

# River Heights City

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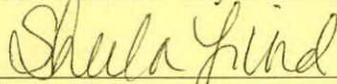
## PLANNING COMMISSION AGENDA

**Tuesday, January 29, 2019**

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

- 7:00 p.m. Pledge of Allegiance and Adoption of Previous Minutes and Agenda
- 7:05 p.m. Weed Presentation by Jake Forsgren of Cache County Weed Department
- 7:35 p.m. Discuss Possible Regulations of Airbnbs
- 7:50 p.m. Discuss Revisions to the General Plan
- 8:20 p.m. Adjourn

Posted this 24<sup>th</sup> day of January 2019

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

Meeting attachments, drafts of previous minutes and audio recordings can be found on the State's Public Notice Website ([pmn.utah.gov](http://pmn.utah.gov))

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

# River Heights City

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River Heights City Planning Commission  
Minutes of the Meeting  
January 29, 2019

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6 Present: Commission members: Cindy Schaub, Chairman  
7 Noel Cooley  
8 Heather Lehnig  
9 Chris Milbank  
10 Lance Pitcher  
11  
12 Councilmember Blake Wright  
13 Recorder Sheila Lind  
14  
15 Others Present: Jake Forsgren, Alex Wilhelm  
16  
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18 Motions Made During the Meeting  
19

20 Motion #1

21 Commissioner Milbank moved to "approve the minutes of the January 15, 2019 Commission  
22 Meeting, with changes." Commissioner Lehnig seconded the motion, which carried with Cooley,  
23 Lehnig, Milbank, Pitcher and Schaub in favor. No one opposed.  
24  
25

26 Proceedings of the Meeting  
27

28 The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie Council  
29 Chambers on January 29, 2019.

30 Pledge of Allegiance: Commissioner Schaub led in the Pledge of Allegiance.

31 Adoption of Prior Minutes and Agenda: Minutes for the January 15, 2019 Planning  
32 Commission Meeting were reviewed.

33 **Commissioner Milbank moved to "approve the minutes of the January 15, 2019 Commission  
34 Meeting, with changes." Commissioner Lehnig seconded the motion, which carried with Cooley,  
35 Lehnig, Milbank, Pitcher and Schaub in favor. No one opposed.**

36 Weed Presentation by Jake Forsgren of Cache County Weed Department: Jake Forsgren  
37 discussed the County Weed Policy and the State's Noxious Weed Law. Any city can request the  
38 county's assistance in enforcing weed control. If noxious weeds are found in River Heights, they are  
39 willing to send notification to land owners. They like to get the word out and educate people about  
40 weeds. He handed out and discussed the Noxious Weed Field Guide for Utah.

41 Alex Wilhelm discussed the Vacant Lot Program and the procedure they follow. If they are  
42 called to do an inspection they will document what they see and then write a letter to the landowner,  
who is given 15 days to submit a plan of action. They will work with the property owner in educating,  
inspecting and spraying. Two weeks after spraying they can come back and mow. The county

45 continues to monitor the property. If the property owner hasn't kept up on their plan the county will  
46 send another letter. If they still don't take care of it, it will go to the weed board.

47 Mr. Forsgren said they team up with Logan, who requires lots be mowed for fire safety. They  
48 normally deal with vacant lots, but sometimes they work with homeowners. If the property owners  
49 use their services and don't pay their fees, the charges will get put on their property taxes at the end  
50 of the year. He discussed a draft letter they send out to those who are non-compliant.

51 There are seven property owners in River Heights who they are working with to control their  
52 weeds. If the Commission sees a property with potential noxious weeds, they can request the  
53 county take care of the problem.

54 Commissioner Cooley asked about properties that have purposefully landscaped with native  
55 growth, which resembles weeds. Mr. Forsgren said if they have any noxious weeds the county can  
56 ask them to get rid of them. The city should have something in their ordinance to address this.

57 The fire department has guidelines for fire safety, which they can address with property  
58 owners, as well.

59 Homeowners can call the County for weed advice, spraying and mowing. They charge \$75/50  
60 gallons. Every herbicide they use is aquatic and safe.

61 Discuss Possible Regulations of Airbnbs: Commissioner Milbank summarized pros and cons of  
62 short-term vacation rentals, included in a handout. He went online and found a lot of airbnbs in  
63 Logan, however, he didn't find anything in Logan's code which regulates them.

