unit (may only be occupied by a <u>related</u> person)	P	P			P	C
8. Apartment (within owner occupied structure)	P	P	P			C
9. <u>Flag Lot</u>		<u>C</u>				<u>C</u>
<b>Commercial and Retail Uses</b>						
80. <u>Adult-Oriented Business</u>			<u>C</u>			

10-14-6:C. The property owner of the business licensed at the site, and entity responsible for the event are jointly responsible for ensuring there is adequate parking at the event site. ~~The use of public right of way for event parking is prohibited.~~ Parking arrangements may be made for use of adjoining or nearby parking areas within a 300 foot radius, but a copy of the agreements shall be in writing and filed with the city at least two working days prior to the event.

10-14-7:D. The use of undeveloped sites for parking or sales by temporary vendors shall be prohibited. ~~Temporary vendors may utilize undeveloped portions of appropriately zoned properties provided that the property owner creates an approved right of way access, a paved surface for the area, parking needed by the vendor, and landscaping. The city may approve the design and landscaping for temporary vending.~~

10-16-1:C. Screening Requirements: ~~Except in those zones where nonaccessory signs are permitted,~~ aAll signs shall display thereon only information pertaining to products or services sold on the premises. Community events or public information may be displayed on a temporary basis. No more than thirty percent (30%) of the sign area or message shall be used for this purpose.

10-15-6:A. Street trees shall be planted within the parkstrip along both sides of all streets every thirty (30) feet on center. If no parkstrip exists, trees shall be planted adjacent to the roadway edge, where a parkstrip would exist, if possible. Tree size and species shall be approved by the city.

10-15-12:B. Repair and Replacement of Landscaping:

1. Required landscape structures (examples include and are not limited to walls, fences, curbs, planters) shall be maintained in a structurally sound and aesthetically pleasing condition.
2. The regular maintenance, repair, or replacement of any landscaping irrigation systems is required by this chapter.
3. ~~Continuous maintenance of the site as a whole.~~

11-4-3:C.2.d. The street address for each lot as assigned by the subdivider and approved by the city.

# Solar Zoning Ordinance

## 1.0 Purpose

This ordinance aims to promote the accommodation of distributed, on-site residential and non-residential solar energy systems installed to reduce on-site energy consumption and associated equipment, as well as adequate access to sunlight necessary for such systems. This ordinance does not address utility-scale solar energy systems, intended for the sale of electricity to utilities, industries, and/or businesses.

This ordinance permits, as an accessory use, solar energy systems, while protecting the safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls.

A solar energy system shall be permitted in any zoning district as an accessory use, subject to specific criteria as set forth below. Where general standards and specific criteria overlap, specific criteria shall supersede general standards.

## 2.0 Definitions

### 3.0 Applicability

- 3.1 This ordinance applies to all distributed solar systems installed and constructed after the effective date of this Ordinance. For purpose of this Ordinance, "solar energy system" means a distributed solar energy system as defined herein.
- 3.2 Solar energy systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance.
- 3.3 All solar energy systems shall be designed, erected, and installed in accordance with applicable local, state, utility, and national codes, regulations, and standards.

### 4.0 Solar Energy System Requirements

- 4.1 To the extent practicable, and in accordance with (Utah ?) law, the

accommodation of solar energy systems and associated electrical equipment, and the protection of access to sunlight for such, shall be encouraged in the application of the various review and approval provisions of the Utah?? code.

4.2 Solar energy systems are permitted in all zoning districts as an accessory use to permitted, conditional, and special exception uses.

4.3 A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located.

4.4 The installation and construction of a roof-mount solar energy system shall be subject to the following development and design standards:

A. A roof or building mounted solar energy system may be mounted on a principal or accessory building.

B. Any height limitations of the ???Code shall not be applicable to solar collectors provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve, and that such structures do not obstruct solar access to neighboring properties.

C. Placement of solar collectors on flat roofs shall be allowed by right provided that panels do not extend horizontally past the roof line.

4.5 All electrical equipment associated with and necessary for the operation of solar energy systems shall comply with the following:

A. Electrical equipment shall comply with the setbacks specified for accessory structures in the underlying zoning district.

4.6 Solar panels are designed to absorb (not reflect) sunlight; and, as such, solar panels are generally less reflective than other varnished or glass exterior housing pieces. However, solar panel placement should be prioritized to minimize or negate any solar glare onto nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar system.

