

River Heights City

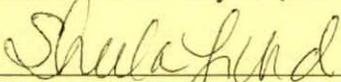
PLANNING COMMISSION AGENDA

Tuesday, June 18, 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. Discuss a Request from Tyson Glover Concerning Fence Regulations on a Street
- 7:15 p.m. Revisions to the General Plan
- 8:15 p.m. Adjourn

Posted this 13th day of June 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
June 18, 2019

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6 Present: Commission members: Cindy Schaub, Chairman
7 Heather Lehnig
8 Chris Milbank
9 Lance Pitcher, present electronically
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11 Councilmember Blake Wright
12 Recorder Sheila Lind
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14 Excused Commissioner Noel Cooley
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16 Others Present: Tyson and Sara Glover
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19 Motions Made During the Meeting
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21 Motion #1

22 Commissioner Milbank moved to “approve the minutes of the June 4, 2019 Commission
23 Meeting.” Commissioner Lehnig seconded the motion, which carried with Lehnig, Milbank, Pitcher
24 and Schaub in favor. No one opposed. Cooley was absent.
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27 Proceedings of the Meeting
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29 The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie Council
30 Chambers on June 18, 2019.

31 Pledge of Allegiance: Commissioner Milbank led in the Pledge of Allegiance.

32 Adoption of Prior Minutes and Agenda: Minutes for the June 4, 2019 Planning Commission
33 Meeting were reviewed.

34 **Commissioner Milbank moved to “approve the minutes of the June 4, 2019 Commission
35 Meeting.” Commissioner Lehnig seconded the motion, which carried with Lehnig, Milbank, Pitcher
36 and Schaub in favor. No one opposed. Cooley was absent.**

37 Discuss a Request from Tyson Glover Concerning Fence Regulations on a Street: Tyson Glover
38 presented handouts of photos of fences, a diagram of his lot showing the fence he desired, and a
39 copy of Herriman City’s fence ordinance. He requested that the city code change to allow 6 foot
40 fences everywhere, except where it poses a safety hazard. He would like privacy and security on his
41 corner lot. Herriman City allows 7 foot fencing, but it must have a clear view on corners and
42 driveways. He feels River Heights residents are forced to choose between privacy and security with
43 the allowance of a four foot solid or a six foot transparent. Another alternative he would like to see
44 offered is a combination of four feet solid and two foot transparent.

45 He hopes the city will change the code, as he desires, and then he will approach the idea of
46 having the Saddlerock Phase 3 Final Plat amended so they can get the fence they want.

47 Commissioner Schaub explained they have put in a lot of time and effort on the recent code
48 changes. The six foot fence issue was talked about extensively.

49 Tyson Glover asked why the city requires a transparent fence on a corner, when they already
50 require a 40 foot site triangle. Councilmember Wright said explained they didn't want six foot fences
51 on a street, to avoid the corridor look. Commissioner Schaub said it's difficult to accommodate
52 everyone's pros and cons. Commissioner Milbank said when he came on to the commission the
53 fence issue seemed to be an esthetic concern. After PWD Nelson voiced his concern at one of their
54 meetings, it became more of a safety issue.

55 Tyson Glover pointed out there is a four foot setback from the sidewalk along 1000 East.
56 Drivers shouldn't be looking into people's back yards. Property owners want safety and security.
57 Again he requested six foot fences be allowed everywhere that wouldn't be impeding an intersection
58 or driveway. He was sure that if the city didn't allow this, they will continue to hear from people and
59 be required to spend money on legal fees over it.

60 Sara Glover felt a "corridor" would be high fences on both sides. They only have five homes
61 on one side of the road. The other side of the road has a wire fence. Tyson Glover said it will be the
62 most benefit for the city to allow their request so they won't need to keep having this conversation.
63 He sees it as a win/win for everyone if they change the code to the way he's requesting.

64 Commissioner Milbank asked what the drawback would be to six foot fences, besides
65 esthetics. Recorder Lind pointed out that typically, people with a solid fence don't maintain whatever
66 property is on the other side of the fence.

67 Councilmember Wright suggested considering taller fences if there was a larger setback
68 between the fence and the road.