64 Discussion was held on if the city could impose taxes on this type of business.

65 Providence and Smithfield treat short-term rentals as a bed and breakfast/home business.

66 Commissioner Milbank discussed some regulations River Heights may want to consider and  
67 asked the commissioners to give it some thought before the next discussion on February 19. They  
68 need to decide whether to allow them in homes where the homeowner doesn't reside.

69 Discuss Revisions to the General Plan: Commissioner Cooley pointed out the 17-acre Chugg  
70 parcel has been annexed to Providence. An annexation petition has been filed in Providence on the  
71 north sections. He attended a Providence meeting about their Life Cycle Recover Zone (LCR), which  
72 their council members are somewhat in favor of it. He suggested a River Heights representative  
73 attend their planning meetings when they discuss development which could affect River Heights.

74 Commissioner Schaub discussed her Land Use Chapter draft. She asked if they could add a  
75 required 50-foot buffer along roads in new developments. Councilmember Wright said it's possible.  
76 They would have to work out who would take care of the property.

77 Commissioner Cooley discussed the changes he suggested in the Infrastructure and City  
78 Utilities Section. He has been trying to verify section 4.1.5 with Nathan Daugs, the Cache Water  
79 Conservancy District Chair. He explained that Councilmember Doug Clausen is interested in the city  
80 purchasing shares with earlier water rights than their present rights, in case of a drought.

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

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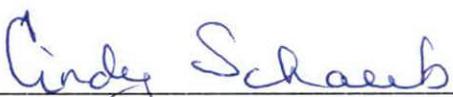
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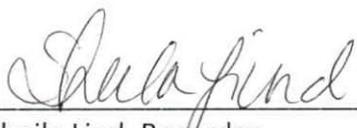
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Cindy Schaub, Commission Chair

  
Sheila Lind, Recorder

## HOW SHORT-TERM-RENTALS IMPACT YOUR NEIGHBORHOOD

There are a variety of factors to consider when developing an ordinance or updating existing regulations.

- Travelers enjoy alternative to traditional hotels enjoy cost savings and “living like a local.” Property owners, or “hosts,” enjoy extra income generated by renting out a spare bedroom which helps pay for repairs, their mortgage, and other costs of daily living.

- In some communities, short-term rentals are exacerbating efforts to ensure housing is affordable for the folks who live locally — especially where affordable homes for rent or purchase are already in short supply; think New York City and San Francisco.

- Homes, that could be available for rent or sale to local residents, are instead being bought by investors and listed on short-term rental company websites (think, for example, Airbnb, VRBO, FlipKey, or HomeAway).

- Rental rates for long-term residents appear to be rising faster in neighborhoods where short-term rentals are most prevalent.

- This trend is anticipated to grow, as more investors begin specifically seeking to buy homes they can rent out short-term. Investor can make more money renting properties out by the day than by the month or year. This business model has grown so large that it’s now an industry influencer; Vacation home sales have jumped by over 50% in the past few years alone, in part due to the short-term rental phenomenon. And, since its founding in 2008, Airbnb, for example, has grown to over 2 million listings in 34,000 cities, and 190 countries!

- Critics are calling short-term rentals rogue hotels, because, unlike hotels, short-term rentals have virtually no oversight or accountability, potentially creating a public safety issue.

- Some people who own or occupy homes next door to short term rentals are not happy with constant strangers, noise, and other nuisances associated with living next door to a short-term renter.
- Property owners fear their rights will be lost in the effort to prevent investors from buying up homes in an already tight inventory market.

Here's what some communities are trying:

- Some local governments are considering legislation that would prohibit advertising multiple short-term listings.
- Other proposals, for example, as in New York, limit the number of days a property can be rented each year.
- Limit hosts to just one listing.
- Require that hosts reside on-site during guest stays, or make it illegal to advertise a residential rental with three or more units for less than 30 days.
- In Washington, D.C., hosts are required to buy licenses, and intermediaries are required to collect and remit taxes.
- For example, Mill Valley, a small California community and a Host Compliance customer requires hosts to purchase a business license and pay a registration fee. As a result the city has collected nearly \$96,000 in taxes since the program began, in addition to registration fees. They can benefit the community as a whole in terms of economic benefit because guests will spend their money in other visitor related amenities such as restaurants, bars and museums.
- Collect short-term rental taxes for local governments.
- In Florida and Illinois, short-term rental guests pay state taxes, and Louisiana extended its 4% sale tax to include short-term rentals. Connecticut collects a 15% hotel tax. Almost 2,000 hosts in Connecticut rent out their homes, and over 50,000 guests have used them.
- Prohibit short-term rentals for parties or concerts.

