

River Heights City

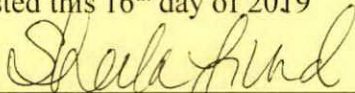
PLANNING COMMISSION AGENDA

Tuesday, May 21, 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. Public Hearing to Review Code Changes: Weeds, Airbnb, Zone Regulations, Etc.
- 8:15 p.m. Adjourn

Posted this 16th day of 2019



Sheila Lind, Recorder

Attachments for this meeting and drafts of previous meeting minutes can be found on the State's Public Notice Website (pnn.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

River Heights City Planning Commission

Minutes of the Meeting

May 21, 2019

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6 Present: Commission members: Cindy Schaub, Chairman
7 Noel Cooley
8 Heather Lehnig
9 Chris Milbank
10 Lance Pitcher
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12 Councilmember Blake Wright, present electronically
13 Recorder Sheila Lind
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15 Others Present None
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Motions Made During the Meeting

Motion #1

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21 Commissioner Milbank moved to “approve the minutes of the April 30, 2019 Commission
22 Meeting.” Commissioner Cooley seconded the motion, which carried with Cooley, Lehnig, Milbank,
23 Pitcher and Schaub in favor. No one opposed.
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Motion #2

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26 Commissioner Milbank moved to “pass the proposed code changes to the city council for
27 approval.” Commissioner Pitcher seconded the motion, which carried with Cooley, Lehnig, Milbank,
28 Pitcher and Schaub in favor. No one opposed.
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Proceedings of the Meeting

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33 The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie Council
34 Chambers on May 21, 2019.

35 Pledge of Allegiance: Commissioner Pitcher led in the Pledge of Allegiance.

36 Adoption of Prior Minutes and Agenda: Minutes for the April 30, 2019 Planning Commission
37 Meeting were reviewed.

38 **Commissioner Milbank moved to “approve the minutes of the April 30, 2019 Commission
39 Meeting.” Commissioner Cooley seconded the motion, which carried with Cooley, Lehnig, Milbank,
40 Pitcher and Schaub in favor. No one opposed.**

41 Council member Wright joined the meeting by phone.

42 Public Hearing to Review Code Changes: Weeds, Airbnb, Zone Regulations, Etc:

43 Commissioner Schaub reviewed the previously discussed changes. Councilmember Wright had heard
44 that “service animal” has been changed to “companion animal.” Commissioner Lehnig read from

45 ADA code, which showed they recognize the term “service” animals, not “companion” animals. Ms.
46 Schaub recommended leaving the word “service” until ADA changes their wording.

47 Commissioner Schaub read two written comments regarding airbnbs, from Ann Edwards who
48 was in favor and Mark Malmstrom who was also in favor, but didn’t support the idea of requiring the
49 homeowner to reside on the premises while the home is rented to guests.

50 Commissioner Milbank agreed with Mark Malmstrom. Commissioner Pitcher also agreed but
51 sees a good reason for having the property owner on site during a rental. Commissioner Lehnig has
52 stayed in places both ways and wasn’t uncomfortable when the homeowner was there.
53 Commissioner Cooley felt the issue was, trying to preclude homes being purchased for the sole
54 purpose of renting them as an airbnb. Councilmember Wright didn’t think River Heights would have
55 a demand for a full home to be rented year around. Mr. Cooley stated they have them in Providence.
56 He recommended the restriction of requiring property owners be on the premises when the home is
57 rented out. We could re-evaluate later, if an issue comes up. Mr. Wright agreed, but suggested
58 changing the definition, to specify that the owner live in the home most of the time, but doesn’t need
59 to be there when it is rented. They agreed and deleted, “through the visitor’s stay.”

60 Commissioner Cooley pointed out other cities are questioning whether to require licensing for
61 airbnbs. The big question is enforcement.

62 Councilmember Wright felt a non-owner occupied airbnb in a commercial or mixed-use zone
63 would be categorized as a hotel or motel. Commissioner Lehnig pointed out the potential for a
64 commercial business to have a small apartment above it. Mr. Wright agreed, in this instance it would
65 make sense to add 83, however, the definition would need to be changed. After discussion, they
66 decided to eliminate 83, to prevent the issue from being too convoluted.