- 4.7 A solar energy system shall not be used to display permanent or temporary advertising, including signage, streamers, pennants, spinners, reflectors, banners or similar materials. The manufacturers and equipment information, warning or indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulations.
- 4.8 A solar energy system shall not be constructed until a building/zoning permit has been approved and issued.

### 5.0 Safety and Inspections

- 5.1 The design of the solar energy system shall conform to applicable local, state and national solar codes and standards. A building permit reviewed by department staff shall be obtained for a solar energy system. All design and installation work shall comply with all applicable provisions in the National Electric Code (NEC), the International residential Code (IRC), International Commercial Building Code, State Fire Code, and any additional requirements set forth by the local utility (for any grid-connected solar systems).
- 5.2 The solar energy system shall comply with all applicable River Heights City Ordinances and Codes as to ensure the structural integrity of such solar energy system. Please note that the existing roof structure and the weight of the solar energy system shall be taken into consideration when applying for a solar energy system permit.
- 5.3 Prior to operation, electrical connections must be inspected by (an appropriate electrical inspection person or agency, as determined by the (municipality)??
- 5.4 Any connection to the public utility grid must be approved by the appropriate public utility. (Utah Power and Light)???
- 5.5 If solar storage batteries are included as part of the solar collector system, they must be installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the



laws and regulations of River Heights City And any other applicable laws and regulations relating to hazardous waste disposal.

- 5.6 Unless other wise specified through a contract or agreement, the property owner of record will be presumed to be the responsible party for owning and maintaining the solar energy system.

#### 6.0 Abandonment and Removal

- 6.1 If a ground mounted solar energy system is removed, any earth disturbance as result of the removal shall be landscaped in accordance with River Heights City.
- 6.2 A ground mounted solar energy system is considered to be abandoned or defective if it has not been in operation for a period of twelve (12) months. If abandoned, the solar energy system shall be repaired by the owner to meet federal, state, and local safety standards, or be removed by the owner within the time period designated by River Heights Building Code Official. If the owner fails to remove or repair the defective or abandoned solar system, River Heights City may pursue a legal action to have the system removed at the owner's expense.

#### 7.0 Restrictions on Solar Prohibitions

In Accordance with the Utah Code Utah Code 57-13 and Utah Code 10-9a-610, River Heights City maintains and reserves the right to refuse any plat or subdivision plan if deed restrictions, covenants or other agreements running with the land prohibit or have the effect of prohibiting reasonably sited and designed solar collectors or other renewable resource devices.

May 6, 2015

James Brackner, Mayor  
River Heights City  
420 South 500 East  
River Heights City, Utah 84321

**RE: Orchard Heights Minor Subdivision**

Dear Mayor Brackner,

I have completed an initial review of the references minor subdivision on Orchard Drive. The minor subdivision is part of the original Orchard Heights Subdivision and includes adjustments to what were originally Lots 9, 10, and 11. There are several complicating conditions associated with this property adjustment that are explained herein.

Previously, Lots 9 and 10 of the original subdivision were legally combined through a title company into one parcel. There is no record of City review or acceptance of this action. It appears that when this action was completed that the title company did not address the original utility easement between Lots 9 and 10. This easement contains a sewer line servicing three lots to the north of the subject property. Subsequently, the prior owner of the property constructed the home with the garage being built over the easement and the sewer line. Because the original lots were formerly combined to one parcel, a boundary line adjustment is not possible to adjust the location of the adjoining lot line between the original lots.

In addition, the westerly boundary of the original Lot 10 contains an error of 10.22 feet in where a sidewalk nail marker was placed with respect to the official property pin. When improvements such as side lot fencing was installed, the fencing was placed per the sidewalk nail instead of the original pin. The result of this is that the owner of Lot 11, located west of the sub-divider of the property, has occupied a wedge of property of Lot 10. This area is shown as "Parcel C" on the minor subdivision plat.

The surveyor proposes to quit claim deed the Parcel C property to the owner of parcel 03-083-0011 as this person has been occupying the property, and the expense of relocating the existing rock side fence would be substantial.