- Portland welcomes short-term rentals, but required hosts to buy a permit and, in turn, generates about \$500,000 annually for the city.

## REGULATION OF VACATION RENTALS:

(1) Definition of VACATION RENTALS: Vacation Rental shall be defined as: A transient lodging facility in a single family dwelling unit or tiny house unit as part of a planned unit development (PUD), accessory dwelling unit (ADU), 240 square foot minimum for less than thirty (30) consecutive days as an alternative to a hotel or motel.

(2) Permit: A River Heights business license, Utah State Sales Tax ID# and a conditional use permit shall be required for all Vacation Rentals, regardless of the zone of the property. River Heights Planning and Zoning Committee shall recommend approval or denial of the conditional use permit to the River Heights Council. River Heights reserves the right to revoke a conditional use permit issued under this section if: a licensee engages in a pattern of unlawful activity or if the licensee violates state law or local ordinances.

(3) Occupancy: Occupied at any time by less than thirteen (13) individuals of a single group on a temporary basis.

(4) Parking: A maximum of two (2) cars may be parked on River Heights right-of-way. Autos parked on River Heights right-of-way must NOT restrict traffic flow, block clear sight distance at intersections, or infringe on other property rights-of-way.

(5) Camping: No camp trailers, recreational vehicles (RVs), tents, or any similar nonpermanent structure on Vacation Rental properties will be allowed for rental purposes, or as an add on feature to rental agreement.

(6) Complaints: The 1st complaint received by River Heights will result in a letter being sent to the property owner. The 2nd complaint will result in a second letter sent to the property owner and the conditional

use permit will be in jeopardy of being revoked. A 3rd complaint will result in a request from River Heights to the property owner to attend a City Council meeting to discuss the conditional use permit being revoked.

(7) Dogs: Owners or keepers of any dogs on Vacation Rental properties shall not allow the dog(s) to run at large, It shall be unlawful for an owner/keeper of any dog to go upon the private property of any person without the permission of the owner or person entitled to the possession of such private property.

(8) Noise: The owner of any dwelling licensed as a Vacation Rental shall be responsible to ensure that guests or occupants of the short- term rental do not (a) create noise that by reason of time, nature, intensity or duration are out of character with noise customarily heard in the surrounding neighborhood. (b) interferes with the privacy of surrounding residents or trespass onto surrounding properties. The owner is also responsible to insure their guests do not engage in any disorderly or illegal conduct.

## 4 INFRASTRUCTURE AND CITY UTILITIES

This section describes historical infrastructure information, current infrastructure and utility conditions, and recommendations to guide infrastructure and utility planning, capital improvements budgeting, and infrastructure maintenance.

### 4.1 WATER

#### 4.1.1 Historical Information

The drought in 1934 resulted in the Utah Drought Agency drilling two wells in the River Heights area to be used for late-season agricultural irrigation. Each was located adjacent to one of the two canals now traversing the City. A year later the state assigned the upper well to the City at no cost. Years later the City purchased the lower well from the Providence-Pioneer Irrigation Company. A third well was drilled in 1980 by the City.

#### 4.1.2 Present Condition

Information about the River Heights water system is provided. It is intended as a brief outline of the current water system that can be used to make some general assumptions and make general projections. Table 3 details the City's water system.

Currently River Heights City acquires water from three different wells which charge two reservoir tanks. By today's pumping capacity and availability of groundwater to pump and use, it appears River Heights has the capacity to deliver adequate water to the current residents and should be able to provide enough for anticipated growth. Please refer to the following table.

Source of water supply	3 wells
Number of connections	680
Reservoir capacity	1,500,000 gallons
Average daily use	551,000 gallons
Peak daily use (summer)	1,443,000 gallons per day
Peak operating capacity	3,456,000 gallons per day
Estimated number of connections that can be served with water supply	2,000 (exclusive of water rights pumping capabilities, only water available in the wells)
Total number of projected connections as per land use recommendation	1150
Present water rights	Approx. 8.5 cubic feet per second
Projected summer peak use requirements:	
at 800 connections	1,582,200 gallons per day
at 1,000 connections	2,109,600 gallons per day
at 1,150 connections	2,637,000 gallons per day

Table 3

It would be prudent for River Heights City officials to be mindful of the possible effects of prolonged drought and unanticipated growth via high density-housing (PUD, condominiums, apartments), either or both of which could introduce the need for more water in the future.