67 Discussion was held on 10-6-2: Special Provisions, in the residential zone. Councilmember
68 Wright informed that special provisions often get overlooked because they are only listed in the
69 agricultural section of the code. He recommended copying the special provisions section of the
70 agricultural zone (10-5-3) to the residential zone (10-6-2), and adding E and F from 10-5-3 to the
71 Landscaping Rights-of-Way section of 10-15-6, in an effort to clarify its not just park strips they are
72 referring to.

73 Councilmember Wright felt 14’ was excessive for tree elevations on a street and
74 recommended 8-10’ to accommodate the garbage truck (10-15-7). The Commissioners agreed.

75 **Commissioner Milbank moved to “pass the proposed code changes to the city council for**
76 **approval.” Commissioner Pitcher seconded the motion, which carried with Cooley, Lehnig,**
77 **Milbank, Pitcher and Schaub in favor. No one opposed.**

78 At the next meeting they will get back to discussing changes to the General Plan.
79 Councilmember Wright informed they need to look at zoning on the Old School property. Currently,
80 it is shown as residential, however he and Councilmember Wilson would like to see it changed to
81 “parks and rec.” He informed that the school district will be vacating the building this year and will
82 turn it over to the city, as per the interlocal agreement from 20 years ago.

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

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85
86 
87 _____
88 Cindy Schaub, Commission Chair



Sheila Lind, Recorder

Commissioner Cooley's comments

I was looking over the code changes that Blake sent and I don't see the code change (I don't remember where it was going, but it had to do with the maintenance of adjacent property owners). In my notes I had written down the following:

"The Landscaping and maintenance of the area adjacent to the street shall be the responsibility of the property owner".

It may have had some minor changes made before the meeting ended. This was at the request of the Mayor.

I think I found where the property maintenance of adjacent should go. I believe it was to be added as paragraph E in 10-15-12.

Mark Malmstrom's Comments

Cindy, I noticed that short term rentals are being discussed with a pending ordinance. It looks pretty good except the provision that the owner lives on site in the home, throughout the visitor's stay.

This seems like an unnecessary requirement and would create a very uncomfortable situation. We have used short term rentals on family vacations and would not want to stay in the dwelling with the owner who we do not know. Please explain the reason for this wording. I would suggest that that clause be removed from the proposed ordinance.

Cindy, thanks for getting back to me. I would hope that the party atmosphere would be an exception and that a short-term rental might attract families on vacation or those who come up for special events such as USU graduation, the Cache Valley Cruise In, or the Logan to Jackson bike race. In my opinion requiring the homeowner to share their home (supervise) with guests seems cumbersome and over regulatory and would deprive a limited number of homeowners from some additional income on a likely infrequent basis.

AIRBNB COMMENT – Ann Edwards

May 6, 2019

From: Ann Edwards

Cindy,

We are in favor of the proposed zoning change allowing for short term vacation rentals in River Heights. We have lived here many years, and feel it would be a great advantage for those who have extra rooms in their houses, and could use the extra income that this would bring in.

Thanks to you and all the other officers who keep River Heights such a wonderful place to live.

Ann Edwards

565 River Heights Blvd.

Proposed Code Changes
May 2019

Underline shows additions
Strike-out shows deletions

3-1-4: HOME OCCUPATION LICENSES

A. Permitted Uses Requiring a Conditional Use Permit

1. . . Impacts to the neighborhood will be evaluated in the following areas:
 - a. Employees: One or more who do not reside in the home but, report to the home for work purposes.

5-2-3: LICENSING

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 and annual licensing requires completing the completion of a standard form, which requests name, address and phone number of the applicant, and the breed and gender of the animal, and whether it has been proof of animal being spayed or neutered, and proof of rabies vaccination. The form also asks for pertinent information regarding rabies vaccinations. 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). Licenses are good for one year or until March 1 of the following year, whichever comes first Said initial license shall be effective for one year until March 1 of the following year and must be renewed annually thereafter. All annual applications are due March 1st. If dogs are not licensed, their owners will be in violation of the law and may be issued a citation. (1-2015, 6-23-15)
2. License renewals must be submitted annually to the city. Proof of rabies vaccination and fees will be due March 1st and be considered delinquent March 2nd of each year. Late All fees are due at the time of application. Applications submitted after March 1 (annual applications only) will be charged a late fee, per month for every month of delinquency. If dogs are not licensed, their owners will be in violation of the law and may be issued a citation. plus a monthly late fee charged at the beginning of each month.