69 Commissioner Pitcher recalled that property owners are required to maintain the easement
70 on their property. He also remembered they didn't want the look of a corridor on 1000 East. He
71 recently attended a meeting in Nibley where this same issue came up. Nibley City didn't allow the
72 taller fences because they didn't want a corridor look on 3200 South. Tyson Glover said Providence
73 and Logan allow them.

74 Commissioner Milbank suggested that they should revisit the code. Councilmember Wright
75 encouraged everyone to look at the fence on the north side of the property at 211 S 800 E. It is set
76 back about 9 or 10 feet from the sidewalk. Tyson Glover said they already have 4.5 feet. At a
77 previous meeting he said he would be fine with a six foot transparent fence, however, he has
78 reconsidered. He wants the safety of a six foot fence and privacy. Commissioner Milbank agreed
79 people's back yards are a sanctuary and they should be allowed privacy.

80 Commissioner Lehnig said 600 South is an example of safety concerns for children and
81 pedestrians. There are six foot solid fences along the sidewalk where children walk to school. She
82 explained there is no space to get off the sidewalk in a threatening situation. Tyson Glover said Ms.
83 Lehnig is more worried about a pedestrian getting harmed than his family's safety in their own yard.
84 He pointed out there is an 11 foot buffer between the gutter and his property line where a fence
85 would go. He respectfully disagreed with Ms. Lehnig.

86 Commissioner Schaub didn't wish to change any wording in the current code. Tyson Glover
87 asked if it would be acceptable to allow two feet transparent on four foot solid. Ms. Schaub said 'no.'
88 She explained the restricting verbiage was on the plat before they bought their property. Mr. Glover

89 disagreed. Ms. Schaub said she looked it up and found the deeds were recorded after the final plat
90 was filed. Mr. Glover said they had already put money down on the lot and the developer didn't tell
91 them about the addition to the final plat. Commissioner Pitcher agreed with Commissioner Schaub.
92 He read the notes on the final plat. Tyson Glover acknowledged the verbiage but pointed out, their
93 desire right now is to get the code changed and then they will look at changing the final plat.

94 Commissioner Milbank said he and Commissioner Cooley have discussed six foot fences in the
95 backyards on a street and they felt privacy was important for property owners. He felt they should
96 weigh the public's concerns and needs. Commissioner Schaub reminded it wasn't just the planning
97 commission who agreed to the changes, the council adopted them.

98 Commissioner Wright said if he sat on the commission, he would push to consider a four foot
99 solid fence with two feet transparent on top along a road, not a six foot solid. He would also consider
100 a fence setback if a six foot fence was desired. He pointed out the Bush property (1010 Windsor Dr)
101 where the fence is setback quite a ways from the sidewalk. He's also not sure where the 90%
102 transparency came from. It seems impossible except for chain link. He doubts the city's new fence
103 along the cemetery property meets the 90% transparency. He suggested they may want to wait for
104 Commissioner Cooley's opinion before making a decision.

105 Commissioner Lehnig agreed to a review of the requested changes. She encouraged
106 Commissioner Schaub to post the sheet on the site again to get a visual of what six feet would look
107 like. Commissioner Pitcher also agreed to discuss it again.

108 Commissioner Schaub asked Commissioner Milbank to come up with some new verbiage
109 based on the new requests for them to review. He agreed.

110 Tyson Glover asked if he could take a stab at rewording some of the verbiage.

111 Councilmember Wright reminded that the commission is obligated to hold a hearing as part of
112 the code change process. They don't have to incorporate what the public desires, but they need to
113 listen. He thinks the combo fence would be a step in the right direction. He reminded the Glover's
114 have their issues, but the commission needs to consider the needs of the whole city.

115 Tyson Glover suggested allowing the combo on a collector street. They could allow different
116 types of fences, based on the size of roads.

117 It was decided they will discuss fences again at their next meeting, which will be held on July
118 16, due to the holiday week of the 4th.

119 Commissioner Pitcher excused himself at 8:00 p.m.

120 Revisions to the General Plan: Commissioner Schaub opened a discussion on the
121 infrastructure section, revised by Commissioner Cooley. They felt it looked very good. A few minor
122 wording changes were suggested and a couple questions will be brought up with Mr. Cooley when he
123 is back.