#### **4.1.3 Secondary Water System**

For over 100 years, Providence-Logan Irrigation company water has sub-irrigated the city, watered and grown its many trees and provided relief to culinary supplies by its secondary use of irrigating fields, gardens and lawns. River Heights City owns and uses a number of shares in the company to water the Heber Olson Park. It also relies on the canals to carry storm water runoff. However, currently the irrigation company has infrastructure problems. The old flume needs to be replaced with a new delivery structure. Should this source of water cease it will put a greater demand on the City's culinary system.

From a planning perspective, City officials understand the value of retaining, supporting, and or maintaining interest in the irrigation company as a resource which could provide a direct benefit to the City through reduced culinary demand, shade trees watering, etc. and also provide the City bargaining power if they were to be involved in water negotiations with other entities as growth further increases the rising demand for water throughout Northern Utah.

#### **4.1.4 Water Supply and Use**

The City has applied for the rights to an additional three cubic feet per second from its current wells. The application has not been approved yet. This would allow for 565 more connections for a total of 1,655 connections.

The State of Utah Division of Drinking Water establishes standards for storage capacity for public water systems. They recommend storage capacity of about 800 gallons per residential connection. At that rate the River Heights reservoirs will accommodate approximately 1,875 connections.

#### **4.1.5 Proposals to Enhance Water Sources**

In recent years considerable attention has been focused on the relationship of ground water to surface water in the Bear River drainage. There is considerable debate going on at this time concerning how much the drawing or pumping of sub-surface water ultimately affects the flow of springs and other sources that feed the Bear River system. Water rights in Utah are determined by a priority system, basically first come, first served. River Heights' wells have priority rights of 1934, 1964, and 1980. This compares with three large water users in Box Elder County with rights dating from 1889 to 1923. At times during the late part of the summer and on low water years these entities have a hard time filling their rights on the river. Because of this shortfall, River Heights could face the possibility of having to turn its pumps off in a drought situation because of a call for water by senior rights holders. This has never happened to date but neither has it been discussed and debated like it is now.

The State Engineer for the State of Utah is the official charged with overseeing and regulating water appropriations. The State Engineer's Office has not approved any new applications for Cache County for at least four years because of the on going debate about how much the ground water and surface water in the area are related. The City has an application pending for an additional three CFS but it is being held by the State Engineer without approval at this date (along with applications for about 400 CFS from other cities in the valley).

If it is decided by the State Engineer that the wells do indeed affect surface water flows, then in order to get any new appropriation from the state a city would have to replace the water (or some portion of it) it is expected to draw. The consequences of this policy are that in order to grow more than its current water rights can provide, the City of River Heights will be obligated to find other sources of water or water rights. Also, holders of more senior rights could force the City and others to provide some replacement water to cover the rights it is already using. Part of the reason the State is considering a dam on the Bear River is to provide other water for replacement purposes for cities and other water users that may need to replace water in the future or to cover currently used rights that are junior to more senior rights holders on the Bear River System.

Another way to protect rights is to acquire other, more senior rights, and transfer them to the City's wells. This is an acceptable and often times more economical way to protect and enhance current water rights. One way to accomplish this would be by acquiring all or part of the rights from the Providence-Logan Irrigation Company or other canal company and transferring them to the City's well.

The State of Utah has recently required all public water systems to complete a drinking water source protection study and create a plan of action to protect drinking water from contamination at its source. LarWest International Engineering has completed the study and has submitted it to the City along with a plan entitled: *Potential Contamination Source Inventory and Management program for River Heights City*. There are preventative steps to be taken now regularly in the future to warn citizens of potential source contamination. It should be a community effort.

#### **4.1.6 Summary**

The City has the water "in the ground" and water rights to serve about 1,100 residential connections. By adding additional pumps and receiving approval on the rights that are applied for, the City could serve about 1,700 residential connections. This is more than needed for the projected growth for the City. The addition of large irrigation users, or use of the city system to irrigate areas now served by the Providence-Logan Irrigation Company system, should it cease to provide water to its users, could certainly alter this figure.

Capacity of the reservoirs presently will accommodate about 1,875 residential connections. The City owns a new reservoir site on a bluff just south of the Dry Canyon entrance east of Logan.