C. Licensing Exemptions:

2. The ~~fee provisions of subsection A2 of this section~~ 5-2-3:A.2. shall not apply to service dogs per 28 CFR Subpart B, Section 35.136. The City will verify whether the animal qualifies as a service animal by asking the following:
 - a. ~~Seeing eye dogs properly trained to assist blind persons if such dogs are actually being used by blind persons to assist them in moving from place to place.~~
 - b. ~~Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds.~~
 - c. ~~Dogs especially trained to assist officials of government agencies in the performance of their duties and are owned by such agencies.~~
 - a. Is the animal required because of a disability?
 - b. What work or task has the animal been trained to perform?

5-2-4: KENNELS, PET SHOPS AND SIMILAR ESTABLISHMENTS

(See current 28 CFR Subpart B, Section 35.136 for exclusions.)

5-4-2: DEFINITIONS

- WEEDS: ~~Any vegetation commonly referred to as a weed, or vegetation designated as noxious by a Utah agent of the Department of Agriculture.~~
- A. All invasive grasses, annual plants, and vegetation, other than trees or shrubs as defined in Cache County Code, Title 8.28 and the Utah Noxious Weed Act. This term shall not include cultivated flowers and gardens or cultivated decorative grasses that are intended to exceed eight (8) inches and are properly maintained within a defined planting area.
 - B. Plants which injure or endanger the comfort, repose, health or safety of persons.
 - C. Plants which unlawfully interfere with, obstructs or tends to obstruct a canal, public park, square, street or highway, sidewalk or park strip.

5-4-3: MAINTENANCE OF PROPERTY

- B. Abatement of Weeds, Vegetation, and Deleterious Objects:
 1. ~~Real Property to be Kept Clean. It shall be an infraction for any person owning or occupying real property to allow weeds to grow on such property or not to remove from property any cuttings of weeds or refuse, unsightly or deleterious objects after having been given notice from the Zoning Administrator.~~
 2. ~~Standards of Weed Control:~~
 - a. ~~The above stated weeds constitute a nuisance when they create a fire hazard, a source of contamination, or pollution of the water, air or property, a danger to health, a breeding place or habitation for insects or rodents or other forms of life, or are designated as noxious by the Utah Department of agriculture.~~
 - b. ~~Weeds shall be cut by the property owner within a period of 7-10 days after notification of violation.~~

1. The purpose of this weed ordinance and the enforcement thereof is to ensure that properties within the city are kept clean and maintained. Doing so helps to prevent fire hazards, insect and rodent harborages, prevents the induction of hazardous pollens in the air, prevents vegetation from obstructing pathways, sidewalks, traffic view, and structures, and the buildup of plant waste that may affect public health, safety, and welfare.
2. Standards of Weed Control: Real property and park strips to be kept clean and weed free.

C. Determination of Weed Nuisance

The mayor or a designated city employee or designated agent may observe any yard, lot, park strip or other place to determine the existence of weeds as a nuisance as defined in this chapter.

D. Enforcement of Weed Control

The observation as described in 5-4-3:C. above shall constitute the facts upon which the city may base its corrective action. The city ~~will~~ ^{may}

1. Document the inspection with pictures and written description.
2. Send a copy of the pictures and written description along with the city code to inform the property owner of the violation of this section. The property owner will have fifteen (15) business days to have the nuisance corrected or have contacted the city with an explanation acceptable to the city indicating how and when the nuisance will be corrected.
3. If the property owner has not corrected the nuisance or contacted the city, ~~the city may~~ follow up with a letter from the city attorney addressing the code violation. The city also has the option of utilizing the county weed abatement department (Cache County Code, Chapter 8).
4. The city shall ^Pprepare an itemized statement of all expenses incurred in the abating of the nuisance and ^Aa copy thereof will be sent by registered mail to the owner, purchaser or occupier of the property with a payment due date of twenty (20) business days from the date of mailing.

reverse sentence order

should the city abate

10-2-1: DEFINITIONS

SHORT TERM VACATION RENTAL (STVR): A single-family dwelling, or any portion thereof, utilized as a business for lodging, or sleeping purposes. ~~Whereby~~ the owner hosts visitors in the owner's home, for compensation, for periods of twenty-eight (28) consecutive days or less. The owner must live on-site, in the home, throughout the visitor's stay. A River Heights City Home Occupation License is required. STVRs shall comply with all ordinances within the zone.