The sewer line under the garage, although not unprecedented, is of concern. At some future point the line will need maintained and/or replaced. As a condition of approval, the City could require the divider of the property to install a new sewer line along the proposed lot boundary line in a new easement created with the minor subdivision. Although reasonable as part of the property split, this may not seem equitable to the property owner, who probably purchased the property not knowing that there was a sewer line under the garage. However, there is value to the property owner to relocate the sewer out from under the house because it is not likely that the City's insurance would cover damages to the home in the event of a problem with the sewer line since the sewer is constructed in an established easement that should have been honored.

With the formation of the new lot located east of the exiting house, a fifteen foot utility easement along the north-south lot line should be established as shown on the markup plat for a new sewer line whether or not the line is constructed at this time or in the future. It would be significantly less expensive to construct the sewer line now, before the new lot is built upon. The sewer service to the new lot would tie into the new north-south sewer line.

It is my recommendation that the relocation of the sewer line be completed as part of the proposed minor subdivision. In addition to the sewer line changes, as part of a minor subdivision a water service at the lot is required. There may be a service that was installed from the original development of the property and it is possible that the developer could locate the service and connect to it for use at the property. In the event that a water service is not found, a new water service would be required.

Additional comments related to the plat are noted on the attached pdf markup sheet. The location of the existing sewer service on the markup sheet is as per coordination with Clayton Nelson, River Heights City Public Works, who attempted to camera the existing sewer line and found that the sewer angles to the west about three feet outside of the existing manhole in Orchard Drive. Cleanouts and other defining features of the sewer along the north property line have not been field identified due to possible disturbance of private properties. The developer should coordinate with the City in attempting to locate the sewer along the north property line as part of the sewer relocation plan.

Please let me know if you have questions related to the engineering review for this minor subdivision.

Respectfully,



Craig L. Rasmussen, P.E.  
Contract City Engineer

CC: Clint Hansen, Surveyor for Steven Mcfarland  
Clayton Nelson, River Heights City Public Works

In regards to the recommendations made by the city engineer and after talking with my engineer I want to suggest the following proposals.

First:

*The surveyor proposes to quit claim deed the Parcel C property to the owner of parcel 03-083-0011 as this person has been occupying the property, and the expense of relocating the existing rock side fence would be substantial.*

I do not have a problem deeding Parcel C to the owners west of me. I do not know what this entails as of yet. I can talk to the owners about this at some point.

In regards to the sewer easement issue. The city engineer recommends the following:

*The sewer line under the garage, although not unprecedented, is of concern. At some future point the line will need maintained and/or replaced. As a condition of approval, the City could require the divider of the property to install a new sewer line along the proposed lot boundary line in a new easement created with the minor subdivision. Although reasonable as part of the property split, this may not seem equitable to the property owner, who probably purchased the property not knowing that there was a sewer line under the garage. However, there is value to the property owner to relocate the sewer out from under the house because it is not likely that the City's insurance would cover damages to the home in the event of a problem with the sewer line since the sewer is constructed in an established easement that should have been honored.*

A couple months ago when I first began the process of subdividing I went to the city to ask about the easement. I wanted to make sure that the sewer would not be an issue before I spent a lot of money moving forward with this split. I called the city public works official and he came out to look into the sewer situation. After he and I walked the property and lifted the lid on the sewer he determined that it would not be an issue. I asked him then if he thought this would be an issue and if it was ok if I went forward with this and he said he did not believe it would be an issue. I only mention this to make the city aware that I was aware of this easement (although I believed it to be on the east of my driveway) and hoped to address this early.

I propose the following:

I propose that the sewer be left as is. The original owner of the home, I am told by Max Hadfield, built over the top of the easement before they even moved into the home as part of a last minute remodel. How or if they were granted approval from the city I do not know and nobody seems to know. The sewer has been as is for now forty-six years without any question or concern from the city nor has there been any problems.

The cost to cut into the road, dig down 12 feet to the sewer line and disrupt service to my neighbors is one that no one individual would want to front especially when it is shared with 4 different homes. Not to mention the destruction it will cause to my established trees, shrubs (the only shrubs I want to keep to prevent my hill from eroding) and plants that are in the line of fire for a new line. Also in the line of fire is a patio built of pavers and steps built up the side of the hill, etc... All of this costs money to replace and some of it takes years to grow or rebuild.