## **4.2 SEWER**

River Heights contracted with Logan City for sewage treatment in the mid 1970s. The collection system was installed and is now maintained by River Heights City. A February 1994 study conducted by Wallace Jibson, P.E. concludes that the River Heights system is adequate for the area that it presently serves and for any new development of areas east of 600 East and north of about 700 South that are anticipated by the proposed general plan. A sewer line was installed along 800 South in 2004 to serve the needs of development in that area. This line will also service the needs of future development east of 600 East.

### **4.2.1 Water and Sewer Recommendations**

1. The City should develop a policy whereby developers are required to transfer their water stock to the City as development is approved.
2. The City should develop a five – eight year capital projects improvement and development plan for the water and sewer utilities. The plan should prioritize projects and identify methods of paying for them. It should be approved by the city council and updated annually.
3. If it becomes necessary, the City should establish a limit for building permits well in advance of the time of reaching the limit that can be serviced by the present water storage capacity. This will allow all prospective developers and home buyers ample notice of the intent of the City to control development.
4. The City should determine and implement the method of financing additions to the water and sewer systems. Relying on impact fees, water sales revenues or a combination of the two philosophies should be considered.
5. The City should develop a policy on water and sewer main line extensions – whether they shall be the exclusive responsibility of the City or the developer, or both, and under which circumstances the City will participate.
6. Implement management programs to control potential water sources contamination as indicated in the *Potential Contamination Source Inventory and Management Program for River Heights City*.
7. The City must not allow the ten inch water line from the City's reservoir, between ~~4000 East and 600 East~~ 850 East to 950 East, to be covered by any development. ~~Much of this water line is buried in an undeveloped part of River Heights. Any development in that area must leave an unobstructed right of way to maintain that water line.~~

#### 4.3 STORM WATER

Pursuant to existing subdivision regulations, developers are required to provide uniform and adequate facilities and improvements within developing subdivisions for storm water drainage. While this subdivision requirement provides for the collection of storm water within the subdivision, the uniform disposal of storm water is an issue that requires a city wide plan.

Currently, subdividers and developers are required to receive approval from the appropriate ditch or canal company before any storm water is channeled through a ditch, canal or waterway under the jurisdiction of the company. While the current storm water disposal method works under the existing network of ditches and waterways, in-fill residential development may eliminate agricultural areas and the need for ditches, etc. The city's liability exposure will require the closing or covering of those canals and waterways thus restricting the capacity of a storm drain system based only upon irrigation ditches and canals.

Future development should minimize the dependency of storm water systems on canal company ditches and waterways. Use of such systems should be limited, where possible, to piped systems with controlled inflow to the system.

Additionally, with potential residential development of the area south of 700 South from 100 East to 1000 East, a city wide or regional storm drain collection and disposal system could be incrementally installed to minimize costs and use the gradient of the Spring Creek drainage. The City should pursue a citywide or regional storm water plan which could provide direction regarding the scope, the advisability and general design parameters of a proposed storm water handling facility and the area which said facility would serve.

### 4.3.1 Storm Water Recommendations

A city wide or specific area storm water plan should be maintained and provide the following:

1. Master Storm Water Management Plan;
2. Review standards and specifications for drainage facilities and improvements, etc. to verify conformance with National Pollutant Discharge Elimination System (NPDES) requirements for the Cache County urbanized area;
3. Provisions outlining the distinctions between collection and disposal systems and policies outlining the funding requirements for the developer and the City;
4. Review and implement appropriate recommendations from the Cache County Urbanized Area Storm Water Analysis completed in 2003 including maintenance, notification, and best management practice (BMP) procedures; and
5. Formulation of funding alternatives and determination of when and how said funding alternative should be adopted and implemented. A considerable number of funding alternatives exist and should be considered as to which can accommodate the varied interests of the existing or developed areas as well as developing areas, including but not limited to, impact fees, special improvement district assessments, temporary sewer surcharge, general budget appropriations, Community Development Block Grant Funds, etc.

## 4.4 ELECTRIC UTILITIES

Rocky Mountain Power (RMP) provides electric utility service to River Heights under a franchise agreement. The City and Rocky Mountain Power have had, and continue to have, a good working relationship. In the future, deregulation of electric utilities should pose few, if any, serious problems or issues for River Heights. ~~Other future issues on the horizon might include direct-line reading of electrical meters and the possibility of the city's direct-line reading of electronic water meters. The benefit cost analysis of such a system requiring a new or retrofitted electronic water meter will obviously have to be carefully evaluated.~~ RMP has instituted direct line reading of electrical meters. The City has instituted direct-line reading of electronic water meters.