124 Commissioner Milbank said he had done a bit of research for the affordable housing section.
125 There is a housing shortage in Utah because there isn't enough affordable areas to live.

126 The meeting adjourned at 8:25 p.m.

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Sheila Lind, Recorder

Fences

Hours: 7:30 am to 5:30 pm – Please call prior to 4:30 pm for all inspection requests.

Phone: (801)446-5327

building@herriman.org

If you are planning to build a fence 7' tall or less a building permit is not required. If the fence will be taller than 7', a permit is required. Please be aware of the City Fencing Ordinance and especially these requirements and restrictions:

If the fence is 7' or less in height a building permit is not required.

However, if you live on a corner lot, you are required to comply with the "clear-view" ordinance.

A. Intersection streets and clear visibility

No obstruction to view in excess of three (3) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty (30) feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers. Where two (2) fifty (50) foot streets intersect the legs of the triangle can be reduced to twenty five (25) feet. **Front yard solid fencing shall not exceed three feet (3') in height and open type fencing shall not exceed four feet (4') in height.**

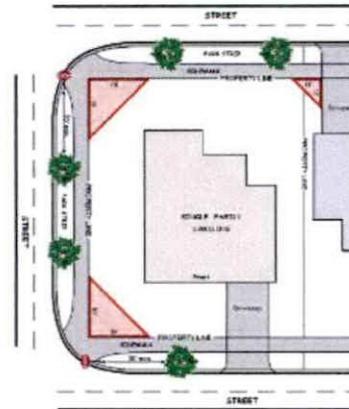
B. Driveways

No obstruction to view in excess of three (3) feet in height shall be placed at any driveway or automobile access-way within the triangular area formed by connecting the points of intersection of the side driveway or access-way line and the property or side street line with points twelve (12) feet along the property line and twelve (12) feet along the driveway line.

C. Approved Trees in Park Strips

Please know that the areas between the sidewalk and the curb/gutter (park strip) must be completely landscaped and must comply with the landscaping ordinance, the clear view requirements and the approved trees list (see Tree List).

If you have any questions, contact the Planning & Zoning Department at (801)446-5323 or planning@herriman.org.