This line would also have to run underneath a brand new fence that was recently and expensively installed by Reed Crockett and Al Southard. Parts of the fence have already been destroyed and repaired at much cost last year due to 4 of my large trees falling in a wind storm and crushing the fence. There will likely also be damage done to Reed Crockett's and/or Al Southard's yard and sprinkler system with tractors digging up all of the shrubs and lawn that exist in the line of fire for the new line. If at all possible it would be nice not to have to tear any of this up.

If this lot does not get subdivided and the sewer line stays as is we are no worse then than we are now. Nothing changes. I certainly am not going to pay to redo the sewer line which likely will cost in the thousands and more likely closer to 10-12k according to a builder I spoke with. Leaving it as is is a risk I am willing to take especially given the modern tools we have now for maintenance on sewer lines in the unlikely possibility that anything should happen. Believe me I have many other more pressing things to worry about besides this when it comes to repair on the infrastructure of my home. Paying for things that might happen take back seat to things that are already happening.

My engineer is of the opinion that the original easement violation was something that happened over 40 years ago and should not fall solely on my shoulders if action were required due to the negligence of both the original owners and the city. He recommends that if such a step were to take place the city should help with the cost because of its involvement or lack of involvement in approving the garage to be built over a sewer line and because it is not solely my sewer line.

As the city engineer mentioned this is not without precedent. Other lots in River Heights have been built and are currently being built over the top of sewer lines without having to redirect any lines without problem. I refer specifically to the home Dan Weston is building south of Brody and Peggy Craney's home which is being built over the top of their sewer line. According to the Craney's, Dan seemed to think any issues could be solved with the modern tools now at our disposal should a problem arise. It being his son who is building over the top of the home it didn't seem to be a large concern. Either way it was approved without issue and it seems only fair that we leave ours as is.

I propose, on recommendation from my engineer, that we redraw the easement somewhere between my lot and the proposed building lot in the case that we do need to run a new sewer line in the future due to a major problem or break in the line. I do not have any plans to build another garage over the top of that easement. I propose that the new easement be a stipulation in the creation of this new lot rather than digging everything up and starting all over. That is what an easement is for in the first place, to give access in the case that a disaster does happen. In the new easement access would be granted without issue and the future owner of the new property will have full disclosure of that easement. Should a problem arise there will be nothing stopping repairs from happening.

Sincerely,

Casey McFarland

# Orchard Heights Minor Subdivision

River Heights City, Cache County, Utah  
 A Part of the Northwest Quarter of Section 2,  
 Township 11 North, Range 1 East, Salt Lake Base & Meridian  
 & A Part of Lots 10 & 11 of Orchard Heights Subdivision

## SURVEY CERTIFICATES

I, Clinton C. Hansen, do hereby certify that I am a Registered Professional Land Surveyor in the State of Utah in accordance with Title 52, Chapter 22, Professional Engineers and Land Surveyors Act and I have Completed a Survey of the Property Described on this Plat in accordance with Section 17-21-17 and have Verified all Measurements and have Placed Monuments as Represented on this Plat, and have hereby Subdivided said Tract into Two (2) Lots, hereinafter as ORCHARD HEIGHTS MINOR SUBDIVISION in Cache County, Utah, and has been Correctly Drawn in the Designated Scale and is True and Correct Representation of the Actual Divided Lands Included in said Subdivision, Based Upon Data Compiled from Records in the Cache County Recorder's Office and from said Survey made by me on the Ground. Further hereby certify that the Requirements of all Applicable Statutes and Ordinances of Millville City Concerning Zoning Requirements Regarding Lot Measurements have been Complied with.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
 Clinton C. Hansen P.L.S.  
 Utah Land Surveyor License No. 7881387



## PARCEL DESCRIPTIONS

**PARCELA**  
 A Part of the Northwest Quarter of Section 2, Township 11 North, Range 1 East of the Salt Lake Base and Meridian and a Part of Lot 10 of Orchard Heights Subdivision, Cache County Entry #347798  
 Beginning of the Southwest Corner of said Lot 10 and Running Thence South 83°32'00" West 84.80 Feet Along the South Line of said Lot 10; Thence North 0°02'21" West 120.00 Feet to the North Line of said Lot 10; Thence Along the Perimeter of said Lot 10 the Following Two (2) Courses: (1) North 0°21'00" East 84.83 Feet (2) South 0°02'21" East 120.00 Feet to the Point of Beginning, Containing 0.234 Acres.