Opposition to unsightly overhead electrical wires has become a political issue in most Utah communities. State statutes allow electric utilities to install overhead wires as the standard and if the community prefers buried lines then the community must bear the cost difference. ~~Some designated locations within River Heights may warrant underground lines. The City officials should consider the policy that all new subdivision should be included at the expense of the developer.~~ visually survey the community and determine if such public policy and accompanying expense is appropriate for any specific location.

The franchise agreement additionally provides for underground services in developing subdivisions and overhead service in existing neighborhoods. Developers and city officials are encouraged to designate streetlight locations early in the subdivision review process so costs of streetlight installation by RMP can be economically included when underground residential services are installed. The City and RMP should agree to a consistent lighting fixture and pole type based on street, intersection standards, and conforming to the River Heights City Lighting

Ordinance. Street lighting in developing subdivisions will be served by underground wiring.

## **4.5 EASEMENTS**

Utility easements are and should consistently be required on all subdivision plats and made part of the official record. During the construction process and thereafter, the easements should be consistently protected by the city's best enforcement method. Whenever possible, city representatives should inform property owners regarding the existence of easements, and protect said easements from encroachments. Officials considering building permits, fence permits and requests for variances, etc., should consider utility easements on every application.

### **4.5.1 Location of Service Lines**

Cable and telephone service lines in developing subdivisions should be installed underground to enhance the value, appreciation, opportunities of land and buildings, reduce visual proliferation of poles, wires and equipment, and reduce maintenance costs. Respective city officials should 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/view sheds.

### **4.5.2 Electric, Cable, and Telephone Utility Recommendations**

1. The City should continue to require underground services in developing subdivisions.
2. The City should review locations for street lights in developing subdivisions early in the process so RMP can economically install street lights while residential underground work is commencing.
3. The City should determine if certain designated areas warrant the expense of burying overhead lines. Special attention should be given to major transportation corridors and areas with significant vistas. The goal is to reduce the proliferation of overhead lines, poles, and equipment.
4. The City should continue to require utility easements and protect them from encroachment.
5. ~~As new water meters are purchased, the City should determine the feasibility of electronic meter reading.~~

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## 2 LAND USE

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. 15,000 square foot lots have been requested by residents of River Heights but at present no lots of that size exist. There are also Planned Unit Development, Commercial and Mixed-use zones available but they have been used on a very limited basis to date.

Intense development of commercial use is occurring on land adjacent to River Heights to the west and southwest in the cities of Logan and Providence. Community leaders of the City recognize the need for commercial zoning within River Heights for a number of reasons:

1. Landowners of properties adjacent to current commercial use will likely want the option to zone commercially;
2. In some cases it may be the best "use" fit for the area;
3. There is an increased revenue need to support city infrastructure; and
4. It is important to design commercial and mixed-use zones that will best serve the City.

An ordinance establishing an Agricultural Zone was passed by the City Council in 1998. All land annexed in the City is placed under this zone. The agricultural zone allows the integration of residential areas with open space.

### 2.1 PARKS AND OPEN SPACE

Few things define the ambiance and general attractiveness of a city more than its parks and open spaces.

At present, there are four developed parks in the City: Heber Olsen Park, the playing fields behind the new elementary school, the DUP Park, and the Hillside Park.

Heber Olsen Park is six acres in size and is next to the former elementary school and city office building. Within this park is Ryan's Place Park (playground), built in the spring of 2007. Adjacent to Ryan's Place Park are tennis courts, playing fields and a pavilion area for public use.

In 1997, the City transferred approximated 8.4 acres, near 600 South and 800 East, to the Cache County School District. That land had been set aside by the City for a park. The Cache County School District uses that land for outside recreation grounds and playing fields (softball, soccer, etc). Under an agreement made with the School District in 1997, the School District allows these recreational grounds and playing fields to be used by residents of the City and the general public. The public can use the fields at any time except during school hours. This land is, therefore, part of the River Heights City park system. The total area of these recreation grounds and playing fields is 5.6 acres.

The DUP Park, located at 400 East and 450 South, is 0.13 acres. Hillside Park, north of River Heights Boulevard and east of 600 East, is 0.27 acres.

The In 2018, the National Recreation and Park Association recommend as a guideline 6.25 to 10.1 acres of park land per 1,000 residents. Counting the recreation grounds near the elementary school, River Heights is within the recommendation at nine acres per 1,000 residents. If River Heights reaches its potential population of 3,850 it will be at 3.84 acres per thousand people.