1 NEW 6' CORNER LOT FENCING
431 SOUTH 850 EAST OWNER: GUY LIN



2 4' & 2' COMBO FENCING ON CORNER LOT
612 SOUTH 700 EAST OWNERS: BRYAN E & JOANN MICKELSON



3 4' & 2' COMBO FENCING EXAMPLE



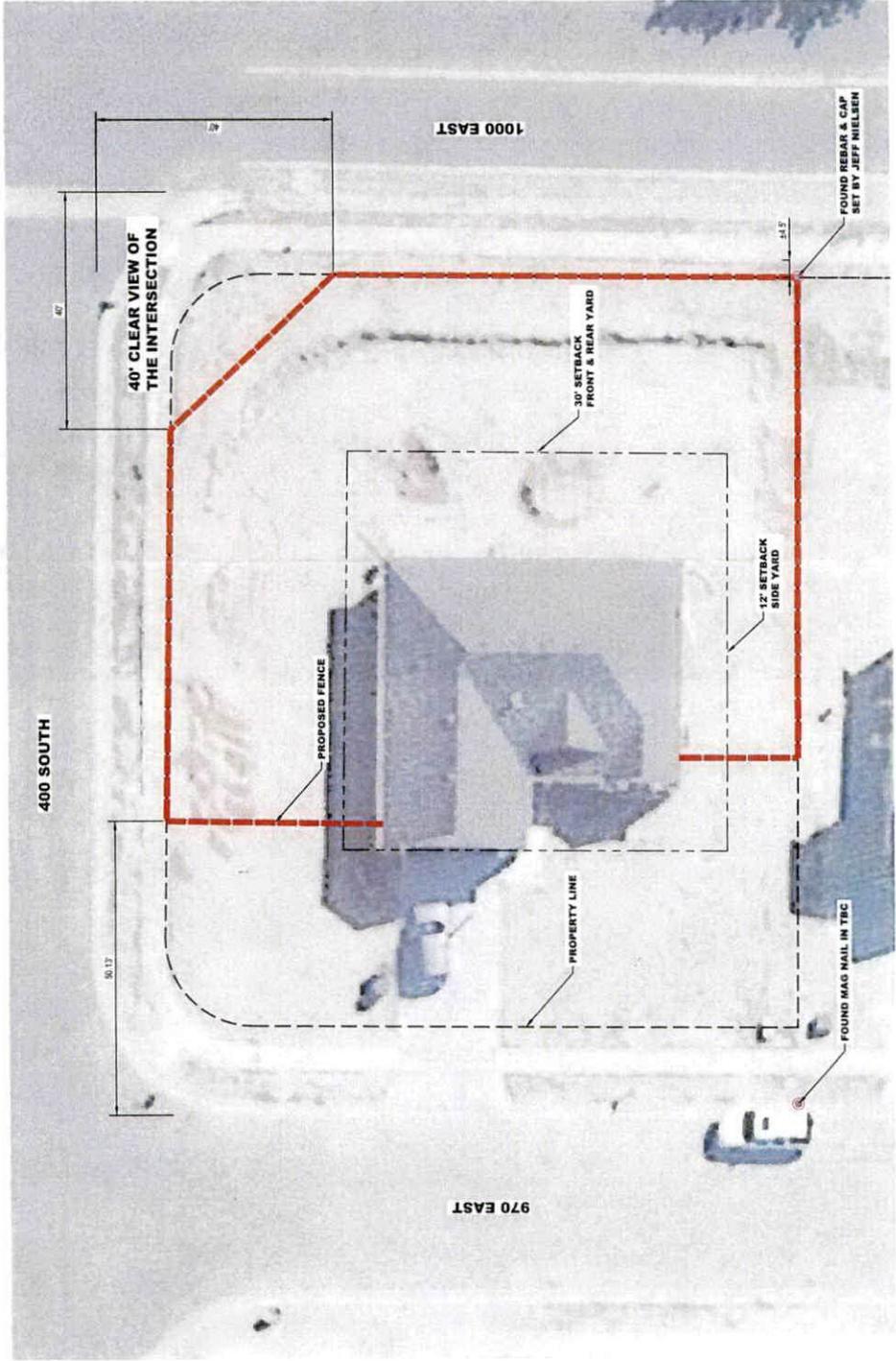
4 4' & 2' COMBO FENCING
923 EAST 480 SOUTH OWNERS: BRIAN & RACHEL CHILD



5 4' & 2' COMBO FENCING EXAMPLE



6 RIVER HEIGHTS FENCE LOCATION REFERENCE MAP



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	680 539
Reservoir capacity	1,500,000 gallons
Average daily use	551,000 591,000 gallons
Peak daily use (summer)	1,443,000 1,420,000 gallons per day
Peak operating capacity	3,456,000 gallons per day
Estimated number of connections that can be served with water supply	1,875 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. Under the present State guidelines, in order to get the three cubic feet per second approved, the City would have to come up with a mitigation plan to convert secondary water to convert water for indoor use.

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. approved water applications only in the case where a mitigation plan has been implemented (converted ground irrigation water for indoor use). 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.~~

Ask Noel?
ask Noel?

~~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.~~

~~Recently the Cache County Water Conservancy District has been voted on and implemented. The District is charged with overseeing the water use and assisting the cities in Cache County in implementing conservation methods. It is also charged with help in protecting all water sources in Cache County.~~

approved by voters and created implemented.

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. The City should consider improving the existing well in the Riverdale area to match the water output of the primary well. This would protect the City residents from a water restriction in case of a failure in the primary well.
4. 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.
5. 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.
6. 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.
7. Implement management programs to control potential water sources contamination as indicated in the *Potential Contamination Source Inventory and Management Program for River Heights City*.
8. The City must not allow the ten inch water line from the City's reservoir, between ~~4000 East and 600 East~~ 750 East to 850 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.~~
9. The City should consider adding a pressure system from the Pro Log canal to water the City Park, the grass area around the Elementary School, and the Hillside park by either gravity feed or by pumping. This will help preserve and utilize the City's Pro Log shares.

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 to use the gradient of the Spring Creek drainage.~~

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 subdivisions 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.

*will include underground utilities**

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.~~