**PARCELB**  
 A Part of the Northwest Quarter of Section 2, Township 11 North, Range 1 East of the Salt Lake Base and Meridian and a Part of Lots 10 & 11 of Orchard Heights Subdivision, Cache County Entry #347798  
 Beginning of a Point Located 84.83 Feet South 83°32'00" West Along the South Line of said Lot 10 from the Southwest Corner of said Lot 10 and Running Thence South 83°32'00" West 114.51 Feet Along the South Line of said Lot 10 and said Lot 11; Thence North 0°02'21" West 104.41 Feet to the Northwest Corner of said Lot 11; Thence North 82°00'17" East 120.30 Feet (North 82°24' East 120.00 Feet by Record) to the Northeast Corner of said Lot 11; Thence North 89°32'00" East Along the North Line of said Lot 10 21.19 Feet (23.00 Feet by Record); Thence South 0°09'28" East 120.00 Feet to the Point of Beginning, Containing 0.251 Acres.

**PARCELC** (To Be Sold Attached to Lisa Johnson or Current Assignee)  
 A Part of the Northwest Quarter of Section 2, Township 11 North, Range 1 East of the Salt Lake Base and Meridian and a Part of Lot 11 of Orchard Heights Subdivision, Cache County Entry #347798  
 Beginning of a Point Located 181.31 Feet South 83°32'00" West Along the North Right-of-Way Line of Orchard Drive from the Southwest Corner of Lot 10 said Subdivision and Running Thence South 83°32'00" West 16.22 Feet Along said North Line to the Southwest Corner of said Lot 11; Thence North 1°44'10" West 108.32 Feet (108.57 Feet by Record) to the Northwest Corner of said Lot 11; Thence South 20°32'21" East 108.41 Feet to the Point of Beginning, Containing 0.018 Acres or 825 Square Feet.

## OWNER'S DECLARATION

I, the undersigned, do hereby certify that we, the undersigned owners of the above described tract of land, having caused the same to be subdivided into lots to be hereafter known as ORCHARD HEIGHTS MINOR SUBDIVISION.

In witness we have hereunto set our signature  
 this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
 Steven C. McFarland      Melissa McFarland