In the future there is the possibility of two additional park areas: one in the Riverdale area and the second on Stewart Hill Drive where the City presently owns 3.58 acres.

## **2.2 GEOLOGY**

River Heights is located on firm ground. None of the existing neighborhoods in River Heights are built on land said to be unstable for development. A study by Evans, McCalpin, and Holmes, Department of Geology, Utah State University, published in 1996 indicates this. Appendix A contains details about the geology of River Heights.

## **2.3 SENSITIVE LANDS**

Sensitive areas in and near River Heights include the Logan River corridor, the Spring Creek drainage, and steep slopes. There may also be wetlands in some of the undeveloped fields in River Heights. Spring Creek is located between River Heights and Providence City. Steep slopes separate the upper terrace of River Heights from the Riverdale neighborhood, the Logan River, and the area in Logan known as the Island.

### **2.3.1 Logan River Corridor**

The Logan River provides about 3,000 feet of the border between Logan City and River Heights, in the Riverdale neighborhood. This area has the potential for flooding, but the River Heights side of the river is higher than the Logan side and thus less susceptible to flooding. Landowners in Riverdale report that the Logan River did not overflow its banks during the 1983 flood. Flood plain maps provided by the Cache County recorder indicate that the Logan River corridor, in River Heights, would not be inundated by a 100-year flood.

The Logan River corridor provides valuable wildlife habitat. The river and its associated riparian vegetation provide habitat for a variety of bird species. These species are listed in appendix B of this document. Appendix C lists the native plant species in the riparian zone along the Logan River.

### **2.3.2 Spring Creek and Wetlands**

Spring Creek is the natural drainage for most of River Heights and Providence. It currently serves as a boundary between the two cities from approximately 800 East to 400 East. From approximately 700 East heading west, Spring Creek is bordered by residential neighborhoods. Developers have left buffers between homes and the waterway; in some areas park like features have been developed near and around the waterway. Stone Creek Subdivision and Saddlerock Subdivision, Phases 1 and 2 has have built a retention ponds for storm water runoff and irrigation purposes.

In this region wetlands include marshes, bogs, wet meadows, shrub wetlands, forested wetlands, and similar areas. Wetlands are protected under section 404 of the Clean Water Act and a permit is required to fill or destroy wetlands. Permits are issued by the United States Army Corps of Engineers (COE). Pursuant to section 404(c) of the Clean Water Act, the Environmental Protection Agency has veto power over the issuance of section 404 permits for certain reasons.

Wetland delineation, performed by the COE or a wetland ecologist as certified by the COE, must be conducted to determine the boundaries of any wetlands that may exist near Spring Creek or in any other part of River Heights, prior to implementation of any development activities that may affect those wetlands. It is the responsibility of land developers to determine if wetlands exist on any sites that are to be developed. If wetlands are found, it is their responsibility to obtain the required permits from the COE before wetlands can be filled. In most cases, mitigation will be required to compensate for the filling of a wetland. Wetland mitigation usually includes the creation, restoration, or enhancement of an acreage of wetlands comparable to or greater than the wetland acreage impacted. In some cases, wetland preservation may be acceptable as mitigation.

### **2.3.3 Steep Slopes**

The slopes that separate the upper terrace of River Heights from the Logan River and the Riverdale area are too steep to build on. At present, there are no structures on the slopes. Due to the obvious problems associated with building on these slopes it is doubtful that anyone will propose building on them. These slopes are covered with trees and vegetation. At present there is a zoning ordinance that requires buildings near and on slopes greater than twenty-five degrees to have adequate provision by siting, retaining walls, landscaping, terracing, etc. to maintain site stability and to prevent erosion.

## **2.4 LAND USE GOALS AND RECOMMENDATIONS**

**2.4.1 Goal:** 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.

**Policies:**

1. Growth in the City should be paced by the City's ability to provide services.
2. Retain a lighting ordinance which preserves a dark sky.
3. Retain a City policy for moderate income housing as required by state law.
4. Retain zones allowing homes on 8,000, 10,000 and 12,000 square foot lots.
5. Retain a Planned Unit Development (PUD) ordinance in the City Code. Encourage, owner occupied, single family units in a PUD. Require open space in PUDs.
- ~~6. Retain a conditional use permit for a kennel license (the keeping of three or more dogs). Include siting review and guidelines for dog enclosures.~~

**2.4.2 Goal:** Newly annexed areas of the City should maintain an agricultural atmosphere until the owners request further development.