10-4-1: ZONES ESTABLISHED

CP Commercial parking zone

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10-8-4: SITE DEVELOPMENT STANDARDS

All parcels in the commercial zone shall comply with all applicable ordinances, the City Public Works Construction Specifications and with the following standards: . . .

10-8-4: SITE DEVELOPMENT STANDARDS (commercial zone)

H. Snow Storage: A snow storage plan is required and shall be noted on the final plat.

10-11-6: HISTORIC LANDMARK OVERLAY ZONE AT 594 South 400 East

G. Allowed Uses

20. Yoga, Aerobic and Dance Studio

H. Uses Not Permitted

~~1. Aerobic Studio, Dance Studio~~

~~22. Health, Exercise, Massage, Reducing Service~~

10-12-1: USE REGULATIONS

A. Land Use Chart, Table 1

Commercial and Retail Uses

82. Short Term Vacation Rental (STVR), Owner Occupied – "H" in A, R1, PUD, MU, C1

83. Short Term Vacation Rental (STVR), Not Owner Occupied – Not allowed in A, R1, PR, PUD or CP zones, "P" in C1 and MU. (I wonder if we need item 83. Is not a permitted STVR in the commercial or mixed use zone really a hotel or a motel? They are items 50 and 51 on the land use chart and are permitted in the commercial and mixed use zones. If you think item 83 should remain, then the definition of STVR in 10-2-1 needs to change as it only addresses single family residential use as written.)

B. Zone Regulation Requirements (bump sections B and C down to become C and D)

1. A Zoning Clearance Permit is required when constructing or adding a structure to the property. Structures include, but are not limited to: house, house addition, garage, carport, shed, deck, ground mounted solar panels, swimming pool, commercial building, covering for a deck, patio or porch (see 10-3-4).
2. One application is required per structure and per person.
3. Public works director and zoning administrator will sign permit or respond to applicant within 10 working days.
4. Failure to comply with restrictive covenants (including any limiting conditions contained within on a recorded plat map) and/or situational safety concerns shall be grounds for denial of a Zoning Clearance Permit.
5. Applicant should consult Cache County Building Department to determine if a building permit is required.

10-12-34: FENCE REGULATIONS

10-14-4: PARKING LOT REQUIREMENTS

F. Snow Storage: A snow storage plan is required and shall be noted on the final plat.

10-15-3: SPECIAL PROVISIONS (bump current E to F)

F. ⁵The landscaping and maintenance of areas adjacent to the street surface shall be the responsibility of the adjacent property owner.

~~10-15-12: MAINTENANCE AND UPKEEP OF LANDSCAPING~~

~~D. Park Strips: Regular maintenance and/or replacement of any landscaping plants or materials (see 10-15-6 for planting requirements) is required by this chapter.~~

10-15-7: STREET TREES (move current section E down to F)

E. Maintenance of Trees Near Sidewalks and Streets: Pruning trees is required so that any overhang is at least seven (7) feet above the elevation of the adjoining sidewalk ~~or and~~ ¹⁰ above street to keep a clear view and not interfere with service vehicles.

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per clayten

10-22-8: DESIGN STANDARDS (commercial parking zone)

E. Snow Storage: A snow storage plan is required and shall be noted on the final plat.

11-6-2: LOCAL MINIMUM STANDARDS AND SPECIFICATIONS

Standards for design, construction specifications, and inspection of street improvements, curbs, gutters, sidewalks, storm drainage and flood control facilities shall be provided by the city engineer; standards for water distribution and sewage disposal facilities by the board of health; and similar standards for fire protection by the fire department. All subdividers shall comply with the standards established by such departments and agencies of the city, county and state; provided, that such standards shall be approved by the city council. These standards, ~~in addition to~~ the City Public Works Construction Specifications, and the general standards listed below shall be used by all subdividers.

Duplicate 10-5-3 (including new F.)
Insert into 10-6-2

10-15-6
Add E&F from 10-5-3