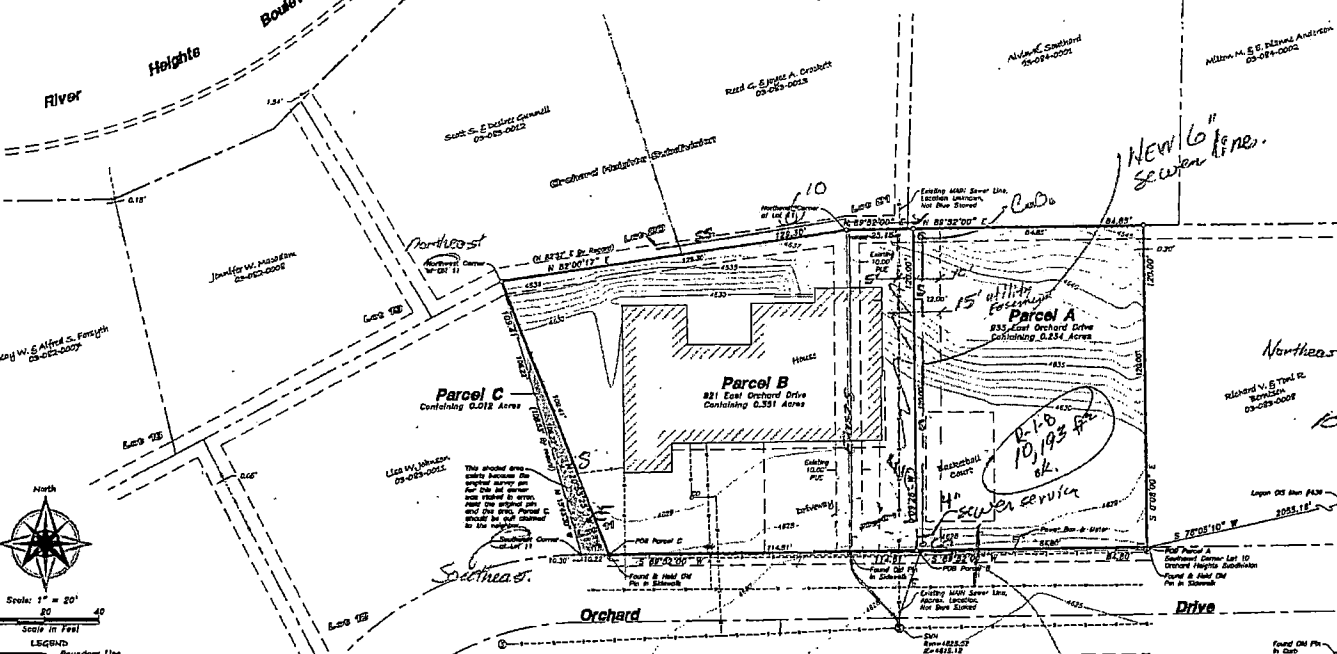
## ACKNOWLEDGMENT

State of Utah  
 County of \_\_\_\_\_  
 On this \_\_\_\_\_ day of \_\_\_\_\_ 2015, Steven C. McFarland and Melissa McFarland, Husband and Wife as Joint Tenants, Personally Appeared before me, the Undersigned Notary Public in and for said County of \_\_\_\_\_ in the State of Utah, the Signers of the Attached Owners Declaration, in my Presence, who duly acknowledged to me they Signed it freely and voluntarily and for the Purpose therein Mentioned.



## COUNTY RECORDERS' NO.

Date of Utah, County Cache, Recorded and Filed at the Office of \_\_\_\_\_  
 Date \_\_\_\_\_ Time \_\_\_\_\_ Fee \_\_\_\_\_  
 Abstracted \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
 Index \_\_\_\_\_  
 Filed in: File of Plats \_\_\_\_\_  
 County Recorder \_\_\_\_\_



- LEGEND**
- Boundary Line
  - Orchard Heights Boundary
  - Adjoining property Line
  - Public Utility Easement (P.U.E.)
  - Fence Line
  - Existing Sump
  - Existing Water
  - Existing Concrete
  - Existing Gas
  - Existing Communications
  - Section Corner
  - Found Survey Point
  - Set 3/8" by 24" Rebar With Cap

- Notes:**
- The developer must provide minimum fire protection as outlined in section 11-44-41 of Title 11, Chapter 4 per the three Heights Subdivision Ordinances.
  - The required improvements must be in place before any of the lots will be eligible for building permits.
  - Any further divisions of the improved lots will be prohibited.

## NARRATIVE

The Purpose of this Survey was to Subdivide and set the Property Corners of the Parcels as Shown and described Hereon. This Survey was Ordered by Corey McFarland, the Owner used to Establish the Subdivision was the original setting survey monumentation within the subdivision as noted hereon and the Logan G.L.L. Monument System, of within Section 2, Township 11 North, Range 1 East, S.L.B.M. The base of bearings is a line from Logan G.L.L. monument #436 in Monument #413, which bears North 18°12'15" West, Relative to Orchard Heights 1988 Subdivision Plat.

## COUNTY SURVEYORS' CERTIFICATE

I certify that I have examined this plat and find it to be correct and in accordance with the information on file in this office.

## BEAR RIVER DISTRICT HEALTH DEPT. APPROVAL

I have checked this plat and find it to be correct and in accordance with the information on file in this office.

## CERTIFICATE OF REVIEW

I certify that I have examined this plat and find it to be correct and in accordance with the information on file in this office.

## PLANNING AND ZONING APPROVAL

This plat approved by the City of River Heights Planning and Zoning Commission this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

## CITY COUNCIL ADOPTION AND APPROVAL

Approved by the River Heights City Council, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

## APPROVAL AS TO FORM

Approved as to form this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

County Surveyor \_\_\_\_\_ Date \_\_\_\_\_ City Engineer \_\_\_\_\_ Date \_\_\_\_\_ City Engineer \_\_\_\_\_ Date \_\_\_\_\_ Chairman \_\_\_\_\_ Secretary \_\_\_\_\_ Mayor \_\_\_\_\_ City Recorder \_\_\_\_\_ Attorney \_\_\_\_\_

*add 1" water service  
 utility per R.H. standard  
 with note to coord. note  
 w/ city in attempt  
 to locate existing  
 services*