**Policies:**

1. All newly annexed areas shall come into the City zoned for agriculture use or greenbelt/open space.
2. Allow parcels smaller than five acres in size to be annexed into River Heights under the agricultural zone.
3. Require a 100' green space buffer zone for any new development which is adjacent to a transportation corridor.

**2.4.3 Goal:** Maintain an attractive, aesthetically pleasing community with open spaces available for public use.

**Policies:**

1. Encourage private landowners to preserve open space.
2. Require new subdivisions to set aside land for city parks either by paying an impact fee for parks or by requiring that land be dedicated to the City for parkland.
3. Encourage citizens to reduce air pollution through decreased driving and increased bicycle and pedestrian travel.
4. Encourage citizens to adhere to air quality conditions and heed recommendations to not burning on "yellow" and "red" pollution days.
5. Encourage citizens to be mindful of limited landfill and energy resources and therefore, recycle as much as possible.
6. Preserve City owned Stewart Hill land for future park/open space.

**2.4.4 Goal:** The City boundary should ultimately go east to the U.S. Forest Service land boundary and should go south to Spring Creek, continue west along Spring Creek to Providence and Logan on the west. River Heights needs to consider adjacent land for potential annexation. These considerations may include best use and fit for the environment of the community.

**2.4.5 Goal:** Maintain a plan for excessive storm water runoff.

**Policy:** Maintain and update, as needed, the storm water runoff plan for River Heights, coordinated with Logan and Providence.

**2.4.6 Goal:** Preserve and protect sensitive areas.

**Policies:**

1. Prohibit building on steep slopes.
2. Encourage land owners along the Logan River to preserve the riparian vegetation along the river, including the over story (trees) and the under story (shrubs, etc.)
3. Encourage land owners along the Logan River to remove concrete and asphalt riprap from the riverbank and replace it with native trees and shrubs.
4. Require structures to be set back at least 30 feet from the Logan River.
5. View jurisdictional wetlands as an opportunity for wetland preservation. Educate developers of the need to comply with the Clean Water Act when planning developments in wetlands.

**2.4.7 Goal:** Establish an urban forestry program.

**Policies:**

1. Retain the street tree ordinance. This is a work and action plan that provides clear guidance for planting, maintaining and removing of trees from streets, parks and other public places.
2. Apply for Tree City USA, proclaim Arbor Day in River Heights, (National Arbor Day is the last Friday in April) and plant some new trees.
3. The city budget should allow, through assessment or donation, \$2.00            per capita for urban forestry.
4. The City should encourage residents to replace trash trees with better quality trees.
5. Developers of new areas need to adhere to the green space guidelines for new developments.

**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 or existing roads be central to the design of any new or improvement road projects.
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.

**2.4.9 Goal:** Plan for a small commercial zone.

**Policies:**

1. The commercial zone shall be adequately buffered from all residential zones so that noise, lighting, and traffic that may be generated by a commercial zone does not significantly impact residential zones.
2. The commercial zone must not cause a significant burden on City services.
3. The general purpose of commercial zoning is to promote the general welfare and sound economic development of River Heights City and to encourage the best use of land in areas most appropriate for the location of commercial establishments. Toward that end, separate zoning areas are established in which specified land uses may be permitted. Two different commercial areas in the community: Commercial and Mixed-use, will best serve to define commercial enterprises which will conform to the unique physical and geographic settings of two different locals within the City. The Commercial zone will comprise the southwest area of River Heights that abuts a Providence City boundary line. The Mixed-use zone has a separate set of bylaws unique to its neighborhood and its location in the Riverdale area of River Heights. Both the Commercial and Mixed-use areas were created to help better achieve planning goals expressed by the community; the bylaws for each responding to and addressing the unique conditions and circumstances of each area.

A. Commercial Zone:

The main purpose of the Commercial zone is to make best use of land situated near main collector streets and highways. Allowed in the Commercial zone are some commercial uses that offer services and products typically found along roads with a high amount of traffic.

B. Mixed-use Zone:

The purpose of the Mixed-use zone is to shape a village environment with economic vitality, community orientation and mixed-use environment in the 100 East Area. A village environment is characterized by pleasant architectural styles, attractive streetscapes, intimate pedestrian atmosphere, and a true mixed-use environment. This area can be a place where people may comfortably grab a bite to eat, make a variety of stops for business and pleasure, and converse with friends and acquaintances. It is desirable that the area's streetscape reflect a pedestrian orientation rather than one that serves the automobile.